



REPUBLIC OF KENYA
NYANDARUA COUNTY ASSEMBLY
1ST ASSEMBLY- 4TH SESSION
OFFICIAL REPORT



(The Hansard)

Wednesday 22nd June, 2016

The Assembly met at the Assembly Chamber (P.C.E.A building) at 2.30 p.m.

The Hon. Speaker, Hon. Ndegwa Wahome, in the Chair

Prayer

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

(There is quorum as confirmed by the Clerk-at-the-table.)

Speaker: There being quorum we can proceed with the business of the day.

COMMUNICATION FROM THE CHAIR

MOTION OF COUNTY IMPORTANCE PASSED ON WEDNESDAY 22ND JUNE 2016 9.00 A.M.

SITTING

Hon. Members, although I have not been able to look comprehensively at what happened this morning in the House pertaining to the matters on the Committee on Budget. I would want to put my case very clear. I have always said that we are not doing this for ourselves, we are doing it for our faith in the law and for purposes of how we were going to be judged by history and for the future. I look at that particular motion, actually it is not in line with the law. It clearly flies on the face of the law. I am not overruling it because it has to be overruled by a motion but as the Speaker I am going to write a very comprehensive communication on that particular motion.

There have been issues that have been raised on the floor of the house and captured by the Hansard which are very erroneous. They do not reflect the facts in the budget that we are supposed to approve. Some of the issues for example the Ward Development Fund was actually improved

to Ksh 300 million, roads were improved to Ksh 10 million, water was given more than Ksh 5 Million. That was very clear

When you move a motion here for purposes to inform certain directions given and which are not correct it is not fair and we are going to be judged very harshly by history. I am therefore going to deliver myself very clearly in a communication that will be delivered tomorrow. I had communicated to the chairperson Budget Committee in this issue. I will not overrule that motion. Whatever was passed in that motion will proceed the way people want it to proceed. We shall have to make this house appreciate the true position of all these issues. That is all.

What is member for Kaimbaga?

Hon. Kimani Njiraini: Thank you Mr speaker, concerning the motion by Hon. Ngotho and also the funds that you have talked about, Ksh 300 million, Ksh 10 million and Ksh. 5 million, we honestly never received that information. That is why there was such a passionate contribution and especially me because I need development in Kaimbaga ward. We sat at Royal Garden and we agreed and now that such information never got to me as Kimani Njiraini I had to contribute. If the money was allocated as you have mentioned then the motion was misleading and I am sorry for that as the member for Kaimbaga ward.

Speaker: Yes Deputy Leader of Majority and the member for Kipipiri Hon. Michael Njoroge Kirumba

Hon. Michael Kirumba: Mr Speaker, I think your communication is an eye opener. We have to appreciate that we had the chairperson committee on budget in the House and that triggered the then Speaker to allow such deliberations. This one of the things that will go on record as misleading the Hon. House. Mr Speaker you cannot be citing those figures from nowhere. If you go through the records you will find the figures we were told. I took note of them, for instance ward development fund was that the most we could get would be Ksh 10 million, water Ksh 2 million and roads Ksh 6.2 million and the nominated Ksh. 0.

We need to leave our records straight for posterity. You have taken the earliest opportunity to make to records straight. I wish that in your communication you make the position clear for you and us who responded because we were triggered to respond. This is the only budget that will

make or break the first assembly. Thank you for that communication because it has come with facts.

Speaker: Yes Deputy Speaker and the member for North Kinangop Hon. Edinald Wambugu King'ori.

Hon. Wambugu King'ori: Thank you Mr Speaker, being the speaker that was in the chair then, the motion was moved by Hon. Ngotho and it was seconded by the chairperson Committee on Budget and Appropriations. It is very unfortunate that the motion moved by the member and seconded by the Chairperson Committee on Budget and Appropriations was misleading this House. It was said that what we had agreed with the executive lead by the governor at Royal Garden was not put in the budget estimates. I had to allow that motion. If what you have said is the truth and believe that it is true, then the mover of the motion and the seconder of the motion should apologize to this House. It was very bad and we are setting a bad precedence.

Speaker: Member for Njabini/Kiburu I will give you the last chance because you are the Chairperson Committee on Budget and Appropriations. Member for Gatimu

Hon. Kieru Wambui: Thank you Mr Speaker, I concur with you and this is the issue that I raised with the members on the floor of the House when I was making my submissions. The chronology of the event is that this started at Mombasa, then to royal gardens and then to the budget committee. The budget estimates were already on the floor of the House and therefore a property of the house. The mechanism of the executive to take to document back so that it can be amended was a quagmire that we did not have a solution for. The only solution we had then was that the executive and the assembly forge a way forward through a document that was to be prepared and agreed upon by the two arms of government. That was agreed upon by the directors of budget from the county executive and assembly *akina* Karanu. There is a document that they agreed upon.

When the budget estimates were tabled in the house initially they did not consider our interests. Now that it did not capture our interests the only document that would be the one that they agreed upon that can only be tabled by the Budget Committee when they shall be tabling their report. That was the only problem because the committee on budget did not know how to get a formal document. The document they had was not signed because it was a soft copy. All that they

needed is probably a meeting, minutes taken, they be signed and they are annexed to the report and so that the controller of budget does not reject the report. I requested the office of the speaker and that of the CECM finance to ensure that they have formalized the document.

Speaker: Yes member for Karau

Hon. Kamau Ngotho: Mr Speaker, this is a house of rules and procedure. Which document was tabled on the floor of the House on 5th May 2016? Two, which document was taken for public participation? What is being alluded is that the amount allocated to roads has been increased to Ksh 8 million. That is a document that is not known in this House and it can therefore not be a subject of scrutiny in this House.

Mr Speaker, if you can remember, you said that there is no way you can withdraw documents that have timelines. That is what Hon. Kieru is saying and it is the same thing I said in number three of what was resolved, that Hon. Nderi Ndiani owns up all these documents that were agreed upon in Royal Garden so that these be the amendments of the executive so that we do not go contrary to the 1% amendment. I do not know why the Deputy Speaker is saying that I misled the House. I did not. I relied on the document that was laid in this house and the document with which the budget committee took to my people. Ward development fund Ksh. 10 million, water Ksh. 2 million and roads Ksh. 6.1 million.

The negotiation between the chairperson and Hon. Nderi is what we want. The budget chairperson will tell us whether they agreed on Ksh. 12 million. You at Royal Garden said that there would be a collaboration between the executive and the legislature.

I therefore did not mislead the House and I would wish that the Deputy Speaker would take back his words. I was informed by properly laid document.

Speaker: Yes member for Gathanji Hon. Samuel Thuita

Hon. Samuel Thuita: Thank you Mr Speaker sir, this morning we debated the issue on the floor now. If we would go back to the records we all supported the motion by Hon. Ngotho. The document that I rose with in this House is the document that was tabled, it was committed to the committee on budget and it is the document that we took to Wanjiku. It is the same document

that has an allocation of Ksh. 2 million for water in very ward. If this committee is to write a report it will do it on what it has been doing or the last seven days.

(Hon. Kieru Wambui rises on a point of order)

Speaker: Member for Gatimu, how is the member for Gathanji out of order?

Hon. Kieru Wambui: Mr Speaker he is out of order, does he want to insinuate that the meeting held at Royal Garden was irrelevant such that anything that emanated from that meeting cannot be considered by the budget committee?

Speaker: What is happening here and which I do not think that it is erudite enough is that the Budget Committee wants to create an ideal situation where by they are looking at the code prints in the estimates tabled in the assembly and not looking at what happened in Mombasa and Royal Garden and what happened thereafter between our technical team where the chairperson was involved and the county treasury.

