

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY 13TH SEPTEMBER, 2023

Morning Sitting

COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

WEDNESDAY 13TH SEPTEMBER, 2023

The house met at 9:30 a.m.

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

PRAYER

COMMUNICATION FROM THE CHAIR

LOGGING IN TO HANSARD SYSTEM

Honourable members, it is my humble request that when you come in here, log in your cards. I have learnt some members have lost their logging-in cards, kindly apply for replacement from relevant department. What is happening here is that there is a variance between those captured present in the Hansard system and those physically present. I could see Hon. Joan here tabling documents but in the Hansard system she is absent.

Equally, other members who are present like Hon. Jerusa, Kuloba were present in the House but the Hansard says they were absent. My humble request is that if you lost your card, apply to have the same replaced. When they are doing the auditing of these sittings of the House, they demand the Hansard system, the physical copy you signed and the copy that Sergeant Officers tick. So even if I say you were present but the Hansard system says you are absent, I will not help. So I kindly request that you apply for the replacement.

Now lastly, if I am told Hon. Chikati is away on official duties of the Assembly, sorry Hon. Kikechi it is in public domain even in your own contributions that he is away on official duties of the assembly. He cannot be at the same time logging in using his card. This is for those other members purporting to be signing for others, desist from that behavior. You know when I sit here, this screen shows me where everybody is sitting, like I can tell you from here up to the chair you are sitting on. If I am aware Hon. Nangalama was absent yesterday, then you are telling me she was present in this House, where was she sitting. I saw everybody who was here but you are telling me she logged in.

Please members, let's desist from these mischievous behaviors because we may say she is here then she is having a problem with the police somewhere. Will she be in the House or in the police at that time? If she is absent maybe she has sought my permission, like the other day we were saying very clearly that Kikechi is absent but when you look at the attendance somebody has blindly logged in for him. Where was he, in the House or away? I am asking members that if you are held up in a funeral or in any function, just call me or my Deputy Speaker and say you are held up, so that you are allowed to be out of the House. We understand because you have commitments to undertake apart from sitting in the House, but

now when you lie that he is present and then he has a problem out there then it becomes very difficult for me to say he was here because I will be forced now to play the CCTV camera to ascertain whether she was in or not.

My humble request, kindly let's just be very Honourable, if you are absent let it remain like that, I don't even tell the commissioners, a session chaired by Hon. Christine or Stephen must be signed by himself because he was the chair on that day. So members kindly I am pleading with you that those who have lost their cards like Hon. Jeremiah and others, just go to the Hansard and replace your card. For the time being, I will allow you to use the dispatch box so that you are able to move together.

PAPERS

REPORT BY THE PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE ON THE AUDITOR GENERAL'S REPORT ON FINANCIAL STATEMENT OF BUNGOMA COUNTY ASSEMBLY CAR LOAN AND MORTGAGE FUNDS FOR THE YEAR ENDED JUNE 30TH 2019

Mr. Speaker: Hon. Kennedy Wanyama kindly proceed

Hon. Kennedy Wanyama: Thank you, Honourable Speaker, I hereby rise to table a report by the joint committee on Trade, Energy and Industrialization and Finance and Economic Planning on the Bungoma County Public Markets Amendments Bill 2023.

(Hon. Kennedy Wanyama laid the document on the Table)

Mr. Speaker: Honourable members, a joint report by the Committee on Trade, Energy and Industrialization and Finance and Economic Planning on the Bungoma County Public Markets Amendments Bill 2023 is hereby tabled and it now becomes the property of the House accordingly

REPORT BY THE PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE ON THE AUDITOR GENERAL'S REPORT ON FINANCIAL STATEMENT OF BUNGOMA COUNTY ASSEMBLY CAR LOAN AND MORTGAGE FUNDS FOR THE YEAR ENDED JUNE 30TH 2019

Hon. Anthony Luseneka: Thank you, Honourable Speaker. I am stepping in for the Chairperson of the Public Accounts and Investments Committee and I rise to table the report by the Public Accounts and Investments Committee on the Auditor General's report on financial statement of Bungoma County Assembly Car Loan and Mortgage funds for the year ended June 30th 2019.

(Hon. Anthony Luseneka laid the report on the Table)

Mr. Speaker: Honourable members the report by the Public Accounts and Investments Committee on the auditor general's report on financial statement of Bungoma County Assembly Car Loan and Mortgage funds for the year ended June 30th 2019 is hereby tabled and now becomes the property of the House accordingly.

**REPORT BY THE PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE ON SPECIAL
AUDIT**

Mr. Speaker: Yes Hon. Luseneka

Hon. Anthony Luseneka: I hereby table a report by the Public Accounts Investments Committee on the Special Audit report of the Auditor General on the pending bills of the County Government, County Assembly of Bungoma for the financial year 2018/19 and 2019/2020.

(Hon. Anthony Luseneka laid the report on the Table)

Mr. Speaker: Honourable members, a report by Public Accounts and Investments Committee on the special audit report of the auditor general on the pending bills of the County Government and County Assembly of Bungoma for the financial year 2018/2019 and 2019/2020 is hereby tabled now forming the property of the House accordingly.

NOTICES OF MOTION

**JOINT COMMITTEE ON TRADE, ENERGY AND INDUSTRIALIZATION AND FINANCE AND
ECONOMIC PLANNING ON THE BUNGOMA COUNTY PUBLIC MARKETS
AMENDMENT BILL 2023**

Hon. Kennedy Wanyama: I rise to issue a notice of motion that this House adopts the report by the Joint committee on Trade, Energy and Industrialization and Finance and Economic Planning on the Bungoma County Public Markets Amendment Bill.

Mr. Speaker: Honourable members, a notice of motion having been dully issued by the joint committee of Trade, Energy and Industrialization and Finance and Economic Planning on the Bungoma County public markets Amendment Bill 2023, I hereby direct the clerks at the table before us to share this report to Honourable Members.

The same will form business on our Order Paper in the course of the week or when we are having sittings early next week accordingly.

**REPORT BY THE PUBLIC ACCOUNTS AND INVESTMENT ON THE AUDITOR GENERAL'S
REPORT ON FINANCIAL STATEMENTS OF BUNGOMA COUNTY ASSEMBLY CAR LOAN
AND MORTGAGE FUND FOR THE YEAR ENDED JUNE 30TH 2019**

Hon. Anthony Luseneka: Thank you, Mr. Speaker. I rise to give a notice of motion that this House adopts the report by the Public Accounts and Investment Committee on the Auditor General's report on financial statements of Bungoma County Assembly Car Loan and Mortgage Fund for the year ended June 30th 2019.

Mr. Speaker: Honourable members, a notice of motion has been dully issued by the Public Accounts and Investment Committee on the Auditor General's report on financial statements of Bungoma County Assembly Car Loan and Mortgage Fund for the year ending 30th June 2019, I hereby equally direct clerks at the table to share this report to Honourable Members.

The same will form business on our Order Paper in the course of the week or early next week as scheduled by the HBC accordingly.

**NOTICE BY THE PUBLIC ACCOUNTS AND INVESTMENT COMMITTEE ON THE SPECIAL
AUDIT**

Hon. Anthony Luseneka: Thank you, Mr. Speaker. I rise to give a notice of motion that this House adopts the report by Public Accounts and Investments Committee on the special audit on the report of the auditor general on pending bills of the County Government and County Assembly for the financial year 2018/19 and 2019/20.

Mr. Speaker: Honourable Members, a notice of motion having been duly issued by the committee on Public Accounts and Investment on the special audit on the report of the auditor general on pending bills of the County Government and County Assembly for the financial year 2018/19 and 2019/20, I hereby direct the clerks at the table to share the same report with Honourable Members.

The same is going to come up on our Order Paper as a motion accordingly once scheduled by the HBC.

MOTIONS

**REPORT BY THE SECTOR COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING AND
HOUSING ON THE VETTING OF THE 4 NOMINEES TO THE BUNGOMA AND KIMILILI
MUNICIPALITIES**

Mr. Speaker: Chairperson, Hon. Chemion Francis, you proceed

Hon. Francis Chemion (Chairperson Lands): Thank you, Honourable Speaker. On behalf of the Committee on Lands, Urban, Physical Planning and Housing and Municipalities, I rise to move a motion on the vetting of the 4 nominees to the Bungoma and Kimilili Municipality Boards.

Executive Summary

On behalf of the Committee on Lands, Urban, Physical Planning and Housing and pursuant to Standing Order 213(5) of the County Assembly of Bungoma, it is my pleasure and duty to present to the House, a report on the vetting of two nominees to Kimilili and two nominees to Bungoma Municipality Boards. This report is segmented into four chapters; chapter one has the executive summary touching on committee membership, mandate and acknowledgement. The second chapter is generally on the background. The third chapter is on the vetting process while chapter four contains observations and recommendations.

The sectoral Committee on Lands, Urban, Physical Planning and Housing is constituted pursuant to the provisions of Standing Order No. 217 of the Bungoma County Assembly Standing Orders and executes its mandate in accordance with Standing Order No.217(5) which provides as follows:

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, coordination, control and monitoring of budget;
- b) Consider quarterly reports of the assigned departments and report to the House within twenty-one (21) sitting days upon being laid;
- c) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- d) Study and review all county legislation referred to it;
- e) Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- f) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- g) To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing order 208(Committee on Appointments); and
- h) Make reports and recommendations to the County Assembly as often as possible, including recommendations of proposed legislation.

Committee Membership

The Committee on Lands, Urban, Physical Planning and Housing as currently constituted comprises the following Members:-

- | | | |
|----------------------------|---|------------------|
| 1) Hon. Francis Chemion | - | Chairperson |
| 2) Hon. Linda Kharakha | - | Vice-chairperson |
| 3) Hon. Ali Machani | | - Member |
| 4) Hon. James Mukhongo | | - Member |
| 5) Hon. Hentry Nyongesa | | - Member |
| 6) Hon. Metrine Nangalama | | - Member |
| 7) Hon. Busolo Sudi | | - Member |
| 8) Hon. Eunice Kirui | | - Member |
| 9) Hon. Johnston Ipara | | - Member |
| 10) Hon. Wafula Waiti | | - Member |
| 11) Hon. Edwin Opwora | | - Member |
| 12) Hon. Everlyne Anyango | | - Member |
| 13) Hon. Cornelius Makhanu | | - Member |
| 14) Hon. Mildred Barasa | | - Member |
| 15) Hon. Jeremiah Kuloba | | - Member |

Acknowledgement

The Committee is grateful to the offices of the Speaker and the Clerk of the County Assembly for the logistical support accorded to it during report writing as it executed its mandate.

I wish to express my appreciation to Members of the Committee for dedicating their time to vet the four nominees to the Kimilili and Bungoma Municipality Boards respectively. My sincere gratitude also goes to the members of the secretariat for their technical advice and dedication towards compiling this report.

It is therefore my pleasant duty and privilege, and on behalf of the Committee on Lands, Urban Physical Planning and Housing to table this report on the vetting of nominees to the Kimilili and Bungoma Municipality Boards respectively and its recommendations to this Assembly for deliberation and adoption.

Thank you. The report is signed by the Chairperson of the committee on Lands.

Mr. Speaker: Hon. Chemion, in view of the next report, can you be able to give us highlights in Chapter Two because after this report, we have the report of Ad hoc committee which I am seeing is around one hundred and sixty pages among the items for motion in the morning session. Then in Chapter 3 give us the way it was done then you finish it quickly.

Hon. Francis Chemion: Thank you Honourable Speaker for your guidance. For Chapter 2, we have the guiding principles in the vetting of the board members, this includes the Constitution of Kenya, the County Governments Act, The Urban Areas and Cities Amendment Act (2019) and other legislations as expounded on page 8 and 9.

Those are the guiding principles and they are purely the laws governing the functions that we were doing.

Vetting of the nominees to the Bungoma and Kimilili Municipality boards

Appointment Process of the Board Members

The Municipalities of Bungoma and Kimilili are decentralized units of service provision in Bungoma County established pursuant to Article 176(2) of the Constitution as read with Section 48 of the County Governments Act, 2012.

The County Assembly enacted the charters establishing the two municipalities in May, 2018 paving way for subsequent nomination and appointment of members of the two municipality Boards. Vide a forwarding letter addressed to the Clerk to County assembly dated 17th April, 2023 signed by H.E the Governor, the names of the following nominees who had been nominated to serve on the Bungoma and Kimilili Municipality Boards respectively, were forwarded to the County Assembly for vetting;

Kimilili Municipality

Hon. Moses Wanyonyi Opicho: A male from an association representing the private sector in the area, the nominating institution is Kenya National Chamber of Commerce and Industry

Mrs. Violet Nafula Barasa: A female from the association of informal sector and the nominating institution is Jua kali

Bungoma Municipality

Arch. Ham Wesonga: A male from an Umbrella Body representing professional associations in the area and the nominating institution is APSEA

Mr. Philip Wekesa: A Male from a cluster representing registered Associations of Informal sector and the nominating institution is Jua kali

Public Appointments (County Assemblies Approval) Act, 2017

In compliance with the provisions of section 7 of the Public Appointments (County Assemblies Approval) Act, 2017, the said names were tabled on the 9th June, 2023 and stood committed to the Sectoral Committee on Lands, Urban, Physical Planning and Housing for processing and reporting to the House.

Notification of nomination and approval hearing

Section 6 of the Public Appointments (County Assemblies Approval) Act, 2017 provides for the procedure through which the appointing Authority is expected to notify the relevant County Assembly upon nominating a person for appointment.

Upon receipt of the notification of nomination, the County Assembly through the Clerk is expected under section 7(4) of the said Act to notify a candidate of the time and place for holding of an approval hearing by notice in at least two newspapers of national circulation and by writing and such other form of communication as the Clerk shall consider appropriate.

Notification to the nominees and the Public

The Committee on Lands, Urban, Physical, Planning and Housing upon receipt of the names of the nominees, and in compliance with the provisions of Section 7 (4) of the Public Appointments (County Assemblies Approval) Act, 2017 read with Article 196 of the Constitution, an advert was placed in the Standard News Paper dated 30th June, 2023 informing the nominees and members of the public on the vetting exercise.

In the newspaper advert, the Clerk further sought for views from the public on the suitability or otherwise regarding the nominees.

By the deadline for submission of objections or memoranda contesting the suitability of the nominees, the committee had not received any objection.

The Pre-Vetting Session

The committee conducted a pre-vetting session on 3rd July, 2023 in order to deliberate and agree on the mode of vetting in line with the Public Appointments (County Assemblies Approval) Act No.5 of 2017. The committee looked at the criteria followed by the governor in the nominating process.

The name of Mr. Ham Wesonga was presented to H.E the Governor by the Association of Professional Societies in East Africa (APSEA) vide minutes of the meeting held on 17th January, 2023 while that of Mr. Philip Wekesa was forwarded by Bungoma Municipality Jua kali sector through minutes of the meeting held on 3rd April, 2023.

For the nominees to Kimilili Municipality Board, the names of Hon. Moses Opicho and Mrs. Violet Nafula Barasa were forwarded to H.E the Governor by the Kenya National Chamber of Commerce and Industry through minutes of the meeting held on 21st January, 2023 at the Boardroom. Copies of the minutes for the meetings aforementioned were provided to the committee (Annexure ii).

Subsequently, H.E the governor nominated the four for consideration by the Assembly through the committee as is required by law.

