

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

THURSDAY, 5TH SEPTEMBER, 2024

Afternoon Sitting

3rd County Assembly

3rd Session

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COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

THURSDAY, 5TH SEPTEMBER, 2024

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

REARRANGEMENT OF THE ORDER PAPER

Hon. Members, under item number 9 on our Order Paper, is the Bill for Bungoma County Access to information Bill that is supposed to proceed to the Committee of the Whole House. I did receive proposed amendments from Hon. Ken Wanyama that he had proposed to have amendments be done in this Bill. The same was subjected to the legal department for verification and some of the proposed amendments specifically proposed amendment to Section no. 7, Section no. 8, schedule no. 9 and in conclusion, some of the proposed amendments are unconstitutional. So the way to go is very simple, ask the owner of the proposed amendments and the legal department to sit and harmonize those areas which are becoming unconstitutional. Once we are done, we will come back and have our second reading and lastly the Committee of the Whole House.

In view of that, item No.9 and 10 are taken out of today's Order Paper and I urge Members that since you are already having those yellow Bills, look at them at your own pace, when we come for Committee of the whole House, you always rest your eyes here, it's not something new. Now when you are relaxing at home or whichever way in your comfort zone, when it comes back for debate, you will be prepared for some serious debate over the same.

So I will urge Members that they take care of those books so that when we come for the Whole House, you will be prepared.

PAPERS

THE FOURTH QUARTER FINANCIAL STATEMENT FOR THE ESTABLISHMENT OF COUNTY FUNDS FOR THE FINANCIAL YEAR ENDED 30TH JUNE, 2024

1. The Fourth Quarter Financial Statement for Youth and Women Fund.
2. The Fourth Quarter Financial Statement for Disability Empowerment Fund.
3. The Fourth Quarter Financial Statement for Education Support Scheme.
4. The Fourth Quarter Financial Statement for Climate Change Fund.
5. The Fourth Quarter Financial Statement for Disaster Management and Emergency Fund.

6. The Fourth Quarter Financial Statement for Trade Development Loan Fund.

(Papers laid by Hon. Joseph Nyongesa)

Mr. Speaker; Hon. Members, allow me be able to make the following committals of the documents tabled by the Leader of Majority.

Fourth quarter financial statement for Youth and Women fund, the same document is committed to the Joint committees of Youth and Sports and Gender and Cultural for processing and reporting back.

The second document the Fourth Quarter Financial Statement for Disability and Empowerment Fund is taken to the committee of Gender and Culture for processing and reporting back.

The third document is Fourth Quarter Financial Statement for Education Support Scheme is committed to the committee of Education and Vocational Training accordingly.

The Fourth Quarter Financial Statement for Climate Change is committed to the committee of Tourism, Wildlife and Environment for processing and reporting back.

Fourth Quarter Financial Statement for the Disaster Management and Emergency Fund emergence fund the committee of Finance and Economic Planning for processing and lastly the Fourth Quarter Financial Statement for Trade Development Loan Fund the same document is committed to the committee of Trade for processing and reporting back to the House accordingly.

So, I think we have enough work for each committee.

STATEMENTS

BUSINESSN OF THE COMMENCING TUESDAY 10TH TO THURSDAY 12TH SEPTEMBER, 2024

Mr. Speaker: Hon. Ipara, proceed and share the tentative Order Paper for next week.

Hon. Johnston Ipara: Thank you, Hon. Speaker. This is a tentative weekly program of the business of the County Assembly for the week commencing Tuesday 10th to Thursday 12th September, 2024.

Tuesday 10th September, 2024 at 2:30 p.m.

Papers

1. A report by Justice, Cohesion and Legal Affairs Committee on the scrutiny of the ethnic and diversity audit of the County Public Service 2023.

Notices of Motion

1. That this House adopts the report by Justice, Cohesion and Legal Affairs Committee on the scrutiny of ethnic and diversity audit of the County Public Service 2023.

Motions

1. A report by the sector committee on Gender, Culture and Social Welfare on the first and second quarter financial statements for the financial year 2023/2024.
2. A report by the sector committee on public administration and ICT on the consideration of the Bungoma County public participation and civic education Bill 2024.

Bills

1. The Bungoma County access to information Bill 2024.

Wednesday 11th September, 2024 at 9:30 a.m.

Motions

1. A report by the sector committee on Lands, Urban ,Fiscal Planning and Housing on the Bungoma County valuation and rating Bill 2023.

Bills

1. The Bungoma County public participation and civic education Bill 2024.
2. Committee of the Whole House on the Bungoma County public participation and civic education Bill 2024.

Wednesday 11th September, 2024 at 2:30 p.m.

Motions

1. A report by the Public Accounts and Investment Committee on the Bungoma County Disaster and Emergency Fund for the period ended 30th June 2022.

Bills

1. The Bungoma County valuation and rating Bill 2024.
2. Committee of the Whole House on the Bungoma County valuation and rating bill 2024.
3. The Bungoma County public participation and civic education Bill 2024.

Thursday 12th September, 2024 at 2:30 p.m.

Question and Statements

1. It is notified that person to Standing Order no. 47 to a member of the House Business Committee shall inform the House of the weekly business of the House for that particular week.
2. It is notified that person to Standing Order 55 the County Executive Committee Member for Finance and Economic Planning will respond on a statement on Thursday afternoon 12th September 2024 on a statement by the member for Tongaren/ Kiminini Ward Hon. Johnston Ipara.

Motions

1. A report by the joint committee on Public Administration and ICT and Labor Relations members services and facilities on the consideration of the Bungoma County internship policy 2023.
2. A report by the sector committee on Trade, Energy and industrialization on the half year financial statements for the period ended 31st December 2023.

Bills

1. The Bungoma County Valuation and Rating Bill 2024.

That is the end of the tentative weekly program for next week, I submit.

Mr. Speaker; Thank you Hon. Ipara Okasida for sharing the tentative weekly program of next week of this House as scheduled by the HBC accordingly.