(Consultations and laughter)

Order members! We are discussing our last budget and we agreed that this is Wanjiku's budget. I personally called the chairperson budget and I told him that the meeting for reviewing this budget will be at the Governor's Board Room and this hour and you go with one or two of your members and your technical team and get into an agreement.

(Hon. Gachomba rises)

Hon. James Gachomba: Mr Speaker you called me and the time you called me so that we can go and have a consensus with the executive. I was not called by the committee clerk or the director budget. The time that the clerk, Karanu, told me that there was a meeting, it had been postponed for one hour. They never told me the time for the next meeting. I am saying this in front of this house. We are working on this document because the document from the consensus, I was not even involved. I do not even have it.

Speaker: Member for Gathanji proceed

Hon Samuel Thuita: Mr Speaker, what has taken us this far is that in Royal Garden we agreed that we have a committee from the assembly and the executive

Consultations

Speaker: Order members!

Hon. Samuel Thuita: Mr Speaker, I was saying that we had agreed that we have a committee from both the assembly and the executive. We have never sat to harmonize this document to date. We have been asking for the itemised budget so that when we go there we can have something to compare with. It has never been submitted to this committee even now. The document that we are relying on is the one that was tabled in this House and had we not had such a motion in the morning, the committee would have made a report from the estimates that were tabled in this House. If there were other meetings, the committee was kept in the darkness. Mr Speaker it is from this that the committee came here so that we can get a way forward. This is all about this county and not an individual.

Speaker: Hon. Members, there are issues that are coming up and you have your motion that has been carried and resolutions are there and if you want to revisit that it is at your own discretion but for the time being you know that we have the Audit Report by the PIC/PAC which we should be proceeding with. Your sentiments have been captured and I will make my few comments as we close. I will only give a chance to the member for Central, member for Githioro and the chairperson committee on budget and then we close this debate. Member for Central, Hon. Peter Maina Mwangi

Hon. Peter Maina: Thank you Mr Speaker we really debated on this matter this morning. This was according to the information that we got. These members acted from the sovereign power given to Wanjiku by the constitution. We stated that we cannot pass a budget that is not development oriented. Our focus was to ensure that Wanjiku's view are captured in this budget. Are the contributions made at Ndaragwa yesterday captured in this budget? We can see a deliberate move to put us in trouble where they have put Ward Development Fund as a vote head. Last year we brought priority ward development projects which were to appear in the budget as projects to

be funded with Ward Development Fund which did not appear as a vote head. If the controller for budget sees a vote head written Ward Development Fund she will reject our budget.

Even as we look at the itemised budget and the County Integrated Development Plan let us focus on what Wanjiku said.

Speaker: Yes member for Githioro, Hon. Silvester Kagiri Mwangi

Hon. Silvester Kagiri: Thank you Mr Speaker, most of what I wanted to say has been said but I will say that we have been having program based budget and not an itemised budget. We wanted to know what is contained in these votes which have been put as global figures. The member for Ndaragwa has said that ward development fund is a global figure. Last year we had forwarded our priority projects and this financial year we had not.

Lastly, Mr Speaker you have seen where we were coming from. The chairperson committee on budget has indicated the position of the committee. They had no such information and if they did, it was verbal.

(Hon. Kamau Josphat rises on a point of information)

Speaker: Member for Githioro, do you need that information from the member for Leshau Pondo?

Hon. Silvester Kagiri: Yes

Speaker: Yes member for Leshau Pondo

Hon. Kamau Josphat: I want to tell the member for Githioro, once bitten twice shy. This is not the first time we are in this crisis. I want to remind this house that there was a time that the budget that was tabled in this House was fed into the IFMIS but not the one that that we passed in this House when the late Hon. Ngaruiya was the CECM finance. May God rest his soul in peace. We cannot allow this house to depend on an informal document. Let the document be tabled here so that we can agree on the way forward.

Speaker: Member for Leshau Pondo, I believe that the member for Githioro knew everything that you have said. Member for Githioro proceed.

(Laughter)

Hon. Silvester Kagiri: Thank you Mr Speaker, I would ask that you give us direction now that you have seen where we were coming from when we were supporting this motion. We did not have the right information. Can the document from which you got the information from be formalized?

Speaker: Chairperson Committee on Budget

Hon. James Gachomba: Thank you Mr Speaker, when the budget was tabled in this house it was committed to the Budget Committee on 5th May 2016 and it was committed to the sectoral committees later. When we were going to Mombasa we would have compiled the report. We called a governor so that we could have a consensus and we went to Royal Garden.

You called me on phone and told me to go and see the director of budget. I called them and they told me that the executive had postponed the meeting to later date which I was not even informed.

We went for public participation and we finished yesterday. The document we were supposed to use is the one that was tabled in this assembly. It is after this that the budget committee was supposed to compile a report. I called you yesterday and I told you that I was not informed of the meeting and I am not misleading the House. As the budget committee there is nowhere that we sat down with Hon. Nderi or anyone to talk about the budget and I want to make this clear to the members who are saying that we were somehow blind. Member of the budget committee are my witnesses.

This is a budget of Ksh 5 billion and we cannot be able to write a report within one day. Even after it is baked, a bread it is circulated in five days and not one day. Mr Speaker, guide us and give us the way forward.

COMMUNICATION FROM THE CHAIR

FY 2016/2017 BUDGET

Speaker: I said that I can only make personal comments but there is no much that we can do about the motion because it was passed and you know the process of reversing a motion. When

an erroneous motion has passed, the speaker has an obligation of put things correct through a communication. I cannot overrule that motion.

On the motion that was moved by the member for Karau he said that the members be given time from 22nd to 26th to go and write the report on budget and make amendments pursuant to the presentations by the members of the public and the members of the assembly. One thing that the member for Karau forgot is that he has no authority to give people time to go out and write a report. That motion can be passed but that is a discretion of the speaker and the speaker has the obligation to answer to every authority he has given. The motion can pass as much but definitely it will have to come to me and it is unfortunate that I will be against the whole House and it puts me in a very awkward situation.

The member for Karau as an economist knows that the way this motion was crafted in paragraph one cannot happen that the budget committee incorporates all the sentiments of the members of the public and the members of the assembly. The regulations are very clear on how much we can be able to move in this budget.

The reason we called a meeting outside this house is because we know that we have been completely disabled by the P.F.M.A regulations which allow us only 1% to move in that budget. We agreed that we have budget that will serve Wanjiku in this county. We had to sit down as county and reach a consensus because all of us were working for the best of the interests of Wanjiku.

You remember I said in Mombasa and also at Royal Gardens that it is not fair for this country that the governor is given power to make 99% when he has only one vote in the county. He is only 1% elected in the county while the MCAs are 99% elected. He is given 99% to make the budget while the MCAs are given 1%. Yesterday I told the chairperson committee on budget that the report you are going to bring here you must make observations so that we write to the National Treasury and the Senate about the budget making freedom which has been taken away from us pursuant to article 185 of the constitution. As of now if we do anything outside the regulations the controller of budget will reject that budget. It will be an exercise in futility. The controller of budget will go with the regulations which were passed. It was passed is in the IPAK where the County Assemblies were not represented. IPAK was making resolutions to serve the

interest of the governor because they are all members. Unless we turn to the National Treasury or to the Senate there is no much that we can be able to do here.

