

**COUNTY GOVERNMENT OF BUNGOMA**

**COUNTY ASSEMBLY OF BUNGOMA**

**COUNTY ASSEMBLY DEBATES**

**THE DAILY HANSARD**

**WEDNESDAY, 14<sup>TH</sup> FEBRUARY, 2024**

*Afternoon Sitting*

**COUNTY ASSEMBLY OF BUNGOMA**  
**THE HANSARD- OFFICIAL REPORT**  
**WEDNESDAY, 14<sup>TH</sup> FEBRUARY, 2024**

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

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

**PRAYER**

**COMMUNICATION FROM THE CHAIR**

1. SUPPLEMENTARY ORDER PAPER

Thank you. Honourable members, I do have a communication to make, that whatever we are handling is a supplementary Order Paper having two reports on petitions that lapsed on the 7<sup>th</sup> February, 2024. Since we were on recess, it is important that we address the matter and respond to the petitioners at the earliest opportunity possible.

On the same, I wish to call upon the mover or the chairperson of the respective committee to adhere to the requirements of Standing Order numbers 224 and 225 (2) where the mover of the petition should just read the title of the report, the prayers of the petitioner and committee findings and lastly brief the House on recommendations of the Committee.

Thank you so much we proceed.

**PETITIONS**

1. PETITION CONCERNING THE POOR MANAGEMENT OF THE NEW CHESIKAKI FARMERS’  
COOPERATIVE SOCIETY AND LEGALITY OF THE CURRENT OFFICE BEARERS

**Hon. Francis Chemion:** Thank you Hon. Speaker. On behalf of the chairperson, Justice and Legal Affairs Committee, I have two petitions but I am looking at the first one; the report of the Committee on Justice, Cohesion on Legal Affairs on the petition concerning the poor management of the new Chesikaki farmers’ Cooperative and illegality of the current office bearers, that was the title of the petition.

As a Committee, we went to the society and we will be reporting what we saw and our conclusion.

## Acknowledgement

Mr. Speaker Sir, may I take this opportunity to thank the offices of the Speaker and Clerk of the County Assembly for their logistical support that made this exercise a success.

I also appreciate the Honourable Members and secretariat of the Committee for their commitment and dedication to process the Petition Concerning the Poor Management of the New Chesikaki Farmers' Cooperative Society and Illegality of the Current Office Bearers.

Further, I thank the petitioners and the respondents invited by the Committee for providing crucial information that enriched this report.

It is therefore my privilege, on behalf of the Committee on Justice, Cohesion & Legal Affairs to present the report to the County Assembly for noting and adoption. The purpose of this report is for noting.

I will not read the legal basis and chapter three.

The petitioners are:

- a. Jackson Kurwa (Chairperson)
- b. Simon Masinde Kuloba (Vice Chairperson)
- c. Jestimore Kibaba (Secretary)
- d. Benard Wepukhulu (Treasurer)
- e. Lazarus Wanambisi (Member)
- f. Benerd Kituko(C.E.O)

We have the prayers and I need to read them for members

1. THAT we are members of the New Chesikaki FCS aggrieved by the current state of affairs and management of the society.
2. THAT management committee of the New Chesikaki FCS has been put to disrepute and abuse by the current office bearers namely:
  - g. Jackson Kurwa (Chairperson)
  - h. Simon Masinde Kuloba (Vice Chairperson)
  - i. Jestimore Kibaba (Secretary)
  - j. Benard Wepukhulu (Treasurer)
  - k. Lazarus Wanambisi (Member)
  - l. Benerd Kituko(C.E.O)
3. THAT the management committee has been running the affairs of the society in total disregard of the law particularly in contravention of Section 28 of the Cooperative Societies Act No . 12 of 1997

4. THAT the management committee has been accused of mismanagement and embezzling the New Chesikaki FCS funds.
5. THAT the management committee is in office illegally since the year 2013 to date in contravention of the Co-operative Societies Act No. 12 of 1997 for failure to hold elections annually as is by law required.
6. THAT the management committee has persistently violated member's rights as envisioned under section 21 of the Co-operative Societies Act No. 12 of 1997.
7. THAT the members fundamental rights as envisioned in the Constitution of Kenya, 2010 under the Bill of Rights have been grossly violated by the management committee.
8. THAT the petitioners pray that the current office bearers be compelled to vacate office for being in contravention of the Constitution and the law and for violating members rights and further;
9. THAT the New Chesikaki FCS and its members are at risk of suffering massive losses due to embezzlement and mismanagement of the societies funds and bad administration of the New Chesikaki FCS affairs
10. THAT the current office bearers illegally, unlawfully and without following due procedure engaged DIGIFAM to loan monies and farm inputs to members without the participation and or authority of members for their own selfish interest to the detriment of members as it is members funds being employed to fund the loans.
11. THAT farmers have lost approximately Kshs13, 000,000/= in terms of repayment of the monies loaned to farmers by the said DIGIFAM affecting members payment for the financial year 2022/2023 for coffee.
12. THAT the members concerns have been addressed to the CEC Member in charge of Cooperatives but the said concerns have never been considered and solved hence this petition.
13. THAT some members of the management committee and other members are suspected to have supplied null kilos of coffee yet they have been receiving payments to the detriment of innocent members occasioning loss to innocent members.
14. THAT failure by the Sub County Cooperative officer to investigate concerns raised by members through the supervisory committee has enhanced the perpetration of embezzlement and mismanagement of funds by the management committee.
15. THAT the petitioners herein are ready to appear before the Assembly Committee on Co-operatives to tender evidence with regards to the allegations that have been raised herein.
16. THAT the petitioners have made best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response.
17. THAT none of the concerns that have been raised herein is pending in any court of law.

#### **Prayers by the Petitioners**

- a. Summons the management committee of the New Chesikaki FCS for further interrogation of the issues raised herein,

- b. Calls for immediate resignation of the current office bearers of the New Chesikaki FCS management committee to pave way for investigations and auditing of the society's books of account and the mismanagement of the societies funds.
- c. Summons the relevant authorities to interrogate their failure to address farmers issues despite being notified and what their interests are with regard to the management of the New Chesikaki FCS

### **Fact Finding at the Chesikaki Factory**

The Committee went for fact finding on Monday, 22<sup>nd</sup> January, 2023 at the New Chesikaki Farmers' Cooperative Society and found out the following.

### **OBSERVATIONS AND RECOMMENDATIONS**

#### **Committee Observations**

- 1) That there are pending cases going on in the court of law involving Martin Musungu who is one of the petitioners against the management of the society.
- 2) That there is a valid court decree issued against Martin Musungu for the damages payable to the plaintiffs which decree has neither been set aside nor appealed against.
- 3) That the petitioners never exhausted the available procedures and remedies before the Cooperatives Tribunal pursuant to section 76 of the Cooperative Societies quote section Act prior to institution of their petition.
- 4) That even if the petitioners had exhausted the available mechanisms prior to approaching the County Assembly of Bungoma, their allegations were not backed by credible evidence to substantiate the claims.
- 5) That the society currently does not owe Digifarm any money as the loan was paid in full; the agreement between the society and Digifarm was to run for two years 2021-2022.
- 6) That there is no formal complaint by Digifarm on any outstanding amounts due and/or owing to them.

