



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Fourth Session

Thursday 31st July 2025

The House met at 2.30 p.m.

[The Speaker (Hon. Kennedy Ng'ondi) in the Chair]

PRAYER

Hon. Speaker: Hon. Members, you may be seated.

QUORUM

Hon. Speaker: Hon. Members, the attention of the Chair has been raised for lack of quorum to allow us transact the business of the day. Under Standing Order No. 37 (2), I direct the Sergeant-at-Arms to ring the Bell for a record of ten minutes, as you leave the door wide open. Thank you.

(Quorum Bell was rung)

Hon. Speaker: Clerk, kindly confirm whether we have quorum? Hon. Members, the Assembly is hybrid, meaning we are physical and virtual. The Clerk has confirmed that we still lack quorum. The number of Members, both virtual and physical, is 33. So, I further direct the Sergeant-at-Arms to ring the Bell for another five minutes. The Whips can mobilize online as well.

(Quorum Bell was rung)

Hon. Speaker: Hon. Members, it has been confirmed that we have quorum to transact the business of the House today. Clerk, proceed.

COMMUNICATION FROM THE CHAIR

NOTIFICATION OF VACANCY IN THE OFFICE OF MEMBER OF COUNTY ASSEMBLY FOR KARIOBANGI NORTH WARD

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Hon. Speaker: Good afternoon, Hon. Members. I have got a communication this afternoon to relay before the House.

Hon. Members, as you are aware, on Tuesday 22nd April 2025, we suddenly lost the late Hon. Joel Kimanzi Munuve, the MCA for Kariobangi North Ward. His passing on created a vacancy in the representation of the said ward in this County Assembly.

Hon. Members, Section 19 (3) of the Elections Act 2011, provides as follows:

“Whenever a vacancy occurs in a county assembly, the Speaker of the county assembly shall within 21 days after the occurrence of the vacancy issue a notice to the commission in the prescribed form.”

Hon. Members, as a matter of public knowledge, at the time of Hon. Munuve’s demise, the Independent Electoral and Boundaries Commission (IEBC), the body mandated to receive and act upon such notice, was not duly constituted. Consequently, it was not possible to immediately issue the required notification within the prescribed mandatory timelines.

Accordingly, following the recent reconstitution of the Commission and the resumption of its operations, I have today, Thursday 31st July 2025, in accordance with the powers conferred upon me under Section 19 (3) of the Elections Act, 2011, formally issued a right of notification of a vacancy in the County Assembly. This House is to notify the IEBC of the vacancy in the office of the Member of the County Assembly for Kariobangi North Ward.

Hon. Members, this action sets in motion the process by which the IEBC will facilitate the filling of the vacancy thereby ensuring that the residents of Kariobangi North Ward are once again fully represented in this Assembly. The Assembly and indeed the public are duly informed. Thank you, Hon. Members.

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

Hon. Members, I have a further communication to relay to the House regarding procedure for impeachment of a County Governor and admissibility of public Petitions.

Hon Members, my office is in receipt of two public Petitions; one dated 24th June 2025, submitted by Hon. Maxwell Ochar, a former Member of this County Assembly during the First Assembly, and another dated 27th 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.

Hon 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.

Hon 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.

Hon Members, these constitutional provisions are operationalized through the provisions of Section 33 of the County Governments Act, 2012 and Standing Order No. 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 No. 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.

Hon 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.

Hon 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 Hon 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. Thank you, Hon Members.

PAPERS

Hon. Speaker: The Chairperson Water Committee, Papers to be laid are on sanitation, this is the workshop held from 30th June to 5th June. Do we have the Vice-Chair? I direct the report to be deferred back to the House Business Committee for relocation next week on Tuesday.

(Papers Laid deferred)

QUESTIONS AND STATEMENTS

Hon. Speaker: Hon. Mwaniki? He is not in the House. The Chairperson Water committee is not in the House. I direct the two items be deferred for relocation. Clerk, proceed.

(Question and statements deferred)

MOTION

Hon. Speaker: Hon. Members, as you may be aware, about Motion number 8, as it appears in the Order Paper, if you can look closely at it, it has actually come to my attention that the Assembly Business committee erred in allocating the Motion.

In view of the foregoing, I direct the Order Paper be referred back to the Assembly Business committee. The Motion, as it appears in the Order Paper, had been dispensed off by the House.

ADJOURNMENT

Hon. Speaker: That brings us to the close of the business of the day. Hon. Members, the Assembly stand adjourned to 2.30 p.m. on Tuesday.

The House rose at 3.50 p.m.