

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

TUESDAY, 30TH JULY, 2024

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA
THE HANSARD - OFFICIAL REPORT
TUESDAY, 30TH JULY, 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

1. VISITING SCHOOLS (KIMILILI FRIENDS GIRLS' SECONDARY SCHOOL, MASAEEK SA COMPREHENSIVE SCHOOL AND MARELL JUNIOR ACADEMY SECONDARY SCHOOL)

Honourable Members, looking at our public galleries, we have three schools that have come to learn from this County Assembly of Bungoma. I recognize Kimilili Friends Girls' Secondary school with 62 students. Be upstanding

(Students rose)

Kindly resume your seats.

(Students took their seats)

They are accompanied by three teachers;

Mr. Caroline Mwachabe,

Mr. Wafula Gregory,

Maurine Khisa.

Be upstanding.

(Teachers rose)

Kindly resume your seats.

(Teachers took their seats)

The second school is Masaek SA Comprehensive School comprising of 50 learners, five teachers and two Board Members.

Students be upstanding please

(Students rose)

Kindly resume your seats

(Students took their seats)

They are accompanied by the following teachers;

Mr. Humphrey Nashian,

Mr. Austin Sonit,

Mr. Ezekiel Wanzala,

Mr. Victor Omela; and

Mr. Amos Kipkorir

Be upstanding

(Teachers rose)

Kindly resume your seats.

The third school is Marell Junior Academy Secondary School comprising of 65 learners and seven teachers. Students of Marell; be upstanding

(Students rose)

Kindly resume your seats.

(Students took their seats)

They are accompanied by the following teachers;

Mr. Kingo David,

Mr. Inea Odenyo,

Mr. Mulisia Asman,

Ms. Chikan Vivian,

Ms. Faith Wekesa,

Ms. Wetungu Irene; and

Ms. Chebet Velma

Kindly be upstanding

(Teachers rose)

Resume your seats

(Teachers took their seats)

In general the teams have come to learn about the working of the County Assembly, the core mandate and the discharge of duties. At an appropriate time, I will allow a few Honourable Members to make brief remarks.

Honourable Members, take up your seats kindly

(Honorable Members proceeded from the Bar to their respective sitting areas)

2. ALTERATION OF THE ORDER PAPER

On our Order Paper; under questions there is a statement that was sought by Hon. Johnston Ipara- MCA for Tongaren in relation to low revenue collection in the County. I have here a medical report accompanied by a letter indicating that the concerned CECM is seeking to be rescheduled to another date. In view of this medical report, the practice has been...

(Laughter)

Honourable Members, the practice has been that once a member has made an indication of not being able to appear, we reschedule. We are only postponing, but the day of reckoning is going to come. Basing on that, statement number two will be taken out of today's Order Paper and that means it will be taken back to HBC. Once we resume sittings, it will be scheduled.

PAPERS

1. REPORT BY THE POWERS AND PRIVILEGES COMMITTEE

(Paper laid by Hon. Ali Machani)

Mr. Speaker: Honourable Members, the report by the Powers and Privileges Committee on the complaint laid by Hon. Jerusa Aleu against Hon. Sheila Sifuma is tabled and formally becomes property of the House.

2. REPORT BY THE COMMITTEE ON EDUCATION AND VOCATIONAL TRAINING

(Paper laid by Hon. Benjamin Otsiula)

Mr. Speaker: Honourable Members, the report by the sector Committee on Education and Vocational Training on the need for establishment of Child Care Centers in Bungoma County is now laid on the Table of the House accordingly.

Today I see a lot of excitement; what is happening? The day is still young. Let us proceed.

NOTICES OF MOTION

1. REPORT BY THE POWERS AND PRIVILEGES COMMITTEE ON A COMPLAINT LAID BY HON. JERUSA ALEU AGAINST HON. SHEILA SIFUMA

Hon. Ali Machani: Thank you Hon. Speaker for allowing me to issue a notice of motion that this House adopts the report by the Powers and Privileges Committee on the complaint raised by Hon. Jerusa Alehu against Hon. Sheillah Sifuma.

Mr. Speaker: Honourable Members, a notice of motion having been duly issued by the Committee of Powers and Privileges on the complaint raised by Hon. Jerusa Aleu against Hon. Sheilah Sifuma, I urge the Clerks- at- the- Table to share the said report with Hon. MCAs. The same will come up as a motion once scheduled by HBC.

2. REPORT BY THE COMMITTEE ON EDUCATION AND VOCATIONAL TRAINING ON THE NEED FOR ESTABLISHMENT OF CHILD CARE CENTERS IN BUNGOMA COUNTY

Hon. Benjamin Otsiula (Chairperson, Committee on Education): Thank you Hon. Speaker. I rise to issue a notice of motion that this House adopts the report by the sectoral Committee on Education and Vocational Training on the need for establishment of Child Care Centers in Bungoma County.

Mr. Speaker: Honourable Members, a notice of motion having been duly issued by the Committee of Education and Vocational Training on the need of establishment of Child Care Centers in Bungoma County; the same be shared with honourable MCAs and will come up as a motion once scheduled by the HBC.

QUESTIONS AND STATEMENTS

1. RESPONSE BY THE CHAIRPERSON, COMMITTEE ON ROADS, TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS TO A STATEMENT RAISED BY HON. KENNEDY WANYAMA

Hon. Franklin Simotwo (Chairperson, Committee on Roads and Public Works): Thank you Mr. Speaker for giving me this opportunity. I have a progress report from the Committee on Roads, Transport, Infrastructure and Public Works on the report and questions raised.

Standing Order No. 51 of the County Assembly of Bungoma provides that a chairperson of a committee shall submit a progress report to the House on questions referred to the committee and replied to which the committee has directed the CECM to provide additional information or further reply on the issue pending before the Committee.

The Committee on Roads, Transport, Infrastructure and Public Works had questions that were raised by Hon. John Kennedy Wanyama in relation to the business owners parking and obstruction by trucks and lorries along Kanduyi- Sang'alo junction on the dual carriage road and its status as at 9th July, 2024 in the House. The same was referred to the Committee for consideration.

An invitation requesting the CECM and his Chief Officer to appear before the committee on 29th July, 2024 and provide written submission was done on 22nd July, 2024. The CECM provided a written response on 25th July, 2024. The response was shared with Committee members together with the owner of the statement Hon. Kennedy Wanyama. However, the CECM was unable to appear before the Committee since he was away on official duty.

The Committee therefore seeks for more time to engage the CECM at another time as you may direct. The CECM in his response indicated that the question on the beautification programme should be addressed by the Department of Lands, Urban and Physical Planning and Housing as the question stated that; “during the execution of the beautification programme, flowers and other ornamental tools were planted along the road and immediately destroyed by roaming animals in the town; making the county to lose a colossal amount of money.” In that respect the CECM was to explain;-

- How much had been paid to the contractor
- Provide the contract agreement
- The current status as the extent of destruction
- The steps that the Department was taking to gap the same
- Who would bear the cost of rehabilitation of the same programme in case it is redone?
- Whether there was value for money bearing in mind Article 201(d) of the Constitution as read together with Section 149(10) of Public Finance Management Act, 2012.

The Committee therefore further requests your office to redirect the questions to the sectoral Committee on Lands, Urban and Physical Planning and Housing.

The report is signed by Hon. Simotwo, chairperson and MCA Chepyuk Ward.

Mr. Speaker: You have not made an indication on you when expect to have CECM and Chief Officer appear before you so you can give us a comprehensive report

Hon. Franklin Simotwo: Thank you Mr. Speaker, I think it will be immediate. He was away and I think he is back in the county...

Mr. Speaker: Hon. Simotwo, how soon is your immediate?

Hon. Franklin Simotwo: 15 days Mr. Speaker...after recess

(Laughter)

Mr. Speaker: Hon. Simotwo; you know as we are talking now there is no recess. So what is going to happen is that if the motion for adjournment goes through, then it will be 30 days. That means it will take us to the 4th of September. Are you saying that you require 34 days?

Hon. Franklin Simotwo: Mr. Speaker I think...

Mr. Speaker: Let me assist you; you have 14 days.

Hon. Franklin Simotwo: Thank you Mr. Speaker

Mr. Speaker: Then Honourable Members in view of the matters arising from the response on the issue of beautification programme, I will ask the Chair of the Committee on Lands, Urban, Physical Planning and Housing to take it up with the concerned CECM. Through the office of the Clerk, they will flag out those issues and send the same to the Department.

Hon. Francis Chemion and Hon. Simotwo; let the respective CECMs appear before the sector committees, respond and let us have a comprehensive report. When we talk of the dual carriage way and beautification, it affects every Honourable Member. Either way, they are direct or indirect consumers of the said roads and beautification in this County accordingly.

