

**COUNTY GOVERNMENT OF BUNGOMA**

**COUNTY ASSEMBLY OF BUNGOMA**

**COUNTY ASSEMBLY DEBATES**

**THE DAILY HANSARD**

**TUESDAY 3<sup>RD</sup> OCTOBER, 2023**

**Afternoon Sitting**

**COUNTY ASSEMBLY OF BUNGOMA**  
**THE HANSARD- OFFICIAL REPORT**  
**TUESDAY, 3<sup>RD</sup> OCTOBER, 2023**

The House met at the County Assembly Chamber at 2:30 p.m.  
(The Deputy Speaker [Hon. Stephen Wamalwa] in the Chair)

**PRAYER**

**COMMUNICATION FROM THE CHAIR**

Honourable Members, I have a few communications to make;

1. THE SPEAKER OF THE COUNTY ASSEMBLY AWAY ON OFFICIAL DUTY

The Speaker of the County Assembly is out on official duty with members of the Powers and Privileges Committee. We pray for their wellbeing as they discharge their duties.

2. COMMITTEES' ATTENDANCE

Secondly, I would like to remind each of us on the need for us to attend to committees without fail. As it stands, we are having quorum hitches and it is affecting the functioning of other departments including the Executive; who are invited and we don't meet the quorum that is required from our end. This affects even the C.E.O of this County Assembly who when invited before a committee also realizes that the quorum is not met. Honourable Members, this is turning out to be a cancer; a trend which if not reversed, then we will not have no otherwise but to ensure that we only use biometric gadgets to capture those members who are present; and unfortunately it may have far reaching consequences.

3. VISITING DELEGATION FROM SIKULU FRIENDS' SECONDARY SCHOOL AND NALONDO CBM SPECIAL JUNIOR SECONDARY SCHOOL

Thirdly, in the Assembly's Public Gallery and Speaker's Gallery, we have visitors who are students from our schools; one is Sikulu Friends Secondary School led by their teachers;

1. Mr. Murefu Muniolo
2. Mr. Aggrey Ndinyo
3. Ms. Lydia Chenge

Honourable Members, let us give them a round of applause...

*(Applause)*

You can be sited.

Another school that is admitted in the gallery is Nalondo CBM Special Junior Secondary School led by their teachers as follows;

1. Mr. Amos Mulonngo
2. Ms. Agneta Asikoye
3. Mr. Anthony Wanyonyi
4. Ms. Everlyn Nafula
5. Mr. Evans Khaoya
6. Ms. Jackline Solo

The students from Nalondo CBM Special Junior Secondary school please be upstanding. Honourable Members, let us give them a round of applause.

*(Applause)*

You can be sited. We shall give Honourable Members time to make brief remarks advising and encouraging the students as we proceed with the Order Paper.

## **PAPERS**

### **1. REPORT BY THE PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE**

**Hon. Jerusa Aleu:** Thank you Mr. Speaker Sir. I rise to table a report by the Public Accounts and Investments Committee on the Auditor General's report on the financial statements of Bungoma County Government; on Bungoma County Youth and Women Empowerment Fund for the period ended 30<sup>th</sup> June, 2019.

**Mr. Deputy Speaker:** Honourable Members, a report by the Committee on Public Accounts and Investments having been laid before this House, it is now the property of this Assembly and will form part of Business to be considered.

### **2. THE BUNGOMA COUNTY REVENUE FUND STATEMENT FOR FINANCIAL YEAR 2022/2023**

**Hon. Jack Wambulwa:** Thank you Hon. Speaker. I beg to lay a report on the County Revenue Fund statement for financial year 2022/2023 for period ended June 30<sup>th</sup>, 2023.

**Mr. Deputy Speaker:** Honourable Members, a report from the County Revenue Fund statement for the financial year 2022/2023 for the period ending 30<sup>th</sup> June having been laid, it stands

committed to the Committee on Finance and Economic Planning for processing and subsequent submission to this House.

## NOTICE OF MOTION

### 1. A NOTICE OF MOTION BY THE PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE

**Hon. Jerusa Aleu:** Mr. Speaker Sir, once again, I rise to move a motion that this House adopts the report by the Public Accounts and Investments Committee on the Auditor Generals...

**Mr. Deputy Speaker:** Hon. Aleu, you are not moving... instead you are issuing a notice of motion.

**Hon. Jerusa Aleu:** Thank you Mr. Speaker. I rise to give a notice of motion that this House adopts a report by the Public Accounts and Investments Committee on the Auditor General's report on the financial statements of Bungoma County Government Youth and Women Empowerment Fund for the period ended 30<sup>th</sup>, June 2019.

**Mr. Deputy Speaker:** Honourable Members a notice of motion having been issued, I therefore, direct that it be circulated to all Honourable Members for their consumption and in-depth perusal; as it will form part of Business that shall be considered by this House.

## QUESTIONS AND STATEMENTS

### 1. STATEMENT BY A MEMBER OF THE HOUSE BUSINESS COMMITTEE

**Hon. Hentry Nyongesa:** Thank you Mr. Speaker Sir. I rise to give a statement of the weekly program of the County Assembly of Bungoma pursuant to Standing Order No. 42 for the week commencing today 3<sup>rd</sup> to Thursday 5<sup>th</sup> October, 2023.

**Tuesday, 3<sup>rd</sup> October, 2023 at 2:30p.m**  
**Order of Business**

#### **Papers**

As listed in the appendix

#### **Notice of Motion**

As listed in the appendix

#### **Questions and Statements**

As listed in the appendix

## **Motion**

1. Consideration of the Bungoma County Government nine months financial statements for financial year 2022-2023 with respect to the department of Agriculture, Livestock, Fisheries, Irrigation and Cooperatives Development. To be moved by the Chairperson of the Committee.
2. Consideration of Bungoma County Public Entertainment and Amenities Bill, 2023. To be moved by the Chairperson, Sectoral Committee on Gender, Culture and Social Welfare.

**Mr. Deputy Speaker:** Hon. Hentry, for the purpose of HANSARD record, it should be amenities Bill.

**Hon. Hentry Nyongesa:** Thank you Mr. Speaker. I think I need to seek for medical treatment. It should read, Gender, Culture and Social welfare on the Bungoma County Public Entertainment and Amenities Bill as laid on the Table of the House on 19<sup>th</sup> September, 2023.

**Mr. Deputy Speaker:** You can move to the next day.

**Hon. Hentry Nyongesa:** I think this has already been handled.

**On Wednesday 4<sup>th</sup> October, 2023 at 9:30 a.m.**

## **Order of Business**

### **Papers**

As listed in the appendix

### **Notice of Motion**

As listed in the appendix

## **Motion**

1. Consideration of the Auditor General's Report on the pending bills of the County Government of Bungoma; that is County Assembly of Bungoma for the financial year 2018-2019, 2019-2020. To be moved the chairperson Public Accounts and Investments Committee.

## **BILLS**

That the Bungoma County Public Entertainment and Amenities Bill, 2023.

A Bill for an Act of the County Assembly of Bungoma to regulate the public entertainment and use of public amenities and for connected purposes. **Second Reading**

Committee of the Whole House on the Bungoma County Public Entertainment and Amenities Bill, 2023

**Mr. Deputy Speaker:** We are done, you move to the Wednesday afternoon.

**Wednesday 4<sup>th</sup> October, 2023 at 2:30 p.m.**

**Order of Business**

**Papers**

As listed in the appendix

**Notice of Motion**

As listed in the appendix

**Motion**

1. Consideration of Bungoma County nine months financial statements for financial year 2022-2023 with respect to the County Public Service Board and the County Assembly Service Board. To be moved by the Chairperson Sectoral Committee on Labour Relations and Members' Services and Facilities.
2. Consideration of Bungoma County Cooperative Societies Bill, 2023. To be moved by the Chairperson Sectoral Committee on Agriculture, Livestock, Fisheries and Irrigation and Cooperatives Development.

**BILLS**

The Bungoma County Public Entertainment and Amenities Bill, 2023

A Bill for the Act of the County Assembly of Bungoma to regulate Public Entertainment and the use of Public Amenities and for connected Purposes. **Third Reading**

**On Thursday 5<sup>th</sup> October, 2023 at 2:30 p.m.**

**Order of Business**

**Papers**

As listed in the appendix

**Notices of Motion**

As listed in the appendix

**Questions and Statements**

As listed in the appendix

## Motion

1. Consideration of Bungoma County Government nine months financial statements for period ending 31st March 2023 in respect to the department of Roads, Transport, Infrastructure and Public Works. To be moved by the chairperson of the committee.

