



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second Assembly – Fourth Session

Thursday 3rd December, 2020

The House met at 2.30 p.m.

(Hon. Speaker (Mr. Benson Mutura) in the Chair)

PRAYERS

QUORUM

Hon. Speaker: Clerk, confirm whether we have quorum. Sergeant-at-Arms confirm the physical Members who are around and the ones who are on Zoom.

(Quorum was confirmed)

Hon. Members, before we proceed with the business scheduled for today, I wish to draw your attention to the provisions of Standing Order Number 35, in regards to the issue of quorum, which provides as follows under Standing Order 35(1): 'a quorum of the County Assembly or the County Assembly Committee of the whole house, shall be a third of its Members.' Clause 2: 'if there is not a quorum present then the chair is taken at a time appointed for the meeting of the County Assembly, immediately after the saying of the prayer, the Speaker shall order the bell to be rang for ten minutes, and if no quorum is present at the expiration of the ten minutes, the Speaker may direct that the bell be rang for a further five minutes, and if there is no quorum present, the speaker shall adjourn the County Assembly forthwith for the next sitting.'

Hon. Members, I wish to confirm that I have ascertained that there is presence of the requisite quorum for us to commence this sitting.

As you are aware, in compliance with the Ministry of Health guidelines on containment of the spread of Covid-19 virus, today's sitting is both physical and virtual. I can see Members seated in both the Speakers and the public gallery and some are in the Members' lounge just to guarantee social distancing. I can confirm that several Members have logged on virtual platform and I encourage Members to maintain their sitting position until conclusion of the sitting.

Further, for purposes of today's sitting, all Members present here physically and outside the chamber, must log into the virtual platform and ensure that your microphone remains muted, thank you.

MOTION

IMPEACHMENT OF THE GOVERNOR HIS EXCELLENCY MIKE SONKO MBUVI

Hon. Speaker: Hon. Members, before we proceed I would like to ascertain the threshold necessary for moving the Motion. Standing Order 65(5) provides that: *'when the order of the Motion is read, the Speaker shall refuse to allow the Member to move the Motion unless the Speaker is satisfied that the Member is supported by at least a third of all Members of the County Assembly to move the Motion, provided that within the seven days' notice, the Clerk shall cause to be prepared and deposit in his office a list of all Members of County Assembly, with an open space against each name for purpose of appending signature, which shall be entitled signature in support of Motion for the removal of a Governor by impeachment'*.

Hon. Members, I wish to confirm that I am in possession of the afore said list dated 27th November 2020 that was submitted to my office by the Clerk, where more than a third of the Members have had appended their signatures, thus meeting the required threshold. Accordingly, Hon. Members, I will allow the Minority Leader, Hon. Michael Ogada Okumu to proceed and move the Motion.

Hon. Members, before I call the mover to proceed, I made a communication to H.E The Governor Mike Mbuvi Sonko and I believe the ICT you have already done the needful, to give the Governor the link so that he can be able to follow the proceedings. Because after this I think you will also give him a right of reply. ICT make sure that the Governor is in touch with the proceedings of the House. Mover.

Hon. Michael Ogada: Hon. Speaker, thank you very much for giving me this opportunity this afternoon to move the following Motion.

Hon. Speaker, I beg to move the following Motion: That whereas Chapter Six of the Constitution, the Leadership and Integrity Act, 2012 and the Public Officer Ethics Act provide for, primarily, the conduct of State and Public Officers, and the accountable exercise of power and responsibility assigned to State and public officers. And whereas Article 10 as read together with Article 73 of the Constitution and Section 3 of the Leadership and Integrity Act, 2012 provides for respect for the rule of law, good governance, accountability and transparency of State officers for decisions and actions as key guiding principles of leadership.

And whereas Article 179(4) exclusively bestows on the Governor the executive authority, which executive authority is provided for under Section 30 of the County Governments Act, 2012, to which he is to; (a) provide leadership in the county's governance and development; (b) provide leadership to the county executive committee and administration based on the county policies and plans; (c) promote democracy, good governance, unity and cohesion within the county; (d) promote peace and order within the county; (e) promote the competitiveness of the county; (f) be accountable for the management and use of the county resources.

And whereas the Assembly is cognizant of the fact that the Governor is facing charges in respect to corruption allegations emanating from the award of contracts, which charges have rendered him incapable of performing his functions, whence he was recently barred from accessing his Office, leaving the County in limbo granted the vacancy that befell the Office of the Deputy Governor on 31st January, 2018 persists. And

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whereas by action, inaction, omission and or commission the Governor of the Nairobi City County has failed, refused and or neglected to exercise the powers and responsibilities bestowed upon the Office of the Governor in a manner that promotes trust in the Office he occupies in keeping with the high standards of professional ethics contemplated under Article 232(1)(a) of the Constitution as read together with Section 30(3) of the County Governments Act, 2012.

Cognizant that under Article 185 (3) as read together with Section 8 of the County Governments Act, 2012, the County Assembly is mandated to undertake oversight of the County Executive in the performance of its functions as provided for in the Constitution and other enabling laws, which functions the County Governor as the Chief Executive Officer of the County has either failed, neglected and or exhibited gross violation of the Constitution and written law.

Reasons whereof under Article 181 of the Constitution as read together with Section 33 of the County Governments Act, 2012, the following grounds are provided for, for the removal of the Governor, amongst which are;(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.

Now therefore, this Assembly resolves to remove the Hon. Mike Sonko Mbuvi Gideon Kioko alias Mbuvi Gidion Kioko Kivangulia Kivatu Nangeleesi (MBT) from the Office of the County Governor of the Nairobi City County, pursuant to Article 181(1)(a) and (c) of the Constitution, Section 33 of the County Governments Act, 2012, and Standing Order 67 of the Nairobi City County Assembly Standing Orders, on the following grounds: -

1. GROSS VIOLATION OF THE CONSTITUTION OR ANY OTHER LAW

(Gross violation of the Constitution; The County Governments Act, 2012; The Public Procurement and Disposal Act, 2015; and the Public Finance Management Act, 2012.)

- a) The Governor of the Nairobi City County has violated Articles 201 (a), (d), (e) of the Constitution of Kenya on principles of public finance management and Section 154 of the Public Finance Management Act, 2012, the County Allocation of Revenue Act, 2015 on the use of conditional grants from the National Government, by the diversion or negligently causing to be diverted Conditional Funds, for instance in the use of the road levy and bursary funds to pay for garbage collection contractors and lawyers, contrary to Bursary fund regulations and the approved budget.

While the Governor requested Kshs297 million for Bursary from the Controller of Budget, these funds were illegally used to pay garbage contractors and lawyers.

- b) The Governor of the Nairobi City County has violated Article 10, Article 201 (b) and (d) of the Constitution by failing, refusing and/or neglecting to comply with the provisions of Regulation 20 of the Public Finance Management (County Governments) Regulations, 2015, which failure, refusal and/or negligence has compromised the provision of services

envisioned under Part II of the 4th Schedule to the Constitution 2010, *inter alia* most crucial provision of health services during the raging pandemic;

- c) The Governor of the Nairobi City County has violated has violated Article 187(2)(a) of the Constitution and Article 5.2 of the Deed of Transfer, by his continued willful refusal to execute the statutory warrants essential to the release of funds from the County Revenue Fund, which has grounded the provision of services of not only the County Executive, but of the Nairobi Metropolitan Service (NMS) and its exercise of the transferred functions. This action violates the provisions of Article 187(2)(a) of the Constitution and Article 5.2 of the Deed of Transfer, whence the County Assembly duly adopted the Budget for the Financial Year 2020/2021 and enacted the Nairobi City County Appropriations Bill, 2020.
- d) The Governor has violated the provisions of Article 183 of the Constitution as read together with Standing Order number 193 and Section 123 of the Public Finance Management Act, 2012 by undermining the authority of the County Assembly, whence the Governor has refused and or failed to implement resolutions of the County Assembly or forward a report detailing his inability to do so in line with Article 183 of the Constitution as read together with Standing Order number 193, with respect to County public debt and debt management under the provisions of Section 123 of the Public Finance Management Act, 2012. Failure of which the County has been unable to control and manage County Public debt. The result is unmitigated accrual of debt which has ballooned the County's overall debt to unmanageable levels, rising from Kshs58 billion when he assumed office in 2017 to Kshs. Sh78 billion as of June 2020, hence further violating the provisions of Article 201 of the Constitution.
- e) The Governor has violated Article 227(1) of the Constitution on procurement of goods and services as read together with provisions of the Public Procurement and Disposal Act, 2015 by flouting the principles of public finance management in as far as public procurement of goods and services is concerned, where the Public Procurement Regulatory Authority (PPRA) faulted the procurement process for the construction of the Dandora Stadium. The authority flagged irregularities in the awarding of the tender, alteration of contract specifications, suspected irregular payments and forgery of documents. Despite technical evaluators questioning the quality of work, the PPRA indicted the county government for paying Sh196.87 million to the contractor.
- f) The Governor violated Section 35(4) and Section 45(1) of the County Governments Act, 2012 as read together with Section 104 and Section 148 of the PFMA whence between 2018 and early 2019, and contrary to the law, the Office of the County Executive Committee Member for Finance and that of the Chief Officer for Finance were held by the same person, one Ms. Winfred Gathagu, which situation occasioned confusion and inefficiencies at the County Treasury, hence failing to promote good governance, and compromising the doctrine of transparency and accountability within the County Government.
- g) The Governor has violated the provisions of Section 104 of the PFMA on the Responsibilities and Powers of a County Treasury, whence through inaction, action, omissions and

commissions he continues to preside over a broken Public Finance Management System, whence the County Treasury remains ineffective. Despite various resolutions of the County Assembly urging the Governor to improve efficiencies by decentralizing the finance function to sectors as required by the provisions of Section 148 of the Public Finance Management Act, 2012, the County continues to operate in contravention of the law.

