

NAIROBI CITY COUNTY



NAIROBI CITY COUNTY ASSEMBLY SECOND ASSEMBLY – FIFTH SESSION



REQUEST FOR STATEMENTS

Subject: Alleged irregular appointments by the Ag. County Secretary

Hon. Speaker,

Pursuant to Standing Order 45 (2), I wish to request a statement from the Chairpersons of the Sectoral Committees on Labour and Social Welfare and Justice and Legal Affairs regarding alleged irregular, unlawful and arbitrary appointments of senior officers in the County Attorney's office by the office of the County Secretary.

Hon. Speaker, in February 2021, the acting County Secretary allegedly issued appointment letters for positions of Acting Director Legal Affairs Department and Acting County Solicitor unilaterally against laid down procedures, rules and enabling laws guiding the same.

Hon. Speaker, Section 59 (1) (b) of the County Governments Act, 2012 confers upon the County Public Service Board the function and power to appoint persons to hold or act in offices of the county public service including in the boards of cities and urban areas within the county and to confirm appointments.

In the same vein, Section 63 (1), (2)(a) of the County Governments Act, 2012 confers upon the County Public Service Board power to make appointments including promotions in respect to offices in the county public service at the request of the relevant county chief officer of the Department to which the appointment is to be made.

Equally, Section 18 (1) of the County Attorney's Act 2020 provides that the County Public Service Board shall, in consultation with the County Attorney, appoint a County Legal Counsel as the case may be necessary for the proper and efficient discharge of the functions of the office.

Hon. Speaker, The County Public Service manual 2016 which is a guiding document provides for clear guidelines to be followed on the issues of acting positions, appointments and promotions of staff in the county public service.

Hon. Speaker, it is further alleged that the one of the holders of the abovementioned positions actually resigned from the County Public Service as a law clerk in the year 2020 but it is not clear how such person could be reappointed irregularly.

Hon. Speaker, this worrying trend of impunity and disregard of the rule of the law within the Executive arm has continued to demoralize many staff working in different sectors of the County who are suffering in silence in similar circumstances.

Statement requested on
11/3/21 by Hon. Othman M. M. M.
responders to be on a week time.
11/3/21

Hon. Speaker, in the statement, the Chairpersons should inquire into and report on the following:

- i. Appropriate disciplinary action against the Ag. County Secretary for usurping the power not vested in him to make such appointments in total disregard of the law;
- ii. Comprehensive list of all appointments made so far and measures taken by the County Public Service Board to uphold the rule of law and laid down procedures during such appointments;
- iii. The received resignation letters from officers, previously working in County Public Service, minutes and resolutions reinstating them to the Service; and
- iv. Measures taken and/or advisory given by the County Attorney on irregular and unprocedural appointments, particularly in the office of the County Attorney.



Hon. Millicent Okatch, MCA
MEMBER OF THE COUNTY ASSEMBLY

Date: 11/03/2021.....