

REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT- FOURTH SESSION



CONSTITUENCIES FUND COMMITTEE



PROGRESS REPORT OF THE CONSTITUENCIES FUND COMMITTEE

(JANUARY - JUNE, 2011)



Clerk's Chambers
Parliament Buildings,
NAIROBI.

JUNE, 2011

LIST OF ABBREVIATIONS & ACRONYMS

MP	Member of Parliament
CDF	Constituencies Development Fund
CFC	Constituencies Fund Committee
CDFC	Constituencies Development Fund Committee
PMC	Project Management Committee
FAM	Fund Account Manager
DDO	District Development Officer
MoPND&V2030	Ministry of Planning, National Development & Vision 2030
TISA	The Institute for Social Accountability



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Preface

The Constituencies Fund Committee is a Select Committee of Parliament constituted pursuant to Section 27 (1) of the Constituencies Development Fund (Amendment) Act, 2007.

Its mandate pursuant to section 27 (4) is:-

- a) *to determine the allocation and distribution to each constituency and the utilization of any unspent funds intended for use by the Board;*
- b) *to consider and report to Parliament, with recommendations, names of persons required to be approved by Parliament under the Constituencies Development Fund Act;*
- c) *to consider and recommend to Parliament any matter requiring action by the National Assembly pursuant to the provisions of the Constituencies Development Fund Act;*
- d) *to oversee the implementation of the CDF Act and in this respect, shall after every two years submit a report to the National Assembly and where necessary, propose any amendments to this Act, in particular, with respect to the quantum of funds repayable into the Fund in accordance with section 4 of the Act.*
- e) *to oversee the policy framework and legislative matters that may arise in relation to the Fund;*
- f) *to continually review the framework set out for the efficient delivery of development programmes financed through the Fund; and*
- g) *to carry out any other functions relevant to the work of the Fund.*

The Membership of the Committee comprises of the following;

- i. The Hon. Ekwere Ethuro, MP - **Chairperson**
- ii. The Hon. Moses Kiprono Lesonett, MP - Vice Chair
- iii. The Hon. F. T. Nyammo, MP
- iv. The Hon. (Dr.) Nuh Nassir, MP
- v. The Hon.(Eng) Nicholas Gumbo, MP
- vi. The Hon. Evans Bulimo Akula, MP
- vii. The Hon. Charles M. Nyamai, MP
- viii. The Hon. Charles Kilonzo, MP
- ix. The Hon. (Eng.) Alfred Sambu, MP
- x. The Hon. Manson Nyamweya, MP
- xi. The Hon. John Dache Pesa, MP

Two committee members, Hon. Manson Nyamweya and Hon. John Pesa joined the Committee in January 2011 as replacements for Hon. Magerer Langa't and Hon. Wilfred Ombui who ceased being members of the Committee after they were appointed to the Cabinet.

The Committee wishes to record its appreciation to the Speaker of the National Assembly and the Chairman, Liaison Committee for their continued support to the committee and also the Clerk of the National Assembly for the continuous facilitation of the Committee's operations.

Pursuant to Standing Order 182, it is my pleasure on behalf of the Constituencies Fund Committee, to table this report before the House for consideration.

I thank you.

SIGNED:.....

Hon. Ekwere Ethuro, M.P
Chairperson, Constituencies Fund Committee

DATE:.....

Executive Summary

The Constituencies Fund Committee is a Select Committee of Parliament constituted pursuant to Section 27 (1) of the Constituencies Development Fund Act, 2003.

As required by Standing Order No. 182, the Committee prepared its Half Year Progress Report for the period 1st January, 2011 to 31st June, 2011.

During this period, the Constituencies Fund Committee held fifteen (15) Sittings. These were mostly in-house meetings with the CDF Board to consider CDF project approvals, funds disbursement, CDF Board Budget for FY 2011/12 and other policy issues regarding the Fund.

The Committee also met with a delegation from the National Assembly of Botswana and shared experiences on the development process in the two countries.

Further, the Committee met jointly with the Transport, Public Works and Housing Committee held two meetings to consider a draft report on Inquiry into Allocation of Fuel Levy Funds for the FY 2009/10. The final report is yet to be adopted by the two committees.

The Committee also met with the Budget Committee and the Deputy Prime Minister and Minister for Finance on 3rd May, 2011 to deliberate on the issue of arrears owed to CDF by Treasury. The meeting was successful as it resulted in the DPM and Minister for Finance allocating kshs. 1.8 billion in the FY 2011/12 Budget that was owed to CDF.

On local tours, the Committee undertook a projects inspection tour of Karachuonyo and Kisumu Rural constituencies in May 2011.

The Committee did not undertake any foreign travel. There is a pending request for a study tour to Brazil. The request was submitted in November and there has been no response from Liaison Committee since then.

The Committee through the Speaker's Office convened a Speaker's Kamukunji in May 2011 to apprise Members of Parliament of several issues concerning CDF including fate of CDF in the new Constitutional dispensation, emerging issues in CDF, arrears owed to CDF by Treasury, audit issues and the Court Case No. 344/2010.

The Committee's business was interrupted by CDF (Amendment) Act, 2007 Section 27(1), which states that the National Assembly shall, in accordance with the Standing Orders establish a Select Committee to be known as the Constituencies Fund Committee. Section 27(2) of the same Act goes further to state that **the term of office of the members of the committee shall be three years renewable or upon the**

appointment of a new committee in a manner provided for in this Act, whichever comes earlier.

The Committee was appointed on 30th May, 2008 and therefore its mandate expired on 30th April, 2011. The House Business Committee is expected to renew or appoint a new one when the House resumes its business from recess on 19th July, 2011.

Committee Activities: January 2011 to June 2011

The Committee undertook various activities as required by the CDF Act. These activities included:

1. Committee Meetings
2. Local Project Inspection Tours undertaken
3. Committee Reports
4. Legal Opinion Sought
5. Petitions Committed to the Committee
6. Joint CFC/CDF Board Working Retreat
7. CDF Board Budget for FY 2011/12
8. Speaker's Kamukunji held on 12th May, 2011
9. MPs Consultative Forum held on 9-12th June 2011 in Mombasa.
10. Current Committee Activities

1.0 Committee Meetings

During the period January and June 2011, the Committee held fifteen (15) Sittings mostly with the CDF Board to deliberate on CDF matters including disbursement of funds and project approval.

