COUNTY GOVERNMENT OF BUNGOMA COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY 22ND NOVEMBER, 2023

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

WEDNESDAY 22ND NOVEMBER, 2023

The house met at 2:30p.m.

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

PRAYER

PAPERS

REPORT BY THE SECTORIAL COMMITTEE ON ROADS, TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS ON THE IMPLEMENTATION STATUS OF WARD BASED PROJECTS FINANCIAL YEAR 2021/2022 AS AT OCTOBER 2023

Mr. Deputy Speaker: Hon. Simotwo!

Hon. Frankline Simotwo: Thank you, Mr. Speaker. I rise to table a report by the sectoral Committee on Roads, Transport, Infrastructure and Public works on the implementation of the status of the ward based projects FY 2021/2022 as at 1st October 2023.

(Hon. Frankline Simotwo laid the paper on the table)

Mr. Deputy Speaker: Thank you, Hon. Simotwo. Honourable members, a report by the sectoral Committee on Roads, Transport and Infrastructure and Public works on the implementation status of ward based projects Financial Year 21/22 as at October 2023 having been laid before this House becomes property of the Assembly.

Next item,

REPORT BY THE SECTORIAL COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING AND HOUSING ON THE HOUSING INVENTORY REPORT

Mr. Deputy Speaker: Hon. Kirui Yego Eunice!

Hon. Eunice Kirui: Thank you, Honourable Speaker Sir. I rise to table a report by the Committee on Lands, Urban and Physical planning on the House Inventory report by the department of Lands, Urban, Physical planning and Housing.

(Hon. Eunice Kirui laid the paper on the table)

Mr. Deputy Speaker: Thank you, Hon. Kirui Eunice. Honourable members, a report by the sectoral Committee on Lands, Urban, Physical Planning and Housing on the House Inventory report by the department of Lands, Urban, Physical planning and Housing having been laid before the House becomes the property of this Honourable House.

Next Item!

REPORT BY THE SECTORAL COMMITTEE ON LABOUR RELATIONS MEMBER SERVICE AND FACILITIES ON THE VETTING OF A NOMINEE FOR APPOINTMENT AS A MEMBER OF THE BUNGOMA COUNTY PUBLIC SERVICE BOARD

Mr. Deputy Speaker: My senior brother Hentry, you are fumbling, I can see you from a distance. You can proceed Sir!

Hon. Hentry Nyongesa: Thank you, Mr. Speaker Chair. Sorry, I was attending to a patient though I am not a doctor, I was assisting.

Mr. Deputy Speaker: Pardon!

Hon. Hentry Nyongesa: I was assisting a patient to be treated by a doctor. That has made...

Mr. Deputy Speaker: It has had effects on you because..

Hon. Hentry Nyongesa: That is what is causing fumbling...

Mr. Deputy Speaker: I saw it. Proceed!

Hon. Hentry Nyongesa: Thank you, Mr. Speaker. I hereby request to table the report on the Committee on Labour Relations, Members Service and Facilities on the vetting of the nominee for the appointment as the member of the County Public Service Board.

(Hon. Hentry Nyongesa laid the paper on the table)

Mr. Deputy Speaker: Thank you, Hon. Hentry Nyongesa. Honourable members, a report by sectoral Committee on Labour Relations, Members Service and Facilities on the vetting of a nominee for appointment as a member of the Bungoma County Public Service Board having been laid before this House becomes a property of the Assembly forth with. We move to the Next item,

NOTICES OF MOTION

1. Notice by Sectorial committee on Roads, Transport, Infrastructure and Public works

Mr. Deputy Speaker: Hon. Simotwo, you can proceed!

Hon. Frankline Simotwo: Thank you Mr. Speaker. I rise to issue a notice of motion on sectorial committee on Transport, Infrastructure and Public Works on the implementation of the status of ward based projects FY 2021/2022 in October 2023.

Mr. Deputy Speaker: Thank you Hon. Korir Simotwo. Honourable members, a notice of motion having been issued by the sectorial committee on Roads, Transport, Infrastructure and Public works in a proper manner, I therefore direct that the same be circulated to Honourable members for them to peruse, analyse critically, it forms basis and part of business to be considered by this House after ratification by the House Business committee.

2. Notice by the sectoral Committee on Lands, Urban and Physical planning and Housing.

Mr. Deputy Speaker: Hon. Kirui!

Hon. Eunice Kirui: Thank you Hon. Speaker. I stand to issue a notice of motion by the sectorial committee on Lands, Urban, Physical planning and Housing on the House inventory report by the department of Lands, Urban, Physical planning and Housing.

Mr. Deputy Speaker: Thank you, Hon. Yego Kirui. Honourable members, a notice of motion having been issued by the Committee on Lands, Urban, Physical planning and Housing on the House inventory report in a proper manner, I therefore direct that the same be circulated Honourable members so that they consume critically. It forms business of this House to be considered by the House Business committee.

REPORT BY THE SECTORIAL COMMITTEE ON LABOUR RELATIONS, MEMBER SERVICES AND FACILITIES ON THE VETTING OF THE NOMINEE FOR APPOINTMENT AS A MEMBER OF THE BUNGOMA COUNTY PUBLIC SERVICE BOARD

Mr. Deputy Speaker: Our senior Honourable member Hon. Hentry!

Hon. Hentry Nyongesa: Thank you, Mr. Speaker. I do issue a notice of motion that this House adopts a report by the sectorial committee on Labour relations, member services and facilities on the vetting of the nominee for appointment as a member of the Bungoma County Public Service Board.

Mr. Deputy Speaker: Thank you so much Hon. Hentry. Honourable members, the notice of motion having been issued by the committee on Labour Relations, I therefore direct that it be circulated to Honourable members so that they can have the content internalised critically. It will form part of the business to be considered by this House after ratification by the House Business Committee.

MOTION

REPORT BY THE SECTORIAL COMMITTEE ON FINANCE AND ECONOMIC PLANNING ON THE BUNGOMA COUNTY ANNUAL DEVELOPMENT PLAN, FY 2024/2025

(Resumption of debate)

Mr. Deputy Speaker: Very well. We resume the motion that was well moved by Honourable James Mukhongo Barasa and seconded by Hon. Wasike Makari. It's proposed for debate. Online we have Hon. John Kennedy Wanyama followed by Peter Caleb Wanjala, then Aggrey Mulongo Waliaula in that order so that we move.

Hon. John Kennedy Wanyama: Thank you Mr. Speaker for giving me an opportunity to contribute to the ADP review for the Financial Year 2024/2025. As per the guidelines, at least 30% of the County budget should be allocated towards development. As much as we know

this is a toll order given the fact that the wage bill for devolved units is very high but we also have other factors that are man-made that are making us not achieve this milestone.

I just want to note a few areas from the report well presented by the chairman of Finance. Total revenues stood at 13.6 billion, total expenditure stood at 12.1 billion and that off course tells you that amount not spent at the close of the Financial Year was 1.6 billion then you ask yourself why should a County return money to the Treasury or rather close a financial year with a balance and yet there are so many projects across the County that need to be attended to.

When you look at the total recurrent budget it was 10.3 billion, actual expenditure was 9.3 billion resulting to an absorption rate of 90% total development budget was 4.4 billion while actual expenditure was a Paltry 2.9 billion resulting to an absorption rate of 63%.

For us to improve our absorption rate there is a need for proper planning. If the executive can plan to execute most of our projects within the second and third quarters I think absorption rates will improve but when we wait for funds to come before we start procurement processes, we have other administrative processes like drawings, market surveys, engineers estimates etc. You know while we have been doing the review of our quarterly financial statements most of the CEC's have been saying that we have not advertised for projects because of delays from the ministry of public works.

We shouldn't have such occurrences. This is purely lack of planning so the executive needs to have proper planning so that all projects should be executed within the Financial Year and improve our absorption rate.

Lastly, section 102 of the County Government's Act has set principles which are supposed to be observed while planning for the County Government as it was clearly listed by the Chairman for Finance in the motion that was moved today.

I want to dwell on number e of those principles which says that we need to align County Financial and institutional resources to agreed policy objectives and programs.

I want to mention here that we are witnessing cases where the executive is allocating resources to projects without the same being appropriated by this House and or without a a budget.

The risk of this is that and I want to give an example of the express highway, you know when you get into projects and you do not have a budget then you will not be able to pay and when you are not able to pay you start paying huge penalties and that is what we are doing now but I see the same recurring and we need to be very careful not to go that direction. Let all projects be appropriated through this House, be budgeted for and planned for so that we avoid running into unnecessary expenses in terms of penalties.

Finally, is the issue of pending bills we also have clear guidelines on how we need to treat pending bills as we do budgeting, pending bills are supposed to be a first charge but we have seen a case where we still have a lot of pending bills across all departments so I think as we

move forward, all departments should ensure that while budgeting we deal with all pending bills so that then we can deal with this problem once and for all.

Thank you

(Applause)

Thank you Hon. Kennedy. Hon. Peter Caleb Wanjala!

Hon. Caleb Wanjala: Thank you, Mr. Speaker. I also rise to give my observation over the report read by the Honourable member Barasa. Just like my colleague has said, mine is on the side of pending bills. The issue is not about budgeting but the implementation because you realise that like the budget committee had already set aside some funds for the dual carriage and the money has stayed in the Roads department for almost a year when the budget is there, the funds are there but they are not paying, so there is a deliberate move of delay of payment of some of these pending bills so that they can attract some legal fees just to benefit some individuals. There are a lot of penalties in all of the projects we have and I think if we continue this way you realise that we will not be able to grow this County.

Another issue is the recommendation by the committee that buying land and building a bus park at Bukembe market is not a priority. If you ever used that road it's just a time bomb because there are a lot of trucks that are parking along the road and even when you come on market days, it's just God who has been helping these people so they should treat that as a priority. At the same time, we also need to have a balance when it comes to development. We should not just develop only one side and fail to develop other parts of this County. Just like Hon. Ken has said we should also stick to our budget .For example and I am sorry about this, the money that we budgeted for in the Kamukuywa market is not the money that is reflecting now.

You realise that money has been raised up compared with the money that this House passed in the budget. We should stick to our budget and that will help us to make sure that we grow this County. I support.

Mr. Deputy Speaker: Thank you so much for your contribution Hon. Caleb Wanjala. Now we have Hon. Aggrey Mulongo Waliaula, followed by Makhanu Cornelius Wanjala, Wasike Makari, Nyongesa Khaemba in that order

Hon. Aggrey Mulongo: Thank you Mr. Speaker Sir for catching my eye to contribute towards this noble motion. The way our Honourable member Chair of Finance has taken us through the report, the reason why we are having pending bills is just because there is no work plan for all these sector committees. If the work plan is there, they need to be following the work plan.

These pending bills when you look at it if money was given out for paying of the contractors or so and then finally they are not paid which means it was not planned. When you go to all these pending bills like Sinoko Health centre work completed that is worth 5,000,000 nothing has been paid.

Kimilili male ward 10,000,000 was completed no payment, Bokoli was completed no payment. There are people who are sleeping on their jobs and as an oversight house we need to wake up and start doing our work. If money was given to Deputy Governor's House and yet there is not land for it who really did that because in the first place they could have identified land first before allocating money.

The money was allocated minus seeing where they are going to construct. That is where we go wrong. The place is supposed to be gazetted. If it's gazetted it's when now allocation can take place but here is the budget that was given then right now in the same report we are being told we are going through it. The money is just there why and how and is that money still there? If it's not there..

Mr. Deputy Speaker: Hon. Mulongo, I am confused?

Hon. Aggrey Mulongo: How are you confused?

Mr. Deputy Speaker: Because you are saying the money is there and you are asking is the money there?

Hon. Aggrey Mulongo: Sorry, I do not know whether the money is there. If we are going out especially the executive side, the report talked about the donors, those people who are supposed to give us grants or loans. If the executive are going out and they are not even coming back with the donors, why are they going out? We are lacking, there is no grant or proper usage of money and here we are going out every day and not coming out with the donors.

The only good thing about this report what I have seen where they have talked about the ward based projects if it is going to increase to 50 million already we have been having 17 then we went to 19 now it's 24, the work is being seen in our wards so if we are going to move up to 50 then a lot of work will be seen. Thank you for giving me this time to air out my views.

Mr. Deputy Speaker: Thank you, Hon. Mulongo. Honourable members, remember we have some four other motions ahead of us which we have to dispense with today so those who have applied because we have to address some issues here, the mover of the motion is aware therefore on the line, those I mentioned plus Hon. Waiti and finishing with Hon. Ipara for that purpose and you have to be brief Honourable members because we have four other motions ahead of us. In that order, we now move to Hon. Makhanu!

Hon. Cornelius Makhanu: Thank you, Mr. Speaker Sir. First, I would like to appreciate the mover of the motion Hon. Barasa Mukhongo. I did not know he had that stamina and energy to stand for almost four hours. Now, concerning the report, I stand to support the report because there are some proposals that are going to be beneficial to this County. For example there is a proposal of putting up a dispensary each in Khalaba and township ward and as you know these are the wards that are making up our municipality of Bungoma town. They had no dispensary at all and that proposal of 30,000,000 per each makes me support this report

because we would like to have this hospital in our wards at least to build to level four or three to decongest our referral hospital.

Another thing that is of concern, most of our members here have spoken about pending bills. We have done projects here for example I have heard here about Masinde Muliro stadium. When it was awarded it was one item, right now they are three.

One, the original contract, two there is this animal called penalties because of delay in payment. The third item on that project is variations. This stadium is turning out to be the most expensive in Africa. Why do I say so? It's just a five seater capacity .Original..

Mr. Deputy Speaker: Five seater?

