

**THIRD COUNTY ASSEMBLY
(NO. 351)**



**FIFTH SESSION
Afternoon Sitting (246)**

COUNTY GOVERNMENT OF BUNGOMA
THIRD COUNTY ASSEMBLY- FIFTH SESSION
THE COUNTY ASSEMBLY OF BUNGOMA
ORDERS OF THE DAY
THURSDAY 9TH APRIL, 2026 AT 2:30 P.M.
ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion (*As listed in the Appendix*)
7. Questions and Statements
8. **SPECIAL MOTION - REMOVAL OF EDWARD ORINGE WASWA FROM**

OFFICE OF THE COUNTY ATTORNEY

(Hon. Johnston Okasida Ipara, OGW)

PURSUANT TO: Section 13 of the Office of the County Attorney Act, 2020; Article 10 and Chapter 6 of the Constitution of Kenya; and Article 185 of the Constitution of Kenya.

WHEREAS Section 13 of the Office of the County Attorney Act provides for the removal of a County Attorney on grounds of serious violation of the Constitution or any other law, gross misconduct, and incompetence;

AND WHEREAS the County Attorney, Edward Oringe Waswa, serves as the Chief Legal Advisor to the County Government and is held to the highest standards of integrity and professional competence;

NOTING WITH GRAVE CONCERN that the County Attorney has fundamentally breached his constitutional and statutory duties as follows:

Ground 1: Fraudulent Misrepresentation on Official Vetting Documents

The County Attorney, Edward Oringe Waswa, willfully provided false and misleading information to the Committee on Appointment during his vetting process by denying any past criminal charges. This act constitutes a grave breach of the leadership and integrity standards required of the County's Chief Legal Advisor.

- (a) False Information during Vetting: The County Attorney willfully provided false and misleading information to the Committee on Appointment by denying any past criminal charges. When asked under oath (Question 28) if he had been charged in court within the last three years, he responded "None".
- (b) Existence of Criminal Charges: Contrary to his declaration, official records indicate multiple criminal proceedings within the stated three-year period:
 - i. Malicious Damage to Property: Charged on June 27, 2023, under Section 339(1) of the Penal Code (Police Case No. 857/208/2023) for willfully damaging a perimeter wall valued at KSh 650,000.
 - ii. Abducting with Intent to Confine: Charged under Section 259 of the Penal Code for the alleged abduction and wrongful confinement of Vipul Ratilal Gosar Ramji Dodhia on May 5, 2023.
 - iii. Assault Causing Actual Bodily Harm: Charged on June 19, 2023, under Section 251 of the Penal Code (Police Case No. 857/207/2023) for the assault of Christopher Ren Makwato.
- (c) Concealment of Court Outcomes: Despite court records indicating he was "Out on F/Bond" and that matters were processed through the Chief Magistrate's Court in Kitale, the Attorney failed to disclose these statuses as required by the vetting form.
- (d) Improper Acquisition of Office: By knowingly misrepresenting facts, the officer undermined the credibility of the vetting process and secured

appointment through deception, violating Section 46 of the Anti-Corruption and Economic Crimes Act.

Ground 2: Serious Violation of the Constitution and Statutory Law

(Section 13(a), Office of the County Attorney Act, 2020)

1. Breach of Mandatory Reporting Obligations

- i. The County Attorney has willfully disregarded Section 28 of the Office of the County Attorney Act, which mandates submission of an Annual Report to the Governor and subsequent tabling before the County Assembly.
- ii. This failure conceals the financial statements and legal activities of the Office from the oversight of the Assembly, undermining transparency and accountability.

Ground 3: Gross Incompetence and Lack of Professional Judgment

(Section 13(a) and (d), Office of the County Attorney Act, 2020)

1. Professional Negligence and Erroneous Legal Advising

- i. The County Attorney has consistently failed to provide sound legal counsel, citing incorrect provisions and offering misleading guidance to departments.
- ii. This incompetence exposes the County to avoidable litigation, financial loss, and procedural paralysis.

2. Illegal Advisory on Referral of the CFSP (2026)

- i. **Violation:** The Attorney wrongly advised that the Governor could “refer back” the County Fiscal Strategy Paper (CFSP), 2026, citing Section 24 of the County Governments Act.
- ii. **Legal Reality:** Section 24 applies strictly to Bills. The CFSP is governed by Section 117 of the PFM Act and Regulations 26–28. Once adopted by the Assembly, the CFSP is binding and does not require gubernatorial assent.
- iii. By inventing a “referral power” non-existent in law, the Attorney undermined the finality of Assembly resolutions.

