Sri JayawardanapuraKotte Municipal Council

Colombo District

1. Financial Statements

1.1 Presentation of Financial Statements

The financial statements for the year 2017 had been presented for audit on 29 March 2018 and the report of the Auditor General on the financial statements had been forwarded to the Mayor on 31 October 2018.

1.2 Qualified Opinion

In my opinion, except for the effects of the matters shown in paragraph 1.3 of this report, the financial statements of the Sri JayawardanapuraKotte Municipal Council give a true and fair view of the financial position as at 31 December 2017 and its financial performance for the year then ended in accordance with Generally Accepted Accounting Principles.

1.3 Comments on Financial Statements

1.3.1 Accounting Deficiencies

The following accounting deficiencies were observed.

- (a) The value of 0.32 hectare of land of the Council given for construction of the overhead bridge at Rajagiriya had not been assessed and disclosed in the financial statements.
- (b) The sum of Rs. 426,960 payable to the National Livestock Development Board for supply of milk to dahampasals within the authoritative area of the Council during November 2017 had not been brought to account. As a result, the expenditure of the year and the creditors had been understated by similar amounts.
- (c) The payments due on the electricity bill for the Obeysekarapura playground for the period October to December 2017 amounting to Rs.86,341 had not been brought to account. As a result, the expenditure of the year and the creditors had been understated by similar amounts.
- (d) Eight vehicles for disposal of garbage had been received by the Council on 13 November 2016 from the Ministry of Local Government under the Colombo City Development Project. The value of these and the value of 06 spare parts had not been assessed and included in the financial statements.

- (e) Provision for audit fees payable for the year 2016 had exceeded by Rs.270,000 resulting in the overstatement of creditors and the expenditure by similar amounts.
- (f) The value of condemned and unusable books of 04 libraries of the Council according to the board of survey of books for 2014 and 2016 amounting to Rs.2,298,285 had not been deleted from the accounts. As a result, the closing stock and the surplus of the year had been overstated by similar amounts.
- (g) Provision for audit fees had not been made in the accounts for the year under review.

1.3.2 Contingent Liability

The Council had instituted legal action against 17 outsiders claiming losses for Rs.4,020,000.Meanwhile, 25 outsiders had filed cases in courts against the Council claiming compensation for Rs. 348,000,000. These had not been disclosed in the financial statements.

1.3.3 Accounts Receivable and Payable

Accounts Receivable

- (a) The entertainment tax of Rs.2,781,680 due to the Council from the Department of Local Government remained unsettled for over 10 years
- (b) The rent due from official quarters as at 31 December 2017 amounting to Rs.188,042 included 09 balances aggregating Rs.86,210. Action had not been taken to settle these.

Accounts Payable

The Council had paid Rs.259,276 as arrears of salaries for the period November 2013 to July 2017 during which the lady Municipal Commissioner who assumed duties on 20 July 2017 had served in the Ministry of the Western Province. The Provincial Council had not reimbursed this even by 18 September 2018.

1.3.4 Lack of Necessary documentary Evidence for Audit

Detailed schedules and age analysis had not been furnished for audit with regard to the balance of arrears of rates amounting to Rs.84,876,210 as at end of the year under review.

1.3.5 Non-compliance with Laws, Rules, Regulations and Management Decisions

Instances of non-compliances with laws, rules, regulations and management decisions appear below.

Reference to Laws, Rules, Regulations and Management decisions		Value	Non-compliance	
(a)	Municipal Councils Ordinance	Rs.		
(u)	(i) Section 130	-	Any type of garbage collected within the area of the Council belongs to the Council and the money derived from sale of them should be credited to the Council's Fund. However, the revenue from non degradable garbage collected daily during 2017 had not been credited to the Council's Fund.	
	(ii) Section 251 a (2)	198,558,513	It is the duty of the Municipal Commissioner to recover all dues of the Council and to take necessary action to credit it to the Council's Fund. However, action had not been taken to recover revenue due to the Council as at 31 December 2017.	
(b)	Special Provisions Act No.48 of 1971 of Local Authorities	-	All immovable properties within the area of the Council should be assessed every 05 years. However, the Council had recovered rates on the basis of assessment made 07 years ago.	
(c)	Financial Regulations of the Democratic Socialist Republic of Sri Lanka			
	(i) F.R. 371(5)	260,135	Advances granted should be settled before 31 December of the year. However, balances of advances continued to be unsettled.	
	(ii) F.R. 571	7,707,367	Deposits exceeding 02 years from the date of deposit should be investigated and credited to revenue. However, action had not	

been taken regarding deposits over 02 years.

