

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

THURSDAY 22ND JUNE, 2023

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

THURSDAY 22ND JUNE, 2023

The House met at 2:30 p.m.

(Mr. Speaker [Hon. Emmanuel Situma] in the Chair)

PRAYER

COMMUNICATION FROM THE CHAIR

Honourable Members, I have communications to make:

1. FOURTH EDITION OF COUNTY ASSEMBLY SPORT ASSOCIATION (CASA)

The first one is about the Fourth Edition of the County Assembly Sports Association (CASA). Honourable Members, I am in receipt of the letter from the Secretary General, County Assembly Sports Association Mr. Bernard Ombogo of 15th June, 2023, addressed to all the Clerks of the County Assemblies and a copy to all the Speakers of the County Assemblies detailing about the 4th Edition County Assemblies Sports Association Games planned to be held in Nakuru City, Nakuru County Starting from 19th to 27th August 2023.

The disciplines to be staged include the following: Football, Volleyball; both for men and women, Athletics, ball games, Table Tennis, Badminton, Darts, Eight balls pool, Tag of War, Choir, Set piece, Dance on and borrowed Beauty contest among others.

In this Honour, the Office of the Clerk is asked to release the programme, so that the Honourable Members and staff in the Teams can start training in readiness for the festival. Honourable Members will be planning with the Leaders of the House to officially launch the start of the practices.

So Honourable Members, we plan to launch the official start of the practice and we want this time round where they will be held, if it is going to be Arusha or Mwanza or Dar es Salaam or Zanzibar we'll all go there.

(Applause)

So for you to qualify for those games, once you actively take part and your team qualifies to the International level, we will take you but if you take part like the one for Honourable Hon. Joseph Nyongesa, Tag of War then you lose at the...

(Laughter)

That means that everything ends here.

2. DISCHARGE OF HON. FLORENCE JUMA FROM PUBLIC ADMINISTRATION COMMITTEE

Secondly, I am in receipt of the Communication from Hon. Milly Masungu, Minority Whip on reallocation of the Committees from the Members of her Coalition, the discharge of a Honourable Member from the Committee, References made to the Standing Order Number 178(1) (a), the Coalition hereby discharge Hon. Florence Juma to be assigned a fresh Committee and from Public Administration ICT and replaced by Hon. Mukoyandali by the nominating coalitions. We proceed.

PAPERS

REPORT BY THE SECTORAL COMMITTEE ON PUBLIC ADMINISTRATION AND ICT ON THE BUNGOMA COUNTY GOVERNMENT 9 MONTHS FINANCIAL STATEMENTS FOR THE YEAR 2022 - 2023 IN RESPECT TO THE DEPARTMENT OF PUBLIC SERVICE MANAGEMENT AND ADMINISTRATION

Mr. Speaker: Honourable Members, we start with Chair, Committee on Public Administration and ICT, Hon. Caleb Wanjala for the Committee kindly proceed with the Honour.

Hon. Caleb Wanjala: Thank you, Mr. Speaker Sir. I table the report by the Committee on Public Administration and ICT on 9 Months Financial Statements for the period ended March 31st 2023 in respect to the offices of the County Secretary, Governor, Deputy Governor Public Service Management and Administration.

Mr. Speaker: Honourable members, the report by the Committee on Public Administration and ICT on the 9 months Financial Statements for the period ending 31st March, 2023 in respect to the offices of the County Secretary, Governor, Deputy Governor and Public Service Management and Administration is hereby tabled by the committee and now becomes the property of the House accordingly.

NOTICES OF MOTION

REPORT BY THE SECTORAL COMMITTEE ON PUBLIC ADMINISTRATION AND ICT ON THE BUNGOMA COUNTY GOVERNMENT 9 MONTHS FINANCIAL STATEMENT FY 2022/2023 IN RESPECT TO THE DEPARTMENT OF PUBLIC SERVICE MANAGEMENT AND ADMINISTRATION

Mr. Speaker: Hon. Caleb, you proceed and issue the notice.

Hon. Caleb Wanjala: I issue a notice of motion that this House adopts the report by the sectoral Committee on Public Administration and ICT on the Bungoma County Government 9 months Financial Statement FY 2022/2023 in respect to the department of Public Service Management and Administration.

Mr. Speaker: Thank you, Hon. Caleb. Honourable members, a notice of motion has been duly issued by the sector Committee, Public Administration and ICT on the report earlier tabled before the House. We will have the same scheduled on the Order Paper by the HBC.

STATEMENTS

Mr. Speaker: Hon. Job, I am told you have instructions to ask the question on behalf of Hon. Chikati, Honourable MCA for Ndalú Tabani Ward, kindly proceed!

Hon. Job Mukoyandali: Thank you. Mr. Speaker.

(Loud Consultation)

Mr. Speaker: Honourable members, just consult in low tones. I know the excitement of what is going to come ahead. Proceed please!

