



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (FIRST SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 19, 2022 AT 2.30 P.M.

1. The Assembly assembled at thirty minutes past Two O'clock.

2. ARRIVAL OF HIS EXCELLENCY THE GOVERNOR

The Governor of Nairobi City County His Excellency Honourable Sakaja Johnson Arthur, escorted by the Speaker of the County Assembly and accompanied by the Mace of the House, entered the Chamber at thirty minutes past Two O'clock.

3. The Proceedings were opened with Prayers said by Spiritual Leaders representing the following denominations/faiths: -

- (i) Anglican*
- (ii) Muslim*
- (iii) Catholic*

4. CONVOCAATION BY THE SPEAKER-

The Speaker conveyed the following: -

“Your Excellency, Hon. Sakaja Johnson Arthur, the Governor of Nairobi City County, Hon. Members of the County Assembly and distinguished guests, Standing Order No. 24 of the Nairobi City County Assembly Standing Orders requires the Governor to address the opening of each newly elected County Assembly.

In this regard, Hon. Members, H.E. the Governor notified my office on his intention to address the newly elected Assembly on Wednesday 19th October, 2022 at 2.30 pm.

Accordingly, pursuant to Standing Order No. 24, I gave notice of this First Sitting to all Hon. Members and the general public.

Hon. Members, this First Sitting is therefore properly convened. I thank you.

Your Excellency, it is also the custom of this Assembly to recognize invited guests seated at the Speaker's Gallery. I, therefore, wish to recognize the following guests who are seated in the Speaker Gallery.

Hon. Members, distinguished guests, ladies and gentlemen, it is now my singular honour and privilege to invite His Excellency the Governor of Nairobi City County to address this First Sitting of the Third Assembly. Let us all be upstanding!

Your Excellency, please, proceed to address the First Sitting of the Third Assembly”.

5. ADDRESS BY H.E. THE GOVERNOR PURSUANT TO STANDING ORDER NO. 24 OF THE NAIROBI CITY COUNTY ASSEMBLY STANDING ORDERS

Pursuant to Standing Order No. 24 of the Nairobi City County Assembly Standing Orders, His Excellency the Governor delivered an address to the newly elected Assembly.

6. PAPER LAID

The following paper was laid on the Table of the Assembly;

I. THE ADDRESS OF THE GOVERNOR AT THE OPENING OF THE THIRD NAIROBI CITY COUNTY ASSEMBLY

(Hon. Deputy Speaker)

7. NOTICE OF MOTION – THE DEPUTY SPEAKER

The following Notice of Motion was given by the Deputy Speaker: -

THAT the thanks of the County Assembly be recorded for the exposition of public policy contained in the Governors Address, laid on the Table of the Assembly today Wednesday 19th October, 2022.

8. COMMUNICATION FROM THE CHAIR ON THE ASSEMBLY LEADERSHIP

The Speaker conveyed the following Communication regarding the Assembly leadership: -

“Hon. Members, you will recall that on **Thursday, 29th September, 2022**, I issued a Communication regarding the house leadership and went further to communicate the names of Hon. Members who had been designated by the Azimio la Umoja-One Kenya Coalition to various leadership positions in this House. I also encouraged the Kenya Kwanza Coalition to designate and communicate its leadership in the Assembly.

Thereafter **Hon. Members**, on Friday, 30th September, 2022, I issued a Memo to all Hon. Members suspending the said communication on grounds stated therein. In the said Memo, I also indicated that I would consult the concerned coalition and issue a further communication/clarification on the matter. The House should however note that whenever the Chair issues a communication on any matter, the same can only be formally recalled by way of another communication on the floor. Nevertheless, Hon. Members, I consulted the said coalition and in my Memo to all Hon. Members dated 11th October, 2022, I informed that I had received a letter dated 11th October, 2022 from the Azimio la Umoja-One Kenya Coalition designating its leadership in the House as follows: -

1. Hon. Jateso Peter Imwatok - Majority Party Leader
2. Hon. John Ndile Musila - Deputy Majority Party Leader
3. Hon. Moses Ogeto - Majority Party Whip
4. Hon. Stazo Omung’ala - Deputy Majority Party Whip
5. Hon. Catherine Apiyo Okoth - Majority CASB Member

Equally, **Hon. Members**, I am in receipt of a letter dated **12th October, 2022** from the Secretary General of the UDA party which is a constituent party of the Kenya Kwanza Coalition designating and communicating its leadership in the County Assembly as follows: -

1. Hon. Anthony Kiragu, MCA - Majority Party Leader
2. Hon. Waithera Chege, MCA - Deputy Majority Leader

3. Hon. Mark Ronaldo Mugambi, MCA - Majority Whip
4. Hon. Joyce Muthoni Kamau, MCA - Deputy Majority Whip
5. Hon. Susan Makungu, MCA - Majority CASB Member

Hon. Members, you will note that from the two letters both coalitions are claiming to be the majority side. However, our Standing Orders do not anticipate a situation where we can have two (2) majority parties or coalitions in this House. Let it also be known that the Chair is not merely a conveyor belt of documents submitted to this House. The Chair must apply his mind on every paper that is to be tabled or communicated to the House and in doing so the Chair is guided by the Constitution, the relevant laws, the Standing Orders and established practice, customs, traditions and precedents in order to enhance parliamentary democracy and the rule of law.

