

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

THURSDAY 5TH OCTOBER, 2023

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

THURSDAY 5TH OCTOBER, 2023

The House met at 2:30 p.m.

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

PRAYER

COMMUNICATION FROM THE CHAIR

STUDENTS FROM WALALA RC PRIMARY SCHOOL

Honourable members, in our public gallery today, we have class 8 pupils of Walala RC Primary School, 75 in number, can they be up standing, they are accompanied by teachers can students resume your seats please. Teachers who have accompanied them are;

1. Christine Murere- Deputy Head teacher
2. Julius Kiragu
3. Josephine Wanyonyi
4. Anthony Nangendo
5. Rose Wanjala.

Kindly resume your sits please.

Honourable members, at an appropriate time on our Order Paper, I will allow you make a few remarks about our visitors we proceed to the next item.

PAPER

REPORT OF THE AUDITOR GENERAL ON BUNGOMA COUNTY ASSEMBLY MEMBERS CAR LOAN AND MORTGAGE SCHEME FUND FOR THE YEAR ENDED 30TH JUNE, 2022

Mr. Speaker: Hon. Kirong, proceed please

Hon. Joan Kirong (Deputy Leader of Majority): Thank you, Mr. Speaker. I beg to table a report of the Auditor General on Bungoma County Assembly members' Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022.

(Hon. Joan Kirong laid the paper on the Table)

Mr. speaker: Honourable members, the report from the Auditor General's Office on Bungoma County Assembly Members Car Loan and Mortgage Scheme Fund for the year ending 30th June is hereby tabled and subsequently I commit the same to the Committee of

Public Accounts and Investments Committee for processing and reporting back to the House accordingly.

QUESTIONS AND STATEMENTS

PROGRAM FOR THE WEEK COMMENCING 11TH - 12TH OCTOBER 2023

Hon. Cornelius Makhanu: Than you, Mr. Speaker Sir. I stand to present a weekly programme of the business of the House week commencing Wednesday 11th to Thursday 12th October 2023.

Wednesday 11th October, 2023 at 9:30 a.m.

Papers

1. Report by the sectoral committee on Tourism, Water and Natural Resources on Bungoma County Climate Change Action Plan 203/27 and Bungoma County participatory climate Change risk assessment.
2. Report of the auditor general on Bungoma County Assembly members Car loan and mortgage scheme fund for the year ended 30th June 2022 by the Leader of Majority party.

Notices of motion

1. That this House adopts the report by the sectoral Committee on Tourism, Water and Natural Resources on the Bungoma County Climate Change action plan 2023-2027 and the Bungoma County participatory climate change risk assessment.

Motions

1. That this House adopts the report by the Public Accounts and Investment Committee on the pending bills of the County Government, County Assembly of Bungoma for the Financial Years 2018/19 to 2019/2020 laid on the table of the House on 13th September 2023.

Bills

1. The Bungoma County Cooperative Societies Bill 2023.

A Bill for an Act of the County Assembly of Bungoma to give effect to paragraph 7(e) of part 2 of the fourth schedule to make provision relating to formation, registration and regulation of Cooperative societies and for connected purposes.

Committee of the Whole House

1. The Bungoma County Cooperative Bill 2023

Wednesday 11th October 2023 2:30 p.m.

Papers

1. County Government of Bungoma annual report and financial statement for the Financial Year ended June 30th 2023 by the Leader of Majority party.

Motions

1. That this House adopts the report by the sectoral Committee on Public Administration and ICT on 9 months Financial statements for the period ended 31st March 2023 in respect to the offices of the County Secretary, Governor and Deputy Governor and Public service Management and Administration laid on the Table of the House on 2nd June 2023
2. That this House notes the report by the sectorial committee on Public administration and ICT on Bungoma County inspectorate compliance and enforcement Bill 2023 laid on the table of the house on 19th September, 2023.

Bills

1. The Bungoma County Cooperative Societies Bill 2023

A Bill for an Act of the County Assembly of Bungoma to give effect to paragraph 7(e) of part 2 of the 4th schedule of the constitution to make provisions relating to the formation, registration and regulation of cooperative societies and for connected purposes.

Thursday 12th October, 2023 at 2:30 p.m.

Papers

1. The Public Finance Management Bungoma County Trade Development Loans Fund regulations 2023.

Notices of motion

As listed in the appendix

Questions and statements

A member of the House Business committee presenting the weekly programme

Motion

1. That this House adopts a report by the sectoral committee on Finance and Economic Planning on the 9 month financial statement for the period ended 3st March 2023 in respect to the department of Finance and Economic Planning laid on the table of the House on 20th September 2023.

Bills

The Bungoma County Inspectorate Compliance and Enforcement Bill 2023

A Bill for the County Assembly of Bungoma to provide for establishment of Bungoma County enforcement and inspectorate unit for matters connected thereto. *2nd Reading*

Committee of the Whole House on the Bungoma County Inspectorate, compliance and enforcement Bill 2023

That is it Mr. Speaker, thank you.

Mr. Speaker: Thank you, Hon. Cornelius. Hon. Members, that is our tentative programme of next week, we may have adjustments as we proceed.

Next item,

RESPONSE BY COUNTY EXECUTIVE COMMITTEE MEMBER FOR EDUCATION AND VOCATIONAL TRAINING TO RESPOND TO A QUESTION PURSUANT TO STANDING ORDER 55

Mr. Speaker: Welcome our CEC and Chief Officer for Education. Honourable members, before us here we have our CEC of Education Dr. Wamamili accompanied by Chief Officer Nicholas Kiboi, they have come to respond to a statement sought by Hon. Joseph Nyongesa. From the memos that I have approved, Hon. Joseph Nyongesa is not in and the practice has always been that whenever he is not in we defer the same until he is in.

In my ruling last week when we resumed our sittings, all statements were being referred to the committees but the issue with Education can't be taken to Education Committee alone because it is touching nearly on every Ward, we will want to engage the CEC and Chief Officer and defer the sitting of today for them to give a response next week. We only have two days of sitting for next week; that is Wednesday and Thursday.

I will want to be very flexible and allow you choose between Wednesday and Thursday, you can use the dispatch because you will have to stand, you cannot speak while sited in this House. Our Leader of Majority, the owner of the statement is in Kisumu with the Committee of Tourism and Wildlife in a training sponsored by World Bank. We wish to hear from you on which day is appropriate.

CEC Education: Thank you, Hon. Speaker. But I will not be around the whole of next week, I am running a workshop sponsored by UNICEF and they told me to sit in throughout the whole week. I don't know if that is allowed, otherwise most obliged with the directive

Mr. Speaker: The training is being held where?

CEC Education: There is a place called DECECE in Maliki, in Bungoma.

Mr. Speaker: In Bungoma here? Even in class room people take a break to take a cup of water and come back, you can be here on Thursday at 2:00 p.m., I thought you were going to Mombasa or Nairobi but in Bungoma County, we will allow you to come at 2:30 p.m. on Thursday to respond to the statement and then you go back. I am very sure you are not the facilitator; you are just an active participant like we will be having the Chief Officer in that meeting.

CEC Education: I take your directive; Wednesday will be okay with me.

Mr. Speaker: Wednesday is okay for you, at 2:30 p.m. we will inform Hon. Nyongesa to be here and equally members will be seeking clarifications from you, so let us have it by Wednesday 2:30 p.m. You come early enough, we will slot you in good time for you to respond then go back to the training. Thank you, we appreciate you for honouring our invitation.

