

① Mr. Magezi (28/4/21)

pls process. There was a similar petition from Mr. Magezi

The Clerk of the Senate,  
Parliament Buildings,  
P.O Box 41842-00100,  
Nairobi.  
Email: [cSenate@parliament.go.ke](mailto:cSenate@parliament.go.ke)  
April 26, 2021

*28/4/21*

② Mr. Magezi  
Please process and cross check the status of an earlier petition on the same 28/4/21

**RE: PETITION TO THE SENATE BY [REUBEN KIBEGWA MAGEZI]**  
**CONCERNING [THE STATE OF CORRUPTION, RECRUITMENT, PUBLIC PARTICIPATION, ACCESS TO INFORMATION AND CIVIC EDUCATION IN KISII COUNTY]**

I, the undersigned, Reuben Kibegwa Magezi  
Citizen of the Republic of Kenya.

DRAW the attention of the Senate to the following:

1.0 That For purposes of this , a petition means a written prayer to the Senate under Article 37 or 119 of the Constitution by a member of the public requesting the Senate to consider any matter within its authority as contemplated in Articles 94 and 96 of the Constitution, including enacting, amending or repealing any legislation.

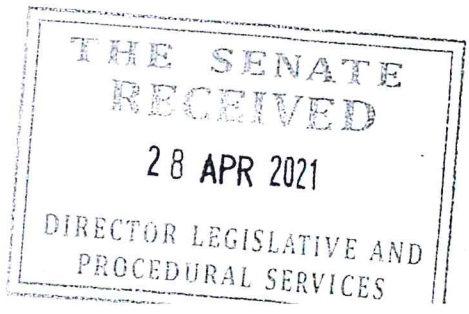
**2.0 CORRUPTION IN TENDERING AND RECRUITMENT**

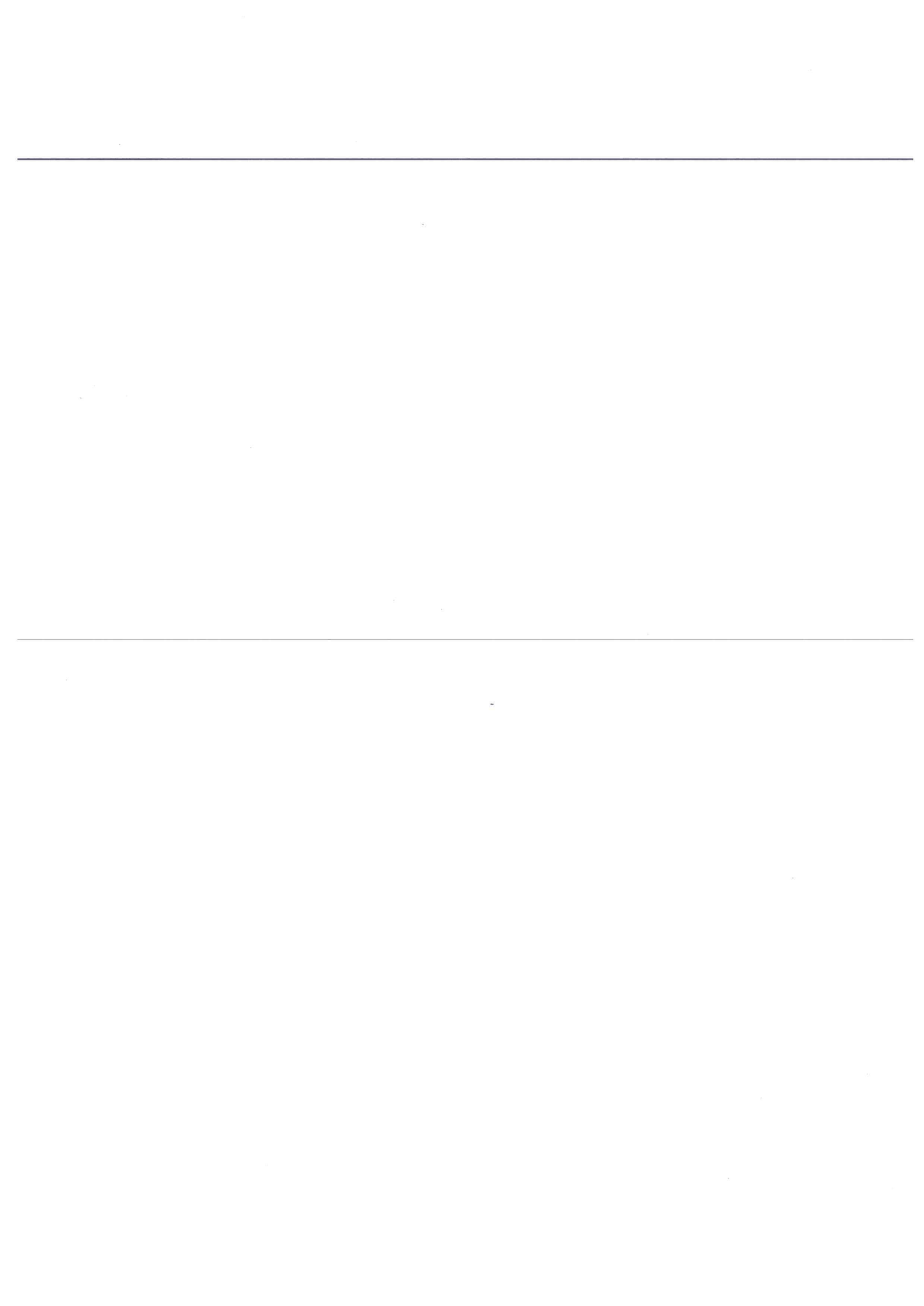
2.1: THAT procurement processes does not comply with mandatory provisions of the Public Procurement and Disposal Act and its rules, further more it contravenes the Public Procurement and Disposal Act, Cap. 412A to the core.

