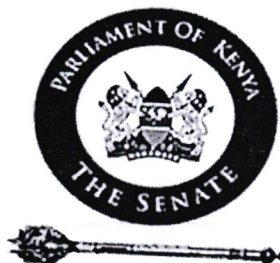


Annex 1:

***Minutes of the Standing Committee on
Devolution and Intergovernmental Relations***



**MINUTES OF THE HUNDRED AND SIXTY-NINTH SITTING (169TH)
SITTING OF THE SENATE STANDING COMMITTEE ON DEVOLUTION
AND INTERGOVERNMENTAL RELATIONS HELD ON MONDAY, 12TH
MAY, 2025, AT 10.00 A.M. AT COMMITTEE ROOM 4, FIRST FLOOR,
BUNGE TOWER AND ON THE ZOOM ONLINE PLATFORM**

PRESENT

- | | |
|---|--------------------|
| 1. Sen. Sheikh Mohamed Abass, CBS, MP | - Chairperson |
| 2. Sen. Catherine Mumma, MP | - Vice-Chairperson |
| 3. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member |
| 4. Sen (Dr.) Oburu Oginga, MGH, MP | - Member |
| 5. Sen. Richard Onyonka, EBS, MP | - Member |
| 6. Sen. Paul Karungo Thangwa, CBS, MP | - Member |
| 7. Sen. Hezema Lemaletian, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--------------------------------|----------|
| 1. Sen. Peris Tobiko, CBS, MP | - Member |
| 2. Sen. Mohamed Said Chute, MP | -Member |

SECRETARIAT

- | | |
|---------------------------|---|
| 1. Ms. Sylvia Nasambu | - Clerk Assistant I |
| 2. Mr. Desmond Rasugu | - Clerk Assistant III (taking minutes) |
| 3. Ms. Amran Mursal | - Research Officer III |
| 4. Mr. Angela Kagunyi | - Legal Counsel II |
| 5. Ms. Mwanamisi Mwachasi | - Research Officer III |
| 6. Mr. Stanley Gikore | - Media Relations Officer III |
| 7. Mr. Elijah Ichwara | - Audio Officer III |
| 8. Ms. Julia Gachoki | - Serjeant-at-arms |

MIN/SEN/DEVIR/861/2025

PRAYER

The meeting was called to order at 10:20 a.m by the Chairperson, followed by a word of prayer by Ms. Sylvia Nasambu.

MIN/SEN/DEVIR/862/2025:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted as presented after being proposed by Sen. Richard Onyonka, EBS, MP and seconded by Sen. Karungo Thangwa, CBS, MP, as follows -

1. Prayer;
2. Adoption of the agenda;
3. Confirmation of the Minutes of the previous Sittings (3 sets);
4. Consideration of matters arising from the Minutes;
5. Consideration and adoption of the report of the Committee on the inquiry into the state of governance in the County Government of Garissa;
6. Any other Business; and
7. Date of the Next Meeting and Adjournment.

MIN/SEN/DEVIR/863/2025:

**CONFIRMATION OF THE MINUTES
OF THE PREVIOUS MEETINGS**

- a) The minutes of the one hundred and sixty-fourth sitting held on Friday, 2nd May, 2025 at 10.00 a.m were confirmed as a true record of the proceedings after being proposed by Sen. (Prof.) Margaret Kamar, EGH, MP and seconded by Sen. Karungo Thangwa, CBS, MP;
- b) The minutes of the one hundred and sixty-fifth sitting held on Friday, 2nd May, 2025 at 12.00 p.m were confirmed as a true record of the proceedings after being proposed by Sen. (Prof.) Margaret Kamar, EGH, MP and seconded by Sen. Karungo Thangwa, CBS, MP; and
- c) The minutes of the one hundred and sixty-sixth sitting held on Monday, 5th May, 2025 were confirmed as a true record of the proceedings after being proposed by Sen. (Dr.) Oburu Oginga, MGH, MP and seconded by Sen. Richard Onyonka, EBS, MP.

