

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Wednesday, 22<sup>nd</sup> June, 2016**

The House met at 2.36 p.m.

*[The Speaker (Hon. Bernard Mung'ata) in the Chair]***PRAYERS****Hon. Speaker:** Good afternoon, Hon. Members. Let us proceed, clerk.**COMMUNICATIONS FROM THE CHAIR  
DISCHARGE OF MEMBERS FROM COMMITTEES**

**Hon. Speaker:** Hon. Members, there is a communication dated today from the leadership on discharge of members from committees. Hon. Members, I wish to communicate that I am in receipt of several letters from the Hon. Majority Party Whip with on the aforementioned matter. In the letters dated 8<sup>th</sup> June, 2016, the Hon. Timothy Kilonzo did communicate to the office of the Speaker of Majority Party's decision to discharge the following members from their respective committees:-

- a) Hon. Felix Mutunga Ngui from the committee on Transport and Public Works.
- b) Hon. Peter Nzioki from the committees of Budget and Appropriations and that of Finance and Revenue Collection.

Hon. Members, this is pursuant to Standing Order 156 on discharge of a member from a committee.

**APPOINTMENT OF A MEMBER**

Further, on appointment of a member, in another letter dated 22<sup>nd</sup> June, 2016, the Hon. Majority Party Whip did communicate yet another Majority Party's resolution to appoint Hon. Charles Mutisya to the position of Deputy Majority Leader replacing Hon. Wilson Kasimu who has been discharged from that position. This is pursuant to Standing Order 15 on the matter of Leader of the Majority Party which applies in this matter. I therefore wish the new Deputy Majority Leader success as he embarks on his new role and urge him to execute his duties with due diligence.

**STATEMENT  
FIRST BATCH OF BURSARY CHEQUES**

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**Hon. Manyolo:** Mr. Speaker, Sir, I wish to issue a statement concerning the bursaries. The first batch of Kshs. 2 million was issued and is ready. Hon. Members to collect cheques of the beneficiaries of their wards at the department of education, youth and social services before Friday. Hon. Members should prepare another schedule of beneficiaries for the other batch of Kshs. 2 million before next week Tuesday, 28<sup>th</sup> June, 2016. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Proceed

### MOTION

#### AD-HOC COMMITTEE REPORT ON CONDUCT OF CPSB SECRETARY

**Hon. Ngunzi:** The report of the *ad-hoc* committee, Mr. Speaker, is to be tabled today and I wish to table the report. The report that I am about to table is quite a lengthy one and may take some time and I want members to prepare and to stick with me all through. Mr. Speaker, the report is on the alleged breach of conduct by the secretary to the County Public Service Board. The report is to be submitted today and I wish to start by looking at the abbreviations and there are so many other things you can look at in the report.

Mr. Speaker, Sir, on 8<sup>th</sup> April, 2015, the member for Kithimani ward, Hon. Sammy Nduva moved a motion in this House to censor the Secretary to the County Public Service Board. Members contributed to the debate and supported and approved the motion. Mr. Speaker, the *ad-hoc* Committee was constituted on 8<sup>th</sup> April, 2015 as per Standing Order 1 as directed by the Chair, to investigate, inquire into and report on the motion for removal of Rosemary Mulee from office of Secretary of the County Public Service Board.

Mr. Speaker, the committee's activities were disrupted for more than six months by a court order to the County Assembly through a court case filed by the secretary to the County Public Service Board on the credibility of the enquiry. The court case was concluded positively to the Assembly.

Mr. Speaker, the committee, as constituted by this Hon. House consists of the following members:-

- |                                 |                  |
|---------------------------------|------------------|
| 1. Hon. Edrick Ngunzi           | - Chairperson    |
| 2. Hon. Isaac Muinde            | - V/ Chairperson |
| 3. Hon. Nathaniel Nganga        | - Member         |
| 4. Hon. Philip Ndolo            | ”                |
| 5. Hon. Timothy Kilonzo         | ”                |
| 6. Hon. Sammy Nduva             | ”                |
| 7. Hon. (Ms.) Margaret Ndalana  | ”                |
| 8. Hon. (Ms.) Catherine Nguluku | ”                |
| 9. Hon. (Ms.) Christine Mutune  | ”                |

#### Mandate of the Committee

Mr. Speaker, Sir, the mandate of the committee was to investigate the allegations on breach of conduct leveled against Rosemary Mulee, the secretary to the Board and report its findings and recommendations to this Hon. Assembly.

### **Allegations**

Mr. Speaker, the allegations leveled against the County Secretary are laid down as follows:-

#### ***Ground 1: Gross violation of the provisions of the Constitution***

THAT on various dates during employment, the secretary committed the following acts which are in gross violation of the specified provisions of the Constitution of Kenya:

*[Hon. Speaker left the Chair]*

*[Hon. Deputy Speaker took the Chair]*

- (i) Conducted herself in a manner that undermines the position of the secretary, Machakos CPSB as contemplated under Article 179 (4) (5) and (6) of the Constitution.
- (ii) The Secretary committed acts which exhibited bias in the appointment of officers of the Machakos County Public Service Board and influenced the appointment of members of her family to the Machakos County Public Service contrary to Chapter 6, specifically Article 73 (2) (b) of the Constitution.
- (iii) The Secretary solicited for and was given bribes by members of the public with a promise to give them jobs in the Machakos County Public Service contrary to Article 73 of the Constitution.
- (iv) The Secretary failed to adhere to the values and principles of public service contrary to Article 232 of the Constitution.

#### ***Ground 2: Gross violation of the provisions of various Acts of Parliament***

##### ***1. County Government Act***

THAT on various dates the Secretary committed the following acts which are in gross violation to the specified provisions of the County Governments Act No. 17 of 2012 among other provisions:

- (i) Failed to provide adequate secretarial services to the Board to enable it perform its functions under Sections 59 of the County Governments Act.

- (ii) Usurped the powers of the Board to appoint persons to the County public service under Section 59 (1) (b) of the County Government Act by single handedly issuing appointment letters to numerous officers of the County government without the authority of the Board. These officers include over 170 officers in the departments of Water, Transport and Public Works, Health and Emergency Services and Public Service, Labour and ICT. In particular:-
  - a) Issued appointment letters to 12 Economic Stimulus Program (ESP) nurses without the authority of the Board.
  - b) Appointed 18 officers (including plant operators, drivers, personal secretary, procurement officer and accounts assistant) to the department of water without the authority of the Board.
- (iii) Unlawfully and un-procedurally promoted and demoted officers in the Machakos County Public Service including: -
  - a) Promoting Ms. Dinah Mwikali Nyamai from an administrative Officer (Job Group “J”) to Assistant Director, HRM (Job Group “P”).
  - b) Promoting drivers attached to the Board members from Driver 1 (Job Group “H”) to Principal Driver (Job Group “J”).
- (iv) Varying the designation and remuneration of serving employees without authority of the Board.
- (v) Arbitrarily disciplining and sacking officers of the County government. In particular terminated the employment of over 40 employees by making telephone calls to them.
- (vi) Employing persons with no academic qualifications or experience for specific jobs e.g. appointing Catherine Mukonyo who is a holder of an ECDE certificate to the position of a Human Resource Manager.
- (vii) Single handedly employed staff of the County Government to levels beyond the authorized staffing levels thus causing the ballooning of the wage bill.
- (viii) Acting *ultra vires* by purporting to have the power under Section 72 to deploy officers in the County Public Service.

## 2. *Public Officers Ethics Act*

THAT on various dates, the Secretary committed the following acts which are in gross violation of the specified provisions of the Public Officers Ethics Act No. 4 of 2003 among other provisions:

- (i) Influenced or attempted to influence the employment of family members and other relatives into the County public service contrary to Section 17. These include: -
  - a) Francis Musyoki Mulee who is a brother.
  - b) Benson Sila Mulee who is a brother.
  - c) Mary Muthoni Mulee who is a sister.
  - d) Kwame Nkrumah who is son.
  
- (ii) On various instances, the Secretary conducted herself in a manner that does not maintain public confidence in the integrity of the Chief Officer, County Public Service Board contrary to Section 9. This was by insulting fellow members of the Board and failing to answer correspondence.

### *3. Leadership and Integrity Act No. 19 of 2012*

THAT on various dates, the Secretary committed the following acts which are in gross violation of the specified provisions of the Leadership and Integrity Act No. 19 of 2012 among other provisions:-

- (i) Failed to carry out duties of a Secretary, CPSB in a manner that maintains public confidence in the integrity of the office, contrary to section 10 of the Act.
  
- (ii) Engaged in activities that amount to abuse of office contrary to section 13 (1b) including:-
  - a) Going against decisions of the Board by giving appointment letters to persons who are not recruited by the Board while invoking its name for instance: -
    1. Appointment letter of an accountant to Kioko Geoffrey Mulwa.
    2. Appointment letter of an internal auditor to Kioko Kelvin Mutuku.
    3. Appointment letter of a sub-county administrator to Onesmus Ituo.
    4. Appointment letter of a sub-county administrator to Elizabeth Kasungwa Muange when she had been shortlisted as a deputy sub-county administrator.
    5. Appointment letter of a deputy sub County administrator to Manthi Patrick Wambua.
  
- (iii) Misuse of public resources contrary to section 13 (1e) including purporting that on 12<sup>th</sup> January, 2015, the car allocated to her was fueled for Kshs 12,173 at one go when it is a matter of notoriety that the official car assigned to her does not have the capacity to take in that amount of fuel.

