

REPUBLIC OF KENYA
KIAMBU COUNTY ASSEMBLY
THE HANSARD

Thursday, 26th July, 2018

The County Assembly met at the Assembly
Chamber at 2.30 P.M

(The County Assembly Speaker (Hon. Stephen Ndicho) in the Chair)

PRAYER

(Consultations)

The Speaker, (Hon. Ndicho): Hon. Members, I am informed that we have not yet achieved the quorum. I order that the quorum bell be rung for the next five minutes.

(Quorum Bell Rung for Five Minutes)

COMMUNICATION FROM THE CHAIR

MEDICAL INSURANCE SERVICES

Hon. Members, I have a small Communication from the Chair here, which is that I am sure that some of you might have seen in today's issue of the Daily Nation that a tender advertisement was placed by the Clerk today for provision of insurance services to the Hon. Members and staff of our Assembly. This implies that in a month's time, we shall be having a new provider for insurance service to the Assembly.

I take cognizance of the fact that the former supplier of this service defaulted in his statutory obligation where Members were taken through some difficult situations.

I want to repeat what I said yesterday, that if any Member has had to go to a hospital and paid for his/her own hospital fees, make sure that you submit the receipts to the HR office for reimbursement of the fees that you spent. It is important that you do it in this month of August as we go on recess, failure to which when they are submitted to claim from the former supplier of this service, it might be difficult for any late comer to access those refund fees.

I urge the Hon. Members who had that opportunity of attending hospitals to take this seriously and make sure you tender those receipts for refund of the monies that you spent.

Thank you!

PETITION

PRESERVATION OF GITHUNGURI PUBLIC LAND AS A HERITAGE SITE

Hon. Members, there is a conveyance of a Public Petition from the Secretary General of Kenya Unity for Memorial, Peace, Heritage and Cultural Organization (KUMPHCO) regarding preservation of Githunguri public land as a heritage site.

Honorable Members, pursuant to Standing Order 235 (2) which provides that: “When the Order “Petitions” is read, the Speaker shall –

- a) In case of a Petition presented by a Member, direct that the Member to present the Petition to the County Assembly or;
- b) In case of a Petition presented through the Clerk, report the Petition to the County Assembly”.

I wish to convey to the Assembly that my Office has through the Clerk’s Office, received a petition from the Secretary General of Kenya Unity for Memorial, Peace, Heritage & Culture Organization (KUMPHCO), regarding the preservation of Githunguri Public Land as a Heritage site.

Honorable Members, the petition dated July 26th, 2018 is addressed to the County Assembly of Kiambu and is signed by the petitioner, praying that the Assembly through the relevant Committee:

- a) Investigates the circumstances that led to a section of Githunguri Land No. 801 be sold to aforementioned individuals with a view to enforce the recommendation made by the National Land Commission Kiambu County relating to revocation of the title deeds;
- b) Ensure that the relevant County department carries out a survey so as to map the sites that are occupied by the administrative offices and the heritage sites for conservation purposes;
- c) Allow the Kenya Unity for Memorial Peace, Heritage & Culture Organization in collaboration with the County Government to conserve and manage the heritage in Githunguri Public land as gazetted by the National Museum of Kenya.

Honorable Members, it is expected that the Assembly, through its Committees consider the prayers sought by the petitioner pursuant to Standing Order 237. This petition stands committed to the Sectoral Committees on Planning and Urbanization as well as Youth, Sports and Social Services. The Committees are requested to consider the petition and report their findings to the House within 60 calendar days.

Thank you!

MOTION

ADOPTION OF THE REPORT OF THE PUBLIC INVESTMENTS AND ACCOUNTS COMMITTEE ON THE CONSIDERATION OF THE AUDITOR GENERAL'S REPORT OF THE FINANCIAL OPERATIONS OF THE COUNTY EXECUTIVE OF KIAMBU FOR THE YEAR ENDED 30TH JUNE, 2016

Chairperson, Public Investments and Accounts Committee, (Hon. Erick): Thank you Hon. Speaker!

I wish to Move the following Motion;

That, in accordance with the provisions of Article 229 (8) of the Constitution, thgis Assembly adopts the Report of the Public Investments and Accounts Committee on the consideration of the Auditor General's report of the financial statements of the County Executive of Kiambu for the year ended 30th June, 2016 tabled before this Assembly on Wednesday, July 25th, 2018.

