

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Tuesday, 23<sup>th</sup> October, 2018**

The House met at 10.19 a.m.

*[The Speaker (Hon. (Mrs.) Mwangangi) in the Chair]*

**PRAYERS**

**Hon. Speaker:** Good morning, Hon. Members. I gave some time for those who were settling so that they can settle and Mr. Clerk I think we have quorum. Yes we do, thank you. Mr. Clerk, proceed.

**COMMUNICATION FROM THE CHAIR**  
**THANKS FOR SUCCESSFUL BUNGE MASHINANI SITTING**

**Hon. Speaker:** Hon. Members, under this Order, there is no written communication as such but I just want to thank the House for the successful *Bunge Mashinani* you had at Kithimani.

*(Applause)*

It was the first one and it did not even look like the first one because it succeeded and I think members of the public will be looking forward to visiting the remaining wards the soonest so that they can also taste what you took to the people of Kithimani. Congratulations, Hon. Members.

*(Applause)*

Mr. Clerk, proceed.

**PAPER LAID**  
**REPORT OF NOMINATION OF MEMBERS TO VARIOUS COMMITTEES**

**Hon. Speaker:** Hon. Members under this order we have one business by the Hon. Majority Leader Mark Muendo.

**Hon. Muendo:** Thank you, Madam Speaker. I beg to lay the following Paper on the floor of the House today on 23rd October, 2018; the report of committee of selection on nomination of members to various committees. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Mark Muendo. Mr. Clerk, proceed.

### NOTICE OF MOTION

#### REPORT OF NOMINATION OF MEMBERS TO VARIOUS COMMITTEES

**Hon. Speaker:** Hon. Members, under this Order we have one business by the Hon. Majority Leader Mark Muendo.

**Hon. Muendo:** Thank you, Madam Speaker.

Madam Speaker, that aware that the committee on selection is mandated to nominate members to serve in committees pursuant to Standing Order 152(2); Further aware that membership of the committee can be affected by resignation of a member or removal of a member from the committee pursuant to the Standing Order 153(3);

Madam Speaker, cognizant that the Assembly party that nominated a member for a select committee may give notice of discharge in writing to the Speaker pursuant to Standing Order 156(1) and (2);

Aware that Standing Order 157 provides for the guidelines on the number of members a select committee should have;

Madam Speaker informed that the committee on selection is in receipt of several discharge cases as affected by the Assembly parties pursuant to the Standing Order 156;

Also aware that there have been change in Majority Leader which has also affected the membership of various committees;

Madam Speaker, I wish to give notice of the motion that this Hon. House discusses and approves the report of committee of selection on nomination of members to the various committees.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Majority Leader Mark Muendo. Mr. Clerk, proceed.

### MOTION

#### REPORT ON EDUCATIONAL VISIT TO KILIFI COUNTY ASSEMBLY

**Hon. Speaker:** Hon. Members, under this order we have one business by the Hon. Jeremiah Munguti. Hon. Jeremiah Munguti.

**Hon. Munguti:** Thank you, Madam Speaker.

Madam Speaker, that aware that the labor, public service and ICT committee is mandated to deal with all matters related to labor, trade union relations, manpower or human resource planning information communication and technology;

Recognizing that the committee visited Kilifi County Assembly with an objective of understanding how Kilifi County Assembly's Labor committee was handling the challenges associated with human resource planning;  
Madam Speaker, I wish to move a motion that this hon. house discusses and approves labor public service and ICT committee report on educational visit at the Kilifi County Assembly.

Thank you, Madam Speaker. I would like to call upon Hon. Justus Katumo to second the motion.

**Hon. Speaker:** Hon. Justus Katumo? Thank you, Hon. Jeremiah.

**Hon. Katumo:** Thank you, Madam Speaker. I stand to second the motion by the hon. member to discuss and approve the labor and public service and ICT committee on report of the educational visit to Kitlifi County Assembly. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you Hon. Katumo. Hon. Jeremiah.

**Hon. Munguti:** Thank you, Madam Speaker. With me is report of Labor, public service and ICT.

## INTRODUCTION

### *Preface*

Madam Speaker, Labour management and control of human resource is critical for the growth of an organization. Workforce management includes effective forecasting, scheduling and real time adjustment required for an organization to be effective as possible. The objective of workforce management is to get the right number of people, the right workers in the right place at the right time doing the right task.

Over-staffing has the power to drain an organization of vital resources and can cause personnel to become complacent due to gaps in their workload. Taking steps to reduce over-staffing optimizes an organizations cost structure and maximizes employees' productivity.

Madam Speaker, since the Financial Year 2013/14 the greater percentage of the Budget has always been allocated for the recurrent votes to cater majorly for salaries and emoluments. This has greatly affected the financing of development projects in that fewer funds are allocated for the development vote.

The Labour committee resolved to conduct an educational visit to Kilifi County, specifically the Kilifi County Assembly Labour committee; the objective being to assess themselves as a committee with regard to achievements and challenges faced on matters Labour.

Madam Speaker, the main purpose of this report is to provide this Hon. House with information on the findings at Kilifi County Assembly with regard to the mandate of their relevant Labour committee.

