

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 17th August, 2021

The House met at 3.17 p.m.

[The Deputy Speaker (Hon. Museku) in the Chair]

PRAYERS

PETITION

RE-OPENING OF MAVIVYE WHOLESALE MARKET

Hon. Deputy Speaker: Hon. Members, under this Order, we have one Petition. This is from a Petition submitted by Mavivye market traders. I am going to read the Petition.

Hon. Members, the Assembly received a petition through the Office of the Clerk of the County Assembly on 10th August, 2021. This is in line with the provisions of Article 37 of the Constitution of Kenya, Section 15 of the County Governments Act 2012 and Standing Order 194 of the County Assembly of Machakos Standing Orders. The Petition is from residents of Mavivye Market of Machakos Central Ward of Machakos Sub-County, Machakos County.

Hon. Members, the petitioners draw the attention of the Assembly on the matter of removal of the wholesale Market from Mavivye Market in Machakos Central Ward which has negatively impacted Machakos Central Ward. The Petitioners allege that they held a stakeholders meeting with a view of having the wholesale market returned to Mavivye Market.

The petitioners are humbly praying the Assembly to:

1. Return the wholesale market to Mavivye market.
2. Establish livestock section at Mavivye market.
3. Construct a slaughter house/abattoir within the market to cater for the new livestock market.
4. Publicize the reasons for the closure of the Mavivye Market and why public participation was not done.

Hon. Members, Standing Order 200 provides that the Speaker may allow comments, observations or clarifications in relation to a petition presented or reported and such total time shall not exceed thirty minutes. Further, Standing Order 201(1) provides that every petition presented or reported pursuant to this part, shall stand committed to the relevant sectoral Committee. Before I commit it to the Sectoral Committee, is there any Member who would like to make a comment on this issue of Petition?
Hon. Peter Joseph Mutiso.

Hon. P.J. Mutiso: Thank you, Mr. Speaker, for taking us through the Petition. Mine is that

Members, you all know that that market started way back in 2006 when we had local authorities and I remember very well that I am the one who came up with that report that we come up with a market in that area because it is prime area that needs to grow. Members you know that the livestock market is at Masii and also Iiani which is very far from here and in this area we do not have a livestock market. Members, you know that in this area we have a lot of cattle and we need to trade them.

The Committee of Trade sat down sometimes back and advised that we transfer people from the market near *mitumba* area to that place. We agreed well but it was done politically because that time, the same people, through the Executive, are the ones who came and transferred people and I remember that time we were in Mombasa; the Assembly was in Mombasa. I was not even aware about the same and public participation was done when I was not even present but I supported that matter because we need that area to grow.

Most of the Members, I think know where Mavivye is. When the traders were transferred to that area, the development in that area was coming up and also opening of roads among other development projects. However, during the campaign period of the Senatorial seat, that is when our Governor transferred those people back to where they were. It was done politically but I do not want to go back there and what I can say is that I really support what the members of the public are saying because it will also be good for us.

For example, if you go to Nairobi, there are so many markets in Nairobi city although it is still one region so we can have as many markets here as we can because Mutituni is also growing so I support the residents of that area although politically, Members if you do not know it is a thorny issue because the people tend to think I am the one who is transferring them there but if you go there, the County of Machakos invested heavily there because the World Bank funds are the ones that made the construction of buildings possible.

That money is for all of us in Machakos and not Machakos Central ward only; the money was for Machakos County and we do not need to have a white elephant there. What we can do Members, is to urge you to support so that that market can go back there. I do not care how it will be politically because I would be a fool if I do not support that market in order to votes although I know politicians do to want to hear that but I would better be a normal fella if I cannot get votes because of that than supporting that matter for my people to stay there where there are a lot of problems.

For example, and I know Members you are always in that market, the retail and wholesale market; what the wholesalers do is us funny. In the morning they sell their goods to retailers and in afternoon, the same people are selling as retailers and that is also a problem. So, Mr. Speaker, I really support that my people to back there; they will go and if you do not want to go there as a retailer, go to the market. Definitely, Mavivye area will grow and this Machakos market will also grow. So, Mr. Speaker, I support that petition. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Thomas Mutinda.

Hon. Mutinda: Thank you, Mr. Speaker, for this opportunity. I support the Petition because when you see the current situation in Machakos Town down there, you find there is a sort of a traffic jam because the retail and wholesale markets are there so in order to decongest this town so that we can have good traffic flow, it is important that that market is returned to Mavivye.

Sometimes we have to ask ourselves; when it was being constructed, what were the objectives of the County government? What was it intended to do because that is a prime area and we cannot continue to have projects where the government invests in a place and you do not see people getting nay value for

money. We cannot have a project like that whereby soon you will find vandalism going on because for the government to invest there, there is an opportunity cost because someone else could have been given that opportunity so that another place like Wamunyu develops but that place was considered and that was done.

So in future, when we go to ask to be given such support from either World Bank or wherever and we get the question; how are you going on with Mavivye market? it shuts down and we cannot be given more funding and it is important for the market to be put to use so that our people up there are working and those working in between Mavivye market and the retailers and the *mkokoteni* guys who used to move the produce from that place to the town lost jobs. When it so close, they do not get any money so that market should be returned to Mavivye and we know the town will also be growing towards that direction so that even to access the place will be easier.

