

**COUNTY GOVERNMENT OF BUNGOMA**

**COUNTY ASSEMBLY OF BUNGOMA**

**COUNTY ASSEMBLY DEBATES**

**THE DAILY HANSARD**

**WEDNESDAY 15<sup>th</sup> FEBRUARY, 2023**

**Afternoon Sitting**

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

**2nd Session**

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# COUNTY ASSEMBLY OF BUNGOMA

## HANSARD OFFICIAL REPORT

WEDNESDAY 15<sup>th</sup> FEBRUARY, 2023

The House met at 2:30 p.m.

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

### PRAYER

### PAPERS

#### REPORT BY SECTORAL COMMITTEE ON PUBLIC ADMINISTRATION AND ICT ON THE BUNGOMA COUNTY STATE OF COUNTY ADDRESS BILL, 2022

**Hon. Jack Wambulwa:** I stand to table a report by the Committee on Public Administration and ICT on the Bungoma County State of the County Address Bill 2022.

**Mr. Speaker:** Honorable Members, a report by the Public Administration and ICT Committee on the Bungoma County State of the County Address Bill, 2022 is now tabled and it becomes the property of the House.

### NOTICES OF MOTION

**Hon. Jack Wambulwa:** Thank you Hon. Speaker, I hereby give a notice of motion that the House adopts a report from the Sectoral Committee on Public Administration and ICT on the Bungoma County State of County Address Bill, 2022.

**Mr. Speaker:** Honorable Members, a notice of motion having been issued by the Committee on Public Administration and ICT on the Bungoma County State of the County Address Bill, 2022, I direct the Table Clerks to circulate the report to the Honorable Members, it will form business on the Order Paper in the course of this week.

### MOTION

#### REPORT BY THE HOUSE BUSINESS COMMITTEE ON THE AFFAIRS OF THE COUNTY ASSEMBLY DURING THE FIRST SESSION OF THE COUNTY ASSEMBLY 2022

**Hon. Joseph Nyongesa** (*Leader of Majority*): Thank you Mr. Speaker. Allow me move a motion on the affairs of the County Assembly during the First Session of the Third Assembly from September to December, 2022.

## **Preface**

The County Assembly Business Committee of Bungoma County Assembly is established under Standing Order No. 173 and is mandated to;

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

## **Committee Membership**

Honorable Speaker, the following is the committee membership of the House Business Committee;

1. Hon. Emmanuel Situma.....Chairperson
2. Hon. Stephen Wamalwa.....V.Chair
3. Hon. Joseph Nyongesa.....Member
4. Hon. Meshack Simiyu.....Member
5. Hon. Christine Mukhongo.....Member
6. Hon. Mildred Barasa.....Member
7. Hon. Anthony Lusenaka.....Member
8. Hon. Milliah Masungu.....Member
9. Hon. Cornelius Makhanu.....Member
10. Hon. Johnstone Ipara.....Member
11. Hon. Hentry Nyongesa.....Member
12. Hon. Metrine Nangalama.....Member
13. Hon. Violet Makhanu.....Member
14. Hon. Jack Wambulwa.....Member
15. Hon. Jacob Psero.....Member

## **Aim of the report**

1. The aim of our sessional reports is to summarize for the House and the public the activities of the House during the first session of the Third County Assembly. It gives an evaluation of the entire House business in terms of communications made, oath administered, petitions laid, papers laid, statements raised, motions and bills considered.
2. It assesses the impact of the that work
3. It comments on any general matters which are considered important

This report covers activities of the First Session, 2022 of the Third County Assembly of Bungoma from 25<sup>th</sup> of October to 5<sup>th</sup> December, 2022.

## **Acknowledgment**

The committee extends our appreciation to the Members of the County Assembly and its committee for the execution of her mandate for first Session of 2022. Further, I appreciate the members of the secretariat for their commitment to work. On behalf of the House Business Committee, I now have the honour to present the report to the House for deliberation and adoption. Mr. Speaker, it is fully signed by the Chairperson.

## **Introduction**

This is a report that covers the affairs of the Third County Assembly; covering the first session and drawing together into a single comprehensive document an account of the activities of the House in 2022. The Third County Assembly of Bungoma held its first sitting on Wednesday 21<sup>st</sup> September, 2022 at 9:00 a.m. in the County Assembly chambers vide gazette notice no. 11004 dated 14<sup>th</sup> September, 2022. This was occasioned by the general elections held on 8<sup>th</sup> August, 2022.

