



REPUBLIC OF KENYA

MAKUENI COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

Wednesday 1st April, 2015

(The House met at 2.30p.m)

[Hon. Speaker (Stephen Ngelu) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Speaker (Stephen Ngelu): Hon. Members I just want to make verbal communication regarding the status of the Assembly finances up to now. We are having challenges and we have been having discussions with the Executive as regards the finances of the County Assembly. Up to now we have not been able to operate as required simply because of the ceiling issues; we have not had a way through with the Commission for Revenue allocation (CRA) over the increment that is required so that the Assembly can function properly. Hon. Members I want it to go on record that the Assembly as from January this year the Assembly is unable to pay your sitting allowances and now we are in a position where I would wish to advice the House to take a decision on whether to continue piling the allowances and other bills that Members are supposed to enjoy by law in this Assembly and whether it will be possible to budget for arrears for such allowances.

I am just making this communication because we had a meeting yesterday with the Senate, the Controller of Budget and the CRA. In that meeting we were not able to come to a conclusion on what will happen to County Assemblies that are unable to operate now -and this is quite a number of them -and they have decided to go home *Sine Die*. Some Assemblies have already closed because they cannot operate and the (CRA) is not in any way in a position to control that situation. We have come to the same situation now in Makueni; I am not blaming the Executive but the CRA who came up with the ceiling issue. Hon. Members as at now I just want to advise the House that may be you will have a *Kamukunji* and look at the way forward because I may not be in a position to keep Hon. Members here, while I am not able to satisfy their requirements as required by the law. I am making this communication so that Hon. Members may be after this sitting the Members can have a *Kamukunji* and discuss way forward on our financial status because as at now I am not seeing a way through the situation as it is now. Thank you.

MOTION

Hon. Speaker (Stephen Ngelu): The Hon. Member Ivingoni who was the Chairperson of the Ad-Hoc Committee on bursaries.

MOTION ON – ADOPTION OF THE REPORT OF THE AD-HOC COMMITTEE INVESTIGATING BURSARY DISBURSEMENT BY THE GOVERNMENT OF MAKUENI COUNTY FOR THE YEAR 2013/2014

Hon. Member for Ivingoni/Nzambani Ward (Cosmas Nzilili): Thank you Mr. Speaker sir for the opportunity. I wish to move the following Motion,

THAT the Assembly adopts the report of the Ad-Hoc Committee investigating bursary disbursement by the Government of Makueni County for the year 2013/2014 tabled on 1st April, 2015.

Mr. Speaker sir, the Makueni County Assembly Ad hoc Committee investigating the Bursary allocations for the FY 2013/ 2014 was established on Wednesday 6th August, 2014 during the 66th Sitting, 2:30pm Session and mandated to carry out investigations on the Bursary allocations disbursed by the Government of Makueni County for the FY 2013/2014. This was after the unsatisfactory response by the Committee on County Education and Civic Education to a Statement requested by Hon. Paul Malinda, MCA Kasikeu Ward concerning the allocation and disbursement of bursaries.

The Makueni County Assembly Ad hoc Committee investigating Bursary allocations for the FY 2013/ 2014 was meant to investigate the issuance of bursaries by the Department of County Education and Civic Education for the FY 2013/2014.

The following are the Members of the Ad hoc Committee constituted to carry out the investigations on Bursary allocations for the FY 2013/2014.

1. Hon. Cosmas Nzilili, MCA - Chairman
2. Hon. Janet Kitunga, MCA - Vice Chairperson
3. Hon. Sammy Maseka, MCA - Member
4. Hon. Paul Malinda, MCA - Member
5. Hon. Samson Vaati, MCA - Member

On Wednesday 6th August, 2014 during the 65th Sitting, 9:30 a.m. Session, a Statement requested by Hon. Paul Malinda, MCA Kasikeu Ward regarding bursary allocations in Kasikeu Ward was unsatisfactorily responded to by the Committee on County Education and Civic Education. The Speaker therefore directed that an Ad hoc Committee be constituted to conduct investigations on the Bursary allocations done by the Government of Makueni County in the FY 2013/2014. The Committee on Selection held a meeting after the 65th Sitting of the Assembly and nominated five Members whose names were thereafter adopted by the Assembly in its 66th Sitting. The Ad hoc Committee has held nine (9) sittings and had a retreat in Mombasa from 7th to 11th September, 2014 to review the documents and information which had been provided by the Committee on County Education and Civic Education.

The Committee's findings, observations and recommendations in this Report are based on the evidence and submissions received from the Committee on County Education and Civic Education submitted to the Committee by the Executive Committee Members (ECM) for Education earlier on. Other findings were also based on the data provided by the County Executive Committee Member (CEC) Member for County Education through the County Government's website posted on 2nd September, 2014 and supported by a letter dated 1st September, 2014 from the CEC Member. A visit to institutions also assisted the Committee in its findings and observations.

The Committee sampled out and visited various institutions namely:-The Technical University of Mombasa, Pwani University, University of Nairobi and Kenyatta University.