We request that you share a soft copy of your response before you leave. We need a soft copy to share with members on our gadgets so that members can follow up as you give a response. Kindly our Clerks at the Table get a copy from the CEC, so that we can share with members in advance. We are all aware we will not be having a sitting on Tuesday because it is a holiday so it is only today or Monday you can get the response.

Thank you, have a good day.

(CECM Education Dr. Wamamili leaves the House)

Hon. Members, let me allow you to make few remarks about our visitors in the public gallery. I suspect this area called Walala is from Musikoma Ward and the area MCA is present. Proceed Hon. Makari.

Hon. George Makari: Thank you, Hon. Speaker. I thought you should not suspect because I am the only one privileged to be hosting your uncles at that particular area, so you should not suspect, this is the school you know very well.

Besides that, I want to appreciate that this afternoon we have a school here called Walala Primary School situated like a Kilometre from my home. I stay in Sio area. I am happy because one of the members in this Assembly is just constructing a mansion just next to that school. I will not wish to tell the students the said member but she knows herself in this sitting.

Walala Primary School is a Roman Catholic School, headed by Madam Letisha Barasa. It has 19 teachers, 762 learners and 75 candidates sitting for KCPE examination late October. The school administration has really tried; the school that started in 2009 and has a population of 762 is not a joke. We constructed 2 ECDE classrooms for this school as a County government. It is the only one in the Ward that has 2 ECDE classrooms that are working and maybe just to refresh the memory of Hon. Members, this school is the one that cost one Hon. Khang'ati not to go back to Parliament. Students used to learn under rocks. There are bigger rocks there when you go down that...

Mr. Speaker: Hon. Makari, are they caves or rocks?

Hon. George Makari: They are rocks but there is an opening down there where you can go in and with your height you can stay there for 1 week without anybody seeing you. This is where the learners who were there at that time were learning from. Towards 2013, the Member of Parliament, Hon. Khang'ati made a remark when these children were learning under the rocks and media both local and international including CNN highlighted that 'the problem with that area is people are giving birth like rats'. That was the end of his

parliamentary career. Since he said that statement, he has tried to vie up to today, he has never been successful. I want to think that statement ruined his political career.

I would wish also to say that when he uttered those words, Hon. Wafula Wamunyinyi was not a Member of Parliament by that time; he was an ambassador in Somalia. He took up the case and when 2013 came, he won the election and I was now the chairman of CDF. We went ahead and constructed 8 classrooms in that school and these students are using those classrooms up to today. I tried asking one of the teachers if they have added any other classroom and he said there is no class that has been added since I left the CDF.

Mr. Speaker: You need to go back so that more classes are added to that school.

Hon. George Makari: And I can attest that Hon. Alice Kibaba was my Vice Chairperson in CDF and she knows this.

This is the County Assembly, they can now see live Hon. Speaker, Sergeant at Arms, Hon. Members and how this House of rules and procedure operates. They are able now to see what happens in a live debate of Parliament instead of imagining they are now here. I will also wish to point out that among the teachers, in fact all of them vote for me but particularly one of them called Chrisantus Murere, the Deputy Head Teacher was my campaign manager in 2017 and 2022. He is a very effective and thorough person. Otherwise, I will not have retained him in 2022. So I want to appreciate him and welcome them and hope that when they go back, they will share with their parents that they have been to the County Assembly of Bungoma and maybe whatever they have seen here. Without wasting a lot of time, I want to end there so that other members can also contribute.

Mr. Speaker: Thank you, Hon. Makari. Hon. Stephen Wamalwa our Deputy Speaker.

Hon. Stephen Wamalwa: Thank you, Hon. Speaker. I also take this opportunity to welcome the pupils of Walala primary school. I have been motivated to make a remark courtesy of what Hon. Makari has said; it means that we must set goals and targets. That is exactly what happened with Walala Primary School and it is the story that will live between Walala and Hon. Makari and other politicians of this area. Because, there were highlights about the school and rocks and there were leaders who thought that the pupils were not worth to learn under a conducive environment and then Hon. Makari assisted with Hon. Alice Kibaba together with then Member of Parliament to build classrooms in that school. It is an indicator of planning, vision and targets.

I want to urge Hon. Makari before I turn to the pupils and teachers, that as much as you have constructed 2 ECDE classrooms, I urge and pray that you even consider adding them some other 2 classrooms from the County government, so that the National Government has 8 and as a County Government we have 4. I know you can make it happen because you are a man of action and you are very honest in your plans and everything. I want to urge you to go back there and try to help them more because it seems like it is you who is leaving a legacy in that school. Seize the opportunity because if the 8 classrooms were constructed courtesy of you

and the two ECDE classrooms constructed courtesy of you being the area MCA then complete everything.

To the pupils and teachers, as you prepare for your end of year examinations and as candidates prepare for final exams, work smart. Listen to instructions from teachers and never say die until it is the end, never ever say that you are not going to school because you are prepared enough; prepare until the last minute.

For the candidates, what the teachers will revise with you or tell you will inform and guide you during the last moments is very crucial. The remaining weeks is very crucial for you and will have an impact on you.

The world and the future belongs to those who work hard, therefore I want to urge you to remain disciplined, listen to the teachers, make sure you don't give teachers extra work. The only work that you have to give to your teachers is what is in the syllabus. If you create extra work in terms of indiscipline, then teachers will divert their attention and energy to correcting you as opposed to working smart to help you achieve higher grades.

For those who are candidates, ensure that you are in groups. Those who are gifted in Mathematics, impact others by trying to help one another. For those good in Social Studies support others. In so doing you are also improving your grades.

As you go back, ensure that you inform your friends who did not make it here that you reached in the Assembly where laws are made. Our work here, because all of you are pupils who are going to sit for the Social Studies paper, this Assembly's core functions are; representing people, legislation and to oversight the Executive. So when you go back and they set that question remember the functions of this Assembly.

Our dear candidates, when you go back remember to remain focused; God will reward you if you work purposely for what he created you for. Otherwise, I want to wish all of them the best as they work smart and hard because luck belongs to the lazy. That is why you see many people going to gamble wishing that they could win millions which never come and they end up ruining their resources. Luck belongs to the lazy but smart and hard work belongs to the successful.

Teachers, I also want to thank you for guiding and enabling these young ones to grow to what they are; your rewards are beyond human measure. May God bless you?

(Applause)

Hon. Christine Mukhongo: Thank you Mr. Speaker for giving me this chance also to say a few words to our students. First, I welcome them to Bungoma County Assembly which is a replica of National Assembly in Nairobi. Feel like you are at the National Assembly.

I take this time to thank the Hon. Member for Musikoma, *Mheshimiwa* Makari for the support that you have given to this school, where they used to learn under caves but right now

they are in classrooms. We pray that you put in more effort to improve this school. The Deputy Speaker has spoken and it appears like you were revising with our students. Our Deputy Speaker is a teacher that is why he has tried to elaborate on what to do and how to go about. To the students in this House, we have teachers him being one of them. We have Hon. Psero, Chemion, Mukoyandali, I and even Allan...

Mr. Speaker: Let us avoid that line because everybody is going to form a group and I can also form my team of tag of war. Proceed please.