In the year under consideration, the House continued to play an important part in legislation, oversight and representation of the people, working with wide group of stakeholders and ensuring the participation of the people in parliamentary process.

The report covers the following thematic areas; calendar of the House, special sittings of the County Assembly, composition of the House, training workshops for Members and committees, address by the Governor and the County Assembly proceedings and business, which include; communication from the Chair, papers laid, petitions, County Assembly Statements, motions, legislative proposals and bills, sessional papers/ policies and vetting of nominees to various public offices.

## **The House Calendar and sittings of the First Session of the Third County Assembly**

Mr. Speaker, the first session of the Third County Assembly commenced on 21<sup>st</sup> September, 2022 on the first sitting of the House after the general elections; for swearing in of elected and nominated members of the County Assembly. Through a special sitting on 18<sup>th</sup> October, 2022 the Governor opened the Third County Assembly officially, paving the way for the Assembly to run its affairs as per the Constitution and other laws.

The House approved the Calendar of the County Assembly, that is, regular sessions for the first session, 2022 on 25<sup>th</sup> October, 2022 pursuant to the provisions of Standing Order No. 31. During the sessions the House calendar was altered as follows;

- a) On Wednesday 2<sup>nd</sup> November, 2022 during 2:30 p.m. session, the House resolved to adjourn to 8<sup>th</sup> November 2022 to pave way for the recruitment and interviews of the Clerk by the County Assembly Service Board, which took place on 3<sup>rd</sup> November, 2022 as from 9:00 a.m. in the plenary
- b) On Wednesday 30<sup>th</sup> November, 2022 at the 9:30 a.m. session, the House adjourned in *sine die* instead of it adjourning on 2<sup>nd</sup> December, 2022. By the end of the first session, the County Assembly held a total of 34 sittings of which 26 were regular sittings and eight (8) special sittings.

### **Special sittings of the County Assembly**

The House held seven (7) special sittings during the session and the listed businesses below were transacted by the House;

1. on 18<sup>th</sup> October, 2022: the Governor opened the Third County Assembly officially
2. On Wednesday 28<sup>th</sup> September, 2022 at 9:30 a.m. Hon. Allan Nyongesa took Oath of Office and the Speaker communicated the House Leadership
3. On Wednesday 28<sup>th</sup> September, 2022 at 2:30 p.m., the list of nomination of Members to serve in House Business Committee, Selection Committee and Appointments Committee were tabled and thereafter a procedural motion to approve the membership of the three committees.
4. On Tuesday 13<sup>th</sup> December, 2022 at 9:30 a.m., a report by Budget and Appropriations Committee on the First Supplementary Estimates FY 2022/2023 was tabled and a notice of motion on the same report issued.
5. On 13<sup>th</sup> December 2022 at 2:30 p.m. there was a motion to adopt the report by the Budget and Appropriations Committee on the 1<sup>st</sup> Supplementary Budget Estimates for FY 2022/2023.
6. On 14<sup>th</sup> December 2022 at 9:30 a.m. the Bungoma County First Supplementary Appropriation Bill, 2022 was read for the second time, followed by the Committee of the Whole House on the Bill.
7. On 14<sup>th</sup> December 2022 at 2:30 p.m., the Bungoma County First Supplementary Appropriation Bill, 2022 was read for the third time.
8. On 2<sup>nd</sup> February 2023 at 2:30 p.m.- consideration of the First Reading of the Finance Bill, 2022, the Bungoma County Annual Development Plan for FY 2022/2023, the Bungoma County Integrated Development Plan 2022-2027 and the report by the Budget and Appropriations Committee on the County Review and Outlook paper.

## **Composition of the House**

Following the Administration of Oath to all Members in the year 2022, the Third County Assembly has a composition of 62 Honorable Members; 45 elected and 17 nominated to represent different constituencies pursuant to the provisions of Political Parties Act.

A few basic statistics were evident in regard to the number of returning Members; percentage of female Members and a breakdown of Members by the parties represented in the House.

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

### **a) Returning Members were 27 in total; elected in 25 Wards.**

2. We had two nominated members who were also elected to make the number of 27. Those are the Members who returned out of the 60.

### **b) Percentage of first time versus returning Members.**

i) Returning MCAs were 27 at a percentage of 41.9

New MCAs are 35 at a percentage of 58.1.

## **Breakdown of male and female Members**

i) Female MCAs at 33.9 %

Male MCAs are 41, a percentage of 61.1 %.