Findings and observations

The Ad-hoc Committee found out that;

1. The schools whose students benefited did not either provide the list of beneficiaries, Cheque numbers or receipts showing the amount received. These anomalies varied from school to school. Examples are Lung'u, Ndwaani, Bishop Ngala, Isovya, Precious Blood Kilungu, Kiangini Girls', Kee, Ngoto, A.I.C Nunguni and Mulooni Secondary Schools, to mention but a few.(Appendices 14 -28)
2. The Committee further noted that the Department of Education had set aside Kshs. 100,000 to be issued to the best school per Division in the 2012 KCSE. The Department issued this amount to each of the 21 schools identified. Each school would receive Kshs.100, 000 to amount to Kshs.2, 100,000. The schools were further to identify needy students and how much per student for allocation of these bursaries. Reference on this is made in a letter dated 30th May 2014, from the Chief Officer, Department of Education, addressed to the Clerk of the County Assembly. (Appendix 1).
3. The bursaries allocated to People with Disabilities in only 26 Wards in which 328 students benefitted amounted to Kshs. 3,794,302 against Kshs. 5,020,000 which was 10% of the total bursary Budget of 50.2M giving a difference of Kshs. 1,225,698 which has not been accounted for. This was obtained from the data provided by the Department, through the Committee on County Education and Civic Education. However, this data was not consistent with the data provided by the (CEC) Member for County Education through the County Government's website posted on 2nd September, 2014 and supported by a letter dated 1st September, 2014 from the (CEC) Member. This data indicated that students from the 26 Wards received a total of Kshs. 4,115,102 leaving Kshs. 904,898 of the Kshs. 5,020,000 unaccounted for. This inconsistency of data leaves a lot to be desired.(Appendix 2)
4. Referring to the data posted on the website, the Ward bursaries allocated to the 12,154 students from secondary schools to university amounted to Kshs. 42,242,677 against Kshs. 42,670,000 which is 85% of 50.2 Million. This has raised queries on how the difference of Kshs. 427,323 was spent. This data likewise varied with the data earlier on provided by the Department to the Committee on County Education and Civic Education.
5. The Governor's kitty which was allocated Kshs. 2,510,000 or 5% of 50.2 Million and benefited 242 students. The total amount of money that went to students in the name of the Governor's kitty was Kshs. 2,971,000 which surpassed the allocated amount by Kshs. 461,000. It is not clear where the extra amount was drawn from and who made the approval. This kitty had no regulations and the Committee could not get information regarding the criteria for allocation.

6. There were some ambiguities in some of the names of payees of some cheques. For example Cheque no.840, for instance, was sent to Peter Kibukusya, with no specification of whether this is an individual or an institution. Again, Cheque no. 260 was sent to Bible Institute without specifying the particular Bible Institute. (Appendix 3 and 4 of the report)
7. Majority of payments were made through cheques. However, some secondary schools were awarded bursaries through direct credit. An example of this is Ngoto Secondary School.(Appendix 5)
8. The Committee also observed that the guidelines set during the issuance of bursary created a loop hole for the misappropriation of the funds.(Appendix 6)
9. The Ward Bursary Committee's constitution was poorly guided since it was not clear how the citizenry would constitute the Ward Bursary Committee. (Appendix 7)
10. The criterion that was used to arrive at particular people such as Kenya National Union of Teachers (KNUT), (KUPPET) representatives, religious groups' representatives and representation of the Special groups was not given.
11. It was not possible to establish the number of Committees that sat, the total facilitation for each member of such Committees' sittings and the total amount paid to all the Committees in the County. Also such Committees sitting minutes were not availed.
12. Some students received enormous amount of money compared to majority in the list of beneficiaries who received bursaries ranging from Kshs. 2,000 to Kshs. 10,000. One such example is Munyao Muendo of Machakos University College who received Kshs. 70,000. (Appendix 8)
13. The structure of bursary application forms for both secondary and tertiary institutions did not include a slot for students or parent's/guardians mobile number. This number would have enabled the Department notify the beneficiary of the amount awarded and even make follow-ups in case of any hiccups.(Appendix 9)
14. The Department did not make any follow-ups with the institutions to which bursaries were disbursed and never solved with speed any such issues which the institutions raised. An example of this is a case in Pwani University where the Department sent bursaries to two students who never existed in the university. The University, through a letter dated 18th June, 2014, wrote to the County Secretary seeking for the right registration details for the two students or in writing to authorize the University to reallocate the bursaries amounting to Kshs. 7,315 to other needy students. However, the Office of the County Secretary never responded and as at 1st December, 2014, this amount was still in the University's account. Likewise, as at that date, the Technical University of Mombasa had Kshs. 10,000 from the Government of Makueni County still unclaimed. (Appendix 10 and 11)

15. Out of the twenty six students studying in the Technical University of Mombasa who were allocated bursaries as per the Department's list of beneficiaries, only seven (7) of them benefited although the University never wrote to the Department to acknowledge the receipt of that amount of money Kshs.54,237.
16. The Department and the Ward Bursary Committees gave wrong identification details for some students, names and registration numbers. This resulted to the allocation of money to none existing students. An example of this is two students of Pwani University namely Evans Ndolo Muala was awarded Kshs. 5,000 and Dommie K. Kiilu awarded Kshs. 2,315 whose details were nowhere to be found in the University.
17. The Committee found out that apart from the Kshs.1, 796,019, cheque no. 686 issued to Kenyatta University, another amount of Kshs. 50,000 was also issued to the same university as per the University's official receipt number 9-081962. Unfortunately the Committee was not supplied with the list of beneficiaries of the same amount. (Appendix 12)
18. Some institutions could not furnish the Committee with the required information when the Committee visited such institutions. For example, on 1st December, 2014, the University of Nairobi's Finance Department was busy clearing students for a graduation ceremony that was scheduled on Friday, 5th December 2014. The Finance Department therefore advised the Committee to visit the University any other day after Monday, 8th December 2014 but due to limited resources, the Committee could not undertake further follow-up.

