

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

TUESDAY, 24TH JUNE, 2025

Afternoon Sitting



COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

TUESDAY, 24TH JUNE, 2025

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

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

COMMUNICATION FROM THE CHAIR

Honorable Members, I have some communications to make;

1. Visiting students and teachers

The first one is about our visitors in our Public Gallery and the Speaker's Gallery. These are students from St. Mary's High School from Maraka Ward, Webuye East Sub-County, who have been able to pay a visit to the County Assembly of Bungoma. The purpose of this visit is for them to learn about and have a better understanding on devolution, principles of devolution, and functions of the County Assembly of Bungoma and acquire skills in communication and debating.

The delegation comprises of fifty students, be upstanding,
(*Students stand*)

Kindly resume your seats.

Secondly, are accompanied by the following teachers;

1. Mr. Hillary Justine
2. Madam Lorna Andika, and
3. Madam Claire Wanyama, be upstanding,
(*Teachers stand for recognition*)

Kindly resume your seats. Honourable Members, take your seats position, please. Honourable Members, at the appropriate time on our Order Paper during the statement hour, I will allow Members to make some brief comments about our visitors who have come to learn from the Assembly of Bungoma.

2. Court ruling on a Petition filed

Secondly, Honourable Members, I have communication here which I want to share regarding the case that was filed in court regarding its ruling in Petition No. E-003 of 2025.

Honourable Members, I wish to take this opportunity to inform the House that the High Court at Bungoma recently delivered a ruling on 20th of June, 2025 in a petition E-003 of 2025, filed by Hon. Anthony Lusenaka, Member of Bukembe West Ward and Hon. Jack Wambulwa, Member of Kimaeti Ward, against the Speaker, County Assembly of Bungoma and the Clerk. As many of you may be aware, the petition challenged the dissolution of the Public Accounts Investment Committee and the Budget and Appropriation Committee as well as the subsequent appointment of the Liaison Committee to act as its caretaker. The Court ruled in favor of the petitioners, declaring that the actions taken by the County Assembly of Bungoma is unconstitutional, unlawful and therefore null and void.

Honourable Members, I wish to assure you that as the Office of the Speaker and of the Clerk acting within the law and guided by the sound Legal Counsel, we have filed a note of appeal and an application seeking to state those declarations of the Court of Appeal sitting in Kisumu and challenge the entire judgment the way it is. Consequently, the matter is now before the Court of Appeal and remains active. The status quo shall be maintained in place until the Court of Appeal makes its findings over the same. I'll call upon Honourable Members to remain focused as we allow the legal process to run its end because we were sued, we never went to court ourselves.

3. Commutation from the Azimio Coalition on changes in leadership

Lastly, Honourable Members, I also have a communication from the Azimio Coalition. I rise to bring to attention a matter concerning the leadership of the Minority Coalition in the County Assembly of Bungoma.

On the 17th of June, 2025, my office received an official communication from the Azimio Coalition conveying the resolution made during a meeting of its Members held the same day between 8:00 a.m. to 9:00 a.m. at Members' Club in accordance with the Standing Order No. 23 and 24 and specifically sub-orders 23 (1) (a) (b) 2 and 5 read jointly with 25 1(a) (b) and 3. I undertook a thorough review to ensure that the changes meet threshold set out in our procedure. I wish to report the following;

The meeting was duly convened through a notice of 15th of June, 2025, signed by Hon. Vitalis Wangila, Deputy Minority Whip, and addressed to all Members of the Azimio Coalition. Out of the total Members, 11 attended the meeting; while five were recorded as absent. This clearly met the quorum required as set out in the Standing Orders, which is 50 plus 1.

To support the communication, the following documents were attached; the signed minutes of the meeting, duly endorsed by Hon. Jeremiah Kuloba, who chaired the session, and Hon. Vitalis Wangila. An attendance list that included each Member's name, national identity number, and a

signature. Importantly, a photograph taken during the meeting of all the Members who were present to confirm the meeting took place at the said venue. It's one of the annexures.

The meeting arrived at the following unanimous resolutions; Hon. Vitalis Wangila was elected to replace Hon. Anthony Lusenaka as the Minority Leader. Hon. Everlyne Mutiembu was retained as the Deputy Minority Leader, while Hon. Aggrey Mulongo was elected to replace Hon. Millia Masungu as Minority Chief Whip. Hon. Allan Nyongesa was elected to replace Hon. Vitalis Wangila as Deputy Minority Whip following his elevation.

