

ANNEX 1

THE SENATE



PROPOSED REMOVAL FROM OFFICE OF THE GOVERNOR OF WAJIR COUNTY

INDICATIVE PROGRAMME OF EVENTS – INVESTIGATION BY A SPECIAL COMMITTEE

	ACTIVITY	PROVISION OF LAW	TIMELINES	ACTION
1	Convening of the Senate.	Section 33(3)(a) of the County Governments Act, 2012, standing order 75(1)(a) of the Senate Standing Orders and Rule 1 (Part 2) of the Fifth Schedule to the Standing Orders.	<p>The Speaker of the Senate to convene a sitting of the Senate to hear charges against the Governor within seven days after receiving the notice of the Resolution from the Speaker of the County Assembly of Wajir.</p> <p>The Speaker of the Senate received the notice of the Resolution for the removal of the Governor of Wajir County from the Speaker of the County Assembly of Wajir, on Thursday, 29th April, 2021.</p> <p>It is proposed that the charges against the Governor be read to the Senate in a Communication to be issued by the Speaker of the Senate on Thursday, 6th May, 2021. (The last day for the reading of charges)</p>	Speaker of the Senate.

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2	Establishment of a special committee.	Section 33(3)(b) of the County Governments Act and standing order 75(1)(b)(i) and rules 1 and 2 (Part 2) of the Fifth Schedule to the Standing Orders.	<p>The Senate may, at the sitting to be held on Thursday, 6th May, 2021, by Resolution, appoint a special committee comprising eleven of its members to investigate the matter.</p> <p>The Committee would have ten days to investigate and report back to the Senate on whether it finds the allegations against the Governor to have been substantiated; the Committee should therefore table its report in the Senate on or before Monday, 17th May, 2021. (<i>The ten days lapse on Sunday 16th May</i>)</p>	
3	Election of chair and vice chair of the special committee within 24 hours.	Rule 3 (Part 2) of the Fifth Schedule to the Standing Orders	<p>The Committee to be invited to meet immediately after its establishment so as to elect the chair and vice-chair.</p> <p>In view of the ten-day timeline, it is proposed that the election of the chair and vice-chair be conducted on Thursday, 6th May, 2021 so that the Committee may immediately commence work.</p>	Clerk of the Senate.
4	Special committee to appoint a date to commence its investigations.	Rule 3 (Part 2) of the Fifth Schedule to the Standing Orders	<p>It is proposed that immediately after the election of the chair and vice-chair, the Committee holds its first meeting and appoints the date on which it shall commence consideration of the matter.</p> <p>Taking into account the timelines, it is proposed that the Committee schedules the date of Wednesday 12th May, 2021 to commence its investigations.</p>	Special Committee.

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			The interim period will be for the issuance and service of Invitations to Appear to the Governor and to the County Assembly of Wajir.	
5	<p>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-</p> <ul style="list-style-type: none"> (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. 	Section 33(5) of the County Governments Act, standing order 75(3) and rule 6 (Part 2) of the Fifth Schedule to the Standing Orders.	<p>It is proposed that the Invitation to Appear be issued immediately after the meeting of the Committee on Friday, 7th May, 2021.</p> <p>It is further proposed that the response to the Invitation to Appear be filed with the Office of the Clerk of the Senate by close of business on Tuesday, 11th May, 2021 by 5pm.</p>	Special Committee and the Clerk of the Senate.
6	The Clerk of the Senate to notify the Speaker of the County Assembly of Wajir of the date for the commencement of the investigation and to invite the Speaker to-	Rules 4 and 7 (Part 2) of the Fifth Schedule to the Standing Orders.	<p>It is proposed that the Invitation to Appear be issued immediately after the meeting of the Committee on Friday, 7th May, 2021.</p> <p>It is further proposed that the response to the Invitation to Appear be filed with the Office of the</p>	Clerk of the Senate.

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	<p>(a) designate the members who shall attend and represent the Assembly, if any;</p> <p>(b) indicate the appearance mode – in person, by advocate or in person and by advocate.</p> <p>(c) names and addresses of witnesses to be called, if any; and</p> <p>(d) any other evidence to be relied on.</p>		Clerk of the Senate by close of business on Tuesday, 11th May, 2021 by 5pm.	
7	The Clerk of the Senate shall furnish each party with the documentation filed by the other party.	Rule 8 (Part 1) of the Fifth Schedule to the Standing Orders	Immediately upon receipt	Clerk of the Senate
8	<p>Hearing by the Committee-</p> <p>(a) To commence with the case for removal of the Governor by the County Assembly.</p> <p>(b) Governor’s response to follow.</p> <p>(c) Witnesses to give their evidence, to be cross-examined and re-examined, where necessary.</p>	Standing order 75(1)(b)(i) and rule 11 (Part 2) of the Fifth Schedule Standing.	Hearing to be conducted on two days i.e., on Wednesday, 12th May, 2021 and Thursday, 13th May, 2021 as per the hearing programme.	Special Committee.

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	(d) Closing submissions to be made by the Assembly and then by the Governor.			
9	Report of the Committee.	–	Report writing and adoption of the report by the Committee to commence on Friday, 14th May, 2021.	Special Committee.
10	Tabling of Report in the Senate.	Section 33(4)(b) of the County Governments Act and standing order 75(2) (b).	A special sitting be held and the Committee Report to be tabled in the Senate on Monday, 17th May, 2021.	Special Committee.
11	Where the special committee reports that the particulars of any allegation against the Governor have not been substantiated, further proceedings shall not be taken under this section in respect of that allegation. It is noteworthy that the Senate is bound by such a report of the special committee.	Section 33(6) (a) of the County Governments Act and standing order 75(4)(a).	Upon the special committee tabling such finding, communication to issue to the Speaker of the County Assembly of Wajir and a <i>Gazette</i> Notice to issue.	Speaker of the Senate.
12	Where the special committee reports that the particulars of any allegation against the Governor have been substantiated, the Senate shall, after according the	Section 33(6)(b) of the County Governments Act and standing order 75(4)(b).	Upon the tabling of the report by the Special Committee, the Senate to appoint a date to hear the Governor in Plenary.	The Senate.

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	Governor an opportunity to be heard, vote on the charges.		<p>It is proposed that the Governor be invited to be heard on the same day that the Committee's report will be tabled, that is, Monday, 17th May, 2021.</p> <p>On Monday, 17th May, 2021, the Chairman of the Special Committee shall move the motion for the adoption of the report of the Special Committee, which shall be seconded.</p> <p>The Governor shall then be accorded the opportunity to be heard.</p> <p>Thereafter the Speaker shall put the question and debate shall, in accordance with the provisions of the Standing Orders, follow.</p>	
13	<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(6), 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(6).	<p>It is proposed that voting by the Senate be on Monday, 17th May, 2021 after the debate on the Motion is concluded.</p> <p><u>The voting shall be by Counties and shall be on each of the charges in respect of the Governor that may be found to have been substantiated.</u></p>	The Senate.
14	Notification by the Speaker of the Senate to the Speaker of the County Assembly on the outcome of the investigation by	Section 33(8) of the County Governments Act	It is proposed that the notification be issued immediately upon conclusion of the proceedings on Monday, 17th May, 2021 and that a notice be published in the Kenya <i>Gazette</i> .	Speaker of the Senate

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	the Senate and publication of a notice in the <i>Gazette</i> .			