Challenges

The following were some of the challenges that the Committee faced as it continued with the undertakings.

1. The Committee needed to get information from a vast range of learning institutions. The secondary schools, the universities and other collages since beneficiaries of bursaries were learners in institutions located across the Country and it wasn't possible to get to all institutions due to shortage of time and financial resources. As it is remembered it was a time when the Assembly did not have any money to support Committees in their work.
2. Some of the institutions from where the Committee needed information have never responded. As I have said earlier we have not been able to actually do a follow up to the institutions themselves. Examples of these are the Kenyatta and Nairobi Universities which have never sent the lists of beneficiaries to the Committee.

Recommendations

The following are the recommendations that the Committee is recommending through this report.

1. Due to the complexity of the mess done during the whole process of bursary allocation and disbursement, the Committee recommends that the matter be forwarded to the Ethics and Anti-Corruption Commission (EACC) for further investigations since this Commission is better placed in terms of finances, human resources, expertise and time.
2. The bursary application forms for both Secondary and Tertiary institutions ought to be restructured to include a slot for students or parent's/guardians mobile number. The Department would use this number to notify the beneficiary of the amount awarded and even make follow ups in case of any hiccups.
3. The Ward Bursary Committees should be vigilant in the process of identifying needy students to ensure an effective bursary allocation process.
4. The Department should be making constant follow ups with the institutions to which bursaries have been disbursed and solve with speed any such issues which the institutions may raise. Just as I have noted the letter from Pwani university.
5. The Department and the Ward Bursary Committees should always ensure that they get the correct identification details for each student (Names and Admission/Registration No.) as used in the institution. This would minimize chances of allocating money to none existing students just as we have seen in the report.
6. The Department should always be responsive to institution's requests for further advice especially when the institution is left with some balances after allocating money to students whose details have been sent to the institution by the Department. These delays by the Department result to money lying idly in the institution's bank accounts without serving the purpose for which it was meant.
7. The Department of Education should endeavor to embrace online application that is simplified to mobile users in the rural setting. This is also informed by the current bursary application system which is online but only open to college and university students.

Acknowledgement

Mr. Speaker sir, on behalf of the Committee, I wish to thank the Offices of the Speaker and the Clerk of the County Assembly for the logistical support accorded to the Committee as it executed the mandates for which it was constituted. Mr. Speaker sir, I also take this opportunity to thank all the Members of the Committee for their input and commitment.

Mr. Speaker sir, the Committee also thanks the Committee on County Education and Civic Education for providing it with all the documents related to the bursary allocations in the FY 2013/2014.

Mr. Speaker sir, the Committee also thanks the Finance Departments of Pwani University, Technical University of Mombasa and Kenyatta University for availing the details that the Committee required from them despite the fact that Kenyatta University has to send us the list but they were cooperative during the visit.

Mr. Speaker sir, on behalf of the Committee, it is my pleasant duty and privilege to present to the Assembly, the Committee's report on investigations on the bursary allocations disbursed by the County Government of Makueni in the FY 2013/2014 for adoption.

Just before I ask the Hon. Kitunga to second the adoption of the Report we have provided quite a large bunch of the Appendixes that we collected from the Committee, from the Institutions and also from the reports that we received from the ECM. It is also worth noting that when we started this investigation it is also the time the Department decided to upload information online and we were able to get some of the information that they were not willing to give us online. Some of the schools should actually have been visited but because of the challenges we have noted like Lungu Secondary School where there were four students from Kako/Waia Ward studying in that school who received bursaries but the receipts were not attached. Also the list from the Department indicated that 21 students from Kiteta/Kisau Ward had benefited but the school Principal acknowledged the receipt of bursary for 27 instead of 21. Therefore it is not clear from which kitty the other students benefited from and so it was important if the resources were available that such places were visited. That is why we are thinking because of the fact we have institutions in this Country that are purely for investigations of this type of malice and mess then they will be able to help us unearth this type of Anglo Leasing that happened in Makueni.

Another very interesting example was the case of Mbwaani Secondary. It was noted that cheque no. 390 for Kshs.51,900 intended to benefit four students from Kilili/Kalamba and 10 students from Emali/Mulala Ward was missing in the list of cheques provided by the Department. The list of beneficiaries was not also provided by the school. These are the issues that we are saying only needed to be identified by seeing the students themselves who have

benefitted by going to the school. The information provided here will now be able to lead the EACC or the Auditor General as directives to unearth some of these issues and bring out the actual sense. It is my request that Hon. Kitunga seconds the Report and I ask the Hon. Members to adopt it and we send it to EACC so that the list that is being developed by them can include the people who have been stealing money for the bursaries in Makueni County. I call upon hon. Kitunga.

Hon. Janet Kitunga seconded.

Hon. Speaker (Stephen Ngelu): Thank Hon. Chairperson Ad-hoc Committee and the seconder.

(Question proposed)

Hon. Speaker (Stephen Ngelu): Hon. Minority Leader. I was almost putting the question.