### *Mandate of the committee*

Madam Speaker, the committee on Labour, Public Service and ICT was established pursuant to Standing Order 190 and the second schedule of the Standing Orders define its mandate as follows; all matters relating to Labour, trade union relations, manpower or human

resource planning, information, communication and technology.

#### *Committee composition*

Madam Speaker, the committee has 13 Members as follows:

1. Hon. Jeremiah Munguti - Chairman
2. Agatha Mutunga - Vice Chairperson
3. Hon. Alex Kamitu
4. Hon. Christine Koki
5. Hon. Constance Nzioki
6. Hon. Francis Kalumu
7. Hon. Irene Mbivya
8. Hon. Jacinta Luka
9. Hon. Joshua Nzuki Muli
10. Hon. Justus Katumo
11. Hon. Nicholas Mutuku
12. Hon. Paul Nyanzi
13. Hon. Rozina Kanini

#### *Brief history of Kilifi County*

Madam Speaker, Kilifi County was formed in 2010 as a result of a merger of Kilifi District and Malindi districts. The county has a population of 1,109,735. It covers an area of 12,245.90 km<sup>2</sup> (4,728.17 sq. mi). The county is located north and northeast of Mombasa. Kilifi has fewer tourists than Mombasa County but there are some tourists' beaches in Kikambala, Watamu, Malindi and Kilifi.

Tourism and fishing in Kilifi are the major economic activities due to its proximity to the Indian Ocean. The county has some of the best beaches and popular resorts and hotels. Other attractions include historical sites such as the Mnarani ruins that date back to between the 14th and 17th century.

The county has a strong industrial sector with the Mabati Rolling Mills and the Athi River Cement Factory contributing heavily to the region's economy both in employment provision and income generation. Opportunities exist in agriculture, particularly dairy and crop farming thanks to fertile soils and a good weather pattern. The county had a successful cashew nut milling industry and opportunities exist in its revival.

#### *Visitation to Kilifi County Assembly*

Madam Speaker, the Labour, Public Service Committee visited Kilifi County Assembly on 2<sup>nd</sup> to 3<sup>rd</sup> August, 2018 to discuss on issues that pertain the mandates of the committee, challenges faced and proposals for mitigating the challenges.

#### *Observations and findings*

Madam Speaker, the County Assembly of Kilifi has a Labour, Administration and Social Services committee which is established under Standing Order 194(2) mandated in the Second Schedule of the Standing Orders to deal with all matters related to County Trade Unions relations, manpower or human resource planning and development, gender, County public service, County Assembly Service, Decentralized units and Social security.

The committee oversees the following:

- a) The department of Devolution, Public Service and Disaster Management.
- b) The County Public Service Board.
- c) The County Assembly Service Board.

The committee in the first Assembly reviewed and recommended for adoption;

- a) The County Public Service Board Report of Activities, 2014.
- b) The County Public Service Board Report of Activities, 2015.
- c) The County Public Service Board Report on the County Compliance with the values and principles in Article 10 and 232 of the Constitution.
- d) Resolved Labour related disputes of Continental Furniture and Coral Key hotel workers.
- e) Reviewed and certified for employment casuals who had served in the defunct local authorities into contractual staff.

Madam Speaker, in the Second Assembly, the Labour, Administration and Social Services committee plans to address a wide variety of issues in fulfilling its mandate, key among them:

1. Oversight.
2. Representation.
3. Legislation.

The committee has a work plan that included and is not limited to the conduct of site visits to several companies in the region to highlight any labour concerns raised and violations thereof. These include and are not limited to:

- a) Athi River Mining.
- b) Export Processing Zones.
- c) Corrugated Iron sheets Company in Kokotoni.
- d) Mabati Rolling Mills in Mariakani.
- e) Dutch Water Company.
- f) Brilliant Garments EPZ.

The committee plans to table the following reports in the House for deliberation:

- a) Oversight of the three departments through the review of quarterly reports presented to the committee resolutions of which are tabled before the House.
- b) Review and analysis of finance documents during the annual budgetary cycle including the County Fiscal Strategy Paper, County Integrated Development Plan and the Budget Estimates. The committee recommendations are forwarded to the Budget and Appropriations committee.
- c) Statements forwarded to the department the committee oversees.
- d) Motions brought to the House.

Madam Speaker, the members were informed that the Kilifi County Government was facing similar challenges of ghost workers that had remained unresolved over the years and that the committee intends to deal with the issue comprehensively so as to ensure:

- a) A sustainable wage bill for the County so as to finance more development projects.
- b) To streamline services in the departments by ensuring there is an efficient and effective workforce.
- c) That the Kilifi County work and labour force represents and portrays all the communities within the County by giving equal employment opportunities.

In order to accomplish the above;

- a) The committee has started engaging strategically with all stakeholders including the Human Resources organizations for example the Human Rights Agenda (HURIA) and other civil organizations and community groups.
- b) The Committee will conduct public *barazas* in these site visits to meet with the employees.
- c) Encourage the public to engage more with the County Assembly through forwarding of petitions.
- d) Working hand in hand with the County Labour Office based in Malindi to address most of the labour malpractices within the County.
- e) Capacity building and adequate facilitation of honorable members and staff.

