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Hon. Speaker  
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the Assembly  
[Signature]  
04/12/2018

# COUNTY ASSEMBLY OF EMBU



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05/12/2018

2<sup>ND</sup> ASSEMBLY : FIRST SESSION

## REPORT OF SECTORAL COMMITTEE ON GENDER, CULTURE, CHILDREN AND SOCIAL SERVICES ON THE ABORTED BENCHMARKING TOUR TO MOMBASA, KWALE AND KILIFI COUNTIES

SUBMITTED FOR ADOPTION BY THE COUNTY  
ASSEMBLY



Clerk's Office  
County Assembly of Embu  
P. O. Box 140-60100  
EMBU ②

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forwarded  
[Signature]  
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4/12/18

CCA  
for further directions  
[Signature]  
4/12/2018

DECEMBER, 2018



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## COUNTY ASSEMBLY OF EMBU



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DECEMBER, 2018

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## ABBREVIATIONS

C.E.C      County Executive Committee Member.

KNUT      Kenya National Union of Teachers

CO      Chief Officer

MCA      Member of County Assembly



## **EXECUTIVE SUMMARY**

The Report of Sectoral Committee on Gender, Culture, Children and Social Services on the aborted benchmarking tour to, Mombasa, Kwale and Kilifi Counties came as a result of the public humiliation and embarrassment of the Gender Committee Members by the Chief Officer in charge of Gender portfolio.

On 16<sup>th</sup> of May 2018, the County Executive Committee Member for Gender, Culture, Children and Social Services communicated to the County Assembly through the Clerk via a letter Ref. No. EBU/CEC-GCC&SS/CA/13 (44) inviting some members of the County Assembly under the leadership of the Gender Committee to a benchmarking trip to be held from **4<sup>th</sup> to 8<sup>th</sup> of June 2018**. The benchmarking trip was to be of benefit to the members and to act as a learning experience and for the future development of Art & Craft as a major economic venture in the county.

The honorable speaker of the County Assembly approved the request on **17<sup>th</sup> May, 2018**.

On **31<sup>st</sup> May, 2018**, the County Executive Committee Member for Gender, Culture, Children and Social Services did another letter Ref No. EBU/CEC-GCC&SS/CA/13 (45) seeking to confirm that the invitation for the Benchmarking trip was still on. In the letter, the CEC member informed that members travelling would converge at the Panesic Hotel in Embu on **Monday 4<sup>th</sup> June, 2018 at 5.30 a.m.** for departure to Mombasa using vehicles that had already been hired for the purpose.

She also informed that members would receive their per-diems and Programme for the event as they checked into the buses.

The letter was also approved by the Speaker of the County Assembly and communication done to all the persons involved in the Benchmarking trip.

It is on this basis that members were to leave Embu on their way to Mombasa to participate in the Benchmarking event.

The journey for the committee ended up in a public humiliation and embarrassment of MCAs by the CO incharge of gender portfolio in Machakos town.



## **1.0 BACKGROUND**

In a nutshell, this report arose from the need and desire by the Committee on Gender, Culture, Children and Social Services to get to the root bottom of the case in which the Chief Officer For Gender, Culture, Children and Social Services had contributed to the Public humiliation and embarrassment of the Gender Committee membership, the CEC Gender and instituting a malicious and personal attack on the person of a specially nominated member representing persons with disabilities.

This report endeavors to come up with specific recommendations to ensure the same humiliation and ill treatment of the Assembly and its membership does not happen again in the future.