#### **Committee Recommendations**

1. **THAT** the petitioners should not approach the county Assembly of Bungoma on matters that are pending or were concluded before any court of law.
2. **THAT** the petitioners must exhaust all the available legal mechanisms including the cooperatives tribunal prior to approaching the County assembly.

The report was signed by members of the committee and I beg that this report is noted, thank you.

**Mr. Deputy Speaker:** Now Honourable Members, the House takes note of that and therefore I will allow maybe one or two comments if there is any, before I make further directives.

Very well, that is the report from the Justice and Legal Affairs Committee and therefore the report and its recommendations will be forwarded to the petitioners as per the Standing Order No. 228 and the Clerk should communicate the same within 15 days from today, I direct.

2. REPORT ON THE PETITION BY THE INTEGRATED AND CHEBUI CAVE DWELLERS COMMUNITY BASED ORGANIZATION

**Hon. Francis Chemion:** Honourable Members, this second report is by the Committee on Justice, Cohesion and Legal Affairs on the petition by the Integrated Chebui Cave Dwellers Community Based Organization on the need to assist the IDPs and evacuate the 11 families from Chebui cave.

From the outset, I wish to inform the House that after this petition was brought to the House, the Committee and its secretariat went for a fact finding to Chebui cave and I want to thank members because they climbed very steep terrains led by the Honourable Member for Chepyuk and Hon. Psero the Chesikaki MCA. We climbed the mountain to the area where these 11 families are living and we met them. The condition under which they are living in is deplorable.

**Committee Membership**

**Mr. Speaker Sir,** the Committee on Justice, Cohesion & Legal Affairs as currently constituted comprises the following Members;

- |                           |                  |
|---------------------------|------------------|
| 1. Hon. Jacob Psero       | Chairperson      |
| 2. Hon. Everlyne Anyango  | Vice chairperson |
| 3. Hon. George Makari     | Member           |
| 4. Hon. Francis Chemion   | Member           |
| 5. Hon. Everlyne Mutiambu | Member           |
| 6. Hon. Jeremiah Kuloba   | Member           |
| 7. Hon. Timothy Chikati   | Member           |
| 8. Hon. Edwin Opwora      | Member           |
| 9. Hon. Sheila Sifuma     | Member           |
| 10. Hon. Idd Owongo       | Member           |
| 11. Hon. Linda Kharakha   | Member           |

**Acknowledgement**

**Mr. Speaker Sir,** may I take this opportunity to thank the offices of the Speaker and Clerk of the County Assembly for their logistical support that made this exercise a success.

I also appreciate the Honourable Members and secretariat of the Committee for their commitment and dedication in processing the petition by the Integrated and Chebui Cave Dwellers Community Based Organization. Further, I thank the petitioners and the respondents invited by the Committee for providing crucial information that enriched this report.

It is therefore my privilege, on behalf of the Committee on Justice, Cohesion & Legal Affairs to present the report to the County Assembly for noting and adoption.

### **Prayers by the Petitioners**

- a) The County Assembly through its relevant committee does visit the 11 cave families to assess the situation on the ground in order to arrive at an informed decision
- b) The County Assembly does summon the Bungoma County Disaster Management Board to appear before it for purposes of ascertaining its preparedness to manage and subsequently mitigate the effects of *El nino* rains which already has caused havoc in hotspot areas. The move will help reassure Bungoma residents of their safety during the heavy rains.
- c) The County Assembly makes or causes the County Government to make urgent plans to evacuate the 11 families out of the cave by allocating them at least 22 acres out the numerous hectares reserve for public utilities in Chepyuk I, II and III 96 meant for public utilities within Bungoma County which the County Government shall deem fit.
- d) In the event the County Assembly successfully causes the said allocation of land as prayed, the County Government through the Department of special programs do allocate money to construct temporary structures to shelter the families on the allocated land.
- e) In the event the allocation of land is unsuccessful as prayed, the Assembly does cause the County government through the department of special programs to urgently allocate Kshs4.5 million to purchase seven acres of land which the Petitioners herein have already identified. In the alternative, **a Rescue centre for the said IDPs** is established urgently.
- f) In the event *El nino* Rains fail to be realized, the County Assembly does cause or makes the County Government to use funds meant for *El nino* in resettling the Cave families.
- g) In the event the families living in the caves are successfully evacuated, the County Commissioner does order the closure of Chebui cave to avoid opportunists getting back to the cave to attract sympathy.
- h) The County Assembly causes the formation of a multi sectoral committee in order to vet profile and come up with a county data base of the victims of *El nino* effects if and when it happens to avoid the influx of fake IDPs upon the first humanitarian support is done.
- i) **THAT** any other action which the County Assembly of Bungoma may consider necessary in protecting and enhancing the Rights of IDPs in this County.

Members, we went for a fact finding and we found that some of the children of the 11 families are carried at night to the roof top of the cave; the cave has some floors, the boys are carried and put up there to sleep; the girls are put inside the cave and then there is an old man who stays at the entrance of the cave to take care of the families.

**Mr. Deputy Speaker:** Honourable Members I hope you are listening to that.

**Hon Francis Chemion:** And we were asking ourselves as Honourable Members, and we even asked them; now, if you want to do the 'valentine things', how do you do in such a situation?

Because the houses are located so close; just like here another one is there and you know these are mature people and we have children who have reached adolescence; the situation is bad. We asked that question and the response was that when they want to visit each other in the other way, one must pretend that she is going to fetch water in the river then the man also pretends that he is going around those areas and they ‘valentine’ outside there. Hon. Speaker I am using the most diplomatic word... that is what happens in that cave.

**Mr. Deputy Speaker:** I don’t understand, maybe you can simplify

*(Laughter)*

**Hon. Francis Chemion:** I know you have understood; that is what happens there.

We looked for a latrine and there was no latrine and so they just go to relieve themselves in the bush. Across the river from the cave is Chesokwo forest area, so sometimes they can cross the river to assist themselves. This is a group that is under a very serious problem.

They told us the Director, Special programmes went there and carried 22 sacks of Maize, 22 sacks of rice, 22 cartons of oil, the quantities were 22; and while there, a child had been born three days before she visited and that child was named Carren after her name. She promised a lot and that is why the petition has come.

So we looked at it, we invited them, they came, we interrogated them and these are our findings.

## **OBSERVATIONS AND RECOMMENDATIONS**

### **Committee Observations**

1. That there are 11 families living in Chebui cave totalling to 69 members.
2. The living conditions in the cave are pathetic and deplorable as the families are crowded and they do not have basic requirements for human survival; that is food, shelter and clothing.
3. That the Director Special Programmes visited the families after receiving instructions from H.E the Governor of Bungoma County, they donated food to the families and provided medical check-up.
4. The families have already identified land among the public utilities where they are ready to be resettled so that they can move away from the caves, if possible.
5. That the owner of the land Mrs Leah Chepsoi has given a notice to the cave dwellers to vacate her property, this will leave them landless with no place to stay
6. The Petitioners herein have already identified seven acres of land at Kshs7.5 million which they request the Directorate of Special Programmes to help them acquire.
7. The County Government to use funds meant for *El nino* in resettling the Cave families in the event *El nino* rains fail to be realized.

