

22<sup>ND</sup> JUNE 2020

TO THE CLERK  
SECOND COUNTY ASSEMBLY OF BUNGOMA  
PO BOX 1886-50200  
BUNGOMA

SUBJECT: PUBLIC INTEREST PETITION FOR CONSIDERATION BY THE COUNTY ASSEMBLY IN THE MATTER OF POSSIBLE IMPEACHMENT AND REMOVAL OF HON. WYCLIFFE WAFULA WANGAMATI FROM OFFICE OF THE GOVERNOR OF BUNGOMA COUNTY:

*THE GROUNDS AND PARTICULARS FOR CONSIDERATION FOR POSSIBLE IMPEACHEMENT AND REMOVAL ARE: GROSS VIOLATION OF THE CONSTITUTION OF KENYA, 2010, VIOLATION OF THE RULE OF LAW AND DUE PROCESS, ABUSE OFFICE, GROSS MISCONDUCT, IMPROPRIETY, LACK OF LEADERSHIP AND INTEGRITY:*

Pursuant to Articles 1,2,3, 4, 6,10, 27, 33, 35, 43, 46, 47, 48, 50,73, 74, 75,174, 175, 176, 181, 182, 183, 185, 195, 196 and 251 read together with Sections 15, 33, 87, 88,89, 96 of the County Governments Act, 2012 , Standing Orders No.60 and 200 of the County Assembly of Bungoma, we the **UNDERSIGNED** Members of the Bungoma County Civil Society Forum, residents of Bungoma County and Citizens of the Republic of Kenya; **Barasa Kundu Nyukuri, Albert Simiyu Wamalwa and Philip Wanyonyi Wekesa** hereby on our own and on behalf of the general public interests.

**I WISH TO DRAW THE ATTENTION OF THE CLERK TO THE COUNTY ASSEMBLY OF BUNGOMA TO THE FOLLOWING:**

**1.0.GROSS VIOLATION OF THE CONSTITUTION OF KENYA, 2010:**

1.1. I wish to draw to the attention of this Honourable County Assembly of Bungoma that **Hon. Wycliffe Wafula Wangamati**, the Governor, Chief Executive Officer and Chairman of the County Executive of Bungoma has on several instances after his election on the 8<sup>th</sup> August 2017 and assumption of office in the same year, grossly violated the Constitution of Kenya, 2010 and other enabling legislations, including the Public Officers Ethics Act, 2003, Transitional Authority Act, 2013, the Urban Areas and Cities Act, 2011, the County Government Act, 2012, Public Finance Management Act, 2012 and the Leadership & Integrity Act,2012;

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1.2. **The Governor** has failed to adhere to Chapter 6 on the Leadership and Integrity by sanctioning illegal and irregular appointments and selections of unqualified and incompetent personnel in the office of the Governor and by extension in the County Public Service. These among others include the Chief of Staff, Protocol Officers,

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Liaison Officer(s) and other employees based on narrow partisan considerations, contrary to the national values and principles of public services stipulated in articles 10 and 232 of the Constitution of Kenya, 2010.

1.3. The character, conduct and actions of Hon. Wycliffe Wafula Wangamati have grossly violated Articles 1, 2,3,4,10,27, 47, 48, 50, 73, 232 of the Constitution of Kenya, 2020. Mr. Speaker Sir, Article 73 in particular outlines the guiding principles of leadership and integrity including selection on the basis personal integrity, competence and suitability of all public appointments and nominations.

## 2.0. VIOLATION OF THE RULE OF LAW, ABUSE OFFICE AND MISCONDUCT OF THE COUNTY GOVERNOR

2.1. That the Governor's unilateral intend and decision collect signatures to suspend the County Government of Bungoma is direct abuse of office and delegated the sovereign authority of the people of Bungoma as stipulated in articles 1, 2,3, 10, 192 as read to read together with sections 90 and 91 of the County Governments Act, 2012.

2.2. Governor Wycliffe Wafula Wangamati recently initiated the collection of signatures to suspend the operations of the county government and subsequently dissolve it. This is illustrated by the fact that he sanctioned the collection of signatures after recently chairing a County Executive Committee (Cabinet) meeting in his office. This Form is available on the social media and is circulating in various polling stations across the 45 electoral Wards and 9 Sub Counties/Constituencies in Bungoma County.

2.3. That the ongoing exercise of collection of signatures that has been sanctioned and sponsored by Governor Wycliffe Wafula Wangamati using tax payers resources has not only fueled confusion and uncertainty, but also apathy and a wait and see attitude, among a section of the members of the county assembly, staff and employees of the county government and the general public.

2.4. There is common information in the media and public domain to state that Governor Wycliffe Wafula Wangamati and a section of his cronies in the County Executive Committee and County Public Service have publicly stated that they will not recognize, respect and/or work with the county assembly leadership.

2.5. That Hon. Wycliffe Wafula Wangamati has on several occasions abused his Office. He has consistently interfered with the mandate and functions of the County Public Service Board of Bungoma (CPSBB), which is an semi-autonomous organ of the County Government anchored in **Article 232,235 and Sections 55, 56, 58, 59, 60 to 76** of the County Government Act, 2012, with regard to issues of appointments and transfers of county public service employees. For instance, he unilaterally hired/seconded, the current **Chairman of the CPSBB Mr. Jonathan Namulala** as

the **Acting Chief Officer, Finance and Economic Planning** without the approval of the County Assembly of Bungoma in consultation with the CPSBB. The said Chair of the CPSBB as the face of the Employer is in direct conflict of interest as Acting Chief Officer, Finance and Economic Planning, contrary to provisions of article 73 of the Constitution of Kenya, 2010 as read together with **Sections 45, 58 & 59** of the **County Governments Act, 2012**, regarding the recruitment process and functions of the Chief Officer, vis-a-viz the Chairman of the County Public Service Board of Bungoma.

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- 2.6. I wish to point out that the **unilateral administrative and executive decision of Hon. Wycliffe Wafula Wangamati** has led to mismatch in CPSB Mandate and functions executed by a Chairman, who is both *an employer* and *an employee at the same time*. This has further created conflict of interest, fiscal indiscipline, confusion in decision making and communication protocol between the Department of Finance & Economic Planning and County Treasury on one hand and County Public Service Board of Bungoma County on the other hand.
- 2.7. That **Hon. Wycliffe Wafula Wangamati** sanctioned the employment of **Mr. Alex Momanyi** as the Head of Supply Chain Management/ Director of Procurement in the County Government of Bungoma, without a background check and due diligence. It is instructive to note that **Mr. Alex Momanyi** has a pending criminal case in the Chief Magistrates Court at Bungoma over fraudulent procurement process for the supply of **1000 Bags** of Fertilizer to Nzoia Sugar Company Limited. The matter involving **Mr. Alex Mukhongo** at Nzoia Sugar Company and the fake Fertilizer Supplier is also a subject of investigation by the Directorate of Criminal Investigation (DCIO) and the Ethics and Anti-Corruption Commission (EACC).
- 2.8. I have information that **Mr. Alex Momanyi, Governor Wycliffe Wafula Wangamati's County Director of Supply Chain Management** colluded with a supplier to defraud fertilizer worthy **2,800,000/-** for Nzoia Sugar Company Limited where he worked as the Procurement Manager. He conspired with the supplier and other staff to authorize payment for the undelivered Fertilizer. I avers that there was no transparency, accountability and competitiveness in the recruitment process of **Mr. Alex Momanyi** as the Director of Supply Chain Management/ Procurement in the County Government of Bungoma. It was a unilateral decision stage managed and executed by Governor Wycliffe Wafula Wangamati and his cronies to get someone who was amiable and an ally in their fraudulent procurement processes by the County Executive.
- 2.9. That the County Governor allowed the irregular transfers of senior personnel from the County Headquarters to field stations where they have no job descriptions and specification is an abuse of office. The Governor sanctioned the irregular deployment of ward administrators as acting Sub County Administrators in eight sub counties, Human Resource Acting Director, Acting Director Health & Sanitation, for a period of more than six (6) months without dismissal or confirmation.

3 -

2.10. That the County Governor is yet to fill positions of four (4) Chief Officers who left office at the expiry of their term because of his incompetency.

2.11. The position of directors were advertised, shortlisted, interviewed and recruited by the former CPSBB but are yet to be appointed almost two years down the line. This is a manifestation of incompetency of the County Governor, violation of the rule of law and non-adherence to the due process.

2.12. That the County Governor sanctioned the illegal and irregular transfer of Quantity Surveyors from the Department of Roads, Infrastructure and Public Works to the Office of the County Secretary without clear Job Description and Terms of Reference.

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2.13. The Governor Wycliffe Wafula Wangamati sanctioned the creation and/or establishment of illegal offices/organs/structures not recognized in the County Governments act, 2010 such as more than *Ten (10) Chief Officers, more than (4) Advisors, Several Members of the Service Delivery Unit (SDU), Several Protocol Officers, Several Liaison Officers and other staff including the so-called "Corridor Employees"*; outside the approved Structure and Organogram of the County Government Public Service of Bungoma.

2.14. That H.E. The Governor went on a fishing expedition in terms recent appointments and nominations of chief officers and advisors to non-existent positions and offices that will not only distort the county public service structure but also over burden the County Government's Wage Bill that currently is far beyond the upper ceiling allowed by the Controller of Budgets, Commission on Revenue Allocation and the Senate of the Republic of Kenya. He failed to stick to the Guidelines and procedures for establishing new offices and or creating new positions from the Transitional Authority (TI) to all County Governments in the Republic of Kenya, read together with the County Government Act, 2012.

2.15. It is instructive to point out the County Government of Bungoma has a bloated staff and ballooning Wage Bill of about **52%**, which is far beyond the **35% ceiling** as per the guidelines of the Salaries and Remuneration Commission (SRC) as read together with *Section 107 (2) (a) and (c) of the Public Finance Management Act, 2012. This majorly because of poor succession management planning and lack of a sound and comprehensive human resource capacity development policy and programme by the Governor Wangamati Regime.*

2.16. There is currently, a serious crisis in the County Public Service Board and the County Human Resource Directorate regarding payment and confirmation to permanent and pensionable terms of the **463 Casual Workers** of the defunct local authorities in **April 2020** won a Petition at the Employment and Labour Court at Kisumu.

4 -

- 2.17. That is also another group of over **600 Casual Workers** employed after the inception of the devolved system of government in Bungoma, who are yet to be paid their salary arrears for the last 16 or so months.
- 2.18. That there is information in the public domain and in a Report of the Adhoc Committee of the County Assembly that was chaired by Hon. Bethwel Mwambu, County Assembly Representative for Mbakalo Ward; that Governor Wycliffe Wafula Wangamati and his hell-bent County Executive Members and duty bearers have directly and through proxy used public resources to hire goons to intimidate, harass and assault a section of the members of the county assembly, a section of the leaders of civil society organizations, human rights defenders and journalists who criticize his style of leadership, governance and development of the County.
- 2.19. That Governor Wycliffe Wafula Wangamati has in the past two or three years of his tenure in office been misusing county public resources to solicit services of corridor employees, online goons and keyboard warriors to violate the freedom of expression stipulated in article 33 of the Constitution of Kenya, 2010. The hired online goons have often engaged in social media abuses, character assassination, name calling, mudslinging, verbal threats and intimidation of members of the county assembly, members of the national assembly, county woman representative, senator, civil society critics, human rights defenders and journalist perceived to be critics and those opposed to his viewpoints on various issues of public interest, regarding critical aspects of oversight, governance, planning, policy, public participation, budget making, employment and remuneration of casual workers, among others concerns.

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### 3.0. IMPROPRIETY OF THE COUNTY GOVERNOR:

- 3.1. The obtaining political environment and scenario is not conducive for good governance, performance of the county assembly, implementation of development programmes and projects in line with the County Integrated Development Plan (CIDP 2018-2022), Annual Development Plans, Programme Based Budgets, Spatial Plans and other implementation instruments. This is because of the antagonistic nature and behaviour of Hon. Wycliffe Wafula Wangamati who hardly listens to any advice or criticism.
- 3.2. That Governor has initiated numerous flagship projects without adequate public consultation and sustainable budgetary allocation. To mention but a few of the flagship projects that may not be completed before the next general elections because of budgetary constraints include: *Dual Carriage Musikoma-Kanduyi Road, Masinde Muliro Stadium, Milk Processing Plant, Misikhu – Brigadier Road, High Altitude Centre and Nalondo Stadium, among others.*

-5-

3.3. That H.E. Governor Wycliffe Wafula Wangamati does not respect the views of the residents and organized stakeholders in decision making and development as solicited by the County Assembly through their respective departmental and/or sectorial committees in line with the principle of public participation that is enshrined in Articles 1, 2, 3, 10, 116, 118, 119, 195 and 196 of the Constitution of Kenya, 2010. He has on various occasions either trashed the recommendations of the public contained in the reports of the county assembly committees and the full house of the County Assembly to support and approve some of his illogical policy proposals and decisions.

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3.4. I wish to inform this Honourable County Assembly of Bungoma H.E. Governor has not implemented most of the planned ward based programmes and projects in the **45 wards or 9 sub counties for the Financial Year 2017/18 and Financial Year 2018/19**. He has been on the Campaign trail throughout in mainstream media, social media, funerals and public places, still making empty promises forgetting that it is time to settle in office and deliver on his **Ten (10) Bullet Points Agenda**.

3.5. That the Governor has performed poorly in terms of governance and delivery of public services manifested in his incompetency, his “knows it all, holier than thou attitude”, non- listening and non- consultative type of leadership> He has perfected politics of deceit, public relations rhetoric and impunity throughout the period he has been in Office as Governor of Bungoma County.

3.6. The County Governments Act, 2012, under Section 30 (2) (f) requires the Governor to submit County Plans, Policies, Budget and Cash Flow to the County Assembly for approval. The same Act under 30 (2) (j) requires the Governor to submit an annual implementation plan and further under 30 (2) (k), he is required to deliver the State of the County address on an annual basis. His irregular state of address has been full of public relations statement and politics of deceit to hoodwink innocent, ignorant and unsuspecting members of the County Assembly and the general public. Suffice it to note that the Governor has flagrantly breached these mandatory and express provisions of the County Government Act. The Governor Wycliffe Wafula Wangamati wilful failure to comply with the express requirements noted above has denied the County Assembly and indeed members of the public at large the ability to effectively participate in governance of their County as envisaged by **Articles 10 and 35** of the Constitution of Kenya, 2010 and the various legislative provisions guaranteeing meaningful public participation, especially Sections 87 and 96 of the County Governments Act, 2012 and Section 21 & 22 of the Urban Areas and Cities Act, 2011 ( Amended UAC Act 2019).