2.2: THAT Contrary to Article 27, Article 73 of the constitution and various provisions of county Government Act, the county and assembly leadership has shown undue favouritism towards relatives, funders of gubernatorial campaigns. These have been covertly hired in various positions . In contravention of the constitution personal staff have been recruited without proof of academic and professional qualifications as is required by the jurisprudence guiding Kisii County Public Service Board and Kisii county assembly service board .

2.3: THAT there is failure to involve the members of the County Economic Budget Forum in decision making , and ensure due and proper participation, in breach of Article 10 of the Constitution of Kenya and S137 of the Public Finance Management Act 2012.

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**PETITION TO THE SENATE CONCERNING THE STATE OF CORRUPTION, RECRUITMENT, PUBLIC PARTICIPATION, ACCESS TO INFORMATION AND CIVIC EDUCATION IN KISII COUNTY.**

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**Honourable Senators,**

1. I hereby report to the Senate that a petition has been submitted, through the Clerk, by **Reuben Kibegwa Mageuzi**, a citizen of the Republic of Kenya.
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. **Honourable Senators**, the salient issues raised in the said Petition are:-
  - i) That, there has allegedly been non-compliance with mandatory provisions for the Public Procurement and Asset Disposal Act and corruption in the tendering process in the Kisii County Government;
  - ii) That there has allegedly been irregular recruitment processes whereby personal staff have been recruited without proof of academic and professional qualifications as required by the <sup>Law</sup>jurisprudence guiding the Kisii County Public Service Board and the Kisii County Assembly Service Board;
  - iii) That, the county government has allegedly failed to deliver civic education and conduct public participation on public policy matters in the County;
  - iv) That, the Kisii County Government has allegedly obstructed access to information pursuant to Article 35 of the Constitution of Kenya; and
  - v) That, there has allegedly been failure to involve the members of the County Economic Budget Forum in decision making as required, pursuant to Section 137 of the Public Finance Management Act, 2012;

The Petitioner therefore prays that the Senate investigates the issues raised in the Petition and make appropriate recommendations thereon.

4. **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]*

5. **Honourable Senators**, pursuant to Standing Order 232(1), the Petition is hereby committed to the Standing Committee on Devolution and Intergovernmental Relations for its consideration.

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6. In terms of Standing Order 232(2), the Committee is required, in not more than sixty calendar 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.

7. I thank you.

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**RE:PETITION TO THE SENATE BY [REUBEN KIBEGWA MAGEUZI]**  
**CONCERNING [THE STATE OF CORRUPTION , INEFFICIENCY, PUBLIC**  
**PARTICIPATION, ACCESS TO INFORMATION AND CIVIC EDUCATION IN KISII**  
**COUNTY;**

**3.0: CIVIC EDUCATION**

**3.1. THAT** the county government has failed to deliver **civic education**, and provide the appropriate institutional framework in breach of SS 98-100 of the County Governments Act 2012,

**4.0 PUBLIC PARTICIPATION**

**4.1 THAT** the county government has failed to properly **conduct public participation** in breach of the spirit of the Constitution and SS91 and 92 of the County Governments Act:

- Failure to supply draft Bills timeously for consideration before public fora, in both soft and hard copy and failure to supply all of them in soft copy for those who have no access to the internet;

**5.0 ACCESS TO INFORMATION**

**5.1 THAT** there is lack of available information from the County Executive and assembly , and obstructed access to access thereto, whether by negligence or deliberate fault, in breach of Article 35 of the Constitution of Kenya and SS 93 – 96 of the County Governments Act 2012.

**6.0 THAT** I have made several attempts by different methods to raise many of these issues with County Government and county assembly and have them addressed, but they have given no response

**7.0 THAT** As per 3(f) of the Petition to Parliament (Procedure) Act, 2012 and Standing Order 229(f) of the Senate, I have been made efforts and raised the matter to be addressed by other relevant bodies notably .the Ethics and Anti-Corruption Commission EACC. the Public Procurement Regulatory Authority,PPRA on non-compliance with procurement processes, the Commission on Administrative Justice on nepotism and unfair practices in the recruitment processes, National Gender and Equality Commission, the Kenya National Commission on Human Rights and the Commission on Revenue Allocation on lack of involvement of the members of the County Economic Budget Forum. The responses from the cited authorities have been unsatisfactory

**8.0 THAT I confirm** that the issues in respect of which this Petition is made are not pending before any court of law, or constitutional or legal body.

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**RE:PETITION TO THE SENATE BY [REUBEN KIBEGWA MAGEUZI]**  
**CONCERNING [THE STATE OF CORRUPTION , INEFFICIENCY, PUBLIC**  
**PARTICIPATION, ACCESS TO INFORMATION AND CIVIC EDUCATION IN KISII**  
**COUNTY;**

9.0 As per Standing Order 229(h) of the Kenya Senate I humbly petition the Senate to set the process of duly and diligently summoning the relevant officers of Kisii county government, Kisii County Public Service Board, CPSB, Kisii County Assembly to respond to the matters raised in this petition.

10.0 That I will be available in person or provide any information if any when needed.

Dated this 26<sup>th</sup> day of April 2021



Reuben Kibegwa Mageuzi

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