



COUNTY ASSEMBLY OF SIAYA
THIRD ASSEMBLY – THIRD SESSION

NOTICE OF MOTION

25TH APRIL, 2024

MR SPEAKER SIR, I beg to give notice of the following motion: -

AWARE THAT the office of a County Assembly Clerk is an office in the Public Service; AND that the County Assembly Clerk is appointed by the County Assembly Service Board with approval of the House, Pursuant to Sec 13 of County Government Act, 2012 read together with Section 18 of the County Assembly Services Act, 2017;

TAKING COGNIZANCE OF Article 10(2)(c) of the Constitution of Kenya 2010; which provides for the National Values and Principle of Governance to include good governance, integrity, transparency and accountability; and Article 232 (1)(a) & (f) of the same Constitution which provided for the Values and Principle of Public Service to include transparency, and provision of timely and accurate information

FURTHER TAKING COGNIZANCE THAT the County Assembly Service Board, has undertaken disciplinary proceedings against the County Assembly Clerk – Mr. Isaac Felix Olwero on the allegation that Mr. Isaac Felix Olwero unlawfully, illegally un - procedurally and without requisite authority withdrew approximately Kenya Shillings Two Million (Kshs. 2,000,000.00) vide cheque No.000041 and appropriated the said sum to himself for his own personal benefit, and further failed to disclose the irregular withdrawal.

AWARE THAT the County Assembly Service Board in line with the provisions of Section 23 (1) of the County Assembly Service Act, 2017; Framed charges against the clerk; forwarded the statement of the charges to Mr. Olwero together with a brief statement of the allegations in support of the charges; invited the clerk to respond to the allegations in writing, setting out the grounds on which Mr. Olwero could rely on to exculpate himself; invited Mr. Olwero to appear before the Board either personally or with an advocate as he may opt on several instances

FURTHER TAKING COGNIZANCE that the Clerk – Mr. Isaac Felix Olwero presented his written submission and appeared before the Board, wherein he cross – examined persons as per his request to the Board; failed to exculpate himself of the

Charges preferred against him. The County Assembly Service Board therefore finds the Clerk – Mr. Isaac Felix Olwero culpable of unlawfully, illegally un - procedurally and without requisite authority withdrawing approximately Kenya Shillings Two Million (Kshs, 2,000,000.00) vide cheque No.000041, and appropriating the said sum to himself for his own personal benefit, and further failed to disclose the irregular withdrawal.

NOTING THAT the allegations cited here above amounts to gross violation of the Constitution of Kenya 2010.

IN PURSUANT OF Section 23 (4) of the County Assembly Services Act, 2017 which provides that “...*if the Clerk fails to exculpate the himself...the Board shall submit a notice of motion to the Speaker seeking that the County Assembly revokes the appointments of the Clerk...*”

MR SPEAKER SIR,

The Siaya County Assembly Service Board recommends to the County Assembly to revoke the appointment of Mr. Isaac Felix Olwero as the Clerk of County Assembly of Siaya for Gross Violation of the Provisions of the Constitution of Kenya 2010 and Gross Misconduct or misbehaviour

HON. JOSEPH PETER ODUOR

**MCA – UKWALA WARD/VICE-CHAIRMAN – COUNTY ASSEMBLY
SERVICE BOARD**