#### **GOVERNMENT OF NAIROBI CITY COUNTY**



THE NAIROBI CITY COUNTY ASSEMBLY

### OFFICE OF THE CLERK

SECOND ASSEMBLY-FOURTH SESSION

NBI CA. PLC. 2020 / (016)

2<sup>nd</sup> June, 2020

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#### 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 Tuesday 2th June, 2020.

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

(Member of the Board)

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

#### **COUNTY GOVERNMENT OF NAIROBI CITY**



NAIROBI CITY COUNTY ASSEMBLY SERVICE BOARD

Approved 216/2020

# CASB ANNUAL REPORT FOR THE FINANCIAL YEAR 2019-2020



Clerk's Chambers
City Hall Buildings

JUNE, 2020

NAIROBI

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

I am pleased to present to you this Annual Report of the County Assembly Service Board for the Financial Year 2019/2020. This report is prepared pursuant to Section 36 of the County Assembly Services Act, 2017. It is a requirement that the Service Board prepares a report containing the activities the Board has undertaken in respect of the year to which it relates and information relating to performance of the Service and attendant challenges particularly in fulfilling the values and principles of the public service as provided for in Article 10 and 232 of the Constitution. Despite this statutory requirement, this is the first annual report to have ever been prepared since the inception of the County Assembly. There are no records to challenge this position.

Our mandate as the County Assembly Service Board is to provide an enabling environment to the County Assembly for the effective achievement of its threefold role of legislation, oversight, and representation. The period 2019-2020 has been eventful despite a myriad of challenges that the County Assembly faced in terms of leadership conflicts and the Covid-19 pandemic. I must confess that I resumed my duties as the Speaker and the Chairperson of the Board in October, 2019 when the Financial Year had already commenced. Similarly, the current Membership assumed office after my resumption in October, 2019. We therefore had little or no influence in planning for the Financial Year.

This report covers the activities the Service Board has undertaken from the period when the current membership of the Board assumed office in October, 2019 until June, 2020. These activities were aimed at improving the welfare of Members and Staff despite the short stint of the current Board. The notable activities undertaken include; ensured that the Service Board is fully constituted by recruiting the fourth and fifth Members, unlocked the medical insurance cover for Members and Staff that had been suspended, recruited Personal Assistants for both the nominated Members and the County Assembly leadership, approved to increase the Ward Office Imprest from Kshs 60,000 to Kshs 100,000 effective July, 2020, prioritized funding of Assembly

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Committees with an emphasis on local retreats, adopted a new organizational structure/staff establishment that guarantees career progression and promotion of all staff which shall be implemented as from July, 2020, intervened and approved a waiver for the re-payment period of Car Loan and Mortgage in order to cushion Members and Staff from the adverse effects of the Corona Virus, adopted a policy on holding of virtual meetings by Committees pending domestication of the same in the Standing Orders, organized capacity building trainings for both Staff and Members, repaired offices and furniture that had been destroyed during the chaos that rocked the Assembly in September, 2019 and fast-tracked resolution of pending staff disciplinary cases with the Service Board pardoning officers who had maliciously been punished by the defunct Service Board.

It is worth noting that during the same period, we have had our own share of challenges. To begin with, my resumption as Speaker was graced by chaos that rocked the County Assembly. However, we rose above the chaos and spearheaded the work of the Board. At the same time, Senior Staff of the Service attempted to sabotage and undermine the work of the Service Board. However, we managed to instill discipline and designate alternate officers to perform their duties in order to forestall the operations of the County Assembly. Related to this, the Interim Clerk, Mr. Jacob Ngwele sued the Service Board against likely victimization. This matter has been dragging in Court and we hope it shall be finalized before the commencement of the next financial year. In the same vein, the County Assembly revoked his appointment on account of it being irregular. Due to these issues affecting the Officer, the Service Board invoked the provisions of Section 21 of the County Assembly Services Act, 2017 and designated another officer to act in the position pending conclusion of the matter in Court. This back and forth issues affecting the Office of the Clerk have seen challenges is financial management in the Assembly since the Clerk is by law the Accounting Officer of the Assembly. However, we must appreciate the National Treasury for intervening and ensuring that operations of the Assembly did not stall.