Hon. Christine Mukhongo: We have teacher Allan, Teacher Mukoyandali and I Madam Christine. I have been teaching Kiswahili. I really appreciate your coming to learn more about the County Assembly.

I also take this opportunity on behalf of the Chairperson, Education Committee to say that today you were lucky to see the CECM for Education who came to respond for a statement and left. If you have never seen him, at least you saw him today and you can brag about it having seen him in this House. That means that if things are not going well under these committees, we invite the CECMs in this House so that we can question, caution and tell them what is expected of them and what we want to be done especially in terms of education. This is one committee that plans for education e.g. when you hear people talk about scholarship and bursary, this is done by the Education Committee. When we mention about the executive, we are talking about the Governor, Deputy Governor, CECMs and Chief Officers.

To the Standard 8 who are going to sit for exams; what are you expecting as a person? What are your dreams? Are you dreaming to join the best school at the back of your mind or you just want to go to any school that you are seeing around, where your friends and neighbours are schooling. This will depend on your hard work and how you carry yourself. It is about discipline and self-drive. That as a student you have a good plan for yourself before somebody else plans for you. Therefore, I want to take this opportunity on behalf of my Chairperson Education Committee who is out on duty to wish you not lack but well. We wish you well in studies and revision.

This House constituted of two parties; the minority side; we have the Leader of Minority, Deputy Minority Leader, Minority Whip and Deputy Minority Whip and in the Majority Side under Kenya Kwanza Coalition we also have the Leader of Majority and the Deputy Majority Leader, Majority Whip and Deputy Majority Whip. I take this opportunity to wish you well even as you go back to your home, travel well and wish you well.

To my fellow teacher colleagues, we are with you. I know we cannot pay you much enough and today being a teacher's day we want to say thank you for the good work. God will pay you highly than we can do.

Hon. Moureen Wafula: Thank you, Hon. Speaker. I want to appreciate the area MCA Hon. Makari and I thank your parents and teachers for electing him back to County Assembly. Secondly, I want to appreciate the teachers for the work you are doing for these children by empowering them with knowledge and education which is key to success. Children, I encourage you study hard, respect your teachers. In exams there is nothing like good luck, you will need to study hard, to be determined so that you can excel in your exams. I will not speak much, I am your neighbour and I will be your neighbour in Walala for a long time. One day I will visit you at school. Otherwise, I wish you the best in your coming exams.

(Applause)

Hon. Hentry Nyongesa: Thank you, Mr. Speaker. First, I want to say that I came in when the area MCA was on the floor and I am sure he was thanking the teachers and the community of Walala for having him elected. The Deputy Head teacher of the school who was mentioned by the area MCA is my kinsman and I have many relatives in Walala. Even the owners of the caves that the Hon. Makari was referring to are my uncles...

Mr. Speaker: Come clear on this; are you saying that the caves and stones are your uncles or what are you trying to put across?

Hon. Hentry Nyongesa: Hon. Speaker, those are properties of my maternal uncles. In that perspective, I can now loudly say that these pupils sited here majority of them could be my sisters and brothers because the Head Teacher belongs to *Balonja* clan and the entire hill belongs to *Bauma* clan who are my uncles.

I thank the leadership of Kanduyi constituency and the current MCA because when he was the chairman of CDF for coming up with this school. It might be this class that was seen learning in the caves, because it is about 3 to 5 years back...

Mr. Speaker: It can't be this class because that was 2013, it is now 10 years down the line, and it is not possible.

Hon. Hentry Nyongesa: Thank you, Mr. Speaker. That is why I am saying it could be this class because they are now in class eight. That said and done that is part of the history. We thank the leadership through the Hon. Makari who has been championing the coming up of the school. I want to thank Hon. Katila who has said that she is a close relative of the school and I hope you are not going to challenge Hon. Makari for having promised a permanent stay near the school; the Hon. Katila the promise can even be fulfilled tomorrow because we are preparing these students for exams. The wishes that you put across, the teachers can start enjoying them tomorrow because they have already enjoyed promises from Hon. Makari. You can start today or tomorrow as the closest neighbour.

(Applause)

The road to this school was pathetic but that is history now because the tarmac passes near this school just from Dismus junction toward Walala Primary School. When you are coming from Nambaya market, there is a tarmac road leading to this school and when you come from Samoya there is also a good tarmac road leading to the school. This is one of the schools that is growing fast and if you have a daughter or a son, you can experiment because you are sure he will not step in mud.

I want to encourage the teachers that you have come from far and where you are you can carry on to good work because you are in an environment that can make this school look like Alliance Schools and other big schools in this country. On that note, I wish our girls...and like other have said, I am not a teacher...

Mr. Speaker: We have girls and boys.

Hon. Hentry Nyongesa: Mr. Speaker, it is unfortunate that I only have girls...

Mr. Speaker: You are still young.

Hon. Hentry Nyongesa: I only see girls but I am hoping that God will bless me one day...

Mr. Speaker: I have said that you are still young, go for tuition. Hon. Machani is present.

Hon. Hentry Nyongesa: Thank you, Mr. Speaker. I take this opportunity as other members have said that we wish the school the best. I am not a teacher but as a social scientist that is why I know the geography of that area. Teachers continue encouraging our pupils, they have come on a learning trip and I am sure they have already been informed and I don't want to repeat. Hon. Makhanu and a well-known name Hon. Makabichi...

Mr. Speaker: The name you are mentioning is not in our records here.

Hon. Hentry Nyongesa: I am sure they have gotten the name...

Mr. Speaker: You will have to withdraw.

Hon. Hentry Nyongesa: I withdraw. Like Hon. Christine indicated those are the members that belong to the opposition and the pupils must know that opposition is always opposing the government; that is their work...

Mr. Speaker: If you are teaching, that is a wrong teaching aid. Let me allow Hon. Machani to correct you.

Hon. Ali Machani: Hon. Speaker, I am shocked to hear this and let me inform the Hon. Member that we have two arms of government at the County level; we have the executive and the legislature. How I wish he could be talking about the National Government where we

have 3 arms of government. Positive criticism is allowed in any democratic country unless you are still working in the old constitution. The current 2010 Constitution allows the two arms of government to operate and oversight. It is even applicable to those supporting the government side which does not mean going to bed with the government. You stand guided.

Mr. Speaker: What he is saying is that even in Heaven there was Satan who was opposing God.

Hon. Hentry Nyongesa: Mr. Speaker, I thank you because this pupil might be wondering why senior citizens in this country had to wear *sufurias* on their heads, where do they belong...

(Applause)

Mr. Speaker: Hon. Hentry, are you done?

Hon. Hentry Nyongesa: I only want to justify that in the Constitution, we have the opposition side and the government side. The pupils should be aware that in this Assembly we have the opposition who are referred to as minority in the current set up. What is happening at the Bomas of Kenya, we are likely to come up with the Opposition Leader and the Government Leader and we are prepared, because we are all learning.

Otherwise, I wish them the best of luck as they prepare for their exams. I know Walala Primary School will pass with flying colours.

(Applause)

Mr. Speaker: Thank you, Hon. Members who have had a chance to encourage our pupils and appreciated the work of the teachers. Allow me appreciate all the teachers in this House today being Teachers' Day and equally those in the gallery appreciate yourselves for the good work...

