

**COUNTY GOVERNMENT OF BUNGOMA**

**COUNTY ASSEMBLY OF BUNGOMA**

**COUNTY ASSEMBLY DEBATES**

**THE DAILY HANSARD**

**TUESDAY 4<sup>TH</sup> APRIL, 2023**

**Afternoon Sitting**

**3<sup>rd</sup> County Assembly**

**2<sup>nd</sup> Session**

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# COUNTY ASSEMBLY OF BUNGOMA

## HANSARD OFFICIAL REPORT

TUESDAY 4<sup>TH</sup> APRIL, 2023

The House met at 2:30 p.m.

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

### PRAYER

### COMMUNICATION FROM THE CHAIR

Honorable Members, I have the following communications to make;

#### 1. THE GOVERNOR'S EASTER PRAYER BREAKFAST

First is an invite from the Office of the Governor Bungoma County to the Clerk County Assembly of Bungoma.

#### **Re: Invitation to the Governor's Easter Prayer Breakfast**

The above subject matter refers.

His Excellency the Governor of the County Government of Bungoma in consultation with the County Chaplain wishes to invite you and humbly request that you invite all honorable MCAs to the Easter Prayer Breakfast to be held on 10<sup>th</sup> April, 2023 at Kibabii University. You are requested to be sited at 6:30 a.m. for the service. The session will end 8:30 a.m. You are all welcome for God's blessings.

Psalms 33:12: Blessed is the nation whose God is the Lord and the people whom he has chosen for his own inheritance.

Yours Sincerely

H.E Rt. Hon. Kenneth Makelo Lusaka EGH,

Governor Bungoma County

#### 2. VISITING DELEGATION FROM BETHESDA GIRLS' SCHOOL

My second communication is concerning our visitors in the public gallery from Bethesda Girls' School; these are students that have come to learn from us. They are 42 students. You can all be upstanding.

*The visitors in the public gallery rise*

Kindly be sited.

They are accompanied by the following teachers;

1. Ms. Prudencia Wafula.  
Be upstanding
2. Brian Wanjala- Deputy Principal
3. Nelson Omoro- DOS
4. Ms. Edith Alionya- HOD
5. Mr. Phabian Wanjala- GNC
6. MS. Ann Sunguti- HOD
7. Fred Wekesa- HOD
8. Ms. Virginia Kisoi; and
9. Ms. Jentrix Nyongesa- BM.

Kindly be sited.

Honorable members at the appropriate time I will only allow two Honorable Members during the statement hour; the area MCA and the Chairperson, Committee on Education for one simple reason.

3. COUNTY EXECUTIVE MEMBERS SUBMISSION TO THE HOUSE

In my subsequent communication, we are allocating 45 minutes per each officer before us here. The computation gives me approximately 2 hours and 15 minutes. It means we have to shorten the bit of the statement hour and have time for the officers coming before us. Thank you.

Members, I am guided and I think from the outset, I want to give guidance on the procedure on item no. 7(I) (II) and (III) in relation to today's business and uniqueness of the practice which we have started. I wish to under Standing Order No. 1 give guidance on how we shall dispose the above mentioned business.

Honorable Members Standing Order No. 55 permits that admittance of County Executive Members to this House to respond and make submissions to matters as raised by the Members. For guidance purposes, the Clerks at the table shall read the statement, and then I will allow the CECM concerned to respond to the statement. Thereafter, I will invite the owner of the statement

to make comments whether the response is answering the issues raised or not. On that premise, I will also allow other members with interest to ventilate after which I will allow the CECM concerned to make clarifications. Again, I will allow supplementary questions which the CECM will respond to in future appearances. Each statement will not go beyond 45 minutes for purposes of managing time.

## PAPERS

1. REPORT FROM THE OFFICE OF THE AUDITOR GENERAL ON THE COUNTY ASSEMBLY OF BUNGOMA MEMBERS' FUND FOR THE YEAR ENDED 30<sup>TH</sup> JUNE, 2022

**Hon. Joseph Nyongesa** (*Leader of Majority*): Thank you Mr. Speaker. Before I table, following your communication, allow me also add my voice that Members welcome to Kibabii University. There will be a lot of blessings. Kindly don't miss.

Hon. Speaker allow me now table a report on the County Assembly of Bungoma for the year ended 30th June, 2022. It will be on Monday the 10<sup>th</sup> at 6:30 a.m.

**Mr. Speaker:** Hon. Majority what is on record is a mix up. I request that you table afresh. Make your invitation before you table afresh.

**Hon. Joseph Nyongesa** (*Leader of Majority*): Thank you Mr. Speaker. For the sake of Hon. Mukhongo and others who were not keen, I said that following communication from the Speaker on the invite from H.E the Governor on the prayer day on Easter Monday, Members you are welcome. There will be blessings and I encourage you not to miss. When you come, you will receive your blessings; therefore you need to be seated by 6:30 a.m. so that by 7:30 you will begin to see blessings flow. You know Mr. Speaker, Kibabii is a unique area, members test that day and you will see.

Mr. Speaker, now allow me table the report by the Auditor General on the County Assembly of Bungoma for the year ended 30<sup>th</sup> June, 2022.

**Mr. Speaker:** Honorable Members, the report by the Auditor General on the County Assembly of Bungoma for year ending 30<sup>th</sup> June, 2022 is hereby tabled; I subsequently commit the same to the Committee on Public Accounts and Investments for processing and reporting back to the House.

2. REPORT BY THE COMMITTEE ON PROCEDURE AND HOUSE RULES ON THE RULES GOVERNING PUBLIC ACCESS AND PUBLIC HEARINGS TO MEETINGS OF SELECT COMMITTEES

**Hon. Stephen Wamalwa** (*Deputy Speaker*): Thank you Hon. Speaker. I rise to table a report by the Committee on Procedure and House Rules on the rules governing public access and public hearings to meetings of Select Committees.

**Mr. Speaker:** Honorable Members, the report by the Committee on Procedure and House Rules on the rules governing public access and public hearings to meetings of Select Committees is hereby tabled and it now becomes property of the House.

## NOTICE OF MOTION

THAT THIS HOUSE ADOPTS A REPORT BY THE COMMITTEE ON PROCEDURE AND HOUSE RULES ON THE RULES GOVERNING PUBLIC ACCESS AND PUBLIC HEARINGS TO MEETINGS OF SELECT COMMITTEES

**Hon. Stephen Wamalwa:** Thank you, Hon. Speaker. I rise to issue notice of motion that this House adopts a report by the Committee on Procedure and House Rules on the rules governing public access and public hearings to meetings of Select Committees.

**Mr. Speaker:** A notice of motion having been issued by the Committee on Procedure and House Rules, I direct the Table Clerks to share this report with the Honorable Members as it is going to form business on the Order Paper in the cause of the week or early next week when we resume our sittings.

## STATEMENTS

**Mr. Speaker:** At this juncture, I will first allow Hon. MCA of the Ward where Bethesda Girls' High School is situated, that is Township Ward Hon. Jeremiah.

**Hon. Jeremiah Kuloba:** Asante Ndugu Spika kwa kunipa fursa hii. Kwanza nashukuru usimamizi wa bunge hili kwa kuwaalika wanafunzi hawa kutoka shule ya Bethesda ambayo ni jarini ya *Assembly* (bunge) letu hapa. Langu ni kuwaalika na kuwahimiza kujiskia nyumbani na kuyatilia maanani yale ambayo mtajifunza hapa ili yawasaidie siku sijazo. Nyinyi ndio viongozi wa siku za usoni na taifa hili linawategea, hivyo basi msome kwa bidii. Mtashangaa kwa nini Bw. Spika amekuwa akitumia lugha ya Kiingereza ilihali mimi natumia lugha ya Kiswahili. Hapa tunaruhusiwa kutumia lugha tatu; lugha ya kwanza ikiwa Kiswahili, Kiingereza na pia lugha ya Ishara.

*(Applause)*

Ni vile hatuna mkalimani wa lugha ya ishara; pengine mmoja wenu anaweza kuwa na ulemavu wa kusikia; kwa hivyo wakati mwingine mkija mtapata kwamba tuko na mkalimani wa lugha ya ishara. Tunawahimiza kusoma kwa bidii kwa sababu tunataka mje muwe viongozi wa kesho. Tunataka muwe viongozi wa kike. Unapotazama bunge letu utaona idadi kubwa ya waakilishi wa wadi hapa ni wa kiume. Kwa hivyo nyinyi ndio mtakaokuja nikishastaafu ama nikishatoka. Ninatarajia kijana barubaru wa kike kutoka sehemu hiyo yenu aje achukue nafasi hapa ili aongeze hiyo thuluthi moja inayohitajika katika uwakilishi wa jinsia.

