

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY 29TH MARCH, 2023

Afternoon Sitting

3rd County Assembly

2nd Session

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COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

WEDNESDAY 29TH MARCH, 2023

The House met at 2:30 p.m.

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

PRAYER

PAPER

REPORT BY THE SECTORIAL COMMITTEE ON LABOUR RELATIONS, MEMBER SERVICES AND FACILITIES ON THE BUNGOMA COUNTY PUBLIC SERVICE BOARD ANNUAL REPORT FOR THE YEAR 2022

Hon. Catherine Kituyi (*Vice Chairperson, Committee on Labour Relations, Member Services and Facilities*): Thank you. I beg to lay on the Table the report by the Committee on Labour Relations Member Services and Facilities on the Bungoma County Public Service Board annual report for the year 2022.

Mr. Speaker: Honourable Members, the report by the sectoral Committee on Labour Relations, Member Services and Facilities on the Bungoma County Public Service Board annual report for the year 2022 is hereby laid before the House. It becomes the property of the House.

NOTICE OF MOTION

ADOPTION OF THE REPORT BY THE SECTORIAL COMMITTEE ON LABOUR RELATIONS, MEMBER SERVICES AND FACILITIES ON THE BUNGOMA COUNTY PUBLIC SERVICE BOARD ANNUAL REPORT FOR THE YEAR 2022

Hon. Catherine Kituyi (*Vice Chairperson, Committee on Labour Relations, Member Services and Facilities*): Thank you. I rise to give a notice of motion that this House adopts the report by the sectoral Committee on Labour Relations, Member Services and Facilities on the Bungoma County Public Service Board annual report for the year 2022.

Mr. Speaker: Honourable Members, a notice of Motion has been duly issued by the sectoral Committee on Labour Relations, Member Services and Facilities on the Bungoma County Public Service Board annual report for the year 2022 and I hereby direct the Clerk at Table to share this report with the Honourable Members on their gadgets; as it is going to form Business on our Order Paper in the course of the week.

MOTION

THAT THIS HOUSE ADOPTS THE REPORT BY THE SECTORAL COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING AND HOUSING ON THE ASSESSMENT OF IMPLEMENTATION STATUS OF KIMILILI AND BUNGOMA MUNICIPALITIES SINCE INCEPTION

Hon. Francis Chemion (*Chairperson, Committee on Lands, Urban, Physical Planning, and Housing*): Thank you. I rise to move a Motion on the assessment of the implementation status of the Kimilili and Bungoma Municipalities since inception.

We have a table of contents on page two which I may not go through. We have the executive summary then chapter one on page three.

1.0 EXECUTIVE SUMMARY

This report assesses the status of implementation of the Kimilili and Bungoma Municipalities and the development projects by partners through a fact finding exercise by the Committee on Lands, Urban, Physical Planning, and Housing in Bungoma County.

The report informs on the activities undertaken by the Committee and also gives the legal background and objectives that steered the Committee during its sittings to undertake this activity.

The Committee embarked on this exercise with the following objectives as per section 12, 13 and 14 of the Urban Areas and Cities Act, 2011 on management of cities and municipalities, Boards of Municipalities and on the powers of cities and Municipalities:

- Provision of Social services
- Provision of Public health and sanitation services
- Management of Municipality physical planning
- Provision of administrative services
- Provision of development projects
- Community involvement
- Engagement with development partners.

This report contains the observations and recommendations as adopted by the Committee members.

CHAIRPERSON'S FORWARD

Pursuant to Article 184 and 176 (2) of the Constitution that provides for National Legislation to cater for Governance, Management and Classification of Urban Areas, the Urban Areas and Cities Act was enacted in 2011 and amended in 2019.

Pursuant to Section 48 of the County Governments Act, Section 9 (1) of the Cities and Urban Areas Act, (No. 13 of 2011), as complemented by Section 72 of the Interpretations and General Provisions Act (Chapter Two) and all other enabling provisions of the law, the County Government of Bungoma granted Charters to Bungoma and Kimilili Municipalities in May, 2018 and the Charters were gazetted in November, 2018; giving the Municipalities a legal framework for operation as decentralized units of service provision in Bungoma County.

Mr. Speaker Sir,

Pursuant to Article 185 of the Constitution of Kenya 2010, and Section 8 of the County Governments Act, the County Assembly of Bungoma has the mandate to conduct; Representative, Legislative, Oversight functions on behalf of the County Government of Bungoma. Further, Article 185(3) elaborates that a County Assembly while respecting the principles of separation of powers, may exercise oversight over the County Executive Committee or any other County Executive organ.

Justification for the Fact finding

For effective oversight on the management of current municipalities and the emerging need and creation of more municipalities (Chwele and Webuye), the Committee thought it prudent to have an assessment of the status of implementation and challenges faced by the first two Municipalities in the County as far as various perimeters stipulated in the Urban Areas and Cities Act, 2011, the County Government Act and other legal provisions are concerned. The Committee carried out this exercise with the aim of coming up with an informed view on the current Municipalities that would act as a blue print to guide future engagements on management of the current, and creation of new Municipalities.

The Committee was also cognizant of the need for proper planning and management of markets, towns, urban centres and eventually municipalities for the County to realize a stable social, physical and economic development. This will go a long way to open business and development avenues by attracting serious investors in the County.

GOVERNANCE AND MANAGEMENT OF URBAN AREAS AND CITIES

Mr. Speaker Sir, Section 11 of the Urban Areas and Cities Act, 2011 stipulates that the governance and management of urban areas and cities shall be based on the following principles—

- a) Recognition and respect for the constitutional status of County Governments;
- b) Recognition of the principal and agency relationship between the boards of urban areas and cities and their respective County Governments including—
 - I. the carrying out by a board of such functions as may be delegated by the County Government;
 - II. Financial accountability to the county government; and

- III. The governance by each board for and on behalf of the County Government;
- c) Promotion of accountability to the County Government and residents of the urban area or city;
 - d) institutionalized active participation by its residents in the management of the urban area and city affairs;
 - e) Efficient and effective service delivery; and
 - f) Clear assignment of functions.

Section 12 of the same Act talks on the Management of cities and municipalities thus:

- 1) The management of a city and municipality shall be vested in the County Government and administered on its behalf by—
 - a) A board constituted in accordance with section 13 or 14 of this Act;
 - b) A manager appointed pursuant to section 28; and
 - c) Such other staff or officers as the County Public Service may determine.
- (2) Shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—
 - (a) Suing and being sued;
 - (b) Taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
 - (c) Borrowing money or making investments;
 - (d) Entering into contracts; and
 - (e) Doing or performing all other acts or things for the proper performance of its functions in accordance with this Act or any other written law which may lawfully be done or performed by a body corporate.
- (3) The governance and management of a city county shall be in accordance with the law relating to County Governments.

Further, Section 14 touches on the Boards of Municipalities that the provisions of Section 13 shall apply with respect to the Board of a Municipality except that such Board shall comprise nine members of whom, four shall be appointed and five elected in the prescribed manner.

