



**COUNTY GOVERNMENT OF NAIROBI CITY**

**SECOND ASSEMBLY – (FIRST SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, SEPTEMBER 6, 2017 AT 9.00 A.M.**

1. The Assembly assembled at Nine O'clock.
2. The Proceedings were opened with Prayer said by the Clerk.

Following submission of the court order stopping the swearing-in of Members, the Clerk of the Assembly suspended the proceedings for thirty minutes for him to verify the court submission. Thereafter, the Clerk having ascertained that the court order had no grounds to stop the swearing-in of Members, the Assembly resumed.

**3. COMMUNICATION FROM THE CLERK ON THE FIRST SITTING OF THE COUNTY ASSEMBLY**

The Clerk of the Assembly issued the following Communication -

**“Hon. Members**, on behalf of the staff of the Nairobi City County Assembly and on my own behalf, I wish to sincerely congratulate you all on your election as Members of this august Assembly.

I further wish to welcome you to this first sitting of the Second Assembly of the Nairobi City County and take this special opportunity to welcome back all Members who served in the First Assembly and have been re-elected.

Similarly, I also extend a special welcome to Members joining us for the very first time.

**Hon. Members**, today's sitting is the outcome of several activities which preceded our gathering here for this historic occasion.

Firstly, Standing Orders 4(1) and 27 of the Nairobi City County Assembly Standing Orders provide that *whenever a new County Assembly is elected, the Governor, by notice in the Kenya Gazette and the County Gazette, shall appoint the place and date of the first sitting of the new County Assembly, which date shall not be later than thirty days after the election.*

Accordingly, His Excellency the Governor of the Nairobi City County notified of this first sitting of the Second Assembly of Nairobi City County vide Legal Notice No. 1 of 2017 dated 30<sup>th</sup> August 2017.

**Hon. Members**, Standing Order 4(2) (a) provides that on the first sitting of a new County Assembly after a general election, the Clerk shall read the notification of the convening of the County Assembly as published in the Kenya Gazette and the County Gazette.

**Hon. Members**, I wish to read the notification by the Governor.

*“PURSUANT to Standing Order 4(1) of the Nairobi City County Assembly Standing Orders, it is notified for information of the Members of the County Assembly and the general public that, I, Kioko Mike Sonko Mbuvi Gidion, the Governor of Nairobi City County, appoint that the first sitting of the Second County Assembly shall be held at the Assembly’s Chamber, City Hall Buildings, North Wing, Nairobi, on Wednesday 6<sup>th</sup> September, 2017, at 9.00am.”*

**Hon. Members**, the commencement of this Sitting at 9.00am is provided for under Standing Order 4(8):

*“Notwithstanding Standing Order 31(Hours of Meeting), on the day when the election of the Speaker is to be conducted after a general election the sitting of the County Assembly shall commence at 9.00 am.”*

**Hon. Members**, having laid out the basis for today’s sitting, we shall now proceed to the **next Order**”

#### **4. COMMUNICATION FROM THE CLERK ON THE LAYING OF THE GAZETTE NOTICES FOR DECLARATION OF MEMBERS ELECTED TO THE COUNTY ASSEMBLY**

The Clerk of the Assembly issued the following Communication -

**“Hon. Members**, Standing Order 4(2)(a) provides that on the first sitting of a new County Assembly after a general election, the Clerk shall read the notification of the convening of the County Assembly as published in the Kenya Gazette and the County Gazette.

Hon. Members, this has since been done.

Further, Standing Order 4(2)(b) provides that on the first sitting of a new County Assembly after a general election, *the Clerk shall lay a list of the names of the persons elected as Members on the Table of the County Assembly.*

**Hon. Members**, by elected, it is meant members elected from the 85 Wards in Nairobi City County, and the equivalent number of nominated Members of County Assembly pursuant to Article 177(1)(b) and (c) of the Constitution. I confirm that I have prepared the list containing the names of all persons elected as I have explained as Members of the County Assembly.

**Hon. Members**, the elected Members of the Nairobi City County Assembly were formally declared vide Gazette Notice No. 8240 and Gazette Notice No. 8380.

I, therefore, direct the Deputy Clerk to lay the list of elected Members of County Assembly Gazetted vide Notice 8240 and Notice 8380 on the Table of the Assembly pursuant to Standing Order 4(2)(b).

**Hon. Members**, having dispensed with the requirements of Standing Order 4(2)(b), we will now proceed to the next Order.”

