COUNTY GOVERNMENT OF KISUMU

COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – SECOND SESSION

Wednesday 31st May, 2023

House met in the Main Chamber at 2:30 p.m.

(The Speaker (Hon. Elisha Jack Oraro) in the Chair)

PRAYER

The Speaker (Hon. Oraro): Mr. Clerk, please take us through the Order Paper of today.

The Speaker (Hon. Oraro): Next order!!

PAPERS LAID

PUBLIC INVESTMENTS AND ACCOUNTS COMMITTEE REPORT ON CONSIDERATION OF AUDITOR GENERAL'S REPORT ON FINANCIAL STATEMENTS ON THE COUNTY EXECUTIVE OF KISUMU FOR THE YEAR ENDED 30TH JUNE, 2020

BY

HON. KENNEDY OUKO, MCA, WEST KISUMU WARD

(CHAIRPERSON, PUBLIC INVESTMENTS AND ACCOUNTS COMMITTEE)

APPOINTMENTS COMMITTEE REPORT ON THE SUITABILITY OF DR. HEZRON MC'OBEWA FOR THE POSITION OF CHAIRPERSON, KISUMU COUNTY REVENUE BOARD

BY

HON. KENNEDY OOKO, MCA, AHERO WARD.

(LEADER OF MAJORITY)

The Speaker (Hon. Oraro): What is Hon. Godfrey Warindo.

Hon. Warindo (MCA, Miwani Ward): Allow me to lay the following Papers on behalf of Hon. Kennedy Ouko.

The Speaker (Hon. Oraro): Proceed.

Hon. Warindo (MCA, Miwani Ward): Thank you Mr. Speaker. Pursuant to the provisions of Standing Orders No. 182 (6) of the Kisumu County Assembly Standing Orders, I wish to lay before this House today Wednesday 31st May, 2023, a report by PIC/PAC Committee on Consideration of Auditor General's Report on Financial Statements on the County Executive of Kisumu for the year ended 30th June, 2020.

(Hon. Warindu lays the report before the House for consideration)

The Speaker (Hon. Oraro): Honourable Members, I confirm the receipt of PIC/PAC Committee on consideration of Auditor General's report on Financial Statements on the County Executive of Kisumu for the year ended 30th June, 2020. I want to commit this report to the House Business Committee for the purposes of scheduling it for debate.

The Speaker (Hon. Oraro): Hon. Leader of Majority.

The Leader of Majority (Hon. Ooko, MCA, Ahero Ward): Mr. Speaker, pursuant to the provisions of Standing Orders No. 182 (6) of the Kisumu County Assembly Standing Orders, I wish to lay before this House today Wednesday 31st May, 2023, a report by Appointments Committee on the Suitability of Dr. Hezron Mc'Obewa for the Position of Chairperson, Kisumu County Revenue Board.

(The Leader of Majority lays the report before the House for consideration)

The Speaker (Hon. Oraro): Honourable Members, I confirm that because I am the Chairperson of this Committee and I did mandate the Leader of Majority to lay this Paper on my behalf. I also want confirm the receipt of the Appointments Committee report on the suitability of Dr. Hezron Mc'Obewa for the position of Chairperson, Kisumu County Revenue Board. I want to commit this report to the House Business Committee for the purposes of scheduling it for debate. Thank you.

The Speaker (Hon. Oraro): We move to the next order!!

NOTICES OF MOTION

PUBLIC INVESTMENTS AND ACCOUNTS COMMITTEE REPORT ON CONSIDERATION OF AUDITOR GENERAL'S REPORT ON FINANCIAL STATEMENTS ON THE COUNTY EXECUTIVE OF KISUMU FOR THE YEAR ENDED 30TH JUNE, 2020

BY

HON. KENNEDY OUKO, MCA, WEST KISUMU WARD

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APPOINTMENTS COMMITTEE REPORT ON THE SUITABILITY OF DR. HEZRON MC'OBEWA FOR THE POSITION OF CHAIRPERSON, KISUMU COUNTY REVENUE BOARD

BY

HON. KENNEDY OOKO, MCA, AHERO WARD.

(LEADER OF MAJORITY)

The Speaker (Hon. Oraro): Hon. Warindo.

Hon. Warindo (MCA, Miwani Ward): Thank you Mr. Speaker. Pursuant to the provisions of Standing Order No. 45 (1), I wish to give a Notice of Motion that this House adopts the report by PIC/PAC Committee on its consideration of Auditor General's Report on Financial Statements on the County Executive of Kisumu for the year ended 30th June, 2020. Thank you.

The Speaker (Hon. Oraro): Leader of Majority.

The Leader of Majority (Hon. Ooko, MCA, Ahero Ward): Mr. Speaker, pursuant to the provisions of Standing Order No. 45 (1), I wish to give a Notice of Motion that this House adopts the report by Appointments Committee on the suitability of Dr. Hezron Mc'Obewa for the position of Chairperson, Kisumu County Revenue Board. Thank you.

The Speaker (Hon. Oraro): Next order!

MOTION

ECD, ADULT EDUCATION AND VOCATIONAL TRAINING COMMITTEE REPORT ON THE KISUMU COUNTY EDUCATION FUND ANNUAL AND FINANCIAL STATEMENTS FOR THE YEAR ENDED 30TH JUNE, 2022

BY

HON. SETH OKUMU
CHAIRPERSON, ECD, ADULT EDUCATION AND VOCATIONAL TRAINING COMMITTEE

The Speaker (Hon. Oraro): Hon. Seth Okumu.

Hon. Okumu (MCA, East Seme Ward): Mr. Speaker and Hon. Members

1. Article 185 of the Constitution of Kenya gives the County Assembly powers to oversight the County Government and its Expenditure. In fulfillment of these constitutional provisions, Standing Order No. 193 and the Second Schedule of the Kisumu County Assembly Standing Orders has established the Sectoral Committee on ECDE, Adult Education and Vocational Training whose mandate is to examine the operations of the Department on Education and Social Services to ascertain whether public funds domiciled within the Department have been utilized in a lawful, authorized, effective, efficient, economical and transparent manner.

2. This report therefore contains the Committee's proceedings of its consideration of the Annual Financial Statements of Kisumu County Education Fund for the Year Ended 30th June, 2022 pursuant to the provisions of Standing Order No. 193 and the Second Schedule of the Kisumu County Assembly Standing Orders.

3. The Kisumu County Education Fund is established by and derives its authority and accountability from the Kisumu County Education Fund Act, 2014 and its attendant amendment; the Kisumu County Education Fund (Amendment) Act, 2016. The Fund has specific mandates geared towards social welfare within the County and in particular, pursuant to the Kisumu County Education Fund Act, 2014 to be used to assist students in educational institutions to obtain education and for matters incidental thereto.

4. Based on the important role that the Education Fund play towards County development, there is need for proper utilization and accountability of public resources invested towards realization of mandates of the educational institutions used by residents of Kisumu County. It is on this basis that the Committee considered the Annual Financial statement of the Education Fund. Based on the findings from the Annual Financial Statement, the Committee was able to come up with various recommendations for consideration by the House.

5. The Committee has held a total of nine meetings where it has received and considered various analysis of the Annual Financial Statements from its secretariat. The submissions received from the Fund Management forms the basis of the observations, findings and recommendations of the Committee as outlined in this Report. These can also be obtained from the Minutes of the Committee and Hansard Reports of the Committee Proceedings.

