



COUNTY GOVERNMENT OF KITUI
THE COUNTY ASSEMBLY
THIRD COUNTY ASSEMBLY- (SECOND SESSION)
COMMUNICATION FROM THE CHAIR

_____ NO.4 of 2023 _____

**COMMUNICATION AS RELATES TO THE RE-SUBMISSION OF THE
COUNTY EXECUTIVE COMMITTEE NOMINEE FOR EDUCATION,
TRAINING AND SKILLS DEVELOPMENT.**

Honourable Members,

On the 22nd December, 2022 my office received a memorandum from H.E the Governor, Dr. Julius Makau Malombe resubmitting to the County Assembly for consideration for appointment of the County Executive Committee nominee for Education, Training and Skills Development.

Honourable Members,

Whereas H.E the Governor had submitted to the County Assembly the name: Joyce Kasyoka Masila, he resubmitted the name Joyce Titus citing it to be the name appearing on the nominee's National identity Card. In the memorandum, H.E the Governor noted that: -

- i. The County Assembly approval of a name different in the nominee's identity card with that submitted by the nominating authority may engender undue confusion;

- ii. The nominee has the requisite experience and training to head the education, Training and Skills Development Ministry;
- iii. The nominee's reported lack of composure during the vetting may have been as a result of the initial intense questioning on the mix-up of her names, and that training and exposure would be undertaken to enhance the nominee's capacities as appropriate; and
- iv. It would result to violation of the of the legal and constitutional requirement of Two Thirds (2/3) Gender Rule if the Governor constituted the County Executive Committee without the said nominee.

Honourable Members,

In my response to H.E the Governor, I guided that :-

- i. The circumstances that H.E the Governor is allowed to tender a Memorandum are cases pertaining to Bills only as envisaged in Section 24 of the County Governments Act, 2012 and Kitui County Assembly Standing Order No. 134. This is an opportunity accorded to the Governor to put forth his reservations for not assenting to a Bill.
- ii. On matter of the Two Thirds (2/3) Gender Rule, the law is not violated since the cabinet is not fully constituted.
- iii. Section 10 of the Public Appointments (County Assemblies Approval) Act, 2017 provides for the procedure to be followed in the event of rejection of a nominee by the County Assembly. The Section states that;
(1) Where the nomination of a candidate is rejected by a County Assembly, the appointing authority shall submit to the County Assembly the name of another candidate, and the procedure for approval specified in this Act shall apply accordingly.
(2) A nominating authority shall not resubmit the name of a candidate whose nomination has been rejected by the County Assembly unless the

circumstances relied on for the rejection of the appointment of the candidate did not exist or ceased to exist at the time of rejecting the nomination of the candidate.

Honourable Members,

In the light of the reasons set above, I advised H.E the Governor to submit afresh the nominee for Education, Training and Skills Development through a letter addressed to my Office. H.E the Governor responded on the 10th of January, 2023 through a letter to my Office referenced *CGKTI/OOG/ADM/23/42* submitting the name **Joyce Titus** as the nominee to the position of the County Executive Committee for Education, Training and Skills Development.

Honourable Members,

I hereby commit the nominee to the Committee on Appointments pursuant to Section 14 (3)(a) of the County Government Act as read together with Section 7 (1) of Public Appointments (County Assemblies Approval) Act and Standing Order No. 184 (4) for consideration.

THANK YOU.



HON. KEVIN KINENGO KATISYA
SPEAKER, COUNTY ASSEMBLY OF KITUI

16TH JANUARY, 2023