Honourable Speaker, on behalf of the Members of the County Assembly of Kiambu Public Investments and Accounts Committee and pursuant to Standing Order 220, which brings together this very important Committee, it is my singular pleasure, duty and honor to present to this Assembly the report of the Committee on the report of Auditor General on the financial statements of the County Executive of Kiambu for the period ended 30th June, 2016.

Honourable Speaker, in the execution of our afore-stated mandate, the Committee was guided by core constitutional and statutory principles on public finance management, as well as established customs, traditions, practices and usages.

Honourable Speaker, Article 201 of the Constitution of Kenya enacts fundamental principles that guide all aspects of Public Finance in Republic. The principles are inter alia, that;

- a) Article 201 (a) states that there shall be openness and accountability including the very important aspect of Public participation in financial matters;
- b) Article 201 (d) states that Public money shall be used prudently and in a responsible way;
- c) Article 201 (e) goes further to state that finance management shall be done in a responsible manner, and that the reporting of the same shall be clear.

Honourable Speaker, during the consideration of the auditor's observation on the financial statements of the County Executive of Kiambu, the Committee applied Article 226 (1) (5) of the Constitution of Kenya, 2010 and Section 74 of the Public Finance Management (PFM) Act to make

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recommendations on the various audit queries raised by the Office of the Auditor General. It is in this regard that the Committee calls upon all the Accounting Officer to take notice of these provisions in our Constitution and the County Governments' Act so that we can act prudently to safeguard public money from any loss.

Honourable Speaker, the Committee observed that the accuracy of the financial statements of the County Executive was brought about by various challenges in the use of IFMIS. You remember very well that these were the initial stages of setting up the County Governments, and I think that was when the introduction of IFMIS by the National Treasury came about.

The Committee further noted that the County implemented the usage of automated revenue collection systems which boosted the Executive in raising revenue. In this regard, the Committee has made a raft of recommendations that are contained in this Report.

Honourable Speaker, during the period under review the Committee further observed that the budget performance and revenue collection was heavily affected by litigation. This resulted in revenue underperformance that necessitated preparation of several supplementary budgets. In that regard, the Committee heavily recommends that the Executive conducts public participation, especially in matters finance so that we avoid these cases of litigation that were witnessed during the year under review and brought about the under collection from the Executive.

Honourable Speaker, in addition to this, there is lack of an updated valuation roll in the County, and that also denied the County Government the much needed revenue from land rates. The Committee recommended that the County Executive hastens the preparation of the valuation roll to enable the County expand its revenue base and meet its targets.

Honourable Speaker, for the same year, the Committee notes that some issues were matters *subjudice*. Pursuant to the provisions of Standing Order 112 (2), there were issues that the Committee couldn't make recommendations on because they are before the courts and therefore we left them open as we await the determination of the court and the ruling thereafter.

Honourable Speaker, the Committee encountered several limitations in the preparation of this report. The Committee notes with concern that the accounting officers made work difficult by delaying to furnish the office of the Auditor General with advance copies of responses. The Committee holds the view that these delays compromised the audit cycle, and must be strongly discouraged by all means.

Hon. Speaker, I remember with nostalgia the first time the CEC Member for Finance and his team came for the first interrogation, and we were seated in this Chamber. I remember that we did not even go past the third audit query because of lack of preparedness. The Committee even had to send them away to go and prepare adequately.

The Committee also notes the human and resources constraints in the office of the Auditor General which has serious implications for the entire audit cycle as set out in Article 229 of the Constitution. Unless these challenges are urgently addressed, more so in view of the increased audit

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obligations occasioned by the demand of devolution, public funds will remain at great risk of misuses, misapplication and even loss without detection.

Mr. Speaker, like in the National Assembly, there are specific officers attached to the Committee. Like now, our Committee has an officer seconded from the office of the Auditor General, but you find that he is not always there. The Committee greatly relies on these officers to enlighten us on the queries. Even after the client responds, the Committee also needs to get the feel of the Auditor General to find out whether the issue was clearly addressed.

We greatly see that as a big challenge and we hope that in future we will be seconded an officer, especially during these audit works, permanently so that we can work smoothly and hasten this process.