MIN/SEN/DEVIR/864/2025:

**CONSIDERATION OF MATTERS ARISING
FROM THE MINUTES**

There were no matters arising from the minutes that were confirmed.

MIN/SEN/DEVIR/865/2025:

**CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE
ON THE INQUIRY INTO THE STATE OF GOVERNANCE IN THE COUNTY
GOVERNMENT OF GARISSA.**

The Committee considered its draft report of the above-mentioned inquiry arising from a Statement sought by Sen. Abdul Haji, CBS, MP. Upon deliberations the Committee resolved to adopt the report with minor amendments.

MIN/SEN/DEVIR/86/2025

ANY OTHER BUSINESS

Visit to Nyamira and Garissa Counties

- a) The Committee resolved to hold a visit to Nyamira County on Friday, 23rd May, 2025 to meet with various stakeholders on its ongoing investigations on the leadership and operational crisis affecting the County Assembly of Nyamira; and
- b) The Committee resolved to carry out an oversight visit to Garissa County for inspection of various development projects being implemented by the County Government of Garissa. It was proposed that the visit takes place during the next recess period commencing 13th June, 2025.

Foreign travel activity

The Members deliberated on the foreign travel activity to be carried out by the Committee with the outstanding Committee budget for the FY 2024/2025 and resolved that four members and one officer be facilitated to participate. The following members were proposed to participate –

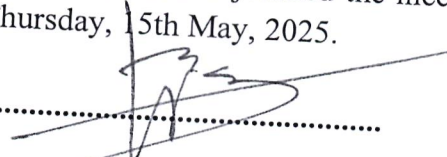
- | | |
|-------------------------------------|---------------|
| 1. Sen. Mohamed Abass, CBS | - Chairperson |
| 2. Sen. (Prof.) Margaret Kamar, EGH | - Member |
| 3. Sen. (Dr.) Oburu Oginga, MGH | - Member |
| 4. Sen. Richard Onyonka, EBS | - Member. |

It was further resolved that the travel destination be **Zanzibar**.

MIN/SEN/DEVIR/867/2025

**ADJOURNMENT AND DATE OF NEXT
MEETING**

The acting Chairperson adjourned the meeting at 11:20 a.m. The next meeting to be held on Thursday, 15th May, 2025.

SIGNED.....

DATE.....13/05/25

**SEN. SHEIKH MOHAMED ABASS, CBS, MP,
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.**



**MINUTES OF THE HUNDREDTH AND TWENTY-SECOND SITTING OF
THE SENATE STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS HELD ON THURSDAY, 18TH JULY,
2024, AT 10.00 AM AT COMMITTEE ROOM 3, FIRST FLOOR, BUNGE
TOWER.**

PRESENT

- | | |
|--|--------------------|
| 1. Sen. Sheikh Mohamed Abass, MP | - Chairperson |
| 2. Sen. Catherine Muyeka Mumma, MP | - Vice-Chairperson |
| 3. Sen. (Dr.) Oburu Oginga, MGH, MP | - Member |
| 4. Sen. Richard Momoima Onyonka, EBS, MP | - Member |
| 5. Sen. Peris Tobiko, CBS, MP | - Member |
| 6. Sen. George Mbugua, MP | - Member |
| 7. Sen. Hezena Lemaletian, MP | - Member |
| 8. Sen. David Wafula Wakoli, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|------------------------|----------|
| Sen. Mohamed Chute, MP | - Member |
|------------------------|----------|

IN ATTENDANCE

- | | |
|-------------------------|--|
| 1. Sen. Abdul Haji, MP, | - Senator, Garissa County |
| 2. Abdirazak Shafat | - Acting Chair, County Public Service Board |
| 3. Mr. Rakia Ibrahim | - CEO/Secretary |
| 4. Hassan Bare Abdi | - Deputy Director of Board Services, Garissa |
| 5. Ms. Europe Sahal | - Former Chairperson, Garissa CPSB |
| 6. Mr. Mohamed Abdi | - Former CEO/Secretary Garissa CPSB |