Mandate and Composition of the Committee.

6. The Sectoral Committee on ECDE, Adult Education and Vocational Training is established pursuant to Standing Order No. 193 of the Kisumu County Assembly Standing Orders. Under the Second Schedule to the said Standing Orders, the Committee is mandated to consider all matters related to:

   All matters relating to pre-primary education, adult education, village polytechnics, home craft centres and childcare facilities.

7. The Committee was constituted in 18th October, 2022 and is currently composed of the following members:

   1. Hon Seth Okumu Chairperson
   2. Hon. Vitalis K'Omudho Vice Chairperson
   3. Hon Samuel Onyango Member
   4. Hon Ken Ouko Member
   5. Hon Zacharia Okoyo Member
   6. Hon Henrietta Bodo Member
   7. Hon Ken Ooko Member
   8. Hon Lumumba Owade Member
   9. Hon Alice Wajewa Member
   10. Hon Joachim Oketch Member
   11. Hon Fredrick Adonijah Odari Member
   12. Hon Nancy Matara Member
   13. Hon James Omollo Member
   14. Hon Benson Adega Member
   15. Hon. James Were Member

8. The Secretariat of the Committee is composed of the following:

1.	Mr. Harman Moses	Clerk Assistant
2.	Mrs. Rose Baraza	Serjeant-At-Arm
3.	Ms. Jacklyne Akinyi	Hanasard Reporter

ACKNOWLEDGEMENT

I would like to express my special gratitude to the Offices of the Speaker and the Clerk of the County Assembly for the logistical and technical support offered to the Committee during its consideration of the Annual Financial Statement for the Education Fund for the Year Ended 30th June, 2022.

Finally, I wish to express my appreciation to the Honorable Members and Secretariat of the Committee who made useful contributions towards the preparation and production of this Report.

On behalf of the Committee on ECDE, Adult Education and Vocational Training and pursuant to provisions of Standing Orders No. 182, it is my pleasant privilege and honor to present to this Hon. House the Report of the Committee on its consideration of the Annual Financial Statements for the Education Fund for the Year Ended 30th June, 2022.

BACKGROUND INFORMATION, LEGAL FRAMEWORK
Mr. Speaker and Hon. Members,

9. The Committee relied on Constitutional and legal provisions as the basis of its consideration of the Annual Financial Statement and to hold the responsible County Officers directly and personally liable for any loss of public funds under their trust. The Committee has and will continue to invoke these provisions in its recommendations to ensure that public resources channeled to the Department of Education in furtherance of its mandates is utilized to the benefits of the residents of Kisumu County. These legal provisions were as follows:

    a) Article 185 of the Constitution of Kenya, 2010 which provides the Mandates of the County Assembly in regards to all matters related to the Fourth Schedule of the Constitution. In particular, Article 185 (3) of the Constitution provides as follows:

        185 (3) A county assembly, while respecting the principle of the separation of powers, may exercise oversight over the county executive committee and any other county executive organs.

b) Article 201 of the Constitution of Kenya 2010 which provides for the fundamental principles that guide all aspects of Public Finance. These principles are *inter alia: -*

i. Article 201 (a) which states that there shall be openness and accountability, including public participation in financial matters;

ii. Article 201 (d) which states that public money shall be used in a prudent and responsible way; and

iii. Article 201 (e) which require that financial management shall be responsible, and fiscal reporting shall be clear.

c) Article 226(5) of the Constitution of Kenya which places a direct personal liability on the Management and administration of public funds on the responsible person. This legal provision has established the premise on the concept of individual and personal liability or responsibility; meaning that the act or omission complained of must have been done or undertaken with the knowledge, consent or connivance of the person accused. Article 226 (5) provides as follows:

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.

d) Section 116 (1) of the Public Finance Management Act, 2012 which gives the County Executive Committee Member for Finance the power to establish public funds with the approval of the County Executive Committee and the County Assembly.

e) Section 116 (7) of the Public Finance Management Act, 2012 which provides for the procedures of accountability on County Public Funds. Section 116 (7) of the Public Finance Management Act, 2012 provides that:

The administrator of a county public fund shall—

(a) prepare accounts for the fund for each financial year;

(b) not later than three months after the end of each financial year, submit financial statements relating to those accounts to the Auditor-General; and

(c) present the financial statements to the county assembly.

f) The provisions of the Kisumu County Education Fund Act, (No.1 of 2014) which established the Education Fund and provided for the procedures for the management and administration of the Fund and the Kisumu County Education Fund (Amendment) Act, 2016 which amended the Principal Act No. 1 of 2014.

MANAGEMENT OF THE KISUMU COUNTY EDUCATION FUND.

10. The Kisumu County Education Fund is currently managed and administered in accordance with Section 5 of the Kisumu County Education Fund (Amendment) Act, 2016 by a Fund Administration Committee and a Key Management Committee comprising of the following:

Board of Trustees/Fund Administration Committee:

Ref.	Name	Position
1.	Oliver Oloo Otunga	Chairperson
2.	Domnic Odipo	Member
3.	Rosemary Akinyi Yande	Member
4.	Hildah Odah	Member
5.	Richard Okech	Member

Key Management

Ref.	Name	Position
1.	Penina Onyango	Chief Officer
2.	Michael Adar	Director ECDE
3.	CPA Keziah Okoth	Fund Accountant
4.	CPA Evans Ogweno	Representative of Chief Officer Finance

ANALYSIS OF THE ANNUAL FINANCIAL STATEMENT FOR EDUCATION FUND FOR THE YEAR ENDED 30TH JUNE, 2022.

Mr. Speaker and Hon. Members,

11. The Education Fund is established and administered in accordance with the Kisumu County Education Fund (Amendment) Act, 2016 and currently operates on a key development objective set out in the Kisumu County Government Integrated Development Plan, which is to improve the education standard and increase the number of student's intake by granting bursaries and scholarships to eligible students.

12. This Annual Financial Statement has thus been submitted in accordance with Section 116 (7) of the Public Finance Management Act, 2012 which require that at the end of each financial year, the Administrator of a County Public Fund shall prepare financial statements for the fund in accordance with the Standards and formats prescribed by the Public Sector Accounting Standards Board.

13. During the analysis of the Annual Financial Statement, the committee deliberated on the following subject matters of the fund:

    i. Statement of Financial Position

    ii. Statement of Cash Flows

    iii. Statement of comparison of Budgets and Actual amounts

    iv. Notes to the financial statement

    v. Disbursements.

Statement of Financial Position

14. The Fund's Statement of financial position as at 30th June, 2022 reflected a balance of Kshs. 11,224,572 for Current Assets down from Kshs. 32,332,775 *(this was erroneously indicated as kshs. 320,332,775)* recorded in the financial year ended 30th June, 2021 while the following Assets and liabilities recorded zero balance as at 30th June of the FY under review:

    a) Non-current assets,
    b) Current Liabilities and;
    c) Non-current Liabilities.

15. Therefore, the Statement of Financial Position of the Education Fund recorded an Accumulated Surplus of Ksh. 11,224,572 as at 30th June, 2022 which was the closing bank balance of the Fund as at 30th June, 2022.

Statement of Cash Flows

16. The Fund's Statement of cash flows for the Year Ended 30th June, 2022 recorded a total of Kshs. 196,147,439 paid from the Fund though no supporting schedules were provided to support the expenditures. The following operating activities were incurred by the fund.

