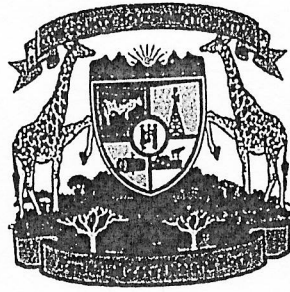


COUNTY GOVERNMENT OF KITUI



**THE COUNTY ASSEMBLY
THIRD ASSEMBLY- THIRD SESSION (2024)**

COMMITTEE ON LABOUR AND SOCIAL WELFARE

**RESPONSE TO STATEMENT REQUEST BY HON. JEREMIAH M.
MUTUA ON VARIOUS COUNTY STAFF IN ACTING CAPACITIES.**

**The Clerk's Chambers,
County Assembly of Kitui,
Assembly Buildings,
Kitui, Kenya**

AUGUST, 2024

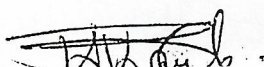
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Response to the statement request by Hon. Jeremiah Musee Mutua on Various County Staff in acting capacities.



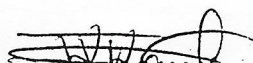
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ABBREVIATIONS & ACRONYMS

CECM	County Executive Committee Member
CGA	County Governments Act
CO	Chief Officer
CPAK	Certified Public Accountant- Kenya
CPSB	County Public Service Board
CRF	County Revenue Fund
H.E	His/ Her Excellency
HR	Human Resource
IPPD	Integrated Payroll and Personnel Database
KSG	Kenya School of Government
MCA	Member of County Assembly
SRC	Salaries and Remunerations Commission



1.0 PREFACE

1.1 Introduction

Mr. Speaker,

As you are aware, Hon. Jeremiah Musee Mutua, M.C.A for Nguni Ward requested for a statement from the Chairperson committee on Labour and Social Welfare, on various county staff in acting capacities, pursuant to the provisions of Standing Order No. 41 (2c).


The committee on Labour and Social Welfare deliberated on the issues raised in the statement and prepared this brief report on its consideration of the same pursuant to the provisions of Standing Order No. 41 (2C) (C).

1.2 Mandate of the Committee

Mr. Speaker,

The Committee on Labour and Social Welfare is established under Standing Order No. 190(5) and is mandated to:

- i. Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operation and estimates of the assigned department;
- ii. Study programs and policy objectives of departments and the effectiveness of the implementation;
- iii. Study and review all county legislation referred to it;
- iv. Study, assess and analyse the relative success of departments as measured by the results obtained as compared with their stated objectives;
- v. Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- vi. To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order No.185(Committee on Appointments); and
- vii. Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.**



The Second Schedule of the Standing Orders stipulates that the Committee is mandated to oversight all matters relating to Labour trade union relations, employment, man power or human resource planning and social welfare;

1.3 Committee Membership.

Mr. Speaker,

The Committee was constituted by the House on 23rd November, 2022 and comprises of the following Members:

- | | |
|-----------------------------------|------------------|
| 1. Hon. Joseph Kasungi Kavula | Chairperson |
| 2. Hon. Charity Kathathi Musyoka | Vice Chairperson |
| 3. Hon. Frida M. Mutinda | Member |
| 4. Hon. Cornelius Ngumbau Muthami | " |
| 5. Hon. Mary P. Ndumbu | " |
| 6. Hon. Antony M. Musyoka | " |
| 7. Hon. Zacchaeus I. Syengo | " |
| 8. Hon. Mary M. Musili | " |
| 9. Hon. Elizabeth N. Peter | " |
| 10. Hon. Pricilla Martha Makumi | " |
| 11. Hon. Jeremiah M. Mutua | " |

1.4 Committee Secretariat

1. Onesmus M. Mbwang'a-Clerk Assistant
2. Patrick K. Mutua-Clerk Assistant
3. Benedict M. Mutuku – Hansard Reporter

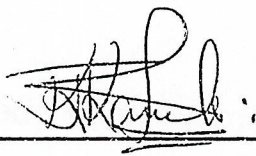
1.5 Acknowledgement

Hon. Speaker;

On behalf of the Committee on Labour and Social Welfare, I extend my gratitude to the Hon. Speaker, Members of the Committee, office of the Clerk of Assembly and the staff attached to the Committee for their continuous support, assistance, and commitment in executing their duties.