## **Breakdown of Members by number of terms served;**

Members who have served since devolution for three terms are six (6) Members equivalent to 9.10 %

Those who have served two terms are 21 at a percentage of 33.9; while those who are serving this term are 35 Members at a percentage of 56.5.

## **Training Workshops for Members and Committees**

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

During the two inductions which were held in Nakuru and Kisumu on diverse dates, the Members of the County Assembly were trained and had a privilege of interacting with various guests including His Excellency the Governor of Bungoma County, His Excellency the Deputy Governor of Bungoma County and the Chairperson of EACC among others.

Facilitators were drawn from the Kenya School of Government, the National Assembly, the Senate, the Controller of Budget's office, Office of the County Attorney and resource persons drawn from the County Assembly staff.

The training covered the following topics; Etiquette, dress code and in fact they should underline this one; dress code, grooming, principles of governance in the Public Service, general role and working of the County Assembly, composition and the role of leadership, leadership and integrity, sources of revenue and revenue sharing, legislative drafting and lawmaking process, the committee system, budget making and tracking process, how to conduct summons and fact finding, good governance and the rule of law and financial hygiene.

### **1.5 Address by His Excellency the Governor**

Provisions under Standing Order No. 25(1) require the Governor to address the opening of each newly elected County Assembly. On 18<sup>th</sup> October, 2022, His Excellency the Governor Hon. Kenneth Lusaka, EGH delivered an address to the County Assembly sitting of the House, presided over by the Speaker. The Governor made one visit to the County Assembly.

### **Visiting Institutions**

A total number of 7 institutions visited the County Assembly during its first session and followed proceedings from the gallery. These include;

1. St James Nalondo
2. Kibabii Catholic Youth Development Group
3. Tulienge RC Musikoma
4. Lotus of Highway Academy.
5. Webuye DEB
6. Kimalewa Secondary
7. St. Veronica Ranje Secondary.

### **2.0 County Assembly Proceedings and Business**

Communications from the Chair:

The Speaker guides the House through a variety of avenues including communications. During the first session, the Speaker conveyed a total of 17 communications on various subjects which included; invitations, political and coalition issues, plenary business and committee matters, Honorable Members' welfare, acknowledgement of the visitors in the galleries, procedural issues arising in the House among others.

### **Papers Laid**

Documents and reports from the committees and other government bodies are normally tabled in the House. In the first session 24 papers were tabled out of which, seven (7) were

from committees, 14 from the office of the Auditor General and three (3) from the various departments in the County Executive. All the papers were committed to the various committees for processing and reporting back to the House.

## **Petitions**

Article 119 of the Constitution accords every person the right to petition the County Assembly on any matter within its authority, including seeking and enacting amendments or even repealing of legislation. During the period under review, two petitions were presented and referred to the committee on Justice, Cohesion and legal affairs for consideration; which are still under committee consideration.

## **2.4 Statements and Questions**

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

A member may request for a statement from a committee Chairperson relating to a matter under the mandate of the committee or ask a question to the County Executive Committee Member responsible for the matter, then the County Executive Committee Member shall provide physical and electronic copies of the response to the question at least a day before appearing before the committee. In the first session, the third County Assembly had a total of five statements sought in the House as follows;

- i. A statement sought by Hon. Jack Wambulwa on the Implementation of CEF road projects, directed to Chairperson, Roads, Transport, Infrastructure and Public Works on 17<sup>th</sup> November, 2022; whose response was to be availed on 1<sup>st</sup> December, 2022.
- ii. A statement sought by Hon. Alfred Wekesa on the environmental and health menace experience by residents of Ndivisi Ward living close to the Makemo dam, directed to the Chairperson, Tourism Committee on 17<sup>th</sup> November, 2022; whose response was to be availed on 1<sup>st</sup> December, 2022.
- iii). A statement sought by Hon. Jack Wambulwa on information on the Tabale- Kimwanga and Nakhwana- Kimaeti roads in Kimaeti Ward under the Roads Maintenance Levy Funds, directed to the Chairperson, Roads, Transport, Infrastructure and Public works on 22<sup>nd</sup> November, 2022; whose response was to be availed on 28<sup>th</sup> February, 2022.
- iv. A statement sought by Hon. Milliah Masungu on Health Services in relation to a number of Health projects under the Community Empowerment Fund which stalled in Misikhu. It was referred to the Chairperson, Health Committee on 16<sup>th</sup> November, 2022; whose response was to be availed on 30<sup>th</sup> November, 2022.

v. A statement sought by Hon. John Wanyama on the Muyayi vocational Training center, was directed to the Chairperson, Education and Vocational Training Committee on 24<sup>th</sup> November, 2022; whose response was to be availed on 15<sup>th</sup> February, 2023.