So, Mr. Speaker, I support and say that whenever the government has resources of putting up projects somewhere, then they should put to use immediately because it is taxpayers' money and people want to see their money working for them. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Justus Katumo.

Hon. Katumo: Thank you, Hon. Speaker. I rise to give my contribution to this Petition and prayers therein from the residents of Mavivye. I remember sometimes back when I used to pass through Mavivye and the roads were so rough and in bad condition and it was a dead town and when I visited there last year, that town was booming and there was a lot of business and a lot of life.

I had two people who had businesses at Mavivye but when that roadside decision was made by the Governor during the senatorial by-election politics, they had to close shop and move away. When you look at it in general terms, we cannot say that we are progressing and then we make two steps back in terms of making decisions that have adverse effects.

Secondly, it has been difficult to move from this side of Kiamba Mall towards the sides of *sokoni* because there is always a traffic jam and you find people who have put their wares; it has become so congested. I thought the policy was to de-congest Machakos, make beautiful and clean and that was the general policy where you have the market in a secure place and make sure Machakos is the place to be. But when you go around, it has become a dirtier town with congestion and you find a *mkokoteni* here, a *tukutuk* here, another thing there and it becomes very difficult.

Going forward, we should discourage that era of just pronouncing things just for the sake of just getting votes politically and unsound decisions is what is costing us and taking us back. I think those decision-makers, those people who matter somewhere should be told because this Assembly is a House of procedure and when things are done un-procedurally, there is a cost to pay and I support the area MCA that the market should be there and not back here in town where there is no space and facilities. When you go to Mavivye market, you find there are prosper toilets, there is space and even during this time of coronavirus, there is no cause for worry and therefore I support those sentiments and the people of Mavivye should receive and be granted justice they are seeking and I support. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Mueni.

Hon. (Ms.) Mueni: Thank you. Hon. Speaker. I support the idea of people going to Mavivye because that is money for taxpayers and they are being misused and when they come to town even you cannot step into the town because of the people being so many. Even people are buying things

at Kaseve when they are going towards Kitui so it is better and it is very bad that politicians ask for these seats and go to the people and pronounce things to be done in a certain way which is very unfair and we have an Assembly.

He had to write a letter to the Assembly and ask whether it is possible or what because we are the ones to say what is to be done in Machakos. Even he could have written to you Mr. Speaker you are the area MCA from there and give the disadvantages and advantages of removing that market from that place. So the people we elect nowadays, we have to know their knowledge and where it reaches. Thank you, Hon. Speaker.

Hon. Deputy Speaker: This is just a Petition and I just wanted Hon. Members so that we can go on with the actual business of the House. I see Hon. Members still want to continue with this; I just gave it for a while. Hon. Dominic and then Hon. Minority Leader.

Hon. Ndambuki: Thank you, Hon. Speaker. The major aim of devolving functions is to decentralize the economy and the biggest objective why the County government of Machakos created a marketplace at Mavivye for the wholesalers is so that we can devolve some functions, take some amenities to the other markets; we decongest Machakos town and ensure other upcoming towns also get a share of the resources. So, Mr. Speaker, that was the aim of having Mavivye market where it is placed and moving traders from Machakos town to the Mavivye market.

While I support that Mr. Speaker, I would say that as the wholesalers are moved back to Mavivye market, it is also incumbent on the Executive to ensure that they make the roads leading to that market passable and ensure that amenities like rest rooms are working so that when our people go there to trade, they can access all those things in one place. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Minority Leader.

Hon. Kamitu: Thank you, Hon. Speaker. In summary, the Petition is well-stated because the members of that area have brought a Petition and the work of the Assembly is to hear the voice of *wananchi* and again it is what Hon. Ndambuki has said that devolution is to take service delivery closest to the electorate. Us as an Assembly, we should go and support the Petition as it clearly states the importance of that market to the electorate and to the neighbouring people who are near Mavivye market. Thank you very much, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Alex Kamitu. In this regard, this Petition is hereby committed to the Trade and Economic Planning Committee and it has calendar 14 days to consider and table a report on this Petition pursuant to Standing Order 201(2). Let the Committee look at this Petition; it is an item that is dear to me because Mavivye market is where I grew up knowing. Some of us it was the only town we knew to visit on Christmas day.

When we were young we could not get to town and Mavivye was our Nairobi of our days. The investment that has put there as the Hon. Member for Machakos Central ward has said is a huge investment by the World Bank; it is to the tune of tens of millions of putting up a facility there and then you utilize it by putting up a market there and then you move the market away to bring it to a congested area and leave empty buildings. That can even lead to not attracting foreign investments and donor assistance to our County because if they are going to give us donations to put up facilities that we do not use, then we will be distracting them from coming to us. So let the committee work on that and within

14 days submit a report before this Hon. House. Thank you very much.

MOTION

APPROVAL OF REPORT ON ACCOMPLISHMENTS OF THE MACHAKOS COUNTY PUBLIC SERVICE BOARD IN 2020

Hon. Deputy Speaker: Hon. Members, under this Order, we have business by Hon. Margaret on behalf of the Hon. Chairperson. Go ahead.