S/No.	Operating Activities	Amount paid
i.	Fund administration expenses	Kshs. 6,150,000
ii.	Disbursement	Kshs. 189,997,439

Statement of Comparison of Budget and Actual Amounts

17. The Fund's Statement of Comparison of Budget and Actual Amounts for the Period under review shows that the Education Fund had a budgetary adjustment of Kshs. 2,373,011 summing the Final Budget for the Fund for the FY ending 30th June, 2022 at Kshs. 207,372,011. The Fund however had an actual expenditure of Kshs. 196,147,439 and a surplus of Kshs. 8,852,561 which indicates a 95% utilization and a 5% underutilization.

Notes to the Financial Statement

18. The Fund's Notes to the Financial Statement under transfers to the County Government has recorded a total of Kshs. 205,000,000 as payments by the County Government to the Fund account and is not in correlation and harmony with the data provided under the Fund's Statement of Comparison of Budget and Actual Amounts which indicated a budgetary adjustment of Kshs. 2,373,011 putting the payments by the County Government to Kshs. 207,372,011.

19. The Fund's Notes to the Financial Statement further shows a breakdown of how the Kshs. 6,150,000 for the Fund Administration Cost was spent. The following expenditure breakdown is provided:

S/No.	Description	Amount (Kshs.)
i.	Bank Charges	530,647
ii.	Facilitation of meetings	541,341
iii.	Supply of Stationery	981,881
iv.	Monitoring and evaluation	415,800

v.	Hospitality Services	176,250
vi.	Distribution of manifest to schools	537,600
vii.	Ward administration cost	2,803,000

20. During this analysis, it was not possible to confirm whether the expenditure breakdown for the Funds Administrative Cost is accurate since there were no supporting schedules to ascertain the expenditure. The Expenditure of the Fund's Administrative Cost therefore raises the following pertinent questions:

    i. Whether bank charges for an amount total of Kshs. 6,150,000 can accumulate to Kshs. 530,647 as this does not tally with the current rate of bank charges, commission and interest policy of the Kenya Commercial Bank effective since 1st January, 2020?

    ii. Whether the Enabling Act envisages need for ward administration for the Fund to cost as high an amount as Kshs. 2,803,000?

Disbursements

21. The Annual Report and Financial Statements for the year ended 30th June, 2022 shows a Disbursement breakdown as follows:

S/No.	Description	2021/2022	2020/2021
i.	Marine Students	Kshs. 4,200,000	-
ii.	Scholarship payments (May 2022 – Dec 2022)	Kshs. 53,237,454	-
iii.	Scholarship payments (July 2021 – March 2022)	Kshs. 51,961,389	Kshs. 57,169,560
iv.	Bursaries	Kshs. 80,598,596	Kshs. 117,001,730
	TOTAL	Kshs. 189,997,439	Kshs. 174,171,290

22. It is observed that the expenditure on Bursaries had a negative deviation of Kshs. 36,403,134 as at 30th June, 2022. An implementation matrix showing the exact number of beneficiaries was also not adduced before the Committee.

OBSERVATIONS AND FINDINGS FROM THE ANNUAL FINANCIAL STATEMENT FOR THE YEAR ENDED 30TH JUNE, 2022.

23. Following the consideration of the Annual Report and Financial Statements for the Year Ended 30th June, 2022, the Committee made the following observations and findings:

i. THAT the Fund Administrator failed to resolve the issues raised by the Auditor General in the Audit Report for the Fund for the Year Ended 30th June, 2021 for the management and administration of the Fund.

ii. THAT the Fund's Statement of Comparison of Budget and Actual Amounts for the Period under review shows that the Education Fund had a budgetary adjustment of Kshs. 2,373,011 summing the Final Budget for the Fund for the FY ending 30th June, 2022 at Kshs. 207,372,011. The Fund however had an actual expenditure of Kshs. 196,147,439 and a surplus of Kshs. 8,852,561 which is a total of Kshs. 205,000,000. It is therefore not shown in the Financial Statement where the Kshs. 2,373,011 adjustment went to and how it was spent.

iii. THAT the Fund Administrative Cost is a high risk area which should be guarded with stringent policy directives to prevent the risk of misappropriation.

iv. THAT the Fund's Notes to the Financial Statement under transfers to the County Government is not accurate as it recorded a total of Kshs. 205,000,000 as payments by the County Government to the Fund account and disregards the data provided at the Fund's Statement of Comparison of Budget and Actual Amounts which indicates a budgetary adjustment of Kshs. 2,373,011 putting the payments by the County Government to the Fund at Kshs. 207,372,011.

v. THAT there are no supporting schedules to ascertain the actual number of Students who received the scholarships and bursaries during the year under review.

vi. THAT the Fund Administrator has continued to administer the Fund without a Regulation to the Kisumu County Education Fund (Amendment) Act, 2016 thus violating the provisions of the enabling Act.

vii. THAT there was an underutilization of the Fund budget by 5% equivalent to ksh 8,852,561 despite a 100% utilization of the Fund Administrative Cost budget.

viii. THAT there is no award policy to prevent conflict between Members of the County Assembly and Ward Administrators.

ix. THAT the Fund's Financial Statements DOES NOT give a true and fair view of the state of the Fund's financial position as at 30th June, 2022.

DEPARTMENT'S RESPONSE ON THE FINDINGS OF THE ANALYSIS ON THE ANNUAL FINANCIAL STATEMENT.

24. Following the observations and findings made from the Analysis, the Committee resolved to seek clarification and explanation from the Fund Administrator on the propriety of certain expenditures that were incurred from the Fund.

25. Pursuant to a letter dated 13th March, 2023 reference No. CAK/CGK/VOL.III/3/23 (11), submitted to the County Executive Committee for Finance and Economic Planning and copied to the CEC Member for Education by the Clerk of the Assembly, the Fund Administrator was instructed to provide supporting schedules including Local Service Orders (LSOs), Local Purchase Orders (LPOs), bank statements and relevant documents to ascertain the proper management of the Funds incurred for the following Expenditures:

    i. Fund Administration Cost of Kshs. 6,150,000 incurred in the year under review.

    ii. Financial records of the expenditure for the Kshs. 2,373,011 adjusted during the supplementary budget of the year under review.

    iii. Supporting schedules for the Kshs. 11,224,572 for current assets in the year under review.

26. Consequently, on 11th April, 2023, the Committee received a letter from the CEC Member for Education, Technical Training, Innovations and Social Services forwarding supporting schedules for the expenditures incurred from the Fund. The Committee conducted an analysis on the same submission and made findings and observations thereof:

Fund Administration of Kshs. 6,150,000 incurred in the year under review.

27. Pursuant to the response from the department adduced before the Committee, the supporting schedules of the Fund Administration Cost incurred during the year under review was supposed to be submitted for the following expenditures:

S/No.	Description	Amount (Kshs.)
i.	Bank Charges	530,647
ii.	Facilitation of meetings	541,341

iii.	Supply of Stationery	981,881
iv.	Monitoring and evaluation	415,800
v.	Hospitality Services	176,250
vi.	Distribution of manifest to schools	537,600
vii.	Ward administration cost	2,803,000

28. The Supporting schedules of the following expenditures were not sufficiently submitted:

S/No.	Description	Amount (Kshs.)	Status
i.	Facilitation of meetings	541,341	Accounted expenditure is less than reported amount
ii.	Monitoring and evaluation	415,800	Not accounted
iii.	Hospitality Services	176,250	Accounted expenditure is less than reported amount
iv.	Ward administration cost	2,803,000	Accounted expenditure is less than reported amount

Bank Charges

29. Based on the Annual Financial Statement of the Fund, the Fund Administrator had reported that the Bank Charges incurred during the transactions for the Fund was Kshs. 530,647, however upon submission of the Bank statements, the Committee established that the Bank charges incurred for the fund during the Financial year under review was Ksh. 490,072.00 and not Kshs. 530,647 reported thus generating a variance of Kshs. 40,575 that has not been accounted for.