*(Applause)*

La misho kwa sababu mimi ni mwenyeji na sisi husema mwenyeji akichinja ng'ombe hawezi mwenyewe akajitolea ngozi. Wenzangu wabunge walio hapa nawapa fursa mchangie kwa sababu huenda wanafunzi hawa wakaniona kama mtu wa kawaida kwao. Nyinyi mkiwaeleza...

**Mr. Speaker:** Honorable Member, you don't have a right to allocate time to anybody in this House.

**Hon. Jeremiah Kuloba:** Nashukuru na nawaomba muwe na nidhamu na mtie bidii katika masomo yenu ili mje muwe viongozi wa kesho. Asante Ndugu Spika kwa kunipa fursa.

*(Applause)*

**Mr. Speaker:** Thank you Hon. Jeremiah.

**Hon. Jeremiah Kuloba:** Pengine kwa sababu mimi mwenyewe ndiye mgeni na mwenyeji kwa sababu anayesimamia Kamati ya Elimu hayupo...

**Mr. Speaker:** Hon. Jeremiah you are out of order!

**Hon. Jeremiah Kuloba:** Asante Spika.

**Mr. Speaker:** Honorable Members, there is no vacuum in committee leadership. In the absence of the Chairperson, we have a Vice Chairperson and if they are all absent, any member of the Committee can do that work for us. I am aware we have the Vice Chairperson of the Committee Hon. Steve Kaiser.

**Hon. Steven Kaiser:** Bwana Spika asante kwa kunipa fursa hii. Kwanza kabisa nawakaribisha wanafunzi ambao wamekuja kututembelea katika Bunge la Bungoma. Langu ni kuwatia moyo na kuwaambia kwamba watie bidii katika masomo yao. Kuna msemo unaosema kwamba nyinyi ndio viongozi wa kesho na mtakuwa tu viongozi wa kesho kama mtatia bidii katika masomo yenu na kuhakikisha kwamba mmefaulu katika mitihani yenu ndio mpewe nafasi ya kuongoza siku za usoni. Kwa hayo, nasema ya kwamba mjisikie huru na mtilie maanani yale yatakayoongelewa katika chumba hiki. Kwa nyinyi wanafunzi wa kike mlio hapa, nasisitiza usemi wa Mheshimiwa Jeremiah kuwa tunapigania usawa katika taifa letu la Kenya na mko na nafasi kubwa sana ya kuhakikisha kwamba mmetia bidii na kuwa kama viongozi waliopo hapa. Asante bwana Spika.

*(Applause)*

**Mr. Speaker:** Honorable Members, on your behalf, I take this chance to wish them all the best in their studies.

## COUNTY EXECUTIVE MEMBERS SUBMISSION TO THE HOUSE

1. RESPONSE FROM THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR AGRICULTURE, LIVESTOCK, FISHERIES, IRRIGATION AND COOPERATIVES DEVELOPMENT TO A STATEMENT SOUGHT BY HON. ALFRED MUKHANYA IN RESPECT TO ENVIRONMENTAL AND HEALTH MENACE BEING EXPERIENCED BY THE RESIDENTS OF NDIVISI WARD LIVING CLOSE TO MAKEMO DAM

**Mr. Speaker:** Honorable Members, the Serjeant- at- Arms will bring in the witness. She will take the seat. First, we will allow the Table Clerk as I had guided to read out the statement, then allow the CECM to respond to the said statement. Bring the CECM with the response from the Committee on Agriculture.

*(House collapses into the Committee of the Whole House)*

*(CECM Agriculture, Livestock, Fisheries, Irrigation and Cooperatives Development ushered in to the County Assembly Plenary by the Serjeant-at-Arms)*

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Honorable Members, before us is our CECM for Agriculture, Livestock, Fisheries, Irrigation and Cooperatives Development. She has come to respond to the statement sought by Hon. Alfred Mukhanya in respect to the environmental and health menace being experienced by the residents of Ndivisi Ward living close to Makemo Dam. Hon. CECM welcome before the Whole House.

**Ms. Monica Fedha** (*CECM, Agriculture Livestock, Fisheries, Irrigation and Cooperatives Development*): Thank you Hon. Chair.

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Before you proceed, we would want the Table Clerks to read the entire statement once again. From there we will go to the owner of the statement. Members you are allowed to seek for clarification from the CECM once she has replied to the statement. Table Clerk proceed.

*(Statement is read out)*

A statement sought from the County Executive Committee Member for Agriculture, Livestock, Fisheries, Irrigation and Cooperatives Development by Hon. Alfred in respect to environmental and health menace being experienced by the residence of Ndivisi Ward living close to Makemo Dam .

In the response let the CEC respond to the following;

- 1) Why the Department has neglected the said dam posing a risk to human life and other environmental and health risks to the residence of Ndivisi Ward.
- 2) The reasons as to why there has been little efforts to rehabilitate the dam

- 3) The steps that the Executive has taken to implement the recommendation of Public Investments and Accounts Committee's report in respect to rehabilitation of said dam done financially year 2014/2015
- 4) What the department is doing to have the damage repaired in a better manner.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Honourable Members, the Serjeant to assist the CECM to use that microphone because our general practice is that basically Honourable members speak while standing. It will be unheard of to allow the CECM to speak while seated in this House. So respond while standing...

**Ms. Monica Fedha** (*CECM, Agriculture Livestock, Fisheries, Irrigation and Cooperatives Development*): Thank you Chair and Honourable Members...

*(Loud consultations)*

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Honourable Members I am not ready to share my duty with anybody kindly, I am still in charge...

**Monica Fedha** (*CECM, Agriculture Livestock, Fisheries, Irrigation and Cooperatives Development*): I am very sorry Hon. Speaker; you know I am used to coming to give statements to the Chair of the Agriculture Committee. So Hon. Speaker and Honourable Members, I have a written statement I hope you will allow me to read;

- 1) Why the Department has neglected the said dam, posing a risk to human life in other environmental and health risks to the resident of Ndivisi Ward.

My response is as follows; Bungoma County has more than eighty five (85) dams spread across the County. An assessment of the dams has found that most of them have silted and are in dire need of rehabilitation to serve the intended objectives and avoid being a risk to the respective residents. Silting means filling with the soil that is washed from nearby farms into the water body. When it rains, usually there is soil erosion. So this erosion causes the dam to hold the soil that is washed away from the farms. So Makemo dam is one of the largest dams in the County with a capacity of over 100,000 m<sup>3</sup> of water. The dam has a huge potential for irrigation and fisheries development as well as recreation. In spite of the dam being an important resource, it has been neglected and this is the issue that members sought to find solutions to. It has been neglected because the local leadership and community have not given it a priority while choosing projects to be funded by the County Government, just like the case of the other dams and water pans across the country. I will say this because we implement projects that have been prioritised by the community and that is why we have the CIDP- the County Integrated Development Plan.



2) The reasons as to why there has been little effort to rehabilitate the dam.

My response to that issue is as follows; Owing to its large capacity, it falls under the Department of Water. This is because the Department of irrigation, which is under the County Department of Agriculture, Livestock Fisheries, Irrigation and Cooperatives is only allowed to rehabilitate water pans and small dams of capacity of less than 20,000 m<sup>3</sup>. Additionally, it is estimated that the dam will require around Kshs. 75 million for effective rehabilitation. This amount is enormous and hence requires proper planning and resource mobilisation similar to what happened to Kapkara dam, which is being rehabilitated by the National Agriculture and Rural Inclusive growth project known as NARIC

3) The steps the executive is taking to implement the recommendations of the PAIC report in respect of rehabilitation of the said dam, done in the financial year 2014/2015.

My response is as follows; the issue of the said report and its implementation can only be clarified by the County Secretary who was there at that said time and the Implementation Committee of the first County Assembly. This is because the implementation of the reports has a timeframe and is dependent on the due diligence that is done by the Executive on issues raised in the PAIC reports. This is more so in cases where the PAIC reports of the County Assembly are not based on the Auditor General's reports.

4) What the department is doing to have the dam repaired in a better manner.

My response to this last issue is as follows; the department in its planning framework, the draft sectoral plan 2023/2032 and the draft county CIDP 2023/2027 has planned to rehabilitate dams across the County to increase water storage capacity and availability for increased Agricultural and Fisheries productivity. It is also recommended that the dam can be rehabilitated in phases due to limited funds that are allocated to the department. The department of water can also be requested to plan a budget for the rehabilitation of the Makemo Dam

Thank you. Signed by Monica Salano Fedha; CEC Member, Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development. Thank you Hon. Speaker, Hon. Members.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Before I invite the owner of the statement to seek clarification just for us to understand you, you have said the Department of Water is only allowed to rehabilitate dams of less than 20,000 m<sup>3</sup>. Is it based on any known law or is there any law governing that?