- h) The Governor has violated the provisions of Article 5.5 of the Deed of Transfer of Functions, by his refusal to hand over the necessary documentation to enable Kenya Revenue Authority (KRA) to undertake optimal revenue collection under the Transferred functions. For instance, by the end of June 2020, the County had collected just about Kshs. 8.4 billion, against a projected revenue target of Kshs 17.05 billion, which was partly due to failure by the County Government to facilitate the KRA to hit its optimal potential as the revenue collection agent appointed pursuant to the Deed of Transfer of functions.
- i) The Governor grossly violated Article 201 of the Constitution on the prudent use of financial resources and Section 159 of the Public Finance Management Act, 2012 as read together with Section 7 of the Nairobi City County Tax Waivers Administration Act, 2013 by unilaterally and arbitrarily issuing waivers in total disregard of the law. The Governor was aware that the law provides that waivers should be granted by the CECM for Finance.
- j) The Governor has violated the provisions of Articles 201(d) of the Constitution on principles that guide all aspects of public finance in the Republic, and 227(1) on Procurement of public goods and services, and the provisions of the Public Procurement and Disposal Act, 2015 by willfully interfering in the award of the tender for the construction of the Dandora Stadium as established by the PPRB, leading to loss of public funds in overseeing payments despite concerns by technical officers.
- k) The Governor has violated the provisions of Articles 201 of the Constitution and the Public Finance Management Act, 2012 on principles that guide all aspects of prudent use of public finance where either intentionally or negligently he presided over massive loss and theft of County public funds in the three years he has been in office, as evidenced by the Auditor General's Report of 2018/2019, which raised the red flag over city's stalled Sh204.2 million projects, as well as failure by the county government to meet its revenue targets.
- l) The Governor has violated the provisions of Article 5 of the Deed of Transfer of functions by sabotaging the transfer of functions. The Governor is yet to provide NMS with crucial information necessary in aiding the carrying out of the transferred functions. For instance, failure to facilitate NMS with data on ongoing projects, pending bills and staff payroll details on transferred functions has greatly derailed the performance of these functions to the detriment of the public good.

2. ABUSE OF OFFICE

- a) The Governor has abused his office by Violating Article 75 of the Constitution as read together with Section 11 and 13 of the Leadership and Integrity Act, 2012, on the conduct

of State officers, where the Governor has persistently intimidated, harassed and molested officers of the County Executive, including blackmailing his County Executive Committee Members and Chief Officers with one-year contracts, whose renewal he has undertaken arbitrarily, leaving the Officers jittery about their employment and creating a climate of fear, uncertainty and despondence. For instance, in May 2019, the Governor failed to renew the contracts of all twenty-three (23) Chief Officers, instead directing they hand over to Directors, greatly affecting the continuity of service delivery and accountability in the County.

- b) The Governor has abused his office by violating Article 75 of the Constitution as read together with Section 16 of the Leadership and Integrity Act, 2012 by unlawfully using public funds to pay for his daughter's travel to New York, USA, to allegedly attend the County First Lady's Conference, held during the 62nd Session of the Commission on the Status of Women 2018.

3. GROSS MISCONDUCT

- a) The Governor has violated Article 73 of the Constitution by failing to promote public confidence in the integrity in the office of the Governor following his being charged before the Anti-corruption court, thus prejudicing and or compromising the social contract and trust bestowed upon him by the people of Nairobi by virtue of Article 1 of the Constitution. As a consequence, therefore, the Governor has been barred from accessing his office vide a Court order and thus incapable of performing his functions under Section 30 of the County Governments Act, 2012.
- b) The Governor has violated Article 73 of the Constitution and Section 8 and 11 on the Leadership and Integrity Act, 2012 on public trust and professionalism, where he is on record admitting that he was intoxicated and thus not in the right frame of mind when he signed the Deed of Transfer for the transfer of certain functions of the county to the national government in February, 2020. In his own words, "*Hawa watu wa State House waliniconfuse na pombe, kwanza* by the time I was meeting the President for the signing I was just seeing zigzag." This allegation of impropriety on the part of State House imputes improper motive on the Office of the President, and brings disrepute, ridicule, hatred and contempt to the Office of the President and of the Governor.
- c) The Governor has violated Article 73 of the Constitution and the Leadership and Integrity Act, 2012 on the responsibilities of leadership, by failing to professionally perform his Constitutionally sanctioned duties owing to his constant absence from office, even before he was formally restrained by the Courts from accessing his Office due to corruption charges, whence the Governor remained constantly unreachable in person or on his phone for inordinately longer periods of time, to the huge detriment of the performance of the functions of the County Executive. Indeed, the Governor purported to execute the functions of the County government from his home in Mua Hills, Machakos County.

- d) The Governor has violated Article 75(1)(c) of the Constitution as read together with Section 11 of the Leadership and Integrity Act, 2012 in respect of conduct of State Officers by drawing a salary and hefty allowances and enjoying the privileges of the Office he holds, while failing to diligently report to work and being perennially absent, even before he was formally restrained by the Courts from accessing his Office due to corruption charges.
- e) The Governor has violated Section 8 of the Leadership and Integrity Act, 2012 on Public Trust, where he has constantly used his position to abuse public trust in the County Government, by exercising the powers of his Office in a manner detrimental to prudent public service delivery, by persistent use of divisive and unbecoming language which undermines the Office he holds and the County administration.
- f) The Governor has violated Articles 73 and 75 of the Constitution on conduct of State Officers that is demeaning to the offices they hold and Section 11 of the Leadership and Integrity Act, 2012 by persistently and willfully using, publicizing and publishing abusive and unbecoming words and language, as evidenced by his social media posts and numerous rants, in which he has hurled abuses and conducted himself in a manner that undermines and demeans the Office of the Governor.

4. CRIMES UNDER NATIONAL LAW

- a) There are serious reasons to believe that the Governor has committed crimes under National law, specifically the Anti-corruption and Economic Crimes Act, which crimes he has been charged for in the Anti-Corruption Court.

(Loud consultations)

Mr. Speaker, having read the Motion, let me first of all take this opportunity to really congratulate the Members of this house, for seeing the importance of us gathering today to execute on a serious business, a business that has never been executed before in this House. Mr. Speaker Sir, the hallmark of the constitution 2010 was the introduction of devolution and Kenyans bestowed upon themselves the advancement for the devolved functions and in this, having lived enough in Kenya, you will realize that the 2010 constitution was not a bed of roses when it was being achieved. People lost lives, families were broken, and that is how devolution came about.

Mr. Speaker Sir, after a long struggle with constitutional reforms, Kenyans voted overwhelmingly for the new constitution and their main aim was to ensure that devolution was enshrined and people were allowed to freely participate in decision making. The fear then was that the national cake was not being shared equally across the nation, and they came up with devolved system where they were free to make decisions, to decide what was good for them, and how much each and every region was to get. In order to operationalize the devolution, the constitution as was passed then established various institutions, which among them was the County Government, the Executive Wing and the Assembly, the Senate and various commissions.

And specifically, the Senate and County Assembly, they have the role of being the watchmen to ensure that the executive fulfils their constitutional obligations, and as such, as a county assembly, we basically have three responsibilities. The first responsibility being that of legislation and the second one

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oversight and final one is representation. While all the three functions are critical, it is through the oversight that the County Assemblies ensure that the Executive implements their pledges in strict compliance with the law. If a County Assembly fails on its oversight mandate, then the outcome is definitely, what we are going through currently. If the County Assembly fails to execute their mandate of oversight within the law, then the result is definitely, what Nairobi County is going through today.

Mr. Speaker, it therefore goes without saying that today's sitting and probably the next one, if it will be so, the County Assembly of Nairobi shall be exercising an oversight role which is the most lethal tool we have with us. And that tool is impeachment. So today our core mandate, what has brought us here is to exercise this power, the power of impeachment. This power comes as a last resort. It comes where consultations have failed, it comes where advises have failed. And we can actually agree that we have tried all. We have consulted, we have tried to talk to each and every one of us. Mr. Speaker you have held us in your office severally, together with members of the Executive to really look at how best we can run this County, but all this has failed. Therefore, today, this House has no any other option but to execute the last resort of impeachment.

Mr. Speaker Sir, Nairobi is not just another city. This is the Capital City of Kenya. This is generally like the capital city of East Africa. This is the business hub within this region, and if we dare joke with it, we will have messed, we will have messed the whole of east Africa. You are aware that apart from New York, it is only Nairobi City, this county, which hosts an international headquarters in the name of United Nations. Joking with it is degrading us and is going to mess us to the extent that we will not be able to rescue.

And Mr. Speaker, the only thing that we can do as Members of this County Assembly is to rise to the occasion and ensure that we are counted. As the Leader of Minority Party, I have looked at what is going on within this County, and I have therefore made a decision that I will not sit down idle and watch things mess up, watch things continue to deteriorate. But I have to ensure that we do not allow the County of Nairobi to go to the dogs. And I have decided to rise to the occasion to bring this Motion, which I beseech each and every Member of this House to support wholeheartedly, because you will have saved the masses, you will have saved Nairobians. It is upon you as a representative of your ward, to rise to the occasion, stop being cheap, rise to the occasion and make sure that you are counted.

Mr. Speaker, the election and the subsequent assumption of office by one Mbuvi, has exposed this County to the highest inefficiency, mediocrity, ineptitude and complete shut down in service delivery. And one thing that I remember, and my senior Kados and Kamangu can remember, we worked with them during the 'Kanjo' days, if you compare the administration of one Mike Mbuvi Sonko and the 'Kanjo' times, it is better the 'Kanjo' times not this one. The 'Kanjo' times is better than this. So the only thing we can do, we will not sit down, but we will make sure that we execute our mandate to the best of our ability and knowledge, so that we can be counted. I beg the Members of this House that let us rise to the occasion and let us be counted.