Disbursement Status Reconciliation for Financial Year 2008/2009, 2009/2010 and 2010/2011 Funds as at 30th April, 2011

SCHEDULE A

DISBURSEMENT STATUS SUMMARY FOR FINANCIAL YEAR 2008/2009 AS AT 30TH APRIL, 2011

Details	No.	Amount disbursed (kshs.)	Undisbursed funds (kshs.)	Allocation (kshs.)
Constituencies that have received full allocations	208	9,710,919,231.50	Nil	9,710,919,231.50
Constituencies that have received part funding (Appendix I)	2	70,142,990.50	19,829,637.50	89,972,628.00
Board Secretariat 3% Allocation		303,000,000.00	Nil	303,000,000.00
TOTAL	210	10,084,062,222.00	19,829,637.50	10,100,091,859.50

SCHEDULE B**DISBURSEMENT STATUS SUMMARY FOR FINANCIAL YEAR 2009/2010 AS AT 30TH APRIL, 2011**

Details	No.	Amount disbursed (kshs.)	Undisbursed funds (kshs.)	Allocation (Kshs.)
Constituencies that have received full allocations	184	10,421,239,387.00	Nil	10,421,239,387.00
Constituencies that have received part funding (Appendix II)	22	980,548,144.00	252,158,600.00	1,315,626,497.00
Constituencies that have received half allocations (Appendix III)	4	111,277,560.00	111,277,560.00	222,555,120.00
Board Secretariat 3% Allocation		369,879,000.00		369,879,000.00
TOTAL	210	11,882,944,091.00	363,436,160.00	12,329,300,004.00

SCHEDULE C**DISBURSEMENT STATUS SUMMARY FOR FINANCIAL YEAR 2010/2011 AS AT 30TH APRIL, 2011**

Details	No.	Amount disbursed (kshs.)	Undisbursed funds (kshs.)	Allocation (Kshs.)
Constituencies that have received full allocations	0	-	-	-
Constituencies that have received part funding (Appendix IV)	210	5,842,259,283.00	8,012,250,718.00	13,854,510,009.00
Board Secretariat 3% Allocation		428,490,000	-	428,490,000
TOTAL	210	6,270,749,283	9,296,655,487	14,283,000,009

SCHEDULE D**DISBURSEMENT SUMMARY FOR FINANCIAL YEARS 2008/2009, 2009/10 & 2010/11**

Details	Amount (Kshs)
Disbursement for 2008/2009 FY	10,084,062,222.00
Disbursement for 2009/2010 FY	11,882,944,091.00
Disbursement for 2010/2011 FY	5,842,529,283.00
TOTAL	27,789,053,831.00

The Committee met with the following:-

- i. Transport, Public Works and Housing Committee to deliberate on Inquiry into Fuel Levy Funds Allocation for the Financial Year 2009/10. The Joint Committee deliberated on the issue and compiled a report which is yet to be adopted.
- ii. Budget Committee and the Deputy Prime Minister and Minister for Finance on 3rd May, 2011 to deliberate on the issue of arrears owed to CDF by Treasury. The meeting was successful as it resulted in the DPM and Minister for Finance allocating kshs. 1.8 billion in the FY 2011/12 Budget that was owed to CDF.
- iii. A delegation from the National Assembly of Botswana and shared experiences on the development process in the two countries.

2.0 Local Project Inspection Tours undertaken

The Committee conducted Project Inspection Tour of CDF Projects in Kisumu Rural and Karachuonyo Constituencies in Nyanza Region on 20th and 21st May 2011.

Kisumu Rural Constituency

The Committee visited the following projects

In Kisumu Rural Constituency the Committee inspected the following projects;

- Construction of a laboratory in Kit Mikayi Secondary School
- AP Police Housing project at the Bodi Police Post
- Construction of 4 classrooms project at the Ridore Secondary School
- Grading & gravelling project of Lela Odundu road
- Renovation of 11 classrooms project at the Bar Andingo Primary School
- Construction of dispensary in Lwala Kadawa Sub-location

Karachuonyo Constituency

In Karachuonyo Constituency the committee inspected:

- CDF Office block project
- Construction of two wards at Kendu Sub-district Hospital
- Construction of a Laboratory at the Kamolo Secondary School
- Construction of classroom at the Seme Kaima Primary School
- Construction of Rabuor Koguta Bridge project
- Construction and equipping e-touch project – Nyangweta e-touch Centre
- Construction of ward - Got Oyaro Dispensary

It was observed that most of the projects were incomplete and that CDF had sufficiently allocated funds to the projects. The Committee advised the CDFC that in future, project funding should be limited to the duration of two financial years for the utilization of the same to be realized.

It was also observed that the projects funded by CDF were well implemented as compared to the projects implemented by the line Ministries or through the Economic Stimulus Programme.

3.0 Foreign Travel

The Committee did not undertake any foreign travel during this period. There is a pending request for a study tour to Brazil. The request was submitted in November and there has been no response from Liaison Committee since then.

4.0 Committee Reports

The following is a status report on CFC Reports

	Type of Report	Status
1.	Joint Committee Report on Inquiry into Allocation of Fuel Levy Funds for FY 2009/10	Under review by CFC and Committee on Transport, Public Works and Housing
2.	Committee foreign visit report - Zambia (July 2010)	Under Committee's review
3.	Singapore Report - November 2009	Tabled in the House

5.0 Legal Opinion Sought

The Committee sought a legal opinion from the Office of the Parliamentary Legal Counsel on the status of Court Case No. MISC. APPL. NO. 344 OF 2010 in which a member of the public went to court seeking to stop disbursement of FY 2010/11 CDF funds to constituencies on the basis that the Poverty Index figures of 2006 used would result in inequitable distribution of the funds.

While Parliament was not enjoined in the suit, the matter was of paramount importance to the Committee because the CDF Board was been restrained from allocating 25% of 2010/11 funds until the case was determined. This had a major impact on implementation of projects across all constituencies because it meant only 75% was available for disbursement to constituencies.

The case was dismissed in June 2011 and the Board was allowed to disburse the 25% to constituencies for project implementation.

6.0 Petitions Committed to the Committee

The Committee did not receive any petitions during this period.

