

# REPUBLIC OF KENYA

## NYANDARUA COUNTY ASSEMBLY

### 2<sup>ND</sup> ASSEMBLY- 2<sup>ND</sup> SESSION

#### OFFICIAL REPORT

Tuesday 17<sup>th</sup> April 2018

*The Assembly met at the Assembly Chamber at 2.30 p.m.*

*[The Hon. Speaker [Ndegwa Wahome] 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

*(Resumption of business)*

#### MOTION

##### NYANDARUA COUNTY PUBLIC SERVICE BOARD ANNUAL REPORT FOR 2017

Member for Magumu and the designated member for Public Administration and ICT committee, Hon. Hussein Ndung'u Kassana

**Hon. Hussein Kassana:** Thank you Mr Speaker sir. I beg to move the following motion:

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, This is a continuation. 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 national values and principles are adhered to, must ensure that they are complied with and as the oversight organ in the County, the County Assembly should support the board to achieve this

monumental mandate. Finally, Mr. Speaker Sir, I wish to humbly urge all the members to support this report and support the national values and principles as enshrined in the Constitution.

Nyandarua county public service board annual report 2017. This is addressed to the clerk of Nyandarua county assembly. The county public service board is pleased to submit its 2017 annual report as required by section 59 (5) (a) of the County Government Act. The report details the activities of the board during the year and a summary of observations made in the course of the year. A copy has also been forwarded to the Hon. Speaker.

We are greatly indebted to the County Assembly and the Executive for the cooperation they accorded the board. It will be noted that the first Nyandarua County Government that came into office after the general elections of 4<sup>th</sup> March 2013 and ended on 8<sup>th</sup> August 2017 after the second general elections since the implementation of county governments in Kenya.

Year 2017 was very active politically though the County Public Service Board remained steadfast. The board is desirous of implementing its 2017-2022 strategic plan to the fullest. This largely entails funding. The assembly worked closely with the assembly during the writing of this plan and hence it is quite informed. We therefore request the assembly in the motion to discuss how best the board can truly be functional. It is pleasing to inform you that the board held a work plan workshop from 29<sup>th</sup> January 2018 to 2<sup>nd</sup> February 2018 to discuss events for 2018 calendar and what the board should accomplish in conformity with its mandate. It is signed by CS J.M Mbugua secretary to the county public service board.

The Nyandarua County Public Service Board Annual Report for the year 2017 to Nyandarua County Assembly. Review of first Nyandarua county government 2013-2017. The new constitution of Kenya was promulgated on 27<sup>th</sup> August 2010. Among the highlights of the new dispensation in it was the creation of 47 county governments that were to become operational after general election of 4<sup>th</sup> March 2013. This happened and county government of Nyandarua came into being along with the others. A Governor and 25 members of the County Assembly were elected and they took over the executive and the legislative arms of government respectively. One-third gender rule was applied to nominate more women and youth to the County Assembly. This was a phenomenal milestone in the democratization of good governance in Kenya.

The Constitution determined the functions, marching powers and fiscal decentralization. At least 15% of the national annual level shared to counties on an agreed formula nationally to be transferred to the counties. Devolution became the Household name. There was a sense of pride that the governments had been localized. There was a lot of hope for better things to come. This however brought pressure. The expectations cut across the spectrum in public lives. The indicators that include economic, social dimensions, political, self-governance and upgrades social status as a citizen and ultimately improved welfare benefits were getting stretchy during the first government of Nyandarua. It is against this that the first government of Nyandarua operated in. by and by the public was eager to demand for service delivery in the shortest time possible. The county operated against time to fulfil the expectations. Some were met and others are work in progress and many more were not met.

The County Public Service Board was inaugurated on 13<sup>th</sup> August 2013. Similarly, there were a lot of expectations from the existing public service, members of the public, the county assembly and the executive. The board mainly draws its mandate from the County Government Act No. 17 of 2012. The tenure of the first government ended on 21<sup>st</sup> August 2017 after the general elections held on 8<sup>th</sup> August 2017 when the current governor was sworn into the office. During the tenure of the first government, the board did what was possible in the circumstances. A lot of time was spent in forming and reforming the existing structures in the public service. There is still a lot the board would have wished to accomplish but for many reasons it was not possible.

