



## COUNTY ASSEMBLY OF MOMBASA

### OFFICIAL REPORT

Tuesday, 19<sup>th</sup> February, 2019

The House met at 2:40p.m.

*(The Speaker (Hon. Aharub Ebrahim Khatri) in the Chair)*

### PRAYERS

**The Speaker** (Hon. Khatri): Hon. Members we may be seated. Yes Clerk?

### MOTIONS

#### OPERATIONALIZATION OF PERFORMANCE CONTRACTING IN THE COUNTY GOVERNMENT

Yes Hon. Faith Mwende can you please move the Motion?

**Hon. Mwende:** Thank you Mr. Speaker for giving me this chance. Mr. Speaker I would like the House to pass the Motion on operationalization of performance contracting in the County government bearing in mind the County Government Act gives us mandate to approve all the appraisals which are made by the County Executive Members. Mr. Speaker...

*(Interruption)*

**The Speaker** (Hon. Khatri): Hon. Mwende you need to move the Motion first.

**Hon. Mwende:** I am sorry Mr. Speaker I thought I moved it on Thursday.

**The Speaker** (Hon. Khatri): No that was the Notice of Motion the one you did so this one you need to move the Motion first.

**Hon. Mwende:** Okay thank you. Mr. Speaker Sir I beg to move the following Motion:-

WHEREAS the County Government Act enshrines performance contracting in County Government in Kenya in Section 47;

WHEREAS the County government of Mombasa is therefore obligated to operationalize performance contracting as provided for in the law;

WHEREAS it has been observed that the performance of the departments and staff is not subjected thoroughly to performance contracting standards;

WHEREAS it is a matter of great concern that the failure to enforce the provisions on performance contracting is a serious and fragrant violation of the law and may in consequence thereof lead to losses in terms of man hours and development due to non-performance and under-performance;

Now therefore, be it RESOLVED by the County Assembly of Mombasa that all departments of the County government of Mombasa be subjected to performance contracting and all Chief Officers to sign performance contracts on behalf thereof.

Be it further RESOLVED that all Departments and staff in the County government of Mombasa be subjected to performance contracts and annual staff appraisal.

Be it further resolved that reports on performance contracts and annual performance appraisal be submitted by all departments to the County Assembly for consideration.

**The Speaker** (Hon. Khatri): Thank you Hon. Faith Mwende. Who is your seconder?

**Hon. Mwende:** Mr. Speaker I would urge Hon. Thoya to second the Motion.

**The Speaker** (Hon. Khatri): Yes Hon. Renson Thoya.

*(Hon. Renson Thoya bowed)*

**The Speaker** (Hon. Khatri): Thank you Hon. Renson Thoya. Yes Hon. Faith Mwende the floor is open.

**Hon. Mwende:** Mr. Speaker I would like the House to know that as per the Act the County Executive Committee is supposed to design a performance management plan to evaluate the performance of the County Public Service and the implementation of the County policies, whereas the plan should provide the following; one is objective, measurable and time bound and performance indicators.

Mr. Speaker also the County Government Act tells us that it should include the linkage to mandate annual report, citizen participation in the evaluation of the performance of the County government and public sharing of the performance progress report and therefore being tabled to the County Assembly.

Mr. Speaker as we can see in our County government the wage bill is too high and the productivity is not seen despite that, so it is high time we the legislatures to make the CECs work or perform as per the law. So Mr. Speaker I would urge the Whole House to pass this Motion so that we may see the productivity on the ground and also to appraise the workers who are hard working. Thank you Mr. Speaker.

*(The Speaker (Hon. Khatri) exited the Chair and Hon. Bwire assumed Chair)*

**The Temporary Speaker** (Hon. Bwire): Thank you Hon. Member. Honourable House I now put a question; I think I had already opened the floor and she had already started debating, I had not consulted over the same, am sorry for the misinterpretation.

Now Hon. Members the floor is open for the contribution from the Hon. Members over today's Motion; is the question contradicting or Members do not understand? Yes Hon. Mwamwiri.

**Hon. Athman Mwamwiri:** Ahsante Mheshimiwa Mwenyekiti. Mheshimiwa Mwenyekiti naunga mkono Mheshimiwa wa Kipevu ya kuiwajibisha serikali gatuzi hususan katika swala nyeti la uwajiri wa wafanyi kazi kuwajibikia majukumu yao. Wasiwasi wangu Mheshimiwa Mwenyekiti uko katika idara hiyo hiyo ya 47 sehemu ya pili (e) ambayo inashurutisha wananchi kuchangia na kutoa maoni yao katika ripoti ya utenda kazi kabla ya hayo mengine kuwajibikiwa.

