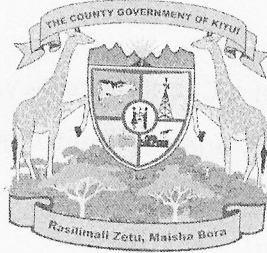


COUNTY GOVERNMENT OF KITUI

Mr. Speaker
you may approve.
25/01/2026



ii) Clerk
Approval.
[Signature]
25/01/2026

THE COUNTY ASSEMBLY
THIRD ASSEMBLY – (FOURTH SESSION)

COMMITTEE ON APPOINTMENTS

REPORT ON VETTING OF
MR. TIMOTHY KYALO MWANGE
THE NOMINEE FOR APPOINTMENT AS THE
COUNTY ATTORNEY, COUNTY GOVERNMENT OF KITUI


Clerk's Chambers,
County Assembly Buildings,
Kitui, Kenya

JANUARY, 2026

[Signature]
25/01/2026

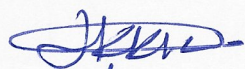
TABLE OF CONTENTS

ABBREVIATIONS	4
CHAIRPERSON'S FOREWORD	5
ACKNOWLEDGMENT	6
CHAPTER ONE	8
1.0 PREFACE	8
1.1 Establishment and Mandate of the Committee	8
1.2 Committee Membership	8
1.3 Legal Framework on recruitment of a County Attorney	9
1.5 Notification to the County Assembly and Referral to the relevant Committee	10
CHAPTER TWO	13
2.0 BACKGROUND INFORMATION	14
2.1 Committee proceedings	14
CHAPTER THREE	16
3.0 APPROVAL HEARINGS	16
CHAPTER FIVE	29
5.0 COMMITTEE RECOMMENDATIONS	29
CHAPTER SIX	30
6.0 CONCLUSION	30


25/01/2026

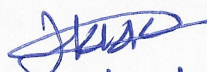
ANNEXURES

Annexure i	Signed Members list
Annexure ii	Notification letter from H.E the Governor
Annexure iii	Criteria for nomination
Annexure iv	Communication by the Speaker of the Assembly committing the nominee
Annexure v	Notification of invitation for vetting of the nominee and members of the public
Annexure vi	EACC Clearance letter
Annexure vii	Official Receiver Clearance Letter
Annexure viii	University Clearance Letter
Annexure ix	KNEC Clearance letter
Annexure x	Credit Reference Bureau (CRB) clearance
Annexure xi	Higher Education Loans Board (HELB) clearance
Annexure xii	Directorate of Criminal Investigations (DCI) clearance
Annexure xiii	Kenya Revenue Authority (KRA) tax compliance certificate
Annexure xiv	Office of the Registrar of Political Parties clearance
Annexure xv	Affidavit on the name discrepancy
Annexure xvi	Hansard report on the vetting of the nominee
Annexure xvii	Adoption minutes


25/01/2026

ABBREVIATIONS

Ag	Acting
CPA	Certified Public Accountant
CPSB	County Public Service Board
CRB	Credit Reference Bureau
DCI	Directorate of Criminal Investigations
EACC	Ethics and Anti- Corruption Commission
FCS	Fellow Certified Secretary
H. E	His Excellence
HELB	Higher Education Loans Board
KCA	Kenya College of Accountancy
KNEC	Kenya National Examinations Council
KRA	Kenya Revenue Authority
ORPP	Office of the Registrar of Political Parties
PACAA Act	Public Appointments (County Assemblies) Approval Act, 2017


25/01/2024

CHAIRPERSON'S FOREWORD

Section 5(1) of the Office of the County Attorney Act, 2020 requires the Governor to nominate and with the approval of the County Assembly appoint a County Attorney.

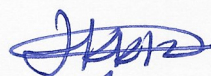
Pursuant to the above legal provision, His Excellency (H.E) the Governor Dr. Julius Makau Malombe forwarded to the County Assembly, vide a letter dated 5th August, 2025 and referenced CGKTI/OOG/ADM/23/62 (Annexure ii), the name of **Mr. Timothy Kyalo Mwange** for approval to serve as the County Attorney. Consequently, this message was conveyed to the Assembly by the Speaker on 6th August, 2025 pursuant to Section 7 (1) of the Public Appointments (County Assemblies Approval) Act, 2017 (PACAA Act, 2017)

Upon committal of the nominee pursuant to Section 7 (1) of PACAA, Act, 2017, the Committee on Appointments held its first sitting on 7th August 2025.