The committee was informed that the challenge of the ballooning wage bill was present in Kilifi County and that a comprehensive staff audit was underway. The audit was being conducted by the County Public Service Board.

Madam Speaker, indeed, the problem of invisible workers has become a metaphor for the various Counties and it is therefore time for all stakeholders to begin working to end the current system by which scarce national resources are pocketed by a few selfish individuals.

#### *Committee recommendations*

Madam Speaker, recognizing the critical role in human resource planning that the County Public Service Board undertakes as defined by the County Government Act, the committee recommends the Machakos County Public Service Board be constituted as outlined under Section 58 of the County Government Act. The current composition of the County Public Service Board has inhibited its ability to perform effectively and efficiently owing to the various disputes witnessed amongst the board members.

Section 59 of the County Governments Act provides for the functions and powers of a County Public Service Board. The committee recommends that in line with Section 59(1)(d) and (f), the County Public Service Board should prepare regular reports for submission to the County Assembly on the execution of the functions of the Board; evaluate and report to the County Assembly on the extent to which the values and principles referred to in Articles 10 and 232 of the Constitution are compiled within the County Public Service.

Timely provision of this information to the County Assembly by the County Public Service Board shall ensure that the Assembly is properly informed on matters related to labour in the County.

Madam Speaker, the committee is currently undertaking an assessment of all the Machakos County Government employees that are in the database of the County Public Service Board. The committee will soon table a preliminary report on the same and informed by the sensitivity of the task, the committee urges the Budget and Appropriations committee to allocate funds to the County Public Service Board recurrent vote in the next Financial Year or the next available Supplementary for conduction of a staff Audit by a contracted impartial audit agency.

#### *Conclusion*

Madam Speaker, the visit was educative and the committee urges the Assembly to approve the report tabled. The Labour, Public Service and ICT committee is grateful to the Office of the Speaker and that of the Clerk to the County Assembly for the great support accorded to the committee to perform its mandate.

Madam Speaker, it is therefore my privilege and duty to present this report on the Educational visit at Kilifi County Assembly to this Hon. House for consideration and approval. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Jeremiah Munguti.

*(Question proposed)*

Hon. Members, the report is now open for debate. Hon. Masesi.

**Hon. Masesi:** Thank you, Madam Speaker. I support and appreciate the work of the Labor committee led by Hon. Munguti on the report pertaining the benchmarking at Kilifi County. We have learnt a lot although my concern is whether committee has no boundaries in that county; I have realized the committee has some duties like overseeing the department of devolution which is another committee in our case, the CPSB and the CASB.

Madam Speaker, this is a report on how that committee operates. How I wish, the very key is the issue of overseeing the CASB; I don't know whether the law calls for this committee to do an oversight role on the CASB. We need some checks on that field. Secondly, the report has also brought up the issue of delayed staff audit in Machakos County.

This Assembly should ask and dig deeper to know why this staff audit has taken so long. This county has been yawning about a bloated wage bill when in real facts we have been waiting for the audit yet no fruits. It is the high time as an Assembly we do a follow up and know why this has taken so long to give us some light on the number of employees we have in Machakos.

Madam Speaker, I support the report and urge Members to do more in terms of benchmarking to make sure that we progress in terms of information and enrich the minds of the Hon. Members. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon Masesi. Hon. Mitaa.

**Hon. Mitaa:** Thank you Madam Speaker for granting me this opportunity to air my views on the report by Labour, Public service and ICT Committee. First, I wish to thank them for a job well done and mine is to request the House leadership on this issue of huge wage bill and ghost workers which has become a thorn in the flesh in Machakos. Madam Speaker, I don't know whether we will be within our obligations and duties if the relevant committees can take that opportunity and do audit of the staff for their departments.

If we can take like a week and for example the sector of agriculture, if I can be given the opportunity, me and my committee to do audit of all the staff who fall under the agriculture sector and every other department could be given the opportunity to do the same because I believe if we wait for someone to give us a report, it can be a cooked report but if this House can take that advantage and go on with the auditing of the staff, we can come up with a better report which can be reliable to our county. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Mitaa. Hon. Museku.

**Hon. Museku:** Thank you, Madam Speaker. I would like to congratulate the chair of labor and his committee for the informative and insightful report of their visit to Kilifi. Looking at the report, you will notice that Kilifi is also facing similar problems and has similar issues to the ones we have and you can see they are having ways of how they are going to handle them chief among them being the staff audit which the Hon. Member has just talked about.

Madam Speaker, the main issue we have been having in our county is an issue of CPSB which does not perform its mandate as put by the law, independently. We have a Service Board which will appear before this Assembly and tell the Assembly they have a bloated wage bill, they have a ballooning wage bill and after they get out of that door, they go ahead and employ internally illegally ward administrators and village managers some or most of whom are being moved from being a cleaner who is earning Ksh. 10,000 to start earning Ksh. 60,000 and you tell me you have got a ballooning wage bill.

You are moving someone from where they are earning Ksh. 10,000 and give them a position where they will earn Ksh. 60,000. Is that CPSB looking at a bloated or ballooning wage bill or increasing the wage bill?

