

# REPUBLIC OF KENYA

## COUNTY ASSEMBLY OF KILIFI

### THE HANSARD

Wednesday, 30<sup>th</sup> September, 2015

*The House met at the Temporary Chambers at the defunct Malindi Municipal Council, Malindi Town, 2.30 p.m.*

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

### PRAYERS

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

**Hon. Members:** Good afternoon!

### MOTION

#### ADOPTION OF THE AD HOC COMMITTEE REPORT ON INVESTIGATION OF THE COUNTY SECRETARY

**Hon. (Ms.) Arafa:** Thank you Mr. Speaker, Sir. I beg to lay the Report of the Ad Hoc Committee. Mr. Speaker, Sir, I rise to move;

THAT, this House adopts the Ad Hoc Report on investigation of the County Secretary, tabled on Tuesday 8<sup>th</sup> September 2015...

**The Speaker** (Hon. Kahindi): Anybody to second that Motion?

**Hon. (Ms.) Arafa:** I am still reading.

The Ad Hoc Committee was constituted by the Assembly on Wednesday, 1<sup>st</sup> April, 2015 comprising of the following Members:-

1.	Hon. Albert Kiraga Hare	Chairperson
2.	Hon. Arafa Salim Baya	Vice-Chairperson
3.	Hon. Emmanuel Kazungu Chai	Member
4.	Hon. Elizabeth Tabu Ngala	Member
5.	Hon. Christine Fondo	Member
6.	Hon. Alphonse Mwayaa	Member
7.	Hon. Pascal T. Jacob	Member
8.	Hon. Cosmas Foleni Kenga	Member
9.	Hon. Adamson Kadenge Mwathethe	Member
10.	Hon. Jane Bahati Mwaro	Member

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11. Hon. Lali Omar Sadi

Member

#### COMMITTEE MANDATE

The County Assembly of Kilifi vide its plenary sitting of Tuesday, 31<sup>st</sup> March, 2015 deliberated and adopted a Motion for the censure of the County Secretary on the grounds of incompetence, abuse of office, gross misconduct and gross violation of the Constitution of Kenya, 2010 and the County Government Act, 2012. By a Resolution of the County Assembly on Wednesday 1<sup>st</sup> April, 2015; the Ad Hoc Committee was formed to investigate the above allegations against the County Secretary. The Ad Hoc Committee was to undertake its investigations within a period of 14 days and conclude its investigations on this matter on or before 4<sup>th</sup> May, 2015.

The Ad Hoc Committee's work was stopped by a court order issued on 16<sup>th</sup> April, 2015 and served on 17<sup>th</sup> April, 2015 and the ruling was delivered on 8<sup>th</sup> July, 2015 dismissing the application for orders of injunction against the County Assembly. The Ad Hoc Committee vide its sitting on 22<sup>nd</sup> July, 2015 deliberated on the matter and resolved to move a motion seeking extension of time of the Ad Hoc Committee of which the referred motion was adopted on 4<sup>th</sup> August, 2015. The Ad Hoc Committee was further granted extension on Wednesday, 26<sup>th</sup> August, 2015 to finalize its proceedings by Monday, 7<sup>th</sup> September, 2015.

#### ACKNOWLEDGEMENT

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations which assisted the Committee to get the several findings which guided them in making its final recommendations. The Committee wishes to sincerely thank the Office of the Speaker and the Clerk of the County Assembly for logistical support accorded to it during its sittings both at the County Assembly and outside the precincts. The necessary support extended to it assisted in the execution of its mandate. The Committee wishes to record its appreciation for the services rendered by the staff of the County Assembly attached to the Committee. Their efforts made the work of the Committee and the production of this Report possible.

It is therefore my humble duty and pleasure, to present the Report of the Ad Hoc Committee on the investigations of the County Secretary for deliberation and subsequent adoption by the hon. Assembly.

Thank you Mr. Speaker, Sir. May I call hon. Pascal to second the Report.

*(Hon. Pascal stood at his place to second)*

**The Speaker** (Hon. Kahindi): Thank hon. (Ms.) Arafa for tabling that Motion. Hon. Members, the Motion has been tabled by hon. (Ms.) Arafa and seconded by hon. Pascal. I now propose that the Motion is now ready for debate.

*(Question proposed)*

Yes hon. Nzaro.

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**Hon. Nzaro:** Thank you Mr. Speaker. I rise to oppose the adoption of this Report. There are several errors in this Report regarding to the way it was done. If you look at the essence of this Report, the Members of this Committee did not provide a clear cut on whether the County Secretary is capable of these allegations that were made against him or not. It is very difficult to address the issues which I had raised in that Report.

Mr. Speaker, let me highlight what I have found on that Report so that Members can know what is entailed in this Report. One; if you look at the recommendations on casuals, they don't put the head of public service of this County to be capable of doing anything wrong on the issue of employment of the casuals of this County. The questions we should be asking ourselves as a County Assembly are who has been paying these casuals and who employed them? The County Public Service Board (CPSB) is the one mandated to employ the casuals in this County. During cross examination, the Chairman of the CPSB presented that he did not know that they were any casuals he employed apart from the 294 which he had inherited from the local defunct authority under Section 37 of the Employment Act Mr. Speaker, what does this portray?

A casual is deemed to be a permanent employee in the absence of an appointment letter at the expiry of about (a month?). Look at the number of casuals who are entailed in this Report. There are some casuals who were engaged by this County for more than a period of a month. In fact, I will be the legal adviser to these casuals Mr. Speaker, because this County will pay dearly for the employment of these casuals. We have nothing to do about these casuals because the Employment Act is the one guiding these people in the absence of any document to show that they were employed as casuals then after one month they are deemed to be permanent employees of the County.

These are offences which happen and if you look at Section 49(c) of the Employment Act read it together with Section 50 of that Employment Act, there are issues on compensation of these casual workers. Let me tell you my dear hon. Members of this Assembly, if an employee who was a casual employee goes to court at the moment, you know what will happen? You will pay that employee a gross salary for 12 months and here we are talking of about over 300 employees. Gross salary for 20 months for all these casual workers, how many roads will these monies build in Ganze for example?

This House should abide by the rules of the Constitution which we sought to protect when we were being sworn in. Look at the Employment Act, there are grievous mistakes which the County Secretary did and the law does not wait for the CPSB to adopt regulations on issues of employment on contract, casuals or interns in this County. What we have in place is the Employment Act which is already in place and we cannot segregate other duties to a body where legislation is in place and the employees currently engaged by the County have their rights

Mr. Speaker, I would wish these hon. Members of this Assembly read the Employment Act Article 35, Article 37 together with Article 49 and 50. You will find all these things relating to employment have not been addressed by the Ad Hoc Committee.

Mr. Speaker, one thing I also wish the Members to agree with me is that the acts of the County Secretary made it possible, infact its only yesterday we got a ruling on the issue of Rain Drops, that this company continues to collect revenue on our behalf without any approval of this Assembly. The implications of his deeds are now being felt at the moment. That ruling and the judgment which was made has made it possible that 30% of the revenue of this County goes to the pockets of a few individuals and that is what makes me mad.

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If you look at the ruling, a whopping Ksh 36 million has to be paid to Rain Drops officials. I wonder with the Ksh 36 million, how many children would be happy to see their classrooms in Ganze being built by that amount of money which we are paying to individuals which could have earned development priorities for this County? It is too sad that these things are happening and I am here ready to defend what is right and because this is an opportunity I have, this is the right time for me to at least air my disregards on this Report because colossal amounts of monies are being spent.

There are Members of the Education Committee in this Assembly who visited areas like Mapotea and came hand in hand with what is happening in those areas. These things are very inappropriate if they can happen under my watch, and I am here to defend that Mr. Speaker. If you also go look at the Report, I produced documents with signatures. Now the question I pose to this Assembly is; one, did the Committee send these documents to a document examiner so that they come up with the verdict that the signatures are the same or not? Mr. Speaker, that never happened and if it never happened, then how did they come to this conclusion?

Another, very damning information which is coming out in this Report is about the inadmissibility of audio evidence; this is a very sad moment for this Assembly I can say because, you cannot declare in law any admitted evidence in law, in electronic media or device to be inadmissible if the maker of that evidence has admitted that, that voice belongs to him.

Look at the Report Mr. Speaker, the County Secretary admitted that, that voice belongs to him, then why did the Committee disregard the evidence if the County Secretary who was the maker of this Report accepted that the voice belongs to him? So, there are fundamental issues about this Report which I think should be addressed before deliberations can be done.