So in 14 days we expect to be done; but once you have the report, we will see when to slot you on the Order Paper. Hon. Chemion, is there anything you want to comment on please? I am trying to find out, but you are card less?

(Laughter)

Proceed, I wonder what you may have taken for lunch today, proceed

Hon. Francis Chemion: Thank you Hon. Speaker. Initially when the statement was read, I expected that had we consulted even with the person who came up with the statement, we could have put it out of the Roads Department; but now from your direction, what we may want to do because it is conjoined, we may want to have both of them appear before the joint committees so that we dispense with the question once and for all.

Mr. Speaker: So Hon. Simotwo and Hon. Chemion, you can have a joint committee of the two committees. Let us have the two CECMs appear and have one joint report from the two committees

Hon. Francis Chemion: Also, we may need Hon. Ken to attend

Mr. Speaker: Of course! Once we talk of that, automatically the owner of the statement must appear to prosecute his case before the Committee

Hon. Ken Wanyama: Thank you Mr. Speaker. There is something the chairman for Roads has missed out.

From the response by CECM of Roads, when you look at question three on the plans the Department is having for alternative parking areas, his response is that the matter is being handled by the Department of Lands. It is my humble request that you also redirect the same.

Mr. Speaker: When they will be appearing before the Committee and you will be there, ask that so that you have a clear report for us. Hon. Milliah Masungu, I see you are requesting to speak.

Hon. Milliah Masungo: *(On a Point of Order)* Thank you Speaker. I also want some clarity on the term beautification because I am very much sure there is the planting of flowers and by you redirecting to the Committee on Lands; are we really in order? Is it the relevant committee... because we have a committee on...

Mr. Speaker: Once again Honourable Members, I think when you talk of town planning; the animal called beautification comes under Urban and Physical Planning. I think it is the right Committee. If they change goal posts, again we look at the right committee. For now Hon. Kennedy, prepare to appear and seek clarification. If you require the help of Hon. Milliah to assist you with the animal called beautification, let her accompany you.

Please let us go to the next item.

2. REMARKS ON THE VISITING SCHOOLS

For guidance purposes, we have three schools in the public gallery. We will have the MCAs for the three Wards speak then I will have other speakers. I will have the MCA for Kapkateny' Ward, Hon. Joan Kirong'

Hon. Joan Kirong': Thank you Mr. Speaker for giving me this chance to welcome my school Masaek

Mr. Speaker: Yes under which Standing Order?

Hon. Ali Machani: *(On a Point of Order)* Hon. Speaker, is my leader in the official attire for this House?

Mr. Speaker: Hon. Kirong, they are questioning your dress code... are you properly dressed?

(Laughter)

Honourable Members, kindly resume your seat Hon. Kirong'

(Loud consultation)

What is the information Hon. Wambulwa

Hon. Jack Wambulwa *(On a point of information):* Hon. Speaker, I wish to inform my colleague Hon. Ali Machani that the weather today is not good...

Mr. Speaker: That is not your work. Honourable Members, I wish to refer you to rule number five on the conduct of Honourable Members and dress code; Members of the County Assembly are not to enter the chamber, lounge or dining room without being properly dressed. This means that a male Member of the County Assembly shall be dressed in a coat, collar shirt, long trouser, socks and shoes or service uniform, religious attire or such other decent dressing as may be approved by the Speaker from time to time.

An equivalent standard shall apply in respect of women Members of the County Assembly who may also wear Kitenge or any African attire. To my understanding, the Honourable Member is properly dressed and I can...

(Loud consultations)

Order members!

(Loud consultations)

Order members!

Some of the Honourable Members here have never been to Mt. Elgon; it is very cold. She is properly dressed so can you proceed

(Loud consultations)

Order members!

I will only hear your views after hers. Proceed Hon. Kirong'

Hon. Joan Kirong': Thank you Mr. Speaker. As you have stated that we have received visitors from three schools, I take this time to welcome the schools in our public gallery, teachers and parents.

Allow me start with my school Masaek Primary School. The school is situated in Masaek village Mt. Elgon Constituency. It started in 1957 and right now it has a population of 779 pupils. The school is comprehensive with ECDE, Grade one to Grade eight. It is a fully registered boarding comprehensive school and last year it took 58 pupils to national schools and one girl went to Alliance Girls High School.

The school has 10 Primary school teachers, three JSS and two ECDE teachers. On my part, I have constructed one classroom for ECDE and I think the kids there are comfortable. This school had planned to come earlier in this House but they didn't...

Hon. Milliah Masungu: *(On a Point of Information):* Hon. Speaker, I also wish to ask this Honourable House on the dressing code of Hon. Ali Machani Mutoka because he should also be...his dressing code should be looked at...

Mr. Speaker: Honourable Members he is improperly dressed and must be sent out. What is on top of the normal dress code is improper and he must be sent out... just leave the House and be out for the remainder of the House session.

(Loud consultations)

He has to go out. The dress code is out of order. He must leave the House before we proceed and he must! Comply now complain tomorrow...

(Loud consultations)

He has to leave the House!

(Hon. Ali Machani is escorted out of the debating chambers)

(Applause)

If you talk of religious dress code, it is allowed, like the one put on by Hon. Orize. The one for uniformed officers is allowed, but the one he is wearing is not the dress code of this House and so he is out of order. I won't allow other speakers. I even wonder where the energies are coming from, is it from adjournment or what is it all about? Proceed, Hon. Kirong'.

Hon. Joan Kirong’: Thank you Mr. Speaker. I think the visitors in the gallery are learning something. I was saying something about the school and I had said that the school took 15 students to national schools and the leading girl went to Alliance Girls’ High School.

I think I had said about the population and how the school had earlier on planned to come to this Assembly but they didn’t make it. I wish to encourage them that God’s time is the best; *iliingiana sasa* (it has come to pass).

(Laughter)

Mr. Speaker: Hon. Kirong’... proceed!

Hon. Joan Kirong’: Mr. Speaker, I think as we do that, we are making them to learn that this House we only use three languages; that is Kiswahili, English and Sign Language. That is why the Speaker is saying that if you speak in English you stick to it, if it is Kiswahili you stick with it... I don’t want to belabor so much because I know the pupils have been taken round by the Serjeant- at- Arms and so I will not repeat because you have been shown the minority and majority side.

I wish to applaud the teachers that are in gallery. That they are great people; you are the only people who share a profession with Jesus Christ because we know that Jesus Christ was a great teacher and you teachers you are doing a great job in this world. When you see us transacting Business here, it is because we are the work of your hands.

I wish to end by encouraging pupils and students to work hard, respect teachers and parents and you will go far. If you work hard, you will get any position in this world and most of the time we are aware that education is an equalizer. It can make you dine with kings. I don’t have much to say, but let me wish you a good stay as you start your holidays.

Mr. Speaker: Thank you, Hon. Aggrey?

Hon. Aggrey Mulongo: Thank you Mr. Speaker Sir for giving me this chance to contribute towards my school. The school comes from Kibingei Ward and it is the second girls’ school in my Ward; I have Moi Girls’ Kamusinga and then this Kimilili FYM Girls’. I am unwell and therefore I just want to invite fellow Honourable Members to contribute towards my school.

Mr. Speaker: Hon. George Makari you will go, Marell is in your Ward. Proceed Hon. Makari...

...Where I sit there are two Marells; one in Township and one in Musikoma? I think I am versed with this region because I have been here for 20 years; in this township. I understand you. Proceed.

Hon. George Makari: I was waiting for a motion of impeachment.

Mr. Speaker: Hon. Makari proceed

(Laughter)

(Applause)

Hon. George Makari: Chair, I think the Serjeant-at-Arms will also be informing us when our schools come in. I am not aware there is a school from my ward. Last week, there was a school called Namamuka Primary School.

Mr. Speaker: Yes.

Hon. George Makari: ...and Hon. Speaker, you saw I welcomed them very well.

Mr. Speaker: Yes. I think...

Hon. George Makari: Now, if you are telling me there is Marell from my ward, no one informed me. No one told me there is a school from my ward. So I am standing here as a stranger about the school that is here. Even though, let me welcome them... Thank you.

Mr. Speaker: Thank you. I will have Honourable Members.

Hon. Edwin Opwora: Thank you, Mr. Speaker. Allow me to welcome the students who have come in today to learn and know how things are run in the County Assembly. I just wanted to use this opportunity given that Hon. Kirong' comes from Mt. Elgon, and in the recent times, we have had so many cases of early pregnancies coming from that region, among other schools.

(Loud consultations)

Mr. Speaker: Order, Honourable Members, please. Proceed.

