



REPUBLIC OF KENYA

TWELFTH PARLIAMENT

THE SENATE

VOTES AND PROCEEDINGS - SPECIAL SITTING

THURSDAY, DECEMBER 17, 2020 AT 2.00 P.M.

1. The Senate resumed at two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **EVIDENCE BY THE GOVERNOR OF NAIROBI CITY COUNTY, HON. MIKE MBUVI SONKO**

The Senate resumed hearing evidence from the witnesses of the Governor of Nairobi City County and concluded.

Thereupon, the respective witnesses were cross-examined by Counsel for the County Assembly and subsequently re-examined by Counsel for the Governor.

Thereupon, Senators sought clarifications from the parties.

4. **HEARING AND DETERMINATION OF THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. MIKE MBUVI SONKO, THE GOVERNOR OF NAIROBI CITY COUNTY**

Pursuant to the Standing Orders, the Speaker invited the parties to make their closing statements for not more than sixty minutes each;

Thereupon, the closing statement on behalf of the County Assembly was made by the Counsel on record;

Subsequently, the closing statement on behalf of the Governor was made by the Counsel on record;

5. **CLOSED SESSION OF THE SENATE**

Pursuant to the Standing Orders, the Senate proceeded to an *in-camera* session to deliberate on the issues raised at fifty minutes past eight O' Clock.

6. **HOUSE RESUMED** – at twenty minutes past nine O'clock (The Speaker in the Chair)7. **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 Wednesday, 3rd December, 2020, the Nairobi City County Assembly approved a Motion for the removal from office by impeachment, of the Hon. Mike Mbuvi Sonko, Governor of Nairobi City County;

AND FURTHER, WHEREAS by letter Ref. No. NCCA/SPK/12/2020(1), dated Friday, 4th December, 2020, and received in the Office of the Speaker of the Senate on Friday, 4th December, 2020, the Speaker of the County Assembly of Nairobi City 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 75 of the Senate, 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. 75, the Senate also heard the Governor for Nairobi City 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 75 the Senate resolves to remove from office by impeachment, the Hon. Mike Mbuvi Sonko, the Governor of Nairobi City County on the following charges; -

1. Gross Violation of the Constitution or any other law;
2. Abuse of Office;
3. Gross Misconduct; and
4. Crimes under National Law

8. **MOTION ON REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE HON. MIKE MBUVI SONKO, THE GOVERNOR OF NAIROBI CITY COUNTY**

Order read;

Motion made and Question proposed-

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, 2012, on Wednesday, 3rd December, 2020, the Nairobi City County Assembly approved a Motion for the removal from office by impeachment, of the Hon. Mike Mbuvi Sonko, Governor of Nairobi City County;

AND FURTHER, WHEREAS by letter Ref. No. NCCA/SPK/12/2020(1), dated Friday, 4th December, 2020, and received in the Office of the Speaker of the Senate on Friday, 4th December, 2020, the Speaker of the County Assembly of Nairobi City 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 75 of the Senate, 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. 75, the Senate also heard the Governor for Nairobi City 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 75 the Senate resolves to remove from office by impeachment, the Hon. Mike Mbuvi Sonko, the Governor of Nairobi City County on the following charges; -

1. Gross Violation of the Constitution or any other law;
2. Abuse of Office;
3. Gross Misconduct; and
4. Crimes under National Law

(The Senate Majority Leader)

Debate arising;

Raising a point of order, the Senator for Murang'a County (Sen. Irungu Kang'ata, MP) claimed to move "THAT, the mover be called upon to reply"

Question put and agreed to.

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 79, the Speaker informed the House that the Motion affected counties and voting would be by Delegations and, further, that the House would vote on each of the charges separately, pursuant to the Standing Orders.

The Speaker directed that roll call voting be taken pursuant to Standing Order 83 (1) and that the Division Bell be rung for two minutes.