We have a similar problem; a service board comes here and says it has never seen a draft report of an audit and we have members of the same board telling this House that they have handed over a draft report to the Chief officer of Labor and ICT and others in the same board saying they are not aware about it.

Madam Speaker, I will also be bringing a motion before this House; we have with us 23 Chief Officers who have been nominated before this Assembly for vetting, four who have been directly appointed; Machakos county is supposed to bear a burden of 27 Chief Officers with only 10 departments and yet we are talking about an increasing and bloated wage bill.

I think it is the high time we start looking at things critically like Hon. Mitaa has said and take things in our own hands and take the responsibility we have as a House; each committee to perform its oversight role and conduct an audit for each and every department and ascertain the actual staff levels. We need as a House to ensure that we do manage the Executive on oversight role in terms of ensuring that our wage bill does not grow as big as...it has already gone out of order, it is already too huge. But Hon. Members, we keep going round in circles; we keep requesting for audit reports. If we cannot get them, if the mountain will not go to Moses, Moses must go to the mountain.

So, I request and agree with Hon. Mitaa we do a staff audit committee by committee because it is part of our oversight role we go and conduct a staff audit, ascertain how many people are there, hold the CPSB accountable; we gave them instructions for them not to employ ward administrators, they ignored our instructions went ahead.

Yesterday they were interviewing sub county administrators, bearing in mind that we already have sub county administrators in office. You are advertising for a position of somebody who is already in employment; someone is in employment and you are doing an interview for his position. I think we need to look at this thing holistically and we need to start holding each and every organ which is answerable to the House accountable for things they should be doing.

Therefore, I support this report and the recommendations which have been brought by the Hon. Member and request the House to look at these things critically and let us move forward and hold people accountable in our oversight role. Thank you, Madam Speaker.



*(Applause)*

**Hon. Speaker:** Thank you, Hon. Museku. Hon. Mueni.

**Hon. (Ms.) Mueni:** Thank you, Madam Speaker. I support the report and the people who went to Kilifi; the Kilifi is suffering from---

**Hon. Speaker:** Is it the people or is the Hon. Members?

**Hon. (Ms.) Mueni:** Hon. Members, who went to Kilifi; the committee. The Kilifi County is suffering from the same thing we are suffering of the ghost workers. Machakos County is suffering from ghost workers because there are some people who have not qualified for the work as the Hon. Deputy Speaker has said and Hon. Mitaa. Every committee to have its audit of its own members so that we can bring this thing on the table because we circling and circling and there is nothing which is coming out of the whole issue because people know the truth and they are fearing to bring the whole thing on the table.

It is very unfair because the people seem to be deaf of what they are working on; somebody is sitting in the office from morning up to evening and doing a lot of nothing but not bringing to this House what is required to be brought to this House. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Mueni, Hon. Majority Leader Mark Muendo

**Hon. Muendo:** Thank you, Madam Speaker. Let me also air my views on this report and I stand to support the report. Madam Speaker, I think those problems with Kilifi, to me seem to be better than ours because at least Kilifi they have a living Public Service Board. Machakos we don't have. Let me say, Madam Speaker if we don't take this issue of employment serious in this county, we are going to have all the money coming from the national government going to the salaries of workers only. We will be left with nothing on development side.

Madam Speaker, every day we are seen adverts and people being employed and that we wonder; were these positions needed actually for the county government to start employing new employees? Let me say, Madam Speaker, as we walk around because we don't live in heaven, we live in our county you can even notice the so-called flower gardeners on the side of the road where you find a small garden being manned by more than 50 people on the road side and then you wonder; what are they doing on that small garden?

Let me say that we invited the so called Public Service Board here and there was a staff audit report which was supposed to be brought back to this House within 14 days. Today is two months and there is no audit report which has come to this House. Sill as the Deputy Speaker said, they are still interviewing more staff to be employed and then we see the way the recruitment is being done and you can see it is been skewed.

There are some officers in the county government who are employing without even the notice of the Public Service Board. Let me say, Madam Speaker, this burden is all on our shoulders and I would like to say today we have a bloated wage bill because our Public Service Board, the so-called board is not there and they are not serious; the few who are there.

I will request this House we go the Hon. Mitaa way of taking the things, taking the issues and we do the audit ourselves since the County Public Service Board do not want to avail the

audit report or we go for private staff audit companies because they are there and they can conduct.

Madam Speaker, in view of what is happening in Machakos on staff, we live in this county Madam Speaker and we know there are people who are working in this county and I can avail that report any time that more four or five come from the same family, some are been paid and they don't work in this Assembly. It is in records.

*(Applause)*

**Hon. Speaker:** Are you saying that the Assembly leadership is paying for people who are not working?

**Hon. Muendo:** I am not talking about this Assembly; I am talking about the county government of Machakos. The executive has got people who are working, they are on the payroll, Madam Speaker but they are not working for the county. Madam Speaker, I think this Assembly should take the issue of employment very serious---

**Hon. Speaker:** Point of order. Hon. Majority Leader, just a moment. Resume your seat.

**Hon. Kamitu:** Thank you very much Hon. Speaker. My point of order to our Majority Leader is that is talking of a family that he knows and it would be prudent and it will be very important if you can bring the names of that family. Rather we shall regard these as rumors. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Majority Leader, proceed.