## **1.1 MANDATE OF THE COMMITTEE**

The mandate of the Committee is as outlined in Standing Order 204(5) of the County Assembly of Embu which states that, the functions of a Sectoral Committee shall be to –

- a) Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;*
- b) Study the programme and policy objectives of the of departments and the effectiveness of the implementation;*
- c) Study and review all County Legislation referred to it;*
- d) Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;*
- e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;*
- f) To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 198(1) (committee on Appointments) and*
- g) Make reports and recommendations to the County Assembly as often as possible, including recommendations of proposed legislation.*

## **1.2 COMMITTEE MEMBERSHIP**

The Committee on Gender, Culture, Children and Social Services was formed pursuant to provisions of Standing Order No. 204(1) of the County Assembly of Embu as read with section 14 (7) of the County Governments Act, 2012 .The committee comprises of the following members;

1. Hon.Sicily Warue Mbugi	Chairperson
2. Hon.Newton Kariuki Ndwiga	Vice chairperson
3. Hon.Steve Munene Mugendi	Member
4. Hon. Bernard Nyaga Kandia	Member
5. Hon. Edith Wanjira Nyaga	Member
6. Hon.Peter Muriithi	Member
7. Hon. Elizabeth Ndeleve Kibai	Member

## **1.3 PROBLEM STATEMENT**

The Committee sought to establish why the Chief Officer for Gender, Culture, Children and Social Services resulted Public humiliation and embarrassment of the Gender committee membership, the CEC Gender and the specially nominated member representing persons with disabilities.

## **1.4 METHODOLOGY**

In preparation of this report, the Committee used the following method to gather information.

- Committee meetings.
- Verbal reports/oral interviews from affected persons.
- First-hand experience by the committee members in Machakos.

## **1.5 TOOLS OF REFERENCE**

Reference to the following documents was made:

- (i) The Constitution of Kenya, (C.O.K) 2010
- (ii) County Assembly of Embu, Standing Orders



## 1.6 ACKNOWLEDGEMENT

The Committee wishes to record its appreciation to the Speaker of the County Assembly for the invaluable assistance given in order to complete this task. The Committee is further indebted to the Clerk of the County Assembly for facilitation and advice, Committee members and the staff of the County Assembly for the services they rendered to the committee. It is their commitment and dedication to duty that made the work of the committee and production of this report possible.

Signed:  Date: 30/11/2018

**HON. SICILY WARUE MBUGI**  
**(CHAIRPERSON)**

Committee on Gender, Culture, Children and Social Services.

## 2.0 COMMITTEE PROCEEDINGS AND DELIBERATIONS

In the Committee meeting held on 5<sup>th</sup> June 2018 to discuss on the events that unfolded on 4<sup>th</sup> June 2018 at Machakos, the following issues were highlighted:

- THAT, on 4<sup>th</sup> of June 2018, at 5.30 a.m., members of the committee arrived at Panesic hotel to join the rest of the group travelling to Mombasa for the benchmarking tour.
- THAT immediately on arrival, the committee observed something was wrong in that:
  - a) The vehicles promised were unavailable apart from a small bus from the Kenya union of teacher's (KNUT) branch in Embu which was supposed to carry all the members.
  - b) There were unexplained visitors in the vehicle and any call by the chairperson gender for some kind of introduction was scorned by the chief officer.
  - c) That the chief officer was directing the bus driver to leave immediately despite the fact that most of the members of the committee were outside doing their consultation.
  - d) That the chief officer was hell bent on disregarding the aide to honourable Bernard Nyaga Kandia denying him the chance to board the vehicle.



- e) That the chief officer had insulted one of the honourable member telling her she is stupid in response to a question she had been asked.
- f) That the chief officer decided to follow the long bumpy route via Kiritiri-Kanyonyo-Machakos to what the committee later learnt was an effort to avoid picking the CEC who was scheduled to be picked from Nairobi.

After consultations, the committee decided to board the vehicle but agreed to revisit the issue later when the group broke for Tea. The journey started from Embu at around 7.10 a.m.

At around 10.00 a.m., the team reached Machakos and at the request of some members, there was an agreement that the team could take some 30 minutes Tea break before continuing with the journey.

Members of gender committee decided to have a second consultative meeting of the day.