We called the governor and he agreed. I am very surprised that the chairperson budget is not aware of what transpired at the County Treasury. I called him and told him to carry to two other members and the director of budget and the committee clerk so that they can work on these figures. I was sent a soft copy and they are of course not signed and the treasury informed me, actually the CECM for finance, that they were able to move WDF to Ksh 300 million, roads Ksh 10 million and water Ksh 133 million to be divided among 25 wards. This will be about Ksh 5.3 million. I felt very satisfied because those were the concerns that we raised with the governor. I thought, having delegated to that the chairperson budget and to my technical people, that they have the document that incorporates those agreements and that that document would be annexed to the report by the Budget and Appropriations Committee. That was my expectation. I delegated this to him and I gave clear directions on how to engage the treasury and I was communicated to by the treasury on what were the fruits of the engagement and I thought that they were satisfactory.

I actually talked to several members of the assembly and told them of the kind of agreement that has been struck between the executive and the assembly. I am surprised that the budget committee is not aware of that agreement. After I delegated that no one came to me to tell me that they never sat. Up to now I take it that what I was given by the CECM finance is what they agreed.

Secondly, is that when paragraph one of the motion was moved the way it was moved, then there is no hurry to convene on 27th June 2016 because we cannot be able to meet the statutory deadlines. I talked to the chairperson budget and the member of the budget committee that was available, county member from Njabini Hon. Beth Wahito Njoroge and I explained to them that the budget committee had to work yesterday because I was thinking that they had the document on the agreed terms. They would have worked yesterday and today and then bring that report tomorrow we pass it in the afternoon and then my team works on the resolutions on Thursday night until morning, I sign them in the morning so that we take them to the governor and then the CECM and his team sit to work on the appropriations bill on Friday and Saturday, our people to go to Nairobi so that on Monday they take the appropriations to the government printers and the bill is published on Monday. On Tuesday we table the bill in this house and commit it to the committee

on budget. It will go out with the bill on Tuesday evening to work on it on Wednesday and bring it on Thursday and we work on it until midnight on 30th and finish the issues on budget. That is what I communicated to the chairperson budget and the county member from Njabini.

If we are not going to have this budget tomorrow...

(Consultations)

Order members! Order member for Gatimu! I am saying that if we are not going to have this budget tomorrow then on Thursday we be ready to pass a vote on account so that we be using recurrent expenditure, while work on the other issues without any hurry. Those are the simple terms of budget making process.

The other concern that I have on the motion by the member for Karau, paragraph three was saying that the respective county executive member for finance does agree to sign... You cannot direct as a house what the CECM can sign or not sign. If you are saying that you have not even seen the agreement what is he signing? There is a better way and I think you can agree after we are done with the audit report by PIC/PAC, we sit here and agree even if we have to get the governor tonight, if the document was not signed... I thought that the chairman had the document because I directed that it be worked on and I got a soft copy... because I know that it is to the interests of the members of the assembly. You said that you want maximum development to go to Wanjiku and you are not compromising. That is the much we have been interacting with the committee on budget, county treasury and my technical team. That is food for thought as we work on the issue of the committee on PIC/PAC.

Members you should have thought of the way forward on that matter by the end of the report by the PIC/PAC. It is a very urgent matter. This is the last budget we have and we cannot afford to lose even a minute before we pass this budget. We need it like yesterday so that we start implementing our development agenda 2016/2017.

Next order

NOTICE OF MOTION

REPORT ON PUBLIC PARTICIPATION AND CIVIC EDUCATION BILL, 2015

Hon. Peter Maina: Thank you Mr. Speaker. I beg to give notice of the following motion:

That this House does adopt the Report of the Committee on Justice, Legal Affairs and Public Service on Public Participation and Civic Education Bill, 2015 as a report of this House and the recommendations therein as resolutions of this House.

Thank you Mr. Speaker

Speaker: Very well; Hon. Members, the notice of motion is duly given. The House Business Committee shall allocate time on when the motion will be moved.

Next order

RESUMPTION OF BUSINESS

MOTION

REPORT ON THE AUDITED FINANCIAL OPERATIONS OF THE NYANDARUA COUNTY EXECUTIVE FOR THE FINANCIAL YEAR 2013/2014

Speaker: Yes Member for Githioro and the Chairperson of the Public Accounts and Investments Committee

Hon. Silvester Kagiri: Thank you Mr. Speaker. I beg to move the following motion:

That this House does adopt the Report of the Public Accounts and Investments Committee on the Audited Financial Operations of the Nyandarua County Executive for the Financial Year 2013/2014 as a report of this House and the recommendations therein as resolutions of this House.

The report is in response to the Auditor General's report on the Nyandarua County Executive financial operations during Financial Year 2013/2014.

My Committee responded to every audit query that was raised by the Auditor General. The report is itself voluminous. I request not to read the whole content of the report.

Speaker: How far had you gone in discussing the report?

Hon. Silvester Kagiri: I had not started discussing the report.

Speaker: Okay

Hon. Silvester Kagiri: The report may take two or three days to fully discuss. In view of this, I will highlight the most critical issues.

On page (iv) there is a list of Committee Members who came up with this report.

Mr. Speaker, the terms of reference that guided the Committee are well outlined in the report. In addition, the acknowledgement outlines the persons who provided information as well as those who helped the Committee in coming up with the report. In relation to this, the Committee I thank you to your office Mr. Speaker for the continued support it has accorded the former. The CECMs and the Chief Officers and other officers who the Committee invited to provide information did not disappoint.

Mr. Speaker, the report is arranged in a manner that each audit query is followed by Committee's observations and findings and recommendations on the same.

The Committee's investigations into audit queries on irregular procurement of roads rehabilitation and maintenance works, irregular leasing of initial Governor's offices, irregular procurement of (Governor's leased) offices refurbishment works, unaccounted for Kshs. 61, 592,000 were limited to the fact that a key witness, the former CECM for Finance and Economic Planning, Hon. Nelson Njoroge Ngaruiya (MBS), passed on before the Committee had started the investigations. However, the Public Accounts and Investments Committee had foreseen some irregularities raised by the Auditor General during Hon. Nelson Ngaruiya's tenure and carried out preliminary investigations on the same. It is upon these investigations that the Committee came up with various recorded observations and findings.

Mr. Speaker, I wish now to move over to Committee's responses to the Auditor General's raised queries and show how the County was 'raped' in turns. The culprits of this do not want to 'own the baby'. They toss the 'baby' amongst themselves. The report proves that a lot of looting took place during the financial year under review.

By the way, Mr. Speaker, there are cartons of documents that the Committee scrutinized in the process of compiling the report.

During cross-examination of witnesses at Dream Hotel in Ol-Joro-Orok, blame games arose. I remember witnesses from the Department of Roads, Public Works and Transport and the Department of Finance and Economic Planning threw blames on one another in one of the meetings convened at the aforementioned venue.

The first audit query is on page 3 of the report:

Irregularities in Procurement of Roads Rehabilitation Works

Mr. Speaker, Sir, the Auditor General reported that the County Executive of Nyandarua spent Kshs. 657,947,191 in roads maintenance and rehabilitation in all the five sub-counties. The work entailed grading, gravelling, opening and murraming of weather roads. The stated amount was 165% more than the Kshs. 247,500,000 provided for roads maintenance and rehabilitation in the financial year 2013/2014 budget.

My fellow Members can go through the Committee's observations and findings pertaining to the above stated audit query since they have each a copy of the report. But I wish to take Members through the first bullet of page 46:

The actual expenditure incurred in the programme was yet to be ascertained by the time of compiling this report. This is because the Auditor General stated the expenditure as Kshs. 657,947,191 while the Department of Finance and Economic Planning and the Department of Roads, Public Works and Transport stated the expenditure as Kshs. 671,948,269 and Kshs. 440,383,622 respectively. The Committee vouched LPOs/LSOs, invoices and payment vouchers availed to it by the Department of Finance and Economic Planning and noted that the expenditure totalled Kshs. 332,616,569. In view of the foregoing, the actual amount of money that was spent on the roads rehabilitation and maintenance programme could not be established.

