

hand on the table on  
21<sup>st</sup> Oct 2020 by Hon  
Johnes Masukuji, Chairperson  
Administration Committee  
at 2:54 P.M

**Committee on Administration, Security, Devolution,  
Public Participation, Community Services And Drugs Control**

*[Signature]*

**COUNTY GOVERNMENT OF TAITA TAVETA**



**COUNTY ASSEMBLY OF TAITA TAVETA**

**SECOND ASSEMBLY - FOURTH SESSION**

**COMMITTEE ON ADMINISTRATION, SECURITY,  
DEVOLUTION, PUBLIC PARTICIPATION, COMMUNITY  
SERVICES AND DRUGS CONTROL**

**REPORT ON THE  
STATEMENT SOUGHT BY HON. NEWTON  
KIFUSO ON THE CONDUCT OF WUNDANYI SUB-  
COUNTY AND WARD ADMINISTRATORS**

**OCTOBER, 2020**

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**LIST OF ACRONYMS AND ABBREVIATIONS**

MCA-Member of County Assembly

CECM-County Executive Committee Member

CCO-County Chief Officer

CPSB-County Public Service Board

CHRAC-County Human Resource Advisory Committee

## **PREFACE**

The Committee on Administration, Security, Devolution, Public Participation, Community Services and Drugs Control is one of the sectoral committees constituted on December 11<sup>th</sup>, 2018 pursuant to the provisions of the Taita Taveta County Assembly Standing Order No. 193. Pursuant to Standing Order No. 182 (6) the Committee hereby presents its report on the statement sought by Hon. Newton Kifuso on the conduct of Wundanyi Sub-County and Ward Administrators.

## **Committee Membership**

The Committee on Administration, Security, Devolution, Public Participation, Community Services and Drugs Control of the County Assembly of Taita Taveta as currently constituted, comprises of the following Members;

1. Hon. Jones Fundi Maskuji, **MCA**, Chairperson
2. Hon. Bertina Mwaiseghe, **MCA**, Vice-Chairperson
3. Hon. Jason Mwamodenyi Tuja, **MCA**, Member
4. Hon. Harris Keke Nganga, **MCA**, Member
5. Hon. Daniel Omari Nguzo, **MCA**, Member
6. Hon. Frank Jumapili, **MCA**, Member
7. Hon. Joyce Mwangoji, **MCA**, Member
8. Hon. Rose Shingira, **MCA**, Member

## **Committee Mandate**

The Committee on Administration, Security, Devolution, Public Participation, Community Services and Drugs Control is established pursuant to Taita Taveta County Assembly Standing Order No.193.

Pursuant to the Taita Taveta County Assembly Standing Order No.193 (5), the mandate of the Committee on Administration, Security, Devolution, Public Participation, Community Services and Drugs Control is to:-

- (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- (c) Study and review all County legislation referred to it;
- (d) Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;

(f) Vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 187 (*Committee on Appointments*); and

(g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

### **Acknowledgements**

On behalf of the committee, I take this opportunity to sincerely thank the members of Committee, the office of the Speaker and Clerk for their valuable contributions and facilitation during the deliberations that culminated to this report.

## **1.0 CHAPTER ONE: INTRODUCTION**

Pursuant to the provisions of the second Taita Taveta County Assembly Standing Order No. 42 (2) (c), Hon. Newton Kifuso sought the statement on the conduct of Wundanyi sub-County Administrator and Werugha, Wumingu/Kishushe, Mwanda/Mghange and Wundanyi/Mbale Ward Administrators on 16<sup>th</sup> September, 2020.

The statement was directed to the Committee on Administration, Security, Devolution, Public Participation, Community Services and Drugs Control.

