

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

SECOND ASSEMBLY- THIRD SESSION (2019)

**REPORT BY THE AD HOC COMMITTEE ON THE INQUIRY
INTO THE FIRE INCIDENT THAT OCCURRED ON 22ND
JULY, 2019 AT THE KITUI COUNTY TREASURY OFFICES**

**The Clerk's Chamber,
County Assembly of Kitui,
Assembly Buildings,
Kitui, Kenya**

OCTOBER, 2019

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ABBREVIATIONS

CCIO	County Criminal Investigations Officer
CCTV	Closed- Circuit Television
CECM	County Executive Committee Member
CO	Chief Officer
DCI	Directorate of Criminal Investigations
KICOTEC	Kitui County Textile Centre
KIMWASCO	Kiambere Mwingi Water and Sanitation Company
KITWASCO	Kitui Water and Sanitation Company

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1.0 PREFACE

Hon. Speaker,

It is my pleasure to present the report of the Ad Hoc Committee on the Inquiry into the Fire incident that occurred on 22nd July, 2019 at the Kitui County Treasury Offices.

1.2 Legal Basis and Background information

Hon. Speaker,

Fire fighting services and disaster management are devolved functions under part 2 of the Fourth Schedule of the Constitution.

On 23rd July, 2019 during the afternoon sitting, and pursuant to Standing Order No. 30, Hon Peter Kilonzo the Majority Party Leader moved a motion on county importance on the fire tragedy at the County Treasury offices. The Speaker acceded to his request upon which the Majority Leader moved the motion on the fire tragedy on County Offices as follows:

Cognizant that a fire broke out during the wee hours of Monday Morning on 22nd July, 2019 that destroyed properties of unknown value;

Further aware that the building affected by the fire housed four offices belonging to the Kitui County Finance Office, the County Treasury Registry office and Directorate of Economic Planning;

Concerned that the four offices housed all the county planning records, official payment vouchers and critical financial records;

Cognizant that a similar incident occurred on 25th February, 2018 where the Tourist Building which previously housed the County Ministry of Basic Education, Training and Skills Development and Ministry of Environment, Energy, Mining and Skills Development and the Human Resource Department;

This Assembly hereby resolves that the relevant committee should;

- i. Inquire into the cause of the fire and action taken by the County Government in Safeguarding vital information for the necessary action;
- ii. Inquire into the extent of the damage and whether the building was insured;
- iii. Inquire into whether there was a backup record of all the documents housed by the affected offices.
- iv. Inquire into whether all other County offices comply with the provisions of the Occupational Safety and Health Act, 2007.
- v. Recommend installation of security masts and CCTV cameras at all the premises hosting County Government Offices.

During debate on the motion, members recommended the formation of an Ad Hoc Committee to inquire into the issues contained in the motion.

Section 14(1)(b) of the County Government Act empowers a County Assembly to establish Committees in such manner and for such general or special purposes as it considers fit, and regulate the procedure of any committee so established.

Therefore on Wednesday 24th July, 2019 the Honourable Speaker made a communication on the membership to the Ad Hoc Committee to inquire into the matter at hand and report back to the House within 21 calendar days.

1.3 Membership to the Committee

The Ad Hoc Committee as communicated by the Speaker was composed of the following members:

- | | |
|-----------------------------------|------------------|
| 1. Hon Anthony John | Chairperson |
| 2. Hon Mary Ndumbu | Vice Chairperson |
| 3. Hon Jefason Kiruru | Member |
| 4. Hon Sylvester Munyalo | “ |
| 5. Hon David Masaku | “ |
| 6. Hon John Mutuku Mbaki Kisangau | “ |
| 7. Hon Fredrick Nthuri | “ |

1.4 Terms of Reference

Hon Speaker,

The Committee was formed with the following Terms of Reference:

- i. Inquire into the cause of the fire and action taken by the County Government in Safeguarding vital information for the necessary action;
- ii. Inquire into the extent of the damage, services affected and whether the building was insured;
- iii. Inquire into whether there was a backup record of all the documents housed by the affected offices;
- iv. Inquire into whether all other County offices comply with the provisions of the Occupational Safety and Health Act, 2007;
- v. Recommend installation of security masts and Closed- Circuit Television (CCTV) cameras at all the premises hosting County Government Offices;
- vi. Inquire into whether there was an aspect of negligence by the responsible officers and recommend necessary disciplinary action;
- vii. Inquire into any other relevant matter.

1.5 Challenges faced by the Committee

In execution of her mandate, the Committee faced various challenges including:

1. Failure by witnesses to turn up. For instance, the Committee was unable to meet the County Executive Committee Member- Lands, Infrastructure Housing and Urban Development (CECM-LIHUD) and the Municipal Manager. The Municipal Manager was supposed to appear accompanied by CECM- LIHUD, who requested for rescheduling of the meeting to a later date.
2. Limited information availed by the witnesses. Witnesses who appeared before the Committee were economical with information which hindered effective execution of the Committee's mandate.
3. Difficulty in arriving at a conclusive suspect on who might have burnt down the office. This was due the fact that the witnesses who appeared before the Committee were economical with information.

4. The staff strike affected the Committee's work as during the site visits, the Committee found some offices vacant.

Notwithstanding challenges faced, the Committee was able to execute her mandate to the best of her ability and produce this report.

1.6 Methodology

Hon Speaker,

In executing her mandate, the Committee adopted the following methodology:

1. Site visits and observations;
2. Invitations and interviews;
3. Requests for information;
4. Schedule;
5. Private and confidential intelligence.

