

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 30th May, 2017

The House met at 2.43 p.m.

[The Speaker (Hon. Mung'ata) in the Chair]

PRAYERS

PAPER LAID

FINANCIAL STATEMENTS OF MACHAKOS COUNTY ASSEMBLY FOR 1ST JULY, 2014 TO 30TH
JUNE, 2015

Hon. Kanui: Thank you, Mr. Speaker, Sir and the House at large. Mr. Speaker, Sir, I beg to lay the following paper on the table of the House, today, Tuesday 30th May, 2017; report of the Auditor General and the financial operations of Machakos County Assembly for the period 1st July, 2014 to 30th June, 2015, financial statements of Machakos County Assembly housing scheme fund for the year and 30th June, 2015 and financial statement of Machakos County Assembly for car loans scheme fund for the year and 30th June, 2015 by the public accounts and the investments committee. Thank you, Mr. Speaker, Sir.

Hon. Speaker: The paper is laid. Proceed.

NOTICES OF MOTIONS

FINANCIAL STATEMENTS OF MACHAKOS COUNTY ASSEMBLY FOR 1ST JULY, 2014 TO 30TH
JUNE, 2015

Hon. Kanui: Mr. Speaker, Sir, I wish to give notice of the following motion; report of the Auditor General the financial operations of Machakos County Assembly for the period 1st July, 2014 to 30th June, 2015, financial statement for Machakos County Assembly, housing committee fund for the year and 30th June, 2015 and financial statement of Machakos County Assembly car loan scheme fund for the year ended 30th June, 2015 by the public accounts and investments committee. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. Notice has been issued. Proceed with the motion. Sorry, permission has been sought from the Speaker to grant the chairman of labour committee to represent his motion and I urge Hon. Katela to proceed.

FRESH RECRUITMENT OF DISMISSED INSPECTORATE OFFICERS

Hon. Katela: Mr. Speaker, Sir, I wish to give a notice of the following motion; that this House discusses and approves that, the inspectorate officers dismissed while on strike demanding their appointment letters, be recruited afresh and be paid their pending dues. Thank you, Mr. Speaker.

Hon. Speaker: Notice issued.

MOTIONS

FINANCIAL STATEMENTS OF MACHAKOS COUNTY ASSEMBLY FOR 1ST JULY, 2014 TO 30TH JUNE, 2015

Hon. Speaker: Proceed, Hon. Kanui. Hon. Katela, you can circulate the motion.

Hon. Kanui: Thank you. Mr. Speaker, Sir;

Aware, part of the mandate of public accounts and investments committee as per Standing Order 185(2)(a) is 'examination of accounts showing the appropriation of the sum voted by the County Assembly to meet the public expenditure and of such accounts laid before the County Assembly as the committee may think fit and also examination of the report accounts and workings of the county public investment.

Mr. Speaker, Sir, aware that it is the responsibility of all the audited departments to submit the financial statements to the Auditor General in accordance with the provisions of section 4 of the Public Audit Act 203;

Mr. Speaker, Sir, aware that accountability is very key in realizing value for public money, I wish to move the motion that this Hon. House discusses and approves the report of the Auditor General for the public accounts and investment committee for the financial operations of Machakos County Assembly for the period July, 2014 to 30th June, 2015, financial statements for Machakos County Assembly housing scheme fund for the year ended 30th June, 2015 and the financial statements of Machakos County Assembly car loan scheme fund for the year ended 30th June, 2015.

Thank you, Mr. Speaker, Sir. I wish to call upon Hon. Justus Kimata to second this motion. Thank you, Mr. Speaker, Sir.

Hon. Kimata: Thank you, Mr. Speaker. I stand to second the motion.

(Applause)

Hon. Speaker: Thank you, Hon. Kimata, but I have heard from you for long time. Tell us something more. You cannot be that mean.

(Laughter)

Hon. Kimata: Thank you, Mr. Speaker for giving me this chance. I stand to say that we should be given ample time so that we can peruse this document.

(Applause)

Hon. Speaker: I think, Hon. Members, we all agree with Hon. Kimata that we need time to peruse the document.

(Laughter)

Therefore, members we should take the document home, study it and we can proceed with the matter.....when do we proceed with the matter chairman?

(Applause)

Hon. Kanui: Thank you, Mr. Speaker, Sir. Tomorrow it is not possible because I will be presenting my papers to IEBC and if it could be moved to next week, Tuesday, I think I will be available to attend the sitting and be able to continue with the business. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. Then we all agree that as proposed by the Hon. Kimata, this debate will be deferred to Tuesday, next week.

(Applause)

Hon. Speaker: Let us hear Hon. Katela.

FRESH RECRUITMENT OF DISMISSED INSPECTORATE OFFICERS

Hon. Katela: Thank you, Mr. Speaker once more. Mr. Speaker, Sir;

Aware that several inspectorate officers went on strike demanding for their appointment letters from the county government;

Aware that the officers had worked for the county government for over three years without appointment letters which are vital in building the morale and zeal of workers; Mr. Speaker, aware that in Kenya, employment is governed by the general law of contract as much as by the principles of common law thus employment is basically seen as an individual relationship negotiated by the employee and the employer according to their special needs;

Appreciating that the Employment Act, section 10 provides that an employer shall, within two months after the beginning of employment, provide the worker with a written statement of the particulars of the main terms of the contract of employment;

Mr. Speaker, Sir, I wish to move the motion that this Hon. House discusses and approves that the inspectorate officers dismissed while on strike, demanding their appointment letters, be recruited afresh and be paid their outstanding dues.