SECRETARIAT

- | | |
|---------------------------|--|
| 1. Ms. Sylvia Nasambu | - Clerk Assistant I |
| 2. Mr. Desmond Rasugu | - Clerk Assistant III (taking minutes) |
| 3. Mr. Walters Omondi | - Legal Counsel II |
| 4. Ms. Mwanamisi Mwachasi | - Research Officer III |
| 5. Ms. Amran Yunis | - Fiscal Analyst I |

- | | |
|----------------------------|---------------------------------|
| 6. Ms. Lucianne Limo | - Media Relations Officer |
| 7. Ms. Celestine Jepkosgey | - Public Communications Officer |
| 8. Mr. David Barasa | - Serjeant-At-Arms |
| 9. Mr. Johnstone Simiyu | - Audio officer |

MIN/SEN/DEVIR/604/2024:

PRAYER

The meeting was called to order at 10:15 am by the Chairperson followed by a word of prayer by Ms. Sylvia Nasmbu. Thereafter, there was a round of introductions by all those who were present.

MIN/SEN/DEVIR/605/2024

ADOPTION OF AGENDA

The Agenda of the meeting was adopted as presented after being proposed by Sen. George Mbugua, MP and seconded by Sen. Catherine Mumma, MP as follows –

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with the Garissa County Public Service Board to deliberate on the Statement sought by Sen. Abdul Haji, MP, regarding the state of governance in Garissa County;
4. Any other Business; and
5. Date of the Next Meeting and Adjournment.

MIN/SEN/DEVIR/606/2024

MEETING WITH THE GARISSA COUNTY PUBLIC SERVICE BOARD TO DELIBERATE ON THE STATEMENT SOUGHT BY SEN. ABDUL HAJI, MP, REGARDING THE STATE OF GOVERNANCE IN GARISSA COUNTY.

The Chairperson of the Committee invited the Chairperson of the Garissa County Public Service Board to submit his responses on the issues the Committee had raised concerning the Human Resource composition and management in the County Government of Garissa.

The Chairperson and Secretary to the Board submitted as follows-

1. that the Board received a request from the County Secretary and head of County Public Service to recruit county chief officers on the 2nd of January, 2024 which was subsequently approved by the Board on the 11th of January and the advert was placed in the local newspaper on the 12th of January, 2024.
2. that the Secretary to the Board was appointed on 9th February, 2024 and immediately embarked on the recruitment of Chief Officers. The recommended candidates for the positions were submitted to the Governor on the 28th of April, 2024 for nomination and appointment with the approval of the County Assembly. The newly appointed county chief officers were sworn into Office on 2nd July, 2024;

3. that the County Public Service Board in 2014 domesticated the Public Service Commission Human Resource Policy and Procedures of 2006. The Board developed the Garissa County Human Resource Policy in 2018. The County has no formal staff establishment in place. The Board tried to develop one during the FY 2021/2022 but this was not achieved due to non-cooperation by the departments and budgetary constraints. However, the Board in its meeting on 20th May 2024, approved the need to have an establishment for the County in the FY 2024/2025. Communication in the form of a circular to the Departments was made on 17 June, 2024;
4. that the County uses two payroll management systems; the Integrated Payroll and Personnel Data System (IPPD) and manual payroll system for casual employees. The current wage bill of the workforce as at 30th June, 2024 is three hundred and seventeen million, nine hundred and sixty-four thousand, two hundred and thirty-five shillings (317,964,235) which translates into 46% of the annual allocation;
5. that the financial architecture of the County places the Board in a situation where it largely like any other department relies on the county treasury to process payments which sometimes may not be fully realized. This creates a persistent funding problem experienced by the Board. As a result, a lot of the plans by the Board, have been shelved including the development of a strategic plan, staff establishments, office expansion, office equipment, furniture and fitting among other pressing demands;