Mr. Speaker, I move.

**Mr. Deputy Speaker:** Thank you Hon. Nyongesa, Member for Bumula Ward. The only problem is that your lenses are fading and if not, then those are signs of ageing which is okay and a blessing.

Honourable Members that is our tentative weekly programme of Business for this County Assembly for week commencing Tuesday, 3<sup>rd</sup>, to Thursday, 5<sup>th</sup> October, 2023. Familiarize yourself with it so that you are available as we process and work.

## MOTION

### 1. MOTION BY THE COMMITTEE ON AGRICULTURE, LIVESTOCK, FISHERIES, IRRIGATION AND COOPERATIVES DEVELOPMENT

*Interruption of Business to allow Honorable Members acknowledge the visiting delegation*

**Mr. Deputy Speaker:** Before we move to that motion, I want to take this opportunity and give a window of opportunity to Honourable Members to make short remarks in relation to the visitors in both in Speaker's and Public galleries; being our students from our schools Nalondo CBM Special School and Sikulu Friends Secondary School. Members, I know that you have short remarks to encourage them. I will also give a special chance to one Member from the Committee on Education if she or he is in the plenary to be the last to give remarks on behalf of the Chairperson the said Committee.

**Hon. Hentry Nyongesa:** Thank you Mr. Speaker. First I wish to thank you for giving me this opportunity to say something about our visitors today who are son and daughters from this county. I happened to have some close links with the school from Kabuchai Sub-County geographically referred to as Bungoma Central. While under the provincial administration arrangement, when referring to administrative boundaries, it was called Bungoma Central...

**Mr. Deputy Speaker:** What about history?

**Hon. Hentry Nyongesa:** It is geography and history and I thank you for that. I also happened to have schooled in one of the schools in that region which I don't want to mention. One of the school is a friends school, I don't know if I read this on their school bus or on the uniforms. All

said and done it is a friend's school; that is Sikulu and Nalondo. I stand to be corrected but if that is the faith they come from, it is a strong faith that most of the senior citizens of this county who have schooled in friends schools that are Kamusinga, Lugulu among others. If we can draw that history, you may realize that the visiting schools can do well if they emulate the schools that I have just mentioned. Teachers could have opted to take them to Nairobi which could have been expensive, but because of devolution, they decided to visit this County Assembly. In the past we had defunct County Councils and where you are sitting with a member known as Hon. Mukwe Lusweti, who is deceased... *sijui kwa Kiswahili* ( I don't know in Swahili) Mr. Speaker...

**Mr. Deputy Speaker:** You are out of order Honourable Member.

**Hon. Hentry Nyongesa:** I wanted to bring it in Swahili...

**Mr. Deputy Speaker:** You have to correct yourself.

**Hon. Hentry Nyongesa:** I have corrected Mr. Speaker. That where you are sited, we had one person known as Hon. James Mukwe- the late, who was the Chairman of the defunct County Council of Bungoma. I want to say that this world does not favour people who are disadvantaged in terms of may be walking style, disability or any other thing; now that we are talking about Nalondo special school that brings on board the physically challenged and those that are not challenged. What I am saying is that whether physically challenged or not, all these children, any of them could sit where you are sitting. That is why I brought in the issue of the late Hon. James Mukwe whom I worked with for almost five years. When I came here as an MCA, he was a Member of Parliament representing Kabuchai Constituency. Therefore, luck does not favour anybody, it does not look at how beautiful you are, but it comes from the struggle. I refer to the late Hon. James Mukwe who came from a poor background. That his father was not even a Chief. I understand Hon. Mukwe was just a choir member at a friends Church in Sinandiki and ended up being a Member of Parliament for Kabuchai.

We are saying that we don't want to wish luck to the visiting students but we want to tell them that let them put in effort in order to achieve their future. As they sit here, I don't want to tell them that they should become *boda boda* riders the way my background started. It is because of the struggle that I had in my life and that is reason enough on how I managed to find myself in this House.

One of the teachers of this school that I met she used to teach at a school in my Ward called Kimatuni Joy Valley Special School which is equivalent to Nalondo. The culture she has moved with from Kimatuni to Nalondo Special School; and the way she was motherly to children together with the other teachers, I am sure they are going to bring out good citizens from Nalondo and Sikulu Friends Secondary School.

I want to say that as a House and government, we are going to make all endeavors to make sure that education institutions are supported to achieve their mandates. Otherwise we wish them well but we don't want to wish them luck which comes from a struggle. I rest my case.

*(Applause)*

**Hon. Alfred Mukhanya:** Thank you Mr. Speaker. Mine is to welcome our teachers from the two institutions from Bungoma Central. This is the County Assembly of Bungoma which legislates. As you can see these are the members, although we are few, others are committed somewhere else. You are welcome to this Assembly and we thank you for bringing the students to come and learn. For the students, you are welcome and as you can see, we are representatives from different wards across Bungoma County. It is a good day for you and you should take note that this House is divided into two groups; the minority and the majority but we are all representing our people. Mine is to thank them and wish them well; and for the teachers continue teaching our children for the betterment of their future.

**Mr. Deputy Speaker:** I will request that Hon. Wandabusi be the last one because of the geographical position he comes from and in relation to the schools.

**Hon. Jerusa Aleu:** Thank you Mr. Speaker Sir for this opportunity. I also want to welcome our visitors who are here with us. First of all I would like to thank the teachers who have come with the students to this House. Our students from Sikulu; this is a House of rules and procedures and as one of our Honourable Members has said; in this House we have two groups which you need to know. That we have the opposition and the majority side; where I am standing is the majority side and the other side is the minority side. That is how we sit and legislate on what you send us to do in this House. My girls who in the gallery; this is one of the best things. You need to gain courage and I am expecting that one of these fine days after your studies, some of you will come and join this House and start legislating or carrying on the activities that we normally carry in this House.

Last but not least, I would like to congratulate the teachers from Nalondo Special School. I say so because it is not easy to get teachers with passion taking over such a school and taking care of those children who are in Nalondo Special School. I am saying so because I have a got a grandchild who is in Nalondo Special School and before she joined Nalondo, the girl went to one of our schools in my ward which I do not want to mention and she was denied a chance just because she was physically challenged. To make matters worse...any way, I should not complete it because it might raise eyebrows. I congratulate those teachers who take care...

**Mr. Deputy Speaker:** Maybe Hon. Member it could lower the eye brows...how do you know, it could lower the eye brows maybe! Proceed, Hon. Member!

**Hon. Jerusa Aleu:** Thank you Mr. Speaker Sir. I just wish to congratulate those teachers who take care of those children. It is not an easy job. You need to have that godly heart to take care of those children and it is only God who can reward you and even with that little salary you get. Keep it up and take good care of those children as one of us has said. One of the good days maybe, who knows, one or five of them will come to this House and at least do what is supposed to be done. Thank you. I rest my case.

*(Applause)*

**Mr. Deputy Speaker:** Thank you Hon. Aleu. She happens to have a grandchild in one of the schools. That is amazing. Hon. Waiti, Member for Naitiri Kabuyefwe!

**Hon. Wafula Waiti:** Thank you Mr. Speaker for also allowing me to give a word of advice to our young ones who are in the gallery. As you have just mentioned, I am the only person in the whole world who contradicts the physical appearance of my body against my name. As you have mentioned, I am Hon. Waiti but I seem to be somehow black. I come from Naitiri in Tongaren Sub county; part of this County. I have a few concerns but now that we have our visitors in the gallery, my major concern is on our children, but before that, may I take this opportunity to thank our able teachers and parents who made it possible to accompany our young ones up to this particular point.

To our students, you must know that discipline is the key in all that you undertake in schools. A disciplined student in most cases will excel in his or her education; so you must maintain discipline whenever you move in that school compound.

Two, allow me tell them that commitment is very important, you must have focus on your process as you engage in your education in that particular school. Remember, you are in that school for a specific period of time and to me, I may call that as a contract that you have signed. That contract is between you as an individual and the leadership of that school. That after a particular time; in most cases it is four years, you will leave that school and you will be asking yourself what have you come up with or gained after staying in that school for that particular period of time.