Engaged in wrongful conduct in furtherance of personal benefit contrary to section 13 (1) (e).

4. *Public Finance Management Act*

- (i) The CPSB Secretary carelessly, recklessly, un-procedurally and wrongfully terminated a Kshs 13,384,829.22 contract between the County Government and Timax Building and General Contractors Ltd for the construction of CPSB offices. This resulted in the contractors suing the County Government thus exposing the government to liability running to millions of shillings in damages, court fees, advocates fees and staff time for County legal and other officers, contrary to section 162 of the Act.
- (ii) The Secretary, CPSB misused government resources entrusted to her by fueling the official car beyond the authorized limits contrary to section 162 of the Act.

5. *Anti-Corruption and Economic Crimes Act*

- (i) That the Secretary used her office to benefit herself by employing family members contrary to Section 46 of the Act.
- (ii) That the Secretary solicited and received bribes from prospective employees with a promise of securing employment for them in the Machakos County Public Service contrary to Section 39 of the Act. Specifically, she solicited for Kshs. 100,000 from one David Kitavi Musau and received Kshs. 50,000 from him with a promise that she would assist him to be reinstated as an employee of the County public service.

***Gross misconduct including abuse of office***

*Particulars of Gross Misconduct*

- (i) THAT on 9<sup>th</sup> January, 2015 the Secretary conducted herself in a manner unbecoming of a public officer by using insulting words to fellow Board members in public.
- (ii) THAT on various dates CPSB Secretary disregarded her duties delegated by the Board.
- (iii) THAT the Secretary shared confidential information of the Board with persons who are not members of the Board.
- (iv) The Secretary withheld information which is vital to the Board thereby causing unnecessary crisis. For instance the letter on drillers received on 25<sup>th</sup> August, 2014 and tabled on 27<sup>th</sup> November, 2014.

- (v) The Secretary on various occasions committed acts of insubordination to fellow members of the Board.

*Particulars of Abuse of Office*

- (i) On various dates, the Secretary used her office as the Chief Officer of the Machakos County Public Service Board to favour members of her family, friends, relatives and those of the Board members by singly employing them to the Machakos County Public Service.
- (ii) Causing to be maintained in the payroll persons who the Secretary knew do not work for the county government of Machakos and who are effectively 'ghost workers' including but not limited to:-
- a) Kwame Nkrumah who is a regular full time university student (serial number 703 in the payroll).
  - b) Charles Mwangi Kagwanja.
  - c) Stephen Irungu Kamau (serial number 857 in the payroll).
  - d) 18 tractor drivers.
- (iii) Causing a select number of officers to be overpaid.
- (iv) The Secretary usurped the powers of the County Secretary by unilaterally effecting inter-departmental transfers.
- (v) The Secretary usurped the powers of the various chief officers by unilaterally effecting intra-departmental transfers.
- (vi) From November, 2014 to February, 2015 the Secretary had fueled her official car to the tune of Kshs. 158,000 against an approved limit of Kshs. 80,000.
- (vii) Purporting to have fueled her official car to the tune of Kshs 12,173 at once on 12<sup>th</sup> January, 2015 when the said car does not have that capacity.

*Incompetence*

THAT the Secretary exhibited incompetence in her work in the following manner: -

- (i) Failed to steer the organization to perform its functions by failing to provide leadership in the Board's secretariat.
- (ii) As the head of the Board secretariat, failed to help the Board develop a strategic plan or to draw up annual work plans.
- (iii) Failed to develop budget proposals for the Board.
- (iv) Failed to respond to various correspondences from various quarters.
- (v) Failed to compile the annual reports of the CPSB.
- (vi) Failed to gazette the annual reports of the CPSB.
- (vii) Failed to organize regular Board meetings.

(viii) Exhibited lack of management, public relations, communication and public secretary skills among other skills expected of a Secretary of a board.

The facts herein are supported by several documents and other materials which can be obtained from the Assembly.

- a) Gross violation of the provisions of the Constitution.
- b) Gross violation of the provisions of various Acts of Parliament including the County Government Act No. 17 of the 2012, Public Officers Ethics Act and Leadership and Integrity Act No. 19 of 2012.
- c) Gross misconduct including abuse of office.
- d) Incompetence

Mr. Speaker Sir, the committee is guided by the County Government Act 58 (5) that states that 'the members of the Board may only be removed from office (a) on grounds set out for the removal of members of a constitutional commission under Article 251(1) of the constitution and; (b) by a vote of not less than 75 per cent of all the Members of the County Assembly.'

Mr. Speaker Sir, Article 251(1) of the Constitution of Kenya states that a member of a commission (other than an *ex-officio* member), or the holder of an independent office may be removed from office only for:-

- a) Serious violation of this Constitution or any other law, including a contravention of chapter six;
- b) Gross misconduct, whether in the performance of the members or office holder's functions or otherwise;
- c) Physical or mental incapacity to perform the functions of the office
- d) Incompetence; and
- e) Bankruptcy.

Mr. Speaker, Article 73 (1) of the Constitution of Kenya states that the authority assigned to a state officer:-

- (a) Is a public trust to be exercised in a manner that-
  - (i) Is consistent with the purpose and objects of the Constitution.
  - (ii) Demonstrates respect for the people.
  - (iii) Brings honour to the nation and dignity to the office.
  - (iv) Promotes public confidence in the integrity of the office.

And 73 (2) states that the guiding principles of leadership and integrity include:-

- (b) objectivity and impartiality in decision making and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;
- (c) (i) honesty in execution of public duties; and (ii) the declaration of any personal interests that may conflict with public duties;



- (d) accountability to the public for decisions and actions; and
- (e) discipline and commitment in service to the people.

Mr. Speaker, the *ad-hoc* committee preliminary task involved validating the evidence provided by the mover of the motion, to investigate the County Public Service Board Secretary. Members considered it important to establish the existence of the evidence and witnesses mentioned on various grounds by inviting them to the committee, and requested them to produce various documents that included, the national identity card, documents of previous employment, appointment letters, academic documents, pay slips for previous three months, and other documents relevant to their employment, like a driving license and work tickets where applicable.

Mr. Speaker, Sir, the committee once satisfied with the initial investigations moved on to interrogate the County Public Service Board members, including the Vice chairperson who is currently the acting chairperson of the board. The committee further called in the Chief Officer, County department of Decentralized Units and Urban Areas and the County Payroll Manager for cross-examination. All the witnesses were on oath and were equally interrogated by the County Public Service Board Secretary who, though advised by the committee, initially had no legal representative.

Mr. Speaker, it would be important at this point to mention that the Secretary to the County Public Service Board was advised by the committee to have a legal representative but overlooked the advice until in the last phase of the investigations when she called in a legal representative. However the committee maintained its focus towards the assignment as directed by this Hon. Assembly.

### **Enquiries**

Mr. Speaker, the committee held a total of 26 meetings spanning from 20<sup>th</sup> April, 2015 to 29<sup>th</sup> April, 2016. The meetings involved preliminary stages to deliberate on election of the chairperson, terms of reference, allegations and the committee program, followed by placement of announcement on the media channels for two days requesting the public for memoranda against the CPSB Secretary. Thereafter, the committee retreated to the Garden Hotel Machakos, the Gelian Hotel Machakos and later the committee retreated to Machakos Youth Centre for the defense hearing by the Secretary to the Board. The committee later retreated to compile its report at Sai Rock Hotel, Mombasa.

### **Relevant Laws**

Mr. Speaker, Sir, in undertaking its mandate, the committee relied on the following laws among others;

1. The Constitution of Kenya.
2. The County Governments Act.
3. Parliamentary Powers and Privileges Act.

4. The Evidence Act.
5. The Anti-Corruption and Economic Crimes Act.
6. Public Officers Ethics Act.
7. Leadership and Integrity Act.

Mr. Speaker, Sir, the procedure of the committee was guided by the County Assembly Standing Orders.

### **The Inquiry into the Conduct of the County Public Service Board Secretary**

Article 75 (2) (a) of the Constitution on Leadership and Integrity provides that ‘where a person contravenes Article 76 of the Constitution he or she shall be subject to the applicable disciplinary procedure for the relevant office.’ Further, Article 125 of the Constitution gives powers to Committees of the House to summon any person to appear before them for purposes of giving evidence or providing information.

### **Code of Conduct Applicable to Public Officers**

Mr. Speaker, Sir, section 37 of the Leadership and Integrity Act obligates every public entity to prescribe to a specific Leadership and Integrity Code for the state officers in that public entity. The Code prescribed is to include all the requirements in the general Leadership and Integrity Code established under the Act and may provide for the manner in which any requirements of the specific or general Code may be satisfied.

Mr. Speaker, section 38 adds that until such a code as is contemplated under section 37 is prescribed, the general code under the Act is to apply. Currently, no specific leadership and integrity code has been prescribed for Members of County Public Service Board and therefore the general code prescribed under the Act applies in matters of inquiry into the conduct of and/or discipline of officers.

