

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

THURSDAY, 21ST SEPTEMBER, 2023

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

THURSDAY, 21ST SEPTEMBER, 2023

The House met at 2:30 p.m.

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

PRAYER

COMMUNICATION FROM THE CHAIR

READJUSTMENT OF THE ORDER PAPER

Honourable Members, I will wish to re-adjust our Order Paper, we are having visitors who are coming in the public gallery, Girls from Ndivisi Girls High School, they had gone at the Governor's office and prisons and they will be coming in, so their communication will be deferred until when they walk in. So item number 2 will be left out and when it comes to the time for Statements, we will see how we can be able to make adjustments to take care of their accommodation because today is our last day of our sitting before we adjourn for a short recess accordingly. We will proceed the way it is.

PAPERS

A REPORT BY THE LIAISON COMMITTEE ON THE ACTIVITIES OF THE COUNTY ASSEMBLY COMMITTEES IN THE FINANCIAL YEAR 2022/23

Mr. Speaker: Hon. Stephen Wamalwa, the Deputy Speaker, proceed

Hon. Stephen Wamalwa (Chairperson Liaison committee): Thank you, Honourable Speaker. I rise to table the report by the Liaison committee on the activities of the County Assembly Committees in the Financial Year 2022/23.

(Hon. Stephen Wamalwa laid the paper)

Mr. Speaker: Honourable Members, the report by the Liaison committee on the activities of the County Assembly Committees in the Financial Year 2022/23 is hereby tabled and it formally becomes the property of the House accordingly.

NOTICES OF MOTION

A REPORT BY THE LIAISON COMMITTEE ON THE ACTIVITIES OF THE COUNTY ASSEMBLY COMMITTEES IN THE FINANCIAL YEAR 2022/23

Mr. Speaker: Hon. Stephen Wamalwa, proceed

Hon. Stephen Wamalwa: Thank you, Honourable Speaker. I rise to issue a notice that this House adopts the report by the Liaison Committee on the activities of the County Assembly Committees for Financial Year 2022/23.

Mr. Speaker: Honourable Members, a notice of motion having been duly issued by the Chairperson of Liaison, that this House do adopt the report by the Liaison Committee on the activities of the County Assembly Committee in the Financial Year 2022/23, I hereby direct the Clerks At the Table to share this report to Honourable MCAs, the same will come up as a motion once the HBC ballots it on the Order Paper accordingly.

MOTIONS

A REPORT BY THE SECTORAL COMMITTEE ON TRADE, ENERGY AND INDUSTRIALIZATION ON THE 9 MONTHS FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31ST MARCH 2023.

Mr. Speaker: Chairperson, Honourable Okasida, you can proceed and prosecute your motion accordingly

Hon. Johnston Ipara (Chairperson Trade, Energy and Industrialization): Thank you Honourable Speaker for the invitation, I stand here to move a motion on the 9 Month's Financial Statement for the period ending 31st March 2023 for the Department of Trade, Energy and Industrialization.

PREFACE

Establishment and Mandate of the Committee

The Trade, Energy and Industrialization committee was established on 26th October; 2022 in accordance with Standing Order No.179.

The mandate of the Committee is derived from Standing Order 217 (g) and matters assigned under the Second Schedule which shall be exercised within the limits contemplated under Part 2 of the Fourth Schedule of the Constitution of Kenya, 2010.

Honourable Speaker, allow me go straight to committee membership.

Committee Membership

The Committee on Trade, Energy and Industrialization as currently constituted, comprises the following members: -

- | | |
|---------------------------|------------------|
| 1. Hon. Johnston O Ipara | Chairperson |
| 2. Hon. John K Wanyama | Vice chairperson |
| 3. Hon. Meshack Simiyu | Member |
| 4. Hon. Metrine Nangalama | Member |
| 5. Hon. Wafula Waiti | Member |
| 6. Hon. Kimeta Polycarp | Member |
| 7. Hon. Bernard Kikechi | Member |
| 8. Hon. Timothy Chikati | Member |
| 9. Hon. Alfred Mukhanya | Member |

10. Hon. Alice Kibaba	Member
11. Hon. Brigid Katasi	Member
12. Hon. Angeline Rugut	Member
13. Hon. Sheila Sifuma	Member
14. Hon. Linda Kharakha	Member
15. Hon. Aggrey Bosire	Member

Acknowledgement

The Committee wishes to thank the Office of the Speaker, the Clerk and staff of the County Assembly for the logistical support accorded to it during this exercise and execution of the committee's mandate.

I also take this opportunity to acknowledge all the Members of the Committee for their input and valuable contributions and time during the interrogations and deliberations during the writing of this report.

On behalf of the Sectoral Committee on Trade, Energy and Industrialization, it is now my duty and privilege to present to this House, the Report of the Sectoral Committee on Trade, Energy and Industrialization on the 9 Months financial statements for the period ended March, 31st 2023.

The report is signed by Hon. Johnston Ipara MCA Tongaren Ward and the Chairperson on Sectoral Committee on Trade, Energy and Industrialization

GUIDING PRINCIPLES IN THE EXAMINATION OF THE BUNGOMA COUNTY GOVERNMENT HALF YEAR REPORT AND FINANCIAL STATEMENTS

In the execution of its mandate, the Committee is guided by core constitutional and statutory principles on Public Finance Management, as well as established customs, traditions, practices and usages. These principles include the following:

Constitutional Principles on Public Finance

Article 201 of the Constitution of Kenya, 2010 enacts fundamental principles that *"...shall guide d aspects of public finance in the Republic..."* These principles include, *inter alia*, that: **201(a)** *there shall be openness and accountability, including public participation in financial matters;* **201(d)** *Public money shall be used in a prudent and responsible way;* and **201(e)** *financial management shall be responsible, and fiscal reporting shall be clear.*

Direct Personal Liability

Article 226(5) of the Constitution of Kenya, 2010 is emphatic that *"If the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not"*.

Obligations of Accounting Officers

The Public Finance Management Act, 2012 section 149 (1) and (2 a, f and q) states as follows;

Section 149 (1) an accounting officer is accountable to the County Assembly for ensuring that resources of the entity for which the officer is designated are used in a way that is;

2.1 Lawful and authorized

2.2 Effective, efficient, economical and transparent

Section 149 (2) in carrying out a responsibility imposed by subsection (1), an accounting officer shall, in respect of the entity concerned;

Section 149 (2) (a) ensure that all expenditure made by the entity complies with subsection 1

Section 149 (2) (f) bring a matter to the attention of the Executive Committee member responsible for the entity if, in the accounting officer's opinion a decision or policy or proposed decision or policy of the entity may result in resources being used in a way that is contrary to subsection (1)

Section 149 (2) (q) provide information on any fraud, losses, or any violations of subsection (1) and provide explanations for the actions taken to prevent similar conduct in future.

The Public Finance Management Act, 2012 section 166 states as follows;

- 1. An accounting officer for a county government entity shall prepare a report for each quarter of the financial year in respect of the entity.*
- 2. In preparing a quarterly report for a county government entity, the accounting officer shall ensure that the report—*
 - (a) contains information on the financial and nonfinancial performance of the entity; and*
 - (b) Is in a form determined by the Accounting Standards Board.*
- 3. Not later, than fifteen days after the end of each quarter, the accounting officer shall submit the quarterly report to the County Treasury.*
- 4. Not later than one month after the end of each quarter, the County Treasury shall—*
 - (a) consolidate the quarterly reports and submit them to the county assembly;*
 - (b) deliver copies to the Controller of Budget, National Treasury and the Commission on Revenue Allocation; and*
 - (c) publish and publicize them*

KEY HIGHLIGHTS IN THE BUNGOMA COUNTY GOVERNMENT NINE MONTHS REPORT AND FINANCIAL STATEMENTS FOR THE PERIOD ENDED MARCH 31ST, 2023.

The total budget of Bungoma County for the financial year 2022/2023 was Kshs. 14,821,204,142 as per the approved 1st supplementary budget with the breakdown of the sources as indicated in the table below:

NO	SOURCE	AMOUNT
1.	Equitable share	10,659,435,192.00
2.	Equitable share b/f	867,288,525.00
3.	Retention	293,425,903.00
4.	Conditional grant Development partner	1,540,443,462.00
5.	Conditional grants National	113,228,200.00
6.	Local revenue as per act	500,000,000.00
7.	AIA	847,382,860.00
	Grand Total	14,821,204,142.00

COUNTY ANALYSIS OF THE NINE MONTHS FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31ST MARCH 2023

The committee extracted from the consolidated half year and nine months financial statements, the financial reports relating to the Department of Trade Energy and Industrialization. Further, the committee conducted a one on one interrogation to seek clarity on the expenditures and the rate of absorption of the budget.