On behalf of the Committee on Labour and Social Welfare, and pursuant to the provisions of Standing Order No.41 (2C) (C), it is my pleasant duty and pleasure to present this report of the Committee on the response to statement for consideration and adoption.



SIGNED:  DATE: 05/08/2024

**HON. JOSEPH KASUNGI KAVULA
CHAIRPERSON, COMMITTEE ON LABOUR AND SOCIAL WELFARE**



2.0 BACKGROUND

Mr. Speaker,

During the afternoon Sitting of 12th June, 2024, Hon. Jeremiah Musee Mutua-M.C.A for Nguni Ward requested for a Statement response from the Chairperson, committee on Labour and Social Welfare on various County staff in acting capacities. *(see Annexure 2)*

In his statement request, the Honourable Member raised concerns that various county staff had been put on acting capacities for unreasonably long period contrary to the provisions of the Labour laws as well as Section 34(3) of the Public Service Commission Act, 2017.

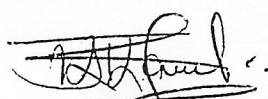
The Honourable Member asserted that such unreasonable placement of staff had not only led to unfair labour practices but also affected the morale of the said staff.

Owing to above state of affairs, the Honourable member requested the Chairperson, Committee on Labour and Social Welfare to respond to the following issues;

1. The names and designations of staff in Kitui Public Service appointed in acting capacities.
2. The duration such staff have been in acting capacities.
3. A justification as to why such staff should not be appointed to substantially fill the positions.
4. A justification for not recruiting a substantive County Secretary as well as a secretary to the County Public Service Board.
5. The measures being put in place to deter similar reoccurrences.

Mr. Speaker,

Upon receipt of the statement request, and Pursuant to the provisions of Standing Order No. 41 2C(B), the committee on Labour and Social Welfare through the office of the Clerk wrote invitation letters to the Chairperson, CPSB, The Ag. County Secretary Ms. Agnes Kawila Mulewa, the Ag. Secretary to the CPSB Mr. Wilfred Ngesu and Ms. Rose Kavata Munyasya the Ag. Head of Revenue to appear before the committee on 27th June, 2024. (see annextures 3, 4, 5, and 6).



Mr. Speaker,

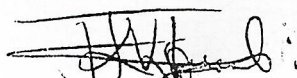
The Chairperson to the CPSB accompanied by the members of the Board and the Ag. Secretary to the CPSB appeared before the committee on 27th June, 2024 as scheduled. Ms. Agnes Kawila Mulewa and Ms. Roselyn Kavata Munyasya did not honour the committee's first invitation prompting the committee to send a second invitation upon which the duo appeared before the committee on 4th July, 2024 as scheduled (see annexures 7 & 8).

2.1. Submissions by Kitui County Public Service Board Chairperson Dr. Florence Makindi on County Staff in Acting Capacity.

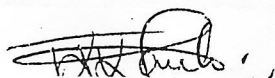
Mr. Speaker,

The Kitui County Public Service Board Chairperson Dr. Florence Makindi appeared before the Committee on Labour and Social Services alongside the board members on Thursday, 27th June, 2024 and made the following submissions in regard to the county staff who are serving in acting capacities:

1. In her introductory remarks the chairperson submitted that the Kitui County Public Service currently has a total of **5,577 members of staff**.
2. Out of the aforementioned staff only **three (3)** are serving in acting capacities namely the County Secretary **Ms. Agnes Mulewa**, The Board Secretary **Mr. Wilfred Ngesu** and the Acting Assistant Accountant General **Ms. Mercy Mutuvi**.
3. Dr. Makindi submitted that effective date of the appointment of Ms. Mulewa to the position of the Acting County Secretary as **20th December, 2022**, Mr. Ngesu to the position of the Acting Secretary to the Board as **July 2021** while Ms. Mutuvi was appointed as the Acting Assistant Accountant General in **March 2024**.
4. The CPSB Chairperson informed the committee that the substantive positions of Ms. Mulewa as the **Chief Officer for Public Service**, Mr. Ngesu as the **Deputy Board Secretary** and Ms. Mutuvi as a **Principal Accountant**.
5. Dr. Makindi told the committee that the justification as to why Mr. Ngesu was not substantially appointed as the Board Secretary is because there was a case in court which was launched by the former Board Secretary.



- Mr. Japheth Muthengi** which later proceeded to the Public Service Commission and had just been expedited recently in **May 2024**.
6. She submitted that since the verdict is out, the board will make arrangements to fill the position of the Board Secretary in the Fiscal Year 2024/2025 alongside other positions which require to be filled up.
 7. Dr. Makindi submitted that the board had received the intent by the executive to recruit the County Secretary last year. However, as they were about to recruit, they learnt that the law had been amended and criteria for recruiting the County Secretary had changed. This prompted the board to advise the governor accordingly.
 8. The board Chairperson was categorical that the officers in acting positions have not been receiving acting allowances after serving for 6 months as per the Salaries and Remuneration Commission (SRC) guidelines.
 9. On the role of the Acting County Secretary on the oversight over government departments while she is still the Chief Officer for Public Service Dr. Makindi submitted that as the Chief Officer Ms. Mulewa can't oversee herself since her department is also under the office of the governor is her overall boss.
 10. Dr. Makindi submitted that **Ms. Roselyn Kavata Munyasya** was an employee of the County Government of Kitui but she was not serving in any acting capacity position. The Chairperson told the committee that the board was interacting with the letter appointing Ms. Munyasya to act as the "Head of Revenue" for the first time. She also submitted to the committee that she doesn't personally know the staff.
 11. She informed the committee that the board had delegated the mandate of deploying county staff to the Chief Officers (see annexure 16). The mandate of appointing officers either afresh or in acting capacity is a responsibility of the board and not the Chief Officer. The former Chief Officer for Finance **Dr. Justus Kalii** acted illegally in appointing Ms. Munyasya and did not even notify the board after appointing her since the letter wasn't copied to the board.
 12. Chairperson pledged to the Committee that the board will do due diligence in getting to the bottom of the issue of Ms. Munyasya's appointment and report to the committee in writing soonest possible.



13. She submitted that the board is not aware whether the current **Head of Procurement** in the County Government is serving in acting capacity.
14. Dr. Makindi submitted that even though the board has been giving advisories to the county executive ministries and departments, in some cases the board has not been notified on actions taken by the executive citing cases of deployment.
15. She committed that the board will undertake investigations into issues raised by the committee regarding appointments into Acting capacities as well as deployments among others even as she also pledged to regularize issues that are not yet regularized.

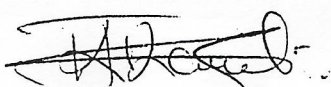
2.2. Submissions by the Acting Board Secretary Mr. Wilfred Ngesu on his role in Acting Capacity.

Mr. Speaker,

The Acting Board Secretary to the Kitui County Public Service Board Mr. Wilfred Ngesu appeared before the Committee on Labour and Social Services on Thursday, 27th June, 2024 in the afternoon and made the following submissions in regard to his role in Acting capacity.

1. In his introductory remarks Mr. Ngesu submitted that he is currently serving as the Acting Board Secretary to the Kitui County Public Service but substantially he is the **Deputy Board Secretary** a position which is provided for in the County Public Service Board Strategic Plan and in the organogram of the entity. He was appointed as the Deputy Board Secretary with effect from **1st March, 2022**.
2. He submitted that he was appointed to the position of the Acting Board Secretary on **14th July 2022** (see annexure 9).
3. Mr. Ngesu informed the committee that he was only paid acting allowance for six months as provided for in the HR manual. After the lapse of the six months the allowances were stopped and this can be confirmed from the IPPD records from the County Government HR department. He also confirmed to the committee that he gets commuter allowance provided by the SRC to cadre of Job Group (Q) where the position of the Deputy Board Secretary lies.
4. The Acting Board Secretary told the committee that he is neither entitled to an official car nor a driver.