	(iii)	F.R. 751	-	Machinery and furniture issued from the main stores to the medical centres at Moragasmulla and Bandaranayakapura and the dental medical centre had not been inventorized.
	(iv)	F.R, 772(1)	-	Action had not been taken even by 30 July 2018 to auction and dispose of or to destroy 08 goods of 05 varieties and 02 items of stock recommended by the main stores for disposal during the year.
	(v)	F.R.1645	-	Running charts of 03 vehicles allocated for usage of the Municipal Engineer, Medical Officer and the Legal Officer had not been updated and maintained.
(d)	Guidelines 8.9.1 and 8.9.2 of the Government Procurement guidelines		5,535,500	The Council had not obtained a signed agreement or letter of acceptance from the supplier for the purchase of 500 barrels of tar valued Rs.5,535,000 during the year 2017.
(e)	(i)	Circulars Public Administration Circular No.30/2016 of 29 December 2016	-	Consumption of fuel by vehicles of the Council had not been tested.

(ii) Paragraph 5 of the Circular - The land near Welikada police belonging to the Council had been given on rent for a car park to a private institution in 2017. However, both parties had not entered into legal agreements in

writing.

- (iii) Circular of the Commissioner of Local Government No.
 LGD/13/2016 of 09
 November 2016.
 The rent of stalls should be revised at least once in 03 years.
 However, rent of stalls had not been revised for a long time.
 - Planning Circular No.15 of18 11,292,581 The sum of Rs.10,000,000 in the November 1993 of the Urban Urban Development Authority **Development Authority** account had been invested in fixed deposits without approval. Α dormant balance of Rs,1,292,851existed in that cash account as at 31 December 2017.

2. Financial Review

(iv)

2.1 Financial Results

According to the financial statements presented, the excess of revenue over recurrent expenditure of the Council for the year ended 31 December 2017 amounted to Rs.248,629,914 as compared with the excess of revenue over recurrent expenditure of the preceding year amounting to Rs.663,783,644.

2.2 Financial Control

Action had not been taken in terms of Financial Regulation 186(4)(a) with regard to 36 dishonoured cheques valued at Rs.116,513 as at end of the year under review.

2.3 Revenue Administration

2.3.1 Estimated Revenue, Revenue Billed, Revenue Collected and the Arrears of Revenue

Information relating to the estimated revenue, revenue billed, revenue collected and the arrears of revenue furnished for the year under review and the previous year appear below.

Source of	2017				2016			
RevenueEstimatedRevenueRevenueTotal arrearsRevenueBilledCollectedas at 31December		Estimated Revenue	Revenue Billed	Revenue Collected	Total arrears as at 31 December			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Rates and	212,000,000	238,345,909	243,444,275	87,657,889	208,925,000	241,757,389	231,422,931	97,915,454
Taxes								
Rent	57,609,000	29,283,412	29,618,519	4,541,197	37,340,000	26,052,637	26,435,504	5,092,955
Licence Fees	5,961,000	6,236,406	6,236,406	-	7,685,000	4,502,307	4,500,057	-
Other	368,458,000	334,748,201	334,461,957	1,074,055	288,609,000	716,177,877	715,689,246	600,000
Revenue								

2.3.2 Rates and Taxes

The following matters were observed.

- (a) Rates amounting to Rs.3,952,452 had been written off during 2017 without the approval of the Minister in charge of the subject.
- (b) Trade Tax revenue of Rs.874,000 and trade licence fees revenue of Rs.448,500 had not been recovered from 319 and 209 trade establishments respectively as at 31 December 2017.

2.3.3 Rent

The following matters were observed.

