

NAIROBI CITY COUNTY



NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY – SECOND SESSION

FIRST REPORT OF THE SELECT COMMITTEE ON PUBLIC ACCOUNTS

ON

INDUCTION WORKSHOP FOR MEMBERS

HELD AS FROM 4TH – 7TH NOVEMBER, 2017, AT MASADA HOTEL NAIVASHA, NAKURU
COUNTY

SEPTEMBER, 2018

Report laid on 03/10/18
by Hon. David Mberia
Mbari
PCA chs P)
03/10/2018

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ABBREVIATIONS

| | | |
|-------|---|-----------------------------|
| AG | - | Auditor General |
| CEC | - | County Executive Committee |
| KENAO | - | Kenya National Audit Office |
| MCA | - | Member of County Assembly |
| PAC | - | Public Accounts Committee |
| SO | - | Standing Orders |

1.0. PREFACE

1.1. Mandate of the Committee

Hon. Speaker,

The Select Committee on Public Accounts is established under the provisions of Standing Order 197 and is mandated amongst others to conduct “*examination of the accounts showing the appropriation of the sum voted by the County Assembly to meet the public expenditure and of such other accounts laid before the County Assembly as the Committee may think fit.*”

1.2. Composition of the Committee

Hon. Speaker,

Following the election and the swearing-in of the Second Assembly, the Committee was constituted on Thursday 5th October, 2017 comprising of the following Members:-

- | | | |
|--------------------------------------|---|-------------------------|
| 1. Hon. Wilfred Odalo, MCA | - | Chairperson |
| 2. Hon. Fredrick Njogu, MCA | - | Vice Chairperson |
| 3. Hon. Anthony Karanja, MCA | | |
| 4. Hon. Peter Wanyoike, MCA | | |
| 5. Hon. Charles Thuo, MCA | | |
| 6. Hon. Chege Mwaura, MCA | | |
| 7. Hon. Juliet Ndegwa, MCA | | |
| 8. Hon. Elizabeth Nyambura, MCA | | |
| 9. Hon. Peter Warutere, MCA | | |
| 10. Hon. Joseph Wambugu, MCA | | |
| 11. Hon. Eunice Wanjiku, MCA | | |
| 12. Hon. Millicent Jagero, MCA | | |
| 13. Hon. Rose Adhiambo Ogonda, MCA | | |
| 14. Hon. Moses Ogeto Nyangaresi, MCA | | |
| 15. Hon. Lawrence Otieno, MCA | | |
| 16. Hon. Michael Ogada, MCA | | |
| 17. Hon. Esther Nyangweso, MCA | | |
| 18. Hon. Redson Otieno, MCA | | |
| 19. Hon. David Mberia, MCA | | |

1.3. Induction workshop

Hon. Speaker,

The induction workshop for the Committee took place from 4th – 7th November, 2017. The workshop was held at Masada Hotel Naivasha, Nakuru County. The objective of the workshop was to enable Members be inducted on the mandate of the Committee and the procedure and practice in the conduct of Committee business. Specifically the workshop's objective was to enable Members understand:-

- (i) Establishment and mandate of the Public Accounts Committee (PAC).
- (ii) How Committees conduct their business (Rules of Procedure in the Committee).
- (iii) The Office of the Auditor General and its role.
- (iv) Scrutinizing Audit Reports;
- (v) Lessons from the First Assembly
- (vi) Evaluation and Conclusion.

Hon. Speaker,

All Members of the Committee attended the workshop and were trained by an experienced officer from the National Parliament, Ms. Susan Maritim and a representative from the Kenya National Audit Office (KENAO). The workshop proceeded in various sessions with each session tackling a specific thematic issue as follows:-


- i) *Background and Mandate of the Public Accounts Committee*
- ii) *Managing Committee business*
- iii) *Understanding the role of the office of the Auditor General*
- iv) *Scrutinizing Audit Reports*
- v) *Writing Committee reports*
- vi) *Experiences, opportunities and challenges from the First Assembly, from a PAC's perspective*

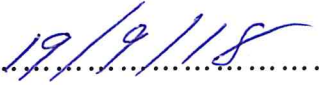
In addition, at the end of each session a plenary was held where Members reacted to the presentations by way of questions and general comments.

