

REPUBLIC OF KENYA
MANDERA COUNTY ASSEMBLY

THE HANSARD

Tuesday, 11th August, 2020

*The House met in the Assembly Chambers
County Assembly Buildings at 2.30 p.m.*

[The Speaker (Hon. M. A. Khalif) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

**DISCHARGE OF NARC-KENYA PARTY MEMBERS FROM
BUDGET AND APPROPRIATIONS COMMITTEE**

The Speaker (Hon. M. A. Khalif): You are all aware that I issued a Communication on 23rd of June, 2020 concerning my guidance on claims raised by the Jubilee Party on the ratio slots in the Budget and Appropriation Committee and on the matter of Hon. Yussuf Maalim Dakane with regards to de-whipping from the Budget and Appropriations Committee.

As part of my Communication on the above to the House, I observed that the provision of Standing Order No.157 (1) was not adhered to with regards to party's shareable proportion slots in the Budget and Appropriations Committee and thereafter issued guidance to the House.

Hon. Members, I am in receipt of the letter dated 4th, August, 2020 from Hon. Jimale Abdi Hassan, Leader of Minority Party requesting for the fair share of the Budget and Appropriation Committee slot highlighting that the jubilee party slots in the Budget and Appropriation Committee do not reflect the relative majorities of seat held by each of the County Assembly parties in the County Assembly which is contrary to Standing Order 157(1).

Hon. Members, in order to enhance fairness in Committees shareable parties' slots and following my indulgence to the House on 23rd June, 2020, I directed on 4th August, 2020 that the Narc-Kenya party members sit and elect its party whip among themselves and nominate one of its Members to the Budget and Appropriation Committee on or before Friday 7th August, 2020.

On 7th August, 2020 I received letters Ref. No NK/CAM/2020/3 and ref No NK/S/CAM/2020/1 (a) from Mr. Taabu W. Daniels, Executive Director of Narc Kenya Party communicating the name of Hon. Yussuf Maalim Dakane as Narc-Kenya Party whip.

Hon. Members, I am in receipt of letter from Hon. Yussuf Maalim Dakane dated 7th of August, 2020 that he has assumed the office of the Narc-Kenya Party Whip.

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Further I have received a letter from Hon. Nasra Noor Mohamed (undated) concerning the election of Narc-Kenya Whip.

Hon. Members, while I acknowledge the letter from the Narc Kenya Party, I have noted there was lapse of procedure of meeting as there was no evidence to indicate the place and the time of meeting and whether the resolution of the said was reached through consensus of Narc Kenya Members Present.

Hon. Members, I am also in receipt of letter from Hon. Mohamed Rashid Ali Haji, on 10th August, 2020 stating that Narc Kenya Party has not complied to the procedure of election of Narc Kenya Party Whip as there was no evidence to indicate the place, date and time of the said meeting of Narc Kenya Party.

Hon. Members, turning to question of appropriate remedy of the above matter I want to issue the following directives-

- I. In order to comply with the provision of Standing Order 157 (1), Hon. Yussuf Maalim Dakane and Hon. Nasra Noor Mohamed will not serve as a member of Budget and Appropriation Committee until the Narc- Kenya Party sits and nominates one of its Members to the Budget and Appropriations Committee;
- II. That the Jubilee Party fills its shareable proportionate slots in Budget and Appropriation Committee;
- III. The Jubilee Party avails one of their Committee slots to the Narc Kenya Party based on their respective distribution of the current party slot; and
- IV. That, Narc Kenya resolves their internal party grievances and comply with the right procedures in electing their Party Whip through properly organized meeting.

MOTION

ADOPTION OF THE REPORT OF THE COMMITTEE ON PUBLIC SERVICE ON COUNTY PUBLIC SERVICE BOARD ACTIVITY REPORT, 2019

Hon. Kulow Alio (Rhamu): Allow me to move a Motion; -

THAT, this House adopts the report of the Public Service, Conflict Management, Cohesion, Integration and Devolved Units Committee on the annual report of Mandera County Public Service Board Report, 2019.

Mr. Speaker, the report is bulky as most of it is attachment and I cannot read everything and they should at least grasp some important aspect that I would highlight. The committee members are eight led by Hon. Kulow Alio who is the chair, they are nine but one member is still hanging which we are still waiting for that member to be constituted.

The committee derives its mandate from Standing Order No. 191 (1) (5).

1. Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
2. Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives,
3. Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Mr. Speaker, the Annual County Public Service Board Report of 2019 was presented to the Assembly on 31st December 2019 by the Mandera County Public Service Board and subsequently committed to the Public Service, Conflict Management, Cohesion, Integration and Devolved Unit Committee on 3rd March 2020 for consideration.

The report was submitted in compliance with section 59 (1) (d) of the County Government Act of 2012, also the County Assembly on the execution of the functions of the Board as well as section 59 (1) (f) which requires the County Public Service Board to evaluate and report to the County Assembly on the extent to which values and principles referred to in Articles 10 and 232 of Constitution of Kenya 2010 are complied with in the County Public Service.

Further, Section 59 (5) of the County Government Act, 2012 states that;

- a. The report by the County Public Service Board under subsection 59 1(f) shall be delivered each December to the County Assembly;
- b. include all the steps taken and decisions made by the board;
- c. Include specific recommendations that require to be implemented in the promotion and protection of the values and principles;
- d. Include specific decisions on particulars of persons or public body who violated the values and principles, including action taken or recommended against them.
- e. Include any impediment in the promotion of the values and principles; and
- f. Include the programmes the board is undertaking or has planned to undertake in the medium term towards the promotion of the values and principles.

I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations on the report. The Committee also takes this opportunity to thank offices of the Speaker and the Clerk to Assembly for the support accorded to it during the inquiry process and report writing exercise.

On behalf of the Public Service, Conflict Management, Cohesion, Integration and Devolved Units Committee and pursuant to the provision of Standing Order No. 193 (1)(5), it is my pleasure and duty to present to the County Assembly, the Committee's Report on Mandera County Public Service Board Annual Report for the year ending 2019.

Mr. Speaker, on the ownership of the report five members have appended their signatures as a sign of ownership, the rest were away but are in the House as we are speaking.

Mr. Speaker, the County Public Service Board is established under section 57 of the County Government Act of 2012, to act on behalf of the county public service established under Article 235 (1) of the Constitution of Kenya 2010.

The CPSB as stipulated by section 57 of CGA, 2012 shall be;

- (a) A body corporate with perpetual succession and a seal capable of suing and being sued in its corporate name; an independent body.

The functions of the County Public Service Board are stipulated in section 59 of the County Government Act 2012 shall be, on behalf of the county government, to-

There are ten functions. I will highlight because the honorable members have the report;

- Establish and abolish offices in the county public service;
- Exercise disciplinary control over and remove persons holding or acting in those offices as provided for under this part;

- Prepare regular report for submission to the County Assembly on the execution of the functions of the board; and
- Among others, advise the county government on human resource management and development.

Mr. Speaker, section 58 of the County Government Act 2012 provides for the composition of the board as follows;

1. (a) The chairperson nominated and appointed by the county governor with the approval of the county assembly;
- (b) Not less than three but not more than five other members nominated and appointed by the county governor with the approval of the county assembly;
- (c) A certified public secretary of good professional standing nominated and appointed by the governor with approval of the county assembly who shall be the secretary to the board.
2. The appointments of the members of the board shall be through a competitive process.
3. A person shall be qualified to be appointed as a member under sub section 1 if that person;
 - (a) Certifies the provision of chapter six of the Constitution;
 - (b) Is not a state or a public officer;
 - (c) In the case of chairperson or vice chairperson poses a minimum qualification of a bachelor's degree from a recognized university and working experience of not less than five years.
4. A member of the board shall;
 - (a) Hold office for a non-renewable term of six years; and
 - (b) May serve on a part-time basis.
5. The members of the board may only be removed from office-
 - (a) On grounds set out for the removal of the members of a constitutional commission under article 251(1) of the constitution; and
 - (b) By vote of not less than 75% of all the members of the County Assembly.

Temporary Speaker (Hon. Sokorey M. Issackow): Address me as Madam Speaker.

Hon. Kulow Alio (Rhamu): Madam Temporary Speaker, the members of the board are seven. The chairperson and the secretary for the second County Public Service Board of Mandera were sworn into office on March 2019 as indicated and took over in May, 2019.

It is important to note that the County Public Service Board had a long transitional challenges especially with former chairperson and secretary holding the position in an acting capacity for more than six months even after their tenure in office have lapsed in 2018.

