

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY 1ST MARCH, 2023

Morning Sitting

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

WEDNESDAY 1ST MARCH, 2022

The House met at 9:30 a.m.

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

PRAYER

COMMUNICATION FROM THE CHAIR

Honourable members, today's Order Paper has some adjustments. We have brought in item number 6, a notice of Motion and equally motion number 8(i) that is supposed to take care of our welfare. It is going to be moved right away to be able to get the contents. When we were preparing our Order Paper for the week, it was not part of the items but due to the emergency that has arisen to take care of the welfare of the Honourable members...

PAPERS

Hon. Joseph Nyongesa (Leader of Majority): Mr. Speaker, allow me table the following papers;

1. Report from the County Executive on the Half Year County Revenue Fund Statements for the financial year 2022/2023 for the period ended December 31st 2022
2. Report from the County Executive for the Half Year Financial Statements for the FY 2022/2023 for the period ended December 31st2022

Mr. Speaker: Honourable members, the first report from the County Executive on the Half Year County Revenue Fund Statements for the financial year 2022/2023 for the period ended December 31st 2022 is hereby now tabled. It is committed to the Committee on Finance and Economic Planning for processing and reporting back to the House accordingly.

The second report from the County Executive for the Half Year Financial Statements for the FY 2022/2023 for the period ended December 31st 2022 contained in the sector committee report. I will ask the sector committee chairs to be able to extract what belongs to their sectors, interrogate and give us the report accordingly.

Let me clarify. Committee chairs to extract their sectors to interrogate and report back to the House. No mistake about it. I overheard one member saying only committee chairs; I am saying no, it is the sector committee to interrogate.

NOTICES OF MOTION

**COUNTY ASSEMBLY SERVICE BOARD ENTERS INTO AGREEMENT WITH
KENYA COMMERCIAL BANK FOR THE YEAR 2023 FOR THE PURPOSE OF
OVERDRAFT FACILITY IN CASE OF EXCHEQUER DELAYS**

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. Allow me give notice of motion that pursuant to provision of Standing Order 73 (1) (c) (3), Section 8 (1) (d) of the County Governments Act 2022 and Section 140 and 141 of the Public Finance Management Act 2012 that this House approves that the County Assembly Service Board enters an agreement with the Kenya Commercial Bank of Kenya for the year 2023 for the purpose of overdraft facility (short term borrowings) to cater for the early processing of the net salary only for its membership and staff, in case of any delays of the exchequer release from the National Treasury.

Mr. Speaker: Honourable members, it is a procedural motion; I want it to go to the next stage. It is already on our gadgets.

SPECIAL MOTION

**COUNTY ASSEMBLY SERVICE BOARD ENTERS INTO AGREEMENT WITH
KENYA COMMERCIAL BANK FOR THE YEAR 2023 FOR THE PURPOSE OF
OVERDRAFT FACILITY IN CASE OF EXCHEQUER DELAYS**

Hon. Joseph Nyongesa: Thank you Speaker. Having given the notice, allow me now move the procedural motion that pursuant to provision of Standing Order 73 (1) (c) (3), Section 8 (1) (d) of the County Governments Act 2022 and Section 140 and 141 of the Public Finance Management Act 2012 that this House approves that County Assembly Service Board enters an agreement with the Kenya Commercial Bank of Kenya for the year 2023 for the purpose of overdraft facility (short term borrowings) to cater for the early processing of the net salary only for its membership and staff, in case of any delays of the exchequer release from the National Treasury. Allow me call Hon. Ali Machani to second.

Mr. Speaker: Hon. Ali Machani, who is also a member of the Board from the Minority side, proceed please.

Hon. Ali Machani: Thank you, Honourable Speaker. I am on my toes to second the procedural motion brought on this floor by the Leader of Majority. The work of the board is to work for the welfare and the interest of the staff and the Honourable MCAs. We are aware leaders are supposed to get the welfare as early as before 25th of every month but now that funds are not within our control, financial institutions require this House to give a resolution for it to address our welfare. I appeal to this Honourable House to give the Service Board permission to get funds to service our interest. We will be getting delays and we are aware also the executive are having a lot of problems. But as leaders, every morning they are always engaging challenges and if there is any delay, some of them will not be able to attend this House. So I beg this House to approve without amendments.

Mr. Speaker: Thank you Hon. Ali Machani for seconding the special motion. Honourable members, I will now be able to propose a motion for the House to debate. Honourable members, a special motion has been moved and seconded that pursuant to provision pursuant to provision of Standing Order 73 (1) (c) (3), Section 8 (1) (d) of the County Governments Act 2022 and Section 140 and 141 of the Public Finance Management Act 2012 that this House approves that the County Assembly Service Board enters an agreement with the Kenya Commercial Bank of Kenya for the year 2023 for the purpose of overdraft facility (short term borrowings) to cater for the early processing of the net salary only for its membership and staff, in case of any delays of the exchequer release from the National Treasury. I propose.

Hon. Francis Chemion: Thank you, Honourable Speaker. First, I rise to support the procedural motion but I would also wish that we are also informed if there would be any interest to pay? And how much are we going to apply if we are given that facility? I know when there are delays, we really suffer. You have made some plans as Honourable members but at the end of the day, there is no maybe exchequer release because of issues that are beyond the County Assembly.

That facility is very important for all of us, the only issue that I am asking is that are we going to incur other expenses apart from what they would have advanced to us as our salaries, and if we are going to incur then we need to get to know whether we have already budgeted for it and if not, how are we going to go about it, because it is an issue that may bring audit, if we are not very careful. But I support it because I know it is something that is going to help us.

Mr. Speaker: Thank you, Hon. Chemion. Hon. Mukhongo, then after him I will allow Leader of Majority for the reply then we go to the next item; or if you want as to open for debate, well and good, but I was thinking that after your debate and after your approval, we extract the HANSARD which the bank wants first, so that when you go for lunch, they will be having our HANSARD so that between today and tomorrow or Thursday, they take care of your welfare.

