

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY, 25TH OCTOBER, 2023

Afternoon Sitting

Third County Assembly

Second Session

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COUNTY ASSEMBLY OF BUNGOMA

THE HANSARD- OFFICIAL REPORT

WEDNESDAY, 25TH OCTOBER, 2023

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

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

PRAYER

PAPERS

1. REPORT BY THE SECTORIAL COMMITTEE ON TRADE, ENERGY AND INDUSTRIALISATION ON THE STATUS OF STREET LIGHTING IN BUNGOMA COUNTY

Mr. Deputy Speaker: Yes Hon. Ipara!

Hon. Johnston Ipara (Chairperson, Committee on Trade, Energy and Industrialisation): Mr. Speaker Sir, I rise to table a report by the Committee on Trade, Energy and Industrialisation on the Status of street lighting in Bungoma County. I table.

Mr. Deputy Speaker: Thank you so much Hon. Ipara Okasida. Members, a report by the Committee on Trade, Energy and Industrialisation having been tabled is now the property of the Assembly. Proceed!

2. THE COUNTY GOVERNMENT OF BUNGOMA RECEIVER OF REVENUE ANNUAL FINANCIAL STATEMENTS AND REPORTS FOR THE PERIOD ENDED JUNE 30TH 2023

Mr. Deputy Speaker: Out Majority Leader, proceed please!

Leader of Majority (Hon. Joseph Nyongesa): Thank you Mr. Speaker. Allow me lay on the Floor of this House the revenue statements for the Financial Year ended 30th June, 2023.

Mr. Deputy Speaker: The County Government receiver of revenues annual Financial Statements and reports for the period ended June 30th, 2023 having been tabled stands committed to the Committee on Finance so that processing can be done and the report brought back to this Assembly. Let us proceed! Signs of aging noticed somewhere.

NOTICES OF MOTION

1. REPORT BY THE SECTORIAL COMMITTEE ON TRADE, ENERGY AND INDUSTRIALISATION

Mr. Deputy Speaker: Very well, Hon. Ipara!

Hon. Johnston Ipara (Chairperson, Committee on Trade, Energy and Industrialisation): Mr. Speaker Sir, I rise to issue a notice of motion that this House adopts the report by Committee on Trade, Energy and Industrialisation on the status of streetlights in Bungoma County.

(Applause)

Mr. Deputy Speaker: Thank you Hon. Ipara! Now, Honourable Members, the notice of motion having been issued, I therefore direct that the Clerks- at- the- Table and respective officers to ensure that it is circulated to all Honourable Members. They have to consume it so that they form an informed decision on the same as it will form part of Business that will be considered by this Assembly.

Thank you so much we move to the next item!

QUESTION

1. QUESTION NO.63/2023: MEMBER FOR TOWNSHIP WARD HON. JEREMIAH KULOBA TO SEEK A RESPONSE FROM THE CHAIRPERSON LANDS, URBAN, PHYSICAL PLANNING AND HOUSING

Mr. Deputy Speaker: Hon. Kuloba, Member for Township!

Hon. Jeremiah Kuloba: Thank you Mr. Speaker. I rise to seek for information and an explanation under Standing Order No.49 from the Executive Committee Member for Lands, Housing, Urban and Physical planning in respect of space for traders within Township Ward.

Aware that the provisions of Article 47 of the Constitution of Kenya stipulates that, every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.

In the response, let the CECM provide information with the evidence on the following;

1. Whether the CECM is aware that small traders have been evicted and barred from selling their wares and goods from their spaces within Township Ward.
2. Whether there was public participation involving the CECMs for Trade, Energy and Industrialisation, Finance, Public Administration and the traders within Township Ward prior to the actions above.
3. Provide information as to whether the said decision was discussed and approved at the Cabinet prior to being effected.
4. Was the Municipal Manager involved in the deliberations that led to such evictions and if so what was his input?
5. Provide the notices directing that all small traders to move and desist from exhibiting and selling their goods or providing their services in their usual areas within Township Ward.

6. Whether the Department has any resettlement plan in order to provide enough or alternative space for small traders to operate from

7.If not, let the CECM provide the time frame within which the department shall have set aside proper and ample space in well designated areas for small traders to operate from before any evictions are done.

8. How many parcels of Land have so far been purchased and fully paid for and registered in the Bungoma County Governments name for purposes of establishing market places within Township Ward.

9. State how much money has been set aside in the budget for designation of proper market space for small traders within Township Ward.

10. What mechanisms has the department put in place to ensure that traders are enlightened and informed of the various laws and regulations governing urban and physical planning in compliance with access to information act and Article 35 of the Constitution?

Thank you.

Mr. Deputy Speaker: Thank you Hon. Jeremiah Kuloba, Member for Township. The Chair in that respective sectorial Committee, Hon. Chemion Masai!

Hon. Francis Masai (*Chairperson, Committee on Lands, Housing, Urban and Physical planning*): Thank you Mr. Speaker. I request that we are given 21 days to work on these 10 questions so that we are able to respond. They are extensive questions.

Mr. Deputy Speaker: I think Chair, Hon. Chemion...Before I make that, Hon. Kuloba what is the problem, you have something?

Hon. Jeremiah Kuloba: Hon. Speaker, with due respect 21 days is a long time. I wish it could be done even within seven days.

Mr. Deputy Speaker: Thank you so much. We shall give the department 14 days from today so therefore the response is expected on the Floor of the House on 8th of November at 2:30 p.m.

Very well, Hon. Leader of Majority, Do you have information?

Hon. Joseph Nyongesa: Thank you Mr. Speaker. Just on a light note because I have been looking at Hon. Jeremiah. the face was looking very harsh when the Chairman mentioned 21 days and it reminded me of some few weeks ago when the CECM Education was here, Jeremiah was saying we should not be harassing CECMs .

I think the best way; he should be given more than 50 days so that they should not be harassed. Why is he changing the goal posts? Let us give them ample time for them to come with the required information so that at least they come when they are ready.

Hon. Jack Wambulwa: Thank you Hon. Speaker for giving me this opportunity. I wish to echo what the Leader of Majority has just said.

One, looking at the statement itself and the volume of the content that he wants, it requires enough time. As you might have heard, he is talking about getting them an alternative place. Alternative place cannot come in 14 days and so that requires enough time. How I wish they could give a month so that we are able to get an alternative place for the business community.

Mr. Deputy Speaker: Order Members! Off course we are not changing anything. You have made a statement on the same. It is 14 days, but members it is just important that we have to get the thoughts of this House because you have to be careful with your statements. What you make here, the statement you make tomorrow will be coming back to you; so you have to be very careful with the statement you make in this House. You will make a statement today, the next day you will be on the defence, then things will turn round so we have to maintain the sanctity of the Assembly.

RESPONSES

1. RESPONSE FROM THE CHAIRPERSON SECTORIAL COMMITTEE ON ROADS, TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS IN RELATION TO THE ROAD NETWORK IN TONGAREN- KIMININI WARD IN THE FY 2019/2020, 2020/2021 AND 2021/2022

Mr. Deputy Speaker: We have our Chairperson, Roads. I am not seeing him. Very well, I can now see him, Hon. Korir!

Hon. Franklin Simotwo: Thank you Mr. Speaker for this opportunity. Here is a response with me on various questions raised by Honourable Members.

This is pertaining statements referred to the Committee on roads

Questions that were referred to the Committee;

I wish to report as follows pursuant to Standing Order No. 54 that states that the Chairman of the Committee shall submit a progress report to the House on the questions referred. The Committee on Roads received four questions sought by Honourable Members in this House on diverse dates as referred to the Committee for replies pursuant to Standing Order No. 47 (2) (e) of Bungoma County Assembly standing orders.

Question one was by Member of Kabula, Hon. Vitalis in reference to the rehabilitation of the road from Kabula Catholic church to Naburereya done in the year 2021/2022 with the focus on the following details.

a) The current status of the roads

b) The procurement process

c) Provide the tender advert, evaluation report, professional opinion from the Head of Supply Chain Management

- d) The name of the contractor who won the tender
- e) State the contract sum and how much has been paid so far
- f) State the contract period and whether the works were done within the contract period provided in the contract agreement.
- f) Provide the contract agreement

Question two

A question by Member of Kaptama Hon. Francis Chemion in relation to the tendering of the following roads;

Kapsami Kongit road, Kaptama-Booster-Bondeni Kaboywo road

Kostoi- Chelida road, Sultan- Kapteyandet road; and

Kaberwa -Chepkitale road

The focus was on the following issues;

If the procurement process was undertaken for the above mentioned road, avail the document as proof

- b) Names of contractors who were awarded the tenders.
- c) The contract sum and dates of payment for each road
- d) Payment certificates for the contracts
- e) The Bill of quantities (B'Qs) of the mentioned roads.
- f) Whether the signage for the projects were erected on the mentioned roads

Question three by member from Musikoma ward Hon. George Makari in relation to roads contracted and rehabilitated in Musikoma ward in FY 2022/2023.

He requested the Chair to enquire and respond on the following issues

- a.) If the contractor executed the job according to the specifications
- b.) Why the contractors were paid before the inspection of the said roads was done especially Lavin-Mwiruti road and Namasanda, SDA junction to Mukasa Atemba in Namasanda village unit
- c.) Elaborate on the other roads constructed/rehabilitated in Musikoma ward within the Financial Year.

Question Four by Hon. Member from Tongaren-Kiminini Ward Hon. John Ipara in relation to the roadworks in Tongaren Kiminini Ward in the Financial Year 2019/2020, 2020/2021, 2021/2022 requesting the Chairperson to respond to the following;

- a) How many roads have so far been done in the Financial Year 2019/2020, 2020/2021, 2021/2022 under the following programs in Kiminini Tongaren Ward?

Ward based projects, Framework contracting and Road Maintenance Levy Fund (RMLF)

- b) Provide the names of the said roads, the names of contractors contracted on the mentioned roads, the cost on each road and the current status of the roads.

Hon. Speaker, the Clerk wrote the letter to the CECM; reference number BCA/CC/ACT VOLUME 9 (4) dated 12th October, 2023 requesting for the replies on the questions as aforementioned which were received by the office of the Clerk on 13th October, 2023. Subsequently, the responses were tabled before the Committee for consideration following the directive by your office that all pending statements sought be handled at the committee level.

The Committee invited the County Executive Committee Member responsible on 16th October via a letter ref. number BCA/CC/9 VOL 1. However, appearances were rescheduled and the responsible County Executive Member together with the Honourable Members appeared on 24th October, 2023.

In the response to the question by Hon. Vitalis Wangila- Member for Kabula Ward dated 12th October, 2023, all the documents were submitted by the CECM as requested. However, it was noted the works on the road were completed after the statement was sought. It was noted that the documents submitted did not reflect the actual works done on the road hence failure on the department to provide accurate information to warrant payment of the project.

In conclusion, the response was satisfactory to the owner but the Committee tasked the CECM to ensure proper supervision of projects was done and involvement of members of County Assemblies representing wards before any payment.

In response to the question by Hon. Francis Chemion for Kaptama Ward, the response was provided with all the information requested accordingly. However, the Committee having observed the bulkiness of the document; resolved to scrutinise the response further and accord the owner of the statement adequate time and engage the CECM on Monday 30th October, 2023.

On the question by Hon. George Makari Member for Musikoma Ward, the response covered all the information requested. It was submitted that all the physical works on all the projects were completed as per the site status report and are awaiting final payment for the project to be handed over to the community.