While Section 20 is on Functions of the Board and provides that:

- (1) Subject to the provisions of this Act a Board of a city or Municipality shall—
 - a. oversee the affairs of the city or municipality;

- b. develop and adopt policies, plans, strategies and programmes, and may set targets for delivery of services;
- c. formulate and implement an integrated development plan;
- d. control land use, land sub-division, land development and zoning by public and private sectors for any purpose, including industry, commerce, markets, shopping and other employment Centres, residential areas, recreational areas, parks, entertainment, passenger transport, agriculture, and freight and transit stations within the framework of the spatial and master plans for the city or municipality as may be delegated by the County Government;
- e. as may be delegated by the County Government, promote and undertake infrastructural development and services within the city or municipality;
- f. develop and manage schemes, including site development in collaboration with the relevant national and county agencies;
- g. maintain a comprehensive database and information system of the administration and provide public access thereto upon payment of a nominal fee to be determined by the board;
- h. administer and regulate its internal affairs;
- i. implement applicable national and county legislation; enter into such contracts, partnerships or joint ventures as it may consider necessary for the discharge of its functions under this Act or other written law;
- j. monitor and, where appropriate, regulate city and municipal services where those services are provided by service providers other than the board of the city or municipality;
- k. prepare and submit its annual budget estimates to the relevant County Treasury for consideration and submission to the County Assembly for approval as part of the annual County Appropriation Bill;
- l. as may be delegated by the county government, collect rates, taxes levies, duties, fees and surcharges on fees;
- m. settle and implement tariff, rates and tax and debt collection policies as delegated by the county government;
- n. monitor the impact and effectiveness of any services, policies, programmes or plans;
- o. Establish, implement and monitor performance management systems;
- p. promote a safe and healthy environment;
- q. facilitate and regulate public transport; and
- r. perform such other functions as may be delegated to it by the county government or as may be provided for by any written law.

(2) The functions performed by the board of a city or municipality under this Act shall, in the case of a town, be performed by a committee appointed by the county governor and approved by the County Assembly.

Mr. Speaker Sir, Section 21 of the Urban Areas and Cities Act, 2011 gives the boards of cities and municipalities powers as follows:

- 1) Subject to the Constitution and any other written law, the board of a city or municipality shall, within its area of jurisdiction—
 - a) Exercise executive authority as delegated by the county executive;
 - b) Ensure provision of services to its residents;
 - c) Impose such fees, levies and charges as may be authorised by the County Government for delivery of services by the municipality or the city;
 - d) Promote constitutional values and principles;
 - e) Ensure the implementation and compliance with policies formulated by both the national and county government;
 - f) Make by-laws or make recommendations for issues to be included in bye-laws;
 - g) Ensure participation of the residents in decision making, its activities and programmes in accordance with the Schedule to this Act; and
 - h) Exercise such other powers as may be delegated by the County Executive Committee. Municipality shall exercise such executive authority as may be delegated by the County Executive Committee for the necessary performance of its functions under this Act.

COMMITTEE MEMBERSHIP

The current composition of the Committee on Lands, Urban, physical Planning and Housing is as follows:

- | | | | |
|----|--------------|----------|------------------|
| 1. | Hon. Francis | Chemion | Chairperson |
| 2. | Hon. Linda | Kharakha | Vice/Chairperson |
| 3. | Hon. Ali | Machani | Member |
| 4. | Hon. James | Barasa | Member |
| 5. | Hon. Vitalis | Wangila | Member |
| 6. | Hon. Sudi | Busolo | Member |
| 7. | Hon. Hentry | Nyongesa | Member |
| 8. | Hon. Eunice | Kirui | Member |

9. Hon. Edwin Opwora Member
10. Hon. Wafula Waiti Member
11. Hon. Mildred Barasa Member
12. Hon. Everlyne Anyango Member
13. Hon. Cornelius Makhanu Member
14. Hon. Timothy Chikati Member
15. Hon. Johnson Ipara Member

ACKNOWLEDGMENT

The Committee extends its appreciation to the Offices of the Speaker and the Clerk of the County Assembly for the support accorded to it in the execution of its mandate and the opportunity accorded to the Members to undertake the fact finding and report writing thereafter. I also wish to extend my utmost gratitude to the Members of the Committee who dedicated their time out of their busy schedule to ensure that the objectives of this exercise were achieved.

More so, the secretariat of the committee is commented for the timely procedural advice accorded to the Hon. Members during the exercise.

It is therefore my pleasant duty and privilege, on behalf of the committee on Lands, Urban, Physical Planning and Housing, to table this report for further consideration and subsequent adoption by this Honourable House.

Signed by Hon. Francis Masai Chemion, Mca- Kaptama Ward and Chairperson, Lands, Urban, Physical Planning and Housing

CHAPTER TWO

SUBMISSIONS FROM THE MUNICIPALITY AND COMMITTEE FINDINGS

The committee requested for a status report on implementation of the Bungoma and Kimilili Municipalities and on development projects by partners since their inception basing on the following services and these will form the content of the Committee report:

1. The social services
2. Public health and sanitation services
3. Municipality physical planning
4. Administrative services: number of employees, revenue collection etc.

5. The development projects undertaken by the Board of management
6. Community involvement and benefits
7. Engagement with the development partners

ADMINISTRATIVE SERVICES

Bungoma Municipality

Mr. Speaker Sir,

Bungoma Municipality has an established board as per section 13 and 14 of the Urban Areas and Cities Act, 2012. However, currently the board has three vacancies as stated below:

- a) In 2021 a member of the board representing the public died.
- b) In February 2022, Hon. Sasita resigned from the board and is our current CECM for Lands.
- c) In February 2022, Hon. Jeremiah Kuloba who was representing the members of the informal sector resigned.

The Committee established that the aforementioned situation does not cause a quorum hitch when the Board sits to transact business. The Municipality has sought the attention of the Governor for the three positions to be filed, but up to the time of engagement with the Committee, nothing had been done to that effect. The Board functions effectively in implementation of its delegated mandate with approximately 20 staff, 15 who were deployed in 2019 and five other contracted employees including: Revenue Officer, Internal Auditor, the Finance Officer, Land Surveyor I, Assistant Office administrator I, Administrative Officer, an Accountant, Public Health Officer 2, Enforcement Officer, Human Resource Assistant, Procurement Officer, Clerical Officer I, and Environmental Officer.

The Municipality covers three Wards; Musikoma, Khalaba and Township. Although the Urban Areas and Cities Act, 2012 confers at-least 18 functions to Municipalities, only three have been partially transferred which include: Waste management, Sanitation and Development plan approvals. The Municipality seeks for support from other departments in carrying out the partially transferred functions.

Kimilili Municipality

For Kimilili Municipality, there is an established Board as per section 13 and 14 of the Urban Areas and Cities Act, 2012, although the Board lacks two representatives; one representing registered associations of the informal sector in the area and the other representing registered neighbourhood associations in the area.

The two representatives who had been appointed did not meet the requisite qualifications for the office which forced them to resign in 2018. The Committee established that the aforementioned situation does not cause a quorum hitch when the Board sits to transact business. The Board meets quarterly to approve plans, policies, and budgets and receive,

deliberate on and adopt reports from committees of the Board. The Municipal Board reports to the County Executive Committee.

The Municipality covers three electoral Wards of Kimilili, Kibingei and Maeni with current population of 122,000 residents. It is semi-autonomous with a defined reporting line and limits. The Municipality works in consultation with other County Department because not all functions have been transferred to it except for approval plans, policies, and budgets (recurrent) and receive, deliberate on and adopt reports from committees. The Board has also been implementing the Kenya Urban Support Programme projects but has no development vote head from the exchequer.

The County Government deployed fifteen (15) staff that includes the administrator, the Finance officer, and the office administrative officer, Physical Planner, Works Officer, Revenue Officer, Revenue Clerk, Social Services Officer, Survey Assistant, Public Health Officer, Assistant Officer Administrator, Internal Auditor, Human Resource Officer, Accountant and Supply Chain Management Officer.

MUNICIPAL OFFICES

Kimilili Municipality

The Municipality is currently occupying part of the old building belonging to County department of Cooperatives and the old Municipal offices which are shared with the sub-County Administrator and Kibingei Ward Administrator.

Bungoma Municipality

Bungoma Municipality is currently being housed at the Public Works offices at County headquarters. The management has procured office furniture and equipment, computers and their accessories and stationery for efficient operations of the Board and staff.

PROVISION OF PUBLIC HEALTH AND SANITATION SERVICES

Kimilili Municipality

The municipality has a Municipal Public health Office tasked with supervision of public health and Sanitation facilities and gives feedback to the Board by way of reports. Through this office, consultations with relevant County Offices, enforcement of public health standards and requirements through notices, statutory orders and advisories, public sensitization forums and other health and Sanitation programs and services have been offered. The management submitted that without the functions being transferred, improvement of the waste management remains a big challenge as there is duplication of services with the county department of environment. The municipality is currently in talks with Venture for Change organization which does innovative waste management to ease the pressure of solid waste disposal.