(Applause)

...because all of us here are products of teachers and none of us can deny that. I called my mum this morning and wished her happy Teachers' Day; she said that being a teacher can I now have the fruits of my hard work and said to her that I will do it in the evening hours.

For this year's KCPE candidates, as the County Assembly and honourable members, we wish you well and urge you to work hard because the sky is the limit. We can only ask you to work hard because we cannot join you in working hard; our wish is that you put in more effort as well spoken by my Deputy Speaker. Even the remaining 2 weeks can make a difference in your grades. We urge you to continue working hard and we wish you all the best your

studies, that at the end of the year, you have good grades to enable you join secondary school of your choice.

MOTIONS

REPORT BY THE SECTORAL COMMITTEE ON ROADS, TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS ON THE BUNGOMA COUNTY GOVERNMENT 9 -MONTH'S FINANCIAL STATEMENTS FOR PERIOD ENDING 31ST MARCH, 2023

Hon. Job Mukoyandali: Thank you, Mr. Speaker. I am moving a motion on a report by Sectoral Committee on Roads, Transport, Infrastructure and Public Works on the Bungoma County Government 9 -month's financial statements for period ending 31st March 2023.

Preface

It is my pleasant duty to present the Bungoma County Government half year and third Quarter financial statements for the periods ended 31st December, 2022 and 31st March, 2023 in respect to the Department of Roads, Transport, Infrastructure and Public Works. These documents were tabled in the County Assembly of Bungoma on 1st March, 2023 and on 3rd May, 2023 and committed to each of the Sectoral Committees for their interrogation, input and recommendation through a report to this Honorable House.

Committee Membership

The Committee membership as currently constituted is as follows;

- | | |
|--------------------------|------------------|
| 1. Hon. Franklin Simotwo | Chairperson |
| 2. Hon. Polycarp Kimeta | Vice Chairperson |
| 3. Hon. Stephen Kaiser | Member |
| 4. Hon. Jerusa Aleu | Member |
| 5. Hon. Meshack Simiyu | Member |
| 6. Hon. Hentry Nyongesa | Member |
| 7. Hon. Johnston Ipara | Member |
| 8. Hon. Everton Nganga | Member |

9. Hon. Godfrey Mukhwana	Member
10. Hon. Job Mukoyandali	Member
11. Hon. Ali Machani	Member
12. Hon. Charles Nangulu	Member
13. Hon. Everlyne Mutiambu	Member
14. Hon. Idd Owongo	Member
15. Hon. Violet Makhanu	Member

Guiding Principles in the Examination of the Bungoma County Government Half Year and third Quarter Report Financial Statements

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

1. Constitutional Principles on Public Finance

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

2. Direct Personal Liability

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

3. Obligations of Accounting Officers

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

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

- *Lawful and authorized*
- *Effective, efficient, economical and transparent*

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

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

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

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

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

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

Vision and Mission statement of the department

Vision

To ensure that all citizens have access to sustainable, reliable, secure and affordable transport, decent housing, ICT and energy infrastructure; risk free business environment; and resilient public installations for socio-economic development.

Mission

To provide efficient, affordable, safe and reliable housing, energy, ICT and transport network; enhance access to safety infrastructure and ensure regulated build environment for socio economic growth and development.

Strategic Goals/Objectives of the department

SUB SECTOR	DEVELOPMENT ISSUE	DEVELOPMENT OBJECTIVES	STRATEGIES
Transport and Safety	Transport Safety	To promote a safe and secure road transport network	<ul style="list-style-type: none"> - Enhance Transport Safety infrastructure - Segmentation of road users - Enforcement of the traffic code - Strengthen legal and regulatory framework - Mainstream crosscutting issues in transport safety sector
	Transport Network	To develop an efficient transport network	<ul style="list-style-type: none"> - Increase access to rural areas - Reduce congestion on roads - Strengthen legal and regulatory framework - Mainstream crosscutting issues in transport sector
Public Works	Buildings Standards	To promote compliance with the building code and uptake of new technologies	<ul style="list-style-type: none"> - Enhance personnel capacity and strengthen project surveillance framework - Improve access to quality control services - Strengthen legal and regulatory framework - Mainstream crosscutting issues in build and construction sector

Sub-Sectors and their Mandates

The department of Roads, Transport, Infrastructure and Public Works comprises of four sub sectors which include: General Administration, roads sub-sector, public works, transport and safety.

(I) The General Administration Section

This section has the general mandate of ensuring smooth administration and provision of services by all the other sections in the department. It develops necessary legal and regulatory framework, organizes departmental meetings, undertakes roads stakeholder meetings and organizes the monitoring and evaluation exercise of all its programmes to ensure smooth delivery of services.

(II) The Roads Section

The Roads Directorate is charged with planning, designing, developing and supervising of projects to ensure safe, durable, functional and economical building of roads and bridges.

Besides design work, the department also undertakes feasibility and technical investigations of sites supervise the tendering procedures and logically resolve design and development problems associated with roads.

(III) The Public Works Section

This Section facilitates provision and maintenance of building and other public works within the county. It also oversees development of design for public buildings, preparation of bill of quantities for building projects and other public works. The Directorate provides projects and contract management services to building projects.

(IV) Transport and Safety section.

This Section oversees erection of road furniture, creation of bus bays, maintaining and improving transport systems, licensing, creation of transport policies and liaising with other players to enforce transport policies and regulations. The transport and safety department also includes the Fire Section which deals mostly with all types of disasters including fires, firefighting and rescue, emergency medical response services, trainings through lectures and demonstrations, drills, building inspections and enforcement of fire safety legislation/compliance and fire investigations.

Acknowledgement

I take this opportunity to thank the offices of the Hon. Speaker and Clerk of the County Assembly of Bungoma for the support received as we discharged our mandate.

I also appreciate Committee Members for dedicating their time to examine the Bungoma County Government Half Year and third Quarterly Reports and Financial Statements of the Department for the Periods Ended 31st December, 2022 and 31st March, 2023.

I further extend my appreciation to the County Executive Department of Roads and County Assembly members of staff who worked tirelessly to facilitate the production of this report.

It is therefore my pleasant duty and privilege, on behalf of the Honorable Members of the Sectorial Committee on Roads, Transport, Infrastructure and Public Works, to table this report and recommend it to the Assembly for consideration and adoption.

The report is signed by Hon. Franklin Simotwo Chairperson, Sectorial Committee on Roads, Transport, Infrastructure and Public Works

Key Highlights in the Bungoma County Government Half Year and Third Quarter Reports and Financial Statements for the Periods Ended 31st December,2022 and 31st March, 2023.

Half Year Financial Statements Financial Statements for the Period Ended 31st December, 2022

The total budget for the County in the financial year 2022/23 was Kshs. **14,821,204,142** as per the approved 1st supplementary budget with the breakdown of the sources as indicated below:

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

The financial statement submitted gives an expenditure outlay of the Kshs. 14,164,547,621 i.e Kshs. 656,656,521 less the approved amounts. The difference relates to AIA in the Department of Health for facilities.

