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COUNTY ASSEMBLY OF BUNGOMA
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COUNTY ASSEMBLY OF BUNGOMA

OFFICE OF THE CLERK

BUNGOMA COUNTY

HOUSE BUSINESS COMMITTEE

A REPORT

ON

**THE AFFAIRS OF THE COUNTY ASSEMBLY
DURING THE FIRST SESSION OF THE THIRD ASSEMBLY**

SEPTEMBER – DECEMBER, 2022

Clerks Chambers
County Assembly Buildings
PO BOX 1886,
BUNGOMA, KENYA

January, 2023

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PREFACE

The County Assembly Business Committee of the Bungoma County Assembly is established under Standing Order 173 and mandated to:

- (a) Prepare and, if necessary, from time to time adjust the County Assembly Calendar with the approval of the County Assembly;
- (b) Monitor and oversee the implementation of the County Assembly Business and programmes.
- (c) Implement the Standing Orders respecting the scheduling or programming of the business of the County Assembly and the functioning of the Committees of the County Assembly;
- (d) Determine the order in which the reports of Committees shall be debated in the County Assembly;
- (e) May take decisions and issue directives and guidelines to prioritize or postpone any business of the County Assembly acting with the concurrence of the Leader of the Majority Party or the Leader of the Minority Party, as the case may be.
- (f) Consider such matters as may from time to time arise in connection with the business of the County Assembly and shall have and perform such powers and functions as are conferred on and ascribed to it by these Standing Orders or from time to time by the County Assembly.

COMMITTEE MEMBERSHIP:

The Committee Membership is as follows:

1. Hon. Emmanuel Situma	Chairperson
2. Hon. Stephen Wamalwa	Vice chairperson
3. Hon. Joseph Nyongesa	Member
4. Hon. Meshack Simiyu	Member
5. Hon. Christine Mukhongo	Member
6. Hon. Mildred Barasa	Member
7. Hon. Antony Lusenaka	Member
8. Hon. Miliar Masungo	Member
9. Hon. Cornelius Makhanu	Member
10. Hon. Johnston Ipara	Member
11. Hon. Hentry Nyongesa	Member
12. Hon. Metrine Nangalama	Member
13. Hon. Violet Makahanu	Member
14. Hon. Jack Wambulwa	Member
15. Hon. Jacob Psero	Member

AIMS OF THE REPORT

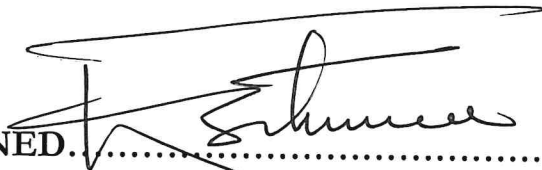
The aims of our Sessional Report are;

- 1) To summarize for the House and the Public the activities of the House during the 1st Session of the 3rd County Assembly. It gives an evaluation of the entire House Businesses in terms of; Communications made; Administration of Oath, Petitions laid, Papers laid, Statements raised, Motions and Bills considered.
- 2) Assess the impact of that work; and
- 3) Comment on any general matters which are considered important.

This report covers activities of the First Session (2022) of the Third County Assembly of Bungoma from 25th October, – 5th December, 2022.

ACKNOWLEDGMENT

The Committee extends her appreciation to the Members of the County Assembly and its Committees for the execution of her mandate for the First Session of 2022. Further, I appreciate the Members of the Committee and the Secretariat for their commitment to the work of this Committee. On behalf of the House Business Committee, I now have the honour to present the Report to the House for deliberation and adoption.

SIGNED.  DATE. 7/02/2023

Hon. Emmanuel Situma,
Speaker/Chairperson, House Business Committee.

1.0 INTRODUCTION

This is the Report that covers the Affairs of the Third County Assembly covering the FIRST Session and drawing together into a single, comprehensive document an account of the activities of the House in 2022.

The 3rd County Assembly of Bungoma held its 1st Sitting on Wednesday 21st September, 2022 at 9:00 a.m. in the County Assembly Chambers vide Gazette notice **Number 11004** dated 14th September, 2022. This was occasioned by the general election held on 8th August, 2022. In the year under consideration, the House continued to play an important part in legislation, oversight and representation of the people, working with a wide group of stakeholders, and ensuring the participation of the people in parliamentary processes.

The report covers the following thematic areas; Calendar of the House, Special sittings of the County Assembly, Composition of the House, Training workshops for Members and Committees, Address by H.E. the Governor and County assembly proceedings and businesses which include; Communications from the chair, Papers laid, Petitions, County assembly statements, Motions, Legislative proposals and bills, Sessional papers /policies and vetting of nominees to various public offices.