#### **5. PAPERS LAID:-**

The following Papers were laid on the Table of the Senate, , pursuant to Standing Order 4(2) (b) –

- i Gazette Notice No. 8239 dated 22<sup>nd</sup> August 2017, containing names of the persons elected as Members of the County Assembly, pursuant to Article 177(1)(a) of the Constitution; and
- ii Gazette Notice No. 8380 dated 28<sup>th</sup> August 2017, containing names of the persons nominated as Members of the County Assembly, pursuant to Article 177(1)(b) and (c) of the Constitution.

*(Deputy Clerk)*

#### **6. COMMUNICATION FROM THE CLERK ON THE PROCEDURE TO BE FOLLOWED IN ADMINISTRATION OF OATH/ AFFIRMATION OF OFFICE TO THE MEMBERS OF THE COUNTY ASSEMBLY**

The Clerk of the Assembly issued the following Communication -

“**Hon. Members**, the Constitution of Kenya under Article 74 provides that –

*Before assuming a State office, acting in a State office, or performing any functions of a State office, a person shall take and subscribe the oath or affirmation of office, in the manner and form prescribed by the Third Schedule or under an Act of Parliament.*

As you are aware, **Hon. Members**, the office of a Member of County Assembly is among those defined as a State office under Article 260 of the Constitution.

**Hon. Members**, the said Oath or Affirmation as highlighted above is indeed specifically detailed under the First Schedule to the County Governments Act, 2012.

Further, **Hon. Members**, Standing Order 4(2)(c) requires that on the first sitting of a new County Assembly, pursuant to the Governor's notification under Standing Order 27 of the County Assembly Standing Orders, the Clerk shall administer the Oath or Affirmation of Office provided for in the First Schedule to the County Governments Act, 2012 to all Members present in the Assembly in the order set out in Standing Order 4(3).

Specifically, Standing Order No. 4 (3) provides that:-

*“The Clerk shall administer the Oath or Affirmation of Office to Members of the County Assembly in alphabetical order using the following order of precedence-*

- a) Members with the longest cumulative period of service in the County Assembly;*
- b) Members with the longest cumulative period of service in the County Assembly and any local authority existing prior to the final announcement of all the results of County Assembly as contemplated under section 2 of the Sixth Schedule to the Constitution;*
- c) All Members.”*

Further, Standing Order 4(5) further provides:-

*“When the Clerk is administering the Oath or Affirmation of Office to Members and before the Clerk has administered the Oath or Affirmation of Office to the Speaker, any question arising in the County Assembly shall be determined by the Clerk who shall, during that period, exercise the powers of the Speaker.”*

**Hon. Members**, unless a person elected to this Assembly takes and subscribes to the oath prescribed by the First Schedule to the County Governments Act, 2012, he or she shall not assume or perform any functions associated with the office of a Member of the County Assembly including the election of the Speaker and Chairperson of Committees for the purposes of today's sitting.

Accordingly, **Hon. Members**, in order to comply with the provisions of the Constitution and the County Governments Act, 2012, as well as our own Standing Orders, the first substantive business of a new County Assembly is the swearing in of Members of County Assembly.

**Hon. Members**, for the convenience of the County Assembly, we will administer the oath beginning with Members living with disabilities who, for one reason or the other, may not be able to approach the Chair, and thereafter, proceed as per the list distributed to Members as annexure to the Order paper.

I wish to remind Members that this is a sitting of the County Assembly and, therefore, Members are expected to be orderly in their conduct and follow the rules of procedure as per our Standing Orders, established precedent, customs, procedures and traditions.

**Hon. Members**, the swearing-in shall proceed pursuant to the provisions of Standing Order No. 4 (3), earlier highlighted. The Clerk-at-the-Table shall call the names of Members for purposes of swearing-in in the Order outlined. The Member so called shall proceed to the Lectern (*marked as Station 1 on the diagram annexed to today's Order Paper*) to take and ascribe to the Oath or affirmation of office.

**Hon. Members**, once sworn in, a Member shall then proceed to Station 2 (*located directly in front of the dispatch box*) for signing of the Oath Book, Oath Certificate and the Integrity Code, after which he/she shall resume his/her seat.

**Hon. Members**, having laid out the procedure to be followed in this exercise, I now seek the indulgence of the Assembly to proceed to swear in Members living with disability from their seats. I shall, thereafter, proceed as I have said and the list will be read out from here.

I will now order the Clerk-at-the-Table to read out the names of Members for swearing-in.”