Actual Revenue Received in the Second Quarter

In the period under review, the County received total revenue of Kshs. 4,085,058,115. The source of the amount was as shown below;

Exchequer releases - Kshs. 4,073,954,549

Other receipts (Mabanga ATC) - Kshs. 11,103,566

County Own Generated Revenue

The report does not indicate what the County managed to collect in the period under review except Mabanga ATC reporting a collection of Kshs. 11,103,566. In reference to Mabanga, this translates to 35% of the set target in half year hence an under achievement. As stated above, the financial statement submitted gives an expenditure outlay of Kshs. 14,164,547,621 I.e. Kshs. 656,656,521 less the approved amounts. The difference relates to AIA in the ministry of health for facilities. The financial statements did not capture the operations and expenditure reports of the Health facilities hence contravening PFMA 166.

Conditional Grants as at the Reporting Period

On the conditional grants from development partners and National government, an actual amount of Kshs. 280,374,020 was remitted to the County as grants for implementation of:

- a) Scholarship and other educational benefits- Kshs. 200,000,000.
- b) Other capital grants and transfers (medical services, NAGRIP- Kshs. 80,374,020).

The Budget Execution by Programmes and Sub-Programmes (Expenditure Analysis)

The Committee analyzed the expenditure of the programmes and sub programmes of the Department and presents as follows:

- a) The department of Roads had an annual approved budget of Kshs.1, 137,358,855, comprising of Kshs. 966, 656,933 development and Kshs. 170, 701,922 for recurrent expenditure.
- b) The total exchequer released to the Department in the half year is as illustrated below for both recurrent and development expenditure.

The absorption of the budget in the period under review was Kshs. 48,721,062 translating 4% of the total budget. This was all under general administration, planning and support services under recurrent expenditure.

The department spent:

1. Kshs36, 179,576 on salaries in the period, Kshs. 17,764,125 and Kshs. 18,415,451 in quarter 1 and 2 respectively.
2. Kshs. 5,391,200 on field allowance,
3. Kshs. 1,274,800 on boards, committees, conferences and seminars,
4. Kshs. 5,000,000 on fuels and lubricants
5. Kshs. 815,400 on Tuition fees and accommodation allowance.

On development, in the period under review, the department had planned to undertake the following;

- i. Transport infrastructure development and management - Kshs. 1,039,258,548,

ii. Public safety and Transport operations- Kshs. 6,820,194

iii. Building standards and other civil works -Kshs.2, 423,736.

However, the Committee noted that no absorption was recorded in the period under review for the three votes above.

iv. General administration, planning and support services were Kshs.88, 856,376. Out of this, Kshs. 48,721,062 was absorbed in the period under review translating to 55% of the allocation.

The Outstanding Imprest in the Department

c) The outstanding Imprest that remained un- surrendered as at the end of the second quarter amounting to Kshs.2, 226,000 had been surrendered at the time of interrogation.

Accounts Payable (Pending Bills)

Accounts payables (Pending bill) had outstanding amounts of Kshs. 251,819,464. Budgetary provision towards pending bills under recurrent expenditure was Kshs.24, 091,026, while under development, Kshs. 47,288,084 was allocated under Ward based projects. Kshs.206, 623,629 was provided towards other development projects.

Third Quarter Report and Financial Statement for the Period Ended 31st March, 2023

Analysis of Revenue

a) In the period under review, the County transferred from the CRF accounts to the respective operational accounts a sum of Kshs. 6,303,156,902. This represents 45% revenue realization from equitable fund as opposed to 75% expected. Revenue realization from local revenue stood at 10%.

Exchequer Releases

The total exchequer releases is as enumerated:

- 1) Quarter 1 Kshs. 1,664,556,086
- 2) Quarter 2 Kshs. 2,409,398,463
- 3) Quarter 3 Kshs. 2,229,202,353

Receipts and Payments for the Period Ended 31st March, 2023

Of the Kshs.6, 303,156,902 received during the period, Kshs.99, 456,109 was from National Agricultural and Rural inclusive Growth Project (NARIGP) and Kshs. 5,344,642 from Agricultural Sector Development Support Project (ASDSP).

Kshs. 6,204,930,588 of the amount received was utilized in the period translating to 44% absorption. Key Expenditure items include personnel emoluments at 57%, office operations at 17% and 6% on development

Social security benefits relates to gratuity for Chief Officers, and CEC Members paid to a Provident Fund that will be paid upon expiry of contracts

Kshs. 772, 981,290 was transferred to the County Assembly.

Exchequer Release for Development

The County had a development budget of Kshs.4, 446,860,420, only Kshs. 537, 253,961 had been received as at 31st March, 2023 which translates to 12%.

Comparison of budget vs. actual amounts on recurrent

The budget for exchequer release for the period ended 31st March, 2023 was Kshs. 10,486,988,086; actual amounts received were Kshs. 6,303,156,902 which translates to 60%.

Comparison of Budget Vs. Actual Amounts Development

The County expected to receive exchequer releases amounting to Kshs. 4, 446,860,420 for the year.

By the expiry of the reporting quarter, Kshs. 3,335,145,315 ought to have been received but Kshs. 537,235,961 was received which translates to 16%.

Department of Roads and Public works

The department of Roads had an annual approved budget of Kshs.1, 137,358,855, made up of Kshs.966, 656,933 for development and Kshs.170, 701,922 as recurrent expenditure.

The total exchequer amount received by the department during the period under review was Kshs.173, 215,734 broken down as Kshs. 72,624,584 for development and Kshs. 100,591,150 for recurrent. This translates to 7.5% and 60% absorption rates respectively.

The Budget Execution by Programmes and Sub-Programmes (Expenditure Analysis)

Major expenses by the department were;

1. Personnel emolument of Kshs. 53,307,391 broken down in the table below

Month	Payments(Ksh)
July	5,906,250
August	5,878,635
September	5,979,240
October	5,979,240
November	5,799,875
December	6,636,336
January	5,706,345
February	5,708,835
March	5,712,635

2. Travel and field allowances- Kshs. 10,960,695

3. Boards and conferences- Kshs. 1,974,800

4. Fuel and lubricants- Kshs.17M.

5. Vehicle maintenance- Kshs. 4,330,803

Budgetary allocation by the department under the various sections/units is as below;

- i. Transport infrastructure development and management- Kshs. 964, 151, 137, out of which Kshs.66, 179,354 was absorbed. This translates to 7%,
- ii. Public safety and Transport operations- Kshs. 6,820,194; had no absorption
- iii. Building standards and other civil works- Kshs. 2,423,736 had no absorption
- iv. General administration, planning and support services- Kshs.163, 963,787; out of this, Kshs.94, 695,594 was absorbed translating to 58% of allocation.

b) Accounts payables

The Department had an outstanding amount of Kshs. 226,152,585. The budgetary provision towards pending bills under recurrent expenditure was Kshs. 24,091,026 while under development, Kshs. 47,288,084 was allocated towards Ward based projects and Kshs. 206,623,629 was provided towards other development projects. The department managed to pay pending bills worth Kshs. 13,241,771 under recurrent and Kshs. 29,159,028 under development.

c) Accounts receivables (outstanding Imprest)

The Department had a total of Kshs1, 261,500 as un-surrendered Imprest. Documents submitted indicated that all imprests were surrendered as at 31st March, 2023.

e) Accounts payables (Retention)

Retention account balance for all the departments were Kshs. 204,054,364.

