

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

SECOND ASSEMBLY-FOURTH SESSION

NBI CA. PLC. 2020 / (017)

2<sup>nd</sup> June, 2020

PAPER LAID

Pursuant to Standing Order 191, I beg to lay the following Paper on the Table of the Assembly, today Tuesday 2<sup>th</sup> June, 2020.

THE REPORT OF THE SELECT COMMITTEE ON PROCEDURE AND RULES ON AMENDMENT OF STANDING ORDERS.

(Chairperson, Select Committee on Rules and Procedure)

Copies to:  
The Speaker  
The Clerk  
Hansard Editor  
Hansard Reporters  
The Press



# NAIROBI CITY COUNTY ASSEMBLY



SECOND ASSEMBLY – FOURTH SESSION

Paper laid  
by Magistrate  
Hon. Charles Thuo  
on 2nd June, 2020  
at 2:30pm  
2/6/2020

## SECOND REPORT OF THE SELECT COMMITTEE ON COUNTY ASSEMBLY PROCEDURES AND RULES

ON THE

Approved  
2/6/2020

### Proposed amendments to the Nairobi City County Assembly Standing Orders

*(Under Covid -19 pandemic)*

*Pursuant to the Provisions of Standing Order No. 200 & 246*

Clerk's Chambers,  
CITY HALL,  
**NAIROBI.**

June 2020



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## 1.0 Preface

Section 14 of the County Government Act, 2012 provides that; “A County Assembly;- (a) may make standing orders consistent with the Constitution and this Act regulating the procedure of the county assembly including, in particular, orders for the proper conduct of proceedings;” and “(b) subject to standing orders made under paragraph (a), may establish committees in such manner and for such general or special purposes as it considers fit, and regulate the procedure of any committee so established.”

Further, Standing Order No. 200 Of the Nairobi City County Assembly Standing Orders establishes the Select Committee on Procedures and Rules with its mandate being *inter-alias*;

- i) To consider and report on all matters relating to the Assembly Standing Orders;
- ii) Propose amendments to the Assembly Standing Orders and any such amendments which shall upon approval by the County Assembly, take effect at the time appointed by the County Assembly; and,
- iii) Propose rules for the orderly and effective conduct of Committee business and any such rules, which shall upon approval by the County Assembly, continue in force until amended or repealed by the County Assembly.

Equally, Standing Order No. 246 provides that the County Assembly Procedure and Rules Committee may at any time propose amendments to these Standing Orders.

## 1.2 Emergence of Covid-19;

Following outbreak and first reporting of unknown infectious disease in Wuhan, China on 31<sup>st</sup> December 2019, the same was declared an Public Health Emergency of International concern on 30<sup>th</sup> January 2020 before the World Health Organization announcing its official name, as Covid-19 on the 11<sup>th</sup> February 2020.

On the 11<sup>th</sup> March 2020, following the wide spread of the virus, the World Health Organization declared Covid-19 a global Pandemic, forcing governments and states to institute Public Health Protocols and Guidelines to combat spread of the virus.

The Kenyan Government, through the Ministry of Health issued preventive measures which include but not limited to;-

- a) Washing hands regularly with soap and running water or using an alcoholic-based hand sanitizer;
- b) Coughing or sneezing into a disposable tissue or a bend elbow, and washing of hands immediately; and,
- c) Maintaining a social distance of 2 Meters (6 Feet);
- d) Avoiding shaking of hand.

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On 15<sup>th</sup> of March 2020, the National Government directed closure of all Public and Private schools, followed by issued a 7pm to 5am curfew vide Gazette Notice No. 33 of 2020 as an advance measure toward mitigation spread of Covid-19.

### **Covid -19 Effect on the Assembly;**

To mitigate the spread of Covid-19 the Nairobi City County Assembly Business Committee, which is the Committee that schedules business for the Assembly and prepares the Assembly Calendar Pursuant to the Provision of Standing Order 163(4), met and assessed the situation and observed as follows, THAT:-

- a) The County Assembly is located in a high risk area;
- b) A number of Members of the County Assembly and staff have recently travelled to destinations affected by the virus;
- c) The County receives several persons either invited to respond to issues raised by Members of the County Assembly or as visiting delegations;
- d) The County Assembly has so far dispensed with urgent business particularly the ratification of the Deed of Transfer of Functions from the County Government to the National Government;
- e) The Assembly takes the security and health of Members and Staff in high regard.

In the above view, the Assembly Business Committee resolved and conveyed the same vide a press release issued by the Speaker on 16<sup>th</sup> March 2020 directing as follows, THAT:-

#### **i) Plenary Sessions**

That due to the unprecedented nature of the emergency, which is not anticipated in our Standing Orders, and for the interest of Members and Staff, Plenary Sittings to stand suspended for thirty days (30) beginning 17<sup>th</sup> March 2020. Special sittings may be called in the case of a **compelling need** and the Service Board shall put in place stringent mechanisms that shall ensure that the Health of Members and Staff is not compromised during such sittings.

