

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

SPECIAL SITTING

THE DAILY HANSARD

THURSDAY 7TH SEPTEMBER, 2023

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

THURSDAY 7TH SEPTEMBER, 2023

The House met at 2:30 p.m.

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

PRAYER

COMMUNICATION FROM THE CHAIR

Honourable members, I do have several communications to make;

Welcoming members to the Special Sitting

I want to take this opportunity to warmly welcome you to this special sitting as provided for by the Standing Order No. 32 of this County Assembly on this 7th day of September, 2023 at 2:30 p.m. We shall transact the business as per the gazette notice officialising this sitting.

Honorable Speaker out on official duty

Honourable members, the Speaker of the Assembly is out on official duty on matters affecting Honourable Members of this County Assembly and therefore wherever he is we pray for him.

Remittance of monthly contribution by FORD Kenya Party Members

The Office of the Speaker is in receipt of a letter originating from the Ford Kenya party headquarters. This is in relation to the Ford Kenya members of County Assembly who are required to remit monthly contributions as per by the laws of the party. This would require that you settle what is due to the party.

Scholarships from Nehema College - Eldoret

The Office of the Speaker is in receipt of scholarships from Nehema College in Eldoret where each Honourable member has been given two slots; one female and one male. Students who are willing to undertake various courses starting from Artisan, Certificate, Diploma and Higher Diploma will be required to only pay admission fee of Kshs 2,000 and later on pay Kenya National Examinations Council fee of the respective course he /she is pursuing.

Each of the 63 Honourable members will receive two letters, so that you can go out there and find out any needy student from your area of jurisdiction for assistance.

(Applause)

Sugar Conference at Masinde Muliro University

From the Lake Region Economic Bloc, Honourable members are invited to attend the Sugar Industry conference on 8th - 9th September, 2023 at Masinde Muliro University for Agriculture and Technology in Kakamega. This conference will be officially opened by the Rt. Dr. Moses Masika Wetangula who is the Speaker of the National Assembly. You are required Honourable members to travel after this sitting and be seated tomorrow morning as the conference commences early in Kakamega.

The letter to that effect is here and in essence this pushes forward the committees that were supposed to retreat that were scheduled to start on 10th -12th of this month to a later date. So be guided Honourable members.

Pupils from Sio RC Primary School

We do have pupils from Sio RC Primary School who have come with an aim of learning from this place. They are led by their teachers, so the students or pupils should be upstanding. Kindly stand!

(Applause)

I will call the names of the teachers.

1. Joseph Mumaraki
2. Mildred Sikuku
3. Erickson Okumu
4. Celestine Wafula
5. Monica Indahi
6. Belvin Wekesa
7. Jairus Nyongesa
8. Jane Makokha
9. Christabel Nyongesa

Kindly be seated!

(Applause)

Honourable members, maybe I will give the area MCA representing the school and the Education committee members at least a female and male Honourable member to make short remarks under Order 7 of the day's Order Paper.

Next item.

STATEMENTS

Encouragement messages to pupils from Sio RC Primary School

Mr. Deputy Speaker: Thank you, Honourable members. We can have the area Member of County Assembly representing the school, the commissioner emeritus Hon. Makari!

Hon. George Makari: Thank you, Honourable Speaker. I knew you did not know where the school comes from but I want to confirm that the school comes from my ward. In fact we are neighbours. I come from Sio area but before maybe I talk something about the school, I wish to appreciate all members that came back after recess in one peace.

We almost lost Hon. Waiti while coming from Kakamega State House; he would have turned black if it was not for God. I want to appreciate that everyone is in good condition and the works of Satan are defeated and I want to appreciate that.

I wouldn't wish to contradict your communication but that one touching on FORD Kenya and non- payment. It is my considered opinion that our Majority whip would have called a sitting with all the members and we deliberate over it. It's not necessary the likes of Hon. Nangalama who are in DAP to know that some of us are not paying subscription to our party.

That was an in-house communication which should not come on the floor of the House .You want Hon. Nganga who is my uncle to know that I don't pay. He should know that I am a consistent remitter of that money, so our in house issues as a party must remain in the blue tent.

This school called Sio Primary actually is my school. In fact it's just 100 metres from where I live. This school started in 1977 and the land that it sits on was donated by the community. A few members of the community who are now our grandfathers in that region actually gave us almost one and a half acres to begin the school. It began with around 70 pupils but as we speak, this school has around 1023 pupils, 29 teachers and it has 6 non-teaching staff.