The Committee was able to see copies of some of the statutory notices issued to the public for compliance. However, the Municipality uses the Police to enforce compliance of its orders because it does not have its own Enforcement Officers.

Bungoma Municipality

The Municipality has a Municipal Public Office tasked with supervision of public health and Sanitation facilities. The Municipality through their Health Officer issue statutory notices to effect health conditions and since their inception; they have held only one citizen fora. The Municipal Board of Bungoma supervises the collection and disposal of solid waste within its boundaries i.e it identifies areas with poor solid waste disposal and reports to the relevant department to effect the collection and dumping. It also carries out inspections on order. The management has drafted a waste management plan, which cannot be effected since the function has not been formerly transferred to it.

PROVISION OF SOCIAL SERVICES

Kimilili Municipality

The Municipality indicated that it has not directly undertaken social services functions despite having a relevant Board Committee responsible for the same. This is attributed to the fact that no formal transfer of services and requisite resources has been done by the County Government. However, the Municipality has in consultation with the relevant County and National Government departments promoted cultural and sporting activities and provided other social services to the residents through the social services office. The Municipality in January 2023 went for benchmarking in Makueni where they were challenged to set up a recreational park and are looking at upgrading Amutala stadium.

Bungoma Municipality

The Municipality has not been carrying out this role since inception. In January 2023 the Municipality went for bench marking in Makueni where they were challenged to set up a recreational center but are looking to reclaim land in town for the same. There are on-going talks with the Director and CECM for Lands.

MUNICIPALITY PHYSICAL PLANNING

The Municipalities have the mandate of approving municipal development plans and inspections. Although they have done this through their committees, the same function is at the County Department of Lands hence duplication of functions; they handle approvals of buildings through a technical team constituted for that purpose. There is need for proper approval and follow-up structure to avoid duplication of functions on land controls and approvals.

DEVELOPMENT PROJECTS

At Kimilili Municipality, all infrastructural projects are done by donor funds through World Bank. The Kenya Urban Support Programme has been able to support the Municipality to remain relevant to the public through funding of infrastructural projects which include roads. The county budget has been used majorly for recurrent and maintenance.

Based on the projects done by donor funds, there was a variation of Kshs. 20.7 Million which is supposed to be refunded to the donor by the County Government. The variation process was dully followed with the involvement of the stakeholders.

The Municipality Manager confirmed that in their draft budget, they include infrastructural development funds but they have never been approved by the department.

Through donor funds, the Municipality has been able to build a modern Thursday market in Kimilili town currently in use, a Bus park and a Monday Market, although the Monday market has not been occupied due to technical issues with the traders. The Grants were also used to fund capacity building, acquisition of basic office equipment and machines and the following infrastructural development:

NO.	Project Name	FINANCIAL YEAR	REMARKS
1	Upgrading of Riziki to DC Road (C33), from Riziki to Slaughter House,	FY 2018/2019	complete
2	Upgrading of DC(C33) to Kimilili Thursday Market Road	FY 2018/2019	complete
3	Upgrading of Thursday_ Market- Auction Ring- Chetambe Area- KIE Road	FY 2019/2020	complete
4	Upgrading of Thursday and Monday Market and Bus Park	FY 2019/2020	Complete. Refund of Ksh. 20,754, 740 to be made.
5	Upgrading of Mkulima-Nasusi Road	FY 2021/2022	on-going

Bungoma Municipality

All infrastructural projects are done by donor funds through World Bank. The Kenya Urban Support Programme has been able to support the Municipality to do infrastructural projects which include roads.

The county budget has been used majorly on recurrent expenditures and maintenance of development projects. The municipality is currently engaging donors for SUED programmes but the donor is interested in value chain projects which are not restricted within the municipality boundaries but are funded through special purpose account in the Municipality.

It has plans to set up a modern bus park at Kanduyi Market. The Donor funded projects include the following:

No.	Project Name	FY	Remarks
1	Upgrading of Kanduyi-Makutano Road to Bitumen standard	2018/2019	completed
2	Upgrading of Shariff Centre- prisons-BIERCE Offices Mama Fanta road to bitumen standard	2018/2019	completed
3	Upgrading of Sunrise, Bungoma High School and Moi primary roads in to Cabro	2019/202020	completed
4	Upgrading of Wings-Wambiya and other access roads within the Municipality	2019/20	completed
5	Upgrading of Pamus-Muyayi-Ndengelwa, Road to Bitumen Standard.	2020/2021	Contractor is on site progressing well

ENGAGEMENTS WITH DEVELOPMENT PARTNERS

Bungoma Municipality

In Bungoma Municipality, there is an engagement with the Sustainable Urban Economic Development (SUED) team, supported by the UK government on sustainable urban economic development in Bungoma Municipality. The team has signed a Participation agreement with the County Government defining activities (6) and responsibilities for each party. The team has also developed an Urban Economic Plan (UEP) adopted by the Board and it outlines the developmental needs of Bungoma Municipality.

The UEP activities include:

- a. Dairy Processing- Value chain
- b. Integrated Poultry- Value chain
- c. Animal feed mill- Value chain
- d. Construction Blocks- Value chain
- e. Solar PV Power Generation- Infrastructure
- f. Solar refrigeration (cold stores) - Infrastructure

Kimilili Municipality

The Municipality through the County Government has been engaging with the Kenya Urban Support Programme (KUSP) which has funded development projects as outlined herein under development projects by the Municipality.

COMMUNITY INVOLVEMENT

Bungoma and Kimilili Municipalities

The Municipality Board of Bungoma on one hand has held quarterly citizen fora in which they engage public select groups to get views on effective governance.

The Municipality Board of Kimilili on the other hand has been involving the community in identifying priority projects through scheduled citizen forums.

CHAPTER THREE

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

COMMITTEE OBSERVATIONS

Mr. Speaker Sir, the following are Committee observations:

1. With the functions yet to be transferred to Municipalities by the County Government, most of the functions are performed by the Sub-County Administrator which begs the question of the relevance and functionality of the two Municipalities in terms of their mandate per Section 13, 14 and 32 of the Urban Areas and Cities Act, 2012.
2. There is poor coordination in record keeping on levies collected between the Municipality Revenue Officer and their counterpart in the County Revenue Office. The money collected from approval of plans and allocation of market slots for every trader are deposited in the County Government Account, with no track at the Municipalities.
3. The Municipalities lack enforcement powers hence ensuring compliance of its orders and directives is a difficult task as they are forced to source this service from the Kenya Police or by request from Public Administration department.

4. The Kimilili Municipality Board has had two vacant positions since 2018, one representing registered associations of the informal sector in the area and another representing registered neighborhood association in the area. The Committee noted that views of the said groups have not been presented on the Board since the two representatives resigned in 2018.
5. The various functions for Municipalities stipulated in sections 12,13,14,20, and 32 of the Urban Areas and Cities Act, 2012 are still being handled in Public Administration Department and other departments despite the two Municipalities having officers with the same rank. This has caused a lot of confusion and duplication of duties leading to under performance in terms of service delivery in the County.
6. The Committee noted that all infrastructural projects are done by donor funds through World Bank. The Kenya Urban Support Programme has been able to support the Municipality by funding of infrastructural projects including roads. The Bungoma Municipality is currently engaging donors for SWED programmes. The county budget has been used majorly for recurrent expenditures and maintenance.
7. Currently, Bungoma Municipality board has three vacancies: the Board Member representing the public, since deceased, the Chairperson, Hon. Sasita who resigned from the Board and a Member representing the members of the informal sector, Hon. Jeremiah Kuloba resigned.

