

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY, 26TH MARCH, 2025

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

WEDNESDAY, 26TH MARCH, 2025

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

Mr. Speaker: Honorable Members, the communication I am making is for the second time and once I have made it, I think it will be final and you only need to comply.

This communication is an invitation to a pre-wedding function and every Member should take note. The Wetangula and Njoroge families cordially invites you to the *en'ganana* of our children; Tamara Wetangula and Anthony Njoroge on Friday, 4th April, 2025 at 10.00 a.m. at Kanduyi residence of Mama Phyllis Ayuma Wetangula and Dr. Moses Masika Wetangula EGH, MP, Rt. Hon. Speaker of the National Assembly.

Kindly note that this card admits numbers of people indicated on the envelope. The list that is attached on this envelope has 63 Honorable MCA's and the Clerk. The communication is important that admission is based on this card which the Chief Sergeant will have and as you enter, you tick. The driver is your driver but he will stop at the gate. Those are the instructions that I have. There is enough space for parking, do not worry.

The second communication is for the Committee on Appointments. The committee invites its Members for a sitting in this plenary after the adjournment of the House for planning of vetting of the nominee that I committed yesterday on the floor of the House.

MOTION

1. REPORT BY THE SECTORIAL COMMITTEE ON GENDER, CULTURE AND SOCIAL WELFARE
ON THE STATUS OF SAN'GALO CULTURAL CENTRE

Mr. Speaker: Yes, Hon. Kawa, proceed!

Hon. Jack Kawa (Chairperson, Gender): Thank you Hon. Speaker. On behalf of the committee....

Mr. Speaker: Yes, Hon. George Makari. Let me give you a microphone first please!

Hon. Gorge Makari: Mr. Speaker, when we were here as Liaison Committee and I want to read to you the membership that is present for this committee today;

1. Hon. Jack Kawa
2. Hon. Joseph Juma
3. Hon. James Mukhongo
4. Hon. George Kwemoi
5. Hon. Metrine Nangalama
6. Hon. Mildred Barasa.

Those are six members out of 15 which means we collapse the motion until the membership and quorum for this committee is attained.

(Applause)

Mr. Speaker: Honorable Members, the Committee on Liaison has agreed that at least a half of the Members should be present before a committee report is moved. Since the day is still young we will put this report aside and move to the next report.

2. REPORT BY THE SECTORIAL COMMITTEE ON LABOR RELATIONS, MEMBER SERVICE AND FACILITIES ON THE ENQUIRY INTO THE EMPLOYMENT OF THE BUNGOMA COUNTY LAND VALUER BY THE COUNTY PUBLIC SERVICE BOARD OF BUNGOMA

Hon. Martin Chemorion: Thank you Mr. Speaker Sir.

Mr. Speaker: Can we have the Members of this committee upstanding!

(Laughter)

(Applause)

Mr. Speaker: Hon. Orize, are you not a member?

(Loud Consultation)

Jeremiah, are you not a member?

In a situation where the entire Budget Committee is out on permission of the House.

(Loud consultation)

Hold on first!

(Loud Consultation)

Members, seven members of this committee are in Budget Committee. I can read them out so that you understand, Kiro'ng, Milliah Masungu, Charles Nangulu,

(Loud Consultation)

What happens when some Members are away with my permission?

(Loud Consultation)

Members, at least they must be a half. Can we have one meeting Honorable Members. Yesterday we sat here and you passed an important report by the committee on Public Administration and ICT. When you are doing so, one of the critical issues that you are accused to have done...Order members!

Is approving a budget of planting flowers. When it came up for debate, the committee which went to Kisumu to prepare the report were only three out of 15. That being the position Members, we must agree. When things in Kisumu are sweet, they must also be sweet in this House.

(Applause)

(Loud Consultation)

(Inaudible consultations)

We are going to do so. Hon. Kawa, can I confirm your Membership?

(Loud Consultation)

No, Members, we said seven, you cannot have a half member.

(Loud Consultation)

Members when you go that way...

Hon. Jack Kawa: Jeremiah is my member.

Mr. Speaker: Members, we said at least seven in the morning. If they are seven, proceed!

Hon. Jack Kawa: We are 8

Mr. Speaker: Proceed!

(Applause)

Hon. Jack Kawa: Thank you Hon. Speaker...

Mr. Speaker: Members, before Hon. Kawa proceeds, the difficulty we are having, people come for committees then they disappear from the plenary. When you go to Kisumu as a committee, you go there to enjoy. When you come back here, the report is passed by non-members when the members are just out there.

We have agreed the minimum of 15 is seven. For committees with 11 Members, you must have at least 6 members. Going forward, we will be sharing the Order Paper a day before so that you come. Hon. CPA Nganga, what is it?

Hon. Everton Nganga: Thank you Hon. Speaker. I am not against the decision that was made by Liaison...

Mr. Speaker: Are you a member of Liaison?

Hon. Everton Nganga: I am a member.

Mr. Speaker: You are overruled!

Hon. Everton Nganga: Honorable Speaker, in a situation where you as the leader of the House permitted members of the Budget committee to go out, the absence of those members has really affected us adversely as Members of the Committee on Labor...

Mr. Speaker: Honorable Member it was done today...

Hon. Everton Nganga: I would like you to make a decision on that because...

(Loud Consultation)

Mr. Speaker: Members, Yes, Hon. Deputy!

Hon. Stephen Wamalwa: Honorable Speaker, Hon. Nganga is a Member of Liaison and when we make decisions, we agreed and it is in law in the Standing Orders that you cannot come out to otherwise state contrary to what is a resolution of the committee. It's in public domain and in everyone's knowledge that Budget Committee comprises of 11 Members. Out of the 11, 7 are out with permission of the Speaker meaning we have others who should be here.

Mr. Speaker: We will have one exception, Abraham Obama...

Hon. Stephen Wamalwa: We do not want to bend the law but the Speaker has the prerogative under Standing Order no.1 which he can use in any event that he deems fit so that the business of the House can proceed without disruptions.

Mr. Speaker: We will proceed in that order. The case where Obama is a member of the committee, we will exclude him because you understand his condition. He is yet to resume walking. Proceed Hon. Kawa and in the near future I will be sharing the total attendance of Members from the HANSARD record.