The former chairperson of the Board submitted as follows –

6. informed the Committee that the Board in September, 2023 issued an advisory to the Governor advising him to initiate the process of the recruitment of County Chief Officers, however, the Governor disregarded the advise;
7. that in September 2023, the Board issued an advisory to the Governor on the need to regularize the staff in the office of the Governor including the Chief of Staff, three advisors to the Governor, Director of Governor's Press Service, Support staff including the Personal Assistant, Personal Secretary, Cook, Messenger, and gardener.;
8. In the advisory, the Governor was requested to send to the Board the details and qualifications of the appointees for regularization. However, the Governor never did the same;
9. That the Board on several occasions requested for information from the County payroll department but the department never complied;
10. Concluded by stating that the Board has made every attempt to ensure it fulfills its mandate which includes collaboration with the County Executive to ensure smooth functioning of the county public service and dismissed the submission

by the Governor that the Executive was facing hostility from the Board which made their working relationship strained; and

11. The former chairperson of the Board reported that the County government of Garissa had not paid her retirement gratuities despite leaving office in September, 2023 and argued that this was deliberately being done by the County because of the strained relationship with the Governor. She thus requested that the Committee help her to get paid the said benefits by the County government.

Resolutions

1. The County Public Service Board to submit to the committee a full report of the human resource establishment in the County before 30th September, 2024;
2. The County Public Service Board to submit the human resource policy of the County to the Committee immediately; and
3. The County Public Service Board to submit all evidence of the Board's advisory to the Governor on matters regarding human resource management, wage bill management, and advisors to the office of the Governor.

MIN/SEN/DEVIR/607//2024

There was no any other Business.

ANY OTHER BUSINESS

MIN/SEN/DEVIR/608/2024

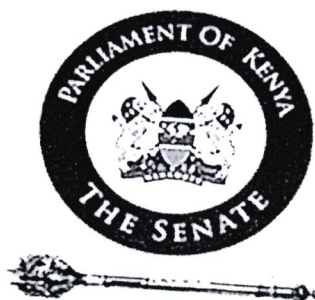
DATE OF NEXT MEETING AND ADJOURNMENT

The Chairperson adjourned the meeting at 12:48 pm. The next meeting to be held on Monday, 22nd July, 2024.

SIGNED.....

DATE.....19/09/2024.

SEN. SHEIKH MOHAMED ABASS, M.P
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.



**MINUTES OF THE HUNDREDTH AND SIXTEENTH SITTING OF THE
SENATE STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS HELD ON TUESDAY, 28TH MAY,
2024, AT 12.00 PM AT COMMITTEE ROOM 5, MAIN PARLIAMENT
BUILDINGS.**

PRESENT

- | | |
|-------------------------------------|--------------------|
| 1. Sen. Sheikh Mohamed Abass, MP | - Chairperson |
| 2. Sen. Catherine Muyeka Mumma, MP | - Vice-Chairperson |
| 3. Sen. (Dr.) Oburu Oginga, MGH, MP | - Member |
| 4. Sen. Mohamed Chute, MP | - Member |
| 5. Sen. Hezena Lemaletian, MP | - Member |
| 6. Sen. David Wafula Wakoli, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--|----------|
| 1. Sen. Richard Momoima Onyonka, EBS, MP | - Member |
| 2. Sen. Peris Pesi Tobiko, CBS, MP | - Member |
| 3. Sen. George Mungai Mbugua, MP | - Member |

IN ATTENDANCE

- | | |
|---------------------------------------|---|
| 1. FCPA (Dr.) Magaret Nyakang'o, CBS, | - Controller of Budget |
| 2. Amb. Anthony Muchiri, CBS, | - Chairperson, Public Service
Commission |
| 3. Dr. Bwari Mulie | - Director Planning, COB |
| 4. CPA Theodora Ochichi | - PA, COB & Principal Fiscal Analyst |
| 5. Ms. Jacckine Manani | - Director Legal Services |
| 6. Mr. Bazil Omondi | - Legal Clerk PSC |
| 7. Mr. Remmy Mulati | - Ag. CEO PSC |
| 8. Mr. Mustafa Ibrahim | - Deputy Director, PSC |