**Hon. Muendo:** Thank you, Madam Speaker. I said if given time I will bring a report on the same. Thank you, Madam Speaker. Madam Speaker, as I finish, I would like to say; let us not be pretenders as Members of this House and I urge Members of his House to be serious and let us work on the issue of this staff audit report because we are losing money and this money belongs to all of us.

It is not of anything but to save this county from ghost workers. Can we do the Hon. Mitaa is saying we go that way; every committee to go and audit the staff of each every department. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Majority Leader. Hon. Kisila.

**Hon. Kisila:** Madam Speaker, I stand here just to.....I have seen the report and I just wanted to make a small observation regarding to Mheshimiwa Mitaa's proposal. We are a House of procedure and a House of procedure follows procedures. If you request for a report and it does not come, we need to follow the right procedure of actually demanding it and if it doesn't come, we need to follow the laid down procedure. We cannot start taking laws which don't belong to us.

I agree with the Majority Leader and to some extent, yes we need to look at the bloated wage bill and in fact, I like this discussion because the minute when we start looking at real issues as an Assembly, we actually doing what were are supposed to be doing. If and we

agreed and we were here all of us and we said we are spending Ksh. 400 million per month maybe on wage bill that, if it is well utilized, it can actually go to development and I kind agree with the Majority Leader that a bloated wage bill obviously results to reduced money on development but Madam Speaker, I strongly disagree with the proposal of having taking upon ourselves things which don't belong to us. Let us follow the lay down procedure.

**Hon. Mwanthi:** Point of information, Madam Speaker.

**Hon. Speaker:** We want to hear the Hon. Member submit to the end. Hon. Kisila, proceed.

**Hon. Kisila:** Thank you, Madam Speaker. I would like us to follow the laid down procedure and if we look back in this Assembly, ladies and gentlemen Waheshimiwas; we have done a good job in the past and the minute we start every time doing things which are not within our laid down agreed framework of working, then we will be deviating and we will end up spending time and money we do not we think should not be spent that way.

My humble request is that if that report was demanded, Madam Speaker and it has not come we should demand it as an Assembly, we should have a timeframe when we should have that report and if it does not come, we should follow the laid down procedure to demand that report to come.

For us accepting to go Hon. Mitaa way is actually abdicating and running away from what has brought us here and we will end up losing it. Let us follow the laid down procedure. We can even demand the office of the DPP; we can even go to the extent if you follow the procedure if reports are not tabled in the Assembly; that is the right procedure and I want us to continue been a Hon. House and I stand to be guided if I am wrong but us using Mheshimiwa Mitaa's way I think it is actually bringing *kangaroo* systems in this Assembly. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Members, I think I just need to make a comment on this particular one. You appreciate I don't take part in debates but I should be able to guide the House accordingly. I was actually waiting for member to bring that issue and I noted here on my notes, I usually write what we need to do about the report that you asked for from the County Public Service Board and it hasn't been forthcoming.

You have a lot of power, Hon. Members, and you should be able to summon the members of that Board and deal with them accordingly; spare your energies to do the right thing. You have the oversight role; remember at Kithimani when we opened up to the public which was a good thing, a member asked if you did not get bursaries, what oversight did you do? That one may have had other issues but I am just bringing you back to the issue of your oversight role.

You have the oversight power, you can deal with this members as deem fit and only within the law; are we in agreement? So, think positively and take action which is proper within the law on the members of the County Public Service Board. Obviously they are been disrespectful even to this Assembly. It is up to you want to allow it to continue is up to you. So, can we proceed, Hon. Members, with the debate? Hon. Kisini.

**Hon. Kisini:** Thank you, Madam Speaker for also giving me time to air my views. I want first, to congratulate the committee for the good work they have done and I want to observe that

compared to us, they found that in both there is a bloated labor force or workforce but they seem to be independent. In our case, we have reported that despite the bloated labor force here, we have a bloated labor whereby our Public Service Board has failed to advise the executive; it has stayed aside, kept quiet and has not advised the public service board on this matters (??)

A good example is a when the accountants were suspended and they kept quiet, they didn't advise or raise a finger. When there was census of all the employees, those who didn't turn up had their salaries were stopped and the Public Service Board didn't raise a finger or raise anything to stop that and when they came to Athi River, a whole section was stopped from working and the County Public Service Board didn't raise a finger on that.

So, it means they have no teeth to bite, they have kept quiet on this bloated labor force. Right now, the adverts we are seeing that they are still there despite the bloated labor force and they are employing doctors, they are employing clinical officers; in the health sector they are employing right now as we talk and I think the Public Service Board is still quiet on that. They employed village managers while they were still quite and they also employed to town administrators.

So, I think we should do something on this Public Service Board because if we leave it to continue that way and they are the custodians about the labor force, we are going to drain everything and we will not be left with money to do development. So, as compared to Kilifi, they have respect of laws and there are still doing what we call checks and balances to the executive as compared to us. Us we are not doing anything; it is a just a one man decision and there is no control on that.

If we are paying Ksh. 400 million while it should be at 250 (??); that is a big overspend and that is very bad. So as the legislators, we should do something. I also want ot voice on employees who are not doing anything. In Athi River, there is a lot of cabbage to be collected and I want to concur with the Majority Leader who says that when you are coming along Mombasa road, you will find many Members of staff doing nothing while there should be some good distribution to where there is need of work to be done.