Hon. Jack Kawa (Chairperson, Gender): Thank you Hon. Speaker. Now, we are working and I have seen the mood of the House...

On behalf of the Committee on Gender, Culture and Social Welfare, I have a report on San'galo Cultural Centre fact-finding exercise.

I will request that I skip chapter one if you will permit me.

Mr. Speaker: You will read Chapter One.1.1 and go to 1.3

Hon. Jack Kawa: 1.3, Preface

Mr. Speaker: You must give us the preface, then go to 1.3

Hon. Jack Kawa: Okay, Thank you Honorable Speaker

CHAPTER ONE;

Preface

Hon. Speaker,

The San'galo Cultural Centre, located in Bungoma County serves as a hub for preserving and promoting the rich cultural heritage of the Bungoma community, which includes the six tribes namely: Bukusu, Tachoni, Batura, Sabaot, Iteso and Bongomek.

This report provides an update on the current status of the Sang'alo Cultural Center, located in West Sang'alo Ward, Bungoma County. If operationalized, the center will play a crucial role in preserving the cultural heritage of the County by displaying traditional artifacts and hosting cultural events. Its completion will not only boost tourism but also promote social cohesion and serve as a venue for events that educate both residents and visitors about the cultural and historical importance of the County.

The committee carried out a fact-finding visit to assess the overall condition of the center, including the status of the concrete fence and the multi-purpose hall's construction.

Lastly, this report details the work outlined in the bills of quantities for both the fence and the hall, comparing it to the actual work completed. It also includes general observations regarding the center and provides recommendations to ensure the facility serves its intended purpose.

I will skip the mandate of the committee;

1.3 Committee Membership

Hon. Speaker,

The Committee currently comprises of the following members;

- | | | | |
|----|---------------|----------|------------------|
| 1. | Hon. Jack | Kawa | Chairperson |
| 2. | Hon. Abraham | Obama | Vice Chairperson |
| 3. | Hon. Joseph | Juma | Member |
| 4. | Hon. James | Mukhongo | Member |
| 5. | Hon. Godfrey | Mukhwana | Member |
| 6. | Hon. George | Kwemoi | Member |
| 7. | Hon. Jeremiah | Kuloba | Member |
| 8. | Hon. Alfred | Mukhanya | Member |

9.	Hon. Metrine	Nangalama	Member
10.	Hon. Eunice	Kirui	Member
11.	Hon. Florence	Juma	Member
12.	Hon. John	Wanyama	Member
13.	Hon. Maurine	Wafula	Member
14.	Hon. Sheila	Sifuma	Member
15.	Hon. Mildred	Barasa	Member

I have seen we have the quorum, you will laud my members.

Acknowledgement

Hon. Speaker,

The Committee extends its gratitude to the office of the Speaker and Clerk of the County Assembly of Bungoma for the support accorded to it during the consideration of the activity. Further, I appreciate Honorable Members and the secretariat for their commitment and dedication during the fact-finding exercise to Sang'alo cultural center and also their commitment in scrutiny of submissions received.

It is therefore my pleasant duty and privilege, on behalf of the Committee on Gender, Culture and Social Welfare to table this report to this House for consideration and adoption.

Signed by Hon. Jack Kawa - Chairperson, MCA - Bokoli ward

CHAPTER TWO

Legal Framework

Hon. Speaker,

The preamble of the Constitution of Kenya 2010 states that we the people of Kenya-

Are proud of our ethnic, cultural and religious diversity and are determined to live in peace and unity as one indivisible sovereign nation

Are respectful of the environment which is our heritage and determined to sustain it for the benefit of future generations

Article 11 of the Constitution of Kenya;

1. Recognizes culture as the foundation of the nation and as a cumulative civilization of the Kenyan people and nation

2. The state shall:

- a) Promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and cultural heritage
- b) Recognize the role of science and indigenous technologies in the development of the nation, and;
- c) Promote the intellectual rights of the people of Kenya

Part 2 of the fourth schedule of the constitution of Kenya provides for cultural activities as one of the functions of County Governments.

The objects of devolution of Government in chapter 11 of the Constitution of Kenya includes fostering of national unity by recognizing diversity, recognizing the right of communities to manage their own affairs and further development, protecting and promoting the interests and rights of the minorities and marginalized communities and promotion of social and economic development and the provision of proximate, easily accessible services throughout the country.

Objectives of the Report

The objectives of this report were to:

- i. Assess Physical Condition: Evaluate the state of infrastructure, including the multipurpose hall and perimeter wall. Inspect maintenance levels of the whole center
- ii. Investigate Cultural Preservation: Determine how effectively the Centre is preserving and promoting the culture of the people of Bungoma.
- iii. Review Future Development Plans: Assess ongoing and planned developments, have a consultative meeting with the department of Gender and Culture to discuss future plans and evaluate how these might impact the Centre's cultural mission.
- iv. Identify Challenges and Opportunities: Identify challenges the Centre faces and explore opportunities for improvement.
- v. Document and Report Findings: Compile findings into a comprehensive report.

Justification for site visit and fact-finding

Mr. Speaker

The Committee in line with exercising its oversight role, studying, assessing and analyzing the success of the department and the need to analyze and compare whether the submissions received from the department were in tandem with what was actually happening at the center and if it was the true status at the cultural center conducted a site visit to the center on Monday 12th August, 2024.

Methodology

Mr. Speaker

In coming up with the report, the committee used the following methodology:

- i. Document review-The committee analyzed written documents submitted by the department concerning the cultural center
- ii. Site visits-A site visit to the center was conducted by members of the committee to ascertain physical progress and quality of work done
- iii. Consultative meeting-The committee invited the department to appear before it to respond to the issues raised on their submissions and the information gathered during the fact- finding visit.
- iv. Reporting- A detailed report was prepared by the committee entailing committee findings and recommendations.

General status of Sang'alo cultural center

The center is located on an 18-acre piece of land in West Sang'alo ward of Bungoma County. Ten acres, which houses the multipurpose hall is fenced but remains largely overgrown by grass and bushes clacking both toilets and water facilities. Additionally, there is an 8-acre section of land that is not fenced and is currently being used by community members for farming.

Indigenous trees planted at the center have not been named either botanically or traditionally, making identification difficult. Further, the grass thatched community houses at the center were in poor state making it impossible to be used for displaying of traditional artifacts.