Hon. (Ms.) Mwikali: Thank you, Hon. Speaker.

Hon. Speaker, that aware that the County Assembly's oversight function is one of the cornerstones of democracy;

Aware that oversight is a means for holding the County executive accountable for its actions and for ensuring that it implements policies in accordance with the laws and budget passed by the County Assembly.

Hon. Speaker, acknowledging that Article 183(3) of the Constitution of Kenya, 2010 provides that the County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the County;

Further aware that Article 185(3) states that the County Assembly while respecting the principle of separation of powers, may exercise oversight over the County Executive Committee and any other County Executive Organs;

Hon. Speaker, cognizant of the fact that Standing Order 190(5)(b) mandates sectorial Committees to study the programme and policy objectives of the departments and the effectiveness of the implementation;

Aware that the Committee on Labour, Public Service and ICT is mandated to oversee all matters relating to Labour, trade union relations, manpower or human resource planning; information, Communication and Technology. The committee received an Annual Report 2020 from the County Public Service Board for the year 2020, engaged the Chair, County Public Service Board and compiled a report;

Hon. Speaker, I wish to move the motion that, this Hon. House discusses and approves the Report of the Labour, Public Service and ICT Committee on the Annual Accomplishments of the Machakos County Public Service Board in the calendar year 2020.

Hon. Speaker, I ask Hon. Justus Katumo to second my Motion. Thank you.

Hon. Deputy Speaker: Hon. Katumo.

Hon. Katumo: Thank you, Hon. Speaker. I second.

Hon. Deputy Speaker: Hon. Margaret, you may read the report.

Hon. (Ms.) Mwikali: Thank you, Hon. Speaker.

COMMITTEE COMPOSITION

Hon. Speaker, the committee as currently constituted has 13 members as follows:

1. Hon. Francis Kalumu Chairperson
2. Hon. Margaret Mbithi Vice chair
3. Hon. Alex Kamitu
4. Hon. Irene Mbivya
5. Hon. Constance Mbula Nzioki
6. Hon. Fredrick Muthoka
7. Hon. Justus Katumo
8. Hon. Nicholas Mutuku
9. Hon. Paul Nyanzi
10. Hon Annastacia Mutuku
11. Hon Rozina Kanini
12. Hon Alice Nzioka
13. Hon. Eric Musembi

MATTER UNDER CONSIDERATION

ANNUAL REPORT 2020 FROM THE COUNTY PUBLIC SERVICE BOARD, MACHAKOS COUNTY GOVERNMENT

Hon. Speaker, the County Public Service Board is a body corporate established under section 57 of the County Governments Act 2012. The Board derives its functions and powers from Section 59(1) which mandates it to:

- a) Establish and abolish offices in the County Public Service.
- b) Appoint persons to hold or act in offices of the county public service including in the Boards of cities and urban areas within the county and to confirm appointments;
- c) Exercise disciplinary control over, and remove, persons holding or acting in those offices as provided for under this Part;
- d) Prepare regular reports for submission to the county assembly on the execution of the functions of the Board;
- e) Promote in the county public service the values and principles referred to in Articles 10 and 232 of Constitution of Kenya (CoK) 2010.
- f) Evaluate and report to the county assembly on the extent to which the values and principles referred to in Articles 10 and 232 are complied with in the county public service;
- g) Facilitate the development of coherent, integrated human resource planning and budgeting for personnel emoluments in counties;
- h) Advise the county government on human resource management and development;
- i) Advise county government on implementation and monitoring of the national performance management system in counties;
- j) Make recommendations to the Salaries and Remuneration Commission, on behalf of the county government, on the remuneration, pensions and gratuities for county public service employees.

3.2 COMPOSITION OF THE BOARD

Hon. Speaker, the Machakos County Public Service Board was fully constituted in March 2020 as per the provisions of Section 58 of the County Government Act 2012.

Table 1: Board Composition

POSITION	NAME	COMMITTEE HEADED
Chairperson	Mr. George Kioko Luka	Chair of the Board
Vice Chairperson	Ms. Cecilia Mbinya Sereka	V. Chair of the Board
Member	Mr. Franklin Musila Makola	Member of the Board and head of Career Progression and Compliment Control
Member	Ms. Stellamaris N. Muthoka	Member of the Board and head of Recruitment and Selection
Member	Mr. John Kimeu Kumbu	Member of the Board and head of Audit, Assurance and Compliance.
Member	Dr. Jane Mutheu Mutune	Member of the Board and head of Finance & Procurement
Board Secretary	CS. Onesmus Mutisya	Secretary/CEO to the Board and head of Secretariat

The board's operations are supported by a secretariat headed by the Board Secretary comprising of twenty one (21) secretariat staff.

