REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Tuesday, 16th June, 2020.

The House met at the Assembly Chambers at 2.30 p.m.

[The Speaker (Hon. Patrick Waigwa) in the Chair]

PRAYERS

PAPERS

Hon. Simon Kanyutu: Thank you, Mr. Speaker. On behalf of the Majority Leader I wish to lay the following papers;

a) The Laikipia County Cooperative Development Revolving Fund Regulations 2020
b) 2nd Supplementary Estimates of Recurrent and Development Expenditure for the year ending 30th June, 2021.
c) Program based Annual Estimates of Recurrent and Development Expenditure for the year ending 30th June, 2021.
d) Memoranda to revise the CFSP and the Laikipia County program based annual estimates for the year 2020/21.

(Papers laid)

Speaker: The papers stand committed to various respective committees as follows;

a) The Laikipia County Cooperative Development Revolving Fund Regulations 2020 stands committed to the Committee on Delegated County Legislation.
b) 2nd Supplementary Estimates of Recurrent and Development Expenditure for the year ending 30th June, 2021 stands committed to the Committee on Budget and Appropriations.
c) Program based Annual Estimates of Recurrent and Development Expenditure for the year ending 30th June, 2021 stands committed to the Committee on Budget and Appropriations.
d) Memoranda to revise the CFSP and the Laikipia County program based annual estimates for the year 2020/21 stands committed to the Committee on Budget and Appropriations.

STATEMENT

ACCESS TO GOVERNMENT PROCUREMENT OPPORTUNITIES BY YOUTH, WOMEN AND PWDS.

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Hon. Joseph Kiguru: Thank you, Mr. Speaker, Sir. A statement was tabled in the Assembly by Hon. Christopher Mark Said on 25th February, 2020 requesting for a response regarding the access to Government procurement opportunities by youth, women and persons with disabilities. The statement was committed to the Committee on Finance and County Planning with a directive to table a response before the House on or before 25th March 2020.

Mr. Speaker, Sir, the Committee sent two letters to the County Executive Committee Member, Finance and County Development vide REF: CGL/CA/CM/007/02/VOL.2/002 dated 3rd March, 2020 requesting for the submission of response to the statement. The response was received on 10th March, 2020 as follows.

One, the list of prequalified suppliers for special groups in the 2018/19 financial year, I wish to reply as follows;

- That, the prequalified suppliers under the women category 2018/19 financial year were: I believe that every Member has got the statement form page one to twelve and therefore I don't want to go through the details.

On the name of the company, the directors and the description of the work, services or supply of goods awarded to youth in the financial year 2018/19 and its contract value Mr. Speaker Sir, I wish to reply as follows;

- That, under the financial year 2018/2019 there were 97 contracts awarded under the youth category. The total value of the Contracts awarded above was Kshs. 187,154,744 which presented 21.7% of contract value per category. A copy of a detailed summary of the name of company, the directors and description of the works, services or supply of goods awarded and their contract values on the above information is as attached. From page one any Member can peruse.

On the name of the company, the directors and description of the work, service or supply of goods awarded to women in the financial year 2018/19 and its contract value, I wish to reply as follows:

- That, under the financial year 2018/2019 there were 147 contracts awarded under the women category. The total value of the Contracts awarded above was Kshs. 108,619,403 which presented 12% of contract value per category. A copy of a detailed summary of the name of company, the directors and description of the works, services or supply of goods awarded and their contract values on the above information is as attached. On page 33 and 34 there are details of the value awarded to that category.

On the name of the company, the directors and the description of the work, service or supply of goods awarded to persons with disabilities in the financial year 2018/19 and its contract value, I wish to reply as follows:

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- That, under the financial year 2018/2019 there were 8 contracts awarded under the People Living with Disabilities category. The total value of the Contracts awarded above was Kshs. 2,458,448 which presented 0.3% of contract value per category. A copy of a detailed summary of the name of company, the directors and description of the works, services or supply of goods awarded and their contract values on the above information is as attached. The same can be found on page 133 and 134.

On the total contract value of works, services and supply of goods in the financial year 2018/2019, I wish to reply as follows;

- That, the total contract value of works, services and supply of goods in the financial year 2018/2019 was Kshs. 862,554,278.

