

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

SECOND ASSEMBLY-THIRD SESSION

NBI CA. PLC. 2019/ (81)

4th December, 2019

PAPER LAID

Pursuant to Standing Order 248, I beg to lay the following Paper on the Table of the Assembly, today Wednesday 4th December, 2019.

**THE REPORT OF THE COUNTY ASSEMBLY PROCEDURE AND RULES COMMITTEE
ON THE AMENDMENT OF THE COUNTY ASSEMBLY STANDING ORDERS**

(Chairperson, County Assembly Procedure and Rules Committee)

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

NAIROBI CITY COUNTY ASSEMBLY



Report tabled by
Mayor whip on
4/12/19 at 2:30pm
Wagari

SECOND ASSEMBLY – THIRD SESSION

REPORT OF THE SELECT COMMITTEE ON COUNTY ASSEMBLY PROCEDURES AND RULES

ON THE

Proposed amendments to the Nairobi City County Assembly Standing Orders

Pursuant to the Provisions of Standing Order No. 200

Clerk's Chambers,
CITY HALL,
NAIROBI.

December 2019



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1.0 Preface

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committee business and any such rules, shall upon approval by the County Assembly, continue in force until amended or repealed by the County Assembly.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 Members

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

Committee Secretariat.

- i. Ms. Monicah Muthami – Ag. Clerk of the Assembly.
- ii. Mr. Adam Kibet Kibwana – Committee Clerk.
- iii. Ms. Shirley Achieng' – Committee Clerk

1.3 Acknowledgement:

Hon. Speaker, I wish to acknowledge with gratitude the offices of the Speaker and the acting Clerk of the County Assembly for the support extended to it in the execution of its mandate.

I also thank the Secretariats for their input and valuable contribution during compilation of this report.



Finally, much thanks to the Members of the Committee on County Assembly Procedures and Rules for their dedication, untiring commitment and valuable contributions towards the amendments to this Standing Orders for inclusive representation in conduct and exercise of mandate by Members for the interest of the Wards and special groups.

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 **Report** on the amendments of the County Assembly Standing Orders.

Signed.....

Chairperson: Hon. Beatrice Elachi, CBS

Date





2.0 PROPOSED AMENDMENTS TO STANDING ORDERS

Hon. Speaker, the below tabulated amendments to the Nairobi City County Assembly Standing Orders, is in line with the Provisions of **Standing Order No. 246** which provides that; *"The County Assembly Procedure and Rules Committee may at any time propose amendments to these Standing Orders."*

Hon. Speaker, the Committee at its sitting held on Tuesday, 3rd December 2019 deliberated on the proposed amendments and adopted the same.

Table 1: Amendments Table.

Tools used by the Committee			
No.	Provision	Amended	Resolution
1.	Standing Order No. 169 (1): on the Composition of the Select Committees; Subject to any written law, these Standing Orders or a resolution of the County Assembly, a select committee shall consist of an odd number of members, being, not less than eleven and not more than seventeen .	To be amended by deleting the last word "seventeen" in the paragraph and replacing thereof the words twenty one	Standing Order No. 169 (1): on the Composition of the Select Committees; Subject to any written law, these Standing Orders or a resolution of the County Assembly, a select committee shall consist of an odd number of members, being, not less than eleven and not more than twenty one .
2.	Standing Order No. 199 (2): On the establishment of the County Finance, Budget and Appropriations; The Committee shall consist of a chairperson, and not more than eighteen other Members.	To be amended by deleting the word "eighteen" appearing immediately after the words "more than" and replacing thereof the words twenty two	Standing Order No. 199 (2): On the establishment of the County Finance, Budget and Appropriations; The Committee shall consist of a chairperson, and not more than twenty two other Members.
3.	Standing Order No. 197 (3): On the establishment of the Public Accounts Committee; The County Public Accounts Committee shall consist of a chairperson and not more than eighteen other Members.	To be amended by deleting the word "eighteen" appearing immediately after the words "more than" and replacing thereof the words twenty two	Standing Order No. 197 (3): On the establishment of the Public Accounts Committee; The County Public Accounts Committee shall consist of a chairperson and not more than twenty two other Members.
4.	Standing Order No. 198 (2): On the establishment of the Public Investment Committee; The County Public Investments Committee shall consist of a chairperson and not more than eighteen other Members.	To be amended by deleting the word "eighteen" appearing immediately after the words "more than" and replacing thereof the words twenty two	Standing Order No. 198 (2): On the establishment of the Public Investment Committee; The County Public Investments Committee shall consist of a chairperson and not more than twenty two other Members.
5.	Standing Order No. 203 (1): On the appointment of the Sectoral Committees;	To be amended by deleting the word "nineteen" appearing immediately after the	Standing Order No. 203 (1): On the appointment of the Sectoral Committees;