Recommendation 1 concerning the audit query in question intimates that Kshs. 231,564,647 might have been lost. There were no documents presented to support the expenditure of this money. So to whom or for what did the Department of Finance and Economic Planning pay this amount? If you peruse the report, you will find that the Chief Officer for the Department of Finance and Economic Planning and the Principal Finance Officer admitted that destruction of documents pertaining to the programme in question occurred.

One of the reason that probably prompted destruction of the documents is that there were some owners of machines who were paid yet their machines were never used to implement the road works. The Committee found out that some procurement officers who were involved in the implementation of the programme in question were deliberately transferred to other areas because they failed to sign LSOs for ghost service offers. Some witnesses confessed that this happened and this is in the records for reference purposes.

Mr. Speaker, let me now take Members through the Committee's recommendations pertaining to irregularities in procurement of roads rehabilitation works during the period under review.

Committee's Recommendations

1. That the Nyandarua County Governor should instruct the CECM for Finance and Economic Planning, Hon. Nderi Ndiani, to ensure surcharging the Chief Officer for the Department of Finance and Economic Planning, Mr. Michael Kamau and the County Executive's Principal Finance Officer, Mr. Jesse Mwangi, Kshs. 231,564,647. This amount is the difference between total cost incurred in the programme as reported by the Department of Finance and Economic Planning and the total cost of the same as reported by the Department of Roads, Public Works and Transport, i.e. Kshs. 671,948,269-440,383,622. The Committee recommended surcharging of the two stated officers because, during the implementation of the financial year 2013/2014 roads rehabilitation and maintenance programme:
 - i. Being professionals, they never advised the County Government on the correct budget to use for the implementation of the programme in question. They opted to use the original budget despite the same, with the approval of the county assembly, having been revised in order to eliminate its deficits.
 - ii. They failed to ensure safe custody of the documents pertaining to the programme in question which led to the loss of the same.
 - iii. They appropriated funds budgeted for purchase of machinery to pay for road works.
 - iv. They failed to ensure that the County Government maintained vote books to help track expenditure.

- v. They continued authorising for payments for the road works despite having been aware of the irregularities associated with the implementation of the same.
- vi. As senior officers in the Department of Finance and Economic Planning, they instructed junior officers in the Procurement Unit to issue LPOs/LSOs after the roads works had been done.
- vii. They failed to advise the County Executive's Tender Committee that served during the period under review on the need not only for open tendering for the procurement for road works but also for inspection of all the hired machinery.

The above is in view of Section 226 (5) of the Constitution which provides that:

If the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not.

- 2. That the Director of EACC and the Director of CID should further investigate the following officers on their responsibilities in the malpractices and irregularities that were performed in the implementation of road works during the period under review:
 - i. The Chief Officer for the Department of Finance and Economic Planning, Mr. Michael Kamau, specifically on issues stated in recommendation no. 1 above.
 - ii. The Principal Finance Officer, Mr. Jesse Mwangi, specifically on issues stated in recommendation no. 1 above.
 - iii. The former Director of Supply Chain Management, Mr. Ephantus Thigah, specifically on uncompetitive sourcing of machinery, influx of trucks and instructing junior officers in the Procurement Unit to issue LPOs/LSOs after the roads works had been done.
 - iv. The former Director of Supply Chain Management, Mr George Mwaura, specifically on uncompetitive sourcing of machinery, influx of trucks and instructing junior officers in the Procurement Unit to issue LPOs/LSOs after the roads works had been done.

- v. The former CECM for Roads, Public Works and Transport, Eng. Charles Ciuri, specifically on uncompetitive sourcing of machinery and influx of trucks.
 - vi. The County Roads Engineer, Mr. Zablon Karengi, specifically on uncompetitive sourcing of machinery, influx of trucks and exerting unyielding pressure on the Sub County work officers which led to execution of substandard work and hence wasteful expenditure.
 - vii. All the Sub County administrators who served during the implementation of the road works in question; they included: Peter Kinuthia, Kinangop Sub County; Eric Onyango, Ol-Joro-Orok Sub County; Miriam Mwai, Kipipiri Sub County; Ann Kariuki, Ndaragwa Sub County; and both Simon Mwaura (assigned Ol'kalou rural) and Christopher Muiruri (assigned Ol'kalou Town), Ol'kalou Sub County
3. That the Nyandarua County Governor should suspend both the Chief Officer for the Department of Finance and Economic Planning, Mr. Michael Kamau, and the County Executive's Principal Finance Officer, Mr. Jesse Mwangi, to pave way for the relevant oversight authorities to conduct further investigations and make the necessary recommendations.
 4. That the County Executive's Tender Committee that served during the period under review should be answerable for the malpractices that arose from procurement for the road works in question. This is because it failed to adhere to the provision of Section 227 (1) of the Constitution which states that:

When a state organ or any other public entity contracts for goods or services it shall do so in accordance with a system that is fair, equitable, transparent, competitive and cost-effective.
 5. That the Auditor General should conduct lifestyle audit of all officers stated in no. 2 above and table, within three months, a report on the same to the County Assembly.
 6. That all the officers stated in no. 2 above should all step aside to pave way for investigations.
 7. That the Sub-County work officers who served in Kipipiri, Kinangop, Ndaragwa and Ol'kalou Sub-Counties, namely: Joseph Kai, Mr. Mutahi Wahi, Mr. Patrick Gachugi and Mr. Samuel Mugi should step aside to allow further investigations of their conduct that resulted in irregularities associated with road works in question. Specifically:

- a. Mr. Patrick Gachugi should be investigated, among other issues, for having negotiated with quarry owner (s) in Ndaragwa Sub-County for a 14-tonnee lorry of quarry dust (murrum) to be bought at Kshs. 4000 instead of the market cost which stood at Kshs. 2500.

(According to Section 197 1(i) of the Public Finance Management Act, a public officer commits an offence if an officer incurs wasteful expenditure on behalf of the government.)

- b. Mr. Mutahi Wahiu, Mr. Joseph Kai and Mr. Samuel Mugi should be investigated for deliberate misrepresentation of facts leading to more money than necessary being paid by the County Government to the contractors. These officers overstated quantity of work done by various contractors, overstated the length of road stretches graded and or gravelled, and/or gave false information on whether various roads had been graded or gravelled. For example:

- i. Mr. Joseph Kai had indicated in his Kipipiri Sub-County road maintenance report that the entire 7-kilometre stretch of Wenyenyeke-Barainya road was graded and a four-kilometre stretch of the same road was gravelled. However, challenged by the Committee to substantiate his statement since the Committee knew he was giving false information, Mr. Joseph Kai described that the actual work, which he had initially claimed as gravelling of 7Km road, was as follows:

Grading: 5.2km stretch of Wenyenyeke-Barainya road, 0.5km from junction of Wenyenyeke road to Tarmac and 1.3km of a section of the road from Chief's Camp towards Barainya.

Gravelling: A stretch of 1.8km of Wenyenyeke-Barainya road from Tarmac, spot patching of a stretch of 1.2km of Wenyenyeke-Barainya road from Barainya junction and spot patching of 0.8km section of the road from Chief's Camp towards Barainya.

- ii) Mr. Mutahi Wahiu was unable to explain to the Committee why he indicated in the Kinangop Sub County report that the two-kilometre Kiriahu road in

Githabai ward was gravelled yet the actual length of the road that was confirmed to have been gravelled was only 0.8 kilometres. The Committee noted that the aggregate length of roads claimed to have been gravelled in the said ward was totally not commensurate with the Kshs. 18,291,189 reported to have been utilised for the same. Mr. Mutahi Wahiu could not convince the Committee that the road works done in the ward in question were standard.