Just a word of advice; if you want to sleep in future, do not sleep now. Just be committed, do what is required of you so that you rest and have peace in time; and if you do not want to sleep in future, you sleep now. The choice is in your hands; if you sleep now, in future you will find yourself not sleeping because you must eat and you have to engage in everyday activities to look for what you can eat; so it will depend on what you are doing now. Take time, revise, consider what you have been told by your teachers so that you enjoy in future.

Lastly, as a parent, as much as we are Honourable Members here, we are parents; looking back, we have such like children at home. This is an advice to our parents. I want to believe we are nearing the examination period and in many cases parents may mislead the candidates by introducing new tricks during the examination time. My advice is that during examination time; let parents give teachers ample time to accomplish their process as our young ones sit for their examination.

I want to congratulate teachers for making sure that they bring these students to this Honourable House. .

**Mr. Deputy Speaker:** Thank you Hon. Waiti, Member for Naitiri Kabuyefwe. We will have the last speaker Hon. Kimeta, but before then, we shall have Hon. Wasike Makari who will be followed by the last speaker Hon. Kimeta Wandabusi Polycarp. Hon. Wasike Makari, you can take the floor!

**Hon. George Makari:** I was worried you were skipping me.

**Mr. Deputy Speaker:** I had seen you. My eyes are very sharp.

**Hon. Gorge Makari:** Unfortunately you did not have your glasses on today and I therefore thought you had not seen me. I wish to congratulate the students and teachers that are here today from the two schools and welcome them to Bungoma County Assembly. As my colleagues have said; Hon. Mukhanya, Wafula Waiti, Jerusa, Nyongesa who have spoken, I wish to inform the entourage that has come with their teachers that this is a House of procedure and rules. We follow certain code of conduct here .As you can see, you can check out the ladies, they are smartly dressed and the students must know that you cannot come here without a coat or a suit; so that is just part of the rules of this House.

I remember while I was in high school, I was the Chairman of the debating club and we were trying to copy what a parliament does. So we could have somebody sitting there as an Attorney General, one as the Speaker and another one as the Sergeant- at- Arms, but that was not the real life...here is real life. So I hope that the students who have come today are now seeing this in real life because wherever they are, I know they have a debating club in their institution; and they try to copy what parliament does. Today they have the privilege to sit here and see the Speaker and the Sergeant- at- Arms, the Honourable Members, the opposition side led by my good friend Hon. Mutiambu and Hon. Mukhanya and this is the government side led by the majority leader who is not here but they are engaged elsewhere. These are live proceedings for you students and we would wish to remind you that the term student comes from the term studios which means somebody who is able to study. You are able to study and we always say study hard; we do not want you to study hard. Nowadays, you study smart but as a word of advice, these are school children, we are your parents here, and my work is to advice. There are so many vices in school today, I wish to advise the students here that check your company, your

peer group, whom are you talking to. There is some company you might walk with and it can destroy you.

Respect your teachers who go out of their way to help you. When you are in school, your parents at that particular time are your teachers; so respect them so much, but sometimes I also wish to appeal to the teachers, these teachers seated here can destroy or mould you. I remember one time when I was in high school, the teachers almost destroyed me because I was somehow thick headed and every mistake in the school was put on my shoulders, even when I had not done it. So teachers please...

**Mr. Deputy Speaker:** Hon. Makari you do not look like you are thick headed.

**Hon. George Makari:** Appearances can be deceiving. I will appeal to the teachers, don't abuse, humiliate or shame. Anytime you call a student and shame them before others you are not building them, you are destroying them. There is a story doing rounds on WhatsApp, I think you have seen one. There was a student who stole something in class and then the teacher stood up and said whoever stole that thing I want everybody to close their eyes and whoever stole it to walk and come and greet me; and if you have it please just place it in my hands and everything will end there. True to his word, the student walked and then went and greeted the teacher. He was so ashamed and he knew that the teacher would humiliate him before others but the teacher received the stolen item and put it in his pocket.

At the end of the day no student knew whoever had stolen that item, the teacher was very wise, he put it in the pocket and every story ended there. He just told the class I have recovered whatever item was stolen without mentioning the name of the student. Teachers that are here, kindly don't humiliate, abuse or shame. That way you will be building these students, but once you take the route of shaming and humiliating, you have destroyed that student. That is my piece of advice and I would also like to go against the grain. Hon. Wafula Waiti who is not very white has said that if you want to succeed, do not sleep now. I will ask the students that you must get enough sleep for you to succeed.

We were in a certain school, there were guys who were trans-nighting from evening to around 4:00a.m; they had four volumes sitting there. He is going through one volume after the other and at the end of the day; those of us who were not even reading got a better grades than them. Take enough sleep so that come in the morning, you are fresh to get ideas and lastly not everyone will be an engineer, a doctor...

**Mr. Deputy Speaker:** Hon. Makari, hold your horse a little; there is something from Hon. Hentry. What is it that you want us to know?

**Hon. Hentry Nyongesa** (*On a point of information*): Mr. Speaker, learning is a continuous process and the words Hon. Waiti used were necessarily not referring to sleeping in the blanket. Hopefully Hon. Makari is not referring to sleeping in blankets.

**Mr. Deputy Speaker:** Thank you Hon. Hentry for clarification. Hon. Makari!

**Hon. George Makari:** Hon. Speaker, Hon. Waiti is very much present, he would have raised it, why is he delegating to Hon. Nyongesa. The last time I checked, Hon. Nyongesa is not the mouth piece of Hon. Waiti, however...

**Mr. Deputy Speaker:** Now, Hon. Wasike, you are rattling feathers because Hon. Waiti wants to make a point here. What is it Hon. Waiti? Precise, please!

Hon. Wafula Waiti: Asante Mheshimiwa Spika, Niongee Kwa Kiswahili kwa sababu ni lazima wanafunzi wajue hata kiswahili yakubalika katika jumba hili. Sikumaanisha usingizi ule wa kawaida wa kulala, nilimaanisha wanafunzi waweke bidii wakati huu ili wafaulu katika maisha yao ya usoni.

**Mr. Deputy Speaker:** Thank you so much. He has taken note of that... Hon. Makari!

**Hon. George Makari:** Thank you Hon. Speaker. I now realise that Hon. Waiti is more fluent in Swahili than English because the way he put it in English everyone missed it... even I missed it. Hon. Waiti, I will advise that you now begin using Swahili. You seem to be very and I think you might have been one time an untrained teacher of Swahili.

As I finish and that is my last statement, before we come to the Hon. Member for Nalondo West who is going to finish off because these schools are from his area of jurisdiction, I was telling the students that not everyone will be an engineer and a doctor; you might have dreams or yearn for something...

When I was growing up, I never imagined I could be in politics, when my high school Principal was giving me a leaving certificate, he said I was so unruly that I could only work near a police station. I never imagined that at one time I would be in politics, but here I am in politics. Some of these students would end up being politicians or business people... You might not achieve the real dream every day, but all the same you know you will be something. So keep your focus, lane, respect your parents and teachers and everything will be okay.

**Mr. Deputy Speaker:** Thank you Hon. Makari Wasike for your advice and encouragement to the students. Hon. Kimeta Wandabusi Polycarp, Member for Nalondo West from Kabuchai Sub County.

**Hon. Polycarp Wandabusi:** Thank you Mr. Speaker Sir for giving me this chance. First of all, I wish to inform the House that the schools are from Kabuchai Sub County. Friends' secondary school being from Mukuyuni Ward which is represented by Hon. Meshack Museveni; who also informed me to thank the teachers on his behalf. Thank the students for working hard, it has been a school that has been progressing well and he said that I convey a message of encouragement.

He is away on official duty but he has said that he is working to uplift the school and the students are also working extremely well with teachers so that they get good grades.

This school called Nalondo CBM is in my Ward- West Nalondo. It is a school that was established in the year 1998 by one Mr. John Teka Nalimae who was an educationist. It was established with the main purpose of uplifting the lives and the welfare of students who are physically impaired. By that time it was established, we had no such school in the entire western region. By that time, we could only get a school of that nature that was providing the basics to the special needs students in Kisumu and other parts of Kenya. This school as per now has a population of 349 and it is not only a national school, but an international school, because students who are in that school come from different countries.