3. Misapplication of the “1% Deviation Rule”

- i. **Violation:** The Attorney wrongly cited Section 131(2) of the PFM Act to limit the Assembly’s oversight authority during the CFSP stage.
- ii. **Legal Reality:** Section 131(2) and Regulation 37(1) apply exclusively to Budget Estimates, not the CFSP. There is no 1% cap at the CFSP stage.
- iii. **Impact:** This misinterpretation was a deliberate attempt to mislead the Executive and the public, stripping the Assembly of its constitutional power to set fiscal ceilings and align the budget with the CIDP.

4. **Constitutional Illiteracy and Breach of Separation of Powers**

- i. The Attorney has demonstrated a lack of understanding of the constitutional roles of the Executive versus the Assembly, thereby paralyzing the principle of checks and balances under Chapter 11 of the Constitution.

5. **Administrative Inability**

- i. Persistent failure to manage administrative requirements of the office, including preparation of mandatory Annual Reports under Section 28 and verification of pending bills, demonstrates lack of competence required of the Chief Legal Advisor.

Ground 4: Subversion of the Constitutional Principle of Separation of Powers

(Section 13(b), Office of the County Attorney Act, 2020)

1. **Obstruction of Legislative Oversight**

- i. By advising the Executive to “reject” a CFSP adopted by the Assembly without legal basis under Regulation 28 (which applies only to significant macroeconomic changes), the Attorney engineered a constitutional crisis between the two arms of government.

2. **Bad Faith Advisory**

- i. The Attorney failed to differentiate between the Executive's duty to enforce fiscal responsibility under Section 107 of the PFMA and the Assembly's mandate to adopt fiscal strategy.

Ground 5: Serious Violation of the Law Regarding House Resolutions
(Breach of Article 183(1)(c) of the Constitution and Section 30(2)(l) of the County Governments Act)

1. Failure to Report on Implementation

- a) The County Attorney has failed to provide the County Assembly, within the mandatory or reasonable period of sixty (60) days, the implementation status of House resolutions and legislations pertaining to their office.
- b) This omission denies the Assembly its constitutional right to timely information and obstructs accountability.

2. Obstruction of Oversight

- a) The persistent refusal to account for the execution of House directives has effectively paralyzed the Assembly's oversight mandate under Article 185(3) of the Constitution.
- b) By concealing inefficiencies within the Office of the County Attorney from public scrutiny, the Attorney has eroded transparency and weakened the Assembly's role as the people's watchdog.

Ground 6: Incompetence in Fiscal Stewardship (Salary & Statutory Debts)

- i. **Diversion of Personnel Emoluments:** The County Attorney shares collective responsibility for the failure to protect the rights of county employees. She concurred with or failed to object to the diversion of KSh 943.6 million May and June, 2024 exchequer funds, intended for salaries, toward development projects, many of which remain unverified or incomplete.

- ii. Failure to Remit Statutory Deductions: The County Attorney failed to ensure the department's statutory obligations were met, leading to non-remittance of KRA, SHIF, and pension contributions (LAPFUND/CPF).
- iii. Violation of Social Security Rights: This has denied staff their constitutional right to social security under Article 43(1)(e) and exposed the department to massive surcharges and penalties.

GROUND 7: Failure to allocate funds towards settlement of genuine bills

THAT, despite the accumulation of massive liabilities, the County Attorney failed to prioritize the settlement of genuine pending bills, choosing instead to initiate new projects Instead of settling outstanding arrears for completed works. By failing to allocate funds to settle the department's legitimate debts, the County Attorney has caused local contractors to suffer financial distress and exposed the County to litigations and high-interest penalties.

GROUND 8: Gross negligence in the verification and reporting of Pending Bills

The County Attorney failed to ensure that the pending bills accumulated by the Department were verifiable, accurate, and reliable.

- i. The County Attorney presided over the compilation of a KSh 4.9 Billion pending bills report that was characterized as a "moving target." This report lacked a fixed audit trail and was consistently altered, making it impossible to achieve a definitive and reliable figure for budgeting purposes.
- ii. The County Attorney negligently forwarded these inaccurate and unverified figures to the County Treasury, thereby misrepresenting the County's financial position.
- iii. The County Attorney allowed these discrepancies to persist until the County Assembly raised an alarm, proving that the internal controls and verification mechanisms under his leadership had completely collapsed.