I call upon Hon. Katumo to support the motion. Thank you.

Hon. Katumo: Thank you, Mr. Speaker, Sir. I stand to support this motion that, these inspectorate officers who were dismissed from employment because of engaging in strike trying to ask for their arrears and for appointment letters, should be reinstated. You find that this House is in record trying to solve the issues concerning inspectorate officers since 2014 and it is of our best interest, as members of this House and of Machakos County to make sure that these brothers of ours get justice and therefore, I stand to support that, this officers who were dismissed because of trying to ask for their rights, they should be reinstated. Thank you and I second.

Hon. Speaker: Thank you. The motion is properly laid. Anybody opposing this? Any opposition to this motion? Let me hear.

Hon. Ngunzi: Mr. Speaker, the issue of laid off workers, had come before the committee on decentralized unit and before they were laid off the matter had come before the committee of decentralized units and the matter also had come before the labour committee and still there issues that have not been cleared.

Mr. Speaker, for example, on record, officers 52 of them were brought in from Kitui on a single day, Mr. Speaker, the sons of Machakos County were not recruited to work in the department of decentralized units and Mr. Speaker, Sir, before I would ask members to support me in this that, before they were laid off, we wanted clarity on who and where this people come from.

Mr. Speaker, we cannot sit here and get challenged at home when our sons are not working and when we sit here to pass that we retain, on payroll, officers from outside this county, I would beg that we clear the matter now. If we have to return them on payroll, then we should return those of our brothers from this county and if there are still vacancies that need additional officers, then we recruit them from within us.

Mr. Speaker, again we should be told, because these officers were recruited against no budget. We need to know also from the finance department whether they are ready to accommodate them and how many of they need. Mr. Speaker, we cannot do things in a blanket manner, we need to liaise and that is why I am asking for more time to get the finance department to come here and tell us whether there were budget for them, and how many or the chairman should give clarity on same. Thank you, Mr. Speaker

Hon. Speaker: Hon. Ngunzi, I was thinking that if these employees were already employed there must have been a budget but I find, perhaps the point you say they don't come from Machakos valid, but then if we were to help this sacked employees, we can have a rider that, priority be given to those from Machakos. Let me hear on that.

Hon. Ngunzi: Mr. Speaker, it should be a condition.

Hon. Speaker: A condition. That is why, indeed I mean a rider.....

Hon. Ngunzi: That we are recruiting those from Machakos only.

Hon. Speaker: Let me have Hon. Kamitu.

Hon. Kamitu: Thank you, Mr. Speaker, Sir. In support of our chairman for labour committee, Mr. Speaker, my response or my reaction will be first, we check as per the one-third regulations because in the employment regulations, one-third is allowed for people from outside the county.

(Applause)

If the 52 were within the one-third, then I am not seeing any problem and in regard to this, Mr. Speaker, I stand to support our chairman that our members of inspectorate who are really laid off, these are residents of Machakos County, they are our employees who really are fathers of kids and husbands of wives and for the duration, because on the ground, we have been getting a lot of grievances from the families and as you said, Mr. Speaker and as we know, these were already employees who were on payroll.

So, what I would encourage and I normally say through the experience that I have, because I had been a senior civil servant, so I am putting this point of support that, we should now engage our public service board. Our public service board should be because that is the board mandated, by law, to check on the welfare of the employees. So, it is also on the same strength that all employees within our Machakos County Government, the public service board should come in so that we may have accountability in the balance of employees in all the departments.

So, in this regard Mr. Speaker, Sir, I stand to support and say members of inspectorate should be reinstated and be on the payroll as they used to be. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Okay. Let me hear Hon. Ndeto at the back.

Hon. Ndeto: Mr. Speaker, I am not very certain.....(*inaudible*) very sure that this case and those officers took the case to court but I am not very sure of it. Maybe any member who is aware of that?

Hon. Nduva: Point of information.

Hon. Speaker: Let me hear Hon. Nduva.

Hon. Nduva: Mr. Speaker, it is of essence that our brothers and sisters who are laid off should be reinstated but there are issues here. Actually, the same as Hon. Ngunzi, the issue of inspectorate come to the committee of labour and there were a lot of questions on how huge numbers from our neighboring county had benefited, about three-quarters of the members of the inspectorate. Mr. Speaker, as long as we support these officers to be reinstated, it is important to for this House to put considerable recommendations and as Hon. Kamitu has said to get guidance from the county public service board which is the recruiting department.

At the same time, Mr. Speaker, I would also like to comment that as Hon. Ndeto said that there is a case that has been taken to court. I think, Mr. Speaker, through your guidance, you advice which way to go because these officers have sued the county government of Machakos so I think there is much for this House to look at before we just recommend them to be reinstated.

When I stand here, there are some officers from my area or from my ward but there is a mix up because the big number is from the neighboring county. So, Mr. Speaker we would like to get your guidance because there is case in court, there is this issue of a beneficiaries being from our neighboring county. So, Mr. Speaker, I stand to be guided from your Chair. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, I will consider the matter and give directions and the manner of disposal tomorrow. Let me explore, particularly on the matter in court and see how it touches on the motion. The matter will be mentioned, clerk, tomorrow morning. I will give directions tomorrow. Any other matter?

ADJOURNMENT

Hon. Speaker: That is all with the afternoon business, the House adjourns.

The House rose at 3.04 p.m.