## **1.1 BACKGROUND ON THE STATEMENT**

The statement sought was as follows;

### **1. STATEMENT: UNACCEPTABLE CONDUCT OF COUNTY ADMINISTRATORS IN WUNDANYI SUB-COUNTY (HON. NEWTON KIFUSO MCA, WUMINGU/KISHUSHE WARD AND CHAIR OF THE HOUSE IMPLEMENTATION COMMITTEE)**

**Mr. Speaker, Sir**, in line with the provisions of the Taita Taveta County Assembly Standing Order No. 42 (2) (c), a Member of the House can seek a statement requiring availability of information, clarification or appearance on any substantive issue, circumstances, situations and matters appertaining to the attention of County Governments, the National Government, or any Public Entity where such mandates related to the management of service and leadership to the citizens and institutions, as per the Constitution of Kenya, 2010, and our current laws are concerned. In view of the above, I would like to seek a statement on unaccepted conduct of the County Administrators in Wundanyi Sub County.

**Mr. Speaker, Sir**, the job description of the office of the ward Administrator is very clearly outlined in section 51 (3) of the County Government Act, 2012 as the coordinator, manager and supervisor of the general administrative functions of the County Government in the Ward unit including the following:

- a) Development of policies and plans
- b) Service delivery
- c) Development activities to empower the community
- d) Provision and maintenance of infrastructure and facilities of public services
- e) County public service
- f) Exercise any functions and powers delegated by the County Public Service Board under section 86 of the County Government Act, 2012
- g) Coordination and facilitation of citizen participation on the development of policies and plans and delivery of services

**Mr. Speaker Sir**, despite the above clearly stipulated roles of these Administrators, it has been noted with a lot of concern that the Wundanyi County Administrators namely: Anne Mwatika ( Sub County Administrator), Stephen Saleka Njumwa (Werugha & Wumingu/Kishushe Ward Administrator), Dickson Ngati (Mwanda/Mghange Ward Administrator) and Mary Mngola ( Wundanyi/Mbale Ward Administrator), have been openly engaging in political activities by holding

political barazas selling Governor Granton Samboja mashinani initiative thereby campaigning, abuse of office and power, intimidation of ward residents, breach of peace and dividing residents based on false propaganda, enhancement of personal initiatives and business promotions amongst others which is contrary to the national values and principles of governance as stipulated in Article 10(2) of the Constitution of Kenya, 2010.

There are also reports that the Administrators are working with a purported programmes officer named Caxton Shako, whose appointment process remains unknown because the position was never advertised.

**Mr. Speaker, Sir**, the said Administrators have completely side-lined the elected representatives by visiting and conducting meetings in areas without even the knowledge, invitation or consent or recognition of the respective elected representative who are the Members of the County Assembly.

**Mr. Speaker, Sir**, Article 1 (2) of the Constitution of Kenya, 2010 state that the sovereign power belonging to the people can be exercised through their democratically elected representatives in the exercise of the provisions of the Article 185 (3) of the same constitution, I require the House select Committee of the Administration and Devolution to invite the County Executive Committee Member to appear before this House on **Tuesday 22<sup>nd</sup> September, 2020 at 12:00 pm** for purposes of this issues.

## **1.2 OBJECTIVES**

The Committee objectives were to:

1. To investigate the allegations raised in the statement
2. To report to the House the findings and recommendations of the Committee

## **2.0 CHAPTER TWO: COMMITTEE METHODOLOGY**

The Committee took the following approach in dispensing the statement;

### **2.1 Committee's Proceedings**

The Committee held 4 sittings to review the statement, come up with a work plan and to come up with the Committee findings, conclusion and recommendations.

### **2.2 Review of Documents**

The Committee reviewed documents as submitted by the County Executive Committee Member for Devolution, Public Service and Administration, the County Public Service Board and the County Secretary.

### **2.3: Deliberative session**

The Committee held three deliberative session on 22<sup>nd</sup> September, 2020, 24<sup>th</sup> September, 2020 and 13<sup>th</sup> October, 2020 where the County Secretary, County Executive Committee Member for Devolution, Public Service and Administration, the County Public Service Board, the payroll manager and the Wundanyi sub-County Administrator and Mwanda/Mghange Ward Administrator appeared before the Committee to deliberate on the matter raised in the statement.