The issues of concerns to the committee were as follows:

- Why was the chief officer flatly refusing to facilitate honourable Bernard Nyaga Kandia's aide despite calls from everyone concerned including the CEC.
- Why was the chief officer refusing to honour the CEC's letter dated 31<sup>st</sup> May 2018, and Ref No. EBU/CEC-GCC&SS/CA/13 (45 which clearly sorted out the members facilitation issue but instead the chief officer insisted that she did not recognize the said letter from the CEC.
- Why was the gender committee being disregarded despite the fact that it was the lead Committee in the trip.
- Who were the un-explained members of the public enjoined together with the members and why was the chief officer ignoring calls from the chairperson to make some form of introduction and Clarifications.

It is at this time when the chief officer decided to come out of the bus accompanied by some visitors unknown and alien to the committee.

They started lecturing the chairperson and the committee informing them that the honourable Governor had directed that if the committee didn't want to go, they would just be left behind.



- Who were the un-explained members of the public enjoined together with the members and why was the chief officer ignoring calls from the chairperson to make some form of introduction and Clarifications.

It is at this time when the chief officer decided to come out of the bus accompanied by some visitors unknown and alien to the committee.

They started lecturing the chairperson and the committee informing them that the honourable Governor had directed that if the committee didn't want to go, they would just be left behind.

The C.O also informed the committee that the two letters from the CEC were not authentic and as such should be ignored in totality.

In answer to honourable Bernard Nyaga Kandias aide, the chief officer flatly informed the committee that there was no provision for him as money had already been allocated and there was no extra costs for him.

In her lecture to the committee, the chief officer also claimed that the gender docket to which she was the accounting officer had its way of doing things and hence shouldn't be questioned by the County Assembly committee on Gender.

She also dared the committee to impeach her if they so wished.

At this point, members of the committee questioned the validity of the benchmarking trip bearing in mind that the CO had disowned the letter from the CEC and to which the whole trip was based. The CO in anger and followed by the unknown visitors stormed back into the bus and ordered the driver to speed off.

The bus left the members of the committee and their clerk stranded by the roadside without their luggage, car keys, phones, purses amongst other personal items. Efforts by the CEC to flag the bus down at Machakos junction went unnoticed and her efforts to call the CO went unanswered.

The CEC latter joined the publicly humiliated and embarrassed committee members in Machakos where together, they organized on ways to come back to Embu.



### 3.0 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

Based on the events and happenings in Machakos, the committee sat down in a lengthy morning meeting, revisited the issue, deliberated and came up with the following observations:

- **THAT** the chief officer had shown a clear case of insubordination in that she had disregarded the communication from her senior and to which the basis of approval for the benchmarking trip was based. She had also flatly refused to pick the CECs calls and to pick her up at the agreed place for the benchmarking trip.
- **THAT** the chief officer had caused embarrassment and humiliation to the assembly by insulting some of its members including the membership of the committee on Gender, Culture, Children and Social Services.
- **THAT** the chief officer didn't know her mandate in that she had failed to respect **Hon. Bernard Nyaga Kandia** by failing to facilitate and recognize his aide despite the fact that the honourable member was an active member of the gender committee whose among its many roles was to protect special interest groups to which the honourable member belonged.

Based on the above observations, the committee came up with the following recommendations:

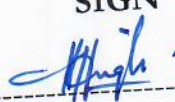
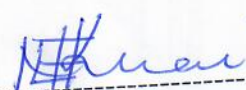
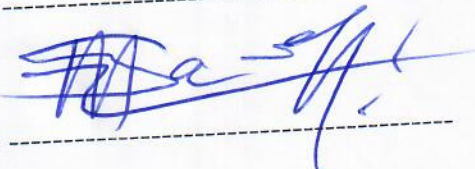

1. **THAT**, the then chief officer Gender, Culture, Children and Social Services, **Mrs. Jane Ndegı Mugambi** do step aside from public office to give room for investigation on allegations of incompetence and contravention of the public officer ethics act .2003 and violation of the constitution.
2. **THAT**, the then chief officer Gender, Culture, Children and Social Services be cited for contempt of the county assembly for belittling the members of the county assembly and impeding the performance of their constitutional mandate contrary to section 26(1) of the county assemblies' powers and privileges act 2017.