By the end of the session, all statements sought in the first session of the third County Assembly had not been responded to.

### **Motions**

In the first session, the House considered 13 motions that included;

- a) Six motions on the adoption of committee reports on consideration of various businesses referred to them.
- b) One motion from the County Assembly Service Board on the consideration and approval of the Clerk of the County Assembly
- c) One motion of the Governor's address that had four allotted days
- d) One special motion involving approving nominees for appointment to public offices i.e. the CECMs
- e) One procedural motion and four motions that were moved without notice.

### **Legislative Proposals and Bills**

During the first session, a total of five legislative proposals were introduced. Of these five Bills, two were considered and approved by the House successfully as follows;

- a) The Bungoma County Climate Bill, 2022 which is now an Act
- b) The Bungoma County First Supplementary Appropriation Bill, 2022

Three were still under various committees' consideration

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

### **2.7 Sessional Papers/ policies**

During the first session, the County Assembly neither received a regulation nor policy for consideration.

### **2.8 Vetting of Nominees to various Public Offices**

The County Assembly exercises oversight role as mandated by the supreme law of the land and by applying various pieces of statutes it undertakes vetting of nominees to Public offices

forwarded to the House by the appointing authority. During the period under review, 11 nominees to the Public offices were approved by the House.

Overall, the County Assembly vetted and approved a total of 10 Nominees for appointment to the Position of the County Executive Members (CECM) and approved the appointment of the Clerk of the County Assembly of Bungoma. This totals to 11.

### **Generation of the Business in the Plenary**

Business in the plenary of the County Assembly usually originates from the following areas:

1. Members of the County Assembly
2. Committees
3. Procedural Matters from the Standing Orders
4. Executive and Government agencies such as independent offices
5. County Assemblies Forum
6. Public and political Leadership

During the period under review, five Committees generated Business for the Plenary. They include the Appointments Committee, House Business Committee, Selection Committee, Liaison Committee and Budget and Appropriations Committee. The Committee that featured during this period was the Appointments Committee. Members of the County Assembly originated eight (8) businesses on the Floor of the House ranging from statements to Legislative proposals. Other businesses originated from the County Executive, Political Leadership formation, other Government agencies, IEBC, OAG and CAF. The Public in regard of the petitions, the County Assembly Service Board and own self executed procedures.

### **Committee General Observations**

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

### **Committee's Recommendations**

1. The Liaison Committee should provide clear follow up schedule for reporting Committee businesses after retreats to facilitate plenary Business and enhance workability and accountability in Committees.
  2. The sector Committees should strive to push their oversight roles by making follow ups on the statements raised in the plenary and any other matter incidental thereto pursuant to Standing Order No. 54.
  3. Business pending before the Committee shall be prioritized immediately the County Assembly resumes the second session.
  4. Members of the County Assembly are urged to be proactive in the generation of Business namely Motions, Statements and other Legislative proposals for consideration by the plenary
- Allow me call upon Hon. Metrine Nangalama to second.

**Mr. Speaker:** Hon. Metrine you have the honor of seconding this Motion for debate. I am waiting to see the seat you are sitting on.

**Hon. Metrine Nangalama:** Thank you for giving me this chance so that I can second the Motion. First of all, let me take this opportunity to thank our Majority Leader Hon. Joseph Nyongesa for taking us through. I being one of the Members of the Committee that is the work we did and I urge all the Members in this House that we cooperate and go as per the report. I second the report.

*(Applause)*

**Mr. Speaker:** Thank you Hon. Joseph Nyongesa and Hon. Metrine Nangalama. Allow me to proceed and propose a Motion for this House to debate.

Honorable Members, a Motion has been moved and seconded that this House adopts the report by the House Business Committee on the affairs of the County Assembly during the first session of the third County Assembly - 2022. I propose.

**Hon. Barasa Mukhongo:** I rise to support the report that has been moved in this Honorable House by the Leader of Majority. This is a tool that is measuring the work in each and every sectorial Committee in this House. I have listened very carefully and what has shocked me is that during that period, we had several statements that were raised by Honorable Members but none of them was responded to. That means that today morning, I said that we have been allocating funds to the various departments but we are not seeing much being done in this Honorable House.

Learning from the report, as Members of this Honorable House, this is a wakeup call to the Chairpersons of the Sectorial Committees or the Concerned Committees. We need to put the Executive on toes because the Governor appointed the CECMs and we have other senior Members in other departments who are there to assist the Government.