### **3.0 CHAPTER THREE: COMMITTEE FINDINGS**

The Committee found out as follows;

#### **3.1: Submission from the CECM**

##### **22<sup>nd</sup> September, 2020 Appearance**

1. The County Executive Committee Member (CECM) for Public Service and Administration, Hon. Dephence Manga was invited to appear before the Committee on 22<sup>nd</sup> September, 2020 and be accompanied by the payroll manager and Ms. Annah Mwatika; Wundanyi sub-County Administrator, Ms. Mary Mngola; Wundanyi/Mbale Ward Administrator, Mr. Dickson Ngati, Mwanda/Mghange Ward Administrator and Mr. Stephen Saleka, Werugha and Wimungu/Kishushe Ward Administrator.
2. During the appearance however and Wundanyi sub-County Administrator and Ward Administrators did not appear. The CECM informed the Committee that, during a meeting held on 21<sup>st</sup> September, 2020 at the Wundanyi sub-County Administrators office, the officers were informed of the invitation to appear before the Committee. It was however, resolved upon deliberation that the CECM will represent the officers.
3. During the meeting, they also reviewed the allegations raised in the statement and responded as follows;
  - i. The administrators have been carrying out their duties as per their job description
  - ii. On the allegation of rising political temperatures at the Wards and holding political baraza's; the administrators said they only hold public participation meetings and not political rallies since the residents are the ones who invite them to the meetings.
  - iii. On the allegation of breach of peace, the administrators noted that they work closely with the ministry of interior and the security team and any act of violence or breach of peace will have been reported to the police and acquired an O.B. number
  - iv. On the allegation of promotion of individual business, the administrators noted that it is the need to economically empower the masses that they give the residents some ideas on how they can earn a living. However, they noted that they have not sold any idea at a fee to the residents.
  - v. On the allegation of abuse of office, the administrators sought clarity on how they have abused their offices and powers
  - vi. On the allegation of intimidation of residents in their respective wards, the administrators said that they have not intimidated anyone in the wards.
4. The Committee directed that the sitting be adjourned for the CECM to contact the administrators to make an appearance before the Committee in an hours' time.
5. Upon resumption of the Committee sitting, the CECM informed the Committee that the Administrators were engaged elsewhere and have therefore indicated that they cannot appear before the Committee which forced the adjournment of the Committee.

### **Show cause for insubordination**

On 23<sup>rd</sup> September, 2020, the County Chief Officer (CCO) for Public Service and Administration wrote show cause letters for insubordination to the following officers for failure to appear before the County Assembly as requested on 22<sup>nd</sup> September, 2020. The officers were to explain in writing within a week why disciplinary action should not be taken against them;

1. Ms. Annah Mwatika; Wundanyi sub-County Administrator,
2. Ms. Mary Mngola; Wundanyi/Mbale Ward Administrator,
3. Mr. Dickson Ngati, Mwanda/Mghange Ward Administrator
4. Mr. Stephen Saleka, Werugha and Ag. Wimumungu/Kishushe Ward Administrator.

### **24<sup>th</sup> September, 2020 Summon**

1. The County Executive Committee Member (CECM) for Public Service and Administration, Hon. Dephence Manga was summoned to appear before the Committee on 24<sup>th</sup> September, 2020 and be accompanied by the payroll manager and Ms. Annah Mwatika; Wundanyi sub-County Administrator, Ms. Mary Mngola; Wundanyi/Mbale Ward Administrator, Mr. Dickson Ngati, Mwanda/Mghange Ward Administrator and Mr. Stephen Saleka, Werugha and Wimumungu/Kishushe Ward Administrator.
2. The sub-County Administrator and the Ward Administrator for Mwanda/Mghange accompanied the CECM while the other two dishonored the summon.
3. The CECM informed the House that she had informed the two Ward Administrators of the summon and that she was not in a position to explain why they did not appear.
4. The sub-County Administrator informed the Committee that she was aware that the Werugha and Wimumungu/Kishushe Ward Administrator had a Personal Assistant.
5. The sub-County Administrator also had knowledge of Mr. Caxton Shako who is recognized as the County Programs Officers during Community baraza's
6. The CECM informed the Committee that the sub-County Administrator had reported to the office that the Werugha and acting Wimumungu/Kishushe Ward Administrator had sworn not to submit his Ward reports to her despite the fact that he is answerable to the sub-County Administrator.

