

**COUNTY GOVERNMENT OF BUNGOMA**

**COUNTY ASSEMBLY OF BUNGOMA**

**COUNTY ASSEMBLY DEBATES**

**THE DAILY HANSARD**

**WEDNESDAY 20<sup>TH</sup> SEPTEMBER, 2023**

*Afternoon Sitting*

**COUNTY ASSEMBLY OF BUNGOMA**  
**THE HANSARD- OFFICIAL REPORT**  
**WEDNESDAY 20TH SEPTEMBER, 2023**

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

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

**PRAYER**

**COMMUNICATION FROM THE CHAIR**

1. VISITORS IN THE SPEAKER’S AND PUBLIC GALLERIES

Honourable Members, in the galleries; the Speaker’s gallery and Public gallery we have visitors. In the Speaker’s gallery we have a special visitor who has come to pay a courtesy call to my office, one Wamboka Khaoya Juma accompanied by her sweetheart Ruth Nekesa Wamboka. Please be upstanding.

*(The visitors rose)*

*(Applause)*

This is the father to Hon. Jack Nelson Wanami Wamboka, Mp for Bumula Constituency. He is 87 years and from the Omunyange age set of 1952- third set. He came to pay a courtesy call and to see how we transact Business in this Assembly of Bungoma. At appropriate time Members, I will allow you to make some few remarks.

The Second group of visitors is Girls and Teachers from Immaculate Hearts of Mary, Luuya Girls Secondary School who have also come to learn from the County Assembly of Bungoma. It is the History and Government class. They are 48 girls. Kindly, be upstanding.

*(The students rose)*

They are accompanied by their teachers;

Mrs. Benta Achieng, be upstanding,

Mr. John Nambili; and

Mr. Robert Juma

*(The teachers rose)*

Kindly be seated.

Honorable Members, at appropriate time, I will allow some remarks about our visitors in the galleries. Thank you, we proceed.

## PAPERS

### 1. REPORT BY SECTORAL COMMITTEE ON TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES

**Hon. Edwin Opwora** (*Chairperson, Committee on Tourism, Environment, Water and Natural Resources*): Thank you Mr. Speaker. I rise to table a report by the Committee on Tourism, Environment, Water and Natural Resources on the status of garbage collection and management in the County.

**Mr. Speaker:** Once it is tabled, it ceases to be your document. Honorable Members, the report by the Committee on Tourism, Environment Water and Natural Resources is here by tabled and formally become the property of this House.

### 2. REPORT BY THE SECTORAL COMMITTEE ON FINANCE AND ECONOMIC PLANNING

**Hon. Juma Orize** (*Vice Chairperson, Committee on Finance and Economic Planning*): Thank Mr. Speaker Sir; I rise to table a report by the Sectoral Committee on Finance and Economic Planning on County Revenue Fund Statement for the year 2022/2023 for period ended December 31st 2022.

**Mr. Speaker:** Honorable Members, the report by the Sector Committee on Finance and Economic Planning is hereby tabled and formally become the property of this House.

## NOTICES OF MOTIONS

### 1. NOTICE OF MOTION BY THE SECTORAL COMMITTEE ON TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES

**Hon. Edwin Opwora** (*Chairperson, Committee on Tourism, Environment, Water and Natural Resources*): Thank you Mr. Speaker. I rise to give notice of motion that the House adopts the report by the Sector Committee on Tourism, Environment, Water and Natural Resources on the status of garbage collection and management in the County.

**Mr. Speaker:** Honorable Members, a notice of Motion having been duly issued by the Sector Committee, I hereby direct the Clerks- at- the- Table to share the report with the Honorable Members. The same will come as a motion in the course of the week.

2. NOTICE OF MOTION BY THE SECTOR COMMITTEE ON FINANCE AND ECONOMIC PLANNING

**Hon. Juma Orize** (Vice Chairperson, Committee on Finance and Economic Planning): Thank you Mr. Speaker Sir. I rise to issue a notice of motion that this House adopts the report by the Sectorial Committee on Finance and Economic Planning on County Revenue Fund Statement for Financial year 2022/2023 for the period ending December 31<sup>st</sup>, 2022.

**Mr. Speaker:** Thank you. Honorable Members, a notice of motion having been duly issued by the Sector Committee on Finance and Economic Planning, I hereby direct the Clerks- at- the- Table to share the report with the Members. The same will form Business once scheduled by the HBC.

3. NOTICE OF MOTION BY MEMBER FOR KIMAETI WARD

**Hon. Jack Wambulwa:** Thank you Honorable Speaker, I hereby rise to give a notice of motion that His Excellency the Governor competitively fills the position of the County Secretary with immediate effect in according to the law.

*(Applause)*

**Mr. Speaker:** Honorable Members, this notice of motion has been duly issued by the Honorable Member for Kimaeti Ward Hon. Jack Wambulwa on the appointment of the County Secretary pursuant to the provision of Article 232 of the Constitution read together with relevance section of the County Government Act and under Standing Order No. 49 is accordingly scheduled in the Order Paper.

## QUESTIONS AND STATEMENTS

1. QUESTION NO. 58 OF 2023 BY THE MEMBER FOR TUUTI MARAKARU WARD

**(Leader of Majority)** Hon. Joseph Nyongesa: Thank you Mr. Speaker. Question to the County Executive Committee Member for Education and Vocational Training on the utilization and administration cost for the Education Support Scheme Fund.

Hon. Speaker Sir, pursuant to the provisions of Standing Order No. 49 of the Bungoma County Assembly Standing Orders, I rise to seek information from the County Executive Committee Member for Education and Vocational Training through the Sector Committee in relation to the utilization of the 3 per cent of both the Scholarship and Bursary Funds.

Aware that Regulation 7(1) (a) of the Public Finance Management Regulations, 2019 provides that an amount not exceeding 3 per cent of the total fund shall be allocated for the administrative purposes of the scheme. In the response, let the CECM answer the following;

- 1) Provide the expenditure report of 3 per cent of the Scholarship and the Bursary Fund.
- 2) Provide the Bank statements indicating with roles of three per cent of the scholarship and the Bursary Funds.
- 3) List activities that are to be funded from the 3 per cent of the Scholarship and Bursary Funds.
- 4) Provide the request forms for the expenditures
- 5) What was the total allocation for the Scholarship and Bursary Funds in the financial year 2022/2023; and lastly,
- 6) What was the total administrative cost of all the Scholarship and the Bursary Funds?

Duly signed by Member for Tuuti Marakaru; Hon. Joseph Juma Nyongesa.

**Mr. Speaker:** Thank you Hon. Joseph Nyongesa, Hon. Benjamin Otsiulah the Chair Committee on Education and Vocational Training.

**Hon. Benjamin Otsiulah:** Thank you Hon. Speaker. I am aware that the House will be proceeding to recess. I believe 21 days will suffice.

**Mr. Speaker:** Hon Otsiulah, I think you are not at par with my earlier communication; we did agree in this House that all statements shall be handled at the committee level. So we will expect that you convene a meeting then the CECM through the Committee where the Hon. Joseph Nyongesa shall be invited to sit there and any other member who has an interest to listen to that session should be allowed in that meeting.

**Hon. Benjamin Otsiulah:** I now remember, Hon. Speaker.

**Hon. Speaker:** So after 14days, let us just have feedback. If you fail to give us a feedback, he will be forced to come to this House. So, 14 days takes you up to.... Yes Hon. Joseph Nyongesa?

**Hon. Joseph Nyongesa:** Thank you Speaker. I agree with the directive that you are giving but as you are aware, even the Committee should be aware of this; and it is like it may not reign so well! I don't know if appearing before the Committee alongside the CECM Education over the same issue; suppose I am not be satisfied, what could be the next step?

**Mr. Speaker:** The recourse is very simple. If the response given to you is not satisfactory as the owner of the statement, it will come to the House. That is what I did communicate on Tuesday when you were away.

**Hon. Joseph Nyongesa:** Most obliged Mr. Speaker, because it actually cuts across all the 45 Wards and you know our committees are suffering...and this is what we call mishandling of public funds.

**Mr. Speaker:** That being the position, then it will be handled by the Committee of the Whole House here. If it is cutting across all the 45 Wards, so the response will be given by the

concerned CECM. This is an exceptional case cutting across the 45 wards; he has to appear before this House on Thursday the 5<sup>th</sup> October, 2023 at 2:30 p.m.