3.7. I am deeply concerned that the County Executive headed by Governor Wangamati has failed to draft bills, policies, annual budgets and supplementary budgets for approval by the County Assembly of Bungoma, within the statutory timelines. For instance, Annual Budget for the Financial Year for 2020/21 was submitted by the County Executive to the County Assembly about ten (10) to the statutory dateline of **30<sup>th</sup> June of every Financial Year. The late submission to the County Assembly**

- 6 -

*was done minus public participation and stakeholder engagements and as well as the input of the civil society organizations and other interested parties.*

- 3.8. I am apprehensive that as a result of the delay in submission of the Budget by the County Executive Committee headed by Hon. Wycliffe Wafula Wangamati, the County Assembly of Bungoma will not have adequate time to interrogate the Budget and to also carry out meaningful public participation before the deadline.
- 3.9. That perhaps this may be a deliberate scheme and attempt by the Governor to ambush and create a crisis for the County Assembly and blame it for failure to pass the Annual Budget for the *Financial Year 2020/21 in order to justify his selfish and weird scheme of collecting signatures to push for the suspension and possible dissolution of the County Government of Bungoma.*
- 3.10. **The last minute and/or delayed submission of the Annual Budget for the Financial Year 2020/21, together with the late Submission of the 2<sup>nd</sup> and last Quarter Supplementary budget for the Financial Year 2019/20 is an illustration of the abuse of the rule of law and non-adherence to the due process by Governor Wycliffe Wafula Wangamati and his County Executive.**
- 3.11. That whatever has been done by the Governor is meant to delay disbursement of funds, which will in turn affect the absorption capacity of the County Government for this particular Financial Year 2020/21. There are several projects that were abandoned, stalled and ongoing beyond the earmarked timelines for completion due to incompetency and poor performance of the Governor and a section of his County Executive Committee Members and duty bearers.
- 3.12. The aforementioned Act of Omission and/or Commission by Hon. Wycliffe Wafula Wangamati and his cronies in the County Executive Committee, including the County Executive Committee Member for Planning and Economic Planning Madam Esther Wamalwa is illegal and irregular, an act of misconduct and a sign of impunity aimed at sabotaging the release of funds for public service delivery by the National Treasury/Exchequer. Indeed, the delayed administrative and executive action of submitting the Annual Budget and Second Supplementary Budget to the County Assembly minus public participation is contrary to provisions of **Articles 1, 2, 3, 10, 183, 185, 196** as read together with **Section 87 and 96** of the County Governments Act, 2012 and **Sections 116, 129, 130, 131, 132 & 133** of the Public Finance Management Act, 2012.
- 3.13. That Governor **Wycliffe Wafula Wangamati** has over- centralized procurement processes in his office contrary to provisions of **Article 227** of the Constitution of Kenya, 2010, as read several sections of the Public Finance Management Act, 2012, which stipulates that the Directorate for Procurement and Supply Chain Management should be under the direct supervision of the County Executive Member (CECM) for Finance & Economic Planning and not the Governor or any other entity. This has in turn affected effectiveness and efficiency in procurement of goods and services at the

ward and sub county and ward levels. There is a lot of conflict of interest and corruption manifested in various tenders for goods and service such as road infrastructure, bridges, and other major public works and numerous flagship projects because of conflict of interest and incompetency of the procurement and supply chain management under the direct control and supervision of none other than H.E. Governor Wycliffe Wafula Wangamati.

- 3.14.** That the Governor Wycliffe Wafula Wangamati Regime, Bungoma County has been in the local, national and international news because of corruption and mismanagement of public resources apart from negative politics that has affected implementation of projects geared towards addressing the economic and social (ECOSOC) rights enshrined in Article 43 of the Constitution of Kenya, 2010 including the highest attainable standards of health care, including reproductive healthcare, proper sanitation, safe drinking water, food security, education and social security.
- 3.15.** There is widespread and run away corruption and mismanagement of public resources under Hon. Wangamati Leadership as the Governor of the County Government of Bungoma. The County is among the top five counties that receives the highest allocation of funds from the National Exchequer but because of runaway corruption and misappropriation there is very little to show in terms of value for tax payers' money. Indeed, corruption has deprived citizens of this rich County enjoyment of their basic needs, adequate and high quality public services.
- 3.16.** That Hon. Wycliffe Wafula Wangamati has not put in place any concrete administrative, policy and legislative framework to fight against corruption and mismanagement that he promised the electorates during the highly publicized debate with his competitors at Kibabii University in 2017. We wish to remind this Honourable County Assembly that during the election campaigns for the gubernatorial seat of Bungoma, Hon. Wangamati included the fight against corruption and promotion of good governance as part of the key bullet points in his election campaign manifesto, but the reality in the operation of his county Executive is different. Indeed, the Governor has engaged in public relations exercise and public rhetoric on matters pertaining to the fight against corruption and prudent management of county public resources. He has not shown any verifiable interest and commitment in the fight against corruption and misappropriation of public funds and other resources.
- 3.17.** I observe that effective fight against corruption, economic crimes and mismanagement of public resources among national, county and local duty bearers will not only guarantee adequate and quality public service delivery but is a fundamental indicator of good governance and sustainable development as was the case of Singapore. That Country in a period of about forty years after its independence was transformed from being a Third World Country to a First World Country by the then Transformational Prime Minister.



- 3.18. That representatives of the Bungoma Civil Society Forum, we wish to inform this Honourable House that the civil society, youth, women, professionals, corporate sector operatives and the general public has a big role in making the fight against corruption, economic crimes and mismanagement of public resources a reality and we shall continue over sighting all policies, legislations, regulations, budgets, programmes, projects and actions of the county executive and county assembly.
- 3.19. That is the role of the County Governor of Bungoma and his County Executive Members, Chief Officers, Directors and other duty bearers to ensure prompt, adequate, high quality and effective service delivery while observing the principles of equity, efficiency, accessibility, non-discrimination, transparency, accountability, sharing of data and information and subsidiarity as a mechanism of fighting against corruption, wastage and misuse of public (tax payers) resources.
- 3.20. That is the duty of Governor Wangamati and duty bearers in the entire County Government of Bungoma to observe, respect, protect, promote and fulfill the rights and fundamental freedoms in the bill of rights enshrined in Chapter 4 of the Constitution of Kenya. The county government of Bungoma under Hon. Wycliffe Wafula Wangamati is yet to take legislative, policy, and other measures, including the setting of codes of conduct and standards to achieve the progressive realization of the rights guaranteed in the bill of rights under Chapter 4 of the Constitution of Kenya, 2010 as well as the fight against corruption and misappropriation of public resources.
- 3.21. There are instances where corruption and misappropriation of county public resources has been sanctioned by the County Governor of Bungoma. For instance there is currently a contract signed in January 2020 between the County Government and a Petrol Station known as **Webma** near the Webuye Weighbridge and the County Government over the supply of fuel to several county government departments and projects. Mr. Speaker Sir, we should be empathetic to the pain and inconvenience caused to an agricultural extension officer in a rural ward like Malakisi-South Kurisiru ward or Kabuyefwe Ward or a Ward Administrator riding his or her motorbike to and from Webuye Town to collect 10 to 20 litres of fuel, because of the Governor's directive that departments /projects coordinators should have their vehicles and motorbikes fueled at Webma Petrol Station. It is instructive to note that the aforementioned agreement was not advertised and competitively sourced before the award of the contract to Webma. The County Assembly should investigate further to establish the circumstances and terms under which the said agreement was signed.
- 3.22. I have evidence of some tenders and contracts for road construction and maintenance that **were awarded to Governor Wycliffe Wafula Wangamati** relatives, friends and business partners through proxy companies due to his undue influence, conflict of interest and nepotism. We will be citing some examples when summoned to appear before this Honourable Court Assembly to prosecute our petition for the purpose of verification and determination of the ground of conflict of

interest or otherwise, pursuant to provisions of article 195 of the Constitution of Kenya, 2010.

3.23. That tendency over centralization of procurement of goods and services is not only contrary to the directive principle of **Articles 174, 201, 226 & 227 as read together with sections, 146, 147, 148, 149** of the Public Finance Management Act, 2012. Indeed, the over centralization of procurement processes in the county government of Bungoma is the anti-thesis of **Article 174** of the Constitution of Government, 2010 on the Devolved System of Government. Indeed, the behavior, conduct and actions of **Hon. Wycliffe Wafula Wangamati** are against the spirit and letter of devolution enshrined in the Constitution of Kenya, 2010 and enabling legislations.

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3.24. That the Governor as the Chief Executive Officer of the County Government of Bungoma and the overall Accounting Officer in management of public finances; has been incompetent in performing this constitutional and legal function as stipulated in **Sections 147, 148, 149, 151, 152 & 153 of the Public Finance Management Act, 2012.** Indeed he has been irresponsible and in this regard, failed to ensure prudent financial management in terms of the bursary fund and scholarship fund. The said funds have been characterized by corrupt practices, including issuance of bouncing cheques to beneficiaries and diversion of money meant for the needy students by county employees under the watch of H.E. Governor Wycliffe Wafula Wangamati. So far none of the senior county officials or staff has been subjected to disciplinary procedures with the aim of surcharging and recovery the misappropriated funds. More so, none has so far been investigated and prosecuted in a court of law for the mismanagement and/or loss of bursary and scholarship monies. His austerity measures commonly known as "*kusafe pesa yauma (sic)*" is yet to result into any significant impact because of the rampant cases of corruption, misuse and unnecessary expenditures that has not been appropriated and/or approved by the County Assembly of Bungoma.

3.25. There are **several millions of tax payers'** money spent by the Office of governor Wycliffe Wafula Wangamati that is *yet to be accounted for and/or surrendered* , which was withdrawn from the bank accounts of the County Government of Bungoma vide **several imprest warrants** majorly by his Office, Office of His Deputy, County Secretary, *Chief Officer in the Office of the Governor, Mr. Denson Barasa and other officers in his County Executive Arm of the County Government;*

3.26. That Governor Wycliffe Wafula Wangamati chaired a County Executive Committee (Cabinet ) Meeting that approved and sanctioned the illegal and irregular borrowing as well as misappropriation of funds from Bungoma County Referral Hospital (BCRH) to the tune of **KES 6,986,000/- and Webuye Sub County Hospital (WSCH) to the tune of KES 5,000,000/-.**The aforementioned amount of money which was borrowed from the Department of Health and Sanitation to Finance and Economic Planning was contrary to the directive principle stipulated in section 154 of the Public Finance Management Act, 2012 as read together with PFMA

Regulation Number 147. The impugned money became the subject for investigation by the Health Committee of the County Assembly, which came up with the **41 Paged Report DATED MAY 2020** is titled **“UNPROCEDURAL TRANSFER OF FUNDS FROM BUNGOMA REFERAL HOSPITAL AND EXPENDITURE TOUCHING ON COVID 19 MITIGATION AND OTHER FINANCIAL MALPRACTICES IN THE COUNTY GOVERNMENT OF BUNGOMA”**.

3.27. That the aforementioned Report that is the permanent records of the County Assembly provides detailed findings and recommendations about the culpable County Executive Committee Members, Chief Officers, Emergency Committee Members, Staff in the Department of Health & Sanitation, Public Service Management, Special Programmes, Imprest Holders and Non-Imprest holders. **It is instructive to note that the said Health Committee Report contradicts Governor Wycliffe Wafula Wangamati Official Press Statement released on 11<sup>th</sup> April 2020.** During his Press Release at the Compound of the Office of the Governor, he stated that no money was lost and that the **20 litre jericans did not cost each KES 10,000/- BUT were donations from well-wishers that he (Governor Wycliffe Wafula Wangamati) is yet to name or inform the county assembly, residents of Bungoma and general public, contrary to provisions of Article 76 of the Constitution of Kenya, 2010.**

3.28. I wish to inform this Honourable County Assembly that Governor Wycliffe Wafula Wangamati and his County Executive Officers in various departments have spent the emergency funds in disguise of fighting against Covid 19 from the emergency kit without appropriation and re-allocation by the County Assembly through a supplementary budget contrary to provisions of *Sections 110, 111,112, 113, 114,115 and 116 of the Public Finance Management Act, 2012.*

3.29. That Governor Wycliffe Wafula Wangamati is yet to inform the County Assembly and the Residents of Bungoma on why the **KES 350 Million from the Industrial Park Vote head** was diverted or re-allocated to other use without public participation and County Assembly approval. This is a typical example of misappropriation and mismanagement of the county public resources by the Governor.

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3.30. There are some instances where the Governor has sanctioned the use of meagre county public funds on national government projects like **Class C 33 Dual Carriage Road**, which falls within the mandate and functions of the Kenya National Highway Authority (KeNHA) as provided for in the Roads Act, 2007 as read together with **Article 187** of the Constitution of Kenya, 2010. We do not foresee this particular Dual Carriage Road completed before the 2022 general elections because of inadequate funds and budgetary constraints in the 2019/20 and 2020/2021 Financial Years.

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**3.31.** It is instructive to note that Governor Wycliffe Wafula Wangamati has only one financial year left before the general elections and the funds Development Expenditure for the 2021/22 Financial Year will be uploaded to the IFMIS System after the general elections scheduled for 8<sup>th</sup> August, 2022.

**3.32.** That the County Governor Wycliffe Wafula Wangamati is yet to explain to the residents of Bungoma County why and how the County Executive has utilized the World Bank grants for Bungoma and Kimilili Municipal Boards without the involvement of the Municipal Board Members in the Financial Years 2018/19 and 2019/20. The CECM Lands, Urban/Physical Planning & Housing is yet to release the functions assigned to the Municipal Boards contained in the Municipal Charters. The Municipal Board Members are yet to implement those functions stipulated in the Urban Areas and Cities Act, 2011 ( Amended 2019).

**3.33.** According to the PFM Act, Section 147 (1) Subject to the Constitution of Kenya, 2010, the accounting officer (*read Chief Executive Officer of the County or Governor*) of a County Government shall monitor, evaluate and oversee the management of their public finances, including—

- (a) promoting and enforcing transparency, effective management and accountability with regard to the use of their finances;
- (b) ensuring that accounting standards are applied,
- (c) implementing financial policies in relation to their finances;
- (d) ensuring proper management and control of, and accounting for, their finances in order to promote the efficient and effective use of budgetary resources;
- (e) preparing annual estimates of expenditures;
- (f) acting as custodian of the entity's assets except as may be provided by other legislation or the Constitution;
- (g) monitoring the management of their finances and their financial performance;
- (h) reporting regularly to the county assembly on the implementation of their budget; and
- (i) take such other action, not inconsistent with the Constitution, as will further the implementation of the Public Finance Management Act, 2012;

**3.33.** That H.E. Governor Wycliffe Wafula Wangamati as the Overall Accounting Officer of the County Government of Bungoma as implied by **Section 149** of has failed ensure that the resources of the County are used in a way that is lawful and authorized; and effective, efficient, economical and transparent in line with the procurement and expenditure plan contained in the medium term fiscal framework and financial objectives of the county Government of Bungoma, including employment and human resource capacity building and succession management.

3.34. H.E. the Governor failed to adhere to the procurement laws and procedures stipulated in Article 227 of the Constitution of Kenya, 2010 and the Public Procurement and Disposal Act 2005 (Amended 2015), when he presided over direct procurement of free fertilizer under the free farm input project initiative of the County Government of Bungoma worthy millions of shillings in the Financial Year 2017/18 and 2019/20.

3.35. **That**, we submit that indeed, the **Chief Executive Officer** and President of County Government of Bungoma Hon. Wycliffe Wafula Wangamati has failed to ensure that all applicable procurement and accounting procedures are followed when acquiring or disposing of goods and services and that, in the case of goods, adequate arrangements are made for their custody, safe guarding and maintenance;

#### 4.0. LACK OF LEADERSHIP & INTEGRITY:

4.1. **That** H.E. **County** Governor Wycliffe Wafula Wangamati upon assumption of Office after the General Elections on 8<sup>th</sup> August 2017 sanctioned the irregular appointments and selections of unqualified and incompetent personnel in the Office of the Governor and by extension in the County Public Service based on narrow partisan considerations, contrary to the directive principles in Chapter 6 of the Constitution of Kenya, 2010. His conduct and action offended the rule of law, *Articles, 1, 2,3,10,47,48,50 and particularly 73 (2) (a) of Chapter Six on the guiding principles of leadership and integrity include "selection on the basis of personal integrity, competence and suitability in all public appointments and selections.* These guiding principles do not include recruitment of staff in the Office of the Governor, Office of the Deputy Governor and the entire County Public Service.