COMMITTEE RECOMMENDATIONS

Mr. Speaker Sir, the Committee makes the following recommendations;

1. THAT the County Government should transfer all the functions to Municipalities as provided for in the Urban Areas and Cities Act, 2011 and Article 187 (2) (a) of the Constitution to enable the two Municipalities run smoothly and deliver services to the people. The Committee Executive Member of Lands, Urban Physical planning and Housing in consultation with other departments within the County should fast-track legislation to delegate functions to Municipalities which should be forwarded to the County Assembly for approval.
2. THAT all the required personnel by the two municipality Boards should be seconded from various departments in the County Government of Bungoma by the CECM Lands, Urban, Physical Planning and Housing in consultation with the County Service Board and a report submitted to the Assembly Committee within 90 days after the adoption of this report.
3. THAT the department of Lands, Urban, Physical Planning and Housing should prioritize and fill the vacant positions in the Bungoma and Kimilili Municipal Boards to make the board to be fully constituted per the requirement of section 14 of the Urban Areas and Cities Act, 2011.
4. THAT the Municipality management in consultation with the department of Lands, Urban and Physical Planning should fast-track the development of relevant management policies and guidelines for the efficient carrying out of its functions and the delivery of the services within its area of jurisdiction as per section 36 of the Urban Areas and Cities Act, 2011.

Hon. Speaker, we have the adoption schedule and 99.9 Members have adopted. We have other attachments, and we have pictures and photos of Honourable Members visiting the municipalities.

This marks the end of our report; I now call upon the Vice Chairperson to this Committee to second the motion.

(Applause)

Hon. Linda Kharakha: Mr. Speaker Sir, I rise to second the motion before the House but before I do that, I would wish to thank the Chairperson who has read a very well self-explanatory report that expresses the issues underlying in our County in respect to the municipalities and the county at large; in the department of Lands and Physical Planning.

I proceed to give my few comments of the issues though they were well expounded in the report. First, I would wish to raise an issue on municipalities. The inception of the municipalities was to ensure that services are brought closer to the people who are the residents of Bungoma County but from the report, it is obvious that services have not been devolved fully for our people to enjoy as it were initially thought...

I would wish to proceed and say that it is through devolving the functions to municipalities that we will be able to attract businesses and investors and will therefore improve revenue collection which will be a plus for our County. You realize that through the municipalities is where we can get each and every one contributing to our taxes and revenue collection. If these services are not devolved, it means we are losing out each and every day on revenue collection. As a Committee, we have recommended that we continue devolving these functions to municipalities for proper output and robust functioning of our County.

Another point to note is that there are members who resigned from various committees in the municipalities; Bungoma and Kimilili. I wish to say that without their replacement it means that business has been halted in those municipalities. If they are not replaced, it therefore means that there is no business running in those municipalities. It is a matter of putting up an advert to source competitively for suitable people to fill up the positions. It does not require rocket science to do that and therefore, I don't understand why the Governor up to this point has not had an opportunity to appoint people. Is it that there are no people who can fill up these positions after those members who were there left? Or it is a point of ignoring and letting our people not get services as required.

As a Committee, we noted that there is much duplication of functions not only in Lands Committee but also from other committees. We will ask questions why there should not be a proper line between functionality of one committee to another. Since the separation of functions for instance the Committee on Trade; you will find that when it comes to purchasing of land, Lands Committee will follow to say that we are purchasing land and there is a budget towards the same. When you go to Trade Department they equally have a budget to purchase land. You will question why there is no rule that land should be purchased by

Lands Department and only give the title to the required department. This has caused confusing in relevant departments leading to wastage of resources because you are buying land using different budgets and causing under performance because a department will say that this belongs to that department and does not belong here; this is not our budget, it belongs to the other one.

It goes down to municipality functions as well, that there are functions that are supposed to be devolved to the municipalities but the county has retained the functions and some of which it is unable to deliver on. It is delivering poor services because of the mass of people it reaches.

(Applause)

The county cannot act *suo moto*; it needs other people to join hands...

Mr. Speaker: Now when you say *suo moto*, what do you mean? We are laymen. Proceed please in a layman language on what is meant by *suo moto*.

Hon. Linda Khakhara: The County Government cannot act on its own. It requires to delegate or devolve functions to the municipalities to be able to deliver quality services to the people. For as long as we will not devolve the functions to the municipalities, we will continue to suffer as a county in terms of revenue loss and service delivery. Our people will suffer because they will walk several kilometres to get to a proper hospital. For that reason, we ask that if possible, it should move with speed so that functions are devolved and the municipalities can function properly.

Mr. Speaker, there is an issue of representation and it still goes back to devolving of functions. If people are not properly involved in the delivery of services, it will mean for instance people of Mt. Elgon will miss out, the people of Tongaren will be involved. Which means there is a break in chain of services in the county? I would not want to dwell much and give all the recommendations and points so that other members can rise and give more. Mr. Speaker, I second the motion. Thank you.

(Applause)

(Question for adoption of motion proposed)

Hon. Wafula Waiti: Thank you Mr. Speaker. I take this opportunity to applaud the able Chairperson of the Committee on Lands for presenting to us the report. As a Member of the same Committee, I wish to thank my colleagues who tirelessly came up with the report. As I support the report, I want to comment on the functions which are supposed to be transferred to the municipalities. As we are speaking here today, the same motion is going on at the Senate; a Member demanding to know if all the required functions have been transferred to the municipalities. The concerned body should hurry up to operationalize the municipalities

with all the functions so that we can see our municipalities work as required. Otherwise, I support the motion. Thank you.

Hon. Meshack Museveni: Asante Mheshimiwa Spika kwa kunipa nafasi nichangie. Kabla ya kusema lolote, nataka kumshukuru mwenzangu Mheshimiwa Chemion kwa kusoma vizuri hiyo ripoti na kila mmoja wetu natumai ameskia na kuelewa. Mheshimiwa Spika naiomba Kamati ya Ardhi waangazie Chwele na Webuye ziwe manisipaa ili ziwe nne kwa jumla katika Kaunti ya Bungoma.

Ukiangalia haswa Chwele ni soko kubwa lakini ukiingia maeneo ya ndani utaona ya kwamba barabara ni mbaya. Ukiangalia Kimilili pamoja na Bungoma unaweza ona kwamba kuna mwangaza. Kamati hii yafaa kuzungumza na Gavana kuona kwamba zoezi la kupandisha Chwele na Webuye kuwa Manispaa linaharikishwa ili tupate kazi nyingi. Naunga mkono ripoti jinsi ilivyowasilishwa na mwenyekiti.

Hon. Everlyne Anyango: Thank you, Mr. Speaker Sir. I rise to support the motion that has been read on the floor of the House. Before I do that, I wish to thank my Chairperson being a member of Lands Committee for the good work, the good guidance and the good reading on the floor. The motion is self-explanatory. I want to echo a few sentiments concerning the municipality issue; that when we went for fact finding in Kimilili Municipality and Bungoma Municipality, we found that there was a lot of white elephants hanging in the air...

Mr. Speaker: Hon. Everlyne, you are saying a white elephant was hanging in the air?

Hon. Everlyne Anyango: Yes, because according to the speech of our Governor when he was here on the Floor before these Honorable Members, he told this House that the functions of the municipalities had been handed over. But everything that he said on the municipalities is just on paper. When you go and visit those offices, most of them are in pathetic conditions! The Bungoma Municipality is housed in works offices; the manager together with even the office sweeper are in a small office and are looking at each other having no service to offer to the people of Bungoma Municipality. Everything that we see is just on paper and that is why I also want to echo the sentiments of my senior representing Mukuyini Ward where he has recommended that my Chairperson moves fast concerning the issue of Chwele and Webuye.

