

**COUNTY ASSEMBLY OF BUNGOMA**

**COUNTY ASSEMBLY DEBATES**

**DAILY**

**HANSARD**

**WEDNESDAY 16<sup>TH</sup> FEBRUARY, 2022**

**Afternoon Sitting**

**COUNTY ASSEMBLY OF BUNGOMA**  
**HANSARD OFFICIAL REPORT**  
**WEDNESDAY 16<sup>TH</sup> FEBRUARY, 2022**

The House met at 2:30 p.m.

(Mr. Temporary Speaker [Hon. Humphrey Sifuna] in the Chair)

**PRAYER**

**PAPERS**

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

Report by sector committee on Youths and Sports on the Bungoma County First Quarter Financial Statement for the period ended 30<sup>th</sup> September 2021 laid by Hon. Elvis Abuka (*Member, Youth & Sports*).

**NOTICE OF MOTION**

The following Notice of Motion was issued; that this House adopts the report by Sectoral Committee on Youths and Sports on the Bungoma County First Quarter Financial Statement for the period ended 30<sup>th</sup> September 2021 by Hon. Elvis Abuka (*Member, Youth & Sports*).

**Temporary Speaker:** Thank you, Hon. Elvis! The report will be circulated to the gadgets of the Honourable members for them to peruse through.

**MOTIONS**

**REPORT BY SECTORAL COMMITTEE ON AGRICULTURE, LIVESTOCK,  
FISHERIES, IRRIGATION AND CO-OPERATIVES DEVELOPMENT ON THE  
BUNGOMA COUNTY FIRST QUARTER FINANCIAL STATEMENTS FOR THE  
PERIOD ENDED 30TH SEPTEMBER 2021**

**Hon. Sospeter Nyongesa (Vice Chair, Agriculture):** Thank you, Mr. Speaker. I am on my feet to move this motion on the Bungoma County Government First Quarter Report and Financial Statements as at 30<sup>th</sup> September 2021 in respect to the department of Agriculture, Livestock, Fisheries, Irrigation and Co-Operative Development.

**Temporary Speaker:** Hon. Sospeter try to be audible!

**Hon. Sospeter Nyongesa:** I will try Mr. Speaker. On page one is a table of contents which I beg not to read.

### **Preamble**

Mr. Speaker Sir, it is my pleasure and duty to present Bungoma County Government Quarterly report and financial statements on the 1<sup>st</sup> quarterly Financial Report as at 30<sup>th</sup> Sept, 2021. This was tabled in the County Assembly of Bungoma and stood Committed to each of the Sectoral Committee for their interrogation, input and recommendation through a report to this Honorable house.

The committee's mandate is obvious, I beg that I do not read if you may allow. On page 4 is the list of members of the Agriculture committee

Mr. Speaker Sir, during the committee sitting, it was resolved that...

**Temporary Speaker:** Hon. Sospeter, for the sake of the HANSARD may you please go through the names of the members!

**Hon. Sospeter Nyongesa:** Thank you, Mr. Speaker. I hope the HANSARD knows me; I am a member of this committee.

The following are the members

1. Hon. Joan Lutukai Chairperson
2. Hon Sospeter Nyongesa V/Chairperson
3. Hon Francis Chemion Member
4. Hon. James Mukhongo Member
5. Hon. Meshack Simiyu Member
6. Hon Tony Barasa Member
7. Hon. Jack Kawa Member
8. Hon. Jane Chebet Member
9. Hon. Grace Sundukwa Member
10. Hon. Rosemary Khisa Member
11. Hon. Florence Wekesa Member
12. Hon. Cavin Lukosi Member
13. Hon. Ben Kipkut Member
14. Hon. Hamphrey Sifuna Member
15. Hon. Aggrey Mulongo Member

Terms of Reference

Mr. Speaker Sir, during the Committee sitting, it was resolved that the Committee embarks on the interrogation of the report on the 1st quarter Financial Reports for the period ended September 30<sup>th</sup>, 2021 with the aim to:-

- (i) interrogate the department exchequer releases for the first quarter for both recurrent and development expenditures.
- (ii) interrogate the implementation reports in relation to the approved procurement and work plans for the first quarter FY 2021/22
- (iii)interrogate the Budget execution by programmes and sub-programmes for the First quarter, 2021/22
- (iv)Interrogate the implementation reports as per the approved PBB and itemized FY 2021/22
- (v) Interrogate the CEF project implementation status in the department for FY 2021/22.
- (vi)Interrogate the status of the outstanding Imprests and pending accounts payable.