**Monica Fedha** (*CECM, Agriculture Livestock, Fisheries, Irrigation and Cooperatives Development*): Thank you Hon. Speaker. No, that is a policy framework and you know policies have a timeframe they usually like for one year or five years. It is actually a pronouncement by the State Department of Agriculture and that is why you find large dams are rehabilitated through Ministry of Water.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): It is okay. Now the owner of the statement Madam kindly received the Chair. Hon. Alfred Mukhanya?

**Hon. Alfred Mukhanya:** Mr. Speaker, thank you for this opportunity and to the CECM, Agriculture for appearing. I have the following observations; on the first issue, where the response has been given by the CECM, Agriculture, I will say this, Makemo dam is one dam which started some years back. This was in 1952 from the records and it sits on a seven acre piece of land. In fact today morning, the community came to my place because of what is happening so I had to go there and see. So it is sitting on a seven acre piece of land and now we are saying that it is not possible to do what we are supposed to do to save the community. I wonder because initially, the Committee on Agriculture had a responsibility of doing what you are supposed to do on that dam.

That dam is one of the biggest in Bungoma County and that is what I would say the Committee on Agriculture or the Department of Agriculture took that initiative, went to the site, and did what they did. That was somewhere between the year 2013 to 2017. So what happened, I don't know. So when you say the community has neglected... I remember there was one called Mr. Mukoroko who was the watch man by then... what is the issue of putting a project in a place and it is left without any care and that is what happened and that is why we are talking of the community. The community has a responsibility, but when you put up a project, you are supposed to take up the responsibility of caring, so that it does not happen. This happened because that time we had somebody who was caring for that project, and nothing happened; but now here you are, you put it up and leave it like that. That is why you see what happened...the community is very ready to support even when...

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Hon. Mukhanya, don't speak in parables. We don't know what happened. Explain to us kindly.

**Hon. Alfred Mukhanya:** Today in the morning, I was here and the community is very ready to support. Within 10 minutes, the place was full. I told them today, I will be getting a statement from the concerned department and they are waiting. So I don't know where you got the notion that the community is not willing to support... they very much willing. In fact, we had even talked of the area being a tourist attraction site. That is one area within the market that can help; it can attract people from different places. So if you leave it like that, then I don't know. Those are the answers that I am seeking a response on the first question.

The second response, you are talking of 20,000 m<sup>3</sup> of water. That is the one you care for, I don't know. Because initially when you went there, it was the same quantity of water. Why are you now suggesting that it should be 20,000 m<sup>3</sup> for you to care of and yet, the Committee on Agriculture and the Ministry of Agriculture went on site; and then you again now referring me to the Ministry of Water? Initially, when I brought up this statement, Mr. Speaker you had told me to pitch under tourism, but now it was twisted and it went to Agriculture. Now I am again being

twisted to go to Water... what is really happening? That means there is something that you are trying to run away from and that's why it has been thrown to...

*(Applause)*

The PAC Committee had made some recommendations. In fact, if you went to the archives, you can dig out what recommendations they gave at that time when this issue came up. I am a very close neighbour to the dam. It is one place that can give a lot of income to this County. So the PAC Committee must have recommended something that of course I have not had access to. So I want to know what recommendation that the Committee gave, because that is why you are telling me that I have to go to the Public Accounts Committee who made some recommendations.

The fourth question, what is the department doing? Like today when I was here, the school going children as young as five, six and seven years old were crossing the place and the water has no silt out. It was just flowing over the banks and they were playing around. You know, they are testing that water, you can imagine and this is a capital project...a very big project for the County of Bungoma. Now, if children are playing around the water, if it happens that one of them is taken away by that water, it can be a problem.

So even when you were doing that work, remember, there is a place you were trying to put a silt-out which they didn't. So now the water is overflowing because of the heavy rains. So what are we doing? Because I am seeing a situation whereby if it happens like that, the Community will end up opening the water to go because you would have killed someone. So *Waziri* (CECM), I want you to tell us why are you running away from this question? Kindly

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Yours are going to be comments; they cannot be questions again because the statement itself is a question.

**Hon. Alfred Mukhanya**: I am trying to answer Mr.Speaker and that is why I am saying she is running away from that responsibility.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): So, are you satisfied with that response?

**Hon. Alfred Mukhanya**: I am not because even now we had called the CECM to appear before the Committee for Agriculture and she didn't appear... that was last week.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Which CECM?

**Hon. Alfred Mukhanya**: It is the CECM for Agriculture who didn't appear

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): The one before us?

**Hon. Alfred Mukhanya**: Yes.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Members for your guidance, after the owner of the statement, I was to allow the follow up of members to ask... Madam be noting down because we have to respond to some of the issues being raised straight away from the Honourable Members.

**Hon. Milliah Masungu**: Thank you, Mr. Speaker Sir for having given me this chance to also give my views on the response from the Department of Agriculture. I am a member of the Agriculture Committee in this House and we recently retreated to Kisumu; and among the issues we discussed was the issue of dams in our Wards under Irrigation department that is under Agriculture before us. I want to put it to the CECM that Makemo dam was among the dams identified by the County Government to be worked on. Now, in the response of the department, it is again side-lined. I wonder, because the CECM has told this Honourable House that there is a donor funded programme by NARIC on a few dams. Could she tell us the number of dams that as a department they identified to rehabilitate and protect?

We have the Irrigation Department in Agriculture. Can she tell us where Irrigation department is sourcing for water if not in these dams from our Wards as they implement their projects in agriculture? How much or what was the budget for NARIC that was proposed for working on the dams in Bungoma County from the Agriculture Department? Then lastly as I sit down, the dams in our wards have become a very serious risk. We have dams in our wards that are protected and all this time or similarly, we have lost lives in them because they are not protected. We have had so many incidents where people have lost even animals in the dams, because they have been left unprotected; and this is a department that is under Agriculture.

We must know that agriculture has devolved and it has the Fisheries, Irrigation and all these departments under one department called Agriculture. So let the CECM come out clearly. They are doing fisheries...where are they doing these projects? It must be in those dams. Can she tell us on the plans they are putting in place to protect these dams, to save lives and to do all those other programmes they are saying to us.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Thank you Hon. Milliah Masungo I will have Hon. Jack Wambulwa; you will all speak, you know from my Standing Orders, we have up to 11:00 p.m. So don't worry about that time.

**Hon. Jack Wambulwa**: Thank you, Hon. Speaker for giving me this opportunity so that I can also ventilate on the issues that is before us. First I want to know whether *Waziri* Madam Fedha came here to actually respond to this question or she was out to just dismiss it and get away scot free. I don't think it is proper for the CECM, Agriculture, who also happens to be the acting Counting Secretary to refer the Member back to the former County Secretary. Does it mean she never took over the office or what happened because she is here in two capacities...

(*Applause*)

...as the CECM, Agriculture, and that the acting County Secretary? The same CECM telling us that in this year's CIDP the County is trying to address matters to do with the dams, whereas she claimed that we have no capacity as a County Government to undertake a project that is beyond 20,000m<sup>3</sup>.

This is going to be a menace! If this is how CECMs are going to be responding, then I don't know where we are headed, because you are waiting for a crisis to happen and that is when you are going to come and tell us that we were not notified in time; we were not ready with the finances. As a department, you need to be prepared. We even have a provision for emergency, which you as the County Secretary, has the powers to order whoever that is in charge of emergency to go and take care of that dam and make sure it is protected. But we're not here...

*(Applause)*

We are not here Madam *Waziri* to listen to your English language that you are trying to create for us here without having a solution. As a County Assembly, we will want responses that will save the lives of our people.

**Hon. Meshack Museveni:** Asante Mheshimiwa Spika kunipa nafasi. Nina swali nataka niulize Mheshimiwa Waziri kwamba yeye ni mzaliwa wa Bungoma na pia yeye ndiye Waziri wa *Agriculture* (Kilimo), Ningeomba Waziri atueleze ukweli kwamba hii Makemo *dam* (bwawa)... mwaka uliopita watu walikufa katika Kaunti ya Bungoma. Mali pia ikabebwa...watu walifariki na wakasema ya kwamba watatengeneza Makemo *dam* (bwawa). Ningeomba kwamba Waziri atuelezee kama hana pesa aseme apewe. Hata *fence* (ua) pekee yake itapafanya kuwa pahali pazuri. Afadhali watu watapona lakini mambo ya kuja hapa ...waziri kwanza...