### **Committee Recommendations**

1. **THAT** the Director Special Programmes to conduct vetting of the genuine cave dwellers before any action of compensation is taken
2. **THAT** after the vetting process is done, the Director Special Programmes to forward to the Cabinet the plight of the families living in the caves with a view of providing land for resettlement of the families
3. **THAT** the Directorate of Special Programs and the Directorate of Emergency Fund to urgently pool together and allocate Kshs7.5 million to purchase seven acres of land which is readily available within the locality.
4. **THAT** the Directorate of Special programs to provide bursaries as earlier promised to school going children of the Chebui cave dwellers.

Hon. Speaker that is the report, we have the signature of Honourable Members and I beg that this report is noted in this county Assembly.

**Mr. Deputy Speaker:** Thanks you so much Hon. Masai Chemion Francis, Member for Kaptama. Members if there is any comment from one or two, not beyond that, if there is...

**Hon. Franklin Simotwo:** Thank you Mr. Speaker for giving me this opportunity to say something about Chebui cave dwellers. It is true that I accompanied the Committee on Justice and Legal Affairs on the raised issues. From the report which has been read by my colleague from Kaptama, I agree that this area is not habitable by human beings. It is sad that children and even old women are residing in the caves. It is now centuries when we were reading about people living in caves; this was a real experience because we have people practically living in the caves. You could not imagine that old men; above 60 years are living in those caves.

I want to appreciate the Committee on Justice and Legal Affairs for the effort to visit these caves, to dig deeper and establish if it is true or false. I appreciate because the terrain in that area is harsh but they made sure led by Hon. Makari who interviewed the old men critically and they saw him as the person who will salvage their problems. I appreciate the Hon. Makari for walking about four kilometres to reach the caves from a place called Melon in Chisikaki to Chebui which is about five kilometres; making it approximately a 10 kilometres journey.

I wish that these recommendations will be considered as I caution on the recommendations by the petitioners who want public land. It is not the responsibility of the petitioners to earmark government projects. I think out of the recommendations that were read on how they can get alternative land; from the report they have clearly indicated that if these 11 families can get a parcel of around seven acres to be settled on, they can live well. Otherwise, I applaud the Committee on Justice.

**Mr. Deputy Speaker:** Honourable Members, I allowed the Hon. Korir a little longer time because he is a man from the caves himself. Please make short remarks because it is for purposes of noting and there is no vote to be taken.

**Hon. George Makari:** Thank you Hon. Speaker. I would like to wish Honourable Members a happy new year; as for some, we have not met since last year. Mr. Speaker I can't see ladies wearing red today; I don't know what is wrong, unless they are wearing red on the inside. The only person I can see wearing red is Hon. Job Mukoyandali who is not a lady.

I support the motion and the sentiments by Hon. Masai Chemion. Allow me applaud the Hon. Member for Chepyuk, Simotwo who took his time and walked with us for five kilometres up the mountain and back. That is 10 kilometres of walking; with this type of body, which is not a joke but I managed...

**Mr. Deputy Speaker:** But you normally run in the morning Hon. Makari.

**Hon. George Makari:** I am aware you know that Hon. Speaker. The only person who did not manage was the Vice chairperson of the Committee together with the chairperson. The rest of us like Hon. Chemion, Hon. Opwora among others did; and as Hon. Chemion has put it clearly, it is a dire situation up in the cave. We came across very young children from lunch break; they were sharing chapatis that were prepared three days back.

However, as much as I support, we were able to ask these people to avail their Identification Cards to confirm where they come from; most of the IDs availed to us by these people indicated they were coming from Nzoia and not from the mountain. Be as it may; they are human beings and our people. Looking at the recommendations; they are living in dire circumstances. It is a cave up the mountain and the weather is not conducive for them. It is therefore, our considered plea that the Directorate of Special Programmes and the Emergency Directorate can join hands to assist these people get where they can live. As put by the Hon. Chemion, even accessing "*twa twa*" is a big problem...

**Mr. Deputy Speaker:** Hon. Makari we don't understand what you mean by "*twa twa*"?

**Hon. George Makari:** That is a coded language for some other items which you should not belabor so much. They have to go out of the cave, walk for some distance from where the children are to be able to access that service. It is our considered plea that these people are assisted to get land where they can inhabit peacefully away from the cave. That the caves must be closed after they have been settled Mr. Speaker. I thank you.

**Hon. Johnston Ipara:** Thank you Hon. Speaker. After listening to Hon. Chemion taking us through this report, it shows that actually the 11 families who live in the caves have been de-humanized and they have also been denied their constitutional rights. I want us to add our voice by giving a timelines where the Governor who is the CEO of the county himself should lead the team within three months. These families should be settled at a place they will refer to as their land. If we give an open ended recommendation that the Director Special Programs and her colleague in the Emergency department should make arrangements... This recommendation is open ended, let us say three months from today, and let them settle those people in the seven acre land that has been identified where the price is already known. Because I heard him mention about Kshs7 Million; and that is small money considering what we have allocated in that particular department. The same department has continually denied this House expenditure returns on everything that they do. This is a noble course that they can do for us.

Hon. Speaker, when I was still active in the service, I used to hear about families that live in caves and what my brother; a comrade in Army refused to say; we have denied them a God given exercise where these old parents go to the bush...

**Mr. Deputy Speaker:** Hon. Okasida you should be clear; when talking about issues you have to be clear. The exercise that God has given include walking, therefore, we don't understand the exercise you are referring to.

**Hon. Johnston Ipara:** Hon. Speaker, the important one is conjugal right which is in the constitution. You have also heard about divorce cases in the High Court where divorce has been recommended on the basis where you deny your partner her right or his right. We are exposing these 11 families. We are talking about 11 grown up families who should have this exercise every evening where it is possible; but they are not able to do this! Don't forget the positions we hold today Hon. Speaker, it is God given...

**Mr. Deputy Speaker:** Honourable Members, consult in low tones, the Hon. Okasida is on the floor.

**Hon. Johnston Ipara:** It is God given and the reason why God gave us these positions we are holding today is such that we take care of the rights of others who are disadvantaged in society. Therefore, I identify myself with this report and the other recommendation that they have indicated that the dwellers should settled within three months from this day. If this is done, we shall be proud people in this Assembly. I support.

**Hon. Milliah Masungu:** Thank you Hon. Speaker for giving me this chance to also give my story on the petition and its report. From the presentation from the committee members, I have asked myself questions especially on the contribution made by Hon. Makari on the issue of the

IDs. He has said that the IDs read Trans Nzoia. I wonder if these are internally displaced persons or they migrated from Trans Nzoia. Given that that is the case, why should they not be taken back to their land of origin?