On whether the County Government complied with legal requirement that 30% of Government procurement opportunities are set aside for women, youth and persons with disabilities, I wish to reply as follows;

- That, the percentage of procurement opportunities set aside for women, youth and persons with disabilities for FY 2018/2019 was 34% way above the required percentage. The County Government therefore complied with the legal requirement of 30% of Government procurement opportunities set aside for women, youth and persons with disabilities.

Thank you, Mr. Speaker. I wish that every Member can go through the copies to have the required details. I don't have much to add on this but just to leave it like that.

Speaker: Thank you, Chairman for Finance and County Planning. Hon. Chris Mark raised this statement and therefore I want to give him this chance for him to make his comments.

Hon. Chris Mark: Thank you, Mr. Speaker. I would like to commend the Committee on this job. It was not timely but it would rather take time but it comes with sufficient information that members can go through and understand. My request would be, as you can see this is a very large document and I cannot say whether I am satisfied or not on the responses and I cannot verify if I haven't gone through it. Members of the House also need a chance to go through the document because I have just seen it as I arrived. With your indulgence, if we are given till tomorrow or the day after so that at least the responses can be accurate.

I am seeing a lot of information which is good, unlike last time there are no supporting documents. The other time they had gone an extra mile and attached the AGPO certificates, the Director AGPO and what have you. Please allow give me more time until tomorrow so that at least when I give back my remarks as well as fellow colleagues, at least we will have gone through and understood, thank you Mr. Speaker.

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Hon. Jacob Endom: Asante Sana, Bwana Spika. Ni vizuri sana tumepata nakala hii ingawa stakabadhi yenyewe ni kubwa na tungeomba tupewe muda tuipitie. Ukiona wanakandarasi ambao wako hapa, haionyeshi iwapo wamepewa kandarasi ya maji au barabara. Hili ni jambo ambalo ni vyema kufafanua ili ijulikane.

Speaker: Mheshimiwa Jacob, kukufahamisha tu ni kuwa wewe umeomba kupewa muda ili uiangalie. Naomba tusiichambue leo, wacha tuichambue kesho iwapo tutaamua muda ni kesho. Nataka kukubaliana na hao Wajumbe wawili kuwa tupate muda wa kuangalia stakabadhi ili waweze kutoa mchango ulio na fahamu ya tunayojadili. Tulisema ni vyema tuwe tunapata stakabadhi mapema lakini kwa kuwa haikufika kwetu Alhamisi iliyopita, na Waheshimiwa wengi huja Jumanne ningependa tuahirishe hadi kesho 2.30 mchana. Mwenyekiti umetueleza lakini Waheshimiwa watachangia kesho saa nane unusu.

MOTION

ANNUAL REPORT OF THE LAIKIPIA COUNTY PUBLIC SERVICE BOARD

(Resumption of a previous debate held on Thursday, 11th June, 2020)

Hon. George Karuiru: Thank you, Mr. Speaker. Before I move the motion, I want to congratulate you for making us pray in Kiswahili language today. I did not know you are that eloquent, thank you. I beg to move the following motion;

> THAT, this House adopts the Labour, Social Welfare and Community Services Committee report on the annual report of the Laikipia County Public Service Board, 2018/2019 dated 10th June, 2020.

I think this is the motion that was deferred last week during our sitting because of time and I thank you for deferring it. I want to take you and the Honourable Members to page four of the preface of the document. That is, Establishment and Mandate of the Committee. I want to touch on the mandate of the committee without going into details if you allow me because it is a large document. Members have had this document since last week. The Sectoral Committee on Labor, Social Welfare and Community Services Committee was constituted by the House on 28th September 2017 during the First Session of the Second Assembly in Laikipia County.

Mr. Speaker, there is the highlights on the Committee in Standing Order 191, and the functions of the same which are clearly highlighted. Just to remind Members, the Committee comprises of the following Members:

1) Hon. George Karuiru - Chairperson
2) Hon. Christopher Mark - Vice Chairperson
3) Hon. Joseph Suge - Member
4) Hon. Irene John Wachuka - Member
5) Hon. Stephen Ndiritu - Member

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The Labour, Social Welfare and Community Services Committee extends gratitude to the Speaker of Laikipia County Assembly, the office of the Clerk and the staff of the County Assembly for their continuous support and commitment that resulted to the completion of this report. Mr. Speaker, if it were not for you and the House of the Clerk we would not have been able to compile this report. The Committee also wishes to thank and appreciate the firm support of the committee members for the successful compilation of this report. Mr. Speaker Sir, I now have the honor to present the annual report of the Laikipia County Public Service Board, 2018/2019.

