

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Monday, 20th August, 2018

*The House met at the County Assembly Chamber,
Malindi Town, at 2.30 p.m.*

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

PRAYERS

COMMUNICATION FROM THE CHAIR

SENATOR HON. STEWART MADZAYO'S ADDRESS

The Deputy Speaker (Hon. Kenga): Hon. Members, the Office of the Clerk has received Communication from hon. Madzayo, the Senator, in regards to the address to the Assembly that; "Please note that I intend to address the County Assembly on the 23rd day of August, 2018. Kindly facilitate the arrangements."

However, there is a change for this programme. We are not able to have the Senator on the 23rd of August, 2018. The programme has been rescheduled to the 22nd day of August, 2018. So please expect to have the Senator to address the Assembly. There is a proposed programme that between 9.00 a.m. to 11.00 a.m. we shall have a breakfast meeting and thereafter a brief introduction with various leadership heads of the Assembly. Then between 12.30 p.m. to 2.00 p.m. there will be a lunch break at Tropical Village, between 2.30 p.m. to 3.00 p.m. a brief introduction by the County Speaker and then finally between 3.05 p.m. to 4.00 p.m. address to the County Assembly by the hon. Senator and then we adjourn the House; adjournment to be done by the Speaker of the County Assembly. Please take note. Thank you.

PAPERS

The Deputy Speaker (Hon. Kenga): Take out your card and then insert it.

Hon. Mwayaa: Thank you Mr. Speaker. I have been delegated to Table on behalf of the Majority Leader. With me I have two Reports. Mr. Speaker Sir, today being Monday, 20th of August, 2018, I beg to lay on the Table of this House:-

- 1) The Project Status Report as at August, 2018 for the Department of Devolution and Disaster Management.
- 2) The Projects Status Report and the Fourth Quarter Report (FY 2017/2018) for the Department of Trade, Tourism and Cooperative Development.

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Thank you.

(Hon. Mwayaa laid the documents on the Table)

The Deputy Speaker (Hon. Kenga): Thank you hon. Members. The Report on the Project Status by the Department of Devolution, Public Service and Disaster Management has been tabled by the Majority Whip in the House and this Report is now committed to the Committee on Administration, Labour and Social Services for consideration and we expect to have a Report within a period of 21 days from today.

The Projects Status Report and the Fourth Quarter Report (FY 2017/2018) for the Department of Trade, Tourism and Cooperative Development has been laid by the Majority Whip in the Assembly. I now commit the same to the Committee on Economic Planning, Trade and Cooperatives for consideration and a Report is expected within a period of 21 days; the Chair is present, please take note. Thank you.

NOTICE OF MOTION

ESTABLISHMENT OF A COUNTY INSPECTORATE UNIT

Hon. (Ms.) Sidi: Thank you Mr. Speaker. I rise to give a Notice of Motion on Establishment of a County Inspectorate Unit:-

THAT, aware that the County Assembly of Kilifi has enacted County laws that operationalized the functions of the County Government as enshrined in the Fourth Schedule, Second Part of the Constitution of Kenya, 2010.

AWARE THAT, there exists an Inspectorate Unit within Kilifi County without any policy or legislative framework to guide its operations.

FURTHER AWARE THAT, there is no established County Court to arbitrate and prosecute offenders that breach the county laws; this House urges the County Secretary to come up with a policy and/or legislative proposal to establish the Kilifi County Inspectorate Unit and provide a mechanism for the establishment of a County Court in consultation with the Judiciary and the Office of the Director of Public Prosecution to ensure compliance of all county laws.

Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Kenga): Thank you.

STATEMENT

ORDER OF BUSINESS FOR THE WEEK COMMENCING MONDAY, 20TH AUGUST, 2018

The Deputy Speaker (Hon. Kenga): Yes, hon. (Ms) Saumu Sidi, please proceed.

Hon. (Ms) Sidi: Thank you Mr. Speaker. Pursuant to Standing Order No. 41 (2) (a) I will now read the programme for the week commencing Monday, 20th August, 2018:-

Monday, 20th August, 2018 from 2.30 p.m. the Order is (A) Papers;

(1) Tabling of the Project Status Report as at August, 2018 for the Department of Devolution, Public Services and Disaster Management. That has been done by hon. Mwayaa.

