

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

SECOND ASSEMBLY-FOURTH SESSION

NCCA/T&J/2020 / (40)

8<sup>th</sup> July, 2020

PAPER LAID

Pursuant to Section 19 of the County Assembly Service Act, 2017, I beg to lay the following Paper on the Table of the Assembly, today Wednesday, 8<sup>th</sup> July, 2020.

THE ADDENDUM TO THE ANNUAL REPORT OF THE NAIROBI CITY COUNTY ASSEMBLY SERVICE BOARD FOR FY 2019/2020.

*(Member of the Board)*

Copies to:  
The Speaker  
The Clerk  
Hansard Editor  
Hansard Reporters  
The Press

*paper laid before  
the Assembly  
by the Majority  
Whip on  
08/07/2020  
Yutung  
08/07/2020*

*Approved  
J. B. G. G.  
8/7/2020*



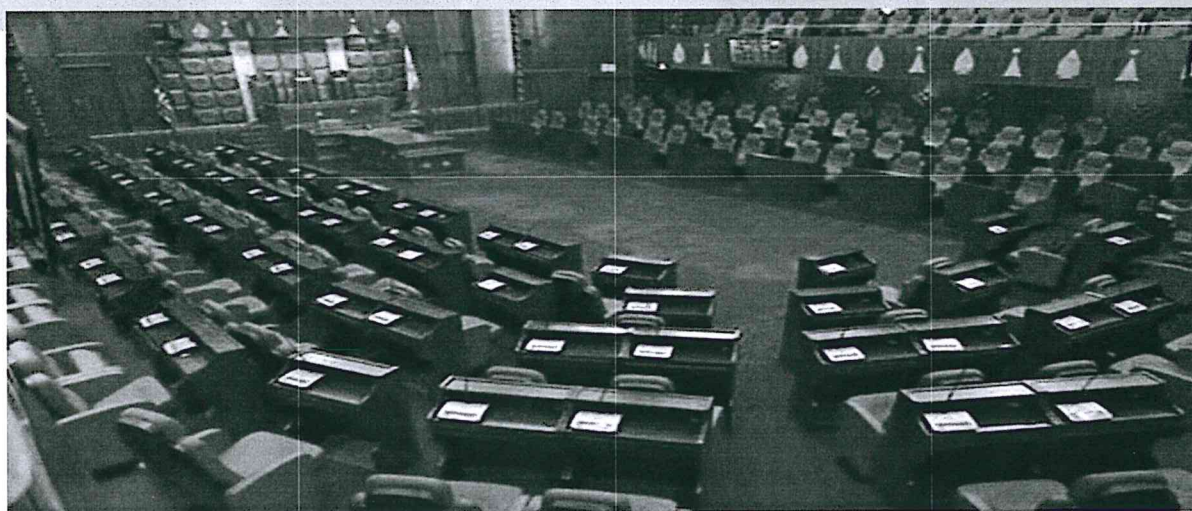
COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY SERVICE BOARD

## CASB ANNUAL REPORT FOR THE FINANCIAL YEAR 2019-2020

# [ADDENDUM]



Clerk's Chambers  
City Hall Buildings  
NAIROBI

JULY, 2020

A handwritten signature in blue ink, appearing to read 'B. Alani'.



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## 1.0. FORWARD BY THE SPEAKER OF THE COUNTY ASSEMBLY/CHAIRPERSON OF THE COUNTY ASSEMBLY SERVICE BOARD (CASB)

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The Annual Report of the County Assembly Service Board is prepared in accordance with Section 36 of the County Assembly Services Act, 2017. On 2<sup>nd</sup> June, 2020, the Service Board tabled its Annual Report for the the period July 2019 to the time of 2<sup>nd</sup> June, 2020. However, there are significant actions and decisions that have been undertaken by the Board before the conclusion of the Financial Year 2019/2020 which were not factored in the earlier report that require the noting of the County Assembly. These decisions relates to the operations of the Office of the Clerk and the re-alignment of the Assembly Service.