The more we delay, the more your welfare will be affected. Hon. Mukhongo, I have seen Hon. Jack also wants to contribute.

Hon. James Mukhongo: Thank you Honourable Speaker for the opportunity. I also rise to support the procedural motion with the following. You know banks are doing business and if we are not very much careful, we will have an interest on top of what we have not even budgeted for. My fears are that we are getting statements from KRA now and then demanding for some payments from this Honourable House; we should not again open a window for the banks to start demanding some interests from the services they have provided to us.

Secondly, you know you have just said you want us to engage with KCB which is in order but we have so many banks, you have not even told us whether when that good mind was raised in the Service Board, you had various banks that were interested to offer such a service but you settled to this one because of the offer they have given us. I know we have been operating with KCB for long and a lot of our funds are in KCB, so in return they need also to give back to this Honourable House a token of appreciation. But I am worried. You know when you are doing business with banks, they will engage you very softly. Let me give an example; after the elections, I went to Equity bank, they told me sweet words but at the moment, I am not seeing the fruits so we need to be very careful.

Thirdly, you are only taking part of our welfare but not in totality. Why I say so is when you look at my pay slip of last month, I am only earning KShs.20, 000 and you have left a huge sum of amount from my retreats. You could have engaged them from that basis, so that as they provide this one, they also give us what belongs to us. But hii *kitu kidogo*.

Mr. Speaker: Hon. Mukhongo, you are out of order. You know members if you don't understand... when you sit here, there is protocol. Once you see the leader is online, preference is given to him; it is not me, it is the Standing Orders. Unless you want us to change them.

Hon. Meshack Simiyu: Asante sana Bwana Spika kwa kunipa pia nafasi nichangie hii mambo ya *welfare*. Mheshimiwa Spika, umefanya vizuri kusukuma tupate pesa mapema, lakini mimi hapo nyuma nilikuwa mwenyekiti wa *County Council*, na Spika tulikuwa tunakaa mpaka karibu miezi sita na tulikuwa mwishowe pesa ikija, tunapata mshahara wetu na tunaendelea. Inafaa tunakubaliana na benki watupee hiyo pesa ya mshahara ndiposa yetu ikija irudishwe. Na bahati mbaya serikali iende mwezi mmoja hawajaleta pesa waanze kuweka *interest* watatupea pesa ngapi, pia hapo lazima tuangalie. Hiyo ndio nilikuwa nayo na ninaunga mkono.

Mr. Speaker: Thank you Hon. Meshack. Hon. Jack Wambulwa.

Hon. Jack Wambulwa: Thank you, Honourable Speaker. I rise to support the motion but have reservations like my colleagues have put it. You want to take care of our welfare by paying on time but our main concern as a House is that this facility is normally accompanied with interests and there are other banks that do not charge any interest as long as you have an account with them.

How I wish the leadership of the County Assembly Service Board would have told us after negotiations, what you agree on so that we don't just pass this motion that is going to be an animal in the House like my colleague Barasa put it.

What we are fearing is that this bank especially when you are going for a loan they sweet-talk you, once you get into them, they have no mercy on you, and KCB is among them. You could have sourced around; we have several local banks. We have about 10 banks in Bungoma so that we see this process being competitive enough for us to tell which is the best bank for us to make a decision.

More so, like you have only gone for salaries of these members which most of them are getting negatives because at the end of the day, we have committed to loans including the same banks? We have loans, so at the end of the day you find it is like 20,000 you are going to earn. How I wish we review and even talk of allowances. It is allowances that can sustain these members to be able to move around. I therefore support what you have come with, but I request that you tell us how you reached KCB? What are the terms before members pass this motion.

Mr. Speaker: Thank you Hon. Wambulwa. I have Hon. Jack online then I will have Hon. Polycarp.

Hon. Jack Kawa: Thank you, Mr. Speaker. First and foremost, I want to appreciate the idea and thank you Mr. Speaker for the move. As my colleagues have said, we don't have salary, so we want to urge that as you continue negotiating with the banks, let us think outside the box. Let us go an extra mile that we engage them so that they can also agree on the allowances. Otherwise, we support the idea that we shall move together.

Mr. Speaker: Thank you Hon. Jack. Hon. Polycarp.

Hon. Polycarp Wandabusi: Thank you, Mr. Speaker Sir for giving me this chance. I will also want to support the motion but at the same time be a little bit cautious. We need to get a clear structure from the bank highlighting how many days it is going to give zero interest rates if it is going to give us that facility.

I also want to support Hon. Mukhongo's idea that the bank should assist us on allowance which members could be able to have rather than salary. When you look at most of the members, they have already exhausted their salaries. It will be out of order for us to support a motion that is not taking care of our interest at the moment. Many of these members are earning less than KShs.20,000 and I think they will be able to persevere even if that money was to go for even 2 months but they won't be able to persevere for the allowances if they go for 2 months.

Secondly, we need to come out clearly and understand why KCB was chosen. Is it the right bank offering less interest on the amount we shall be requesting? We need to know how much money is used to pay the County Assembly at large and we calculate to know the interest rates and compare with other banks. Otherwise, I support the motion but we need to be very cautious on the same.

Mr. Speaker: Thank you. I will have Hon. Mukhanya then I will allow Hon. Tony to close then come back for the reply.

Hon. Alfred Wekesa: Thank you, Honourable Speaker. I also rise to support that we are given the overdraft but take note that if we are given the overdraft, this one is normally marked for a given number of days. So if you are given like today and it starts being marked today, depending on when we are repaying the overdraft, it also reduces according to the number of days. For example, if you are given the higher amount, you pay early then the

interest will be low. So the issue of giving us an overdraft as members is a noble idea because you can imagine if you are to go for a whole month without pay and we have other issues out there to tackle. I support by saying that we are given but the Assembly should take note by paying early so that the interest does not soar.

Two Honourable Speaker, you can imagine that today is 1st, if we are not given like in the middle of the week then we are bound to suffer as we go out there. So we support by saying we are given but we take the shortest time possible to repay our overdraft.

