



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KILIFI

SECOND ASSEMBLY –THIRD SESSION

THE HANSARD

Wednesday, 27th February 2019

*The House met at the County Assembly Chamber,
Malindi Town, at 2:30 p.m.*

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

PRAYERS

MOTION

COUNTY PERFORMANCE MANAGEMENT PLAN

Hon. Kadenge: Aware that, section 47 (1) of the County Governments Act, 2012 provides that the County Executive Committee shall design a Performance Management Plan to evaluate performance of the County Public Service and the implementation of County policies.

Further aware that section 47 (3) of the County Governments Act, 2012 provides that the Governor shall submit the annual performance of County Executive Committee and the public service to the County Assembly for consideration.

Noting with concern that, the County Assembly has not received the annual performance reports of the County Executive Committee and Public Service since inception.

Further concerned that, the absence of a performance management plan has caused non performance and underperformance within the County Executive Committee and Public Service.

This Honorable House urges the County Secretary to come up with a County Performance Management Plan as provided for in section 47 of the County Governments Act,

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2012 and ensure that annual performance reports for the County Executive Committee and the public service are submitted to the County Assembly for consideration. Thank you.

Mr. Speaker Sir, before I call upon my learned friend, the hon. Member for Mwanamwinga Ward, allow me to make some few remarks.

Since the inception of devolution, Kilifi County Government has spent a lot of money in billions and based on the Quarterly Reports presented in every quarter to this House, it is clear that the absence of annual reports has caused underperformance within the County Executive and Public Service. A case in point number one is the Report on ECDE status; the committee in their finding noted that there was lack of monitoring of the projects by County Government which has led contractors to do very shoddy works.

Most of the ECDE projects have not been completed since 2013 and yet they were budgeted from 2014 to 2015 and still not completed. An example is the HGM and St. Andrews which I represent. Also based on the Report which I brought that is in the Devolution Committee (Labour Committee), we noted with a lot of concern that the Reports were not well elaborated. Such that they did not specify the implementation costs of the projects of each sub county administration office for example, the Magarini one. The engineers had not been keen when evaluating the projects which have led the contractors to be paid a lot of money for the shoddy jobs that have been done. That is the example of the Magarini project.

Also, the finding on the Committee on Agriculture, the committee also noted a lot of things that the reports had not been well elaborated such that they don't specify Wards in which projects were implemented and the total amount used. For example, we noted that 497 beehives were procured and distributed in all wards and napier planting material was purchased and distributed countywide.

Contractors have been slow in finishing projects. A case in point is the Zowerani toilet and drainage construction. Mr. Speaker, among the counties that have embraced the performance contract management plan are Laikipia and Makueni counties through the signing of the performance contracts to improve their service delivery. When the delivery of services is constrained or becomes ineffective it affects the quality of life of the people and the counties development process.

Mr. Speaker, I want to urge my hon. Members here as I speak like a Prophet or a Messiah that this hon. House adopts this Motion so that Kadzo and Karisa can benefit from the resources we normally get from the National Government. With those few remarks, I wish to call my learned friend the Member from Mwanamwinga Ward to second this Motion. Thank you.

The Speaker (Hon. Kenga): Thank you very much hon. Member. Hon. Members a Motion has been moved and the same has been seconded. Thank you.

(Question proposed)

The Member for Mwanamwinga, kindly proceed.

Hon. Pascal: Thank you Mr. Speaker for giving me an opportunity to support this noble motion that is before this House. Mr. Speaker, section 47 of the County Governments Act, 2012 clearly outlines how the County Government should come up with a plan that will put the executive on his toes. As the Motion says that this is only but to actually caution the county executive that since its inception we have not had a proper guideline on how the executive should actually carry out its activities. Therefore, I take this opportunity to congratulate the

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member for Malindi Town Ward who has thought it wise to bring this Motion before this House so that things can be put to order.

