

REPUBLIC OF KENYA



OFFICE OF THE AUDITOR-GENERAL

REPORT

OF

THE AUDITOR-GENERAL

ON

**THE FINANCIAL OPERATIONS OF
MIGORI COUNTY ASSEMBLY**

**FOR THE PERIOD
1 JULY 2014 TO 30 JUNE 2015**

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REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL OPERATIONS OF COUNTY ASSEMBLY OF MIGORI FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015

Executive Summary

Background Information

The Constitution of Kenya, 2010 under Article 176, created the County Governments which consist of the County Assembly and the County Executive. The County Assembly which is the Legislative arm of the County Government consists of the Speaker and Members of County Assembly (elected and nominated). The Migori County Assembly which is domiciled in Migori Town has forty (40) elected and twenty one (21) nominated Members, all totaling to sixty one (61).

Introduction

This management and financial operations audit covers the period 1 July 2014 to 30 June 2015. The aim of the audit was to assess the adequacy and reliability of the systems of management and financial control instituted by the management of the County Assembly in running its affairs with emphasis on the utilization of public resources.

Terms of Reference

The Office of the Auditor-General is an independent office mandated by the Constitution under Article 229 to audit the accounts of the National and County Government. In this regard, the Office planned a management and financial operations audit of the County Assembly of Migori with the following but not limited audit objectives.

- To assess controls over management of cash and bank accounts.
- To assess controls over management of assets under the control of the County Assembly.
- To assess compliance with the procurement laws in the process of acquisition of goods or services
- To assess compliance with the Public Finance Management Act, 2012 and other relevant laws and regulations in the utilization of public funds.
- To ascertain the integrity and reliability of financial and other information used by management in the utilization of public funds; and

- To confirm that all necessary supporting documents, records, and accounts have been kept in respect of all transactions.

Methodology

The approach used in carrying out this audit included the following:-

- Interviews with key officers at the County Assembly offices.
- Review of applicable legislation and regulations.
- Examination of payment vouchers and support documents, cashbooks, vote books, bank statements, bank slips, miscellaneous receipt books, procurement documents, stores records, asset registers and other related records.
- Review of minutes of various meetings where there were resolutions regarding utilization of public funds.
- Physical inspection and verifications
- Observation of processes and activities.
- Review of documents used by management to monitor use of funds.

Scope and Determination of Responsibilities

The audit was conducted in accordance with the International Standards for Supreme Audit Institutions (ISSAIs). These standards require that the audit is planned and performed so as to obtain reasonable evidence that, in all material respects, expenditures incurred are fairly stated and recording is achieved in all financial transactions.

The matters mentioned in this Report are therefore those that were identified through tests considered necessary for the purpose of achieving the audit objectives and it is possible that there might be other matters and/or weaknesses that were not identified.

The formulation and maintenance of effective control measures and compliance with laws and regulations is the responsibility of the management. Our responsibility is to report on the weaknesses and non-compliance with Laws and regulations identified in the course of the audit.

The following sections below highlight key audit findings noted during the audit of the financial operations for the year ended 30 June 2015.

Key Audit Findings

1.0 Construction Projects

Procurement and other documentation including bills of quantity for contracts awarded on account of masonry fence, prefabricated offices, and refurbishment of offices, road

works and parking at a cost of Kshs.12,429,759, Kshs.9,443,550, Kshs.12,377,060 respectively, were not availed for audit review and verification.

Consequently, the propriety of the Kshs.34,250,369 total expenditure as a proper charge to public funds could not be confirmed.

2.0 Members' of County Assembly (MCAs') Allowances

2.1 MCAs' Trip to India

The following irregularities were noted on account of MCAs travel:-

- (i) The County Assembly organized a trip to India for thirty eight (38) MCAs to attend a conference of which amounts totaling Kshs.12,550,980 were paid to an agent on account of conference fee of Kshs.7,030,000, and air fare of Kshs.5,520,980. However, agent was single sourced as no prequalified firms were invited to bid for this service.
- (ii) Whereas the budget provision for foreign travel at the County Assembly for the year was Kshs.17,000,000, an amount of Kshs.21,602,200 was spent on the trip thus exceeding the budget by Kshs.4,602,200 with no justification provided.
- (iii) Each of the member of the County Assembly claimed a per diem of Kshs.8000 in Nairobi on 25 July, 2014. However, other records and information indicate that the members were in India on the same date. Consequently, the 38 members were irregularly paid a total of Kshs.304,000 in form of per diem.
- (iv) Further, one officer received payments totaling Kshs.575,340 in respect of seven days per diem in India, two days in Nairobi and local travelling costs. Information and records available indicate that the officer was entitled to Kshs.205,590 leading to overpayment of Kshs.369,750.