Mr. Speaker: Thank you, Mr. Speaker. Hon. Tony, I have also seen Honourable Commissioner emeritus wants to say something.

Hon. Tony Barasa: Thank you Honourable Speaker. First, I want to thank the Service Board for thinking outside the box bearing in mind that even the country as we look the Counties are complaining they have not received the exchequer for almost three months to date. I want to support what *Mheshimiwa* Polycarp has just said; as you are coming to the rescue of members to get salary on time, we will also come to you as Service Board; why are you not working on the welfare of members and why choose KCB? I want to believe that KCB is a bank and some are microfinances. It is well known that KCB...

Mr. Speaker: Hon. Tony, you are not supposed to reply. Just make your submission.

Hon. Tony Barasa: I'm saying this because it is well known KCB is one of the best banks in Kenya and that is why if you chose on KCB I know you did not go wrong.

Where I want to go contrary with the suggestion of Hon. Mukhongo; what is the standard gauge of an honorable member? Are you basing on salaries or allowances? You went for salary because this is an automatic thing that members get. Suppose you say you will base on allowances and there is a member without allowances? Allowances sometimes vary, it is not automatic that every month I am going to get an allowance, but it is automatic that we are going to get our salaries every month. That is the basis you used to arrive at this.

I want to support the way the Hon. Polycarp said; is this thing going to attract interest after how long? If it is within a period of 30 days they are not going to charge us anything then this is the best option and I want to support.

Hon. Francis Chemion: (*On a point of information*) The Standing Orders allow a member to inform a fellow colleague...

Mr. Speaker: Under which Standing Order?

Hon. Francis Chemion: Under Standing Order 36...

Mr. Speaker: Let me allow you to proceed because under Standing Order 36, you want us to adjourn the House. Kindly proceed Hon. Chemion.

Hon. Francis Chemion: I want to inform the Honorable member that even salaries vary, they are not the same. Secondly, after the County Assembly has agreed with the bank; it is a question of informing them the amount that they are supposed to credit to us. It does not mean that because the allowances are varied...

Mr. Speaker: That is sufficient. I want us to close on this so that we move to something else. We are properly informed. Order Hon. Tony. Honorable members order.

Hon. George Makari: Honorable Speaker, next time I am moving a motion to have Hon. Tony transferred to the other side; he is too noisy. I want to support the motion. Various members have talked left, right and center and all the views are right. I just want to point out one thing; we put on the board the Leader of Majority and there is a minority representation and there is the Speaker who is the Chairperson of the Service Board. We want to inform this House that these people are not mad to bring to us an issue that is going to tie our necks. They are exercising delegated authority by the members and I doubt in their right minds if they can lead us into a ditch. A member asked if there was an assessment of various banks and then they came up with KCB; I don't know if there was. What I believe is that the CASB headed by you, must have looked at various parameters before arriving at this issue of having KCB to give us this service.

On the issue of interest, the CASB must have assessed how they are going to cover that interest if at all the bank will ask for interest for any monies that might have delayed. That is my submission and I believe that the CASB is well aware about the problems that might arise from this arrangement. I want us to approve this motion so that the bank can be allowed to process money for members. Any other issue arising Mr. Speaker, you are well aware as CASB on how to deal with it.

Hon. Johnstone Ipara: Ahsante Ndugu Speaker kwa kunipa nafasi niweze kuchangia mjadala huu. Kwanza niruhusu nisaidie ndugu yangu Mheshimiwa Francis, ulipoulizwa ya kwamba umesimama katika utaratibu gani, ungesema 96 (1) kwa sababu ilikuwa ni kupeana habari.

Wenzangu wameongea sana na ukisikia watu wakiongea mambo ya benki kile kinaingia kwa akili yako ni mambo ya riba. Ni kiwango gani cha riba kitatolowe? Sitaki kuongea kwa niaba ya Kiongozi wa walio wengi kwa sababu najua atajibu. Ni vizuri tunapoangalia jambo kama hili inafaa tulinganisha sehemu kadha. Kwa sababu tukiangalia katika mji wetu wa Bungoma tuna benki nyingi na mngatumia sheria ya ununuzi, ungeruhusiwa kuangalia mbili, tatu au nne ndiposa kati ya hizo unachangua moja ambayo inatufaa.

Spika nataka kuomba kwa sababu wewe mwenyewe uko katika kamati ya Service Board; hili ni jambo nzuri ambalo mmefanya. Nauliza iwapo pia mnaweza angalia rehani ya nyumba kwa kimombo *mortgage*; wenawezaombwa pia hawa waangalie hilo pia ndiposa

waheshimiwa waweze kupata hii pesa wajenge nyumba zao kwa haraka. Pia nataka kuomba wewe Ndugu Spika kama unaweza kuangalia pia mambo ya urejeshi wa ununuzi wa magari (*re-embursement*); kama tutaangalia hilo pia liingie pale nafikiri hawa viongozi na Mheshimiwa Museveni hata kama anaangalia simu atarukaruka kwa sababu ataone pesa zimeongezeka katika mfuko wake. Nataka kuimalizia nikisema ya kwamba naunga mkono huu mjadala wa utaratibu.

Mr. Speaker: Thank you, Hon. Ipara. I will now have the Leader of Majority to reply to the motion.

Hon. Joseph Nyongesa: Thank you, Honorable Speaker. First, allow me appreciate all the members who have spoken on this motion. It was impromptu and members have been active. Allow me also remind members that our last month's salary was handled the same way only that we used the minutes of the board and today they were requesting for HANSARD record so that moving forward things will run well.

Members, as we know most of the pay slips are engaged; but even if my pay slip has commitments, it means that there is something that got me into that situation and I used it properly. During our training, we were told on how to manage our finances. Let us also use whatever small that we get and manage properly, so that we don't blame the pay slip because if it has a loan, it is me who took it.

Honorable members, the issue of interest; this money will only attract an interest of 0.05% after the lapse of 30 days. I know there is no way we shall delay up to one month and there is no way this interest shall accrue to be paid by the Assembly. We went into this because during the last regime, we had a lot of complaints and we are trying to ensure that complaints are not there. We are working as a board to ensure that the issue of welfare is taken care of. Let members also know that our salary account is domiciled at KCB and there was no reason to negotiate with other banks over the same, yet we know KCB is a national bank.

