

REPUBLIC OF KENYA

NYANDARUA COUNTY ASSEMBLY

2ND ASSEMBLY- 2ND SESSION

OFFICIAL REPORT

Thursday 12th April, 2018

The Assembly met at the Assembly Chamber at 2.30 pm.

[The Deputy Speaker [Hon. Zachary Njeru] in the Chair]

Prayer

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

(There is quorum as confirmed by the Clerk-at-the-Table)

Speaker: Hon. Members, quorum being present we can now go into the business of the session.

First order.

STATEMENTS

1. STATUS OF MIHARATI AND MACHINERY MARKETS

Yes member for Kipipiri Hon. Paul Ngeche

Hon. Paul Ngeche: Thank you Mr Speaker.

I hereby seek a statement from the chairperson committee on trade industrialization and cooperatives development on the above stated subject matter addressing the following concerns

- a. The status of the title documents of Machinery market
- b. What the department has planned in relation to the construction and upgrade machinery market to ensure that it benefits the public.
- c. The bill of quantities used in the construction of Miharati market and documentation on the progress made which includes but not limited to the amount appropriated and the amount spend.
- d. What the department has planned to ensure that Miharati market is usable by the public for the purpose it was constructed for.

Thank you Mr Speaker sir

Speaker: Very well, chairperson committee on Trade, Industrialization and Cooperatives to tell us how much time he needs to respond to the same.

Hon. Wairimu Njane: Thank you Mr Speaker, give us one month.

Speaker: Looking at the time you have given and bearing in mind the long recess I think this should go up to Thursday 10th May 2018. Are you comfortable with that date?

We shall be proceeding for long recess on 11th May 2018 and that is why I am inquiring from you on bringing the response to the statement on 10th May

Hon. Wairimu Njane: One month from now will be 17th May.

Speaker: On 17th we shall be away for long recess and from the timelines that you have given us the possible date you can avail the same is on 10th May.

Hon. Wairimu Njane: Since we had other businesses that came before this one then one month is not enough and we shall respond to that after the long recess.

Speaker: Are you comfortable with 14th June?

Hon. Wairimu Njane: Yes Mr Speaker

Speaker: All right then. Make sure you adhere to that date. Next

2. STATUS OF CONSTRUCTION OF MALEWA- KAHURUKO-RUTUMO ROAD

Yes Hon. Paul Ngeche Wambaire

Hon. Paul Ngeche: Thank you Mr Speaker

I hereby seek statement from the chairperson committee on Transport, Energy and Public Works on the status of construction of Malewa- Kahuruko-Rutumo road addressing the following concerns

- a) The status of Malewa- Kahuruko-Rutumo road
- b) The bill of quantities used in the construction of the road, the amount allocated and the name of the contractor.
- c) What the department is doing to ensure that the road is completed and accessible

Thank you Mr Speaker sir

Speaker: Very well, chairperson committee on Transport, Energy and Public Works to tell us how much time he needs to respond to the same.

Hon. Esther Mwangi: Mr Speaker three weeks will be enough.

Speaker: Very well, that leads us to Thursday 3rd May 2018. Make sure that that is adhered to. Next

3. ESTABLISHMENT OF THE OFFICE OF THE COUNTY ATTORNEY

Yes county member from Karau ward Hon. Esther Mwangi

Hon. Esther Mwangi: Thank you Mr Speaker

I hereby seek a statement from the chairperson Committee on Public Administration and ICT on the status of establishment of the Office of the County Attorney and appointment of the officers thereto addressing the following concerns.

Aware that this House did an act to the Nyandarua County Office of the County Attorney Act 2016, which among other things establishes the office of the county attorney. Further aware that the office is yet to be established and that not appointments have been effected in accordance with the Act. Pursuant that lack of the implementation of the Act is an illegality.