Pursuant to the provisions of Section 7 (4) of the PACAA Act, 2017, the acting (Ag.) Clerk of Assembly notified the nominee together with the members of the public on the date, time and place of the approval hearings on 6th January, 2026 in the Daily Nation and Star newspapers. The adverts also required members of the public to submit written statement(s) on oath from the members of the public contesting the suitability of the nominee.


On Monday 19th January, 2026, the Committee held approval hearing at the County Assembly Chambers to determine the suitability of the nominee for appointment to serve as the County Attorney.

During the vetting, the Committee was guided by Article 73(2) of the Constitution of Kenya, 2010, Section 5(2) of the Office of the County Attorney Act, 2020 and


25/01/2026

Section 8 of PACAA Act, 2017 to examine the nominee against the following criteria, amongst others: -

- i. Academic qualifications;
- ii. Employment records and work experience;
- iii. Professional affiliations;
- iv. Potential conflict of interest;
- v. Knowledge of the relevant subject matter;
- vi. Relevant clearances certificates from;
 - a) Ethics and Anti- Corruption Commission (EACC);
 - b) Kenya Revenue Authority (KRA);
 - c) Credit Reference Bureau (CRB);
 - d) Directorate of Criminal Investigations (DCI); and
 - e) Higher Education Loans Board (HELB);
- vii. Overall suitability for the position.


25/01/2026

ACKNOWLEDGMENT

The Committee registers its appreciation to the Office of the Speaker, Office of the Clerk and the Committee Secretariat for the logistical support extended during the vetting process.

In addition, the Committee appreciates the government agencies that provided references and background checks relating to the suitability of the nominee.

I acknowledge and appreciate Members of the Committee for their patience, sacrifice and commitment which enabled the Committee to complete the task within the required timelines.

On behalf of the Committee on Appointments, and pursuant to Section 5(1) of the Office of the County Attorney Act, 2020, Section 8 of the PACAA Act, 2017 and Standing Order 179(6) of the County Assembly of Kitui, it is my pleasant duty and pleasure to present the 8th Report of the Committee on Appointments on the vetting of the nominee for Appointment as the County Attorney for consideration by the House.

SIGNED: 

HON. KEVIN KINENGO KATISYA, MCA
CHAIRPERSON,
COMMITTEE ON APPOINTMENTS
COUNTY ASSEMBLY OF KITUI.

DATE: 25/01/2026

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Committee on Appointments is established under Standing Order 184 of the County Assembly of Kitui and is mandated to consider for approval by the County Assembly, appointments under Article 179(2) of the Constitution of Kenya, 2010 and also persons nominated for approval pursuant to provisions of other laws.

1.2 Committee Membership.

2. This is the Second Committee on Appointments established pursuant to the provisions of Standing Order 184 (2) of the County Assembly of Kitui with current membership as follows: -

i.	Hon. Kevin Kinengo Katisya	Chairperson
ii.	Hon. Judith Wanza Kasyoka	Vice Chairperson
iii.	Hon. Harrison Maluki Mawia	Member
iv.	Hon. Jeremiah Musee Mutua	"
v.	Hon. Gabriel Mutunga Munyao	"
vi.	Hon. Priscilla Martha Makumi	"

Committee Secretariat

3. During the report writing exercise, the committee was served by the following secretariat;

i.	Mr. Chris Mulundi Mwangangi	Ag. Clerk of the Assembly
ii.	Mr. David Manzi Mwangangi	Principal Legal Counsel
iii.	Ms. Noryene Katheu Musyoka	Snr. Hansard Editor I
iv.	Mr. Andrew Mulandi Kavali	First Clerk Assistant
v.	Mr. John Kivui	Ag. Snr. Communications Officer I