Therefore my appeal is that after this report, in the morning I also appealed to your office that we need to share in anything that is approved by this Honorable House with the Executive so that they can make reference to them as they work. Otherwise with the trend whereby Members are asking questions and there are no responses, I am a Chairperson of a certain Sectorial Committee but I am not part of the Executive; so it is very hard for me to stand here every time seeking for more time and when I do some consultations, there is no forthcoming response from the executive.

For your office to make our work so easy Mr. Speaker, we need also to enhance our Communication system as an Assembly and the Executive. We might blame them and may be you have not communicated to them through the right channel. If we enhance this, then it will make our work easy. Secondly, we have also given the schedules for each and every Committee, we also gave the work plans and we now need to give products to this Honourable House. I want to see that Finance and Economic Planning have brought so many reports in this House so that I qualify to be allocated more funds.

For those Committees that are sleeping on their jobs, let us give those that are working so that we can also entice the Members of that committee to work so hard so that other committees can pull up their socks and we have competition in this Honorable House. I am looking forward after having given a report like this one, we need also to measure which committee has brought many reports so that you as the Chair of the Service Board, you can give them a retreat outside the Country. By so doing, we will also be encouraging Members to be very active in their committees. Otherwise I support the report and I rest my case.

**Mr. Speaker:** Thank you Hon. Barasa. I am having Hon. Everton Nganga.

**Hon. Everton Nganga:** Thank you Mr. Speaker for giving me a chance to contribute towards the motion. First, I would like to thank the mover of the motion. He has actually done a good job. He has read the report eloquently Mr. Speaker. When he was reading the report, he mentioned about Bills; two Bills were passed here in this County Assembly, in fact, they were brought from the Executive. That is the Climate Change Bill and the Appropriation Bill. Actually the House did its job, and we made sure that the two Bills were passed. It is like there is a gap within the County Assembly and that is the communication between the County Assembly and the Executive. We Honorable Members after passing such Bills we would like to know the implementation status in this House.

We have the Implementation Committee and as Hon. Mukhongo has mentioned, we would like to know after passing those bills, where have they reached? Recently it was raining heavy. This time it is actually very hot and when I was moving in my Ward, I was telling my people that we have a Bill known as the Climate Change Bill.

The current government, I think, from their own sources or from a different source are supposed to get funds so that these funds can flow on the ground and people feel that actually the funds are available to assist in terms of climate change. I would like to inform those Members in the Implementation Committee to come up and invite the Executive and then let us know where it has reached.

(Applause)

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

**Hon. Hentry Nyongesa:** Thank you, Mr. Speaker. Yes, being the second session of this House, I would like as a Member of the House Business Committee to applaud the Leader Majority for the report that has been given. As the report has been read and as other members have indicated, you may realize that this House is ready to work, but most likely there is a one entity that may want to let this House down and that is the Executive because you may realize all the statements that have been raised, they report so that in case none of them has been responded to and that is openness; a very worrying trend being the beginning of this Assembly, and as early as it is and we want to engage on the sideshows of statements being raised and they are not responded to.

When this thing is arising, we start again questioning in terms of hierarchy of the County Government and this squarely bounces back to the person in charge of the County Government and the Executive arm; that is the County Secretary. All the communication must be addressed to the County Secretary who is supposed to respond in time or to make relevant administrative actions on the same. As the Member has indicated, we want the Implementation Committee to give us the status of all these statements and motions that have been passed here and I am sure the Chair is here and the Members as *Mheshimiwa* (Hon) Mukhongo has indicated that...

**Mr. Speaker:** Honourable Member, I just want you to speak the way the Standing Orders are; when you choose to speak in *Kiswahili* you do it to the end. So when you start saying *mheshimiwa*, you know, it's no longer English!

**Hon. Hentry Nyongesa:** Thank you Mr. Speaker. We were trying to tune in so that it becomes English. I thank you for the correction. We are saying Hon. Mukhongo was indicating that if some of the committees are reluctant on using the resources that have been allocated, that committee we wish that the House slashes the allocation and gives it to the committees that are working. Because you may realise that the House Business Committee has brought in almost a third or fourth report. Like today in the morning, we were given a very serious roadmap for the running of this House. So, we are saying to the Implementation Committee, that we are demanding that in the near future, they must give us the answer to this question.