Honourable Members, after reviewing all the documents placed before me, a notice of the meeting, the minutes, the attendance list, and the resolutions, and lastly, the photograph of the Members who were present, I am satisfied that the process complied with our Standing Orders.

I now formally recognize the new leadership of the Minority Coalition in this House as follows:

Minority Leader - Hon. Vitalis Wangila

Deputy Minority Leader - Hon. Everlyne Mutiembu

Minority Chief Whip - Hon. Aggrey Mulongo

Deputy Minority Whip - Hon. Allan Nyongesa

As a result, Hon. Members, Hon. Anthony Lusenaka, Hon. Millia Masungu, and Hon. Vitalis Wangila, in their previous roles, relinquish their respective positions.

I want to take this moment to sincerely thank the outgoing leaders for their service and dedication to this House. Your efforts have been noted and they are appreciated by the House. To the new Minority Coalition leadership, I extend my congratulations and wish you well in your new responsibilities.

Leadership is both a privilege and a burden. I trust you will carry it with diligence and integrity. The Office of the Clerk is hereby directed to update the County Assembly records and make necessary administrative adjustments. I thank you all; we go to the next item.

PAPERS

1. REPORT OF THE SECTOR COMMITTEE ON PUBLIC ADMINISTRATION AND ICT ON THE STATUS OF IMPLEMENTATION OF THE BUNGOMA COUNTY FLAGS, EMBLEMS AND NAMES PROTECTION ACT, 2015

Mr. Speaker: Honourable Members, it follows that every Hon. Member is allowed to sit anywhere he wants, except areas reserved for the leadership of the House. So the relevant officers, the new leadership of the House...

(Laughter)

Thank you, Hon. Hentry Nyongesa, for making them to know that basically they are now part of the House.

They occupy their official positions where they are reserved to sit from. Hon. Tonny Barasa, you will proceed.

Hon. Tonny Barasa (Chairperson, Administration): Congratulations to the new leadership. Honourable Speaker, I table the report by the Sector Committee on Public Administration and ICT, report on the status of implementation of the Bungoma County Flags, Emblems and Names Protection Act, 2015. Thank you, Hon. Speaker.

(Paper laid by Hon. Tony Barasa Chairperson, Public Administration Committee)

Mr. Speaker: Hon. Members, the report by the Sector Committee on Public Administration and ICT on the status of the implementation of the Bungoma County Flags, Emblems and Names Protection Act, 2015, is hereby tabled by the committee and formally becomes the property of the House.

2. REPORT OF THE SECTOR COMMITTEE ON PUBLIC ADMINISTRATION AND ICT ON IMPLEMENTATION OF HOUSE RESOLUTIONS IN THE YEAR 2022 AND 2023

Mr. Speaker: Hon. Tonny Barasa, you proceed.

Hon. Tonny Barasa (Chairperson, Administration): Thank you, Hon. Speaker. On behalf of the committee, I table the report on the Sector Committee on Public Administration and ICT, report on the status of implementation of House resolutions for the calendar years 2022 and 2023. Thank you, Hon. Speaker.

(Paper laid by Hon. Tony Barasa Chairperson, Public Administration Committee)

Mr. Speaker: Honourable Members, the report by the Sector Committee on Public Administration and ICT on the implementation status of the House resolutions for the financial year 2022/23, 2022/23 is hereby tabled and formally it becomes the property of the House.

QUESTIONS AND STATEMENTS

Mr. Speaker: Honourable, I think there is a problem somewhere. I think whoever is reading the Order Paper I don't know whether is with us or not.

NOTICES OF MOTION

1. THAT THIS HOUSE ADOPTS THE REPORTS BY THE SECTORAL COMMITTEE ON PUBLIC ADMINISTRATION AND ICT

Mr. Speaker: Hon. Tonny Barasa, you issued both notices because you are the chair of the committee. Kindly,

Hon. Tonny Barasa (Chairperson, Administration): With your permission, Speaker, let me issue notices of motion; first, that this House adopts the report of the Sector Committee on Public Administration and ICT on the status of implementation of the Bungoma County Flags, Emblems and Names Protection Act 2015, secondly, that this House adopts the report of the Sector Committee on Public Administration and ICT on the implementation of the House resolution in the year 2022 and 2023. Thank you, Hon. Speaker.