1.3 Legal Framework on recruitment of a County Attorney, County Government of Kitui

4. Section 4(1) of the Office of the County Attorney Act, 2020 establishes the Office of the County Attorney, who shall be the principal legal adviser to the County Government. Section 5 (2) of the Office of the County Attorney Act, 2020 provides that a person appointed as a County Attorney shall be a Kenyan citizen, competitively recruited from among persons who are advocates of the High Court of Kenya with at least five (5) years standing, and who meet the requirements of Chapter Six of the Constitution of Kenya, 2010.
5. A person competitively recruited by the Selection Panel shall be nominated by the Governor and, upon approval by the County Assembly, appointed by the Governor in accordance with Section 5(1) of the Office of the County Attorney Act, 2020.
6. Section 5(2) of the Office of the County Attorney Act, 2020 sets out that a person qualifies for appointment as a County Attorney if he/she; -
 - i. is an Advocate of the High Court of Kenya of at least five (5) years standing; and
 - ii. meets the requirements of Chapter Six of the Constitution of Kenya, 2010.

1.4 Notification to the Assembly

7. Through a letter dated 5th August, 2025 referenced CGKTI/OOG/ADM/23/62 and pursuant to Section 5(1) of the Office of the County Attorney Act, 2020 and Section 6(1) of the PACAA Act, 2017, H.E. the Governor Dr. Julius Makau Malombe notified the County Assembly of the nomination of **Mr. Timothy Kyalo** as the **County Attorney**, County Government of Kitui (**Annexure ii**).
8. In line with section 8 of the PACAA Act, 2017, H.E. the Governor through the Director Human Resource Management & the Head of Selection Panel



Secretariat availed the criteria relied upon by the Selection Panel, academic and other credentials for the nominee via a letter referenced CGKTI/CS/ADM/14/Vol. 7 (78) dated 11th August, 2025 (Annexure iii).

1.5 Notification to the County Assembly and Referral to the Committee on Appointments

9. Pursuant to the provisions of Section 7 of the PACAA Act and Standing Order 42 of the County Assembly of Kitui, the Speaker, through a Communication No. 43 of 2025 dated 6th August, 2025 informed the House of the Governor's nomination upon which the name of the nominee was committed to the Committee on Appointments for consideration (Annexure iv).

1.6 Notification to the nominee.

10. Section 7(4) of the PACAA Act, 2017 requires the Clerk of Assembly to notify a candidate of the time and place for holding approval hearing by notice in two (2) newspapers of national circulation and by writing. The Ag. Clerk invited the nominee to appear for approval hearing on 19th January, 2026 in writing and through the print media via adverts which appeared in the Daily Nation and the Star Newspapers for 6th January, 2026 (Annexure v).
11. The notification indicated that **Mr. Timothy Kyalo Mwange**, the nominee for appointment as the County Attorney, County Government of Kitui was to be vetted on 19th January, 2026 in the County Assembly Chambers at 12.00 p.m.

1.7 Notification to the Public

12. Article 196(1)(b) of the Constitution of Kenya, 2010 mandates the County Assembly to facilitate public participation and involvement in the legislative business and other business of the County Assembly and its Committees. Section 7(5) of the PACAA Act, 2017 requires that the public should be notified of the



time and place for holding approval hearing at least seven (7) days prior to the public hearing.

13. In compliance with the above legal provisions, on 6th January, 2026, the Ag. Clerk of Assembly placed an advertisement in print media (**Annexure v**) informing the public of the approval hearing and further requesting them to submit written statement(s) on oath contesting the suitability of the nominee. *The Committee did not receive any written statement(s) on oath from members of the public contesting the suitability of the nominee as at the date for approval hearing.*

1.8 Clearances and Compliance requirements

14. To ensure compliance with Chapter 6 of the Constitution of Kenya, 2010, the County Assembly wrote to the below listed government agencies and institutions requesting them to issue reports on the nominee relating to the matters within the respective agencies' mandate:

i. Ethics & Anti – Corruption Commission (EACC)

15. The Commission responded through a letter referenced EACC.7/10/5/Vol. XXXIII (88) dated 19th August, 2025 (**Annexure vi**), stating that it had neither undertaken any investigations nor recommended prosecution against the nominee, Mr. Timothy Kyalo Mwange pursuant to its mandate.

