

# COUNTY GOVERNMENT OF NAIROBI CITY



## NAIROBI CITY COUNTY ASSEMBLY THIRD ASSEMBLY (FOURTH SESSION)

### COMMUNICATION FROM THE CHAIR

31.7.2025

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#### GUIDANCE ON THE IMPEACHMENT PROCESS OF A COUNTY GOVERNOR AND THE ADMISSIBILITY OF PUBLIC PETITIONS

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**Honourable Members,**

I have a further Communication to convey regarding procedure for impeachment of a County governor and admissibility of Public Petitions:

**Honourable Members,**

My office is in receipt of two public petitions: one dated **24<sup>th</sup> June, 2025**, submitted by **Hon. Maxwell Ochar**, a former Member of this County Assembly during the First Assembly; and another dated **27<sup>th</sup> June, 2025**, submitted by **Mr. Bonface Sila Munyao**. These petitions, which have generated significant public interest, call upon this Assembly to initiate impeachment proceedings against the Governor of Nairobi City County, **H.E. Johnson Sakaja**, with the aim of removing him from office.

**Honourable Members,**

Upon perusal of the two petitions, I have noted that they raise substantial constitutional, legal, and procedural issues which require my guidance and determination. Indeed, while this Assembly highly values civic engagement and upholds the constitutional right of the public to participate in its legislative processes, it is important to provide clarity, both to this Assembly and to the general public, on the legal and procedural framework governing the removal of a County Governor through impeachment.



**Honourable Members,**

The impeachment of a County Governor is a matter of great constitutional significance. Article 181(1) of the Constitution of Kenya, 2010 sets out the substantive grounds for removal from office as follows:

- i) Gross violation of the Constitution or any other law;
- ii) Serious reasons to believe that the Governor has committed a crime under national or international law;
- iii) Abuse of office or gross misconduct; or
- iv) Physical or mental incapacity to perform the functions of the office.

**Honourable Members,**

These constitutional provisions are operationalized through the provisions of Section 33 of the County Governments Act, 2012 and Standing Order 70 of the Nairobi City County Assembly Standing Orders, which outline the procedure for initiating and prosecuting an impeachment motion as follows: -

- (i) The process must be initiated by **a sitting Member of the County Assembly (MCA)** through a formal, written notice to the Speaker.
- (ii) The motion must be supported by at least one-third of all MCAs for it to proceed.
- (iii) The motion must clearly articulate the grounds for removal and be supported by evidence.
- (iv) The procedure must strictly comply with the form, timelines, and requirements set out in Standing Order 70. Specifically, it must be: - in writing, clearly outline the grounds for removal, be duly signed by the sponsoring MCA, and be supported by signatures of at least one-third of the Members of the County Assembly.

**Honourable Members,**

In the current circumstances, while Article 37 of the Constitution and Section 15 of the County Governments Act, 2012 guarantee every citizen the right to petition a



County Assembly on matters within its mandate, it must be underscored that a public petition, on its own, cannot trigger the impeachment of a Governor. Impeachment is a constitutional process that must be initiated from within the Assembly, by a **sitting Member**, and must meet all legal and procedural thresholds set out herein.

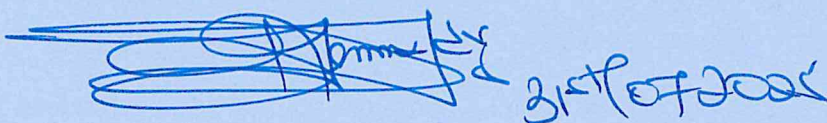
Accordingly, **Hon. Members**, having reviewed the two petitions, I find that they do not meet the basic legal and procedural threshold required for an impeachment motion. As such, while these petitions are acknowledged and appreciated, they **do not constitute admissible impeachment motions in their current form** and are therefore **not actionable**. I hold that the initiation of impeachment proceedings remains the prerogative of sitting MCAs a test which from onset the current petitions fail to meet.

**Honourable Members,**

In conclusion, I take this opportunity to reaffirm that public participation remains a cornerstone of our governance. This Assembly will continue to receive and process all admissible petitions in line with the law. However, on matters of impeachment, we are bound to operate strictly within the constitutional and statutory framework. I encourage Honourable Members to continue engaging with the public and guiding them on how best to raise their concerns lawfully and constructively. Accordingly, I direct the Clerk to inform the two petitioners on the outcome of their petitions in order to settle this matter.

The Assembly, and indeed the public, is so guided.

I thank you.

A blue ink signature, appearing to read 'Kennedy Okeyo Ng'ondi', is written over a series of horizontal wavy lines.

**The Rt. Hon. Kennedy Okeyo Ng'ondi, MCA**

**SPEAKER, NAIROBI CITY COUNTY ASSEMBLY**

**Thursday, 31<sup>st</sup> July, 2025**