Hon. Speaker,

The Committee is grateful to the Speaker and the Clerk of the County Assembly for facilitating the induction. The Committee also extends its appreciations to the presenters for

their insightful presentations. It is now my pleasant duty, on behalf of the Committee to present and recommend this report to the County Assembly.

SIGN.....

DATE.....

Hon. Wilfred Odalo, MCA (Chairperson)

REPORT OF THE PROCEEDINGS OF THE INDUCTION WORKSHOP FOR THE MEMBERS OF PUBLIC ACCOUNTS COMMITTEE HELD AS FROM 4TH – 7TH NOVEMBER, 2017, AT MASADA HOTEL, NAIVASHA, NAKURU COUNTY

2.0. INTRODUCTION

1. The induction workshop was held in order to induct Members on the mandate of the Public Accounts Committee and how to conduct Committee business especially on the rules and procedure in the Committee. In addition, Members were to be inducted on the roles of the Kenya National Audit Office and its interface with the Committee. The skills gained were aimed at setting off Members on their new roles especially the newly elected Members and those who had never served in the PAC.

3.0. PROCEEDINGS OF THE WORKSHOP

2. During the retreat several presentations were made by the facilitators. The presentations were based on the subject matter being discussed per session as follows:-

SESSION 1: OFFICIAL OPENING

3. The Chairperson officially opened the workshop by underscoring the importance of the induction workshop especially for the newly elected Members. He noted that PAC is one of the Committee that requires Members to be fully informed on its mandate for them to be able to deliver on their mandate. He observed that the Committee has an enormous task ahead of safeguarding public resources and therefore it was important for the Committee to get it right from the onset. He encouraged Members to be attentive during the entire workshop so that they can maximize on the presentations to be made by the presenters.
4. The Chair further informed that the workshop would be covering the following crucial topics:-
 - Establishment and Mandate of the Committee;
 - Conduct of Committee business (Rules of Procedure in the Committee);
 - The Office of the Auditor General and its role;
 - Scrutinizing Audit Reports; and
 - Lessons from the First Assembly.

SESSION 2: MANDATE OF THE COMMITTEE

Session Chair: - Fredrick Njogu, MCA, Vice Chairperson.

Topic 1: Background and Mandate of the Public Accounts Committee:

Presenter: - Ms. Susan Maritim

The facilitator submitted that:-

5. Article 1 of the Constitution provides that citizens may exercise their democratic power through their elected representatives and state organs which include County Assemblies. To this end, County Assemblies establish Committees to perform specific roles on its behalf pursuant to Article 124 and 195 of the Constitution and other enabling legislations such as the County Governments Act, 2012 and the Standing Orders
6. The general functions of Assembly Committees include:-
 - Finding out the facts of a case.
 - Examining witnesses.
 - Sifting through evidence, and drawing up reasoned conclusions.
 - Gathering of evidence from expert groups or individuals.
 - 'Take Parliament to the people' and allow direct contact between members of the public.
 - Promote public debate on a subject at issue.
 - Enhance the Members knowledge in management of public affairs.
 - Avail an opportunity for members to debate and work for an effective democratic institution.
 - Provide a conducive environment for members to utilize their expertise.
 - Provide members with opportunity to participate in a detailed manner in the fulfillment of the roles and functions of parliament.
 - Ensure useful engagement of virtually all members in the execution of the work of parliament and governance.
7. The first Public Accounts Committee was established in 1861 by a resolution of the British House of Commons. The Committee has since been replicated in various Commonwealth jurisdictions.

8. The mandate of the PAC is to examine the accounts showing the appropriation of the sums voted by the County Assembly to meet the public expenditure and of such other accounts laid before the County Assembly as the Committee may think fit. PACs generally do not examine matters of major County or National Government policy or matters of day-to-day administration of County Departments.
9. The Committee comprises of the Chairperson plus a maximum of 18 other Members including the Vice Chairperson. The Committee established at the beginning of the Assembly serves for 3 years and the next one for the remainder of the term of the Assembly. The Chairperson is from minority party or coalition of parties in the Assembly.