Next item,

QUESTIONS AND STATEMENTS

2. It Is Notified That First One To Stand In Order 47(2)C Chairperson Sector Committee Roads, Transport, Infrastructure And Public Works And Lands, Urban And Fiscal Planning And Housing Will Respond On A Statement Sought By Hon. John Kennedy Wanyama.

Mr. Speaker: Before we proceed I'm seeing here a response... no there's a response or what but signed for Hon. Chemion, so do you know who signed for him? You are the vice chair? It is okay you could have just signed us

Hon. Linda, vice Chair of the committee; there's nothing wrong, you ought to own it so that when you ask questions we are able to proceed so Hon. Okasida, you will be able to come and ask a statement so that we are able to have a feedback.

(Hon. Okasida tries to talk off mic)

Yes, it has to go on HANSARD. It's Okasida to start. What is he responding to a statement.. So, Ken, you must come and lay your statement afresh, sorry for the confusion. I thought it was the one for revenue. Proceed. I have seen the one for revenue in our weekly program. Yes, Hon. Ken Wanyama, you will be allowed to ask then we will be able to have the response, so that members can be able to make the ventilations.

Hon. Kennedy Wanyama: Thank you, Mr. Speaker. I sought a statement from the Chairperson of the Committee on Roads, Transport, Infrastructure and Public Works and the Committee on Lands, Urban, Physical, Planning and Housing on the status in relation to business owners' parking and obstruction of trucks and Lorries along Kanduyi-Sangalo Junction Dual Carriage road and its current status.

The chairpersons to respond to the following;

1. Provide a list of business owners' parking and obstructing other road users along Kanduyi-Sangalo dual carriageway.
2. Explain the legal action the department has taken in respect to business owners mentioned in one above.
3. Explain plans the department is having for alternative parking areas.
4. Explain why the department has not included the zebra crossing in sections of roads for safe crossing of pedestrians.
5. When is the department developing zebra crossings to avert accidents when pedestrians are crossing?
6. Drainage system along Kanduyi-Sangalo Junction dual carriage road remains a menace that has claimed properties and businesses of the residents in the area. Noting that management of storm water is a function of the county government as provided for in part two of the fourth schedule to the constitution, explain the steps the department is taking to construct a proper drainage system.
7. During the execution of beautification program, flowers and other ornamental trees were planted along the road and immediately destroyed by roaming animals in town making the county lose colossal amount of money.

In that respect, explain;

- i. How much has been paid to the contractor?
- ii. Provide the contract agreement,
- iii. The current status as to the extent of the destruction,
- iv. The steps the department is taking to carve the same,
- v. Who will bear the cost of rehabilitation of the same program in case it's redone,
- vi. Whether there was value for money bearing in mind article 201, subsection D of the constitution as read together with section 149, subsection 10 of the Public Finance Management Act 2012. Thank you

Mr. Speaker: The Hon. Member for the Committee of Roads is allowed now to proceed and give us a feedback.

Hon. Johnston Ipara: Thank you, Hon. Speaker. On behalf of the Committee on Roads, Transport, Infrastructure and Public Works, I present a response on a statement by Hon. John Kennedy Wanyama on the following issues.

Pursuant to Standing Order No. 54 that states that the chairperson of a committee shall submit a progress report to the House on questions A, referred to the committee, B, replied to, C, which the committee has directed a County Executive Committee Member to provide additional information or further reply and D, pending before the committee.

The Committee on Roads received a question sought by Hon. John Kennedy Wanyama in this House on 30th June July, 2024 and referred to committee for reply.

Pursuant to Standing Order 47(2)© of the Bungoma County Assembly Standing Orders seeking the CECM to respond to the following questions;

1. Provide a list of business owners, parking and obstructing other road users along Kanduyi-Sangalo dual carriageway.

2. Explain the legal action the department has taken in respect to business owners mentioned in one above.
3. Explain plans the department is having for alternative parking areas.
4. Explain why the department has not included the zebra crossing in sections of the roads for safe crossing of pedestrians.
5. When is the department developing zero crossing to avoid accidents when pedestrians are crossing.
6. Drainage system along Kanduyi-Sangalo junction dual carriageway remains a menace that has claimed properties and businesses of the residents in the area. Noting that management of storm water is a function of the county governments as provided in part two of the fourth schedule to the constitution. Explain the steps the department is taking to construct a proper drainage system.
7. During execution of beautification program, flowers and other ornamental trees were planted along the road and immediately destroyed by roaming animals in town, making the county lose colossal amount of money. In that respect, explain;
 - i. How much has been paid to the contractor.
 - ii. Provide the contract agreement.
 - iii. The current status as to the extent of destruction.
 - iv. The steps the department is taking to cap the same.
 - v. Who will bear the cost of rehabilitation of the same program in case it is redone.
 - vi. Whether there was value for money bearing in mind article 201D of the constitution as read together with section 14910 of the public finance management act 2012.

The CECM for Roads appeared before the committee on 6th August 2024 and responded to the questions raised in the statement as follows;

They provided a list of business owners parking and obstructing other road users along Kanduyi-Sangalo dual carriage.

Response: the department reported that they had observed impending damage to the road pavement and obstruction of road users by trucks assessing premises located along the Kanduyi-Sangalo dual carriageway, formerly Western Energy Filling Station. Through a letter dated 18th April 2024 to the director of Rudra Enterprises, they notified the director of the damage and obstruction and highlighted an action plan for the adoption to reduce the damages, a copy of which was submitted.

Further, the committee sought to find out if the CECM was aware that the owner of the trucks had moved them from filling station to Sikata.

In response, the CECM informed the committee that as a department they were aware. They took the initiative of visiting the police station to report the matter.

Traffic police were sent there, but no report was brought back from the police. Instead, the police made it a cash cow, making the number of vehicles to increase tremendously. As a remedy, the department decided to park a grader at the entrance.

Mr. Speaker: Hon. Ipara, you know we are going to ask you a question. Read the first question what you have given as a response to question one

Hon. Johnston Ipara: Provide a list.

Mr. Speaker: We are waiting for that list.

Hon. Johnston Ipara: Hon. Speaker, on the other documents that were forwarded, the list was attached. And that is why in the statement I have said, in the other list, the list is attached. on the one that I am having right now it's not attached.