It was also noted that the contractor did not execute the job according to the specifications in the BQs.

He cited that the installation of box culverts was poorly done which the department attributed to resistance by the residents.

The Committee insisted on the involvement of the area MCA whenever such cases arise and confirmation that the projects are done as per the BQs before payment.

In the response to the question by Hon. John Ipara, Member Tongaren- Kiminini Ward, it was confirmed that all the information submitted apart from the BQ for the works undertaken under Bungoma BGM/CNTY RPW CF OT/ 036 220 /2021 for Velmax Investment Limited.

The document file was earlier requested by EACC on the matter that needed attention. From the response, it was noted that the total number of projects were undertaken in three Financial Years. The projects were implemented through five contracts under programs RLMF framework and ward based projects; all of which were fully completed and payment made as per the certified works.

The Honourable Member disputed some of the information that some of the works were poorly done on the roads hence not satisfactory. He cited that on the Kikamwe- Mfunje-Saliwa road, only grading was done yet the report highlighted sport graveling and culverts installation as well.

In conclusion, the response was unsatisfactory. The Committee having noted that the information submitted by the Department with regard to the status of the project did not reflect actual status on the road, the result of poor supervision and collusion by the works officers with the contractors to deliver substandard works; and being paid for works not completed or poorly done.

The Committee directed the Department that henceforth no payment should be done on ward based projects without confirmation by the area elected member that the project has been done in his line with the BQs and works certified.

I beg to report.

(Applause)

Mr. Deputy Speaker: Thank you Honourable Members. That is the response from the Chair, Roads. He has touched on various questions that sought to get response. Maybe we can get...

Honourable members, as you are aware we are not going to have a debate on the response given by the Chair but of interest is to know if indeed the concerned Honourable Members appeared before the Committee. That is the Members for Tongaren- Kiminini, Kabula, Kaptama and Musikoma. Yes, Hon. Ipara!

Hon. Johnston Ipara: Mr. Speaker Sir, I rise to confirm I did appear before the Committee which was chaired by Hon. Frankline Simotwo and the issues raised were the ones that were presented. It is a true position of what was deliberated and I do accept that we agreed on most of those matters and we also learnt one thing; that there were even some mal-practices which

currently are under the table of the EACC on those Tongaren roads for the FY 2021/2022. So that is the correct position. Maybe just one correction, I am not John I am Johnston.

Mr. Deputy Speaker: Someone called you John!

Hon. Johnston Ipara: Yeah, in the report the Chair has referred to me twice as John. Just for record purpose I am Johnston

Mr. Deputy Speaker: Very well. Hon. Korir, the Honourable Member for Tongaren - Kiminini is not John; he is John plus stone it comes to Johnstone

(Laughter)

Very well!

Hon. Johnston Ipara: And somewhere there he also mentioned Kimilili in Tongaren. We do not have Kimilili-Tongaren we have Tongaren- Kiminini.

Mr. Deputy Speaker: It is Tongaren- Kiminini.

Hon. Johnston Ipara: Yes Sir.

Mr. Deputy Speaker: Very well. Thank you. I hope the Chair, Roads is alive to that, that you compress John and stone place together to get Johnston... that is him.

Member for Kabula!

Hon. Vitalis Wangila: Thank you Chair. I also confirm that I was in the meeting chaired by the Chair, Roads and we received the response from the Department and found a way forward.

Mr. Deputy Speaker: Thank you so much Hon. Vitalis Wangila Sifuna- Member for Kabula. The Member for Kimaeti Hon. Jackson Wambulwa Ouma!

Can you confirm? We do not want to leave you out and then tomorrow...Did you appear before the Committee?

Hon. Jack Wambulwa: I was not amongst unless you are also aging!

Mr. Deputy Speaker: The status of CEF projects in Kimaeti Ward and all the remaining wards for the period 2019-2022. That is question number 33 of 2023. It is not me aging.

(Inaudible)

But did you appear? Okay fine

Well, the Honourable Member for Kaptama!

Hon. Francis Chemion: Mr. Speaker, I consulted with the Roads Committee, looked at the volume of the response. It was 95 pages and I require enough time to peruse so that I appear

before the Committee and the CECM; which I am now doing. We agreed they have pushed it to next week; we will be handling the issue. I am in agreement with the report.

Mr. Deputy Speaker: Very well Hon. Masai submits that. Okay, fine

We proceed to the next item!

2. RESPONSE FROM THE CHAIRPERSON SECTORIAL COMMITTEE ON AGRICULTURE, LIVESTOCK, FISHERIES, IRRIGATION AND CO-OPERATIVES DEVELOPMENT

Mr. Deputy Speaker: Chairperson sectorial Committee on Agriculture, Livestock, Fisheries, Irrigation and Co-operative Development Hon. Wafula Waiti!

Hon. Wafula Waiti (*Chairperson, Committee on Agriculture, Livestock, Fisheries, Irrigation and Co-operative Development*): Thank you Chair. I rise to give a response on the questions and statements referred to the Committee by Honourable members.

Mr. Deputy Speaker: Order members! Let's consult in low tones!

Hon. Wafula Waiti: I will start by introduction. The Committee on Agriculture, Livestock, Fisheries Irrigation and Co-operative Development is among the sectorial committees of the County Assembly established under standing order 179 and executes its mandate pursuant to standing orders 217 and 218.

This report on questions is as a result of response to statement and questions that were referred to the committee pursuant to Standing Order No. 217(5) (f) that states that the functions of the sectorial committee shall be to investigate and enquire into all matters relating to the assigned departments as they may deem necessary and as maybe referred to them by the County Assembly.

Questions and Statements

I wish to report as follows; pursuant to Standing Order No. 54 that states; the chairperson of a committee shall submit a progress report to the House on questions;

a) Referred to the Committee

b) Replied to

c) Which the Committee has directed a County Executive committee Member to provide additional information or further reply and d pending before the committee.

The Committee received three statements sought by Hons. John Kennedy Wanyama, Tim Chikati and Makari and diverse dates. Following the communication issued on 12th September, 2023 where you directed that all pending statements be processed in committees and reported back to the House on or before 25th October, 2023.

That on 9th March, 2023, Hon. Tim Chikati member for Ndaluhwa Tabani Ward sought a statement pursuant to Standing Order No. 47(2) (c) of the Bungoma County Assembly Standing Orders in respect to the following cattle dips in his Ward

Mayende cattle dip, Tabani cattle dip, Mapera cattle dip, Nzoia cattle dip. Muliro cattle dip and Labisa cattle dip.

In his statement, he requested that the Chairperson provides one;

1. Information as to why the aforementioned cattle dips have stalled and or are not in operation even after award of the contract to renovate them
2. The name and or identity of the contractor awarded the tender for the renovation
3. The procurement documents, tender advert, quotation or tender opening and evaluation reports, contract agreement, opinion of the procurement officer in accordance with Public Procurement and Disposal Act, 2015 for the renovation of the aforementioned cattle dips.

(Loud consultations)

I am being disturbed. My ears are ...if you may protect me from the noise in the House.

Mr. Deputy Speaker: Honourable Members, those are responses that are affecting our wards, kindly let us just be keen so that we can be informed.

You have information concerning the noise Honourable Member!

Yes... I am not seeing you Honourable Member!

No, you cannot use another Honourable Member's ...That is a respected person!

Hon. Hentry Nyongesa *(On a point of information)*: Thank you Chair, I just wanted to inform Hon. Waiti that members do not make noise but they consult; so he may only be disturbed, but with consultations, and not noises. I think he is supposed to correct that!

Mr. Deputy Speaker: Thank you so much Hon. Hentry. They know each other although the Honourable Member on the Floor of the House never said that Honourable Members are making noise; he is being disturbed by some noise. The noise, wherever it was emanating from, we do not know; but we say that for us we have to be orderly in the Assembly. Proceed, Hon. Waiti!

Hon. Wafula Waiti: Thank you Mr. Speaker for that protection. You know Hon. Nyongesa is fond of being heard every other time. I proceed!

4. The procurement plan encompassing the said renovations in accordance to Section 44 (e) of the Public Procurement and Disposal Act, 2015

5. State whether there was a budgetary provision for the renovation in accordance with section 44 (2) (a) of Public Procurement and Disposal Act, 2015; and if yes how much?

6. Information and or a conclusive report as to whether the said cattle dips were handed over by the contractor to the County Government. How much was paid and how much is the balance?

7. Information as to whether the tender awarded included fencing of the said cattle dips.

8. If completion and handing over has not been done, what measures are being taken to ensure that the dips are completed and operational?

That on 29th May, 2023, Hon. John Kennedy Wanyama sought a statement pursuant to Standing Order No. 47 (2) (c) of the Bungoma County Assembly Standing Orders in respect to the Field Extension Officers in the department of Livestock and fisheries.

The Honourable Member requested that the Chairperson enquires and responds on the following;

1. The budgetary allocation for the department of Livestock and Fisheries for the Financial Year 2022/2023.

2. The staff establishment in the department of Livestock Fisheries detailing the respective duty stations of the officers and respective years in service

3. Details of the number and venues of the field days and external meetings held by the department.

4. Information on the participants of the field days, external meetings and details of the facilitation provided for the field extension officers during the Financial Year.

5. The tools of work provided for the field extension officer in the course of duty

6. Details on the trainings provided to the officer to improve on skills.

That on 27th June, 2023, Hon. George Makari, Member for Musikoma Ward sought a statement pursuant to Standing Order No. 47 (2)(c) of the Bungoma County Assembly standing orders in respect to Namasanda dam in his Ward.

In his statement, he requested that the Chairperson responds to the following;

1. The acreage of the said dam

2. Practical steps the department is taking to rehabilitate the dam; fence and make it useful to the people of Namasanda both as a source of water and livelihood to them.

Any previous undertaking by the County Government to rehabilitate the dam

The scope of work done at that time and any positive achievements arising from the rehabilitation

4. State whether the land belonging to the dam has been encroached, ecosystem destroyed and previous fencing destroyed too. If yes, explain what the department is doing to solve the problem.

Responses

The Committee invited the County Executive Committee Member responsible on 12th October, 2023 vide reference BCA/Sec II/ Vol.347

The Honourable Members who sought for the statement were invited on 19th October, 2023 to appear before the Committee for hearing pursuant to Standing Order No. 51(3). However, the appearances were rescheduled and the responsible County Executive Committee Member together with Honourable Members appeared on 23rd October, 2023.

In response to Hon. Tim Chikati from the office of the Executive Member for Agriculture dated 6th July, 2023 vide reference number BGM/CG/CEC ministry of Agriculture ,Livestock Fisheries and Co-operatives response number volume 1, it was provided that the renovation of the aforementioned dips were under CEF projects with records showing that requisitions were made by the CEF co-ordinator Mr. Kipsan'g on 16th of November, 2021 for the renovation of six cattle dips namely; Labisa, Muliro, Minyali, Tabani, Sikhendu and Birachi. The tender was awarded for only four; that is Labisa, Nzoia, Tabani and Minyali and sites handed over to the contractor by the name Jaileen Construction Company Limited of P.O Box 305 -50202 Chwele; vide tender number 905742 of 2021/2022 on 6th June, 2022 for a contract period of 6 months.

However, the renovation works did not take place and the dips are not operational since the contractor went underground, cannot be traced and the contract lapsed in December, 2022.

It was also observed that no money was paid to the contractor since no works were done.