ii. Office of the Official Receiver

16. The Office of the Official Receiver through a letter referenced OR/COS/01/Vol. I dated 19th August, 2025 (**Annexure vii**) confirmed that the nominee had not been subjected to any insolvency/ bankruptcy proceedings.



iii. Authentication of academic certificates from various institutions

17. University of Nairobi responded via email dated 12th August, 2025 to the County Assembly's request confirming the authenticity of the nominee's academic certificate for the Degree in Bachelor of Laws (LLB) (Annexures viii).

iv. Kenya National Examination Council

18. The Council confirmed via a letter referenced KNEC/GEN/RQAP/QA&A/ARCH/RPT/GC/05/097 dated 19th August, 2025 that Certificate of Secondary School Education held by the nominee was authentic (Annexure ix).

v. Credit Reference Bureau (CRB)

19. CREDITINFO confirmed that the nominee has no adverse listing and the certificate dated 15th July, 2025 submitted to the County Assembly was valid and authentic (Annexure x).

vi. Higher Education Loans Board (HELB)

20. The nominee was cleared by HELB through accreditation of his HELB certificate dated 30th June, 2025 submitted to the County Assembly (Annexure xi).

vii. Directorate of Criminal Investigations (DCI)

21. The Certificate of Good Conduct held by the nominee dated 4th July 2025 was confirmed to be valid and authentic (Annexure xii).

viii. Kenya Revenue Authority (KRA)

22. The nominee's tax compliance certificate was verified through the KRA iTax verifier and confirmed to be authentic and valid until 16th June, 2026 (Annexure xiii).



ix. **Office of the Registrar of Political Parties (ORPP)**

23. In addition, the Registrar of Political Parties confirmed vide a letter dated 22nd August, 2025 that the nominee is not affiliated to any political party (Annexure xiv).



CHAPTER TWO

2.0 BACKGROUND INFORMATION

2.1 Committee proceedings

24. With the name committed, the Committee was required to conduct approval hearing and make determination on the nominee's suitability or otherwise within twenty-one (21) sitting days from the Committee's first sitting as provided in Section 9 of the PACAA Act, 2017.
25. The Committee held its first meeting to consider this subject matter on 7th August, 2025 and agreed on a framework for the approval hearing. It held further sittings within which it examined and reviewed the nominee's certificates and testimonials.
26. The nominee's suitability to the position and specifically as relates to whether his abilities, experience and qualities meet the set statutory requirements were assessed by scrutinizing his academic credentials, professional training and relevant experience, personal integrity, background and qualities as well as his performance during the approval hearing held on 19th January 2026.
27. Thereafter, the Committee retreated from 20th to 25th January, 2026 to consider, evaluate the nominee's credentials and compile a report for adoption by the Assembly. The Report of the Committee contains its recommendations based on the outcome of the vetting and approval hearing of the nominee.
28. Article 73(2) of the Constitution of Kenya, 2010 was paramount to the Committee during the execution of its mandate. The Article provides that the guiding principles of leadership and integrity as listed below should guide public appointments: -
- i) Selection on the basis of personal integrity, competence and suitability;



- ii) Objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corruption practices; and
- iii) Selfless service based solely on public interest, demonstrated by: -
 - a) Honesty in the execution of public duties; and
 - b) The declaration of any personal interest that may conflict with public duties.

29. It is important to note that all members of the committee declared to have no conflict of interest in vetting the nominee.



CHAPTER THREE

3.0 APPROVAL HEARING

30. The Committee held its approval hearing on 19th January, 2026 during which it examined the nominee against the criteria set out under Section 8 of the PACAA Act, 2017 inter-alia as follows: -

- i) any constitutional or statutory requirements relating to the office in question; and
- ii) the suitability of the nominee for the appointment proposed having regard to whether the nominee's credentials, abilities, experience and qualities meet the needs of the body to which the nomination is being made.