3.2.1 BOARD COMMITTEES

The board operates in four committees as outlined in the table below:

Table 2: Functions of the Committees

NO.	STANDING COMMITTEE
1.	Career progression and Compliment Control
2.	Recruitment and Selection
3.	Audit, Assurance and Compliance
4.	Finance and Administration

3.3 ACCOMPLISHMENTS IN THE YEAR 2020

3.3.1 CAREER PROGRESSION AND COMPLIMENT CONTROL COMMITTEE

The following were accomplished:

3.3.2 Renewal of Contract

The Board renewed contracts for officers in various departments as follows. Table 3: Renewed Contracts

NO	DEPARTMENT	NO OF EMPLOYEES CONTRACT RENEWED
1.	Department of Education and Skills Training	958
2.	Department of Tourism, Youth, Sports & Culture	178
3.	Department of Water & Irrigation	78
4.	Department of Health & Emergency Services	395
5.	Office of the Governor	9
6.	Department of Transport, Roads & Public Works	118
7.	Department of Office Of the County Secretary	3
8.	Department of Co-operative Development & Marketing	2
9.	Department of County Administration & Decentralized Units	496
10.	Department Energy & Electrification	10
11.	Department of Finance & Economic Planning	17
12.	Department of Public Service & Quality Management	3
13.	Department of Legal Affairs	7

	TOTAL	2,300
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3.3.3 Promotions

The Board approved promotion 656 officers who had been appraised and recommended by their departmental Human Resource Management Advisory Committee

Table 4: Promotions

DEPARTMENT	NO OF EMPLOYEES PROMOTED
Department of Health and Emergency Services	622
Department of County Administration & Decentralized Units	21
Department of Water & Irrigation	11
Department of Trade, Industrialization & Innovation	1
Department of Public Service & Quality Management	1
TOTAL	656

3.3.4 Confirmation in Appointment

The Board confirmed a total of Two hundred and ninety six (296) officers who had successfully completed their probation and had been appraised and recommended by their Departmental Human Resource Management Advisory Committee

Table 5: Confirmation in appointment

DEPARTMENT	NO OF EMPLOYEES CONFIRMED
Department of Tourism, Youth, Sports & Culture	4
Department of Health & Emergency Services	275
Office of the Governor	5

Department of Transport, Roads & Public Works	1
Department of Agriculture, Fisheries, Veterinary and Livestock Services	2
Department of County Administration & Decentralized Units	2
Department of Public Service & Quality Management	1
Department of ICT	2
County Public Service Board	1
Department of Finance & Economic Planning	2
Department of Housing & Urban Development	1
TOTAL	296

4.0 COMMITTEE FINDINGS

Hon. Speaker, based on an earlier interrogation done to the Chair, County Public Service Board, the Committee found out the following;

1. The proposed total budget for County Public Service Board in the FY 2020/21 was Ksh. 47,882,382 which comprised:
 - i. Recurrent expenditure: Ksh. 41,682,382.
 - ii. Development expenditure: Ksh. 6,200,000

This was too minimal and could barely meet the board's operations. A request had been earlier made for Ksh.30M for construction of an office block, Ksh. 21M for purchase of vehicles for the commissioners, Ksh. Ksh 2M for purchase of printers and ICT equipment.

2. Some officers were earning various allowances; 56 officers earning Extraneous allowances which include 24 from the County Public Service Board, five earning responsibility allowance, four earning special duty allowance and one earning acting allowance.

The committee requested for further details for interrogation to check whether the said allowances are in compliance with the conditions stipulated in the Human Resource Manual as well as the Salaries and Remuneration Commission (SRC) on payment of salaries and allowances.

3. Job Groups were captured for every Staff in the County from Job Group 'A' to Job Group 'U' and from Salary Scale 7 to Salary Scale 18 respectively. 239 Staff do not have their Job Groups.
4. 192 employees are aged 60 years and above considering age analysis for all County Staff,

details on their department and designation were not provided as well as their terms of engagement.

5. The Board was unable to undertake a comprehensive staff audit due to lack of adequate funding. The Board therefore requests for funds to conduct a comprehensive staff audit as summarized below:-

NO.	ITEMS	AMOUNT (Ksh)
1	FIELD WORK/DATA COLLECTION	4,614,000
2	DATA ENTRY AND VERIFICATION	585,000

3	DATA ANALYSIS	292,500
4	PAYROLL CLEANSING	292,500
5	REPORT WRITING	3,709,000
6	AIRTIME	96,500
7	MISCELLENEOUS ITEMS	210,000
8	GENERAL ADMINISTRATION	86,500
9	FUEL	1,400,000
10	STATIONERY	138,974
	TOTAL	11,424,974

The committee requests the house to consider allocating the above mentioned budget during budget making process to cater for an independent staff audit and ascertain the actual number of county employees, check any staffing gaps and whether employees are employed on need basis, chances of overstaffing or possible existence of ghost workers.

The current Budget estimates for the Board in the financial year 2021/2022 are:

- i. Recurrent expenditure Ksh. 39,763,200
- ii. Development expenditure Ksh. 10,000,000

Note that the above recurrent expenditure is planned for operational expenses only hence it cannot roll out a comprehensive staff audit.