Mr. Speaker, the fundamental roles of this assembly are three; one is legislation, the second is representation and the third main item is oversight. And for the last five years the county executive has not been put to proper balance so that we can know what it all entails in terms of its implementation of the policies that we passed here as a House. Mr. Speaker, as we stand here in this House many of the members have had problems in the implementation with the executive or the implementation part. You will agree with me that almost every time members have to traverse the County Executive offices to ensure that their projects are implemented.

This is not a role they should be doing now because everyone has got to do his or her work when employed by the Government. Therefore it seems that something is lacking that hon. members always have to move from office to office to ensure that a project is implemented in the ward and to put that to an end, then we need to have a plan like this because once this is implemented then we will have activities running as required at the county executive. Again Mr. Speaker there has been a lot of incompetence there because the employees of the other side have not been put to task because everybody works like whenever he likes they come to work any time they feel like and that is why we are seeing there is a lot of laxity in the offices and this is because we do not have this programme that we are discussing here today.

Mr. Speaker we have complained as members that at the ward level projects are not completed in good time; projects are halfway done and when you investigate into the expense part of it you will find out that a lot has been paid for these projects. It is like money is being channeled from public coffers to unknown people who claim to be contractors only to realize that they are people maybe strategically placed there to swindle out public funds. There is a lot that you need to do to ensure this programme runs so that we can save public funds. Again we have seen projects being budgeted for, especially in the Health department. When we were going through it we realize there are projects that are down on the ground but when you go to the budget you cannot find their budget meaning that they have not been budgeted for.

So, we fail to realize who actually came around to plan these projects that physically exist on the ground but when it comes to the budget there is no budget for them. This is because of lack of proper planning for these projects Mr. Speaker. And again that has resulted to what we call low absorption rate because we found out that the projects are not running accordingly and you know the budget process is revolving process that keeps on moving round so if these projects are not properly planned for, time runs out for them to be paid for and it reduces the absorption rate of the County Government.

I conclude my remarks by saying that if we pass this Motion we will even address the corruption cases that we have been fighting as a County Government. This House last term was criticized by some of the Government officials and some of them are now on leave because of corruption allegations; this is one way of addressing such mess in the County Government and I call upon hon. members to actually support this noble Motion before this House. Thank you very much.

The Speaker (Hon. Kenga): The Member for Bamba.

Hon. Mwambire: Thank you Mr. Speaker Sir. I also stand to support this Motion as clearly scripted in section 47 sub order one and sub order three on performance management plan. It is a very vital aspect when it comes to money management and running of institution especially where public is concerned. According to the County allocation of Revenue Act, I think

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it is mandatory to have a performance management plan where the parameters can be measured in terms of R.R.I (Rapid Results Initiative). Us as hon. members here we are subjects to answers when it comes to performance and there is no way we can sum up this document unless the Executive makes it easier for us.

This is the centre or the nerve where all the funds which are remitted by either the National Government or from our source revenue. It is where it is vetted and executed. As the member who was on the floor for Mwanamwinga was talking of some projects which are usually seen and they have not been budgeted for, I understand that this County also gets grants from other sources which is the revenue which supports our County to implement some of the agenda, especially the big four agenda of the National Government.

It is through this performance management plan which can help members to be on the limelight to know that these projects are done in line with certain grants, but it is clear as the Honourable member for Mwanamwinga has put it, people are left in the dark. I trying to support this motion that this performance management plan should be designed and we should get those reports in order to be in the limelight and to advice the public which is concerned about the funds which are remitted in this County. When you go outside they talk of 13 Billion, 11 Billion, and 10 Billion so they see as if there is misuse of these funds because they don't get the relevant information which can answer these questions. I stand to support this Motion and urge the hon. members to support the Motion. Thank you so much.

The Deputy Speaker (Hon. Kenga): Honourable Mwarandu.

Hon. Mwarandu: Thank you Mr. Speaker for giving me this opportunity to give my submission. First and foremost, I would wish to congratulate the hon. Member for Malindi Town Ward. As he said that he wanted to speak as a Messiah, but I want to tell him he has spoken as the serious contender of Malindi Member of Parliament come 2022. The statistics show that he is a serious contender followed by hon. Abdulrahman and hon. Mramba comes a distant third. So, I want to congratulate him.

