



REPUBLIC OF KENYA

THE SENATE

TWELFTH PARLIAMENT – FOURTH SESSION

SPECIAL SITTING

VOTES AND PROCEEDINGS

FRIDAY, JUNE 26, 2020 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **COMMUNICATION FROM THE CHAIR - CONVENING OF SPECIAL SITTING OF THE SENATE TO RECEIVE THE REPORT OF THE SPECIAL COMMITTEE ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE GOVERNOR OF KIRINYAGA COUNTY**

The Speaker conveyed the following communication from the Chair-

“Honourable Senators,

On the request of the Senate Majority Leader via letter Ref. No. SEN/SML/CORR, dated 22nd June, 2020, and with the support of the requisite number of Senators, I appointed today, Friday, 26th June, 2020 as a day for a special sitting of the Senate vide Gazette Notice No. 4235, dated 24th June, 2020. In the Gazette Notice, I indicated that the business to be transacted at this special sitting shall be the consideration of the Report of the Special Committee on the Proposed Removal from Office, by Impeachment, of Honourable Anne Mumbi Waiguru, the Governor of Kirinyaga County.

Honourable Senators,

You will recall that by a letter, Ref No. CAK/SPK/SEN/1/001, dated 9th June, 2020, and received in the Office of the Speaker of the Senate on Wednesday, 10th June, 2020, the Speaker of the County Assembly of Kirinyaga informed the Speaker of the Senate that at a

sitting of the County Assembly held on the morning of Tuesday, 9th June, 2020, the County Assembly of Kirinyaga approved a Motion, pursuant to Section 33(2) of the County Governments Act, for the removal from office, by impeachment, of Governor Anne Mumbi Waiguru, the Governor of Kirinyaga County.

In terms of Article 181 of the Constitution, Section 33(3)(a) of the County Governments Act, 2012 and Standing Order 75(1)(a) of the Senate Standing Orders, the Speaker of the Senate, upon receiving notice of the resolution from the Speaker of the Kirinyaga County Assembly, convened a meeting of the Senate on 16th June, 2020, to hear charges against the Governor.

Consequently, Honourable Senators, the Senate, on 16th June, 2020, pursuant to Section 33(3)(b) of the County Governments Act, 2012 and Standing Order No. 75(1)(b)(i), by Resolution, established a Special Committee comprising eleven (11) of its Members to investigate the matter of the proposed removal from office, by impeachment, of the Governor of Kirinyaga County, and to report to the Senate within ten (10) days of its appointment, on whether it finds the particulars of the allegations to have been substantiated. Honourable Senators,

For your information, both Section 33(6) of the County Governments Act and Standing Order No. 75(4) provide as follows: -

“If the special committee reports that the particulars of any allegation against the governor—

- (a) have not been substantiated, further proceedings shall not be taken under this section in respect of that allegation; or*
- (b) have been substantiated, the Senate shall, after according the governor an opportunity to be heard, vote on the charges.”*

The Chairperson of the Special Committee will shortly lay on the Table of the House the Report of the Committee. Once it is laid, Honourable Senators will have time to peruse it. No action will be taken immediately, but the Senate will be suspended for thirty minutes in order to allow Honourable Senators some time to go through the Report. This is so because at the point at which the Report will be laid, it is not known to the House, which of the two procedures provided in Section 33(6) of the County Governments Act and Standing Order No. 75(4) will be applied. The Committee Report will determine the procedure to be applied thereafter.

After Honourable Senators, have had the opportunity of perusing the Report and establishing the findings of the Special Committee, in the event that the Special Committee reports that any particulars of the allegations have been substantiated, a Motion will be listed for business in a Supplementary Order Paper which, once prepared, will be circulated when we reconvene after thirty minutes. Debate will then ensue in the usual manner and at the conclusion thereof, the Senate will proceed to vote on each of the impeachment charges, after according the Governor the opportunity to be heard.

Honourable Senators,

In this regard, an invitation has been extended to the Governor of Kirinyaga County to sit in the Gallery during debate on the Motion. At the appropriate time before I put the Question on the Motion, the Governor will appear, if present, before the Senate and be heard, either by herself or her legal representative.

I wish to inform the Honourable Senators that if the Governor chooses to exercise this right to appear and be heard by the Senate, she shall be heard here, either by herself or her Advocate in total silence. The Governor's speech shall not be followed by any question or comment and the Senate shall, thereafter, immediately proceed to vote on each allegation found to have been substantiated.

Honourable Senators,

In the event that the Special Committee finds that the charges against the Governor have not been substantiated, further proceedings on this matter shall not be taken, and I will give further guidance on how to proceed.

I thank you”.

4. **PAPER LAID**

The following paper was laid on the Table of the Senate-

Report of the Special Committee on the proposed removal from office, by impeachment, of Hon. Anne Mumbi Waiguru, the Governor of Kirinyaga County.

*(Chairperson, Special Committee on the Proposed Removal
from Office, by Impeachment, of the Governor of
Kirinyaga County)*

5. **SUSPENSION OF THE SENATE TO ENABLE SENATORS PERUSE THE REPORT OF THE SPECIAL COMMITTEE ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE GOVERNOR OF KIRINYAGA COUNTY**

The Speaker suspended the Senate at Forty-five minutes past two O'clock to enable Senators peruse the Report of the Special Committee on the Proposed Removal from Office, by impeachment, of the Governor of Kirinyaga County and directed that the Senate resumes at Fifteen minutes past three O'clock.

6. **SENATE RESUMED** - at Fifteen minutes past three O'clock.

7. **COMMUNICATION FROM THE CHAIR - PROCEDURE FOR CONSIDERATION OF THE REPORT OF THE SPECIAL COMMITTEE ON THE PROPOSED REMOVAL FROM OFFICE OF THE GOVERNOR OF KIRINYAGA COUNTY**

The Speaker conveyed the following Communication from the Chair-

“Honourable Senators,

Welcome back for the resumption of proceedings of this Special Sitting.

I believe that you have now had opportunity to go through the Report of the Special Committee on the Proposed Removal from Office, by Impeachment, of the Governor of Kirinyaga County. As you may have noticed, the Committee has found **all** the allegations against the Governor **not** to be substantiated.

Consequently, Honourable Senators, the procedure to be followed in this case is that set out at Section 33(6)(a) of the County Governments Act and Standing Order No. 75(4)(a), both of which provide as follows: -

“If the special committee reports that the particulars of any allegation against the governor have not been substantiated, further proceedings shall not be taken under this section in respect of that allegation”

Honourable Senators,

That being the case, this matter stands concluded, and no further proceedings shall be taken thereon.

However, pursuant to Standing Order No. 1, and cognizant that consideration of the proposed removal from office of a Governor, by impeachment, is one of the most important functions of the Senate under the Constitution, I shall allow the Chairperson of the Special Committee to make brief remarks on the process undertaken by the Committee and, in particular, any recommendations the Committee would wish to make. The Chairperson will have not more than fifteen minutes.

I shall, thereafter, allow Senators to make general comments and observations thereon, for not more than thirty minutes, after which the Senate shall adjourn.

I thank you.”

Thereupon, Senators made comments and observations on the report.

And there being no other business, the Speaker adjourned the Senate at twelve minutes past five O'clock, without Question put, pursuant to the Standing Orders.

8. SENATE ROSE- at twelve minutes past five O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, July 7, 2020 at 2:30 p.m.*

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