Mheshimiwa Kaunti yetu ina uwoga, ama serikali gatuzi yetu ina uwoga kupeana nafasi kwa wananchi wetu kuchangia, na hili limekuwa likidhihiri katika maswala mengi tu ambayo yanahitaji maoni na uwajibikaji wa wananchi katika kutekeleza, sasa hapa kwa hili ni hoja nzuri, naiunga mkono lakini naiunga mkono lakini najua kipengele hiki Mheshimiwa Spika kitakwepwa, watu watakikwepa watekeleze yale wanayoyataka na kujiamulia pasi kupeana mwananchi wa kawaida nafasi yake. Na tunapozungumzia ugatuzi Mheshimiwa Mwenyekiti mamlaka yote na malengo na shabaha ya suala lilikua liko kwa wananchi lakini serikali pekee ambayo haithamini na kuheshimu mwananchi maoni yake ndio serikali yetu ya Kaunti ya Mombasa.

Mheshimiwa inasikitisha japo kunayo sheria iliopita katika Bunge hili inayozungumzia jinsi gani ya serikali ya Mombasa itatekeleza kama itaweka vikao vya kuchukua maoni ya wananchi lakini hata sheria hio Mheshimiwa Mwenyekiti naona haifuatwi ambayo inasema wazi ni kina nani watatekeleza hayo na ni wapi yatakapo tekelezwa lakini kwetu sisi Mheshimiwa kuna walakini. Kwa hivyo Mheshimiwa nakuomba kwa mamlaka ya Kiti chako tutakapopitisha hoja hii basi uhakikishe Bunge hili na heshima ya Kiti chako itasimama kidete kuhakikisha yametekelezwa haya makusudio katika hoja hii kama inavyostahiki na wala sio tu kuendeshwa kishkaji kishkaji, kiuujamaa ya kwamba ni nani anapewa pongezi na kupandishwa hadhi katika nyadhifa alionayo na wengine kuhudumu katika nafasi zile miaka nenda miaka rudi. Iko mifano hai Mheshimiwa Mwenyekiti kuna watu wamekuwa wakishikilia nyadhifa za utekelezaji...

*(Interruption)*

**The Temporary Speaker (Hon. Bwire):** Order Hon. Members!

**Hon. Athman Mwamwiri:** Kwa miaka mitatu bila kuhakikiwa nafasi zile kila ukimuendea anakwambia mimi ni *Acting Director*, kila ukimuendea anasema mimi sina mamlaka ni *Acting Deputy Director* kwa miaka na mikaka ambayo kwa mipangilio hii tunajua mtu anaweza kuwa *acting* kwa miezi miwili na kua *confirmed* ili Serikali Gatuzi na huduma kwa wananchi iweze kuwa barabara na kusonga mbele. Ahsante Mheshimiwa Spika.

**The Temporary Speaker (Hon. Bwire):** Hon. Kizito Opeya.

**Hon. Opeya:** Thank you Mr. Speaker. I also rise to support the Motion by Hon. Faith Mwende, I think performance contracts are something which are vital and it is also quite shocking that we have not introduced it in our County. It can be used, as our fellow Member said in gauging the promotions, those who get fair and unfair promotions and also giving morale to our workers. But if somebody is just in an office and there is nothing to gauge his performance, then how will we even know he has done well or not at the end of the year?

So this is a Motion I support and I think and the County must move fast and make sure that all the officers including even the County Executives not only the Chief Officers but also the County Executive must also sign this. Thank you.

*(Applause)*

**The Temporary Speaker** (Hon. Bwire): Thank you Hon. Member, yes Hon. Tobias?

**Hon. Samba:** Yes Hon. Speaker for giving me this opportunity. First Mr. Speaker I would raise a concern; can we be provided with drinking water? Okay as I contribute to the Motion I beg to support the Motion by Hon. Faith Mwendu from Kipevu.

Hon. Speaker as the world is now turning in running towards the digital generation everything should also face that direction. It is only in our County where we are almost perfecting the act, we are justifying the wrong and we are afraid to speak the truth. And Hon. Speaker it is only in our County where we are afraid of saying the truth and it is the truth that is turning to be the wrong and the wrong turning to be the right.