1.7 Committee proceedings

Hon Speaker,

The Committee held several meetings in August 2019 within the County Assembly precincts to deliberate on the matter at hand, plan its activities and interrogate various witnesses. The Committee also visited various County public offices within Kitui and Mwingi to assess compliance of these offices with the Occupational Safety and Health Act (OSHA) and other relevant matters as per the Terms of Reference.

Thereafter, the Committee retreated to Pride Hotel Westlands as from 4th – 7th September, 2019 to compile its report. The outcome of the Committee proceedings is as outlined in this Report.

1.8 Acknowledgement

Hon Speaker,

On behalf of the Ad Hoc Committee inquiring into the fire incident at the Kitui County Treasury Offices, I extend my gratitude to the Speaker of Kitui County Assembly, Members of the Ad Hoc Committee, Office of the Clerk

and the staff attached to the Committee for their continuous support, assistance, and commitment in executing their duties.

It is therefore my pleasant duty, on behalf of the Ad Hoc Committee on the inquiry into the fire incident that occurred at the Kitui County Treasury Offices to present this Report and recommend it for consideration and adoption by the House.

SIGN:

HON. ANTHONY JOHN, M.C.A.

**CHAIRPERSON, AD HOC COMMITTEE ON THE FIRE INCIDENT
AT THE KITUI COUNTY TREASURY OFFICES**

DATE:

2.0 SITE VISITS, ASSESSMENT OF COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA), 2007, RECORDS MANAGEMENT AND STATUS OF OFFICES

Hon Sir,

As outlined earlier, the Ad Hoc Committee was mandated to visit the site of the fire, inquire into whether all other County offices comply with the provisions of the Occupational Safety and Health Act, safeguarding of vital information, and availability of CCTV cameras in various offices, amongst others.

2.1 OVERVIEW OF THE ACT

Section 3 of the OSHA states that the Act shall apply to all workplaces where any person is at work, whether temporarily or permanently. The purpose of the Act is to secure the safety, health and welfare of persons at work.

Section 6 further partly provides that:

(1) Every occupier shall ensure the safety, health and welfare at work of all persons working in his workplace.

(2) The duty of the occupier includes—

(a) the provision and maintenance of plant and systems and procedures of work that are safe and without risks to health;

(c) the provision of such information, instruction, training and supervision as is necessary to ensure the safety and health at work of every person employed;

(d) the maintenance of any workplace under the occupier's control, in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks to health;

(e) the provision and maintenance of a working environment for every person employed that is, safe, without risks to health, and adequate as regards facilities and arrangements for the employees welfare at work;

(3) Every occupier shall carry out appropriate risk assessments in relation to the safety and health of persons employed and, on the basis of these results, adopt preventive and protective measures to ensure that under all conditions of their intended use, all chemicals, machinery, equipment, tools and process under the control of the occupier are safe and without risk to health and comply with the requirements of safety and health provisions in this Act.

The Committee therefore visited the fire site and various public offices in Mwingi and Kitui to assess compliance with these legal provisions and engage in a fact finding mission on records management and status of these offices.

2.2 VISIT TO THE FIRE SITE

Hon Speaker,

The Committee visited the site of the fire on 13th August, 2019 and noted that two registry offices, and the office of the Director and Deputy Director, Economic Planning were burnt.

The Committee thereafter met with the Chief Economic Planning, Dr Justus Kalii in his office, who informed the Committee that:

1. The burnt office housed:
 - i) The Economic Planning Office which housed the Director and Assistant Director, Economic Planning (Paul Kimwele and Victor Mwangu).
 - ii) The Registry which falls under the Chief Officer Finance.
2. No services have been interrupted for the Economic Planning Department and services are ongoing as before.
3. No document or information was lost for the Economic Planning Department as the Department has soft copies of the documents.

2.3 MWINGI TOWN PUBLIC OFFICES

Hon Speaker,

On 19th August, 2019 the Committee visited the following offices in Mwingi:

- i) Mwingi Central Sub- County Offices;
- ii) Mwingi Town Administration Block;
- iii) Mwingi Agriculture offices.

2.3. 1 Mwingi Central Sub- County Offices

The Committee visited Mwingi Central Sub- County Offices and met Mr Alex Mutemi, the Sub County Administrator- Mwingi Central. He informed the Committee that:

1. The office has firefighting equipment including 7 functional fire extinguishers, and there also exit signs displayed at strategic places on the office block. However, the extinguishers are not serviced frequently as indicated in the service cards, with some having been lastly serviced in 2014. Further, the offices have no CCTV cameras or smoke detectors.
2. His office has not conducted any fire drills to ensure that members of staff are adequately prepared to respond appropriately in case of fire break out.
However, he is a trained fire marshal from his previous employment and capable of responding appropriately in such a case.
The offices are guarded by 2 enforcement officers and 1 contracted guard during the day, while at night they are guarded by 2 contracted guards.
3. There have been previous fire incidents in Mwingi including in 2009 and early this year at the market. For the recent fire incident, the Mwingi Town fire engine did not respond to the emergency as it did not have water.
4. In addition, there was a fire at Nguutani Secondary school sometime back and the Mwingi Town fire engine could not and did not respond to the incident due to lack of water. Luckily, the fire was extinguished by the public though Matuu Town Administration in Machakos County had offered to help.