REVENUE

The County targeted revenue for the financial year 2022/23 was Kshs 14, 821, 204, 142 as per the approved 1st supplementary budget. The expenditure target for the period under review was Kshs 11,115,903,106 out of the total budget for the entire Fiscal year. This represents 75 % of the total expenditure budget for the financial year. Recurrent expenditure target was Kshs.7, 780,757,791 while the target for development expenditure programmes in the half year is Kshs. 3,335,145,315

By the end of the nine months period, the County received a total revenue of Ksh. 6,321,552,397 with the third quarter alone (Jan 1st – 31st March) receiving Kshs. 2,236,494,282 being the difference between what was declared by half year (Ksh. 4,085,058,115). The source of the amount was as shown here below;

- a) Exchequer releases -Kshs. 6,303,156,902
- b) Other receipts (Mabanga ATC) – Kshs. 18,395,495

3.3 DEPARTMENTAL EXPENDITURE ANALYSIS

a) Approved Budget

The department of Trade, Energy and Industrialization had an annual approved budget of Kshs. 288,873,857 comprising of Kshs 64,762,186 recurrent and 224,111,671 for development expenditure programmes. The absorption of the budget was Kshs 49,543,045 translating to an absorption rate of 17% of the budget.

b) Exchequer Release

The Department received a total of Kshs 49,543,045 from the exchequer as shown below:

Month	Recurrent	Development	Total Kshs.
July, 31 st 2022	-	-	-
August 31,2022	4,022,856	-	4,022,856
September 30th 2022	1,988,920	-	1,988,920
October 31 st 2022	5,911,366	-	5,911,366
November 30 th 2022	3,406,296	-	3,406,296
December 31 st 2022	5,871,942	-	5,871,942
January 31 st - March 31 st 2023	16,538,349	11,803,316	28,341,665
TOTAL	37,739,729	11,803,316	49,543,045

c) Pending staff receivables

Pending staff receivables in the department was Kshs 537,600 that were issued between the months of January and February 2023. The activities funded had not been specified.

d) Pending Bills

Accounts payable (pending bills) had an outstanding amount of Kshs 23,281, 706 against a budget provision of Kshs 17,589,696 (Recurrent Kshs 1,719,025, development 9,270,642 and Kshs 6,600,029 forward based projects). By the end of the third quarter, Kshs. 10,753,156 pending bills had been paid leaving a balance of Kshs. 12,528,550.

e) Trade Loan Fund

Trade loan Fund has two main Bank accounts; the collection account and the operation account. The collection account contain all exchequer releases, grants, loan repayments and interest received whereas the operation account is for all administrative fees charged and the cost incurred in administration of the funds . The bank balances for both accounts as at March 2023 was:

- Collection Account: Kshs 2,863,030.20
- Operation Account : Kshs 3,243.00

COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

Committee Observations

The committee made the following observations;

1. The County Treasury did not indicate how much the department received as revenue (Exchequer release) to implement its programs in the period under review.
2. From the financial statement, the absorption rate for development vote was still way below the required threshold of 75% despite being very close to the end of financial year.
3. Notes on how the outstanding staff imprests would be surrendered or recovered were not indicated in the report.
4. The bank balances for both Trade Loan accounts as at March 2023 were: Collection Account: **Kshs 2,863,030.20** Operation Account: **Kshs 3,243.00**.
5. The department did not submit monthly/annual work plans and the budget implementation status.

Committee Recommendations

The following were the recommendations made by the committee:

1. **THAT** the County treasury should indicate what every department receives in every exchequer release and the activities being funded to allow ease of oversight.
2. **THAT** the Department should endeavor to absorb its votes early to avoid end of financial year cash crisis.
3. **THAT** the Department should comply with Regulation 93 (5) and (6) of the PFM Regulation, 2015) on surrendering imprests.
4. **THAT** the Department should scrutinize the bank statements for all the trade loans accounts and report on the fund be submitted on a quarterly basis to the County Assembly for scrutiny.
5. **THAT** the department should forward a detailed report on monthly/annual work plans and budget implementation status to the committee for comparison purposes with the financial report. Furthermore, the department to prioritize activities to be undertaken with specified timelines (work plan) to ensure successful implementation of its programs.

The adoption schedule is signed by 13 members, 2 of the members did not sign because they were away on official duties.

Mr. Speaker: Hon. Okasida, once it is not signed, it means they are away with my permission, leave that one out for me, because I am foreseeing you mentioning their names on the HANSARD. Proceed.

Hon. Johnston Ipara: Thank you, Honourable Speaker. With your permission allow me to ask Hon. Linda Kharakha to second the adoption of the report.

Mr. Speaker: Hon. Okasida, I think you will have to get somebody else. She was away on official duties, and she cannot be able to second what she did not participate in making.

Hon. Johnston Ipara: Honourable Speaker, let me have the pleasure to request Honourable member who is highly prepared Hon. Alice Kibaba to second.

(Laughter)

Hon. Alice Kibaba: Thank you, Mr. Speaker Sir. I second the motion.

Mr. Speaker: Thank you, Hon. Alice Kibaba. Honourable Members, a motion has been moved and seconded that this House adopts the report by the sector Committee on Trade, Energy and Industrialization on the 9 month's financial statements for the period ending 31st March 2023 in respect to the department of Trade, Energy and Industrialization laid on the Table of the House on 13th of September 2023. I propose

(Motion proposed)

Yes Hon. Ali Machani.

Hon. Ali Machani: Thank you, Honourable Speaker. First of all, I want to thank the mover of the motion Hon. Okasida Ipara and also appreciate his family that they made sure that when coming to read such a report, he must be in serious attire.

Mr. Speaker: Hon. Ali Machani, are you suggesting that some attire here are not serious? Because I am aware of one thing, the Standing Orders are very clear on our dress code. Once you are allowed here, you must be in very serious attire, unless you are saying some of our attires are not serious.

Hon. Ali Machani: Honourable Speaker that is why I am saying to provoke the environment that I have seen. Mine is to thank the committee and more so to appreciate the work done. In any report we always check the area known as 'observations'. I feel that from today onwards, you assist us that members from the executive should be in this House to hear contributions from members. In any report, observation would point out grey areas that the executive need to work on seriously to improve their performance. We can come up with so many reports, proposals and recommendations but if they are not very keen on observations and recommendations then we will lose it.

They have pointed out local generated revenue of about 500 Millions. They have managed to give us the highlight on the monthly and annual work plan plus the money received in the departmental. This is an area where there is money collected by a department, what we call Appropriation in Aid, money collected on services rendered or given to the community.

When a ministry or a department has a work plan, it will act as a guiding principle on what is supposed to be implemented within that financial year. We have expectations and that is why a budget is approved in a term of estimates. Estimates are money expected to be raised or if given such money a ministry will be able to run their programmes. So this report is a mirror,

it is an eye opener for us to focus. When you compare that report and currently what is happening we can say that last Financial Year was a campaign year where people and CEC members were not able to be in the office, majority joined politics and were supporting the previous government but others joined the current government but now elections are over.

It is now an eye opener for us to tell them that they are holding office and they should be hands on because if such reports are coming on the floor and they are not very keen having their Liaison team with us or they don't get Hansard reports they will not be able to correct. That is why in the observation they have raised issues and also on the recommendation they will always give a way forward. I want to support the report that next time we need to improve. Otherwise, this is a nice report as it gives us a lee way to understand how the ministry performed in the previous year.

Mr. Speaker: Thank you, Hon. Ali Machani. Hon. Anthony Luseneka, our Leader of Minority, proceed.

Hon. Anthony Luseneka: Thank you, Honourable Speaker. I rise to support the report

Mr. Speaker: Kindly use the microphone because the HANSARD team is having a problem recording when you are very far from the microphone.

Hon. Anthony Luseneka: I also rise to support the report with the following observations.

On Trade Loans, this House appropriated some money for the trade loans during the first supplementary last year and up to now we are still waiting for the regulations. We have almost 100 Million that was given during the first and second regime which is outside. This report does not even indicate how much has been recovered, how much is doubtful or bad debt. So we don't know if this money that is out will ever be recovered because it is over 100 Million and we are almost a similar amount as new loans. I think the committee should dig deeper and see if this money that was given out will ever be recovered and if not what measures are being putting in place so that the new trade loans are recovered.

On street lights, I think we gave during first supplementary over 102 Million for the street lights and repairs, as we speak some markets are still in darkness yet we gave out the money to facilitate the repairs and new installations. I remember when the Governor addressed the first market that he mentioned was Ndengelwa that it was going to be installed with high mast flood lights and up to now nothing has been installed, yet there is rampant insecurity on the market.

My people were hoping that once installed at least it will act as a security measure, so that people's shops are not broken into. As we speak at Ndengelwa market, one is either forced to sleep at his business or carry the items that he is selling to his home, which is a bit difficult task. Therefore, if the lights are repaired and new ones fixed then it will help those in businesses.

As I finalize, the idea of appropriating funds where the department is not ready to utilize the same as Trade Loans, I think we should rethink about because the money is still idle in the department...

Mr. Speaker: Hon. Luseneka, you are a senior member of this House and this week we passed the Trade Loan Regulation. I am wondering how you expected the disbursement of the funds to have been done without the regulations in place.

Hon. Anthony Luseneka: Hon. Speaker, I am saying that the issue of Trade Loans, we haven't started giving out the loans...

Mr. Speaker: What I am trying to put across is basically the House this week approved the regulations to guide the disbursement of Trade Loans.

Hon. Anthony Luseneka: Sorry Mr. Speaker, this week I was out on official duty which you are aware. Therefore, I will conduct the relevant department...

Mr. Speaker: Your Deputy needs to brief you once you come back.

Hon. Anthony Luseneka: I will Hon. Speaker. As I finalize, I was saying that as much as we have passed the regulations, considering that we passed a supplementary budget last year plus the main budget, the department should hasten the process and utilize the funds as allocated.

Finally, when we passed the budget estimates late in June, we were assured that by end of July our entire CEF project would have been advertised. As we speak we haven't seen any way forward on our projects especially on issues to do with roads...

