



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

MORNING SITTING

WEDNESDAY, NOVEMBER 08, 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, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

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

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

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

4. **HEARING AND DETERMINATION OF THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. KAWIRA MWANGAZA, THE GOVERNOR OF MERU COUNTY**

The Senate resumed its consideration of the matter of the proposed removal from office, by impeachment, of Hon. Kawira Mwangaza, the Governor of Meru County, as follows–

a) Presentation of the case by the Governor

Counsel for the Governor commenced presentation of the Governor's case by leading the following witnesses to present their testimony before the Senate:-

i. Nicholas Kinyua Muuna - Elected, Member of County Assembly of Meru

The witness took oath and informed the Senate that-

- a) The Governor had made peace with the Members of the County Assembly after the first impeachment and they had a harmonious working relationship until mid-September 2023;
- b) Members of the County Assembly had been incited to impeach the Governor by Members of Parliament and other political leaders of Meru County, who are not currently elected;
- c) He believes the Governor is not guilty of any impeachable acts as the allegations do not imply any wrongdoing by the Governor herself;
- d) The Deputy Governor had personally called the witness and promised to double the Ward Development Fund from Kenya Shillings 15 million to Kenya Shillings 30 million, along with other monetary inducements if he supported the impeachment Motion;
- e) Hon. Fridah Naito Gitobu, a nominated member of the UDA party, and Hon. Ruth Kananu, a nominated member of the Devolution Empowerment Party, were both de-whipped from their political parties and removed from Assembly committees for refusing to support the impeachment;
- f) He had appended his signature in support of the impeachment Motion pursuant to Meru County Standing Order 65, although involuntarily;
- g) Hon. John Muguna was assaulted at the gate of the County Assembly of Meru, instilling fear in the remaining nine members who were against the impeachment Motion;
- h) Due to the fear, he was not able to attend sittings on the voting day and therefore did not vote on the Motion; and
- i) On October 14, 2023, an oathing ceremony was conducted by a section of Njuri Ncheke elders at Ncheru disguised as a tree-planting exercise amounted to instilling fear, intimidation and Members were threatened with dire consequences if they withdrew support for the impeachment of Hon. Kawira Mwangaza.

The witness was cross-examined by Counsel for the County Assembly and re-examined by Counsel for the Governor.

Thereupon, Senators sought clarifications on the testimony, following which the witness was discharged.

ii. **Mr. Adrian Aruyaru - Njuri Ncheke Chairman Tigania East and Tigania West**

The witness took oath and informed the Senate that-

- a) On 14th October, 2023, the Deputy Governor, the Speaker of the County Assembly and other elected county leaders met with a small section of carefully selected and mobilized *Njuri Ncheke* elders at the Elders' shrine in Nchiru sub-county, Tigania East Constituency;
- b) The stated purpose of the occasion was to plant trees but things changed and an oath was administered to the leaders present. The Oath was meant to unify them since all leaders present were tied by cords of discontent towards the incumbent Governor. By taking the oath, the leaders swore that they would relentlessly pursue the ouster of the incumbent Governor;
- c) During the oathing ceremony, the person who administered the oath indirectly made extremely depreciatory remarks on the unsuitability of a female Governor leading the people of Meru;
- d) He was not personally present during the whole ceremony but was able to see the proceedings in the media and that, during the ceremony, the leaders present lauded the derogatory remarks made against the Governor; and
- e) The regrettable and condescending actions of the leaders and a section of the elders don't reflect the true nature of *Njuri Ncheke* Elders, most of whom fully recognize and appreciate the leadership of the incumbent Governor.

The witness was cross-examined by Counsel for the County Assembly and re-examined by Counsel for the Governor. Thereupon, Senators sought clarifications on the testimony, following which the witness was discharged.

iii. **Mr. Nkanata Dickson Munene - County Executive Committee Member in charge of Legal Affairs, Public Service Management and Administration.**

The witness took oath and informed the Senate that-

- a) the payment of full salaries 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 of the Meru Water and Sewerage Services (MEWASS)), while knowing that those officers were not rendering any services to the County, was done by a court order that they obtained in Meru Employment

and Labour Relations Court Petition No. 1 of 2022 and the Governor and the County Government, therefore, had no say on the matter;

- b) the employment of Mr. Edwin Mutuma Murangiri as an acting Chief Officer and CEO of Meru Youth Service, while aware that he is a nephew to the Governor's husband, is not true as the employment records indicated that Mr. Murangiri was employed by the Meru County Government in 2017, way before the Governor was elected into office; and
- c) it is not true that the Governor has appointed Kenneth Mwiti Riungu as a Chief Officer without the approval of the County Assembly. The said Kenneth Mwiti was deployed by the County Secretary to perform the duties of the Chief Officer Trade awaiting substantive recruitment. Such delegation of duties by the County Secretary was done well within the provisions of Section 64(3) and 64(4) of the County Governments Act, 2012;

The Speaker interrupted the proceedings and adjourned the Senate at fifteen minutes past One O'clock for the convenience of the Senate pursuant to Standing Order 34 (2) pursuant to the Hearing Programme.

5. **SENATE ROSE** - Fifteen minutes past One O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, November 8th 2023 at 2.30 p.m.*

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