Hon. Members, the decision as to who are the majority and minority sides in a legislature is determined at the ballot by the voters. The role of the Speaker and indeed all concerned parties is to simply count the numbers and apply the Standing Orders and the Law and declare the two formations.

Hon. Members, as you may be aware, the matter before hand is not foreign to this country, indeed, a few weeks ago, the National Assembly was faced with a similar question when these two coalitions claimed to be the majority in the National Assembly. In determining this matter, the Hon. Speaker of the National Assembly **Hon. Moses Wetang'ula, EGH, MP**, relied on the Standing Orders as they apply to the leadership of the National Assembly, the applicable provisions of the Political Parties Act as amended in 2022 by Parliament, the existing coalition agreements as confirmed by the Registrar of Political Parties, the provisions of Article 36 of the Constitution on the freedom of association and Article 38 of the Constitution on political rights and finally the numbers of both coalitions and whether there had been on record any hemorrhage in membership of any of the two coalitions since the declaration of election results following the elections held on 9th of August, 2022.

Hon. Members, I do not intent to largely depart from the ruling by my senior, the Hon. Speaker of the National Assembly, on this matter especially on the substantive issues of determination. However, may I first of all inform the House that regarding the County Assembly leadership, Standing Order 22 provides that the Largest Party or Coalition of Parties in the County Assembly shall designate Members of the County Assembly belonging to the party or coalition of parties to be the Leader of the Majority, Deputy Majority Party Leader, Majority Party Whip, and Deputy Majority Whip. On the other hand, Standing Order 23 provides that the Second Largest Party or Coalition of Parties in the County Assembly shall designate members of the County Assembly belonging to the party or coalition of parties to be the Leader of the Minority Party, Deputy Minority Party Leader, Minority Party Whip, and Deputy Minority Whip. In designating the said Members, the parties or coalition of parties are required to take into account any existing coalition agreement entered into pursuant to the Political Parties Act, 2011 and the need for gender balance. In addition, Hon. Members, Section 12 (3) of the County Governments Act, 2012 provides that political parties represented in the county assembly shall nominate two members of the county assembly to the County Assembly Service Board according to their proportion of members in the county assembly.

Hon. Members, in view of the above, I have framed the following issues for determination: -

- (i) Which are the coalitions represented in the Nairobi City County Assembly and composition in terms of numbers following the general elections held on 9th of August, 2022;
- (ii) Whether any of the Coalitions represented in the County Assembly have lost any of their Members by way of defection or otherwise since the elections held on 9th of August, 2022; and
- (iii) In view of the above two (2) issues, which is the majority or minority coalition in Nairobi City County Assembly.

Hon. Members, regarding the first issue, my attention has been brought to both the coalition agreements of the two contesting coalitions and a communication by the Registrar of Political Parties vide a letter Ref. RPP/ELE/10 VOL.III (67) dated 7th September, 2022 detailing that the two coalitions comprise of the following constituent parties: -

- (a) Azimio la Umoja One Kenya Coalition Party comprising of the following political parties; Jubilee Party, ODM, Wiper Democratic Movement, KANU, NARC, NARC-Kenya, Muungano Party, Maendeleo Chap Chap, DAP Kenya, Devolution Empowerment, United Party of Independent Alliance and United Democratic Movement.
- (b) Kenya Kwanza Alliance comprising of UDA, ANC, FORD-Kenya, Chama Cha Kazi, Communist Party of Kenya, The Service Party, Tujibebe wakenya Party, Farmers Party, Devolution Party of Kenya, Economic Freedom Party, Umoja na Maendeleo Party, DP, National Agenda Party of Kenya, Grand Dream Development Party and Chama Cha Mashinani.

Hon. Members, arising from the two authorities, I therefore find that following the general elections held on 9th August, 2022 and as declared by the IEBC in Gazette Notice No. 9952 dated 24th August, 2022 and Gazette Notice No. 10712 dated 9th September, 2022, the Coalitions represented in this House are as follows: -

- (a) Azimio la Umoja One Kenya Coalition Party: -

No.	Constituent Political Parties	Membership
1.	ODM	52
2.	Jubilee	9
3.	Wiper	6
	Total	67

(b) Kenya Kwanza Alliance

No.	Constituent Political Parties	Total Members
1.	UDA	52
2.	Chama Cha Kazi (CCK)	1
	Total	53

Hon. Members, in making the above finding, I am further persuaded that the amendments effected to the Political Parties Act by Parliament in 2022 permitted a coalition political party to elect to assume the character of either a party or a coalition. In this case, Azimio la Umoja –One Kenya can be regarded either as a Coalition or a Party.