Honourable Speaker, these challenges notwithstanding, the Public Investment Accounts Committee is nonetheless proud to have discharged its mandate diligently, as expected of it by the Constitution, Standing Orders and of course this Honourable House.

Honourable Speaker, I wish to thank the Members of the Public Investment and Accounts Committee for their dedication and commitment to this challenging exercise. These Members worked tirelessly to ensure smooth operation of this process. It is through their devotion that we have this report in the best interest of the County. Let me wish to thank in particular my Vice Chair, Hon. Mwago, Hon. Joel Munywa, Hon. Kahira, Hon. Muhindi, Hon. Nginya, Hon. King'ara, Hon. Lawrence, Hon. Sarah Kimunyi, Hon. Ndiko, Hon. Sophia Mutuguti and Hon. Njiru. I do not know whether I have left any other Hon. Member. I think I know all my Members in this Committee. I would like to thank them for their great dedication and support in this endeavour.

Honourable Speaker, also allow me also to thank the County Executive Committee Member and Chief Officer in charge of Finance and Economic Planning because after the hard start, they also upped their game and eventually provided this Committee with all the required evidence and paperwork that was requested by the Committee.

Honourable Speaker, we can't finish without thanking your office and the office of the Clerk for the support that you offered us in discharging our mandate of scrutinizing this Report. Further, the Committee would wish to pay special appreciation to the Office of the Auditor General, and the Accounting Officers who submissively honored their obligations and made quality submissions before the Committee. Further, we want to thank them for also providing us with the adduced evidence to make this Report a reality on this beautiful day.

Honorable Speaker, lastly I wish to implore the Members of this House to adopt this Report on the scrutiny of the Report of the Auditor General on the financial statements of the County Executive of Kiambu for the year ended 2016, and assure them that we did this work to the best interest of the people of Kiambu. I also want to reassure them that we represented them well and the Report is before their hands.

Mr. Speaker, there were several issues, and I am sure that the Hon. Member have seen them.

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The Report is divided in two; we have what the auditor terms as basis for qualified opinion, and those are the main issues raised by the Auditor General. There was accuracy of financial statements and that was necessitated by IFMIS, I think I have already mentioned that.

There was acquisition of assets, and in the Report you will find that the Committee made its observations and recommendations. If I can just point out one, on the issue of acquisition of assets, we realized that the assets register does not have dates of when the assts were acquired. You find that since the establishment of the County up to now, I am sure that they have acquired very many assets, but you find that in the register we do not have dates of when the assets were acquired. This Committee recommended that the County Executive Member for Finance and Economic Planning should ensure that the asset register for the County is updated to include dates that the assets were acquired.

We have issues like pending bills, which is a great concern to the Committee, and the observations and the recommendations are there.

We have an issue like unvouched expenditure on revenue; those were the main issues. Then we have what the Auditor General refers to as other matters. These are the things that caught the Auditor's eye, but might not be of great concern. We have budget control performance on revenue, and that is where we were talking about the court cases that the County experienced during this time.

You will find that the Committee has made its recommendations including recommending to the County Executive Member for Lands, Housing, physical planning and Urban Development to make operational the County valuation roll with immediate effect which will indeed increase the revenue collection which consequently averts the issue of pending Bills.

Mr. Speaker, the Report is quite detailed so let me not go through everything. But, the recommendations and observations are there. We have made recommendations to the fact that the systems used to collect revenue, the river bank and the B.I. system which now brings together these two systems should be re-audited just to ensure that the client can confirm that it is now working, but we just recommend that the Auditor General should do a system audit, just to ensure that it is indeed operational.

There was the issue of loss of revenue arising from unpaid cheques; there is a time they had accepted unpaid cheques. Although the Committee went through the Report and identified that indeed there was no loss of money, it goes further to recommend that the County Executive should not accept personal cheques as a mode of payment, and only banker's cheques should be accepted.

Hon. Speaker, we also had an issue of property, land rates and ground rent. You realize that some are matters before the National Government. We also have things like House rent; you remember that these houses were under the National Government before the devolved unit. So you see this separation has not been effected from the Ministry of Housing to know what they collect and what the County collects. This money is collected and put in one account and we recommend the hastening of the separation of the accounts so that the National Government can get what is theirs, and the County Government can get what is theirs.