4.2. That Hon. Wycliffe Wafula Wangamati lacks the requisite leadership and integrity values to continue holding the esteemed Office of the Governor of County Government of Bungoma as stipulated in Chapter Six of the Constitution of Kenya, 2010.

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4.3. That Kenyans were very clear in their intentions when they entrenched Chapter Six and Article 73 in the Constitution. They were singularly aware that the Constitution has other values such as the presumption of innocence until one is proved guilty. Yet, Kenyans were singularly desirous of cleaning up our politics and governance structures by insisting on high standards of personal integrity among those seeking to govern us or hold public office. They intended that Chapter Six and Article 73 will be enforced in the spirit in which they included them in the Constitution.

4.4. The People of Kenya (read including the county citizens of Bungoma) did not intend that these provisions on integrity and suitability for public office be merely suggestions, superfluous or ornamental; they did not intend to include these provisions as lofty aspirations. Kenyans intended that these provisions on integrity and suitability for office for public and state offices should have substantive bite. In

short, the people of Kenya and Bungoma County in particular intended that the provisions on integrity of our leaders and public officers will be enforced and implemented. They desired these collective commitments to ensure good governance in the Republic will be put into practice’.

4.5. In our view, for purposes of the integrity test in our Constitution, there is no requirement that the behaviour, attribute or conduct in question has to rise to the threshold of criminality. It therefore follows that the fact that a person has not been convicted of a criminal offence is not dispositive of the inquiry whether they lack integrity or not.

4.6. That Governor Wycliffe Wafula Wangamati has on several occasions resorted to unorthodox methods, including direct and indirect verbal manipulations and threats, intimidation, bribery and other forms of undue influence to some members of the County Assembly, civil society and media who are critical of his leadership style.

4.7. That from the foregoing analysis we can infer that Hon. Governor, Wycliffe Wafula Wangamati does not have the leadership, integrity and moral authority to remain in the esteemed Office of the Governor of the County Government of Bungoma. Indeed, the general citizenry of Bungoma County has lost trust and confidence in Hon. Wycliffe Wafula Wangamati and therefore his continued stay in office as the Governor is untenable.

4.8. Your Petitioners herein avers that the general public and majority of the electorate have lost confidence in Hon. Wycliffe Wafula Wangamati, who runs the affairs of the County Government of Bungoma as if was his personal property and/or private business company limited.

4.9. That the public mood is not conducive for any meaningful development and we the leaders of the civil society organizations as watch dogs of the public can no longer sit in comfort to watch as the Governor Wycliffe Wafula Wangamati mis-governs and mis-manages our beloved County of Bungoma.

**5.0 THAT I have made the best efforts to have these matters addressed by the relevant Authorities all of which have failed to give a satisfactory response.**

**6.0. THAT NONE of these issues raised in this PETITION is pending in any Court of law, Constitutional or any Tribunal.**

**WHEREFORE, your humble PETITIONER pray that the County Assembly of Bungoma consider to remove Wycliffe Wafula Wangamati as Governor of Bungoma County.**

- 14 -

**AND YOUR PETITIONER WILL EVER PRAY:**

That this Honourable County Assembly interrogates the grounds and particulars in this Public Interest Petition and consider the possibility of initiating a impeachment and removal process of H.E. Wycliffe Wafula Wangamati from the Office of the Governor of the County Government of Bungoma.

**DATED at BUNGOMA this 22<sup>nd</sup> day of June 2020**

NO	PETITIONER's NAME	CONTACT ADDRESS	ID NUMBER	SIGNATURE
1	Barasa Kundu Nyukuri	+254 720 369 518	9996356	<i>Barasa Kundu Nyukuri</i>

- 15 -

30<sup>TH</sup> JULY 2020

TO THE CLERK  
SECOND COUNTY ASSEMBLY OF BUNGOMA  
PO BOX 1886-50200  
BUNGOMA

**IN THE MATTER OF THE PUBLIC INTEREST PETITION FOR CONSIDERATION  
BY THE COUNTY ASSEMBLY IN THE MATTER OF POSSIBLE IMPEACHMENT  
AND REMOVAL OF HON. WYCLIFFE WAFULA WANGAMATI FROM OFFICE OF  
THE GOVERNOR OF BUNGOMA COUNTY:**

**AFFIDAVIT IN SUPPORT OF THE PUBLIC PETITION:**

**IBARASA KUNDU NYUKURI** of PO BOX 447-50204, Kimilili is a Citizen of the Republic of Kenya and resident of Kimilili Ward, Kimilili Sub County in Bungoma County do hereby state as follows:

1. I am an adult of sound mind and competent to swear this affidavit in support of my Petition for consideration by the County Assembly in the matter of possible impeachment and removal of Hon. Wycliffe Wafula Wangamati from office of the County Governor of Bungoma (*Annexed is a copy of my National Identity Card Number 9996356, Marked "BKN 1"*)
2. **THATI** am a responsible citizen, public spirited individual and a rights holder in Bungoma County with information, knowledge and experience in matters pertaining to human rights advocacy and public interest litigations against duty bearers in state organs at national and county levels in pursuit of the constitutional and legal pathways, particularly enshrined in Articles 1, 2, 3, 10, 22, 23, 27, 33, 35, 37, 43, 46, 47, 48, 50, 73, 118, 119, 159, 232, 251, 258 and 259 of the Constitution of Kenya, 2010 as read together with Sections 15 and 88 of the County Governments Act, 2012.
3. **THATI** filed the Public Petition in the County Assembly pursuant to provisions of Article 1, 2, 3, 10, 22, 23, 27, 33, 35, 37, 47, 48, 50 and 119 of the Constitution of Kenya, 2010 as read together with Sections 15, 87, 88, 89 and 96 of the County Governments Act, 2012. Article 1 states that all sovereign power belongs to the citizens of Kenya (read here county citizens and residents of Bungoma).
4. **THAT** all the sovereign power of the citizens of Kenya and is delegated to the state organs and institutions at the national government and county government levels, including the County Assembly and County Executive of Bungoma.

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16-



5. **THAT** as one of the citizens of Kenya and residents of Bungoma I have my constitutional and fundamental freedoms under the Bill of Rights in Chapter 4 of the Constitution of Kenya, 2010 to raise any Complement and/or Petition the County Assembly, County Executive or Parliament on any matter in public interest without undue influence, interference or threats from any leader, duty bearer or institution.
6. **THAT** no public institution, public leader or duty bearer including the County Governor of Bungoma, H.E. Hon. Wycliffe Wafula Wangamati, his employee(s), servant(s) and /or agent(s) has the moral authority to directly or indirectly curtail me from exercising my constitutional right and fundamental freedom to complain, petition and to be given a fair hearing by the County Assembly, its Committee or any other state organ as stipulated in **Articles 47, 48 and 50** of the Constitution of the Kenya, 2010.
7. **THAT** as a Citizen of the Republic of Kenya and a resident of Bungoma County, I have the constitutional right and legal legitimacy as well as freedom of expression, right to access information and seek reply on all matters that affect the exercise and enjoyment of my citizen rights and fundamental freedoms.
8. **THAT** the Constitution of Kenya, 2010 in Chapter 1, Article One categorically states that as follows:

*All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution. The People may exercise their sovereign power either directly or through their democratically elected representatives.*

*The Sovereign power of the people is exercised at – the national level; and the county level*

*The Constitution of Kenya is the supreme law of the Republic of Kenya and binds all persons and all state organs at both levels of government.*

*No person shall exercise state authority except as authorized under this Constitution.*

*Any law, including customary law, which is inconsistent with this Constitution is void to the extent of the inconsistency, and any act or omission in contravention of this Constitution is invalid.*

*The General rules of international law shall form part of the laws of Kenya. Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution.*

12. I hereby avers that in line with provisions of Article 3 of the Constitution of Kenya, 2010, every citizen and duty bearer regardless of his/her position or status in the State Organs or agencies, including the Office of the County Governor of Bungoma (read here H.E. Hon. Wycliffe Wafula Wangamati) has an obligation to respect, uphold and defend this Constitution of Kenya, 2010. Any attempt to establish or operationalize a

Government (Say a County Government of Bungoma) otherwise than in compliance with this Constitution is unlawful.

13. THAT the Constitutional and Legal pathways for Citizens participation in public affairs and particularly governance and development is stipulated in the following provisions of the Constitution of Kenya, 2010 and other enabling legislations:

**Article 1** of the Constitution:-all sovereign power belongs to the people of Kenya and that it shall be exercised only in accordance with the Constitution. The provision on public participation, national values and devolution are predicated on public participation, are entrenched and cannot be amended without the participation of the people.

*Article 10 stipulates public participation as a cardinal national value and principle of Governance. The National Values and Principles of Governance articulated in Article 10b apply to all state organs, state officers and public officers.*

*Article 33 provides for citizens' freedom of expression and its limitation. This directive principle is critical for both public participation and civic education as it requires responsibility and checks and balances in terms of freedom of speech*

*Article 35 is a directive principle on right to access information held by the state, state organs and duty bearers at national and county levels. This is a prerequisite condition and fundamental requirement for the Policy Framework for Public Participation & Civic Education for Bungoma County Government, without which they said policy cannot be operationalized or attain its set goal and objectives.*

*Article 56(a) on the participation of minorities and marginalized groups participation*



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*Article 94, empowers parliament to manifest the diversity of the nation, represent the will of the people and exercise the sovereignty of the People.*

*Article 118, provides that parliament must ensure public participation and involvement in legislative processes and other business of Parliament and its committees.*

*For the Judiciary, Article 159 of the Constitution loosens up the procedural and technical rules to approach the court ensuring that the public has easier access to courts. It further states that any person can initiate the removal of a judge. Further it recognizes traditional dispute resolution methods and encourages their use in dispute resolution.*

*Article 196, of the Constitution requires County assembly to: 'conduct its business in an open manner, and hold its sittings and those of its committees, in*

*public and, facilitate public participation and involvement in the legislative and other business of the assembly and its committees.*

*Article 232 of the Constitution of Kenya, 2010, which provide for public participation as one of the values and principles of public service.*

*Urban areas and Cities Act, 2011-Gives effect to Article 184 of the Constitution of Kenya, 2010-one of its objectives is to provide legislative framework for participation of residents in the governance of urban areas and cities, which it does in*

*Section 22 of the Urban Areas and Cities Act, 2011 requires each town or municipality to establish Citizen fora.*

*County Government Act, 2012-gives effect to Chapter 11 of the Constitution of Kenya, 2010. Section 15 bestows citizens with a right to petition a County Assembly and obligates the Assembly to prescribe a procedure for exercising this right. The Act has devoted its entire Part VIII to Public Participation.*

*Part X of the County Government Act, 2012 provides a broad legal and policy framework for Civic Education and Civic Engagement.*

*Sections 15 and 107 of Public Finance Management (PFM) Act, 2012 on instilling fiscal discipline requires citizen monitoring.*

14. **THAT** the grounds, particulars and evidence in the Public Petition before the County Assembly of Bungoma, seeks its consideration for possible impeachment and removal of the County Governor of Bungoma, H.E. Wycliffe Wafula Wangamati relate to constitutional and legal parameters, grounds and processes stipulated in various articles of the Constitution of Kenya, 2010 including Articles 1, 2, 3, 10, 22, 27, 33, 35, 37, 43, 46, 47, 48, 50, 73, 74, 74, 118, 119, 174, 183, 184, 185, 195, 196, 201, 226, 227, 232, 258 and 259 of the Constitution of Kenya, 2010 as read together with Sections 9, 15, 33, 87, 88 and 96 of the County Governments Act, 2012 and other enabling Legislations.
15. **THAT** this Public Petition dated 22<sup>nd</sup> June 2020 was properly filed before the County Assembly of Bungoma pursuant to provisions of Articles 1, 2, 3, 10, 37, 47, 48, 50 and 119 as read together with Sections 15, 87, 88, 89 and 96 of the County Governments Act, 2012 (*Annexed is a copy of the Letter from the Clerk of the County assembly of Bungoma acknowledging the fact that the Petition meets the threshold and thanking me for exercising my constitutional right Marked "BKN 2"*)
16. **THAT** the Public Petition is invoking the delegated and indirect authority of the County Assembly of Bungoma to consider impeachment and removal of the County Governor of Bungoma, H.E. Wycliffe Wafula Wangamati pursuant to the provisions and grounds in Article 181 of the Constitution of Kenya, 2010 as read together with Sections 33 of the County Governments Act, 2012, Standing Orders No. 60 and 200 of the County Assembly of Bungoma.

17. **THAT** the grounds and particulars for consideration by the County Assembly of Bungoma and /or its Public Administration & ICT Committee include; gross violation of the Constitution of Kenya, 2010, Violation of the Rule of law and Due Process, Abuse Office, Gross Misconduct, Incompetency, Impropriety, Lack of leadership and Integrity.
18. I wish to draw to the attention of this Honourable County Assembly of Bungoma that **Hon. Wycliffe Wafula Wangamati**, the County Governor, Chief Executive Officer and Chairman of the County Executive of Bungoma has on several instances after his election on the 8<sup>th</sup> August 2017 and assumption of Office in the same year, grossly violated the Constitution of Kenya, 2010 and other enabling legislations, including the Public Officers Ethics Act, 2003, Transitional Authority Act, 2013, the Urban Areas and Cities Act, 2011, the County Government Act, 2012, Public Finance Management Act, 2012 and the Leadership & Integrity Act, 2012.
19. **THAT** H.E. Governor Wycliffe Wafula Wangamati grossly violated Article 187 of the Constitution of Kenya, 2010, when he directly influenced the take over the Function and Competences for the Financing and Contract for the Dualling of 6.5Km Kanduyi-Sang'alo Junction (C33) Road Section from an agency of the National Government, without fulfilling the conditionalities that accompany such kind of transfer and or delegation of powers, functions and competences. The said Section of the C33 Road belongs to the Kenya Highways Authority (KeNHA) as stipulated in the Roads Act, 2007. Indeed, Article 187 of the Constitution of Kenya, 2010 stipulates that money must follow the transfer or delegation of power or any function from one level of government to another. This was not the case in the unconstitutional, illegal and irregular transfer of the said Dual Carriage Road.
20. **THAT** the County Governor of Bungoma, H.E. Wycliffe Wafula Wangamati violated the rule of law by **backdating** the Contract for the 6.5Km Dual Carriage –Kanduyi- Sang'alo Junction Section of C33 Road from **1<sup>st</sup> October 2019 to 2<sup>nd</sup> October 2018** through the **Kenya Gazette Notice No.9982** at Page 4198 dated 25<sup>th</sup> October 2019. There is no single provision in the Constitution of Kenya, 2010 or any other law that allows a state or public officer to back date a Contract for a period of one year. The case of backdating the Contract for the Dual Carriage Road violated various provisions of the Public Procurement and Disposal Act, 2015 (PPDA), particularly Section 53 and the PPDA Regulations. The irregular transfer of the function and power of KenHA tantamount to amending the provisions of Article 187 of the Constitution of Kenya, 2010 through an advisory opinion published in the said Kenya Gazette. That in itself is part of the gross violation of the Constitution. *(Annexed is a Copy of the Specific Extract of the said Gazette Notice on the Dual Carriage Road Signed by Wycliffe Wafula Wangamati, Governor Bungoma County, and Marked "BKN 3")*.
21. **The Governor** has failed to adhere to provisions of Article 73 of Chapter 6 of the Constitution of Kenya, 2010 on the Leadership and Integrity by sanctioning illegal, irregular and uncompetitive appointments and selections of unqualified persons in the Office of the Governor of Bungoma against the Criteria and Guidelines and Job Specification and salary scales established by the Salaries and Remuneration and the

defunct Transitional Authority. These among others include the Chief of Staff, Protocol Officers, Liaison Officer(s) and other employees based on narrow partisan considerations, contrary to the national values and principles of public services stipulated in articles 10 and 232 of the Constitution of Kenya, 2010. The administrative actions undertaken by Hon. Wycliffe Wafula Wangamati in terms of hiring staff are contrary to provisions of Articles 1, 2,3,4,10,27, 47, 48, 50, 73, 232 of the Constitution of Kenya, 2010. In this context, Article 73 in particular outlines the guiding principles of leadership and integrity including selection on the basis personal integrity, competence and suitability of all public appointments and nominations.

