



COUNTY ASSEMBLY OF BUNGOMA

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July 29, 2020

PRESS RELEASE- FOR IMMEDIATE RELEASE

COUNTY ASSEMBLY OF BUNGOMA STATEMENT ON TWO PUBLIC PETITIONS UNDER CONSIDERATION BY THE COMMITTEE ON PUBLIC ADMINISTRATION AND ICT.

The County Assembly of Bungoma is in receipt of two Public Interest Petitions by Moses Lukoye and Barasa Nyukuri.

The petitions were committed to the Committee of Public Administration and ICT for consideration.

IMPORTANT INFORMATION FOR THE PUBLIC

1. There is no motion of impeachment of the Governor for Bungoma County. What is before the County Assembly are two public interest petitions on the removal of the Governor.
2. No Member of County Assembly has presented a motion of impeachment as reported by a section of the Media.
3. The petitions were drafted and presented to the County Assembly by Members of the public in line with Article 1 of the Constitution of Kenya (CoK) 2010 as read together with section 15 of the County Governments Act.
4. The committee on Public Administration and ICT will accord both parties an opportunity to be heard in compliance with Article 47 and 50 of the CoK 2010, before assessing the evidence adduced.
5. The committee shall in not more than 60 calendar days from the time of committal respond to the petitioners by way of a report addressed to them and laid on the table of the County Assembly.
6. Upon tabling of the report and if the grounds have been substantiated, a member can pursuant to the provisions of section 33 of County Governments Act initiate a motion for impeachment and removal of the Governor from Office.

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7. The committee has already held a pre- trial conference and set out the rules on how the two petitions will be handled. The two petitions will be heard from 11th August, 2020 at the County Assembly Chambers. The sessions will be open to members of the public.

THE TWO PUBLIC PETITIONS

The petition by Moses Lukoye has the below listed seven prayers:

1. Removal of the governor from office
2. Illegally created offices and unnecessary offices be abolished
3. Those unprocedurally and illegally employed be terminated and surcharged
4. All those implicated in corrupt practices be disciplined

The petition sets out the below grounds for the prayers to be granted:

(1) Gross violation of Article 232 of the constitution which provides inter alia affording adequate and equal opportunities for appointment, training and advancement at all levels of public service

Violated section 107(c) as read with Regulation 25 of PFM on the ballooning wage bill beyond 35%

(2) Gross violation of Article 10 for failure to involve the public on creation of offices like DCS, Chaplain, SDU etc.

(3) Gross violation of the Public Procurement and Assets Disposal Act, 2015 for initiating mega projects without financial provisions like Dual carriage, Masinde Muliro Stadium etc

(4) Grossly violation of Chapter Six on Leadership and Integrity for failure to initiate disciplinary measures against CECMS Public Admin and Health and Advisor on Special Programmes in the jericans scandal

(5) Grossly violation Article 232 by establishing governor's scholarship without due process

(6) Grossly violation of Section 30(3) of CGA for having failed to provide leadership

(7) Gross misconduct by concentrating more on political party issues

The petition by Barasa Nyukuri has four grounds:

(1) gross violation of the Constitution, Public officers Ethics Act, 2003, Transitional Authority Act, 2013, the Urban Areas and Cities Act 2011, County Govts Act, 2012, PFMA and Leadership and Integrity Act for sanctioning illegal and irregular appointments and selection of unqualified and incompetent personnel e.g chief of staff, protocol officers, liason officers etc

(2) Violation of the Rule of Law, Abuse of Office and misconduct by unilaterally collecting signatures to dissolve County Government of Bungoma, interfered with the mandate of CPSB by

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unilaterally seconding the CPSB chairman as Acting Chief officer Finance and Economic Planning, sanctioning employment of one Alex Momanyi as Head of Supply Chain Mgt who has a pending criminal and corruption case before court; irregular transfer of senior staff officers from County Head Quarters to Field Stations

(3) Impropriety of the County Governor for being non-consultative with the public; initiation of mega projects without public participation and lack of sustainable budgetary allocation like Dual carriage; failed to implement ward based projects; sanctioned an illegal and irregular borrowing as well as misappropriation of funds from Bungoma County Referral Hospital

(4) Lack of Leadership and Integrity by sanctioning irregular appointments and selection of unqualified and incompetent personnel in the office of the Governor

ERICK NGOBILO- PUBLIC COMMUNICATIONS OFFICER

FOR CLERK TO COUNTY ASSEMBLY.