31. Guided by the above legal provision, the Committee interrogated the nominee on issues listed below among others to ascertain his suitability: -

- i. Academic qualifications,
- ii. Employment records and work experience,
- iii. Professional affiliations,
- iv. Potential conflict of interest,
- v. Knowledge of the relevant subject matter,
- vi. Relevant clearances certificates from;
 - a) Ethics and Anti- Corruption Commission (EACC),
 - b) Kenya Revenue Authority (KRA),
 - c) Credit Reference Bureau (CRB),
 - d) Directorate of Criminal Investigations (DCI),
 - e) Higher Education Loans Board (HELB), and
 - f) Office of the Official Receiver.
 - g) Office of the Registrar of Political Parties (ORPP)
- vii. Overall suitability for the position

3.1 Date and place of birth

32. The nominee is a male Kenyan citizen born in 1989 and is a resident of Kitui County, Kitui West Sub-County.

3.2 Academic and professional qualifications

33. He is undertaking a Master of Law in Environmental and Natural Resources from the University of Nairobi (2018 to date).

34. He has a Bachelor of Laws Degree from the University of Nairobi (2008-2012).

35. He has a Post graduate Diploma in Law from Kenya School of Law (2013-2014).

36. He is an advocate of the High Court of Kenya with good standing having been admitted to the bar in March, 2015.

37. He is a Certified Public Accountant Finalist (CPAK) and a Certified Public Secretary Finalist (CPS).

3.3 Work experience

38. He has twelve (12) years of work experience spanning from 2013 having served in various capacities as follows;

- i. County Solicitor- County Government of Kitui (2022 to date).
- ii. Manager, Dispute Resolution & Commercial Transactions- C&K Advocates LLP.
- iii. Adjunct Instructor- Strathmore University (2018-2022).
- iv. Trainer- Strathmore Research & Consultancy Centre, Rwanda (2015-2016).
- v. Adjunct Instructor- KCA, C&K Advocates LLP (2013-2014).

39. The nominee is currently the County Solicitor in the County Government of Kitui, a position that he has held since 2022.



40. He is a member of the following professional bodies; Law Society of Kenya (LSK), Institute of Certified Public Accountants of Kenya (ICPAK) and Certified Public Secretaries (CPS).

3.4 Net worth

41. His estimated net worth is Kenya Shillings Thirty -Six Million (Kshs. 36M).

3.5 Integrity

42. The nominee submitted that he had never been charged in any court of law nor adversely mentioned in any parliamentary investigatory report or Commission of Inquiry.

43. He also submitted that he does not have dual citizenship and has never been subjected to bankruptcy proceedings.

44. He is not affiliated to any political party.

3.6 Original Documents

45. During the approval hearing, the nominee submitted the following original documents to the Committee for confirmation:

- i) Identification Card;
- ii) Academic and professional certificates; and
- iii) Clearances from: - KRA, HELB, EACC, DCI, CRB and ORPP.

3.7 SPECIFIC QUESTIONS TO THE NOMINEE

46. The Committee posed several specific questions to the nominee to which he responded as follows: -

3.7.1. Regarding the discrepancy in the names submitted by the Governor, "Timothy Kyalo Muange" and the name in the nominee's national identity card, academic and professional certificates "Timothy Kyalo Mwange";



47. The nominee submitted that the names **Timothy Kyalo Muange** and **Timothy Kyalo Mwange** refer to the same person. He further explained that the appearance of the name **Muange** in the Governor's forwarding letter was an inadvertent error, as all the documents relied upon during the interview bear his correct name, **Mwange**. To rectify the said discrepancy, the nominee submitted a sworn affidavit to the Office of the Clerk (**Annexure x**).

3.7.2. On qualifications and suitability for the position;

The nominee submitted as follows;

48. The experience and training he has accumulated over the years equip him with the necessary skills to serve in the position of County Attorney.

49. He is currently the County Solicitor with an experience of four (4) years and also the most senior officer in the office of the County Attorney.

50. His overall academic qualifications, extensive professional experience, and technical competence sufficiently qualify him for the position to which he has been nominated.

3.7.3. As to whether he is currently the Acting County Attorney;

51. The nominee submitted that he has never been formally appointed as the Acting County Attorney and that his substantive position remains that of County Solicitor. However, owing to his seniority and experience as the most senior officer in the Office of the County Attorney, he has been undertaking and performing the functions of the County Attorney in the interim.

3.7.4. On how to stay informed about legal changes that impact the County;

The nominee submitted that;



52. He is a bona fide member of the Law Society of Kenya, and as such, he is routinely informed by the Society of any new or proposed legislations and invited to submit his recommendations thereon.