SECRETARIAT

1. Mr. Ahmed Odhowa
2. Ms. Sylvia Nasambu
3. Mr. Desmond Rasugu
4. Mr. Walters Omondi
5. Ms. Mwanamisi Mwachasi
6. Ms. Lucianne Limo
7. Ms. Celestine Jepkosgey
8. Mr. David Barasa
9. Mr. Johnstone Simiyu

- Principal Clerk Assistant II
- Clerk Assistant I
- Clerk Assistant III (**taking minutes**)
- Legal Counsel II
- Research Officer III
- Media Relations Officer
- Public Communications officer
- Serjeant-at-arms
- Audio Officer III

MIN/SEN/DEVIR/578/2024:

PRAYER

The meeting was called to order at 12:20 am by the Chairperson followed by a word of prayer by Ms. Sylvia Nasambu. Thereafter, there was a round of introductions by all those who were present.

MIN/SEN/DEVIR/579/2024

ADOPTION OF THE AGENDA

The Agenda of the meeting was adopted as presented after being proposed by Sen. David Wakoli, MP and seconded by Sen. Catherine Mumma, MP, as follows –

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with the Chairperson of the Public Service Commission and the Controller of Budget to deliberate on matters regarding the Human Resource composition and management by the County Government of Garissa;
4. Any other Business; and
5. Date of the Next Meeting and Adjournment.

MIN/SEN/DEVIR/580/2024

MEETING WITH THE CHAIRPERSON OF THE PUBLIC SERVICE COMMISSION AND THE CONTROLLER OF BUDGET TO DELIBERATE ON MATTERS REGARDING THE HUMAN RESOURCE COMPOSITION AND MANAGEMENT BY THE COUNTY GOVERNMENT OF GARISSA.

The Chairperson in his opening remarks informed the meeting that the Committee was considering a request for a Statement by Sen. Abdul Haji, MP on the State of Governance in Garissa County in which the Committee was requested to –

- a) investigate the reasons why Garissa County had not appointed any County Chief Officers since August 2022;
- b) find out the reasons for the delay in the appointment of those officers; and

- c) disclose individuals liaising with the County Executive Committee members in the administration of county departments, undertaking the duties and responsibilities of the Chief Officers in Garissa County from August 2022 to date.

The Chairperson further briefed the meeting that at a sitting of the Committee with the Governor of Garissa County, where the matter was discussed, the Governor brought to the attention of the Committee various matters that led to the resolution of inviting the Controller of Budget and the Chairperson of the Public Service Commission to appear before the Committee. He then invited the Controller of Budget to make her submissions to the Committee regarding the matter.

The Controller of Budget in her responses-

- a) presented a summary of the Budget Performance of the County Government of Garissa from FY 2020/21 To FY 2023/24. It was noted that the total County budget for FY 2023/24 was at Ksh. 10, 756,840,770/-. In the first nine months of the FY, the County reported a wage bill expenditure of Ksh. 2,699, 782,558/- which translated to 47.1 per cent of the available revenue. This is above the limit of 35 per cent in Regulation 25 of PFMA;
- b) provided a list of 12 Accounting Officers of Garissa County Executive and their sample signatures. The list was submitted by the County Executive on 24th May, 2024 following a circular from her office to all Counties on 30th April requesting for the same. It was noted that the list had one extra name from the list that was submitted by the Governor; and
- c) recommended that the County should fast-track the acquisition of Unified Personnel Numbers for their staff. That the County Public Service Board should regulate staff engagement on contract and casual workers as provided under Section 74 of the County Governments Act 2012.