I think we are done with that. Hon. Benjamin Otsiula, is it okay? You know you are the Chair of the Committee; the response is going to come from the CECM himself and so you don't have to worry about him appearing here. You even need to escort him with all your energy so that he comes to give us a feedback.

**Hon. Benjamin Otsiula** (*Chairperson, Committee on Education and Vocational Training*): That is why I am wondering why they are asking whether I am comfortable or not; because the response will come from the CECM Education. Let him come.

**Mr. Speaker:** So, he has to come before the House and not the Committee; but the rest will be going before the Committee. Let us proceed.

*(Loud consultations)*

Because of the weight of the matter involved, that is what we are trying to say.

*Interruption of business to allow Members to make welcoming remarks to the visiting delegations*

Honourable Members, I think having done the said statement, let me now allow members to make some few remarks about the students of Luuya Girls. The area MCA will be the first one to go and some three or four members, and then I will have the Chair of the Committee on Education and Vocational Training to proceed.

**Hon. Edwin Opwora:** Thank you Mr. Speaker for giving me this opportunity. May I also take this chance to thank you and the entire team of the Bungoma County Assembly for allowing students from my Ward- St. immaculate Girls from Luuya. This is a school that I have a personal history with by virtue of my mother being a pioneer in that school for many years the way Hon. Mukhongo has been in this House; she headed the school for over 20 years.

*(Laughter)*

**Mr. Speaker:** So Hon. Opwora, you are saying that the longevity of Mukhongo being here has become a yardstick of comparison.

**Hon. Edwin Opwora:** Mr. Speaker, what I mean is that people who come from Kabuchai are known to be people of quality and their performance is of a higher standard; that is why they are able to serve for many years in whatever positions they are in.

**Mr. Speaker:** Proceed and stick to the issue at hand

**Hon. Edwin Opwora:** I also wish to take this opportunity to thank the teachers who brought the girls; I believe this has been a real eye opener and a practical session for them to learn what they have been learning theoretically.

This is the Bungoma County Assembly and I believe these students are going back with a lot of experience and a lot of knowledge. This is a class which is going to sit for their exam this year and I believe part of their History paper might involve a question regarding the functions of Assemblies.

It has been a good session and I just want to encourage the students that you are in school for a season and for a reason, please don't spoil this opportunity that you have to perform your best. This is a foundation that you are laying that will enable you to choose better careers in future.

Please do not appear in indiscipline cases, most of the students have happened to be in indiscipline cases and right now the government is recording and profiling even finger prints of students who are involved in strikes and other indiscipline cases. So please our girls, take this opportunity to do your best.

Otherwise, I will see them behind the tent after the session.

**Mr. Speaker:** Thank you, Hon. Job.

**Hon. Job Mukoyandali:** Thank you Mr. Speaker for giving me this opportunity. First to the students let me say that you have an opportunity of showing your capability at the end of this year. When I was a teacher, I happened to be a History and CRE teacher; so I wish to motivate and tell them that actually History is a brain opener. If you focus very well, one of these fine days you will also be in this Assembly as an Honourable Member.

Secondly, I applaud the teachers. One of the teachers Mr. Nambili is my voter and I am sure he voted for me...

**Mr. Speaker:** Hon. Job you know it is always a secret ballot so we don't want assumption here.

**Hon. Job Mukoyandali:** Obligated Mr. Speaker. Mr. Nambili is a voter in my Ward and I would like to ask Hon. Opwora that we are actually giving knowledge to your people. So as you see the students and the teachers behind the tent, also know that I am the father to one of the teachers and so you need to also see me behind the tent.

Thirdly, I would like to...

**Mr. Speaker:** Hon. Job, come clear... are you the father to one of the teachers?

**Hon. Job Mukoyandali:** Yes,

**Mr. Speaker:** What do you mean?

**Hon. Job Mukoyandali:** Don't worry Mr. Speaker... that one is behind the tent, thank you.

I would also like to take this opportunity to thank Mr. Wamboka the father to my Member of Parliament Hon. Jack Nelson Wanami Wamboka. Most of the members in this House have always applauded Hon. Jack Wamboka for the good work he has been doing and the braveness he has been showing to this county and the nation. Through Jack Nelson Wanami, Bungoma County has been put on the world radar. Right now, people know where Bumula Constituency is and they actually know the member representing it.

I would like to applaud our father of the constituency for having worked hard and sired such a brave boy who is representing the constituency very well and we are happy with him. We only pray that if he and our mother are the ones guiding our MP, they continue guiding him that way so that he continues representing us well. Thank you and God bless.

**Mr. Speaker:** Thank you Hon. Job, the only area I have not been able to understand is 'having worked hard to give birth' I am wondering how.

*(Laughter)*

Yes Hon. Caleb

**Hon. Caleb Wanjala:** Thank you Mr. Speaker for giving me an opportunity to also encourage the students of St. Immaculate Luuya which is a neighboring school to my Ward; in fact some of the students come from my Ward. I would also like to congratulate the parents of the students for voting in Hon. Edwin Opwora as their Member of County Assembly even though he did not tell us the meaning of the school uniform.

Mine is just to encourage the students that knowledge is power that liberates us from the chain of manipulation and intimidation. The reason why you are in school is to cultivate that which God has deposited in your life. You know there is life after school. Just this week we were encouraging other students and I was telling them that right now if you want pocket money, your parents are able to give you. Whatever you want they can do it for you; but a time will come when if you ask for money and they will tell you to go and work...so make use of this opportunity.

In fact one thing that makes me happy is that this school St. Immaculate Luuya is a school that was founded on holistic back ground by the Catholic Church. As we look at the world today, there are a lot of things going on in novels, on social media and movies that are confusing the youth of this nation. Mine is just to encourage you that even as you work hard for your grades, don't forget God. The world of today without putting God first, things might not be so good. As we speak today, there are a lot of young people who are in prison who wish they could be given a second opportunity like the one you have; but they messed with their opportunity.



When you read the book of Proverbs 12:1; the Bible says that whoever hates correction is stupid and is grounded as an animal. When teachers correct you, they are preparing you for greater things, when your parents correct you; there is something that they are impacting in your life that will help you.

We had a presidential candidate in this country that had 17 Degrees, several Diplomas but he was not employed, by the name Lidonde and the reason why he was not employed by any company is because of his character. Everywhere he was employed, he couldn't cope with people. Mine is to encourage you that any correction that comes from your teachers or parents; they are preparing you for greater things to come. I conclude by wishing you success in your forthcoming exam.

**Mr. Speaker:** Thank you. Hon. Milliah Masungu, sometimes it is very difficult to tell the whip to tell members to keep quiet when she is the noise maker herself or himself.

*(Laughter)*

**Hon. Milliah Masungu:** Asante sana mheshimiwa Spika kwa kunipa hii nafasi pia mimi niweze kushukuru wanafunzi wa shule ya upili ya Luuya Girls pamoja na walimu wao kwa kupata hii nafasi na kuja kutembelea hili jumba la miswada. Mwanzo kabisa wacha nishukuru sana wazazi wao kwa kumpatia kiongozi mheshimiwa Edwin Opwora nafasi ya kuja hapa katika hili jumba kuwakilisha. Nataka kuwahakikishia kwamba wakirudi nyumbani, ripoti maalum ambayo wanatakikana kupeleka katika wadi ya Luhya/Bwake ni kwamba mnae kiongozi mkakamavu, kijana barubaru shupavu wa kuchangamsha jumba hili na miswada mbali mbali; kwa hivyo kongole kwa wazazi wao waliompigia mheshimiwa Edwin kura.

La pili na la mwisho ni kama wasia tu kwa wanafunzi; mahali mmefikia ni kama kipindi cha lala salama. Mmelima ya kutosha kupitia kwa masomo, mnajitayarisha kuenda kufanya mtihani wenu. Jumba hili ambalo mnaona, kuna wawakilishi wadi wa kike na wa kiume.

*I want to encourage... sorry, (nataka niwatie moyo).* Wajua kuna sheria hapa, samahani Spika naomba msamaha kwa kuchanganya lugha... sheria tunaielewa, samahani.

