

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

THURSDAY, 26TH OCTOBER, 2023

Afternoon Sitting

Third County Assembly

Second Session

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COUNTY ASSEMBLY OF BUNGOMA

THE HANSARD- OFFICIAL REPORT

THURSDAY, 26TH OCTOBER, 2023

The House met at the County Assembly Chamber at 2:30 p.m.

(The Deputy Speaker [Hon. Stephen Wamalwa] in the Chair)

PRAYER

COMMUNICATION FROM THE CHAIR

Members, I have a few communications to make.

1. SUBMISSION OF MEDICAL INSURANCE COVER FORMS

To the Honourable Members, that those of you who have not filled the medical insurance cover forms kindly do so because they have to be submitted to the insurer so that we can be covered and so that it can take effect. We want all of us to be covered, isn't it? So, therefore let us be covered. If you have submitted you are in order, if you have not, then you have to be covered. You cannot be covered when you have not submitted.

I wish to request Honourable Members that kindly while in the plenary, let us put our phones on silent mode and as we do that, if it's a must that we have to move, let us observe the decorum of the plenary, move with the decorum and minimise the movement please and consult in low tones.

2. MEMBERS' LOG IN CARDS

Number two is about cards, some of us misplaced or lost their cards and therefore we are present but the Hansard does not capture you. So I want to beg you again; that those of us who misplaced our cards, make arrangements so that you have your card when you come in, you log in.

3. APPEARANCE OF CECM BEFORE THE WHOLE HOUSE

Lastly, Honourable Members, the CECM is going to appear in this House and away from what has been the norm, the CECM will not sit in the plenary; because he is not a member of the County Assembly; and they have set where the CECM will be responding from. This is as a result of an advisory from the Senate that that is the practice. You will be seeing a different approach to issues and you should not be worried as to why are things changing.

Those are some of the communications that I had to make.

Wait a minute, the Honourable Whip. The two whips; one of you... ladies first... yes the Hon. Milliah

Minority Whip (Hon. Milliah Masungu): Thank you Chair for giving me this chance just to react on your communication or just to say one word as per your communication. You realise that you gave a directive here two weeks ago. I think it is now almost three weeks; that every member should submit their beneficiaries on the insurance scheme. There are members who kept time and give out the names immediately you made that pronouncement. We are waiting to receive the medical cards so that we can start using them. We cannot wait for members who don't adhere to what you communicate to the House

(Applause)

As we are suffering, we are ailing, waiting for people who have not complied. So kindly can the members who have complied be given the opportunity to use that service!

(Applause)

Mr. Deputy Speaker: Hon. Mulongo is making noise, he is shouting, he is not being honourable. Hon. Whip Hon. Sudi

Hon. Sudi Busolo: Hon. Speaker it is like we were thinking the same with my whip, *Mheshimiwa* Milliah. You know, an insurance card, an insurance scheme benefits those who have problems like us; that is why we have submitted. There are those who are never sick, who don't have families... So as we leave here...

(Applause)

...because from your communication, you have said that you have not submitted! I want to request that you submit because we are not closing the Assembly. Those who come late will be captured; but just imagine what would happen if I fall sick now? Are you going to treat me?

(Laughter)

Because you see, I don't want to make my family suffer for consequences that are not mine; I submitted the form long ago, I want to be told that the scheme is working.

(Applause)

Mr. Deputy Speaker: Thank you Hon. Sudi... Very passionate, harsh and firm! You realise, I was emphasising on those who have not, the need for you to be covered and for the process to be seamless. So I want to believe that we are at the same level and let us handle that. Hon. Mukhanya you had something. I am not seeing you. Did you log in?

Hon. Alfred Mukhanya: Mr. Speaker, I think the way we got the information is that we were to give the names for the beneficiaries. So we are wondering if there is another form to be filled because the last time I was there was last week. I was told there is another form which is coming on top of what we had given; can you confirm?

Mr. Deputy Speaker: Thank you Members, the only form that is there is the one that you fill as a Principal Member, an employee of this County Assembly plus five dependents. So if you want another, you can seek private arrangement. Yes, Hon. Chemion

Hon. Francis Chemion: Honourable Speaker. So far, we have filled the two forms. We filled the first one that was brought to us, and then there was another form that was brought to us again from the insurance; so we have filled two. So maybe that is where the confusion is. Maybe we need the two samples so that members get to know which one they have not filled.

Mr. Deputy Speaker: Well Honourable Members, the form is just one. We need to move to another business; we have a lot of business ahead of us and I want to beg so passionately and humbly that we sit through. Honourable Members, the first one you are filling was just... the second one supersedes the first one and so the form is just one. So I think we put that to rest.

PAPERS

1. REPORT BY THE PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE ON THE BUNGOMA COUNTY YOUTH AND WOMEN EMPOWERMENT FUND FOR THE PERIOD ENDED JUNE, 2021

Hon. Everton Nganga (*Chairperson, PAIC*): Thank you Hon. Speaker for giving me this chance. I rise to table a report by the Public Accounts and Investments Committee on the Bungoma County Youths and Women Environment Fund for the period ended 30th June, 2021.

Mr. Deputy Speaker: Honourable Members, report by the Public Accounts and Investment Committee having been laid before the House in a procedural manner, I therefore declare that it is now the property of this County Assembly.

2. COUNTY GOVERNMENT BUNGOMA FINANCIAL STATEMENTS AND REPORTS FOR THE PERIOD ENDED JUNE, 2023

Mr. Deputy Speaker: The Hon. Leader of Majority the Hon. Joseph?

Leader of Majority (*Hon. Joseph Nyongesa*): Thank you Speaker, but before I tell people, you know Hon. Mukhanya is worried. It won't harm you *Mheshimiwa* so just be patient. Speaker, allow me table the financial statements and reports for the period ended June 30th, 2023.

Mr. Deputy Speaker: Honourable Members, this document having been tabled, I wish to direct therefore that it be committed to all the sector committees. Each sector committee will have to extract and then process the same and report back to this Assembly accordingly.

NOTICE OF MOTION

1. NOTICE BY THE PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE ON THE BUNGOMA COUNTY YOUTH AND WOMEN EMPOWERMENT FUND FOR THE PERIOD ENDED JUNE, 2021

Mr. Deputy Speaker: the Hon. Nganga, proceed, a moment...

Hon. Everton Nganga: Thank you Hon. Speaker. I rise to give a notice of motion that this House of adopts the report by the Public Accounts and Investments Committee on the Bungoma County Youth and Women Empowerment Fund for the period ended 30th June, 2021.

Mr. Deputy Speaker: Thank you The Hon. Nganga Sifuna. Honourable Members, a notice of motion having been issued in a procedural manner, I therefore direct that it be circulated to all Honourable Members so that you peruse critically and then you consume the same information which will form part of business that will be considered by this Assembly.

QUESTIONS AND STATEMENTS

Mr. Deputy Speaker: Now we call upon the Hon. Okasida Ipara to inform the House of the tentative weekly programme.

1. TENTATIVE WEEKLY PROGRAMME

Hon. Ipara Okasida: Mr. Speaker, the Honourable Members, I present a weekly programme of the Business of the County Assembly for the week commencing Tuesday, 31st October, 2023 to Thursday, 2nd November, 2023.

Tuesday 31st October, 2023 at 2:30 p.m;

Prayers

Administration of Oath

Communication from the Chair

Messages

Petitions

Papers:

- i. Report by the Sectoral Committee on Health Services on allegations of negligence, inadequate supply of drugs corruption and understaffing at Bumula sub County Hospital and Ndaluh Health Centre
- ii. Report by the Sectoral Committee on Finance and Economic Planning on the cause effect of revenue collection decline in some revenue streams as per the Bungoma County receivers of revenue financial statement for the period ended 31st March, 2023

Notices of Motion

- i. That this House adopts the report by the Sectoral Committee on Health Services on allegations of negligence, inadequate supply of drugs, corruption and understaffing at Bumula sub County Hospital and Ndalul Health Centre.
- ii. That this House adopts the report by the Committee on Finance and Economic Planning on the cause effect of revenue collection decline in some revenue streams as per the Bungoma County receivers of revenue financial statement for the period ended 31st March, 2023

Questions

Question number 65 of 2023; Member for Misikhu Ward Hon. Milliah Masungu, MCA to seek a response from the chairperson Sectoral Committee On Roads, Transport, Infrastructure and Public Works.

Question No. 56; response from the chairperson sectoral Committee on Trade, Energy and Industrialization

Motions

- i. Report by the Public Accounts and Investments Committee on the Auditor General's reports on the financial statements of the Bungoma County Youth and Women Empowerment Fund for the period and that first the June, 2021.
- ii. Report by the Sectoral Committee on Tourism, Environment, Water and Natural Resources on the Bungoma County Climate Change Action Plan 2023 to 2027 and the Bungoma County Participatory Climate Change Risk Assessment

Bills

The Bungoma County Weights and Measures Bill, 2023(Third reading)

Wednesday 1st November, 2023 at 9:30 a.m

Prayers

Administration of Oath

Communication from the Chair

Messages

Petitions

Papers

- i. Report by the Sectoral committee on Education and Vocational Training on the status of sampled vocational training centres in the Bungoma County
- ii. Report by the Committee on Public Administration and ICT on inquiry into utilisation of funds allocated to recovery of county automobiles

Notices of Motion

- i. That this House adopts that report by the Sectoral Committee on Education and Vocational Training on the status of sampled vocational training centres in Bungoma County.
- ii. That this House adopts the report by the Committee on Public Administration and ICT on inquiry into utilisation of funds allocated to recovery of county auto mobiles

Questions and Statements

Question no. 66 of 2023 Member for Misikhu Ward Hon. Milliah Masungu MCA to seek a response from the chairpersons Sectoral Committee on Lands, Urban, Fiscal Planning and Housing.

Motion

- i. Report by the Committee on Implementation on the status of implementation of regulations passed by the House.
- ii. Report by the Powers and Privileges Committee on compliance with wealth declaration by the Honourable Members

Wednesday 1st November 2023 at 2:30 p.m

Prayers

Administration of Oath

Communication from the Chair

Messages

Petitions

Papers

- i. Report by the Committee on Justice, Cohesion and Legal Affairs on the scrutiny of the National Cohesion and Integration Act, No. 12 of 2008
- ii. Report by the House Business Committee on the plenary review for the period commencing February to September, 2023

Notices of Motion

- i. That this House adopts the report by the Committee on Justice, Cohesion and Legal Affairs on the scrutiny of the National Cohesion and Integration Act, No. 12 of 2008.
- ii. That this House adopts the report by the House Business Committee on the plenary review for the period commencing February to September 2023.

Motion

- i. Report by the Sectoral Committee on Gender, Culture and Social Welfare on the assessment of application of laws guiding the implementation of the programmes by the Department of Gender and Culture
- ii. Report by the Sectoral Committee on Agriculture, Livestock Fisheries, Irrigation and Cooperative Development on the status and impact of dams, irrigation schemes and water pans in the county

Thursday, 2nd November, 2023 at 2:30 p.m

Prayers

Administration of Oath

Communication from the Chair

Messages

Petitions,

Papers

Report by the Liaison Committee on the activities of the County Assembly committees in the first quarter of the financial year 2023/2024- July to September, 2023 and a schedule for external committee meetings for the second quarter financial year 2023 /2024

Notice of Motion

That this House adopt the report by Liaison Committee on the activities of the County Assembly committees in the first quarter of the financial year 2023/2024; that is July to September, 2023 and a schedule for external committee meetings for the second quarter under the financial year 2023/2024.