The issue on the climate change, it was well pronounced by the Governor in his address and you may realise that it was looking like it is a very urgent matter for this County. That if we delay on passing of the Climate Change Bill, maybe some of the resources can surpass this County and in addition, we even went to the ground to mobilise people in the form of coming up with committees that are going to run this Fund. Because we are told that at least every Ward is going to get Kshs. 50 million. So while we are still waiting, the financial year is almost ending and there is no indication of getting that Fund. We don't know what is happening, there is no communication! This means there is something that is not moving! Therefore we wish that for all the statements that have been raised, all the relevant entities to

put a lot of emphasis so that we get reports on the same. I applaud the House Business Committee for that. Thank you.

**Mr. Speaker:** Thank you. Allow me invite Hon. Joseph Nyongesa to reply to the motion because I am not seeing any other contributor on the floor. Honourable Members, unless you request, I cannot read sign language on your willingness to speak. Now, when you see an old man like the Hon. MCA for Kibingei struggling to log in, you wonder. Let us hear him.

**Hon. Aggrey Mulongo:** Thank you Mr. Speaker Sir. I am not an old man; I am just an Honourable Member.

**Mr. Speaker:** Now you see wherever we are with you, you say you are very old. Now where people are, you are saying that you are young...

*(Laughter)*

**Hon. Aggrey Mulongo:** Thank you Mr. Speaker for giving me this chance to contribute towards this wonderful motion. If all motions were like this one, whereby our Hon. Speaker Chairs the committee, then we are going somewhere. We need all the Chairs that are here to learn from this, they must now emulate the same, because it is a wonderful report that has come out of HBC (House Business Committee).

Number two, I never wanted to contribute but what I have witnessed today, what I have witnessed now, it is the government side that is crying, that we are heading to you know...

*(Loud consultations)*

**Mr. Speaker:** Hon. Mulongo you are out of order.

*(Laughter)*

**Hon. Aggrey Mulongo:** Thank you for protecting me. You see, if the whole government is crying that you are not doing it, that the reports are not coming out and the Liaison Committee is from the government side, you know where we are headed to. Let them wake up, if not, I will also say the same as the Minority Leader talked about yesterday. Vacate those seats and then we sit there as your position...

*(Applause)*

... if you're not able to come up with the reports, then I think I will say that and stop there and wait until I hear from them next time. Thank you, Mr. Speaker.

**Hon. Alfred Mukhanya:** Mr. Speaker, I would like to say that the report given by the Leader of Majority has been a good one and you know, it tells us a lot that what we are doing in this House has to be responded to; especially when I was talking about the statement on Makemo Dam and I was told by December I will get an answer. This is a serious thing that we are seeing; that the sectorial committees are not serious in responding to our statements. Now, it means like you had said in the morning, that it seems to have lapsed. When we ended that

session, meaning our statements or reports that we had asked cannot be responded to and that you have to go back and maybe ask again. So like the issue of Makemo Dam is a very serious issue that I have to follow up because I was saying what will happen to Makemo Dam, maybe around March or April when we will be having a lot of rains. I think it will be a very big lesson to us as the people of Bungoma because it is one area which has been very delicate since 2015. And when I asked the Chairman about the Makemo dam, I was told something happened between November and December, but unfortunately we went away. So let us look at our issues with a lot of seriousness. Otherwise, if we take things lightly, at the end of the day, we will be answerable.

Now that we are moving forward, I suggest to the sectorial committees that anything coming to the floor of this House, let us look at it seriously. Otherwise it has been good; we started well; everything went on well, up until we went for our long recess. So my request is this; I voted, let us start working with the seriousness that what we asked on this floor deserves. Otherwise, thank you and that was my response.

**Mr. Speaker:** Thank you. I will have Hon. Edwin Opwora and Hon. Violet in that order.

**Hon. Edwin Opwora:** Thank you Mr. Speaker, I also want to loud the Hon. Majority Leader for the report presented to this House. It is an eye opener and a wakeup call for Members, especially we the leaders of sectorial committees to ensure that we fulfil the needs and the requests of this House. As a Chairperson of the Water and Tourism Committee, there are two issues that have been raised and I would like to maybe comment on them and assure this Honourable House that the issues at hand are being worked on.

First of all, we have the issue of the Climate Change Bill. I just want to thank this Honourable House for passing that Bill in time, and it is something that we are still following up on. There is a process that is on-going. Right now, we were hoping we would have already formed our Ward level committees, but unfortunately, this has been impacted by the delay in release of funds. As of yesterday, I was still following up with the Executive and hoping that in the course of next week, these funds will be available so that we as Ward representatives can spearhead committees' formation and ensure that these monies are released. With regard to the report, requested for Makemo dam...

