

# **COUNTY ASSEMBLY OF BUNGOMA**

## **COUNTY ASSEMBLY DEBATES**

### **DAILY HANSARD**

**WEDNESDAY 30<sup>TH</sup> NOVEMBER, 2022**

**Morning Sitting**

**COUNTY ASSEMBLY OF BUNGOMA**  
**HANSARD OFFICIAL REPORT**  
**WEDNESDAY 30<sup>TH</sup> NOVEMBER, 2022**

The House met at 9:30 a.m.

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

**PRAYER**

**COMMUNICATION FROM THE CHAIR**

Honourable members, the Committee on Powers and Privileges held an election where Hon. Brigid Katasi was elected as the Vice Chair of the committee, so she is formally our Vice Chair from today onwards.

*(Applause)*

**MOTION**

**MOTION IN SUPPORT OF ENTRENCHMENT OF WARD DEVELOPMENT FUND  
IN THE CONSTITUTION**

**Hon. Grace Sundukwa:** Thank you, Mr. Speaker. I beg to move the following motion.

THAT the Constitution of Kenya under article 37 and 119 and Standing Order 219 of the National Assembly Standing Orders provides the right to citizens to petition the National Parliament to consider any matters within its authority including to enact, amend and re-appeal any legislation.

THAT pursuant to Article 256 of the Constitution of Kenya, Hon. Stephen Mule, MP and Hon. Gishimu Gindichi, MP have presented a legislative proposal before the National Assembly to amend article 204 of the Constitution of Kenya through a parliamentary initiative in order to enrich the National Government Constituency Development Fund, National Government Affirmative Action Fund (NGAAF), the Senate Oversight and the Economic Stimulus and Empowerment Fund in the Constitution.

Appreciating that the proposed amendments will contribute in the advancements of the principal of equity and the acceleration in the development of the republic as demonstrated by the impact of the recently annulled Constituency Development Fund (CDF) projects and programmes across Kenya.

Recognizing that current realities show that budgeting and implementation of development projects at the county level tend to be biased leading to skewed distribution of resources resulting in under development of some wards within particular counties.

THAT it has generally been accepted by a majority of Kenyans that the creation and implementation of a County Ward Equitable Development Fund shall guarantee the

fulfilment of the objective of devolution as passed in article 174 and will in particular allow:-  
Promotion of equitable development across all wards in each county

- I. The participation of residents of each county in identification of priority projects in the county.
- II. Promotion of decentralization of functions and provision of service by the County Government to the extent that it is efficient and practical pursuant to article 176 of the constitution.

Noting that efforts to create the County Ward Equitable Development Fund has faced many hurdles including annulment of various legislation passed by various County Assemblies and inability of the Senate to pass a national legislation on County wards due to constitutional challenges similar to those facing recently annulled CDF.

THAT the legislative proposal presented by Hon. Stephen Mule and Hon. Gichimu Githinji which aims to amend article 204 of the constitution provides a perfect opportunity to enrich the County Wards Equitable Development Funds alongside the other proposed equity funds in the constitution.

THAT, under the rules of procedure of parliament, a Bill to amend the Constitution must be considered by both Houses of parliament.

Having realised the requisite constitutional threshold, it is prudent that before the national assembly either considers or refer the proposed constitutional amendments Bill to the Senate, the proponents of the Bill or the National Assembly first incorporates the County Wards Equitable Development Fund in the proposed law.

All the matters in respect in which this petition is raised are not pending before any court of law or constitutional body and earlier efforts by the 47 County Assemblies and the Senate to establish the County Ward Equitable Development Fund by way of legislation have been unsuccessful for reasons stated.

10. Now therefore, your humble petitioner PRAYS that the national assembly intervenes and ensures:

- I. THAT, the County Wards Equitable Development Funds be incorporated in the proposed constitutional Amendment Bill before the National Assembly by the Hon. Stephen Mule, MP and Hon. Gichimu Githinji, MP alongside other proposed funds namely the National Government Constituencies Development Fund (NGCDF), National Government Affirmative Action Fund, The Senate Oversight Fund and the Economic Stimulus and Empowerment Fund either prior to the publication of the said Bill or before it is referred to the Senate in accordance with the rules of procedure of Parliament.
- II. That the proposed Constitutional Amendments Bill in amending Article 204 of the Constitution should provide for the following with respect to County Wards Equitable Development Fund:-

- a) That each County Government shall allocate funds comprising of a certain percentage of the respective total County's Annual Budget Estimates or shall be advised by Commission on Revenue Allocation (CRA) during the enactment of the county allocation of Revenue Act to cater for County Ward Equitable Development Fund.
- b) THAT all monies allocated to County Wards Equitable Development Fund shall be considered as a fund allocated to wards pursuant to article 206 (2) (c) to be administered in accordance with an Act of Parliament; and
- c) That Parliament shall enact a legislation to provide for the administration of the County Ward Equitable Development Fund.