1.1 HOUSE CALENDAR AND SITTINGS OF THE FIRST SESSION OF THE THIRD COUNTY ASSEMBLY

The First Session of the 3rd County Assembly commenced on 21st September, 2022 on the 1st sitting of the House after general election for swearing in of the elected and nominated Members of the County Assembly. Through a special sitting on 18th October, 2022 the Governor Opened the Third County Assembly officially, paving way for the Assembly to run its affairs as per the constitution and law.

The House approved the Calendar of the County Assembly (*Regular Sessions*) for the First Session (2022) on 25th October, 2022 pursuant to the provisions of Standing Order 31.

During the session, the House Calendar was altered twice as follows;

- a) On Wednesday 2nd November, 2022 during 2:30pm session, the House resolved to adjourn to 8th November, 2022 to pave way for the recruitment and interviews of the Clerk by the County Assembly Service Board, which took place on 3rd November, 2022 as from 9:00am in the Plenary.
- b) On Wednesday 30th November, 2022 at the 9:30am session, the House adjourned to sine die instead of it adjourning on 2nd December, 2022.

By the end of the First Session, the County Assembly had held a total of **thirty four (34) Sittings** of which the **Regular Sittings** were **twenty six (26)** and **eight (8) Special Sittings**

1.2 SPECIAL SITTINGS OF THE COUNTY ASSEMBLY

The House held Seven Special Sittings during the Session, in the listed businesses below were transacted by the House;-

1. On 18th October, 2022 the Governor Opened the third County Assembly officially
2. On Wednesday 28th September, 2022 at 9:30am, Hon. Allan Nyongesa took Oath of Office and the Speaker communicated the House Leadership.
3. On Wednesday 28th September, 2022 at 2:30pm, a list of nomination of Members to serve in the House Business Committee, Selection Committee and Appointment Committee were tabled and there after a procedural motion to approve the membership of the three committees.

4. On 13th December, 2022 at 9:30am; a report by Budget and Appropriations Committee on the 1st Supplementary Budget Estimates FY 2022/2023 was tabled and notice of motion on the same report issued.
5. On 13th December, 2022 at 2:30pm; there was a motion to adopt the report by Budget and Appropriations Committee on the First Supplementary Budget Estimates FY 2022/2023.
6. On 14th December, 2022 at 9:30am; the Bungoma County First Supplementary Appropriation Bill, 2022 was read for the second time followed by Committee of the Whole House on the Bill.
7. On 14th December, 2022 at 2:30pm; the Bungoma County First Supplementary Appropriation Bill, 2022 was read for the third time.
8. On 2nd February, 2023 at 2:30p.m; consideration of the First Reading of the Finance Bill, 2022, the Bungoma County Annual Development Plan FY 2022/2023, the Bungoma County Integrated Development Plan 2022-2027 and the report by Budget and Appropriations Committee on the County Review and Outlook Paper.

1.3 COMPOSITION OF THE HOUSE

Following the Administration of Oath to all Members in 2022, the entire 3rd County Assembly has a composition of 62 honorable members; forty five (45) elected and seventeen (17) nominated representing different constituents pursuant to the provisions of Political Parties Act. A few basic statistics were evident in regard to the number of returning Members, percentage of female Members, and a breakdown of Members by parties represented in the House.

In brief, an analysis of the membership of the County Assembly reveals the following:

- a) Returning Members (27 in total)-
 - (i) Elected in Ward = 25

- (ii) Nominated = 2
- b) Percentage of First-Time Vs Returning Members-
 - (i) Returning MCAs = 27 (41.9%)
 - (ii) New MCAs = 35 (58.1%)
- c) Breakdown of Male and Female Members-
 - (i) Female MCAs = 21 (33.9%)
 - (ii) Male MCAs = 41 (66.1%)
- d) Breakdown of Members by number of terms served-
 - (i) 3 terms = 6 (9.7%)
 - (ii) 2 terms = 21 (33.9%)
 - (iii) 1 term = 35 (56.5%)

1.4 TRAINING WORKSHOPS FOR MEMBERS AND COMMITTEES

Capacity building is an important element as far as effective functioning of the County Assembly is concerned. During the session MCAs were trained on various aspects. During the First Session, two trainings workshops were organized for Members to share information, knowledge and skills of conducting, transacting and managing business of the House and committees as well as their diverse mandates as defined in the Constitution.

During the two (2) inductions the Members of the County Assembly which were held in Nakuru and Kisumu on diverse dates, they were trained and had a privilege of interacting with various guests including H.E Governor of the Bungoma County, H.E the Deputy Governor of Bungoma County and the Chairperson of EACC among others. The Facilitators were drawn from the Kenya School of Government, the National Assembly, the Senate, Controller of Budget Office, office of the County Attorney and the internal resource persons from the County Assembly Staff.

