

Approved
17/06/2026

16 JUN 2026

REPUBLIC OF KENYA
THE COUNTY ASSEMBLY OF SAMBURU
THIRD ASSEMBLY

**NOTICE OF MOTION ON REMOVAL FROM OFFICE BY IMPEACHMENT
OF MR. MARK EGELAN, COUNTY EXECUTIVE COMMITTEE MEMBER FOR
EDUCATION AND VOCATIONAL TRAINING, SAMBURU COUNTY
GOVERNMENT**

Mr. Speaker Sir, I beg to give notice of the following Motion:

AWARE THAT Article 185(3) of the Constitution of Kenya, 2010 (herein referred to as the Constitution) mandates the County Assembly to exercise oversight over the County Executive and any other organ of the County Government, and to ensure adherence to legal, ethical and public-finance governance standards;

FURTHER AWARE THAT Article 195(2)(b) of the Constitution confers on the County Assembly the same power as the High Court to compel the production of documents;

COGNIZANT THAT Section 39(2)(b) of the County Governments Act, 2012 obliges a County Executive Committee Member to answer any question relating to the member's responsibilities;

RECOGNIZING THAT Section 22 of the County Assembly (Powers and Privileges) Act, 2017 provides that no county public officer shall refuse to produce before the County Assembly or a committee any paper, book, record or document; that any officer who contravenes this duty commits an offence; and that a resolution of the County Assembly finding such contravention constitutes a ground for the removal from office of the public officer;

FURTHER RECOGNIZING THAT Section 40(2) of the County Governments Act, 2012 provides that a Member of the County Assembly, supported by at least one-third of all the Members, may propose a motion requiring the Governor to dismiss a County Executive Committee Member on any of the grounds set out in

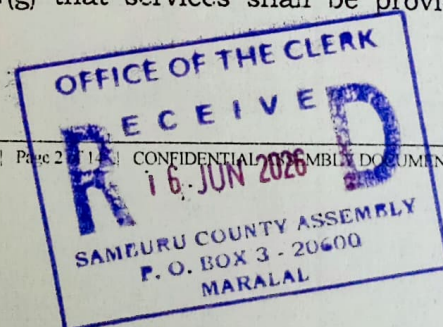
subsection (1), namely incompetence, abuse of office, gross misconduct, failure to attend three consecutive meetings of the county executive committee without reasonable excuse or written authority from the Governor, physical or mental incapacity, or gross violation of the Constitution or any other law; that under subsection (3) the Assembly shall appoint a select committee of five Members to investigate the matter and report within ten days; that under subsection (4) the member has the right to appear and be represented before the select committee; and that under subsections (5) and (6), where the allegations are found substantiated, the Assembly shall vote on whether to approve the resolution requiring the dismissal;

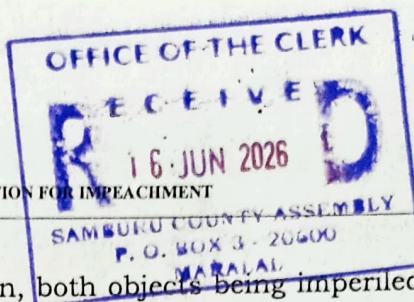
NOTING THAT Article 201 of the Constitution establishes the principles of public finance, requiring that public money be used in a prudent, responsible and equitable manner, that the benefits of public expenditure be shared equitably among all communities, and that public finances be managed with fiscal transparency and openness so as to promote accountability;

FURTHER NOTING THAT Article 226(5) of the Constitution provides that where the holder of a public office directs or approves the use of public funds contrary to law or instructions, that officer is personally liable for any loss arising and is subject to appropriate sanctions, including removal from office;

CONSCIOUS THAT Article 73 of the Constitution establishes the responsibilities of leadership applicable to all State officers, requiring that authority assigned to a State officer be exercised in the best interests of the people and for the purposes for which it is conferred, and not be used to further personal interests or to abuse the power of the office;

DEEPLY CONSCIOUS THAT Article 174 of the Constitution establishes the objects of devolution, providing under Article 174(c) that devolution shall give communities power over decisions affecting their governance and over their resources, and under Article 174(g) that services shall be provided to each





community equitably and without discrimination, both objects being imperiled by the conduct described herein;

COGNIZANT FURTHER THAT Section 104(1) of the Public Finance Management Act, 2012 requires that all expenditure conform to the approved budget and be applied only for the purpose for which it was appropriated, while Section 135 requires that any budget reallocation outside the approved estimates follow the procedure for Supplementary Estimates duly tabled before and approved by the County Assembly;

AWARE THAT Section 22 of the Conflict of Interest Act, 2025 prohibits a public officer from entering into an arrangement with a public officer of another reporting entity in furtherance of an action that would amount to concealing a conflict of interest;

