

REPUBLIC OF KENYA
IN THE SENATE OF KENYA
IN THE OF MOTION FOR THE IMPEACHMENT OF H.E MIKE MBUVI KIOKO SONKO AS
GOVERNOR OF NAIROBI CITY COUNTY

AND

IN THE MATTER OF ARTICLE 181 OF THE CONSTITUTION OF KENYA 201 AND SECTION
33 OF THE COUNTY GOVERNMENT ACT 2012

AND

IN THE MATTER OF COUNTY ASSEMBLY OF NAIROBI CITY COUNTY STANDING
ORDERS

RESPONSE TO ALLEGATIONS MADE IN THE MOTION.

MR. SPEAKER SIR,

His Excellency MIKE SONKO MBUVI KIOKO Governor Nairobi City County hereby responds to the Motion for removal of the Governor of Nairobi City County by Impeachment presented by Embakasi Ward Member of County Assembly Hon. Michael Ogada dated 26th November 2020 as follows:

1. **GROSS VIOLATION OF THE CONSTITUTION OR OTHER LAW:**

The Governor of Nairobi City County has not violated Article 201 (a), (d), (c) of the Constitution of Kenya 2010, on principle 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 and diverted or negligently caused to be diverted away Conditional Funds as alleged.

Mr. Speaker, Article 201 (a), (d), and (e) provides for the principle of Public Finance

Mr. Speaker,

- I. The allegations made herein are unfounded, No specific incident that has been cited where the Governor has performed his duties without, accountability transparency or public participation.

Article 201 (d)

- II. The charge remains a mere allegation as no specific incident or case of imprudent and/or irresponsible use of public funds has been cited.
- III. The allegation that provision of Article 201 (e) has been violated, is ambiguous, as it is an Article that obligates both County and National Government. It remains a guideline which is incapable of being violated. In any event, no specific incidences where the County has borrowed resources. No report has been tabled before the County Assembly or this Honourable House for purposes of interrogation to justify the allegation. Hence the allegation remains incapable of being interrogated by the Honourable House.
- IV. Section 154 of the Public Finance Management Act, 2012 relates to Accounting Officers of County Government entities, A Governor is not an Accounting Officer.
- V. Section 148 of the Public Finance Management Act,2012 defines who an accounting officer is; Accounting officers are appointed by the CEC finance in writing, and each department has an accounting officer, who in the case of Nairobi City County is the Chief Officer of the the respective department. The charge against the Governor on violation of section 154 of the PMF Act is misconceived, misplaced and scandalous.
- VI. Whereas it is alleged that payments were made to Lawyers and garbage contractors, it has not been specified as to which firms of Lawyers and which firms of garbage collectors were paid, and the charge remains speculative, in as far as Article 50 2 (b) and (c) are concerned.

IN ANSWER TO PARAGRAPH 1B.

The Governor of Nairobi City County has not Violated Article 10, Article 201(b) and (d) of The Constitution by failing, refusing and or neglecting to comply with the provision of Regulation 20 of the Public Finance Management (County Governments Regulations 2015 as alleged.

It is alleged that, the Governor has violated Article 10 and 201 (b) and (d) of the Constitution, Article 10 is a provision of general application, it talks of national values and principles that guide state and public officers, none of the

principles has been cited and how they have been violated. The allegation remains ambiguous and vague and for that reason it is not practical for the Governor to respond to any and all for this house to interrogate such violation devoid of specificity.

Alleged Violation of:

Article 201 (b)

- i. No nexus has been shown between the breaches in Article 10 and sharing of revenue under Article 201 (b).
- ii. No specific breaches have been demonstrated.

In relation to allegation in Article 201 (d).

Contrary to what is alleged, on the question of signing the warrant, the Governor while exercising prudence and responsibility in management of public funds, rejected the budget and gave reason in writing through a memorandum under regulation 20, See **APPENDIX 1** and this culminated in a dispute which is pending in Court, as a consequence the above:

There are the disputes.

- a) **Constitutional petition No. E348 of 2020 Nairobi City County Government vs Nairobi Metropolitan Services and Others**, this Court has suspended the implementation, in its ruling made on 7th December 2020. See **APPENDIX 2**
- b) Dispute before the National and County Government coordination Summit dated on 24th of July 2020, See **APPENDIX 3**

RESPONSE TO 1C.