It is a national school because of performance and in the year 2020, it produced a student who was number one in the whole country under the special needs category. That student as we are speaking is now studying at Kapsabet Boys and the school has a track record of producing students who are doing very well. I would want to take this time to thank the students for working hard and teachers for ensuring that the students are working very well and are performing extremely well; putting in mind that Kabuchai Sub county has produced very good leaders like Hon. Nyongesa said here; the likes of Hon. Mukwe, we have the Speaker of the National Assembly, I myself and other leaders included.

I urge the students to work extremely hard so that they display and get very good grades and perform well so that we build this country to another level. These students of Nalondo have had challenges, but I also want to inform the House that we have managed; at least we have 22 teachers in the school under the TSC. The school has about 349 students, 22 subordinate staff; so we say that if the County will assist this school, it will be posting very good grades.

Lastly, I wish to say that these schools need County assistance so that they progress very well. I thank Nalondo CBM School. That name CBM originated from the word Christadelphian Bible Mission and you know when you go to Nalondo, it is a rural place, but we are lucky that we have a national school.

Lastly, I want to inform the school, the teachers and the students, I am here and I will be meeting with you after the session so that at least we have a word as representatives of the area. I will also meet Sikulu which is represented by Hon. Museveni. So I request that after this session I meet the schools out there.

*(Applause)*

**Mr. Deputy Speaker:** Thank you Hon. Wandabusi, Member for Nalondo West representing the Kabuchai team. On behalf of the Assembly teachers who accompanied the students, I want to congratulate you and pray that God gives you strength, expands your boundaries, knowledge and wisdom as you impart knowledge to these young ones; because as teachers, the only payment

that is commensurate to what you are doing is not paid by man. I am a teacher myself and yes I am a product of the friends' school as one Honourable Member mentioned here. I wish all the students who are going to sit the National examinations well. We don't wish you luck, but want to wish you well because you have to work smart towards achieving the same. So we pray for you. Adhere to the school rules, regulations, respect teachers, and listen to what they advise you and everything will be well. Whoever listens to instructions finds life quite easy as opposed to one who goes against advice. I want to wish you well as we proceed with our sessions so that you can observe one or two undertakings of this Assembly. Thank you so much and God bless you. As you go back home reach safely.

Next Item!

### *Resumption of Business*

## **MOTIONS**

1. MOTION BY THE COMMITTEE ON AGRICULTURE, LIVESTOCK FISHERIES, IRRIGATION AND CO-OPERATIVES DEVELOPMENT

**Mr. Deputy Speaker:** Hon. Alice Nanyama Kibaba, you can take the discharge from that other end! Well, you can proceed and ignore the disruptions from Hon. Mutiambu.

**Hon. Alice Kibaba:** Thank you Mr. Speaker Sir. I stand to move a motion that this House adopts the report by the sectorial Committee on Agriculture, Livestock, Fisheries, Irrigation and Co-operative Development on the Bungoma County Government nine months Financial Statements for the year 2022/2023; with respect to the department of Agriculture, Livestock, Fisheries, Irrigation and Co-operative Development.

Mr. Speaker Sir, if you can allow me to skip chapter one, I go to chapter two.

**Mr. Deputy Speaker:** allowed!

**Hon. Alice Kibaba:** Committee Membership

Mr. Speaker Sir, the Committee on Agriculture, Livestock, Fisheries, Irrigation and Co-operatives Development comprises of the following members;

- |    |                        |                  |
|----|------------------------|------------------|
| 1. | Hon. Wafula Waiti      | Chairperson      |
| 2. | Hon. Idd Chamau        | Vice Chairperson |
| 3. | Hon. Everlyne Mutiambu | Member           |
| 4. | Hon. Busolo Sudi       | Member           |

5.	Hon. Simotwo Franklin	Member
6.	Hon. Jerusa Aleu	Member
7.	Hon. George Tendet	Member
8.	Hon. Edwin Opwora	Member
9.	Hon. Alfred Mukhanya	Member
10.	Hon. Caleb Wanjala	Member
11.	Hon. Bernard Kikechi	Member
12.	Hon. Martin Chemorion	Member
13.	Hon. Metrine Wilson	Member
14.	Hon. Alice Kibaba	Member
15.	Hon. Allan Nyongesa	Member

## Guiding principles in the examination of the Bungoma County Government Quarterly Reports and Financial Statements

Mr. Speaker,

In the execution of its mandate, the Committee on Agriculture, Livestock, Fisheries, Irrigation and Co-operatives Development is given a legal backing under the Public Finance Management Act, 2012, the County Government Act, 2012 and the Constitution...

**Mr. Deputy Speaker:** Hon. Kibaba, what you are reading is chapter one, so you have to correct that because of the HANSARD. You just skipped some page but still that is chapter one. For purposes of the Hansard, you can proceed so that you can flow with your information.

**Hon. Alice Kibaba:** Thank you Mr. Speaker Sir.

On 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. Section 149 (1) (a) and (b) of the PFM Act, 2012 provides as follows;

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;

- a) Lawful and authorized
- b) Effective, efficient, economical and transparent

## 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 the 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.

### 2. Obligations of the Accounting Officer

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

1. An Accounting Officer for a County Government entity shall prepare 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 15 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
  - c.) Publish and publicize them.

### Acknowledgement

May I take this opportunity to thank the office of the Speaker and Clerk for giving the Committee logistical support that made this exercises a success. I also appreciate the Honourable

Members and the Secretariat of the Committee on Agriculture, Livestock, Fisheries, Irrigation and Co-operatives Development for carefully examining the nine months executive Financial Statements FY 2022/2023 for the period ended 31<sup>st</sup> March, 2023. The Committee further extends its gratitude to the County Executive Department of Agriculture, Livestock Fisheries, Irrigation and Co-operatives Development for the role they played in offering explanations during the interrogation and supporting documents as requested by the Committee.

It is therefore my privilege on behalf of the Committee to table the report on the nine months executive Financial Statements FY 2022/2023 for the period ended 31<sup>st</sup> March, 2023.

Signed by Wafula Waiti- MCA, Naitiri Kabuyefwe; Chairperson sectorial Committee Agriculture, Livestock Fisheries, Irrigation and Co-operatives Development.

## CHAPTER TWO

Analysis of County Quarterly reports and Financial Statements for the period ended 31<sup>st</sup> March, 2023.

County Resource envelope for year 2022/2023

The total budget for the whole Financial Year 2022/2023 is Kshs18, 821,204,142 as per the approved first supplementary budget.

**Mr. Deputy Speaker:** Honourable Alice, maybe you could repeat the total budget for the whole Financial Year!

**Hon. Alice Kibaba:** The total budget for the whole Financial Year 2022/2023 is Kshs14, 821,204,142 as per the approved first supplementary budget with a breakdown of the sources as indicated below.

We have the table here.

Source Amount

Equitable share            10,659,435,192

Equitable share brought forward        867,288

**Mr. Deputy Speaker:** Hon. Kibaba, for the purposes of saving time, Chapter two is actually the overview of the entire County which is not specific to Agriculture. How I wish that you go to Chapter three which is now the departmental expenditure analysis on page 17; because what you are reading is the overview of the entire County.

**Hon. Alice Kibaba:** Thank you Mr. Speaker Sir.

## CHAPTER THREE

## Departmental Expenditure Analysis

In the current Financial Year 2022/2023, the Department of Agriculture, Livestock Fisheries, Irrigation and Co-operatives Development has an annual approved budget of Kshs1, 232,138,834 comprising of Kshs452, 353,687 for recurrent and Kshs779, 785,147 for Development programmes.

The absorption rate for the department was at 44 per cent in quarter under review, for recurrent and development expenditure.