The training covered the following topics; Etiquette, dress code and grooming, Principles of Governance in the Public Service, General role and working of the County Assembly, Composition and the role of leadership, Leadership and integrity, Sources of revenue and revenue sharing, Legislative drafting and Law-making process, The Committee system, Budget making and tracking process, How to conduct summons and fact finding, Good governance and rule of Law and Financial hygiene.

1.5 ADDRESS BY H.E. THE GOVERNOR

Provisions of *Standing Order 25 (1)* requires the Governor to address the opening of each newly elected County Assembly.

On 18th October, 2022, H.E. the Governor, Hon. Kenneth Lusaka, EGH, delivered an address to the County Assembly Sitting of the House presided by the Speaker. During the Session under review, the Governor made one visit to County Assembly.

1.6 VISITING INSTITUTIONS

A total number of seven (7) institutions visited the County Assembly during its FIRST Session and followed proceedings from the Chamber Galleries. These included the following:-

NAME	DATE	LEVEL OF INSTITUTION
St. Joseph Nalondo	8/11/2022	Secondary
Kibabii Catholic Youth Development Group	9/11/2022	Religious Group
Tulienge RC-Musikoma	10/11/2022	Primary
Lotus of Highway Academy-	10/11/2022	Primary
Webuye DEB	15/11/2022	Primary
Kimalewa	17/11/2022	Secondary

St. Veronica, Ranje	22/11/2022	Secondary
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2.0 COUNTY ASSEMBLY PROCEEDINGS AND BUSINESS

2.1 COMMUNICATIONS FROM THE CHAIR

The Speaker guides the House through a variety of avenues including communications. During 1st session, the Speaker conveyed seventeen (17) communications on various subject matters which included; invitations, political and coalition issues, plenary business and Committee matters, Honorable members' welfare, acknowledgement of the visitors in galleries, procedural issues arising in the House among others.

2.2 PAPERS LAID

Documents and reports from Committees and other government bodies are normally tabled in the House. In the 1st session, twenty-four (24) Papers were tabled out of which seven (7) were from Committees, 14 from the Office of the Auditor General and three (3) from various departments in the County Executive. All the papers were committed to various committees for processing and reporting back to the House.

2.3 PETITIONS

Article 119 of the Constitution accords every person a right to petition the County Assembly on any matter within its authority including seeking enacting, amending or even repealing of legislation.

During the period under review **Two (02)** Petitions were presented and referred to the Committee on Justice, Cohesion and Legal Affairs for consideration. Out of the Two Petitions referred they were still under committee consideration.

2.4 STATEMENTS AND QUESTIONS

These are means through which Members of the County Assembly bring an important matter to the attention of the House, by giving notice and a signed copy of proposed question to the Clerk for submission to the speaker for approval. Members of the County Assembly may make general statements of topical concern on the floor of the House.

A member may request for a statement from the committee chairperson relating to matters under the mandate of the Committee or ask a question to the County Executive Committee Member responsible for the matter, then the County Executive Committee Member shall provide physical and electronic copies of the reply to a question at least a day before appearing before a Committee.

In the first session of the third County Assembly, a total of five statements were sought in the House and were as follows:

- i. A Statement sought by Hon. Jack Wambulwa on Implementation of CEF road projects to chairperson Roads, Transport, Infrastructure and Public Works on 17th November 2022 whose response was to be availed on 1st December 2022
- ii. A Statement sought by Hon. Alfred Wekesa on Environmental and health menace experienced by residents of Ndivisi Ward living close to Makemo dam, to the chairperson, Tourism on 17th November 2022 whose response was to be availed on 1st December 2022
- iii. A Statement sought by Hon. Jack Wambulwa on Information on the Tabala Kimwanga and Nakhwana Kimaeti roads in Kimaeti Ward under the Roads Maintenance Levy Fund, to the chairperson, Roads, Transport, Infrastructure and Public Works on 22nd November 2022, whose response was to be availed on 28th February 2023

- iv. A Statement sought by Hon. Miliar Masungu on Health service in relation to a number of Health projects under Community Empowerment Fund which have stalled in Misikhu. It was referred to the chairperson, Health Committee on 16th November 2022, whose response was to be availed on 30th November 2022
- v. A statement sought by Hon. John Wanyama on Muyayi Vocational Training Centre to the chairperson, Education and Vocational Training on 24th November 2022, whose response was to be availed on 15th February 2023.

By the end of the session all statements sought in first session of the Third County Assembly were not responded to.