Arising from the foregoing, I seek that the chairperson of the Committee on Public Administration and ICT provides the following

- a) Information on whether he Nyandarua County Office of the County Attorney Act 2016 is gazetted in accordance with the provisions of section 25 of the County Government Act 2012

- b) Whether the County Public Service Board has considered the establishment of the office of the County Attorney and recruitment of officers to that office pursuant to section 59 of the County Government Act 2012 and in accordance with Nyandarua County Office of the County Attorney Act 2016.
- c) The number of officers in the county offering legal services to the county government

Thank you Mr Speaker sir

Speaker: Chairperson Committee on Public Administration and ICT, how much time does your committee require to avail the response.

Hon. Kinyanjui Njatha: Thank you Mr Speaker, we shall give a response after recess.

Speaker: Would you prefer the first or second week after recess?

Hon. Kinyanjui Njatha: I would prefer the second week

(The Clerk-at-the-Table consults with the Speaker)

Speaker: Chairperson Committee on Public Administration and ICT that leads us to Thursday 14th June 2018.

Hon. Kinyanjui Njatha: That is okay

Speaker: Very well. Next order!

4. STATUS OF RUTUMO ECDE CLASSROOM AND LERESHWA POLYTECHNIC

Yes member for Kipipiri Hon. Paul Ngeche.

Hon. Paul Ngeche: Thank you Mr Speaker,

I hereby seek a statement from the chairperson committee on Education, Gender Affairs Culture and Social Services on the status of construction of Rutumo ECDE classroom, accessibility to Lereshwa polytechnic and connectivity to electricity addressing the following concerns.

Aware that the county government of Nyandarua under the department of Education Gender Affairs Culture and Social Services has implemented various projects in Kipipiri ward, which include Rutumo ECDE classroom and Lereshwa Polytechnic.

Further aware that this projects was implemented through funds allocated, appropriated and approved by this House and from grants by an Italian organisation

Concerned that the classroom is incomplete and not habitable, that the road leading to Lereshwa polytechnic is impassable, and the institution is not connected to electricity.

Arising from the foregoing, I seek that the chairperson committee on Education, Gender Affairs Culture and Social Services provides the following information

1. What he department is doing to ensure that Rutumo ECDE classroom is completed and I use.
2. How much was spent on the project and whether the amount allocated as pending bill for the project is meant to complete it.
3. What the department is doing to ensure that the road leading to Lereshwa polytechnic is passable and that the institution is connected to electricity.

Thank you Mr Speaker sir.

Speaker: Chairperson Committee on Education, Gender Affairs Culture and Social Services, how much time do you require to avail the response to that statement?

Hon. Geoffrey Kariuki: Thank you Mr Speaker, the question has caught me by surprise but if we are given two weeks, we shall respond to the statement accordingly.

Speaker: Noted. We can confirm the dates...

(The Speaker consults with the clerk-at-the-table)

Vice chairperson Committee on education I think three weeks would be better and I direct that the response to that statement be brought on 3rd May 2018. That is a period of three weeks from now.

Next order

COMMUNICATION FROM THE CHAIR

STATEMENTS SOUGHT PREVIOUSLY

Hon. Members I wish to communicate that there has been a number of statements sought. As you are all aware, there are some chairpersons who have not yet responded to them. This House therefore gives a notice to all the chairpersons that have not responded to statements sought from them to make sure that they avail them next week.

I only give them a period of one week and they shall avail them on Thursday next week

Next order

MOTION

NYANDARUA COUNTY PUBLIC SERVICE BOARD ANNUAL REPORT FOR 2017

Yes chairperson committee on Public Administration and ICT Hon. Samuel Njatha Kinyanjui.

(Hon. Hussein Kassana rises on behalf of the member)

Hon. Hussein Kassana: Mr Speaker sir I beg to move the following motion on behalf of my chairperson who say that he has a sore throat.

I beg to move that this House does adopt the report of the committee on public administration and ICT on the consideration of the Annual Report of the Nyandarua County Public Service Board, as a report of this House and the recommendations there in as resolution of this House.

Mr. Speaker, Sir, by a letter dated 15th February 2018 the secretary to the County Public Service Board

(Hon. Gathungu Kamau rises on a point of order)

Speaker: What is it leader of majority?