Hon. Tim Chikati was satisfied with the response and thus the supplementary questions thereto were dropped by the member with the concurrence of the Committee. The Honourable Member agreed with the County Executive Member to pursue the matter outside of the Committee and that arrangement was assisted by the Committee.

In a response to Hon. John Kenedy Wanyama from the office of the County Executive Committee Member for Agriculture dated 6th July, 2023 vide reference No. BGM/CGCEM of Ministry of Agriculture, Fisheries and cooperative response volume Number One, it was noted that the approved budget was KShs237, 810,969.76, but after the first supplementary budget, the actual budget was KShs179, 284,506.26.

The staff establishment in the department of livestock and fisheries was 74 out of which 54 were 35 men and 19 female; and 20, (12 male and 8 female) administrative officers. A list detailing the respective duty Stations of the officers and respective years in service, was provided to the member for noting.

It was also noted that there were no field days that were held and therefore no information on the participants of the field day extension, external meetings and details of the facilitation provided for the field extension officers during the financial year could be availed.

On the tools of work provided for the field extension officers in the course of duty, the Committee was informed of five vehicles, 24 Motorcycles, airtime worthy KShs36, 000, daily subsistence allowance of KShs2, 275,000, uniform worth KShs500, 000, Fuel-100 liters and veterinary vaccines worthy KShs2,200,000 were provided with the satisfaction of Honourable member that had sought the statement.

Finally, on the response to Hon. Goerge Makari, I wish to report that the Committee handled all the statements with regard to the terms and the report is available and this morning, I tabled the report on terms which was done conclusively by the Committee. So for the reply to Hon. George Makari, a statement is in that report. I beg to report.

Mr. Deputy Speaker: Thank you so much Hon. Waiti

(Applause)

Very well! All the members who sought the responses apart from the Hon. Chikati are not in. So let us have Hon. Chikati confirm if indeed he appeared before the Committee and if that is the true position of what transpired.

Hon. Timothy Chikati: Thank you, Mr. Speaker. Yes, I want to confirm that I appeared before the Committee and the CECM Agriculture, Livestock and Fisheries and actually that is the true picture of the situation on that day and the reason. Why we dropped the rest of the questions is that the contractor went missing and the money was re- allocated to another department. So the CECM requested that we settle it out of the Committee.

Mr. Deputy Speaker: Thank you. Well, we move to the next item.

3. RESPONSE FROM THE CHAIRPERSON, SECTORAL COMMITTEE ON LANDS, URBAN , FISCAL PLANNING AND HOUSING

Mr. Deputy Speaker: Chairperson, Sectoral Committee on Lands, Urban, Fiscal Planning and Housing. You can proceed, Hon. James Barasa Mukhongo.

Hon. James Mukhongo: Thank you Hon. Speaker. On behalf of the Chair, Committee on Lands, Urban, Physical Planning and Housing, I wish to give a status on statements that were sought by the Honourable Members and referred to the Committee. Standing Order No. 54 of the Bungoma County Assembly Standing Orders states that the chairperson of a committee shall submit a progress report to the House on questions

a) Referred to the committee

b) Replied to

c) Which the committee has directed a County Executive Committee Member to provide additional information or further reply; and

d) Pending before the committee

Pursuant to the provisions of Standing Order No. 49 of the Bungoma County Assembly Standing Orders, three statements were sought on the Floor of the House. In the communication, the Hon. Speaker directed that all statements be handled at the committee level and report submitted to the House upon the resumption of the House from recess.

It is upon this premise that the Committee on Lands, Urban Physical Planning and Housing, invited the relevant County Executive Committee Member on 24th October, 2023 for oral submission on the responses he had submitted to the Committee.

The first statement which was referred to the committee;

Statement was sought by Hon. Henry Nyongesa- Member of the County Assembly for Bumula Ward on the purchase of land for various projects within Bungoma County. In his statement, the Honourable Member sought for information with evidence on;

1. How much was allocated to the department for land purchase` for the CEF projects in various wards and the county flagship projects in the financial year 2020/2021,2021/2022 and 2022/2023
2. How many parcels of land have so far been purchased and fully paid for and registered in the Bungoma county government's name.
3. Why Land for Lunao Dispensary has not been paid for yet there has been allocation for the same for four successive financial years since financial year 2017 To 2018, 2020 to 2019, 2021 to 2022 and 2022 to 2023. Putting in mind that the project is a priority for the people of Bumula Ward
4. Provided the circular directing that all land to be purchased must be approved by the National Office Contrary to the fact that the land matters are a devolved function
5. Provide timeframe within which the department shall have processed such intent.
6. Provide names of public officers involved in the processing of land within the county. For instance, Lunao dispensary.

The CECM lands appeared before the Committee on 24th October, 2023 at 12:30 p.m and requested for some more time to present an adequate response by 30th October, 2023. The

owner of the statement agreed to the request. The Committee will interrogate the CECM on Monday next week at 2:30 p.m.

The second statement was sought Hon. George Makari- Member of County Assembly for Musikoma Ward. The Honourable Member sought a response on the unclear information concerning the Municipality Board Members both for Kimilili and Bungoma. The CECM was required to respond to the following;

- a) What is the term of service of the Municipality Board Members who took over office in 2017? More so, shed light on their years of service. if the term of the said board members is renewable and elaborate more on their curriculum vitae and the period remaining for each member to serve on the board.
- b) If there is any vacancies that may have been avail due to members' resignation? And if in affirmative there was evidence of resignation.
- c) Is there any board member currently serving or who contested in the 2022 general elections, but still serving? If yes, their names and if they were cleared by IEBC, or EACC as by the law.

The CECM of Lands Urban Fiscal Planning and Housing responded to the statement when he appeared before the Committee on 24th October, 2023 at 12:30 p.m.; and stated as follows;

- 1) That the term of service of municipal Municipality Board Members who took over office in 2017 is five years and is non-renewable.
- 2) That only two members resigned in February, 2022 and he did not have record of any other member having resigned or who contested for elective seats in the last general elections.
- 3) The CECM did not have or provide any documentary evidence of the two members who resigned to seek for elective seats in the last year's general elections
- 4) He implored on the Committee to call individual board members to respond and confirm their role and participation in last year's general election.

The owner of the statements submitted that the response was not conclusive, unsatisfactory, the Committee directed as follows;

- 1) The County Executive Committee Member to provide copies of letters of resignation by all board members who resigned from the board to contest in the 2022 general elections.
- 2) The committee will then do a follow up with the IEBC to confirm if any member of the board was cleared to contest in the 2022 general elections.

The third statement was sought by Hon. Cornelius Makhanu- Member of County Assembly for Khalaba Ward on the construction of Pamus- Muyai- Ndengelwa Road. The Honourable Member inquired on the following;

- a) What is the contractual Sum and scope of the project? Avail the BQs
- b) What is the name of the contractor; attach the CR12 and signed contract
- c) What was the contractual period, has it expired or not? If expired, avail all extension authority
- d) Is the project complete or any progress made? If not complete, what is the status?
- e) Does the project have the contract implementation committee? If it has avail CIC reports and payment status.
- f) Has the project been done according to the required standards,

The CECM, Lands, Urban , Physical Planning and Housing appeared before the Committee on 24th October, 2020 at 12:30 p.m. and requested the Committee to allow him add information on the response that he had submitted to the Committee and submit comprehensively On Monday, 30th October, 2023.

The owner of the statement agreed to the request and the CECM will thus appear before the Committee on Monday, 30th October, 2023 at 2:30 p.m. to give his response.
Thank you on behalf of the Chair, Hon. Francis Chemion- MCA Kaptama Ward.

Mr. Deputy Speaker: Thank you Hon. James Mukhongo for the response. The members that were concerned with the same; the Hon. Makari is around, maybe, to actually inform the House.

Hon. George Makari: Thank you Hon. Speaker. As the mover of the statement has stated clearly, I wasn't satisfied because the CECM was taking us in circles. He was saying that he can only remember two people having resigned to go for elective post that is himself and Hon. Jeremiah Kuloba but the rest when he followed through the files, there was no letter of resignation; and particularly for one member who vied in my Ward contesting against me.

During the vetting of Municipality Board Members around 2018, he came to me and told me Honourable Member, you are my friend, if you will assist me get into the municipality board, I will not contest against you in 2022; and then he broke the oath and contested against me without resigning .

The election laws stipulate that by February 8, you must have resigned. So, the CECM who is Sasita also vied, but he failed at nominations level in his party. I think Hon. Vitalis can

confirm this because he comes from the same ward with him. I don't know he was looking for MP or MCA, but he failed in nominations. So he says he resigned and then also Hon. Jeremiah Kuloba says he resigned, but now there are no confirmation letters even in the files of these board members, whether indeed they resigned or not!

There were no written letters to that effect to the Municipality Board CEO, that is him and Jeremiah who said they resigned. There was no documentary proof, but one particular case from my ward; they say there was no record of resignation anywhere. So we left it there and concluded that the Committee will dig further. We will write to the relevant bodies, that is, IEBC and EACC to confirm if actually there were resignation letters and the intent to vie if they got cleared for the same. So that is where we are and I think the response will as well come after the Committee through the Secretariat have confirmed from the relevant bodies. That is where I am.

Mr. Deputy Speaker: Thank you Hon. Makari; any other Member? Hon. Cornelius Makhanu?

Hon. Cornelius Makhanu: Thank you Mr. Speaker, Sir. I was disappointed because the CECM confirmed that it was the first time he was seeing my questions. We were wondering how did we get the documented response and yet the CECM had not even seen my questions? So, there seems to be some disconnect from the CECMs office and his officers, but I accepted as he requested for more time. I agreed and accepted that he would be coming next week on Monday. He requested to go through those responses. So, I have accepted that he will come back to respond to them.

Mr. Deputy Speaker: Thank you Hon. Wanjala Makhanu. Do we have the third member? Well, in the absence of the Member, we proceed to the next item

MOTIONS

1. REPORT BY THE SECTORAL COMMITTEE ON TRADE, ENERGY AND INDUSTRIALIZATION ON THE BUNGOMA COUNTY WEIGHTS AND MEASURES BILL, 2023

Mr. Deputy Speaker: Chair, Committee on Trade, Energy and Industrialization Hon. Johnston Ipara Okasida- Member for Tongaren- Kiminini.

Hon. Johnston Ipara: Thank you, Mr. Speaker Sir. I raised move a motion that this House notes areport by the Committee on Trade, Energy and Industrialization on the Bungoma County Weights and Measures Bill, 2023. On page two is the table of contents. On page one, chapter one;

Mr. Speaker sir, the Bungoma Weights and Measures Bill 2023 was committed to the Committee on Trade, Energy and Industrialization on 26th April, 2023. Members of the Committee and the Secretariat in alignment with the Bungoma County Assembly Standing

Orders, the 2010 Constitution of Kenya and the Weights and Measures Act familiarised themselves with the Bill and thereafter considered the contents and made recommendations as contained herein.

On behalf of the Members of the Committee on Trade, Energy and Industrialization, it is my pleasure and duty to present to this House the report of the Committee on Bungoma Weights and Measures Bill, 2023.