Hon. Edwin Opwora: So I just wanted to use this opportunity to encourage our students and also talk to our girls. Since we have had these issues of early pregnancies, the students are going on holiday and it is a circumcision period. Unfortunately when our girls get pregnant, in most cases, of course, they are impregnated by young boys, the law doesn't favor the boy child.

You will find that the boy child will be punished; either taken to prison, but the girl will be allowed to proceed with education. However, you find sometimes it is the girl who has prompted the boy to misbehave. So I just wish to encourage our students that there is a time for everything, and as they go for their holiday, during this circumcision, there is a song.

(Laughter)

Mr. Speaker: Hon. Opwora, you know that line of argument... I am not taking it seriously because I have seen you provoking Hon. Makari again. Proceed.

Hon. Edwin Opwora: Thank you Mr. Speaker. You know, some of these songs encourage our young people to do things that they never imagined. My concern is on the boy child. The rate at which our young people are losing confidence because the society favors the girl child is actually of concern. We need to raise our boys who are confident by themselves, who know what they value in life, and we also need to encourage our girls that in as much as the society favors them, they should also be focused and know that there is a better life ahead of them; once they are done with school.

Mr. Speaker: Thank you. Hon. Kawa?

Hon. Jack Kawa: Point of information.

Mr. Speaker: It is okay. Hon. Jack. Jack, sorry. Hon. Caleb Wanjala

Hon. Caleb Wanjala: Thank you Mr. Speaker, for giving me an opportunity to also add my voice on what my colleagues have spoken towards the students who are here. Students, mine is just to encourage you. To encourage you that now that you have an opportunity to dictate on how your future life will be. Take your education seriously. Because right now you are at school, your parents are taking care of you, but a time will come where your parents will not be there for you. What you have learned is what will help you.

Mine also is to encourage the students that why do we go to school? We go to school to cultivate that which God has already deposited in us. That is why we have some who will come out as teachers. We have others who will come out as accountants. We have others who will come out as sportsmen and women. But above all, character matters a lot. If you are learned but you don't have good manners, nobody will accept you anyway. Even if you are employed in a company, you will not be accepted because of your bad character. So take what your teachers are telling you seriously, and I know you will succeed.

Lastly, I know you are going for your holidays. Please spend your holidays well. Because outside there, there are a lot of friends, there is a lot of knowledge which is not good. But if you stick at home and help your parents and support them and go to church and work in the farm, God will bless you and you will have a bright future.

The Honourable Members you see seated here; all of them are learned. This place is a cocktail of professionals. We have lawyers here, we have teachers, we have accountants here, and we have surveyors, and even the clergy, like my colleague here. So I am just encouraging you. Also, this House has rules.

Mr. Speaker: Just for clarification. Who is your colleague who is a clergyman here?

Hon. Caleb Wanjala: Hon. Orize is a Sheikh, if you don't know, Mr. Speaker.

(Laughter)

Mr. Speaker: He is a Sheikh!

(Laughter)

Hon. Caleb Wanjala: Yes

Mr. Speaker: Let us proceed

Hon. Caleb Wanjala: Also, students, as you can see in this House, we have rules and regulations. That is why we have a Committee called Powers and Privileges. That when one Honourable Member provokes another Honourable Member, they can bring a motion and that can be debated and an action can be taken against the member who has offended another member. So I am just encouraging you; keep on keeping on. I wish you all the best.

Mr. Speaker: Hon. Stephen Wamalwa, Deputy Speaker. I will later have Otsiula, Simotwo... you will all speak

Hon. Stephen Wamalwa: Thank you Hon. Speaker.

Mr. Speaker: And to be brief enough, at most one minute and a half, then we'll proceed quickly.

Hon. Stephen Wamalwa: Very well, Speaker. I also rise to congratulate the students and pupils who are around. Marell is why I am standing up. It is one of the champions, greatest schools in this region, in this country, and especially in Bungoma. This school in 2010 produced the best child in western Kenya. I am so proud to be associated with Marell. My phone book is full of teachers from Marell. I think about 28 teachers are on my phonebook. The last time I checked, the head teacher, David Kango was the head teacher... last year.

I don't know if he has changed this year, but I believe that they are driving the agenda of transformation; of making sure that even this region will produce the best in this country. So I want to congratulate Marell, and urge that every other school emulates the efforts and hard work that Marell puts in.

Mr. Speaker: Hon. Otsiula. Be brief, please, as the others.

Hon. Benjamin Otsiula: Thank you Hon. Speaker; but as the Chair of the Committee, I ask for two minutes because I must impart some little knowledge in the heads of the little ones. .

First of all, I wish to appreciate our three Honourable Members, Hon. Joan Kirong', Hon. Aggrey Mulongo and Hon. George Makari for creating a conducive environment to ensure that our children are going to school. Secondly, I wish to appreciate the teachers and the students of these three schools. They have to understand that this Honourable House values them.

As we sit here, we ensure that we are giving priority to education. They are enjoying a right under Article 53 of the Constitution... They have the right to basic education.

This House is a House which plays three roles that they must be able to understand when they go back to school. Number one, this House plays an oversight role; that means it puts the government of the day on toes to ensure that the government delivers on the promises they made to the people of Bungoma County. By doing the oversight role, the House questions, interrogates, all the steps, procedures taken by the county government in ensuring that they are doing what is right for the people of Bungoma County.

Two, representation; members seated in this Honourable House offer a representation role to the people who entrusted them and elected them to this House. They present their views, which, at times, culminates into making legislations on behalf of the people who cannot sit in this House; because of the power that they donated to these Honourable Members.

Three, we are legislation making body; these members seated here legislate, pass laws that are used in turn to run the government of the day. The laws that guide the procedures and everything to do with the County Government of Bungoma,

They therefore must understand that if we talk about The Education Support Scheme Regulations, it is this House that is tasked with the mandate of coming up with those regulations to ensure that the education within the county, especially the ECDE sector and the VTC sector is well regulated as far as the bursary and scholarship is concerned. Before I sit down, I want them to understand how this House looks like...

One, we have a Speaker in this House. The Speaker runs the daily running of the House. That is the proceedings of the House. The Speaker is in charge of the conduct of these proceedings. He moderates debate. He ensures that the members are contributing and gives each member an opportunity to address his concern.

Number two, we have our Clerks- at- the- Table. They assist the Speaker to run the House. That is, you have seen them reading out the Order Paper, the Business of the House. Of course, it is run through the Order Paper. That is the order of Business of the House, to assist the Speaker to run this House.

Three, we have our serjeant- at- Arms. Those people you have seen around in uniforms. They ensure that there is order in the House, give the Honourable Speaker ample time to moderate the proceedings and also ensure the safety of the House and the safety of the Honourable Members.

Four, we have our HANSARD system. If you look around very well, you can see the screen is there. You can see this microphone is on. The purpose of that is to store data to ensure that whatever we are discussing in this House is well documented for the benefit of the members of the public and for the benefit of future generations.

Now, where I am standing is where the government sits. It is run by the Leader of the Majority Party, assisted by the Deputy Majority Leader, who comes from that region of Masaek Primary School. On the other side, we have the Leader of the Minority Party and the Deputy Minority Leader. Also, of course, we have the Honorable Minority Whip and the Deputy; we also have our Majority Whip on this side and the Deputy. We have elected members who are 45 and we also have nominated members from various political parties.

I would like to wish you and your teachers all the best as you go back to your respective institutions. I know the term is coming to a close. I also join my brother, Hon. Opwora in wishing those who are going to undergo the rite of passage well; be courageous enough and face the knife.

For our teachers, I must assure that they are in the noble profession and before I sit down, I want to salute them. They have produced people who are sitting and occupying this Honourable House. In this House, we have several teachers and because of time, allow me not to mention their names but also to appreciate Honourable Members who are teachers here, led by our very able Deputy Speaker who runs a group of schools.

Finally, I am also a very nice parent of Marell Academy, together with your Clerk- at- the- Table there, Karen, and we appreciate that school for taking care of our children. Hon. Jack Wambulwa is also paying fees in that school, I cannot fail to mention him. We have Hon. Tony Barasa here. So as you can see, we are doing very well in terms of promoting education and also bringing people into this world,

Mr. Speaker: Thank you so much. I will have Simotwo. Be brief enough and I will have the other side starting with Sheila. Then, Hentry, you will all speak.

Hon. Franklin Simotwo: Thank you Mr. Speaker, for giving me this opportunity to welcome our students from Masaek Junior Secondary School who are seated here today and the other schools from town, Marell and the other school. I wish to appreciate the Member for Kapkateny, Hon. Joan.

I think today you are lucky because the two schools from your area are here. Masaek is one of the schools.

Mr. Speaker: Hon. Simotwo, you are misleading the House. It is one school, Masaek School. The other one, I am not aware of...

