

**MOMBASA COUNTY ASSEMBLY  
HANSARD REPORT**

Wednesday, 8<sup>th</sup> March, 2017

The House met at 2:30pm.

*(Deputy Speaker (Hon. Mswabah Rashid) in the Chair)*

**PRAYERS**

**Deputy Speaker** (Hon. Mswabah Rashid): Members you may sit down. Yes Clerk?

**NOTICE OF MOTION**

Hon. Jimmy Khardati Odari?

**Hon. Odari:** Thank you Hon. Speaker.

*(Hon Jimmy Odari gave notice of Motion on referral of disciplinary matters to the County Public Service Board For determination)*

THAT AWARE that, disciplinary matters in the County government are dealt with at departmental level;

FURTHER AWARE that the human resource department in the County executive determines disciplinary issues without involving the County Public Service Board;

CONCERNED that the said departmental disciplinary committees may lack impartiality when it comes to the determination of employees matters;

I urge this Assembly to resolve that;

All disciplinary matters at the County government be referred to the County Public Service Board or the County Assembly Service Board as the case may be for determination in accordance with the labour laws.

*(Hon Odari moved)*

Thank you Hon. Speaker.

**Deputy Speaker** (Hon. Mswabah Rashid): Clerk?

**MOTION**

Hon. Hatimy?

**Hon. Mohamed Hatimy:** Thank you Mr. Speaker. Mr. Speaker Sir, I beg to table the following Motion;

*(Hon. Hatimy moved Motion on creation of proper records management system within the County)*

THAT AWARE that the County government has ten departments and the Assembly;

FURTHER AWARE that the document being produced and used within the County are government records which must be handled, stored and maintained in accordance with the government policies;

CONCERNED that the County has not developed guidelines on record keeping, guiding, planning, creation, control maintenance and use of records including disposal and hence the County continues to manage records without a policy which leads to mishandling, loss destruction and lack of confidentiality when handling records;

I urge this Assembly to **RESOLVE** that;

1. The County Secretary and the County Assembly Clerk to each constitute committees consisting of Heads of Departments to develop policies to guide record management;
2. The County Secretary/Clerk in developing the aforementioned policies to engage experts particularly from the National Archives to work with the Committee appointed to develop the policies. Thank you Mr. Speaker.

*(Hon Mohamed Hatimy tabled)*

**Deputy Speaker** (Hon. Mswabah Rashid): Secunder? Hon Hamisi Mwidani.

*(Hon Mwidani bowed)*

Members I now proposed the question, it has been proposed that the County creates proper records management system within the County. Yes Hon Hatimy.

**Hon. Mohamed Hatimy:** Mheshimiwa Spika, mada hii nimeleta mbele ya Nyumba hii ili Nyumba yetu iweze kuwa na nidhamu kuhusiana na mambo ambayo yanahusu stakabadhi za Bunge la Kaunti pamoja na Kaunti kwa jumla.

Mheshimiwa Spika utakuta kuwa stakabadhi zina zunguka kila pahali, kuwa hakuna kuweka kisiri wala hazihifadhiwi pahali ambapo panatakikana, kwa hivyo naomba Nyumba hii tuweze kuwahimiza hawa ma *Clerk* na *Secretary* kuhakikisha kuwa wamekuja na *policy* ya kuweza kuhakikisha kuwa haya makaratasi ya Kaunti yanahifadhiwa vile yanavyo takikana.

Mheshimiwa Spika kwa hivyo naomba Jumba hili tujaribu tuwe na mipangilio ya kuweza kuwa na stakabadhi zetu vyenye inatakikana.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes, Hon Odari...

**Hon. Odari:** Thank you Hon Speaker. Hon Speaker I wish to support this Motion whole heartedly, the Motion by Hon Hatimy on keeping of records is matter of vital mandatory bearing in mind that unless you have records you cannot be able to trace the issues of matters which have been deliberated in this House.

Unless you have records you cannot be able to remember and also to be able to make a follow up of matters that have been transacted in this House, matters that have been transacted by this government and so many other things, therefore it is very important for this government to consider and come up with a proper system of maintaining records so that to ensure that whatever we do can be kept for the present use and also for *posterity*.

Therefore Mr. Speaker I support this Motion a hundred per cent. Thank you Hon Speaker.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes, Hon Amur...

**Hon. Amur:** Thank you Mr. Speaker. Mr. Speaker I stand to support the Motion, the major problem that I have seen personally is the confidentiality of the information leaving almost every minute out of this House and records that are supposed to be of a very high confidentiality are exposed.

Unless we have proper regulations, people be accounted for, for those leakages Mr. Speaker and as we talked about policies you cannot hold a person responsible unless duties are allocated to each and every person but if such information leaks or a paper document gets off somebody's hand, we shall know who to name.

Mr. Speaker as we are the documents for this County government office Assembly you find it with a stranger; a stranger can show you a copy of a document that is a part of the government issue, that is with a stranger.

Mr. Speaker unless we bring people to be accountable these documents are the ones going out and then we are being challenged, so I think it is the right time people be given their duties so that if and any confidentiality issues goes out then we know who is responsible for that particular issue, thank you Mr. Speaker.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon Boma.

**Hon. Boma:** Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii mimi pia naunga mkono mia kwa mia hoja hii ambayo imeletwa na Mbunge maalum, Mheshimiwa Mohamed Hatimy.

Suala la kuweka *records* Mheshimiwa hili ni suala muhimu sana, nikiangalia mambo haya pia mimi mwenyewe yalinipata nilienda KRA huko kutafuta *compliance certificate* nikaambiwa kuwa mimi sijatuma *returns* ya kutoka 2013 mpaka 2014 nilirudi hapa mpaka kwa *HR* nikifika hapo wakaniambia wakati huo mimi sikuwa kwa ofisi hii ni balaa kabisa lau tungekuwa na *records* zetu tusingepata matatizo kama haya.

Kwa hivyo mimi naunga mkono mia kwa mia. Ahsante Mheshimiwa Spika.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon Hatimy can you to reply the Motion.

**Hon. Mohamed Hatimy:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika kama wanachama walivyosema na kuzungumza nafikiria ni kuifanya iwe sawa.

Kwa hiyo Mheshimiwa Spika mimi sina mengi ila ni kuifanya kama saa hizi Mheshimiwa tuko karibu kumaliza muhula wetu na kuna mambo mengi ya *clearance* yanatakikana kufanywa kwa kila kitengo.

Kwa hivyo nataka nitengeneze kuwa mtu au Mheshimiwa yoyote asipate tabu kuambiwa eti kitu fulani, kwa hivyo itakuwa ni jambo la busara kwa *Clerk* ajiandae na ofisa wake kuhakikisha kuwa kila kitu kiko pahali panapotakikana Mheshimiwa Spika. Ahsante sana Mheshimiwa.

**Deputy Speaker** (Hon. Mswabah Rashid): Thank you Hon Hatimy, Members let there being no further debate I am left with no opportunity but to put the question to the Motion.

Members as many as of the opinion that the Motion in title creation of proper records management system within the County by Hon Hatimy is passed as it is.

*(Question put and agreed to)*

Yes Clerk.

### **ADJOURNMENT**

Thank you very much. Members this House is adjourned till tomorrow afternoon.

The House rose at 2:58pm.