6. The department of Health and Emergency Services reported a higher number of employee renewal, confirmation in appointment and promotions unlike other departments; the said department was reportedly hiring casual workers without the approval of the County

- Public Service Board which has the mandate to approve any requests for employment.
7. It was noted that the board had been requesting for county payroll for scrutiny, the request was yet to be honored and was due for the last 12 months.
 8. Contracts for 2300 employees were renewed beyond a period of three years across the departments. The Human Resource Policies and Procedures Manual which stipulates that contract appointments shall be limited to a maximum period of three years. Any contract should be renewable subject to demonstrable performance and other terms of the contract.
 9. 82 employees were duplicated in different departments. The committee could not understand and was concerned how such duplication occurred, indicating that it may imply possible duplication in the payroll and multiple salary payments.

4.1 DISCUSSION WITH CHIEF OFFICER

Hon. Speaker, Article 195(1) of the Constitution of Kenya, 2010 stipulates that “A County Assembly or any of its committees has power to summon any person to appear before it for the purpose of giving evidence or providing information.

Section 39(2) of the County Governments Act, 2012 states that “a committee of the county assembly may require a member of the executive committee to—

- (a) Attend or appear before the committee; and
- (b) Answer any question relating to the member’s responsibilities.

Further Section 18(1) of the County Assemblies Powers and Privileges Act, 2017 states that “a county assembly or its committees may invite or summon any person to appear before it for the purpose of giving evidence or providing any information, paper, book, record or document in the possession or under the control of that person and, in this respect, a county assembly and its committees shall have the same powers as the High Court as specified under Article 195 of the Constitution.

This Committee forwarded a questionnaire to the Chair, County Public Service Board on the Annual report 2020 on 26th July, 2021. The committee received the responses and found out the following;

1. It was established that employment contracts are initiated at the Departmental level through recommendations from Human Resource office in the respective departments who justify to the Board any renewals, confirmation in appointments and promotions of staff in their departments.
2. The Board considered renewal of employee contracts due to the fact the cabinet had not yet approved filling of vacant positions permanently.
3. Promotions were considered for officers due for promotion in various departments in consultation to the respective departmental Human Resource Management Advisory Committees. The promotions fell under two categories; common cadre for officers who have served for a minimum period of three years, met all other requirements as per the relevant scheme of service subject to availability of vacancy and a budget, competitive positions filled through promotional interview.
4. It was indicated that promotions, confirmation in appointment re-designation and upgrading of officers’ were based on merit in reference to procedures stipulated in the Career progression guidelines and advise from respective departmental Human Resource Management Advisory Committees’.

5. There were four officers who earn special duty allowance since they are called upon to perform duties of a higher post but do not possess the necessary qualifications for appointment to that particular post. A request was made to forward the finer details with justification for the said allowance.
6. The Board approved appointment of 76 health officers. Some of the officers under UHC Intern positions did not take up their appointed positions as shown below.

S/No	Cadre	Advertised Positions	Number of officers who took up appointment	Number of officers who did not take up appointment
1.	Registered Clinical Officers	19	3	10
2.	Nurses KRCHN	10	4	7
3.	Nurses KECHN	10	0	0
4.	Pharm Tech	4	2	2
5.	Lab Technologist	2	3	1
6.	Lab Technicians	1	0	0
7.	Assistant PHO	8	14	2
8.	Assistant HRIO III	1	5	0
9.	HRIO Assistant III	3	1	1
10.	COHO	4	0	0
11.	Physiotherapist BSC	1	0	0
12.	Physiotherapist Diploma	2	3	0
13.	Nutrition Technicians	1	1	0

14.	Nutrition Technologist	2	5	0
15.	Nutrition Officers	1	2	0
16.	Orthopedic Trauma Technologist	2	1	1
17.	Orthopedic Technologist	2	2	0
18.	Medical Social Worker	2	2	2
19.	Radiographer	2	0	0
20.	Occupational Therapists	2	2	0
	Total	79	50	26

They were offered a consolidated salary by the National Government as shown below:

S/NO	CADRE	AMOUNT
1.	Certificate holders	KSHS. 10,000.00 pm
2.	Diploma holders	KSHS. 15,000.00 pm
3.	Degree holders	KSHS. 25,000.00 pm

4. On duplication of 82 employees, it was responded that this was an error since the referred officers were transferred but their details captured in both departments.
5. The committee was concerned that some employees had served the county over a long period during the defunct County Council and ought to have been prioritized to get appointment letters on permanent and pensionable terms. However, the Board gave out conditions to be considered for absorption by the county that an employee should have a good conduct, be below 50 years and provide his/her performance reports from the department.