Honourable Speaker, upon adoption of this motion, the members are requested to append their signatures in support of this motion to the National Assembly. I call upon Hon. Vitalis to second the motion.

**Hon. Vitalis Sifuna:** Thank you, Mr. Speaker. First allow me congratulate our Hon. Lady Grace for the position she is holding now in the leadership of CAF. Congratulations Hon. Grace.

*(Applause)*

I also want to appreciate Hon. Grace, for the first time this document is seeing the light of the day in this particular House. We thank CAF so much for the support to this particular House.

I support this Bill because in real sense, devolution should be felt at the ward level even go deeper to the village units. For like public participation, you know sometimes we do some projects in our Wards without proper participation, people not knowing what is going on but if these funds come to the Ward level, I want to assure you that people from village units will know what is going on and what particular project is being done in that particular Ward.

Sometimes due to the politics, after elections the government can lean to one side by giving the funds to other Wards because they contributed more votes during election, once this motion is adopted and Ward Development Fund is incorporated in the Constitution then we shall have equitable distribution of funds in all Wards. Equitable does not mean equal but at least a fairer way that devolution will be felt to our people. I support this Bill.

**Mr. Speaker:** Thank you, Hon. Vitalis. Honourable members, allow me be able to propose in a summarized way a motion for the House to debate. Honourable members, a motion has been moved and seconded that this House through its resolutions petitions and prays that the National Assembly intervenes and ensures:-

- I. THAT, the County Wards Equitable Development Funds be incorporated in the proposed Constitutional Amendment Bill before the National Assembly by the Hon. Stephen Mule, MP and Hon. Gichimu Githinji, MP alongside other proposed funds namely the National Government Constituencies Development Fund (NGCDF), National Government Affirmative Action Fund, the Senate

Oversight Fund and the Economic Stimulus and Empowerment Fund either prior to the publication of the said Bill or before it is referred to the Senate in accordance with the rules of procedure of Parliament.

- II. THAT, the proposed Constitutional Amendments Bill in amending Article 204 of the Constitution should provide for the following with respect to County Wards Equitable Development Fund:-
- a) That each County Government shall allocate funds comprising of a certain percentage of the respective total County's Annual Budget Estimate or shall be advised by Commission on Revenue Allocation (CRA) during the enactment of the County Allocation of Revenue Act to cater for County Ward Equitable Development Fund.
  - b) That all monies allocated to County Wards Equitable Development Fund shall be considered as a fund allocated to wards pursuant to article 206 (2) (c) to be administered in accordance with an Act of Parliament; and
  - c) That Parliament shall enact a legislation to provide for the administration of the County Ward Equitable Development Fund.

*(Question proposed)*

Yes Hon. Kawa

**Hon. Jack Kawa:** Ahsante Mheshmiwa Spika. Nachukua fursa hii pia mimi nikaweze kumshukuru mwenzangu Muheshmiwa Grace Sundukwa kwa ile nafasi alipewa kuwakilisha watu wetu Kenya nzima na sisi kama Bunge la Bungoma tunafurahia hiyo nafasi na Mheshmiwa Sundukwa tuko nyuma yako na tutakushika mkono ili yale ambayo unatarajia kufanyia bunge letu ikaweze kukamilika.

Nataka kuchukua fursa hii pia kuunga mkono ule mswada ambao umesomwa siku ya leo na Mheshmiwa Sundukwa ya kwamba sisi wawakilishi wa Wadi arobaini na tano na waheshmiwa wote ambao wako katika jumba hili tuko hapa kwa sababu ya wale wananchi watukufu wa nje ambao hawawezi kufika hapa na tunawawakilisha. Nataka kusema ya kwamba tukitaka tumalize malumbano kati ya bunge na executive wacha bunge ziwe katika mugao wao tofauti, kama kuna bajeti inakuja bila kubembelezana na executive, twende tuwainamie, twende tuwaomba tukiwa na mugao wetu na uende direct kwa wards zetu itakuwa afadhali.

Ukiona msimu wa sahizi na niko na furaha ya kwamba katika chumba hili leo asubuhi tuna mwenye kiti wa barabara; sahizi tungekuwa na barabara zimeanza kutengenezwa kwa sababu tuna sehemu zingine ambazo kama hawawezi kutengeneza barabara musimu huu wa kiangazi, unaona ya kwamba italeti shida baadaye. Hiyo ndio inafanya sisi tunasema kama bunge tuwe tunajitegemea na hiyo inafanya mimi niunge mkono.