Mr. Speaker Sir, the impeachment Motion therefore gives us an opportunity to honour the President's desire. You remember very well and most of us will remember that before this House was opened, there is a time that after H.E. The president was elected for the second time, he invited the leadership of this House, and one thing he said is he wanted to leave a legacy and Nairobi was going to be one of his legacies. And if we continue the way we are doing, it is not going to be a legacy of the President it is going to tarnish the

name of the President, it is going to give a disservice to the President himself. And therefore, our business, as we had promised then, that we want Nairobi to be counted, our business today is to ensure we bring back order to the County of Nairobi. The Motion before us today, as you just read, it has an overwhelming support of the Members of this House.

As I was tabling it, you remember I brought 86 signatures, genuine and verified signatures, and the Clerk can confirm that. That tells you what is the feeling of the elected and nominated Members of this House, service to the people is not being seen and we have no otherwise but to rise to the occasion.

Let me now go to the evidences that we have to support the impeachment. I am going to take you through the grounds, the particulars and the evidences. And let me explain to this House and to the entire nation what made me to feel that it is high time that Members of County Assembly of Nairobi have to rise to the occasion and ensure that they do the noble thing for the electorates of this City, the noble thing being sending Mike Mbuvi Sonko home.

My ground one under the violation of the constitution, the first particular is the diversion of conditional and earmarked funds for road levy and bursary funds. The diversion of these funds is contrary to Article 201(a)(d) (e) of the constitution and Section 154 of the PFM 2012. If I may refer you to the said Article, *'that there shall be openness, accountability, including public participation in financial matters, public monies shall be used prudently and in a responsible way'*. Let us now take a look at that. Remember we have got conditional grants which specifically are brought to the County for specific purposes. Say for example the road levy, its business is purely road maintenance and road construction. But you find here, the money is brought, requested from the Controller of Budget, the money is released to us, then finally Mike Mbuvi decides that I am not going to use this money for the work I requested it for, but instead, I am going to pay a lawyer. And it is not just another lawyer, a lawyer being paid something like Kshs.400million, one lawyer, Kshs.200million, one lawyer, Kshs.100million, one lawyer, at the expense of the roads, the money having been diverted. As an Assembly, we can only stand up and correct that mess.

On the second item of bursaries. Members of this House will agree with me, particularly them who have come here severally, that when the last regime left, we have a bursary fund in this county which I think we actually legislated on, and we agreed, we have got two sets of bursaries. One, is a one off bursary which usually is around Kshs. 5,000 per student, and then we have Governor's bursary, this bursary is a scholarship given to the bright students, the less fortunate students, the orphans, and it is given for four years. Now, when this Governor came in, when he took over, he found around 3000 students who were benefiting from this bursary, some were in form one, others form two and others in form three. Do you know what he did? He stopped those scholarships, and remember this is an orphan in form three, remember this is another orphan in form one or two, who basically and primarily were depending on this scholarship. And then you come and say it was given outside my regime. This is public money; this is not your money. You cannot say a Kenyan who is going to school, a destitute who has gone through fasting and prayers and their prayers were finally answered, and got a bursary (scholarship) and is now in form three only waiting for one form in order to rescue their family, shall instantly stop from going to school and do not sit for exams. Simply because Mike Mbuvi Sonko has been elected. It cannot be allowed. These are Kenyans and every Kenyan has a

right. That is something that this House has to correct. Since the orphans could not access him, and he decided not to help them, then it is upon this House to rise to the occasion.

Mr. Speaker Sir, on the conditional grants, from the critical part of the government, you will realize that these funds assist in subsidizing in many areas and if we start to divert them, then basically we are saying those projects which were designated are basically dead. You have got no business with them. And I think that is not the way to go. This House can only stand up and make sure that all those messes are corrected.

On my second particular, refusal to sign the budget warrants, which compromised the provision of service delivery under Part Two of the Fourth Schedule of the constitution. These actions were contrary to Article 10, 201, of the constitution, which speak on among other things, national values and principles of governance. These actions also violated the provisions of Article 187(2)(a) of the constitution on the transfer of functions and the powers between levels of government.

Indeed, you will note that Article 5.2 of the Deed of Transfer of functions acknowledges as much, providing first, the Nairobi City County Government shall ensure that the transferred functions are fully funded. One thing that we need to appreciate is that, as a result of the deterioration of the service delivery, this County rose to occasion and mandated a body, the Nairobi Metropolitan Service (NMS) to offer some services. And this Governor, actually without consulting us, went and signed a deed, and this deed is very specific and very particular, that all the functions that were transferred had to get full funding. Now, remember the functions which were transferred are real critical. We have got Health Sector, Works, we have key sectors, and this Governor after bringing a budget to this honorable House, we did our noble work by passing this budget. After passing the budget estimates, he brought the Appropriations Bill, which we also passed and now after the Appropriations Bill has been passed, he brings his reservations and this House rises to the occasion and says what the House decided was the noble thing that we could decide. And the law allows us.

Hon. Speaker: Mover, I know your time is almost up, but I will give you an additional 20 minutes.

Hon. Michael Ogada: Mr. Speaker Sir, Governor decides that he is not going to sign a warrant and by not signing that warrant, one, the transferred functions, which we are supposed to be funding, are generally not going to get the funding. Say for example, currently we are under a serious pandemic, we have a problem because of Covid-19, and just imagine that our doctors are not going to get their salaries because the Governor has refused to sign a warrant. Just imagine our hospitals are not going to get medications because the Governor has refused to sign the warrant. Just imagine the workers of the Nairobi County are not going to be paid their salaries because of the Governor. Mr. Speaker Sir, we cannot run a county casually and the only noble thing that we can do as Members of this House, is to ensure that the Governor goes home and relaxes at home.

The third particular, is undermining the authority of the County Assembly. You remember that the County Assembly has been passing several laws, including that Appropriation Bill, but the Governor has just decided to ignore. That tells you the attitude which he has about this House, and we cannot allow a CEO of a county to operate and run a county with attitude, he should follow the law. If he does not follow the law, our business is to send him home.

The fourth particular, is flouting the principles of public finance management. Mr. Speaker it is in public knowledge that Dandora Stadium has attracted a lot of controversy since the project was mooted. Indeed, this County Assembly, through the Sectoral Committee on Culture, had some diverse findings regarding the procurement and the construction. About Dandora, one thing that we need to be informed, is that Dandora according to the Bills of Quantities that were procured, that were advertised, it was to be a concrete stadium, it was supposed to be constructed using concrete. But somehow midway, under the influence of this Governor, they chose to change it to steel, and by changing it to steel, remember the concrete stadium, which was more durable, was supposed to have used Kshs.350million. And then midway, which is also against the law, he changes it to steel structures and still spends the Kshs.350million, which is a clear theft, which I request this House, not to condone and allow.

On the fifth particular, the Governor allowed an officer in the name of Gathangu, to hold two positions; one position is that of CEC Finance, that is a Minister, and then the same Gathangu at that particular time, was also the Chief Officer, the Permanent Secretary, in the same ministry, signing two letters. Today he signs as a Chief Officer, tomorrow morning he is a minister, the following day he is a Chief Officer, the next day he is a Minister. How do you work like that and expect members of public to take it lightly? Mr. Speaker, those are some things which we cannot condone as a House.

On my sixth particular, Mr. Speaker Sir, the said 147 provides that 'a *County Executive Committee Member for Finance shall except as otherwise provided by law or in writing, designate Accounting Officer to be responsible for the managing of finances.*' Mr. Speaker Sir, one thing we need to realize is that each and every department in the County is supposed to have a designated accounting officer, and that is the law. There is only one exemption, when the Governor with express authority of this House, could centralize the management of finances. But after being reminded year after year, month after month, he still opted that he is going to have a centralized system of finance management in the County, which is against the law. To correct that mess, having written letters, having invited them for meetings and they refused to listen, the only thing that we can do, is to make sure that we correct it by removing him so that it becomes easier for such a mess to be corrected in his absence.

Mr. Speaker Sir, the seventh particular on this, is refusal to hand over particulars of the transferred functions. Remember we have got staff who were seconded to NMS, the Governor has refused to hand over the payroll and anything. We have got projects which were on course, he has refused, so he has generally refused to cooperate between this County and NMS, and therefore there is nothing moving. He does not give them money, he does not fund the functions, he does not give the documentation needed, he does not give anything. In other words, he has decided to go against the law. We cannot wait and see our staffs going for months and months without salary.

The only thing, we have to correct the mess and ensure that our people, the electorates, the people who serve this county, are receiving the services that they deserve, after proper remuneration of the staffs and officers who hold these offices. And these officers can only have the heart to work if they are properly remunerated and their salaries are paid on time. How do you pay their salaries if they are not even in the payroll? He has refused to release their details. So as a county we are not going to sit down, we have to correct that mess.

On the ninth particular, by either intentionally, as a result of the Auditor General's office, we have got glaring information from the Auditor General that this County has been losing resources, has been losing money and the evidence are here. One thing that we have to do to correct this mess, because we have time and time again, invited the people from the Executive, we have always been in consultation, we have always discussed this, we have always begged them to correct the mess and they have refused. I think it is the basic responsibility of the Governor to ensure that he corrects those messes.

In the interest of time, my ground two, abuse of office, the first particular on this ground is the Governor's endless intimidation to the Executive. That the Governor has constantly harassed, molested and maligned officers and the general public and those who had the misfortune of serving under his administration such as Directors, Chief Officers and Executive Committee Members, have only tales of fear and despondence to share.

Indeed Hon. Speaker, those who have come forth in support of this ground, attest to endless blackmail including blackmail of the County Executive and Chief Officers with a one year contract, whose renewal was undertaken arbitrarily. Contracts for some of these officers available to us show the confusion, one minute you are a CEC, the next one you are a Chief Officer, the following one, you are a CEC again and the following day now you are jobless. One thing that we need to confirm as you have been here, just take for example, the Governor has been there for about three years, and only in the office of the Chief Officer, Finance, we have had nine different Chief Officers of Finance. Nine different ones in three years. During that time also, we have had about seven CEC's of Finance. And mark you, the nine who have been serving in that docket of Chief Officer, all of them have been in acting capacity. He does not like to confirm people in the office of Finance, and it is purely intentional.