As the Hon. Tony said, those are microfinances and that is why they are good at talking, but when implementing, they are worse. Members trust us and we shall ensure that all we do is above board. Otherwise, we shall be giving this House quarterly reports on how the board is working to erase some few things.

Lastly, the issue of allowances; we are paid through imprest holders and what *Mheshimiwa* was saying is right and we have different imprest holders, therefore it cannot be compared with the issue of salaries. Otherwise members, I am happy that we approve this so that by tomorrow we have salaries in our accounts.

Mr. Speaker: Honorable Members, allow me put a question for the House to make a decision for the said motion. Honorable members, a special motion having been moved, seconded and debate having ensued, put that pursuant to the provisions of Standing Order 73

(1) (c) (3), Section 8 (1) (d) of the County Governments Act 2022 and Section 140 and 141 of the Public Finance Management Act 2012 that the House approves that the County Assembly Service Board enters into an agreement with Kenya Commercial Bank for the year 2023 for the purposes of overdraft facility (short term borrowing) to cater for early processing of the net salaries only for its honorable members and staff in case of delays of the Exchequer release from the National Treasury.

(Question put and agreed to)

The ayes have it. The motion is carried accordingly.

REPORT BY THE LIASON COMMITTEE ON THE COMMITTEES' ACTIVITIES ON THE FIRST SESSION THIRD COUNTY ASSEMBLY AND COMMITTEE RETREAT SCHEDULE FOR THE PERIOD FROM FEBRUARY TO JUNE 2023

Mr. Speaker: Honourable Deputy Speaker, the Chair - Liaison Committee

Hon. Stephen Wamalwa: Thank you, Honourable Speaker. I am on my feet on the floor of the House to move this report by the Liaison Committee.

PREFACE

On behalf of Liaison Committee and pursuant to the provisions of Standing Order 216, it is my pleasant duty to present the report on Committees' activities in the First Session, Third County Assembly and Committees' retreat schedule for the period February - June, 2023

The Liaison Committee provides quality assurance to the House on the implementation of the budgetary allocation to Committees as approved by the House, through its guidance, coordination of the operations and mandates of all committees and their reporting to the House within a definite period. This is to ensure that available budgets to Committees should meet expectations of; value for money through effective governance and accountability, budget management and financial controls.

COMMITTEE MANDATE

The Committee on Liaison draws its mandate from the Standing Order No. 216 (1), (2) & (3) which is with Honourable members.

COMMITTEE MEMBERSHIP

The following are the Members of the Liaison Committee:

Name	Designation
1. Hon. Stephen Wamalwa	Chairperson – Liaison
2. Hon. Christine Mukhongo	Vice chairperson – Liaison
3. Hon. Emmanuel Situma	Member - Chairperson–HBC/Rules/PP/App
4. Hon. James Mukhongo	Member -Chairperson – Finance
5. Hon. Jack Wambulwa	Member -Chairperson – Budget

6. Hon. George Makari	Member -Chairperson – Health Services
7. Hon. Jack Kawa	Member -Chairperson – Gender and Culture
8. Hon. Joseph Nyongesa	Member -Chairperson – Selection
9. Hon. Franklin Simotwo	Member -Chairperson – Roads
10. Hon. Tony Barasa	Member-Chairperson–Public Administration
11. Hon. Hentry Nyongesa	Member – Chairperson -Labour relations
12. Hon. Francis Chemion	Member – Chairperson – Lands,
13. Hon. Johnston Ipara	Member – Chairperson – Trade, Energy
14. Hon. Benjamin Otsiula	Member – Chairperson – Education & VT
15. Hon. Violet Makhanu	Member – Chairperson - Youth Affairs
16. Hon. Waiti Wafula	Member – Chairperson – Agriculture
17. Hon. Edwin Opwora	Member – Chairperson – Tourism
18. Hon. Metrine Nangila	Member – Chairperson – Justice
19. Hon. Linda Kharakha	Member – Chairperson – Delegated
20. Hon. Jacob Psero	Member – Chairperson - Implementation
21. Hon. George Tendet	Member- Chairperson – PAIC

ACKNOWLEDGEMENT

I take this opportunity to thank the Office of the Speaker and Clerk for facilitating the Committee to discharge its mandate.

In addition, I wish to appreciate the Honorable Members and the secretariat of the Liaison Committee for their commitment and dedication.

It is therefore my pleasant duty on behalf of the Committee to present this report for approval by this Honourable House

SUMMARY

This report highlights the following aspects:

- a) First, the report expounds on County Assembly oversight, its impact and the activities undertaken by Committees in performing their oversight role in the 1st session of the Third County Assembly.
- b) Secondly, the report indicates the Committees expenditures and balances as at February, 2023 that guides the Committee in effectively planning for their activities for the remaining period of the financial year 2022/2023
- c) Thirdly, the report expounds on the oversight roles undertaken by Committees in the course of the mandate and engagement with the County Executive in the Session under review.
- d) Lastly, the report presents the Committees’ retreat schedule from the months of February to June, 2023

COUNTY ASSEMBLY OVERSIGHT

Legislative/ Parliamentary oversight is the sum of the wide range of interests. Effective oversight is founded on a clear and legally established mandate that provides legislatures; County Assemblies included, with the authority to oversee all areas of government at all times. However, like all sets of rules, such a mandate also requires strong arbiters who will champion and defend the rights of all members to undertake oversight. The impartiality of the Speaker is key, and leadership's actions set the tone for upholding the Assembly's right to hold the government to account.

To achieve these challenging objectives; Assemblies are required to – and are frequently seeking to – transform themselves into increasingly representative, transparent, accessible, accountable and effective institutions, and are places where the views of a wide range of stakeholders are not only welcomed but also essential.