Our friends, the good Clerk Assistants are touched in the thanking of the Clerk who allows and mandates them to assist individual committees and they do a good and commendable job. We have the background on page six, Section 59(1d) of the County Government Act, 2012 requires that the County Public Service Board (CPSB) prepares and submits to the County Assembly, regular reports detailing how it executes its statutory functions in any Financial Year. This report therefore, details the activities of the CPSB for the period of October 2018 to December 2019.

I will go through the Establishment of the County Public Service Board just for a refresher, in case the Honorable Members have forgotten about the seven members who passed through our House. Section 57 of the County Government Act, 2012 establishes the office of the County Public Service Board. The second part is on Composition of the CPSB, and the current CPSB was appointed to office on 19th October 2018 after being successfully appointed by H.E the Governor and vetted by the County Assembly.

Not forgetting, we had the first board in the devolution power that successfully went home, that was the time when the current board took over. In the year 2018/2019, the office holders of the Board comprised of seven members namely:-

1. Mumbi Mwago - Chairperson
2. Timothy Wamiti - Secretary
3. Benson Sururu - Vice Chairman
4. Christine Kibet - Member
5. Ekale Aruma - Member
6. Moses Wanyoike - Member
7. Patricia Wangui - Member

The board secretariat comprised of:

1. Joseph Muchai Kamau - Principal HRM Officer
2. Ann Nyagichai Munjogu - HRM Officer
3. Annsusan Wawira Ndungu - Records Management Officer

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4. Lucy Wangari Wambui - Assistant Office Administrator
5. Monicah Wanjiru Macharia - Office Administrative Assistant
6. Hannah Njeri Njuru - Support Staff.

Speaker: Hon. Karuiru, as you continue reading, I hope the Members are not getting confused. You talked of Stephen Ndiritu and the Kikuyu name is the only one that should be read in Kikuyu not the English one. Again, we have Joseph not *Josephu*, it is important to note so that Members do not get confused. As you read the Kikuyu names in Kikuyu don't read the English names the same way. Continue please.

Hon. George Karuiru: Thank you, Mr. Speaker. I think I am born of that which I am nagging and sorry. I was not very conversant with the pronunciations. The next part is on the Mandate of the Board. I will not go one by one but I would want to touch on page eight, on the activities of the CPSB during the period under review. You will allow me to just quote some and I will go one by one because this is the most touchy and important part of the entire report.

The first one is appointing persons to hold offices in the county public service. Section 59 (1) of the County Government Act, 2012 mandates the Board to appoint persons to hold or act in offices of the County Public Service including in Boards of cities and urban areas within the county and to confirm appointments. In general, the Board continues to receive indents from the Executive Arm for the recruitment of staff on a need basis.

I would like Members to underline persons to hold or act in offices of the County Public Service Board including in Boards of cities and urban areas, where we were denied a board in Rumuruti. I want them to underline that so that in the future the mandate of the Committee should be respected. During the year under review, the board successfully advertised, shortlisted and recommended to the appointing authority the following posts:-

1. The Rumuruti Municipal Board members. Mr. Speaker I beg through you that the same be underlined.
2. The Rumuruti Municipal Manager
3. The Chief Officers. Although up to date it has not been forwarded to this Honourable House but I am hoping something is being done as promised.

On the second one, the board did also something on staff promotions.

a) The Board considered and approved the promotion of officers to the following positions:

   i. 29 Medical Officers - From Job group 'M' to 'N'.

   ii. 18 Pharmacists - From Job group 'M' to 'N'. I hope I am pronouncing it well, allow me to use it as 'M for man' and 'N for no', for Members' clarity.

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iii. 2 Senior Dental Officers - From Job group 'M for man' to 'N for no'

In the year under review, the Board approved for recommendation from the County Human Resource Management Advisory Committee for promotion of 62 officers in various positions.