- (a) Arrears of rent amounting to Rs.720,000 was recoverable from 110 small stalls of the Nugegoda Peoples' Fair as at 31 December 2017. Of this, Rs.623,000 was arrears relating to 40 small stalls due from 1 to 4 years.
- (b) The Council had not recovered the required rent of quarters in terms Paragraph 5.3 of Chapter XIX of the Establishments Code. As such, the amount recovered less during 2017 amounted to Rs.39,240.
- (c) The rent of quarters recoverable from officers in terms of Paragraph 5.2.1 of Chapter XIX of the Establishments Code is 12 ¹/₂ per cent of the salary. However, economic rent had been recovered from 06 officers occupying the official quarters. As such, the amount recovered less as at 31 December 2017 amounted to Rs.175,176.

2.4 Surcharges

The value of surcharges recoverable as at 31 December 2017 relating to 14 surchage certificates issued in terms of Section 226(1) of the Municipal Councils Ordinance (Chapter 252) amounted to Rs.25,550,166.

3. Operating Review

3.1 Performance

The following matters were revealed with regard to duties to be fulfilled by the Council in terms of Section 4 of the Municipal Councils Act, such as regularization and control of matters relating to public health, common amenities and public highways, healthy environment of the public, facilities, welfare etc.,

(a) Work Abandoned

Four projects valued at Rs.1,955,502 which were proposed to be executed during the year under review had been abandoned.

(b) Delays in Projects

Construction of the Angampitiya Housing Complex

- (i) The two storied complex constructed by the Council in 2015 by spending Rs.48,320,909 had cracks on the walls and the slabs in 2016 and this had been reported to the Council by the occupants. The Council had removed the occupants from these buildings to temporary residences. A sum of Rs.991,405 had been spent during the year under review to obtain instructions from the National Building Research Organization. But, action had not been taken to renovate the building and to hand over it to the occupants even by August 2018.
- (ii) The Council had proposed to renovate the roads within the area by carpeting, remixing and tarring again at an estimated cost of Rs.20,786,948 during 2017. However, these 09 projects had not been executed.
- (iii) A sum of Rs.500,000,000 had been provided in the 2017 budget for roads and other development projects. But, no development projects had been commenced during the year under review from the Council's Fund.
- (iv) Provision had been made for 02 projects at an estimated value of Rs.9,600,000 by the Public Utility Department in 2017. But, these projects had not been executed.

(c) Solid Waste Material Management

The following matters were observed.

- (i) According to Paragraph 18(1) of the Urban Solid Waste Material Management Rules No.01 of 2008 of the Western Province, the chief occupant is obliged to pay a usage fees to meet the expenditure incurred on garbage, in addition to the tax paid to local authorities. However, such fees had not been collected from households of the area.
- (ii) Preparation of monthly progress reports, review and supervision had not been done with regard to garbage management.
- (iii) Although it has been sated in the action plan that the collection and segregation of gradable and degradable garbage had been done according to the calendar, no such calendar had been prepared.

- (iv) According to the Circular No.LGD/03/2017 of May 2017 relating to regularization of garbage issued by the Western Provincial Commissioner of Local Government, it is compulsory to segregate and take over 100 per cent of garbage collected in the area. However, such a procedure had not been adopted with regard to collection of garbage in the area.
- (v) The Council had entered into an agreement with a private institution on 28 March 2017 regarding garbage management in areas 6,7,8,9 and 10 of the authoritative area of the Council and an expenditure of Rs.97,059,268 had been incurred in this connection during the year under review. The following matters were observed In this connection.
 - * The tenderer had not collected garbage in the areas concerned in terms of conditions 4 and 5 of the agreement.
 - * Supervisors had not certified that the shrubs on the roads had been removed or test checks had been carried out as per Section 17 of the agreement. However, a sum of Rs.11,661,572 at the rate of Rs.979,300 per month had been paid during the year.

(d) Sustiainable Development Target

It was observed that the Council was not aware of the 2030 Agenda relating to sustainable development project.

3.2 Management Inefficiences

(a) **Printing of book named "Asirimath Kotte"**

The following matters were observed.

- (i) A sum of Rs.2,825,375 had been spent to print the book named "Asirimath Kotte" in 2015. 3,891 out of 4,000 copies of this book had been received at the Council and 3,216 copies were lying at the stores as at 13 August 2018.
- (ii) The Council had stated that the objective of printing the book was to "bring to memory the historical importance of Kotte among the students of schools and universities and among readers". But this important objective had not been fulfilled as a balance of 3,216 copies of this book were lying at the stores.
- (iii) The sum of Rs.51,000 recoverable from outsiders for the 30 books issued to them out of the 3,891 books received at the stores had not been recovered.

