



MURANG'A COUNTY ASSEMBLY

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June 13, 2016

Hon Speaker,

Thro'

The Clerk

Murang'a County Assembly



PAPERS - (Chairperson, Committee on Implementation)

THAT; the report on Implementation Status of adopted resolutions for the Department of Public Service and Administration by the Select Committee on Implementation the Select Committee on Implementation, be laid on the table of the Assembly today Tuesday June 14, 2016.

Thank you Hon Speaker

Hon. Charles Mwaniki Karina
Chairperson, Committee on Implementation

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1.0 PREFACE

Mr. Speaker Sir, the committee on Implementation in the course of expediting its mandate understanding order 192, has been scrutinizing Implementation status reports of adopted resolutions of the County Assembly. In this case, the committee undertook to establish the implementation status of adopted resolutions in form of reports, motions, Bills and other undertakings for the department of Public Service and Administration. The Committee sought to ensure that implementation of resolutions was within the scope of devolved functions as outlined in the fourth schedule of the Constitution of Kenya.

1.1 Terms of Reference for the Committee

- i. To find out the extent of implementation of adopted County Assembly resolutions for the department of Public Service and Administration.
- ii. Report on the findings and recommendations of the Committees inquiry.

2.0 Committee Mandate

The Select Committee on Implementation is established pursuant to provisions of Standing Order 192. Under these provisions, the Committee is mandated to:-

- (2) Scrutinize the resolutions of the Assembly (including adopted committee reports), petitions and the undertakings given by the County Executive Committee and examine –
 - (a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and
 - (b) whether or not legislation passed by the Assembly has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.
- (3) The Committee may propose to the Assembly, sanctions against any member of the County Executive Committee who fails to report to the relevant select Committee on implementation status without justifiable reasons

3.0 MEMBERSHIP

The Committee comprises the following Members:-

1. Hon. Charles Mwaniki Karina - (Chairperson)
2. Hon. Esther Nyakio Munywoki - (Vice Chair)
3. Hon. Julius Maina Kimani
4. Hon. Samson Kago Njoroge
5. Hon. Samuel Ndehi Mwangi
6. Hon. Cecilia Wanjiku Gitu
7. Hon. Anderson Muchemi Waweru
8. Hon. John Kiarie Ngugi
9. Hon. Mary Watiri Kariuki

4.0 ACKNOWLEDGEMENTS

Mr. Speaker, Sir

This Report was considered at length by the Committee in a sitting held in the assembly on **18th May, 2016** and the resolution to adopt this Report was reached unanimously in a meeting attended by a majority of the Members of the Committee. It is our hope that this Report will guide and inform the House on the implementation status of adopted resolutions for the department of Public Service and Administration.

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the County Assembly for the support and services extended to the Members to enable the Committee complete this report. I am grateful for the Members of the Committee as well, for their diligence and commitment in the completion of this task.

On behalf of the Committee, I now have the honor and pleasure to present this Report to the House for adoption.

Thank you

Signed.....

Hon. Charles M. Karina
(Chairman)

Dated this , Day of May, 2016

5.0 BACKGROUND

Mr. Speaker, Sir, pursuant to County Assembly of Muranga standing order 192 and Article 195 of the Constitution of Kenya, the committee in executing its mandate sought to engage the County Executive Member in charge of Public Service and Administration and the County Public Service Board, through various correspondences and invitations to appear before it.

The County Public Service Board has exhibited delays in considering several adopted resolutions of the County Assembly regarding the public service. This has hindered effective operations in the public service, for instance the instability of staff deemed to be interim and the long period it has taken to confirm the staff.

5.1 COMMITTEE SITTINGS

In a sitting held on 4th May, 2016, the Committee engaged members of the County Public Service Board to provide information on the status of adopted resolutions of the County Assembly pertaining to the public service.

6.0 IMPLEMENTATION STATUS OF ADOPTED RESOLUTIONS FOR THE DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION

Adopted Motions

	<u>Motion Adopted on 9/4/2015</u>	<u>Status</u>
1.	AWARE , that County Governments are established under Article 176 of the Constitution of Kenya, 2010, further aware that Muranga County Government is one of the County Governments listed under the First Schedule pursuant to Article 6 (1) of the Constitution of Kenya, 2010, recognizing the fact that functions of the County Government as provided for under part 2 of the fourth schedule require legal advice at all times; this House urges the County Executive Member for Public Service and Administration to draft and submit a Bill to establish the office of the County Attorney in the County Public Service, who shall be nominated by the Governor and shall;	<ul style="list-style-type: none">▪ The Board advertised for the position at Job group 5 on 8th May, 2015. With the position closing on 15th June, 2015. The position attracted 3 applicants and only 2 were shortlisted.▪ After consultations, the Board realized that placing a County Attorney at job group 5 was a disadvantage since he is expected to sit at cabinet and provide counsel.

