

The Clerk of the Senate,
Parliament Buildings,
P.O. Box 41842 – 00100,
NAIROBI.
Email: csenate@parliament.go.ke



RE: PETITION TO THE SENATE CONCERNING THE CORRUPTION AND VIOLATION OF THE CONSTITUTION AND OTHER LAWS BY THE COUNTY GOVERNMENT OF BUNGOMA.

We, the undersigned, citizens of the Republic of Kenya, and residents of Bungoma County;

DRAW the attention of the Senate to the following;

1. Gross violation of the Constitution and other laws, embezzlement of public funds, contravening the law and abuse of office by Governor Wycliffe Wafula Wangamati and his executive in the following ways:
 - 1.1. Initiating mega projects (Kanduyi- Musikoma dual carriageway and Masinde Muliro Stadium) and identifying contractors against the provisions of the Public Procurement and Asset Disposal Act and without public participation against Article 10(2a) of the Constitution;
 - 1.2. Embezzling public funds through exaggerated budgets of public participation meetings that are just done to justify some already spent monies;
 - 1.3. Initiating and forcing mega projects, dual carriageway and Webuye Industrial Park which are functions of the of the National Government to be done by the County using limited resources sent to the county for urgent functions of the county as per Schedule 4 of the Constitution;
 - 1.4. Grossly violated Section 107(c) of the Public Finance Management Act, 2012 as read with Regulation 25(b) of the Public Finance Management (County Government) Regulations, 2015, which requires that wages and allowances of public officers shall not exceed 35% of the total County Revenue. When Wycliffe Wangamati took over office, he increased the wage bill to Kshs. 2.72 billion which is 54% of the total county revenue through the following ways:-
 - a) Unprocedurally and illegally employed all by then Ford Kenya Party Office bearers to his office on very high job groups without following the due process;
 - b) Coerced the County Public Service Board to create illegal offices such as Chief Officer in the Office of the Deputy Governor and County Secretary, Deputy County Secretary, County Chaplain, Investment Secretary, Advisers, Deputy

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Chief of Staff/Personal Secretary which are not necessary as per Section 60 of the County Governments Act, 2012 but just meant to reward his cronies;

- c) Appointed eight advisers instead of three as recommended by the consortium of the then Transition Authority, Salaries and Remuneration Commission and the Council of Governors in 2013;
 - d) Created unnecessary Service Delivery Unit (SDU) which is a duplication of the roles of the County Public Service Board and the County Department of Public Administration and Management; and
 - e) Moved County Directors to lower positions but at same job groups and giving room to give acting allowances to his cronies. He also moved the Sub-County Administrators to County Departments against the law to appoint junior officers to act thus increasing the allowances and thus the wage bill.
2. The County Assembly of Bungoma has failed to carry out oversight, representation and legislation roles in the following ways:
- 2.1. Refusing to discuss petitions from the public especially those touching on the conduct of the governor;
 - 2.2. Approving appointees during the vetting process who are unqualified and whose offices are not in law or whose nomination was not done as per the due process;
 - 2.3. Failing to undertake public participation as required in Article 196 of the Constitution; and
 - ~~2.4. Approving projects and appropriating money to projects which are still under the National Government.~~
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3. THAT, I have, on several occasions, written to the Governor and County Assembly, ~~including petitioning the County Assembly on the conduct of the Governor but~~ there was no response;

4. THAT, none of the issues raised in this petition are pending before in any Court of Law, Constitutional or any other legal body.

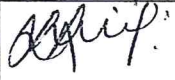
WHEREFORE, your humble petitioners pray that the Senate:

1. Hears and considers this petition;
2. Directs the Auditor General to conduct a special audit exercise in view of the foregoing issues; and

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3. Direct the Ethics and Anti-corruption Commission (EACC), Director of Criminal Investigations (DCI), Director of Public Prosecution (DPP) and Controller of Budget (CoB) to investigate whether any criminal offences arise from the facts set out in this petition and take appropriate action thereon.

Dated this 3rd day of June 2019

NAME	ADDRESS	I.D. No.	SIGNATURE
Moses Wanjala Lukoye	P.O. Box 2476-50200 Bungoma	20117711	

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PETITION BY MOSES WANJALA LUKOYE ON CORRUPTION AND VIOLATION OF THE CONSTITUTION AND OTHER LAWS BY THE COUNTY GOVERNMENT OF BUNGOMA.

