

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

DAILY

HANSARD

TUESDAY 22ND FEBRUARY, 2022

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

TUESDAY 22ND FEBRUARY, 2022

The House met at 2:30 p.m.

(Mr. Deputy Speaker [Hon. Stephen Wamalwa] in the Chair)

PRAYER

PETITION

A report by Sectoral Committee on Public Administration and ICT on the public petition on marginalization by the area MCA Mukuyuni Ward by residents of Sichei Sub-Location and members of Sichei Driven Development Committee.

Hon. Francis Chemion: Thank you, Hon. Speaker. On behalf of the Committee on Public Administration, I want to read the report that we have prepared.

Mr. Deputy Speaker: For clarity Hon. Chemion, we would like this House just to receive the prayers of the petitioners, then, you move to the observations of the committee and the recommendations therein.

Hon. Francis Chemion (Leader of Minority): Thank you, Mr. Speaker. I will be skipping sections that are critical for us because we all have the report. Hon. Speaker, this is a report by Public Administration and ICT Committee on public petition on marginalization by the area MCA Mukuyuni ward by residents of Sichei Sub-Location and members of Sichei Community Driven Development Committee.

Acknowledgement

Mr. Speaker Sir, the committee is grateful to the petitioners who submitted the Petition to the County Assembly for consideration. The committee acknowledges the time and considerable effort made by all parties who submitted information before it. The committee is also particularly grateful to the offices of the Speaker and the Clerk of the County Assembly for the support received as it discharged its mandate. I also express my gratitude to my colleagues and the secretariat for their thoughtful input and engaging contributions to the matter. On behalf of the committee and pursuant to Standing Order 207 it is now my pleasant and honourable undertaking to present and lay on the table of the House the report of the Committee on Public Administration and ICT regarding the Petition on marginalization by the area MCA Mukuyuni

Ward. The report is dully signed by myself Hon. Chemion on behalf of the chairperson of the committee.

Hon. Ali Machani: *(On a point of information)* Mr. Speaker, I wish the Minority Leader could specify if he is stepping in for a particular leader who is supposed to be mentioned. The name of the chairperson of the committee must be there. That is the procedure.

Mr. Deputy Speaker: Hon. Chemion you are guided accordingly.

Hon. Francis Chemion: Thank you, Mr. Speaker. I signed on behalf of the chairperson of the committee who is Hon. Majimbo Henry Okumu. Thank you.

We have the legal basis which I don't need to read. I may want to read the committee proceedings is allowed. Speaker you can guide on this.

Mr. Deputy Speaker: As I guided earlier that we wanted the prayers of the petitions and then we have to look at the observations by the committee and the recommendations.

Hon. Francis Chemion: Thank you. I now move to 2.5 for the benefit of members who were not there.

2.5. Parties

The petitioners, residents of Sichei Sub-location all appeared in person. The respondent area MCA- Hon. Meshack Simiyu Wekesa Museveni also appeared in person accompanied by three witnesses; Ward Based Project Coordinator Mr. Augustine Kipsang', Mr. Emmanuel Masinde and Mr. Calvin Naibei.

2.6. Petition

The public petition had the following major grounds:-

- a) Marginalization of Sichei Sub-location by the area Member of County Assembly in terms of distribution of Ward Based Projects
- b) Deliberate neglect by the area Member of County Assembly of the concerns raised by the residents of Sichei Sub-location;
- c) Request for refund of the development funding meant for Sichei Sub-location from the area Member of County Assembly.

CHAPTER THREE

3.0. DELIBARATIVE SESSIONS

3.1. Submissions on Various Grounds of the Public Petition:

3.1.0. Submissions by the petitioners

Mr. Speaker Sir, in the opening remarks; the petitioners submitted that they had not been accorded any opportunity to attend public participation fora for any development matter in the Ward. They further submitted that they had made several efforts to reach the area Member of County Assembly to air their grievances to no avail. They submitted the visitor's book and minutes of a meeting convened with the Ward Manager as proof of the only meeting they have had with the MCA's office.

The petitioners made oral submissions in line with health, water, education, energy, trade, roads and infrastructure sectors as follows: they submitted in all those areas which I may not read. I move to the defense by area MCA.

3.1.1. Submissions by the Defendant- Area MCA

The Area MCA –Mukuyuni Ward, Hon. Meshack Simiyu Wekesa Museveni appeared before the committee on 27th January 2022 and submitted that Mukuyuni ward is comprised of three locations, six sub-locations and six village units.

With regard to his role in project implementation in the ward, the MCA submitted that his role was limited to identification of the projects to be done, while implementation of the projects was the responsibility of the County Executive as stated in the County Governments Act, Section 9(2).

He verbally submitted a breakdown of the projects undertaken in the ward from the FY 2017/18 to FY 2021/2022 specifically in Sichei location as outlined below: he gave roads department, water, Education, VTCs, Agriculture and Health.

He further submitted that public participation fora were advertised on print media and were open for any interested persons in the community to attend and participate. In addition, the coordination and organization of the public participation fora was undertaken by the Ward Administrators office.

He submitted that it was practically impossible to implement all the planned projects under the Ward Based Programme owing to inadequate funds, hence he called for patience and understanding from the residents of Sichei sub-location, while giving an undertaking that it was in his interest to develop all sections of the ward.

CHAPTER FOUR

4.0. CONSIDERATION OF THE PETITION BY THE COMMITTEE

Ground 1: Marginalization of Sichei Sub-location by the area Member of County Assembly in terms of distribution of Ward Based Projects

- a) The petitioners alleged that projects listed in the CIDP 2018-2022 had not been done to their satisfaction, emphasis being on construction of ECDE classrooms in

- Namaondo, Sichei FYM, Chekwanda COC, Madisi and St. Walumoli primary schools and road networks, water springs, flood lights and control of storm water. They alleged that children in the primary schools had been enduring harsh weather conditions and developed health complications caused by poor learning environment and total lack of ECDE infrastructures.
- b) They further alleged that projects have intentionally stalled in the lower side of Mukuyuni Ward, hence the residents were demanding for revert of the CEF monies meant for development in the Sub-Location.
 - c) They further alleged that constitutionally, the residents are subjected to equal sharing of resources which was not the case.
 - d) The petitioners further alleged that the area Member of County Assembly had neglected and out of biasness concentrated in developing the upper side of Mukuyuni Ward which according to them was against the law. They alleged that because of the neglect and biasness, they found him on the wrong side of the law and demanded that appropriate action be taken by the County Assembly Speaker against such malpractices.
 - e) The petitioners made reference to the Department of Education and Vocational Training as having affirmed their allegations to be true.
 - f) They additionally submitted that owing to the issues outlined above, the residents had unanimously decided to engage the County Assembly directly with the hope that they would get the much needed support within the financial year 2021/2022.

4.1. Committee Findings

Mr. Speaker,

With regard to allegation (a) the committee made reference to the Bungoma County CIDP 2019-2022 on the projects outlined to be implemented in Mukuyuni Ward during the five year period. From the ward based project list submitted by the petitioners and the respondent witnesses, the committee noted that a substantive number of projects had been implemented through the Ward Based Project programme in Sichei location as outlined below:

- 1) Construction of ECDE centres at Lukhuna and Chenjeni Primary schools during the FY 2019/20 and Kshs.2M from the Ward Based Programme was used for the construction of Chenjeni ECDE centre.
- 2) Drilling of boreholes and protection of springs at Chenjeni primary school, Biliso, Namawanga, Miyekwe and Siumbwa villages during the FY 2017/18; and drilling of a borehole in Sikulu primary school and protection of Namawanga spring in the FY 2019/20.
- 3) Repair and gravelling of Sichei Primary-Chenjeni Primary- Samita Primary road; Kuywa Junction-Sikulu-Kuywa River road; Namaondo- Sichei cattle dip road; Namaondo – KMTC road and Sichei Junction –KMTC road in the financial years 2017/18 to 2020/21.

4) Construction of coffee tables at Sichei, Kibisi and Chenjeni coffee factories.

The committee further noted that the petitioners did not demonstrate the extent to which their expectations were not met. In addition, there was no documentary evidence on the suffering of the ECDE pupils in relation to lack of the ECDE centres.

With regard to allegation (b) the committee made reference to Chekwanda COC primary school ECDE centre that had stalled at the foundation level. From the submissions the committee noted that the implementation of the project had stalled due to an on-going court case. In addition, the petitioners did not demonstrate how the MCA intentionally derailed the development of the lower side of Mukuyuni Ward. The committee further noted that the MCA was not responsible for implementation of projects; hence the request for reverting of CEF monies could not be honoured.

With regard to allegation (c) the committee takes cognizance of the Bill of rights as stipulated in Part 2 of the Constitution and the right of the citizens to equity in sharing of resources. From the submissions of both the petitioners and the respondent, the committee observed that a substantive number of projects had been implemented in the location, hence in the committee's opinion, the citizen's right to equity in resource allocation had not been denied.