I call upon my Chairperson to hasten his feet on the issue of Bungoma Municipality. You find that Bungoma Municipality is housing a lot of people and businesses, yet it is only in three Wards; Khalaba, Musikoma and Township. There is this issue of extended boundaries; I don't know what the Executive thinks about it because before you do anything and give people what they are supposed to get from the government or donors, and we have to see to it that the functions are devolved; so that these offices can be operationalized so that people living in those municipalities can get services.

Bungoma town is within Bungoma Municipality but when the rains find you in this town, you will find nowhere to step unless you are driving. What the Executive is trying to tell the people of Bungoma Municipality is that when the rains come, everybody should be sheltered in his or her house or be driving because there is water everywhere. All the sewages are open in this town. I want to echo the sentiments of my sister Hon. Linda where she has said that if services are not devolved and taken down to the people of this county, people will continue to suffer.

The Executive has to wake up and operationalize by handing over all the services to the municipalities so that our people can enjoy the donor funds. We are not happy when money comes from the donors and is being executed from one office; the Governor's office; and the execution of that money to the municipalities depends on the relationship between the Manager and the Executive; or the functions they feel like doing for the people. The municipalities have to beg the executive to offer services to the people who are rightfully the owners of that money.

As I wind up, I also want to call upon my Chairperson and I know I have an able Chairperson, please hasten your steps so that we can enjoy what belongs to us. This House is ready to come and pass all the motions concerning municipalities; the extended boundaries and the two additional municipalities; Webuye and Chwele. Thank you, Mr. Speaker Sir, for according me time to speak.

(Applause)

Hon. Jeremiah Kuloba: Asante Ndugu Spika kwa kunipa nafasi hii nichangie maswala ambayo yameletwa na Kamati ya Ardhi. Kwanza namshukuru mwenyekiti na Kamati yote kwa ujumla kwa kufanya kazi nzuri ambayo wameileta hapa kuonyesha kuwa wanajali maslahi ya watu wanaokaa mijini; kwa sababu gatuji za Manispaa ziko katika miji mkuu.

Ningependa pia kumwambia mwenyekiti na kamati kwamba wajaribu wawezavyo majukumu yanayotekelezwa na serikali ya kaunti yapewe Manispaa. Isiwe kwamba Manispaa imepewa majukumu kwenye karatasi lakini majumu hayo ambayo wanadaiwa kupewa hawana. Ukienda katika wizari haitaki kuachilia majuku kwa sababu huenda kuna mambo ambayo huenda wanataka kuficha. Mwenyekiti ingilia haya maswali, isiwe tu wanasema majukumu yamepelekwa kwenye Manispaa kwenye maandishi lakini utendakazi wenyewe katika Manispaa haupo na unatekelezwa katika afisi ingine.

Kwa mfano mimi nimekuwa mwanachama wa hii Manispaa, kuna wale wanaohusika katika kazi ya uchoraji wa ramani, kuna wale wanaohusika katika uhandisi wa barabara wamewekwa katika Manispaa. Lakini utapata kuwa fedha zinapokuja, wale maafisa wakuu katika Manispaa hawapewi nafasi kufanya kazi. Kazi ya barabara, uchoraji na ukadiraji wa maendeleo yote inafanyika pahali pengine. Wale maafisa akiwemo Meneja na wengine kazi yao ni kuweka sahihi kwa hiyo karatasi ni sawa. Kwa hivyo, mwenyekiti ningependa uingilie hadi hiyo kazi iwe sawa. Tunataka utatendaji kazi uwe mzuri sio wale wakuu wanaojipatia kandarasi kufanya kazi. Wao tena ni wenyewe wanaenda kuangilia jinsi hiyo kazi

imefanyika. Pesa zinarudishwa kwao wenyewe kwa sababu kampuni zinazofanya kazi ni zao...

Mr. Speaker: Hon. Jeremiah when you were a Member of the Board, this Assembly never got any complaint from you about what you are submitting about contractors being same people doing inspection. You were comfortable and you kept quiet for five years on that board.

Hon. Jeremiah Kuloba: We complained to the board but it never reached the Assembly...

Mr. Speaker: This is a complaint entity, you complained to whom?

Hon. Jeremiah Kuloba: Mr. Speaker, it is now that the Committee of Lands is getting powers to work with a municipality.

Hon. Ali Machani: While you give guidance, is it in order for a member to switch from the language he begun with to another language?

Mr. Speaker: I did not correct you Hon. Jeremiah, but I think Standing Orders guide you. Stick to the same language that you were using in the first place. Hon. Meshack I saw you; on which Standing Order? Hon. Jeremiah I will come back to you

Hon Jeremiah Kuloba: Ninakubali kurekebishwa Bwana Spika. Nilirudi kwa kingereza kwa sababu pia wewe ulirudi kwa kingereza na nikaamua niende vile ulikua umeenda. Kwa hivyo Pia mwenyekiti wa kamati hii ninaomba uende uangalie afisi ambayo Manispaa inafanyia kazi. ina vifaaa vingi sana vilivyo pewa na vilinunuliwa lakini havifanyi kazi kwa sababu hawana chumba cha kutosha kufanyia kazi; wafanyakazi wengine hukaa chini ya miti wakifanya kazi. Kwa hivyo naomba kamati hii iende iangalie jinsi Manispa itapewa nafasi ya kutosha ya kufanyia kazi.

Nashukuru Mwenyekiti Manispaa ilipanuliwa lakini haijatiwa sahihi kuwa mipaka imepanuliwa. Tunapozungumza hivi kwenye karatasi, Manispa ya Bungoma ni Khalaba na *Township*. Nyingine ile ya Musikoma huwa kwenye maneno; haikupanuliwa ikaenda huko. Ndio maana hakuna barabara wala maendeleo yoyote katika sehemu ya Musikoma. Lakini barabara zilizengwa zaidi katika wodi ya *Township* na ninapomalizia, uangalie pia matumizi mazuri ya pesa za Manispaa.

Tulikuwa na matumizi mabaya ya pesa ambapo sikujua kama Kamati yenu ilikuja ikachunguza ikapata kuwa kutoka milioni 109 ambayo Manispaa ya Bungoma ilikua inapata, hazikutumiwa vizuri zilikuja zikarudishwa hadi milioni 29. Kwa hivyo muwe karibu kabisa na Kamati hii na Manispaa mfanye kazi pamoja ili tupate maji, ushuru, mitaro ya maji; unapotembea kwenye huu mji utaona kuwa mitaro ya maji haipo na nyinyi mtakapo tia mkazo majukumu haya yapewe Manispaa, mambo yatakuwa sambamba.

Hon. Sudi Busolo: Thank you Speaker for this opportunity. As a Member of the Lands Committee, I wish to applaud myself and my colleagues for coming up with a very good report. You remember, in our last five years here, where you are sitting as a Speaker, we passed the two charters for Kimilili Municipality and the Bungoma Municipality and the charter outlines the functions of every municipality and the leadership that was there. I am happy you have even questioned my colleague, the member for Township. That time he was one of the Board Members of the Bungoma Municipality and the leadership that was there that time was too mean and they wanted to control everything even after passing the charter. The CECMs and the CEO himself were actually running the Municipality when they realised that the two Municipalities that is Kimilili has 200 plus million from the World Bank. Even the Board Members were bypassed when making decisions and when planning projects.

I happened to ask one of the managers Mr. Kibiriti who manages Bungoma here. He doesn't know even how roads are picked. So I wish to request that the current government should take a different direction so that as a county... because you see donors can only release money if the functions are relinquished to the municipality. But if we keep on hanging on them with the vested interests, then we are denying this county and the good people of Bungoma the necessary development. Because if you look at the other areas, you go to Kisumu the good things that are seen in Kisumu, most of them are because of the Urban Support Programme; that is the World Bank money and even Eldoret and other areas here. We must also move with speed to correct that.

I want to request my colleagues that we support the Lands Committee, so that we correct this; what used to be there should not prolong because the current CECM for Lands is the former Chairperson of the Bungoma Municipality Board. He knows what he went through when he was the Chairperson, and if he is going to form another board and still want to stick and hold on functions, then there will be no meaning.