Hon. Minority Leader (John Mwenze): Thank you for allowing me just to say a word and apologize for the inconvenience. This is a very good Report we have got from such a Committee and again it has enlightened us on most of the questions we were asking the Chairman of Education and there are other issues that we needed to know. I congratulate the team for having taken their work seriously and moving up and down to get information that we wanted. Again although they had many challenges it is prudent that they went to some universities only that they do not mention the secondary schools that they went but all the same they got the information from such schools. What I wanted the Members to be enlightened on is in their recommendations—there are some issues we wanted to hear of, for example, there were cheques which were to be given to students and those cheques were to be issued from the headquarter and when they were issued from the headquarters they had many problems. I thought in their Report they would recommend that cheques now be issued at the Ward level or rather where the bursaries are being disbursed from. On the same cheques—we are aware that there are some cheques that were never collected and there other cheques that got lost on the way and again there are students who were listed as beneficiaries to those bursaries and probably they are continuing students right now but we do not know the fate because it was good to award them the bursaries such that they can clear their fees balances but they have not yet cleared the fees balances because the cheques did not get to them. I also wanted to hear from their recommendation where they are recommending the Government to issue new cheques or to include these students in the bursary of 2014/2015 because it was their right and they never benefitted and so are they still waiting for such monies or what would be their best recommendation on the same.

Again we have a list of copies of those cheques from the Chairman of Education and we do not know the fate of such cheques whether they got lost because cheques do expire if they go beyond either three months or six months. I think the Government should rewrite new cheques but from their recommendation they went short of mentioning the fate of such cheques and the fate of such students. We would have requested to know whether in the Report because we cannot peruse through the Report because we do not have copies whether they have mentioned anything to do with those cheques and anything to do with the students who never received the bursaries and they were slotted as members who will be receiving the bursaries but they never got it and what will be their fate? I support the Report.

Hon. Speaker (Stephen Ngelu): Thank you, I call upon the Majority Leader.

Hon. Majority Leader (Francis Mutuku): Thank you Mr. Speaker. Let me take this opportunity first and foremost to congratulate the Ad-hoc Committee for the good work they have done. I am left wondering because I have keenly followed the Committee's Report and judging from the way the Chairman of the Ad-hoc Committee was presenting this was a cash cow. It would have been my wish- and humble wish for this matter -that the members are given copies of that Report because the Chairman was referring to Appendix 6,7,8,10, 11 and so many other and those appendixes are maybe answering some the questions that we are likely to ask here again just because we do not have the copy of the document. I am requesting whether because there are so many things that have been on touched by the Chairman; Pwani University with some cheques which are lying there with no beneficiaries, Technical University with so many students and cheques lying there, seventy thousand for Muniyao Muendo in Machakos University College and so on and so forth. I would wish if may be we could defer the debate and then by tomorrow we are given the comprehensive report from the Chairman so that at least when we are discussing because this is a very serious Report—the underlying word here is they are recommending the report to go EACC.

The Ethics and Anti-Corruption Commission is a serious body and when discuss it casually here then we just say let it go I think we will be making a very serious mistake and this is a very serious report Mr. Chairman. I urge members because we have the benefit of time we can discuss it tomorrow and then see what we are going to make as recommendation. As the Minority Leader has put it we are left wondering because we do not know the fate of the cheques which the Chairman Committee on Education said he has and which maybe have become stale because of time—we do not know so we will be able to capture them from the

Report and see whether we can make a comprehensive Report again which are going to give to either EACC or any other body or even finish it here. Thank you.

Hon. Speaker (Stephen Ngelu): Thank you, I call upon the Hon. Maneno.

Hon. Deputy Minority Leader (Timothy Maneno): Thank you Mr. Speaker. I will follow suit by thanking that Ad-hoc Committee for the Report that they have tabled today and from the words of the Chairperson we are made to understand that they had a lot of limitations and even the time that was given was not enough. There were many disparities and anomalies that are wanting and as much as when he was reporting I did not hear him quote a case in my Ward where 21 students from one location were all not captured. The whole page of that list was not made so these cheques were not made and students today believe that money was cashed into my pocket. As much as we are looking and seeing a lot of issues we also want to understand that cheque is an advice and when a cheque does not advise the bank -money is not transferred from one account to another. We have so many things that seem to have been unearthed and I would also urge Members as much as we are handling this matter we should be careful and particularly on areas where a certain crime has been committed because this is all crime—we want to imagine this is a big scandal and matters of this kind when they face the Assembly you can imagine how we are hit. Mr. Speaker because this is passing through our hands and in this big House I want to urge Members not pass this in haste. Let us take time and book for more time that before we pass this one let us get every bit of what was done in this bursaries that were disbursed by the County Government of Makueni. There is an element of area where the Kshs. 100,000 was given to schools— I think that was for the first bursaries that were coming from the defunct Councils where every school was awarded Kshs. 100,000. I want to urge Members to take time on this and let us not pass it in a rush and let us exhume what is hidden in these bursaries. Thank you

(Hon. Cosmas Nzilili stood in his place)

Hon. Speaker (Stephen Ngelu): I think Hon. Members just as a piece of advice—sorry the Hon. Member Ivingoni. I think this Report is long overdue and the Ad-hoc Committees have a limitation of time, they do not exist for long. When they are still existing--- (*Laughs*) when they have not submitted their Report here-tabled and passed- then they still exist and that Committee can still continue sitting because within the law it is an Ad-hoc Committee that is still investigating and it has taken almost a half a year. It is too long for it and we may go beyond the limited time that is required for such a Committee and I believe this Report has been there and Members have issues—I know. I would have wished that—I am not trying to direct but I am trying to say that because of the constraints that we are having even now; financial constraints we may not even have time to go further with this because we do not have

the time and resources. The Committee has done its work exhaustively and maybe Hon. Members who still have some issues after you pass or reject then they can come up their input and give to the same Committee maybe after we give a directive on where it is supposed to go so that we be exhausting issues.