Hon. Franklin Simotwo: Thank you Mr. Speaker. Masaek is one of the schools in Kopsiro Sub-county. As you have seen, it is one of the oldest schools among the schools that were...

Mr. Speaker: Yes, what is the issue? Can you give Milliah Masungu the microphone?

(Loud consultations)

Order members! Yes, Hon. Milliah Masungu, what is the issue?

Hon. Milliah Masungo *(On a point of order)*: Thank you Hon. Speaker. Before you is the House leadership with a member who has been out of order. But the way he has gone out and realized his mistakes, I think before you, he is well-dressed and he is apologetic.

(Applause)

Mr. Speaker: Hon. Meshack, have you confirmed that he is remorseful?

Hon. Meshack Museveni: *Mheshimiwa Spika tumeongea na yeye na vile unaona amevaa vizuri na ameomba msamaha hatarudia tena*

(Applause)

Mr. Speaker: Honourable Members, they have spoken on his behalf, I have pardoned him. He is allowed to come back and resume his sitting. Let us proceed

(Hon Ali Machani proceeds to occupy his sitting position)

(Laughter)

(Applause)

Hon. Simotwo, what is the issue? Sorry, proceed

Hon. Franklyn Simotwo: I was saying that Masaek is one of our schools; our senior primary schools in Kopsiro. Kopsiro is one of the sub-counties newly created. This is one of the schools that we are proud of because of its performance.

It is one of the schools that are performing excellently in our Sub-county. Allow me to appreciate teachers who have accompanied the pupils. We appreciate you because what you are doing is known.

We keep on saying, just push on so that we get more elites in our area. I would like to wish you well as you go back to Kopsiro. Greet your parents and know that Hon. Joan is one of the key pillars in this House; she is performing strongly in the House.

So we urge you to support her to continue serving. She is one of the ladies elected to this House. Otherwise, I wish you well as you travel back home.

Mr. Speaker: Hon. Sheila Sifuma you may proceed. Yes, what is the point of order Hon. Kawa?

Hon. Jack Kawa (*On a point of order*): Under Standing Order number No. 109. Time limitation; if you can observe that.

Mr. Speaker: Honourable Members, before I move that, I think the remaining four speakers who are online, we allow them to make brief remarks, and then we proceed. Hon. Sheila, you wind up.

Hon. Sheila Sifuma: Thank you Mr. Speaker, for this opportunity and as a start, I wish to appreciate all the teachers. As a teacher's daughter who has done something meaningful with her life, I wish to say teachers are doing a good job. I applaud all the teachers who have come with our students and all those who sit in this House. Maybe just something that I would want to share with the students that are here. There is a process called impeachment. It is a process where public servants...

(Applause)

Public officers that they are either having an allegation of corruption, misuse of funds, or integrity issues of any matter, are called in the House and they are asked to defend themselves, or we give them an opportunity and we listen to them. Sometimes this process is very smooth, sometimes it is marred by very funny proceedings.

(Laughter)

(Applause)

Mr. Speaker: Hon. Sheila, for learning purposes, you specify whom the House can impeach, not just everybody.

Hon. Sheila Sifuma: Yes, yes.

Mr. Speaker: The Governor, Deputy Governor, CECMs, Chief Officers, and the County Attorney, and the Service Board; because you cannot end up impeaching teachers on the streets.

Hon. Sheila Sifuma: Thank you Mr. Speaker, for that guidance. I stand guided. Maybe just an example of someone who can be impeached is the CECM for Finance of a county. So that is an example. If you are a Chief Officer,

(Laughter)

(Applause)

If you are a CECM, if you are the Governor, those are the people that you can impeach at the County Assembly. As you go back to your schools, that is just a point that you might learn more about.

(Applause)

Another thing; I wish to encourage our girls and I think I have seen some boys; I want to encourage you that the world is a larger platform. If you study in Bungoma, we want to see you going national and international. The world is bigger than your school, bigger than the village you come from, so make sure as you study, you study smart and study hard. We look forward to seeing you as pilots taking us across the continent. There is a passport centre in Bungoma, make sure you use it to travel the world.

As you study, make sure you study with a bigger perspective and a broad spectrum in your academics. As I finish, I wish to also encourage you, a lot can be said, and a lot of wise words can be said. It is for you to see what you feel suits you. A point of reference; not every old man is wise, some are just aged.

Mr. Speaker: Hon. Nyongesa Hentry you were online. If you declined, let us hear a word from you?

Hon. Hentry Nyongesa: I declined Hon. Speaker.

Mr. Speaker: Proceed, Hon. Hentry.

Hon. Hentry Nyongesa: Hon. Speaker, in the interest of time, I bow down.

Mr. Speaker: Thank you Hon. Ipara. Chikati will wind up.

Hon. Johnston Ipara: Hon. Speaker, the difficult thing of sitting in between your daughters and...

Mr. Speaker: you choose to sit there on your own

Hon. Johnston Ipara: That is why you see my daughter is just abusing the father but the father does not take any action because I am parent...

(Laughter)

Today what excited me most is when you just uttered the word that you have received a letter from CECM Finance accompanied by a doctor's report. Hon. Christine was almost jumping up I don't know why...

Mr. Speaker: Hon. Ipara, let us discuss the issue at hand

(Laughter)

Let us discuss the issue inside the gallery... the rest you can discuss in the tent with the Hon. Christine and others.

(Laughter)

Hon. Johnston Ipara: Thank you. Let me also join Hon. Joan.

Mr. Speaker: You know Hon. Ipara. Illness does not give notice on when it may visit. Let us Proceed.

Hon. Johnston Ipara: Hon. Speaker it is what I wanted to say, but you have said it on my behalf. Thank you for that. One thing I wish to tell the people is this is also a House of Rules, and a good case in issue is what has been exhibited just a few minutes ago, where Hon. Balala was found to have...

Mr. Speaker: Who is Hon. Balala?

Hon. Johnston Ipara: Hon. Machani, Hon. Speaker. Hon. Machani was found wearing what is not formal. He was expelled briefly and because this is a House of Rules...

Mr. Speaker: No, we don't expel you. We asked him to leave the House. You know, expelling is very serious. We asked him to leave the House.

Hon. Johnston Ipara: It matters how you understand the words of English.

(Laughter)

(Applause)

Mr. Speaker: I will be asking teachers of English to confirm. Proceed.

(Laughter)

Hon. Johnston Ipara: Thank you Hon. Speaker. Everybody, including you is excited because you are traveling out of the country and that is why there is excitement across.

Mr. Speaker: No, mine is because I am the chief circumciser. Proceed.

Hon. Johnston Ipara: Thank you Hon. Speaker. Let me say a few words about our younger children, and I will be very specific. Being an old parent of a very renowned school... Why is the name running away?

(Loud consultations)

Mr. Speaker: Honourable Members, even the parent is not aware of the school, forget about it Proceed. You cannot be a parent in a school...

Hon. Johnston Ipara: Hon. Speaker, you are interfering so much.

Mr. Speaker: I am not interfering. My worry is that if you have been a parent of a school, how do you forget your own school?

Hon. Johnston Ipara: The school is Marell. I can't get confused, and you know I am always good in grammar and remembering where the history has brought me from. Marell Academy... This is one of the educational excellence academies that we have in Bungoma County. You

remember a few years back, the name of Bungoma County was on the radar of this country. The reason was because of Marell Academy and this is a school that brings me those sweet dreams.

My daughter went there, and today I celebrate her as one of the alumni of Marell. It is because of the culture, it is because of the innovation, it is because of the leadership qualities that they teach them at the young age; and not forgetting, it is of the positive values these younger children are taught at a young age in Marell Academy. We must celebrate Marell Academy. Even though it is a private institution, but still it contributes to the growth of education in our county. That is why today I stand to say those few words because of the good things Marell Academy has done to me and to the people of Bungoma County.

Hon. Timothy Chikati: Thank you Hon. Speaker. As I sum up, we all know that all work without play or fun makes Jack a dull boy. I wish to encourage our students to take the upcoming circumcision ceremony very, very seriously so that they can learn something out of it and to know exactly where the Luhya community came from. We know that we have our daughters here and one day they will get married; so that they can have respect for their husbands.

Mr. Speaker: Honourable Member, that line...

Hon. Chikati: I am done.

(Laughter)

(Applause)

Mr. Speaker: Honourable Members, allow me on behalf of all the members who haven't had a chance to speak and the County Assembly of Bungoma administration, wish the pupils of Masaek Comprehensive School from Kapkateny' Ward, Kimilili Girls' High School, that is from Kibingei Ward, and Marell in Musikoma Ward the best of luck in their studies. I don't want to confirm that I am also a parent in Marell, but I have been a parent there for 15 years now.