3. **THAT**, the CEC member for Gender, Culture, Children and Social Services do initiate a financial and systems audit of the entire department and report to the county assembly within 60 days of adoption of this report.
4. **THAT** ,an Adhoc committee of inquiry be set up to investigate the then chief officer Gender,Culture,Children and Social Services be set up by this assembly and report back within 45 days.




#### 4.0 CONCLUSION

The recommendations herein were agreed upon by majority of the committee members. The Committee therefore urges this honorable house to adopt this report and the recommendations herein.

NAME	POSITION	SIGN
1. Hon. Newton Kariuki Ndwiga	Vice Chairperson	
2. Hon. Elizabeth Kibai Ndeleve	Member	
3. Hon. Bernard Nyaga Kandia	Member	
4. Hon. Edith Wanjira Nyaga	Member	
5. Hon. Peter Muriithi	Member	
6. Hon. Steve Munene Simba	Member	

SIGNED		DATE	30/11/2018
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**HON. SICILY WARUE MBUGI,**  
**CHAIRPERSON, GENDER, CULTURE, CHILDREN AND SOCIAL SERVICES**

# ANNEXURE I

EMBU COUNTY GOVERNMENT



DEPARTMENT OF GENDER, CULTURE, CHILDREN AND SOCIAL SERVICES

Tel: +254 68 30855

Address: P.O. Box 36-60100 Embu Location: Embu Cultural Centre Email: info@embu.go.ke Website: www.embu.go.ke

EBU/CEC-GCC&SS/CA/13(47)

The Speaker,

County Assembly of Embu



## RE: APOLOGY-CHIEF OFFICER'S MISCONDUCT

On behalf of the department of Gender, Children, Culture and Social Services and on my own behalf, I wish to take this opportunity to apologize for the events that befell five members of my Gender Committee on 4<sup>th</sup> June, 2018 when they were left stranded at Machakos town by my Chief Officer Jane Ndegı Mugambi.

I would like the Assembly to know that the actions of the Chief Officer are personal to her and do not in any way portray the spirit of the department.

This is to kindly reassure the members that this department will always endeavour to work in harmony with the Assembly and to espouse the highest degree of integrity and decorum in so doing.

Once again, please accept my sincere apologies.

A handwritten signature in black ink, appearing to be "Joan Mwende".

Dr. Joan Mwende  
CEC Member

GENDER, CULTURE, CHILDREN AND SOCIAL SERVICES

Cc: 1) H.E The Governor





DEPARTMENT OF GENDER, CULTURE, CHILDREN AND SOCIAL SERVICES

Tel: +254 68 30855

Address: P.O. Box 36-60100 Embu Location: Embu Cultural Centre Email: info@embu.go.ke Website: www.embu.go.ke

EBU/CEC-GCC&SS/CA/13(46)

H.E. The Governor

Embu County Government



5<sup>th</sup> June, 2018

RE: GROSS INSUBORDINATION-JANE NDEGI MUGAMBI.

I write to highlight an incident that took place yesterday on 4<sup>th</sup> June, 2018 for your urgent intervention..

On 4<sup>th</sup> June at about 12.00PM, I was made aware that a disagreement between my Chief Officer Jane Ndegi and five Gender Committee Members from the County Assembly had arisen; while they were in Machakos. The officials had stopped over on their way to Mombasa from Embu as they travelled on a benchmarking trip. . As I was part of the travelling team, I had been asked to connect with them at the Machakos/Mombasa road Chumvi junction, a point at which I had been waiting since 9.00AM when I received the call.