The Governor has by no means violated Article 187 (2) (a). There is no legal framework in place to guide transfer of funds from Nairobi City County to the Nairobi Metropolitan Services. This allegation lacks merit, is malicious, misplaced and also prematurely tabled before the county Assembly. The Governor could not have violated Article 187 (2) when the legal framework had not been established by the time this Motion was being tabled, the legal framework was established on 30th November 2020 and received on 4th of December 2020, and therefore it could not operate retrospectively by 26th of November when the motion was tabled.

Mr. Speaker, by a letter dated 15th October 2020 the CS Treasury had written to the Governor saying that there was no existing legal framework guiding transfer and/or the stated release of money from NMS to Nairobi City County or vice versa.

- i. This can only serve to demonstrate that the mover of the Motion has been delinquent, indolent and malicious in the exercise of his legislative duties and authority under Article 185 of the Constitution.
- ii. Further it is clear that the Implementation of the Nairobi City County Appropriation has been suspended by the High Court. It is inconceivable that there can be a violation of Article 187 (2) (a) as read with Article 5.2 of the Deed of Transfer as it stands suspended. Besides as stated herein above there was no legal framework.

RESPONSE TO PARAGRAPH 1D

The Governor of Nairobi City County has not violated the provisions of Article 183 of the Constitution as read with Standing Order Number 193 and Section 123 of the Public Finance Management Act 2012 by undermining the authority of the County Assembly as alleged

- i. The allegation is superfluous, misconceived and scandalous.
- ii. The allegation that the debt has risen from 56 Billion to 76 Billion is not correct, when the Governor took office he inherited a debt of 64 Billion, and in exercise of prudence, he established a pending Bills Committee to investigate the pending bills and reduced the same from 64 Billion to 23 Billion, the Governor has saved the people of Nairobi a whole 41 Billion.

- iii. The Kshs. 23 Billion in the pending bills were further reviewed by the Auditor General who verified that only 11.78 Billion shillings were eligible for payment and the remainder required further verification.
- iv. Since then, the Nairobi City County Government has settled pending Bills worth Kshs. 4.63 Billion shillings and the outstanding eligible pending bills currently stand at 7.15 Billion shillings as verified by the Cabinet Secretary for the National Treasury and Planning on 10th June 2020. Which is marked, See **APPENDIX 4** (National Treasury presentation to the National and County Governments intergovernmental Summits)

RESPONSE TO PARAGRAPH 1(E).

The Governor has not violated Article 227(1) of the Constitution on Procurement of goods and services as read together with the provision of 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.

- i. Mr. Speaker the Charge herein is unsubstantiated, as no documents have been tabled in this House or the County Assembly to support the charge. This does not warrant the attention of this honourable Senate and the same must fail.
- ii. There is no nexus between the Governor and the allegations made. The Governor is not an accounting officer within the meaning of Section 148 of the Public Finance Management Act, 2012 and for that matter the charge is frivolous. It has not been demonstrated that in this matter there was any act of collusion on the part of the Governor with any County officers. In the absence of the same, the allegations are baseless as there is no nexus between the Governor and the procurement process.
- iii. Governor cannot be vicariously held liable for actions, commissions and/or omissions of County Government officers and or departmental heads. Needless to say, the Mover of the motion ought to have exercised his oversight authority as contemplated under Article and 185 and 195 of the Constitution and therefore the power to summon extends to summoning any person for purposes of giving evidence or information. The charge herein is farfetched, malicious and tainted with vendetta and bad faith.

RESPONSE TO ALLEGATION 1(F).

The Governor of Nairobi City County has not violated Section 35(4) and Section 45 (i) of the County Governments Act, 2012 as read together with Section 104 and Section 148 of the Public Finance Management Act, 2012 as alleged.

- i. No foundation or basis has been laid to warrant interrogation by the Senate, No specific dates have been given, In any event, Winfred Gathangu was initially a chief officer who was later appointed as the CEC in acting capacity to avoid a lacuna, No specific allegation has been made on any irregularities, misconduct, conflict or prejudice occasioned to the County at that time.
- ii. Mr. Speaker the allegation comes as an afterthought and as a product of witch hunt by the mover of the motion, no report has been attached to show that any matter in any quarters was raised, as a state officer the mover of the motion is bound to always act on good faith devoid of malafide intentions.
- iii. No particulars have been laid that qualify or meet the threshold of gross violation
- iv. This charge violates the Governor's rights under Article 50 (2) of the Constitution.
- v. The charge as it is, is ambiguous and therefore should not be entertained.