5. Mwingi Town Administration has a fire engine that lacks water reservoir for back up purposes and this engine cannot store water for long periods to avoid corrosion.
6. Regarding safety of documents, the office has no fire proof cabinets or safes and uses ordinary cabinets, despite housing some sensitive documents, for instance land allocation documents.

2.3.2 Mwingi Central Sub County Agriculture Offices

The Committee met Ms. Joy Ochieng, the Sub County Agricultural Extension Officer. She stated that:

1. There is only one old fire extinguisher that is not serviced. Officers attached to the offices have never confirmed if its operational.
2. The members of staff are also not trained on how to respond in case of a fire breakout. However, the Sub County Extension Officer was trained on safety from her previous employment.
3. The office has no fireproof safe. However, there is a back up of confidential documents at the County headquarters.
4. The office has had no security guards for the last five years, leading to frequent theft incidents in the office. Further, there is a bad gate and a beat down fence, making it easy for intruders and thieves to access the premises.
5. The offices are generally not safe and user friendly as there was no electricity and security at the time of the Committee's visit and are generally neglected.

2.3.3 Mwingi Town Administration Offices

Hon Speaker,

The Committee visited Mwingi Town Administration Offices on 19th August, 2019 and met Mr Joseph Musunza- Deputy Town Administrator In Charge (I/C) of Trade, Commerce and Industrialization; and Mr Charles Muli- Deputy Town Administrator Finance.

The Committee observed that:

1. Mwingi Town Administration has a fire engine that is well equipped to handle fire incidents. However, there is no strategic water storage/ point for the engine to access water in emergency cases. To address this, there is a proposal for a water tank and stand in the 2020/2021 Annual Development Plan (ADP).

In addition, there is no specific driver attached to the engine and there are no fire marshals, posing a personnel gap. Further, maintenance of the engine has been a challenge due to limited budgetary allocations.

There is also no specific contact person or emergency number in emergency cases.

2. The offices have fire extinguishers installed at strategic areas and emergency exits and signs.
3. The members of staff are not trained on use of safety equipment and the last time a fire broke out, a Kiambere Mwingi Water and Sanitation Company (KIMWASCO) bowser put off the fire.
4. Regarding records management and safety, there is only one fireproof safe located in the Town Administrator's office. The other offices use ordinary cabinets.

There is no back up of records kept at the Registry. The County Government is however working on a records management policy.

5. Regarding general security of the offices, the premises have a perimeter wall, enforcement officers manning the gate during the day and contracted guards manning the premises at night. However, there are no armed officers attached to the offices and no CCTV cameras in the premises.

At the time of the Committee's visit, there was no security at the gate and officers took long to respond. This was attributed to the staff strike.

6. Revenue management is wanting as the cashier's office has no fire proof safe for storage of revenue collected pending banking. In addition, transport to bank revenue collected through the office or staff vehicles, with no security provided, which poses a serious threat to both the staff and the revenue, whereby they collect between Kshs.100,000 to Kshs, 500,000 on most days.

2.4 KITUI TOWN COUNTY PUBLIC OFFICES

Hon Speaker,

On 21st August, 2019 the Committee visited the following offices in Kitui town:

- i) Kitui Town Administration Block;
- ii) Kitui Level V Hospital;
- iii) Office of the County Executive Committee Member- Lands, Housing, Infrastructure and Urban Development.

2.4.1 Kitui Town Administration Block

The Committee was not able to meet any officer due to the staff strike taking place at that time.

The Committee observed that the office block has fire extinguishers, hose pipe and safety exit signs.

However, the office is too exposed and the main entrance has no door and is therefore never locked. There are no CCTV cameras, no security desk or security officers.

2.4.2 Kitui Level V Hospital

The Committee visited Kitui Level V Hospital on 21st August 2019 and met:

1. Dr. Virginia Muviku- Medical Superintendent;
2. Mr. Barnabas Kyalo- Hospital Administrator;
3. Mr. Muthui- In Charge of Security;
4. Ms. Joyce Mumo- Security Officer;
5. Mr Mukungu David Muingo (Syuvivia)- security officer.

The Committee observed that:

1. One side of the hospital near the staff quarters is not fenced and there are containers that have been erected where the fence should be. This is a serious security risk to the staff and patients.

2. The general administration and organization of security at the hospital is wanting and needs serious streamlining. The officer in charge of security in such a sensitive institution is contracted and security officers attached to the hospital were not engaged through competitive recruitment.
3. There are two types of security services at the hospital: County Government guards and contracted guards with 24 guards serving the hospital; 12 during the day and 12 at night. In addition, there are 2 armed guards at night. Creewguard Limited is the company contracted to offer security services at the hospital.
4. Except for 2 armed guards at night, the hospital guards are not armed but the hospital management is working on arming its security officers.
5. There is no control at the gate as security checks are not conducted on hospital visitors. This is a security gap that ill- intending people can easily take advantage of.
6. The hospital has 24 hour CCTV cameras installed in strategic areas within the hospital but the central control unit located in the Medical Superintendent's office as opposed to the security office. Therefore the central unit it is not really serving its purpose.
7. Regarding occupational safety, there are functional fire extinguishers which are serviced and checked often located in key areas and fire assembly points. Most Wards also have 2 doors in case of emergency. Further, the hospital is easily accessible by a fire engine or other machinery through the main gate, mortuary gate and the upcoming Out Patient Department (OPD).
However, no fire drills have ever been conducted and the staff are not trained on how to respond in case of fire break out.
8. In case of an emergency, there is a Hospital Emergency Preparedness Committee comprising of officers from different departments including: the Medical Superintendent, Hospital Administrator, Chief Security Officer, Surgeon, Chief clinician, etc. This Committee meets every end month.
9. For records management and safety, the hospital has a records department. There is also a hospital information management system at

the gate to capture patients' information. However, there is no back up of records and information.