Hon. Gathungu Kamau: Thank you Mr Speaker, is the chief whip supposed to move the report from his chair or should he move to the dispatch box?

Speaker: leader of majority as you are aware, when any member of moving a report, he or she should do so at the dispatch box but when moving a motion, a member can do it from the dispatch box or where the member is. Chief whip, proceed.

Hon. Hussein Kassana: Thank you Mr Speaker for enlightening the majority leader.

Preface

Mr. Speaker, Sir, by a letter dated 15th February 2018 the secretary to the County Public Service Board (herein after referred to as the “CPSB”) forwarded the Nyandarua County Public Service Board Annual Report for 2017 (herein referred to as the “Report”) to the County Assembly. The Report was tabled in the House on Wednesday the 28th day of February 2018 and referred to the Committee on Public Administration and ICT. The forwarding of the Report was done in accordance with the provisions of section 59(5) (a) of the County Governments Act (C.G.A) which I will quote verbatim for the benefit of the Honourable members;

“The report by the County Public Service Board under subsection (1)(f) shall:-

(a) be delivered each December to the county assembly”

Mr. Speaker Sir, the County Assembly is established under article 176 of the Constitution and given its legislative and oversight powers under article 185 of the Constitution. Further, the Public Administration and ICT Committee is established under Standing Order Number 195 and part 2 of the fourth schedule thereto with the following the following mandate amongst others,

- a) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) to study the programme and policy objectives of departments and the effectiveness of the implementation;

It is on the basis of these mandates that the Committee was required to scrutinize the Report and report back to the Assembly.

The Nyandarua County Public Service is established under Article 235 of the Constitution and Section 57 of the County Governments, Act, 2012. The Board is a body corporate with perpetual succession capable of suing and being sued. The Board membership comprises of the following;

1. Dr. Eliud Mwaura	-	Chairperson
2. Jane Njeri Maina	-	Vice Chairperson
3. Eddah Wanjiru Wangaru	-	Member
4. Boniface Mukuria	-	Member
5. Kelvin Mwai	-	Member
6. Esther Kimemia	-	Member
7. Jack Mbugua	OGW	Secretary

Mr. Speaker, Sir, the annual Report referred under section 59(5) (a) should contain the following information as required by section 59(1) (f) of the C.G.A.

“...the extent to which the values and principles referred to in Articles 10 and 232 are complied with in the county public service;”

Mr. Speaker, Sir, it is critical to understand what are contents of the provisions of articles 10 and 232 so that we can appreciate why the CPSB is required to report on compliance with the said provisions.

Article 10 (2) of the Constitution provides as follows;

(2) The national values and principles of governance include—

(a) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;

- (b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised;
- (c) good governance, integrity, transparency and accountability ;and.
- (d) sustainable development.

Under article 10(1) every state organ, state officer or public officer are bound by the national principles of national governance. This means that the CPSB must both collectively and individually abide by the aforementioned principles more so on good governance, integrity, transparency and accountability. The County Assembly as people's representative organ and the constitutional mandated to offer oversight to county organs is thus required to scrutinize the operations of the CPSB to ensure that its conduct is in strict compliance with the supreme law of the land.

Further, the Constitution of Kenya 2010 stipulates the following as the values and principles of public service;

- (1) The values and principles of public service include—
 - (a) high standards of professional ethics;
 - (b) efficient, effective and economic use of resources;
 - (c) responsive, prompt, effective, impartial and equitable provision of services;
 - (d) involvement of the people in the process of policy making;
 - (e) accountability for administrative acts;
 - (f) transparency and provision to the public of timely, accurate information;
 - (g) subject to paragraphs (h) and (i), fair competition and merit as the basis of appointments and promotions;
 - (h) representation of Kenya's diverse communities; and
 - (i) affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of—
 - (i) men and women;
 - (ii) the members of all ethnic groups; and
 - (iii) persons with disabilities.
- (2) The values and principles of public service apply to public service in—
 - (a) all State organs in both levels of government; and
 - (b) all State corporations.
- (3) Parliament shall enact legislation to give full effect to this Article.”