RESPONSE TO ALLEGATION 1(G).

The Governor of the Nairobi City County has not violated the provisions of Section 104 of the Public Finance Management Act, 2012 on Responsibilities and Powers of a County Treasury as alleged.

- i. Mr. Speaker, under Article 50 (2) of the constitution, there is a requirement that every accused person shall have the right to a fair trial, which include the right to be informed of the charge to prepare his defence and with sufficient details to enable him respond and in adequate time.
- ii. The charge herein is a general allegation devoid of particulars, no documentary evidence has been attached.

- iii. The governor cannot be pinned down where he is only left to guess, conjecture and guess, cannot take the place of formal proof.
- iv. Without prejudice to the foregoing, the County Treasury of Nairobi County is properly constituted within the meaning of Section 103 of the Public Finance Management Act, 2012.
- v. The Governor in line with the provisions of section 103 of the Public Finance Management Act, 2012 has ensured that there is a CEC member for finance who head the County Treasury. There is a chief officer and there is a department of County Treasury responsible for finance and Fiscal matters and therefore the charge is baseless, unfounded and an abuse of the process envisaged under Article 181 of the Constitution.

RESPONSE TO PARAGRAPH 1(H).

The Governor of Nairobi City County has not violated the Provision of Article 5.5 of the Deed of Transfer of Functions as alleged.

- i. Article 181 of the Constitution does not contemplate removal on account of breach of terms of contract.
- ii. This allegation has no basis whatsoever and the same is an abuse of the Application of Article 181 as read with Section 33 of the County Governments Act.
- iii. No violation of the Constitution or statute has been established and no basis has been laid.
- iv. This charge remains a wild allegation, un-substantiated and should be disregarded and treated with the contempt it deserves.

RESPONSE TO PARAGRAPH 1 (I)

The Governor of Nairobi City County has not 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 Wavers Administration Act, 2013 as alleged.

- i. No specific order for waiver has been cited.
- ii. The County Governor is the CEO of the County under, Section 30 of the County Government. Waiver of rates is a decision of the County Executive Committee Member, and the Governor by virtue of section 30 (2) (L) is mandated to gazette and communicate decision made by the County Executive Committee and the charge is therefore malicious, misconceived, farfetched, frivolous, scandalous and vexatious and an abuse of the impeachment process contemplated under the Constitution of Kenya 2010

RESPONSE TO PARAGRAPH 1 (J)

The Governor of the Nairobi City County has not violated the provisions of Article 201(d) of the Constitution on principles that guide all aspects of public finance in the Republic, and Section 227(1) of the Procurement and Disposal of Goods Act, 2015 as alleged.

- i. The Charge is a duplication of Charge No. 1(e) and the same ought to be disregarded for being repetitive and wastage of the Time of the Senate.
- ii. We wish to reiterate our earlier submission that the Governor has no role to play in procurement matters, which role is by statute assigned to accounting officers of various County Government entities as appointed under Section 148 of the Public Finance Management Act, 2012 by the CEC.
- iii. The charge is unsubstantiated as no specific particulars have been furnished on the interference as alleged. It has not been demonstrated that the Governor participated in any tenders or payments made to contractors.
- iv. The PPRA Report was never attached except technical officers anonymously mentioned with no specific alleged violations of Article 201 and Public Finance Management Act 2012 description

RESPONSE TO PARAGRAPH 1(K)

The Governor of Nairobi City County has not violated the provisions of Article 201 of the Constitution and Public Finance Management Act, 2012 on principles that guide all aspects of prudent use of public finance as alleged.

This is a wild allegation, it is not particularized and details of the funds lost, project etc.

They have not attached the Auditor General's report 2018/2019 which has not been published, and one wonders where the mover of the motion obtained it from.

The report referred to is a fraud, the same has not been gazetted and therefore cannot form a basis that is subject to an impeachment of this nature.

The alleged stalled projects for 204.2 Million are not particularized, and it is practically fair to require the Governor to answer to the same.