Question and Statements

Statement No. 67 of 2023 Member of the House Business Committee pursuant to the provisions of the Standing Order No. 47(2) (a)

Motion

- i. Report by the Sectoral Committee on Trade, Energy and Industrialization on the status of street lighting in the Bungoma County.
- ii. Report by the Sectoral Committee on Health Services on the allegations of negligence, inadequate supply of drugs, corruption and understaffing at Bumula Sub County Hospital and Ndaluh Health Centre. Hon. Speaker with your permission, I table this programme.

Mr. Deputy Speaker: Thank you so much the Hon. Ipara- Member for Tongeren/ Kiminini. Honourable Members, this is the tentative weekly programme of the Business to be undertaken by this Assembly from the 31st day which will be Tuesday to Thursday, the 2nd

day of November, 2023. So acquaint yourself with the programme so that we can plan accordingly to execute our mandate. Thank you. We move to the next item.

Sorry, a moment. We have a senior member here. Hon. Barasa Mukhongo- Member for Chwele/Kabuchai

Hon. James Barasa: Thank you Hon. Speaker. We have been taken through a tentative weekly programme starting from 31st. I am a Chair of a Committee and the document I worked on is very crucial, but I have not seen it being captured; that is the finance Bill. So as we plan for the tentative, I want it to be taken and to be recorded on the Hansard. We will have it allocated next week to be dispensed with.

Mr. Deputy Speaker: Well noted Hon. Mukhongo. So, the Secretariat of the Committee should fast track and ensure that it is received in the Office of the Clerk; and this being a tentative program, we will work on it so that it is captured, because it captures the aspirations of the county. So it is of county importance and we will ensure that it is scheduled for the same.

2. RESPONSE FROM THE CHAIRPERSON, SECTORAL COMMITTEE ON YOUTH AND SPORTS IN RELATION TO THE CONSTRUCTION OF THE HIGH ALTITUDE TRAINING CENTRE

Mr. Deputy Speaker: The Chairperson youth and Sports Hon. Namaemba Makhanu-Member for Misikhu.

Hon. Violet Makhanu (Chairperson, Youth and Sports): Thank you Hon. Chair. I don't know why Members are laughing when you mentioned Namaemba Makhanu

Mr. Deputy Speaker: Order Members! Hon. Nganga you should be orderly, proceed, Hon. Namaemba

Hon. Violet Makhanu: Thank you Hon. Speaker for giving me this time to give a response on the statement sought by Hon. Chemion. I want to apologise; I didn't want to come and use this here. I lost my card; my neighbour Hon. Godfrey Wanyama stole my card.

(Laughter)

For the last three weeks, I have been coming to this House... yesterday he told me he is going to bring it and unfortunately, he also doesn't remember where...

Mr. Deputy Speaker: Hon. Namaemba, can you dwell on the reason why you are there?

Hon. Violet Makhanu: Speaker I want you to guide us because you are a Speaker. I can't be using this when I have a card that was misplaced by a colleague. So guide me... it was stolen by a colleague a good friend!

Mr. Deputy Speaker: Order Members, Hon. Namaemba, you should be orderly! You should not try to drag the Honourable Members into your personal affairs because...

(Laughter)

(Applause)

...proceed now.

Hon. Violet Makhanu: Okay, thank you Hon. Speaker. This is a statement referred to the Committee. I wish to report as follows pursuant to Standing Order No. 54 that says that the chairperson of the Committee shall submit a progress report to the House on questions

- a) Referred to the committee
- b) Replied to
- c) Which the Committee has directed a County Executive Committee Member to provide additional information or further reply
- d) Pending before the Committee.

The question to the CECM Gender, Culture, Youth and Sports sought by Hon. Francis Chemion in this House on 14th of June and committed to the Committee for reply pursuant to Standing Order No. 47 (2) (c) of the Bungoma County Assembly Standing Orders. The CECM was required to respond to;

- 1) The budgetary allocation so far,
- 2) Procurement process, tender adverts, evaluation report, professional opinion from the head of supply chain management and the name of the contractor who won the tenders
- 3) The total contract Sum and how much has been paid so far and was supposed to provide the certificate for payment of the same
- 4) The contract period in brackets provided and the contract agreement
- 5) Explain the level of work so far done and provide use of the same
- 6) Explain the steps the Department is taking to complete the project
- 7) State when the project will be operationalized
- 8) State the files that entail the old project and name them
- 9) Provide any other important information in respect to the construction of the operator operationalization of the high altitude training centre.

The Clerk wrote a letter to the CECM Gender, Culture Youth and Sports via reference number. BCA /CC/SECT/ VOL.248; dated 5th October, 2023 requesting for her appearance to shed more light on the fore mentioned question on 19th October, 2023.

However, due to unavoidable circumstances, the appearance was rescheduled and the responsible County Executive Committee Member appeared on 26th October, 2023. In response to the question by Hon. Francs Chemion- Member for Kaptama Ward dated 14th October, 2003, reference number; ref. BCS/CC/SECT/3 VOL3 140. All the documents were submitted by the CECM as requested. Subsequently, the response was tabled before the Committee for consideration and shared to the owner of the statement following the directive by your office that all pending statements sought to be handled at committee level.

However, it was noted that there was no written response in the submissions and they were purely attachments and that there was no specific answer to the questions raised by the Honourable Member. During the oral submissions and interrogations it was noted that the documents were received in June. Whereas...

(Loud consultations)

Mr. Deputy Speaker: Honourable Members let us consult in low tones. Your voices are subduing the members on the Floor of the House. So kindly consult but in low tones.

Hon. Violet Makhanu: Hon. Speaker it is the Hon. Jeremiah

Mr. Deputy Speaker: You just proceed, Hon. Namaemba... you are protected.

Hon. Violet Makhanu: Thank you Speaker. I proceed. During the oral submission and interrogations, it was noted that the documents were received in June whereas there has been much progress since then. In conclusion, the response was unsatisfactory to the owner and the committee tasked the CECM to ensure that an updated and a clear response is done within seven days. That means she should appear again before the Committee on 2nd of November, 2023 I beg to report.

Mr. Deputy Speaker: Thank you The Hon. Violet Namaemba. We now call upon the owner of the statement, Hon. Masai Chemion.

Hon. Francis Chemion: Thank you Speaker. I appeared before the Committee today the CECM also came, but there was no specific answer to any the questions as reported by the Chair. They just photocopied the attachments and brought a big file; the one that I was having here yesterday. So we have agreed with them that they go back and look at the questions in the statement and come up with answers. Before putting the attachments, you know, it was just a file. So it was up to me now to peruse and make a decision.

So I think the Committee sits on the matter and I want to thank the Chair and the Committee Members. They were also very serious in handling the issue. I am very sure what will come

to the House as a report will be very tangible and for the purposes of information, so far, that facility has been budgeted over Kshs135 Million. You can't make comparison with what is on the ground and there were also companies. I don't want to discuss the main issue; there are also companies that were being given tenders. They fail in one they are given another tender. So I don't want to dwell into it, but because we are still investigating, I want to report that the Committee is doing a good job.

Mr. Deputy Speaker: Thank you. Hon. Chemion. Now, Honourable Members, we have been informed by the chairperson of the Committee and actually corroborated by the Hon. Chemion who is the owner. I want to pronounce this that the CECMs should take this House seriously because when a Member asks a question and they bring a document; a voluminous document to scare or make it look like the Honourable Members can be afraid. This House is made up of Honourable Members who are learned, who went to school properly, were professionals and the CECMs should treat this House with the respect it deserves. When they bring such documents, they are wasting time of the Committee.

(Applause)

Yes. So I want to request this, or I give a directive and the Clerks- at- the- Table, you make sure that it is disseminated. Let the CECM stick to the questions that the Honourable Members have asked. They should be precise and to the point. We proceed to the next item. Hon. Mulongo, you have something?

Hon. Aggrey Mulongo: Thank you, Mr. Speaker Sir. I just wanted to say this; the owner of the statement and the Chair of the Committee knew that the statement was not satisfactory. Why are they wasting our time here? It is just bad manners to stand and start saying what you... it is not proper!

(Laughter)

(Applause)

They know! Why are you wasting our time here?

Mr. Deputy Speaker: Hon. Mulongo! Order! Order member! Order Hon. Waliaula! Resume your seat. Honourable Members, it is procedural that the Chair of the Committee should report what transpired because this House says....in access of the information. Hon. Mulongo, it is very much in order and you are the one who is out of order.

Hon. Aggrey Mulongo: Speaker...

Mr. Deputy Speaker: Resume your seat. Signs of ageing are catching up with him. Next item

(Applause)

3. RESPONSE FROM THE CHAIRPERSON, SECTORAL COMMITTEE ON HEALTH SERVICES

Mr. Deputy Speaker: We need a response from the Chairperson, Sectoral Committee on Health Services. Hon. George Wasike Makari- Member for Musikoma Ward?

Hon. George Makari (*Chairperson, Committee on Health Services*): Thank you Hon. Speaker. Even before I make a response, I wish to point out that this House enjoys the services of at least two Liaison officers from the Office of the Governor. Does it mean that these people do not take the reports down to their CECMs? Away we have our secretariat, who are supposed also to correspond officially down at the Governor's office, but at the same time, if you look in the in the gallery; there are two gentlemen who report directly to the Executive.

I remember in the last Assembly, some members here actually made themselves Liaison Officers and they were recording everything... the Governor was listening verbatim to what we were discussing here, but this has not happened in this Assembly. We are enjoying the services of those Liaison officers

Mr. Deputy Speaker: Hon. Makari, are you trying to insinuate that we should have the Liaison from within this plenary or what are you saying?

Hon. George Makari: That was another era and this is a different era

Mr. Deputy Speaker: Do you think it should continue?

Hon. George Makari: No, no, no, it should not continue!

Mr. Deputy Speaker: The Liaison Officer should report?

Hon. George Makari: Yes, he should report the happenings of this House; the response that either Hon. Chemion is satisfied or not. They must record and respond and then take to the respective CECM. So coming back to my response; Standing Order No. 54 of the Bungoma County Assembly Standing Orders that states that the chairperson of the committee shall submit a progress report to the House on

- a) questions refer to the committee
- b) A reply to
- c) which the committee has directed a County Executive Committee Member to provide additional information for further reply and
- d) Pending before the Committee.

Pursuant to the provision of Standing Order No. 49 of the Bungoma County Assembly, the two statements were sought on the floor of the House by Honourable members. Later in his communication, the Hon. Speaker directed that all statements be handled at the committee level and reports submitted to the House upon the resumption of the House from recess,

Upon this directive, the Committee on Health Services invited County Executive Committee Member on 26th October, 2023 for oral submissions. The first statement was sought by Hon. Ken Wanyama- Nominated Member; on the management of level four hospitals in the county and he sought various prayers.