7.0 Joint CFC/CDF Board Working Retreat – March 2011

The Committee and the CDF Board work hand in hand in the implementation of the CDF Act. In this respect, therefore, the Committee and the Board hold Quarterly retreats to bond and cement an ideal working relationship between the two organs of the Fund. The retreats are also aimed at discussing emerging issues in the implementation of the Act.

The last retreat was held in Nyali Beach Hotel, Mombasa from 27th February to 1st March, 2011.

See Annex v on the issues raised and the resolutions of the retreat.

8.0 CDF Board Budget for FY 2011/12

The Committee deliberated on the CDF Board's budget for the year 2011/12 and after thorough scrutiny of the budget, resolved to approve the Board Secretariat 2010/11 budget of Kshs.686, 510,000.

9.0 Speaker's Kamukunji held on 12th May, 2011

The Committee through the Speaker convened a Speaker's Kamukunji on 12th May, 2011 in which 40 MPs attended. The following issues were raised and discussed during the meeting:-

- a. **CDF Arrears:** CFC seeks the support of all sitting MPs irregardless of their party affiliation to compel the Deputy Prime Minister and Minister for Finance to remit all arrears owed to CDF in the FY 2011/12 Budget. The arrears amount to Kshs. 6.4 billion.

The MPs present proposed to reach out to all MPs through their respective Committees. This will be done through the CFC chairman informally meeting all committee chairs to agree to set aside one Tuesday morning to hold one joint meeting to discuss the CDF arrears issue.

If the DPM fails to budget for this shortfall in remittances to CDF, then the MPs should consider filing a censure motion on the minister.

- b. **Fate of CDF in the New Constitution:** The MPs resolved to urgently hold a one-day retreat (within 2 weeks) to discuss the fate of CDF in the new constitution. The meeting will bring together the MPs and all stakeholders on CDF matters e.g the Ministry of Finance, Ministry of Planning, the CDF Board etc

The forum will also be used to address the issue of continuation of funding of ESP projects.

- c. **Performance of the CDF Board:** the MPs unanimously agreed that the Board was overstepping its mandate by asking for unnecessary documentation before approval of projects. This amounts to micromanaging the CDFCs.
- d. **Communication from the Board:** The MPs demanded that the Board copies to them all Circulars sent out to CDFCs. A case was cited of Ol Kalou constituency which had received communication that FAM is a mandatory signatory to all PMC accounts.

The Chairman assured the MPs of CFC's support in scrutinizing all circulars before circulating to CDFCs.

- e. **Fund Account Managers:** the MPs complained that some FAMs are incompetent thereby hampering project implementation at the constituency level.

The MPs also sought to know the reporting mechanism of FAMs. Who do they report to at the constituency level?

- f. **CDF Court Case:** the MPs were informed that the Minister has initiated consultations with the aggrieved parties to have the matter settled out of court.
- g. **Appointment and replacement of CDFC Members:** MPs were informed that the term of the CDFCs has expired and therefore they were at liberty to constitute new committees.
- h. **Hiring of private auditors:** MPs were advised to consider hiring private auditors to audit their accounts for accountability purposes.
- i. **National Taxpayers Association:** the MPs were unhappy with the NTA reports which cast the MPs in bad light

10.0 MPs Consultative Forum – 9-12th June, 2011

Following the Speaker's Kamukunji held on 12th May, 2011, CFC in partnership with The Institute for Social Accountability organised a workshop held from 9th to 12th June 2011 at Travellers Beach Hotel Mombasa.

The MPs Consultative Forum on decentralization brought together 20 Members of Parliament, 6 parliamentary committee clerks, 4 representatives of government ministries and institutions and 15 representatives from the civil society.

The following are some of the issues raised and discussed during the retreat:-

Lessons learnt from CDF:

- Ring fenced funds: the ring fencing of CDF funds has ensured that constituencies are ***certain*** that every year they shall receive development finance which has enabled rapid establishment of numerous projects all over the country;

- Equality formula: the introduction of the equality formula has allowed more funds to go to poorer areas;
- Funds not returned to treasury: once disbursed CDF funds remain in the constituency account unlike line ministries;
- Statutory protection: the protection of CDF funds through an act of parliament has ensured **predictability** and **certainty** in availability of the resources;
- Allocation criteria is focused on key MDG areas with 53% of funds to date going towards education, health, water;
- These factors have collectively contributed towards the establishment of 60,000 projects since inception worth 70billion (CDF Board website);

Challenges facing CDF:

- Slow updating of website, inaccurate and incomplete information in status reports (do not reflect reallocations, conflicting figures); CDFC's unwilling to avail allocations and status reports upon request
- Citizen involvement varies from constituency to constituency no standard guidelines depends on strategy adopted by the MP; Elite capture by CDFC who don't bring citizens from ward/location level on board
- No feedback mechanisms once project proposals submitted
- Low completion rates were one of the factors that protected establishment of CDF review taskforce- not released!
- Low technical capacity of PMC's, low collaboration with government technical officers, challenges of using professional engineers/Quantity Surveyors- quality of projects
- Blurred lines of authority- DDO not empowered, FAM's role is limited; Lack of local administrative discipline enforcement for routine offences;
- Role of MP in CDF breaches separation of powers principle; it is institutionally defective;

Proposed Way Forward on CDF:

- Release Taskforce report
- Need to ensure all viable CDF projects are completed prior to 2012;
- Need to close down CDF spending in advance of campaigns to avoid campaign looting'; 3month clearance.

11.0 Current Committee Activities

The Committee is currently considering:-

- The fate of CDF in the new constitutional dispensation:** A workshop has been proposed to bring together stakeholders and policy makers to deliberate on this matter.
- Amendments to the CDF (Amendment) Act, 2007:** The Act was last amended in 2007 and the Committee is considering possible amendments.

- iii. **Reconstitution of the CDF Board:** The Board's tenure expired on 27th April, 2011 and the Committee will, in concurrence with the Minister for Planning, National Development and Vision 2030, reconstitute the Board.
- iv. **Economic Stimulus Programme:** The Committee is continually reviewing implementation of the Economic Stimulus Programme of FY 2009/10 and FY 2010/11.
- v. **CDF Board's Monthly Reports:** The Committee is mandated to consider the CDF Board's Monthly Reports and it has discharged this mandate diligently.
- vi. **Project Inspection Tours:** The Committee has planned to undertake project inspection visits to select constituencies in Coast, Western, Rift Valley, Nyanza and Central Provinces.
- vii. **Foreign Study Tour:** The Committee has also proposed to travel to Brazil to study decentralisation of funds in that country.
- viii. The Report on Inquiry into Fuel Levy allocation for Financial Year 2009/10 jointly with the Departmental Committee on Transport, Public Works and Housing is yet to be adopted.