Hon. Cornelius Makhanu: 5,000 seater sorry. You can imagine 5,000 seater capacity stadium which originally was over 600 million. Right now as we speak is over 800 million and it's yet to be even completed

From the report, it is saying that its almost 80% complete but you go down its not even 80% unlike dual which we cried so much that it has gobbled a lot of money at least we are using it before we finish. That stadium we are yet to use it but still every year we are allocating money but because of delay in payment it has attracted alot of penalties and yet as a County still we are starting more projects like recently we just launched the Governor's residence. As we speak, the contractor was there, he is not on the site soon, and it's going to attract penalties.

As we speak we are yet to launch County Office block, a market in Kanduyi in my ward. Why should we start so may projects and yet the old ones which have lasted more than five years have not been completed? As a County, we are failing. Let us allocate money to projects that were earmarked to be completed long time ago before even we start new projects. Soon we are going to run out of finances to run all these projects. I just urge this House that let us allocate money to all projects to completion so that we start new projects.

We are having multi projects that we cannot complete, we cannot even pay, soon all of them are going to charge penalties and maybe all our budgets development money is going to be on penalties. With those few remarks, I thank you and support the report.

Mr. Deputy Speaker: Thank you so much Hon. Cornelius Makhanu Wanjala. Hon. Hentry Nyongesa, Waiti then Ipara as we finish that way.

Hon. Hentry Nyongesa: Honourable Speaker, I am being advised by Hon. Waiti that I just leave it. I do not know what it is.

Mr. Deputy Speaker: If it was an advice to you then you should keep it

Hon. Hentry Nyongesa: Mr. Speaker, I rise to support the report .This is a guideline for whatever is required to run the Government but under development I want to be very

categorical that the guidelines using the CIDP is very clear. What is happening is again raising alot of eyebrows.

Anything that appears in the CIDP is a programme that has been identified by the owners of the problem. That is if my people want a road, dispensary or the ECDE school, that is the priority. When it comes to budgeting and the item has been identified and it has been given allocation, there are alot of bureaucracies that are happening which the house needs to pronounce on the same especially if you want to purchase land. I do not know why if the people of Bumula can identify land, propose for the County to pay for that land and then the Government itself is having a lot of questions; where is this land? Today I was somewhere asking myself that somebody wants to go and look at the land physically and at this level reaching the level of payment one, we have a County Surveyor who has gone to the land.

We have an office here called CEF office. There are officers who are from the County up to the lowest level. They go and find out where these properties are until the project is at the payment still somebody is saying that we are supposed to go and look at the program itself physically so you start wondering who is lying to who because here is a County Surveyor, a valuer and all these people have gone to the ground.

Those are some of the bureaucracies that we are saying if my people have identified the program and is appearing on our roadmap that we have that is the program called county, Integrated Program which Finance chairman has given to us, it's supposed to be respected by the officers in charge.

Lastly, this issue of pending bills is as the Chair was reading, you must realise that when he reads somewhere on development and he says that absorption was 62% and then you may realise that the difference of the 38% might be the one being called pending bills. You start wondering when the Chair was reading that the absorption money especially from the National Government you may realise it was 10 billion and then in the same 10 billion you may realise some of the money was not spent and then they are not giving reasons why they are not spending that money and yet when it comes to development the monies just need to be committed that this money was meant for this road and it was not done so that the Government can work on the modalities on how they can implement that project.

In future, we do not want to be told that absorption was 60% and yet as we are opening the Financial Year the way we are here today we know very well we are going to put up the chamber so the procurement process must start immediately. We know very well we are going to put up the Governors residence, the procedure must be done immediately so that those things we do not want to be hearing that absorption rate for development monies was 65%, that is a story we want to forget about and we want to request that the Chair Finance the next CIDP we are going to read in this House we do not want to hear absorption because how can recurrent expenditure have low absorption? If I am told to go and train staff, what is making me not to train personnel so that we remain with low absorption in the training aspect? We need to pull up our socks but otherwise we support the report in totality because that is a roadmap for this County.

(Applause)

Mr. Deputy Speaker: Thank you, Hon. Hentry. He has expressed himself so strongly. I had requested that we have to finish with Hon. Ipara. You remember we have four other motions so therefore I want to give chance to Hon. Waiti so that he will give way for Hon. Ipara to come so that we call the mover to reply.

Hon. Wafula Waiti: Thank you Mr. Speaker. I just have one point of concern as we discuss this ADP but before that, may I take this opportunity to very sincerely congratulate the mover of the motion Hon. Mukhongo (*Kavue*) who stood for a long time when moving the motion.

(Loud Consultation)

Mr. Deputy Speaker: Order Honourable members! He has said very well in brackets meaning that is whatever they call themselves there but he has mentioned its Hon. Mukhongo and we know him. Whatever he can say about Hon. Mukhongo as he says that is their own business.

Whatever Kavue is, do not worry about it!

Hon. Wafula Waiti: Well guided Mr. Speaker. My concern is, when we discuss this, this is the only stage that all departments will consider bringing forward items that can help the County for example the stage where the department of Public Administration would have considered those electoral areas that means the wards that have no Government offices to be put in this ADP so that going forward we know like where I come from Naitiri Kabuyefwe we have no such an office so this is an area where it should have been captured.

You look forward, a department like Irrigation in Agriculture, these are the only two departments that every other area is considered when in Agriculture we give out farm input programs or fertilisers we consider every ward and Education in terms of bursaries every ward is considered but when we come to Public Administration, we have some wards getting there services in rental Houses so we waste alot of money paying rent and if we could have considered having such offices in our wards in this ADP we could have put in the County MCA's office assistants so going forward as we support this motion, I urge that our members of Public Administration department consider that. Otherwise, I support the motion.

Mr. Deputy Speaker: Thank you Hon. Wafula Waiti for your contribution. Now, we want to have the last member to contribute on this motion so that we call the mover to reply but as the mover comes, he should remember wherever he is that Hon. Mulongo who has left the chambers said that the only thing in this report was the 50,000,000 that is the only thing he saw. I do not know if he is your member or not in that committee!

Hon. Johnston Ipara: Hon. Speaker, Hon. Mulongo and Hon. James they know each other, so when they talk you may be carried away and yet they don't mean what they are saying. First of all, let me laud the chair Hon. James Mukhongo for presenting a detailed report with the several issues that touch the wishes of the county and admiration of the people of Bungoma County.

I also want to agree today with the conventional wisdom, which says that, that the book should not be judged by its cover and it goes further and says cats are difficult to trade and I want to say disagree with that. Actually, it is not Hon. Mukhongo has proven that beyond any doubt.

. If you want anything that will bring equalisation to the county is the ward based projects and I want to commend Hon. Mukhongo the reason why I said the two principles of convention of wisdom, initially, I was not all that convinced that you may have it in your report, the request and a proposal by the members of the public that that money be increased to 50 Honourable Members less applauded the Hon. Mukhongo let's clap for him, please.

(Applause)

That is a plus. Actually, you can understand today, if you looked on the framework contract, non-exist. In the last week, where some advertisements were carried out, Most of those roads that were advertised were CEF projects. Yesterday I saw another advert on the Department of Water. All of it carried CEF project. So it means if we want a bright future, the only animal that can bring that the bright future to all wards equally is the ward under CEF. So Honourable Members as you retreat, make sure that when the budget comes, let's stand firm and ensure actually we increase that amount to 50 million and we shall get equal development.

(Applause)

I want to say this, I want that this House to stand firm. When it comes to advertisement we should only allow advertisement to be carried out to where it has been confirmed by the CEC Finance, that money is available for that particular project because if we allow them to continue the way they are doing it and in particular when we refer to trade, where an advertisement for Kamukuywa market was done and awarded and what was available at that particular time was less than 20 million shillings and we awarded a contract of 272 million Kenya shillings.

Actually that one automatically becomes an audit query whatever way it goes. So we must be very keen and ask and I was by that time the chair and before I exit that particular topic I also want to congratulate my neighbour my brother Hon. Kikechi for his appointment as the chair for trade.

(Applause)

I want to assure Hon. Kikechi I will be available for you. I will be ready to advise you and I will be ready to stand with you because actually what we are used to hold is a rotational position which was available for every one of us. So as you walk out down the fear to see where Hon. Ipara and will remain your supporter and your defender.

(Applause)

Ending, I wanted to raise an amendment under Section 66 and particularly I want to draw the attention of the speaker on page 49 on ultra-modern market. The Department of Trade we did

recommend that Chwele market and the Tongaren market be among the two markets that we consider under that category but according to the presentations made by Hon. Mukhongo it only indicated Chwele . So I wanted under Section 66 I requested that we are allowed to present an amendment and if it is allowed, I want to request Hon. Mukhanya to second.

Mr. Deputy Speaker: Honourable members Under Standing Order 66 (1) which says unless otherwise provided in this standing orders any amendment to a motion which a member wishes to propose in accordance with his standing orders may be moved and if necessary, second at any time after the question is put upon the motion has been proposed and before it is put, so, yes, Hon. Mukhanya a moment oh sorry, which are using you, you, you logged in with the two both of them are Mukhanya so, I didn't know which is which

Hon. Alfred Mukhanya: This is mine. I think it as a committee for Trade, Energy and Industrialization and made recommendations. I think from the word go we propose that Chwele and Tongaren be given that priority. So why does it come out that is only Chwele I don't know. So I second that the proposal that Chwele and Tongaren are also part of development that we suggested.

Mr. Deputy Speaker: Honourable Members, this is a motion within a motion which the member for Tongaren moved as an amendment that proposals by Sectoral committee proposed that construction of ultra-modern markets be at Chwele and Tongaren and duly seconded by the Hon. Mukhanya member for Ndivisi. Honourable Members that being the case, I now propose a question for debate that there be an amendment to allow this report contains information that an extra ultra-modern market be constructed Tongaren as it is as Chwele I propose. Because of precedents, we have the Hon. Majority Leader.

Hon. Joseph Juma: Thank you, Mr. Speaker. Actually, it's a good idea that we should construct our market. I have been keenly listening already there is anomaly in a trade already, whereby Kamukuywa was advertised there was no money. Chwele is there is only having around 15 million. Unless maybe a speaker who just proposed for the sake of proposing but if we want to be realistic. I thought we could push one then as we wait for other financial years.

In the recommendation number two, the committee recommended this way. The department should be realistic in formulating their budgets and adhering to purchase ceilings to cup over ambitions. So and I think members have been keenly following. So do we also want to be ambitious? Are we going to be realistic? But anyway, I support we look into it. Thank you

(Laughter)

(Applause)

Mr. Deputy Speaker: Thank you, Honourable Leader of majority wisdom shall kill you. Hon. Henry

Hon. Henry Nyongesa: Mr. Speaker my neighbours will kill me one day so you have to be keen. I am rising to say that if wishes were horses, even those who applied will also ride horse. So we are wishing that Tongaren also be given that status but we are wishing. When you open up seriously this county is in problem in terms of revenue collection which is becoming a thorn in the flesh, that we are yearning to have the money but the collection of revenue is low.

That is why I am using the word wishes that if we have had enough resource envelope one we shall start with Chwele market as it has been proposed by this ADP and I want to bring to attention to Chwele that will also have various areas. I can start even mentioning, there is a market called Miyanga, Mayanja, Dorofu and Kimilili.

Some of the areas when you go there you will see there are modern. So, as we are wishing look at the Tongaren and if we have enough resource envelop the way Leader of majority has put it we could ride those horses. This county is struggling with the debt that is the dual carriage. It was that you like it or don't like it you must swallow it and we are struggling with it. It was done without a budget and it has made this county to struggle the way we are struggling. So, I am still using the word wishes.

If they are opening wishing that the committee on Finance would look into it, that we have other markets but now Hon. Ipara is in particular with Tongaren but we have other serious markets within the county which we shall look into in the future. So if the resource envelope allows then who am I to deny the same.

So as I support I also go the way Hon. Majority has said that if we have the resource envelope, we can go that direction if we don't have it then we have to lean on the report where the *wananchi* were saying that Chwele should be given a priority. I therefore support Hon. Ipara if there is enough resource.

Mr. Deputy Speaker: Honourable Members as I mentioned earlier, we have four other motions ahead of us. So I want to have the Hon. Cornelius are you applying to speak? No, the Hon. Nganga, then we call the mover to reply so that we move

Hon. Everton Nganga: Thank you honourable Speaker for giving me a chance to contribute towards the motion that has been moved by Hon. Ipara and seconded by Hon. Mukhanya. I must understand and this was supposed to be explained by the mover of the motion. I am supposed to understand what this modern Ultra market is. There are a number of factors that you have to consider and if these factors are held constant, if they are found in Tongaren actually then the market also has to be considered.

We don't want to allocate funds somewhere where the county cannot again repack and make sure that it is getting some revenue from that market to facilitate other activities. So one, if Tongaren is a market that is strategically located. It means it is a market that is one; easily accessible by any person to reach the market, do business, enable the county to get revenue in terms of taxes, then it qualifies. I am also looking at the security. Chwele market I have moved there I have seen how security is well developed, how they have established security to enable the traders to do business. If Tongaren market also has the same we should not start coming up with other issues.

(Loud Consultation)

Hon. Speaker, protect me. I am moving protect me Hon. Speaker.

Mr. Deputy Speaker: Because a point of order let's find out which.

Hon. Everton Nganga: Let him mention the Standing Order. Yes.

(Laughter)

Mr. Deputy Speaker: Hon. Kikechi.