The programmes are as under:

- The general administrative, planning and support services had a recurrent expenditure at Kshs54, 969,643 at an absorption rate of 45 per cent.
- The human resource management and development approved in FY 2022/2023 In the recurrent expenditure of Kshs201, 715,892 at an absorption rate of 62 per cent.
- The land and crop development consist of crop production and productivity, value addition and agro processing and irrigation extension and training to be approved in FY 2022/2023 Kshs398, 366,877, the department has utilized 29,998,308 at 23 per cent absorption rate.
- Livestock production development management approved in FY2022/2023 Kshs135, 110,000 with nil expenditure at a rate of 0 per cent.
- The fisheries development and management on extension service, training, product value chain development, production, agro-processing and value addition approved in FY 2022/2023 Kshs55, 800,000 at 0 per cent rate with nil expenditure.
- The agricultural enterprise development (ATC) had a recurrent expenditure of Kshs812, 285 at an absorption rate of 96 per cent.
- The infrastructural development (ATC) recurrent expenditure was Kshs10, 380,837 approved at an absorption rate of 99 per cent.
- NARIGIP had development expenditure as 31<sup>st</sup> March, 2023 at Kshs237, 245,331 at an absorption rate of 71 per cent.
- ASDSP II Had development expenditure of Kshs5, 344,642 as at 31<sup>st</sup> March, 2023 at an absorption rate of 17 Per cent.

### WARD BASED AGRICULTURE PROJECTS - FY 2022/23

	PROJECT NAME	PROJECT SPECS	LOCATION	ESTIMATE (KSHS)	CONTRACT AMOUNT	CONTRACTOR DETAILS	STATUS
Bokoli	Sirandafu Coffee factory	Construction of four door administrati	Sirandafu	1,000,000.00			At requisitio n stage,

	Project	ve offices					Insufficie nt funds.
Bukembe West	Planting of tree seedlings	Planting of assorted tree seedlings	Public places, Bukembe West Ward	3,000,000.00			Notificati on of award
Elgon	Purchase of coffee seedlings	Purchase of coffee seedlings	Elgon Ward	2,500,000.00			Awarded
Naitiri Kabuyefw e	Renovation of Sirakaru cattle dip	Renovation	Sirakaru Cattle dip	400,000.00			At requisitio n stage
Kimilili	Purchase of dairy animals for registered groups in Kimilili Ward	Purchase of dairy animals for registered groups in Kimilili Ward	Across the ward	2,000,000.0			Awaiting P.O approval
Kibingei	Purchase of coffee pulp ing machine	Purchase of coffee pulp ing machine	Daraja Mungu farmers' cooperative society	4,000,000.00	3,995,000. 00	SESA ELIMU	Awarded
West Nalondo	Purchase of dairy animals for registered groups in W. Nalondo Ward	Purchase of Dairy animals	W. Nalondo	2,000,000.00			Awaiting P.O approval
Kapkateny	Purchase of coffee pulp ing machine	Purchase, sup ply and installation of coffee pulp ing machine	Kutere Coffee factory	3,500,000.00	3,495,500. 00	WEBAR ENTERPRIS E	Awarded
			<b>Total</b>	<b>18,400,000.0 0</b>			

### **The status of outstanding imprests**

The Department had a pending staff receivables (outstanding imprests) amounting to Kshs**4,418,426** in the period under review, unlike in the half year financial statements, the Department had Kshs**1,800,000** as un surrendered imprest . However, the total County outstanding imprest for all the departments was Kshs**294, 183,471** at end of the period under review.

## **CHAPTER FOUR**

### **COMMITTEE OBSERVATIONS**

#### **The Committee observed the following:**

1. The County treasury did not indicate how much each department received as revenue (Exchequer release) to implement their programmes in the period under review.
2. The executed programmes were not broken down into activities to disclose the detailed information on the actual budget implementation of the Department.
3. Departmental monthly/annual work plans and Procurement plans were not submitted to the Committee for comparison purposes with the financial report.
4. Notes as to how the outstanding staff imprests would be surrendered or recovered were not indicated in the report. Most imprests are beyond the seven days limit.
5. The pending bills for the Department were Kshs**96, 378,124** in the period under review.
6. The report does not indicate what the county managed to collect from Chwele Fish Farm and Chwele Chicken Slaughterhouse in the period under Review.
7. The department did not provide a breakdown of the Kshs**237, 245,331** for NARIGP and ASDSP II Kshs**5, 344,642**.
8. Most programmes under Livestock and Fisheries had 0 per cent absorption rate in the period under review.

#### **The Committee made the following Recommendations:**

1. **THAT** the County Treasury should indicate how much each department received as exchequer for easy comparison in the quarters.
2. **THAT** the Department should break down the Budget Execution by programmes and sub-programmes, into activities for easy scrutiny and oversight.
3. **THAT** the Department must submit departmental monthly /annual work plan, Procurement plans for comparison purposes with the financial report by the Committee.

4. **THAT** the Department must ensure compliance of Regulation 93(5) (6) and (7) of PFM Regulations, 2015 on surrendering imprest and also enhance imprest management system.

*A holder of a temporary imprest shall account or surrender the imprest within seven working days after returning to duty station.*

5. **THAT** the Department must give pending bills first charge, when it comes to budgeting.
6. **THAT** the Department must provide a report on what the county managed to collect from Chwele Fish Farm and Chwele Chicken slaughterhouse in the period under review alongside the financial statements.
7. **THAT** the Department should provide a breakdown of NARIGP and ASDSP II. Implemented programmes.
8. **THAT** the Department must submit expenditure reports in the sub department of Livestock and Fisheries.

NB .The Department must implement all recommendation in 14 days after the approval of the report by the County Assembly.

Mr Speaker Sir, allow me call Hon. Aleu Jerusa to second the motion.

*(Applause)*

**Mr.Deputy Speaker:** Thank you so much the Hon. Alice Nanyama Kibaba. Now the Hon.Aleu Shikuku Jerusa you have a privilege of seconding the report proceed

**Hon. Jerusa Aleu:** Thank you Mr. Speaker Sir. Before I second that report I would like to congratulate my able Member of Agriculture Committee. She has really tried her best and she has read it eloquently. Thank you very much for that good work. Before I second the report, I think the Committee has really tried its best at least to put this House in picture to how the funds are being used by our Executive and the Committee has also tried its best. It has not left any stone unturned if you look at their recommendation and I think they have shed light on exactly what they have seen in several wards and the work done there. So without wasting time, I second that report.

*(Applause)*

**Mr. Deputy Speaker:** Thank you so much the Hon. Jerusa Akeu Shikuku for seconding the motion.

Honourable Members, the motion having been moved and duly seconded, I now propose the question.

*Question proposed*

**Hon. George Makari:** Thank you once again Hon. Speaker. Allow me also to congratulate my friend and former Vice Chair- CDF Hon. Kibaba for having read so well and also congratulate my able Chair for Agriculture Hon. Wafula Waiti for such a nice report. I wish to pick out just a few areas and allow me to say this.

You will find that almost all the reports of the financial statements that come in this House and you will agree with me that you will find that every report will have un- surrendered imprests. Every report will have an observation that work plan and work overview was not given to the Committee. Believe me or not, agree or refuse, every report we will have pending bills in them in every sector committee.

Now, how long are we going to sing these songs to the Executive; that every other time that work plan for the Committee, pending bills, un- surrendered imprest within the PFM Act Sec.93 4,5,6 and 7 is not adhered to. How many times are we going to sing the same song? In the last Assembly it was the same thing!

Again allow me take you to an issue called absorption. Can we say that these departments ask for money that they cannot spend? In that quarter under review, the Department has only been able to manage to spend 44 per cent; for example you have gone and asked somewhere for Kshs1 million and you have said that you will spend it within one month, and by the lapse of one month, you have not spent Kshs 800,000; you have only managed to spend Kshs200, 000. Between you and whoever gave you the money, whom can we say their mental faculty are not at range... you or the person who lent you the money? I would not wish that you answer; I am just giving you a picture

**Mr. Deputy Speaker:** Very well. I was worried.

**Hon. George Makari:** You are too senior to answer Hon. Speaker. I do not want you to bring yourself to my level because you sit on the high table. Now, the issue of absorption and I ask a question; what are we going to do as a House with these absorption rates? The money that we give these departments like the Department of Agriculture and my able Chair is here. The absorption for the period Hon. Wafula Waiti is only 44 per cent. They requested a certain amount of money to be spent within this period of time. They have not been able to spend and I have now changed I am now addressing the Chair who is not able to answer me here.

Look at livestock production, fisheries... nil expenditure. Livestock production was given an allocation, you are very well aware; Hon. Nanyama Kibaba has read the allocation for livestock production. As up to the period under review, the Department has not been able to spend even one shilling. What does that tell you? The issue of fisheries, the Department was not able to spend and why did they request for the money if they are not able to spend even one shilling

during that period, but they could spend agricultural enterprises development and they could spend 96 per cent of the allocated amount.