**Mr. Speaker:** Hon. Opwora you are not the one to respond. You are supposed to pass the report from the Executive. Unless you want to become an Executive now, you only wait for the feedback to give to us. That line you leave it out...

**Hon. Edwin Opwora:** Thank you for the guidance. I believe I just want to urge all Members that maybe after a long recess, that break might have affected us, but now that we are back in the House, let us be on our toes and ensure that the Executive also is on their toes. Thank you Mr. Speaker

**Hon. Violet Makhanu:** Thank you Hon. Speaker for also giving me time to say something on this report. First I want to appreciate our Leader of Majority for moving the report of the House from the House Business Committee where I am a Member. I am sure that as House

Business Committee, we are doing a good job for the first time. Hon. Mulongo has lauded the committee and I want to assure him that we are going to work even better than what we did in this particular report.

I just want to think out loud; that according to the sentiments of Hon Mulongo, that as the government, we are not working; and I thought it is the work of the opposition to know that we are not working as a government. They are supposed to do the needful by one, raising the alarm and doing the needful and not keeping quiet until the report is moved on the floor of the House. Statements like the ones Hon. Mulongo are coming up with to me, is not in order! The report is talking about the whole Assembly; I don't think the report is talking about the government side. The issue of committees in this House comprises of all Members of the County Assembly; there is no committee that comprises of only the government side. We have Members from the opposition and the government side. So the report is talking to all of us, it is just a wakeup call to all Members of this Assembly. So this issue of in case of anything a Member imagines that it is the government side is not in order. We just need to wake up and ensure that we work together as a House and bring the Executive to order so that they are able to work.

Then I also want to take this time to urge my colleagues that maybe in the first session Hon. Speaker we had just come from many issues, hangovers of the campaigns and maybe stories about campaigns; we were paying debts and what have you. I think that is why some of the Members were not committed to the cause. But I believe that this time round during this second session, I want to urge my colleagues to come up strongly because we are energized after this long recess. Although, I know as Honourable Members there is nothing like relaxing even during recess; we go through a lot after Christmas holidays; then January- back to school etc. I believe we are able and ready to work as Honourable Members. The first session we can agree that we did not do much, we were somehow relaxed and the Leader of Majority has talked about this severally, just reminding us. I believe that this time round we are here and ready to work.

As Chairpersons of these committees and I being one of them, I believe that we are going to work like never before. We want to be hands on to ensure that the Executive side is also doing the needful in respect to what they promised our people during campaigns. I would like to urge my colleagues that let us get committed to our work so that we disapprove some of the issues that are coming up.

On the side of the government; the majority side, I want to urge you Members that let us now ensure that issues like the ones raised by Hon. Mulongo don't come up again. We need to wake up and disapprove them so that we are able to deliver on our mandate as the County Government of Bungoma. As a government, we are working, we are not sleeping and we are ready to deliver on the mandate led by Hon. Ken Makelo Lusaka.

**Hon. Wafula Waiti:** Thank you Mr. Speaker. Most of my points were taken by Hon. Violet reason I switched off. What I wanted to say is about the composition of the membership to the committees. I know if there is a mistake, the blame goes to all of us.

Secondly, Hon. Speaker, some of the statements that were raised on the floor when the House was almost adjourning for recess and I heard you assign one of the Chairpersons to respond to this House on 14<sup>th</sup> of February which was yesterday. Therefore, we are just on time and those who monitor us must take into consideration that we are not sleeping on the job; we are very serious with our work.

**Hon. Anthony Lusenaka:** Thank you Mr. Speaker. I also want to add my voice and support the motion as read by the Leader of Majority Hon. Nyongesa. It gives an overview of what happened in the last session about the activities that were undertaken by this House. Mr. Speaker, I also want to inform the House on this composition of the committees, Hon. Leader of Majority was clear yesterday, in a committee of 15 Members, minority party has four while the majority party has eleven. So there is no way the minority can cause a quorum hitch; it is only the majority. So my appeal is to the majority side; eight members in a committee of 11, that is already a quorum. Why should we have a quorum hitch and the government is there? Honourable Members, this is in black and white; it is not something that is science or what; we just have to wake up and work. For us in the minority side, we are always there even if you check the registers, we are committed to working for this House. We are...

**Mr. Speaker:** Order Member! If you want to speak on a point of order, I will allow you to speak. Let me hear Hon. Violet.