Hon. Bernard Kikechi: Hon. Speaker, I want to know if the Honourable member is in order to allege that Tongaren market is not accessible. Does it mean that Tongaren is not in Bungoma County or what does it mean? Honourable speaker

Mr. Deputy Speaker: Hon. Kikechi, he has not alleged that Tongaren is not accessible; he is trying to give characteristics of markets. So after he gives that, it's now upon each one of us, including myself and you and everybody else to ask himself or herself but that will not stop. So he's trying to make his case by trying to put clear that markets should be generating revenues. So let's not curtail him. We can even look out Chwele actually if it is not generating revenue. Any market yes so you can proceed. Where I sit I Know Tongaren is just okay

(Laughter)

Hon. Everton Nganga: Thank you, Hon. Speaker for your wisdom and proper guidance, I don't want to respond to what he has said.

Mr. Deputy Speaker: Order members let's give this CPA Nganga time to and Hon. Nganga please dwell on your points less they evaporate

(Loud Consultations)

Mr. Deputy Speaker; Order members! Order members! Tongaren is the point of reference we are talking specifically about this market called Tongaren where the amendment suggests that it should be a modern market construct. So it must be a reference, proceed Hon. Nganga.

Hon. Everton Nganga: Thank you, Hon. Speaker. Another factor that I wanted to mention is space. If Tongaren market has enough space to construct the modern ultra-market market then it qualifies also to have that. Again, another issue is that let us also look at the past revenue information amount that has been collected that actually how this bucket has been improving in terms of revenue being collected. Has it been improving steadily upward or it has been fluctuating down like that.

From Tongaren how can supply goods get to the market so that our county can also get revenue from that. So if there is enough supply, enough market that's good population, then it also qualifies. Thank you Hon. Ipara I think those are the issues that they have mentioned and actually you have to respond to it, I support the motion, if those factors are actually adhered to thank you very much.

(Applause)

Mr. Deputy Speaker: Hon. Waiti, you want to say something before I bring the Hon. Ipara to respond. What is it; I know Tongaren is your interest

Hon. Waiti Wafula: Thank you, Mr. Speaker. As you say Tongaren is my interest I want to confirm to this House. That number one, I am a member of trade committee and indeed, in our deliberation, we considered Chwele and Tongaren to be considered as other Honourable members have been contributing to. Just to bring to the attention of this House, Tongaren as a market, it has a market day and the market day is every Friday, whereby we have different traders including animal selling. Tongaren as a market it is as it stands today; it is the constituency revenue collecting centre. That is where we have the county revenue collecting offices situated in Tongaren. I can speak as a surveyor, Tongaren has an as approximate area of 25 acres it has a lot of land. So, there is nothing that can hinder Tongaren be considered in this House.

(Applause)

It is situated along Misikhu- brigadier road and where it sits the tarmac is already there. So I suppose that Tongaren be considered in this House.

(Applause)

Mr. Deputy Speaker: Order members! Order members! Let the mover of the motion reply so that we move to another item.

(Loud Consultations)

Hon. Johnston Ipara: Hon. Speaker as Hon. Sudi has eluded the Annual Development Plan is a plan for what the county wishes to do within 12 months.

Mr. Deputy Speaker: Proceed

Hon. Johnston Ipara: Hon. Speaker, I want to repeat this for your attention. I am saying Annual Development Plan is an action plan of the wish list as put clearly by Hon. Nyongesa for the county dream that they wish to do those things if funds will be available. So it's not a must that money must be available so that you come up with a plan and even in your home right now. You have already planned next year you want maybe to plough 12 acres that is your wish that is your dream, but the actual action will happen guided by the funds that will be available in your home.

Let me say this out of the recommendations that we made as a trade department when I was still there, one of them and I want everybody to pay attention to this one. Establish Business Innovation Centre in Nalondo. Another one is Kapsokwony and Webuye at a total cost of 40 million and we also recommended as the Hon. Nyongesa my good friend said upgrade the three existing markets of Kapsokwony, Buyofu and Misikhu at a total cost of 1 million shillings. We did not stop there; we also say that if money will be available, we say the county through the Department of Trade is intending to set up three cold storage facilities.one at Lwakhakha, the second one at Bukembe and the last one at Ndalu.

As the honourable my good friend CPA holder was saying and the putting. You know Honourable did say when I started this ad that I am now becoming a student of conventional wisdom, where I will restrain myself from judging the book by its cover and I will also not say that cats are difficult to train. Our Hon. Mukhongo has convinced me beyond any reasonable doubt.

Where Tongaren is traded it is traded alone. Misikhu- Brigadier- Matunda road and this is a record that is being upgraded at a total cost of 300 million shillings through the budget that we did approve last time. I am not talking about the previous payments that were made or money that was made available. So this one is traded and if you say is it accessible, I want to say that this particular town is accessible because this modern road passes at the middle of Tongaren market and he when he was talking about security, security has many aspects. All sub county officials stays Tongaren Township.

(Applause)

When we talk all those other government departments, all of them are situated within Tongaren and there is where also, I also have an office

(Laughter)

(Applause)

You know Tongaren that used to be a home, and a house of a famous *Mzungu* who used to be called Tongaren And we just borrowed that name from his name because he was a famous farmer within that locality And that's why we decided that we must use the that so is land available. Even right now, as we are talking some of the land that is available under the custody and registered under the name of the county government of Bungoma has not been a build and if there are any inhabitants in that land is snakes, rats and the wild animals, so on to confirm beyond any reasonable doubt that land is available.

He was worried about is it possible for us to get supplies? Tongaren is connected to the following Counties. one Tongaren is connected to Trans Nzoia through Maili Tatu, Mabonde, Bitri, Muliro, Ndalu you come down to Tongaren. That is from Trans nzoia. From Uasin Gishu you can use from Matunda you come down to brigadier, you come down to Tongaren and also through Brigadier. We can also access Kakamega which is another market. In Naitiri, we can also still assess Kakamega through Naitiri, so this is a town that is connected and it can work and you can do business with the three counties simultaneously.

On the population, I want to say this. Tongaren being a white settlers land, it has attracted people from all parts of this country. If you mentioned Kikuyus they are there, if you mentioned Kalenjins they are there. If you mentioned Luo's are there, if you mentioned Teso they are there if you mentioned every tribe of this country, you can find them in Tongaren.

(Applause)

When we talk about diversity, if we want to spread and grow the county, we must spread our catchment across all parts of the county. So that one we realise the equal distribution of resources, equal distribution of development and equitable use of scarcity resources that we have within the account. Now with that I wanted to plead with the Honourable members. It's not that we have any malice is not done with the hidden agenda. It is what we recommended in the committee when I was still the chair And one thing that gives me now hope is the current chair is also a son of Tongaren sub county,

(Applause)

I just wanted to plead with you, this is not the final. This is just a wish that if wishes were horses, then the beggars could also ride, and the beggars of Tongaren are also pleading that let them just be in that list, so that if that rainy season comes, they can also participate in planting. I plead with you, let's approve this amendment, and we shall work as a team.

(Applause)

Mr. Deputy Speaker: Honourable members, a motion having been moved, duly seconded debate having ensued and reply made. I now put the question that an ultra-modern market be built in Tongaren as in Chwele as to be reflected in the report of this House

(Question put and agreed to)

(Applause)

So it will be included in this as amended so we proceed with the major motion where I call upon the mover to reply so that we move to the next item

Hon. James Mukhongo: Thank you Hon. Speaker for the opportunity and let me take this opportunity and thank all the members who have contributed to the motion that I presented this morning, when you look at the motion I moved in this House in the morning it is an eye opener when we are planning for 2024 /2025 projects to be implemented by the executive and it is an extract from the CIDP that was approved by this House

However I want to laud the members for their contributions because we did public participation. Likewise this we can also transform it that now it is an opportunity for the members who have now critically looked at the document presented to this House. I want to agree with the most of the issues that were raised with the Honourable Members and they have been captured on the HANSARD of this House.

How I wish, you must make a direction that each and everything that has transpired from this report must be also accompanied with the report to the executive so that when the CEC or the executive when they will be planning for 2024/2025 they must consider all the views raised by the Honourable members. We did mention on the non-absorption of the budget. This was mostly affected. We were just from the election and most departments were lacking substantive CEC or the concerned people to run the department.

It also contributed to non-absorption of some funds in various department but we have advised the executive because we have interacted with them that this going forward from this budget of this financial year, we don't want anything forthcoming like non absorption of the budget.

On pending bills when you look at our recommendations we have clearly indicated the reasons why we are having pending bills. I can throw back the members on page 70 number five where we have said that the county treasuries should accurately ascertain and declare the pending bills and ensure they are accorded first charge. When I was presenting this report, some of the sector departments were denying the figure that was given by the department of Finance and Economic Planning and it was there cardinal duty as a department. The chief officer must wake up and stand up and declare all the pending bills that are across all the department so as we plan for our subsequent budget the treasury will give first priority on the pending bills.

It also emanated from meeting the targets. You remember the revenue component we said we had some programme undertaken but were to get funding from revenue target which we never met the target and we have made plans as department to assist the executive. Very soon when we will be coming from the long recess I am sure as a department of Finance and Economic Planning committee. we have put the executive on notice `that we will have a full day workshop looking critically into the streams of revenue, where we are performing well and where we are not and then we give reasons or the challenges why we are not doing so well.

Even the inputs from the Honourable Members will now assist the executive so that when we give targets we give realistic figures. Finally this is just a wish list. I don't have anything to

comment on the issue of Tongaren we can as much as have even a hundred market put in this book but at the end of the day the implementation will be serviced with the envelope that will be received.

When you read this report our wish list is totalling to 28 billion and we receive what we collect with partners and donors. Like in this current financial year it totals to 14 billion it is now half of what might be received but you know as the father of the home you can plan so many projects so many things to be undertaken in one financial year but your pocket is the one that will speak whether you will comply or not .

So the sub counties it is something that I do welcome because it is a proposal from the House and the House has pronounced over it that Tongaren must also be included and many other markets. My wishes are as we move on we will be giving priorities on projects so that as we start up one project we finish it and then we go for another project we finish it and then move to another.

By so doing also it will be seen we are planning so well. Otherwise, without coming with so many projects at one financial year, this is on-going projects, non-absorption rate I also becoming an issue. Pending bills is also becoming an issue with our county government.

Otherwise, the challenges experienced is inadequate budgetary allocation in all the sectors and how I wish members you will assist me so that we enhance our won source of revenue. It is an animal in the House I know some of the revenue collectors are going to face it very rough and when we say so some members please I will plead with you. Whether it is your child or is your relative we want revenue from all the streams Honourable members

Otherwise, I beseech this House that we pass this document with the amendment that has been on this floor of the House. So that we live it to the executive so that by end of February I think they need to bring to us a document that will tell us or inform us the ceilings of each and every department in preparation with the main budget that will be submitted in this Honourable House by the month of April so that we plan and then have everything put in place so that we can complete all the projects at once.

I had forgotten something, we had gotten a circular from the National Government that no County Government will deduct any new project leaving out on-going or stalled projects so it is a challenge to all of us as we plan for betterment of this County Government of ours. Otherwise Honourable Members I once again beseech you to pass this document. I rest my case

(Applause)

Mr. Deputy Speaker: Hon. Mukhongo has worked today it is not just any other ordinary day. Honourable members, I now rise to put a question because the motion has been moved and duly seconded debate having ensued and amendments there in made that this House adopts the report by the sectoral committee on Finance and Economic Planning on the

Bungoma County Annual Development Plan financial year 2024 /2025 laid on the table of the House on 21st November 2023 with amendments.

(Question put and agreed to) (Applause)

The same will be disseminated to the relevant offices for action to be taken next item.

MOTIONS

REPORT BY THE SECTORAL COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING AND HOUSING ON THE VETTING OF MR. PETER WANYONYI BUTEYO AS A MEMBER FOR KIMILILI MUNICIPALITY

Hon. Waiti Wafula: Thank you, Mr. Speaker. I stand in this honourable House...

Mr. Deputy Speaker: Hon. Waiti, you have to be as articulate and fast as your colleague of that age.

Hon. Wafula Waiti: Mr. Speaker, I stand in this House to read a report on the vetting of the nominee for board member of Kimilili municipality. Page 2 is the table of contents and I request that you allow me skip page 3 because it is purely on the mandate of the committee.

Mr. Speaker: Make reference under which Standing Order.

Hon. Waiti Wafula: Standing Order number 217(5) so that I start from page 4 about the committee membership.

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

1.	Hon. Francis	Chemion	Chairperson
2.	Hon. Linda	Kharakha	Vice-chairperson
3.	Hon. Ali	Machani	Member
4.	Hon. James	Mukhongo	Member
5.	Hon. Hentry	Nyongesa	Member
6.	Hon. Metrine Nanga	lama	Member
7.	Hon. Busolo	Sudi	Member
8.	Hon. Eunice	Kirui	Member
9.	Hon. George	Makari	Member
10.	Hon. Wafula Waiti		Member
11.	. Hon. Edwin	Opwora	Member
12.	Hon. Polycap Kimet	a	Member
13.	Hon. Cornelius	Makhanu	Member
14.	Hon. Mildred Barasa	l	Member
15.	Hon. Jeremiah	Kuloba	Member

Acknowledgement

The Committee is grateful to the Offices of the Speaker and the Clerk to the County Assembly for the logistical support they accorded to the committee during the vetting and writing of this report.

I also wish to express my appreciation to the Honorable Members of the Committee for unwavering commitment when carrying out this noble task, especially during the vetting and report writing exercises.

Further, my sincere gratitude goes to the members of the Secretariat for their technical advice and for compiling this report.

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

Thank you. The report is signed by Hon. Francis Chemion, MCA Kaptama Ward and the chairperson.