The vetting process

Issues for consideration during the vetting process

The committee held one sitting on the 7th day of July, 2023 at the County Assembly buildings in the plenary to vet the nominees. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, the Public Appointments (County Assemblies Approval) Act No. 5 (7)(8)(9) of 2017. The Committee considered the following criteria in vetting the nominee;

- Employment record and work experience
- Public office, political activities and affiliations
- Potential conflict of interest
- Suitability to the position
- Personal Integrity
- General knowledge on public affairs

Submission of relevant documents by the nominees

In fulfillment of the requirements of Section 7(8) & (9) of the Public Appointments (County Assemblies Approval) Act, 2017, the committee requested for the following documents from the nominees through the office of the clerk;

Mr. Speaker: Honourable members, you are consulting so loudly that you are interfering with whoever is moving the motion. Kindly consult in low tones or you can kindly walk out

consult and come back we proceed. Hon. Nangalama, I don't know what you are doing but I think you are out of order; it is only one speaker at a time. Proceed.

Hon. Francis Chemion: Thank you Speaker for the guidance. So the committee looked at the following documents:

Curriculum Vitae, personal credentials and academic certificates
 Compliance Certificate from Kenya Revenue Authority (KRA)
 Clearance Certificate from the Ethics and Anti-Corruption Commission (EACC).
 Clearance Certificate from the Higher Education Loans Board (HELB)

v. Police Clearance Certificate from the Directorate of Criminal Investigations (DCI).

vi. Clearance Certificate from Credit Reference Bureau (CRB)

Approval Hearing

The four nominees appeared before the committee on 7th July, 2023 for vetting in the following sequence:

S/No	Name	Gender	Ward	Name of institution	Time
1.	Hon. Moses Wanyonyi Opicho	Male	Kamkuywa	Chamber of Commerce and Industry	9:00am to 10:00am
2.	Mrs. Violet Nafula Barasa	Female	Kibingei	Jua kali	11:00am to 12:00pm
3.	Arch. Ham Wesonga	Male	Township	APSEA	12:00pm to 1:00pm
4.	Mr. Philip Wekesa	Male	Khalaba	Jua Kali	2:00pm to 3:00pm

1. Hon. Opicho Moses Wanyonyi

Date and Place of Birth

The nominee is a male Kenyan born in Nabikoto, Kamukuywa in Kimilili Municipality. The nominee confirmed that he did not hold any other citizenship and had a clear understanding of the boundaries making up Kimilili Municipality, Bungoma County.

Academic Qualifications

In his submission, the nominee stated that he has a Diploma in Business Management from the University of Nairobi, 2016.

Employment Record

Mr. Speaker Sir, the nominee had the following employment record;

1. 2013-2017 he was a Member of County Assembly of Bungoma representing Kamukuywa Ward
2. 2010-2011 he was at Faulu bank as Head of sales Faulu Afya product Pioneer Assurance/Faulu Bank, western, Nyanza, North and South rift regions
3. 2008- 2010 he was at Pioneer assurance as a Unit Manager, Bungoma Branch

Income and net worth

The nominee's estimated net worth is 30 million shillings which is in form of land and farming activities.

Professional association and membership

The nominee represents Kenya National Chamber of Commerce and Industry.

Pro-bono/Charity

The nominee stated that being a politician, he helps the community in many aspects.

Potential Conflict of Interest

The nominee submitted to the committee that he will endeavor to stick to the provisions of the law, transparency and in case any incident of conflict of interest arises, he will be open, disclose the matter and recuse himself.

Public office, political activities and Affiliations

The nominee served as a Member of the County Assembly of Bungoma representing Kamukuywa ward, 2013 to 2017. As a member of the County Assembly, representing Kamukuywa Ward, he helped formulate CEF policy under Finance Committee

Developed policies including the farm input policy, the CHVs policy and was involved in the initial formation of the two Municipalities

Knowledge of the Relevant Field

From his submission during vetting, his key area of focus as a member of the board representing the Kenya Chamber of Commerce and Industries shall be; provision of services like water, sewerage system, moving of traders who trade along the street, garbage collection and formulation of guidelines to control stray dogs and other animals.

Under health, he will strive to improve standards of health facilities to help provide good services

Under education, his focus will be to introduce Municipality schools within the municipality and help create recreational centers. On dealing with corruption, he will try to seal leakages and be careful not to condone corruption

Chapter 6 compliance

The nominee complied with the requirements of Chapter 6 of the Constitution. Personal Integrity

The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three (3) years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

Committee general findings on the suitability of the nominee

The Committee having considered the nominee's filled questionnaire pursuant to Section 7(8) of the Public Appointments (County Assembly Approval) Act, 2017, his curriculum vitae and having heard his oral submission during the approval hearing made the following observations: -

1. The nominee meets the requirements of Chapter Six of the Constitution on leadership and integrity.
2. The nominee has not been charged in a court of law for the past three (3) years.
3. From his submission, the nominee demonstrated knowledge, skills and experience in leadership. He was also conversant with role of the Municipality Board Member as well as laws and policies related to his position.
4. The nominee has never been dismissed from office under Article 75 of the Constitution for Contravention of the Provisions of Article 75(1) (conflict of interest), Article 76 (financial probity).
5. The nominee is a resident of Kamukuywa, a place he has lived since birth.
6. The general score of the nominee was 79%.

Committee Observation

Pursuant to Section 7(8) & (9) and Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee observed that;

The nominee meets the integrity threshold;

II. He did demonstrate knowledge of topical, administrative and technical issues touching on the portfolio to which he had been nominated; and

III. He had the requisite abilities, academic qualifications (Diploma from University of Nairobi) and professional experience.

2. Mrs. Violet Nafula Barasa

Date and Place of Birth

The nominee is a female Kenyan born in 1953 in Sirisia and currently resides in Kitayi, in Kimilili Municipality, Bungoma County. The nominee confirmed that she did not hold any other citizenship. She showed a better understanding of the boundaries of Kimilili Municipality.

Academic Qualifications

In her submission, the nominee stated that she holds a certificate in Primary School Management (P1) from Kaimosi Training College, 2000 Kenya in Primary School Management of 2000.

Employment Record

The nominee had the following employment record:

2009-to date: Farmer/business woman Self-employed

2002-2008: TSC Approved teacher 1

1989-2001: TSC Deputy Head teacher

1979-1988: TSC Assistant teacher

Community service

2019-2021: Chebukaka High School Board member

2019-2020: Kibingeyi Vocational Training Centre Board chairperson

2013-2015: Kenya National Council of Catholic Women Association as chairperson

Potential Conflict of Interest

She submitted to the committee that there were no areas that would create potential conflict of interest and if any would arise, then she will solve it amicably.

Income and net worth

The nominee's estimated net worth is 10,000,000 shillings; with her sources of income being pension, transportation, rent and farming.

Professional association and membership

She is a Member of African Network of internationalization of Education. The nominee is also a Board Member of Sinoko Secondary School and Kikai Girls Secondary School.

Knowledge of the Relevant Field

The Committee members asked several questions to the nominee on her knowledge with regards to the position she was nominated to:-

On what she is bringing with her vast knowledge in education the nominee stated that as an educationist she will be focused on improving cleanliness in the market, drainage system and dumping site. She will also focus on educating the business people on the best ways to manage their businesses while adhering to the rules governing their operations.

When asked on how she will improve revenue collection within the municipality, she said there is need for introduction of taxes and a parking bay where a parking fee will be charged.

Chapter six compliance

The nominee did not present the following mandatory documents to the committee;

- Tax compliance Certificate from Kenya Revenue Authority (KRA)
- Clearance Certificate from the Ethics and Anti-Corruption Commission (EACC).
- Clearance Certificate from the Higher Education Loans Board (HELB)
- Police Clearance Certificate from the Directorate of Criminal Investigations (DCI).
- v. Clearance Certificate from Credit Reference Bureau (CRB)

General suitability of the nominee

The Committee having considered the nominee's filled questionnaire pursuant to Section 7(8) of the Public Appointments (County Assembly Approval) Act, 2017, her curriculum vitae and having heard her oral submission during the approval hearing made the following observations: -

The nominee doesn't meet the requirements of Chapter Six of the Constitution on Leadership and Integrity

The nominee has not been charged in a court of law for the past three (3) years.

From her submission, the nominee did demonstrate knowledge, skills and experience in leadership.

She was not conversant with the role of Municipality Board Member as well as laws and policies related to her position.

The nominee has never been dismissed from office under Article 75 of the Constitution for Contravention of the Provisions of Article 75(1) (conflict of interest), Article 76 (financial probity).

She is a resident of Kimilili.

The nominee scored 55.7%

Committee observation

Pursuant to Section 7(8) & (9) and Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee observed that;

The nominee does not meet the integrity threshold;

She didn't demonstrate knowledge of topical, administrative and technical issues touching on the portfolio to which she had been nominated; and
She didn't have the requisite academic qualifications of at least a Diploma as per section 14 (6) of the Urban Areas and Cities Amendment Act 2019 and professional experience.

3. Mr. Ham Wesonga Sikhila

Date and Place of Birth

The nominee is a male Kenyan born in 1983 in Nairobi, hails from Nabikoto, Kamukuywa in Kimilili Municipality and resides in Milimani, Bungoma County.

The nominee confirmed that he did not hold any other citizenship.

Academic Qualifications

In his submission, the nominee stated that he has a Diploma in Information Technology, (IMIS-UK) LIMIS and bachelor of Architecture from the Jomo Kenyatta University

Professional Training and Employment Record

The nominee stated that being an architect by profession with a particular interest in sustainable design and development issues has worked with several organizations including;

Income and net worth

The nominee's estimated net worth is 90 million shillings; with his sources of income being real estates in Nairobi, land, two vehicles, firm interests and consultancy services.

Professional association and membership

He is a Member of African Network of internationalization of Education. The nominee is also a Board Member of Sinoko Secondary School and Kikai Girls Secondary school.

Potential Conflict of Interest

The nominee submitted that whenever he finds himself conflicted, he shall declare beforehand and recuse himself.

Overall Suitability for the Position

The nominee demonstrated knowledge of the work and promised to diligently work.

Pro-bono/ Charity work:

Asked about his donations to charity, he indicated that he has been involved in Nairobi Jeffery Academy, Kiota schools, Catholic diocese of Kakamega, St. James ACK Mapela, Architectural Association of Kenya.

2015-to date: Brickehaus Ltd partner
2012-2015: EDON Consultants International ltd as Senior Architect
2010-2012: Peter Thomas Associates Senior Architect
2008-2010: EDON Consultants International ltd Architect

When put to task as to why he has not been involved in helping his home county, he said he has done so in terms of offering expertize advice.

Knowledge of the Relevant Field

On the knowledge of various laws that he will use in the course of his work if appointed as a member of the Bungoma Municipality Board, he cited the Urban Areas and cities Act, 2019 and the PFM Act as some of the tools he will rely on.

On Vision 2030 and revenue collection; he will improve the business environment, designate areas for easy access for traders, help develop walkways in the municipality and improve on the street lights. He believes these will attract more traders hence increase in revenue collection. On the issue of his role as an architect on the board, he said he will help in offering advice on design and constructions.

In order to increase rent and revenue, he will also be involved in planning process and strengthen implementation of projects as planned. Under innovation he cited waste disposal where he will engage community based organizations in separating plastics and recycling them and also make fertilizer from the waste as part of industrial growth in the Municipality

On the issue of traders selling along the road at Chebukube market, the nominee said that he will advise for a suitable site for parking of Lorries and trading off the highway.

Chapter 6 compliance

The nominee fully complied with the requirements of Chapter 6 of the Constitution.

General findings on the suitability of the nominee

The Committee having considered the nominee's filled questionnaire pursuant to Section 7(8) of the Public Appointments (County Assembly Approval) Act, 2017, his curriculum vitae and having heard his oral submission during the approval hearing made the following observations: -

The nominee did meet the requirements of Chapter Six of the Constitution on leadership and integrity.

The nominee has not been charged in a court of law for the past three (3) years.

From his submission, the nominee did demonstrate knowledge, skills and experience in leadership.

He was also conversant with role of the Municipality Board Member as well as laws and policies related to his position.

The nominee has never been dismissed from office under Article 75 of the Constitution for Contravention of the Provisions of Article 75(1) (conflict of interest), Article 76 (financial probity).

He is a resident of Bungoma Municipality.

The nominee's general score was 82.8%

Committee observation

Pursuant to Section 7(8) & (9) and Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee observed that;

I. The nominee met the integrity threshold;

II. He demonstrated knowledge of topical, administrative and technical issues touching on the portfolio to which he had been nominated; and

III. He had the requisite abilities, academic qualifications (at least a diploma) and professional experience

4. Mr. Philip Wanyonyi Wekesa

Date and Place of Birth

The nominee is a male Kenyan born in 1973 in Khalaba, Bungoma Municipality, Bungoma County. The nominee confirmed that he did not hold any other citizenship.

Academic qualifications

The nominee holds a Diploma in Health and Social Care from Amersham & Wycombe College, 1995

Employment Record

The nominee's employment record is as follows:

1996- 1999: Bungoma Care Centre Program officer

1997-1999 USAID Kenya (WYA) Consultants

1999-2013 Bungoma Care Centre Project manager

2012-2013 Transparency International Consultant

2013-2014 Jukwaa la Katiba County Secretary

2014-2016 Centre for Human Rights Chairman

Professional association and membership

The nominee is not a member of any professional body.

Requirements of Chapter Six of the Constitution

The nominee had complied with all the requirements of Chapter Six of the Constitution

Potential conflict of interest

When asked how he will effectively serve traders within the municipality, he stated that his work involves defending traders by giving them correct information on the right to pay taxes, engage and participate in decision making.

Pro-Bono/Charity work/donations to charity;

The nominee has offered help to the society through public litigation.

Knowledge of the Relevant Field

The nominee has a clear understanding of the boundaries of the municipality. On Challenges facing Traders; he stated that he is aware of the challenges with the traders at Chepkube and Kanduyi markets where there is no proper definition of vendors and what each does. He will help establish marked areas for markets for different traders, help make by-laws to define the traders and regulate them, and deter buying of goods through vehicle windows. He will also meet and educate traders on dangers of hawking on the roads.

General findings on the suitability of the nominee

The Committee having considered the nominee's filled questionnaire pursuant to Section 7(8) of the Public Appointments (County Assembly Approval) Act, 2017, his curriculum vitae and having heard his oral submission during the approval hearing made the following observations:

The nominee meets the requirements of Chapter Six of the Constitution on leadership and integrity.

The nominee has not been charged in a court of law for the past three (3) years.

From his submission, the nominee demonstrated knowledge, skills and experience in leadership.

He was also conversant with role of the Municipality Board Member as well as laws and policies related to his position.

The nominee demonstrated knowledge of the work and promised to diligently work.

He is a resident of Bungoma Municipality.

The nominee has never been dismissed from office under Article 75 of the Constitution for Contravention of the Provisions of Article 75(1) (conflict of interest), Article 76 (financial probity).

The nominee scored 72.9%

Committee observation

Pursuant to Section 7(8) (9) and Section 8 of the Public Appointments County Assemblies Approval Act, 2017 the Committee observed that;

1. The nominee met the integrity threshold

2. He demonstrated knowledge of topical administrative and technical issues touching on the portfolio to which he had been nominated, and
3. He had the requisite ability. His academic qualifications at least a diploma and professional experience
4. The nominee has never been dismissed from office for contravention of the provisions of Article 75 (1), conflict of interest and Article 76 on financial probity.