Kwa hivyo mimi nataka tu niwatie moyo kwamba katika nafasi yako kama mtoto wa kike usijidharau. Tulivyo hapa tumeng'ang'ana katika wadi zetu na tumepata kura na tumekuja kuwakilisha. Ni himizo tu kwamba ukiwa darasani ujue ya kwamba unastahili kile kizuri unachotarajia katika maisha yako.

La mwisho niwatakie kila la heri katika mtihani unaokuja na niwaambie kwamba kuja kwenu hapa ni kielelezo cha masomo katika shule yenu.

**Mr. Speaker:** Thank you Hon. Masungu I will have Hon. Barasa Mukhongo

**Hon. Barasa Mukhongo:** Thank you Mr. Speaker for the opportunity. St. Immaculate Girls' Secondary School is a neighboring school. As it has been said, I am one of the longest serving members in this Honourable House. During the late hon. Lusweti's time, we were regularly visiting that school. I know the history of the school; academically, they are doing so well and I could wish to urge the teachers who are here because it is their passion; it is a calling that as you mould our girls, take it seriously so that we can improve on our academic performance. The world out there we are only considering performance of our schools.

I wish to encourage our girls that this is your time, utilize it by taking your studies seriously, you will regret after four years when you will be leaving that gate of St. Immaculate Luuya Girls. Some of the provisions you are enjoying from your parents at the moment once you leave that gate without good results I don't think you will receive them anymore.

A girl child is an asset to the family. I witnessed it and Hon. Speaker you were also one of the guests some few days when one of our boys was looking for a wife; he just went up to the Maasai land and I believe that Maasai girl went to school. That is why we need our girls from Bungoma to travel all the way to Kajiado and so you need to take your studies seriously.

**Mr. Speaker:** Honourable Member, what are you implying?

**Hon. James Barasa:** I am telling them to take their studies seriously; these other issues will come later because at their age, they need to focus. We are preparing them for the future whether we like it or not; it will happen. So as a parent, I need to tell my children the truth, I should not hide anything. I am only encouraging them that they use this time wisely so that they have no regrets.

I wish them a nice stay here because I am one of the MCAs from Kabuchai Sub County and I will not just sit down without saying something about my brother Edwin. He is the chairperson of a certain committee in this Honourable House and you have seen him tabling documents. Some of us even if we are long serving members, we are just sited relaxing because he has a duty; and I am one of his members. He is able and if you go back for those ones who come from Luuya/Bwake Ward, you must sit with your parents and say the chairman of Ford Kenya party that is Hon. Mukhongo Barasa...

**Mr. Speaker:** Honourable member... proceed!

**Hon. James Mukhongo:** You know Hon. Speaker, if you have granted me an opportunity... Anyway I rest my case.

**Mr. Speaker:** In this order is Hon. Metrine

**Hon. Metrine Wilson:** Thank you Mr. Speaker Sir for according me this opportunity to also encourage girls from our area that is Luuya/Bwake which is in Kabuchai Sub-county.

First I would like to congratulate our able member Hon. Opwora and teachers from Luuya/Bwake for making sure that our girls are here to see how proceedings are being done in this Honourable House.

Two, I would like to also congratulate the parents for making sure that the girls are in school because paying school fees is not an easy task. I wish to tell our girls that this is an opportunity that you have been given by your parents; kindly make use of it because they have good plans for your future. This is the only gift that a parent can give to his or her daughters to make sure that you have a bright future. Education is an equalizer and it makes you meet at a round table with even children who come from royal families so long as you perform well in class.

I also want to encourage our girls and let them know that when you are in school, for you to perform well and be successful, discipline is the key. Listen to your parents and also make use of your teachers. When you are in school, you have paid school fees and these teachers are there to stir the potential in you and so make use of them. Exhaust them and you will have better results. Also do not make Luuya Girls a cemetery... you have dreams and so don't bury them in Luuya Girls; make sure you work hard to actualize them.

Otherwise I would like to wish our girls the best of luck as they prepare to sit for their exams.

**Mr. Speaker:** Thank you I will have Hon. Aggrey Mulongo

**Hon. Aggrey Mulongo:** Thank you Mr. Speaker Sir. I take this opportunity to thank the MCA of Luuya/Bwake Ward. The Ward has a school called Luuya... my mother in-law comes from Eluuya and the reason why I am her...

**Mr. Speaker:** Hon. Aggrey Mulongo, there are two schools here, Eluya from Mbakalo and St Immaculate Luuya, so we are having St. Immaculate not the other one from Mbakalo.

**Hon. Aggrey Mulongo:** Okay, so this is Luuya

*(Laughter)*

**Mr. Speaker:** So do I say it is because of age or what is the problem?

**Hon. Aggrey Mulongo:** No, it is just because of age Hon. Speaker. For now I take this opportunity again to thank the parents of Hon. Jack Wamboka who are within the Speaker's gallery. For the first time since I came here, this is my second term and I have never seen a parent of any MP coming to this Assembly; these are the first ones. Let us applaud the parents

*(Applause)*

Bumula constituency is always very vibrant when it comes to politics and that is why they always work in one term; but Hon. Jack Wamboka will go there for the second term because of what we have seen here. He is a role model; he is the only Azimio...

**Mr. Speaker:** Honourable Member...

**Hon. Aggrey Mulongo:** I am sorry Speaker; let me come back to the students. When you are here, on the right hand of the Speaker is the government side and on the left hand where I am standing...

**Mr. Speaker:** Hon. Vitalis, you are yet to have a microphone... kindly allow Hon. Mulongo to proceed

**Hon. Aggrey Mulongo:** Where I am, we are in the opposition side and I take this opportunity to say that when they are here to learn History, let us at least tell them how this House is organized.

Discipline is key in life, students read instructions before you answer any question, you must always understand the content before you answer.

Two, respect your teachers, parents and your fellow students.

Finally I wish you well in your exams.

**Mr. Speaker:** Thank you Hon. Jack you will go, I am following your requests as they come

**Hon. Jack Wambulwa:** Ahsante ndugu Spika. Nataka kuchukua fursa hii kwanza kukushukuru kwa kunipa hii nafasi ili niweze kusema jambo kwa wanafunzi na pia kwa wazazi wetu wapendwa kutoka Bumula.

Kwa wanafunzi kwanza nataka kusema heko kwa kuwa mlitupatia mwakilishi anayefaa, mwakilishi aliye na maadili na heshima na ndio sababu mnaona siku ya leo yeye mwenyewe ameshugulika na kuhakikisha kuwa mmekuja hapa ili muweze kujifunza. Katika hili jumba letu la Bungoma kuna wajumbe ambao ni wa kike na hii yote ilitokana na bidii yao. Hapa hamna mtu kusema ati lazima uwe mwanamume ndio uje. Liwe funzo kwenu ya kwamba hawa leo wako lakini kesho itakuwa ninyi. Langu mimi pia nataka kuwatakia mema hasa mnapoendelea kujitayarisha kwa mtihani mwezi unaokuja ili muweze kufanya vyema na muendele mbele.

Kwa wazazi wetu wa Bumula, ndugu Spika kwa niaba ya wajumbe wa Bumula; sisi na mjumbe wetu Mheshimiwa Jack Wanami Wamboka huwa tunafanyia kazi kwa pamoja. Kando na siasa na kuwa katika vyama mbalimbali, yeye ni kijana mtiifu na mimi nadhani huu utiifu umetokana na yeye kuwa na wazazi ambao wanaelewa siasa ya kenya jinsi inavyoendelea. Huyu mzazi wa Jack Wamboka kwangu mimi ni baba. Kila mara kukiwa na jambo na ameona labda halijaenda vizuri, ananipigia na kunielezea 'kijana wangu tufanye aje kwa sababu sijasikia vizuri'. Sio rahisi upate mzazi wa mjumbe anayeweza kukuelezea hasa ukiwa mwakilishi wa wadi halafu akuulize tufanye aje. Huyu mzee kila mara huwa karibu na mimi.

Tukija kwa mama, yeye ni mfanyi biashara katika soko langu la Miyanga. Yeye ni mwana juakali lakini nataka tu niwaambieni wajumbe pia kuwa kando na mama kuwa mwana juakali,

leo hii amezaa mjumbe ambaye anawakilisha katika kaunti hii ya Bungoma na katika Kenya nzima.

