

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF KILIFI**

**THE HANSARD**

**Tuesday, 17<sup>th</sup> November, 2015**

*The House met at the Temporary Chambers at the defunct Malindi Municipal Council Malindi  
Town, 9.30 a.m.*

*[The Speaker (Hon. Kahindi) in the Chair]*

**PRAYERS**

**The Speaker** (Hon. Kahindi): Good morning hon. Members?

**Hon. Members:** Good morning Mr. Speaker, Sir.

**COMMUNICATION FROM THE CHAIR**

**ABSENCE OF THE SPEAKER DUE TO EXAMS**

**The Speaker** (Hon. Kahindi): I have some Communication to make. As of tomorrow, I will not be available. I have exams starting this Friday running through the 3<sup>rd</sup> of December. So, I am just communicating to let you know that during that period, I pray that no unfortunate event happens. I will be doing my final exam and I hope that we will have peace in this County Assembly. Coincidentally it is on the 3<sup>rd</sup> evening that I will be finishing my exams and that is also the time we will be going for the long recess, but we will see.

I will leave hon. Teddy Mwambire and the Speakers Panel; hon. Stanly Kenga to take care of things. I just realized I have not prepared well enough, so I will need some time off between tomorrow and the next two weeks. Any matters that will need my immediate attention please don't hesitate to contact me. I will still be available on phone though what I would not wish is to come to Malindi because I have realized that I have very complicated exams ahead of me. On that note therefore, hon. Teddy Mwambire, hon. Stanly Kenga and Madam Speaker (Hon. (Ms.) Ngala) will be conducting business for the next two weeks until the third. Thank you very much.

**Clerk-at-the Table:** Adoption of the Report of the Ad Hoc Committee on the investigation of the County Secretary.

**The Speaker** (Hon. Kahindi): The Chairperson is really early today am told he has been here since eight o'clock. Yes proceed.

**MOTION****ADOPTION OF THE AD HOC COMMITTEE REPORT ON INVESTIGATION OF THE COUNTY SECRETARY**

**Hon. Kiraga:** Thank you very much Mr. Speaker, Sir. I rise to Table this Report for debate and its final adoption.

That, this House adopts the Ad Hoc Committee Report on the investigation of the County Secretary laid on the Table on Tuesday, 8<sup>th</sup> September, 2015. I humbly beg the Vice Chairperson hon. (Ms.) Arafa to second. Thank you very much.

*(Hon. Kiraga laid the Paper on the Table)*

*(Hon. (Ms.) Arafa stood at her place to second the Motion)*

**The Speaker** (Hon. Kahindi): Hon. Members, a Motion has been tabled by the hon. Chairperson of Ad Hoc Committee. That this House adopts the Ad Hoc Committee Report on the investigation of the County Secretary laid on the Table on Tuesday, 8<sup>th</sup> September, 2015. I now propose that, that Motion is ready for debate.

*(Question proposed)*

Yes hon. Emmanuel Chai.

**Hon. Chai:** Thank you very much hon. Speaker for giving me the chance to ventilate on the Report of the Ad Hoc Committee. I would like to take a short time because I am a Member of the Ad Hoc Committee and it would not be relevant for me to contribute excessively to coerce people to adopt it or not.

On the other occasions we have had arguments on it and Members pointed out that the recommendations we gave had some hiccups. That is the reason I cannot extensively ventilate on it but rather let my fellow Members give their points then the Ad Hoc Committee Members can rewind it later.

**The Speaker** (Hon. Kahindi): I am not getting you hon. Chai, are you saying you have nothing to say at the moment or what is your suggestion?

**Hon. Chai:** I have a lot to say about that report.

**The Speaker** (Hon. Kahindi): You know when you catch the eye of the Speaker you proceed.

**Hon. Chai:** Ok, what I was saying is that as a Member of the Ad Hoc Committee, we had an argument with bullet number six of the recommendations. I think that bulleting as I was reading was not placed exactly the way we should have put it because of the legal matters and other things which were said on that day; to me the County Secretary was not committed to his work according to the Mover of the Motion because we have one point where I was thinking...

*(Hon. Mwambire stood on a Point of Order)*

**The Speaker** (Hon. Kahindi): Yes.

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**Hon. Mwambire:** Mr. Speaker, is it in Order for a Member of the Ad Hoc Committee who signed in all the documents, to try and convince the Members that some of the contents today are not what he wanted? I think as a Member he could have raised those issues before signing but he signed and gave as a recommendation as an Assembly to comply with. So let him be very clear whether he is in support of this Report or not in support so that Members can understand him.

**The Speaker** (Hon. Kahindi): You know I have not even understood whether hon. Emmanuel Chai is in support or he is not in support. This is how it works and it is good that I had three sessions last week scrutinizing the Standing Orders and they are very fresh on my mind. That in any Committee if a Member feels that they have a dissenting opinion, a minority Report is done, which again does not have to be a Report that is going with the Majority so that when tabled you end up with two Reports a Minority Report and a Majority Report.

In this case we have passed that stage because we have signatures of all the Members who sat in the Committee. So I don't know what you are saying hon. Chai, I have not actually understood you and that is why I want to give you time so that you can be able to tell us whether you are speaking in favor of the Report or you are against it.

**Hon. Chai:** At the Moment I want to say that I am against the Report because of one thing...

**The Speaker** (Hon. Kahindi): Okay.

**Hon. Chai:** Yeah, I should be clear on that. I am against that Report just because of one thing. I think according to the Legal Clerk who was directing us in writing the report... I repeatedly insisted on bullet number six to state that the County Secretary was not doing his job correctly as head of the County Service...

**The Speaker** (Hon. Kahindi): Okay. Can you please refer us to that point, so that everybody knows what you are talking about? This is the only Report which I see so many signatures on the face of it meaning Members were... you know ordinarily it is supposed to be the Chairperson who signs but this one everybody signed. That means you were in support of it. Anyway, refer us to that point where you have issues. Again we have had 30 days for any amendments to be made I don't know why you need to come back.

**Hon. Chai:** Bullet number six, I am going to read it: "That the County Secretary as the head of the Public Service pursuant to the section 44 (3) of the County Government Act 2012, should have ensured communication between the County Public Service Board and the County Executive Department is streamlined."

So I think with that statement it shows that there is somebody who was not performing his duties. That is why I was still insisting on this line and up to now I am still on that line. I can repeat it that the County Secretary as the head of the Public Service pursuant to the section 44 (3) of the County Government Act 2012, should have ensured communication. Now we are telling him to ensure; during that time well before the Report I think he was not ensuring that these things are streamlined. He was not making sure that these things were to that point. So this is the line I am still lobbying...I am not in agreement with.

*(Hon. Kiraga stood on a Point of Order)*

**The Speaker** (Hon. Kahindi): Yes. Hon. Kiraga, just hold on the Point of Order. So which line are you taking now, are you supporting or objecting?

**Hon. Chai:** I am objecting the Report.

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**The Speaker** (Hon. Kahindi): Thank you very much. Yes hon. Kiraga, you want to say something or?

**Hon. Chai:** ...not in agreement with...

**The Speaker** (Hon. Kahindi): Hon. Kiraga, just hold on the Point of Order. So, which line are you talking about now? Are you supporting or objecting?

**Hon. Chai:** I am objecting to the report...

**The speaker** (Hon. Kahindi): Thank you, very much. Yes, hon. Kiraga, you want to say something else or you want to...

**Hon. Kiraga:** Thank you very much...

**The Speaker** (Hon. Kahindi): Hon. Kiraga, hon. Chai has already made up his mind you cannot force him to agree with this Report.

*(Hon. Foleni stood at his place)*

**The Speaker** (Hon. Kahindi): Yes Hon. Foleni.

**Hon. Foleni:** Mr. Speaker, Sir. I want to seek clarification.

**The Speaker** (Hon. Kahindi): From me?

**Hon. Foleni:** Yes.

**The Speaker** (Hon. Kahindi): Okay, I will allow you.

**Hon. Foleni:** Thank you Mr. Speaker, Sir. I rise to seek some clarifications. The Member who has just left the Floor sat on that Report for the duration that you gave us. The Member, who has just spoken, appended his original signature. Is it in Order, Mr. Speaker, for him to stand and say that he is objecting to this Report while the same Member signed this particular Report? Mr. Speaker, I beg to seek for clarification. Thank you.

**The Speaker** (Hon. Kahindi): I think I have already clarified and probably maybe hon. Emmanuel Chai, in the process of doing Reports, it is not mandatory that all the Members of the Committee must agree with the Report and where there is a dissenting voice or where there are dissenting Members, then a minority Report must be done. Where you have not done all that...you know on the record you actually agreed that this was your position and you even went further to append your signature.

It is immaterial now that you say you do not support it. That is why I said he has taken a different view but it is still his view but legally does it have any effect? I do not think it does. He is entitled to his opinion and this is a House of democracy. Yes hon. Hamza.

**Hon. Hamza:** Thank you Mr. Speaker, Sir, for granting me this opportunity to contribute to the Report of which I strongly support. If you look at the hon. Member from what he was reading, he has not been able to give his position because we did not know whether he was making amendment or what, bullet number 6 reads very clear that; The County secretary as the head of Public Service person to section 44(3) of the County Government Act 2012 should ensure that communication between the County Public Service Board and the County Secretary and the County Executive Department is streamlined. That was a full stop but the paragraph still continues. The County Secretary should be accountable as the head of the Public Service. That makes the full bullet in number 6.

