



**COUNTY GOVERNMENT OF NAIROBI CITY**

**SECOND ASSEMBLY – SECOND SESSION**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, SEPTEMBER 25, 2018**

1. The Assembly assembled at Thirty Minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

**3. STATEMENTS PURSUANT TO STANDING ORDER 45 (2) (C)**

Pursuant to Standing Order 45 (2) (c) the following statements were responded to;

- i) The statement requested by Hon. Abraham Njiha from the Chairperson of the sectoral committee on Trade, Tourism and Cooperatives regarding betting and gaming craze in the County Ward was responded to and was satisfactory.
- ii) The statement requested by Hon. James Kiriba from the Chairperson of the sectoral committee on Trade, Tourism and Cooperatives regarding the alleged prostitution activities at Lounge Club 207 located in Lavington area was responded to and was satisfactory.

**4. ELECTION OF ACTING SPEAKER PURSUANT TO SECTION 9 (4) OF THE COUNTY GOVERNMENTS ACT, 2012**

The Deputy Speaker guided the House as follows:

**— ELECTION OF ACTING SPEAKER**

**“Hon. Member**, as you are all aware, the County Assembly has in the past one month or so experienced upheavals whose consequence has been the absence of the Speaker of the County Assembly, amongst others.

You will recall that on September 6<sup>th</sup>, 2018, the County Assembly, vide a Resolution Motion, voted by an overwhelming majority of 103 members, against two (2), for the removal from office of the then Speaker, the Hon. Beatrice Elachi pursuant to Section 11 of the County Governments Act, 2012.

**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. That election was since undertaken, and myself elected as much.

However, **Hon. Members**, you will recall decisions by the Courts, in *Nathanael Nganga Reuben v. Speaker, Machakos County Assembly & Another (2016)*, as well in two other separate rulings affecting the Deputy Speakers of the Muranga and Meru County Assemblies, whose net declarations and their consequences we are all aware of.

**Hon. Members**, in our practice, and appropriately, the Office of Chairperson of Committees is provided for under Part III of the Nairobi City County Assembly Standing Orders.

**Hon. Members**, the absence of the Speaker occasioned by the matters affecting her which are currently before court, having dispensed with them ourselves, creates a vacuum, which vacuum the House cannot afford. Accordingly, in these circumstances, the House must proceed in ways that don't fall afoul of the law and Court directions as far the position of the Deputy Speaker and occupancy of the substantive office is concerned where the Speaker is absent for reasons now detailed hereunder.

Accordingly, **Hon. Members**, Section 9(4) of the County Governments Act, 2012 provides as follows regarding the absence of the Speaker, in matters affecting her or otherwise: -

*At any time in the absence of the speaker of the county assembly or in matters that directly affect the speaker, the county assembly shall elect a member to act as speaker as contemplated under Article 178 (2) (b) of the Constitution.*

Now therefore, proceeding from the forgoing, the House under Order no. 8 of the Supplementary Order Paper will undertake the election of an Acting Speaker, being from amongst its membership per Section 9(4) of the County Governments Act, 2012 and as proposed and seconded by Members present, and as voted pursuant to the Standing Orders.

This, in keeping with our practice, will ensure there are office holders for both the Office of the Speaker in acting capacity, as well as the Chairperson of Committees.

**Hon. Members**, we will therefore proceed to the supplementary order paper.

Thank you.”

#### — **PROCEDURE FOR ELECTION OF ACTING SPEAKER**

**“Hon. Members**, we are now dispensing with Order No. 8 of the Supplementary Order paper, and this is how we will proceed.

**FIRSTLY**, the election of the Acting Speaker is unlike the election of the Speaker or the Deputy Speaker for that matter. Accordingly, we will proceed on the basis of Section 9(4) of the County Governments Act, 2012, by which we will undertake an election of an acting Speaker from amongst the Membership of the House by a simple majority of the Membership.

**SECONDLY**, I will then invite Hon. Members to nominate persons from amongst the Membership who wish to vie for the position of Acting Speaker.

**Hon. Members**, by virtue of the powers bestowed in the presidium under Standing Order 1, I direct that such Member wishing to be nominated to vie as Acting Speaker must be proposed and seconded accordingly by other Members, and that such names as proposed and seconded shall be tabled before the Assembly for a vote, by the agents of the nominees.

**THIRDLY, Hon Members**, I will then invite the House to proceed with the necessary steps to admit the said Member to the Office of Speaker of the Nairobi City County Assembly in acting capacity.

It is so guided.

**Hon. Members,** I now invite you to propose and second names of persons from amongst the Membership who wish to vie for the position of Acting Speaker pursuant to Section 9(2) of the County Governments Act, 2012. You have five Minutes.

Thank you.”

**AFTER NOMINATIONS -**

The following Members were proposed and seconded:

1. **Hon. Chege Mwaura, MCA**
2. **Hon. Mary Njambi, MCA**
3. **Hon. Mary Ariviza, MCA**

The Deputy Speaker called out the names of the nominees to corroborate their interest in the position of the Acting Speaker upon which;

1. Hon. Mary Njambi, MCA declined the nomination and declared her support for Hon. Chege Mwaura, MCA.
2. Hon. Mary Ariviza, MCA declined the nomination.
3. Hon. Chege Mwaura accepted the nomination for the post of Acting Speaker.

The Deputy Speaker declared Hon. Chege Mwaura as the single duly nominated candidate for the position of the Acting Speaker.

Accordingly, the Deputy Speaker directed the Hon. Chege Mwaura, MCA to withdraw from the Chambers for purposes of his presentation to the House and oath taking.

**DECLARATION OF HOLDER OF OFFICE OF ACTING SPEAKER**

Pursuant to Standing Order 12 (Single duly nominated candidate), the Deputy Speaker declared the **Hon. Chege Mwaura, MCA** the duly elected Acting Speaker of the Nairobi City County Assembly.

The Deputy Speaker directed the Sergeant at arms, to find the **Hon. Chege Mwaura, MCA** and bring him forth for administration of the oath accompanied by the Whips.

**ADMINISTRATION OF THE OATH**

The Acting Clerk administered the Oath to the **Acting Speaker** in the presence of the Assembly.

The Deputy Speaker left the Chair and the Acting Speaker took the Chair.

And the time being **forty six minutes past Four O'clock**; the Acting Speaker adjourned the Assembly without question put pursuant to the Standing Orders.

**6. ASSEMBLY ROSE** - Forty six minutes past four O'clock

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**MEMORANDUM**

The Acting Speaker will take the Chair on  
Wednesday, September 26<sup>th</sup>, 2018 at 2.30 p.m

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