#### **ii) Foreign travel**

All foreign travel by Members and Staff of the Assembly be suspended forthwith.

#### **iii) Visiting delegations to the County Assembly**

Visits to the County Assembly by schools and other groups either local or international be suspended forthwith.

#### **iv) Recent travels and possible exposure**

Members and Staff who, within the past fourteen (14) days have returned into the country from a destination in which cases of corona virus infection have been reported are advised to either self-quarantine or seek medical check-up.

#### **v) Sanitary Measures**

Office of the Clerk to provide adequate sanitizers and institute high hygienic standards within the Precincts of the Assembly.



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**vi) Regarding the budget making process,**

Members of the County Assembly to undertake civic education on the priorities in the current budget making cycle especially on the transferred functions.

**Procedural mitigating opportunity**

For the Assembly to effectively execute its mandate with great adherence to the Government guidelines and protocol of COVID -19 prevention, the Nairobi City County Assembly's Procedures and Rules Committees is required to invoke Standing Order 200 (4) and Standing Order No. 246 of the Assembly Standing Orders and propose necessary amendments to the Standing Orders to provide for the following provisions:-

- a) Procedures to provide for conduct of virtual meetings in the Assembly;
- b) Procedures to provide for alternative and or additional sitting arrangements during Assembly or Committee proceeding; and,
- c) Procedures to provide for use of technology and devices during Assembly or Committee proceedings.

**Select Committee on Procedures and Rules;**

The Select Committee on County Assembly Procedures and Rules is established pursuant to the Provisions of Standing Order No. 200 and is mandated to:-

- a) Consider and report on all matters relating to these Standing Orders;
- b) Propose amendments to these Standing Orders and any such amendments shall upon approval by the County Assembly; take effect at the time appointed by the County Assembly;
- c) Propose rules for the orderly and effective conduct of committee business and any such rules, shall upon approval by the County Assembly, continue in force until amended or repealed by the County Assembly.

**1.2 Committee Member**

The Select Committee on County Assembly Procedures and Rules comprises of the following Members:-

- i) The Hon. Beatrice Elachi, MCA – Speaker and Chairperson.
- ii) The Hon. John Kamangu, MCA – Deputy Sparker & Vice-Chairperson
- iii) The Hon. June Julliet Ndegwa, MCA – Majority Party Whip
- iv) The Hon. Peter Imwatok, MCA – Minority Party Whip
- v) Hon. Mark Ndung'u, MCA
- vi) Hon. Muchene Kabiru, MCA
- vii) Hon. Millicent Jagero, MCA
- viii) Hon. Julius Maina Njoka, MCA
- ix) Hon. Clarence Munga, MCA

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- x) Hon. Rose Kula Ogonda, MCA
- xi) Hon. Francis Ngesa, MCA

**Committee Secretariat.**

- i. Ms. Monicah Muthami – Principal Clerk Assistant (L&P)
- ii. Mr. Adam Kibet Kibwana – Committee Clerk.

**1.4 Acknowledgement;**

**Hon. Speaker,** I wish to acknowledge with gratitude the offices of the Speaker, the Assembly Business Committee and the acting Clerk of the County Assembly for the institutional support towards mitigation of COVID-19, and more particularly on this exercise of improving our Standing Order to suit the changing time.

I also thank the Secretariats for their input and valuable contribution during compilation of this report. Equally, I would like to thank the Members of the Committee on County Assembly Procedures and Rules for their dedication and contributions towards the amendments to this Standing Orders which we believe will go a long way in addressing the current pandemic situation and any other fortunate or unfortunate situation that may arise in future.

**Mr. Speaker,** it is therefore my pleasant duty and privilege, on behalf of the Committee on County Assembly Procedures and Rules to present the Committee's **Second Report** on the amendments of the County Assembly Standing Orders containing proposed amendments for virtual meetings, alternative and additional sitting arrangements during Assembly and Committee proceedings.

Signed.....  
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**Chairperson: Hon. Beatrice Elachi, CBS**

Date .....



## 2.0 PROPOSED AMENDMENTS TO STANDING ORDERS

The Committee at its sitting held on 29<sup>th</sup> May 2020 deliberated on the areas for amendment in the Standing Order as provided for in Standing Order No. 200 (4) and Standing Order No. 246 and hence therefore propose its amendments to the Standing Orders as tabulated below:-

Table 1: Amendments Table.