Madam Temporary Speaker, the County Public Service Board annual report, 2019 was submitted on December 31st as I indicated earlier. The purpose of this submission is to, on behalf of the county government, evaluate and report to the County Assembly on the extent to which the following values and principles referred to in Article 10 and 232 of the Constitution of Kenya 2010 are complied with in the County Public Service. The Articles are there for the honorable members to read. The compilation of the annual report 2019 coincided with the period when the pioneer members of Mandera County Public Service Board left office upon expiry of their term in office. The pioneer County Service Board of Mandera reportedly recruited about 2700

workforce within its six years in service quite notable was increasing the number of health workers from 150 before the advent of devolution to over 800 personnel.

Madam Temporary Speaker, during the period under review the County Public Service Board employed over 700 employees majority of who hail from Mandera County. The recruitment reportedly attracted over 5000 applicants for the less than 800 vacancies. However, the recruitment was entirely cancelled through a cabinet resolution on 14th June, 2019 allegedly upon recommendation by EACC to suspend the process and the decision to nullify the recruitment process was later communicated through the county website and public notice boards. The matter has been pending before the court until 22nd of June 2020 when the employment and labor relation court issued the following rulings;

1. The Mandera Public Service Board is at liberty to conduct a fresh recruitment based on its needs and budgetary allocation;
2. All qualified and successful candidates in the cancelled recruitment be at liberty to apply without victimization;
3. The Mandera County Public Service Board shall conduct a transparent competitive recruitment that reflects the face of the county taking into consideration gender equity, the inclusion of persons with disability, the marginalized and other minority groups.

Madam Temporary Speaker, during the period of 2019 the County Public Service Board managed to recruit 16 medical officers and one pharmacist as captured below; they are 12 males and 5 females and the list is attached as you can see.

During this period also 37 county ECD teachers were engaged on a contractual basis were translated to permanent and pensionable terms with corresponding job groups after they have upgraded their skills as shown in the table below. However, the contract for 66 county ECD officers who are either pursuing education or failed/referred was extended by a further one year as indicated in the table below, the table is also attached.

Madam Temporary Speaker, according to section 47(1) of the County Government Act 2012, the County Executive Committee Member (CECM) shall design a performance contract plan to evaluate performance of the county public service and implementation of the county policies. According to the board annual activity report of 2019, the County Human Resource Management Advisory Committee under the supervision of the County Secretary was yet to design a performance management plan to evaluate performance of the county public service and implementation of the county policies as provided for in section 47 of the County Government Act.

Madam Temporary Speaker, during the period under review the County Public Service Board has delegated some human resource functions to the authorized officers within various departments. The issues delegated include but not limited to promotions. Every department has the right to promote their staff, leave management, transfer of county staffs and the rest as attached. The delegated functions which was actually devolved is attached to the report. According to the board report 2019 there were 48 promotions done for various officers in the county service during the period under review.

Madam Temporary Speaker, I want to bring to your attention that they were only six departments that actually forwarded their officers for promotion during the period under review and 31 of them are actually from the health department. That is the list of officers who have been

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promoted and also those on resignation. This is the table which summarizes that. There are six departments; Health 31, Public Service Management 11, Agriculture 1, Education 1, and Legal service 1, there are 48. Absent, those departments who have not forwarded officers for promotions are actually Social Service department, Water, Finance and Lands. Madam Temporary Speaker according to the board report Mandera county healthcare workers have issued a strike notice during the period under review that was occasioned by claims of health workers not considered for promotions in the County Public Service.

Madam Temporary Speaker, during the period under review the following officers were also reinstated in compliance with the employment and labor relations court orders issued on 29th of July 2019. The officers initiated dismissed in 2018 on grounds of alleged abuse of office and these are the seven staffs, five of them have been reinstated already. So, actually the court ruling is also attached. During this period the County Public Service Board on recommendation from the department of Human Resource Advisory Committee approved study leave for 21 healthcare workers as indicated below. This is also a function that was devolved. Therefore, it is upon the department to forward their officers and health actually offered 21 officers and all these officers are specialist as you can see.

Another 4 county officers were released on unpaid leave for this period due to various reasons as follows, just to mention few; Dr. Ali Mohamed Mahad was also released 2018 up to 2022.

So, for contract extension during the period under review, the County Public Service Board extended contract for ten officers as detailed here. The ten officers are there and their department attached.