PLENARY

10. During plenary, Members sought the following clarifications:-

- If the Committee cannot consider matters that are not part of the Auditor General's report
- Whether the Committee can look into issues that were not concluded by the Committee during the term of the First Assembly
- Whether the Committee can form sub-committees
- Whether members of the public are allowed to attend committee sittings and participate by way of questions
- Whether a Member who has served in the initial Committee at the beginning of the year can be considered for appointment in the subsequent Committee

11. In response, the presenter informed as follows:

- The Committee only considers matters (audit queries) raised by the Auditor General, however, if the Committee suspects any loss of funds it may request the Auditor General to institute a special audit.
- The Committee is at liberty to consider all matters that were not concluded in the First Assembly as long as they are part of the AG's report or by way of special audit.
- That Members of the public can attend any Committee sittings unless the Chair excludes them after following due process provided for in the Standing Orders
- That Members currently serving in the Committee can be considered for appointment in the reconstituted Committee.

SESSION 3: CONDUCT OF COMMITTEE BUSINESS

Session Chair: - Hon. Peter Warutere.

Topic 2: Managing Committee business

Presenter: - Ms. Susan Maritim

The presenter submitted that:-

Conduct of business

12. Committees undertake tasks on behalf of the Assembly and therefore they are an extension of the Assembly, from which they derive authority on delegated basis and are governed in their proceedings by procedures and practice which reflect those that prevail in the Assembly.
13. The Standing Orders provides that the procedure in a Select Committee shall be as nearly as possible, the same as that in Committee of the Whole House. However, the Chairperson may give direction for the purpose of facilitating full consideration and discussion of a matter before the Committee. Deliberations in select Committees must be confined to the mandate and limited to the matter referred to them by the Assembly.
14. How to Run a Meeting: the dos
 - Have a clear agenda & announce it
 - Prepare the physical setting
 - Encourage participation & differing viewpoints
 - Seating should allow eye-to-eye contact
 - Explain background to agenda
 - Clarify whether meeting is to inform / discuss / recommend / decide
15. How to Run a Meeting: the don'ts
 - Fail to start & end on time
 - Allow interruptions
 - Allow a few to dominate
 - Mistake silence for consent
 - Get derailed by unimportant issues
 - Allow 'cheap shots'
 - Chairperson should act as a 'traffic controller'

- Coax silent individuals to participate
- Summarize and assign responsibility for follow-up action (to secretariat)

16. Reasons why Committee meetings fail include:-

- The meeting was unnecessary
- The agenda: Not known / clear; exhaustive
- The participants: Too many? The wrong ones?
- Lack of preparation.
- Lack of control: Directionless / verbosity
- Excessive control
- Dominance by some key personalities
- Too much discussion—no conclusion / decision

17. General provisions on conduct of meetings and management of the Committee include:-

- Chairperson determines place, date and time of sitting OR petition made by at least 7members of that committee. No sitting may held outside the precincts of County Assembly without the approval of the Speaker.
- If a Member is adversely mentioned, the Member may not sit during deliberations but may be invited to adduce evidence as a witness.
- If quorum is not achieved within 30 minutes, meeting stands adjourned till a new date, time and place of meeting is set.
- Unless the County Assembly otherwise resolves, every select committee shall meet at least once in two months
- A Committee meeting cannot be held during a sitting of the County Assembly without the written permission of the Speaker.
- Despite the Speaker's approval, a sitting of a committee shall stand suspended when a division or quorum bell is run.
- A member may be discharged from a Committee if he/she fails to attend four consecutive sittings of a Committee without the written permission of the chairperson of the Committee.
- In the absence of the Chair and Vice Chair, a Member designated by the chairperson shall take the Chair, and in the absence of such designated Member, the Members present shall elect one of them to take the Chair.

26. General roles of the secretariat include:-

- Arrange for the first meeting to elect the Chairperson;
- Review with the Chair committee programmes/work plan;
- Preparation of briefs for the Chair and the Members.
- Provide secretarial services to the Committee.
- Preparation of comprehensive and accurate proceedings of the Committee.
- Custodian of all committee minutes, papers and records.
- Preparation and circulation of notices of the meetings and papers, as directed by the Chair;
- Tracking and implementing the decisions of the Committee;
- Link between Committee and witnesses;
- Administration of oath or affirmation to witnesses;
- Preparation of draft reports and ensure tabling of the same;
- General logistics e.g. facilitating public participation, press conferences, study tours and travels (both local and foreign), workshops etc
- Prepare and ensure implementation of Committee work plan.

