

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

DAILY

HANSARD

WEDNESDAY 2ND FEBRUARY, 2022

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

WEDNESDAY 2ND FEBRUARY, 2022

The House met at 2:30 p.m.

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

PRAYER

COMMUNICATION FROM THE CHAIR

Honorable members I have a communication to make:

The Office of the Speaker is in receipt of a matter from the Labour Committee and this is in reference to election of the Hon. Aggrey Mulongo as the Vice Chairperson, Labor Committee. The above matter refers.

Reference is made to the committee meeting held on 27th January, 2022 in the assembly tent and the position of Chairperson of the committee was declared vacant. The committee as per the Standing Orders 160 (2) conducted elections where Hon. Aggrey Mulongo was elected as the Vice Chairperson of the Labour Committee unopposed.

Find attached the minutes of the committee. I therefore, take this opportunity to congratulate the Hon. Aggrey Mulongo on being elected unopposed as the Vice Chairperson, Labor Committee.

(Applause)

PAPERS

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

Hon. Humphrey Sifuna: Thank you, Honorable Speaker. Before I table this report, while you were away yesterday, I had extended my gratitude to your office for having picked me as acting MCA Khasoko ward.

(Applause)

However, as you know inheriting a widow is very difficult, so make sure you put structures in place to make my work easy.

A report by Lands Committee on the Bungoma County Government Quarterly Report and Financial Statements for the period ended 30th June, 2021 in respect to the Department of Lands, Urban and Physical Planning, Trade, Energy and Industrialization laid by Hon. Humphrey Sifuna (*Chairperson, Lands*).

Mr. Deputy Speaker: Well noted, Hon. Sifuna Humphrey Wamalwa.

Hon. Humphrey Sifuna: Mr. Speaker, I am on my feet to table

(Applause)

(Loud Consultations)

Mr. Deputy Speaker: Honorable members, order! Consult in low tones.

A report by the Committee on Lands, Urban, Physical Planning, Trade, Energy and Industrialization having been tabled, it now becomes the property of this House.

NOTICES OF MOTION

The following Notice of Motion was issued:

That this House adopts a report by Lands Committee on the Bungoma County Government quarterly report and financial statements for the period ended 30th June, 2021 in respect to the Department of Lands, Urban and Physical Planning, Trade, Energy and Industrialization by Hon. Humphrey Sifuna (*Chairperson, Lands*).

(Applause)

Mr. Deputy Speaker: Thank you, Honorable Wamalwa, a notice having been issued, I thus direct that it be circulated to all Honorable members for their consumption and will form part of the business to be considered by this Honorable House.

MOTIONS

REPORT BY PUBLIC ACCOUNTS COMMITTEE ON THE COMPENDIUM OF THE FIFTH SESSION OF THE SECOND COUNTY ASSEMBLY

Hon. Tony Barasa (Chairperson, PAC): Thank you, Honorable Speaker allow me present a report by PAC on compendium for Fifth Session for the Second County Assembly.

INTRODUCTION

Mr. Speaker Sir, the Committee is pleased to table its mid- Term Legislative Review report prepared pursuant to Standing Order No. 186.

This report provides a summary of the key legislative activities of the Public Accounts Committee against the performance targets and budgets as spelt out in the Standing Orders. The report is a scorecard; it is meant to be a backward-looking document, focusing on performance of the Committee for the period covering September 2017 to June 2020. It reports on Committee operations for consideration by the County Assembly of Bungoma.

The report is a consolidation of activity reports from respective sessional reports of the Second House of the County Assembly of Bungoma. The Preparation of this Report is supplemented by House Business sessional reports which focus on non-financial performance and service delivery information on the legislative agenda tabled on the Floor of the House at the end of each Session.

During the reporting period, major focus was on capacity building of the Committee Members on the mandate of the Committee.

The aim of this report is to gain insights on the achievements of the 2nd Public Accounts Committee and to maintain an institutional memory for the proceeding members of the Committee in the next House. This effort will strengthen the committee operations and ex post management processes

Committee mandate and Composition

Mr. Speaker Sir, The mandate and composition of the Committee is provided for in Standing Order No. 186 (2) & (3) respectively.

1.2 The Committee Mandate and constitutional powers

Mr. Speaker Sir, The Public Accounts Committee is a Select Committee established under Standing Order No. 186 of the Bungoma County Assembly standing orders and is responsible for-

- (i) The examination of the accounts showing the appropriation of the sums voted by the County Assembly to meet public expenditure and of such other accounts laid before the County Assembly as the committee may deem fit.

(1) A County Assembly or any of its committees has power to summon any person to appear before it for the purposes of giving evidence or providing information.

