
MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Tuesday, September 17, 2013**

The House met at 4.04 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR
ADJUSTMENT OF COMMITTEES MEMBERSHIP**

Hon. Speaker: Honourable members, there is a communication I have given to the Deputy Speaker that basically covers what happened on Saturday at Bomas of Kenya and communication will be given to each member and thereafter we shall assess the need for a Kamukunji in regard to the issues of Saturday. The other communication is you realize for Chairs of committees, the Standing Orders require that each committee should have, that is the select committees, should have at least membership of 11 and 17. I learn that some committees have excess of membership of 17 members. So, the chairpersons, look at that and see how you can adjust as we get down to amend our rules and orders. That is all.

STATEMENT**DRESS CODE**

Hon. Kitheka: Thank you Mr. Speaker. Respect to the House. I wish to request for your intervention for members who have not dressed in the right way in the House simply because we just came from a workshop and we came hurriedly to the House and may not meet the dress code parameters in the House. So, I seek your indulgence in that matter. Thank you.

Hon. Speaker: I note that reluctantly because that is not permitted by any of the Standing Orders. Members had notice that this Assembly will sit this afternoon but I will reluctantly permit you to participate today. Let that not be the trend.

MOTION
CONVERSION OF GRATUITY TO A PROVIDENT FUND

Hon. Kitheka: Thank you Mr. Speaker for that consideration. I was in pain because I thought I may be thrown out when I had a motion at hand.

Hon. Speaker: Proceed. Proceed.

Hon. Kitheka: Mr. Speaker, there is this motion which we brought into this House which concerns the LaproFund. Mr. Speaker we bring to the hon. Members of Machakos county assembly to consider the conversion of gratuity to a provident fund managed by laproFund. Mr. Speaker the introduction part of it, LaproFund is State Corporation operating under an act of parliament cap 272, Laws of Kenya, County Government Act 2012 section 132, Urban and Cities Act 2011 section 49 in conjunction with the Retirement Benefits Authority Act 1997 and Regulations 2000. As a benefit scheme for the county government employees, the mission of the fund is to receive, prudently invest and manage member contribution for prompt payments or benefits for secure retirement.

The fund pays annual interest calculated on total credit in every contributor's account at the beginning of each calendar year. The rate of interest is declared by the board and varies from year to year depending on the growth in the investment. The interest is calculated on accumulative contributions over the year, that is compound interest methods.

Mr. Speaker we have made a lot of mathematical tabulation towards the same which is of benefit to the members in this House. We gave copies to every member of this house and I wish to go ahead and give the benefits of converting the gratuity to a provident fund.

Mr. Speaker at the end of the five years term;

1. The county government may not have budgeted for the gratuity making it difficult for the MCAs and other members to access their money promptly.
2. Members stand to gain the investment income over time and they also receive regular Statement of Account.
3. Immediate Access to Tax relief benefit since lap profund is dully registered by Kenya Revenue Authority and Retirement Benefits Authority.
4. County Assembly will gain from Lap Profund's excellent track record in Administration of retirement benefits.
5. Reduce Administration cost to the county assembly since the responsibility of managing the county assembly Fund, will be passed to LAP profund.

6. The county Assembly government will also project an image of caring employer by ensuring that MCAs enjoy maximum benefits at the expiry of their term.
7. Members can enhance gratuity benefit through voluntary contribution to their Accounts.

Mr. Speaker this motion which is in hand, we have talked with the members to pass is for their own benefit. If we stay and leave after five years and expect the county to budget for your entire funds at the end of the last year, it may burst the kind of budget which should be passed by the county at that particular year and we may end up being delayed the fund.

Secondly, Mr. Speaker when these funds are channeled to a Registered Authority Scheme, they will accrue some interest which will be a bonus to the members, unlike when it stays to the county and it will not attract any interest at all. Mr. Speaker the same amount which is going to be passed to the Lapprofund scheme will be exempted the issue of Tax. So, Mr. Speaker I kindly Request Hon. Dominic Maitha to second the Motion. Thank you

Hon. Maitha: Thank you Mr. Speaker and the honourable members present. Regarding this motion which has been tabled to the floor of this House by Hon. Kitheka, Mr. Speaker I was here last week to second the same and I would like to put a few words across regarding the same. This fund, basically for some of us who managed to get a bit of training and explanation from the persons who were handling the same, Mr. Speaker we managed to unearth that it was of more benefit to the members than the normal gratuity that we are supposed to get the end of the five year term. We stand to get more than what we go through the normal gratuity process at the end of the five year term.