The code obligates public officers to:-

- a) Respect and abide by the Constitution and the law;
- b) Exercise the responsibility and authority conferred upon him/her in the best interest of Kenyans;
- c) Take personal responsibility for the reasonably foreseeable consequences of any actions or omissions arising from the discharge of the duties of the office he or she holds;
- d) Carry out the duties of the office efficiently and honestly; in a transparent and accountable manner; keep accurate records and documents relating to the functions of the office; and report truthfully on all matters of the organization which they represent;
- e) Observe professionalism;
- f) Not use the office to unlawfully or wrongfully enrich himself or herself or any other person or accept a personal loan or benefit which may compromise the State officer in carrying out his or her duties;
- g) Observe and maintain the following ethical and moral requirements:-

- (i) Demonstrate honesty in the conduct of public affairs subject to the Public Officer Ethics Act (No. 4 of 2003);
- (ii) Not to engage in activities that amount to abuse of office;
- (iii) Accurately and honestly represent information to the public;
- (iv) Not engage in wrongful conduct in furtherance of personal benefit;
- (v) Not misuse public resources;
- (vi) Not discriminate against any person, except as expressly provided for under the law;
- (vii) Not falsify any records;
- h) Not receive a gift which is given with the intention of compromising the integrity, objectivity or impartiality of the State officer and, other than in the circumstances prescribed under the Act, treat all gifts to the officer as gifts to the State;
- i) Not use the office to wrongfully or unlawfully influence the acquisition of property;
- j) Use the best efforts to avoid being in a situation where personal interests conflict or appear to conflict with the State officer's or public officer's official duties;
- k) Not solicit for contributions from the public for a public purpose or participate in a public collection of funds in a way that reflects adversely on that State officer's integrity, impartiality or interferes with the performance of the official duties;
- l) Take all reasonable steps to ensure that public property in the officer's custody, possession or control is taken care of and is in good repair and condition and refrain from using public property, funds or services that are acquired in the course of or as a result of the official duties, for activities that are not related to the official work of the State officer.
- m) not directly or indirectly use or allow any person under the officer's authority to use any information obtained through or in connection with the office, which is not available in the public domain, for the furthering of any private interest, whether financial or otherwise;
- n) carry out the duties of the office with impartiality and objectivity in accordance with Articles 10, 27, 73 (2) (b) and 232 of the Constitution and not practice favoritism, nepotism, tribalism, cronyism, religious bias or engage in corrupt or unethical practices;
- o) Where required, give honest, accurate and impartial advice without fear or favour;
- p) Not knowingly give false or misleading information to any person;
- q) Not falsify any records or misrepresent information to the public;
- r) Conduct private affairs in a manner that maintains public confidence in the integrity of the office.

### **Proceedings**

Mr. Speaker, Sir, the committee heard testimony from 21 witnesses including members of the Board and County Government officers from various departments. Mr. Speaker, the Secretary to the Board was given opportunity to cross examine all witnesses. During the

proceedings, the Secretary was represented by Kasyoka and Associates who came on record in the final stages of the enquiry.

Mr. Speaker, the Secretary to the Board in her reply to the allegations leveled against her, gave a sworn statement and did not call any witnesses but gave a written defense through her legal representative. Mr. Speaker, Sir, the evidence from the preliminary investigations gave the committee a leeway to proceed with investigations on the motion to censure the Secretary to the County Public Service Board.

Mr. Speaker, Sir, the committee invited and interrogated the following persons to establish facts on the motion to censure the Secretary to the County Public Service Board.

1. Mr. Benson Sila
  2. Ms. Regina Kioko
  3. Ms. Catherine Mukonyo
  4. Mr. Vincent Ngao
  5. Dr. Joseph Kyambi
  6. Ms. Florence Mwikali
  7. Mr. Stephen Irungu
  8. Mr. Benedict Mbaluka
  9. Mr. Musyoki Mulee
  10. Ms. Mary Muthoni
  11. Mr. Johnstone Nzomo
  12. Mr. Kwame Nkrumah
  13. Ms. Catherine Nduku
  14. Ms. Dorothy Mwanzia
  15. Ms. Scholasticah Mboi
  16. Mr. Philip Nzioka
  17. Mr. Fredrick Kasoa
  18. Mr. Andrew Metho
  19. Mr. Mathew Muteti
  20. Ms. Pauline Mbondo
  21. Ms. Dinah Mwikali
  22. Mr. David Kitavi
- Member of CPSB - Vice Chairperson  
Member - CPSB  
Member - CPSB  
Member - CPSB  
Member - CPSB  
County Payroll Manager  
Chief Officer, Decentralized Units  
Deputy Director, Payroll  
Former Director, Department Of Water

Mr. Speaker, Sir, after cross examining the above witnesses, the committee found the evidence from Dr. Kyambi Joseph, Mr. Vincent Ngao and Ms. Catherine Nduku was not useful in the investigation of the allegations leveled against the Secretary to the County Public Service Board.

**Members of the County Assembly and Executive Mentioned With Relatives Recruited By the Secretary, CPSB**

Mr. Speaker, Sir, the Vice chairperson of the County Public Service Board who is currently the acting chairperson, gave implicating documents with names of staff recruited by the Secretary, County Public Service Board on behalf of members of the County Public Service Board, the Executive and the County Assembly.

### **Persons Who Failed to Honor Committee Summons**

Mr. Speaker, the following persons did not respond to the summons of the committee:-

1. The Chief Officer, Decentralized Units and Urban areas, Ms. Pauline Mbono. The committee believed she had substantial information to support the investigations. She appeared before the committee and failed to produce requested documents and later appeared late after the committee had left thereby forcing the committee to resolve to drop her as a witness on account of the restricted period for the committee and the costs involved.
2. Stephen Irungu Kamau - after sending letters inviting him to appear before the committee through the department of roads, and copied to the Chief Officer, the committee received a disclaimer from the Chief Officer, attached herein, that he was not an employee in the department. Stephen Irungu Kamau is in the payroll and continues to earn salary from the County government through an account held at the Co-operative Bank. The committee strongly holds the observation that Stephen Irungu Kamau is a non-existent worker.

### **Request for Memoranda from the Public**

Mr. Speaker, Sir, the committee called for memoranda from the public by placing announcements for two days on the Daily Nation newspaper. However, no memorandum was received from the public or stakeholders.

### **Observations**

Mr. Speaker, Sir, the committee observed that the posting of staff in the payroll required the authentication by the Chief Officer of the Department of Labor and ICT before it was posted.

Mr. Speaker, Sir, on examining the County Public Service Board Members, the committee observed that the Board has no chairperson as stated under section 58 (1) (a) of the County Government Act that states that the County Public Service Board shall comprise a chairperson nominated and appointed by the County Governor with the approval of the County Assembly.

Mr. Speaker, Sir, the committee observed that the Board Members were full time employees who on average, meet three times a week and as frequent as every day. The law, as stated under section 58 (4) (a) of the County Governments Act, states that ‘the Board may serve on part-time basis.’

Mr. Speaker, the committee observed that there was a scheme among the members of the County Public Service Board to headhunt for employees in the initial stage of forming the County government. The Board members conspired to recruit persons of their own as their secretariat staff, which included their relatives, thus contravening the law. The collective conspiracy had staff members of the Board recruited by the County Public Service Board Secretary.

Mr. Speaker, Sir, the committee observed that the Board had conspired to headhunt the first staff to the Board and ended up recruiting their own relatives. There was indeed an agreement among the Board members to bring forth 10 staff each to the County Public Service. The Vice chair claimed that among those she forwarded, five are still casuals which was an indication of differences with the Secretary.

Mr. Speaker, the County government operates two forms of payrolls: the IPPD and the Excel payroll which is a manually operated system that can easily be manipulated. The committee had to believe that the Excel-based payroll was used to accommodate unethical recruitment of employees which resulted to ballooning of the county wage bill.

Mr. Speaker, the schemes of service have not been harmonized like Transition Authority, Collective Bargaining Agreements, the Local Authority and the Public Service Commission. The committee observed that new employees entered the service at different salary scales and the procedures for promotions were not followed.

Mr. Speaker, the committee observed that there were great personal differences among the members of the Board that could create great disorder to harm the County government, contrary to what is expected of the County Public Service Board. The Board that is expected to steer integrity and professionalism revealed before the members of the committee, boundless disagreements, accusations, mistrust and frustrations.

Mr. Speaker, the committee observed that the Board had stayed for too long without a chairperson with whom the Board would have had a better course. Mr. Speaker, the committee observed that the Board delegated their authority to recruit to other departments which was interpreted to mean that the Board avoided its responsibility.

Mr. Speaker, the Secretary admitted before the committee that she used to carry fuel in a Jerri can to refuel her vehicle, which is against petroleum rules. The Secretary should have requested for imprest to spend on refueling the car. The act was unethical by the standards of the senior public officer. The Secretary informed the committee that the reason for carrying extra fuel in the vehicle in a Jerri can was because of the long distance travelled. The excuse given lacked substance and the committee viewed it as a possible fraudulent act.

### **Witness Testimony**

Mr. Speaker, Sir, the committee heard from the following persons who testified and confirmed that they were relatives of Rosemary Mulee, the Secretary to the Board.

1. Kwame Nkrumah - Son
2. Benson Sila - Brother

3. Mary Muthoni - Sister
4. Musyoki Mulee - Brother

Mr. Speaker, Sir, the committee heard from Kwame Nkrumah that he was a regular student of Kenyatta University pursuing a Bachelor's degree in Computer Studies. The witness informed the committee that he had made arrangements with lecturers to attend lectures at the university on an agreed schedule. The committee was satisfied that Kwame is the son of Rosemary Mulee and that he was recruited as driver without being interviewed.

Mr. Speaker, Mr. David Kitavi, a former Director, Department of Water, alleged that the County Secretary borrowed Kshs. 50,000 from him and when pressed by the committee to confirm whether it was a bribe, he insisted that it was not a bribe, but reiterated that the Secretary borrowed the money which she had never repaid.