I MOVE that this House approves the removal of Edward Oringe Waswa from Office of the County Attorney.

ANNEXURES IN SUPPORT OF THE MOTION FOR THE REMOVAL OF EDWARD ORINGE WASWA FROM OFFICE OF THE COUNTY ATTORNEY

- 1.** The Vetting Questionnaire form submitted to the Committee on Appointment, specifically highlighting Question 28 and his "None" response. – ***Supports Ground 1 of the impeachment motion***
 - 2.** Court Charge Sheets– ***Supports Ground 1 of the impeachment motion***
 - 3.** ***Extract of Section 28- – Supports Ground 2 of the impeachment motion***
 - 4.** Governor’s memorandum of budget estimates for FY 2025/2026 – Issue No. 5 on budget process as an Executive Function – ***Supports Ground 3&4 of the impeachment motion***
 - 5.** Governors memorandum of CFSP, 2026 – ***Supports Ground 3&4 of the impeachment motion***
 - 6.** ***Speakers response on*** Governors memorandum of CFSP, 2026 – ***Supports Ground 3&4 of the impeachment motion***
 - 7.** County assembly report on the report of the Sectoral Committee on Public Administration and ICT on implementation of House resolutions for the year 2022 and 2023 – ***Supports Ground 5, 7 & 8 of the impeachment motion***
 - 8.** Letter from Chief Officer, Dated 4th December, 2025 on the utilization of May- June, 2024 Exchequer Release – ***Supports Ground 6 of the impeachment motion***
 - 9.** Pending Bills Report dated 30th June, 2024 – ***Supports Ground 7 & 8 of the impeachment motion***
- 9. SPECIAL MOTION - REMOVAL OF MS. CAROLYNE MAKALI**

**KHALAYI FROM OFFICE OF MEMBER OF
THE COUNTY EXECUTIVE COMMITTEE**

(Hon. Johnston Okasida Ipara, OGW)

PURSUANT TO: *Section 40 of the County Governments Act; Sections 129, 131, 133, and 196 of the PFM Act, 2012; and Articles 43, 183, 185, and 201 of the Constitution of Kenya.*

THAT, WHEREAS Article 179(1) of the Constitution vests the Executive Authority of the County in the County Executive Committee;

AND WHEREAS Section 40 of the County Governments Act, 2012, provides for the removal of a County Executive Committee Member on grounds of Gross Violation of the Constitution or any other law, Gross Misconduct, and Incompetence;

AWARE THAT the CECM for Finance and Economic Planning, Ms. Carolyn Makali Khalayi, has fundamentally failed in the performance of her constitutional and statutory duties;

NOTING WITH GRAVE CONCERN the following specific grounds for her removal:

Ground 1: Gross Misconduct and Financial Impropriety (Pending Bills Scandal)

- i. Submission of Unverified KSh 4.9 Billion Report: The CECM submitted a report to the County Assembly and the Controller of Budget detailing pending bills worth KSh 4.9 billion without prior verification by her office.
- ii. Payment of Fictitious Projects: This negligence facilitated payments for ghost works and fictitious projects, providing legal cover for irregular disbursement of public funds.
- iii. Violation of the PFM Act: This conduct violates Section 104(1) of the Public Finance Management Act, which mandates effective and transparent financial management systems.

Ground 2: Diversion of Public Funds and Salary Arrears

- iv. Diversion of Personnel Emoluments: The CECM shares collective responsibility for the failure to protect the rights of county employees. She concurred with or failed to object to the diversion of KSh 943.6 million

May and June, 2024 exchequer funds, intended for salaries, toward development projects, many of which remain unverified or incomplete.

- v. Failure to Remit Statutory Deductions: The CECM failed to ensure the department's statutory obligations were met, leading to non-remittance of KRA, SHIF, and pension contributions (LAPFUND/CPF).
- vi. Violation of Social Security Rights: This has denied staff their constitutional right to social security under Article 43(1)(e) and exposed the department to massive surcharges and penalties.
- vii. Misappropriation of Retention Funds: KSh 150 million in contractors' retention funds, held in trust, were diverted for unauthorized expenditures.