Status of Sang'alo multi-purpose hall

Mr. Speaker

The first phase for the construction of Sang'alo multipurpose hall was awarded to Luson General Supplies Limited at a contract sum of Kshs. 5,850,000 in the Financial Year 2020/2021.

The works included in the Bills of quantities included substructure works that were done to completion.

Phase two of the completion of Sang'alo Multi-purpose hall was awarded to Pasisi Enterprises limited at a contract sum of Ksh. 20,895,126.40(twenty million, eight hundred and ninety five thousand, one hundred and twenty six shillings and forty cents only) in the financial year 2020/2021.

Condition of the Contract

The works in the contract included;

- a) Reinforced concrete superstructure
- b) Walling
- c) Roof construction and finishes
- d) Windows
- e) Doors
- f) Finishes
- g) Builders work in connection with specialist services

Department's submissions

Excavators of 6 meters deep as required for the soak pit could not be possible at the area approximately sited for the septic tank while there was a shallow solid rock that could not provide seepage for construction of a deeper soak pit beyond the 2.7 m depth, the same could not be possible for the soak pit without blasting which was not provided for. However, the same as is common practice would be measured in all the subsequent payment certificates as part of the contract.

The sign board which was part of the contractors work had not been done and thus would not be paid for. In addition, the capacity of the septic tank that was done was 67,000 litres instead of 90,000 litres as on the Bills of Quantities, the contractor would be paid for the 67,000 litres capacity done.

The department also submitted that, the 1st, 2nd and 3rd coat on painting had been done.

2.8 committee observations

During the visit, the contractor was not on site

Work done so far stood at 70%

Sign board as part of the contractor's requirement had not been done

Electricity had been installed and lights were well functioning

The septic tank had been installed but not as per the measurements in the bills of quantities

Soak pit was not done as per the specifications on the bills of quantities

Roofing had been done and ridges for harvesting rain water had been installed

The rooms inside the multipurpose hall had no shatters

2.9 Fencing of Sang'alo cultural center

The contract was awarded to M/S Kongasis Investments Limited at a contract sum of Kshs.3, 150,400(Three million one hundred and fifty thousand four hundred shillings only) in the financial year 2021/2022

The works included in the contract as per the bills of Quantities were:

- i. Fencing with concrete posts
- ii. Gate

2.9.1 Committee observation

All the works outlined in the bills of quantities were done to completion save for six strands of barbed wire where only three strands were done .Ten acres which houses the cultural Centre was fully fenced by concrete poles, barbed wire and chain link .

CHAPTER THREE

3.1 COMMITTEE GENERAL OBSERVATIONS

Hon Speaker,

The Committee made the following observations;

1. **THAT**, the Centre is underutilized, with many facilities either incomplete or in a state of neglect.
2. **THAT**, there were significant challenges related to infrastructure, such as lack of water and toilets.
3. **THAT**, Cultural preservation efforts are hampered by the poor state of facilities, lack of staffing, and insufficient resources to properly display and educate visitors about the artifacts and cultural practices.
4. **THAT**, there were no cultural representatives/ historians at the Centre for education and knowledge transfer.
5. **THAT**, the center has plenty of indigenous trees but not named either traditionally or botanically.
6. **THAT**, not all the land meant for the cultural center is properly secured/fenced (8 acres).
7. **THAT**, the works done vis-a-vis the works on the bills of quantities were not tallying.
8. **THAT** at the time of visit, the construction progress at the Sang'alo Multi-Purpose Hall stood at approximately 70% with notable deficiencies such as the absence of shutters on the windows.

3.2 COMMITTEE GENERAL RECOMMENDATIONS

Hon. Speaker

The Committee made the following recommendations to address the current challenges that will assist in making Sang'alo Cultural Centre a more sustainable and impactful cultural center.

1. **THAT**, the department should develop a strategic plan that outlines long-term goals for the center's development, maintenance and renovation of the underutilized facilities to restore them to operational status, staffing and programming. This plan should include budget allocation, timelines, and resources needed to address all these issues systematically.
2. **THAT** the department should secure a consistent water supply of either piped or drilled water and construction of pit latrines at the Center in order to ensure compliance with public health standards.
3. **THAT**, the department should establish six community houses to properly displays artifacts and create educational materials to guide visitors and teach them about cultural practices.
4. **THAT**, the department should hire qualified cultural representatives/historians to educate visitors and enhance the educational value of the center. These experts could conduct guided tours, host cultural workshops and offer lectures to provide authentic knowledge and cultural perspectives.
5. **THAT**, the department should Work with botanists or cultural specialists to identify and label the indigenous trees.
6. **THAT** the eight acres should be well secured/fenced to prevent encroachment and used by the six communities to display their traditional food crops and other products.
7. **THAT**, the department conduct a thorough audit and assessment of the construction work completed versus the bills of quantities before issuing certificates for completion of Sang'alo multipurpose hall and pay strictly for work done.
8. **THAT**, the department should fast track the completion and operationalization of the multipurpose hall.

Honorable Speaker, we have the annexures with us, so I want to urge honourable members to go through them so that they get what is contained therein.

Up to that point, allow me, in a special manner call Hon. Jeremiah Kuloba, member of the Committee and also member for Township Ward to second this report. Thank you, Honourable Speaker.

Hon. Jeremiah Kuloba: Thank you, Honourable Speaker. I thank the mover of the motion for giving me this chance. The report has been very clear, elaborate, and I hope all members have gotten it rightly. Thank you, Honourable Speaker, I support it.

(Laughter)

Mr. Speaker: Honourable Members, allow me proceed and be able to propose a motion for debate;

(Motion proposed)

Hon. Stephen Wamalwa: Thank you, Hon. Speaker. I'm on my feet, first of all, to support the report and commend the Committee membership for sitting in and ensuring that the report is moved and if possible, adopted. I want to commend them.

Second, Hon. Speaker, to me, this is a very important report. We may not be aware the importance of this report, yet it's extremely important. As Bungoma, we have our motto which is 'Our heritage, our wealth'. The mission of this county is 'A hub of diversity and socio-economic development' and the mission is 'To harness all potentials of the County through inclusive participation and collective responsibility to generate wealth for sustainable socio-economic development.

