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CHAPTER ONE

1.1 PREFACE

1.1.1 Objectives of the report

The report seeks to:

1. Summarise for the House and the Public the work undertaken by the Assembly during the period under review.
2. Assess the impact of the work; and
3. Comment on any general matters which are considered important.

This report covers activities of the County Assembly of Bungoma from Tuesday 13th February to Wednesday 15th May, 2024.

1.2 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

The County Assembly House Business Committee is established pursuant to Standing Order 173 (1). Specifically Standing Order 173 (4) provides for the mandate of the Committee as follows:

- (a) Prepare and, if necessary, from time to time adjust the County Assembly Calendar with the approval of the County Assembly;
- (b) Monitor and oversee the implementation of the County Assembly Business and programmes.
- (c) Implement the Standing Orders respecting the scheduling or programming of the business of the County Assembly and the functioning of the Committees of the County Assembly;
- (d) Determine the order in which the reports of Committees shall be debated in the County Assembly;
- (e) may take decisions and issue directives and guidelines to prioritize or postpone any business of the County Assembly acting with the concurrence of the Leader of the Majority Party or the Leader of the Minority Party, as the case may be.
- (f) Consider such matters as may from time to time arise in connection with the business of the County Assembly and shall have and perform such powers and functions

as are conferred on and ascribed to it by these Standing Orders or from time to time by the County Assembly.

1.3 COMMITTEE MEMBERSHIP

The Committee as currently constituted comprises of the following Members:

- | | |
|----------------------------|-----------------------|
| 1. Hon. Emmanuel Situma | Speaker (Chairperson) |
| 2. Hon. Stephen Wamalwa | Deputy Speaker |
| 3. Hon. Joseph Juma | Member |
| 4. Hon. Anthony Lusenaka | Member |
| 5. Hon. Meshack Wekesa | Member |
| 6. Hon. Miliar Masungo | Member |
| 7. Hon. Stephen Kaiser | Member |
| 8. Hon. Violet Makhanu | Member |
| 9. Hon. Jack Wambulwa | Member |
| 10. Hon. Hentry Nyongesa | Member |
| 11. Hon. Johnston Ipara | Member |
| 12. Hon. Cornelius Makhanu | Member |
| 13. Hon. Jacob Psero | Member |
| 14. Hon. Metrine Nangalama | Member |
| 15. Hon. Mildred Barasa | Member |

1.4 ACKNOWLEDGEMENT

The Committee extends its appreciation to the Offices of the Speaker and the Clerk of the County Assembly for the support accorded to it in the execution of its mandate. On behalf of the House Business Committee, I now have the honour to present the report to the House for ~~deliberation and~~ adoption.

SIGN  DATE *27th May 2024*

HONOURABLE EMMANUEL SITUMA

SPEAKER OF THE COUNTY ASSEMBLY/CHAIRPERSON

CHAPTER TWO

2.1 RESUMPTION OF THE HOUSE AND CALENDAR OF THE HOUSE

The County Assembly resumed its Sittings on Tuesday 13th February, 2024 after the December, 2023 long recess. The first business undertaken by the House at the commencement of the Session was to approve the calendar of regular sittings, and the establishment of the House Business Committee, among other matters.

On Tuesday, 13th February, 2024 the County Assembly considered and approved its Calendar of Regular Sessions 2024 while introducing periods of short and long recess to give Members of the County Assembly some time to visit their electorates, perform Committee functions and to have time with their families. On Tuesday, 13th February, 2024 the House, by resolution, approved the House Business Committee membership.

During the period under consideration, the County Assembly had anticipated forty four (44) Sittings from 13th February to 2nd May, 2024. At the end of the period, the House managed thirty eight (38) Sittings including three (3) Special Sittings translating to 86.4% achievement as shown in the table below:

| S/No. | MONTH | REGULAR SITTINGS | SPECIAL SITTINGS | Total |
|-------|--------------|------------------|------------------|-------------------|
| 1. | February | 12 | - | 12 |
| 2. | March | 11 | - | 11 |
| 3. | April | 11 | - | 11 |
| 4. | May | 01 | 03 | 4 |
| | Total | | | 38 (86.4%) |

Committee Observations

1. From the thirty eight (38) Sittings, it was noted that three (3) Sittings were interfered with by lack of quorum while thirty five (35) had quorum.