The above enumerated principles in line with both the national principles of governance and principles of good corporate governance which should be adhered to by all organizations aspiring to give excellent services.

Terms of reference

Mr. Speaker, Sir, the Committee convened severally about the report with the following terms of reference;

- (i) To scrutinize the Nyandarua County Public Service Board Annual Report for 2017
- (ii) To review the Nyandarua County Public Service Board Annual Report for 2017 for compliance with the provisions of the County Government Act.
- (iii) To come with a report on Nyandarua County Public Service Board Annual Report for tabling in the House.

Acknowledgment

Mr. Speaker, Sir, I wish to appreciate the priceless efforts and steadfast commitment that the Hon. Members of the Public and Administration and ICT Committee put and demonstrated during the entire process of compiling this report. They exhibited proper time management, energy and enthusiasm all through the sessions.

I extend my appreciation to the Office of the Speaker for the support it accorded the Committee. Further, my sincere appreciation is reserved for the Office of the Clerk for the technical support it offered the Committee during this process.

I cannot forget to thank all the County Public Service Board Members for their input and contributions in coming up with the County Public Service Board Annual Report for year 2017.

Finally, Mr. Speaker, Sir, it is my duty and pleasure, on behalf of the Committee on Public Administration and ICT, to present this report to the House.

Introduction

Mr. Speaker, Sir, County Public Service Board, which is a corporate body with perpetual succession and a seal, as well as a body that is capable of suing and being sued in its corporate name, which is established in Section 57 of the County Governments Act, 2012 and pursuant to Article 235 of the Constitution. Section 58 of the Act provides guidelines on the composition of the County Public Service Board, which includes a chairperson, other members who must not be less than three but not more than five, and a certified secretary of good professional standing. The aforementioned must be nominated and appointed by the county governor with the approval of the county assembly.

County Governments Act, 2012 states that appointment of the members shall be competitive. The Code for Governance of State Corporations also states that appointment of the board should be done in a transparent procedure governed by the overriding principle of merit. County Governments Act, 2012 also outlines the qualifications for persons to be appointed as members of the County Public Service Board. Further, the Act states that the term of service for the County Public Service Board members is a non-renewable term of six years.

County Assemblies are vested with the legislative authority of a County Government and may make laws that are necessary and incidental to the effective performance of the functions and exercise powers of a County Government. They are also mandated to exercise oversight over the County Executive Committee and any other County Executive Organ. Standing Orders 195 empowers the Assembly Committees to investigate and inquire into all matters relating to the assigned department as they may deem necessary and or as may be referred to them by the Assembly.

Mr. Speaker, Sir, with the promulgation of the Constitution of Kenya 2010, a new concept of a people's centred governance with the core principles of accountability, transparency and integrity being at the fore. The following are the fundamental principles in good governance in public sector,

1. Professional ethics – an awareness and adherence to the moral principles that should guide behaviour in a specific sector.

2. Professionalism – competent, fair, and knowledge-based decision making and behaviour
3. Leadership – providing a clear vision and ethical strategic guidance that inspires and encourages while simultaneously enforcing the necessary rules and regulations.
4. Accountability – the acknowledgement and assumption of responsibility for decisions and actions.
5. Transparency – open communication about decisions taken or decisions made.
6. Participation – fostering a system in which the public feels that are part of decision making process.
7. Responsiveness – availability to the public and timely reaction to the needs and opinions of the public.
8. Ubuntu-Compassion and humanity – the awareness of the importance of the community.

