



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

SECOND COUNTY ASSEMBLY – (THIRD SESSION)

VOTES AND PROCEEDINGS

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

1. The House convened at Thirty Minutes past Two O'clock.
2. The proceedings were opened with a prayer.
3. **PRESIDING** - Hon. Speaker on the Chair
4. **COMMUNICATION FROM THE CHAIR.**

The Honorable Speaker made the following Communication;

Honorable Members,

After the plenary sitting, I will flag off the delegation heading to Uasin Gishu for the games to be hosted by County Assemblies Sports Association (CASA).

Kindly join me for this important exercise.

Thank you.

5. MOTION ON UNPROCEDURAL APPOINTMENT OF KITUI COUNTY SECRETARY - MCA - KAUWI WARD

Motion made and Question proposed;

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.

THURSDAY 26TH SEPTEMBER, 2019

(078)

(331)

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;

THURSDAY 26TH SEPTEMBER, 2019

(078)

(332)

- 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)

Debate arising;

Rising on a point of Order under standing order No. 87, Hon. Johnson Kanandu sought for substantiation of a statement made by Hon. Alex Nganga (Minority Leader) that competitive sourcing of a County Secretary pursuant to section 44 of the County Government Act, 2012 had been done but in vain; which the Hon. Speaker directed the Minority Leader to lay Substantive evidence on the same on Tuesday, 8th October, 2019 during afternoon sitting.

Mover Replied;

Question Put and **Agreed to.**

6. MOTION ON ADJOURNMENT OF THE ASSEMBLY-LEADER OF MAJORITY PARTY

Motion made and Question proposed;

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 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 and resume its sittings on Tuesday 8th October, 2019 at 2.30 p.m.

(Hon. Peter M. Kilonzo – MCA)

Debate Arising;

House Adjourned Pursuant to the provisions of Standing Order No. 25(3).

THURSDAY 26TH SEPTEMBER, 2019

(078)

(333)

7. ADJOURNMENT - And the time being Twenty Minutes to Six O'clock, the Honorable Speaker adjourned the house.

8. ASSEMBLY ROSE - at Twenty Minutes to Six O'clock

MEMORANDUM

The Honorable Speaker will take the chair on the

Tuesday 8th October, 2019 at 2.30 P.M

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