

COUNTY ASSEMBLY OF TAITA TAVETA

THIRD ASSEMBLY - THIRD SESSION

THE HANSARD

Sitting no. 048

Wednesday, July 17, 2024

The House met at 10:29 a.m. in the County Assembly Chamber

[The Acting Speaker (Hon. Anselm Mwadime) in the Chair]

PRAYER

QUORUM

The Acting Speaker: Hon. Members, I confirm that we have quorum to proceed with the Sitting. Clerks-at-the-Table, read the Orders of the day.

COMMUNICATIONS FROM THE CHAIR

The Acting Speaker: Honorable Members, the Chair has the following communications to make:

ATTENDANCE AT THE GALLERY

I would like to acknowledge the presence of visiting teachers and students from St. Johns Primary and Junior Secondary School from Mwanda/Mghange Ward. We have 32 pupils of Grade Eight, 30 pupils of Grade Seven and seven pupils of mid-primary. They are accompanied by the following teachers:

1. Mr. Fredrick Mwashighadi, the Headteacher
2. Mr. Derrick Kalama
3. Madam Lilian Dali
4. Madam Christine Ndunge

On behalf of the County Assembly and on my own behalf, I welcome the delegation to the County Assembly and wish them well for the remainder of their visit today.

ELECTION OF HON. STEPHEN NZAI AS ACTING CHAIRPERSON LIAISON COMMITTEE

The Liaison Committee, during its Sitting on Tuesday, 16th July 2024, elected Hon. Stephen Nzai as the Acting Chairperson of the Committee, pursuant to Standing Order no. 162(2). Congratulations, Hon. Stephen Nzai.

COMMITTEE MEETINGS

The Lands and Human - Wildlife Conflict Resolution Committee will have a meeting with Chawuse Community and the Liaison Committee shall also have a meeting in the Chamber after the rise of the House. I believe the meetings shall follow each other consecutively starting with that the Lands and Human-Wildlife Conflict Resolution Committee followed by the Liaison Committee. I thank you. Next Order.

STATEMENTS

STATUS OF COUNTY HEALTHCARE WORKERS ON CONTRACT

Hon. Duncan Wangama (MCA, Wusi/Kishamba): Thank you, Mr. Acting Speaker, Sir. I beg to give response to a Statement sought by Hon. Brayson Mwambi on status of County healthcare workers on contract basis.

In the response, the Committee having reviewed the responses from the Health Services Department and the County Public Service Board (CPSB) hereby submits its statement as follows:

1. A detailed list of all healthcare workers on contract including time and period of engagement. The Department of Health Services submitted a report with a list of 338 staff on contract as follows:

NO	CADRE	NO OF STAFFS	RESPONSE ON CONTRACT STATUS
1.	CECM	1	The position is pegged on the term of H.E the Governor,
2.	CCO	1	The position is pegged on the term of H.E the Governor.
3.	DIRECTOR	1	The contract was renewed for four years from March ,2024
4.	CLERICAL OFFICER	1	The position was advertised on contract terms
5.	PHARMACEUTIC TECHNOLOGIST	1	A letter was done on 9 th October, 2024 to CPSB to convert the terms from contract to Permanent.
6.	PHARMACIST	1	A letter was done on 9 th October, 2024 to

			CPSB to convert the terms from contract to permanent.
7.	DRIVERS	19	The indent was prepared by the department on 9 th October, 2024 and forwarded to CPSB and advertised. The recruitment was frozen for 90 days.
8.	SUPPORT STAFF	206	The positions were advertised and recruited on contract terms
9.	SECURITY WARDENS	107	The positions were advertised and recruited on contract terms

2. To give a detailed list of all Universal Health Coverage (UHC) staff and their current status of employment. The CPSB and Health Services Department submitted as follows:
 - (i) The UHC staff under the County Government have been in service since 2020.
 - (ii) The CPSB has renewed the contracts for a period of three years with effect from the date they ended under the instruction of the Public Service Commission (PSC). However, their payments were activated for a period of one year under instruction of the same PSC to the Ministry of Health.
 - (iii) In the submission, the CPSB and Health Services Department submitted a list of 121 UHC staff in the County Government and indicated that the expected contract end date be May or June 2026 depending on when an individual staff was engaged. A copy of the same can be obtained from the Clerk's office.
 - (iv) The Department has also set aside Ksh. 74 million in the Budget for absorption of UHC staff.
3. The detailed Report on the Department's plan regarding healthcare workers on contract and those whose contracts have ended. The Department of Health Services recommends:
 - (i) Conversion of contracts to permanent and pensionable terms for all staff who qualify.
 - (ii) The drivers who are above the age limit for entry to permanent and pensionable and have proven competency in their work to be considered for contract renewal.