53. Also, through the Council of Governors, he is notified of any proposed legislation and is invited to submit his views and comments on such legislative proposals.

54. As an advocate, he participates in continuous professional development programmes organized by the LSK, through which members are regularly trained. In instances where new legislation is enacted, the Society engages subject-matter experts to share their insights and interpretations with members on the emerging legal framework.

3.7.5 On the most challenging legal situation encountered and addressed;

The nominee submitted that;

55. In the year 2022, while serving as the County Solicitor, four (4) Chief Officers moved to court to challenge the County Government of Kitui on the basis that they had been employed on permanent and pensionable terms.

56. One of the said Chief Officers was at the material time serving as the Acting County Secretary, and in his role as County Solicitor, the nominee consulted extensively with the County Secretary on official matters.

57. The nominee was therefore surprised to be served with court papers instituted by the said Chief Officer, who contested his employment status by relying on a contract of service that did not expressly indicate its expiry date, which the Chief Officer had interpreted as conferring permanent and pensionable terms.

58. In court, it was demonstrated that the terms of the contract clearly showed that the Chief Officers were not engaged on permanent and pensionable terms, and



the matter was accordingly determined in favour of the County Government of Kitui.

3.7.6. Regarding the appointment of a County Secretary by the former Governor without the approval of the County Assembly as required by the law;

The nominee submitted as follows;

59. At the time of the appointment of the County Secretary by the former Governor without the approval of the Assembly, he was not serving in the County Government of Kitui as County Solicitor.
60. He was employed by the County Government of Kitui as a County Solicitor in the year 2022.
61. The nominee acknowledged that failure to obtain the approval of the County Assembly in the appointment of the County Secretary was an omission.
62. He further demonstrated a comprehensive understanding of the legal process of recruiting a County Secretary as provided for under Section 44 of the County Governments Act, 2012 and Section 15 of the County Governments (Amendment) Act, 2020.
63. He further submitted that where an appointment is made without the approval of the County Assembly as required by law such an appointment is null and void.

3.7.7. On whether he has been submitting Annual Reports to the County Assembly as required under the Office of the County Attorney Act, 2020;

The nominee submitted as follows;

64. Section 28 of the Office of the County Attorney Act, 2020 requires the County Attorney to submit a report by 13th June of each year to the Governor and the



same be submitted to the Assembly for tabling within fifteen (15) days after submission to the Governor.

65. He has never complied with the provision of Section 28 of the Office of the County Attorney Act, 2020, having never been the County Attorney.

66. He informed the committee that if appointed to the position, he shall always ensure compliance with the provisions of the Office of the County Attorney Act, 2020.

3.7.8. Regarding the tenure of the selection panel and its invitation to appear before the Committee on Appointments;

The nominee submitted that;

67. He is not aware that the committee invited the selection panel for clarifications.

68. Since he was one of the nominees that had been interviewed by the panel, it was prudent of him to keep off the affairs of the panel to maintain integrity in the recruitment process.

69. Under Article 195 of the Constitution of Kenya, 2010, the Committee is mandated to summon and receive evidence from any person of its choice.

70. The tenure of the selection panel is provided under Section 58A (12) of the County Government (Amendment) Act, 2020, and that it terminates upon the appointment of the nominees by the Governor.

3.7.9. On the measures he would take to reclaim County public land that has been encroached upon;

The nominee submitted that;

71. The County Government of Kitui, through the Ministry of Lands, is in the process of procuring a Land Information Management System (LIMS) aimed at



enabling the County Government to establish and maintain a comprehensive inventory of all public land within the County.

72. In the event that any of the said public land has been encroached upon or unlawfully acquired, on instructions by the County Government of Kitui he shall, upon identification, institute appropriate legal proceedings against the responsible individuals with a view to repossessing the land on behalf of the County Government of Kitui, which holds such land in trust for the people of Kitui County.

3.7.10. On whether he is conversant with relevant National and County government laws;

The nominee submitted that;

73. He has over eleven (11) years of experience in legal practice since his admission as an Advocate of the High Court of Kenya in the year 2015, including four (4) years of service as a County Solicitor with the County Government of Kitui, during which he has extensively engaged with laws and matters relating to county governance and devolution.