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Hon. Speaker, with those few remarks, I sense something, and I wish...

(Interruption)

The Speaker, (Hon. Ndicho): Order Hon. Member!

You do not sense anything in the House; you just follow the laid down Standing Orders and follow them.

However, just conclude your presentation because your time is up. Maybe that is what you sensed.

(Laughter)

Chairperson, Public Investments and Accounts Committee, (Hon. Erick): Thank you Hon. Speaker!

With those many remarks, I wish to call upon the Hon. King'ara to second.

Thank you!

Member, Public Investments and Accounts Committee, (Hon. King'ara): Thank you Mr. Speaker Sir and thank you Chairperson for giving me this chance to second the Motion before the House this afternoon. I would also like to join our Chairman in thanking the Hon. Members for their dedication to the works of the of the Public Investments and Accounts Committee (PIAC) and especially the heavy work that was involved; the audited reports of the County Executive of Kiambu County.

Mr. Speaker, from the onset I really liked the zeal of the Members of PIAC considering that all the sessions that they sat down to look at these audited Reports, they passed the four sessions that are allowed for any Member in a week. This means that in terms of allowances for Committee sittings, all the sittings that they sat down were pro bono. This shows the dedications and loyalty and love that the Members of PIAC have for this County.

Though there were some challenges that we encountered when we were coming up with this Report, it is with great joy that we were able to come up with a report with recommendations as have been represented by the Chair. I wouldn't like to be as lengthy as he was, but as you would note, on page 7 of the Report, this is one of the things that we really dealt with, and the CEC Member for Finance and ICT had a very difficult trying to explain to us how we would lack a reconciliation of Kshs. 18 billion in terms of payables between what was in the financial statements and what was in IFMIS.

Mr. Speaker Sir, prudent public accounts management requires that all payments be made through the IFMIS system. Though the reasons that were given by the CEC Member and his officials were binding for that period, it is good to note that in future, the Committee might not be as lenient as it was in its recommendation.

Mr. Speaker Sir, the people of Kiambu are looking up to this House on matters supervision and

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on matters of ensuring that the County is run as per the guidelines, rules and as per the Constitution. We are really looking forward to the next audited financial reports to see whether the accounting officers are up to the task in utilization of the IFMIS system in their work.

As noted by our Chairman, the asset register was another issue that we really dealt with, and it really consumed our time back and forth with the officials as we required for more documentation as proof of the variances between the financial statements of the Executive and what was captured by the Auditor General. The assets that are owned by the County are scattered across all departments. WE believe that in the next financial report, the Executive will have compiled a very thorough Asset register that identifies all the assets and their conditions.

Mr. Speaker Sir, without opening a debate that we already passed through; there is a time one of the Hon. Members had requested for a compilation of an asset register in order to identify the ones that are written off and the ones that should be disposed of because that is what we were looking for. We believe that in the consecutive audited reports we shall be able to have them with us. I believe that the Auditor will not raise that query in the consecutive audited Reports.

An issue that has also been raised severally in this House by Hon. Members was also raised by the Auditor General, and this is the issue of pending bills. As you go through the audited financial reports, you note that there are many audit queries that arise due to failure of prompt payments of contractors, leading to some of the projects stalling. It is important for the Executive to make sure that the contractors who work for the County Government of Kiambu are paid promptly, and where possible, the payables are dealt with in chronological order. It is very embarrassing when you hear a contractor that worked two years ago still complaining of some pending bills.

Mr. Speaker Sir, if we continue in this trend, and this is an issue that has been raised by the Auditor, we might find most of the projects in the county stalling. This shall not only be a shame to the Executive, but also to us, because these projects are in the respective Wards that are represented by the Hon. Members who are sitting in this Assembly.

Mr. Speaker Sir, as I conclude, one of the other matters that the Auditor General raised was the issue of construction of the fire station at Githunguri. The Committee has recommended that the County Government should ensure that it adheres to the provisions of the PFM Act and Public Procurement Asset Disposal Act.

Mr. Speaker Sir, the issue of stalled projects because of arrears arises again. This is a project that would not only benefit the residents in Githunguri, but also other Sub-Counties that are nearby. In several posts I have seen The Chairperson of the Health Services Committee going to try and bring a solution where we have had fire incidences. We would like to have such contracts being finalized in time such that our people can benefit.