Mr. Speaker, the Board members complained that the Secretary to the Board had failed to facilitate the board, sabotaged the Board meetings by refusing to sign minutes of the meetings held in her absence, failed to pay their claims and excessive delay of allowances. The Secretary further usurped the powers of the Board by making appointments without the board's authority and issued letters of promotion to serving officers without the board's authority.

Mr. Speaker, Sir, Ms. Dinah Mwikali, who was seconded by the Transition Authority and joined the County government at Job Group "J" as an Administrative Officer with a gross salary of Kshs. 98,000, was promoted to the position of Assistant Director, HRM, Job Group "P" on 3<sup>rd</sup> October, 2014 with a gross salary of Kshs. 133,404 vide a letter signed by the Secretary to the Board. The County Public Service Board members refuted being involved in Ms. Dinah's promotion.

Mr. Speaker, the Board members alleged that the Secretary promoted some of the drivers attached to the Board members from job group "H" to job group "J" without their involvement.

Mr. Speaker, in a letter dated 26<sup>th</sup> February, 2015, the Board members alleged that the Secretary varied employee designations and remunerations for 67 emergency medical technicians without authority of the board.

Mr. Speaker, Catherine Mukonyo gave evidence that she was a holder of ECDE Certificate and had worked as a teacher and managed an ECDE school. Ms. Mukonyo had attended Success Management Institute, Thika and attained a Certificate in Business Management. The position given to Catherine Mukonyo of Human Resource Assistant under Job group 'J' is a professional position.

Mr. Speaker, Sir, Ms. Mary Muthoni on 2<sup>nd</sup> February, 2014 was employed as a driver conflicting the confirmation of appointment letter dated 8<sup>th</sup> October, 2014 that reads, "confirmed as a Human Resource Management Officer".

Mr. Speaker, Sir, the Board members accused the Secretary of insulting and insubordination during Board meetings. Mr. Speaker, the Secretary transferred Mr. Benson

Mulee from the Department of Public Service Board to the directorate of Emergency and Rescue Services.

Mr. Speaker, Sir, it is important at this point to mention that the mandate to recruit members of the county public service is vested in the County Public Service Board on requisition by the government departments and agencies. The function to transfer from one department to the other is vested on the County Secretary.

Mr. Speaker, Sir, the Board alleged that on many instances, the Board resolved to hire a certain number of officers but the Secretary went ahead to recruit more. These are reflected in the cases of recruiting sub-county administrators, internal auditors, revenue officers and accountants.

Mr. Speaker, Sir, the vice chair of the Board produced court documents which alleged that the Secretary to the Board purported to terminate the contract between the County Government and Timax Building and General Contractors Ltd for the construction of the County Public Service Board office block.

Mr. Speaker, the committee in its investigations, summoned one Mr. Stephen Irungu Kamau who according to records, was attached to the department of transport and in the Excel payroll Serial No. 857 earning a total salary of Kshs. 28,000. The committee had summoned the staff through the Chief Officer, Transport and Roads who wrote to the committee to inform that there was no staff by the name Stephen Irungu Kamau in the department. After extensive search in the transport department and evidence given by Mr. Mathew Muteti, the County Payroll Manager, the said employee was not traceable. The said staff receives his salary through a Cooperative Bank Account.

Mr. Speaker, no reports on execution of functions of the Board were forwarded to the County Assembly, published and gazetted as per the County Government Act section 59(1d) and (6) for the financial year 2013/14 and FY 2014/15.

Mr. Speaker, Sir, the facts established herein are supported by several documents, materials and Acts of Parliament including the County Government Act No. 17 of the 2012, Public Officers Ethics Act, and, Leadership and Integrity Act No. 19 of 2012.

Mr. Speaker, Sir, the testimony from the Board members informed the committee that the working environment and relations within the Board was not good. The members, including the Vice Chairperson who is the Acting Chairperson of the Board, expressed to have had several exchanges of words and disagreements on several occasions or as a routine with the Secretary.

Mr. Speaker, members of the Board expressed that on several occasions, they were frustrated on facilitation to undertake the work of the Board and the failure of the Secretary to provide financial reports.

Mr. Speaker, Sir, the committee was informed that the Secretary withheld vital information to the Board thereby causing unnecessary crises. A letter to the attention of the Board dated 23<sup>rd</sup> August, 2014 on drillers for the department of Water and Irrigation was received on 25<sup>th</sup> August, 2014 at the Board offices and tabled before the Board on 27<sup>th</sup> November, 2014.



Mr. Speaker, the committee was informed that after two years in operation, the County Public Service Board had neither an operating Strategic plan, nor Annual Work plans. Mr. Speaker, Florence Mwikali Mwilu, who was employed as a driver, informed the committee that she works at the Department of Water and does office messenger duties. Although she was employed as a driver, had a valid driving license and earns a driver's salary, she had never driven a car besides in one occasion referred to the day that the ambulances were being launched.

Mr. Speaker, the committee observed that before and after recruitment, Ms. Florence Mwikali may have been working or living in Rosemary Mulee's home and used to travel from the secretary's residence at Zimmerman, Nairobi to the offices at Machakos, portraying that there was collusion.

### **The Testimony by the County Secretary**

Mr. Speaker, Sir, in reply to the allegations, the Secretary gave a sworn evidence that she had a Bachelor of Education degree, an MA degree in Gender and Development Studies, a Certified Public Secretary (CPS [K], CPA (Part 5) and is pursuing a law degree from University of London and had worked as a teacher, a quality assurance and standards officer in the Ministry of Education and also worked as a Company Secretary on part time basis.

Mr. Speaker, the Secretary disputed all the allegations leveled against her and informed the committee that she had acted in good faith, within the law, in execution of her duties. The Secretary acknowledged that Kwame Nkrumah was her son who worked for her as a personal driver for one year and admitted that Kwame was a regular student at Kenyatta University.

Mr. Speaker, Sir, the Secretary confessed that her former driver was Stephen Irungu Kimani and had left to another department and she said she does not follow where an employee is transferred. The Secretary denied that she knew Stephen Irungu Kamau whose name was in the payroll. The Secretary to the CPSB denied that she could cause any person's name to be inserted in the payroll. She denied that Charles Mwangi Kagwanja was a ghost worker and acknowledged that he worked for the County government and was dismissed.

Mr. Speaker, the Secretary informed the committee that all the workers were recruited on merit. Mr. Speaker, Sir, the Secretary informed the committee that several departments had requested for delegated recruitment authority and ended up recruiting more than authorized especially in the department of decentralized units.

The Secretary informed the committee that the initial appointment letters did not have a job group unlike confirmation letters that were given with job groups.

Mr. Speaker, Sir, the Secretary informed the Committee that the County Secretary and some Chief Officers recruited employees without authority of the Board and caused them to be in the payroll probably without appointment letters.

Mr. Speaker, Sir, the Secretary informed the committee that the employees of the Board's Secretariat were recruited through head hunting by the Board members as collectively

agreed by the board. There was a policy to disclose interests on the persons forwarded by the Board members.

Mr. Speaker, Sir, the Secretary of the Board informed the committee that she was a member of the Board according to section 58 (1)(c) the County Government Act, 2012, which states that “the County Public Service Board shall comprise a Certified Public Secretary of good professional standing, nominated and appointed by the Governor, with the approval of the County Assembly, who shall be the Secretary to the Board.”

Mr. Speaker, Sir, the Secretary informed the committee that the Board overlooked and failed to follow her advice. Mr. Speaker, on the disciplinary letter dated 26<sup>th</sup> February, 2015 signed by all the Board members and addressed to the Secretary, she disproved the allegations as lies and that the Board depicted her as inferior to the other members yet section 58 (1) (c) of the County Government Act has the Secretary reflected in the composition of the County Public Service Board. She informed the committee that the letter was written in bad faith and clearly shows that the Board could not discipline the Secretary.

Mr. Speaker, Sir, the Secretary to the Board informed the committee that she communicated the termination of the contract between the County Government and the Timax Building and General Contractors out of a decision and instruction from the department of Public Works. The Secretary said that the reason for terminating the contract was that the contractor was in breach of the contract.

Mr. Speaker, the Secretary informed the committee that she had signed all minutes of meetings she attended and not those that were held in her absence.

Mr. Speaker, the Secretary denied receiving a bribe or borrowing money from one Mr. Kitavi Musau. The Secretary denied promoting Dinah Mwikali and denied having the authority to do so and informed the committee that Dinah was promoted to the position of Job Group “P” by the County Secretary. Mr. Speaker, the committee observed that Ms. Dinah Mwikali was the possible channel used to insert employees in the payroll who had no appointment letters and that may be why she was rewarded in kind, with a promotion.

### **Evidence on Allegations**

Mr. Speaker, Sir, the committee considered all the evidence and documents presented by the witnesses, a sworn statement by the Secretary in reply to the allegations and submissions by the legal counsel representing the Secretary and made the following deductions:-

#### ***(i) Gross violation of the provisions of the Constitution:***

Mr. Speaker, Sir, Chapter 6 of the Constitution requires high integrity by a public officer. Article 73 (2) (b) of the Constitution gives one of the principles of leadership and integrity to include objectivity, impartiality in decision making and ensuring that decisions are not influenced by nepotism favoritism, or other improper motives or corrupt practices.

Mr. Speaker, the committee is convinced that the Secretary favored her relatives, friends and colleagues in appointments to the public service contrary to Article 73 (2) of the Constitution and section 17 of the Public Officers Ethics Act.