Mr. Speaker, any admitted evidence forms part of the evidence and there should be no assumption to the contrary. Assumption of fact is provided and I categorically say that assumption of fact is admitted under Section 118 and 119 of the Constitution and this Assembly should not shy away from these very fundamental issues and lapses which this Ad Hoc Committee failed to implement. Mr. Speaker, what does the present scenario imply? It doesn't call certain assumptions because it is an admitted fact and the County Secretary admitted to. So Mr. Speaker, the Committee should have been advised accordingly on such evidences. Mr. Speaker any evidence made through the press or an individual can compel the Committee to summon an individual to get evidences on the same.

Now, what entails in this and what goes against what I am saying now? If you look at what I would advise the Committee on the issues of the Ksh 21 million spent on the partitioning of the Tuskeys building, the response that we got from the County Secretary was that there were five departments that shared that cost but Mr. Speaker if you go further and look at the response given by the County Secretary on the Mjanaheri project, he gave the exact figures of that project but if you look at the partitioning he didn't give evidence on whether...

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

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

**Hon. Mwambire:** Mr. Speaker, I feel the Member on the Floor is not going as per the clear guidance because you remember he is the one who moved the Motion, and we treat a Motion as a charge sheet whereby he is supposed to inform Members that whatever he provided

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to the Committee was not considered, but he is bringing completely new issues. It gives us an impression that maybe he is convincing this House. So let him concentrate with what was in the Motion or what he provided to the Committee so that as Members we can know what happened in that Ad Hoc Committee, but the way he is putting it, he is taking us round and he is wasting a lot of time for this hon. House. Thank you very much Mr. Speaker.

**The Speaker** (Hon. Kahindi): Let me just make a ruling on that. One, on the issue of time he has very few minutes waiting. The reason why the Report was given to the Members before it was brought to this House is that you were able to see the facts that were laid initially from the Motion and what is being presented. At the end of the day the onus is on the Members to choose to decide whether what is being said now is actually part of what was stated early. It's not who is supporting.

Hon. Japhet Nzaro just proceed and wind up. Like I normally say, a Member may have a very cunning way of convincing you to accept but I want to give him this opportunity to express his views. At the end of the day, it is your judgment that counts so whether what you are saying is relevant or not, you have two minutes to finish.

**Hon. Nzaro:** Thank you Mr. Speaker for protecting me. Maybe Members have not yet read this Report but I have gone through it extensively. In fact I engaged the...

**The Speaker** (Hon. Kahindi): I would rather you use your time to finish your subject.

**Hon. Nzaro:** Yeah, I will finish because I am winding up. In fact as a legislator I have to personally engage people to critically analyze what Report is coming before this House so that what I say in this House makes sense not only to the Members of this Assembly but also to the Kilifi County residents at large.

**The Speaker** (Hon. Kahindi): Thank you.

**Hon. Nzaro:** Mr. Speaker, what I can categorically say of this Report now is that this ...

*(Hon. Hassan stood on a Point Of Order)*

**The Speaker** Hon. Kahindi: Yes, hon. Hassan.

**Hon. Nzaro:** They are eating my time Mr. Speaker...

**The Speaker** (Hon. Kahindi): No, leave that to me; I will decide.

**Hon. Hassan.** Asante sana Mheshimiwa Spika. Naomba hili swala tulijadili kwa mda mdogo. Huyu Mheshimiwa anaongea sana. Tumeshamuelewa, aongee kidogo halafu mwengine apate nafasi naye ya kuongea. Asante.

**The Speaker** (Hon. Kahindi): Have a seat hon. Hassan. I am the one who is managing time; I want to give him his two minutes to finish.

**Hon. Nzaro:** Mr. Speaker, what I can categorically say is that in my opinion the other Committee conveniently decided to employ ways of determining these issues differently because they wanted to suit maybe the issues of the County Secretary or they were acting in the best interest of the County Secretary or they are for themselves because what this Report my dear colleagues entails, is a very fundamental issue and its only today that you will be counted in the annex of history whether you are true defenders of public funds utilization in this County or not. Mr. Speaker, let me end with a quote from Nelson Mandela. He once said that we should sometimes act in the best interest of the public but not in ones' interest. I concur with these words Mr. Speaker, and I am ready to defend what I initially started on the essence of the County

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Secretary to the letter. Be it that I may be alone or be it that other Members will support me, but I stand to defend what I say. Thank you Mr. Speaker, I beg to oppose.

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

**Hon. Hassan:** Asante sana Mheshimiwa Spika kwa kunipatia nafasi hii. Mimi nashukuru sana. Kwanza kabla sijaanza kutoa mchango wangu Mheshimiwa Spika, naomba tu uasia kidogo kwa Mheshimiwa aliyetoka. Ni vizuri kutupatia mifano lakini sio ya watu marehemu na wakati tuko na watu waliopo hai. Tupate mifano ya wale watu walio hai si mfano wa watu ambao ni marehemu. Naomba tu kumkumbusha hilo. Mbali na hilo Mheshimiwa Spika...

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

**Hon. Speaker** (Hon. Kahindi): Take your seat hon. Hassan.

*(Laughter)*

**Hon. Hassan.** Asante.

**Hon. Kenga:** Thank you very much Mr. Speaker, I need your guidance. I am rising on a Point of Order on the mode of dressing that the hon. Member who is just making contributions has on. I don't think whether he is in decorum. Look at the top and look at the trouser and then maybe at the front side. You are not in a position to see because he has buttoned the coat. I don't know whether it's a coat or it's a suite but at the back as you see the flank of the the shirt is hanging. I seek your guidance.

**The Speaker** (Hon. Kahindi): You know I have been seeing ...

**Hon. Hassan:** Asante Sana Mheshimiwa Spika...

*(Laughter)*

**The Speaker** (Hon Kahindi): No! No! Let me rule on that Point of Order. They say that the Speaker does not have eyes unless he is informed. Now, hon. Hassan let's see how you are dressed. If you are not properly dressed you go out and dress up properly.

**Hon. Hassan:** How am I looking?

*(Laughter)*

Am I okay or not?

**The Speaker** (Hon. Kahindi): Just proceed with your submissions hon. Member.

**Hon. Hassan:** Asante Sana Mheshimiwa Spika kwa kunilinda na kunihifadhi na wale ambao hawako sana na mimi. Mheshimiwa Spika, nikiendelea, Bunge hili takatifu tuko na mambo mengi sana ya kufanya na ukiangalia kutoka wakati wa uchaguzi mpaka hapa tulipofika safari tuliyo nayo Mheshimiwa, tuko na mambo mengi sana ya kufanya. Kutoka wakati wa uchaguzi mpaka hapa tulipofika safari tuliyonayo Mheshimiwa, tuliko ni mbali na tunakokwenda ni karibu sana.

Mheshimiwa Spika ningomba mimi kama ingewezekana haya maswala yawe yamefikia kikomo. Ripoti hii imechukua mda mrefu sana na hawa ndugu Waheshimiwa wameng'ang'ana

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kwa uwezo wa Mungu aliowajaalia mpaka pale walipofikia. Siku zote Mheshimiwa Spika, maneno hayajengi. Mara nyingi inakua ni sumu na yanavunja hatuwezi tukapiga hatua ya maendeleo ikiwa tutakua na maneno kama haya madogo madogo. Kwa hivyo ningeliomba ikiwa inawezekana, tungeangalia maswala mengine. Waswahili wanasema, yaliopita si ndwele tugange yanayokuja. Asante Sana Mheshimiwa Spika.

**The Speaker** (Hon. Kahindi): Are you therefore in support of the Report or?

**Hon. Hassan:** I am supporting the Report. Thank you, Sir.

**The Speaker** (Hon. Kahindi): Thank you. Yes hon. Emmanuel Chai.

**Hon. Chai:** Nimeshukuru sana Mheshimiwa Spika kwa kunipa wakati huu ambao nitachukua mda mchache tu kuiunga mkono Ripoti hii. Mimi nilikua ni mwanakamti ambaye nilikua ninaifuatilia vizuri na tulitembea kwa sheria, vitabu vyote vya sheria tukapitia tukiongozwa na mwanasheria wetu ambaye pengine hayuko hapa na nikiwa nafuata vizuri nikisoma tu; hata sitasoma mahali kwingi lakini yale tu mapendekezo ya kamati, kitabu ni kikubwa mno lakini mapendekezo yetu ya kamati ile nambari sita. Mkiangalia hapo kwa wale ambao wako na hili jikaratasi kubwa, funguoni tu hapo kwa mapendekezo nambari sita. Nambari sita inasema kwa sababu tulitembelea ndio nasema tulitembelea hizo sheria. Wale watakaoisoma pale mwisho imesema katika vitu vyote vile, Ripoti zote ambazo zilitokezea katika mambo yote ambayo yalitokezea kwa sababu ya *County Secretary*.