22. **THAT Hon. Wycliffe Wafula Wangamati** has on several occasions abused his Office. He has consistently interfered with the mandate and functions of the County Public Service Board of Bungoma (CPSBB), which is an semi-autonomous organ of the County Government anchored in **Article 232,235 and Sections 55, 56, 58, 59, 60 to 76** of the County Government Act, 2012, with regard to issues of appointments and transfers of county public service employees. For instance, he unilaterally hired/seconded, the current **Chairman of the CPSBB Mr. Jonathan Namulala** as the **Acting Chief Officer, Finance and Economic Planning** without the approval of the County Assembly of Bungoma in consultation with the CPSBB. The said Chair of the CPSBB as the face of the Employer is in direct conflict of interest as Acting Chief Officer, Finance and Economic Planning, contrary to provisions of article 73 of the Constitution of Kenya, 2010 as read together with **Sections 45, 58 & 59 of the County Governments Act, 2012**, regarding the recruitment process and functions of the Chief Officer, vis-a-viz the Chairman of the County Public Service Board of Bungoma. This is tantamount violation of the rule of law and due process, abuse of office and misconduct on the part of County Governor Wycliffe Wafula Wangamati.
23. **THAT H.E. Governor Wycliffe Wafula Wangamati** abused his Office and usurped the sovereign power of the county citizens by orchestrating and initiating the process collecting signatures to suspend the County Government of Bungoma contrary to constitutional provisions of Articles 1, 2, 3, 10 & 192 as read together with Sections 90 and 91 of the County Governments Act, 2012 (*Annexed are some of the copies of the signed Forms Marked "BKN 4a,b, c & d"*).
24. **THAT** the exercise of collection of signatures that has been sanctioned and sponsored by Governor Wycliffe Wafula Wangamati using tax payers resources has not only fueled confusion and uncertainty, but also apathy and a wait and see attitude, among a section of the members of the county assembly, staff and employees of the county government and the general public.
25. There is common information in the media and public domain to state that Governor Wycliffe Wafula Wangamati and a section of his cronies in the County Executive Committee and County Public Service have publicly stated that they will not recognize, respect and/or work with the new leadership of the County Assembly of Bungoma

headed by Hon. Joseph Juma Barasa as the Leader of Majority and his Deputy Elizabeth Tindi Manase and others. Indeed, the County Governor does not respect the principle of separation of power as stipulated in various articles of the Constitution of Kenya, 2010, particularly Articles 175, 176, 183, 185, 195 and 196. This has also created animosity and unnecessary antagonism between the County Executive and the County Assembly.

26. **THAT** Hon. Wycliffe Wafula Wangamati illegally, irregularly and without background check and due diligence sanctioned the employment of Mr. Alex Momanyias the Head of Supply Chain Management/ Director of Procurement in the County Government of Bungoma. The said Procurement Manager of Nzoia Sugar Company Limited who in conspiracy with the supplier and occasioned the loss of funds meant for the purchase of 1000 bags of fertilizer. It is instructive to note that **Mr. Alex Momanyi** has a pending criminal case in the Chief Magistrates Court at Bungoma CMC Case No. 692 of 2019 over fraudulent procurement process for the supply of **1000 Bags** of Fertilizer to Nzoia Sugar Company Limited, worthy Two Million Eight Hundred Thousand Shillings (2,800,000/-).
27. That the County Governor orchestrated the irregular transfers of senior personnel from the County Headquarters to field stations where they have no job descriptions and specification is an abuse of office. The Governor sanctioned the irregular deployment of ward administrators as acting Sub County Administrators in eight sub counties, Human Resource Acting Director, Acting Director Health & Sanitation, for a period of more than six (6) months without dismissal or confirmation. Interestingly, Governor Wycliffe Wafula Wangamati authorized the County Public Service Board to advertise the several jobs, including those positions that already occupied by staff on permanent and pensionable terms.
28. The position of directors were advertised, shortlisted, interviewed and recruited by the former CPSBB but are yet to be appointed almost two years down the line due to undue influence and conflict of interest from Governor Wycliffe Wafula Wangamati and his cronies.
29. **THAT** Governor sanctioned the illegal and irregular transfer of Quantity Surveyors from the Department of Roads, Infrastructure and Public Works to the Office of the County Secretary without clear Job Description and Terms of Reference.
30. The Governor Wycliffe Wafula Wangamati sanctioned the creation and/or establishment of illegal offices/organs/structures not recognized in the County Governments act, 2010 such as more than *Ten (10) Chief Officers, more than (4) Advisors, Several Members of the Service Delivery Unit (SDU), Directorate of Legal and Cabinet Affairs, Several Protocol Officers, Several Liaison Officers and other staff including the so-called "Corridor Employees"*; outside the approved Structure and Organogram of the County Government Public Service of Bungoma

31. **THAT** Governor Wycliffe Wafula Wangamati went on a fishing expedition in terms recent appointments and nominations of chief officers and advisors to non-existent positions and offices that will not only distort the county public service structure but also over burden the County Government's Wage Bill that currently is far beyond the upper ceiling allowed by the Controller of Budgets, Commission on Revenue Allocation and the Senate of the Republic of Kenya. He failed to stick to the Guidelines and procedures for establishing new offices and or creating new positions from the Transitional Authority (TI) to all County Governments in the Republic of Kenya, read together with the County Government Act, 2012 (*Annexed is the Salary Analysis and Personnel Analysis of Bungoma County Executive and Public Service Marked "BKN 5a & b"*)
32. **THAT** from the salary and personnel analysis mentioned in the previous paragraph it is clear that the County Government of Bungoma has a bloated staff and ballooning Wage Bill of about **52%**, which is far beyond the **35%** ceiling as per the guidelines of the Salaries and Remuneration Commission (SRC) as read together with **Section 107 (2) (a) and (c)** of the Public Finance Management Act, 2012. This majorly because of incompetency and poor succession management planning and lack of a sound and comprehensive human resource capacity development policy and programme by the Governor Wangamati Regime.
33. There is currently, a serious crisis in the County Public Service Board and the County Human Resource Directorate regarding payment and confirmation to permanent and pensionable terms of the **463 Casual Workers** of the defunct local authorities in **April 2020** won a Petition at the Employment and Labour Court at Kisumu. There is also another group **Casual Workers** employed after the inception of the devolved system of government in Bungoma, who are yet to been paid their salary arrears for the last 18 or so months. A critical analysis of the list of casual workers reveals that most of them have never been issued with any letter of appointment as casual workers by the former and current County Public Service Board of Bungoma.
34. **THAT** the list of Casual Workers in the Office of Governor is irregular an doctored to include individuals who are not directly working as casuals in the County Government of Bungoma, which is violation of the rule of law and an economic crime. For instance, Francis Simiyu Bichachi, a retired teacher is one of the partisan staff at the Residence of Governor Wycliffe Wafula Wangamati at Narutiri Village near Ndengelwa Market, Adams Mulama, Henry Kituyi, Caleb Barasa-alias Sniper, Lukas Maina, Joan Nanjala Nekesa, Jerusa Lukhale Nafula, Chrisantus Makokha, Casper Kunania, Kevin Barasa, Samuel Kisache, Edgar Masiebi and Charles Komboare among the hired goons and corridor employees, James Wanamo, Joel Juma, Priscila Wafula and Emily Mwangale works with the Company contracted by the County Government of Bungoma to carry out cleaning services. (*Annexed are the lists of Causal Workers including a list of 163 Casual Workers allegedly working in the Office of Governor Wycliffe Wafula Wangamati Marked "BKN 6a & b"*).

35. There is information in the public domain and in a Report of the Adhoc Committee of the County Assembly that was chaired by Hon. Bethwel Mwambu, County Assembly Representative for Mbakalo Ward; that Governor Wycliffe Wafula Wangamati and his hell-bent County Executive Members and duty bearers have directly and through proxy used public resources to hire goons to intimidate, harass and assault a section of the members of the county assembly, a section of the leaders of civil society organizations, human rights defenders and journalists who criticize his style of leadership, governance and development of the County.
36. **THAT** Governor Wycliffe Wafula Wangamati has in the past two or so years of his tenure in office been misusing county public resources to solicit services of corridor employees, online goons and keyboard warriors to violate the freedom of expression stipulated in Article 33 of the Constitution of Kenya, 2010. The hired online goons have often engaged in social media abuses, character assassination, name calling, mudslinging, verbal threats and intimidation of members of the county assembly, members of the national assembly, county woman representative, senator, civil society critics, human rights defenders and journalist perceived to be critics and those opposed to his viewpoints on various issues of public interest, regarding critical aspects of oversight, governance, planning, policy, public participation, budget making, employment and remuneration of casual workers, among others concerns (*Refer to some of names on the list of so called casual workers in the Office of the Governor annexed to the previous paragraph Marked "BKN6a & b"*).
37. **THAT** Governor Wycliffe Wafula Wangamati has initiated numerous flagship projects without adequate public consultation and sustainable budgetary allocation. To mention but a few of the flagship projects that may not be completed before the next general elections because of budgetary constraints include: Dual Carriage Musikoma-Kanduyi Road, Masinde Muliro Stadium, Milk Processing Plant, Misikhu – Brigadier Road, High Altitude Centre and Nalondo Stadium, Water Projects, among others. Most of these flagship projects won't be completed before the 2022 general elections and will be used as re-campaign gimmicks by the incumbent Governor. (*Annexed is an Analysis of the Flagship Projects Marked "BKN 7"*).
38. **THAT** Governor Wycliffe Wafula Wangamati and his County Executive are yet to implement most of the planned ward based programmes and projects in the *45 wards or 9 sub counties for the Financial Year 2017/18 and Financial Year 2018/19*. He has been on the Campaign trail throughout in mainstream media, social media, funerals and public places, still making empty promises forgetting that it is time to settle in office and deliver on his *Ten (10) Bullet Points Agenda*. This is a manifestation of the incompetency and poor leadership and integrity of Hon. Wycliffe Wafula Wangamati.
39. **THAT** the County Executive of Bungoma headed by Governor Wangamati has failed to draft bills, policies, annual budgets and supplementary budgets for approval by the County Assembly of Bungoma, within the statutory timelines. For instance, Annual Budget for the Financial Year for 2020/21 was submitted by the County Executive to the County Assembly just a few days to the statutory dateline of 30<sup>th</sup> June of every Financial



Year. The late submission to the County Assembly was done without any meaningful public participation and stakeholder engagements and as well as the input of the civil society organizations and other interested parties. The last minute and/or delayed submission of the Annual Budget for the Financial Year 2020/21, together with the late Submission of the 2<sup>nd</sup> and last Quarter Supplementary budget for the Financial Year 2019/20 is an illustration of the abuse of the rule of law and non-adherence to the due process by Governor Wycliffe Wafula Wangamati and his County Executive.

40. **THAT** the aforementioned acts of Omission and/or Commission by Hon. Wycliffe Wafula Wangamati and his cronies in the County Executive Committee, including the County Executive Committee Member for Planning and Economic Planning Madam Esther Wamalwa is illegal and irregular, an act of misconduct and a sign of impunity aimed at sabotaging the release of funds for public service delivery by the National Treasury/Exchequer. Indeed, the delayed administrative and executive action of submitting the Annual Budget and Second Supplementary Budget to the County Assembly minus public participation is contrary to provisions of **Articles 1, 2, 3, 10, 183, 185, 196** as read together with **Section 87 and 96** of the County Governments Act, 2012 and **Sections 116, 129, 130, 131, 132 & 133** of the Public Finance Management Act, 2012.
41. **THAT** Governor Wycliffe Wafula Wangamati has over- centralized procurement processes in his office contrary to provisions of **Article 227** of the Constitution of Kenya, 2010, as read several sections of the Public Finance Management Act, 2012, which stipulates that the Directorate for Procurement and Supply Chain Management should be under the direct supervision of the County Executive Member (CECM) for Finance & Economic Planning and not the Governor or any other entity. This has in turn affected effectiveness and efficiency in procurement of goods and services at the ward and sub county and ward levels. There is a lot of conflict of interest and corruption manifested in various tenders for goods and service such as road infrastructure, bridges, and other major public works and numerous flagship projects because of conflict of interest and incompetency of the procurement and supply chain management under the direct control and supervision of none other than H.E. Governor Wycliffe Wafula Wangamati contrary to directive principles in article 174 of the Constitution about fair and equitable distribution of power, resources, opportunities and services to a wide cross section of the county citizens.
42. **THAT** most of the companies that have won major contracts in Bungoma County are based in Nairobi and operated by close allies of the County Governor. The following companies have been awarded more than two road contracts in Bungoma County under suspicious and irregular circumstances: *Winger Limited, Gamma Builders Limited, Mundesi Contractors Limited, Citiehills Enterprise Limited, Sonata Kenya Limited, Netima Enterprises Limited, Session Blue Contractors Limited, Lakezel Enterprises Limited, FASTEC Suppliers, Nabwaya Contractors, Dachi Ltd, Lexah Holdings Ltd, Pidngich, Kemasha Investments, Nashab Civil Contractor Ltd, Limassol Company Ltd and Earth Care Services Limited.* (Annexed is a list of proxy Companies that have been

*irregularly awarded between two contracts and Seven Contracts for Roads, Marked "BKN 8").*

43. There is evidence where some tenders and contracts for road construction and maintenance that **were awarded to Governor Wycliffe Wafula Wangamati** relatives, friends and business partners through proxy companies due to his undue influence, conflict of interest and nepotism. We will be citing some examples when summoned to appear before this Honourable Court Assembly to prosecute our petition for the purpose of verification and determination of the ground of conflict of interest or otherwise, pursuant to provisions of article 195 of the Constitution of Kenya, 2010. *(Annexed is a copy of the Road Maintenance Contract awarded based on either nepotism and/or other non-competitive considerations Marked "BKN 9")*
44. The Governor Wycliffe Wafula Wangamati Regime, Bungoma County has been in the local, national and international news because of corruption and mismanagement of public resources apart from negative politics that has affected implementation of projects geared towards addressing the economic and social (ECOSOC) rights enshrined in Article 43 of the Constitution of Kenya, 2010 including the highest attainable standards of health care, including reproductive healthcare, proper sanitation, safe drinking water, food security, education and social security.
45. **THAT** there is widespread and run away corruption and mismanagement of public resources under Hon. Wangamati Leadership as the Governor of the County Government of Bungoma. The County is among the top five counties that receives the highest allocation of funds from the National Exchequer but because of runaway corruption and misappropriation there is very little to show in terms of value for tax payers' money. Indeed, corruption has deprived citizens of this rich County enjoyment of their basic needs, adequate and high quality public services.
46. **THAT** Governor Wycliffe Wafula Wangamati has not put in place any concrete administrative, policy and legislative framework to fight against corruption and mismanagement that he promised the electorates during the highly publicized debate with his competitors at Kibabii University in 2017. I wish to remind this Honourable County Assembly that during the election campaigns for the gubernatorial seat of Bungoma, Hon. Wangamati included the fight against corruption and promotion of good governance as part of the key bullet points in his election campaign manifesto, but the reality in the operation of his county Executive is different. Indeed, Governor Wangamati has engaged in public relations exercise and public rhetoric on matters pertaining to the fight against corruption and prudent management of county public resources. He has not shown any verifiable interest and commitment in the fight against corruption and misappropriation of public funds and other resources.
47. We have instances where corruption and misappropriation of county public resources has been sanctioned by the County Governor of Bungoma. For instance there is currently a contract signed in January 2020 between the County Government and a Petrol Station

known as Webma near the Webuye Weighbridge and the County Government over the supply of fuel to several county government departments and projects. Mr. Speaker Sir, we should be empathetic to the pain and inconvenience caused to an agricultural extension officer in a rural ward like Malakisi-South Kurisiru Ward or Kabuyefwe Ward or a Ward Administrator riding his or her motorbike to and from Webuye Town to collect 10 to 20 litres of fuel, because of the Governor's directive that departments /projects coordinators should have their vehicles and motorbikes fueled at Webma Petrol Station. It is instructive to note that the aforementioned agreement was not advertised and competitively sourced before the award of the contract to Webma. The County Assembly should investigate further to establish the circumstances and terms under which the said agreement was signed (*Annexed is a copy of the irregular and non- competitive Contract between Webma and the County Government of Bungoma Marked BKN "10"*).