If you happen to go to these offices Hon. Speaker you will not find anybody who is answerable they will tell you that the directive is coming from above. Hon. Speaker the above directive seems to be into existence when President Moi was removed from power if you go to all these offices nobody is accountable, as a result of that you can even confirm to that as far as the bursary is concerned...

*(Interruption)*

**The Temporary Speaker** (Hon. Bwire): Hon. Member Mwamwiri is on a point of information are you ready to be informed Hon. Member?

**Hon. Samba:** Yes.

**Hon. Athman Mwamwiri:** I wish to inform him that Mzee Moi was not removed from power but he resigned so I should respect that he retired.

**The Temporary Speaker** (Hon. Bwire): You are also wrong, he retired.

**Hon. Samba:** Hon. Speaker I thought he was informing me on something that will benefit the House, he just wanted to interrupt me.

**The Temporary Speaker** (Hon. Bwire): Go on Hon. Member.

**Hon. Samba:** When the performance contract shall be reduced I think each and everybody will be responsible and as per that will; see the result of it we are a frustrated lot as MCAs as we have been subjected to a performance contract kind of that is after five years, if we do not perform we will have to go home, why can't it be applied not only to the Executives even to the last man standing because the bulk of the work force lies to the layman and if we can introduce the performance contract thing I think we will realize our dream. If we to go to Coast General Hospital it is pathetic but because of the performance contract the infrastructure is good, the facilities are there but the service is very poor and Honorable...

*(Interruption)*

**The Temporary Speaker** (Hon. Bwire): Hon. Members we have more than one Speaker, Hon. Samba is on floor kindly give him time to speak so many people are speaking out there.

**Hon. Samba:** Because when the Motion was introduced no one could understand the meaning so maybe others are still in darkness still digesting so Hon. Speaker I beg to move the Motion to that the County should adopt the system of performance. Thank you so much Hon. Speaker.

**The Temporary Speaker** (Hon. Bwire): Thank you. Yes Hon Nzai.

**Hon. Nzai:** Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii. Mimi Mheshimiwa Spika nasimama kupinga hoja hii kwa sababu zifuatazo; ugutuzi ni swala nyeti nchi nzima, vile vile tunasema kusoma ni kila siku lakini pia ni tuseme kwamba Mgala muue na pia haki yake mpe.

Tukianza nyuma toka ugutuzi ulipoanza Mheshimiwa Spika Bunge letu la kwanza lilifanya vizuri kwa kadri wa uwezo wao, Bunge hili la pili lilipoingia Mheshimiwa Spika Mawaziri pia waliochaguliwa wakagundua kuna kitu kimoja wenzi wao waliwatangulia walikisahau, kitu kilikuwa kinaitwa *Policy paper document*, *Policy paper* ni karatasi ambayo ina mwongozo wa kila kitengo wataanzia wapi shughuli zao na zikome wapi. Kitu hicho Mheshimiwa Spika kilikuwa bado hakijatiliwa mkazo lakini nashukuru Bunge hili na Mawaziri walioko wamekiangazia na saa hii tunaona kazi inaendelea kikweli.

Mheshimiwa Spika tukiangalia mfano wa upande wa uchukuzi leo kulingana na *policy paper* unakuta kila sehemu saa hii zimeanza kuangaziwa, kuguswa guswa ambayo ni mambo tunasema ni mwelekeo na pia hivi majuzi tukafungua mtandao uliokuwa pia unapoteza pesa nyingi za kuingia kwa Kaunti yetu ya Mombasa ili tupate uzalishaji mwingi wa huduma ukaitwa *E-parking*, hio nayo ni maendeleo ambayo saa hii tumeingia katika *digitalization*.

Mheshimiwa Spika inastahili tuone kwamba Wizara ile imetoka sehemu fulani na imepanda sehemu fulani; hivi leo pia tukija kwa Wizara ya Ardhi mimi sikupatikana katika hicho kitengo cha asubuhi kwa sababu Soroveya wote wa Kaunti wako kwangu Kadzandani ambao wanajulikana ni maskwota watupu na tumefanyiwa *survey* na hivi karibuni pia hati za ardhi zinatoka, inaashiria kwamba kazi zinafanyika Mheshimiwa Spika.