	There shall be select committees to be known as Sectoral Committees comprising of not less than seventeen and not more than nineteen members who shall be nominated by the Committee on Selection in consultation with County Assembly parties at the commencement of every County Assembly.	words "more than" appearing in the middle of the paragraph and replacing thereof the words twenty one	There shall be select committees to be known as Sectoral Committees comprising of not less than seventeen and not more than twenty one members who shall be nominated by the Committee on Selection in consultation with County Assembly parties at the commencement of every County Assembly.
6.	Standing Order No. 196 (1): On the establishment of the Committee on Appointments; There shall be a select committee to be designated the Committee on Appointments to be appointed by the County Assembly, consisting of the Speaker as a Chairperson, the Leader of the Majority party, the Leader of the Minority party and not more than seven other Members nominated by the County Assembly Business Committee, on the basis of proportional Party Membership in the County Assembly taking into consideration the numerical strength of the Parties and interests of Independent Members.	To be amended by deleting the word "seven" appearing immediately after the words "more than" appearing in the middle of the paragraph and replacing thereof the word ten .	Standing Order No. 196 (1): On the establishment of the Committee on Appointments; There shall be a select committee to be designated the Committee on Appointments to be appointed by the County Assembly, consisting of the Speaker as a Chairperson, the Leader of the Majority party, the Leader of the Minority party and not more than ten other Members nominated by the County Assembly Business Committee, on the basis of proportional Party Membership in the County Assembly taking into consideration the numerical strength of the Parties and interests of Independent Members.
7.	Standing Order No. 204 (1): On the establishment of the Liaison Committee; There shall be a Committee to be known as the Liaison Committee which shall consist of: (a) the Chairperson of Committees as Chairperson; (b) the First Chairperson of the Chairpersons Panel, who shall be the vice chairperson; a) Chairpersons of all Committees of the County Assembly excluding Ad Hoc Committees.	Introduction of the following paragraph between paragraph (a) and Paragraph (b); New (b): the Majority and the Minority Party Whips. And re-arrangement thereof	Standing Order No. 204 (1): On the establishment of the Liaison Committee; There shall be a Committee to be known as the Liaison Committee which shall consist of: (a) the Chairperson of Committees as Chairperson; (b) the Majority and the Minority Party Whips (b) the First Chairperson of the Chairpersons Panel, who shall be the vice chairperson; Chairpersons of all Committees of the County Assembly excluding Ad Hoc Committees.



3.0 Justification for the Amendments

The Committee justified that there was need to increase the membership of the watch dog committees to enhance the efficiency of the roles of the committee. Also the need to increase the membership of the Select Committee on County Finance, Budget and Appropriations for deeper engagement of financial matters relating to the County Government.

Having agreed to these changes on the Budget committee and the watch dog committees it was agreed that it is inevitable for Standing Orders 169 and 203 on composition of select Committees and sectoral Committees be amended to fit the said numbers in the membership.

Lastly, the committee agreed that there is a need to have the party whips to the Liaison Committee as established under Standing Order 204 in order to ensure that the whips facilitate the Chairpersons in their role of transaction of the business in the County Assembly including Whipping the Chairpersons on matters concerning the parties in the Liaison Committee.

Having dispensed with the deliberation and having resolved as stated above the Committee adopted the amendments as proposed by Hon. Clarence Munga, MCA and seconded by Hon. Muchene Kabiru, MCA.

5.0 Recommendations

On the foregoing, the Committee recommends as follows, 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.

END



**MINUTES OF THE 1st SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
SELECT COMMITTEE ON PROCEDURE AND RULES HELD ON 3RD DECEMBER,
2019 AT 2.00PM IN THE CHAMBERS BOARDROOM, CITY HALL BUILDING.**

MEMBERS PRESENT

1. The Hon. John Kamangu, MCA – Deputy Speaker/Vice-Chairperson.
2. The Hon. Clarence Munga, MCA
3. The Hon. Muchene Kabiru, MCA
4. The Hon. Millicent Jagero, MCA

MEMBERS ABSENT

1. The Hon. Beatrice Elachi, CBS & MCA – Speaker and Chairperson
2. The Hon. Mark Ndungu, MCA
3. The Hon. June Ndegwa, MCA- Majority Party Whip
4. The Hon. Peter Imwato, MCA – Minority Party Whip.
5. The Hon. Rose Ogonda, MCA.
6. The Hon. Francis Ngesa, MCA
7. The Hon. Julius Maina Njoka, MCA

IN ATTENDANCE - COUNTY ASSEMBLY SECRETARIAT.