It is purely intentional, because he does not want to be accountable. How can you have an officer working in an office for three months then you remove him? You bring another officer for another two months and remove him again. You bring the one you fired two months ago, he re-sits there for two months and you remove him. You bring another junior officer. You cannot operate like that. And he has refused to correct that mess, as a House, we should not sit down and watch those messes happen.

Mr. Speaker Sir, in use of public funds, one Mike Mbuvi Sonko, decided to sponsor one of his daughters to a conference in New York. And remember, in this one, they spent a tune of around Kshs 4.6 million, to send a daughter to attend First Ladies Conference. And when this lady was travelling, for example, you Mr. Speaker, normally use economy class when you travel, as an elected Member who is senior in this House, who has been elected severally, I use economy, instead of being upgraded. And this lady (the daughter) do not even use business class, she goes using first class, using public funds. That is abuse of office, they are messes that as an Assembly we can only correct by removing the Governor from office.

My third ground Mr. Speaker Sir, the holder of the office of Governor must be beyond reproach, and anytime that this is caught, there must be a remedial measure to correct the same. Positively, the constitution and indeed the County Governments Act 2012 has given the House power to check the excesses among others by removing the office holders who are accused of misconduct in public offices. Therefore Mr. Speaker, the mere fact that the Governor has been charged before the Anti-Corruption court, is sufficient

evidence to remove him. It would therefore be impossible for the Governor to perform functions expected of him by the residents of Nairobi under the constitution.

Hon. Speaker, I will refer you to charge sheets and videos to support this. Remember we have a Governor who has been charged severally in courts and all the cases are still ongoing, which we cannot discuss. But remember this is a Governor who has been in office for three years and he has only stepped in City Hall for not more than a month, if you bring the days together. He has always been out. The first time he was in MUA, and we tried to find out why is this Governor not coming to the office? He said that he cannot come to the office because there are some demons in that office, so he could not access his office because of demons. And the then Speaker of this House decided to be holding morning prayers in this Assembly every week, so that we could deal with the demons. We took our time, we used to come here very early to try to chase away the demons.

Mr. Speaker Sir, after praying for one year, the guy again disappears and says now there are people who were planning to assassinate him. So now it was upon us to reconvene again and start to pray against the people who wanted to assassinate our Governor. All this time the guy was not in office. The final one now, he is being kept out of office as a result of corruption. So how do we come in here, do we call for prayers again? We have prayed enough and now what we can say is that he should go home and correct his messes at home.

(Applause)

Mr. Speaker, the third particular, is absence from office. That one I have explained and there is nothing much we can do about it. Because it seems he enjoys sitting at home. So why don't we just allow him to be at home? Why should he waste our time here? We should allow him to be at home, because he does not like working. Let him be at home.

The fourth particular relates to the unbecoming behavior where the Governor has been consistent using his social media platforms to print words and pass information that is unbecoming of an office holder.

Mr. Speaker this one doesn't need even explanation. The people whom know this Governor, go to his Twitter handle, look at his posts, full of abuses to the extent that even you want to abuse the house of power, the office of Presidency, and you expect the people voted for the president of the Republic of Kenya to sit down and continue watching you.

Mr. Speaker in one instance the Governor says he goes to State House, he is intoxicated and he sees zigzag. That is what he said here. Now, do you know what he was saying? He was saying, one, if you dare enter State House you will be forced to take intoxicating things. That is disrespecting the house of power. That is what he was implying.

The other thing he was implying is that whoever goes to that house - State House - who wants to engage in official business, before the owners of that house starts engaging you they first give you things which will make you see zigzag. That is what he was trying to imply.

The other thing he was implying is that whenever he goes to transact on behalf of the county of Nairobi whatever he finds in front of him which can make him zigzag he will take it.

(Laughter)

He will take it! How do I allow such an officer to be in charge of the billions, to be in charge of the budget? A person who do not make decisions while he is sober.

Mr. Speaker sir I thought that was an issue that this House can only correct by removing that person and replacing him with a person who can see better, who can make better decisions, who can attend meetings when they are sober. Just imagine I used to have a Mayor here and every week we were hosting delegations from Europe, from all over Africa. Just tell me any, Member here, have you ever seen any delegation posing photos with our Governor? Why do you think everybody internationally avoids him?

(Loud consultations)

You are trying to tell me that I should live in that kind of environment where no foreigner wants to come close to me, where no foreigner wants to negotiate with me, where we don't discuss developmental issues within this county? We cannot allow that.

The only things we need to do is to send him home. We can only send him home. Otherwise we cannot correct that mess.

Mr. Speaker on the fourth ground, grant me the latitude to finalize my submission on this impeachment Motion by expanding on the crimes that the Governor has committed under the national law which constitute the fourth ground. It is known to this House and indeed the general public that the Governor in December 2019 was charged in court because of economic crimes.

Mr. Speaker as I had said earlier the best thing that you can do with a person who has got more than ten cases in court, because we are basically spending all our money for development on court cases and that is why you find him paying one lawyer Kshs 400 million and the other lawyer Kshs 300 million. You even wonder what a lawyer can do that he gets Kshs 400 million. I really wonder what they do. I really wonder the cases they handle that one lawyer is owed Kshs 1 billion in the county of Nairobi. He goes with Kshs 200 million. The other one goes with Kshs 250 million. The other one goes with Kshs 400 million. It is terrible. Are we going to look for money from the general public to pay lawyers or to give services to the people?

Mr. Speaker sir one thing I will beg this House is that as a recourse for this is that let us stand up to the occasion and say enough is enough and we sent this Governor home once and for all. We should not take chances. There is no room for chances. Members of the public, the voters, have given us the mandate, the opportunity. They have told us 'please go and represent us according to the law. Do things which are right. Do things which are noble'. And we come here and start looking at a person who is one day dancing in Dubai, the other day he is dancing in Mua hills, the other day he is dancing. We cannot operate like that.

(Applause)

We cannot operate that. We should allow this county to be run by professionals soberly. People who sit down the way you sit and listens. You sit down and listen and you perform. That is the best we can do. By failure of the Governor it will come to us. When we go back to the electorate they will say 'you all failed together because it was your responsibility to correct the mess'. Instead of correcting the mess he has taken some people, carried them in a truck. A whole honorable Member entering into a truck to be hidden in Kwale. You can't operate like that!

We must have some little dignity. You cannot live in an environment where you want to bribe elected leaders from morning to evening. Mr. Speaker the honorable Members who are sitting here have said 'no'. it

must come to an end. We don't want drama. we don't want lies. We don't want *vipindires*. We want performance and that is why I made a decision, a very serious one that I and my party ODM will not sit down and watch things happen.

(Applause)

It is the core responsibility of the Jubilee administration and government to confirm to the world that they are standing with us in correcting he messes in the county of Nairobi. We correct it once and for all. We should not allow those things to be repeated. We must stand in the gap.

Mr. Speaker sir with the grounds I have laid before this House and their particulars we have serious reasons to believe the Governor has broken the law, conducted himself in a manner which resulted in abuse of office and misconduct and therefore rightly here to remove him from office.

Hon Speaker it is my hope that this House, this honorable Members are going to stand up and rise to the occasion and represent their people without fear or favour. We have brought this Motion without fear because we want to represent our people.

When you go for elections and more than 100,000 people vote, they queue to identify you as one individual they have hope and trust in you. That is a trust I don't expect any Member in this House to betray. I beseech every Member here - your electorates have faith in you, they have trust in you, they know you are the best down there - please let us rise to the occasion and vote Sonko out, including the Members who have joined us through Zoom, let us vote overwhelmingly to send a signal that we don't want jokers in Nairobi. We want leaders in Nairobi. We don't want *vipindirie* in Nairobi. We want leadership in Nairobi. We don't shame in Africa, we don't want shame in East Africa, we don't want shame in entire world. We want to show the world we are equal to this task. We are able to represent our people.

(Applause)

We are able to bite the bullet and say enough and enough. I wish to beg my colleague, my counterpart the Majority Leader to second this Motion. Thank you, *bwana* Speaker.

(Applause)

Hon. Speaker: Order! Order! I want to remind Members who are also in the chamber to log in the platform and also those who are already on the platform to kindly click on 'raise hand' icon so that when we are debating I can give you chance to contribute. Secunder!

Hon. Abdi Hassan: Thank you Mr. Speaker sir. I rise to second this Motion by my colleague the honorable Minority Leader...

Hon. Speaker: Order! Order! seconder. Mover I saw you with a bunch of documents. I don't know what were they for?

Hon. Michael Ogada: Mr. Speaker thank you for reminding me. These are documents that I must table today. These are evidences that I have. We have to give them. They are so many!

(Applause)

(The documents were laid on the Table)

Hon. Speaker: Secunder, you can proceed.

Hon. Abdi Hassan: Thank you Mr. Speaker sir, I rise to second this Motion by my colleague the Minority Leader Hon. Michael Ogada.

Mr. Speaker sir I also want to take this opportunity to congratulate my brother the Minority Leader for gathering courage to bring this to this House because it is overdue. Today sitting is defining in so many ways and not just because of this business before us.

Mr. Speaker sir we meet at a great difficult time which requires reflection from us leaders and our brothers who are also in Kwale following us. I can see some of them have logged in. I know few of them who are there are supporting the Governor. Majority of them have gone there because there are some goodies and I know when the voting time comes they will vote with us and Nairobians will count them.

Mr. Speaker sir I want to dwell on three things which my colleague has moved: abuse of office, gross misconduct and issue of having crime in national or international level.