Guiding Principles

In the execution of its mandate aforesaid, the committee has always been guided by core constitutional and statutory principles on Public Finance Management, as well as established customs, traditions, best practices and usages. These principles include:-

- 1) Constitutional Principles on Public Finance
- 2) Direct Personal Liability

3) Obligations of Accounting Officers designated to County Government entities

Section 149(1), of the PFM Act, 2012 stipulates that: “An accounting officer is accountable to the County Assembly for ensuring that the resources of the entity for which the officer is designated are used in a way that is lawful and authorized; effective, efficient, economical and transparent.”

This provision also obligates accounting officers designated as such to various County Government entities to appear before the Public Accounts Committee of the County Assembly to respond to queries relating to their respective departments.

The Committee further derives its powers from the Public Procurement and Assets Disposal Act 2015, the Public Procurement and Assets Disposal Regulations 2006, the Public Finance Management Act 2012, the Public Finance Management (County Governments) Regulations 2015, the County Governments Act, 2012 and the Constitution of Kenya 2010.

The current membership of the Committee is as adopted by this house.

Acknowledgement

I want to thank Hon. Winnie Nyambok who was the Member here and who has welcomed Hon. Rosemary Khisa as our new Member. Achievements

1.3 Acknowledgement

Mr. Speaker Sir, the Committee has fulfilled the preliminary endeavor as demonstrated in this report. I would like to recap the work of the Committee, itemize its oversight accomplishments, and acknowledge the endeavors that have contributed to its success.

Since its inception, the Committee has been keen to examine accounts showing the appropriation of the sums voted by the County Assembly to meet public expenditure and such other accounts laid before the County Assembly.

The Committee in the 5th session endeavored and successfully considered the following reports:

1. Auditor General’s report of the County Assembly of Bungoma for the year ended 30th June, 2019.
2. Auditor General’s report of the County Executive of Bungoma for the year ended 30th June, 2019.
3. Special Report on the Expenditure in respect to Governor Wangamati at three years.
4. Special Report on the Irregular Procurement for the Supply and Delivery of Super Petrol and Diesel in the County Executive.
5. Special Report on the Legality of the Expenditure of Ksh.58, 660,400.57 paid out by The County Department of Roads, Public Works And Infrastructure on The 10th February, 2020 Vide Certificate No.2 of 10/02/2020 in respect to the Dual Carriage Way Road Project.

I would like to acknowledge the work of my fellow Committee Members and the Secretariat; and sincerely thank them for their steadfast support. Your dedication and passion are a true inspiration and a constant reminder of the pleasure of serving on the Committee.

It is therefore my pleasure, on behalf of the Committee on Public Accounts to table this report and recommend it to this Honourable House for debate and adoption pursuant to the provisions of Standing Order No.186.

Signed.....Date:

HON. TONY BARASA-MCA

CHAIRPERSON, COUNTY PUBLIC ACCOUNTS COMMITTEE

2.0 SCOPE OF ANALYSIS

Mr. Speaker Sir, the mid- term performance review is intended to help build a substantially increased County Assembly profile whose exercise of constitutional responsibility can be considered a major success. Such an evaluation shall assess and make recommendations on further support to the Committee on Public Accounts and generally to the County Assembly's system for improved performance and learning opportunities.

Further, the review will investigate the specific activities relating to each of the line items of the periodic work plans, including training and technical support to Honorable members and recommend areas for improvement and learning.

2.1 Objectives of the Mid-Term Review

Mr. Speaker Sir, the objectives of this mid-term performance review are to:

1. Assess the progress that has been made so far against the Results Framework as well as progress made per outcome for the specific indicators. In this regard, this Mid-Term Review will determine whether the committee's outputs are on track, and whether the committee's objectives/outcomes are reflective of the period work plans and obligations. It will also determine the immediate impact and contribution to results of the oversight structure of the County Assembly of Bungoma and the broader strategic framework of the institution.
2. Map the operational, technical and programmatic gaps, challenges and areas that need improvement;
3. Make a review and an assessment of the cost effectiveness and efficiency of the Public Accounts Committee in regard to experiences, coordination, synergies and relations with the County Executive, the County Assembly, Senate, Controller of Budget, Auditor General and investigative agencies.
4. Make recommendations to scale up committee performance and improve the effectiveness and efficiency for optimal results achievement.

5. Make recommendations on approaches for aligning performance sustainability and the committee's efficacy.

2.2 Objects of Analysis

2.2.1 Committee Sittings

Internal Meetings

Mr. Speaker Sir, with a compressed time schedule, the Committee holds its regular meetings on Fridays. The most recent schedule of Committee sittings prepared by the Liaison Committee was released on 18th July, 2020 and maintains Fridays as the meeting day for the Committee on Public Accounts of the County Assembly of Bungoma. Since its composition, the Committee has done numerous reports that have successfully been adopted by this Honourable House.

In the year under review, the Committee has met on numerous occasions and made an array of recommendations some of which have borne fruits in the quest to ensure prudence and transparent financial management as well as safeguarding the resources of the people of Bungoma.