RESPONSE TO PARAGRAPH 1L.

The Governor of Nairobi City County has not violated the provisions of Article 5 of the Deed of Transfer of functions as alleged.

- i. The allegation is denied in ***toto***
- ii. Further, the charge herein is subject matter of a dispute pending before Court and at the National and County Government Coordinating. The matter is therefore sub-judice as provided under Standing Order under 98 of the Senate Standing Orders and for that matter, we urge the Senate to reject this Motion and find the same perjure as no decision has been made to warrant sustaining this allegation.
- iii. This allegation is malicious and an abuse of the process of impeachment of a Governor.

In a nutshell, the mover of the Motion has not demonstrated any iota of violation of the Law and Constitution in ground 1, no evidence has been laid, and the Governor was never served with any documentary evidence other than the Notice of Motion and Invitation, with the following documents attached,

- a) Hearing Program for 16th December and 17th December to the Senate
- b) Letter from the Speaker Nairobi City Assembly dated 4th of December 2020 addressed to the Speaker of the Senate forwarding the resolutions of the County Assembly of Nairobi City County dated 3rd December 2020.

- c) Copy of the Motion and required signatures
- d) Rules of Procedure, (extract)
- e) The Hansard of the Nairobi City County Assembly of 3rd December 2020

Mr. Speaker, no other document can be introduced in the floor of the Senate and the Governor relied on the documents served upon him in preparing his defence, the mover of the Motion is bound by Article 50 (2).

Mr. Speaker under Article 48 of the Constitution of Kenya 2010 the Governor has a right to access to justice and Under the County Assembly Standing Orders which are anchored under Article 50 of the Constitution, the Governor has a right to be given an opportunity to be heard either in person or by representation.

The Governor sent an Advocate **Mr. EVANS ONDIEKI** who was denied access and the Governor's rights as anchored under the rules of Natural justice were violated as he was not given an opportunity to be heard.

2. CHARGES ON ABUSE OF OFFICE

RESPONSE TO PARAGRAPH 2A.

The Governor of Nairobi City County has no 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 conduct of State officers as alleged.

- i. Every allegation has to be supported by tangible and cogent evidence. He who alleges must proof.
- ii. As it is, we were not provided with any witness statement and Witnesses as at the time of adjudicating the motion at the County assembly, and no witness came to buttress the allegations, no witness statement was filed with the resolution at the Senate. The allegations remain mere allegation devoid of substance.

- iii. Each and every persons employed as chief officers are responsible, educated enough to lodge complaints with regards to harassment or intimidation and no evidence has been alluded to that effect.
- iv. Further, no Court proceedings have been tabled before this house. These allegation are actuated by vendetta and malice. These allegations remain malicious, vexatious and frivolous, acts of vendetta actuated by the Governor's exercise of mandate and authority as bestowed upon by both statute and the Constitution.
- v. The mover of the Motion has been an MCA during the period under review. As a member of the county Assembly he has a right to table a motion, seeking to question the manner in which any person including the Governor has acted in respect to a particular issue under Article 185 of the Constitution.
- vi. The current chief officers were approved by the county Assembly and at no point were there reservations raised by the mover of the MOTION. Impeachment is a drastic measure that should be taken as a last resort, it is a delicate step that interferes with the fundamental rights of an individual, it should be taken as the last desperate measure, as it seeks to overturn the will of the people. It is incumbent upon members of the County Assembly to utilize powers of oversight under Article 185 of the Constitution of Kenya 2020.
- vii. The Governor was elected by over 850,000 electorates. The will of the people cannot be overturned by an individual who has other options which he has tactfully and strategically ignored to fulfill.

RESPONSE TO PARAGRAPH 2B.

The Governor of Nairobi City County has not abused his office by violating Article 75 of the Constitution s read together with Section 16 of the Leadership and Integrity Act, 2012 as alleged.

- i. The charge is speculative, misapprehended and a product of misconception, the Governor is only in charge of County Government resources and not National Resources.