(Applause)

So let us proceed Honourable Members.

MOTIONS

1. REPORT BY THE COMMITTEE ON LABOUR RELATIONS, MEMBER SERVICES AND FACILITIES

Mr. Speaker: Hon. Hentry, you have the honour of moving the motion on behalf of the Committee.

Hon. Hentry Nyongesa: Thank you Hon. Speaker. I hereby table a motion, from the Labour Relations and Member Service Committee on the Discipline Manual for the County Public Service, the Staff Performance Appraisal System, Diversity Policy for the County Public Service, Human Policy and Procedures Manual and Human Resource Development Policy

The motion has been placed into categories, and I will quickly move to chapter one

CHAPTER ONE

Whereas guided by the Standing Order No. 217 of this County Assembly, the Committee derives the mandate

Committee Membership

The Committee on Labour Relations, Member Service and Facilities comprises of the following members.

- | | |
|---------------------------|------------------|
| 1. Hon. Henry Nyongesa | Chairperson |
| 2. Hon. Catherine Kitui | Vice-Chairperson |
| 3. Hon. Charles Nangulu | Member |
| 4. Hon. Caleb Wanjala | Member |
| 5. Hon. Milliah Masungu | Member |
| 6. Hon. Bridgit Katasi | Member |
| 7. Hon. Joan Kirong' | Member |
| 8. Hon. Evelyn Anyango | Member |
| 9. Hon. Metrine Wilson | Member |
| 10. Hon. Linda Kharakha | Member |
| 11. Hon. Jerusa Aleu | Member |
| 12. Hon. Alice Kibaba | Member |
| 13. Hon. Everton Nganga | Member |
| 14. Hon. Anthony Lusenaka | Member |
| 15. Hon. Polycarp Kimeta | Member |

Terms of Reference

During the Committee meetings, it was unanimously decided that the Committee would embark on the interrogation of the policies from the County Public Service Board that were committed to the Committee for consumption.

The following were the terms of reference in preparation;

1. to interrogate the Discipline Manual for the Public Service.
2. to interrogate the Self-Performance Appraisal System.
3. to interrogate Diversity Policy.
4. to interrogate Human Resource Policy and Procedures Manual.
5. to interrogate Human Resource Development Policy.

Background

The background of this report needs information. The policies set up by the County Public Service Board are essential for ensuring effective governance and service delivery. These policies provide a structured framework for managing public resources, enhancing accountability, promoting transparency in the county operations.

By setting clear guidelines and procedures, the County Public Service Board policies can help mitigate corruption, streamline administrative processes, and ensure that the county employees are well-trained and motivated. This, in turn, fosters an environment where public services are delivered effectively and equitably, improving the overall quality of life for the residents of this county, Bungoma.

The Human Resource Policy and Procedures Manual provide clear guidelines for managing employee relations. The discipline manual is also perfect as it outlines the standards of conduct and procedures for addressing disciplinary issues, thus maintaining the high level of professionalism within the workforce. Additionally, the Self-Performance Appraisal System plays a key role in evaluating and improving employee performance, ensuring that staff members are effectively contributing to the county's objectives. The County Public Service Board also emphasizes the importance of diversity and inclusion through its diversity policy, which seeks to create a balanced and reflective workforce.

This policy ensures that all employees, regardless of their background, have equal opportunities to contribute and grow within the organization. And finally, the Human Development Policy focuses on the continuous professional growth of employees, providing opportunities for training, development, and career advancement. These combined efforts not only attract and retain the skilled professionals, but also enable the county to adopt the changing needs and challenges effectively, and timely and matrimonially, fostering a dynamic and responsive public service environment.

Acknowledgement

I would like to thank the Members of the Labour Relations, Members' Services, and Facilities Committee for their dedication, commitment, integrity, and valuable contribution in carrying out the scrutiny of the Public Service Board policies. The Committee is grateful to the Honourable Speaker and the Clerk of the County Assembly for the support received. The report is signed by me as the Chair on 23rd of July, 2024.

CHAPTER TWO

Key Highlights on the Discipline Manual for the County Public Service Board Overview

The County Public Service Board is constitutionally mandated to exercise disciplinary control over persons appointed to hold offices in the public service. This manual was developed to guide the process of handling disciplinary cases in the county public service.

The manual provides general guidelines and the instruments to be used for the Board, and the county departments handling disciplinary cases. The manual does not substitute the service regulations by Parliament, that is, through the County Assembly. As the case may be, the manual is therefore required to be read alongside the following documents;

The Constitution of Kenya,
County Governments' Act,
Public Service Commission Act, 2012,
Fair Administrative Action Act, 2015,
Public Service Values and Principles Act, 2015,
Environment Act, 2017,
Labour Institutions Act, 2020,
Employment Act, 2007,
Labour Institutions Act, 2007,
Labour Regulations Act, 2007,
Work Injury Benefits Act, 2007,
Occupational Safety and Health Act, 2007,
Public Officer Ethics Act, 2003,
Ethics and Anti-Corruption Commission Act, 2011,
Prisons Act Cap 90,
Pensions Act Cap 199,
Code of Regulation,
Penal Code,

General Circulars issued by the National Government/County Government from time to time; and any other law governing the public service and employment.

Objectives of the Manual

The Manual was developed with the following objectives.

1. Define disciplines and understand its meaning in the context of the existing public service regulation.
2. Define standard procedures for uniformity in handling disciplinary cases.
3. Outline the steps, disciplinary measures, procedures and processes.
4. Create understanding on the roles and responsibilities of the County Public Service Board and other officers in handling the disciplinary cases.

Further, the Manual provides guidelines for the following.

1. Proper framing of charges.
2. Investigation of cases.
3. Analysis and evaluation of cases.
4. Making comprehensive comments and recommendations on cases.
5. Application of other forms of punishment other than dismissal.
6. Prompt handling of cases, including implementation of decisions.

Guiding Principles of the Manual

The disciplinary control in the county public service is governed by the following principles:

1. The rule of natural justice:
 - Procedural fairness, where an officer must be allowed adequate opportunity to prepare and present his/her case.
 - The deciding authority must be unbiased when hearing and making decisions
 - Decisions must be based upon logical proof or evidential material
2. Fair administrative action which is expeditious, efficient, lawful, reasonable and procedurally fair. Every officer to whom disciplinary actions is taken has a right to:
 - Written reasons for any disciplinary action that is taken against him.
 - Prior and adequate notice of the nature and reasons for the intended disciplinary action.
 - An opportunity to be heard and to make representations in that regard.
 - An opportunity to attend proceedings in person or in the company of an expert of his choice, cross examine persons who give adverse evidence against him and request for adjournment of proceedings where necessary.

- Notice of a right to an appeal or review against a disciplinary decision.
- Information, materials and evidence to be relied upon in making a decision or taking a disciplinary action.

The Manual further outlines some of the alternative interventions in the public service which include

- Counseling
- Guidance and training
- Dispute resolution mechanism

The Manual further outlines the procedure and general provisions of the following;

- Procedure to be followed in initial disciplinary action
- The procedure to be followed by the authorized officers in respect of all officers
- Interdiction
- Suspension
- Absence from duty without leave
- Retirement in the public interest
- Offences under gross misconduct
- Punishments
- Requirements for carrying out investigations
- Checklist for submission of cases to the board

CHAPTER THREE

Key Highlight on the Staff Performance Appraisal System

Overview

The Staff Performance Appraisal System (SPAS) is a key part of the Performance Management System in the Public Service. It emphasizes employee participation through work planning, target setting, execution, evaluation, feedback, and reporting. The aim is to ensure effective and efficient service delivery to the citizens, gauge job satisfaction, identify capacity gaps, and provide relevant training for public officers. This system also helps in cascading performance contracting to lower levels of public service.

Objectives of the Policy

The objectives are as follows:

1. To ensure that public service is effective, efficient, and citizen-focused.

2. To involve employees in planning and target setting to align their work with departmental goals.
3. To assess performance and provide constructive feedback to improve job satisfaction and identify training needs.
4. To identify and address capacity gaps through targeted training and development programs.
5. Cascade performance contracting to lower levels of public service, ensuring consistency and alignment across the organization.
6. Create a culture of continuous learning and development, aligned with principles of lifelong learning and education as emphasized by the Constitution of Kenya, 2010 and Kenya's Vision 2030.

Staff Performance Appraisal System

The Staff Performance Appraisal System (SPAS) is an integral part of the Public Service's Performance Management System; focusing on employee participation through structured work planning, target setting, execution, evaluation, feedback, and reporting. The system is designed for officers in Job Group 'J' and above, with those in lower job groups completing a separate report. Both appraisees' and supervisors must be familiar with SPAS guidelines before starting the appraisal process.