Ningependa tu kusema ya kwamba huo mugao kama tutakuwa na mapendekezo tuanze kuweka mapendekezo yetu. Ningesema ya kwamba waheshmiwa tungekaa chini na tuhakikishe ni kiasi gani ambayo inaweza enda kwa wadi zetu bila kuiacha iende ikiwa hivyo. Kama ni million 25 tuseme million 25 kataika mgao wa kutoka Nairobi ikiingia hapa sisi mugao wetu ni Million 25, kama ni Million 30 iwe wazi ya kwamba huu ni mgao ambao unaenda kwa wadi bila kufika tena wakati wa kugawa tuanze kulumbana na executive ile pesa itaenda kwa wadi. Nasema tu ahsante tunaunga mkono ya kwamba itafanya waheshmiwa waweze kupumzika na kazi yao itaenda sawasawa bila kuinamia executive, ahsante. Naunga mkono.

**Mr. Speaker:** Thank you, Hon. Kawa for your contribution. I will have Hon. George. Members as you are contributing be aware of Standing Order 190 in in your contributions. I don't want to interject anybody's contributions.

**Hon. George Makari:** Thank you, Honourable Speaker. I want also to add my voice on what my colleagues have said and first of all let me applaud the gracious lady from Sitikho, Hon. Grace Sundukwa for the efforts. For the first time, it could be we have taken the right person to CAF because it is hardly a month or two months since she was seconded to that body but already there is a motion that she has tabled in this House. Honourable Speaker, she needs applause and I would like the honourable members to applaud Hon. Grace for that effort.

*(Applause)*

Already on the CAF secretariat she has been deemed worth and she has already been given a sit, honourable Grace Congratulations for that.

Now I think this motion has come at the right time because as honourable Kawa has said most of us members that are in the assembly have been operating as if we are begging the sitting Governors for developments funds. With this law if it is going to be passed then taken to parliament as the motion reads, it will now be anchored in the law so that we will not operate with the wind of the sitting governor.

I can narrate in the last county government regime and I am not pointing fingers at anyone because I know there are people of that regime still here, we could pass that each ward will receive 19 Million or 17 Million but when it reached in the actual implementation you find that for example in Township ward where my good friend Honourable Jeremiah comes from, actually those projects will be done worth 19 Million but in a Ward like mine because we differed you will find that projects that are actually implemented are worth only 5 Million. I think honourable members that were in the last assembly can attest to that, like in Honourable Vitalis' ward even some money from my money was used to go and top up his 19Million in Kabula ward.

This motion is timely so that we will not be operating at the win of one individual called the County Governor, it is now anchored in law so that if it is said that Musikoma Ward is going to get 25 Million or where my good old friend Hon. Mulongo comes from Kibingei is going to get 30Million, it is in law that Kibingei is going to get 30 Million and then that committee

in that particular ward will sit down and prioritize the projects that are going to be done worth 309 Million and in so doing it will pegged on the Act of CDF.

I have been a chairman of CDF. There is a committee that does what we call public participation in various villages. Villages will sit and say we have a road here; we have a dispensary here, now they prioritize projects according to the needs at the village level. I don't want to belabour the point so much. I want to implore our honourable members that we support this motion and append our signatures for onward transmission to Nairobi so that this motion is debated in the Parliament and passed. I support.

**Mr. Speaker:** Thank you, Hon. George. I will have Hon. Jeremiah.

**Hon. Jeremiah Kuloba:** Ahsante Bwana Spika kwa kunipa fursa hii kuchangia mswada huu, la mbele kabisa ningelipenda kumshukuru Muheshmiwa Grace Sundukwa kwa kuonyesha ujasiri, umahiri wa muwakilishi wa kike.

La pili ningependa kukushukuru na wewe kwa kuleta haya mambo kupitia kwa wakilishi wengine kuonyesha kuwa ugatuzi unafanya kazi. Ugatuzi utafanya kazi ikiwa hizi fedha ambazo zinataka kuletwa kwenye viwango vya wodi utafaulu.

Pili nafikiri mlikuwa mumeangalia na kujua kuwa sisi wawakilishi wa nyanjani ndio tunajua mambao yaliyo hapo chini. Mswada huu utakuja kukwamua yale maendeleo ambayo hayajafanyika. Pia ningelipenda kuomba hili jumba na unapoingia katika miswada mingine tungelipenda tuwe na asilimia ambayo imewekwa kamili kuwa kila wodi ama kila eneo la wakilishi litapewa asilimia fulani ya hizo pesa. Mswada huu ni mzuri na ninauunga na ninakupa heko. Endelea kupigania haki zetu. Ahsante Bwana Spika.

**Mr. Speaker:** Thank you, Hon. Jeremiah. I will go to Hon. Orize. Hon. Mulongo I know they spoke about your age but we are working out as a Committee on Rules and Procedure to have a copy of *Kanuni za Kudumu za Bunge*, the *swahili* version of the Standing Orders so that you are able to do the necessary.