Committee Membership

The Committee on Trade, Energy and Industrialization as currently constituted comprises of the following members

1. Hon. Johnston O Ipara	Chairperson
2. Hon. John K Wanyama	Vice chairperson
3. Hon. Meshack Simiyu	Member
4. Mitrine Nangalama	Member
5. Hon. Wafula Waiti	Member
6. Hon. Kimeta Polycarp	Member
7. Hon. Bernard Kikechi	Member
8. Hon. Timothy Chikati	Member
9. Hon. Alfred Mukhanya	Member
10. Hon. Alice Kibaba	Member
11. Hon. Brigid Katasi	Member
12. Hon. Angeline Rugut	Member
13. Hon. Sheila Sifuma	Member
14. Hon. Linda Kharakha	Member
15. Hon. Aggrey Bosire	Member

Acknowledgement

On behalf of the sectoral Committee on Trade, Energy and Industrialization I wish to extend immense gratitude to the Office of the Speaker and the Clerk for the steadfast support towards success of this report.

I also take this opportunity to acknowledge all the Members of the Committee for their utmost commitment and dedication during processing of this report. Much appreciation also

goes to the Committee secretariat for their technical and professional input that guided the Committee in all aspects of Bill processing.

It is now my pleasure and duty to present to this House the Report of the Committee on the Bungoma County Weights and Measures Bill, 2023.

CHAPTER TWO

Background

The County Assembly of Bungoma Standing Order No. 140(1) provides that:

A Bill having been read a First Time shall stand committed to the relevant Committee without question put. The Bungoma County Weights and Measures Bill, 2023 (No.4) having been sponsored by Hon. Johston Ipara, Chairperson Committee on Trade, Energy and Industrialisation was read a first time on 26th April, 2023 and committed to the committee on Trade, Energy and Industrialization for consideration.

Objects and Purpose of the Bill

The Objects and Purposes include:

- (a) To provide a framework within which the County Government may perform its functions and exercise its powers under the Constitution to inspect, license and regulate the use of weights and measures equipment.
- (b) To establish a framework that will facilitate conduct and regulation of business in the County and
- (c) Establish a mechanism of reliably raising revenue for the County Government to effectively deliver services.

Legal Framework

During the processing this report the committee was fortified by a number of standing orders, Statutory provisions and Constitutional provisions which we hereby set out as follows;

- 1) The Bungoma County Assembly Standing Orders
- 2) The Weights and Measures Act Chapter 513 Laws of Kenya
- 3) The Constitution of Kenya, 2010

The County Assembly of Bungoma Standing Orders

The County Assembly of Bungoma Standing Orders provide for the establishment of the Committee on Trade, Energy and Industrialization vide Standing Order No. 179.

The Committee derives its mandate from the Standing Order 217 and matters assigned under the Second Schedule which shall be exercised within the limits contemplated under Part 2 of the Fourth Schedule of the Constitution of Kenya, 2010.

The functions of the committee on Trade, Energy and Industrialization in relation to this report is to;-

- (a) Study and review all county legislation referred to it including the Bungoma County Weights and Measures Bill;
- (b) Make a report and recommendations to the County Assembly On the proposed legislation.

The weights and measures Act

This is the basic law in Kenya with regard to Weights and measures which has been in operation in the County in the absence of County Laws governing weights and measures. The provisions of the Weights and Measures Act Chapter 513 Laws of Kenya generally inform the provisions of the Bungoma County Weight and Measures Bill, 2023. There are no provisions in this Act relating to County Governments as the same was passed prior to the advent of devolution in Kenya and no amendments have been preferred since. The provisions of the Act have been tailor-made in the Bungoma County Weights and Measures Bill 2023 therefore to suit the circumstances specific to Bungoma County.

The Constitution of Kenya 2010

Article 185 of the Constitution of Kenya provides for the Legislative authority of County Assemblies as follows;

“185. Legislative authority of county assemblies

- (1) The legislative authority of a county is vested in, and exercised by, its county assembly.

(2) A county assembly may make any laws that are necessary for, or incidental to, the effective performance of the functions and exercise of the powers of the county government under the Fourth Schedule.

(3) A county assembly, while respecting the principle of the separation of powers, may exercise oversight over the County Executive Committee and any other county executive organs.

(4) A County Assembly may receive and approve plans and policies for—

(a) the management and exploitation of the county’s resources; and

(b) the development and management of its infrastructure and institutions.”

Article 186 provides for distribution of functions between national Government and County Governments

“186. Respective functions and powers of national and county governments

(1) Except as otherwise provided by this Constitution, the functions and powers of the national government and the county governments, respectively, are as set out in the Fourth Schedule.

(2) A function or power that is conferred on more than one level of government is a function or power within the concurrent jurisdiction of each of those levels of government.

(3) A function or power not assigned by this Constitution or national legislation to a county is a function or power of the national government.

(4) For greater certainty, Parliament may legislate for the Republic on any matter.”

PART 2 of the Fourth Schedule to Constitution of Kenya provides for the functions of County Governments. Paragraph 7 thereof provides that;

“The functions and powers of the county are—

7. Trade development and regulation, including—

(a) Markets;

(b) Trade licences (excluding regulation of professions);

(c) Fair trading practices;

(d) Local tourism; and

(e) Cooperative societies”

Therefore, the regulation of weights and measures falls within the ambits of fair-trading practices as per paragraph 7 (c) of the 2nd part of the fourth Schedule to the constitution of Kenya.

General overview of the Bungoma County Weights and Measures Bill, 2023

Bungoma County Weights and Measures Bill, 2023 is divided into seven parts with at least 46 clauses.

PART I

This part of the Bill provides for the preliminaries. It highlights the short title, definitions, objects and purposes of the bill.

PART II

Part II of the Bill provides for the establishment of the weights and measures office.

PART III

Part III of the Bill provides for the inspection process and the requirements for the inspection process and the offence and penalties for giving false or misleading information.

PART IV

This part of the Bill provides for the authorized officers for purposes of implementation the provisions of this Bill

PART V

This part of the Bill provides for the units of measurements of weight, length, time and electric current. This part also provides for the working standards and testing of equipment.

PART VI

Part VI of the Bill provides for the various offences relating to use or possession of measuring instruments, fraud, unjust measuring instruments, misrepresentation amongst others.

PART VII

This part contains miscellaneous provisions outlining general provisions including the powers of entry and seizure, making test purchase and arrest. The Bill under this part provides for liability of partners in a firm, offences by corporations, disposal of seized goods, general penalties and prosecution of offences.

CHAPTER THREE

Public participation

Public participation is considered as a crucial pillar in the Kenyan Constitution. It promotes democracy by providing the public an opportunity in decision making in government hence promoting national values and principles of governance. Article 196 (1) (b) of the Constitution of Kenya and Section 87 of the County Governments Act, provides for public participation and involvement in the legislative and other business of the Assembly and its committees. Further Article 174 (c) provides that the object of devolution of governance is to; “give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them.

The Bungoma County Assembly Standing Orders No.140 (1) provides that the Sectoral Committee to which a Bill is Committed shall facilitate public participation on the Bill through an appropriate mechanism, including-

- (a) Inviting submission of memoranda
- (b) Holding public hearings
- (c) Consulting relevant stakeholders in the Sector and;
- (d) Consulting experts on technical subjects

(3) The Sectoral Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House.

Mr. Speaker Sir, it is on this basis that when this Bill was introduced to the House by Hon. Johnston Ipara, it was committed by the Hon. Speaker to the Committee on Trade, Energy and Industrialization on 26th April, 2023 for processing and reporting back to the House.

In regard to this, the office of the Clerk on 9th April through an advert in the Daily Nation, invited the public to submit written memoranda concerning the Bill to the Office of the Clerk via email or hand delivery on or before 17th April, 2023 as annexed (**Annex 1**).

Further, the Bill was published in the Bungoma County Assembly website and copies of the same availed at the Member County Assembly Offices in various Wards for easy public access.

Public Views

By closure of Business on 17th April, 2023, no submissions had been forwarded to the office of the Clerk concerning the Bill.

CHAPTER FOUR

Consideration of the Bill

Having scrutinized the Bungoma County Weights and Measures Bill, 2023 the Committee proposed the following;

PART-1-PRELIMINARY

Clause 1 on short title and commencement-Agreed on without amendments

Clause 2 on Interpretation- Be amended by deleting the words *Deputy* appearing before the word Director -So that as to read;

‘Approved’ means approved by the Director, or by any other person deputed by the Director to carry out examinations, grant approvals and issue certificates

Justification-The Deputy Director roles in the Bill have been transferred to the Director

Clause 2 on Interpretation of the word Deputy Director- Be amended by removing the word Deputy appearing in the clause so that it reads; Director means the Director of weights and Measures appointed under Section 4.

Justification-The Deputy Director roles in the Bill have been replaced by Director

Clause 3 sub-heading - Be amended by adding a word *the* after the word *of*

So as to read; Objects and purpose the Act

Clause 3 on Objects and Purpose of the Act- Be amended by adding a letter *i* just after the *h* so as to read;

3. The Objects and purpose of this Act is to-

Justification-To remove the typographical errors

PART-II-ESTABLISHMENT OF THE WEIGHTS AND MEASURES OFFICE

Sub-heading '*Appointment of Deputy Director, Weights and Measures*' be amended by removing the word, *Deputy*. So as to read;

Appointment of Director, Weights and Measures.

Clause 4 on Appointment of Deputy Director Weights and Measures - sub-clause (1) (a) be amended by deleting the word, *Deputy*.

4(1) (a) There shall be in in the public service of the County an office designated as the office of the Director, Weights and Measures.

Justifications-To create the office of the Director instead of Deputy Director

Clause 5 on Functions of the Deputy Director Weights and Measures sub-clause (1) - Be amended by deleting the word *Deputy* and also by removing the word *many* appearing before the phrase Assistants of Weights Measures, *so* as to read;

5(1) there shall be Director, weights Measures, Inspectors and assistants of weights and Measures, as may be necessary for the purposes of this Act.

Justification-It is the office of the director that has been created and also to remove the abuse that may emanate by many appointments without due regards to procedures.

Clause 5 (5) -Be amended by deleting the word *Deputy*.

So as to read; without prejudice to the powers and duties of the inspector under any, other provisions of this Act, the director weights and Measures may make arrangements whereby an inspector may, at the request of any person and upon payment of the prescribed fee, carry out and submit to that person a report on-

Justification-The office created is the one for a Director.

Clause 5(c)-Be entirely be deleted.

Justification-It is a punitive clause which can easily be abused.

PART III-INSPECTION PROCESS

Clause 6 on the Requirement for inspection process- Agreed without amendment.

Clause 7 on false or misleading statements- Agreed without amendment

PART IV-AUTHORIZED OFFICERS

Clause 8 on Authorized Officers- Agreed without amendments

PART V-UNITS OF MEASUREMENT

Clause 9 on Units of measurement- Agreed without amendments

Clause 10 on measurement of weight- Agreed without amendments

Clause 11 on measurement of length – Agreed without amendments

Clause 12 on Measurement of time- Agreed without amendments

Clause 13 on measurement of electric current- Agreed without amendments.

Clause 14 on offence to use unauthorized units of measurement- Agreed without amendments

Clause 15 on working standards and testing equipment- Agreed without amendments

Clause 16 on testing of standards and equipment of other institutions- Agreed without amendments.

PART VI-OFFENCES

Clause 17- on units of measurements, weights and measures lawful for use for trade- Agreed without amendments.

Clause 18 on offences for use or possession of certain weighing or measuring instrument- Agreed without amendments.

Clause 19 on offences relating to false or unjust weights, measures, or weighing or measuring instruments- Agreed without amendments.

Clause 20 on mode of use of measure of capacity - Agreed without amendments.