30. The Committee also observed that the Fund Administrator did not formulate monthly bank reconciliation to support the bank charges in accordance with the Public Finance Management Act Regulations, 2016.

Supply of Stationery

31. The Committee observed a payment protocol for one Eukema General Supply who was awarded a tender for the Supply and Delivery of General Office Stationery for Bursary Office of Quotation No. CGK/RFQ/ED/2021-2022/005 for an amount of Kshs. 999,107.20.

32. A payment voucher Ref. 2440102 of the said service was adduced before the Committee indicating that the Eukema General Supply was paid an amount of Ksh. 981,881.20. The Committee however made the following findings:

    i. That there was no Local Purchase Order attached to the invoice as per the requirements

    ii. That No delivery note from the service provider was attached to the invoice as evidence that indeed the said items were supplied.

    iii. That there is no invoice for the payment from Eukema General Supply.

    iv. That the certainty of the Inspection Committee chaired by one Mr. Paul Kodero cannot be determined as there are no signed minutes of its deliberations or appointment letters instructing them to sit in the Committee that were adduced before the Committee.

33. The Committee therefore, pursuant to these findings is unable to ascertain the propriety of the amount paid to Eukema General Supply.

Facilitation of Meetings

34. The following payment vouchers in regards to facilitation of meetings were adduced before the Committee;

    i. Payment to one Mr. Japheth Ochieng of PF No. 20015008269 of Kshs. 76,405.00 being for purchase of Stationery, Communication and catering services for the Bursary team.

    ii. Payment to Mr. Adongo Ambala of Kshs. 24,000.00 being allowance for 1st launch of bursary for FY 2021/2022.

    iii. Payment to Mr. Japheth Ochieng of PF No. 20010008269 of Kshs. 360,500.00 being for a five (5) days per diem to the Ad-hoc Committee appointed for Bursary and Scholarship preparation.

35. The Committee has taken notice of the following attendant inconsistencies on the supporting schedules of the expenditures;

i. That there are no receipts for the amounts incurred on purchase of Stationery, Communication and Catering Services to support the payment of Kshs. 76,405.00 made to Mr. Japheth Ochieng

ii. That there are no supporting schedules or receipts for the payment of Kshs. 24,000.00 made to Mr. Adongo Ambala.

iii. That there are no receipts and signed attendance lists to support the per diem payment made through Mr. Japheth Ochieng for the Ad-hoc Committee on Bursary and Scholarship Preparation.

36. The Committee therefore, pursuant to these findings is unable to ascertain the propriety of the amounts paid to both Mr. Adongo Ambala for allowances and Mr. Japheth Ochieng for Per diem and for Stationery, Communication and Catering Services.

Distribution of Manifests

37. A payment voucher for an amount of Kshs. 537,600 being for facilitation for the distribution of manifests to Sub-Counties after scholarship payment with an authorization dated 6th March, 2023 was also adduced before the Committee.

38. The Committee notes that the procedural architecture of spending public funds pursuant to the Public Finance Management Act, Regulations and Policies follows that a payment voucher is the final authorization by the Accounting Officers meant to certify that the price charged on a particular service are in accordance with the law and reasonable that the expenditure has been incurred on proper authority and certificate overleaf has been completed. The payment voucher, should therefore be signed before an actual payment is done.

39. Take notice that the payment voucher for the amount Kshs. 537,600 was signed and authorized on 6th March, 2023 nearly five months after the end of the financial year while its imprest warrant was signed on 17th December, 2021 thus raising so much doubt as to the authenticity of the payment voucher and propriety of the expenditure itself.

40. The Committee is therefore unable to establish the reasons for the timeline difference between the dates when the imprest warrant and the payment voucher were signed. The Committee is further unable to ascertain the validity of this payment and its proper utilization cannot be established.

Ward Administration Cost

41. The following Ward Administration Cost expenditures were adduced before the Committee:

42. Payment of Nyakach Sub-County Bursary Administration Cost: On a letter dated 21st January, 2022 one Mr. Mbogo James; the Nyakach Sub-County Administrator requested for an amount of Kshs. 307,500.00 being for Bursary Administration Cost distributed to five wards at Kshs. 61,500.00 each. It has been observed that pursuant to a payment voucher dated 21st March, 2022 done for the payment of the Bursary Administration Cost to Mr. James Mbogo; an amount of Kshs. 389,350 was approved for payment.

43. It is however not known to the Committee why the amount paid to Mr. Mbogo had exceeded the amount he had requested for with a deviation of Kshs. 81,850.

44. The Committee has further observed that there are no receipts or any evidentiary supporting schedule to support the payment done in regards to Nyakach Bursary Administration Cost therefore the propriety of this expenditure cannot be ascertained.

45. Payment of Kisumu Central Bursary Administration Cost: The Committee also reviewed a payment voucher dated 4th March, 2022 for Kisumu Central Bursary Administration Cost of Kshs. 467,100.00 paid to Samson Jagero; the Sub-County Administrator. It was observed that there were no receipts or supporting schedules to support this expenditure.

46. Payment of Nyando Sub- County Bursary Administrative Cost. The payment voucher dated 22nd June, 2022 for Nyando Sub-County Bursary Administrative Cost of Kshs. 389,350 paid to Mr. Peter Abiero the Sub-County Administrator. It was also observed that there were no receipts to support the payment.

47. The Bursary Administrative Cost request for Kshs. 311,480 done for Seme Sub-County by Mrs. Magdaline Nancy Wasama; the Sub-County Administrator; dated 25th January, 2022 did not have a payment voucher, imprest warrant or any payment evidence and therefore it cannot be established whether this amount was paid or not.

48. The Committee has further found that the Bursary Administration Cost for the following Sub-Counties were not reported, its therefore not known based on the evidence adduced before the committee, whether these Sub-Counties were issued with bursaries at all during the financial year under review:

    i. Kisumu West Sub-County

ii. Kisumu East Sub-County

iii. Muhoroni Sub-County

iv. Seme Sub-County

49. It is to be noted that while the Fund Administrator indicated that the amount incurred on the Ward Administration Cost was a total of Kshs. 2,803,000.00 only Kshs. 1,163,950.00 was reported though with deficiencies on supporting schedules.

Financial records of the expenditure for the kshs. 2,373,011 adjusted during the supplementary budget of the year under review.

50. The Committee was informed that the figure of Kshs. 2,373,011.00 disclosed as an adjustment in the Statement of Comparison of Budget and Actual Amounts for the year ended 30th June, 2022 was the opening Bank Balance as on 1st July, 2021 as supported by the certificate of Bank balance on 30th June, 2021 and that the management inadvertently treated this figure as an adjustment when in fact it was an opening balance at the beginning of the year under review.