After the expiry of two minutes the Speaker directed that the doors be locked and the bars drawn;

The names of the Tellers were announced and directed to take seats at their designated places;

The Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

CHARGE 1: Gross Violation of the Constitution of Kenya and any other law;

The results of the Division were as follows: -

AYES - 27

NOES - 16

ABSTENTIONS - 2

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Boy Issa Juma
4. Sen. Hargura Godana
5. Sen. Kajwang' Moses Otieno
6. Sen. Kamar Margaret Jepkoech
7. Sen. Kang'ata Irungu
8. Sen. Khaniri George
9. Sen. Kiburu Charles Reubenson
10. Sen. Kimani Wamatangi Paul
11. Sen. Kirinyaga Ephraim Mwangi Maina
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Malalah Cleophas Wakhungu
14. Sen. Mbiti Michael Maling'a
15. Sen. Mbogo George Ochilo Ayacko
16. Sen. Mogeni Erick Okong'o
17. Sen. Moi Gideon Kipsielei Towett – voted virtually
18. Sen. Mwangi Paul Githiomi – voted virtually
19. Sen. Mwaruma Johnes Mwashushe – voted virtually
20. Sen. Mwinyihaji Mohamed Faki
21. Sen. Ndwiga Peter Njeru
22. Sen. Ongeru Samson Kegengo
23. Sen. Orengo James
24. Sen. Outa Fredrick Otieno
25. Sen. Poghisio Samuel Losuron
26. Sen. Wako Sitswila Amos
27. Sen. Wetang'ula Moses Masika

NOES

1. Sen. Cherarkey Samson Kiprotich
2. Sen. Cheruiyot Aaron Kipkirui
3. Sen. Imanah Malachy
4. Sen. Kihika Susan Wakarura
5. Sen. Kindiki Kithure
6. Sen. Lang'at Christopher Andrew
7. Sen. Lelegwe Ltumbesi
8. Sen. Linturi Franklin Mithika
9. Sen. Loiptip Anuar
10. Sen. Mahamud Mohamud Maalim
11. Sen. Mpaayei Phillip Salau
12. Sen. Murkomen Onesimus Kipchumba
13. Sen. Nderitu John Kinyua
14. Sen. Olekina Ledama
15. Sen. Wambua Enoch Kiio
16. Sen. Wario Golich Juma

ABSTENTIONS

1. Sen. Mutula Kilonzo Junior
2. Sen. Sakaja Johnson Arthur

Question - agreed to.

CHARGE 2: Abuse of Office;

The results of the Division were as follows:-

AYES - 27

NOES - 16

ABSTENTIONS - 2

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Boy Issa Juma
4. Sen. Hargura Godana
5. Sen. Kajwang' Moses Otieno
6. Sen. Kamar Margaret Jepkoech
7. Sen. Kang'ata Irungu
8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
10. Sen. Kimani Wamatangi Paul
11. Sen. Kirinyaga Ephraim Mwangi Maina
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Malalah Cleophas Wakhungu
14. Sen. Mbiti Michael Maling'a
15. Sen. Mbogo George Ochilo Ayacko
16. Sen. Mogeni Erick Okong'o
17. Sen. Moi Gideon Kipsielei Towett – voted virtually
18. Sen. Mwangi Paul Githiomi – voted virtually

19. Sen. Mwaruma Johnes Mwashushe – voted virtually
20. Sen. Mwinyihaji Mohamed Faki
21. Sen. Ndwiga Peter Njeru
22. Sen. Ongeru Samson Kegengo
23. Sen. Orengo James
24. Sen. Outa Fredrick Otieno
25. Sen. Poghio Samuel Losuron
26. Sen. Wako Sitswila Amos
27. Sen. Wetang'ula Moses Masika

NOES

1. Sen. Cherarkey Samson Kiprotich
2. Sen. Cheruiyot Aaron Kipkirui
3. Sen. Imanah Malachy
4. Sen. Kihika Susan Wakarura
5. Sen. Kindiki Kithure
6. Sen. Lang'at Christopher Andrew
7. Sen. Lelegwe Ltumbesi
8. Sen. Linturi Franklin Mithika
9. Sen. Loiptip Anuar
10. Sen. Mahamud Mohamud Maalim
11. Sen. Mpaayei Phillip Salau
12. Sen. Murkomen Onesimus Kipchumba
13. Sen. Nderitu John Kinyua
14. Sen. Olekina Ledama
15. Sen. Wambua Enoch Kiio
16. Sen. Wario Golich Juma

ABSTENTIONS

1. Sen. Mutula Kilonzo Junior
2. Sen. Sakaja Johnson Arthur

Question - agreed to.