- iii) Mr. Samuel Mugi gave false information that 18.5 Km of Njigaga-Kang'athia-Kanjuiro road was gravelled. The Committee established that the entire stretch of the said road is about 18Km. Further, work done on this road was only patch gravelling.

(According to Section 197 (n) of the PFM Act, a public officer employed by the National Government or National Government entity commits an offence of financial misconduct if, without lawful authority, the officer makes any statement or declaration, or gives any information or certificate, lawfully required by or under this Act knowing it to be false or misleading in a material respect.)

8. That the four Sub-County Work Officers stated in no. 7 above should be surcharged any money which was irregularly paid for work not done.
9. That the CECM and Chief Officer for the Department of Roads, Public Works and Transport, Hon. George Muthanwa and Mr. Robert Ndumia respectively, should (after all investigations are concluded) immediately re-deploy Mr Samuel Mugi, Mr Patrick Gachugi, Mr Mutahi Wahiu, Mr Joseph Kai and Mr Davis Gitau, who were the Sub County works officers during the implementation of the programme in question, to other roles that are appropriate to their professional qualifications. This should be done if the said five officers will be deemed fit to hold public office after conclusion of all the recommended investigations. Consequently, with the effecting of this recommendation, the County Secretary shall be required to within 21 days notify the County Public Service Board on the re-deployment for the purposes of regularisation. The County Secretary shall also be required to within 21 days notify the County Assembly on the said re-deployment. In view of this, the County Public Service Board should, with the effecting of this recommendation,

consider recruiting officers to fill the positions of Sub County works officers, giving priority to recruiting internally.

Mr. Speaker, I beg to move over to the next audit query, that is:

Irregular Procurement of Works

Mr. Speaker, Sir, during the financial period under review, the County Executive approved construction of five (5) Eco-toilets in Kasuku, Njabini, Miharati, Ndaragwa and Captain Markets each at Kshs. 4,000,000; so the total cost of the same was Kshs. 20,000,000. There were anomalies that the Auditor General observed pertaining to this as outlined in the report.

Mr. Speaker, I wish to note that the Eco-toilets construction projects during the financial year 2013/2014 stalled except one; only one Eco-toilet is functional, that is, the Eco-toilet in Ndaragwa. Remember some money was paid to contractors who were contracted to build the toilets.

The Department of Roads, Public Works and Transport changed the budget for the construction of Eco-toilets without the approval of this House. The initial budget for the same was Kshs. 800,000 for construction of one toilet.

Mr. Speaker, the other query is on:

Uncompetitive Procurement of Repairs and Maintenance of Motor Vehicles, Plants and Machineries

Mr. Speaker, Sir, during the financial year under review...

Speaker: Chairman, you know the issue of the Eco-toilets in question is a hot one. Since you have included it in the report. It is important that you discuss it further for purposes of record. It is good that the people of our County know that this House never approved construction of the Eco-toilets for Kshs. 4 million each. Actually, this House approved Kshs. 800,000 for each Eco-toilet.

Hon. Silvester Kagiri: Thank you Mr. Speaker, Sir.

In the financial year 2013/2014 the budget had provided Kshs. 20 million for construction of twenty five toilets, one in each ward at a cost of Kshs. 800,000. However the Department of Health Services changed the budget by re-allocating Kshs. 20 million for construction of five Eco-toilets,

one in each of the following places: Kasuku, Njabini, Miharati, Ndaragwa and Captain Markets. By the time of compiling the report, some of these Eco-toilets were not complete while construction of others had stalled.

I don't think I need to take you through the entire report but I wanted to make it clear that at no one point did the County Assembly approve that a toilet could cost Ksh.4 Million. We approved Ksh.800, 000 per toilet in each ward. In other words, it was against what was approved by the County Assembly. In recommendation no. 2, the committee said,

That the County Department of Health Services must always ensure that all its expenditure is within the budget.

The CECM and C.O. in the department of health should be surcharged Ksh.16 Million Mr. Speaker. This is because, back in our minds, we think that what they did in the five markets was worth Ksh.800, 000 as approved by the County Assembly. I think that is clear.

Mr. Speaker, I wish to take the members to page 57 of the report, which talks about Uncompetitive Procurement of Repairs and Maintenance of Motor Vehicles, Plants and Machineries. To make Members understand where we are coming from, during the financial year under review, the County Government spent Ksh.9, 662,207 on repair and maintenance of the county motor vehicles and heavy machineries. However, these services appear to have been procured without following laid down procedures; no quotations or other tender documents were produced for audit verification and there were no reports of Government Mechanical Engineer to support the repairs. We investigated and found out that there were no records showing that these machineries had been maintained. It was an year that we thought, as a committee, that things were being done by one person who would wake up one day and decide the way things were to be done. There were no LSOs, payment vouchers and other documents that could justify the expenditure. The findings and observations on this one as well as recommendations for the members' consumption.

On page 63, Mr. Speaker, the committee found that there was *Irregular Procurement of County Offices Refurbishment Works*. I am hopeful that members are there so that we can move together. This document has so many audit queries and I am trying to make them flow systematically so that members can catch up on what we are doing. As much as many members would wish us to go directly to the recommendations, the committee came up with so many recommendations. But for the purposes of reminding the members on the above matter, during the

financial period under review, the County Executive of Nyandarua contracted a contractor to carry out the work of refurbishing and partitioning its offices at the County Headquarters at a cost of Ksh.12, 811,950. However, the following anomalies were observed on this process.

Mr. Speaker, we found that the process was single sourced and the contracts there below that they used Ksh.8, 847,391 which was 69 percent in excess. This contrary to the PPDA. The Acts talks of 25 percent in case of excess spending.

Some of the recommendations include:

That the County Government puts up its own premises urgently to save on rental costs and the rent payable be channelled to the development and/or service delivery.

Mr. Speaker, we came up with a report on this sometimes back. All these officers quoted in our recommendations played part in that and they misled the county. We therefore thought that they were supposed to be surcharged because of the excessive use of money against the stipulations of the BQ.

Mr. Speaker, let's go to page 68 of the report. It is about the sewerage system which falls under the Department of Water, Energy, Environment and Natural Resources. There was an audit query on Irregular Procurement of Feasibility Study of Ol'kalou Town Sewerage System. This is about the Tahal issue which was raised by the Auditor General and members can see what was paid from the report. As a committee we tried to dig deeper into the issue and as per our mandate and bore in mind that an Ad hoc committee was formed to investigate the issue. Ultimately, our committee came up with various findings and recommendations. If you go through the findings, you will find the people who signed.

On this one, Mr. Speaker, I beg to read the recommendations. The Committee recommended the following concerning the above raised audit query:

- 1. That the Director of EACC should interrogate H. E the Governor, Hon. Daniel Waithaka Mwangi, and the CECM for Water, Energy, Environment and Natural Resources, Hon. Grace Gitonga, for the irregular procurement of the contract to develop Nyandarua County water master plan and to review the Ol'kalou Town sewerage system design and rush into signing contract agreement involving substantial amount of public funds without exercising due diligence. The two Executives should be interrogated on whether their actions, though acting in their capacity on behalf of the County Government, were a calculated move to defraud the County. The County Government is yet to and may not get*

value for Ksh.50 million committed, and now paid, to the Tahal Group of Israel to carry out a feasibility study and come up with Nyandarua County water master plan as well as to review Ol'kalou Town Sewerage System.