(Interruption)

The Acting Speaker: Chair for Health and Sanitation Services Committee, are you on record?

Hon. Duncan Wangama (MCA, Wusi/Kishamba): Yes.

The Acting Speaker: Kindly hold. Proceed. Response on advisory from the Ministry of Health and Council of Governors on the renewal of contracts for UHC staff and the actions taken towards implementation of the same.

The Health Services Department submitted a copy of Council of Governors letter to the Cabinet Secretary for Health, dated 16th May 2024 REF COG/6/40/6/40/4A (28) on contract staff under UHC program in the County Government.

In the letter, the Chairperson of the Council of Governors requested the Office of the Cabinet Secretary to expedite the contract extension of the staff to avoid them missing out on May salaries and as presented above, all the contracts for the staff have been renewed. I beg to respond. Thank you, Mr. Acting Speaker.

The Acting Speaker: Statement seeker, Hon. Brayson Mwambi, is the response sufficient?

Hon. Brayson Mwambi (MCA, Sagalla): Thank you, Mr. Acting Speaker, Sir. The response is quite sufficient. However, I would also like to request the Chairperson to furnish this House with a detailed report on staff rationalization. You will realize that sometimes you will go to a health facility and find only one nurse and it is very tricky because when he/she gets sick, then it means there will be no services in that facility. Thank you, Mr. Acting Speaker.

The Acting Speaker: Honorable Members, if there is anyone who has a remark to make on that particular subject, you are limited to three minutes.

Hon. Mabishi Kirubai, what is the matter?

Hon. Mabishi Kirubai (MCA, Chawia): Thank you, Mr. Acting Speaker, Sir. I want to add my voice on the Statement that has been responded to. I am happy the response has come because some time back, I raised an issue pertaining the drivers working in the Health sector. I will be a very happy man if the Chairperson, just the way the Statement seeker has requested, gets a detailed report concerning those who were absorbed after the re-advertisement of the positions and those who were recruited.

In most cases, you will realize that when positions are advertised, those who have worked for a long period of time in this County Government are left out and yet they have been dedicating their time working.

It is good we get to know the names of all those who were employed. He has also read about those who are on contract with the National Government being absorbed by the County Government and Ksh. 74 million had been set aside yet we know staff are under the National Government program. What will happen to the staff who are under the National Government program if they are being absorbed by the County Government? Can the County Government forward some names to the National Government for consideration because we still need more staff in the Health Sector?

The Acting Speaker: Hon. Members, the Chair further directs as follows:

Chairperson for Health and Sanitation Services Committee, from the remarks that we have obtained from the Statement seeker and those that have been raised by Hon. Mabishi Kirubai, that you further furnish the House with detailed reports on staff rationalization of the Health Department and UHC staff that are on contract under the National Government.

Notwithstanding that, within the Report, there is hanging information on communication between the Council of Governors and the Ministry, particularly on the extension of contracts of the UHC staff and the decision that the Department is undertaking on absorption of the same staff because of the Ksh. 74 million that has been set aside for the same exercise by this Honorable House in the adopted Budget for the Financial Year 2024/2025. Your remarks, Chairperson for Health and Sanitation Services Committee.

Hon. Duncan Wangama (MCA, Wusi/Kishamba): Thank you, Mr. Acting Speaker, Sir. The questions which have been asked by Hon. Brayson Mwambi and Hon. Mabishi Kirubai are well noted and I would wish to request this Honorable House to accord me seven days to respond on the same. Thank you, Mr. Acting Speaker.

The Acting Speaker: Chairperson, so you are committing to seven days; that is, by next week on Wednesday we should be getting a response.

Hon. Duncan Wangama (MCA, Wusi/Kishamba): Yes. Thank you, Mr. Acting Speaker.

The Acting Speaker: Hon. Anisa Mwakio, the next Statement please.