2. Hon. Members attending Sittings of the County Assembly offer valuable insights into legislative processes, democratic norms, and the performance of representative roles in fulfilling their responsibilities.

2.2 SPECIAL SITTINGS OF THE COUNTY ASSEMBLY

The House held three Special Sittings on Wednesday 15th May, 2024. The businesses transacted by the House during the Special Sittings were as follows;-

Special Sitting held at 9:00 a.m.

- a) Tabling of the report by the Budget and Appropriations Committee report on the Bungoma County 2nd Supplementary Budget for the FY 2023/2024
- b) Issuance of notice of Motion on the report by the Budget and Appropriations Committee on the Bungoma County 2nd Supplementary Budget for the FY 2023/2024
- c) 1st Reading of the Bungoma County Public Participation and Civic Education Bill, 2024
- d) 1st Reading of the Bungoma County Valuation and Rating Bill, 2024
- e) 1st Reading of the Bungoma County Access to Information Bill, 2024

Special Sitting held at 11:00 a.m.

- a) Motion on the report by the Budget and Appropriations Committee on the Bungoma County 2nd Supplementary Budget for the FY 2023/2024

Special Sitting held at 2:30 p.m.

- a) Second Reading of the 2nd Supplementary Appropriation Bill, 2024
- b) Committee on Supply
- c) 3rd Reading of the 2nd Supplementary Appropriation Bill, 2024

2.3 VISITING DELEGATIONS AND PUBLIC INTERACTIONS WITH THE COUNTY ASSEMBLY

As part of citizen participation in its proceedings in accordance with the principles of citizen participation under Article 196 of the Constitution, the County Assembly has been welcoming citizens in both its Chamber and Committee proceedings. A delegation from Turkana County Assembly visited the House during the period under review on

28th February, 2024. There were various schools that visited the County Assembly on learning tours and followed proceedings from the Public Gallery. These were:

1. Nang'eni Girls Secondary School from West Bukusu Ward; 14th February, 2024
2. St Francis of Assisi Myanga Secondary School from Kimaeti Ward; 22nd February, 2024
3. Little Marafiki Academy from Musikoma Ward; 12th March, 2024
4. Baptist Girls High School from Township Ward; 13th March, 2024
5. St Mary's High School Webuye from Maraka Ward; 26th March, 2024
6. Toroso S.A Primary and Junior School from Chesikaki Ward; 28th March, 2024
7. Friends Secondary Kibisi from Mbakalo Ward; 2nd April, 2024

Committee Observations

1. Delegation visits to the County Assembly play a valuable role in civic education, helping to prepare the next generation of informed and engaged citizens. Further, visiting the County Assembly exposes delegations to the workings of government and the democratic process. They get to witness debates, learn about the roles of different branches of government, and understand how laws are made.

2.4 PRESIDING DURING THE PERIOD UNDER REVIEW

Presiding Speakers presided over thirty eight (38) Sittings during the period under review (February – May, 2024) as follows:

Hon. Emmanuel Situma (Speaker); **23 sittings**

Hon. Stephen Wamalwa (Deputy Speaker); **10 sittings**

Hon. Benjamin Otsiula (Panelist 2); **05 sittings**

Committee observations

1. The Hon. Speaker presided over most of the Plenary Sittings followed by the Deputy Speaker and a Member of the Speaker's Panel.
2. The Presiding Speakers maintained neutrality and impartiality while overseeing Plenary Sessions, upheld parliamentary rules and procedures, enforced the rules by maintaining order during debates and recognized members who wished to speak on a matter, recognized speaking time limits and ensured that all relevant viewpoints were heard.

2.5 BUSINESS UNDERTAKEN DURING THE PERIOD UNDER REVIEW

2.5.1 Communication from the Chair

Communications from the Chair contain substantial administrative directions from the Speaker of the County Assembly. The Speaker addresses the House on various issues arising from debates or requests for rulings by any member of the County Assembly. The Presiding Speaker also issues formal communication to the House to respond to emerging issues; or to address issues relating to the conduct of business in the House.