**Hon. Orize Wanjala:** Ahsante sana Spika. Nashukuru sana kwa kunipa hii nafasi niweze kuzungumuzia huu mswada. Kwangu mimi naona kama ni wa muhimu sana ambao utawezesha wakaazi wa Bungoma kupata manufaa kwa upande wa ugatuzi wa nchi ya Kenya kwa sababu ugatuzi ulifanywa lakini hujakamilika kulinganan na sheria kidogo ambayo haijafikia viwango vya wadi. Mimi naona kwamba huu ugatuzi utaweza kufanya watu wa wodi kama sisi viongozi wa *MCA*s na *Executive* kutokuwa na uhasama. Italainisha viongozi kila mtu ashike laini yake na aweze kuongoza watu wake bila kutegemnea mwingine kwa sababu mgao wa wodi ukishafika kwa wodi watu wenye wodi wenyewe watakuwa na uwezo wa kupanga mambo yao kulingana na maeneo yao. Ninashukuru sana mwenye alikuwa na maono ya kuja na huu mswada ili uweze kusaidi wakenya. Naunga mkono huu mswada na ninaomba waheshimiwa wote waunge huu mswada wa manufaa tuupitishie haraka. Asante.

**Mr. Speaker:** Thank you, Hon. Juma. I will go to Hon. Job.

**Hon. Job Mukoyandali:** Thank you Mr. Speaker for giving me this chance to give a word on the motion on the floor. First let me begin by congratulating Hon. Grace for the opportunity

and chance given to speak given to her on our behalf. Secondly I want to congratulate the team for moving very fast and coming up with this motion that is before us today.

This Bill is very important for development in the wards. For a long time we have been talking about devolution since its inception in 2010. We have been saying how devolution is good but through the passing of this motion, we will realise the true fruits of this devolution. Without having this Bill, we will talk about devolution for so many years but if we still depend on the executive to give us whatever small they have been giving to different wards, we won't realise the true fruits of devolution.

This motion is so good. The people who came up with this Motion thought very fast and came up with something which is now tangible that when I stand in my ward and ask my people the kind of projects they need, I am able to implement those projects minus going through so many processes. At times you may begin processes which are so clear but the processes will be put on hold somewhere and sometimes you will go through the public participation you want to get some projects and when you bring them on the table, they will not be considered. This is the first time that through this motion, I will do public participation and the projects that my people want are the projects that are going to be implemented in my Ward. I thank the team so much and I support.

**Mr. Speaker:** Thank you, Hon. Job. Hon. Simotwo!

**Hon. Frankline Simotwo:** Thank you Mr. Speaker for giving me this opportunity to also air my voice on this motion. But first allow me to appreciate our Hon. Grace for moving with speed to have this Bill for the first time.

I think at times there are some people who if elected to some areas, they come with a lot of blessings. I think for Hon. Grace, it will be a blessing for this County and Country if we will have this fund to be implemented and made constitutional.

The first people who proposed the Constitution 2010, I think this thing could be the first in the first page because they left out a very important component in terms of development in this country. After independence, we had rural development where Moi used to centralize all funds and make Kenya to be poor for a long time. This is why we said that this bill will enable every corner of this County or countries realize development. As we speak, there are some areas where even a latrine of 70,000 shillings cannot be made because money has been centralized in the headquarters. I think if this still cannot be passed in Parliament then let us be assured that it will be like we have adapted what used to be in the National Government promulgation Constitution 2010.

I beg that this bill is enacted so that it gives room for development for rural areas and I urge that the National Parliament, this is the time we will know the MPs who are the champions of their own people. If Members of Parliament from various areas would also watching those ones who will deviate from supporting this Bill. They will be the enemies of development in their areas and I am talking about the wards which have been designated for development.

We pray that the National Parliament will consider this during the amendment of this Bill; so that it will be enacted and be put in operation then we will end the poverty of our people in the villages, and wards. Remember as we speak, these are three terms we have been operating having substantive counties. You look at areas where some of us represent, you wonder whether we have a Constitution that is working because up to this time, the last regime as my colleague Hon. Makari was putting, there are some wards that we really suffered; there was nothing. It could not be implemented. As we speak, there are some small projects that have stalled for more than six years. What the CAF through our able leader Hon. Grace has presented here will be medicine for most of the problems we face at the moment in this County.

I know we have been fighting with the Governor over the resources. There is a time we were given just below 7 Million; you wonder which project can be implemented. In my place, if I want to construct a bridge because Chepyuk is made of so many rivers, you need over 200 bridges because you cannot cross to a nearby area. You are supposed to move up to Masek which is almost like Chwele so that you go to Kipsigon just because there is no bridge.

I think this bill will be able to make these people realize the development we are talking about. Remember we are in the 21<sup>st</sup> century and people are still trekking. No toilets in public places, no water in hospitals because all has been centralized. So I think if we decentralize these funds then we will be minimizing corruption because where there is a pool of money, people salivate and eat this money.