Mr. Speaker, Sir, on whether the Secretary received a bribe from Mr. Kitavi Musau, the committee did not find credibility on the allegation that there was a bribe given to the Secretary since Mr. Kitavi, a witness, opposed that he gave any bribe.

Mr. Speaker, Sir, Article 232 of the Constitution sets out the values and principles of employees of the public service. The Secretary of the CPSB on un-procedurally hiring the secretariat for the County Public Service Board without exercising fair competition and merit violated Article 232 (1) (g) of the Constitution.

Mr. Speaker, Sir, from evidence gathered, the committee is convinced that the Secretary issued appointment letters without authority of the board. Though the Secretary explained that it was an activity within her office, the committee considered it a weighty matter that should have been decided by the board. The committee considered the allegation that the Secretary usurped the powers of the Board to be true.

Mr. Speaker, on the allegation that the Secretary arbitrarily disciplined and sacked officers, the committee did not receive any adequate evidence to prove the allegation.

Mr. Speaker, although it is the Board that employs, the Secretary is held responsible on the activities of the Board and the committee finds credible evidence that Catherine Mukonyo was employed as a human resources officer when she had lesser academic qualifications for the position.

Mr. Speaker, section 72 (2) of the County Governments Act states that 'the power to deploy a County public officer from one department to another shall be vested in the head of the County public service.' The Secretary contravened this provision by deploying officers to various departments.

Mr. Speaker, Sir, on the allegation of issuing letters to persons who were not recruited by the Board the committee did not receive substantial information on the matter.

Mr. Speaker, Sir, while the Secretary's expenditure is admissible to be higher than that of the Board members, the act of carrying fuel in Jerricans by the Secretary raised suspicions on prudent use of the county resources entrusted to the Secretary.

Mr. Speaker, the matter on termination of the Timax Building and General Contractors' contract is before a court of law and as such, the committee deemed it fit to restrain from making any statements regarding the contract.

Mr. Speaker, under section 46 of Anti-Corruption and Economic Crimes Act, a person who use his office to improperly confer a benefit on them self or anyone else is guilty of an offence. Further, by employing her son, relatives and persons related to Board members, the Committee has to believe the Secretary violated section 6 of the Anti-Corruption and Economic Crimes Act.

***(ii) Gross Violation of the Provisions of Various Acts of Parliament***

Mr. Speaker, Sir, the evidence of the Board members, in a meeting held on 9<sup>th</sup> January, 2015 and confirmation by the Secretary of the meeting, the Secretary had a disagreement with the members of the board. Mr. Speaker, the office of the Secretary who is the Chief Officer of the Board has great responsibility in creating a working environment. While there was no major issue to refer, the poor relationship with Board members weighed down the institution. Lack of Board members' confidence in the Secretary has a negative effect on the operations of the Board.

Mr. Speaker, during the enquiries the committee experienced the Secretary's emotion, arrogance and non-cooperative nature to have grossly mis-conducted herself in office. On abuse of office, the committee has analyzed evidence to show that the Secretary abused her administrative responsibility.

### ***Incompetence***

Mr. Speaker, Sir, the committee observed that the Secretary had no previous experience in managing human resources. The Secretary's claim on experience in human resource management is based on her CPS (K) qualifications. Mr. Speaker, the secretariat of the Board is not proactive; since inception of the Board in the year 2013, the Board has neither a strategic plan nor work plan for the County or financial reports. The CPSB has never forwarded reports to the County Assembly or published any as required by law meaning that the Secretary is not running the secretariat professionally. The Secretary lacked the ability to unite the Board and achieve the Board's objectives.

*[Hon. Deputy Speaker left the Chair]*

*[Hon. Speaker resumed the Chair]*

Mr. Speaker, this Assembly has the mandate to remove the Secretary from office under section 58 (5) of the County Government Act. Further, a member of the Board may be removed from office on grounds set up under article 251 (1) of the Constitution. Mr. Speaker, the County Government Act section 58 (5) (b) states that the removal of the Secretary to the County Public Service Board from office requires a vote of not less than 75 per cent of all the members of this Hon. Assembly.

### **Recommendations**

The Board has taken a lengthy period without a chairperson to steer the Board forward and the committee recommends that a chairperson be appointed and vetted to run the CPSB.

Mr. Speaker the committee recommends a capacity building exercise be undertaken for the Board members, the County Executive Committee members, Chief Officers and the human resource officers on awareness on human resource management.

The committee recommends that the Excel payroll be integrated with IPPD to one payroll.

A Human Resources Policy be developed to guide the institution on management of the County public servants.

Mr. Speaker, the forwarding of quarterly reports to the County Assembly is a requirement under the County Government Act section 59 (1) (d) and (3) and the CPSB should adhere to legal requirements.

Mr. Speaker, Sir, due to the ballooned wage bill, the committee recommends that any demands for new appointments be done by internally sourcing from within the existing work force and forwarded to the requisitioning department. The County should stop recruitment and start sourcing from within.

The committee recommends for rationalization of human resource of the County meaning that those recruited without relevant qualification in current positions like Catherine Mukonyo, Mary Mulee, Benson Sila and others be redeployed to positions matching their qualifications.

Mr. Speaker, the committee recommends that Kwame Nkrumah and Stephen Irungu Kamau are ghost workers and be weeded from the payroll, sent home and prosecuted.

Mr. Speaker, employees without appointment letters mostly in the Excel payroll include most of the ghost workers who should be terminated. Those officers who employed or caused to be employed, the employees in the Excel payroll without authority from the County Public Service Board should have their employment contracts with the County Government investigated, terminated and prosecuted.

Mr. Speaker, Sir, the committee recommends that His Excellency the Governor should move fast to safeguard the institution (the CPSB) which is currently under threat of collapsing without both a Chairman and a professional Secretary. Section 64 (1) of the County Governments Act states that ‘a person shall not be appointed to hold a public office in an acting capacity unless the person satisfies all the prescribed qualifications for holding that office.’

Mr. Speaker, Sir, the County Government set aside Kshs. 100million for retrenchment and redundancy and the Board should use the same to trim the county wage bill to affordable size.

Mr. Speaker, the CPSB should liaise with national Public Service Commission for improvement on service delivery. In the future, after expiry of the current term, the County Public Service Board members should be engaged on part time and need basis as stated under section 58 (4) of the County Governments Act, and not as full time employees who frustrate the smooth running of the secretariat.

Mr. Speaker, Sir, the committee recommends that each department of the County Government should prepare and forward quarterly returns to the County Public Service Board on performance and appraisal of employees.

Mr. Speaker, the committee finds that the grounds for the removal from office of the secretary, CPSB have been established and recommends that she be removed from office as stated under section 58 (5) of the County Governments Act and article 251 (1) of the

Constitution of Kenya, that requires a vote of not less than 75 per cent of all the members of the County Assembly.

### **Appreciation**

Mr. Speaker, Sir, the committee is grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the committee sittings.

I wish to express my appreciation to the Hon. Members of the *ad hoc* committee who diligently sacrificed their time to participate in the activities of the committee and in preparation of this report. Mr. Speaker Sir, this report was approved by the committee members as drawn below:-

- a) Hon. Edrick Ngunzi
- b) Hon. Sammy Nduva
- c) Hon. Nathaniel Nganga
- d) Hon. (Ms.) Margaret Ndalana
- e) Hon. (Ms.) Christine Mutune
- f) Hon. (Ms.) Catherine Nguluku
- g) Hon. Philip Ndolo
- h) Hon. Isaac Muinde
- i) Hon. Timothy Kilonzo

Mr. Speaker, Sir, it is therefore my pleasant duty and privilege, on behalf of the *ad-hoc* Committee to table this report on the Secretary to the County Public Service Board in this Hon. House for consideration and adoption. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Members, the report has been presented to you by the chairperson. The chair ought to have explained to the House why the matter has taken in excess of a year to conclude and this was an *ad-hoc* assignment. Chairman, I think it was important to have that explanation delivered; it is setting a very poor precedent on *ad-hoc* committees. Maybe you can address the House on that matter.

**Hon. Ngunzi:** Mr. Speaker, I had, through my report, informed members that we were held back by court cases that made us not proceed as required but in the end we managed to finish and deliver the report to the Assembly. Thank you.

**Hon. Speaker:** The report is delivered. I open the floor for contributions. Let me hear Hon. Nzoka here.

**Hon. Nzoka:** Mr. Speaker, Sir, we have gone through the document, it is voluminous, and can we get time? I am seeking for adjournment please because we need to respond to this document. There are some details which I have seen which we need to scrutinize then we act on

them but now you can see how long it has taken going through it; we cannot run it again now, so can we have time? I just request adjournment. Thank you.

**Hon. Speaker:** Hon. Nzoka, I had given members time; this document had been circulated unless you never took a moment to go through it.

**Hon. Nzoka:** Sir, when it was circulated is when we were sitting here.

**Hon. Speaker:** Can someone help me in answering Hon. Nzoka.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I think this House does not need more time to go through this report. In the report that was presented to this House, members were given time and they have been with this report for almost a month, Mr. Speaker. I don't think this House needs any more time to go through it.

**Hon. Speaker:** Thank you.

*(Applause)*

For clarity, this report had been circulated so it was the expectation of this Assembly that members took time to go through the report. The report was not circulated today; it had been circulated almost a month ago. Let us hear Hon. Mueni.