GUIDING PRINCIPLES IN THE VETTING OF THE BOARD MEMBER

The Committee while considering the nominee made reference to the Constitution of Kenya, 2010, the County Governments Act 2012, the Urban Areas and Cities(Amendment) Act 2019, the Public Appointments (County Assemblies Approval) Act 2017 and the Bungoma County Assembly Standing Orders.

The Constitution of Kenya, 2010

Article 184 (1) of the Constitution provides for-

- a. the establishment of a criteria for classifying areas as Urban Areas and Cities;
- b. the establishment of the principles of governance and management of Urban Areas and Cities; and
- c. The provision for participation by residents in the governance of urban areas and cities.

Article 196 of the Constitution of Kenya provides as follows;

(1) A County Assembly shall-

- a) Conduct its business in an open manner, and hold its sittings and those of its committees, in public; and
- b) Facilitate public participation and involvement in the legislative and other business of the Assembly and its committees.

The County Governments Act, 2012

Section 8 (1)(a) of the County Governments Act, 2012 provides that;

The County Assembly shall-

- a. vet and approve nominees for appointment to county public offices as may be provided for in this Act or any other law; and
- b. Perform the roles set out under Article 185 of the Constitution of Kenya.

The Urban Areas and Cities (Amendment) Act 2019

Sections13 and 14 of the Urban Areas and Cities (Amendment) Act 2019 provide for the establishment of Cities and Municipalities Boards with the functions as clearly spelt out under section 20 on governance and management of the said Boards which include;

20 (1) Subject to the provisions of this Act, a board of a city or municipality shall-

- a. oversee the affairs of the city or municipality;
- b. develop and adopt policies, plans, strategies and programmes, and may set targets for delivery of services;
- c. formulate and implement an integrated development plan;
- d. control land use, land sub-division, land development and zoning by public and private sector for any purpose, including industry, commerce, markets, shopping centres and other employment centres, residential areas, recreational areas, parks, entertainment, passenger transport, agriculture, and freight and transit stations within the framework of the spatial and master plans for the city or municipality as maybe delegated by the county government;
- e. as maybe delegated by the county government, promote and undertake infrastructural development and services within the city or municipality;
- f. develop and manage schemes including site development in collaboration with the national and county agencies;
- g. maintain a comprehensive database and information system of the administration and provide public access thereto upon payment of a nominal fee to be determined by the board;
- h. administer and regulate internal affairs;
- i. implement applicable national and county legislation;
- j. enter into such contracts, partnerships or joint ventures as it may consider necessary for the discharge of its functions under this Act or other written law;
- k. monitor and, where appropriate, regulate city and municipal services where those services are provided by service providers other than the board of the city or municipality;
- 1. prepare its budget for the approval by the county executive committee and administer the budget as approved;
- m. as may be delegated by the county government, collect rates, taxes levies, duties, fees and surcharges on fees;

- n. settle and implement tariff, rates and tax and debt collection policies as delegated by the county government;
- o. monitor the impact and effectiveness of any services, policies, programmes or plans;
- p. establish, implement and monitor performance management systems;
- q. promote a safe and healthy environment;
- r. facilitate and regulate public transport
- s. Perform such other functions as may be delegated to it by the county government or as may be provided for by any written law.

Further to the foregoing, section 14 (1) (2) (3) (4) (5) and (6) of the Urban Areas and Cities (Amendment) Act, 2019 provides as follows;

- 14. (1) A board of a municipality shall consist of nine members appointed by the county governor with the approval of the county assembly.
- (2) The members of the board appointed under sub section (1) shall be constituted as follows
 - a. the county executive member for the time being responsible for cities and urban areas or his representative;
 - b. three members who shall be appointed by the county governor, with the approval of the county assembly;
 - c. four members who shall be nominated by an association and appointed by the county governor, with the approval of the county assembly;
 - d. the chief officer responsible for urban development; and
 - e. The municipal manager appointed under section 28 who shall be an ex- officio member of the board.
- (3) The four members of the board of a municipality specified under subsection (2) (c), shall be nominated by
 - a. an umbrella body representing professional associations in the area;
 - b. an association representing the private sector in the area;
 - c. a cluster representing registered associations of the informal sector in the area; and
 - d. a cluster representing registered neighbourhood associations in the area.
- (4) The county governor shall, while appointing the members of the board, ensure gender equity, representation of persons with disability, youth and marginalized groups.
- (5) The county governor shall while considering the nominated members identified by the organizations specified under subsection (2), require the organization to produce
 - a. signed minutes as evidence of an accountable process of nomination;
 - b. evidence of compliance with statutory obligations; and
 - c. Vetting form to establish that the nominee has complied with the prescribed criteria for appointment as a member of the board.

- (6) A person shall be qualified for appointment as a member of the board if that person
 - a. holds at least a diploma from an institution recognized in Kenya;
 - b. has a distinguished career in a medium level management position in either the private or public sector
 - c. holds at least five years' post-qualification professional experience; and
 - d. satisfies the requirements of Chapter Six of the Constitution;
 - e. is ordinarily resident or has a permanent dwelling in the municipality; and
 - f. Carries on business in the municipality or has lived in the municipality for at least five years.
- (7) A person shall not be appointed as a member of the Board if that person-
 - I. is an undercharged bankrupt;
 - II. has been removed from office for contravening the Constitution or any other law;
 - III. is not a citizen of Kenya; or
 - IV. Has in the conduct of his or her affairs not met any statutory obligations.

VETTING OF THE NOMINEE TO KIMILILI MUNICIPALITY BOARD

Appointment Process of the Board Member

The Municipality of Kimilili is a decentralized unit of service provision in Bungoma County established pursuant to Article 176(2) of the Constitution as read together with Section 48 of the County Governments Act, 2012. The County Assembly enacted the charter establishing the municipality in May, 2018 and paving way for subsequent nomination and appointment of members of municipal Boards.

H.E the Governor, through a letter dated 27th October, 2023 nominated and forwarded to the County Assembly the following person for vetting and subsequent appointment to serve on Kimilili Municipality Board;

Kimilili Municipality

NO	Name	Gender	Name of Institution	Nominating Institution
1.	Hon. Peter Wanyonyi Buteyo	Male	A cluster representing registered associations of	Jua kali
	Butcyo		informal sector	

In compliance with the provisions of section 7 of the Public Appointments (County Assemblies Approval) Act, 2017, the said name was tabled on the 31st October, 2023 and stood committed to the committee on Lands, Urban, Physical Planning and Housing for processing and reporting to the House.

Notification to the nominee and the Public

Mr. Speaker Sir,

The Committee on Lands, Urban, Physical, Planning and Housing upon receipt of the names of the nominee, and in compliance with the provisions of Section 6 and 7 (4) of the Public Appointments (County Assemblies Approval) Act, 2017 read with Article 196 of the Constitution, placed an advert through the office of the Clerk, in the Standard News Paper dated 2nd November, 2023 informing the nominee and members of the public on the vetting exercise. The Clerk further sought for views from the public on the suitability or otherwise regarding the nominee. By the deadline for submission of the public views on the suitability of the nominee or otherwise, the committee had not received any objections or memorandum.

The Pre-Vetting Session

The committee conducted a Pre-vetting session on 14th November, 2023 to deliberate and agree on the mode of vetting in line with the Public Appointments (County Assemblies Approval) Act No.5 of 2017. The committee looked at the criteria followed by the governor in the nomination process. The name of Mr. Peter Wanyonyi Buteyo was presented to H.E the Governor by a cluster representing registered associations of informal sector vie minutes of the meeting held on 27th October, 2023. A copy of the minutes for the meeting aforementioned was provided to the committee. (Appendix II).

Subsequently, H.E the governor nominated Mr. Peter Wanyonyi Buteyo for consideration by the Assembly through the committee as is required by law.

The Vetting Process

Issues for consideration during the vetting process

Mr. Speaker Sir.

In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution and the Public Appointments (County Assemblies Approval) Act No.5 section 7(8 &9) of 2017. The Committee considered the following criteria in vetting the nominee;

- 1. Employment record and work experience
- 2. Public office, political activities and affiliations
- 3. Suitability to the position
- 4. Potential conflict of interest
- 5. personal Integrity
- 6. General knowledge on public affairs

Submission of relevant documents by the nominee

The committee received the following documents from the nominee through the office of the clerk in fulfilment of Section 7(8 and 9) of the Public Appointments (County Assemblies Approval) Act No.5 of 2017;

- I. Curriculum Vitae, personal credentials and academic certificates.
- II. Online Compliance Certificate from Kenya Revenue Authority (KRA)
- III. Clearance Certificate from the Ethics and Anti-Corruption Commission (EACC).
- IV. Clearance Certificate from the Higher Education Loans Board (HELB)
- V. Police Clearance Certificate from the Director of Criminal Investigations (DCI).
- VI. Clearance Certificate from Credit Reference Bureau (CRB)

Approval Hearing

The nominee appeared before the committee on 15th November, 2023 at 9.00 a.m. for vetting.

Mr. Peter Wanyonyi Buteyo

Mr. Peter Wanyonyi Buteyo is a Kenyan citizen born in Nangwe location Chebukwa, West Nalondo Sub-Location. He had a clear understanding of the boundaries bordering Kimilili Municipality where he currently resides. He indicated to the committee that there are for electoral Wards in Kimilili; Kibingei, Maeni, Kimilili rural and Kamukuywa.

Academic Qualifications

In his submission and from the documents submitted, the nominee has a Bachelor's degree in History and Kiswahili from Moi University, 1992.

Employment Record

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

No.	period	organization	Job description
1.	1999-2022	TSC- sub-county director Mbita/Suba Sub-counties, Homa- Bay County	Teacher management, TSC policy advancement, teacher professional advocacy and management
2.	2018-2019	TSC Sub-county director- Tinderet Sub-county, Nandi County	Teacher management, TSC policy advancement, teacher professional advocacy and management
3.	2014-2017	Political Advisor to H,E Governor Lusaka	Advising the Governor on everyday political trends in the County and national level.
4	2010-2014	Teachers Service Commission	Senior Principal Administrative Officer
5	2008-2010	Teachers Service Commission	Chief Administrative Officer

6	2002-2008	Kenya Union of Post Primary	Founding Secretary General
		Teachers(KUPPET)	
7.	1998-2002	Kibingei Friends Secondary School	Graduate teacher, Senior master
8.	1996-1998	Luuya girls secondary school	Head of humanities
9.	1993-1995	Friends School Kamusinga	Graduate teacher, Housemaster, Class teacher

Professional associations and membership

The nominee submitted to the committee that he is a member of the Teachers Service Commission, and was a member of Kenya Union of Post Primary Teachers (KUPPET).

Income and net worth

The nominee's estimated net worth is 5 million shillings which are in form of properties including 3 plots, a personal vehicle and a truck for business activities.

Pro-bono/Charity

Mr. Speaker Sir, the nominee stated that he is a beneficiary of support from well-wishers and that he has also helped quite a number of institutions and individuals including giving contributions to churches, donations to needy and vulnerable the society, helping pay fees for the needy and others. He said he was not in a position to quantify the amounts he has been able to contribute so far.

Potential Conflict of Interest

The nominee submitted to the committee that he was a family man and would not let his relationship interfere with his decisions as a board member, and that he will satisfy the requirements of the law. He however, said that should any occur, he will declare and excuse himself.

Public office, political activities and Affiliations

The nominee has served as a member of the Kenya Post Primary Teachers (KUPPET) and as its secretary general, and as a political advisor to H.E Governor Ken Lusaka, Bungoma County.

Knowledge of the Relevant Field

During the vetting, the nominee submitted that he has been involved in management, interventions, and employment issues at various levels in his career as a teacher and director and from his associations. Being a member of the Jua Kali, he has learned endurance, hardworking, team work and networking skills. These experiences he submitted will be key for his position on the board.

He said that he will help in planning, cleanliness, creating partnership, land and land use, revenue collection, and policy making for the municipality.

Tax Compliance

The nominee has fully complied with all tax obligations and requirements of chapter six of the Constitution.

Personal Integrity

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

<u>COMMITTEE'S GENERAL FINDINGS ON THE SUITABILITY OF THE NOMINEE</u>

The Committee, having considered the nominee's filled questionnaire, pursuant to Section 6(8), 7(8) & (9) and Section 8 of the Public Appointments (County Assembly Approval) Act, 2017, his curriculum vitae and having heard him orally during the approval hearing made the following observations: -

- 1. **THAT**, the nominee meets the requirements of Chapter Six of the Constitution on leadership and integrity.
- 2. **THAT,** the nominee has not been charged in a court of law for the past three (3) years.
- 3. **THAT** he demonstrated knowledge, skills and experience in leadership and was conversant with the role of the Municipality Board Member as well as laws and policies related to his position.
- 4. **THAT he** is a resident of Kimilili, where he owns and runs his business.
- 5. **THAT** he had the requisite abilities, academic qualifications (has a degree from Moi University) and professional experience.
- 6. The general score of the nominee was 68%.

RECOMMENDATION OF THE COMMITTEE

Having conducted the approval hearing for the nominee pursuant to Article 179 (2) of the Constitution, Section 4, 7 and 8 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 208 (4), the Committee recommends that this House **APPROVES** the nomination of MR. PETER WANYONTI BUTEYO for appointment as a member of the Board to kimilili Municipality by H.E the Governor.

Mr. Speaker there is an adoption schedule which has been signed by members on page seventeen there is appendix; forwarding letter of the name of the nominee dated 27th October 2023 from the County Executive, the Kenya newspaper advertisement dated 2nd November

2023 for vetting of the nominee and remaining are the attachments showing the qualifications of the nominee.

At this point I plead with you to allow me call upon Hon. James Barasa Mukhongo to second.