Transfer for twelve officers were received and approved during this period. Look at the table. Most of it is actually Health, Education and Livestock. These are officers who have been either transferred out of the county or came into the county from other counties. Seven officers have exited the service for various reasons during this period as shown below. These are the officers who exited the service, have tendered their resignation and we are following some specific officers. When we looked at their letters of resignation we were amazed by two of the officers who said that they were coerced into actually leaving the job and we are following that matter up with the board. The board members and staff have attended training programs for the period under review.

During the period under review the County Public Service Board was allocated 56 million for personnel emolument and other operational costs as summarized below. See the budget.

After we are done with their report, we called the board for further clarification on some of the matters they have raised in the report. On 15th July, the Mandera County Public Service Board vice chairperson and secretary appeared before the committee for purposes of making an oral submission and respond to various queries on the board annual activity report for 2019. Those were our engagement with the board.

One specific thing I want to highlight is justification of why Healthcare workers are considered for promotions than staff from other mainstream departments in the county. That one appeared actually in the report and this is what they said.

On why the board website was not operational because in other counties people apply through their website, the board indicated that there is a budgetary constraint and given an

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increased budgetary allocation in the FY 2020/2021, there is a plan to digitize the board records, develop updated website that will be fully operational and independent from the executive.

Accordingly, the board report has not been published yet on the county gazette contrary to section 59 (6) of the CGA 2012.

On disparity in employment with regards to gender, PWDs and minority consideration in the county, the board responded that it fully recognizes the 30% constitutional provision set aside for PWDs, women and minorities.

However, the Board acknowledged the challenge of balancing when it comes to merit and qualification which override other considerations.

The board is gender sensitive and considers both genders in its recruitment process especially in the recent Universal Health Care (UHC) recruitment exercise that was conducted by the new board.

The board further indicated a challenge where most of the candidates that belong to PWD category not indicating the same in the application form, hence a big challenge for the board to identify and consider them in spite of the affirmative action.

On stagnation of ECDE ward supervisors despite allocated new responsibility, ECDE ward supervisor is a new responsibility that has not been formalized yet at the board level. It is still an in-house issue at departmental level. To the knowledge of the board, all ECDE teachers are in the same job group but once it is formalized, then necessary promotion will be done for the affected officers.

On the content of delegated instruments/ functions, the board indicated that, there are some delegated functions to the departmental human resource level which include staff promotion, discipline, transfers, leave management as well as training and induction.

The board however stated that decisions made at the departmental level can always be appealed at the board level and that final determination can only be done by the board.

The board revealed there was an appeal case of 5 land administrators whose case went up to Public Service Commission and the High Court before finally determined by employment and labor relations court.

On harmonization of staff salaries recruited as interns and those employed under Universal Health Care, the board responded that the remuneration for staff employment under UHC and interns was done by National Government. Accordingly, the board has no mandate to revise the same.

Measures to stop local brain drain, the board noted that, it is a human nature to always yearn for more. The Board however affirmed to heavily invest on its local workforce so as to retain qualified personnel. The board also indicated that since inception of devolution, there has been great improvement in terms of capacity development especially in the health sector where the county has a number of specialist doctors who are locals.

The following were key achievements noted by the board; -

1. Capacity building and induction programs for the board members.
2. Recruitment of 17 medical officers
3. Translation of term of service for ECDE teachers

The challenges were as follows; -

1. Transitional challenge
2. Budget Implementation challenge

3. Lack of ICT infrastructure
4. Nullification of mass recruitment in June 2019
5. Lack of financial independence
6. Inadequate office space

The committee made the following observations; -

1. Submission date for the Board Annual Report complies with section 59 (1) (f) (a) of County Government Act, 2012 which requires the said report to be submitted to the County Assembly every December. (31st December 2019)
2. The Committee observed that the Board did not provide a detailed expenditure report on its Annual activities for the year 2019.
3. The Committee observed that the Board's website is not fully operational owing to unreliable ICT infrastructure in the county. Online application is not allowed.
4. The Board did not ensure equitable distribution among the communities living in the county, persons living with disabilities as well as the 30% threshold for non-locals in the recruitment of 17 medical officers.
5. The County Public Service Board did not attach any document showing advertisement for the recruited positions.
6. The Board Annual Activity Report for 2019 has not been published in the county gazette contrary to section 59 (6) which requires publication of the said report not later than seven days after its submission to the County Assembly.
7. The committee also observed that the County Public Service Board did not include the following information in the report;
 - i. No. of staff on casual terms.
 - ii. No. of staff retired during the period under review.
 - iii. No. of staff on temporary employment.
 - iv. No. of staff on acting capacity.
8. Transitional challenge especially after the pioneer board members overstayed in office even after their term in office has lapsed.
9. There is no evidence to show MCPSB strategic plan and charter have been launched.
10. Customization of various Human Resource policies has not taken place.
11. The Board is not fully independent.
12. Threat of health care workers' strike due to alleged unimplemented collective bargaining agreement with the county government.