Challenges faced by CFC in executing its Mandate

- a. Delayed approval for committee's activities (e.g the request to travel to Brazil)
- b. Failure by the Executive to attend scheduled meetings
- c. Delayed disbursement of CDF Funds from Treasury.

APPENDIX I

CONSTITUENCIES THAT HAVE RECEIVED PART FUNDING OF THE APPROVED ALLOCATION FOR FINANCIAL YEAR 2008/2009 AS AT 30TH APRIL, 2011

NO.	CONSTITUENCY	ALLOCATION (KSHS.)	DISBURSEMENT (KSHS.)	PENDING (KSHS.)
1	Narok North	49,049,740.00	48,929,892.00	119,848.00
2	Galole	40,922,888.00	21,213,098.50	19,709,789.50
	TOTAL	89,972,628.00	70,142,990.50	19,829,637.50

APPENDIX II

CONSTITUENCIES THAT HAVE RECEIVED PART FUNDING ALLOCATION FOR FINANCIAL YEAR 2009/2010 AS AT 30TH APRIL, 2011

NO.	CONSTITUENCY	ALLOCATION (KSHS)	DISBURSEMENT (KSHS.)	BALANCE (KSHS.)
1	Alego Usonga	67,097,478.00	65,487,168.50	1,610,309.50
2	Baringo Central	53,970,014.00	53,270,014.00	700,000.00
3	Bomachoge	65,814,899.00	63,913,899.00	1,901,000.00
4	Galole	49,955,501.00	28,587,750.50	21,367,750.50
5	Gatundu North	51,154,985.00	25,050,789.50	26,104,195.50
6	Kasarani	51,058,291.00	23,929,045.50	27,129,245.50
7	Kikuyu	49,988,556.00	35,855,762.00	14,132,794.00
8	Laisamis	46,564,624.00	46,064,624.00	500,000.00
9	Lamu West	50,086,486.00	26,614,282.40	23,472,203.60
10	Langata	48,894,062.00	46,694,062.85	2,199,999.15
11	Mathira	51,189,551.00	47,270,292.00	3,919,259.00
12	Mbooni	67,114,868.00	29,090,007.50	38,024,860.50
13	Migori	57,483,719.00	56,984,687.00	499,032.00
14	Msambweni	70,169,312.00	62,169,312.00	8,000,000.00
15	Igembe North	56,063,093.00	54,113,093.00	1,950,000.00
16	Nyatike	54,499,051.00	54,099,051.00	400,000.00
17	Saku	46,829,341.00		

NO.	CONSTITUENCY	ALLOCATION (KSHS)	DISBURSEMENT (KSHS.)	BALANCE (KSHS.)
			16,967,668.50	29,861,672.50
18	Starehe	47,978,161.00	28,489,080.50	19,489,080.50
19	Tigania East	59,396,853.00	56,396,852.50	3,000,000.50
20	Tigania West	58,232,785.00	56,386,784.50	1,846,000.50
21	Voi	53,128,357.00	50,628,357.00	2,500,000.00
22	Wajir West	52,624,888.00	52,485,561.00	139,327.00
	TOTAL	1,209,294,875.00	980,548,144.75	228,746,730.25

APPENDIX III

CONSTITUENCIES THAT HAVE RECEIVED HALF OF THE APPROVED ALLOCATIONS FOR FINANCIAL YEAR 2009/2010 AS AT 30TH APRIL, 2011

NO.	CONSTITUENCY	ALLOCATION (KSHS)	DISBURSEMENT (KSHS)	BALANCE (KSHS)
1	Kirinyaga Central	50,621,687.00	25,310,843.50	25,310,843.50
2	Lamu East	44,945,817.00	22,472,908.50	22,472,908.50
3	Lugari	71,692,482.00	35,846,241.00	35,846,241.00
4	Mwea	55,295,134.00	27,647,567.00	27,647,567.00
	TOTAL	222,555,120.00	111,277,560.00	111,277,560.00

APPENDIX IV

CONSTITUENCIES THAT HAVE RECEIVED PART FUNDING ALLOCATION FOR FINANCIAL YEAR 2010/2011 AS AT 30TH APRIL, 2011

NO.	CONSTITUENCY	ALLOCATION (KSHS)	DISBURSEMENT (KSHS)	BALANCE (KSHS)
1	Makadara	53,362,905.00	12,910,724.00	40,452,181.00
2	Kamkunji	53,060,390.00	19,247,980.00	33,812,410.00
3	Starehe	52,981,843.00	2,000,000.00	50,981,843.00
4	Langata	53,709,833.00	25,500,000.00	28,209,833.00
5	Dagoreti	53,943,998.00	51,000,000.00	2,943,998.00

NO.	CONSTITUENCY	ALLOCATION (KSHS)	DISBURSEMENT (KSHS)	BALANCE (KSHS)
6	Westlands	52,077,572.00	25,500,000.00	26,577,572.00
7	Kasarani	56,256,668.00	25,500,000.00	30,756,668.00
8	Embakasi	59,279,624.00	51,000,000.00	8,279,624.00
9	Changamwe	55,398,556.00	25,500,000.00	29,898,556.00
10	Kisauni	57,598,247.00	48,850,000.00	8,748,247.00
11	Likoni	53,605,347.00	25,500,000.00	28,105,347.00
12	Mvita	51,347,926.00	25,500,000.00	25,847,926.00
13	Msambweni	90,180,602.00	25,500,000.00	64,680,602.00
14	Matuga	68,716,557.00	25,500,000.00	43,216,557.00
15	Kinango	86,620,386.00	25,500,000.00	61,120,386.00
16	Bahari	87,694,827.00	25,500,000.00	62,194,827.00
17	Kaloleni	84,533,435.00	51,000,000.00	33,533,435.00
18	Ganze	71,090,789.00	30,060,000.00	41,030,789.00
19	Malindi	82,856,863.00	38,025,856.00	44,831,007.00
20	Magarini	72,622,607.00	25,500,000.00	47,122,607.00
21	Garsen	66,647,471.00	25,500,000.00	41,147,471.00
22	Galole	60,340,382.00	25,500,000.00	34,840,382.00
23	Bura	60,305,104.00	25,737,924.00	34,567,180.00
24	Lamu East	51,232,765.00	25,500,000.00	25,732,765.00
25	Lamu West	55,666,237.00	25,500,000.00	30,166,237.00
26	Taveta	57,242,195.00	24,283,499.00	32,958,696.00
27	Wundanyi	56,882,745.00	25,500,000.00	31,382,745.00
28	Mwatate	57,173,257.00	25,500,000.00	31,673,257.00
29	Voi	61,125,921.00	25,500,000.00	35,625,921.00
30	Dujis	79,073,306.00	51,000,000.00	28,073,306.00
31	Lagdera	67,346,095.00	25,500,000.00	41,846,095.00