We do issues exhaustively and we do not keep such Reports with us so that they can be handled in other areas because we have done it. I think the Committee has done it for almost a half year—we cannot now come up with another one and tell them to continue again. It will look funny in the Assembly and they are also using resources and these are the resources that we are being accused every time that I am authorizing them to get money. I do not want to be appearing in the newspapers every day; I am also safeguarding my name. I think it is good we do things procedurally and we exhaust them as they are. I am not trying to direct but I am just giving advice on how you should look at this Report because even the copies we have you can have them later and you look at them because they were only quoting what they have received from the other side and the other offices. I think we can do it within that line. I call upon the Hon. Member for Mavindini.

Hon. Member for Mavindini Ward (Martin Mutuku): Thank you Mr. Speaker for giving me this opportunity. Permission to access this House is based on seniority and I saw when I was requesting for access with the Hon. Maneno I realized he is more senior than a member of the Speakers Panel. I think that is be out of procedure and I recognize that. In my comment I want to support the issue which was raised by the Majority Leader that going by the mood of this County, it will not be good for everything to be taken to Kenya Anti-Corruption Commission. The headline of papers has been covering Makueni County since yesterday and also on Facebook. Your guidelines are also good but we are requesting because the issue of Kenya Anti-Corruption is touching us. It is even touching our brothers. We are just requesting to get copies for papers to read the content before we are asked to record a statement because this issue of Kenya Anti-Corruption we are taking it as a Chiefs Camp. This is a very serious institution. Somebody can be arrested anytime and prosecuted anytime and can be affected by Chapter 6 of the Constitution passed in 2010. With all due respect I request all the Members to be given the document to go through it so that we can be aware of the evidence because we are not aware of the content. I have noted one of the beneficiaries over Kshs. 70,000 and I am getting worried and I want to know whether he was an orphan, did he fill the forms or were there any vested interests.

According to the Regulations I saw by that time I never saw any Regulation where any beneficiary was to get over Kshs. 70,000. I also want to know whether there are others who

received over Ksh. 70,000 or it was just this particular person. So, this Report is very sensitive to us. We need to get the copies to go through the evidence that has been quoted by the able Chairman of this Ad Hoc Committee so I am requesting you because it is very sensitive and I fear when we mention Kenya Anti- Corruption Commission every time; this is not a Chiefs Camp. This is a very sensitive institution. I request you humbly not to extend time but let Members be given a copy of this information and maybe after taking the copies we take time and go through it because going by the Report given by this Ad Hoc Committee I have seen somebody will be arrested and prosecuted. He is mentioning very dangerous and very sensitive issues, money lying at Pwani Institute in Mombasa and there are also other beneficiaries who are lining up at the gate of the institution who want bursary monies of around Kshs. 4000. Therefore, Mr. Speaker let us not rush to go to the Kenya Anti-Corruption Commission. Before we do it let us get the copy and let us be sober because we can take it to Kenya Anti-Corruption Commission and you can see issues raising the way we had issues in the morning. You were not there in the morning and you were not able to communicate to us the names of the Members written on Facebook because we are not aware. So it is also good when we go to *Kamkunji* you communicate because we are scared because we are told next is us. We have the Media who think that there are people who should be arrested in this Assembly and they should know exactly what is happening. I am trying to request to stop the issue of Kenya Anti-Corruption Commission. Thank you Mr. Speaker. I think Hon. Maneno you support me.

Hon. Speaker (Stephen Ngelu): Thank you. The Hon. Malinda.

Hon. Member for Kasikeu Ward (Paul Malinda): Thank you Mr. Speaker. I want to take this opportunity to support this Report and congratulate the Chair who presented it eloquently and try to inform the House that as much we try to fear the Kenya Anti-Corruption Commission, if there is a matter of corruption it will have to end there finally. I sat in this Committee and we noticed that this matter is a very complicated matter; I could say a wave of corruption and I doubt whether this House has investigators who can hack and unearth this issue of Bursary. So when Members stand up and say we should not forward this matter to Kenya Anti-Corruption Commission, I think it beats logic. I would urge Members to support this Report. Even if we get a copy for each Member we will not be able to investigate and that is why the Committee made a recommendation for the matter to be forwarded to experts who are able to carry out investigations, who have the experts, who have the resources because I want to inform the House that even if we take one year with this matter here we will never be able to exhaustively investigate it because we did our level best and we have so many constraints and challenges. Finances have been one of them. Time is of essence in this matter.

A lot of time is needed to do the investigation and go all through the documentation even the Bank Statement which with my little investigative knowledge, I understood that no reconciliation has been done concerning the Banks Statements of the County. I would urge the Members to support this Report and we forward this Report to the relevant authorities, which have the capacity to investigate--- (*Applause*) there are so many anomalies, which are in those ---

(Hon. Martin Mutuku and Benard Musau in consultation)

Hon. Speaker (Stephen Ngelu): Order Hon. Members. Hon. Martin seems to be lobbying. I do not whether he has some interest in the Report. You seem to be seriously lobbying. It is also unethical to lobby in such matters when the Members are debating.

Hon. Member for Mavindini Ward (Martin Mutuku): Mr. Speaker I was consulting the Deputy Speaker because we were ex-officials in the Committees which were awarding Bursary at the Ward level.

Hon. Speaker (Stephen Ngelu): You fear that your name might be also there?

(Laughter)

Hon. Member for Mavindini Ward (Martin Mutuku): No, I am saying before the matter is given to KACA we must get information in the content. That is my position .Thank you.

Hon. Speaker (Stephen Ngelu): I think Hon. Martin that is out of order. You are totally out of Order. We cannot say that we survive on impunities in the Assembly. I think that is not in Order. Hon. Member continue.