He has elaborated clearly the benefits in which not even Hon. Members, even the county Assembly as a whole is going to benefit and if it stands to benefit the Hon. Members, Mr. speaker, I absolutely have no good reason as to why I can say this motion should sail through and have it debated by Hon. members. As we have agreed even before Mr. Speaker anything that stands to benefit Hon. Members will not object it. As far as it is set in good grounds, has a positive precedence and at the end of the day it's going to give Hon. Members benefit, and as I try to reflect back on Hon. Members who used to work with the previous councils and municipalities, some of them who are sitting in this House can prove or attest to this House, Hon. Mr. Speaker, that they were once members of that fund and they benefited from it.

We very well understand the dynamics of payments when it comes to our governments. We know it takes time, so at the end of the five year term if we can have a fund that can give members whatever that belongs to them within the shortest time possible bearing in mind we are going to get back to elections immediately after five years. So if we get back to elections and this

fund can be available to members to boost them, then I stand to support it. Hon. Speaker without wasting Hon. members time and your time, I wish to second this motion and move it forward for discussion. Thank you, Mr. Speaker.

Hon. Speaker: Hon. member s, just point for direction, this motion had been proposed so it is already in the House for debate and we will take those two contributions and as contributions in support of the motion.

Hon. Manyolo: Thank you Mr. Speaker. It is good and I am of the benefit of the motion that will benefit to our retirement but we may ask some questions. If you came up a cross an insurance sticker, it says that you don't have to admit liability immediately. How are we going to benefit from it?

One, if we are going for retirement, our dues are there and problems arise and this people and don't give us our rights. How are we going to agree about it? We think is good but the people concerned could they come with a clear statement how beneficiaries will clearly benefit from the investment.

Hon. Speaker: Hon member, I would ask you to clarify. I fear I did not understand.

Hon. Manyolo: I stated clearly before, if you come up with a body like the insurance, they do state 'don't admit' and we are saying we are going for Laprofund. How will we get our benefits? Is it before or after? Before five years or after?

Hon. Speaker: I take it that you basically want information to know when the benefits will come.

Hon. Muinde: Thank you Mr. Speaker. I rise to support the motion and say that it is the right motion which is of benefit to us as members of this assembly. The seconder has mentioned that some of the members siting here have been beneficiaries of this provident fund and as I support the motion, I want to state that I'm one of those people who had the benefit of been councilors in the last regime, I sat in this chamber and the Lapfund was introduced to us and we contributed.

At the end of our term, and this would be information to the member who has just left, at the end of our term once the elections are announced our term ceases we only have a maximum of 15 days to get all your dues from this provident fund. This is what you contributed and employer contributed and any other benefit which is simply the interest that has accrued yearly on your contribution. They do not waste time processing the returns, they have no excuses, they keep you updated on your status of account and I want to state this, Mr. Speaker, in the last five years that we were here each year we earned an interest of 10 percent of all your contribution and at the end of your term you get all your money minus any tax deductions thereof.

When you do the mathematics of what you would have suffered in terms of tax have you not contributed and what you lose as tax after contributing in the end of five years you find that as an individual you have more benefit. I want to say that this is a nice scheme; it's a scheme to ensure that you save now when you have the energy to earn and come the end of your term, whether you win or not, you are able to take all your money go invest it in whatever you want without having to chase after government officers here and there to claim your money.

So, I would beg all my colleagues, all members in this House with one voice to endorse that we turn our gratuity into a monthly contributions because as the move of the motion says it could be tricky and this members will subject themselves in very sticky position that we wait until the fifth year and when we begin to claim our gratuity we find that the government may have some financial constraints and that we may not get our money in time, but if we begin contributing every month, it is assure way to ensure that you get your benefit by the end of your term. So Mr. Speaker I support.

Hon. Speaker: Thank you very much for that clarification. Let us hear that member.