Kufuatiana na upande wa wafanyi kazi alisema hakuandika wafanyi kazi na yule Bw. Mwenyekiti wa Bodi ya utumishi wa umma pia naye akasema hakuandika wafanyikazi. Kwa hivyo nafikiri mkiangalia kitabu hicho mtapata wafanyi kazi wote vibarua wameletwa pale na tulisema kufuatiana na *Department* zao waletwe hapa ili tuone katika kila idara.

Katika mapendekezo hapa imesema waende katika kila idara na wajue yule mkubwa wa hiyo idara ndio ajibu maswali yale. Alipata wafanyi kazi wale namna gani kama hakuandikiwa na Bodi ya utumishi wa umma na hakuandikiwa na Owen? Hii ni kwa sababu Bodi ya Huduma ilikataa kuandika wafanyikazi na Owen Yaa Baya akakataa ya kuwa hakuhusika. Kila idara iko na majina ya wafanyikazi wake basi ifwatiliwe ili ijulikane walipokea wafanyikazi wale kutoka kwa nani.

**Hon. Mramba:** Naomba kusimama kwa Hoja ya Nidhamu.

**The Speaker** (Hon. Kahindi): Take a seat Hon. Chai.

**Hon. Mramba:** Mjumbe anayeongea kwa sasa ni mwanakamati wa Ad Hoc (Kamati ya dharura). Walimhoji Karani wa Kaunti akasema hakuwajibu, wakamhoji Mwenyekiti wa Bodi ya utumishi wa umma wakasema hakuwajibu. Sheria ilikuwa inasema bodi iwatembelee wakubwa wa kila Idara, iwaulize wafanyikazi hawa ni nani aliewaajiri. Sikutuletea Ripoti hapa ambayo imepikwa nusu, Mheshimiwa Spika, ninaomba ajaribu kurekebisha.

**Hon. Chai:** Asante. Pengine nikitaka kumjibu huyo Mheshimiwa, pengine hajaisoma hii Ripoti kwa sababu ni kubwa. Hilo pendekezo liko hapa, tumemwambia Mwenyekiti wa Bodi ya Utumishi wa Umma achunguze katika kila idara ni nani aliewaandika wafanyikazi wale. Mwisho ni kwamba Owen Yaa Baya alikataa kwamba aliandika wafanyikazi na tukisoma kifungu cha sheria ni kweli ya kwamba Karani wa Serikali hawezi akaajiri watu kazi. Hiki kitabu ni kikubwa lakini mstari wa mwisho hapo nitasoma kwa kizungu niruhusu Mheshimiwa Spika. *“The County Secretary should be accountable as the head of the Public Service.”* Tukifikia hicho kifungu katika namba ya sita nafikiri nimeeleza vizuri. Katika ile hali yote ambayo alikuwa anaongea tumesema kwamba yeye si...

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**Hon. Nzaro:** Point of Order!

**The Speaker** (Hon. Kahindi): Yes what is the Point of Order?

**Hon. Nzaro:** From what the Member is portraying, does it mean that the County Secretary is unaccountable? If the recommendation states that the County Secretary should be accountable, this implies that he is not accountable.

**The Speaker** (Hon. Kahindi): I am not getting your sentiments. I thought the hon. Member just quoted paragraph six that the County Secretary should be accountable as the Head of Public Service.

**Hon. Nzaro:** Now, under that paragraph six, if the Committee recommendation was that the accounting officer who is the County Secretary should be accountable, what does that imply? It implies that he is not accountable.

*(Laughter)*

**The Speaker** (Hon. Kahindi): Hon. Emmanuel Chai can you please proceed.

**Hon. Chai:** Asante sana Mheshimiwa Spika kwa kunipatia nafasi hiyo tena ili nimalize. Nimewahimiza muweze kusoma hiyo *County Government Act*. Tukiisoma ndipo tutaweza kuelewa vizuri na kujua kwamba katika vile vyote ambavyo vimetokezea pale ndipo tuliweza kuja na mapendekezo kulingana na yale majibu yote tulipata.

Tulipendekeza ya kwamba kwa sababu yeye ndiye *head of the public service he should be accountable*. Ingawaje sheria haimwambii hivyo kufwatia yule bwana wa sheria aliyekuwa anatuongoza. Tukifwata sheria haimwambii kwamba yeye ndiye anasimamia kila kitu, lakini kwa sababu yeye ndiye mkuu katika utumishi wa umma ni lazima awe atakuwa *accountable in all what was happening...*

**The Speaker** (Hon. Kahindi): Your language hon. Emmanuel Chai.

**Hon. Chai:** Pole Mheshimiwa Spika. Ndio tukaona kwamba ni lazima ahusike katika vile vyote vinavyo endelea; yeye kama mkubwa wa mahali hapo. Kuna mahali alikuja akatupatia Ripoti ya kwamba Riziki Chonga yuko na karani kwa ofisi yake ambaye hajaandikwa na serikali. Swali letu kwake lilikuwa kwanini wewe kama Mkuu wa Utumishi wa Umma hujauliza Riziki Chonga kuhusu jambo hilo?

Tuliona ya kwamba yuko pale lakini kuna mambo mengi ambayo hajihusishi nayo na yeye ndiye tuna mhesabu kama kiongozi wetu. Ndipo tukasema ni lazima abebe huo msalaba wote na tuone kwamba Bodi ya Utumishi wa Umma iende na kutoa wale vijana ambao waliandikwa kazi kule na kuona kwamba wote tunajua ni nani aliyewaandika kazi. Hizo ndizo changizo zangu.

**The Speaker** (Hon. Kahindi): Thank you. Hon. Mramba proceede.

**Hon. Mramba:** Mr. Speaker, first and foremost I would be very happy if the hon. Chair of the Ad Hoc Committee was present here. His conspicuous absence raises a lot of eyebrows.

*(Applause)*

This is a very important document Mr. Speaker and I expected hon. Kiraga to be in this House today. Mr. Speaker, this Committee did not do a wonderful job. If I may say, we need to form another Ad Hoc Committee to investigate the Ad Hoc Committee.

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(Laughter)

They did totally nothing. They spent a lot of money in allowances but in return nothing was brought here. Mr. Speaker, you are a lawyer by profession. This was a charge sheet; the County Assembly is the plaintiff while Owen Yaa Baya is the defendant. The plaintiff shall have to draft a pledge which in this case is the charge sheet. So we were expecting the Committee to come up with the defense, that Mr. Owen Baya was competent because he did this and this. Mr. Owen Baya did not do anything in abuse of office because he did this and this. Mr. Owen Baya did not employ casuals, who employed the casuals then if the Board did not employ? Then if not Owen Yaa Baya who is the head of Public Service who else could have?

In his own words hon. Chai admitted here that the County Secretary should be accountable. If you go to your house Mr. Speaker and you did not leave money for chicken and chips but find your wife and your children eating chicken and chips...

(Laughter)

...you will not ask where the chips and chicken have come from. This is the scenario; if you don't ask, then next time the person who bought chips and chicken will be in the house. Mr. Speaker, I am not ready to support this Report. I oppose it in totality because it is half baked and it leaves a lot to be desired. Therefore, I request my fellow hon. Members to reject this Report and form another Ad Hoc Committee so that work can proceed. Thank you.

(Applause)

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

**Hon. Kaingu:** Asante sana Bw. Spika. La kwanza nataka kusema mimi ninamheshimu sana Mwenyekiti wa hii Kamati ambayo imeleta hii Ripoti. Vile vile heshima zangu kubwa sana ziko kwa wanakamati wote wa hii Kamati ya Ad Hoc lakini ninapinga kabisa, mia kwa mia! Mimi ni Mwenyekiti wa *Public Investments and Accounts*, kazi hii ya kupekua pekua hali ya utendaji kazi wa Serilikali ya Kaunti tumeifanya na tumeona kwamba huyu Karani wa Kaunti ni yeye ambaye aliidhinisha mkataba wa shirika la kampuni ya Rain Drops iendele kwa miaka 15 na kulingana na kazi yetu tuliyoifanya kama kamati ya Uwekezaji wa Umma ni kwamba kuna zaidi ya shilingi milioni 500,000 ambazo zinapotea kwa sababu ya kampuni hii.