Secondly, the seven acres the Honourable Members are proposing; it is also important to note that we need to know whether it is County Government land or the National Government where these families wish to be settled. We need to be careful despite the fact that we are giving timelines for their relocation, where are they going to be relocated to if there is no clear origin?

**Hon. Jack Wambulwa:** Thank you Mr. Speaker. First I wish to appreciate the Committee because they have given a full report on what they discovered when they visited this area. Having a human heart, I will support what Hon. Ipara has said that these are our people; whether from Trans Nzoia or Nakuru... they are Kenyans and they have a right to good living. We cannot allow them to suffer because they come from Trans Nzoia. Trans Nzoia and Bungoma are twins; we have several of our sons and daughters who have settled in Trans Nzoia. Therefore, we should not say that if they are from Trans Nzoia, as the Whip has suggested that we need to relocate them. That will be wrong! As a leadership and the County Government, we have public land in Mt. Elgon that can be identified; therefore, we don't need to purchase land to resettle these people. Look at the life they are undergoing, even before God's eyes, it is improper that these people continue suffering. Hon. Speaker I am being interfered by the Whip and I don't know why. Again, she is addressing me while I am on the floor. Is that in order?

**Mr. Deputy Speaker:** Very well, she has responded well by respecting you. You can now proceed.

**Hon. Jack Wambulwa:** Hon. Speaker, it is time we resettle this people; they are not many. Even if they were 30 cases, we can still identify government land and resettle them and it will be better. That they even don't have access to medication, they are playing hide and seek with their life. Sourcing for food is through borrowing because we are being told they were feeding on leftovers. Where did they get the chapati? Do they have access to land? Do they have access to medication? Do they have access to any other amenities that a human being is supposed to have? I urge that on top of what the report has recommended that let us settle these people within three months so that they can feel human and for the sake of future generations to come.

*(Applause)*

**Hon. Meshack Wekesa:** Asante Ndugu Spika. Nasimama kuunga mkono ripoti ya kamati. Nataka kuwaeleza wenzangu kwamba jinsi ambavyo Mheshimiwa Jack amesema ya kwamba watu hawa wapewe shamba la serikali, hilo halitawezekana; kwa sababu wengine watajitokeza kuitisha shamba la serikali. Maoni yangu ni kwamba serikali itafute shamba hata kama ni ekari

tano wanunuliwe. Nafikiria kufanya hivyo itakuwa sawa lakini kuchukua shamba la serikali hata kama ni msitu, watu wanaweza kuanza kuuana. Kwa sababu wameomba wanunuliwe shamba, wacha wanunuliwe kiasi chochote kile. Ndugu Spika nauliza kwa nini siku hizi Mheshimiwa Jack nikisema kitu chòchote anasimama pia anataka kuongea. Namuuliza mwenzangu Mheshimiwa kwamba nikisimama aniheshimu. Kwa hayo mengi asante Ndugu Spika.

**Mr. Deputy Speaker:** Mheshimiwa Wambulwa huenda ulikuwa na ujumbe upi'?

**Hon. Jack Wambulwa:** Langu mimi si kwamba simheshimu Mheshimiwa Museveni, yeye ni kiongozi katika hili jumba; lakini tunapongea katika hii nyumba tusiongee na kufikia kiwango ambacho tunataka kuwasaidia watu wetu na kusema kwamba tukifanya hivyo kutakuwa na vita. Vita vitatokea wapi ilihali wakati tumeketi hapa kwa undugu; na hilo ndilo jukumu letu kuelimisha watu jinsi ya kuishi pamoja. Kwa sababu kama ni vita, watu wa eneo la Mlima Elgon hawangewakubali hao watu waishi kwa hayo mapango. Wangukuwa wamewavamia na kuwaumiza na hataka kuwafukuza. Tuko na shamba la serikali, hatusemi kila mtu, hawa ndiyo wametuma ombi katika Bunge hili. Kwa sababu tukisema tuanze kutafuta bajeti ya kutafuta shamba, ilihali tunataka hawa watu watu waweze kupata makao chini ya miezi mitatu ijayo, hiyo bajeti itatoka wapi? Itakuwa ni vigumu. Ni jukumu letu kama viongozi tuongee amani juu ya watu wetu. Lakini tunapoanza kutoka vitisho kwamba kutakuwa na vita, watu watauana, sijui nini kitatokea, kuna haja ya kuwa na Kaunti ya Bungoma ambayo iko na Kaunti ndogo kumi na tatu? Hakutakuwa na haja. Sisi sote ni ndugu na watoto wa Mungu na inafaa tujadiliane na kusaidiana jinsi watu wetu watakata makao.

**Mr. Deputy Speaker:** I decline Hon. Nanyokia. Let us finish this thing. In fact, I would like to request Hon. Kuloba and the Deputy Whip to withdraw so that I finish with Hon. Opwora and Chesoto as I had directed earlier; so that we can move to the next item. That is a kind request.

**Hon. Martin Cheseto:** Thank you Mr. Speaker for giving me this chance. First I wish to appreciate the reader of report for highlighting issues affecting the people who are living in the caves. Those people are not adapted to conditions of the caves; these are people who were displaced and who deserve decent life at least to make them benefit from the land. I happen to know the place which is near the river where our water that comes from; Namwela, Sirisia, Cheptais and Chesikaki.

*(Loud consultations)*

**Mr. Deputy Speaker:** Members consult in low tones. I am sure Hon. Nangulu never heard what has been said.

**Hon. Martin Cheseto:** Thank you Mr. Speaker. Living in such kind of conditions is dire and recently there was a news item on gender based violence, teenage pregnancies. These people are living together like a colony and there are vices that can happen; there is danger of incest which

can bring fourth children who can be morons. As a responsible government and leaders, we have to do the right thing. This is not new and it should be addressed immediately by moving those people away from the caves to an alternative camp where they can live and have access to other amenities. They don't have good shelter; they are socially and economically insecure, which is dangerous. We should not discriminate these people just because they are from Trans Nzoia; these are our people who put us in leadership. They elected the Governor and the President and they deserve and have every right to shelter, to economic living and to all those other amenities that other Kenyans enjoying. So as a people from Mt. Elgon, secondly as Bungoma, we have let them down because they have been there for all this time.

As leaders, we have not done anything! We have waited for the petitioners to come to this County Assembly so that their plight can be highlighted; it is actually an attack on us. The leadership of this County, we need to relocate those people immediately and provide daily rations to them. How do they take their children to school and eat? If they are sharing chapati amongst three people, I do not know from maybe the neighbours; and here we have a fully-fledged department with all resources that do not count.

We need to make sure that those people are relocated, maybe given a temporary camp somewhere as we look for alternative land. You know, we are talking about 11 families of about more than 60 people and we are talking about Kshs7, 000,000 to relocate them. Are we giving the land only for shelter? Those are the questions we have to ask; where are they going to get food from? Are they going to get maybe a living where they can buy books and other things for their children? Those are the hard questions that we have to ask ourselves. Thank you; those are my many remarks.