1. STATUS OF CATTLE DIPS IN NDALU/TABANI WARD

Hon. Job Mukoyandali: Thank you, Mr. Speaker. On behalf of Honourable Timothy Chikati, I wish to request for a statement under Standing Order 47(2c) from the Chairperson, Committee on Agriculture, Livestock and Fisheries, Irrigation and Co-operatives Development in respect to the following cattle dips within Ndalú Tabani ward.

- i. Mayende cattle dip
- ii. Tabani cattle dip.
- iii. Mapera cattle dip
- iv. Nzoia cattle dip
- v. Muliro cattle dip
- vi. Lubisu cattle dip

In the statement, let the Chairperson provide information as;

1. To why the foregoing cattle dips have stalled or are not in operation even after award of the contract to renovate them.
2. Provide the name or identity of the contractor awarded the tender for renovation.
3. Provide the procurement documents, tender advert, quotation or tender opening and evaluation reports, contract agreement, opinion of the procurement officer in accordance with the Public Procurement and Disposal Act 2015 for the renovation of the aforementioned cattle dips.
4. Provide the procurement plan encompassing the said renovations in accordance with section 44(2c) of the Public Procurement and Disposal Act 2015.
5. State whether there was a budgetary provision of the renovation in accordance with section 44(2a) Public Procurement and Disposal Act 202 and if yes state how much.
6. Provide information or a conclusive report as to whether the said dips were handed over by the contractors to the County Government, how much was paid and how much is in balance.

7. Provide information as to whether the tender awarded include fencing or the said cattle dips.
8. If completion and handing over has not been done, what measures are being taken to ensure that the dips are completed and operational?

Signed by Hon. Timothy Chikati

Mr. Speaker: Vice Chair of Agriculture committee? Hon. Sudi, are you a member of the said committee?

Hon. Isaiah Sudi: Yes Mr. Speaker. On behalf of my Chair and the Vice Chair, I request for 14 days.

Mr. Speaker: Honourable! You will be given sufficient time to give us feedback but we will forward the same to the concerned CEC but the response shall be fixed on notice accordingly on when they are supposed to appear before the House.

Hon. Isaiah Sudi: Thank you, Mr. Speaker.

Mr. Speaker: Honourable members, we will go to the next item. Let us have the statement owner Honourable Kennedy Wanyama!

2. WORK OF THE FIELD EXTENSION OFFICERS IN THE DEPARTMENT OF LIVESTOCK AND FISHERIES

Hon. John Kennedy Wanyama: Thank you, Mr. Speaker. Just for clarification; I have a question and a statement. Are we on the statement?

Mr. Speaker: In that order, it's basically the one for CEC Agriculture. Start with that one.

Hon. John Kennedy Wanyama: Thank you, Mr. Speaker. I wish to request a statement under Standing Order 47(2) (c) from the Chairperson, Committee on Agriculture, Livestock, Fisheries, Irrigation and Co-operatives Development in respect to the field extension officers in the department of livestock and fisheries.

Let the Chairperson provide response on;

1. The Budgetary allocation for the department of Livestock and Fisheries for the Financial Year 2022/2023
2. The staff establishment in the department of Livestock and Fisheries detailing the respective duty stations of the officers in and respective years in service.
3. Details of the number and venues of field days and external meetings held by the department.
4. Information on the participants of the field days /external meetings and details of the facilitation provided for the field extension officers during the financial year.

Mr. Speaker: Order Honourable members please! Proceed Ken!

Hon. John Kennedy Wanyama: Number 5. The tools of work provided for the field extension officers in the course of duty.

6. Details on the trainings provided to the officers to improve on skills.

Mr. Speaker: Thank you, Hon. Ken. Chair for Agriculture, the way things are going, your CEC may end up just being here every Tuesday.

(Laughter)

Hon. Sudi,

Hon. Isaiah Sudi: Honourable Speaker, I will request that you combine the two statements so that they are answered by the said CEC on the same date.

Mr. Speaker: We will make sure that it is put together so that they come up on the same day. She ought to appear here and give us responses but talk to her that unless she pulls up her socks, she may be here on every Tuesday until this session ends.

Hon. Isaiah Sudi: Agriculture is the backbone of this County, so we expect more questions.

Mr. Speaker: Thank you, Isaiah Sudi. Let's proceed to the next item! Honourable members looking at our questions, next is John Kennedy from department of Health.

Hon. John Kennedy Wanyama: Thank you, Mr. Speaker. My question is in relation to management of Level Four hospitals in the County.

3. MANAGEMENT OF BUNGOMA COUNTY REFERRAL, KIMILILI AND WEBUYE SUB-COUNTY HOSPITALS

Honourable Speaker Sir, pursuant to the provisions of Standing Order 49 of the Bungoma County Assembly standing Orders, I rise to seek an explanation from the County Executive Committee Member of Health and Sanitation on the management of Bungoma County Referral, Kimilili and Webuye Sub-county hospitals.