Mr. Speaker, there are so many definitions of performance management but in 1998 Professor Local Armstrong and Dr. Angela Barron of the Golden Gate University in the School of Business and Economics defined performance management as “the strategic and integrated approach to increase the effectiveness of companies by improving the performance of the people who work in them and developing the capability of skills and individual contribution”. In 2017 Mr. Speaker the Council of Governors came up with a performance framework for County Governments and on that framework they chose seven points as instruments of performance management in County Governments.

These seven points are; (1) The Vision 2030, which is a National development plan. (2) Ten year set and Spatial plans as prescribed in section (109) and section (110) of the County Governments Act of 2012. (3) Five year CIDP as prescribed in section (108) of the County Governments Act. (4) The Five year departmental strategic plan aligned to the CIDP. (5) ADP as prescribed in section (126) of the PFM Act. (6) Performance contract and staff performance appraisal which is an accountability tool. (7) Monitoring and evaluation reporting and learning, Mr. Speaker.

So, we are not outside the law; we are within the law and within what the Council of Governors want us to do, but Mr. Speaker the hon. Member for Mwanamwinga has put it clearly that it is because of some laxity in the County Departments. Up to today when you step in an office, maybe in the Department of Education right now and you ask them what are the contents

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of CIDP, I am sure they don't know what the contents of the County Integrated Development Plan 2017/2022 are and this is laxity. This motion will actually put to task those Directors, the Chief Officers and the CECMs to make sure that they submit the performance management as prescribed in the law, Mr. Speaker. Thank you very much. I beg to support the motion.

The Deputy Speaker (Hon. Kenga): Thank you very much the hon. Member. That was well researched work in terms of the contributions given. The Member for Ganze.

Hon. Chengo: Asante sana Mheshimiwa Spika. Nimesimama kuunga mkono hii Mada iliyoletwa na Mheshimiwa Kadenge. Nataka niweze kumshukuru sana kwa ajili ya Mswada huu maana tumeona kwamba hizi ofisi zetu za *Executive* ni kwamba hatupati msada wa haraka tukiingia katika ofisi zile. Tukienda pale tunapelekwa huku na kule. Sasa naamini kwamba hii ambayo imekuja kama hoja ya leo itafanya hawa wafanyikazi wetu wa *Executive* waweza kuwajibika kwa sababu mara nyingi katika hii miradi yetu hakuna kuwajibika.

Kuna miradi ambayo imefanywa na haikufanyika vizuri kabisa na nimejaribu kwenda katika ofisi kujaribu kuwauliza kwa nini hivi na vile lakini hatukupata majibu ya kisawa na nikasema kwamba ni vizuri kama hayataeleweka itabidi labda twende kwa watu wa EACC ili kwamba waweze kuja na kama kuna matatizo yoyote yaweze kurekebishwa. Nimesema ya kwamba naunga mkono huu Mswada ili kwamba itakapofanyika kwa uzuri naamini kwamba wananchi wetu watapata miradi kisawasawa. Asante sana Mheshimiwa Spika.

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

Hon. Mwamtsi: Thank you Mr. Speaker. I also rise to support the Motion brought forward by the hon. Member for Malindi. Mr. Speaker, where money is used there must be value for it and this value can be shown by service delivery in terms of services provided by the human resource or it can be in terms of the infrastructural visions that are within the mandate of the County Government.

In this regard if this Motion goes through as it is, it will give way to creation of more jobs because as quality assurance standard officers who will be employed by the County Government to oversee the quality of services delivery in human resource as well as the physical structures. Even as we put this into law we as a House we share part of the functions of this Act that we are coming with now. This is because our role is oversight; what does oversight entail? It entails checking on quality and questioning where we feel should be strengthened. My question is where will these people be located? Will they be located in the assembly side or the executive side? It was my proposal that they become part of the extension of the oversight role so that they are answerable to us. They go check on the quality of service delivery at the executive then they come and respond to us. If that one can happen based on the laws provided then I will be happy to support this. Thank you.