Hon. Nduva: Thank you Mr. Speaker, Sir, and Hon members. Mr. Speaker, I stand here to support this motion and members, from what we have heard from the Chairman, Labor and the mover of this motion and what we have learnt from brochures given by the scheme, I think it is important for us to join this scheme. Many times, it happens, we are state officers, then the year term will end and it may happen or you might have debts with the government and the government is on your own money, how possible do you think it will release your money? Number two, Mr. Speaker, it is not easy for many of us Kenyans to invest because all the time we are scared of losing money. This is a state-owned corporation, so I don't see the reason why we would think, we would put our money there, then our money would disappear. So members, let's support this scheme for the betterment of our future. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Maybe we can have some clarity from the mover of the motion. In support?

Hon. Kitheka: Thank you Mr. Speaker sir. In line with what we are saying, the provident fund which is going to be in form of a gratuity, will be backdated from the time when you were sworn in. Secondly, Mr. Speaker, the provident fund will also give members the mandatory forms to fill in for the members who are contributing monthly. And in this case the yellow form is voluntary, if you want to invest more, you can as well invest more.

And Mr. Speaker, we were requesting, because we are in the County and working for the County, you consider paying something voluntarily for the entire members so that at least at the end of the day we can receive something on top of this. Because I know if we go ahead and fill

this voluntary form with those people, they will consider us well. Otherwise Mr. Speaker, the people and the experts in this field requested me, if you can offer one single day or just a half a day for them to come and sit with the members fill the forms and carry the documents at once instead of every member getting the copy, going with it and messing it at home.

You give us one day, even if it is on Friday when we don't have business, we come all in the house or we meet somewhere, and we fill the forms and they go with them and they train us a bit on the same issue. Thank you, Mr. Speaker.

Hon. Speaker: Hon members, there appears to be general consensus. Is there any point in opposition? So therefore I put the question that those in support that such deductions be done to make us contribute to the Laprofund as moved in the motion.

(Question put and agreed to)

(Laughter)

Hon. Members, arrangements will be made on a Friday when they can come and assist you in signing up.

NOMINATION OF COUNTY PUBLIC SERVICE BOARD SECRETARY

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. I stand here to present a report from the Committee on Appointments for nomination of appointment of Secretary to Public Service Board. You remember well Mr. Speaker, when this House was approving the rest of the Board members, the position of the Secretary to the Board was left out, because the Board could not get a suitable candidate for this position. So if you allow us Mr. Speaker, maybe I am going to read a letter from the Governor which came through you to this House.

Nomination for appointment of Secretary to Public Service Board. While forwarding the names for the nominees for the chairperson and members of the County Public Service Board, and Secretary on 8th July, 2013, I informed you that the interviewing panel had not found suitable applicant for the above position. Consequently, the position was re-advertised on 20th July, 2013. After short listing and interviews, I have nominated Mrs. Rosemary K. Mulee from Kangundo Sub County. Mrs. Mulee is a certified public secretary for good professionals standing as required by section 58(C) of the County Government Act. She is an experienced

public servant having served the government as a teacher, as well as in management of education. She is currently the District Education Quality Assurance Officer in Dagoretti.

Mrs. Mulee holds a masters degree in gender and development studies, a bachelor of education in arts and has various senior management trainings. Her education combined with her experience in public sector makes her the most suitable person to hold the above position. In making this appointment, I have also been guided by the requirements for the gender equity as well as regional balance. I wish to appeal to hon. members of our esteemed County Assembly, through you, to extend our good working relations in considering this appointment. Thank you, sincerely, His Excellency, Dr. Alfred Mutua, Governor. Maybe Mr. Speaker before I move forward, maybe if you allow me I can read the CV of the nominee so that members can understand.

She is Rose K. Mulee. She comes from Kangundo Sub County.

Work experience.

Ministry of Education, Dagoretti District as a District Quality Assurance and Standards Officer. Reporting to Sub County Director of Education.

May 1990 to June, 2008:

Teachers Service Commission in Nairobi. Position: Teacher.

Personal attributes and strengths :

A self-motivated, outgoing and hard working person, quite organized and adaptable to work under pressure. Good sense of humor. Has an eye for detail, creative and innovative, good interpersonal relations, values honesty and integrity, analytical and evaluation skills. I have gained a wealth critical, analytical and evaluation skills from investigation as a secretary of different aspects of education institutions. Training as ISO auditor, and executing ISO audits for the Ministry of Education in various Districts in the Country, undertaking assessment on education as a quality assurance officer.

Leadership:

Interaction with people in various assignments undertaken has made me a team player, able to cooperate, listen and understand others. It has also allowed me to gain the following additional skills; people management skills, good public relations and communication skills, problem solving skills, budgetary preparation and execution skills, professional management skills, meeting objectives, management change, and administration skills.