Mr. Speaker: Don't say that to me. What you bring to the Speaker's office is what you ought to have, all of you, on your gadgets, because you know Hon. Cornelius is here. And he sees those people parking those vehicles there. He knows them from Kanduyi to the end of his ward. I also see them like offloading cement. So I want that lists here, so if this one you are giving us an answer, I think you ought to get serious.

Hon. Johnston Ipara: I totally agree. I need to get serious, Hon. Speaker,

(Laughter)

and make sure that at least the list is attached.

Mr. Speaker: Hon. Okasida, the question is so simple. Provide a list. We want that list.

Hon. Johnston Ipara: I will request the two clerks who are seated in front of you, one of them should rush and get me the copy of the list.

Mr. Speaker: You know what we are doing here? Somebody's being mischievous. You know I am expecting all the Hon. MCAs having copies plus attachments in their gadgets., so that we know who are these people. If it is Khetia then it is known. So we want those names or else where we are heading to, we are going nowhere.

(Laughter)

Hon. Johnston Ipara: Hon. Speaker, maybe for question one, you may excuse me for this moment as they go and get that copy.

Mr. Speaker: You know the problem is after we finish. These people are supposed to be having copies, even as we are sitting and they want to search on NTSA, know who is the owner of this motor vehicle we are talking about? You proceed, they will ask you questions here. Proceed, but I will prepare it in advance.

Hon. Johnston Ipara: Thank you, Hon. Speaker for the patience. Let me proceed. Question two, explain the legal action the Department has taken in respect to business owners mentioned in one above.

The CECM submitted that as a result of failure by the enterprise to comply with the action plan, the Department engaged the County Legal Enforcement Unit at the office of the County Commissioner, the County Government Enforcement Unit, and the Fire Safety Inspection Director to address the matter, a process that is still on course as per the attached correspondence letter. I know also this one is an issue because the correspondence letter is not attached on the copy I have, and I believe it's also not attached on the copy I have.

Question three: explain plans the Department is having for an alternative parking area.

Response

The Department has continued to provide more public parking areas in all towns in the county with high traffic density to ensure safety of the road users and reduce congestion within the central business district. By;

- i. Designation of more parking areas on feeder lanes and public places within the town.
- ii. Guiding motorist operators through parking signs with the support of enforcement officers from the county.
- iii. The County Department of Lands and Municipality is in the process of acquiring a strategic location for parking of trailers to decongest Kanduyi and the Bukembe areas along A8 road.

Question four: explain why the Department has not included the zebra crossing in sections of the roads for safe crossing of pedestrians.

Response: the Department has not marked zebra crossings on the road section because the project is still under implementation; it awaits an additional AC layer to pave way for the installation of road furniture which includes road signs and zebra crossings. Other reasons raised by the CECM; road carriage was still under construction. He added budgetary constraints and that conversation are ongoing to address the issue of road maps and road signs and a pending bill of 292 million.

Question five: When is the Department developing zebra crossing to avoid accidents when pedestrians are crossing?

Response: The zebra crossings will be marked after laying of the final layer which had been delayed due to inadequate budgetary provisions to clear pending works satisfied.

Question six: Drainage system along Kanduyi-Sangalo Junction Dual Carriage remains a menace.

Response: The design of the project on its entire stretch from Kanduyi- Sangalo Junction provides an adequate drainage system that includes nine in a number outfalls leading to River Khalaba to manage storm water on the entire section.

However, siltation and the damping of Solid waste within the drainage system have resulted in blockage which has led to the menace. While the construction of storm water management system along the transport lines is a function of the Department of Roads, its management falls within the Department of Environment.

Question seven: During execution of beautification program, flowers and other ornamental trees were planted along the road and immediately destroyed by roaming animals in town, making the county lose colossal amount of money.

Response: To be responded to by the Department of Lands, Urban and Physical Planning and Housing because they are the ones who supervise the project.

Having raised the concerns and listened to the response from the CECM, Hon. John Kennedy Wanyama appreciated the CECM for his elaborate response and confirmed with the committee that he was satisfied with the response. I beg to report, on behalf of the Chair of Roads, Hon. Franklin Simotwo, MCA, Chepyuk Ward.

Mr. Speaker: So, when the CECM appeared, Hon. Kennedy was present?

Hon. Johnston Ipara: Hon. Ken was present from the start.

Mr. Speaker: And you are saying he confirms he appreciated the response to be elaborate?

Hon. Johnston Ipara: He appreciated before the committee in the presence of the CECM.

Mr. Speaker: We will hear him shortly.

(Laughter)

Hon. Johnston Ipara: Thank you, Hon. Speaker.

Mr. Speaker: Yes Hon. Linda, on behalf of the Chair for Lands, Urban and Physical Planning, you proceed.

(Laughter)

Mr. Speaker: Yes, Linda, for Housing, on behalf of the Chair for Lands, Urban and Physical Planning, you proceed.

Hon. Linda Kharakha: Thank you, Mr. Speaker. I stand on my feet to report back to the House from the Committee of Land, Physical Planning, and Housing on a Statement raised by Hon. Ken Wanyama. The County Assembly of Bungoma Standing Order No. 54 provides that the Chairperson of the Committee shall submit a progress report to the House on questions referred to the Committee, replied to, which the Committee has directed the County Executive Committee Member to provide additional information on further reply and pending before the Committee.

A statement was sought by Hon. Ken Wanyama to the Chairperson Committee on Roads, Transport, Infrastructure and Public Works in the progress report on 30 July 2024. It was indicated that the two questions on the statement were to be responded to by the Chairperson Committee on Lands, Urban, Physical Planning and Housing. And you directed that the questions be responded to by this Committee.

The statement was in relation to business owners, parking and obstruction of trucks and Lorries along Kanduyi-Sangalo Junction, Dual Courage Road and its current status. The questions were;

Explain the plans the Department is having for alternative parking areas

During execution of beautification program, flowers and other ornamental trees planted along the road and immediately destroyed by roaming animals in town, making the County lose colossal amount of money. In that respect, explain;

1. How much was being paid to the contractor?
2. Provide the contract agreement.
3. The current status as to the extent of destruction.
4. The steps the Department is taking to curb the same.
5. Who will bear the cost of rehabilitation of the same program in case it is redone?
6. Whether there was a value for money bearing in mind Article 201 D of the Constitution are read together with the Article 14910 of the Public Finance Management Act 2012.