Ground 3: Incompetence and Subversion of the Budget Process

- i. Failure to Implement House Resolutions: The CECM has disregarded the Assembly by failing to provide implementation reports on House resolutions within the statutory 60-day window, obstructing oversight under Article 183(1)(c) of the Constitution. For example the *ADHOC REPORT ON THE COLLECTION AND UTILIZATION OF AGRICULTURAL CESS IN BUNGOMA COUNTY SINCE SEPTEMBER, 2022 TO MARCH 2025*

Ground 4: Administrative Negligence

- i. Delay in Operationalizing the Budget: Persistent delays in uploading the Appropriation Act and operationalizing the budget have caused negative departmental balances and service delivery breakdowns.
- ii. Contract Variations and Double Payments: Duplicate payments and unnecessary contract variations have inflated the county's debt profile.

Ground 5: Systematic Falsification of Appropriations and Budgetary Tampering

(Pursuant to Sections 129, 131 & 196 of the PFM Act, 2012 and Article 185 of the Constitution)

- 1. Deliberate Alteration of House-Approved Fiscal Figures: Of 13 vote items passed by the Assembly, 10 were illegally modified before gazettelement,

undermining legislative authority. Specific Evidence 1– Health and Sanitation Budget:

Recurrent Expenditure: House approved KSh 1,471,330,430; gazetted version reflected KSh 1,426,241,895 – an unauthorized reduction of KSh 45,088,535.

Development Expenditure: House approved KSh 225,933,801; gazetted version reflected KSh 219,143,801 – an unauthorized reduction of KSh 6,790,000.

Specific Evidence 2 – Lands, Urban and Physical Planning, Housing, Bungoma Municipality and Kimilili Municipality

Recurrent Expenditure: House approved KSh 176,096,563; gazetted version reflected KSh 182,124,727 – an unauthorized increase of KSh 6,028,164.

Development Expenditure: House approved KSh 637,907,794; gazetted version reflected KSh 576,855,163 – an unauthorized reduction of KSh 61,052,631.

Specific Evidence 3 – Office of the Governor/Deputy

Recurrent Expenditure: House approved KSh 235,391,804; gazetted version reflected KSh 227,891,804 – an unauthorized reduction of KSh 7,500,000.

Ground 6: Persistent Failure to Submit Finance Bill and Tariffs/Pricing Policy

- i. Violation of Statutory Duty over Two Years: Section 133 of the PFM Act requires annual submission of the Finance Bill. The CECM has failed to comply for two consecutive years.
- ii. Revenue and Legitimacy Risks: Absence of a Finance Bill denies lawful authority to impose or collect revenue. Failure to present a Tariffs and Pricing Policy perpetuates arbitrary levies.
- iii. Obstruction of Oversight: This sustained failure undermines transparency and obstructs the Assembly’s fiscal oversight mandate under Article 185.
- iv. Failure to implement Section 120 of the County Government Act

Ground 7: Serious Violation of the Law Regarding House Resolutions
(Breach of Article 183(1)(c) of the Constitution and Section 30(2)(l) of the County Governments Act)

- i. Failure to Report on Implementation: The CECM has failed to provide the Assembly, within 60 days, the implementation status of House resolutions and legislations.
- ii. Obstruction of Oversight: This refusal paralyzes the Assembly's oversight mandate under Article 185(3) and conceals inefficiencies from public scrutiny.

Ground 8: Gross incompetence and Negligence of duty

The then-CECM for Health and Sanitation, Ms. Carolyne Makali Khalayi, demonstrated gross incompetence and total abdication of her constitutional and statutory duties in the following manner:

- i. Abdication of Departmental Responsibility: The CECM willfully allowed and or consented to the Department of Finance and Economic Planning taking over the core technical functions of her department, specifically the procurement of the Hospital Management System (HMS), thereby failing to protect the autonomy and technical integrity of the Health Department.
- ii. Negligent Oversight of Technical Specifications: As the head of the user department, the CECM failed to ensure that the system being procured met the clinical and administrative requirements of the county hospitals, leading to the acquisition of a system that was non-functional upon deployment.
- iii. Failure to Object to Irregular Procurement: The CECM sat by and watched as the Finance Department oversaw the advertising, evaluation, and awarding of a KSh 65 Million contract for a specialized medical health system, a process she was legally mandated to lead and safeguard under the Public Procurement and Asset Disposal Act.
- iv. Condoning Fruitless Expenditure: By failing to raise a professional objection to the payment of KSh 32.5 Million to Jumbo Soft Technologies for a failed system, the CECM was complicit in the loss of public funds.

- v. Dereliction of Duty toward Health Facilities: The CECM's failure to ensure a working management system directly undermined the delivery of health services to the people of Bungoma, as the lack of a functional system compromised patient records, revenue collection, and facility management.
- vi. Incompetence in Project Leadership: The CECM failed to assert her authority to ensure that the Project Implementation Team was technically competent and health-oriented, rather than a team appointed by the Finance Department with no clinical expertise.