**Mr. Speaker:** Hon. Simotwo, out of curiosity, you are saying when you centralize; you are centralizing corruption now the reverse of decentralization also!

**Hon. Franklin Simotwo:** You know, that one will be a bit fair because someone will say if I eat maybe this small money, it can be accounted...

**Mr. Speaker:** Hon. Simotwo, never take the advice of Hon. Vitalis. I know him more than you know him. He is my classmate so never take his advice.

**Hon. Franklin Simotwo:** I know he is making some few comments but I was raising a point that you have seen ten point something billion which we cannot realize the impact. That is why I was saying if this money can be moved closer to the people, then even the people themselves can be over sighting what the money is doing within the ward of Chepyuk. That is my point and if the money is here 11 billion which the impact cannot be seen that means some people are eating the money. So we need to be seeing these things so that the impact can be seen.

I support this bill especially as a member of County Assembly representing Chepyuk where I know most of the people may be seated colleagues have not reached there. You will trek until you become tired because there are no roads, bridges and there is nothing.

**Mr. Speaker:** Hon. Simotwo, when you say there is nothing completely, how do you survive?

**Hon. Franklin Simotwo:** You know I have been trying but the standard is not like Khalaba where my colleague is living. Otherwise, I support the motion and want to say this for the members of Parliament that we will know the champions of development when this bill reaches the National Parliament. I support the motion.

**Mr. Speaker:** Thank you, Hon. Simotwo.

**Hon. Aggrey Mulongo:** Thank you Mr. Speaker Sir for giving me this chance to contribute towards the welfare of the people that we are going to represent. *Mheshimiwa* Grace is our heroine...

**Mr. Speaker:** Hon. Aggrey, just look at... I do not want to remind you again you know you are so senior and age wise so just Standing Order 90...just stick to that one line of the language which you are using or if you want to use the gesturing language, the one you always use at night. Proceed please!

**Hon. Aggrey Mulongo:** Thank you Mr. Speaker Sir, mine was just to comment about this motion and it is an eye opener to many Kenyans who are in the real meaning of devolution. If I may go back to history, when we wanted the new Constitution, we wanted devolution to start from the village level up to where MPs are today.

Hon. Mwai Kibaki started devolution before 2010 with CDF. With these CDF MPs are refusing to download it down to the village level just because they started it earlier but when you define devolution what *Mheshimiwa* Grace has come up with that is now the real devolution and we need to support this as Honorable members of County Assemblies the country to come up with such a motion please listen and I am begging all elected and nominated MCA's; today you are nominated but tomorrow you will be elected. Let us unite as a team and support this motion because it is going to make sure that devolution is there and is real and is going to remain where it is.

**Mr. Speaker:** Thank you, Hon. Aggrey Mulongo. I will have Hon. Edwin Oporwa.

**Hon. Edwin Oporwa:** Thank you Mr. Speaker. I also want to take this opportunity to congratulate Hon. Grace Sundukwa who moved this motion. I support it wholly and it is a motion that would be of benefit to this county and the country at large. For the spirit of devolution to be felt, this bill has to be passed and for the will that we have always said as a Government of Kenya Kwanza that we need to empower our people so that our people have money in their pockets. This bill has to be passed.

Through this empowerment of leaders at the ward level to be able to control a fund as the saying goes; power is good but power without development you cannot be felt so we need to marry power and development so that your goodness can be felt to your people and therefore I urge our members that let us pass this bill. Let us make our voice loud so that all the necessary arrangements can be done to ensure that we have that in place. There is one Henry Ford who said that the only motive that keeps politics pure is doing good for ones country and its people. You can only do that when you have money and have control over it. I believe that will make our people proud in our Wards. We shall have more opportunities in our

Wards so that Hon. Simotwo can be proud of where he comes from. He has been crying that there are no roads and bridges; I believe it will be a shame if we walk that side. So for that spirit, let us pass this bill.

**Hon. Cornelius Makhanu:** Thank you Mr. Speaker Sir for this opportunity. I also want to thank Hon. Grace for coming up with this kind of motion and even the two MPs from the National government that is Hon. Mule and Githinji. For us to realise real devolution this motion has to go through and be implemented. First of all, elective positions in this country have kitties from the Office of the President, the MPs, County Women Reps and it is only MCAs that have no kitty. This Motion is now going to make our people realise the fruits of devolution, like *Mheshimiwa* Simotwo has said, I know he is a resident of my Ward. I am his MCA, you say your ward has been ignored but Khalaba has been ignored more than where you come from.

*(Applause)*

**Mr. Speaker:** Honourable Members, what Hon. Cornelius has said there is nothing wrong with it. Equally, I am also his resident but I always go to my rural home, so there is nothing wrong in that, because if you try jumping bridges and there are no roads, you cannot be here by 9:00 a.m. daily. So there is nothing wrong.