The committee recommends that,

1. The Board carries out an employee satisfaction and work environment survey on the county public service with an objective of ;
 - i. Evaluating the level of employee satisfaction with remuneration, staff benefits
 - ii. Determine the level of staff motivation, morale and recognition by management

- iii. Determine the extent of training, effectiveness of supervision and appraisal among staff
- iv. Effectiveness of communication within the county.
2. The Board to incorporate a detailed expenditure report for the period under review in form of Approved Estimates, revised estimates, total expenditure, variance and absorption rate for both recurrent and development expenditure (if any) in its regular report submission.
3. The County Public Service Board considers the 5% for the persons with disabilities (PWDs) as per section 54(2), 55 and 56 of the Kenya Constitution as well as section 65 (1) (e) of CGA, 2012 on 30% threshold for non-locals living in the county.
4. The Board complies with the provisions of the County Government Act Section 65(2) in appointments, promotions and re-designations.
5. The Board to report as per section 59(3) of the County Government Act, 2012 and prepare comprehensive and compliant report where all relevant documents such as but not limited to advertisement notices are attached.
6. The County Public Service Board to as soon as possible develop and operationalize a well maintained website which the county citizens can easily access for information.
7. The County Public Service Board to comply with the provision of section 59 (6) on publication of the Board Annual Report in the county gazette.
8. The Board to comply and promote the values and principles of public service referred to under Article 10 and Article 232 of the Constitution of Kenya, 2010.
9. The Board to conduct human resource audit to establish skill gaps, the number of pwds among others in the county public service and to determine optimal staff level in the county
10. Customize and implement human resource policies and procedures, diversity policy, training and development policy, discipline policy, CPSB strategic plan, recruitment and selection policy and where necessary review the previous delegated instrument.
11. Synergies with the department of Public Service and other departments in order to promote conducive working environment and improve efficiency in service delivery.
12. Coordinate with the health department and where necessary implement the CBA with health care providers in order to avert the impending Health workers strike.
13. The County Public Service Board to honor committee correspondences and provide timely and accurate information.

Madam Temporary Speaker, the rest are attachment including our correspondence with the board.

With that, thank you.

Temporary Speaker (Hon. Sokorey M. Issackow): Now someone to second? Who is your seconder?

Hon. Kulow Alio (Rhamu): Okay, where are the Members, Okay.

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Hon. Mohamed Ibrahim: Seconded

(Question Proposed)

Temporary Speaker (Hon. Sokorey M. Issackow): Yes, honorable Rafat.

Hon. Abdinoor Dakane (Khalalio): Thank you, Madam Temporary Speaker for giving me this opportunity. I stand to support the report. This report was done well by the committee. They have engaged the board very well and everything in the report is adequate. The board accepted most of their challenges and they said that they will rectify and make sure that things are in order. I commend the committee for the effort they have put to get this report.

I stand to support.

Temporary Speaker (Hon. Sokorey M. Issackow): Yes, Majority Whip.

Hon. Adan Maalim Abdullahi (Township): Thank you, Madam Temporary Speaker. I take this opportunity to thank the committee for the good report that is before the House. This report if adopted is a good one and the committee left no stone unturned about all the observations and recommendations.

I support the report and pray that the House adopts it with all the recommendations made by the committee.

Thank you.

Temporary Speaker (Hon. Sokorey M. Issackow): Honorable Yakub.