51. The Committee therefore observed that there was no adjustment made during the year on the initial allocation of Kshs. 205,000,000.00 to the Kisumu County Education Fund.

Supporting Schedules for the kshs. 11,224,572 for the Current Assets in the year under review.

52. The Fund management informed the Committee that the figure of Kshs. 11, 224,572 disclosed in the Statement of Financial Position as at 30th June, 2022 under current assets is the closing bank balance as on 30th June, 2022 as supported by the certificate of Bank balance.

4. CONSULTATIVE MEETING WITH THE DEPARTMENT.

53. Following the Committee meeting held on 4th May, 2023 where the Members deliberated on the findings made from the submissions of the Department to support the expenditure reported in the Annual Financial Statement, the Committee resolved to invite the Fund Administrator and the Fund Management Committee to provide clarification and evidence to support the expenditure of the Fund.

54. Consequently, vide letter Ref. CAK/CGK/VOL.IV/04/23/(01) dated 26th April, 2023 *(Annex iv)*, the Clerk forwarded the 1st Preliminary Report of the Committee to the CEC Member for Finance and Economic Planning requesting for response on the matters raised in the Preliminary Report and on the following matters:

    i. Implementation matrix showing the number and list of beneficiaries of the Fund during the year under review.
    ii. Status Report of the Implementation of the Recommendation of the Auditor General's Report on the Education Fund for the year ended 30th June, 2021.
    iii. Supporting Schedules for the expenditure incurred for Monitoring and Evaluation and Bursary Administration Cost and Bank Reconciliation for the Fund.

55. Further through the letter dated 26th April, 2023, the Fund Management was invited to appear before the Committee on Tuesday 2nd May, 2023 at 10.00am.

Submissions of the Fund Management.

Mr. Speaker and Hon. Members,

56. The Fund Management was represented by Mr. Daniel Okuta, the Acting Chief Officer for the Department of Education, Technical Training and Social Services and Mr. Japheth Ochieng Orwa; the Fund Accountant who submitted before the Committee the following supporting schedules:

    i. An implementation matrix showing the number and list of beneficiaries for the Fund during the year under review.

    ii. A Notice dated 16th December, 2022 to all Sub-County Administrators on Kisumu County Bursary and Scholarship Awards for FY 2022/2023.

    iii. A payment voucher for Kshs. 311,480 for the Bursary Administrative Cost of Seme Sub-County paid to Magdaline Nancy Wasama.

    iv. A payment voucher of Kshs. 76,405 for facilitation of meetings paid to Japheth Ochieng.

    v. Payment voucher for Bursary Administration Cost of 389,350 paid to Samuel Omondi for Kisumu East Sub-County.

    vi. A Bank reconciliation data dated 8th May, 2023.

vii. Payment voucher for Bursary Administration Cost of Kshs. 467,100 paid to Samson Jagero for Kisumu Central

viii. Payment voucher of Kshs. 415,300 for Paul Kodero being payment for facilitation of Bursary/Scholarship monitoring and evaluation.

ix. Payment voucher of Kshs. 387,350 for Mbogo James being payment for the Sub-County Bursary Administration cost.

x. Payment voucher of Kshs. 360,500 paid to Mr. Japheth Ochieng being payment for per diem for the Ad-hoc Committee appointed for bursary and scholarship preparation.

xi. Payment voucher of Kshs. 981,881.20 being payment made Eukema General Supply for supply and delivery of General Office Stationery for the Bursary Office.

57. Following the receipt of the Support schedules meant to account for expenditures not earlier accounted for, the Committee convened on 4th May, 2023 to evaluate and consider the final submission of the Fund Management, the Committee made the following findings:

THAT pursuant to a payment voucher of Kshs. 360,500, an amount paid to Mr. Japheth Ochieng being for payment of per diem to the Ad-hoc Committee on Bursary and Scholarship preparation, the Committee is unable to establish why a payment of per diem for eight people employed by the County Government were all paid through a single account contrary to the Public Finance Management Regulations, 2015.

THAT a Bank Reconciliation Data done on 8th May, 2023 adduced before the Committee is an evidence that the Fund Management lacks a continuous internal control for the Fund.

THAT pursuant to a payment voucher of Kshs. 981,881.20 being payment done to Eukema General Supplies for the delivery of General Office Stationery for Bursary, the Committee scrutinized the following schedules:

a) A payment Slip issued by the KRA
b) An Inspection and Acceptance Committee Report
c) Minutes of the Evaluation Committee Members for Supply and Delivery of General Office Stationery for Bursary Office Hel at Boardroom 8th Floor Prosperity House, Wing C on 19th November, 2021 at 1400pm.
d) Minutes of Quotation Opening held on 18th November, 2021 at 9.30am

e) A Memo dated 10th December, 2021 on Appointment to Inspection and Acceptance Committee done in accordance with the Public Procurement and Disposals Act, 2015 (Cap. 46)
f) Stores Ledger and Stock Control Cards
g) Local Purchase Order dated 31st November, 2021
h) Professional Opinion for Supply and Delivery of General Office Stationery for Bursary Office
i) Delivery Note
j) A Certificate of Registration for Eukema General Supply
k) Taxpayer Information for one Ms. Anne Anyango Osawa a partner for Eukema General Supplies.

The Committee has established that the payment done to Eukema General Supplies was fully accounted.

THAT pursuant to the supporting schedules attached to account for a payment of Kshs. 76,405 paid to Japheth Ochieng for the purchase of Stationery, communication and catering services, the Committee reviewed the following schedules:

a) An internal memo requesting for an Imprest of Kshs. 76,405.00 made by Mr. Japheth Orwa to the Chief Officer for Education.
b) An invoice dated 2nd November, 2021 from Sai Office for an amount of Kshs. 49,910
c) A receipt voucher from Nelmand Enterprises of Kshs. 63,100 for purchase of Stationery
d) A receipt from Mayienga Caterers of Kshs. 13,305 for catering services and;
e) A receipt from Nelmand Enterprises of Kshs. 63,100 being for payment of Stationery

Summarily, it will be noted that there is a non-reported amount of Kshs. 110,010. The Committee was unable to ascertain the propriety of this expenditure.

RECOMMENDATIONS.
Mr. Speaker and Hon. Members

58. Following the Committee's Consideration of the Annual Financial Statement for Education Fund for the Year Ended 30th June, 2022, the Committee makes the following Recommendations:

    THAT the findings and observations of this Report be submitted to the Auditor General for further action.

THAT the Fund Management should come up with a different mechanism of distributing manifests by establishing a platform where manifests would be distributed to schools at once to prevent unnecessary expenditure on other logistics.

THAT the CEC Member for Finance should formulate Regulations for the better implementation of the Kisumu County Education (Amendment) Act and to provide relevant procedures of managing the Education Fund.

4. – CONCLUSION

59. It is therefore my honor and privilege, on behalf of the Committee on Early Childhood Development Education, Adult Education and Vocational Training to move this Motion for consideration by the Hon. House

60. I wish to call upon Hon. James Omollo, MCA,. Central Nyakach to second.

Hon. Omollo (MCA, West Nyakach Ward): Thank you Mr. Speaker. I rise to second the report.

The Speaker (Hon. Oraro): Honourable Members, now that the report on ECD, Adult Education and Vocational Training Committee report on the Kisumu County Education Fund Annual Report and Financial Statements for the year ended 30th June, 2022, has been presented by the Committee on Early Childhood Education Adult Education and Vocational Training, and seconded. I want to propose a question and I propose that the Committee on Committee on Early Childhood Education Adult Education and Vocational Training Report on the Kisumu County Education Fund Annual and Financial Statements for the year ended 30th June, 2022 is open for debate.