FURTHER AWARE THAT Section 13 of the Conflict of Interest Act, 2025 prohibits a public officer from using, or allowing any person under the officer's authority to use, information obtained in the course of official duties that is not available to the public to improperly further a private interest, contravention being an offence;

MINDFUL THAT Article 33(2) of the Constitution provides that the right to freedom of expression does not extend to advocacy of hatred that constitutes ethnic incitement, vilification of others, or incitement to cause harm;

FURTHER MINDFUL THAT Sections 22 and 23 of the Computer Misuse and Cybercrimes Act, 2018 make it an offence to intentionally publish false, misleading or fictitious data that propagates war, incites violence, constitutes hate speech, or advocates hatred, and to knowingly publish false information calculated to cause panic, chaos or violence among citizens, or likely to discredit the reputation of any person;

COGNIZANT THAT Section 13 of the National Cohesion and Integration Act, 2008 makes it a criminal offence to use threatening, abusive or insulting words

or behaviour, or to publish or distribute written material, with the intention of stirring up ethnic hatred, or in circumstances where ethnic hatred is likely to be stirred up; and that a State officer who commits such an act aggravates the offence by the authority and public platform the office confers;

FURTHER COGNIZANT THAT Section 77 of the Penal Code (Cap. 63) provides that any person who does, attempts to do, or conspires to do any act with a seditious intention, including the intention to promote feelings of ill-will and enmity between different communities, commits an offence;

AWARE FURTHER THAT Article 73(1)(a) of the Constitution requires State officers to exercise the authority of office in the best interests of all people within the county, without discrimination on grounds of ethnicity;

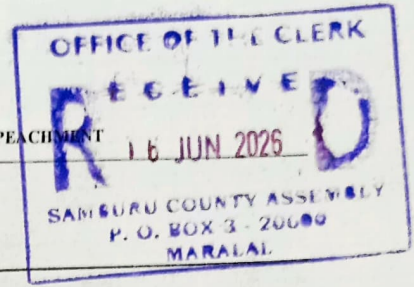
NOTING FURTHER THAT Sections 29 and 31A of the Kenya Information and Communications Act, 2009 prohibit the use of a licensed communications system, including social media platforms, to send a message or other matter that is grossly offensive, menacing in character, or calculated to cause annoyance, inconvenience or ill-will;

CONVINCED THAT Section 29 of the Leadership and Integrity Act, 2012 provides that a State officer shall not knowingly give false or misleading information to any person;

FURTHER CONVINCED THAT Section 27(3)(g) of the County Assembly (Powers and Privileges) Act, 2017 makes it a specific offence to willfully furnish the County Assembly with information that is false or misleading;

Mr. Speaker Sir, guided by Section 40 of the County Governments Act, 2012, this House **RESOLVES** to remove from office by impeachment the County Executive Committee Member for Education and Vocational Training, Samburu County Government, Mr. Mark Egelan, on the following grounds:





GROUND FOR IMPEACHMENT

I. INCOMPETENCE

The County Executive Committee Member for Education and Vocational Training has consistently failed to discharge the duties of the office in a competent and proper manner. The evidence of this incompetence is pervasive, documented, and independently verified by the Office of the Auditor-General, in that:

- 1) The Member failed to maintain the integrity of Assembly-approved project allocations during budget implementation, resulting in the unlawful geographic relocation of the Baragoi VTC classroom project to Natiti VTC under the FY 2024/2025 and FY 2025/2026 budgets, in each case without Supplementary Estimates, without public participation, and without the approval of the County Assembly;
- 2) The Member failed to present to the County Assembly any credible implementation matrix, project completion reports, or programme performance indicators, including quarterly reports, for any funded project under the Education docket, in breach of the reporting obligations imposed by Article 183(3) of the Constitution and Section 166 of the Public Finance Management Act, 2012.

II. GROSS VIOLATION OF THE CONSTITUTION AND ANY OTHER LAW

(a) Sections 104 and 135 of the PFM Act - Unlawful Budget Reallocation.
 The Member facilitated the reallocation of the Assembly-approved Baragoi VTC classroom and sanitary-block projects to Natiti VTC, a different geographical location, without tabling Supplementary Estimates before the County Assembly as required under Section 135 of the PFM Act. This constitutes unlawful appropriation contrary to Section 104(1), which requires that all expenditure be applied only for the purpose for which it was appropriated.

(b) Article 183(3) of the Constitution - Failure to Report to the County Assembly.