Clause 21 on offences relating to fraud in the use of weights, measures or weighing or measuring instruments- Be amended by deleting the entire phrase after the word forfeited; So as to read;

21. "Where a fraud is committed in the use of any weight, measure, weighing or measuring, the person committing the fraud shall be guilty of an offence and the weight, measure, weighing or measuring instrument shall forfeit."

Justification-To avoid ambiguity in the clause

Clause-22 on What if weight, measure, weighing or measuring instrument is unjust. Agreed without amendments

Clause 23 on Offences for sale of incorrect weights measures, weighing or measuring instrument- Agreed without amendments.

Clause 24 on offences in connection with stamping of weights, measures, weighing or measuring instruments - Agreed without amendments.

Clause 25 on verification of weights, measures, weighing of measuring instrument- Agreed without amendments.

Clause 26 on offences in connection with obstruction of inspector- Agreed without amendments.

Clause 27-on short weight- Agreed without amendments.

Clause 28-on misrepresentation- Agreed without amendments.

Clause 29 on quantity less than stated- Agreed without amendments

Clause 30 on the incorrect statement- Agreed without amendments.

Clause 31 on offences due to default of third person- Agreed without amendments.

Clause 32 on making quantity known to a person- Agreed without amendments.

Clause 33 on weighing in presence of a person- Agreed without amendments.

Clauses 34 on Revenue register - Be deleted

Clause 35 on Approved forms- Be deleted

Justification- Clause 34 & 35 are irrelevant clauses.

PART V-MISCELLANEOUS PROVISIONS

Clause 36 on the powers of entry and seizure- Agreed without amendments.

Clause 37 on an inspector authorized under this section- Agreed without amendments.

Clause 38 on powers to make test purchase- Agreed without amendments.

Clause 39 on powers of arrest- Agreed without amendments.

Clause 40 on employer answerable for acts of servant, etc- Agreed without amendments.

Clause 41 on Liability of partners in a firm- Agreed without amendments.

Clause 42 offences by co-operations- Agreed without amendments.

Clause 43 on Disposal of seized goods sub-clause (3) -Be amended by correcting the word Act so as to read act;

43(3) “Where any perishable goods have been seized under any provision of this act, the inspector who has seized the goods shall forthwith report to a magistrate the act of seizure and if the magistrate is satisfied that the goods are perishable, he may authorize the inspector to dispose of the goods as the magistrate may think fit.”

Justification -To remove typographical errors

Clause 44 On General penalties- Agreed without amendments.

Clause 45 on Prosecution offences- Agreed without amendments.

Clause 46 on Regulations- Be amended by deleting the phrase Deputy appearing before Director in sub- clause 2 (f) so as to read;

46 (2) (f) the performance of the functions, the exercise of the powers and the discharge of the duties of the Director and other Weights and measures officers under this Act

The Schedule- Be amended by deleting the entire column -Approved charges 2021/22

The column on proposed Charges 2022/23 be amended by deleting the words proposed and 2022/23 so as to read; Charges.

Justification - To conform to the Finance bill latest drafting procedure

CHAPTER FIVE

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

COMMITTEE OBSERVATIONS

The following were the Committee's observations:

1. That the public had not submitted any memoranda to the office of the Clerk concerning the Weights and Measures Bill, 2023.
2. The drafting of the Bill was as per the current standards of drafting.
3. The Bill if enacted into law will give the County Government to regulate and license the weights and measures equipment

COMMITTEE RECOMMENDATION

The Bill to move to the next stage with the amendments made on it.

Honourable Speaker, the adoption schedule is signed by the Members of the Committee and the rest are annexures; attached is the Kenya gazette supplement Bungoma County Bills, 2023. At this juncture with your permission, allow me call upon my friend and neighbor Hon. Waiti Wafula to second the report.

Mr. Deputy Speaker: Well, Hon. Waiti Wafula, you can now proceed to second. You know I didn't realize that they are the same height and the colours of their suits and almost the same shirts. One Honourable Member is actually making sure that the background is taken care of and another one making sure that learners are improved.

Hon. Waiti Wafula: Thank you Speaker for giving me this chance to second the motion. This is a very good Bill. If passed by this House, it will provide a framework within which the County Government may perform its functions and exercise its powers under the constitution to inspect, license and regulate the use of weights and measures equipment.

It will also establish a framework that will facilitate, conduct and regulate the regulations of business in the county. If passed, this Bill will establish a mechanism of raising revenue for the County Government to effectively deliver services. If enforced, this Act will ensure fair trade practices and protect customers. It will also control sell of goods in terms of quality and in business credibility; honest businesses stand to benefit from the Bill. When businesses adhere to standardized weights and measures, they demonstrate integrity and transparency leading to increased consumer trust. This will also improve on governance because from the Bill, the Director's office will be established.

Weights and measures centralize responsibility for oversight. This will ensure consistency in enforcement and adherence to the Act. It will reduce ambiguity in business. The proposed amendment seeks to remove any ambiguous Clauses ensuring the Bill is straightforward and unambiguous. This clarity will result in easier implementation and reduce potential legal challenges. This will empower local governance. The Bill will empower the County Government to regulate and license the weights and measures equipment thereby decentralizing authority and ensuring the local concerns are prioritized.

When you looking at Clause 43; I wish to second by proposing an amendment; by retaining the word 'Act' a noun as opposed to Act which is a verb. I second the motion.

(Applause)

Mr. Deputy Speaker: Honourable Members that is a motion that has been moved and seconded and now I want to propose the same for debate.

(Question proposed)

Hon. George Makari: Hon. Speaker once again, I wish to be on my feet. I wouldn't wish to appear that I over speak in this House, but first of all allow me commend the Committee for the good work. I heard the seconder Hon. Waiti also saying he is seconding with amendments. I wouldn't have stood up but one thing got my attention from my good friend the chairperson of the Committee. He said, I don't know which page but he talked about public participation having not been done.

We could be treading on very dangerous grounds because in Kenya right now, any matter touching on the public that will have an effect on the public; any person can challenge that and any good and reasonable Judge will throw it away. The only thing you will not seek public participation for is when you make your wife pregnant, but anything touching on the public, you will do public participation. If you are in your house and you want a second or third child, you don't need somebody's permission to do that, but this one here that is touching on the public will need public participation.

As much as I want to support the report, the aspect of public participation will take away the goodness in that Bill. We must be very careful about it. Unless we support the Bill with amendments that now therefore the department must carry out public participation for the Bill. If it goes the way it is, a very clever person can move to court and challenge it and the Judge will give him his way.

Hon. Deputy Speaker: Thank you Hon. Wasike Makari, Hon. Chikati

Hon. Timothy Chikati: Thank you Mr. Speaker Sir. First of all, let me thank my able chairperson Hon. Okasida Ipara for the eloquent reading of the report and also the seconder Hon. Wafula Waiti. Mine is just to support this Bill because when it is passed, it is going to safeguard the consumers and boost the business integrity. It is also going to boost the stability of the economy and align with the modern standards. By clarifying the roles, it fosters trust between business and the consumers. It is forward thinking making it vital to the County

fairness and future prosperity. Passing this Bill is a stride towards competitive, transparent and a just trade environment in our County.

Mr. Deputy Speaker: Hon. Sheila Sifuma then Hon. Kimeta

Hon. Sheila Sifuma: Thank you Hon. Speaker. I wish to start by lauding my chairman Hon. Johnstone Ipara for the fluent presentation of the Bill. Maybe just a starting point, I just wish to note that although the office of the Clerk gave a notice as listed on Chapter three on the 17th of April and invited the public to share either written or emailed memorandum; by the close of business on 17th April, no submissions had been forwarded. We note that despite the provision of public participation being made, no submissions from the public were forwarded by the deadline. This may indicate lack of public awareness on the matter which could impact the Bill effectiveness and acceptability so maybe we might also want to know what to do moving forward.

Just to add on the Bill, the Weights and Measures Bill 2023 safeguards consumers, boosts business integrity, promotes economic stability and aligns with modern standards. By centralizing the weights oversight and clarifying the rules, it fosters trust between businesses and consumers. It is forward thinking for this provision to be provided for us to ensure there is fairness in terms of County operations and also to ensure there is competitiveness, transparency and a just environment for all our traders within the County.

At the end of the day, we want to make Bungoma a place that is open for Trade and business for all and having something that standardizes all the measure and weights is one step in the right direction; to ensure the market is fair, that competition is not skewed in one direction and actually business men can come to this town or be in this town and do business to ensure it is prosperous. Whenever a business in Bungoma prospers, we shall see increase in revenue collection, we shall see increase in money flow within our economy and also people will be empowered because they will have money in the pockets. With that, I support the motion.

Mr. Deputy Speaker: Thank you Hon. Sifuma, Hon. Kimeta Wandabusi

Hon. Polycarp Wandabusi: Thank you Mr. Speaker Sir, I also wish to thank the chairperson of Trade Committee for coming up with a very clear report. I want to support the report on the aspect of human resource where it has created a position which will streamline the section on management and also monitoring of the sales. It will also assist the consumer to get value for the money because it will balance the sales approach among the consumers and traders.

It will also empower the county because it will have the mandate to regulate and maybe give direct approach and management of the sales. I support the report.

Hon. Joseph Nyongesa: Thank you Speaker. Allow me appreciate the chairperson and the members of Trade Committee, but the critical issues is that of public participation. I was listening keenly and it was under the observation from the Committee. I have listened from Hon. Sheila that actually the advert was out for the public to come and give their views; but

what we could have done through the office of the Clerk is that normally we have been engaging the civil society people and they have always been cooperative.

You know the public are the consumers of this Bill and if at all their input is not taken or maybe it was not taken care of, we may have some challenges in future; because there is no time the public has refused and we normally have our budgets here taking acre of public participation. So when the public are bringing their views through the email, then there is a challenge in the Assembly.

Recently we had the issue of ADP and specific people were called and they came; in fact they were more than what they expected. These issues should be looked into critically. Let us not just bypass it but look into it critically as we support the Bill. Suppose we have some challenges what shall we do as a House? Otherwise, I support.

Hon. Franklin Simwoto: Thank you Mr. Speaker, allow me first to laud the Committee that brought this report to this House. This is one of the issues that people have got challenges, in terms of measurement and I think it is the right time, in fact it is late, and the people of Bungoma have suffered in the hands of cartels in terms of selling their produce without proper measurement.

Two, Bungoma County has been losing a lot of revenue through these issues. Remember a buyer comes uses a wrong measurement at the expense of our farmers. I am one of the people who are happy as we pass this here, His Excellence would have ascended this Bill like yesterday, our farmers in Mt. Elgon, Tongaren and elsewhere have been suffering because there was no way we would have enforcement in terms of how we handle these cartels. I think as we speak here, people are languishing in poverty because of not having proper measures and weights laws. This is the reason that I am supporting this.

The issues of public participation; if there was what we call submission online then that is okay, it is about this thing to be ascended, it becomes law because the public are the consumers and those are the people that have got the problem. I support that this Bill is enacted. In fact, I have been agitating on the issues of measurement of potatoes in Mt. Elgon and it might have been robbing farmers; this is the right time that those farmers would be freed and what we want is the County government now to have powers of enforcing, because now we will be having a law. I think let us give support so that farmers may not suffer again. So I support that if indeed there was a submission online, then the procedure is okay.