Committee Observations and findings

Pursuant to Section 7(8) (9) and Section 8 of the Public Appointments County Assemblies Approval Act, 2017 and Section 14 (6) of the Urban Areas and Cities Amendment Act, 2019, the Committee observed that the following nominees met the integrity thresholds, demonstrated knowledge of topical administrative and technical issues touching on the portfolios which they had been appointed and they have requisite abilities, minimum academic qualifications and professional experience to be approved for appointment as Municipality Board members;

1. Hon. Wanyonyi Opicho- nominee for a member of the Board to Kimilili Municipality.
2. Architect Ham Wesonga-Nominee for a member of the Board to Bungoma Municipality
3. Mr. Phillip Wekesa- nominee for a member of the Board to Bungoma Municipality.

Further, pursuant to Section 7(8) (9) and Section 8 of the Public Appointments County Assemblies Approval Act, 2017 and Section 14 (6) of the Urban Areas and Cities Act, 2019, the following nominee did not have the requisite ability, minimum academic qualification and professional experience to be approved for appointment as Municipality Board member;

1. Ms. Violet Nafula Barasa- Nominee for a member of the Board to Kimilili Municipality

Recommendations of the Committee

Having conducted the approval hearing for the nominees pursuant to Article 179 (2) of the Constitution, Section 4 (7) and 8 of the Public Appointments County Assemblies Approval Act 2017 and Standing Order 208 (4) the Committee recommends that this House;

1. Approves the nomination of Hon. Moses Wanyonyi Opicho for appointment as a member of the Board to Kimilili Municipality
2. Does not approve the nomination of Ms. Violet Nafula Barasa for appointment as a member of the Board to Kimilili Municipality
3. Approves the nomination of Architect Hum Wesonga for appointment as a member of the Board to Bungoma Municipality, and
4. Approves the nomination of Mr. Phillip Wekesa for appointment as a member of the Board to Bungoma Municipality.

The report was adopted by all the members of the committee. It is now my privilege to invite Hon. Mukhongo James to who is a member of this committee to second the motion. Thank you Hon. Speaker.

(Applause)

Hon. James Mukhongo: Thank you, Hon. Speaker. I stand to second the motion which has been moved by my Chairperson Committee on Lands. He has given us highlights on why it is necessary that the Governor nominated the nominees and forwarded their names to this House for consideration. We considered all the requisite laws that assisted us to arrive at the recommendations as read by the chairperson.

I want to remind this House that we have some members here who were there in the Second County Assembly when the former Governor Hon. Wycliffe Wafula Wangamati forwarded names of some nominees for vetting both for Bungoma and Kimilili Municipalities. But at one point by then I was on the government side where we said because we are supposed to move the agenda of government in the House, we therefore approved all the nominees without considering the requisite laws. There was one lady from Kimilili Municipality who was a *mama mboga* by then and we also had a brother here in Bungoma who I can't remember his name, we also approved him - Jamal. After doing all that, we brought the names to the House and the members said that they support and we approved the names without knowing that there are other entities which will follow up to ensure procedure was followed and what happened in the House. The *mama mboga* went and celebrated on the market in Kimilili. Little did we know that at some point when the report was taken to public those other entities raised issues on whether the law was followed or not. It was unfortunate that the *mama mboga* from Kimilili was removed basing on the advice from the World Bank because we were to get funding from World Bank and they are keen and watching on whether we are complying with the law or not.

We have recommended the three members one for Kimilili and two for Bungoma for approval by this House. Let me also inform the members that as members of some various committees, we are doing some work on behalf other members who are not members of those committees. Therefore, those are our findings and we have only rejected one nominee Ms. Violet Barasa and when you look at the procedure and all avenues, you will realize that indeed she does not meet the threshold to be approved by this House.

Otherwise, the issue now is with the House to make its decision having given advice on what happened in the Second Assembly. I therefore beseech the House to consider the motion before the House as I second.

Mr. Speaker: Thank you, Hon. James Barasa for second the motion. Before I proceed to propose a motion for debate, I will urge that Hon. Chemion before you come to reply to the motion; looking at page 18 on the last paragraph on membership, equally page 16 on

professional membership where two members on the same board the wordings are the same. I fear it might be the problem of copy and paste by our secretariat. Look at it confirm so that we don't have the tendency of copy and paste.

Honorable members, a motion has been moved and seconded that the House adopts a sector Committee report on Lands, Urban, Physical Planning and Housing on the vetting of the four nominees to the Bungoma and Kimilili Municipalities, I propose;

(Question proposed)

Hon. George Makari: I want to congratulate the committee for executing its work so well. In fact according to the explanation given by the seconder of the motion Hon. Mukhongo, he has explained the fears that were there and looking at the report it is self-explanatory. Only what the Hon. Mukhongo failed to acknowledge is that one Hon. Jeremiah Kuloba was also on that Board having been vetted here and now he is an MCA in this House. In the last Assembly he was a Municipality Board member of Bungoma.

(Applause)

Among the questions that I rose one time that you read yesterday, may be what is the term of these members? If Hon. Jeremiah Kuloba will come to support this report, he should tell us how many years was he going to serve on the Board, because from 2018 up to now they are the same members. Are there no other Kenyans who can do these jobs? Are they going to serve for eternity spanning from one Governor to another Governor and still be in office. This is a question for another day.

Three of the nominees have been vetted and found to be worthy. My only reservation is that Violet was the only woman among the three men. If she had all the compulsory documents, we would have closed our eyes and approved her name regardless of not having a diploma certificate. Since she failed on Chapter Six, we might find ourselves on the wrong side with the EACC and DCI. It is indicated that she is the Chairperson of the Board for Kibingei VTC where Hon. Mulongo comes from. She is also a board chairperson of another school; she is a teacher by profession having studied at Kaimosi TTC. If she had complied with Chapter Six, I could have given her a chance. I want to support the report and implore on the appointment authority to do a replacement on the side of Violet Nafula Barasa.

Hon. Aggrey Mulongo: Thank you, Mr. Speaker Sir. I take this opportunity to thank the Committee on Lands for giving us a good report. As a second term member, we witnessed here and it happened, therefore, Hon. Chemion and your entire group thank you for giving us this wonderful report...

Hon. Stephen Wamalwa: Mr. Speaker, is the member on the floor of the House in order to call honorable members a group?

Mr. Speaker: Did you say that Hon. Mulongo?

Hon. Aggrey Mulongo: Mr. Speaker, where we have more people it becomes a group...

Mr. Speaker: Why can't you add honorable members...

Hon. Aggrey Mulongo: Mr. Speaker, we are not marking grammar here...

(Applause)

Mr. Speaker: Let us allow him to proceed.

Hon. Aggrey Mulongo: Thank you, Mr. Speaker. For us who come from municipalities, it is a wonderful report. First we need consultations from stage one where appointment is made. We represent wards and they don't consult us. They are the appointing Board members, we respect that because they have the powers but at least they should consult. It is true that she comes from my ward, she was a teacher for many years and in fact she is a wife to a professor but looking at the checklist on the nominees, if she does not qualify this means she was just handpicked may be because of political issues. I will support whoever that will be fairly and approved right from the committee stage and the entire House.

Since 2018 up to date, there are some things that we have already passed in this House which have never been implemented. The *mama mboga* that was rejected in this House has never been replaced in Kimilili Municipality. In fact we have had two slots that are yet to be filled. If this House passes any motion then it should be implemented as soon as possible. The functions that we passed in this House to the municipalities nothing is yet to be done even after devolving the functions without a budget. We are doing this and again in the next 2 to 3 years nothing will be happening. The functions have been devolved, no budget but we have officers without operations.

Last time when we were on the government side we were passing things because we wanted to embrace the Governor. At the moment what I have seen today, we should continue playing our oversight role in this manner.

Hon. Jeremiah Kuloba: Asante Ndugu Spika. Kwanza nashukuru kamati ambayo ilifanya kazi hii ya kuwapiga musasa hawa wanachama wateule kwa hizi bodi mbili. Mlifanya kazi nzuri na hongera kwenu.

Majukumu makuu ambayo tumewapa hawa wanachama wa hizi bodi ni kufanya kazi kwa wananchi. Mawaziri hawajatoa kazi ambazo hili bunge litapitisha kwa bodi hizi ili kutekeleza majumu yao bila muingilio wowote. Haswa tukiangalia sheria zinazohusu miji na majiji zwa mwaka wa 2019, kwenye maandishi inaonesha kuwa wamepeva majukumu lakini waziri bado anataka kutokeleza kazi hizo hadi kiwango ambapo bodi haiwezi kufanya kazi. Mimi

nilikuwa mwanachama wa bodi ya mji wa Bungoma ambapo Meneja hapewi majukumu ilihali hili bunge linajua kwamba alipewa nafasi ya kufanya kazi.

Kuhusu muda ambao wanachama wanahudumu ni miaka mitano. Ningependa kukosoa wale waliosema kwamba wanachama wamehudumu kwa miaka zaidi ya mitano; hao wanachama walipewa nafasi mwaka wa 2019 mwezi wa nane; hadi mwaka ujao mwezi wa 8 au 9 ndipo muda wao wa kuhudumu utakuwa umekamilika.

Kwa hivyo tungependa pia kamati hii wakati mwingine iangalie mambo ya jinsia. Tunakuwa na wanachama wa jinsia ya kiume wengi kuliko wenzao wa kike. Tungependa wajaribu kuweka watu wa jinsia ya kike wawe wengi kwenye bodi hizo.

Sitaki kusema mengi, kazi imefanyika nzuri na wakati mwingine tulichagua watu kutoka Nairobi, ambao ni wazaliwa wa Bungoma wakati wa kuja kwenye mahojiano wanasema ya kwamba wao ni wa Bungoma lakini wanakaa Nairobi. Tungependa turekebishe mambo ili ikiwa hawa watu iwapo kuna mikutano hawafatili kwa sababu wanaogopa kwenda kwenye mikutano. Zaidi ya hayo ni kushukuru kamati kwa kazi nzuri mliofanya.

Hon. Wafula Waiti: Thank you Mr. Speaker for allowing to at least rise and support the motion. Before I do that, allow me appreciate all the Honorable members and yourself for your prayers you accorded me when I was involved in a road accident some two weeks ago. I came out of the vehicle safe with no physical and internal injuries. As I stand here, I am okay to dispense my duties in this House.

I am a member of the committee and I want to support the motion by citing two issues; as our seconder of the motion alluded to in his presentation that he feared what they went through in the last dispensation and as members, we were keen when handling this report. We cited and we were careful about Chapter Six of the Constitution and remember honorable members through our Speaker is that when we engaged the municipalities, we are attracting the donors and investors and those people are strict and keen on matters law. That is why one nominee was disqualified because we did not want to go through what our colleagues went through during the last regime.

When we vetted those members, we learnt that those people are knowledgeable, when they were defending themselves before the committee. Our humble request is that we want all municipalities to be handed over the functions that remained so that they handle their issues as an autonomous entity. I want to register this; that now that one of us here was serving on that committee and it happens that our CEC running the department of lands happened to be a member of the same committee, we are asking him that he avoids controlling the Municipal Boards from his office.

(Applause)

Such that he is a member of the committee, he should attend meetings and deliberate on issues just like any other member but not controlling the same from his office. I support the motion.

Mr. Speaker: Honorable members, we still have some work that is supposed to be done. I will ask that those requesting to speak, kindly allow us move to the next item. This is my humble request to you, so that we can be able to move. Hon. Chemion come and reply.

Hon. Francis Chemion: Thank you, Mr. Speaker. I want to thank honorable members for the comments that they have made. Just to repeat is that we don't want to put the members of the public in a situation that they will undergo depression after a colorful swearing-in ceremony at the Governor's office. In the wisdom of the committee, we said that we must follow the law. You remember one of the members whom we all participated in the swearing-in process at the Governor's Office went into depression after he was removed from the board again and you know the end product. We don't want such issues to happen again in our County.

Secondly, we are the custodians of the laws; we are the makers and we are also the custodians and therefore we must adhere to the provisions of the law as we dispense our duties here.

I want to make some amendments on the membership of Hon. Wesonga who is not a member of the said organization as it is mentioned in the report. He is a corporate member of the Architectural Associations of Kenya.

On gender, there is an issue that has been raised; the constitution is clear on the third gender rule and it is already captured under what the Governor has done. In his wisdom, I am sure he will bring another name of a lady from Kimilili to ensure that the gender is taken care of.

(Applause)

We are also gender sensitive as a committee because we know what the constitution provides. Therefore, we ask that as the Governor forwards names, he must also do due diligence so that we have a name that meets the requirements of the laws.

Otherwise, I associated myself with what members have said on the independence of Municipal Committees. The committee is seized of the issue and will ensure that the boards are given independence to run the activities of municipalities; they should not be micromanaged by the executive.

The law provides for them to run independently but in consultation with the CECM because he is a member of the board by the law as provided for in the charter. Otherwise, I end there and urge the House to adopt this report.

Mr. Speaker: The next stage is now to put questions for approval of nominees. Going by the nature of the report the House will approve or reject each nominee individually because we have nominees for Kimilli and Bungoma.

The question was put that this House approves for appointment as Board Member Hon. Moses Wanyonyi Opicho to the Kimilili Municipality and was agreed to.

Question put that this House approves for appointment as Board Member Architect. Hum Wesonga to Bungoma Municipality and was agreed to.

That this House approves for appointment as a Board Member Mr. Philip Wekesa to the Bungoma Municipality and was agreed to.

That this House do not approve the nomination of Ms. Violet Nafula Barasa for appointment as a Board Member to the Kimilili Municipality and was agreed to.

The consequence is as follows;

1. That this House has approved the nomination of Hon. Moses Wanyonyi Opicho for appointment as a member of the Board to Kimilili Municipality
2. That this House has rejected for appointed the nomination of Ms. Violet Nafula Barasa as a member of the Board to Kimilili Municipality
3. That this House has approved the nomination of Architect Hum Wesonga for appointment as a member of the Board to Bungoma Municipality, and lastly
4. This House has approved the nomination of Mr. Philip Wekesa for appointment as a member of the board to Bungoma Municipality.

Consequently, the provision of Section 11 of the Public Appointments County Assemblies Approval Act No. 5 of 2017 comes in place where the Clerk shall notify the appointing authority of the decision of the County Assembly within 14 days of the decision.

The appointing authority shall upon the approval of the nominees for appointment by the County Assembly and subject to the applicable written law appoint the nominees within a period of 7 days from the date of the notification of the decision of the Assembly under subsection one.

Therefore, the Clerk is directed to proceed and notify the Governor of the decisions arising from the County Assembly sitting of today in the morning. Thank you.

**REPORT BY THE AD HOC COMMITTEE ON THE TASKFORCE REPORTS ON
HUMAN RESOURCE AUDIT, SCHOLARSHIP AUDIT AND PENDING BILLS
AUDIT**

Mr. Speaker: Hon. Tony, this being and Ad Hoc Committee report you will be on HANSARD from page 1 to page 146. We will not leave out any section because it is a special report.

Hon. Tony Barasa (Chairperson Ad Hoc Committee): Thank you, Hon. Speaker. Ad Hoc Committee report on the taskforce reports on;

1. Human Resource Audit
2. Scholarship Audit
3. Pending Bills Audit

Preface

On 15th March, 2023, the County Assembly debated and passed a motion moved by the Leader of Majority urging the House to form the Ad hoc Committee to consider the three Task forces' reports that had been submitted to the County Assembly. The formation of the Ad Hoc Committee was premised on the basis that the three reports contained matters whose scopes were crosscutting across five Committees of the County Assembly.

As per the Standing Orders No. 200, and with the concurrence of the Hon. Speaker, "the deliberations of a select committee shall be confined to the mandate of the Committee and any extension or limitation of that mandate as may be directed by the House" further Order No.1 espouses that, "where matters are not expressly provided for by these Standing Orders or by other Orders of the County Assembly, any question shall be decided by the Speaker for the purposes of facilitating the execution of Business in the Assembly"

For the reasons advanced above, the House resolved to constitute an Ad hoc Committee to investigate and interrogate inter alia, and submit a report to the Assembly within 30 days.

