



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

SPECIAL SITTING

TUESDAY, AUGUST 20, 2024 (MORNING SITTING)

1. The Senate assembled at Nine O'clock.
2. The proceedings were opened with 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 after the expiry of the ten minutes, the Speaker directed that the Bell 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 out the Orders of the day.

4. **MOTION - JOINT REPORT OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL AFFAIRS OF THE NATIONAL ASSEMBLY AND THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS OF THE SENATE ON THE APPROVAL FOR APPOINTMENT OF MR. DOUGLAS KANJA KIROCHO AS INSPECTOR GENERAL OF THE NATIONAL POLICE SERVICE**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Joint Report of the Departmental Committee on Administration and Internal Affairs of the National Assembly and the Standing Committee on National Security, Defence and Foreign Relations of the Senate, on the approval hearing for the nominee to the position of Inspector General of the National Police Service, laid on the Table of the Senate on Monday, 19th August, 2024, and pursuant to Article 245(2)(a) of the

Constitution, section 12 of the National Police Service Act, section 8 of the Public Appointments (Parliamentary Approval) Act, and Standing Order 77 of the Senate, the Senate approves the nomination of Mr. Douglas Kanja Kirocho, for appointment to the position of Inspector General of the National Police Service.

(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order 84(1), the Speaker ruled that the Motion does not affect counties;

And the Speaker having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate adopts the Joint Report of the Departmental Committee on Administration and Internal Affairs of the National Assembly and the Standing Committee on National Security, Defence and Foreign Relations of the Senate, on the approval hearing for the nominee to the position of Inspector General of the National Police Service, laid on the Table of the Senate on Monday, 19th August, 2024, and pursuant to Article 245(2)(a) of the Constitution, section 12 of the National Police Service Act, section 8 of the Public Appointments (Parliamentary Approval) Act, and Standing Order 77 of the Senate, the Senate approves the nomination of Mr. Douglas Kanja Kirocho, for appointment to the position of Inspector General of the National Police Service.

5. **HEARING AND DETERMINATION ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HONOURABLE KAWIRA MWANGAZA, THE GOVERNOR OF MERU COUNTY**

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

Presentation of the Defence by the Governor of Meru County

Counsel for the Governor commenced the presentation of the Governor's defence by leading the following witnesses to present their testimony before the Senate –

a) Mr. Ibrahim Mutwiri Kirimi – County Executive Committee (CEC) Member for Finance, Economic Planning and ICT for Meru County

The witness took oath and informed the Senate that-

- i) he is a resident of Meru County and is currently serving as a County Executive Committee (CEC) Member for Finance, Economic Planning, and ICT for Meru County;
- ii) the Annual Report and Financial Statements for the year ending June 2023, for the County Government of Meru, received a qualified opinion, not an adverse one as alleged by the County Assembly;
- iii) the use of a manual payroll system occurs in cases where newly employed staff have not yet been assigned an Integrated Payroll number and Personnel Database (IPPD) number. In practice, the issuance of IPPD numbers for new employees takes time. For example, applications for IPPD numbers for several employees were made on 11th December 2023, and issued on 19th March 2024;
- iv) Hon. Kawira Mwangaza's administration had made efforts to resolve the backlog of the manual payroll system for several employees and achieved zero payments under the manual system by April 2024. This issue was therefore resolved and the allegation of ongoing payments through the manual payroll system lacked merit;
- v) a return-to-work formula between the National Government and the Kenya Medical Practitioners, Pharmacists, and Dentists Union (KMPDU), was executed on 14th March 2017. Following the return-to-work formula, the payment of allowances had been ongoing, and no communication was received from the Salaries and Remuneration Commission, the Ministry of Health, or the Council of Governors to stop the payments; and
- vi) the County Assembly attempted to undermine the County Executive by overhauling the County Fiscal Strategy Paper (CFSP) contrary to the Public Finance Management Act. The County Assembly disregarded an advisory from the Controller of Budget to prepare a budget in line with the memorandum agreed upon by both the County Assembly and County Executive and subsequently mutilated the Appropriation Bill to disrupt the operations of the County Executive.

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

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

b) Nkanata Dickson Munene - County Executive Committee (CEC) Member for Legal Affairs, Public Service Management and Administration

The witness took oath and informed the Senate that-

- i) he is a resident of Meru County and was serving as the County Executive Committee (CEC) Member for Legal Affairs, Public Service Management, and Administration for Meru County;
- ii) the Governor had been accused of unlawfully revoking the appointment of CPA Virginia Kawira Miriti as the Secretary/CEO of the Meru County Public Service Board (CPSB). Virginia Kawira was not dismissed, but rather her appointment was revoked based on legal advice received by the Governor from her office.

And the time being One O'clock, the Temporary Speaker (Sen. Veronica Maina, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

6. **SENATE ROSE** - at One O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, August 20, 2024 at 2.00 p.m.*