Mheshimiwa Jack Wamboka ni kati ya wajumbe ambao wako mbele kisiasa na wanaponguruma kama simba kila mtu anasikiza Kenya hii...

*(Applause)*

Kwa hivyo nawasihi wazazi kuendelea na huo ulezi, kutuunganisha na kutuombea huku sisi pia tukiwaombea. Nasema karibu kwa hili jumba kwa sababu mjumbe wetu alionelea muanzie hapa chini na ataweka mikakati mwende katika Bunge la Kitaifa na Seneti ili mjifunze na muone jinsi vijana wanavyoongea katika hii nchi yetu. Hongera, karibu na mjisikie nyumbani kwa niaba ya wana Bumula.

**Hon. Meshack Wekesa:** Asante Ndugu Spika kwa kunipa nafasi pia niwashukuru wanafunzi wa Shule ya wasichana ya Luuya. Kwa niaba yangu ni kuwashukuru wakazi wa Luuya/Bwake kwa kumchagua mwenzagu Opwora kuwa mwakilishi wao. Opwora tunafanya naye kazi vizuri na yeye ni Mwenyekiti wangu wa Kamati ya Utalii. Namshukuru kwa sababu kazi yake ni nzuri na inazaa matunda na anatulinda sisi vizuri.

Jambo la pili, naomba kuwaeleza wanafunzi kwamba walimu wamefanya kazi yao na wako karibu kumaliza; sikizeni walimu wenu na mfanye vizuri kwenye mitihani yenu. Kesho baadhi yenu mtakuwa hapa. Unapoangalia hapa kuna waheshimiwa wa jinsia ya kike ambao walijitosa na kuwania na wakaibuka washindi ndiposa wakaja katika hili jumba.

Wanafunzi mmejionea jinsi taifa hili liko kiuchumi; maisha ni magumu na usipojitahidi ufaulu kwenye mitihani na wazazi wako wakupeleke kwenye chuo kikuu; usidhani kwamba ukikamilisha kidato cha nne utakuwa umemaliza kusoma. Mimi natoka Kabuchai- Wadi ya Mukuyuni ambapo nimechaguliwa mara sita; niko na miaka thelathini katika jumba hili. Nawashukuru wakaazi wa Kabuchai; Mheshimiwa Spika ukweli lazima usemwe; ukiangalia hapa Chama cha Ford Kenya kinaongoza...

**Mr. Speaker:** Hon. Meshack, when you are contributing on a motion concerning visiting students, we should stick to the issues at hand. That is my position.

**Hon. Meshack Wekesa:** Ndugu Spika ukweli lazima usemwe. Hata hawa wanafunzi wakikamilisha shule, kuna baadhi yao wataingia katika siasa na ni lazima wajue ni chama gani kizuri kitawasaidia kutimiza ndoto zao. Kuanzia upande huu hadi upande ule; sisi ndio wengi katika hili Bunge la Bungoma na hao wengine wako kwa mrenjo wa walio wachache na niwachache sana. Walikuja na chama...

**Mr. Speaker:** Honourable members resume your seats. Resume your seat too! We must have decorum. Hon. Otsiula you are the last to speak on this please.

**Hon. Benjamin Otsiula** (*Chairperson, Committee on Education*): Thank you Mr. Speaker for giving me this opportunity to also encourage the students and their teachers who are on a learning spree. First of all I wish to register my sincere appreciation and thanks to Hon. Edwin Opwora who hails from Luuya/Bwake Ward. The school visiting us today is a good and performing school. I also have good memories of that school which I will give towards my tail end of my encouragement.

I think Hon. Opwora was overwhelmingly elected as a Member of the County Assembly having garnered most votes than any other Honourable Member sitting in this Assembly today. I must laud the people of Luuya/Bwake Ward for entrusting my brother with this responsibility.

Secondly, our students have come here to learn and I always say that discipline will also precede success. In their capacity, they are in school at this moment and this is their chance. They have to take this chance; they have to exhibit high levels and standards of discipline in school for them to succeed in their academics and in their future endeavors.

We are saying the exams are just around the corner; they have been in school for the last four years preparing for these exams. We believe; I think in examinations there are no miracles. It is reflective of the hard work, spirit and commitment throughout their four-year-course period.

My fellow Honourable Members have already passed information to them as far as their learning is concerned. However, I must remind them that as they sit their exams this year, some of them have already benefited from the bursary kitty. Some of them have already benefited from the scholarship program. I know some are history students who have to understand the process that the bursaries they are benefitting from emanated from the process of this House. These Honourable members debate on the budget, approve the budget to determine the amount of money that is set aside for bursaries which in turn trickle down to your wards to aid in paying of your school fees.

I am sure they are now going to step out of school and they must also understand the processes of the Assembly. As a House, we debate and pass laws that govern the County Government of Bungoma. We also as Honourable members represent our people from various parts of the county. We raise issues affecting our people, we bring them to the County Assembly and the same issues are turned into policies and regulations.

Finally, these Honorable members in this House play their oversight role and I want the students to understand that over sighting is not necessarily shouting. The Honourable members question policies by the County Government, they question laws passed by this House, they amend and they also follow on the procedures of implementation by the County Government on issues

affecting people in the County Government of Bungoma to ensure that the government of the day is delivering on its promise to the people.

Finally, I said I will say why this school is memorable to me towards the tail end of my submission. While in Form One in Kibabii High School, my first encounter in an outing was a girl from Luuya Girls Secondary School.

**Mr. Speaker:** Thank you Honourable members for your contributions and words of encouragement to our students in the Public gallery from Luuya Girls Secondary, Luuya/Bwake Ward in Kabuchai Constituency. On behalf of the County Assembly of Bungoma and the management of the Assembly, we wish you all the best in your forthcoming examinations. For the old man Mzee Wamboka Khaoya Juma, we wish him good health as he walks around. I have sat with him; he has wisdom to share with us. I wish him well as he goes back to Bumula where he comes from.

### *Resumption of Business*

## **MOTIONS**

1. REPORT BY THE SECTORAL COMMITTEE ON GENDER, CULTURE AND SOCIAL WELFARE ON THE BUNGOMA COUNTY GOVERNMENT NINE MONTHS FINANCIAL STATEMENTS FOR THE FINANCIAL YEAR 2022/23

**Hon. Florence Juma:** Thank you Hon. Speaker. I rise to move a motion on the report by the Committee on Gender, Culture and Social Welfare on the nine months financial statements for the period ended 31<sup>st</sup> March, 2023.

### Chapter One

#### 1.1 PREFACE

Mr. Speaker Sir,

It is my pleasant duty and honour to present the Bungoma County Government nine months financial reports for the period ended March 31<sup>st</sup>, 2023 in respect to the department of Gender and Culture. These documents were tabled in the House and committed to each of the Sectoral Committees for interrogation and reporting to this Honorable house.

#### 1.2 Introduction

The report is a consolidated half year financial statements as of 31<sup>st</sup> December, 2022 and third quarter financial statements as at 31<sup>st</sup> March, 2023. It gives an analysis of the expenditure in the period under review which translates to the absorption rate in relation to the approved annual budget for FY 2022/23.



It outlines the legal framework that guided the Committee in the examination of the financial statements. It also encompasses observations and recommendations adopted by members of the Committee in totality.

#### 1.4 Committee Membership

The Committee on Gender, Culture and Social Welfare as currently constituted comprises of the following Members:

- 1) Hon. Jack Kawa Chairperson
- 2) Hon. Abraham Obama Vice Chairperson
- 3) Hon. Joseph Nyongesa Member
- 4) Hon. James Mukhongo Member
- 5) Hon. Godfrey Mukhwana Member
- 6) Hon. George Tendet Member
- 7) Hon. Alfred Mukhanya Member
- 8) Hon. Jeremiah Kuloba Member
- 9) Hon. Metrine Nangalama Member
- 10) Hon. Eunice Kirui Member
- 11) Hon. Florence Juma Member
- 12) Hon. John Wanyama Member
- 13) Hon. Moureen Wafula Member
- 14) Hon. Mildred Barasa Member
- 15) Hon. Sheila Sifuma Member

#### 1.5 Guiding principles in the examination of the Bungoma County Government quarterly reports and financial statements.