Hon. Members, on the second issue, no Honourable Member has indicated to me either verbally or in writing to have left any of the Coalition. In addition, the Almighty God has been gracious enough to keep us all alive. I am therefore persuaded and find that both the two coalitions are still intact in terms of numbers in this House. I must also at this juncture mention that we have three independent Members in the House.

In view of the above findings, **Hon. Members,** it follows therefore that the Azimio la Umoja One Kenya Coalition is the Majority Coalition with 67 Members while the Kenya Kwanza is the Minority Coalition with 53 Members. This therefore settles issue number three (3) as framed by the Chair.

Accordingly, with the question of numbers having been settled, I make the following determination and ruling on this matter: -

1. THAT, notwithstanding the two letters by the two coalitions, the Azimio la Umoja One Kenya Coalition is entitled to appoint the Leader of the Majority Party while the Kenya Kwanza Alliance is entitled to appoint the Leader of the Minority Party.

2. THAT, with regard to the Majority Coalition:
 - (a) Hon. Jateso Peter Imwatok is the Majority Party Leader.
 - (b) Hon. John Ndile Musila is the Deputy Majority Party Leader.
 - (c) Hon. Moses Ogeto is the Majority Party Whip.
 - (d) Hon. Stazo Omung'ala is the Deputy Majority Party Whip.
 - (e) Hon. Catherine Apiyo Okoth is the County Assembly Service Board Member representing the Majority Coalition.

3. THAT, with regard to the Minority Coalition:
 - (a) Hon. Anthony Kiragu is the Minority Party Leader.
 - (b) Hon. Waithera Chege is the Deputy Minority Leader.
 - (c) Hon. Mark Ronaldo Mugambi, MCA is Minority Whip.
 - (d) Hon. Joyce Muthoni Kamau, MCA is the Deputy Minority Whip.
 - (e) Hon. Susan Makungu is the Member County Assembly Service Board Member representing the Minority Coalition.

4. THAT, with respect to the composition of the Assembly Business Committee, the Majority Party and the Minority Party are to nominate and submit their respective Members as prescribed in the Standing Orders to my office, latest by 11.30 a.m. on Monday, 24th October 2022.

5. THAT, with respect to the composition of the Committee on Selection, the Majority Party and the Minority Party are to nominate and submit their respective Members as prescribed in the Standing Orders to my office, latest by 11.30 a.m. on Monday, 24th October 2022.

6. THAT, with respect to the composition of the Committee on Appointments, the Majority Party and the Minority Party are to nominate and submit their respective Members as prescribed in the Standing Orders to my office, latest by 11.30 a.m. on Monday, 24th October 2022.

7. THAT, upon receipt of the names of Members of the Assembly Business Committee, the Clerk is hereby directed to cause the list to be published in the Order Paper on Tuesday, 25th October 2022. The Clerk is also directed to ensure that the names of the Members to

serve in the Committee on Selection and the Committee on Appointments are presented to the Assembly Business Committee when the Committee sits on Tuesday, 25th October 2022.

8. THAT, with respect to the three (3) Independent Members, as your Speaker I will endeavor to ensure that they are assigned to Committees in accordance with the Standing Orders. I will not accept or approve any list of committee membership that does not take into account the interest of Independent Members.
9. THAT, pursuant to Standing Order 253, the marked seats in the front row of the Chamber to my right and to my left are reserved for the persons occupying the offices of leadership of the Majority Party and leadership of the Minority Party, respectively.
10. THAT, the Clerk is hereby directed to take necessary measures to facilitate the leadership of the Assembly that has been appointed to move into their respective offices and access all other entitlements relating to their offices as has been approved by the Salaries and Remuneration Commission (SRC) and the County Assembly Service Board.

The House is so guided and this communication settles this matter with a finality.

I thank you”.

9. ADJOURNMENT OF THE ASSEMBLY

The Speaker conveyed the following: -

“Your Excellency the Governor, Hon. Members, we have come to the conclusion of the business of the day and it is now time to adjourn.

However, Your Excellency and Hon. Members, before we adjourn, I take this opportunity to invite you and our guests to a reception at the Members Lounge and Assembly courtyard. I also request all Hon. Members and our guests to remain standing in silence, and in your places, until the procession of His Excellency the Governor, the Speaker and the spiritual leaders leave the House.

The Assembly now stands adjourned until Tuesday, 25th October 2022, at 2.30 p.m.

I thank you”.

10. DEPARTURE OF HIS EXCELLENCY THE GOVERNOR

Thereupon, His Excellency the Governor departed from the Chamber in a formal procession.

11. ASSEMBLY ROSE - at forty-seven minutes past Three O'clock.

MEMORANDUM

The Speaker will take the Chair on Tuesday, 25th October, 2022 at 2:30 p.m.

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