Legal background

Mr. Speaker, Sir, the County Public Service Board is established under section 58 of the County Governments Act. Further, section 59 of the same Act outlines the following as the functions of the Board;

“The functions of the County Public Service Board shall be, on behalf of the county government, 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;*
 - (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.*
- (2) In appointing a person as a secretary to a board of a city or an urban area under subsection (1)(a), the County Public Service Board shall ensure that such person is a certified public secretary of good professional standing.*
- (3) The reports under subsection (1)(d) shall contain the details of persons appointed including gender, persons with disabilities, persons from the minority and marginalized communities.*

(4) In the performance of its functions under subsection (1)(e), the County Public Service Board shall have powers to—

- (a) inform and educate county public officers and the public about the values and principles;*
- (b) recommend to the county government effective measures to promote the values and principles;*
- (c) assist county government in the formulation and implementation of programmes intended to inculcate in public officers the duty to uphold the values and principles;*
- (d) advise the county governments on their obligations under international treaties and conventions on good governance in the county public service;*
- (e) visit any county public office or body with a view to assessing and inspecting the status of compliance with the values and principles;*
- (f) investigate, on its own initiative or upon a complaint made by any person or group of persons, the violation of any values and principles;*
- (g) recommend to the relevant lawful authority, any necessary action in view of the violation of the values and principles by any person or public body;*
- (h) cooperate with other institutions working in the field of good governance in the public service; and*
- (i) perform any other functions as the Board considers necessary for the promotion of the values and principles.*

(5) The report by the County Public Service Board under subsection (1) (f) shall—

- (a) be delivered each December to the county assembly;*
- (b) include all the steps taken and decisions made by the board;*
- (c) include specific recommendations that require to be implemented in the promotion and protection of the values and principles;*
- (d) include specific decisions on particulars of persons or public body who have violated the values and principles, including action taken or recommended against them;*
- (e) include any impediment in the promotion of the values and principles; and*
- (f) include the programmes the board is undertaking or has planned to undertake in the medium term towards the promotion of the values and principles.*

(6) The Board shall publish a report required under this section in the county Gazette not later than seven days after the report has been delivered to the county assembly.”

Nyandarua County Public Service Board is mandated by law to perform the above functions and their performance should be evaluated against that background. It is imperative that the County has an effective workforce which can only be possible by the County Public Service Board (CPSB).

Mr. Speaker Sir, Article 10 of the Constitution provides that;

“(1) The national values and principles of governance in this Article bind all State organs, State officers, public officers and all persons whenever any of them—

- (a) applies or interprets this Constitution;*
- (b) enacts, applies or interprets any law; or*
- (c) makes or implements public policy decisions.*

(2) The national values and principles of governance include—

- (a) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;*
- (b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised;*

(c) good governance, integrity, transparency and accountability;

Further, the Constitution of Kenya 2010 stipulates the following as the values and principles of public service;

- (1) The values and principles of public service include—
 - (a) high standards of professional ethics;
 - (b) efficient, effective and economic use of resources;
 - (c) responsive, prompt, effective, impartial and equitable provision of services;
 - (d) involvement of the people in the process of policy making;
 - (e) accountability for administrative acts;
 - (f) transparency and provision to the public of timely, accurate information;
 - (g) subject to paragraphs (h) and (i), fair competition and merit as the basis of appointments and promotions;
 - (h) representation of Kenya's diverse communities; and
 - (i) affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of—
 - (i) men and women;
 - (ii) the members of all ethnic groups; and
 - (iii) persons with disabilities.
- (2) The values and principles of public service apply to public service in—
 - (a) all State organs in both levels of government; and
 - (b) all State corporations.
- (3) Parliament shall enact legislation to give full effect to this Article.”

Mr. Speaker, Sir, the above enumerated values and principles should be nurtured in public service in Nyandarua County. The CPSB as the body that primarily deals with public service should ensure that the aforesaid principles and values are practiced by the employees in the County. This report is meant to ensure that the CPSB reports to the County Assembly the general public on the extent of compliance with national values and principles.

Overview of the annual CPSB report

The Nyandarua County Public Service Board Annual Report for 2017 was forwarded vide a letter dated 15th February 2018 and referenced NYA/CPSB/ADM/1/6/2018.