Hon. Member for Kasikeu Ward (Paul Malinda): Thank you Mr. Speaker for the protection from the Hon. Member. Some matters which are sensitive like this and which mostly target the people we represent we ought to take them with a lot of seriousness otherwise history will judge us harshly. I do not think this is a matter we need to trivialize the way some of the Members are trying to do. So I would urge the Members we treat this matter with the seriousness it deserves so that this issue of Corruption which is being talked of in our country and in our County can be minimized. We may appear to every now and then be in the news for bad things but if this calls for us to appear in the papers and in the media so that we can put things straight then let it be --- (*Applause*). As a member of this Committee and as the person who came up with the Statement, I noticed irregularities right from the issuance of the

Cheques. That is one thing that prompted me to bring about this Statement. As an accountant and having practiced auditing and some investigations, I saw how the cheques were being issued without even recording anywhere and the people who were receiving the cheques not even signing for them and I smelt a rat right from that period. As we speak right now, there are students who sat for their KCSE and they were issued with bursaries and they have never received this money. The big question is where have this money gone or if it was sent to schools there are students up to now who have not received the cheques and the Executive is not willing to give details on what happened. I do not think this House will be able to push them to give the information so it is better this matter be forwarded to Kenya Anti-Corruption Commission so that people can answer for their misdeeds. Thank you Mr. Speaker, I support.

Hon. Speaker (Stephen Ngelu): Thank you. The Hon. Wambua then we have the Deputy Speaker.

Hon. Member for Tulimani Ward (Jackson Wambua): Thank you Mr. Speaker. Allow me to start by thanking the Ad Hoc Committee that was charged with the responsibility of going deeper in to finding the mis-deeds in the Bursary allocations. I tried to listen very keenly and unless I slept a bit I was waiting to hear about the fate of the cheques that were recalled from the University of Nairobi which we were told were 66 in number and were lying in the Chief Officers office at the Headquarters here. Secondly Mr. Speaker I have a big file and in this file there is one big paragraph that is also stating about some recalled cheques. If you allow me, I will read very quickly just one paragraph which says, *'With reference to the third question, - that is regards to Mheshimiwa Malinda's Statement- please find a list of all the cheques issued per institution in the file number, these files are quoted. However, there are some Cheques that have been recalled owing to collapsing of multi-schools under one Cheque,'* examples given here Mwaani, Mukameni, Yiani among others and it continues to say the process of finding out to who the Cheques belongs is still going on. I was also listening keenly to hear what transpired with regard to the quoted schools that Hon. Malinda had also pointed out.

I have also heard that there are students who received huge sums of money and to me as I said when I was giving the report that was said to be inadequate, I did point out that I was seriously saddened by the disparity in the amounts of money that were given to our students. The Ward level, we were giving amounts to the tune of Kshs. 2,000 to 10,000. In some cases as I have seen in this file that has been lying in my small office there and as the Chairman of the Ad Hoc Committee has said, there are students who received up to Kshs. 70,000 and not only one that he had quoted, there is another one here which I have seen. Others in secondary schools

receiving up to Kshs. 50,000 and we have poor students whose parents have died and they were getting Kshs. 2,000. This is something that should not be taken for granted. It is a very serious matter and it needs further investigation to know what really happened. We were expecting to hear from the Chairman, what we saw being called 'scholarship'. A scholarship from this bursary going up to the tune of Kshs. 185,000 going towards particular person. Scholarship and it is meant to be bursary. This is a serious matter. We also wanted to know something about that one.

Finally, this House approved bursary of kshs. 50, 200,000 and in the Supplementary Budget we approved an extra Kshs 3,000,000. What I saw and I think in another Report we were told up to Kshs. 56,000,000 was disbursed. I also wanted to know where this extra Kshs. 3,000,000 that was not approved by the Assembly came from. These are also some of the missing links that we wanted to hear because it points out that there is a lot of anomaly and a lot of corruption in the disbursement of these bursaries. If I were to be asked, you are giving a very good advice and I hope the Chairman is taking note of this one, we shall take your advice and inform the Chairman that these missing links need to be included in the Report so that we get a comprehensive Report so that we can unearth what transpired in the disbursement of the cheques. Finally, Mr. Speaker if you allow me I am in the process in the Committee of Education and Civic Education of trying to request for a Report on the Implementation Status of the projects of 2013 /2014 and I want to inform the elected Members to find out what has happened in their Wards so that when we get a Report from the ECM then we can compare and know what corrections we can make. Thank you Mr. Speaker.

Hon. Speaker (Stephen Ngelu): Thank you. The Deputy Speaker.

Hon. Deputy Speaker (Bernard Musau): Thank you Mr. Speaker. I stand to congratulate the Ad Hoc Committee that went out and carried out the findings that they have tabled to us. I also thank the presenter who has just presented it so well although he did cite that there were so many other challenges that he mentioned. As I support the adoption of this Report; this is what I want to say. This Ad Hoc Committee was born by a Report that this House adopted by the Chairman Education. Out of the contributions and because we have the HANSARD here, when Members were contributing towards that Report by the Committee Chairman, they cited so many anomalies that happened during that time and that led to the giving birth of that Committee. If you and the House remember very well, these were bursaries given without Regulations adopted by this House and I think that is also against the Law because any bursary given should be governed by Regulations that are brought by Executive to this House and

adopted so that they regulate how that fund is going to be used. However much we may want to see this Report I did listen to your Communication very well on the financial constraints that we are facing whether we say this Report be deferred or we get this thing in the next week or next month we may not have this Report at hand because of the constraint that we are facing and I am urging Members that if we are lacking papers to make this Report whether we defer it or we say it comes in the next one month if the problem of finances is not taken care of we may not be able to look at it because of that constraint.