The Chairperson of the Public Service Commission in his submissions-

- a) presented a background of the role the Commission played in the human resource audit in Garissa County where he stated that the Employment and Labour Relations Court directed the Commission to undertake the human resource audit in respect to the dispute that was before it i.e constitutional petition No. E205 of 2022 between the aggrieved employees of the county government of Garissa and the county government of Garissa. He further explained the methodology used by the Commission to conduct the audit, the stakeholders they held meetings with and gave a summary of the key findings from the audit;
- b) took the Committee through the observations made in the exercise and concluded that nine hundred and nineteen (919) persons whose files were reviewed by the Commission were not lawfully employed by the County Government as there were no documents to support their alleged appointment as required by the

County Governments ACT, 2012 and the Garissa County Human Resource Manual;

- c) the Court adopted the Commission's report which was protested by the petitioners and other aggrieved employees who have since filed an application for stay in the Court of Appeal at Nairobi in which the Commission has been named as an interested party; and
- d) stated that the Commission's role in regard to County Public Service is only to hear and determine appeals in respect of county governments' public service as provided for in article 234(1)(i) of the Constitution.

Resolutions

It was resolved that the Controller of Budget submits to the Committee-

- a) documents outlining all requisitions made by the Garissa County Executive from August, 2022 to date, providing a list of the names of the accounting officers responsible for each of the departments making the requisitions;
- b) copies of letters submitted to the office of the Controller of Budget by the Garissa County Executive designating accounting officers for each county government entity from August, 2022 to date;
- c) a copy of the circular dated 30th April, 2024, issued by the Controller of Budget County Governments requesting for the submission of names and signatures of County accounting officers;
- d) details of all commercial bank accounts held by the Garissa County Executive;
- e) the names and designations of officers who have been signing the financial statements for the respective county departments of the Garissa County Executive from August, 2022 to date;
- f) the total funds disbursed to the Garissa County Executive from August, 2022 to date; and
- g) the total personnel emoluments processed by the Garissa County Executive for Financial Year 2022/2023 and Financial Year 2023/2024, stating the total amount processed in each financial year through the manual payroll.

MIN/SEN/DEVIR/581/2024

ANY OTHER BUSINESS

The Controller of Budget brought to the attention of the Committee that County Governments are operating several commercial bank accounts contrary to regulation 82(1)(b) of the Public Finance Management (County Governments) Regulations, 2015 which requires that all county government bank accounts must be opened and maintained at the Central Bank of Kenya, except for imprest bank accounts for petty cash. This she reported makes it difficult for her office to track government spending and pointed out that the accounts are prone to abuse.

Upon deliberation, the Committee resolved to invite the Governors of the five counties with the highest number of commercial accounts to appear before the Committee for deliberation of the matter.

MIN/SEN/DEVIR/582/2024

DATE OF NEXT MEETING AND
ADJOURNMENT

The Chairperson adjourned the meeting at 2:29 pm. The next meeting to be held on notice.

SIGNED.....

DATE.....6/09/24

SEN. SHEIKH MOHAMED ABASS, M.P
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.



**MINUTES OF THE HUNDREDTH AND ELEVENTH SITTING OF THE
SENATE STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS HELD ON THURSDAY, 16TH MAY,
2024, AT 10.00 AM IN COMMITTEE ROOM 12, MAIN PARLIAMENT
BUILDINGS, AND ON THE ZOOM ONLINE PLATFORM.**

PRESENT

- | | |
|--|--------------------|
| 1. Sen. Sheikh Mohamed Abass, MP | - Chairperson |
| 2. Sen. Catherine Muyeka Mumma, MP | - Vice-Chairperson |
| 3. Sen. Richard Momoima Onyonka, EBS, MP | - Member |
| 4. Sen. Peris Pesi Tobiko, CBS, MP | - Member |
| 5. Sen. Mohamed Chute, MP | - Member |
| 6. Sen. David Wafula Wakoli, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|-------------------------------------|----------|
| 1. Sen. (Dr.) Oburu Oginga, MGH, MP | - Member |
| 2. Sen. George Mungai Mbugua, MP | - Member |
| 3. Sen. Hezena Lemaletian, MP | - Member |