Oversight and accountability entail certain interlocking obligations on the part of the County Assembly (the overseer) and County (accounting entity). To hold county government to account, a legal mandate for oversight, as well as the capacity and independence to exercise it needs to be enhanced in conducting oversight as a core responsibility for all members of the County Assembly.

County Assemblies therefore have some degree of power to hold the County government accountable. The ways in which they carry out oversight, the tools and procedures each chooses to deploy, and the extent of the scrutiny applied, vary considerably. However, rigorous, constructive and evidence-based oversight is by no means universal. In some contexts, the political space for oversight may simply not exist. Some Assemblies have the will to carry out more and better oversight, but they lack the human and financial resources to make it happen. Oversight may in some cases be limited to modest questioning and occasional discussion.

Oversight and accountability are comprised of three essential interlocking obligations. These are:

- The obligation of public authorities, primarily the county government, to provide information about their decisions and actions and to justify them to Assemblies and to the people.
- The obligation of the Assembly to scrutinize the decisions and actions of county government or other public authorities and provide constructive and appropriate recommendations.
- The obligation of those accountable to respond appropriately to Assemblies conclusively about the matter under scrutiny.

However, this cardinal responsibility should not be borne alone: The County Assembly is one of the many oversight actors within society (albeit one with a unique constitutional role). Effective oversight requires the Assembly to work closely with these other bodies, which include the Executive, Judiciary and independent offices and institutions, national human rights bodies and ombudspersons, as well as civil society organizations.

The impact of effective oversight

Effective oversight, places the people – their needs, their interests and their experiences – at the heart of politics. It improves government performance in all policy areas. Example of policy change is as a consequence of more attentive oversight abound. Parliamentary oversight also helps to support sustainable development and respect for human rights.

Oversight enhances the democratic process. Benefits include; increased knowledge and understanding of government policies; greater accessibility of information and data; stronger investigation of policies and budgets to ensure ‘value for money’; and more inclusive participation by a diverse range of stakeholders – not least of whom are members of the public.

If legislature’s oversight is to be effective, the government must pay attention to it. The ideal position is that government and assembly work in tandem for the common good. Where relations fall short of this, a County Assembly has a range of powerful options to ensure its voice is heard by the government. These include publicizing the issue, legislating to correct the ill, influencing the budget, and, in extreme circumstances, impeachment and no-confidence motions. Assemblies and its members must be prepared to use these powers where appropriate.

In a nut shell...

Hon. Milliah Masungu: (*On a Point of Information*) Mr. Speaker, the Chair of Liaison is reading a very important report here and you can count the number of chairs in this House.

Mr. Speaker: You are one of the whips.

Hon. Milliah Masungu: No my Coalition, we have no chair and we are all inside the House. We are wondering what is wrong with the government side, because these are chairs. This is a very important report and the chairs must be present in the House.

Mr. Speaker: Yes Hon. Jack, what is the issue.

Hon. Jack Wambulwa: Thank you, Honourable Speaker. Hon. Milly's concerns would be right only if the majority side was out. As we look at the House and among the majority members, we have the vice chairs, so whenever there is no chair, there will be a vice chair or even members of the committee. I do believe that as majority we are still majority in this House. Therefore let the chair continue Honourable Speaker.

Mr. Speaker: Honourable Deputy Speaker kindly proceed.

Hon. Stephen Wamalwa: Thank you, Honourable Speaker. I think Hon. Milliah was trying to disrupt my flow of presentation, but I believe she will settle down and follow this silently.

In a nut shell, the County Assembly has an important oversight role on matters to do with revenue collection and management, in addition to their legislative mandate. A number of crucial laws have not been enacted on revenue collection and administration. This has been mostly attributed to lack of a clear understanding of complementarity roles of the County Executive and the County Assembly.

There are instances where County Executives initially prepared revenue forecasts which are later queried by the County Assembly. Also the Departments at the Executive propose revenue raising measures without basing on the laws appropriate for the implementation. These situations have generated challenges and conflicts including delayed enactment of necessary revenue legislation. It is important for the both arms of Government at the County level to clearly understand the complementary nature of their distinct roles where matters of Own Source Revenue (OSR) are concerned. In general, County Executive is responsible for formulation and execution, while County Assembly is responsible for legislating and providing oversight.

The County Assembly is also required to develop clear rules of procedures on reviewing audited accounts on revenue for follow up on issues raised by the audit. The County Assembly should establish clear rules of procedures on the receiving, considering and determining petitions by stakeholders and members of the public on revenue collection and management as well as other issues incidental to within their mandates.

The County Assemblies in Kenya are in existence in accordance to Articles 176 and 186 of the Constitution of Kenya, 2010 that provides inter alia:

Article 176(1) avers that ...there shall be a County government for each county, consisting of a County Assembly and a County executive.

Article 185 (3) affirms that A county assembly, while respecting the principle of the separation of powers, may exercise oversight over the County Executive Committee and any other county executive organs.

Oversight in the First session of the Third County Assembly was underscored vide the following objectives to:

- (i) Ensure efficiency and effectiveness of the assigned sectors through inquiry and reporting on all matters relating to the assigned sectors pursuant to Standing Order 217 (5).
- (ii) Ensure that the relevant sectors/ departments account on its expenditure
- (iii) Consider reports of the Auditor General on the operations of the County Government (Assembly and Executive) and its organ in accordance to Standing Order 209.
- (iv) Vet nominees to be appointed to various public offices within the county public service as required by law.

It worth noting that in the Session under review, the County Assembly through the Committee on Appointments considered names forwarded by H.E, the Governor for vetting and subsequent approval of 10 nominees for the position of County Executive Committee Members.

The County Assembly equally considered and approved the appointment of Clerk of the County Assembly.

Attendance and participation in Committee Activities

One of the Members' primary duties is to attend the sittings of the Committee. The attendance of Committee sittings by Members of the County Assembly is one of the key indicators for determining the effectiveness of Assembly Committees. It is assumed that if all members of the Committees attend all the sittings, this would offer every member an equal opportunity to make observations critical in informing recommendations. The Standing Orders expressly provide for the number required for a quorum. Unless, the quorum is achieved within thirty minutes of the appointed time; a sitting of any select committee shall stand adjourned to such time and day as the chairperson may appoint.