I would wish to skip the prayers and then go to the summary just to save time because the prayers are within the Committee's mandate and we actually looked at them. So I will just summarise and I will say that the owner of the question Hon. Ken Wanyama is away on official duty; and as we request the committee to reschedule the meeting with the CECM to early next week.

Now, the Committee in consultation with also the Hon. Speaker has accepted the Honourable Members request and we will meet the CECM on Tuesday, 2nd November, 2023 at 10:00 a.m. during its normal meeting to look at the matter. I can confirm that yesterday we talked to the Hon. Wanyama with the Speaker as well; and it was agreed that we reschedule his question. He wished to be present when the Committee meets the CECM.

The second statement sought by Hon. Francis Chemion on the construction of Kaptalelo Dispensary maternity wing in Kaptama Ward and the status of all pending projects in the 45 Wards. The House has already pronounced itself on this matter and directed the CECM to resubmit his response before it. Therefore, the Committee seeks the advice and the direction of the House on the same.

Mr. Deputy Speaker: Thank you; that is what the Hon. Makari as the Chair of the Health Services Committee has. The owner of this statement is not within the plenary precincts. The Hon. Masai I know of course, I am coming to that and you should not be worried. You are not a Marathoner but I can now give you a chance to say whatever it was.

Hon. Francis Chemion: Thank you Speaker. I have been waiting for this information for some time now. I want to thank this House and that group that sat down and decided that we must have this CECMs come before either the committees or the plenary. The CECM came here and we interrogated him; he did not have sufficient answers to the questions raised. The Chair directed that he goes back and furnishes this plenary with whatever we required. So far, we have not had any other information. I back what the Chair is saying, that we give further direction.

Mr. Deputy Speaker: The Hon. Makari, as you come, I would like you to also mention something about the management of Bungoma County Referral, Kimilili sub County and

Webuye County hospitals. You know, I think you didn't touch on that and before you come, let us hear what the Deputy Whip is saying. Hon. Sudi?

Hon. Sudi Busolo: I am holding brief for the owner of the statement. The Honourable Member for Bumula Ward, but unfortunately I don't have a copy of the statement.

(Loud Consultations)

Mr. Deputy Speaker: When a member delegates, then he should also inform the officers, our orderlies in the Assembly so that you can then be equipped accordingly. So it is not... Hon. Barasa Khaoya?

Hon. Tony Khaoya: I heard the Chair Health and in the statement, there were two Honourable Members who asked questions; Hon. Ken who is away on official duty and then Hon. Chemion. I don't know who delegated to Hon. Sudi.

Mr. Deputy Speaker: Thank you so much. I think our Deputy Whip Hon Sudi Kalasinga-Member for South Bukusu is well informed. Chair, Health, we are aware that you responded on that issue of Hon. Ken. So you are in order, proceed.

Hon. George Makari: Thank you Hon. Speaker. I don't know where my good friend Hon. Sudi got the orders because I stood up and said Hon. Ken Wanyama... I even called him when we were in the House and he said he is not ready and therefore we reschedule. Now Hon. Sudi standing in for Hon. Ken Wanyama...I don't know.

(Loud Consultations)

...but on which statements because my statement is very clear; it was for Hon. Ken Wanyama and Hon. Chemion.

(Loud Consultations)

(Laughter)

Hon. Speaker this now where you say age is catching up with some of us. That would be one of the specimens

Mr. Deputy Speaker: Proceed, Hon. Wasike

Hon. George Makari: So Hon. Speaker, I don't want to be informed particularly by Hon. Milliah Masungu; not any other Member! You must know the term particularly.

Mr. Deputy Speaker: Hon. Makari let us listen to her. They say ladies...

(Loud Consultations)

Hon. Milliah Masungu: Thank you, Speaker. I also want to be informed maybe by you or this Honourable House. Now that the Honourable Member, the owner of the statement is not in the House, is the Chair in order to read the response to the House?

Mr. Deputy Speaker: Yes Hon. Milliah, Are you done?

Hon. Milliah Masungu: Yes, I am done

Mr. Deputy Speaker: Very well.

Hon. Milliah Masungu: I wish to be guided.

Mr. Deputy Speaker: Very well. Hon. Makari, proceed.

Hon. George Makari: Thank you for ignoring Hon. Milliah Masungu. Hon. Speaker, you ignored her you didn't reply to her and that is okay. Hon. Milliah has been a Member of my Committee on Health and it is just in order that we provide a progress report as the House demanded. If you look carefully; maybe also age is catching up with her but I don't see. Anyway I don't want to go into details.

Honourable Speaker I sought your intervention that I skip the prayers and I don't know if you gave me the permission. There are a whole host of prayers that he sought around 11 and I sought your intervention that I skip the prayers unless you want me to go through them.

Mr. Deputy Speaker: No. proceed as requested

Hon. George Makari: I skipped the prayers and I just wish to respond on what Hon. Chemion said. Actually his question was referred back to the House; it is now the House dealing with it and I am glad that he acknowledged that. It means that the Committee is washing its hands from that response. Just like the CECM for Education is coming today, that one of Health will also come to respond to the issue of Hon. Chemion because it is not only touching on Hon. Chemion, but it is also touching on the 45 Wards; all the CEF projects for Health in all the 45 Wards.

Mr. Deputy Speaker: Thank you so much Hon. Wasike Makari. Hon. Milliah, you should know that you are not ignored; I knew that Hon. Makari was coming to respond, you know you two people... I should not proceed.

Also, Honourable Members, there is an issue that was raised by Hon. Makari concerning the Liaison Officers in this Assembly; they have to report appropriately. We have one Hon. Namaswa who was a Member of this House and also Hon. Kangale who was also a Member as a Councillor; and so they should report appropriately and this House should feel their presence as Liaison Officers.

QUESTION

RESPONSE BY COUNTY EXECUTIVE COMMITTEE MEMBER FOR EDUCATION AND VOCATIONAL
TRAINING

Mr. Deputy Speaker: Usher in the CECM; and the owner of the question being our Leader of Majority, Hon. Joseph Juma Nyongesa- member for Tuuti/Marakaru.

Education CECM (Dr. David Wamamili) ushered into the chambers

You are welcome the CECM and Chief Officer. The sitting position has changed this is in accordance with the latest practices of parliamentary service, therefore feel at home and relax so that you can give your responses in an orderly and proper manner. Let us have the owner of the question for purposes of the HANSARD, Hon. Joseph Nyongesa?

Leader of Majority (Hon. Joseph Nyongesa): Thank you Speaker and also on behalf of this House, let me welcome CECM and Chief Officer. As you have directed, let them relax and give us substantive information that we need. The only challenge that we had the last was the signing of the documents, which I think they have done; although I have not seen that copy, but I think if it is on your desk, it has been signed.

Secondly, he should give us a brief on the expenditure especially on the re-vetting, verification and vetting. The key concern was who did the re- vetting and vetting; because through the statement that I got, it was not satisfying. Another issue that I have noticed of late is that I requested for a bank statement for the three per cent but the bank statement that were sent are for bursaries and scholarship in schools, so I think that bank statements for the three per cent, he should also be having it.

Another issue is that membership of the Management Committee at the county level; because I have gone through it and unfortunately during the re- vetting and vetting of the scholarship and bursary beneficiaries, the Chief Officer wasn't around, but he is also listed among the beneficiaries. I don't know if he was paid while not in office; they can also justify. Otherwise they are welcome.

Mr. Deputy Speaker: Thank you Hon. Leader of Majority; our CECM you have a chance to inform the House appropriately and you can take the position.

Dr. David Wamamili (CECM, Education): Thank you Hon. Speaker. There is a document that I received to respond to and I will humbly request that you allow me go through it then go through my response; it is the one to guiding my response.

1. Provide expenditure report of three per cent of the Scholarship and Bursary Fund and here is my response;

Expenditure report of 3 per cent of Scholarship and Bursary Fund

This is the document that I have and it has been forwarded to you.

The total funds allocated for the Education support Scheme in the year 2022/23 was Kshs524, 000, 000. Three per cent of the allocated amount was KShs15, 720,000.

Administrative expenses

Hon. Speaker I have written to the Hon. Leader of Majority explaining some part of the situation, what has gone on and the Chief Officer came recently, I will beg that you let me explain this.

I was sworn in November and I started work in December. When I started work, just part of the response to what he has raised is that my team that I found as my staff, majority of them were in Wekelekha. They had documents and they had been visited by EACC so most documents had been taken to Wekelekha which is our facility; because the office could not accommodate them.

Consequently, most of the information for that period, I could not get it. What happened is that when we were parting with the team on 23rd of December, 2022, I asked them that given the situation, and for those who don't know I am a teacher, I told them that having been a teacher before, coming here I know that January is going to be a very bad month, I need to have the list.

I want to report to this House that by 23rd of December, 2022 I had not seen the list; they told me they are working on the list and that most of the information had been taken by the EACC. Therefore I asked them that we meet on 28th of December. I was now taking charge and I told them that our holiday was going to be short. We came to the office on 28th December and I called the Chief Officer who is supposed to be now the person to guide me and he told me ' I am in Uganda for Holiday'. I called the Director, he told me he was in Eldoret with family; and then I called the accountant and the phone was off. I was then told these are the people who work on ICT; I called one of them and he could not pick my call, another one picked and said I am away, but I can come tomorrow.

I am just using these scenarios so that the House can appreciate the circumstances under which I started working. So on 28th, 29th and 30th; I could not get the right people to help me understand the department Hon. Speaker. When we resumed on 4th January, 2023, I was still struggling to lay a hand on a hard copy that talks about scholarship and bursary, I could not! I got hold of the then Director who was the Funds Administrator on 5th and asked him, please can I have a list? He told me he had even forgotten the laptop at home. I asked my secretary where are these documents were since I just wanted to have a look at them and know what was going on. The secretary told me people here use laptops; so by that time I had not seen anything. Now I had to come up with an idea on what to do to get the lists.

I am born here in Bungoma and I have lived here in Bungoma, I know the issue of scholarship and bursary was a hot issue so what I did, I said please, I need the records and as we are now in November, I just want this to be clear as I read this; the circumstances which I experienced when I started working.

In November I could not know the direction to go so I asked that I have my Committee on Education to help me start off. We had come up with the idea of re-vetting because the numbers were in excess of 12,000 on scholarship. Everybody was saying I am on scholarship;

the issue of bursary was not there. It meant that we required Kshs950, 000, 000 to make it move. Consequently, that is why we came up with the issue of re- vetting just to help us move on.

Having given that background; the position is that, the big part of the money in 2022/23 was received in September 2022. After the money was received and it is by law, the staff then had to distribute cheques wherever the students were and the students were all over the country and so they were physically going to give the cheques to wherever the students had been taken. Of course the records are there, some were using vehicles, some whichever means but the cheques were distributed physically. Therefore Speaker, the first administrative expenditure was on distribution of fee payment cheques...

Mr. Deputy Speaker: CECM, just a moment. Let us hear from the owner of the statement.