Mr. Speaker sir we have a Governor who for last three years operates without a functioning executive. A Governor who doesn't have a deputy Governor. A Governor who doesn't have a substantive county secretary. A Governor whose half of cabinet are on acting capacity. A Governor who has a chief officer's in acting capacity. Can we call this a functioning county government? It is a dysfunctional county government.

Mr. Speaker the Governor lacks leadership and for that reason I urge this House to send the Governor back to Mua.

(Applause)

Mr. Speaker sir mine is to echo what some of my good friend and brother colleague said and perhaps articulate those issues which he might have skimmed over given how delicate his talk was. Each ground and particulars have been proven quite impressively with evidence adduced.

Mr. Speaker sir you can see me with a lot of files, I also add in the evidence which Mr. Ogada has already given to you.

On the second, third and fourth count which are abuse of office, gross misconduct and crimes under the international law, firstly the Governors violation of Chapter Six is a matter of public knowledge. The Governor has been captured not once, not twice, not thrice making malicious, unfounded and unprintable allegations against everyone.

He has disagreed including the President of the Republic of Kenya and The Right Honorable Prime Minister. Those are the two highest senior citizens in this country. The Governor has in fact taken alcohol while on video feed. One time I remember he was with some few Members- I don't know if know if we have some of them here – saying that we were praying while taking alcohol. That was mocking the almighty. Such Governor should not be tolerated to have another day in the office of the county government of Nairobi.

Mr. Speaker sir as you are aware the Governor said on a live TV that when he went to sign the Deed of Transfer he was given some liquor by State House operatives. When he was signing he was seeing zigzag. How can Nairobi people including this honorable House live with such person who is careless, reckless, doesn't know what he is doing?

Mr. Speaker such kind of individual who appends his signature on a document which he has not understood, which he has no clue what it entails and he has already committed Nairobians to that document. After leaving State House he says 'I didn't know what I have signed'. How can such individual lead this city? It is not possible to allow such individual to lead such great city.

As we have heard from [Hon] Ogada Nairobi is capital of Kenya, capital city of East Africa, the hub of Africa and apart from New York the UN is housed in this city. Mr. Speaker sir one day I went to his office and when I passed the lounge I found a prominent ambassador from a prominent country sitting in the lounge for two hours waiting for a Governor to see him who had given him an appointment to come at a specific time.

When I entered the Governor's office I saw youth, in fact thugs haggling liquor in that office while an ambassador is waiting a Governor in a lounge. Can we allow such an individual to continue holding the third highest office in this country? Mr. Speaker sir we are not going to allow that and I urge the House and other Members who are already in Kwale to join us in sending Governor Sonko home.

Mr. Speaker we have no reason to have Chapter Six in the constitution. Chapter Six will have meaning if the likes of Sonko pay for their misdeeds. Nobody has violated Chapter Six in this country more often than Governor Sonko. A Governor who has a direct line to His Excellency instead of calling His Excellency he goes and punches *mabatis*, he abuses police officers.

A Governor who can IG and tell him what he is ailing him, instead of doing that he goes to social media, abusing our uniform officers. No Governor, no individual in this country has violated ever Chapter Six more than Governor Sonko.

Mr. Speaker as we are speaking Governor Sonko has been barred from executing his mandate. The county of Nairobi is stagnant, is collapsing for reason; that we have a Governor who is in office, who cannot execute his constitutional mandate because of being taken to court.

Mr. Speaker we can no longer allow Governor Sonko to sit and extra day in the office of the Governor of Nairobi and he needs to pack and go. I am urging this House to agree with us and sent Governor Sonko back to Mua hills.

Governor Sonko since 2017 to date he has never held any executive committee meeting. How do we expect a Government to be run without a policy from the CEC'S? He has flouted Article 176, 177, 179 and section 30 of the County Government Act, he needs to go home. I want to reassure my brother from the Minority side that as a Jubilee leader in this House, we are embarrassed because we elected an ineffective, inefficient Governor in this city and I want to take this opportunity to apologize to all Jubilee members in Nairobi for electing such a leader.

With those many remarks I beg to second and urge my colleagues both in the chamber and those in Kwale to join us in sending Governor Sonko Home. I am praying because I am sure Governor Sonko will be impeached today, I am asking the Senate to raise to the occasion and assist Nairobi County to impeach Governor Sonko. I beg to second.

(Question proposed)

Hon. Moses Ogeto: First and foremost, I want to congratulate the Leader of Minority by ensuring that this Motion has seen the light of the day. You remember we said the plane must land, today 3rd of December 2020 it has landed. I don't want to repeat myself or repeat what my colleagues have said. His excellence Mike Mbuvi Sonko has violated County Government Acts. He failed by having only seven CEC Members, switching them like carrots.

Today he has CEC for finance, tomorrow the same CEC is CEC for planning then the following day he's CEC for health all over sudden we are told that the CEC is not good. Since the Governor was elected in

2017 he has only stepped in this House once during the opening of the Assembly. This is somebody who needs to be impeached and it has taken so long. It is good that the leader of the majority has apologized on behalf of his party and the Nairobian for electing somebody who only knows how to dance in an office.

In the evidence which has been given, it's only the President of the Republic of Kenya who is allowed to travel on a first class. The daughter of Governor Sonko travels in first class, I think he belongs to jail after impeaching him. Looking at the Members of this House today I'm happy that they've realized there will be development in their words.

The Governor was elected to traverse the City, since he was elected I can count how many times he has been in the office. Let alone the courts barring him, because he used to operate between Muua and Mombasa, like now I have heard that he is dancing in Mombasa and that is his nature. It is ridiculous when you find a Governor who just dances carelessly in a City. There was an engineer in Nairobi Water who told me how they got an office for the United Nations (UNEP) in this capital city, it is the only one in Africa and it was brought during the City council time. Then you find some organizations rewarding someone as the ambassador of good deeds, that's conman ship.

I would wish the same institution which rewarded ambassador of good deeds to withdraw. Some of the staffs of this City were touched even in their private parts calling them corrupt. If the staff is corrupt with one thousand, then he is more corrupt. Sometimes back he went and harassed staffs in the cash office they gave him something and so he changed his mind.

I want to be within the Motion, today is the best day for Nairobi County, and this county is not just like any other county. This is the capital City of Kenya, as you sit there Mr. Speaker you represent the image of the capital City, Nairobi. As I finish with my submission, people must respect professionalism, you can't sign a document and in less than three months you start complaining about the same document you signed.

How incompetent can you be? That's not the rule of natural justice. Luke chapter 16:10-11 says; "He that is faithful in that which is least is faithful also in much". Sonko has never managed even a kiosk, it's very ridiculous for a Governor of a City to have a Sonko rescue team when he's supposed to provide Nairobi residents with water, and not creating a parallel system. Today Sonko rescue team is taking water to Jomo Kenyatta International airport and he's the Governor of this City. When he was the Senator he said Kidero was corrupt but the most corrupt individual in the Republic of Kenya is Governor Mike Mbuvi Sonko. I beg to support.

Hon. Speaker: Thank you, before I give the next debater I want to urge you Members, I can see there's a lot of requests, I think this Motion has brought in a lot of interests so kindly be kind to other Members who also want to contribute and be brief. Hon. Kados

Hon. Paul Kados: Thank you, Mr. Speaker. As I stand to support this Motion, I will ask our Hon. Members wherever they are to hear and understand the cries of Nairobian. I have been in City Hall since 1997. I have had and have worked with so many Mayors, but this is the worst CEO of this County I have ever come across. Nairobian are living without water. The only thing this Governor is good at is the media, WhatsApp groups and PR. You will see this Governor having fun in Dubai buying a ring and even chain for the wife for around Kshs.4 million.

Mr. Speaker, this Governor represents around 4 million Nairobians during the day. Around 75% of the people who live in the slum survive with less than Kshs.20 in a day. I join my colleagues by asking that anyone who is sensible and loves this country and Nairobians, should send Hon. Mike Mbuvi Sonko to where he came from. I am happy because I saw him today through the media dancing with some few Members of this County Assembly who escorted him. I guess they escorted him to where he came from, the Shimba Hills in Kwale.

(Applause)

I congratulate those Members to have known that Nairobians are tired with the Governor and escorted him to where he belongs. I beg every sensible Member to support this Motion and vote so that Nairobians can get what they deserve. For the few days that the NMS came up, just look at Nairobi. We are having the train system which is being implemented today. That system was initiated by the Governor Kidero. When this Governor came in, all those documents were thrown away. I congratulate the NMS because wherever they were, they have gotten them and you can see the President is moving each and every day launching projects in Nairobi whereas Hon. Mike Mbuvi Sonko has never and will never think about any project. What he likes most is the social media. We Nairobians need development.

As I sit down, I beg my colleagues, even the ones who escorted him, to vote and leave this gentleman there and come back for us to build this great city. Thank you, Mr. Speaker.

Hon. Peter Imwatok: Hon. Speaker, because my boss has spoken candidly and more profoundly on issues of law, and also the Majority Leader has touched on the same, I want to say the plane has landed. This is a journey that started three years ago when it was unfashionable and unrealistic even to imagine that 122 Member of the County Assembly of Nairobi can come together and meet on Zoom and entire city watching my able Minority Leader moving one of the most researched and in-depth Motion of impeachment of one Mike Mbuvi Sonko. Matters of law have been explained by my leader.

I want to go straight to substratum of the issues that are touching our people. My leader has enumerated facts on financial misappropriation. You are aware the Lumumba report on the management of pending bills had given the report to the Governor after spending millions of money on the report. The President was gracious enough and gave Kshs.1.3 billion to the small scale business people in this city. As we are speaking today, through the instructions of the Governor to the County Secretary, these small scale traders in this city have not been paid until the money has been reverted. It is a fact that Hon. Sonko refused to issue these documents so that these small scale business who went to saccos and table banking to borrow money, can be paid. It is evident that some of these business people lost their lives on the stairs of Treasury. Sonko believes on nothing else but himself. We are standing here today on behalf of these business people that it can come to an end if we resolve as a team of elected people.