- ii. No evidence has been tendered to the effect that County funds were used for travel. At no time has the First lady of Nairobi and the Governor's children a first lady's conference and besides the Governor's child is not a First lady and does not qualify a first lady's forum, the allegations are farfetched, illogical and mischievous.
- iii. The particulars of a charge must be specific and precise. It is not clear as to which event the Governor's daughter is alleged to have attended.
- iv. The particulars of the charge speaks of 2 events; the county first lady's conference and 62nd session of the commission on the status of women.
- v. At no point does the Governor have control of National Government, resources or international protocols and programs.
- vi. The Governor had no role to play and no funds from the National Government were expended towards that travel and no evidence of travel has been tabled by the mover of the Motion. For all purposes that particular charge must fail for being speculative and a product of gossip, malice aforethought and a scheme to embarrass and disparage the Governor. See **APPENDIX 5**

3. GROSS MISCONDUCT:

RESPONSE TO PARAGRAPH A

- i. The Governor has not violated Article 73 of the Constitution as alleged or at all.
- ii. The Governor denies that he is guilty of misconduct and proceeds to submit that the Kenyan System of criminal Justice Administration is based on presumption of innocence until proven guilty. The authorities bestowed with responsibility to deal with criminal justice is the Inspector general of Police, DPP and the EACC. These authorities by virtue of their mandate enjoy unlimited powers to investigate and prefer charges against any individual except the President of the Republic who is exempted by virtue of being a President.
- iii. Nevertheless the decision as to whether or not a person is investigated or charged lies with the Court established under Article 160 of the Constitution

and the principle underlying the process is the presumption of innocence until proven guilty and it is guaranteed under Article 50(2) (a) of the Constitution. It would be contemptuous for this Honourable House to admit, sustain or entertain the offence.

- iv. The allegation in this charge is hinged on matters that are before the High Court and the Anti-corruption Cases pending and ongoing at the Anti-corruption Crimes Court, being ACC NO. 1 of 2020 ACC No. 31 of 2019 and ACC no. 32 of 2019. HCCC No. 35 of 2020
- v. The matter is sub judice as provided under the Standing Order Number 98 of the Senate Standing Orders and the Governor is yet to be heard on the in the Courts and no conclusions can be made that the Governor is guilty of gross misconduct to warrant removal from office.
- vi. In regards to the Governors functions under Section 30 of the County Government Act there is no evidence that the Governor has failed to perform his duties due to the fact that he was barred by Court from accessing his office and there is no evidence of functional lapses occasioned by terms of bail granted by the Court

RESPONSE TO PARAGRAPH B:

The Governor of Nairobi City County denies violating Article 73 of the Constitution and Sections 8 and 11 of the Leadership and Integrity Act, 2012 and the issues raised in this charge are active before the Court in High Court Petition Numbers

The particulars of this particular charge do not speak to it in that the Governor is accused of imputing improper motive on part of the office of the president and bringing the same into dispute , ridicule , hatred and contempt , acts that cannot form particulars of violation of Article 73 and Section 8 and 11 of Leadership and Integrity Act, 2012.

No piece of evidence was placed before the Assembly in support of this charge and none at all was served upon the Governor.

No evidence is referred to even in the Impeachment proceedings at the County Assembly and none can be introduced at this stage.

The charge remains unsubstantiated and we urge this Honourable House to find so.

RESPONSE TO PARAGRAPH C

This charge is not substantiated, is lacking in material and detail and therefore the Governor is unable to answer to the same as framed.

The charge is not supported by any particulars sufficient enough to warrant the interrogation by this Honourable House and it does not meet the threshold set under Article 50 (2) of the Constitution of Kenya 2010.

RESPONSE TO PARAGRAPH D,E AND F

The Governor denies that he has violated Article 73, 75(I)(c) of the Constitution and Section 8 and 11 of the Leadership and Integrity Act, 2012 and the charges are not substantiated and not fit for the interrogation by this Honorable House

The charges in paragraph 4 (d) ,(e) and (f) amount to general comments devoid of specificity no material or evidence has been placed before the Assembly by the mover of the Motion or served upon the Governor and none can be introduced at this stage as the same would amount to violation of the Governor's Right under Article 50 of the Constitution and as such these charges must fail..

4. CRIMES UNDER NATIONAL LAW.

Based on the principle of presumption of innocence until proven guilty this charge cannot stand as the Governor has not been convicted and the same must fail.