Tabling and Committal of the Task Forces' Reports

The Task forces' reports were forwarded to the Clerk of the County Assembly vide letter referenced CGB/FIN/CA/BILL/VOL.IV/66 dated 1st March, 2023 and were laid on the Floor of the House by the Leader of Majority on 16th March, 2023 at 2:30 p.m.

The Hon. Speaker while committing the reports to the Ad hoc Committee directed the Committee to scrutinize the reports, review the recommendations and report the findings for consideration by the House before implementation by the County Executive.

Membership of the Committee

The Committee comprises of;

- | | |
|-------------------------|------------------|
| 1. Hon. Tony Barasa | Chairperson |
| 2. Hon. Violet Makhanu | Vice Chairperson |
| 3. Hon. Joan Kirong' | Member |
| 4. Hon. Milliah Masungo | Member |
| 5. Hon. Barasa Mukhongo | Member |
| 6. Hon. Jack Wambulwa | Member |
| 7. Hon Hentry Nyongesa | Member |
| 8. Hon. Benard Kikechi | Member |

- | | |
|---------------------------|--------|
| 9. Hon. Everton Nganga | Member |
| 10. Hon. Job Mukoyandali | Member |
| 11. Hon. Benjamin Otsiula | Member |
- 1.3 Terms of Reference

The Committee adopted its terms of reference as guided by the House Resolution on March 15th, 2023; which was to scrutinize the three Task forces' reports, review the recommendations and report the findings for consideration by the House before implementation by the County Executive. The reports are;

- i. The taskforce audit on Human Resource,
- ii. The taskforce audit on Scholarship; and
- iii. The taskforce audit on Pending Bills of the County Government,

Constitutional and Statutory Oversight of the County Assembly and its Committees

The County Assembly and its committees draw their constitutional mandate to oversight the County Executive from Article 185(3) of the Constitution of Kenya, 2010; which states, 'A county Assembly, while respecting the principle of separation of powers, may exercise oversight over the County Executive Committee and any other County Executive organs'.

Further, Article 195(1) gives a County Assembly or any of its committees' powers to summon any person to appear before it for the purpose of giving evidence or providing information.

Section 14 (1) (b) of the County Governments Act, 2012, provides that a County Assembly, may establish committees in such manner and for such general or special purposes as it considers fit. Consequently, under the County Assembly of Bungoma Standing Orders, Order No. 193 confers committees with the powers and privileges bestowed on the County Assembly by the Constitution and Statutes; including, 'the power to summon witnesses, receive evidence and to request for and receive papers and documents from the government and the public.

Committee Meetings, Work Plans and Methodology

The Committee held various sittings to plan interrogate and report on the findings of the Task forces' audit reports. The Committee invited witnesses whose submissions were necessary for the interrogation of the findings in the reports; to enable an objective analysis.

The Chairpersons of the Task forces', the County Public Service Board, the Kenya County Government Workers Union, petitioners of ELRC case No. I of 2019, the Casual Workers Union officials, officers from the various County Government departments among other key persons appeared to clarify on some of the issues that the Committee was processing.

While observing the principle of fair hearing as stipulated under Article 50 of the Constitution of Kenya, the witnesses were heard under oath, while the proceedings were recorded on Hansard for all the sessions of the Committee. The Committee's schedule of activities is annexed

Acknowledgement

The committee is particularly grateful to the office of the Speaker, the Clerk as well as Members of the County Assembly for the full support received as it discharged its mandate.

The committee appreciates all witnesses who appeared before it and shared valuable information that aided the objective analysis of the Task forces reports.

Mr. Speaker sir, it is therefore my pleasant duty and privilege on behalf of the Committee to table this Report and recommend it to the House for adoption.

Signed by Hon. Tony Barasa Chairperson Ad hoc Committee on the Task forces' Reports on the Human Resource Audit, the County Scholarship Audit and the Pending Bills Audit.

Hon. Speaker, you will allow me move to 2.2 on the statutory guidelines with regard to human resource audit...

Hon. Ali Machani: Hon. Speaker, I need your guidance, as the mover of the report proceeds with this report, it was to take a certain period to report back. What they are now pointing out is likely to have been overtaken by events. Do we move on with the report or it has been overtaken by events? I stand to be advised.

Mr. Speaker: Thank you, Hon. Ali Machani. The time frame we spoke about is about going out to work and report back to the House. The report was tabled in this House within the timelines as earlier agreed.

Secondly, the time stops to run if you are not in session, the same way we have had the report on vetting; where it is indicated that within 21 days of the sitting of the House but it has taken over 3 months. The question would be are we in session or not in session? I think if some items might appear to have been overtaken by events, they will apply the principle of severity where it is practicable to be done, they will do it and if not possible then it will be removed. Honorable members, let us have order.

Here you are privileged to cross and consult, in Uganda when you cross it means you lose your seat. Just cross, consult your friend and come back than shouting across. It is not good.

Statutory guidelines with Regard to Human Resource Audit

i) Fourth Schedule to the Transition to devolved Government Act

During Phase One of the transition period, the Authority shall carry out the following activities—

(e) Audit the government staff in counties, to establish the number of staff in each county by cadre, grades, gender, age and qualification;

(f) audit the Local Authority staff in the counties, to establish the number of local authority staff in each county by cadre, grades, gender, age and qualification;

The County Governments Act, 2012 section 57 provides for the establishments of the County Public Service Board in each County, which shall be—

(a) A body corporate with perpetual succession and a seal; and

(b) Capable of suing and being sued in its corporate name.

The Functions and powers of a County Public Service Board under section 59 (1) of the County Governments Act, 2012 specify as;

- (a) Establish and abolish offices in the county public service;
- (b) Appoint persons to hold or act in offices of the county public service including in the Boards of cities and urban areas within the county and to confirm appointments...
- (h) Advise the county government on human resource management and development;
 - (i) Advise county government on implementation and monitoring of the national performance management system in counties;
 - (j) Make recommendations to the Salaries and Remuneration Commission, on behalf of the county government, on the remuneration, pensions and gratuities for county public service employees.

59 (4) In the performance of its functions under subsection (1) (e), the County Public Service Board shall have powers to—

Honorable Speaker allow me mention a few among others

- (a) Inform and educate County Public Service Officers and Public about the values and principles
 - (i) Perform any other functions as the Board considers necessary for the promotion of the values and principles.

Section 59(5) The report by the County Public Service Board under subsection (1)(f) shall—

- (a) Be delivered each December to the County Assembly;
 - (b) Include all the steps taken and decisions made by the board;
 - (c) Include specific recommendations that require to be implemented in the promotion and protection of the values and principles;
 - (d) Include specific decisions on particulars of persons or public body that have violated the values and principles, including action taken or recommended against them;
 - (e) Include any impediment in the promotion of the values and principles; and
 - (f) Include the programmes the board is undertaking or has planned to undertake in the medium term towards the promotion of the values and principles.
- (6) The Board shall publish a report required under this section in the county Gazette not later than seven days after the report has been delivered to the County Assembly.

59 Independence of the County Public Service Board

In the performance of its functions under this Act, the county public service board shall—

- (a) be independent and shall not be subject to the direction or control of any other person or authority; and
- (b) Adhere to the Constitution, this Act and any other relevant law..

63. Powers of the County Public Service Board to make appointments

(1) Except as provided for in the Constitution or legislation, the County Public Service Board has the power to make appointments including promotions in respect of offices in the county public service.

(2) The power of the County Public Service Board under subsection (1) shall be exercised—

- (a) At the request of the relevant county chief officer of the department to which the appointment is to be made;
- (b) *Deleted by Act No. 11 of 2020, s. 20;*
- (c) On the County Public Service Board's own motion on account of best interest of the county public service and parity of treatment of public officers taking into account the circumstances of each case.

65. Matters to take into account during appointments, etc.

(1) In selecting candidates for appointment, the County Public Service Board shall consider—

- (a) The standards, values and principles set out in Articles 10, 27(4), 56(c) and 232(1) of the Constitution;
- (b) The prescribed qualifications for holding or acting in the office;
- (c) The experience and achievements attained by the candidate;
 - (a) the need to ensure that the candidates proposed for appointment have knowledge and experience in diverse fields including human resource management and development and finance;
- (d) The conduct of the candidate in view of any relevant code of conduct, ethics and integrity;
- (e) the need to ensure that at least thirty percent of the vacant posts at entry level are filled by candidates who are not from the dominant ethnic community in the county;
- (f) The need for open and transparent recruitment of public servants; and

(g) Individual performance.

(2) In determining whether an appointment, promotion or re-designation has been undertaken in a fair and transparent manner, the overriding factors shall be merit, fair competition and representation of the diversity of the county.

67. Appointments to be in writing

No appointment or assignment of a duty in a county public service shall be valid unless it is evidenced in writing.

72. Power to deploy public officers

(1) The power to deploy a county public officer within a department shall vest in the relevant county chief officer.

(2) The power to deploy a county public officer from one department to another shall vest in the head of the county public service.

74. County Public Service Board to regulate appointment of persons on contract

The County Public Service Board shall regulate the engagement of persons on contract, volunteer and casual workers, staff of joint ventures and attachment of interns in its public bodies and offices.

75. Action on irregularity of process

If it comes to the attention of the County Public Service Board that there is reason to believe that any process or decision under this Part may have occurred in an irregular or fraudulent manner, the County Public Service Board shall investigate the matter and, if satisfied that the irregularity or fraud has occurred, the County Public Service Board may—

- (a) Revoke the decision;
- (b) Direct the concerned head of department or lawful authority to commence the process afresh; or
- (c) Take any corrective action including disciplinary action.

77. Appeals to the Public Service Commission

(1) Any person dissatisfied or affected by a decision made by the County Public Service Board or a person in exercise or purported exercise of disciplinary control against any county public officer may appeal to the Public Service Commission (in this Part referred to as the "Commission") against the decision.

(2) The Commission shall entertain appeals on any decision relating to employment of a person in a county government including a decision in respect of—

- (a) Recruitment, selection, appointment and qualifications attached to any office;

(g) Any other decision the Commission considers undertake within its constitutional competence to hear and determine on appeal in that regard

86. Delegation by County Public Service Board

(1) The County Public Service Board may delegate, in writing, any of its functions to any one or more of its members and the county secretary, county chief officer, sub-county or Ward administrator, village administrator, city or municipal manager and town administrators.

The Employment Act, 2007

19. Deduction of wages

(1) Notwithstanding section 17(1), an employer may deduct from the wages of his /her employee—

(a) Any amount due from the employee as a contribution to any provident fund or superannuation scheme or any other scheme approved by the Commissioner for Labor to which the employee has agreed to contribute; among others

(g) Any amount in which the employer has no direct or indirect beneficial interest, and which the employee has requested the employer in writing to deduct from his wages;

(h) an amount due and payable by the employee under and in accordance with the terms of an agreement in writing, by way of repayment or part repayment of a loan of money made to him by the employer, not exceeding fifty per cent of the wages payable to that employee after the deduction of all such other amounts as may be due from him under this section;

52. Interpretation

In this Part, except where the context otherwise requires—

"**Employment**" means employment of a child in a situation where—

(a) the child provides labor as an assistant to another person and his labour is deemed to be the Labour of that other person for the purposes of payment;

Mr. Speaker: Yes Hon. Makari!

Hon. George Makari: Honorable Speaker, information according to Standing Order No. 96(2). Just for guidance purposes, I was of the opinion that my good friend Hon. Khaoya because these are just the functions of the CPSB and they are well known even in the law. Why can't he go to the nitty gritty of the whole report which begins from page 30; that is 2.4. Statutory frame work in regard to scholarship? I think we will have now begun.

Mr. Speaker: Hon. George for your information, I have just been also looking at the initial report. It's just giving us the law provisions which I think everybody has. If you want to look

at the Employment Act; I think Hon. Tony start from where the report starts because the earlier provisions you have been reading for us, are not even your own making. They are extracts from relevant laws.

Hon. Tony, I think your reports start from page 33!

Hon. George Makari: I think so Honorable Speaker because that is where we now begin the issues of Education Fund that is on page 30.

Mr. Speaker: 33!

Hon. George Makari: Well guided Honorable Speaker.

Mr. Speaker: Just confirm the exact page first.

Hon. George Makari: That's Chapter 3.

Mr. Speaker: Commence from there, the rest is basically laws that were being relied on.

Hon. George Makari: Thank you, Honorable Speaker.

Mr. Speaker: Proceed! I have overhead one of my former classmates shouting loudly Hon. Vitalis I think... Proceed!

Hon. Tony Barasa: Thank you Mr. Speaker for that guidance. I thank Hon. Wasike for that order.

Interrogation of the Taskforce Report on Human Resource Audit

Confirmation of Court Awarded List of 463 against the Employed List of 660 Vide ELRC Petition No.1 Of 2019

The transition to Devolved Government Act NO.1 of 2012 fourth schedule to thereof phase one part (f) Provides for the Transition Authority to establish the number of Local Authority staff in each County by cadre, grades, gender, age & qualification;

From the task force report the County Government of Bungoma inherited a total of 708 staff from the defunct local authorities as at April 2013 and 2,649 from the National government as at 1st January, 2014. Therefore, a total of 3,357 staff transited to Bungoma County Government and were all on permanent and pensionable terms as follows:

- 1) County Council of Bungoma- 276
- 2) Municipal Council of Bungoma- 149
- 3) Municipal Council of Webuye- 100
- 4) Municipal council of Kimilili- 60
- 5) County Council of Mt. Elgon- 37

- 6) Town Council of Sirisia- 27
- 7) Town Council of Malakisi- 59
- 8) National Government- 2,649

History of Casual Workers in Bungoma County

From the taskforce report, the Transition Authority handed over to the County Government only the staff on the permanent and pensionable terms; however, there were casuals whom were engaged on casual basis and on renewable terms although it was not documented.

In 2014, the County Government engaged consultancy firm (Best ways Regional Development) to carry out the survey and audit of casuals employees in the County and it reported that there were 383 casuals who were regularized by the County Public Service Board on permanent and pensionable terms. After this exercise, there arose a demand of additional skilled staffs that were then hired on casual basis to offer services before the substantive recruitment of personnel.

In 2017, the County Public Service Board with the guidance of human resource guidelines undertook an exercise of vetting employees on casual basis and absorbed them on either contract or permanent terms depending on their age and qualifications. During the exercise, 402 Casuals were absorbed exclusive of health workers. Further the report details that at the close of the year 2017, the exact number of casuals was 298, but it was not clear whether the health workers were inclusive of this number.

In 2019, **463** persons went to court (Bungoma Employment and Labour Relations Court) under ELRC Petition No.1 of 2019 alleging that they worked with the Local Authorities but were left out of employment on permanent and pensionable terms. The court ruled on 13th May, 2022 in their favor as below;

- a) *The court declares that the continued employment of the listed 463 members of the petition by the despondence on casual basis is in violation of sections 5, 35 and 37 of the Employment Act No. 11 of 2007 and violates Articles 27, 28, 41 and 232 of the Constitution of Kenya 2010*
- b) *The court directs the respondent to place all the affected employees referred to above on payroll and apply to each one of them the minimum terms and conditions of service provided under parts II, III, IV, V and VI of the Employment Act, 2007.*

- c) *The respondent to compute, file and pay arrears of salary due and owing to all grievances named to this petition under their employment within 60 days*
- d) *Costs follow the event.*

Arising from the court ruling, the Taskforce found that, out of the 463 persons who went to court, the County Public Service Board employed one hundred and twenty-nine (129) persons, leaving out three hundred and thirty-four (334) persons from the court awarded list. Further the County Government employed 507 (*403 persons were neither on court list or no evidence was found that they were working with previous defunct Local Authorities within Bungoma County; 103 persons who were found to be casuals but never went to court*) and gave them letters of permanent and pensionable terms, thus bringing the total to **636** persons.