## **7. ADMINISTRATION OF OATH/AFFIRMATION OF OFFICE**

The Clerk administered the Oath/Affirmation of Office to Members of the County Assembly in the order of precedence in alphabetical order in line with Standing Order starting with person with disability as indicated below:-

### **NAME**

1. Husni Mohamed
2. Kados Paul Muiruri Kiguathi
3. Abdi Ibrahim Hassan

### **WARD**

- PWD  
Mihango  
Matopeni/Spring Valley

4. Elias Otieno Okumu	Kileleshwa
5. Herman Masabu Azangu	Land Mawe
6. Michael Ogada Okumu	Embakasi
7. Robert Mbatia	Embakasi West
8. Wilson Ongele Ochola	Utalii
9. Alvin Olando Palapala	Kitisuru
10. Anthony Kiragu Karanja	Waithaka
11. Cartherine Okoth	Nominated Member
12. Charles Thuo Wakarindi	Dandora Area III
13. Chege Mwaura	Ngara
14. Clarence K. Munga	Kabiro
15. David Njilithia Mberia	Karen
16. Fredrick Njogu Njoroge	Kawangware
17. Jane Muasya	Nominated Member
18. Mark Ndung'u Ng'ang'a	Maringo/Hamza
19. Maurice Gari Otieno	Nairobi West
20. Millicent Wambui Mugadi	Ziwani/Kariokor
21. Moses Ogeto Nyangaresi	Kilimani
22. Osman Adow Ibrahim	Eastleigh North
23. Peter Anyule Imwatok	Makongeni
24. Peter Muriithi Warutere	Roysambu
25. Peter Wahinya Kimuhu	Ngando
26. Peter Wahinya Njau	Pangani
27. Peter Wanyoike Gitau	Dandora Area I
28. Pius Mwaura Mbono	Zimmerman
29. Rose Adhiambo Ogonda	Kware
30. Wilfred Oluoch Odalo	Mabatini
31. Abraham Mwangi Njihia	Woodley/Kenyatta
32. Anita Thumbi	Nominated Member
33. Ann Catherine Akinyi	Nominated Member
34. Antony Kimemia Gathumbi	Harambee
35. Antony Ng'ang'a Gatune	Kahawa West
36. Antony Ngaruiyah Mburu	Kasarani
37. Beatrice Waithera Gakunyi	Nominated Member
38. Benson Mwangi Macharia	Mowlem
39. Carolyne Mayunzu	Nominated Member
40. Cecilia Achieng Ayot	Laini Saba
41. Daniel Ngengi Muturi	Nairobi Central
42. David Ayoi	Gatina
43. David Ruong'o Okello	Huruma
44. David Wambua Mbithi	Viwandani
45. Elijah Mpuhia Irura	Njiru
46. Elizabeth Nyambura Kuria	Nominated Member
47. Emilly Ondeje Oduor	Nominated Member

48. Emilly Wanjiku Waithaka	Nominated Member
49. Esther Chege Waithera	Nairobi South
50. Esther Nyangweso	Nominated Member
51. Eunice Wanjiku Marimbi	Nominated Member
52. Evans Otiso	Kwa- Reuben
53. Francis Otieno Ngesa	Dandora Area IV
54. Fredrick Omondi Otieno	Lucky Summer
55. Fredrick Onyango Okeyo	Kayole South
56. Fuad Hussein Mohamed	Airbase
57. Geoffrey Nganga Mbuthia	Mwiki
58. Geophrey Odhiambo Majiwa	Baba Dogo
59. Habiba Hussan	Nominated Member
60. Hafsa Mohamud Khalif	Nominated Member
61. Hassan AbdiKadir Mohamed	California
62. Immapet Kemunto	Youth
63. Jacinta Wanjiru	Nominated Member
64. Jackline Apondi	Nominated Member
65. Jairus Amukhoye Omayya	Lindi
66. James Kiriba Kariuki	Riruta
67. James Mwangi Wambui	Kiamaiko
68. Jared Akama Ondieki	Mugumoini Ward
69. Jared Okoth Okode	Mathare North
70. Jayendra Virchand Malde	Parklands/Highridge
71. Jeremiah Karani Themndu	Kayole Central
72. John Kamangu Nyumu	Ruai
73. John Kamau Muthiga	Komarock
74. John Kyalo Mulyungi	Kwa- Njenga
75. John Nganga Mukiri	Mutu-ini
76. Joseph H Ouma Ndonji	Umoja II
77. Joseph Kiragu Wambugu	Karura
78. Joseph Mwangi Komu	Kahawa
79. Joyce Muthoni Kamau	Nominated Member
80. Juliet June Ndegwa	Nominated Member
81. Julius Maina Njoka	Kariobangi North
82. Kariuki Wanjiru	Nominated Member
83. Kennedy Odhiambo Oyugi	Nyayo Highrise
84. Kennedy Omondi Obuya	Imara Daima
85. Laura Mwendu	Nominated Member
86. Lawrence Otieno Odhiambo	Sarangombe
87. Leah Naikanæ Supuko	Nominated Member
88. Malenya Eve	Nominated Member
89. Margaret Wanjiru Mbote	Nominated Member
90. Mark Mugambi Macharia Kevin	Umoja I