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Honourable Members, the CECM is before us on invitation. She has come as a witness and so we must moderate our language, are we together? Yes proceed, Hon. Meshack

**Hon. Meshack Museveni:** Ninaomba Waziri asiende kutupeleka upande wa maji sasa. Atueleze tu ukweli ili watu wetu wa Makemo *dam* (bwawa) wasifariki.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Thank you. Hon Kikechi!

**Hon. Bernard Kikechi:** Thank you Hon. Speaker. First of all, I am a Member of the Agriculture Committee and I have listened to the response from our CEC for Agriculture and she has explained that the issue of the dam is in the department of Water and not Agriculture; but when you look at the records, in the FY 2014/2015, the department of Agriculture handled this case. So I do not understand why at that time it was handled by the department of Agriculture. Why is the CEC telling us that she cannot handle the dam? Again, given that rehabilitation requires around 75 million shillings according to what I have heard, which she says...

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): She said 75 million in the response.

**Hon. Bernard Kikechi**: Yes, that is what I heard Hon. Speaker. Now, why this can't be done in phases if the amount is huge... can't it be broken down so that it can be done in phases? That is my question.

The last one and I think this one I do not know of the other Honourable Member. I do not know if it was Hon. Wambulwa or who? What I know, there is no vacuum in office and being the County Secretary in acting capacity, can the CEC avail the status report indicating action taken over this issue.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Thank you Hon. Kikechi. Hon. Ali Machani?

**Hon. Ali Machani**: Thank you Hon. Speaker for allowing me also to add more flesh on what my colleagues have raised. This is the second time I have seen CEC Monica Fedha seated before this House. It is only that the other time she appeared before the Education Committee that was in 2018; by then she was the Chief Officer - Education but today I am happy and the way she is seated she is ready to respond over issues in Agriculture where she was vetted competitively and approved by this House.

Her background also portrays that she came from an Education background; and Agriculture and Education are two things that you cannot separate and I want to thank her because she responded to our invitation and I want to thank the Hon. Speaker that you are also giving this House what it takes when a CEC cannot give us what we want. That she can also be invited to come here.

I am a bit shocked by the response coming from our CEC Member... I doubt if it is a response because the way she was reading, I was just imagining her body language and how she responded on the two issues;

One, she is a CEC Member who should come up with a policy framework if the first framework lapsed as she is putting it. She has been in office, I know challenges have been there but from where I sit, she is more experienced. She is not a first timer. She was in the first regime with Hon. Ken Makelo Lusaka. The other regime she was also privileged to serve for some time so she knows how the Government operates and there is no vacuum in Government. As much as she came in recently, I believe she has what it takes.

For her to tell this House that it was not budgeted for, I think she is not being fair. Who should budget for it?

Two, you are trying to separate two things; you cannot distance water from soil and soil from water. That is common language... That water and soil; I do not know why the senior most is panicking somewhere...

*(Laughter)*

There is one Member who is not comfortable with me when I speak; you will give him time to speak his mind. Here I do not take it lightly because I come from Webuye East where the Honourable Member is raising this issue of the dam is from; and this is not for the Ward, it is a County project.

Two, you cannot run away to pronounce soil and run away from water. These two things move together. I do not know which subject covers that but professionals are here. My good sister retired Principal is here; she will tell us.

One, if we are talking about Makemo dam and any other dam in this County, first of all we are looking at how this County can generate funds to service the budget under Kenneth Makelo Lusaka and if you have been privileged to serve in his Government, you must be ahead of any other person to plan for this department where irrigation is and you cannot do irrigation where there is no water. If you are talking about water, soil is in that water and again when you are planning, you need to also think about what you can do in that dam to generate money.

That is the wisdom that came in the first regime under Kenneth Makelo Lusaka and the CECM then was Hon. Kokonya and my good sister was serving in another department as a Chief Officer. You can still visit the records and see what they did at that time and why is it that the other regime did not revisit.

You pick up from there and from that point you would have already come up with a policy framework explaining what action should be taken, what should be done and that is what you could even forward in the CIDP. You appeared during the CIDP interrogation and I remember my brother the Chairman, Finance Committee was with us in Kisumu. You appeared there when he was there and you can openly pronounce in this House that you did not mention anything on irrigation or what you have done in terms of planning to ignite funds during budget time. In a nutshell, my good sister who is the CEC Agriculture, you are running away from your responsibilities.

Two, the answers you are giving this House and I want to thank you Mr. Speaker if all the CECs will be appearing before this House, I think that is how we can now gauge their capability as how we approved them in this House.

When we come to the risky part of it, a dam must be protected because there is water there and there should be accessibility where there is soil because people cannot step on water. What is the protection between soil where the road is and what is the protection on water which can be risky

to our school going children? We have Makemo Secondary School there. From where I sit, you have not done serious assessment. We have not invited you here to rubbish you but we are saying that you are running away from your responsibility as a CEC who the Governor Kenneth Makelo Lusaka has entrusted to run that department. If you say as a County we have not planned, who should plan for you? Do you want a CEC from another department or the area MCA to plan for you? This is not all about an MCA. We are looking for how we are going to liquidate and facilitate the budget that we are going to come up with.

Two, we are talking about plans, who should come up with the plans? The first plan is the CIDP, we have the ADP, and all these have gone. Have you factored it in that? These are the things you should be giving this House and more so those from the Government side could be clapping for you, but as you can see, they are not clapping for you; you are also diminishing the Government that gave you that position!

*(Applause)*

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Honourable Members!

**Hon. Ali Machani:** Hon. Speaker, I am just winding up.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Just wind up... Members you know we agreed that we have 45 minutes.

**Hon. Ali Machani:** I am just framing my...

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Kindly wind up please! Kindly proceed, but now Members I think...

**Hon. Ali Machani:** Hon. Speaker, now that I may not be giving the right words, I donate my time to Hon. Mukhongo. He is panicking.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): You cannot donate time before this House...

*(Applause)*

Hon. Mukhongo, hope you are not panicking as he is putting it. How can an elderly member like Mukhongo panic? Members before we proceed, we have less than three minutes to share between questions and her response. Proceed, Hon. Mukhongo!

**Hon. James Mukhongo:** You know Hon. Speaker; I do not know why my brother is so much worried with me. I am a Member of this House like any other member because we all serve the people of Bungoma County.



My question is, CECM, are you indicating that the County Government of Bungoma is not in capacity to undertake some programs and if indeed it is so confirm to us. Can you avail a list of the dams you have mentioned that are being captured in the CIDP before this Honourable House for the consumption of other members.

Secondly, are you indicating that the County Government of Bungoma cannot collaborate with the national government in undertaking some of the projects that my brother is raising a question about? Because in my opinion, we are giving bursaries and it is a National Government function. Why are we doing so and yet we are not doing the same to your department?

Finally, how much have we allocated in the recent approved County Fiscal Strategy paper in terms of development and how much have you directed towards rehabilitation of dams. I rest my case.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Thank you. Hon. Ken? You will all speak; be brief like Hon. Mukhongo. After Hon. Ken I will have Hon. Sudi, then Hon. Charles.

**Hon. John Kennedy Wanyama**: Thank you Mr. Speaker for the opportunity to contribute. First I want to thank the CEC for making an effort to respond to these issues. My first issue is on response number one. What caught my eye is a statement that says in spite of the dam being an important resource; it has been neglected by the local leadership and the community. I am shocked with this statement because then I ask myself, what is the role of the Executive in preparation of the CIDP.

Does it mean that when the local community just doesn't understand maybe the importance of a resource then the Executive is not able to advise or give direction? That is why I am actually taken aback by this statement. My next question on the same is, the CEC should tell us what role the community and leadership should specifically play in prioritizing this dam, so that then we can see some progress.

On the second response, I see there is a change in goal posts of Water, Agriculture and then the issue of budget. To me none of this should be an issue. 75 Million is very little money to a County Government...

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Are you saying it is pocket change?

**Hon. John Kennedy Wanyama**: Yes Mr. Speaker Sir... for a County Government.

*(Laughter)*

Mr. Speaker as we do budgeting, we are actually allowed to do what is called multi-year budgeting and this is all about planning. So honestly if the department does not have enough

money, they can phase it like my colleague Hon. Kikechi said. They are also allowed to collaborate with the National Government. To me, it is an issue of priority and so the Executive needs to put the House in order in terms of prioritising projects.

**Hon. Isaiah Sudi:** Thank you Mr. Speaker. I also want to, as a Member of Agriculture Committee, raise the following concerns. First of all, I want to congratulate the leadership for organising this kind of engagement. You, majority and others...