### **13<sup>th</sup> October, 2020 Appearance**

1. The CECM during the meeting informed the House that none of the Officers had responded to the show cause letters.
2. The CECM also informed the Committee that plans were underway to hold a training for the Administrators to remind them of their duties and categorically inform them of the limitations in their scope of service and area of jurisdiction.

### **3.2: Submission from the County Secretary**

The County Secretary was invited and summoned to appear before the Committee on 22<sup>nd</sup> and 24<sup>th</sup> September, 2020 but submitted an apology since he was engaged elsewhere.

The County Secretary appeared on Tuesday, 13<sup>th</sup> October, 2020 and was required to be accompanied by the administrators. The administrators did not accompany the County Secretary as was required.

The County Secretary made the following submission;

1. He contacted the Administrators and directed them to appear before the County Assembly and was therefore not in a position to explain why they had not appeared.
2. He acknowledged that the conduct of the Wundanyi/Mbale and the Werugha and acting Wumingu/Kishushe Ward Administrators was unbecoming and could not be tolerated.
3. He was also aware the Administrators were given warning letters and a meeting was held on 12<sup>th</sup> October, 2020 on their conduct and they will also be summoned to appear before the Governor and the County Executive Committee Member's the following week.
4. He was aware of the press statement made by the Werugha and acting Wumingu/Kishushe Ward Administrator and clarified that the statement was not an official but personal statement.
5. He promised the Committee to stop with immediate effect, the Ward Administrators from making daily posting on the activities done daily in the respective wards which he said should be dabbed as projects sponsored by the County Government and not the County Governor as it is being done currently.
6. The County Secretary confirmed the communication protocol where all communication should be done through the Director of Communication and he promised to crack a whip on the errand officers doing otherwise.
7. He did not recognize Mr. Caxton Shako as a County Government employee and as a County Program Officer as he is recognized and introduced during public gatherings in Wundanyi sub-County and in the daily posts made by the Ward Administrators. He also confirmed that he was not in the County Government staff database.
8. He promised the Committee that he will forthwith write a letter to stop Mr. Caxton Shako from imposing himself as the County Program Officers and the Administrators in the Wundanyi sub-County informed of the same for immediate action.
9. On the deployment of Wundanyi/Mbale Ward Administrator to the Social Services Department and Wumingu/Kishushe Ward Administrator to the Sports Department, the Committee was informed that the deployment was guided by interest the officers had and that the County Government is in the process of carrying out a competency and professional analysis of the County Government staff after which more staff may be redeployed depending on their competencies.
10. He confirmed that the County Public Service Board engaged 24 Ward Administrators of which 4 were relievers. Currently, since 2 were deployed to other Departments and 1 serving as the CECM for Water and Irrigation, there is only one reliever remaining who will be posted to Wumingu/Kishushe within a week.
11. The County Secretary further confirmed that disciplinary action will be taken against the errand Ward Administrators in which a Committee will be formed to investigate the matters levelled against the officers and the recommendations of the Committee forwarded to the County Human Resource Advisory Committee (CHRAC) for consideration and recommendations to the County Public Services Board for action.

The statement issued by Werugha and Wumingu/Kishushe Ward Administrator; Mr. Stephen Saleka Njumwa stated as follows in part;

1. That the statement sought by Hon. Newton Kifuso was fallacious, contradictory and devoid of logic and that the Honorable member made it public to by all means to sabotage delivery of services to the Community he represents and has been discouraging residents from attending public participation forums for reasons that are not clear. He further urged the Honorable Member to stick to his roles mainly, legislation,
2. That all County projects are under the executive and the MCAs should not in any way act to sabotage.
3. That MCAs should not be insecure when projects are done in their Wards
4. That he is not answerable to the MCA neither obliged to report to him or his office while noting that the request by the Honorable Member for the Ward Administrator to consult with him before engaging the community was an act of cowardice, intimidation, ignorance of law and arrogance.
5. That the County Assembly is not a gymnastics field on a circus showground for presenting humor or comic relief to the public
6. That the Honorable member acted to demean the consciousness and strip off the integrity and independence of the CPSB.
7. That the Honorable Member has personal vendetta and has been using social media handles to spread propaganda, false and malicious information
8. That he will not attend or appear before the County Assembly neither will he head to any summons because there are no legal grounds for him to be summoned before the County Assembly.
9. That he can only be summoned by the County Assembly if and only if there is a dully signed petition presented by residents within his area of jurisdiction.
10. That he will offer unwavering support to H.E. the Governor, Granton Samboja on the Mashinani Initiative and be totally loyal in order for the Governor to achieve his vision to the great people of the County as well as fulfill his manifesto.