- Staff training and development
- In the year under review, the Board approved thirteen staff for further training and development in various courses.
- The members of the Board attended various workshops and training in a bid to build its' capacity.
- Approval of retirement on attainment of fifty years
- The Board approved four cases of early retirement after attainment of fifty years of age as provided for in the service regulations.

On confirmation of officers to Permanent and Pensionable terms, during the period under review, that is 2018/2019, the Board considered and approved eleven staff for confirmation in appointment as recommended by the County Secretary.

On customization of Policy documents, the Board in its effort to formalize the structure and norms of the County Public Service, it developed the following policy documents:

a) The County Human Resource Policies and Procedures Manual

b) The County Training Policy

c) The Guidelines on Establishment and Abolition of offices

d) The County Internship Policy

e) The County Casuals Guidelines

f) The County Disciplinary Manual

The board also had employee perception survey and I would like to quote from them. During the period under review the Board conducted an employee perception survey. This was intended to provide baseline information on the level of employee satisfaction in the County Public Service.

Section three touches on the National values and Principles of Governance. Section 59(4) of the County Government Act of 2012 mandates the Board to evaluate and report to the County Assembly the extent to which the values and principles are complied with in the County Public Service. The values and principles are grouped into eight thematic areas. Allow me to quote and say that they are well put in that table from one to eight to page eleven because Members have the document and they have had it over the weekend.

If you allow I will go to the Committee's observation. The Board highlighted some of the challenges faced during the period under review as:

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i. The bloated wage bill
ii. Inadequate funding that limited the operations of the Board only to key areas of its mandate.
iii. Implementation of the Collective Bargaining Agreement.

When you go to the Committee's recommendation, in order to ease the operations of the Board, after a lengthy discussion, the Committee proposed the following recommendations:

i. The County should establish and implement an optimal staffing structure so as to maintain the wage bill within sustainable levels.
ii. Increase the allocation of funds especially for training in the departments as well as an advertising budget to the County Public Service Board.
iii. Implementation of contract employment.

The committee recommends that this Assembly adopts the Annual Report of the County Public Service Board, 2018/2019. Thank you for the time to go through this report and also wish to that the Committee of Labour for indulging us on the report that came from the County Public Service Board.

As you have seen in the Committee's observations it is very clear that the Laikipia County wage bill is bloated. I would urge the County Government that as the Committee continues to have sittings with the Board that we may not be able not to leave the wage bill at zero percent but with the current regime let us work on the wage bill without malice to the level that can be done. I believe that the current County Public Service Board is competent and as autonomous as they are. I am hoping that with no external interference they will be able to have this task done as you have seen what mandate they actually have.

We feel for the Board as you can see they have said about the budget allocations. They have a lot of businesses of late during the COVID-19 times. I think we have wanted to have sittings with the board but due to the so many vetting's even from the National Government of late and since we resumed, we have not had time to have a meeting with them. I am hoping that we embrace it so that we are not left out. Their mandate is to vet on behalf of the Public Service Commission and we are happy that the recruitment they are doing, we shall not be paying and it will not interfere with the wage bill. The payment for nurses, medical officers, and advertisement we had will be done from there.

As you have seen in the Committee's recommendation we just beg that Hon Members when going through the budget should know that the mandate of the Board is extreme and the budget allocated sometimes is not equal to the task. I am just hoping that without so many interventions let us not forget that the mandate of the Board is vetting as you have seen in the recommendation on transferring or taking from casual to permanent payment. We should think about that issue and I know at times there is interference from the Governor's and County Secretary's Offices. There is a lot of pressure on this Board.

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I know if this Board is allowed to be as it should be with its autonomy we are actually going to stabilize all these issues on the wage bill. Our staff will also go to higher levels because sometimes you get that junior officers are not always recognized. The current employment is just being increased even without the human resource and the County Public Service Board information. I am saying and we have agreed with the Committee that if this is done to the letter nobody will feel that he or she is left out on issues of promotion. We have gone through the payroll and seen somebody goes for twenty years and is just adamant. Sometimes you wonder why somebody should know another person so that they can be promoted.