County Assembly Committees hold several meetings to conduct in-depth analysis of various issues through extensive deliberations among Members. While it is difficult to analyze the quality of deliberations in these sittings, the number of sittings held by various Committees can be used as an indicator to measure the quantity and quality of work done by them. Higher participation in committees meetings is essential for the functioning of County Assembly for they act as its backbone in generation of plenary business, scrutinizing legislations and holding the government accountable among other functions. Success of the Committee system depends on the participation of Members in these meetings. The attendance rate is automatically updated as committees meet and attendance is recorded.

In the session under review poor attendance to County Assembly Committees is a rising concern both in internal meetings and retreats a trend that requires to be reversed in order to guarantee an effective County Assembly.

Committee retreats and Status

In the Session under review, all Committees retreated to consider businesses as per the approved *attached schedule*. Some reports have already been considered (Selection, Budget, and Appointment) and others are available for prioritizations by the County Assembly Business Committee save for Trade, Rules and Selection Committees that are yet to retreat.

However, it is worth noting that some Committees altered their activities from those already approved by the House.

Consultations with the County Executive Departments/ Sectors

Committees of the County Assembly have had engagements with their respective sectors/ Departments at the County Executive in the following sequence:

- (i) On 15th November, 2022, the Committee on Delegated County Legislation had a consultative meeting with the County Attorney.
- (ii) On 25th and 26th November, 2022 all sectoral committees interrogated the 1st Supplementary Budget FY 2022/2023
- (iii) On 28th November, 2022 the Labour Relations, Members Service and Facilities Committee had a familiarization consultation with the County Public Service Board on Human Resource and Labour relation issues with a view of creating a synergized working relation.
- (iv) On 1st and 10th December, 2022 Budget and Appropriation Committee had a

consultative meeting with the CECM Finance and Economic Planning on the 1st Supplementary Budget FY 2022/2023.

- (v) On 1st to 3rd December, 2022 Education and Vocational Training Committee had a consultative meeting with the Department on the Scholarship and the department's work plan.
- (vi) On 5th and 9th December, 2022 the Committee on Justice, Cohesion and Legal Affairs engaged the medical superintendents from Bokoli Sub County Hospital and Webuye Referral Hospital respectively to shed light on the petition on denial rights to health services.
- (vii) On 21st -23rd December, 2022 the Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development had a sensitization Forum on County Empowerment Fund (Cooperative Fund)
- (viii) On 21st to 23rd December, 2022 the Committee on Gender, Culture and Social Welfare had a sensitization Forum on County Empowerment Funds and Ward Procurement Opportunities.
- (ix) On 21st to 23rd December, 2022 the Committee on Youth and Sports had a sensitization Forum on County Empowerment Funds and Ward Procurement Opportunities.
- (x) On 9th to 11th January, 2023 the Committee on Roads, Transport, Infrastructure and Public Works had an engagement on the sector's CIDP and Sector Plan.
- (xi) On 12th January, 2023 the Committee on Youth and Sports engaged the Executive on the Status of Stadia in Bungoma County.
- (xii) On 11th and 31st January, 2023 the Public Accounts Committee interrogated the department of Health on the Special Audit Report on Covid -19 roll out.
- (xiii) On 15th January, 2023 the Committee on Budget and Appropriation engaged the CECM Finance to clarify on the issues raised by the Committee on the County Budget Review and Outlook Paper.
- (xiv) On 18th January, 2023 the Committee on Education and Vocational Training engaged the County Department on the Status of the County Scholarship and Bursaries Programme.
- (xv) On 23rd January, 2023 the Committee on Implementation interrogated the Department of Trade on the implementation status of the Bungoma County Industrialization Policy and the Department of Water, Tourism and Natural Resources on the implementations status of the Bungoma County Rig Policy.
- (xvi) On 23rd January, 2023 the Committee on Public Administration and ICT had a consultation meeting on Village administrators, Ward Offices Status and Departmental Work Plan.
- (xvii) On 26th to 28th January, 2023 the Committee on Trade, Energy and Industrialization had a consultative meeting with the Executive on the County Trade Loan Fund Regulations and;

- (xviii) On 30th January, 2023 the Committee on Public Administration and ICT had a meeting to consider the Status report on contracted services Cleaning and Security.

Committee Fact Findings/ Site Visits

The County Assembly's oversight role over the Executive can also be enhanced through proactive committees in conducting fact findings/site visits to the projects and programmes being implemented by the Executive arm of the County Government.

During the First Session of the Third County Assembly the following fact findings were carried out:

- (i) On 10th and 11th January, 2023 the Committee on Education and Vocational Training held its fact finding in all the Forty five (45) wards in County with a view of ascertaining the status of all the ECDE Centers that were constructed by the County Government of Bungoma in FY 2017/2018 and FY 2018/2019 with the aim of seeking for more funds through increased budgetary allocation to complete or establish more ECDE centers in the County that may in turn lead to increased enrollment.
- (ii) On 9th December 2022, the Committee on Youth Affairs and Sport held its fact-finding to ascertain the status of Stadia in Bungoma County with the objective of identifying the names and location of the stadia, ascertaining the completion status of the stadia and seeking the operationalization of the stadia.
- (iii) 23rd to 26th January 2023, the Committee on Roads, Transport, Infrastructure and Public Works carried out a fact finding on the status of Construction of the Sangalo junction-Kanduyi (C33) road to dual carriage way with the need of understanding the status of completion of the road, the expenditure so far, the safety of the road as well as the impact of the road project on the community.
- (iv) On 5th, 6th and 9th January 2023, the Committee on Tourism, Water, Environment and Natural Resources conducted its fact finding activity in Mt. Elgon and Bungoma Sub- Counties respectively with the intention of assessing the implementation status of KOICA I and II projects funded by both the Republic Korea and the Kenya Government and Bungoma County Government being the implementing agency. The aim of the fact finding was to assess the status of implementation of the projects given complaints of continuous lack of water in the areas where the projects were undertaken.
- (v) On 12th and 13th January, 2023 the Committee on Lands, Urban Planning and Housing held its fact finding on the implementation status of Kimilili and Bungoma Municipalities with a view of ascertaining the implementation status of the budgeted projects in the two municipalities
- (vi) On 20th and 23rd January, 2023 the Committee on Health Services and Sanitation undertook its fact finding on the collection and usage of own generated revenue in the major identified Hospital facilities in the County. The objective was to: ascertain whether own generated income at the health facilities was collected as per the procedures governing management and control of public finance; ascertain if at least a certain percentage of the collected revenue was utilized on development projects;

determine the impact of the development projects if any on the community and on service delivery; and determine whether collections and usage of the revenue collected by the health facilities have impacted positively on service delivery and quality of services rendered to the public.