(Applause)

Hon. James Barasa: Thank you, honourable Speaker for the opportunity. First, let me appreciate Hon. Waiti for presenting a report from the Lands committee about a nominee to serve in Kimilili municipality. The report is self-explanatory and I should not labour so much about it. Since I started sitting in committees of vetting, that is one of the nominees who appeared before the committee and represented himself soberly, he knows what he is going to do to serve people of Kimilili municipality and he had all the requisite laws in his mind.

Having served in public offices, he promised to assist the County Government of Bungoma by enhancing programmes of Kimilili municipality. Otherwise I want to be each this honourable House that today the report being represented in the House is going to take less than 2 minutes. I second the motion.

(Question proposed)

Hon. Joseph Nyongesa: Thank you Speaker for this chance. Let me appreciate the mover who was Hon. Waiti and again appreciate the members of that committee because I have gone through and I have seen we have a lot of trials with these members and we know the information they are giving us is correct.

As I appreciate the committee, allow me also appreciate the appointing authority for picking on Mr. Buteyo. I know Mr. Buteyo personally and I am learning one thing in this life, that sometimes friendship, trust and loyalty matters a lot. The key thing is I am insisting on trust and loyalty because it is through loyalty and trust that Mr. Buteyo will serve on this board. As we approve the name we also call upon the members especially on the municipality boards to also up their game so that at least they work as a team and ensure that municipalities are well organized. Otherwise I support.

Hon. Bernard Kikechi: Thank you Honourable Speaker, first of all I also like to take this opportunity to applaud the honourable member who has just read this report on the floor of the House, he has been audible enough and he read very well.

Looking at the qualifications of Mr. Peter Wanyonyi Buteyo and putting into consideration the kind of job that is at hand, he is going to be a good member of the board for Kimilili municipality honourable Speaker. This is a very challenging position that needs somebody who should apart from experience be academically qualified. When I look at the qualifications of Mr. Peter Wanyonyi, he is somebody who apart from being a degree holder has a vast experience in various places. This is a man whom I can confidently say that if given this job is going to perform very well. I support.

Mr. Deputy Speaker: Honourable Psero,

Hon. Jacob Psero: Thank you, Mr. Speaker. I also want to join my colleagues in thanking the mover of the motion Hon. Waiti and the seconder of the motion who has really given us some nice time today but I have learnt he is a teenager, keep it up.

On the issue of Mr. Buteyo, I want to say that I have known him for so long; he was a teacher in Kibingei Secondary School while I was in Toroso and he did a good job particularly as a classroom teacher. I am also aware that he did a good job in establishing KUPPET. It was through his hands that secondary school teachers were able to get representation in terms of union affairs and he really tried hard with strong fellows like Sossion who was in KNUT and the teachers in secondary schools appreciated his role.

Mr. Buteyo also has risen through ranks, you have heard he has been a Sub-County Director of Education and the time I went to Suba was able to meet him there confirming that he did a good job. He went to Nandi and finally ended up in TSC doing a good job in the teaching fraternity.

Apart from that, he has also been the advisor to the Governor, if this person was able to advise the Governor and he did a good job what is going to defeat him in terms of the Board member in Kimilili municipality? I don't want to belabor a lot I am just supporting the report that Mr. Buteyo be made a board member of Kimilili Municipality and we shall not regret. Thank you.

Hon. Violet Makhanu: Thank you, Hon. Speaker. I don't know why Hon. Balala is surprised by the fact that I am using this gadget. I also want to say something on this report concerning the nominee who is Mr. Buteyo, a person I know very well. I keenly listened to my Leader of Majority and I was also looking at his body language. When he was doing his presentation he was a bit smiling and I knew there was something behind his contributions.

Mr. Deputy Speaker: Do you want us to know also or it was for yourself

Hon. Violet Makhanu: No between me and him. I want to appreciate the fact that the committee did a report requesting the house to support Mr. Buteyo to the membership of this board. I also want to agree with my leader that loyalty pays, this is one person that I know very well, he was with Governor Lusaka in his first term 2013-2017. During the time he was a political advisor some of us knew him very well and there are things I may not want to say but I may just want to smile the same way my leader did.

I want to urge the nominee that as we pass this report so that he becomes the member of the board, let him do what is supposed to be done and represent the good people of Kimilili municipality. Otherwise, we have so many issues that some of us who were here during that time are aware and we know what happened and I pray that it may not repeat itself.

Mr. Buteyo is a good guy and if he really wants to do what he is supposed to do, we are supporting him and we want him to also support our Governor by ensuring that perfoms his duty for the good of Kimilili people. I just want to urge him to do the right thing and represent this government of Bungoma, I support the report.

Mr. Deputy Speaker: You are trying to bit around the bush, we don't understand but we shall... so let's call the mover to reply so that we move to the next motion

Hon. Waiti Wafula (The mover): Thank you, Mr. Speaker, may I take this opportunity to congratulate honourable members for having supported the motion...

Mr. Deputy Speaker: Hon. Machani Mutoka, I know it is allowed, I want to believe that...let's get the point of order

Hon. Ali Machani: (On a Point of Order) Thank you, Hon. Speaker, under the Common Wealth laws, when you are moving any report from the position, I know the honourable leader moved the report from, you have to demonstrate the same in the same position when you are offering a reply..

Mr. Deputy Speaker: Hon. members, sometimes we have to be flexible and I know Hon. Waiti is very strong he will not even talk about it, he will just do it, very strong man from Tongaren, the white highlands

Hon. Waiti wafula (The mover): Thank you, Mr. Speaker. I may want to know the Standing Order that forces me to get back to the dispatch from my senior who I believe will guide this Honourable House.

I want to thank honourable members who have contributed to this motion. Just for the knowledge of this House, Mr. Buteyo has been nominated as a result of replacement of a person who was rejected by the committee due to lack of qualification and I believe that this nominee will do the best for Kimilili Municipality.

Mr. Deputy Speaker: Thank you Hon. Waiti, a senior member of this House referred to the common wealth practices.

(Question put and agreed to)

The Clerks at the Table to ensure that the same is transmitted for relevant action to be taken

REPORT BY THE SECTORAL COMMITTEE ON FINANCE AND ECONOMIC PLANNING ON THE CAUSE EFFECT OF REVENUE COLLECTION DECLINE IN SOME REVENUE STREAMS AS PER THE BUNGOMA COUNTY RECEIVERS OF REVENUE FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31ST MARCH 2023

Mr. Deputy Speaker: Order members, it is now not Hon. Mukhongo, he can collapse, I believe he has delegated the same to a very able member of the committee, Hon. Mating'

Hon. Catherine Kituyi: Thank you Mr. Speaker sir, I rise to table a report by the sectoral committee on Finance and Economic Planning.

Mr. Speaker Sir, on behalf of the members of the Finance and Economic Planning committee, it is my pleasure and duty to present to the House the Committee's report on the

ascertainment of the cause effect of revenue collection decline in some revenue streams as per receivers of revenue financial statement for period ended 31st March,2023 report.

This activity was paramount considering that 85% of all revenue streams have been witnessing negative variance in revenue collection since financial year 2020/2021.

The Committee wanted to ascertain particularly why the period (2020/2021) when the Country was hit by Corona pandemic and there was lock down and discouragement to transact business in cash, was the time the County registered significant increase in revenue collection.

Mandate of the committee is stipulated in the Standing Orders 217, I will skip that.

Committee Membership

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

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

Legal Framework

Power to impose taxes and charges by County Government

Article 209(3)(4) & (5) of the Constitution provides that:-

- 3) A county may impose;
 - a. Property rates
 - b. Entertainment taxes; and
 - c. Any other tax that is authorized to impose by an Act of parliament.
- 4) The National and County Governments may impose charges for the services they offer.

5) The taxations and other revenue raising power of the County shall not be exercised in a way that that prejudices national economic policies, economic activities across County boundaries or the national mobility of goods, services, capital or labour

Article 210 of the constitution states that:-

- a. No tax or licensing fee may be imposed, waived or varied except as provided by legislation
- b. If legislation permits the waiver of any tax or licensing fee—
- c. A public record of each waiver shall be maintained together with the reason for the waiver; and
- d. Each waiver, and the reason for it, shall be reported to the Auditor-General.
- (3) No law may exclude or authorize the exclusion of a State officer from payment of tax by reason of—
 - I. the office held by that State officer; or
 - II. the nature of the work of the State officer

Revenue Fund for county governments

Article 207 requires each County to have Revenue Fund for county government

- (1) There shall be established a Revenue Fund for each county government, into which shall be paid all money raised or received by or on behalf of the county government, except money reasonably excluded by an Act of Parliament.
- (2) Money may be withdrawn from the Revenue Fund of a county government only—
- (a) As a charge against the Revenue Fund that is provided for by an Act of Parliament or by legislation of the county; or
- (b) As authorized by an appropriation by legislation of the county.
- (3) Money shall not be withdrawn from a Revenue Fund unless the Controller of Budget has approved the withdrawal
- 4) An Act of Parliament may
 - a. make further provision for the withdrawal of funds from a county Revenue Fund; and
 - b. provide for the establishment of other funds by counties and the management of those fund

Establishment of the County Treasury

Section 109 of the Public Finance Management Act 2012 establishes the County Revenue Fund for each county government.

- 109. (1) there is established, for each county a County Revenue Fund in accordance with Article 207 of the Constitution.
- (2) The County Treasury for each county government shall ensure that all money raised or received by or on behalf of the county government is paid into the County Revenue Fund, except money that—
- (a) Is excluded from payment into that Fund because of a provision of this Act or another Act of Parliament, and is payable into another county public fund established for a specific purpose;
- (b) May, in accordance with other legislation, this Act or County legislation, be retained by the county government entity which received it for the purposes of defraying its expenses; or
- (c) Is reasonably excluded by an Act of Parliament as provided in Article 207 of the Constitution.
- (3) The County Treasury shall administer the County Revenue Fund and ensure that the county government complies with the provisions of Article 207 of the Constitution.

Administration of the County Revenue Fund

Regulation 80 and 81 of the Public Finance Management (County Governments) Regulations 2015 stipulates as follow:

- 80. (1) The County Treasury shall administer the County Revenue Fund in accordance with the Constitutional provisions in Article 207 and 209 (3) and (4) in controlling revenue receipts to ensure that;
- (a) all revenue receipts by the county government are paid into the County Exchequer Account, except revenue receipts reasonably excluded by the Act, or any other Act of Parliament or an Act of County Assembly; and
- (b) Withdrawals from the County Revenue Fund are done-
- (i) In accordance with an appropriation by an Act of County Assembly; or
- (ii) As a direct charge against the County Revenue Fund authorized by the Act, an Act of Parliament or an Act of County Assembly.
- (2) The administrator of the County Revenue Fund shall keep proper books of accounts of the County Revenue Fund in accordance with standards and formats prescribed by the Public Sector Accounting Standards Board.
- 81(1) Receivers of revenue shall promptly deposit into the county exchequer account all receipts due to the County Revenue Fund.

- (2) The receivers of revenue shall promptly pay the revenue received into the County Revenue Fund, as soon as possible and in any case not later than five (5) working days after receipt thereof.
- (3) The County Treasury shall issue a receipt to a receiver of revenue to acknowledge the receipt of revenue thereof.

County government responsibilities in public finance;

- 102. (1) Each county government shall ensure adherence to
 - a. The principles of public finance set out in Chapter Twelve of the Constitution;
 - b. The fiscal responsibility principles provided in section 107 under this Act;
 - c. National values set out in the Constitution;
 - d. Any other requirements of this Act.
- (2) The County Executive Committee shall observe principles of collective responsibility in exercising their functions under this Act.
- (3) In making decisions a county assembly shall take cognizance of Article 216 (2) of the Constitution. Establishment of county treasuries.
- 103. (1) There is established for each county government, an entity to be known as County Treasury. (2) The County Treasury shall comprise—
 - I. The County Executive Committee member for finance;
 - II. The Chief Officer; and
- III. The department or departments of the County Treasury responsible for financial and fiscal matters. (3) The County Executive Committee member for finance shall be the head of the County Treasury.

Responsibilities and Powers of County Treasury and General Responsibilities of a County Treasury;

- 104. (1) Subject to the Constitution, a County Treasury shall monitor, evaluate and oversee the management of public finances and economic affairs of the county government including
 - a. Developing and implementing financial and economic policies in the county;
 - b. Preparing the annual budget for the county and coordinating the preparation of estimates of revenue and expenditure of the county government;
 - c. Co-coordinating the implementation of the budget of the county government;
 - d. Mobilizing resources for funding the budgetary requirements of the county government and putting in place mechanisms to raise revenue and resources;
 - e. Managing the county government's public debt and other obligations and developing a framework of debt control for the county;

- f. Consolidating the annual appropriation accounts and other financial statements of the county government in a format determined by the Accounting Standards Board;
- g. Acting as custodian of the inventory of the county government's assets except where provided otherwise by other legislation or the Constitution;
- h. Ensuring compliance with accounting standards prescribed and published by the Accounting Standards Board from time to time;
- i. Ensuring proper management and control of, and accounting for the finances of the county government and its entities in order to promote efficient and effective use of the county's budgetary resources;
- j. Maintaining proper accounts and other records in respect of the County Revenue Fund, the County Emergencies Fund and other public funds administered by the county government;
- k. Monitoring the county government's entities to ensure compliance with this Act and effective management of their funds, efficiency and transparency and, in particular, proper accountability for the expenditure of those funds;
- 1. Assisting county government entities in developing their capacity for efficient, effective and transparent financial management, upon request;
- m. Providing the National Treasury with information which it may require to carry out its responsibilities under the Constitution and this Act;
- n. Issuing circulars with respect to financial matters relating to county government entities;
- o. Advising the county government entities, the County Executive Committee and the county assembly on financial matters;
- p. Strengthening financial and fiscal relations between the national government and county governments in performing their functions;
- q. Reporting regularly to the county assembly on the implementation of the annual county budget; and taking any other action to further the implementation of this Act in relation to the county.