2.4.3 Office of the County Executive Committee Member- Lands, Infrastructure Housing and Urban Development

The Committee visited the office of the CECM LIHUD on 21st August, 2019. The CECM stated that:

1. There are no fire extinguishers or CCTV cameras installed in the offices, despite these offices housing a very sensitive department and documents.
2. The office has a gate and fence and is manned by enforcement officers during the day and contracted guards at night.
3. The County Executive is working on a Disaster Management Bill that will address all disasters including fire incidents and its enactment will make it mandatory for all County offices to have safety equipment.

The CECM- LIHUD also informed the Committee that he would appear before the Committee the following week but did not attend the meeting.

2.5 COUNTY ASSEMBLY OF KITUI

The Committee inspected the County Assembly premises on 3rd September, 2019 and observed that:

- i) There are security guards at the County Assembly gate and APs.
- ii) There are also CCTV cameras located in strategic places with the central control room located in the Senior Sergeant's office in the Chamber.
- iii) There are no security lights at the junction near the Cathedral to town and *Kunda Kindu*.
- iv) No fire drills have ever been conducted to ensure appropriate response in case of emergencies and the other County Assembly gate is always closed hence it does not serve its purpose as an exit gate.

3.0 SUBMISSIONS BY VARIOUS WITNESSES

Hon Speaker,

The Committee invited various witnesses to appear before her on 21st and 27th August 2019 and shed light on the matter under inquiry. The following witnesses appeared before the Committee:

1. Ms. Doris Samuel- The In Charge (I/C) Registry- Kitui County Treasury;
2. Mr. Enoch Nguthu- The Chief Officer Finance, Kitui County Treasury;
3. Dr. Justus Kalii- The Chief Officer Economic Planning, Kitui County Treasury;
4. Mr. Alex Kimanzi- The Acting County Secretary;
5. Ms. Mary Kanyiva Musee- the Acting Head of Enforcement;
6. Mr. Sammy Ngondi- Corporal – Enforcement;
7. Mr. Paul Wachira- County Criminal Investigations Officer (CCIO);
8. Witness Number 6.

3.1 Ms. Doris Samuel- I/C Registry County Treasury (Witness No. 1)

The Committee met Doris Samuel, the I/C Registry- County Treasury on Wednesday 21st August, 2019. She submitted that:

1. She began working in the Kitui County public service in January 2018 and her current duties entail record keeping, particularly payment vouchers for the whole County Executive per Ministry, for both recurrent and development expenditure.
2. She was on sick off the week before the fire broke out and was supposed to resume her duties on the day of the fire incident.
3. On the morning of Monday 22nd July, 2019, the Chief Officer Finance called and instructed her to go and confirm whether it was true that the Registry had burnt down which she did.
4. In addition to the offices burnt, that is the Registry and Economic Planning Offices, the premises house other offices including: Births and Deaths registration offices, Kenya National Bureau of Statistics offices,

Ministry of Agriculture, National Environmental Management Authority offices etc.

5. Payment vouchers for the Financial Year 2015/2016 up to the date of the fire incident were burnt. Therefore the 2013/2014 vouchers are safe though some are in the custody of the Ethics and Anti Corruption Commission (EACC).
6. The assets burnt include cabinets, 6 office desks, 6 office chairs, paper cutters binding machine, etc, and nothing was salvaged.
7. Requests for documents usually go to the Chief Officer who authorizes their release. Before the fire incident, her office had availed all the requests for documents in the list that the Chief Officer had given them.
8. There are 4 officers attached to the Registry, that is: Ms. Doris Samuel, Mr. Charles Kibirwa, Mr. Norbert Keter, and Ms. Jane Nzale. During her absence, Mr Charles Kibirwa was in charge of the registry.
9. She does not know the cause of the fire but their office recorded statements with the Directorate of Criminal Investigations (DCI) and their phones were also confiscated for investigation purposes.
10. The fire has affected some services. For instance, vouchers used during audit are no longer available, affecting the auditing process.
11. The Assistant Director, Records Management prepared a report on the property that was lost after the fire incident.
12. There is no information management system for back up, and the registry only operates with hard copies of the documents.
13. The offices have no CCTVs, no fire extinguishers and no fire drills have ever been done.
14. The key to the office is kept in the CECMs office and whichever officer arrives 1st picks the key.
15. The compound is fenced and one gate is manned by APs. However, she has never seen any County enforcement officers manning the gate.
16. The registry faces some challenges including: lack of soft copy back up of documents, congestion, inadequate workforce, lack of fireproof cabinets and safes.