PLENARY

27. Members sought clarifications on the following:-

- Whether it is mandatory for Members to sign Committee attendance list
- Dress code during Committee meetings
- What happens to a Member who doesn't declare interest on a matter under consideration of the Committee yet he/she has interest

28. In response the facilitator informed as follows:

- That for Members to draw sitting allowance, they must sign the committee attendance list. This is also important for anybody who wants to verify whether a Member indeed attended the meeting.
- That the dress code allowed in the Committee is official as contained in the Speaker's rules which is similar to that observed in the plenary since Committees are an extension of the Assembly.

- That its good practice for Members to always declare interest on matters which they have so as to avoid the perception that they influenced the decision of the Committee. In certain instances, a Member may withdraw from the proceedings of the Committee on the matter.

SESSION 4: THE OFFICE OF THE AUDITOR GENERAL

Session Chair: Hon. Anthony Karanja

Topic 3: Understanding the role of the office of the Auditor General

Presenter: - Mr. Mayaka, Kenya National Audit Office (KENAO)

The presenter submitted that:-

29. The Office of the Auditor General (AG) is an independent Office created under Article 229 of the Constitution of Kenya. The Office is charged with the primary oversight /assurance role of ensuring accountability within the three arms of government i.e. the Legislature, the Judiciary and the Executive as well as Constitutional Commissions and Independent Offices.
30. The office is headed by the Auditor-General who is nominated by the President and, with the approval of the National Assembly, appointed by the President. To be qualified to be the Auditor-General, a person shall have extensive knowledge of public finance or at least ten years experience in auditing or public finance management.

The Audit process

31. Article 229 (4) specifies that within six months after the end of each financial year, the Auditor-General shall audit and report in respect to that financial year on the accounts of National and County government, accounts of all funds and authorities of the National and County governments, the accounts of all courts, accounts of every Commission and Independent office established by the Constitution, accounts of the National Assembly, the Senate and the County Assemblies, accounts of political parties funded from public funds, the public debt and the accounts of any entity that legislation requires the Auditor General to audit
32. During audit, Article 229 (6) of the Constitution requires the Auditor-General to confirm whether or not public money has been applied lawfully and in an effective way. The Office is mandated to provide assurance on accountability of public resources through; Certification of Accounts, continuous Audit presence and Service Delivery to all Kenyans.
33. Article 229 (8) of the constitution requires that within three months after receiving an audit report, Parliament or the County Assembly shall debate and consider the report and take appropriate action.

34. In general, the audit process entails:

(i) Letter of understanding

This is sent out to the client before the audit commences, to explain the nature and scope of the audit. It is aimed at arriving at a common understanding about the terms of the assignment and informs both auditors and management on the expectations of the audit.

(ii) Entry meetings with the management of the audited entity

This is an inaugural meeting with the management before the audit exercise starts. The contents of the letter of understanding and the audit strategy are discussed during this inaugural meeting.

(iii) Audit queries issued, communicated and responses sought from auditees

During the course of the fieldwork, there is regular contact between the auditors and Auditee's staff. The auditee is informed of any audit findings/observations in the course of the audit and management of the entity being audited is accorded an opportunity to respond to the queries raised. This back and forth engagement takes place numerous times until the queries are cleared or remain outstanding, if not satisfactorily responded to by the management.

(iv) Exit meetings with the Management of the audited entity

At the end of the audit exercise, the Management is invited to attend the exit meeting where the auditors share with them the findings of the audit exercise, and indicate any outstanding issues that require further explanation or documentation.

(v) Management Letter

This letter is issued to the Accounting Officer and includes all unresolved audit findings and exceptions arising from the audit exercise. Management is requested to respond to the audit findings within a specific timeline after which the Auditor- General is under obligation to issue the report as it is. When management's response is received, the same is verified and the audit findings are either retained dropped or kept in view (to be checked in the next audit); depending on the materiality (significance) of the findings, and response provided.