### **3.3: Submission by the County Public Service Board**

The County Public Service Board (CPSB) in a letter dated 28<sup>th</sup> September, 2020 referenced CPSB/TTC/ADM.1B/VOL.3 (4) Made the following submission on the engagement of administrators in the County as follows;

1. On 12<sup>th</sup> November, 2019, the County Secretary forwarded to the CPSB an indent for the engagement of four (4) Principal Administrative Officers at JG 'N' for 5 years contract and another for the engagement of twenty (20) Ward Administrators at JG 'K' for 5 years contract vide a letter referenced GOV//TT/ST.7/NR/VOL.III/69.
2. On 27<sup>th</sup> January, 2020, , the County Secretary forwarded to the CPSB an indent for the engagement of four (4) additional Ward Administrators at JG 'K' for 5 years contract and the reason for the vacancy was cited as service need vide a letter referenced GOV//TT/ST.7/NR/VOL.4/17.

In the letter, the acting County secretary stated that *“There was a slight omission in the previous request as it did not factor in the officers who are supposed to perform duties of the Deputy Sub County Administrator, who also double up as relievers to the Ward Administrators. This is therefore to submit this indent for an additional 4 ward administrators who will be posted at the respective sub county administrators offices”*

3. The Advertisement of the positions of Ward Administrators was featured in the *People’s Daily Newspaper* on 27<sup>th</sup> November, 2019 and details on the vacancies posted in the County Government website with the following details and requirements;
  - i. 20 positions at job group K
  - ii. Served in an administrative position for a minimum period of three (3) years
  - iii. Diploma in any social sciences or its equivalent qualification from a recognized institution
  - iv. Bachelor’s degree in any social science will be an added advantage
  - v. A certificate in supervisory management course or any professional management course will be an added advantage
  - vi. Shown merit and ability as reflected in work performance and results
  - vii. Satisfy requirements of chapter six of the constitution.

The duties and responsibilities were listed as stipulated in the County Governments Act, 2012 Section 51(3) as follows;

The Ward administrator shall coordinate, manage and supervise the general administrative functions in the Ward unit, including —

- i. the development of policies and plans;
- ii. service delivery;
- iii. developmental activities to empower the community;
- iv. the provision and maintenance of infrastructure and facilities of public services;
- v. the county public service;
- vi. exercise any functions and powers delegated by the County Public Service Board under section 86; and
- vii. Coordination and facilitation of citizen participation in the development of policies and plans and delivery of services.

4. The applicants who applied for the position of Ward Administrator were as follows;

- |             |              |              |
|-------------|--------------|--------------|
| a) Vol 1-20 | f) Vol 6-24  | k) Vol 11-19 |
| b) Vol.2-22 | g) Vol.7-23  | l) Vol 12-23 |
| c) Vol 3-21 | h) Vol 8-18  | m) Vol 13-15 |
| d) Vol 4-20 | i) Vol 9-17  |              |
| e) Vol.5-19 | j) Vol.10-22 |              |

5. On Tuesday, 14<sup>th</sup> January, 2020, the CPSB placed the list of shortlisted candidates for the position of 20 Ward Administrators 1 job group CPSB 09(K) as follows;

- i. Panel 1-25 persons
- ii. Panel 2- 25 persons
- iii. Panel 3-24 persons

- iv. Panel 4-24 persons
- v. Panel 5-24 persons

6. The positions for the four (4) additional Ward Administrators were not advertised. The CPSB instead relied on the database obtained after interviewing candidates for the positions of 20 Ward Administrator while noting that it is allowed by law to rely on existing database within a period of six (6) months.