Ukilinganisha kabla hii kampuni haijaingia kwa kazi, serikali ya Kaunti ilikuwa inakusanya pesa nyingi lakini hivi inamanisha tutaenda zaidi ya miaka 15 kuendelea kupoteza pesa. Mtu ambaye anafanya hivyo ni Bw. Owen Baya, vile vile ilikuwa kwa wajumbe wa Bunge hili kwamba hamkuhusishwa katika kutengeneza ule mkataba. Ile kwanza ilikuwa si heshima, halafu hapa tunasema hatuna wasiwasi.

Huyu bwana kila kitu mimi namjua. Kazi zote za Kaunti anazifanya yeye na nidhahiri shabiri kupata kazi ama tenda kwa serikali ya Kaunti ni lazima ipitie kwake ama upate ruhusa kutoka kwa ofisi yake. Pale kuna *procurement officers* ambao kazi yao ni hiyo ya kuchagua nani apate na nani akose. Lakini hata hapo hawaangalii, ni ofisi hiyo moja tu.

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Kwa hivyo yangu nasema sijui ilikuaje Kamati hii ikatoa Ripoti hii, kwa sababu mimi sioni kitu walifanya hapa, tafadhali. Kwa hivyo ningeliomba ikiwezekana kama Mheshimiwa Mramba alivyosema ni vizuri vile vile Kamati hii ichunguzwe na Kamati nyingine kwa sababu kazi iliyofanyika ilikuwa si ya kweli. Sitaendelea kuongea sana lakini kwa ufupi napinga na huyu bwana ikiwa ataendelea kukaa pale basi tutajikaranga sisi wenyewe. Kwa hayo machache mimi napinga Ripoti hii.

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

**Hon. Mwayaa:** Asante sana Mheshimiwa Spika. Nimesimama kuiunga mkono Ripoti hii na maneno yafuatayo; Mheshimiwa Spika Ripoti hii labda utatuongoza wewe, labda wenzetu hawajaisoma vizuri sijui kama utasema tupatiwe mda lakini Ripoti hii ilijibu kulingana na ushahidi wa hao wote ambao waliitwa na Kamati hii Mheshimiwa Spika.

Rain Drops kulingana na majibu ya katibu wa Kaunti alisema ya kwamba wakati ikitolewa zabuni ile yeye alikuwa hajaingia katika mamlaka. Alivyoingia katika mamlaka na Ripoti hiyo iko hapa, ikawa tayari mambo yameendelea mbele. Hangeweza kujibu kwa sababu zabuni ilikuwa imemalizwa kufanywa na ikawa sasa ni Ripoti inafanywa ili kwamba maneno yaendeleo mbele. Ikabidi hapo hatuwezi kumshika kwa lazima kwa sababu yeye ndiye amekalia kile kiti, ikiwa zabuni imetangazwa tayari. Hapo ni upande wa Rain Drops ulivyokuja na majibu yote yako hapa, hiki kitabu kikubwa nafikiri hakijaangaliwa vizuri, labda utatuongoza vizuri.

Pili, uajiri wa wafanyikazi, ukisoma kifungu cha 75 cha sheria za Kaunti 2012 kinasema kwamba mwenye kuandika wafanyikazi ni Bodi ya utumishi wa umma, sasa basi bodi ya utumishi wa umma ama yule mwenyekiti baada ya kuona mambo yanaenda vibaya akaandika barua kwa kila idara. Yote yako hapa Mheshimiwa akaandika barua kwamba hayo yanayoendelea mimi siyaelewi kama mwenyekiti wa Bodi, yanaendelea vipi? Naona watu ambao siwaelewi. Ushahidi huo umetolewa hapa kulingana na vile ambavyo tulienda tukahoji watu mmoja baada ya mwengine hata Bodi ya utumishi wa umma maneno yake yako hapa katika ukurasa wa 14 ukisoma.

Mheshimiwa Spika baada ya kujua ya kwamba ametoa *circular* na haikufanyika, ndio sasa tukamwona Karani hapa ana makosa baada ya kuwa ameandikiwa barua na Bodi ya Utumishi wa Umma akasema yeye hajaandika, sasa swali letu likawa alichukua hatua gani yeye kama Mkuu wa Watumishi wa Umma wa Kaunti hii ndio ikasomwa number sita pale, huo ni upande wa wafanyikazi. Ripoti hii, tukiipitisha Mheshimiwa Spika, itafungua milango mapya.

**Hon. Mramba:** Point of Order Mr. Speaker!

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

**Hon. Mramba:** Ninasimama kwa Hoja ya nidhamu, nikimwomba mnenaji anaye nena sasa arudie tena maanake ametamka kwamba hapo ndio tulijua Karani wa Kaunti ana makosa. Nataka arudie tena ama labda mimi sikusikia vizuri.

(Laughter)

**Hon. Mwayaa:** Nitarudia tena kwa sababu ukisoma vizuri katika matamushi yake alisema ya kwamba baada ya kuwa *circular* imeenda na iko hapa ndio ninasema Waheshimiwa hamjaiangalia vizuri. Katika nambari 38 hapa inasema kwamba baada ya kuona kwamba *circular* imetolewa na yeye akaona amekaa pale na watu wanaendelea kuandikwa akaona ya

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kwamba kila Waziri ajifunge kamba mwenyewe. “*Let every CEC carry his own cross*” iko hapa numbari ya 13.

Sasa ndio tukaona hapa, akiwa yeye ndio mkubwa alafu anasema kila mtu ajifunge kamba tunaelekea wapi? Ndio maana nikataja lile la makosa, sijalitaja vibaya. Nimelitaja nikisimama hapa Bungeni nikijua ya kwamba alisema mwenyewe; “...let everybody carry his own cross”. Akiwa yeye ndio mkubwa na kila mmoja akimwachia afanye vile anavyotaka, Mheshimiwa Spika, tutaelekea pabaya. Ndio nikasema Darktari alikuwa....

**Hon. Nzaro:** Point of Order Mr. Speaker!

**The Speaker** (Hon. Kahindi): Yes hon. Japhet Nzaro, take a seat hon. Mwayaa.

**Hon. Nzaro:** Mr. Speaker, if that is what was happening then it clearly portrays that the County Secretary was not in control of this County. That is why in the Report he is....

**The Speaker** (Hon. Kahindi): Hon. Japhet Nzaro what is your Point of Order?

**Hon. Nzaro:** I want him to confirm that the County Secretary was not in control from his sentiments because according to his response it means the County Secretary was incompetent and that was my prayer when I was moving this censor Motion. Thank you Mr. Speaker, Sir.

**Hon. Mwayaa:** Mheshimiwa nafikiri narudia tena kusema ya kwamba Ripoti hii haijasomwa. Kwa sababu gani ninasema hivyo? Ndio huyo akasema...

**Hon. Mramba:** Point of Order Mr. Speaker!

**The Speaker** (Hon. Kahindi): Hon. Mramba, on what point of Order are you rising on? And don't misadvise the House; this is a very serious matter.

**Hon. Mramba:** Mheshimiwa Spika...

**The Speaker** (Hon. Kahindi): You are in violation of the rules because you are mixing languages and I have been very patient. Choose which language you want to proceed with.

**Hon. Mramba:** English of course.

**The Speaker** (Hon. Kahindi): Then proceed.

**Hon. Mramba:** Mr. Speaker, the Member is misleading this House. This is because as I had earlier pointed out if you assume the seat of the County Secretary and you find that mistakes had been committed, definitely there is the law of collective responsibility. Mr. Speaker, the County Secretary was supposed to own up ...

**The Speaker** (Hon. Kahindi): What is your point of Order? You know Members, unless today we are refusing to understand what a Point of Order is, when you rise on a Point of Order, it is either that you see the other Member is violating. You cannot stand on a Point of Order to give an opinion. Let us not violate the standing Orders; I am in clear understanding of the Order because we passed them.

**Hon. Mwayaa:** Mheshimiwa Spika ndio ile namba sita aliyekuwa anasema. Tulivyoona ya kwamba yeye hakujibu ile *circular* na ndio mkubwa, tukaandika namba sita sasa. Iliyosomwa na yule, ya kwamba huyu mtu basi inaonekana lazima abebe msalaba kwa sababu tulikuwa tumeona ile alama ya kwamba mwenzake ameandika *circular*. Yeye kama mkubwa wa utumishi wa umma, hakujibu wala hakuchukua hatua yeyote aliacha watu wajifunge kamba kulingana na majibu yake.

Ukurasa wa 14 ndio hapo sisi kama Kamati tukatoa mapendekezo yetu. Tukasema ya kwamba namba sita, basi kwa sababu aliwacha watu wajifunge kamba yeye basi anaonekana ana makosa katika ile namba sita ambaye yule Mheshimiwa amesema. Upande wa kuandika wafanyikazi, Bodi ya Utumishi wa Umma ikatua kwamba, tupitisha Ripoti hii ili Kamati ya

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Leba ianze kazi ya *forensic Audit*. Kama kuna wafanyikazi ambao waliandikwa zaidi ya 294 Labour ichukulie kwanzia hapo, baada ya kupitisha hii Ripoti ianze...