48. **THAT** the tendency over centralization of procurement of goods and services in the Office of the County Governor is contrary to the directive principle of **Articles 174, 201, 226 & 227 as read together with sections, 146, 147, 148, 149** of the Public Finance Management Act, 2012. Indeed, the over centralization of procurement processes in the county government of Bungoma is the anti-thesis of **Article 174** of the Constitution of Government, 2010 on the Devolved System of Government. Indeed, the behavior, conduct and actions of **Hon. Wycliffe Wafula Wangamati** are against the spirit and letter of devolution enshrined in the Constitution of Kenya, 2010 and enabling legislations.
49. **THAT** Governor Wycliffe Wafula Wangamati as the Chief Executive Officer of the County Government of Bungoma and the overall Accounting Officer in management of public finances; has been incompetent in performing this constitutional and legal function as stipulated in **Sections 147, 148, 149, 151, 152 & 153 of the Public Finance Management Act, 2012.** Indeed he has been irresponsible and in this regard, failed to ensure prudent financial management in terms of the bursary fund and scholarship fund.
50. There are **several millions of tax payers'** money spent by the Office of governor Wycliffe Wafula Wangamati that is *yet to be accounted for and/or surrendered*, which was withdrawn from the bank accounts of the County Government of Bungoma vide **several imprest warrants** majorly by his Office, Office of His Deputy, County Secretary, *Chief Officer in the Office of the Governor, Mr. Denson Barasa and other officers in his County Executive Arm of the County Government. The following is a list of selected imprest warrants that are yet to be surrendered and cleared by the imprest holders in the office of the Governor of Bungoma County:*

S/No.	DATE APPLIED	ITEM CODE	IMPREST WARRANT No.	REMARKS BY THE RELEVANT AUTHORITY ON THE SURRENDER & CLEARANCE STATUS OF THE IMPREST HOLDER
1	15.10.2019	2210303	3544857	
2	19.11.2019	2210802	3856253	
3	11.04.2019	2210802	3551638	
4	22.11.2019	2210303	3856272	
5	12.03.2019	2210802	3882957	
6	11.11.2019	2210802	3856251	
7	16.12.2019	2210710	3882962	
8	12.03.2019	2210802	3856280	
9	25.09.2019	2210710	2544861	
10	19.11.2019	2210802	3856265	
11	22.11.2019	2210802	3170627	
12	27.12.2019	2211306	3882967	
13	30.12.2019	2210306	3882968	
14	17.12.2019	2210801	3882966	
15	22.11.2019	2210303	5856274	
16	19.12.2019	2210801	3882965	
17	22.11.2019	2210303	3856273	
18	14.10.2019	2210309	3551642	

-28-

51. **THAT** Governor Wycliffe Wafula Wangamati chaired a County Executive Committee (Cabinet ) Meeting that approved and sanctioned the illegal and irregular borrowing as well as misappropriation of funds from Bungoma County Referral Hospital (BCRH) to the tune of **KES 6,986,000/- and Webuye Sub County Hospital (WSCH) to the tune of KES 5,000,000/-**.The aforementioned amount of money which was borrowed from the Department of Health and Sanitation to Finance and Economic Planning was contrary to the directive principle stipulated in section 154 of the Public Finance Management Act, 2012 as read together with PFMA Regulation Number 147. The impugned money became the subject for investigation by the Health Committee of the County Assembly of Bungoma. *(Annexed is a copy of the Report dated May 2020, Titled “Unprocedural Transfer Of Funds From Bungoma Referral Hospital and Expenditure Touching On Covid 19 Mitigation And Other Financial Malpractices in The County Government of Bungoma, Marked BKN “11”*).
52. **THAT**the aforementioned Report that is the permanent records of the County Assembly provides detailed findings and recommendations about the culpable County Executive Committee Members, Chief Officers, Emergency Committee Members, Staff in the Department of Health & Sanitation, Public Service Management, Special Programmes, Imprest Holders and Non-Imprest holders. It is instructive to note that the said Health Committee Report contradicts Governor Wycliffe Wafula Wangamati Official Press Statement released on 11<sup>th</sup> April 2020. During his Press Release at the Compound of the Office of the Governor, he stated that no money was lost and that the 20 litre jericans did not cost each KES 10,000/- ;were donations from well-wishers that he (Governor Wycliffe Wafula Wangamati) is yet to name **the Donor of Covid 19 Water Jericans**or inform the County Assembly, Residents of Bungoma and general public, contrary to provisions of Article 76 of the Constitution of Kenya, 2010 that requires full declaration and disclosure of any gift or donation given to any State Officer or Public Officer.
53. **THAT** Governor Wycliffe Wafula Wangamati is yet to implement the recommendations of the County Assembly of Bungoma Health Committee Covid Report of May 2020 with regard suspension and/or sacking to staff members who were found culpable of illegally and irregularly transferring money from Bungoma County Referral Hospital to the Department of Finance and Economic Planning and those who misappropriated money meant for Covid 19 Pandemic. The implicated staff are still in Office courtesy of the undue influence, abuse of office, incompetency and impunity of the County Governor.
54. I wish to state that Governor Wycliffe Wafula Wangamati and a section of his County Executive Officers have spent the emergency funds in disguise of fighting against Covid 19 from the emergency kit without appropriation and re-allocation by the County Assembly through a supplementary budget contrary to provisions of *Sections 110, 111,112, 113, 114,115 and 116 of the Public Finance Management Act, 2012.*

- 29 -

55. **THAT** the Governor Wycliffe Wafula Wangamati is yet to inform the County Assembly and the Residents of Bungoma on why the **KES 350 Million from the Industrial Park Vote head** was diverted or re-allocated to other use without public participation and County Assembly approval. This is a typical example of misappropriation and mismanagement of the county public resources by the Governor.
56. **THAT** the County Governor H.E. Wycliffe Wafula Wangamati is yet to explain to the residents of Bungoma County why and how the County Executive has utilized the World Bank grants for Bungoma and Kimilili Municipal Boards without the involvement of the Municipal Board Members in the Financial Years 2018/19 and 2019/20. The CECM Lands, Urban/Physical Planning & Housing is yet to release the functions assigned to the Municipal Boards contained in the Municipal Charters. The Municipal Board Members are yet to implement those functions stipulated in the Urban Areas and Cities Act, 2011 (Amended 2019).
57. **THAT** according to the PFM Act, Section 147 (1) Subject to the Constitution of Kenya, 2010, the accounting officer (*read Chief Executive Officer of the County or County Governor Wycliffe Wafula Wangamati*) of a County Government shall monitor, evaluate and oversee the management of their public finances, including—
- (a) *promoting and enforcing transparency, effective management and accountability with regard to the use of their finances;*
  - (b) *ensuring that accounting standards are applied,*
  - (c) *implementing financial policies in relation to their finances;*
  - (d) *ensuring proper management and control of, and accounting for, their finances in order to promote the efficient and effective use of budgetary resources;*
  - (e) *preparing annual estimates of expenditures;*
  - (f) *acting as custodian of the entity's assets except as may be provided by other legislation or the Constitution;*
  - (g) *monitoring the management of their finances and their financial performance;*
  - (h) *reporting regularly to the county assembly on the implementation of their budget; and*
  - (i) *take such other action, not inconsistent with the Constitution, as will further the implementation of the Public Finance Management Act, 2012.*
58. **THAT** Governor Wycliffe Wafula Wangamati as the Overall Accounting Officer of the County Government of Bungoma as implied by **Section 149** of has failed ensure that the resources of the County are used in a way that is lawful and authorized; and effective, efficient, economical and transparent in line with the procurement and expenditure plan contained in the medium term fiscal framework and financial objectives of the county Government of Bungoma, including employment and human resource capacity building and succession management.
59. **THAT** Governor Wycliffe Wafula Wangamati failed to adhere to the procurement laws and procedures stipulated in Article 227 of the Constitution of Kenya, 2010 and the Public Procurement and Disposal Act 2005 (Amended 2015), when he authorized and/or

presided over direct procurement of free fertilizer under the free farm input project initiative of the County Government of Bungoma worthy millions of shillings in the Financial Year 2017/18 and 2019/20.

60. **THAT** Governor Wycliffe Wafula Wangamati has failed to ensure that all applicable procurement and accounting procedures are followed when acquiring or disposing of goods and services and that, in the case of goods, adequate arrangements are made for their custody, safe guarding and maintenance. It is instructive to note that the county governor is yet to officially receive the land Taskforce Report that he appointed, commissioned and funded using several millions of Tax Payers Money in February 2019.
61. **THAT** Governor Wycliffe Wafula Wangamati authorized the purchase of Public Land for the Chebukube Market Informal Traders at the cost of **KES 81,000,000/-** which is far above the current market rate of One Acre of Land in Bungoma County. The petitioner is wondering why the County Government of Bungoma under the leadership of Hon. Wangamati used tax payers money to purchase public land (i.e., in a case where it is the County Government is the Trustee and Custodian of public property).
62. **THAT** Governor Wycliffe Wafula Wangamati sanctioned and/or authorized the construction of the Milk Processing Plant on a Parcel of Land that is owned by another entity or institution other than the County Government of Bungoma. That the said land belongs to the Nzoia Water Company (NZOWASCO) which is under the auspices of Lake Victoria North Board. The said Project does not have a distinct LR Parcel Number, Official Land Search Certificate and the Green Card. It also does not have a Site Plan. In addition the Milk Processing Plant does not have all statutory approvals including – National Environmental Management Authority (NEMA) and National Construction Authority (NCA), among others. As a result of the foregoing pitfalls the Milk Processing Plant may upon its completion become dormant and a waste of public resources because of the potential dispute and conflict over the parcel of land that belongs to another institution.
63. **THAT** Governor Wycliffe Wafula Wangamati lacks the requisite leadership and integrity values to continue holding the esteemed Office of the Governor of County Government of Bungoma as stipulated in Article 73 of Chapter Six of the Constitution of Kenya, 2010.
64. **THAT** Governor Wycliffe Wafula Wangamati has on several occasions resorted to unorthodox methods, including direct and indirect verbal manipulations and threats, intimidation, bribery and other forms of undue influence to some members of the County Assembly, civil society and media who are critical of his leadership style.
65. **THAT** from the foregoing analysis we can infer that Hon. Governor, Wycliffe Wafula Wangamati does not have the leadership, integrity and moral authority to remain in the esteemed Office of the Governor of the County Government of Bungoma. Indeed, the general citizenry of Bungoma County has lost trust and confidence in Hon. Wycliffe

68. THAT I hereby submit a checklist of documents that I require from the governor Wycliffe Wafula Wangamati in relation to various grounds and particulars of the Petition.

69. THAT whatever is deponed here is true to the best of my information, knowledge and belief.

DATED AT BUNGOMA THIS 31 DAY OF AUGUST 2020

SWORN BY THE SAID BARASA KUNDU NYUKURI

BEFORE ME



*Barasa Kundu Nyukuri*

DEPONENT

MAGISTRATE/COMMISSIONER OF OATHS

DRAWN AND FILED BY:

BARASA KUNDU NYUKURI

P.O BOX 447-50204, TEL: +254 720 369 518

Email: nyukuribarasakundu2@gmail.com/torchafrika@gmail.com

KIMILILI- BUNGOMA

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TO BE SERVED UPON:

HE.HON WYCLIFFE WAFULA WANGAMATI, GOVERNOR OF BUNGOMA

PO BOX 437-50200

055-2030144, Email: bungomacountygovet@gmail.com

Physical Address: Office of the Governor, Municipal Building- Bungoma Town

BUNGOMA

-32-



This is the exhibit marked "BIEN 1"  
 referred to in the annexed Affidavit / Declaration  
 of Barasa Kundu Nyukuri  
 Sworn/Declared before me this 3rd  
 day of Aug 2012 at NKB  
 Commissioner for Oaths

**JAMHURI YA KENYA**  **REPUBLIC OF KENYA**  
 SERIAL NUMBER: 231184431 ID NUMBER: 9996356  
 FULL NAMES: BARASA KUNDU NYUKURI  
 DATE OF BIRTH: 28. 06. 1969  
 SEX: MALE  
 DISTRICT OF BIRTH: BUNGOMA  
 PLACE OF ISSUE: KIMILILI  
 DATE OF ISSUE: 13. 12. 2012  
 HOLDER'S SIGN: *Barasa Nyukuri*




DISTRICT: BUNGOMA  
 DIVISION: KIMILILI  
 LOCATION: KIMILILI  
 SUB-LOCATION: KIMILILI



PRINCIPAL REGISTRAR'S SIGN: *[Signature]* T0143049312

IDKYA2311844317<<823<<<<<<<<823  
 6906285M1212134<B009996356A<<2  
 BARASA<KUNDU<NYUKURI<<<<<<<<<<

33-

This is the exhibit - kod "BKN 2"  
referred to in the annexed Affidavit / Declaration  
of BARASA KUNDU NYUKURI  
Sworn/Declared before me this 3rd  
day of August 2020 at Nairobi

Commissioner for Oaths



## COUNTY ASSEMBLY OF BUNGOMA OFFICE OF THE CLERK

Telephone: 055-2030854/055-2030309  
Email: [info@bungomaassembly.go.ke](mailto:info@bungomaassembly.go.ke)

P.O. BOX 1886-50200  
BUNGOMA, Kenya

OUR REF: BCA/LEG/9 VOL. II (124)

24<sup>th</sup> June, 2020

Barasa Kundu Nyukuri & 3 others  
P.O. Box 447- 50204  
KIMILILI

RE: PUBLIC INTEREST PETITION FOR CONSIDERATION BY THE COUNTY ASSEMBLY IN THE MATTER OF POSSIBLE IMPEACHMENT AND REMOVAL OF HON. WYCLIFFEE WAFULA WANGAMATI FROM OFFICE OF THE GOVERNOR OF BUNGOMA COUNTY

Your petition was received in the office of the undersigned on 22<sup>nd</sup> June, 2020 and the same was marked to the Legal department on 24<sup>th</sup> June, 2020 for analysis.