(iv) Covers for these books valued at Rs.113,700 had been purchased in January 2015. Out of the 1,516 covers purchased, 977 covers were lying at the stores in September 2018.

(b) Distribution of Books among School Children

Exercise books for distribution among school children for the educational year 2016 had been purchased for Rs.192,746 of which 7135 exercise books were lying at the stores without being used.

(c) Sewing course at the 60 Waththa Vocational Training Centre

Twenty six apprentices had participated in the sewing course conducted at the 60 Waththa Vocational Training Centre. But, there was only one sewing machine. Further, a syllabus for the course had not been recommended and there was no evidence to show that reasonable/practical evaluation had been carried out with regard to the students who complete the course and certificates issued accordingly.

(d) Construction of a Gate at the Boundary of the land belonging to the Council

Although there was a main access road to reach the private business place at the western boundary of the land belonging to the Council near the Rajagiriya police station, a boundary gate had been constructed for usage as a bye-road. The Council had not taken legal action in this connection.

3.3 Human Resources Management

(a) Vacancies and Excesses in the Cadre

Details of approved and actual cadre of the Council as at 31 December 2017 appear below.

Grade	Approved Cadre	Actual Cadre	Vacancies	Excess	
Executives	19	13	06	-	
Secondary	178	195	28	45	
Primary	770	741	29	-	
Others	06	03	03	-	
Total					
	973	952	66	45	
		====	====	====	

- (i) Vacancies of 4 nurses and 4 pharmacists existed in the approved cadre and the issue of medicine at the Moragasmulla medical centre had been entrusted to a labourer.
- (ii) A driver of the Council had been assigned to work at the private staff of the Chief Minister in August 2016 and the Council had paid Rs.669,955 as salaries and overtime to him since that date to 31 December 2017.

(b) Employees' Loans

- (i) The loan balance due from employees who had been transferred, expired and vacated posts amounted to Rs.3,113,569. Loan balances of Rs.113,536 belonged to unidentifiable categories of employees.
- (ii) Action had not been taken to settle the unidentified loan balances of Rs.1,786,633 over 10 years.

3.4 Operating Inefficiencies

The following matters were observed.

- (a) Revenue amounting to Rs.4,238,931 had been recovered from public for 475 road repairs caused as a result of connecting water lines in the area of the Council during January to December 2017. However, quick action had not been taken to rectify the roads damaged.
- (b) The revenue earned from galie vehicle services during the 11 months period of January to November 2017 amounted to Rs.1,129,044. The Council had incurred an expenditure of Rs.3,371,359 in this connection. Accordingly, an abnormal loss of Rs.2,242,315 had occurred by providing galie vehicle services.
- (c) Garbage tax of Rs.7,191,550 recoverable from 10 areas of the Council as at 31 December 2017 had not been recovered.

3.5 Assets Management

3.5.1 Idle / Under utilized Assets

(a) Three equipment valued at Rs.115,625 remained inoperative at the Morgasmulla medical centre..

(b) The building constructed in 1994 for the Welikada Day Care Centre which was adequate for 25 children had now been abandoned.

3.5.2 Vehicle utilization

- (a) Seven vehicles purchased for Rs.8,972,020 remained condemned and beyond usage. Action had not been taken to dispose of them, even by end of the year under review.
- (b) A cab belonging to the vehicle fleet remained parked in the premises of the Council during many days of the month.
- (c) The officer entitled for an official vehicle had not obtained the permission for self drive of the vehicle in terms of the Public Administration Circular No.22/99.

3.6 Irregular Transactions

Festival advances at the rate of Rs.10,000 per person had been paid 0n 20 April 2017 to 05 distraining officers who were not state officers.

3.7 Identified Losses

- (a) It was revealed during the verifications carried out in 04 libraries of the Council during 2014 and 2016 that books valued at Rs.1,077,715 had been misplaced. Action had not been taken in this connection.
- (b) The demurrage paid during the settlement of electricity bills of the Janaka Ranawaka playground in 2017 amounted to Rs.4,836.