**Hon (Ms.) Mueni:** Mr. Speaker, Sir, I think the people who are trying to tell us we have time are the people who are telling that woman 'we are going to defend you' and in this report there is nothing to be defended. The report has already been tabled and the woman has to go home. So don't keep on trying to tell her that 'I am going to defend you.' Don't eat money from her, let her go home. Thank you.

*(Laughter)*

**Hon. Speaker:** I think I also need time to digest that, but let us hear Hon. Nduva.

**Hon. Nduva:** Mr. Speaker, it is a long way and a long journey to get a conclusion of this report and Mr. Speaker, as a committee, we went through ups and downs to come up with this report and as Members have heard, this is a conclusive report and the committee's mandate was to make findings which are contained in this report and bring to this House for the approval or adoption.

Mr. Speaker, I think there is no much to add because all the contents of what transpired during the interrogation of what are the accusations that were leveled at the Secretary, Mr.

Speaker, I believe it is now the mandate of this Hon. Members to support and make their recommendations as the details of the investigations or the *ad-hoc* committee are contained in this document. Mr. Speaker, I urge the Hon. Members not to ask for more time because it has taken sufficient and enough time for them to go through the report. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Let me hear Hon. Cecilia at the back.

**Hon. (Ms.) Sereka:** Mr. Speaker, all of us have gone through this report apart from Hon. Nzoka and we have really seen where the truth is. Mr. Speaker, our officer, Mulee even had an opportunity to go to the court and the courts ruled against her and I am sure even now if she is taken back to the courts, there will be enough evidence. Mr. Speaker, we do not need more evidence than what this *ad-hoc* committee has come up with.

First I want to congratulate the committee; it has done a very good job, it has really investigated; it has gone up and down. Mr. Speaker, if you read the report and see some of the things that this Officer was doing, it is not even fair to the people of Machakos County and if we agree such people to be misusing their offices like this Mr. Speaker, I think this County will be grounded. Mr. Speaker, Sir, I urge this Hon. House and Hon. Members, please let us be sober. We know maybe she is our relative or our friend; she comes from my ward, but let the truth be said, Mr. Speaker. Thank you.

**Hon. Speaker:** Thank you. Can I hear Hon. Kitheka?

**Hon. Kitheka:** Thank you Mr. Speaker and thanks to the committee that came up with this report. Mr. Speaker, this report is good for implementation but I think Mr. Speaker, this report might bring some controversy simply because of an issue which I am going to highlight on page 12 which gives this Hon. House a very hard task to pass this document. Mr. Speaker, as you can see, the threshold for this motion to pass is not a majority vote. It is a threshold of 75 per cent of all the Members of the County Assembly.

*(Laughter)*

Mr. Speaker, I can see from the mood of the House that we need to pass this report but we are tied by the law to pass the report because in this House right now, we cannot meet the threshold and it would be prudent enough for the mover or the Chairman of the committee, we defer the motion and make sure that we have a clear threshold which we can meet to pass this document. Mr. Speaker, when we pass this document, the person may just rush to court, use our laws and bar us from doing anything.

So, Mr. Speaker, can we see beyond just passing the document and agree to make sure that we do not leave any loophole for the person we are trying to clear from office. Mr. Speaker, I thank the committee but I can see an uphill task for us as an Assembly. Thank you.



**Hon. Speaker:** Hon. Kitheka, voting can be deferred; debate can be concluded and voting can be scheduled for another day. Now with that in mind, what is your response?

**Hon. Kitheka:** I will respond, Mr. Speaker. This is a very good motion which should not go to be thrown away. I wish we defer this motion and the Majority Leader and the Chairman from the *ad-hoc* committee, mobilize the Members, we come into this House and pass the document with 45 members present in this House. The Members who are present in this House are only about 20. I have just counted as I was whipping because I knew very well that we have a good document and it will not pass. Mr. Speaker, let us not just waste this document. Let us defer this document to another day and mobilize the Members to come into this House. Thank you, Mr. Speaker.

**Hon. Speaker:** Let me hear the Hon. Chairman, justice and legal affairs committee.

**Hon. Itumo:** Mr. Speaker, I would like your protection before I proceed on, Mr. Speaker, because I could hear even some people speak about chicken, Mr. Speaker, which is not true. The only truth is that the report is about someone who comes from my ward, Mr. Speaker. There is this saying that says ‘you may see just a speck in your friend’s eye without even seeing a log in your eye.’ Mr. Speaker, basing on that, when the issue of Mulee was first brought to the floor of this House, Mr. Speaker, some of us went on and did feasibility study about the issue pertaining Mulee. Mr. Speaker, I stand here and say that this is what we call pure witch-hunting, Mr. Speaker. Mr. Speaker, among all---

*(Loud consultations)*

Protect me, Mr. Speaker, I carry on. Protect me Mr. Speaker.

**Hon. Speaker:** That member is protected. Proceed, Chairman.

**Hon. Itumo:** Thank you, Mr. Speaker. I knew, Mr. Speaker, all the Members of that particular board, all what we have today emanates from them, Mr. Speaker. The plain truth is that, these other commissioners of this board have employed their sons, daughters and anyone Mr. Speaker---

**Hon. Member:** Point of order.

**Hon. Itumo:** Protect me, Mr. Speaker.

**Hon. Speaker:** Kindly take your seat.

**Hon. Kitheka:** Mr. Speaker, I think the Member is out of order because we are not discussing about the other Board Members who have issues with the court and should not be brought into this House. Mr. Speaker, I also tend to wonder, if he is the Chairman for Legal affairs committee in this House, if he cannot even see the evidence which is in this document, it means that we are blind and if a blind man tells you that I see, know that there is a problem.

*(Laughter)*

He is a blind man.

*(Applause)*

**Hon. Speaker:** I think the point of order is taken. You have lost your right to address the House.

*(Laughter)*

Let us proceed.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I want to start by applauding this *ad-hoc* Committee although their report has taken a lot of time but the Chairman reminded this Hon. House that there was a court case. Mr. Speaker, you have guided this House that this report requires 75 per cent of all the Members of this County Assembly but we can debate and defer the voting.

*(Applause)*

Mr. Speaker, I want to agree with the committee and all the recommendations of this committee Mr. Speaker and before that Mr. Speaker, allow me to remind this Hon. House that when a report is presented to the Hon. House, there are only three options, Mr. Speaker. One of the options is to adopt the report the way it is; the second one is to amend the report and adopt it. The third option, Mr. Speaker, is to throw the report through the window.

The worst thing this House can do with this glaring evidence, the worst thing this Hon. House can do is to throw this report through the window, Mr. Speaker. Members, let us not take that direction. I am urging you that we should not take that direction. There is glaring evidence as the report has been presented by the *ad-hoc* committee. Mr. Speaker, we can amend this report but not now, but on a later date when we are going to agree to vote on it. We can agree and say, a lot of gross misconduct Mr. Speaker, was done and as I had said earlier, this House

cannot afford to lose its immunity because once you lose your immunity, it is like losing virginity, Mr. Speaker, and you cannot regain it.

By throwing this document, we will be throwing away our immunity which is very expensive and cannot be regained, Mr. Speaker. I want to propose that we defer this report and the Whips do their work; they lobby, as some Members had lobbied, Mr. Speaker, and I want to remind you of what Hon. Mueni said: a lot of money has changed hands, Mr. Speaker, and I have no regret of saying that; majority of Members who are against this report have been talked to.

*(Applause)*

Majority of them, their kids have been employed by one Rosemary Mulee, and Mr. Speaker, it is not just a matter of where she comes from, it is where I come from, but we are talking about the gross misconduct by that officer, Mr. Speaker.

**Hon. Speaker:** Let us take the point of order from Hon. Muinde.

**Hon. Muinde:** Mr. Speaker, is it proper for Hon. Joshua Kiilu Mwonga to assert that money has changed and this Hon. House has been bribed when he cannot table evidence against that? It is improper and demeaning to the Honour of this House, Mr. Speaker.

*(Applause)*

**Hon. Speaker:** I agree with that. Hon. Majority Leader, you need to quickly withdraw or name the person---

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I would wish to withdraw but I have said it and that is what is happening, Mr. Speaker, and that is what has happened, Mr. Speaker.

**Hon. Speaker:** Order, Hon. Majority Leader! You need now to withdraw. I would not want to hear anything else.

**Majority Leader (Hon. Mwonga):** I do withdraw, Mr. Speaker.

**Hon. Speaker:** Then proceed.

**Majority Leader (Hon. Mwonga):** Thank you, Mr. Speaker. What I was saying Mr. Speaker, this House cannot afford to wish away or throw this document through the window. Let us be sober and let us not set precedence for the other officers who are in office to know that this is a toothless House which cannot exercise its oversight role, Mr. Speaker. Thank you Sir.

**Hon. Speaker:** Thank you. Yes, let me hear Hon. Mary.

**Hon. (Ms.) Ndinda:** Mr. Speaker, Sir, I first want to appreciate and congratulate the *ad-hoc* Committee and their Chairperson. This is a very healthy and wealthy document and I can say that they have really worked and they have given us a lot of details and I can say this is a document which we should adhere to and follow and at least action should be taken against it. But it is for my request just the way the previous Hon. Member, Kitheka has said, we just adjourn for the voting because the numbers are less, so that we can mobilize more Hon. Members so that we can get numbers. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Let me hear Hon. Matheka.