In the response let the CECM explain the following;

1. Procurement plan for the Financial Year 2022/2023
2. Procurement process of all the procurable including but not limited to pharmaceuticals in non-pharmaceuticals and the CEC should provide tender advert, tender evaluation reports, professional opinion from the head of the supply Chain management and final decision by the accounting officer.
3. Provide tender inspection and acceptance reports of all goods and services procured in the Financial Year 2022/2023.
4. Provide all the contract agreements for the supply of goods and services for the financial year 2022/2023
5. Provide the CR 12 for all companies that won tenders in the Financial Year 2022/2023

6. State whether the Public Procurement and Assets Disposal Act 2015 and the regulations thereto were strictly followed during the procurement of goods and services for the Financial Year 2022/2023.
7. Provide full reports on the amount of money collected from 1st July, 2022 to 31st May, 2023. And the CEC should provide bank statements from 1st July, 2022 to 31st of May, 2023 to support the information.
8. Provide full expenditure reports for the financial year 2020/2023, the CEC needs to provide supporting documents for the same expenditure.
9. Provide all fully signed minutes or reports of the management committees sanctioning expenditure of the same.
10. Provide a report on waiver of the hospital bills including the names of the patients whose bills were waived and the reasons there too.
11. State whether the procedure for waiver of the bills was followed.

Mr. Speaker: Thank you, Hon. Kennedy Wanyama. Hon. Tony I'm not seeing your microphone.

Hon. Tony Barasa: Thank you, Mr. Speaker. We agree going to ably answer this after three weeks.

Mr. Speaker: Hon. Tony, the challenge we face is that Bungoma Referral Hospital, Webuye and Kimilili are semi-autonomous. They procure their items not through the department. So you may be forced to have the technical people from the hospital from Dr. Wanikina, Dr. Shivaji and Dr. Kisaka before this House in person. Because when you ask the CEC Health to answer queries of the semi-autonomous department, he will say he is not aware how they did the procurement, so summons are sent to Dr. Wanikina, Dr Kisaka and Dr Shivaji to must appear in person.

Honourable members, I just have to clarify one item, that when we were in our HBC today and we discovered that the House may be able to adjourn for some longer period, we mopped up all pending statements and they were all brought to the Order Paper today, so that if we agreed to adjourn for some time, we will be waiting for their responses. When we get back we will get the feedback from the relevant departments. So Hon. George, I'm very sure you weren't aware of it coming up today. We're very sorry. But since you are here, kindly proceed and ask your question.

4. STATUS OF ROADS CONSTRUCTED/REHABILITATED IN MUSIKOMA WARD IN THE FINANCIAL YEAR 2022/2023

Hon. George Makari: Thank you, Honourable Speaker. Pursuant to the provisions of Standing Order No. 49 of the Bungoma Assembly Standing Orders, I arise to seek an explanation from County Executive Committee Member for Transport Infrastructure and Public Works, on the status of roads constructed/rehabilitated in Musikoma Ward in the financial year 2023.

In the response, let the CEM explain the following;

1. If the contractor executed the job according to the specifications, and
2. Why were the contractors paid before the inspection of the said road was done especially Lavin-Mwiruti road and Namasanda-SDA junction, Mukasa-Temba in Namasanda village unit?
3. Let the CEC elaborate on the other roads constructed and rehabilitated in Musikoma Ward within the same financial year.

Mr. Speaker: Chair for the relevant committee, Hon. Simotwo.

Hon. Franklin Simotwo: Thank you, Mr Speaker. Allow us to have 14 days; we may come up with an appropriate answer.

Mr. Speaker: Thank you. Hon. Simotwo. We will be able to send the statement but the response will be basically based on our resumption. So once we have them, we will be able to have them fixed on the Order Paper as planned accordingly through the HBC.

Hon. George, Makari proceed.

5. TENDERS FOR STREET LIGHTING ACROSS THE COUNTY

Hon. George Makari: Thank you, Honourable Speaker. Once again, pursuant to the provisional of Standing Order number 49 of Bungoma County Assembly Standing Orders, I hereby rise to seek answers to the question from the County Executive Member Trade, Energy and Industrialization. This is in relation to tenders for street lighting across the county.

Let the CECM inquire and provide answers to the following,

1. Allocation for the street lighting program for the financial year 2022/2023.
2. Was the procurement process leading to the award of tender for the financial year 2022/2023 and three for installation of street lighting across the county procedurally done?
3. Avail the tender advertisement evaluation report and professional opinion from the head of chain supply chain management or the Bungoma County government.
4. Provide a profile of the company that was awarded the tender with the CR12 form.
5. How much was awarded for the whole street lighting program? How much has been paid to the contractor to the date hereof and how much is outstanding balance for the said program?
6. Finally, any other information that might enlighten the house.

Mr. Speaker: Thank you, Hon. Makari. Hon. Ipara,

Hon. Johnstone Ipara: Thank you, Honorable Mr. Speaker Sir. We requested for 14 days, so that we can give a detailed and very precise report in response to the statement.

Mr. Speaker: Thank you, Hon. Ipara. Honorable members, we will be able to allow the chair through the CECM to appear once we are able to resume our sittings. So he would be given a proper date to appear so that we can look at the detailed and precise response.

Hon. Makari, Proceed again.