Mr. Speaker Sir, we would not like to sit here as PIAC to show how the Executive is a failure. We would like that the next time we are Reporting, we will be showing how we were delighted when we were going through the audited Reports of the Executive.

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Mr. Speaker, with that, I second the Motion. Thank you!

(Question Proposed)

The Speaker, (Hon. Ndicho): Hon. Mwago!

Vice Chairperson, Public Investments and Accounts Committee, (Hon. (Ms.) Mwago): Thank you Mr. Speaker Sir!

I want to thank the Chairperson and our Member Hon. King'ara for whatever they have discussed in this House. Actually they have touched almost each and everything...

(Interruption)

The Speaker, (Hon. Ndicho): Order Hon. Member!

Use good English. Not whatever they have discussed, but what they have discussed.

Vice Chairperson, Public Investments and Accounts Committee, (Hon. (Ms.) Mwago): Okay!

What they have discussed in the House.

The Speaker, (Hon. Ndicho): Thank you!

Vice Chairperson, Public Investments and Accounts Committee, (Hon. (Ms.) Mwago): Thank you for the correction.

The Committee really touched on the pending bills; we discussed the pending bills because it is a great concern in our County. As we already know, the pending bills have really affected our County. The Auditor has queried the financial statements of the year ending 30th June, 2016.

The Speaker, (Hon. Ndicho): Hon. Wamaitha.

Specially Elected MCA, (Hon. (M/s.) Wamaitha): Thank you Mr. Speaker Sir and thank you so much Hon. Eddy for bringing this issue out. Probably most people do not follow what is happening in the County and let me tell you, it is a pathetic state that we are in. There is no way a woman going to give birth in hospital can be told to carry water not in this era, not in this County, we are beyond.

For me it is we stop politics, we do the right thing. If to amend what Hon. Eddy is talking about is what is going to help our people, to stop suffering, these are one of the most vulnerable people. Most of the middle class in this County can afford to go to private hospitals, our people are suffering. A few months ago, there was this issue of an ambulance of Lussigeti that did not have four tires, it was grounded outside the hospital, it was not working. Some of the ambulances even today, Eddy can confirm, they do not have fuel. Some of them are still grounded in Thika where all of the cars are.

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It is a pathetic state Mr. Speaker, and this House needs to come out, politics aside, populist's aside, our people are suffering and as Hon. Eddy is saying, we are going to be judged harshly, not by the people of Kiambu, but by God himself. We are looking for a curse ourselves. We can be able to do it, and it is doable. Thank you.

The Speaker, (Hon. Ndicho): Member for Kabete.

Kabete MCA,(Hon. Wangiri): Thank you Mr. Speaker, I also want to join in this debate, is a great debate as we are winding up to go for the recess. I also want to support and say that I am also interested so much with matters that are going round the Health department.

I usually receive calls from the Hon. Member for Nyathuna in matters regarding Health. At times the Chairperson is called at midnight to attend to matters pertaining health, especially in our facility, the hospital that we are having in this County and it is very pathetic particularly when we talk about our health facilities because it is bring us down. Whenever we talk at public gathering, public participation, these issues are coming up very clearly because it is bringing a lot of bad blood between us and the people that elected us because they are raising these issues very vehemently.

It is therefore the high time the Finance acts swiftly, so that they can avert a disaster looming in this County, matters pertaining health. Our pleasant four pillars, one of the pillars as he is saying and we should embrace that is about health of our people. It is therefore very important to see to it that money is disbursed at the right time for the Health facilities that we have. We are in the social media every time, in the media, about of Health facilities. It is taking a lot of blame particularly to us leaders of this County.

For example, the other day we went to Wangige to inspect a facility that has stalled for like two years. The contractor was very calm and said that he is not doing the right work, he is unable to complete the project because of delayed bills of Ksh.7 Million and the facility is almost stalled, yet we are expecting him to work miracles and complete the facility. So, I will join the rest of us that are saying, it is enough! it is enough!

Our role is oversight, we can oversight the Executive and make sure that the Finance department works for these facilities because it is very pathetic. I rest my case.

The Speaker, (Hon. Ndicho): Deputy Leader of Majority!