(2) Tabling of the Projects Status Report and the Fourth Quarter Report (FY 2017/2018) for the Department of Trade, Tourism and Cooperative Development. That has been done by hon. Mwayaa.

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(B) Notices of Motion; Motion on establishment of a County Inspectorate Unit; that has been done.

(C) Statements;

(1) Response to a Statement sought by hon. Nixon Mramba from the County Executive Committee Member in-charge of the Department of Devolution, Public Services and Disaster Management; that will be done by hon. David Kadenge Dadu.

(2) Response to a Statement sought by hon. Nixon Mramba from the County Executive Committee Member in-charge of the Department of Devolution, Public Services and Disaster Management. The same will be done by hon. David Kadenge Dadu.

Wednesday 22nd August 2018, from 2.30 p.m. the Business of the day will be;

(A) Papers, we have tabling of the Report of the Budget and Appropriations Committee on the Kilifi County Integrated Development Plan 2018/2022. It will be done by the Chairperson Budget and Appropriations Committee. (B) We have Motion; Adoption of the Report of the Budget and Appropriations Committee on the Kilifi County Integrated Development Plan 2018/2022; that will be done by the Chairperson Budget and Appropriations Committee. (C) Address by the Senator. That is the Business for the week.

Thank you Mr. Speaker.

The Deputy Speaker (Hon. Kenga): Just an apology, we have a challenge with the communication system so most likely we are going to use the microphones as we proceed.

APPOINTMENT OF VILLAGE ADMINISTRATORS

Hon. Kadenge: Thank you Mr. Speaker. I wish to respond to a Statement raised by hon. Nixon Mramba but before I respond let me take you through to the Statement. The Statement is through the Chairperson Administration, Labour and Social Services on the appointment of Village Administrators;

Whether the Chairperson, Kilifi County Public Service Board is aware of Section 52 (1) the County Governments Act, 2012 establishes the Office of Village Administrators in the decentralized units to fully realize devolution in the County? If yes, what steps have been taken to date in regard to employment of the aforementioned officers?

Reference is made to your letter dated 19th July, 2018 on the above matter. The Establishment of the Office of the Village Administrators for each village unit in a county is provided for under Section 48 of the County Governments Act, 2012.

Section 52(2) of the County Government Act gives powers to the County Public Service Board to appoint the Officers after the County Assembly determines the number of village units under Section 48 (1) (d) and (3) of the same Act, and for the Executive to make a request for their appointment. The Board is therefore unable to appoint Village Administrators without the appropriate legislative and administrative instruments put in place by the County Assembly and the County Executive. Thank you.

The Deputy Speaker (Hon. Kenga): Thank you. This Statement was raised by the hon. Member for Kakuyuni Ward. Are you satisfied with the Response that has been given by the Chairperson?

Hon. Mramba: I am satisfied Mr. Speaker.

The Deputy Speaker (Hon. Kenga): Thank you. Let us now move to the other Response.

LACK OF WARD ADMINISTRATORS' OFFICES AT THE WARD LEVEL

Hon. Kadenge: Thank you Mr. Speaker but I think it is the same Statement.

The Deputy Speaker (Hon. Kenga): Just confirm if it is a different Statement.

Hon. Kadenge: Then I will seek more time to give the Response. Thank you.

The Deputy Speaker (Hon. Kenga): Can the Chairperson be assisted for him to go through the Statement?

Hon. Kadenge: Thank you Mr. Speaker. I have been guided and I have the Response. Before I go through the Response, let me go back to the Statement first:-

Whether the County Executive Committee Member (CECM) is aware that Ward Administrators in the County have no offices at the Ward level?

If yes, what is the CECM doing to address this challenge?

Your letter reference dated 19th July, 2018 on the above matter refers. The Department of Devolution, Public Service and Disaster Management has put in place below actions to ensure the Ward Administrators have offices at the Ward level:-

Provision of Kshs 5.6 million in the financial year 2018/2019 budget has been made for the Ward Offices rent. Also procurement process will start once the budget is uploaded. Thank you.

The Deputy Speaker (Hon. Kenga): Thank you. Again, the same was raised by the hon. Member for Kakuyuni Ward. Are you satisfied with the Response that has been given?