Leader of Majority (Hon. Joseph Nyongesa): Thank you Speaker. We said let *Waziri* (CECM) just relax because my question was; during vetting and re- vetting of the scholarship beneficiaries, the Chief Officer was not in office and here I am seeing the Committee... allow me read because the information was from their office;

The chairperson was Dr. David Wamamili,

Nicholas Kiboi- Committee member,

Dinah Naswa Makokha- Committee Member,

Mourice Kiboi- Committee member,

Fred Kikete- Committee member,

Bukhumbi Makhanu- Committee member,

Wambia Katoi- Committee member,

Godfrey w. Watulo- Committee member; and lastly

Everlyne Wekesa- Committee member

My question was during the re- vetting and vetting of scholarship beneficiaries, the Chief Officer was not in office; how comes he is also the beneficiary on the three per cent?

I should say we really sympathize with the CECM because what he went through is so tedious, but that is how politics is. Now, let him just be straight and to the point; it will be better. Today I don't want to do a lot of interjections because the other time they said we were harassing him that is why we are so quiet.

Mr. Deputy Speaker: Thank you Hon. Joseph Nyongesa our Leader of Majority, Honourable CECM respond to the concerns

Dr. David Wamamili (*CECM, Education*): Thank you Mr. Speaker, I am very relaxed, I am extremely relaxed, but I said I am responding to this document. Just to respond a bit and move on. I have said Hon. Juma is reading this list of the current board; it has nothing to do with this is the document that I have sent here. So my request is that I respond according to the questions that are raised here.

I was straight on the point that the first charge of that money was distribution of fees payment of cheques to schools across the country done between 30th September and 7th October, 2022. That is the first response and the amounts spend was Kshs3, 169,000; that is the first expenditure and I was not in office and governments are there for perpetuity. So I was not in office, that happened before I came in and then...

Mr. Deputy Speaker: Honourable CECM, sorry for interjection, just remain there because I am not going to take much time. You were not in office and if I heard the Hon. Leader of Majority; his concern was about the Chief Officer being a beneficiary on that trip yet he was not in office. I don't know if indeed what he is saying is true about the Chief Officer.

Hon. Milliah Masungu: (*On a Point of Information*) Can the Member be specific on the dates so that he can also guide on when was the Chief Officer was in the office and which document he is referring to compared to what the CECM has.

Mr. Deputy Speaker: Maybe we can give Hon. Juma a chance to make it clear.

Leader of Majority (*Hon. Joseph Nyongesa*): Thank you Speaker. This document emanated from the Department of Education; it is not mine. I am reading what they forwarded to me. The question was, provide expenditure reports of the three per cent of Scholarship and Bursary Funds and this is the response;

So on expenditure reports of the three per cent on Scholarship and Bursary he said; at the headquarter;

- Launching of the County Scholarship Committee used Kshs305, 000
- Education support team Board Members facilitation was Kshs352, 000
- Vetting and re- vetting and verification of beneficiaries was Kshs4, 353, 000

There is where I am now, the vetting and re- vetting and verification of beneficiaries was Kshs4, 353,250. I don't know maybe the CECM could tell us the dates.

- Scholarship launch was Kshs3, 023, 500
- Consultative meeting with education stakeholders in Kisumu and DICECE offices at Bungoma to deliberate on the Form two beneficiaries' way forward at the cost of Kshs3,363,200.

I am questioning because like in this Assembly, when we retreat, our rates are known; now my question is, for the beneficiaries of Kshs4, 353, 000, what were there rates and the information on the verification committee. I think members are now seeing the sense.

Mr. Deputy Speaker: Very well the Leader of Majority has tried to explain and simplify. Hon. Jack?

Hon. Jackson Wambulwa: Thank you Hon. Speaker. I want to thank you for giving me this opportunity. First of all, I wish to request the CECM who is our son to relax. He should not get into all those issues that he is trying to explain, just come on this issue of three per cent, and be specific on it. Who utilized it and more so to save time in the wards especially on the scholarship, how many wards received, which are the wards and which dates? Just as simple as that then we will be done with you my brother.

Leader of Majority (Hon. Joseph Nyongesa): That was specific at the headquarters; now at the ward level; vetting of the bursary beneficiaries. Each ward received Kshs55, 000 translating to Kshs2, 475, 000. Re- vetting of the scholarship beneficiaries at each ward was Kshs75, 000 translating to Kshs3, 375,000. This is a contentious issue. At what level did our wards receive Kshs75, 000? Because what we are aware is that our wards received Kshs55, 000; when they did a bursary issue of Kshs4, 000, 0000 each. So CECM should just be clear and tell us.

Mr. Deputy Speaker: Before *Waziri* (CECM) comes, Hon. Mukhongo, Hon. Tony, Hon. Ipara, Hon. Millia

Hon. James Mukhongo: Hon. Speaker, thankyou for the opportunity.

Mr. Deputy Speaker: I hope the Hon. CECM you are noting.

Hon. James Mukhongo: When the CECM appeared in this Honourable House last time, he was reading block figures and we requested that he gives us a breakdown; like of what my leader has just mentioned. When you say Kshs4, 353, 250, then you give us the beneficiaries' and the rates that each individual received. Then when you come to Kshs3, 025, 500, you also give us a breakdown and say the following were the beneficiaries' of this amount. Even the meetings which were held in Kisumu, the Kshs3, 363,000, if he breaks down then some of the questions raised by the Leader of Majority could not arise.

That is what we agreed because we don't want this issue of block figures; it is the figures that are bringing issues. When you say in every ward when they were doing vetting Kshs275Million was spend, you say Ward A- Kabuchai/Chwele, this is the composition of the committee and each received this and you provide evidence. It is that is simple.

It can't take us too long, we could have moved to another step and that is what we requested the CECM, I don't know if he is ready or not.

Hon. Tony Barasa: Thank you Speaker. In fact what I wanted to say has been elaborated by Hon. Mukhongo; because if you are saying vetting, re- vetting and verification of beneficiaries' at Kshs4.3Million, who are the beneficiaries? At what rate and in which month or which dates? If *Waziri* you can do the breakdowns of that; I think so many questions will not be coming to you.

Then the officer in question; that whether you benefited or not is not dumb. He is present in the House and as per the PFM Act; the Chief Officer is in fact responsible in responding to this House, not the CECM. He is the Accounting Officer, whether in office or not in office. But if the allegations are here and the Chief Officer is present in the House and he has all the powers and authority to speak on his own behalf, what I request from you is you can allow him to come and say yes I benefited or I did not benefit; or maybe I benefited but it was not at that particular time so that this thing can be cleared once and for all.

Why should we belabour *waziri* to explain and the Chief Officer is here? That is my proposal. When I heard the name Nicholas Kiboi, he is here! The Chief Officer can either deny or accept that indeed he is a beneficiary.

Mr. Deputy Speaker: Honourable Members, we have to move. Hon. Milliah you have had very many questions. Let us have Hon. Ipara

Hon. Johnston Ipara: Thank you Hon. Speaker. You can imagine the dilemma that all of us are in in this Honourable House. The Leader of Majority in his question was very clear; you can see six questions are listed;

Provide expenditure, bank statement, list of activities, request forms, what was the total allocation, what was the total administrative cost? We were not privileged to have details of the response and so if Hon. CECM is allowed to clearly state those and I want to use this word, “to clearly state those figures.” If you say Kshs3M between the period of September and November, you itemize how it was broken down, who were the beneficiaries?

If it is the wards, how much was given during that time to the wards, because we know there were two items. The first column was scholarship the second item was bursary. Was it done jointly or separately; and if it was done separately, then for each item how much was spend and how much was also spend within the department internally? Such simple questions! Why is the Chief Officer also among the list of the beneficiaries and by the time of expenditure he was not in the office? I think he should state that clearly why he was paid and maybe...

I just wish to plead Hon. Speaker, for the benefit of the rest of Honourable Members so that you can also contribute; if he can be allowed to state those figures then we interrogate at the end of his presentation I don't know if that will be taken.

Mr. Deputy Speaker: Well noted Hon. Ipara, lastly Hon. Milliah. I don't want to deny you a chance... be brief.

Hon. Milliah Masungu: Thank you Speaker. My concern is about the Department as a whole. I want to be very categorical and say that when the CECM came, he found processes on going in the department; there are officers who handled this department while there was still some preparation to bring in new officers. The same officers are still in this County Government serving. It does not cost them, now that there are new officers who have taken over that office and they are still in this County; to come and testify before us. I know you will say that there is no vacuum in the office, but still we need that evidence so that we get

the flow of information. We must dig deep to know who exactly handled the Department during that time.

Secondly, we also have to beware on the timelines and how the department received funds; we must get clear information so that we know how we are also going to handle this matter. Thank you, Speaker; that was my concern.

Mr. Deputy Speaker: Thank you so much Honourable Members; this is very emotive. It is very sensitive and we can dwell on this issue until tomorrow. I want to give direction on how we should handle this so that we get to the bottom of everything.

What has been raised here brings a lot of questions and because there is a statement on how many people benefited from each Ward; and when I look at the CECM, he is not having that, so I want to give him a window. That you go and prepare the beneficiaries per ward, say they were this during this time, this money was spend like this, just dwell on the three per cent and the issue raised here. So that when you come, you have precise responses based on the three per cent at the headquarters and individual wards. I will give you extra time so that you come with these responses. Before you come in, Hon. Makari?

Hon. George Makari: Speaker, thank you for your direction which has a lot of wisdom. Maybe the CECM had those breakdowns today...

Mr. Deputy Speaker: He is coming to confirm if he has them.

Hon. George Makari: ...and then maybe a piece of advice, as he comes in to confirm. I think next time just dwell on the questions raised so that you don't go in circles with a lot of explanations; you can be gotten off guard. If you are just giving details of the expenditure, unless a subsidiary question is raised, just stick to the breakdown of the expenditure and stop there.

Mr. Deputy Speaker: Honourable Members, I have given direction, it is already late and we have a lot of business ahead of us. Can the CECM confirm if he has those responses so that we can give him a leave for preparation?

Dr. David Wamamili (CECM, Education): Hon. Speaker, allow me say this that I didn't have the question and this is what is guiding me. Issues have been raised and I request you to allow me say just one statement. When you say that Nicholas Kiboi is a beneficiary and I am saying here I have a signed document, I came to an office and I received a lot of hostility, some of these... When you get this document the cheques are there; by 3rd of January, they were withdrawing money, I dint even know there was such an account...

Mr. Deputy Speaker: You can take your seat Hon. CECM.

Hon. Ali Machani: (On a Point of Order) Thank you, Hon. Speaker. In any Commonwealth country and where Kenya is part of, once you have given a ruling or instructions, it must be honoured, CECM is not above whatever you had ruled, so let him just adhere and go and prepare then I think it will be okay.

Mr. Deputy Speaker: I thought the CECM was coming to prove that either he has those responses or not but I have ruled. Therefore CECM you have time to come with precise responses based on the questions raised. The owner of the statement!

Leader of Majority (Hon. Joseph Nyongesa): Thank you Speaker. You know as you ruled, I was very patient. What I am having here originated from the Education Department and these are the nine Committee members who were brought from the department. Which means these are the beneficiaries of the three per cent; when I was reading the names, I was not reading names that I have formulated but from the Department! So if the CECM is saying that Nicholas J. D. Kiboi is not a beneficiary, then why did they list him here? My key concern was the beneficiaries of the three per cent and these are the members...

Mr. Deputy Speaker: I ruled on that Hon. Leader, it is in order; let them respond to that extensively.

Very well you can take leave. Lead the CECM out.