Outstanding retention 1st July 2022 Kshs.293, 425,903

Addition for July 2022-March 2023 Kshs.15, 294,298

Total balance Kshs.308, 720,201

Less payments July 2022-March 2023 Kshs.104, 665,837

Balance as at 31st March, 2023 Kshs. 204,054,364

Committee's Observations and Recommendations

Committee Observations

The Committee made the following observations: THAT,

1. Conditional grants as reflected in County Allocation of Revenue Act, of 2017 and 2018 have not been remitted to the Department.
2. As at 31st December, 2022 the outstanding pending bills stood at Kshs.251, 819,464. Upon payment of Kshs.25, 666,879 at the close of the third quarter, the cumulative pending bills stood at Kshs. 226,152,585.
3. The cumulative expenditure in the three quarters (Q1, Q2 and Q3) for the Department was Kshs 173,215,734.45 i.e. Kshs. 100,591,150.45 for recurrent expenditure and Kshs 72, 624,584 on development. That the entire sum on development expenditure was actualized during the third quarter.
4. Imprests amounting to Kshs 261,500 were not surrendered within the seven days' timelines hence contravening the provisions of Regulation 95 of Public Finance Management Regulations.
5. The slow release of Exchequer funds crippled service delivery in the department and therefore most of the planned activities under development were not undertake

Committee Recommendations

The following were the recommendations made by the Committee:

1. The County Treasury should report on the cumulative amount of revenue received by each department for ease of interrogation and general oversight.
2. The department should prepare and submit the Budget Implementation reports on quarterly basis for purposes of sector committee interrogation and timely in-depth oversight.
3. The department must declare an accurate and detailed report on all pending bills to the County Assembly for proper budgeting and scrutiny by the Committee.
4. The Accounting Officer must comply with the provisions of Regulation 93(5) and (6) of the Public Finance Management Regulations, 2015 in respect to management of Imprests.
5. The Accounting Officer should forward the development projects' status as at the reporting date of the budget implementation reports for purposes of offering checks and balances to the Executive.
6. The County Executive should pursue through the Council of Governors measures that will address the matter of timely exchequer releases to the counties, for effective service delivery.

Thank you, I move!

The adoption schedule has been signed by the members of the Roads, Transport, Infrastructure and Public Works committee. Signatures have been duly appended.

Let me call upon the Vice Chair, Hon. Kimeta to second the report.

Mr. Speaker: Thank you Hon. Job for moving the motion. Hon. Kimeta, you have the honour of seconding the motion of the committee. Proceed!

Hon. Polycarp Kimeta: Thank you, Mr. Speaker Sir. I rise to second the motion.

(Applause)

Mr. Speaker: Thank you, Hon. Kimeta. Honourable members, allow me be able to propose a motion for the House to debate. Honourable members, a motion has been moved and seconded that the House adopts the report by the sector Committee on Roads, Transport, Infrastructure and Public Works on the Bungoma County Government nine months Financial Statements ending 31st March 2023 in respect to the department of Roads, Transport, Infrastructure and Public Works laid on the table of the House on 14th September, 2023. I propose!

(Question proposed)

Hon. Makari, you go!

Hon. George Makari: Thank you, Honourable Speaker. First of all, allow me congratulate the committee and more so the mover of the motion Hon. Job for having done it so well. Maybe the only problem he was not reading the millions. He was just saying 2.5, 4.6, 2, 7. I wish he could have been reading 251,819,000 as pending bills but he was just saying 2, 5, 1,8,1,9 but he did a splendid job. He is also a teacher by profession. I wish I was a teacher also but I did not make it. I can see the Honourable Deputy Speaker...

Mr. Speaker: Hon. George Makari, you know why you did not make it. You could not have made one, proceed!

Hon. George Makari: Hon. Speaker, away from this one being a very good report and I have even seen the Vice Chair did not have much to say about it, he just said I second the report and then sat down. Maybe he has some reservations about the report but I do not want to belabour him so much.

This issue of imprest, when you were not there on Tuesday, I pointed out to the Speaker who was in the seat, you will find out that almost all the reports, I do not know whether it is copy and paste or it's the committees that have a problem. Almost every report they refer to unsurrendered imprest and quote PFM 93 (5)(6) and (7), according to PFM regulations 93 subsection (5),(6) and (7) if you do not surrender imprest within the seven days period, this is what shall be done. Another committee again tomorrow is also reading the same thing. Is it that we are failing as a House? We might not blame the secretariat for this but every other Financial Statement coming to the House, the issue of unsurrendered imprest is there and Honourable Speaker, I want you to be very keen on this. Next week when we will be reading another report, I know reports are going to come here; you will find the same animal called un-surrendered imprest.

An imprest is only given seven days period but you will get within a period of three or nine months surrendered imprest there. We must be able to devise a way so that these people must be able to operate within the law. And something curious in this report when Hon. Job was reading, I do not know if I fell asleep or I heard well, he said within the same period development money released was around 1.3, but shockingly I do not know if I missed the point. They said there was no absorption recorded in the period under review. Is it only me who heard that one or... Hon. Job if that is correct then this is shameful. We have very many roads. These people you see in the gallery are using roads that are impassable when we have 1.3 billion allocated for development of roads not utilised during the nine months period under review. Is it us who are failing or it's the executive that is failing, but I could say it is us that we are failing because we are supposed to put the executive on toes.

Going forward, in this House we must agree to move a different way otherwise with this amount of money un-utilised during a period of nine months when people have impassable roads in their places, I think this is a shame even to us as a House.

Lastly, the issue of pending bills and that's why I said almost every committee coming here giving Financial Statement reports there is always an issue of pending bills. Maybe we can say untimely release of money from the National Government but we should not have so much pending bills. To have pending bills of 251,000,000 in one sector or department, I think that one also speaks volumes about the working of the executive.

Finally, you can look at the Kshs 53,000,000 spend on personnel emoluments. This vote head can be spent so fast because it goes to the pockets of people but there is some sluggishness in absorption of development funds. We must change the trajectory of how we are going to deal with these issues, otherwise every quarter we will be having the same problems. I rest my case as I support the report.

Mr. Speaker: Thank you, Hon. Makari. I will have Hon. Waiti.

Hon. Waiti Wafula: Thank you, Hon. Speaker. I have about two concerns over this motion that is on the floor. Allow me congratulate my colleague Hon. Mukoyandali for moving this wonderful report. As you are aware in this county, the road network is wanting and it is like a thorn in the flesh of every leader. If you want to hear the nicknames of these leaders given by their electorates, just go to local radio stations and social media. We have our department called Public Works which is situated in Kanduyi. When you go there; there are so many officers who are drawing public money. This county budgeted and acquired machines ranging from tippers, caterpillars, trucks among others, but when you look around this County, you may wonder if you are really in Bungoma County, because of pathetic road network.

I wonder why an employed officer can be paid before he gets out of the office to work. There is no way a machine can get out of that yard without payment and I think my colleagues can attest to this. I want to know the cost of a plan, because when you want to develop a plan for a road, you must pay for it to the very officer who was employed to draw road plans. The

Roads committee must do their oversight and come up with a clear mechanism to save this County from such unwanted dealings.

Otherwise, I want to support the report by congratulating the committee members for coming up with that report.