91. Mary Ariviza Mwami	Nominated Member
92. Maurice Ochieng Onyango	Mountain - view
93. Mbugua Kabiro	Youth
94. Mellab Atemah Lumalah	Nominated Member
95. Millicent Anyango Jagero	Nominated Member
96. Millicent Okatch	Nominated Member
97. Muthami Grace Nancy Maole	Nominated Member
98. Mwaura Samora Wacira	Clay City
99. Naftali Owuor Ogola	Korogocho
100. Naftaly Wagura Mathenge	Githurai
101. Ngoyo Doris Kanario	Nominated Member
102. Nicholas Okumu Ouma	Lower Savannah
103. Nimo Omar Hajji	Nominated Member
104. Njuguna Mary Njambi	Nominated Member
105. Osman Khalif Abdi	South C
106. Patriciah Mutheu Musyimi	Mlango Kubwa
107. Patrick Kanyangi Logedi	Eastleigh South
108. Patrick Karani	Utawala
109. Patrick Musili Mbangula	Hospital
110. Paul Ndungu Irungu	Pumwani
111. Paul Shem Shilaho	Kangemi
112. Redson Otieno Onyango	Ngei
113. Rose Matista	Nominated Member
114. Ruth Ndumi Maingi	Nominated Member
115. Samuel Muchene Kabiru	Uthiru/Ruthimitu
116. Samuel Ng'ang'a Mwangi	Kayole North
117. Silas Matara Ongwae	Dandora Area II
118. Solomon O. Magembe	Makina
119. Stazo Elijah Omung'ala Ang'ila	Upper Savannah
120. Stephen Kanyi Gikonyo	Pipeline
121. Susan Mukungu Kavanga	Nominated Member
122. Sylvia Moseiya	Nominated Member

## **8. COMMUNICATION FROM THE CLERK ON THE PROCEDURE OF ELECTING THE SPEAKER**

The Clerk of the Assembly issued the following Communication -

“**Hon. Members,** I have a Communication to make regarding the procedure to be followed in the election of the Speaker of the County Assembly.

- **Confirmation of Quorum**



Firstly, **Hon. Members**, I wish to confirm that the Assembly is properly constituted in terms of Standing Order 35, which provides that a quorum of the County Assembly or of a Committee of the whole County Assembly shall be a third of its members, which number is 41 members. From my counting and looking at the Membership seated in the Assembly, I can confirm that the Assembly is properly seated, having attained the 41 Members requirement.

**Hon. Members**, His Excellency the Governor of the Nairobi City County notified this first sitting of the 2nd Assembly of the Nairobi City County vide Legal Notice No.1 of 2017 dated 30th August 2017.

**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.

In furtherance of the foregoing, Standing Order No. 5(1) of the Nairobi City County Assembly Standing Orders provides thus:-

“A Speaker shall be elected when the County Assembly first meets after a General Election and before the County Assembly proceeds with the dispatch of any other business, except the administration of the Oath or Affirmation of Office to Members present.”

Accordingly, the Office of the Speaker became vacant at the commencement of this sitting today in the morning, being the first sitting of a new County Assembly after an election.

**Hon. Members**, pursuant to the Standing Orders, a number of activities were required for the election of the Speaker before this first sitting. I will proceed to detail each such activity and the manner in which we have complied with the Standing Orders.

Firstly, Standing Order No. 6(1) requires:-

“Upon the Governor notifying the place and date for the first sitting of a new County Assembly pursuant to Standing Order 4, the Clerk shall by notice in the Gazette notify that fact and invite interested persons to submit their nomination papers for election to the office of Speaker.”

In exercise of the powers conferred by Standing Order No.6 (1), I notified the general public of a vacancy in the Office of the Speaker of the County Assembly via Gazette Notice No. 8383 of 2017 dated 30th August, 2017. Additionally, I publicized the declaration of the vacancy by advertisement in two newspapers of national circulation.

In the notice and advert, I invited interested persons who qualify to be elected as Members of County Assembly, but are not such Members to submit their nomination papers for election as Speaker of the County Assembly.