I think this time round, we must do things differently as a House, and also the leadership of this House. We must... because you see, if you go to Kisumu, there is a lot of development. There is a lot of money. There are so many donors, but the donors have insisted that the functions of Municipality must be given to municipalities and this municipality is just the function; but we are still serving the same people of Bungoma. When you release the function, it does not mean that now the county changes, you will remain the Governor, you will remain the CEC, you will remain Chief Officer and I will remain the MCA for South Bukusu; but it is the people of Bungoma that will benefit. So I request that the new leadership that we have we tried ourselves, some people are here, some Members are here, this is the leadership we brought is to be assisted; we shall request that it relinquishes the functions.

If they have not done so, it is because the budget that we are running now was not our budget and I am very sure the new budget that is coming for 22023/2024; Chairperson, Lands ensure that now the municipalities also have a budget so that they can... You see, even if they are

given functions, now it becomes also possible because those functions must also go with funds. So I believe that now the budget that you are going to do; by end of June, we will have money for municipalities and its functions.

So I want to request my Chairperson, don't worry about the other government; that was a different government, but this now is our government and where there is a mistake, we shall sit and correct. We cannot allow the Governor to sit in the office and start hand picking companies; that you do the road from the AP line without even involving the Committee; without involving the board. I don't think it is going to happen this time round. So I want to appreciate the Committee for the good work and also we must assist the CECM as leaders so that Chwele and Webuye become Municipalities; so that Naitiri, Bumula, Sirisia, and Kapsokwony become Townships, because townships also have donors who are ready to support them and build infrastructure in those areas. I rest my case.

Mr. Speaker: Thank you Hon. Sudi, I was expecting to hear you call out Wamwanda but... Hon. Simotwo, then I will have Hon. Stephen closing and then I think from there, I will be inviting the Chairperson to respond.

Hon. Franklin Simotwo: Thank you, Mr Speaker for giving me this opportunity to also have something to say. First I want to appreciate the mover of the motion Hon. Chemion. This is a very important issue that we are discussing. The municipalities of Bungoma and the Kimilili are one of the noble issues that all of us admire, but looking at the sentiments of most of our colleagues, they have given very important issues. Remember these municipalities we are talking about today started as small towns, as markets, and today, they are municipalities. The issue of giving autonomy to the leadership of municipalities is very important and in Africa, people are made to understand how to grab power where someone cannot delegate powers to anyone.

Looking at most cases, if you are looking for an office, you will ask what is the budget for that office, if it is a small budget someone will say I will not sit in that office. So the reason why in most cases people have not met delegated powers, some people want to control funds and that is not good practice. As we fight for independence of Kimilili and Bungoma municipalities and also as we push for the creation of Chwele and Webuye; some other areas also as Mt. Elgon have a say over the future and recent creation of municipalities because we also needs to develop.

I would ask the department through the Chairperson Hon. Chermion to hasten issues in small towns. Issues of physical planning in small towns within Bungoma County, because if we have not met physical planning then that means a town cannot be a town. So it is a serious issue. People of Mt. Elgon also need these municipalities so that they can access clean towns that have all facilities. I urge the Committee of Lands to fast-track very serious and critical issues as we dwell on the four main towns within Bungoma, Chwele ,Webuye and the main municipality Bungoma and Kimilili.

Looking at Kimilili and Bungoma, if the funds are given by the World Bank, I know the reason why we may be getting limited funds from the donors is how we utilize our resources. If we use money in a proper way, then we will be attracting more donors and we will develop faster since we will be getting more funds. If we allow what we call misappropriation, then that means we will be losing a lot of money. Lastly, if the towns are well organised, that means we will be getting more revenue. So I urge the Committee to at least make some other recommendations for more municipalities to be created.

Hon. Stephen Wamalwa: Thank you Hon. Speaker for giving me an opportunity to also contribute towards this very important motion that has been presented by the able teacher the Hon. Chemion Maasai. I want to commend him for the eloquence and proper presentation of the report extending the same to the membership of the Committee for the well worked out reports. I stand to support the report and as I support, I wish to make this point that leadership is actually a donated position by the masses to either person or people; so that using the same, decision making can be easier. Implementation can be easier so that people can move forward and that is why we have governments. I am saying this because we are now in the third government of the County Government of Bungoma. We had the first government, its time came, and it left. We had the second government, this is the third and sometimes we get opportunities to work within the same governments; and we thank God that we are working within the government, which is the third government of Bungoma. I have listened very carefully to previous speakers on the floor of the House. I heard the sentiments of the Hon. Jeremiah; I heard the sentiments of the Hon. Anyango and it happens that they had an opportunity to serve in the municipalities.

The problem that we have is that in Africa or our people, when they are in position, they forget that it is a donated position, and they will have to vacate and that is why we are talking about responsibilities. We are talking about functions of municipalities, that is forthright, that should be just done without any push and pull but because we are in a society; people believe they will not even leave those positions. They only now talk ill about the same things when they leave and are no longer part of the same mistake.

The same problem today, the government of the day may refuse or may play hard ball in transferring the functions because it is the government today. When they leave office tomorrow, they will start saying that transfer the functions. It is an issue of controlling the resources and we fail to understand that those resources that we are being given, the donor resources, people are sacrificing somewhere for us to get, yet when we get the same resources, we don't want to use them prudently to improve the lives of our people. This House has teeth and I want to urge the membership to rise to the occasion. Honourable Members, let us arise, let us be stronger. Let us be above board. Let us be honourable enough. Let us not be divided.

When the government is not doing right, we must stand up against the ills the government is doing in this County. In the same measure, when the government is doing right, we shall applaud the same. In this regard, I just want to say that there is no functioning of any entity without the departmental function. Each department has to function well. When you look at observations, the recollection is mixed up.

When we transfer the functions, we track the same. I want to urge the Committee in this respect, that stamp your authority and the House will be up to the task. I believe the Honourable Members are ready, roaring to stand up to defend the sovereignty, the identity, to protect the interests of the people of Bungoma. So let us demand that the functions are transferred, and we should communicate effectively. We should send signals. Somebody was saying that God gave us a signal! Committee and Chairperson, you are here... give us a signal. Give this House a signal. Let us send the indicators that things should be done right so that this House can be respected. I support the report.

Mr. Speaker: Thank you Hon. Stephen Wamalwa our Deputy Speaker. Hon Ali Machani then I think I will have Hon. Cornelius closing that part then Hon. Chemion prepares to reply to the motion.

Hon. Ali Machani: Thank you Hon. Speaker for allowing me as much as I am Member, but I cannot miss to pronounce my additional peace of mind. I want to thank the Chairperson who is mature and moderated. I always enjoy when I am in his Committee. The wisdom he always offers... I am not belittling others, but that is how Chairpersons need to be in their meeting.

Honourable Speaker, I am also happy in the way that as I support the report before this House, and I feel happy how Members are contributing towards it, I am happy for the wisdom you are using in picking the Honourable Members. I was happy when I saw how the Vice Chairperson brought up words from the portable language.

I feel that this is the right path. When you see elected and nominated members pronouncing their peace of mind on a report; and this is after you came up with a report yesterday on rules and procedures, how the Members need to behave, how they are supposed to be in the House and outside the House. That we need to encourage each other that we are drawn from different backgrounds whether elected or nominated. But the brains in some of these Members can add value in this House.

Yesterday's report really encouraged Members and they feel when they speak, nobody can come and be envious; that this is a nominated or elected Member from this party. I think I feel happy when I see them pronouncing their piece of mind and that is the wisdom in you that you pick across and from different backgrounds.

Any meaning of a Government is one, to tax the members of that society. All along from the bible, Quran if you read any Government that was there during those days could tax the members of that society.

Two, another function is to make sure that as you tax, you must offer services because you have collected revenue from them, then you change the revenue and give them services. It might be development e.t.c. When we talk about municipality, it is not the only function within the department of Lands, Urban and Physical Planning. There are so many other products within that department; and I want to thank the Chair.