Being the Member of the Ad Hoc Committee, if his argument to abstain from supporting the Report is based on bullet number 6, I would wish to get a clear position, of course the time is gone and he cannot be given the time to contribute again but he should actually give us an alternative because this is exactly what they deliberated on as they were making investigations. If

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he had any opinion apart from this one, then he should have given out the position. Otherwise he was actually to tell us if this was not the position, then which is the position? The Member for Jaribuni Ward should have demonstrated that.

Mr. Speaker, Sir, looking at the evidence and whether the County Secretary is capable of all the charges which were in that Motion, we have seen a lot of submissions that were given by the invited Members. Most of the information seems like even the Members did not have full information on what they were supposed to submit as per the prayers of the Motion. We have seen there is a Member coming from Ganda Ward who lost in the elections and on issues to blunder, he actually gave his submissions on issues which are not touching on the County Secretary; because there were issues which were raised on scholarship, the allocation, how the money was divided, some Wards are bigger than the others...you know...

Mr. Speaker, it is like we were creating an arena for each and everyone to bring information that he thinks can be submitted. Otherwise the information which was submitted, as we have heard was not direct to the prayer of the Motion. Most interesting is the submissions that were given by the Mover of the Motion. The Mover of the Motion was unable to submit on the issue of Dr. Anisa because he could not demonstrate the truth; whether it is the County Secretary who hired her or not.

The County Government Act section 31(c) clearly specifies the powers of the Governor and it is the Governor who appointed Dr. Anisa in that position. Therefore, if someone will come with information that distorts the truth then it is wrong. On the issue of the casuals, if I may touch on that, we had a Motion and we discussed on that and a lot of deliberations were done by the Committee on Labour.

There were recommendations that were given and it is the task of the Implementation Committee to tell us the status of the implementation of that Report and how far it has gone but the Committee has not done so. To my surprise, the Mover of the Motion has gone ahead to touch on issues which had already been deliberated and we were waiting for the Report from the Implementation Committee because the Report had been tabled on the House.

Therefore, I find that somebody could have a war but he is directing the war to the wrong person and that is what I refuse to be part of. Some of the issues which contributed to this Motion were not clear on what they were actually coming up to. The terminologies are very clear on the abuse of office and we wanted to see how we arrive on the abuse of office? There were issues of interfering with the tender. How do we arrive to that? Those are terminologies which were used and now it is like we are sitting down to make a composition on the allegations to arrive at a conclusion.

I would wish also to know whether it is in Order for us to discuss on the issue of Rain Drop while the matter is active in court. Based on the fact that we have already deliberated so much, even on the day that we were subjecting I gave clear information on how the Rain drop got the tender. Mr. Speaker, it might not be fitting to the Members but the law was followed. So, if it is not fitting to the Members then our question is how do we sit down and deliberate on ensuring that we stop this journey? What I can see is that the Mover of the Motion decided to keep distance on this issue because there is no any other evidence which he can present before the House apart from the one which he already submitted.

Therefore, Mr. Speaker, I would wish to probably stay clear and say I am fully in support of this Motion because even the recommendations that we have here are quite regular. We really need to know how to get authentic information. There are some Reports which have some evidence he added to this House in this very Report that you find the evidence on the tender...

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*(Hon. Chai stood on a Point of Information)*

**The Speaker** (Hon. Kahindi): Yes.

**Hon. Hamza:** Mr. Speaker, I would not wish to be informed by the hon. Member because already he has expressed confusion. As a Member he has not been able to demonstrate anything and then he went ahead to confuse you further. Mr. Speaker, I wish to close this chapter so that I can give avenue for other Members to discuss. Thank you.

**The Speaker** (Hon. Kahindi): Thank you hon. Hamza. Where is the Mover of the Motion?

*(Hon. Nzaro was absent)*

He is conspicuously absent today, what is happening?

*(Loud Consultations)*

Okay let us move on. Yes hon. Fondo.

**Hon. Fondo:** Asante sana Bw. Spika. Kwanza naipongeza ile Kamati ambayo ilitengeneza hii Ripoti na pengine nimekosa kuelewa vile ambavyo Ripoti hii inazungumzia ndio maana nasema hivyo. Maana kulingana na yale yote ambavyo Kamati hii imeweza kuidhinisha ni kuwa Katibu wa Kaunti alikuwa amefanya makosa. Kama alifanya makosa, ni nini haswa anapaswa kufanya? Hayo ndio mambo hii Kamati iliweza kuidhinisha. Kwa mfano namba 5 inasema hivi “ *That the County Public Service Board revokes the engagement of casual workers found in excess of the inherited number of casual, 294, from the defunct local authority.* ” Hii inamaanisha kwamba Katibu wa Kaunti aliongeza vibarua wengine ambayo ni kinyume na sheria. Kwa hivyo, nasema kwamba haya yote ambavyo Kamati imependekeza ...

*(Hon. Kiraga stood on a point of order)*

**The Speaker** (Hon. Kahindi): Yes hon. Kiraga.

**Hon. Kiraga:** Mr. Speaker, I rise on Point of Order No. 87 of the Standing Orders. Mr. Speaker, I congratulate his first statement but the issues he is raising are somehow displaced because there is no evidence wanting the County Secretary to engage in employment of casual workers and if he has any evidence he can give it to us. Thank you.

**Hon. Fondo:** Mheshimiwa Spika, nafikiri yeye amekosa kunielewa...

**The Speaker** (Hon. Kahindi): Hon. Fondo, just have a seat. The Standing Order which hon. Kiraga has risen under... I think this time he has done a lot of research. What he is simply asking under that Standing Order is that, if you make a statement which in the opinion of the House contains facts which cannot be substantiated, a Member can rise on a Point of Order and demand that whatever you are saying, you need to give reasonable facts. That is the reason why hon. Kiraga...and I am telling you he has done his homework because today he has not given us Standing Order 50 (b) which would have otherwise adjourned this session. What he is simply asking is that, whatever statements you are making now needs you to elaborate on the issues which you are talking about. So, please proceed.

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**Hon. Fondo:** Naona, Mheshimiwa Spika, amekosa kunielewa. Mimi nilikuwa napongeza vile hii nakala imepikwa kulingana na Kamati. Kulingana na vile kila kiegozo kimewekwa hapa ni sawa kabisa. Kitu kingine ni kwamba tukipitisha hii Ripoti tutakuwa tumeenda kulingana na vile Kamati ilivyoonelea kuwa sawa. Haya yote yanaonyesha kwamba hayakuweza kufanyika hapo nyuma. Hawa hawana uwezo wa kumshika Katibu wa Kaunti na kumpeleka kortini lakini wametoa mwelekeo kwamba hili lilikuwa lifanyike lakini halikuweza kufanyika kutoka la kwanza hadi la mwisho. Kwa hivyo nasema kwamba ni sawa vile ambavyo Kamati imependekeza itekelezwe.

Swali langu Mheshimiwa Spika ni kwamba je, kama hayo yalionekana yakiwa makosa na sasa, ni yatekelezwe kulingana na Kamati. Kwa sababu kuna mambo mengine kama namba 8 mambo mengine yameelekezwa kwa Kamati husika; kama Kamati ya Ardhi na Kamati ya Uwekezaji Wa Pesa Za Umma na Uhasibu, kuchunguzwa zaidi. Sasa swali langu Mheshimiwa Spika ni, sijui kama nitakuwa nimeruhusiwa ama vipi; Je kama Kamati zimeruhusiwa kuchunguza Katibu wa Kaunti, atakuwa bado kwa mamlaka ama ni ajitenge kando halafa Kamati ziweze kuchukua fursa au namna gani?

Mimi naunga mkono vile ambavyo Kamati imeonelea hapa kwa sababu, hao hawana uwezo kumshika Katibu wa Kaunti na kumweka kortini isipokuwa haya ambayo yako hapa. Ni sisi tuunge mkono ili haya yote yakafanyike. Je yataweza kufanyika kama Katibu wa Kaunti yuko kwa afisi ama yatafanyika kama yuko wapi? Mheshimiwa Spika naunga mkono Ripoti ya hii Kamati. Asante.

**The Speaker** (Hon. Kahindi): Thank you. Yes hon. (Dr.) Chitibwi.

**Hon. (Dr.) Chitibwi:** Thank you Mr. Speaker. I stand to support the adoption of this Report. I would like to congratulate this Committee, it had a difficult job. I was not a Member but simply by going through the whole file I had an indication of how difficult that job was. Being a respectable House representing Kilifi County, whatever we come up with must be seen to be fair to the Government, people and employees of Kilifi County. The Motion that was brought for one, made the investigation difficult because it was so broad. To me it was not specific enough for the Committee to zero in. From what I read, I reached a point whereby I myself could not say whether the Committee was addressing itself to the Motion or to other issues.

At the end of the day I am not a lawyer but I read and I hear that do not condemn somebody when you are not sure if they are guilty. If you have any doubt of that person's allegation, do not condemn that person. What I can say and what I felt from that file is that the Members from that Committee met a lot of people, they heard a lot and sometimes you can make a correct impression from the person presenting his/her evidence. From reading the evidence, you may not be able to make the correct impression. So, from a very difficult position I believe the Committee arrived at the correct recommendation and this House should not act...maybe for the lack of a better word, should not act as a *hedgehog*. Maybe I may not like somebody because of the shape of his/her nose but that does not mean that I should condemn somebody simply because I do not like him or her. This reminds me of a very sad incident, on Sunday in my Ward somebody was caught, tied up, tires put around him, petrol poured on him and he was burnt alive. Are we far from being in that similar position? Nobody took that person to the police or to court so that he could be heard. I believe there are recommendations here on the investigations that was made and eventually something specific be done.

