

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

*No. 47 of 2024*

**COMMUNICATION AS RELATES TO A PETITION TO THE KITUI COUNTY ASSEMBLY TO INITIATE IMPEACHMENT PROCEEDINGS AGAINST KITUI COUNTY GOVERNOR H.E DR. JULIUS MALOMBE EGH FOR GROSS MISCONDUCT AND VIOLATION OF THE CONSTITUTION OF KENYA, 2010 AND OTHER APPLICABLE PROVISIONS OF THE LAW; PURSUANT TO THE CONSTITUTION OF KENYA 2010, THE COUNTY GOVERNMENT ACT AND THE KITUI COUNTY ASSEMBLY STANDING ORDERS.**

**Honorable Members,**

Article 37 of the Constitution as read together with Section 15 of the County Government Act, 2012 gives a right to any person to petition the County Assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation.

Standing Order No. 193 defines a petition to mean a prayer to the County Assembly by a Member of the public requesting the County Assembly to consider any within its authority, including enacting, amending or repealing any legislation.

Section 4(1)(a) of the Petition to County Assemblies (Procedure) Act, 2020 as read together with Standing Order No. 194(a) provides further that a petition to the County Assembly shall be submitted to the Clerk by the petitioner and reported to the County Assembly by the Speaker.

**Honorable Members,**

In view of the above provisions and pursuant to Section 5 of the Petition to County Assemblies(Procedure) Act, 2020 as read together with Standing Order 199(2)(b), I wish to report to this County Assembly that the Clerk is in receipt of a petition dated 5<sup>th</sup> November, 2024 to the Kitui County Assembly to Initiate Impeachment Proceedings against Kitui County Governor H.E DR. Julius Malombe EGH for gross misconduct and violation of the Constitution of Kenya, 2010 and other applicable provisions of the law; pursuant to the Constitution of Kenya 2010, the County Government Act and the Kitui County Assembly Standing Orders .

**Honorable Members,**

Section 4(3) of the Petition to County Assemblies (Procedure) Act, 2020 as read together with Standing Order No. 194 (3) requires the Clerk within seven (7) days of the date of receipt of the petition to review the petition and ascertain whether it meets the requirements of our Standing Orders and of the law.

**Honorable Members,**

While reviewing the petition, the Clerk noted the following grounds as indicated by the petitioners in their petition;

- 1) That the governor converted public land in Kanyoonyoo B2 into private property affecting over three thousand (3,000) acres intended for community benefit contrary to Article 40 of the Constitution of Kenya.
- 2) That the governor orchestrated the forced eviction of residents from Kunda Kindu without prior notice, adequate compensation or adherence

to due process contrary to Article 47 of the Constitution of Kenya and the Land Act which outlines procedural requirements for lawful evictions.

- 3) That the governor failed to fill critical administrative roles thereby creating operational inefficiencies which delayed essential services such as reduction in revenue collection contrary to Section 63 of the County Governments Act.
- 4) That the dismissal of several county officers by the governor without establishing their guilty or providing an opportunity for defence contrary to Article 236 of the Constitution of Kenya, 2010.

**Honorable Members,**

The grounds raised in this petition are weighty and therefore required the redress of some of the specific government institutions established under the law such as the County Public Service Board established under part VII of the County Governments Act, 2012 to look into affairs of County staff and the National Land Commission established under Article 67 of the Constitution of Kenya to look into matters of land especially public land.

**Honorable Members,**

From the above establishment, the Clerk noted that this petition falls short of the requirement on the form of petition as provided for under Section 3 of the Petition to County Assemblies (Procedure) Act, 2020 as read together with Standing Order No. 197 which required the petitioners to have clearly stated in their petition as to whether;

- i. Any efforts had been made to have the matters/issues addressed by the aforementioned relevant body and whether there was any response from that body or whether the response had been unsatisfactory;

- ii. The issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body;

**Honorable Members,**

Further the laws of Kenya provide for two ways on which the governor can be removed from office. These are;

**1. By impeachment**

Article 181 of the Constitution of Kenya, 2010 provides for the grounds for the removal of the county governor as follows;

- a) Gross violation of the Constitution or any law;
- b) Where there are serious reasons for believing that the County governor has committed a crime under national or international law;
- c) Abuse of office or gross misconduct; or
- d) Physical or mental incapacity to perform the functions of office of county governor.

Section 33 of the County Government Act as read together with Standing Order No. 60 provides for the procedure for the removal of the county governor which shall be by impeachment motion supported by at least a third of the members of the County Assembly.

**2. Suspension of County Government**

Article 192 of the Constitution of Kenya as read together with Section 123 of the County Governments Act, 2012 provides for the procedure under which a county government can be suspended if it engages in actions that are deemed to be against the common needs and interest of the citizen of a County. This can be done through a petition to the president supported by signatures of not less than ten percent of the registered voters in the County.

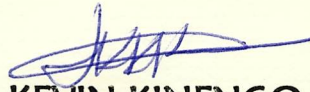
**Honorable Members,**

From the foregoing, the petitioners' petition does not meet the required threshold to petition the County Assembly to initiate the proceedings for the removal of the governor however, in the event that their petition meets the required threshold, the County Assembly shall not hesitate to consider it for further direction.

**Honorable Members,**

In view of the above, I therefore direct the Office of Clerk to return back the petition to the petitioners so as to ensure it complies with our Standing Orders and the law.

Thank you.



**HON. KEVIN KINENGO KATISYA**  
**SPEAKER OF ASSEMBLY**  
**KITUI COUNTY ASSEMBLY.**  
**12<sup>TH</sup> NOVEMBER, 2024.**