6. INFORMATION CONCERNING THE MUNICIPALITY BOARD MEMBERS FOR BOTH KIMILILI AND BUNGOMA MUNICIPALITIES

Hon. George Makari: Thank you, Honorable Speaker. Pursuant to the provision Standing Order No. 49 of Bungoma County Assembly Standing Orders, I here seek answers to the question from the CECM of Land, Urban, Fiscal Planning and Housing. This is in relation to various and clear information concerning the municipality Board members both for Kimilili and Bungoma in the response. Let the CECM inquire and provide us the following;

1. What is the term of the service of the Municipality Board Members who took office in 2017? And also shed the light on their years of service, if the term of the Stated Board members is renewable? To, also elaborate more on the curriculum vitae in the period remaining for each member to serve on the board.

2. If they are any vacancies that are available after some members resigned and if in affirmative the evidence of resignations. Evidence of resignation is here, Hon. Jeremiah Kuloba; he might have resigned before seeking elective seat.

Mr. Speaker: Is there any challenge that he may be facing? You may end up facing in that I'm very much aware that your CECM for this department was once the chair of the board and they went to contest for election. I don't know how you're going to handle it.

Hon. George Makari: Honourable Speaker, there are members who contested but they never resigned that is my statement.

Mr. Speaker: It's okay. Proceed.

Hon. George Makari: Number 3. Is there any Board Member currently serving or any former member who contested the 2022 General Elections but still serving? If yes their names and if they were cleared by the Independent Electoral and Boundaries Commission and EACC as per the Law.

4. Is there any Board Member who contested in the last General Election but still seats on the board to date?

Mr. Speaker: Thank you, Hon. Makari. Hon. Chemion

Hon. Francis Chemion: Thank you, Honorable Speaker. I go with your direction Honorable Speaker; you have already directed what will happen next.

Mr. Speaker: Table Clerks forward the statements. Once we have the responses, they will be assigned time on the Order Paper by the HBC but it will be on Tuesday as per our resolution here.

Next item, Hon. George Makari.

7. STATUS OF NAMASANDA DAM

Hon. George Makari: Thank you, Honorable Speaker. Pursuant to provisional Standing Order No.49 with the Bungoma County Assembly Standing Orders. I rise to seek clarification from County Executive Committee Member of Agriculture, Livestock, Fisheries, and Cooperative Development on what the department is doing about Namasanda dam?

In the response, let the CECM elaborate on the following;

1. The acreage on the said Dam.
2. Practical steps the department is taking that would have maintained the Dam fence and make it useful for the people of Namasanda both as a source of water and livelihood for them.
3. Any previous undertaking by the County Government to rehabilitate the Dam, the scope of works done at that time, any positive achievements arising from the rehabilitation.
4. Say whether the CECM is aware that the land belonging to the Dam has been encroached, ecosystem destroyed and previous fencing destroyed too. If yes then to explain what the department is doing to curb the problem.

Hon. Waiti Wafula: Thank you, Honourable Speaker. I'm at your disposal

(Laughter)

Mr. Speaker: What will happen is that, we will have a response equally, once it is going to be precise to the point or not. But we have a day again with the CECM, as earlier requested by Hon. Sudi. I will combine three of them for one afternoon because he is having enough work on that day.

Hon. Makari,

Hon. George Makari: Thank you, Honourable Speaker. I had five questions and I think I am not seeing a question on Public Administration from your end. I think it was conveniently omitted.

Mr. Speaker: No, HBC does not engage in those short activities. We assigned that work for today; the balance will be taken up when we resume. We can't finish the whole work today, so that Statement you are having is not on our Order Paper. We cannot have it today until next time when the HBC sits please.

Hon. Cornelius Makhanu, proceed please.

8. CONSTRUCTION OF PAMUS-MUYAYI-NDENGELWA ROAD

Hon. Cornelius Makhanu: Thank you, Mr. Speaker. I rise to seek a Statement pursuant to provision of Standing Order No. 49 of Bungoma County Assembly Standing Orders; I hereby seek for a statement from the CECM Lands, Urban, Physical Planning and Housing with regards to the construction of Pamus road.

In the response, let the CECM clarify on the following;

1. What is the contractual sum and scope of the project? Avail the BQs.
2. What is the sum, name of the contractor attach the CR12 and the signed contract.
3. What was the contractual period? Has it expired or not, if expired avail extension authority.
4. Is the project complete because markings have been made, if not complete what is the status?
5. Does the project have the Contract Implementation Committee? If it has, avail the CEC, the reports and the payment status attaching payment certificates.
6. Has the project been done according to the required standards?

Mr. Speaker: The challenge we have is this word called 'Pamus Road' I don't understand it. It must be commencing from somewhere and ending somewhere. Now you say Kanduyi road, which road?

Hon. Cornelius Makhanu: Thank you, Mr. Speaker Sir. This is the road that is found in my ward, it starts from the dual carriage up to River Khalaba.

Mr. Speaker: Does it cross the river?

Hon Cornelius Makhanu: No.