Mr. Speaker and Members of the Assembly, we work through Committees, they go through very difficult steps, and I believe that this Committee did a good job although we have a

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right to reject it but personally do not see a reason to reject. I support this Report, and if that officer made mistakes we should be asking ourselves; do we at this point condemn him completely? Because we have got nothing specific to condemn him for in my opinion and if every human being was to be taken to jail because of making mistakes, how many people will be in jail right now? I think there would be more people in jail than outside.

Let us accuse somebody with something specific, something we can pin him down for and then pass judgment on something very specific for which we have found is wrong. I support the adoption of this Motion.

*(Hon. Chai stood on a Point of Information)*

**The Speaker** (Hon. Kahindi): Yes.

**Hon. (Dr.) Chitibwi:** I have finished, I do not need to be informed.

*(Laughter)*

**The Speaker** (Hon. Kahindi): We are having a very hard time today...

*(Laughter)*

Hon. Chai, people do not wish to be informed, what do we do and you have already spoken?

**Hon. Chai:** I have very important matters, they are very powerful...

**The Speaker** (Hon. Kahindi): I would love to but you see you have already exhausted your time that is the problem. The Member you wish to inform says he has finished talking and he does not wish to be informed. Yes hon. Matsaki, I saw your hand up.

**Hon. Matsaki:** Asante sana Bw. Spika. Mimi kwanza nataka nichukue nafasi hii kupongeza ile Kamati iliyopatiwa hii kazi. Nimeangalia yale majina ya wana Kamati, kusema kweli ni watu ambao wana heshima, ni watu ambao wana maadali mazuri, kwanza mwenyekiti wao. Kusema kweli Kamati hii imekua na wakati mgumu na yale yote ambayo walifanya, walifanya kulingana na sheria. Wote waliokua mbele yao walihojiwa na wakaridhika na ushahidi wote uko katika hii *file*.

Mimi nataka niseme hivi hapa; ikiwa kwa bahati mbaya ulikua unatamani uwe katika Kamati hii na hukuwa tuseme ni bahati mbaya kwa sababu si kila mmoja atakuwa katika Kamati. Ukiheshimu mwenzako na yeye atakuheshimu. Kwa hivyo Bw. Spika, hii Kamati ilifanya kadri ya uwezo wao na *recommendations* zao ziko hapa na mimi naziunga mkono. Nilikuwa mtu wa kwanza wakati ule kutoiunga mkono hii Ripoti lakini nilipopatiwa jitabu hili lote, nililisoma ukurasa baada ya ukurasa na ndio nikaja kusema ninaunga mkono hii Ripoti.

Bw. Spika, huenda ikawa watu wana mawazo tofauti, lakini naamini kabisa kama binadamu sisi si kamili na ikiwa hapa katika Bunge hili kuna mmoja anajisikia yeye ni malaika, basi asimame apige mwenzake jiwe. Nataka niwambie na ninazungumza nikiwa Mwenyekiti wa Kamati ya Sheria sasa, hii Kamati ilifanya jukumu lake na si lazima sote tukubaliane nao, kwa sababu sisi wajumbe tuko na haki ya kukubali au kukataa. Utafika wakati pengine tutapiga kura na ni kawaida, wengi wape! Lakini kwa saa hii mimi nataka niunge mkono ile Kamati yote ikiongozwa na Mheshimiwa Kiraga na wale wanachama wote walifanya kazi yao. Haya mambo ya kufanya *ku-speculate!* Mimi nataka niwapatie kisa kimoja hapa. Katika Wadi yangu, kama

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mnavyojua Waheshimiwa tuko na mradi wa *maternity wings* ambazo zinatengenezwa kule. Siku moja tukaenda kule na Waema kwa sababu *project* ilikua inaleta shida. Nilisikia maneno ambayo mimi nilitazitika pale. Yaani unasikia mtu anasimama anasema hii *maternity wing* mwanzo ilikuwa *plan* yake ni ya gorofa lakini Mheshimiwa Matsaki alichukua hiyo pesa ya gorofa akanunua *prado*.

Sasa mara nyengine usione mwenzako anafanya vitu vyake, uchukulie tu ni kwa sababu ya mambo kama hayo. Sisi ni viongozi na katika kazi zetu kuna mambo mengi ambayo tunapitia lakini katika zile shida ambazo sisi tunapitia si shida ambazo ukisimama ni lazima useme mimi nimedungwa na mwiba hapa, sijui imekuwa hivi...Lakini maisha lazima yaendeleo na kwa sababu katika *recommendations* zao Kamati ilisema wazi kwamba hata kama kuna vibarua walijajiriwa na ile Bodi ambayo inaongozwa na Mulewa wanasema hawakuajiri na huyu Katibu wa Kaunti, hapo kutafutwe njia kwa sababu kila *Department* iko na mkubwa wake.

Kama hawa wanaohusika na kuajiri kila mmoja anasema kuwa hakuajiri, ni nani aliye ajiri? Ni nani aliyepatia hawa kazi? Kwa hivyo ni tupate kiini cha mambo haya yote. Lakini ikiwa kila kitu ambacho kitafanyika kwa sababu mimi ndio Mwakilishi wa Wadi, mambo yote nasukumia mimi kwa sababu mimi ndio kichwa pale ni sawa nitajibu kulingana na yale ambayo nayafahamu, yale ambayo siyajui siwezi nikayazungumza.

Owen Baya ndio Katibu wa hii Serikali ya Kaunti lakini yeye naye mara nyengine anaenda kulingana na *resolution ya Cabinet*. Sasa ukiandika kibarua chako pale kwa sababu Kamati imekaa wale wamesema tufanye hivi, basi tuseme wote waende zao nyumbani. Mimi sitaki kuongea sana, nimesimama kuunga Ripoti hii mkono mia kwa mia na ni haki yangu kama Mheshimiwa niliyeisoma na kuelewa na yule ambaye pengine ameisoma kichwa chini naye anaweza kupinga, hiyo pia inaruhusiwa. Asanteni sana.

**The Speaker** (Hon. Kahindi): Yes, hon. (Ms.) Arafa.

**Hon. (Ms.) Arafa:** Thank you very much Mr. Speaker, Sir, for giving me this opportunity to contribute on this Report and before I start my contribution based on the Report, first I would like to congratulate the Committee under the Chairperson. It has not been an easy task.

The Committee has faced a lot of challenges in terms of insecurity. I remember the day we received the Court Order. The situation was very ugly but thanks to our security team in this Assembly. The Serjeant-at-Arms worked extensively to ensure that we had enough security for that day on. More so, the Assembly did not have even a single coin but the Committee worked in harmony towards the success of this Report. I want to contribute based on the Committee's recommendation on No. 6. *"That the County Secretary as the head of public service, pursuant to section 44 (3) of the County Government Act 2012 should ensure that communication between the County Public Service Board and the County Service Board Executive Department is streamlined. The County Secretary should be held accountable as the head of the public service board.* Why I have decided to contribute on this number is because during our investigations we received allegations from different people including the Public Service Board. This showed us that there is a breakdown of communication and disharmony in the Executive side between the Office of the County Secretary, and that of the County Public Service Board together with the offices of the Departmental Chief Officers on the County Government operations.

If we look at the Committee findings No. 3, *"That regulation on engagement on persons on contract, casuals and attachment of persons by County Public Service Board are still in draft and have never been presented to the County Executive Committee not even the County Assembly for adoption.* The question is some of the evidence that we received... the County Public Service

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Board said that, they have inherited 294 casuals but the number of casuals that we have now in Kilifi County is more than 700. Coming back to my question, where did these other casuals come from? That is why in our recommendation No. 4 we said that *“the engagement of casual workers be stopped forthwith until the regulation pursuant to section 74 of the County Government Act, 2012 are put in place.”*

Mr. Speaker, Sir, this Committee did not work on hearsay; we worked on the evidence we received from the witnesses. According to the issue of casuals as the Mover of the Motion presented it, we could not get enough evidence on the casuals’ employment based on allegations to the County Secretary. On that matter the County Public Service Board issued a circular to all Chief Officers to stop engagement of casuals but it was unfortunate because the Departmental Heads were still engaging casuals. That matter shows that there is a lot of disharmony and miscommunication within the Executive Department.

Mr. Speaker, Sir, I want to talk on the matter of tenders; there was an allegation on the issue of Saint Thomas road. We received some of the evidence and the tender document reads *“The rehabilitation of Saint Thomas road”* but the content of the tender read *“the construction of incinerator.”* It is very unfortunate that the County Secretary signed the letter. So, we do not know how the Executive and the County Secretary being the Head of Public Service Board cannot organize their house. These are some of the words that came directly from the County Secretary he said *“any chief officer who wants to tie himself, he will just give him a rope to tie himself.”* It was a big issue to us. We wish if we could have received the right evidence on that matter then we could have been in a position to prove allegations of incompetence and abuse of office. It was unfortunate because most of the evidence and allegations we received were just hearsay.

There were no tangible evidences, this Committee goes on judicial process we cannot rely on hearsay. I am urging the Members of this House and the public ...like there is one person from Mariakani, Mr. Mutsya who had allegations that the County Secretary abuses his office in terms of plans. Here we recommended that the Lands Committee look into that matter, but at the end Mr. Mutsya could not submit evidence on that matter so if we try to work on hearsays, I think in 2017 no one will come back here. If you want us to work as Leaders, then any matter presented before this House and Kenya at large should have tangible evidence. We can be pace setters so that in 2017 when other leaders come in this House, they will see how we have been working. I am very happy and I got a good experience from this Committee being the first in this Assembly; it is not easy but surely I enjoyed the work. I wish I could do law it is very interesting and to add on that, we have to obey the law and any time we want to bring in anything to this House first we have to be guided by the Constitution and laws from different Acts. Thank you very much Mr. Speaker Sir. I stand to support the Motion.