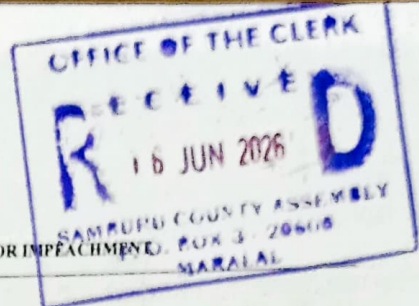
Article 183(3) requires the County Executive Committee to provide the County Assembly with full and regular reports on matters relating to the county. The Member has persistently breached this obligation by failing to table implementation reports, quarterly reports, programme performance indicators, or project completion updates in respect of the Education docket within the stipulated timelines.

(c) Section 115 of the County Governments Act - Failure to Conduct Public Participation.

The Member introduced new budget line items and relocated existing approved projects, including the Baragoi VTC project, without conducting fresh public participation as required under Section 115(1) and (2) of the County Governments Act and Section 207 of the PFM Act. The mandatory nature of public participation as a constitutional value under Article 10(2) (a) admits of no exception.

(d) Sections 10(1), 14 and 22 of the Conflict of Interest Act, 2025 - Conflict of Interest and Collusion.

The Member acted in collusion with the elected Member for Nachola Ward, who is also the chairperson of the Committee on Education and Vocational Training, to procure the unlawful reallocation of the Baragoi VTC project, appropriated by the County Assembly for the exclusive benefit of Elbarta Ward, to Natiti VTC. This conduct constitutes a conflict of interest within the meaning of Section 22, which prohibits a public officer from entering into an arrangement with a public officer of another reporting entity to conceal a conflict of interest. Section 14 further prohibits a State officer from using the office to improperly confer a benefit on any person, and Section 10(1) requires a public officer to disclose any interest likely to influence the performance of official duties and to absent themselves from any decision in which such interest subsists. The Member did



none of these things. Instead, the Member used executive authority over budget implementation as an instrument to benefit a political associate, at the direct and quantifiable expense of the people of Elbarta Ward.

(e) Article 33(2); Section 13 of the National Cohesion and Integration Act, 2008; Sections 29 and 31A of the Kenya Information and Communications Act, 2009; and Section 77 of the Penal Code - Incitement to Inter-Communal Discord.

The Member, with full and personal knowledge of the lawful allocation and proper geographical location of the Baragoi VTC project, deliberately used online social media platforms (*Baragoi Insider*), specifically Facebook() and WhatsApp, to publish and disseminate false, misleading and inflammatory narratives targeting members of the Turkana community resident in and around Natiti village, calculated to generate inter-communal resentment between the Turkana and Samburu communities in furtherance of the unlawful reallocation.

The statements and conduct were capable of stirring up hostility against, and exposing to hatred, contempt or harm, an elected representative, and amount to the offence of hate speech under Section 13 of the National Cohesion and Integration Act, 2008, and to incitement to disharmony prohibited by that Act, such conduct falling outside the protection accorded to freedom of expression by Article 33(2) of the Constitution. By exposing the Member for Elbarta Ward to fear for his personal safety, the conduct threatened his right to freedom and security of the person and his right not to be subjected to any form of violence from either public or private sources, contrary to Article 29(c) of the Constitution, and demeaned his inherent human dignity, contrary to Article 28.

By directing hostility at the Member on account of his lawful discharge of his representative, legislative and oversight functions, the conduct interfered with the functions of an elected office holder, offended the right to equality and freedom from discrimination under Article 27, and is repugnant to the national values of the rule of law, human dignity, good governance and national unity

enshrined in Article 10. The Member, being a State officer bound to bring honour to public office and confidence in its integrity, and to foster public peace and national cohesion, thereby breached Articles 73, 75 and 232 of the Constitution and the Leadership and Integrity Act, 2012. This conduct is captured in video recordings and other electronic material.

(f) Chapter Six of the Constitution - Breach of Leadership and Integrity.

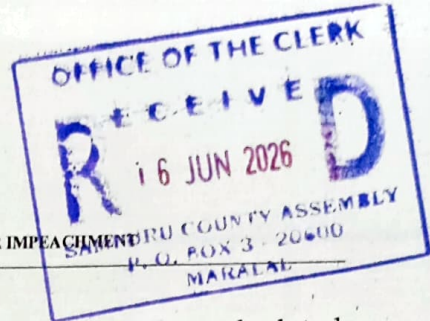
The Member has violated the foundational leadership and integrity obligations imposed by Chapter Six of the Constitution and the Leadership and Integrity Act, 2012, specifically the duty under Article 73(1)(a) to exercise the authority of office in the best interests of all people, the prohibition under Article 73(1)(b) against using the office to advance personal or political interests, and the obligation under Article 73(1)(c) to bring honour to the office and dignity to the public. The collusion with the Nachola Ward Member, the deliberate incitement of inter-communal tension through social media, and the sustained mismanagement of public resources collectively represent a comprehensive repudiation of these obligations.