(vi) Draft Audit Report

Issued to auditee to give an overview of issues in the management letter which were not satisfactorily addressed by the management in the response to management letter

(vii) Final Audit Report

Issued to the Auditee and shows the overall audit opinion on the financial statements as well as pointing out other key issues arising from the audit.

(viii) Reporting to Parliament

In line with relevant Constitutional provisions, audit reports are submitted to Parliament or relevant County Assembly. National Assembly Committees which receive audit reports include Public Accounts Committee and Public Investments Committee for National Government Accounts and State Corporations Accounts, respectively. At the Senate, there is Public Accounts and Investments Committee. Reports for County Governments are received by the Public Accounts and Investments Committees at the respective County Assemblies.

(ix) Deliberations of reports by Parliamentary/ County Assembly Committees

The audit reports are submitted to Parliament (National Assembly and the Senate) and the relevant County Assemblies who represent the people of Kenya. The reports are discussed by the relevant standing committees at National Assembly, the Senate and County Assemblies. At the National Assembly, the Public Accounts Committee (PAC) discusses audit reports for National Government entities while the Public Investment Committee (PIC) discusses those for State Corporations. At the Senate, the Public Accounts and Investments Committee of the Senate discusses audit reports for the County Governments and County Corporations. On the other hand, the County Assemblies Public Investment and Accounts Committees (PIACs) discuss reports for the County Governments, County Assemblies and County Corporations. The deliberations by the relevant watchdog committees involve inviting key officers from the various entities to respond to the audit queries. The public hearing sessions are open to members of the public.

(x) Reporting by Parliamentary/County Assembly Committees

After the discussions are complete, the Parliamentary and County Assembly committees with assistance of the Office of the Auditor-General come up with recommendations for implementation by the entity concerned.

(xi) Follow-up of implementation of Parliamentary /County Assembly recommendations

The Auditor-General makes a follow up in the subsequent year to confirm whether recommendations made have been implemented by the Accounting Officers. In cases where no action has been taken, the matter is included in the subsequent year's audit report.

PLENARY

35. During plenary, Members sought clarifications on the following issues:-

- Why does the AG delay in submitting audit reports especially special audit reports requested by the previous Committee?
- Whether the officers seconded to the County are compromised.
- Why does some issues that ought to be contained in the Auditor General's report are left out.

36. In response, the facilitator informed that

- That KENAO always works hard to ensure that reports are submitted on time, however, due to the constraints of resources, they may delay. However, the Assembly can always petition the OAG if there is a delay.
- That officers working at KENAO are impartial and observe integrity and therefore they cannot be compromised. In case there is any justifiable suspicion, the Committee can always petition the OAG.
- That it is true that some matters which in accordance to the public opinion ought to be captured in the Audit Report may be left out. This could be due to the fact that the management could have responded. However, the Committee may always seek for a special audit.

SESSION 5: CONSIDERING AUDITOR GENERAL'S REPORT

Session Chair: Hon. Elizabeth Nyambura, MCA

Topic 4: Scrutinizing Audit Reports

Presenter: - Ms. Susan Maritim

The facilitator submitted that:-

37. Pursuant to **Article 229 (7)** of COK, the Leader of Majority lays the AG's report before the Assembly. The Report stands committed to PAC.
38. Once tabled, the Clerk consults with the Chair and prepares programme for taking evidence. Main witness is the Accounting Officer of the relevant sector/department. In the course of taking evidence, the Committee may see the need to invite more witnesses as it may deem fit.

Issues to consider

39. When considering the report, the Committee should consider the following:-
 - What is the current status of that query?
 - Breach of any law –which is the relevant law?
 - Fraud?
 - Did the sector exceed its budgetary allocation? If yes, did it seek necessary approvals pre or post-facto?
 - Action taken by management or other relevant authorities
 - Every statement must be backed by documentary proof. (The Committee relies heavily on the officers of the Auditor General to ascertain/verify info given by witness.)