So, I want to commend the committee for the good work they have done and they went even forward to visit various factories at that side and they also checked on how the factories are doing with the labor of their staff of those factories while even here they are doing nothing. So, Madam Speaker, I do support the Hon. Mitaa's way. Thank you, Madam Speaker.

**Hon. Speaker:** Which is the Hon. Mitaa way Hon. Kisini?

**Hon. Kisini:** To do census department-wise.

**Hon. Speaker:** Under what law?

**Hon. Kisini:** He quoted it.

**Hon. Speaker:** Where will you get the funding? Don't you think it will raise audit questions? Think about it seriously but.....Hon. Kisini, you have finished?

**Hon. Kisini:** Yes, Madam Speaker. I am through.

**Hon. Speaker:** Thank you, Hon. Kisini. Hon. Kalumu.

**Hon. Kalumu:** Thank you, Madam Speaker. I would like to give my submissions concerning the visit to Kilifi County. Madam Speaker, benchmarking is to visit the best amongst the Counties which are doing good and learn the best practices so that you can come back to where you are and try to apply. Looking at the report, Madam Speaker, we have seen best practices where Service Board of Kilifi County is being given a good ear by the Executive or they are being listened to by the Executive which is contrary to Machakos County.

Madam Speaker, if you look at the report, it has touched the souls of the Hon. Members of this House where there is a similar case where there is a bloated wage bill and the same applies to Machakos County. Madam Speaker, we have been talking about this issue for quite a period of time. Some reports even came to this House but which showed a number of ghost workers. We have been asking for several reports, audit, payroll, everything and those documents have never been provided to this House, Madam Speaker.

I can say we have not done something actually to stop the ballooning wage bill of Machakos County because we have never had a Motion in this House advising the Executive on the other side to stop employing people who do not have merit in this County; we have never resolved anything to tell them it is on the red now on matters concerning that issue of ballooning wage bill.

So, we still need to do more as pertaining to the ballooning wage bill because every time you tell them, do not employ this one, they will tell you like the Pharisees what they do, they always think they are the best before the Lord and the Christians or the believers do not have anything to show. We are representatives of the people of Machakos County and whatever we put forward as an Assembly should be taken serious. Madam Speaker, issues here and there concerning employment have been raised.

A good example is tractor drivers whereby they are seasonal and we came up with a resolution that those people or those employees should be forwarded to other departments when there is no activity of ploughing to the people of Machakos but it is in vain. I even see them some of them in my Ward and they only work during the rainy season only. All the other months they receive salaries without giving any services to the Machakos people. What does that tell you? The issue is telling us that most of the employees and the ballooning wage bill is because of some of the employees in this County who do not give any services to Machakos County.

If you look at what is happening in Machakos County is, we have a ballooning wage bill while our people outside there are complaining about lack of services. So, there is no good comparison, Madam Speaker of the number of people or the number of employees who are there and the services. So, generally we are losing; we are investing on employees who are not there. So, what is the right step?

Any trial to control it is met with a deaf ear. For example, this House passed a good resolution of telling the Machakos County Public Service Board not to employ the Ward Representatives and Village Administrators and the same exercise continued and the people and the Ward Administrators are in place while in this House we keep on complaining every time. My question is to my fellow Hon. Members, when will we stop complaining and do something that will be seen as serious to the occasion? Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Kalumu. Hon. Matee.

**Hon. (Ms.) Ndeti:** Thank you, Madam Speaker. It seems like we really have a serious problem and this problem is as a result of our Governor being very reluctant to get a properly constituted County Public Service Board. In fact, there is a rumour that, apart from the bloated wage bill---

**Hon. Speaker:** Do you want the House to debate on rumour? No!

**Hon. (Ms.) Ndeti:** Okay, thank you. I think the best way forward is to find out how we can force the Governor to come up with a properly-constituted Service Board so that all these issues that we have can be sorted out. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Matee. Hon. Ndawa.

**Hon. Ndawa:** Thank you Madam Speaker for giving me this opportunity. Madam Speaker, I also wish to contribute on this report. I happened to accompany the team which went to Kilifi and Madam Speaker, the report which has been brought here, to some extent is confirming that Machakos is not the only County that has problems because Kilifi has the same problem that we have. Madam Speaker, in the recommendation in this report---

**Hon. Speaker:** Hon. Ndawa, did you say, you accompanied the team? I am looking at the names and you are not there or you just---

**Hon. Ndawa:** These are the Members of the Committee. I was in another Committee and so we went two Committees....Trade and Planning was also in Kilifi the time they were there and so I happened to interact with the Members of the County Assembly of Kilifi.

**Hon. Speaker:** Alright. Proceed but usually we are guided by the record. I actually went to look for your name and I am not seeing it. How come it was not indicated that there were other Members invited? Hon. Jeremiah, how do you do your committee here? Hon. Ndawa, just a moment; resume your seat please. You had invited other Members?