Mr. Speaker: Hon. Luseneka, I think you are now going outside the motion. When you talk about CEF and roads projects and the report before the House is talking about trade loans then you are out of order.

Hon. Anthony Luseneka: Allow me finish Hon. Speaker. This 9 months report also indicates how the money has been utilized as appropriated by this House. It also touches on our projects in our wards. My request to the executive to fasten the process to make sure that any amount allocated for particular projects come maybe in the second quarter all projects should be advertised and contractors on side to avoid the issue of pending bills. Otherwise, I support the report.

Hon. Hentry Nyongesa: Thank you, Mr. Speaker. First, I want to applaud the chairperson for the report that he has just moved and the entire committee at large. This department is the heart of this county because of the projects earmarked for implementation under the department of Trade and Energy.

I want to particularly mention about the development vote was too low in terms of implementation. I want to urge that all projects under this department is fast-tracked especially lighting of our markets for the purposes of being a 24-hour-economy.

The committee has made some recommendations especially on loans, where the committee has come out clearly and said that the collection account has around Kshs. 2 million. The committee did not dig further to establish the balances under other quarters because this means that money was given out that is reason it is the collection account. If we have 2 accounts one for collection and the other one that receives the money which has about Kshs. 300 and the one collecting has Kshs. 2 million until you wonder where the money is hanging. I think the committee should go further to find out if the money is still with the beneficiaries.

As was here as pioneer MCA and most of the money was given during the First Assembly at the start of devolution. One of the recommendations should be that if follow up has been made to recover the money and there is no achievement, we have to look at the status who took the funds and if it is impossible to recover we term it as bad debt so that it is written off so that we start on a better note. I say this because I am worried because if we go the direction as alluded by the Leader of Minority people will shy away from the taking the loans.

Our people already fear taking loans alleging that they might be auctioned for non-repayment. We must have a better approach on how we are giving loans because this is money meant for those in business. We must consider those in business not opportunists who imagine its free money from government. This is money that is supposed to be given to people and they back so that others can also benefit from the same facility as a revolving fund. The committee should go ahead and put a lot of strings and look at those in arrears if they are able to pay back and if not able what is the solution? Those are some of the issues that we have to look. The County Treasury should be clear on money released to various departments because we might be having an open an open cheque for people to swindle the money. That we also have people with imprest which remain un-surrendered and they are not indicating when the imprest will be accounted for. I rest my case.

Hon. Vitalis Wangila: Thank you, Mr. Speaker Sir...

Mr. Speaker: Honourable members don't sit on the chairs that are reserved for the leadership of the House.

Hon. Vitalis Wangila: Thank you, Mr. Speaker. Allow me support this motion that was moved by the chairperson of the committee as I applaud the entire committee for a job well done. I want also to emphasize on the issue of trade loans. As we speak in my ward I know beneficiaries in my ward that deliberately refused to refund but they are in position to do it. The reason is that the persons concerned are not following up to make sure that the loans are paid back. When I follow up I realized that we had people referred to as loan ambassadors

who follow up repayments and they hardly banked the money in the right account. These people were on contracts and some of them decided to pay themselves...

Hon. Ali Machani: *(On a point of order)* Hon. Speaker, is it in order for a senior member to raise accusations over members of staff who cannot defend themselves on the floor of the House? Is in order?

Mr. Speaker: Hon. Vitalis, you either substantiate or withdraw you statement.

Hon. Vitalis Wangila: Thank you, Mr. Speaker. I withdraw the statement. The other issue is that trade loans had the involvement of the Ward Administrators who understood well how the money were being disbursed. As we speak there were many changes and the administrators have shifted to other areas which makes it hard to follow up on the beneficiaries in order to pay back the loans. Otherwise, I support the report.

Hon. Jack Wambulwa: Thank you Hon. Speaker, I rise to support the motion presented to us by Hon. Ipara on behalf of the committee. I want to say thank you for the good report. Having said that, I want to stress on some issues that members have raised especially on the trade loans. I would like the committee to dig further because as members have indicated when we made follow ups on the trade loans, there are those that were given trade loans to do business through LPO funding model in the last regime. How do you expect someone who has been given an LPO not to repay back? This is somebody who did work, he or she was paid and yet they have not refunded the loans. This is a big scandal that is coming up and we have to go further even up to PAIC to make sure that we recover this money, so that we can top up on what we have allocated in this financial year, so that people can access the trade loans to do business.

I also request the committee to dig further on the issue of street lights. There is what we had agreed previously per ward; there are those that were to be given the solar masts, there are those that were to be given street lights but the lights did not reach the ground. Today you go to some wards like mine I was promised about 20 street lights and what are on the ground are only 9, what happened with the 11 yet it was in the budget? More so, when we go further even the money that was set aside to do repairs, these some workers in the Trade department collude with contractors to come and destroy that are on the markets and claim that they have been vandalized by thieves which is not true. This is done some that they come to repair the street lights using old repairs. This is something that they need to dig further and make sure that we get services for our money.

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. First, allow me also appreciate the committee through the mover of the report and the seconder. Allow me basing on the recommendations make my own observations by urging the committee on the issue of street lights when the committee decides to conduct a fact finding at what time shall they do it?

That is why we have a big mess in that department because fact finding is done during the day yet the lights are on during night hours making it tricky.

Reading recommendation number 4 and the chairperson should be keen on this and establish if it was a mistake or they were not well guided. Because the issue of imprest is clear in the PFMA Regulation 93 that the surrender of imprest should be within 7 days. The committee is telling us that the department should provide details on how it intends to ensure surrender is made. This is a big joke to us as a House. Let us ensure that public funds are well utilized by following the law as required. If they show you on how they intend to recover, suppose they don't, what shall we do? I insist that the law should be followed. I support the report.

Hon. Linda Kharakha: Thank you, Mr. Speaker...

Mr. Speaker: Members, consult in low tones please.

Hon. Linda Kharakha: Thank you, Mr. Speaker. My first point is that we talked about the threshold being below the required budget, how we wish that in the coming times that the department has an increased budget allocation to be able to carry out its functions. We can all agree that matters that fall on this department are critical; matters of trade loans and streets lights; some of these require financial support for them to be able to carry out their activities.

On matters street lights, as a committee I think the street lights is a major issue in the County and we can see each honourable member sitting is hoping that it is implemented. Hon. Speaker, with your permission, I would like to tell the House that the street project is an on-going project and the committee is hands-on. We retreated last weekend and the report will be tabled upon the House over the same...

Hon. Jack Wambulwa: (*On a point of information*) I would like to inform the member on the floor that she is not supposed to reply to the concerns raised by members, the Chairperson is taking note to reply to the House.

Mr. Speaker: Equally Hon. Linda, I am addressing you. When you talk about a report that is still with the committee and discussing its contents it amounts to anticipation of debate. Kindly leave out that line of argument. What is the issue Hon. Ali Machani?

Hon. Ali Machani: (*On a point of information*) Hon. Speaker, you advised that we should be closer to the microphone. I want to inform the House that it is procedural that when a report is on the floor, members should be in the House to assist and give highlights on areas that may be when the chairperson was reading the report members have reacted over. Any member within that committee can speak and assist the chairperson to give replies technically but not replying to the motion.

Mr. Speaker: That is in order. For guidance purposes, the duty of the chairperson is to reply to the motion and the issues raised. Now when a member wants to reply to the motion at hand, therefore, what will the mover do during his reply? I think let's stick to the rules of practice and if you are not the mover, kindly share what you have with the mover of the report so that he/she will reply appropriately.

Hon. Linda, kindly finish your submissions.

Hon. Linda Kharakha: Thank you, Mr. Speaker. I have learnt something today. I had the same idea as Hon. Ali Machani and in that order then whatever I have shared with the Chair, he will be able to reply to our members and I will pause there for my contribution.

Mr. Speaker: Thank you, Hon. Linda. Hon. Milliah Masungu, you will be closing then mover to reply to the motion accordingly.

Hon. Milliah Masungu: Thank you, Hon. Speaker to have given me this chance also to give my submissions on the motion before us today. First and foremost, I want to laud the mover of the motion for the eloquence when he was reading the report. Yesterday I was in this House when the report for Tourism and Environment was being read on the floor of this House. Today I have equally listened very carefully to the report from Department of Trade but the reports from the executive are almost the same. I am wondering whether they are sharing the reports or what is happening especially on some key areas. The PFM Act is not followed and it's a recommendation across in both the two financial reports that have been tabled in this House from yesterday.

The un-surrendered imprest is a disease that we should look for a way on how to handle it. How these departments bring these Financial reports before us because most of the staff are not surrendering their imprests, we can conclude that if an imprest is not surrendered then it means there was no work done for that specific allocation. As members of these committees, kindly let us sit in these committees and stamp our authority that the staff must comply with the regulations in the PFM Act.

On trade loans, the observations made by the committee members were quite good but only just to beef up some weight that the executive must come up with a very clear program on this money that the County Government is giving to this department. Give us a clear structure on how the beneficiaries are going to get this money and make sure that the money being revolving fund is felt on the ground. I want to laud the committee and the Chair and urge that contributions by members be incorporated in the report and be implemented. I support the report.

Mr. Speaker: Thank you, Hon. Milliah Masungu. Honourable members; allow me invite Hon. Okasida Ipara, the mover of the motion to reply to the motion. Hon. Ipara, proceed.