Hon. Mramba: Mr. Speaker, I am not satisfied with the Response. The Ward Administrators play a very important role in the County Government. They do not have offices neither do they have transport. Now, I wonder how devolution can be felt at the village level if the Ward Administrator for example if he is housed at the Municipal Council buildings. If somebody from Mongotini needs the services of the Ward Administrators, he/she will have to look for at least Kshs300 so that he can come to Malindi to see the Ward Administrator.

The Chairperson is telling us that in the budget of 2018/2019, Kshs 5.6 million is budgeted for rental. The Kshs 5.6 Mr. Speaker is peanuts. We are talking of offices. Why can't the County Government build offices for them instead of renting? If you translate Kshs 5.6 million for 35 wards, rough estimation comes to Kshs160, 000 for every ward. Now, if you put that amount for ward administrators for the rent of the office, how much shall he be paying to cater for 12 months? We are not seeing seriousness in this. The CECM needs to come before the Committee on General Oversight to shade more light about this. These people are joking. A lot of money is being used at the County level for very useless projects while the offices for Ward Administrators are not built yet they are budgeting for rent for the whole County. This is a big joke!

Mr. Speaker, may I ask for your permission so that the CECM comes before the Committee on General Oversight to tell us why she is not serious about devolution? If you go to a County like Kwale, they are very far ahead. They have offices and transport and devolution is being felt at the ward level unlike in our county. These are the same people who are failing our Governor. I beg that the CECM in charge of Devolution comes to this Assembly Mr. Speaker. Thank you.

The Deputy Speaker (Hon. Kenga): The Member for Tezo.

Hon. Mumba: Thank you, Mr. Speaker. I want to add more weight on what hon. Mramba was putting across. Looking at this Response, this sounds very ridiculous. The Ward Offices have not been paid for the last two to three years. Like in Tezo, he has due rent of over two million shillings. When you sub-divide the Kshs5.6 million you arrive at Kshs160, 000 per

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ward. So we are already working under a budget which has a deficit even on the rent that is supposed to be paid. The Member for Kakuyuni is very serious on this issue because the CEC has never addressed the matter that was ought to be addressed. I think he is very much in order if the CEC can come and tell us what he is doing about this issue so that we can address it once and for all. We can never have those offices closed for all that time while people need to be attended to and addressed whenever they need their issues to be addressed.

It is very sad that the offices have been closed and they are even using our offices to dispense all the services. Mr. Speaker, please, the CEC must come and shade more light. Thank you.

The Deputy Speaker (Hon. Kenga): Thank you. There was a hand from the Member for Marafa, please proceed.

Hon. Kambi: Mheshimiwa Spika, mimi naona haya majibu waliyoleta kwa Bunge hili, sijui kama alikuwa anaangalia ugatuzi ama afisi yake peke yake kwa sababu *Ward Administrators* ni watu ambao walipatikana na hawataondoka milele. Ofisi ile iko pale kama ofisi ya chifu. Sasa ukisema umeweka shilingi milioni 5.6, mimi nilikuwa natazamia pengine hizi pesa aliweka kwa wadi tano halafu bajeti nyingine inayokuja hivyo hivyo kusudi kuweka ofisi ambazo ni za kuendelea. Kuna umuhimu huyu *Chief Officer* aweze kuja ili atueleze vizuri lakini haya si majibu ambayo anaweza kuleta hapa Bunge.

The Deputy Speaker (Hon. Kenga): Thank you very much hon. Members. I think we have all been very alert and we have been able to hear the concerns that have been raised by various Members concerning the Response that has been given.

I believe the Member for Malindi Town Ward is a very able Chairperson. The direction that we should be taking now as an Assembly for this matter is for the Committee on Administration, Labour and Social Services to take up the matter and for a period of 14 days from today they should be able to Table before the Assembly a comprehensive Report that will address all the concerns that have been raised by the various Members. Then out of the Report, we can now be able to get the way forward concerning the same. Thank you very much.

ADJOURNMENT

Hon. Members, there being no other business in the Order Paper, this House stands adjourned until Wednesday the 22nd at 2:30 p.m. Thank you.

The House rose at 2.54 p.m.