Honourable Senators,

1. Pursuant to Standing Orders 226(1)(a), and 230(2)(b), I hereby report to the Senate that a petition has been submitted, through the Clerk, by Mr. Moses Wanjala Lukoye, a resident of Bungoma County.
2. As you are aware, under Article 119(1) of the Constitution, and I quote:-*“Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.”*
3. The salient issues raised in the said Petition are as follows:-
 - a) That, there is alleged gross violation of the Constitution and other laws, embezzlement of public funds, contravention of the law and abuse of office by Governor Wycliffe Wafula Wangamati and his executive in the following ways:
 - Initiating mega projects (Kanduyi- Musikoma dual carriageway and Masinde Muliro Stadium) and identifying contractors against the provisions of the Public Procurement and Asset Disposal Act and without public participation against Article 10(2a) of the Constitution;
 - Embezzling public funds through exaggerated budgets of public participation meetings that are just done to justify some already spent monies;
 - Initiating and forcing mega projects, dual carriageway and Webuye Industrial Park which are functions of the National Government to be done by the County using limited resources sent to the county for urgent functions of the county as per Schedule 4 of the Constitution;
 - Grossly violated Section 107(c) of the Public Finance Management Act, 2012 as read with Regulation 25(b) of the Public Finance Management (County Government) Regulations, 2015, which requires that wages and allowances of public officers shall not exceed 35% of the total County Revenue. When Wycliffe Wangamati took over office, he increased the wage bill to Kshs. 2.72 billion which is 54% of the total county revenue through the following ways:-
 1. Unprocedurally and illegally employed all by then Ford Kenya Party Office bearers to his office on very high job groups without following the due process;

2. Coerced the County Public Service Board to create illegal offices such as Chief Officer in the Office of the Deputy Governor and County Secretary, Deputy County Secretary, County Chaplain, Investment Secretary, Advisers, Deputy Chief of Staff/Personal Secretary which are not necessary as per Section 60 of the County Governments Act, 2012 but just meant to reward his cronies;

3. Appointed eight advisers instead of three as recommended by the consortium of the then Transition Authority, Salaries and Remuneration Commission and the Council of Governors in 2013;

4. Created unnecessary Service Delivery Unit (SDU) which is a duplication of the roles of the County Public Service Board and the County Department of Public Administration and Management; and

5. Moved County Directors to lower positions but at same job groups and giving room to give acting allowances to his cronies. He also moved the Sub-County Administrators to County Departments against the law to appoint junior officers to act thus increasing the allowances and thus the wage bill.

b) **That**, the County Assembly of Bungoma has allegedly failed to carry out its mandate of oversight, representation and legislation by:

- Refusing to discuss petitions from the public especially those touching on the conduct of the governor;
- Approving appointees during the vetting process who are unqualified and whose offices are not in law or whose nomination was not done as per the due process;
- Failing to undertake public participation as required in Article 196 of the Constitution; and
- Approving projects and appropriating money to projects which are still under the National Government.

c) **That**, the Petitioner has on several occasions, written to the Governor and County Assembly, including petitioning the County Assembly on the conduct of the Governor but there was no response;

d) **That**, none of the issues raised in this petition are pending before any Court of Law, Constitutional or any other legal body.

4. Consequently, the Petitioner prays that the Senate:-

- Hears and considers this petition;
- Directs the Auditor General to conduct a special audit exercise in view of the foregoing issues; and

- Direct the Ethics and Anti-corruption Commission (EACC), Director of Criminal Investigations (DCI), Director of Public Prosecution (DPP) and Controller of Budget (CoB) to investigate whether any criminal offences arise from the facts set out in this petition and take appropriate action thereon.

5. **Honourable Senators**, pursuant to Standing Order 231, I shall now allow comments, observations or clarifications in relation to the Petition for not more than **thirty** minutes.

[after comments by Senators]

6. **Honourable Senators**, pursuant to Standing Order 232(1), the Petition stands committed to the Standing Committee on Devolution and Intergovernmental Relations.
7. In terms of Standing Order 232(2), the Committee is required, in not more than sixty days from the time of reading the Prayer, to respond to the Petitioner by way of a Report addressed to the Petitioner, and laid on the Table of the Senate.
8. I thank you.

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