From the above, the following was noted:

1. Logistical challenges due to unavailability of transportation to carry the team on time for the activity.
2. Budgetary constraints that led to the limitation of the time allocated to conduct the exercise.
3. Lack of signboards that indicate the location of the projects implemented
4. Delay from members leading to late departure to the site of the visit
5. Lack of adequate facilitation, given that most site visits were embarked on immediately after the festive season.
6. Delayed and unsatisfactory responses from the Executive.
7. Unavailability of technical staff from the Executive to accompany the committees during the site visits

Statements/ Questions

Equally, oversight can be advanced through Members of the County Assembly raising question to the County Executive Committee. During the year under review; a number of statements were sought:

- i. A Statement sought by Hon. Jack Wambulwa on Implementation of CEF road projects to chairperson Roads, Transport, Infrastructure and Public Works on 17th November 2022 whose response was to be availed on 1st December 2022
- ii. A Statement sought by Hon. Alfred Wekesa on Environmental and health menace experienced by residents of Ndivisi Ward living close to Makemo dam, to the chairperson, Tourism on 17th November 2022 whose response was to be availed on 1st December 2022
- iii. A Statement sought by Hon. Jack Wambulwa on Information on the Tabala Kimwanga and Nakhwana Kimaeti roads in Kimaeti Ward under the Roads Maintenance Levy Fund, to the chairperson, Roads, Transport, Infrastructure and Public Works on 22nd November 2022, whose response was to be availed on 28th February 2023
- i. A Statement sought by Hon. Milliah Masungu on Health service in relation to a number of Health projects under Community Empowerment Fund which have stalled in Misikhu. It was referred to the chairperson, Health Committee on 16th November 2022, whose response was to be availed on 30th November 2022
- ii. A statement sought by Hon. John Wanyama on Muyayi Vocational Training Centre to the chairperson, Education and Vocational Training on 24th November 2022, whose response was to be availed on 15th February 2023.

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

COMMITTEE EXPENDITURE AND BALANCES

Committees' operations had an approved budget of Kshs. 98,120, 140 out of which Kshs. 64,317,500 has been spend hence a balance of Kshs 33,802,640.

The table below shows the current committees expenditure and balances;

Mr. Speaker: I think this is now the area of concern. Those who are not in will ask later and they will get answers elsewhere.

COUNTY ASSEMBLY	ESTIMATE FOR FY 2022/2023	TOTAL EXPENDITURE	RUNNING BALANCE
Agriculture, Livestock, Fisheries and Co-operative Development	3,118,103	1,483,000	1,635,103
Liaison Committee	7,988,574	4,544,000	3,444,574
Selection Committee	2,286,185	2,275,200	10,985
House Business Committee	3,118,103	3,069,200	48,903
Health Committee	3,118,103	1,785,200	1,332,903
Committee on Implementation	2,286,185	1,163,500	1,122,685
Budget and Appropriations Committee	9,000,000	5,519,400	3,480,600
Delegated Legislation Committee	2,286,185	1,160,000	1,126,185
Education and Vocational Training Committee	3,118,103	1,531,500	1,586,603
Finance and Economic Planning Committee	7,000,000	1,612,000	5,388,000
Youth and Sports Committee	3,118,103	1,472,000	1,646,103
Lands, Urban, Physical Planning	3,118,103	1,690,000	1,428,103
Public Accounts and Investment Committee	7,000,000	3,588,700	3,411,300
Powers and Privileges Committee	2,286,185	1,279,000	1,007,185
Public Administration and ICT Committee	3,118,103	1,448,000	1,670,103
Roads, Infrastructure and Public Works	3,118,103	1,828,000	1,290,103
Procedures and House Rules Committee	1,453,779	1,183,000	270,779
Gender, Culture and Social Welfare	3,118,103	1,628,700	1,489,403

Committee			
Labour and Social Welfare Committee	3,118,103	1,237,600	1,880,503
Tourism, Environment, Water and Natural Resources Committee	3,118,103	1,606,500	1,511,603
Justice and Legal Affairs Committee	2,286,185	1,162,500	1,123,685
Trade, Energy and Industrialization	3,118,103	1,605,500	1,512,603
Speakers Panel Committee	1,043,441	1,031,100	12,341
Committee on Appointment	2,286,185	5,195,400	(2,909,215)
Committee Based Induction	13,500,000	14,218,500	(718,500)
Grand Total for Committees	98,120,140	64,317,500	33,802,640

From the above table it was observed that;

- The committees' expenditure comprises the TSA and the Hotel Bills
- The committee based induction and the Appointment Committee surpassed their allocation by Kshs. 718,500 and Kshs. 2,909, 215
- Some committees' current balance is insufficient for the committee to retreat

SCHEDULE FOR COMMITTEES' RETREATS

The Liaison Committee came up with a tentative Committees' retreat schedule for the period February to June 2023. The schedule is subject to change depending on the business before the County Assembly for consideration and any other unforeseen activities: legislative proposal laid and committed to the Assembly committees.