The biggest challenge was forming one County Public Service Board from the staff who per the Constitution were supposed to be seconded to the counties from 4<sup>th</sup> March 2013. These were the local authority staff after they became defunct and the national government staff working in the county, as their functions were transferred to the counties as per schedule four of the constitution of Kenya. The transfer of function from the national government to counties started on 2<sup>nd</sup> February 2014 and ended 30<sup>th</sup> June 2015. Added to this were the newly recruited staff since early 2014, those who joined the county public service were from the private sector. To make this work as a team has not been easy. The board has been desirous of taking them through a one-week workshop since 2015. This however has not materialized to date because the board was not allocated the training funds it requested. The board prepared the training materials and were eager to induct the entire county public servants.

*(Hon. Wambugu King'ori rises on a point of order)*

**Speaker:** What is it member for North Kinangop, Hon. Edinald Wambugu King'ori?

**Hon. Wambugu King'ori:** Thank you Mr Speaker. It is my observation that the mover of this motion is reading the annexures. Is it necessary to read them? He has finished the report as deliberated by the members of the committee.

**Speaker:** Very well, I think that is a valid point. Hon. Member for Magumu instead of reading everything, highlight in the critical areas of the annexures.

**Hon. Hussein Kassana:** Thank you Mr Speaker, Sir, for your guidance.

In relation to the above objectives, the CPSB members visited the early childhood education teachers who were recruited by the board. Some of the issues...

**Speaker:** On that one for instance, you can tell the members to see what has been done by the CPSB on ECDE and then we can move on without going through everything. The recommendations are also many. You do not have to read it because you have already taken us through the body of the report.

**Hon. Hussein Kassana:** May be we can proceed and then call the seconder. In relation to the above objectives, the CPSB members visited the early childhood education teachers who were recruited by the board. Some of the issues the members found out are;

1. The status of the classroom especially those were funded by the county government, furniture, the pupils, water and sanitation, the relationship between the head teacher,
2. Whether the teacher is actually teaching in the ECDE class and cases of transfers.
3. Whether the activities are well coordinated in all the sub counties e.g timetables, teachers, guidebooks, reporting and closing time, feeding programs, playing etc.
4. The level of the ECDE teachers remuneration over the top up of Kshs. 10,000 the county government is paying them
5. The achievements and challenges of each of the schools funded by the county government.

I would like to call Hon. Njatha to come and second. Thank you.

**Speaker:** Very well, Member for Engineer and the Chair, Committee on Public Administration and ICT, Hon. Samuel Kinyanjui Njatha.

**Hon. Samuel Njatha:** Thank you Mr Speaker. I rise to second the report and I will start by thanking the Office of the Speaker and of the Clerk for facilitating the committee to go and compile the report. I think it was well done. I wish also to thank the members of the committee

even though it seems that they are not around. Some of them are held up in some other businesses.

Mr Speaker, I would like to highlight the recommendations in this document. I urge the CPSB to be preparing their quarterly reports, which will offer us time to look into issues of interest promptly. If we have an issue that requires more elaboration, we can have ample time to look at it. We found out that there were some reports that were submitted late and some of the issues could have been addressed if the reports had been submitted in good time. For instance, I understand that some wards did not get the opportunity to serve in the government. Actually, they were three wards. Such a problem could have been addressed if the CPSB had submitted the report in time. Therefore, I am hopeful that the board will take heed of the advice.

We agreed that we need to hold meetings with the board so that we can know how they operate. Some of us are very new to the operations of the board and it is important that we interact and engage with them. There also seems to be a standoff between the board and the County Executive and we would like to have a sitting with them so that we can intervene.

I do not have much to say and therefore, I rest my case and I second. Thank you.

*(Question proposed)*

**Speaker:** Yes, Member for Kanjuiri Ridge Ward, Hon. Suleiman Kihika Kimani.

**Hon. Suleiman Kimani:** Thank you Mr Speaker. I rise to support the report as moved and seconded by Hon. Kassana and Hon. Njatha respectively. I would like to highlight something on the recommendations. One of the recommendation is that special induction courses should be organized to improve the working relationship between head teachers and ECDs supervisors as well as teachers. As we are aware, ECDE is a devolved function and we need a very good relationship between the head teachers and ECDEs staff. This will have a positive impact on our kids who are in these ECDs. In some ECDs, which are located in primary schools, I have witnessed some disagreements between the head teachers and the ECD staff and as a result, children lose. Therefore, this is a good recommendation and if these trainings are carried out, we shall be progressing. We know that ECDs are the foundation of education in our children and we need to lay a good foundation so that the children will excel in education after transitioning. By doing this, Nyandarua can excel in education and go back to its glory days when we used to lead.