7. The following 24 persons were appointed to the position of Ward Administrators;

S/No	NAME	GENDER	WARD	ACADEMIC QUALIFICATION
1.	Rose Natumbuchu Sariki	F	Bomeni	Diploma in Business administration
2	Rozina Kisochi	F	Bomeni	Diploma in County Governance
3	Joseph Jumases	M	Bura	Diploma in public Relations
4	Isaac Nthenge Kitheka	M	Chala	Diploma in Primary Education
5	Mercy Wakesho Mwazo	F	Chawia	Diploma in Journalism
6	Topister Ndinda Lenjo	F	Kaloleni	Bachelor of Business Management
7	Christopher Jones Mwasi	M	Kasigau	Bachelor in Theology
8	Loice Shali Mtongolo	F	Mwanda/Mghange	Diploma in Community Development
9	Dickson Ngati Lenjo	M	Mwanda/Mghange	Bachelor in Mass Communication
10	Maureen Nasike Kirigha	F	Mahoo	Bachelor of Art in Journalism and Media Studies
11	Charles Mwadeghu	M	Marungu	Diploma in Business administration
12	Tunge Morris Okala	M	Mata	Bachelor of procurement
13	Francis Rongaine Terere	M	Mboghoni	Diploma in County Governance
14	Martin Gathagu Madaraka	M	Mbololo	Diploma in Social Work and Community Development

15	Raphael Shimba Kimbio	M	Mwatate	Diploma in Business administration
16	Dawson Mwanyumba Mbela	M	Ngolia	Diploma in General Agriculture
17	George Reuben Abdalla Mwanjal	M	Rong'e	Diploma in Theology
18	Stanley Mghambwa Makeo	M	Sagala	Degree in Education
19	Esther Mkaiwawi Mwang'ombe	F	Wusi/Kishamba	Bachelor of Education
20	Chrispus Mwanyika	M	Wumingu/Kshushe	BSC. Bio Chemistry
21	Jaxon Shako Mtoto	M	Wundanyi/Mbale	Bachelor of Divinity
22	Stephen Saleka Njumwa	M	Werugha	Diploma in Community Development and Social Work
23	Mary Wughanga Mngola	F	Werugha	Diploma in County Governance
24	Stanley Maighacho Mwakima	M	Werugha	Diploma in Business administration

## CHAPTER FOUR: COMMITTEE CONCLUSION

The Committee made the following conclusions while taking into consideration the provisions of the laws as cited below;

1. The Werugha and acting Wumingu Kishushe Ward Administrator, Mr. Stephen Saleka Njumwa contravened the provisions of section 51(4) of the County Governments Act, 2012 by refusing to submit reports to the sub-County Administrator who he is responsible to.

*Section 50 (3) and (4) of the County Governments Act, 2012 provides for establishment of the office of sub-County Administrator who shall be responsible for the coordination, management and supervision of the general administrative functions in the sub-county unit, including — (a) the development of policies and plans; (b) service delivery ; (c) developmental activities to empower the community; (d) the provision and maintenance of infrastructure and facilities of public services; (e) the county public service; (f) exercise any functions and powers delegated by the County Public Service Board under section 86; and (g) facilitation and coordination of citizen participation in the development of policies and plans and delivery of services and; (4) In carrying out the functions and obligations in subsection (3), the sub-county administrator shall be responsible to the relevant county chief officer.*

*Section 51 (3) and (4) of the County Government Act, 2012, provides for establishment of the office of Ward Administrator who coordinate, manage and supervise the general administrative functions in the Ward unit, including (a) the development of policies and plans; (b) service delivery; (c) developmental activities to empower the community; (d) the provision and maintenance of infrastructure and facilities of public services; (e) the county public service; (f) exercise any functions and powers delegated by the County Public Service Board under section 86; and (g) coordination and facilitation of citizen participation in the development of policies and plans and delivery of services and; (4) In carrying out the functions and obligations in subsection (3), the Ward administrator shall be responsible to the sub-county administrator.*

2. The Werugha and acting Wumingu Kishushe Ward Administrator, Mr. Stephen Saleka Njumwa in his press statement contravened the provisions of Article 185 (3) of the Constitution of Kenya, 2010 by stating that he is not answerable to the MCA neither obliged to report to him or his office. This is while noting that the Wumingu/Kishushe Ward representative a Member of the County Assembly representing the electorates of Wumingu Kishushe who sought a statement on their behalf and that the oversight was exercised by the County Assembly through the relevant sectoral committee and not the Honorable Member for Wumingu Kishushe Ward. His statement was meant to undermine the role of the County Assembly in its oversight role by failing to honor County Assembly Summons and actually indicating that he will not honor the Summons.