Mr. Speaker: Hon. Members, notices have been issued by the Sector Committee of Public Administration and ICT on the status of implementation of the Bungoma County Flag, Emblem and Names Protection Act 2015 and the report, Sector Committee report on implementation state of the House resolutions for the year 2022/23.

I urge the table clerks to have the same shared with the Honourable Members. The same will be coming up as motions on our Order Paper in the course of the week or once scheduled afresh by the HBC on our Order Papers. Next

QUESTION AND STATEMENTS

Mr. Speaker: Hon. Chemion, I am dully guided that Chair of Agriculture, is supposed to give us a response. What is the issue first, Hon. George Tendet? Hold on, Hon. Wafula Waiti.

Hon. George Kwemoi: Thank you, Hon. Speaker. I stand in for Hon. Francis Chemion.

Mr. Speaker: Yes, that is now confirmed. You are present. Hon. Waiti Wafula?

Hon. Waiti Wafula (Chairperson, Agriculture): Thank you, Hon. Speaker. On behalf of the Agriculture Committee, I have a response following the statement from Hon. Chemion. Before I

do that, Hon. Speaker, allow me to congratulate the new leaders and urge Hon. Aggrey Mulongo to relinquish the “Gumbaru” teacher position.

Mr. Speaker: Hon. Waiti Wafula, if you want him to relinquish anything, ask him from out there.

Hon. Waiti Wafula: Thank you, Hon. Speaker.

Mr. Speaker: Are you planning to take over from where he has stopped?

Hon. Wafula Waiti: For a long time, he has been a teacher for “Gumbaru”. So, I want him to relinquish for the villagers now.

Mr. Speaker: Now, where are the villagers in this House?

Hon. Wafula Waiti: Thank you, Hon. Speaker.

Mr. Speaker: Because when say he should relinquish to the villagers, then you are telling me we have some villagers in this House.

Hon. Waiti Wafula: Hon. Speaker, on behalf of the Agriculture Committee, I rise to read a report on a statement raised by Hon. Francis Chemion in relation to Cheriwet Coffee Factory in Kaptama Ward.

Hon. Speaker, pursuant to the provisions of Standing Order No. 54 of the County Assembly of Bungoma Standing Orders, the Committee on Agriculture, Livestock, Fisheries, Irrigation, and Cooperative Development hereby submit its report on the statement issued by Hon. Francis Chemion concerning the operations and management of Cheriwet Coffee Factory in Kaptama Ward.

Following the directive of the Committee, the County Executive Committee Member responsible for Agriculture, Livestock, Fisheries, Irrigation, and Cooperative Development was formally requested to respond to issues raised in the said statement by the letter reference CAP/CC/SET/2/VOL. III/ 29 dated 8 May 2025.

The CCM, Agriculture, Livestock, Fisheries, Irrigation, and Cooperative Development submitted response by the letter reference CGP/CC/SET/ Vol. III, Department on Agriculture, CCM/COR/VOL. I/ 17. Hon. Speaker, the Committee convened a consultative meeting with the owner statement of Hon. Francis Chemion on 10th June, 2025. It was established during the session that certain issues raised in the statement...

Mr. Speaker: Hon. Members, We are sorry we did not say it early enough, but I have told my Deputy Clerk to share with the Honourable Member's on their gadgets to make a follow-up as we proceed. Hon. Waiti Wafula, proceed.

Hon. Wafula Waiti: Hon. Speaker, I repeat, the Committee convened a consultative meeting with the statement of Hon. Francis Chemion on 10th June, 2025. It was established during the session that certain issues raised in the statement were inadequately responded to in the Department's response. Consequently, the Committee held a comprehensive interrogation with the Department of Agriculture, the Management Committee, and the Supervisory Committee of the Cheriwet Coffee Factory on Tuesday, 17th June, 2025, to seek clarification and accountability on matters of concern. From the deliberations, the Committee made the following observations:

1. The factory management failed to submit critical financial documents, the delivery book and the receipt book, key tools that record coffee delivered to millers and receiver posts from farmers.
2. The factory operates two bank accounts, one at Cooperative Bank and another at Equity Bank. As of 17 June 2025, the Cooperative Bank account reflected a negative balance of Kshs. - 3,190,914.56, while the Equity Bank account had a balance of Kshs. 1,672.
3. Non-disclosure of outstanding loans; the Management did not provide information on outstanding loans owed by the factory, thereby obscuring the institution's true financial health.
4. Farmers received advance payments that exceeded the value of coffee delivered. For example, a member who delivered 286 kilograms of coffee valued at Kenya shillings 12,870 at a rate of Kshs. 45 per kilogram received an advance of Kenya shillings 75,600, indicating significant overpayments.
5. Despite claims by the management that payments had been issued in 2025, farmers confirmed that they had not received payments for the 2024/2025 season.
6. The committee was alarmed to learn that coffee was stolen from the factory premises, even though security guards were reportedly stationed at the factory.
7. Payments were disbursed to individuals whose identification details, such as phone numbers, account numbers, and identification numbers, were either incomplete or missing altogether.