Identification & Handling of Witnesses

40. Inviting people to give evidence at public hearings is one of the most important ways that parliamentary committees gather evidence. Any person or organization can be invited to be a witness. e.g. CECs, COs, members of the public, private organisations etc. (County Assembly Powers & Privileges Act)
41. Hearings allow committees to seek expert knowledge from people and ask questions about an issue. Committee reports usually quote the information and arguments presented by witnesses.

42. The invitation letter signed by the Clerk of the Assembly states the objective of the meeting and information required from the witness. The submission should be in writing, followed by oral submission.
43. In rare cases, a witness may ask to appear as a witness but it is up to the committee to decide which witnesses to invite. The committee will listen to as many views as possible. However, due to time constraints, it may not be possible to hear from everyone who would like to give evidence.

Handling of witnesses

44. When witnesses appear before the Committee, the Committee should:-
- Not harass witnesses since they are still innocent until proven guilty. Members should always remember that the objective is to gather as much evidence as possible
 - Declare any conflict of interest
 - Provide witnesses with the right of reply in fulfilment of the provisions of Article 50 of the Constitution on fair hearing.
 - Inquire from the witness if he/she needs to give evidence in camera.

Powers and privileges of the Committee

45. The Constitution and the County Assembly (CA) powers and privileges Committee empowers the Committee to **invite** or **summon any person** to appear before it for the purpose of giving evidence or providing any information, paper, book, record or document in the possession or under the control of that person. The Assembly or Committees have the same powers as the High Court as specified under Article 195 of the Constitution.
46. Every person who is summoned to give evidence before a CA or Committee shall be entitled to the same right and privileges that are applicable to a witness before court of law. Evidence given under oath or affirmation by person before a CA or a Committee shall not be used against the person in a court or other place outside the county
47. It is an offense to refuse to produce evidence before a County Assembly or a Committee any paper, book, record or document. Where a County Assembly passes a resolution that a county public officer has committed an offence under the Act, the resolution of the

County Assembly shall constitute a ground for removal from office of the county public officer in accordance with the Constitution or any applicable law.

Conducting the Hearing

48. The following should be noted when conducting a hearing:-

- Ensure **Notice of Meeting** is sent out pursuant to **S.o 173**. Invite witnesses at least 7 days prior to the meeting and request for advance copy of their written submission to the Committee;
- Ensure **Quorum (SO 170)** is achieved before commencing meeting. If not achieved within 30 minutes, invoke **SO 177** and adjourn Sitting;
- After prayers and preliminaries, Confirm Minutes and dispense with Matters Arising;
- Chair to give introductory remarks and get **Auditor's brief**, if possible. This is an opportune moment for members to share and get information on the Agenda/Witness to appear;
- Chairperson to conduct a round of introductions, starting with Committee Members, secretariat and finally the witnesses;
- If there's need to administer Oath or Affirmation, Clerk/Secretariat to ensure this is done. Have a Bible, Q'uran, Gita etc and the Oath book at hand.
- Secretariat to ensure list of attendance for Members and witnesses is circulated as meeting is in progress;
- During examination of the Reports, the Chair directs the Auditor to read the audit query verbatim before giving the Accounting Officer and other witnesses the opportunity to respond to the query, also verbatim, unless responding to supplementary questions.
- If not satisfied with the response, the Committee may adjourn the hearing to accord the witness additional time to prepare or request for additional information in writing within a certain timeframe.

PLENARY

49. The Committee sought the following clarifications:-

- Whether the Committee can invite/summon officers who have exited service

- Whether the Committee can summon persons who are not directly mentioned in the report

50. In response, the presenter informed as follows:

- That the Committee can invite officers who have exited service as long as they are supposed to provide evidence
- That apart from persons directly mentioned in the report, the Committee can invite any other person who may provide useful information/evidence to the Committee.