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Hon. Sudi, appreciate yourself as well; it is in our Standing Orders!

**Hon. Isaiah Sudi:** You see Speaker, it has never happened and so I must say thank you because moving forward the CECs are going to bring very comprehensive responses to avoid meeting us the way we are here with our senior *waziri* (CECM).

The CEC having been the former Chief Officer for Agriculture in this County and given your network in your profession as somebody who has been in Agriculture for a long time, I expected your responses to be completely well structured; because you have a network even at the national office. Some of your colleagues are still there. Where you find it hard, you can talk to them and see how you can be assisted. We walk outside claiming that we are part of this government. Our 241,000 votes made this government to be where it is! We should not keep on crying that we cannot manage 75 million shillings and yet we are in the Government.

You now sit in the cabinet. When you were a Chief Officer, you could not sit in the cabinet! Fight for your rights and space. You remember this County last year and the other years did a dual carriage road worth Kshs. 1.3 billion... what about a dam that requires less than 100 million shillings then we keep on saying that we cannot manage that. We have a stadium that is on-going which is about Kshs.700 million, and then when it comes to people of Ndivisi, we say that we need Kshs. 75 million. What is 75 million *waziri*?

(*Applause*)

Look at those projects...I am talking...

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Hon. Henry!

**Hon. Isaiah Sudi:** *Waziri* you know we are here just advising you; don't feel harassed because we also want every part of this County to get its share. You are saying that Makemo has seven acres. We have a Ward in West Bukusu- Nyangali, it is around 25 Or 50 acres. We have a dam there which is silted but the land that belongs to the dam is over 25 or so in the CIDP. I want to see that Makemo and even Namuninge dam are all included. When you appear here say I have done this and this, I need the support of this House during the budget making process so that we give priorities because of this dam. We have areas in this County where there is no water. I am

very sure if we use that water properly, the people of Misikhu and Ndivisi can use that water for domestic use so we cannot... and you see how water has become scarce just like oil. I do not want to belabour much.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Thank you Hon. Sudi. Hon. Charles!

**Hon. Charles Nangulu**: Thank you Mr. Speaker for allowing me to contribute to the report from the CEC Agriculture. I find it very wrong when a CEC sits here and says that the money to protect the dam should come from the local leadership. We as CEF in most cases expect the CEC for Agriculture and the department to run the on-going projects like protecting dams. I remember when we were doing the budget; Agriculture asked Kshs. 45 million to buy cattle and what we need is water and dams. So let us have the dams running before you ask for cattle.

There is no way you can ask for animals and do irrigation without the dams; and if the money is not enough as one of the Honourable Members has just mentioned, we have the National Government. You sit in the Cabinet; write a proposal, get the money from National Government. We have dams being done like Kimwarer all over the country and are fully financed by the National Government.

It is not done by the National Government just because you sit and wait. It is the CEC Agriculture who will do the proposals, do write ups to the National Government and have the money coming to this region.

We sit here as an Assembly and we expect the department to run through our CEC who is seated here. Bring all of them and as the Assembly, we shall support you so that we can have these finances coming from the National Government.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Hon. Opwora?

**Hon. Edwin Opwora**: Thank you Mr. Speaker. I also want to contribute to this statement on the issues raised and the dissatisfaction from the response by the CEC. Following what Hon. Nangulu has said, we have proposed harvesting and water storage projects under the National Government. For instance in Bungoma County, we have Mt. Elgon dam which has been budgeted at around Kshs. 6.2 billion, Nabuyole dam which has been budgeted with roughly Kshs. 5.9 billion and Namasanda dam which apparently should be smaller than Makemo dam that has been budgeted for rehabilitation with around Kshs. 180 million. My question is, is the CEC aware of these projects that are supposed to be done in Bungoma County and if yes what contribution has she done to help the National Government identify other dams that may need help like Makemo dam.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Thank you. Hon. Chemion?

**Hon. Francis Chemion:** Thank you Hon. Speaker. I take this opportunity to thank you for allowing me to ask one or two questions.

One, if you look at the response to question number four, the CEC in other responses has denied that they can work on this, but you look at number four she says the CIDP 2023/2024 has planned to rehabilitate dams across the County to increase water storage, capacity and availability for increased Agricultural and fisheries productivity.

If it is said that we do not have funds and it is said again that a dam that has a capacity of more than 20,000 m<sup>3</sup> cannot be acted upon by the department; then in response four, it is said again they are planning to rehabilitate dams across the county, meaning even that one of Ndivisi... although what Hon. Mukhongo said, we would wish to have a list so that we can confirm that it is indeed captured in the CIDP.

Our CEC has also gone ahead to say that the dam can be rehabilitated in phases due to limited funds. So she is agreeing that the department of Agriculture is the one charged to rehabilitate and it can rehabilitate it in phases...

A very good recommendation has been given by one of our Honorable Members. This is a very risky area to the residents of those areas where we have dams. I know in our budget we have more than Kshs. 50 Million for emergency under special programmes. Which other thing are we waiting to utilize that money on so that we are able to help save the people of Ndivisi?

The department can recommend or ask for funding from the other bodies so that we have money to rehabilitate that project; otherwise the people of Ndivisi, and the local leadership from the information, the able leadership is very ready, from the area MCA. You have heard that the Members of the Community are very ready to support the programme.

Now we are getting from the response that the local leadership has never prioritized... If the Community Empowerment Fund is Kshs. 10 Million, the project requires Kshs. 75 Million, how can the MCA allocate funds? How many years will the MCA take to have the 75 Million to complete that project?

The CECM needs to take a bold step and allocate funds to this project. Let it be rehabilitated to save the lives first and also to allow other issues that were designed that will be solved by having the dam at Makemo. The PIC/PAC, report as I sit down, the Implementation Committee report of this dam is with the department. Records are always there Madam CECM. You can look at them because the report is there and it is still alive. We have the PIC and PAC report there, just have a look at it CECM and find a way of surmounting the queries that the Implementation Committee report raised and the queries of PIC and PAC Committees of this Assembly.

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Honorable Members, I said that you be brief because your time is up...

**Hon. Francis Chemion:** I was saying that the Implementation Committee report is with us and the Chairperson of that Committee by then is seated here in this Honorable House and the report is there. It has very good recommendations. This PIC/PAC report is there. The people of Ndivisi are ready to be served.

**Hon. Caleb Wanjala:** Thank you for giving me the opportunity to also contribute over the same. I am also a Member of Agriculture and what I want to ask the CECM for Agriculture to tell us is if there has been previous allocation of funds to Makemo dam and if yes, from which department? Number two; there were fingerlings that were taken to Makemo Dam from the County here. Which department took the fingerlings there?

This dam as we speak has the capacity to produce fish which can help this County when it comes to fish production. When we talk of Makemo dam, it is not just a joke because if the water breaks its bank, the disaster you will see here and in this County will be grave. So it is my appeal here that the CECM here takes the Agriculture department seriously. We hope that next time we will not reach the level we have reached because this is something we could have solved as the Agriculture Committee.

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Honorable Member you are out of order! Read article 195 of the Constitution... It allows us to ask anyone to give information to this House.

**Hon. Job Mukoyandali:** I have briefly listened to the CECM for Agriculture about his answer to the question raised. In 2013 - 2017 I am well aware and the records show that siltation was done on this particular dam. My question to the CECM is when did the policy change that we are now shifting the goals? Moving the dam from the department of Agriculture to the department of Water? When the current CECM for Agriculture and at that particular time was the Chief Officer for Agriculture, she did siltation on the same dam. What is changing at this particular time?

Secondly, dams are good but very dangerous. This dam at the end of the day needs some remedy if we have to avoid cases our people dying in the nearby future; especially with these heavy rains. I am asking the CECM to own up this particular dam, sit down with the department, for there is money on emergency, and provide a short term solution so that we avoid a scenario of our people dying.

Lastly, let the department own up the dams in totality, do enough research about the dams in existence in Bungoma County. We cry for water year in year out, we cry about hunger because we do not practice proper irrigation. This entirely sits in the docket of Agriculture.

Let the CECM and the department own up all the dams, do research and know the number of dams that are there in Bungoma County and how best these dams can be utilized to help the people of Bungoma. We have a dam in West Bukusu. This dam is so big that it can serve the

people of West Bukusu, Kimaeti and Siboti Wards. Own up these dams and let us see something happening on these dams. We can have a long term...

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Honorable Members let us avoid repetition please.

**Hon. Violet Makhanu**: Thank you. I am one of the stake holders to the said projects and I remember in last regime we buried two people who lost their lives in the same dam. They were two youths who were playing around the dam and they drowned. They were swimming... we are talking about the project that costs lives.