With regard to allegation (d) the committee noted that the petitioners did not demonstrate how the MCA had neglected and out of biasness concentrated in developing the upper side of Mukuyuni Ward. They further made reference to the County Equalization Bill, 2018 as the law in question that the MCA had violated. The committee noted that the said legislation was never enacted into law and could therefore not be used as legislative authority.

The committee therefore could not ascertain the law that had been violated neither did it find any malpractices committed that would warrant appropriate action by the County Assembly Speaker.

With regard to allegation (e) the petitioners did not submit to the committee any documentary evidence as proof of the affirmation of the Department of Education and Vocational Training. The committee took cognizance of the evidence submitted on the seven hundred and seventy eight (778) pupils in ECDE within the six (6) primary schools in the location. However, it was noted that the information was not certified by the Department of Education and Vocational Training and therefore could not be admissible. The committee while noting the existence of only one ECDE centre at Chenjeni Primary School emphasized on the need for construction of more ECDE centres in the schools to create a favourable learning environment for implementation of the CBC program.

With regard to allegation (f) the petitioners submitted minutes for meeting held on 24th June 2021 and 7th September 2021 where the Community Driven Development Committee resolved to petition the County Assembly and aired their grievances to the Ward Administrator and the Ward Manager. The committee took note of the list of projects planned under the Ward Based

Programme for the financial year 2021/2022. Among the projects were the construction of one classroom at St. Walumoli Primary School and the gravelling of Masaduku-Sichei Referral road in Sichei Location. The committee further emphasized that due to limited funds, it was impossible to implement all the projects as proposed by the residents within one financial year.

The committee therefore finds that the allegation on marginalization of Sichei Sub-location by the area Member of County Assembly in terms of distribution of Ward Based Projects was not proved and therefore not substantiated.

Ground 2: Deliberate neglect by the area Member of County Assembly of the concerns raised by the residents of Sichei Sub-location;

The committee observed that the petitioners did not demonstrate how the MCA deliberately neglected concerns raised by the residents. From the submissions, the concerns raised on Chekwanda ECDE primary was *sub judice* and could not be deliberated by the committee.

The committee further noted that the proximity of Sichei Sub-location to the nearest health facilities namely; Sikulu Dispensary and Chwele Sub-County Hospital could not warrant construction of another health facility in the region as per MOH guidelines. The committee however applauded the efforts of the community for the initiative of putting up a dispensary in the region.

The committee finds that the allegation on deliberate neglect by the area Member of County Assembly of the concerns raised by the residents of Sichei Sub-location was not proved and therefore not substantiated.

CHAPTER FIVE

5.0. Committee Observations, Recommendations and Conclusion

5.1. Petition Prayers

Mr. Speaker Sir, the petitioners prayed that the area Member of County Assembly should refund the development monies meant for Sichei Sub-location.

5.2. Committee Observations

Mr. Speaker Sir, the committee made the following observations:

1. The committee observed that the petitioner adhered to the provisions of the Petitions to County Assemblies (Procedure Act, 2020) and the Bungoma County Assembly Standing Order No. 203 on the form of petitions.
2. The committee was cognizant of the provisions of Standing Order No. 85 and therefore could not discuss issues pending before court (sub judice); Allegations on Chekwanda Primary School of the petition were expunged on this basis.

3. The committee noted that the Offices of the Ward Administrator and the Ward Based Project coordinator did not actively involve the residents in project planning and identification.
4. That the citizens were not adequately informed on the role of the Member of County Assembly and the County Executive.
5. That the petitioners did not adduce evidence to support the allegation that area Member of County Assembly had marginalized and neglected Sichei Sub-Location.
6. The committee further observed that the petitioners did not establish a nexus between the MCA and the allegations made.

5.3. Committee Recommendations

Mr. Speaker, the committee therefore recommends that:

1. There should be effective public participation in county planning and activities that involves all stakeholders and adequate citizen awareness. In addition, the county government must ensure measures are taken to ensure public access to documents relating to the budget; easily in a form that can be easily understood by the citizens.
2. The Office of the Ward Administrator in conjunction with the Office of the Ward Based Project coordinator should ensure active community participation in project identification, planning and implementation to increase project acceptability, equitable distribution of benefits, promote local resource mobilization and help ensure project sustainability.
3. The County Assembly, pursuant to Article 196(1) (a) and (b) as read together with Articles 183 and 185 of the Constitution of Kenya 2010 and Section 9(2) of the County Governments Act 2012; should take a deliberate measure of holding citizen fora i.e. Bunge Mashinani annually to among others sensitize the public on the role of the county assembly and the separation of powers between the legislature and the executive.

5.3. Conclusion

Mr. Speaker Sir, the committee having investigated the matter in accordance with the Constitution, Bungoma County Assembly Standing Orders and other relevant laws; reports to the House that it finds none of the particulars in the allegations against the area MCA to have been substantiated and therefore the petitioners' prayer is hereby dismissed.

This report has the following appendices:

1. The petition
2. Petitioners submissions
3. Respondent submissions

The report is adopted by the members who have signed. This is what came out of our deliberations Hon. Speaker and I beg to hand over the report you so that you can do the necessary. Thank you, Mr. Speaker.

(Applause)

Mr. Deputy Speaker: Honourable members, this report having been presented to this House, I will direct that the Office of the Clerk shall forward copies of the responses received under Standing Order 207 and to ensure that the petitioners is in receipt of the same within 15 days. I direct.

(Applause)

PAPERS

The following Paper was laid on the Table of the County Assembly:

A report by Committee on Finance and Economic Planning on the Bungoma County First Quarter Financial Statements for the period ended 30th September 2021 laid by Hon. James Mukhongo (*Chairperson, Finance*).

NOTICE OF MOTION

The following Notice of Motion was issued:

THAT this House adopts a report by Sectoral Committee on Finance and Economic Planning on the Bungoma County First Quarter financial statements for the period ended 30th September 2021 by Hon. James Mukhongo (*Chairperson, Finance*).

STATEMENTS

WEEKLY PROGRAM OF THE COUNTY ASSEMBLY COMMENCING TODAY TUESDAY 22ND - 24TH THURSDAY FEBRUARY 2022

Hon. James Mukhongo (Member, HBC): Hon. Speaker, I wish to read a tentative weekly program of the business of the County Assembly pursuant to Standing Order 36; the week commencing today Tuesday 22nd- 24th Thursday February 2022. The business of today has already been executed up item 7.

Motions and Bills

THAT this House adopts a report by the Sectoral Committee on Public Administration and ICT on the response to a statement on the status of automobiles; that is movable assets in the County Executive since 2013.

Wednesday 23rd February 2022 at 9:30 a.m.

Papers

A report by Sectoral Committee on Gender and Culture on the Bungoma County First Quarter financial statements ended 30th September 2021 in respect to the department of Gender and Culture.

Notice of Motion

THAT this House adopts a report by Sectoral Committee on Gender and Culture on the Bungoma County first quarter financial statements ended 30th September, 2021 in respect to the County Department of Gender and Culture.

Motion

THAT this House adopts a report by Sectoral Committee on Housing and Sanitation on the Bungoma First quarter financial statements ended 30th September 2021 in respect to the County Department of Housing and Sanitation.

Wednesday 23rd February 2022 at 2:30 p.m.

Papers

A report by Sectoral Committee on Lands, Urban, Physical Planning, Trade, Energy and Industrialization on the Bungoma County first quarter financial statements ended 30th September 2021 in respect to the department of Lands, Urban, Physical Planning, Trade, Energy and Industrialization.

Notice of Motion

THAT this House adopts a report by Sectoral committee on Lands, Urban, Physical Planning, Trade, Energy and Industrialization on the Bungoma County first quarter financial statements ended 30th September 2021 in respect to the County Department of Lands, Urban, Physical Planning, Trade, Energy and Industrialization.

Motions

THAT this House adopts a report by Sectoral Committee on Finance and Economic Planning on the Bungoma County first quarter financial statements ended 30th September 2021 in respect to the department of Finance and Economic Planning.

Thursday 24th February 2022 at 2:30 p.m.

Papers

A report by Sectoral Committee on Health on the first quarter financial statements ended 30th September 2021 in respect to the County Department of Health.

Notice of Motion

THAT this House adopts a report by Sectoral Committee on Health on the first quarter financial statements ended 30th September 2021 in respect to the department of Health.

Motions

THAT this House adopts a report by the Sectoral Committee on Gender and Culture on the Bungoma County first quarter financial statements ended 30th September 2021 in respect to the County Department of Gender and Culture.

That is the business of the House for this week.

Mr. Deputy Speaker: Thank you, Hon. James Barasa Mukhongo.