The Speaker (Hon. Oraro): Yes Hon Oiko.

Hon Oiko (MCA, Kabonyo/Kanyagwal Ward): Mr. Speaker Sir, the report is a good one because it gives us the loopholes in the way the money is being spent at the department. In the morning, we were crying over the matter of Scholarships and Bursary and what this report has provided us supports our outcry.

Mr. Speaker, when we look at this report, we know that total allocation for Bursaries and Scholarships is Kshs. 205 million. When you go through this report there is nowhere where they have tabulated the expenditure of Kshs. 205 million. That portrays the picture of the report that the department is not sincere with its records. When we see some Sub Counties, their expenditures are not tabulated, that is page 19; Kisumu West Sub County, Kisumu East sub-County, and Muhoroni Sub County. When you look at page 13, the total expenditure given as Kshs. 189, 997, 439. We would assume that the difference is what is hidden for the three sub-counties. We may assume so, Mr. Speaker.

Mr. Speaker, when you also look at this record on page 13, financial yeas 2020/2021, we are being informed that the expenditure was Kshs. 174, 171, 290 so that year we are made aware that

there were problems. The bursary was not disbursed in full. It is my opinion that, the Chairman will be in agreement with me on this. So, Mr. Speaker the CECM for Education should be taken to task because when there is serious outcry on the matters of bursary and scholarships, and this is the kind of record presented to the Assembly, it is the kind report that should be forwarded to the Auditor General for auditing. This shows that these are the kind of report from the office of the Auditor General that has been giving Kisumu adverse reports, they are right. The figures do not add up and that is the reason why, you hear some of us always lamenting that we need to interrogate the reports and give the picture of the report on that table so that the Executive would know that we take our time to go through their reports.

Mr. Speaker, in general, on the recommendations provided by the Committee, and we know that the audited report has not been forwarded to the Assembly, but the Office of the Auditor General audited report of Kisumu County and it is already out. I wish this one had also been audited and the adverse report is given as depicted in this report. Mr. Speaker, these are the kind of information or figures that at times, if a situation would be there where we have a cup of tea with the Governor, we would tickle him with such.

Mr. Speaker, we cannot have a situation where every report presented in this Housed has such enormous gaps, this portrays a picture that the department is hiding some figures. The records are window dressed and camouflaged. It gives a very bad picture of us. So with this kind of picture, let the House makes its decision but the committee has tried. The department will also hear that we read their report.

Mr. Speaker, when Kshs 981, 821, 20.00 is spent and there are no supporting documents! And an officer feels strong enough to submit that record and he wants to us to defend it. When we look at the Ward Administration Costs, it is well known that each Ward gets an allocation of Kshs. 61, 500. A simple arithmetic translates to Kshs. 61, 500 per Ward multiplied by 35 Wards brings this amount to Kshs. 2,152, 500. Yet here it is indicated as Kshs. 2, 803,000. We are not now seeing where the Kshs 61 million is queried. It is being asked in block. When the requisition is made in block, that could be okay but, let us take the example of Nyakach Sub County, where the name of the officer was mentioned at page 80. He requested for an amount of Kshs. 307, 500. Divide this amount by the five Wards in Nyakach that is Kshs. 61, 500. And we are being told here that, the officer was given an amount of Kshs.389, 350. He was given excess. That explains what goes under the table. With exposure of these kinds of records, the Members would now know what goes on in the Department of Education, and why Bursaries and Scholarships have been a major problem since Governor Nyongó assumed office. Thank you.

The Speaker (Hon. Oraro): Yes, Hon. Obaso.

Hon. Obaso (Nominated Member): Thank you, Mr. Speaker. Let me start by commending the committee on their findings and recommendations. From this report, you can clearly see that there is money being embezzled by the staff of our great County. Mr. Speaker, going by this the County Executive Committee Member for Education should be put to task and be made answerable to what causes these kinds of deficits being found in this report. With these few remarks, I beg to support, thank you.

The Speaker (Hon. Oraro) Yes, Hon. Nereah Okombo, the Deputy Speaker.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Mr. Speaker, I rise to support this report, and urge honorable Members to adopt it. The report is quite elaborate and self-explanatory considering how Hon. Pete Oiko, the most rebellious of us all, has given this report a nod and commended the committee on a work well done. I may not have much to say but I want to add my voice and say the County Executive, especially the Department of Education should be serious with his work. Mr. Speaker, an Act of the County Assembly was passed in 2014 but up to 2023, there is still no Regulation to operationalize this Act, and you can see how money is being spent without enabling regulations and I do not believe that, that department is showing us seriousness.

Mr. Speaker, I recall several complaints in the last regime, of bursary forms being filled by the needy students, and no money is sent to schools. We are getting in the 6th month tomorrow since the bursary forms were filled in January but no money has been disbursed to schools and no explanations given either and you can see how this money is being spent. It is high time we insisted they submit that regulation, and I feel like the Department being given the 21 days is a lot but we just have to follow the protocol. Mr. Speaker, I know I will be out of Order but you are aware that after Hon. Oiko giving a nod to this report, Members will have no option but to support. Otherwise, I support the report, thank you.

The Speaker (Hon. Oraro) Yes, the Hon. Leader of Majority.

The Leader of Majority (Hon. Ooko): Thank you Mr. Speaker, I rise in support of this report, and will not repeat what my colleagues have reiterated. I however, would want to talk about the mode of payment because it is an area that is making Members of the County Assembly very unpopular. Mr. Speaker, the mode of payment that is being used by this Board; that is the electronic transfer of paying bursaries is not good for us because when they send the money electronically, the parents are not aware. The students on the other hand if they find rogue bursars, money is lost in between, and I wish we revert to the cheque system. Mr. Speaker, I would urge the Hon. Members to consider amending the parent Act. This is a board where we have Ward Bursary Committees, having done good work and the list is taken to them, they make reviews without giving reasons why they have removed some students. I have a case in my ward where more than 50 names are missing from the list that was presented to them.

Mr. Speaker, I would like to urge this House through the Committee on Education that we at least consider amending the Act. I am aware that from this end I am talking in the capacity of an Member of County Assembly that, this board should be disbanded because the effects it causes are quite severe. Thank you, Mr. Speaker, I support the report.

The Speaker (Hon. Oraro): Hon. Onditi.

Hon. Onditi (MCA, Ombeyi Ward): Thank you very much Mr. Speaker, I rise to support this report on two grounds. First, that the major area which the members of the public are quite keen on when we talk to them as far as devolution is concerned is the Education and the Road sectors. Mr. Speaker, most of these Honourable. Members today are afraid of going back to the village because there is unending knocking on their gates and doors by the constituents in the quest for bursaries. Students are at home and we lack answers to give these parents yet, the community knows that the person giving bursaries is the MCA. I am saying so because initially, I was a

member of this committee on Education and we had a very candid conversation with the CECM Education some time back; that we need to make this arrangement in advance so that the process of payment doesn't take too long until the students are sent back home.