Article 185 (3) of the Constitution of Kenya, 2010 provides that a county assembly, while respecting the principle of the separation of powers, may exercise oversight over the county executive committee and any other county executive organs.



3. The Wundanyi/Mbale Ward Administrator contravened the provisions of article 195 of the Constitution of Kenya, 2010 for failing to honour the invitation and summon to appear before the County Assembly on 22<sup>nd</sup> September, 2020, 24<sup>th</sup> September, 2020 and 13<sup>th</sup> October, 2020.

*Article 195 of the Constitution of Kenya, 2020 stipulates that; (1) A county assembly or any of its committees has power to summon any person to appear before it for the purpose of giving evidence or providing information. (2) For the purposes of clause (1), an assembly has the same powers as the High Court to—(a) enforce the attendance of witnesses and examining them on oath, affirmation or otherwise; (b) compel the production of documents; and (c) issue a commission or request to examine witnesses abroad.*

4. The Werugha and acting Wumingu Kishushe Ward Administrator, Mr. Stephen Saleka Njumwa in his press statement contravened the provisions of Section 16 of the Public Officers Ethics Act, 2012 for declaring unwavering and total loyal support to H.E. the Governor, Granton Samboja in fulfillment of his vision, manifesto and Mashinani Initiative without considering that he is a public officer engaged to serve in the County Government which includes both the County Executive and County Assembly.

Section 16 of the Public Officers Ethics Act, 2012 provides for political neutrality where; (1) a public officer shall not in or in connection with the performance of his duties as such- (a) act as an agent for, or so as to further the interests of a political party or (b) indicate support for or opposition to any political party or candidate in an election, (2) a public officer shall not engage in political activity that may compromise or be seen to compromise the political neutrality of his office.

5. The Werugha and Wumingu Kishushe Ward Administrator, Mr. Stephen Saleka Njumwa and the Wundanyi/Mbale Ward Administrator, Ms. Mary Mngola contravened Chapter six of the Constitution of Kenya, 2010 for acted in subornation of the County Secretary and the County Executive Committee Member for Public Service and Administration for failing to honor their directive to appear before the County Assembly and for failing to respond to the show cause letter written by the CECM.

Chapter Six, Article 75 of the Constitution of Kenya, 2020 provides for the conduct of state officers stipulating that; (1) A State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids— (a) any conflict between personal interests and public or official duties; (b) compromising any public or official interest in favour of a personal interest; or (c) demeaning the office the officer holds,

(2) A person who contravenes clause (1), or Article 76, 77 or 78 (2)— (a) shall be subject to the applicable disciplinary procedure for the relevant office; and (b) may, in accordance with the disciplinary procedure referred to in paragraph (a), be dismissed or otherwise removed from office, (3) A person who has been dismissed or otherwise removed from office for a contravention of the provisions specified in clause (2) is disqualified from holding any other State office.

## CHAPTER FIVE: RECOMMENDATIONS

The Committee on Administration, Security, Devolution, Public Participation, Community Service and Drugs Control recommends that the County Secretary, the County Executive Committee Member and the County Chief Officer for Public Service and Administration must in the stipulated period ensure that;