TABLE 2; TENTATIVE COMMITTEES' RETREAT SCHEDULE-FEB TO JUNE 2023

N O	COMMITTEE	DATES	DA YS	PLANNED ACTIVITY	FUNDING
1	FINANCE	23 RD - 27 TH FEB	5	Report writing on ADP/Finance Bill	Committee
2	YOUTH	3 RD – 6 TH MARCH	4	Implementation status of Bungoma Youth County Fund	Committee
	POWERS	3 RD – 6 TH MARCH	4	Compliance with filling of wealth declaration forms by Hon. Members	Committee
3	BUDGET	10 TH - 13 TH MARCH	4	Report writing on CFSP	Committee
	LEGAL	10 TH – 13 TH MARCH	4	Report writing on Casual Petition	Committee
	FINANCE	10 TH – 13 TH MARCH		Report on Finance Bill, 2022	
4	GENDER	16 TH – 19 TH MARCH	4	Committee report on KICOSCA games held from 15 th to 21 st January, 2023	Committee
	LABOUR	16 TH – 19 TH MARCH	4	Annual report on the County Assembly Service Board and CPSB	Committee
5	LANDS	20 TH – 23 RD MARCH	4	Implementation Status of spatial plans, Land Registry and GIS Laboratory in the County	Committee
	PAC	20 TH – 23 RD MARCH	4	Report writing on the 9 reports of the Audit from the Executive and the County Assembly	Committee
6	TOURISM	24 TH -27 TH MARCH	4	Status of the Tourist Site in the County	Committee
	TRADE	24 TH - 27 TH MARCH	4	Vetting of the Chief Officer	Committee
7	FINANCE	30 TH MARCH– 2 ND APRIL	5	Report writing on CIDP	Committee
	BUDGET	30 TH MARCH– 2 ND APRIL	4	Report writing on Debt Management Strategy Paper	Committee
8	PA	14 TH – 17 TH APRIL	4	Vetting of the Chief Officer	Committee
	IMPLEMENTATION	14 TH – 17 TH APRIL	4	Scrutinize the implementation status of the Bungoma County Vocational Training Centre Policy	Committee
9	HEALTH	21 ST – 24 TH APRIL	4	Vetting of the Chief Officer	Committee
	ROADS	21 ST – 24 TH APRIL	4	Vetting of the Chief Officer	Committee
10	EDUCATION	27 TH – 30 TH APRIL	4	Vetting of the Chief Officer	Committee
	AGRICULTURE	27 TH -30 TH APRIL	4	Vetting of the Chief Officers	Committee
11	DELEGATED	5 TH – 8 TH MAY	4	Familiarization on the processing of Statutory Instrument Act	Committee
	PAC	5 TH – 8 TH MAY	4	Report writing on the 9 reports of the Audit from the Executive and the County Assembly	Committee
12	BUDGET	11 TH – 20 TH MAY	4	Report writing on Annual Budget Estimate FY 2023/2024	Committee

12	LIAISON	26 TH – 29 TH MAY	4	Committee Operations Annual report	Committee
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It should be noted that only Committees with sufficient funds have been considered for retreats.

Moreover, committees with statutory/mandatory documents to be processed within timelines and have funds have been scheduled more than once. The number of days for the committee retreat will also be determined by the availability of funds in the respective committee apart from those already recommended and adopted herein.

In addition, the sector committees that are anticipation of the vetting of the Chief Officers have been required to prioritize the activity.

COMMITTEE'S OBSERVATIONS, RECOMMENDATIONS AND CONCLUSION

COMMITTEE'S OBSERVATIONS

The Committee made the following observations

- (i) Absenteeism and non-adherence to internal and external Committee meetings as approved in the House lead to delay in the commencement of meetings and or late signing off of registers.
- (ii) All the statements/questions that were raised in the 1st session were not responded to.
- (iii) Unstructured mode of operation whereby the County Executive interfered with the approved schedule of external committee retreats by inviting their sector committee without the consent and approval of the Speaker in contravention of Standing Order 184.
- (iv) There are some committees with negative balances and others with insufficient funds to retreat.

RECOMMENDATIONS

The Committee recommends that;

- (i) All attendance registers (books) for internal meetings and hotel attendance list at the retreats will be closed by the chairperson at the end of the meeting and only hotel attendance lists will be used for payment in case of external retreats.
- (ii) The sector committees should implement the provision of Standing Order 54 by inviting the sector department to respond on the statements and issue progress report on time in the House.
- (iii) On the engagement with executive, the Speaker should be notified of the activity and engagement within 48 hour before undertaking the activity.
- (iv) For prudent management of financial resources (Committee Budgets), Committees are urged to strictly adhere to their provision
- (v) Days allocated to external committee retreats are pegged at a minimum of four days and shall vary depending on the nature of the activity under consideration and funds available.

CONCLUSION

It is now my humble request that this House approves this report by the Liaison Committee on the Committees' activities in 1st Session, Third County Assembly and Committees' retreat schedule for the period from February - June, 2023. I move.

I now call upon the Vice Chairperson of the Liaison Committee to second the report.

Mr. Speaker: Thank you deputy Speaker Hon. Stephen Wamalwa for moving a Motion.

Hon. Christine: Thank you for this opportunity to second the Motion and I want to take this opportunity to thank all the Chairpersons who sat down and came up with this report. I second the Motion.

Mr. Speaker: Honorable Members, a motion has been moved and seconded that this House adopts the report by the Liaison Committee on the Committees activities in the first session, Third County Assembly and the Committees retreats scheduled for the period February to June 2023. I propose.

(Question proposed)

Honorable Members, allow me proceed and put a question to the said Motion.

(Question put and agreed to)

Going forward, the Chairs who are here, you will keep your timetable and your retreat will be as per your timetable. For any invitation from the Executive, let me know because I can't obstruct your welfare. While away on retreats and something happens to you, they will ask for the Speaker. Like Honorable Chair - Agriculture, I can't explain to the people of Naitiri/Kabuyefwe what happened to him. So let me know that you are going out and I will allow you to go.

Looking at our Order paper that was the second Motion that we had, we will now adjourn our sitting and resume at our 2:30 p.m.

In the meantime, the Committee Members of Powers and Privileges Committee, we meet in my chamber after adjournment of this session.

(House adjourns)