



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

MORNING SITTING

TUESDAY, NOVEMBER 07, 2023 AT 9.00 AM

1. The Senate assembled at Nine O'clock.
2. The proceedings were opened with a Prayer said by the Speaker.

3. **QUORUM OF THE SENATE**

The Speaker, having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was no Quorum, caused the Bell to be rung for ten minutes, pursuant to Standing Order 40;

And there being no Quorum at the expiry of ten minutes, the Speaker ordered the Bell to be rung for a further ten minutes;

And there being a Quorum after the expiry of the ten minutes;

The Speaker invited the Clerk to call the Orders of the day.

4. **COMMUNICATION FROM THE CHAIR ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. KAWIRA MWANGAZA, THE GOVERNOR OF MERU COUNTY**

The Speaker conveyed the following communication from the Chair: -

“Honourable Senators,

You will recall that at the sitting of the Senate held on Thursday, 2nd November, 2023, I appointed Tuesday, 7th and Wednesday 8th November, 2023, as the days when the Senate will hear the charges for the proposed removal from office by impeachment of the Honourable Kawira Mwangaza, the Governor of Meru County.

Subsequently, a Procedural Motion for the alteration of the sitting time of the Senate for Tuesday, 7th and Wednesday, 8th November, 2023, to facilitate the impeachment hearing against the Governor of Meru County was considered and approved by the Senate on Thursday, 2nd November, 2023. Consequently, a Hearing Programme has been prepared and appended to the Order Paper.

Honourable Senators,

As is the tradition, and in line with the schedule of activities for an impeachment hearing in Plenary, the Senate will hold a closed preparatory session to discuss the management of the investigation. This is aimed at ensuring that the process is conducted seamlessly and concluded timeously, in line with the requirements set out under the County Governments Act and the Senate Standing Orders.

I now therefore direct that all members of the public including the media, to withdraw from the galleries and any form of broadcast from the Chamber to cease. The open session and hearing will thereafter commence at 11.00 am, as per the Hearing Programme.

I thank you.”

5. **BRIEFING ON THE RULES OF PROCEDURE FOR THE HEARING AND DETERMINATION OF THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. KAWIRA MWANGAZA, THE GOVERNOR OF MERU COUNTY**

The Speaker directed that the Senate enters into camera session.

Thereupon, the members of the public and media withdrew from the galleries;

Upon invitation by the Speaker, the Clerk briefed Senators on the Rules and Procedure for the hearing and determination of the proposed removal from office, by impeachment, of Hon. Kawira Mwangaza, the Governor of Meru County.

6. **OPEN SESSION RESUMED** – at Eleven O’clock.

7. **COMMUNICATION FROM THE CHAIR ON THE MANDATE OF THE SENATE, RULES OF PROCEDURE FOR THE HEARING AND DETERMINATION OF THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. KAWIRA MWANGAZA, THE GOVERNOR OF MERU COUNTY**

The Speaker conveyed the following communication from the Chair: -

“Honourable Senators, Ladies and Gentlemen,

Having dispensed with the Pre-Hearing meeting of Senators, which was a closed session, it is now time to commence the proceedings of the proposed removal

from office, by impeachment, of Hon. Kawira Mwangaza, the Governor of Meru County.

By a letter, Ref. No. M/CARES/VOL.IV/43, dated Thursday, 26th October, 2023, the Speaker of the Meru County Assembly informed the Speaker of the Senate that at a sitting of the Meru County Assembly held on Wednesday, 25th October, 2023, the Meru County Assembly approved a Motion for the removal from office, by impeachment, of Hon. Kawira Mwangaza, the Governor of Meru County.