Hon. Speaker, the committee notes with concern the presence of serious irregularities, mismanagement, and lapses in integrity within the Cheriwet factory. These shortcomings point to a breakdown of accountability and governance and a betrayal of the trust placed in the factory's management by co-farmers of Kaptama Ward.

As a result, the committee, in agreement with the owner of the statement, Hon. Francis Chemion, and resolved that:

The committee undertakes an inquiry into the operational status, financial health, and governance of all co-factories within the County, including Cheriwet factory in Kaptema Ward, and submit a comprehensive report to this House upon conclusion of the inquiry.

Hon. Speaker, the committee will now reaffirm its commitment to protecting the interests of farmers and promoting integrity and accountability in the cooperative Sector.

The issues unearthed at the Cheriwet factory serve as a wake-up call for more robust oversight and enforcement measures. We urge the County Assembly to support the committee's forthcoming efforts aimed at reforming and revitalizing the cooperative sector in the County. Hon. Speaker. I have signed the report on behalf of the committee. Thank you.

Mr. Speaker: I thought you were the chairperson of the committee.

Hon. Waiti Wafula: Thank you, Hon. Speaker the report was signed by the chairperson, who is myself, Hon. Waiti Wafula, MCA Chairperson of the committee.

Mr. Speaker: Hon. Tendet?

Hon. George Tendet: Thank you, Hon. Speaker, Sir. I am in agreement with the Committee findings. Thank you, Sir.

Mr. Speaker: Now, if the owner is happy and satisfied, what else do you want to say? We are done; let's go to the next item.

Honorable Members, allow me to invite Honorable Members to make brief remarks about our students in the Public Gallery. Starting with the host, MCA for Maraka Hon. Ali Machani.

Hon. Ali Machani: Thank you, Honorable Speaker. First of all, I want to take this opportunity to thank the first event that we had the changes in leadership. I appreciate the incoming leadership of the Azimio Coalition and wish them well.

Hon. Speaker, I'm on my feet to welcome the teachers from St. Mary's Girls High School and the students who are fifty one in number. Through their parents and through the prayers of the Almighty God, I was brought in this House to serve the interest of Maraka people where the school is situated. The school, those of you who are more familiar with Webuye, is adjacent to the Catholic Church. Behind it, they are putting up a health facility in the name of St. Ann's. This is a school that has made us proud. This is a school in my area that is really performing well.

It's a girl's school and I am aware that these are the form fours keen to familiarize with the County Assembly environment and also to capture something that will facilitate their understanding in History. Two days before, the Principal of the school called me to find out if I had received information about the school visiting Bungoma County Assembly. I confirmed having received the information.

Hon. Speaker, St. Mary's is one of my schools that I rely on in terms of performance. It's a Catholic sponsored school, well equipped and teachers are committed in terms of performance.

Asians used to run this school before Catholics took over. Those who are familiar with Webuye academic history; we had Ambe High School and Reliance, two schools sponsored by Asians. Reliance was within estates of site and service, just between the railway and Ambe is where St. Mary's School is. Those who are keen with Webuye how it is geographically positioned, you are aware.

Mr. Speaker: Hon. Members, doing consultations, I will just ask you lower your tone to allow other Members who are listening to the contributor as you proceed with your consultations.

Hon. Mutoka Machani: Thank you Hon. Speaker. It is the Deputy Minority leader being briefed on what has happened in this House. I think she is keenly following. This is one of the schools in larger Webuye; when I talk about Webuye, we have Webuye East and West; we have our girls schools, majority of which are sponsored by Catholics committed in terms of performance. Some other Institutions Catholic has started in my area and are running well Hon. Speaker. There is no political interference from our side and the principals that are running these institutions will always consult every time.