#### 1.5 Acknowledgement

Mr. Speaker Sir, I take this opportunity to thank the Office of the Speaker and the Clerk of the County Assembly for the logistical support accorded to the Committee as it executed its mandate. My gratitude also goes to all members of the Committee for dedicating their time to examine the Bungoma County Government Quarterly report and Financial Statements for Agriculture, Livestock, Fisheries, Irrigation and Co-operatives department for the period ended Sept 30th, 2021.

Mr. Speaker Sir, it is therefore my pleasant duty and privilege, on behalf of the Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Co-operatives Development, to table this report to the Assembly for deliberation and adoption.

Thank you. As you can see, the report is duly signed by the able Chair, Hon. Joan Lutukai, MCA - Naitiri Kabuyefwe

What follows is analysis of the quarterly report and you see its general. It appears the same almost in all the departments so I beg that members can go through it on time because it is on our gadgets.

#### ANALYSIS OF COUNTY EXPENDITURE

Mr. Speaker Sir, the expenditure target for the period under review was Kshs. 3,190,144,562 out of the total expenditure budget for the entire Fiscal year. This represents 25% of the total expenditure budget for the financial year. Recurrent expenditure target was Kshs. 2,247,477,721 while the target for development expenditure programmes in the quarter was Kshs. 942,666,841.

The actual expenditure as reflected in the report is Kshs. 1,205,279,289 with Kshs 1,199,662,473 having been spent on recurrent activities while Kshs. 5,616,816 was spent on development

programmes. It's important to note that out of the actual total expenditure for the period, Kshs. 801,672,142 was used to compensate employees. This represents 66.51% of the total actual expenditure for the period.

### 3.1 The accounts receivables

The accounts receivables (outstanding Imprests) across all departments amounted to Kshs. 117,087,185. Finance and Economic Planning department had the highest outstanding imprests at Kshs. 47,711,186 followed by Office of the County Secretary with Kshs. 21,246,500. Public service and administration had Kshs. 21,040,100 while Governor's office had Kshs. 15,466,039 outstanding. The department with least outstanding imprests was Education and Vocational Training with only Kshs. 200,000.

The total amount remained unsurrendered at the end of the period. The individual officers holding unaccounted imprests in every department is given on of the submitted report. The accounts payables (Retentions) for all the departments was Kshs. 338,751,312.

### 3.2 Accounts payables

The accounts payables (pending bills) (Creditors) brought forward from financial year 2020/21 across all the departments was Kshs. 422,810,236. This amount is broken down in the report as follows: Members if you may allow you find that;

1. Construction of buildings Kshs. 29,709,646
2. Construction of Civil works Ksh.65, 762 899
3. Supply of goods Ksh. 47,854,269
4. Supply of services Ksh.279, 483,422

The specific creditors with the respective amount are shown in the report. From the report, the department of Education and Vocational Training did not have any pending bills

## Part 4

### Departmental Expenditure analysis

The following is the analysis of the County expenditure;

Departmental expenditure releases for the first quarter both recurrent and development.

In this current Financial year 2021/2022, the department of Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development had an approved budget of Ksh. 1,118,177,025 comprising Ksh. 442, 665,969 recurrent and 675,511,056 for Development expenditure.

Approved procurements and work plans for 1st quarter financial year 2021/2022

The Department of Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development did not provide to the Committee both procurement and work plans for the first quarter for financial year 2021/2022 for comparison purposes and subsequent oversight.

Budget executions by programmes/sub programmes for first quarter 2021/2022.

The County treasury indicated that the department of Agriculture, Livestock, Fisheries, Irrigation and Cooperative development had out of the approved budget of 1,118,177,025 expended Ksh. 61,558,847.20 representing 6% on RECCURENT expenditure but nothing on development as at 30th September 2021.

Projects Implementation Status as at 30th September 2021/2022

The department of Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development did not indicate the projects across the County committed or under procurement process. The Committee could also not ascertain the amount allocated and expenditures as far as conditional grants (NARIP and ASDSP) WERE CONCERNED.

CEF IMPLEMENTATION STATUS IN THE DEPARTMENT FOR THE FINANCIAL YEAR 2021/2022

The department neither did it appear nor submit to the Committee a list of the CEF projects being undertaken or year marked for implementation.