Another recommendation is that all political stakeholders should be discouraged from political activities, influence and interference. We have some issues that require to be addressed in our ECDs but when we involve politics, they cannot be addressed. Sometimes we end up discouraging our teachers despite the fact that they are very few. Let us avoid it so that we can lay a good foundation for our children.

Mr Speaker, there is another issue regarding the ECD teachers who have passed on. You realize the board rarely replaces them. This is an issue that affects the entire county. I do not imply that many of them have passed on but there are a few of them. In my ward, I have one who has died and when you approach the board for replacement, they say that they lack the capacity yet we know that the teachers need to be replaced. The teachers who passed on had salaries and therefore, we cannot understand the reason why the board is not replacing them. We do not know where their salaries go to and we would like to have a sitting with the board so that we can know what steps they are taking to replace those teachers.

Therefore, Mr Speaker, I support this report. It is good that this committee meets with the board to know how they employ, promote and other pertinent things. It is also important that they be submitting these annual reports so that we can know the position of the board. I support this report and urge other members to do the same.

Thank you.

**Speaker:** Yes Member for Wanjohi, Hon. Isaac Kung'u.

**Hon. Isaac Kung'u:** Thank you Mr Speaker. I rise to support this report. First, I wish to commend the committee and the board. I have gone through the report of the board and it is detailed and has raised very pertinent issues. I think this is one of the most important reports that should be tabled in this Assembly.

I want to make a few comments on issues that I have seen while going through the report and think that they are very important for this county. In section 4 (2) iii of the report, the board has highlighted the issue of having a county human resource policy. The board has also reported that it had developed a draft together with the then CECM in charge of Education. It was to be tabled in the County Executive Committee and later to be brought into this Assembly but it has all been in vain. This is a very important document in this county. It is pathetic that five years down the line, we still do not have a county human resource policy yet we have issues that affect employees in this county.

The issues of disciplinary actions, leaves and transfers can be addressed through the policy but we do not have it. Staffs in our county are left at the mercies of some people. Anybody can take a disciplinary action because of the lack of this document. That is why we have heard of some members taking disciplinary action against others because it is not clear who is supposed to take disciplinary action in this county and how it is to be done. This is a very important document and within this report, the committee ought to have recommended that the County Secretary should ensure that there is a county human resource policy so that we can protect our people and ensure that they work in a good environment. In case of indiscipline, we shall ensure that there is a proper mechanism to deal with it.

The other issue I would like to touch on is the issue of staff audit. It is surprising when you see in the board's report that there was a staff audit that was conducted on 11<sup>th</sup> of July 2017 in the entire county. However, the human resource department has never submitted a report on the exercise. Just the other day we used some more resources to conduct another headcount despite the fact that there was another one that did not produce any report. We are not even sure whether the report for the audit that was conducted recently will be produced. It is high time that we get the reports. The issue of claiming that there are ghost workers yet we do staff audit and do not get reports should end.

I want to say that in this county there is a very redundant work force. We know we have three categories of employees; there are those who were inherited from the local councils who automatically became employees of this county, those who have been employed by the board and those who have been seconded. We are struggling with the issue of wage bill. As we speak today, we have surpassed the physical responsibility of wage bill of 35 percent to 39 percent. The question is, is our work force productive?

I believe that at some point, as a county we will have to make very serious decisions especially when it comes to productivity of our people. County is about service delivery. You will realize that, in this county there are departments with no employees, others are overstuffed and others are irrelevant. For example, we are struggling with an understaffed health department, which is very important in this county because it is offering very crucial services. When we talk about employing nurses or clinical officers, the wage bill cannot allow us. I think we need to discuss this issue seriously and see whether we need to give retrenchment so that we can have people with the relevant expertise who can offer the seriously needed services. Some people should go home and others come in so that our service delivery can be effective.

I want to commend the board on ECDEs issue. It has given very good recommendations and I think that the Education committee should take up the matter. As I conclude, there is the issue of designation, promotions and confirmations. I think there have been staff members who have been acting for more than three or four years. It is the high time the committee and the board do a follow up and find out why these people have not been confirmed yet.