Honourable members that is our tentative weekly program of business for the County Assembly running from today the 22nd of February 2022 to 24th Thursday February 2022. Be informed so that it guides us on the programs that we are having across the week.

MOTION

REPORT BY SECTORAL COMMITTEE ON PUBLIC ADMINISTRATION AND ICT ON THE RESPONSE TO THE STATEMENT ON THE STATUS OF AUTOMOBILES THAT IS MOVABLE ASSETS IN THE COUNTY EXECUTIVE SINCE 2013.

Hon. James Mukhongo: (*On a point of Order*) Before the Honourable Chair moves that motion, I stand to be guided. This report that he wants to give to this Honourable House emanated from a statement raised by one of the Honourable member who is not in the House because he is the one who said that the responses were unsatisfactory. I stand to be guided. In his absence I do not know what will happen because this is a very crucial document but how I wish... I stand to be guided from you Chair.

Mr. Deputy Speaker: Honourable Mukhongo this is a House of order and the report is for the consumption and purposes of this House as an oversight authority in his County so you should be properly guided on the same.

Hon. Henry Majimbo (Chair, Public Administration): Thank you, Mr. Speaker for your indulgence. I rise to move a report on committee on Public Administration and ICT on the response to the statement on the status of the movable assets automobiles in the County executive since 2013.

Page one is the cover title, page 2 is table of contents, page 3 is the acronyms, and page 4 is the executive summary which I think the members are following.

Chapter One is committee membership and I wish to inform this Honourable House that the following are members of the committee on Public Administration and ICT.

The following are the Members of the Committee on Public Administration and ICT

1. Hon Majimbo Okumu	Chairperson
2. Hon. Joan Kirong'	Vice Chairperson
3. Hon. Stephen Wafula	Member
4. Hon. Joseph Juma	Member
5. Hon. Francis Chemion	Member
6. Hon. Jack Wambulwa	Member
7. Hon. James Mukhongo	Member
8. Hon. Elly Tindi	Member
9. Hon. Tony Barasa	Member
10. Hon. Meshack Simiyu	Member
11. Hon. Hillary Kiptalam	Member
12. Hon. Wapang'ana Erick	Member
13. Hon. Joseph Magudah	Member
14. Hon. Luke Opwora	Member
15. Hon. Grace Sundukwa	Member

On page 6 is the mandate and you will allow me just to read the objective of the exercise.

1.3. Objective of the exercise

The committee's objectives for the verification exercise were to:

1. Investigate and inquire into the management and administration of funds as appropriated by the County Assembly to the County Executive for procurement and management of motor vehicles;
2. Ascertain the number, condition and location of the county automobiles inherited from the defunct local authorities, National Government and procured by the County Government from 2013 to date;
3. Determine the Departments in which the automobiles are domiciled and the details of the drivers assigned to each automobile for purposes of accountability;
4. Ascertain the number, condition and location of project vehicles handed over to the County Government;
5. Ascertain the general status and management of the county automobiles and recommend necessary actions to be taken by the duty bearers.

Bullet 1.4 is the approach which is clearly stated. The Approach and scope of the exercise and then allow me to read the acknowledgement.

1.5. Acknowledgements

Mr. Speaker, I wish to thank all the Committee Members for their input and valuable contributions during the verification exercise; and for dedicating their time in examining all

documents related to the automobiles. The committee also takes this opportunity to thank the Offices of the Speaker and Clerk for the logistical support accorded to it during the exercise.

The committee further wishes to record its appreciation to the County Assembly staff attached to it during the exercise. I also thank the owners of the garages and yards visited for their support and guidance during the verification exercise.

The commitment and devotion to duty by all involved in this noble task made the production of this report possible.

It is therefore my pleasant duty on behalf of the committee to present this report for approval by this Honourable House.

Thank You. Signed by yours truly Hon. Henry Majimbo Okumu (MCA- Khalaba Ward)
Chairperson, Public Administration and ICT Committee

I will not go into details of Chapter two but I will go straight to the background information which states as follows;

1.0. BACKGROUND INFORMATION AND COMMITTEE FINDINGS

1.1. Background Information

Mr. Speaker Sir, a statement under the Committee on Public Administration and ICT was raised by **Hon. George Makari** on the floor of the House on 6th October, 2021; which sought the Office of the County Secretary to give response on the following concerns:

1. The list of all movable assets taken over from the Defunct Local Authorities and devolved departments with their registration numbers;
2. The list of all movable assets procured since March 2013 to date with the registration numbers;
3. The Department in which the automobiles are domiciled;
4. The current state/condition of each automobile and if in garage, state the physical address of the respective garages;
5. The drivers/operators assigned to each automobile and their personal employment numbers and terms of service;
6. The list of project vehicles handed over to the County Government and their registration numbers.

The Clerk to the County Assembly communicated the concerns to the Chief Officer, Office of the County Secretary vide a letter dated 8th November 2021. The responses were scheduled to be submitted on or before 16th November, 2021.

Subsequently, the Chief Officer vide a letter dated 15th November, 2021 REF: CG/BGM/CO-OCS/VOL.I submitted to the office of the Clerk the documents on movable assets owned by the County Executive. The response was tabled during the plenary sitting of 16th November, 2021 at 2.30PM; but the response was unsatisfactory.

The Honorable Speaker in his ruling during the House sitting of 17th November, 2021 directed the matter to the committee on Public Administration and ICT for further investigations and to submit a detailed report for approval by the Honorable House and this is the report.

The Committee held several planning sittings and came up with an itinerary for the activity. Members resolved to undertake verification exercises to the yards and garages where the automobiles were located in the County Headquarters, the various sub-counties and in the headquarters of other counties where some vehicles had been retained. Subsequently, the committee retreated to Wigot Hotel Kisumu to compile a report for approval by this Honorable House.

Committee Findings

I want to request the members, do not look at the bulkiness, most of this is just annexures. The report is not very long

Mr. Speaker Sir, the committee undertook the verification exercise for all the automobiles in line with the concerns raised and noted as follows:

a) Total Number of movable assets owned by the County Executive

Mr. Speaker, the County Executive owns four hundred and seventy five (475) automobiles (motor vehicles, motor cycles and tractors). This cumulatively being assets from the defunct local authorities, assets purchased by the County Government and those acquired from devolved national government departments.

Other county owned equipment include farm implements and road construction machines domiciled at Mabanga Agricultural Training Centre and the Department of Public Works respectively. The table below summarizes the automobiles per department:

Members, if you go through your gadgets the tables are there. There is a table there showing the vehicles as domiciled in each departments within the County Governments.

Mr. Speaker Sir, the committee further analyzed the automobiles in categories of those serviceable, grounded in the various garages and those whose location could not be ascertained as at the time of the production of the report as follows:

The categories are there, the serviceable, the grounded, and the location unknown. Worth noting here is that there are motorcycles look at number 3 they are 109 from the Government devolved

units which are unknown. In fact they are 11 units which are unknown. No one knows where these automobiles are because that is as per the statement from the office of the County Secretary

- b) Movable assets taken over from the Defunct Local Authorities and devolved and National Government departments and their condition

Mr. Speaker Sir, the committee noted that forty four (44) automobiles were handed over from the defunct local authorities and distributed to various departments as outlined below. The detailed list of the automobiles with the registration numbers is attached to the report as annexes.

There is a table there which has indicated how the vehicles were distributed for the members' consumption.

Mr. Speaker Sir, The committee noted that twenty two of the defunct local authority automobiles were grounded; while the location of two motor cycles remain unknown. Out of the forty four, only twenty were serviceable. Two motor cycles from the defunct local authorities cannot be located.

- c) Automobiles handed over by the National Government to devolved units

Mr. Speaker, two hundred and eighty eight (288) automobiles were handed over by the National Government to the various departments whose mandates were fully or partially devolved as follows:

These are Health and Sanitation, Roads and Public Works, Water and Natural Resources and Agriculture. They have indicated there the vehicles and under Health and Sanitation, You look at the last column on motorcycles that is where they have indicated that 109 motorcycles location not specified in the response so the location is not known. We do not know where the 109 motorcycles that were handed over during the transition period to the ministry of Health and Sanitation.

Mr. Speaker Sir, the condition of the one hundred and nine(109) motor cycles in the Health and Sanitation department could not be ascertained, however of the remaining 179 automobiles handed over by the National Government namely; 61 (45 vehicles and 16 motor cycles) were grounded while 118(57 motor vehicles and 61 motor cycles) were serviceable.

- d) Movable assets procured by the County Executive since March 2013 to date

Mr. Speaker, the committee found that the County Executive had purchased one hundred and forty three (143) automobiles since the onset of devolution distributed among various departments as shown in the table.