Mr. Speaker, our argument revolved the confusion of whether it was Ol'kalou Town Sewerage System or the Master plan. We found them quite contradicting throughout our investigations. During the audit query, they were saying that the document they had talked about Ol'kalou Town Sewerage System while the document that was produced to the committee was talking about the Water Master Plan. And so, all this information was contradictory.

- 2. That H.E. the Governor must desist from assuming the role of an accounting officer. H.E. the Governor signed the contract between the County Government and Tahal Group yet he is not the accounting officer of the Nyandarua County Government and this was in violation of section 22 of the Public Private Partnerships Act, 2013 which states that:*

Where a contracting authority intends to enter into a public private partnership, a person shall not, unless he is the accounting officer of the authority, enter into a project agreement in relation to that project on behalf of the authority.

Consequently, the contract is voidable by Tahal Group — a position that exposes the County Government to loss of public funds.

Mr. Speaker, we are fearing that we might have lost the money. However, time will reveal the truth.

- 3. That H.E the Governor, Hon. Daniel Waithaka Mwangi, and the CECM for Water, Environment and Natural Resources, Hon. Grace Gitonga, should fully compensate the County Government in the event that the contract does not materialise and/or the County Government fails to get value for funds injected into the project. The above is in view of Section 226 (5) of the Constitution which provides that:*

If the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not.

- 4. That H.E. the Governor should solicit the National Government to fund the implementation of the Nyandarua County water master plan which was expected to cost about Ksh.2*

billion. The cost of implementation is so high that it cannot be met by money from the County Revenue Fund. The CECM for Water, Environment and Natural Resources hinted that Tahal Group would only assist to source such funds from development agencies owing to its experience and connections pertaining to such projects. This was however not stipulated in the contract.

Mr. Speaker, as aforementioned, Tahal Group was supposed to help source for funds through development partners but I hear that they do not even respond to calls although I do not want to rely on hearsay.

Moving on swiftly, Mr. Speaker, page 74 of the report talks about lack of proper records in the Department of Water, Energy, Environment and Natural Resources which was an audit query. I don't want to talk on this one because it is well captured in the report.

Let us go to the Department of Finance and Economic Planning on page 79 of the report. There was an audit query on unaccounted for funds for construction of county headquarters. This is an issue that has been following this County since the special audited report between 1st January 2013 and 30th June 2013. Our county was given Ksh.62 Million for coming up or constructing county offices. The Auditor General raised a query that this amount could not be accounted for at the time of audit. I propose that this County does a benchmarking. This is because during the investigations, they were saying that the amount was too little to accomplish its intended purpose. It important that this House visits a building being constructed in Mawingu to serve as vocational and training centre. It has been made with Ksh.50 Million. Therefore, Ksh.62 Million was not a drop in the ocean but rather a huge amount of money that could have helped come with several offices enough to House us. We had made some recommendations sometimes earlier that the County Secretary be held to account about this money but unfortunately, it has come to our knowledge that some of these officers are now senior officers in the Ministry of Devolution and this really demoralized us. We wonder therefore why we keep coming up with reports if someone can embezzle such kind of money and yet he continue rising into the ranks.

We got an explanation on this query about how the money was itemized. We were told that some of it went into building the County Assembly Chambers. This is in page 80 of the report. It says,

The balance of Ksh.46, 592,200 was utilized for the construction of the County Assembly Chambers.

However, we later invited Mr. Wahinya, who is our Principal Finance Officer (PFO) to clear the matter. The committee noted that that was untrue since we know they were only trying to shift blame. In fact, we invited our Clerk and heard her submission.

Let us move on to page 91 of the report. An audit query was raised on irregular leasing of county offices. We were worried on how this was done Mr. Speaker, and we even had to call former County Secretary, Mr. Githui and the procurement officer although they showed up after we issued summonses. We are very grateful that your office helped us with that issue. The sergeant at arms officer traced where they were and even they had to go Mombasa to deliver the letter Mr. Speaker. Finally, they came and gave their submission. Thereafter, we came up with recommendations based on what they presented to the committee. On page 93 of the report, the committee recommended;

That the County Executive should put up its own premises urgently to save on rental costs.

That all procurement committees should be established as per the set law(s).

Mr. Speaker, we now know that the said law has been amended and committees no longer exist.

That the County Executive should adhere to all procurement laws and procedures in leasing of properties.

Mr. Speaker, I beg now that we move on to page 93. There are unsundered imprests that raised an audit query. These are imprests that have been given to the Members of the County Executive. The money was not accounted for according to the report. Officers are supposed to account for liquid cash. This included imprests to the office of the Governor and his deputy for entertainment and security amounting to Ksh.2, 200,000 and Ksh.200, 000 respectively. As we investigated, the committee found out that some of the imprests were delivered and others were not. Therefore, not every coin has been accounted for but we later found that the current CECM for Finance is working on the issue.

Mr. Speaker, our recommendation was that the CECM for Finance and Economic Planning should, within one month, submit to the Committee the County Government policy that guides issuing of imprests in line with Public Finance Management Act and the Government Financial Regulations. We wanted to know what guides their process of giving out imprests to various

officers but we found none. Therefore, we thought if he has the policy he should let the committee know about it.

Moving on to page 94 of the report, the Auditor General raised a query on irregular payment of subsistence allowances to the deputy governor and the county executive committee member for education, culture and social services. They had gone for The African Forum on Religion and Government 3 (AFREG3) organized for a continental consultation/training in Lusaka, Zambia. We later noted that the money was recovered and therefore the two were cleared from the queries.

Mr. Speaker, on the issue of revenue, the committee gave various recommendations as outlined in the report.

I wish now to take you page 104 of the report, we the issue of fixed assets register. It was also an audit query. We understand that they are doing it as they had promised the committee.

There was also the issue of implementation of at that time but now I understand that they have started using it.

Mr. Speaker, the aforementioned were the issues that the Auditor General raised in the Department of Finance and Economic Planning.

We shall now move to the audit queries that were raised in the Department of Education, Children, Culture and Social Services. In this department, we all know what happened but it raised an audit query. The committee even visited some of the ECDs. Although some of the ECDs incomplete, the construction was underway under the supervision of Project Management committees. It was also noted there was no proper accountability of the funds since some schools e.g. at Gachigirira ECDE, the school had its own quarry where they were getting the building stones and therefore the payments paid could not be accounted for. In addition, there was no evidence to show that the work being done was supervised by the engineers from the Ministry of Public Works as required.

Some of the recommendations touching on this department said that EACC should take up the matter to unearth what was actually happening especially on the issue of the polytechnic. In fact, committee found out that Ksh.1 million did the building up to the 'slab' level. The officer in charge at that time insisted that the money had been exhausted. Everyone we investigated denied the allegations of misappropriating the money and our conclusion was that the money was extravagantly spent.

On page 113 of the report, the Auditor General raised a query on unsupported expenditure on KICOSCA games. We could not ascertain this issue and I know it cropped up earlier on in this House. We tried to look for some of these participants and were furnished with some of them although the documents were not signed. Therefore, there was no way of verifying these claims. We thought that the officers should be holding some of the offices because the way they went about the games, it was clear that they were taking advantage of our people knowing very well that they were very naïve. They didn't even question the allowance that they were usually given. The Ministry of Education, Culture and Social Services spent Ksh.5, 543,000 on KICOSCA games in the month of August, 2013. The committee concurred with the auditor general that the money was not used prudently. Recommendation number 4 of the report says that 4 the CECM and Chief Officer for Finance and Economic Planning, Hon. Nderi Ndiani and Mr. Michael Kamau respectively, should, within three months, ensure recovery of unaccounted for Ksh.1, 276,000 alleged to have been used in the purchase of implements and uniforms (Ksh.1, 126,000: i.e. Ksh.1, 172,000 - Ksh.46, 000) and catering for contingencies (Ksh.150, 000). Consequently, the CECM should table before the Committee evidence of the said recovery. Our feeling was that the money had been lost. Therefore, whoever was accounting officer should be held accountable.