3.2 Mr Enoch Nguthu- The Chief Officer Finance (Witness No. 2)

Hon Speaker,

The Chief Officer Finance, Mr Eonch Nguthu appeared before the Committee on 27th August, 2019 and informed the Committee that:

1. He learnt about the fire incident at around 5:30 AM on Monday 22nd July, 2019 through phone communication, after which he instructed his staff to visit the site and update him.
2. He does not know the cause of the fire and is waiting for the police to finalize their investigations. The police also confiscated his phone for investigation purposes and requested for records of all contractors paid which list was availed.
3. He had left Kitui on Thursday evening the previous week to follow up on payment of salaries and all seemed normal before he left.
4. The building that burnt belongs to the National Government, is guarded by APs and is also fenced. Though the other entrances are not guarded, there are constant police patrols both day and night.
5. The fire was put off by a Kitui Water and Sanitation Company (KITWASCO) water bowser.
6. The offices burnt were: the two registry offices and the Director and Deputy Director, Economic Planning office.
7. His department lost property valued at Kshs. 1,702,460. Property lost includes: desktops, cabinets, chairs, payment vouchers/ warrant imprests, printer, etc. See Annex 1.
8. Documents burnt include payment vouchers processed by the County Executive since 2013 and other documents inherited from the defunct county councils. See Annex 2.
9. His Department does not have a back up of the documents lost. However, there are various ways of verifying payments including: use of payment list, procurement files, IFMIS, Banks and site visits. Further, they use ordinary cabinets and have no fireproof safes. There are 4 officers handling records and the County Government is also working on a records management policy.

10. On compliance with the OSHA, there are fire extinguishers installed outside the buildings.
11. There have been theft incidents before in the premises whereby the procurement department lost some computers and the matter is pending in court.

3.3 Dr. Justus Kalii- Chief Officer, Economic Planning (Witness No. 3)

Hon Speaker,

The Committee met Dr Justus Kalii on 27th August, 2019. He stated that:

1. He was in Nairobi for 3 weeks prior to the fire incident following up on the payment of salaries.
2. He does not know the cause of the fire and the building that burnt down had two County Government offices that is the Economic Planning Office which housed the Director and Assistant Director, Economic Planning (Paul Kimwele and Victor Mwangi) which fall under him; and the Registry which falls under the Chief Officer Finance.
3. His department lost property worth Kshs. 894, 000. Property lost include tables, office chairs printer, fridge, etc, while documents burnt include: office reports like CIDP, ADP, CBROP, etc. See Annex 3. However, they have a back up of these documents.
4. Currently, his officers are offering services from different offices, that is the Accountant's office and the Agriculture office. Therefore service delivery was not affected for his department.
5. Despite the loss of vouchers, auditors can conduct their audit through various means including: cost of project, procurement documents and physical site visits.
6. There have been 2 previous break- ins, one in the CECM's office and the other in the procurement offices leading to the loss of procurement computers.
7. The offices are manned by APs who patrol the premises even at night.

3.4 The Acting County Secretary, Mr. Alex Kimanzi (Witness No. 4)

The Acting County Secretary, Mr Alex Kimanzi appeared before the Committee on 27th August, 2019 Committee accompanied by Ms. Mary Kanyiva Musee- the Acting Head of Enforcement and Sammy Ngondi-Corporal – Enforcement.

He informed the Committee that:

1. The Offices under discussion belong to the National Government and are guarded by APs. National Government offices in the premises include: Registration of Births and Deaths, KNBS, TSC, Office of the County Commissioner, amongst others.
2. The fire is said to have started between 1 and 2 AM on 22nd July, 2019. The APs arrived at the scene 1st after and they called the County Government officials.
3. The fire was put off through a KITWASCO water bowser. The Kitui Town Administration fire engine had broken down as was confirmed to him by a mechanical report and needs to be repaired. However, the engine has been operational and even put off a fire at St Angelas girls this year.
4. Kitui Town Administration has a personnel of four (4) fire marshals who are on duty 24 hours a day.
In addition, Kitui County has a 24/7 call centre located at Tanathi with 3 number: 2 toll free and one chargeable.
5. The office of the County Secretary did not conduct any investigations on the cause of the fire as the DCI took up the matter. However, his office took stock of the goods and documents lost. See Annex 2 and 3.
6. Files containing payment vouchers per Ministry since the advent of devolution in 2013 up to the date of the fire incident were burnt. However, there is electronic information in IFMIS of what was burnt.
7. His office has facilitated investigations with witnesses appearing before the police to record statements and availed all documents required.

8. There are two types of security in Kitui County: contracted guards and County enforcement officers. Where extra security is needed, the County Executive engages contracted security.
Further, guards are assigned to various offices on a request basis by the Ministries.
Delta Guarding Services has been contracted to offer security services.
9. Except for the Level V hospital, there are no CCTVs in Kitui offices. However, these will be installed in the Governor's office.
10. The Disaster Management Unit falling under LIHUD has not yet been operationalized.
11. As regards records management, the County Executive has come up with a draft records management policy and employed a director in charge of records management. Further, all records officers have been trained on their duties.
12. No fire drills or trainings on response in case of fire have been done.
13. Regarding the containers at the Kitui Level V hospital, the containers were erected under a programme by the Ministry of Basic Education, ICT and Youth that seeks to further the Governor's manifesto by assisting the youth access informal employment.

3.5 Mr Paul Wachira- County Criminal Investigations Officer (CCIO)- (Witness No. 5)

Hon Speaker,

The Committee visited the Mr Paul Wachira's office on 27th August, 2019. He informed the Committee as follows:

1. The matter was still under investigation and in arson cases, the key ingredients are willfully (voluntary and intentional) and unlawfully (illegally) setting fire to any building or structure.
2. In most arson cases, due to lack of direct evidence, circumstantial evidence (indirect evidence) is used.
3. For a fire incident to be considered arson, the police usually consider the various reports, that is: report from the Chief Fire Officer, report from

Housing officer, report from Crime Scene Police and report from Kenya Power. Out of these reports, a conclusion can be made on whether a fire incident is arson or otherwise.