Mr. Speaker, the committee noted that out of the 143 automobiles procured by the County Government, one hundred and thirty nine (139) were serviceable while three (3) were grounded,

namely; KBY 870 C a Fortuner Everest, Toyota Fortuner 39 CG 017A; both domiciled in the Office of the Governor and one for Gender and Culture department Reg. No. 39 CG 020 A that was involved in an accident and is currently in the public works yard.

e) Location and current condition of the automobiles

Mr. Speaker, the committee resolved to undertake a verification exercise to the yards and garages within the county and in other county headquarters to ascertain the status of the various vehicles. The committee particularly sought to ascertain the status of the vehicles that had been retained in order to recommend appropriate action to be taken on the vehicles by the government. The committee further sought to ascertain the condition of the grounded vehicles.

Visit to Toyota Kericho

The committee undertook a visit at Toyota Kericho

Mr. Speaker, one of the vehicles procured by the county government in the Department of Public Administration had been retained at Toyota Kericho. The committee visited the garage and ascertained as follows:

1. The motor vehicle Reg. No: 39 CG 014A was taken to the garage in the FY 2014/2015 after a road accident.
2. The vehicle was booked into the garage using the normal procedure and the repairs initiated and completed by the year 2016, accruing a payment of Kshs.1.9M.
3. The company storage policy stipulates that “*Completed uncollected vehicles will accrue a storage charge of Kshs. 1,000 per day after 48 hours.*” The repairs were completed in September 2016; hence since October 2016 to December 2021 the vehicle accrued storage charges amounting to Kshs.1.8M.
4. A standoff between Britam Insurance Company (the then prequalified insurance company) and the County Government of Bungoma due to unpaid premiums led to delay in payment of the accrued debt that had accumulated to Kshs.3.8M by May 2021.
5. Following negotiations, the Department of PSMA paid Kshs.1, 280,862 and further requested for the release of the vehicle on condition that the balance would be cleared in the FY 2021/2022; a request that was declined by the company.

Mr. Speaker, as at the time the committee visited the garage in January 2022, the vehicle had covered only 5,961 kilometers and was in perfectly good condition and ready for collection; however due to the outstanding debt of Kshs. 1,638,893, the vehicle could not be released.

Visit to CMC Kitale

Mr. Speaker Sir, the committee further visited CMC Kitale and confirmed the retention of the following vehicles:

Vehicle Reg.	Make	Date Received	Station	Outstanding Balance
GK T 793	Toyota Hilux	28/11/2008	Health	297,393
KAW 671 Z	Toyota Hilux	30/03/2017	Governor	1,516,859
39 CG 046 A	Ford Everest	08/05/2017	Governor	7,320,116
KBG 280 C	Toyota Hilux	24/03/2017	Governor	884,932
39 CG 030 A	Terra Lorry	23/11/2018	Environment	333,627
KCD 216 G	Ford Kuga (red)	05/01/2019	Governor	691,466
39 CG 011 A	Ford Focus	20/11/2019	Agriculture	175,390

The committee further identified other vehicles retained in the garage that the report submitted by the Office of the County Secretary had not outlined. These included:

- a) GK T 793, A Toyota Hilux under the Governor's office, booked on 28th November 2008 with an unpaid repair bill of Kshs.297, 393. The committee however found out that the vehicle was an ambulance under the department of Health and Sanitation, among the vehicles inherited from the National Government.
- b) KCD 216 G, a Ford Kuga under the Governor's Office, booked on 5th January 2019 with an unpaid repair bill of Kshs. 691,466. In the submitted report, the vehicle is categorized under Finance department.

Mr. Speaker, the detailed list of all the automobiles and their registration numbers are attached to this report.

Mr. Deputy Speaker: Hon. Wamusai, What is the...?

Hon. Chrispinus Wamusai: Thank you, Honourable Speaker. The report being moved is very crucial and critical but unfortunately we are unable to follow because we do not have this report on our gadgets.

Mr. Deputy Speaker: Hon. Wamusai, we have the report circulated properly maybe your gadget has ...some gadgets may be having a problem.

Honourable members, it is there,

Hon. Henry Majimbo: Mr. Speaker, the excuse should not be that the report has not been circulated. I ensured that the report had been circulated. The member should look for another excuse but not that it was not circulated...

Mr. Deputy Speaker: Order Honourable members! Hon. Wamusai you are in order to raise that concern as a person because you are not following it but it was circulated...

Hon. Henry Majimbo: Can we avail a hard copy?

Mr. Deputy Speaker: They cannot resend, if your gadget cannot receive it then even if they send it now...

(Loud Consultation)

Hon. Henry Majimbo: Mr. Speaker, before I embarked on this, I had confirmed with the Deputy Clerk, Legislative Services and I had confirmed that the two reports had been sent on our gadgets otherwise I would be the first person to have raised the issue.

(Loud Consultation)

Mr. Deputy Speaker: Order Honourable members! Hon. Majimbo proceed! Hon. Mukhongo order! Resume your seat!

Hon. Henry Majimbo: Maybe Mr. Speaker as we continue moving this motion, they can resent it, if it doesn't reach the members gadgets then think there is something wrong with but allow me to...I think the clerk at table can do it...

Mr. Deputy Speaker: Order Honourable members! As we update and ...

(Loud Consultation)

Hon. Henry Majimbo: Mr. Speaker, you have guided that I proceed!

Mr. Deputy Speaker: Proceed Hon. Majimbo as we update the members!

Visit to garages within the County Headquarters

Terranova Auto spares Limited

Mr. Speaker, The committee visited Terranova Autospare located in Kanduyi along the Malaba-Eldoret highway and 100 meters from Total Fuel station.

The following vehicles are retained at Terranova Auto Spares Limited in Kanduyi.

Vehicle Reg. No	Make	Date Received	Station
39 CG 015A	Toyota KUN 51R	08/12/2018	Governor's Office
KBY 367 C	Toyota Prado	13/06/2018	Governor's Office
KBY 316 K	Toyota Prado	Not specified	Governor's Office
KBU 692 T	Toyota Prado	Not specified	D/Governor
GVN 039 B	Toyota Prado	Not specified	Governor
KAW 801 Z	Toyota D/Cab	Not specified	Public Admin
KBY 364 C	Toyota Prado	Not specified	Agriculture

During the visit, the committee noted that the vehicles KBY 367 C, KBU 692T, KBV 316 K and GVN 039 B were deposited with the garage without proper documentation. The committee is in receipt of correspondences made to the Office of the County Secretary through the Chief Officer-Governor's office on the need for guidance on the action to be taken on the vehicles to no avail. The committee further noted that the vehicles in question were previously used by the former Governor, Deputy Governor and the Chief of Staff and have since been dumped at the garage.

The county government had accumulated repair and storage bills in various departments as shown below: You can see the total amount is **2,494,946.64**

WAPE GARAGE AND GENERAL SUPPLIES

Mr. Speaker Sir, the committee went further and visited WAPE Garage and General supplies located in Ranje location of Kanduyi constituency. The information submitted by the Office of the County Secretary listed the following vehicles as retained at WAPE Garage and they are listed here on the table. They are 8 vehicles

However, during the visit, the committee noted that some of the vehicles had been released to the various departments and were in use yet the payments had not been effected. The committee is in receipt of several LSOs (Local Service Orders) raised by the county government which had not been honored as at the time of the visit. The following vehicles had been serviced, repaired and dispatched but the payments were yet to be effected. As at time of the visit, GVN 039B has been deposited at Terranova Auto spares in Kanduyi.

During the visit, the committee noted that KBY 871 C was fully repaired and ready for collection upon payment of the outstanding amount of Kshs.350, 000.

Mr. Deputy Speaker: Hon. Nganga what is the point of order? Just a moment...

Hon. Everton Nganga: Thank you Mr. Speaker. First, the report that is being moved by Hon. Majimbo is a very important report and actually it is showing how we should do our oversight work.

Basing on Standing Order 31(b) (ii), there is no quorum in this House and we need to debate and make sure that we do our oversight work.

Mr. Deputy Speaker: Hon. Opwora be orderly!

Hon. Luke Opwora: Mr. Speaker, as I want to the urge the House that this is a very important report that we need to pass as a House, we have to understand that the Budget, PAC committee are in Kisumu as an extension of the House so the quorum is not an issue because if you divide the members of the Budget and Public Accounts Committee and the ones who are left behind here, I am sure that we have enough quorum to move this motion.

I want you to allow my senior Chair Hon. Majimbo to proceed.

Mr. Deputy Speaker: Order Honourable members! Hon. Opwora be orderly! Hon. Nganga! Can you elaborate and give us the Standing Order and process your argument as per the Standing Order you are using. I am talking to Hon. Nganga

(Hon. Everton Nganga speaks off Hansard)

Mr. Deputy Speaker: You said 31 and I want you to read the 31 you're talking about.