TRANSFER OF FUNCTIONS TO MUNICIPALITIES

Hon. Anisa Mwakio (MCA, Nominated): Thank you, Mr. Acting Speaker, Sir. I beg to give a response to the following Statement sought:

The Statement was sought on the Floor of the House by the Committee through the office of the Clerk who wrote to the Department of Lands, Physical Planning and Urban Development on the same. The Mwatate Municipal Manager through the County Chief Officer (CCO) responded on 28th May 2024. The Committee having reviewed the response from the Department, hereby submits its Statement as follows:

1. On the list of functions on services that have so far been transferred to Municipalities;

So far, no functions have been transferred to the Municipalities. Voi and Taveta municipalities do not have approved Integrated Development Plans (IDP) as provided under Section 38 of the Urban Areas and Cities Act, 2011 (which states that: a city or urban area shall prepare an integrated city or urban area development plan in accordance to the Third Schedule of the Act. Only Mwatate Municipality has an IDP and has restructured its activities based on it. The

management of the municipalities are in conversation with the County Executive, County Assembly and other relevant stakeholders to see total transfer of municipality functions in accordance with the Urban Areas and Cities Act 2011; that is collection of revenue and human resource functions amongst others.

In order to support Voi, Mwatate and Taveta municipalities operations, the Taita Taveta County Executive Committee on its 15th sitting dated 16th January 2024, made a resolution to transfer staff on job group H and below, currently working at Voi, Mwatate and Taveta sub-Counties to their municipalities.

Further, the Cabinet resolved that the departments with critical functions second staff as line managers at Director and Assistant Director cadres, but in line with existing municipalities organogram. All the transferred staff will report to their line managers while the line managers will have two reporting lines; to the municipal manager and their respective CCO. Consequently, the seconded senior human resource staff to the three municipalities, to manage human resource functions.

A meeting held on 27th March 2024 at the Governor's boardroom attended by the Deputy Governor, Acting County Secretary, CECM for Devolution, CCOs for Finance and Lands, Advisors, HR Director, staff and three municipal managers resolved that, negotiations between the managers and departments on transfer of functions was held on 2nd to 5th April ,2024 based on the following issues:

1. Identify the departments with functions to be transferred to the municipality.
2. Identify the functions to be transferred as stipulated by the municipal charters.
3. The tasks or activities involved in implementation of functions.
4. The ideal and available human resource to be deployed to the municipality.
5. The assets, tools and equipment to be transferred to the municipality based on the principle of resources follow function.
6. The criteria of sharing revenue to the municipality as stipulated in the PFM Act 2012 which should be approved by the County Executive and the County Assembly.
7. Deployment sample letters:
 - a. Draft of secondment letter,
 - b. Draft of transfer letter.
8. The departments to transfer functions are:
 - a. Environment, Climate Change and Natural Resources,
 - b. Water and Sanitation,
 - c. Land, Physical Planning, Urban areas, Mining and Energy
 - d. Roads, Public works, Transport and Infrastructure,
 - e. Trade, Tourism, Industrialization and Cooperatives,
 - f. Youth, Sports, Gender, Culture and Social services,

- g. Department of Agriculture, Livestock and Fisheries,
- h. Finance and Economic Planning,
- i. Devolution and Public Administration.

There is need for the County Secretary to ensure the proposed municipalities organogram gets an approval from the County Assembly.

On amount of funds that have been or are to be transferred to the municipalities during the F/Y year 2023/2024, Mwatate Municipality received Ksh. 10 million from the Kenya Urban Support Program (KUSP) but failed to realize the budget revenue from the County Treasury and from own sources. A similarity was observed in the previous F/Y. Consequently, the municipality has not demonstrated its revenue collection potential contrary to the provision of Section 9(3) of the Urban Areas and Cities Act, 2011 as amended in 2019 which requires towns eligible for the conferment of the municipal status under the Act to have demonstrable revenue and collection potential.

Should the situation persist, the municipality may not sustain its services, thereby threatening its status. In the circumstances, the underfunding and underperformance affected the planned activities of the boards and have impacted negatively on service delivery to the community. This has affected the performance of the municipalities in offering services which was occasioned by the lack of autonomy for the municipalities to fully function as decreed in the Act.

The Mwatate Municipality was only able to offer services based on the available budget. Another reason for underfunding is due to non-transfer of functions as espoused in the Urban Areas and Cities Act, 2011 as amended in 2019 like the issue of revenue collection, the Mwatate Municipality was not able to collect their own revenue as per the budgetary projections. However, plans are at an advanced level to have all the functions transferred to the municipalities which will yield autonomy in terms of budget preparation and implementation which will unlock performance issues affecting services. Thank you, Mr. Acting Speaker, I beg to respond.