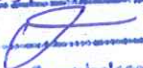
Having been guided by the Legal department, your petition shall be submitted to the House Business Committee for further action.

We appreciate your effort in exercising your constitutional right.

J.K.O Mosongo  
Clerk County Assembly of Bungoma  
COUNTY GOVERNMENT OF BUNGOMA

 **#IKUWEIKUWE COPY**

-34-

This is the exhibit marked "BICN-3"  
 referred to in the annexed Affidavit / Declaration.  
 of BARASH KUNSU NYUKURI.  
 Sworn/Declared before me this 3<sup>RD</sup>  
 day of AUGUST 2019 NRB  
  
 Commissioner for Oaths



# THE KENYA GAZETTE

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GAZETTE NOTICES		CONTENTS		GAZETTE NOTICES—(Contd.)	
	PAGE		PAGE		PAGE
The Public Finance Management Act—Revocation of Appointment .....	4198	The Transfer of Business Act—Transfer of Business .....	4217	The Retirement Benefits Authority Act—Appointment of a Liquidator .....	4217
The State Corporations Act—Appointment .....	4198	The Physical Planning Act—Completion of Part Development Plan .....	4217–4218	The Environmental Management and Co-ordination Act—Environmental Impact Assessment Study Report .....	4218–4219
County Governments Notices .....	4198–4199, 4216	The Environmental Management and Co-ordination Act—Disposal of Uncollected Goods .....	4219	Loss of Policies .....	4219
The Land Registration Act—Issue of Provisional Certificates, etc. ....	4199–4208, 4221	Change of Names .....	4219–4221	The Elections Act—Election Petition .....	4221
The Independent Electoral and Boundaries Commission Act—Declaration of Persons Elected as Members for Ganda, Abakaile, Loiyangalani and Mutonguni Wards in Kilifi, Garissa, Marsabit and Kitui County Assemblies .....	4208–4216				
The Competition Act—Authorizations .....	4216–4217				

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- 35 -

This is the correct version of the document referred to in the annexed Affidavit/Declaration of BARASA KUNDU NYURIIP  
4198  
Sworn/Declared before me this 30th day of August 2019  
CORRIGENDA

IN Gazette Notice No. 9682 of 2019, Cause No. 99 of 2019, amend the administrator's name as "(1) Joyce Janet Wangui Macharia, (2) Ruth Anne Nyaguthii Macharia, (3) Isaac Geoffrey Munuhe Macharia" to read "(1) Joyce Janet Wangui Macharia, (2) Harriet Olive Wambui Macharia, (3) Ruth Anne Nyaguthii Macharia and (4) Isaac Geoffrey Munuhe Macharia"

IN Gazette Notice Nos. 9889, 9890 and 9891 all of 2019, amend the expressions printed as "situate in the district of Laikipia" to read "situate in the district of Busia" where it appears

IN Gazette Notice No. 9663 of 2019, amend the expression printed as "Cause No. 250 of 2019" to read "Cause No. 213 of 2018"

GAZETTE NOTICE NO. 9979

THE PUBLIC FINANCE MANAGEMENT ACT

(No. 18 of 2012)

THE PUBLIC FINANCE MANAGEMENT (UWEZO FUND) REGULATIONS, 2014

(No. 21 of 2014)

REVOCATION OF APPOINTMENT

IN EXERCISE of the powers conferred by paragraph 5 (2) (d) of the Public Finance Management (Uwezo Fund) Regulations, 2014, as read together with section 51 of the Interpretations and General Provisions Act, the Cabinet Secretary for Public Service, Youth and Gender revokes the appointment\* of—

YVONNE M. MUSILA MUNUVE

as a member of the Uwezo Fund Oversight Board, with effect from the 24th October, 2019.

Dated the 24th October, 2019.

MARGARET KOBIA,

Cabinet Secretary for Public Service, Youth and Gender.

\*G.N. 7246/2017

GAZETTE NOTICE NO. 9980

THE STATE CORPORATIONS ACT

(Cap. 446)

THE YOUTH ENTERPRISE DEVELOPMENT FUND ORDER, 2007

(L.N. 63 of 2007)

APPOINTMENT

IN EXERCISE of the powers conferred by paragraph 5 (2) (e) and (f) of the Youth Enterprise Development Fund Order, 2007, the Cabinet Secretary for Public Service, Youth and Gender appoints—

Grace W. Kibuku,  
Samuel Kumba,

to be members of the Youth Enterprise Development Fund, for a period of three (3) years, with effect from the 16th October, 2019.

MARGARET KOBIA,

Cabinet Secretary for Public Service, Youth and Gender.

GAZETTE NOTICE NO. 9981

THE CONSTITUTION OF KENYA

THE COUNTY GOVERNMENTS ACT, 2012

MANDERA COUNTY PUBLIC SERVICE BOARD

APPOINTMENT

IN EXERCISE of the powers conferred by Article 235 (1) of the Constitution of Kenya, as read with section 58 of the County Governments Act, 2012 and upon approval by the Mander County

Assembly in its Second Assembly, 3rd Session held on the 25th September, 2019, I, Ali Ibrahim Roba (Capt.), Governor of Mandera County, appoint—

Mohamed Alio Issak,  
Dakane Maalim Mohamed,  
Jama Hassan Genney,  
Nasra Muktar Ibrahim,  
Mohamed Hassan Maalim,

to be members of the Mandera County Public Service Board.

Dated the 7th October, 2019.

ALI IBRAHIM ROBA,  
Governor, Mandera County.

MR/0424530

GAZETTE NOTICE NO. 9982

THE CONSTITUTION OF KENYA

THE INTERGOVERNMENTAL RELATIONS ACT

(No. 2 of 2012)

BUNGOMA COUNTY GOVERNMENT

IN THE MATTER OF TRANSFER AND OR DELEGATION OF POWERS, FUNCTIONS AND COMPETENCES FOR THE FINANCING AND CONTRACT FOR THE DUALLING OF 6.5 KM KANDUYI-SANGALO JUNCTION (C33) ROAD SECTION

PURSUANT to the provisions of Article 187 of the Constitution of Kenya as read together with section 26 (1) and (3) (b) of the Intergovernmental Relations Act, 2012, and following the legal opinion dated the 25th September, 2019, by the Solicitor-General approving the retrospective signing of an agreement between Kenya National Highways Authority (KeNHA), on behalf of the National Government, and the County Government of Bungoma for the transfer and or delegation of power for financing and contract for the dualling of the Kanduyi-Sangalo Junction section of (C33) Road; I, Wycliffe Wafula Wangamati, Governor, Bungoma County, wish to notify the public as follows;

1. That KeNHA and Bungoma County Government signed an Agreement dated the 1st October, 2019, for the transfer and or delegation of power for the dualling of the Kanduyi-Sangalo Junction section of (C33) Road;

2. That the effective date of the agreement dated the 1st October, 2019, is 2nd October, 2018, as per recitals of the agreement being the date of project inception meeting between KeNHA Officials and Bungoma County Government Officials.

3. Any interested party may obtain a copy the signed agreement dated the 1st October, 2019 at the County Secretary's office at the County Government Headquarters in Bungoma.

Dated the 22nd October, 2019.

WYCLIFFE WAFULA WANGAMATI,  
Governor, Bungoma County.

MR/0424920

GAZETTE NOTICE NO. 9983

THE CONSTITUTION OF KENYA

THE COUNTY GOVERNMENTS ACT

(No. 17 of 2012)

HOMA BAY COUNTY EXECUTIVE

APPOINTMENT

PURSUANT to the provisions of Article 179 (2) (b) of the Constitution of Kenya as read with sections 30 (2) (d), (e) and 35 of the County Governments Act, 2012, and upon approval by the County Assembly of Homa Bay in its sitting held on the 16th October, 2019, I Cyprian A. Otieno Awiti, Governor of Homa Bay appoint—

SAMUEL AKOKO NYAOKO

to be a member of the Homa Bay County Executive Committee responsible for Roads, Transport, Infrastructure and Public Works. The earlier appointment of Philemon Donny Opar\* is revoked.

Dated the 22nd October, 2019.

CYPRIAN A. OTIENO AWITI,  
Governor, Homa Bay County.

MR/0424890

\*G.N 3771/2019

EXCEPTIONAL CIRCUMSTANCES IN CONNECTION WITH THE ARRANGEMENT OF BUNGOMA IN  
ELECTIONS

This is the first of its kind referred to in the annexed Affidavit / Declaration.  
of BARASA KUNDU MUKURU  
Sworn before me on this 19th day of Aug 2020 at NPR  
Organisational for Oaths

We the undersigned registered voters of Barasa Kundu Mukuru Ward, Bungoma County, do hereby append our signatures to petition for the 19th day of Aug 2020 in connection of the Bungoma County Government and subsequent holding of fresh elections for membership of Bungoma County Assembly and the gubernatorial position. This petition is premised on the persistent actions that are against the common needs and interests of the citizens of the Bungoma County including frequent wrangles and sabotage of development projects.

S/N	NAME	ID NO	DATE	SIGNATURE
1	MOSES JUMA WACHWA	13716284	19/06/2020	[Signature]
2	ERICK BARASA MUKIRO	22222210	19/06/2020	[Signature]
3	GETRIK ANGVIEYE BIKETI	27913160	19/06/2020	[Signature]
4	JOASH WANBWA MUTAMBA	2087450	19/06/2020	[Signature]
5	JOINA NAMBAWA MUKHANA	6077716	19/06/2020	[Signature]
6	KONYA WASHIWA JUMA	2087028	19/06/2020	[Signature]
7	MARY GABRIEL APONDI	1144386	19/06/2020	[Signature]
8	FREDRICK JUMA SIMIYU	29168836	19/06/2020	[Signature]
9	ISHUA KALE MAAYA	13717535	19/06/2020	[Signature]
10	ERIC MANGARA WAFULA	26551191	19/06/2020	[Signature]
11	MARTIN WANJAU WAMAUWA	30287831	19/06/2020	[Signature]
12	JOHN WANJAU WANJAU	2088112	19/06/2020	[Signature]
13	JAMES KUNDU MAKONYA	8766438	19/06/2020	[Signature]
14	ALEX WAFULA WIEPIKULU	28354474	19/06/2020	[Signature]
15	ALFRED WANYAMA	9298378	19/06/2020	[Signature]
16	JANE KAMPASHI SHIKWA	11459783	19/06/2020	[Signature]
17	YILIA KUKHWA WAKKE	11562937	19/06/2020	[Signature]
18	HUDSON KIMAKWA MUKA	10711086	19/06/2020	[Signature]
19	RONALD WANYONYI MAMUNDA	2091698	19/06/2020	[Signature]
20	JACKSON MUKHUMBI MAMUNDA	3444337	19/06/2020	[Signature]
21	JOSEPH WANYONYI	2057413	19/06/2020	[Signature]
22	JAMES WANYONYI NYONYI	8007122	19/06/2020	[Signature]
23	GEORGE SIMIYE WATUA	2085150	19/06/2020	[Signature]
24	JAIRUS WANJABISI WAMBU	21642231	19/06/2020	[Signature]
25	JOHN KUNDU MAKILINDO	2087141	19/06/2020	[Signature]
26	ANTHONY WAFULA WAMUKOTA	4977939	19/06/2020	[Signature]
27	GEOFFREY RIMBOSIA XIALUA	21519322	19/06/2020	[Signature]
28	JOHN MAKOKA MUKIRO	2087140	19/06/2020	[Signature]
29	ALFRED CHARLE CHEYENA	2055744	19/06/2020	[Signature]
30	JOHN JAYD YASIRO	302540216	19/06/2020	[Signature]
31	EVANS WANJARA SAKIYI	26551587	19/06/2020	[Signature]
32	THUS WANJARA MACHO	22121100	19/06/2020	[Signature]
33	EVANS MAKONYA OMUKOSI	22160516	19/06/2020	[Signature]

This is the original document referred to in the petition/Declaration of BARASA KUNGU NYULUA Sworn/Declared before me this 30th day of August 2020 at NTP

AI SHOTON OPPIO

PETITION TO THE COUNTY GOVERNMENT OF BUNGOMA IN EXCEPTIONAL CIRCUMSTANCES AND SUBSEQUENT HOLDING OF FRESH ELECTIONS

We the undersigned registered voters from Sitikho Ward, Bungoma County, do hereby append our signatures to petition for the suspension of the Bungoma County Government and subsequent holding of fresh elections for members of Bungoma County Assembly and the gubernatorial position. This petition is premised on the persistent actions that are against the common needs and interests of the citizens of the Bungoma County including frequent wrangles and sabotage of development projects.

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SIN	NAME	ID NO	DATE	SIGNATURE
1	FELICE WETCHILI	27424978	21/06/2020	[Signature]
2	MARGAN NANGWETO	13246694	21/6/20	[Signature]
3	JACOB CHUMBO	26403971	21/6/20	[Signature]
4	EUNICE OCHENGO	2866442	21/6/2020	[Signature]
5	GEORGE KINEMBA	11619052	21/6/2020	[Signature]
6	Dolphine Nachami	30502280	21/06/2020	[Signature]
7	ROSE NACHAMI	26702290	21/06/2020	[Signature]
8	A. G. R. WETAHA	25894269	21/06/2020	[Signature]
9	JOHN M. OMULAMA	32746318	21/06/2020	[Signature]
10	SMUEL NACHAMI	37623092	21/06/2020	[Signature]
11	MARION S. WETAHA	28931932	21/06/2020	[Signature]
12	CELESTINE N. WANDA	34440104	21/06/2020	[Signature]
13	Leonard M. Tuma	23404373	21/06/2020	[Signature]
14	PAUL SIMON M. M. M. M.	31073655	21/06/2020	[Signature]
15	Cyza M. Wambua	23713253	21/06/2020	[Signature]
16	DICKSON WANNYAMA	6648217	21/06/2020	[Signature]
17	REARICE WANNYAMA	7595104	21/06/2020	[Signature]
18	Charles Sifuna	21725621	21/06/2020	[Signature]
19	Rose Wambua	26456887	21/06/2020	[Signature]
20	SOPHIE SIMIYU	34229898	21/06/2020	[Signature]
21	Maurice Wanyama	22194069	21/6/2020	[Signature]
22	consolata wambua	20071608	21/6/2020	[Signature]
23	Beth Wanyama	13717794	21/6/2020	[Signature]
24	Francis Wanyama	26760608	21/6/2020	[Signature]
25	Miriam Wanyama	12395371	21/6/2020	[Signature]
26	Wendy Kumbira	19486472	21/6/2020	[Signature]
27	Mary Wanyama	11365617	21/6/2020	[Signature]
28	Mary Simiyu	20601132	21/6/2020	[Signature]
29	Rose Wanyama	26444444	21/6/2020	[Signature]

This is the exhibit marked "BKN 40" referred to in the petition/Declaration of BARASA KUNDA NYIKUM Sworn/Declared before me this 3rd day of Aug 2020 at AKB

**PETITION TO SUSPEND THE GOVERNMENT OF BUNGOMA IN EXCEPTIONAL CIRCUMSTANCES AND SUBSEQUENT HOLDING OF FRESH ELECTIONS**

We the undersigned registered voters from Kiraeti Ward, Bungoma County, do hereby append our signatures to petition for the suspension of the Bungoma County Government and subsequent holding of fresh elections for members of Bungoma County Assembly and the gubernatorial position. This petition is premised on the persistent actions that are against the common needs and interests of the citizens of the Bungoma County including frequent wrangles and sabotage of development projects.