Hon. Ali Machani: Honourable Speaker your ruling is paramount, that is what we are saying. We have ruled and the CECM is going to prepare for the same.

(Applause)

Mr. Deputy Speaker: So the orderlies can you lead the CECM out

The CECM is escorted out of the Chambers

MOTION

1. REPORT BY PUBLIC ACCOUNTS AND INVESTMENT COMMITTEE ON THE AUDITOR GENERAL'S REPORT ON FINANCIAL STATEMENTS FOR BUNGOMA COUNTY YOUTH AND WOMEN EMPOWERMENT FUND FOR THE PERIOD ENDED 30TH JUNE, 2019

Mr. Deputy Speaker: Order members! PAIC chairperson or member... yes CPA

Hon. Everton Nganga (Chairperson, PAIC): Thank you Hon. Speaker. First I would like to appreciate you the way you are pronouncing Honourable Members' names... you are pronouncing them very well.

Honourable Speaker, I am here to move a motion of Public Accounts and Investment Committee Report on Auditor General's Report on the financial statement of the Bungoma County Youths and Women Empowerment Fund for the period ended 30th June, 2019.

Chapter one has the preliminaries, mandate of the Committee and guiding principles, if you can allow me start from membership of this Committee.

Mr. Deputy Speaker: You can proceed as requested but make references.

Hon. Everton Nganga: Thank you Hon. Speaker; currently the membership of Public Accounts and Investment Committee consists of:

1. Hon. Everton Nganga - Chairperson
2. Hon. Timothy Chikati -Vice chairperson
3. Hon. Everlyne Mutyembu - Member
4. Hon. Metrine Nangalama -Member
5. Hon. Stephen Kaiser - Member
6. Hon. Jerusa Alehu -Member
7. Hon. Anthony Luseneka -Member
8. Hon. Violet Makhanu -Member
9. Hon. Benard Kikechi -Member
10. Hon. Alfred Mukhanya - Member
11. Hon. John Kennedy Wanyama - Member

ACKNOWLEDGMENT

In conclusion, the Committee wishes to express its gratitude to the Offices of the Speaker and the Clerk for the support rendered to it during the consideration of this report. The Committee further wishes to thank the Chief Officer and the Fund Administrator who appeared before it for their cooperation.

Finally, the Committee acknowledges the valuable input of the Office of the Auditor-General (OAG) in considering submissions from the management of the line Department.

Mr. Speaker Sir, on behalf of the Public Investment and Accounts Committee, I now wish to table this report and urge the Honorable House to adopt it and the recommendations therein.

CHAPTER TWO

THE REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF THE BUNGOMA COUNTY YOUTH AND WOMEN EMPOWERMENT FUND FOR THE YEAR ENDED 30TH JUNE, 2019

Adverse Opinion

1.0.Trial Balance not provided

The financial statements for the year under review provided for audit were not supported with the relevant trial balance or ledger. Consequently, the basis of the amounts reflected therein could not be ascertained.

Management Response

We have regenerated our trial balance that reflects the ledgers in the financial statements for the under audit and is as follows;

GENERAL LEDGER	NOTE S	DR. BALANCES	CR. BALANCES
Interest received			41,600
General expenses		598,610	
Bank Balance		132,941	
Other cash and cash equivalents		209,530	
Current receivables		24,101,394	
Deficit for period			598,610
Other receivable imprests and advances			208,839
Revolving fund balance			24,235,026
Totals		25,042,475	25,042,475

COMMITTEE'S OBSERVATIONS

1. The Trial balance provided for verification does not correspond accurately with the statement of financial performance and Statement of financial position as at 30th June, 2019. The accuracy of the financial statement for the year under review still remains in doubt.
2. The financial statements are unreliable as the balances could not be accurately confirmed

COMMITTEE'S RECOMMENDATIONS

The Accounting Officer to adjust the financial statements under prior year adjustments in the financial statements for the year ending 30th June, 2023 in line with provisions of accounting policies under IPSAS 3 guidelines.

2.1 Inaccuracies in the Financial Statement

Inaccuracies in comparative amounts

The financial statements for the year ended 30th June, 2019 reflects the following comparative brought forward account balances which differ with corresponding balances shown in the previous year's financial statements. As indicated, the variances were not reconciled; here is a table:

Item	Amounts as per the current financial statements (Kshs)	Amounts as per 2017/18 financial statements (Kshs)		Combined figures (Kshs.)	Variances (Kshs.)
		Women	Youths		
General expenses	2,809,150	1,416,850	1,395,215	2,812,065	2,915
Long term receivables	24,458,532	10,84,234	14,294,008	24,378,242	80,290
Accumulated deficit	(2,852,259)	(1,416,850)	(1,395,215)	(2,812,065)	40,194
Fund administration expenses	-	-	1,261,200	1,261,200	1,261,200
General expense	2,809,150	1,416,850	84,015	1,510,865	1,298,285
Fund administrator expenses					
Staff costs	-	-	450,000	450,000	450,000
loan processing costs	-	-	11,200,000	11,200,000	11,200,000
professional services	-	-	800,000	800,000	800,000
General expenses consumables	1,497,300	105,000	15,000	120,000	1,377,300

In the circumstances the basis for comparative figures could not be confirmed.

Management Responses

General expenses variances of Kshs2, 915 occurred after consolidation of two Funds on accrual basis of accounting.

Long term receivables variances rose after reconciliation of the long term receivables schedules. The repayment was happening well but reconciliation was periodic so the variances.

The accumulated deficit of Kshs40, 194 is a variance. This occurred as a result of more disclosure from accrual basis of accounting where we recognize the expenses when it occurs not when its accounted; hence the variance of Kshs40, 194.

This was adjusted in financial statement that followed to reflect a fair value of the financial instruments in the statements.

Statement of cash flows

Fund administration expenses had a variance of Kshs1.261, 200.

While consolidating the two funds, administrative expenses for the Women Fund were erroneously omitted. The funds were being reported separately, during the year under review, it was agreed that they consolidated the final accounts into one fund because of the regulations.

General expenses

Kshs1, 298,285 as the variance was after the distribution of expenses on use of goods and services.

The total amount is included in the Kshs1, 261,200; and

Fund administrative expenses totaling up to Ksh1, 547,950

Together, they total up to Kshs2, 809,150 and are accounted for as use of goods and services in the fund financials

COMMITTEE'S OBSERVATION

1. No revised financial statements were provided for verification to address the variance adjustments.

2. COMMITTEE'S RECOMMENDATION

The Accounting Officer to adjust the financial statements under prior year adjustments in the financial statements for the year ending 30th June, 2023 in line with the provisions of accounting policies under IPSAS 3 guidelines to address the adjustments.

1.2 Statement of financial position

The statement of financial position as at 30th June, 2019, reflects total assets figure of Kshs24, 234,335 which differs with the total net assets and liabilities balances of Kshs24, 235,026 by un-reconciled variances of Kshs691. The statement also reflects total net assets and liabilities comparative amount of Kshs24, 833,636 which differs with the recomputed figure of Kshs24, 753,346 by a variance of Kshs80,290 which was not explained or reconciled.

Management responses

Statement of financial position

Details	30 th June 2019	Re-computed figure	Variance	Management response
Total assets	24,234,335	24,235,026	691	Total variance is a reconciliation of the revolving fund balance that is a continuous exercise in the fund.
Comparative figure	30 th June 2018	Re- computed figure	variance	Management response
Total assets	24,833,636	24,833,636	80,290	Total variance is a reconciliation of the revolving fund balance that is a continuous exercise in the fund.

COMMITTEE'S OBSERVATION

The statement of financial assets cannot be confirmed since the reconciliation was to ensure balancing figures for total Assets and the net assets and liabilities.

COMMITTEE’S RECOMMENDATION

The Accounting Officer to adjust the financial statements under prior year adjustments in the financial statements for the year ending 30th June, 2023 in line with provisions of accounting policies under IPSAS 3 guidelines to address the adjustments.

1.3 Statement of changes in net assets

The statement of changes in net assets as at 30th June, 2019 reflects amounts which differ with the respective recomputed amounts as tabulated below. The re-computation was done using figures reflected in the financial statements of Bungoma County Women Empowerment Fund and Bungoma County Youth Empowerment Fund for the year ended 30th June, 2018 and Bungoma County Youth and Women Empowerment Fund for 2018/2019;

	Amount as per financial statements Kshs	Recomputed amount Kshs	Variance
Revolving Fund balances as at 1/7/2017	27,605,605	34,171,436	(6,565,831)
Accumulated surplus/ deficit as at 1/7/2017	(23,737,773)	(7,303,625)	(16,434,148)
Total net Assets as 1/7/2017	(3,867,832)	(26,867,811)	(30,735,643)
Deficit for 2017/ 2018 revolving Fund	(2,772,065)		2,772,065

Deficit for 2017/2018- accumulated surplus	(2,772,065)	(2,692,465)	(79,600)
Deficit for 2017/2018 – total	-	(2,692,465)	(2,692,465)
Revolving Fund Balances as at 1/7/2018	24,833,540	34,171,436	(9,337,896)
Accumulated surplus /deficit as at 1/7/2018	(26,509,838)	9,996,090,	(16,513,748)
Total Net Assets as at 1/7/2018	(1,675,298)	(24,175,346)	(25,850,644)
Deficit for 2018/2019 revolving Fund	(598,610)	-	(598,610)
Deficit for 2018/ 2019 accumulated surplus	(598,610)	(598,610)	-
Deficit for 2018 /2019- total	-	(598,610)	(598,610)
Revolving Fund Balances as at 30/6/2019	24,234,930	34,171,436	(9,936,506)
Accumulated surplus /deficit as at 30/6/2019	(27,108,448)	(10,594,700)	(16,450,254)
Total Net Assets as at 30/6/2019	(2,873,518)	23,576,736	(26,450,254)

Management response

The changes in net assets for the revolving balance were recomputed in the accrual on the subsequent financial years reporting and hence forth we have a true and fair value as attached below. We have been improving on the ascertaining the fair value reporting on our financials and up to date our financial instruments in the statements is of right and fair value.

	Revolving Fund	Accumulated surplus	Total
	KShs	KShs	KShs
Balance as at 1 July 2018	51,294,092	26,430,238	24,863,854
Surplus/(deficit) for the period		598,610	(598,610)
Funds received during the year	-		-
Balance as at 30 June 2019	51,294,092	27,028,848	24,265,244
Balance as at 1 July 2019	51,294,092	27,028,848	24,265,244
Surplus/(deficit) for the period		38,080	(38,080)
Funds received during the year	-		-
Balance as at 30 June 2020	51,294,092	27,066,928	24,227,164
Balance as at 1 July 2020	51,294,092	27,066,928	24,227,164
Surplus/(deficit) for the period		2,040	(2,040)
Funds received during the year			
Balance as at 30 June 2021	51,294,092	27,068,488	24,225,604

COMMITTEE'S OBSERVATION

No revised financial statements were provided to confirm the corrections of errors noted and adjustments alluded to in the management response.

COMMITTEE'S RECOMMENDATION

The Accounting Officer to adjust the financial statements under prior year adjustments in the financial statements for the year ending 30th June, 2023 in line with provisions of accounting policies under IPSAS 3 guidelines to address the adjustments.