**Hon. Cornelius Makhanu:** Thank you Mr. Speaker for protecting me from my resident.

**Mr. Speaker:** Hon. Simotwo, there is nothing wrong in what he is saying. Hon. Simotwo you cannot be standing at the same time and I haven't allowed you to speak. There is nothing wrong for him to sleep in your ward; there is nothing to shy away from it. Equally I am also your residents and I don't even make apologies over the same. So proceed.

**Hon. Cornelius Makhanu:** In fact, almost 16 MCAs here they are living in my Ward, so don't worry. This is a game changer as I was saying because like in Khalaba, if it goes through and its implemented, it is the first time for Khalaba that we are going to enjoy devolution than never before. My Ward is in town and we are still using the bridges which are temporary. So if this bill goes through and we get this money then we are going to have bridges. Hon. Simotwo is going to be very happy for me because the bill is going to benefit him. I am supporting it and if I look at the mood of the House, this bill has gone through.

**Mr. Speaker:** I am yet to see that mood.

**Hon. Cornelius Makhanu:** I am seeing because the register has passed here and everybody has signed so I think this Bill we have to pass it as fast as possible because now we are the first line of defence as MCAs. So if this Bill goes through the development that we are going to realize in our wards has never been seen before, so I stand here to support the motion

**Mr. Speaker:** Thank you, Hon. Cornelius. Hon. Martin Cheseto

**Martin Cheseto:** Thank you, Mr. Speaker. I rise to support the motion. Foremost, I want to say thumbs up to our representative at CAF Hon. Sundukwa. It was a job well done. If you have managed to bring this motion or this bill to this House, I say as a House, we have somebody who is equal to the task. It is worth to note that as People's representative, we have to champion the rights and the issues of our people just the same as the National Assembly and the Senate are doing to change the Constitution so that it can reflect or drive the agenda of the people in terms of development.

We at this County Assembly, we also have to do the same as we petition the National Assembly and the Senate to incorporate Ward Development Funds into the Constitution. We sat that as people's representative at the ward, our issues must also be included because we don't work in isolation; they do the legislation which we also do at the county level. We as the front line leaders at the community level; we are the people who meet with these people on a daily basis. That *mama* with tattered clothes, it is us MCAs who interact with them on daily basis. If this Bill is going to be passed and the Ward Development Fund is incorporated in the Constitution, I am very sure that this people are going to derive and also enjoy the benefits of Devolution. It is also worth to note the minorities in the community within the county, also who cannot afford to have their Governor in place because....

**Mr. Speaker:** Hon. Otsiulah, you are not allowed. Hon. Cheseto proceed. I know where my Colleague Hon. Otsiulah is heading to.

**Hon. Martin Cheseto:** So this minority even if we cry so many times, we cannot even have an elected Governor, so we don't want to be at the mercies of the Governor. We want something that can protect us as minorities, so that we can also achieve or realise development at the community level. So if at all this fund is going to be established and incorporated in the Constitution then definitely we don't have to compete or cry that we don't have somebody at the top, because funds will be directly channelled to the community, so that it can do the work that the community wants.

Finally, we should make no mistake to vote against this motion or this bill because voting against this bill means we are voting for underdevelopment in our wards. I am calling upon the Honorable members to rise up to the occasion and stand to be counted as the people who really voted for this and champion for the rights of the common man at the grass root level.

**Mr. Speaker:** Thank you Hon. Cheseto. Hon. Catherine Kitui then I will be having Hon. Allan next.

**Hon. Catherine Kitui:** Thank you, Mr. Speaker. First of all, I want to congratulate my Honorable lady Grace for the position and for this motion. I rise to support the motion and I want to say that for us to realise development in every part of the ward and to change the living standards of our people, we need to pass this motion. This is the purpose of devolution. This is the devolution in practice not just on paper but putting it in practice. It's now doable only when we pass this motion therefore I support this motion. Thank you.

**Hon. Allan Nyongesa:** Thank you, Honorable Speaker for the chance to speak on this motion. First, I want to start by thanking Hon. Grace and the CAF Leadership for seeing it wise. I also want to thank Honourable Githinji and Mule for standing with the MCAs on this Bill. I also want to thank the Founder fathers of the Devolution because it was meant to bring funds up to the grassroots but up to this time, the funds are not there. So I think to me, the bill is late by almost 10 years, so I want to thank the leadership in CAF today because devolution is now 10 years plus.

I also want to agree with the Honourable Members who have just spoken earlier not to repeat what they have said but actually it is right to have funds at the grassroots, so that devolution can be felt by the common man because funds still remaining at the county level or the executive level means devolution has not yet been attained. I want to support the motion and agree with all the Honorable members who have spoken.