Hon. Yakub Hassan (Derkhale): Thank you, Madam Temporary Speaker. It is quite a good report but I have a reservation on issues of promotions. We are part of the public. We have been visited some of these offices and institutions which comes under this board and for sure we know there are individuals with masters who have been working for the last forty years. They have the relevant degrees and yet they have not been promoted. There are those who have been in service for the last ten years. They may have relevant qualifications but they are quickly going through the ranks from job group K, L, M and up to even P and that is not fair. I had as late as yesterday afternoon firsthand experience where a worker from the department of health told me that there are fellows who had basic degrees and who have been working for less than 15 years and are being promoted to job group P while him who had a basic degree and master and who is now doing doctorate is stuck at one job group for the last seven years. I think the committee could have looked into such thing before they present their report. They should have quietly invited some individuals from different departments and see whether there was fair promotion in the system and in future the committee should look into that.

Secondly, on issues of Land Administrators, who have been dismissed unfairly before, let me say unfairly because the issue went to court and then they have been returned to the service. The committee did not clearly state the circumstances under which they were returned. I am sorry it is not the circumstances but whether those who have been returned to the service have got their dues which they have lost while they were away.

Thirdly, on issues of those who are under Universal Health Care. There are two teams especially during this time of corona virus employed under the scheme. There is a team taking only around fifteen thousand in allowances and there is a group which was lately employed under universal health care getting between forty thousand to sixty thousand. The committee has

not stated specifically why there is a difference in these two categories of individuals who are both employed by the same institution. I think the chairman can elaborate on this issue.

I stand to support the report.

Thank you.

Temporary Speaker (Hon. Sokorey M. Issackow): Honorable Mohamed.

Hon. Mohamed Ibrahim (Guticha): Thank you, Madam Temporary Speaker. I rise to support the report. My appreciation goes to the honorable chair and the committee who brought a wonderful report. This is one of its kind in terms of details and I commend the committee for a job well done.

I want to comment on those Land Administrators that were dismissed unfairly and who were later reinstated by the court. I sincerely thank that court that reinstated those staffs because as a former administrator, I have served the county with these colleagues of ours and I know they were living in a very bad situation when they were unfairly dismissed but thanks to the court, they were reinstated and they got their job back.

The other areas I want to comment on observation number eight where there are no data on staff that are on casual terms, staff that were retired during the period under review and staffs that were on temporary employment. These are a group of people whom we normally get their complaints. I remember one time there was a statement on the floor of this House, a certain individual was unfairly dismissed by the Finance and Economic Planning Department. I wish the Chair and the Committee to look at this group of people because many of them earn wages that are not commensurate to what they do and they deserve a remuneration of wages that are in tandem with the work they do.

Lastly, on the issue of observation No. 12, the Board is not fully independent. Of course the Board does not work in an island and it works under County Government. But in terms of fulfilling and compliances even if you look at the Constitution of Kenya and Article 52 requires that people living with disabilities are given at least 5% of every employment opportunity under the new Constitution. It also requires gender mainstreaming.

So, those are the issues that the Committee on Public Service, Conflict Management, Cohesion, Integration and Devolved Units should look into and follow up with the Board until they are satisfied that this Constitutional and Statutory requirements are complied with by the Board.

Thank you.

Temporary Speaker (Hon. Sokorey M. Issackow): Honorable Member for Lafey.

Hon. Siyad Abdullahi (Lafey): Thank you, Madam Temporary Speaker. First, I would like to thank the committee for a job well done.

Secondly, I think they have made some very good observations and recommendations. One of them is the issue of website; that the Board does not have fully operational website. In this age of global village, it is important that the Board fully operationalizes its functions through website and internet.

Another observation is that if you look at observation No. 5 that the Board did not ensure equitable distribution among communities living in Mandera County, I think this is a serious indictment on the Board because if you look at the Constitution, it talks about fairness and equity in employment and resource distribution.

So, I will urge the Chair and the Committee to follow up on this matter so that it comes to a logical conclusion.

The third point is that of Hon. Mohamed Ibrahim of Guticha on the issue of the Board not being fully independent. I think that is also a very serious matter. We cannot just leave it like that. As an oversight arm, we need to make serious recommendations for the Board to be fully independent from the Executive or from any other entity that interferes with its operations.

With that, I support the committee's recommendations.

Thank you.

Temporary Speaker (Hon. Sokorey M. Issackow): The mover to reply. Yes, Majority Leader.

Hon. Abdi Adan (Neboi): Madam Temporary Speaker, I also support the adoption of this report. But I want only to raise two issues. The first issue is concerning promotion. There are a lot of complains and I concur with the committee. First of all, I want to thank this committee and Hon. Kulow Alio has made very good observations and recommendations. I hope this recommendation is forwarded to the departments concerned so that they look into these issues. This is the only body that employs our human resources.