We have lost lives in the same project and we cannot take this for granted. I want to advice Madam CECM that if possible, you know, she has powers to do anything with this project as the CECM for Agriculture despite the fact that she is talking about other funding from elsewhere; in her capacity as the CECM, this is one project that has been there and has stalled for so many years in our constituency. I remember when we had Hon. Musakali in the 2013 regime, he used to talk about it and nothing happened. Here now is Hon. Mukhanya again talking about it and it is like nothing is going to happen unless Madam CECM does something on the same.

I want to advice the CECM that if I was the one Madam Monica; that she plans and visits these sites together with her department. Let her just visit the site and see the state that the dam is in, and from there, I am sure she will sit down with her team and know how to go about it.

In 2013, we used to call one of the Honorable Members in this Assembly the dumpsite and he really talked about the dump site. It was in Tuuti Marakaru.

**Mr. Speaker Mr. Speaker** (Chairperson, *Committee of the Whole House*): Are you trying to defame the Leader of Majority?

**Hon. Violet Makhanu**: He really pushed so hard and this is one project that we knew nothing was going to happen and I am sure that by virtue of the Honorable Member pushing so hard to ensure that something was done, something happened and that is why the Honorable Member is no longer called dumpsite and he is busy moving on with other issues in his Ward.

I want to urge my colleague Hon. Mukhanya and myself as Members from Webuye East; that we push on this issue of the dam to ensure that Madam Monica who is seated in the front of this Assembly does something, because she is able to in her capacity. She has all it takes to ensure that something is done on that dam. Otherwise if we leave at that, we are going to lose many lives. We also look at the revenue generation that will come out of this dam after it has been done.

**Mr. Speaker Mr. Speaker** (Chairperson, *Committee of the Whole House*): Madam Fedha, I think I will give you time to respond and what you will not be able to respond to, we will give

you HANSARD extract and we will give you a fresh date to respond to; at most two weeks from now.

**Ms. Monica Fedha** (*CECM, Agriculture Livestock, Fisheries, Irrigation and Cooperatives Development*): Thank you Mr. Speaker and Honorable Members. I will try very much to respond to these questions. What I can say in a nutshell is that I really wish to thank you very much because what I can conclude is that this has been a very good public participation event. There is no any other bigger public participation about this dam more than this one. So much has been going through my mind when I was seated here listening to you.

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Madam CECM, are you trying to say that you get the material for free from this Assembly?

**Ms. Monica Fedha** (*CECM, Agriculture Livestock, Fisheries, Irrigation and Cooperatives Development*): Yes, this is public participation and tomorrow morning by 6:00 a.m. I will have woken up and by seven I will be at Makemo dam.

(Applause)

I want to request Hon. Mukhanya to be there with me and Hon. Violet and in fact I was requesting if all the 14 Members of Agriculture Committee will be with me because we want to make a point.

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Honorable Members let me clarify on that issue. It is only Hon. Violet and Hon. Mukhanya. Tomorrow is your normal sitting day and the Chairperson of Agriculture I think is not from very far. He can sleep around that area. Can you give accommodation?

**Ms. Monica Fedha** (*CECM, Agriculture Livestock, Fisheries, Irrigation and Cooperatives Development*): Thank you very much for making that ruling. After that, I will be calling the Governor immediately after this session so that once we finish checking the dam; we shall have an audience with His Excellency the Governor because this is a very serious issue. Life has been lost and because we receive so much money from the exchequer, we cannot say that we cannot have Kshs. 75 Million. Even if it means cutting some amount from the scholarship fund or bursary, we shall put on this dam because... that is just a suggestion.

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): You are going to send this House into wrong direction. Scholarship issue is a no go zone!

**Ms. Monica Fedha** (*CECM, Agriculture Livestock, Fisheries, Irrigation and Cooperatives Development*): Tomorrow we shall visit the dam and thereafter meet the Governor. We shall later on talk to the CECM Finance and put on the budget...

**Hon. Stephen Wamalwa:** Mr. Speaker, I can realize that Honorable Members have just laughed when the CECM mentioned something touching on issue of scholarships. The CECM should know that the issue concerning education of the children of Bungoma is now a thorny issue, very hot and no one should go near there. We are suffering! Everyday children are at our door steps... The CECM should be fair enough and look for funds elsewhere for that project; but the issue of fees, scholarship and bursary is a thorny issue that even the Governor has...

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Hon. Deputy Speaker your point has been noted. Kindly resume your seat.

**Ms. Monica Fedha** (*CECM, Agriculture Livestock, Fisheries, Irrigation and Cooperatives Development*): Most of the issues that have been raised by Members are about the risk of this dam and the fact that the government has not given it a priority. We were in Kisumu to defend the CFSP- the County Fiscal Strategy Paper and I remember telling that Committee that if we can just be given ten percent of the Budget, that is Kshs. 1.3 Billion, then we should be left to implement key projects and then the County Assembly does what we call budget tracking. With all these, I think in future when I appear before the Budget Committee, Members will support me so that instead reducing the Budget; it should be enhanced.

An Honorable Member said that last week I was called to the Committee on Agriculture and I did not appear. I wish to be on record that currently I am acting as the County Secretary and I had been summoned together with the CECM for Health to appear before the Joint Committee of Justice and Health and the Chairperson was Hon. George Makari. I remember at one time I requested that I leave so that I go and attend to the other Committee and he said that it was only him who could allow me to go. So I sat there and as you know, it was not really a good experience but I had to sit and the other Committee was not happy. That is why I was not able to go to that other Committee. I really beg for forgiveness, but it was because I was required there as the CECM for Agriculture and here I was; so I just didn't snob the meeting.

About the number of dams in Bungoma County, we have actually done a report where we found that we have around 84 water pans and dams and all is about prioritizing projects. Maybe we have not really done well when it comes to prioritizing. Hon. Kikech talked about us ensuring that local communities and leaders are not prioritizing this project...

*(Loud consultations)*

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Order Members please!

**Ms. Monica Fedha** (*CECM, Agriculture Livestock, Fisheries, Irrigation and Cooperatives Development*): ...It is because, if Hon. Mukhanya came to our office and said that he wanted this project to be implemented, *halafu hata anatoa macho anasema* (and he stays adamant that) this project needs to be done, we would have allocated funds because it is all about prioritization. The



money is little and we want to put money on fertilizer and seeds. It is really not our wish that we ignore some projects.

*(Loud consultations)*

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Order Members! Order!

**Ms. Monica Fedha** (*CECM, Agriculture Livestock, Fisheries, Irrigation and Cooperatives Development*): Hon. Wambulwa talked about the department being prepared because we even have the Emergency Fund. You know this dam is very big and previously it was rehabilitated in the F/Y 2014/2015 but very little money was allocated; so it appeared as if the contractor did shoddy work. That is why I said that if we can put Ksh.75M, well and good! But it has not been possible because the allocation on development in Agriculture is not enough.

Hon. Meshack talked of people dying in the past year. Fencing is required. It is really unfortunate that we previously did fencing but the fence was vandalized but that is now water under the bridge. I think we shall have to work on it immediately we visit the dam tomorrow. We shall come up with a work plan to have this dam fenced... it can be prioritized. We shall get money from the Emergency Fund and fence this dam immediately.

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Madam CECM, I think the best way forward, I have spoken with my Clerks at table here; we are going to extract the HANSARD for today, share with you and when we invite you on 25<sup>th</sup> of April, you will be looking at our questions as we get the answers.

What I have seen is that there is so much repetition, but the Honorable Members raised issues so that we allow you have a good day tomorrow in the morning with Hon. Mukhanya and Hon. Violet, but on the 25<sup>th</sup> of this Month, we will now want you to come and respond to the issues raised from the HANSARD extract. At that level I want to allow you leave. Thank you very much for honoring our invitation. We are very friendly people, we only become unfriendly when you don't come before us and as you understand, Article 195 of our Constitution allows us to invite any Honorable Member or any witness to come before us and share what we may want to be shared with us. So thank you and have a good evening.

**Ms. Monica Fedha** (*CECM, Agriculture Livestock, Fisheries, Irrigation and Cooperatives Development*): Thank you Mr. Speaker and the Honorable Members.

*(Applause)*

*(CECM Agriculture Livestock, Fisheries, Irrigation and Cooperatives Development ushered out of the County Assembly Plenary by the Serjeant-at-Arms)*

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Honorable Members, the next CECM coming in is the CECM for Tourism, Environment, Water, Natural Resources and

Climate Change. He is Engineer Herbert Kibunguchy. I think the owner of the statement is present, our minority Leader in the House, Hon. Lusenaka.