Tukija kwa ukulima juzi naona Kamati ilichukuliwa *retreat* na wakaenda fundishwa *policy document* ya ukulima ikiongea juu ya nini na itafanya kazi namna gani? Hayo ni maendeleo na ni utenda kazi unaendelea. Roma haikujengwa kwa siku moja na nina imani kwamba Kaunti yetu sasa ya Mombasa imeanza kuinuka mahali na tunaelekea mahali fulani. Ahsante Mheshimiwa Spika.

**The Temporary Speaker** (Hon. Bwire): Thank you Hon. Nzai, can we have gender balance?

(Silence)

Hon. Members. Yes Chief Whip?

**The Majority Chief Whip** (Hon. Kitula): Ahsante Mheshimiwa Spika ningependa kuchangia maana nimekuwa nikipitia kipengele ambacho Mheshimiwa wa Kipevu ambacho ameweza kukiangazia katika hoja yake siku hii ya leo cha 47.

Kusema kweli amekifafanua lakini kuna tatizo kulingana na kipengele hichi Mheshimiwa Spika kwa sababu sioni tofauti yeyote kulingana na hoja ambayo imekuja katika Nyumba hii kwamba watakaoweza kutengeneza ripoti hizi ni Mawaziri au vile vile na Katibu wao lakini kusema kweli sidhani kama kutakuwa na Waziri yeyote ambaye ataweza kuleta ripoti kuikashifu Idara yake.

Sasa sijaona mwelekeo mzuri kwa sababu haiwezekani Waziri kuleta ripoti kwa Nyumba hii kuikashifu kazi yake, hilo haliwezekani sasa sijajua kipengele hichi kitaangaziwa vipi na utekelezaji pia utaangaziwa vipi kuhakikisha kwamba idara hizi zimeweza kufanya kazi na vile vile wafanyi kazi wa umma wameweza kutekeleza kazi hizi maana mahala hapa tukiita wafanyi kazi wa umma tunaita yule ambaye ni mkuu zaidi, Waziri Mheshimiwa Spika. Ahsante sana Mheshimiwa Spika.

**The Temporary Speaker** (Hon. Bwire): Thank you Hon. Kitula. It seems Hon. Members you have exhausted your points...

*(Silence)*

Is anybody being locked out? Yes Hon. Ogutu?

**Hon. Ogutu:** Thank you Mr. Speaker. I just want to remind you that looking at the mood of the House and the essence of time I think you should call to reply.

**The Temporary Speaker** (Hon. Bwire): Hon. Member you are out of order!

*(Laughter)*

You are out of order Hon. Member. I therefore now call the Motion Mover to reply on her Motion. Hon. Faith?

**Hon. Mwende:** Ahsante sana Mheshimiwa Spika ningependa sana kushukuru Waheshimiwa kukubali Mswada niliouleta kwa sababu chenye tunataka ni utenda kazi na haki kwa wafanyi kazi wanaojituma zaidi kuhakikisha Kaunti yetu imeng'ara. Mheshimiwa Spika hapa si hoja na Wizara fulani ama Waziri kuja kusema Wizara yake haifanyi lakini ni kuleta *progressive report* kama naweza mjibu Mheshimiwa Kitula na pengine kwa sababu nitangulize kubadilisha kwa Kiswahili nafikiri saa hii umelewa na najua uko na Mwalimu wangu Samba atakueleza vizuri kukubadilishia Kiswahili.

Kwa hivyo nashukuru sana kwa hiyo, hivyo basi imefika muda wa sisi Waheshimiwa wa Bunge la Mombasa tuweze kuamka na tuweze kufanya watu ambao wanafanya kazi kwa Kaunti ya Mombasa wamewajibika kwa zile kazi ambayo wameajiriwa. Kwa hivyo naomba sote tuunge mkono huu Mswada na tuufuatilizie isiwe tu tumeleta na kuipitisha lakini hakuna jambo la kufanyiwa. Ahsante sana Mheshimiwa Spika.

**The Temporary Speaker** (Hon. Bwire): Thank you. Hon. Members I will therefore put a question that the Motion by Hon. Faith Mwende be adopted by this Honourable House in the same terms as moved ?

*(Motion negated)*

*(Applause)*

Clerk?

### ADJOURNMENT

There being no other business this House stands adjourned until 20<sup>th</sup> February, 2019 at 9:00a.m.

The House rose at 3:08p.m.