NO.	CONSTITUENCY	ALLOCATION (KSHS)	DISBURSEMENT (KSHS)	BALANCE (KSHS)
32	Fafi	58,798,613.00	32,899,306.50	25,899,306.50
33	Ijara	63,197,796.00	25,500,000.00	37,697,796.00
34	Wajir North	75,580,802.00	46,800,000.00	28,780,802.00
35	Wajir West	78,604,218.00	40,000,000.00	38,604,218.00
36	Wajir East	74,414,724.00	25,500,000.00	48,914,724.00
37	Wajir South	73,669,007.00	31,803,515.50	41,865,491.50
38	Mandera West	67,897,471.00	25,500,000.00	42,397,471.00
39	Mandera Cenral	74,390,460.00	25,500,000.00	48,890,460.00
40	Mandera East	69,756,378.00	28,850,000.00	40,906,378.00
41	Moyale	62,694,424.00	25,500,000.00	37,194,424.00
42	North Horr	64,535,344.00	25,500,000.00	39,035,344.00
43	Saku	59,037,842.00	25,500,000.00	33,537,842.00
44	Laisamis	60,700,829.00	13,220,000.00	47,480,829.00
45	Isiolo North	63,046,844.00	19,749,125.00	43,297,719.00
46	Isiolo South	55,568,969.00	25,500,000.00	30,068,969.00
47	Igembe South	67,096,048.00	25,500,000.00	41,596,048.00
48	Ntonyiri	59,532,585.00	25,500,000.00	34,032,585.00
49	Tigania West	60,198,678.00	25,500,000.00	34,698,678.00
50	Tigania East	61,585,274.00	28,258,721.00	33,326,553.00
51	North Imenti	62,666,455.00	51,000,000.00	11,666,455.00
52	Central Imenti	57,060,371.00	28,609,149.00	28,451,222.00
53	South Imenti	58,705,191.00	26,428,335.00	32,276,856.00
54	Nithi	64,970,608.00	33,454,515.00	31,516,093.00
55	Tharaka	62,951,917.00	51,000,000.00	11,951,917.00
56	Manyatta	60,734,593.00	25,500,000.00	35,234,593.00
57	Runyenjes	60,881,156.00	25,500,000.00	35,381,156.00

NO.	CONSTITUENCY	ALLOCATION (KSHS)	DISBURSEMENT (KSHS)	BALANCE (KSHS)
58	Gachoka	62,481,246.00	25,500,000.00	36,981,246.00
59	Siakago	60,124,576.00	51,000,000.00	9,124,576.00
60	Mwingi North	76,728,881.00	25,500,000.00	51,228,881.00
61	Mwingi South	71,321,717.00	48,850,000.00	22,471,717.00
62	Kitui West	69,661,642.00	25,500,000.00	44,161,642.00
63	Kitui Cenral	72,431,368.00	25,500,000.00	46,931,368.00
64	Mutito	66,779,575.00	25,500,000.00	41,279,575.00
65	Kitui South	71,489,461.00	25,500,000.00	45,989,461.00
66	Masinga	65,813,121.00	25,500,000.00	40,313,121.00
67	Yatta	68,109,724.00	25,500,000.00	42,609,724.00
68	Kangundo	75,155,999.00	45,700,000.00	29,455,999.00
69	Kathiani	76,984,259.00	25,500,000.00	51,484,259.00
70	Machakos Town	54,993,407.00	25,500,000.00	29,493,407.00
71	Mwala	70,331,351.00	17,530,000.00	52,801,351.00
72	Mbooni	75,101,663.00	25,500,000.00	49,601,663.00
73	Kilome	61,381,159.00	25,500,000.00	35,881,159.00
74	Kaiti	66,313,819.00	28,478,695.00	37,835,124.00
75	Makueni	83,039,369.00	25,500,000.00	57,539,369.00
76	Kibwezi	78,003,157.00	51,000,000.00	27,003,157.00
77	Kinangop	71,477,913.00	31,663,475.00	39,814,438.00
78	Kipipiri	61,601,814.00	25,500,000.00	36,101,814.00
79	Ol Kalau	70,260,213.00	39,630,000.00	30,630,213.00
80	Ndaragwa	57,402,963.00	25,500,000.00	31,902,963.00
81	Tetu	55,767,310.00	25,500,000.00	30,267,310.00
82	Kieni	60,849,412.00	25,500,000.00	35,349,412.00
83	Mathira	58,231,490.00	25,500,000.00	32,731,490.00