**The Speaker** (Hon. Kahindi): Yes hon. Mwayaa.

**Hon. Mwayaa:** Asante sana Mheshimiwa Spika. Nasimama nikiwa na furaha kwa vile wenzangu walivyouna mkono nikiwa mmoja wa Kamati hii ya dharura. Kusema kweli, tulifanya kazi usiku kucha. Nakumbuka tulipata mahali pazuri pa kuandika Ripoti hii lakini kulifika usiku na tukasikia usumbufu kiasi maana kulikuwa karibu na bahari na unavyojua bahari ni nzuri wakati wa mchana, lakini usiku bahari inanguruma. Tukawa tunakosa la kuandika kwa sababu kazi iko moto na Ripoti inatakikana huku.

Waheshimiwa tulipata kazi ngumu lakini hata hivyo nashukuru wenzangu waliona tulifanya kazi nzuri kufikia hapo. Mheshimiwa Spika, ni kama nitaongea zaidi kuhusu huu msemu; ukiwa umeitisha maji ya kunywa unatarajiya yaje kwa kikombe ama jaji lakini yakija

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kwa beseni hayatakuwa maji ya kunywa tena. Kwa sababu gani nasema hivyo? Ushahidi tuliopata haukulingana na madai aliyokuwa nayo Katibu wa Kaunti. Kwa mfano, wengine walikuja kutuambia kwamba Bunge letu kuna nyumba ilijengwa zamani na nyumba hiyo tufanye bidii ili irudi upande wa serikali ya Kaunti. Sasa ushahidi huu tuliuchukuwa, lakini ulikuwa hauhusiani na Katibu wa Kaunti. Labda pengine meya aliyekuwa hapo wakati huu wa manisipaa kwa sababu serikali ya Kaunti haikuwa kwa mamlaka kipindi hicho. Umetumana maji ya kunywa, hayaletwi kwa kikombe, yanaletawa kwa beseni; hayo sio ya kunywa. Watu wanatambia kuhusu mambo ya nyumba na sisi tulikuwa tunataka ushahidi uwe kulingana na madai ya Katibu wa Kaunti.

Upande wa Rain Drops, katika ule ushahidi tuliona watu wa *procurement* walifanya *procurement* hata kabla Katibu wa Kaunti kuingia kwa mamlaka. Alipoingia mambo yalikuwa tayari yako jikoni kwa hivyo ikawa hana budi kutia saini, manake tayari mambo yalikuwa yanapikwa. Yalipokuwa yashaiva ndio yeye akawa anaingia kwa mamlaka Mheshimiwa Spika...

*(Hon. Chai stood on a Point of Information)*

**The Speaker** (Hon. Kahindi): Yes hon...

**Hon. Mwayaa:** Sitaki kufahamishwa kitu maanake najua mengi. Wacha nitumie muda wangu vizuri ili nieleze haya ambayo niko nayo kwa Bunge hili. Niko na mambo mengi hata nikianza kuelezea mapya nafikiri nitakuwa napoteza wakati. Mambo ya Rain Drops yakaenda hivyo, upande wa uandikaji wa vibarua, tulipata kwamba vibarua walikuwa wanaandikwa lakini sio na Katibu wa Kaunti. Ikabidi yule Mwenyekiti wa Bodi ya Umma achukue hatua kwa sababu ni kazi yake. Ikabidi aandike barua kwa vitengo vyote, hiyo inaitwa *circulars* kwa lugha ya kimombo, akitaka kujua kwa nini vibarua wanaandikwa katika hali ambayo sisi kama Bodi ya Kilifi hatujui.

Hiyo barua tuliiona iko pale katika hiyo faili, wakauliza maswali yao ya kwanini vibarua wanaendelea kuandikwa, hapo tumeuliza maji kweli lakini yamekuja kwenye beseni. Sio Katibu wa Kaunti aliyehandika vibarua, sisi kama Kamati tukawa hatupati kile ambacho kinamfanya Katibu wa Kaunti awe na makosa kuhusu uajiri wa vibarua kwa sababu Bodi imeandika barua na ikaenda kwa vitengo mbali mbali na vitengo hivyo havikujibu barua hiyo. Kwa hivyo tukawa hatupati kile ambacho kinamfanya Katibu wa Kaunti aunganishwe na hawa vibarua kwa sababu Bodi imeandika *circular*, ikaenda kwa *Department* na haikujibiwa, Katibu wa Kaunti naye hakujibu, basi uchunguzi wetu ukafika kwa hayo tulio yaona. Barabara ya St. Thomas ameizungumzia Mheshimiwa Arafa, haya mambo ya mawasiliano nitaomba muelekeo kutoka kwako Mheshimiwa Spika. Tukagundua ya kwamba kuna pengo kubwa ambalo ni la mawasiliano baina ya Katibu wa Kaunti na zile *Department* zote. Kwa sababu kama mtu ataandikwa na wewe ndio mkubwa wa hizo *Department* na ukose kusema kitu, watu wanajazana pale, pesa zetu za Kilifi Kaunti na vile mnavyoyua tunazitafuta juu chini halafu watu wana andikwa kiholela na wewe umenyamaza. Wengine hata hujui majina yao wala hujui wanafanya kushoto ama kulia, wewe unaona tu wamejazana kule ofisini. Na wewe kama mkubwa wa *Department* (Idara) huwezi kusema chochote. Je hapo Mheshimiwa Spika utatupa mwelekeo? Kama ni hii Kamati iingilie ili kwamba haya mawasiliano yawe mazuri na Kaunti yetu inafanya mambo mazuri.

Kamati ya *Implementation* itapata kazi ya utafiti ili ibainishe kama ni hao vibarua ambao waliandikwa wanaonekana kama *ghost workers* katika Kaunti hii wasimamamishwe mara moja. Tufanye vipi mpaka hao vibarua ambao waliingia kwa mlango wa nyuma waondoke ili tubaki na wale vibarua sawa. Utatupa mwelekeo hapo ili kwamba tukaweze kuenda sawa? Lakini tuliagiza

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maji ya kunywa tukaletewa maji ya beseni ikawa hatuwezi kuyanywa Mheshimiwa Spika, ndio tukafikia mapendekezo unayoyaona. Nafurahi wenzangu washaona kwamba tuliitisha maji ya kunywa yakaja kwa beseni na beseni si ya kunywa maji. Asante wenzangu kwa kutambua hilo na ninafuraha, moyo wangu wapiga makofi, na nimeshukuru sana.

**The Speaker** (Hon. Kahindi): Yes, hon. Bakari.

**Hon. Bakari:** Asante sana Mheshimiwa Spika. Mimi pia nasimama kuunga mkono Ripoti hii; vile vile nataka kumheshimu Mheshimiwa aliyekaa. Ni kweli maji huwezi kunywa yakiwa kwenye beseni. Bunge hili ndilo liliweza kukubiliana na tukachagua hili Kamati. Hii Kamati tukaipatia muda, ikafanya kazi kwa ule muda ambao kwamba tuliipatia na pia tukawaongeza muda. Kama Kamati hii ingelikuwa haifanyi kazi vyema, basi Bunge hili lingekuwa na wakati wa kuweza kuivunja.

Nataka kupongeza hii Kamati na wana Kamati wote pamoja na Mwenyekiti na naibu wake. Kazi wamefanya ni nzuri na yale mapendekezo ambayo wameyatoa. Vile vile hatujasema kwamba kufikia leo hii kazi imeisha. Bado kuna Kamati kadhaa ambazo zimeweza kutajwa pale katika yale mapendekezo. Iwapo kuna vibarua ambao wamejazana kwa Kaunti, basi pia tuweze kupatia Kamati ya Leba pia iweze kufanya uchunguzi wake tujue hasa ni nani ambaye kwamba ameweza kupata matatizo yale. Kuna Kamati ya *PIC PAC*, kuna Kamati ya Ardhi katika yale malalamishi. Kwa hivyo tunapoipitisha Ripoti hii tutapeana mwanja kwa hizi Kamati zingine kuweza kufanya kazi zake. Mheshimiwa Spika, nimesimama kuunga mkono na Mungu atubariki. Asanteni.

**Hon. Pascal:** Thank you Mr. Speaker, for giving me an opportunity to contribute briefly towards the adoption of this Report. Mr. Speaker, let me start by acknowledging the good work that was done by this Committee. Being a Member of the Committee, we underwent a very vigorous exercise, slept very late and at times we had to do without lunch just because we wanted to complete this Report in good time for it to be presented in this hon. House.

Mr. Speaker, as Kenyan citizen and Kilifians, I want us to desist from the habit of not practicing justice, from the habit of witch-hunt and all the orgy exercises that have been seen in public. As a Committee, we went through the needed process, we sought for evidence from the public who had issues with the County Secretary and had been mentioned in the Motion, besides all the contributions that had been given by my colleagues. If we base our argument on the issues of unlawful hiring of staff, the Constitution puts the mandate of hiring staff to the County Public Service Board.

As a Committee, we realized that the County Public Service Board had released its mandate of hiring. That is why we were having this haphazard hiring of casuals and it infiltrated the process of hiring, which I believe is what contributed to the mess that we had in the hiring exercise. That is why we came to realize that we could not pin down the County Secretary because there was nowhere he could prove that he exercised the process of hiring staff. There was nowhere he had signed; there was nowhere that we could openly see that he was the one contributing to the mess. When we come to the evidence that was given out against the County Secretary about issues of the St. Thomas Road, we realized a loss and even recommended a foreign body be included in the investigation, because somebody somewhere was in one way or the other trying to bring falsehood in the evidence. Somebody had misled the Committee with a title of a different project, only at the end were realized that the subject matter of that discussion was an all together different project and the signature of the County Secretary had been extracted from a different Report and pasted on another project.