The Speaker of the County Assembly of Meru also forwarded the following documents to the Senate, being the record of proceedings of the County Assembly and the evidence adduced in support of the impeachment Motion –

- i) Copy of approved Notice of Motion for the proposed removal from office of the Governor dated 16th October, 2023;
- ii) Order Papers for the County Assembly sittings held on Tuesday 17th October (Morning Sitting) and Wednesday, 25th October, 2023 (Morning Sitting);
- iii) Certified Hansard Reports of the Assembly Sittings held on Tuesday 17th October, 2023 (Morning Sitting) and Wednesday, 25th October, 2023 (Morning Sitting);
- iv) Certified Hansard Reports of the Assembly Sittings held on Wednesday, 18th October, 2023 (Afternoon Sitting) and Wednesday, 14th June, 2023 (Afternoon Sitting);
- v) Copy of certified signatures of County Assembly Members in support of the impeachment Motion for the removal of the Governor of Meru County, dated 25th October, 2023;
- vi) Certified copy of Roll Call Vote of Wednesday, 25th October, 2023, on the Motion for the impeachment of the Governor of Meru County;
- vii) Copies of the County Assembly Reports referred to during the Debate on the Motion for removal of the Governor of Meru County–
 - a) Report of the Select Committee on County Budget and Appropriations on the Budget Estimates of the County Government of Meru for the Financial year 2023/2024 dated 13th June, 2023;
 - b) Report of the Sectoral Committee on Justice, Legal Affairs and Cohesion on the Complaint by H. E. the Deputy Governor, Meru County, to the County Assembly against his alleged exclusion from County Executive Committee Meetings and Non-Facilitation of his Office, dated 17th October, 2023; and

- c) Response to Petition No. 4 of 2023 urging the County Assembly of Meru to Investigate the alleged illegal employment of Traffic Marshalls by H. E. the Governor, Meru County and alleged illegal traffic charges by the Meru County Enforcement Department.
- viii) Copy of a letter Ref. No. DOM/1/2023 dated 24th October, 2023 by M/S Danstan Omari & Associates Advocates, addressed to the Speaker of the County Assembly of Meru;
- ix) Copies of newspaper advertisements appearing on the Standard and Daily Nation of Wednesday, 18th October, 2023 and copies of invoices for radio advertisement in Muuga FM, calling for submission of memoranda on the Notice of Motion for the proposed removal from office of the Governor of Meru County;
- x) A HP flash disk 2GB containing video Annexures evidencing the particulars alleged in the Motion as well as voice advertisements on the public participation on the Motion run on Meru FM and the approved Notice of Motion and Exhibits;
- xi) Copy of public participation report dated 25th October, 2023 laid on the Table of the Assembly on Wednesday 25th October, 2023;
- xii) Copies of written Memoranda both in support and against the impeachment, from different sub-counties and regions, submitted to the County Assembly during the public participation exercise on the Motion; and
- xiii) Booklet of the Third Edition of the County Assembly of Meru Standing Orders.

Pursuant to Section 33(3) (b) of the County Governments Act and Standing Order 80 (1) (a) of the Senate Standing Orders, at the sittings of the Senate held on Tuesday, 31st October, 2023, the charges against the Governor of Meru County, as contained in the Motion of Impeachment by the County Assembly of Meru were read to the assembled Senate.

Honourable Senators, Ladies and Gentlemen,

Allow me to remind you of the mandate of the Senate in relation to the proposed removal by impeachment, of a County Governor as provided for under Article 181 of the Constitution as read together with section 33 of the County Governments Act, 2012 and Standing Order 80 of the Senate Standing Orders. In particular, Article 181 of the Constitution provides as follows—

- (1) A county governor may be removed from office on any of the following grounds –

- (a) gross violation of the Constitution or any other law;
 - (b) where there are serious reasons for believing that the county governor has committed a crime under national or international law;
 - (c) abuse of office or gross misconduct; or
 - (d) physical or mental incapacity to perform the functions of office of county governor.
- (2) Parliament shall enact legislation providing for the procedure of removal of a county governor on any of the grounds mentioned in clause (1).