5. Mr. Ngesu informed the Committee that he is aware of the provisions of the law in regard to the period an officer should serve in acting capacity. He said he had sought from the board why he had served in acting capacity for so long since at times he would be overwhelmed by work. Besides, he told the committee that he met all requirements provided for the position of a substantive Board Secretary. Even as he awaits the recruitment exercise to commence, he said that he has been discharging his duties diligently and without complaining or turning back
6. He submitted that if the position of the Board Secretary is advertised like any other qualified Kenyan he would apply. In the event he fails to clinch the position, he would revert to his substantive position of the Deputy Board Secretary and give the necessary support to whoever would be appointed as the Board Secretary.
7. Mr. Ngesu submitted that before his appointment there was a substantive Board Secretary whose contract was coming to an end in April 2024. He had launched a court case and thus the recruitment of a new board secretary could not be initiated.
8. The Acting Board Secretary informed the committee that the fact that he has acted for quite a longer period after he stopped earning acting allowance did not lower his morale to work, stating that the challenges he has met has made him reenergized and enabled him to grow in the position and known how to work under pressure adding that the secretariat staff have been very supportive to his office.
9. Mr. Ngesu informed the committee that he has been discharging his duties as a Board Secretary as stipulated for in the job description of the appointment of a Board Secretary such as circulation of minutes to the board members, circulation of notices for meetings, custodian of the board's records such as recruitment records among others, the AIE holder of the board and arranging transport logistics for the board members assisted by the executive among others.
10. The Acting Board Secretary submitted to the committee that he is aware that one **Ms. Roselyn Kavata Munyasya** participated in a competitive promotion exercise conducted in 2022 where she had applied to be promoted from Job Group L to Job Group M but she didn't succeed.



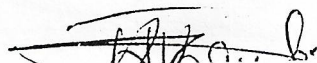
11. He informed the Hon. Committee that she is aware of the whereabouts of Ms. Munyasya and she is an employee in the County Ministry of Finance, Economic Planning and Revenue Management based in the Revenue department. He further asserted that the staffer was first employed in the ministry in 2015. He stated that in his understanding the officer coordinates collection of revenue. He however couldn't know the substantive county position she holds.
12. He said all matters regarding "acting" appointment is a function of the County Public Service Board.
13. Mr. Ngesu clarified that deployment of staff in the county executive is in two-fold. Firstly, deployments within the departments are done by the Chief Officers who have a delegated authority from the board to manage staff within their departments. Secondly, deployment across departments is done by the County Secretary who also has delegated authority from the board.
14. He submitted that he was only interacting with the letter appointing Ms. Munyasya to act as the "Head of Revenue" for the first time. He said he was not privy to the appointment and he could not confirm whether the officer drew or was being remunerated at Job Group R. He said such information could only be confirmed from the IPPD. He said even though the officer was irregularly appointed by the former Chief Officer, for the officer to be paid any remuneration for an acting capacity position, such authority has to come from the board.

2.3. Submissions by the Acting County Secretary Ms. Agnes Mulewa on her role in Acting Capacity.

Mr. Speaker,

The Acting County Secretary Ms. Agnes Mulewa appeared before the Committee on Labour and Social Services on Thursday, 4th July, 2024 in the morning and made the following submissions in regard her role in acting capacity:

1. In her introductory remarks Ms. Mulewa submitted that she is currently serving as the **Acting County Secretary** while doubling as the **Chief Officer in charge of Public Service.**