1. The Werugha and acting Wumingu Kishushe Ward Administrator, Mr. Stephen Saleka Njumwa be sent on compulsory leave within 5 days upon the resolution of the House for contravention of the article 6 (2), 185, 195, 75, 76, 77, and 78 of the Constitution of Kenya, 2010, Section 16 of the Public Officers Ethics Act, 2012 and section 50 (4) of the County Governments Act, 2012 as the disciplinary process continues.
2. The Wundanyi/Mbale Ward Administrator, Ms. Mary Mngola be sent on compulsory leave within 5 days upon the resolution of the House for contravention of the article 6 (2), 195 and chapter six of the Constitution of Kenya, 2010 as the disciplinary process continues.
3. A disciplinary process on the overall conduct of the Werugha and acting Wumingu Kishushe Ward Administrators, Mr. Stephen Saleka Njumwa and the Wundanyi/Mbale Ward Administrator, Ms. Mary Mngola is undertaken and completed within 30 days upon the communication of this resolution.
4. A comprehensive report emerging from the disciplinary process above, be submitted to the County Assembly within 35 days of the resolution of this House.
5. That Wumingu/Kishushe Ward be assigned a Ward Administrator and Mr. Stephen Saleka Njumwa's position as Acting Ward Administrator be stopped with immediate effect upon communication of this resolution.
6. A public notice is made through the Director of Communication to clarify to the public that Mr. Caxton Shako is not an employee of the County Government of Taita Taveta and is therefore not allowed to make any utterances on behalf or as an agent of the County Government within 5 days upon communication of this resolution.
7. And the County Executive creates a single official social media platform within 14 days of the communication of this resolution where all sub-County Administrators and Ward Administrators can give updates on the activities carried out on behalf of the County Government as per the provisions of Section 50 and 51 of the County Governments Act, 2012 under strict supervision.

Mr. Speaker, Sir, it is my pleasure and duty on behalf of the Committee to present this report.

CONFIRMED.....

DATE 21 Oct 2020

HON. JOHNES MASKUJI, MCACHAIRPERSON,  
COMMITTEE ON ADMINISTRATION, SECURITY, DEVOLUTION, PUBLIC  
PARTICIPATION, COMMUNITY SERVICES AND DRUGS CONTROL

## REFERENCES

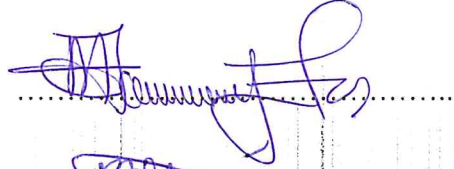
- The Constitution of Kenya, 2010
- The County Governments Act, 2012
- The Public Officers Ethics Act, 2012
- The Taita Taveta County Assembly Standing Orders

## APPENDICES

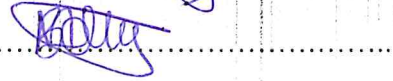
- Minutes of the meeting held on 21<sup>st</sup> September, 2020
- Four Show Cause Letter
- Indents for vacancy in the position of sub-County and Ward Administrators
- List of applicants for the positions of Ward Administrators
- Shortlisted candidates for the positions of Ward Administrators
- List of 24 Ward Administrators engaged
- Press Statement by Stephen Saleka Njumwa

**MEMBERS OF THE COMMITTEE ON ADMINISTRATION, SECURITY, DEVOLUTION,  
PUBLIC PARTICIPATION, COMMUNITY SERVICES AND DRUGS CONTROL IN  
SUPPORT OF REPORT ON THE STATEMENT SOUGHT BY HON. NEWTON KIFUSO  
ON THE CONDUCT OF WUNDANYI SUB-COUNTY AND WARD ADMINISTRATORS**

1.Hon. Jones Fundi Maskuji, MCA, Chairperson



2.Hon. Bertina Mwaiseghe, MCA, Vice-Chairperson



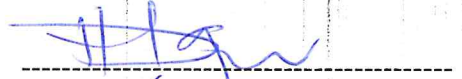
3.Hon. Jason Mwamodenyi Tuja, MCA, Member

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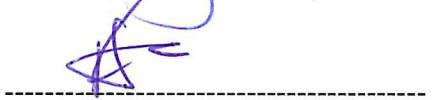
4.Hon. Harris Keke Nganga, MCA, Member



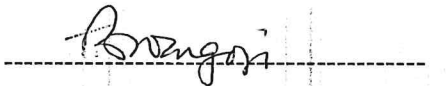
5.Hon. Daniel Omari Nguzo, MCA, Member



6.Hon. Frank Jumapili, MCA, Member



7.Hon. Joyce Mwangoji, MCA, Member



8.Hon. Rose Shingira, MCA, Member