I am just hoping that when we go to have various sittings with the County Public Service Board which now is some months old it is going to deliver. I urge and beg the Hon. Members to adopt this report from the County Public Service Board. It was their will that they also give their fast batch and I know Hon. Members are following and you can see that the Board has tried to deliver so many if its mandates. I beg Hon Members to support and with those many remarks I have made, I now beg the Vice Chair who is very young and able the Hon. Chris Mark to second this report. Thank you.

Hon. Chris Mark: Thank you, Mr. Speaker. I rise to second this report and thank my able Chair in the Committee. This is one of the biggest committees we have in Laikipia and it touches on basically every aspect. I can testify that when my Chairman came to this Assembly in 2017 he did not have a single white hair on his head but now you can see. I can tell you that is from the stress of the Committee and also the demands that the County has from all the jobs. One thing I would like is to commend the Committee on is that we are part and parcel of the current Service Board with the blessings of this Assembly.

We are walking with them in this journey so that we are able to correct them when they do a mistake in the few years we are here. When we leave we will say we left a strong board that is doing its mandates just like my able Chair said, one being the appointment of persons to hold or act offices in the county Public Service including the Boards of cities and urban areas within the County and confirm appointments. This is one of the things that as a committee we felt robbed because we love working especially in areas which are in our committees.

I know in future we will have the Nanyuki Municipality coming here and I hope such an atrocity will not happen again under your watch. When I look at the activities they have done as detailed by the Chair, from the Rumuruti Municipal Board to Rumuruti Municipal Manager and the Chief Officers; they did their work. At times they have always been told they are the reason we do not have the names or the list of Chief Officers in the House but I can assure you that they did their work. I hope one day the right thing will be done and we get this list so that that the board can be said that it did its work.

As you can see if this board was not there, we have dutiful promotions and people who have worked in the County for fifteen or twenty years in the same position. You know that human resources policy says that someone should be evaluated and when need be promoted. You will

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find someone has been here for fifteen to twenty years. We get such complaints and now we are happy as a Committee that we have a board that looks at these issues of promotions, and retirement. We can see the board is coming up with a policy document. Someone was saying that this County is doing good work with the internship but again if it was doing good work without a policy we cannot know whether it is good. It is actually good that this board came up with the internship policy to make sure that the issues of interns and casuals are looked at so that they can be treated with human dignity.

I will just touch a bit on the National values. You saw here they said in number three amongst the core values and principles is human dignity and social justices. Maybe that list of Chief Officers would have come to this House. Maybe something rightful was done but we did not see it in the list of the CECM's. We also did not see the PWD's and the youth. Maybe this was to be done at the level of the Chief Officer. We are yet to know and are very hopeful. The Chair of this committee has talked about the Wage Bill. We were told that it was supposed to be 35% of the county's budget. Currently it is staggering at 55%. The board should be left to do its work without interference. It will always be prone to interference because of the sensitive nature that they do. They can balance and make sure that the wage goes down so that we can have more money going for development.

The other issue is about financing of the board. If you see the board members coming here they all come squeezed in one van. We are not saying that they should be given big cars. That is just a simple thing you can look at and see how the board is treated yet it deals with about 3,000 workers of this county. They are the ones who balance and make sure everyone is treated well. This board can be financed and situated at the headquarters. Currently there is Nyahururu which is a good town but it is not the headquarters. We would want them at the headquarters in Rumuruti. They will be central to the issues of the workers. With those few remarks, I second the report. Thank you.

(Question proposed)

Hon. Stephen Ndiritu: Asante, Mheshimiwa Spika. Nashukuru kwa kunipa nafasi hii. Pia namshukuru Mwenyekiti kwa vile alivyotupeleka vizuri katika hiyo ripoti. Ni ripoti ya Bodi la Utumishi wa Kaunti. Nasimama kuunga mkono hii ripoti. Inatoa mwelekeo na kuweza kuwapa Wajumbe ujumbe wa mambo ya utendaji kazi wao. Tumeona kuna majukumu inayofanya ambayo ni muhimu katika Kaunti ya Laikipia.