The Acting Speaker: Honorable Member for Mwatate, Statement seeker, is the response sufficient?

Hon. Joseph Kennedy (MCA, Mwatate): Ahsante sana, Mhe. Kaimu Spika. Bado hilo jibu haliko sawa, kwa sababu mazungumzo ambayo yanaendelea ya kuwezesha manispaa zijisimamie bado hayajakamilika. Watakapo pewa nguvu ya kuweza kujimudu ama kufanya kazi kama Manispaa, mambo mengi yatabadilika katika mji wetu wa Mwatate. Jana, nilipokuwa ninakuja Bungeni, nilichelewa kufika kwa sababu nilipata uchafu mwingi sana katika Manispaa ya Mwatate, kwani bado haijapewa nguvu ya kufanya kazi kama vile Nairobi na Mombasa wanavyoweka miji yao safi. Katika mji wa Mwatate, utapata kuna wafanyikazi wanne kutoka idara husika wa kuweka mji huo safi, na sio vyema. Wakati Manispaa hii itakapopewa nguvu,

basi inaweza kuwa na waajiri wake na waweze kuweka usafi katika mji huo ili watu wa Mwatate wasilalamike.

Watu wa Mwatate kama vile mama mboga wanaouza kwenye vibanda, wanalipa kodi ili waweze kupata huduma nzuri kama vile kusafishiwa mji, lakini utakuta hawapati huduma hizo. Nimesikiliza jibu la Kauli inayoelezea ya kwamba wanazidi kujadiliana juu ya Manispaa ya Mwatate ambayo imekaa kwa miaka kadhaa; hii inamaanisha ya kwamba Kaunti ya Taita Taveta haikuwa tayari kuwa na Manispaa kwa sababu kufikia sasa hazijapewa nguvu. Kwa hivyo, unapata ya kwamba ziko pale tu na kuna watu ambao wanacontrol ninaomba Manispaa ya Mwatate iweze kupewa nguvu na...

(Katizo)

The Acting Speaker: Mheshimiwa, Mjumbe wa Mwatate...

Hon. Joseph Kennedy (MCA, Mwatate): Ndiyo, Mheshimiwa.

The Acting Speaker: Ninakuomba uzingatie mtiririko wa lugha moja. Ikiwa utapendelea kutumia Kiingereza basi kwa ajili ya kunakili, tumia Kiingereza tu na ikiwa utapendelea kutumia Kiswahili basi mtiririko uwe wa Kiswahili. Utachagua.

Hon. Joseph Kennedy (MCA, Mwatate): Ahsante sana, Mhe. Kaimu Spika. Tunavyo ongea, Manispaa ya Mwatate haina wafanyi kazi wa kutosha ndio maana unapata mji huo ni mchafu sana. Ninaomba Manispaa hii iweze kupewa nguvu kwa wakati unaofaa. Ni jukumu la viongozi wetu wa Kaunti ya Taita Taveta kuipatia Manispaa hii nguvu ili Manispaa ya Voi na Taveta zitakapoanza ziwe na nguvu pia. Majibu haya hayajaniridhisha na ningependa idara inayohusika iweze kufuatilia ili Manispaa hii ipewe nguvu ya kufanya kazi na watu wa Mwatate ambao wanalipa kodi waone mji wa Mwatate umewekwa safi na vifaa kama vile magari yanayohitajika kuja kuzoa takataka yakuje kwa wakati unaofaa. Ningependa Kamati iweze kufuatilia ili tupate jibu sahihi. Ahsante, Mhe. Kaimu Spika.

The Acting Speaker: Nifungue nafasi hii kwa ndugu Waheshimiwa ambao wako na hoja kulingana na suala hilo la Manispaa ila muda ni dakika tatu.

Hon. Kimuyu Daniel (MCA, Mahoo): Thank you, Mr. Acting Speaker, Sir. I still want to contribute to the Statement and my concern is about the autonomy of the municipalities that we created; which are struggling to be given autonomy to collect cess and levies, so that they can run their activities and it's the same revenue which the County Government is also expected to collect. There is much to be concerned with as leaders. That is why we went ahead and abruptly approved the municipalities. I am a Member of the Lands and Human - Wildlife Conflict Resolution Committee and I know we have a lot on the table to make sure that the response is sufficient to the Statement seeker. Let us have a round-table discussion on this matter because

there will be a conflict on the same. I wish and pray that these three municipalities get autonomy so that they can run their activities. Thank you, Mr. Acting Speaker.

