THIRD COUNTY ASSEMBLY
NO.082

AFTERNOON SITTING
(179)

REPUBLIC OF KENYA

THIRD COUNTY ASSEMBLY – THIRD SESSION

THE COUNTY ASSEMBLY OF LAIKIPIA

ORDER PAPER

WEDNESDAY 9TH OCTOBER, 2024 AT 2.30PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motions(As listed in the appendix)
7. Statements (As listed in the appendix)

***Denotes Orders of the Day**

……/ Appendix

APPENDIX

1. **NOTICES OF MOTIONS**

a. **Notice of Motion- NOTICE OF SPECIAL MOTION BY HON NICHOLAS LEMPAIRA (MCA MUKOGODO WEST) FOR REMOVAL FROM OFFICE BY MANNER OF IMPEACHMENT OF THE HON SPEAKER OF THE LAIKIPIA COUNTY ASSEMBLY - HON LANTANO NAABALA**

PURSUANT to the provisions of **Standing Order 61** of the Laikipia County Assembly Standing Orders this House **RESOLVES** to remove from Office by impeachment, the Speaker of the County Assembly of Laikipia, **Hon Lantano Nabaala** on the grounds set out in this Motion;

THIS MOTION has been presented to the Clerk of the House in writing stating the grounds and particulars upon which the proposed motion is made, signed by the Hon Nicholas Lempaira, MCA Mukogodo West and signed in support by at least One Third of all the Members

1. **GROUNDS/CHARGES**

1.1 **USE OF FAKE ACADEMIC PAPERS TO SEEK AND OBTAIN ASCENSION TO PUBLIC OFFICE**

1.1.1 **Article 178** of the **Constitution of Kenya, 2010** provides that each County Assembly shall have a Speaker elected by the County Assembly from among persons who are not Members of the Assembly.

The Office of Speaker in the Laikipia County Assembly is held by the **Hon Lantano Nabaala.**

1.1.2 The Office of Speaker of the Assembly is a High Office and the holder of the Office is required to ascribe and adhere to the highest levels of professionalism and good conduct and further demonstrate/practice strict deference and compliance to the Constitution of Kenya 2010 and the precepts thereto together with all other legislation both at National and County level

1.1.3 Hon Lantano Nabaala previously held the Office of in the Laikipia County Government in the previous years before applying for

1.1.4 and being elected to the Office of Speaker of the County Assembly of Laikipia.

The Hon Speaker in applying for the above positions, presented the following academic Papers positing that they were legitimate and genuine academic qualifications:

a) 1996: B.E.D, (science),(1st classhonors)Degree from serrekunda, Gambia University

1.1.5 It has since transpired that the said document are not genuine and that the Hon Speaker did present fake and forged Certificates.

1.1.6 The holder of the Office of Speaker is obligated to observe the dictates of Chapter Six of the Constitution of Kenya, 2010 and carries, as Speaker, an elevated responsibility in the management of the affairs of his Office and the business of the County Assembly

1.1.7 The Speaker is thus required to be of good character, be of sound moral principle and demonstrate unimpeachable probity.

1.1.8 By presenting fraudulent Academic Papers the Hon Speaker has violated the ethos and spirit of the Constitution is guilty of criminal conduct and is thus in breach of the law and should be removed from Office

2. 1.2 ABUSE OF OFFICE

1.2.1 A complaint has been issued against the Speaker for the use of a firearm illegally. The circumstances of the stated illegal use have been reported to the DCI at Laikipia vide O.B. No. _____

APPENDIX

1.3 ILLEGAL HIRING OF STAFF

The Speaker is guilty of the illegal hiring of Staff

The position of Director of Procurement was advertised via national gazated notice dated 1ST SEPT 2023 and Cancelled via gazette notice of 4th oct 2023, advertised same interviews without following the laid down procedures and hiring regulations. The hiring of the said Director was at the behest of the Speaker and without any explanation the said position was never filled

1.3.1 Hiring of deputy clerk, The position of the deputy was advertised twice through a national gazette notice dated…….., this position was never budgeted for or brought to the assembly for approval, having a second deputy clerk on acting position leading to loss of public resource by paying the substantive clerk on compulsory leave and on full pay enhance value for money not realized as the county pfm act 2017.