The CECM lands in Urban, Physical Planning and Housing appeared before the Committee on Tuesday 20th, 2024 and responded to the following questions;

In regard to the Department having alternative parking areas, it was submitted that a sum of 16 million had been set aside for acquiring land along Webuye -Malaba Road between Mabanga and Siritanyi, preferable near Sikata River.

Concerning the execution of beautification program, flowers and other ornamental trees planted along the road and immediately destroyed by roaming animals in town, making the county lose colossal amount of money on how much had been paid to the contractor, it was responded that it was Kshs 13.4 million and had been paid whereas 11.2 million had not been paid. A copy of the contract was also provided for.

On the current status as to the extent of destruction and the plans the Department was taking to curb further destruction of flowers and ornamental trees, he stated that the project was still ongoing and the project implementation team has been reporting on the implementation progress. The contractor was still on site and the Department could not interfere with the works until the project is handed over.

Any destruction on flowers and grass and ornamental trees will be assumed to be a responsibility of the contractor until the project is handed over. However, the harm caused by the Gen Z that resulted into destruction of the project works has been taken note of. The Department was planning for a session with the contractor for an extensive discussion on the same. Thereafter, the matter will be handled administratively.

In regard to who bears the cost of rehabilitation of the same program in this case is redone and whether there was value for money bearing in mind, Article 201D of the Constitution was read together with Section 149 of the Public Finance Management Act 2012. It was submitted that the contract's terms direct that the work must be done to completion as to the cost of the contractor.

In the case there was unforeseen loss, the project implementation committee will report and therefore administrative action will be taken. Finally, it was submitted that Kshs 3 million had been set aside in Bungoma municipality for the maintenance of the project and the Department will have to involve the business community in a bid to curb further destructions. The owner of the statement was satisfied with the response provided.

Mr. Speaker: Thank you, Hon. Linda. Now let me hear Hon. Ken because I have heard from both CEC responses before the committee that you are happy and the response was satisfactory. Just confirm if they are saying the true picture and we proceed

Hon. Ken Wanyama: Thank you Mr. Speaker. Let me start with the Committee on Roads, Transport, Infrastructure and Public Works. In terms of being satisfied, yes, I was satisfied, but just one or two grey areas, one of which you already touched on, that is the list of business owners. And then the next one I will talk about it as I summarize.

The elephant in the room on this project is that, as we speak, we have a pending bill of 292 million against a budget appropriation of 150 million. When you look at the BQ, they are mandatory works. I would call them basic because this includes marking of the road, drainage works and zebra crossings, which were part of the BQ and yet they have not been done. As

we speak, KENHA is ready to onboard this project, but they have given a caveat that first of all, the county must pay the contractor before then they take over the project.

So to me, this is a very good opportunity because when you look at this Dual Carriageway, it still has a lot of work to be done. So I just want to take this opportunity to urge the CEO of the County to allocate resources so that he can clear this pending bill of 292 million so that we can be able to transfer this project to KENHA. To the Committee of Roads, like I mentioned to them when the CECM appeared, it will be good if we use the 150 million appropriated in the financial year 2024/25 to do these mandatory works, like marking of the roads, zebra crossings, and finalize the drainage works so that then the road can be in good use.

Finally, the trucks that were causing obstruction on the Dual Carriageway outside Western Energy Filling Station, they actually caused quite a bit of damage to the road. The CEC didn't actually give us a satisfactory answer on when the repairs are going to be done. And that's why I said this is one of the grey areas because the Director of Western Energy must ensure that the road is repaired. But I am happy that the department moved fast and actually closed the station. So in terms of responses from the Department of Roads, I am satisfied.

To the Department of Lands, Urban Physical Planning, and Housing; two questions were allocated to this department. I will start with alternative parking for trucks because, as you all know, they have been a menace. When you pass through Kanduyi, it is in a total mess. The department has allocated 16 million to purchase land for this purpose, but the item that is pending, under this parking issue is that the trucks that were causing obstruction outside Western Energy, as it has been well talked about, they moved from Elegant Area to Sikata.

When you pass through Sikata, it's just a danger waiting to happen and the CECM must find ways of getting those trucks off the road, so they should continue engaging KENHA and use any other available means so that people of Bungoma are not involved in accidents.

On beautification, and the gist of this question to me was mainly on the sustainability of this project, I engaged the CECM on that, and in response, they told me that, for example, under Bungoma Municipality, financial year 2024/2025, they have allocated KShs.3Million for rehabilitation and they promised that every financial year they will be allocating funds for maintenance and rehabilitation, which is a good thing. But I'm surprised it was not captured in the statement. The department, told me that they are going to install perimeter grills around the flowers.

Mr. Speaker: You know, we don't believe in what you discussed off record, if it's not here to verify.

Hon. Kennedy Wanyama: Thank you, Mr. Speaker. Lastly, on sustainability, beautification is very expensive because it's an on-going exercise. I encouraged the department to engage the business community in Bungoma so that they can take up sections of the road where they can do their own adverts, and in return, they actually do maintenance of the beautification. The department confirmed that they are actually in touch with some of the business community, and they gave an example of around Kiwanja Ndege where they have Adatia

wholesalers. I encouraged them to ensure that many business people are engaged to ensure sustainability of the project.

Mr. Speaker: Thank you, Hon. Ken Wanyama. Now that the owner of the statement is satisfied, what else do you want to say? If the owner has confessed that he satisfied beyond reproach, let me hear your views. It's your right.