**Hon. Kenga:** Point of Order!

**The Speaker** (Hon. Kahindi): Yes hon. Stanley (Kenga). Take a seat hon. Mwayaa.

**Hon. Kenga:** Thank you very much Mr. Speaker. The Member in his contributions alleges that once the Report has been adopted by the House, the Labour Committee will be mandated to carry out a forensic audit. Mr. Speaker, I want to inform the House that, as a Labour Committee, we already received complaints and a Motion was brought before the House. In the process we even made recommendations that a number of casuals were seen to have been employed in the absence of the knowledge of the CPSB which is mandated to employ.

Why am I rising on a Point of Order Mr. Speaker? It is as we make our contributions, let us also be knowledgeable about the existing laws that guide us. As an Assembly, we have the County Government Act, the Standing Orders and the relevant Acts so that we do not mislead the House.

Another issue that the Member is raising is that the County Secretary saw that people were getting employed. My question is who was this that was employing the casuals in the absence of the County Public Service Board and the County Secretary? Again, who was making payments to these people? As a County we are losing a lot of funds and this is not good for us...

**The Speaker** (Hon. Kahindi): Hon. Stanley Kenga, you know you have made very clear contributions but hon. Mwayaa is simply trying to support the Report. Your arguments are very valid in law but you know that a time will come when you will take a vote. If you totally think that whatever he is saying is rubbish, that is parliamentary, it doesn't add value. If it doesn't add value, then it doesn't add value. What I am saying is, when you rise on a Point of Order we know what the Standing Orders say. Every Member who stands up here has their own opinion, but do you really necessarily have to go by their opinion? That is why there is a Motion of whether to adopt or not to adopt will be moved. Are we together on the procedures? So let us not waste time on the Point of Orders by using them as points of explanations. If a Member has missed a bus and it is very clear on the minds of the others that he has missed the bus, then you have the right which you will exercise to take a vote. So just wind up Hon. Mwayaa.

**Hon. Mwayaa:** Asante Mheshimiwa Spika, nafikiri wamekula muda wangu mwingi na hawajaongea sana vile. Lile ambalo lingenigusa ni namba tatu katika mapendeleo yetu. Tulisema kwamba, niruhusu nisome kwa kizungu "...*That the County Public Service Board commissions a thorough investigation into the engagement of persons on casuals basis within the County Public Service Board and revoke...*" Ni baada ya kuwa tumepitisha Mheshimiwa Spika...

**Hon. Chai:** Point Of Order!

**The Speaker** (Hon. Kahindi): Yes hon. Emmanuel Chai Point of Order. Take a seat hon. Mwayaa.

### MOTION FOR ADJOURNMENT

**Hon. Chai:** Thank you very much Mr. Speaker, Sir. I have stood on Point of Order No. 50. From what I have seen we need to seat down and read these documents thoroughly before we get to a conclusion. From what I have realized, most of the Members...

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**The Speaker** (Hon. Kahindi): Hon. Emmanuel (Chai) Standing Order No. 50 has so many sections, which one are you rising up on?

**Hon. Chai:** I am going for the...

*(Laughter)*

**The Speaker** (Hon. Kahindi): You are calling for a Motion?

**Hon. Chai:** Yes I am calling for a Motion for deferring this Motion to a further date. From what I have seen is, the formation of Ad Hoc Committee to investigate another Ad Hoc Committee will waste a lot of time hence it is better for us to take some time and go through the document and understand it first. I am talking like that because there ...

**The Speaker** (Hon. Kahindi): Hon. Member just a minute, I want you to confirm that you have risen under, Standing Order 50 (b) which says: "...Is a Motion for adjournment of the County Assembly or of a debate."

*(Laughter)*

Is that what you are asking because if you do so, you have all the rights to be heard on that Motion? It is a Motion which can be moved without Notice. I want to confirm from you if that is what you want?

**Hon. Chai:** Yes I am standing on a Point of Order and I was very sure on which Order I was going for. I just wanted the deferment of this Motion so that we can have ample time to go through...

**The Speaker** (Hon. Kahindi): Okay thank you very much. Hon. Members, a motion has been moved by hon. Emmanuel Chai under, Standing Order 50 (b) which says 'Motions for the adjournment of the County Assembly or of a debate.'

*(Hon. Dele Stood at his place to second)*

Thank you very much hon. Dele. Hon. Members, a Motion to adjourn the House has been moved by Hon. Emmanuel and seconded by hon. Dele. I now propose a question that the Motion of the adjournment of this debate is ready for debate.

*(Question proposed)*

Yes hon. Mwambire.

**Hon. Mwambire:** Mr. Speaker, I stand to oppose the Motion to adjourn the debate of this Report. Mr. Speaker, I find it as a ploy and it is not a good thing and it is not being done in good faith because this Report was tabled in this House a while ago and if any Member had not read the Report he or she should listen to the Members who have taken time to read the Report.

Mr. Speaker, every Member here is fully aware of the contents of this Report. The Mover of the Motion shared some information that there is going to be a formation of another Ad Hoc Committee to investigate the Ad Hoc Committee. The recommendation of the Report that we were debating in this House did not indicate anywhere that there was going to be a need of an Ad

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Hoc Committee to investigate another Ad Hoc Committee. So, Mr. Speaker, I stand to oppose this.

**The Speaker** (Hon. Kahindi): A formation of another Ad Hoc Committee cannot be formed in the middle of a debate. That is why it is just an opinion, it is a thought. That, infact requires another Motion to be moved and supported. So if you are getting scared that this debate will give rise to...

*(Laughter)*

We are all on the Motion to adjourn this debate. Yes hon. (Ms.) Elina.

**Hon. (Ms.) Elina:** Asante sana Bw. Spika. Nimesimama kumuunga Mheshimiwa Chai. Bw. Spika, hata yule aliyesoma akamaliza *University* juzi hawezi soma hili dude masaa sita. Hili dude tulipewa jana saa kumi na moja za jioni. Tumesoma makaratasi fulani na hii Ripoti ina makaratasi zaidi ya mia mbili. Wale wanaunga mkono wanaonekana walilipata mbele hili dude wakalisoma sasa wametuletea sisi vile wanavyotaka wao tuunge mkono.

Tupe nafasi kama Bunge, kila mtu ni mtu na ana haki zake. Tupewe, tusome, turudi tuje tujadiliane hapa Bungeni kwa sababu wakati tukichagua hii Kamati ifanye haya mambo yote hisia hazikuwa vile zilivyo hivi sasa. Leo hapa Bungeni tuko tafauti kabisa Bw. Spika, na kama haujui niulize baadaye nitakwambia.

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

**Hon. (Ms) Elina:** Bw. Spika hata jana watu wetu wameumizwa sana. Kuna watu wamelazwa hosipitalini, wamepigana na haya mambo ya Rain Drops; kuna kile kizuka cha Serikali ya Kaunti na kile kizuka cha Rain Drops. Unaona hiyo Kamati yenyewe, wanatofautiana huyu mmoja na yule mwenzangu...

**Hon. Mwambire:** Point of Order!

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

**Hon. Mwambire:** Mr. Speaker...

**The Speaker** (Hon. Kahindi): Hon. (Ms.) Elina take a seat.

**Hon. Mwambire:** Mr. Speaker, we only need clarification whether the County government of Kilifi can be described as an idol. I believe we have a well constituted County Government of Kilifi, I don't understand why those names are coming up. Kindly let us get a clarification so that it can go into the HANSARD.

*(Loud consultations)*

**The Speaker** (Hon. Kahindi): Order! Order!

**Hon. (Ms.) Elina:** Lile nimekuwa ninalizungumza kwa sababu kama wangukuwa ni watu...

*(Hon. Mramba stood at his place)*

**The Speaker** (Hon. Kahindi): Hon. Mramba, take a seat. I have personally not heard which word Hon. Teddy (Mwambire) is seeking clarification on. Which word is that?