With respect to the Office of the Clerk, the Service Board was decreed by the Employment and Labour Relations Court to regularize the employment of the Clerk due to the centrality of the said Office in the operations of the Assembly. To this end, the Service Board has already commenced the regularization process by placing an advert in the local dailies. With regards to the Assembly Service, the Board as reported in the main report adopted a new Assembly Staff Structure, Establishment and Career Progression Guidelines. This is aimed at improving efficiency of the Service. Consequently, the Board has been able to promote all staff from scale 3 to 7 to the next grade on the advice of the reconstituted County Assembly Human Resource Advisory Committee. This are officers who had stagnated in their positions for the last seven (7) years yet there was sufficient budgetary allocation to cater for the same. Of significance, has been the establishment and filling of the position of the Deputy Clerk (Administration). This will go a long way in ensuring that operations of the Assembly do not stall in the event there is a dispute over the office of the Clerk as we are currently witnessing. In filling senior offices created by the new structure, an internal and competitive recruitment process was carried out with emphasis being placed on merit, experience and regional balance.

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**Hon. Beatrice K. Elachi, CBS**  
*Speaker Nairobi City County Assembly/*





No.	Name	Designation	Comments
1.	Hon. Beatrice K Elachi, CBS	Chairperson	Member since 2017 with a short absence between September 2018 to October, 2019
2.	Hon. Mark Ndung'u, MCA	Vice Chairperson	Designated by Jubilee Party in October, 2019 but referred back to the Party by the Political Parties Dispute Resolution Tribunal in March, 2020. Was later redesignated in July, 2020
3.	Hon. Maurice Gari, MCA	Member	Member since October, 2019 representing NASA coalition
4.	Hon. (Dr.) Fatuma Affey	Member	Appointed in March, 2020
5.	Hon. Willis Okello	Member	Appointed in March, 2020

**Secretariat**

No.	Name	Designation	Comments
1.	Pauline Akuku	Ag. Clerk/Ag. Secretary	Appointed to serve in the Secretariat in October, 2019 and designated as Ag. Clerk in April, 2020
2.	Shadrack Makokha	Ag. Senior Clerk Assistant	Appointed to provide secretarial support to the Board in October, 2019.



## **2.0. ADDITIONAL INFORMATION TO THE MAIN REPORT**

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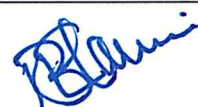
### **2.1. Regularization of the employment of the Clerk**

As explained in the main report, Mr. Jacob Ngwele having been seconded to the County Assembly from Parliament by the Transition Authority, at the end of the transition and secondment period, he assumed the position of the Clerk without following the law as provided for under Section 13 of the County Governments Act, 2012 and Section 18 of the County Assembly Services Act, 2017. The County Assembly in full exercise of its oversight mandate on County Government entities (*which includes the County Assembly Service Board*), conducted an in-depth inquiry on the employment of Mr. Ngwele and revoked his employment and resolved that the same be regularized. The Officer was properly informed of the decision of the Assembly.

It is against this backdrop that a Member of the County Assembly having realized that the Service Board had not regularized the employment of the Clerk as resolved by the County Assembly, sued the Board under *ELRC Petition No. 71* demanding that the Board regularizes the employment of the Clerk as provided for in Section 13 of the County Governments Act, 2012 and Section 18 of the County Assembly Services Act, 2017. In order to avoid a long litigation process, the Board being aware of the facts regarding this matter, resolved to consent with the petitioner and agreed to regularize the employment of the Clerk within 45 days as decreed. As such, the Board has commenced the regularization process by placing and advert in local dailies requesting interested applicants to apply for the position. Mr. Ngwele has been encouraged to apply now that he has been serving as the Interim Clerk.

### **2.2. Operationalization of the new Assembly Staff structure**

As noted in the main report, Section 24 of the County Assembly Services Act, 2017 provides that the Board shall establish such offices in the Service as it considers necessary or expedient for the efficient performance of the functions of the Service. It further goes to provide that the offices established shall be set out in the







organizational structure established by the Board. In that regard, as reported, the Board having reviewed the report of Deloitte Kenya Ltd on organizational review of the Assembly Service and with the help of Senior Officers from the Ministry of Public Service, adopted a new staff structure, staff establishment and career progression guidelines. This structure created two positions of Deputy Clerk (i.e. Administration and Legislative Services) and seven directorates and two independent Departments i.e. Internal Audit and Legal Services Departments.