In the consideration of the nine months financial statements Financial Year 2022/23 for the period ended 31<sup>st</sup> March, 2023, the Committee was guided by core constitutional and legal principles on Public Finance Management, as well as established customs, traditions, practices and usages. These principles include:

##### 1. Constitutional Principles on Public Finance



Article 201 of the Constitution of Kenya, 2010 enacts fundamental principles that shall guide all aspects of public finance in the Republic. These principles include:

201(a) there shall be openness and accountability, including public participation in financial matters;

201(d) Public money shall be used in a prudent and responsible way; and

201(e) financial management shall be responsible, and fiscal reporting shall be clear.

#### 1. Direct Personal Liability

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

#### 2. Obligations of Accounting Officers

The Public Finance Management Act, 2012 section 149 (1) and (2) (a), (f) and (q) states as follows; Section 149 (1) an Accounting Officer is accountable to the County Assembly for ensuring that resources of the entity for which the officer is designated are used in a way that is;

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

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

Section 166 of the Public Finance Management Act, 2012 states that;

1. An Accounting Officer for a county government entity shall prepare a report for each quarter of the financial year in respect of the entity.
2. In preparing a quarterly report for a County Government entity, the Accounting Officer shall ensure that the report—
  - (a) contains information on the financial and non-financial performance of the entity; and
  - (b) is in a form determined by the Accounting Standards Board.
3. Not later, than fifteen days after the end of each quarter, the Accounting Officer shall submit the quarterly report to the County Treasury.
4. Not later than one month after the end of each quarter, the County Treasury shall—

- (a) consolidate the quarterly reports and submit them to the County Assembly;
- (b) deliver copies to the Controller of Budget, National Treasury and the Commission on Revenue Allocation; and
- (c) publish and publicize them

Article 183(3) of the Constitution of Kenya states that; the County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the County.

### 1.5 Acknowledgement

The Committee wishes to thank the offices of the Speaker and the Clerk of the County Assembly for the support received in the discharge of its mandate. Moreover, I would like to appreciate Members of the Committee for their commitment during the consideration of this report. Lastly, the Committee wishes to appreciate the secretariat for the support accorded to it that immensely contributed to the success of this report.

It is therefore my pleasant duty on behalf of the committee to present this report to this Honourable House.

Signed by Hon. Jack Kawa the MCA Bokoli Ward; Chairperson, Sectoral Committee on Gender, Culture and Social Welfare.

## CHAPTER TWO

### 2.1 Analysis of County nine months financial statements for the period ended 31<sup>st</sup> March, 2023.

#### County Resource Envelope for FY 2022/2023

The total budget for the whole financial year 2022/23 was Kshs14, 821,204,142 as per the approved 1<sup>st</sup> supplementary budget with the breakdown of the sources as indicated below:

No.	Source	Amount (KShs)
1	Equitable share	10,659,435,192.00
2	Equitable share b/f	867,288,525.00
3	Retention	293,425,903.00
4	Conditional grant from development partner	1,540,443,462.00
5	Conditional grants from National Government	113,228,200.00
6	Local revenue as per the Act	500,000,000.00

7	AIA	847,382,860.00
	Grand Total	14,821,204,142.00

The financial statement submitted gives an expenditure outlay of Kshs14, 164,547,621 i.e., Kshs656, 656,521 less the approved amounts. The difference relates to AIA in the ministry of health for facilities.

#### Analysis of revenue

By end of the third quarter, the County received total revenue of Kshs6, 321,552,397. Actual revenue received in the half year financial statements was Kshs4, 085, 058,115. The source of the amount is as shown below;

- a) Exchequer releases - Kshs. 6,303,156,902
- b) Other receipts (Mabanga ATC) – Kshs. 18,395,495
- a) Exchequer Releases

Description	Period ended 31 <sup>st</sup> March, 2023	Comparative period FY 2021/2022 (Kshs)
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Total Exchequer release quarter 1	1,664,556,086	1,514,522,313
Total Exchequer release quarter 2	2,409,398,463	2,821,653,159
Total Exchequer release quarter 3	2,229,202,353	2,271,332,689
Total	6,303,156,902	6,607,332,689

#### Other receipts

	Period ended 31 <sup>st</sup> March, 2023	Comparative period (FY 2021/2022)
AMC fees (Mabanga Agricultural Training centre)	Kshs18, 395,495	Kshs16, 616,359
Total	Ksh. 18,395,495	Ksh. 16,616,359

#### Conditional grants

Grants received from development partners and National government was Kshs280, 374,020 for implementation of:

Scholarships and other educational benefits      Kshs200, 000,000.

Other capital grants and transfers as detailed below:

NARIGP      Kshs237, 245,331

ASDSP II      Kshs5, 344,642

KDSP      Kshs32, 416,882

On local revenue, the report does not indicate what the County managed to collect in the period under review except Mabanga ATC reporting a collection of Kshs18, 395,495. In reference to Mabanga, these translates to 70.4 per cent of the set target in half year hence an under achievement of five per cent.

As stated above, the financial statement submitted gives an expenditure outlay of Kshs14, 164,547,621 I.e. Kshs656, 656,521 less the approved amounts. The difference relates to AIA in the department of health for facilities. The financial statements do not capture the operations and expenditure reports of the facilities hence contravening section 166 of the PFMA.

### 2.3 County Expenditure

The expenditure target for the period under review was Kshs11, 115,903,107 out of the total budget for the entire fiscal year, this represents 75 per cent. Recurrent expenditure target was Kshs7, 780,757,791.50 while the target for development expenditure programs in the period was Kshs3, 335,145,315.

Notably the revenue realized was Kshs6, 321,552,397 out of which KShs6, 204,930,588 were expended translating to an absorption rate of 43 per cent as opposed to 75 per cent.

The transfer of a total of Kshs772, 981,290 to other Government entities represents releases to the County Assembly in the period under review.

As at 31<sup>st</sup> March, 2023 the amount spent on Personnel was KShs3, 512,979,410 compared to KShs2, 556,661,364 spent in the half year.

On Budget Execution by programmes and sub-programmes, the information contained in the report from the treasury was not sufficient enough to interrogate every department. Submission of departmental budget implementation reports was necessary for scrutiny by the Committee.

**Hon. Florence Juma:** Do I move to chapter three?

**Mr. Speaker:** Yes give us chapter three then we proceed!

**Hon. Florence Juma:** Chapter Three

### 3.1 Departmental Expenditure Analysis

In the current financial year 2022/2023, the department of Gender and Culture had an annual approved budget of Kshs108,196,533 comprising of Kshs97,056,213 as recurrent and Kshs11,140,320 as Development.

The absorption rate for the department in the period under review was 65.6 per cent.

As at 31<sup>st</sup> March, 2023 the department had a total personnel expenditure of KShs20,837,555.25 as summarized below.

Month IIPPD	AMOUNT
July 31, 2022	2,442,063.60
August 31, 2022	2,379,392.65
September 30, 2022	2,357,800.00
October 31, 2022	2,365,000.00
November 30, 2022	2,184,220.00
December 31, 2022	2,759,809.00
January 31, 2023	2,152,170.00
February 28, 2023	2,083,700.00
March 31, 2023	2,113,400.00
Total	20,837,555.25

A breakdown of the expenditure on salaries and statutory deductions has been annexed.