Hon. Nganga Standing Order 31 that you mentioned...

(Loud Consultations)

Hon. Nganga, I will ask that you start with Standing Order 31 that you mentioned so that we look at it.

Hon. Everton Nganga: Thank you, Mr. Speaker...

Mr. Deputy Speaker: Looking at Standing Order 31 Hon. Nganga you're out of order and you are misleading this House. I don't want to invoke...

Hon. Everton Nganga: Mr. Speaker...

Mr. Deputy Speaker: Hon. Nganga, resume your seat.

Hon. Everton Nganga: Mr. Speaker Please?

Mr. Deputy Speaker: Hon. Okumu, resume your seat. Hon. Nganga, resume your seat. Honorable Nganga the Standing Order that you are mentioning is not what you are talking about and in essence you are misleading this House, so I rule you out of order and I want you to be orderly. Hon. Majimbo can you proceed.

(Applause)

Hon. Henry Majimbo: Mr. Speaker, I had reached where I was narrating on the paragraph that during the visit, the committee noted that KBY 871 C was fully repaired and ready for collection upon payment of the outstanding amount of Kshs.350, 000. The committee was however concerned that that the number plate of KBY 871 C had been changed from the government vehicle number plate to the private number plate. An analysis of KBY 871 C further revealed that it was probably in continuous use as could be seen from the state of its tyres.

The committee further noted that the project vehicle Reg. number KCH 040 U was among the vehicles retained at the garage. Members learnt the vehicle was domiciled in the Department of Lands and Urban Planning after the completion of a project. The vehicle number plate was still private and yet to be transferred to the county government.

It was also noted that some of the vehicles Reg. numbers; GKB 087A, GKA 469K, KAX 779 U and GKA 211Z were grounded and partially vandalized.

KERRE AUTO GARAGE

Mr. Speaker, KERRE auto garage is located Jua –Kali area of Kanduyi Constituency. The following vehicles were located at Kerre Auto garage in Bungoma;

Vehicle Reg. No	Make	Station
KSL 819	Isuzu Lorry	Environment
GK A 871 B	Isuzu D/Cab	Agriculture
GK A 587 K	Toyota D/Cab	Agriculture
KAM 274 B	Peugeot Saloon	P/Admin

The committee is in receipt of documents dated 10th January 2022 indicating an outstanding repair bill of Kshs. 1,293,000 and Kshs. 1,886,500 for vehicles at the garage whose repair had not been authenticated. It was noted that the bills dated back to the FY 2014/15, FY 2015/16 and FY 2018/19.

MALI SAFI GARAGE

Mr. Speaker, Mali Safi garage is located along Lusaka road. The committee noted that this garage was not among the list if garages listed in the report with county government vehicles. During the visit, the committee was informed that it was a prequalified garage, however as at the time of production of the report, the committee had not ascertained the prequalification status.

The following vehicles were identified: Double Cabin GKA 440L, 39 CG 045 A, KBG 290 C, 39 CG 052 A and Bungoma County exhauster ZB 3049.

MABANGA AGRICULTURAL MECHANIZATION CENTRE

Mr. Speaker, the committee took note of nine (9) tractors domiciled at the center as outlined below: These are the tractors which I think were purchased in the year 2014.

No.	Reg. No	Type	Year of purchase
1.	KCA 411F	Sonalika	2014
2.	KCA 412F	Sonalika	2014
3.	KCA 460F	Agricultural Tractor	2014
4.	KCA 410 F	Sonalika	2014
5.	KCA 413 F	Sonalika	2014
6.	KCA 414F	Sonalika	2014
7.	39 CG 049A	TS6.110	2017
8.	39 CG 050A	TS6.110	2017
9.	39 CG 048A	TS6.110	2017

Additionally, the committee took note of harrows, tipping trailers, disc ploughs and grain driers at the centre which had not been included in the submitted response. The detailed list of the farm assets is annexed.

During the site visit, the committee identified the three (3) soil testing vehicles. Notably was one with Reg. No. 39 CG 007A that did not have a certified government number plate. As at the time of the visit, there was no explanation given for the lack of the number plate. Additionally, the committee was informed that two of the tractors were out on duty. Of the remaining seven, only two were in working condition. The rest had some of the body parts removed and allegedly kept in stores that the committee did not access.

a) Drivers/operators assigned to each automobile and their personal employment numbers and terms of service

Mr. Speaker, one hundred and thirty one (131) personnel are employed on permanent and pensionable terms as drivers of the motor vehicles in various departments. The details of the drivers (names and personal numbers) are attached to this report. Outlined below is the summary of the number of drivers per department:

Agriculture	17
County Secretary	3
Education and Vocational Training	2
Finance and Economic Planning	13
Gender, Culture, Youth and Sports	3

Governor’s Office	6
Health and Sanitation	46
Housing	2
Lands and Physical Planning	3
Public Administration	1
Roads and Public Works	28
Tourism	4
Trade and Industrialization	3
Total	131

The committee noted that there was need for the county government to undertake due diligence on the capabilities and experiences of the drivers before recruitment by the county. It was the concern of the committee that owing to lack of adequate experience and expertise in management of vehicles, most of the drivers acted recklessly and could not take responsibility whenever the vehicles under their custody were involved in accidents.

b) Project Vehicles

Mr. Speaker Sir, with regard to the list of project vehicles handed over to the County Government and their registration numbers, four (4) project vehicles domiciled in the departments of Water and Lands ,all in working condition were indicated in the response as outlined below:

Reg. Number	Type	Project Name	Location
KCU 081 U	ISUZU D/C	Swali Bora	Water
KCH 040 U	Toyota D/C	Two EMS ASS	Lands
KCG 573 W	Mazda D/C	Leonard S.M	Lands
KCM 488 L	F. Ranger	Ambe. Gen. M	Water

The committee was informed that there were several other project vehicles which were domiciled in various departments where the projects were on-going which were not declared in the response submitted by the Office of the County Secretary. Members were concerned that there was a risk of the vehicles not being accounted for and ending up being registered under private numbers.

Mr. Speaker, the committee additionally identified the following project vehicles with private number plates: The table below indicates vehicles under projects and were not in the list of submitted projects.

CHAPTER THREE

3.0 . COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

3.1. Committee Observations

The committee made the following observations:

1. The committee noted that eight six(86) automobiles were grounded in various garages and yards while the location of one hundred and eleven (111) motor cycles could not be ascertained as at the time of production of this report.
2. The committee observed that the county vehicles continued to accumulate storage charges in the various garages where they were stored and retained due to non-payments of repair bills or lack of approvals for repairs. As at the time of the visit, the outstanding repair and storage bills for various garages was as follows:

a) Toyota Kericho	Kshs.1,638,893
b) CMC Kitale	Kshs.11,219,783
c) Terranova Autospares	Kshs. 2,494,946.64
d) KERRE Auto Garage	Kshs. 3, 179,500
e) Wape Garage	Kshs. 839,562
Total	Kshs.19, 372,684
3. The Office of the County Secretary did not disclose all the project vehicles under the custody of the various departments on completed and on-going projects. The committee was concerned about the ownership and security of the vehicles once the projects were completed since some vehicles for completed projects had not been registered under the county government.
4. The county government lacks a robust transport management unit and leadership. This was evident in the haphazard manner in which county vehicles were deposited with the garages by the drivers for repair without approvals and documentation from the relevant county departments.
5. The committee noted that most drivers did not take the responsibility of reporting accident cases to the police and the transport officer. As a result, most of the vehicles lacked police investigation reports, authority from the transport officer and Local Service Orders from the departments as authority to initiate repairs. Hence some of the garages have ended up accumulating repair bills for vehicles which could not be settled due to lack of approvals.
6. The committee observed that most of the vehicles inherited by the county Government from the defunct local authorities and devolved departments from the National Government had surpassed their economical useful life and were either grounded in various departmental yards or in garages in a vandalized state.
7. The committee noted that most of the county vehicles were repaired and serviced by jua - kali garages whose reputation and capability were questionable. In addition, the security of the county vehicles under their custody was not guaranteed.
8. The County Government lacks a structured fleet management tracking system for handling county vehicles. The committee noted that some of the automobiles; both motor vehicles and motor cycles could not be traced as their locations were unknown.

9. The committee noted that the county government has not put in place a regulatory framework to regulate the use, control, insurance, procurement, maintenance, safety and protection of government owned vehicles.
10. The Office of the County Secretary disclosed only one hundred and thirty one drivers on permanent and pensionable terms of service. As at the time of production of the report, the committee had not ascertained the number of drivers on contract and the specific vehicles attached to each driver.
11. The committee further noted that the Office of the County Secretary did not submit list of farm implements in the Department of Agriculture and plant machineries in the Department of Public Works.