The Acting Speaker: Maybe, as a matter of confirmation, Chairperson for Lands and Human - Wildlife Conflict Resolution Committee, by the time you were coming up with this response to the House, is there a possibility that you had a meeting with the respective department, as you also make your remarks?

Hon. Anisa Mwakio (MCA, Nominated) : Thank you, Mr. Acting Speaker, Sir. I want to be honest with myself. We have not had any meeting with the department, we only received their response. Maybe, I will stand advised by the Chair if it is possible we organize for the same as soon as possible.

I want to highlight a few observations as the Chairperson. When we talk of autonomy, we refer to devolving functions, authority and resources. There is no day we can talk of autonomy when the three avenues are not addressed. We should be discussing about Voi and Taveta municipalities which are struggling to move because they just took shape the other day. I cannot imagine us discussing about Mwatate Municipality which has been in force since the last regime. That tells me, sorry to say, the County Government is moving at a snail's pace which is unfortunate and that should not be the case. I strongly believe that this process needs to be hastened to unlock the impasse for service delivery to be realized. Taita Taveta County Government is not a profit-making institution but rather a service delivery institution. In that case, I want to urge the County Government not to close an eye on service delivery to our people because that is the purpose for having local governments...

(Point of Order)

The Acting Speaker: Point of Order! Chairperson for Lands and Human - Wildlife Conflict Resolution Committee.

Hon. Anisa Mwakio (MCA, Nominated): Yes, please.

The Acting Speaker: Do you wish to convert this Statement into a Motion before I give directions? I can see you are headed there? You were to make the remarks that have been made on the rebut that has been given by the Statement seeker, but I think you are almost converting it to a debate. So, again if you wish to convert it into a Motion, we can see what the Standing Orders say. However, just give a commitment as I give further directions.

Hon. Anisa Mwakio (MCA, Nominated): Thank you, Mr. Acting Speaker, Sir. I stand guided Chair. What I was trying to address are other gaps that we have realized as a Committee. Fortunately, I happened to be part of the induction course for the Voi and Taveta municipalities last week in Mombasa and the gaps we are seeing now are evident. I agree with the area Member of the County Assembly, Hon. Joseph Kennedy, that we need further engagements which are more committal than what I am seeing in this Report. if Taveta Municipality at some point failed

on its part. I am afraid if this trend continues then the same will occur in other Municipalities. Now, winding up on my Statement, I remember this Honourable House vetted the Investment Committee and nothing so far has been reported or done, no engagement or anything. I plead with the Chair that this County Government should not end up making the same mistakes by appointing some boards which are not...

(Interruption)

The Acting Speaker: Honourable Chairperson for Lands and Human - Wildlife Conflict Resolution Committee.

Hon. Anisa Mwakio (MCA, Nominated): Yes, please.

The Acting Speaker: Are you giving a commitment? It appears you are trying to bring another issue on board. I needed you to give a commitment on matters municipalities. If you would have wished to address matters to do with the Investments Board, then you can find a different way of doing it, probably by seeking another Statement, next week. Seeking it now might lead to ultra vires actions.

Hon. Anisa Mwakio (MCA, Nominated): Thank you, Mr. Acting Speaker, Sir. Again, I stand guided. I was just giving it as an example of failed institutions by Taita Taveta County Government that must be avoided. I want to inform the Honourable Chair that we will seek more serious engagements with the department in charge and I would kindly request for seven more days for further engagements, please. Thank you, Mr. Acting Speaker.

The Acting Speaker: Honourable Members, the Chair rules as follows:

The Lands and Human - Wildlife Conflict Resolution Committee should invite the relevant departments from the County Executive for a robust engagement and a comprehensive report on Municipalities should be tabled for adoption by the County Assembly within 21 days. The reason as to why the Chair has offered that guidance is that there is more that we need to work on rather than giving response to a Statement. We would like this House to engage on the matter fully so that resolutions are also adopted in this House for further implementation by the County Executive. Take note on the 21 days. Next Order.

ADJOURNMENT

The Acting Speaker: Hon. Members, there being no other business, the House stands adjourned until Wednesday, 17th July 2024 at 2:30 p.m.

(The House rose at 11:14 a.m.)