SPAS emphasizes collaboration between the appraisee and the supervisor to set SMART (Specific, Measurable, Achievable, Realistic, Time-bound) targets aligned with departmental objectives. At the end of the appraisal period, performance evaluations and ratings are discussed and agreed upon, and the completed reports are submitted to the County Performance Management Committee (CPMC) and then to the County Public Service Board (CPSB) for review.

The system uses a detailed rating scale from Excellent to Poor; based on verifiable evidence to ensure transparency. Employees dissatisfied with their evaluations can appeal to the CPMC or CPSB as per the guidelines. This comprehensive approach ensures fair, accurate, and goal-aligned performance appraisals.

CHAPTER FOUR

Key Highlights on Diversity Policy for County Public Service

Overview

The Policy is developed in accordance to the Constitution of Kenya under Article 232 which provides that; subject to representation of Kenya's diverse communities and affording adequate

and equal opportunities to men, women, members of all ethnic groups and persons with disabilities, fair competition and merit are the basis of appointment and promotion.

The Policy further is in line to Articles 27(8), 54,55 and 56 which provides that members of appointive bodies shall not be more than two thirds of the same gender; at least five per cent are persons with disabilities; and youth, minorities and marginalized groups be provided with special opportunities for access to employment.

Objectives of the Policy

The Policy outlines the following objectives

1. To provide strategies for ensuring an inclusive county public service that takes care of the interests of diverse Kenyan communities including gender, ethnicity, youth, and persons with disabilities, minority and marginalized groups.
2. To provide mechanisms for institutionalization and mainstreaming of diversity management in the county public service for efficient and effective service delivery.
3. To provide for an effective monitoring and evaluation framework

Legal Framework

The legal framework in Kenya promotes a diverse and inclusive public service as mandated by several constitutional and legislative provisions. The Constitution of Kenya requires public service to represent the country's diversity (Article 232) and mandates public institutions to promote inclusiveness and non-discrimination, protecting vulnerable and marginalized groups (Article 10). Specific groups eligible for special rights include children, persons with disabilities, youth, minorities, marginalized groups, and the elderly (Articles 54 to 77). Notably, Article 54(2) mandates that five per cent of public sector appointments be allocated to persons with disabilities.

The Employment Act, 2007 supports these constitutional provisions by requiring employers to promote equal opportunities and eliminate discrimination in employment policies and practices; prohibiting both direct and indirect discrimination in recruitment, training, promotion, and other employment-related matters.

The National Gender and Equality Act, 2011 further reinforces these principles by establishing the National Gender and Equality Commission, which promotes equality and freedom from discrimination. This Commission is responsible for mainstreaming gender, disability, and marginalized group issues in national development and developing affirmative action policies. Collectively, these legal provisions ensure an inclusive and representative public service in Kenya, protecting and promoting the rights of various vulnerable and marginalized groups.

Strategies for promoting diversity in the county public service

The Policy highlights the need for the public institutions to take deliberate strategies and measures in order to create conducive work environment that embraces diversity.

In the County Public Service Board, this diversity has been promoted as follows:

1. Youth diversity

The public service comprises of employees of varying age groups. The Constitution provides for equal opportunity for all in public service employment including the youth. The CPSB has ensured representation of the youth at the work place by ensuring that every County department does the following:

- Establish attachment and mentorship programmes to offer college and university students opportunity to serve in county Departmental organizations during their study periods.
- Implement the County Public Service Board Internship Policy
- Implement the Public Service Human Resource Development Policy
- Take affirmative action measures to ensure representation of the youth at all levels of the institution
- Improve the work environment by putting in place infrastructure and facilities to maximize productivity of youthful employees
- Afford opportunities for appointment, training and promotion of youthful employees to facilitate career progression
- Develop and implement a succession management plan to attract, retain and progressively engage the youth at the workplace.
- Deploy policies and practices to facilitate diversity in terms of age, skills, knowledge, experiences and leadership attributes.
- Implement recruitment and selection policies and processes that are fair and equitable.
- Develop exit management programmes that address the youth on entry and mobility.

2. Persons with disabilities

The CPSB shall adopt measures aimed at facilitating the realization of the constitutional principles of ensuring an inclusive County Public Service and that at least five per cent (5%) of appointment in the public sector shall comprise persons with disabilities.

3. Gender Diversity

The Constitution provides for the principle that not more than two-thirds (2/3) of members of appointive positions shall be of the same gender.

4. Ethnic diversity

The County Public Service comprises of employees from diverse ethnic communities and groups. The CPSB shall take affirmative action measures to ensure proportionate representation of members of unrepresented and under-represented ethnic communities, minorities and marginalized groups.

Mechanisms for promoting diversity in the County public service

The County Public Service Board has institutionalized diversity in the county public service through implementation of the following mechanisms.

- Leadership and management commitment
- Employee involvement
- Diversity as part of the CPSB strategic plan
- Diversity linked to performance
- Promotion and career development
- Training and capacity building
- Monitoring, evaluation and reporting
- Communication and awareness
- Review of HR regulations, policies, rules and practices

CHAPTER FIVE

Key Highlights on Human Resource Policies and Procedures Manual

Overview

The Human Resource and Procedures manual provides guidelines for managing and developing human resource capacity to achieve various national goals and objectives. The manual incorporates provisions of the Constitution, the County Government Act, labor laws, and other legislation governing industrial relations in the public service. Additionally, it is anchored on other policies and guidelines that govern public service management, forming the basis for human resource policies and regulations across the broader public service.

It is important to note that these policies do not cover all rules and regulations governing public servants in their daily activities. Therefore, they should be read alongside other relevant statutes for better interpretation and application where applicable. These policies apply to all county public service employees and will be periodically updated to reflect changes affecting human resource management and development in the service.

Institutional framework

The County Public Service shall implement Government policies and programs guided by the following values and principles of Public Service as stipulated in Article 232 of the Constitution:

- (i) High standards of professional ethics;
- (ii) Efficient, effective, and economic use of resources;
- (iii) Responsive, prompt, effective, impartial, and equitable provision of services;

- (iv) Involvement of the people in the process of policy making;
- (v) Accountability for administrative acts;
- (vi) Transparency and provision of timely, accurate information to the public;
- (vii) Fair competition and merit as the basis of appointments and promotions;
- (viii) Representation of Kenya's diverse communities; and
- (ix) Affording adequate and equal opportunities for appointment, training, and advancement, at all levels of the Public Service

1.0 National Values and Principles of Governance

County Public Service will also adhere to the National Values and Principles of Governance outlined in Article 10 of the Constitution, which include:

- (i) Patriotism, national unity, sharing and devolution of power, the rule of law, democracy, and participation of the people;
- (ii) Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination, and protection of the marginalized;
- (iii) Good governance, integrity, transparency, and accountability; and
- (iv) Sustainable development.

Government Communication

- The Policy outlines various forms of correspondence within the County by the County public officers.

Recruitment, Selection, and Appointment

- The Policy outlines all the procedures to be followed to address all matters in the public service.

Terms and Conditions of Service

- The Policy outlines all the available terms of service, including permanent and temporary terms.
- It includes details on annual increments, allowances that need to be paid and daily subsistence allowance while traveling on duty outside Kenya.

Benefits

- The Policy outlines various benefits provided by the County Government, including housing, medical, transport, and terminal benefits.

Leave

- The policy addresses the circumstances under which annual leave and other categories of leave are granted

Work Environment Health and Safety

The policy provides the guidelines and standards for the prevention and protection of officers against accidents and occupational hazards arising at the work place. The Policy provides further guidelines on the following;

- Emergency preparedness,
- fire precautions,
- fire prevention,
- notification of fires,
- medical examination,
- provision of protective equipment and clothing,
- reporting of accident,
- approval and distribution of compensation, and
- recourse to court

CHAPTER SIX

Key Highlights on Human Resource Development Policy for the County Public Service

Overview

The Constitution of Kenya and County Governments' Act, 2012 mandates the County Public Service Board to develop human resource in the county public service. Human Resource Development entails all aspects relating to education, training and capacity development of employees. Human Resource Development has a dual objective of growth of the employee and the growth of organization, and focuses on providing employees with knowledge, skills, competencies and positive attitudes for effectiveness in their current or future responsibilities. This Policy focuses on key components of training and capacity development as a function in the public service.

Training is the most cost-effective intervention for improving human resource competencies in any organization. In the public service, training plays a key role in improving performance to realize national goals and objectives. To enhance the outcome of training, the process should be systematic, aligned to the principles of Results Based Management (RBM) and guided by national values and principles of governance and values and principles of public service.