Infrastructural development they could spend 99 per cent, NARGIP could spend 71 per cent, ASDSP could spend only 17 per cent and then on ward based projects, look at Bokoli Ward/ Mbakalu. I don't know if it was coffee... whatever Kshs1million was given, the status of the project they say funds were insufficient.

You look at Bukembe West, up to now the period under review, Kshs3 Million and they are telling us that the project is at the stage of the notification of award. Kimilili Ward and West Nalondo... Kimilili- purchase of dairy cows for registered groups within the ward...I wish to ask a question, the status said awaiting approval... awaiting approval from whom? And here the Honourable Member allocated Kshs20 million to purchase dairy cows to issue to his own registered groups. This is his money given under CEF. Who is going to approve? It is you to implement the project or you waiting for somebody's approval? So we have a problem there.

There is an issue called Chwele Fish farm and Chwele slaughter House for chicken. Its income you will notice it is even declared in the report. The Department did not declare what it raises from the Chwele fish farm; which are county projects and then also the Chwele slaughter House for Chicken. There is no declaration of any income from those projects. So I don't know what the Committee under Hon. Waiti is going to do about it but we need an answer on this because this are county projects, money from the county are pumped into this projects we must get return for the money that was utilised to put up this facilities. Otherwise I support this report though Hon. Waiti I have some reservations on some items, but because you are my friend let me support the report.

*(Applause)*

**Mr. Deputy Speaker:** Thank you so much the Hon. Wasike Makari for supporting the report of your friend. So Hon.Waiti is very lucky... if he didn't have a friend, things would be different. The Hon. Henry Member for Bumula...

**Hon. Henry Nyongesa:** Thank you Mr. Speaker. I want to laud the Committee especially the mover of the report and the entire team that worked on this report. I wish to say that I will support the report with various comments. You may realise that this is the area called the backbone of the country, because if we say a student has gone to school and has not eaten, the natural sleep that Hon. Wasike was referring to will just occur automatically. If our citizens are not able to have good production this county, we would have died.

I am saying this in relation to various things and the President of this country has been very categorical on production and processing. When I look at this report, the Committee is supposed to dig further on it that the Department of Agriculture was given Kshs 398, 366, 877 and they only utilised Kshs29 million. So you start wondering...when our farmers are crying for extension services, they are not seen and the money is in the budget.

When our farmers are looking for Agro- processing services they are not meeting any and the money is in the budget. When farmers are looking of AI and so many things, there is nothing that is coming out and the money is in the budget including the training for the farmers.

I wish to request that the Committee could have gone further to investigate what is happening and give us an answer on this issue. As we are talking now, we are finishing the last quarter and the money is in the budget and the absorption rate is 23 per cent. That is one thing and how I wish that as we move before we request for the report on the last quarter, the CECM should appear here and tell us why this money is lying in the department and not being used.

I am looking at this report and some of the areas I may start thinking people wanted to put money so that they can enrich themselves. On one or two issues because I am wondering why the department of Agriculture is busy putting trees in public places. They could have told us they had trees to inter crop, but now going to Bukembe market and putting their Kshs3 million on the market where we have other departments that have a role to play on such issues. I think people might want to misuse this office or maybe somebody sited there doesn't know what is supposed to be done because you can't take money that is meant to promote farmers and go and promote people who are doing barter trade on the Bukembe market. That is a serious offence and we need to investigate more on it.

As Hon. Wasike was putting it, why is it that we are crying on imprest and at the tail end it is being now indicated that the entire Executive is holding almost Kshs294, 183, 000 in terms of imprests. This is government money, this is un- surrendered imprest totalling to Kshs294 Million. So you start wondering that this county has a lot of money and people have just taken money and put in their pillows at home and they keep quiet because this is supposed to be peoples' money.

It is a serious offence and how I wish that the relevant authorities, because I am 100 per cent sure, I am not anticipating, but this report might be approved. If approved, relevant authorities must take actions against officers who can sit with un-surrendered imprests, the year is closing and people are just quiet.

There are serious issues in this report and the Chair should come openly or we might say the Committee has gone to bed with the Executive. That is why everywhere we are seeing that

money is in the budget and they are not utilising it. So it must be clear that this money is meant for the public utility and it must be utilised.

You may realise that we have departments that require money .We have even students here who require fees, we have scholarships, people are crying! Why do we put money in the budget and the year is ending and it has not been utilised? Mr. Speaker, Chair is responding to me on that.

*(Laughter)*

**Mr. Deputy Speaker:** Order Honourable Member! I didn't hear the Chair answering you. Member for Bumula the Chair has not answered you.

**Hon. Henry Nyongesa:** Mr. Speaker I am sure it has been murmured... you see your eyes are closed until you are alerted!

**Mr. Deputy Speaker:** What about my ears?

**Hon. Henry Nyongesa:** Of course both of them are closed.

**Mr. Deputy Speaker:** Proceed, Honourable Member.

**Hon. Henry Nyongesa:** So Mr. Speaker we are saying, just like the imprest, we need that money as early as tomorrow. We don't want to negotiate on this and I think the Chair must summon the officers who are holding the imprests to give back this money so that we can give it back.

I am looking at Mabanga ATC which is almost a business entity because there are various activities that go on apart from training on. If we have livestock of dairy farming on Mabanga farm, should go ahead and tell us how much the Mabanga farm has produced. They have indicated here they have produced Kshs18 million. I start wondering where this Kshs18 million is now being held and under whose custody? Who is the trustee of this money? Is it there so that people can start dancing with it around? We need an explanation on that. Otherwise as I have said we approve this report yes, but serious measures must be put in place.

**Mr. Deputy Speaker:** Thank you the Hon. Hentry, Member for Bumula. Now we have the Hon. Okasida Ipara followed by the Hon. Chemion.

**Hon. Jonston Ipara:** Asante sana Bwana Spika kwa kunipea wakati nichangie pia katika mjadala huu. Kwanza nianze kwa kumpongeza Mheshimiwa Alice kwa ukakamavu na kwa kuonyesha ujasiri alipokua akitupitisha katika ripoti ya miezi tisa ya kazi ya wizara ya kilimo.

Utaona kwamba wizara ya kilimo ndio kigezo katika Kaunti yetu na watu wanaoishi katika eneo la magharibi tunategemea katika uchumi wetu; na pesa mifukoni inategemea kilimo. Inasikitishana sana kuona ya kwamba Idara ambayo imepewa majukumu, imepewa pesa na hawawezi tumia kwa wakati ufaao kusaidia watu wetu ili pia wahusike katika ujenzi wa uchumi wetu. Ni sikitiko kubwa sana.

Ningependa kutaja sehemu tatu na zaidi ambazo nafikiria kwamba idara ya kilimo inapaswa ichukue wakati wake na ihakikishe kwamba pesa zinapelekwa pale na pesa zinatumika. Ya kwanza ni ufugaji wa samaki. Alipokua akisoma ripoti alisema ya kwamba hakuna pesa imetumika. Ukikumbuka miaka karibu saba zilizopita, tulikuwa na mpango wa serikali ambapo wakulima walikuwa wanapewa samaki wanafuga na kuiuzia serikali, na ilikua inasaidia sana.

Na ukiona sasa tunamaliza mwaka mmoja na pesa ziko na hakuna kazi tunafanya, inaonyesha ya kwamba maafisa ambao tumepea kusimamia idara ya kilimo pengine hawaelewi mahitaji ya wizara au pengine mipango yao iko kwingine na sio katika kilimo. Sisi tunasema kuna mipango kidogo ambayo itasaidia watu wetu na waweze kupata pesa.

Kilimo cha ufugaji wa kuku, kilimo cha ngombe za maziwa; unaona ya kwamba kuna sehemu ambayo watu wanapeleka maziwa na yanachukuliwa na mwisho wa mwezi unapata pesa. Kuku wetu hapa chwele tumejenga chumba cha kuchinja kuku na hakuna kuku anapelekwa pale. Na ukiangalia gharama ya ujenzi ya hicho kiwanda ni pesa nyingi ambazo zingetumika kusomesha watoto zaidi ya elfu moja na walipiwe karo kwa miaka tatu. Lakini tuliweka hizo pesa na inaonekana kama sisi hatukuwa na mpango... hatukuwa tuanelewa kwa nini tunajenga kiwanda hicho.