Hon. Speaker, we normally say that Bungoma is a home of diversity and we pride ourselves that we are endowed with good weather, endowed with good soils, climate and above all, Bungoma is a home of the famous *Sikhebo* or *Embalu*. Bungoma is equally a home of the profound *Kamabeka*. When we talk of *Kamabeka* dance, we are talking of Bungoma, when we talk of *Lipala*, we are talking about Bungoma. Bungoma has communities like the Sabaot that practices circumcision, a Very rich culture, the Tachoni, they have circumcision which is a rich culture plus other communities that are of Luhya dialect.

Apart from circumcision; although there is a Member of Parliament who is trying to say that men should not be circumcised in this country; there is also an element of taking these young men from the state of circumcision now to become men, young men, and the Tachoni's do it in style. They have what they call '*khulich*'. I'm saying all this because I'm coming back to Sang'alo Cultural Centre, I want to make a point for that Centre.

What I want to say is Bungoma can actually realize a lot of revenue. Today we are crying because we are not attaining the projections of revenue to develop our county yet we are sitting on gold, if this Centre was taken care of we would generate a lot of revenue. When you go to Maasai land, they only have one culture of the Morans, rite of passage and the only thing they do better maybe is to have that red ochre painted on themselves and the act of jumping high, only that and tourists flock to Maasai land to witness the Morans being made young men.

When you go to Maragoli, they are so serious about their culture and every year the Maragoli have what they call Maragoli cultural activity at Maragoli cultural Centre and every leader in Western Kenya goes there and even this year people will go to Maragoli to witness that. Also, the Leader of Majority has been whispering to me that we have wonderful indigenous trees there yet they are not named.

You heard the mover of the report reporting to this House that the eight acre land has not been fenced and therefore the community is using the land for farming. I'm not sure if

actually the community is using for farming because I suspect maybe there is a lot of encroachment. How can we differentiate between the community using it and encroachment? I want when the mover comes to respond, he assures this House that indeed they ascertained that the use of the land was actually by the community for farming and not encroachment. They have to tell us sincerely so that tomorrow we don't hear that Sang'alo Agricultural Centre land has been encroached. I am saying this because encroachment of land in Bungoma County is so rampant and we cannot assume.

I want to insist that it is important to have reports on the status of implementation of our reports and this is one of the reports that we shall expect to have a report on its status of implementation. We would like to see the County Executive demonstrate that it is serious about the culture of the people of Bungoma.

Why are we having challenges yet we have diverse communities with diverse cultures? Why can't we converge at Sang'alo cultural Centre having put in place instruments and having made it possible that we can use it as a Centre that can advertise and market Bungoma at the national level and even global level? I want to support this report but I want to insist that we wait for the report on status of its implementation, so the people, tasked with the same should pull up their socks so that we have it. Otherwise, I want to support this motion. Thank you Hon. Speaker.

Hon. Jack Kawa (Mover to reply): Thank you Hon. Speaker. First, allow me to congratulate my leader who is my Deputy Speaker and also Chair for Liaison. As he mentioned, we should not forget our motto as a county. About *Embalu*, we wish that going forward, let us not as a county just be going to Uganda at Mutoto to see how Gishu do their cultural circumcision. Instead, we should invite them so that they also come here and witness our circumcision ceremony.

As he said about *khulicha*, though we have some communities like Tachoni that normally call them *sakaya* but Bukusu's; Barefu and Basonge; we call it *khulicha*; that is the difference between Tachoni and Bukusu.

We agree in the report that we want to avoid encroachment of that place and as a committee, we requested the department to second members of staff from the County Government of Bungoma so that they can go and work there. Receive visitors that come to see how Sang'alo cultural Centre is going on other than just leaving it open. Because the surrounding residents are herding their animals at this important county project, a situation we would want to avoid.

I want to congratulate both Honourable Members and the members of staff of the County Assembly for the performance in the recent EALASKA games. They performed well and we want to encourage that. We will encourage this through making Sang'alo Cultural Centre active. Without much ado, I want to urge honourable Members to adopt this report. Thank you Mr. Speaker.

Mr. Speaker: Honourable Members, allow me to proceed now and put a question to the motion;

(Question put and agreed to)

The Ayes have it. Next?

2. REPORT BY THE SECTOR COMMITTEE ON LABOUR RELATIONS, MEMBER SERVICE, AND FACILITIES ON THE INQUIRY INTO THE EMPLOYMENT OF THE BUNGOMA COUNTY LAND VALUER BY THE COUNTY PUBLIC SERVICE BOARD OF BUNGOMA

Hon. Martin Cheseto (Mover): Thank you Mr. Speaker Sir for giving me this chance. I just want to request you to use your discretion that given that our committee has been seriously interfered by the absence of the members who belong to the committee on Budget whom I believe are away on permission and to me I believe that we deem them to be present.

Mr. Speaker: Honourable Members, the resolution was passed today in Liaison and they are not aware of what we agreed so for today we allow you but going forward...

(Loud consultations)

Honourable Members, when we agreed they were not in the House...Honourable Members when we agreed that they must be present, the committee was already away. Going forward you must have your quorum.

Hon. Martin Chemorion: Thank you Mr. Speaker for your wisdom to ensure that the proceedings of the House continue. I am moving a motion on the inquiry into the employment of Bungoma County Land Valuer by the County Public Service Board of Bungoma

CHAPTER ONE

1.1. PREAMBLE

Hon. Speaker,

The report presents the findings and recommendations of the Labour Relations, Member Service, and Facilities Committee following an inquiry into the appointment of a County Land Valuer by the County Public Service Board of Bungoma. The Committee noted that the nominee, at the time of appointment, was not a registered member of the Valuers Registration Board, raising concerns regarding compliance with the requisite professional and legal requirements.

The report examines the procedural gaps in the recruitment process, assesses the ethical and professional implications of the appointment, and provides recommendations aimed at ensuring strict adherence to employment and professional standards. Further, the report analyzes the circumstances surrounding the appointment and evaluates whether the recruitment process conformed to the applicable legal, ethical, and professional requirements.

Hon. Speaker,

It is my pleasure to present the report on The Inquiry into the Employment of the Bungoma County Land Valuer by the County Public Service Board.

The Mandate of the Committee

Hon. Speaker, the Committee on Labour Relations, Member Service and Facilities was constituted pursuant to the provisions of Standing Order No 217 of the County Assembly of Bungoma and executes its mandate in accordance with Standing order 5.