As we proceed to the Financial Year 2020/2021, the Service Board has approved and budgeted for the acquisition of office space for Nominated MCAs and Staff, increase funding for Committees so that they can undertake both local and foreign events aimed at improving their capacity, follow-up on the statutory contributions by Members to ensure that they are up to date, and build collaborations with other institutions both foreign and local so that to expose Members to the dynamics of parliamentary affairs. As we strive to improve the welfare of Members, I encourage them to stay committed to their duty of service to the residents of Nairobi City County.

In conclusion, I wish to express my appreciation to the Members of the Second Service Board, Members of the County Assembly, the Ag. Clerk of the Assembly and Secretary to the Board for their hard work and diligence in driving the Board's agenda during the FY 2013-2014 Financial Year.

Hon. Beatrice K. Elachi, CBS

Speaker Nairobi City County Assembly/ Chairperson, County Assembly Service Board

### Message from the Ag. Clerk of the County Assembly/ Ag. Secretary, County Assembly Service Board

This report is prepared pursuant to Section 36 of the County Assembly Services Act, 2017. It contains a summary of the activities, achievements and challenges experienced by the County Assembly Service Board during the Financial Year 2019/2020.

During the period under review, the Service Board strived to deliver on its mandate as provided for in Section 12 of the County Governments Act, 2012 and Section 11 of the County Assembly Services Act, 2017 which is to provide services and facilities to Members of the County Assembly in order to ensure the efficient and effective functioning of the County Assembly. This was undertaken in line with the Assembly's Strategic Plan and the approved Budget Estimates for the FY 2019/2020.

Significant activities undertaken during this period was capacity building of Members and Staff so that to improve their out-put. Notably, the service Board enhanced funding for activities geared towards this objective. Due to time constraints and the leadership challenges that faced the Assembly, the Service Board scaled down on its infrastructural development and has planned to carry out the same in the next Financial Year. The adoption of the new staff establishment is a milestone that the Service Board has achieved and we expect that it shall be rolled out at the commencement of the next Financial Year since the same has been budgeted for. In its endeavor to provide adequate offices for staff and members, the service board has approved a decision to acquire additional office space in the next financial year. With this kind of support the Board is giving to both Members and Staff, we expect increased out-put of the County Assembly going forward. However, we must appreciate that the establishment of the Nairobi Metropolitan Services shall have a a significant paradigm shift in the way we operate as an Assembly.

The achievements presented in this report are as a result of the commitment and guidance by the Service Board under the able leadership of the Board's Chairperson and Speaker, the Hon. Beatrice K. Elachi, CBS.

I call upon all Staff to remain committed to their work and uphold the values and principles provided for in Section 5 of the County Assembly Services Act, 2017 key among them being provision of non-partisan and impartial advice and services to the County Assembly, its Committees and its Members.

Finally, I convey appreciation to all Board Members, Members of the County Assembly, staff, our partners and stakeholders for their continued support.

Pauline Akuku

Ag. Clerk, NCCA/Ag. Secretary, County Assembly Service Board.

#### Vision, Mission and Core Values

#### Vision

To be the most efficient and effective legislature in promoting good governance in Africa and beyond.

#### Mission

To advance economic, social, cultural and political aspirations of the people of Nairobi City County through robust legislation, prudent oversight and responsive representation.

#### **Core Values**

- Harmonious Existence
- Integrity
- Professionalism
- Respect for diversity
- Co-operation and Consultation
- Autonomy and Complementarity

No.	Name	Designation	Comments
1.	Hon. Beatrice K Elachi,	Chairperson	Member since 2017 with a short
	CBS		absence between September
			2018 to October, 2019
2.	Hon. Mark Ndung'u,	Vice Chairperson	Designated by Jubilee Party in
	MCA		October, 2019 but referred back
			to the Party by the Political
			Parties Dispute Resolution
			Tribunal in March, 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
п			on 14 <sup>th</sup> April, 2020
2.	Monicah Muthami	Principal Clerk Assistant	Served as Ag. Clerk/Secretary to the Board as from 30 <sup>th</sup> October, 2019 to 14th April, 2020.
3.	Shadrack Makokha	Ag. Senior Clerk Assistant	Appointed to provide secretarial support to the Board in October, 2019.