The Presiding Speakers may further issue a communication when they have information to pass on to the County Assembly from their Office or any other Office. The Committee underscored the importance of the same and noted that there is need to track the action points in the communications. Communication from the Chair may attract comments from members in the House at the discretion of the Chair.

During the period under review, a total of twenty four (24) communications were conveyed. They were grouped into following subject lines:

- i. Plenary and Committee sittings
- ii. General legislative administration
- iii. Coalitions issues and political events
- iv. Visiting delegations
- v. Events by the County Government
- vi. Honourable Members' welfare; and
- vii. Public holidays among others

The distribution of Communications per month was as follows:

| Year | February | March | April | May |
|------|----------|-------|-------|-----|
| 2024 | 11 | 05 | 05 | 03 |

Committee observations

1. Communication by the Presiding Speaker(s) in the County Assembly is of utmost importance to facilitate orderly and productive debates, maintain order and discipline during Plenary Sessions, upholding decorum and interpreting Rules among others.

2.5.2 Messages from H.E the Governor

Pursuant to Standing Order 45, the House received and processed four (4) Messages from H.E the Governor. One Message was with regard to nomination of a person for appointment to the position of Bungoma County Attorney which was later on recalled (withdrawn).

2.5.3 Public Petitions

The provisions of Article 37 of the Constitution and Section 15 of the County Governments Act, 2012 state that a person has a right to petition a County Assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation. Every Petition presented pursuant to Section 15 of the County Government's Act, 2012 stands committed to the Committee on Justice and Legal Affairs. The Committee shall in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners.

During the period under consideration, two Petitions were concluded by the Committee on Justice, Cohesion and Legal Affairs within the stipulated timelines. The two Petitions were:

- i. Petition by the integrated and Chebui cave dwellers community on the need to assist the IDPs and evacuate the 11 families from Chebui Cave – *prayers granted*.
- ii. Petition by Martin Musungu Kichamba, Martin Mulumeti, Ben Matabili and Leonard Watima concerning poor management of the new Chesikaki farmers' Co-operative Society and illegality of the current office bearers – *Two prayers were granted while one was not*.

Committee observation

1. Public Petitions to the County Assembly are essential for promoting citizen participation, accountability, and transparency in democratic governance. They strengthen the relationship between government and society, enhance the quality of decision-making and contribute to the realization of democratic ideals and principles.

2.5.4 Papers laid

During the period under review, a total of eighty (82) Papers were laid before the House. Out of these, thirty eight (38) were from various Committees as outlined in the table below:

| S/NO | COMMITTEE | REPORTS TABLED |
|------|---|----------------|
| 1. | House Business Committee | 03 |
| 2. | Liaison Committee | 01 |
| 3. | Finance and Economic Planning | 04 |
| 4. | Public Administration and ICT | 03 |
| 5. | Labour Relations, Members' Services and Facilities | 01 |
| 6. | Health Services | 02 |
| 7. | Land, Urban, Physical Planning and Housing | 01 |
| 8. | Roads, Transport, Infrastructure and Public Works | 02 |
| 9. | Education and Vocational Training | 02 |
| 10. | Youth Affairs and Sports | 02 |
| 11. | Gender, Culture and Social Welfare | 02 |
| 12. | Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development | 02 |
| 13. | Tourism, Environment, Water and Natural Resources | 02 |
| 14. | Trade, Energy and Industrialization | 02 |
| 15. | Budget and Appropriations | 03 |
| 16. | Public Accounts and Investments | 02 |
| 17. | Delegated County Legislation | 01 |
| 18. | Justice, Cohesion and Legal Affairs | 02 |
| 19. | Committee on Implementation | 00 |
| 20. | Selection | 00 |
| 21. | Committee of Powers and Privileges | 01 |
| 22. | Procedure and House Rules | 00 |
| 23. | Speaker's Panel | 00 |

| | | |
|-----|---------------------------|-----------|
| 24. | Committee on Appointments | 00 |
| 25. | Total | 38 |

Other Papers laid were:

- i. Four (4) reports from the County Assembly Service Board
- ii. Thirteen (13) Policies/Guidelines from the County Executive
- iii. Seventeen (17) other reports from the County Executive
- iv. Ten (10) reports of the Auditor General

Committee observation

1. During the period under review, there were a total of thirty eight (38) papers from Committees presented in the House.

