

(21)

**PUBLIC CENSURE PETITION AGAINST MR. JOHN MAKAU  
KIMWELE, CHIEF OFFICER – FINANCE AND REVENUE, KITUI  
COUNTY**

DATE: 29<sup>TH</sup> APRIL 2025

TO:

THE CLERK,  
KITUI COUNTY ASSEMBLY  
P.O. BOX 694-90200  
KITUI, KENYA



*Ag. S.L.C*  
*Yau legal*  
*opinion on this*  
*censure petition*

WE, THE UNDERSIGNED CITIZENS, RESIDENTS, TAXPAYERS, PROFESSIONALS, AND STAKEHOLDERS OF KITUI COUNTY, in exercise of our sovereign power granted under Article 1 of the Constitution of Kenya, 2010, and guided by Articles 10, 35, 73, 118, 174(c), 201, 232 and pursuant to Section 15 of the County Governments Act, 2012, do hereby petition the Kitui County Assembly to table, debate, and pass a Public Censure Motion against Mr. John Makau Kimwele, the current Chief Officer for Finance and Revenue.

*7/5/2025*  
*Hand on*  
*[Signature]*  
*8/5/25*

**PREAMBLE**

We, the people of Kitui County, are deeply alarmed and disappointed by the ongoing mismanagement, financial irregularities, incompetence, and abuse of office that have defined the leadership and conduct of Mr. John Makau Kimwele. As Chief Officer, he is the principal accounting and technical officer for the Finance and Revenue Department. His role is pivotal in ensuring the prudent use of public funds, upholding transparency, and supporting service delivery in line with county development goals. However, his tenure has become synonymous with financial chaos, revenue losses, hostility, and administrative collapse.

**LEGAL FRAMEWORK FOR THIS PETITION**

1. Article 1(2) of the Constitution affirms that sovereign power belongs to the people.
2. Article 10 outlines national values and principles of governance including integrity, accountability, transparency, and public participation.
3. Article 201 enshrines the principles of public finance including openness and accountability.



4. Article 232 outlines the values and principles of public service including high standards of professional ethics and efficient use of public resources.
5. Section 15 of the County Governments Act, 2012 provides for citizens to petition the County Assembly on matters of concern.
6. Section 59 and 61 of the County Governments Act empowers the County Public Service Board to discipline public officers based on recommendations.
7. The Public Finance Management Act, 2012 mandates the proper use, accounting, and reporting of public funds.
8. The Public Officer Ethics Act, 2003 and Leadership and Integrity Act, 2012 govern ethical conduct.

## **GROUNDINGS FOR THE MOTION OF CENSURE**

### **1. Gross Incompetence**

1. Under Mr. Makau's oversight, the Finance Department posted a 0% development absorption rate in the first half of FY 2024/25.
2. The entire county recorded only 5.4% development budget absorption, with critical sectors such as Agriculture (0.9%) and Roads (3.5%) crippled due to poor financial planning and disbursement.
3. Failure to streamline budget execution and approve payments for projects on time has stalled county development.

### **2. Violation of the Public Finance Management Act**

1. Mr. Makau illegally usurped powers reserved for the CECM by designating revenue receivers in contravention of Section 157 of the PFM Act, 2012.
2. Under his leadership, the department failed to ensure the digitization of revenue collection, despite budgetary provisions.
3. He failed to account for Kshs. 11,395,086 in revenue, a matter flagged by the Auditor General due to manual revenue handling.



### **3. Complicity in Misallocation and Misappropriation of Funds**

1. Mr. Makau aided in the diversion of Kshs. 76 million originally allocated for boreholes in all 40 wards to pay electricity bills for water companies without the Assembly's approval.
2. He participated in reallocation of Kshs. 133 million from the County Assembly's budget to executive use, thereby violating the principle of separation of powers.
3. The upload of inaccurate figures into IFMIS resulted in a discrepancy of Kshs. 19.5 million, which is a serious breach of financial integrity.

### **4. Abuse of Office and Conflict of Interest**

1. He worked alongside the CECM to shift borehole projects to family land in Myaani village, sidelining the approved location in Senda village, compromising public interest.
2. He has created a hostile working environment through threats, bullying, and coercion of junior staff and finance officers to facilitate illegal transactions.

### **5. Obstruction of Oversight and Public Accountability**

1. Mr. Makau has shown disdain for the oversight role of the Assembly, often ignoring summons and delaying responses to committee requests.
2. He has refused to implement recommendations made by the Assembly's Finance and Agriculture Committees, including the automation of revenue.
3. He reportedly worked behind the scenes to frustrate the impeachment process of the CECM for Finance.

### **6. Misleading the County and the Public**

1. He participated in setting unrealistic revenue targets in the Supplementary Budget I of FY 2024/25, increasing projections from Kshs. 600 million to Kshs. 988 million, despite clear evidence of past underperformance.
2. This has led to a widening budget deficit and deepened the pending bills crisis.



## **7. Breach of Ethical and Leadership Standards**

1. Mr. Makau has violated Articles 73 and 75 of the Constitution, which require public officers to maintain integrity and act in public interest.
2. He is linked to bribery allegations where contractors are coerced to part with kickbacks to receive their payments.
3. He routinely abuses staff and operates in violation of Section 34 of the Leadership and Integrity Act, which prohibits harassment.

## **CONSEQUENCES OF HIS CONTINUED TENURE**

1. Collapse of public trust in the Department of Finance and the entire County Government.
2. Escalating pending bills and stalled development projects.
3. Risk of sanctions from oversight agencies including the Controller of Budget and Auditor General.
4. Demoralization of professional staff and junior officers in the Treasury.
5. Undermining of constitutional values and the rule of law in county governance.

## **OUR PRAYERS**

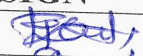
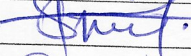
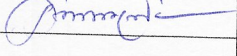
We, the undersigned citizens and petitioners, now respectfully petition the County Assembly of Kitui to:

1. Table, debate, and pass a Motion of Censure against Mr. John Makau Kimwele, Chief Officer for Finance and Revenue.
2. Recommend his immediate suspension and disciplinary proceedings through the County Public Service Board, pursuant to Sections 59 and 61 of the County Governments Act.
3. Recommend a forensic audit of the Department of Finance and Revenue for FYs 2022/23 and 2023/24.



4. Forward this petition and findings to the Ethics and Anti-Corruption Commission (EACC) and Directorate of Criminal Investigations (DCI) for further investigation.
5. Demand a restructuring and professionalization of the Department of Finance and Revenue.

#### PETITIONERS' SIGNATURES

NO.	NAME	ID NO	CONTACT	SIGN
1.	Francis Kauts	28185544	0727122134	
2	Charles Dagit Mude	92246219	0726871690	
3.	Meshaack Kelvin	38039737	0740305093	

CC:

1. Governor, Kitui County  
P.O BOX 694-90200,  
KITUI.
2. Secretary,  
Kitui County Public Service Board  
P.O BOX 33-90200,  
KITUI.
3. Ethics and Anti-Corruption Commission (EACC)  
P.O BOX 61130-00200,  
NAIROBI.
4. Controller of Budget  
P.O BOX 35660-00100,  
NAIROBI.