IN ATTENDANCE

- | | |
|--------------------------------|------------------------------------|
| 1. Hon. Abdul Haji, MP | - Senator, Garissa County |
| 2. Hon. Samson Cherarkey, MP | - Senator, Nandi County |
| 3. Hon. Nathif Adam Jama, EGH, | - Governor, Garissa County |
| 4. Mr. Mohamed Mursal, | - County Secretary, Garissa County |
| 5. Mr. Abass Ismail, | - CECM Finance, Garissa County |
| 6. Ms. Khadija Mohamad, | - County Attorney, Garissa County |
| 7. CPA Abdi Ali Nuriye, | - Director Accounting, Garisa |
| 8. Ms. Farhiya Ali Abdi, | - Director Liaison, Garissa County |
| 9. Mr. Abdullahi Mohamed Gedi, | - Director Administration, Garissa |

SECRETARIAT

1. Mr. Ahmed Odhwa
2. Ms. Sylvia Nasambu
3. Mr. Desmond Rasugu
4. Mr. Walters Omondi
5. Ms. Amran Mursal
6. Ms. Mwanamisi Mwachasi
7. Mr. David Barasa
8. Mr. Johnstone Simiyu

- Principal Clerk Assistant II
- Clerk Assistant I
- Clerk Assistant III (**taking minutes**)
- Legal Counsel II
- Fiscal Analyst I
- Research Officer III
- Serjeant-at-arms
- Audio Officer III

MIN/SEN/DEVIR/562/2024:

PRAYER

The meeting was called to order at 10:29 am by the Chairperson followed by a word of prayer by Ms. Sylvia Nasambu. Thereafter, there was a round of introductions by all those who were present

MIN/SEN/DEVIR/563/2024

ADOPTION OF THE AGENDA

The Agenda of the meeting was adopted as presented after being proposed by Sen. David Wakoli, MP, and seconded by Sen. Peris Tobiko, CBS, MP, as follows -

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with the Governor of Garissa County to deliberate on a Statement sought by Sen. Abdul Haji, MP, concerning the state of governance in the County Government of Garissa;
4. Any other Business; and
5. Date of the Next Meeting and Adjournment.

MIN/SEN/DEVIR/564/2024

MEETING WITH THE GOVERNOR OF GARISSA COUNTY TO DELIBERATE ON A STATEMENT SOUGHT BY SEN. ABDUL HAJI, MP, CONCERNING THE STATE OF GOVERNANCE IN THE COUNTY GOVERNMENT OF GARISSA

1. The Chairperson welcomed the Governor to the meeting and stated that the Committee had received a request for a Statement from the Senator for Garissa County regarding the status of Governance in the county Government of Garissa in which he requested the Committee to -
 - a) Elucidate on the reasons why Garissa county has not appointed any county chief officers since August, 2022, giving reasons for the delay in the appointment of these officers;

- b) State how funds disbursed from the National Treasury are being accounted for in the absence of county chief officers;
 - c) Disclose individuals liaising with the county executive committee members in the administration of county departments, undertaking the duties and responsibilities of the chief officers in Garissa county from August 2022 to date; and
 - d) Apprise the Senate on how the county government of Garissa is functioning without an appointed accounting officer.
2. The Chairperson then invited the Governor to respond to the above-raised issues, who submitted as follows –
- a) Upon taking over as the Governor in September 2022, his first task was to investigate the exorbitant amounts of money paid as salaries and to tame the ballooning wage bill that exceeded the legal limit. He thus started by seeking information from the County Public Service Board regarding the state of Human Resource in the County but unfortunately, the Board ignored to respond to the information sought. Consequently, he formally engaged the State Department for Public Service to undertake a Human Resource Audit of the County;
 - b) The State Department sent a team to the County who conducted a human resource verification audit and produced a report that unearthed gross violations in the management of the County Human Resource. Thereafter, the County government implemented the recommendations given including but not limited stoppage of salaries and benefits for all officers who were not regularly appointed;
 - c) Following the County's implementation of the recommendations of the report, the aggrieved employees filed a petition in court seeking to be reinstated. The court thereafter directed the matter to the Public Service Commission to carry out an independent verification exercise of the aggrieved employees. The Commission undertook the exercise and forwarded its findings to the Court on 25th September 2024;
 - d) Among the observations made by the Public Service Commission was that there is a strained working relationship between the County Executive and the County Public Service Board which adversely affects the management of human resource;
 - e) Since it is the mandate of the County Public Service Board to advertise and recruit chief officers, the Governor could not task the same board cited by the court and the Public Service Commission for want of integrity to undertake the recruitment. He explained this as the reason why he had not appointed the chief officers;
 - f) He presented a list of eleven (11) names of the officers undertaking the duties and responsibilities of Chief Officers. They are: one (1) Chief officer for