During the reporting period, the Committee was guided by the work plan as shown below:
I will not go through but Hon. Members can have a look at it.

Types of Sittings

Mr. Speaker Sir, The committee holds its regular sit in meetings within the precincts of the County Assembly. Special sittings have always been occasioned by distinctive committee programs, including and not limited to consultative sessions and/ or interrogations as well as working retreats in respect of matters under the committee's jurisdiction.

Committee size and quorum

Mr. Speaker Sir, The current membership that characterizes the Public Accounts Committee is eleven (11) in number; similar to all other standing committees' membership of the County Assembly of Bungoma

It is envisaged that the quorum of the committee shall be a third of the Members of the Committee, including the chair.”

This therefore means that the committee requires a minimum of four (4) Honorable members to transact its business.

During the period under review, the committee had a cumulative total of 71 sittings, exclusive of its working retreats and prescribed workshops in each of its sessions. In a typical calendar year there exists 48 weeks; whereas an average County Assembly Calendar carries 40 weeks (between February and December) of each year. An analysis of the regular sittings per sessions for the period under consideration is summarized in the table below.

Sessions of the 2 nd County Assembly	Actual year	No. of sittings
First	2017	15
Second	2018	20
Third	2019	32
Fourth	2020	25
Fifth	2021 (between: Jan-August)	32
	Total	124

For effective oversight, the Public Accounts Committee relies on the following resources in the discharge of its mandate

1. Robust Membership and leadership
2. Resource persons/secretariat
3. Work plans with clear priorities to guide annual performance
4. Financial support
5. Conducive working environment i.e. the precincts

Desired work plan practices are best achieved through capacity needs assessment, comprehensive, functional, structural, procedural performance review of the committee system against best standards. Focus should be mainly on the strength of committees, mandate, support infrastructure, staff capacity and enabling legislation.

2.4.0 Committee budget allocations

Mr. Speaker Sir, during the year under review, the Public Accounts Committees has been able to receive, monitor and effectively implement its respective budgets as shared by the Liaison committee.

The table below summarizes the Public Accounts Committee resources allocation for the period under review.

Members can go through the table as indicated.

In the last allocation of the previous financial year that ended on 30th June, 2020, the committee received an allocation of Ksh 5,295,941 against a budget proposal of Ksh 15,224,400. The trend replicated itself with a similar budget proposal during allocation of the current FY 2021/2022 save that there was a slight increase in the allocation to the tune of Ksh.7,606,896

The trend has been an impediment to the committees' priority direction and the achievement of its desired outputs.

The committee has however strived to actualize the full implementation of its annual work plans amidst such budgetary constraints at a slow increase in allocation.

3.0 DESCRIPTION OF ACTIVITIES

Mr. Speaker Sir, during the period under review, the committee transacted the following activities in line with the periodic work plans.

4.0 COMMITTEE REPORTS

Mr. Speaker Sir, in the current session of the Committee's existence, the following are reports that have been concluded by the committee and subsequently presented to and adopted by the Honorable House.

The Committee in the 5th session endeared and successfully considered the following reports:

1. Auditor General's report of the County Assembly of Bungoma for the year ended 30th June, 2019.
2. Auditor General's report of the County Executive of Bungoma for the year ended 30th June, 2019.
3. Special Report on the Expenditure in respect to Governor Wangamati at three years.
4. Special Report on the Irregular Procurement for the Supply and Delivery of Super Petrol and Diesel in the County Executive of Bungoma.
5. Special Report on the Legality of the Expenditure of Ksh.58, 660,400.57 paid out by The County Department of Roads, Public Works And Infrastructure on the 10th February, 2020 Vide Certificate No.2 of 10/02/2020 in respect to the Dual Carriage Way Road Project.

CURRENT ASSIGNMENTS

The Public Accounts Committee is currently engaged in producing an impartial and credible review of the activities undertaken during the period under review. In order to achieve the stated objective, this Review Report with concrete findings and recommendations will serve as a context on which lessons and areas for improvement can derive their impulse for a desirable output for the remainder of the term.

The committee is currently committed as follows;

That table is there, Honourable members will follow it

5.0 Further assignments due to be undertaken by the Committee include;

1. The report of the Auditor General on the financial statements of the Bungoma County Assembly Employee car Loan and Mortgage Fund for the FY ended 30th June, 2019
2. The report of the Auditor General on the financial statements of the Bungoma County Youth and Women Empowerment Fund for the FY ended 30th June, 2019

3. The report of the Auditor General on the financial statements of the County Executive of Bungoma for the FY ended 30th June, 2020
4. The report of the Auditor General on the financial statements of the Bungoma County Assembly for the FY ended 30th June, 2020
5. The report of the Auditor General on the financial statements of the Bungoma County Disability Empowerment Fund for the FY ended 30th June, 2020

6.0 COMMITTEE OBSERVATIONS

Mr. Speaker Sir, Basing on the findings and factual statements identified from the review of relevant documents including statutory provisions, the committee arrived at the following observations.