GROUND 9: Failure to allocate funds towards settlement of genuine bills

THAT, despite the accumulation of massive liabilities, the CECM failed to prioritize the settlement of genuine pending bills, choosing instead to initiate new projects Instead of settling outstanding arrears for completed works. By failing to allocate funds to settle the department's legitimate debts, the CECM has caused local contractors to suffer financial distress and exposed the County to litigations and high-interest penalties.

GROUND 10: Gross negligence in the verification and reporting of Pending Bills

The CECM failed to ensure that the pending bills accumulated by the Department were verifiable, accurate, and reliable.

- iv. The CECM presided over the compilation of a KSh 4.9 Billion pending bills report that was characterized as a "moving target." This report lacked a fixed audit trail and was consistently altered, making it impossible to achieve a definitive and reliable figure for budgeting purposes.
- v. The CECM negligently forwarded these inaccurate and unverified figures to the County Treasury, thereby misrepresenting the County's financial position.

- vi. The CECM allowed these discrepancies to persist until the County Assembly raised an alarm, proving that the internal controls and verification mechanisms under her leadership had completely collapsed.

I MOVE that this House approves the removal of Ms. Carolyn Makali Khalayi from Office of Member of the County Executive Committee.

ANNEXURES IN SUPPORT OF THE MOTION FOR THE REMOVAL OF MS. CAROLYNE MAKALI KHALAYI FROM OFFICE OF MEMBER OF THE COUNTY EXECUTIVE COMMITTEE

1. Pending Bills Report booklet dated 30th June, 2024 – ***Supports Ground 1, 4(ii) , 9 & 10 of the impeachment motion***
 - a) Under Milima Ward on Pg. 69, on the construction of Maliki Water Project was paid in full to ROCAN but still appear as pending bill in a New Firm name;
 - b) In Tuuti Marakaru Ward on pg. 430- 432, the project was triplicated for an amount of Kshs. 17,456,985
2. Letter by CECM Finance on the submission of status of pending bills date 4th March, 2026 on the unremitted deductions and the resulting interest/penalties – ***Supports Ground 1 & 2 of the impeachment motion***
3. A copy of the payment schedule to merchants – ***Supports Ground 1 of the impeachment motion***
4. Letter from Chief Officer, Dated 4th December, 2025 on the utilization of May- June, 2024 Exchequer Release – ***Supports Ground 2 of the impeachment motion***
5. Extract from the Budget and Appropriations Committee Report on 1st supplementary budget FY 2023/24 and FY 2024/25– ***Supports Ground 2 of the impeachment motion***
6. Ad-Hoc Report on Agricultural Cess (passed in the House) – ***Supports Ground 3 & 7 of the impeachment motion***

7. Paper trail on letters and submission from approval of the County Assembly to clearance from Controller of Budget – ***Supports Ground 4 (i) of the impeachment motion***
8. The Bungoma County Supplementary Appropriation Act, 2025 and the General Warrant FY 2025/26 – ***Supports Ground 5 of the impeachment motion***
9. Order Papers on the consideration of the annual budget FY 2025/2026 on the supply under order and consideration of the 1st supplementary budget for FY 2025/2026 date 23rd December, 2025– ***Supports Ground 5 of the impeachment motion***
10. Extract of Section 120 of the County Government Act, 2012– ***Supports Ground 6 of the impeachment motion***
11. Paper trail form requisition to appointment of implementation team for the acquisition of the HMS in the Health Department – ***Supports Ground 8 of the impeachment motion***

10. **SPECIAL MOTION** - **REMOVAL OF WEKESA DOUGLAS SASITA
FROM OFFICE OF MEMBER OF THE COUNTY
EXECUTIVE COMMITTEE**

(Hon. Johnston Okasida Ipara, OGW)

PURSUANT TO: *Section 40 of the County Governments Act, 2012; Articles 10, 179, 185, 201, 226, and 232 of the Constitution of Kenya; and the Public Procurement and Asset Disposal Act, 2015.*

THAT, WHEREAS Article 179(1) of the Constitution vests the Executive Authority of the County in the County Executive Committee;

AND WHEREAS Section 40 of the County Governments Act, 2012, provides for the removal of a County Executive Committee Member on grounds of Gross Violation of the Constitution or any other law, Gross Misconduct, and Incompetence;