**Hon. Munguti:** Thank you, Madam Speaker. Yes, we had another Committee which was Trade but during the visit, we found that the Trade Committee for Kilifi was not there so the Members thought that it was prudent that they just put the report for Labor only. Thank you, Madam Speaker.

**Hon. Speaker:** Alright. Hon. Ndawa, proceed.

**Hon. Ndawa:** Thank you, Madam Speaker. I was saying in the recommendation part, the last page. It says the Committee is currently undertaking an assessment of all the Machakos County employees. I do not whether you have seen that part? So, Madam Speaker, my concern is, according to the guidance you have given us and according to how Members have contributed, Madam Speaker, the Assembly has its own roles that it is supposed to play and when solving one problem we are likely to cause another one and the one we are causing might be more serious than the one we are solving.

So, Madam Speaker, according to the advice you have been given us right now, there is what we call strategy. Strategy is the root, the process or steps that an individual or organization wishes to use to accomplish a certain task. Madam Speaker, according to what Members have said, they have laid down procedures of doing things.

Since we are interested in getting the exact number of employees and if possible get to know the employees in every Department and maybe what one does in that Department, I think it would be prudent if we use the laid down procedures of asking the Public Service Board to provide that list and if they do not, there is step number one, step number two, we exhaust all the provided avenues so that we can achieve that goal.

Madam Speaker, on the other side, I want to say and I want to confirm what other Members are saying; in Machakos the wage bill is very high and if we are spending Ksh. 400 million to pay salaries, Madam Speaker it means what is going to salaries is more than what is going to development and we need to sit a down and think outside the box so that we can ensure that we bring this wage bill down.

Madam Speaker, when the County Government acquires motor vehicles; I want to start with ambulances, the County Government bought more than 80 ambulances those which are in operation now are less than 50 so, the drivers of the ambulances which are grounded are being paid when they are not working.

*(Applause)*

Madam Speaker, the County Government also bought security cars; some were donated to the police and others to the APs. I believe they were about 130 security cars. The ones which are in operation are less than 40; the ones that are grounded, the drivers are paid but they are not doing anything to the County.

So, Madam Speaker, we have ways of reducing this wage bill. The tractors that we do farm with, that are meant for ploughing our shambas, Madam Speaker, those drivers only work for only either one month or two per year. If they work for two months in a year, it means the other 10 years they are paid for work that is not being done---

**Hon. Speaker:** 10 years?

**Hon. Ndawa:** 10 months, I am sorry. It means that we are paying salaries for 10 months to those drivers without working for the County. Madam Speaker, we can think of either contracting a driver to work on that tractor during the rainy season and once the rainy season is over, we discharge that particular employee so that we can be able to reduce that wage bill.

*(Applause)*

Madam Speaker, most of us, apart from being politicians we are also business men and we need to evaluate what I am spending and what I am getting. You must balance the input and the output. If the output is less than what you are spending, then you are not in business; you are mark timing. So, Madam Speaker, we need to assess ourselves as a County; where are we going and are we doing the right thing and if we are doing the right thing, what are we getting? Madam Speaker, the wage bill is very high and there is need for us to co-operate and to work with speed

to ensure that we reduce this wage bill so that we can be able to give our people what they require.

Finally, Madam Speaker, the report that came from Kilifi or Malindi, shows that the Committees of that County Assembly are also trying to do something to ensure that they manage their problems within the County. I also wish to encourage and challenge this Hon. House, we have very capable Committees; let us do our work to ensure that we provide solutions to the problems we have in Machakos. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Ndawa. Hon. Minority Leader.

**Hon. Kamitu:** Thank you very much, Madam Speaker. I am a member of the labor committee and in fact, even during our debates, during our deliberations in regard to writing, compilation of this report, I would also like to bring to light to Hon. Members that I am not talking about performance.....we should also task our secretariat in regard to those circular from the national government that are written to all the counties because I am trying to promote the words that most of the Governors during 2013 politically or whatever case might have come is that they employed many people in the labor force within their counties and it will also be relevant if our secretariat from your guidance Madam Speaker, if we should also go for that circular.

There was a circular from the national government that all the counties should minimize their labor force because the labor force we are talking about in Machakos, it is all over the counties. So, it is on that regard that I would also request the same if it can be done we look for that circular which came from the national government.

As you have given us some guidelines, it is also important as a House we should not be mourning that we know we have the House, we have the relevant committee as it is and as you have mentioned, we should make use of our Public Service Board, we should make use of our cabinet secretary who happens to be the CO (??) in regard to labor so that as I said, so that we minimize the mourning and the concern about the wage bill and the work force that is higher than it is required.

So, my humble request is to request the relevant committee to move with speed and summon those departments that are concerned in regard to the labor force. Otherwise, it will be very prudent it will be very important for a House not to be mourning to move in the right direction and that is my take. Otherwise---

**Hon. Speaker:** There is a big difference between debates and mourning; is the House really mourning?

**Hon. Kamitu:** Madam Speaker, what I am saying is that we are debating but---

**Hon. Speaker:** Just a moment Hon. Kamitu, the mourning aspect, I think actually not I think the truth of the matter, yes there is a situation that is bad but you see it being made even worse. You heard submissions from Members on the ongoing employment even as the Assembly is giving guidance. So it is not mourning, it is debating but I know the House including yourself then you will be able to find a solution to this matter by exercising your oversight authority.