I am also requesting my colleagues from where you come from you can see how St. Mary's communicated to me. They wrote a letter to my office and even the Principal called me and the teacher who is the team leader called me that they are coming. Members, if students from your ward come to this Assembly you should be present because they wish to see you debating. Students who come from Maraka are aware of what we are doing in order to enhance good performance in this ward. I am not biting a trumpet for myself because this is something that students can attest to

This school, how it is structured and positioned has attracted many interests from across the country. Many students come from outside Webuye. Even the composition of teachers, majority of them comes from outside and others also come from my area.

It has created employment to my people and they are also friendly. If you want to understand Hon. Speaker, you can remember the day we were in the Church fundraising to support the

church after elections in 2018. You are aware of what happened. The church was packed by the students during first Mass in the morning.

I want to thank the teachers for supporting the students to come and learn from this Assembly. Some of us did not manage to access such privileges when we were in school during our secondary school education. Majority of us during our time could not access such a facility; it was only in Nairobi and not in Bungoma. So we thank those who fought for devolution for making sure that devolution is at our doorsteps, so that our students can also familiarize and learn more about the Assembly.

I want to thank also the staffs of this Assembly, who have managed to take them around so that they can learn more. Learning about the Assembly is not all about coming to this House but there are other facilities around the Assembly and other operations that are guided by our qualified staffs.

The majority of the staffs who are employed here we can say are overqualified because they do more than what the National Assembly do because they interact with the locals and they also deal with the Members of the County Assembly, who always deal with challenges from the local areas where they represent.

Hon. Speaker without going far, I want to thank you first for allowing me to at least say a word about this school and also open up for my colleagues also to say something about the school. Thank you. If you have students at home kindly next year give us more students. Thank you.

Mr. Speaker: Thank You Hon. Ali Machani, Hon. Vitalis Wangila proceed.

Hon. Vitalis Wangila: Mr. Speaker you address me properly, you address me as Hon. Vitalis Wangila, Minority Leader.

(Laughter)

(Applause)

Mr. Speaker before I say a word to our students who have visited us, allow me in a very special way say a word of thanks to the Azimio minority side that I really appreciate. I can't take it for granted for finding it fit to be your Leader Minority.

These Members wanted this change. Recently when you were not around Mr. Speaker, I said in this House that change is better than rest because when budget committee was dissolved, the

Liaison Committee brought here a marvellous and balanced budget. For that reason I also urge my other fellow Members that when you see change coming, it comes with some fruits.

(Applause)

(Laughter)

I am urging a few that might not be on my side that let's come together, let's work together, let's work on behalf of the people of Bungoma County. We are here purposely because of the people who elected us. We are not the opposition side, we are the minority side because we are not here to oppose, we are here to pass motions and bills that can suit our people who elected us here. I appreciate my Members and thank you for giving me this opportunity to serve you and I promise I'm going to do my best, provided you are also going to give me a humble time.

(Applause)

As your leader I will make sure that going forward, we do what is necessary on behalf of the Assembly and the people who elected us here.

Back to our students who have visited us today here, I want to also thank them for finding time to come here to learn about devolution and the running of the Assembly. Allow me also to thank the teachers who decided to bring the children here. You are welcome and once more, I also want to thank you for electing Hon. Member Machani. This one is Mugabe in the House. When I say Mugabe in the House, he is one of the long-serving Members in this particular House and actually we also like...

Mr. Speaker: Hon. Vitalis our Minority Leader. Mugabe passed away; they say Museveni.

(Laughter)

Hon. Vitalis Wangila: Oh, sorry, he is now Museveni of this House.

(Laughter)

When I say Museveni, I mean the long-serving Member in this particular House and some of us like the changes that have been made, most cases I take advice from him. I want to say that you are highly welcome and I wish you the best in your forthcoming exams. Thank you.

Mr. Speaker: Thank you. Hon. Linda. You are the next to go.

Hon. Linda Kharaka: Thank you, Mr. Speaker for the opportunity to speak to our young, beautiful girls from Maraka Ward, St. Mary's Girls High School. It is a good day that you came on this particular day. You have witnessed change of leadership. You have had the communication from the courts. Today, you are seated in the gallery, tomorrow, you are not. You will be seated on the seat I am sitting on.

Today, you are a student, tomorrow, you will be a leader. Today, you are a leader, tomorrow, you are not. I think you have learned something from what has gone through here. I want to encourage you that while at school, work hard and smart because working hard alone cannot take you places. Being smart, making your timetable to revise, and consulting where you are not able to understand from your peers and your teachers.