1. Mr. Adam Kibwana – Ag. Senior Clerk Assistant
2. Ms. Shirley Achieng - Clerk Assistant
3. Mr. Munase Mukhombwa- Legal Officer

MIN 001/P&R/DEC./2019 – PRELIMINARY

The meeting was chaired by the vice-Chairperson. He called the meeting to order at 2.00pm, and conducted the opening prayers. The Chair took Members through the Agenda of the meeting which was adopted as proposed by Hon. Millicent Jagero, MCA and seconded by Hon. Muchene Kabiru, MCA as follows;

MIN 002/P&R/DEC./2019 – AGENDA

- a) **Preliminaries** (prayers & adoption of the Agenda),
- b) **Opening remarks by the Chairperson,**
- c) **Proposed amendments to the standing orders**
(Pursuant to Provisions of Standing Order No. 200 and 246)
- d) **Any Other Business,**
- e) **Adjournment,**

MIN 003/P&R/DEC./2019 – OPENING REMARKS BY THE CHAIRPERSON

The Committee was informed through the office of the clerk that the Chairperson was attending the meeting of the Nairobi City County Assembly Service Board (NCCASB) and as such she could not attend the meeting. The Vice-Chairperson welcomed all members present to the 1st meeting of the Select Committee on Procedure and Rules. He stated that the Chairperson would be present for the next meeting and as such will give her opening remarks at the next meeting.

MIN 004/P&R/DEC./2019 – PROPOSED AMENDMENTS TO THE STANDING ORDERS.

The Secretariat submitted the draft proposals for amendment of the Standing Order as had been directed by the Chairperson.

Upon deliberations, the Committee resolved to amend the Standing Orders as follows;

Resolutions, THAT: -

- i) Standing Order No. 169 (1) on the Composition of the Select Committees be amended by deleting the last word “seventeen” in the paragraph and replacing thereof the words **twenty one**.
- ii) Standing Order No. 199 (2) on the establishment of the County Finance, Budget and Appropriations be amended by deleting the word “eighteen” appearing immediately after the words “more than” and replacing thereof the words **twenty two**.
- iii) Standing Order No. 197 (3) on the establishment of the Public Accounts Committee be amended by deleting the word “eighteen” appearing immediately after the words “more than” and replacing thereof the words **twenty two**.
- iv) Standing Order No. 198 (2) on the establishment of the Public Investment Committee be amended by deleting the word “eighteen” appearing immediately after the words “more than” and replacing thereof the words **twenty two**.
- v) Standing Order No. 203 (1) on the appointment of the Sectoral Committees be amended by deleting the word “nineteen” appearing immediately after the words “more than” appearing in the middle of the paragraph and replacing thereof the words **twenty one**.
- vi) Standing Order No. 196 (1) on the establishment of the Committee on Appointments be amended by deleting the word “seven” appearing immediately after the words “more than” appearing in the middle of the paragraph and replacing thereof the word **ten**.

- vii) Standing Order No. 204 (1) on the establishment of the Liaison Committee by introduction of the following paragraph between paragraph (a) and paragraph (b): **new (b)** the Majority and minority party whips.

Justification for the Amendments

The Committee justified that there was need to increase the membership of the watch dog committees to enhance the efficiency of the roles of the committee. Also the need to increase the membership of the Select Committee on County Finance, Budget and Appropriations for deeper engagement of financial matters relating to the County Government.

Having agreed to these changes on the Budget committee and the watch dog committees it was agreed that it is inevitable for Standing Orders 169 and 203 on composition of select Committees and sectoral Committees be amended to fit the said numbers in the membership.

Lastly, the committee agreed that there is a need to have the party whips to the Liaison Committee as established under Standing Order 204 in order to ensure that the whips facilitate the Chairpersons in their role of transaction of the business in the County Assembly including Whipping the Chairpersons on matters concerning the parties in the Liaison Committee.

Having dispensed with the deliberation and having resolved as stated above the Committee adopted the amendments as proposed by Hon. Clarence Munga, MCA and seconded by Hon. Muchene Kabiru, MCA.

MIN 005/P&R/DEC./2019 ANY OTHER BUSINESS

Upon deliberations the Committee resolved to have a meeting the following day, Wednesday 4th December 2019 for adoption of the report of the committee before tabling it at the Assembly.

Upon deliberation the Committee membership agreed that there was need to have an induction retreat of the Committee in order for the committee to be apprised of the roles and mandates of the Committee. It was resolved that the Committee secretariat do organize to have the committee retreat in January 2020.

MIN 006/P&R/DEC./2019 – ADJOURNMENT

The Committee having dispensed with the business of the day and the time being Twenty five minutes past two o'clock, the presiding Chair adjourned the meeting to Wednesday, 4th December, 2019 at the rise of the Assembly.

Confirmed as true records of proceedings

Chairperson  Date.....4/12/2019.....