**Mr. Deputy Speaker:** Thank you.

*(Applause)*

Let's finish it off with Hon. Wekesa Opwora Edwin, Member for Luuya Bwake.

**Hon. Edwin Opwora:** Thank you Mr. Speaker, I will take a very short time. First of all, allow me to wish all the ladies a Happy Valentine's Day and secondly I wish to support this report, having been there physically. It is just my plea that in future when we are presenting such reports, if it is possible let us allow the HANSARD team to be airing those pictures on the screens so that this House can actually feel or see what is actually on the ground. However, my key concern is on the children in those caves. In as much as we are crying for the adults about their conjugal rights, my worry is on the children; we are breeding children who are going to be cave men, if we do not take any action. So it is my plea that the County Government should also take an immediate action of evacuating those children as they source for land so that the children can get better shelter and Education.

*(Applause)*

**Mr. Deputy Speaker:** Thank you so much Hon. Wekesa Opwora. Honourable Members, the House takes note of the petition as presented in the report and therefore I directed that the report, its findings and recommendations be forwarded or communicated to the petitioners by the Clerk as per the Standing Order No. 225(3) and 228 respectfully. I direct!

## **PAPERS**

### 1. BUNGOMA COUNTY YOUTH POLICY, 2023

**Mr. Deputy Speaker:** Who is the Member moving that? Hon. Chemion Maasai!

**Hon. Francis Chemion:** Thank you Honourable Speaker. I rise to table a Paper by the County Government of Bungoma, department of Gender, Culture, Youths and Sports Youth Policy, 2023.

**Mr. Deputy Speaker:** Honourable Members, this having been properly tabled, I therefore direct that it stands committed to the Committee on Youth for processing and reporting back to this House.

### 2. BUNGOMA COUNTY SPORTS POLICY, 2023

**Hon. Francis Chemion:** Thank you Honourable Speaker. On behalf of the Leader of Majority, I rise to table the County Government of Bungoma Department of Gender culture, Youths and Sports, Sports Policy, 2023.

**Mr. Deputy Speaker:** Thank you Hon. Masai. Honourable Members, this Policy having been tabled also stands committed to the Committee on Youth for processing so that they also report back to this House.

### 3. REPORT BY THE SECTORIAL COMMITTEE ON AGRICULTURE, LIVESTOCK, FISHERIES, IRRIGATION AND CO-OPERATIVES DEVELOPMENT

**Mr. Deputy Speaker:** Hon. Isaiah Busolo Sudi Kalasinga, Member for South Bukusu and Deputy Majority Whip.

**Deputy Majority Whip (Hon. Isaiah Sudi):** Hon. Speaker, I rise to table a report for the Committee on Agriculture, Livestock, Fisheries, Irrigation and Co-operatives Development on the Bungoma County Government Fourth Quarter Financial Statements for the period ended 30<sup>th</sup> June, 2023.

**Mr. Deputy Speaker:** Honourable Members, a report of Agriculture, Livestock Fisheries, Irrigation and Co-operatives Development having been procedurally laid before this House, now become the property of the Assembly.

## NOTICE OF MOTION

1. REPORT BY THE SECTORIAL COMMITTEE AND AGRICULTURE, LIVESTOCK, FISHERIES, IRRIGATION AND CO-OPERATIVE DEVELOPMENT

**Deputy Majority Whip (Mr. Deputy Speaker):** Hon. Sudi!

**Hon. Isaiah Sudi:** Hon. Speaker, I rise to give a notice of motion on a report by committee on Agriculture, Livestock, Fisheries, Irrigation and Co-operative Development on Bungoma County Government Fourth Quarter Financial Statement for the period ended 30<sup>th</sup> June, 2023.

**Mr. Deputy Speaker:** Thank you Hon. Sudi. Honourable Members, a notice of motion having been issued, I therefore direct that the same is circulated to Honourable Members for their perusal; and it will form part of business to be considered by this House after slotting by the House Business Committee.

## MOTION

1. REPORT BY THE SECTORIAL COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING AND HOUSING ON THE FOURTH QUARTER FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30<sup>TH</sup> JUNE, 2023

**Mr. Deputy Speaker:** Hon. Masai Chemion Francis, Member for Kaptama!

**Hon. Francis Chemion (Chairperson, Committee on Lands, Urban, Physical Planning and Housing):** Thank you Honourable Speaker. I would like to move the Fourth Quarter expenditure report for the period ending 30<sup>th</sup> June, 2023 by the Committee on Lands, Urban, Physical Planning and Housing.

We have the table of contents which I will not read.

## CHAPTER ONE

### Preface

The Fourth Quarter Financial Statements for the period ended 30<sup>th</sup> June, 2023 was tabled on 26<sup>th</sup> October, 2023 and submitted to the Committee for interrogation. The Committee interrogated the department on 9<sup>th</sup> November, 2023 and thus submits its report herein below.

The report analyses expenditure of exchequer releases during the stipulated periods as well as the budget absorption rate in relation to the annual budget. It gives the legal background and

objectives that informed the committee to analyze the financial statements as submitted and further through an interrogation process. The report also contains observations and recommendations unanimously adopted by the Committee.

Hon. Speaker, I will not read the mandate, this one is per our Standing Order No. 217(5)

### **COMMITTEE MEMBERSHIP**

The current composition of the Committee on Lands, Urban, physical Planning and Housing is as follows:

1.	Hon. Francis	Chemion	Chairperson
2.	Hon. Linda	Kharakha	Vice/Chairperson
3.	Hon. Ali	Machani	Member
4.	Hon. James	Barasa	Member
5.	Hon. Metrine	Nangalama	Member
6.	Hon. Sudi	Busolo	Member
7.	Hon. Henry	Nyongesa	Member
8.	Hon. Eunice	Kirui	Member
9.	Hon. Edwin	Opwora	Member
10.	Hon. Wafula	Waiti	Member
11.	Hon. Mildred	Barasa	Member
12.	Hon. George	Makari	Member
13.	Hon. Cornelius	Makhanu	Member
14.	Hon. Jeremiah	Kuloba	Member
15.	Hon. Polycarp	Kimeta	Member

I will not read the Fiscal and Legal Framework because this one has come about because of Article 226(2) of the constitution and Section 116 of Public Finance Management Act, 2012 and PFMA 149(1). I will not read those Acts.

Terms of Reference

During the Committee sitting and as had been directed by the Hon. Speaker on the Floor of the House, the Committee resolved to interrogate the quarterly report for the period ended 30<sup>th</sup> June, 2023 with the following guiding principles: -

- i. To interrogate the departmental exchequer releases for the fourth quarter for both recurrent and development
- ii. To interrogate the Budget implementation reports; projects implemented as per the approved PBB and activity costing
- iii. Interrogate the personnel expenditures in the period under review
- iv. Interrogate the CEF project implementation status in the department for FY 2022/23
- v. Interrogate the status of the outstanding Imprests and pending accounts payable

### **Acknowledgement**

I take this opportunity to thank the Office of the Speaker and the Clerk of the County Assembly for the logistical support accorded to the Committee as it executed its mandate. My gratitude also goes to all members of the Committee for dedicating their time to examine the Bungoma County Government Quarterly reports and Financial Statements of the department of Lands, Urban, Physical Planning and Housing for the period ending 30<sup>th</sup> June, 2023.