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*(Loud Consultations)*

*(Hon. Mramba stood at his place)*

**The Speaker** (Hon. Kahindi): Hon. Mramba please take a seat. Hon. (Ms.) Elina proceed please.

*(Laughter)*

**Hon. (Ms.) Elina:** Unaona Bw. Spika, leo tulikuwa tunataka watuelezee zaidi wale wanakatamati kwamba tumechunguza tukafanya mambo fulani yanayotakikana hapa ni haya na yale. Watupe nafasi na sisi tusome hii karatasi, ili wakija wakianza kutueleza kwamba soma nambari sita ama tano tunajua wanasema nini. Hii Ripoti ilitolewa jana na ni makaratasi mengi, ndio ninamuunga mkono Mheshimiwa mwenzangu ili tupate nafasi tukutane nao vizuri, watuelezee pahali ambapo pana shida kwa sababu wametugonganisha Bw. Spika. Wanasema Idara ya Watumishi wa Umma haikuwaajiri vibarua. Karani wa Kaunti alikuwa hata hajaandikwa, walingia vipi kwa ofisi? Mapendekezo ni nini?

Tukiangalia hili lidude Bw. Spika, tunataka wakati tujadiliane ili tukiingia hapa hata kama tutagawanyana wale wataunga mkono, wale hawataunga mkono lakini tuwe tumelewa. Umuhimu hapa ni watu wawe wamelewa hili dude. Kwa hivyo Bw. Spika mimi namuunga mkono Mheshimiwa Chai tupewe nafasi tuweze kusoma hii Ripoti vizuri. Si kwamba tunakataa mtu wala tunafanya nini. Tunataka ule ukweli utoke kwa sababu tunaona shida. Mimi ninayekuambia hapa ile maana ya kwamba havieleweki, ukiuliza watu wa Rain Drops wanasema ni wa Serikali ya Kaunti na walishikania mapanga. Wengine tunavyokwambia mtoto wa shangazi ambaye ni kakangu amekakwa kabisa. Hivi yuko huko Kilifi General Hospital.

Sasa vitu ambavyo havieleweki ndio navieleza ili mtu alielewe vizuri. Yaani ni dude gani ambalo linafanya haya mambo hayaeleweki vizuri? Kwa hivyo nilikua nakuelezea ili uweze kuelewa, si kwamba ati inapiganiwa na nini isipokua ni kule kutaka kuelewa Bw. Spika. Hili jambo kama hatatalichukulia maana wacheni niwaambie mimi nitamuambia huyu Mheshimiwa Kaingu alivyosema tutakua na hasara kwa miaka yote hii mitano hatuna lolote tutakalolifanya kwa sababu ya vitu vyetu vya kibinafsi vya hapa na pale. Mimi Bw. Spika nakushukuru kwa kunipa nafasi.

**The Speaker** (Hon. Kahindi): Thank you Hon. (Ms.) Elina. Hon. Matsaki.

**Hon. Matsaki:** Asante sana Bw. Spika. Mimi nimesimama kuunga mkono kuahirishwa kwa mazungumzo kuhusiana na hii Ripoti. Nasema hivyo kwa sababu kwa bahati mbaya mimi jana nilitoka kabla hazijatolewa hizi. Nimeipata saa hii...

**The Speaker** (Hon. Kahindi): Before you proceed hon. Members, I also need to be informed. You know even when I used to practice, to appear before the Court of Appeal would take me a whole month to scrutinize such a document. Even as the debate continues I would just want to confirm personally whether it is true that Members have received this voluminous document today. I have only asked the clerk maybe he can explain that to me...

*(The Speaker consulted with the Clerk-at-the Table)*

Okay, Hon. Matsaki please proceed.

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**Hon. Matsaki:** Mimi kama nilivyosema nilitoka saa kumi hapa ndani kabla haijatolewa hii. Hata wewe Spika unajua, tuangalie sisi sote na utuambie kama hili dude unaweza ukaliweka akilini kwa mda wa siku ngapi? Mbali na hayo, hii Ripoti yenyewe ukiiangalia mapendekezo kusema kweli kuna shida. Pengine Mswada ulikuja na nia nzuri lakini haya ambayo yako hapa hayawezi kuelezeka.

Ningeomba ikiwezekana hii Ripoti tusiizungumze na ikiwezekana hii Ripoti tupate mda tena si wiki. Tupate muda wa kutosha watu waisome. Kuna watu wengine wanazungumza uzuri kuhusu hii Ripoti, pengine tutajua ni kwa nini wanazungumza hivyo. Na sisi wengi tunasema hii Ripoti haifai. Wakati ukifika tutazungumza ni kwa nini hapa kuna shida na hapa kuna shida. Watuambia hawa kwa sababu mara nyingi Ripoti ikija bunge, wale wanakamati ndio wanajaribu kutuambia yale ambayo wameona kule. Upande wangu mimi sasa kama Mwenyekiti wa Kamati ya Sheria, kama Ripoti imeletwa hapa tunatarajia wale ambao si *Members* wawe wameisoma, wameielewa na wao wawe watachangia. Sasa wakizungumza wao tu kila mmoja anasema ni hivyo ni hivyo wanatuambia nini? Mimi nimepinga kutozungumzwa kwa hii. Ninaunga mkono. Asante.

*(Laughter)*

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

**Hon. Dele:** Thank you hon. Speaker. I rise to support the idea that Members of the Assembly be given ample time...

**The Speaker** (Hon. Kahindi): Hon. Dele, do you even have the Report yourself?

**Hon. Dele:** Yes I do. Hon. Speaker, you are a lawyer and I am very grateful that you are going to guide this House in the proper manner because actually even if you are fresh from school it will take you time to go through the document that was given to us by the Clerk but hon. Speaker, I would also like to insist that despite that we are here debating the Report of Members, I would like to remind you that the public is also of much interest into what we are doing here today because three days ago, it has not been easy for the administration of Kilifi County because of the private investor who we talked of. We have some issues to settle so most of the public has interest in what we are doing here today, so I will appreciate if we are given good time and we deliver, then the public will have trust with this Assembly. Thank you hon. Speaker.

**The Speaker** (Hon. Kahindi): Hon. Japhet (Nzaro), you know today you inspired me that even you reminded me of the Employment Act and the Constitution, but the Standing Orders say that you can only speak once...

**Hon. Nzaro:** It's another Motion Mr. Speaker...

**The Speaker** (Hon. Kahindi): Ooh, Okay. Thank you very much. Let's hear from hon. (Ms.) Mbeyu.

**Hon. (Ms.) Mbeyu:** Thank you Mr. Speaker, Sir. I rise to support the deferment of this Report and the debate. Mr. Speaker, Sir, I went to school and I got this document yesterday after the sitting at 4:30 p.m. By profession I am a teacher, yes...

*(Laughter)*

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Mr. Speaker, as much as we want to work and leave a legacy in Kilifi County, I cannot read this document overnight. We are not here to rubber stamp loopholes. This is the biggest Report we have ever had in this House since we came to this Assembly. These are over a thousand papers numbered because we have not been given time for the last page here.

Mr. Speaker, we are not *rubber stumbers*, we need time to read this document and understand it. We cannot just read the recommendations and get over it so that we can support this Report. The Ad Hoc asked for extension of time three times in this House, we gave them time. Give us time to read this document. I was away the whole night, I am from a burial. I have not read it, but just looked at the recommendations. They do not even marry with whatever is in this document. Mr. Speaker, we need time to read not even one week. This is too much information, we need to digest and come up with a better idea. Thank you.

**The Speaker** (Hon Kahindi): Yes, let's hear hon. Japhet (Nzaro) on this Motion.

**Hon. Nzaro:** Thank you Mr. Speaker for allowing me to contribute to this Motion...

*(An hon. Member raised their hand)*

**The Speaker** (Hon. Kahindi): Everybody will contribute hon. Member. Don't worry.

**Hon. Nzaro:** Mr. Speaker, this Report was tabled in this Assembly on the 8<sup>th</sup> of this month and Mr. Speaker on that day I wrote a letter to the Clerk of this Assembly requesting him to provide this documentation but Mr. Speaker, you will bear me witness because a list has been provided but Mr. Speaker, when an individual Member was receiving these Reports personally I have signed for these Reports today and because I knew what will happen if you look at where I signed, I indicated the date when I received this document because I knew such like things will happen and Mr. Speaker I rise here to support also because personally I have had time to follow this matter because of interest to me as the Mover of the Motion.

I know what that Report entails but Mr. Speaker with all due diligence, it is quite in order for the other Members who have not had ample time to read what is in this Report be given that opportunity to look at the Report and then have time to debate so that every Member of this Assembly can be well informed of what is in that Report and a clear judgment can be made for the prosperity of this County Mr. Speaker, I beg to support.

