

COUNTY GOVERNMENT OF KITUI



THE COUNTY ASSEMBLY

THIRD ASSEMBLY – (THIRD SESSION)

COMMITTEE ON POWERS AND PRIVILEGES

COMPLIANCE REPORT ON BIENNIAL DECLARATION OF INCOME,
ASSETS AND LIABILITIES BY STATE OFFICERS IN THE COUNTY
GOVERNMENT OF KITUI.

CLERK'S CHAMBERS
COUNTY ASSEMBLY BUILDINGS,
KITUI.

JULY, 2024

EXECUTIVE SUMMARY

This statutory report is presented to the Ethics and Anti- Corruption Commission (EACC) in compliance with the Public Officer Ethics Act (POEA), 2003 and Paragraph 8(1)(a) of the Kitui County Assembly Powers and Privileges Committee Procedures for Administration of Part IV of the POEA.

The Committee on powers and privileges is responsible for the ethics of Members of the County Assembly (MCAs) and therefore is expected to ensure that MCAs comply with ethics and integrity requirements set out under the law. Noting this responsibility, section 3(1) of the POEA by implication designates this Committee to be the responsible Commission to ensure implementation of the provisions of the POEA.

Under section 27(1) of the POEA, 2003 the Members of the County Assembly (MCAs) were expected to submit their biennial declarations of income, assets and liabilities (DIALs) in December, 2023. Paragraph 8(1)(a) of the above Procedures states that the Committee shall submit to the Commission a compliance report containing the following information in relation to the two-year declaration;

- i. The number of state officers on the payroll as at 31st October of the year of declaration;
- ii. A certified copy of the register maintained in accordance with paragraph 7;
- iii. The total number of state officers who have complied with the requirement for declarations;
- iv. The number of state officers who have not complied with the requirement for declarations;
- v. Action taken by the Committee in relation to any state officer who has not complied;
- vi. Any relevant remarks on the submissions.

During an initial training session in 2023 which was facilitated by EACC, it emerged that besides the state officers in the County Assembly, that is the MCAs, the Speaker and two (2) Board Members, the following state officers in the County Executive were also required to make their declarations to the Committee: The Governor, Deputy Governor, Ten (10) County Executive Committee Members (CECMs) and the County Attorney.

As regards the declarations of income, assets and liabilities, the Committee noted the following:

- i. **The number of state officers on the payroll as at 31st October of the year of declaration/ The number of state officers required to make a declaration;**

A total of **seventy-five (75)** state officers were required to make declarations to the Committee. This is composed of:

1. One (1) Speaker of the Assembly;
2. Sixty (60) Members of County Assembly (MCAs);
3. Two (2) Members of the Kitui County Assembly Service Board;
4. One (1) Governor;
5. One (1) Deputy Governor; and
6. Ten (10) County Executive Committee Members (CECMs).

- ii. **The number of state officers who have complied with the requirement for declaration;**

As at 31st December, 2023, **fifty-eight (58)** state officers in the County Assembly had made their biennial declarations in line with the applicable legal requirements, that is the Speaker, two County Assembly Service Board Members (2) and fifty-five (55) MCAs.

- iii. **The number of state officers who have not complied with the requirement for declarations;**

As at 31st December, 2023 **five (5)** state officers from the County Assembly had not yet made their biennial declarations. The **twelve (12)** state officers in the County Executive did not submit their biennial declarations to the Committee.

- iv. **Administrative action taken in relation to any state officer who had not complied;**

The Five (5) state officers (MCAs) were reminded to make their declarations and that failure to submit the same would constitute non-compliance which could attract sanctions under POEA, 2003.

By 5th June, 2024 all the Five (5) State Officers in the County Assembly had complied.

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v. Any relevant remarks on the submissions.

The Committee recommended as follows:

The Committee strongly recommends that the EACC sensitizes the County Executive, including the Governor, Deputy Governor, CECMs, and the County Attorney, on the legal requirement to submit their declarations of income, assets, and liabilities to the Committee on Powers and Privileges for compliance. This will ensure that all state officers in the County Government of Kitui are aware of their obligations, allowing the Committee to achieve full compliance with the declaration requirements.

Additionally, the EACC should consider conducting capacity-building exercises for all County State officers to ensure they understand the proper format and expectations regarding the declaration of income, assets, and liabilities, particularly for returns concerning spouses and children under 18 years of age.

In conclusion, the Committee on Powers and Privileges is committed to fulfilling its mandate and collaborating with the EACC to uphold the principles of leadership and integrity among state officers in the County Government of Kitui. Moving forward, the Committee will ensure timely compliance with the declaration requirements by state officers.



Hon. Kevin Kinengo Katisya,
Speaker/ Chairperson, County Assembly Committee on Powers and
Privileges,
County Assembly of Kitui.

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