Mr. Speaker, it is a norm nowadays that there are demonstrations. I happy that there was a time that we intervened with the Majority Leader when the community health workers were demonstrating outside here. But up to date, there is no solution to it. We have seen doctors demonstrating. Soon, we will see our ECDE teachers demonstrate. Before ECDE teachers demonstrate, Sonko must leave. I look at our County at large and I am happy with the Jubilee Party. We are really proud of you. Indeed, we are in handshake. This County were some of us were born and raised, we cannot leave it to dogs. We must rescue it. A symbol

of this House at any given time is vested on this mace. Any other dealings that a Member can purport to transact on behalf of this County Assembly without this symbol of authority is annulity

Mr. Speaker, with what we are placing before you, we are also challenging the Senate of our Republic of Kenya in particular our able, articulate, young and fluent Senator of Nairobi, Hon. Johnson Sakaja. We all live in this city, we feel and we can see that the city is going to the 90's of Mogadishu, the capital city of Somalia. Mike Mbuvi Sonko has no choice but to relax in Kwale. I also join you by thanking my six Members from the ODM Party who are in Kwale escorting Governor Mike Sonko, ensuring that he has domesticated himself there. Fortunately, they are telling me they are on the way coming back. I thank them for that.

Mr. Speaker, what I know I know about Mike Mbuvi Sonko, sorry I have never been to his office since he was sworn in, that is eating this County. We are approving a budget of about Kshs. 34 billion to Kshs. 37 billion but traders are suffering. Some of them have walked to my office several occasions. I wonder when Governor Sonko turned himself to a small god. I believe the Bible says 10% of your earnings belongs to God. But Sonko has escalated to 20%, equating himself more than God. No contractor, supplier or service provider will want to do any business with the County Government of Nairobi because there are cartels that Sonko introduced. I call him the Trump of Kenya. He introduced Zackayos, the tax collectors everywhere. Before you are paid in this County, the Governor must tick a WhatsApp of your company accompanied by the brokers who collect money on behalf of him. This must come to an end.

My leader has stood firm. He called me to his office and told me that he is prepared to bite the bullet. I asked him if he is ready, and he said yes. I told him he has already defined the thin line between life and death. The thin line between life and death might be politically, economically or socially. He told me that he is prepared. I give you my salute. For the last three weeks, he has spent his life looking and combing on documents and getting correspondence from well-wishers across the city who have come and said enough is enough. The Governor must retire to where he came from.

I must give accolades to our constituents as we apologize the same way the Majority Leader has apologized. On behalf of the people of Makadara, I stand here as a son born and raised in Makongeni, I vehemently apologize to the entire Nairobian that it is our mistake for bringing Mike Mbuvi Sonko into Nairobi politics. Receive our apologies Nairobian and the entire country. But in it, wisdom has given that Makadara despite producing such uncouth, unrealistic and unfathomed human being that can lead the capital city, has also produced men and women. My able Speaker is the only man who built a modern stadium called Camp Toyoyo. He made history when he was the MP for Makadara. Here I am son of Teso, the Whip of the largest party in East and Central Africa, coming from Makadara.

(Laughter)

Look at Hon. Mbatia, the Chair of Budget, he is a brain from there. Hon. Immapet, a Member of Speaker's Panel is also from Makadara. We apologize for one, but for many we are okay. We will serve you well. We can't all go wrong. We appreciate Dr. Odalo from Mathare. We also appreciate the man who was a cabin crew, the Chair of Chairs and the senior most in this House, Hon. Geophrey Majiwa, the current Deputy Speaker. You can't tell us Hon. Majiwa is wrong when he says Sonko should go home. He served as a Mayor.

You cannot tell me Hon. Kados is wrong after serving 25 years in this County Assembly. You cannot tell me Hon. Ogada can be wrong after serving 15 years as the Chair of Budget. You cannot tell me Mama

Network is wrong. You cannot tell Hon. Azangu, a man who is always quite but very sober can be wrong to say Sonko must go. You cannot tell us Hon. Ndonji, counsel of elder of Luo is wrong. Our heads are up and we are aware what you are doing and it has to come to an end. All our Special Elect are exhibiting confidence on behalf of our people. Our iron lady from Laini Saba is here seated with us. Hon. Rose Kula, the lady from Kware Ward, a woman who was nominated and dared to dream and went to ballot and got elected, refused to escort Hon. Mike Mbuvi to Kwale.

Fellow leaders, a call has been asked by great men and women of this House. The soberness of this House is bestowed on us. Without forgetting the soberest man I have served with, Hon. Chege Mwaura. Media, look at us, we are all here the brains of this County Assembly. You can't tell us we are all wrong. I am looking at Twitter, thank you people on Twitter. You know that this County is heading to the wrong direction. The only choice is that Hon. Sonko must remain in Kwale. The courts have refused to grant any order to him. That is a plus. Even judges live in this County.

(Applause)

Article 194 of the Constitution bestows us the powers of High Court as an Assembly. Article 181 of our Constitution is clear on our role that we can revoke social contract between the Governor and the people of Nairobi. There is no employee/employer relationship between us and Mike Mbuvi Sonko. Under Article 1 of the Constitution, the sovereignty of the people is vested to the people. What exists is a social contract between the Nairobi people and the Governor. The Constitution gives us the right to revoke that right.

Therefore, I urge all Members of this Assembly to kindly revoke this. The plane is now on the runway. The Boeing is landing. Sonko must go. I beg to support.

(Point of Order)

Hon. Moses Ogeto: I rise on a point of Order under Standing Order 31.

Pursuant to Standing Order No.31 (3), I beg to move that this Assembly resolves to extend its sitting until conclusion of the business appearing on the Order Paper.

Mr. Speaker, we have around 20 minutes to 5:00 p.m. So, I am requesting for extension of the sitting.

Hon. Speaker: Thank you, Hon. Member. But that decision lies with the Hon. Members. Mine is basically just to put the question.

(Question put and agreed to)

Hon. Geophrey Majiwa: Ahsante sana, Mheshimiwa Spika kwa kunipa nafasi hii muhimu sana ili niunge mkono mswada huu. Kwanza, nawapa hongera Kiongozi wa Walio Wachache na Kiongozi wa Walio Wengi katika Bunge hili kwa kufikiria jambo muhimu ya kusema kwamba lazima tupate huduma Nairobi. Tumekuwa Bunge hili kwa muda zaidi ya miaka miwili unusu, tumeyaona sarakasi zaidi kuliko maendeleo. Nawaambia siku ya leo watu wa Nairobi pole kwa sababu mliyemdhania ndiye, siye. Walipomchagua, walidhani walimchagua Gavana, kumbe walimchagua mwanasarakasi ambaye ni mjanja sana na mweledi kwa kazi yake ambayo ni kuokota pesa na kufanya sarakasi.

Mheshimiwa Spika, tunahaibika sana tukisema sisi ndio wajumbe wa Nairobi maanake wakati mwingine unaposafiri nje ya nchi, ukipatana na wajumbe wengine walioko kule, kwanza mnaulizwa ikiwa Gavana wenu ni yule ambaye alikuwa anasakata rhumba katika barabara kule Paris. Alipochukua pesa hapa, alienda kusakata rhumba ama kuhudhuria mkutano?

Tumeghadhabika sana na kazi ambazo zimefanyika hapa miezi michache iliyopita. Gavana mwenyewe alikiri kuwa ameshindwa na kazi. Alipokiri, alienda bila kutuuliza sisi kama wajumbe na kukutana na Rais kule Ikulu. Walielewana ya kwamba yeye ataachilia sehemu ya mamlaka yake ili jukumu ambayo ameshindwa kufanya ipewe mtu mwingine afanye. Rais kwa mapenzi yake kwa watu wa Nairobi aliona ni jambo la busara na kumteua Generali Badi ili aongoze Nairobi Metropolitan Service ndio Gavana Sonko aweze kumwachie majukumu kadhaa ambayo alishindwa kutekeleza.

Mheshimiwa Spika, ni aibu sana kwa sababu baada ya miezi michache Gavana alirudi tena mitandaoni akisema kuwa yeye alipoweka kidole katika makubaliano hayo, ni kama alipewa kinywaji ambayo haikuwa sawasawa. Tunajiuliza yale ambayo ameweka kidole akiwa kwa ofisi yake ilhali kuna mvinyo ambao tunaona kila mara watu wakienda. Watu wanapatikana kwake wakibugia pombe. Tunshangaa ameweka sahihi vitu ngapi ambayo imeuza watu wa Nairobi? Tunaomba watu wa Nairobi, wakati mwingine uchaguzi ukija tuwe waangalifu. Yule ambaye tuko naye kwa sasa tunampa ruhusa aende nyumbani kwao Kwale. Huyu bwana alikuja Nairobi kwa mlango wa nyuma. Lakini kwa sababu chama cha Jubilee iliharakisha kumwanguka na kukubaliana na yeye, imetupa shida. Nashukuru Kiongozi wa Walio Wengi kwa kuomba msamaha kwa niaba ya chama. Amekoroga Nairobi sawasawa.

Sisi sasa kama wajumbe ambao tuko kwa Bunge hili, tuna majukumu matatu; kwanza, tunawakilisha watu ambao walituchagua, pili ni kutunga sheria ambazo zinatumika kufanya kazi Nairobi, tatu na mwisho ni kudadisi kazi ambazo zinatendeka na kuhakikisha fedha ambazo zimetumika zinaenda kwa njia sawa. Katika kudadisi zile zinaendelea, tumegundua ya kwamba huyu Gavana amevuja pesa za raia kwa namna ambayo si mzuri. Ndio maana tumefikia kauli ambayo tuko nayo siku ya leo na sababu ambayo ninaunga mswada huu mkono. Ikiwa wakaaji wa Kwale wataona eneo lao linahitaji mtu kama huyu, basi wampe. Lakini sisi hapa Nairobi tumekataa. Tunasema kama wajumbe wa Nairobi ambao wameketi katika Bunge hili wakati huu na ambao wako kwa mtandao na wanashirikiana na sisi, ya kwamba huyu jamaa hafai kuketi katika ofisi hii. Korti imemzuia kuingia ofisini, lakini kabla korti kumzuia, aliona mazingaombwe ndani ya ofisi na akatorokea kwao na kufanya kazi huko. Kwa hivyo, si mtu ambaye anajua kufanya kazi katika ofisi. Anajua tu kuzikusanya pesa.