#### **EXECUTIVE SUMMARY**

The County Assembly Service Board (CASB) is a statutory entity established pursuant to Section 12 of the County Governments Act, 2012 with a specific mandate of providing services and facilities to Members of the County Assembly in order to ensure the efficient and effective functioning of the County Assembly. The CASB is required pursuant to Section 36 of the County Assembly Services Act, 2017 to prepare annual reports of its activities. This repot gives a detailed overview of the activities undertaken in the 2019/20 Financial Year. It highlights the achievements, challenges and planned activities by the Service Board.

Some of the notable activities that the CASB ha implemented in the year under review, specifically when the current Board assumed office include; recruitment of the fourth and fifth members of the board, recruitment of personal assistants of the nominated members and assembly leadership, approved increment of ward office Imprest from Kshs 60,000 to Kshs 100,000, increased funding of Committees, adopted a new staff establishment/structure, and resolved all pending disciplinary cases. These initiatives have seen improved output of the County Assembly despite the interruption caused by the Covid-19 pandemic. Similarly, the Service Board has had a fair share of challenges which include; challenges in the Office of the Clerk, financial operational challenges and a limited budget.

Going forward, the Service Board has planned a number of activities for the FY 2020/21 so that to improve the out-put of the County Assembly, the programs include; acquisition of more office space, enhanced allocation for Committees, ensuring that Members' statutory deductions/contributions are updated, improving efficiency in service delivery among the assembly service and enhance the capacity of both Members and Staff. Lastly, the Board is determined to procedurally and substantially fill the position of the Clerk once the matter in court is resolved in order to have a long-lasting solution on this matter.

#### 1.1. The County Assembly Service Board

The County Assembly Service Board (CASB) is a statutory entity established pursuant to Section 12 of the County Governments Act, 2012 with a specific mandate of providing services and facilities to Members of the County Assembly in order to ensure the efficient and effective functioning of the County Assembly. Pursuant to Section 11 of the County Assembly Services Act, 2017, the Service Board performs the following functions:-

- i) Direct and supervise the administration of the services and facilities provided by, and exercise budgetary control over, the Service;
- ii) Determine and review the terms and conditions of service of persons holding or acting in the offices of the Service;
- iii) Initiate, co-ordinate and harmonize policies and strategies relating to the development of the Service;
- iv) Initiate programmes; for training and capacity building of members and staff of the county assembly and other persons; that promote ideals of parliamentary democracy as set out in Article 127(6) (d) of the Constitution; and that promote public awareness and participation in the activities of the county assembly.

#### 1.2. The Assembly Service

Section 4 of the County Assembly Services Act, 2017 establishes a County Assembly Service for each County Assembly. The Service is required to be an institution of exemplary administrative and technical competence. In the performance of their functions, employees of the Service are prohibited from seeking or receiving directions from any source external to the Service. Section 12 (7) (b) of the County Governments Act, 2012, confers to the Service Board a responsibility of *constituting offices in the county assembly service, and appointing and supervising office holders.*During the period under review, the Service of the County Assembly constituted the

(i) Committee Services

Balen

following Departments:-

- (ii) Legislative and Procedural Services
- (iii) Hansard
- (iv) Sergeant-at-arms
- (v) Finance
- (vi) Accounts
- (vii) Procurement
- (viii) Internal Audit
  - (ix) Human Resource
  - (x) Public Communication and Media Relations
  - (xi) Information Communication and Technology (ICT)
- (xii) Administration

#### 2.1. Activities Undertaken in the FY 2019-2020

#### i) Recruitment of the Fourth and Fifth Members of the Service Board

Section 12 (3) of the County Governments Act, 2012 provides the composition of the County Assembly Service Board as follows:-