Hon. Johnston Ipara: Thank you, Hon. Speaker. Let me start by appreciating the Honourable members that have taken their time to contribute to this particular important report.

Trade loan is a concern for all of us who are seated in this Honourable House because every time you go home those who gave you the work, the first question they have is when do we get these loans and you remember very well that a week ago we did approve the regulations that will govern disbursement of these trade loans. We were let down by the previous regulation which was not gazetted and which made recovery of money difficult, as we were to use litigation because we did not have any law to support our actions.

Hon. Machani talked about our own revenue; Actually we are saying that the role of every department that is involved in collection of our own revenue, they should put in place measures to ensure that there is no diversion of our own revenue so that we increase the services that we provide to the people of this beloved County.

Hon. Lusenaka talked about trade loan releases; we could not have released the loan in the absence of a regulation, but I want to assure the House that the regulation was passed and we believe the Governor is assenting to it and next week God willing, the money will be available for our traders within the County.

Street lighting is a major issue because we are saying that if you want to prolong the working hours of the traders, you must ensure their security and that is our primary role to make sure that at least streetlights are all over across the County without bias and favours. We must ensure that every centre has light.

On CEF projects, I want to assure the Honourable members already tender documents are in advanced stage and very soon the advert will be out and those projects will be covered.

You remember Hon. Nyongesa you were in the previous Assembly where Kshs 115,000,000 was allocated to the Trade loan out of that, what we were only able to recover was 2, 000,000 and the rest has not been recovered. What has hampered the recovery of that money is the non-gazetted regulation that we were using and most of the violators and ward administrators did benefit from these loans and we are saying that immediately these regulations are enacted, since we gave ways on how that money should be recovered and particularly where the beneficiaries were the workers of the County, we were very clear on how we want that money to be recovered.

This is a revolving fund and in the recent budget that was approved by this house, we allocated 115,000,000 Kshs to jump start the fund.

Hon. Vitalis emphasised on trade loan ambassadors but in the current regulations, we were very clear on how that loan should be disbursed and on the recovery measures of that particular loan.

We have two levels on how the trade loan is approved; applications are received at the ward, they are submitted to the County level where the Fund Administrator is and is the person who will be responsible with the input from the ward to award or not award.

Let me thank Hon. Jack, Chair - Budget and Appropriation Committee. The Honourable member ensured his committee allocated Kshs 115,000,000 to trade loans that we shall start

disbursing to the people across the County. On streetlights, Chair Budget, I will ensure that what was allocated to every ward must be given and in the absence some persons will be put to task to account on why the program was not implemented as budgeted by this House.

The Majority Leader put emphasis on street lighting. You can understand that is a key one when he talks about security of the business community.

On fact finding, this one in accordance with the recent directives from the financial institutions, we were informed that fact finding...

Mr. Speaker: Hon. Ipara, what you wanted to know that most of the time we do fact finding during daytime on roads and other areas, now that there are streetlights, you want to verify whether they are working or not. What time will you be doing the verification?

Hon. Johnston Ipara: According to the Kenyan law, it says that we have daytime and night-time and we are allowed to operate between all the two hours whether its night but for this case when you talk about street lighting for you to get a genuine authentic report, you must go at night and Hon. Majority, we shall come there during night time to ensure that we see there are lights within the markets in Tuuti /Marakaru. I will come there and make sure that I find where it's placed within our ward.

On imprests, for the last three reports that have been in this House, there is a violation on the imprest surrender period. The law is very clear, PFM Act is very clear that imprest must be surrendered within seven days, but you will find that it has been violated across and that's why oversight institution we come up with tangible measures that will deter these actions. I want to repeat that when you find somebody is unable to surrender the imprest then it means money was diverted to other purposes that were not initially intended.

Honourable members who have spoken, you will note that trade is an engine of economic growth, create jobs, reduce poverty, increases economic opportunities; raise the living standards of people across the County and the country.

Lastly, if you look at the budget of Trade department, it's not in tandem with activities that it carries across the country and the county because we are saying it's the engine, it creates jobs, it's a place where buyers and sellers meet, so that they meet their needs, but when you see the budget allocated to these department, it does not enable us to do what is required. I want to plead with the Honourable members to adopt this report in totality.

(Applause)

Mr. Speaker: Thank you, Hon. Ipara for the reply. Honourable members, a motion was moved, seconded and debate having ensued that this House adopts the report by the sector Committee on Trade, Energy and Industrialisation on the 9 months Financial Statements on the period ending 31st March 2023 in respect to the department of Trade, Energy and Industrialisation laid on the table of the House on 13th September, 2023.

(Question put and agreed to)

The ayes have it.

(Applause)

The report plus its recommendations are hereby adopted accordingly by this House. Honourable members, at the commencement of the sitting, I did make a communication that I will interfere with our Order Paper.

We have visitors in our public gallery from Ndivisi Girls High School totalling 92 in number accompanied by six teachers in our Speakers gallery.

They are from four candidates have come to learn about devolution and the functions of the County Assembly. Can they be upstanding? Kindly be seated!

(Students took their seats)

(Applause)

They have been accompanied by the following teachers

- 1) Mr. Walela Emmanuel
- 2) Mr. Maina Wafula
- 3) Mr. Wakoli Frankline
- 4) Kevin Wafula
- 5) Madam Safari Linda
- 6) Mr. Simiyu Leonard

(Be upstanding)

On the list there was a senior Principal Mrs Ruth Nabiswa but I think they have confirmed she has not come. That's my History and Government teacher. I joined with Mr. Vitalis. Now even if you are keeping quiet that is our teacher. So I welcome you to the County Assembly of Bungoma to learn.

Honourable members, at the appropriate time, I will allow members to make few remarks before we proceed!

Resume your seats, kindly!

(Teachers took their seats)

(Applause)

Honourable members, since we are going to the next motion, I will allow a few members to make brief remarks starting with Honourable MCA of the area Hon. Alfred. Proceed Hon. Alfred!

Hon. Alfred Mukhanya: Mr. Speaker, yesterday late in the evening I got a message from one Mr. Emmanuel Walela promising to come around the County Assembly of Bungoma and

I would say Mr. Walela and your able teachers and students of Ndivisi Girls. You are welcome to Bungoma County Assembly. This County Assembly of Bungoma is a replica of the National Assembly and the Senate. I welcome all the girls and urge them to learn a lot so that in the fourth coming exams they will know what to do.

Mr. Walela and your team do your best so that the students also benefit. At the end of the year, we will be celebrating their results. Ndivisi Girls is in Ndivisi ward and is one of the biggest schools in Webuye East Sub County and for the form fours, I think a number of 90 is a good number.

Mr. Speaker: Kindly be on HANSARD please!

Hon. Alfred Mukhanya: Ndivisi Girls I think is one of the schools which started in the late 2008 by the then MP Mr. Alfred Sambu who was at that time trying to separate the girls from the boys of Ndivisi Boys. It's the second largest secondary school in Webuye East Sub County behind St. Cecelia Girls and their performance has been excellent and we are wishing them the best when they go back. Let them do the best so that they can also come out victoriously. It's only about a month ago we managed to visit the school with our Governor and he promised which of course they are doing that they are going to give us the best results. So Ndivisi Girls, go back and do your the best.

The third thing, I would want to say is to encourage our girls that obey your teachers, do what they have told you to do so that by the end of the day, you earn the best marks in the country. I think tomorrow you also become leaders like the way we are. The way you are seeing us here in the Assembly, we are both the minority and majority like I had said. The other side is the majority, this other side is the minority and we all work together as a team for the common goal of the *Mwananchi* that gave us this mandate.

I also want to tell the students that when you get to school, do the way we are doing. Don't undermine your teachers, and follow what they have told you. For the teachers; guide your students so that at the end of the year we celebrate. With those few remarks, I welcome the teachers and the students that *karibu* to Bungoma County Assembly.

Mr. Speaker: Hon. Nangalama, proceed.

Hon. Metrine Nangalama: Thank you, Mr. Speaker Sir for giving me this chance at least to say one word or two to these Ndivisi Girls High School. First of all, let me...

Mr. Speaker: Honourable Members, just for guidance, once you have pressed it is noted here. You press again you will come down the list. Just one press is sufficient for me. Proceed.

Hon. Metrine Nangalama: Thank you, Speaker for that correction. Let me take this chance to first appreciate those teachers from Ndivisi Girls for taking this initiative to bring these girls here today to learn one or two things. I myself, the person you see standing here is a product of Lutacho Secondary School. I schooled at Lutacho Secondary School having been

born at Lugusi according to administration boundaries. Lugusi it is in Ndivisi Division. So the student from Ndivisi Girls, don't underrate yourself but be determined and work very hard. I remember during our days when the father to our Speaker, Mr. Mukhebi was my English teacher at Lutacho Secondary School.

(Applause)

Those days' things were not very easy the way you are seeing. I remember when we were going maybe for ball games or any trip, we used bicycles or hired vans but I can see nowadays things have improved. You are using buses whereby our former Member of Parliament *Mheshimiwa* Sambu...

Mr. Speaker: Hon. Nangalama observe Standing Orders please.

Hon. Metrine Nangalama: Thank you, Mr. Speaker. I am saying Hon. Alfred Wekesa Sambu did something good by buying buses for secondary schools. Respect yourself, respect God and for the remaining few days or two months you can still make an improvement. Continue reading very hard and tomorrow you will be somewhere or you will be here. We have doctors, teachers and other professionals only if we continue respecting ourselves and learning very hard.