Mr. Speaker: It ends there? Does it go to Muyayi side?

Hon. Cornelius Makhanu: About 10 metres is in Muyayi

Mr. Speaker: You know why I am asking, the CECM will come here and say he is not aware of this road, so you must specify if it is Pamus Road from the dual-carriage to the river Khalaba towards Muyayi to Ndengelwa. You know we keep on learning these things. So just come up clearly before I allow your neighbour to assist you.

Hon. Cornelius Makhanu: This road begins from the dual carriage at Pamus Teachers College. It goes up to the bridge then it touches West Bukembe ward. It is about 20 metres in West Bukembe Ward.

Mr. Speaker: I have never heard of something called West Bukembe ward; it is strange to me.

Hon. Cornelius Makhanu: Bukembe West Ward, it is in Khalaba and Bukembe West Ward.

Mr. Speaker: Bukembe West Ward.

Hon. Anthony Lusenaka : Let me help my neighbour, I think from the records in the Roads Department that road is named Pamus-Muyayi-Ndengelwa Road. So I think you should adapt that name, maybe you don't like it but the road is called Pamus-Muyayi-Ndengelwa Road.

Mr. Speaker: I think it is Pamus-Muyayi-Ndengelwa Road that way is complete, because when you just say Kanduyi Road, we wonder which road you are talking about. Honorable Chair for Lands, Hon. Chemion, proceed please.

Hon. Francis Chemion: Thank you, Honourable Speaker. On this road maybe we get information from both departments. We can ask the Department of Roads also to avail information because they are the ones who were doing it and also the Ministry of Lands, so we can have both so that we get the correct information for the Honourable member.

Mr. Speaker: Thank you, Hon. Chemion. The Table Clerks, the forwarding letter should basically be done to the Roads Department and the Department of Lands, Urban Physical Planning and Housing, so there is no scapegoat because I am aware they may say it is in Roads then Roads say it is Urban. To avoid that mischief we invite both so that there is no delay in getting the feedback. I think same statement response will come when the House resumes.

Next item,

MOTIONS

REPORT BY THE SECTORAL COMMITTEE ON YOUTH AND SPORTS ON THE 9-MONTHS FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31ST MARCH, 2023 IN RESPECT TO THE DEPARTMENT OF YOUTH AND SPORTS

Mr. Speaker: Honourable members, in my meeting with the House leadership, we agreed that today we spend more time on the procedural motion, so I will defer this report and will be taken back to HBC for allocation of time. I have seen some of my Honourable members are looking very anxious for the last item, so Hon. Violet this motion is taken back to HBC for fresh allocation.

Next item,

BILLS

THIRD READING OF THE BUNGOMA COUNTY GOVERNMENT ANNUAL APPROPRIATIONS BILL 2023

Hon. Jack Wambulwa: Thank you, Honourable Speaker. Pursuant to the provisions of Standing Order No.132 (2) I move a motion that the Bungoma County Government Annual Appropriation Bill 2023, be read for the third time.

Mr. Speaker: Hon. Jack, just to assist you, you will do it a fresh, its 152 not 132.

Hon. Jack Wambulwa: Thank you, Honourable Speaker. I think may be because I don't have my glasses.

Mr. Speaker: No because of age maybe. Proceed please.

(Laughter)

Hon. Jack Wambulwa: Speaker, I have not complained about my age.

(Laughter)

Pursuant to provisions of Standing Order No.152 (2), I now move a motion that the Bungoma County Government Annual Appropriation Bill 2023 be read for the third time.

Mr. Speaker: Do you require a seconder?

Hon. Jack Wambulwa: Let me call upon Hon. Joan Kirong to second.

Mr. Speaker: Hon. Kirong, you have the honour of seconding this one.

Hon. Joan Kirong: Thank you, Mr. Speaker. I rise to second the third reading of the motion.

Mr. Speaker: Honourable members, a motion has been moved and seconded that the Bungoma County Government Annual Appropriation Bill 2023, be read for the third time.

(Question put and agreed to.)

Now the Bill be read for the third time accordingly.

(The Bungoma County Government Annual Appropriations Bill 2023 was read for the third time)

Mr. Speaker: Honourable members, the said Bill is deemed to have been passed by this House accordingly. It now ceases being a Bill; it becomes an Act of the Assembly of Bungoma to allow the Executive be able to apportion the moneys approved accordingly. To that extent, the said Act will go to the Executive for assenting by the Governor within 14 days and equally of course the gazettelement.

Hon. Ali Machani,

Hon. Ali Machani: Thank you, Honourable Speaker. I need your guidance, that sometimes it is good for you to assist us understand, because there is a time we agreed that whenever we take the document to the Executive, when we allow them to gazette, they always make changes. So I don't know how you can advise us on that so that we don't go have challenges we went through the other time.