4. The County Assembly should consider coming up with legal frameworks related to enforcement and disaster management in furtherance of its legislative mandate as enshrined in Article 185 of the Constitution.

Particularly, the Assembly should come up with the following laws:

- i) Enactment of an Enforcement Bill which will lead to proper regulation of the enforcement unit mandated to: offer security services for improved security in the County offices; protect and guard the property of the county; ensure compliance with and enforcement of all county laws, amongst other duties.
- ii) Enactment of a Disaster Management Bill to establish structures for management and mitigation of, and preparedness for emergencies, and also provide for the establishment of a disaster management unit.

3.6 Witness No. 6

Witness No. 6 appeared before the Committee on 22nd September, 2019 in Mwingi at Summer Springs Hotel and requested the Committee to protect his identity. He informed the Committee as follows:

1. The fire incident occurred on Sunday 22nd July, 2019 at around 2 AM.
2. The incident was organized from Mwingi by the Executive arm of the County Government of Kitui, with Mr Boniface Mueke, the Governor's body guard, being the ringleader. The Governor's calls were all diverted to Mr Mueke's phone. Further, the plan was that the Governor should be out of Kitui at the time of the fire incident.
3. In the hours preceding the fire incident, that is at around 9:30 P.M., there were allegations that Madam Mary Nguli, the then CECM-County Treasury was spotted in Mwingi Town.
4. According to him, Madam Nguli was using a yellow Toyota Land Cruiser Prado KCH 435N that was parked around Cooperative Bank Mwingi Branch.

5. Madam Nguli was joined by one Mr Julius Mutukaa, the director of Mwingi Teachers Training College, who was driving motor vehicle registration no. KBQ 518U Pajero and they held long discussions.
6. According to him, there was a team comprising of 6 people organized to burn down the subject offices with each person being paid Kshs. 20,000 totaling to Kshs. 120,000. The team included the following 4 people:
 - i) Joseph Kitaka Nguli;
 - ii) Moses Kuthamba Munyalo (works with Kitui Youth Movement);
 - iii) Gradson Muyanga Kithome (works with Physical Planning);
 - iv) Mulandi Mutua.
7. At around 9 PM, just before the fire incident, the 6 people were at the Mwingi Garissa stage near *Al Jazeera* Supermarket and at around 11:00 PM they were picked from there and driven to Kitui.
8. Mulandi Mutua and Joseph Kitaka were also involved in the arson attack on the Tourist building.
9. The 6 people were arrested by Criminal Investigation Department (CID) officers sometime later and at the time of arrest, they had not been paid the agreed sum of Kshs. 120,000. The CID officers requested them to demand for their money and it was sent in two tranches of Kshs. 60,000 by Boniface Mueke to Joseph Kitaka and Kshs. 60,000 by Julius Mutukaa to Gradson Kithome.
10. Just before the fire incident, vehicle registration number KCD 105 Double Cabin belonging to the County Government of Kitui and driven by one Mr Kimanzi was spotted being loaded with 2 cartons from the target office which cartons were later deposited at Mwingi Teachers Training College.
11. There were conflicts within the Kitui County Treasury on how various imprests were being acquired which had caused some officers to be transferred to other Ministries. In addition, there were allegations that individuals who are not government officers were benefitting from imprests and per diems.
Therefore the office was burnt down due to huge and un accounted for imprests and other anomalies in tendering.

12. Madam Mary Nguli was planning to exit from her position and did not want to be followed up once she left.

4.0 REPORT FROM KENYA POWER (KPLC)

Hon Speaker,

The Committee also received and reviewed a Kenya Power report dated 22nd July, 2019 on the fire incident. The report concluded that the fire was not caused by an electrical fault. See Annex 4.

The report also indicated that:

- i) The burnt building received electricity supply through an underground cable from an adjacent building that is the Ministry of Planning.
- ii) The building hosting the meter box and supply did not catch fire.
- iii) The cutout fuses and leads for the electricity supply were intact.

5.0 GENERAL FINDINGS AND OBSERVATIONS

Hon Speaker,

The outcome of the Committee's inquiry was limited as the matter is still under investigation. Nevertheless, based on the Committee's site visits and interrogation of witnesses, the Committee made the following general findings and observations:

1. The fire incident occurred on Sunday 22nd July, 2019 at around 2 AM.
2. The offices burnt were two registry offices, and the office of the Director and Deputy Director, Economic Planning.
3. The Department of Finance lost property worth Kshs. 1,702,460, which includes desktops, cabinets, chairs, printer, TV, etc. Document destroyed in the fire incident include payment vouchers/ imprest warrants for 8 County Ministries for recurrent and development expenditure. See Annex 2.
4. The payment vouchers were for the period since inception of the County Governments in 2013 with the exception of those that had been picked

by the EACC for ongoing investigations, and other documents inherited from the defunct county councils. See Annex 2.