NO.	CONSTITUENCY	ALLOCATION (KSHS)	DISBURSEMENT (KSHS)	BALANCE (KSHS)
84	Othaya	55,374,110.00	25,500,000.00	29,874,110.00
85	Mukurweini	56,020,682.00	25,500,000.00	30,520,682.00
86	Nyeri Town	52,752,166.00	25,500,010.00	27,252,156.00
87	Mwea	61,610,867.00	25,500,000.00	36,110,867.00
88	Gichugu	56,395,178.00	25,051,795.00	31,343,383.00
89	Ndia	54,894,580.00	31,407,590.50	23,486,989.50
90	Keruguya/Kutus	55,678,491.00	2,000,000.00	53,678,491.00
91	Kangema	54,927,651.00	2,000,000.00	52,927,651.00
92	Mathioya	55,243,250.00	2,000,000.00	53,243,250.00
93	Kiharu	60,032,921.00	25,500,000.00	34,532,921.00
94	Kigumo	57,514,504.00	25,500,000.00	32,014,504.00
95	Maragua	59,200,444.00	25,500,000.00	33,700,444.00
96	Kandara	61,014,603.00	25,500,000.00	35,514,603.00
97	Gatanga	62,120,275.00	25,500,000.00	36,620,275.00
98	Gatundu South	56,792,001.00	25,500,000.00	31,292,001.00
99	Gatundu North	57,158,134.00	25,500,000.00	31,658,134.00
100	Juja	83,240,006.00	25,500,000.00	57,740,006.00
101	Githunguri	57,469,973.00	25,500,000.00	31,969,973.00
102	Kiambaa	59,907,838.00	25,500,000.00	34,407,838.00
103	Kabete/Kikuyu	58,993,889.00	25,500,000.00	33,493,889.00
104	Limuru	55,853,817.00	26,568,370.50	29,285,446.50
105	Lari	57,885,773.00	25,500,000.00	32,385,773.00
106	Turkana North	106,814,621.00	25,500,000.00	81,314,621.00
107	Turkana Central	97,349,166.00	27,700,000.00	69,649,166.00
108	Turkana South	70,271,681.00	13,220,000.00	57,051,681.00
109	Kacheliba	69,781,117.00	25,500,000.00	44,281,117.00

NO.	CONSTITUENCY	ALLOCATION (KSHS)	DISBURSEMENT (KSHS)	BALANCE (KSHS)
110	Kapenguria	75,521,027.00	25,500,000.00	50,021,027.00
111	Sigor	75,139,371.00	25,500,000.00	49,639,371.00
112	Samburu West	76,935,729.00	25,500,000.00	51,435,729.00
113	Samburu East	58,296,560.00	25,500,000.00	32,796,560.00
114	Kwanza	74,122,291.00	2,000,000.00	72,122,291.00
115	Saboti	88,100,335.00	25,500,000.00	62,600,335.00
116	Cherengany	70,585,736.00	25,500,000.00	45,085,736.00
117	Eldoret North	88,347,452.00	25,500,000.00	62,847,452.00
118	Eldoret East	68,577,466.00	25,500,000.00	43,077,466.00
119	Eldoret South	73,724,395.00	25,500,000.00	48,224,395.00
120	Marakwet East	61,963,629.00	25,500,000.00	36,463,629.00
121	Markwetwest	63,392,041.00	25,500,000.00	37,892,041.00
122	Keiyo North	57,212,051.00	28,706,025.50	28,506,025.50
123	Keiyo South	59,888,274.00	48,500,000.00	11,388,274.00
124	Mosop	64,620,767.00	25,500,000.00	39,120,767.00
125	Aldai	66,054,527.00	25,500,000.00	40,554,527.00
126	Emgwen	69,481,744.00	25,500,000.00	43,981,744.00
127	Tinderet	71,969,574.00	25,500,000.00	46,469,574.00
128	Baringo East	69,594,362.00	25,930,029.50	43,664,332.50
129	Baringo North	60,634,775.00	25,500,000.00	35,134,775.00
130	Baringo Central	68,221,146.00	25,500,000.00	42,721,146.00
131	Mogotio	57,063,688.00	25,500,000.00	31,563,688.00
132	Eldama Ravine	62,427,657.00	30,663,828.50	31,763,828.50
133	Laikipia West	71,873,424.00	30,545,000.00	41,328,424.00
134	Laikipia East	67,135,562.00	25,500,000.00	41,635,562.00
135	Naivasha	79,023,589.00	25,500,000.00	53,523,589.00

NO.	CONSTITUENCY	ALLOCATION (KSHS)	DISBURSEMENT (KSHS)	BALANCE (KSHS)
136	Nakuru Town	56,883,907.00	24,956,953.50	31,926,953.50
137	Kuresoi	70,931,468.00	25,500,000.00	45,431,468.00
138	Molo	77,080,979.00	25,523,608.50	51,557,370.50
139	Rongai	64,965,557.00	30,874,813.00	34,090,744.00
140	Subukia	64,776,171.00	25,500,000.00	39,276,171.00
141	Kilgoris	77,952,399.00	25,500,000.00	52,452,399.00
142	Narok North	63,855,196.00	25,500,000.00	38,355,196.00
143	Narok South	67,505,334.00	25,500,000.00	42,005,334.00
144	Kajiado North	58,553,800.00	25,500,000.00	33,053,800.00
145	Kajiado Central	54,512,895.00	51,000,000.00	3,512,895.00
146	Kajiado South/Loitokitok	54,145,885.00	25,772,942.50	28,372,942.50
147	Bomet	77,572,409.00	25,500,000.00	52,072,409.00
148	Chepalungu	70,857,469.00	25,500,000.00	45,357,469.00
149	Sotik	70,541,779.00	26,314,500.00	44,227,279.00
150	Konoin	59,809,377.00	25,500,000.00	34,309,377.00
151	Buret	60,968,079.00	40,200,000.00	20,768,079.00
152	Belgut	70,043,219.00	25,500,000.00	44,543,219.00
153	Ainamoi	63,836,400.00	25,500,000.00	38,336,400.00
154	Kipkelion	67,274,642.00	25,500,000.00	41,774,642.00
155	Malava	70,065,960.00	22,944,271.50	47,121,688.50
156	Lugari	78,622,764.00	25,500,000.00	53,122,764.00
157	Mumias	72,348,528.00	31,695,000.00	40,653,528.00
158	Matungu	64,886,762.00	23,220,000.00	41,666,762.00
159	Lurambi	81,442,067.00	25,500,000.00	55,942,067.00
160	Shinyalu	68,563,361.00	25,500,000.00	43,063,361.00
161	Ikolomani	63,154,341.00	28,725,000.00	34,429,341.00