S/N	NAME	ID NO	DATE	SIGNATURE
1	HENRY WANGILA WANGILA	7990796	19/6/2020	[Signature]
2	EVANS WAFULA SANGURA	28174220	19/6/2020	[Signature]
3	ROBERT WAFULA SANGURA	25068524	19/6/2020	[Signature]
4	GEORGE M. SANGURA	34140025	19/6/2020	[Signature]
5	MASINE A. MAKHONGE	2096650	19/6/2020	[Signature]
	NEWTON K. WASIKE	23691727	19/6/2020	[Signature]
	MARK WANGILA WASUKA	24940959	19/6/2020	[Signature]
	GENRALD N. HECHILI	20261723	19/6/2020	[Signature]
	RUTH NEKEBA WANSALA	20642894	19/6/2020	[Signature]
	EVERETT N. MAKABI	2184363	19/6/2020	[Signature]

...res to petition for the suspension of the...  
 ing of fresh elections for members of Bungoma County Assembly and the gubernator  
 ion. This petition is premised on the persistent actions that are against the common needs a  
 rests of the citizens of the Bungoma County including frequent wrangles and sabotage  
 elopment projects.

Bunga  
 County  
 Swind  
 Day of

N	NAME	ID NO	DATE	SIGNATURE
	ERIC LUMUKILE WAMUKISI	7595011	22-6-20	ERIC
	CELIN NANJALA MUKUMBA	760		
	SHABAN MURAKHO	26261195	22-6-20	Shaban
	JOSEPH WAMBIYA KAPCHANGA	25667543	22/6/20	Joseph
	SAMUEL JUMA NAMULATA	13313772	22/6/20	Samuel
	ROSE NABACHENTA NEKESA	23100186	22/6/20	ROSE
	ALICE NAKHUMICHA	13313042	22-6-20	Alice
	Bernard W. Bireti	24074207	22/6/20	Bernard
	MARTHA NEKESA	23099229	22-6-20	MARKESSA
	Elizabeth Nambuye	12849774	22-6-20	ELISA
	MARTIN WAMALWA JUMA	24074447	22-6-20	JM
	SAMUEL Kisaka Namulata	23937987	22/6/20	Samuel
	Jemadar M. Ngome	13462912	22-6-20	Jemadar
	SAUL WAFULA PEPELA	13434783	22/6/20	Wafula
	MARGARET NAMACEMBA	21330320	22/6/20	Marge
	ASMAN H. OMOIKO	6346596	22-6-20	Asmoo
	ROSE NEKESA WANJALA	26227531	22-6-20	Rose
	SAMMY KARAN NEKESA	14611375	22-6-2020	Sammy
	MUSA WANJALA MATITE	25863199	22-6-20	MUSA.
	KAREN WAFULA WAMUKISI	20143795	22-6-20	Karen
	Gilbert Wafula	23301849	22/6/20	Gilbert
	PAUL MUKISHA WEROKA	26059576	22-6-2020	Paul
	ISAAC M. MUCHWENI	26086581	22-6-20	Isaac
	EDOR MAYUNGU WAMUKISI	24501821	22-6-20	Edor
	RAMADHAN A. ASABI	26257665	22-6-20	Ramadhan
	DETRINE NASIMUYU	14597037	22-6-20	Detrine
	EVERLYN NEKESA SIKUKU	10530766	22/6/20	EVERLYN
	IDI KITUYI MUKHWAMI	11161138	22-6-20	Idi
	AGNETA NELIMA	13160948	22/6/20	AGNETA N.
	GILADIS NAMAROME	1144765	22-6-20	Giladis
	Paul Wanjala	26636688	22-6-20	Paul
	CYNTHIA NALIKA	26078000	22/6/20	CYNTHIA
	DAVID LUKOA MUSUNDI	8659494	22/6/20	DAVID



COUNTY GOVERNMENT OF BUNGOMA  
SUMMARY WAGE BILL FROM JULY 2019 - JUNE 2020

This is the exhibit marked **102KN 50 11** referred to in the annex of the Declaration of **Burca Kumbi Aliphatu** sworn declared before me this **day of AUG 20 2020** by **NJB**

NO.	DEPARTMENT	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	TOTAL	MAY/JUNE	TOTAL EXPENDITURE ON PERSONNEL
1	MIN. OF FINANCE & ECONOMIC PLANNING	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	525,348,988.65	102,667,571.60	628,016,560.25
2	OFFICE OF THE GOVERNOR	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	206,343,012.97	40,305,522.00	246,648,534.97
3	ADMINISTRATION	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	171,727,278.90	33,128,340.60	204,855,619.50
4	MIN. OF GENDER & CULTURE	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	29,329,121.65	5,514,190.00	34,843,311.65
5	INDUSTRIALIZATION	883,305.00	887,095.00	893,525.00	#####	#####	#####	#####	#####	#####	#####	9,096,565.00	1,868,910.00	10,965,475.00
6	MIN. OF TOURISM	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	19,421,488.71	3,770,210.00	23,191,698.71
7	MIN. WATER	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	22,259,622.35	5,323,650.00	27,583,272.35
8	COUNTY PUBLIC SERVICE	834,735.00	846,875.00	840,805.00	#####	#####	#####	#####	#####	#####	#####	7,303,837.77	1,347,237.24	8,651,075.01
9	MIN. OF EDUCATION	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	752,059,078.95	151,189,486.00	903,248,564.95
10	MIN. OF AGRICULTURE & LIVESTOCK	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	214,053,215.92	42,657,801.10	256,711,017.02
11	MIN. OF ROADS & PUBLIC WORKS	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	57,309,828.61	11,645,240.00	68,955,068.61
12	MIN. OF HEALTH	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	1,650,851,905.80	336,474,760.00	1,987,326,665.80
13	PHYSICAL PLANNING	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	21,701,864.05	4,311,300.00	26,013,164.05
14	MIN. OF HOUSING	812,576.00	795,283.00	795,283.00	#####	#####	#####	#####	#####	#####	#####	8,191,511.00	1,622,766.00	9,814,277.00
	TOTAL	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	3,694,997,320.33	741,826,984.54	4,436,824,304.87

NB: THE PERSONNEL EMOLUMENTS FOR COUNTY ASSEMBLY HAS BEEN FACTORED IN. THE COUNTY ASSEMBLY IS TREATED AS A SEPARATE ENTITY.


4,541,341,565

4

# PERSONNEL ALLOCATION ACROSS DEPARTMENTS AND SECTOR

MINISTRY/DEPARTMENT	PERSONNEL	GRATUITY	EMPLOYER CONTRIBUTION TO PENSION
Agriculture, livestock, fisheries and co-op development	220,566,001		
Tourism, Forestry, environment and natural resource	24,334,574		
Water	23,491,552		
Roads and Public works	65,199,513		
Education,	935,040,802		
Health	1,962,648,501		
Sanitation	-		
Trade, energy and industrialization	16,141,460		
Land, Urban and Physical Planning	27,635,604		
Bungoma Municipal			
Kimilili Municipal			
Housing	12,851,403		
Gender, Culture	46,696,748		
County Assembly	409,467,948	22,574,310	
Finance and Planning	562,902,764		102,715,335
County Public Service	11,331,564		
Governors	234,526,385	16,735,481	
D/Governors office			
Public Administration	240,907,510		
Sub County Administration			
County Secretary			
<b>TOTALS</b>	<b>4,793,742,329</b>	<b>39,309,791</b>	<b>102,715,335</b>
<b>GRAND TOTAL</b>			

4,935,767,455  
4,935,767,455

This is the exhibit marked "BICN 56"  
referred to in the annexed Affidavit/Declaration  
of BARASA KUNDU NYUKURU  
Sworn/Declared before me this 3RD  
day of AUGUST 2021 at NPOR  
  
Commissioner for Oaths

This is the exhibit marked "B-1" referred to in the annexed Affidavit/Declaration of RATASH KUNDUWYUWUWA

Sworn/Declared before me this 3<sup>rd</sup> day of Aug 2020 at NRB

**CASUALS IN BUNGOMA COUNTY AS AT 9<sup>TH</sup> JULY, 2020**

**DEPARTMENT OF AGRICULTURE, LIVESTOCK, FISHERIES, IRRIGATION & COOPERATIVES**

Commissioner for Oaths

No.	Name	Id No
1.	Henry Kere Khaemba	11454337
2.	Annete Elusa Kisanja	34511819
3.	Tony Adera Simiyu	29322957
4.	Jane Mwanatena Buchichi	27955406
5.	Maurice N. Wekesa	9687816
6.	Mourine Namalwa Simiyu	33755913
7.	Emily Nafula Soita	29611792
8.	Jacinta Nganga	25606156
9.	Angeline Namurwa Makhanu	24798043
10.	Nasis Ajanga Eduvaga	27142047
11.	Peter Nyongesa Machimbo	29539367
12.	Mercylene Nangila Wamalwa	37061941
13.	Benson mwangale Lusweti	28622183
14.	Mohammed Kariuki	13154867
15.	Suleiman Musa Wetaya	29001496
16.	Cleophas Simiyu Wanjala	24144377
17.	Joyce O. Nasicho	30299755
18.	Beatrice N. Khachina	24095159
19.	Salome N. Namasake	26852403
20.	Emily N. wanambuko	13160352
21.	Christopher N. Juma	13866691
22.	Benard B. Wambulwa	8111066
23.	Arthur S. Waswa	13054804
24.	Rose nekesa Bulano	4735443
25.	Frankline N. Kwalelo	21595703
26.	Paul Wekesa	26087344
27.	John Wanyonyi Nyongesa	22119428
28.	Amos Wafula Kituyi	28535593
29.	Joseph Wangila Wekesa	10431149
30.	Oliver Saenyi Wanyala	23925526
31.	Kennedy Wasike Wanyonyi	207743267
32.	Aggrey Ngoya Wanyama	23969901
33.	Haron Wanga Situma	30308429
34.	Stella Nyongesa	20170045744
35.	Collins Busuru	20170026641
36.	Christine Nyongesa	20170026669
37.	Millicent Mamili	20170022650
38.	Irene Wamalwa	20170035775
39.	Joshua Muganda Pwoka	22519260
40.	Ramadhan Ali	33053562
41.	James Were Makokha	22648058
42.	Ramadhan Mohammed Musa	26202113
43.	Muhammed Salim Asman	36838933
44.	Idi Yassim Shaban	29508219
45.	Ali Mikisi Wambani	34808849
46.	Hassan Rajab Sichangi	31925537
47.	George simiyu Nyongesa	29358216

- 43 -

DEPARTMENT OF EDUCATION AND VOCATIONAL TRAINING		
No.	Name	Id No.
1.	Carlos Muyundo	30773005
2.	Benard Nganga Thairo	23456022

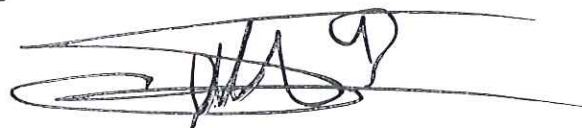
OFFICE OF THE COUNTY SECRETARY		
No.	Name	Id No.
1.	Asha Robai Nyongesa	26645163
2.	Maurice Wekesa Chonge	14724791

DEPARTMENT OF TRADE, ENERGY & INDUSTRIALIZATION		
NO.	Name	Id. No.
1.	Julius Wamela Wamalabe	32613967
2.	Fred Wanyama	20478942
3.	Godwin Wasike	29007203
4.	Stella Mutunguti	29536404
5.	Mercy Juma	30840162
6.	Susan W. Wasilwa	26774353
7.	Racheal N. Lusweti	31798443
8.	Nivear Gloria Nabwana Wamalwa	32969238

DEPARTMENT OF LANDS, URBAN/PHYSICAL PLANNING & HOUSING		
No.	Name	Id. No.
1.	Silas Nyongesa Wafula	33628020
2.	Janet Nasimiyu Wakoli	28370969
3.	Bridgid Stella Murutu	31937818
4.	Wafula Makhanu	
5.	Henry John Wangila	14610812
6.	Michael Wamalwa	30767395

DEPARTMENT OF GENDEER, CULTURE, YOUTH & SPORTS		
No.	Name	Id. No.
1.	Ngabu Anderson Juma	26570259
2.	Mildred Nanjala M. Mukhwana	25503587
3.	Neldas Ngala Shiundu	14542774
4.	Nafula Joan Nyaranga	9020844
5.	Zacharia Wekesa Wafula	28360953
6.	Benjamin Wamalwa Wafula	30434043
7.	Gilliani I. Indiatzi	32386597
8.	Leonard Wanjala Kikali	24328508
9.	Simon Nyongesa Alex	9896196
10.	Elijah Wafula	27706660
11.	Erick Kibet Kortek	27095194
12.	Philip Childa Chemining'wa	13438248
13.	Consolata furukha	23457084
14.	Kiplimo Ngeywo cheptongen	9513311
15.	John Mukhwana Wafula	31470491

- 44 -

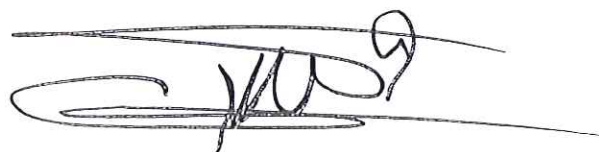


DEPARTMENT OF PUBLIC SERVICE MANAGEMENT AND ADMINISTRATION		
No.	Name	Id. No.
1.	Brian Wanyonyi	33041827
2.	Emily Chepkwemboi Fwamba	26942626
3.	Mercy Babra Isaara	28409126
4.	Mary Nakunga Wambiya	28528411
5.	Veronicah Nafula Watamba	24328208
6.	Lilian nekesa Juma	31705165
7.	Karen Wangwe	26531119
8.	Martin Wabwile Othiambo	20812800
9.	Makokha Robert Wasike	6088401
10.	Damaris machuma Wafula	33786682
11.	Andrew Simiyu Bukhebi	25307326
12.	Daniel Wafula Otunga	33325850
13.	Robert Wamocha Mukite	13315543
14.	Janice Sakwa Wekesa	9994730
15.	Aggrey Nyongesa Lukoye	29633032
16.	Maurice Nyongesa Wekesa	9687816
17.	Violet Naliaka Wakhungu	1053104
18.	Patrick Barasa keyari	13316578
19.	Brian Walucho	26651096
20.	Cliff Isoe	26540677
21.	Abubakar Omary Nyongesa	28754883

DEPARTMENT OF ROADS, INFRASTRUCTURE AND PUBLIC WORKS		
No.	Name	Id.No.
1.	Nyongesa Namasake Fwamba	4394814
2.	John Juma Simiyu	29538103
3.	Paul Maina Wekesa	27262895
4.	Moses Sikuku Karani	14611189