Lastly, I will have to appreciate the team from Ndivisi. I have seen my brother there and other teachers for voting in *Mheshimiwa* Mukhanya. I say thank you very much. We are working with him very well.

(Applause)

In other words, maybe he is the one who contributed for my nomination last time. I was in the...

(Applause)

Mr. Speaker: Hon. Metrine, stick to the agenda at hand.

Hon. Metrine Nangalama: Thank you very much for voting in *Mheshimwa* Mukhanya, continue standing with him. God bless you so much. I am your daughter Metrine Nangalama. We are together.

(Applause)

(Laughter)

Mr. Speaker: Thank you, Hon. Nangalama. Hon. Masungo,

Hon. Milliah Masungu: Thank you, Honourable Speaker for giving me this chance to also welcome these sweet girls in this Honourable House. I want to appreciate the teachers of Ndivisi Girls to have thought it wise to bring these girls in this Parliament in Bungoma County Assembly. I am sure this is an extension of the lessons at school. I am also sure that the girls seated behind us in the gallery are history students and from this House. They are learning and I am sure they have questions.

Mr. Speaker: Just a minute Hon. Milliah. Hon. Hentry, what is the issue?

Hon. Hentry Nyongesa: Sorry, Mr. Speaker for interrupting the member. I'm seeing some subsidies they are moving around...

Mr. Speaker: What?

Hon. Henry: Some subsidises, which is, some barter trade is happening in the House.

Laughter

Mr. Speaker: Honourable Members, I am yet to see the exchange of goods. So I think that one is disallowed. Proceed Hon. Milliah Masungo.

Hon. Milliah Masungo: Thank you, Mr. Speaker. You know Mr. Speaker sometimes there are busy of body sometimes...

Mr. Speaker: Hon. Milliah Masungo, there are no busy bodies in this House

Hon. Milliah Masungo: Sorry Speaker, I withdraw the statement. I appreciate the teachers from Ndivisi Girls to have taken this initiative of bringing these girls in this House. The teacher seated in the gallery and I don't fear reminding them that Ndivisi Girls has grown on my watch and when I say this, Hon. Ali Machani can bear witness because we started that school with former MP, Hon. Alfred Sambu. I am happy that Ndivisi Girls has grown very fast and it is performing very well. With a good leadership, the former Member of Parliament put in place. Currently we have a leader who has picked up from the good leadership of the former MP. The current Principal Madam Ruth Nabiswa is a very serious academician and I am sure that school will perform well.

So my daughters in the gallery, I want to advise you that your determination these last minutes, your seriousness in studies and following instructions of your teachers is going to take you miles. I have always encouraged girls that, there is nothing special for the boys nor the girls. In this House we have able women MCAs. Very tough ladies who fought for their positions and there is no difference from what you are doing right now. I want to wish you all the best in your forthcoming examination. As you continue learning and getting a few tips of history exams from this House.

Mr. Speaker: Thank you, Hon. Milliah. Hon. Kikechi

Hon. Bernard Kikechi: Thank you, Honourable Speaker for giving me...

Mr. Speaker: Hon. Vitalis, when you made a request you were to be next but your new request is the last on the list.

Hon. Bernard Kikechi: Thank you, Honourable Speaker. I also stand here to give a word of encouragement to our girls from Ndivisi Girls. Ndivisi Girls is my neighbour; that is the Ward of Ndivisi and Mbakalu border each other and from where I stay up to Ndivisi Girls, it is just a distance of around 500 metres. So when I see these girls here, I see my people from home. So our dear girls, mine is just to encourage you. In a few weeks' time you will be sitting your KCSE examinations. Kindly put in enough effort to pass your exams.

As you see me here, I schooled at Makunga, you know that area and here I am an Honourable Member of this Honourable House. So if you dream of being an MCA or elected Member of Parliament, whichever elective post, put in the good effort in your exams and you will succeed.

Otherwise, I take this opportunity to wish you all the best in your forthcoming exam and may God guide you all.

Hon. Vitalis Wangila: Thank you, Mr. Speaker. Allow me also to welcome the Ndivisi Girls Secondary School in this particular honourable House, a House of rules and procedure. I would like to request this House, Honourable members to help me applaud none but one Mrs Nabiswa who was one time my teacher and a teacher of our Speaker seated before us.

(Applause)

I just want to tell the pupils who are here that they are lucky, they have a very good principal of that particular school, who is a senior principal of the school and I want to tell them that when they work very hard, some of them will find themselves seated where our Speaker is sitting because the teacher who taught the Speaker is your teacher there and I Vitalis Wangila as the MCA of Kabula Ward.

At the moment, I am not wishing luck to the students who are going to do exam soon, but I am telling them to work very hard to make sure that they perform well. Otherwise, I say welcome to this Honourable House.

Mr. Speaker: Thank you, Hon. Vitalis. Hon. Sheila.

Hon. Sheila Sifuma: Thank you Mr. Speaker for this opportunity to just welcome the girls from Ndivisi to this Honourable House. This is a school in my home constituency and as a *Khakasa* in this Assembly, who comes from Lukusi village, I just want to tell you, the sky is

the limit. The teachers have given you education. Now they have given you exposure in this House, you know how things are run in this House and now it is up to you to be excellent, so when you go back to school, remember in education you already have exposure that your teachers are giving you and excellence is what you deserve. So I wish you all the best girls; do your best and may you excel.

Mr. Speaker: Thank you, Hon. Sheila. Hon. Ali Machani.

Hon. Ali Machani: Thank you, Honourable Speaker. I want to take this chance first to thank the students and teaching fraternity who are with us here. I want to appreciate teachers for the good work in terms of preparing students for exams. It is something very important that when you associate with the new environment, where some exam questions might be set gives students confidence.

I want to thank Hon. Mukhanya who is the area MCA. Many speakers have confirmed that school is performing well but the history gives us indicators of why that school is performing. In the year 2008 as Hon. Milliah has pronounced this school was mixed school whereby we had boys and girls but through wise decision of the former Member of Parliament Hon. Alfred Sambu he saw it wise for Girls and Boys to have their own separate schools.

This school is one of the best schools in Webuye East where Hon. Mukhanya is a leader and by then he was a councillor and I can see my brother Hon. Mukhongo is smiling, that those days where we respected our leaders, when a Member of Parliament could visit your area, a councillor must be alert and he must be with him. I want to encourage the working relationship between the Member of Parliament and MCA and urge them to invest in schools like Ndivisi Girls.

Ndivisi Girls has students drawn from different areas of this country and I will prefer that Honourable members if you get time through the arrangements of our area MCA Hon. Mukhanya to visit that school and encourage your electorate to take their girls to this school.

Madam Nabiswa was in Muji Secondary school that is my ward. She served there for over 15 years, When she left Muji, she went to Vihiga a very serious high school and recently she joined the Ndivisi family and I know she is doing a marvellous job.

I want to say teachers kindly support the students. We know the exam is just coming up in a few weeks. So we want you to continue polishing them so that our students can give us good results. I am also a parent there. My girl is in form one and I know she is in good hands of an experienced principal. I wish you all the best in your forth coming examination.

Mr. Speaker: Thank you, Hon Ali Machani. Hon. Opwora.

Hon. Edwin Opwora: Thank you, Mr. Speaker for giving me this opportunity. I realise all the contributors in the Assembly are just seated on one zone. Let me speak to neutralise...

(Applause)

Mr. Speaker: Hon. Opwora, you are out of order. If the request are going to come, I will allow them to come the way they are.

Hon. Edwin Opwora: Mr. Speaker, thank you and sorry for that however...

Mr. Speaker: Now that you have said so how do I handle the case of Isaiah Sudi from the other side? Proceed.

(Laughter)

Hon. Edwin Opwora: Mr. Speaker, I just want to first of all, thank the parents of our girls and the teachers for voting in Hon. Mukhanya he is a very hard working gentleman, and I believe they are seeing the fruits back on the ground. I also want to alert Hon. Mukhanya that I pay school fees to the Ndivisi Girls. I support four students and I wrote a cheque for them under the Ward bursary. So I believe our students from Luuya/Bwake are adding value to Ndivisi Girls and making the performance of the school much higher, since you know people from Kabuchai are always sharp.

(Laughter)

Mr. Speaker: Hon. Opwora...proceed.

(Applause)

Hon. Edwin Opwora: Part of ensuring that our county improves, we have to ensure that students mingle and move away from their home regions and I just want to encourage our girls. I know every member is telling you to work hard, but I am encouraging you to work smart, the current world needs people who are working smart. That is why we even have smartphones, smart TVs, and we need smart girls because if you are not smart, you will not get a good husband in future.

(Applause)

So I know this is the year. I encourage them to work smart. Let them read the questions when and I believe the exams will be easier.

Mr. Speaker: Honorable members, you know the hierarchy in this House. When you see a leader is online, let me allow Hon. Sudi to say something because he is part of the House leadership, then I come to the Hon. Chair - Education.

Hon. Isaiah Sudi: Thank you, Mr Speaker. I will be very brief. I have just seen most of the speakers just praising the school, the principal and not mentioning about the teachers who are

with the students here and even the parents who pay the school fees. If it were not for the teachers as much as we wish the students well to work hard, how are they going to work hard minus the teachers?