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. You know, once a statement is read in this House, it becomes the property of this House. So whether he is satisfied or not, some of us are not satisfied. One thing was that as much as the owner of the statement is satisfied, but the issue of parking; when we see the construction is still on, but as per now, there's nothing that is going on. If the department could be good enough and give an alternative so that at least, you know, we are also losing revenue over it. Because if the owners of the business are just parking freely and interfering with other activities, and then, as a County, we are losing. The issue of drainage; when you use these roads, maybe across to Hon. Luseneka place, you will see that there is a total mess. I have not seen where the department maybe has shown some interest over it. I thought maybe the committee on roads, could also go physically to see indeed what Hon. Wanyama raised was it right or not? But now, just depending on the information from the department shows that as a House, we are not moving in the right direction, because as we speak, if we shall wait for the alternative parking then for how long? So at least, the department should come up clearly so that at least we arrest the situation. The issue of revenue as a county, shall we continue losing because the owners are still parking freely? Or what shall we do?

Mr. Speaker: Hon. Cornelius, Hon. Ipara like now you become the one giving response, if its parking they are two you will see if it is meant for Hon. Linda she will respond.

Hon. Cornelius Makhanu: Thank you, Mr. Speaker. First of all, I would like to thank Hon. Ken for raising those questions about the dual road. As you rightly put it, this Dual Carriage WAY starts and ends in Khalaba and as a representative of the Khalaba people who have suffered because of this dual, I have some concerns over.

I'm happy, now the committee went and interrogated the BQs, I'm happy because the last layer of damage that I was always asking for, it has been admitted here that there is still one layer to be added so that the road can now balance. Currently, we have manholes on that road, they are about nine around the KIE. There is damage also happening to that road because motorists are now avoiding those manholes. I was told, if they put the last layer, then they will balance that road.

On that road, there are areas also where when it rains, the water does not drain because of the imbalance of that first layer. So when they will put the second layer, I think they will have to clear that.

On the drainage; we have been told that there are seven identified areas where the drainage was supposed to be done. To me, as the person who has suffered, I suppose there are even

more than seven areas. And if there are seven, I expected those seven areas to be named. As we speak today, I'm sure those seven; they have said maybe Mteremko was one of them. And we are lucky because the national government, when they were doing that road of Mteremko, they have done it. . So I expected the committee to name those areas and if Mteremko is one of them maybe we can now choose another area to make it seven for the contractor from the BQ.

About the zebra crossing, this is something that we cannot wait because already the road is being used. Recently, because of the lack of zebra crossing, we lost one of my constituents around Elegant, we are already losing people and I don't know how many are we are going to lose before this road is completed.

I expected also the response to include completion date of the road; When, because as Hon. Kennedy had said to know, the damages that are happening to that road it is going to be repaired by who, the County or the contractor? Because normally when the contractor has finished the road, there is some grace period to maintain that road. But he hasn't finished, we are using the road, very big damages are going to cost a lot of money. I don't know now who is going to bear that cost.

Otherwise, I'm happy they have responded but I'm worried with damages, if it's not going to happen soon, I will have to come up with another statement to seek for answers.

Mr. Speaker: That is your right Hon. Cornelius. Hon. Hentry Nyongesa,

Hon. Hentry Nyongesa: Thank you, Mr. Speaker. First, I want to put on record that I'm a member of both committees Roads and Lands, but I also want to be on record that while the report was being interrogated, I was not there and that's I can't question but to try and add flesh

I agree that we have the money in the budget for purchase of land so that the trucks might have a place for the parking. but I want us to have a case study with a place like Nairobi where trucks are parked in Mlolongo which is almost 15 or more kilometers from town, when you go to Mombasa, the same trucks are parked almost 25 kilometers from Mombasa town, it is the same with Eldoret and Nakuru. I don't know why the CECM is narrowing to within Sikata and Siritanyi, which is just within also within the Municipality..

For the growth and increase in revenue collection, let him also just be open and say that from Bukembe, Matisi or Kimaeti, where land is available at affordable rate, we can park trucks at such places.

The Leader of Majority was questioning about the revenue, we realized that under responses given, we realized that the owner of the trucks is purchasing land somewhere for the parking. How we wish that the CECM also say that apart from him purchasing land, he should have come out very clearly that we should also follow up on the land that it has been purchased, so that revenue is collected.

We are sitting on a time bomb at Sikata, where all the trucks are now parked along the road and yesterday part one, though it didn't go to the public, we had a boda boda rider hitting a truck from behind, although we didn't lose him, but you see, that those trailers are already a menace. This is a government, and I wonder why the CECM was going around looking for the police, and yet we have the enforcement department. How I wish that some of the trailers who have gone against our parking laws, could have been taken to court, so that is a lesson to others.

Otherwise, we support Hon. Ken Wanyama for thinking outside the box, so that those questions were brought in the House, and hopefully both CECMs will take actions as proposed by the House.

Mr. Speaker: My comment is reserved, Hon. Luseneka, proceed.

Hon. Anthony Luseneka: Thank you, Hon. Speaker. I also want to add my voice on what Hon. Hentry Nyongesa has spoken about this Sikata. There are so many Lorries parking along that road making the road almost impassable.

Soon, we may have a big disaster on that road, so if the departments can maybe organize and do a fact finding or just pay a visit and see what can be done. We have an idle land of Nzoia, if they can maybe negotiate with them, so that those Lorries can pack there, meanwhile. Otherwise, parking along that road, is very dangerous. We had an accident along that road last week; I have tried severally through KeNHA, to have the bumps erected, but in vain. I have written almost 10 letters, but came to the site, did the survey, even agreed to put bumps, but up to now, they haven't erected them. I'm still following up with the office in Eldoret, but before maybe the erect pumps, let's do something long Sikata before a disaster happens, otherwise, we'll be blamed when something bad happens.

Mr. Speaker: Thank you, Hon. Luseneka. Hon. Okasida to make brief comments. I will ask that Hon. Linda also prepares for a quick summarized response. You proceed.

Hon. Johnston Ipara: Thank you, Hon. Speaker. To address all the those issues were raised by the concerned members for the welfare and the security of our people. Under the current budget, we have Kshs.150 million, and most of this money will be taken to address the serious issues raised among them, is to make sure that we have drainage along all the nine outfalls that have been set from Kanduyi to Sang'alo junction, and that will address the issue of water drainage along that stretch. And this money also will be used to ensure that along the road, we have road signs, the zebra crossing and the road will be divided as it is required according to the Traffic Act, and the road signs giving early warnings to our pedestrians are given.