**Hon. Members,** for the position of Speaker of the County Assembly, the following candidates collected nomination papers as at the close of the nomination period:-

1. Hon. Beatrice K. Elachi
2. Hon. Karen Wanjiku
3. Bishop Gabriel A. Bakhwenya
4. Mr. Francis Shivelenge Jumba
5. Mr. Mohamed Ibrahim Idle
6. Mr. Credius Nyamwange Oigara
7. Ms. Mildred Achieng Biko Ajumbo
8. Hon. Kamau Thuo Fiunifiu
9. Mr. Nicario Irungu Wamwea
10. Mr. Kirimi Henry Misheck
11. Mr. Edward Lisamula Milimu
12. Mr. Abdi Ali Abdi
13. Dr. Sidhe Robert
14. Mr. Collins Ochieng Opande
15. Mr. Erick Ochieng Oloo
16. Mr. George Wainana Njogu
17. Mr. Joseph Mungai Thiongo
18. Mr. Ahmed Dubow Subanea
19. Mr. Ismael Atudo Otieno
20. Mr. William Odhiambo Osodo
21. Hon. Kennedy O. Ngondi
22. Hon. Samwel N. Nyangwara
23. Hon. John C. Chege

**Hon. Members,** as per the Gazette Notice and advertisement, a person who collected nomination papers was required to submit the completed papers together with his or her curriculum vitae and relevant supporting documents as detailed under the First Schedule to the Standing Orders to the Office of the Clerk of the County Assembly not later than 9.00 a.m. on Monday, 4th September 2017.

At the close of the nomination period, which was Monday, 4th September, 2017 at 9.00 a.m., the following five persons had submitted their nomination papers for election as Speaker of the County Assembly:

1. Hon. Beatrice K. Elachi
2. Hon. Karen Wanjiku
3. Hon. Kamau Thuo Fiunifiu
4. Mr. Abdi Ali Abdi
5. Mr. George Wainana Njogu

**Hon. Members**, pursuant to the provisions of Article 193 of the Constitution and Standing Order 6 of the County Assembly Standing Orders, all the five persons who completed and submitted their nomination papers, qualified as candidates for election as the Speaker of the County Assembly:

Secondly, **Hon. Members**, Standing Order 6(5) requires that:-

*“The Clerk shall maintain a register in which shall be shown the date and time when each candidate’s nomination papers were received and shall ascertain that every such candidate for election to the office of Speaker is qualified to be elected as such under Article 193 of the Constitution.”*

I hereby confirm that a register has been maintained in accordance with the requirements of this Standing Order.

Thirdly, **Hon. Members**, Standing Order No. 6 (6) requires that:-

*“Immediately upon the close of the nomination period provided for in paragraph (2), the Clerk shall-*

*(a) Publicize and make available to all Members, a list showing all qualified candidates; and*

*(b) Make available to all Members, copies of the curriculum vitae of the qualified candidates.*

**Hon. Members**, I hereby confirm that a list showing all qualified candidates was publicized and was made available to all Members. I further confirm that I made available to all Members a list with extracts of the curriculum vitae of the qualified candidates.

**Hon. Members**, Standing Order 7 provides that the election of the Speaker shall be by secret ballot.

Specifically, Standing Order 7 (2) provides that:-

*“The Clerk shall, at the commencement of each ballot, cause the ballot box, empty and unlocked, to be displayed to the County Assembly and shall, in the presence of the County Assembly, lock the box, which shall thereafter be kept in the full view of the County Assembly until the conclusion of the ballot.”*

**Hon. Members,** Standing Order 7(3) requires that the Clerk shall issue not more than one ballot paper to each Member who comes to the Table to obtain it and each Member who wishes to vote shall proceed to a booth or designated area provided by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall, while there, mark the ballot paper by placing a mark in the space opposite the name of the candidate for whom the Member wishes to vote, fold the marked ballot paper before leaving the booth or area and place the folded ballot paper in the ballot box.

To facilitate this process, the name of each Member shall be called out; following which the Member shall come to the table (Station 1), directly in front of the Clerks-at-the-Table and obtain a ballot paper.

**Hon. Members,** each Member shall then proceed to either of the two polling booths which are clearly displayed and while there, mark the ballot paper by placing a visible mark in the space provided, opposite the name of the candidate he or she wishes to vote for and fold it. The Member shall then leave the booth and place the marked ballot paper in the ballot box at the dispatch area.

The polling booths are on my extreme left and right as displayed.

**Hon. Members,** Standing Order 7(4) provides that a Member who, before the conclusion of a ballot has marked a paper in error may, by returning it to the Clerk, obtain another in its place and the Clerk shall immediately cancel and destroy the paper so returned.

**Hon. Members,** when it appears to the Clerk that all Members who are present and who wish to vote have placed their ballot papers in the ballot box, the Clerk shall unlock the box, examine the ballot papers and, having rejected those unmarked or spoilt, report the result of the ballot; and no Member who has not already recorded his or her vote shall be entitled to do so after the Clerk has unlocked the ballot box.

Standing Order 7(7) provides that a ballot paper is spoilt, if in the Clerk's opinion, it does not identify the candidate purported to be selected by the member voting. The Clerk shall declare a ballot paper to be invalid in the presence of and after inspection by the Members representing each of the candidates in the election.