Finance, nine (9) Directors for various Departments and one manager (1) administering Garissa Municipality;

- g) He concluded by stating that to ensure the effective discharge of its functions, the County Executive passed a resolution allowing the CECM Finance Economic Planning to appoint existing officials as accounting officers. The officials, he stated, are critical in ensuring that public resources are aptly utilized and accounted for.

3. The committee interrogated the Governor on his submissions and made the following observations –

- a) That the Governor was having a strenuous co-existence with the County Public Service Board in Garissa that he alleges caused his non-compliance with Section 45 of the County Government's Act which provides for the appointment County Chief Officers;
- b) That the Governor relied on a court case that barred the employment of officers in the County Government until the issue of poor relations between the County Public Service Board and the County Executive was resolved. That notwithstanding, the Committee observed that this should not have not precluded the Governor from appointing Chief Officers;
- c) That the Governor in violation of the law and contravention to the provisions of Article 181 of the Constitution of Kenya was utilizing Directors of the sectoral departments as Accounting Officers, to perform the functions of Chief Officers and act as accounting officers;
- d) That there is a huge lacuna in the law, resulting from the ambiguity of Section 148 of the Public Finance Management Act, which provides that the County Executive Committee Member of Finance shall have the discretion to delegate the role of Accounting Officer to any qualified persons, and not specifically the Chief Officer. Further, Section 45 of the County Government's Act in turn provides for the appointment of the Chief Officer and only states that they shall be responsible to the CECM for administration and that the Chief Officer shall be the authorized Officer in respect of exercise of delegated power. The Committee observed that this lacuna lends itself to the severe mischief that has been perpetrated in the governance structure of Garissa County; and
- e) That there seem to be some irregularities in the credentials of the officers hired to serve the County Executive, and the manner in which these officers were appointed, considering that the County Public Service Board is not operational in light of a verification and audit exercise that was ordered by the Court.

Resolutions

From the foregoing, the Committee resolved as follows:

1. To the following Stakeholders in order to investigate the matter further:
 - a) The Controller of Budget;
 - b) Public Service Commission;
 - c) The State Department for Public Service;
 - d) The County Public Service Board; and
 - e) The Former Chairperson of the County Public Service Board.
2. That the Governor should furnish the following additional information:
 - a) A list of the County Staff, the staff establishment in existence and their cadres; and
 - b) Clarification on the credentials of CECMs and the current designated accounting officers, together with their letters of appointment.

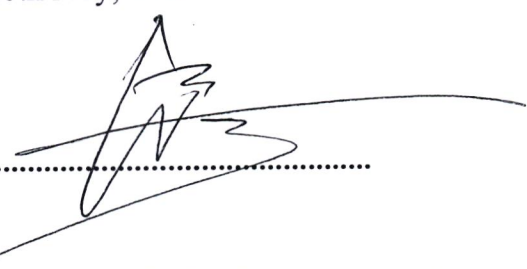
MIN/SEN/DEVIR/565/2024 **ANY OTHER BUSINESS**

There was no any other Business.

MIN/SEN/DEVIR/566/2024

**DATE OF NEXT MEETING AND
ADJOURNMENT**

The Chairperson adjourned the meeting at 1:45 pm. The next meeting to be held on Monday, 20th May, 2024.

SIGNED.....

DATE.....29/05/2024.

SEN. SHEIKH MOHAMED ABASS, M.P
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.