Immediately I received this information, I tried to call my Chief Officer to establish facts but she declined to pick my calls. I was frustrated. I was consequently forced to travel to Machakos to confirm the situation and try to see if I could resolve the matter.

Upon arrival at Machakos, I found the five Members of the County Assembly together with the Aide to one member with disability and the Clerk to the Gender Committee who were stranded, angry and distraught; sitting outside at a shoeshine point near the T Tot hotel.

I sought to establish the details of what had transpired. The honourable members narrated to me their harrowing experience in the hands of my own officer whom



they described as a disgrace. Apparently, there had been a disagreement over payment of per diem. The Chief Officer had refused to pay the members even though she had the money in her possession (as established from reliable sources). She had also disrespected them by shouting at them *you can go and impeach me* as she went on to allege that my letter inviting the County Assembly members to the trip was *unprocedural*. The said Chief Officer had written on the same matter to the Assembly on 28<sup>th</sup> May 2018 vide her letter ref: EBU/GCC&SS/INV/16/3 (84) inviting the members for the trip contrary to protocol.

Importantly, I had discussed the *per diem* issue with my Chief Officer severally and instructed her to ensure she paid the allowances at the point of departure. In my invitation to the County Assembly members ref: EBU/CEC-GCC&SS/CA/13(45) dated 31<sup>st</sup> June 2018 and which I brought to the attention of the Chief Officer, I had informed the members that they would receive their allowances at the point of departure. There should never have been an argument over the matter since I had instructed and followed through to ensure everything was set.

On 26<sup>th</sup> May, 2018, about a week before the trip, the Chief Officer had confirmed to me that the money for the trip had been processed so I had no reservations when I made the commitment on payment to the County Assembly. On 1<sup>st</sup> June 2018, I personally met the Chief Officer Finance at her office (she was working even though it was a holiday) who assured me that she had processed the same money and that everything was well set. I did all this to ensure that the trip went on uninterrupted.

I wish to observe that:

1. The conflict between my chief officer and the County Assembly members was uncalled for and is the culmination of the unprofessionalism that I have tried to deal with and raised concerns about since I took office..
2. The failure by the officer to pay the officials was unwarranted as she had already got the money and the officials were already aboard the bus to Mombasa.
3. The Chief Officer did not make any attempt to reach me when the conflict between her and the County Assembly members arose which is a show of show of total disregard for common order.
4. The behaviour of my Chief Officer on this material day is consistent with her character- I have raised the issue of her conduct before, officially; the latest ref: EBU/GCC&SS/P,F/20160025203/18 on 25<sup>th</sup> January, 2018.



5. The Chief Officer is undermining my authority and usurping my powers as the CEC Member for her department, an attitude that goes against the tenets of good governance and which is bound to undermine service delivery to the people of Embu County..

6. i) The officer is in breach of Chapter 6 of the constitution which states in part: *A State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids—*

*(a) any conflict between personal interests and public or official duties;*

*(b) compromising any public or official interest in favour of a personal interest; or*

*(c) demeaning the office the officer holds*

ii) The Chief Officer's behaviour contravened Part III of the Public Officer Ethics Act (2003) which stipulates *a public officer shall, to the best of his ability, carry out his duties and ensure that the services that he provides are provided efficiently and honestly.* 9. *A public officer shall- (a) carry out his duties in a way that maintains public confidence in the integrity of his office; (b) treat the public and his fellow public officers with courtesy and respect;*

This is to therefore request you to intervene in this matter and save the department from imminent disintegration.



Dr. Joan Mwende

CEC Member

GENDER, CULTURE, CHILDREN AND SOCIAL SERVICES

Cc: 1) H.E The Deputy Governor

2) The Speaker,  
County Assembly of Embu

✓ 3) The Clerk  
County Assembly of Embu

4) CEC PSA

5, ~~JOAN~~ MWENDE