I usually tell other girls who have come here before that it's during such a school trip that I made up my mind to be whom I want to be. I always say that sometimes parents may make choices for you but follow your passion. Because right now, we have many people in fields they do not have passion for but if you choose something that your heart is onto then you can do better.

You can only do that if you work hard to be admitted to that course that you want to be but you fail? All right, the society also will take you differently. The society is for the smart and people who are brilliant. I want to wish you all the best in your endeavours. Remember to respect your teachers, your parents and those who have gone before. Never shy to ask. Never shy to question. Thank you.

(Applause)

Mr. Speaker: Thank you, Hon. Violet then the Chair of Education if he is not within then the Vice Chair or any other Member of the Education Committee. I saw the Chair of Education. It's okay, he is consulting. Proceed Hon. Makhanu.

Hon. Violet Makhanu: Thank you, Hon. Speaker for the opportunity. I misplaced my card. That is why I'm requesting to use this dispatch box. I want to take this time to welcome the students from St. Mary's Girls High School. That's in Maraka Ward. I am the MCA for Mihuu Ward. As you know Webuye East has three wards. That is Mihuu, Divisi and Maraka. So I am the MCA for Mihuu. I am your neighbour.

I want to welcome you to this particular Assembly. I am sure, students you have come here to learn something. So as you go back to your school you are able to do what you will have learned from this particular Assembly. First, I want to appreciate you. Maybe as you go back tell your parents and the teachers who have come with you that we appreciate you for bringing in *Mheshimiwa* Ali Machani as your MCA.

Ali Machani is a friend to everybody in this House. He has the good people from Maraka at his heart. He normally talks about Maraka every now and then. He ensures that Maraka gets the best as your representative. I appreciate you for bringing him and I want to urge you to continue supporting him as he does his works in this Assembly to represent the good people of Maraka.

As a Catholic sponsored school, I love the way in which Catholics do their things, the way in which even Catholic teachers run their programs. Mr. Speaker, you are a Catholic and I know you know this. They are strict in some areas. You want to go somewhere and understand that the Catholics are the ones running that program. You go there with a lot of things in your head wondering whether you will be given time to say something or you will be denied. I love the way Catholics do their things and I am sure they are also responsible and strict when it comes to matters in ensuring that their schools do well. I want to praise the fact that St. Mary's Girls is one of the schools that is coming up well in Webuye and ensuring that us, Webuye East we have schools that can make us proud as the leaders of that particular constituency.

I want to appreciate you and encourage you good Catholics. It's high time you up your games. Work hard in the school, in your academics and pull up your socks. Don't think about so many things in life. We have good things that are coming that maybe you will reach in the future.

Otherwise, at the moment you must be busy in school and ensure that you are busy and working for your future. For you to be in this Assembly, you realize that in this Assembly we have ladies who were at some point in your positions and we are here representing people. You can be in this position when you work hard wherever you are. Ensure that you score what you are supposed to score as a student in your respective school. The moment you do that, you will be making your teachers proud, your parents and us as your leaders.

For the girls, I want to advise you as a mother that the issue of boy-girl relationships at the moment it is unnecessary for you. It will distract you most. I know the girls at your age. It is a risky age that you just need to get responsible for your good life. I want to encourage you and advise you that put that one aside and ensure that you concentrate on education for the sake of the betterment of your future.

For the teachers who brought the students here, we appreciate you. I want to thank you teachers for the good work you do to ensure our students are safe in school and are doing well upstairs. We don't take it for granted. That work you do is a lot. Some of us cannot even manage but for you, God has given you a favour to take care of these young ones and ensure that they are somewhere in their future. I want to appreciate you teachers. Pray that may God guide you and give you wisdom as you lead these young ones.

I want to wish you well students as you go back to your school. Even for those who are preparing for the exams, I want to wish you well and success in your forthcoming examinations. Thank you.

Mr. Speaker: Thank you. Hon. Chair Education, Hon. Benjamin, proceed.

Hon. Benjamin Otsiula (Chairperson, Education): Thank you, Hon. Speaker for giving me this opportunity to pass a word of encouragement and perhaps to appreciate the students of St. Mary's from Maraka Ward. First of all, I want to say that education is an equalizer. Our girls are here to learn. What they are going through is a very important exercise.