2.4 Statement of cash flows

The statement of cash flows for the year under review reflects increase in long term receivables of Kshs209, 530, while re-computation of balances reflects a decrease of Kshs357, 138. No explanation was provided for this anomaly. In addition, the statement also reflects net cash flows used in investing activities figure of Kshs209,530 and Kshs1,031,630 for the years 2018/2019 and 2017/2018 respectively. However, these amounts are not supported with any evidence. Further the statement reflects cash and cash equivalents as 30th June, 2019 balance of Kshs104,310 which differs with a corresponding figure of Kshs132,941 reported in the statement of financial position as at 30th June, 2019.

In the circumstances, the accuracy of the financial statements for the year ended 30th June 2019 could not be ascertained.

Management Response

The cash and cash equivalent for the ended 30th June, 2019 is Kshs132, 941. Kshs104, 310 was an understatement in the disclosure of Ksh28, 631. The increase in long term receivables is the imprests and advances during the year under review.

COMMITTEE'S OBSERVATION

There is no supporting documentation provided to confirm the management response. With no revised financial statements to confirm the amendments, the accuracy of the financial statements cannot be ascertained.

COMMITTEE'S RECOMMENDATION

The Accounting Officer to adjust the financial statements under prior year adjustments in the financial statements for the year ending 30th June, 2023 in line with provisions of accounting policies under IPSAS 3 guidelines to address the adjustments.

2.5 Variance of Receivables from Exchange Transactions

The statement of financial position as at 30th June, 2019 reflects long term receivables

balance of Kshs24, 101,395 while loan repayment status schedule availed for audit shows outstanding loan balances totalling Kshs22, 307,269; resulting in a variance of Kshs1, 794,125.

Management has explained that the difference of Kshs1, 794,125 relates to the outstanding local purchase order (LPO) financing products which are not included in the repayment status schedule. However, no schedule of outstanding LPOs or any other evidence in support of the amount of Kshs1, 794,125 was not provided for audit.

Consequently, the validity and accuracy of the receivable from exchange transaction balance of Kshs24, 101,394 could not be ascertained

Management Response

The long term receivable balance of Kshs24,101,394 differs with the loan repayment status schedule availed for audit which shows outstanding loan balance totaling Kshs22,307,269 resulting in the variation of Ksh1,794,125 representing LPO financing.

Appendices 003(a) is the documentation for LPO financing of the equal amount together with schedules for group loaning facilities.

Committee's Observation

The LPO availed for verification is in favour of Luson General Supply Limited amounting to Kshs450, 000 leaving unexplained variance of Kshs1, 344,125. This amount can therefore not be accounted for.

Committee's Recommendation

With lack of sufficient supporting documentation for the advanced loans against receivables balances totalling to Kshs1,344,125, the Committee finds the Administrator of the Fund liable for mis-appropriation of the said funds and should be surcharged as per the laid down procedures.

2.6 Cash and Cash Equivalents

The statement of financial position reflects cash and cash equivalent balance of Kshs132, 941. The detailed analysis of cash and cash equivalent under note 3 to the financial statements reflects a balance of Kshs28, 631 against bank account number 01141536727100 held at the Co-operative Bank of Kenya. However, this balance of Kshs28, 631 differs with a balance of Kshs25, 831 shown in the certificate of bank balance and cash book by Kshs2, 800.

In addition, documents availed in support of cash and cash equivalent amount show that the variance of Kshs2,800 was the balance in the co-operative Bank of Kenya's Account No. 01141536727101 as at 30th June, 2019, which is not reflected in Note 3. Further, the detailed analysis of cash and cash equivalent shows that account No. 01141536727201 was held at Kenya Commercial, Contrary to available evidence which indicates that the account was held at the Co-operative Bank of Kenya.

In view of the foregoing, the accuracy and completeness of the cash and cash equivalent balance of Kshs132, 941 for the year ended 30th June, 2019 could not be confirmed.

Management response

Bank balance as at 30th June 2019

As at 30 th June 2019.		2018/2019
Financial institution	Account number	Kshs
Current account		
Cash and cash equivalents for Women fund		
Cooperative Bank of Kenya	01141536727201	61,399
Cooperative Bank of Kenya	01141536727200	42,911
Cash and cash equivalents for Youth fund		0
Cooperative Bank of Kenya	01141536727100	25,381

Cooperative Bank of Kenya	01141536727101	2800
Total		132,491

Appendices 004(a) Bank statements attached.

The total on cash and cash equivalent is Kshs132, 491 as indicated; all bank certificate balances were supplied to the auditors as required. The misinformation on the correct bank account indicated was misstatement but the right figures are as per the table above. The above table is the balances according to the bank account held. The bank statement is available for verification. The total of bank balance included accounts for Youth and Women Fund at Kshs25, 381 and Kshs2, 800 respectively.

Committee’s Observations

1. The Committee notes that the account N0. 01141536727201 erroneously reported as held at Kenya Commercial bank, is indeed held at the Co-operative Bank of Kenya
2. No bank statements, bank certificates of bank balances, cashbooks were provided for verification as per the submissions of the Accounting Officer.

Committee’s Recommendations

1. The fund administrator through the County Treasury to close the many bank accounts operated for the Fund and retains only one single bank account.
2. The management to correct the Financial Statements to reflect the correct reconciled cashbook balances against the bank certificate balances as at 30th June, 2019. The Accounting Officer to therefore adjust the financial statements under prior year adjustments in the financial statements for the year ending 30th June, 2023 in line with provisions of accounting policies under IPSAS 3 guidelines to address the adjustments.

2.7 Unsupported General Expenses

The statement of financial performance for the year under review reflects general expenses amount of Kshs598, 610. However, Payment vouchers and related supporting documents in support of general expenses totalling Kshs264, 180, out of the expenses of Kshs598, 610 were not provided for audit verification.

In the circumstances, the accuracy and validity of the general expenses balance of Kshs598, 610 for the year ended 30th June, 2019 could not be confirmed.

Management Response

The documents are available as all the expenses were approved expenditure and accounted accordingly. It's an issue that was conclusively handled and was supposed to be dropped but documents can be availed for the committee to verify. The failure that occasioned delayed submission to the auditors was to retrieve from treasury

Appendicie005 (A) expenditure Voucher

Committee's Observation

The payment vouchers totaling to Kshs548, 000 were availed to the Committee and verified.

Committee's Recommendation

The validity of the expenditure under general expenses is hereby confirmed. The Committee urges the Fund Administrator to always avail documents in time to the auditors to forestall such matters from being reported in the audit certificate.

2.8 Recovery of loans and accrued interest

The long term repayment schedules availed for audit shows that total loans advanced amounted to Kshs47, 250,000 out of which, loan totalling Kshs24, 942,731 had been recovered as at 30th June, 2019, while loans amounting Kshs22, 307,269 were still not recovered from the borrowers.

Further scrutiny revealed that the annual repayments have been declining steeply, with very

little being repaid in the 2017/2018 and 2018/2019 financial years as shown in the table below;

FINANCIAL YEAR	AMOUNT RECOVERED (KSHS)
2015/2016	21,482,379
2016/2017	3,145,122
2017/2018	273,100
2018/2019	42,130

Consequently, the recoverability of the outstanding loans remains doubtful and this may affect sustainability of services by the Fund.

Management Response

The long term receivables of Kshs24, 942,731 are long overdue debts in the Fund. We are amending the Regulations to provide for the first loans as seed loans which will also be in form of grants. This will call for thorough scrutiny to identify the loans that are recoverable and those that are not recoverable. The ones we cannot recover because the beneficiaries cannot repay the loan on grounds that will be sufficiently agreed upon with Fund Committee; those that have died and those that cannot repay due to extreme poverty will be treated as grant beneficiaries. Those that can repay, we shall employ measures including forceful and civil measures to get money back to the Fund. The Fund has undertaken a comprehensive data collection and analysis that will be soon out; to be able to classify these beneficiaries and appropriate action taken for the sustainability of the Fund.

The repayment schedules were satisfactorily supplied to the Auditors for verification as soft copies. It will depend with the officer the way he/she judged the schedules but we are

continually working on the schedules to have the most updated and reliable repayments for future audit exercises.

Committee's Observations

1. The Committee observes that Management had failed to recover outstanding loans dating back to four years since they became due for recovery amounting to Kshs.22,307,269. Further the annual repayments have been declining steeply raising questions on efforts being put in place to recover the loans.
2. It was also observed that failure to recover the loans that are outstanding for four years since they became due for recovery as indicated in the audit report and as agreed to by management implied that the amount of funds available for further loaning to qualified borrowers during the said period were adversely affected.

Committee's Recommendations

1. That for the purposes of the fund sustaining service delivery to the youths and women of the County through disbursement of low interest loans to qualified borrowers, which is its core business, the Management through the Accounting Officer should as a matter of urgency scale up recovery efforts of all loan repayments that became due more than four years ago; as indicated in the audit report and a corresponding compliance report be submitted to the County Assembly within 60 days from the date of adoption of this report.
2. The CECM to evaluate and assess the long-term receivables with a view of ascertaining bad and doubtful debts in order to make a provision for the same in the financial statements; to mitigate the effects of uncertainty in recovering the amounts.
3. The CECM should fast track the review of the regulations to cater for bad and doubtful debts. The review should also consider provision of securities for loans advanced through insurance and enhancing enforcement of loan repayments. The

Committee recommends that the CECM for Gender, Culture, Youth and Sports to implement the resolution within three (3) months from the adoption of this report.

OTHER MATTERS

2.0 Budgetary control and performance

The statement of comparison of budget and actual amounts reflects final revenue budget and actual on comparable basis of Kshs40, 000,000 and Kshs41, 600 respectively resulting to underfunding of Kshs39, 958,400 or 99 per cent of the budget. Similarly, the Fund expended Kshs598, 610 against an approved budget of Kshs1, 200,000 resulting to under expenditure of Kshs601, 390 or 50 per cent of the budget.

The Fund management ought to relook at the budget preparation process with a view to making it as effective and realistic as possible in order to achieve the objective for which it was established.

In addition, the statement of comparison of budget and actual amounts reflects transfers from county Government, interest income and general expenses budget amounts of Kshs38, 000,000, Kshs2, 000,000 and Kshs1, 200,000 respectively; which were not supported with the relevant approved estimates.

Finally, the statement reflects transfers from county Government utilization of 0 per cent which was not explained in the footnotes, contrary to the recommended reporting template which requires utilization of below 90 per cent explained. Further, utilization percentages for interest income, total income, general expenses and total expenses of 4.2 per cent, 0.21 per cent, 7 per cent and 92 per cent differ with the recomputed utilization percentages of 2 per cent, 0.1 per cent, 50 per cent and 50 per cent respectively. The anomaly was not explained.

In view of the foregoing, the Fund may not have achieved its objective of delivering services to the youth and women of Bungoma County.

Management Response

The fund budgeted to receive Kshs40, 000,000 during the year under review, with 3 percent for administration at Kshs1, 200,000. However, no transfers from the County Government was realized that year (no exchequer releases) indicating utilization of 0 per cent.

Under the expenses, the Fund budgeted to spend Kshs1, 200,000 during the year, under review; being 3 percent for the annual allocation. The actual expenditure was Kshs589, 610 representing approximately 50 per cent. This is in line with cost cutting strategy the Fund is employing to achieve sustainability.