We know what happened last time in the last recruitment. We always do not want to gamble with our youths who are unemployed. This is a new Board. We had an issue with the previous Board where recruitments were having a lot of problems and that recruitment was taken to court and later it was canceled by the Board itself.

Those challenges surround issues of transparency, inclusivity and even integrity of the board itself. Several issues have been raised. Today, we have a new board in place and according to the observation there are issues not being sorted out; very small issues like website. Right now this is an advanced world. We have the COVID-19 pandemic and we have a lot of challenges. Last time during the recent recruitment of medical staff, we have seen several of them complaining that they have applied and they are in Nairobi and because of lockdown they could not come for the interview.

Today, we are talking about a Board which has been given 56 Million. Personnel emolument is 23 Million and other operation cost is 33 Million. I do not know where this 33 Million is going. When I looked at the item description and expenditure, I saw the breakdown. Apart from travelling, fueling and general office supplies of 6 Million and other operation cost of 2 Million there is nothing. I think Mandera County Public Service Board must have a very few staff apart from the Members and Secretariat.

There are issues that we need to correct. According to the report, it is detailed and among other issues is independence of the Board; the Board is not independent. Of course, we know that the Board is also part of the County Government but it is an independent body. So, it is supposed to be doing its work without political interferences and interferences from any other body.

What we want is that this Board should take its work seriously. I want to request the Committee on Public Service, Conflict Management, Cohesion, Integration and Devolved Units to follow up this budgetary allocation. We do not know why they do not have online system at this stage. We have shops having online things and I do not know why ICT is not functioning with this budget. The committee should follow up and do something on the recommendations they have given.

Thank you.

Temporary Speaker (Hon. Sokorey M. Issackow): Hon. Kulow Alio to reply.

Hon. Kulow Alio (Rhamu): Just a bit of clarification. First of all, this is one-year report from January- December 2019. For the 2020, we are going to give a report to the Assembly in December. So, we are not yet done with that.

On the issue of promotion, this is a delegated function. If you can go through the whole report, that function was delegated to the departments; issues of promotions have been delegated to every department. So, it is not the work of the Board to promote and re-design staffs; it should come from the departments. The Board is just a factory where you put in something and it channels out. So, it is up to the Department and the Chairman to make sure that their departments actually promotes, re-designs, leave and everything they have to work on.

For the case of health care workers, we have engaged the CEC this morning on the issue of promotions. There are 470 staffs due for promotion. So, we are following that case.

Land Officers of course, it emanated from statements issued by honorable members on the floor of this House. And as a committee, we have followed it up with the Board and we made sure that the ruling of the High Court is actually complied with.

On Persons with Disabilities, they have assured us that they are going employ affirmative action where persons of disability might not have met certain criteria. They have assured us that they are going to do affirmative action especially for the gender and persons with disability.

For the 30% up country, we were not serious in terms of pushing them to do that because we have seen the problem they have caused in this county. We better have our own and disregard that 30%.

On the website, we are to engage them. We are just being told, it cost less than Kshs. 100,000. But they have assured us this year, in our report by December, the website should have been functional and people apply online. I want to congratulate the Board that for those who were held up in Nairobi and elsewhere they were able to do it online for them. So, that is a plus.

On the distribution of slots, it was only 17 staffs. This report only covers 17 medical staff. There was nothing to be re-distributed in terms of clans and whatever. Those are medical professionals recruited.

On the recommendations that we have made; we have already told the Board that whatever we recommend they are going to be accountable to the Assembly by December, 2020. So, we shall task them to make sure they follow our recommendations.

On the budget, the Board has about 12 staffs and they are short of 12 other staffs. The Board has never in the history of this Assembly submitted their budget estimates. But this year, we have forced them to at least submit something and they have done that. But this one also as Majority Leader said we are following it up so that we get proper breakdown of how the taxpayer's money has been used. But come 2020, they will definitely give us a detailed report of whatever they have been allocated.

I want to thank the honorable members for having supported the report.

Thank you.

(Question put and agreed to)

ADJOURNMENT

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Temporary Speaker (Hon. Sokorey M. Issackow): I now adjourn the House to tomorrow Wednesday, 12th August, 2020 at 2:30 p.m.