On the issue of equitable distribution, the board is saying that it has tried to ensure that the recruitment is equitable but I am of a contrary opinion. This is because that data they are giving for example, some wards in 2017 received 17 employees while others received none. So going forward, the wards that did not receive any should be considered in 2018. I wanted it to be captured within the report, that we need to have a Human Resource policy in this county. Thank you Mr Speaker Sir, I support.

**Speaker:** Yes member for Gathanji, Hon. Ngumo Ngamau.

**Hon. Ngumo Ngamau:** Thank you Mr Speaker. As a member of this committee, I have a concern to raise. This is that most members of this committee are not in the Assembly today and they were to support the same. I do not know how this kind of defiance is interpreted.

I want to commend this report, the Assembly's Speaker, the chair, the committee and the secretariat for the work well done. I want to be very brief. One thing and *Mheshimiwa* Kung'u has pre-empted, some of our officers are taking advantage by disciplining workers when what they want done, is not done. They are also taking advantage of transfers, for example if you want someone to work near you. This is especially in the health sector. Just the other day there was an uproar because they were supporting one of their own but other people did not want the individual. That issue should be looked into.

On the issue of distribution of workers, I personally went for a visit during the head count exercise and realized that some areas are very vulnerable. I do not know the criteria being used in distribution of workers. We also need to look into that.

Today, Hon. Kung'u and I were seated in the health committee and we realised something radical needs to be done. What are we going to do to increase our revenue? We cannot wait forever when we have people who are really suffering and ailing in our homes. Today we had a complaint from Hon. Njatha that at Engineer hospital, a certain nurse was not in the office and a lot of people were queuing. Maybe she was tired for working for many hours. I would recommend that something should be done about it. We have either additional funds or revenue somewhere even if it means creating partnerships with other people in order to be able to increase the number of workers in this county.

I look forward to a time -I am going to recommend this to the committee through the chair- where we can have a sitting with the board to try to look at some of these concerns. We might keep on mentioning them and because the board is not aware, they turn out to be a white elephant. We have never had a meeting with the I.C.T CEC which is also not very good. We need to understand what they are doing even when they are making their own budget. We need to know what they are buying e.g. the computers. To the chair, I would recommend that after recess, we sit with the County Secretary and his people to make us understand what is exactly happening within the Human Resource.

What *Mheshimiwa* Kung'u said about Human Resource, honestly, in Kenya there is no office that can work without Human Resource including this Assembly. We have a very functional Human Resource. If the Assembly has one, why not the entire county? That is probably the reason why we are having people employed but they do not have letters of offer of employment or terms of reference. We have a number of casuals within our county. Check our hospitals there are no proper frameworks. Should we have someone retiring at the age of sixty years yet he has been a casual for thirty years? How are we going to defend a person who is even supposed to be given something as he goes home? Thank you and I support.

**Speaker:** Then call the mover, Member for Gathanji.

**Hon. Ngumo Ngamau:** If there is no one else contributing, I call the mover.

**Speaker:** Yes the mover, the designated member of the committee and member for Magumu, Hon. Kassana Ndung'u Hussein.

**Hon. Hussein Kassana:** Thank you Mr Speaker sir. I would like to commend the members for their wise contributions. In order for the county executive to run smoothly, we as

the legislatures can call the executive and the board together so that we can end the stalemate that is between the CPSB and the Executive. I do not think there is something that is not manageable between those two. The stalemate is making work difficult in this county.

There are so many vacant positions in crucial dockets, which should be filled with immediate effect. I was in the water ministry and one person was working as the coordinator and chief officer, that is Mr Gaiko. I do not think a person holding more than one senior position can work effectively. We as the Assembly demand proper service from the ministries. We are the people to push hard in order to end that stalemate because it is not healthy for our county. I move the motion.

*(Question put and agreed to)*

**Speaker:** That report is now duly adopted and the resolutions thereof have become the resolutions of this house. The same is going to be communicated to the relevant authority and I believe that the insights in the report and the members' contribution, especially on the need of a Human Resource policy for the county will be taken care of so that we are able to move in a more streamlined and proper structured manner.

Next order.

### ADJOURNMENT

Very well. Hon. Members, having exhausted the business of this sitting, but as earlier communicated that you will hold on, I adjourn and then come back for the pending issues to be addressed in the Speaker's *Kamukunji*, but for now the house adjourns to tomorrow, that is Wednesday, the 18<sup>th</sup> day of April 2018, at 9.00 a.m.

*The house rose at 3.10 pm.*