

COUNTY GOVERNMENT OF KITUI
THE COUNTY ASSEMBLY
THIRD ASSEMBLY - (FOURTH SESSION)
COMMUNICATION FROM THE CHAIR

No. 25 of 2025

COMMUNICATION AS RELATES TO A PUBLIC CENSURE PETITION
AGAINST MR. JOHN MAKAU KIMWELE, CHIEF OFFICER – FINANCE AND
REVENUE, KITUI COUNTY

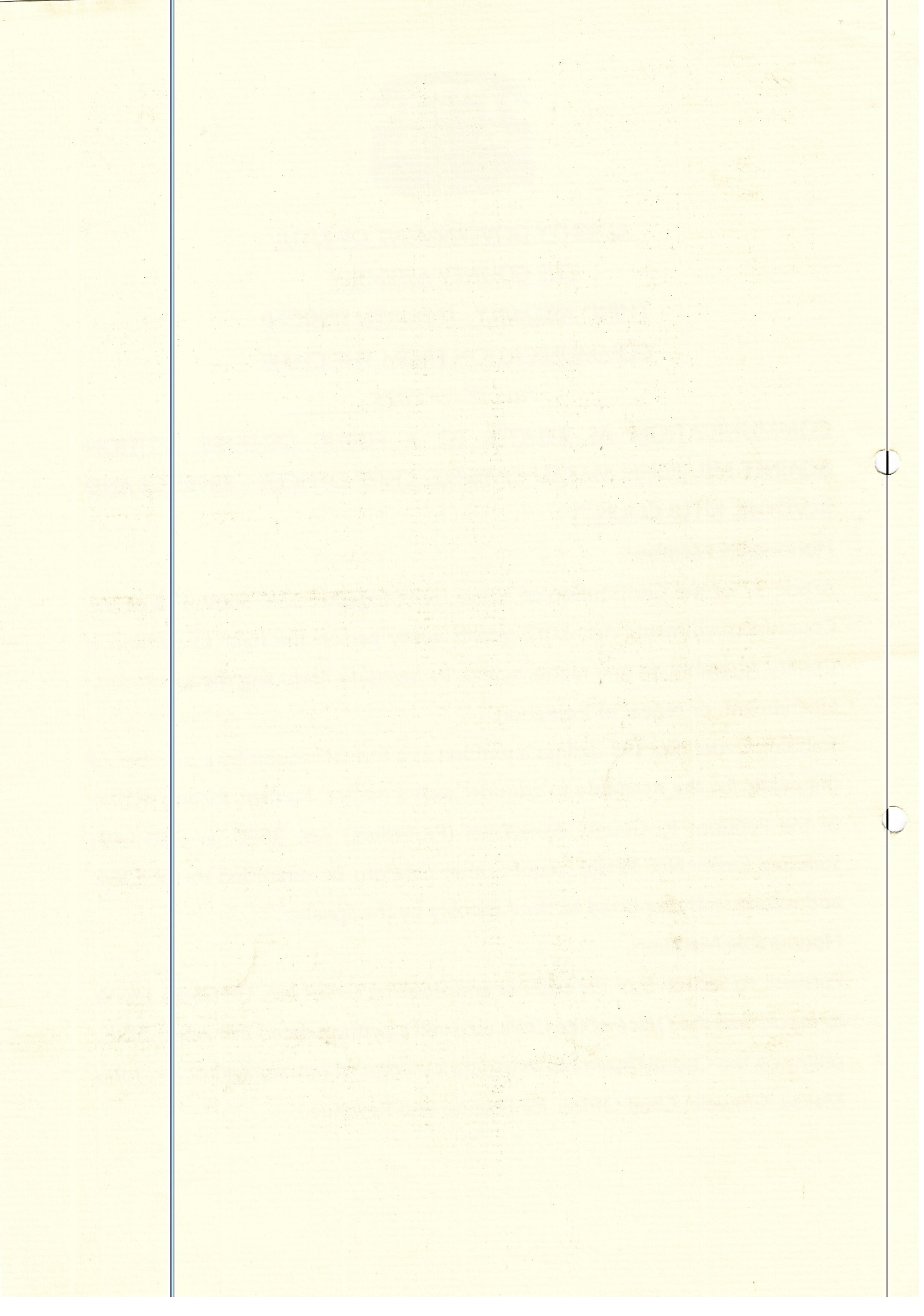
Honourable Members,

Article 37 of the Constitution of Kenya, read together with Section 15 of the County Governments Act, 2012, grants every person the right to petition a County Assembly on any matter within its mandate, including the enactment, amendment, or repeal of legislation.

Standing Order No. 193 defines a petition as a formal request by a member of the public for the Assembly to consider such a matter. Further, Section 4(1)(a) of the Petitions to County Assemblies (Procedure) Act, 2020, as read with Standing Order No. 194(a), requires that petitions be submitted to the Clerk and subsequently reported to the Assembly by the Speaker.

Honourable Members,

Pursuant to Section 5 of the said Act and Standing Order No. 199(2)(b), I wish to report that the Office of the Clerk received a petition dated 29th April, 2025, calling on the County Assembly to initiate a motion of censure against Mr. John Makau Kimwele, Chief Officer for Finance and Revenue.



The petition alleges gross incompetence, violations of the Public Finance Management Act, misallocation and misappropriation of public funds, abuse of office, obstruction of oversight and accountability, and misleading both the County Government and the public, among other serious concerns.

Honourable Members,

In accordance with Section 4(3) of the Petitions to County Assemblies (Procedure) Act, 2020 and Standing Order No. 194(3), the Clerk is required to review the petition within seven (7) days of receipt to ascertain its in compliance with the applicable legal and procedural requirements.