**Hon. Kamitu:** Thank you, Madam Speaker. That is the truth about it that we are debating a very important motion and as I said I happen to be in the committee so it is now time it is ripe that we should make a quick move so that we may come up with the right solution and stop now the mourning. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Muthoka.

**Hon. Muthoka:** Thank you, Madam Speaker. I thank the chairman for bringing a good report and Hon. Members your contribution is so enriching and so good. I will just take a different turn a bit which I have not seen any member contributing on. On page 3 we are talking about brief history of Kilifi County and if you go to the last paragraph; opportunities exist in agriculture particularly dairy, crop farming thanks to fertile soil and good weather pattern.

Madam Speaker, yesterday we saw some county joining together, the Lake Region Bloc and President was there and these counties they have formed a bloc whereby they are sharing opportunities so I am thinking if this bloc, if we can form this block like Machakos, Kitui, Makeni, Taita, Kilifi and Mombasa, they can be growing maize because we have issue of---

**Hon. Speaker:** Hon. Muthoka, let me inform you and thank you for thinking outside of the box but now you are so much out of the box on this report but the idea you are bringing is a good one and it is not lost to the leadership of this House and I think we communicated at one point that we met as Speakers to look for a way, doing legislation that will put this first the three counties together and then later we had a meeting, house leadership of the three counties; did you hear me communicate that?

So, that was the way we were looking towards what you are saying now and then later the next move we will keep on being informed to the House and then the three counties; we also think of the wider region. So, you are quite on point but at the wrong time. So, you can come back now to the motion because you are outside of it, very much outside.

**Hon. Muthoka:** Thank you, Madam Speaker. Well informed there is no need of repetition.

**Hon. Speaker:** Thank you, Hon. Muthoka. Hon. Musau.

**Hon. Wambua:** Thank you Madam Speaker for giving me this opportunity to contribute to this motion. Madam Speaker, I observe that justice delayed is justice denied; the people of Machakos County have been denied certain justice. It is the time they are given and they are made to know the correct number of employees in this county and particularly the genuine ones. Madam Speaker, it might be a common problem in all counties but I do not know whether the other counties have the category of workers or employees called 'others' as it was stated here.

Madam Speaker, if I remember very well, there was a nominee in the docket CEC who was being interviewed here and he acknowledged and said there is a lot of idle sitting in offices of this county government; what does that one translate to? It translates to the fact that they are being paid for idling. Madam Speaker we are getting late; it is the time this assembly strengthens its teeth to bite and bite effectively and I do not believe if this Assembly has the powers to approve, it also has the powers to disapprove. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Musau. Hon. Members, let me call the mover of the motion to reply.

**Hon. Munguti:** Thank you, Madam Speaker. Once again, I would like to congratulate the members for the support that they have shown in this report and it is my humble request that we adopt and pass the report because once we are going to pass this report then the committee will be able to move with speed to actualize what is required of them but I noted something in Kilifi that before they established their committee, they had to actually go for a recognized firm to give them a good database for the work establishment of the employees.

Therefore, it is my request that this House, through the committee of budget and appropriations to allocate some funds during the next financial year or during the supplementary budget so that we can have a private firm like the PriceWaterhouse Coopers that can come and do a database for our county.

Madam Speaker, also we noted that disciplinary action is undertaken through the Service Board in Kilifi but in our case in Machakos county, sometimes it happens that you just hear all of a sudden that the executive some of members through the office of the Governor or the Deputy Governor they have actually send some workers on compulsory or in suspension leave and this does not amount to good workforce for our people.

We also noted that there are no procedures followed especially when the discipline cases are being done as it is in Kilifi. You find that every employee has a right and also to be given a fair administrative action which must be given to all employees especially when they are being dealt with either in disciplinary action or in terms of elevating them from one grade to another.

Madam Speaker, it is my request that this House adopts this report and gives the labor committee the chance to put the house in order in terms of the labor workforce. I want to echo the words of Hon. Mitaa although it is not the right direction but as committee we are going to follow it to the letter that we ensure the County Public Service Board is put to task so that they can work on this issue of labor workforce.

Thank you, Madam Speaker for the time and the chance that we were given as a labor committee. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you Hon. Jeremiah.

*(Question put and agreed to)*

Hon. Members, I think you have debated and the bottom line is that you have a duty to put it right with the County Public Service Board and if that board is not doing things right like you say Hon. Jeremiah you noted in Kilifi that if its matters of dismissal or disciplinary they are undertaken by the County Public Service Board; that is as it should be and the employees have a right. It is not a favor under the constitution and the employment laws.

So, it is for the house to make sure that the County Public Service Board operates properly and manages public service within the county properly and in economical manner. We are all talking of a blotted service but then no service delivery. You have a big duty and I am sure actually you can discharge the duty. So it is high time we started doing it like yesterday.

**ADJOURNMENT**

**Hon. Speaker:** Hon. Members, the sitting of this House is adjourned at this point is going to resume on the 23rd day of October, 2018 at 2.30 pm. 23rd day of October, 2018 is today Hon. Members.

*(Laughter)*

The House rose at 11.44 a.m.