Section 33 of the County Governments Act, 2012, Senate Standing Order 80 and the Third Schedule to the Senate Standing Orders provide for the procedure to be followed in the hearing and determination of the proposed removal from office, by impeachment, of a Governor. Specifically, section 33 (3) and standing order 80(1)(b) of the Senate provide that the Senate may either, by resolution, appoint a Special Committee comprising eleven of its members to investigate the matter; or investigate the matter in plenary.

Honourable Senators will recall that at the sitting of the Senate held on Tuesday, 31st October, 2023, the Motion for the establishment of a Special Committee was defeated. This therefore paved the way for the default position, the hearing of the impeachment charges against the Governor of Meru County to be held by the Senate sitting in Plenary.

Honourable Senators, Ladies and Gentlemen,

By way of a status update, pursuant to Rules 4(a) and 6 of the Rules of Procedure when considering the proposed removal of a governor in Plenary, the Senate invited the Governor to appear and be represented before the Senate during its investigation. The Senate further invited the Governor, if she so chooses to appear before the Senate, to file an answer to the Charges with the Office of the Clerk of the Senate by 5:00 pm on Saturday, 4th November, 2023, setting out –

- (i) the Governor’s response to the Particulars of Allegations;
- (ii) the mode of appearance before the Senate; whether in person, by advocate or in person and by advocate;
- (iii) the names and addresses of the persons to be called as witnesses, if any, and witness statements containing a summary of the evidence to be presented by such witnesses before the Senate; and
- (iv) any other evidence to be relied on.

Pursuant to Rules 4(b) and 7 of the Rules of Procedure when considering the proposed removal of a governor in Plenary, the Senate notified the County Assembly of the date for the commencement of the investigation and invited the County Assembly to designate Members of the County Assembly, who shall appear and be represented before the Senate during the investigation. The County Assembly was further invited, if it so chooses to appear before the Senate, to file with the Office of the Clerk of the Senate by 5:00 pm on Saturday, 4th November, 2023 setting out documentation –

- (i) designating the Members of the County Assembly, being not more than three Members, if any, who shall attend and represent the Assembly in the proceedings before the Senate;
- (ii) indicating the mode of appearance before the Senate; whether in person, by Advocate, or in person and by Advocate;
- (iii) indicating the names and addresses of the persons to be called as witnesses, if any, and witness statements containing a summary of the evidence to be presented by such witnesses before the Senate; and
- (iv) specifying any other evidence to be relied on.

Honourable Senators, Ladies and Gentlemen,

On Saturday, 4th November, 2023, the Office of the Clerk of the Senate, received a response to the Invitation to Appear issued to the Governor, dated 4th November, 2023, from Mutuma Gichuru & Associates Advocates who indicated that the Governor had appointed the firm to represent her in the proceedings before the Senate and that the Governor would also appear in person and by Advocates. The letter also indicated, the list of Counsel representing the Governor and the list of witnesses for the Governor. Similarly, on same day, the Office of the Clerk of the Senate received a response to the Invitation to Appear issued to the County Assembly from M/S Muthomi & Karanja Advocates, Ref. No. T006/003/L/2023M, dated 4th November, 2023, indicating that the firm had been appointed to represent the County Assembly. The letter also indicated the list of Advocates to represent the County Assembly and a list of witnesses for the County Assembly.

Pursuant to Rule 8 of the Rules of Procedure when considering the proposed removal of a governor in Plenary, the Clerk of the Senate furnished each party with the documentation filed by the other party in accordance with Rules 6 and 7 of the Rules of Procedure.

Honourable Senators, Ladies and Gentlemen,

The Hearing Programme which has been circulated, details the various activities in the hearing and determination of the matter and the time allocated to each activity. It will be crucial that all the parties comply with the time allocated. The

parties will be notified of the balance of time on each activity through the Clerks at the Table.

In summary, the Programme states that today, Tuesday, 7th November, 2023, after we have dispensed with preliminary matters, the Charges against the Governor, as submitted by the County Assembly, shall be read to the Governor. This will be followed by an Opening Statement by the County Assembly. Thereafter, an Opening Statement shall be made by the Governor. After the conclusion of the Opening Statements, the presentation of the case of the County Assembly shall commence and should take us up to the end of today's Sitting.