Committee recommendation

1. That, Committees should continue ensuring timely submission of reports for processing.

2.5.5 Policies and Guidelines

During the period under consideration, the County Assembly received thirteen (13) Policies and/or guidelines which were committed to various Committees for processing. One Policy; Short Term Contractual Policy for Bungoma County Public Service, 2023 had been considered and adopted by the House.

2.5.6 Regulations

Section 12 of the Statutory Instruments Act, No. 23 of 2013 (revised 2015) requires that the relevant Committee of the County Assembly considers any Statutory Instrument made under any law, before it could have a full force of the law. The relevant Committee is the Committee on Delegated County Legislation, which may, in exercise of the delegated power give a “no-objection” verdict to a Statutory Instrument on behalf of the County Assembly or recommend that the House annuls all or part of a particular Statutory Instrument.

During the period between February and May, 2024, one (1) Regulation; The Public Finance Management (Bungoma County Executive Employees’ Car Loan and Mortgage

Scheme Fund) Regulations, 2023 which was introduced on 7th December, 2023 was annulled.

2.5.7 Questions and Statements

Members have an opportunity to raise matters of concern to the people. Standing Orders 46, 47 and 48 allow Members to make or request general statements or raise personal statements in the House, and also allow the Party Leaders and Chairpersons of Committees to issue Statements on matters under the mandate of Committees' purview. This allows Members to play their oversight and representative roles on behalf of the people, therefore resolve matters of concern. During the period under consideration, ten (10) Statements issued were pursuant to the provision of S O 47 (2) (c) informing the House of the business coming before it during the following week.

Four (4) Questions were directed to respective County Executive Committee Members who are expected to respond before the House. The table below indicates the status of all Questions before the House, whether responded to and satisfactory, unsatisfactory or not responded to.

| S/ No | Department | Number of Questions | Responded to and satisfactory | Unsatisfactory | Not responded to |
|-------|---|---------------------|-------------------------------|----------------|------------------|
| 1. | CECM; Tourism, Water, Environment and Natural Resources | 1 | | | |
| 2. | CECM; Health and Sanitation | 1 | | | |
| 3. | CECM; Education and Vocational Training | 1 | | | |
| 4. | CECM; Finance and Economic Planning | 1 | | | |
| | Total | 04 | | | |

Committee observations

1. Four (4) Questions were directed to respective County Executive Committee Members who are expected to respond before the House upon resumption of sittings after the May, 2024 long recess.

Committee recommendations

1. Members should make use of the time allocated during the Members' General Statements as per Standing Order 46, during Statement Hour as provided for in the Standing Order 47 (2) (c) and Standing Order 48 on Personal Statements to raise issues on the floor of the House.

2.5.8 Motions

During the period under review, the House considered thirty three (33) Motions; this included one Motion on the report by Joint Committees of Public Accounts and Investments of Bungoma and Trans Nzoia County Assemblies on the interrogation of the Nzoia Water Services Company Limited Auditor General's report on the Financial Statements for the period ended 30th June, 2022.

Thirty one (31) Motions were passed and two not adopted. One Motion on the report by the Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development on the Bungoma County Government 4th Quarter financial statements for the period ended 30th June, 2023 with respect to the Department of Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development was withdrawn by the Chairperson of the Committee.

Further, the Motion on the report by the Sectoral Committee on Youth Affairs and Sports on the Bungoma County Government 4th Quarter Financial Statements for the period ended 30th June, 2023 with respect to the Department of Youth and Sports was not adopted. The report was referred back to the Committee.

Debate on a Motion on the report by the Committee on Public Administration and ICT was adjourned on 28th February, 2024 due to lack of quorum. The Motion was later adopted on 12th March, 2024

Committee recommendations

1. The Committee Chairpersons, whose Committee business has been scheduled in the Order Paper, should ensure that members of Committees are present to support their report during Plenary Sitzings.
2. The Committee on implementation should fast-track the follow-up on implementation status of House resolutions.
3. The House should dispense of reports once laid on the Table without referring them back to Committees that processed the businesses under consideration.