AWARE THAT Wekesa Douglas Sasita who currently serves as Cecm Trade, energy and industrialization and previously served as the County Executive Committee Member (CECM) for Lands, Urban, Physical Planning, and Housing until his reshuffle on August 22, 2025, during which time he held primary executive and professional responsibility for the initiation, design approval, and foundational management of the County Executive Administration Block;

FURTHER AWARE THAT in his previous capacity as CECM for Lands and in his current standing as the CECM for Trade, Energy, and Industrialization, the said Wekesa Douglas Sasita has fundamentally and persistently failed to discharge his constitutional and statutory duties, demonstrating a gross lack of professional integrity and fiscal stewardship that continues to prejudice the interests of the County Government and its taxpayers;

NOTING WITH GRAVE CONCERN the following specific grounds for his removal:

Ground 1: Gross Misconduct and Misleading the House

- i. Violation of Article 10 of the Constitution: The CECM breached national values of integrity and transparency by providing a technical progress report that misrepresents facts on the ground. In July 2025, the CECM reported through the Sectoral Committee on Lands, Urban, Physical Planning and Housing that foundation works were 70% complete and casting was at 95%, yet as of April 2026, the project remains at the foundation stage.
- ii. The CECM's continued assurance that the project was "on track" misled the Assembly and concealed the fact that no work has proceeded since the Committee's fact-finding mission on July 28, 2025.

Ground 2: Professional negligence and approval of non-viable designs for the County Executive Administration Block

- i. Breach of Article 232 of the Constitution: The CECM failed to maintain high professional ethics by approving and signing off on questionable structural designs as the County Architect.
- ii. Endangering Occupational Safety: Following alarms raised by National Government Engineer from Public Works, it was determined the design was not physically viable and posed a threat to occupational safety, necessitating a complete re-design.
- iii. Despite the Governor's cabinet reshuffle in 22, August 2025 intended to address departmental failures, and the subsequent withdrawal of national supervision, the CECM failed to ensure the County Resident Engineer resumed works, leading to total stagnation.

Ground 3: Financial Negligence & Failure to Secure Public Funds

There is a critical failure in the CECM's duty to protect county resources through the management of bank guarantees where;

- i. Expired Securities: The Advance Payment Guarantee for the project expired on March 18, 2025. Despite this, as of October 17, 2025, the guarantee had still not been renewed.
- ii. Exposure of Public Funds: The County has already paid out Ksh. 95,149,651.46 to Centerline Logistics Limited. By allowing the guarantee to remain expired for over seven months, the CECM left Ksh. 95,149,651.46 million of taxpayer money completely unsecured and unrecoverable in the event of contractor default or termination. The department's "efforts" were limited to writing reminders to the contractor in July and September 2025, rather than taking decisive legal or contractual action to suspend the works or invoke penalties earlier.

Ground 4: Incompetence and Fiscal Irresponsibility

- i. The CECM presided over a project that is now mathematically impossible to complete within the original contract timelines. With 29 months (80%) of the contract elapsed since November 2, 2023, the project is only 10% complete. To finish the remaining 90% by November 2, 2026, the contractor would require a 900% increase in work pace—a logistical

impossibility. By failing to issue a "Notice to Cure" or invoke the bank guarantee after the project stalled, the CECM has jeopardized the Ksh. 97,476,000 advance payment made to Centerline Logistics Limited.

GROUND 5: Gross violation of the Constitution and Statutory Law

While serving as a CECM for Lands Urban Planning, Physical, Housing and Municipalities

[Section 40(1)(a) of the County Governments Act; Sections 12, 20, 28 & 29 of the Urban Areas and Cities Act; Article 10 & 175 of the Constitution]

- i. Failure to Operationalize Municipalities: The CECM grossly violated statutory provisions by failing to facilitate the mandatory transfer of functions, assets, and resources to Bungoma and Kimilili Municipalities.
- ii. Breach of the Urban Areas and Cities Act: By refusing to transfer critical functions such as Building Plan Approval, Revenue Collection, and Refuse Management since October 2021, the CECM acted in direct contravention of the legal framework governing devolved urban units.
- iii. Illegal Retention of Power: The CECM's failure to appoint a substantive Municipal Manager through a competitive process—opting instead for prolonged "acting" appointments—violates Section 28 of the Urban Areas and Cities Act and undermines the statutory intent of professional municipal management.
- iv. Subversion of Devolution: These actions constitute a systemic attempt to frustrate the operationalization of municipal governance, thereby violating the constitutional principles of decentralization and democratic governance under Article 175.