I want to be particular Hon. Makhanu said that, when is the road being completed? I want to say immediately the County government of Bungoma pays the pending bill that is owed to that company of Kshs.292 million, and the remaining works are done. The road will be handed over to the county when it is completed and it is the period that we shall also hand it over to Kenha.

Many lorries causing obstructions and particularly within Sikata area, what is not recorded here is the Director of Rudra Enterprises Company did assure that he's already signed a lease agreement with the MOCO company, and they have also acquired just a land which is about a quarter an acre next to the road, and in the next one and a half months, they will address the issue of obstruction along our roads. That will be done.r.

Mr. Speaker: Thank you, Hon. Linda.

Hon. Linda Kharakha: Thank you, Mr. Speaker. The questions sought by Hon. Members, are overlapping, when it comes to lands and roads matters. A question of parking, the department, the CECM actually responded and said they have a Kshs.16 million allocation for buying land, and the place they were preferring, it's not like an already ruled case that that is where they're going to buy land, but they say they preferably wanted to buy land between Mabanga, Siritanyi, and Sikata but as a committee, probably if people prefer that the land is bought way out of town, then it's something to consider by the department.

Hon. Hentry was talking of an agreement, the committee is not aware of a disclosed agreement, that's undisclosed information of an agreement with the owners of the trucks to buy land. The only report we have as a committee is of the allocation and they're still looking for land.

One of the issue as why also the flowers did not prosper is because there was meddling by animals and individuals, and sometimes when they want to enforce, the CECM say that it is us Hon. Members who go and aid those who have broken the law by trespassing through the flowers and also the parking. We are the same people who defend them and that has been an issue, but I will say the issues between the departments are combined effort between the Department of Lands and Roads, so probably if the two CECMs could sit down for the overlapping issues that are affecting both departments, probably we will have a way forward. You realize, it's a game of ball I throw the ball to you and you throw back.

Mr. Speaker: Thank you. having heard from Hon. Ken Wanyama confessing profusely that the response was satisfactory, I think we need to go to the next item and be able to put that one aside for now.

MOTION

REPORT BY PUBLIC ACCOUNTS AND INVESTMENT COMMITTEE ON THE FINANCIAL STATEMENT OF BUNGOMA COUNTY REVENUE FUND FOR THE PERIOD ENDED 30TH JUNE, 2022

Hon. Kennedy Wanyama: Thank you, Mr. Speaker. I rise to move a motion by the Public Accounts and Investments Committee on the financial statements of the Bungoma County Revenue Fund for the period ended 30th June, 2022.

Page four is the mandate of the committee in accordance to our Standing Order 209, Mr. Speaker. I request that we jump that.

Committee membership

As currently constituted;

Hon. Everton Nganga -	Chairperson
Hon. Timothy Chikati -	Vice Chairperson
Hon. Anthony Lusenaka	- Member
Hon. Everlyn Mutiembu	- Member
Hon. Jarusa Alehu	- Member
Hon. Metrine Nangalama	- Member
Hon. John Kennedy Wanyama-	Member
Hon. Steven Kaiser	- Member
Hon. Alfred Mukhanya	- Member
Hon. Maureen Wafula	- Member
Hon. Evelyn Anyango	- Member

Representative of the Office of the Auditor General are

Mr. Phinea Jakoa

Mr. Barak Mwanga.

Pages 6 to 14 include the powers of the committee, guiding principles of the committee. Then we have issues to do with personal liability, obligations of accounting officers and confidentiality undertaking by the members of the committee and the dates on which we held committee meetings.

Mr. Speaker, with your permission, then we can move to page number 15.

Acknowledgement

In conclusion, the committee wishes to express its gratitude to the Office of the Speaker and the Clerk for the support rendered to it during the consideration of the reports of the Auditor General on the County Revenue Fund of Bungoma for the year ended 30th, June, 2022. The committee further wishes to thank the County Executive Committee Member for Finance, Chief Officer for Finance and directors from various departments who appeared for their cooperation.

The efforts of the committee secretariat with their logistical and technical support, is extremely appreciated.

Finally, the committee acknowledges the valuable input and services condensed by the Office of the Auditor General in considering submissions from the management of various line departments.

Mr. Speaker, sir, on behalf of the Public Accounts and Investments Committee, I now wish to table these reports and urge the house to adapt it with recommendations therein.

Report signed Hon. Everton Nganga Chairperson Public Accounts and Investments Committee.

REPORTS ON THE BUNGOMA COUNTY REVENUE FUND FOR THE PERIOD ENDED 30TH JUNE, 2022

1. Unexplained receipts.

The statement of receipts and payments reflect our total receipts of KShs.11, 250,654,869 for the year ended 30th June, 2022. However, the County Revenue Fund bank statements reflect total receipts of KShs.10, 316,401,802. The variance of Kshs. 934,253,067 was not explained or reconciled.

In the circumstances, the accuracy and completeness of the receipts totaling to KShs.11, 250,654,869 could not be confirmed.

Management responses

The amount of KShs.10,316,401,802 has a component of revenue of Kshs. 4,944,962 that was reported in the year 2020/2021 and an amount of KShs.946,719,829.45 was received in the cash book by 30th, June, 2022. Thus the KShs.10, 316,401,802 is as per bank statement not including the delayed amount received in the cash book but received in the month of July.

On the reversal, this was a transfer on 17th February, 2022, which was canceled out by a credit entry on the same day by the Central Bank of Kenya as indicated in the attached CRF bank statements.

Additionally, there was another credit transaction on 19th February, 2022, which was not cancelled out. This cancelled transfer is what was recognized in the books of accounts and financial statements.