The counting of the ballots shall take place in the presence of all Members and Members appointed as agents or representatives by the candidates. So I will shortly ask for the agents of the candidates to come forward.

**Hon. Members,** in line with the requirement of Standing Order 8(1), a person shall not be elected as Speaker unless he or she is supported in a ballot by the votes of two-thirds of all Members, i.e. 81 Members in our case.

If no candidate is supported by the votes of two-thirds of all Members, the candidate or candidates who received the highest number of votes in the first ballot and the candidate or candidates who in that ballot received the next highest number of votes shall alone stand for election in a further ballot and the candidate who receives the highest number of votes in the further ballot shall be elected Speaker, and I will declare so.

**Hon. Members,** I wish to remind the Assembly that the voting exercise we are about to undertake is by secret ballot as earlier communicated. Accordingly, Members are not allowed to display their marked ballot papers to the Assembly, the galleries or to any other person.

Members of the media are also reminded to observe rule 3(c) of the Assembly Broadcasting Rules, which provides that:

“Wide-angle shots of the Chamber shall be used during voting and Division and no shot shall be taken so as to show the manner in which a Member has voted in any secret ballot.”

**Hon. Members,** we have arranged the two voting booths on my extreme left and right. For convenience of the Assembly, Members on my right side will cast their ballots in the voting booth to my right and vice-versa.

We are now ready to commence the voting process. But before we start, may the agents or representatives for the candidates please come forth?

Agent for –

1. Hon. Beatrice K. Elachi
2. Hon. Karen Wanjiku
3. Hon. Kamau Thuo Fiunifiu
4. Mr. Abdi Ali Abdi
5. Mr. George Wainana Njogu

Having explained the voting procedure, I now direct the Sergeant-At-Arms to open the ballot box and display it to the Assembly.

**Hon. Members,** you have all witnessed for yourselves that the ballot box is empty, in which case I now direct the Sergeant-At-Arms to close it and seal it.

**Hon. Members,** we are now ready to vote. I direct the Clerks-at-the-Table to call out the names.

**9. ELECTION OF THE SPEAKER**

The Clerk explained the procedure for the election of the Speaker pursuant to the provisions of Article 178 of the Constitution and Standing Order No.'s 5 to 13.

The ballot box was opened and displayed to the assembled Members of the County Assembly and subsequently locked before voting commenced thereon.

Having outlined the rules on election of the Speaker, each Member of the County Assembly present was issued with a ballot paper.

At the conclusion of the voting, the Clerks counted the votes at the Table of the County Assembly, in the presence of the following Members of the County Assembly who were witnesses for the respective candidates:-

- i. Hon. John K. Nyumu – representing Hon. Beatrice Elachi
- ii. Hon. Millecent Oketch – representing Mr. George Wainaina
- iii. Hon. Paul Shem – representing Mr. Abdi Ali Abdi

The Clerk announced the results of the first ballot as follows:

- i. Hon. Karen Wanjiku - 1
- ii. Hon. Beatrice K. Elachi - 90
- iii. Mr. Abdi Ali Abdi - 27
- iv. Mr. George Wainana Njogu - 4
- v. Hon. Kamau Thuo Fiunifiu - 0
- vi. Votes Spoilt/Disputed - 0

The Clerk thereupon declared Hon. Beatrice K. Elachi duly elected Speaker by majority votes.

Consequently, Hon. Beatrice K. Elachi was escorted to the Chamber of the Assembly by the Sergeant-at-Arms;

Thereupon, the Clerk administered the Oath of Office to the Speaker;

The Speaker submitted herself to the will of the County Assembly and gave the following communication.

**10. COMMUNICATION FROM THE CHAIR - ACCEPTANCE SPEECH BY THE SPEAKER**

The Speaker, having been sworn in, proceeded to give her acceptance speech in the following Communication from the Chair-

“Honourable Members, Senator of Nairobi Hon. Johnstone Sakaja, Mr. Clerk, Good Morning.

I take this opportunity to thank Almighty God for giving me another chance to serve the people of Nairobi County. I am humbled and I want to thank you all for the Honor you have bestowed on me as the second speaker of the County Assembly of this City. In 2010 Kenya adopted a New Constitution. One of the key hallmarks of that Constitution is the adoption of a devolved system of Government. Devolution is at the center of transformation of the country. Article 174 of the Constitution itemizes the functions of devolution. The functions revolve around ensuring equity in the distribution of national resources, enhancing a sense of belonging for all Kenyans and promoting democratic and accountable exercise of power.