Nataka kusema hivi, ndungu yangu Mheshimiwa Nyongesa alisema pengine watu wetu wa kamati ya kilimo wameenda kulala katika kitanda kimoja na serikali. Nataka kusema hapana, kuna watu wachache ambao wameamua kuhujumu mipango ya serikali na huu ni wakati sisi ambao tulichaguliwa na wakaaji wa kaunti yetu ya Bungoma tuchukue majukumu yetu kwa uangalifu, kwa utaratibu na tuhakikishe kwamba tukiona mtu hawezi fanya kazi yake anavyohitajika, tunapewa ruhusa na katiba na sheria za hili Jumba kuchukua hatua ya kumuondoa katika ofisi na kuambia serikali iandike mwingine.

Bwana Spika unaona ya kwamba kuna ruzuku ya mambo ya ununuzi wa mbolea na ununuzi wa mbegu. Ukiangalia mashamba yetu kutokea Bumula hadi Soysambu, utaona kwamba mahindi yale watu wetu walipanda yamenawiri sana na mwaka huu tutakuwa na mavuno mazuri sana. Ninataka kukuomba mwenyekiti wa kamati ya Kilimo uongee na serikali na uhakikishe ya kwamba pesa zinapatikana ili wakulima waweze kuuzia serikali mahindi; ndipo hayo mahindi yetu yasiende kwa hao watu wanaonunua.

Kwa sasa ukienda huko unapata magari yametembea na mahindi yetu yameanikwa kwa barabara na yananunuliwa kwa pesa ya kupoteza.

Huu ndio wakati tulisema ya kwamba wale wamepokea mbolea hiyo ya ruzuku wapate nguvu mwaka kesho wajisimamie. Lakini ikiwa haya mahindi yatauzwa wakati huu kwa bei ya kutupa, kweli watakuwa na uwezo wa kupanda mwaka kesho wenyewe? Hapana! Na tutaendelea kuwapea kila wakati mbolea? Hapana! Kwa sababu tunasema tutapea watu wote wale hawajiwezi, mwaka huu wewe, mwaka kesho mimi, mwaka kesho kutwa Sifuna na mwingine na wote waweze kujiendeleza. Lakini haya yote hayawezekani kwa sababu waliopewa majukumu hawana haja na hayo majukumu, haja yao pengine ni kufilisi serkali yetu.

Bwana Spika umesikia wezangu wameongea, deni zinazosubiri kweli ikiwa wewe hata hujatumia hiyo pesa na hiyo pesa hujalipa; hata yule mtu una deni lake, wewe una mpango gani? Sheria ya pesa inasema ya kwamba wakati unanza matumizi ya hiyo pesa, jambo la kwanza kabla ya kufanya lolote utalipia deni. Tukiuliza hawa wangwana kwa nini hawajalipa hiyo pesa ambayo ni deni ya wenyewe na pesa tuko nayo, kwanini hatujatumia hiyo pesa kama tuliona kwamba kuna mpango na wakati umepita? Na mimi nafikiria wale wamelala sio wengine waliotoka, ni sisi... kazi ile tuliandikwa na wananchi.

Nikimalizia Bwana Spika, pesa ya kuvutia na mimi naona Mheshimiwa Waiti ananiangalia na wakati ule nilimuona akiongea na kumuonyesha mheshimiwa Nyongesa ‘wewe unasema nini’ na wewe ukasema hukusikia. Masikio yako yalikuwa upande gani Bwana Spika? Pesa ya kuvuti ni pesa ya imprest mheshimiwa Waiti, mimi naona unaniangalia unasema, “huyu anasema nini”? Hii ni ripoti ya nne na sisi wote ambao tumesoma hizo ripoti tumesema ya kwamba pesa hizo za kuvuti ambazo zimechukuliwa na hazijawajibikiwa namna sheria imesema.

Sheria imesema hizo pesa zikichukuliwa, ukimaliza safari unakuja unarudisha hizo pesa kwa kuwasilisha risiti. Lakini unapata sasa tunaenda mwaka mmoja na hizo pesa ulizochukua haujarudisha na ndiyo mimi nataka kurudia yale nimesema kila wakati. Huu ni wakati tunatosha kufuata na kuangalia ya kwamba ile kazi wangwana wanasema walienda ilikuwa kweli kazi ya serikali ama ilikuwa ni njia ya kutumia na kuchukua pesa ambazo zilikuwa zimepangiwa kazi na iwe kazi ya mtu binafsi? Wezangu, huu ndio wakati twastahili tusimame na tuhakikishe ya kwamba wanachi wa Kaunti ya Bungoma wanapata faida ya serikali za kaunti. Huo ndio mchango wangu katika mjadala huu.

**Mr. Deputy Speaker:** Ahsante sana, tutampata mheshimiwa mstahiki Francis Chemion Masai kisha baadaye tuweze kumpata Mheshimiwa Frankline Simwoto akifunga usanjari huo na kisha tumpate aliyewakilisha hoja.

**Hon. Francis Chemion:** Thank you very much Hon. Speaker, I came in and found Hon. George Makari making his presentation and I don't want to dwell on Agriculture because the Honourable Members have really dwelled on it only that they brought the issue of a bed. I was asking where the bedroom is because when you say there was a bed there must have been a bedroom.

I don't want to belabour much in that direction because I know you know what it entails, but if we just look at all the departments so that we don't deal with Agriculture. From this report, it is very clear that we have a very bad issue in our County Executive and if this County Assembly is not going to wake up, then we will be in trouble. What is being shown here is just a wake-up call to all of us that we must as a House arise to the occasion. As members of different committees arise to the occasion and ensure that our oversight role that we were given by the people of our various wards is enhanced and we must do it boldly.

If you look at the architecture of this Honourable House, you will realize that by the word and constitution and even the speed, we don't have a person who is in charge of government business in the House. We only have the Leader of Majority and the Leader of Minority, meaning we are all in the government as a House to ensure that we play our oversight role as stipulated by the Constitution; failure to do so will lead us to see most of this. You remember Hon. Speaker we were outside somewhere and Bungoma was being praised that it was the only one that had cleared pending bills, which is not the truth. This is the rightful information that we have before this House.

The information says we still have a lot in terms of pending bills, so who is cheating who? As members of the County Assembly have to come up strongly and say that is not the right position, the correct position is that we have a lot of money that is supposed to be paid to our suppliers and contractors and you have seen it is not a little amount; it amounts to Kshs1.1 Billion. What does that mean? It means most of the suppliers and those ones who did contracts in our County have not been paid and if they went for loans, most of them may have been taken to court and they may have had very serious ramifications on their part.

So Members, it is up to us. The buck stops with us and we are not doing very well as a County Assembly. If the trend continues for five years, I read on social media platforms and what is said is very negative about re-election; the reason is we are not playing our oversight role as expected.

Look at the pending bills, it is Kshs1.1Billion, but we have other reports that say Kshs2 billion, are we growing our young entrepreneurs or we are killing them? If we can just keep this money with us, we are not paying them, they did the work, and some of them are dying of stress. Something must happen to ensure that we deal with this.

If you look at the pending bills, we have those specific creditors who are just being left out and they deserve to be paid, but maybe because they are not in good books with those in power. Now, when will they be paid and they worked for this county? I have a project in my ward the contractor did a very wonderful job under very difficult circumstances; in fact he constructed a health dispensary that is around 30Km inside the forest. The road is very bad but the contractor did the work and to date, he has not been paid. You find others who do shoddy work have already been paid, but you can see from the report on the issue of pending bills; we must come out strongly as a County Assembly and address it.

On standing imprests, we have the law and members have spoken to it. We have the number of hours and days that we are supposed to surrender the receipts and each and every document that is required; and even the amount that has remained. You know sometimes you may go to a safari you have been given Kshs200, 000, you spend Kshs190, 000 then you bring receipts for Kshs190, 000 and surrender Kshs10, 000.

When you look at Agriculture, the imprest is Kshs4.4 million, you come to County Secretary's office Kshs11Million, County Public Service Board Kshs3.3 Million, Education Kshs3Million, Finance and Economic Planning Kshs144Million and you know Finance is the compliance department meaning they should be the role model to others so that they ensure that the law is followed in ensuring that imprests are surrendered. Kshs144Million is not pocket change!