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We realized that there were some sort of witch hunt and that is why we said it will be better for that process to be handed over to the relevant National Agencies so that they could investigate.

Mr. Speaker, we also realized that there are issues of land that somebody from Mariakani had raised in the Committee and we referred it to the relevant Committee of Lands. So, the Committee was really bold in its investigation and its proposal. I think it warrants us, as a House, to support the adoption of this Report so that we can close this matter and indulge in other important issues that are touching on the County. We understand that the relevant Committees that have also been assigned can also come up with something constructive. Otherwise, I stand to support the adoption of this Report. Thank you very much.

**The Speaker** (Hon. Kahindi): Hon. Stanley Kenga.

**Hon. Kenga:** Thank you very much Mr. Speaker. Let me be guided by the evidence that was submitted from the various quarters who presented themselves before the Committee. On my right hand you will realize I have a very huge document and this document carries most of the laws of Kenya especially those that govern the operations of the Counties. On my left is a huge file that we received from the Committee. I also have one of the latest gadgets that has enabled me to Google so when I make my contributions I am very sure of what I am talking about. I have weighed the evidence that have been tabled ...

*(Loud consultations)*

I have weighed the evidence that have been presented before the Committee against what is in this document. We are supposed to be guided by the provision of law in making recommendations and conclusion, so that whatever position we take is justified. Therefore, looking at the evidence that was presented before the Committee, I am compelled to support the adoption of the Report.

The Committee was tasked according to the evidence that was presented before them. Looking at the recommendations, there are recommendations that will better the operations of the County government so that whatever experiences we have had may be able to give us the right direction on how we are supposed to move. Just as I had said before, that the evidence presented to the Committee compiles me to support the document and just on a light note, the Members seem to have had a difficult time coming with this Report but when you look at all the Members they seem to have gained meaning they used their time well to also rest. Thank you very much I beg to support. I beg to support.

**The Speaker** (Hon. Kahindi): Yes hon. Nzaka.

**Hon. Nzaka:** Thank you Mr. Speaker, Sir for giving me this chance. I rise to support the Motion and congratulate the Committee for the good job. This House is an independent oversight organ which has been mandated by the County Government Act 2012, and the Ad Hoc Committee is an extension of this House. After going through the Report I realised that this Committee did a good job, they received several challenges, there are some intruders who came with bad intention putting the lives of the Members of the Committee in danger. Suppose the Executive brought the quarterly Report in this House in good time, even the Mover of this Motion could not have brought this Motion before the House. There some quarterly Reports which we are supposed to get from the Executive. I congratulate this Committee because they gave mandate to different Committees for example the PIC/PAC, Lands and Labour to follow up

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on the investigations. This House does not go by hearsay; we are going by documentary evidence.

Mr. Speaker, Sir, we wanted to know the full report of the County Secretary because those allegations were very heavy. So, after today this Report will clear the air because even the public will want to hear the resolution of this House. The public will see where the problem is. This Report says that the County Secretary Mr. Owen Baya is clean, he has no touching issues.

I congratulate the Committee for the job well done and I urge this House to adopt the Report so that it can allow the other relevant Committees which have been mentioned here to perform their duties effectively. Thank you Mr. Speaker, Sir. I beg to sit.

**The Speaker** (Hon. Kahindi): Yes hon. Ibrahim.

**Hon. Ibrahim:** Asante Bw. Spika japokuwa sikuinua mkono lakini najua unataka kusikia sauti yangu...

**The Speaker** (Hon. Kahindi): Hon. Ibrahim it is about eye contact.

**Hon. Ibrahim:** Nimesimama hapa kupinga Ripoti hii. Jukumu lililopewa Kamati hii kwenda kuchunguza mambo ya Bw. Owen ni kutokana na madai yaliyokuja kwa Bunge hili. Mtu akipewa jukumu la kwenda kuchunguza, chochote kile ambacho kitahusiana na Kamati inatakikana ukichukulia hatua mara moja. Wale wanenaji ambao wamenena wengi wako katika Kamati hii na wamesema ya kwamba mambo mengi sana ni yale ya kusikia na sio kuona.

Tunataka kukubaliana na wao lakini walipoita wananchi katika mkutano Juwaba Hall tarehe 14, mkutano huo haukuendelea mpaka wakataka kupigwa na mkutano ukavunjika. Hiyo ni kusikia ama ni kuona? Pale kitendo hicho kilipokuwa kikitokea ilikuwa ni muhimu waende wakapige Ripoti kwa polisi kwa sababu maisha yao yalikuwa hatarini ili kufanywe uchunguzi ni nani aliyefanya kikao hicho kivunjike? Ni nani aliyetuma vijana wale? Huenda ikawa yule ambaye tunamchunguza ndio anasababisha kufanyika kwa mambo kama yale. Kwa hivyo napinga Ripoti hii.

Pili, ukiangalia katika Ripoti Bw. Owen Baya alikimbia kortini kusimamisha Kamati ili isiendeleo na kumchunguza, mahakama ya Taifa letu la Kenya ikaona ni lazima Owen Baya achunguzwe, tukapatia ruhusa Kamati iendeleo na kazi yake. Bw. Spika, sikusikia mwanakamati yoyote akimuuliza Owen Baya ni kwanini alienda kortini? Na mtu kama hana makosa ni kwa nini unakimbilia kwenye korti usimamisha uchunguzi wako? Kamati hizi ...

*(Hon. Kiraga rose on a point of order)*

**The Speaker** (Hon. Kahindi): Order! Order! Hon. Ibrahim, there is a Point of Order from hon. Kiraga. Let us hear it then you will proceed.

**Hon. Kiraga:** Thank you very much Mr. Speaker...

**The Speaker** (Hon. Kahindi): What is your Point of Order hon. Kiraga?

**Hon. Kiraga:** I wanted to know from the Member...

**The Speaker** (Hon. Kahindi): Are you rising on a Point of Information or a Point of Order?

**Hon. Kiraga:** Clarification.

**The Speaker** (Hon. Kahindi): There are only two ways where you can rise; on a Point of Information and on a Point of Order.

**Hon. Kiraga:** A point of Information Mr. Speaker.

**The Speaker** (Hon. Kahindi): Do you wish to be informed hon. Ibrahim?

**Hon. Ibrahim:** No.

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**The Speaker** (Hon. Kahindi): No?

*(Laughter)*

**Hon. Ibrahim:** Pili Bw. Spika, tumekuwa na changamoto nyingi sana katika hii Kamati. Mwenyekiti wa Kamati hii ambaye ni Mheshimiwa Kiraga, wakati Ripoti hii ilipoletwa hapa, ililetwa na mwanachini wake ambaye ni Mheshimiwa (Ms.) Arafa. Alipokuwa anaileta kwa Bunge hakutuambia Mwenyekiti ameenda wapi wala ana shida gani ama yuko wapi.

Juzi pia tulikua tumeambiwa hii Ripoti inatakikana kusomwa, tukaja hapa tukajitayarisha, Mwenyekiti akahepa akakimbia, Mwenyekiti mdogo pia hakuja katika Bunge. Ripoti hii imekuwa na shuku nyingi sana, imetutia wasiwasi mkubwa sana. Ilifikia wakati Bw. Spika, huyu Mwenyekiti ukimpigia simu anakuchukulia ni kama wewe ni Al Shabaab. Ukizungumza na yeye anakwambia wewe bwana unajua simu zangu zinachunguzwa. Mimi ni Mbunge mwenzako nataka habari hutaki kushika simu yangu.

*(Laughter)*

Na unaongea na sauti ndogo kwa nini? Kuna kizungumkuti kilipita tena kikubwa sana. Hatuwezi kukifafanua lakini tutaenda kukaa chini kwa sababu ni haki ya wananchi wa Kilifi Kaunti kutetewa. Tutakwenda kukaa chini, ijapokuwa Ripoti hii itaanguka leo lakini tutakwenda kwa mpangilio mzuri. Asante sana Bw. Spika.

*(Laughter)*

**The Speaker** (Hon. Kahindi): I hope there is no action that will be here hon. Ibrahim.

*(Hon. Nzaro stood on a Point of Order)*

**The Speaker** (Hon. Kahindi): On? On what hon. Ibrahim has said or?

**Hon. Nzaro:** Yeah, I have some...

*(Laughter)*

I have some burning issue concerning the Report.

**The Speaker** (Hon. Kahindi): Are you rising on a point of Order? You know a Point of Order can only be brought if you feel a Member who is on the Floor is making some statements which...

**Hon. Nzaro:** Mr. Speaker, I want to raise a very pertinent issue concerning the Report. I think...

**The Speaker** (Hon. Kahindi): I will simply give you an opportunity. You know Point of Orders must be raised when a Member is on the Floor, right? And you specify on what Point of Order you are raising on. I think hon. Ibrahim has just concluded and I was just sharing on a light note that, I hope we do not have any Al Shabaab here but let us hear what you have to say hon. Japhet Nzaro now that you really wanted to say something.

**Hon. Nzaro:** Thank you Mr. Speaker. I just want to be guided by the Chairperson whether it is in Order to discuss this Report. Why Mr. Speaker? I think hon. Ibrahim has raised a

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very pertinent issue on the way this Report was tabled in this Assembly. Mr. Speaker, you will realize that, on that day this Report was tabled, it was not signed by the whole Committee. There were some documents which while they were tabling the Report they were still at North Coast hotel and it is only the Vice Chairperson who came with the Report which was not signed by the Members. I stand to be guided Mr. Speaker.