In around 2008 to 2012, I was privileged to serve as the treasurer of this school and around 2008 and 2009 I can attest that the likes of Hon. Vitalis were still in primary school. The likes of Hon. Job Mukoyandali were still in primary when I was the treasurer of this school. So you can see that I am a man who has grown and this school is older than the people I have mentioned but it is younger than Hon. Jeremiah Kuloba the MCA of Township.

So my plea to the teachers and the pupils is that you are like my children and I am like your parent in this Assembly, and I want to say that the Head teacher and teachers of the school requested to come here and see for themselves how the sessions of the County Assembly are conducted and your office gave permission for them to come and they referred to me and I said please come and I know by November when the exams are coming, this pupils are very promising and they are going to perform so well.

Before they go to the exam in November, I will also facilitate two exams for them to actually measure themselves...

(Applause)

...because they are my people and we work so well with them. So it is my sincere wish to welcome them in the Assembly and to ask them to feel free.

Mr. Deputy Speaker: Thank you Hon. George Makari for your remarks about the school. You know the school very well. I also take this opportunity to wish the school well, especially the candidates if they are in the midst of those who are here. That as you move forward to sit for your examinations at the end of this year, we wish you all the best, not luck. Luck is for those who are not sure but I wish you well because I know you are prepared for the same.

Next item.

MOTION

PROCEDURAL MOTION ON THE ALTERATION OF THE HOUSE CALENDAR

Mr. Deputy Speaker: The Honourable Deputy Leader of Majority Hon. Joan Kirong.

Hon. Joan Kirong: Thank you, Mr. Speaker. But protect me from *Mheshimiwa* Nganga

Mr. Deputy Speaker: You are protected.

Hon. Joan Kirong: Mr. Speaker, I rise to move a procedural motion on the alteration of the House calendar that pursuant to the provision of Standing Order 31(4) and taking cognizant of the long recess. This House resolves to alter its calendar for the second session, regular session and therefore orders that the sitting of the House resumes from Tuesday 12th September 2023 at 2:30 p.m. to Thursday 21st September 2023 to 2:00 p.m. Thereafter the House to proceed on the recess until Tuesday, 3rd October 2023 at 2:30 p.m. as by the House Calendar 2023. I call upon the Leader of Minority to second the motion.

(Applause)

Mr. Deputy Speaker: Thank you, Hon. Kirong. Hon. Anthony Luseneke, the leader of Minority Party.

Hon. Anthony Luseneke: Thank you, Honourable Speaker for giving me this chance to second the motion on the alteration of the dates. We have been away for too long and we have some businesses which are stuck and one of the businesses is to transact the ADP which was supposed to be tabled 1st of September. So we need to come back and fast track it, so that this County can move forward.

Secondly, we also have reports by the PAC committee. I think they are more than five reports which are supposed to be tabled and transacted. We also have other reports from other committees which we need to table and process as a House. That is why this session is called to alter the dates so that we allow this House to sit for the next two weeks to transact that kind of business.

We also have some pending issues outside the normal reports which we could not have handled while we were away; this issue of salary delays. I think we passed a motion here allowing the County Assembly Service Board to borrow money from KCB to pay these Honourable Members.

(Applause)

Today is seventh and yet we haven't been paid.

Mr. Deputy Speaker: Honourable Leader of Minority, is that part of the motion?

Hon. Anthony Luseneka: Honourable Speaker, that's part of what I'm saying that apart from transacting the normal business just allow me because there is no other place I can say this. So the issue of salary delays we need to handle in the next two weeks. When we resume on Tuesday let the board address that issue.

We also have the issue we raised about the Lap Fund. I am happy our contributions have been updated up to July; the only thing remaining is the gratuity. So I call upon the Service Board so that as we resume on Tuesday, let's get a report from them. I know you will pass the message; the clerks at the table are here. That is our savings Honourable Speaker.

The other issue is about medical insurance, it expired and fortunately this members are healthy no one is sick

(Applause)

Otherwise if you fall sick, it will be a disaster because we are not covered. So let's use this time to address those pending issues.

Also those members who are in Budget and Finance Committees, the executive had promised that by the end of July, they will have advertised the Ward Based Projects. This is 7th of September and we are not sure if the same projects will be advertised before end of this month. So once this House resumes, those are the things we need to follow up because if they advertise late, the projects will not be done in good time, payment will delay and it will fall under pending bills and we are trying to avoid those issues of pending bills.