*(CECM, Tourism, Environment, Water, Natural Resources and Climate Change ushered into the County Assembly Plenary by the Serjeant-at-Arms)*

Welcome Engineer Herbert Kibunguchy our CECM for Tourism, Environment, Water, Natural Resources and Climate Change. You are welcome for this friendly and interactive session. Allow me invite our Clerks at table to read out the statement as sought, then we will be having responses from the CECM. After that, we shall have the owner of the statement make comments and allow the Whole House to react.

*(Statement is read out)*

2. STATEMENT SOUGHT BY HON. ANTHONY LUSENAKA FROM THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES IN RELATION TO THE EXTENSION OF NZOWASCO WATER PIPELINE FROM MAKOTELO TO NAMIREMBE

In the response, the CECM to respond to the following

1. What was the contract sum for extension of the NZOWASCO water pipeline from Makotelo to Namirembe in the Financial Year 2019/20?
2. What was the scope of work for the projects; that is bills of quantities to be attached?
3. What were the recommendations of the Inspection and Acceptance Committee if the project was completed?
4. If the project was completed, were the pipes connected to the main NZOWASCO line?
5. If the project was not completed what was the contract period? Does the contract still exist or it lapsed? If the contract lapsed, what step has the department taken?
6. What is the payment status of this project?

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Thank you, that is from the Clerks at table and it is the statement sought. Allow me invite now the CECM to respond to the said statement as per yesterday's response that you are having on your gadgets, CECM, kindly proceed and give us your response.

**Eng. Herbert Kibunguchy** (*CECM, Tourism, Environment, Water and Natural Resources*): Thank you Mr. Speaker and members of the House. The project in question was completed in 2022 at an amount of Kshs1.9 Million. It took six months to complete and it was connected to the NZOWASCO line that runs from Mabanga to Bukembe market. This line is 0.7 of a kilometer, it has one water kiosk and right now it is only connected to seven households. Although the line is not operational, the contract was paid for in full.

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Hon. CECM I am at a loss because the response I am having and what you are reading are different. We were given a response from you, now, you ought to go through your response and give us; the project name, contractor, negotiation number, we ought to know the way forward the way it came, unless you are having something else.

**Eng. Herbert Kibunguchy** (*CECM, Tourism, Environment, Water and Natural Resources*): The contractor was called Kamwanga Enterprises, the project was from Makotelo to Namirembe and the project cost was Kshs.1.921M and it is at 100 percent complete; at completion it was operational, but later...

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Hon. CECM, we can't agree. From the statement, there were specific items; name of the contract, contract sum, project sum, scope, recommendations, connections; unless you gave us something else.

**Eng. Herbert Kibunguchy** (*CECM, Tourism, Environment, Water and Natural Resources*): The contract name is extension of Makotelo to Lutaso- NZOWASCO pipeline in West Bukembe, contractor is Kamwanga Enterprise Limited, Negotiation number is 848040-2020/2021, financial Year 2020/21, project cost Kshs.1.921679M, signed on date 26/04/2021, for a period of six months, completion status 100 per cent.

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Proceed, you know you cannot give us a document and read just a quarter a page and leave the rest for us to read.

**Eng. Herbert Kibunguchy** (*CECM, Tourism, Environment, Water and Natural Resources*): Project scope: excavating the pipeline, back laying and back filling of the pipeline for 1.6 Kilometers, installation of pipes, fittings chambers, construction of two number standard water kiosks. The Inspection and Acceptance committee carried out the project inspection and recommended that the contractor be paid the full amount for the works done.

It is important to note that the pipeline extension project was intended to abstract water from the existing Mabanga/ Bukembe return line, an abstraction point was extracted from the existing line and second pipeline laid as per the bill of quantities.

A water kiosk that was supposed to serve those who could not individually connect was also constructed and connected to the laid pipeline, however, since the project gets its water from NZOWASCO line, the members of the community were supposed to apply for connection at the water supply office from the laid pipeline. We are informed that only one person applied and was connected to the line, the other seven households were transferred from the old line and connected to this new line; this brings the total number of connections to eight through the pipeline.

It is also worth noting that the service provider has an established schedule for water supply through the Mabanga/Bukembe return line and by extension Makotelo line that gets water at 6:00 a.m., 2:00 p.m. and 8:00 p.m. This water rationing is informed by the heavy demand for water that does not guarantee continuous supply. The project was completed and fully paid for but has many challenges in its operations. The County Government is engaging NZOWASCO to put up measures that will increase time and volume of water supplied through the Bukembe return line. The community is also urged to be positive about the project and demonstrate interest by applying and registering for water connection. Also, somebody or a group especially among the youth or women should come out and apply to run the water kiosk. Thank you, Hon. Speaker.

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Thank you, kindly resume your seat. Statement owner, Hon. Lusenaka...

**Hon. Anthony Lusenaka:** Thank you, Hon. Speaker. The way our CECM is giving the response is like he is not even sure of what he is reading. This project was financed during the Financial Year 2019/20 and the project was done in 2021.

I just want to know from the CECM when he got this statement around 28<sup>th</sup> of February, did he make any point of visiting the site and if he did, what is the exact status of that project. Because this project was done, it was complete but the line was not connected to the NZOWASCO line. There is no single drop of water in that water kiosk for the last almost three years; it is a white elephant project. I just want to know when you were doing this response, did you even think of visiting that place before you do the response or not?

**Eng. Herbert Kibunguchy** (*CECM, Tourism, Environment, Water and Natural Resources*): I have visited the site, the water is connected to that line but it has been vandalized and NZOWASCO has repaired that line several times. I went there with technicians from NZOWASCO and only eight applicants are tied to that line, but there is no water at the moment and the reason is it has been vandalized many times. The water kiosk is not usable because nobody has been interested in applying to run the water kiosk.

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): I am seeing a situation where we may end up asking the area MCA to join the CECM and go to the site.

(*Laughter*)

**Hon. Anthony Lusenaka:** I think Speaker that is the way to go...

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Hon. Lusenaka kindly resume, if the CECM is saying water is being rationed and one is saying that there is no water; to cure this mischief, we arrange for a site visit between the CECM and the area MCA and the technical people to confirm that it is connected so that we make this work easier; and to avoid so much English here. What I will ask the CECM, Hon. area MCA, Chairperson, Committee on Water;

you can at you own level arrange for a site visit with the technical people, see what they have done so far and we will expect feedback from you on the 25<sup>th</sup> of April. Three weeks from now so that we are able to move on and allow the CECM do his work, as well as the area MCA represents his people.

*(Applause)*

*(CECM - Tourism, Environment, Water and Natural Resources ushered out of the County Assembly Plenary by the Serjeant-at-Arms)*

Honourable Members, we are now expecting the last CEC from Public Administration that is CECM Benedict Emachar appearing on the statement about the Bokoli Ward offices. This is cutting across most of your ward offices; you can have your field day after that.

*(CECM, Public Service Management and Administration ushered into the County Assembly Plenary by the Serjeant-at-Arms)*

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Honourable Members, before us is our CECM for Public Service Management and Administration Benedict E. Emachar. As practice that I have shown before, we will allow the Clerks at table to read the statement and allow the response from the respective CECM; then we will allow the owner of the statement Hon. Kawa to respond to the same then open plenary for members to seek clarification. Let me allow the Clerks at to proceed and read the statement.

*(Statement is read out)*

3. A STATEMENT SOUGHT BY HON. KAWA FROM THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR PUBLIC SERVICE AND MANAGEMENT IN RELATION TO THE INCOMPLETE CONSTRUCTION OF BOKOLI WARD OFFICE IN THE FINANCIAL YEAR 2015/16

In the response, let the CECM respond to the following questions;

1. How much was allocated to the project?
2. Name of the contractor and amount paid to date.
3. The contact period.
4. Why the project stalled?
5. What the department is doing to complete and operationalize the office?

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Thank you, CECM you can now proceed and respond to the question. Fortunately, here we speak while standing except the Speaker so I will ask that kindly stand as you do the response. If you will feel uncomfortable, we will allow you to use our dispatch here, and if you need more water we will provide.

(Laughter)

**Mr. Benedict Emachar** (CECM, Public Service Management and Administration): Thank you, Hon. Speaker; this is my response to the question that was asked by the Hon. Member.

How much was allocated for the project - The project was allocated Kshs.17, 921,925.76 for the construction of two ward offices namely Bokoli and Misikhu. If you divide the Kshs.17 Million into two, the project for Bokoli was Kshs. 8,960,963.