Nimesikia mwenzangu akisema hapa Biblia inasema tupeane asilimia kumi kwa Mungu, nashangaa ni lini Gavana Sonko alikuwa Mungu achukue asilimia kumi kwa wanakandarasi wa Nairobi. Tunaambia watu ambao wamefanya biashara Nairobi, kuanzia sasa mjue uhuru wenu wa kufanya biashara inarudi. Mtafanya biashara zenu na mpate pesa zenu na hakuna mtu atakufa kwa *staircase* akitafuta deni lake.

Mheshimwa Spika, nashukuru na pia kushukuru ndugu zangu ambao wameunga mswada huu mkono kwa sababu ni mswada muhimu sana kwetu kama wabunge ili kazi yetu iweze kuonekana. Ofisi ya Gavana lazima iwe na mtu ambaye ana heshima kulingana na jinsi ofisi hiyo inaheshimika Kenya na nchi za ng'ambo. Ahasanteni sana, naunga mkono.

(Applause)

Hon. Speaker: Thank you. I understand some of our Members' phones are almost getting out of charge. So, I will only give two people so that we get the mover to respond. Hon. June.

Hon. June Ndegwa: Thank you, Mr. Speaker. I rise to support this Motion. As I support, I would like to accolade the Majority Leader for apologizing on behalf of the Jubilee Party. We thought we are coming to bring change to Nairobians, but we got into a place where our motto, mission and vision statement became 'No Sonko, no peace' slogan.

Mr. Speaker, Sonko is being impeached not because he is an ugly person or because we do not like the shape of his nose, but because of everything else that he is not. Our Constitution gives us very clear guidelines on the impeachment Motion. I tend to feel that the emotions that are being oozed out by the Members who are in Kwale, they are making it look like it is an emotional contest. This is not.

Mr. Speaker, we have heard and we have seen Sonko for three years, most of us in this House have worked closely with him. We have noted with a lot of concern of how he does his things. I can categorically say that Sonko has no regard for authority. He does not care who put him in power. Remember the sovereign power is with the people. All he does is yap about how he was voted in by 800,000 people. The Governor has no regard for the law or understanding the law, he wants to use the justice system and judiciary to coin around and get unscrupulous ways of working. Today, I want to thank the Judiciary for not stopping a parliamentary process because if they get into the habit of the Governor using the Judiciary to stop parliamentary process, then we will be setting a very bad precedence. I don't think I can shout enough of how many times Sonko has bragged about being arraigned in court of different matters that he is being accused of; from the Kilifi land injustices where many people disappeared, to corruption cases in this country and specifically in this County.

I cry for mothers. I stand here as a mother because he has deliberately diverted money for retirees; *pesa ya wazee*, to pay garbage collectors and lawyers. It is on record. He has deliberately taken money for bursaries. This is money for our children. How uncouth and insensitive can a man like Sonko be?

Mr. Speaker, I think everything that the Minority Leader – I thank the Minority Leader and the Majority Leader for working on this – everything they have spoken about, all their submissions lie in the Constitution 181 (d) for mental incapacity to run a county. I want to use an example that is close home. When Sonko left office as the MP for Makadara, Mr. Speaker, you took over the office. I know you are nonpartisan, but you can attest that the CDF of Makadara Constituency had about Kshs 200 million that he did not want to use. CDF has been put there to benefit the people of a particular constituency, if he does not feel that the tax payers' money that he has been given by the Government cannot help the people of Makadara, I do not think we can scream enough. We cannot say everything about Mike Mbuvi Sonko, but one thing we will not forget is that he is a serial whistleblower for some reason and for some magical reason he is the one who blows whistles on corrupt leaders by calling the EACC. Mr. Speaker, he finds people who are doing wrong on the road and calls cops on them. These are some of his good accolades that should be emulated and titled as a serial whistle blower.

Mr. Speaker, I will not sit down before saying this. He willingly went to State House to sign the Deed of Transfer because he could not handle this County, its budget nor develop it. Not because he is an ugly man and that we do not like the shape of his nose but because he is incompetent and that needs to be spoken about. I have heard it being said here that he referred the State House to a brewery and even so, if he drunk on the day of signing the Transfer, he had 21 days until March to go through the document with

legal counsel to see what he had signed and have it amended within those days. I then think that he was drunk in the 21 days Mr. Speaker.

Governor Sonko has been accused of serious crimes including grave violation of the Constitution and diverting retirees' money. We cannot be able to go through all of them and finish today and that is why we are having trouble. Sonko's mode of operation is blackmail, *kipindire*, a push over and recording system and that is seen in his cabinet where most of the persons are in acting capacity. My last word is to the mothers of this House. Sonko cannot be the example that you want your kids to look at and say that they want to emulate as Governor.

I therefore urge all of us seated here and those calling from Kwale that today is the day of reckoning. This honourable August House will undo a mistake that all of us have taken responsibility for, including I, who campaigned for him. Today is the day we return Nairobi County to its glory and give Right Honorable Raila Odinga and President Uhuru Muigai Kenyatta a peaceful county because if we fail to do this then the leaders at the top fail too. Thank you Mr. Speaker.

(Applause)

Hon. Speaker: Thank you. Can I have Hon. Chege

Hon. Chege Mwaura: Thank you Mr. Speaker for catching my eye in this crowded Assembly. This is your first time having a full House and today is a very interesting day and I am happy for the opportunity to be able to address the House. First and foremost, let me congratulate my colleagues for having withstood the pressure and being steadfast. I believe in consistency and principled politics and the last couple of days, there has been a lot of pressure from both sides for you to choose and I am happy that the House is fully represented.

Members, you are not here because you were coerced but because you believe that you need to do something for the people of Nairobi and not look over your shoulders for not having done your job, congratulations. In the same spirit, I read somewhere that some of my colleagues went up the ladder like Hon. June Ndegwa and Hon. Charles Thuo. It is your position; I hope you make meaning out of it. Your ducks have aligned. God bless you.

I have also not gotten the chance to congratulate the new Clerk for coming this far despite the many issues. I am happy for you and may you hold this House steadfastly. Mr. Speaker if this Motion passes, your stars will have aligned and may God bless you. I know you know what that means.

I want to remind Members that this has been a long fought journey. On the 26th September 2018 we tried an impeachment on the Speaker and the second point was to have Governor Sonko to shape up with conditions such as him bringing a Deputy Governor and move his operations from Mua back to Cityhall. Just as the Minority Whip has said, it was very hard for us to conceive that we can actually put a fight against the Governor.

Then early this year, we had a Motion that was very well worked out with support of majority of the Members but somehow it did not move and so today, I say that it has been a journey. I want to congratulate the Leader of Minority and his counterpart for moving this Motion and making it happen. I am also happy that Members are not in a hurry to pass the Motion and go but want to listen to the views of others and then do the necessary.

The media are also here to capture the moment and I say that we are not running away from our responsibilities. Members, we should realize that this House is equal in power to the High court and their sermons are very important. There is something in mathematics called the chaos theory that means that inside the chaos and madness, there is a network underlying that is going somewhere and that spell has been brought by the Governor, where Members sign and jump ships.

Let us not entertain those tales of being coerced. If you did not want to sign, then you should have stated the same. The chaos theory operates in the Executive and NMS is a creation of Governor Sonko. All we wanted to do in 2020 was remove him from office but he went ahead and negotiated for a Deed of Transfer only for him to later say that he drunk while signing. This is the madness that we want to clear out of Nairobi.

We also passed the budget and he refused to sign it because of his reasons. Therefore, there is nothing that we do that will ever be right. The chest thumping must stop. Finally, I want to address the people of Nairobi, this is a sacrosanct House and summons delivered are very deliberate and powerful. Article 181 prescribes the way of removing a sitting Governor, therefore the people of Nairobi should not feel that we are in any way juxtaposing a position that they are the ones to do.

Article 40 of the County Governments Act prescribes the procedure of removal of a Governor and so today what we are about to do in short is to return dignity to the people of Nairobi, to the people of this House and to the office of the Governor.

I heard the Leader of Majority apologizing on behalf of Jubilee and I must say that as the whip for the past three years, we have tried to work with the Governor. Some of us died and gave up along the way and others continued. We have given him all the good chances to do the right thing but we have found ourselves in this circus charade. I rise to support this Motion and when it lands to the Senate, they will do the necessary and return this House and the Executive to where it is supposed to be.

I remember in November when the Governor tempted fate and threatened anyone to jail him as there is life in prison. He also said that we can impeach him as there is life after politics and also that we can kill him as there is life after death. Mr. Speaker, we are not the courts therefore we will not jail him. Neither are we murderers, so we will not kill him. We are honourable Members and therefore we will impeach him and let him have life after politics. I beg to support. Thank you.

(Applause)

Hon. Speaker: Thank you. Hon. Emily next. ICT people, she is on Zoom, try and locate her

(The Member spoke off record)

Hon. Speaker: Proceed. We can hear you.

Hon. Emily Oduor: We live in a County where if I walk up to and ask who is the CEC for a certain sector then I would not know. Reason, he plays musical chairs with them every single day. Today one is here and tomorrow you are elsewhere. We live in a County where he does not recognize academic qualification and as Hon. June Ndegwa said, this is not someone you want to be an example to your children.