Through a tripartite meeting between the Union officials, County Executive and the County Public Service Board, the list was harmonized to 660 persons, who were issued with letters of employment on 12th and 22nd of July, 2022.

From the reviews of the list above, the 334 persons from the court awarded list is still pending.

Verification of Casuals by the Taskforce

The taskforce carried out physical verification to ascertain the actual number of Casual workers in the County Government. 721 persons were invited and only 416 persons turned up for the exercise.

From the Exercise;

1. 150 Persons at least had casual appointment or renewal letter(s).
2. 197 Persons invited had no prior appointment letter as casuals.
3. Casuals who claimed to have worked in the Defunct Local Authority were 33, some of whom were under age at the time of the alleged employment.
4. 8 Persons had contracts and casual appointment letters.
5. 7 persons came for the exercise but were not invited.
6. Some claimed to have worked as volunteers or on attachment but ended up on the list of casuals.

Submission by the Taskforce Chairperson

The Chairperson appeared before the Committee on 12th April, 2023 and submitted as follows;

That, there is a list of 463 casual workers certified by the Deputy Registrar of the High Court Mr. Mwenda dated 17.08.2021 and a further list of 660 certified by the same Registrar and on the same date; both of which were availed to the taskforce. The authenticity of the signature on both the documents was confirmed by the current Registrar of the Employment and Labor Relations Court.

Petition No. 1 of 2019 filed at the Employment and Labor Relations Court originally had a list of 463 casual workers, who were allegedly from the Defunct Local Authorities within the County as of 28th February, 2013.

That during the taskforce interrogations, the County Secretary submitted a file from which 636 casual workers letters of confirmation into service were issued.

The County Public Service Board also presented the list of 660 bearing the certification by the Registrar of the ELRC.

That the County Executive led by the Deputy County Secretary and County Government Workers' Union held a meeting on 9th of September to 18th of September, 2020 at the Ciala Resort in Kisumu and build up the list of the 660 casual workers from the court awarded list of 463. The minutes and resolutions of the meeting were yet to be availed.

There is currently an application before the Court seeking a review of the judgement of the casual workers.

That the petitioners have since filed for contempt.

That one Mr. Moses Muyundi, who has since retired from service, is the individual who has been acting on behalf of the petitioners, contrary to the provisions of the Workers' Union Constitution.

That none of the 463 court awarded casual workers are members of any workers union. For one to be considered a member of a union, they must be:

- Registered
- Remitting monthly dues

Of the 636 persons issued with permanent and pensionable terms of employment by the CPSB, none has been posted to a duty station and have job grades A, D and F assigned.

That from the taskforce's independent findings, only 129 out of the 463 were given permanent and pensionable employment letters by the CPSB, leaving out 334.

The breakdown of the 636 workers who hold permanent and pensionable terms of employment awarded in July 2022 is as follows:

- 403- Those issued with letters of employment but were never on the court awarded list, casuals list and there exists no evidence that they were previously working with the defunct Local Authorities within Bungoma County
- 129- A section of the court awarded list of the 436 casual workers who were given permanent and pensionable letters of employment.
- 104- Casuals who never went to court

That the first CPSB of the County Government of Bungoma inherited staff from both the Defunct Local Authorities and the National Government into the County Government workforce

That no Casual Workers from the Defunct Local Authorities was absorbed into the County government by the Transition Authority; and that only employees who were on Permanent and Pensionable terms were brought on board by the County Government of Bungoma.

That casual employees from the Defunct Local Authorities hold letters of employment from the County Council of Bungoma signed by the then Clerk.

That due to the manual system of record keeping, there was room for abuse in the employment exercise.

That some letters of employment issued to the casual workers bear the signature of the current Human Resources officer for the CPSB Mr. Paul Mumelo on behalf of the County Clerk to the defunct County Council of Bungoma. He has since disowned almost three quarters of them.

That a total of 194 casual employees were maintained and paid manually by the County Government of Bungoma until 2018 when the second Governor of Bungoma stopped the

payments and moved to court to have the matter addressed. Majority of them are domiciled in the departments of Finance, Agriculture and Health.

Submissions by the County Public Service Board Secretary

The Secretary to the County Public Service Board appeared and submitted that the Board was only aware of the 463 court awarded Casual Workers.

That upon the ruling on the matter on the 13th of May, 2020, the County Executive of the second County Government of Bungoma led by the Deputy County Secretary, and the Bungoma County Government Workers' Union officials retreated to Ciala Resort in Kisumu from the 9th of September to 18th of September, 2020.

From the meeting, it was resolved that the CPSB to consider 263 of the 463 court awarded casual workers and the difference be filled by other workers who were already working in the various departments to make up to the number of 463.

The union then submitted the list of 263 as agreed; some of whom did not appear for verification, while some submitted fake documents.

That the actual number of Casual Workers that appeared for physical verification was 237 and that is the number that was given the permanent and pensionable letters of employment.

It was therefore agreed that owing to budgetary constraints and wage bill concerns, the 237 be issued with employment letters, while the remaining 200 from the 463 would be absorbed in the current financial year (2022/23).

With this arrangement, it was further agreed that the CPSB would only issue the appointment letters while the Office of the County Secretary would be in charge of deployment. No minutes to this effect were availed to the Committee.

That the 237 have undergone induction, but are yet to be deployed to duty stations.

The CPSB was never represented in court during the proceedings of the petition, but was to implement the orders of the ruling as follows:

- Immediate deployment at the minimum level of entry into service
- Award at three cadres depending on academic qualifications

Submission by the Casual Workers Leadership

The leadership of the Casual Workers Association was represented by the Chairperson and the secretary. They submitted that;

The Casual Workers' Association represents 173 persons from nine departments in the County Government of Bungoma who are not part of the 463 court awarded list of Casual Workers of petition No. 1 of 2019 from the ELRC.

They have members that have served as casual workers from the Defunct Local authorities and Casual Workers who were not from the Defunct Local Authorities.

173 casual workers have their letters of appointment and their various renewals issued to them. The renewals were stopped in March 2019 upon filing of the petition in the ELRC.

There are Casual Workers who were serving one year contract and hold personal service numbers, while others were operating on a three months contract (renewable).

Confirmation letters appointing the 173 to permanent and pensionable basis without deployment to specific duty stations were issued in July, 2022.

Submission by the Bungoma County Government Workers Union

The Workers union Chairperson Ms. Mary Murongoro was disallowed to attend the proceedings due to conflict of interest, having been a member of the Task force on the Human Resource Audit

The Vice Chairperson submitted as follows;

That, the Bungoma County Government Workers Union was formerly the Kenya Local Government Workers' Union. The movement begun in 1953 and upon promulgation of the Constitution of Kenya, 2010, it changed to represent interest of County Government workers.

In the year 2021, the union entered into a recognition agreement with the County Government of Bungoma to represent the County Workers interests on a voluntary basis.

The union does not have a physical branch location; it has a membership of 507, each remitting Kshs. 500 monthly dues. The amounts are divided as follows; Kshs. 300 for Headquarters; Kshs. 100 for Branch and Kshs. 100 for COTU.

It held its last branch congress in the year 2021 where it also conducted officials' elections.

The union engaged the Casual Workers as anticipated members of the union and that it only recognizes the 463 Casual Workers awarded in the order of petition No. 1 of 2019 at the ELRC.

That of the 463, only 237 could be physically verified.

That post the Ciala meeting, it was resolved that the County Government considers employing 263 casual workers from the list of 463 and the remaining number be spread to the subsequent Financial Year.

Verification of Casuals by the County Assembly Ad Hoc Committee

From the foregoing, the County Assembly Ad hoc Committee undertook a physical verification exercise to enable it objectively analyze and recommend on the situation of casual workers. Through their representatives, both oral and written invitations were issued to the diverse groups of purported casual workers, with instructions to avail themselves for the exercise.

A total of 405 persons presented themselves for physical verification. From their submissions, the Committee observed as follows:

From the 405 persons who appeared for verification.

I. Court awarded list of 463

Only 110 were amongst the 463 persons from the court awarded list of Petition No. 1 of 2019 and categorized as below:

- a) 64 persons out of 110 persons presented their letters of appointment into service as Casual Workers of the defunct Local Authorities. The letters were issued as follows.

Honorable Speaker, do I go through the names?

Mr. Speaker: Yes

No	Name	Designation	No. of Letters Issued
1.	Paul Mumelo	Administrative Officer	72
2.	Elizabeth Wanyonyi	Secretary- CPSB	2

3.	Arphaxard Wekati Walunywa	Administrative Officer	1
4.	John Juma Matsanza	Coordinator- Transition Authority	1
5.		HR Manager- Sirisia Hospital	1
6.	Reuben Wanyama	Treasurer- Mt. Elgon	1
7.	Tom Obunga	Administrative Officer	1
8.	Dan Oswan	Hospital Administrator	1

- b) 54 persons presented permanent and pensionable letters of appointment signed by the Secretary to the Public Service Board in July, 2022.
- c) Two (2) presented their letters of appointment signed by the Secretary to the Public Service Board in June, 2017 as tabulated below.

No.	Name	Date of Appointment	Duty Station	Designation	Terms of Engagement
1.	Eric Masinde Kutiri	15.06. 2017	Department of Public Administration	Administrative officer II	Permanent
2.	Godffrey Simiyu Rombosia	15.06. 2017	Department of Health	Senior Support Staff	Permanent

II. County Casual Workers' Association

295 persons from the County Casual Workers' Association list availed themselves and submitted their documents for verification. From these, 88 presented their letters of engagement as casual workers, 24 had one renewal, four (4) had served as volunteers and had no formal engagement with the county government; while 60 were not renewed upon expiry of their term of service.

There were six (6) persons who presented themselves as casual workers; and were serving on either contract or permanent and pensionable terms and hold **personal service numbers** as under listed:

No.	Name	Personal Service Number	Duty Station	Designation	Terms of Engagement
1.	Faith Nanjala Wanjala	20170124606	Department of Public Administration	Civic Educator	Causal, Contract (2017)
2.	Millicent Nafula Mamili	20170026650	Department of Agriculture	Cooperative Officer II	Contract, Permanent (July, 2022)
3.	Collins Busuru	20170026641	Department of Agriculture	Cooperative Officer III	Contract, Permanent (July, 2022)
4.	Christine Nabalayo Nyongesa	20170026669	Department of Agriculture	Administrative Assistant	Contract, Permanent (July, 2022)
5.	Paul Maina Wekesa	20170054172	Department of Health	Senior Driver	Permanent (2017), (2022) Contract
6.	Stella Nafuna Nyongesa	20170045744	Department of Cooperatives	Senior Clerical officer	Contract, Permanent (July, 2022)

There were five (5) cases where individuals were appointed on 15th June, 2017 into permanent and pensionable terms of employment and have not been receiving compensation/dues. They presented themselves for verification and their details are as captured below:

No.	Name	Date of Appointment	Duty Station	Designation	Terms of Engagement
1.	Eric Masinde Kutiri	15.06. 2017	Department of Public	Administrative	Permanent

			Administration	officer II	
2.	Godffrey Simiyu Rombosia	15.06. 2017	Department of Health	Senior Support Staff	Permanent
3.	Winyi Nganga	15.06. 2017	Department of Agriculture	Assistant Cooperative Officer	Permanent
4.	Scovia Lucy Walumbe	1992	Department of Finance	Clerical Officer II	Permanent
5.	Denis Nabwela	1996	Department of Finance	Clerical Officer II	Permanent

From 405 persons who appeared for verification 259 persons held permanent and pensionable letters of employment issued by the Secretary to the Service board on July 22nd and July 29th, 2022; and were assigned to three different job categories as summarized below;

No	Job Group	Designation	Number
1.	A	Support Staff II	68
2.	D	Senior Support Staff	128
3.	F	Clerical Officer II	63
Total			259

Of the 405, 54 persons did not bear letters issued by the secretary of the County Public Service Board.

KEY OBSERVATIONS FROM THE SUBMITTED DOCUMENTS

Some letters of appointment issued to the Casual Workers and their corresponding renewals were executed on the same date.

There were cases where the Casual Workers absorbed into Permanent and Pensionable terms of service did not have a letter of appointment, but only had with them letters of recommendation from their supervisors.

Some letter(s) of renewal issued precede the dates on the letters of employment, while others cite a non-corresponding reference number and date of employment into service. In other cases, letters of renewal for contracts were being issued to casuals while their existing term had not lapsed.

There are individuals who presented themselves for physical verification bearing only letters of recommendation for voluntary service or evidence of serving on attachment with the various County government departments.

Others could not produce letters of appointment but had with them letters of, renewal (s) and letters of confirmation into Permanent and pensionable terms.

Committee's Findings on the Report of the Taskforce

In the year 2014, The County Government of Bungoma through the Department of Finance and the Directorate of Human Resource Commissioned a head count to ascertain the exact number of casual workers engaged in the County markets. The findings indicate that out of the total number of 383 persons who appeared for the exercise, 298 had letters of appointment.

In the recommendations of both the taskforce report, 2022 and the county Government team of 2014, the exact number of casuals engaged in the County Government of Bungoma could not be ascertained and they both recommend for a structured headcount that will enable the County filter out the exact number from the conflicting lists.

Upon perusal of the taskforce report the committee observed the following groups of purported casual workers:

No.	Group
194	From the taskforce recommendation No. 1 on the casuals with clear files in the establishment.
636	From the taskforce findings on the casuals who were issued with permanent and pensionable terms in July,

	2022.
463	Court awarded list through petition NO.1 of 2019
660	The second Court awarded list through petition NO.1 of 2019, but file currently unavailable.
383	From the report of the department on engagements and utilization of casual workers- June/July,2014
298	List of casual workers as at 2017
173	Casual workers Association list

During the physical verification exercise by this Ad hoc Committee, 405 persons availed themselves for the physical verification exercise. These were drawn from the court awarded list of 463 and the casual workers union list of 173.

List of 194 casuals with clear files

The Committee reviewed the said **194 files** as indicated in the taskforce findings and recommendations. The County Director of Human Resource submitted **a list and files of 171 Casual workers**, who were maintained and paid manually by the County Government of Bungoma until March, 2019. **(Annexed)**

From the Committee's analysis, **184 files** were provided against the payroll list of **171**. **155** of these files corresponded with the details on the payroll list (**List is Annexed**), while **29** of these files could not be traced on the provided payroll list (**List is Annexed**). The Committee was not seized with ten (10) files of the 194 Casual Workers.

The Committee **observed that only 155 cases had corresponding details to the payroll list as at March, 2019**. Of these, 116 had appeared during the physical verification exercise of the casual workers at the County Assembly of Bungoma.

Letters of employment from the Defunct County Council of Bungoma

There were a total of 72 letters of employment signed by Mr. Paul Mumelo who was an Administrative Officer in the County Council of Bungoma on behalf of the Clerk. The Committee allowed Mr. Mumelo to appear before it to authenticate the validity of the signature on the letters. He disowned 25 of the letters purported to have been issued under his signature that had been submitted by the Casual workers during the committee's physical verification exercise at the County Assembly. **(List is annexed)**

Committee Observations on the Taskforce Recommendations on Casual Workers in Bungoma County

Arising from the above findings, the Committee recommends as follows:

1. On the Task force recommendation that **194 casuals** in the County Government with clear files as at 2017 be considered for absorption into the County Public Service.