- a) The Speaker of the county assembly, as the chairperson;
- b) Two Members of the County Assembly nominated by the political parties represented in the county assembly according to their proportion of members in the county assembly one of whom is the Vice Chairperson; and
- c) One man and one woman appointed by the county assembly from amongst persons who are experienced in public affairs, but are not members of the county assembly

Since the commencement of the Second Assembly, the Fourth and Fifth Members had never been recruited. This created a vacancy in the composition of the Board and despite the fact that this did not render the Board non-functional, it was irregular/illegal and the County Assembly could not tap the expertise of these Members. As such, upon assumption of office, the Service Board embarked on a recruitment process which culminated into the appointment of the following Members:-

- Hon. (Dr.) Fatuma Affey
- Hon. Willis Okello

#### ii) Recruitment of Personal Assistants for Nominated Members and Assembly Leadership

The Salaries and Remuneration Commission (SRC) approved the employment of Personal Assistants for Nominated Members in order to improve the efficiency of these legislators. However, this had never been effected by the defunct Board. As such, upon assuming Office, the Service Board commenced the recruitment of these Personal Assistants since the same had been budgeted for. So far, all the Personal Assistants have been recruited with effect from January, 2020 their salaried fully paid.

In addition, the have been included in the payroll of the Assembly and the IPPD system.

## iii) Approved the increment of monthly Ward Office Imprest from Kshs 58,500 to Kshs 100,000 effective July, 2020

The Service Board made a decision to double the allocation for monthly ward offices from Kshs 58,500 to Kshs 100,000. This was to ensure that elected Members are able to efficiently run their offices given the economic conditions of a City. However, since the same was not budgeted in the current Financial Year, the Service Board resolved that the same be included in the next Financial Year 2020/21. As such, Members will start receiving the Kshs 100,000 effective July, 2020.

# iv) Prioritized funding of Assembly Committees with an emphasis on local retreats,

When the Service Board assumed office in October, 2019, the foreign vote head was almost depleted. In this regard, the Board directed the Office of the Clerk to priorities funding of Committees. Indeed, all Committees were able to hold at least two (2) events before the end of the year 2019. This had also been planned for the year 2020, however, the outbreak of Corona Virus and subsequent cessation of movement and the imposed curfew has ensured that these events are not held.

### Adopted a new organizational structure/staff establishment that guarantees career progression and promotion of all staff which shall be implemented as from July, 2020.

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. For the purposes of reviewing the organizational structure under the Board is required to appoint a reputable human resource firm to advice on the effectiveness and efficiency of the intended review.

In this regard, the defunct Service Board engaged the Deloitte Kenya to review its organizational structure. However, the firms report was never implemented. As such, the Board engaged the Public Service Commission and presented them with the Deloitte report for review and harmonization with the structure currently in place in Parliament and other County Assemblies. The Public Service provided their report which was adopted by the Service Board as the structure and career progression guidelines for the County Assembly Service (See Annexure 1 and 2).

In order to improve the efficiency of the Service and to guarantee the staff an opportunity for career progression and promotion, the new structure has created the following new positions in the Service:-

- a) Deputy Clerk in charge of Legislative Affairs
- b) Deputy Clerk in charge of Administrative affairs
- c) Seven Directorates as follows:-

No.	Directorate	Departments
1.	Security Services	Sergeant-at-arms
	- S	Security services
2.	Legislative Services	Committee Services
	et	Legislative and Procedural
		Budget Office
3.	Human Resource	Human Resource Services
	Services	Records Management
4.	Administration Services	Administration Services
		Catering (section)
5.	Financial Services	Accounts
		Procurement
		Finance
6.	Information Services	Information Communication and Technology
		(ICT)

		Hansard
		Research
		Public Communication and Media Relations
		Library
7.	Speaker's Directorate	Speaker's Office
		Partisan Staff.

d) The Internal Audit Department shall be functionally responsible to the Service Board through the Audit Committee but administratively to the Office of the Clerk.