<p>1. Be the Principal legal adviser to the County Government;</p> <p>2. Represent the County Government in court or in any other legal proceedings to which Muranga County Government is a party, other than criminal proceedings;</p> <p>3. Perform any other functions conferred on the office by an Act of Muranga County Assembly or by the Governor.</p>	<ul style="list-style-type: none"> ▪ There is a Bill at Senate proposing to have County Attorneys who will be in job group V and to be at a higher level than the County Executive Committee Members. In this case, the Board temporarily halted the process of recruitment awaiting the Senate legislation. <p style="text-align: center;">(Not Implemented)</p>
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	Motion adopted on 4/9/2014	Status
2	<p>AWARE that business people in Muranga Town experienced a fire tragedy on August 22, 2014 leading to losses of Millions of Shillings, Cognizant of the fact that the County Government is in the process of procuring fire fighting vehicles to manage such disasters; this House urges the County Executive Member for Public Service to conduct a recruitment and induction exercise for staff who will be competent to operate firefighting machines upon acquisition by the County Government.</p>	<ul style="list-style-type: none"> ▪ Staff operating firefighting machines are competent and have been inducted during an induction training of 20 employees. ▪ The induction was undertaken from 3rd - 28th August, 2015 under the facilitation of Fire Marshall. <p style="text-align: center;">(Implemented)</p>

	Motion adopted on 23/6//2015	Status
	<p>AWARE, that staff from the defunct Local Authorities were seconded to the County Government by the Transition Authority and that the Transition term of three years is ending in August 2015, further aware that Section 59 (1) (b) of the County Government Act No. 17 of 2012, mandates the County Public Service Board to appoint persons to hold or act in offices of the County Public Services including in the boards of cities and urban areas and confirm appointments, Cognizant of the fact that the Muranga County Government has not carried out this function as stipulated in the County Government Act, which is causing anxiety and suffering among the affected staff; this House urges the County Public Service Board to interview, confirm</p>	<ul style="list-style-type: none"> ▪ The County Government in liaison with the ministry of devolution and the transitional authority, were in the process of setting standards to match employees to be absorbed into the County Government with skills required. ▪ Further, in absence of a defined pension scheme, it was difficult to confirm the staff. ▪ The Board is working on finalizing the matter.

and appoint all the interim staff within the next ninety days.	(Not Implemented)
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7.0 OBSERVATIONS

The Committees observations were as follows;

1. **THAT;** the Board did not take any initiative to at least appoint an interim County Attorney to provide legal counsel to the County Government, instead the County Government still relies on contracted legal advisors who may not be in touch with County Government affairs.
2. **THAT;** the Capacity Assessment and Rationalization Program is still ongoing, hence the delay in confirming all the interim staff.

8.0 FINDINGS

The Committees findings were as follows;

1. **THAT;** there is currently no County Attorney appointed in the County Government or even a draft Bill providing for the same.
2. **THAT;** interim staff have not yet been confirmed to date.

9.0 RECOMMENDATIONS OF THE COMMITTEE

The Committee therefore recommends the following;

1. **THAT;** the Board should appoint an advisor with expected qualifications as proposed in the Senate Bill to act as an interim County Attorney, as they await the passing of the Bill, rather than have a gap in the position of a County Attorney.
2. **THAT;** upon completion of the Capacity Assessment and Rationalization Program, the County Public Service Board should **IMMEDIATELY**, confirm all interim staff without further delay, and submit a report of the same to the County Assembly.

10.0 ADOPTION OF REPORT

This report was adopted on **18th May, 2016**, by the following members;

IMPLEMENTATION COMMITTEE

<u>NAMES</u>	<u>SIGN</u>
1. Hon. Charles M. Karina - (Chairman)	
2. Hon. Esther Nyakio Munywoki - (Vice Chair)	
3. Hon. Anderson Muchemi	
4. Hon. Samson Kago Njoroge	
5. Hon. Cecilia Wanjiku Gitu	
6. Hon. Samuel Ndehi Mwangi	
7. Hon. Mary Watiri Kariuki	
8. Hon. John Kiarie Ngugi	
9. Hon. Julius Maina Kimani	