NO.	CONSTITUENCY	ALLOCATION (KSHS)	DISBURSEMENT (KSHS)	BALANCE (KSHS)
162	Butere	65,154,745.00	25,075,555.00	40,079,190.00
163	Khwisero	61,309,799.00	22,210,000.00	39,099,799.00
164	Emuhaya	65,830,805.00	42,261,284.20	23,569,520.80
165	Vihiga	57,579,521.00	48,875,000.00	8,704,521.00
166	Hamisi	62,509,558.00	25,500,000.00	37,009,558.00
167	Mt Elgon	70,588,709.00	26,585,000.00	44,003,709.00
168	Kimilili	83,880,253.00	28,593,070.00	55,287,183.00
169	Webuye	74,102,921.00	51,000,000.00	23,102,921.00
170	Sirisia	75,086,098.00	32,943,395.00	42,142,703.00
171	Kanduyi	78,144,730.00	25,500,000.00	52,644,730.00
172	Bumula	63,175,303.00	25,500,000.00	37,675,303.00
173	Amagoro	80,279,449.00	43,870,000.00	36,409,449.00
174	Nambale	78,340,800.00	35,895,027.50	42,445,772.50
175	Butula	67,609,805.00	30,835,000.00	36,774,805.00
176	Funyula	63,518,424.00	25,500,000.00	38,018,424.00
177	Budalangi	59,439,004.00	25,500,000.00	33,939,004.00
178	Ugenya	65,412,646.00	25,500,000.00	39,912,646.00
179	Alego	65,938,779.00	25,500,000.00	40,438,779.00
180	Gem	63,719,788.00	25,500,000.00	38,219,788.00
181	Bondo	58,216,302.00	25,500,000.00	32,716,302.00
182	Rarieda	57,315,572.00	25,500,000.00	31,815,572.00
183	Kisumu Town East	55,712,398.00	28,500,000.00	27,212,398.00
184	Kisumu Town West	53,075,122.00	23,349,380.00	29,725,742.00
185	Kisumu Rural	63,465,762.00	47,800,000.00	15,665,762.00
186	Nyando	64,244,998.00	25,500,000.00	38,744,998.00
187	Muhoroni	63,169,294.00	29,195,466.50	33,973,827.50

NO.	CONSTITUENCY	ALLOCATION (KSHS)	DISBURSEMENT (KSHS)	BALANCE (KSHS)
188	Nyakach	63,393,495.00	25,500,000.00	37,893,495.00
189	Kasipul Kabondo	68,016,057.00	25,500,000.00	42,516,057.00
190	Karachuonyo	63,264,201.00	30,957,100.50	32,307,100.50
191	Rangwe	66,561,174.00	25,500,000.00	41,061,174.00
192	Ndhiwa	65,460,186.00	25,500,000.00	39,960,186.00
193	Rongo	66,541,374.00	25,500,000.00	41,041,374.00
194	Migori	66,533,015.00	48,700,000.00	17,833,015.00
195	Uriri	60,341,303.00	36,473,311.00	23,867,992.00
196	Nyatike	62,964,794.00	25,500,000.00	37,464,794.00
197	Mbita	61,865,250.00	25,500,000.00	36,365,250.00
198	Gwassi	60,603,204.00	25,500,000.00	35,103,204.00
199	Kuria	79,842,082.00	28,435,000.00	51,407,082.00
200	Bonchari	64,598,349.00	25,500,000.00	39,098,349.00
201	South Mugirango	71,280,885.00	25,500,000.00	45,780,885.00
202	Bomachoge	77,297,342.00	25,500,000.00	51,797,342.00
203	Bobasi	75,965,098.00	25,500,000.00	50,465,098.00
204	Nyaribari Chache	64,019,211.00	25,500,000.00	38,519,211.00
205	Kitutu Chache	74,114,615.00	25,500,000.00	48,614,615.00
206	Kitutu Masaba	67,839,105.00	25,500,000.00	42,339,105.00
207	West Mugirango	65,115,788.00	25,500,000.00	39,615,788.00
208	N. Mugirango Borabu	73,339,301.00	25,500,000.00	47,839,301.00
209	Sabatia	61,079,252.00	30,539,626.00	30,539,626.00
210	Nyaribari Masaba	62,211,026.00	31,105,513.00	31,105,513.00
		13,854,510,009.00	5,842,259,287.20	8,012,250,721.80

ANNEXE V

REPORT OF CFC/CDF BOARD RETREAT HELD IN NYALI BEACH MOMBASA FROM 27TH TO 1ST MARCH, 2011

NO.	AREA OF CONCERN	ISSUES RAISED	RESOLUTION
1.	Litigations Fees by Constituencies Development Fund Committees	<p>CDF Board has in the recent past seen an upsurge in the number of court cases.</p> <p>Most of these court cases relate to suits against CDFCs but the CDF Board is enjoined.</p> <p>The current budgetary provision for legal fees in 2010/2011 Budget is not enough.</p> <p>Whenever sued the CDFCs always meet the legal fees by using the 3% Administration vote which is not sufficient hence becomes unsustainable.</p>	<p>CDF Board to allocate more resources within its budget for litigation and arbitration</p>
2.	CDFC internal controls	<p>Weak internal controls at CDFC level.</p> <p>Non compliance with Government Financial Regulations as well as Public Procurement and Disposal regulations</p>	<p>CDF Board to intensify Audits.</p> <p>Supervision of Funds Account Managers to be enhanced. The Board to liaise with MoPND&V2030 on FAMs supervision approach.</p> <p>CDF Board to develop a database of telephone contacts for CDFC Executive officials to enhance communication.</p>
3.	Responsiveness to audit issues	<p>Non-responsiveness to audit issues.</p> <p>Poor appreciation of audits by the CDFCs.</p> <p>Low technical capacity of CDFCs</p>	<p>CDF Board to freeze CDFC bank accounts in such cases as agreed in September, 2010 Retreat.</p> <p>CDF Board to engage patrons on non-</p>

NO.	AREA OF CONCERN	ISSUES RAISED	RESOLUTION
			responsiveness to audit issues.
4.	HRM issues at the CDFC.	<p>The CDFC staff lack clear terms of engagement and CDF Fund Account managers have no administrative authority over constituency staff.</p> <p>Most CDFCs do not remit the statutory deductions e.g. NSSF and NHIF.</p> <p>This exposes the CDF Board to penalties to non-compliance</p>	<p>Proposal for the FAMs to report to the CDFC Chair to be evaluated and recommendation made to the Ministry of State for Planning, National Development and Vision 2030 and CFC for consideration</p> <p>CDFCs be compelled to comply with government Statutory requirements on employment issues</p>
5.	HRM Issues at the CDF Board	Recruitment of two technical staff by the CDF Board	CDF Board to submit the proposed structure to the Ministry and CFC.
6.	Funding of non-emergency projects using funds set aside for emergency	Many audit queries have been raised concerning this matter.	The Board to impose sanctions on the CDFCs and officers involved.
7.	Implementation of projects without Board approval.	CDFCs requests for ratification of projects implemented without Boards approval.	<p>CDF Board to decline such requests and withhold disbursements to the CDFC.</p> <p>Sanctions to be imposed against concerned officers.</p>
8.	Non-involvement of FAMs in preparation and submission of project proposals to the Board	<p>Proposals submitted without adequate information or with wrong documentation.</p> <p>Time wasted/delays through referring such proposals back to CDFCs</p>	CFC to take up the matter at the MPs Kamukunji.
9.	Mega project proposals.	Low capacity of CDFCs to handle such projects.	CDF Board to deal such projects proposal on case