3.7.11. On his perception on the role and mandate of the County Assembly within the county governance structure;

The nominee stated that;

74. The County Assembly is a critical governance institution within the County Government, particularly in the exercise of its oversight mandate. Oversight is a central pillar of good governance, as it subjects the County Government and its institutions to scrutiny by an independent authority to ensure accountability, transparency, and lawful conduct in the management of public affairs.



75. The County Assembly has actively exercised its oversight role by inviting County Executive Officers to appear before its committees to shed light on the manner in which they have discharged their respective mandates and responsibilities.

3.7.12. On how he will fast track Bills;

The nominee submitted that;

76. He undertook to ensure close follow-up with the relevant County departments upon the forwarding of Bills to the County Assembly and liaise with the respective Assembly committees through the Committee Chairs, to facilitate effective engagement and ensure the timely progression of such Bills in the House.

3.7.13. On his opinion on the Court Order issued by the High Court of Nakuru regarding engagement of external lawyers by County governments and other public entities;

The nominee submitted that;

77. The matter arising from the Okiya Omtatah case before the High Court in Nakuru concerning the engagement of external legal counsel is not novel, as a similar issue was previously placed before the Senate, to consider a proposal for a total ban on the engagement of external lawyers by County Governments and other public institutions.

78. The prevailing view at the time was that County Governments were incurring unnecessary expenditure through the engagement of external legal counsel, raising the question as to why such engagements were necessary yet County Governments had already appointed County Attorneys and other in-house legal officers.

79. It was observed in the discourse that County Attorneys and in-house legal counsel were underutilized; however, the prevailing position was that County

Governments and other public institutions, as legal persons, should retain the discretion to engage legal counsel of their choice in accordance with the law.

80. The public perception that substantial amounts of public funds are expended on litigation was noted; however, it was clarified that most expenditures categorized as legal fees are subjected to the County Assembly's approval during the budget-making and appropriation process.

81. With regard to the court order, the nominee stated that County Governments should manage their litigation in proportion to their capacity and resources, and encouraged other County Governments to utilize their appointed County Attorneys while retaining the discretion to engage external legal counsel where circumstances justify such engagement.



CHAPTER FOUR

4.0. COMMITTEE OBSERVATIONS AND FINDINGS ON SUITABILITY OF THE NOMINEE

82. Having considered the nominee's filled questionnaires, curriculum vitae and his oral submissions during the approval hearing, the Committee made observations on his suitability for appointment as the County Attorney as follows: -

1. The nominee is eligible for appointment as a County Attorney, County Government of Kitui.
2. The nominee is undertaking a Masters of Laws in Environmental and Natural Resources (2018 to date) in the University of Nairobi and has a Bachelor of Laws (LLB) 2012 from the same institution.
3. Further the nominee has a post graduate Diploma in Law from Kenya School of Law, is a Certified Public Accountant Finalist and a Certified Public Secretary Finalist respectively.
4. He is an advocate of the High Court of Kenya of good professional standing, since 2015 and a member of; the Law Society of Kenya, Institute of Certified Public Accountants (ICPAK) and Certified Public Secretaries (CPS).
5. He has over twelve (12) years of work experience spanning from 2013 having served in various capacities as follows;
 - i. County Solicitor- County Government of Kitui (2022 to date)
 - ii. Manager, Dispute Resolution & Commercial Transactions- C&K Advocates LLP.
 - iii. Adjunct Instructor- Strathmore University (2018-2022)



iv. Trainer- Strathmore Research & Consultancy Centre, Rwanda (2015-2016)

v. Adjunct Instructor- KCA (2013-2014).