2.5.9 Bills

Apart from the statutory Bill; the Bungoma County 2nd Supplementary Appropriation Bill, 2024, three legislative proposals were introduced:

- i. The Bungoma County Public Participation and Civic Education Bill, 2024
- ii. The Bungoma County Access to Information Bill, 2024
- iii. The Bungoma County Valuation and Rating Bill, 2024

The Bills were committed to respective Sectoral Committees for processing as per the provisions of the Standing Orders.

Committee recommendation

1. Timelines provided for in the Standing Orders in regard to processing of a Bill should be followed to ensure many Bills are passed in the House.

2.5.10 Vetting of nominees for appointment to public office

The County Assembly exercised its oversight role as mandated by law in undertaking vetting of the nominee for appointment to public office forwarded to the House by H.E the Governor.

During the period under review, the nominee for appointment to the position of Bungoma County Attorney was vetted by the Committee on Appointments on 25th April, 2024. However, H.E the Governor wrote to the Clerk of the County Assembly withdrawing the name of the nominee before the Committee's report was tabled in the House.

CHAPTER THREE

3.1 General Observations and Recommendations

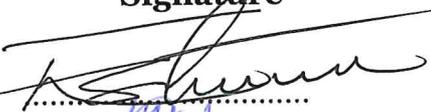
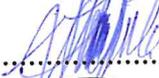
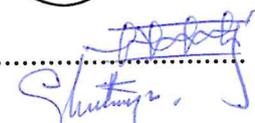
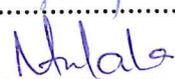
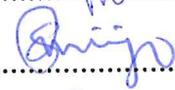
The Committee having considered the analysis of the affairs of the House makes the following recommendations:

1. **THAT**, Committees and members should **thoroughly prepare for plenary sessions** by familiarizing themselves with the agenda items, relevant documents, and background information. This preparation ensures informed and constructive participation in debates and decision-making processes.
2. **THAT**, Committees and members should **adopt a collaborative approach to deliberations**, engaging in constructive dialogue, and seeking common ground on contentious issues. Cooperation among different County Assembly factions fosters consensus-building and enhances the effectiveness of legislative outcomes.
3. **THAT**, Committees and members should **prioritize key issues of County importance**, focusing their attention and resources on addressing pressing challenges and advancing legislative agendas that benefit the public interest.
4. **THAT**, Committees and members should **base their decisions on credible evidence, expert analysis, and empirical data** to ensure that legislative proposals are well-informed and grounded in sound research and analysis.
5. **THAT**, Committees and members should ensure that **parliamentary processes are transparent, inclusive, and accountable to the public**. This includes providing opportunities for public input, conducting hearings, and consultations, and maintaining openness to feedback and criticism.
6. **THAT**, Committees and members should **adhere to rules and procedures, respecting established norms of decorum, civility, and orderliness during plenary sessions**. This promotes fair and respectful debate, while also upholding the integrity of the legislative process.
7. **THAT, the deliberations of the House in regard to any business is final** and can either at the end of the deliberations, adopt, reject or amend any part of

the report **without referring the same** back to Committees as there are no procedures of referring a report to the Committee after it has concluded its businesses.

ADOPTION SCHEDULE

We, Members of the House Business Committee, have pursuant to Standing Order 202(5) adopted the report. We append our signatures to affirm our approval of the contents therein.

| Name | Designation | Signature |
|----------------------------|-----------------------|---|
| 1. Hon. Emmanuel Situma | Speaker (Chairperson) |  |
| 2. Hon. Stephen Wamalwa | Deputy Speaker |  |
| 3. Hon. Joseph Nyongesa | Member |  |
| 4. Hon. Anthony Lusenaka | Member |  |
| 5. Hon. Meshack Wekesa | Member |  |
| 6. Hon. Miliar Masungu | Member |  |
| 7. Hon. Jack Wambulwa | Member |  |
| 8. Hon. Johnston Ipara | Member |  |
| 9. Hon. Hentry Nyongesa | Member |  |
| 10. Hon. Jacob Psero | Member |  |
| 11. Hon. Cornelius Makhanu | Member |  |
| 12. Hon. Metrine Nangalama | Member |  |
| 13. Hon. Violet Makhanu | Member |  |
| 14. Hon. Stephen Kaiser | Member |  |
| 15. Hon. Mildred Barasa | Member |  |