It is therefore my pleasant duty and privilege, on behalf of the Sectorial Committee on Lands, Urban, physical Planning and Housing, to table this report to the Assembly for deliberation and adoption. Signed by the Chair, Hon. Masai Francis

## **CHAPTER TWO**

### **The Budget in the Financial Year 2022/23**

The Department of Lands and Physical Planning had an annual approved budget of Kshs124, 132,264 comprising of Kshs66, 424,611 recurrent and Kshs57, 707,653 for development

expenditure programmes. The absorption of the budget was Kshs**63, 444,664** translating to absorption of 51 per cent of the budget.

Recurrent expenditure alone with an allocation of Kshs66, 424,611 had absorption of Kshs47, 623,340 representing 72 per cent. The department submitted an actual expenditure of Kshs46, 726,767 that had a Kshs896, 573 differences. Personnel emolument with an allocation of Kshs17, 886,001 had a 17 per cent over expenditure as the actual expenditure stood at Kshs20, 914,746. Reasons for this were not provided. Domestic Travel and subsistence had an allocation of Kshs8, 544,849 in the budget.

However, the department submitted that the allocation was Kshs7, 112,501, with absorption of Kshs5, 633,423 (79 per cent). This mismatch can also be witnessed under the printing, Advertising and information supplies services vote where the approved second supplementary figure was Kshs1, 372,000 yet the department reports to have an approved estimate of Kshs4,214,348 but being able to just absorb Kshs1,188,720 (28 per cent).

Other operating expenses with a cumulative allocation of Kshs13,048,000 (Kshs8,000,000 land registration, Kshs5,000,000 temporary expenses and Kshs48,000 for membership fee and subscriptions to professional and Trade Bodies) only witnessed an absorption of Kshs1,262,000 (10 per cent). The Department submitted that they had made requests to Treasury but the activities were not funded. A list of unpaid Imprests amounting to Kshs22, 581,140 was tabled to the Committee.

The Department of Housing and Urban Development had an annual approved budget of Kshs208, 094,647 comprising of Kshs35, 039,575 recurrent and Kshs173, 055,072 for Development expenditure programmes. The utilization of the budget was Kshs72, 774,966 translating to absorption of 35 per cent of the budget.

Recurrent expenditure was Kshs32, 814,927 representing 86 per cent absorption rate while development actual expenditure was Kshs52, 051,656 representing 30 per cent absorption.

The Chief Officer reported to the committee that utilization was low because the procurement, and land acquisition processes delayed.

## **Conditional Grants**

The Department of Housing under other capital grants and transfers with an allocation of Kshs86, 424,018 in the budget realized an expenditure of Kshs30, 000,000 in the financial year under review. The unrealized revenue relates to the Kshs50, 000,000 that was a KISIP grant balance brought forward that was not received.

The Department submitted that the balance is in the special purpose account at the Treasury which can be accessed.

## **Outstanding Imprest**

In the Department of lands and physical planning, the pending staff receivables (outstanding imprest holders) are Kshs8, **155,760** all relating to the last quarter of the financial year. The Department of lands and Physical planning submitted that all the imprests have since been surrendered but did not give documentary evidence to the committee.

For the Department of Housing and Urban Development, the outstanding imprest stood at Ksh7, 846,350 by the end of the financial year.

The Department explained that at the time of submitting financial reports, the imprest had not been cleared but officers have since surrendered their imprests. The Department did not provide documentary evidence to this fact.

## **Development Expenditure in the FY 2022/2023**

Under development, Ward Based program had an allocation of Kshs34, 934,432 (Kshs29, 536,500 for 2022/23 WPB and Kshs5, 397,932 pending bill). By the end of financial year, only Kshs11, 070,000 (Kshs7, 970,000 for WBP and Kshs3, 100,000 for the WBP pending Bill) had been spent signalling absorption of 33 per cent.

The Department of Lands and Physical Planning cited delays in procurement process as the cause of low absorption. That the BQs were brought late and by the time they were being submitted, time had lapsed.

Procurement for development projects should be done at departmental level. The explanation was that the Department of Lands has enough qualified officers.

Contracted technical services with an allocation of Kshs6, 500,000 meant for development of Physical land use development plan for Webuye accrued an expenditure of Kshs2,551,324; while a pending bill for the acquisition of land amounting to Kshs2,200,000 was fully utilized. GIS networking with an allocation of Kshs3,000,000 had not been utilized although the Department submitted that they had awarded a contract to the tune of Kshs2,975,500 hence the amount had been committed. Acquisition of land (five acres for the Bungoma dumpsite) had an allocation of Kshs8,577,392 with nil absorption.

The Department of Lands and Physical Planning said that by the end of the financial year under review, its funds had stuck at the internet banking platform (IB) and coupled with the long processes of land acquisition hence the delays.

In the department of Housing and Urban Development, the development vote realized absorption of 22 per cent as only Kshs36, 230,332 was utilized from an allocation of Kshs173, 055,072. Other capital grants and transfers had an allocation of Kshs86, 424,018 but only Kshs30, 000,000 was realized because a KISIP grant brought forward of Kshs50, 000,000 was not received. Kshs80, 000,000 meant for construction of Governor`s and Deputy Governor`s residence did not realize any absorption.

The Department of Housing and Urban development submitted that the situation was occasioned by long process of documentation but that the process had since been completed and works have begun.

### **Pending Bills**

In the Department of Lands and Physical Planning, accounts payable (Pending bill) had a budget provision of Kshs10,408,761 (Recurrent Kshs295,000 Development Ksh4,715,829 and Kshs5,397,932 for Ward based projects). At the beginning of the financial year, Kshs9, 884,761 was outstanding. The department managed to clear Kshs8, 292,077 during the period under review leaving an outstanding balance of Kshs1, 592,684.

The Department however, reported that the pending bill for FY 2022/23 is Kshs30, 659,158 inclusive of commitments, but the one of Kshs1, 592,684 presented by the treasury was for FY 2021/22.

For the Department of Housing and Urban Development, Accounts payable (Pending bill had a budget provision of Kshs7, 577,364 (Recurrent Kshs946, 300 Development Ksh.6, 631,064). From the report, the department had settled all recurrent bills while development pending bills had been settled leaving a balance of Kshs400, 722. The development pending Bill in the approved program based budget amounting to Kshs6,631,064 related to paying the following three service providers, namely; M/S Gaspas Engineering Works ( Kshs2,116,590), M/S Telexas Company (Kshs2,877,492) and part payment to M/S Worthview General Supplies of Ksh1,636,972. A submitted pending bill from the department reveals that the Department did not fully clear the three pending bills but paid each of the three companies Kshs1, 657,764 leaving a balance of Kshs1, 657,764 which was used to part pay a pending bill of M/S Wellaroo. By the end of the financial year, the outstanding balance was Ksh550, 992 having paid Kshs9, 339,942 during the financial year under review. The Department went further and provided an updated pending Bill list of Kshs80, 624,874 inclusive of commitments.