At the Sitting scheduled for tomorrow, Wednesday, 8th November, 2023, the Governor will have an opportunity to present her case before the Senate. This will be followed by the Closing Statements by each of the parties for a period not exceeding half an hour each. The Senate shall then proceed to a debate prior to voting on each of the Charges. At this stage, a supplementary Order Paper will be issued to facilitate this debate.

In accordance with section 33(7) of the County Governments Act, 2012 and standing order 80(6) of the Senate Standing Orders, the voting shall be by county delegations. The Governor shall cease to hold office if a majority of all county delegations of the Senate vote to uphold any impeachment charge. If, however, the vote in the Senate fails to result in the removal of the Governor, pursuant to standing order 80(7), the Speaker of the Senate shall notify the Speaker of the Meru County Assembly accordingly.

Honourable Senators, Ladies and Gentlemen,

I now invite Counsel for the Meru County Assembly, to introduce the legal team of the County Assembly and the Members of the Meru County Assembly representing the County Assembly, by stating the full name and designation of each person.”

Thereupon, Dr. Muthomi Thiankolu introduced himself as Lead Counsel for the County Assembly of Meru, and proceeded to introduce the following: -

- | | | |
|-------|-------------------------------|--------------------|
| i) | Mr. Muvengei Jacob Ngwele | – Advocate; |
| ii) | Mr. Maranya Domisiano Mari | – Advocate; |
| iii) | Mr. Ngure Benson Kinyua | – Advocate; |
| iv) | Mr. Mawira Boniface Mwereru | – Advocate; |
| v) | Ms. Mutua Faith M’edea | – Advocate; |
| vi) | Mr. Mwirigi Erick Muriuki | – Advocate; |
| vii) | Mr. Wanyenji Dennis Njoroge | – Advocate; |
| viii) | Mr. Kenson Mutethia | – Legal Assistant; |
| ix) | Mr. Arimi Paul Mwaki | – Witness; |
| x) | Dr. Gitonga Jeremiah Luruti | – Witness; |
| xi) | Hon. Mawira Evans Kaaria, MCA | – Witness; |
| xii) | Mr. Muroki Patrick Nkunga | – Witness; |

- xiii) Mr. Kaumbuthu Paul Gikamati – Member of Meru County Assembly;
- xiv) Hon. Dennis Kiogora DMK – Member of Meru County Assembly;
- xv) Hon. Kiramana Aurelio Murangiri – Member of Meru County Assembly;
- xvi) Hon. Zipporah Gakii Manyara – Member of Meru County Assembly;
- xvii) Ms. Teresa Chokera – Senior Serjeant-at- Arms, Meru County Assembly;
- xviii) Ms. Lindsay Makena – Deputy Director Research, Meru County Assembly; and
- xix) Mr. Edward Muriithi – Chief Serjeant-at-Arms, Meru County Assembly.

“Honourable Senators, Ladies and Gentlemen,

I now similarly invite Counsel for the Governor to introduce the legal team representing the Governor and the Governor, by stating the full name and designation of each person.”

Thereupon, Mr. Elisha Ongoya introduced himself as Lead Counsel for the Governor, and proceeded to introduce the following: -

- i) Mr. Elias Mutuma – Counsel;
- ii) Mr. Duncan M. Okubasu – Counsel;
- iii) Mr. Robert Mutembei – Counsel;
- iv) Ms. Bridah. N. Kimathi – Counsel;
- v) Ms. Batisa Mwirigi – Counsel;
- vi) Mr. Antony Mwenda – Counsel;
- vii) Mr. Collins Mwenda – Counsel;
- viii) Mr. Brianlee Maingi – Assistant;
- ix) Hon. Nicholas Kinyua Josphat – Witness;
- x) Mr. Arayaru Adrian – Witness; and
- xi) Mr. Dickson Munene – Witness
- xii) H. E. Kawira Mwangaza – Governor, Meru County /Witness;

“Honourable Senators, Ladies and Gentlemen,

On behalf of the Senate, I welcome the County Assembly’s team, the Governor’s team, members of the public and the media to the Senate and to these proceedings. I now invite the Clerk to read the Charges against Hon. Kawira Mwangaza, the Governor of Meru County.