2. She submitted that she was appointed to the position of the Acting County Secretary on **20th December, 2022** (see annexure 10).
3. She informed the committee that she currently doesn't earn acting allowance but she was paid the same for a period of six months.
4. Ms. Mulewa disclosed to the committee that it has been challenging holding the two offices but owing to her experience in senior government positions she held before, she has been able to effectively juggle between the two key positions in the County Government of Kitui.
5. The Acting County Secretary submitted that her responsibilities in the office of the County Secretary does not conflict with her roles as the Chief Officer for Public Service in regard to the role of County Secretary on overseeing government departments. She maintained that in her role as the Chief Officer she is guided by provisions of the County Governments Act as well as the Public Finance Management Act.
6. She submitted that she is aware of the provisions on the procedure of the appointment of the County Secretary and a person to serve in acting capacity in the said position as provided for in the County Governments (Amendment) Act, 2020. She however declined to confirm that she was **illegally** appointed by the board to serve as the Acting County Secretary whereas that is the role of the Governor. She instead opined that her appointment was legitimate.
7. Ms. Mulewa submitted that she was comfortable serving in the position in an acting capacity but added that once a substantive County Secretary is recruited, she will hand over to him or her.
8. She informed the Committee that plans are underway to recruit the substantive County Secretary. She however declined to mention which position she would prefer between remaining as a Chief Officer to becoming the County Secretary terming it a personal decision.
9. Ms. Mulewa agreed that it is the role of the governor to appoint the County Secretary either afresh or in acting capacity but argued that governor can do the latter by issuing a directive to the County Public Service Board (see annexure 17)



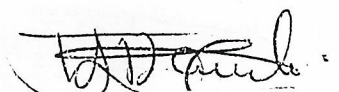
10. She submitted that not at any given time can she be surcharged for having been given an authority to act by another body or another participant.

2.4. Submissions by Ms. Roselyn Kavata Munyasya.

Mr. Speaker,

Ms. Roselyn Kavata Munyasya appeared before the Committee on Labour and Social Welfare on Thursday, 4th July, 2024 in the afternoon and made the following submissions upon interrogation by the committee:

1. In her introductory remarks Ms. Munyasya submitted that she is a **Senior Finance Officer** employed in **2015** and also currently deployed as **Kitui County Collector of Revenue** given a letter of deployment by the Chief Officer of Finance, Revenue Management and Accounting (see annexure 11)
2. She also informed the Committee that she is a holder of **CPA (K)**, has a **Masters Degree in Business Administration** specializing in **Strategic Management**, and has a certificate in **Senior Management Course** from the **Kenya School of Government (KSG)** and also a certificate in **Public Sector Financial Management Course** from the same Institution.
3. Ms. Munyasya submitted that she was deployed as the County Collector of Revenue on **14th March, 2023** by the current Chief Officer for Finance Mr. John Makau. She provided a letter to the effect that she was deployed (annexture 11)
4. She said she has interacted with the letter appointing her as the acting "Head of Revenue by the former Chief Officer Dr. Justus Kaiii (see annexure 12). She however, submitted that she has never been paid any acting allowance to that effect since she received the letter in **September 2022**. She further said that she was currently operating under the letter that shows she was deployed to the position of "County Revenue Collector."
5. She submitted that since even after receiving the two letters her roles remained the same as the one she was performing as indicated in the deployment letter.



6. She said she wasn't in the know of the county organogram and therefore she cannot tell whether there is a position known as "head of revenue."
7. Ms. Munyasya submitted that she is neither allocated an official car nor a driver and she uses her personal car however, the department uses a pool car on revenue drive activities.
8. Additionally, she informed the committee that she still enjoys a commuter allowance (see annexure 13).
9. The officer told the committee that there are other senior officers in the department who include a Deputy Director and an Assistant Director. She further submitted that there is no conflict between her and her seniors since they all work as a team.
10. She submitted that as a result of her being in charge of revenue collection, the revenue for Kitui County has substantially improved despite there being a lot of challenges such as lack of budget provisions, lack of utility vehicles among others.
11. Ms. Munyasya informed the committee that one of the biggest challenges facing the revenue department is the shortage of staff to assist in revenue collection. Besides the public need civic education on the need to pay licenses, charges, fees among others.
12. She submitted that she reports directly to the Chief Officer for Finance since he is the "County Receiver of Revenue".
13. She submitted that she did not appear before the committee when she was invited for the first time because after consulting her employer, the County Public Service Board she was informed not to appear and a letter was done by the board on the same to the committee.