### **Bungoma Municipality**

The Bungoma Municipality had an annual approved budget of Kshs35, 825,680 comprising of Kshs35, 988,591 recurrent and Kshs316, 837,089 for Development expenditure programmes. The absorption of the budget was Kshs30, 545,721 translating to absorption of nine per cent of the entire budget.

Recurrent vote witnessed 74 per cent absorption with personnel emolument being fully utilized. General administration and support services witnessed 78 per cent absorption with Kshs12, 269,446 being spent from a total allocation of Kshs16, 478,471. Planning and financial management with an allocation of Kshs3, 250,000 incurred an expenditure of Kshs1, 225,480 representing 38 per cent absorption.

Under development, Kshs316, 837,089 was allocated to fund the development of various infrastructures in the Municipality but only Kshs2, 339,915 was received and utilized representing 0.74 per cent absorption.

Pending staff receivables (67 of the report) (outstanding imprest) in the Municipality stood at Kshs5, 833,700 by the end of the financial year. There were no Pending bills declared in the Municipality.

## **Kimilili Municipality**

The Kimilili Municipality had an annual approved budget of Kshs605, 916,781 comprising of Kshs37, 715,833 recurrent and Kshs568, 200,948 for Development expenditure programmes (page 23). Kshs32, 492,883 was utilized during the financial year translating to absorption of five per cent of the entire budget.

Recurrent vote witnessed 83 per cent absorption with personnel emolument being fully utilized.

The other operating and maintenance costs with a cumulative allocation of Kshs23, 942,053 realized an expenditure of Kshs17, 524,728 representing 73 per cent absorption.

Under development, Kshs568, 200,948 was allocated to fund the development of various infrastructures in the Municipality but only Kshs1, 194,559 was received and utilized representing 0.21 per cent absorption. The pending staff receivables (outstanding imprests) in the Municipality stood at Kshs2, 366,000 by the end of the financial year. There were no Pending bills declared in the Municipality.

## **CHAPTER FOUR**

### **Committee's Observations and Recommendations**

#### **Committee's Observations**

##### **1. Lands**

- a) There were discrepancies on the approved budget between the Treasury figures and the Departmental figures.
- b) Personnel expenditure had an over expenditure of Kshs3, 028,745.
- c) There was a very low absorption of other operating expenses of only 10 per cent.
- d) Imprests in the department were submitted to have been fully surrendered yet there were no documentary evidence to support this.
- e) Pending bill for the department stood at Kshs30, 659,158 with Kshs1, 974,825 being recurrent and Kshs28, 684,333 for development.

##### **2. Housing**

- a) The Directorate of Housing had an annual approved budget of Kshs208, 094,646 comprising of Kshs35, 039,574 recurrent and Kshs173, 055,072 for Development

expenditure programs. Of this, the absorption was Kshs34, 595,802 recurrent (99 per cent) and Kshs38, 179,164 (22 per cent) development.

The low development absorption is attributed to the delayed procurement process for the construction of the Governor`s residence, Deputy Governor`s residence and the office block.

- b) The conditional grant anticipated in the directorate was Kshs86, 424,018 but by the end of the financial year only Kshs30, 000,000 had been received.
- c) Imprests in the department were submitted to have been fully surrendered yet there were no documentary evidence to support this.
- d) Pending bill for the department stood at Kshs80, 624,874 with Kshs1, 523,774 being recurrent and Kshs79, 101,100 for development.
- e) The department did not settle pending bills as provided for in the approved program-based budget

### **Committee Recommendations**

1. **THAT** the County Treasury should indicate how much each department receives as exchequer to execute its programmes in both recurrent and development in the subsequent reporting on financial statements.
2. **THAT** the Department should be submitting its quarterly/annual work plans and detailed budget implementation report together with the financial statements for easy comparison and oversight purposes.
3. **THAT** the Department should ensure compliance of **Regulation 93(5 and 6 of PFM Regulation, 2015** on surrendering imprest and also enhance imprest management system. A holder of a temporary imprest shall account or surrender the imprest within seven working days after returning to duty station.
4. **THAT** the departments should prioritize pending bills, since it is provided in law that pending bills **MUST** be given first charge. Section 94 (i) of the (PFM) Act,2012 states that;  
*“Failure to make any payments as and when they fall due by the public entity may be an indicator of material breach of measures established under law. To ensure pending bills*

*are paid in time, Article 225 of the Constitution and section 96 of the PFM Act give the treasury powers to stop transfer of funds to the concerned public entity.”*

5. **THAT** the Department and the two Municipalities must report their expenditures separately for easy oversight and for better monitoring and evaluation of their planned programmes.

This was signed by members of the committee and we have some annexures. Thank you Hon. Speaker. I now call upon Hon. Edwin Opwora, Honourable Member of this Committee to second this report thank you.

*(Applause)*

**Mr. Deputy Speaker:** Thank you Hon. Maasai. Hon. Edwin Opwora?

**Hon. Edwin Opwora:** Thank you Mr. Speaker. First of all, I wish to laud my able Chair Hon. Maasai for leading the Committee well and also reading the entire report to completion; given that he has also handled other tasks before in this House. I take this opportunity to say that I second this motion with the recommendations.

**Mr. Deputy Speaker:** Honourable Members, allow me now propose the question for debate.

*Motion proposed*

The Hon. Isaiah Sudi Busolo Khalasinga Member for South Bukusu

**Hon. Sudi Busolo:** Hon. Speaker, thank you so much for giving me this chance; I also wish to applaud the mover of the motion. He is my able Chair Hon. Maasai. I have one comment to make after listening very carefully on the absorption rates especially development side. You see the recurrent is well absorbed but the development; and if you listen very keenly, you saw where like we had put Kshs8 million to purchase five acres for a dump site. They have not done so and many other members who have put money in the Lands Department to buy land for various activities. Even the main budget we had even put money again to employ a valuer.

You see, we are having problems on the purchase of land because we don't have our own valuer. If there is any Member who is elected and putting money on lands to buy land; it so difficult... I expected this Department to have addressed that issue by telling us that they have made an intent to employ a valuer because that money was in the budget; and even when we did the supplementary, we avoided it and up to now because it is not utilised.

I wish to request that the Chair of Lands you do a follow up because we are seriously affected and you see, if you look at the years, we have started a new budget cycle and yet we still have money. We are anticipating employing a valuer, will it really happen? So Chair with due respect, kindly make a follow up so that if we get a valuer, some of us will be comfortable because we

have put money; most of us and you know this money if you don't utilise it, it will be used to settle pending bills. You have seen even in roads where maybe a road is allocated Kshs10 million and they have utilised eight to recover the Kshs2 million, it is not easy because you will be told it was utilised on pending bills. So we don't want this money to go to pending bills. Chair kindly make sure you tell the department to liaise with the Public Service Board so that we get a valuer.