Honourable Members, each of the forty-seven counties are distinct. They have to design their paths for realizing the promise of devolution. In doing so, there exists both a county Government and a County Assembly. We have been entrusted with the responsibility of delivering for the people of Nairobi as members of this August House. To do so, we have to be true to our oath of office, the promises you all made to the electorate during campaigns and the Constitutional stipulations.

The role of every legislative assembly is to legislate, oversight and represent. We will be expected to deliver on each of these areas. As a House, we have to remember that citizens will judge us not by how much we disagree, not by how much we procrastinate, not by how many meetings we attend, not just by the wards we represent, but by how much we make their lives better. It is, consequently incumbent on us to set our targets in each of our legislative roles and get down to business. As we debate in this house, let us not lose sight of the fact that we exercise delegated authority. The power bestowed upon us by the citizens of this great County is one we should use fully and for their benefit.

Honourable members, Nairobi is not just one of the forty-seven counties. It is also the capital City of our motherland Kenya. The Assembly is also the largest in the whole of the Country, it is second to Parliament. As members, I urge all of you to appreciate two implications of being the Capital City. First, we are host to the seat of National Government. We thus have to give true meaning to the Constitutional stipulations that counties are distinct but interdependent. We are required to promote a culture of consultation and cooperation with the National Government and National Institutions. Being a legislative assembly, while we are

distinct there is a lot we can gain from greater linkages with the Senate as the legislative arm that is designed to protect and guard devolution at the national level.

Honourable members having been a Senator, I know that the relationship between county assemblies and the Senate can be improved. We both are designed to serve the same interest which is to ensure that devolution delivers on its promise. We are neither subordinate to nor in competition with the Senate. I hope members will join me in cultivating a respectful and deeper relationship with the Senate so that Nairobi can become a model of legislative light guiding devolution and ensuring progress for the residents of the County.

As speaker, my role is to guide debate and ensure that the dignity of the House is maintained. I will be Speaker for all Members. The Majority Party and the Minority Party have constitutional responsibilities and recognition. The House requires each of you to play your role for it to deliver on its mandate. I urge you to promote a spirit of give and take and compromise so that we have as much as is possible delivered in a bipartisan manner as possible. There is no law that once enacted only benefits those who voted for the Majority Party of the Minority Party. Every legislation affects the residents of this County. There is no budget that is only for a specific section of this city. I urge all of us to never lose sight of this greater good.

Politics is competitive. The House is a place for bringing those opposing ideas to the table. As part of that process, there will necessarily be disagreements. That is the nature of multi-party democracy. Competing ideas does not mean enmity. Neither does it mean demeaning each other.

Honourable members, the term Honourable means we have to bring honour both to this house and to our positions as leaders. As speaker, I urge all honorable members to carry themselves with decorum and conduct their affairs in accordance with the Standing orders, the Constitution and the laws of this land.

As your speaker, I promise to serve all of you fairly and faithfully so that we can collectively make this Second Assembly memorable in the journey of transforming this great County and City.

Thank You”



**11. COMMUNICATION FROM THE CLERK ON THE PROCEDURE FOR ELECTION OF THE DEPUTY SPEAKER**

The Clerk of the Assembly issued the following Communication -

— **PROCEDURE TO BE FOLLOWED IN ELECTION OF CHAIRPERSON OF COMMITTEES**

**“Hon. Speaker,** I have a report to make regarding the procedure to be followed in the election of the Chairperson of Committees or Deputy Speaker. If it pleases the Assembly, for purposes of the said Election, I am the retuning officer.

**Hon. Speaker, 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.

Appropriately, the said Office of Chairperson of Committees or Deputy Speaker is provided for under Part III of the Nairobi City County Assembly Standing Orders.

**Hon. Members,** the Office of the Chairperson of Committees or Deputy Speaker became vacant at the commencement of today’s sitting at 9.00 a.m. in the morning, being the first sitting of the new County Assembly after an election.

**Hon. Members,** Standing Order 15(1) provides as follows regarding the election of the Chairperson of Committees –

*As soon as practicable after the election of a Speaker following a General Election, a Chairperson of Committees shall be elected in accordance with Article 178(2) (b) of the Constitution and as referred to in Section 9(5) of the County Governments Act, 2012.*

Specifically, Standing Order 15(3) provides that the Speaker shall preside over the election of the Chairperson of Committees under paragraph (1).

Most importantly, **Hon. Members**, Standing Order 15(4) in terms of elections for the said office provides that the procedure for electing a Chairperson of Committees shall, with necessary modifications, be the same as that prescribed for the election of the Speaker. This means that we will be making reference to Standing Orders 5, 6, 7, 8, 9, 10, 11, 12 and 13.