In the circumstances, the propriety of the above expenditures could not be confirmed as a proper charge to public funds.

2.2 Unjustified Expenses

The County Assembly spent Kshs.5,976,000 on a five day retreat at Royal Palace Hotel in Kisumu between 12 and 17 January 2015, where they drew allowances totaling Kshs.2,527,200. No information or documentation was provided to support or justify the Kshs.2,527,200 allowances paid.

2.3 Overpayment of Sitting Allowances

Chairpersons and Vice Chairpersons of the eighteen County Assembly Committees claimed special rates of Kshs.6,500 for Chairman and Kshs.5,200 for Vice Chairman for meetings they attended as ordinary members, in which case they were entitled to a sum of Kshs.3,900 per sitting. Consequently, the eighteen chairmen and vice chairmen were over paid by Kshs.15,843,140 which ought to be recovered from them.

2.4 Irregular Claims of Per Diem and Sitting Allowances by MCAs

Information and records available indicates that the following committees were paid sitting allowances as follows:-

- a. ECDE implementation committee- Kshs.1,048,000
- b. Liason Committee- Kshs.1,688,000
- c. Payment of special sitting allowance- Kshs.1,240,000

However, the following anomalies were noted:-

- Members of the County Assembly Implementation Committee on ECDE claimed per diem for 10 days while on an inspection tour of ECD classrooms in the County. However, the County Assembly attendance register indicated that the Members attended and were paid for all sittings that took place during that period.
- Similarly, members of the Liason Committee went for a retreat in Kisumu from 26 to 30 March 2015 and received allowances. However, the Liason Committee attendance register, indicates that the members attended a sitting on 30 March in Migori.
- The members claimed special sitting allowance of Kshs.1,240,000 for two sittings on 28 Jan and 15 June 2015 even though they had already claimed a maximum of 32 sittings for the month of January 2015.

It was further observed that all the payments were not subjected to tax as required by income tax legislation.

Management have not provided justification for the above irregularities of which amounts paid should be recovered from the respective Members of the County Assembly.

2.4 Unsupported Expenditure

The County Assembly incurred an unsupported expenditure of Kshs.2,284,000 on accommodation and transport allowances for the Speaker and sixty one (61) MCAs

when they attended a seminar on leadership and change management held between 15 and 18 October; 2014 at un disclosed venue.



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AUDITOR-GENERAL

Nairobi

23 September 2016

DETAILED AUDIT REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL OPERATIONS OF THE COUNTY ASSEMBLY OF MIGORI FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015

DETAILED AUDIT FINDINGS

1.0 Budget Performance

During 2014/015 financial year, the County Assembly of Migori budgeted to spend a total of Kshs.1,225,980,780. However, the budget was revised to Kshs.767,629,300 with development vote being allocated Kshs.111,500,000 and recurrent vote Kshs.656,129,300 of which Kshs.373,852,000 was in respect of salaries.

1.1 Development Budget

Analysis of the 2014/15 budget revealed that the development vote constituted only 15% of the total County Assembly budget, with an absorption rate of only 34% as detailed in **appendix I**. All budget items were under-utilized except for refurbishment of buildings which exceeded its allocation by 80%, in which Kshs.8,092,888 was spent against the budgeted figure of Kshs.4,500,000. The management has not explained why funds on key budget items like construction of buildings were underutilized (38%) absorption rate. This may be also an indication of poor project planning and monitoring which denies delivery of goods and services to the residents of Migori.