I wish them well and we encourage them that we assist these girls, even your child elsewhere is also being taught and I am very sure your child will also do well. Teaching is a calling and it's not like what we are doing here now, where you struggle to be here, but for you to be a teacher it's a calling. I want to wish them well as they go back home.

Hon. Speaker: Thank you Hon. Sudi, Hon. Otsiula Chair, Education proceed please.

Hon. Benjamin Otsiula (Chair, Education Committee): Thank you, Hon. Speaker for giving me this opportunity to also pass a word of encouragement to our students. First of all, I wish to also join hands with other honourable members in appreciating Hon. Mukhanya for ensuring that students from his ward are well given a chance to visit this place with a view and intention of learning. I have seen that Hon. Mukhanya is a very active member, a contributor and a key person in this honourable House. And I must say that the people of Ndivisi exercised their right very well to give us a very important person in this honourable House.

The students before us and their teachers, I must mention that teachers play very crucial role in nurturing our students. They shape the way the society moves and we must at all times comprehend and understand that their nature of work, from the Early Childhood Development up to the tertiary and university level. Teachers are very crucial people and important part of our lives and I cannot fail to mention that in this honourable House teachers have displayed high skills. Teachers have produced people who are now serving as honourable members and these tells you that you have a very big role to play in the society and for you to confirm, I am going to mention teachers who are in these House.

Hon. Speaker: Hon. Benjamin, you will be allowed but the list must be complete. Proceed.

Hon. Benjamin Otsiula: Thank you, Hon. Speaker. And I also humbly request that if i forget any honourable member you remind me.

Hon. Speaker: Now I will make punishments.

Hon. Benjamin Otsiula: We have the Deputy Speaker Hon. Stephen Wamalwa. He is a teacher. He loves that profession and he still runs several academies, still nurtures and imparts knowledge in our young ones. Teachers in this House are Hon. Christine Mukhongo, Jacob Psero Maruga and Hon. Masai Chemion. Hon. Opwora, you are not a teacher, I stand guided. I think those are the only teachers who are seated in the House.

Hon. Speaker: Honourable members, I will assist you, Hon. Job Lumbwani is a trained high school teacher.

Hon. Benjamin Otsiula: Hon Mukoyandali all the way from West Bukusu; he is a teacher but I used to meet Hon. Aggrey Mulongo in Kimilili with the *gumbaru* student, subject to your confirmation.

(Laughter)

Thank you Mr. Speaker, just a word of encouragement to our students.

Hon. Speaker: As you finish don't forget our PCA here is PhD candidate of English literature, Mudoga is a master's holder English literature, and I think Mike is also English literature. They are all teachers, so we are proud of the teachers.

(Applause)

The other teachers who teach on Sunday afternoon, those ones I will name them in other meetings, not now.

Laughter

Hon. Benjamin Otsiula: I think Hon. Speaker the teaching profession is wide enough. I can see Mike is now happy and is even putting on his spectacles. I was just passing a word of encouragement to our learners that this is the opportunity they have to change their lives. They will have to mould their lives and once they are given this kind of opportunity sometimes it comes once in their lifetime. Their parents have worked very hard to ensure that they are in school in order for them to pursue their education.

Respective honourable members from that region are very passionate about that school and the school is lucky to have honourable members who are praising it. They are keeping an eye on the school to ensure that the school is running very well. Therefore, the students in that school are challenged to work very hard and be disciplined because it is the key and it will always lead to success.

Members in this County Assembly play various roles; one of the roles is to represent the people that elected them to this House. We represent our people by collecting their views, listening to them, formulating laws that represent the interest of the wider people of Bungoma County. We legislate, meaning they pass laws here. Those laws that regulate the running of the County Government of Bungoma are passed by this Honourable House and implemented by the executive. That is a very key function of this County Assembly.

We oversight, we keep an eye on the functions and the running of the government. We have to put the executive on toes to ensure that they deliver on their mandate and also to ensure that all the laws passed in this House are implemented.

Finally, when I say that they pass laws, they debate and do all sorts of things. You have to go home realizing that the bursary that you receive, it's this House that debated the budget, approved the money and set aside money that was disbursed and that's why you were able to

benefit from the bursary. I want to wish all the candidates the very best in their exams as you prepare for your exams.

Hon. Speaker: Thank you, Hon. Otsiula, our Chair Committee on Education and VTCs. Allow me on behalf of others who haven't spoken to join you on behalf of the Assembly of Bungoma, the House leadership and our staff to wish the candidates all their best in the forthcoming examinations. I equally take the position of Hon. Vitalis, that there is nothing called luck in an exam, if you haven't prepared then there is nothing called luck. So you must work harder in the remaining days for you to pass the examination.

For teachers, I equally applaud you on behalf of the Assembly for the wonderful job you are doing. You have seen we have many teachers here, we only urge that you keep on. Basically, your profession is a calling. None of us can claim that politics is a calling from God and you are the only special people who share a calling with Jesus Christ. So we urge that you keep on supporting our girls to do well in their examinations.

Equally, I will ask that you pass our regards to the Senior Principal Mrs Ruth Nabiswa, our history teacher with Hon. Vitalis in our Form 1 and 2 in Bokoli High School way back in early 90s, not exactly which year but in early 90s. Thank you and let's proceed.

Next item,

MOTION ON APPOINTMENT OF THE COUNTY SECRETARY

Mr. Speaker: Hon. Jack, come and prosecute your motion accordingly!

Hon. Jack Wambulwa: Thank you, Hon. Speaker. As I rise pursuant to Standing Order No. 58, I beg to move the following Motion;

Aware that Article 10 and 232 of the Constitution of Kenya, 2010 provides for Principles and Values of good governance, key amongst them is the Principle of Accountability and the Rule of Law.

Hon. Speaker, Hon. Mulongo is....

Mr. Speaker: Honourable Members consulting, especially the people who are elderly, kindly, you know those ones do not know how to consult in low tones or whisper. They keep on shouting thinking they are whispering. Proceed, Hon. Mulongo!

(Laughter)

Sorry! Sorry! Proceed, Hon. Jack!

Hon. Jack Wambulwa: Thank you, Hon. Speaker. Understanding that the County Governments' Act, 2012 in particular; Section 44 of the County Governments' Act establishes the office of the County Secretary. Realising that the substantive County Secretary left the office almost immediately after the General Election; understanding that the office has not been filled to date, hence hampering service delivery. Cognisant of the fact that

the office of the County Secretary must be occupied by the substantive office holder for accountability, efficiency and effectiveness in service delivery by the County Government of Bungoma, the office remains unfilled. I now move and propose that His Excellency the Governor competitively fills the position of the County Secretary.

Mr. Speaker: Hon. Jack, just go back, you now move. You know it is your motion and we are following, proceed the way it is. You now move....

Hon. Jack Wambulwa: I now move and propose that His Excellency the Governor competitively fills the position...

Mr. Speaker: Honourable Member, do you have a problem? In compliance with Section 44, that is your motion? When you say competitively then you say compliant then we are at a variance...

Hon. Jack Wambulwa: I now move that His Excellency the Governor moves ahead and appoints a new County Secretary in office so that services can be delivered.

I therefore propose and as you might be aware this is an oversight House and as an oversight House; as much as I come from the ruling party in this County Assembly, we cannot see things go wrong and assume. It is now almost a year without a County Secretary in office and wherever we have always met, whoever is acting always tells us that she is overwhelmed. Going by the department she holds, that is the Department of Agriculture, she cannot be acting in her substantive position and as the County Secretary at the same time and be effective. We want to see that cabinet meetings chaired by His Excellency the Governor and have a neutral person who will be taking minutes that will assist this County to move forward.

Here is one who is already a Cabinet Member who has the interest of a department; how sure are we that this minute will be free and fair for all? That is something that I wish to urge my colleague members that we stand up and demand that we have a substantive County Secretary as soon as possible. I therefore wish to take this opportunity to call upon my colleague Hon. Milliah Masungu to second.

Mr. Speaker: Before you call her, just go through that area again because that is what you brought to me.

Hon. Jack Wambulwa: Thank you Honourable Speaker. I now move and propose that His Excellency the Governor, in compliance with section 44 (2) (a) of the County Governments Act, 2012; constitutes a selection panel for the purposes of competitive recruitment of the County Secretary with immediate effect. I therefore wish to call upon Hon. Milliah Masungu to second this motion.

Mr. Speaker: Hon. Milliah Masungu, you have the honour of seconding the motion.

Hon. Milliah Masungu: Thank you Hon. Speaker. I rise to second the motion tabled by Hon. Jack Wambulwa the Chair of the Budget Committee. The office of the County Secretary must

be put in place. The filling of that office is long overdue and as you understand, this is a Government that has got its own errands and has to serve Bungoma people effectively; and by having lapses in the executive side, we are not going to achieve our expectations.

We have seen the acting CS in the office, we have had so many lapses in the running of the errands of this County because all the time we seek any advice from her, and she will always give us a response that she is overwhelmed. True from the mover of the motion, this is a CECM who is having a very powerful Department; the Agriculture Department with almost three Chief Officers and so she has to be in her office as well as serve as the County Secretary. She has to go for the cabinet meetings and eventually we get lapses. As I sit, I second the motion.

(Applause)

Mr. Speaker: Thank you Hon. Milliah for seconding the motion at hand. Honourable Members, I will now proceed and propose a motion for debate.