3.8 Procurement

3.8.1 Procurement Plan

It was observed that the procurement plan prepared for 2017 was not in accordance with the Circular No.128 of the Ministry of Finance and Policy Planning of 24 March 2006.

3.8.2 Contract Administration

3.8.2.1 Janajayacity Project

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The Council had entered into an agreement with a private contractor on 01 August 2014 for Rs.1,687,986,224 and had paid Rs.1,718,951,057 as at 31 December 2017. Contingencies and extra work for Rs.30,964,834 had been included in these payments regarding which action had not been taken in terms of 8.13.4 of the Procurement Guidelines. Interest and additional cost amounting to Rs.132,719,730 had been paid for breach of conditions in the agreement. This had not been disclosed in the financial statements. The contractor had not completed and handed over the project to the Council even by 15 October 2018.

3.8.2.2 Janajayacity Project

The Council had entered into an agreement with a private contractor for Rs.619,276,616 on 15 February 2016. Meanwhile, an agreement had been entered into with a consultancy firm for Rs.27,867,447. The errors prevailed in the structural plan of the construction of the building and the cracks that appeared on the bottom and the walls resulted in a stoppage of construction. But, 95 per cent of the total fees amounting to Rs.26,381,183 had been paid to the consultancy firm and a sum of Rs.216,974,201had been paid to the contractor. Recommendations had been made to pay Rs.1,373,000 to the National Building Research Organization for alteration of plans, supervision of the project and for instructions. The contractor had abandoned the project by 10 September 2018.

3.8.2.3 Construction of a New Town Hall building in a land close to the Welikada Police Station

According to the decision of the council made on 28 May 2013, agreement had been entered into with a consultancy firm for Rs.36,010,657 on 26 January 2015 for consultancy services required for the architectural activities relating to the construction of a New Town Hall building in a land close to the Welikada Police Station, and a sum of Rs.22,220,340 had been paid to the firm accordingly. On a decision made by the Council on 07 May 2015, the above construction was to be carried out at the present premises of the Council. In this connection, an agreement had been entered into with a consultancy firm to which a sum of Rs.4,000,000 had been paid. However, the work had not been commenced even by 30 September 2018. The consultancy firm had filed an arbitration case against the Council to recover the sum of Rs.15,138,788 due from the Council. The legal charges incurred in this connection amounted to Rs.259,000. As such, the sum of Rs.26,479,340 spent in this connection had become uneconomic and fruitless.

3.8.2.4 Removal of the Clinical building and Construction of a storied Housing Complex at Moragasmulla 4th Lane

According to the agreement entered into with a private contractor on 01 June 2016 valued at Rs.69,704,581, the old building in a land at fourth Lane, Moragasmulla belonging to the Council should have been demolished for constructing a 4 storied housing complex and the construction should have been completed and handed over by 31 December 2016. However, the contractor had left the worksite by 16 September 2018. The Council had paid Rs.25,511,312 to the contractor by 31 July 2017. Furniture, roofing sheets, doors and windows removed during the demolition had not been handed over to the stores.

3.8.2.5 Construction of two storied building with a new physical culture centre at Gomes Gardens`

The construction work of a 1493 square feet two storied building for physical culture centre at Gomes Garden, Obeysekarapura of the Council had been entrusted to a private contractor on 19 January 2015 for Rs.10,087,049, including tax.

The following matters are observed in this connection.

- (a) Although the Council had entered into an agreement with the said contractor on 16 February 2015, the agreement had not been sealed in terms of General seal of the Council as required by 228 of the Municipal Councils Ordinance.
- (b) In terms of the Municipal Councils Ordinance 227, a work or service could only be entered into an agreement provided there is allocation in the budget. However, the above estimated cost of the construction had not been included in the budget for 2014 and provision made thereon.
- (c) The plan of the building had not been approved in terms of Section 173 of the Municipal Councils Ordinance.
- (d) The Council had not paid proper attention to prior procurement procedures. As such, protests had originated from neighbours and the building could not be constructed according to the original plan. The building had been constructed, deviating from the original plan, as instructed by the Engineer. A revised plan had not been prepared and approved in this regard.
- (e) The Council had paid Rs.5,846,632 for the 1025 sq. ft construction on 28 June 2016. Accordingly, a high cost of Rs.5,702 per sq. ft had been incurred on expenditure while constructing the building. A physical verification carried out on 22 February 2018 revealed that the side walls of the ground floor of the building had been affected due to water seeping into it.
- (f) The premises where the above building had been constructed had not been confirmed as the property of the Council.