GROUND 6: Abuse of Office and improper allocation of resources

[Section 40(1)(d) of the County Governments Act; Section 46 of the Anti-Corruption and Economic Crimes Act]

- i. Centralization of Functions: The CECM abused his office by unlawfully retaining control over functions and funds legally earmarked for the Municipalities, thereby denying them their lawful autonomy.

- ii. **Financial Usurpation:** The CECM presided over the irregular expenditure of Kshs. 39,647,586 for Kimilili and Kshs. 79,470,574 for Bungoma by the County Executive, bypassing the Municipal Boards and conferring improper advantage to the parent department.
- iii. **Administrative Sabotage:** The use of frequent, arbitrary transfers of acting managers served as a tool of intimidation, eroding institutional memory and stalling long-term projects essential for urban development.

Ground 7: Abuse of Procurement and Tendering Processes

- i. **Failure to Adhere to Procurement Plans:** The CECM allowed the department to bypass approved procurement plans, leading to ad-hoc, irregular spending and the emergency “procurement” of goods that were never delivered.
- ii. **Unjustified Procurement Delays:** The CECM presided over intentional and unjustified delays in tendering processes, often used to create “artificial emergencies” to justify direct procurement or variations.

Ground 8: Serious Violation of the Law Regarding House Resolutions

- i. **Failure to Report on Implementation:** The CECM has failed to provide the Assembly, within sixty (60) days, the implementation status of House resolutions and legislations pertaining to department. For example the implementation of THE BUNGOMA COUNTY WEIGHTS AND MEASURES ACT, 2023, REPORT ON TRADE LOAN STATUS.
- ii. **Obstruction of Oversight:** This persistent refusal to account for the execution of House directives has paralyzed the Assembly’s oversight mandate under Article 185(3) of the Constitution and concealed departmental inefficiencies from public scrutiny.

Ground 9: Incompetence in Fiscal Stewardship (Salary & Statutory Debts)

- viii. **Diversion of Personnel Emoluments:** The CECM shares collective responsibility for the failure to protect the rights of county employees. She

concurrent with or failed to object to the diversion of KSh 943.6 million May and June, 2024 exchequer funds, intended for salaries, toward development projects, many of which remain unverified or incomplete.

- ix. Failure to Remit Statutory Deductions: The CECM failed to ensure the department's statutory obligations were met, leading to non-remittance of KRA, SHIF, and pension contributions (LAPFUND/CPF).
- x. Violation of Social Security Rights: This has denied staff their constitutional right to social security under Article 43(1)(e) and exposed the department to massive surcharges and penalties.

Ground 10: Gross violation of the constitution and the Environmental Management and Coordination Act (EMCA)

While serving as a CECM for Lands Urban Planning, Physical, Housing and Municipalities

- i. The CECM oversaw the demolition of the old Kanduyi Market and the subsequent burial of asbestos-containing waste on-site at a depth of 15 meters without a NEMA-licensed handler. This constitutes a Breach of Section 89 of the Environmental Management and Coordination Act (EMCA) and the Waste Management Regulations (2006), which categorize asbestos as hazardous waste (Item 136) requiring strict, licensed disposal protocols.
- ii. The disposal was carried out despite the absence of an Environmental Impact Assessment (EIA) project report and without the mandatory oversight of experts from the National Environmental Management Authority. This is a Gross Violation of Section 58 of EMCA, which mandates an EIA for projects likely to have a significant impact on the environment, and Section 102 of the County Governments Act, which requires efficiency and professional standards in service delivery.
- iii. The CECM failed to decommission the burial site, fence it with a lockable chain-link fence, or post warning notices, thereby leaving the hazardous site open to the public. This violates the Precautionary Principle under the Rio Declaration (to which Kenya is a signatory), which dictates that lack of

scientific certainty shall not justify postponing measures to prevent environmental degradation.