The Report contains five chapters which are namely; review of first Nyandarua county government 2013-2017, Board's Strategic Plan (2018-2022) perspectives, Activities of the County Public Service Board, County Public Service and Vision of the Second Government. The same can be summarized as follows;

Review of First Nyandarua County Government 2013-2017

This chapter contains a brief summary of how and why the Board came into place. It states that the Board came into place on 13th day of August 2013. The Board has faced various challenges in trying to deal with integration of the various categories of staff i.e. those that were devolved from the National Government, those from the defunct local authorities and the newly recruited staff members. The chapter also contains some information on inter- relations within the county. The Board has raised concern that there is conflict between the CPSB and the Executive, which has hindered the execution of its mandate. The Board has requested that the County Assembly, the

County Executive and CPSB should hold a joint meeting to iron out various issues. This is critical, as it will help resolve some outstanding issues and forge a way forward.

The board has professionalized the county public service by recruiting professionals. The current total number of county employees was 1652 by the close of year 2017. These employees are mainly concentrated in the health and agriculture departments. The Board has indicated that it has not conducted a social economic impact audit on the county public audit.

Board's Strategic Plan (2018-2022) Perspectives

The CPSB has a strategic plan for year 2018-2022 in which it aims to achieve the following;

1. Strengthen capacity of the Board Secretariat by filling Established positions with qualified office manager, administrative officers, legal officer, HR personnel, internal auditor, and ICT officers, among others as detailed in the Strategic Plan;
2. Review the organizational structure of the County Government of Nyandarua and conduct work load analyses to determine optimal staffing levels;
3. Entrench performance management by institutionalizing performance appraisal system;
4. Strengthen staff training and development;
5. Establish and implement methodology for monitoring and enforcing adherence to articles 10 and 232 of the Constitution of Kenya 2010;
6. Develop working manuals to ensure efficient operations of the Board with respect to recruitment, monitoring and evaluation, performance management, and any other key function of the Board; and
7. Continue development of more coherent and effective consultative mechanisms between the Board and the Executive and the County Assembly.

The implementation of the strategic work-plan will require a total of Kshs. 607,200,000 for the five financial year's period.

Activities of the County Public Service Board

In the year 2017, the board was expected to do the following;

- Establish and abolish offices
- Exercise disciplinary control
- Conduct monitoring and evaluation
- Enhance values and principles in the public service
- Ensure performance management is conducted
- Conduct human resource, planning, management and development.
- Have administration support services.

The year ending 31st December 2017 the Board was able to accomplish the following;

- Development of the Board's strategic plan and service charter.
- Staff audit
- Staff promotions totalling to 502
- Confirmation of appointments totalling to 322

- Absorption of 26 youth polytechnics previously employed under the Economic Stimulus Programme (ESP)
- Recruitment of 70 new employees which can be expounded as, 24 male, 46 female out of which 56 were youths and 1 person physically disabled. It is important to note that there were no persons recruited from three (3) wards namely; Githabai, Nyakio and Charagita.
- The Board also ensured that the county employees filled the wealth declarations forms.

County Public Service

Some members of the CPSB visited various ECDE centres in the county where they observed that there are several challenges facing the centres. Following the visits the Board has made several recommendations on efficient running of ECDE centres in the county.

This chapter also details measures that have been taken in relation to staffing and functioning of county public service. There are pending issues in relation to this subject such as re-designation and recruitment of chief officers who are yet to take office, as there is a matter before Court on this issue. The report also highlights some gaps in the human resource sector such as the lack of an organogram in some departments, lack a Human resource audit and lack of a human resource manual. The report also raises a very pertinent issue of lack of ward administrator's offices.

Vision of the Second Government

This chapter contains the six pillars in the governor's manifesto and how they relate to the CPSB mandate. The pillars are;

- Good governance
- Social sector development
- Infrastructure development
- Financial and trade services
- Agricultural development
- Industrialization

It is important to note that the human resource will play a key role in realization of the governor's manifesto.