1.2 Recurrent Budget

Out of the recurrent budget of Kshs.656,129,300, only Kshs.530,058,088 or about 80% was utilized leaving amounts totaling to Kshs.126,071,212 or equivalent to 20% recurrent budget not utilized as detailed in **appendix II**.

The budget should be strictly followed so that programmes undertaken are implemented without any disruption.

2.0 Procurement of Goods and Services

2.1 Direct Procurement of Stationeries and Mineral water

The County Assembly bought stationeries worth 1,022,800 and bottled water worth Kshs.856,000 all totaling Kshs.1,878,800 as detailed in **appendix III** without floating quotations. There was no evidence that the stationeries were received in stores and further there were no records acknowledging receipt by the users as required by County Financial Accounting and Reporting Manual.

Recommendation

The County Assembly should adhere to the requirements of the procurement laws and regulations.

2.2 Purchase of Mobile phones

The County Assembly procured eight mobile phones worth Kshs.600,000 allegedly for the Speaker, Clerk and some unnamed senior staff members. However, there was no documentary evidence availed to confirm that the phones were received in stores and by the officers neither were they recorded in the assets register.

Recommendation

Assets purchased should be taken on charge and issued to recipient. Assets acquired should be recorded in the assets register.

2.3 Unsupported Insurance Cover Payments

Mainlet Insurance Agency was paid an amount of Kshs.1,500,000 as part payment for County Assembly Members life cover and Kshs.1,531,793.50 paid to AAR Insurance Kenya Ltd. for medical insurance services for MCAs and staff. However, procurement records to support competitive bidding were not provided. Further, the expenditure was not supported by contract agreements.

2.4 Other Unsupported Expenditure

Payments totaling Kshs.2,178,593 on account of training, motor vehicle expenses and other general expenses made to various commercial entities as shown in **appendix IV** were not supported with relevant documentary evidence. Consequently, the propriety of the expenditures could not be confirmed.

Recommendation

All expenditure should be adequately supported.

3.0 Cash and Bank

3.1 Encashment of Cheques

A review of bank statements for the County Assembly revealed that large cash withdrawals totaling Kshs.80,312,750 as detailed in **appendix V** were made during the year under review despite the risks of inherent theft and misuse associated with such withdrawals.

Although management explained that this was caused by delayed receipt of funds from County Executive Committee of Finance (CEC) and short notice for trips to be made by MCAs, records indicate that the withdrawals took place throughout the year.

Recommendations

Cash for office operation should be limited to petty cash of which maximum limits should be set by the accounting officer. Other payments should be made by cheque or electronic transfer.

3.2 Cash Payments to Suppliers

Examination of cash book revealed that cash payments totalling Kshs.2,863,086 were made to suppliers on 24 Dec 2014 as detailed below;

Voucher No	Payee	Description	Amount
89/12	Mwamu & Co advocate	Legal fees	991,379.00
90/12	Soft touch garage	Repair of motor vehicle	204,050.00
91/12	Florence Hotel	Hospitality	268,520.00
92/12	Factor Connect	Air tickets	737,137.00
94/12	Sigman Consultants	Training fees	395,000.00
95/12	Digitron Ltd.	Computer accessories	267,000.00
		TOTAL	2,863,086.00

Management has not provided justification for this irregular practice of paying suppliers in cash of which the expenditures are not supported with the relevant documentary evidence.

Recommendation

The Accounting Officer should ensure that in future all suppliers are paid through electronic cash transfer or by cheque.

4.0 Construction Projects

Procurement and other documentation including bill of quantity for contracts awarded on account of masonry fence, prefabricated offices, and refurbishment of offices, road works and parking at a cost of Kshs.12,429,759, Kshs.9,527,080, Kshs.12,377,060 respectively, detailed in **appendix VI** were not availed for audit review and verification.

Consequently, the propriety of the Kshs.34,333,899 total expenditure as a proper charge to public funds could not be confirmed.

Recommendations

Payment vouchers should be supported by the appropriate authority and documentation.