DEPARTMENT OF ENVIRONMENT, TOURISM, WATER & NATURAL RESOURCES		
No.	Name	Id No.
1.	Lumbasi antony Masoni	27888715
2.	Wekesa Wafula Manyilila	20160035521
3.	Ndiema Tonny Alfred	1988061674
4.	Wandela Thomas Wamukota	25953419
5.	Nalianya Wambulwa Francis	1331384
6.	Masinde sifuna Geoffrey	27365789
7.	Nabutola Lusweti Daniel	7993882
8.	Kilong'i Mayung'u Hamed	20320117
9.	Keresendi Sibweko Protus	11656655
10.	Ngurete Fred Sitati	
11.	Ngome Dennis	28637387
12.	Suleiman Moses Wetaya	29001496
13.	Everlyn Wanjala	21020621
14.	Chemsungu Cemtang	20143073
15.	Benard Wanjala Namukhaywa	22272116
16.	Iyvonne Talang'i	34379314


-45-



**DEPARTMENT OF FINANCE & ECONOMIC PLANNING**

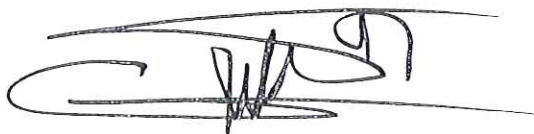
No.	Name	Id. No
1.	Pamela Nekesa Nyongesa	25472569
2.	Mary Makokha Okotsi	8026119
3.	Samuel Sakari	34051534
4.	Mercy Nafula Wekesa	30593699
5.	Jane Odanga	31939544
6.	Mourine Kurget	27425322
7.	Ann Swalangila	28450088
8.	Linet Nasimiyu wafula	28082287
9.	Lilian Nekesa Soita	28627499
10.	Selina Sifuna	32646432
11.	Hellen Wanambuko	32030356
12.	Amos Wanyonyi Mutambo	11018242
13.	Jackson Walela	22686441
14.	Betty fridah Mwalati	31408325
15.	Ann Waswa	27920003
16.	Kennedy Samita	33409160
17.	Lucy Scovia Walumbe	30928075
18.	Dan pepela Lusanya	28956386
19.	Pamella Nekesa Namikasa	27452262
20.	Paul Maraka	26538954
21.	Mercy Wanyonyi	29309774
22.	Linet Wabuke	35278628
23.	Benard makokha	11562329
24.	Dancan Wanyera	26711896
25.	Andrew Nyongesa	24570153
26.	Lawrence murunga	12848482
27.	Roseline Masengeli	9902866
28.	Lydia Nanjala	32867576
29.	David Wapakala	31636277
30.	Tobias Odeu	22897623
31.	Topister Sikuta	25050496
32.	Justine Waswa	26177901
33.	Praxidis Nyongesa	33468351
34.	Moses Nambafu	12579526
35.	Stanley Wabwire	23207288
36.	John Khaemba	11787381
37.	Peter Mulati Khalakayi	13246581
38.	Chrispinus Makokha	13246581
39.	Ignatius Mukhwana barasa	12849272
40.	Paul Wamalwa	9514872
41.	Alice Fwamba	9900036
42.	Joan Wekesa	25476758
43.	Nebert Majimbo	23558952
44.	Dickson Wamalwa	25670599
45.	Metrine sikuku	24497367
46.	Felistus Buchunju	33091383
47.	Michael W. Makhombe	30623448
48.	Evans Makokha	27409728

-46-



49.	Akedius Barasa	26176084
50.	Felix malenya	28947382
51.	Amos Wechuli	26586146
52.	Mohammed Sitati	13315327
53.	Solomon W. Wanyonyi	22402513
54.	Bonface Mumbwani	13716560
55.	Joshua Musungu	27623386
56.	Patrick Wanjala	26508322
57.	Hellen makkokha	20102530
58.	Nancy milimu	28290006
59.	Isaac Wakube	7604468
60.	Sirengo Wabwile	2088636
61.	Wilber Lumbasi	25890163
62.	Risper Nyambeki	31932224
63.	Charles Namutongo	33284510
64.	Rabecca Marani	32810313
65.	Zakaria Wekesa	29498543
66.	Ruthmiller Wafula	27429870
67.	Sarah nelphine nafula Wamaluku	32133542
68.	Geter Nangekhe	25553266
69.	Silus Mabonga	12579484
70.	Wycliffe Wekesa	23317707
71.	Benard Kuloba Kitui	13157826
72.	Rodgers Wafula Kanga	9298724
73.	Rose Wayela	11785377
74.	Martin Masika	11021672
75.	Livingstone Lwambi	30983948
76.	Mark Wandabwa	31915183
77.	Raphael Wafula	32440068
78.	Oscar Mechumo	23328915
79.	Brenda Manyonge	25861428
80.	Rose Wafula	22974569
81.	Kukali George Simiyu	21649228
82.	Joseph Marango	20808358
83	Erick Misiko	24087457
84	David Wakoli	27389815
85	Dicksson Wetaba Sheundi	13317717

-47-



IDENTITY STATION

GOVERNOR'S OFFICE

NAME	IDENTITY STATION	GOVERNOR'S OFFICE
1 Chrisandos Makokha	2297642	
2 Siyu Bichachi	131541	
3 Sirengo Wekesa	27626975	
4 Ken Mwadinya	13683371	
5 Chasper Kunania	23727109	
6 Kevin Barasa	30628885	
7 Karim Hassan	23205592	
8 Edgar Mastichi	24741489	
9 Ken Wafula	22168517	
10 Peter Kituyi Adira	27406896	
11 Felix Wanyonyi	2097995	
12 Samwel Kisache	24565541	
13 Charles Kombo	26397418	
14 Cleophas Wanjala Simiyu	25462796	
15 Ben Lirono	23853964	
16 Ignatius Wakoli	22994750	
17 Abel Ting'ing	29174750	
18 Norri Wafula	28306573	
19 Adams Mulama	11020866	
20 Antony Wanjala Makhanu	21704872	
21 Robinson Kisumia	20068197	
22 Victor Oduor	24465596	
23 John Warrocho	23880882	
24 Kituyi Henry	24841300	
25 Caleb Simiyu	28290842	
26 Alex Simiyu	28545027	
27 Adel N Wekesa	31207013	
28 Mercy Nafula Wekesa	27895655	
29 Tobias W Khaoya	22885706	
30 Eric Siboko Wanjala	23358486	
31 Job Wafula Sikoja	30828373	
32 Nelson Nyongesa Makona	13660591	
33 Adams Makokha	2159588	
34 Martin Machio	3660338	
35 James Wanamo	14640891	
36 Andrew Ndiyo Nasong'o	20643212	
37 Antonio Wangila Mabuka	9805742	
38 Celestine Wafula	30757912	
39 Priscella Wafula	27948336	
40 Jael Juma	30387514	
41 Celestine Ndiyo	3224684	
42 Ben Kiliswa	27463426	
43 Emmah Sakwa	30381436	
44 Femina Oduori	33027424	
45 David Wanjala Mwommu	20452657	
46 Erick Wambasi	7595011	
47 Wasikhuyu Fanuel	28542717	
48 Tius Shitandayi	27487833	
49 Grace Nanyama Khisa	22373327	

48-



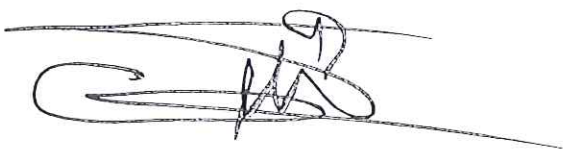
51	Betty Kituu	122104423
52	Hellen Wanga	26945877
53	Benedict simiyu	27563928
54	Sheila Mutua	11787919
55	Peter chongoi wanyonyi	29621026
56	Edwin milimo	3199637
57	Emmanuel sikuku wanjala	30624958
58	Isaac Khaemba makhandia	31470867
59	Eric wanyonyi	27267268
60	Mike wambara	23358486
61	Charles pukuru	31902763
62	Collins masinde masika	632994
63	James Kuiru simiyu	26584625
64	Diana wasireba barasa	33163586
65	Calch barasa	29835424
66	Naomi sheria nanjala	26016323
67	David khisa masinde	3693990
68	Mary namukhosi fuchaka	12535508
69	Martin samson wanjala	34637134
70	Aron Simiyu wafula	20559274
71	Spencer Milka masika	26639161
72	Peter simiyu masika	36314801
73	Anthony Juma	13157808
74	Andrew kiveu	33922775
75	Shikanga mang'ara	33848055
76	Eric sikuku	2425342
77	Clifton muyala	30093329
78	Kennedy Njakuji	22691979
79	Callistas nyongesa	11019199
80	Samuel Kikete	27412262
81	Eric Wambuchi	33127524
82	Jane Nasambu Mutulile	26621627
83	Crestine Nasambu Wekesa	33041367
84	Mary Okumu	11161278
85	Paul Kisuya	24814901
86	Emmanuel khisa wafula	23294398
87	Joan Pamela Alwang	23496254
88	Stephen Wataka	11093370
89	Amos Protus Mutinyi	27211046
90	Martin Kalama	22917235
91	Maurice Nambatu	26667198
92	Silas Kundo Narmwinji	22917388
93	Ronald Wanjala	24233908
94	Silas Matete	27704600
95	Edwin Opicho Malaba	13718193
96	Evans Wambaya	26905838
97	Norah Namisi	12939821
98	Christopher kundu asumo	27377009
99	Nakibongochi Namasambu	21040328
100	Eliakim Wanambisi	26576414
		32536045

-49-

101	Alex Juma Kisuya	27022654
102	Joseph masinde waswa	24643476
103	Davis Buyela	29917750
104	Lukas Maina	12704953
105	Edwin Wamaiwa Macheso	24607860
106	Martin Sikuku Simiti	23951171
107	Boniface wanjala Sikwe	11452274
108	Fredrick Wanyonyi	25035451
109	Collins Wanjala	24931023
110	Stellah Wanyonyi	21618216
111	Mackton Biketi Wanyonyi	26601620
112	Nickson Nyongesa Miriongi	34619442
113	Peter Chemakile	22572795
114	Joseph Watulo	22303888
115	Carol Ngala	9020735
116	Mathew Munyole	11019784
117	Luvisia Ibrahim	24295253
118	Maureen Kilong'i Chebai	29736257
119	Linet Nangekhe Wanjala	24295138
120	Hesbon sale Bukhalana	20479603
121	Collaeter Namasake	29166543
122	Luke Opilo	8740006
123	John Sitati	14541646
124	Wanyonyi Wandelukha	20199185
125	Resa Masicha Khwatenge	23320036
126	Lucy Wanjala Chilande	33266231
127	Benard Mufeya Barasa	25453292
128	Kanti Naitbei Amos	33279274
129	Jonathan Biketi	5720578
130	Simon Wamochi	25668165
131	Stephen Wambuliwa	21043925
132	Richard Makhanu	9999035
133	Michael Wanyonyi	13649920
134	Duncan Malaba	35031266
135	Patricia Nafula Wafula	28482321
136	Rodger Wabwile Nyongesa	34429032
137	Emmanuel Wanjala	3147867
138	Joan Wekesa	27404214
139	Jeff Mutai	33353169
140	Martin Wanyonyi Makwara	28313012
141	Elud Mochi Konyelo	29119215
142	Daniel Khisa Natembeya	31917496
143	Evriner Nanga Muyodi	27350152
144	Rose Nakhumicha Khisa	23646362
145	Judith Mutoro	13662314
146	Daisy Mwoko Ochuno	32631546
147	Jerusah Lukhale Nafula	31334342
148	Timothy Wanjala Juma	58764596
149	Edwin Masika	26043610
150	Sammy Mudambo	24619422
151	Sammy Nyongesa	313597
152	Linah N'iaaka	313597

- 50 -

153	Emily Khadioti Mwangale	13502894	
154	Linda Nekesa Pepela	32513790	
155	Joan Naniala Wakesa	3197729	
156	sarah welikhe	28826300	
157	Daniel Wahua Weyusia	24584519	
158	Esther Anya	38114619	
159	Emily Naniala Juma	21639088	
160	Susan Welenjekha Wasilwa	26724353	
161	Reuben Ngoya mutongwa	20331337	
162	Brian Atelu Fredrick	32154208	
163	Wilson Mwanzie	27748693	
SUB-TOTAL			



DEPARTMENT OF HEALTH AND SANITATION  
 Qualifications  
 Ineriod work w/ monthly cost

ID No	Designation	Qualifications	Ineriod work w/ monthly cost
1	Lydia Naliaka Wekesa		
2	Sandra Nekesa Makhanu	29539365	S
3	Antony Wanjala Makhanu	31610054	S
4	Geoffrey Wamalwa Ruchu	21704872	S
5	Kennedy Werrunga Matee	11659935	P
6	Messina Nalonya Juma	23890010	C
7	Beatrice Adhiambo Ngunya	27087797	A
8	Carolyn Nyawera Jopchumba	22078239	P
9	susan wasike	25561092	
10	Bridgid Kirinyi	27491041	S
11	Joan Nekesa	14611819	S
12	Esther Elicen Lusike	28171174	P
13	Perpetua Wanyama	27520345	H
14	Joseph Terwa Nandwa	21082422	S
15	Stephen Wekesa Luswei	23470357	C
16	Masibo Erick Kundu	25248605	C
17	Masafu John Mang'oli	27744509	C
18	Anthony Barasa Simiyu	24076385	I
19	Kevin Cheloti	23589931	C
20	Prepalthers Nakitanga	29663185	P
21	Titus Nyongesa Mayende	28240290	P
22	Doreen Khisa Muniako	24219055	L
23	Keilah Nasiebanda Makhakha	28923753	A
24	Daniel Nyongesa Wakola	28916774	C
25	Rabeca Namweyi Wamalabe	24218697	D
26	Ruth M wanjala	23687487	C
27	Miriam M wanjala	33630843	A
28	charles simiyu wafula	33521418	C
29	Marceline Nabwile	28726117	C
30	Robert Nyongesa Simiyu	31953523	D
31	Shaban Mlesi Maira	24684276	C
32	joshua wanjala masambu	38357496	A
33	Wachuti Gabriel	11454592	D
34	Yvonne Nafula Simiyu	32196937	C
35	Amos wafula	34580885	D
36	Betty Mweba Wasike	25407800	A
37	Titus wafula	25452741	D
38	David Barasa wanjala	24799472	C
39	kesis chenge ndicma	35674174	C
40	John K wanjala	24106152	C
41	Kevin Wasike	25067662	D
42	Joseph K Musebe	33133666	C
43	Sarah mabonga	9996459	C
44	Hezekiel Makokha	13259019	C
45	Allan Kipkama		C
46	Mildred Nafula Waswa	25411956	C
		37282405	C

52-

47	Metriche Chebet	30975937
48	Juma wanjala Esau	32267940
49	Yusuf wafula	20453152
50	Maurice werunga	28369197
51	Hudson wanyonyi nyongesa	23713413
52	Josephat Sifuna wafula	28621409
53	Joyce Nairakho Nabalayo	29837958
54	Moffat Simiyu wafula	32265776
55	Eric simiyu wamalwa	31209171
56	Levy mutali murumba	35686316
57	Judy Nyangasi	26657130
SUB-TOTAL		

-53-