1.2 Committee Membership

Hon. Speaker,

The Committee on Labour Relations, Member Service and Facilities comprises of the following Members:-

- | | |
|---------------------------|---------------|
| 1. Hon. Hentry Nyongesa | - Chairperson |
| 2. Hon. Joan Kirong | - Member |
| 3. Hon. Everton Nganga | - Member |
| 4. Hon. Anthony Lusenaka | - Member |
| 5. Hon. Charles Nangulu | - Member |
| 6. Hon. Busolo Sudi | - Member |
| 7. Hon. Caleb Wanjala | - Member |
| 8. Hon. Miliyah Masungu | - Member |
| 9. Hon. Polycarp Kimeta | - Member |
| 10. Hon. Orize Kundu | - Member |
| 11. Hon. Brigid Katasi | - Member |
| 12. Hon. Abraham Obama | - Member |
| 13. Hon Idd Owongo | - Member |
| 14. Hon. Martin Chemorion | - Member |
| 15. Hon. Jeremiah Kuloba | - Member |

1.3 Terms of Reference

Hon. Speaker,

The employment of the County Land Valuer by the County Public Service Board (CPSB) of Bungoma was subjected to scrutiny following a formal communication from the Chief Officer for Lands, Urban Development, and Physical Planning to the CPSB, contesting that the appointed officer did not meet the requirements as outlined in the advertisement. The matter was further deliberated upon by the Sectoral Committee during its consideration of the Fourth Quarter Expenditure Reports.

This inquiry was necessitated by concerns regarding the appointment of an individual as a County Land Valuer who, at the time of recruitment, did not fulfill the statutory requirement of registration with the Valuers Registration Board. Consequently, the County Assembly, as mandated through this Committee, undertook an investigation to ascertain compliance with employment laws and ensure adherence to professional standards.

1.4 Acknowledgment

Hon. Speaker,

I would like to thank the Members of Labour Relations, Members Service and Facilities Committee for their dedication, commitment, integrity and valuable contributions in carrying out the scrutiny of the Submissions by the CPSB. The Committee is grateful to the Office of the Speaker and that of the Clerk of County Assembly for the support received.

CHAPTER TWO

1. Public Service (Values and Principles) Act, 2015

Section 5: Compliance with professional and ethical standards.

Hon. Speaker,

This section emphasizes the requirement for public officers and public institutions to maintain professional and ethical standards in the discharge of their duties. This includes, obligation to adhere to professional standards, ethical conduct, institutions responsibility, breach of standards.

In the context of this report, **Section 5** is directly applicable. The failure to ensure the nominee's registration with the Institution of Surveyors of Kenya (ISK) represents non-compliance with professional and ethical standards as required by this section. This reinforces the need for strict adherence to these standards to maintain professionalism and public trust.

3. Surveyors Act, Cap 299

Section 9: Registration requirements for surveyors.

Section 9 of the **Surveyors Act, Cap 299** establishes the qualifications and conditions required for an individual to be registered as a surveyor in Kenya. Registration is mandatory for anyone practicing as a surveyor or land valuer to ensure competence and adherence to professional standards.

Section 17: Offenses for practicing without registration.

Section 17 of the **Surveyors Act, Cap 299** outlines the penalties and consequences for individuals who practice as surveyors or land Valuers without being duly registered under the Act. This section aims to uphold professional integrity and protect the public from unqualified practitioners.

4. Institution of Surveyors of Kenya (ISK)

Professional Membership and registration criteria.

Hon Speaker,

The **Institution of Surveyors of Kenya (ISK)** is the professional body that regulates surveyors and land Valuers in Kenya. Membership in ISK is a requirement for practicing surveyors and ensures adherence to professional, ethical, and technical standards in the industry.

CHAPTER THREE.

Appointment Process of the Land Valuer.

Hon. Speaker,

An intent dated 6th November 2023, was submitted to the Secretary of the County Public Service Board (CPSB) by the Department of Lands, Urban Development, Physical Planning, Housing, and Municipalities, seeking the initiation of a recruitment process for two officers, one of whom was to serve as a Valuation Officer at Job Group K.

The requirements for appointment were as follows:

1. Possession of excellent knowledge in the design and application of GIS software as well as valuation procedures.
2. A minimum of three (3) years of experience in the position of Valuer II or an equivalent grade.
3. Proficiency in spatial knowledge, including expertise in property valuation databases.

4. A Bachelor of Arts (BA) or Bachelor of Science (BSc) degree in Land Economics, Real Estate, Property Studies, or an equivalent qualification from a recognized institution of higher learning in Kenya.
5. **Registration with the Institute of Surveyors of Kenya (ISK) – Valuation Chapter and corporate membership in the Institute or a surveying body recognized by ISK.**
6. Demonstrated ability, initiative, and competence in organizing, directing, and executing valuation work at this level.
7. Compliance with the provisions of Chapter 6 and Article 232 of the Constitution of Kenya.

Subsequently, through a letter dated 16th May 2024, Ref. No. **CPSB/MIN.LANDS/VOL1/54**, the Secretary to the CPSB communicated to the County Chief Officer in the Department of Lands, Urban Development, Physical Planning, and Housing, enclosing the advertisement for the position as requested. The advertisement was subsequently published in the *Daily Nation* newspaper on Saturday, 18th May 2024.

Following the advertisement, only three candidates applied for the position of Valuer, all of whom were shortlisted and invited for an interview through the Daily Nation Newspaper on Wednesday July 24th 2024. The interviews were held on 13th August 2024 at Mabanga Agricultural Training Centre (ATC).

The CPSB sought the expertise of professionals from the relevant department to assist in the identification and selection of a suitably qualified candidate for the position.

Appearance of the County Public Service Board CPSB

The Committee invited the County Public Service Board (CPSB) to a consultative meeting held on 30th January 2025 to examine the legal framework surrounding the employment of Mr. Hebron Mukhalisi Mbakaya, holder of ID No. 33661223, as the Bungoma County Land Valuer.