**The Speaker** (Hon. Kahindi): Have you made your contribution?

**Hon. Nzaro:** No. I want to be guided before I make my contribution.

**The Speaker** (Hon. Kahindi): Okay, Clerk can you please confirm whether there is any Report that was presented that was not signed. Can you please clarify the position? ...Hon. Nzaro I am guided by the office of the Clerk which is the custodian of all the documents and everything that comes before this House. I am informed that, when the Report was before this House it was duly signed and presided over by hon. Teddy Mwwambire. So, your clarification as far as this is concerned ...

**Hon. Nzaro:** Mr. Speaker, I think we should put things straight and I stand to be guided further. I fail to understand how a document which was emailed to the Clerk of the Assembly from North Coast by the Vice Chairperson and other Members were on their way coming could have been signed by all the Members. I think we should be steadfast to fight for the right thing Mr. Speaker.

**The Speaker** (Hon. Kahindi): What is your point hon. Japhet Nzaro? Are you saying that this Report was not properly tabled before this House?

**Hon. Nzaro:** That is it Mr. Speaker.

**The Speaker** (Hon. Nzaro): How? Can you please inform the House?

**Hon. Nzaro:** Mr. Speaker, the documents which were circulated that day were not duly signed by the Members and this Report which we are discussing today if you look at it, the person who signed the Report was the Chairperson and he is not with us here Mr. Speaker. I think ...

**The Speaker** (Hon. Kahindi): I want to refer you to Standing Order No. 182 that says the Report of a select Committee having been adopted by a majority or a minority shall be signed by the Chairperson on behalf of the Committee. If the Chairperson is absent or is not available, the Chairperson shall sign the Report under paragraph 1 and in the absence the Chairperson and the Vice Chairperson of the Committee shall nominate another Member to sign the Report. Who signed the Report?

**Hon. Nzaro:** It is the Chairperson and he was not around. That is why we are disputing the procedure of signing the document Mr. Speaker.

**The Speaker** (Hon. Kahindi): The question is, when the document was before this House did it have a signature?

**Hon. Nzaro:** It did not Mr. Speaker. I have a copy of that document which was not signed on that day Mr. Speaker.

**The Speaker** (Hon. Kahindi): The Report that was presented on the material day, was it signed or not signed?

**Hon. Nzaro:** It was not signed.

*(Loud Consultations)*

**The Speaker** (Hon. Kahindi): Hon. Japhet Nzaro, if it is proved to the contrary, I believe you will be in violation of the Standing Orders.

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**Hon. Nzaro:** Mr. Speaker, I stand by my word because I have that Report.

**The Speaker** (Hon. Kahindi): Okay. It is very simple that the HANSARD will be pulled immediately and it needs to be justified. I do not think this House would have presented a document of a sensitive matter without it being signed. It is not really a must that a Chairperson be present when a Report is being presented as long as he/she has delegated the presentation of that Report to other Members it can still proceed. Even the signing of a Report, if a Chairperson is not ready to sign a Report... I will read Standing Order No. 182 '...a Vice Chairperson can sign and if the Vice Chairperson is not present any other Member can sign.'

The question that is before this House is whether the Report as presented that day was signed or not? Clerk, can you please confirm the position? You are the custodian of the documents. Put it on record whether it was signed or not and thereafter a record of that Report needs to be presented before this House then we proceed. Please pull out the document that was sent or rather what was deliberated on that day now. If you cannot, we can take five minutes and come back so you bring that Report or if you have it before us please confirm it on record.

**Hon. Nzaro:** Mr. Speaker, Sir ...

**The Speaker** (Hon. Kahindi): I am giving directions hon. you have raised issues that the Report was not signed...

**Hon. Nzaro:** I just want to help Mr. Speaker.

**The Speaker** (Hon. Kahindi): Okay, proceed.

**Hon. Nzaro:** Mr. Speaker, I do not think it will be okay for the Clerk to produce this document because he can maneuver with it. What I would wish is the email which was sent from North Coast to the Clerk of the Assembly to be presented to the House because that is the document that was brought before the House. I would wish that the same document to be presented before this House.

**The Speaker** (Hon. Kahindi): Yes hon.

**Hon. Mwambire:** Mr. Speaker, I need more guidance from you because on that day I was the one presiding over the Assembly and I remember, it was emailed and I also got my email but I could not use the email until hard copies were made. Two hard copies were made; one was with hon. (Ms.) Arafa and the other was with me as the Speaker of that day. After it was tabled, I informed Members that they were going to get copies so that they can be in a better position to read and analyze it. What we could be getting from hon. Nzaro is; if there is any difference between the document that was tabled on that day and the document that we are using now... Mr. Speaker, even now am using the soft copy that I received on that day as the hard copies are in my office and I have not seen any difference.

That is why, when hon. Chai read recommendation No. 6 and there were some differences, I had to move around to check whether he had read the full recommendations and I discovered that everything contained in the soft copy is the same as on the hard copy. Mr. Speaker, the two documents were signed and even after some minutes the Chairperson was around and hon. Mwathethe was also around. Initially hon. Mwathethe was the one to sign because he was within but later on hon. (Ms.) Arafa came in and the document was signed.

**The Speaker** (Hon. Kahindi): Hon. Nzaro, I will still get back to you. Is the issue that the document was not signed or you feel there were some inconsistency between what the Committee agreed and what is before us. If there is any inconsistency then you have a right to protest but if there is no inconsistency then probably you are consuming time which we should be...

**Hon. Nzaro:** No Mr. Speaker...

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**The Speaker** (Hon. Kahindi): I understand the parliamentary theatrics and I am hoping that you are not pulling one of them. This is a very sensitive matter and I want to get it from you, that the Report that the Members of the Committee presented who are all here today together with their Chairperson has any difference from what we have present. It would have really been convincing if that was being raised by a Member who is in the Committee and now feels that what they agreed on is not what they are presenting.

Since you still have the right to object and to seek clarification, please make it clear to the County Assembly whether the Report that was done at Mnarani is different from what is currently being presented. The event as they have been explained by hon. Mwambire I think Members of this Assembly could not have deliberated on a matter with no signature. I doubt and if it proceeded that way then it is a gross violation because the Standing Order says signature is a must. So, what is the issue that you want to derive? Is it the lack of signature? The Clerk to confirm whether there was a signature or not? Are there any inconsistencies that you have been seen from the original document and what we are discussing today?

**Hon. Nzaro:** Mr. Speaker, lack of a signature on a document does not authenticate that document and that is why I said that the document that was emailed to this Assembly had no signature of either the Chairperson or the Vice Chairperson and it was presented to this House. Why I am saying this Mr. Speaker? After tabling of the Report, I went straight to the Clerk's office and got a copy of the document which had been tabled in this House.

**The Speaker** (Hon. Kahindi): The Chairperson and the Vice Chairperson are here, please hon. Chairperson, I want to ask you to confirm to this House if you signed the Report.

**Hon. Kiraga:** Mr. Speaker, I want to get some clarification from hon. Nzaro. Is it the emailed document which was not signed or the document which was tabled in this House?

**The Speaker** (Hon. Kahindi): Documents that come to the County Assembly only take effect once they have been tabled and I want to refer you to the Standing Order. Documents that come to the County Assembly cannot be genuine unless they are laid on the Table. It could even have come all the way from Europe; we have not seen it but once printed, signed and submitted to the House. That is the point we need to clarify, was the document signed by the Chairperson or not?

**Hon. Nzaro:** Mr. Speaker, even if this document was signed, it was signed after it was tabled. I stand by that.

**The Speaker** (Hon. Kahindi): Let us get the position of the Clerk who is the lawful custodian, you know we are talking and there is somebody who actually bares all the responsibility on these issues. Let us get the position then we move on.

**Clerk-at-the Table:** Mr. Speaker, I wish to confirm that the Report tabled on Tuesday, 8<sup>th</sup> September, 2015 was duly signed by the Vice Chairperson of the Ad Hoc Committee on behalf of the Committee.

**The Speaker** (Hon. Kahindi): Can we see the signature? Where is the signature of the Report? Hon. (Ms.) Arafa can you confirm that you signed the Report? If you did not sign, please put it clear on record.

**Hon. (Ms.) Arafa:** Thank Mr. Speaker, Sir. I wish to confirm to this House that I signed the Report after it was emailed from North Coast to the Clerk's Office. I received the Report and I signed it before tabling it before this House.

**The Speaker** (Hon. Kahindi): Okay. Hon. Nzaro I do not know where this is going but I firmly believe that ... You know even in the courts of law sometimes people use technicalities to get away with jurisdictions. At this rate I firmly believe, though I was not present in the

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House... I think it would be a gross violation of the law that a document would be laid before the Assembly that has no signature. The only circumstances which I can confirm have happened in this House, is where the Chairperson signs one document and that document is laid before the House. Because there is no room for him to sign or make copies for everyone else then the laid document is presented before the House which has a signature and the copies which the Members get have no signatures. The reasons under such circumstances are that, at that very moment it is not very easy for the Clerk's Department to make copies for everyone. Otherwise in my chamber I have never authorized a document to proceed without the signature of the Chairperson because it is mandatory.

I also want to take note that the signature needs to be the signature of the Chairperson. On the same note it need not be the signature of the Vice Chairperson any person who participates in any Committee can be nominated to sign the Report and as a matter of law it is only a signature of one party. In this case I believe all the Members saw it fit that they needed to know the document and they all went ahead to sign. So, hon. Nzaro in as much as you have raised your point, I will rule you out of Order. I will still give you an opportunity to contribute, unless of course you have any evidence towards the Assembly for which you can always put it at a later date. You can also have some few minutes to adjourn and bring the evidence before this House if you so wish. But I think since we have the Chairperson, Vice chairperson and the Members, by extension they have also confirmed that the document they had was signed. I believe it is a total waste of time to now think that it was not signed. Unless you have evidence to the contrary, still I will give you the time to make your contributions.