*(Applause)*

**Mr. Deputy Speaker:** Thank you Hon. Sudi, Hon. Joston Ipara Okasida, Member for Tongeren Kiminini

**Hon. Johnston Ipara:** Shukrani sana Bwana Spika. Kwanza nianze kwa kumpongeza mwenyekiti wa hiyo kamati ndungu Francis Chemion kwa kazi nzuri na hasa kwa kuelezea kwa kirefu. Na langu nataka kuweka sauti katika fedha ya mipango ya usafiri; kwa kimombo mnaita *imprest*. Hii pesa kila wakati utaona kila idara wanashindwa kutoa hesabu ya kuonyesha kwamba aliyezichukua alirudisha; na kila wakati unapata kwamba hawakurudisha na kwa sababu tusizozijua.

Kila mara tunasema kwamba ukiona mtu ameshindwa kurudisha pesa ambayo alipewa aende safari na amerudi, ni kuonyesha kwamba safari aliyoenda haikuwepo; na ndungu Sudi amesema jambo moja. Mimi nilitenga pesa mwaka wa 2022 /2023 kununua shamba ya shule ya chekechea na mahali pa kununua shamba na pia kujenga hospitali ndogo katika sehemu ya Binyenya. Kufikia leo, ni miaka miwili imepita na hiyo shamba haijanunuliwa kwa sababu hatujapata nafasi ya yule mtu kwenda kutoa thamani ya hio sehemu ya shamba tunayotaka kununua. Tukiuliza ni kwanini wanasema kwamba tuendelee kutumia ripoti ya thamani iliyotolewa mwaka wa 2022.

Thamani ya shamba inapanda kila siku. Ukiamka asubuhi kama jana ilikua ni shilingi mia moja kesho utapata ni shilingi mia tatu; kwa sababu inahitajika na kila mmoja. Na ukiangalia katika idara zinazopata pesa nyingi katika serikali yetu ya Kaunti, moja yao ni hii idara ya mashamba na bila hili Bunge kutoa sauti ya msimamo mmoja na ya ukali, nafikiria tutapoteza pesa na watu wetu hawatapata faida za zile pesa zimetengewa katika sehemu zao. Kwa hivyo Bwana Spika, nasema naunga na naunga pia mwenyekiti afauatilie kwamba haya mambo yafanyike kwa sababu tumebakia na miezi miwili mwaka wa pesa wa pili ukamilike tukiwa katika hili bunge; na itakua hasara kwetu.

*(Applause)*

**Mr. Deputy Speaker:** Asante sana hababi Mheshimiwa Johnston Okasida Ipara, Mjumbe wa Tongaren- Kiminini Ward. Mheshimwa Maasai?

**Hon. Maasai Chemion (Mover to reply):** Thank you Hon. Speaker. I just wish to respond on the two issues. On the issue of the valuer, the Department of Lands wrote intent to the Public

Service Board and the Public Service Board wrote to the Treasury for confirmation of availability of funds; and up to now, the Treasury has not responded and yet the money is in the budget. I personally went to see the CECM, Finance over the same and he assured me he was going to reply; that it is just a question of writing a letter.

That money is provided for in the budget for the employment of a valuer. So we have issues within the Treasury. I don't know the reason why they are not performing their duties. I went there personally to inquire as to why the money was protected by this House and the Budget Committee, because everybody requires that valuer and it is a matter of county importance... Up to now, unless I check again tomorrow to confirm whether they have written a letter to the Public Service Board to confirm availability of funds. So the issue is the Treasury.

On the issue of imprests, we have written there and we have even quoted the relevant sections of the law that covers imprest and we have asked that the department and those officers must abide by the quoted sections of the PFM Act and other laws that are relevant; it is very clear in our report.

Thirdly, on the absorption of development funds; in our report, it is clear that we have had issues of delayed procurement processes which may be deliberate; because what can explain us passing the budget in June and procurement started may be almost at the end of the financial year. That will definitely affect absorption and some processes may not be completed; and therefore even the monies will not be committed. So we have a very serious issue on the procurement delays.

Other than the procurement delays, the department has had issues with their documents being held at the Treasury. They have a programme, they have budgeted for it, they have requested for funding of the programme yet the documentation is held until the year lapses. We have given an example of monies around Kshs22 million. That the documents had been taken into Treasury for funding and they were not considered. So we have an issue that we need to address with the Treasury.

Finally this one is not supposed to be here... we also have a very big issue with the revenue collection. If everything goes the way it is going, the county will nosedive very soon; because we are going down each year in terms of the local revenue that is collected. Last financial year was very serious Honourable Members.

A report is coming before the house, I don't want to say much about it, and it is coming to inform the House on how we are doing on local revenue collection. We are not doing very well and you know that this affects the plans and the programmes that we may have planned for. I urge the Honourable House to adopt this report.

**Mr. Deputy Speaker:** Thank you the Hon. Maasai Chemion Francis. Honourable Members, a motion, having been moved and duly seconded and debate having ensued and reply made accordingly. I now put a question that this House adopts the report.

*(Question put and agreed to)*

Honourable Members that was the last item on our Order Paper but before we adjourn, I have just received another communication which I wish to make; although most of our members are outside plenary.

## **COMMUNICATION FROM THE CHAIR**

This is in expression of interests. A request for expression of interest from individuals, institutions, agents within Bungoma County willing to sell land to the County Government Of Bungoma in the financial 2022/ 2023; to express their interest within seven days from the date of this notice to their respective Ward offices or to the Chief Officer for Lands Urban and Physical planning during working hours.

The Ward in question is Elgon Ward; specification- purchase of eight acres of land for Kaberwa Tea factory in Mt Elgon.

Requirements,

1. Expression of interest letter stating the size of land to be sold plus price per acre
2. Current official search from the county land registry,
3. Copy of title deed in the names of the one expressing interest
4. Copy of national identification card
5. Copy of KRA pin
6. Congruence letter by the spouse.

This is by George Kombo; Chief Officer Lands, Urban Physical Planning. So Honourable Members, you can pass this information to those especially from the Ward in question so that the government can purchase this land for construction of the factory.

**Hon. Francis Chemion:** Hon. Speaker, just on what you have read...

**Mr. Deputy Speaker:** Yes Hon. Maasai...

**Hon. Francis Chemion:** I don't know if my ears got it right... which year is that? Which financial year? Because the Kshs10 million is in the budget of 2023/2024.

**Mr. Deputy Speaker:** Okay, thank you, Hon. Chemion. I think for me I read it as it is... Maybe there is something that the House will be informed about; but I have read the letter as it was forwarded from the Office of the Clerk. So Honourable Members take note of that. Any other issues maybe as we move along we shall be informed. Thank you so much.

## **ADJOURNMENT**

The House stands adjourned to tomorrow at 2:30 P.M.

*The House rose at 4:30 p.m.*