The Secretary submitted as follows:

1. That due process was followed and only three candidates applied for the position of Land Valuer as advertised. Of the three applicants, one was disqualified for not possessing the requisite ISK certificate.
2. That only one candidate, Mr. Hebron Mukhalisi Mbakaya, presented himself for the interview.
3. That the CPSB engaged technical officers from the Lands department throughout the recruitment process, from shortlisting to the conduct of interviews.
4. That the technical officers from the department, in concurrence with the Board, affirmed that the candidate met the requisite qualifications.
5. That the candidate who appeared did not submit the registration certificate from the Institute of Surveyors of Kenya (ISK) – Valuation Chapter for verification, despite verbally asserting that he was duly registered.
6. That the advertisement did not attract a significant number of applicants, as the position was classified under Job Group K, which is relatively low compared to the qualifications required.

CHAPTER FOUR

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

Committee Observations

Hon. Speaker,

The Committee made the following observations.

1. That only one candidate appeared for the interview
2. The CPSB initiated the recruitment process and shortlisted the nominee despite their non-registration with the Valuers Registration Board.
3. The nominee's credentials were reviewed and confirmed that he met the academic and other requirements as provided in the advert, however, no evidence of ISK membership was provided at the time of the interview.
4. The appointment violated statutory provisions under the Surveyors Act and the Public Service (Values and Principles) Act.

Committee Recommendations

Hon. Speaker,

The committee makes the following recommendation

1. **THAT the County Public Service Board MUST move with speed and invoke section 75 of the County Government's Act of 2012 which states that "If it**

comes to the attention of the County Public Service Board that there is reason to believe that any process or decision under this Part may have occurred irregularly or fraudulently, the County Public Service Board shall investigate the matter and, if satisfied that the irregularity or fraud has occurred, the County Public Service Board may

- a) **revoke the decision**
- b) **direct the concerned head of department or lawful authority to commence the process afresh or**
- c) **take any corrective action including disciplinary action”**

This should be done and reported back to the County Assembly within 30 days after adoption of this report.

Further, the CPSB must ensure that all future appointments comply with statutory and professional requirements, including mandatory registration with relevant bodies.

Thank you, Mr. Speaker. I move. There is also adoption schedule as indicated and they have also the annexures on employment records of the county land valuer. I now invite Hon. Nganga to second the motion. Thank you Mr. Speaker.

Mr. Speaker: Hon. Nganga, you have the honour. Proceed. Thank you.

Hon. Everton Nganga (Seconder): Thank you, Hon. Speaker for giving me a chance. First, I would like to thank the mover of the motion. Actually when you look at the motion the employment that was done to employ a county valuer, it's against the law. The valuer that was recruited did not have the requisite papers that can enable him to work freely from ISK.

I am looking at the recommendations that we as a committee came up with the County Public Service Board with regards to Section 75 of the County Governments Act, the County Public Service Board should revoke the decision and actually direct the concerned department or head of department and to start the process afresh.

Currently everywhere in every profession or in every discipline, for you to work freely you must work under a body that should protect you. Without the practicing certificate or license from a professional body it means your work will not be professional and you will not be working under a body that should protect you.

I know the problem of land valuer in Bungoma County. As honourable Members, we normally allocate money to projects but the lands department doesn't have a land valuer. Hon. Speaker we should be keen when doing this. We should not look at the destination. Let us look at the procedure. Procedure is important than the destination.

If we are going to have a person who is not qualified or who is not working under the umbrella of a professional body then all that we shall be doing would be illegal. I second the report and urge honourable Members to adopt our report the way it is. Thank you Mr. Speaker.

Mr. Speaker: Thank you, Hon. Nganga for seconding the report that was moved by the member of the committee. Allow me to propose a motion for debate;

Question proposed

Hon. Jeremiah Kuloba: Thank you, Mr. Speaker, for giving me this chance to air something. One, the problem of the land valuer is a big issue that is affecting all these Members and going by the recommendations given by this committee, I feel they are right. We should not encourage County Public Service Board to employ people who do not have the required qualifications.

This is an eye opener to honourable Members had it not come up that the valuer was an issue. Had it been that the person employed was not required by these honourable Members to value their pieces of land or parcels of land, this thing would have gone under without the notice of this House.

From the employment of unqualified valuer, it should be an eye opener and this issue of employing somebody who is not qualified, leaves a lot to desire. It could be that other departments have been doing the same, people have been employed without qualifications.

Otherwise, I urge this House to totally support the report so that we get a qualified valuer. So that the amount of money that these Members have allocated for purchase of parcels of land cannot go to waste. Thank you I support.

(Applause)

Mr. Speaker. Hon. Waiti Wafula.

Hon. Waiti Wafula: Thank you, Hon. Speaker for allowing me also to consider issues on the just moved report. I am a Member of the Lands Committee where the department concerned department intended to employ a valuer in order to solve the problems of land purchase in this county.

We can count now some years for example, from where I come from I can count around three consecutive financial years, money being allocated without being utilized for a simple reason that the valuer has not assessed and approved the utilization of the same funds.

As I support the report, I want to point out an issue concerning the Public Service Board of this county. Before the service board employs a person, there must be an intent of employment from a mother department. I want to believe the Department of Lands had an intent to employ a valuer and by that intention the department should have given out specifications on the kind of person it requires to solve the problems of this county. It must have gone through the gazzement and all the processes that are required to employ that person.

When the Service Board went ahead and employed a person without putting into consideration the specifications given by the department, it leaves questions on the integrity of the Service Board. Because where I sit as a professional in that field before one qualifies to be a registered valuer, this person must go through rigorous learning and training.

After graduation there is a period of two years given for that person to be allowed to be admitted to the body of a registered valuers. When he went through the adverts from the public service board it showed clear that the intent of the department gave them the specifications that they were to employ a person who meets the standards of a registered valuer. How they went ahead to employ that person I don't understand. I want to implore on the institutions concerned to look into this matter. How did the county public service board pick on this young man who is yet to get a practising certificate from the regulating body? Otherwise, we have suffered as a county. I want to laud the committee on Labour on the findings they came up with. I want to support them so that this county can get a proper person to run the affairs of valuation so that the county can move forward to purchase pieces of land to assist the county put up the relevant structures to assist the county run properly. Thank you. I support the report.

(Applause)

Mr. Speaker: Hon. Ipara then I will come to Hon. Makari.