The Committee **in agreeing with the recommendation in the Task force report can only account for 155 cases that have corresponding details to the payroll list as at March, 2019.** Therefore, the **155 to** be considered for absorption into the County Public Service; while adhering to the provisions of Section 107 (2) c) of the Public Finance Management Act, 2012 as read together with Regulation 25 (1) a) and b) of The Public Finance Management (County Governments) Regulations, 2015.

2. The taskforce recommended that the County Government and the CPSB applies for a review of the list of persons who were presented as casuals in respect of petition NO.1 of 2019 in the Bungoma ELRC.

Upon scrutiny of the two list certified by the High Court Registrar dated 17th August, 2021, the Committee established that 105 persons (Annexed) appear in both lists. Therefore, the Committee finds merit on the recommendation by the taskforce that the County Government should expedite and seek for review and verification mechanisms in Petition No. 1 of 2019 to remedy the conflict from the two lists of 660 persons and 463 persons.

In so doing the County Government should indicate to the Court their expectations in the process.

3. The task force noted that the 403 persons recruited and appointed on neither of the Court awarded list nor among the list of casuals amounting to irregularities and illegalities in the recruitment process. It therefore recommended that the employment and appointment of the 403 on permanent and pensionable terms be recalled and nullified in Accordance with section 75 of the County Governments Act of 2012. It further recommends that the matter be referred to the relevant investigation authorities for appropriate action.

The Committee agrees with this finding; however the proposed action should be consequent to determination of the review on recommendation No. 2 above.

4. The Task force recommended for the development and enactment of a policy and procedure on recruitment and payroll management.

The Committee agrees with this recommendation

5. The Taskforce recommended for a head count to ascertain the exact number of casuals, especially those working without any formal letter of appointments or any records.

The Committee agrees with this recommendation

STAFF ESTABLISHMENT IN THE COUNTY

STATUS OF STAFF PAYROLL AND STAFF REGISTER

(i) The task force established that the Integrated Personnel Payroll Data (IPPD) for July 2022 showed there were six thousand, three hundred and thirty one (**6,331**) employees. Of these employees, **5535** person are on permanent and pensionable, 327 persons are on contract, 468 are on probation and one on temporary terms.

The taskforce found that the staff register had a total of 6777 persons and the IPPD (Staff on payroll) had 6331 persons. A variance of 446 persons categorised as permanent detachment (deletion, retired above 60, stoppage, contract expiry and temporary employees).

Submission by the County Director Human Resource

The County Director Human Resource appeared before the committee on 12th April, 2023 and submitted as follows;

That the County Payroll data comprised of the staff register and the IPPD, the register contains the names of all workers including those retired / dead but have not been cleared from the system. The IPPD contains active employees earning through the payroll.

Committee observation on the taskforce recommendation on Staff Payroll and Staff Register

The Committee having gone through Staff Payroll and Staff Register and the submissions by the Director Human Resource the committees agrees with the findings and recommendations as highlighted on page 55 of the taskforce report.

DEPARTMENTAL STAFF ESTABLISHMENT

The taskforce reviewed the staff establishment across twelve departments of County government namely;

- a) Department of Gender, Culture, Youths and Sports

- b) Department of Water
- c) Department of Trade, Energy and Industrialization
- d) Department of Tourism
- e) Department of Roads and Public works
- f) Department of Health
- g) Department of Public Administration
- h) Office of the County Secretary
- i) Office of the Governor
- j) Department of Finance
- k) Department of Education and Vocational Training and
- l) Department of Agriculture, livestock, fisheries and Cooperatives

There were three common themes emanating from the findings and recommendations of the taskforce. They include;

- i. Human resource management and development
- ii. Consideration of Technical skills
- iii. Creation and deployment Officers to directorates

Committee's Recommendations on the Taskforce Recommendation on Departmental Staff Establishment

The Committee recommends the specific departments to liaise with County Public Service Board to explore section 59 (1) (a) and 63 of the County Governments Act 2012, while paying attention on section 107 of the PFMA 2012 as read together with Regulation 25 of PFMA (County Governments) Regulations, 2015.

The Committee further recommends consideration of internal placements in its staff establishment.

STAFF DEDUCTIONS AND REMITTANCES

Introduction

Staff deductions refer to all deductions done by the employer at source before remitting the monthly net salary to the employee. There are two types of deductions, statutory deductions and third party deductions.

Statutory deductions include: National Health Insurance Fund (NHIF), National Social Security Fund (NSSF), Pay as You Earn (PAYE), Higher Education Loans Board (HELB) and Pension deductions.

Third Party deductions are deductions done by schemes or funds that are voluntarily joined by the employee. These include bank loans, SACCO contributions and loans and Welfare Associations such as Burial and Benevolent Fund (BBF).

Statutory Deductions

The task force scrutinized Payroll Schedules from IPPD, Statements from NSSF, NHIF, and LAPFUND, CPF and Electronic Fund Transfer (EFT) Documents Confirming the Actual Payments from the department of finance.

The task force established a summary as indicated in the table below;

Analysis of NHIF, NSSF, PSSS, LAP Fund and CPF Remittance status from December 2021 to August 2022

	Amount Due (KSHs)	Amount Paid (Kshs)	Variance (Kshs)
Lap Fund	239,886,220.60	50,210,615.35	(189,675,605.25)
Lap Trust Contribution	117,413,959.70	37,175,537.30	(80,238,422.40)
Lap Trust Benefits	17,963,422.25	11,028,416.75	(6,935,005.50)
NSSF	11,902,019.20	11,902,019.20	-
NHIF	64,845,300.00	7,164,845,300.00	-
PSSS	45,458,274.40	-	(45,458,274.40)
Total	497,469,196.15	175,161,888.60	(322,307,307.55)

Overall Remittance summary as from December 2021 to August 2022

S/no	Month	Amount Due (Ksh)	Amount Paid (Ksh)	Variance (Ksh)
1.	Dec 2021	51,952,579.25	29,509,366.20	22,443,213.05

2.	Jan 2022	52,248,368.70	29,065,851.40	23,182,517.30
3.	Feb 2022	52,719,028.25	13,241,966.05	39,477,063.20
4.	March 2022	57,398,123.05	13,595,070.05	43,803,053.00
5.	April 2022	56,494,088.85	13,425,181.75	43,068,907.10
6.	May 2022	56,146,047.45	9,948,848.40	46,197,199.05
7.	June 2022	56,403,056.15	9,982,167.80	46,420,888.35
8.	July 2022	57,156,470.05	22,017,035.50	35,139,434.55
9.	August 2022	56,941,434.40	34,366,401.45	22,575,032.95
Total		497,459,196.15	175,151,888.60	322,307,307.55

The Task force Findings on Remittances

1. The County did part payment of the remittances i.e. out of Ksh 497,459,196.15 only Ksh 175,151,888.60, leaving an arrears of Ksh 322,307,307.55
2. After verification of individual and pension statements, the Task force established that the employees who exited service as from the year 2019 to date have not been able to access their pension and gratuities in full.
3. The amount captured above does not include penalties and interests on the non-remitted amount.
4. The Task force observed that the amount deducted from employees and or employer contributions are remitted partially to various bodies.
5. The Task force observed that the statutory timelines for remittances were not observed by the County, attracting huge penalties;
 - i. Arrears attract a monthly penalty of 3%.
7. Based on the documents received from Lap Fund and Lap trust/CPF, the County Government of Bungoma is in arrears as follows;

i.	Lapfund	522,844,905.56
ii.	Laptrust/CPF	158,380,230.23
iii.	PSSS	82,575,779.50

Total

763,800,915.32

7. The Task force established that the department had not given the exact status of payments / remittance with regard to LAP Fund and GoK-PSS schemes as at the time of writing of the Task force report

Submissions by the Human Resource Directorate

The Director Human Resource in his written submission to the Committee stated that the County Government had initiated a reconciliation process with the LAP Trust on the settlement of the outstanding amounting Kshs.138, 823,702.73, stipulated into principal account of **Kshs. 81,848,575.95** and interest accrued from 2013 amounting to **Kshs. 56,975,126.78**

On NHIF and NSSF deductions the submissions of the statements evidenced payments being up to date

Committee's Observations Staff Deductions and Remittances

The Committee could not find reasonable justification as to why the LAP TRUST sums were deducted and never remitted and where the deducted sums were channeled to.

This is in contravention of **Section 19 (4) of the Employment Act** which provides that the employer shall remit the deducted sums in accordance with the time period, and other requirements specified in the law, agreement court order or arbitration as the case may be.

The consequences of non-remittance of deducted sums are stipulated under subsections (5) and (6). Subsection (5) provides that *an employer who fails to comply with the provisions of subsection (4) commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.*

Subsection (6) provides that where proceedings are brought under subsection (5) in respect of failure by the employer to remit deductions from an employee's remuneration, *the court may, in addition to fining the employer order the employer to refund to the employee the amount deducted from the employees' wages, and pay the intended beneficiary on behalf of the employee with the employer's own funds.*

There is therefore the risk of the County Government suffering further expenditure as a result of the defaults outlined above.

Recommendations on Remittances

1. The payroll accountant should carry out monthly reconciliation on statutory payments and report to Chief Officer Public Service and Management for onward transmission to the County Executive Committee.
2. The Personnel Emoluments Budget should be handed over to the department of Public Service Management and Administration for control and accountability.
3. The County should prioritize payment of unremitted statutory deduction to the relevant schemes/bodies to avoid incurring further penalties.

4. The statutory deductions should be paid at the stipulated time to avoid penalties resulting from late payments such as PAYE and NHIF by 9th of the Succeeding month and Lap fund and Lap trust/CPF and PSSS by 15th of succeeding month.

Committee's Recommendations on the findings of the Task force

The Committee agrees with the recommendations of the Task force as highlighted on page 72 of the report.

D). Burial and Benevolent Fund

Burial and Benevolent Fund deductions forms part of the third Party deductions done on schemes or funds that are voluntarily joined by the employees

The Task force noted that the Burial and Benevolent Fund (BBF) was established through the Bungoma County Government Staff Burial and Benevolent Fund Constitution in 2015 by the employees of the County Government with the following objectives:

- i. To collect contributions from the fund members for purposes of pooling resources to assist families of the deceased members.
- ii. To assist children of diseased members by establishing a scholarship programme

Status of the Burial and Benevolent Fund (BBF) Bank Account

The Director Human resource provided evidence that the account was closed by the Chief Officer of the County Secretary vide the letter dated 12/11/2023 (**annexed**) and as a result thereof as at October 2022 the account remittance had not been made. The Director however provided remittances made eight months prior to the stoppage by the Chief Officer which amount to **Kshs 9,885,239.00**

The Human resource Policies and Procedures manual for the public service provides under Section D.16 (1-4) transport facilities on bereavement; That a budgetary allocation of **Kshs 6,000,000/=** across all departments would sufficiently cater for the same.

Task force findings on Burial and Benevolent Fund

1. The taskforce observed that the fund operated so well between the years 2016 to the year 2020 when there was massive exit of the employees and complains of mismanagement.
2. The taskforce also noted that the County Secretary and the Head of Public Service through the letter Ref: CG/BGM/CS/GEN/VOL.1 dated 21st November, 2021, stopped the automatic deductions for members from the payroll effective November, 2021.
3. The taskforce observed that Regulation D.16 of the HR Policies and Procedure Manual for Public Service May 2016, dealing with transport facilities on bereavement has not been implemented by the County government.

Submission by the Director Human Resource on BBF

- **Burial and Benevolent Fund-** That the bank account for this fund was closed by the Chief Officer in the office of the County Secretary and the bank account was closed on 12th November 2021 by the Chairman of the Fund. The submission further indicated that as at from March to November, 2021 thus eight (8) months totaling to **Kshs. 9,885,299.00.**

Taskforce Observations/Recommendations on Burial and Benevolent Fund

1. The deductions of the amounts remittable to the burial and benevolent fund ordinarily falls under section 19 of the Employment Act and proper controls thereunder therefore ought to be exercised.
2. A forensic audit of the Fund to be instituted
3. Disciplinary action to be taken against those found to have flouted the code of conduct
4. The matter to be referred to relevant investigating agencies for appropriate action.
5. The Management to facilitate proper establishment and registration of the Fund and a democratic election of the Fund leadership to be conducted
6. Any outstanding claims to be paid.

Committee's Observations on the Task force findings

The Ad hoc Committee established that the BBF did not operate with an approved Constitution registered by the Government of Kenya.

1. After closure of the Fund the expenditure report on the amount Kshs. 9,885, 229.00 for the period March - October, 2021 was not given.

Committee's Recommendations on the Task force findings

1. The Committee recommends that the County Directorate of Human Resource champions for the establishment of the Burial and Benevolent Fund for the County Government workers and enables the preparation of a Constitution of the Fund approved by the members and registered by the Government of Kenya.
2. The Directorate of human resource should follow up on the accountability of Kshs. 9,885, 229.00.

E). COUNTY WAGE BILL

Wage bill is defined as total sum of gross salaries and wages. The Kenya Constitution 2010 in Article 201 on fiscal responsibility principles stipulates the measures of control in matters wage bill.

According to the PFM Act Sec 107 (2) (c), the County Government's expenditure on wages and benefits for its public officers shall not exceed the percentage of county Governments total revenue as prescribed by the County executive Member for Finance in regulations and approved by the County Assembly

Regulation 25 of the PFM (County Governments) Regulations, 2015 on County Fiscal strategy states that; (1) *In addition to the fiscal responsibility principles set out in the Fiscal responsibility under section 107 of the Act, the following fiscal responsibility principles shall apply in the management of public finances-*

- a) *The County Executive Committee Member with the approval of the County Assembly shall set a limit on the County Government's expenditure on wages and benefits for its public officers pursuant to section 107(2) of the Act;*

- b) *The limit set under paragraph (a) above, shall not exceed thirty five (35) per cent of the county government's total revenue.*

The Bungoma County Wage bill for 2022/2023

The Task force therefore sought to establish the current status of the wage bill level based on the approved budget for FY 2022/2023 as follows.

To calculate the wage bill we divided Personnel Emoluments (PE) budget (salary and wages) with the approved budget and multiplied by 100. The approved budget consists of recurrent and development budget.

Thus:

Personal Emoluments Budget		<u>5,822,747,462</u>
Approved budget	12,914,280,462	*100 =45.08%

Findings on Wage Bill

As per the above, the wage bill level for Bungoma County Government is beyond the acceptable level by 10%; thus need for control.

Submissions by the Director Human Resource

- **Position of County Wage bill-** the Director Human Resource submitted the status as at 2022/2023 being at 40% where the total personnel emoluments stands at **Kshs. 5,957,557,511.00** against our total County Budget of **Kshs. 14,821,204,141.00**.

The required personnel ratio should be 35% which should be realized through increment in revenue raising measures and collection; withholding of new employment across all departments. This could also be achieved through internal placements; enhancement of internal controls through regular payroll cleansing.

That the current wage bill stands at 40.20% deduced from the fact that the total personnel emoluments stand at **Kshs. 5,597, 547,511.00** as against the Total County budget of **Kshs. 14,821,204.00**.

Committee's Observations on the Task Force Report on the County Wage Bill

The current wage bill is in contravention of the provisions of Section 107 (2) c) of the public finance Management Act as read together with Regulation 25 (1) a) and b) of The Public Finance Management (County Governments) Regulations, 2015, which provide that the county government's expenditure on wages and benefits for its public officers shall not exceed 35% of the county government's total revenue.