Below is the summary;

<i>Summary statement for Revenues</i>		
<i>County Revenue fund bank statements as per audit (Queried figure)</i>		10,316,401,802
Less.		
<i>Amount captured as revenue from previous financial year 2020/2021.</i>	(4,944,962)	
<i>Reversal during the year</i>	(7,521,800)	
ADD:		
<i>Revenue not included but are received in the cashbook as at 30th June 2021/2022 (Received in the bank statement in July)</i>	946,719,829	934,253,067
<i>Actual amounts as per financial statements</i>		11,250,654,869

As per Appendix 1: Extract of audited statements 2020/21 and bank reconciliation as at June 2021 and June 2022.

Appendix 2. Disbursement schedule from the National treasury and bank statements.

Committee Observations

- i. The Amount of Kshs 10,316,401,802 has a component of revenues of Kshs 4,944,962 that in reported in the FY 2020/2021 with only Kshs. 946,719,829.45 being received in the cashbook by 30 June 2022.
- ii. The management availed CBK CRF recurrent bank statement generated on 13th June, 2024 to confirm the reversal of the Kshs. 7,521,800 and CBK CRF bank reconciliation statements detailing the reversal and amount received after close of the financial year in July.
- iii.

Committee recommendations

- i. The management availed the authenticated bank reconciliation statements and disbursement schedules from National Treasury which were verified by the committee hence the issue is resolved.
- ii. The Accounting officer should always strive to clear and provide necessary justifications and explanations to the Auditor General to resolve un-reconciling figures early enough before they find their way in the audit certificate.

Unsupported Payments

The statement of receipts and payments reflects total payments of Kshs. 10,614,043,797. However, the County Revenue Fund bank statement reflects payments totaling to Kshs. 10,128,388,662. The variance of Kshs. 485,655,135 was not explained nor reconciled.

In the circumstances, the accuracy and completeness of the total payments of Kshs. 10,614,043,797 could not be confirmed.

Management response

The books of accounts were closed after the FY ended in 30th June 2022, with transactions that overlapped into the new financial year. At the closure of the FY 2021/22, there were payments/transfers on IB that were due for payment. Due to exchequer delay, actual payments were made after June 2022 when the cashbook had been closed.

The variance of Kshs. 485,655,135 is attributed to the following:

Summary Statement for Payment		
<i>County Revenue fund bank statements as per audit</i>		<i>10,128,388,662</i>
Less.		
<i>Payment/ Transfer from previous financial year</i>		

2020/2021.	(34,634,405)	
<i>Reversal during the year</i>	(7,521,800)	
ADD:		
<i>Payment not included but are in the cashbook as at 30th June 2021/2022 (Paid in the bank statement in July)</i>	527,811,340	485,655,135
<i>Actual amounts as per financial statements</i>		10,614,043,797

Refer to bank reconciliation as at June 2021 and as at June 2022 in **Appendix 1**.

Committee Observations

- i. The variance in Payment was attributed to include payments made after the close of the financial year, paid in July 2022 of Kshs. 527,811,340 and payments of Kshs. 34,634,405 attributed to the previous financial year 2021/2022.
- ii. The management availed CBK CRF recurrent bank statements generated on 13th June, 2024 and it confirmed the reversal of the Kshs. 7,521,800 and the payments recognized in the previous financial year.

Committee recommendations

- i. The management having availed the authenticated bank reconciliation statements and disbursement schedules from National Treasury which were verified by the committee the issue is resolved.
- ii. The Accounting officer should always strive to clear and provide necessary justifications and explanations to the Auditor General to resolve un-reconciling figures early enough so that they don't find their way in the audit certificate.

Unsupported opening balances

The statement of receipts and payments reflects opening fund balance of Kshs. 230,677,452 which was not supported by a cashbook or a bank statement.

In the circumstances, the accuracy and completeness and validity of the opening fund balance of Kshs. 230,677,452 could not be confirmed

Management response

The accounting officer submitted that the Kshs. 230,677,452 is the correct opening balance, as per the cashbook which was availed.

Appendix 3: Cashbook extract, bank statement and bank reconciliation.

Committee observations

The committee reviewed the information provided and confirmed that there was an opening balance even though the fund was self-reporting for the first time since previously, was under the consolidated County Government Financial statements.

Committee recommendations

The Accounting officer to disclose the transfer of the fund balance to the County Revenue Fund in the County financial statements under prior year adjustments in the financial statements for year ending 30th June 2024. The Accounting officer to submit a report to the County Assembly within three Months of adoption of this report as provided for under the Public Audit Act, section 53, where he/she is mandated to within three months after Parliament has considered and made recommendations on the audit report;

- (a) Take the relevant steps to implement the recommendations of parliament on the report of the Auditor-General; or
- (b) Give explanations in writing to the Parliament on why the report has not been acted upon.

Budgetary Control and Performance

Audit findings

The statement of comparison of budget and actual amounts reflects final receipts budget and actual on comparable basis of Kshs. 13,712,839,494 and Kshs. 11,250,654,869 respectively, resulting in under-funding of Kshs.2,462,184,625 or 18% of the budget.

Similarly, the statement reflects total actual expenditure of Kshs. 10,614,043,797 against approved budget of Kshs. 13,712,839,494 resulting in under-performance of Kshs. 3,098,795,697 or 23% of the budget.

The under-funding and under-performance affected planned activities and may have impacted negatively on service delivery to the public.

Management response

The Management would wish to comment as follows including the action taken;

- a) **Comments** – The under-absorption was caused by;
 - i. Delay in receipt of Exchequer Releases and Donor Funding amounting to Kshs 2,067,733,222. The Exchequer was not received on time to allow for sufficient time for planning and making payments for the planned activities on a timely manner.
 - ii. Local revenue –The County Government had forecasted to collect Kshs. 746,811,602 but collected Kshs. 359,292,947, hence a shortfall of Kshs. 387,518,655.
- b) **Action**– As explained above, the major contributor to under-absorption is delayed Exchequer Releases. The County Government is in continuous pursuit of this matter through the Council of Governors so as to ensure that Exchequer Releases are made on time by The National Treasury. Other planned controls include;
 - i. Introduced and implementing measures aimed at enhancing own source revenue

- ii. Put in place measures aimed at increasing efficiency in public procurement processes so as to procure items on time and within the applicable legislations
- iii. Establish a comprehensive Monitoring and Evaluation System in assessing the performance of all projects, identifying challenges and corrective actions to deliver project outputs. This will be done through multifaceted monitoring of project performance by Appointment of Project Implementation Teams for complex projects.