Hon. Johnston Ipara: Thank you, Hon. Speaker. I see Hon. Makari looking at me. I don't know why yet it is the discretion of the Hon. Speaker to decide on who to speak Thank you. Let me start by supporting this particular report and associate myself with the recommendations of this committee. Our money has been wasted and this was a wise step for this committee to summon the County Public Service Board (CPSB) to appear and shed light.

After appearing the CPSB did not give all the details because one of among the functions this particular board is given is to appoint persons to hold office who are qualified. In terms of qualification the person that was appointed was not qualified to hold this office for lack of

a practising license. As alluded by the earlier speaker, on the two mandatory years where he is supposed to work as an assistant valuer before he is registered had not been done.

I am speaking as one of the major victims, I have allocated funds for purchase of land and up to date the land is yet to be purchased because valuation has not be conducted. I want to say that the Governor should immediately institute an inquiry into the conduct of officers in CPSB to find out why they decided to ignore the intent from the department which clearly specified on what they required. That inquiry should be immediately instituted so that those who committed this act should be punished either by sacking or surcharged for money that this particular officer has earned for holding the office wrongfully.

The CPSB was supposed to promote the values and principles of chapter 10 and when you see what they are saying, that only one candidate, Hebron Mukhalisi appeared for interview they should have thorough on the documentation provided by the applicant. This shows that they were compromised through corrupt activities. Corruption does not mean that you take money but your actions. This is not the first time the CPSB has taken Bungoma County for granted.

I remember well, when they were conducting interviews for ECDE teachers, this particular board did not put into consideration or even involve the Department of Education for technical advice to help them come up with suitable candidates. For this reason up to date ECDE teachers have not been appointed. Apparently the CPSB in place is ineffective, unknowledgeable and without the requisite skills. I support this report in totality. I submit Mr. Speaker.

Mr. Speaker: Hon. George Makari, you have the honour to contribute

Hon. George Makari: Thank you Hon. Speaker. I want to support the report and laud what other honourable Members have contributed. I sit in Lands Committee with Hon. Wafula Waiti, who seemingly blamed the Department of Lands for the intent to recruit. However, when the Lands Department appeared before the committee whose chair is none other than Mwalimu Francis Chemion they outlined the intent, what they actually put across and this is what the Lands Committee said. If you look at page 9 of the report, this is what they said. The valuer must possess excellent knowledge in design and application of GIS software, as well as evaluation procedures. A minimum of 3 years' experience, proficient in spatial knowledge including expertise, a Bachelor of Arts degree or Bachelor of Science degree in real estate, land economics, etc.

Then number five, registration with the Institute of Surveyors of Kenya, ISK, evaluation chapter and corporate membership in the Institute of surveying bodies organized by ISK. This is what the Department submitted.

Therefore, my good friend, the Hon. Waiti has no basis to blame the Department. After lunch Hon. Waiti uses some other liquids that are not good. I don't want to blame him but he is known for that. Section 17 of the Land Surveyors Act, CAP 299, stipulates the penalties and punishment that is supposed to be meted on anyone that is practicing without an ISK license.

When the Secretary of the Board appeared and I want to concur with Hon. Waiti on one thing; this issue points down to integrity; the CPSB must be investigated for integrity. On page 10, when the Secretary appeared before the committee he said that due process was followed and only three candidates applied. The only candidate, Mr. Heslom Mukhalisi, presented himself for the interview. That is okay. It doesn't mean if the only candidate came, you have to give him the offer even without qualifications. Where is it written that if I appear alone I should be employed?

Hon. Speaker, I can bring you back to one instance when you were hiring in this Assembly, there was one lady who had all the requirements from my Ward and it was the issue of library. Do you know what happened? She only lacked registration with relevant body. She had all the requirements, and do you know she missed? She was a sister to one of our Members, an MCA from Bumula Ward who called Hon. Sifuna. She had all the requirements and she was number one in the interviews, Hon. Speaker. But she only lacked registration with a relevant body, a nondescript body. Do you know, Hon. Speaker, the lady was...

Mr. Speaker: Hon. Makari, you can't say descript body. It is a professional body for records management officers which was a requirement.

Hon. George Makari: I wondered. That was just a reference, Hon. Speaker. Therefore, lacking such certification and indeed the secretary of the board confirmed he did not have. He indicated that the candidate verbally said that he was registered but there was no evidence. This board Hon. Speaker must be investigated for integrity. Now they are shamelessly blaming the technical officers for the Ministry of Lands in the National Government who agreed with their finds on the candidate. Hon. Speaker, that's not...

Mr. Speaker: Honourable Members, I think you want to change yet Hon. George is raising serious issues. The said officers from Lands Department were only in attendance.

Hon. George Makari: In attendance have no role to play Hon. Speaker. Therefore, that cannot be a basis for the secretary and the board to award somebody who is not qualified. Hon. Speaker, you are aware from 2017 when some of us came here, some of us allocated for purchase of land. In 2018 when I realized that there was no progress I stopped making further allocations up to today. Other Members have always been setting aside money without purchase of land being done. Even Hon. Waiti the Chair of Agriculture, still allocates money in lands for purchase of land but he knows well there is no valuer in this county. I should even blame him and not the absence of the County valuer.

We have a problem in this County because of land valuation. Many people that have put money in the department of Lands have never realized purchase of land to allow implementation of necessary infrastructure. For the County Public Service Board again to give us somebody who is not qualified, this is an integrity issue Mr. Speaker. It is my prayer as somebody has said; I don't know if it was Hon. Ipara or Hon. Waiti; can't summon these people before the House here so that they can answer. They are very evasive, even if you call them in committees. I have called them in Health Committee twice Hon. Speaker, but they give excuses and they don't appear.

(Applause)

They tell you we are having a meeting with the EACC people. Today we are not around we are in Naivasha. Hon. Speaker through your powers, we want to look eye to eye with these people. I know they are good friends of Hon. Nganga. They used to work at Sang'alo together. Hon. Speaker, let them come and sit here, we look at them eye to eye and then let's find out where the problem is.

I know they cannot hire for us someone who is incompetent. Hon. Speaker, it is not the problem of that young man. That young man has served us for six months and he has not earned even a salary. I heard somebody say that he should reimburse the money yet he has never been paid up to date. He is being kicked about like a poor man. When he goes to this office, they tell him to go to the other office. Even now he was told not even appear in the offices and the mistake is not his Hon. Speaker. He has a valid appointment letter from the County Government of Bungoma. Whom do we blame Hon. Speaker? The blame must be somewhere and this somewhere is the CPSB. Hon. Speaker through your powers, let these people come here one afternoon and face us so that we ask them a few questions. I support Hon. Speaker.