Consequently, the Service Board has been able to fill internally the two positions of the Deputy Clerk and all the Seven Directorates. The process was guided by Senior Officers from the Ministry of Public Service and Strathmore University Of significance, is the creation and filling of the position of the **Deputy Clerk in charge of Administration**, this will ensure that at no any given time shall the operations of the County Assembly stall just because we have a dispute with the holder of the position of the Clerk. Accordingly, after a competitive recruitment process, **Ms. Pauline Akuku** has been appointed to be the first occupant of the position of Deputy Clerk in charge of Administration while Ms. Adah Onyango shall continue serving as the **Deputy Clerk in charge of Legislative Services**. Indeed, Section 21 of the County Assembly Services Act, 2017 provides:-

*“If the office of the Clerk is vacant, or if for any reason the Clerk is unable to exercise the functions of his or her office, the Deputy Clerk or, in the absence of the Deputy Clerk, any other officer in the Service appointed by the Board may exercise all the functions, duties and powers of the Clerk”.*

Further, to fill senior positions which include Directors, Principal and Senior Officers, the Service Board with the help of senior officers from the Ministry of Public Service conducted a competitive internal recruitment exercise and managed to fill the said positions. The Board emphasized on merit, experience and regional balance in filling the said positions. In order to comply with the National Cohesion





National Cohesion and Integration Act, 2008, the Board has tried to balance the staff in senior positions as follows:-

No.	Position	Tribe	Religion	Gender	County
1.	Deputy Clerk Administration	Luhya	Christian	Female	Nairobi City
2.	Deputy Clerk Legislative Service	Luo	Christian	Female	Homabay
3.	Director Legislative Services	Kalenjin	Christian	Male	Elgeyo Marakwet
4.	Director Administration	Kalenjin	Christian	Male	Elgeyo Marakwet
5.	Director ICT and Information Services	Luo	Christian	Male	Migori
6.	Director Accounting and Financial Services	Kikuyu	Christian	Male	Kiambu
7.	Director of Security Services	Kamba	Christian	Male	Machakos
8.	Principal Accountant	Kamba	Christian	Male	Kitui
9.	Principal Procurement	Luo	Christian	Male	Kisumu
10.	Principal Committee Services	Luhya	Christian	Male	Kakamega
11.	Principal Legislative and Procedural Services	Kamba	Christian	Female	Kitui
12.	Chief Serjeant-at-Arms	Kamba	Christian	Male	Machakos
13.	Hansard Editor	Luhya	Christian	Male	Kakamega



14.	Principal Research	Luo	Christian	Male	Siaya
15.	Principal ICT	Luhya	Muslim	Male	Bungoma

It is also worth noting that there are other Senior positions that have been filled that have been filled with emphasis still being regional balance, gender balance, and consideration of minorities.

Further, for the first time ever, on the advice of the reconstituted County Assembly Human Resource Advisory Committee, the Service Board was able to promote all officers serving in the between grade 3 to grade 7 to the next grade. The Board has also ensured that the all officers ascribe to the oath of secrecy and the code of conduct for public officers. This has been necessitated by the need to ensure that officers maintain high standards of discipline as public servants. As such, the Board shall not hesitate to institute any disciplinary action against any officer who misbehave.





### 3.0. CONCLUSION

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While the Service Board had already complied with statutory requirements for preparing and tabling of the annual report. The new developments which arose after the tabling and before the conclusion of the financial year were significant that required the noting of the County Assembly. This addendum to the main report which should now be construed as part of the main report serves this purpose of informing the Assembly on the operations of the Board. Indeed, the Board is a creation of the law meant to take care the welfare of both the Members and Staff.





**ADOPTION LIST OF THE CASB ANNUAL REPORT FOR THE FINANCIAL YEAR 2019-2020[ADDENDUM]**

The following members appended their signatures to signify their agreement with the report:-

No.	Name	Signature
1.	Hon. Beatrice Elachi CBS, Chairperson.	
2.	Hon. Mark Ndung'u, Vice-Chairperson	
3.	Hon. Maurice Gari, MCA- Member	
4.	Hon. (Dr.) Fatuma Affey - Fourth Member	
5.	Hon. Willis Okello - Fifth Member	