I thank you.”

8. **READING OF THE CHARGES ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HONOURABLE KAWIRA MWANGAZA, GOVERNOR OF MERU COUNTY**

The Speaker directed the Clerk to read to the Honourable Kawira Mwangaza, the Governor of Meru County, particulars of the allegations against her as presented by the County Assembly of Meru.

Upon invitation by the Clerk, the Governor proceeded to take the stand;

Thereupon, pursuant to Rule 16 of the Rules of Procedure for the hearing and determination of the proposed removal from office by impeachment of a Governor in Plenary, (Part 1), the Clerk proceeded to read out the particulars of the allegations as follows: -

“Hon. Kawira Mwangaza, the Governor of Meru County, the charges against you as received from the County Assembly of Meru are as follows, and I quote —

(a) Charge 1: Misappropriation and Misuse of County Resources

The Governor had grossly violated (among others): Articles 10, 73, 201, 226 (5), 227 and 232 of the Constitution; Sections 8, 12, 13 (1), 16, 17 and 35 of the Leadership and Integrity Act, 2012 (“the Integrity Act”); Sections 55 and 66 of the Public Procurement and Asset Disposal Act, 2015 (“the Procurement Act”) and Sections 45 (2) and 46 of the Anti-Corruption and Economic Crimes Act (“the Anti-Corruption Act”) by engagement, connivance and/or complicity in the following—

- i. the embezzlement of county funds through the Governor’s sisters (Rose Kinya Guantai and Miriam Guantai), brother (Kenneth Guantai Murangiri), brother-in-law (Nephat Kinyua) and the nephew to the Governor’s husband (Edwin Mutuma Murangiri), all of whom are from now on collectively referred to as “the Governor’s relatives”;
- ii. the withdrawal of county funds, under the guise of payment for various supplies, by the Governor’s relatives, yet they (i.e., the Governor’s relatives) are ineligible to tender for or supply any goods or services to the County Government;
- iii. paying “full salary and benefits” for more than a year to Dr. Ntoiti (CEO of County Revenue Board), Paul Mwaki (CEO of Liquor Board), Kenneth Kimathi Mbae (CEO of Meru Microfinance) and Joseph Kithure Mberia (CEO, MEWASS) while knowing that those officers were not rendering any services to the County; and
- iv. the diversion and (mis)use of county resources (including funds and motor vehicles) to run the Governor’s private charity (dubbed “Okolea”) despite a previous promise to the Senate, in previous the impeachment proceedings, to refrain from conflating official county operations and Okolea operations.

(b) Charge 2: Nepotism and related unethical practices

The Governor had grossly violated (among others): (i) Articles 10, 232, 235 and 236 of the Constitution; (ii) sections 12, 17 and 24 of the Public Officer Ethics Act, 2003; (iii) sections 13 (1) (b), (f), 16 and 24 of the Leadership and Integrity Act, 2012; and (iv) sections 55, 59, 59A, 60, 62, 63, 64 and 65 of the County Governments Act, 2012 (“the County Governments Act”) by engagement, connivance and/or complicity in the following—

- i. fraudulently misrepresenting the Governor’s relatives as a “technical team” for purposes of travel to China to inspect and certify cancer treatment equipment while knowing that the Governor’s relatives *are not medical professionals*;
- ii. employing Edwin Mutuma Murangiri, who is a nephew to the Governor’s husband, as the CEO of Meru Youth Service (MYS) and Acting Chief Officer of the Department of Finance;
- iii. the designation of Nephath Kinyua, who is the Governor’s brother-in-law, as the Director of External Linkages without transparent and competitive recruitment; and
- iv. assigning diplomatic duties, namely engagements with foreign diplomats and dignitaries, to her unqualified sisters (i.e., Miriam Guantai, PA and Rose Guantai, Bodyguard).