In addition, the Auditor General raised questions on the Un-procedural and unaccounted for bursary awards. We all know about this issue and some of the wards did not submit the list of the beneficiaries. Later we came up with the County Bursary Act which guide on how bursaries should be issued.

On page 119 of the report, the Auditor General raised a queries in the Department of Agriculture, Livestock Development and Fisheries. It was the opinion of the members that the department had underperformed and the Chairman of the concerned committee, Hon. Njiraini should take note.

Mr. Speaker, Sir, the County Executive through the Ministry of Agriculture, Livestock and Fisheries procured goods and services totalling Ksh.27, 524,840 in the month of June, 2014. On 30 June 2014 alone, the Ministry had paid out Ksh.16, 611,750 to various suppliers leaving outstanding bills of Ksh.10, 913,090. Further, the procurement procedures were not followed in the purchase of these goods and services; quotations were issued to the pre- qualified suppliers but there were no opening, evaluation and awarding minutes produced for audit verification. It was not therefore clear how the contracts were awarded. Further, these payments were paid through

local cheques instead of government approved Integrated Financial Management Information System (IFMIS).

Public funds must have been wasted through procurement of goods at exorbitant prices due to absence of competitive bidding. The ministry was also in breach of the laid down rules and regulations regarding government accounting standards, procedures and policies.

As a committee Mr. Speaker, we tried to investigate about the issue. Some of the alleged activities were attributable to the CECM for Agriculture as you can see from the tables in the report. Some of these activities we suspicious. There was also an issue about incubators in Njabini. It was alleged that they were being built in the said area. What we found Mr. Speaker, was that the County Government bought the materials and the A.T.C. offered the technical knowledge. We never found any incubator there although they had informed us that the incubators had already been procured. The principal ascertained that they built the incubators which were later collected. This is contrary to what the C.O. submitted that the incubators were in place. Therefore, the department is disgrace to this county and we made various recommendations located on pages 144 and 145 of the report. Among them is that the Director of Ethics and Anti-Corruption Commission should further investigate the CECM and Chief Officer of the Department of Agriculture, Livestock and Fisheries Hon. Agatha Thuo and Dr. Daniel Gikaara respectively on some of the issues that committee highlighted.

As I wind up, page 153 of the report was an audit query regarding unprocedural hiring of staff members. This is an issue that was brought into this House. There were two officers who were appointed by the Office of the Governor. They were not among the three best that were recommended by the board. In the audited report, the two were C.O. of the Ministry of Finance and Economic Planning as well as the C.O. for Lands, Hon. Kamau and Hon. Cheruiyot respectively.

Mr. Speaker, there was a circular that allowed a specific number of people to be hired by the offices of the Governor and the Deputy Governor. The County Executive of Nyandarua employed nineteen (19) instead of eleven (11) employees, as approved in the office of the County Governor from July 2013 thereby incurring additional Ksh.11, 434,107 as at 30th June 2014. Some of these officers employed by the Governor were not confirmed as per the law. The law says the employees ought to be confirmed by the County Public Service Board. The list of all the employed

‘irregularly’ and their positions are outlined in the report. An additional list is in the page 154 and 155 of the report.

Mr. Speaker, page 156 of the report highlights the irregular appointment of Chief Officers. The County Public Service Board advertised for the positions of Chief Officers on 24 September, 2013. The applicants applied, were shortlisted and the interviews were conducted culminating in the CPSB appointing the successful candidates vide appointment letters dated 3rd February, 2014.

On Chief Officer for Finance and Economic Planning, the CPSB recommended for appointment of three candidates based on the merit of scores from the interview. It was however noted that one of the officers who was not among the three shortlisted candidates was appointed to the post.

The County breached Section 65(1) (a-j) of the County Governments Act No. 17 of 2012 and Chapter six, Section 73(1) (a) (i-iv), of the Constitution on Leadership and Integrity by irregularly appointing officers who were not the most qualified for those posts. Their suitability to perform those duties could not also be ascertained.

Mr. Speaker, there were the two officers. The committee tried to investigate exactly what happened. The response was that there was the 30 percent that allows the Board to employ staff members from outside the County. This was not satisfactory. Therefore, the committee recommended that the Governor should desist from prioritising political and personal interests in matters of public importance such as appointment of chief officers. In addition, the committee recommended that the Governor should suspend the two chief officers in question forthwith. Consequently, that the CPSB should formally terminate their services. As a committee, we thought that it was not fair for the other officers who had performed well during the recruitment process. In fact, the law says that the names of the best three should be submitted to the Governor for him to appoint one. He went ahead to pick number 5. If you go through the whole part on the findings you will find that the appointee did not even meet the minimum qualifications for the job. The job should be re-advertised once the Governor upon suspending the officers.

Mr. Speaker, the Auditor General also raised issue with the irregular employment of casuals. This is an issue that has been in this Assembly and I believe it is an issue that should be looked into. The auditor general also raised an issue with the incomplete staff audit. We hope that they are currently doing because these issues were raised during the financial year 2013/2014. Inadequate staffing structures matters within the County Government was another issue that came

in the Auditor General’s report. The committee was assured that the issue has now been tackled with finality.

Finally, there was an audit query on discrimination of qualified and recruited candidates. Mr. Speaker, the auditor general cited that discrimination was based on ethnicity and failure to promote ethnic diversity in the county establishment. On page 177, the committee tried to know the number of various ethnic groups employed within the County Government. The County Executive through the CPSB and office of the Governor has engaged two hundred and two (202) staffs in various Departments as at 28th February 2015. The following is the distribution of newly recruited staffs based on ethnic balance.

<u>Ethnicity</u>	<u>Kikuyu</u>	<u>Kalenjin</u>	<u>Luhya</u>	<u>Luo</u>	<u>Kisii</u>	<u>Nandi</u>	<u>Total</u>
<u>Number</u>	<u>196</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>202</u>

From the distribution, the Kikuyu which was the dominant community occupied 97% of the total posts which was found to be against section 175 (c) of the Constitution of Kenya 2010 which outlines that 30% of the recruitment should from minority communities.

In essence, that is the audited report for the financial year 2013/14. I will request us to turn to page 19 where we have the committee’s observations: Most of the procurement done by the County Executive did not adhere to the existing laws and regulations. For instance, the Tender Committee as well as the inspection and acceptance Committee were not properly constituted since several persons were members of both committees. In addition, quotations were sourced from non-qualified suppliers and the County had no procurement plan.

The County Government engaged in poor management of cash. Regulations on imprests, for example, were not adhered to and therefore individuals could have taken advantage of this and engaged in teaming and lading.

Most chief officers were not keen on maintaining proper records for accountability. The Committee, for example, noted that various departments did not have vote books to guide expenditure and budget utilization.

Most County Executive departments were faced with human resource challenges. More specifically, most departments were understaffed while those that had adequate workforce, such

as the Department of Agriculture, Livestock and Fisheries, demonstrated laxity in their performances.

There was no seamless handover by and take over from the defunct local authorities. The Transition Authority did not facilitate:

- a. Establishment of proper structures,
- b. Constitution of liabilities, and
- c. Incorporation of staff from the defunct local authorities into the workforce of the County Government

The committee recommended the following:

That the County Executive must adhere to the existing procurement laws, regulations and guidelines.

That the County Treasury should ensure that all Executive departments maintain proper records.