5. The Department of Economic Planning lost property worth Kshs. 894,000 which includes tables, chairs, printers, fridge, etc. Documents destroyed were office reports (CIDP, CFSP, Budget estimates). See Annex 3.
6. The services affected include registration, movement and storage of documents, audit, investigations, inquiries and verifications by investigative government agencies, leading to lack of accountability and transparency.
7. There is no backup system for vital information and documents in most County Offices, including the Finance office that burnt down. In addition, there are no fire proof cabinets and safes in most offices. As a result, vital information is at high risk of loss. CCTV cameras are also not installed in almost all County Government offices.
8. Most offices in the Kitui County public service do not comply with the Occupational Safety and Health Act. Further, though some offices have firefighting equipment, the equipment is not subjected to regular checks and officers do not conduct frequent fire drills.
9. As per a Kenya Power report dated 22nd July, 2019, the fire was not caused by an electrical fault (see Annex 4) and the Committee highly suspects an act of arson or otherwise.
10. Having ruled out electrical fault as the cause of fire based on the Kenya Power report, the Committee was of the opinion that it was highly likely that the fire was an act of arson committed voluntarily by malicious people with ill- intentions. Specifically, the fire incident was a County Executive scheme to cover up anomalies and illegalities for the following reasons:
 - i) All processed payment vouchers for both development and recurrent expenditure and imprest warrants were stored in the offices that burnt down, particularly the registry. Only officers or people with ill-motives and with something to hide would know what documents were stored in that particular registry, and intentionally burn down these offices, and not any other County offices to destroy evidence.

- Further, no fire proof cabinets and safes had been availed to store such important documents.
- ii) The fire incident happened at a time when the Assembly, in exercise of its constitutional oversight role, was in serious pursuit of the Executive due to numerous irregularities and anomalies regarding procurement and prudent use of public funds for the previous financial years, and implementation status of budget estimates, to the extent of rejecting the supplementary budget estimates II. The Assembly was also questioning the illegal and unprocedural spending by the County Executive, including the Kitui County Textile Centre (KICOTEC) and the stone crusher.
 - iii) The offices burnt down at a time when various investigative agencies were conducting their investigations in a bid to hold the Executive accountable for prudent use of public funds and had collected some payment vouchers. A witness who appeared before the Committee confirmed that indeed some payment vouchers had been handed over to investigative agencies.
 - iv) There were also various procurement anomalies and illegalities including use of requests for quotations, single sourcing, etc. In addition, procurement computers had been stolen in a previous theft incident, raising questions as to why only the procurement computers were stolen and not any other.
 - v) There were allegations that many County Executive officers had huge, and illegal imprests that had not been accounted for. Further, there were allegations that non- members of staff were claiming and benefiting from per- diems which is illegal.
 - vi) There were allegations that the Kenya Commercial Bank (KCB) had written a letter to the Executive about questionable withdrawals from the County Revenue Fund, the high frequency of withdrawals and the capacity of the person making the withdrawals.
 - vii) The Assembly was also questioning the County payroll and unregulated employments in the County public service, the wage bill and staff payments.

- viii) There were allegations that the Integrated Financial Management Information System (IFMIS) was not balancing, which would be motivation for a malicious person to burn down evidence.
- ix) There were various procurement issues in the Health and Sanitation Ministry regarding machinery that had been donated and procured at the same time. Further, hospitals treating under Kitui County Health Insurance (KCHIC) had not been reimbursed.

These reasons point to a possible arson attack by people keen on sanitizing a messy situation that was on the verge of blowing up.

11. The offices under investigation fall under the National Government and are majorly occupied by National Government agencies including Office of the County Commissioner, Registration of Births and Deaths offices, Kenya National Bureau of Statistics offices, Teachers Service Commission etc. The County Ministry of Finance and Economic Planning was housed in the National Government Offices.
12. At the time of the fire incident, the Kitui Town Administration fire engine had broken down and the fire was put out by a KITWASCO water bowser, which compromised the expected response in case of a fire break out. The case is the same in Mwingi whereby the fire engine failed to respond to two fire incidents in the course the year.
13. The County Government of Kitui has not employed enough fire marshals to respond in case of emergencies. For instance, Kitui Town Administration has only 4 fire marshals and none in Mwingi Town. Further, no specific drivers are assigned to the fire engines.
14. There are serious security and safety policy gaps in Kitui County which need to be addressed. For instance, Kitui County has no Disaster Management Act and Enforcement Act. In addition, the Emergency Fund Act, 2018 has not yet been operationalized due to lack of the relevant regulations.
Further, there is no operational disaster management unit in Kitui County.
15. There is no clear policy on security issues and arrangement in County Executive offices. Most Ministries have not adhered to basic

security requirements which is the responsibility of the Chief Officer in charge of Administration- Office of the Governor.

16. The County Treasury is the spinal cord of the other County Ministries and was not given sufficient security detail by the County Executive. In addition, there have been previous theft incidents leading to loss of computers but no security personnel were deployed to the offices. The Committee cannot therefore rule out an arson attack keeping in mind that the premises are not well guarded and the Kenya Power report ruled out an electrical fault.
17. Most Ministries have not adherence to safety standards as set out under the Occupational Safety and Health Act, including the office under consideration which is the responsibility of the Chief Officer Finance in the County Treasury.
18. The Committee was concerned that a fence existing at the Kitui Level V hospital has been removed and replaced with business containers which poses a real and serious threat to hospital staff, patients and hospital property.
19. The general organization of security at the Kitui Level V hospital is wanting. The officer in charge of security is contracted and was not engaged through competitive recruitment. He is assisted in his duties by casuals. Further, the CCTV cameras central control unit is located in the Medical Superintendent's office as opposed to the security office.
20. Disaster and fire response in Kitui County is generally poorly organized and managed which falls under the Ministry of Lands, Infrastructure and Urban Development.