On Interest on income on the Fund, it was projected that revenue in the Fund to be Kshs2, 000,000. This could only be achieved when we advance the other products apart from group loaning. 8 per cent was to attract the Kshs2, 000,000 as interest income but we ended up only realizing Kshs41, 600 on the outstanding loans on LPO/LSO financing representing 4.2 per cent.

Committee's Observations

1. The Fund didn't have approved budget estimates for Kshs.38, 000,000, Kshs.2, 000,000 and Kshs1, 200,000 in relation to funding from the County Government, interest income and general expenses respectively. There was equally no release from the exchequer to the Fund.
2. The utilization of below 90 per cent of the budget was occasioned by the zero transfer of the exchequer from the County Government to the Fund. This was however not explained in the footnotes as required in the reporting templates. Similarly, no explanation was given for the differing percentages in the recomputed utilization.

Committee's Recommendation

The Funds Administrator should always ensure that there are budget estimates approved by the County Assembly on the Youth and Women Empowerment Fund. The Accounting

Officer pursuant to the provision section 149 (2) (h) of Public Finance Management Act 2012 should always prepare budgets as guided by the National Treasury and County Treasury

1.1 Progress on Follow up of the Auditor’s Recommendation

The progress on follow up of the Auditor’s recommendation and statement at Note 11 does not include audit issues reported in the Report of the Auditor General on Bungoma County Youth Empowerment Fund for the year ended June, 2018 as required.

Consequently, the financial statements presented for audit do not comply with International Public Sector Accounting Standards No. 1 as prescribed by the public Sector Accounting Standards Board.

Management response

By the time of audit the year under review we had not received the audit recommendation or final certificates. An issue we addressed in the subsequent financial year capturing all audit matters pending in the recommendation.

COMMITTEE’S OBSERVATION

The Committee observes that the Department did not provide a status report of the implementation of prior year matters for the year ended June, 2018 as reported by the Auditor General. This amounts to negligence by the Accounting Officer.

COMMITTEE’S RECOMMENDATIONS

The Committee notes that Section 53 of the Audit Act obligates the relevant Accounting Officer of a state organ or public entity to within three months after Parliament has considered and made recommendations on the audit report, to—

- (a) Take the relevant steps to implement the recommendations of parliament on the report of the Auditor-General; or
- (b) Give explanations in writing to the Parliament on why the report has not been acted upon.

Hon. Nangalama takes a glass of water to the Hon. Chairperson, PAIC

Thank you Hon. Nangalama!

Mr. Deputy Speaker: So, Honourable, the bottled water became bitter!

Hon. Everton Nganga: This one is warm water.

Mr. Deputy Speaker: She brought hot water! Very well, hot water will help your throat.

Hon. Everton Nganga: Thank you Hon. Speaker

(2) Failure to comply with the provisions of subsection (1), the Accounting Officer shall be in contempt of Parliament or County Assembly and upon determination by Parliament or relevant County Assembly, Parliament or relevant County Assembly may recommend administrative sanctions such as removal as the Accounting Officer, reduction in rank among others.

The Committee thus directs the Fund Administrator to provide to the County Assembly a report on the implementation of the prior year audit matters to date, within a period of one 30 days from the date of adoption of this report.

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Non-Compliance with Revolving Fund Principle

As at 30th June 2019, the Fund had since inception the year 2013/2014 received grants totaling Kshs75, 414,500 from the exchequer. The revolving fund principles dictate that the balances should be equal to the initial funds disbursed or increase in value which was not the case as at 30th June 2019.

We have a table there!

Details	amount
Amount disbursed since inception of the fund	75,414,500
Bank balance as at 30th June 2019	132,941
Outstanding loans	24,101,394
Total	24,234,335
Deficit in the fund account utilized as expenditure not recoverable	51,180,165

Management has explained that the expenditure of Kshs51,180,165 was unavoidable as it was spent on setting up policies and regulations of the fund after it was established and subsequently on recruitment ,training and remuneration of staff as provided for in the regulations.

Management has further indicated that following a discussion with the Controller of Budget, the Fund dropped its staff and instead, engaged the staff of the parent Department on secondment basis to reduce on expenses. In view of the above, the purpose of the Fund may not be achieved as desired and will lead to difficulty in sustainability of service.

Management Response

The Fund has so far received two exchequers since inception; the first exchequer was in 2013/2014 of Kshs25M. At the moment, the Fund had no laws or regulations that could operationalize it.

It was agreed that the money be used to formulate the fund policies and regulations as well as recruitment of staff.

The second exchequer or transfer was done in the Financial Year 2014/2015 thus receiving Kshs50M. Now that all structures were in place, the entire amount was divided into 45

Wards, each receiving an equal share excluding the 3per cent administration allocation.
The table below illustrates the details.

Year	Amount received	Purpose	Remarks
2013/2014	25,000,000	-Formulation of policies -Formulation of regulations -Recruitment of staffs -Procurement of application forms -Launch of the fund.	-Policies of two funds available -Regulations of the fund available -Applications were supplied -The fund was launched
2014/2015	50,000,000	3 % administration Kshs 1,500,000 47% capital expenditure Kshs 48,500,000	Each ward received Kshs 1,077,500 meaning 22 groups in each ward of Kshs 50,000.
2014/2015	414,500	-Imprest amount received to pay one month salary of the fund staff	The amount was a refund into the fund from the ministry but not part of the fund income.

Committee's Observations

1. There was total non-compliance to the revolving fund principle for failing to observe the object and purpose of the Fund as per the Fund regulations. Sustainability of the fund remains in question, since more than 68 per cent of all the disbursements to the Fund has been utilized for other expenditures that are not the main purpose of its establishment.

The inability to equally recover the outstanding loans issued makes it difficult for the sustainability of the service.

2. The Fund Administrator illegally spent funds to defray administrative expenses over and above 3 per cent allowable maximum limit as per the approved regulations governing the Fund.

The fund had a weak internal control mechanism to run the operation of the Fund which led to loss of KShs51, 180,165 shillings that were utilized for purposes other than the purpose of the Fund.

Committee's Recommendation

1. The Committee recommends strict compliance to the Bungoma County Women and Youth Empowerment Fund Regulations, 2015 and thus warns the Fund Administrator to ensure strict adherence on the utilization of the Fund for the purpose and object it was set up in total regard to the revolving fund principle.
2. The CECM to oversee the recovery of the misappropriated funds of Kshs51,180,165

used for other purposes from the accounting officer of the Bungoma women and Youth Fund in line with section 156 (2) of the Public Finance Management Act which provides that if a County Committee Member for Finance reasonably believes that an accounting officer has engaged in improper conduct within the meaning of subsection 4, the County Executive Member for Finance shall

- a) Take appropriate measures to address the matter in accordance with laid down procedures or
- b) Refer the matter to be dealt with in terms of the statutory and other conditions of employment applicable to the Public Officer

Committees General Observations/ Recommendations

The committee grossly notes mismanagement of the Youth and Women Fund by the Fund Administrator in total disregard to the guiding Regulations and the Public Finance Management Act. This is in relation to the following observations;

1. Failing to prepare Financial Statements for the Fund in line with the provisions of the Public Sector Accounting Standards Board, leading to inaccuracies in the financial statements.
2. Auditor General Adverse opinions on the financial statements for the two respective financial years ending 30th June, 2019 and 30th June, 2021, meaning the financial statements are misrepresented, misstated, and do not accurately reflect its financial performance and health.
3. Non-compliance to the revolving fund principle and failing to recover loans thus failing to meet the purpose and object of the Fund to issue loans at low interest rates as per the Fund Regulations. The recoverability of the advanced loans remains doubtful since there are no efforts made to ensure this is realized. The sustainability of the Fund remains in question.
4. Failing to appropriately account for the advanced loans, case in point being Kshs1,344,125 which cannot be accounted for in the financial year ended 30th June, 2019 under exchange transactions
5. There was total non-compliance to the revolving fund principle for failing to observe the object and purpose of the fund as per the fund regulations. The sustainability of the fund remain in question since more than 68 per cent of all the disbursements to the fund has been utilized for other expenditures that are not the main purpose of its establishment.
6. Failing to address prior year audit matters on the steps taken to resolve issues highlighted by the Auditor General and the Public Accounts Committee on the Fund.
7. The Committee noted that the Fund Administrator and officers running the Fund were evasive and failed to provide satisfactory responses and documents on the matters raised by the Auditor General in the reports. It further noted capacity gaps on the officers running the Fund and concluded that this could be the reason for the gross mis-management of the Fund.

General Recommendations

1. Due to the observation made herein, the fund has not lived to meet the purpose it was established and Public funds have been misappropriated. The Public Accounts Committee recommends the fund to be wound up and closed in accordance to the provisions of sections 116 (5) and (6) of the Public Finance Management Act, County Government Regulation 215 section 197 (1) (i) provides that the initial approval for establishment of ...

Mr. Deputy Speaker: Hon. Sifuna Nganga may be you should bring out that part very clearly for the purpose of the Hansard. The part of County Government Regulations, 2015 section 197(1) then in brackets roman number (I) not (i)

Hon. Everton Nganga: Under recommendations?

Mr. Deputy Speaker: Yes under recommendations on page 37 at the top.

Hon. Everton Nganga: County Government Regulations 2015 section 197 (1) (i) provides that the initial approval for establishment of a County Public Fund shall be for a maximum period of 10 years beyond which a County Executive Committee and County Assembly approval shall be sought. In this regard the fund which has been in existence since the Financial Year 2013/2014 has lived the maximum period of initial approval and the committee recommends winding it up accordingly.

2. The Committee upon finding the Fund Administrator for the Bungoma Women and Youth Empowerment Fund culpable for the observations herein concluded that the Fund Administrator and the officers running the fund were in breach of the Public Finance Management Act; and in particular Section 156.

The Committee recommends that the CEC Member for Finance and Economic Planning, pursuant to the provisions of Section 156 (3) of the PFM Act, 2012 to revoke the appointment of the Fund Administrator and other office bearers of Bungoma County Women and Youth Empowerment Fund and appoint new officers to oversee the winding up process of the Fund.

3. The CECM should file a report to the County Assembly on compliance to see recommendations on winding up the fund within 30 days upon adoption of this report.

Honourable Speaker, on the remaining pages we have the annexures. We have the adoption schedule, it was properly adopted and the Auditor General's certificate.

Mr. Speaker Sir, I would like to request Hon. Alfred Mukhanya to second the report.

Mr. Deputy Speaker: Can you applaud the Honourable Member?

(Applause)

Very well, Hon. Mukhongo is very mean with applauding so, there is no problem. Hon. Mukhanya, can you second please!

Hon. Alfred Mukhanya: Thank you Mr. Speaker. Before I second the motion, I would like to say it is good work done by the Chairman of PAC Hon. Nganga.

Actually, the money meant for the Youth and Women Fund was actually misused but when you look at the whole report, there were variances in most of the parts. The management response to most of the documents were not satisfactory hence leading to a lot of differences in the whole exercise.

There were multiple unsupported documents after the audit. This means that the money that was meant for the Youths, when audited there were differences, hence these inaccuracies.