Finally let us hope that as leaders we support this Bill so that we salvage this county in terms of our economy. The economy may not grow if we allow farmers to be robbed by these cartels and this is the right time. Sometimes back I took some cartels to police station and the police officers asked whether there is a law to take these guys to the court; that means we had nothing so they were just freed. I think this is the right time that these guys will have total control of our farmers not being robbed again. Thank you Mr. Speaker as I support.

Mr. Deputy Speaker: Thank you Hon. Korir, I am seeing Hon. Sifuma who had talked, you cannot speak twice; and so I call upon Hon. Johnston Okasida Ipara to give a response.

Hon. Johnston Okasida (*The mover to reply*): Thank you Mr. Speaker Sir. First of all let me start by appreciating all the contributors; both positive and negative because it helps us to proceed.

I want to draw the attention of Honourable Members to Chapter three where we started by saying public participation is crucial in any decision that we make. To address that, the Clerk of the County Assembly did address this when he advertised that those who are willing to submit memorandums could do them through the email address that was provided; the email of the County Assembly which is controlled and managed by the Clerk. I also said by the close of the submission deadline, which was spelled out on the 17th April, 2023, none of the consumers of this particular law had submitted any of the memorandums. That did either say they were in agreement with or did not have knowledge.

Honourable Speaker, let me draw your attention to page 5(2.2) the Weights and Measures Act. What was guiding us was the weights and measures Act which was enacted in our country called Kenya. What we were doing is domesticate this particular law; customize it to the needs of Bungoma County so that at least we help our people who are losing their products to the buyers and caution also the users who are consumers. What we are saying is as Hon. Frankline has said, the people in Chepyuk, Bumula, Tongaren, Sirisia and Marakaru/Tuuti have suffered for a long time; particularly when they sell farm products and the weighing machines that those buyers use are machines that have not been measured. That we cannot arrest and charge them through County laws, we use the Country's laws. With this one, we must accept that we are now starting the journey and we know where to start and we know now where we are headed to. Where we are headed to is we shall improve where; we think that gaps did exist, we think that our people are being exploited and we think that issues have been raised by consumers that maybe the laws that was made is either discriminative or is not addressing the issues in question.

In conclusion, I wish to say this, passing the Weights and Measures Bill 2023 is not just standardizing of weights and measures, it is about fostering trust, and I want to thank Hon. Waiti who was seconding this motion. He said what we are doing is to build confidence and trust of our people to trust what is happening, to trust the buyers, trust the sellers and also the consumers. When they walk into a shop or even through an open air market, they know that the machines that are being used have been tested, checked and meet the needs of the market.

The people in question are consumers, suppliers and businesses, not forgetting we are talking about growing the economy and every time our respected chairperson for Finance has been complaining that we have not been meeting our targets particularly on own source revenue and maybe this was one of the ways where we were being cheated out by those who come here and buy our goods then affecting the returns which are in the form of money that we collect from them. It will also ensure the county also operates the highest standards of fairness and integrity, you know most of the time people say it is our officers who have been compromised and you know in the absence of a regulation to assist an officer enforce the law, it is not possible. What we have done today is the right action in the right direction; so I wanted to appeal to Honourable Members, with all the kindness and respect that you have for

our county and the people who live within the boundaries of Bungoma County, let us approve the adoption of this report for the benefit of our people. I say let us approve the 2023 Bill on Weights and Measures.

Mr. Deputy Speaker: Honourable Members that was a motion about the issues of Weights and Measures and it was about noting. This being a very complex Bill which is being domesticated from the National level, it is one of a kind. It is true that the requirements of the law were executed from the County Assembly when the invite was put in place for the members of the public to participate in making sure they submit the memorandum. Their views on the same; and you know sometimes we say that silence is also a form of communication. Therefore, I wish to urge members that the County Assembly achieved its requirements of the law by sending out an invite for people, including those we represent and ourselves to send our memorandum and views of the same,.

We note that the Assembly actually was within its legal requirements and therefore this House notes that the Bill which is the County Weights and Measures Bill, 2023 is actually well moved and within the requirements. Thank you so much as we note.

2. REPORT BY THE LIAISON COMMITTEE ON THE ACTIVITIES OF THE COUNTY ASSEMBLY
COMMITTEES IN THE FINANCIAL YEAR JULY 2022/23

Hon. Francis Chemion: Thank you Speaker, I rise to move a motion on a report by the Liaison Committee on the activities of County Assembly Committees in the financial year 2022/23. We have the table of contents, preface and the mandate as captured in Standing Order 216(1) (2) (3). The committee membership is composed of

Name	Designation
1. Hon. Stephen Wamalwa	Chairperson – Liaison
2. Hon. Christine Mukhongo	Vice chairperson – Liaison
3. Hon. Emmanuel Situma	Member – Chairperson
Powers/HBC/Rules/Speaker’s/Appointments	
4. Hon. James Mukhongo	Member -Chairperson – Finance
5. Hon. Jack Wambulwa	Member -Chairperson – Budget
6. Hon. George Makari	Member -Chairperson – Health Services
7. Hon. Jack Kawa	Member -Chairperson – Gender and Culture
8. Hon. Joseph Nyongesa	Member -Chairperson – Selection
9. Hon. Franklin Simotwo	Member -Chairperson – Roads
10. Hon. Tony Barasa	Member-Chairperson–Public Administration
11. Hon. Hentry Nyongesa	Member – Chairperson -Labour Relations
12. Hon. Francis Chemion	Member – Chairperson – Lands,
13. Hon. Johnston Ipara	Member – Chairperson – Trade, Energy

14. Hon. Benjamin Otsiula VT	Member – Chairperson – Education &
15. Hon. Violet Makhanu	Member – Chairperson - Youth Affairs
16. Hon. Waiti Wafula	Member – Chairperson – Agriculture
17. Hon. Edwin Opwora	Member – Chairperson – Tourism
18. Hon. Jacob Psero	Member – Chairperson – Justice
19. Hon. George Tendet	Member – Chairperson – Delegated
20. Hon. Aggrey Mulongo	Member – Chairperson – Implementation
21. Hon. Everton Nganga	Member- Chairperson – PAIC

ACKNOWLEDGEMENT

Mr. Speaker Sir, May I take this opportunity to thank your Office and the Office of the Clerk for facilitating the Committee while it discharged its mandate.

In addition, I wish to appreciate the Honourable Members and the secretariat to the Liaison Committee for their support and dedication.

It is therefore my pleasant duty on behalf of the Committee to present this report on the activities by committees of the County Assembly in the financial year 2022/2023 (July 2022 to 30th June, 2023) for approval by this Honourable House.

The report is signed by Hon. Stephen Wamalwa; MCA Mitua/Soysambu Ward, Chairperson, Liaison Committee

SUMMARY

Mr. Speaker Sir, it should be noted that in the financial year under review, Committees commenced their sittings on 28th October, 2022 after the 2022 August general elections and terminated their sittings on 30th June, 2023.

Justification of the report

Whereas the County Assembly of Bungoma Standing Order No. 203 states that;

Unless a more regular interval is prescribed under any written law or these Standing Orders, each Select Committee shall prepare and table in the House Annual Review Reports at the end of each financial year detailing the activities undertaken.

The Liaison Committee has been mandated by the County Assembly of Bungoma Standing Order No. 216 (1, 2 &3) to guide and co-ordinate the operations, policies and mandates of all Committees as per the Constitution of Kenya, other Relevant Statutes and the Standing Orders of the Bungoma County Assembly.

It is upon this assumption that the Liaison Committee set out to collate and write an annual report on the activities of the County Assembly Committees in the financial year 2022/23.

This report therefore, highlights the following aspects:

- a) First, the report expounds on County Assembly legislation through Committees and its impact in the County.
- b) Secondly, the report presents activities undertaken by all committees in performing their mandate in the financial year under review.
- c) Lastly, the report indicates the Committees expenditures and balances as at June, 2023 that guided the Committees in effectively accounting for the funds allocated to each Committee in the Financial Year under review.

CHAPTER TWO

LEGISLATION IN COMMITTEES

Introduction

A County Assembly Committee is a group of Members of the County Assembly appointed by the County Assembly to undertake certain specified tasks. Committees have considerable powers to undertake and work on behalf of the County Assembly.

Committees are a vital tool or organ in the working processes of legislatures, without which, the proceedings of House could grind to a standstill from the sheer volume of activities that would have to be considered at the plenary.

Committees are agents that enable legislatures to organize their work in such a way as to perform numerous activities simultaneously and expeditiously. They also provide opportunities for more detailed investigation and discussion before the findings and outcomes are presented as reports to the broader group (House in plenary) for debate and adoption.

The value and benefit accruing from the use of Committees lie in the fact that they perform functions on behalf of the House such as:-

- i. Reviewing legislation;
- ii. Reviewing and approving the budget and expenditures for the execution of governance;
- iii. Scrutinizing governance activities, policies and programmes, assessing whether they meet the intended objectives of legislation, policy frameworks and development plans;
- iv. Conducting investigations on special issues;
- v. Vetting and approving executive appointments;
- vi. Providing a platform for public participation in the execution of specified business.

These functions are well performed through:

- a. Summoning persons to present oral evidence and written memoranda or documents;
- b. Sitting as frequently as is desirable, including, sitting away from the precincts of the County Assembly and for longer hours;

- c. Providing an environment that can facilitate presentation of details, sifting through evidence and formulating reasoned conclusions, consistent with both the statutes and procedures;
- d. Conducting inspection tours, inquiry on matters out of which reports with recommendations are submitted to the House; and,
- e. Forming sub-committees for the effective and efficient discharge of varied issues within the mandate of the Committees.

These functions are more efficiently carried out by small groups of Members of the County Assembly. Among the several advantages of Committees include; the possibility of several of them operating at the same time, thus enabling many matters to be dealt with concurrently and expeditiously. Overall, by concentrating on specific matters or subjects, select Committees also offer the benefits of specialization to both Members of the County Assembly and staff.

Well-functioning Committees expand democratic governance. Committees have defined mandate and membership that help them focus attention on specific issues that breed meaningful deliberations. This allows individual Members of the County Assembly to focus their attention on a subject matter and study it in detail and deepen their understanding of the issue(s). The Committee setting enhances the ability of Members of the County Assembly to be productively engaged in the nitty-gritties of the workings of County Assembly and so take ownership of its outcome. Members of the County Assembly are able to discuss issues informally.

Committees are mechanisms enabling public engagement and legitimization of the operations of County Assembly. It is a forum for Members of the County Assembly to interact and involve the public and various stakeholders in the work of County Assembly. Committees hold hearings and meetings that provide the democratic opportunity for various interest groups (academics, professionals and individual citizens) with varied expertise, to participate by presenting their views on a range of issues. Committees are means of establishing institutional leadership and visibility in the public arena. Members, particularly those who have served in particular Committees for long periods, develop expertise. Such members become resourceful on specific issues and are recognized as reference sources by their peers, the public and the media.

All in all, Committees provide several benefits for the internal organization of County Assembly for several reasons:

- There are increasing demands on modern legislatures and committees serve as an important mechanism for division of labor.
- Committees allow members to discuss issues informally and to develop relationships with colleagues. They provide forums for compromise and agreement.
- Committee members (and committee staff) provide continuity, stability, historical knowledge and can develop expertise on certain matters.

- Committees can hold public meetings to disseminate information to the media and public and to gain feedback for legislative decisions.
- Committee hearings allow civil society leaders and experts to present their views.
- Committees provide an opportunity for all members to have a say in the policy-making process.