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

Hon. Ziro: Thank you Mr. Speaker for giving me this chance to contribute in this Motion and I stand to support the Motion. It is very vital for our county to make sure that we have people of quality in those offices especially in the executive. If you look at the Board that is concerned with the vetting and the employment of people in the executive it clearly shows that we have a very big problems. I do not know how the composition of that Board was made but if you look at the recent exercise that was conducted of employing the ECD teachers I have one case of an ECD teacher who does not have a TSC (Teachers Service Commission) number who was employed in Garashi Ward. I do not know which criterion was used to give this person a job and

this is because these people are just doing what they feel is right for them but actually they are not going as per what the requirements demand.

As a County Government if you look at Section 47 (1), it clearly states that the County Executive Committee shall design a performance management plan so that they can monitor the way their staff are working. This has not been done by our County Government and thereby we are creating a loop hole for the people who are working in those offices to do what they want. If this plan is going to be done it will save us mismanagement of funds. This is because those people who have been employed there are not even qualified. You go there as an MCA who has a project but again you have to go to their offices almost every day so that you can have your project given to a contractor. There are so many projects which have not even started on the ground; we are almost getting to the end of the financial year and nothing has started.

If you go to their offices and start asking they will begin talking about the system and I do not know which system they are referring to but I think some of them are not even qualified. Like yesterday I was there and I will be very particular; I went there for a project that was signed since 14th November last year, while the papers are just lying on the table of one called Ilham, and nothing has happened. This is very bad; if you go to the officer and you ask her she will tell you about the system while the documents are on her table. Such people are supposed to go home. When this performance contract comes, I think Iliham should be the first person to go home in that Department of Education.

I also want to make some concerns on the Department of Education because even the chief officer has given a proposal that some of the Members who they have employed are really causing a lot of trouble in their departments. So, it is kind of sabotage to the Chief Officers; this has to stop and the only way to stop it is by giving these people the performance contract. With those few remarks Mr. Speaker, I wish to...

The Deputy Speaker (Hon. Kenga): There is an intervention from...

Hon. Ziro: So, with those few remarks Mr. Speaker I wish to...

The Deputy Speaker (Hon. Kenga): There is an intervention please, kindly take your seat. Hon. Mwamtsi?

Hon. Ziro: I wish to settle there. Thank you, Mr. Speaker.

Hon. Mwamtsi: Mr. Speaker, is it in order for the Member for Garashi to mention names of people who cannot even defend themselves in this House?

The Deputy Speaker (Hon. Kenga): The Member is out of order; in fact you are mentioning a junior officer in this hon. House yet, you very well know that those answerable to this Assembly are the County Executive Committee Members. So, the blame will be on the County Executive Committee Member and not a junior officer as you put it. So, kindly withdraw so that we are able to proceed.

Hon. Ziro: But I have already concluded Mr. Speaker.

The Deputy Speaker (Hon. Kenga): You had not! He raised an intervention even before you concluded.

Hon. Ziro: Mr. Speaker....

The Deputy Speaker (Hon. Kenga): Kindly withdraw.

Hon. Ziro: I withdraw Mr. Speaker.

The Deputy Speaker (Hon. Kenga): Thank you. Those wishing to make contributions kindly make your requests... Yes, this I expected especially from the chairperson PIC/PAC (Public Investment and Public Accounts Committee). Proceed.

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Hon. Baya: Thank you Mr. Speaker, Sir. I stand to support this Motion. This is a very important Motion Mr. Speaker. This is the only way we can solve the problems in this County. When it comes to appointing these officers, Committees get very tough tasks; some are being compromised but if we have this management of service performance contracts, this County Assembly will be able to go through those performance contracts or the Reports and come up with a perfect conclusion. Thank you very much. I stand to support this Motion as it has been brought by my long time classmate from the University of Gede. Thank you.

(Question put and agreed to)

ADJOURNMENT

The Deputy Speaker (Hon. Kenga): Hon. Members, there being no other business in the Order Paper, this House stands adjourned until Monday next week, in the afternoon at 2:30p.m. Thank you.

The House rose at 3:08 p.m.