#### EXECUTED PROGRAMMES AS AT 31<sup>ST</sup> MARCH, 2023

The department implemented programmes and sub-programmes in the period under review as shown below:

Programme Sub-Programme Approved Estimates Actual Expenditure as of 31<sup>st</sup> MARCH, 2023

Recurrent Expenditure Development Expenditure Recurrent Expenditure

#### GENDER AND CULTURE

Programme 1: General administration planning and support services

Compensation to Employees

30,589,943	-	20,837,555
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staff training

2,000,000	912,640	
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Policy formulation and review

10,000,000	7,425,596	
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Planning and Budgeting

3,200,000	2,035,900	
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Utility for office operations

500,000	-	
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Administrative service management (boards and Committees travel costs, catering services, others)

14,295,770	10,328,152	
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Sub Total

60,585,713.0	-	41,539,843.3
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Programme2: Cultural development and Management

Construction of Sang'alo multipurpose hall

-	11,000,000	-
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Fencing of Sang'alo cultural centre

-	9,000,000	-
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Ward based project

1,940,000.0	1,940,000	-
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Celebration of communities' cultural festival (Sikhebo)

-	-	-
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KICOSCA GAMES

28,450,001.0		24,472,550	
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Kenya National music festival

1,500,000.0		430,800	
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Hold communities' music cultural festival (6 communities)

1,000,000			
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Hold herbal medicine day

500,000			
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Liquor and licensing enforcement exercise

3,000,000			
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SUB TOTAL

36,390,001	21,940,000	24,903,350	
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Programme 3: Gender Equality and Empowerment of Vulnerable Groups

Operations of GTWG

1,000,000		450,000	
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Gender mainstreaming

1,600,000		993,750	
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Gender based violence response programs (16 days of activism against women)

1,600,000	1,123,000		
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Mark and celebrate international Women's Day

1,400,000		1,200,000	
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Mark and celebrate International Disability Day

1,000,000		745,000	
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SUB TOTAL

6,600,000.0	-	4,511,750.0	
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Grand Total

103,575,714.0	21,940,000.0	70,954,943.3	
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### 3.2 Pending Bills in the department as at 31<sup>st</sup> March, 2023

As of 31<sup>st</sup> March, 2023, the department had a total of KShs8, 274, 042 on pending bills. As shown below:

S/No.	Supplier/Contractor	Details of work performed	Outstanding pending Bill as of 31 <sup>st</sup> March, 2023
1	LUSAL GENERAL SUPPLY LIMITED	Construction of Sang'alo Multipurpose Hall	848,445.00
2	M/s value partners consulting ltd	Development of departmental policies	7,425,597.00

## CHAPTER FOUR

### 4.1 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

#### 4.1.0 Committee Observations

In the scrutiny of the nine months financial statements FY 2022/23, the Committee made the following observations:

1. The County treasury did not indicate how much each department received as revenue (Exchequer release) to implement their programmes in the period under review. However, the department submitted documents indicating the exchequer received in the three quarters.
2. Departmental monthly/annual work plans and the budget implementation status report should be submitted to the committee for comparison purposes with the financial report.
3. The departmental report shows a consolidated expenditure for Gender, Culture, Youth and Sports.
4. The department has a pending bill of KShs8, 274,042.00.
5. The absorption rate of most programmes was below the 75 per cent rate by the end of the period under review.

#### 4.2.1 Committee Recommendations

1. That, the County treasury should consult with the department for proper reporting. Indicate how much each Department received as exchequer for easy comparison in the three quarters.



2. That, the department should submit departmental monthly /annual work plan and budget implementation reports for comparison purposes with the financial report by the Committee.
3. That, the department should report expenditure for Gender, Culture, Youth and Sports separately to ease scrutiny by the Committee.
4. That, the department should give pending bills first charge during budgeting.
5. That, the department should prioritize programmes in order to ensure timely use of the approved budgetary allocations.

We have the adoption schedule signed by all the members Honorable Speaker!

Mr. Speaker: You proceed and invite your seconder of the motion accordingly.

**Hon. Florence Juma:** It is my pleasure to invite Hon. Barasa Mukhongo to second the report.

**Mr. Speaker:** Thank you Hon. James Barasa Mukhongo. You have the honor of seconding the motion moved by Hon. Florence Juma. Proceed!

**Hon. James Mukhongo:** Indeed Hon. Speaker it is a great honor. I stand to second the motion.

*(Applause)*

**Mr. Speaker:** Thank you Hon. James Barasa Mukhongo. Honourable Members, allow me proceed and propose a motion for debate.

*(Question proposed)*

Yes Hon. Joseph Nyongesa!

**Hon. Joseph Nyongesa:** Thank you Mr. Speaker. First, allow me appreciate the mover of the report Hon. Florence Juma for eloquently moving the report. As compared to other departments, you can see at least although the department is underfunded but they are so keen in spending. We appreciate the department on this because we have gone through all other departments and you will find that most of them will have un-surrendered imprests; but in this one you actually they were so keen so as much as we are looking at the mood of the House, but we should also appreciate.

*(Applause)*

**Mr. Speaker:** Thank you. Hon Nyongesa!

**Hon. Hentry Nyongesa:** Thank you Mr. Speaker. One, I want to appreciate especially the mover of the motion and the Committee in general for the good report they have given us. I am keen on the observation and I am realizing that this is a committee that is multi-tasking; such that you

may realize that some of the activities that are supposed to be found in Youths and Sports are found in Gender and Culture and we request that in future, that must be looked at keenly so that expenditure of our funds is spent accurately and in the right docket.

I am looking at the development fund and I am see the department did some development at San'galo cultural center using Kshs11, 000,000 and I am sure they have indicated that that they put up the multi-purpose hall.

I have a lot of questions; how the multipurpose hall can be given Kshs11, 000,000 and equally almost Kshs9, 000,000 was put on fencing. I do not know which one was given priority; because here the multi-purpose hall was given Kshs11, 000,000 and the fencing of the multi-purpose hall was given Kshs9, 000,000. The Committee must look at it critically and maybe carry out a better evaluation so that we realize the money was utilized appropriately.

I also wish to allude that this department that has very many activities which it is supposed to look at and you realize that the Financial Year was closed and the report we are waiting for is only the quarterly report. As they are doing that, we are not seeing serious entities in the department because you realize that we have some serious cultural areas like the Sudi Mausoleum which according to this report; there was nothing mentioned as the Financial Year was ending.

There is nothing mentioned about the Sudi Mausoleum, Mulukoba, Chetambe, Sikhebo as they were indicating there was no money that was put under the Sikhebo; and this is something that is very rich in culture; even including our students who are here could have even heard that this County enjoys something called Sikhebo- our main traditional entity. You realize that there was nothing that was allocated to it and this is something that is done after every year. I think the department must look at it seriously during the budgeting because we are doing an extract from the budget. If we are spending this money minus serious activities being looked at in terms of cultural centers, you may realize that the department is not doing very well.

Lastly, something is mentioned about KICOSCA. I don't know if it is KICOSCA but I think that is the name the mover was reading. I wonder why Gender and Culture is handling money for some activities that are meant for some serious games in KICOSCA. We do not know, is it Youths and Sports taking the teams out for KICOSCA or its Gender and Culture? Something is happening which the Committee must look at very seriously.

This year we have some teams from the Executive that facilitated themselves to go and participate in these serious activities and yet we had money in the budget. They are giving us how they spent the money and we wonder what happened such that some teams were facilitating themselves and in fact the same teams won some trophies and are proceeding to regional games. We start wondering what is happening in the department! Is it because the department does not

have the accounting officer in the name of a Chief Officer? I understand that we have the director managing the department and some non-substantive Chief Officers.

Currently we are having one but there is a big cry in that department. We have been told how the money was spent but under Human Resource; it must be looked at keenly since most of the money that was put on recurrent expenditures and much we are waiting for the last quarter, that much cannot be done in this last quarter. If we have been given money and the absorption rate is at 60 per cent, there is nothing much that we can do in the last quarter. We urge that the Committee to make a follow up and especially now that the report has been made, the Implementation Committee must wake up and find out what is happening in that department. I rest my case.

**Mr. Speaker:** Thank you. Hon. James Barasa! Once you make a request, it is here, Proceed!

**Hon. James Mukhongo:** Sorry Hon. Speaker, I only wanted to inform the contributor that has been on the stage...

**Mr. Speaker:** Hon. Barasa is on stage, proceed. Hon. Aggrey!

**Hon. James Mukhongo:** I was to inform...

**Mr. Speaker:** Informing and seconding is very different...

**Hon. James Mukhongo:** My brother! My brother!

**Mr. Speaker:** You need to take time and go through your Standing Orders on when you are not allowed to speak on a motion.

**Hon. James Mukhongo:** The Committee concentrated on what was appropriated to the department for the last Financial Year and the issues raised by my brother Hon. Hentry...

**Mr. Speaker:** It is not bad to inform, proceed!

**Hon. James Mukhongo:** ...Hon. Hentry, it will come to in the subsequent quarterly expenditure report from the Executive. That is what I wanted to inform the Honourable member.