I would also ask Members not reduce themselves into investigators. I am very sure none of us here as Members is trained as an investigator. These Members are just here to represent their people, to represent the citizens of Makueni and what we are simply doing here is just carrying out oversight. As a matter of procedure after adopting this Report it is supposed to be taken to the Executive for implementation. The recommendation that has been given by this Ad Hoc Committee that the matter should be taken the EACC I think this should come as the last resort after finding out that the Executive is not able to implement this Report. I would say the links that are missing in this kind of Report- I can vividly remember the Report that was presented before this House by the Chairperson -if we link the Report from the Ad Hoc and the Report from the County Education and Civic Education Committee that gives us a very comprehensive Report that should be taken to Executive for implementation. I expect the Governor being the CEO of this County Government to be in the forefront to see how he can implement this and I think our responsibility here as law makers is not to forward everything to the EACC but when the worst comes to the worst I think it has to land there. I would urge these Members not to be scared; the EACC is there to correct and is just there to point figures at anything that they think is not done in the right way. In fact, we have the Courts that are supposed to prove whether you are guilty or not guilty and therefore, I am urging these Members because the adoption of this Report is long overdue I am urging the Members to adopt this report so that we have something; a basis on which now we can say our oversight has started so that now the Executive can start and it is not necessarily the Assembly that takes this Report to the EACC even the Executive itself can also forward it to the EACC if they find that they are not able to correct the anomalies that happened that time.

So, I think our role as Members and as a House once we get such a Report, a very comprehensive Report as the one I have listened to - I was so keen listening to Hon. Nzilili when he was presenting- for those who was listening they got what is required. It is only that we are missing the appendix that he was trying to quote but for record if somebody wants to go into details on this I think we can also look for this report and look for these details. I

remember from the Chairperson Education and Civic Education when he was presenting his Report, it was said that there were also some fictitious names that were used to write cheques. Cheques that landed into schools where they did not benefit people, cheques that did not even find their way to the institution, cheques that becomes stale. What became of that fund which was not utilized then? So I think a lot has to be done but not by this House. Our job is to make sure that we adopt and make a follow up. Finally we have the Implementation Committee that with us here I think by adopting this Report we are also opening an avenue for Implementation Committee to make a follow up on all what has been given and especially on the recommendations that they have given. I support thank you.

Hon. Speaker (Stephen Ngelu): Thank you, I call upon the Mover to reply.

Hon. Member for Ivingoni/ Nzambani Ward (Cosmas Nzilili): Thank you Mr. Speaker sir and the Hon. Members who have contributed and indeed for the good reception and contribution. I want to comment on one thing; that the challenges that Hon. Wambua faced in receiving information from the Executive was even worse during our time because we were seen to have more vigor. On the issue of cheques we also notified the Executive to give us a further list from what we had and one of the reason why we reached the point of involving Anti-Corruption was the minimal response we were getting from the Executive and when you see signs like the signs we have noted here it means that we need experts to do it. On the issue of cheques I want to mention that the only list of names was given by the Hon. Mwango through the Statement that was brought here and later deferred. we have tried to follow that not through this Committee but just to find out what is happening and information that is not written says that all those cheques that were not given out that time will be given together with the bursaries; the ones being applied for at the moment and so that is the communication we have.

I think with adoption of this Report the Education and Civic Committee continues with its day to day activities of overseeing the implementation of the education docket and whether the cheques that are coming will have the same issue. We also wrote this Report with knowledge and awake to the point that the County Education and Civic Education Committee was working on the Bursary Regulation and the incoming bursaries will not have the same problem we had because now we have a Regulation in place. So, I wish to thank the Members and just urge them to adopt the Report so that further work can be done by the experts as the Hon. Deputy Speaker has said. Going by what we also experienced, this work needs not only investigative persons but forensic experts who can go through all the cheques that they have,

who can go all the schools and find out why this continuous anomalies have been there. I thank the Members and as I urge them to adopt the Report and we finish up with this work by handing it over to the right persons. Thank you Mr. Speaker.

Hon. Speaker (Stephen Ngelu): Thank you the Hon. Member, Hon. Members, I now want to put the question

(Question put and agreed to)

Hon. Speaker (Stephen Ngelu): Hon. Members, before the House adjourns, you will allow me to make just one comment---

(Hon. Timothy Maneno stands at the entrance of the Chamber)

Hon. Speaker (Stephen Ngelu): Hon. Maneno I can allow you in. Let me be fair to you so that ---

(Hon. Timothy Maneno enters to the Chamber)

Hon. Speaker (Stephen Ngelu): Thank you. It is unprocedural but I have allowed it. You know the Speaker is always given some unique powers and sometimes is good to enjoy them because you never know how long you are going to be a Speaker--

(Applause)