Mr. Speaker: Thank you, Honourable members. The mechanism we have put in place this time round: once this Act is forwarded to the Governor for assenting, we insist on the Assembly having it published. Because the mischief has been: you pass the Bill here, they change the figures that we have approved here. So to cure that mischief, we insist on the

Assembly doing the gazettelement of the same and having copies. Even for you chairs of the committees who are here, you will be shocked that when you are doing sector interrogations, they will be relying on draft that they were using at the time of interrogations. So you must insist that every department must have a copy of the approved budget, so that we are able to make a follow up of the departmental allocations and expenditures.

Next item,

ADJOURNMENT MOTION

Mr. Speaker: Hon. Joseph Nyongesa, you have the Honour of moving the motion. You can come here to the dispatch.

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. Before I move the procedural motion, I am still stuck to where Hon. Ipara was saying he will give a detailed and very fire proof statement. So I don't know and we have some teachers in this room to help me understand.

Mr. Speaker: Hon. Joseph Nyongesa, you wait for that day and you will see a detailed and precise response from Hon. Ipara's department. Kindly proceed.

Hon. Joseph Nyongesa: Noted Mr. Speaker, so kindly allow me move the procedural motion. The County Assembly of Bungoma 22nd of June, 2023; Aware that the Members of the County assembly have taken note of the resolutions made during the Consultative Meeting held between the Speakers, Majority Leaders and Minority Leaders on 17th June, 2023 at Safari Park Hotel in Nairobi.

Further aware that these resolutions include the establishment of the Ward Development Fund. A petition on the proposals on the remuneration and benefits of the forwarded all County Assemblies for submission to SRC, Senate, National Assembly and the Office of the Deputy President 22nd June, 2023.

Noting that during the meeting, it was resolved that all County assemblies adjourn within seven days until such a time when the SRC, the matter on Members remuneration and benefit.

Further noting that the need to stand in solidarity with all County Assemblies and demonstrate our commitment to the devolve systems of governance. Appreciating that it is our duty to uphold the principles of devolution and ensure that the resolutions made by our colleagues in the County Assemblies are given due consideration.

Now therefore, notwithstanding resolution of the current Assembly under Section 31 (1) and (2) of our Standing Orders, this Assembly therefore resolves to adjourn it is sittings until the date and time specified by the Honourable Speaker as per the House Calendar.

It is duly signed by Hon. Joseph Nyongesa Juma the Leader of Majority.

Allow me call upon Honourable Leader of Minority Hon. Anthony Luseneka to second.

Mr. Speaker: Thank you, Hon. Joseph Nyongesa. Hon. Anthony Luseneka proceed.

Hon. Anthony Luseneka: Thank you, Honourable Speaker. I rise to second the motion as moved by our Leader of Majority. County Assemblies are governed under County Assembly's Forum. And when they had a meeting last week, it was a resolution that all the 47 Counties adjourn and push for their welfare. That is one of the things that we are pushing including the Ward Development Fund.

County Assemblies are a replica of the National Assembly and we are supposed to enjoy the same privileges. But in our case, I think our County Assemblies are being taken for granted and that is why we have decided to adjourn and push for what belongs to us. As this motion states, we are going to adjourn and I want to request all the Members in this House to support it. We adjourn so that we can also push for our welfare.

We have our representatives here. I think Hon. Tony Khaoya and Hon. Grace Sundukwa. They have tried their best and they always update us on matters CAF and the activities that are being undertaken.

So from their guidance arising from the meeting that was held last week, we have no option but to stand in solidarity with the other County Assemblies. I think there are over 20 which have adjourned and we are supposed to follow suit, so that all the 47 counties adjourn and push for the welfare of their members. I second.

Mr. Speaker: Thank you, Hon. Luseneka. Honourable Members, a motion has been moved and seconded that notwithstanding the resolution of the current Assemblies, under Section 31(1) and (2) of our Standing Orders that this Assembly therefore resolves to adjourn its sitting until a date and time specified by the Honourable Speaker as per the House Calendar, I propose.

(Question proposed)

Hon. Tony Barasa: Thank you, Honourable Speaker. First, I want to thank the CAF Leaderships and the Chapters of leaders of Majority and Minority Leaders and the Speaker chapter for having resolved for us to adjourn. You know after Satan being greatest enemy for MCAs, SRC are the second greatest enemy of MCAs in this republic. For us to work together, we must be united, so that we can fight for our welfare. Notwithstanding the colour, the tribe, whether you are Nominated or Elected, this one is going to build our welfare as a House. So I want to thank and because of the mood of the House, we adjourn.

Mr. Speaker: Thank you, Hon. Tony. Hon. Mukhongo,

Hon. James Mukhongo: Thank you, Mr. Speaker. I join hands with my colleagues to support the motion that we adjourn as moved by Leader of Majority. I have seen in the motion, the wisdom of the leadership of this honourable House. You have really used some words which I admire, because as we proceed for the adjournment, there are some issues we will handle within. I think Honourable Speaker you used wisdom and as we do that that our representatives who represent us in the CAF and the leadership, please you have now humble time. You can have meetings, engage and even engage other authorities so that we can benefit. If they give us a black eye then proceed with the Legal provisions as you have suggested to us. I rest my case.