I want my children to appreciate education. We have seen some of the most educated CEC being thrown out and Dr. Mark Odinga, a medical doctor being removed simply because the Governor did not agree with him. He is not the only one as they are so many. This is a County that has lost people through suicide because they have not been paid for the services that they rendered to the County.

This is a County that people have died leaving their children in poverty because of one Governor Mike Sonko refused to pay all pending bills and instead, preferred paying his friends but refused to pay a poor woman Ksh. 18,000. Hon. Members, it is very sad and I know that it is also a very happy day for the people of Nairobi. I appeal to all Members that we do not go down in history as one of the people who contributed to the failure of Nairobi.

Let us man up or woman up and vote. Let us vote to remove the Governor, have a new start and reclaim this city. It is never too late. For the Members who are in hiding and have a vision of being Members of the County in 2022, I feel sorry for you because the people of Nairobi are crying yet you are eating. Remember you can eat today and need the same food tomorrow. The only way you can get food is to get good leadership into the County of Nairobi.

Hon. Speaker and Members, I wish I could say more because I have listened for hours and I do not wish to repeat what has been said. Therefore, I support this Motion 100 percent and I know that once you put the question, we will go to a new beginning. Thank you Hon. Speaker and God bless Nairobi.

(Applause)

Hon. Speaker: Thank you. Hon. Members, before I call the mover to reply. Article 47 of the Constitution of Kenya 2010 on fair administration, action provides that every person has a right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.

Further, Standing Order 72 guarantees any person the Assembly intends to remove from office a right to be heard by appearing before the relevant committee or Assembly for purpose of responding to the allegations raised. Such person is entitled to legal representation. Hon. Members, in view of the above provision of the law, my office vide a letter REF NO: NCCA/SPA/11/2020 dated 26th November, 2020 invited his Excellency the Governor to appear virtually before this Assembly today 3rd December 2020 during this afternoon sitting in order to respond to the allegations raised against him.

Consequently, I can confirm that a link was sent to the Governor so that he can be able to join the session. Hon. Members, in this regard, can the Sergeant-at-Arms confirm whether the Governor is present and if so, the ICT to allow His Excellency the Governor to proceed and make his representation.

(The House set for appearance of the Governor)

Hon. Members, your consultations are a bit loud. Order Members! I have information confirmed from the Sergeant-at-Arms and indeed the Clerk that his Excellency the Governor Mike Mbuvi Sonko failed to log in on the Zoom virtual platform. Consequently, we shall proceed with the mover of the Motion. Mover

Hon. Micheal Ogada: Hon. Speaker, I want to take this opportunity to that every Member who has contributed to this Motion. When I first spoke, I noted that we need to rise to the occasion so that we can be counted and as I look at the body language of everybody sitting around here and I can tell that this plane is surely landing. I can confirm that. Mr. Speaker, the plane took off a while back with a pilot in charge but unfortunately, the pilot who was on it met some turbulence that made him go back and look for the most experienced pilot and I can confirm to this House that the most experienced pilot is around and the plane will be touching ground in the next two minutes. Thank you very much Members.

(Applause)

Hon. Speaker: Hon. Members, having come to the conclusion of debate it is now time for the Assembly to take a decision on this Motion. In this regard, Hon. Members, before I put the question on this matter, I wish to guide the Assembly on the voting process as follows:

Hon. Members, Standing Order 74 provides that unless otherwise provided under the Constitution, or any other written law, a question arising in the County Assembly shall be decided by a majority of the Members in the County Assembly, present and voting.

Further, Hon. Members, whenever the law requires that a fixed number of Members is necessary to support the moving of, or to decide any question on a Motion, for the convenience of the Assembly, the Chair need to first ascertain presence of the requisite quorum before proceeding to put the question. In this case, Section 33 of the County Governments Act, 2012 requires that a Motion for removal of the Governor from Office must be supported by two thirds of the Members. Consequently, I can confirm that we have the required two thirds quorum to proceed with the vote.

(Applause)

Hon. Members, on the voting process, Standing Order 75 provides that unless the Speaker, for the convenience of the County Assembly otherwise directs, voting on a division in the County Assembly shall be by electronic voting.

Consequently, Hon. Members, we shall proceed with electronic voting. However, in the current circumstances, where we have Members who are physically present and others following proceedings virtually, the voting process shall be through the virtual platform.

Hon. Members, the provisions of Standing Order 75 on electronic voting shall be applied with necessary modifications to suit the current circumstances. Allow me Hon. Members to emphasize on the following provisions of the aforementioned Standing Order: -

"75 (2) When the Speaker directs that an electronic voting to be taken, the Division Bell shall be rung for not more than ten minutes and the County Assembly shall proceed to a vote at the expiry of the ten minutes, or such further time as the Speaker may, for the convenience of the County Assembly, direct.

(3) During electronic voting, Members shall cast their votes by pressing either the "Yes," "No" or "Abstain" button.

(4) At the expiry of ninety seconds or as soon as the result of the voting appears on the indicator board, the Speaker or the Chairperson, as the case may be, shall announce the results of the division forthwith.

(5) A Member who is not able to cast his or her vote due to any reason considered sufficient by the Speaker, may before the result of the division is announced and after obtaining the permission of the Speaker, have his or her vote recorded verbally by stating whether he or she is in favour of or against the Question

(7) Any Member present in the County Assembly but who shall not have voted at the expiry of ninety seconds or after the announcing of the results, whichever is earlier, shall forfeit the right to vote and shall be deemed to have abstained from voting."

In the same breath, the Chair wishes to draw your attention to the amendments on the Standing Orders which the Assembly adopted on 2nd June, 2020 regarding virtual sittings. Specifically, the Assembly adopted that and I quote: -

"231 D Use of Technology: -

(1). *The Speaker may, taking into account the gazetted precincts of the Assembly, prescribe appropriate information and communications technology platforms for the conduct of virtual proceedings under this part.*

(2). *The platform described under paragraph (1) shall;*

(d) where the Assembly is wholly precluded from conducting a physical sitting, incorporate a system that allows Members to vote.

(3) *The voting system incorporated under paragraph (2) (d) shall be simple, accurate, verifiable, secure, accountable, transparent and facilitate the prompt declaration of results of each vote taken."*

With the forgoing, Hon. Members, upon expert advice, the Chair has chosen the *customized zoom application* as the platform that shall be used. In arriving at this decision, the Chair is satisfied that the application is simple, accurate, verifiable, secure, secrete, accountable, transparent and has the ability to facilitate prompt declaration of results.

Indeed, Hon. Members, once voting shall be declared, you will be prompted on your various electronic devices to make your choice by clicking on either YES (in support of the Motion) or NO (against the Motion). Once, every Member will have completed voting, the results shall appear on your devices and on the screens for those in the Chamber. It is mandatory that all Members who wish to vote, including those currently in the chamber, to login through the zoom platform using your official email addresses and gazetted names.

Hon. Members, I also wish to remind you of the provisions of Standing Order 81 on decorum during division which provides: -

81 (1) *A Member shall not be obliged to vote in a division, but those present and not voting shall either-*

- a) in the case of electronic voting, press the "Abstain" button; or*
- b) in the case of roll call voting, record their abstention with the clerk.*

(2). *It shall be disorderly conduct for a Member to fail to record his or her abstention in a division.*

(4) *During division, Members shall maintain order in the County Assembly and shall be in their designated seats and must remain seated until the result is announced.*

DIVISION

(Question put and the House divided)

Hon. Speaker: Honorable Members, we are now ready to take a vote on this Motion. The Sergeant-at-Arms to ring the Division Bell for ten (10) minutes.

(Loud consultations)

(Division Bell was rung for ten minutes)

Order Members. you can now take your seats. The ten minutes are over.

Hon. Members, I now direct that the ICT team prompts the question to allow Members to vote. Remember you have ninety (90) seconds to make your decision.

(Loud consultations)

Hon Members your conversation is too loud. Order Members! the 90 minutes are over. Order Members! Hon Millicent! Order Members! remain seated! I believe the 90 minutes are over. Can I have the results, ICT?

(Loud consultations)

Order Members!

(Question carried by 88 votes to 2)

Hon Members you have made your decision. From the results the Ayes 88, the nays 2, absenteeism nil. The net effect of this result is that the Motion has been carried and therefore the Assembly has resolved to remove His Excellency the Governor Mike Mbuvi Sonko from office by two thirds of the Members.

(Applause)

Next order!

PROCEDURAL MOTION

ADJOURNMENT IN ACCORDANCE WITH THE CALENDAR OF THE COUNTY ASSEMBLY

Hon. Speaker: Leader of Majority, proceed!

Hon. Abdi Hassan: Thank you Mr. Speaker sir, That, pursuant to the provision of Standing Order 28 and 29(3) this Assembly adjourns until Tuesday 9th February 2021 in accordance with the calendar of the County Assembly.

Mr. Speaker sir I want to take this opportunity to thank Members who are present in this House and Members who are on Zoom and also Members who are held in Kwale for supporting the Motion of removing Governor Sonko from office.

Mr. Speaker this is a Christmas gift for Nairobi people and I know that Members of this County Assembly for the last three years have something to go back and tell their constituents that with Mr. Sonko out the NMS will deliver to Naiorbbians.

Mr. Speaker I urge all Members of the County Assembly elected and special elected to move to ground and tell members of the public what transpired and ask for their support after 90 days when Naiorbbians will have elections.

Mr. Speaker sir with those many remarks I will ask my counterparty the Minority Leader to second the Motion. Thank you Mr. Speaker sir.

Hon. Michael Ogada: I second

(Question put and agreed)

ADJOURNMENT

Hon. Speaker: Hon. Members there being no other business the House stands adjourned. Pursuant to the provision of Standing Order 28 and 29(3) this Assembly stands adjourned until Tuesday the 9th February 2021 in accordance to the calendar of the County Assembly. Thank you.

The House rose at 5.10 p.m.