**The Speaker** (Hon. Kahindi): Thank you. Hon. Hamza.

**Hon. Hamza:** Thank you Mr. Speaker, Sir. I rise to support the Motion that has been moved by hon. Chai that we really need ample time to study this document. Actually it is a very long document and looking at the status of the hon. Members the way we know them, Mr. Speaker, I want to make this as a special request if possible the hon. Members can also be served with the audio so that they can also listen, why am I saying that Mr. Speaker? As much as we may want more time, this I am in agreement with, we might come here and find hon. Members may not have read this document intensively. Therefore for the Members to be able to know exactly what has transpired if possible they go with, at least they can be given the flash disc if the Standing Orders allow. But we have little time otherwise personally I have gone through this document, I have not gone through all of it actually but when I look at the concept of this, I have already seen the way hon. Members are contributing. It is a clear indication that this document has not been fully read. Why? The issue of employment that the CS (County Secretary) was not around, actually when you look at the document the CS was not around on the issue of the tender

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award. If you go through the document you will see that it is categorically specifying that CS by the time Rain Drops was given the award he was not in. The Report is categorical on that. That is why Mr. Speaker there is indeed need for us to have more time so that we can be able to read and where possible we can be given directions so that by the end of the day we come and have this matter discussed once and for all Mr. Speaker. Otherwise I want to take my position and say that I support the hon. Member that we have more time.

**The Speaker** (Hon. Kahindi): Thank you. Hon. Mwathethe.

**Hon. Mwathethe:** Thank you Mr. Speaker, for giving me a chance also to contribute on the Motion of adjournment of this discussion. I would have preferred that you could choose me earlier so that I could have contributed earlier now that I have no option but to support the deferment of this discussion, Mr. Speaker, I just want to point out that this Report as huge as it looks, only gives fear to the Members because of the volume but the Report itself is less than 40 pages. The rest are only annexes and some evidence that were given during the time of investigation. So ...

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

**The Speaker** (Hon. Kahindi): Hon. Mwathethe do you wish to be informed by hon. Mramba?

**Hon. Mwathethe:** I don't need information Mr. Speaker. I am glad I am already very much informed.

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

**Hon. Mwathethe:** A lot of this Report will only be evidences and annexes tabled by various witnesses but the Report itself if you look it has even been indicated from page one up to even page 40 and there is also a very good table of contents of which on page one, if you want to find this or that you can just go to the table of contents.

I believe that notwithstanding if this discussion is adjourned, let it be. As much as we know, I don't believe and I stand to be corrected that there is one Member who is going to read this Report from the first page to the very last page. It is not going to be possible Mr. Speaker. The Members are only getting fears because it is a huge Report but most of it is only annexes and evidences. However I support that the Members be given time so that at the time when we come to debate everyone is at ease and there will be no excuses of I did not read. Thank you, Mr. Speaker.

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

**Hon. Nzaka:** Thank you Mr. Speaker, Sir. I rise to support the Motion of adjournment of this Motion. I stand to be corrected but this House moved a Motion of the Ad Hoc Committee to extend their time and we wanted that because we had to get a concrete answer from this document. These allegations are very strong so there is need for this House or the Committee to get more time so that we can come up with a concrete conclusion.

In fact, this document has reached the House very late. It was supposed to be in this House as from 7<sup>th</sup> September, 2015 as per the extension of time we gave the Committee and now it's the 30<sup>th</sup>. It seems that the Committee consumed our time. So giving time to the Members to read this document I think is a wise idea. By looking at the mood of the House I think everybody needs an extension of time Mr. Speaker. Thank you.

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**The Speaker** (Hon. Kahindi): Leave that to me Hon. Nzaka. Hon. Mwingo.

**Hon. Mwingo:** Thank you Mr. Speaker for giving me this time to air my support. Mr. Speaker I support the deferment of this Report. The reason being that just for the short time that I have gone through this Report I have already detected some information that is making me support this Report because we need more time. On page four number two, there is a Motion which according to this Report seems as if the Motion was moved by the Leader of Majority who is me and for my own understanding I have never moved this Motion. The Motion reads page four No. two; Motion by the Leader of Majority to propose Members of the Ad Hoc Committee to investigate the County Secretary adopted on Wednesday, 1<sup>st</sup> April, 2015 to investigate the County Secretary. I don't remember...

**The Speaker** (Hon. Kahindi): We have records hon. Mwingo.

**Hon. Mwingo:** We have records and I am ready for those records to make it clear because as per my own understanding, I don't remember having moved this Motion. So Mr. Speaker I support that we have more time to deliberate on this Report. Thank you.

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

**Hon. Mwayaa:** Mheshimiwa Spika, naunga mkono Waheshimiwa wakasome hii faili. Wakienda kusoma tutajua kwa umakini tutashika njia gani. Mheshimiwa Spika, nasema hivyo ili Waheshimiwa waende wakasome kwa umakini majibu ya mashahidi, majibu ya Katibu wa Kaunti na majibu ya CPSB ili tuone tutaenda kushoto ama kulia. Mheshimiwa naunga mkono. Tunaposema tunaenda kusoma tuende kusoma kweli sio kwenda kulibwaga nyumbani kwa sababu mambo yako mengi. Kama ni ushahidi kila kitu kiko hapa, hatukuenda nje na sheria. Mheshimiwa Spika, naunga mkono.

**The Speaker** (Hon. Kahindi): Hon. (Ms.) Arafa.

**Hon. (Ms.) Arafa:** Thank you Mr. Speaker, Sir for giving me this opportunity. I support the idea of adjourning the debate today and find another date for debating this Motion. Mr. Speaker, I need guidance from your office; it has not been easy work for this Committee. We did not do this work on hearsays; we did this work based on allegations and evidence which we received.

So, Mr. Speaker, I need Members to also be guided with the same spirit when they are going through this Report. I also urge this House through your office Mr. Speaker Sir, to be guided by the legal experts because if you just work like the Committee Members, at first we thought it was going to be easy, but we were guided by the Constitution, County Government Act, Employment Act and all the laws which were relevant based on the allegations and evidence we received.

It is not easy Mr. Speaker, Sir, to do this work just for another Member to hold this Report and say I think this is not right; you have to understand which laws and regulation you can allege on the Report. I want to correct Hon. Nzaka who said that the Ad Hoc Committee was asking for an extension, we did our work, the date that we were supposed to table the Ad Hoc Report was on 7<sup>th</sup> of September, and hon. Members, from 7<sup>th</sup> it took less than 5 days, and the Report was on the Assembly website. It is very unfortunate that some Members from the public got this Report just a week ago after the Report was tabled in the House.

Based in our Standing Orders, immediately a Report is tabled in this House any Member is at liberty to access that Report and go through it before it is tabled here for debate. So, if you are asking for more time, yes you can get time. I have been a Member for the last two, three

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years now, I know how Members are committed, I know how we can go through this Report, and we need guidance from your office Mr. Speaker, Sir.

**The Speaker** (Hon. Kahindi): Thank you. Hon. Kenga.

**Hon. Kenga:** Thank you very Much Mr. Speaker. I beg to support the adjournment of debate to allow for more time for Members to go through the Report. It is true that the Report may be found on the web but am looking at the mood of the House it seems most Members may not have had an opportunity and maybe the reason begin we made a provision in the previous budget for the purchase of Ipads and Iphones that will enable Members to access the web for them to go through the Report.

Some of the Members are coming from areas where network connection Mr. Speaker, is a problem and that may be the cause. For us to be in a position to make an informed decision whether to support or to oppose the Report; one, there are so many issues hon. (Ms.) Elina hon.Member for Magarini has raised of which I also witnessed on Monday morning when I visited the OCPD for other issues within the Ward because the OCPD is stationed at Marereni. Members of the County government from the revenue department came in rows and they alleged to have been beaten by members of the Rain Drops.

Mr. Speaker, most of them as you heard from hon. (Ms.) Elina are in hospitals getting treatment. Therefore somebody must be held responsible for whatever decision the County has taken. The issues of revenue ever since the County government came into being, we have always in each and every financial year, made projections of revenue collection that we have not been able to achieve as a County and the graph does not give evidence of growth but is always going down.

Mr. Speaker, whatever we had projected to collect in 2013/2014 is not what we collect; we are not even able to collect the projections of this current financial year. Therefore, let us have more time given to Members. At the moment I will put a request that yes we have to be digital, we have to make use and embrace technology. As at the position now my request is, every time a Report is tabled in the House before it is slotted time for debate on a date, let the day the Report it tabled before the House be followed with hard copies of the same being distributed to the Members so that as Members are in a position from that moment to have the Report and go through it so that we don't create this as a habit always seeking for adjournments and extensions because Members have not have ample time to go through it. Thank you very much.