III. GROSS MISCONDUCT

The Member has engaged in gross misconduct falling fundamentally below the standard expected of the holder of that office, through the following acts and omissions:

- 1) The Member colluded with the Nachola Ward Member, the chairperson of the Committee on Education and Vocational Training, to redirect the Baragoi VTC project appropriated by the County Assembly for Elbarta Ward to Natiti VTC, exploiting a position of executive authority to confer an undue benefit upon a political associate in flagrant disregard of the Assembly's lawful decision and the rights of the constituents of Elbarta Ward;
- 2) The Member, together with his proxies, deliberately used Facebook and WhatsApp to publish false and inflammatory content targeting members





of the Turkana community in Nachola Ward, with the calculated intention of generating inter-communal pressure in support of the unlawful reallocation, while in full possession of the knowledge that the project properly belonged to Elbarta Ward;

- 3) The Member's video recordings, in which community members were incited and which were shared on social media platforms, caused or were likely to cause a breach of the peace between the Samburu and Turkana communities within Samburu County, a grave and irresponsible act by a State officer entrusted with the duty of serving all communities equitably and without discrimination;
- 4) The Member utilized the resources and platforms of the Education docket in a manner inconsistent with the equitable discharge of the docket's mandate, engaging in conduct unbecoming of a State officer and making public pronouncements inconsistent with the collective responsibility of the County Executive Committee under Section 36 of the County Governments Act, 2012.

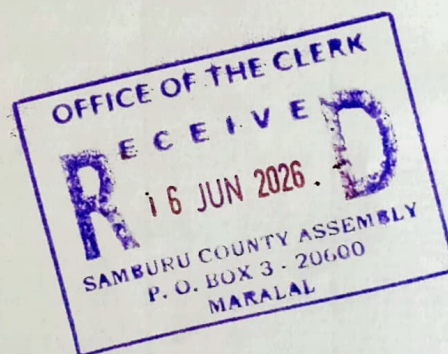
IV. ABUSE OF OFFICE

The Member has abused the authority of the office by deploying executive discretion as an instrument of personal, political and parochial interest, in that:

- 1) The Member exploited executive authority over budget implementation to unilaterally redirect the Baragoi VTC classroom project, lawfully approved for Elbarta Ward, to Natiti VTC in furtherance of a political arrangement with the Nachola Ward Member, without the approval of the County Assembly, without approved Supplementary Estimates, and without public participation, thereby depriving the people of Elbarta Ward of a constitutionally guaranteed development entitlement; the relocation undermined the outcome of the public participation conducted during the preparation of the County Annual Budget Estimates, through which the residents of Elbarta Ward had identified

and prioritized the project, and the decision to relocate it without consultation denied them the benefit of their participation and deviated from the priorities established under the statutory planning framework;

- 2) The Member used social media platforms as instruments of intimidation and public pressure to advance the unlawful reallocation of a budgetary resource against the expressed will and lawful entitlement of the people of Elbarta Ward, and against the decision of the County Assembly, an unprecedented and unconscionable abuse of a senior public office;
- 3) The Member failed to declare interests and potential conflicts of interest in procurement and project-allocation decisions within the Education docket, as required by the Leadership and Integrity Act, 2012 and the Conflict of Interest Act, 2025, including specifically the interest arising from the Member's political association with the Nachola Ward Member.



RESOLUTION

Mr. Speaker Sir,

In light of the foregoing grounds, which include the proven collusion with the Nachola Ward Member and undisclosed conflicts of interest in the reallocation of the Baragoi VTC project, the deliberate incitement of inter-communal discord between the Samburu and Turkana communities through social media platforms in furtherance of personal and political interests, and the persistent obstruction of parliamentary oversight, and which grounds, individually and collectively, satisfy the legal threshold under Section 40 of the County Governments Act, 2012, this House **RESOLVES:**

1. To constitute a Select Committee of the County Assembly to investigate the grounds set out herein, in accordance with the applicable Standing Orders of the County Assembly of Samburu;
2. To summon the Member and any relevant accounting officers to produce all documentation relating to the Baragoi VTC project reallocation, and all social media content published by or on behalf of the Member pertaining to the said project;
3. To require the Member to submit, within seven (7) days of service of this Notice, a written response to the grounds set out herein;
4. To receive and admit the said video recordings and electronic material in proof of the foregoing grounds;
5. To consider the removal from office of the County Executive Committee Member for Education and Vocational Training upon the recommendations of the said Select Committee;
6. To transmit a copy of the resolution, together with the supporting evidence of inter-communal incitement, to the Director of Public Prosecutions, the National Cohesion and Integration Commission, and the Ethics and Anti-Corruption Commission for independent