Taking time apart from the theoretical framework that they are facing in school to come and learn practically and see how the legislative wing of the county government works. Maybe in a nutshell, our key function as an Assembly is oversight. Students have already been taken through that but I have to remind them that these Honourable Members sitted here, they pass laws and legislations that inform the running of the day-to-day government. That is the county government of Bungoma. The House offers scrutiny and also follow-up measures to ensure that the government is delivering on its mandate.

Our girls will also appreciate that Members here represent the views and interests of members of the public who seconded them to this Honourable House.

I said I am not going to belabour so much because the other aspects, the students have already been taken through. Before I forget, I want to appreciate the parents of these girls, for giving Hon. Ali Machani a record of almost over five times being elected as a member of this respective ward. That shows that they have faith in him and he has been doing good, working well to ensure that they are in class. It is a joint effort. Hon. Ali Machani as a Member of the Education and Vocational Training Committee he has been steadfast in fighting to ensure that there is sufficient allocation for money meant for bursary to ensure that our girls are benefiting from this scheme.

Therefore, for the people, the parents of Maraka I appreciate you for bringing in a committed Member to serve in this House for the benefit of the larger members of Bungoma County.

Finally, I want to appreciate the teachers of this institution for rendering what I can call, a noble task of producing and nurturing our young girls, who will indeed take over us as important people in the society in future.

We have several teachers in this House and this draws an inspiration to our teachers who are in the gallery. The sky is only the limit. I am not telling you to go and contest in 2027. I am just

telling you that teachers in this House are able and always informed. A case in point is the Deputy Speaker of the House, he is a revered teacher.

Mr. Speaker: Hon. Otsiula you ought to say that they should contest in 2042.

Hon. Benjamin Otsiula: Around there or thereabout, 2042 or even 2052. We have Hon. Jacob Maruga Psero, he is a former Principal of Cheptais Boys. We have Hon. Allan Nyongesa; congratulation on your new role, he is now the Hon. Deputy Minority Whip; he is a teacher of Mathematics. We have the Minority Whip; congratulations, Hon. Aggrey Mulongo; he is a senior lecturer of *Gumbaru* and I think now he's...

(Laughter)

(Applause)

He offers his lectures from around 6.30 to 7.30 in the evening. We have Hon. Angeline Rugut, our lecturer at Moi University. We have Hon. Christine Mukhongo, she is also a teacher and very passionate.

I know Hon. Florence is also studying for her Masters' and I think she will also be crossing to that fraternity and other several teachers in this House who are doing... Hon. Job Mukoyandali has been teaching history and he loves history much. I wanted the teachers around this...

Mr. Speaker: He also loves music and dancing.

(Laughter)

Hon. Benjamin Otsiula: He is also a teacher of music and even in this time of CBC, how I wish that Hon. Job he sometimes goes back so that the students can continue benefiting from his dancing moves and his soprano. I don't want to tire the teachers so much but I want to appreciate them, wish our students the best. As they go back for their half-term holidays, let them remain disciplined and assist their parents. I wish them journey mercies and I wish them also the best in their future endeavours. Thank you.

Mr. Speaker: Hon. Members, allow me now on behalf of the entire Assembly, honourable Members who have not been able to speak, the entire House leadership and the administration of Bungoma County Assembly wish the candidates and the students in the public gallery all the best in their end-term exam. They are approaching end-term after this short break of half-term. Honourable Members have spoken so well about what they wish you to do. Be disciplined, respect your teachers and work hard. Thank you. We proceed.

MOTION

REPORT OF THE CENTRAL COMMITTEE ON PUBLIC ADMINISTRATION AND ICT ON FIRST AND SECOND QUARTER FINANCIAL STATEMENTS FOR THE PERIOD ENDED AT 1ST DECEMBER, 2024

Mr. Speaker: Hon. Tony, you proceed.

Hon. Tony Barasa (Chairperson, Administration): Thank you, Hon. Speaker. Once again, I want to thank the new leadership of Azimio Coalition and also to appreciate the former leaders for the work well done. In politics, anything can happen. I remember in Second Assembly, I used to sit somewhere there but things changed. I found myself sitting where *Mheshimiwa* Balala and I thank my leaders who are here. It was orchestrated by *Mheshimiwa* here.

(Laughter)

(Applause)

Supported by *Mheshimiwa* Chemion but before they did that, I decided myself and things went on well. Thank you.