Findings and Observations

Mr, Speaker, Sir, Nyandarua County Public Service Board annual report 2017 was forwarded to the County Assembly as a requirement of the section 59 (5)(a) of the County Governments Act. In particular, the foresaid section states that;

- “(5) The report by the County Public Service Board under subsection (1) (f) shall—
- (a) be delivered each December to the county assembly;
 - (b) include all the steps taken and decisions made by the board;
 - (c) include specific recommendations that require to be implemented in the promotion and protection of the values and principles;
 - (d) include specific decisions on particulars of persons or public body who have violated the values and principles, including action taken or recommended against them;
 - (e) include any impediment in the promotion of the values and principles; and

(f) include the programmes the board is undertaking or has planned to undertake in the medium term towards the promotion of the values and principles.

(6) The Board shall publish a report required under this section in the county Gazette not later than seven days after the report has been delivered to the county assembly.”

Mr. Speaker Sir, the Committee scrutinized the annual report of the CPSB 2017 against the requirements of section 59(5) of the CGA and the values and principles as outlined under articles 10 and 232 of the Constitution and observed as follows;

(a) be delivered each December to the county assembly;

Mr. Speaker Sir, the forwarding letter is dated 15th February 2018 and referenced *NYA/CPSB/ADM/1/6/2018 which was received by the Office of the Clerk on 16th February 2018*. The County Government Act requires that the reports should be delivered each December. The CPSB failed to deliver the report within the timelines stipulated by the Act. It is important that the CPSB delivers the report to the County Assembly every December so as to comply with the law and give ample time for this House to scrutinize the report.

(b) include all the steps taken and decisions made by the board;

The report details the activities done and decisions made by the board in the year 2017. These include:

- Operationalized the County Public Service Board of Nyandarua;
- Recruited over 800 employees and promoted in excess of 700 employees;
- Prepared and submitted reports to the National Cohesion and Integration Commission on compliance with constitutional requirements during recruitment process;
- Prepared quarterly and annual reports to the County Assembly on the execution of the functions of the Board;
- Submitted recommendations to the SRC on personnel emoluments;
- Appraised heads of departments in the five (5) sub-counties;
- Administered the declaration of incomes, assets and liabilities in 2015 and in 2017 (years of declaration) and in 2017 for officers exiting from County Government of Nyandarua service;
- Participated in the preparation of the county HR manual;
- Advised the County Government on HR planning and development;
- Responded to audit queries from oversight bodies (such as KENAO, Senate, County Assembly, EACC, NCIC, etc.);
- Participated in the development of ECDE teachers' scheme of service;
- Participated in the Recognition Agreements (RAs) between the County Government and the Kenya National Union of Nurses;
- Automated advertising, short-listing, and scheduling of interviews;
- Compiled bio-data of the county public service; and
- Communicated high-level advisories to the county executive especially on HR matters.

This subsection is thus well catered for in the report. However, noted that it was critical that the decisions and actions taken by the Board should be analysed against the principles and values set out under articles 10 and 232 especially on transparency, equity and public involvement in policymaking. The compliance of these principles and

values can only be possible if the Board provides the regular reports on the execution of the Board's functions to the Assembly as required under section 59 (1)(d)

(c) include specific recommendations that require to be implemented in the promotion and protection of the values and principles;

Mr. Speaker, Sir, the Board ensured that the public officers in the County Government of Nyandarua...

(Hon. Gathungu Kamau rises on a point of order)

Speaker: What is it leader of majority?

Hon. Gathungu Kamau: Is the House quorate?

QUORUM CALL

(There is no quorum as confirmed by the Clerk-at-the-Table)

Speaker: I now direct that the bell be rung for eight minutes or until such time within the eight minutes, that quorum will have been achieved.

(The division bell rings for three minutes and quorum is achieved as confirmed by the Clerk-at-the-Table)

Quorum having been achieved, chief whip you can now proceed.

(Hon. Gathungu Kamau rises on a point of order)

QUORUM CALL

(There is no quorum as confirmed by the Clerk-at-the-Table)

(The division bell rings for four minutes and quorum is achieved as confirmed by the Clerk-at-the-Table)

Chief whip you can now proceed.