5.0 Members' of the County Assembly (MCAs) Allowances

5.1 Members of County Assembly's Trip to India

The following irregularities were noted on account of MCAs travel;

- (i) The County Assembly organized a trip to India for thirty eight (38) MCAs to attend a conference of which amounts totaling Kshs.12,550,980 were paid to an agent on account of conference fee of Kshs.7,030,000, and air fare of Kshs.5,520,980. However, the agent was single sourced as no prequalified firms were invited to bid for this service.
- (ii) Whereas the budget provision for foreign travel at the County Assembly for the year was Kshs.17,000,000, an amount of Kshs.21,602,200 was spent on the trip thus exceeding the budget by Kshs.4,602,200 with no justification provided.
- (iii) Each of the member of the County Assembly claimed a per diem of Kshs.8000 in Nairobi on 25 July, 2014. However, other records and information indicate that the members were in India on the same date. Consequently, the 38 members were irregularly paid a total of Kshs.304,000 in form of per diem.
- (iv) Further, one officer received payments totaling Kshs.575,340 in respect of seven days per diem in India, two days in Nairobi and local travelling costs. Information and records available indicate that the officer was entitled to Kshs.205,590 leading to an overpayment of Kshs.369,750.
- (v) Four Members of the County Assembly who were to be part of the team travelling to India received the allowances for the trip but did not travel, a fact supported by the report of the Ombudsman who consequently recommended the members repay amounts they received for the journey. There was no record or information indicating that the officers had refunded amounts due.

In the circumstances, the propriety of the above expenditures could not be confirmed as a proper charge to public funds.

Recommendation

Expenditure on foreign trips must be within the budget limits, and the County Assembly should source for service providers competitively. Members of the County Assembly

should only make legitimate claims. The irregular and/or overpayments totaling Kshs.1,508,110 made to MCAs and Speaker should be recovered.

5.2 Expenses on retreat in Kisumu

The County Assembly spent Kshs.5,976,000 on a five day retreat at Royal Palace Hotel in Kisumu between 12 and 17 January 2015, where they drew allowances totaling Kshs.2,527,200. No information or documentation was provided to support or justify the above Kshs.2,527,200 allowances paid.

Further, whereas the Members were all paid allowances for the maximum thirty 2 (32) sittings during this month of January, they still received sitting allowances during the period of the Kisumu retreat amounting to Kshs.2,527,200 as tabulated below;

Status	Rate(Kshs)	No of Sittings	No of Members	Amount
Chairman	6500	8	19	988,000
Vice Chair	5200	8	19	790,400
Members	3900	8	24	748,800
			TOTAL	2,527,200

Recommendation

Recoveries should be made from Members who were paid allowances while in Kisumu they ought not to have received.

5.3 Overpayment of Sitting Allowances

Chairpersons and Vice Chairpersons of the eighteen County Assembly Committees claimed special rates of Kshs.6,500 for Chairman and Kshs.5,200 for Vice Chairman for meetings they attended as ordinary members, in which case they were entitled to a sum of Kshs.3,900 per sitting. Consequently, the eighteen chairmen and vice chairmen were over paid by Kshs.15,843,140 which ought to be recovered from them.

Recommendation

Special rates should only be paid where one is chairing or is a vice chairman in a committee meeting only. The irregular allowance payments should be recovered.

5.4 Irregular claims of per diem and sitting allowances by MCAs

Information and records available indicates that the members of the following committees were paid sitting allowances as follows:-

- a. ECDE implementation committee- Kshs.1,048,000
- b. Liason Committee- Kshs.1,688,000
- c. Payment of special sitting allowance- Kshs.1,240,000

However, the following anomalies were noted:-

- Members of the County Assembly Implementation Committee on ECDE claimed per diem for 10 days while on an inspection tour of ECD classrooms in the County. However, the County Assembly attendance register indicated that the Members attended and were paid for all sittings that took place during that period.
- Similarly, members of the Liason Committee went for a retreat in Kisumu from 26 to 30 March 2015 and received allowances (See Appendix VII). However, the Liason Committee attendance register indicates that the members attended a sitting on 30 March in Migori.
- The members claimed special sitting allowance of Kshs.1,240,000 for two sittings on 28 Jan and 15 June 2015 even though they had already claimed a maximum of 32 sittings for the month of January 2015.

It was further observed that all the payments were not subjected to tax as required by income tax legislation.