That the County Government must establish or improve mechanisms to safeguard all its documents to avoid their loss and content manipulation.

That the County Human Resources Department should identify training needs of all employees in the County Executive and devise a strategy for their systematic training to improve performance of their assigned duties and responsibilities.

That the County Government must fully take over the assets, liabilities and services of the defunct local authorities and strive to overcome limitations of the transition Authority's team that served Nyandarua County.

I have come to the end of the report and I believe the report will allay fears that this House is not doing what it is mandated to do by the constitution. I know this is a tedious report but I will urge the members to adopt it. Thank you Mr. Speaker sir, I beg to move and call the vice chairperson, Hon. Suleiman Kimani to second.

Speaker: Yes Member for Kanjuiri Ridge and the Vice Chairperson committee on Public Accounts and Investments Committee, Hon. Suleiman Kihika Kimani

(Speaker, Hon. Ndegwa Wahome, leaves the chair)

(Temporary Speaker, Hon. Dorcas Kihara, assumes the chair)

Hon. Suleiman Kimani: Thank you Mr. Speaker, I rise to second this motion. The chairman has highlighted most of the pertinent issues and I do not intend to repeat. What I would like to tell the House, though, is that the report is a compilation of witnesses' submissions and scrutiny of documents and minutes written during the meetings that culminated to the audit queries. I would like to highlight on the issue of Iko toilets because despite the approval by this Hon. House to have an Iko toilet built in every ward, the executive did not do that. This document carries a lot of weight and I feel that this debate should be postponed until we have more members in the House. Thank you madam Speaker, I second.

(Question proposed)

Speaker: Yes Member for Engineer Ward, Hon. Mwangi Gichuki

Hon. Mwangi Gichuki: Thank you Madam Speaker, I rise to seek your direction regarding the request by the seconder to adjourn the debate on this motion, especially considering that the Members would like to have sufficient time to interrogate this report and debate on it from an informed point of view.

(Hon. Nancy Ng'ang'a rises on a point of order)

Speaker: What is it County Member from Kipipiri, Hon. Nancy Ng'ang'a?

Hon. Nancy Ng'ang'a: Thank you Madam Speaker; not unless the member for Engineer has a more valid reason to adjourn the debate, asking for more time to look at the report when the same report has been in our files for quite a while now, is out of order.

Speaker: Member from Kipipiri, thank you for the information, the member is duly informed. Proceed member for Engineer.

Hon. Mwangi Gichuki: Thank you madam Speaker, I wish to inform you that we have no quorum

QUORUM CALL

(Clerk-at-the table confirms that there is no quorum)

Speaker: There being no quorum, I invoke the provisions of article 35(1) of the Standing Orders,

If at any one time after the chair is taken, a member objects that there is not a quorum present, the Speaker shall order a count of the Assembly.

(2) If quorum is not present, the speaker shall cause the quorum bell to be rung as on division.

and direct that the quorum bell be rung for 8 minutes

(Quorum bell is rung for 6 minutes and quorum is achieved as confirmed by the clerk at the table)

Order Hon. Members. The debate on the floor is a very important one and has been waited eagerly by the people of Nyandarua. Yes Member for Rurii, Hon. Peter Kamoche

Hon. Peter Kamoche: Thank you Madam Speaker, this is, indeed, a crucial report and it requires that members debate over in sobriety. Reading the mood of the House, I would request that the Speaker invokes her discretion and allows for its adjournment. Please protect me Madam Speaker

(Consultations)

Speaker: Order members. Proceed Member for Rurii

Hon. Peter Kamoche: Thank you Madam Speaker, I wish to move a procedural motion on adjournment and call Hon. Kieru Wambui to second.

Speaker: Yes Member for Gatimu, Hon. Kieru Wambui

Hon. Kieru Wambui: Thank you Madam Speaker; I am not sure if the speaker will allow this motion but if she does I will second it. We must, however, bear in mind what consequences such a motion will have. That is what I am seconding.

(Consultations)

Speaker: Order members. Member for Rurii, on which standing order did you rise?

Hon. Peter Kamoche: Madam Speaker, I rose on standing order number 31

A member may at any time, for reasons stated, seek leave to move “that this House do now adjourn.”

and the motion has already been seconded.

Speaker: I wish also to invoke the provisions of Article 31(2)

If the Speaker is of the opinion that such Motion for adjournment of the House is frivolous, vexatious, or an abuse of the proceedings of the House, the speaker may forthwith put the question thereon or decline to propose it.

And decline to propose the question. Yes member for Kipipiri, Hon. Michael Njoroge Kirumba

Hon. Michael Kirumba: Thank you madam Speaker. We must appreciate that we have had this report in our files for over two weeks now, and if that is not the case, it is unfortunate that the office of the clerk caused this delay. However, I would expect that someone ought to have raised this issue right from the onset. As the vice-chairperson indicated, this report is a conglomerate of the various witnesses’ submissions which can also be retrieved from the Hansard; it is not a result of the committee’s own machinations.

(Hon. Mwangi Gichuki rises on a point of order)

Speaker: What is it member for Engineer?

Hon. Mwangi Gichuki: Madam Speaker, the debate on the floor is about the motion on adjournment; not the Committee’s report as the member claims.

Speaker: Member for Engineer, you are out of order. The speaker has already ruled on that motion. It is declined.

(Consultations)

Order members. I am not on this chair in the capacity of a member of PIC/PAC. I am a member of the Speaker's Panel and I am serving as the Speaker. Proceed member for Kipipiri.

Hon. Michael Kirumba: Thank you Madam Speaker, if the members want to shoot down the report, let them come out explicitly and have it go on record rather than use flimsy excuses. Let Hon. Gichuki respect the Member on the floor. I respect him when he is on his feet and I would expect the same from him. That has been our tradition.

(Hon. Mwangi Gichuki rises on a point of order)

Speaker: What is it member for Engineer?

Hon. Mwangi Gichuki: I take offence when a member continually intimates that Gichuki is disorderly yet I regard myself as the most law abiding member of this County Assembly. All the members are asking for is to be given a chance to interrogate this document and contribute to the debate from an informed point of view. This here is not a story book. It is a serious document with adverse consequences on people's lives and I wonder why it is being shoved down our throats. The members have made a formal request to be allowed more time for its scrutiny and I, honestly, do not understand why the Speaker has declined to put it to a vote. I do not see what the rush is all about. In any case, it has been here for two weeks, what is a few more hours? The members of the committee have some leverage against other members because they are the authors of the document and should not harass us to debate over something we do not understand.

Speaker: Very well; your sentiments are well received. However, since the speaker had already ruled against the adjournment motion, the only other way is to move the motion again. Yes member for Gatimu, Hon. John Kieru Wambui.

2. ADJOURNMENT

Hon. Kieru Wambui: Thank you Madam Speaker; I wish to move a motion of adjournment, pursuant to article 31(1) of the Standing orders. The matters in question are grave; I

cannot simply oppose or support this report without substantial facts. The recommendations given by the committee must be scrutinized and corrected. I see, here, for instance the report recommends that a certain Chief Officer be sacked immediately but also indicates that the same chief officer should bring a report to this House in three months as the chief officer. Such contradictions require time to be corrected. Thank you, and I call Hon. Josphat Kamau to second

Speaker: Yes member for Leshau Pondo, Hon. Josphat Kamau

Hon. Josphat Kamau: Thank you madam Speaker, I second.

(Question on adjournment proposed)

(Question on adjournment put and agreed to)

Speaker: This House stands adjourned to tomorrow, Thursday, the 23rd day of June 2016 at 2.30 p.m.

(The House rose at 5.30 p.m.)