



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
SUPPLEMENTARY ORDER PAPER
SPECIAL SITTING
WEDNESDAY, SEPTEMBER 14, 2016 AT 9.00 A.M.

PRAYER

1. Communication from the Chair
2. **HEARING AND DETERMINATION OF THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. JAMES NDERITU GACHAGUA, THE GOVERNOR OF NYERI COUNTY**
3. **NOTICE OF MOTION** (As listed in the Appendix)
4. **MOTION** - (The Senate Majority Leader)

THAT, WHEREAS, pursuant to Article 181 of the Constitution and section 33 of the County Governments Act, 2012, on 2nd September, 2016, the County Assembly of Nyeri approved a Motion “*to remove from office, by impeachment,*” the Hon. James Nderitu Gachagua, the Governor of Nyeri County;

AND FURTHER, WHEREAS by letter dated 2nd September, 2016 (Ref. No. CAN/SEN/PMNT/COR/2/ (3) received in the Office of the Speaker of the Senate on 5th September, 2016, the Speaker of the County Assembly of Nyeri informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate documents in evidence of the proceedings of the Assembly;

AND WHEREAS pursuant to Article 181 of the Constitution, section 33 of the County Governments Act, 2012 and standing order No. 68, the Senate heard the County Assembly on the grounds of removal from office by impeachment of the Governor;

AND FURTHER, WHEREAS pursuant to Article 181 of the Constitution, section 33 of the County Governments Act, 2012 and standing order No. 68, the Senate also heard the Governor of Nyeri County on the grounds of removal from office by impeachment of the Governor;

NOW THEREFORE, pursuant to Article 181 of the Constitution, section 33 of the County Governments Act, 2012 and standing order No. 68, the Senate resolves to remove from office by impeachment, the Hon. James Nderitu Gachagua, the Governor of Nyeri County on the following charges; namely:-

..... /**Motion**

1. Gross Violation of the Constitution of Kenya, 2010, the County Governments Act, 2012, the Public Finance Management Act, 2012 and the Public Procurement and Disposal Act, 2005;
2. Failure to comply with the Law; and
3. Abuse of Office/Gross Misconduct.

APPENDIX**NOTICE OF MOTION** - (The Senate Majority Leader)

THAT, WHEREAS, pursuant to Article 181 of the Constitution and section 33 of the County Governments Act, 2012, on 2nd September, 2016, the County Assembly of Nyeri approved a Motion *“to remove from office, by impeachment,”* the Hon. James Nderitu Gachagua, the Governor of Nyeri County;

AND FURTHER, WHEREAS by letter dated 2nd September, 2016 (Ref. No. CAN/SEN/PMNT/COR/2/ (3) received in the Office of the Speaker of the Senate on 5th September, 2016, the Speaker of the County Assembly of Nyeri informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate documents in evidence of the proceedings of the Assembly;

AND WHEREAS pursuant to Article 181 of the Constitution, section 33 of the County Governments Act, 2012 and standing order No. 68, the Senate heard the County Assembly on the grounds of removal from office by impeachment of the Governor;

AND FURTHER, WHEREAS pursuant to Article 181 of the Constitution, section 33 of the County Governments Act, 2012 and standing order No. 68, the Senate also heard the Governor of Nyeri County on the grounds of removal from office by impeachment of the Governor;

NOW THEREFORE, pursuant to Article 181 of the Constitution, section 33 of the County Governments Act, 2012 and standing order No. 68, the Senate resolves to remove from office by impeachment the Hon. James Nderitu Gachagua, the Governor of Nyeri County on the following charges; namely:-

1. Gross Violation of the Constitution of Kenya, 2010, the County Governments Act, 2012, the Public Finance Management Act, 2012 and the Public Procurement and Disposal Act, 2005;
2. Failure to comply with the Law; and
3. Abuse of Office/Gross Misconduct.