CONCLUSION

The People of Kenya set an elaborate threshold for the removal of the Governor from office to be breaches of the constitution and serious or grievous crimes to warrant for impeachment from on the following considerations:-

- (i) The allegations must be serious, substantial and weighty;
- (ii) The violation must be a flagrant and glaring violations;
- (iii) There must be a nexus between the violation and the Governor;
- (iv) The violation must have led to harm, loss and damage to society;
- (v) The violation must have led to a loss of dignity in the office held and loss of confidence or trust in the person holding office to carry out the functions of that office with integrity and accountability."
- (vi) Serious violations of the constitution

The Committee added in paragraph 228 that "The Committee (Senate's) operational context is adversarial rather than inquisitorial in its orientation and can only rely on such evidence, including witnesses, as is presented or as appear before it. Where documents are referred to but not produced or promised but

not availed, the Committee has no recourse other than to rely on only what is availed. The documents produced by the Nairobi County Assembly to the Senate which were forwarded to the Governor have been clearly listed above and as things stand no evidence has been adduced to substantiate any of the charges made against the Governor. The Senate must therefore find that the allegations made were not proved and/or substantiated.

In the Governor Waiguru case, Senate Committee noted in some instances that it was "unimpressed and must express its reservation on the pattern of conduct of the Governor" and added that "The Governor appears to require to be reminded of the high calling of her office and the responsibilities of leadership as set out under Article 73 in the Leadership and Integrity Chapter of the Constitution." Similar allegations have been in the instant case. Still, the Senate Committee found that the stringent threshold for removal of the Governor had not met. The Senate must reach the same conclusion in this case before it.

It will be highly prejudicial for the senate to engage in parallel investigation whereas some of the issues are being investigated by competent agencies like EACC and the courts.

On the need to adduce evidence substantiating allegations made against the Governor, in Paragraph 233 & 234, Senate Committee in the Waiguru Case states the position as follows:

"The Committee takes the position that, in line with the precedents of the Senate in impeachment proceedings, in order to find that any particular of an allegation of the charges is substantiated, a determination must be made both that evidence has been adduced pointing to wrongdoing in the manner alleged in the Charge and that the threshold for an impeachable offense has been attained. The thrust of the jurisprudence in successive impeachment proceedings before the Senate , which the Committee upholds, has been that, it is not every aberration, even if established, that will lead to the impeachment of a Governor."

It is clear from the foregoing that the allegations of gross violation of the Constitution and any other law, abuse of office and misconduct have not been sufficiently substantiated at all. The Senate must find that no evidence has been adduced pointing to wrongdoing in the manner alleged in the charge both at the County Assembly and the Senate and the threshold for an impeachable offense has not been attained at all. Where any aberrations has been alleged and possibly established (which is denied), the Senate should find that such are not enough to lead to impeachment of a Governor.

The Senate must take cognizance of its role as provided in Article 96(1) of the Constitution which provides that the "the Senate represents the counties and serves to protect the interests of the counties and their governments." Impeachment is one of the mechanisms by which the Senate exercises it's role of protection of the Counties and their Governments. In doing this, as noted by the Senate Committee in Waiguru Impeachment Case the Senate "has the responsibility to set and maintain the standard for impeachment that bears the proper hallmarks of impeachment: due process, fairness and justice."

The Court of Appeal in Martin Nyaga Wambora vs County Assembly of Embu & 37 others [2015] eKLR noted "the dire need to better safeguard devolution and good governance at both the County Government level as well as the National government level. Governors who are popularly elected by the majority voters, who discharge their duties satisfactorily and adhere to the Constitution and the law, ought not to be in office at the mercy of the County Assembly. That is not what is intended by the Constitution."

As already noted above, the mover and seconder of this Motion were actuated by malice in tabling this motion against the Governor and were bent on exacting vendetta against him for holding them accountable for acts that occasioned loss of funds to the County in his line of duty. The allegations made touch on a matter that of Appropriation of Funds Bill that has is not only sub judice but which the High Court has suspended as being against the law and the Constitution. This is impeachment motion is an ideal occasion for the Senate to protect the interests of the Nairobi County by protecting the Governor.

Therefore, the Senate in exercise of its mandate under Article 181 of the Constitution, section 33 of the County Government Act and standing order 75 of the Senate Standing Orders must find that the 4 charges against the Governor are not substantiated and therefore must fail as they do not meet the threshold for impeachment which has been set by the Senate.

DATED AT NAIROBI THIS

DAY OF

2020

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