Mr. Speaker, looking at this report, there are too many glaring mistakes and cases of a culture of impunity based on some of the recommendations presented here and areas highlighted by the committee. You would wonder why some junior officers such as Fund Managers fail to submit very crucial documentation to support the report and even moves ahead to send a report to this House knowing very well that this is just a usual work whereby it is going to be rubberstamped and no action taken even if he/she knows there is glaring cases of misappropriation or inaction. I also think that we should take this thing seriously and this should be a case whereby some of the officers need to be disciplined so that others who are planning to develop this kind of tendency should be able to learn from this.

Mr. Speaker, I do not know what to say because sometimes when you listen to what some of the people from this department are saying; it is like they do not know what is going within this department. I remember a case of bursary from the department within the Governor's office where the Ward and Village Administrators come from and are the ones controlling the bursaries. However, you will realize that they do not know anything. Whenever you present a matter to them, they again refer you to the Department of Governance. The Village Administrators themselves seem to know everything more than the Chief Officers. So, there is a lot of confusion in this department Mr. Speaker.

Mr. Speaker, I therefore support the Leader of Majority that we need to consider amending some of the sections of this Act to align this Act so that at least we have clear cut mechanisms on how this fund should be managed in the said department. Otherwise, the person who is going to bear the burden of the confusion here is the MCA. This is because he/she is the person who is going to be in direct contact with the voter or the beneficiary. With those few remarks Mr. Speaker, I beg to support, thank you.

The Speaker (Hon. Oraro): Yes, Honourable Dede.

Hon. Dede (MCA, Kisumu North Ward): Thank you, Mr. Speaker for according me the opportunity to also raise my sentiment concerning the report. First, I have to differ with a colleague who stated that when one of our colleagues agrees with the report, he also accepts it is as the Member came to legislate for all of us. Not that when a person has accepted the report, it is just passed in that manner.

Mr. Speaker, my other concern is about the disbursement of the funds according to the way it was stated. You will realize that approximately Kshs 420 million was used for the Marine students. However, the breakdown was not clearly provided for and how it was disbursed and that clearly shows that the amount did not show how many marine students their fees were settled.

In addition, I was also worried about the Administrative Cost. You will note that in each and every ward, the cost was supposed to be Kshs 61,500 but, when you come to a sub county like Seme which managed to get Kshs 311,480 which was supposed to around 246,000 to be

disbursed if you add up a sum of four wards within a Sub County. That is one of my main worry over the issue.

Mr. Speaker, being that I was also among the Members of the previous Assembly, I am now convinced because initially I had a problem of answering question concerning the bursaries and scholarships within the ward because these monies were not being properly disbursed. It was due to embezzlement of the money within the department by the officers working within the said department.

Lastly, I also concur with my colleague whereby the mode of disbursing the money should come back in form of cheques than making payment through accounts. That is what I have for today, thank you.

The Speaker (Hon. Oraro): Yes, Honourable Adonijah.

Hon. Adonija (MCA, Chemelil/ Tamu Ward): Thank you Mr. Speaker, I rise to support the report. However, to my former Chairperson and the members of ECD Adult Education and Vocational Training Committee, I want to thank you for a good job that you have done. You have brought a very good report before us. But one of my concerns is that there is a serious issue in this department, if you look at this report that has been presented to us by the committee. Nevertheless, I want to pin point out a certain issue and I do not know whether Honourable Seth will be able to respond to which I believe he will do when replying that one later. These three people in the education office; Mr. Adunga (Adongo), Mr. Ambala, Mr. Joseph Ochieng, believe that they are three. They are being mentioned everywhere. It is my belief that there should be action taken against them, or maybe the other people are using them to embezzle funds which is supposed to assist our children, thank you Mr. Speaker.

The Speaker (Hon. Oraro): Honourable Pamela.

Hon. Oyoo (MCA, Migosi Ward): Thank you Mr. Speaker, may I call upon the mover to reply.

The Speaker (Hon. Oraro): Honourable Seth.

Hon. Okumu (MCA, East Seme Ward): Thank you Mr. Speaker and Honourable Members. I want to really thank the Members for taking their time and keenly listening as I was moving the report and giving their input.

Mr. Speaker, I want to specially thank the Honourable Member for Kabonyo Kanyagwal in his absence. I believe for the first time he took his time and maybe because we were taking him through the report like a child. However, Mr. Speaker, I want to agree with the Honourable Leader of Majority as a cost cutting measure. We need to consider causing an amendment to this Act and expunge those committees that are increasing the cost of bursary. The Kshs 2 million that we are spending as administration cost is enough to take several kids to school. It is not justifiable with this financial statement that we cannot administer the bursary without such high cost of administration.

Mr. Speaker, I heard the Honourable Member for Kisumu North, the Honourable Samuel Dede say something on the Kshs 420 million for marine. I know Honorable Member is getting old and cannot read properly. The figure indicated in the report is Kshs. 4.2 million and not four hundred

and twenty. On the administrative cost per ward, I want to agree with members that in some of the wards we could not ascertain why they gave out bursary as per this report but again we could not see any charges on administrative cost. Mr. Speaker, for those wards that have higher cost than what they had requested the explanation which was not convincing to us that in the previous financial disbursement they incurred cost and were not given the full amount and that had to be paid in the financial year ended 30th June, 2022.

Mr. Speaker and Honourable Members, the Hon. Member for Chemelil/Tamu ward Hon. Odari is stating that we have Members here who have been mentioned several times which I don't believe but we have mentioned them where cost were incurred and they were involved and that happened to so many members and it will be hard to just pick on them when that happens to many people. But I want to agree that the recommendation that we are making which will help us to ascertain these because right now what we are saying is that we don't know if this money were spent for the right purpose. Mr. Speaker, it is the reason as to why we are bringing this report here and making those recommendations so that the report goes to the Office of the Auditor General to ascertain if these expenditures were really done. For us it is a preventive tool so that we are not questioned when it is brought before the House by the Auditors.

Mr. Speaker and Honourable Members, I want to agree with the Members that we have tried the bank transfers to schools in payment of moneys from this fund where money move direct from this fund to institution. But it is hard for parents to ascertain whether this money have reached school because they have no way of ascertaining it so as to take it to school. I want to agree with the Leader of Majority that despite the cost incurred, it would be better if we go back to the cheque system where a parent has the cheque or the copy of it to take to school and tell them to charge it against their child school fee. Because what happens is that the bursar will say that we have not received the money yet the county government is saying they have transferred the

Mr. Speaker and Honourable Members, I want to thank you for discussing this report and I want to believe that in adopting this report, what is really important is pursuing the implementation of the recommendations provided in this report. After saying yes here we have an Implementation Committee to help us pursue the implementation of the recommendation of this report and we will always put them to task as the committee of education to ensure that if we pass a report here that has recommendations then those recommendations are implemented. Otherwise, thank you and I beg to reply.

The Speaker (Hon. Oraro): Honourable Members, now that the Committee on Education has presented the report on the Annual Financial Statement of Kisumu County Education Fund for the year ended 30th June 2022, seconded and debated. As per our Standing orders I want to put a question.

(Question out and agreed to)

The Speaker (Hon. Oraro): Honourable Members, the Committee on Early Childhood Educational and Vocational Trainings report on the Annual Financial Statement of Kisumu County Education fund for the year ended 30th June 2022, has been adopted today the 31st Wednesday 2023 at 1558hrs. I want to direct that the recommendation therein be communicated

to the relevant authority and department for action and that the committee for implementation to follow up as per our standing orders.

The Speaker (Hon. Oraro): Next order!!