Mr. Speaker: Thank You, Hon. Waiti. Hon. Chemion,

Hon. Francis Chemion: Hon. Speaker, thank you for catching my eye. I want to begin by thanking Hon. Mukoyandali for the report that he has read very fluently. I want also to thank the committee for coming up with this report. I just want to add on what Hon. Makari has said that when you find out that in all the departments there is a huge pending bill, there is a huge imprest, there is a huge retention, the ball comes back to the assembly. We thank the committee for coming up with the figures correctly, but this is not enough. We must ensure that the executive does the correct thing. When you see in the report, that there is a huge amount of imprest which means the money that we allocated to those departments are excess. They are withdrawing minus the plans that are there, that is why it takes more than the required seven days to surrender the imprest because if it is true, that the programme has been done, why does it take more than a year or two years to surrender the imprest? It means what is happening in the executive is very wrong and we must call them out because the outstanding imprest is a huge.

You look at the pending bills and retention, if a contractor has completed providing a service to the County government of Bungoma and he has all the documents, then there nothing to warrant retention being kept.

We must encourage our contractors so that they are able to do the works in our county perfectly.

Pending bills is a cancer and this House; we have a report by the task forces on pending bills which was tabled and approved by this House and we have this report that we are getting now. The difference is huge, so we don't know who is declaring or giving the correct information, is it the task force or the departments? So as a County Assembly, we must be able to cross check the task force report, re-read it and compare with these reports that we are reading in the County Assembly, so that we are able to comprehend because it means maybe some departments are not declaring pending bills correctly or some are even hiding .

So we must be hawk-eyed to ensure that we get the real facts on the ground. If from all reports that we are getting, we are realizing that departments are keeping these monies, they are not able to surrender, I would urge the County Assembly Member to channel those resources to the wards.

(Applause)

When we do the budgeting, all those monies that seem not to be having work there, let them be channelled to the Ward Development Fund, so that we have enough money to serve the

common *Mwananchi* in our wards. Let us have a budget that the wards will have not less than 50 million given to the wards and then wards use the same amount of money to pay for bursaries. They can even do other things that are currently being done in a haphazard way. So we as a County Assembly, Honourable Members, the only salvation to the wards, the only salvation to our people so that we don't have all these that we normally read each and every year, let us up the Ward Development Fund from the current amount to more than 50 million...

(Applause)

...and it will be unfortunate for this case, if we will have a member of the County Assembly who is against that, because we have come here to represent our wards and we have come here to represent our people and our people at the grass root level are crying for development and as a people, as leaders of our wards, we must champion this regardless of the race, regardless of the creed, regardless of the colour, regardless of the gender and religion so that what is done benefits our people and equity which is one of the issues that are there in article 10 of our Constitution is achieved in our wards.

So we will continue reading this report for the next four years, if there will still be a lot of money in those departments and they are unable to expend and account. So they require a lot of time to do a lot of fictitious things, so that they are able to account for the monies that they would have taken. We are cognizant of the COB circular which came in on 27th. We are cognizant of that and as a County Assembly, we can still ask, during the supplementary budget, that any monies that were meant for those consultative activities can now be put together and be taken to Wards...

(Applause)

...so that we have development being done in our ward rather than leaving it there and the end of the day it will just be taken and there will be a lot of imprest holders and pending bills within our county. Otherwise, as County Assembly Members as I said yesterday, we must up our game. We must up our game because the Constitution gives us three mandates. The first one is representation. We must represent our people, the voices of the people on the ground must be heard here.

The second one is the legislation which we are doing perfectly. I think this time we are doing well in terms of coming up with the laws for the county government. The third one is oversight. Those are the key mandates of an Honourable Member and no one is above the Constitution. No one is above the County Government Act. We are all subject to that to the Laws and therefore if the Law says we represent our people and our people are crying on the ground and they are saying whatever you are bringing to us, is not enough. We must say it. It must be on record. It must be on HANSARD for posterity. That one day, one time, the members of the County Assembly of Bungoma made a decision and said enough is enough.

We must push the money for ward development fund from whatever we are getting now to more than 50 so that we also compare with others.

We have benchmarked privately with the Elgeyo/Marakwet. They have a budget of around 7 billion but every ward has a Ward Development Fund of more than 55 million. You know in a single ward, we were sharing with one of the Honourable Members. The ward is buying a grader for the ward and they are saying in the next financial year they will buy a dowsers. So that issues to do with the and they also have what we call Ward Flagship Projects which we don't have as we speak. You can only have a Ward Flagship Project if the amount allocated for that is more than 50 million. So members, that would be my contribution. The only issue that I have seen here is that the roads department in terms of the pending bills, if we make comparison with the rest, it is a little bit better compared to other departments because we have been reading from other departments and again this report is comprehensive.

I heard Honourable Speaker asking why we have the County Assembly here. The preliminaries of this report give reports for all the departments including the County Assembly, the preliminary report, they take the preliminary report then they now come to the departmental programmes that is how they have structured their reporting. That is how it is reported. So if it was captured under the preliminary report showing all the departments how they performed in summary, then they dwell in on the main Department. So Speaker I want to end there and say thank you very much for listening to me. Thank you

Mr. Speaker: Thank you Hon. Chemion. Lets have Hon. Ipara

Hon. Johnston Ipara: Thank you, Hon. Speaker. First of all, allow me to laud Hon. Mukoyandali; it is like he is a lion that has been forgotten in a den. You have been very effective and efficient in the presentation of that report. We laud you without any fear. Hon. Chemion you are leading from the front. The report presented outlines several issues that are very critical for the development of this County and if not taken seriously, we shall go down the history books as an Assembly that never performed, but went to bed with the executive.

Where do we fail so that we accrue huge amounts of pending bills and yet the National government declared at the start of the financial year that all money had been to the County Governments. This rises from the following; this is a failure by officers assigned to particular officers to carry their duties on time, and I want to be very particular on advertisement of tenders. If you have money, what obstructs you from carrying the adverts of the projects that you want to undertake at the first or second month of the financial year? Here is where our failure begins.

If the department that is given by the Constitution a role to manage, direct, finance and revenue policies is the leading in un-surrendered imprests, then you should start imagining that we are being taken where fire is. From all the reports that have been presented to this

House and this one being the fifth or the sixth, I want to say we have ranked the Department of Finance, as the leading defaulter of standing imprest at Kshs100 million. What does this tell you? It tells you that the money that was allocated to departments and particular to finance is money that was allocated for corrupt activities.

(Applause)

When we were passing the budget, I did say that the Department of Finance allocated herself Kshs 1.1 billion shillings and out of that, four items were dragged from other departments to this particular department for personal interest. This is a department that the Law does not allow to do any development, but mysteriously, it sneaked in items that are development in nature and are supposed to be in other departments.

Really, I am ashamed of myself because this is a House of rules. Why do we pretend of such activities? Have we been compromised? Or why do we fear to do our role? And particularly Hon. Chemion has said, our role particularly is to oversight, leave alone making laws. It is to oversight leave alone representing our people; we must represent our people if we do our oversight role correctly. But did we do that, no.

Hon. Speaker, yesterday you have been issuing directives and the orders that there is absenteeism in this House and which will leave behind those absent as they will be able to know what we have said and approved, they will not and these are the people who will go back here and start doing things that we are saying we are discouraging. When you talk about accuracy, you must have the information that will assist you to be accurate. When you talk about a project, you must have the details of the project and how you will be able to oversight something that you don't have the details? It is a mockery. It is disappointing, and it is hard for this county. I submit.

