



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

SECOND ASSEMBLY – (THIRD SESSION)

ORDERS OF THE DAY

THURSDAY 26TH SEPTEMBER, 2019 AT 2:30 P.M.

PRAYERS

1. Administration of Oath;
2. Communication from the Chair;
3. Messages;
4. Petitions;
5. Papers;
6. Notices of Motions;
7. Statements;
 - i. Schedule of Committee Sittings and Plenary for the week ending on 11th October, 2019.

(Designated Member of the County Assembly Business Committee)

COMMENCEMENT OF BUSINESS

8.*. MOTION ON UNPROCEDURAL APPOINTMENT OF KITUI COUNTY SECRETARY - (M.C.A – KAUWI WARD)

Aware that, Section 44 of the County Government Act, 2012 establishes the office of the County Secretary who shall be the Secretary to the County Executive Committee.

Further aware that, Section 44 (2) (a) of County Government Act, 2012 provides that the County Secretary shall be competitively sourced among persons who are university graduates with at least 10 years' experience in administration and management.

Cognizant that, section 44 (2) (a) of County Government Act, 2012 gives the Governor the power to competitively source and nominate one person for approval by the County Assembly to be appointed by the Governor as a County Secretary.

Noting that, the County Government Act, 2012 section 57 establishes the Kitui County Public Service Board an institution that should assist the Governor in undertaking a competitive recruitment of the County Secretary even though the Governor can still elect and employ other means of competitively sourcing for a County Secretary nominee.

Concerned that, despite the provisions of section 4 of the Public Appointments (County Assemblies Approval) Act, 2017 which provides that an appointment under the Constitution, or any other law for which the County Assembly is required **shall not be made** unless the appointment is approved by the relevant County Assembly in accordance with the Act. The Governor around August, 2019 purported to have appointed one Mr. Joshua Kimwetich Chepchieng as the County Secretary, County Government of Kitui without the approval of the County Assembly.

Further Concerned that, the appointment of Mr. Joshua Kimwetich Chepchieng was contrary to the guidelines on the Secondment in the Public Service which clearly states that "Officers who have attained fifty five (55) years and above shall not be eligible for secondment".

Acknowledging that, an appointment where due process of the law has not been adhered to should not stand.

THEREFORE, this Assembly hereby resolves that;

- i. The County Assembly Commences Judicial review proceedings against the Governor for the appointment of the County Secretary.

- ii. Have the purported appointment of one Mr. Joshua Kimwetich Chepchieng quashed and be surcharged for all monies accrued from the appointment.
- iii. Have the Governor prohibited from hiring or employing or appointing any person without following the due process of the Law.

(Hon. Jane Mutua)

9.* MOTION ON ADJOURNMENT OF THE ASSEMBLY

(Leader of Majority Party)

THAT, Pursuant to the provisions of Standing Order No. 25(3), this Assembly do now adjourn its sittings with effect from today Thursday, 26th September, 2019 to Tuesday 8th October, 2019 to allow the Members of County Assembly participate in the 2nd Edition of the County Assemblies Sports Association (CASA) games to be held in Uasin Gishu County.

(Hon. Peter M. Kilonzo)

****Denotes order of the day****