Mheshimiwa Spika, utaona kuwa Bodi la Utumishi limeweza kufanya kazi yao inavyohitajika kisheria. Wameonyesha Bunge hili kuwa kazi waliyopewa na katiba ya nchi hii katika *County Government Act* wameifanya kwa njia ya haki na wazi. Ningependa kusema kuwa Bodi la Utumishi wa Kaunti limepewa jukumu la kuajiri na kufuta wafanyakazi wote katika kaunti hii. Hii bodi inafanya kazi chini ya Serikali ya Kaunti. Wao hupitia changamoto mingi.

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Bodi hii isipopewa nafasi ya kufanya kazi bila kuingiliwa na Kaunti hii ya Laikipia inaweza enda vibaya. Serikali hupuzilia mbali ripoti wanazoshauriwa na hii bodi. Hayo ni mambo ambayo sisi kama kamati tumekaa chini na kuyaangalia vizuri. Wasiofuata maagizo katika kwa Bodi la Utumishi wa Kaunti tutawashughulikia kisheria. Nimeona ni vizuri niunge mkono. Ripoti hii iko na mambo yote. Bodi la Utumishi wa Kaunti limetoa kulingana na sheria yake. Tulipokuwa tunaangalia hii ripoti kuna jambo tuliona. Mwenyekiti amesema alituambia tupigie mstari majukumu ambayo kamati inafaa kufanya. Tunakumbuka kuwa kuna wakati mambo yalienda mrama lakini kwa sababu yatakuja tena, tungetaka yaletwe kwa kamati ili ifanye kazi bila kunyimwa haki yake.

Katika hili bodi kuna wale wanachama wanaofanyia kazi. Changamoto ambazo wamekuwa nazo zimeguzwa na mwenyekiti. Sisi kama kamati tumeweza kutoa mapendekezo yetu. Yakifuatwa na Bodi la Utumishi wa Kaunti basi itaweza kufanya kazi bila tashwishi yoyote. Nataka pia kumshukuru Mwenyekiti na Naibu wake ambaye ni kijana. Jambo lililoshangaza ni kuwa nimesikia yeye ni Naibu wa mwenyekiti katika hii kamati yetu. Pia kuna kamati nyingine ambapo ni Naibu wa Mwenyekiti. Huyu ni mtu aliye na nguvu sana. Anafaa kuangaliwa. Naunga mkono hii ripoti. Asante.

Speaker: I wish to call upon the mover to give a reply.

Hon. George Karuiru: Thank you, Mr. Speaker. Let me take this opportunity to thank the Hon. Members. I know that even those who have not participated are for the adoption of the report. The key mandate was highlighted by my able Deputy Chair on the issues of promotion which are very sensitive. My second opinion is on things to do with internship programs. Most of the advertisements touch on youth, women or a person with an experience of four, five or six years. I know that most of the Kenyans have a lot of trust with the County Governments. If we would get interns and the same interns go to seek jobs elsewhere then they get a chance.

What I know is being followed is the internship program. We also lobby as Members that every ward benefits from this internship programs. When the job seekers who have done that particular project under the county's program internship have a better chance, I would congratulate the board on the policy making; they have done well. We know that without good policies we cannot then have good bills and acts. They have done that.

The other one is on the inclusivity of the PWD's. We have seen that they have done minimal vetting as per what the Executive has done. As they program for more they should include the people living with disabilities. Inclusivity is quite commendable. The Chief Officers were not just returned from the door of this House. I am hoping that something is being done. The other one is the implementation of contract employment. There have been issues and I am embracing what the board is doing in terms of contract employment. We only stay with the permanent and pensionable people.

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People always know that they will always be here be here unless something changes. There should be implementation of contract employment. The policy also highlights that it will be you who will get the same position if you are recommended to. You can continue with the contract employment or be terminated. It then goes for another period. As competitive as the County Government Act Employment issues are concerned, I would commend the board for that.

I urge the Hon. Members to adopt the report. I am very grateful hoping that with time we will get the progress report of the board. We are mandated to have the quarterly reports so that we also report what they have done. When we have two reports from their table we can know the 100%, 50%, 20% or whatever percentage the board will be when they bring the other report. Thank you, Mr. Speaker. God bless this House.

(Question put and agreed to)

ADJOURNMENT

Speaker: The sittings of this House stands adjourned until tomorrow Wednesday, 17th June, 2020 at 9.00 a.m.

The House rose at 3.19 p.m.

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