(Question proposed)

Hon. Stephen Wamalwa!

Hon. Stephen Wamalwa: Thank you Hon. Speaker. I rise to support the motion as advanced by Hon. Jack, Member for Kimaeti. It is high time that this County was fully constituted and the offices filled. The reason for this is the lapses and the gaps that we as a House have experienced courtesy of the holder of that Office of County Secretary in acting capacity and also doubling up as a CECM for Agriculture. This House has seen a floodgate of questions, statements that were supposed to be responded to by the CECM Agriculture. Such and some of them, if not most, have not gotten sufficient responses; and partially it has been because of what this Member has mentioned in passing in a serious way that she is overwhelmed. It might be one reason we are not having value for the people of Bungoma in the Department of Agriculture.

Two, the very Department of Agriculture is very versed and Bungoma is renown; in fact Bungoma's backbone economically is Agriculture. Very many parts of Bungoma are endowed with fertile land, good climate and weather for production of food so that we are self-sufficient. Apart from that, we can also get surplus that we can even use as revenue for our families. But the person in charge, I want to presume this person is so much occupied purporting to be the County Secretary, as opposed to working in the substantive position that was given her.

The County Secretary is the Secretary to the cabinet; taking minutes. I want to wonder aloud.., who takes minutes, who is this person who represents Agriculture Department in the absence of the Agriculture CECM, yet we do not have assistant secretaries and CECMs .We only have a CECM who is in charge of that department. Unfortunately this person is now the County Secretary taking notes, minutes and there is nobody keen to safeguard, propagate and protect the interest of Agriculture in this County.

Two, when it comes to voting, the County Secretary is an Ex officio member in those cabinet meetings. Being ex officio means that when a vote is called, this officer cannot vote. If it is something that touches on the department that this person is and whether we like it or not, these things co-relate. There is how Agriculture relates with other departments. In the absence of this officer, who should give a vote and she is not there, it creates lapses and gaps and as a county, Bungoma has enough brains; ladies who are beautiful and men who are handsome..

Yes Honourable Speaker!

Mr. Speaker: I haven't said anything .Proceed!

Hon. Stephen Wamalwa: Yes. This County is endowed with sons and daughters, fathers and mothers, uncles and aunties who are gifted and we are not short of people who can sit in that office properly and perform the functions that are supposed to be done in that office. This motion is timely and I want applaud the mover of the motion...

Mr. Speaker: Hon. Aggrey Mulongo, Order!

Hon. Stephen Wamalwa: Thank you Hon. Speaker for protecting me.

Mr. Speaker: From this elderly...Proceed!

Hon. Stephen Wamalwa: Hon. Speaker, these are also signs of aging. We have a problem with aging signs.

Mr. Speaker: Hon. Mulongo, I cannot protect you if you are the one making noise in this House. Proceed, Hon. Deputy Speaker!

Hon. Stephen Wamalwa: Honourable Speaker I wish to urge the House that we support this motion and the resolutions of this Assembly should be adhered to; and as a matter of urgency, we should start the process. The County Executive should start the process of getting a substantive County Secretary so that we cannot have gaps in our County. I support the motion.

Mr. Speaker: Thank you Hon. Job then I will have Hon. Edwin and Chemion in that order.

Hon. Job Mukoyandali: Thank you Mr. Speaker for giving me this chance. First and foremost, I would like to applaud the mover of the motion for actually having sat down and thought of this matter of County interest. For a long time, for the past about nine months, I have been wondering who has been responding to questions in the Cabinet which touch on agriculture, especially, just as the Hon. Deputy Speaker has said; when whoever is supposed to respond to the questions which affect agriculture is the one taking minutes for the Cabinet. For these nine months that have lapsed, we were almost having things at standstill. When you look at the county operations in terms of agriculture which is a key sector, especially when it comes to the people of Bungoma County, you realise that things have not have not been moving properly.

We have the CECM, Agriculture who is also standing in as a County Secretary and all the time you have seen the kind of questions that come on this Floor. They actually affect that Department of Agriculture. That specifically shows things have not been right. Therefore, we really want to urge the Governor that he goes ahead and puts in place a committee so that we can have somebody in that office; and so that it does not affect the kind of work that is supposed to be done in those two departments. We would not like to see all the time questions are raised on the floor. We have the County Secretary coming here; and when we are planning to have the next meeting, she says that she will be somewhere attending to something different, when we really need answers to some questions that we normally raise on this Floor.

So let the Governor go ahead, let the Executive go ahead and make sure that we have a County Secretary who will be in that office to produce the minutes for Cabinet and we have the CECM Agriculture who can answer to questions on this Floor that affects the Agriculture Department.

Mr. Speaker: Thank you, Hon. Job. Hon. Edwin sum up please...

Hon. Edwin Opwora: Thank you Mr. Speaker for giving me this opportunity. I want to laud Hon. Jack Wambulwa for moving this motion. There is a critical role that a County Secretary plays in the Cabinet; and by virtue that we are having another critical role under the Department of Agriculture, with the same officer serving in an acting capacity in the County Secretary's office, I believe this is an overwhelming task to her and it is affecting effectiveness in the county activities. The Department of Agriculture, I believe is one of the key pillars of Bungoma County and if we continue leaving the CECM to work with half her mind in Agriculture and half as a County Secretary, that means soon we are going to have bigger problems in the Department of Agriculture. So I want to support this motion and just to note that maybe there are few moves which the acting CECM has done that I believe should be questionable.

For instance, we have seen some reappointments back into work for one Dr. Mutoro who having resigned to vie as an independent candidate in the last general election got a letter to resume official work. I believe these are some of the questionable moves that this House as part of our oversight role should point out; so that the Governor appoints a relevant person in that docket.

So I urge Honourable Governor to follow the law as prescribed under Section 44 (2) (a) of the 2012 Act and constitute a board that will oversee recruitment of a new County Secretary. We have our able ladies and gentleman in this County who can serve in that capacity.

Mr. Speaker: Thank you. Hon. Chemion you are online and I think I will give you that chance.

Hon. Francis Chemion: Hon. Speaker, I had rescinded my decision to contribute, but now that I was online...

Mr. Speaker: You rescinded it on your own, but this side I did not see the rescinding part of it. Proceed.

Hon. Francis Chemion: Thank you Hon. Speaker. My question will be, I am very sure what the Deputy Speaker was insinuating was very correct. He said this County has the most handsome and the most beautiful ladies. Now when...

Mr. Speaker: You clarify handsome men and beautiful ladies don't just say handsome!

Hon. Francis Chemion: I want more clarification Hon. Speaker. Now where do we put those ones who are ugly? Of course they are there...

(Laughter)

Mr. Speaker: I think you are out of order! Where I sit, I have never come across any ugly or non-beautiful man or woman in this County

Hon. Francis Chemion: Speaker they are there...

Mr. Speaker: Hon. Chemion, I know you go to church and the Bible says that every man and woman is made in the image of God. So, I am wondering who is that ugly. Have I come across any ...yes Hon. Deputy?

Hon. Stephen Wafula: May be because from where I sit, I see Bungoma as well endowed with very beautiful and handsome people, but where Hon. Chemion sits, he knows where those ugly people are and he should be clear and tell us so that we can also go there and support them so that you can now talk from that point.

Mr. Speaker: But from my biblical point of view, I have clarified. There is no ugly person. We are all handsome and beautifully made in the image of God! That is my position.

(Applause)

Hon. Francis Chemion: You know I am a linguist...

Mr. Speaker: But a Christian still...

Hon. Francis Chemion: I trained as a teacher of English and Literature and the word ugly exists in the dictionary and linguistically it is a word that can be applied to anything. So from

the linguistic point of view, we have all categories of people in our County and so for me, I would propose that all categories of people who live in Bungoma qualify to occupy that office. Secondly, I am very sure Hon. Jack...

Mr. Speaker: What is the issue Hon. Linda?

Hon. Linda Kharakha: Mr. Speaker, I would like to know, if the position you are speaking about, that of the County Secretary, is it on qualification or everybody can apply on the basis of beauty? Because I think we are insinuating that every beautiful person or handsome person is qualified.

Mr. Speaker: You specify; every handsome man and beautiful lady. A lady cannot be handsome and you know it...

Hon. Linda Kharakha: Mr. Speaker I think at this point if we talked of qualification, we will nullify it because beauty depends on each and every person; or is it because what you are saying here that is it a money factor?

Mr. Speaker: But Hon. Linda you heard what Hon. Jack said as per section 44 (2) (a) of the County Governments Act; that is where the qualification is laid down

Hon. Linda Kharakha: Yes, Mr. Speaker, I agree very much with you. But at this point, I think we are deviating from the point when Hon. Chemion is...

(Applause)

...raising a matter of beauty and everyone being qualified... We should stick to the section and the Act on qualifications.

Mr. Speaker: Yes, Hon. Chemion, I think you are guided that in that school where you went... the linguist school where the word ugly exists... Let everyone with those qualifications come forward and apply.

Hon. Francis Chemion: Thank you, Speaker. I want to make progress but members are dragging me behind

Mr. Speaker: Are they holding your coat or how are they dragging you?

Hon. Francis Chemion: The word that I have said is that all categories of people, if they have those minimum qualifications qualify to occupy the office. I don't think I went against the law. The second issue that I wanted to respond to is that as the mover responds, who is a great friend of mine, I am very sure he will be able even to...