5.0 COMMITTEE OBSERVATIONS

Hon. Speaker, based on the reports, discussion with the Chair, County Public Service Board the Committee observed the following:

1. The Board has been operating in rented premises since its inception despite the fact that in the Financial Year 2019/2020 budget, Ksh. 10M had been appropriated for construction of an office block for the County Public Service Board. The funds were further re-appropriated during the supplementary budget in the following manner; Ksh. 2.9M to department of Health and Ksh. 7.1M to the Emergency Fund hence the board was not able to construct the office block owing to court cases and rulings.
2. The Board does not have an organizational structure that shows hierarchy for the County Government organs.
3. The County wage bill is very high hence the county is using too much budget on recurrent than development.
4. There is no periodic staff audit and an efficient system for administering and monitoring all county employees from possible existence of ghost workers. Possible duplication of staff across various departments is an indicator of poor employee monitoring and evaluation.
5. The following departments were reportedly understaffed:
 - a) Agriculture and Cooperatives which was devolved from the National Government
 - b) Finance and Revenue
 - c) Decentralized Units

6.0 COMMITTEE RECOMMENDATIONS

Hon. Speaker, this Committee hereby makes the following recommendations:

1. The Board should be well facilitated with an adequate budget for carrying out its mandate at ease. There is an urgent need for a comprehensive staff audit as justified in the proposal.
2. Allowances should be administered in strict adherence to the conditions stipulated in the Human Resource Manual as well as the Salaries and Remuneration Commission (SRC).
3. The County Government should adhere to the provisions of the Human Resource Policies and Procedures Manual for the Public Service (2016) D21 which indicates that all officers shall retire from the Service on attaining the mandatory retirement age of 60 years, 65 years for persons with disabilities and/or as may be prescribed by the government from time to time.
4. There is a need to follow up and cross check details of employees who were confirmed in appointment, promoted, contracts renewed and upgraded as well as interrogate the existing County payroll for the county to check whether appointments were done in compliance to the Employment Act, 2007.
5. To effectively manage the huge data base, the Board needs an elaborate system that efficiently manages its applications. This may be through acquisition of a county integrated portal and large capacity servers.
6. Adhere to the 60) years retirement rule and the board's decision that the county should Stop any extension of contracts for employees above sixty (60) years, ensure that all Chief Officers' do not extent contract for employees, those who attain sixty (60) years to retire as usual.
7. Renewal of contract appointments beyond a period of three years should not be

- encouraged to help curb the county's ballooning wage bill pursuant to Human Resource Policies and Procedures Manual for the Public Service (2016) Section B.20 (4) which indicates that contract appointments shall be limited to a maximum period of three years. Any contract should be renewable subject to demonstrable performance and other terms of the contract.
8. The board should follow up and consider absorption of employees who have served in the defunct County Council to help them get appointment letters on permanent and pensionable terms.
 9. The County consolidated payroll should be properly cross examined to identify possible chances of ghost workers or duplication of staff under different departments which results in multiple payment of salaries.
 10. The County should consider prioritizing engagement of persons with disabilities as per the provision of Article 54(2) of the Constitution of Kenya which states that; at least five percent of the members of the public in elective and appointive bodies are PWDs. This should be across all cadres.

7.0 CONCLUSION AND ACKNOWLEDGEMENT

Hon. Speaker, allow me to thank the County Public Service Board for submitting the Annual report 2020. I wish to appreciate the Committee members for their dedication during interrogations, Committee sittings and compiling of this report. Hon. Speaker, the Committee is also grateful to the Office of the Speaker and that of the Clerk to the County Assembly for the continuous and relentless support received as it discharged its oversight mandate. It is therefore my duty, on behalf of the Committee on Labour, Public Service and ICT, to table this report and recommend it to this Hon. House for consideration and adoption. Thank you, Hon. Speaker.

(Applause)

Thank you very much, Hon. Margaret Mwikali.

(Question proposed)

Hon. Members, you may debate on the motion. Hon. Justus Katumo.

Hon. Katumo: Thank you Hon. Speaker, for this opportunity to offer my input in regard to this report by the Labour Committee. I want to applaud the Committee and the Chair and even for Hon. Mwikali who read this intensive report on the same. I would wish to say that I want to applaud the current board members and especially the Chair; they have been friendly to the committee and that is why we are able to have a report that is elaborate.

In summary I want to say that there things that are very important in this county and challenges and issues that have compounded the CPSB and by extension the workforce of Machakos and it has been of great concern to this County Assembly on two fronts. Why?

We have had a ballooning wage bill but with such, the CPSB has not been able to carry out an audit to determine where the problem is and secondly, we have found out that we have issues of our employees and officers whom we cannot determine where they belong and therefore we have ghost workers so to say. It has not been possible by this body to tell us who is the ghost worker or

what is happening and therefore we find ourselves in a dilemma not being able to explicitly say what is the problem is.

This board has suffered because of being starved of finance because when we give them the money in the budget and they do not receive the money to implement what they are supposed to do. You find that we have been allocating them funds to build their offices since 2015 and this has not been possible because the money does not find its way to their account.

Most importantly, what I have found in this interrogation and in terms of bringing this report is that we a lot of inconsistencies in our employees in terms of that we find that we might have two employees serving two departments as per the records. We have an officer X in the department of labour and the same officer serving in health. Some have similar salaries when you look at the payroll which tells us that the audit has not been carried out and this variance and inconsistency is not good for us.

The you find that we have close to 200 employees who are over 60 years old when we have so much of our youth unemployed and there are no reason given to why they should go beyond those years and this is not very good. 184 employees who are over 60 years old and they are on those higher cadres or job groups which means they are earning a lot of money in this County. The board could not give us reasons why they are retaining and extending the contracts of these employees who are far beyond the mandatory retirement age.