Honourable Speaker, apart from that and arising from your communication, Hon. George has already commented on that we appreciate the two slots given to Members of this Assembly, that is one way of supporting education and I was expecting the Chairperson of Education to also comment on that and also assure them that once they pass their exams in class 8 they will be given scholarships which used to be there. They need the Chairperson of Education to confirm that this County Government has enough funds to support education. If we can get scholarships from outside the County, we also need to support that ourselves because you can't get help from outside and you are not helping your own children. The Chairperson Education should make a follow up and ensure that the scholarship issue is still there, so that we assure these young boys and girls that once they perform well in their exams in class 8 they are able to proceed with their studies.

Right now most colleges are opening, students are reporting and unfortunately most of them are stranded, they can't even get school fees, they can't get transport to those colleges, so as a County we need to come up and support education so that we move this County forward.

Otherwise, I rise to second the motion.

Mr. Deputy Speaker: Honourable members, a motion having been moved and duly seconded, I now propose the question that pursuant to the provisions of Standing Order No. 31(4) and taking cognizant of the long recess, this House resolves to alter the calendar for the second regular session and therefore orders that the sittings of the House resumes from Tuesday 12th September 2023 at 2:30 p.m. to Thursday 21st September 2023 at 2:30 p.m. Thereafter the House proceeds on recess until Tuesday the 3rd October 2023 at 2:30 p.m. as per the House calendar.

(Question Proposed)

Hon. George Makari: Honourable Speaker, I want to support the motion as laid on the table by our Deputy Leader of majority Hon. Joan Kirong'. We have actually lost ground; I think we have been out for almost 2 and half months. We did move an adjournment motion to be away in the expectation that our welfare will be taken into account at the national level and actually no one paid attention to it.

As we support this motion, I know what Hon. Luseneka has said is not part of the motion. I agree and even told him that he has touched on something I think this House had forgotten, about the Service Board having talked to Kenya Commercial Bank about members' welfare. It was debated here and approved by members, now where did the rain begin beating us, if we did a motion; we passed it on this floor of the House. The same motion which the bank wanted to confirm that actually the House has passed was taken to the bank and they approved, then what happened? Because other departments even the teachers that are sited here earned their salary by around 26th of last month. I have had a session with some policemen and the prison officers at Members' Club today, they earned on 20th and for the County Assembly of Bungoma today is 7th no one has received his/her last month pay.

As I support the motion, let the leadership of this House be cognizant of the fact that these members have so many issues to deal with, from funerals in their backyard, students that are going back to school and sickness in their homes. An MCA is like an ATM in his respective area, and you are one of us and I know you send money every day to funerals and every other thing. What happens if that money is not paid to you as salary? It must be taken into account.

Mr. Deputy Speaker: Thank you, Hon. Makari. I now give this time to Hon. Jack Wambulwa.

Hon. Jack Wambulwa: Thank you, Honourable Speaker. I also want to laud what Hon. Makari has said.

Mr. Deputy Speaker: You are not seconding but supporting honourable member.

Hon. Jack Wambulwa: Yes as I support... Honourable Speaker, it is a big concern that indeed honourable members are living in a different world just because their pay has not been processed. I remember when we approved that motion here, it was sought of an MOU between us and the bank, and the same House approved for the executive, the executive have been able to access theirs whereas us as an assembly who passed the same are just here. We would like to know what the problem is because if the MOU has any issues or if there is any interest that was never paid last time when we had borrowed then let us be told, so that we can know other than keeping us in the dark. When are going to be paid?

They are just requesting for patience but we have been patient enough and that is why we are here up to now, at least they could have assured us that between now and weekend, salaries are being processed. Today we have been visited by the teachers and students, I am very sure some of us who are kind enough with Hon. Makari will be willing to meet our students out there, so that we can buy them bread to go back with. How are we going to treat them when somebody somewhere has slept on his job?

This does not only affect members but even the staff. For the first time I have only met three, out of the larger staff. That tells you there is a problem; they don't go for lunch. They are just there because they are silent; they cannot talk. Nobody is talking on their behalf, and they cannot say anything. Honourable Speaker, stamp your authority and let's be assured that these salaries are being paid before the weekend.