**Hon. Violet Makhanu** (*On a point of order*): On Standing Order No.192, I am wondering why the Leader of Minority is trying to mislead this House Mr. Speaker. What is he trying to tell us? That as the minority they are not supposed to attend meetings? That unless the majority comes and forms a quorum, a meeting won't kick off? We are in these committees and there are committees we attend where even our Leader of Minority himself doesn't appear and others. Why are they talking about the majority? This should be a collective responsibility, so that we wake up all of us and attend meetings and ensure that we are moving on. Let them stop talking about the majority side every time.

**Hon. Anthony Lusenaka:** Thank you Mr. Speaker. From Yesterday's communication, it was clear that we need to work as a House both the minority and the majority coalitions so that we move this House forward. My appeal is that lets take this work seriously; you were given this chance by your electorates, let's work for them. These issues of Members not attending committees we are going to work on. I will liaise with the Leader of Majority so that we see where we have weaknesses in order to support each other. On our side, we will try our best to make sure that we put this government on toes.

The issue of what Hon. Mukhongo complained about, we are going to take it up since communication or responses are yet to be brought to the House. We will take it up as the minority side and push for them. We will help the government deliver. So from today onwards, you will see the minority side working the way we are supposed to work. We gave you a chance, we have given you enough time, six months and so far I think it is now our time to leverage. Moving forward, we will see what to do. Thank you, Mr. Speaker.

**Mr. Speaker:** Thank you Hon. Lusenaka. Allow me now invite the Hon. Leader of Majority to now respond to the motion accordingly.

**Hon. Joseph Nyongesa (Leader of Majority):** Thank you Mr. Speaker. First and foremost, I appreciate Members who have contributed on the report positively, which shows that the report was okay. Maybe to respond on a few issues especially the one on bills that was raised by Hon. Nganga. I know the Committee on Implementation, after passing a Bill, is required to make a follow up so that we can have regulations over the same. Again it is our responsibility to push the government to do the necessary.

Mr. Speaker I also want to encourage Members that we only had five statements from Honourable Members yet we are 62 Members. We had a long recess whereby Members had time to move around the projects and establish their status. You know keeping quiet minus coming up with statements is a clear indication that all is well.

As an oversight institution, Members should come up with statements requesting for the status of the projects; because most of the projects were done by the last regime. Members kindly, let us wake up to ensure that what was projected for implementation in this county cannot get lost.

Lastly on the issue of competition between the committees; that one is healthy. As Hon. Mukhongo said, we should compare and establish which committees have done a lot so that they can be rewarded in terms of retreats. I believe this could help enhance a healthy competition among our Assembly committees. Otherwise thank you Members for supporting the report and I urge the minority side that in the case of statements, you are also free to rise because this is a legislative House. Therefore, do your best.

*The question in regard to the adoption of the above motion was put and agreed to*

**Mr. Speaker:** Honourable Members at page 12 of our report, we have five statements that were sought. We were to have a feedback before proceeding on recess. Some responses came when we resumed, but you recall in my communication that basically those statements have lapsed. What happens? I will ask the concerned Members;

Hon. Jack Wambulwa for Napara-Kimwanga,

Hon. Alfred Wekesa for CEF projects on Makemo Dam,

Hon. Millie Masungu for Misikhu Ward; and

Hon. John Wanyama for Muyai Vocational Training

I will have them reproduced and brought to my office for HBC to be tabled afresh, because I am having some of the responses in my office which cannot be brought to the House. You have the knife. If there is no response within 14 days, let the concerned CECM and Chief Officer come before this House. If you are the Chairperson of Agriculture Committee, tell

your CECM that if you cannot give us a response, it is no longer a committee issue. We will invite him or her and ask questions from here.

Going forward, you will no longer have this mischief of not having responses. Members by Friday, produce those statements so that we have them on the Order Paper afresh so that they can send new responses during the new session and in fourteen days if there are no responses, we will call all those CECM and Chief Officers before this House for interrogation; because our new Standing Orders allow us to invite them to come before the whole House to answer committee questions.

I can tell you for free, no CECM is willing to come to this House to answer those questions before us, because all of you will be asking questions randomly. I think on that basis, Hon Ken, Hon. Mukhanya, Hon. Jack, Hon Milliah Masungo, kindly have them reproduced, bring them to the HBC for fresh tabling on the floor of the House, and they are taken as fresh statements.

Thank you Members. Looking at our Order Paper, the said motion is our last item. We will adjourn for now to resume tomorrow, Thursday, the 16<sup>th</sup> of February, 2023 at 2:30 p.m.

*(House Adjourns)*