6. In view of this experience, the nominee has demonstrated a distinguished career pathway in both public and private sector and accordingly meets the requirements of Section 5(2) of the Office of the County Attorney Act, 2020.
7. He has never been charged in a court of law and has fully complied with his tax obligations and has never been adversely mentioned in any investigatory report of parliament or any Commission of Inquiry.
8. The nominee meets the requirements of Chapter 6 of the Constitution of Kenya, 2010 on leadership and integrity having been cleared by all statutory institutions.
9. He demonstrated extensive understanding of the task ahead once approved and appointed as the County Attorney whose distinctive roles are outlined in Section 7 of the Office of the County Attorney Act, 2020 thus;
 - a) shall be the principal legal adviser to the County Government;
 - b) shall attend the meetings of the county executive committee as an ex-officio member of the executive committee;
 - c) shall, on the instructions of the county government, represent the county executive in court or in any other legal proceedings to which the county executive is a party, other than criminal proceedings;
 - d) shall advise departments in the county executive on legislative and other legal matters;



- e) shall negotiate, draft, vet and interpret documents and agreements for and on behalf of the county executive and its agencies;
 - f) shall be responsible for the revision of county laws;
 - g) may liaise with the Office of the Attorney-General when need arises; and
 - h) shall perform any other function as may be necessary for the effective discharge of the duties and the exercise of the powers of the County Attorney.
10. The Committee did not receive any written statement(s) on oath from members of the public contesting the suitability of the nominee as at the date for approval hearing.
11. The committee found the nominee **qualified**.



CHAPTER FIVE

5.0 COMMITTEE RECOMMENDATION

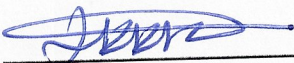
83. Following its deliberations and resolution on the nominee, and guided by Section 9 (2) of the PACAA Act, 2017, the Committee unanimously recommends to the House as follows: -

THAT, pursuant to the provisions of Sections 5(1) of The Office of the County Attorney Act, 2020 and Standing Order 184 of County Assembly of Kitui, this House do hereby **APPROVE Mr. Timothy Kyalo Mwange** for appointment as the **County Attorney**, County Government of Kitui.



6.0 CONCLUSION

84. Following the conclusion of the vetting exercise, the Committee urges the House to adopt the Report by the Committee on Appointments on the approval of **Mr. Timothy Kyalo Mwange** for appointment as the County Attorney, County Government of Kitui.
85. On behalf of the Committee on Appointments, and pursuant to the provisions of Section 5(1) of the Office of the County Attorney Act, 2020 and Standing Order 179 (6) of the County Assembly of Kitui, it is my pleasant duty and pleasure to present the 8th Report of the Committee on Appointments on the vetting of **Mr. Timothy Kyalo Mwange** for Appointment as the **County Attorney**, County Government of Kitui for consideration by the Assembly.

SIGNED:  _____

HON. KEVIN KINENGO KATISYA, MCA
CHAIRPERSON,
COMMITTEE ON APPOINTMENTS
COUNTY ASSEMBLY OF KITUI.

DATE: 25/01/2026 _____

ANNEX I

SIGNED LIST OF MEMBERS OF THE COMMITTEE ON APPOINTMENTS CONFIRMING THE LEGITIMACY OF THE COMMITTEE REPORT ON THE VETTING OF MR. TIMOTHY KYALO MWANGE FOR APPOINTMENT AS THE COUNTY ATTORNEY, COUNTY GOVERNMENT OF KITUI

We, the Honourable members of the Committee on Appointments, do hereby affix our signatures to this report in affirming its accuracy, validity and authenticity; -

- | | |
|---------------------------------|---|
| 1. Hon. Kevin Kinengo Katisya | Chairperson  |
| 2. Hon. Judith Wanza Kasyoka | Vice Chairperson  |
| 3. Hon. Harrison Maluki Mawia | Member  |
| 4. Hon. Jeremiah Musee Mutua | Member  |
| 5. Hon. Gabriel Mutunga Munyao | Member  |
| 6. Hon. Priscilla Martha Makumi | Member  |

MEMBERS OF THE COMMITTEE OF THE COUNTY ATTORNEY
CONTINUING THE LEGISLATION OF THE COMMITTEE
SETTING OF AN INDEPENDENT BOARD FOR APPOINTING
COUNTY ATTORNEY COUNTY GOVERNMENT OF 1911

We the undersigned members of the Committee on Appointments, do hereby
this day certify to the fact that the following is a true and correct
copy of the same as the same appears in the records of the Committee.

1. Hon. Lewis George Kays
Chairman
2. Hon. John W. Kays
Vice Chairman
3. Hon. Frank M. Kays
Member
4. Hon. James M. Kays
Member
5. Hon. C. M. Kays
Member
6. Hon. F. M. Kays
Member