6.0 RECOMMENDATIONS

Hon Speaker,

Based on the above findings and observations, the Committee makes the following recommendations:

1. All County and Sub County offices should have proper gates and security guards and armed police officers deployed where need be. Further, CCTV cameras and smoke detectors should be installed in these offices.
2. The County Government should make deliberate efforts to implement the Occupational Safety and Health Act. Frequent fire drills should be done to ensure that members of staff are able to respond appropriately in case of fire outbreaks and firefighting equipment serviced regularly. Civic education should also be conducted to enlighten the public on the uses of the fire engines.
3. Kitui County Executive should come up with an information management system to ensure proper management of information. Mega scanners should also be procured for all offices to ensure that sensitive information is scanned and kept off site for data and information protection.

The County Executive should also procure fire proof cabinets and safes for County offices to ensure protection of vital documents.

4. An Enforcement Act should be enacted which will ensure that the duties and activities of the enforcement unit are well regulated for improved security in County offices, adequate protection and guarding of County property, amongst other duties.
5. A Disaster Management Act should be enacted to establish structures for management and mitigation of, and preparedness for emergencies, and also provide for the establishment of a disaster management unit.
6. Both Kitui and Mwingi Town Administration should budget for and procure additional fire engines which will ensure that fire emergencies are rapidly responded to and can also be a source of revenue. They should also have water reservoirs of at least 30,000 litres and elevated water tanks for use by the fire engines in case of emergencies.

In preparation for disasters and emergencies, the County Government should also employ sufficient fire marshals and divers.

7. Buildings in Kitui County should be inspected frequently to confirm compliance with the Occupational Safety and Health Act and also ensure that they are easily accessible in case of emergencies.
8. The containers erected at the Kitui Level V Hospital should be removed as they pose a serious security threat to staff and patients and a perimeter wall erected around the hospital. The hospital should also have fire marshals attached to it. In addition, there should be a borehole and an elevated water tanks to ensure that there is sufficient water in case of a fire break outs.
9. The County Government should also enter into public private partnerships with other institutions eg prisons, universities, the police, etc to ensure rapid response in case of emergencies.
10. Employment of staff in sensitive institutions and departments should be regulated and the employees vetted accordingly to ensure that officers attached to such departments can be held accountable at all times. Further, the recruitments should be open, competitive, and transparent.
11. Regarding the County Assembly:
 - i) Speed control bumps should be erected on the road section between the Junction to town and the cathedral. This will reduce the incidents of over speeding vehicles that cause accidents;
 - ii) CCTV cameras should be installed outside the Assembly premises to monitor activities in the areas surrounding the County Assembly. In addition, security lights should also be installed outside the County Assembly for improved security;
 - iii) Fire drills should also be done frequently to ensure that Members of the County Assembly and staff are able to respond appropriately in case of emergencies.
 - iv) The premises should be made user friendly and guard rails installed at appropriate places including outside the County Assembly chamber;

- v) All vital documents should be backed up and fire proof cabinets procured to ensure that important information is safeguarded.
12. The relevant investigative agencies should take up this matter for further investigations with a view of bringing to book persons found guilty of arson and any other offences including abuse of office, misappropriation of public funds, etc. Specifically, the Committee recommends that the following persons should be investigated further:
- i) Hon Charity Ngilu- H. E. the Governor of Kitui County-;
 - ii) Madam Mary Nguli- The then CECM Kitui County Treasury at the time of the fire incident-;
 - iii) Mr Enoch Nguthu- the Chief Officer Finance Kitui County Treasury;
 - iv) Mr Jacob Kakundi- the CECM Lands, Infrastructure and Urban Development;
 - v) Mr Alex Kimanzi- the Acting County Secretary at the time of the fire incident;
 - vi) Mr Julius Mutukaa- the proprietor of Mwingi Teachers Training College;
 - vii) Mr Boniface Mueke- the Governor's body guard;
 - viii) Mr Kimanzi- the driver of Motor Vehicle Registration No. KCD 105 Double Cabin belonging to the County Government of Kitui;
 - ix) Joseph Kitaka Nguli;
 - x) Moses Kuthamba Munyalo (works with Kitui Youth Movement);
 - xi) Gradson Muyanga Kithome (works with Physical Planning);
 - xii) Mulandi Mutua.

7.0 CONCLUSION

In conclusion, the Committee notes that the matter under inquiry is highly likely an act arson which conclusion is buttressed by the Kenya Power report that ruled out electrical fault as the cause of fire. The Committee therefore urges the relevant investigative agencies to expedite investigations into the matter to ensure that appropriate action is taken against the perpetrators.

Picture 1: Part of the burnt offices



Picture 2: Part of the burnt offices



Picture 3: Unserved fire extinguisher at the Mwingi Central Sub County Offices



Picture 4: Mwingi Town Administration office fire engine which has not responded to any emergency



Picture 5: Neglected Mwingi Central Agriculture offices and abandoned vehicles and machinery in the premises



Picture 6: Kitui Level V Hospital CCTV cameras central control unit located in the Medical Superintendent's office as opposed to the security office



We, Members of the Ad Hoc Committee on the inquiry into the fire incident at the Kitui County Treasury Offices have adopted this Report and hereby affix our signatures to it to affirm our approval and confirm its accuracy, validity and authenticity:-

NAME	DESIGNATION	SIGNATURE
1. Hon Anthony John	Chairperson
2. Hon Mary Ndumbu	Vice Chairperson
3. Hon John M. Kisangau	Member
4. Hon Jefason Kiruru	Member
5. Hon Sylvester Munyalo	Member
6. Hon David Masaku	Member
7. Hon Fredrick Nthuri	Member