The Department proposes the following measures to comply with the legal requirement;

- a) Raising the county revenue collection
- b) Withholding new employments across all departments save for internal recruitments
- c) Enforcement of internal controls like payroll cleansing

The department never submitted any evidence of payroll cleansing or how regular the process is conducted and the regulations or guidelines under which the same is executed.

Task force recommendations on the Wage Bill

To curb the ballooning wage bill in the County;

- 1) Optimize the collection of the own revenue to increase the receipts
- 2) Utilize the existing human resource through promoting internal recruitment to minimize on external hiring.

- 3) Efficient wage bill management and reforms in payroll system will help deliver expenditure savings.
- 4) Cleansing and regular audit of the payroll system to edge out ghost workers, strengthening of the payroll system and rationalization could result into potential fiscal savings
- 5) Ensure the operational effectiveness of the establishment control and payroll control to mitigate risks related to the accuracy of payroll transactions.
- 6) Avoid any payment within the county by use of vouchers
- 7) Avoid direct expenditure at the source

Committee's Recommendations on the Task Force Recommendations on the County Wage Bill

The Committee agrees with the recommendations by the task force as indicated on page 75 of the report.

F). Review of staff establishment processes

Findings on recruitments

The Task force established the following issues affecting recruitment of new staff in the County;

- Lack of approved County Staff establishment and organization
- No annual Staffing plans
- Inadequate technical staffing levels in the departments
- Lack of developed or customised policies on staff recruitment, it relies on public service circulars
- There were cases of political interference in recruitment processes
- Lack of independence in the human resource directorate, its domiciled in the office of the County Secretary
- Poor work environment in CPSB (COUNTY PUBLIC SERVICE BOARD), members don't have adequate offices to operate from and lack of independence and budgetary allocation for board operations

Committee's Recommendations on the Task Force Recommendations on Recruitment

The Committee agrees with the findings of the taskforce on lack of an approved County Staff establishment and organization; Staffing plans; Inadequate technical staffing levels in the departments; Lack of developed and customised policies on staff recruitment; political interference in recruitment processes and Lack of independence in the human resource directorate which is domiciled in the office of the County Secretary.

Further, the Committee recommends for sufficient budgetary allocations through subsequent appropriations.

RECRUITMENT OF VILLAGE ADMINISTRATORS

OBSERVATIONS FROM THE TASK FORCE REPORT

The advertisement for the positions of Village Administrators was done on 2nd November, 2020. It attracted 5792 applicants, of whom 3775 were shortlisted.

The Shortlisting exercise of the 3775 applicants was done as from 29th March to 8th April, 2021.

Minutes of the recruitment process

The minutes of the different stages of the recruitment process of the Village Administrators were not provided as requested by the Taskforce and that it was reported that the minutes were not available.

Analysis of qualifications of the appointed Village Administrators

The Task force established that out of the 236 Village Administrators only 234 were deployed and put on payroll. The Task force undertook a verification exercise of the 234 and discovered as follows:

1. One (1) Village Administrator namely Namulala Oscar Manyonge of Kolani Village in Namwela Ward did not appear before it and no reason was given for his non-appearance. pg 79 of the report.
2. Eighteen (18) Village Administrators in the following Villages (Pwani, Kibuke, Lwanja, Muchi, Chetambe, Marinda, Sinoko, Wabukhonyi/Misemwa, Bokoli, Makhanga, Miendo, Lower, Malaha, Sirende, Matulo, Upper Namutali, Mabusi, Namusasi and Chebukutumi, did not appear in the application register but were shortlisted, appointed and deployed.
3. Two (2) Village Administrators for Hospital and Malaha Village Units did not apply, were not shortlisted but were appointed and deployed.
4. One (1) person (Kefa Benard Ong'ana) presented Certificates from Uganda without evidence of equation by Kenya National Qualification Authority (KNQA).
5. Two (2) persons from Mukhe and Korng'otuny village units were under age as at the date of application and appointment.
6. Twenty six (26) Persons had suspicious academic papers that required verification by the KNQA.
7. Three (3) persons did not meet the minimum academic requirement for the position of Village Administrator (Samboji/Kashok, Bukembe and Mabusi Villages).
8. Thirty (33) Persons were above Forty five (45) years of age as at the date of employment and were put on permanent and pensionable terms.
9. Four (4) persons from Sitabicha, Kapsokwony, Misimo and Chebukutumi did not present original copies of certificate on claims of either them being burned or misplaced.
10. Four (4) persons from Watoya, Matisi, Kombo and Khalumuli presented transcripts only claiming that they have not picked their Certificates on account of fee balance.
11. Two (2) Village Administrators were appointed but never deployed; however Kimurio Kipruto Fobiana of Masaek Village in Kapkateny Ward was not deployed but has been working. There is one Nicholas Chechu Chesebe, whose Ward and Village Unit of deployment is not indicated.

Taskforce Recommendation

1. The Village Administrators who did not meet minimum qualifications should have their employment revoked under Section 75 of the County Government Act.
2. Administrative action should be taken against Officers who flouted the laws in recruitment of Village Administrators.

Submissions from Witnesses

I. Chairperson, Human Resource Taskforce

The Chairperson while appearing before the Ad-hoc Committee submitted that the process of advertising, application and shortlisting for the candidates was followed and documented. However, there were cases where some of the appointees never applied for the positions, were never shortlisted but were appointed.

He further submitted that County Public Service Board (CPSB) never availed any minutes of the recruitment process.

From its analysis, the taskforce noted that most of the successful candidates considered to the positions of Village Administrators did not attain the minimum requirement of post form four education. Additionally, posting of the village administrators in areas that were not of their origin went against provisions of the Decentralized Units Act, 2015.

II. Secretary County Public Service Board

The Secretary while appearing before the Committee submitted that there were flaws in the process of recruitment of the Village Administrators and that the County Public Service Board had initiated mechanisms to regularize the anomalies pursuant to Section 75 of the County Government Act 2012.

The Board had initiated the process of correction of administrative errors committed during the recruitment as evidenced by the provided list of revised Village Administrators.

Additionally, he submitted that correspondence had been done to the Kenya National Qualifications Authority (KNQA) to ascertain the academic qualifications of 26 Village Administrators, to guide the CBSP in the process of revocation of appointments that were deemed irregular. The Secretary stated that the recruitment process was followed up to the level of selection when rifts occurred amongst the members of the Board, which was occasioned by political interference and other varied interests.

III. County Public Service Board

Members of the Board appeared before the Committee and submitted that, the recruitment process for the Village Administrators was followed from the advertisement to Shortlisting; during which the Board Members worked as a team.

The Members admitted that they participated in selection process up to the time when they were invited to a conference in Mombasa, where they abandoned the process before they could finalize the selection of village Administrators in two Wards; in Kanduyi Sub county and Mt Elgon Sub county.

That the abrupt finalization of the recruitment process left the CPSB deeply divided as they cited political interference to have taken a toll on the process.

COMMITTEE FINDINGS

The Committee made reference to a letter dated 4th April 2023 reference CPSBB/C.A. B/VOL.II (80) in which the County Public Service Board submitted documents on the recruitment process file for Village Administrators among other documents.

The submitted documents contained intent for Village Administrators position from the department of Public Service Management and Administration.....

Hon. Ali Machani: Thank you, Honourable Speaker. As much as some of us are seated here we are following this report very keenly but is it in order for Honourable Members to be recording such a proceeding which I know they want to use as evidence.

(Temporary Speaker takes the seat, Mr. Speaker leaves)

I don't want to mention names but I have them. You know when I am seated here, I only rest my eyes but my mind and the IQ is very high. I can mention the names but is it in order?

Mr. Temporary Speaker: Hon. Ali Balala, I think to justify your sentiments, you are supposed to mention the names of those who are recording

Hon. Ali Machani: Mr. Speaker, I know if you get their phones for majority of them, you will see them recording. When I say this when you move around they are struggling to replace their phones but they are recording. I can mention if you give me permission

Mr. Temporary Speaker: I think Hon. Ali Machani has failed to substantiate...

Hon. Ali Machani: Hon. Kawa and Opwora have been recording and if you can get their phones now ...

Mr. Temporary Speaker: Let me confirm from Hon. Kawa. Have you been recording this proceeding?

(Loud Consultations)

I request Hon. Kawa before you can address the House.

(Loud Consultations)

(Laughter)

(Mr. Speaker resumes the seat, Temporary Speaker leaves)

Mr. Speaker: Sorry Members, that's why we require new chambers so that we don't have doors interrupting. I am informed of Hon. Ali Machani's point of order.

Hon. Ali Machani: I have been following report keenly because I have an elective area and I know the time I have raised this thing, the time the Honourable members are struggling on their phones because they have been recording the proceedings which is not within the law and I have mentioned them and others are still struggling even from my side. I don't know but the Honourable Members have been recording the report on the floor, so I don't know how they are going to use it, it is within their knowledge.

Mr. Speaker: Yes, Hon. Makari

Hon. George Makari: I wouldn't wish to interrupt my senior Hon. Ali Machani but I am wondering how he could see Hon. Opwora this side recording while he is sitting at the far end and then before we proceed with that trajectory, Honourable Speaker, check Standing Order No.33. I want to say that seeing that Hon. Tony Khaoya might read this report even after 1:00 p.m, so I was thinking of moving a motion and it must be moved 30 min to the appointed

time of adjournment so that when we reach 1:00 p.m. we can be able to adjourn so that Hon. Tony can resume the motion at 2:30 p.m.

Mr. Speaker: Honourable Members, I have been checking that Standing Order before I walked in. If the business we are transacting surpasses 1:00 p.m then we may have to sit up to 1:00 p.m but the nature of the report we are having, we will sit up to exactly 1:00 p.m and resume by 2.30 p.m. as per Standing Order No.35 and start from where we stopped. So even for you sitting here since that 9:30 a.m., I'm having 1 hour and 30 min break to re-energize and come back prepared is good.

So members the best thing we could do is just have report moved, once it is 1:00 p.m. we will adjourn from where it has stopped take a health break for one hour and come back at 2:00 p.m. Of course when we come back, we will have a supplementary Order Paper covering this item.

Now that is cured. The 2nd thing that we were discussing before we came in was the issue of Hon. Ali Machani indicating that basically some of the Honourable Members were recording. Members looking at our Standing Order No.248 then going down on television broadcasting, Members it is very clear who is authorized to record. Once you record and use it out, there we will disown it because it is not part of our proceedings here, ours must be authorized proceedings or Kawa you are taking the photo of your senior here then...

(Laughter)

I will advise take the photo of Hon. Florence for you somewhere else not the one like Hon. Ali Machani. It won't assist you anywhere. Let's proceed or you can take the one for Hon. Job Mukoyandali, it can assist you somewhere.

Hon. Tony Khaoya: Thank you for the ruling Honourable Speaker.

Mr. Speaker: Now when you see a Honourable Member starts referring to a fellow MCA who is a male to be a lady, then there is problem somewhere.

Hon. Tony Khaoya: Thank you, but I think the recordings are done there at the HANSARD and any member who would want to get the recording can get it from there.

While appearing before the Committee, the Board Members submitted that the exercise was politically interfered at the point of selection of the successful candidates.

Analysis of the qualifications

a) Non-appearance of Namulala Oscar Manyonge

The Sirisia Sub County application register (Namwela Ward, Kolani Village Unit) indicates that Namulala Oscar Manyonge supposedly applied as candidate 387 on 20th November 2020.

In the submitted bio data list/ candidate profile list, the candidate was not amongst the 18 applicants captured under Kolani Village Unit.

However, the candidate was shortlisted as candidate 219 (Pg. 61) and was scheduled to appear for interviews on 20th May, 2021 at noon.

In the appointment list, he appeared as number 147 and was indicated as PWD.

From the information, it could be inferred that the candidate in question did not apply for the position but was shortlisted, appointed and deployed.

Committee Observations:

b) There were candidates who were not captured in the bio data but appeared in the application register, were shortlisted and consequently appointed. Absence of the candidate details in the bio data could be an indication that the name could have been inserted later in the process.

c) There are Village Administrators who did not appear in the application register, but were shortlisted, appointed and deployed.

d) The Board jointly did not follow the right procedure during the shortlisting process.

e) The Committee noted that the following 18 names were captured in the Taskforce report as not appearing in the application register. However, scrutiny of the submitted application registers revealed that 17 of the 18 applicants listed had actually applied for the position contrary to the taskforce report. Their details are as captured below.

No.	Name	Sub-County	Ward	Village Unit	Application Register	Shortlist Number	Appointment List Number
1.	Fred Juma Wafumbwa	Bumula	West Bukusu	Kibuke	825	455	64
2.	Andreas Wekesa Kiveu	Webuye East	Maraka	Muchi	289	52	4
3.	John Namisi Kiveu	Webuye East	Mihuu	Chetambe	238	92	7
4.	Martin Wasike Wamuchele	Webuye East	Ndivisi	Sinoko	247	216	16
5.	Fred Macdonald Mabonga	Webuye East	Ndivisi	Wabukhonyi/ Misemwa	36	244	18
6.	Timothy Simiyu Wasike	Webuye West	Bokoli	Bokoli	506	21	19
7.	Daniel Mukhwana Omar	Webuye West	Bokoli	Miendo	405	71	22

8.	Pamela Masafu Nasimiyu	Webuye West	Matulo	Lower Malaha	355	96	24
9.	Zebedayo Walukhu Kituyi	Webuye West	Matulo	Upper Matulo	481	166	28
10.	Mercy Nanjala Masibo	Webuye West	Sitikho	Namutali	78	283	39
11.	Solomon Nayeleye Wafula	Sirisia	Malakisi/	Solomon Nayeleye Wafula	207	118	141
12.	Godfrey Masika Wanjala	Bumula	West Bukusu	Lwanja	411	483	65
13.	Linet Nangila Barasa	Webuye West	Misikhu	Sirende	187	230	34
14.	Christine Manyifu Wekesa	Bumula	Bumula	Mabusi	500	78	44
15.	Peter Oduor Magero	Bumula	Khasoko	Namusasi	411	162	149
16.	Martin Wafula Musekese	Webuye West	Bokoli	Mahanga	117	35	20
17.	Mukanda Wanjala Justus	Webuye East	Ndivisi	Marinda	132	211	15

It was observed that the two (2) names Mukanda Wanjala Justus and Linet Nangila Barasa were erroneously captured in Makuselwa Village unit instead of Marinda and Marulo Village unit instead of Sirende in Misikhu respectively.

One Peter Wabwile Wekesa of Pwani Village unit in Naitiri- Kabuyefwe Ward admitted before the Task force that he applied for the position but was appointed and deployed. The Committee therefore observed that he was the only individual who fits in this category.

f) There were Village Administrators, who did not apply, were not shortlisted but were appointed and deployed.

The Taskforce report highlighted two names: Margaret Akinyi Arum of Hospital Village Unit, Township Ward and Rebecca Namukhosi Khaemba of Malaha Village Unit, Matulo Ward in this category.

Observation

The Committee noted that the Taskforce report erroneously indicated Hospital Village unit under Township Ward, yet it is domiciled in Matulo Ward. Scrutiny of the bio data register revealed that Margaret Akinyi Arum (23) was captured as candidate No. 44 with a computer certificate, while Rebecca Namukhosi Khaemba was registered as candidate number 92. Both of them were given appointment letters but were not in the shortlist.

The committee concludes that the two names were erroneously captured under this category and should be captured in category (b) above.

g) Ugandan Certificate

The Taskforce report highlights one Kefa Bernard Ong'ana of Kamarumba Village Unit, Kimaeti Ward who presented Ugandan O-level and A-level certificates without any evidence of equation by KNQA.