(c) Charge 3: Bullying, Vilification and Demeaning other Leaders

The Governor had grossly violated (among others): (i) Articles 10, 19 (2), 28, 73, 75 and 179 of the Constitution; (ii) sections 9 (b), 19 and 24 of the Public Officer Ethics Act; (iii) sections 29 and 34 of the Leadership and Integrity Act; and (iv) sections 30 (2) and (3) (c) and (d) of the County Governments Act by engagement, connivance and/or complicity in (among others) the following—

- i. exclusion of the Deputy Governor from County Executive Committee Meetings and other official functions;
- ii. bullying, undermining and posting insulting and demeaning messages about the Deputy Governor in a WhatsApp Group styled “3rd Government 012,” whose membership includes several officers who are subordinate to the Deputy Governor;
- iii. encouraging and condoning insubordination and the making of insulting and demeaning public utterances by subordinate staff against the Deputy Governor and other elected leaders;
- iv. bullying, undermining and posting insulting and demeaning messages about the Deputy Governor in a WhatsApp Group styled “County

Admin Services,” whose membership includes several officers who are subordinate to the Deputy Governor;

- v. encouraging and condoning the removal of the Deputy Governor by junior officers from official county WhatsApp communication forums;
- vi. arbitrary suspension, dismissal, withdrawal and frustration of the staff of the office of the Deputy Governor;
- vii. illegally, irregularly, and fraudulently hounding the Deputy Governor’s staff out of office by purporting to accept their non-existent resignations;
- viii. arbitrary reduction, suspension and withdrawal of budgetary facilitation for legitimate operations of the office of the Deputy Governor;
- ix. threatening to inflict bodily harm against the Deputy Governor, orally and in WhatsApp chats;
- x. forceful breaking, entry and ransacking of the Deputy Governor’s office;
- xi. changing the locks to the Deputy Governor’s office;
- xii. arbitrary relocation of the Deputy Governor’s office;
- xiii. arbitrary withdrawal of security from the Deputy Governor’s residences;
- xiv. persistently making demeaning public utterances against other elected leaders despite the same issue featuring prominently in previous impeachment proceedings;
- xv. making inciteful, insulting and demeaning remarks against other leaders, by falsely accusing them of cartelism at a presidential thanksgiving service held in Laare despite this issue arising in previous impeachment proceedings; and
- xvi. encouraging, conniving and condoning her husband’s insulting and demeaning public utterances and musical performances against other elected leaders, despite this issue featuring in *previous impeachment proceedings*.

(d) Charge 4: Illegal Appointments and Usurpation of Statutory Powers

The Governor had grossly violated, (among others): (i) Articles 10, 41, 201, 232, 235 and 236 of the Constitution; (ii) section 17 of the Public Officer Ethics Act; (iii) sections 45, 55, 59, 59A, 60, 62, 63, 64 and 65 of the County

Governments Act; (iv) section 4 of the Public Appointments (County Assemblies Approval) Act, 2017; (v) section 34 (3) of the Public Service Commission Act, 2017; (vi) section 9 (2) of the Meru County Revenue Board Act, 2014; (vii) section 4 (2) of the Meru County Alcoholic Drinks Control Act, 2014; (viii) section 11 (2) of the Meru County Microfinance Corporation Act, 2014; and (ix) section 18 (2) of the Meru County Water and Sanitation Services Act, 2014 by engagement, connivance and/or complicity in (among others) the following—