**Mr. Speaker:** Thank you.

**Hon. James Mukhongo:** Otherwise, when you look at the development vote head you can read, you have a budget.

**Mr. Speaker:** Thank you. In the near future when somebody behaves in away like Hon. Mulongo is behaving without me giving him a chance to speak; such young people will be sent away from this House. Let us proceed, Hon. Florence, reply to the motion!

**Hon. Florence Juma** (Mover to Reply): Thank you Hon. Speaker and my fellow Honourable members who have taken their time to also have their input on the same. One, I would like to say that as a Committee we are giving it our best shot.

On matters KICOSCA, we have engaged the Executive and as await a comprehensive report from them for the KICOSCA games in both Kisumu and Meru. Hon. Hentry also spoke about the construction of San'galo multi-purpose hall taking a whopping Kshs11, 000,000 and fencing of San'galo cultural center taking Kshs9, 000,000; those are two projects that are concurrently running and each is being facilitated differently depending on the stages of the projects.

Maybe I would also like to say that this Committee, like one of the members has said, touches on almost everybody. Because when you talk about women, youths, persons with disabilities; they all come under this and unfortunately it is one of the departments that is underfunded. Whenever there is a need, you will always find that this money was put here and when you ask why it was never spent, you will be told that the money was moved to go and do other projects. So we are just hopping that when money is allocated to this particular department, they will allow it to spend its money and you can also look at the absorption; sixty five point something per cent compared to other departments. I think it is slightly better and so we are just urging our fellow Honourable members, just like you said initially we do the oversight. We do our work properly and encourage the Executive to be submitting to us the monthly annual plans.

At this point, I urge the Honourable House to adopt the report.

**Mr. Speaker:** Thank you Hon. Florence. Honourable members, now allow me to proceed and be able to put a question to the said motion.

(Question put and agreed to)

The ayes have it.

The report is hereby adopted by the House.

## 2. REPORT BY THE SECTORIAL COMMITTEE ON FINANCE AND ECONOMIC PLANNING ON THE COUNTY POLICY STATEMENT ON ENHANCEMENT OF OWN SOURCE REVENUE

**Mr. Speaker:** Hon. Tony Khaoya, you proceed on behalf of the Committee on Finance and Economic Planning.

**Hon. Tony Barasa:** Thank you Mr. Speaker.

### CHAPTER ONE

#### Preface

The County Policy Statement on enhancement of own source revenue was submitted to the County Assembly on 13<sup>th</sup> February, 2023 tabled in the House on Wednesday 1<sup>st</sup> March, 2023 at 2.30p.m and committed to the Committee for processing and reporting back

Further a letter dated 13<sup>th</sup> March, 2023 with reference number BCA /ADM/6 VOLUME 264 was sent to the County Executive Committee for Finance and Economic Planning inviting CECM for interrogation and providing supporting documents that aided the committee in coming up with this report .

#### Mandate of the Committee

The second schedule to the Bungoma County Assembly Standing Orders mandates the Committee to consider matters relating to public finance, monetary policies, revenue policies, inclusion taxation, County Development Plan, Annual Development plan, mobilization of resources for funding the budgetary requirement for the county government

#### Committee Membership

The Committee on Finance and Economic Planning as currently constituted comprises of the following members: -

1. Hon. James Mukhongo	Chairperson
2. Hon. Orize Kundu	Vice Chairperson
3. Hon. Stephen Wamalwa	Member
4. Hon. Everlyne Mutiembu	Member
5. Hon. Violet Makhanu	Member
6. Hon. Jack Kawa	Member
7. Hon. Vitalis Wangila	Member
8. Hon. Francis Chemion	Member
9. Hon. Tony Barasa	Member
10. Hon. George Makari	Member
11. Hon. Aggrey Mulongo	Member
12. Hon. Godfrey Wanyama	Member
13. Hon. Everton Nganga	Member
14. Hon. Christine Mukhongo	Member
15. Hon. Catherine Kituyi	Member

## Acknowledgment

Let me take this opportunity to express my gratitude and sincere thanks to the members of the Committee for dedicating their time to sit and examine the Revenue Administration and Management (Amendment) Bill, 2023. The Committee would also like to register appreciation to the members of secretariat who worked with us for their unwavering commitment.

Lastly, the Committee is grateful to the offices of Hon. Speaker and Clerk of the County Assembly of Bungoma for the support received as it discharged its mandate of reviewing the Bill.

It is therefore my singular duty, on behalf of the Committee of Finance and Economic Planning, to table this report and recommend it to the County Assembly for consideration and adoption.

Signed by Hon. James Barasa Mukhongo, MCA Chwele/Kabuchai Ward; Chairperson, Committee on Finance and Economic Planning

## CHAPTER TWO

### Examination of the County Policy Statement on Financial of own revenue

Section 132(1) of the public Finance Management Act, 2012 provides that each financial year the County Executive Committee Member for Finance shall, with the approval of the County Executive Committee, make a pronouncement of the revenue raising measures for the county government

### Revenue raising measures and strategies approaches

The county treasury has put in place the following measures to achieve its target;

#### STRATEGY 1

Weekly performance appraisal for revenue collectors to monitor the variations between the collectors, collections and the targets. Revenue collectors will have structured forms to fill daily. They will operate on specific mapped revenue collection zones and none of them will stay in a zone for more than two days. This is to reduce incidents of fraud when they become familiar with the customers and the area

Revenue director shall be furnishing the County Assembly with reports as part of the performance appraisal

The department will map out collection zones and ensure that no revenue collector will be stationed in one zone for more than two days. They will also be required to fill structured forms on a daily basis

## STRATEGY 2

The County treasury aspires to fully transition to cashless revenue collection in a bid to cover revenue through loss, non- remittance of revenue collection collected by revenue collectors. Towards this, the department will update the revenue system to recognize more value revenue streams up to village level.

It will also ensure that all revenues are paid in the county revenue collection account. Receivers of revenue will be tasked to...

*(Inaudible)*

...more than their revenue streams and report on the same on a monthly basis.

## STRATEGY 3

Receivers of revenue will tasked to ensure prompt and proper accounting and reporting of revenues as stipulated in section 157 (2) of the PFM Act. Reports will be on a monthly basis so that any diversion can be promptly addressed.

## STRATEGY 4

In order to maximize revenue collection and easily attain targets the department plans to decentralize revenue collection at the ward level. Ward Revenue Enhancement Committee will be established in each ward with Ward Administrator being tasked with chairing these committees while the Village Administrator may engage in assuring maximum revenue collection as they are closer to the citizens.

## STRATEGY 5

To discourage defaulting, the office of the County Attorney shall assist in processing all defaulters and enforcing revenue collection through court. They have negotiated with judiciary to be given a designated court to handle county revenue matters.

The department stated that court has already been approved and it is awaiting allocation of space and furnishing of the relevant revenue laws.

## STRATEGY 6

In order to encourage residents to pay revenue, the County Treasury has introduced tax incentives which will be extended to all registered market traders. The traders shall receive incentives strictly from the resident market if he/she trades on other market the tax will apply normally.

The business permit will exempt two days per week depending on the period of the permit. The intention is to encourage tax compliance .The department has task the market committee to maintain up to date register for the resident market traders.

The County Treasury will also encourage all traders to take at least weekly permit to benefit from tax incentives

## STRATEGY 7

The revenue department intends to purchase additional vehicles to support supervision and collection of businesses license.

## CHAPTER THREE

### Committee observations and recommendations

#### Committee's observations

1. No performance appraisals indicator for senior revenue collectors in the revenue collection chain as has been provided in the strategy.
2. The receivers of revenue do not promptly account and report revenues collected as provided for in section 157 (2) of the PFM Act, 2012.
3. The receivers of the revenue do not have specific revenue streams target.
4. The policy does not have a mechanism to carry out regular audit in respect to registration of businesses in their correct category as provided for in the Finance Act.
5. It is not clear whether mapping linked to the County revenue system and registers do not guarantee that they will be used for subsequent years for invoicing exercises.
6. The creation of the county court will assist the department on enhancement and compliance with revenue raise legislation thus enhance the revenue collection
7. On tax only, there could be possibility of multiple registrations of members by market committees across the county through collision or manipulation.
8. The county government has many vehicles in various garages and parking bays and thus there is need to access the status of these existing vehicles before purchasing the new vehicles.
9. The policy statement was submitted to the County Assembly on 13<sup>th</sup> of February, 2023. Whereas section 132 of PFM Act requires that the policy to be submitted by 30<sup>th</sup> of April together with the Financial Estimates and Finance Bill before the beginning of the financial year applicable.