Actually, this money was running in millions that were meant for the youth and women empowerment. The management that ran the whole exercise was not actually keen hence the differences and so the recommendation given by the Committee is accurate.

I will finish by saying; as a House, let's support the report so that at the end of the day like the Chair has read, we do the needful. I second.

(Applause)

Mr. Deputy Speaker: Well, Now Honourable members, a motion having been moved and duly seconded, I now propose it for debate;

(Question proposed)

On line we have Hon. Vitalis, Masai. We begin with Hon. Vitalis!

Hon. Vitalis Nyongesa: Thank you Mr. Speaker. First of all, allow me appreciate the mover of this report, the Chair of PAIC. According to the first recommendation of the report, it says that they want to wind up the Fund and I wonder how they can wind up the Fund before bringing out the culprits so that they should be surcharged for the County Government money to be returned. Why should the Funds be wound up yet the culprits might be well known. That's my input.

Mr. Deputy Speaker: Thank you Hon. Sifuna Wangila, Member for Kabula. Hon. Masai Chemion!

Hon. Francis Chemion: Thank you Mr. Speaker. I want to thank Hon. Nganga plus his team. This is a very serious report. You know it's recommending very serious things. One, it has been said by Hon. Vitalis that the Fund should be wound; meaning the youths, women and beneficiaries of this Fund are now going to suffer the consequences because that recommendation is proposing. The CECM- Finance has been tasked to do some of the things.

Secondly, we have a person by the name Fund Administrator. From the recommendations, the document is saying he should be surcharged an amount that is equal to Kshs51, 180,165.

This is an enormous amount and we must therefore ensure that this is Public money that was embezzled and the law is very clear. We need that money back as yesterday. This is a very strong recommendation. I hope the Committee on Implementation; I can see the Chair is looking at me. This is a report that is already on your Table. If adopted by the House, you must ensure that this Kshs51, 000,000... if it comes back to the Fund, it will be of great use to the Public good.

Finally, look at the issue that we were handling in Education the issue of the 3 per cent...

Mr. Deputy Speaker: Hon. Masai, as you proceed because this is a very important motion touching on the very critical Fund of this County, how I wish that our Majority and Minority whip should whip the members to return inside here. These are very critical things we are discussing about.

(Applause)

The Majority and Minority Whip, can you whip the members to be here because the recommendations are very critical.

Hon. Francis Chemion: Hon. Sudi is here. Hon. Speaker, that is why we need to be remaining behind to look at such serious documents so that when we pass, the consequences of passing it is with us; whether positive or negative. If we pass it the way it is, Honourable Members, it means we are winding the Fund.

For me, I back the issue of surcharging. I am afraid of winding, but okay with surcharging because these are people who embezzled funds, but if we say we are winding it, we will have war with our women and the youths. There will be total war in our wards and women will cry. They will be saying the Honourable Members who presided over the winding of the Fund include all of who are here.

Let us look at it with keen eyes and amend where we can, and where we can go with the recommendations, it will be okay. I was just raising that issue so that members can know the document before us is as tough as it is.

Mr. Deputy Speaker: Thank you Hon. Masai, we have Hon. Kuloba then Isaiah Busolo, Hon. Kuloba, proceed!

Hon. Jeremiah Kuloba: Thank you Mr. Speaker Sir. I rise to support the report that has been tabled here. I do not agree with it in totality.

One, youths and women of this County will suffer if we wind up the Fund. We shall leave them in darkness. One day, history will judge this House for the verdict you are making today.

Two, I do not agree with the report where they talk of winding up the Fund. The Fund should continue. Money should be recovered. People who embezzled the money must; and I am

using the phrase must! Must pay the money and must be surcharged. That Fund Administrator as we speak should be in Kamiti. I rest my case.

Mr. Deputy Speaker: Thank you Hon. Kuloba. Honourable Members, be sure that when you are suggesting that you are not agreeing with some parts of this report then you should be looking at how you are going to execute the same if it comes to a vote; because if it means an amendment, then you know the procedure of making the amendments before we vote on it. So, as you debate, bear that in mind. Hon. Isaiah Sudi!

Hon. Isaiah Sudi: Thank you Hon. Speaker for allowing me also to add my voice on a very good report that has been well read by the CPA. As we are here, we are representatives of people. My good people of South Bukusu, if you look at the population, the largest population is youth and women and this is the only Fund that describes them then we sit here and winding it up... look at the way the Fund is crafted. It says after 10 years, they are allowed to come here and seek for its continuity.

I expected the committee to have recommended that they bring a document we pass it so that the fund continues and there are many ways of recovering money from those who embezzled the money because just to wind a fund that belongs to the youth and women we shall be doing injustice to them. I request that my colleagues, Honourable Members, the report is good, but that paragraph should be expunged so that we request the Department to do a write up so that the program is extended.

If you look at even the budget that we passed, there is some money that was put on that Fund so, how are we going to wind it up? We know the money was misused but let us deal with the real culprit especially the Fund Administrator. We should hold him or her accountable so that he/she pays the money. We recover the money the way they have put it that we surcharge other than winding up the Fund which belongs to our mothers and our own sons and daughters. That we come here and.... I totally disagree with that recommendation. Otherwise, the report is okay. Let us see a way of amending that as legislators in this House. Expunge that recommendation before we pass it. I rest my case.

Mr. Deputy Speaker: Yes, after that, we will have Hon. George Makari, Peter Wanjala then Everlyne Wabwile. Hon. Makari Wasike!

Hon. George Makari: Hon. Speaker, I want to move a motion according to Standing Order 60(4) (b). You look at the sentiments of the members and the motion before us and the way members are yawning at this particular time. I want to move a motion according to standing order 64(b) that we adjourn this debate and it gets slotted in HBC next week Tuesday because it has good sentiments and some members are suggesting amendments to this motion; so that we can give them space and time to go and prepare whatever they have then we resume when we are very fresh.

I want to ask Hon. Mukhongo to second the motion.

Mr. Deputy Speaker: Hon. James!

Hon. James Mukhongo: Hon. Speaker, you have already given me a mic to talk when I have not pressed? Anyway, I stand to second the motion moved by my brother Hon. Makari; that looking at the report and its recommendations, it will affect us immensely in our various wards. We will not allow! We might recommend or as we adjourn, some of us have some amendments of which we must have tough sanctions to whoever did that malpractice other than punishing our electorates. As I second, I can also refer you to Standing Order No. 35 where if resumption of interrupted business, our standing orders give us a leeway that when we will be resuming we start with the same business. Otherwise, time is not allowing us to do so. I submit.

Mr. Deputy Speaker: Now, Honourable Members, a motion having been moved that we postpone the motion that is on the floor to a later date and having been dully seconded, I now propose the same to you for debate.

(Question on the deferment of motion proposed)

I am not seeing the mood; I am blind to the mood. Honourable Members, I now put the question that a motion having been moved that this House adjourns the motion that was being moved to a later date and to be given consideration so that members can work on amendments to be brought forward and duly seconded that this House adjourns on the same.

(Question put and agreed to)

The ayes have it.

(Applause)

Members, the same debate that was on the floor has been adjourned to a later date and will be given preference so that we begin with the same in subsequent session or sitting and therefore we move to the next item.

(Loud Consultation)

We have adjourned the motion

(Laughter)

(Applause)

Excuse me Honourable Members. I was elaborate that we adjourn the motion on the Floor of the House; so in case we have to adjourn the House then we will do that through a motion, but we have adjourned the motion which was on the floor of the House, the PAIC Committee report to a later date so that members can make amendments that they requested.

Next item!

BILL

1. THE BUNGOMA COUNTY WEIGHTS AND MEASURES BILL, 2023

Mr. Deputy Speaker: Hon. Mukhongo do you have something?

ADJOURNMENT

Hon. James Mukhongo: You know Hon. Speaker; I have looked at the adjournment of the House that is in our Standing Order No. 34(1) (a)

“A member may at any time for a reason stated seek leave to move that the House do now adjourn.”

The reason was being given by Hon. Makari. Now, I move that the House adjourns the sitting to another time.

Mr. Deputy Speaker: Call a seconder!

Hon. James Mukhongo: Hon. Sudi to second!

(Laughter)

Hon. Isaiah Sudi: Hon. Speaker, I have chosen myself to second.

Mr. Deputy Speaker: And yet you should be the one whipping Honourable Members to be here.

Hon. Isaiah Sudi: No, I have whipped, all the members are with us but looking at the mood and even before I second, I want to appreciate my colleagues. Look at the numbers and the time. Actually we are moving on well now. I second the motion.

Mr. Deputy Speaker: Very well. Now, Honourable members, a motion having been moved and duly seconded that the House adjourns, I now propose the same question for debate by the Honourable members. Hon. Ipara, had you requested to speak?

(Question that the House adjourns proposed)

Hon. Johnston Ipara: Honourable Speaker, I had risen to move a motion but you never looked this side, you paid your attention to where Hon. Mukhongo was and what Hon. Mukhongo has presented takes precedence.

Mr. Deputy Speaker: Okay, fine

Hon. Johnston Ipara: Based on the mood of the Honourable Members and let us see what will come out and we shall adhere to it.

Mr. Deputy Speaker: Very well Hon. Ipara. I can see requests. Hon. Everton Nganga!

Hon. Everton Nganga: Thank you Hon. Speaker. When you look at the Order Paper actually there are other issues to be handled and come next week Tuesday again you discover that I have a number of reports to move basing on the weekly statement that was read today. Again, when I look around, these Honourable Members are still energetic and they were elected by

the electorates from their wards to come here and pass policies and regulations. In fact, the House should adjourn as from 7:30 p.m., we still have time. We proceed!

(Laughter)

Mr. Deputy Speaker: Hon. Makari, It is a debate so he has his liberty to say whatever he says because we are going to vote.

Hon. George Makari: Hon. Speaker, I thought once the motion has been proposed and seconded by the majority side, you see the opposition should also respect the majority side...

(Laughter)

Because even if we go on the voting way, the opposition will not manage to beat the majority side and so they should respect that.

Mr. Deputy Speaker: Hon. Waliaula?

Hon. Aggrey Mulongo: Yes Mr. Speaker Sir, this is a House of debate. So if somebody proposes anything, we should look into it. Either you debate or don't say that we are the majority. All of us are Honourable Members when here and we are debating...

You know we are just debating nothing... If it is time, then let us talk about time, if it is the mood of the House; let us talk about the mood of the House. Otherwise when *Mheshimiwa* Wasike George wakes up and says they are the majority, here we are not about the majority or minority. We are debating!

Mr. Deputy Speaker: Let me call the mover to reply so that we can move!

Hon. James Mukhongo: Thank you Honourable Speaker. The matters that are before this Honourable House are very weighty and we need members to be very sober when we are dealing with them since they are very important to our electorate. I rest my case and urge the House to support my motion.

(Applause)

Mr. Deputy Speaker: Honourable Members, a motion of adjournment of the House having been moved by the Honourable Member and duly seconded, debate having ensued, I now propose that this House adjourns this sitting to the next session which will be on Tuesday at 2:30 p.m. next week.

(Question put and agreed to)

The ayes have it!

(Laughter)

The House adjourns. Our next sitting will be next week on Tuesday at 2:30 p.m.

(House Adjourns)