Mr. Speaker: Thank you, Hon. James Mukhongo. Hon. Aggrey Mulongo

Hon. Aggrey Mulongo: Thank you Mr. Speaker Sir. Sometimes we need to be firm on our issues. It was just because of me and Mheshimiwa Opwora. We personally went up to Nairobi, we are here today. It is just because of us. We really pressurised and that's why we have reached where we are today.

(Applause)

Mr. Speaker: Honourable members, you understand that every market has some patients.

(Applause)

I never said a mad man, I said patients so

(Laughter)

On a lighter note Hon. Aggrey Mulongo my friend. Hon. Violet, proceed.

Hon. Violet Makhanu: Thank you, Honourable Speaker. I want to thank our leadership for coming up with this motion. It is high time we spoke with one voice as MCAs in this Country of Kenya for our requests to be heard. I don't know whether SRC understands what we go through as MCAs in this Republic of Kenya. We wake up in the morning before we go to our respective work; we meet so many people in our respective homes. Their requests are just too much and we are not about like take care of everything.

It is high time SRC listened to us and gave us our right. I urge this Honourable House that as we adjourn, let pray to God that this time around this animal called SRC listens to God and maybe God speaks to SRC and tells them to do the needful to Honourable Members of the County Assemblies.

Otherwise unless that is done, I am sure as the MCAs of this good country of Kenya, we will come together and move to another very highest to ensure that our rights are given to us.

Mr. Speaker: Thank you, Hon. Violent. Hon. Stephen.

Hon. Stephen Wafula: Thank you, Honourable Speaker. I rise to support the motion that this is the right way of approaching an issue in a structured manner. We have direction on where we are going and we know where we are coming from. We should not allow our emotions to dictate our actions. Sometimes we have to listen to ourselves and give reason a chance, so that it's that reason that will dictate how we move and make decisions of the moment. As human beings, we allow our emotions to drive our agenda which may not be achieved. I'm very sure this approach is going to yield the desired results.

I want to thank the Hon. Mukhongo in his absentia, if he was a choir master, the gestures would be wonderful. He is a good man, elderly and we thank him for being here. I know he is also going to help as we move a long, so that we can learn from him.

I also thank Hon. Mulongo for the dream that has actually enabled us to be here and I appreciate him because every dream is valid.

Hon Shelia Sifuma: Thank you Mr. Speaker for the opportunity to contribute to the motion on the floor. I support the motion for adjournment in the spirit of solidarity with other County Assemblies of same mind. The English man said 'the means justifies the end', therefore moving forward, I pray that we continue moving in one voice, fearlessly and courageously. I urge the CAF representation in the House to always put the interests of Honorable members first, just as they have done. I beg to support the adjournment and as we go home, we are optimistic that we will come back to a better House with better remunerations.

Hon. Francis Chemion: Mheshimiwa Spika, mimi nitapeana mfano tu; natoka jamii ya wafugaji na katika hiyo jamii, viongozi ambao wako wamefuga ngómbe huwa tuna ndume ambaye amekomaa na wakati mwingine ndume ndogo ambayo imeanza kujifunza mambo ambayo siwezi kuyataja hapa. Kuna wakati ngómbe anayehitaji ndume, yule ndume ambao amekomaa hukaa na karibu na yule ng"ombe na anamwangalia kwa umbali akiwangojea wale ambao wanajifunza wanamkaribia wakati huo ndume ambaye amekomaa atajitokeza na kuhakikisha ya kwamba mambo ambayo yanastahili kufanyika wakati huo yanafanyika. Kwa hivyo, najua kuna ndume ndogo ndogo ambao wamejaribu kumkaribia ngómbe lakini ndume ambaye amekomaa ameshikilia ushukani, hivyo basi mambo yetu yanapiganiwa kabisa. Najua CAF itafanya mambo ili sisi kupata matokeo mazuri ili sisi sote tuishi vizuri.

Hon. Maureen Katila: Thank you Hon. Speaker for giving me this opportunity to also appreciate and support the motion on the floor for adjournment. I want to appreciate our leaders for standing in solidarity with other MCAs; we are going home happy souls because our leaders are in support of what we have been fighting for.

Hon. Johnston Ipara: Thank you, Mr. Speaker Sir. There are two members around here who are interfering with my memory and that is why you are seeing that I am being pulled

backwards to the seat. My Leader of Majority was wondering how precise report will look and have the details that are required but on that he will get it right.

I rise to support this motion with the following reservations; that SRC has discriminated the MCA who does donkey work. I say this bearing in mind that the job description of the MCA, when looked at a close glance you will find that the job description of the MCA is similar to the job description of the MP, Senator, Women Representative and all those who are involved in legislation. Our major roles are; representation, legislation, oversight, approval of appointments, budget approvals, approval of borrowings of the County Government, approve county development planning and perform other duties.

Under these other duties, the SRC has failed to understand that even every day as Hon. Museveni wakes up at his door step, he finds people waiting to present cases of sick persons which is not under the job description. Some admitted persons or dead who require intervention of the member which is not provided in the job description. When I looked into what SRC is doing to us, it is purely discrimination which is against the constitutional and other statutes that are there to govern.