**The Speaker** (Hon. Kahindi): Thank you. Hon. Pascal.

**Hon. Pascal:** Thank you very much Mr. Speaker, Sir, for giving me an opportunity to contribute towards this Report. Mr. Speaker, I want to congratulate the Member who has brought the Motion of adjournment to this House. I believe the heat that has just been generated by the contribution of this is because Members have not had an opportunity to go through this Report but I believe when they do, the truth will be known and Members will be contributing from informed positions.

Mr. Speaker, we understand that all the issues of hiring and others that have been in contention as raised in this Report have conclusively been addressed and I believe there is some commitment that has been left to some Committees like the Lands Committee and the Public Investments Committee, which in these recommendations are supposed to do some other

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undertakings. So, Mr. Speaker, I stand to support the adoption of the adjournment Motion. Thank you.

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

**Hon. (Ms.) Ngala:** Thank you Mr. Speaker, for this opportunity. I am a Member of the Ad Hoc Committee and I want to say that whatever recommendations that were given were from the submissions that were done. So, I would urge my fellow Members, as you are reading the recommendations make sure you go back and see the supporting documents. We could not go outside any submission that was not given; it is based on only the submissions that were given. So from that you will see that we have addressed the issues of Rain Drops and casuals, so please read carefully. Our aim is to see that Kilifi County goes on; we want the best for the County. So please as you read, make sure you understand those submission and go along with the laws that have been attached to it. Thank you. I support.

**The Speaker** (Hon. Kahindi): Thank you hon. (Ms.) Ngala. Yes hon. Ibrahim.

**Hon. Ibrahim:** Asante Sana Bw. Spika kwa kunipa nafasi kama hii. Ninasimama hapa kuunga mkono Ripoti hii ihairishwe. Lengo na shabaha ni tuende tukasome vizuri, tuiangalie lakini mbali na hapo Bw. Spika, aliyeleta Mswada huu aliuliza mambo matatu. Bw. Spika kama sikosei anauliza ya kwanza.”*Aware that, the County Secretary employed workers without knowledge of the County Public Service Board. Further, aware that the County Secretary interfered with the Procurement process by advertising for tender without the knowledge of the County Procurement Officer...*” Hiyo ni ya pili Bw. Spika. “*Further aware that the County Secretary signed the contract agreement to regularly award the tender for revenue collection to Rain Drops Limited*” hiyo ni ya tatu Bw. Spika. Ninashangaa mimi maswali hayo matatu yamefanya sisi kuletewa dude kama hili Bw. Spika.

(Laughter)

Matatu peke yake? Ninamshukuru huyo aliyeleta huu Mswada, je kama angeleta maswali kumi tungeletewa vitabu vitatu Bw. Spika?

(Laughter)

Bw. Spika, kile kitu ambacho tunataka kujua katika hii Ripoti ni kuenda kusoma na kwanza tujue ni kitu gani wametuletea hizi stakabadhi zote tusome, sababu ni nini? Nimeona chanzo cha Bw. Owen ni barabara ya Jakaranda Canan na huko ni kwangu. Sasa ndugu yangu Bw. Spika, hii inahusiana wapi na mambo ya Karani na Ripoti hii Bw. Spika? Canan inatajwa hapa inatokea wapi Canan bana? Kwa hivyo Bw. Spika ningeomba tupatiwe muda tuende tukaisome, lakini Bw. Spika mimi nataka kukwambia kitu, mimi nimechelewa kuingia hapa lakini nasikia kuna wawakilishi wengine hapa wameunga mkono Ripoti hii na ningekuomba wewe pia, si hapa katika Bunge lakini baadaye utake kuchukua habari fulani baada ya kikao hiki kwa wale wawakilishi waliounga mkono Ripoti kama hii kwa sababu gani Bw. Spika? Hicho ni kitu muhimu.

Huwezi kuniambia, nimeipata leo na huwezi kuniambia kwa dakika kumi nimalize hichi kitabu. Ninataka mswada, ninataka nafasi ya mimi kuenda kukaa na wakili wangu, tuangalie Ripoti hii na nipate mawaidha. Asante sana Bw. Spika.

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**The Speaker** (Hon. Kahindi): Okay, it had to end with hon. Ibrahim. Hon. Members, a Motion to adjourn moved under Standing Order 50(b) as moved by Hon. Emmanuel. The same has been debated. Hon. Emmanuel do you have any submissions to make or you want me to put the question?

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

**Hon. Chai:** If I would be given some five or more minutes to submit something from the hon. Member because it's just information that the ones who support are from the Committee so they are the ones who made the recommendations so don't worry. Don't say that there are some who supported it.

Thank you very much for being with me in support of the adoption of this Motion of deferment. I think it will give Members ample time to go through it but the only thing I would want to stress on is on hon. Ibrahim's sentiments that the file is huge for him. From these questions from the Motion, they needed some attached evidence to show everything. Don't be worried about the volume of the file. Just check every question. There are some answers with it and we needed to know the number of casual (workers) with their names, their positions and from each department. That is why you will find the big paper just under that. Just take time and read the questions, get the answers because all the answers are in this document. Every paper inside this file has a meaning and that is where you are going to get everything. I wish you all the best and I am very sure when we come back here we will have something to say. Thank you Mr. Speaker, Sir.

**The Speaker** (Hon. Kahindi): Thank you. Hon. Members that brings us to the point where I now put the question.

*(Question put and agreed to)*

*(Debate deferred)*

## COMMUNICATION FROM THE CHAIR

### PERIOD ALLOCATED TO MCAs TO GO THROUGH THE AD HOC COMMITTEE REPORT ON INVESTIGATION OF THE COUNTY SECRETARY

Now, before we proceed to the Business in the Order Paper, I just want to move back to the communication. I was wondering where we were heading to because even when I used to appear before to Court of Appeal I would tell my clients not to see me for a whole month, if am to adequately prepare for this thing but thanks because that has been asked. I will make a ruling on Monday as to what period you will have to look at this document because I would lie to you right now if I would say I want it to be heard in 21 days; honestly speaking, I also received it either yesterday evening or today.

So, you will be informed next week, and just to give directions where a Report has annexes if you read the Report you might come up with the wrong judgment because even judges in court of law rely on evidence and what will inform whether one has a good case or a bad case

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is the evidence produced. So it is very important to make sure that you have all this materials it is not just reading a 40 page document. You have to understand why the recommendations were arrived at. It is very important as you read it you make reference to the available evidence, otherwise you will not come up with a proper finding. I want to thank hon. Chai because even as we were proceeding I was impressed by the way hon. Nzaro has moved to analyze the Employment Act, but then I was also disturbed because as he was mentioning the Employment Act, it was very clear that people did not understand the contents of this document.

I will therefore guide, despite the fact that a Motion has been moved it is very important, like what one of the Members has said this is one of the voluminous Reports this House has seen since it came to be and it is only fair that Members get ample time to read it, understand it, digest it, so that by the time you stand up to say I support then you will be speaking from an informed point.

#### AUDIO RECORDINGS FOR THE COUNTY SECRETARY INVESTIGATIONS

Number 2, though not formerly stated but hon. Hamza has requested whether it is possible to have the audio recordings. Yes, hon. Hamza. The Constitution allows you to have such kind of information. One, an audio recording will be able to give you what was being discussed, it will also assist you understand the Report more. The logistics of how that will be availed to the Members, I will make my communication on Monday because I believe Members are very busy and unless you engage the services of a lawyer to read and explain this thing to you and for us to be fair to the accused person and the people of Kilifi, I also concur with the decision that the House has taken. Let us be very realistic with ourselves, if I was to be engaged as an advocate to internalize this information, I would have to stop coming to the Assembly for the next 30 days so that when I stand to make my submissions then I will page net every document with green or yellow or what, to make submissions. It is not enough to say that we are ready when we are not ready.

#### MCA's TO ATTEND CRA TRAINING AT NORTH COAST

The second issue is that, hon. Members; we are going to have a CRA training at North Coast, it on Commission on Revenue Allocation training at North Coast on Friday the 2<sup>nd</sup> of October, 2015 so be informed.

#### HOUSE BUSINESS COMMITTEE MEETING

Lastly, for one reason or the other the House Business today acted mischievously and there was no quorum, so as the Chairperson of that Committee I would want to call for a meeting on Monday so that we can slot the Business of next week, otherwise you will not need to come because there is no Business as we talk. Because of the issues that were going on today I will therefore request that the Members of the House Business Committee please be here on Monday morning, so that we can be able to do Business for the day and the week.

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**ADJOURNMENT**

Hon. Members, in the absence of any Business in the Order Paper, I move to adjourn this sitting for today. Thank you very much.

**The House rose at 4.14 p.m.**