We need a Chairperson and Members to think outside the box; that today we have other products like physical planning. What is the government working out on how we can expand and allocate more funds? The problem in this department is that when money is shared within a department, they always get minimal resources that they can at a given time also think of remaining or capitalising; using more powers not to release their functions to the municipality.

When we have limited resources in your kitty, it makes you to feel that if you delegate some powers elsewhere, people or other departments are using your resources. So whatever is arising here seriously and when the Chairperson was reading the report, is that this department of lands needs through the wisdom of your able leadership; that when the departments after the proposals coming to this floor, we allocate the department of lands more resources so that away from getting funds from World Bank, they can also get more support from the County Government staff to run programs.

Take an example, when Members are pointing out that you go to an area, you find a Municipal Manager in an office where he cannot even breathe. It means the County Government has not put structures to give space for him to run his programs.

Talk about physical planning. Today, we are still rolling up this County on a plan that was approved in 2001 if I am not very wrong. The latest and if there is any plan that was approved recently it has not seen any light. We have things like spatial plans, when it was approved in the first regime of Hon. Ken Makelo Lusaka. In the last regime, we did not work on it. It means there is a lapse that whenever a Governor comes into an office, he will want to rubbish what the other Governor did. So that is what the Deputy Speaker is saying, that we need to inherit programs and development projects of any other leader that has left the office.

That continuity must be there... there is no vacuum in an office and now a Governor might be one single person assuming the office. It is like the Speaker, he is just a single person, and those people working in the system are the same people. Why is it that they cannot assist this County Government of Bungoma to have changes on planning of our urban set up and rural set up. Even in terms of development, talk about the other partners supporting the County Government.

There is no procedure or accountability and whenever anybody is in those offices, you may blame only those Governors occupying those offices; but they also get pressure from those who supported them. I have seen situations where Governors not even here in Bungoma, but elsewhere, because I am very close to other Governors. They will want to reward those who support them during campaigns. They will want to give a contract to someone who also managed to come in and say can you have fuel of 20 litres or so. Situations when such kind of

behaviours were still there; we may not uproot these kinds of people who put more of their interests ahead, instead of thinking of development of their areas.

The issue on planning; as much as you are talking about municipalities, but there are challenges attached to the benefits that we are going to get from municipalities. Take an example, when you want to put up a structure, the building must be approved by the public health, County Council which is the County Government. Again, we have people from physical planning but when we also add more areas to this municipality, take an example; there are some wards that were supposed to be captured. We also need also to go out through the same ministry, create an environment of sensitising our people on the benefits and the consequences; because when you also want to get benefits, there are other things that you will also feel pained if you will not improve.

It means we need to sensitise people. Things like cemeteries. Talk about when you want to build a structure, the plan must be approved, inspection must be there. These are the things that we are also missing. In the department of Lands, they have not set aside money to sensitise those targeted areas like Webuye and Chwele. It is still premature. There are no plans that we have and I think the Chairperson is working on it and we need to put plans prior to the program coming up. That today we can go out as a department, together with mother committee to sensitise our people with their leaders. If today you are given a municipality, what are you expecting?

Two, what are the benefits? Which are the other things that as much as you will be getting benefits, what other things do you need to sacrifice? Take an example of our people who can just wake up in the morning and say we are selling our lands as plots. Not a plot of an acre. I think my brother Wafula Waiti, we now have another W.W. Wafula Waiti. Those are three Ws. He is a Surveyor by profession.

Today when you sell a piece of land in acreages, providing roads within those pieces of land is a bit cheaper but when you sell an acre into plots automatically you are going to lose a full plot. What does it mean? It means that when our people want to sell their land subdivided into plots, they must have measures to advise them on what they are also going to lose. Tomorrow, you will be forced to create a road in between that piece of land and you are expected to sell 8 plots within an acre. Those are the things you need to sensitize our people.

Now, go to the issue of sewerage, road reserves, and talk about when you are constructing a major project, what are the requirements when you are coming up with estates programs like Housing? These departments must collaborate. The problem when we are coming up with such programs, there is no serious coordination. When we were in the meeting, we have learnt that there is no coordination within the department. When departments converge, the CECMs blame one other. This Chief Officer from this department is blaming the other one and you can imagine when they have plans, they do not share their work plans.

That is where you can see Hon. Sudi who is our senior most here saying that even those ones who are in office, you will find them complaining. He is a manager but complaining. When you ask about the funds that were brought, he is not aware and this challenge will continue

because the problem of our African countries we always reward those who campaigned for us; which is a normal tradition but it depends on whom you are rewarding. Sometimes, if you reward me, I feel that I am also enjoying my sweat and so it means that I will also want to swindle some money.

This micromanagement of these institutions is not only by the first, second or the current Governor. It is all about the character and the attitude in our people; even those who supported us. If you don't reward them, they will also turn against you. So it is a matter of changing our character, understanding that we are there serving for five years, but whatever you leave is a legacy. We should not keep on complaining and blaming those who left. We might be blaming but we will do more badly than those who left.

Mr. Speaker: Thank you. Hon. Cornelius, you will give your contribution because you are one of the consumers of the larger part of this municipality of Bungoma. Proceed please!

Hon. Cornelius Makhanu: Asante sana Mheshimiwa Spika kwa kunipa nafasi hii ili niweze kuchangia katika mswada huu. Nachukua nafasi hii kushukuru Kamati ambayo iliandika hii ripoti chini ya mwenyekiti Mheshimiwa Chemion, mimi nikiwa mmoja wao. Twataka manispaa yetu ifanye kazi vyema lakini inahitaji fedha. Majukumu yanapopelekwa mahali ndio fedha inaenda na vile wenzangu wamenena, sitaki kurudia. Wamesema majukumu yapeanwe kwa manispaa lakini kuna jambo ambalo vile tulikuwa tunafanya ile kazi tukiandika ile ripoti ni kwamba tunataka fedha; lakini kuna nyumba za Kaunti yetu ya Bungoma ambazo kuna wapangaji wasiolipa kodi. Sasa Kama twahitaji pesa na kuna wale wanaoishi katika nyumba za Kaunti hii na hawalipi, lazima hii nyumba, vile Naibu Spika amesema hapa, nyumba hii isimame na ipate njia ambayo tutaweza kupata pesa kutoka kwa hawa watu wanaoishi katika nyumba hizi na hawalipi.

Kumbuka kuna hata mitambo ya hospitali ambayo ilikuwa iwekwe kwa nyumba moja ambayo ni ya Kaunti, lakini kwa sababu yule aliyekuwa anaishi ni afisa mkubwa katika serikali yetu ya Kenya, hakuweza kuondoka kwenye hiyo nyumba na tukapoteza hiyo nafasi ya kuwa na mtambo huo.

Tunavyoongea hivi, tulipata ripoti ya kwamba kuna nyumba moja ambayo mfanyikazi wa serikali kuu alistaafu kitambo sana na ameweka jamaa wake bado anaishi hapo na yeye pia halipi. Sasa mfano wa nyumba hii, tafadhali tupate njia ambayo tutaweza aidha watoke kwa hizo nyumba na wengine ambao hata ni viongozi wakuu sana katika Kaunti hii wanaoishi katika hizi nyumba na hawalipi. Kama kuna nyumba, tujue ya kwamba tupatie kama ni kamati ama kutakuwa na kitengo chochote ambacho kitaweza kushurutisha hawa wapate kulipa hizi fedha ili manispaa yetu ipate nguvu na nafasi ya kufanya kazi kwa ustaarabu.

Mr. Speaker: Thank you Hon. Cornelius Makhanu. Honourable Members, allow me invite the mover of the motion Hon. Chemion. You will come back and reply to the motion at hand.

Hon. Francis Chemion: Thank you Hon. Speaker. I do not know if the Standing Orders allow that I respond in Swahili for those members who spoke in Swahili!

