



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (FOURTH SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, JULY 31ST, 2025 AT 2.30 P.M.

1. The Assembly assembled at Thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

QUORUM OF THE ASSEMBLY

The Hon. Speaker (Hon. Kennedy Ng'ondi) having confirmed that there was no Quorum at the commencement of the Sitting, caused the bell to be rung for ten minutes. At the expiry of the ten minutes there was no quorum and the Hon. Speaker further caused the bell to be rung for five minutes. At the expiry of the five minutes, quorum was realized and the Hon. Speaker called the County Assembly to order.

3. COMMUNICATION FROM THE CHAIR: -

The following communications were issued by the Hon. Speaker; -

i) WRIT OF NOTIFICATION OF A VACANCY IN THE COUNTY ASSEMBLY

“Honourable Members,

I have the following Communication to convey:

Honourable Members,

As you are aware, on **Tuesday, 22nd April, 2025**, we sadly lost the late **Hon. Joel Kimanzi Munuve**, the Member for Kariobangi North Ward. His passing created a vacancy in the representation of the said Ward in this County Assembly.

Honourable. Members,

Section 19(3) of the Elections Act, 2011 provides as follows and I quote: -

“(3) Whenever a vacancy occurs in a county assembly, the speaker of the county assembly shall within twenty-one days after the occurrence of the

vacancy issue a notice to the Commission in the prescribed form.”

Honourable. 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 statutory 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, formally issued a **Writ of Notification of a Vacancy in the County Assembly**. This serves to notify the IEBC of the vacancy in the office of the Member of the County Assembly for Kariobangi North Ward.

Honourable. 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.

I thank you.”

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

“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 **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.

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:

- a) Gross violation of the Constitution or any other law;
- b) Serious reasons to believe that the 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 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:-

- a) The process must be initiated by **a sitting Member of the County Assembly (MCA)** through a formal, written notice to the Speaker.
- b) The motion must be supported by at least one-third of all MCAs for it to proceed.

- c) The motion must clearly articulate the grounds for removal and be supported by evidence.
- d) 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. “

There being no other business and the time being fifty minutes past Three O'clock, the Hon. Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

4. ASSEMBLY ROSE - at fifty minutes past three O'clock.

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MEMORANDUM

The Speaker will take the Chair on
Tuesday, 5th August, 2025 at 2.30 p.m.

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