Committee observations

- i. Local revenue –The County Government had forecasted to collect Kshs. 746,811,602 during the financial year, but collected Kshs. 359,292,947, hence a shortfall of Kshs. 387,518,655.
- ii. The committee observes unrealistic local revenue projections set by the County Executive or low collection of revenue and yet the County Government purchased and introduced a revenue collection system; Bungoma Automated Revenue Management System (BARMS) that is expected to maximize revenue collection.
- iii. The office of Controller of Budget and Treasury delays in exchequer releases hence affecting the County Cash flow and operations thus affecting absorption of budgeted funds.

Committee recommendations

- i. The Office of the Auditor General through its operations / audit scheduled for the financial year ended 30th June 2024, should include and do a thorough systems audit on the Bungoma Automated Revenue System (BARMS) with the objective of assessing if there are lapses/loopholes that contribute to revenue loss and other control weaknesses. The Office of the auditor General to within two months carry out this audit and report appropriately to the County Assembly as required.
- ii. The Accounting officer should enhance Continuous capacity building of revenue collectors on new strategies and on matters of integrity as provided by the Public Officers Ethics and conduct Act
- iii. The sectorial committee on Finance and Economic Planning should pursuant to its mandate follow up on revenue reports and make recommendations on revenue enhancement that will guide the executive to increase revenue collection and reduce on pilferages. The Sector committee should frequently undertake revenue trend analysis on a quarterly basis.
- iv. The accounting officer should deploy and equip substantive revenue officers in all sources of streams with a proper work plan and targets for effective revenue collection.

- v. To mitigate the delays in exchequer releases, the Senate should intervene and provide guidelines and policies to the office of Controller of Budget for expedition of processing exchequer releases to Counties.

Conclusion

The 2021/2022 audit of the Bungoma County Executive Revenue Fund highlighted crucial findings regarding the management and utilization of the County's revenues. This audit report established discrepancies in revenue collection, lack of accountability and lapses in financial reporting and transparency which calls for the County Executive to improve by strengthening internal controls, and implementation of robust revenue corrective measures to enhance fiscal responsibility hence promote sustainable development within the County.

Attached therein is the adoption schedule.

We members of the Public Accounts and Investments Committee have appended our signatures adopting the report.

At this point, I want to call on my Chairman Hon. CPA Everton Nganga to second the motion.

Mr. Speaker: Hon. CPA Everton Nganga, you have the honor of seconding the committee report. Proceed!

Hon. Everton Nganga: Thank you, Hon. Speaker for giving me chance to second this report. First, I would like to thank Hon. CPA Wanyama Kennedy for moving this report eloquently.

This report is talking about the revenue that is normally received by the County Government that is revenue from the National Government and Revenue from our local collections.

When you look at the first query which is talking about unexplained receipts, you find out that the auditor could not have flagged out this query but he did it because of the negligence of the department or Chief Officer for failing to give necessary information during the audit process so when they brought the documents before the committee, we discovered that actually this was an issue that was not supposed to appear in the audit certificate as an audit query.

When you look at the second query which is about unsupported payment, again this query occurred because the books of accounts were closed when the financial year ended in June but the transactions overlapped into the New Year. The auditor also came up with this query because the accounting officer neglected to reconcile the cashbook and the bank statement so by neglecting, this query arose.

Issues dealing with budgetary control, the issue of budget management, absorbing the monies allocated to the County Government and the revenues collected.

These issues can be handled well by the Senate because we cannot handle issues of late exchequer at our level. However, am very much concerned with the issues dealing with local revenue. In this County Government, it's like we always have unrealistic ,unattainable

revenue estimates that are normally set by the revenue department .In most cases when you look at the trend of the revenue collected per year actually you discover that these revenues are just declining all the time so when you look at our recommendation here we have said that the office of the Auditor General should do a thorough system audit on the Bungoma Automated Revenue Management system which is known as BARMs with the objective of assisting the lapses and loopholes.

We also discussed this issue yesterday and again when you read from today's newspaper standard on page 5, what a coincidence even the Senate has called on audit of County Revenue amid corruption claims. This has been put forward by the Senator for Narok, Hon. Ledama Ole Kina, so when you look at our recommendations and conclusions, actually we have also tasked the finance committee to look at the quarterly reports and also monitor the trend in the revenue collections per quarter so that they can also be reporting fairly.

It is also an issue that is actually disturbing many departments now that different departments were tasked to be collecting revenue per quarter and again the revenue collected should be again re-ploughed back to the department. Recently, we had a meeting in our hall here in the County Assembly with different departments. They are all complaining about the revenue declines in this County Government of Bungoma

I urge members that this report is so brief and direct. That they adopt the report with the recommendations therein.

Mr. Speaker: Thank you, Hon. CPA Nganga. Hon. Members, a motion has been moved and seconded that this House adopts the report by the Public Accounts and Investment committee on the Financial Statements of the Bungoma County Revenue Fund for the period ending 30th June 2022 laid on the table of the House on 3rd of September 2024.I propose!

(Question proposed)

This used to happen when you go back home for lunch and what you find for lunch are the remnants of *busaa* and potatoes. When you partake it for lunch, this is what happens.

Members, allow me put a question to this motion so that we are able to make a decision over the same. The motion having been moved and seconded that this House adopts the report by the Public Accounts and Investment committee on the Financial Statement of the Bungoma County Revenue Fund for the period ending 30th of June 2022 laid on the table of the House on 3rd of September 2024.

(Question put and agreed to)

The ayes have it.

(Applause)

Hon. Members, the committee's report, its observations and recommendations are hereby adopted by this House accordingly for onward transmission to the relevant department for implementing its recommendations.

ADJOURNMENT

Hon. Members, looking at our Order Paper, having removed item number 9 and 10 we will happily adjourn our sitting today and resume on 10th September 2024 in our normal sitting at 2.30 pm. We adjourn accordingly.

The House rose at 4:14 p.m.