3. 2. Committee Recommendations

Mr. Speaker, the committee therefore recommends that:

1. The Office of the County Secretary should undertake an evaluation of all county vehicles eligible for replacement and disposal and follow the disposal procedures as stipulated in the Public Procurement and Disposal Act 2015. A report on the disposal of the automobiles should be submitted to the County Assembly within sixty (60) days of adoption of this report.
2. That the Accounting Officers of the various departments to ensure that the outstanding repair and storage bills amounting to **Kshs.19, 372,684** owed to the garages is appropriated as first charge during the preparation of the annual budget estimates for the FY 2022/2023.
3. The Office of the County Secretary must ensure that the county vehicles are under the custody of drivers who are employed on permanent and pensionable terms or if on contract the terms of engagement must be well stipulated. This is to ensure that the drivers take responsibility for the vehicles under their care and ensure they are well maintained and serviced. The office to further submit a detailed list of the drivers and the specific vehicle assigned to each driver within twenty one (21) days of adoption of this report.
4. The Accounting Officers in the departments with completed and on-going projects should submit a detailed list of all the projects vehicles domiciled in the various departments within fourteen (14) days of adoption of this report; and henceforth, the accounting officers must ensure that all the completed project vehicles are registered under the county government of Bungoma within sixty (60) days upon adoption of this report.
5. The Office of the County Secretary should invest in an electronic fleet management and tracking system. This will ensure that the repairs and maintenance of each vehicle in the fleet is tracked. In addition, the information will help the management to undertake an analysis of the existing vehicles, their condition and aid in decision making for disposal or procurement of new vehicles.

6. Henceforth, the county drivers must take responsibility for the vehicles under their custody, report all accidents or any damage of vehicles to the police and the transport officer within twenty four (24) hours and ensure the vehicle is properly serviced; failure to which the driver will be culpable for any damage caused on the vehicle due to negligence of duty.
7. That henceforth, the transport officer must review the maintenance and repair reports and any questionable expenses and unnecessary maintenance expenses submitted must be subjected to further scrutiny.
8. The County Government should establish a transport directorate and ensure it is well staffed and operational. Additionally, staff in the directorate and the county drivers should be taken for trainings on fleet management to enhance their capacity and enable them to maintain an effective fleet maintenance program and keep up to date records.
9. The County Government to ensure that prequalification is undertaken for garages with accredited capability and that county vehicles are maintained, repaired and serviced only from the authorized and prequalified dealers.
10. The County Government should equip Mteremuko Vocational Training Centre (VTC) which has been constructed and earmarked as a centre of excellence for automobile training, equip it with state of the art equipment and personnel to repair all county vehicles in accordance with the provisions of Section 174(1) of the PPDA Regulations 2015 which states that “*a procuring entity shall utilize its own workshop or garage to repair and maintain motor vehicles, plant and equipment.*” The centre will also act as training centre for mechanical students hence a source of revenue for the government.
11. The Office of the County Secretary in conjunction with the Department of Public Works and Agriculture should within fourteen(14) days of adoption of this report, submit to the County Assembly a detailed list of all the plant and machinery.
12. The County Government to formulate a transport policy to regulate the usage of county vehicles and provide greater accountability of the county fleet, comprehensively operate, maintain and repair county vehicles to acceptable standards.
13. The committee takes cognizance of the provision of the PFM Act 2012 as read together with PPDA 2015 with regard to the role of Accounting Officers in asset management and recommends that henceforth, all accounting officers must ensure prudent management of all assets and liabilities under their custody.

The laws stipulate that:

Section 153 of the PFMA 2012 states that-

(1)The Accounting Officers of a County Government entity;

- a) Is responsible for the management of the entity assets and liabilities;*
- b) Shall manage those assets in such a way as to ensure that the county government entity achieves value for money in acquiring, using and disposing these assets.*

- c) *The accounting officer for a County Government entity shall dispose of assets only in terms of an act of parliament pursuant to Article 227 of the Constitution and shall ensure that the proceeds from all the assets disposals are credited into a bank account of the entity*

Section 166 of the PPAD Regulations states that:

(4) For effective , economic ,efficient and transparent use of government inventory, stores and assets at all assets at all levels, an accounting officer of a procuring entity shall take full responsibly of the management or control of inventory and assets and shall ensure that-

- a) Preventive measures are put in place to eliminate theft, security and safety threats, losses, wastage and misuse;*
- b) The movement and condition of assets can be tracked;*
- c) Stock levels are at optimum and economical level; and*
- d) Systems, processes and procedures both in electronic and manual form are in place.*

Section 174(2) of the PPDA 2015-

(2) Where the procuring entity lacks the capacity to carry out the repairs or maintenance, an accounting officer shall competitively procure such services from prequalified list of service providers licensed to undertake such services in accordance with the Act, these Regulations and any other relevant laws;

(3) The officer in charge of matters relating to transport in the procuring entity shall prepare a record of maintenance, repairs and replacement in respect of each motor vehicle, plant and equipment which shall be submitted to the accounting officer in a format to be provided by the Authority.

Section 223 of the PPDA 2015-

(1) Subject to the provisions of section 176 of the Act, a public officer of a procuring entity shall not-

- a) Fail to maintain procurement , inventory and assets disposal records as provided under section 68 of the Act and these Regulations,*
- e) Fail to safeguard and manage inventory, stores and assets of a procuring entity as provided under section 162 of the Act,*
- f) Inappropriately dispose of public assets without adhering to Part XIV of the Act.*

(2) A person who contravenes any provisions under paragraph (1) commits an offence and shall be liable upon conviction, if the person is a body corporate, to a fine not exceeding ten million shillings.

Section 162 of the PPDA 2012:

(3) Stores, inventory and assets that are procured by a public entity shall not be allowed to suffer deterioration from any preventable cause and overstocking of any particular item shall be avoided.

Mr. Speaker that is the end of this report, on page 29 we have a list of annexures, we have

1. Site visit photos
2. Report on automobiles as submitted by the Office of the County Secretary
3. Outstanding repair and storage bills for the various garages
4. Correspondences from the garages to the County Government
5. Committee authorization letter that enabled us to visit the garages. The remaining pages are photographic evidence of the vehicles for the members to peruse through.

I would wish to call upon Honorable Francis Maasai Chemion to second this motion and request the honorable members present to approve this motion so that we can move to the next level of implementation of the motion.

(Applause)

Hon. Francis Chemion: Thank you, Mr. Speaker. I rise to second this report that has been read by our able Chair. This committee went to those towns that have been listed and in some of the garages we found county government vehicles that were in garages but were not part of the vehicles that belonged to the county government in those garages.

Like in Kitale, we found more than eight vehicles but the list that we had was having around four vehicles, but when we reached the garage we found eight vehicles and that means our record keeping, the transport section of our county government is not working, because how can we have County Government vehicles in a garage and records don't show them in those garages. So those ones can even be disposed by the owners of those garages.

This is an eye opener to the County Government of Bungoma and those who are in charge of transport and logistics. I don't want to say much, the report is self-explanatory, it shows where the vehicles are, what the county government owes the owners of those garages and therefore I want to take this opportunity to ask Honorable members to adopt and maybe support this report because it is one of the best reports that we have ever had.

Thank you, I second the report and ask honorable members to support.

Mr. Deputy Speaker: Thank you, Hon. Masai. Honorable members a motion having been moved and duly seconded, I now propose the question that this House adopts the report by the sectoral committee on Public Administration and ICT on the response to the statement on the status of automobiles that is movable assets in the county executive since 2013. I propose.

Hon. Chrispius Wamusai: Thank you, Honorable Speaker. I am on my feet in support of this report. Before I go to the body of this report, allow me laud the committee for the job well done under the able leadership of Hon. Majimbo Okumu Henry and I must admit that the honorable Chair has moved the report ably, eloquently and with precision that the report requires. This committee has done a very good job, it is commendable and the depth of this report is shocking.

The revelations, the weighty issues being raised are shocking and this is blatant wastage of public resources.

I may not have actually the weighty terminologies to use in terms of how careless, how a government system can go to such a depth in wastage of public resources. No wonder service delivery has been hindered. Service delivery is one of the weakest links in our county government operations because of the speaker. There is no mobility, we have officers who sit in offices and earn monies without working because they cannot supervise, they cannot evaluate progress of works in the field just because motor vehicles are wasting away and rotting in garages across the country.

It is also important to note that the owners of those garages are Kenyans who are in business, who have invested in the repairs of those vehicles and close to ten years, seven years, eight years, five years they have not been paid! These are Kenyans! These are business people with families! With bills to pay and yet we sit pretty comfortably in offices without knowing that those are Kenyans who have employed our daughters and brother and they need to earn.