- i. appointing Kenneth Mwiti Riungu as a Chief Officer without County Assembly approval;
- ii. sending Dr. Ntoiti (CEO of County Revenue Board), Paul Mwaki (CEO of Liquor Board), Kenneth Kimathi Mbae (Managing Director of Meru Microfinance Corporation) and Joseph Kithure Mberia (CEO, MEWASS) on indefinite compulsory leave “with full salary and benefits” in the usurpation of the powers of the appointing authorities under the relevant Meru County laws;
- iii. deploying other persons, in breach of a court order, to perform the functions of the persons alluded to in subparagraph (c) above;
- iv. appointing unqualified persons (Edwin Mutuma Murangiri, Kenneth Mwiti Riungu and Gitobu Nkanata) as Acting Chief Officers without the requisite competitive recruitment and recommendation of the County Public Service Board;
- v. disregarding the criteria for the establishment of offices within the county public service by recruiting traffic marshals without the involvement of the County Public Service Board;
- vi. usurping the powers of the County Public Service Board by creating offices of the traffic marshals, which is the sole preserve of the County Public Service Board;
- vii. employing a bloated workforce, more than one hundred personal staff, in the office of the Governor;
- viii. irregularly designating and paying various cleaners as Senior Support Staff (while having 16 support staff); and
- ix. appointing the following persons to hold county offices in an acting capacity for more than six months—
 - a) Monica Kagwima (Chief Officer, Youth);
 - b) Koome Muthuri (Director, Health Services);
 - c) Francis Mungai (CEO, County Revenue Board);
 - d) Silas Mbaabu Muguna (CEO, Liquor Board).

(e) Charge 5: Contempt of Court

The Governor had grossly violated (among others): (i) Articles 10 and 73 of the Constitution; (ii) section 7 of the Leadership and Integrity Act and (iii) section 10 of the Public Officer Ethics Act by connivance and/or complicity in a contumacious stubborn refusal to obey lawful court orders.

(f) Charge 6: Illegally naming a public road after her Husband

The Governor had grossly violated (among others): (i) Articles 10 and 73 of the Constitution; (ii) sections 7 and 11 (1) (c) of the Meru County Honours and Awards Act, 2018, by naming a public road after her husband without following the applicable statutory procedures.

(g) Charge 7: Contempt of the Assembly

The Governor had grossly violated (among others): (i) Articles 10, 174 (i), 185 (3) and 195 of the Constitution; section 39 of the County Governments Act, 2012; and (iii) sections 18, 22 and 27 of the County Assemblies Powers and Privileges Act, 2017 by engagement, connivance and/or complicity in the following—

- i. refusing to honour lawful summons to appear before the Assembly's Sectoral Committee on Justice, Legal Affairs and Cohesion to answer questions on the matters raised in the preceding parts of this impeachment Motion;
- ii. directing her Chief of Staff and accomplice and lackey in malfeasance to write a contemptuous letter to the Assembly in response to lawful summons to appear before the Assembly's Sectoral Committee on Justice, Legal Affairs and Cohesion; and
- iii. in the refusal by her CECM Finance and County Secretary to furnish documents to the Assembly on the frivolous grounds that (i) an inchoate audit process was underway; and (ii) the matters raised by the Assembly were sub judice, the latter frivolous ground being also disingenuous and contrived when viewed against the fact that the Governor has already been convicted of contempt of Court.

Honourable Senators, that marks the end of the recital of the charges.

I thank you.”

Taking of plea:

The Clerk of the Senate invited the Governor to plead to the particulars of the allegations as read;

Thereupon, the Governor pleaded 'Not Guilty' to the charges.

9. **HEARING AND DETERMINATION OF THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE GOVERNOR OF MERU COUNTY**

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

Thereupon, Dr. Muthomi Thiankolu and Mr. Maranya Domisiano Mari, Counsels for the County Assembly, made opening statements on behalf of the County Assembly of Meru;

Subsequently, Mr. Elisha Ongoya, Counsel for the Governor, made an opening statement on behalf of the Governor;

And the business for the morning session having been concluded, the Speaker adjourned the Senate at fifty-six minutes past Twelve O'clock without Question put.

10. **SENATE ROSE** – at fifty-six minutes past Twelve O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, November 07, 2023 at 2.30 p.m.*

--x--