Gender Kshs.33Million, Governor and Deputy Governor's office Kshs35 Million, Health and Sanitation Kshs12Million, Roads and Public Works Kshs1.2Million, Lands and Urban Planning Kshs16Million, Public Administration Kshs19Million, Tourism Kshs9Million, Trade I think is the lowest at Kshs537, 600 totalling to Kshs294, 183, 471. Mr. Speaker, we are doing badly, where is the money then? You know if you are not able to surrender, it means you are still finding ways and means of cooking the figures and looking for documents that are falsified. Our departments are doing badly in that area and we need to raise this! Failure to do so, we will not be doing service to our people.

In Agriculture there is something that they have failed. You know I come from a Ward that has nomads. I have people from the indigenous community who live in the community land at Chepkitale and they depend entirely on livestock. When I look at the budget, they say that there was no expenditure at all in that area. We have been raising issues with the department telling them we need vaccination, we need cattle dips! You see, we have constructed the dairy plant, where will the milk come from if we don't improve the working conditions or living conditions of those animals wherever they are? We will not be able to produce enough milk for the dairy plant at Webuye. Currently, the little milk that we produce we just sell it to a cooperative there that collects milk then sells it to Brookside.

This County Government of Bungoma has spent a colossal amount of money in constructing the dairy plant at Webuye; do we now call it a white elephant? Do we just leave it the way it is? The Chairman Agriculture my great friend Hon. Waiti should now be thinking about how to operationalize the dairy plants because we have put there millions of money. If we don't operationalize it, then we will have issues in future because the audit report will be negative on our side. We put money in something that is not giving value to it.

I don't want to go into much but this is as I have said a wake-up call to this County Assembly of Bungoma. We are not talking about Hon. Waiti here; he is as clean as he is. If we don't come out strongly as a County Assembly then our people will suffer for the remaining period.

Before I sit down, you remember we passed our budget early enough and you presided over Mr. Speaker. You sat there in the Committee of the Whole House and we were persuaded that if we want to implement our projects in time, it is good for us to pass the budget in time; also which this Honourable House did. This is the month of October; the only department that has tried to advertise for those projects is Roads. The only one; and this is October. What was the meaning of us passing the budget in time and yet its implementation is lagging. We are also told that the National Government is not remitting the equitable share to Counties on time; then what is the reason of us having advertised and implemented most of these projects?

I have been here for six years now and I know we are not doing very well. We may say this is our government, it is ours yes, but you know if the projects are not implemented in our Wards, everything will come back to us. During the 2027 campaigns for those who will be vying, nobody will know that you were in government; what the people will want is tangible projects that they can see and feel and this can only happen if we speak with one voice.

**Mr. Deputy Speaker:** Thank you Hon. Chemion, now I give this chance to Hon. Franklin Simotwo.

**Hon. Franklin Simwoto:** Thank you Mr. Speaker for giving me this opportunity to laud the Honourable Member from Agriculture Committee who moved this motion. As I was sited, I was critically following what members were putting across and I have come to realize that they were putting across a very important message. Again, I was looking around and I saw my fellow chairpersons from different sectoral committees contributing; I want to congratulate all of them. I want to congratulate my Chairperson, Agriculture because what we were doing as a Committee is to bring out important issues; and that is the reason why the report was here today so that the members can dispense with it.

It was not about our Chairperson Hon. Waiti, it was about issue that we have as a County across the departments. I want to laud Hon. Chemion for enlightening us on very serious issues that we have across the departments; these are issues that we need to address. As a Committee chaired by

Hon. Waiti, we have done our best and we have brought out issues and I know other departments will follow suit. From there, we will move on to ensure adherence with the rules that are upon us Honourable Members.

I know we have made so many recommendations as Hon. Chemion and Hon. Makari have put it. Since the last regime, we have been forwarding reports, making recommendations but the Executive have never acted on them and that is why we need to stamp our authority as committees in different departments; including the Department chaired by Hon. Ipara who is the Chairperson of Trade. I know the reason the department of Trade have a small amount on pending bills is maybe because the work load is minimal. If you look at the Department of Roads, Health, Agriculture and other departments, we have very serious issues. I know we have made it because we are the first people who have flagged out these issues and now the Members are awake.

Mr. Speaker, you have heard what Honourable Members have put across, we are serious members, and this is also my 6th year after being elected to this House representing Chepyuk Ward. Chepyuk is an Agricultural zone, we have been looking at these issues from the department with my chairperson and that is why we flagged out important areas. I was very annoyed because my own family members are pastoralists and you can see what is put across in the report that there was no budget for vaccination; and that means if any disease comes, thousands of herds of animals will die within no minute. There is no interest from the department to capture such drugs in the budget.

Otherwise let me hope that the Department will follow and act on our recommendations.

**Mr. Deputy Speaker:** Thank you Hon. Franklin Simwoto for your contribution, I now call upon the mover Hon. Waiti, you can reply it from there... was that your sit?... yes very well, you can reply.

**Hon. Alice Kibaba** (*Mover of the motion to reply*): Thank you Mr. Speaker Sir, first, I would like to congratulate all the members who have contributed to this motion and who have supported it. Thank you to all Honourable Members who have remained behind, who have sat for all these hours to support the motion.

As a Committee, we have taken your concerns and we shall call the CECM at the Committee level to answer on zero absorption rates in the Livestock and Fisheries departments and the committee shall also make sure that there are no un-surrendered imprests in the Department.

Lastly, as a Committee on Agriculture, we shall leave no stone unturned until the Department becomes the best in Bungoma County.

(Applause)

**Mr. Deputy Speaker:** Thank you Hon. Alice Kibaba for your eloquent presentation. I was very impressed and I think this is one of the rare moments that you have made a contribution to this House in a very wonderful way.

*(Question put and agreed to)*

We move to the next item

2. THE BUNGOMA COUNTY PUBLIC ENTERTAINMENT AND AMENITIES BILL, 2023

**Mr. Deputy Speaker:** Yes the chairperson...what is the point of information? Hon. Ken, take your seat as we wait for Hon. Hentry- Member for Bumula with information. What is it that you want to inform us under which Standing Order?

**Hon. Hentry Nyongesa:** *(On a Point of Information):* Mr. Speaker I am on Standing Order No. 96 seeking to move a procedural motion guided under Standing Order 34 (1), (2), (3) read together with Standing Order 38(1) and (2) if you can allow me I continue.

**Mr. Deputy Speaker:** Proceed

**Hon. Hentry Nyongesa:** Mr. Speaker, Standing Order No. 96(3) is well known to every member, I want to read our Standing Order No. 34 which allows a member at any time for reasons stated and I will go on record, to state the reasons to seek leave for adjournment of the House. Where you are sited, your eyes are closed and your ears too until you have been alerted. Our Standing Order No. 38 on quorum of the House guides that we shall be a third of the House. Looking at the House, I am seeing that we have a quorum hitch which I am not determining until you speak about it.

We are discussing very serious issues and especially the mover who was just going on the Floor. We want to look at a serious Bill of the House and because of the importance of such matter; we require to have a quorum as guided by our Standing Orders. I therefore request that with your permission, I move that this House be adjourned because we don't have a quorum to transact Business. I am requesting Hon. Ipara to second this motion.

**Deputy Speaker:** Yes Hon. Ipara

**Hon. Johnston Ipara:** Hon. Speaker, I rise to second the motion of adjournment.

**Mr. Deputy Speaker:** Honourable Members, under Standing Order No. 38(1), the issue of quorum; *if at any time after the chair is taken or when the House is in Committee and a Member*

*objects that there is no quorum present, the Speaker or Chairperson shall count the members present as the case maybe; and*

*Standing Order 38(2), if on the count under paragraph 1 a quorum does not appear to be present, the Speaker or Chairperson shall cause a quorum bell to be rung as on a division and if no quorum is present at the expiration of eight minutes,*

*a.) The Speaker shall adjourn the House until the next sitting without question being put.*

So I want to ask the Sergeant- at- Arms to count and inform us if we have quorum or not. Therefore I will cause the bell to be rung for eight minutes

*(Quorum bell rang)*

### **ADJOURNMENT**

Honourable Members, the bell having been rung for eight minutes and the Chair having been informed that there is no quorum, this House will adjourn and we shall resume tomorrow at 9:30 a.m.

*(House adjourns)*