Mr. Deputy Speaker: Thank you, Hon. Jack Wambulwa for your contribution. Hon. Francis Chemion.

Hon. Francis Chemion: Thank you, Honourable Speaker. First, I want to take this opportunity to thank you for allowing me say something. You know we honourable members listen to media houses, we even listen to our leaders and you heard His Excellence the President saying the National Government had released over 50 Billion that was just lying for Counties. If it is true that the money has been released to counties is it our in-house mistake that we don't have our salaries up to this date? In fact the President was saying counties must move fast to absorb the funds, we are very late in processing our salaries for our County Assembly and the money is just there. Then there must be an issue with us or if it is not with us then we should be told where.

When we passed that memorandum with KCB, it was very clear that the County Assembly could only pay interest if they delayed repaying over a period of more than a month, and I am sure we have never delayed for that long period. What then happened with our MOU? Did we default or there were hidden charges that were not clear in that memorandum that the County Assembly is seeing that it will lose a lot of money. There are things that we need to know as members so that we are comfortable. Otherwise members are not comfortable and something must be done.

I have heard from your communication which was very eloquent, you have said we are supposed to travel to Kakamega right away from here. I don't know about the welfare issue if you have already taken care of it, because I know you know that we don't have salaries.

Maybe you have another alternative of taking care of these honourable members as they travel.

(Applause)

You know they will require some fuel to travel to Kakamega, accommodation from today to Saturday; they will be outside the County for two days plus the travelling. So the communication is welcome and we support the body, the Lake Region Economic Bloc for inviting us but Speaker, I know you are able to handle that task and I am very sure members will go to Kakamega smiling.

I am sure we are resuming as it has been proposed by the leadership next Tuesday and maybe we will transact very many businesses at that time. But on the issue of gratuity, you know we discovered this while at Nakuru, from devolution conference to CASA games we realized that we were not doing very well as an Assembly and I don't know the formula that is applied by other County Assemblies. I want to ask is it different from what we apply here in terms of calculating gratuity for Honourable members. Those other County Assemblies the gratuity amount is higher than what we provide for our members, so we ask that it is looked into and the arrears if possible they should be calculated and be taken to our Lap Fund team.

We have the National Dialogue Team which has given members of the public ten days to present whatever they want on the agenda that is there. I expected that although it is a special sitting, I expected a communication from your office or the CAF office or the AMCA office on whatever they have presented as views of the County Assemblies. For CAF, I saw they said County Assemblies again on their own volition should come up with a motion to support whatever they have already presented to the dialogue team.

We must move with speed as Bungoma County Assembly because we have only 10 days which began some days ago, so that our issues are taken before that Committee. We have the leadership which should do something, so that those other people may not see that it is not only the National Office that has presented the issues.

There was an advisory from CAF and AMCA so we need to do something over it, so that our welfare and also the issues of Ward Development fund also maybe slotted in the dialogue agenda.

Mr. Deputy Speaker: Thank you so much the Hon. Masai for your contribution. Honourable Members, a motion having been moved, duly seconded and debate having ensued, I now put the question that pursuant to the provisions of Standing Order No.31(4) and taking cognizant of the long recess, this House resolves to alter its Calendar for the second Session as regular Session and therefore order that the sittings of the House resume from Tuesday 12th September 2023 at 2:30 p.m. to Thursday 21st September at 2:30 p.m. thereafter the House to proceed on recess until Tuesday 3rd October 2023 at 2:30 p.m. as per the House calendar 2023.

(Question put and agreed to)

Honourable members, that having been our last item on the Order Paper, I want to take this opportunity to say that may God keep you well. We know that Hon. Makari mentioned what befell Hon. Waiti through a road accident, but we should not forget that also Hon. Hentry Nyongesa was also involved in a nasty accident where his vehicle flew and climbed a tree. We are sorry and pray that God is going to keep us away from such misfortunes. Also, Hon. Chemion, the vehicle refused to follow the road and digressed into the fields.

For the Kakamega conference, we know very well that nowadays as per the requirements of the law, honourable member for Matulo, Hon. Kaiser Simiyu that as you sign in, you prepare to receive after signing. So be guided and I pray that all of you will be safely in Kakamega, so that as you sign in, your welfare will be taken care of.

Adjournment

Otherwise, we adjourn this sitting and resume as per the calendar altered by this House on 12th September 2023 to 21st September 2023 at 2:30 p.m.

(The House rose at 3:16 p.m.)