You know in this House sometimes we may not have knowledge on the law that guides the number of months that a person can act. I am very sure Hon. Jack will say something about it so that you qualify the point that you have brought, that will give you more fodder than even us; so that we now get to know why we need the appointment of the County Secretary. Otherwise, I want to end there and thank the Honourable House for according me that chance.

Mr. Speaker: Hon. Ali Machani? Hon. Ipara will be the last speaker then I will invite Hon. Jack to respond, and then the last item will be from Order Paper; one statement. Hon. Ali Machani summarise please.

No, it is Hon. Ali Machani first and I am saying that Honourable Members, before I give you the microphone, hold your horses.

Hon. Ali Machani: Nakushukuru ndungu mwelekezi. Kwanza nataka nichukue fursa hii nimshukuru Mheshimiwa Jack Wambulwa mtetezi wa eneo la Kimaeti kwa kuleta mswada ambao hasa amelenga nafasi ya Katibu Mkuu wa barasa la mawaziri wa jimbo. Zaidi ya hayo pia nakubaliana naye kwamba kuna utepetevu mwingi sana katika vitengo viwili; kwanza katika kitengo cha Katibu na pia kwa kitengo cha Waziri wa Kilimo. Wakati wowote ule ambao mtu anakalia kiti ambacho si chake ama si kiti ambacho alifanya utaratibu wa kuchagua anayefaa kukalia kiti, mara nyingi dosari hutokea baada ya hiyo kazi.

Tulipomaliza uchaguzi, kulikuwepo na mabadiliko lakini kufikia sasa ni miezi mitisa kama hiyo afisi ya katibu bado iko wazi. Haimaanishi kuwa sehemu zingine hakuna wale ambao wameshikilia afisi kwa muda, lakini hii afisi ni sehemu ambayo ni muhimu sana. Wakati Gavana anakalia kiti kama mwenyekiti, kisheria inakubalika kwamba kuwe na mtu maalumu ambaye anakalia kiti cha katibu ili kunakili mazungumzo yote ya kamati ya mawaziri. Pia atakuwa na wakati wa kumkumbusha Gavana kuhusu masuala ya kaunti.

Lakini sasa hivi tunavyoendelea utapata ya kwamba anayeshikilia kwa muda afisi ya katibu ni waziri. Kuna siku nilileta hapa hoja ya kutaka kujua kinachoendelea katika idara ya kilimo na unaweza kukubaliana nami kwamba alikuja na stakabadhi karibu kilo hamsini na alikuwa anabubujikwa na jasho kana kwamba alikuwa amehusika kwenye kazi nyingi. Nilipofanya uchunguzi, nilibaini kwamba alikuwa anashughulikia mambo ya wafanyikazi, kwa sababu afisi yake pia ni kati ya zile nafasi ambazo anafaa ashughulikie mambo kuhusu wafanyikazi katika kaunti hii. Pili, kuna changamoto kwa sababu pesa anazotumia kwa sasa katika afisi hiyo ya katibu ni za ushikilizi wa muda. Lakini kuna mtu ambaye amenyimwa nafasi ile kupata marupurupu yake ambayo yalitengwa kwenye makadirio ya bajeti ya serikali ya kaunti.

Haimaanishi kwamba hatuna wale ambao wanafaa kukalia hiyo afisi. Ukifanya uchunguzi na pia tukubaliane ya kwamba sisi kama waakilishi katika kaunti hii, ni sehemu moja tuangalie

ni wapi ambapo kuna utepetevu katika utendakazi wetu. Ndiposa namshukuru ndugu kwa kuona ya kwamba kuna mwanya ambao lazima uzibwe.

Si rahisi leo hii Kaunti ya Bungoma tuwe hatuna mtu anayeweza kufanya kazi katika hiyo afisi. Tuna watoto wengi ambao wamesoma na kuna wale ambao wanatamai waje wafanye kazi kama hiyo ili waweze pia kulipwa vizuri. Haimaanishi kwamba unaposhikilia afisi hakuna marupurupu unayolipwa; unalipwa kama waziri pia unalipwa pesa kwa kushikilia afisi kwa muda. Analipwa mara mbili kana kwamba hatuna watu katika Kaunti hii ya Bungoma wenye tajiriba na uwezo wa kufanya kazi kama katibu wa baraza la mawaziri katika kaunti hii. Kwa hivyo naunga mkono ndugu yangu Jack anayewakilishwa wadi ya Kimaeti kwa mara ya pili sasa.

Licha ya yeye kusema ya kwamba anatoka katika mrengo wa serikali, nataka kumkumbusha kwamba utendakazi ima unatoka mrengo wa wachache ama walio wengi; kuna vitengo viwili tu vya serikali ya Kaunti, upande wa Gavana na upande wa serikali. Asante Ndugu Spika, naunga mkono hoja hii.

Hon. Johnston Okasida: Thank you Mr. Speaker for according me this opportunity to contribute. First of all let me laud the sponsor of this motion which is important for the County. Let me remind those who are struggling to explain about beauty...

Mr. Speaker: Stick to the issue at hand. Hon. Linda has already spoken about it...

Hon. Johnston Okasida: Hon. Linda did not speak about it clearly. With your permission allow me speak about it Mr. Speaker.

Mr. Speaker: You are allowed.

Hon. Johnston Okasida: When you refer to the book of First Peter 3:3-4 the Bible says; *"don't try to make yourself beautiful on the outside, with stylish hair or by wearing gold, jewellery, or fine clothes, instead, make yourself beautiful on the inside, in your heart with the enduring quality of a gentle peaceful spirit. This type of beauty is very precious in God's eyes"*.

I want to thank Hon. Jack Wambulwa...

Mr. Speaker: Honourable Members, he has told you about the inner beauty.

Hon. Johnston Okasida: Thank you, Mr. Speaker. I want to thank Hon. Jack for reading Section 44 of the County Governments Act of 2012 and seeing the importance that this particular office holds. He did bring this motion because of the interest he has for the County.

I want to remind honourable members on the role that this particular office plays; one, it plays the role of posting and interdepartmental transfers of officers working within the County. Secondly, the office holder is the chief administrator and coordinator of all public services across the county. It also acts as the ombudsman; the person that listens to all complaints that are channelled to the county either from the public or within.

The office is also accountable for the executive; and you remember well the executive coordinates 10 departments which are all allocated finances, which for Bungoma is Kshs14 billion. This particular office is also involved in the management of the cabinet affairs. In Cabinet is where serious decisions are made that affect daily lives of our people.

Hon. Speaker, based on these, I also want to say that H.E the Governor should move with speed without looking at either side, make a decision and submit a request to the Public Service Board that the position should be advertised. I submit.

(Applause)

Hon. Jack Wambulwa: *(Mover to reply):* Thank Hon. Speaker. I want to thank my colleague members for supporting the motion. More so, there is a member who asked on how long one is supposed to act in an office. The answer is that one is supposed to act for a period of six months. As you are aware, the current acting officer has been there now for over nine months which is illegal; reason why I moved this motion.

Like members have alluded, if she is the County Secretary who is supposed to supervise other CECMs during cabinet meetings, how will another cabinet member question about her department? This is an officer that has been using her position to intimidate even the CECMs, Chief Officers and the workers at large. That is why we are realizing things are not moving in the manner that we expect the County Secretary to behave.

What colleagues are saying is that we want one job for one person. We cannot have two jobs for one person whereas we have many unemployed people within our county. We have several ladies and gentlemen within the County who are capable and who are in position to manage this position properly; so that we can deliver on behalf of Bungoma County. I therefore move and ask the whole House that we support this motion in totality.

Mr. Speaker:

(Question for approval of the above moved motion put and agreed to)

The ayes have it. The motion is allowed.

(Applause)

The HANSARD to be extracted together with the motion in its original format and the same should be forwarded to the Governor for his action in the shortest time possible.

BILLS

THE BUNGOMA COUNTY REVENUE ADMINISTRATION AND MANAGEMENT AMENDMENT BILL, 2023

Hon. James Mukhongo (*Chairperson, Finance and Economic Planning*): Thank you Hon. Speaker. Pursuant to Standing Order 152 (2), I beg to move that the Bungoma County Revenue Administration and Management Amendment Bill, 2023, now be read a third time. I call upon a member of the committee Hon. Masai Chemion to second.

Hon. Francis Chemion: Thank you, Mr. Speaker. Yesterday, we looked at the said Bill and now that we are versed with it. I second that the Bill now be read for a third time.

(Question in respect of the said Bill to be read a third time put and allowed)

The ayes have it. I direct that the Bill be read for the third time.

THE BUNGOMA COUNTY REVENUE ADMINISTRATION AND MANAGEMENT AMENDMENT BILL, 2023

*A Bill for an Act of the County Assembly of Bungoma to amend the Bungoma County Revenue Administration and Management Act, 2019 and for the Connected Purposes. **Third Reading***

Mr. Speaker: Honourable Members, the Bungoma County Revenue Administration and Management Amendment Bill, 2023 having been read for a third time, it now becomes an Act of the County Assembly of Bungoma. Subsequently, Section 24 (1) of the County Governments Act is invoked; the same to be forwarded to the Governor for his assent as per the law.

ADJOURNMENT

Honourable Members, looking at our Order Paper, that was our last item, therefore, we adjourn our sitting today. We shall resume sittings of this House on the 3rd of October, 2023 at 2:30 p.m. I thank you for your patience.

(House Adjourns)