Topic 5: Writing Committee reports

Presenter: - Ms. Susan Maritim

The facilitator submitted that:-

51. A report is a presentation of facts and findings, usually as a basis for recommendations; written for a specific readership, and probably intended to be kept as a record. Reports provide a permanent comprehensive and coherent account of an investigation, study or piece of research or past undertaking. Most reports are prepared on the basis of Terms of Reference. ToRs give an indication on the type of information required.
52. The Committee should remember the timelines of the 3 months to consider & report back to Assembly. It is advisable that the Committee secretariat starts developing the first draft as soon as is practically possible and fill in the details as evidence is collected;
53. The following are issues to be considered when writing the report
 - Plan: think about its purpose, and who is going to read it;
 - Decide what to put in it, and fitting it into shape.
 - Think how best to present your ideas onto paper. Ideas should be organized logically;
 - Format: Should be easy to read and refer to without difficulty

Format of the report

54. The report ought to take the following format:-
 - Cover Page
 - Table of Contents
 - List of abbreviations/acronyms
 - Preface (Mandate, Membership, Secretariat, ToRs, General Observations and Recommendations, Acknowledgement)
 - Introduction
 - Body: audit query, management response, specific observation and recommendation
 - Conclusion
 - Annexures e.g. Minutes, any other evidence deems fit

55. Majority of Members must adopt the Report before chair signs on behalf of the Committee. In absence of Chair, Vice Chair may sign. In absence of both, the committee shall nominate another member to sign the report. A minority or dissenting report may be appended to the report

Tabling & Debating.

56. The following is the procedure followed while tabling and debating the report:-

- (i) **Tabling:** Report is laid on the Table of the Assembly by the Chair, or V/Chair or by a member authorized by the Committee on its behalf within fourteen days of the conclusion of its proceedings. Committee Clerk to ensure production of several copies of the Report upon tabling and ensure uploading of the same on the Assembly website
- (ii) **Debate:** Clerk to keep track of Order Paper and inform Members on upcoming debate on Committee report.

57. It is important that the Chair and Committee members get the support of other MCAs to ensure that the Report is adopted with as little as amendments as possible;

58. Once adopted, the Clerk writes to various implementing agencies for action to be taken on Committee recommendations.

Recommendations

59. Recommendations should :-

- Be unambiguous and consistent with various statutory provisions;
- Tally with observations arising out of evidence adduced
- Where possible, give timelines for action to be taken by various implementing agencies

Implementation

60. Within 60 days of adoption of Committee report, the relevant CEC Member is required to provide a report to Implementation Committee in accordance with Article 153(4)(b) of the Constitution.

PLENARY

61. The Committee sought clarification on whether a Member can oppose the Committee report.

62. In response, the facilitator informed that it is not good practice for a Member to oppose a Committee report. However, a Member(s) who may disagree with the majority report can always prepare a minority report and append on the main report.

SESSION 6: LESSONS FROM THE FIRST ASSEMBLY

Session Chair: Hon. Moses Ogeto

Topic 6: Experiences, opportunities and challenges from the First Assembly, from a PAC's perspective

Presenter: - Ms. Josephine Kamau, Out-going Clerk Assistant

The presenter submitted that:-

63. During the First Assembly, the Committee considered the following reports:-

- The report on consideration of the report of the Auditor-General on the Financial Statements of Nairobi City County for the sixteen (16) months period ended 30th June, 2014.
- The report on consideration of the report of the Auditor-General on the Financial Operations of Nairobi City County Assembly for the period 1st July, 2013 to 30th June, 2014.
- The report on consideration of the report of the Auditor-General on the Financial Operations of the Nairobi City County Executive for the period 1st July 2013 to 30th June 2014.
- The report on consideration of the report of the Auditor-General on the Nairobi City County Assembly Service Board Car Loan Scheme Fund for the year ended June 30th, 2014.
- The report on consideration of the report of the Auditor-General on the financial statements of the City Council of Nairobi for the year ended 30th June 2010.
- The report on consideration of the report of the Auditor-General on the financial statements of the City Council of Nairobi for the year ended 30th June 2011.
- Committee report on Report of the Auditor General on Nairobi City County Assembly Service Board Car Loan Scheme Fund for The Year Ended 30th June 2015.
- Committee report on Report of The Controller of Budget on County Governments Budget Implementation Review for the First Nine Months FY 2015/16.
- Committee report on the Report of the auditor general on the financial statements of the Nairobi City County Assembly Service Board Mortgage scheme fund for the year ended 30th June, 2015.