MOTION

ADJOURNMENT MOTION ON DEFINITE MATTER OF URGENT COUNTY IMPORTANCE – PUBLIC PARTICIPATION ON THE KISUMU COUNTY PROPOSED BUDGET ESTIMATE FY 2023/2024 UNTIL WEDNESDAY 07TH JUNE, 2023 AT 1430HS.

BY

HON. KENNEDY OOKO, MCA, AHERO WARD.

(LEADER OF MAJORITY)

The Speaker (Hon. Oraro): Yes the Hon Leader of Majority.

The Leader of Majority (Hon. Ooko, MCA, Ahero): Thank you Mr. Speaker. First, I would like to remind the clerk that I am Hon. Kennedy Ooko not Kenneth Ooko. Mr. Speaker I stand to move a motion of adjournment.

Aware that Kisumu County Standing Order No. 31(1) provides that any member may at any time rise in his or her place and seek leave to move the adjournment of the County Assembly for the purpose of discussing a definite matter of urgent county importance.

Further aware that, public is a fundamental right enshrined in the 2010 Kenyan Constitution. Acknowledging that, the Assembly has scheduled the public participation on the budget estimates FY 2023/2024, which shall take place on Tuesday, 6th June 2023, at all the sub county levels which need the participation of all members and the staff.

Further acknowledge that, the budget estimates was submitted to the Assembly which has timelines that must be met.

Now therefore, I urge the honorable House to adjourn until Wednesday June 7, 2023 at 1430hrs.

Hon. Speaker, public participation will allow members to interact with their electorates and understand their feelings towards the Proposed Budget Estimate FY 2023/2024. It is paramount for all of us to attend. I therefore, ask this House to approve and will ask Hon. Pamela Oyoo to second thank you.

The Speaker (Hon. Elisha J. Oraro): Yes Hon. Pamela Oyoo.

Hon. Pamela Oyoo, MCA, Migosi Ward): Thank you Mr. Speaker, I stand to support the motion on adjournment. I want to support the motion because it is important to this House.

Financial report and financial budget is a key fundamental function of this County Government, we have a holiday tomorrow and if we adjourn, members will have an opportunity to attend the public participation scheduled for Tuesday next week. Mr. Speaker, due to the adjournment, I am asking members to attend the participation because you have been given time and you have no excuse of failing to attend. I stand to second.

The Speaker (Hon. Oraro): Honourable Members, now that the Leader of Majority has moved the Motion of Adjournment and seconded, I want to refer to our standing Orders and propose that the motion for adjournment as proposed by the majority leader is open for debate.

The Speaker (Hon. Oraro): Yes Hon. Warindo.

Hon. Warindo (MCA, Miwani): Mr. Speaker, I stand to support the motion for adjournment and indeed we need time to go and interact with our electorates to enlighten them on the importance of public participation more so on the Proposed Budget Estimates FY 2023/2024. Secondly, we also need to adjourn so that we can go and come back when we are re-energized since we have a lot of things in tray waiting for us and I believe this will go down well with us. Thank you.

The Speaker (Hon. Oraro): Hon. Ngeta.

Hon. Ngeta Maurice (MCA, Awasi Onjiko Ward): Mr. Speaker, I rise to support the motion on adjournment. Public participation is one of the key elements where we get the requests from our electorates. We are all aware that there is no development that can be done without any public participation. I want to concur with the Leader of Majority that we have to attend the public participation that is slated for Tuesday next week. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Alando.

Hon. Alandoh (Nominated Member): Mr. Speaker, I rise in favor of the adjournment motion, as it is crucial for Members to return to their wards and engage with our constituents while planning projects for the upcoming fiscal year. Thank you.

The Speaker (Hon. Elisha J. Oraro): Hon. Dede.

Hon. Dede Samuel Otieno (MCA, Kisumu North): Thank you Mr. Speaker. I rise in full support of the adjournment motion, recognizing the significant task that lies ahead for us as Members of the County Assembly. It is our responsibility to fulfill our mandate and deliver for the betterment of our constituents. As representatives of the people, we have a crucial step to take by engaging our constituents during the public participation forums. This will enable us to address the budgetary matters while gaining a deeper understanding of the specific needs of our constituents. It is essential for us to venture out into the field, not only for the purpose of public participation, but also to establish direct interaction with the people we represent. Many of us reside outside our respective wards, and by visiting our communities, we can establish stronger connections and grasp a comprehensive understanding of the issues they face. This approach will enable us to serve them more effectively and make informed decisions that truly reflect their aspirations and concerns. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Rakwach.

Hon. Rakwach (MCA, Kolwa East Ward): Thank you Mr. Speaker and Honourable. Members, we all know the importance of public participation and especially this one that is going to be conducted concerning the budget estimates and for that matter I believe that we should not waste time and going by the mood of the House I think it is prudent for me to call the mover to reply.

The Speaker (Hon. Oraro): Hon. Rakwach, I want to rule you out of order. You cannot debate and thereafter call the mover to reply. Yes Hon. Wajewa.

Hon. Wajewa (Nominated Member): Thank you Mr. Speaker. I would like to express my support for the adjournment motion and emphasize the significance of the upcoming public holiday, as well as the crucial public participation scheduled for Tuesday. Given the limited time available, it is essential for all Members to return to their respective wards and effectively prepare our electorate for the upcoming public participation session. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Obaso.

Hon. Obaso (Nominated MCA): Thank you Mr., Speaker, I wish to call the mover to reply.

The Speaker (Hon. Elisha J. Oraro): Yes, Leader of Majority.

The Leader of Majority (Hon. Ooko, MCA, Ahero Ward): Mr. Speaker, this is a motion that is very precise and very specific and I want to thank all the Members for supporting it and has been said by Hon. Alice that it will give Members enough time to prepare for their electorates to attend the public participation and to also to enable at least Hon. Dede to go back home and participate and also visit his family Members that he has missed for a very long time. Mr. Speaker, public participation is a very important exercise for both the Members and the electorates. Thank you.

The Speaker (Hon. Oraro): Honourable Members, the Leader of Majority moved a motion and the motion being adjournment for definite matters of urgent County importance, which is public participation on the Proposed Kisumu County Budget Estimates FY 2023/2024 and this will run until Tuesday, 07th June 2023 at 2.30 p.m. I want to refer to Standing Orders No. 26 (3) on the calendar of the County Assembly which states that;

"On a day when the County Assembly is scheduled to adjourn other than the next normal sitting day in accordance with the County Assembly calendar, the Leader of the Majority party or Minority party or a Member of the County Assembly House Business committee shall move a motion of adjournment which shall be debated for not more than 3 hours after which the County Assembly shall adjourn without question put"

ADJOURNMENT

The Speaker (Hon. Oraro): Honourable Members, going by that I want to declare that the House stands adjourned until Wednesday, 07th June, 2023 at 2.30 p.m. However, the committees that were supposed to sit on Tuesday will sit in the morning hours of Wednesday, 07th June, 2023.

(House rose at 4.55 p.m.)

Addendum

The Hansard Team

Zablon Otiende – Senior Hansard Reporter (Ag. Editor)

Edward Odanga – Hansard Reporter

Fanuel Okode – Hansard Reporter

Patrick Okoyo – Hansard Reporter

Jacklyne Otieno – Hansard Reporter

Jesca Otieno – Hansard Reporter

Vallery Achieng' – Hansard Reporter