3.0 COMMITTEE OBSERVATIONS

Mr. Speaker,

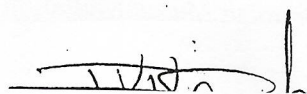
Having noted and considered the issues raised in the statement, the responses from the invitees as well as the documentary evidences available, the committee makes the following observations;

1. The Chairperson to the CPSB failed to provide written submissions to this committee as was required in the invitation letter. This was manifestation of unwillingness to provide evidence/information thus, contravening Article 195(1) of the Kenya Constitution 2010.
2. In the verbal submissions by the Chairperson, CPSB as to why the CPSB has continued to be served by an Ag. Secretary, the Chairperson informed the committee that the delay was occasioned by a pending Court case which had so far been settled. However, no evidence was provided in support of the same and even if this was to be the case, no advisory had been issued by the Chairperson to the County Governor advising him on the need to initiate the process of recruiting a substantive Secretary to the CPSB. This contravenes Section 58 of the County Governments Act, 2012 (on the proper composition of a County Public Service Board).
3. The letter appointing one Ms. Agnes Kawila Mulewa dated 20th December, 2022 referenced 201800210014/18 (see annex 10) to the position of Ag. County Secretary was signed by the Chairperson CPSB. This is in contravention of the provisions of Section 15(2A) of the County Governments (Amendment) Act, 2020 which stipulates the procedure of recruiting a County Secretary. Thus, the Chairperson acted *ultra viresely* as there was no evidence provided to the committee delegating such powers to the Chairperson of CPSB to act on behalf of the Governor.
4. The letter appointing one Ms. Agnes Kawila Mulewa to the position of Ag. County Secretary is thus *null and void* as far as the committee is concerned since the author of the letter in this case being the Chairperson, CPSB has no such mandate. Equally, this renders illegal the occupancy of the office of Ag. County Secretary by one Agnes Kawila Mulewa.
5. The Chairperson for the CPSB has grossly contravened various provisions of the law coupled with manifestation of incompetence in performance of



her roles as witnessed during her oral submissions to the committee. Owing to this, Article 251(1) of the Kenya Constitution, 2010(*removal from office of a member of a commission*) as read together with Section 58(5) of County Governments Act, 2012(*removal from office of a member of the board*) and Standing Order No. 62A (*removal of a member of the County Public Service Board*) provides for her removal from office in the above circumstances.

6. The letter appointing one Mr. Wilfred Ngesu to the position of Ag. Secretary to the CPSB dated 14th July, 2022 REF CGKTI/OoG/HRM/VOL.2/4(23) is signed by the then County Governor H.E Charity Kaluki Ngilu (see annexure 9). This was properly done however, the required period for acting has lapsed. Mr. Wilfred Ngesu submitted to the committee that he was paid acting allowances for a period of six months.
7. From the verbal submissions by the Chairperson, CPSB, the committee noted that she quoted wrong and non-existent legal documents, a case in point being the "Regulations"(see annexed Hansard report extract -15), which she claimed to be the law guiding on the procedure of recruiting a substantive County Secretary as well as substantive Secretary to the CPSB. This was to the surprise of the committee which begs the question on the capacity of the Chairperson to the CPSB to effectively lead the Board.
8. The appointment of one Ms. Agnes Kawila Mulewa to the position Ag. County Secretary via a letter signed by the Chairperson, County Public Service Board was done illegally, the Chairperson has no such mandate, the mandate to appoint an Ag. County Secretary rests with the governor therefore, her occupancy in the said office is an illegality.
9. The Committee observed that one Ms. Agnes Kawila Mulewa benefited from acting allowances upon being appointed to the position of Ag. County Secretary for a period of six months which lapsed on 20th May, 2023 as per the letter provided to the committee. However, bearing in mind the fact that the letter appointing her to such position is annulled, such allowances remain unjustified. This includes all other monetary and