Hon. Hussein Kassana: Before the quorum hitch, we were reading 'specific recommendations that require to be implemented in the promotion and protection of the values and principles;

Specific recommendations that require to be implemented in the promotion and protection of the values and principles stated in the report are:

- There is a lot that needs to be streamlined in the budget making process. Fundamental activities for example need to be agreed upon and possibly distributed within the five Sub-counties rather than small projects in the twenty-five wards as it happens currently.
- There is need to hold a joint workshop with the three arms of government: i.e. the executive, county assembly and the County Public Service Board to establish cordial relationships and agree on the need

for mutual respect and observance of the law in the interaction of the three entities.

- That the office of the County Secretary should work hand-in-hand with the CPSB as he is the head of public service. The County Secretary should facilitate the trainings and workshops organized by CPSB to inform the public service and minimize mistakes.

(a) include the programmes the board is undertaking or has planned to undertake in the medium term towards the promotion of the values

The report includes the programmes the board is undertaking or has planned to undertake in the medium term towards the promotion of the values and principles.

These are:

- Strengthen capacity of the Board Secretariat by filling Established positions with qualified office manager, administrative officers, legal officer, HR personnel, internal auditor, and ICT officers, among others as detailed in the Strategic Plan;
- Review the organizational structure of the County Government of Nyandarua and conduct work load analyses to determine optimal staffing levels;
- Entrench performance management by institutionalizing performance appraisal system;
- Strengthen staff training and development;
- Establish and implement methodology for monitoring and enforcing adherence to articles 10 and 232 of the Constitution of Kenya 2010;
- Develop working manuals to ensure efficient operations of the Board with respect to recruitment, monitoring and evaluation, performance management, and any other key function of the Board; and
- Continue development of more coherent and effective consultative mechanisms between the Board and the Executive and the County Assembly.

The Committee also observed that the Board had not published the report in the Kenya Gazette as required under section 59 (6) of the County Government Act by the time was completing writing this report.

Recommendations

Mr. Speaker, Sir, considering the above findings and observations the Committee makes the following recommendations;

1. That the County Public Service Board should always ensure that the Annual reports are submitted within the stipulated timelines.
2. That the County Public Service Board should always ensure that the Annual reports are published in the Kenya gazette within seven days as required by the County Governments Act.
3. That the County Public Service Board shall bring to the County Assembly the regular reports under section 59(1) (d) for the financial year 2017/18 within 14 days.
4. That the County Public Service Board shall always bring to the County Assembly the regular reports under section 59(1) (d) at the end of every quarter.

5. That in compiling the annual reports the CPSB should adhere to the outline stipulated under section 59(5) of the County Government Act.
6. That a consultative meeting should be held between the County Assembly, the County Executive and the Board on the way forward in the County Public Service.

The department of Education, Culture and Social Services should follow up on the CPSB's report on ECDE.

Conclusion

Mr. Speaker Sir, all public bodies should be people-centred when delivering services. It should be done in an open manner and in compliance with the national values and principles.

For any nation to progress both economically and socially there must be a set of norms and beliefs that bind various social groups together. As a county, we must embrace the values and principles so that we can breathe life into the spirit and letter of the Constitution.

The County Public Service Board, as the body mandated to ensure that the ...

(Hon. Gathungu Kamau rises on a point of order)

Speaker: What is it Leader of Majority?

Hon. Gathungu Kamau: Mr Speaker please confirmed that the House is quorate

QUORUM CALL

(There is no quorum as confirmed by the Clerk-at-the-Table)

Speaker: Having confirmed that quorum is not present, I direct that the bell be rung for eight minutes or until such time within the eight minutes, that quorum will have been achieved.

(The division bell rings for 8 minutes and quorum is not achieved as confirmed by the Clerk-at-the-Table)

ADJOURNMENT

Hon. Members, quorum having not been achieved this House does adjourns to Tuesday 17th April 2018 at 2.30 pm

The House rose at 3.50 pm