Powers of a County Treasury

- 105. (1) A County Treasury has such powers as are necessary to enable it to carry out its functions and responsibilities under this Act including—
- (a) With prior notice, access any system of public financial management used by any of the county government entities and the internal controls used to monitor the system;
- (b) Taking appropriate measures, including the stoppage of funds, to deal with any failure of a county government entity to comply with this Act;
- (c) With prior notice, accessing the premises of a county government entity and inspecting all records and other documents relating to the financial affairs of that county government entity, kept by that entity;

- (d) Requiring county government entities to comply with all applicable norms or standards regarding accounting practices, budget classification systems and other public financial management systems as prescribed by the Accounting Standards Board;
- (e) Requiring any public officer employed by a county government or county government entity to provide explanations, information and assistance in respect to matters relating to the county government's public finances: Provided that a person providing the information shall not be liable if at the time of providing the information, that person, in writing, objected to providing such information on grounds that the information may incriminate him or her;
- (f) Issuing guidelines to accounting officers for the county government entities, or public officers employed by those entities, with respect to the financial affairs of that Government or those entities, and monitoring compliance with those guidelines; and
- (g) Ensuring that county government entities operate a financial management system that complies with national standards as prescribed by the Accounting Standards Board.
- (2) A County Treasury may, in writing, authorize any of its officers to carry out a specified responsibility, or exercise a specified power, on its behalf.
- (3) When carrying out a responsibility, or exercising a power, on behalf of a County Treasury, an authorized officer shall, if requested to do so by the person in relation to whom the responsibility or power is being carried out or exercised, produce the officer's authorization for inspection and failure to comply with such a request invalidates any subsequent action purporting to be taken under the authority of the authorization.
- (4) An authorization given under subsection (3) remains in force for such period as is specified in it or, if no such period is specified, until it is revoked by the County Treasury concerned.
- (5) A County Treasury may, in writing, revoke or vary an authorization given under subsection

Receivers of Revenue

- 157. (1) The County Executive Committee member for finance shall, in writing, designate persons to be responsible for collecting, receiving and accounting for such county government revenue as the County Executive Committee member for finance may specify in their letters of designation.
- (2) A receiver of county government revenue is responsible to the County Executive Committee member for finance for ensuring that the revenue for which the receiver is responsible is collected or recovered, and is accounted for
- 158. (1) A receiver of revenue for a county government may authorize any public officer employed by that county government or any of its entities to be a collector of revenue for the purpose of collecting revenue for that county government and remitting it to the receiver

2) Any other public officer, other than a receiver of revenue or collector of revenue for a county government, who collects revenue for that Government shall, not later than three days after receiving it, deliver the revenue to a receiver or collector of revenue for that county government. (3) A receiver of revenue' for a county government shall provide quarterly statements to the County Treasury with copies to the National Treasury and the Commission on Revenue Allocation

Acknowledgement

Let me take this opportunity to express my gratitude and sincere thanks to the members of the committee and its Secretariat for dedicating their time to analyze the receivers of revenue report and diligently carrying sampled interrogation of collectors of revenue departments.

The committee is grateful to the offices of Honorable Speaker and Clerk of the County Assembly of Bungoma for the support received as it discharged its mandate in the preparation of this report.

Lastly, the committee lauds the County Executive Committee Member of Finance and Economic Planning and his counterpart of Lands, Urban, Physical Planning and Housing for appearing before the Committee and providing the necessary information that enabled the Committee compile this report.

It is therefore my singular duty, on behalf of the Committee of Finance and Economic Planning, to table this report and recommend it to this Honorable House for consideration and adoption. The report is signed by the chairperson Hon. James Barasa Mukhongo.

Local Revenue General Collection Analysis of Critical Revenue Streams

The County Government relies heavily on disbursements from the national government, but these can be quite unreliable because release of the money can come in very late and thus hamper project implementation. It is prudent for a county Government to step up collection of local revenue as well as own source revenue in order to supplement the disbursements from the National government

It has been noted that revenue collection in the County has not grown consistently over time and thus the reason the committee of Finance and Economic Planning decided to find out reasons for the inconsistency/drop in revenue collection.

During Covid -19 periods in the year 2020 and 2021, the citizens were sensitized on the need to avoid handling money to reduce on infection rates.

During that period, traders were required to pay for various charges through electronic means rather than manual exchange of cash. It is surprising to note that the County Government collected more money during that period compared to any other period before and after. Most of the key revenue streams have been declining rather than increasing despite automation.

The Committee sampled and analysed revenue streams as presented below:

(a) Single business permits

In the year 2020/2021, the County collected Kshs.85 million compared to Kshs.75.2 m and Kshs.74.4m collected in 2021/2022 and 2022/2023 respectively. Compared to 2022/2023, there is a variance of Kshs.10.6m which is a 14% drop.

There is a graph to show that.

(b) Plan approval

Kshs. 12,772,987 was collected in the financial year 2020/2021 compared to Kshs. 8,263,361 collected in the year 2022/2023. A negative variance of Kshs. 4,512,626. There is also a graph to show that variance.

(c) Single business permit renewal fees

In the year 2020/2021 Kshs.8.1m was collected while in 2022/2023 Kshs.7.1 m was collected which is a negative variance of Kshs.1m.

(d) Parking Fees

In the year 2020/2021 Kshs.10.35 m was collected against Kshs.9.8m and Kshs.7.9 m in years 2021/2022 and 2022/2023 respectively. Compared to Year 2022/2023, it is a negative variance of Kshs.2.38m

(e) House rent

Kshs.11.6m was collected in the year 2020/2021 compared to Kshs.10.3m and 8.7m in the financial years 2021/2022 and 2022/2023 respectively, a negative variance of Kshs.2.8m. The department gave some of the reasons for decline in revenue collection as:

- 1. Some houses especially in hospitals have been turned into offices
- 2. Lack of budgetary allocation to renovate houses has made tenants vacate.

(f) Boda Boda Parking

Kshs.7m was collected in the year 2018/2019, Kshs.5.55m was collected in financial year 2020/2021 compared to Kshs.1.4m and 2.2m collected in financial year 2021/2022 and 2022/2023 respectively, a negative variance of Kshs.4m and Kshs.3.3m respectively. Compared to financial year 2022/2023 there was a negative variance of Kshs.2.8m which is 28% drop.

(g) Market fees

Kshs.43.8m was collected in financial year 2020/2021 compared to Kshs.34.9m and Kshs.26.5 m collected in Financial year 2021/2022 and 2022/2023 respectively. Compared to collection in 2022/2023 there was a variance of Kshs.17.3m which is 39%

(h) Slaughter Fees

Kshs.4.7m was collected in the year 2018/2019,Kshs.4.4m was collected in the financial year 2019/2020 and since then, revenue collection has dropped to Kshs.2.9m in the financial year 2022/2023 resulting to a negative variance of Kshs.1.4m

(i) Fire fighting

Kshs.23m was collected in 2020/2021 compared to Kshs.20.3m and Kshs.20.6m in 2021/2022 and 2022/2023 respectively. A negative variance of Kshs. 2,491,786 compared with 2022/2023

Sector interrogation of the most affected revenue streams.

After analysing the entire revenue stream performance, the Committee deemed it feet that they identify revenue streams that registered big negative deviations in revenue collection. The committee identified revenue stream under the department of Lands, Urban, Physical Planning and Housing together with revenue streams in department of Finance and Economic planning as having performed poorly as per receivers of revenue analysis report for period ended March, 31st 2023.

In view of the foregoing, the committee decided to interrogate the Officers in the two departments to ascertain the causes of revenue decline and come up with interventions to improve revenue collection.

Department of Lands, Urban, Physical Planning and Housing

The Officers from the department was invited on 13^{th} July 2023 to appear before the Committee on 20^{th} July 2023 at 11.00 a.m. via letter BCA/CC/SEC/01 VOL.IV (34) which they honoured.

Key areas for clarification was:

- 1. Why Building Plans approval registered a variance of Kshs -10,543,366 where by in Nine Months as at March 31st 2023 they had only collected 921,020 yet same period in 2022 they collected Kshs 11,464,386.
- 2. Why Occupation permit did not collect any revenue by the close of nine months yet during the comparative period in 2022 they had collected Kshs 19,000.
- 3. Why no Hoarding fee was not collected at all in previous comparative period.
- 4. Only Kshs 87,630 was collected as Building inspection fee across the County at the close of nine-month period and nothing was collected in the previous year.

On 20th July 2023, the following Officers from the department of Lands, Urban, Physical Planning and Housing appeared before the committee for engagement:

- 1. Arch. Douglas Sasita Wekesa-CECM.
- 2. Mr. George Kombo- Chief Officer
- 3. Mr. B.W Sindani-Assistant Director Physical Planning

In their written submission via ref No CG/BGM/L&H/INTMEM/VOL.1/24 dated 17th July 2023 together with their oral submission indicated as follows:

- 1. Building approval, they collected Kshs 5,401,120 as at 31st March 2023 then Kshs 7,566,037 at the close of the financial year. The department had an annual target of Kshs .21, 854,301.
- 2. Building inspection by close of nine months they had collected Kshs 1,104,540 and by the end of the year they collected Kshs 1,498,040. The department had a target of Kshs. 4,468,779
- 3. Survey fee they collected Kshs. 135,505 by the close of nine months then Kshs 152,505 no target for this revenue streams was indicated.
- 4. Hoarding fee they collected Kshs. 7,000 by the close of nine months and Kshs 14,550 by the end of the year. No targets were indicated.
- 5. Public Health-property Development revenue stream collected Kshs. 4,550 by the close of nine months then Kshs .12, 000 by the end of the year, equally no target was given.

Generally the Department reported to have collected Kshs 6,670,715 by the close of nine months' period contrary to disclosure of Kshs 1,038,650 by Treasury of what was collected by the department of Lands, Urban, Physical Planning and Housing, in the Receiver of Revenue County Government of Bungoma quarterly report and financial statements for the period ended March 31st 2023 (page 10, on revenue stream 10 in Receivers of revenue report attached).

From the above nine-months revenue collection of Kshs. 6,670,715 the breakdown per subcounty was as follows:

- 1. Kanduyi Sub-County-Kshs. 3,259,155
- 2. Bumula-County-Kshs. 192,870
- 3. Webuye West Sub-County-Kshs. 520,000
- 4. Webuye East Sub-County-Kshs. 826,665
- 5. Tongaren Sub-County-Kshs. 304,480
- 6. Sirisia Sub-County-Kshs. 40,420
- 7. Kimilili Sub-County Kshs. 828,650
- 8. Mt Elgon Sub-County-Kshs. 158,220
- 9. Kabuchai Sub-County-Kshs. 540,255

The Department informed the Committee that the revenue figures submitted by the Treasury were not the true reflection of the actual collection of revenue by the department.

They highlighted the following challenges as having contributed to drop in revenue collection in the department;

- 1. The Department is not adequately facilitated to supervise its revenue streams across the County.
- 2. The department is only involved in invoicing but revenue collection is done by Treasury hence follow up on defaulters becomes a problem for the department.
- 3. When going to the field for revenue supervision with revenue officers in the department, only revenue officers get lunch allowance hence discouraging other department staff.
- 4. The reporting structure of revenue officers in the department is not clear hence making supervision at departmental level on revenue collection campaigns difficult.

The Committee noted that there is laxity on the part of the staff to enforce rent collection since some of the Houses are not billed for example houses occupied by the Anglican Bishop and Nyota Radio had not been billed for many years.

The department was further invited to appear 5th September 2023 and engage with the committee to shade light on the cause of decline in the under mentioned revenue streams:

- 1. Why County Housing registered a variance of Kshs -5,404,633
- 2. Plot rent registered a variance of Kshs. 163,741
- 3. Transfer of property registered a variance of Kshs -2,730,955
- 4. Extension of lease nothing was collected the whole year.
- 5. Survey fees and Beacon search nothing was collected
- 6. Land penalties and interest registered a variance of Kshs -3,925,753

The same departmental Officers appeared before the Committee on 5th September 2023 but they had no written submission nor addressed conclusively the cause of negative variance in the aforementioned revenue streams.

The Officers only informed the committee about the cause of revenue drop in County Houses rent being:

- I. Poor state of County Houses
- II. Some Houses converted to Offices
- III. The mandate of revenue collection is not in their department.

The Committee tasked the department to furnish the Committee with the following information;

- 1. The County Houses inventory
- 2. Rent paid per house/ unit
- 3. List of condemned Houses
- 4. List of Houses converted to Offices
- 5. Total rent arrears per House Unit
- 6. List of Houses that require renovations
- 7. County Houses rent billed in 2020/21, 2021/22 and 2022/23

The committee noted that despite the department committing to avail the above documents and further follow ups, no response has been availed.

Department of Finance and Economic Planning

The Committee invited the department through the Office of Chief Officer of Finance and Economic Planning to appear for engagement on 5th September 2023 over declining revenue streams that directly fall under the Department.