The new structure shall be rolled out in next financial year commencing in July, 2020 since the Service Board has made budgetary allocation for the same. Vacant positions shall first be filled internally before going to the market. The Service Board shall ensure that all current staff are promoted since most of them have stagnated in their current positions since 2013. The Service Board shall also be engaging the Salaries and Remuneration Commission (SRC) on the same.

vi) Intervened and approved a waiver for the re-payment period of Car Loan and Mortgage in order to cushion Members and Staff from the adverse effects of the Corona Virus.

The Covid-19 pandemic has had serious negative economic impact. In order to cushion both Members and Staff on these effects, the Service Board on a recommendation by the Loans Committee resolved to waive the payment period for the Car Loans and Mortgage for three (3) months by extending the payment period. This was however on a voluntary basis.

vii) Adopted a policy on holding of virtual meetings by Committees pending domestication of the same in the Standing Orders.

The Service Board adopted a Board policy paper on Covid-19 which allowed holding of virtual meetings in order to allow Committees to proceed with their business pending domestication of the same in the Standing Orders.

### viii) Organized capacity building trainings for both Staff and Members

The Service Board made a conscious decision to invest on the training of Members and Staff. During the period under review, despite the interruption caused by Covid-19, many members had undertaken training either individually or through Committees/caucuses. Some Members also had an opportunity to attend foreign conferences and trainings.

## ix) Repaired offices and furniture that had been destroyed during the chaos that rocked the Assembly in September, 2019.

Following the chaos that rocked the Assembly in September, 2019, the Board ensured that the destroyed furniture and offices were repaired. In addition the Board with the approval of the Speaker has scaled up security in the precincts of the Assembly by engaging the National Police Service.

x) Established Sub-Committee to look into various aspects of Members and Staff welfare.

Due to numerous challenges affecting Members, the Board resolved to establish subcommittees of the Board that would address the challenges in a specialized manner. The Sub-Committees include:-

- a) Management of Manpower and Labour Force;
- b) Members' and Staff Wellness;
- c) Finance and Accounts; and
- d) Administration.

The aforementioned sub-committees are expected to present their reports to the Board for consideration at the commencement of the next Financial Year.

#### xi) Unlocked the Medical Insurance Cover stalemate

When the current Board assumed office, Members and Staff Insurance Medical Cover was not in place and the Service Provider who had been procured to offer the service had declined to offer the service due to non-payment. The Board therefore intervened and unlocked the stalemate. However, it is worth noting that the Assembly has been issued demand notices by Kilovoo auctioneers for insurance debt of Kshs 3.6 million in the FY 16/17

# xii) Resolved of pending staff disciplinary cases with the Service Board pardoning officers who had maliciously been punished by the defunct Service Board.

When the current Service Board assumed office, there were pending disciplinary cases some of which were malicious. As such, following the law, the Service Board has been able to conclude all the cases and even pardoned officers who were maliciously punished. The Service Board however notes that there is a trend among staff who are involved in politics contrary to the Public Officers Ethics Act. In addition, there are some staff who have decided to undermine the authority of the Board and have refused to obey lawful instructions issued by the Board. In this regard, commencing next Financial Year, the Board shall institute strict disciplinary measures.

#### 2.2. Challenges and way forward

Despite the various activities implemented, the Service Board experienced a number of challenges as follows:-

#### (i) Operations of the Office of the Clerk

The Interim Clerk, Mr. Jacob Ngwele sued the Service Board against likely victimization. This matter is pending in court making him unable to discharge the functions of the office. Due to the centrality of the Office of the Clerk in operations of the Assembly, we have had challenges on several occasions. Similarly, some Senior Staff have enjoined the Clerk in this petition and have been undermining the operations of the Service Board. However, due to these issues affecting the Interim Clerk, the Service Board invoked the provisions of Section 21 of the County Assembly Services Act, 2017 and designated another officer to act in the position pending conclusion of the matter in Court. In addition, the Service Board is determined to procedurally and substantially fill the position as resolved by the County Assembly.

#### (ii) Financial operations

Following challenges in the office of the Clerk and the fact that under the current legal regime the management of Assembly finances is controlled by the County Treasury under the County Executive Committee Member for Finance, we have experienced challenges in cash-flow thus delaying or affecting implementation of our programs.