Accordingly, **Hon. Members**, in exercise of the power conferred by Standing Order 6 (*Nomination of candidates*), I notified the membership of a vacancy in the Office of the Chairperson of Committees or Deputy Speaker of the Nairobi City County Assembly vide a memo dated 3<sup>rd</sup> September, 2017, circulated on all Notice Boards of the Assembly and similarly communicated to all Members through the Assembly SMS platform.

In the notice, I invited interested persons who qualify to be elected as Chairperson of Committees or Deputy Speaker of the Nairobi County Assembly in accordance with the Constitution to submit their nomination papers for elections as the Chairperson of Committees or Deputy Speaker of the Nairobi City County Assembly.

**Hon. Members**, the following candidate collected nomination papers from the office of the Clerk of the Nairobi City County Assembly, namely:

1. The Hon. John Kamangu Nyumu, MCA

**Hon. Speaker, Hon. Members**, as per the *Notice*, the persons who collected nomination papers was required to submit the completed papers together with their Curriculum Vitae (CV) and relevant supporting documents to the Office of the Clerk of the County Assembly not later than 9.00 a.m. on Tuesday 5<sup>th</sup> September, 2017.

**Hon. Speaker**, at the close of the nomination period, only **The Hon. John Kamangu Nyumu, MCA** submitted his nomination papers for election as the Chairperson of Committees or Deputy Speaker of the Nairobi City County Assembly.

**Hon. Speaker, Hon. Members**, as earlier alluded to, the provision of Standing Order 12 applies in respect to the election of a Chairperson of Committees or Deputy Speaker as provided for in Standing Order 15 which provides:

*“The procedure for electing a Chairperson of Committees shall, with necessary modifications, be the same as that prescribed for the election of the Speaker”.*

In this regard and pursuant to the provision of Standing Order 12, which provides that if there is only one candidate who has been duly nominated for election as Speaker at the expiry of the nomination period, that candidate shall be declared forthwith to have been elected Speaker without any ballot or vote being required, I therefore declare one **Hon. John Kamangu Nyumu, MCA** duly elected as the Chairperson of Committees or Deputy Speaker of the Nairobi City County Assembly.

**Hon. Members**, I now invite the Hon. Speaker to proceed with the necessary steps to admit the said Member to the Office of Chairperson of Committees or Deputy Speaker of the Nairobi City County Assembly.

Thank you, Hon. Speaker.”

## **12. COMMUNICATION FROM THE CHAIR ON THE PROCEDURE UPON DECLARATION OF RESULTS FOR OFFICE OF CHAIRPERSON OF COMMITTEES OR DEPUTY SPEAKER**

The Speaker issued the following Communication -

“**Hon. Members**, the Clerk having declared that the said Hon. John Kamangu Nyumu is duly elected as the Chairperson of Committees or Deputy Speaker of the Nairobi City County Assembly in the Second Assembly, I now direct that the said Hon. John Kamangu Nyumu be searched, hunted for and brought to the Assembly.”

Consequently, Hon. John Kamangu Nyumu was escorted to the Chamber of the Assembly by the Sergeant-at-Arms;

Thereupon, the Speaker administered the Oath of Office to the Chairperson of Committees or Deputy Speaker;

The Deputy Speaker submitted himself to the will of the County Assembly.

## **13. COMMUNICATION FROM THE CHAIR ON THE ADJOURNMENT OF THE ASSEMBLY**

The Speaker issued the following Communication -

### **— ADJOURNMENT**

“**Hon. Members**, Standing Order No.14 (1) states:

“Immediately after taking and subscribing to the Oath or Affirmation of Office under Standing Order 13 (*Swearing-in of the Speaker*), the Speaker shall notify the Members of the place, date and time of the opening of County Assembly.”

Further, Standing Order 14(2) provides that following the notification by the Speaker under paragraph (1), the sitting of the County Assembly shall stand adjourned until the date and time of the opening of County Assembly.”

Separately, **Hon. Members**, Standing 22 provides thus,

*“The Governor shall address the opening of each newly elected County Assembly.”*

**Hon. Members**, in this regard, I wish to notify you that I shall communicate the place, date and time of the opening of the County Assembly in due course.

**Hon. Members**, before we adjourn, allow me to invite you for high tea and other hospitality services organized by the Assembly in celebration of the occasion of this First sitting at Charter Hall, just adjacent to this Chamber.

**Hon. Members**, the Assembly will now stand adjourned and will resume on a date to be communicated after consultations with the leadership of the Assembly and the Governor on official opening of the County Assembly pursuant to Standing Order 22.

I thank you.”

There being no other business, the Speaker adjourned the Assembly at fifteen minutes to Five O’clock, until a date to be notified, pursuant to Standing Order 22(1).

**14. ASSEMBLY ROSE** - at fifteen minutes to Five O’clock.