**Mr. Speaker:** Thank you, Hon. Allan Nyongesa. I will have Hon. Otsiulah then Hon. Grace you prepare to reply to the said motion.

**Hon. Benjamin Otsiulah:** Thank you, Honourable Speaker for giving me this opportunity to support this motion. First of all, I wish to join the Honourable members in appreciating the efforts of my senior Member Hon. Grace Sundukwa first for her election in leadership position at the CAF and the milestone she has achieved in fighting for the rights of the Members of the County Assembly.

When the Constitution of Kenya 2010 was promulgated by then, we were only having one level of government, after the promulgation of the Constitution, it introduced two levels of government; the National government and the County government. The National Assembly, Honourable Members have had the Constituency Development Fund for quite some time however at the moment it has been stalled. The MCAs on the other hand have had a rough time in trying to deliver their services to the people because they have had to depend on the budgetary allocations from the County government, this money has been very minimal, 19 million in a year has been very little to realize any meaningful development. This motion is timely and should it see the light of the day then it going to be a big milestone to the people of Kenya. It will hasten development projects at the County level and I am 100% sure within 3 three years there will be a lot of change on the ground in the Republic of Kenya.

Our oversight role as MCAs is not only limited to ensuring that projects which are being facilitated at the County level are done but as well we also as MCAs have a right to have projects which are supported by the National government. I join the other Honorable Members in this House in supporting the motion.

*(Applause)*

**Mr. Speaker:** Honorable Members, allow Hon. Grace to reply to the said motion. One of the senior members to this House appears to have left out his card, you know if you have larger

family this are the challenges you face. Use the dispatch Hon. Henry. Don't be like Hon. Otsiulah with a small family. Proceed.

**Hon. Henry:** Thank you, Mr Speaker. I want to thank you because it is true that I own a polygamous family and managing a gadget has been a problem, but I will restrict myself to how I will be carrying it. I can even have a tag on it.

**Mr. Speaker:** I have a solution; we have Senior and Chief Sergeant, when you walk out give them so that to keep for you and it will be safe for the next five years.

**Hon. Henry Nyongesa:** First, I want to congratulate our dear Sister Hon. Grace Sundukwa for the position she hold in higher institution in representing these Members at CAF Level. Having such a lady in the position of Deputy Secretary is a privilege to this County.

I want to allude to the management of CAF for having thought it wise that the 2010 Constitution was very clear that the resources must trickle down to the Nanjala's of this County. Through that is by making sure that money is allocated to the lowest level of administration under the County Government act that is the Ward where I represent.

Having been in this House before, we really walk up and down. As we are talking today, my shoe is almost bending one side just because my movement within the executive to push for development in my area or to make follow ups of the budget that have been put in my area. When this money is put at the Ward level, which is the lowest unit of the County, managing it and citizens feeling it will be the highest esteem because they will be seeing the money at the Ward level and they can participate in choosing the priorities at the Ward level and this will be the essence for devolution.

I therefore want to support this Motion 100% that it should have even happened yesterday but because we are doing it today, we want to request that as we do it, the management of CAF and particularly National Government and CRA should Honour this Motion and it pass it the way it is and its honored that money trickles down to the citizens for their benefit. As we are talking today they are no roads in my Ward and where they exist, they are not passable.

Children are going to Schools, though they are closing but they are closing while crying because some of them are coming home without report cards because of the unpaid fees. There is no water. When you look at the ECDE which is the major function, children are mixing up with the adults and you cannot even differentiate between an ECDE Child and the child who is in grade three or four. Using this bill, it will make us to meet the mandate of devolution under the County Government Act. I support the Bill.

**Hon. Grace Sundukwa:** Thank you, Mr. Speaker. Anchoring the Ward development fund into the Constitution will be of great importance and it is only this time that we can have it since the National Government is doing the proposals under Stephen Mule and Gichimu Githinji. As we are going through the Motion the National Assembly is amending Article 204 of the Constitution of Kenya through Parliamentary initiative in order to enrich National

Government Constituency Fund and National Government Affirmative Fund and the Senate Oversight Fund and the Economic Stimulus Empowerment Fund.

I don't see any reason as to why Ward Development Fund should be left behind, putting in mind that once we pass this Motion, the CRA will give us a go ahead on the allocation that every Ward shall be getting. We want devolution to be felt everywhere without discrimination and this will be helpful to us Honorable Members. We shall do our work without hurdles and therefore I call this Honorable House to pass this Motion, so that it can move to the next level.

**Mr. Speaker:** Thank you, Hon. Grace for the reply to the Motion. So Honorable Members, we are doing the last part of this Motion.