New Part;		
PART XXIVA – CONDUCT OF PROCEEDINGS AND SITTING ARRANGEMENTS IN AN EXCEPTIONAL CIRCUMSTANCE.		
S.O.	New Provisions	Justification
231A	<p><b>Application;</b></p> <p>(1) This part shall apply to the conduct of proceedings of the Assembly and its Committees in an exceptional circumstance.</p> <p>(2) The provisions of Standing Orders preceding this part shall remain in force except as may be modified in this part.</p> <p>(3) Where any new provision of this part conflicts with or is inconsistent with the provisions of any Standing Orders, whether in part or whole, the provisions of this part shall prevail.</p> <p>(4) In this part, “exceptional circumstance” means an event or occurrence as may be lawfully declared in accordance with any written law which precludes the County Assembly from conducting a physical sitting and includes the declaration of an epidemic, extreme natural phenomena, pestilence or an act of terrorism.</p>	To give provision for exceptional circumstance and to definition to which extend a situation may be considered exceptional.
231B	<p><b>Alternative Sitting Arrangements</b></p> <p>(1) The Speaker shall invoke the provisions of this part and permit the Assembly and its Committee to conduct sittings either;-</p> <p>(a) Physically and virtually, where the Assembly is partly precluded from conducting a physical sitting by an exceptional circumstance; or,</p> <p>(b) Virtually, where the Assembly is wholly precluded from conducting a physical sitting by an exceptional circumstance.</p> <p>(2) The Speaker shall, upon revoking the provision of paragraph (1) and upon the recommendation of the</p>	To give the Speaker powers to determine when a situation is exceptional and to further provide for guidelines to be adhered in executing virtual meetings.



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	<p>Assembly's Procedures and Rules Committee, prescribe guidelines governing;-</p> <ul style="list-style-type: none"> <li>(i) the Conduct of the proceedings;</li> <li>(ii) the manner of voting, manner of conducting division and the ascertainment of a vote in the proceedings;</li> <li>(iii) the conduct of Members during the proceedings;</li> <li>(iv) access to the proceedings by Member of public and media;</li> <li>(v) public participation and involvement;</li> <li>(vi) etiquette and decorum; and,</li> <li>(vii) such other matter as may be relevant to the conduct of the proceedings.</li> </ul> <p>(3) The guidelines prescribe under paragraph (2) shall cease to apply upon revocation by the Speaker or cessation of the exceptional circumstance, whichever is earlier.</p>	
231C	<p><b>Other arrangements;</b></p> <ul style="list-style-type: none"> <li>(1) During the pendency of an exceptional circumstance;- <ul style="list-style-type: none"> <li>(a) The Assembly may, by resolution, vary its ordinary sittings to such a number as the circumstance permits;</li> <li>(b) The Assembly Business Committee shall determine and prioritize essential business to be considered by the Assembly; and,</li> <li>(c) The Speaker may;- <ul style="list-style-type: none"> <li>(i) Designate a place outside the chamber but within the precincts of the Assembly from where Members may participate in the proceedings;</li> <li>(ii) Prescribe the number of Members who may participate in the proceedings from the chamber or any designated place outside the chamber;</li> <li>(iii) Permits a Member or any other person required to file, deliver or table any document under standing Orders or any written law to file or submit the document electronically for tabling;</li> <li>(iv) Where the Assembly is wholly precluded from conducting physical sitting, deem a document submitted, including a document submitted electronically, to have been tabled, subject to its admissibility; and,</li> <li>(v) Preclude public access to the Assembly and Committees pursuant to Standing Order 236 (1)</li> </ul> </li> </ul> </li> </ul>	<p>To provide for guidelines and procedure to be used when transmitting business to the Assembly during exceptional circumstance.</p>
231D	<p><b>Use of Technology</b></p> <ul style="list-style-type: none"> <li>(1) The Speaker may, taking into account the gazette precincts of the Assembly, prescribe appropriate information and communications technology platforms for the conduct of the virtual proceedings under this part.</li> <li>(2) The platform prescribed under paragraph (1) shall;-</li> </ul>	<p>To provide for use of devices and application software for virtual meetings</p> <p><i>Blam</i></p>



	<p>(a) Shall incorporate video and audio or text;</p> <p>(b) Allow participation of Members in the proceedings in real-time and the broadcast of the proceedings;</p> <p>(c) Facilitate the proceedings to be recorded and transcribed under Standing Order No. 233 and,</p> <p>(d) Where the Assembly is wholly precluded from conducting a physical sitting, incorporate a system that allows Members to vote.</p> <p>(3) The voting system incorporated under paragraph (2)(d) shall be simple, accurate, verifiable, secure, accountable, transparent and facilitate the prompt declaration of results of each vote taken.</p> <p>(4) The Clerk shall facilitate the participation of Members in virtual proceedings through the use of standard electronic devices specifically configured for the proceedings.</p>	
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#### 4.0 Recommendations

On the foregoing, the Committee recommends as flows, THAT:-

- a) That Pursuant to Provisions of Standing Order No. 246, the Assembly Approves the report of the Committee on the proposed amendments to the Nairobi City County Assembly Standing Orders as contained in Table 1; and,
- b) That the amended Standing Orders take effect from the time of adoption of this report.

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