Charge 3: Gross Misconduct

AYES - 27

NOES - 16

ABSTENTIONS - 2

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Boy Issa Juma
4. Sen. Hargura Godana
5. Sen. Kajwang' Moses Otieno
6. Sen. Kamar Margaret Jepkoech
7. Sen. Kang'ata Irungu

8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
10. Sen. Kimani Wamatangi Paul
11. Sen. Kirinyaga Ephraim Mwangi Maina
12. Sen. Madzayo Stewart Mwachiru
13. Sen. Malalah Cleophas Wakhungu
14. Sen. Mbito Michael Maling'a
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17. Sen. Moi Gideon Kipsielei Towett – voted virtually
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19. Sen. Mwaruma Johnes Mwashushe – voted virtually
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23. Sen. Orengo James
24. Sen. Outa Fredrick Otieno
25. Sen. Poghiso Samuel Losuron
26. Sen. Wako Sitswila Amos
27. Sen. Wetang'ula Moses Masika

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3. Sen. Imanah Malachy
4. Sen. Kihika Susan Wakarura
5. Sen. Kindiki Kithure
6. Sen. Lang'at Christopher Andrew
7. Sen. Lelegwe Ltumbesi
8. Sen. Linturi Franklin Mithika
9. Sen. Loiptip Anuar
10. Sen. Mahamud Mohamud Maalim
11. Sen. Mpaayei Phillip Salau
12. Sen. Murkomen Onesimus Kipchumba
13. Sen. Nderitu John Kinyua
14. Sen. Olekina Ledama
15. Sen. Wambua Enoch Kiio
16. Sen. Wario Golich Juma

ABSTENTIONS

1. Sen. Mutula Kilonzo Junior
2. Sen. Sakaja Johnson Arthur

Charge 4: Crimes under National Law

AYES - 27

NOES - 16

ABSTENTIONS - 2

AYES

1. Sen. Adan Dullo Fatuma
2. Sen. Ali Abdullahi Ibrahim
3. Sen. Boy Issa Juma
4. Sen. Hargura Godana
5. Sen. Kajwang' Moses Otieno
6. Sen. Kamar Margaret Jepkoech
7. Sen. Kang'ata Irungu
8. Sen. Khaniri George
9. Sen. Kibiru Charles Reubenson
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26. Sen. Wako Sitswila Amos
27. Sen. Wetang'ula Moses Masika

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1. Sen. Cherarkey Samson Kiprotich
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3. Sen. Imanah Malachy
4. Sen. Kihika Susan Wakarura
5. Sen. Kindiki Kithure
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13. Sen. Nderitu John Kinyua
14. Sen. Olekina Ledama
15. Sen. Wambua Enoch Kiio
16. Sen. Wario Golich Juma

ABSTENTIONS

1. Sen. Mutula Kilonzo Junior
2. Sen. Sakaja Johnson Arthur

Question - agreed to.

RESOLVED ACCORDINGLY

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, 2012, on Wednesday, 3rd December, 2020, the Nairobi City County Assembly approved a Motion for the removal from office by impeachment, of the Hon. Mike Mbuvi Sonko, Governor of Nairobi City County;

AND FURTHER, WHEREAS by letter Ref. No. NCCA/SPK/12/2020(1), dated Friday, 4th December, 2020, and received in the Office of the Speaker of the Senate on Friday, 4th December, 2020, the Speaker of the County Assembly of Nairobi City 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;

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1. Gross Violation of the Constitution or any other law;
 2. Abuse of Office;
 3. Gross Misconduct; and
 4. Crimes under National Law
9. **COMMUNICATION FROM THE CHAIR - SENATE RESOLUTION TO REMOVE FROM OFFICE, BY IMPEACHMENT, OF HON. MIKE MBUVI SONKO, THE GOVERNOR OF NAIROBI CITY COUNTY**

The Speaker conveyed the following Communication from the Chair-

‘Honourable Senators,

The net effect of these votes is that, pursuant to Article 181 of the Constitution, section 33 of the County Governments Act and standing order 75 of the Senate Standing Orders, the Senate has resolved to remove from office, by impeachment, the Hon. Mike Mbuvi Sonko, the Governor of Nairobi City County, and the Governor accordingly ceases to hold office.

I thank you.’

And having concluded the business of the Special Sitting, the Speaker adjourned the Senate at twenty-five minutes past eleven O’clock without Question put, pursuant to the Standing Orders.

10. SENATE ROSE - at twenty five minutes past eleven O’clock.

MEMORANDUM

*The Speaker will take the Chair on
Monday, December 21, 2020 at 2.30 p.m.*

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