Honorable Members, the Motion has been moved and seconded that this House passes the resolution and prays that the National Assembly intervenes and ensures;

- I. THAT, the County Ward Equitable Development Fund co-opted in the proposed Constitution Amendment Bill that is before the National Assembly by the Hon. Stephen Mule and Gichimu Githinji alongside other proposed fund namely, the National Government Constituency Development Fund, the National Government Affirmative Action Fund, the Senate Oversight Fund, and the Economic Stimulus and Empowerment Funds either prior to the Publication of the said Bill or before it is referred to the Senate in accordance to the rules and procedures to the Parliament.
- II. THAT, the proposed Constitutional Amendment Bill in amending Article 204 of the Constitution to provide the following in respect to the County Ward Equitable Development Fund.
  - a) That each County Government shall allocate funds comprising of a certain percentage of the respective County Annual Budget Estimates or as shall be advised by the Commission on Revenue Allocation (CRA) during the enactment of the County Allocation Revenue Act to cater for the County Wards Equitable Development Fund.
  - b) That all Moneys allocated to the County Ward Equitable Development Fund shall be considered as funds allocated to Wards pursuant to Article 206 (ii) (c) administered in accordance with the provisions of the Parliament.
  - c) That the Parliament shall enact a legislation to provide for the legislation of the County Ward Equitable Development Fund.

*(Question put and agreed to)*

*(Applause)*

The said Motion is hereby adopted and I will urge Honorable Members that now you go ahead to append your signatures to the said petition to accompany the House resolutions and HANSARD extract in support of this noble object to enable Honorable Members to run their Wards effectively.

## BILLS

### THE BUNGOMA COUNTY CULTURAL HERITAGE BILL 2022

**Mr. Speaker:** Honorable Members, I spoke about this issue of second reading. I just take you back to Standing Order number 146. It is what Hon. Kawa is doing now.

**Hon. Jack Kawa:** Thank you, Mr. Speaker. On behalf of the Committee on Gender, I'm on my feet to bring a progress report on the Bungoma County Cultural Heritage Bill - 2022.

Pursuant to Standing Order number 145 and on behalf of the Committee on Gender, Culture and Social Welfare, I stand here to report progress of the Bungoma County Cultural Heritage Bill - 2022 which was tabled in this House on 10th November, 2022 and committed to the Committee for processing.

The committee conducted Public Participation on the Bill on 24<sup>th</sup> November, 2022. The committee has looked at the public views submitted before it and due to the weighty matters raised by both the public and key stake holders, the committee decided to seek for more clarification and the technical opinion of the mother department. This is in view of coming up with a better Bill for the County. It is in this view that the committee seeks leave from this Honorable House to allow an extension of time to finalize its report.

**Mr. Speaker:** Hon. Kawa, what duration are you seeking as the Chair of the Committee?

**Hon. Jack Kawa:** Give us 14 days.

**Mr. Speaker:** Hon. Kawa, we are adjourning commencing recess. I will give you up to February 2022, when we expect a feedback from you. Those are 78 days from now. 16<sup>th</sup> of February 2023 not 2022. It will be a Thursday in our 2:30 p.m. Session.

### THE BUNGOMA COUNTY EQUITABLE DEVELOPMENT BILL 2022

**Hon. Orize Wanjala:** Thank you, Mr. Speaker. On behalf of the Committee on Finance, progress report pursuant to Standing Order number 140 (V), I rise to report on progress in relation to the Bungoma County Equitable Development Bill 2022.

Acknowledging that the Bill was 1<sup>st</sup> read in this Honorable House on 10<sup>th</sup> November, 2022 and Committed to the Finance and Economic Planning Committee for processing and feedback. The Committee Conducted Public Participation on 25<sup>th</sup> November, 2022 at Santa Mara Hotel involving a representation of Members of Civil Society Organizations and other stakeholders from the County.

Cognizant to the fact that the Committee is still amalgamating public views and memoranda as received, the Committee thus requests for an extension of time to finalize its report and report back to this House. I move.

**Mr. Speaker:** Thank you, Hon. Juma Orize. Honorable Members, if you look at the Bill, they have been able to look at the previous report and equally the Motion you passed. We are going in the same direction. Whichever comes a head of us, you will follow that one in implementation for you are seeking the same remedy from the County level to the National

Government. So whichever comes ahead, you will start implementing and be able to start your Ward fund. Hon. Orize, you will be given the same time. On 16<sup>th</sup> of February 2023, the time frame you have sought.

Honorable Members, we will be adjourning our sittings. Yesterday we read our Weekly proposed sittings and we are going to adjourn today *sine die* meaning that we are not having the sitting today at 2:30 p.m. No sitting tomorrow but Committees are urged to sit on daily basis whenever their times come for sitting.

We will be able to have a reconvening of this House on Notice, once I'm notified by the relevant leadership of the House to discuss any further urgent matters but for now, we adjourn *sine die*.

***(House adjourns)***