When you look at the Kenya Employment Act of 2007 and in particular Section 5, it says '*that an employer shall pay his employees equal remuneration for work of equal value*'. When you look at what the SRC is coming up with, it is contravening all that and that is why without any fear, I stand to support this motion of adjournment. In Section 47, it says '*every person has the right to fair labour practices*' and looking at what SRC did, it was contravening this particular section.

Article 27 of the Constitution particularly (1) *every person is equal before the law has the right to equal protection and equal benefits of the law*'. As we are sited deliberating this adjournment motion, we have been discriminated and we have been assessed on face value and we should not allow this to continue. Article 230 (4) of the Constitution says, '*to set and regularly review the remunerations of benefits of all state officers*'. This does not authorize SRC to review our salary downwards. Rule 1 (3) does not allow SRC to review salaries downwards unless with an agreement with the employee and the employer. With that, I support the procedural motion on adjournment.

(Applause)

Hon. Evertone Nganga: Thank you, Honorable Speaker. First, I thank the mover of the motion. I thank the members who travelled to Nairobi on the same issue and those members representing us on CAF. I support the motion by saying that the current salaries that we get were set some years back in 2017. When you look at the current economic status and the prices of goods; an increase in the prices of goods should be directly proportional to the increase in salaries that is supposed to be paid to Honorable members. I remember in 2017 when I joined this Assembly in September, the price of fuel was Kshs. 89 before increasing to Kshs. 99 and currently is retailing about Kshs. 183 according to IPRA. With an increase in

VAT on fuel commodities, it will go up again to about Kshs. 210., I refer to the price of fuel because it is a basic commodity that drives the economy and an increase in fuel prices will automatically increase the prices of other commodities. Therefore, our salaries must also double. In 2017 the price of fuel was about Kshs. 89 and right now it is at Kshs 183; this is a testament that our salaries must also go up.

When you look at the inflation rate looking at the CBK exchange rate, the value of our currency as compared to other currencies like Uganda and Tanzania, our money has lost value. This means that any citizen with a disposable income this person must be given your money to purchase a commodity that was being sold at Kshs. 50 in 2017, right now you require about Kshs. 100 for the same commodity. This means that our salaries must also be increased upwards because our currency has lost value.

(Applause)

Lastly, those members on the County Assembly Public Service Board, you have been considering us ksh.2,000 from Bungoma to Kisumu, it is my request, fuel price has also increased, if it can also go up to ksh.6,000 that way you will be fair to Honourable members. I support the motion.

(Applause)

Mr. Speaker: Thank you. Today Hon. Nangalama is very happy.

(Laughter)

Allow me invite Hon. Joseph Nyongesa to reply to the motion. Hon. Nyongesa, Leader of Majority, proceed please.

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. You know, indeed it's a very unique Assembly, I was also observing the CPA, when he was contributing. Hon. Nangalama was... this is just on a light note.

I want to appreciate members for their willing contribution for adjournment. Allow me to be very brief on this because as we are pushing members, we also expect some tough times ahead. So I am very happy that psychologically, you are well prepared. I am urging members to at least adjust their belts and tighten their nuts because it may take too long and as it takes too long, as their representatives here, we shall also work hard so that at least we continue engaging with the National leaders to ensure that what we are pushing for automatically comes.

The critical issue is, you know we shall always be meeting our electorates and where they are, they may not be aware of what we are going through. So through our own engagements again, we shall ensure that our members are somehow safe. When we adjourn, allow us as leaders to continue engaging, so you should not be complaining that, the other day they were in Nairobi they have already gone again to Nairobi so that at least we bring fruits.

(Laughter and applause)

We won't adjourn, sit and wait for the answers to come, we should push for them. So members, as your leaders, we should travel up and down to ensure that...

(Laughter)

Otherwise, I want to appreciate members for willingly accepting this adjournment and we hope all shall be well.

(Applause)

Mr. Speaker: Thank you, Hon. Joseph Nyongesa. Honourable members, a procedural motion has been moved that, notwithstanding the resolution of the County Assembly under Section 31(1) and (2), of our standing Orders, this Assembly therefore resolves to adjourn its sittings until the date and time specified by the Honourable Speaker as per the House calendar.

(Question put and agreed to)

Honourable members before we formally adjourn the sitting, there are some members who are yet to sign the petition. They are around four of them, so kindly do so.

I'm being told that they have all been able to sign. What I put on the wall is what CAF is bargaining country wide for individual Honourable MCAs, as you saw the last portion of the percentages have been computed properly. So I am told they are ready. From this adjournment, I'm forwarding all of them to Nairobi. So we adjourn accordingly and wish everybody nice stay at home.

I'm told some members are still going to uproot the beans, like Hon. George Makari and Milly Masungu, you proceed. You have now been given permission from the Speaker to go ahead.

(Laughter)

Thank you, we adjourn and we resume our sittings as per the Speaker's directives once I'm moved accordingly as per Standing Orders. We adjourn accordingly.

(House adjourns)