(Applause)

Mr. Speaker: Thank you, Hon. Ipara. Hon. Henry Nyongesa.

Hon. Henry Nyongesa: Thank you, Mr. Speaker. I am a member of the Roads committee. I just want to say congratulations to Hon. Mukoyandali for having been very clear on most of the issues. I sit next to Hon. Ipara and some information flows through osmosis. Now that I want just to allude on something which we must follow up as a House.

Some departments are supposed to oversight others but it is the same breaking the laws. Finance department are removing projects from other departments and allocating itself as put by Hon. Ipara. The House must question why Finance is trying to oversee projects meant for other departments.

In the department of roads, the machines are lying there and ask why they are not working. They will tell you no allowances for plant operators, so you wonder when they are signing

appointment letter if allowance was part of the job description, because I know they employed to operate those machines so that our electorate can have good roads.

(Applause)

Lastly, most departments had imprests. I want to exonerate mine which the chair said that it has no imprest. So we are sending a warning to those departments that are holding money in form of imprest...

Mr. Speaker: Hon. Henry, none of us has asked to defend the department and you are not even supposed to hold brief for them; just do your work. Proceed.

Hon. Henry Nyongesa: Like members were saying loudly. That department of roads for example, is holding a lot of money in terms of imprest and Hon. Makari and other members have done the mathematics and they have gotten the total figure in terms of imprest that is about 250 million. That amount if you take to the Sub County, it can do all the roads, vocational training centers and even employ more ECDE teachers and this is the amount that somebody is holding without any explanation. That should be a warning from this House that we are not going to condone that.

On Appropriation in Aid, we realise that the department doesn't have money that is coming in in terms of appropriation in aid as Hon. Waiti was putting it. Then you start wondering Department of Mechanical Department under Public Works, it has the machines. These machines are hired by private partners to do business with. So we start wondering are these machines hired out and somebody pockets the money? So those are the key questions we are asking ourselves and you may realise that there are so many activities happening inside this department.

So we are sending a warning that if an officer is sitting in the Department of Public Works, collecting money that is supposed to be AiA and he does not put it in black and white, then we are going for him. Otherwise, I support the report.

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

Hon. Linda Kharakha: Thank you, Mr. Speaker. I would like to commend the report and committee of roads for good report presented before this House. However, my concern is majorly on the good reports we are getting on this floor of the House particularly this one, a committee on roads that how I wish that the Committee on implementation will take up these good reports and ensure that we have matters recommended in these reports implemented. It is good that we read these reports and get members views on the report, but we are not hearing so much on how far they are in terms of implementation. So if we get these reports, it will be a role on our side and basically the Committee on Implementation. If they followed up with the executive on matters implementation then that will be beneficial to our County.

Mr. Speaker: Thank you. Hon. Job you have you have the floor to reply to the motion accordingly.

Hon. Job Mukoyandali: Thank you, Mr. Speaker. First of all, I want to thank all the members of this House who have given their submissions either loudly or silently. As a committee, we are so grateful that this report because it has elicited a lot of debate.

When you look at 14 billion, it looks so juicy but again our major questions are un-utilization of this amount. When we move forward, my concern also is brought to the exchequer releases. We are really raising questions on this floor about the implementation status of the reports that we pass on this floor especially those one touching on development within our wards.

The issue of delayed exchequer releases has been a monster in this county. When we talk about pending bills, they always talk of late exchequer releases and a motion was moved in this House about advising the Council of Governors that they go ahead and discuss with COB on the releases of money so that this issue is addressed.

I think as a House, we should task the Committee on Implementation actually to follow up that particular report, so that we do not continue talking about the issue that was addressed in this House and you know at the end of the day, we keep on repeating it daily.

We are looking at every report that comes in this House and most of the reports touching on the executive, will talk about the un-surrendered imprests. We are every day talking about development not coming down to the Wards, but again at the same time we are talking about the un-surrendered imprests you know basically just like Hon. Chemion puts it. It means a lot of money is given to people and they are in haste to spend but they have no activity and that's why they end up not surrendering within the right time. As it has been suggested, raising Ward fund to above Kshs 50 million per Ward is a win-win situation to both the executive and County Assembly of Bungoma, because it's going to put us in a good road map.

Once we raise Ward fund, it will help the County even maybe raise their ceiling, because I know the ceilings are determined by the utilization of the funds that have been given. So most of this money that we are talking about a lot of un-surrendered imprests, we are talking of a lot of money not utilized.

We have been given Kshs 14 billion and we can't utilize the same. Most of this money is left un-utilized, this imprests are recurrent votes not development, so if this House sees it well that actually for utilization and solving the issue of un-surrendered imprests and under-utilizing the monies given, then it is better that they raise the Ward Fund so that most of this money sitting at the Executive is given to Wards for proper utilization.

The committee noted that there was no absorption record especially in the First Quarter and when you look at all the three votes within the development votes, if you look at Public Safety and Transport 6 million, Building Standards and Civil Works Kshs 2 million. All of them have zero absorption rates and you as a County if we are headed to the right direction if matters dealing with development, we have almost zero absorption rate.

When you look at General Administration, it has utilization rate of 55 per cent. This shows that our focus is utilizing the County money on non-essential things. This report should be the eye opener for this House, that when we stand here and we are saying that we want to push the Ward Development money to even Kshs 50 million and above and any member who goes against it then that member is against all of us.

(Applause)

Otherwise, I think we are really going to champion for that so that we don't get this under-utilization of money in the county and I want to ask this House to be on forefront for pushing for proper utilization of money within the County, so that we can also raise our ceiling and that can only happen if this money can only be channelled to our wards. Another thing that was raised here is about the 772,981,290 which was transferred to the County Assembly. We are only looking at the overview of the exchequer release from the CRF.

Lastly, on what Hon. Linda has said about very good reports being moved in this House and we are not getting reports from Implementation Committee about implementation of this reports, I am of the view that Implementation Committee actually should be put to task but again as we put them to task, we should put into consideration of how much money is allocated to this committee by Liaison Committee. Implementation Committee should be taken as one of the key Committees within this Assembly because all these reports that we pass in this House should be followed up by the Implementation Committee. It's in my view that we empower the Implementation committee because at the end of the day the Implementation Committee will be working on some reports but how many reports can they work on and give a comprehensive status with the kind of money that it's allocated to them do the work? It is my plea that let us give something fair to this Implementation Committee so that they can actually be able to follow up on all this report that passed in this House. I submit.

Hon. Speaker: Thank you honourable Job for your response to the motion at hand. Honourable members, a motion was moved and seconded and debate having ensued that this House adopts the report by the Sector Committee on Roads, Transport and Infrastructure and Public Works on Bungoma County 9 month Financial Statement for the period ending 31st March 2023, with respect to the Department of Roads, Transport, Infrastructure and Public Works laid on the table of the House on the 14th September, 2023.

(Question put and agreed)

ADJOURNMENT

Honourable members, that was the last item on our Order Paper. We will adjourn our sittings and resume on Wednesday, 11th October, 2023 at 2:30 p.m.

But what we have learnt, we will be doing a reminder in form of a text to the Hon. Members a day before the sittings, because one of the members said he was busy harvesting maize when we were supposed to be in this House. I think on Monday we will be doing reminders that the sittings are on from Wednesday morning at 9:00 a.m. We adjourn.

(House Adjourns)