- Committee report on the report of the Auditor-General on the financial statements of the County Government of Nairobi City for the year ended 30th June, 2015.
- Committee report on the Report of the report of the Auditor General on the financial operations of Nairobi City County Assembly for the period 1st July 2014 to 30th June 2015.
- Committee report on the Report of The Auditor General on Nairobi City County Assembly Service Board Car Loan Scheme Fund for The Year Ended 30th June 2016.
- Committee report on the report of the Auditor General on Nairobi City County Assembly Service Board Mortgage Scheme Fund for the year ended 30th June 2016.

64. The Committee experienced the following challenges:-

i) Non or partial Implementation of Assembly Resolutions by the County Executive

The major source of frustration for the Committee was partial or complete non-implementation of Assembly resolutions. Most of the Committee recommendations have never been implemented.

ii) Failure to honour Committee summons/invitations

In some instances, persons invited by the Committee especially County Executive officials failed to honor Committee invitations and summons hence made the work of the Committee difficult in as far as seeking evidence is concerned.

iii) Lack of a designated office/Committee room

By its very nature, Public Accounts Committee receives bulky and vital information from witnesses that require a secure and designated office. However, the Committee lacked such office hence a challenge in conducting business in terms of storage of documents and the general performance of Members.

iv) Lack of capacity to fully digest bulky information submitted by witnesses

In some instances, witnesses submitted bulky information and with a lean secretariat it becomes a challenge for Members to fully digest information submitted.

SESSION 7: CLOSURE

Session Chair: Hon. Wilfred Odalo, MCA, Chairperson.

Topic 7: Way forward and Closure: Review of action points

65. The Chairperson thanked Members for attending the retreat and for their full participation. He encouraged them to uphold the same spirit when they resume sitting in Nairobi. The following resolutions/action points were adopted:-

- (i) That the Committee should be further trained on report writing especially on how to write committee reports on the consideration of the Auditor General's report;
- (ii) That once in Nairobi, the Committee would prepare a work-plan for consideration of its business especially after the Auditor General's reports are tabled; and
- (iii) That the Committee would seek audience with the office of the Auditor General over the delay in the submission of special audit reports that were requested during the term of the First Assembly.


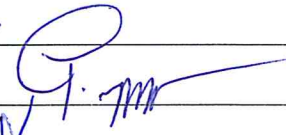

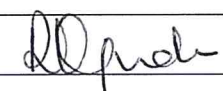
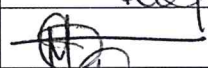
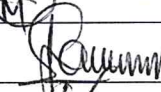
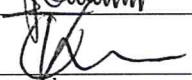
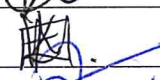

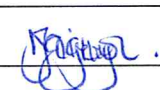
4.0. CONCLUSION

66. The induction workshop for the Committee was successful to the extent that Members were adequately inducted on the Committee's mandate especially as a watchdog Committee which is crucial if they have to deliver. In addition, Members gained insightful skills on how they need to conduct Committee business especially when considering the report of the Auditor General. The skills gained shall be useful to Members even when sitting in other Committees of the Assembly.

End.....

ADOPTION OF THE COMMITTEE REPORT ON INDUCTION RETREAT

The following members appended their signatures to signify their agreement with the report:-

| No | NAME | SIGN |
|-----|-----------------------------|---|
| 1. | Hon. Wilfred Odalo |  |
| 2. | Hon. Fredrick Njogu |  |
| 3. | Hon. Anthony Karanja |  |
| 4. | Hon. Peter Wanyoike | |
| 5. | Hon. Charles Thuo | |
| 6. | Hon. Chege Mwaura | |
| 7. | Hon. Juliet Ndegwa | |
| 8. | Hon. Elizabeth Nyambura | |
| 9. | Hon. Peter Warutere | |
| 10. | Hon. Joseph Wambugu | |
| 11. | Hon. Sylvia Moseiya | |
| 12. | Hon. Rose Adhiambo Ogonda |  |
| 13. | Hon. Moses Ogeto Nyangaresi |  |
| 14. | Hon. Lawrence Otieno |  |
| 15. | Hon. Clarence Munga |  |
| 16. | Hon. Esther Nyangweso |  |
| 17. | Hon. Redson Otieno |  |
| 18. | Hon. David Mberia | |
| 19. | Hon. Millicent Jagero |  |