That; The Public Accounts Committee of the County Assembly is aligned with provisions in the various statutory guidelines espoused in the Constitution of Kenya, 2010, The Public Finance Management Act, The Public Audit Act, The Public Procurement and Assets Disposal Act, and the County Assembly of Bungoma Standing Orders, among other statutes.

The quality of technical assistance that is advanced by the committee secretariat has generally been productive. This support has complemented the synergies between the Public Accounts Committee and other committees and has ensured tangible deliverables within the County Assembly's oversight capacity.

The Public Accounts Committee roles and oversight mechanisms have been well configured and operationalized during the period under review. A look into the annual work plans, the trend of implementation of the activities and budget implementation vis-a-vis the activities projections has been even and results-oriented. This has been reflected in the committee's adequate reporting systems, strategies and outputs.

The Public Accounts Committee has been under budgeted during the previous sessions. Trends on budget apportionment to committees by the liaison committee indicate the unpredictable nature of activities by the Public Accounts Committee which tends to deviate from the projections on the work plan. Often, the committee has strained towards achieving desirable results while remaining focused on sustaining its broader goals and deliverables.

As we speak now, they are around three more reports. When we go by this, actually we are overstrained.

While the committee stays focused on production of timely and adequate reports; and decisions regarding the reports that are referred to it, the subjects that have so far been admitted for

probing have been cooperative thus enabling the committee to timely and certainly process all undertakings.

This committee notes that there is a lacuna in reporting on the status of the implementation of the recommendations made by this committee on various reports that have been adopted by this honorable house.

You can remember, this Honourable committee has done so many recommendations but has not been implemented as required by the law. Allow me go to 7.

7.0 COMMITTEE RECOMMENDATIONS

Mr. Speaker Sir, The committee recommends that;

To strengthen the Public Accounts Committee's operations, focus should be tied to the administrative general Budget. An increase in annual budget allocation will support the strategic objectives of the Committee.

The Liaison committee's budgetary allocation to committees must reflect the workload of the committee.

To inculcate the culture of openness, objectivity, accountability and transparency, frequent capacity enhancement workshops should be systematized for purposes of sensitizing Honorable Members on aspects of effective oversight, accountability and effective reporting. The capacity built members should be given time to discharge their oversight mandates in the committee for consistency and maximum utilization of the acquired skills.

To fortify the watchdog's role of the Public Accounts Committee, there is need for synergy from other Committees of this County Assembly with special regard to Implementation Committee's mandate pursuant to Standing Order 191 (2) (a) that conditions as follows:

191 (2) The Committee (on Implementation) shall scrutinize the resolutions of the County Assembly (including adopted committee reports), petitions and the undertakings given by the County Executive Committee and examine-

(a) Whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; whether such implementation has taken place within the minimum time necessary.

8.0 CONCLUSION

In view of the foregoing and with guidance drawn from our standing orders, specific to Standing Order

No. 186, it is my humble duty on behalf of the Public Accounts Committee to recommend the committee's midterm review report to this House for adoption.

The adoption schedule under 6.0 is well adopted. Allow me call upon the Vice Chair of this committee, Hon. Joseph Maguda to second the report. Thank you.

Mr. Deputy Speaker: Thank you Hon. Khaoya for the eloquent presentation of the report.

Hon. Joseph Magudah: Thank you, Mr. Speaker Sir. I rise to second the report as ably presented by our Chair Hon. Tony Barasa. This is just a brief summary of the extensive work and reports that this committee has done in this fifth session of our second County Assembly.

We have done some robust observations and recommendations as stated by our Chair in the report but unfortunately these recommendations have not been implemented by the executive but some day as we take solace in our constitution in article 26(v) that states that any accounting officer who is liable who has misappropriated Public money shall be held liable whether he /she is still in the office or not, whether he is still a holder of the office or not. I urge this Honourable House to debate this motion and adopt it.

I second.

(Applause)

Mr. Deputy Speaker: Thank you, Hon. Okhaba for seconding the report. Honourable members, a motion having been moved and duly seconded, I now propose the question that this House adopts the report by the Public Accounts Committee on the compendium of the fifth session of the second County Assembly.

I propose.

(Question Proposed)

The mood is so. Very well Honourable members, it seems the report sank very well. I now put a question Honourable members that this House adopts a report by the Public Accounts committee on the compendium of the fifth session of the second County Assembly.

(Question put and agreed to)

The Ayes have it!

(Applause)

The report is adopted forthwith.

Honourable members, that being our last item on the Order Paper, the House stands adjourned to tomorrow 2:30 p.m.

We adjourn.

(House Adjourns)