Academic qualifications:

2000 to date:

University of Nairobi, masters of arts in gender and development studies.

1987 to 1990:

Kenyatta University, Bachelor of arts, Kiswahili, philosophy and religious studies.

1985 to 1986:

Machakos Girls, KACE, A-level, two principles and one subsidiary.

1981 to 1984:

Matungulu Mixed Secondary School, KCE O-level Division two.

Other qualifications

1994 to 1997:

Kenya School of Professional Studies, Certified Public Secretaries,
2002

Visions College of Professionals, Certified Public Accountants,

Seminars and Workshops

November, 2011

Senior Management Course (SMC), Kenya Institute of Administration,

May 2010

Educational Management of Information Systems and Training,

April 2009

Internal Auditor Training, Quality Management Systems, ISO 1001:2008

March 2009

Strategic Leadership Course for Education Officer

October, 2008

Capacity Building Course of Civil Service induction

2006

Project Proposal writing and Management

August, 2004

Regional Intergration challenges and opportunities by ICPAK

Membership in professional bodies;

Member ICPS Kenya, Institute of Certified Public Secretaries Kenya.

Mr. Speaker, that is the CV of the nominee and as we sat down on 29th of August, 2013, we interviewed the said nominee and vetted her and as a Committee on Appointments, we considered her for approval of the nomination by the Full House. So if you allow me Mr.

Speaker, maybe I can request Hon. Matheka who is a member of the committee to come and second the report. Thank you.

Hon. Speaker: Thank you very much.

Hon. Matheka: Thank you Mr. Speaker Sir and the House at large. I am standing here as a member of Committee on Appointment to second the motion on the approval of the nominee by this House. As a committee on Appointment we sat, we interrogated her and we saw her fit to be in that seat of the Secretary, County Public Service Board. This is the board which is mandated to employ, deploy and dismiss county civil servants. Mr. Speaker Sir, I stand here to support the Minority Leader and the entire Committee on Appointment and request this House to consider the approval of the nominee. Thank you Mr. Speaker Sir.

Hon. Speaker: Thank you very much. Yes.

Hon. Kalunde: Thank you Mr. Speaker, Sir, I stand here to support the sentiments of the previous speakers, but Mr. Speaker I think it is important that, even if it is necessary, those people like our sister whom we are discussing to approve, should come to this House so that everybody should see the kind of a person whom we have approving to do our job.

(Applause)

You know, we may discuss here, we approve the appointment of that honorable lady, and when you walk out you meet her or you pass her without even the knowledge that she is the Secretary of that important committee. So Mr. Speaker, I think it is important that, even after we have approved her appointment, she should be called and if she is around, she should be called to show her face to this honorable House. Thank you.

Hon. Speaker: Thank you very much. I think that is a very valuable point and I call upon the mover of the motion to explain whether, he can make arrangements for the lady to familiarize herself with the Assembly.

Minority Leader (Hon. Kasoia): Thank you Mr. Speaker, I think it is possible for me and maybe the Majority because this is the Executive side to make arrangements because I am standing here on his behalf because he is engaged in other Assembly duties. Maybe we can organize for madam Mulee to with the others who we approved, because as you are aware, even the others who we approved, most of the members don't know them. So we can make arrangements so that they can come to the House and we do some socializing with them. Thank you

Hon. Speaker: Thank you very much. Any other contribution? Yes.

Hon. Kitheka: Thank you Mr. Speaker. Today I say congratulations to the Governor for considering gender and regional balance. I stand here to support the kind of a person the Governor has pushed into this House. The credentials which have been read by our Majority Leader meet the ceiling of our expectations. The Constitution stipulates clearly we need somebody who is a certified public accountant of Kenya and I have heard she has the right qualifications. So, Mr. Speaker, without much business of talking about her when we cannot see her, I think it is good enough now, we pass the motion and we continue with other business. Thank you.

Hon. Speaker: Thank you very much. We take the point from there and I think there is no voice in opposition, those in support of the motion that we approve the Secretary.

(Question put and agreed to)

Then the approval of the Secretary is done.

ADJOURNMENT

Hon. Speaker: Any other matter? Hon. Members I think that is the business of the day have a good evening. Thank you.

The House rose at 4.40 p. m.