Status of the Outstanding Imprest

The department had pending staff receivables (outstanding imprest) amounting to Ksh.4, 444, 000 at the end of the period under review. However, the total outstanding imprest for all the departments was Ksh. 117,087, 185 at the end of the period under review as you will annexure 4.

Analysis of pending accounts payable

The County treasury indicated in a document submitted that the department of Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development has an outstanding amount of pending accounts payable of Ksh. 45,983,451.30. These amounts were for supply of goods and services as shown in the table below. You can have a look at it on your gadgets. For instance:

1. M/S Choke Enterprises outstanding balance is 3,244,034 proposed completion of Chwele Chicken slaughter House.
2. M/S Ambasa Co. balance is Ksh, 1,840,340 for distillation of ponds and flood controls
3. M/S Midfirms balance is 884,615
  1. This is proposed for construction of the perimeter fencing
4. M/S Costa Company balance is 994,900 for distillation of Chwele Fish ponds
5. African touch Safaris balance 962,358 Air travel tickets

6. Haki General; Supplies balance 195,000 Supply and delivery of tires
7. Rosefero Limited Ksh.35, 457,600 for farm inputs
8. KUSCO 315,000 Provision of tuition fees
9. M/S CMC Motors group Limited 308,466 Major repairs of the indicated Vehicles CGC 027 A
10. Kika Hotel 304,000 provision of conference facilities
11. SMC Motor group Limited 250,260 for Major repairs of the indicated Vehicle CG O13 A
12. Mbig Ksh. 210,238 Supply of refined fuels and lubricants
13. Auto work international 195,000 Supply and delivery of Tyres
14. Kika Hotel Ksh. 154,000 Provision of conference facilities
15. MSG MS Precision Performance Ksh. 148,131.20 Release repair of vehicles
16. Mbig Ksh.104 625 Sully of refined fuel and lubricants
17. Mbig Ksh.100, 420 Supply of fuel
18. Mbig Ksh. 44,625 Supply of fuel and Lubricants
19. Auto works international Ksh. 36,400 repair of vehicles
20. Combine Autoworks Ksh. 33,600 repair of Vehicles
21. Terranova Ksh. 33,488.1 repair of vehicles
22. Autowork international Ksh. 30, 000 repair of vehicles
23. Engo garage Ksh.28, 500 repair of Vehicles
24. Auto work International Ksh. 27,900 repair of vehicles
25. Wape Garage Ksh.21, 950 repair of Vehicles
26. Autowork international Ksh.21, 200 repair of Vehicles
27. Haki General suppliesKsh. 14,500 repairs and maintenance of Vehicles
28. Engo garage Ksh. 112,150 repair of vehicles

This gives a total of Ksh.45, 983,451.30

#### The Committees Observations and Recommendations

##### Observations

1. The County treasurer did not indicate how much each department received as revenue (exchequer issues) to implement their programmes in their 1st quarter.
2. The department failed to appear before the Committee and did not submit documents on the quarterly reports to substantiate the information from the County treasury report or give an otherwise opinion.
3. The department of Agriculture, Livestock, Fisheries, Irrigation and Cooperative development had pending staff receivables (Outstanding Imprest) amounting to Ksh. 4,443,000 as at 30th September 2021.
4. The department of Agriculture. Livestock, Fisheries, Irrigation and Cooperative development has an outstanding amount of Ksh. 45,983,451.30

5. The executed programmes and departments were not broken down into activities to disclose the detailed information on the actual budget Implementation of the department.
6. Departmental monthly work plans and budget implementation status report were not submitted to the Committee for comparison purposes with the financial report.
7. Notes as to how the outstanding staff imprest would be surrendered or recovered were not indicated in the County treasury report, neither were they submitted to the departments.
8. The report submitted by the County treasury does not outline specific projects implemented by the department in the period under review to enable the Committee carry out its oversight role.

#### Committee recommendations

1. That the Chief Officer should ensure compliance of regulation 93(6) of the PFM regulation of 2015 on surrendering imprest and also enhance its imprest management system.
2. That the department should prioritize the clearance of outstanding amounts in pending Bills in its supplementary budget
3. That the department having failed to appear before the committee twice; it is high time reminded that failure to appear before the committee will force the committee to invoke the provisions of Article 195 of the Constitution of Kenya 2010 on the Powers of the County Assembly or any of its committees to summon anybody to appear before it.