Management have not provided justification for the above irregularities of which amounts paid should be recovered from the respective Members of the County Assembly.

Recommendation

Members of committees should not receive allowances for meetings not attended. Irregular payments should be recovered from the recipients.

5.5 Double Claim of Sitting Allowances by County Assembly Service Board Members

In February 2015, the County Assembly Service Board members were paid a total of Kshs.368,000 for the allowed maximum of 8,sittings as shown below;

Name	No of sittings	Rate	Total
Hon Gordon Ogola	8	12,000	96,000
Hon Richard Sollo	8	10,000	80,000
Hon Charles Nyangi	8	8,000	64,000
Mrs. Gladys Ngere	8	8,000	64,000
Mr. Patrick Wakine	8	8,000	64,000
		TOTAL	368,000

However, the above members again individually claimed a total of Kshs.212,800 as sittings allowance for the month of February as detailed below:-

Voucher No	Date	Payee	Amount
112/2	28/2/15	Hon Gordon Ogola	67,200
113/2	27/2/15	Hon Charles Nyangi	44,800
115/2	27/2/15	Hon Richard Osollo	56,000
111/2	28/2/15	Mr. Patrick Wakine	44,800
		TOTAL	212,800

Recommendations

The County Assembly should not allow payment of sitting allowances for more than eight sittings in a month as regulations provide. These irregular payments should be recovered from the Members.

5.6 Unsupported Expenditure

The County Assembly incurred an unsupported expenditure of Kshs.2,284,000 on accommodation and transport allowances for the speaker and sixty one (61) MCAs when they attended a seminar on leadership and change management held between 15 and 18 October; 2014 at an undisclosed venue.

6.0 Implementation of Ward Operations Fund

The County Assembly in the period under review disbursed funds through imprest totaling Kshs.57,600,000 to MCAs for ward operations. However, there was no legal framework to support this expenditure which included payments for MCA ward office, staff salaries and other operations expenses. Salaries amounting to Kshs.4,160,000 were paid to ward staff whose identities were not revealed, and it is not clear how the staff were recruited. Further, six ward offices did not account for the Kshs.150,000 monthly ward transfers they each received during the year totaling Kshs.14,400,000.

Recommendation

The County Assembly should fully pass laws and develop regulations necessary for the operation of the Ward Fund. Ward offices should account for all funds they received during the year.

7.0 Procurement of Taxi Services

Payments amounting to Kshs.728,700.00 in respect of car hire were made to various payees as shown below:-

Date	P.V No.	Description	Payee	Amount (Kshs.)
16/10/14	123/10	Car hire	Janette Omollo	70,000.00
22/04/15		Car hire	Travel time leader	108,000.00
22/04/15		Car hire	Travel time leader	16,000.00
22/04/15		Car hire	Travel time leader	55,000.00
22/04/15		Car hire	Travel time leader	72,100.00
25/09/14	227/9	Car hire	Travel time leader	347,600.00
28/04/14	34/4	Car hire	Kindia Otieno	40,000.00
06/04/15	67/2	Car hire	Boaz Okoth	20,000.00
TOTAL				728,700.00

Although management cited lack of enough motor vehicles at the Assembly as the reason for using taxis, no documentary evidence including authority to use the services were availed.

Consequently, propriety of the expenditure of Kshs.728,700 could not be confirmed.

Recommendation

All payments should be authorized and supported by appropriate documentation.

8.0 Hospitality Services

Expenditure totalling Kshs.3,357,848 as detailed in **appendix VIII** was incurred on hospitality services purportedly related to seminars and workshops on diverse dates and venues. However, documentary evidence including lists of participants, workshops programmes and venue were not made available for audit review and verification. Therefore, the Kshs.3,357,848 expenditure could not be confirmed as a proper charge to public funds.

Recommendation

All payments should be supported by appropriate documentation.

CONCLUSION

Government procedures and regulations should be followed to ensure public resources are only used for purposes for which they are intended. To ensure effective service delivery to residents, the Migori County Assembly should address the anomalies noted

and implement the recommendations contained in this report so as to ensure public resources are utilized efficiently.



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AUDITOR GENERAL

Nairobi

23 September 2016