- iv. The improper handling of these materials exposed the public to airborne fibers known to cause lung cancer, mesothelioma, and other terminal illnesses. This is a Gross Violation of Article 42 of the Constitution of Kenya, which guarantees every person the right to a clean and healthy environment, a right the court explicitly found to be under threat in this case.
- v. The CECM allowed construction to proceed and buildings to be erected over the buried hazardous waste, despite knowing the disposal was not NEMA-compliant. The court's order to "remove all hazardous asbestos waste from its current location" now necessitates the destruction or interference with new infrastructure to reach the waste buried 15 meters deep.
- vi. This violates the Principles of Public Finance under Article 201(d) of the Constitution, which requires that public money be used in a prudent and responsible way. The decision to build over illegally buried toxins represents a gross failure of professional judgment and fiduciary duty.
- vii. In Case E003 of 2025, the court found the 1st Respondent's (County Government) argument that the application was "overtaken by events" because the site was already clear to be unpersuasive. By ordering a mandatory injunction for removal, the court has effectively penalized the County for the CECM's "short-cut" disposal methods. The residents of Bungoma will now incur the costs.

GROUND 11: Failure to allocate funds towards settlement of genuine bills

THAT, despite the accumulation of massive liabilities, the CECM failed to prioritize the settlement of genuine pending bills, choosing instead to initiate new projects Instead of settling outstanding arrears for completed works. By failing to allocate funds to settle the department's legitimate debts, the CECM has caused

local contractors to suffer financial distress and exposed the County to litigations and high-interest penalties.

GROUND 12: Gross negligence in the verification and reporting of Pending Bills

The CECM failed to ensure that the pending bills accumulated by the Department were verifiable, accurate, and reliable.

- vii. The CECM presided over the compilation of a KSh 4.9 Billion pending bills report that was characterized as a "moving target." This report lacked a fixed audit trail and was consistently altered, making it impossible to achieve a definitive and reliable figure for budgeting purposes.
- viii. The CECM negligently forwarded these inaccurate and unverified figures to the County Treasury, thereby misrepresenting the County's financial position.
- ix. The CECM allowed these discrepancies to persist until the County Assembly raised an alarm, proving that the internal controls and verification mechanisms under his leadership had completely collapsed.

I MOVE that this House approves the removal of Wekesa Douglas Sasita from Office of Member of the County Executive Committee.

ANNEXURES IN SUPPORT OF THE MOTION FOR THE REMOVAL OF REMOVAL OF WEKESA DOUGLAS SASITA FROM OFFICE OF MEMBER OF THE COUNTY EXECUTIVE COMMITTEE

- 1. Report by Sectoral Committee on Lands, Urban Planning, Physical and Housing on the progress report on a statement raised by Hon. Kennedy Wanyama about the construction of the Executive Administration Block – ***Supports Ground 1, 2 & 4 of the impeachment motion***
- 2. Paper trail on letters to Centerline Logistics Limited to renew the security that expired on March, 18th 2025 – ***Supports Ground 3 of the impeachment motion***

3. Letter from Chief Officer, Dated 4th December, 2025 on the utilization of May- June, 2024 Exchequer Release – ***Supports Ground 9 of the impeachment motion***
4. Court ruling dated 6th November, 2025 (James v County Government of Bungoma & another (Environment and Land Case Application E003 OF 2025) - ***Supports Ground 10 of the impeachment motion***
5. Pending Bills Report booklet dated 30th June, 2024 – ***Supports Ground 11 & 12 of the impeachment motion***

(NO. 351)

Afternoon Sitting (246)

APPENDIX

ORDER NO 6 – NOTICES OF MOTION

- I. **PURSUANT** to the provisions of Section 13 of the Office of the County Attorney Act, 2020; Article 10 and Chapter 6 of the Constitution of Kenya; and Article 185 of the Constitution of Kenya and County Assembly Standing Orders **THIS HOUSE RESOLVES** to remove Mr. Edward Oringe Waswa from Office of the County Attorney by impeachment.

(Hon. Johnston Okasida Ipara, OGW)

- II. **PURSUANT** to the provisions of Section 40 of the County Governments Act; Sections 129, 131, 133, and 196 of the PFM Act, 2012; and Articles 43, 183, 185, and 201 of the Constitution of Kenya and County Assembly Standing Orders **THIS HOUSE RESOLVES** to remove MS. Carolyn Makali Khalayi from Office of Member of the County Executive Committee by impeachment.

(Hon. Johnston Okasida Ipara, OGW)

- III. **PURSUANT** to the provisions of Section 40 of the County Governments Act, 2012; Articles 10, 179, 185, 201, 226, and 232 of the Constitution of Kenya; and the Public Procurement and Asset Disposal Act, 2015 and County Assembly Standing Orders **THIS HOUSE RESOLVES** to remove Wekesa Douglas Sasita from Office of Member of the County Executive Committee by impeachment.

(Hon. Johnston Okasida Ipara, OGW)