We also found out that in the department of health, the Chief Officer and the CECM would engage casual workers without notice or the approval of the CPSB and I remember one time when we tried to question the kind of trade, they told us that they are writing a memo for them to explain and you find that there is something that we cannot explain. Actually, the board at times has not control.

When you look at the observations and the Committee recommendations, you find that we have issues with certain employees especially from the defunct local authorities where up to now and from 2013, they have not been given appointment letters in terms of being permanent and pensionable and when you look at the conditions given by the board that one must produce a certificate of good conduct and such funny conditions and then we were wondering how does one tell your employees to get that like you are employing them afresh.

Then Hon. Speaker, because I am a member of this Committee and I do not want to say much but you also find that that when you look at the structure, you also find that it is quite disorganized and of course, they have accepted who is where, who qualifies for that particular position and you find we have directors who do not have degrees and do not meet the threshold. We have other people in high offices and they cannot explain because they have not carried out the audit and it becomes very funny.

When you come to my constituency, then when we asked them to tell us why they have ignored or are not following the provisions of the law and they are telling us that we have to carry out....you see that unless we stamp down our feet, this County will go down to the dogs, We will be paying a lot of salaries to people who do not exist or ghost workers, paying workers twice and when you ask and you want to get a report, there will nobody to give the report.

I would wish that....because I said that we have a friendly board Chair, if we are able to give them a budget and we can be able to interrogate the outcome of the same. Thank you, Mr. Speaker. I support.

Hon. Deputy Speaker: Thank you. Hon. Moses Mitaa.

Hon. Mitaa: Thank you, Hon. Chair, for the opportunity to air my contribution towards this report. I first want to applaud the committee for the good job they have done. I want to thank my senior colleague Hon. Margaret Mwikali for taking us through the report on behalf of the Committee Chair. Much of what I would have contributed has been captured by Hon. Katumo but I would not fail to appreciate the Board for at least giving a report to this Hon. House.

The previous board could not present such reports and the signs are that the current board is somewhat independent and the members could now be taking the right route of ensuring that matters related to the workforce, bloated wages and ghost workers and I believe we might be heading somewhere. What I would plead with the Labour committee is walk with this Board, let the committee protect the board from the Executive because mostly you know the Executive would not want some reports to reach this Hon. House.

I believe that now the board is showing signs of giving information to this Assembly that will be important in solving the problem that has been eating into our resources, I believe it is the right time that we protect the Board, ensure the budgets are well taken care of and not diverted and if it is a budget meant to go to the CPSB, let it be fully utilized by the board because there are no signs that they were not able to utilize the funds; it is only that the funds were diverted by the Executive.

Mine is to plead with the Committee and also this Hon. House to protect this Board and ensure that they work within the right environment so that we get to the answer of the problem that has been eating into our resources. Thank you, Hon. Chair.

Hon. Deputy Speaker: Thank you. Hon. Robert.

Hon. Kisini: Thank you, Hon. Chair, for giving me time to make my contribution. I want to start by thanking the Committee of Labour for bring such a report. Mr. Speaker, as other Members have said, I want to praise the Committee for bringing such a good report; remember we had problems with the Board asking reports and there were none coming. As observed, highlighted and recommended by the committee, the board was allocated Ksh. 10 million to construct their offices and we have seen the money was diverted to other projects.

I would say that it good that as we budget for the money, let it go to that specific duty it has been allocated for. Such a board that is doing a good job should be compensated by giving them what they want so as to encourage them. Mr. Speaker, we have also been talking of the big wage bill that the committee has highlighted and we have been saying that the salaries of the staff are consuming even money for development projects. The board has observed that and that is why we do not get our projects done so I want to commend the committee for observing that.

There is also lack of structure and in an organization where their lack of a structure, you cannot know who is who and who is doing what and that is why we see some departments are overstaffed and others are understaffed so it is important for the board to be questioned to bring an structure so that we can know the organization's chart.

Mr. Speaker, let us go to the point that it was noted that at 60 years some staff are retained and do not go home whereas the requirement that one should retire at 60 years and also the renewal of contracts was also missing (?). Mr. Speaker, those could be some of the things that could be consuming money that is meant to go towards development projects. Mr. Speaker, this board has brought to us a very good report and we should commend them and encourage them and then we should always be getting reports from the board. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Thomas Mutinda.

Hon. Mutinda: Thank you, Hon. Speaker. Mr. Speaker, I want to support the report and thank the Committee for this good report and say that I remember when the board could not even identify the number of staff it had but this time we can say there is an improvement that it is able to identify some of these issues. However, I think it is important that it should have been captured whether they have a strategic plan so that we may see their vision, mission and core values to see where this board wants and intends to go.

Mr. Speaker, there is the issue of training needs assessment which has not been highlighted in this report because I have heard somewhere that some staff have been acting and with education gaps and it is like they are not qualified and again you do not see the training needs assessment in the report which should show there is a gap that needs to be filled. Some of these reports should be coming to this House; otherwise the report is good but a lot has to be done.