COMMITTEES ACTIVITIES

The County Assembly of Bungoma Standing Order No. 203 provides for each committee of the Assembly to prepare and table in the House Annual review reports at the end of each financial year. The reports should give details of the activities under taken during the financial year. All the select committees prepared their annual reports and it is upon these reports that the Liaison Committee draws this review report.

Committee Meetings

The County Assembly of Bungoma has placed control on the times during which committees can meet. It should be noted that Committees do not meet when the House is in session, except on special occasion by the Speaker's approval.

All committee meetings are open to the public as required by the Standing Orders, the Constitution and as a best practice (although they may occasionally close them if the subject matter is sensitive).

Rules concerning Committee meetings provide for advance posting of a notice of meeting indicating; time, date and venue (Standing Order No. 183). Committees in the County Assembly of Bungoma hold public hearings to gather information on legislation, policy issues or to exercise oversight of the executive arm of the County government. Further, in accordance with Standing Order No. 207, a Committee may with the approval of the Speaker engage such experts as it may consider necessary in furtherance of its mandate.

The benefits of public hearings may include:

- a) Providing the legislature with outside expertise;
- b) Providing a forum for the exchange of ideas;
- c) Educating citizens on current issues; and
- d) Increasing public confidence in the transparency of the legislature.

Internal meetings

During the period under review, all Committees held internal meetings pursuant to Standing Order No. 184 read together with Standing Order No. 42 of the County Assembly of Bungoma and as per their work plans and internal schedule for Committee meetings as approved by the Liaison Committee. The detailed information on the business considered by

various Committees is given in their Quarterly Reports. According to the Liaison internal Committee sitting schedule, each Committee was expected to have at least one Committee sitting per week translating to four per month. From the reports submitted by Committees, some did not meet the target because of the devolution conference and CASA games which were held during the month of August where all Hon. Members were participants. Further, most of the meetings did not attain quorum as required by the Standing Orders thus were adjourned pursuant to Standing Order No. 187. Apart from the House Business Committee in which its quorum is shall be a third of its Members (Standing Order 173 (5), all other select Committees, the quorum shall be the Chairperson and half of its Members (Standing Order 180 (b)).

External meetings

The Liaison Committee appropriated funds for Committees’ operations in July, 2023 which enabled Committees to retreat and write reports on various activities as per their mandate and work plans. Further, the Committee prepared schedules for the retreats (from July – September, 2023). Each Committee had been scheduled to hold at least one external sitting with approval of the Speaker. *(Attached find a copy of Committee Schedules for external meetings).*

Consultative meetings, Interrogations and External Engagements

The County Assembly Committees held consultative meetings with other stakeholders among them the Departments in the Executive arm of the County Government, donors/ NGOs, Civil Societies and Government Agencies like the Auditor General’s Office. The numbers of meetings held under this are highlighted in the report for each Committee. During the period under review, Committees held interrogations on matters within their purview.

The table below summarizes the activities undertaken by Committees in the period under review;

NO.	NAME OF COMMITTEE	Number of Reports	External meetings	Internal meetings	Consultative meetings/external engagements
1.	Lands, Housing and Physical Planning	1	1	13	4
2.	Public Administration	1	1	12	5

	and ICT				
3.	Agriculture, Livestock, Fisheries, Irrigation & Co. development	1	1	11	3
4.	Gender, Culture and Social Welfare	1	1	12	2
5	Youth and Sports	0	0	11	1
6	Tourism, Water, Environment & Nature Resources	1	1	10	3
7.	Trade, Energy and Industrialization	1	1	12	3
8.	Roads, Infrastructure and Public Works	1	1	11	4
9.	Health Services	1	1	11	5
10.	Labour Relations, Members Service and Facilities	1	1	12	4
11.	Finance and Economic Planning	1	1	10	4
12.	Education and Vocational Training	1	1	11	2
13	Budget and Appropriations	0	0	12	2
14	PAIC	1	1	15	1
15.	Implementation Committee	1	1	10	2
16	Appointments	0	0		
17.	Delegated County Legislation	1	1	10	0
18.	Selection	0	0	8	0
19.	Powers and Privilege	0	0	12	0
20.	Procedure and House	1	1	11	0

	Rules				
21.	Justice, Cohesion and Legal Affairs	1	1	10	0
22.	House Business	0	0	3	0
23.	Liaison	1	1	12	0
24.	Speaker's Panel	1	1	12	0
	TOTAL	18	18	251	45

From the table above, it is observed that;

- I. 18 committees retreated, out of 18 reports, 2 have been approved by the House. 16 are pending before Committees
- II. Six committees did not retreat during the 1st quarter. Namely; Budget and Appropriations Committee, Appointments, Selection, Powers and Privileges, Youth and Sports, and House Business Committee due to rescheduling of the Liaison retreat programme that was informed by other competing activities.
- III. The consultative meetings/external engagements were both external and internal
- IV. During the period under review, the Committees on Lands, urban Physical Planning and Housing, Health Services, Finance and Economic Planning, Roads, Infrastructure and Public Works and Labour Relations, Members Service and Facilities had the highest number of engagements/ consultative meetings. *Attached is the detail list of committee engagements with external groups*

Consideration of Papers Laid

The County Assembly receives reports from the County Executive Departments, Auditor General, Controller of Budget, County Assembly Committees, stakeholders and other government agencies. The Papers are laid on the Table of the House and committed to various Committees and/or the House for consideration.

In the period under review, some of the notable documents from the County Executive Department were the Annual Development Plan for FY 2024/25 and the Finance Bill for 2023 were laid and committed to the Sectoral Committee on Finance and Economic Planning for processing.

Pending Businesses

As at 30th September, 2023, the following businesses had been committed to the respective Committees but were yet to be concluded;

1. Lands, Urban, Physical Planning and Housing Committee
 - Valuation Rolls and Rating Bill
2. Public Accounts and Investments Committee
 - 11 reports from the Auditor General
3. Education and Vocational Training Committee
 - Memorandum submitted by Bungoma County Child Rights network to the County Assembly on Holistic Skills Development in Bungoma County
4. Finance and Economic Planning Committee
 - Annual Development Plan for FY 2024/25
 - The amendment Finance Bill for 2023
5. Justice, Cohesion and Legal Affairs Committee
 - Petition by Emony Yefwe International on market construction at Dinah Flyover

Statements/Questions

Members of the County Assembly raised various issues of concern to County Departments as part of their representation and oversight roles, through statements/questions on the floor of the House.

These questions were directed to the respective County Executive Committee Members who appeared before the House to provide their responses.

Following the Speaker's directive on Tuesday 12th September, 2023 at 2:30 p.m. during the House Sitting, all pending Statements/Questions were directed to the relevant Sectoral Committees for response by the Chairpersons.

Statements and Questions pending before Committees are as follows:

No.	Department	No. of questions asked	Response Not Availed
1	Agriculture, Livestock, Fisheries, Irrigation and Co-operative Development	7	2
2	Education and Vocational Training	4	1

3	Finance and Economic Planning	1	1
4	Gender, Culture, Youth and Sports	2	1
5	Health Services	4	1
6	Lands, Urban, Physical Planning and Housing	2	2
7	Public Administration	4	1
8	Roads, Transport, Infrastructure and Public Works	6	3
9	Tourism, Environment, Water and Natural Resources	3	1
10	Trade, Energy and Industrialization	1	1
11	Roads, Transport, Infrastructure and Public Works	2	2
	TOTAL	35	15

Fact Findings

In exercising the oversight role of the County Assembly, various Committees undertook fact finding activities on programs implemented by the County Executive as per their mandates during the period under review. The following Committees undertook fact finding activities.

	NAME OF COMMITTEE	FACT FINDING ACTIVITY
1	Health Services	Allegation of Corruption and Mismanagement by the Public at Bumula Sub County and Ndalul Health Center.
2	Public Administration and ICT	Utilization of funds allocated towards recovery of County automobiles.
3	Agriculture, Livestock, Fisheries, Irrigation & Cooperative Development	Status and impact of dams, irrigation schemes and water pans across the County.
4	Roads, Transport, Infrastructure and Public Works	Implementation status of sampled ward-based projects FY 2021/22.
6	Education and Vocational Training	Status of sampled VTC's in Bungoma County.
7	Youth and Sports	Status of Maeni Youth Empowerment and Chemoge High altitude Training Centers.
8	Public Accounts and Investments	Verification of NZOWASCO projects highlighted in the OAG's report for the

CHAPTER THREE

COMMITTEE EXPENDITURE

In the FY 2023/24, the allocation for committees' operations was Kshs114,500,000 out of which Kshs26, 827,000 has been spend translating to 23.43 per cent leaving a balance of Kshs87,673,000 which is equal to 76.57 per cent. The table below shows the allocation, expenditure and running balance for each committee.

S/NO	NAME OF THE COMMITTEE	ESTIMATE FOR FY 2023/2024	TOTAL EXPENDITURE	RUNNING BALANCE	BUDGET UTILIZATION
1	Agriculture, Livestock, Fisheries and Co-Operative Development	4,230,942	988,000	3,242,942	23.35%
2	Liaison Committee	8,374,838	4,439,800	3,935,038	53.01%
3	Selection Committee	2,300,000	867,100	1,432,900	37.70%
4	House Business Committee	4,230,942	1,320,500	2,910,442	31.21%
5	Health Committee	4,230,942	944,900	3,286,042	22.33%
6	Implementation Committee	3,102,874	782,000	2,320,874	25.20%
7	Budget and Appropriations Committee	8,062,874	-	8,062,874	0.00%
8	Delegated Legislation Committee	3,102,874	782,000	2,320,874	25.20%
9	Education and Vocational Training Committee	4,230,942	973,300	3,257,642	23.00%
10	Finance and Economic Planning Committee	6,390,942	970,100	5,420,842	15.18%
11	Youth and Sports Committee	4,230,942	887,100	3,343,842	20.97%
12	Lands, Urban, Physical Planning and Housing	4,230,942	1,417,600	2,813,342	33.51%
13	Public Accounts And Investment Committee	7,062,874	3,826,100	3,236,774	54.17%
14	Powers and Privileges Committee	3,102,874	878,500	2,224,374	28.31%
15	Public Administration and ICT Committee	4,230,942	901,800	3,329,142	21.31%
16	Roads	4,230,942	882,200	3,348,742	20.85%
17	Rules and Procedures Committee	1,690,038	647,900	1,042,138	38.34%
18	Gender and Culture Committee	4,230,942	938,600	3,292,342	22.18%
19	Labour and Social Welfare Committee	4,230,942	930,200	3,300,742	21.99%
20	Tourism, Environment, Water and Natural Resources Committee	4,230,942	981,700	3,249,242	23.20%
21	Justice and Legal Affairs Committee	3,102,874	767,300	2,335,574	24.73%

22	Trade, Energy and Industrialization	4,230,942	913,100	3,317,842	21.58%
23	Speakers Panel Committee	1,135,634	787,200	348,434	69.32%
24	Committee On Appointment	2,300,000	-	2,300,000	0.00%
25	Committee Whole-House	14,000,000	-	14,000,000	0.00%
	Grand Total for Committees	114,500,000	26,827,000	87,673,000	23.43%

From the table it is noted that;

- i. Two committees have not spent any of their allocation; Budget and Appropriation and Committee on Appointment. The allocation on the whole House activities is also intact.
- ii. There has been prudent financial management of committee budgets. That is, most committees were within the 25 per cent quarterly threshold.
- iii. Public Accounts and Investment Committee has the highest expenditure due to its activities of Reports from the OAG some of which spilled over from the previous session.
- iv. Members are urged to strictly adhere to the budgets allocated to their committees in line with the Liaison committee's recommendations.

