



**COUNTY GOVERNMENT OF NAIROBI CITY**

**FIRST ASSEMBLY – (FOURTH SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, OCTOBER 12, 2016 AT 2.30 PM**

1. The Assembly 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;

— **CONSIDERATION OF ORDER NUMBER 8 – MOTION FOR IMPEACHMENT OF THE GOVERNOR, AS ON TODAY'S (11<sup>TH</sup> OCTOBER, 2016) ORDER PAPER**

**“Hon. Members**, today morning at 10.00am, the Chair was served with Orders issued by the High Court in Miscellaneous Civil Appeal No. 480 of 2016, in the matter between Hon. Dr. Evans Kidero and the Speaker of Nairobi City County Assembly as the 1<sup>st</sup> Respondent and the Nairobi City County Assembly as the 2<sup>nd</sup> Respondent.

**Hon. Members**, in his Application, the Governor sought certain orders, key amongst them being that the Court stay the alleged summons issued on 5<sup>th</sup> October, 2016 for appearance of the Governor before the County Assembly today 11<sup>th</sup> October, 2016 at 2.30pm until the Substantive Motion once filled is heard and determined inter parties.

**Hon. Members**, the Court certified the application as urgent and issued the orders sought accordingly.

**Hon. Members**, I have reviewed the Application and reviewed the Orders granted. I now wish to guide as follows.

**Hon. Members**, from my reading of the Orders granted, what the Court has stayed is the appearance of the Governor before the County Assembly pursuant to Standing Order 63, and not the mandate of the County Assembly to dispense off with the Motion as contemplated under the enabling statutes and the Standing Orders.

However, **Hon. Members**, because of the nature of the Motion in question today and the place of the right to be heard under the new Constitutional dispensation and the Standing Orders, and as enumerated variously by the Courts in Judicial Review of similar actions, the most relevant being in the matter of Martin Nyaga Wambora vs. Speaker Of The County Assembly Of Embu & 3 Others, it is imperative that the Chair provide further direction on how this Assembly proceeds with Order number 8 as in Today's Order Paper.

**Hon. Members**, Standing Order 64(3) provides that *when the Speaker is satisfied that a Motion filed under Standing Order 60 (Motion for Impeachment of the Governor) has been adequately debated, the Speaker shall call upon the person who is being removed from office to answer issues raised in the debate, and thereafter call upon the mover of the Motion to reply.*

**Hon. Members**, the import of the foregoing is that the Governor's right to be heard cannot be taken lightly and must therefore be accorded its rightful significance. It would therefore be futile to proceed with debate on the Motion in the absence of the Governor to defend himself against the allegations raised in the said Motion.

Consequently, **Hon. Members**, I wish to give directions as follows –

1. That Order Number 8 as appearing in today's Order paper, 11<sup>th</sup> October, 2016, be suspended at the stage it is, to await further directions as the Assembly responds to the Governor's application;
2. The County Assembly proceed to Court immediately with a view to obtaining orders vacating the Orders obtained by the Governor on the alleged summons to appear before the Assembly today, for which the Governor has successfully obtained stay orders not to honour – it must be noted however that the Chair extended an invitation for the Governor to appear before the Assembly in line with Standing Order 63, and not a summons as alleged.

**Hon. Members**, the net effect of the foregoing directions is that we now proceed to Order number 9.

It is so directed.

Thank you.”

**4. PAPERS LAID:-**

The following papers were laid on the Table of the Assembly:-

- i. Report of the Select Committee on Public Accounts on the Report of the Auditor General on the Financial Operations of Nairobi City County

*(Chairperson, Select Committee on Public Accounts)*

- ii. Report of the Sectoral Committee on Planning and Housing on housing on petition by residents on Jericho Lumumba regarding illegal change of ownership of house No. AD 15/5633.

*(Vice-Chairperson, Sectoral Committee on Planning & Housing)*

**5. NOTICE OF MOTION – (Chairperson, Select Committee on Public Accounts)**

**THAT**, this Assembly adopts **THE REPORT OF THE SELECT COMMITTEE ON PUBLIC ACCOUNTS ON THE REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL OPERATIONS OF NAIROBI CITY COUNTY EXECUTIVE FOR THE PERIOD 1<sup>ST</sup> JULY, 2013 TO 30<sup>TH</sup> JUNE, 2014**, laid on the Table of the Assembly today, Wednesday, 12<sup>th</sup> October, 2016.

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

Pursuant to Standing Order 41 (2) (c) the following Members sought for statements:-

- i. Hon. Njoroge G. Maina, MCA requested for a statement from the Chairperson of the Sectoral Committee on Health Services regarding the status of drug supply in Umoja 1 Ward Health Centre; and
- ii. Hon. Njoroge Maina requested for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the status of installation of streets/public lights and roads in Umoja 1 Ward.

**Pursuant to Standing Order 41 (2) (c) the following response to statements was given:-**

- i. Hon. Karen Wanjiku on behalf of the Chairperson of the Sectoral Committee on Children, Early Childhood Education & Vocational Training gave a response to statement requested by Hon. Samuel Kagiri regarding the number of public schools in the County.

**QUORUM OF THE ASSEMBLY**

Rising in his place on a Point of Order, the Deputy Speaker (Hon. Kennedy Ng'ondi) drew the attention of the Speaker to the fact that there was no Quorum in the Assembly;

And the Speaker having confirmed that there was no Quorum caused the Division Bell to be rung for ten minutes;

And there being **no** Quorum after expiry of ten minutes;

And the time being twenty seven minutes to Five O'clock, the Speaker interrupted the proceedings and adjourned the Assembly without Question put pursuant to the Standing Orders.

**7. ASSEMBLY ROSE** - at twenty seven minutes to five O'clock.

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**MEMORANDUM**

The Speaker will take the Chair on  
Thursday, October 13, 2016 at 2.30p.m

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