Mr. Speaker: Honourable Member, your contribution in English...you cannot reply in Swahili because it will be like starting afresh.

Hon. Francis Chemion: Thank you. I will reply in English then.

(Laughter)

Honourable Speaker, I look at this document and...

Mr. Speaker: Hon. Sudi, what is the information?

Hon. Isaiah Sudi: *(On a point of information): (Inaudible)*

Mr. Speaker: Let me just get you, you are not on HANSARD!

Hon. Isaiah Sudi: ... *(Inaudible)* That my colleagues who chose to speak in Swahili, it does not mean that they do not understand English. It is just because they just want diversification in terms of the language.

Mr. Speaker: Including the sign language which is under the Standing Orders. So do not worry, just speak in English.

...and I have said including sign language which is part of our third language in the Standing Orders.

Hon. Francis Chemion: Thank you Hon. Speaker. Thank you Hon. Isaiah Sudi Busolo, who is one of our senior surveyors. You know this Committee comprises of senior surveyors. We have Hon.Sudi and Hon. Waiti Wafula. You can see why the reports that come here are panel beaten by these Honourable Members. I want to talk about the quorum of the Municipal Boards. We have the quorum in both Kimilili and Bungoma. The only issue that is there is that we have those associations who do not have representatives on the board. You know as the board meets, it means that the inputs of those associations are not considered because they do not have a representative on the board. That is why the Committee says we need to have a full board for both Kimilili and Bungoma.

On duplication of functions, we have a very big issue; garbage collection, if you look at the charter on garbage or waste collection within municipalities, they are supposed to be undertaken by the municipal boards, but you realise that this time it is being done by the department. So there is the duplication of functions. Even the officers we have like in Kimilili and Bungoma, we have health officers, and then at the Sub county level again we have health officers doing the same thing.

The Sub County Administrator with his or her team have a person in charge of health within that Sub County then at the same time the Municipal Boards have the same officers. We need to streamline and have the autonomy of this municipality so if you look at the Constitution and the County Governments Act, the first layer is the County Government, the second layer is the municipalities. So we need to devolve further and give autonomy to these

municipalities so that they can carry their duties so that County Governments do not or departments do not carry on their functions *Suo moto* the way it has been said.

Hon. Waiti has talked of a statement that has been raised at the Senate by Hon. Lenku and most of the questions that the Hon. Lenku has asked and I know we will also respond because they want information from all the municipalities in Kenya. They are asking how much those municipalities have received, how the functions have been devolved etc.

Very many questions have been asked, we do not want to be found on a wrong side of the law. We want, because the charters stipulates the functions that have been taken to the municipalities and for us when we pass these charters in 2018; and at that time Hon. Sudi you were on Lands Committee and others. There were more than 18 functions that were supposed to be devolved to the municipalities and so we came up with these reports so that the County Assembly is made aware of what was happening, so that we get to know the way forward.

On the creation of Chwele and Webuye Municipalities, the Committee is fast tracking the issue; in fact we have even planned a meeting on Monday with the Executive so that we push this issue of Chwele and Webuye and it is not only Chwele and Webuye. What is remaining for Chwele and Webuye is just a question of a signature at the National Government office.

If that one is just signed, we will have the two, and we also want to create one even in the upper side... the Tongaren region. Let us have a municipality there. Let us also have another municipality in the Mt. Elgon region and on this other side so that we have distribution of these municipalities across board within our County and it will even help us get more funds. The donors did not give us funds last financial year, but there is a new program that is there. They have given us a grace period of one year. If we don't devolve the functions fully to these municipalities then we will not benefit from those donor funds. That is why the Committee is pushing very hard to ensure the functions are devolved to these municipalities so that we benefit from those grants and we have been given a grace period of one financial year.

On the expansion of both Kimilili and Bungoma Municipalities, the County Assembly dispensed its work; we did what was supposed to be done by the County Assembly in the last session. We are again still awaiting the signature of the Nairobi team then we will have expanded Bungoma and Kimilili municipalities. When that thing is just signed at the national office, we will have the expansion. We have Wards that need to benefit within Bungoma and Kimilili, a Ward like the one Hon. Obama comes from- Kamkuywa should be included so that in Kimilili we will have Kamkuywa, Maeni, Kibingei and we will also have ... they are four I think Kimilili, Maeni, Kibingei and Kamkuywa; they added some wards here; it will even touch almost to the ward of Honourable... half of South Bukusu will be in Bungoma municipality and other Wards within here. The millions that will come will change lives across those extended boundaries of the municipalities.

We have still a big challenge of the office space, the worst one being in Bungoma Municipality where more than 30 or 20 people are occupying a very small office. So what you see is the Municipal Manager is seated here, the Clerk is here, everybody... and

whatever you say will be heard by everybody. It is a big challenge and as a House we need to help these Municipalities grow. If we don't come in strongly as a House, they will not grow. We will have issues with office space, we will have issues with donors, and we will have very many issues; so let's help them have offices.

I don't want to talk about the municipal charters as I have already mentioned them. The Deputy Speaker has said the House must stamp its authority. We have been given the authority by law and by the Constitution of Kenya; our work is well cut out. We must stamp our authority as a House to ensure that these municipalities must function as they are supposed to.

Hon. Speaker physical planning; the department has been planning to have physical planning in town but we have the budget issue. We have issues with budget constraints; we don't have enough money to help this department to do physical planning. People are constructing buildings everywhere minus any input from the physical planning office. We ask the CECM to give this department enough funds to carry out physical planning in our towns and markets so that people get to know where roads will pass; where we will have those other services that we have mentioned.

On the adoption of this report which I am sure the House is almost ready to adopt. We have given them 90 days to give us a report; but that does not stop the Implementation Committee; it doesn't stop them after 60 days. You know if you look at the mandate of the Implementation Committee, after 60 days they can swing in action and see whether that we have passed today has been implemented. So we have two committees pushing for the same and then the Whole House comes in.

The Honourable Member from Maraka has said very good things especially on sensitizing the community. Sometimes you know when you give a municipality minus telling people the good things and the bad things... you know it is good in one way, but also there is another side; because like now when I see Hon. Isaiah Sudi, I see the dump site. You know these charters may also force these municipalities to have their own dumpsites so that they don't go to South Bukusu. They are supposed to have one here so that we don't bring waste from Naitiri or Kaptama in Mount Elgon to South Bukusu. It will help us to know where we are putting the dumpsites, where we are putting the cemeteries; the Honourable Member for Khalaba was here with us on cemeteries; so it is also an issue also. The members of the public should be told that if you have a municipality you should have a cemetery; and where it will be put, it will be located within the municipality jurisdiction. Those are things that members should be made aware of.

Finally on rent; it is something that has just come; I am very sure that we will be coming up with a report over the same. I don't want to pre-empt that report for now; but it is true what he is saying that we have members who are not paying rent and they are staying in our Houses - County Government houses! The inventory has been brought and we have it now; we will work on it and the report will be brought to this House so that anybody who stays in our houses should pay rent. Speaker, I don't want to mention but it affects all of us; both the

County Assembly and the County Executive. It is something that when the report comes, it will be looked at because it is affecting all of us.

Otherwise Members, you have given very critical information to the Committee; you have given us what we need to do. I now take this opportunity to urge you to adopt this motion so that it is implemented by the Executive.

Mr. Speaker: Thank you Hon. Chemion and the all the Honourable Members present who have taken part in contributing on this motion before this House.

Honourable Members, allow me put a question to the motion before this House for you to make a decision over.

(Question put and agreed to.)

(Applause)

The report, its observations and recommendations are hereby adopted by this House for forwarding to the relevant department for executing.

Honourable Members, looking at our Order Paper, that was the only motion we had for this afternoon. Allow me proceed to adjourn our sitting and resume tomorrow Thursday 30th March, 2023 at 2:30 p.m.

(House adjourns)