I would like that after we adopt this report, it should not just end on this floor. The adoption of the report cannot be an end in itself, that further action and further sanctions must be put in place to make sure that one, the monies owed to these garages, to these business people must be paid as a fast charge as recommended. These are our business people, they have bills to pay, and they have families to feed and must be paid their monies to grow our economies.

It is also important to note that the committee shouldn't stop there; we must know where the 100 motorcycles that cannot be accounted for are. Someone must be held responsible. Someone must be brought to book; someone must answer questions as to where these motorcycles are? When were they last seen? Who was the last person to handle these auto vehicles? You know, they can't just disappear into thin air. Someone must take responsibility, someone must be held to account. Again, there must be preventive measures put in place in terms of tracking and management, we must have a robust system, a system that can be able to help us manage these auto vehicles and where we are unable to handle the large number or if the system can't handle all of them, then why can't we procedurally close them?

Those that we can't service and are not in use, the law is very clear on the disposal of public assets. Let us dispose off those that are not in use that we are unable to service such that we can have those that we can manage. As the committee put it very clearly, muteremko VTC is here with us. We have pumped in a lot of money and therefore it is time that we equipped this VTC with the state of the art equipment such that we bring down the cost of repair and maintenance of our public vehicles.

Honorable Speaker, allow me say this as I conclude. It is unfortunate and embarrassing that officers can be in offices crying even the loudest on execution of our mandate yet public

resources are rotting out there. I support the report and as we adopt it, let it not be an end in itself. We must move further. I support.

(Applause)

Mr. Deputy Speaker: Thank you, Hon. Wamusai Simiyu.

Hon. James Mukhongo: Thank you for the opportunity. I also want to laud the Committee even though I'm a member of the same Committee. From the onset, I want to laud the owner of the statement when he came up with it. The response was read in this Honourable House by the Hon. Chair.

At that time, the owner of the statement said that the response was unsatisfactory. Some of us were wondering why? And indeed it has come to be confirmed that it wasn't satisfactory. That is what he meant by being unsatisfactory.

I also want to laud your office when you directed that the Committee now takes up the matter and brings a comprehensive report in this House. This is now the time as members of the said Committee under our able Chair Hon. Majimbo, we have brought the report.

It is a total shame to the County Government of Bungoma and I want to repeat, it is a total shame. They are moving around saying that they have done much for the people of Bungoma but when you look at some of these reports; you will wonder what they have done.

I'm concerned out of a total number of 475 Motor vehicles and Motor cycles lying in garages or are nowhere to be identified. I was one of the Members who went to Kitale and I was shocked at some of the Vehicles there, they are just new! The stories we were told there are not highlighted in this report but we have a lot to do as oversight organ.

When we go through this report, the Chair has told us a garage within this County, there is a certain Vehicle that the County Government of Bungoma under the leadership of Hon. Wycliffe Wafula Wangamati, had attempted to change the number plate. Why? The answer is, these are some of the vehicles they have been using going around to villages for funerals, ferrying men to go and heckle others; that is what I can conclude!

Secondly, when we were doing our annual budget of this financial year, the same County Government of Bungoma had a proposal of 50 Million for hiring of vehicles. I want to thank this Honourable House. When we stood up and said no, some of these Hon. Members were saying no; let us give the Governor some money to go and hire vehicles. You can now see the report. 470 lying in garages and yet the same Government wants to be given money to go and hire vehicles.

When you look at the total amount that should be paid by this County Government is very little. It is around 20 Million only if I followed the report well. They needed 50 Million to go and hire vehicles. They could have paid for the same vehicles that are lying in the garages so that they can be put in good use.

Thirdly, I'm the Chair of Finance and Economic Planning Committee. We don't have enough vehicles for revenue collection and yet the vehicles are just lying in garages and even we lack words to use. If indeed the same government will be in place next time, then it will be very unfortunate. They are giving a disservice to the people of Bungoma.

As I conclude, we have recommended and we have given observations in the report but how I wish, my prayers are with the Members who are seated in this House, if indeed we will come back, because at the moment, however much we recommend; the same government that is sleeping on its job cannot do anything. For all Members who will be here after the August elections, they must do something because it is on record and I'm praying so hard to be back again. I will initiate the process.

To some of these officers who are sleeping in offices, talking a lot and doing nothing for the people of Bungoma. These guys are not supposed to be in offices; just look at the report! As I rest my case, Members, let us adopt this report and its recommendations and then see the implementation part of it. Thank you.

(Applause)

Mr. Deputy Speaker: Thank you so much Hon. Mukhongo for your input.

Hon. Ali Machani: Thank you, Mr. Speaker. First of all, I want to thank the Committee for the efforts they have tried to put in place to make sure that we come up with this report. We can all agree that there is a very serious weakness.

From where I sit, the Committee has highlighted when such machines were taken to garages. It is way back and some of them as I have been hearing the chair pronouncing, 2014, 2015, 2016 and I'm aware. I was very keen when I was asking that this report is secured. How I wish that all of us in this House, for I think this is a very serious debate we could enjoy.

Yes, there are even some vehicles that I have not heard them being pronounced. In Webuye we had KAX Ford Ranger double cabin. I have not seen it being mentioned. We had tractors. So when we took over under devolution, the first regime took all the machines to the garages. Now when the second regime came in; they did not even work a lot to see why those machines are still in garages.

They also did the same and that is why they have over 400 both motor vehicles and motor bikes. There is a weakness everywhere and I want to thank Hon. Majimbo, if given enough time, he

could go deeper. In fact even in the County Assembly, I have not seen it being mentioned. Just recently, we bought a machine here. We are not seeing it. Someone told me that it was involved in an accident and it was just on a private mission. Nobody is mentioning.

I want to thank Hon. Majimbo for he has done a lot. If we could give him more time to asses during 2013 to 2017, I think he could also assist us to break down how many machines were taken to garages and are they still there all of them? From 2017 where the new regime which Hon. Mukhongo contributed bringing in...

(Applause)

From 2017 up to now, how many machines are there because you know, sometimes I sit down and start laughing at them. That this is your own child you gave birth to. If there is anything that is spoiling this County, they are part and parcel these mess. I would wish Hon. Majimbo could be the one saying that but not Hon. Mukhongo!

(Applause)

Because Hon. Majimbo and I were in ODM, we had our own candidate Hon. Khang'ati. Those in Jubilee had Hon. Lusaka. But these Hon. Member here, in fact when we came to this Assembly, you could not pronounce anything against the current government. Even the approvals of the CECs, give them. This is "Simba" the Government: that was their slogan! I will not. There is no day I will follow their advice because they have messed this County. If there is any mess, they are the genesis of all these challenges.

If it could be a serious game, why is it that from 2014, 2013 up to 2017, they have now changed and camouflaged themselves and now saying, that regime, the same captain should come back and create more problems. They are not talking about the current. You get confused. I am seeing the same players have just changed, as serious politician; these players are playing with us. We need to sit down and think what is happening in this County.

Are we just there to be taken left and right and challenges are rising day in day out? When we are talking about County Government in simple reasoning; is it only the Executive? Why is it that there is no statement coming up in the same report about County Assembly? Members of the public also want to know that yes we have a report and this is where the County Government has messed.

Mr. Deputy Speaker: Hon. Machani, I wish you constrain yourself within the report because it is talking about County Executive and it is going as per the statement sought by a Member.

Hon. Ali Machani: That is why I was saying that we also need to go further and if we can as well come up with serious statements.

Mr. Deputy Speaker: You can come up with a statement!

Hon. Ali Machani: This is just a small window just to show us light that if today you give Hon. Majimbo enough time, to try and separate from 2013 to 2017, and he is very smart in that, he will give us a nice report. Give him time again to start again from 2017 up to now 2022, you will see challenges: I can see Hon. Mukhongo moving up and down let me stop there.

Mr. Deputy Speaker: Thank you, Hon. Mutoka. I want to believe that you will bring a statement seeking to find out the automobiles of the County Assembly.

Hon. Luke Opwora: Thank you for giving me the opportunity. I stand here to support the Motion and also to say this Mr. Speaker. First and foremost, we as the Ford Kenya Party, we had a candidate who was Hon. Wycliffe Wafula Wangamati but he failed on the loyalty test!

Mr. Deputy Speaker: Hon. Opwora...

Hon. Luke Opwora: No, Mr. Speaker, I'm giving my point. Just allow me!

The current Governor was our Party Governor but he failed on a loyalty test and faithfulness. As a party we used to advise him and I remember even there was a time I told him to remove these cars from the garages but he never listened and right now, the current Member Hon. Ali Machani as the kitchen cabinet advisers of the current regime, we ask him to advise the Government in a proper way to ensure that we help our people.

Back to my point, the Public Finance Management Act...

(Loud Consultations)

No protect me, Mr. Speaker!

Mr. Deputy Speaker: Hon. Machani you can't be on the floor twice.