- non-monetary benefits accrued by virtue of holding the said powerful office.
10. One Ms. Agnes Kawila Mulewa submitted to the committee that she no longer draws acting Allowances upon expiry of six months. However, it is in the knowledge of the committee that the office of the County Secretary wields a lot of power, influence and controls resources. Therefore, this cannot justify her continued stay owing to the fact that she was not properly appointed.
 11. One Ms. Roselyn Kavata Munyasya possesses two letters; one written by the former Chief officer (see annexure 12), Finance Dr. Justus Kalii which appointed her to the position of Ag. Head of Revenue and a second one dated 14th March, 2023 written by the current Chief Officer for Finance Mr. John Makau deploying her as the Collector of Revenue (see annexure 11). The committee observes that the first letter had no specific roles while the second one clearly stipulates the exact roles to be performed by the Collector of revenue.
 12. The letter deploying one Ms. Roselyn Kavata to the position of Collector of Revenue is within the law pursuant to the provisions of Section 72(1) of the County Government Act, 2012 (deployment of officers within the department is vested in County Chief Officers) therefore, Mr. John Makau acted within his mandate. The committee is aware that this deployment did not attract any monetary benefits as it is the case with appointment to acting capacities.
 13. In the verbal submissions by the Chairperson of CPSB, the Committee was informed that the board was not aware of any letter appointing one Ms. Roselyn Kavata Munyasya to any position in acting Capacity nor had the board delegated her powers to any officer to appoint anyone in Ag. Capacity, this therefore invalidates the letter which purportedly appointed one Ms. Roselyn Kavata to the position of Ag. Head of Revenue (see annexure on Hansard extract 16)
 14. The former Chief Officer for Finance one Dr. Justus Kalii acted *ultra viresely* by writing an appointment letter to one Ms. Roselyn Kavata Munyasya to the position of Ag. Head of Revenue. The said letter did not specify the roles of such an officer. The committee equally observes that

the position of Head of Revenue is not in the normal establishment in the department of Revenue and as such, the chief officer had no mandate to establish an office within the department. This is purely a mandate of the CPSB pursuant to the provisions of Section 60 of the County Governments Act, 2012.

A handwritten signature in black ink, appearing to be 'D. Mutua', with a horizontal line drawn through it.

4.0 COMMITTEE RECOMMENDATIONS

Mr. Speaker,

Owing to the above observations, the committee recommends as follows;

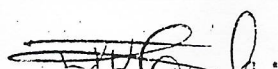
That,

1. The Chairperson for the CPSB has violated several provisions of the law as well as clear manifestation of incompetence in performance of her roles consequently, the committee recommends the application of the provisions of Article 251(1) of the Kenya Constitution, 2010 (*removal from office of a member of a commission*) as read together with Section 58(5) of County Governments Act, 2012 (*removal from office of a member of the board*) and Standing Order No. 62A (*removal of a member of the County Public Service Board*).
2. All monetary benefits in form of acting Allowances plus other benefits awarded to one Ms. Agnes Kawila Mulewa are unjustified owing to fact that the letter appointing her to that office is illegal and as such, these benefits and personal emoluments enjoyed be sur charged on her and be refunded back to the County Revenue Fund immediately. Further, any commitments and administrative actions undertaken by one Ms. Agnes Kawila Mulewa by virtue of holding the office of the County Secretary on behalf of the County Government of Kitui stands *Null and Void*.
3. One Ms. Agnes Kawila Mulewa should vacate with immediate effect the office of County Secretary and a substantive County Secretary be appointed pursuant to the provisions of Section 44 of the County Governments Act, 2012 (*Appointment of County Secretary*)
4. The Committee recommends to the County Governor to initiate the process of recruiting a substantive County Secretary within 90 days upon adoption of this report in line with the provisions of Section 44 of County Governments Act, 2012 and Section 15(2) and 15(2A) of the County Governments (Amendment) Act, 2020.
5. The Committee recommends to the County Governor to initiate the process of recruiting a substantive Secretary to the CPSB within 90 days upon adoption of this report in line with the provisions of Section 58 (c)



of County Governments Act, 2012 and Section 15(2A) of the County Governments (Amendment) Act, 2020.

