



**COUNTY GOVERNMENT OF NAIROBI CITY**

**FIRST ASSEMBLY – (SECOND SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, APRIL 29, 2014**

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Communication from the Chair:-

**REMOVAL OF MEMBER OF EXECUTIVE COMMITTEE PURSUANT TO  
THE COUNTY GOVERNMENT ACT SECTION 40 AND STANDING  
ORDER NO. 62(1)**

“Hon. Members before we proceed with the motion I wish to highlight the following:-

Section 40 (2) of the County Government Act provides that a supported by at least one-third of the members of the County Assembly, may propose a motion requiring the Governor to dismiss a County Executive Committee Member on any grounds set out in Sub-Section (1) of this section (which sets out grounds for removal of a County Executive Committee Member).

Standing Order No. 62 (1) provides that before giving a notice of motion under section 40 and County Government Act, 2012 a member is required to deliver a copy of the proposed motion in writing stating the grounds and particulars upon which the proposal is made for requiring the Governor to dismiss a County Executive Committee Member on a ground of gross violation of the Constitution or any other law or where

there are serious reasons to believe that a County Executive Committee member has committed a crime under national or international law; or for gross misconduct.

Notice of motion shall be signed by the member and the Clerk shall submit to the Speaker for approval.

Standing Order 62 (2) further provides that once a member has obtained the Speaker's approval under Standing Order 62(1), he shall give a (3) days' notice calling for dismissal of a Member of County Executive Committee by the Governor.

Hon. Members, the Notice of Motion was given on 23rd April, 2014 and it was supported by a third of the members of the County Assembly, so the member has duly complied with both the Standing Orders and the County Governments Act, 2012.

Hon. Members, after expiry of (3) days after notice is given, the motion must be placed on the Order Paper and shall be disposed within 3 days; I wish to inform you that the three (3) days have expired and therefore the motion has met all the requirements of the law and therefore I direct that the Assembly proceeds with the motion as it appears in today's order paper.

Thank you.”

**4. NOTICE OF MOTION** - (Hon. Ngaruiya Chege)

**THAT**, aware that Article 6(2) of the Constitution recognizes that both the National and County governments are distinct and inter-dependent and that devolution is an important principle in the new structure of governance; further aware that the function of village polytechnics is vested in the County Governments pursuant to provisions of Part Two of the Fourth Schedule of the Constitution of Kenya 2010; noting that these polytechnics are key pillar to creation of employment to the youths and achievement of vision 2030; deeply concerned that the institutions are lagging behind in terms of infrastructure and technology due to lack of adequate finance; this Assembly urges the County Government to move with speed to improve the physical infrastructures and provide financial support to all the village polytechnics within the County.

**5. STATEMENTS PURSUANT TO STANDING ORDER 41(2)(c)**

Pursuant to the provisions of Standing Order 41(2) (c), the following Member sought a statement –

- The Member for Makina (Mr. Alhad Ahmed Adam) from the Chairperson, Select Committee on Budget and Appropriations regarding the vetting of the pending creditors in the County.

**6. PROCEDURAL MOTION – *(The Leader of the Majority Party)***

Motion made and question proposed-

**THAT**, that pursuant to the provision of Standing Order 117, this Assembly resolves to reduce the publication period of the Nairobi City County Supplementary Appropriation Bill (Assembly Bill No.5 of 2014) from 7 days to 6 day.

Question put and agreed to

**7. THE NAIROBI CITY COUNTY SUPPLEMENTARY APPROPRIATION BILL, 2014 (ASSEMBLY BILL NO. 5 OF 2014)**

Order for First Reading read;

Bill read a First Time.

**8. MOTION**

Motion made and question proposed-

**THAT**, aware that County Executive Committee Members are state officers bound by Chapter Six of the Constitution of Kenya 2010 and more so Article 75 (1) (c); **concerned** that the County Executive Committee (CEC) Member for Public Works and Transport Mr. Evans Ondieki recently made allegations in the media imputing improper motives against the Members of the County Assembly (MCAs) thereby casting aspersions against their integrity and standing against Nairobians, and further alleged that the MCAs were compromised and received bribes in order to block the purchase of city buses that had not been budgeted for in the FY 2013/14; **noting** that he has gone against the provisions of Section 39 (2) of the County Governments Act 2012, wherein, he has on numerous occasions repeatedly failed to appear before the Sectoral Committee on Transport and Public Works without

justifiable reasons and while when he has, has failed to answer questions relating to his responsibilities satisfactorily; **further noting** that on Tuesday, 22<sup>nd</sup> April, 2014, when he appeared before the said Sectoral Committee on Transport and Public Works, he was rude and insulted some members of the County Assembly terming them as hooligans. On the said day, he also incited members of public to picket outside the Assembly in order to intimidate the Committee against carrying out its mandate; **aware** that on a previous occasion, the said CEC Member asked elected County Assembly Members to bring lists of proposed 5 roads per ward knowing very well that there were no budgetary provisions for the same and to date nothing tangible has come out of the request thereby causing Assembly Members embarrassment; this Assembly resolves that Pursuant to Section 40 of the County Governments Act and Standing Order 62, this Assembly censures the said CEC member for transport and Public Works and resolves that the Governor do dismiss him from office forthwith on grounds of gross misconduct.

*(Hon. Chege Mwaura)*

Debate arising;  
Mover called to reply;  
Question put and agreed to

9. **ASSEMBLY ROSE** - at Twenty Minutes past Five O'clock.

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### **MEMORANDUM**

The Speaker will take the Chair on  
Wednesday, April 30<sup>th</sup>, 2014 at 2.30p.m

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