There is this issue of staff who were from the defunct local authorities who are in every ward and every market and I would wish they be employed because they are there but on contract that they renew every three years and I do not know the security of their employment because I do not know whether they are insured or do they ever get training or if they get injured in their duty, will it be a case on the County government or an insurance taking care of them so that in case of an eventuality, the insurance can indemnify the workers because there is this Work Injury Benefits Act which states that in case you are injured when working somewhere, then there should be an insurance that stands in for the institution. So that are things that should be taken care of so that we lessen the burden to this County government so that a fee is paid and they can offer services and feel that they are really working.

The other thing is on the department of agriculture; Mr. Speaker, you realize that in the department there is big shortage and yet it is the backbone of our country and our county. There is a shortage and we need to harmonize as much as we have the high percentage of personnel emoluments going up, we should see to it that each of our departments have the minimum to support the services required by our people. So it is important we support the board and ask ourselves; where is the board placed because I have heard where CEC Members are performing the functions of the board?

It is important for this House to know where the board is placed and who it reports to. Is it to His Excellency of the Chief Officer Labour or the CEC Member because the placing of the board will minimize some of these problems where you find the board is working on one part and the CEC Member or the department is working on the other. So there should be the knowledge that this is the level of the board and the functions and also to have minimal duplication if any. Otherwise I support. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. May the mover of the Motion respond please?

Hon. (Ms.) Mwikali: Thank you, Hon. Speaker and the House. As I appreciate the Members so much for the serious debate and contributions to the Motion. I want to ask, as any organization without a human resource department is blind and cannot prosper. As Members of the County Assembly we support our board and protect its work, I am very sure talking about ghost workers or ballooning wage bill will be a story of the past. Members, I pray and propose that this House passes

this Motion to enable the board to carry out its mandate without any fear or any doubt and if we do so, I can assure you, on behalf of this Committee that our County will now be soaring high in terms of economic value and its progress.

Therefore, I thank you Hon. Speaker and the House and I request that we pass this Motion. Thank you.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Margaret.

(Question put and agreed to)

(Applause)

Hon. Members, I just want to make some comments on the issues that have been raised and they are important issues. We have talked about 192 employees above 60 years of age in our payroll and that can mean every Hon. Member providing five employees from their ward to get employment without increasing on any overhead. Actually, the net effect will be a reduction on any overhead because like Hon. Katumo said that these overheads on those who have attained the age of 60 years are the top bracket of their salary range and when you bring in new people who are young at the entry level so you will create employment and half the wages.

That is why I agree with Hon. Mitaa that we need to protect the board to ensure the recommendations made here are implemented without a fall back. For us this Hon. House is the approving authority and you can be able to protect it in whatever it is.

82 employees duplicated; what has made me worried there are the different salaries. You tell me an employee is appearing in the department of labour earning Ksh. 20,000 and the same employee is appearing in the department of sports earning Ksh. 25,000 and when you at the figures and these are two different individuals getting two different salaries by the same person. Duplication of two employees means you take 192 and 182 because 82 are duplicated then you have close 300 people who we can easily get out of the system and have the so-called ballooning wage bill and create employment for our youth. It is painful to see our youth suffering out there without employment and we have about 200 people above 60 years and 82 others who are duplicated. Sincerely speaking, something needs to be done about that.

On the issue of auto-renewal of contracts, a very key point; you do not renew contracts automatically after their expiry. Renewal is based on merit. Did you provide services as per the contract terms? Was there performance appraisal done? So that we can be able to say; yes their contract can be renewed because they performed this way and they have these special skills that require the renewal but just renewing automatically the 200 to 300 contracts while the Human Resource Policies and Procedures Manual talks about three years after which there has to be a review before the contract can be renewed, is all summed up by the fact there is no organogram.

Normally, in organizations where people are serious with what they are doing, they are supposed to do what is called Resource Optimization Model where you create an organization chart of the positions required in an organization and then you have people on the chart. Those who remain in a pool and are not in the chart we make sure there is a way of getting out of the system by either early retirement or other incentives. That is called a Resource Optimization Model. You fit

people into an organogram and you do not fit an organogram into people.

You do not draw a chart based on the number of employees you have; if you have 100 employees you do not draw an organogram to fit them in because you are not optimizing the resource but rather you draw the organogram and see what you require and then you feed the people there. Those who remain out there are excess requirement and you look for ways of either deploying them elsewhere or getting rid of them. It is important to say that if such things were done, the constituency represented by Hon. Katumo, Hon. Jacinta Luka and Hon. Mwikali will be able to get the space required to be able to fit because we have an organogram where you are fitting them in and it will be provided for in law.

But now we get lost in translation because you have so many people and no one has an organogram or knows where we are coming from or where we are going. Therefore, I believe the House has passed this report and the CPSB therefore has 60 days within which they should respond to this Hon. House on the issues which have been raised and the recommendations which have been made by the Hon. Committee.

ADJOURNMENT

Hon. Deputy Speaker: With that Hon. Members, the House is adjourned to resume on Wednesday, the 18th day of August, 2021 at 10.00 a.m. and remember tomorrow is *Bunge Mashinani*; we will be meeting at Kangundo Central ward at a school called Kangundo DEB primary school right in Kangundo town where Hon. Moses Mitaa hails from. Enjoy the rest of the evening Hon. Members.

The House rose at 4.44 p.m.