3.8.2.6 Construction of the Council's Workshop Unit, Vehicle Maintenance Unit and the Stores Complex at Nanayakkara Mawatha

The contract had been awarded to a private institution for Rs.46,973,098 as per recommendations No.30.41 of the Permanent Committee of Finance dated 21 January 2014 and the General Council decision No.6 dated 31 January 2014. The following matters are observed in this connection.

- (a) The contractor selected had not been confirmed as an institution suitable under Grade C -5 of ICTAD.
- (b) There was no evidence to show that the Council had confirmed the post qualification test of the bidder, the ability of the contractor to effectively fulfil the work and the Council's evaluation regarding the resources of the contractor in terms of 7.10(a) of the Procurement Guidelines.

- (c) The Council had accepted the performance bond for Rs.2,348,653 issued by the Ukuwela Sanasa Bank on behalf of the contractor on 11 August 2014. However, the bank concerned is not a bank recognized by the Central Bank of Sri Lanka.
- (d) A sum of Rs.2,576,329 had been paid in excess of the estimated cost for work not estimated in the building plan, at the stage of constructing the foundation.
- (e) A sum of Rs.17,651,987 had been paid to the contractor by 12 February 2015 as 20 per cent advance and for the work done as at that date. In spite of this, he had left the worksite. The overpayment made by the Council to the contractor amounted to Rs.6,183,416.
- (f) Although the expiry of two performance bonds of Rs.11,743,270 furnished by the contractor to the Council at the time of leaving the worksite on 12 February 2015 had enough time of 4 months ahead, the Council had not taken action to cash it.
- (g) The sum of Rs.17,651,987 spent on this construction up to now had become fruitless.

3.8.2.7 Construction of a Reading Room and a Service Centre in a land belonging to the Nugegoda GangodawilaSubadaramaAthulaRajamahaViharasthanaya

The Council had obtained on lease the 24.35 perches of land belonging to the Nugegoda Gangodawila Subadarama Athula Rajamaha Viharasthanaya for a period of 35 years, that is, 15 March 2015 to 14 March 2050 to construct a reading room and a service centre and a sum of Rs.1,680,000 had been paid in April 2015 in this connection. A private contractor had been entrusted with the work of constructing a community centre in this land on 21 August 2015 at a cost of Rs.17,272,350. A sum of Rs.273,615 had been paid on 26 November 2015 to the Central Engineering Consultancy Bureau to test the soil of this land. The construction work had been abandoned by 27 August 2018 and the sum of Rs.1,953,615 spent in this connection had become fruitless.

4. Accountability and Good Governance

4.1 Budgetary Control

A comparisons of the budgeted recurrent and capital revenue and expenditure with the actual revenue and expenditure of the year under review revealed significant variances ranging from 50 per cent to 100 per cent. Thus it was observed that the budget had not been used as an effective instrument of management control. Details appear below.

(a) The entire provision totalling Rs.33,822,000 made for 78 Objects had been saved.

(b) Out of the sum of Rs.611,118,000 provided for 97 Objects, a sum of Rs.551,227,157 had not been spent.

4.2 Internal Audit

Adequate internal audit had not been carried out.

4.3 Unreplied Audit Queries

Replies for audit queries valued at Rs.5,846,632 issued during the year under review had not been received yet.

5. Systems and Controls

Deficiencies observed during the course of audit were brought to the notice of the Municipal Commissioner from time to time. Special attention is needed in respect of the following areas of control.

	System		Deficiency
(a)	Accounting	(i)	Certain transactions had not been brought to account.
		(ii)	Omission of transactions, overstatements and understatements.
(b)	Stock Control		Lack of maintenance of adequate stock.
(c)	Stores Control	(i)	Inadequacy in collection of arrears of revenue.
		(ii)	Non assessment of tax
(d)	Contract Administration		Abandoning and delaying.
(e)	Internal Audit		Construction projects and purchases had not been audited.