The sampled revenue streams identified by the Committee for engagement with the department include:

- 1. Farm produce Cess
- 2. Veterinary
- 3. Business Permit Application
- 4. Annual Business Permit
- 5. Business Permit renewal
- 6. Business permit penalties
- 7. Street Parking
- 8. Monthly too/Stickers
- 9. Motorbike fees
- 10. Registration fees
- 11. Reserved Parking
- 12. Bus Park fees
- 13. Market entry fees
- 14. Livestock
- 15. Slaughter fees
- 16. Charges for carriers/Loaders with Commodities
- 17. Fees for market premises
- 18. Charges for Auction Ring
- 19. County Housing

The department Officers who appeared before the committee on 12th September 2023 for engagement were:

- 1. Benard Lumba-Director Revenue
- 2. Ambrose Makokha- Director Accounting Services
- 3. Augustine Kipsang-Coordinator SPU
- 4. Benedict Watitwa- Head of Rates
- 5. Evans Katami-Economist
- 6. Diana Nanjala-Accountant

Information on revenue performance submitted by the department

Here we have revenue type/centre, 2019/2020, 2020/2021, 2021/2022, 2022/2023 and variance of 2022 VS 2023 then the percentage change.

Information on revenue performance submitted by the department

						%
						СН
REVENUE					VARIANCE	AN
TYPE/CENTRE	2019/2020	2020/2021	2021/2022	2022/2023	2022 VS 2023	GE
Single Business						
Permits	60,422,843	85,067,740	75,283,750	74,418,765	(864,985)	-14
SBP Renewal fees	6,255,000	8,197,450	8,179,800	7,158,783	(1,021,017)	-13
SBP Application						
fees	4,129,350	5,667,540	4,136,550	4,530,000	393,450	-27
Parking fees	8,085,243	10,351,075	9,876,670	7,961,599	(1,915,071)	-24
						-
Boda boda parking	4,180,835	5,550,865	1,474,270	2,236,100	761,830	225
House Rent	8,689,915	11,623,400	10,320,100	8,740,100	(1,580,000)	-28
Market fees	37,490,667	43,885,295	34,997,444	26,556,030	(8,441,414)	-50
Enclosed Bus Park						
(sticker) fees	54,641,690	42,061,645	61,985,700	60,145,319	(1,840,381)	29
Slaughter fees	4,404,510	3,952,400	3,087,434	2,943,790	(143,644)	-33
Cess	22,055,708	32,536,824	38,882,062	53,460,955	14,578,893	54
Market shops rent	1,924,690	1,580,630	1,309,300	1,878,700	569,400	23
Auction ring fees-						
stock sales	5,555,115	8,361,910	8,369,060	8,753,040	383,980	5
Veterinary	3,244,500	3,409,482	3,051,155	2,613,495	(437,660)	-26
TOTAL	221,080,066	262,246,256	260,953,295	261,396,676		

NOTES

- Street parking and reserved parking are consolidated and reported as parking fees
- Market entry fees and charges for carriers/loaders with commodity are consolidated as market fees
- Collection from Business permit penalties' are included in annual Business

Permit fees

• A Boda boda registration fee is gratis (free) pursuant to eleventh schedule of the County Finance Act.

In their submission the department acknowledged drop in revenue collection across the revenue streams but assured the Committee that a number of interventions have been put in place to correct the trend across the revenue streams.

Some of the interventions stated include:

- a) That the department has embraced cashless revenue collection.
- b) That they have embraced supervision of revenue collectors and targets set together with rotation of revenue collectors
- c) They have forwarded revenue laws for approval by County Assembly
- d) Lobby for creation of a fund to support revenue streams having potential of increased revenue collection, which will aid development of some infrastructure like Auction rings among others
- e) Allocation of more revenue and effort to areas that have great potential for revenue improvement,
- f) Work with other departments to identify projects in those departments that will support revenue collection like Slaughter Houses.
- g) Creating more parking spaces for vehicles in major Urban Centers

N/B

The committee observed that a lot of money is budgeted yearly for revenue system enhancement yet the impact is not felt in terms of improved revenue collection.

The Committee informed the department particularly the Directorate of Revenue being the County official appointed Receiver of revenue to pull up their socks by embracing strategies that will boost enhancement of Revenue.

The Committee further noted that the department has not taken appropriate disciplinary measures against those staff who engage in malpractices that denied revenue to the County.

Committee Observations and Recommendations

Committee Observation

- Most departments that collect revenue other than Finance have no access to the revenue system and therefore it is difficult for them to confirm whether invoices raised have been paid or not.
- 2. The department of finance has not been posting accurately revenues paid by traders to the right revenue stream code; these errors in posting have led to revenue being posted as "OTHER sources" which is misleading because every revenues collected has a specific code. In the financial year 2022/2023 Kshs.14.9m was posted under the code of other sources.
- 3. Officers from other departments involved in revenue collection are not adequately facilitated in terms of personnel, transport and field allowance to be able to deliver their duties.
- 4. The department of Housing does not have a clear inventory of how many houses they have, location of each, value of each and how many are occupied.
- 5. No follow up on tenants living in the County houses for rent payment, some tenants have stayed in the houses for many years without paying rent yet no follow up to enforce payment. Other tenants are not billed house rent.
- 6. The committee noted that there is unclear reporting structure of revenue collectors while enforcing revenue collection within the departments they are deployed to and the Treasury.
- 7. The committee observed that other than department of Finance and Economic Planning other departments are not aware of their responsibility in revenue collection in their departments.
- 8. While implementing strategy 4 on revenue enhancement policy by involving Ward and Village Administrators could increase revenue collected, it has been noted to have increased the level of corruption.
- 9. One of the strategies cited by the department as a measure to enhance revenue collection and reduce cases of corruption was through frequent staff rotation in the revenue department, which has not been implemented.
- 10. On renewal of single business permits, the significant drop poses a threat in collection of annual single business permit due to high number of defaulters
- 11. The Committee observed abnormal drop of revenue from boda boda parking in financial years 2022 and 2023.

12. It was also observed that market fees dropped significantly in the years 2022 and 2023

Committee recommendations

- 1. **That** all revenue collectors should have access to the revenue system reports to enable them follow up on their performance. The committee directs that the above should be implemented immediately on adoption of this report.
- 2. The department is directed **that** in 90 days after adoption of this report it should configure the system to accurately recognize every revenue stream to the correct code and report to the committee immediately after implementation.
- 3. The Committee directs the department of Finance and Economic Planning to liaise with all other revenue collecting departments on their requirements to enhance collection and facilitate them uniformly in terms of transport, personnel and uniform allowances to all revenue collectors.
- 4. The department of Finance and Economic Planning as the in charge of revenue collection is directed to ensure the department of housing has an updated inventory of houses stating location and value of each. This will help in coming up with rent per month and follow up on defaulters.
- 5. That the County receiver of revenue and revenue Collector in charge of Housing should in 90 days after adoption of this report, prepare two lists;
 - (a) Houses with rent arrear (b) Those not billed, and enforce payment and feedback be shared with this committee.
- 6. **That** the County Executive Committee Member of Finance should within 14 days after adoption of this report convene a meeting of all collectors of revenue and outline their clear reporting line during enforcement of revenue collection, the resolutions and guidelines from the same deliberations should be communicated to all stakeholders including the County Assembly
- 7. The committee directs County Executive Member of Finance to ensure monthly meetings with the various revenue collectors to review performance and give way forward on any shortfalls on targets. Progress report on the target collection should be shared with the committee on quarterly basis.
- 8. The Committee directs urgent review of implementation strategy 4 of revenue enhancement policy to clearly define the role of Ward and Village Administrators in revenue collection.

- 9. **That** the department should with immediate effect put in place structures and guidelines that will ensure revenue collectors rotate from one point to another and also ensure compliance of the same in the recommendation of the policy statement on enhancement of revenue report approved by the County Assembly.
- 10. The revenue system should be enhanced to ensure that all single business permit traders are registered, so that invoices are produced every year and follow up made for payment. Further to that, the system should filter all unpaid invoices for legal action. The list should be forwarded to Finance and Economic Planning Committee for noting and way forward at the end of every financial year.
- 11. The department is directed to take inventory of all motor cycles in the County and fully enforce schedule 11 of the Finance bill by ensuring that all boda boda pay the required fee. They should share the inventory with the committee in 3 months' time.
- 12. The department is directed to share with the committee the implementation matrix of strategy 2 and 4 (as per attached County Policy Statement on enhancement of own revenue) to address drop in market entry fee.

ADOPTION SCHEDULE

Mr. Speaker sir, we the undersigned members of the Committee on Finance and Economic Planning do append our signatures adopting this report with the contents therein.

Members have signed apart from one or two. I therefore call upon my senior Hon. Makari to second the motion. Thank you.

(Applause)

Hon. George Makari: Thank you, Hon. Speaker. Thank you Hon. Catherine for the eloquent presentation of this report. I wish to second this report by highlighting one or two things. First, as a committee we realize that around 2020-2021 when we had widespread Corona, that is the time the County Government realized a lot of revenue. We don't know what happened because at that particular time the business people were asked to pay their rates through digital platforms through their mobile phones. When it reached the time when Corona reduced from late 2021-2022, again the revenue dropped because it was now back to manual where people were issuing money and getting receipts. That should tell you something that

there is a problem which is widespread; that there is a problem in revenue collection across departments in the County Government of Bungoma.

I want to believe that this problem is as a result of the intermediaries; the revenue collectors who are supposed to remit to the county government. I think these people are being dishonest.

How do you explain that in 2020-2021 *boda boda* was high and now *boda boda* parking had dropped? Do you mean these *boda boda* people disappeared yet more people are purchasing motorbikes for the *boda boda* business?

Secondly, even market fees dropped. Do you want to tell me that traders left the jobs they were doing? There is something wrong Mr. Speaker. Even the single business permit in the said period dropped and during Corona it was higher but now when there is no Corona it now drops.

Another thing you find that the rental income from County Government house dropped. Do we mean that these county Government houses disappeared in the thin air and they are not there now yet the houses are still there and there is a drop in revenue? What can explain such scenarios? Someone explained that some house was converted into houses. Hon. Speaker have you seen any houses converted into an office in this county? Specifically which House? None.

As I second the report, I think we must go Deeper. I like the recommendations that the committee has made some of them are supposed to acted on within 14 days, other within 60 days that something must be done so that revenue trajectory must be raised. I second Hon. Speaker.

(Applause)

(Question proposed)

Hon. Everline Anyango: Thank you, Mr. Speaker. First of all, I want to applaud the mover of the motion for her eloquence and for reminding honourable members to be alert.

On the issue of revenue in Bungoma County it is an issue that needs to be looked into carefully, slowly with a lot of interest. As my senior Hon. Makari has alluded that during Corona this county realized high revenue collection that was time when businesses were struggling. Many businesses had closed down and people had gone back home and there were no movements in town and if they were they were less. Less parking of vehicles if anything we expected a drop in revenue collection. It appears as if when there are no human beings involved in revenue collection that is when the county can realize a lot of revenue. Having been and still in the business community revenue collection is a problem and the animal called casuals related to revenue collection is a problem unless the County Government of Bungoma addresses the issue of casuals revenue collection will still continue being a problem

to us. A hungry person cannot collect money and bring to you. This is somebody without money, somebody who is not being paid and not on payroll. We must look into this issue.

Another thing, there is the issue of paying through the phone which myself has participated in. Today these revenue collectors come and they give you a number and they instruct you to pay through the given number. Tomorrow you have familiarized the number that they gave you yesterday, when they come they will give you another number and they say today you are supposed to pay through this one. I fail to understand as a *jua kali* we sometimes used to sit back and say yesterday they told us to pay through this number, today they are giving us another number, and whose numbers are these? This thing should be looked into.

There is a pull and push between the revenue collection department and the enforcement department. We will never realize revenue where there is the push and pull. In town especially early in the morning the I call them the 'green commandos' those are the enforcement officers from the enforcement office they are up and down collecting all the motor cycles and harness money from them before the revenue collectors report on duty. Where they get the money we don't know. The revenue officers come in later and some of them are also still hungry, this money cannot be collected and put in the right kitty.

Mr. Speaker Sir, it is of great concern that we have Sacco for vehicles operating the county. Sometimes after leaving this place myself and the town we are one thing; I go around and go to my hair dressing kiosk at the market; I sit down with revenue collectors and they tell me *Mheshimiwa* let us discuss today. They tell me this is what is happening; today we are given this number, tomorrow we are giving another number; we are asking who are the owners of these telephone numbers? Now that we are just people to be sent to the field to go and do the work for them, we just come with those different numbers and issue them to people and they pay.

A Sacco having 15 vehicles, most of them disclose only 6 vehicles or 7 seven vehicles and other vehicles are hidden so that when it comes to paying they pay for stickers for a few vehicles. It cannot be compared to when this County Government used to collect money per trip and that is where the leakage and that is when we began being rained on. Because by that time Mr. Speaker, once the vehicle leaves Bungoma town headed to Chwele when it reaches revenue is collected. When it goes to Kamukuywa and then back before the animal called 'sticker' came in. Using the sticker you are only paying Kshs. 1,500 per month whether you do 100 trips or 1000 trips. It is up to you therefore, you work hard during the day to make sure that you collect a lot when revenue for the county stagnates.

Mr. Speaker, I don't want to labour much but unless this County Government addresses the issue of casuals and revenue there is no day we are going to improve on revenue collection. We will be budgeting on what we will not collect because we assume that we are going to collect this much and we collect less hence we shall never meet our targets. Let me leave the floor for other members also to contribute. I rest my case.