Deputy Leader of Majority,(Hon. Alex):Thank you Mr. Speaker, for this opportunity and from the support this Motion has received from the House, it is quite evident that there is need for Members to go for recess so that some of the issues that are being raised in this House, in my opinion, if it can be done in form of a statement, addressing some of the people being mentioned in in this regard, like CEC and CO Finance, if it can be done in form of request for statement, could be it can be taken more seriously.

Hon. Members, I would request that as we proceed for this recess, please make sure that you bring in many request for statements to this House, so that at least some of these things will be tackled

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once and for all. Mr. Speaker, by the look of things and in fairness that we may lose quorum, I would request you to invoke Standing Order 118, and put this debate to an end. Thank you.

The Speaker, (Hon. Ndicho): What is the mood of the House? You are in concurrence with the Majority?

(Members Answered 'Yes')

Really? What is it Hon. Ann?

Specially Elected MCA, (Hon. (M/s.)Kariuki): My question is, we have talked so much about Health, about County Executive Committee (CEC) Member, and Chief Officer (CO), Finance but we have not come up with a way forward? I was proposing if it is possible, we call them here when we are all of us then they can tell us what the issues they are having are. Hon. Karichu has put it across that they were asking for help from the House. What is this help that they need from the House?

I think as a way forward, let us find a way of bring them here, they tell us the issues that they have then they find a way of resolving them together. Just a proposal. Thank you.

(Consultation)

The Speaker, (Hon. Ndicho): Okay Hon. Members, the Hon. Ann, you cannot raise an issue and when I am consulting and just about to answer you, you just walk out. Does it mean that you are not serious about your query?

Hon. Members, the matter at hand is critical. We must admit, it is about the lives of people and some Hon. Members have raised the issue of even summoning the CEC member and CO, Finance, not only to come and express to the Members what their concerns are as Hon. Karichu put it, but also to interrogate what the issue or the problem is.

It is not only in Kiambu County, when there is transition between the end of financial year and when the next one starts, these problems do arise, but it is not a guarantee or a cover or an excuse, for services not to be delivered to the people.

However, that being the case, I wish to direct the following:

That the Chairperson of Finance Committee, do write to both the CEC member and the CO, Finance to come to meet that Committee and any Member with an issue that would like to ask the CEC and CO, Finance to answer, put it over the Chairperson, Finance Committee who will summon the CEC member, Finance and his CO to meet the Committee and raise those issues.

Any Member of the House is allowed to come to that Committee when the CEC is being summoned and also raise issues. Those are the directives from the Chair and that should be done as soon as practically possible.

(Applause)

That being the case Hon. Members, this sitting brings us to the end of session which takes the Assembly on a one month recess starting today, 28th July, 2018, till 4th September, 2018.

Let me cease this opportunity to thank you all for participating in the programs and businesses of the Assembly, since the time we resumed some three months ago. This recess provides you Hon. Members, with an opportunity to interact with your electorate for the whole period of the recess.

I continue to advise you as some of the Hon. Members have observed that during your recess, interrogate issues and matters that need to be litigated in the floor of the House by you Members. Compile them up and seek their solution through requesting for statements from respective Executive Committee departments. This will not only give the Assembly enough business during the next session, but shall serve to resolve the myriad of issues from the persons who elected you and assure them of qualitative representation in the Assembly.

Finally Hon. Members, let me wish you all the best of moments during your recess and pray that God will keep you and bless you plus your families. I look forward to seeing each other on the 4th September, 2018, when we shall resume to perform the mandate bestowed towards us by our people.

I also wish to assure the House that it is true that the Standing Orders or the regime of the Standing Orders that I am obtaining right now, need some serious and critical review. I wish to assure this House that we shall do what it takes to fast-track that process of reviewing the Standing Orders so that we bring them to tandem with the aspirations of the current Members.

I also take the cue that there is need to have a Whole House, having a meeting with the entire Executive so that the entire Assembly can interrogate the Executive departments so that every Member of the Executive can narrate and show what they have done and achieved for the first year that we have been in this Assembly. That being the case, it is time for us to adjourn.

ADJOURNMENT

There being no other business, this House stands adjourned until Tuesday, 4th September, 2018 at 2.30 P.M.

The House rose at 4.35P.M.