



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (FIRST SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**FRIDAY, DECEMBER 30, 2022 AT 2:30 PM**

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.

3. **QUORUM IN THE HOUSE**

The Speaker, having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was Quorum, pursuant to Standing Order 40, invited the Clerk to call the Orders of the day.

4. **ADMINISTRATION OF OATH**

Pursuant to Article 74 of the Constitution and Standing Order 3(5), the Speaker Administered Oath of office to **Sen. Wafula, David Wakoli – Senator-elect for Bungoma County**.

5. **COMMUNICATION FROM THE CHAIR ON VISITING DIGNITARIES IN THE SPEAKER'S GALLERY**

The Speaker conveyed the following Communication from the Chair-

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery, the following Members of Parliament-

1. County Woman Representative for Bungoma County, Hon. Catherine Wambilianga, MP;
2. The Member of Parliament for Webuye East Constituency, Hon Martin Pepela Wanyonyi, MP;
3. The Member of Parliament for Kanduyi Constituency, Hon. John Makali, MP; and
4. The Member for Tigania East Constituency, Hon. Mpuri Abuuri, MP.

Honourable Senators,

On behalf of the Senate and on my own behalf, I welcome the said dignitaries to the Senate and wish them well for the remainder of the visit.

I thank you”.

6. **COMMUNICATION FROM THE CHAIR ON CONVENING A SPECIAL SITTING ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT OF THE HONOURABLE KAWIRA MWANGAZA, THE GOVERNOR OF MERU COUNTY**

The Speaker conveyed the following Communication from the Chair-

“Honourable Senators,

I welcome you to this Special Sitting of the Senate. On the request of the Senate Majority Leader vide letter Ref. No. SEN/MLS/CORR(2), dated 22<sup>nd</sup> December, 2022, and with the support of the requisite number of Senators, I appointed today, Friday, 30<sup>th</sup> December, 2022 as a day for a Special Sitting of the Senate, vide Gazette Notice No. 16005, dated 28<sup>th</sup> December, 2022.

In the Gazette Notice, I indicated that the Business to be transacted at this Special Sitting shall be –

- i. *swearing-in of David Wakoli Wafula, the Senator-elect for Bungoma County; and*
- ii. *consideration of the Report of the Special Committee on the Proposed Removal from Office, by impeachment, of the Governor of Meru County.*

Honourable Senators,

You will recall that by a letter, Ref. No. CAM/RES/VOL.V/2, dated 15<sup>th</sup> December, 2022, and received in my Office on the same day, the Speaker of the Meru County Assembly informed me that at a sitting of the County Assembly held on Wednesday, 14<sup>th</sup> December, 2022, the County Assembly approved a Motion, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, for the removal from office, by way of impeachment, of Honourable Kawira Mwangaza, the Governor of Meru County.

In terms of Article 181 of the Constitution, Section 33(3)(a) of the County Governments Act and Standing Order 80(1)(a) of the Senate Standing Orders, the Speaker of the Senate, upon receiving notice of the resolution from the Speaker of the Meru County Assembly, convened a meeting of the Senate on Tuesday, 20<sup>th</sup> December, 2022, to hear charges against the Governor.

Consequently, Honourable Senators, the Senate, on Tuesday, 20<sup>th</sup> December, 2022, pursuant to Section 33(3)(b) of the County Governments Act and Standing Order No. 80(1)(b)(i), by Resolution, established a Special Committee comprising eleven (11) Senators to investigate the matter of the proposed removal from office, by impeachment, of the Governor of Meru 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. 80(4) provide as follows –

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

- a) have not been substantiated, no further action shall 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. If the Special Committee has found the allegations against the Governor not to be substantiated, the matter stands concluded and I will give further directions on this.

However, in the event that, once the report is tabled, the Special Committee has found the allegations against the Governor substantiated, the Senate will be suspended for thirty minutes in order to allow Honourable Senators some time to peruse the Report. Further 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 Meru 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 legal representative 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.

I thank you”.

## 7. **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 Honourable Kawira Mwangaza, the Governor of Meru County.

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

8. **COMMUNICATION FROM THE CHAIR ON PROCEDURE TO BE FOLLOWED FOLLOWING TABLING OF THE REPORT OF THE SPECIAL COMMITTEE ON THE PROPOSED REMOVAL FROM OFFICE BY IMPEACHMENT OF THE GOVERNOR OF MERU COUNTY**

The Speaker conveyed the following Communication from the Chair following tabling of the Report of the Special Committee -

“Honourable Senators,

As you may have noticed, the Committee has found **all** the allegations against the Governor **not** to be substantiated. Therefore, 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. 80(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. I note that in previous impeachment proceedings, the Speaker had utilized Standing Order No. 1 to allow general comments on matters affecting governance in counties.

In this instance, I urge that the Senate maintains fidelity to the law, with particular reference to Section 33(6)(a) of the County Governments Act and Standing Order No. 80(4)(a) of the Senate. I shall now allow Honourable Senators to make their contributions for not more than 60 minutes, with each Member speaking for not more than 2 minutes.

The comments by Honourable Senators must be of a general nature and not delve into the merits or demerits of this matter or indeed the outcome of the Report of the Special Committee.

I thank you”.

Thereupon, the Speaker invited Honourable Senators to make general comments on matters affecting governance in counties.

9. **SUSPENSION OF A SENATOR FOR DISORDERLY CONDUCT PURSUANT TO THE PROVISIONS OF STANDING ORDER 121**

Pursuant to the provisions of Standing Order 121, the Speaker ordered the Senator for Nandi County (Sen. Samson Cherarkey, MP) to withdraw from the precincts of Parliament for the remainder of the sitting day, for disorderly conduct.

Thereupon, the Senator withdrew from the Chamber.

Comments interrupted resumed;

And there being no other Senator wishing to contribute;

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

10. **SENATE ROSE** - at fifty nine minutes past Four O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Tuesday, February 14, 2023 at 2.30 p.m.*

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