#### Committee's recommendations

1. The Committee recommended that the senior revenue collectors along the collection chain should also be on appraisal to hold them accountable in the performance of their sections and departments
2. The receivers of the revenue are hereby directed to strictly adhere to provisions of section 157 (2 ) of PFM Act, 2012 by promptly accounting and reporting revenues collected
3. The treasury should set specific revenue stream target for all receivers of revenue in the county.
4. The policy should provide a mechanism to carry out regular audit in respect to registration of businesses in their correct categories as provided in the Finance Act
5. The Committee recommended that the mapping should be linked to the county revenue systems and the register should be permanent so that it can be used in subsequent years while invoicing will be done without repeating the exercise.
6. The county government should carry out an audit on existing vehicles before buying new ones
7. The County Attorney should liaise with Judicial Service Commission to fast track the establishment of the county court.
8. The Committee recommends to have automated system based register rather than manual to avoid multiple registration by market committee

#### CONCLUSION

I beg this Honourable House to adopt the report by the finance and Economic Planning Committee on a county policy statement on enhancement of our own source of revenue.

#### ADOPTION SCHEDULE

We undersigned members have fixed our signatures adopting this report with the context therein.

Hon. Speaker, allow me welcome Hon. Catherine Kituyi to second the report.

**Mr. Speaker:** Hon. Catherine you have the honor of seconding the Committee's report ...and I am not seeing you... It is okay, proceed.

**Hon. Catherine Kituyi:** Thank you Mr. Speaker Sir. I rise to second the motion.

**Mr. Speaker:** Thank you Hon. Catherine. Honourable Members I will now proceed and propose a motion for debate.

*(Question proposed)*

Thank you Honourable Members for your contributions. We will proceed. Hon. Henry you want to speak? I think we are past that stage, we proceed.

*(Question put and agreed to)*

The ayes have it.

The report of the Committee on Finance and Economic Planning is hereby adopted by the House. Next item on our order paper

## **BILL**

THE BUNGOMA COUNTY REVENUE ADMINISTRATION AND MANAGEMENT AMENDMENT BILL, 2023

**Mr. Speaker:** Chair of the Committee on Finance and Economic Planning, proceed.

**Hon. James Mukhongo** (*Chairperson, Committee on Finance and Economic Planning*): Hon. Speaker, Pursuant to Standing Order No.141 (1), I beg to move that the Bungoma County Revenue Administration and Management Amendment Bill, 2023 now be read a second time. I now call upon..

**Mr. Speaker:** Before you call him, come again Revenue Amendment Bill of which year?

**Hon. James Mukhongo:** 2023, Hon. Speaker

**Mr. Speaker:** Proceed, call your seconder!

**Hon. James Mukhongo:** I now call upon Hon. Tony Barasa to second

**Mr. Speaker:** Hon. Tony you have the honour of seconding... just a minute please I am giving you the microphone

**Hon. Tony Barasa:** Hon. Speaker, with the privilege of my Chair I second.

**Mr. Speaker:** Honourable Members Pursuant to the provisions of Standing Order No. 141, a motion has been moved and seconded that Bungoma County Revenue Administration and Management Amendment Bill, 2023 be read for the second time.

*(Question put and agreed to)*

The Ayes have it. Now the bill will be read for the second time.

**A Bill for an Act of the County Assembly of Bungoma to amend the Bungoma Revenue Administration and Management Amendment Bill, 2019 and for connected purposes**  
*(Second Reading)*

**Mr. Speaker:** Honourable Members, Pursuant to Standing Order No.142; a Bill having been read a second time shall stand committed to the Committee of the Whole House accordingly. This Bill is taken to the Committee of the Whole House. We rise.

## COMMITTEE OF THE WHOLE HOUSE

*[The Speaker (Hon. Emmanuel Situma) left the Chair]]*

### IN THE COMMITTEE

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

**Chairperson:** We can get sited Honourable Members.

Honourable Members you are welcome for the Committee of the Whole House for consideration of Bungoma County Revenue Administration and Management Bill, 2023. I now call upon the Clerks- at- the- Table to read out the parts of the Bill in sequence specified in Standing Order 144.

### SCHEDULE

**Chairperson:** Honourable Members I now propose the question that the Schedule be part of the Bill. Chairperson Finance?

**Hon. James Mukhongo** (*Chairperson, Committee on Finance and Economic Planning*): Thank you Hon. Speaker. That the Schedule in the Bill be amended by deleting the second last colon of

the schedule and deleting the words proposed and 2022/2023 appearing at the top of the last colon so as to read “Charges”.

**Chairperson:** Thank you the Hon. James Barasa Mukhongo. Honourable Members I now propose the question that the Schedule be amended as proposed

*(Question proposed)*

Well I now put the question that the schedule be amended as proposed

*(Question put and agreed to)*

The ayes have it .I now proposed the question that the schedule amended be part of the Bill

*(Question proposed)*

I now put the question that the schedule as amended be part of the Bill

*(Question put and agreed to)*

The ayes have it.

Clerk read the next?

TITLE

**Chairperson:** Honourable Members I now propose the question that the Title be part of the Bill

*(Question proposed)*

I now put the question that the Title be part of the Bill

*(Question put and agreed to)*

The ayes have it.

CLAUSE 1

**Chairperson:** Honourable Members I now propose the question that Clause 1 be part of the Bill

*(Question proposed)*

Very well I now put the question that Clause 1 be part of the Bill

*(Question put and agreed to)*

The ayes have it.

Honourable Chairperson Pursuant to Standing Order 145(16) I beg to ask you to...Honourable Chair!

**Hon. James Mukhongo:** Thank you Hon. Chair. Pursuant to Standing Order 145 (16) I beg to move that the Committee to report to the House its consideration of the Bungoma County Revenue Administration and Management Amendment Bill, 2023. I now call upon Hon. Christine to second.

**Chairperson:** Well the Hon. Cunera Mukhongo.

**Hon. Christine Mukhongo:** Thank you Chairperson of the Whole House. I stand to second.

**Chairperson:** Very well Honourable members. I now put the question that the Committee does report to the House its consideration of the Bungoma County Revenue Administration and Management Amendment Bill, 2023.

*(Question put and agreed to)*

The ayes have it.

The Speaker can be ushered in

*(The House resumed)*

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

## REPORT

**Mr. Speaker:** Honourable Members lets be sited. Honourable Members allow me invite the Chair of the Committee of the Whole House to report back to the Speaker as per the provisions of Standing Order No.147. Honourable Chair of the Committee of the Whole House proceed and report

**Hon. Stephen Wafula:** Thank you Hon. Speaker. Pursuant to Standing Order No. 147, I beg to report that the Committee of the Whole House has considered the Bungoma County Revenue Administration and Management Amendment Bill, 2023 as follows;

Schedule was approved with amendments

Title was approved without amendments

Clause 1 was approved without amendments

Thank you Hon. Speaker.

**Mr. Speaker:** Thank you Honourable Chair of the Committee of the Whole House. Honourable Members allow me invite the owner of the motion or the Bill to come and move accordingly. Hon. James Barasa, proceed. Hope you have a seconder.

**Hon. James Mukhongo:** Thank you Hon. Speaker. Pursuant to Standing Order No. 148(1, I beg to move that the House does agree with the Committee in the said report. I request Hon. Christine Mukhongo to second.

**Mr. Speaker:** Hon. Christine, you have the honor of seconding a motion moved by the owner of the Bill.

**Hon. Christine Mukhongo:** Thank you Mr. Speaker. I take this opportunity to second the Bill.

**Mr. Speaker:** Honourable Members a motion has been moved and seconded pursuant to Standing Order No.148 (1) that the House does agree with the committee's report as laid before this House

*(Question put and agreed to)*

The House does agree with the report emanating from the Committee of the Whole House.

## ADJOURNMENT

**Mr. Speaker:** Honourable Members, I appreciate all who have sat up to this time. We will now adjourn our sitting to resume on Thursday 21<sup>st</sup> of September, 2023.

*(House Adjourns)*