Objectives of the policy

This Policy provides a framework for the human resource development function in the public service which includes;

- a) Entrench national and public service values and principles in training and development;
- b) Ensure public servants are accorded equal opportunities for relevant training at all levels of the public service;
- c) Ensure that public servants possess the necessary knowledge, skills, attitudes and competencies for performance improvement and career progression;
- d) Create a mechanism for ensuring adequate funding for human resource development and capacity building programmes in the public service;
- e) Ensure implementation of prioritized, demand driven programmes that are cost- effective;
- f) Encourage a culture of life-long learning, knowledge sharing, innovation and creativity in order to create a strong human resource base in the public service for human resource planning and management;
- g) Encourage the development of research and consultancy capacities of public sector institutions while strengthening collaboration and linkages with the private sector, recognized training institutions and development partners;
- h) promote linkages between the industry, training and research institutions in order to ensure training that is demand-driven and responsive to the requirements of the industry;
- i) Enhance attraction and retention of competent talent locally and from the diaspora; and
- j) Ensure an effective monitoring, evaluation and audit system that is integrated in public service human resource development programmes for efficiency and effectiveness.

Implementation strategies

Implementation of the provisions of this Policy and ensure systematic training, departments and other public service organizations and agencies shall undertake the following:

- Training Needs Assessment
- Training Projections
- Design of Training Programmes
- Departmental Human Resource Management Advisory Committee (DHRMAC)
- Nomination and Selection of Trainees
- Authorization for Training
- Standardization, Accreditation and Certification

- Trainers in Public Service Training Institutions
- Training Levy
- Training Allowances
- Bonding Public Service Trainees

Structured Training

The Public officers shall undertake the following training programs at different levels within their careers:

- **Induction**

County Chief Officers are responsible for ensuring that all officers joining the organization on first appointment, transfer, re- designation, re-appointment and promotion are inducted within the first three (3) months.

The purpose of induction is to enable an officer adapt and acquaint self with the position/job requirements, organizational/work environment and public service culture.

- **Competency-Based Training**

Competency is related to individual's ability to perform tasks and duties to pre-determined standards, goals and objectives. Officers joining public service organizations in any job classification enter with different types and levels of competencies. As serving officers progress in their careers they are expected to gain higher levels of competency which will be grouped into core, technical, managerial and leadership.

The County Government will entrench competency-based training and assessment in the public service for enhanced productivity and performance improvement. Public service organizations are required to base their training activities on the Competency Framework.

- **Pre-retirement**

County Public Service is expected to adequately prepare its employees for retirement by developing and implementing customized pre-retirement training programs.

The County Government of Bungoma shall collaborate with the Kenya School of Government and other relevant stakeholders to facilitate in development and review of a pre-retirement curriculum.

Human Resource Development and Capacity Building

Departments and other county public service organizations and agencies shall adopt the following approaches for development and capacity building:

- Talent Management
- Career Guidance and Counseling
- Mentoring
- Coaching
- Role Modeling
- Knowledge Management

- Industrial Attachment
- Internship
- Staff Secondment
- Research and Development
- Professional Development
- HRD Data, Records and Information
- Skills Inventory
- Staff Development

CHAPTER SEVEN

Committee Observations, Recommendations and Conclusion

Committee's Observations

The Committee made the following observations;

1. The Discipline manual aims to define discipline within the context of public service regulations, standardize procedures for handling disciplinary cases, outline the steps involved, and clarifies the roles and responsibilities of the County Service Board and authorized officers.

There is a Kimilili conversation going on...

Mr. Speaker: Honourable Members, I am not aware of the Kimilili conversation but I will urge members to consult in low tones. Proceed!

Hon. Hentry Nyongesa: 2. The Staff Performance Appraisal System (SPAS) is a comprehensive framework designed to enhance service delivery, promote employee participation, facilitate regular evaluation and feedback, and support continuous improvement within the County Government of Bungoma.

3. Diversity policy aligns with the Constitution of Kenya; particularly Article 232, which emphasizes representation of Kenya's diverse communities and equal opportunities for all, including men, women, various ethnic groups, and persons with disabilities. It also adheres to Articles 27(8), 54, 55, and 56, which specify gender representation, inclusion of persons with disabilities, and opportunities for youth, minorities, and marginalized groups.

4. The Human Resource Policies and Procedures Manual emphasizes on compliance with legal frameworks and ethical standards in managing human resources by integrating provisions from the Constitution, County Governments' Act, and labor laws. This integration ensures adherence

to legal requirements governing industrial relations in the public service, establishing both a legal foundation and promoting ethical conduct and accountability.

5. The Human Resource Policies and Procedures manual underscores adherence to public service values and principles outlined in Article 232 of the Constitution. It promotes standards such as professional ethics, efficient resource utilization, responsive service delivery, and fair competition. These principles aim to cultivate a culture of integrity, transparency, and meritocracy within the county public service, thereby enhancing accountability and ensuring equitable representation.

6. The Human Resource Development policy emphasizes on promotion of national and public service values by ensuring that public servants operate with integrity, accountability, and a strong sense of public duty.

7. The Human Resource Development Policy Clause 2.4.8 does not provide the period under which Pre-Retirement Training should be offered before an officer leaves service.

8. All the Policies are self-executing and compliant to other statutory requisites in the management of Public Service.

Committee's Recommendations

The Committee made the following recommendations;

1. **THAT**, the County Public Service Board should have its budget increased in order to facilitate implementation of the policies that attract monetary implications.
2. **The Committee** recommends for the approval of the Discipline Manual for public service.
3. **The Committee** recommends for the approval of the Staff Performance Appraisal System.
4. **The Committee** recommends for the approval of the Diversity Policy for the county public service
5. **The Committee** recommends for the approval of the Human resource Policies and Procedures Manual
6. **The Committee** recommends for the approval with amendment of the Human Resource Development Policy for the county public service; Clause 2.4.8 on Pre-Retirement training being offered at least one year before retirement of officers.

Conclusion

Honorable Speaker,

I urge this Honorable House to adopt the report on the County Public Service Board policies by the Committee on Labor Relations, Members Service, and Facilities along with its recommendations. This adoption will provide a legal framework to guide the Board's operations and implementation of these policies for all Bungoma County Executive employees.

Thank you
I beg to move.

Mr. Speaker: Yes, your seconder?

Hon. Hentry Nyongesa: Hon. Speaker, I have very serious members of the Committee and therefore request Hon. Milliah Masungu to second the motion.

Mr. Speaker: My only fear is that when you say you have serious members it means others are jokers.

Hon. Hentry Nyongesa: All of them

Mr. Speaker: All of you are jokers!

Hon. Hentry Nyongesa: No, all of them are serious members.

Mr. Speaker: Yes Hon. Milliah Masungu, proceed and second the motion!

Hon. Milliah Masungu: Thank you Hon. Speaker. First, let me congratulate my able Chair who has moved this motion very eloquently and also applaud the Committee at large, my colleagues who serve on the Committee on Labor Relations Member Service and Facilities for the good work they have done and commitment towards bringing these policies to this Floor of the House.

As you are all aware, all these five policies laid before the House are there to give guidance on the daily operations and proper implementation of service to our County. From the report, our able Chair has deeply explained the roles which every policy is going to guide in the operations of this County. We have seen it is touching on accountability, corruption and all that. These policies, when passed, are going to guide the daily operations of this Honourable County.

Secondly, as legislatures, we also have to be well versed on the guidelines and policies that are put in place to guide the operations of this County. It will also guide us in doing proper oversight and also give proper direction on the running of this County; and also through over sighting the Executive to make sure that every proposal they make or anything they come up with is in line with proper policy guidelines.

Further, you have seen the Chair and the Committee proposing that the County Public Service Board should come up with retirement trainings. This training prepares our staff and even these Honourable Members. There are some who feel that they are going to retire and such policies will also assist the members to prepare for their future beyond service.

I wish to appeal to this Honourable House that the policies laid before us should be passed the way they are as they shall guide the normal and daily operations of this County. I second the report.

Mr. Speaker: Honourable Members, allow me propose a motion for debate.

(Motion proposed)

I will proceed Honourable Members. I will be doing the last part of this motion; putting a question to the said Motion so that we are able to make a decision over.

(Question put and agreed to)

2. ALTERATION OF THE HOUSE CALENDAR.

Mr. Speaker: Yes, Hon. Leader of Majority, proceed.

Hon. Joseph Nyongesa: Thank you, Speaker. I will now move the procedural motion; alteration of the House calendar.

That, pursuant to the provision of Standing Order No. 31 (iv); and taking cognizance of the cultural activity that takes place in the County biannually, noting that it is the rite of passage for the community with a much wider cultural meaning involving the transition of boys from childhood to adulthood and extending family relationships. That this House alters its calendar by adjourning its sitting from Wednesday, 31st July, 2024, at 9:00 a.m. to Thursday, 30th August, 2024, at 2:00 p.m. as a long recess.