(Applause)

Hon. John Wanyama: Thank you, Mr. Speaker. The issue of own source revenue is critical to County Governments and I can dare stand here and say that there is a lot of pilferage of revenue in Bungoma County. I am sure all of us have once in a while driven our cars without our normal stickers and packed in town. You can actually park the vehicle the whole day sometimes and you won't even see a revenue officer. It means that day you have used free space. When I say there is a lot of pilferage, indeed there is

Automated revenue systems are not expensive and good automated revenue systems are actually commission based therefore, there is no actual financial implication to the county. As we speak some of the people that are giving the best automated revenue collection the first one is KRA and secondly we have Safaricom. These two companies have good systems. Even things like clamping of vehicles in Nairobi you will get a notification and told that you have not paid for your car and if you don't pay in 20 minutes they clamp the car in the system. Nobody will follow you around and when you come the following day, you will get the penalty plus that day's charges.

The only solution for our county is to make sure that we have a proper automated revenue collecting system.

(Applause)

Hon. Isaiah Sudi: Thank you, Mr. Speaker for giving an opportunity to add my voice on a report that has been well read by my colleague Hon. Catherine. As much as we blame the department for the own source revenue coming down and not meeting the target are you aware that those revenue collectors most of them are casuals who do not earn any salary. I am very sure even if Sudi is put in that position I cannot collect money to the government knowing well that I will not be paid. I must pay myself at the source and the balance I give the government. You will be a fool to take all the money and you keep on crying. This government has an opportunity to employ the casuals who are the revenue collectors of permanent and pensionable terms and then give them target. How do you give a target to a casual?

(Applause)

We must be sincere that they leave their houses every morning to come and make the government happy and their children at home are crying. Nobody can do that Mr. Speaker. If you look at the history of Bungoma when it was the County Council of Bungoma it had a lot of money. It was better than Murang'a competing Kiambu which neighbours Nairobi. How come that now we are performing poorly in revenue collection, we have bad policies for instance we might come to give traders a day or 2 not to pay revenue and here you are talking about meeting the targets. Are you able to meet a target when you give tax holidays?

There is also political interference for example if you collect Kshs. 10 or Kshs. 20 shillings from a boda boda every day, it is much more than Kshs. 500 for a who year. How can one ride a motorbike for a whole year using the roads that we maintain and he gives only Kshs. 500 and you are insisting on meeting the target? How can this be possible and from where? It cannot come from heaven, let them even pay Kshs. 10 every day, that is Kshs. 300 per month than Kshs. 500 for the whole year yet we are increasing the target. The question would be where are you going to get the money? Money must come from us.

As much as we are talking about automation, we must look at all revenue streams and enhance revenue collection. Even we collect Kshs. 10 it will help us improve on revenue collection. We have many boda boda operators whom we can collect revenue even if it is Kshs. 10 and this will help us to improve our revenue.

(Applause)

Revenue collection should be devoid of politics to enable us to get the revenues right. As long us revenue is still we shall still remain where we are and we shall even go down more. Like during Covid-19 there was money because the thieves knew that when you go out you will be infected with Covid-19.

(Applause)

Nobody touched the money and the revenue actually went up. As a county we need to ask ourselves, during Covid-19 the businesses were low yet the revenue was high. How come that now the businesses are stable and there is no revenue when during Covid-19 there were little activities. This is a weighty matter that when there was Covid-19 we collected more and when there is no Covid-19 there is no money. May be Covid-19 will come again.

(Applause)

Hon. James Mukhongo (Chairperson Finance): (On a point of information) Hon. Speaker, I stand here to inform the House and most members might not agree with me; riding on what Hon. Sudi has just mentioned about political interference; it is also a wake-up call and we need to pronounce over the same, the issue of stickers.

You will find a honourable members is owning one vehicle and he was given 2 stickers, even the members of staff of this Assembly and those in the executive. It is a wakeup call to all of us and we must look for a mechanism to increase revenue from parking fees. Otherwise, during the defunct local authorities, we were collecting money from parking and vehicles as ably put by Hon. Anyango.

(Applause)

Hon. Meshack Museveni: Asante Mheshimiwa Spika. Mimi hapo nyuma nilikuwa Diwani na nikiwa Mwenyekiti wa Baraza la Bungoma na naweza sema ya kwamba kama kaunti tumalala na ningeomba kwa heshima kuu najua tuko Wadi ambazo ziko na soko kubwa Kama Chwele, Kamukuywa, Mayanja; tufanye kama wanavyofanya Kisumu. Watume watu wakienda kwa Wadi kwa mfano kwangu Mukuyuni waangalie kuna maduka mangapi, tinga ni ngapi na kila kitu ambacho yafaa kilipiwe ushuru na waziorodheshe kuanzia la kwanza hadi la mwisho. Ndipo wajue wamiliki wa hayo maduka na hiyo itasaidia kujua ushuru ambao unatarakiwa kutoka Mukuyuni kila mwaka. Hili lifanyike, Chwele, Naitiri na Wadi zote na bila shaka hatua hii itatusaidia kukusanya ushuru zaidi.

Nilikuwa Mwenyekiti wa Baraza la Bungoma na wakati huo hatukuwa tunapata pesa kutoka Nairobi, sisi wenyewe tulikuwa tunatafuta tunalipa wafanyakazi na sisi wenyewe kama madiwani zaidi ya 59. Miezi mitatu ikiisha kama hatulipa mishahara wafanyikazi walikuwa wanagoma. Kwa hivyo Ndugu Spika naomba lazima tumualike Wazari fedha ili kuwapea mbinu ambazo watutumia kukusanya ushuru. hawafai kwenda na kuchukuwa vitu vya watu ambao hawajalipa ushuru; inafaa wamuulize mhusika kwamba ni kwamba leo hauna pesa lakini tupee siku ambayo tutakuja kuchukua pesa. Itakueleza kwamba nipee wiki moja na nilipa ushuru huo. Sisi tulikuwa tunfanya hivyo na kupata ushuru. Lazima tuamke chini ili kuimarisha ushuru wa kaunti hii. Asante Ndugu Spika.

(Applause)

Hon. Johnston Ipara: Hon. Speaker, you have heard from the speakers that have spoken before me and every one of them their hearts are bleeding. They are shading tears of blood for the reason that the right things are not happening in our county because some people have taken government activities in the county of Bungoma to be their own activities. These may have been caused for lack of supervision by persons appointed to act in these particular offices or there is an agreement that is unknown to us between the senior and the junior that half of the money collected should be deposited to an account of those who want to defraud the County Government of Bungoma. That is why according to this report from the first year to the last year Hon. Speaker, it states decline in all areas of the activities that the County Government is involved in collection of revenue. It is sad and it has not helped the county that we believe is our home.

As Hon. Museveni has clearly put it, this is the time all of us should stand and be counted and we should show where we belong. If we let things go the way it is now, things will stand still and we shall never realize the dream of the people of this county. This calls upon us to make sure that at least we must strictly follow the law as it is stated. If you are a CECM make sure that things are running effectively and efficiently within your department, which include simple things like; how many times do we move to the ground to carry out supervision of those people that we have entrusted with the responsibility of revenue collection, have we ever carried out a survey within the markets may be in Kamukuywa; on Tuesday it is a market day; we go there and supervise the collections and we go again to supervise another

collection and we go there for a third time and check the collection. Find out if they increase or decrease. If we find that it has increased then we add those figures have the average and that should be the target to give to the persons involved in revenue collection within those specific markets. Has that been done? No. Have we taken any action since we realized that there is decline? No.

I want to comment the Committee on Finance and Economic Planning; I want to believe this is one of the finest reports that has seen the floor of this House in the recent time. We must commend Hon. Mukhongo and his team and the mover of the report Hon. Kituyi.

On a point of order that Hon. Mukhongo gave, we should not miss a point of order. It must be referred to which Standing Order because this is a House of rules and laws we must strictly follow...

Hon. Ali Machani: (On a point of order) Hon. Speaker, is it in order for the Hon. John Okasida Ipara to say that this is the finest report that have ever seen the floor and this is an Assembly you are serving. How I wish the honourable members could wait to come up on a point of information. Is it in order for him to say that this is the finest report? How many times have we had reports from the same committee led by senior member Hon. Mukhongo? Does it mean that those reports were not fine and this is the only one?

Mr. Deputy Speaker: As you were well informed Hon. Mutoka also age is catching up with us and we have to appreciate that fact. Those who are siting closer to him heard him clearly saying one of the finest meaning there are many other fine reports.

(Applause)

Hon. Okasida, try and summarize. The Hon. Machani is another senior member who is always keen.

Hon. Johnston Ipara: Hon. Speaker, I did not say one of and you know English is not our language. It is foreign language from the UK which keeps challenging us every day, for that reason I excuse Hon. Machani.

I was saying that we need to do simple things; one improve supervision. Two compare collections, three carry out random checks to see whether every person on the market has paid the revenue that they are required to pay on that particular day and if they have not we should find out why they have not paid. If it is found out and may be the revenue officers are the cause, a quick remedy must be taken and among them; one that particular officer should be punished....

Mr. Deputy Speaker: Order honourable members.

Hon. Johnston Ipara: We are saying that they should be punished; secondly those officers should be moved away from any market within the county and deployed in offices they will

be referring to records within the offices. If we allow them to remain there these people are turning those markets to be their personal businesses then money collected on daily basis they are the people who encourage the business community not to pay the money to government account but pay money to them through their mobile numbers.

I carried out a quick check in Tongaren; we have about 30 shops in Tongaren market and out all only 5 have permits. Don't forget that just less than 100 meters we have a revenue office. Do you want to tell me that they don't have eyes to see? If they have eyes and they have chosen not to see, what is it that has blinded them? Hon. Speaker, this is not a laughing matter and I join the Committee on Finance that all the recommendations that they have made must be followed to ensure they are implemented. I support this report.

(Applause)

Hon. Catherine Kituyi: (Mover to reply): Thank you, Mr. Speaker Sir. First I want to thank the members who have contributed, I realize they were majorly supporting on our recommendations which I will not have much to talk about. As a committee I know we are up to the task and we will follow up. I remember recently on the issue of casuals I am the one who moved that motion where we recommended that the casuals should be paid and we are waiting on the Committee of Implementation to give a report on the same.

They also talked about the enforcement officers, vehicles and matters that are supposed to be looked into and we are on it. I also want to report that the second quarter and there are some changes because of what we have been following and doing; there are some good changes but as a committee we have recommended to have two meetings in every quarter to chance on their performance and all that. Members, don't worry things are on course and we are following up with the CECM. Our recommendations are clear and we believe that things will be good. I therefore, I urge the House to adopt the motion.

(Applause)

(Question put and agreed to)

The ayes have it. The report is adopted and the Table Clerks ensure transmission of the same to the relevant offices for action.

REPORT BY THE PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE ON THE AUDITOR GENERAL'S REPORT ON THE FINANCIAL STATEMENTS OF THE BUNGOMA COUNTY BURSARY FUND FOR THE PERIOD ENDED 30TH JUNE 2019

Hon. Tony Barasa: (On a point order) Thank you, Mr. Speaker. I stand on a point of order on Standing Order 34. Hon. Speaker, we have had a long day bearing in mind the volumes of documents as read by Hon. James Barasa Mukhongo. We have also gone through another lengthy document and the document that is coming before on the PAIC report is equally long which needs attention of this House.

I stand on Standing Order 43 that this House adjourns so that we move this important PAIC report to the next day that your leadership will allocate. Either tomorrow or next week, so that members can ventilate on the said report when they are fresh. I propose the adjournment as I invite Hon. Sudi to second.

Hon. Isaiah Sudi: Hon. Speaker, I second the motion because the motion that was come touches on bursaries and scholarships which is key to all members of this House. It requires us to be sober, right now we are tired and we need to interrogate the same report well. I second the motion that the House adjourns and the report that was to come next to be moved back to HBC for allocation of time.

(Applause)

(Question proposed)

Hon. Ali Machani: Thank you, Mr. Speaker. I know my colleagues are worried not knowing what I want to say. This is a serious document and I beseech the committee to hold its horses and start with it tomorrow. That we allow then to begin and then we defer it to tomorrow other than doing it at this time so that it is taken back to HBC. If you could allow that they start before we adjourn so that they cannot feel like we don't want to hear about the audit report. We are ready to face and we want to interrogate it as honourable Members. That is my opinion.

Hon. George Makari: Thank you, Hon. Speaker. I want to support the motion as moved by Hon. Tony. You can realize that the PAC committee in dominated by the opposition and looking the opposition side they are not even in the House...

Mr. Deputy Speaker: Order members, this House is not for shouting marches therefore, you have to be orderly.

Hon. George Makari: As enumerated by my senior Hon. Isaiah Sudi, I support that we need to be fresh when we come up tomorrow because as he indicated this motion is touching on issues to do with bursaries and scholarships. In your own wisdom it can be re-scheduled on the Order Paper as the first one so that we don't lose it tomorrow morning. I respect the opinion of Hon. Ali Machani Mutoka but now the wisdom of the Speaker comes in so that it is listed as number one tomorrow on the Order Paper.

Mr. Speaker, you can realize that my elderly friends like Hon. Mukhongo because of age they are not in the House. Same to Hon. Jack Wambulwa because of age he is not in the House.

(Applause)

I think to capture their minds and for them to be present tomorrow Mr. Speaker, let us adjourn.

Hon. Tony Barasa: (Mover to reply) Thank you, Hon. Speaker. First, I want to thank the members who have shared their wisdom on why we should adjourn this is an important motion to another day. I beseech this House that should not be taken to HBC but moved to tomorrow as the first item for this House to ventilate on the same. I beg to reply Hon. Speaker.

(Applause)

(Question put and agreed to)

The ayes have it. Honourable members, is actually about 5 pages therefore, it will dispensed off with as the first item to enable other businesses lined up for tomorrow to follow.

ADJOURNMENT

Honourable members, I thank all of you for your patience and the passion true to the calling of your duty. Thank you for sitting through and the House adjourns this evening and we resume tomorrow at 2.30 p.m.

(House Adjourns)