**Hon. Nzaro:** Thank you Mr. Speaker, I rise to oppose the adoption of this Report. Mr. Speaker, the reason why I am opposing the adoption of this Report is because there are so many fundamental questions which the Committee did not ask. The Labour Committee produced a Report on the employment of casuals, that Report was tabled before the Committee as evidence. So if the Chairperson of Public Service Board came and shared that there were some casuals that he did not sanction, who sanctioned the employment of these casuals? There are so many ghost workers in this County because if the County Public Service Board does not have a record of the employees of this County then it means a lot of money is being paid for non-existence workers.

Mr. Speaker, I want to urge the Assembly to rise above the ordinary because this County will be judged by what the Members are propagating in terms of accountability and transparency in the way we handle our business. The Kilifi people are watching what this Assembly will do according to what is going on in the County. This is the right time where Members can rise and oppose the adoption of this Report because it does not give clear recommendations on what the County Secretary was alleged to have done. Mr. Speaker, this County should not go to the dogs and it is a very sad day for the people of this great County because common decency is being thrown out of the window and this House is being fed with political thuggery.

We should make sure that all the money that this County receives is utilized for the benefit of the poor Mwananchi. I feel like crying when I see my people who I represent at Ganza, for example the many children who are learning under trees while there is an opportunity of making these children learn under better condition. However, the people in Government are just squandering money which could be used for the benefit of the people I represent.

Mr. Speaker, I oppose this Report because there is no clear recommendation on what we should judge him for. First is the issue whether the County Secretary is capable of these wrong doings? You understand that at some point if you read the Report he acknowledges that surely there are more people who have been employed in the County. If you go deeper to know what

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happen, people are just dilly dallying they do not want to give a clear picture of what is going on in the County. That is why we have to stand up, and I am ready as I have said before even if I will be alone in this Assembly but I will stand to defend the people I represent Mr. Speaker...

*(Hon. Mwayaa stood on a point of Order)*

**The Speaker** (Hon. Kahindi): Yes hon...are you done or?

**Hon. Mwayaa:** Nimemsikia Mheshimiwa ambaye alikuwa akiongea anasema watu wake wanasoma chini ya mti huku kuna watu ambao wanafuja pesa. Je, anaweza akaleta ushahidi ambao unaonyesha ya kwamba watu wanavuja pesa huku watu wake wakisoma chini ya mti?

**The Speaker** (Hon. Kahindi): It calls for substantiation. I think Members...

**Hon. Nzaro:** Mr. Speaker, I wish to substantiate on what he is alleging. Mr. Speaker it was two weeks ago when this Assembly received a Report from the Auditor General on expenditures of the County Government of Kilifi. There were many issues in that Report; money was been used aimlessly in this County because...Mr. Speaker we have to stand up to say no! Believe me or not, one day the people of this great County will rise to demand accountability in this County. I rise to oppose.

**The Speaker** (Hon. Kahindi):Hon. Mwambire.

**Hon. Mwambire:** Thank you very much. Mr. Speaker, there comes a time when you congratulate a good friend. Mr. Speaker when we were selecting the Ad Hoc Committee, I was very suspicious of the Chairperson on having the capacity to Chair this Committee because I thought he could not sustain the pressure we had at that time. Today, I want congratulate him, he is very good friend of mine, and he managed to do it. All the Members who participated...this being the pioneer Assembly and the pioneer Ad Hoc Committee did a very good job. It is democratic for a Member to support, oppose or even to abstain but some Members may not be very honest while doing that. The mean reason why I am supporting this is because I have read through the recommendations, and I feel very happy especially when I read the first recommendation. The first recommendation does not just touch on the Executive and the County Secretary but even the County Assembly.

Mr. Speaker, there are Members who even tabled audio materials which touched on voices of hon. Members, that means we are all to be investigated in this case and that was my biggest concern. If there is any Member who felt that this Report had some errors or the Committee did not make clear considerations, I fail to imagine how from 30<sup>th</sup> September, 2015 to 17<sup>th</sup> November, 2015 there was no one who sought for amendment to this Report. Let us not bring political side shows because Members of this great County are waiting for the recommendations; if we do not pass this Report, where are we heading? I am a very effective Member of the Labour Committee and I still remember that we had the issues of casuals and we called the County Secretary and the County Public Service Board we shared all the information and we discovered that employment was being done by the County Executive Chief Officers. At the end we came up with a Report which we tabled in this House and it was adopted.

Mr. Speaker, in recommendation No. 4 of this Report, we said that the County Secretary, Chief Officer and the County Public Service Board should put it clear on who should be engaging the casuals and again we wanted those who were casuals before to be incorporated. We gave an example of Kwale County and today I have my brother hon. Nzaro commenting on the same casuals. He has failed to read recommendation No. 4 that the Committee made which touches on the same issue of the casuals ...

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*(Hon. Nzaro stood on a point of Order)*

**The Speaker** (Hon. Kahindi): Yes what is your point of Order hon. Nzaro?

**Hon. Nzaro:** I do not think it is in order for the Member to say that I have not read this Report Mr. Speaker.

**The Speaker** (Hon. Kahindi): That is not a point of Order hon. Member; you rise on a Point of Order when you make reference to an Order. Are you sighting him on irrelevance or do you need him to substantiate facts?

**Hon. Nzaro:** Yeah he should substantiate that I have not read this Report.

**Hon. Mwambire:** Mr. Speaker I am equally ready to substantiate. On the recommendation No. 4, it reads “that the engagement of casual works be stopped forthwith until the regulation pursuant to section 74 of the County Government Act 2012 are in place.” We derived this one from the Labour Committee whereby we discovered the County Public Service Board had failed to bring this one to this House. If he had read he could not have said we have no clear recommendations on such issues. That is why students in our great Ganze Sub-County are sitting under trees. This is an indication that my brother had not gone through or had not understood these recommendations Mr. speaker.

**The Speaker** (Hon. Kahindi): Okay, proceed.

**Hon. Mwambire:** Mr. Speaker, I feel the moment we pass this Report; we will have a clear cut way forward whereby different Committees, different Departments will have a clear role of what they are doing. We have seen some Committees being mentioned including my best Committee of Lands, Housing and Settlement to investigate the issues of land, the Committee on PIC & PAC and the Committee on Implementation which will be following up on these recommendations. Let us not put this County in a state of ignorance because what we need is a clear way forward which is supposed to be brought by this House.

If you wanted anything else to be included in the recommendations, then any Member could have come up with proposed amendments to be included. According to me and according to all the evidence that was tabled before the Committee...In fact, I feel that this Committee went overboard. If you look at the Motion that was tabled in this House, you will notice that the Motion was supposed to be used as the charge sheet and only those issues which had been raised in that Motion were to be utilized in the investigations. They went overboard, they hunted for evidence and all that evidence was only made to give us a chance to bring sanity in this County.

We are very happy because at least now we know about different issues including the land issue which was not in the Motion. If we pass this Report, we will have an opportunity as a Committee to investigate the issues of land. If we pass this Report, the Committee on Labour will have an opportunity to fast-track the issues with the County Public Service Board so that this County can have sanity. If today we refuse to amend the recommendations, again we choose not to pass these resolutions, where will we be heading to? So, let us not bring unnecessary political side shows which will take us nowhere. There is still an avenue after we pass this Report, that in case there will be any issue that needs to be dwelt with, the lines are still very open, we can still come up with another improvement which will bring us closer to where we want to go. With those few but very touchy and sincere remarks, I call upon the hon. Members to rise above the occasion and not the purported occasion, to pass this recommendation so that this County can move forward. Thank you very much Mr. Speaker.

**The speaker** (Hon. Kahindi): Hon. Kiraga do you wish to make submissions?

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**Hon. Kiraga:** Yes.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**The Speaker** (Hon. Kahindi): You can proceed.

**Hon. Kiraga:** Mr. Speaker, thank you very much for granting me this chance to put my final submission but before that, may I take this opportunity to sincerely thank the Committee which tirelessly worked on this Report. Mr. Speaker, may I also thank the Clerk's Department headed by the Principal Clerk for their job well done in directing and issuing some advice to the Committee. May I also thank the Legal Department headed by the Senior Legal Council Mr. Mbeto for his advice as far as this Committee is concerned. Mr. Speaker, in the issues of security, I also thank the Security Department headed by the Senior Serjeant-at-Arms who did a very commendable job in seeing that the Committee is working in a very conducive environment.

Mr. Speaker, in coming up with this Report, we were guided by the relevant Laws ranging from the Law of the Country that is the Constitution, the County Government Act, the Intergovernmental Relations Act and all relevant devolved Acts. Therefore, as a Committee we came up with a document based on the Law. Looking at the submissions which were forwarded before this Committee most of them in fact went astray. They were not touching the issues raised by the Motion Mover, we took that sheet as our charge sheet so that any evidence brought before us we could gauge as per that charge sheet. Let me base my argument on one witness who was contributing against the CEC (County Executive Committee Member). Mr. Speaker, allow me to read what he was submitting; *that he would also produce an audio of the proceedings to the Committee on or before 17<sup>th</sup> April, 2015 capturing hon. Members coming up with the Motion to remove the County Secretary.* This is a member of the public who came to give his evidence and in his view he was giving evidence against the County Secretary but we were wondering why the audio document was not submitted to us so we just disbursed that.