Indeed, we have witnessed cases of delayed salary payments in recent months. It is the Board's hope that once the issue of the office of the Clerk shall be resolved, these challenges will be a thing of the past. The Service Board appreciates Members and Staff for their patience. Equally, we shall be engaging the Senate to amend the Public Finance Management Act, 2012 and regulations thereto so that the County Assembly can have full financial autonomy.

#### (iii) Limited Budget.

The County Assembly budget ceilings imposed by the Senate have made it difficult in funding of Assembly programs. Further, when the current Service Board assumed office, most of the vote heads were almost depleted. As such, the Board was forced to forgo some of its activities by re-allocating funds to cater for emerging issues such as legal suits. It is unfortunate that the Senate maintained the same budget ceilings for the FY 2020/21 thus there will be no significant changes in terms of the activities that shall be budgeted.

#### (iv) Covid-19 pandemic

The outbreak of Corona virus led to suspension of most programs planned by the County Assembly. They include Committees funding and procurement of capital projects.

#### 3.0. PLANNED ACTIVITIES FY 2020/21

In order to improve the welfare of Members and to enhance their output, the Service Board has planned the following in the FY 2020/21:-

#### i) Acquisition of office space

The Service Board has budgeted for acquisition for office space for both Members and Staff. Priority shall be given to nominated Members since they do not have a place to work from. Further, most of the staff offices are congested and with the new normal presented by Covid-19, the offices cannot guarantee social distancing. In fact, some officers completely lack offices.

#### ii) Increase funding for Committees.

Most work of the County Assembly is carried out in Committees. As such, in order to improve their out-put, the Service Board has resolved to increase their annual allocation so that Members can be able to perform their mandate. This will allow Committees to undertake both local and foreign events.

# iii) Follow-up on the statutory contributions by Members to ensure that they are up to date.

The Board has realized that most statutory contributions by Members to entities such as LAPFUND are not up to date. This will have adverse effects on Members benefits at the end of their term. To this end, the Service Board will follow-up on this matter and ensure that the contributions are updated.

#### iv) Establishment of a catering unit

The Board has realized that the management of catering affairs of Members and Staff is not well managed. To this end, borrowing from Parliament, the Board has decided to establish a catering unit that shall be in charge of Members and Staff meals. In this regard, the Catering Committee comprising of Members shall be established to coordinate these affairs. Indeed, under the new Structure, the Board has created a catering section that shall be in charge of all issues related to catering.

### v) Improve efficiency in service delivery

The Service Board has noted the myriad complaints raised by Members arising from inefficiency by some of our staff. This has seen complains such as delay in processing

of payments particularly for Ward Offices. In this regard, the Board intends to closely monitor the performance of staff in the service. The Clerk has been directed to put in place a performance management system.

#### vi) Engage SRC on Members' and Staff Salary and Allowances

Due to the uniqueness of our County as a City County, the Service Board has noted that the blanket determination of allowances for County Assembly Members and Staff cannot apply in Nairobi. To this end, the Service Board shall formally petition the SRC to review terms of service for Members and Staff.

# vii) Build collaborations with other institutions both foreign and local so that to expose Members to the dynamics of parliamentary affairs.

The Service Board shall endeavor to collaborate and establish relationship with other institutions particularly those involved in parliamentary affairs so that to expose members and staff on parliamentary work.

#### (v) Development of a Strategic Plan 2021-2025.

The current legal framework demands that budgeting be done based on an institutions strategic plan. The current County Assembly's Strategic Plan (2016-2020) is coming to an end by the end of the year. As such, the Service Board shall prioritize the formulation of a new strategic plan to cover the years 2021-2025.

#### 4.0. CONCLUSION

This report apart from fulfilling the statutory requirements, has enumerated what the Service Board has been able to fulfill under its short stint in office during the period under review. The Service Board shall continue to prioritize programs aimed at improving the welfare of Members and Staff and strive to overcome the challenges experienced during the period under review. The next Financial Year presents an opportunity for the Service Board to ensure that Members aspirations are met for effective functioning of the County Assembly.

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