1.4 MISUSE OF PUBLIC RESOURCES

By virtue of his position as Speaker the Hon Speaker is entitled to the use of a County Vehicle.

The Speaker has however used his own personal vehicle for personal errands and then charged the County assembly and required it to pay for the use of the said Private Vehicle contrary to county government act no 17 of 2022 section 11, through a company named: **ATATUK** supplies strongly believed to be registered under his spouse.

In support of the evidence towards these allegations are _____

1.4.1 By failing to Hire the Director of procurement which was at his behest and duty as the chairperson of service board caused loss of public resources through the committee sitting allowance and also through the cost of advertisement through national newspaper dated……

(see attached ADVERTS)

1.5 Neglect of Statutory duties and Contempt of the County Assembly.

Article 73(2)(d) of the Constitution demands that all State Officers must be accountable to the public for their decisions, actions and by implication public utterances; AND WHEREAS in fulfillment of the Article 73 (2) (d) of the Constitution, Section 51 (1) (d) (e) (f) of the County Governments Act, 2012 mandates the Board to prepare regular reports for submission to the County Assembly on the execution of the functions of the Board; to promote in the county public service the values and principles referred to in Articles 10 and 232 and to evaluate and report to the county assembly every December on the extent to which the values and principles referred to in Articles 10 and 232 are complied with in the County Public Service; The speaker as the chairperson of the Board have grossly violated the provisions of Articles 73 and 195 of the Constitution and Section 51 (1) (d) (e) and (f) of the County Governments Act, 2012 by engagement, connivance and/or complicity refused to furnish the County Assembly with reports on the execution of the functions of the Board and the extent to which the values and principles referred to in Articles 10 and Articles 232 of the Constitution are complied with in the County Public Service thus hindering the County Assembly from exercising its oversight and legislative

1.5.1 The County Assembly Service is a statutory entity set up and constituted under the County Governments Act. The purpose of the Board is to provides services and facilities to the Members of the County Assemblies to ensure and facilitate the efficient running of the County Assembly, the speaker as the chairperson and head of this institution failed to pay the members allowances on time and in full for smooth running and facilitation of the oversight role of the members

The foregoing constitute the Charges against the Speaker.

2. COMPLIANCE WITH LEGAL PRE REQUISITES

2.3 Under **Standing Order 61** of the Laikipia County Assembly Standing Orders, a member of the County Assembly supported by at least **One Third** of all the members may move a motion for impeachment of the Speaker
The Present Motion **(Refer to Annexe "A")** satisfies this requirement.

2.4 The dictates of natural justice require that the Motion be accompanied by the relevant evidence by way of either sworn testimonies or Annexes/Documents supporting the Charges. The mover of this motion presents, with this motion the relevant evidence in support of the Motion.

The Motion herein is presented in accordance with and in conformity to the attendant legal requirements.

3. RESOLUTIONS:

ON THE STRENGTH OF the above charges, given the nature of the seriousness of these charges and the facts and evidence tendered I humbly urge the House To support Motion and resolve that –

PURSUANT to the provisions of **Standing Order 61** of the Laikipia County Assembly Standing Orders this House **RESOLVES** to remove from Office by impeachment, the Speaker of the County Assembly of Laikipia, **Hon Lantano Nabaala** on the grounds set out in this Motion

DATED and **SIGNED** at the County Assembly of **LAIKIPIA**

_____

HON NICHOLAS LEMPAIRA
MCA, MUKODOGO WEST
LAIKIPA COUNTY

2. RESPONSES TO STATEMENTS

a. Response statement No. 005/2024 to the Chairperson, Finance and County Planning Committee (Hon. Stephen Ndiritu) raised on 27th August 2024 by the member representing Mukogodo West Ward (Hon. Nicholas Lempaira) pertaining to conversion of public land to private land in Salama, Segera, Sosian and Rumuruti wards.

b. Response statement No. 008/2024 to the Chairperson, Agriculture, Environment and Natural Resources Committee (Hon. Leila Hussein) raised on 27th August 2024 by the member representing Ngobit Ward (Hon. Catherine Nyokabi) pertaining to drilling of boreholes in Laikipia County.