



## PROPOSED REMOVAL FROM OFFICE OF THE COUNTY GOVERNOR OF NAIR

### INDICATIVE PROGRAMME OF EVENTS

#### INVESTIGATION IN PLENARY

	ACTIVITY	PROVISION OF LAW	TIMELINES
1	Convening of the Senate.	Section 33(3)(a) of the County Governments Act and standing order 75(1)(a), Rule 1 (Part 1) of the Fifth Schedule to the Standing Orders.	<p>The Speaker of the Senate to convene the Senate to hear charges against the Governor within seven days after receiving the Resolution from the Speaker of the County Assembly of Nairobi City.</p> <p>The Speaker of the Senate received the Resolution for the removal of the Governor of Nairobi City County from the County Assembly of Nairobi City, on <b><u>December, 2020.</u></b></p> <p>It is proposed that the charges against the Governor be read to the Senate in a Communique issued by the Speaker of the Senate on <b><u>9<sup>th</sup> December, 2020.</u></b> (Gazette Notice for a Special Sitting)</p>

	investigation in Plenary.	75(1)(b)(ii) and rule 2 (Part 2) of the Fifth Schedule to the Standing Orders.	<u>Wednesday, 9<sup>th</sup> December, 2020</u> , investigate the matter in Plenary.
3	The Speaker of the Senate to appoint, by <i>Gazette</i> Notice, the dates for the Senate to investigate the matter.	Rule 3 (Part 1) of the Fifth Schedule to the Standing Orders.	Sittings of the Senate to be held on <u>16<sup>th</sup> and Thursday, 17<sup>th</sup> December</u> investigate the matter in the Senate.  The interim period will be for the i service of Invitations to Appear to the C to the County Assembly of Nairobi Cit
4	Invitation to Appear to issue to the Governor. Invitation to Appear to also require the Governor, where the Governor chooses to appear, to file an answer to the charges and to set out-  (a) response to the particulars of the allegations; (b) how the Governor proposes to appear – in person, by advocate, or in person and by advocate; (c) names and addresses of the witnesses to be called, if any and a statement by each such witness; and (d) any other evidence to be relied on.	Rules 4 and 6 (Part 1) of the Fifth Schedule to the Standing Orders.	It is proposed that the Invitation to App on <u>Wednesday, 9<sup>th</sup> December, 2020</u> .  It is further proposed that the resp Invitation to Appear be filed with the Clerk of the Senate by <u>Tuesday, 15<sup>th</sup> 2020 by 4:00 p.m.</u>  <i>*Responses are to be filed within 3 Rules 6 and 7 (Part 1) of the Fifth Sch Standing Orders. However, 12<sup>th</sup> Dece being a public holiday and 13<sup>th</sup> Dece being a Sunday, the two days are i pursuant to Article 259(6) of the Const</i>

5	<p>The Clerk of the Senate to notify the Speaker of the County Assembly of Nairobi City of the date for the commencement of the investigation and to invite the Speaker to-</p> <ul style="list-style-type: none"> <li>(a) designate the members of the Assembly being not more three, who shall attend and represent the Assembly, if any;</li> <li>(b) indicate the appearance mode – in person, by advocate or in person and by advocate;</li> <li>(c) names and addresses of witnesses to be called, if any; and</li> <li>(d) any other evidence to be relied on.</li> </ul>	<p>Rules 4 and 7(Part 1) to the Fifth Schedule to the Standing Orders.</p>	<p>It is proposed that the invitation to Appear on <b><u>Wednesday, 9<sup>th</sup> December, 2020.</u></b></p> <p>It is further proposed that the respc Invitation to Appear be filed with the Clerk of the Senate <b><u>Tuesday, 15<sup>th</sup> Dec by 4:00 p.m.</u></b></p>
6	<p>The Clerk of the Senate to furnish each party with the documentation filed by the other party.</p>	<p>Rule 8(Part 1) of the Fifth Schedule to the Standing Orders.</p>	<p>Documentation to be furnished to immediately upon receipt.</p>
7	<p>Pre-Hearing Meeting</p>	<p>-</p>	<p>It is proposed that the Senate holds a meeting on <b>Wednesday, 16<sup>th</sup> Decem 9:00 a.m.</b> so as to prepare for the hearing</p>
8	<p>Hearing by the Senate-</p> <ul style="list-style-type: none"> <li>(a) To commence with the case for removal of the</li> </ul>	<p>Standing order 75(1)(b)(ii) and Rule 11(Part 1) of the Fifth</p>	<p>Hearing to be conducted on <b>Wedn December, 2020 and Thursday, 17<sup>th</sup> 2020</b> (as per hearing Programme).</p>

	<p>Assembly.</p> <p>(b) Governor's response to follow.</p> <p>(c) Witnesses, if any, to give their evidence, to be cross-examined and re-examined, where necessary.</p> <p>(d) Closing statements to be made by the Assembly and then by the Governor.</p>	Standing Orders	
9	<p>Voting on the charges.</p> <p>(a) Voting shall be on each of the charges.</p> <p>(b) For purposes of standing order 75(5), the matters to be voted on shall be matters affecting counties and shall therefore be voted on by the county delegations.</p>	Section 33(7) of the County Governments Act and standing order 75 (5).	<p>It is proposed that voting by the Senat <b>Thursday, 17<sup>th</sup> December, 2020.</b></p> <p>The voting shall be by Counties and each of the charges.</p>
10	Notification by the Speaker of the Senate to the Speaker of the County Assembly on the outcome of the investigation by the Senate.	Section 33(8) of the County Governments Act.	It is proposed that the notification immediately upon conclusion of the prc <b>Thursday, 17<sup>th</sup> December, 2020.</b>