



## REPUBLIC OF KENYA

### COUNTY ASSEMBLY OF KILIFI

#### SECOND ASSEMBLY –FOURTH SESSION

## THE HANSARD

Wednesday, 17<sup>th</sup> June 2020

*The House met at the County Assembly Chamber,  
Malindi Town, at 11:00 a.m.*

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

### PRAYERS

### STATEMENTS

#### NON-PAYMENT OF DUES TO A WATCHMAN AT KAMBE-RIBE VOCATIONAL TRAINING CENTRE

**Hon. Chiriba:** Thank you Mr. Speaker, Sir. I rise in Response to a Statement sought by hon. Dickson Shaban from the Department of Education and ICT. For a recap, allow me to go through the Statement that the hon. Member sought:-

Whether the County Executive Committee Member (CECM) of Education and ICT is aware that there has been a watchman, one Mr. Onesmus Mazera Galale (Barizi), working at KambeRibe Vocational Training Centre and has not been paid his dues since 2015 July to date contrary to the provisions of Section 5(5) of the Employment Act, 2017.

If yes, what measure is the CEC Member putting in place to ensure that Mr. Onesmus Mazera Galale (Barizi) is properly compensated to avoid continuous violation of the said provision?

This is the Response towards the same: The watchman Mr. Onesmus Mazera Galale (Barizi) was engaged as a watchman at Kambe Ribe Vocational Training Centre by the project committee which was in charge of overseeing the project in 2015. The agreement was done verbally by the committee and it was agreed that he would get his benefits from the proceeds that would be obtained from hiring the institution hall.

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However, he was promised that once the Vocational Training Centre (VTC) got operational, he would be appointed by the VTC and this was done in 2018 when the VTC became operational.

Currently Mr. Onesmus Mazera is engaged by the Board of Governors of Kambe-Ribe as per the letter attached herein.

The Department is aware that the Vocational Training Centre (VTC) has got a total number of three instructors (letters attached) and a watchman paid by the Board must be below what they deserve due to non-payment of school fees by the parents. Most of the students depend on ward scholarship for fees payment. However, we promise to advise the Board to adjust the payment of both the teaching and non-teaching staff once fees payment improves. Thank you, Mr. Speaker.

**The Speaker** (Hon. Kahindi): Hon. Shaban, do you wish to make any clarification?

**Hon. Shaban:** Thank you Mr. Speaker, Sir, and thank you the Chairperson for Education and ICT. I want to say that this is the first Statement in this Assembly to take the shortest time to get a response of which I applaud the CEC. The CEC has indicated that, the watchman was to be paid after the construction of the institution hall and I am aware that currently at the Vocational Centre, we do not have a hall; we only have four classrooms.

So, I am not satisfied with this answer from the CEC because this person, I read this statement on Friday, it was sent to me via WhatsApp and I immediately summoned Onesmus Galale at my residence in Nyanzini and we discussed about this Response and we are not satisfied because from July to December of 2015, this guy had not been paid his dues and then from 2016 to 2017, this guy was still working and they did not pay his dues. From 28<sup>th</sup> January to August 2018, he was paid like half-half randomly.

The watchman is being underpaid and if the CEC can refer to the wage bill legislation where a day watchman is supposed to be paid Kshs12, 580 and a night guard is supposed to be paid 16,000. There is a lot of injustice that is being done to this watchman. So can the CEC further elaborate from 2018 backwards to 2015 this guy has not been paid his dues? Can he further elaborate why the person is being paid below the daily wage and he has indicated the issues of the parents being unable to raise school fees? However, when a person is employed he /she has a contract but you go ahead and say that you cannot pay this person because of lack of school fees yet you have already engaged this person. It is the duty of the institution to come up with ways to make sure that this person is paid.

I remember there was a budget allocation that was done some time back to cater for the security person and yet this person has not been paid as we had wished. So, I am not satisfied with this answer and I still need some clarifications.

**Hon. Kiraga:** Thank you so much Mr. Speaker. I am rising on a Point of Order. The Member on the Floor is misleading this House on the aspect of the payment of the staff especially the watchmen by the Board. I do not know how the payments are attached to the County Government and if you look at the prayer of this Statement it is directed to the County Government and not the Board.

In the Response from the CEC Member, I think he has indicated clearly that his is to give an advisory on the same. Therefore, I would wish if the Member from that ward hon. Matsaki could give the correct position of this Statement. Thank you.

**The Speaker** (Hon. Kahindi): Is the person being mentioned an employee of the County Government?

**Hon. Kiraga:** No.

**The Speaker** (Hon. Kahindi): Then if he is not an employee of the County Government of Kilifi there is nothing much that can be done. Hon. Dickson, is he a direct employee of the County Government of Kilifi?

**Hon. Shaban:** Thank you Mr. Speaker, Sir. This person has been employed by the Kambe/Ribe Vocational Training Centre which is a vocational centre that is being run by the County Government of Kilifi through the Board of Directors of Kambe-Ribe Vocational Training Centre. Thank you.

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

**Hon. Kiraga:** Mr. Speaker, the watchman from the Response is that he is an employee of the Board and not the County Government and it has been indicated that there are some instructors who are being employed but not the watchman because he is not an employee of the County Government. He is an employee of the Board of that institution and it has also been noted that due to insufficient payment of school fees, it has now warranted more salaries to this employee. I also want to thank the Member of that ward because it has also been indicated that most of the payments are offset by bursaries so he is not an employee of the County Government. Thank you.