Mr. Speaker, if you look at the submission which was forwarded by the Motion Mover concerning the appointment of Dr. Anisa Omar by the County Secretary, it shows the word "by the County Secretary" meaning that the appointment was made by the County Secretary. If you clearly read the letter which appointed Dr. Anisa as the County acting Chief Officer in the Public Health Office; allow me to read it so that the Motion Mover can be informed as per the language which was projected in this letter in exercise of his powers, 'his powers', who: "the Governor." In Article 45 of the County Government Act, 2012 the Governor Hon. Amason Jefwa Kingi in consultation with the County Public Service Board has directed that you be appointed..., "you" here refers to Dr. Anisa. Again there is exercise of his powers as conferred in Article 31 of the County Government Act and if he does not know what this article says, I can read because I have this book here but I still believe he knows. In exercise of his powers as conferred in Article 31(c) of the County Government Act hereby appoints you as a County Officer of the Section of Public Health.

So, the County Secretary did not appoint Dr. Anisa as acting Chief Officer as alleged by the Motion Mover. The Motion Mover went further and I want to read this section that hon. Nzaro submitted that; it is the mandate of the Ad Hoc Committee to prove the evidence from the County Public Service Board, otherwise his part is to give evidence. I want to tell him this; that the mandate of the Committee was to scrutinize the evidence provided before the Committee but the burden of proof really laid on him. I hope the hon. Member is getting what I am trying to say.

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Mr. Speaker, another item about the Rain Drops, around August 2013 is when the Rain Drops issue started. The County Secretary came into this County somewhere in October, 2013 which means that the process had already taken off. I can confirm that Mr. Speaker. The advert for Rain Drops was initiated or signed by the then Interim County Secretary County Government of Kilifi. The present County Secretary was not there. So, if you say that he signed the document to award ...

**The Speaker** (Hon. Kahindi): Who was that person then? Just put it for the record.

**Hon. Kiraga:** Mr. Speaker, may I be guided by the Clerk, I have just forgotten the name but he was the Interim...

**The Speaker** (Hon. Kahindi): I thought you are reading from the document?

**Hon. Kiraga:** Yeah, but there is no name here. It is the Interim County Secretary.

*(Loud Consultations)*

Mr. Speaker, I am reading from this advert and it is written; the Interim County Secretary County Government of Kilifi P.O. BOX 519, KILIFI.

**The Speaker** (Hon. Kahindi): Okay, proceed.

**Hon. Kiraga:** So, there was no substantial evidence to warrant that the County Secretary awarded the tender to Rain Drops. In fact, the functions of the County Secretary if you look at Section 44 of the County Government Act you can get the functions of the County Secretary. He is the same person who signs the documents either internally or externally as the accounting public officer of the County Government of Kilifi. Mr. Speaker...

*(Hon. Chai stood on a Point of Information)*

**The Speaker** (Hon. Kahindi): What information? Hon. Kiraga, do you like hon...

**Hon. Kiraga:** If it is a Point of Information I think...

**Hon. Chai:** For that matter of Rain Drops, I think what he has read and what I wanted to get an explanation on is the advert. We want to know who engaged Rain Drops at work. Even the letters in the files we got that the one who awarded the revenue collection for Kilifi County was signed by Owen Baya. That is why I wanted him to expound on that because we have the awarding of that tender and the advertisement. Maybe the advertisement is the one which he is reading and he cannot confirm.

**The Speaker** (Hon. Kahindi): He was making reference to the advert; you need him to clarify on?

**Hon. Chai:** I just wanted clarification on the advert and the tender award. We should not say that the awarding of that tender was done well before Owen Baya and the letter of that revenue collection was signed by Owen Baya.

**Hon. Kiraga:** Okay, Mr. Speaker, I think ...

**The Speaker** (Hon. Kahindi): Next time hon. Emmanuel (Chai) you rise up under a Point of Order, seek clarification or substantiate on the facts which have been made.

**Hon. Kiraga:** Mr. Speaker, let me report for his benefit that I have said that the initial stages of this process was made when the current County Secretary was not in place, that document is in your files. There is a newspaper cutting which is in your files which the one who is being projected here is the Interim County Secretary...

**The Speaker** (Hon. Kahindi): Perhaps you state the date of that newspaper.

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**Hon. Kiraga:** The one who was ...

**The Speaker** (Hon. Kahindi): No! No! Just the date.

**Hon. Kiraga:** No, the date is not captured here because of the photocopy...

*(Hon. (Ms.) Chiku stood on a Point Of Clarification)*

**The Speaker** (Hon. Kahindi): Yes.

**Hon. (Ms.) Chiku:** Thank you Mr. Speaker. I would like hon. Kiraga to actually clarify the advertisement and the letter of awarding the contract to Rain Drops. It has transpired that the letter to award the contract was signed by Owen Baya. That is what we have been told by hon. Bwenyenye (Chai). Now, the issue of advertisement, can he clarify between the two because he is creating confusion here. Thank you.

*(Hon. Mwambire Stood on a Point of Order)*

**Hon. Mwambire:** Mr. Speaker, I do not know whether we have a hon. Member by the name Bwenyenye in this House? So let us get clarification because it has gone to the HANSARD.

**The Speaker** (Hon. Kahindi): You know these nicknames we only use them in the rallies not here.

**Hon. (Ms.) Chiku:** Thank you Mr. Speaker, but I really do not have his full names. I am sorry but I am used to *Bwenyenye* but I have just been corrected; it is hon. Chai of Jaribuni Ward.

**The speaker** (Hon. Kahindi): You see you are very popular with your...okay be it as it may, we want to have...and by the way we had these documents for 30 days but it is your responsibility ...I think what hon. (Ms.) Chiku says is whether you have any disputes to whether it is Owen who awarded the contractor or who actually made the advert.

**Hon. Kiraga:** Okay.

**The Speaker** (Hon. Kahindi): I think what hon. (Ms.) Chiku says is whether you have any dispute as to whether it is Owen who signed.

**Hon. (Ms.) Chiku:** ...Yes I am sorry, am used to *Bwenyenye* but I have just been corrected it is hon. Chai of Jaribuni Ward. Thank you.

**The Speaker** (Hon. Kahindi): You see you are very popular with your...okay be it as it may, we want to have a...and by the way we had this documents for 30 days but it is your responsibility ...I think what hon. (Ms.) Chiku says is whether you have any disputes to whether it is Owen who awarded the contractor or who actually made the advert.

**Hon. Kiraga:** Thank you very much. I have said this was a process but probably the biggest issue which we need to expound in this House is who signs an award letter? I want to inform a Member who is still in the dark that we have a letter from the Public Procurement Oversight Authority which is a Board mandated to oversee procurement issue in this Country either in the National level or the County level.

There are some clarifications because we make some research. I want some Acts to solve this problem and I want to read; who is authorized to sign award letters and contract agreements on behalf of the County government? That is the letter from the Public Procurement Oversight Authority which is clarifying this issue. Section 27 (2) of the Public Procurement and Disposal Act, 2005 provides that it is the primary responsibility of the Accounting Officer to ensure that a public entity complies with the Act; so it is the accounting officer of the County government.

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Probably the other question that should arise is who is the County accounting officer? If we really have read this Report it has answered the question. The County Secretary is designated as the accounting officer for the County Government so is it wrong for the County Secretary of Kilifi to sign that award letter.

To conclude on that, there was no tangible evidence which was provided before the Committee to pin down the County Secretary and therefore as per the work we did, the County secretary is for now clean as per the Motion which was moved in this House and per the evidence which was produced before the Committee. With those few remarks I says thank you very much Mr. Speaker and all the Members of this House.

**The Speaker** (Hon. Kahindi): Thank you very much hon. Kiraga. Hon. Members, a Motion has been moved by the Chairperson of the Ad Hoc Committee that this House adopts the Ad Hoc Committee Report on the investigation of the County Secretary laid on the Table on Tuesday, 8<sup>th</sup> September, 2015.

*(Question put and agreed to)*

*(Loud Consultations)*

You came late and that is the problem. You should have come early to lobby if you really wanted to have a division; you could have lobbied hon. Ibrahim here. That notwithstanding, I think this matter has been concluded but if anything is to go by it is not over because there are recommendations which need to be implemented.

The office of the Clerk is tasked to forward the recommendations to the respective organs that will need to undertake the implementations of those recommendations. I want to remind the House that any recommendation that is adopted by this House needs to be implemented and failure by the implementing body within a period of six months to do so, the implementation Committee has powers under the Standing Orders to deal with that.

So it is not over because like what you have seen, there are recommendations which need to be implemented. I see the Ad Hoc Committee has forward some work to the Lands Committee, to the Public Service Board, to the Public Accounts Committee and so on. It is now within the preserve of the Clerk to make sure that such recommendations together with the file are moved to the respective bodies and Committees and of course we will be expecting to get a feed back in the shortest time possible on whether these implementations have been made and what is the outcome.

So, the work of the Assembly is not over yet because sooner or later, the Implementation Committee will be called upon to come and report to this House how far the implementation of these recommendations has gone.

So, for the Members just know that the recommendations have not brought this process to a halt. Indeed it opens a new window for further investigations to be carried out as it has been recommended. The terms of reference of the Committee and the Public Service Board will be derived from the recommendations that have been passed here. Nothing more should be added in the recommendations because the recommendations in law form the terms of reference.

The Committee on Implementation therefore has a wider mandate to ensure that one; the Lands Committee has brought back a Report in regard to the recommendations, the Public Service Board has done its part and the Public Accounts Committee has also done its part. So, hon. Members I thank you so much for your decisions.

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## ADJOURNMENT

**The Speaker** (Hon. Kahindi): Hon. Members, in the absence of any other Business in the Order Paper this morning, I move to adjourn the House until 2:30 p.m. in the afternoon. Thank you very much.

**The House rose at 12.30 p.m.**