*(Laughter)*

**Hon. Matheka:** Mr. Speaker, Sir, I seek your protection beforehand because you can hear Members are heckling me.

**Hon. Speaker:** Proceed please.

**Hon. Matheka:** Mr. Speaker, Sir, I will continue wondering and I am happy because I have enough Members who also wonder like me in this House. Mr. Speaker, Sir, I will give a thumbs up to the committee; they have done a good job though they have taken long to do the good job. Mr. Speaker, Sir, they have leveled several allegations against the Secretary and they have given us facts. I totally agree with them; she has done wrong and something has to be done and what has to be done is not only sending her home but we can as well pardon her.

This is two-way traffic, Mr. Speaker, Sir. Why am I saying so, Mr. Speaker, Sir? In the allegations, that is on page 6, interrogation number 2, the Secretary committed acts which exhibited bias in the appointment of officers of the Machakos County Public Service Board and influenced the appointment of Members of a family to the Machakos County Public Service contrary to chapter 6, specifically Article 73 (2) (b) of the Constitution.

Mr. Speaker, Sir, on that note, I would like to refer Members to page 19 and 24. On page 19, Mr. Speaker, Sir, the committee tells us something, that is the third paragraph; Mr. Speaker, Sir, the committee observed the Board had conspired ‘to’ and ‘and.’ So they are contradicting themselves, Mr. Speaker, Sir. They are alleging that the secretary employed Members from her family but they are not telling us the other bit. On page 24, it is the same story, Mr. Speaker, Sir. The committee agreed on something---

**Hon. Speaker:** Let me take---

**Hon. Matheka:** Mr. Speaker, Sir---

**Hon. Speaker:** Order! Let me take the point of information.

**Hon. Nganga:** Mr. Speaker, it will be prudent for the Member to be guided that it is not the committee that filed the allegations; the allegations were filed on the floor of this House in a motion that was appropriately moved by a Member of this House and adopted by the House and passed. The allegations were not drafted by the committee; that is why the committee has taken you through stages.

There is the stage of allegations; there are stages of where we heard the evidence. We listened to the witnesses that had been proposed, those witnesses that we found had no substantial information, we released them and so in the matter where the Member is saying that the committee is contradicting itself, I think the Member should be advised that the committee is properly coherent and maybe if it is on the matter of conspiracy, that is a matter that we are also able to find out but the allegations previously leveled were that the Secretary was doing it alone but we were able to also realize that there was a conspiracy, which is a matter that in the recommendations, a recommendation has been done for further investigations on those others because the committee did not have a mandate that encompassed the investigation of the other commissioners. Thank you, Mr. Speaker.

**Hon. Matheka:** Thank you, Mr. Speaker, Sir. I am rightly informed but my point was this: since the committee gave us that report, I am wondering, why did the committee not give us an annexure of the employees employed by the secretary and employed by the other commissioners to compare whether she only employed her relatives or the other commissioners did the same.

*(Applause)*

Mr. Speaker, Sir, I would like to request when we come for voting, an annexure of that, because that is very important for this House to know exactly who employed who, how many relatives from which commissioner, from the Executive and from where? She was not working single handedly; she was working with the other commissioners and with the Executive and Members of this Assembly, Mr. Speaker, Sir. We need that annexure to make an informed decision.

Mr. Speaker, Sir, moving forward, I would also like to point out some other few issues. Mr. Speaker, this County is not run by a single person to employ people; this County is run by all of us to employ our relatives, our friends and everybody. We should not accuse one person; we should accuse the Board. If only this House can be given a motion to send home the whole Board, it will be a good idea, but victimizing one person Mr. Speaker, Sir, it is not the best

option. The best option to me Mr. Speaker, Sir, is to amend the motion, pardon her then we bring a substantiated motion---

**Hon. Speaker:** Order! Order! Hon. Matheka. If your view is to have the report amended---

**Hon. Matheka:** Yes.

**Hon. Speaker:** You are at liberty to move that motion.

**Hon. Matheka:** Yes, Mr. Speaker, Sir, I know I am at liberty but I am just taking another route.

**Hon. Speaker:** You can even do it now.

**Hon. Matheka:** Mr. Speaker, Sir, if I may do it now, I would request this House, we amend this motion and we pardon the secretary then we bring a substantive motion to send the whole Board home because they all messed; not a single person. They were working as a Board. That is why it is called County Public---

**Hon. Speaker:** Order! Order!

**Hon. Matheka:** Protect me, Mr. Speaker, Sir.

**Hon. Speaker:** Order! Order!

**Hon. Matheka:** Mr. Speaker, Sir, I am saying that, that is why it is working as a County Public Service Board and called a County Public Service Board but not a Secretary to the County Public Service Board. They work as a team and we should question them as a team, not a single person. Consider that, Mr. Speaker, Sir.

**Hon. Speaker:** Let us hear the point of information.

**Hon. Kitheka:** Mr. Speaker, I wish to inform the Hon. Member that there was an advert in one of the dailies which had been put to replace the commissioners and the same Commissioners went to court---

**Hon. Speaker:** Order! Order!

**Hon. Kitheka:** And they were given conservatory orders to stay.

**Hon. Speaker:** Order! Hon. Kitheka

**Hon. Kitheka:** Yes.

**Hon. Speaker:** Hon. Kitheka, that matter is *sub judice*. It is in court

**Hon. Kitheka:** Yes, thank you.

**Hon. Speaker:** Let us hear the Deputy Speaker.

**Hon. Nganga:** Thank you Mr. Speaker, for the opportunity. I want to stand in support of the report and congratulate the Chairperson for having led us through the whole period. Mr. Speaker, we were bedeviled by a host of challenges. I will begin by saying that I am in support of the proposal by Hon. Member for Masinga Central that we continue with the debate of the report but we defer voting from today, Mr. Speaker.

It has come to my attention that a lot of lobbying has been done to have this report fail. Mr. Speaker, spanning 26 sittings, a lot of public money was invested in this exercise. Mr. Speaker, when we were doing the investigations because I was a Member of this committee, we were together with a host of several staff, Mr. Speaker---

**Hon. Speaker:** Order! Hon. Deputy Speaker. Is your argument that since you invested time and money that the report must succeed?

**Hon. Nganga:** Not really Mr. Speaker, but I am saying, based on the issues that have been raised here and the investment of public funds and the fact that, Mr. Speaker, in the recommendations and in the evidence provided, it has been shown that a lot of public funds was lost by this officer while being in charge Mr. Speaker, it is important that we give the due and necessary weight to this report so that every Member of this House participates and expresses themselves over the matters that have been raised, Mr. Speaker.

If I may quote in the recommendations, Mr. Speaker, under the second last paragraph on page 28, the Secretary was able to own up that she knowingly employed her own son, she knowingly employed her own daughters, her own sisters and brothers, Mr. Speaker. While being a brother to somebody in a position of authority is not an opportunity to deny you in participating in employment Mr. Speaker, but the manner in which it was done by the County Public Board Secretary Mr. Speaker, it exceeded the public confidence in the office that she held.

It is my view that in the event we allow this damning report with a lot of straight forward evidence to sink, Mr. Speaker, then this House shall never vindicate itself of allowing impunity to thrive within this County, Mr. Speaker. This is one of the opportunities, Mr.

Speaker, to pass a communication to all the officers of this County Government that even if you participate in a cartel to misuse resources that have been allocated to you Mr. Speaker, to abuse an office that has been given too you to perform public responsibilities Mr. Speaker, then at some point, the long arm of the law will catch up with you.

Of course Mr. Speaker, it came to our attention that the Secretary was not acting in isolation; there was a lot of collusion, there were so many players in this whole game but Mr. Speaker, because she was the Chief Executive Officer, that is why the axe is falling on her, Mr. Speaker.

Every other person who is in an Executive authority Mr. Speaker, whenever they fail to discharge their duties in line with the Constitution, in line with the statutes of this country, then they are bound to suffer the necessary consequences that have been given. Mr. Speaker, I also point out that because of that arbitrary engagement of officers, there is essence of downsizing the wage bill Mr. Speaker, by reducing the county officers that have been employed un-procedurally, unqualified to certain positions.

We were able to come across one of the officers who was employed with an ECD certificate to perform the duties of a human resource Manager, Mr. Speaker. I am saying, if she left a nursery school, Mr. Speaker, to come and run a Human Resource Department within the County Government of Machakos, Mr. Speaker, then this Government will be heading in the wrong direction and that department will not be able to perform.

Mr. Speaker, to bring to your attention, a few days ago, there was an Executive action by the Governor to suspend some of the officers in that department and I want to stoke my fear that, it may be probably those that were engaged through the improper channels, Mr. Speaker. I will also say that there was collusion between the commissioners and the secretary that came to our attention and Mr. Speaker, in due diligence, I think this House should take a further action on that matter so that those issues that are being raised by the Members that come from the area where the secretary comes from, do not feel that their area is being targeted for neglect, Mr. Speaker.

I support the proposal for debate now and the adjournment of the voting so that all the Members of the House will have an opportunity to express themselves, to vote yes, to vote no or to abstain because this is a matter that affects the lives of the people of Machakos. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Let me hear Hon. Alphonse.

**Hon. A. Wambua:** Mr. Speaker, I want to congratulate the committee and the Chairperson for the good job they have done. Mr. Speaker, the time of truth has come. Sometimes I do not talk much but there comes a time when serious matters like this document, I have to talk. Mr. Speaker, I am fully convinced that this Secretary by the name Rose Mulee is not confident to work in public office because the evidence is here. I urge this House, it is the high time for these Members to stamp authority. Thank you very much.