NO.	AREA OF CONCERN	ISSUES RAISED	RESOLUTION
	e.g. Siakago Integrated Water project; Bondo Community Resource Centre.	<p>Limitation of CDFC kitty leading to complaints of skewed distribution of projects.</p> <p>Projects take too long to be completed as CDFCs give funds in phases.</p> <p>Challenges in transitional period as new CDFC may not prioritise the projects for funding.</p>	by case basis.
10.	Failure by CDFCs to honour contractual obligations and payments	Costly repercussions if such complaints end up in Litigation.	<p>CDF Board to ensure proper hand-over/take-over of CDFCs are done.</p> <p>Encourage the CDFCs to implement projects through PMCs.</p> <p>Engage the Patrons</p> <p>In case of bi-election, stop new transactions, freeze bank accounts including those of PMC's and publicize in press.</p>
11.	Status of CDF under the new constitutional dispensation	The experts have a view that continuity of the CDF Board is more of political decision based on economic reality and the effective structure that would harmonise public fund Management in National and county governments.	Joint meetings be held between the Ministry of Planning, CFC and CDF Board to Address the matter
12.	Auditors disclaimer of CDF Board	CDF Board Accounts for 2003/2004 to 2008/2009 received Audit Disclaimer from the Kenya National Audit office (KENAO). The financial reports are being prepared using the estimated figures which is not	<p>The CDF Board through the FAMs to make sure the records are made available.</p> <p>The CDF Board to complete the annual reports for onwards</p>

NO.	AREA OF CONCERN	ISSUES RAISED	RESOLUTION
		<p>prudent according to the International Financial Reporting Standards. Therefore the balances carried forward from the stated period are not reliable and reconciliation hampered by improper record keeping.</p> <p>The Board has not been complying with requirement to produce annual reports and audited accounts to parliament as required by the CDF (amendment) Act, 2007. The Board is finalising the annual reports but the audited accounts will contain the disclaimer due to the above stated problem.</p>	<p>transmission to Minister of State for Planning National Development and Vision 2030.</p>
13.	CDF AIE holder	Need to have an officer of the CDF Board as a CDF AIE holder in order to strengthen controls.	<p>The CDF Board structure at the constituency level should be strengthened by recruiting additional staff in additions to the FAMs to enhance accountability and segregation of duties.</p> <p>CDF Board to submit proposed structure to the Minister of State for Planning, National Development and Vision 2030 and CFC.</p>
14	CDF Board Website	<p>Website not being updated regularly.</p> <p>Most information in the website is archaic.</p>	<p>CDF Board to indentify the kind of information that requires regular update.</p> <p>CDF Board to fully update the website and the matter to be reviewed in the CFC meeting of April ,2011</p>
15.	Alignment of CDF program to Vision 2030 and other	CDFCs have isolated visions making it difficult to chart a harmonized direction for the fund	CDF Board to write to all constituencies reminding them to prepare Strategic

NO.	AREA OF CONCERN	ISSUES RAISED	RESOLUTION
	development initiatives	towards realization of Vision 2030	Plans
16.	Court case on allocation of CDF resources	The continued dragging of the case is negatively affecting implementation of CDF programme	Minister for State in charge of Planning, National Development and Vision 2020 in full to engage the AG and other parties in the case with a view to reaching an out-of-court settlement.
17.	CDF Board Budget making process	Concern was raised that CDF Board is not adequately engaging the CFC in the process of Budget preparation.	CDF Board to prepare the Budget in line with the Government regulations and submit the same to the Minister of State for Planning, National Development and Vision 2030 and CFC as per the CDF (Amendment) Act, 2007.
18.	CDFC/PMC capacity building	Challenges in programme (CDF) implementation due to inadequate capacity at CDFC and PMC level. Inadequate resources for an effective capacity building of these key structures.	CFC and CDF Board to mobilize resources from internal and external sources for capacity building of these institutional structures.
19.	Thin spread of projects	Need to ensure that CDFCs identify and prioritize viable projects that can be completed within the parliamentary term of the sitting MP.	CDF Board to develop guidelines and share with CFC.
20.	Support to Microfinance programmes	Need to enhance poverty eradication at household level	CDF to fund infrastructure and training for microfinance, but not seed capital for loans.
21.	Facilities built to completion	Wastage of resources due to non-use leading to deterioration and	CDFCs to be asked to ensure they involve line

NO.	AREA OF CONCERN	ISSUES RAISED	RESOLUTION
	through CDF funding but not taken over by the line ministries e.g. Health centers.	vandalism	ministries from planning stage of projects. Provide statistics on idle facilities to the CFC.
22.	Engagement of Civil Society on Social Audits of CDF programme	Need for clear rules of engagement between CDF Board and the Civil Society (NGOs) involved in Social Audits.	CDF Board to develop draft rules of engagement with civil societies for discussion with CFC.
23.	Inadequate support by line ministries in giving technical support to CDF	Some line ministry staff request to be paid allowances for them to render technical support. Some technical ministries e.g. Ministry of Public works, Ministry of Water etc lack adequate capacity to provide support to CDFCs	Minister for State, in charge of Planning National Development and Vision 2030 to engage the Minister for Public Works of these concerns.
24.	Arrears of Disbursement from Treasury	Treasury yet to remit outstanding funds relating to past years	The CFC and Minister for Finance to meet and handle the concerns.
25.	Public Health	Gazettement of Public Health facilities at the constituencies	CFC to engage the Ministry of Public Health and Sanitation on the gazettement and deployment of staff health facilities. CDF Board to forward information on all 2165 health facilities that require gazettement within 1 month to CFC