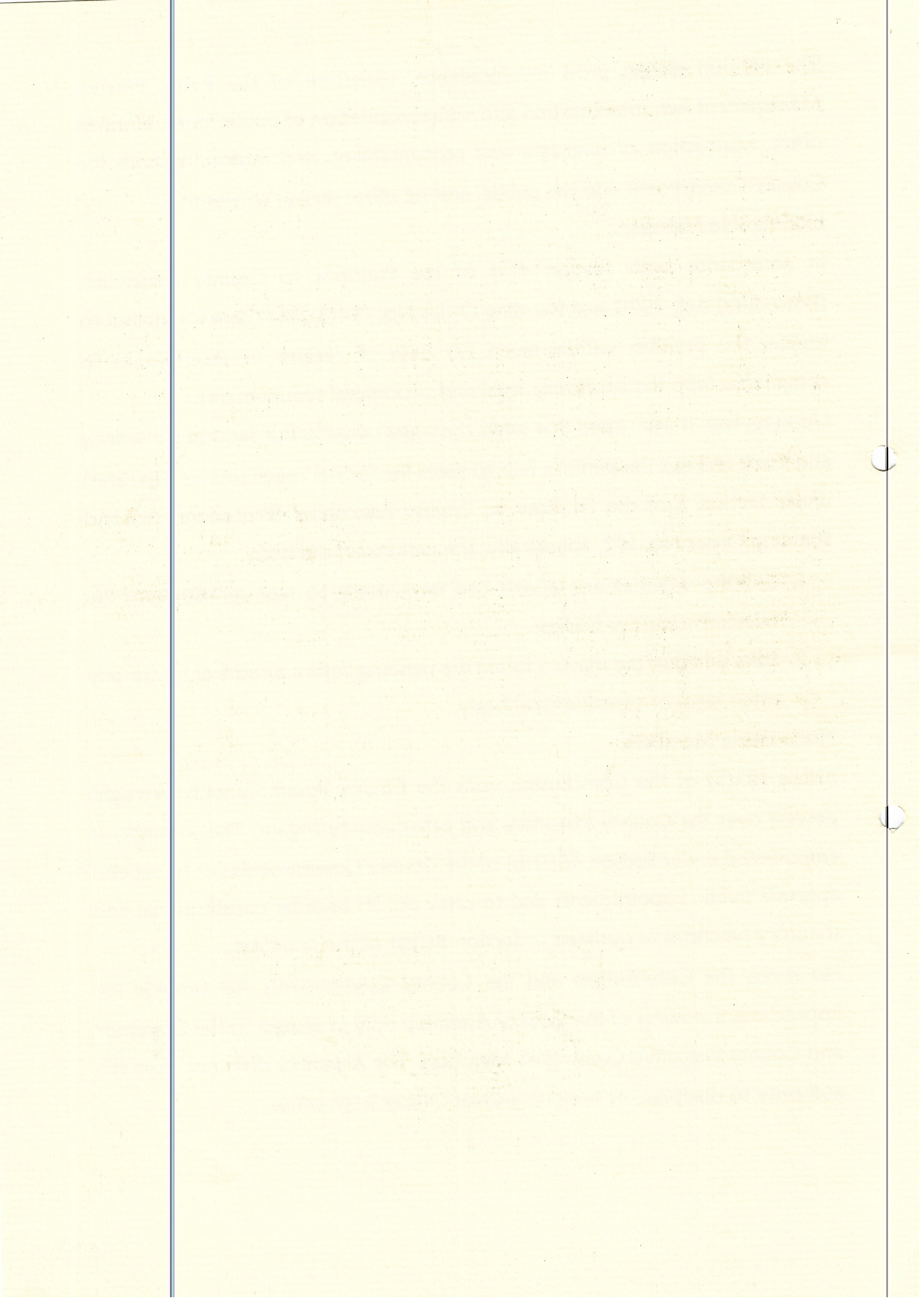
Upon review, it was noted that while the issues raised in the petition are serious and merit redress, the petition fails to meet the formal requirements stipulated under Section 3 of the Petitions to County Assemblies (Procedure) Act and Standing Order No. 197. Specifically, the petitioners did not:

1. Indicate whether any efforts had been made to seek redress from the relevant statutory bodies;
2. State whether the matters raised are pending before a court of law or any other legal or constitutional body.

Honourable Members,

Article 185(3) of the Constitution vests the County Assembly with oversight powers over the County Executive and other county organs. The Assembly is empowered under Section 45(1)(b) of the County Governments Act to vet and approve public appointments and to carry out its broader constitutional and statutory functions as outlined in Section 8(1)(f) of the same Act.

However, the Constitution and the County Governments Act provide for impeachment powers of the County Assembly only in respect to the Governor and County Executive Committee Members. The Assembly does not have the authority to discipline or remove a Chief Officer from office.



Honorable Members,

A censure motion, while expressing disapproval or dissatisfaction on behalf of the public, is not legally binding and does not result in the removal of the officer concerned. This position was affirmed in *Owen Yaa Baya v. County Assembly of Kilifi [2015] eKLR*, where the Court held that the County Assembly has no power to discipline or remove a Chief Officer.

Section 45(2) of the County Governments Act places Chief Officers under the County Public Service, meaning that any disciplinary action, including termination, is within the mandate of the County Public Service Board, subject to due process. The Assembly's role is limited to the approval of appointments.

Honourable Members,

In light of the above, the petition as submitted does not meet the required threshold for consideration by the County Assembly. Should the petitioners amend their petition to meet the necessary legal and procedural requirements, the Assembly shall consider it accordingly.

Honourable Members,

Consequently, I direct the Office of the Clerk to return the petition to the petitioners for resubmission in compliance with the Standing Orders and relevant statutes.

Thank you.



**HON. KEVIN KINENGO KATISYA
SPEAKER OF ASSEMBLY
KITUI COUNTY ASSEMBLY.**

18TH JUNE, 2025.