Further, the long recess that had been scheduled in the month of September, 2024, to be altered to be the sitting month, hence, the House resumes its sittings on Tuesday, 3rd September, 2024, at 2:30 p.m. Hon. Speaker, having reached there, allow me to call Hon. Jack Kawa to second.

Mr. Speaker: Hon. Kawa, what is the issue?

Hon. Jack Kawa: Thank you Hon. Speaker. I am on my feet to second the procedural motion that has been read by our Leader of Majority in this Honourable House today. One, allow me to

congratulate you and the leadership of this Assembly and the House Business Committee for thinking that the order of the day can contain the procedural motion. As the Chair of Committee on Gender and Culture, I wish to applaud you. I want to second that it is important that we allow our Honourable Members, because I believe that some of the Members have their boys who are going to be circumcised.

So, Hon. Speaker, we want to allow them to go and sit with our boys, so that, we teach our boys that this is a year for circumcising our boys who have come of age. We shall also be educating them the age, the name of the age set or the age group. You find that this is a year that I don't know how I can term it; that because we were to rename the *Omukananachi*, but now, the *Omukikwameti* is still there and so you can find that instead of the age set reaching six, you will find that the age set of our boys will go to eight.

Unlike *Omuchuma*; instead of *Omuchuma* reaching six, you saw that it went up to eight. Why? Because the person whom we were to name the age set was still alive! Hon. Speaker it is important that we go sit with our boys, teach them that from this age to this age is called this and this; so that as they grow up, they must also know our culture.

I wish to appreciate that we have received the invitation to go and attend the *Sikhebo* at Masaba. It is important that we allow Honourable Members that we adjourn, so that we go and participate in this cultural event. I wish to appreciate that I know our Clerks are there for us. They will make arrangements for the committee meetings; it is only the Plenary that we are adjourning. So, Hon. Speaker, up to that point, I wish to second.

Mr. Speaker: Thank you, Hon. Kawa, Chair, Committee on Gender and Culture. Honourable Members, I will now frame a motion for debate.

(Question proposed)

Hon. Ali Machani: Thank you Hon. Speaker. First of all, I wish to thank you through the leadership for coming in to secure me. When the House was debating, I think there is something serious our young citizens have learnt from this House; that as much as you may be senior, you can be advised to move out of this House; if your characters and behaviour are not Parliamentary.

I wish to thank you through the leadership that, again, I sensed that staying outside was not good manners. So I also convinced them to see sense that I have humbled myself and come to apologise. So, Hon. Speaker, first of all, I wish to thank you for allowing me to come in and also be part of this discussion.

I am on my feet to support this procedural motion with two or three items in mind. One, it is necessary for us that as legislators, we are also parents and our children are also closing schools and they are at home. When we are in this House and doing other activities concerning our representation, we sometimes miss mingling with our families.

People may think that we are not supposed to be at home. They think that we are supposed to be in this House doing our assignments. From where I sit, it is also a month, as my colleagues have said, where the Luhya community, mostly the Bukusus and those from the Uganda side; this month is a circumcision month.

Even if others do it in December, others do it year after another; but for us, it marks a very serious traditional that in August of every traditional year like this one, we must participate.

Even if the Western culture came in to destroy that belief, but there are others who are still having that serious concern that they must participate. But those who are believers in Christianity, they don't participate much in such an event. Even for Muslims in most cases, children are circumcised after 30 days. But from where I sit, Hon. Speaker, it is good for us to associate ourselves with the tradition.

Lastly, having this long recess is also trying to prepare us that one day we will not be in this House. One day you will find yourself seating at home working and operating from home. So, it is a very thoughtful holiday or long recess that is going to prepare us, to analyze what we have done for the three or two years that we have been in this House. Remember getting it, as I always say is very easy but defending it is not very easy. Every time you are a sitting leader, they will always refer to you, they will always throw all the challenges to you even in times of donation, you must give serious donation; forgetting that we have other serious stakeholders in our villages. One thing I am worried and it will assist us; that our team the technocrats shall adjust the program so that as we will be at home, we can also attend the committees so that our welfare is taken care of.

Also in terms of welfare, if we can organize because when members are at home, expenditures are too much and there is no excuse. Like now you have communicated with this Generation Z. They are very keen, in fact today, as you took me outside; you managed to advise the Serjeant-at-Arms to escort me. Hon. Speaker, I sensed that if I remain outside, they will say that I have been thrown out of the House. So, something came into my mind very quickly and I had to look for Hon. Meshack who is a Chief Whip, and Hon. Milliah to come and talk to you quickly to see sense that I am very much remorseful. So whatever we are doing in this House, those who are outside there know what is happening here. So, it is a matter of us through your able leadership and our two leaders and others to organize so that we don't miss anything that will assist us as when at home.

We can easily support our communities and our families. You are aware that I have three families and so, I have no excuse, now that this House is on long recess; I have no excuse to say that I am rushing to the Parliament. They will say buy time, take tea and when they that, a crowd will be there. So, you know Hon. Speaker when I say this, other members may think that we run away from home, no! When you are at home, it is when you are like in prison. When the House session is on, you will say the Speaker today has arrangements for us to handle some activities. But when you are at home, there is no excuse.

Even in funerals, you cannot say that the Parliament is on. They will say no, we know you are on a long recess. They don't know if the committees operate as much as we are going on recess.

So, it is a matter that our people get very clearly. Otherwise, I support. Let us go and handle other activities as our Clerks also prepare the normal activities for the committees.

Mr. Speaker: Hon. Lusenaka you will wind up that part, then the Hon. Leader of Majority you prepare to respond to the motion accordingly.

Hon. Anthony Lusenaka: Thank you Hon. Speaker. I rise to also support the motion for adjournment. Hon. Speaker, this one will give us an opportunity, as Hon. Machani has put it, to be with our families and electorates. They also need us as much as we are working for the County. At home, we are also needed and so, it will give us an ample time to be with them. I also wish to inform the House that we still have Business to transact and some are still urgent. I just wish to request that when you are called upon, be it next week, please avail yourself. There are several matters which are still pending before this House. We still have the issues we discussed last week, the issues of scholarships, bursaries, and other things.

I was working on something and the House is aware. We have not retreated. We are still waiting for further investigations and further evidence. No one has been compromised. I just wish to assure this House that we are still on track and once the documents are ready, we will come to your office and seek for maybe a Special Sitting so that we transact that Business. We are in consultation with the Leader of Majority and some members. So, I just want to assure this House that everything is still being worked on. Be patient. Otherwise, I support the motion.

Mr. Speaker: Hon. Majority you second? Oh, sorry, sorry, sorry. Sorry, Hon. Miliah I thought of the other motion, you seconded! The one for labour... Proceed, please. Sorry. Proceed.

Hon. Milliah Masungu: Thank you Hon. Speaker giving me this chance just to talk about the adjournment. Hon. Speaker, we are adjourning purposely to go and support our culture. But I want to put it on the Chair for Gender, that it is unfortunate that he alongside the Department

have no preparations for the Bungoma people. Because as we adjourn we expect to have such like a function in our County, to celebrate our boys the way he has told us here. Now, fortunately we have been invited to Uganda, but we might be disadvantaged because the invitation caters for a few members.

So how I wish that in future you allocate or you provide the Department with some cash for such like a function to be done within our County. It is also good to celebrate our culture within our Country. *Bukusus*, *Tachonis* and *Sabotis* circumcisions is one of the cultures of the people of Bungoma that we cannot just take for granted and go dance in Uganda. We equally want to dance in Kenya as we “*minya*” and get hold of “*Kamagari*”.

(Laughter)

Mr. Speaker: Hon. Leader of Majority, some of them are called severe provocation with the aim of being sent away... she will go home. I won't send you away.

Hon. Joseph Nyongesa (Mover to reply): Thank you Speaker. Again let me appreciate the members who have supported. In fact, in future as a County, we should also champion for our culture and invite others to also learn from us. You know, one key thing is that circumcision, whether you are a Christian or whomever... it is done, because biblically even Abraham was circumcised, same to Jesus. So there is nobody who can oppose the issue of circumcision. We should also arrange and have our own so that instead of going to Uganda to watch Ugandans; they can also come and learn from *Bukusus*, *Tachonis* and *Sabotis*.

Mr. Speaker: Honorable Members, allow me to perform the last ritual for this motion.

(Question put and agreed to)

(Applause)

ADJOURNMENT

The calendar is altered accordingly and we will resume our sittings from Tuesday, September 3rd, 2024 at 2:30 p.m. Honorable Members, looking at the Order Paper, that was the last item. We shall rise and adjourn.

The House rose at 4:51p.m.