Mr. Speaker: Thank you Hon. Makari. An advisory to the honourable Members, the Speaker does not summon, you must move him first. Through relevant honourable Members, bring issues as the basis to summon them to respond to. One of them being what Hon. George has said. Any other issue that you require to be responded to should be brought on board and the communication will be done to them so that they appear and answer on the floor of the House. On my own without being prompted by the honourable Members I cannot issue summons for them to appear. Bring those issues to my attention as early as tomorrow and I'll do the necessary. Like the issues flagged by Hon. Makari, other issues like the village administrator's which is still raw. Because the Committee is recommending for revocation of the appointment of the Land Valuer. We'll ask them to respond on all the issues as raised. Members, do the necessary in form of a statement for guidance.

Hon. George Makari: Thank you, Chair...

Mr. Speaker: So that they can appear in the next coming two weeks.

Hon. George Makari: Thank you, Chair.

Mr. Speaker: It is clear that if they don't appear there will be no budget for them. If you are giving them money, how can they refuse to appear before whoever is giving them a budget? Hon. Deputy Speaker, close submissions before I go back to Hon. Chemorion to reply to the motion.

Hon. Stephen Wamalwa: Thank you, Hon. Speaker. I'm on my feet to support the report and I must say that much of what I want to mention has been captured effectively by the Hon. Makari. Hon. Speaker I have this question, I don't know if the committee in its wisdom tried also to reach out to find the side of the story of the young man. Because he is a party in this issue. If this valuer was called by the committee so that they get the side of the story from him so that we get to understand how he found himself here.

Hon. Speaker I'm saying this because it has happened; I want to say this on the floor of this House; that this young man the valuer is a lazy person, old, drunkard, and wearing clothes that are so funny, looking like the name funny and lazy itself. Actually, when we talked about this issue of land valuer and he is not doing his work, I had a picture of this person and the picture looked ugly. Hon. Speaker I want to disclose that one of these fine days the young man was in this Assembly. He came here and was trying to find the Labour Committee to engage them on the issue that was flying around. Hon. Speaker, this is a young man and this Bungoma County has young men we should not forget who are not employed. They are walking on the streets and this valuer is one of them. A young man who was employed elsewhere but the County government looked greener pasture to him, he resigned from where he was after he was appointed to work for this county.

This is a young man who resigned from where he was working. Hon. Speaker, my question is as a House and as a government, are we going to just let this young man now languish in poverty and suffering courtesy of someone who was lazy and indifferent from the work he was doing or she was doing? Hon. Speaker this is a tricky case and I want to urge the House and the Committee in this respect, when the chair comes or the mover comes to respond, let us know as a House what is going to happen. Because as we plan to have the County Public Service here, the issue of this young man has to be addressed. From where I sit, this young man is innocent. Hon. Speaker, when they asked about the qualifications, he produced the papers not unless we are told that the papers were forged. If the papers were forged or the qualifications were not his, we must be told Hon. Speaker. They based on qualifications that the boy had and they gave him the letter of appointment. We must be fair to this young man, we cannot just let this go. I think this issue of this young man, the land valuer is going to be a hot potato in this County and people will never again sleep on their jobs because it is unfair. As the mover comes to respond we want also to be given a pathway for the affected officer who is now termed being incompetent in the record of the House.

This may affect the future of this young man. Where we sit and this is why I am asking if the committee called this boy so that he can also give his views on this issue. It is on Hansard and

it may affect negatively this officer in the future. You are parents, these young men are our brothers and sisters or they are our sons and daughters. When the mover responds, we need to know the way forward for this officer. I support.

Mr. Speaker: Hon. Martin.

Hon. Martin Chemorion (Mover to reply): Thank you Mr. Speaker. Foremost, I want to thank you Mr. Speaker for having allowed the motion to be moved given the discussion that was elicited. I know it was something which is of County importance. I want also to appreciate the contributors for raising issues.

Thank you Mr. Hon. Kuloba for agreeing with the report us moved. Hon. Waiti has actually passionately talked about the need and agency that the County needs a valuer who can actually do the valuation of our lands to enable the County to acquire to initiate development projects. However, they are actually glaring mistakes that the County Public Service Board did. The department had actually clear instructions as indicated in the advert, but the board went against whatever they had advertised. It begs a question and I agree with the Members.

They need to be investigated and an inquiry to be done so that we have the right people running the show in the County not just having officers doing disservice to our people. Given that now the County Public Service Board had only three applicants and one attended the interview, it was a basis for them to re-advertise the position but not going ahead to appoint. That's why the committee has given out a recommendation, that section 75 of the County Government Act should be adhered.

Hon. Makari has spoken passionately about the issue and I don't want to belabour his concerns. They are pertinent and need to be addressed. The concerns were equally alluded to by Hon. Ipara also talked about them.

I want also to address the Hon. Deputy Speaker Stephen, he has become a devout advocate, advocating for the person we are trying to crucify here. In the first place he was not qualified as per the requirement for the position. It wasn't and that's why if the young man or the employee resigned and came looking for the job it means whatever he was also doing, he was not qualified. Because these are the instructions that were given that he/she should be a member of ICK.

For us as a committee we didn't invite him to give his side of the story because the CPSB had the papers and had the documents and the advert and of course that's why we said we had nothing to do with him. On humanitarian grounds maybe a person who feels aggrieved can raise an issue so that we can address the concern of that young man. But as we speak as a committee we did our job strictly following the documentation and the requirements of the job. Mr. Speaker I implore the house to adopt the report.

(Applause)

Mr. Speaker: Thank you Hon. Martin Chemorion for your reply to the motion. Honourable Members now allow me to proceed and put the question;

(Question Put and agreed on)

Ayes have it!

(Applause)

The report and its observations and recommendations are hereby adopted by the House.

ADJOURNMENT

Mr. Speaker: Honourable Members, that was the last item on the Order Paper. We will now adjourn and resume tomorrow, Thursday, 27th March, 2025 at 2.30 p.m. for a special session.

The House rose at 4:17 p.m.