**Hon. Kenga:** Thank you Mr. Speaker. I would need guidance on this matter. The one who sought this Statement is the Vice-Chairperson of Devolution Committee and Mr. Speaker it is also the Committee that is looking at the affairs of the workers at the County Government. Now, the guidance that I seek to get from you is for employees who have been employed by various Boards of Management within our institutions that are within the County Government. If for any reason and justice like the way he has put it that payment has not been done, where can that be addressed? I mean what we need to get is; are we in order to raise the Statement to the CEC Member in charge of Devolution because at the end of the day, these institution are within the County Government of Kilifi? Thank you.

**The Speaker** (Hon. Kahindi): Is the Board of Governors a creation of the County Government or it is an amorphous body that is created by the school on its own will in order to help with the management? You know those are some of the issues.

**Hon. Chiriba:** Hon. Speaker, it should be a creation by the County Government as I tend to believe.

**The Speaker** (Hon. Kahindi): If it is a creation of the County Government that it carries, the government still remains liable. I think I will refer the Chairperson to the CEC Member to get further clarification because either way a service was offered and there is a claim that there was non-payment done which is a fundamental right. So either it is a Board of Governors or a Board of Directors, whatever it is somebody was engaged or services were rendered. Why were they not paid? So just take the matter back and then do some further investigations and I would advise you to look into the manner in which the Board of Governors has stated; how it works, who creates it, where they derive their mandate from, their funding and so on and so forth, which will enable you to answer the question that hon. Shaban is asking. Hon. Mwayaa, do you have a Point of Order?

**Hon. Mwayaa:** I just wanted to clarify on something. Actually Mr. Speaker, the Board which is in that school has the mandate to create a small Board of Management so that it can sustain the school. There are PTA teachers as mentioned in schools. In vocational trainings, the Board has the mandate to engage either a person for contract or whichever. So I believe this

Statement could be directed to the Board because the Board is responsible and can answer instead of directing it to the CEC Member...

**The Speaker** (Hon. Kahindi): The CEC Member who is in charge of Education in the whole county has the mandate to serve this that is the direction that we need to take because even the Board is answerable in some Departments. Let the CEC Member summon the Board of Governors (BoG), and let them get clarifications. Probably at the meeting, hon. Dickson Shaban should also be there and also the complainant. It will be one of the meetings which will solve the problem. Thank you. Yes hon. Kenga.

**Hon. Kenga:** Thank you very much hon. Speaker for the direction that you are giving because I was expecting the CEC Member after receiving the Statement had made consultations even with the Board so that as we discuss the Response to the Statement then we know the position of the Board regarding the same matter otherwise if we dismiss it the way it is, then we have not helped the said person. Thank you.

**The Speaker** (Hon. Kahindi): When hon. Shaban and the complaint are there, then this is a matter that can be amicably solved. Okay next? Hon. Chiriba, do you have something to say?

**Hon. Chiriba:** I think following the direction we are taking, I also stand to be guided Mr. Speaker but I believe the CEC Member did some consultations in order to come up with all this Response and in his Response it shows clearly that the employee is not on county Government payroll.

**The Speaker** (Hon. Kahindi): Let the CEC Member then take up the matter and get a solution to what hon. Shaban has said concerning the complainant. Thank you. There was a Statement sought by hon. Benson Chengo. Please proceed.

#### STALLED MAINTENANCE OF CASSAVA-DANICHA ROAD

**Hon. Chengo:** Thank you Mr. Speaker. I want to read a Statement to the County Executive Committee Member (CECM) in charge of Roads, Transport and Public Works, through the Chairperson, Committee on Transport and Public Works:-

Whether the County Executive Committee Member (CECM) in charge of Roads, Transport and Public Works is aware that a programme for maintenance of Cassava-Danicha road has stalled and the contractors abandoned the work.

If yes, who was the contractor and how much was paid for the contract? What measures is the CEC Member taking to ensure the project is completed? Thank you, Mr. Speaker.

#### LACK OF A STAFF HOUSE AT YEDHI DISPENSARY

**Hon. Kenga:** Thank you Mr. Speaker. I have a Statement directed to the County Executive Committee Member (CECM) in charge of Health Services through the Chairperson, Health Services in the County Assembly of Kilifi:-

Whether the CECM in charge of Health Services is aware that Yedhi Dispensary does not have a house for the dispensary personnel.

Whether he is further aware that the personnel at the facility have been forced to reside at Marereni that is over 10 kilometres from the facility that is leading to poor quality services.

If yes, what is the CECM doing to ensure that a staff house is constructed so as to improve service delivery?

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## STALLED CONSTRUCTION OF SHAKAHOLA DISPENSARY

**Hon. Kenga:** Thank you Mr. Speaker. Again, I have a Statement directed to the same CECM in charge of Health Services through the Chairperson, Health Services in the County Assembly of Kilifi:-

Whether the CECM in charge of Health Services is aware that Shakahola Dispensary which is a county project for the financial year 2016/2017 budget has stalled and thus denying the residents the right to accessible and affordable health services.

If yes, what has led to the delay? What measures is the Department putting in place to ensure that the project is completed?

## ADJOURNMENT

**The Speaker** (Hon. Kahindi): Hon. Members, in the absence of any business, I move to adjourn this sitting. Thank you.

**The House rose at 12: 05 p.m.**