CHAPTER FOUR

SCHEDULE FOR EXTERNAL COMMITTEE MEETINGS

This Committee approved the first schedule for external Committee meetings that ran from 8th July to 14th October, 2023 where all the 24 Committees of the County Assembly were to retreat but three Committees did not retreat; Budget and Appropriations Committee, Selection Committee and the Committee on Appointments; while the Public Accounts and Investments Committee retreated twice to clear the pending reports that had been committed to it. The schedule was reviewed twice that is to allow members attend a meeting on sugar cane conference for Western legislatures in Kakamega County and when the House resumed from recess. Most of the resultant reports from the Committee retreats had some Members not appending their signatures as a sign of agreeing with the contents. Further, most Committees did not conclude their activities during the retreat thus delaying submission of reports for consideration by the House contrary to Standing Order No. 202 (7).

The Committee has come up with a tentative Committees' retreat schedule for the period October to January, 2023 that has given priority to Committees with pending business committed to them for their processing. The schedule is subject to change depending on the business before the County Assembly for consideration and any other unforeseen activities.

Below is the schedule;

SCHEDULE FOR EXTERNAL COMMITTEE ACTIVITIES FROM OCTOBER TO DECEMBER 2023

NO	COMMITTEE	DATES	DA YS	PLANNED ACTIVITY
1	PAIC	15 TH – 17 TH October, 2023	3	Report writing on the trade loans fund and education bursary fund
2	DELEGATED	15 th – 17 th October, 2023	3	Scrutiny of revised Bungoma County Trade Development Loan Fund Regulation
3	FINANCE	21 ST -23 RD October, 2023	3	Report writing on Finance Bill and Own source revenue
4	TRADE	21 ST – 23 RD October, 2023	3	Report writing on the status of markets in Bungoma County
5	SELECTION	26 th – 28 th October, 2023	3	Analysis of Members in Committees
6	SPEAKER'S PANEL	26 th – 28 th October, 2023		Best practices that guide in the conduct of the Speaker's Panel
7	BUDGET	29 th – 31 st October, 2023	3	Report writing on the Budget Tracking
8	FINANCE	29 th – 31 th October, 2023	3	Report writing on ADP FY 2024/25
9	LANDS	2 nd – 4 th November, 2023	3	Report writing on Valuation for Rating Act, CAP 266, Laws of Kenya and Land Valuation Roll– 2015
10	JUSTICE	5 TH – 7 TH November, 2023	3	Report writing on the petition of Emony Yefwe International on market construction at Dinah Flyover
11	IMPLEMENTATION	5 TH – 7 TH November, 2023	3	Consideration of the status reports on the implementation of committee reports adopted by the Third County Assembly

12	WHOLE HOUSE	9 th -13 th November, 2023	5	Annual Financial Statements and Reports FY 22/23
13	ROADS	14 th -16 th November, 2023	3	Report writing on road projects implemented under emergency fund
14	RULES	14 th -17 th November, 2023	4	Benchmarking to the Senate
15	PA	18 th – 20 th November, 2023	3	Status report on County Administration (sub-county, ward and village administrators)
16	HEALTH	23 rd – 25 th November, 2023	3	Report writing on management of level 4 hospitals in the County
17	YOUTH	26 th – 28 th November, 2023	3	Status report of Ajiri centre
18	POWERS	26 th – 28 th November, 2023	3	An emerging matter referred to the Committee
19	TOURISM	30 th –2 nd December, 2023	3	Establishing the viability of Tourist attraction plans in Bungoma County by the Department of Tourism
20	AGRICULTURE	3 rd - 5 th December, 2023	3	Inquiry into the status and impact of the Chwele Fish farm and Chwele Poultry Slaughterhouse
21	EDUCATION	7 th - 9 th December, 2023	3	Review of the Bungoma County Education Support Scheme Regulation
22	GENDER	10 th – 12 th December, 2023	3	Status of drugs and substance abuse in the County
23	LABOUR	10 th – 12 th December, 2023	3	Inquiry into the construction of the administration block for the CPSB
24	APPOINTMENTS	15 th – 17 th December, 2023	3	Vetting of the County Secretary
25	HBC	18 th – 20 th December, 2023	3	Sessional Review Report for the second session
26	LIAISON	12 th – 14 th January, 2024	3	Committee activities from October to

				December, 2023 Retreat schedule third phase
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CHAPTER FIVE

OBSERVATIONS AND RECOMMENDATIONS

OBSERVATIONS

It was observed that;

1. The Committees held a total of 251 internal meetings out of the possible 288 and a total of 18 external meetings out of 24.
2. The Committees performed their mandates as expected.
3. Most of the meetings delayed commencement time due to quorum hitches.
4. Most meetings are attended by Members inappropriately dressed.
5. The County Executive delays submitting documents whenever required to despite being given sufficient time.
6. Some committees are not adhering to the resolutions of Liaison Committee.
7. Committees are not utilizing the research services; and if any, the requests are done at a short notice thus hampering the operations as witnessed by delayed submission of reports.
8. Statements committed to Committees are still pending and yet to be processed in Committees.
9. Committee activities were interfered with by some emerging issues.
10. Most of the interrogations of Committees where the CECMs were invited on budget and planning documents, fresh submissions including request for further resource allocations to programmes rather than defending, providing clarifications and responding to emerging issues from the Committees, were witnessed.

RECOMMENDATIONS

We recommend the following:

1. **THAT**, Hon. Members are encouraged to attend the meetings on time in compliance with Standing Order No. 187 to avoid quorum hitches.
2. **THAT**, Hon. Members should adhere to Speaker's rule no. 5 on proper dress code whenever attending Committee internal meetings and dress in smart casual in external meetings.

3. **THAT**, Committees should enforce provisions of Article 195 of the Constitution and Standing Order No. 193 of the County Assembly of Bungoma Standing Orders and Section 18 of the County Assembly Powers and Privileges Act, 2017 whenever there are delays or no response at all from the County Executive.
4. **THAT**, Committees are advised to implement the resolutions of Liaison Committee and ensure compliance.
5. **THAT**, Committees should plan for their activities in time to ensure timely completion and submission of reports.
6. **THAT**, Committees with pending statements are urged to comply with the Speaker's directives and process them within the provided timeline.
7. **THAT**, prior information on upcoming issues should be relayed on time to avoid clashing of Committee programmes.
8. **THAT**, during interrogations of budget and planning documents, the CECMs should defend, offer clarifications and respond to emerging issues from the Committees and minimize submissions including request for further resource allocations to programmes against the proposal as submitted from the Cabinet. Any request should be resolved at the sector committee level.

CONCLUSION

Mr. Speaker Sir,

It is now my humble request to this House to approve this report by the Liaison Committee on the Liaison Committee Report on the Activities of County Assembly Committees in the First Quarter of FY 2023/2024 (July - September, 2023) and Retreat Schedule for Second Quarter FY 2023/24.

I move. I now ask Hon. Christine to second this report.

(Applause)

Hon. Christine Mukhongo: Thank you Hon. Speaker. I wish to take this opportunity to thank the chairperson, Lands Committee for presenting the report to the House. I second the report.

(Applause)

(Question proposed)

Mr. Deputy Speaker: I remember in my earlier communication touching on something else I mentioned and said that silence is also a form of communication. Hon. Makari?

Hon. George Makari: Thank you once again Hon. Speaker. I wish to first of all applaud the mover of the motion, I think it was fantastic and members should applause him for doing well.

(Applause)

I support the report in its entirety. I also wish to applaud the secretariat for doing a splendid job and the mover of the motion was at ease because even the English was flowing. We applaud the secretariat for that job. As I support the report the way it is; just to note; that you as the chairperson of Liaison Committee, the person that is in charge of issuing memos for committees must know that this committee has this allocation. For example the Appointments Committee where I am a member had an allocation of Kshs2 million and they used Kshs5 million. This means that they entered into another committee's kitty. Even if I was paid that money, I think it was wrong and you can demand that I refund what I was paid because we walked into other committees' money. The person issuing a memo must check. In accounting, there is something called a vote book and it says Hon. Nyongesa is Health and has Kshs9 million. When he has used Kshs900, 000, you reduce from the Kshs9 million going down. By the time you reach zero, you cannot issue any other memo to that Health Committee again. The point is how they issue other memos when they know that the kitty is depleted. That is my only point. Otherwise, the report is nice.

Mr. Deputy Speaker: Thank you Hon. Makari for your concern. May I now call upon the mover to reply to the motion?

Hon. Francis Chemion (Mover to reply): Thank you Hon. Speaker. I wish to sincerely thank the members who are here. This shows that we are ready to work and I am happy for the members deciding to be with us we move this report.

I want to respond to the query as raised by Hon. Makari; this is something that comes back to budgeting; that we need to be considering the unforeseen issues as we budget; because from those expenditures, it could be easily detected that the Appointments Committee had little money. Again, the Executive gave the names in bits; that is what affected that Committee. If all the names could have come at once may be there could be no issue of overspending. From the committee's recommendation, Hon. Makari we have ably recommended that the kitty should be enhanced. It is a major recommendation in that report that we add monies to the Committee Services vote head so that we have enough to take care our programs; that we don't have the issue of a committee eating into another committee's allocation.

It is not fair Hon. Speaker. Because we have a committee that had huge balances which they had not spend but it was spend by other committees. It is not only the Appointments Committee. Hon. George just mentioned one; there are several in the report that exceeded

their budgets. We must take the issue of budgeting and the second one is the issue of proper management of our vote book. Also we must take care of emerging issues. Thank you Hon. Speaker as I urge the House that we adopt this report.

(Applause)

Question put and agreed to.

The ayes have it.

The report is adopted and the Clerks- at- the- Table will make sure that it reaches its final destination for action.

BILL

1. THE BUNGOMA COUNTY OUTDOOR ADVERTISING AND SIGNAGE CONTROL AND REGULATION BILL, 2023

Hon. Francis Chemion (*Chairperson, Committee on Lands*): Thank you Mr. Speaker. I now move that the Bungoma County Outdoor Advertising and Signage Control and Regulations Bill, 2023 be read for the Third Time. I ask Hon. Wafula Waiti who is a member of the Committee to second.

Hon. Wafula Waiti: Thank you Mr. Speaker. I rise to second that the Bill be read for the Third Time.

A Bill for an Act of the County Assembly of Bungoma to provide for Regulation of Outdoor Advertisement and Signage within Bungoma County and for Connected Purposes; Third Reading.

Mr. Deputy Speaker: Honourable Members that was the Third Reading of the Bill. It will now be forwarded to the respective authority H.E Governor for assent within 14 days so that it becomes operationalized and serve the people of Bungoma.

ADJOURNMENT

Honourable Members, may I take this opportunity to thank you passionately for having sat through this session. It has been a long and heavy session, but you have been active and participated effectively. This is the spirit; let us revive the passion of the mighty County Assembly of Bungoma to achieve its highest milestone. Thank as we purpose to do the same to improve ourselves in this act of honesty to the people of Bungoma. We adjourn this session and reconvene here tomorrow on Thursday 26th October, 2023 at 2:30 p.m.

(House Adjourns)