Observation

The Committee's scrutiny of the bio data register showed that the candidate's academic qualification is UCE DIV.I and was indicated as not having attained the minimum requirement. The shortlist however indicates that the candidate was shortlisted and scheduled for interviews on 6th May, 2021 at 12:00 noon; later appointed and deployed (No.59)

h) Underage Village Administrators

The report indicated that there were two persons whose records indicate they were below 25 years (requirement) at the time of application. They are;

- Sirengo Brayan Amtala of Mukhe village Misikhu ward was 23 years. The date of birth as indicated was 10th February, 1997 in both the taskforce report and the bio data register. It was however noted that the ID number indicated in the application register was 33673451 but was erroneously entered in both the bio data register, shortlist and appointment list as 2463820. This error could be attributed to administrative errors/ data entry errors.
- Chebus Esther Cherotich of ID No. 32728013 from Korngotuny Village, Chepyuk Ward was 24 years, date of birth indicated as 19th April 1996.

Observation; the Committee noted that the Taskforce had cleared one of the applicants under this category, one Chebus Esther Cherotich of ID No. 32728013 from Korng'otuny Village, Chepyuk Ward. The Committee holds both as ineligible for appointment since they were below the prescribed age at the time of application. It therefore concludes that the appointing authority did not honor the requirements as stipulated in the advert.

- The taskforce report indicated 26 persons who were employed but had suspicious academic papers that require KNQA verification. They are;

No.	Name	Sub-County	Ward	Village Unit	Biodata Qualification	Taskforce report Qualification	Remarks

1.	Khakasa Shilah Chembeni	Webuye East	Ndivisi	Sitabicha	KCSE Cert Computer Cert	KCSE Cert Cert. in Public Relations from Shifield Institute of Engineering and Technology-Nakuru	Committee to stick to qualifications submitted during the application. Candidate cleared by Board
2.	Mutali Susan	Webuye West	Matulo	Townshi p West	Not Captured in the bio data & application register but shortlisted	KSCE cert Certificate in Community Dev. From Bungoma Institute of Business & Tech	Appointed as VA in Township West Village
3.	Konyela Phanice Nafula	Webuye West	Sitikho	Kakiman yi	Certificate in Beauty Therapy	KSCE Cert Certificate in ECDE from Milo TTC	Appointed as VA(35) based on cert provided during application
4.	Masibo Minos Chelongo	Kanduyi	West Sang'alo		Not captured in the bio data ,application register & shortlist	KCSE Cert Dip.in Social Work and Community Dev. From Kobujoi Institute	Appointed as VA(75) Not Qualified
5.	Sifuna Ledycia Khaoma	Tongare n	Soysamb u/Mitua	Narati	Dip. in Information Systems from Kenya College of	KCSE Cert Foundation Diploma from IMIS from Kenya College of Accountancy(now	Appointed as VA(174) Disqualified by CPSB in the revised

					Accountancy	KCA Univ)	list
6.	Wasike Jesse Wafunafu	Webuye East	Ndivisi	Lutacho	No qualifications, but was shortlisted & appointed	Dip. in Theology from Discover Bible School	Appointed as VA(13)) Disqualified by CPSB in the revised list
7.	Rael Wambulwa	Webuye East	Mihuu	Mihuu	Not captured in the bio data, but shortlisted	Cert. in Counseling psychology from Webuye Training Centre	Appointed As VA(9) Documents to be certified by KNQA as per CPSB revised list
8.	Cleophas Simiyu Wanjala	Kanduyi	Bukembe West	Nalutiri	Shortlisted & appointed but not captured in the bio data	Diploma in Public Relations from Bungoma Institute of Business Technology	Appointed VA(81) Disqualified in the revised CPSB list
9.	Toili Elizabeth	Kimilili	Kibingei	Khwiroro	KCSE Cert Diploma in Business Management from KNEC	Certificate in Computer Packages and result slip for Diploma in Business Management	Appointed as VA(222) Disqualified by CPSB in the revised list -No qualifications and did not come from the village)
10.	Wakoli Isaiah	Sirisia	Namwela	Kikai	KCSE Cert Diploma in	Transcript for Diploma in Business	Appointed as VA(146)

	Nyongesa				Business Administration from Bungoma Institute of Business Technology	Administration	Disqualified by CPSB revised list due to lack of documents 11.
11.	Andreas Wekesa Kiveu	Webuye East	Maraka	Muchi	No documents submitted	Certificate from Bungoma Institute of Business and Technology	Appointed as VA(4) Disqualified due to lack of documents in the CPSB revised list
12.	Mukonambi Paul Mutai	Tongaren	Milima	Nabing'enge'	KCSE Cert Computer Cert	Certificate from Bungoma Institute of Business and Technology	Appointed as VA(160) Disqualified by CPSB in the revised list
13.	Benson Waliaula Wotia	Sirisia	Namwela	Mutonyi	KCSE Cert Diploma in Business Administration from Migori/Kenya Methodist Universty	Diploma from Migori School of Guidance and Counseling	Appointed as VA(149) Documents to be scanned & confirmed from Kenya Methodist University
14.	Justus Mukanda Wanjala	Webuye East	Ndivisi	Marinda	KCSE Cert Diploma in Computer Studies	Certificate in Computer Studies from Nyanchwa Technical Institute	Appointed VA(15) To avail documents as

					from Nyanchwa Technical Institute		per the revised CPSB
15.	John Namisi Kiveu	Webuye East	Mihuu	Chetambe	No KCSE Cert attached Cert. in Computer Package	No KCSE cert Cert. in Computer Packages from Uptech Computer Education	Appointed as VA (7) Disqualified in the CPSB revised list
16.	Benson Lusweti Mwangale	Kimilili	Kamukuywa	Kimakwa	Not in the Bio data, but shortlisted and appointed.	KCSE Cert Cert. in Computer Packages from Cyber Cafe	Appointed as VA (215)
17.	Christopher Wafula Sirengo	Kimilili	Kamukuywa	Mbogi	KCSE Cert. Cert. in Computer Systems & Application	Computer packages as only qualification	Appointed as VA(218)
18.	Samuel Murunga Wanyama	Kanduyi	Bukembe West	Ekitale	No qualifications provided in the bio data	Computer packages as the only qualification	Appointed as VA(78)
19.	Andrew Sikwany Wanyama	Kanduyi	Bukembe West	Kisuluni	KCSE cert Cert. in Computer Application packages	Computer packages as the only qualification	Appointed as VA(80)
20.	Elias	Kanduyi	Khalaba	Namuye	KCSE Cert	No post-secondary	Appointed as

	Kuloba Wamalwa			mba	Computer Packages	qualification. Only computer packages	VA(90)
21.	Isaa Swahili Wekesa	Kanduyi	Musiko ma	Sio	KCSE Cert Cert. in Computer packages	No post-secondary qualification. Only computer packages	Appointed as VA(95)
22.	Simon Gathairu Maina	Kanduyi	Townshi p	Central Townshi p	Not captured in the Bio data, but shortlisted and appointed	Only computer packages as post- secondary	Appointed as VA(97)
23.	David Sikiriet William	Mt. Elgon	Chepyuk	Kaimkul	No qualificatio ns in the Bio data	Only computer packages as post- secondary	Appointed as VA(195)
24.	Benard Lukhoba Nyongesa	Bumula	Khasoko	Mungore	Computer Certificates from Glory Digital Centre	Certificate in Guiding and Counseling from Dutch Foundation White Fields International	Appointed as VA(47)
25.	Potifa Ndiwa Chesori	Mt. Elgon	Cheptais	Kipsis	Driving licence	Computer packages from Yako Digitech Computer of Science & Technology	Appointed as VA(184)
26.	Solomon Nayele Wafula	Sirisia	Malakisi/ South Kulisiru	Chebuku tumi	Not captured in the Bio data but shortlisted	Certificate from Sang'alo Institute of Technology	Appointed As VA(141)

Observation; Persons who did not meet the minimum required of post form four qualifications were erroneously placed under this category as it was not necessary for their documents to be certified by KNQA.

The Committee concluded that a post form four qualification is one that requires mandatory completion and proof of certification of a Kenya Secondary School Examination or its equivalent prior to undertaking/ admission.

j) The Taskforce report highlighted three persons who did not meet the minimum academic requirements for the positions namely; Osibo Tobias Kimutai from Sambocho/Koshok Village Unit in Elgon Ward, Emmanuel Nyongesa Barasa from Bukembe Village, Bukembe East Ward and Christine Wekesa Manyifu from Mabusi Village, Bumula Ward.

The submitted bio data indicated that Emmanuel Nyongesa Barasa submitted a certificate in P1 from Kamagambo TTC while Christine Wekesa Manyifu had submitted certificates in General Agriculture from Gilgil NYS and computer certificates.

The committee observed that these two applicants (Emmanuel and Christine) were erroneously captured under this category.

Additionally, the report highlighted four (4) persons who presented only copies of certificates with police abstracts on basis that the certificates were either misplaced or burned.

Mwanamisi Asambo Kombo(Sitabicha Village), Protus Kiboi(Kapsokwony village) and Solomon Nayele Wafule were all disqualified by the CPSB due to lack of the requisite qualifications.

Jimmy Makuto Soita of Misimo Village (Mihuu Ward) was captured as having submitted a Diploma Certificate in Information Science from KNEC and Computer certificate. The revised CPSB list qualified his appointment.

Observation: That the CPSB did not do due diligence on the applicants documents.

k) The taskforce report further highlighted 33 persons who were appointed but were 45 years old and above as at the date of appointment. The Taskforce report indicated that the PSSS (**public Service Superannuation Scheme**) Circular provides that persons above the age of 45 shall not automatically join the Scheme, but can voluntarily do so.

Observation; *The Labour court ruling in November 2019 on Teachers Service Commission observed the Circular limiting age of employment to those below 45 years as discriminatory, unreasonable and unconstitutional*

k) The report indicated four (4) persons who presented only transcripts on claims that they had not picked their certificates on account of fees balances. Amongst them, three were disqualified in the revised list, while one Tobias Namusonge Wekesa was qualified.

General Observation

Following the Committee's interrogation of the CPSB, it confirmed that the Board had initiated the review process of the Village Administrators' employment list pursuant to Section 75 of County Government Act, 2012 with the following summary (**Annexed**)

- 1 Category one. Those that met the qualification- 125
- 2 Category two. Those whose documents were to be forwarded to KNQA- 3
- 3 Category three. Documents not questionable after review- 37
- 4 Category four. Disqualified- 59
- 5 Category five. Under age- 2
- 6 Category Six. Not applied and not interviewed- 2
- 7 Category Seven. Not in IPPD- 2

The total number of Village Administrators who were recruited is 236. The percentage of those whose recruitment is valid stands at 52% and those with questionable issues at 48%.

Committee's Recommendations on the Task Force Recommendations

The Committee agrees with the Task Force recommendation that:

1. The Village Administrators who did not meet minimum qualifications should have their employment **reviewed** under Section 75 of the County Governments Act, 2012.

2. The Committee disagrees with the Task Force recommendation that:

Administrative action should be taken against Officers who flouted the law in recruitment process of the Village Administrators.

Due to the cited political interference in the recruitment process of the Village Administrators; consequently, the matter is already being processed by the Ethics and Anti-Corruption Commission.

Other Matters raised in the Human Resource Audit Report

The Committee agrees with the Task Force recommendations on the following issues as observed in the report:

1. Appointments, probation, confirmations and contractual terms

Findings by the committee on appointments (pg.090)

Committee recommendations on appointments (pg.091)

2. Re designation and transfer

Findings by the taskforce (Pg.092)

Recommendations by the taskforce (Pg.092)

3. Performance management, strategic planning, performance contracting, staff PAS, appraisal period, Rewards,

Taskforce recommendation on performance management (pg.095)

- Promotions

Taskforce findings on Promotions (pg.096)

Taskforce findings on Promotions (pg.96)

4. Poor work environment in CPSB, Members do not have adequate offices to operate from and lack of independence and budgetary allocation for board operations

INTERROGATION OF THE SCHOLARSHIP AUDIT REPORT

Establishment and Objectives of the Scheme

The County Government of Bungoma through the Department of Education and Vocational Training formulated the Education Scheme in order to support talented and needy students as part of its social responsibility. The Education Scheme provides bursaries and scholarships. It is expected that through these interventions, the performance of education and training will improve steadily.

The guiding legislation for the scheme is the Bungoma County Education Support Scheme Regulations, 2019 anchored on Section 118 of the Public Finance Management Act No.18 of 2012. The Regulation provides for among others; principles for the establishment of the fund, sources of funding, establishment of Education Support Scheme Committees both at the county and ward levels and stipulates their functions. It further highlights the qualifications of a bursary applicant, application procedure, procedure for awarding scholarship and regulations to be followed.

The Principles for the establishment of the Scheme were among others;

- a) Increase access to quality education and training;
- b) Model an alternative framework in funding education and training programs.

Committee Findings

Scholarship Beneficiaries

From the submissions of the Department of Education and Vocational Training, a total of 12,832 students have benefited from the scholarship since its inception in the FY 2017/2018 as shown below:

Table 1: Scholarship Beneficiaries

Cohort	Status	Financial Year	Number
One	Completed	2017/2018	453
Two	Completed	2018/2019	556
Three	Form Four	2019/2020	761
Four	Form Three	2020/2021	2,192
Five	Form Two	2021/2022	8,870
Total			12,832

Source: Department of Education and Vocational Training

From the table 1, it is indicative that the number of beneficiaries has been on the rise from 453 in the first cohort to 8,870 in the fifth cohort.

The Department submitted that the taskforce fact finding activity was carried out at a time when schools had just opened hence reconciliation of records between the total amount of fees paid and returns from beneficiary schools had not been undertaken, hence the outstanding arrears could not be ascertained

Budgetary Allocations

The committee scrutinized the Auditor General Reports on the fund for the financial years 2018/2019, 2019/2020, 2020/2021, and 2021/2022 which revealed as follows:

Table 2: Scholarship and Other Educational Benefits Allocations

Financial Year	Approved Budget	Amount Released by the exchequer	Administrative Costs	Scholarship and Other Educational Benefits	Total	Balance
2018/2019	190,000,000	190,000,000	4,887,030	178,112,129	182,999,159	7,000,841
2019/2020	243,726,800	170,000,000	5,100,000	150,861,337	155,961,337	14,038,66

0						3
2020/2021	110,000,000	110,000,000	3,300,000	98,884,441	102,184,441	7,815,559
2021/2022	550,000,000	550,000,000	12,300,000	564,439,508	558,739,508	(8,739,508)
Total	1,090,000,000	1,020,000,000	25,587,030	992,297,415	999,884,445	20,115,555

(Source: Auditor General's Reports)

From the table, the total amount released from the exchequer for the funds was Kshs. 1,020,000,000 for FY 2018/2019 to FY 2021/2022. Scholarship and other Educational Benefits had an expenditure of Kshs. 992,297,415(97.3%) while Administrative Costs totaled to Kshs. 25,587,030(2.5%).

This indicates that the administrative costs were within the 3% of the appropriated amount. However, the report did not provide specific breakdown of the amounts spent on bursaries and scholarships.

The committee noted that the financial year-2022/2023 budget is currently under implementation, thus the books of accounts were yet to be prepared. However, it was noted that the Taskforce based its findings on the main budget allocations for the FY 2022/2023 which was Kshs. 400M for bursaries and scholarships.

The first supplementary budget allocated an additional Kshs.124M, thus a total allocation of Kshs.524M.

Committee analysis of the taskforce report

Mr. Speaker: It's 1:00 p.m. honorable members. We adjourn accordingly. We resume from page 83 of our report at 2:30 p.m.

(House adjourns)