Hon. Luke Opwora: The Public Management Act Section 149 (2) (a), is very clear that manage the assets of the entity to ensure that it receives value for money when acquiring or using or disposing of its assets. Mr. Speaker, this County Government has failed to manage the assets of this County.

My advice is...

Mr. Deputy Speaker: Hon. Opwora, take a seat for a moment. Hon. Machani Mutoka, you have been on the floor.

Hon. Ali Machani: *(On a point Order)* is it in order for the Hon. Member whom I have a lot of respect for, to mention my name including it and putting it across the report? When did I become the advisor? I would wish before he proceeds, explain before this House.

Mr. Deputy Speaker: Hon. Opwora you can substantiate if he is actually the advisor or not? If he is not the adviser then you will have to withdraw that statement.

Hon. Luke Opwora: We suffered a lot of coup...We know where the coup was initiated. Why should we lie? We have suffered as a party!

Mr. Deputy Speaker: Hon. Opwora be guided. You know we have the advisers of the Governor and they are employees of this Government. They are known. When you pronounce issues on the floor of the House, they should be substantiated. So you can confirm that Hon. Ali Mutoka is an advisor or not, and if he is not, then you have to withdraw.

Hon. Luke Opwora, I want to withdraw, he is not an advisor to the Government but he is a friend to the Governor whose sits close to the Governor.

Mr. Deputy Speaker: Very well. A friend to the Governor but not an advisor.

Hon. Luke Opwora: I'm requesting him to advise the current boss because he left Ford Kenya and he is now in DAP. To my point, I was quoting PFM Act Section 149(2) (a). My advice to this current regime is that they should ensure that we set up out technical Vocational Training Colleges to start automotive and issues of car repair and maintenance because if they are there then let us put up serious policies and regulations and budgeting process to ensure that our Vocational Trainings are working well, and our Youths are trained so that we can start our Bungoma County Government garage where our cars can be taken for repairs and maintenances so that the expenses that County Government is misusing can be diverted to other issues like Health, Youths and not to be here, this is a failed government.

I want to support this Motion and I want to urge the County Government of Bungoma that let them pull up their socks!

Mr. Deputy Speaker: Thank you, Hon. Opwora. It is encouraging that you are and yet you don't want to be here.

(Applause)

Hon. Everton Nganga: I would like to thank you for catching my eye and giving me a chance to contribute. This is a very good Motion. First, I would like to laud the Committee that went ahead to come up with this report. In fact the way the mover of the Motion was reading and mentioning areas like Kitale, I was wondering how these people went there to acquire such information. I want to support the report.

I have realized that there is a gap in the County Government's leadership. When the defunct local authority was handing over the assets to the current County Government, there was a book that was given out for the assets and that is the inventory of the County Government. Vehicles being

among the assets, we have land and other assets. Assets are very important to any smooth running of any institution.

I don't know if there is a department in the County Government that is charged to monitor or to have a fixed asset movement schedule. Such a department in the County Government will monitor the fixed assets and so on. In addition, it will assist us to describe the vehicles in terms of the color, make and many others, it will also assist us to know the legal owners of the Vehicles if it is the County Government.

When that department is well established, it will have to follow up and make sure that those assets are recovered wherever they are. If they have to be maintained, then the department in charge if established, it will have a budget for repair and maintenance of those vehicles and for paying other service providers.

I'm the most worried person. The number of vehicles mentioned is big. We may lose those vehicles. This is a nice report that is opening our eyes. If it is possible, let the County Government through the County Assembly, establish a department that will assist us to monitor all the assets be it land. This report is restricted to automobiles. We have land, buildings and other resources for the County Government. This will assist.

For my case, I don't want to blame the previous Government or the current Government but as a professional accountant; I have realized that there is a gap and therefore, we need to come up with a department to monitor all the assets of the County Government of Bungoma. I support the report.

Mr. Deputy Speaker: Thank you Hon. Nganga for your contribution, and I will now call upon the mover of the Motion to reply.

Hon. Henry Majimbo: I want to thank the Members for their good contributions and affirming that they are going to support the adoption of this report. The statement sought by Hon. George Makari in specific areas of inquiry and investigation. It was a list of all movable assets taken over from the defunct local authorities and devolved departments in their stations.

The list of all movable assets procured since 2013 to date with their registration numbers, the departments in which the said assets are domiciled, the current state and condition of each automobile and if in garage, state the physical full address of the garages, the drivers or operators assigned to each automobile and their personal employment numbers and terms of service.

Lastly, the list of vehicles handed over to the County Government and their registration numbers. That was out TOR, (The terms of reference on our exercise). That is why we didn't do much into the County Assembly. You could have been out of Order to take that line.

I think my colleague, His Worship the mayor Emeritus, Hon. Machani, can bring a statement and we will ably respond to it as it concerns the vehicles in the County Assembly.

I want to laud the sentiments of all the Members. Hon. Wamusai has come up strongly and condemned the misuse of these public resources. I also want to confirm that indeed during the budget proposals, the department of Public Service Management and Administration had made a request for an appropriation of Ksh. 50Million for leasing of vehicles which the Members in their opinion and wisdom, declined.

The report is bringing out the rot in the management of vehicles within the County Government of Bungoma. Hon. Mayor emeritus has talked of KAX Ford Ranger. It is at Wape garage. It is grounded. Wape is across the sewerage treatment works at Ranje area. The status is grounded.

There are two Vehicles at WAPE which have very interesting narrations. There is one vehicle, a fortuner, 39 CG 009 A. This is the infamous vehicle that was involved in an accident with a North Rift at the Members Club. It was a security vehicle for the Governor. It is at Wape under repair.

Ford Everest KBY871C domiciled under Public Administration was formerly for communication department in the Office of the Governor but when we visited the garage. The Committee was however concerned that the number plate which was green and now changed into yellow and white. They had removed the green number plates and placed the ordinary number plates and we were concerned about the motive behind it.

Looking at the vehicle, we could see that the vehicle was being used. It had been repaired and it was in use. We started asking ourselves, how many of these kinds of vehicles are being misused by the members of the public in their garages.

Going further, what also astonishing to the Committee was the fact that there are vehicles that were used by the former Governor and the deputy Governor and the Chief of Staff namely KBU 692 T. It was being used by the former deputy Governor, KBV 316 K by the Chief of Staff and GVN 039 B. These vehicles had been deposited in Kanduyi Terranova and there was no authority to have them there for repairs and when you look at these vehicles, they are not in bad conditions. The requirement is just small amount of money and you have them move. So the Committee noted that the vehicles in question were previously used as I have outlined.

What the Members have raised in their contribution and I want to agree with Hon. Wamusai that we need to give it as a first charge as we embark on budget of 2022/2023 to have these vehicles move out of these garages. Ksh.19Million if they have certified these payments by the County treasury, then 10 Million out of Ksh. 2 Billions is a drop in the ocean. We would rather spent some money and have these vehicles move out of the garages other than making a request of Ksh. 50 Million to lease out vehicles.

For instance, these Prados that we saw in Terranova, they are in good condition. One of them, they have repaired it but they can't be released because the County Government has not paid. Vehicles in Kitale, Kericho, they have completed the repairs but the vehicles have just been lying there. The vehicles in Kitale had hardly been used for more 5,900 Km. It is brand new. The one in Kericho is less than 10,000 KM brand new and these are Fortuners.

Fortuners are expensive vehicles. They are going between Ksh.9 and 10 Million at the market price. So I want to ask the members as we approve this Motion that moving forward as we consider the Budget for 2022/2023, let's also look at how we can have these vehicles back for usage in the County Government.

Thank you for your support to this Motion and I hope we are going to adopt it. I want to assure you that this is not the end of this report. We have been given the timelines. My Committee will endeavor to ensure that the timelines especially the registration of Vehicles that were for projects are being misused by certain officers. There were vehicles that were donations and grants from the World Bank in the Ministry of Health that were being misused.

There are project vehicles in the Lands department being misused. They are using them as private vehicles. Imagine projects that were completed 4 years ago and the vehicles have not been registered. What is the motive behind? We are going to ensure that these timelines that we have given them are met. Thank you and I call upon the members to approve this Motion.

Mr. Deputy Speaker: Thank you so much Hon. Henry Majimbo for ably replying the Motion.

Hon. Members, a Motion having been moved and duly seconded and debate having ensued, I now put a question that this House adopts the report by the sectorial Committee on Public Administration and ICT on the response to the statement on the status of automobiles (Moveable assets) in the County Executive since 2013.

(Question put and agreed to)

(Applause)

The report is now adopted! Table clerks should ensure transmission of the same so that we get the desired responses as per the recommendations of the Committee.

Hon. Members, that being the last item on our Order Paper of the day, this House adjourns to tomorrow 9:30 a.m.

(House Adjourns)