6. The committee recommends to the CPSB to investigate the letter purportedly appointing one Ms. Roselyn Kavata Munyasya to the position of Ag. Head of Revenue issued by the former Chief Officer for Finance Dr. Justus Kalii dated 15th September, 2022 Ref. CGKTI/CT/HRM/4/VI/107 and if any monetary benefits were earned as a result of the said letter be sur charged on her and refunded back to the CRF immediately.
7. The letter submitted to the committee dated 14th March, 2023 **Ref CGoK/CT/HRM14/IV/265** deploying one Ms. Roselyn Kavata to the position of Collector of Revenue be authenticated by the current Chief Officer for Finance and a report on its authenticity be provided to the Committee within 7days upon which the committee shall take appropriate action .
8. Following the allegations leveled against Ms. Roselyn Kavata Munyasya on revenue leakages, the committee recommends to the Finance Committee to undertake an in-depth inquiry on the entire issue relating to revenue leakages paying special attention to revenue collection at the 14 Level IV hospitals, livestock yards, all cess points and single business permits and any person found culpable be brought to book.
9. The Committee recommends to the office of the County Secretary while liaising with the CPSB to take administrative action against the former Chief Officer for Finance one Dr. Justus Kalii for acting *ultra viresely* in appointing Ms. Roselyn Kavata Munyasya to the position of Ag. Head of Revenue and a report on the same be availed to the committee within 90 days upon adoption of this report.
10. The committee recommends that the CPSB provides a detailed list of all staff in acting capacities as well as those deployed in various departments within 21 days upon the adoption of this report.
11. The committee recommends that going forward officers in the County Public Service in acting capacities be appointed procedurally pursuant to Section 34(3) of Public Service Commission Act, 2017.



CONCLUSION

Mr. Speaker Sir,

In conclusion, the committee appreciates Hon. Jeremiah Musee Mutua for coming up with the Statement on various county staff in acting capacities which assisted to committee to get to the bottom of the subject matter. It is imperative to note that the success of any good governance lies with the effectiveness of its work force and as such the committee on Labour and Social Welfare shall endeavor to have a well-motivated county public service through proper legislation and oversight on the relevant bodies of the county executive.

Owing to the evidences adduced in this report on various contraventions of the law and manifestation of incompetence by the Chairperson CPSB, any Honorable Member is at liberty to table a substantive Motion or a petition from a member of public on the removal from office of the Chairperson CPSB upon adoption of this report.

The Committee shall remain steadfast in providing proper oversight in all matters under her mandate as provided under the County Assembly Standing Order No. 190(5) and the Second Schedule.

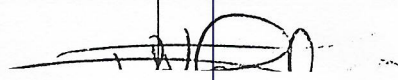


ANNEXTURE 1

ADOPTION PAGE

We the members of the Committee on Labour and Social Welfare hereby append our signatures as proof of the authenticity, accuracy and correctness of the report on the Consideration of the Response to the Statement Request by Hon. Jeremiah Musee Mutua M.C.A for Nguni Ward on various county staff in acting capacities.

NAME	DESIGNATION	SIGNATURE
1. Hon. Joseph Kasungi Kavula	Chairperson	
2. Hon Charity Kathathi Musyoka	Vice Chairperson	
3. Hon. Frida M. Mutinda	Member	
4. Hon. Pricilla M. Makumi	Member	
5. Hon. Mary P. Ndumbu	Member	
6. Hon. Antony M. Musyoka	Member	
7. Hon. Zacchaeus I. Syengo	Member	
8. Hon. Mary M. Musili	Member	
9. Hon. Elizabeth N. Peter	Member	
10.Hon. Cornelius K. Muthami	Member	
11.Hon. Jeremiah M. Mutua	Member	



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