Hon. Speaker (Stephen Ngelu): Sometimes when you see me enjoying these powers know that I am a human being and I just want to exercise my powers. Not for the detriment of anything but for the success of what we are doing here Hon. Members, I just want to make a comment here and I want it to go to HANSARD record that while I was away, a day or two days ago, there have been so many issues in the media touching on the corruption allegations in this country. I want to make it straight that, the County Assembly of Makueni with the leadership of the Chair will always uphold the spirit of Law and especially when it comes to the exercise of the mandate given by the Constitution to this Assembly to ensure that the Assembly does it work as per the articles in the Constitution and other regulations and more specifically on oversight, legislation and representation. The oversight touches on the Corruption issues and this Assembly will continue to uphold the spirit of fighting corruption to the end and that is why we have always worked hard as an Assembly to make sure that we are independent so that we can execute our mandate without fear of contradiction. I want to make it clear that the Ethnic and Anti-Corruption Commission (EACC) did present a Status Report to the President

of Republic of Kenya a week ago and this is in public domain; I have a copy of the Report. It is an update report of The Ethics and Anti-Corruption Commission (EACC) on Corruption Allegations to the President of Republic of Kenya; that was an update report and President did do according to his wish and presented it to the Senate and the National Assembly for Debate yesterday when they were debating the President speech and of course when they are debating the President Speech they are not just debating the Report; they are just dealing with the President speech that I think will end tomorrow or maybe next week.

One of the contents was that Report and that according to me is okay. It may be criticized as unprocedural but it is still okay. The President is the Chief Executive Officer of the Republic of Kenya. He can override the mandates of all others at any given time and that one is allowed. In that Report Makeni County was mentioned - I have it you will get copies - both the Assembly and the Executive were mentioned but I want to say these are allegations as there are stated there. They are all allegations and lucky enough I would say that the County Assembly is accused that certain Members from Kibwezi West Constituency- six of them -went to Dubai (which is true) on a trip organized by the Hon. Member of Parliament Hon. Musimba and it was an official trip. I did get a letter from the Hon. Musimba regarding that which I have in my files and Musimba was informing me that he tends to organize such a trip for the Members for benchmarking and that he will assist them and that Musimba will appreciate the Assembly's assistance in its own powers towards the Members trip because it would benefit both the Constituency and County in general.

Hon. Members, I want to say that I approved that very well because the mandate of approving a trip for a Member to be outside the county is given to the Speaker under Standing Order 232; its very clear so I did that and based on that letter and from the advice of the County Assembly Clerk and the others we allowed for the Members to get per diem but the transport and other expenses were catered for by the Hon. Member. To me that was a partnership which was benefiting the Members of the County Assembly in one way or the other because the Hon. Member according to me was assisting the Assembly in benchmarking. We did that, and Members went came back and as usual they have a prepared a Report so that it can be tabled in this House for adoption and it can be used. Hon. Members a Member of the public did make allegations to the Ethics and Anti-Corruption Commission (EACC) that those Members went and they were double paid allowances. In addition, a letter that I have shows that the Speaker also went to Dubai with the same team and likewise the Clerk of the Assembly and we were all paid by the Hon. Musimba per diem by Hon. Musimba and also per diem by the Assembly.

I received that Communication from Ethics and Anti-Corruption Commission (EACC) here last year and I did respond to them in writing, attached all the documents procedurally because that was okay to me. Later on they called us; they summoned all of us. the six Members were summoned to the Ethics and Anti-Corruption Commission (EACC), they appeared in person, I was also summoned and so was the Clerk, investigations were done, they even came here did investigations, they completed their work and in fact last week when I was in Mombasa they called me and they found me in Mombasa and they told me to go to the nearest Ethics and Anti-Corruption Commission (EACC) office in Mombasa to clarify the last issue so that now they submit the file. That was on Friday last week and I did that while I was in Mombasa and the file was compiled and Hon. Members the file has been submitted for review to the office that is supposed to say whether the Members will be charged or not that is the status of that matter as at now.

There is no further investigation that is going to be done to the Members. that is a closed chapter and now we are waiting for the DPP office to look at the file and see whether the Members messed and whether the Speaker, Clerk and the Members can be charged or not and then that report will be given back to us. I welcome that because I am working in a Government office and I cannot enjoy any impunity at all and what I do here is supposed to be public work and it cannot be hidden. It is supposed to be subjected to any office that is required. There is no further investigation for the Members of Makueni. Even in the Report that I have, the status reads, "*completed and taken for review*". I don't want my Hon. Members; the six (6) of them to have sleepless nights being told that now they are going to step aside. They will not step aside because investigations are done. Let The DPP charge them including myself. If we did something wrong I stand to be charged; I do not fear that because I was assisting the Members for benchmarking and Musimba was also assisting the Assembly. If there is anything wrong with that there were no other side shows; there were no other dues and I want it go to records. There were no Members who conspired as it is written. I saw it written that we conspired with the Members after they come back and I paid them. That is all trash me because I approve the Report even before they left and records are there and I approved payment even before they left so there is no conspiracy that was done later. If there is anybody who has those malicious statements let them be taken to the right offices to be investigated and I wanted that one to be very clear.

I do not want to talk about the Executive side because that is there side they will talk about theirs. I do not want to represent them because they have their CEO; the Governor who is supposed to represent that side. They are also appearing there and that is there side. Let us

not interfere even with what they are doing; that is theirs. Let us concentrate on ours I just wanted to make that matter clear so that Members do start thinking that may be the Deputy Speaker's Office or the Minority Leader's Office is vacant. Members are seated properly in those offices and they should not be bothered when they are seated as comfortably as they are. Hon. Members I think that is the position of the Assembly and if they want anything from us I am ready and my office is open and my Members are ready to go and comply and we will be ready to comply with any invitation or summons that will be required otherwise thank you very much Hon. Members

ADJOURNMENT

Hon. Speaker (Stephen Ngelu): Hon. Members there being no other business to be transacted the House adjourns to tomorrow 2:30p.m.

(The House rose at 3:56p.m)