Name of the contractor and money paid to date - The contractor for the project is called Montech Group Limited of PO Box 476, Kimilili, Tender number was BGM/CNT/175/204 of 2015.

The money paid to date - on 17<sup>th</sup> March, 2017, Kshs. 2,517,049 was paid, on 5<sup>th</sup> December, 2018 Kshs.1,588,277 was paid, 5<sup>th</sup> of May, 2020 Kshs. 877,194 was paid, 7<sup>th</sup> January, 2022 Kshs. 481,984 was paid, 7<sup>th</sup> January, 2023 Kshs. 1,109,084 was paid. So, a total of Kshs. 6,577,586 has been paid out of the contract figure of Kshs. 8,960,963 there is a balance of Kshs. 3,383...

**Mr. Speaker** (Chairperson, *Committee of the Whole House*): Just come up again, the balance is what...

**Mr. Benedict Emachar** (CECM, Public Service Management and Administration): The balance unpaid to the contractor is Kshs. 2,383,377.

Contract period: The contract was to be completed within a period of 24 months however the project is not complete eight years down the line; it is 85 percent complete. There are copies of the contract and certificates that we have attached Hon. Speaker.

Why the project stalled: The project stalled because of lack of land. There was a delay in handing over land to the contractor for a period of two years, also, directors had disputes at the start of the execution of the contract; however the matter was later resolved, lack of development funds which were allocated to the project in successive years and also delay in the payment of the contractor and insufficient funds allocated for pending bills.

What our plans are: Our plan is that there was a payment being processed for Kshs.1,109,084 and I confirm that it has already been paid and is no longer under processing and once that has been received by the contractor, he has promised that he will complete the construction in a month's time.

In our response back to your question, I have attached several documents which I believe are in your possession; there is a signed contract, a letter of award, there are court case documents, letters of derailed court case because of the disputes of contractors, there are documents of site handing over, resumption of work documents, letters from the legal advisor, payment request from the contractor. There are also company documents and profiles and photos of the building,

a site inspection report, extension request, request of variation and approval for variation. Thank you, Mr. Speaker.

**Mr. Speaker:** Thank you, kindly resume your seat. Yes Hon. Kawa.

**Hon. Jack Kawa:** Thank you, Hon. Speaker. As the MCA for Bokoli Ward since 2013; I can say that all statements I have been bringing to this Hon. House; from the bottom of my heart, this is the response that is worthy. The statements I have been bringing here I can inform the Honorable House that this is the only statement that I have been given some truths. As we are speaking here, the contractor is on site.

*(Applause)*

Finally, I just want to inform the CECM that when I was with the contractor today, we identified some leakages and I think they came because of that long period of project completion. Kindly note that and inform the contractor. Also, he has said that he will finish the work in three weeks. So moving forward CECM, I want to say thank you for the response and now that we want that harmony and good working relationship, let the projects be completed within the stipulated period. Otherwise...

**Mr. Speaker (Chairperson, Committee of the Whole House):** Thank you Hon. Kawa. Hon. Milliah Masungu?

**Hon. Milliah Masungu:** Thank you Mr. Speaker Sir for having given me this opportunity to also acknowledge the good response from the department of Public Administration. I have also risen because my Ward has also been mentioned and joined with Bokoli Ward for my brother Kawa.

The allocation from what the CEC has read was meant for the two offices; but let me thank my brother Hon. Kawa for having raised the statement earlier, because I was also preparing the same statement which maybe now, I will just walk into the office of the CEC and we share. I wish to inform the CEC that equally in Misikhu Ward, the site was handed over with the same name of the contractor's company that I have heard you read. The foundation was excavated and the contractor brought few materials on the site; and that is far back in 2019. Up to now, there is no work that has been going on, only to be told that the department had not cooperated. I am so sure from the good response you have brought before us that my office is also going to be worked on very fast because it is the same contractor. The amount allocated has been read here Mr. Speaker and so I just want to say that tomorrow I will be visiting you our CEC. Hon. Speaker...

**Mr. Speaker (Chairperson, Committee of the Whole House):** That is a private arrangement.

**Hon. Milliah Masungu:** No Speaker.

**Mr. Speaker (Chairperson, Committee of the Whole House):** Whenever you go to the CECMs you never inform me.

*(Laughter)*

**Hon. Milliah Masungo:** I am so sorry.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Please head to his office quietly.

**Hon. Milliah Masungo:** Thank you Speaker. It was just a reminder that I will be his visitor tomorrow. Thank you for that good response and we also wish and even remind other CECMs that we expect such like responses before us. You see, we are not going to dwell so much on this one. Congratulations Hon. CECMs.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Thank you. Yes, Honourable Luseneka.

**Hon. Anthony Lusenaka** (*Leader of Minority*): Thank you Hon. Speaker. I am impressed by the response that has been brought before this House. It was short, precise and I think the CECM given time and support, he can do some good job. I just want to urge other CECMs to follow suit. If they can borrow a leaf from him, I think this county can move forward.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): He has taken note thank you.

**Hon. James Mukhongo:** Thank you Hon. Speaker for the opportunity. How I wish some members who were there when we started the session could be present. That is why we were saying change of government is good.

*(Laughter)*

Mr. Speaker, you can see now the opposition side is applauding the government and that is the way to go.

*(Laughter)*

That is the way to go Hon. Speaker! It is a wakeup call to other CECMs; they also need to emulate what my brother is doing. We need concrete responses from the Executive; by so doing, it will open our eyes, even now as we budget; when I allocate some funds towards a certain project, I am very sure of the implementation because of the current well organised government. I rest my case.

**Hon. Violet Makhanu:** Thank you Speaker. I also want to take this time to appreciate the CECM for the good response that all of us have agreed with and I wish to remind our CECM that most of these Ward offices...

*(Loud consultations)*

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Order Members. Order! Order!



**Hon. Violet Makhanu:** Hon. Speaker, Hon. Kawa is normally like that... we listen to him and he decides to distract some of us. I was saying that most of these Ward offices began during Hon. Lusaka's first regime. An example from my Ward or Webuye East constituency where three Wards offices were to be done and two were done to completion. In Mihuu, it was a bit late and the contractor, who came after I assumed the office, came to the site and did what was supposed to be done. The contractor now is doing his final touches just to ensure that he finishes the remaining small areas. I wish to request the CECM that as he leaves this place back to his office, let him start programming to come and open these offices officially. I want you to start from Mihuu, we need to open that office officially and remember that as we do that, we need to furnish the offices with fancy furniture, curtains and etc. I want you to come and open it officially very soon because it is ready for use.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Thank you. Yes Hon. Mukoyandali?

**Hon. Job Mukoyandali:** Thank you Mr. Speaker for giving me this chance. I only stand to congratulate the CECM for the good response. I wish to remind Hon. Mukhongo who has just left that actually when something is good; all of us accept that it is good. For instance, the CECM's response shows how he is hands on. I wish to congratulate him and ask him to continue that way. With such kind of working, I am sure the County Government of Bungoma will be headed in the positive direction.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Thank you Hon. Mukoyandali. Hon. Christine, then Hon. Stephen will close that chapter.

**Hon. Christine Mukhongo:** Thank you Hon. Speaker I also want to take this opportunity to appreciate and congratulate the CECM Mr. Benedict Emachar for being badged after all the Honourable Members accepting that there is some good work that he has done. He is from my Kimilili Ward and in Kimilili Ward is where the great minds lie.

*(Laughter)*

*(Applause)*

So, in case of any shortage, kindly I am ready to give more because they are there.

**Mr. Speaker:** Thank you. Yes Hon. Stephen Wamalwa.

**Hon. Stephen Wamalwa:** Thank you Hon. Speaker. Let me join the trail and congratulate the CECM; but I wish to inform the CECM that we are happy that Hon. Kawa made the statement. We don't know had he not made the statement, if the contractor would be on site; because Hon. Milliah did not make the statement and the contractor is not on site. I want to encourage our very wonderful CECM that you are equal to the task. We look at you and see a future in that

department. But kindly just move and don't wait for statements to come before these people move on the ground. I congratulate you and may God bless you.

**Mr. Speaker** (*Chairperson, Committee of the Whole House*): Thank you Honourable Members allow me release the CECM. Thank you for the work well done, congratulations and keep it up. (*Applause*)

Serjeants, kindly escort our CEC out of the Chamber.

*(The CECM, Public Service Management and Administration is escorted out of the debating Chambers)*

*(House session resumes)*

**Mr. Speaker:** Honourable Members from our Order Paper there was no motion slotted for today, the only schedule was statements. We will now adjourn and resume our sittings tomorrow at 9:30 a.m.

*(House Adjourns)*