#### Conclusion

Mr. Speaker, I beg this House to adopt this report together with its recommendations for onward implementation by the executive. Thank you, Mr. Speaker. Before I sit, may I call upon a member of this committee Hon. Jane Chebet to second this report!

**Hon. Jane Chebet:** Thank you, Mr. Speaker for giving me this opportunity to second this motion on the Bungoma County Government first quarter report and financial statements as at 30th September 2021 in respect to the Department of Agriculture, Livestock, Fisheries, Irrigation and Cooperatives Development. I'm one of the members of this committee and we did a lot of work to make sure that get the report ready and present it on the floor of the House.

As I second the motion, I really want to dwell on the issue of committee observations and recommendations; it has come to our notice that in many committees, there is a lapse in the executive in making conclusive reports that are tabled in this House. Under the observations; I want to give an example of observation 2; that the department failed to appear before the committee and did not submit documents on the quarterly reports to substantiate the information from the County Treasury report or give an otherwise opinion.



On this, I think our committees should really be keen that when a department does not appear, they should be better ways of summoning them. In fact from what I saw in Kilifi at one point when we went there for benchmarking the executives are called during the committee of the whole house so that each executive with all pending statements and questions, they sit in the whole House and questions are paused to them as they answer. The executive have noticed that once the report is done, they will not be followed again. We want committees to make sure that we follow them to the end.

On recommendations; Hon. Nyongesa indicated that the department having failed to appear before the Committee twice, is hereby reminded that failure to appear before the committee will force the committee to invoke the provisions of article 195. This comes in when we talk about timelines, that we should have stern warnings of non-compliance that the committee has all the rights to take the next step under Article 195 of the constitution on the Powers of the County Assembly therein.

Mr. Speaker, I rise to second the report. Thank you.

**Mr. Temporary Speaker:** Honourable members a motion having been moved and seconded, I propose the question.

*(Question proposed)*

**Hon. Chrispinus Wamusai:** Hon. Speaker, I'm on my feet in support of the motion. First of all I wish to register my appreciation and loud the committee under the leadership of Hon. Sospeter Nyongesa who has moved the report well. There are cross cutting issues; when you look at this report and the reports as being moved on the floor of the House, we have cross cutting issues to do with non-submission of documentation, non-compliance and un-surrendered imprests. It has been four and half years of laboring on the same issues and I want to believe that as a House, there is urgent need to pronounce ourselves strongly and even recommend punitive measures to bring these county government officers on the executive wing to book and account.

How I wish that our new Standing Orders that were suspended could be effected because there was an attempt to bring such kind of tendencies closure by having an executive bench where members of the executive will appear before the whole House and answer to questions. That could have been the best way to cure this kind of behavior. Otherwise, I'm in support of the report and I will urge that we approve this report for onward action.

**Hon. Everton Nganga:** Thank you, Mr. Speaker for giving me a chance to contribute this motion.

First, I want to laud the mover of the motion for taking us through the report. I would like to commend on the last recommendation about the executive when they fail to appear before the committee twice. I'm looking at the recommendation as being not actionable because it is stating that failure to appear, it will force the committee to invoke Article 195 of the constitution. Basing on our Standing Orders how many times are we supposed to give the executive to appear? Here

they have indicated twice, are they supposed to fail to appear three or four times before they are summoned? The mover should substantiate on this when he comes to reply. In my own opinion, they could have just summoned the way the seconder has mentioned. When they fail to come, we should not postpone our actions.

Otherwise, I support the motion.

**Hon. Sospeter Nyongesa:** First of all, it is evident that the executive failed to appear before the committee and as you have heard, members are taking it seriously. I wish to be guided that as a committee, we are going to give the executive 7 days to appear before the committee and give clarity on why they don't want to respond to queries or appear before the committee. Otherwise, I thank all members who stayed behind to ensure the motion is adopted with the recommendations therein. Thank you, Mr. Speaker.

**Mr. Temporary Speaker:** Thank you. I now put to question that the Bungoma County Government first quarter report and financial statements as at 30<sup>th</sup> September 2021 in respect to the Department of Agriculture, Livestock, Fisheries, Irrigation and Cooperatives Development having been moved, seconded and debated on be agreed to.

*(Question put and agreed to)*

The Ayes have it!

*(Applause)*

Honourable members, that is the end of our business today. We adjourn and resume tomorrow at 2:30 p.m.

*(House Adjourns)*