2.5 MOTIONS

In the First Session, the House considered 13 motions that included;

- a) Six (6) on adoption of Committee Reports on consideration of various business referred to them
- b) One motion from the County Assembly Service Board on the consideration and approval of the Clerk of the County Assembly
- c) One motion on the Governor's address that had four allotted days,
- d) One Special Motion involving approving nominees for appointment to public offices; (CECM)
- e) One procedural motion and
- f) Four (4) motions that were moved without notice.

2.6 LEGISLATIVE PROPOSALS AND BILLS

During the First Session, a total of five (5) legislative proposals were introduced. Of these five (5) Bills, two were considered and approved by the House successfully as follows;

- a) The Bungoma County Climate Change Bill, 2022 (Now an Act)
- b) The Bungoma County First Supplementary Appropriation Bill, 2022 (Now an Act)

While the three (3) were still under various Committees' considerations.

- a) The Bungoma County State of the County Address Bill, 2022
- b) The Bungoma County Cultural Heritage Bill, 2022
- c) The Bungoma County Equitable Development Bill, 2022

2.7 SESSIONAL PAPERS /POLICIES

During the First Session the County Assembly neither received a Regulation nor Policy for consideration.

2.8 VETTING OF NOMINEES TO VARIOUS PUBLIC OFFICES

The County Assembly exercised its oversight role as mandated by the supreme law of the land and by various pieces of statute by undertaking vetting of various nominees to public offices forwarded to the House by the Appointing Authority. During the period under review, 11 nominees to public offices were approved by the House.

Overall, the County Assembly vetted and approved a total of **TEN (10)** nominees for appointment to the Position of County Executive Committee Members (CECMs) and approved the appointment of the Clerk of the County Assembly of Bungoma.

3.0 GENERATION OF BUSINESS IN THE PLENARY

Business in the Plenary / House of a County Assembly usually originates from the following areas: The Members of the County Assembly, Committees, procedural matters from the Standing Orders, Executive and government agencies such as the Independent Offices, County Assemblies Forum, the public and political leadership.

During the period under review, five (5) committees generated business for the plenary, they include: Appointments, House Business, Selection, Liaison and Budget and Appropriations. The Committee that featured during this period was **Appointments**. Members of the County Assembly originated eight (8) businesses on the floor of the House ranging from statement to legislative proposal.

Other businesses equally originated from the County Executive, Political leadership formation, other government agencies (IEBC, OAG and CAF), the public in regard to petitions, the County Assembly Service Board and own self executed procedures.

COMMITTEE GENERAL OBSERVATIONS




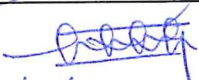
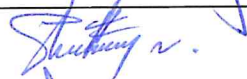
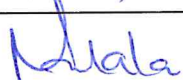



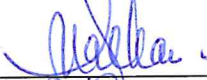



1. All the Papers laid and committed to various Committees of the County Assembly were not considered and reported back.
2. The two petitions filed in the First Session in petitioning the County Assembly on various matters is an indication of the enlightened society.
3. There were no responses provided from the statements sought by the Hon. Members.
4. The consideration of the two legislative proposals in the first session is an indication of the County Assembly's commitment towards its legislative role.
5. There were legislative proposals and papers committed to various committees that have not been reported by the close of the first session.

COMMITTEE GENERAL RECOMMENDATIONS

1. The Liaison Committee should provide a clear follow-up schedule for reporting Committee business after retreats to facilitate the plenary business; and enhance workability and accountability in the Committees.
2. The sector committees should strive to boost their oversight roles by making follow-ups on statements raised in the Plenary and any other matter incidental thereto pursuant to Standing Order 54.
3. Businesses pending before Committees shall be prioritized immediately the County Assembly resumes for the Second session.
4. Members of the County Assembly are urged to be proactive in the generation of business namely, motions, statements and other legislative proposals for consideration by the Plenary

ADOPTION OF REPORT

We the undersigned members of the House Business Committee affix our signatures adopting this report with the recommendations therein.

	MEMBERS NAME	DESIGNATION	SIGN
1	Hon. Emmanuel Situma	Speaker/Chairperson	
2	Hon. Stephen Wamalwa	Deputy Speaker/Member	
3	Hon. Joseph Nyongesa	Leader of Majority/Member	
4	Hon. Antony Lusenaka	Leader of Minority/Member	
5	Hon. Meshack Simiyu	Member	
6	Hon. Miliar Masungu	Member	
7	Hon. Jack Wambulwa	Member	
8	Hon Hentry Nyongesa	Member	
9	Hon. Violet Makhanu	Member	
10	Hon. Christine Mulongo	Member	
11	Hon. Cornelius Makhanu	Member	
12	Hon. Johnston Ipara	Member	
13	Hon. Jacob Psero	Member	
14	Hon. Metrine Nangalama	Member	
15	Hon. Mildred Barasa	Member	