*(Applause)*

**Hon. Speaker:** Let me hear Hon. Anne.

**Hon. (Ms.) Musyoki:** Mr. Speaker, Sir, kindly protect me from Hon. Katela. If you ate the chicken, I never did those things. Thank you. Mr. Speaker, Sir, I congratulate the committee for a job well done. Mr. Speaker, Sir---

**Hon. Speaker:** Let me hear the point of order.

**Hon. Katela:** Mr. Speaker, Sir, I wonder why I am being mentioned in the whole chicken saga and I have not talked, neither have I been mentioned in the report. Mr. Speaker, can you ask the immediate contributor to substantiate what she is saying because I was not even a Member of the *ad hoc* Committee, I have not even spoken and she is waking up with me and I do not chicken.

*(Laughter)*

**Hon. Speaker:** Order! Hon. Members. I think I agree with Hon. Katela; I do not know why you began by demonizing him, I direct that you withdraw and proceed.

**Hon. (Ms.) Musyoki:** I withdraw, Mr. Speaker.

*(Applause)*

But, Mr. Speaker---

**Hon. Speaker:** Order! Let us proceed. Proceed, Hon....

**Hon. (Ms.) Musyoki:** Mr. Speaker, I congratulate the committee for the job well done but Mr. Speaker, Sir, I just want to state that Secretary Rosemary Mulee did not work on her own. She had other people whom she was working with---

*(Applause)*

...and this lady, if you can see she cannot be the only one who is doing all the wrongs and yet the others are doing the rights; that is quite wrong. We are all crucifying her knowing very well that the lady worked with other people. Yes, we are saying the others have gone to court...

*(Laughter)*

Mr. Speaker, Sir, protect me.

**Hon. Speaker:** I am taking the point of order from the Chairperson.

**Hon. Ngunzi:** Mr. Speaker, I want to send a final reminder that the committee was restricted to investigate the secretary and not the Board and that is a matter that should be upheld in this House. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Quick directions that we can only dwell with the person under discussion; it is unfair to mention the other commissioners. Let me hear, Hon. Rachael.

**Hon. (Ms.) R. Nduku:** Mr. Speaker, I want to agree with the Chairman of the *ad hoc* committee for this report. It is a very nice report and actually it has a lot of evidence and I have gone through it but as a woman and as a mother like this lady, I would wish to request this Hon. House to pardon this lady.

*(Loud consultations)*

*(Applause)*

And I want also, Mr. Speaker---

*(Loud consultations)*

**Hon. Speaker:** Order!

**Hon. (Ms.) R. Nduku:** Mr. Speaker, protect me.

*(Loud consultations)*

**Hon. Speaker:** Order!

**Hon. (Ms.) R. Nduku:** Protect me, Mr. Speaker.

**Hon. Speaker:** The position of the Chair is that Hon. Rachel is protected, proceed.

**Hon. (Ms.) R. Nduku:** Thank you, Mr. Speaker.

(Applause)

Mr. Speaker, I want to refer the *ad hoc* committee that in the times of Jesus, there was a woman who was caught sinning and the mob came running and telling Jesus that they should kill this lady because she was committing a sin and Jesus asked the mob, “who among you is not a sinner to start throwing stones?” So this House, we are not perfect, Mr. Speaker; I would wish to request this House, we pardon this lady---

**Hon. Speaker:** Order!

**Hon. (Ms.) R. Nduku:** We pardon this lady and---

**Hon. Speaker:** Order!

**Hon. (Ms.) R. Nduku:** It is my opinion, Mr. Speaker.

**Hon. Speaker:** Order!

**Hon. (Ms.) R. Nduku:** Thank you.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, it is good that the Hon. Member for Mlolongo has started preaching to the House about the woman and Jesus and whatever, but today Mr. Speaker, we are discussing one person, Mulee, the Secretary to the County Public Service Board and we cannot pardon somebody because of his or her gender. Mr. Speaker, when the National Assembly said that “Waiguru must go,” she was a woman Mr. Speaker.

(Applause)

Mr. Speaker, we are discussing about gross misconduct but not about somebody’s gender, Mr. Speaker. Thank you.

**Hon. Speaker:** Hon. Members, this is a special motion that attracts 75 per cent of vote and I would want maybe two Members to address the House on that position; I had indicated that this is a matter that voting can be scheduled on another date other than today, so then we need to take a position on that. Let me first hear the Majority Leader on that point.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, on that position, I think previous Members stood and requested that we debate and we defer the voting. Mr. Speaker, this was a very voluminous report and Members had to leave to attend to other duties. I want to beg that we defer the voting on this motion, even we have more debate on the day that you are going to

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direct Mr. Speaker, that we have it back in the House and I want to assure you that in conjunction with the Leader of Minority, the two whips and myself, Mr. Speaker, we are going to marshal Members to be in this House, Mr. Speaker.

Before I sit down, Mr. Speaker, the dissenting voices are only from one region, Mr. Speaker and this is something that we will debate upon when we will be debating on it again. Thank you, Mr. Speaker.

**Hon. Speaker:** Allow me Majority Leader but I think that everybody has a right to take position. Let us hear Hon. Geoffrey at the back.

**Hon. Munyao:** Mr. Speaker, Sir, let me start by applauding the committee for the good job that they have done. Mr. Speaker, if there is something which these Hon. Members can do wrong, is to throw this report through the window.

*(Applause)*

Mr. Speaker, as an *ad hoc* Committee, what they have done and the report they have given to this House Mr. Speaker, I think it is good enough for the Hon. Members to discuss this report in a wise manner. Mr. Speaker, I have good faith with Rose Mulee but with this report, I cannot do much to safeguard her.

*(Applause)*

Mr. Speaker, this report is clear enough to this Hon. House that in some of these departments, there are some officers who are doing wrong to this Government and we are busy here in this Hon. House saying that they are doing good while they are doing wrong, and as Hon. Members of this Hon. House, we are not supposed to say someone has done good yet he has done wrong. With this report Mr. Speaker, Sir, I support the adjournment of this report for today to the next time of voting. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. I would want now to give directions after I hear a Member who has not spoken. Let us hear Hon. Nzioki.

**Hon. Nzioki:** Mr. Speaker, given a personal opinion on this document, I would say this is a very detailed document and it would be a very serious option to throw this document away. These allegations in this document have painted a very bad picture on the Service Board and Mr. Speaker, for that employee to be given an opportunity to admit on the allegations on this document, it shows that she did what she was not supposed to do.

Mr. Speaker, this is gross misconduct of a very serious nature and we should adopt this document the way it is but in the recommendations in this document, I would like to add

something that I did not see recommended in this document. For other employees and for this county, for people to be serious with what they are supposed to do, this employee, Rose Mulee, should be prosecuted, Mr. Speaker. Given the opportunity, Mr. Speaker, on my personal basis.

**Hon. Speaker:** Thank you. We have heard that---

**Hon. Nzioki:** These are serious allegations, Mr. Speaker. Thank you.

**Hon. Speaker:** Hon. Members, I am not cutting off debate. Debate will be further deferred to Tuesday next week when we expect both Whips to do their part.

*(Applause)*

We shall have more debate on Tuesday and subsequent voting of the debate.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I have heard your directive but on Tuesday, Mr. Speaker, I understand His Excellency the Governor will be touring Masinga Sub County and Majority of Members maybe will accompany him. Can you please invoke any Standing Orders and powers vested on the Speaker's Chair to direct on another date, Mr. Speaker?

**Hon. Speaker:** Now that the matter is partly heard, then we could have it referred back to the House Business committee for listing on priority basis.

**Majority Leader (Hon. Mwonga):** Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Matheka?

**Hon. Matheka:** Mr. Speaker, Sir, it is a request from the Chairperson and I wanted to be informed on this: is the voting by all Members or by Members present that day?

**Hon. Speaker:** Ordinarily the voting is by Members present, but---

**Hon. Matheka:** Mr. Speaker, Sir---

**Hon. Speaker:** Order! Order! Hon. Matheka---

**Hon. Matheka:** Yes.

**Hon. Speaker:** And then the Members who are voting should represent 75 per cent of all of us; of the County Assembly Members.

**Hon. Matheka:** Thank you, Mr. Speaker, Sir. I am rightly informed.

**Hon. Speaker:** Then the voting will be advised. Yes, Hon. Nzoka?

**Hon. Nzoka:** I want to register my concern, the final one to Mr. Katela. Whenever I raise my hand, he is---

**Hon. Speaker:** Order! Hon. Nzoka, proceed.

*(Laughter)*

**Hon. Nzoka:** He is abusing me---

**Hon. Speaker:** Proceed. Order! Hon. Nzoka.

**Hon. Nzoka:** This is the last time now---

**Hon. Speaker:** Order!

**Hon. Nzoka:** And I tell him it is the last---

**Hon. Speaker:** Order! Hon. Nzoka.

**Hon. Nzoka:** Yes, he cannot abuse me here.

**Hon. Speaker:** Hon. Nzoka, can you be seated?

**Hon. Nzoka:** Eh!

*(Laughter)*

**Hon. Speaker:** Can you be seated?

*(Applause)*

**Hon. Nzoka:** Can you get it from me that he shall never abuse me again?

**Hon. Speaker:** Hon. Nzoka, kindly resume your seat.

*(Laughter)*

Hon. Nzoka, you are out of order. You cannot exchange with a Member. You can only address the Chair. If you have an issue with a Member, there is a privileges committee where you register your complaint. I pardon you but I urge that you do not repeat this again.

### **ADJOURNMENT**

**Hon. Speaker:** Hon. Members the House adjourns.

The House rose at 4.55 p.m.