CHAPTER ONE

The Committee Membership

The composition of the Committee on Public Administration and ICT at the time of the preparation of this report was as follows:

- | | |
|-----------------------------|--------------|
| 1. Hon. Tony Barasa | -Chairperson |
| 2. Hon. Caleb Wanjala | -Vice chair |
| 3. Hon. Joseph Nyongesa | -Member |
| 4. Hon. Jackson Wambulwa | -Member |
| 5. Hon. Busolo Sudi | -Member |
| 6. Hon. Francis Chemion | -Member |
| 7. Hon. Johnston Ipara | -Member |
| 8. Hon. Simotwo Franklin | -Member |
| 9. Hon. Grace Sundukwa | -Member |
| 10. Hon. Polycarp Wandabusi | -Member |
| 11. Hon. Cornelius Makhanu | -Member |
| 12. Hon. Timothy Chikati | -Member |
| 13. Hon. Stephen Kaiser | -Member |
| 14. Hon. Jeremiah Kuloba | -Member |

Acknowledgement

Mr. Speaker: Sorry. Hon. Metrine Hon. Tony hold on please

Hon. Metrine Nangalama: Thank you, Mr. Speaker, Sir. *Mheshimiwa* Tony can kindly sit down before I address...

(Laughter)

Mr. Speaker: Hon. Tony It is a practice that once I grant her right to speak automatically you resume your seat. Yes Hon. Metrine?

Hon. Metrine Nangalama: Thank you, Mr. Speaker, Sir. I just wanted to know from the House; our system nowadays before the chair takes us through the report, we must confirm the membership of the committee. Kindly, can he confirm if the members are present?

Mr. Speaker: Just by a show of standing up, can I confirm the membership of the committee?

(Loud Consultations)

(Laughter)

No, it's me to confirm, not you. Let them just confirm. Honourable Members, the people we are talking about are the people who have been able to append their signatures on this report. Honourable Members Hon. Tony Barasa, Hon. Caleb Wanjala, Hon. Joseph Nyongesa, Hon. Jack Wambulwa, then Hon. Busolo Sudi, Hon. Chemion. Where is he? You are misleading us.

(Laughter)

Hon. Chikati if you look at Standing Order no. 120, misleading the House can amount to punishment. Hon. Ipara?

(Loud consultations)

Hon. Chikati stop misleading us. Hon. Ipara six. Then Hon. Simotwo is not in. Hon. Sundukwa not in, Hon. Polycarp not in, Hon. Makhanu seven, he is present. Hon. Chikati now you can sit. I think the quorum is overflowing. Let us proceed.

(Applause)

It is overflowing. Let us proceed.

Hon. Tony: Hon. Nangalama thank you for that.

Mr. Speaker: Now the challenge that we always have, people start and disappear. Hope they sit through out.

Hon. Tony Barasa: Thank you, Mr. Speaker.

Acknowledgment

I take this opportunity to thank your Office and that of the Clerk of the County Assembly of Bungoma for the support received as the committee discharged its mandate.

I also appreciate the Committee Members for dedicating their time to examine and analyse the Bungoma County Government 1st and 2nd Quarter financial statements and report for the period ending 31st December 2024, Further, I would also like to appreciate the secretariat who worked with us for their commitment.

It is therefore my pleasant duty and privilege, on behalf of the Hon. Members of the Sectoral Committee on Public Administration and ICT, to table this report and recommend it to the Assembly for consideration and adoption. This report is signed by Hon. Tony Barasa, Chairperson Committee on Public Administration and ICT.

CHAPTER TWO

Guiding principles in the Examination of the Bungoma County Government Quarterly Reports and Financial statements

It was headed by Constitutional Principles on Public Finance

Article 201.

Direct Personal Liability

Article 226(5) of the Constitution of Kenya, 2010

Obligations of Accounting Officers

The Public Finance Management Act, 2012 section 149 (1), (2), (a), (f) and (q) and *Section 149 (2) (q)*

Departmental Expenditure Analysis

Public Administration and ICT

The department of Public administration had an approved annual budget of Kshs.629, 975, 388 comprising of Kshs.615, 784, 296 recurrent and Kshs.14, 191, 092 for Development expenditure programmes. The exchequer realized by the department was kshs. 85,542,997 for other operations in the period under review.

The department utilized Kshs. 282,262,852 on Personnel emoluments for the month of May to December 2024, with an approved budget allocation of Kshs.223, 073, 211.The variance represents the inclusion of personnel emoluments for the months of May and June 2024, which had been budgeted for in the previous financial year.

During interrogation, the Department explained that the salaries for Sub-County, Ward, and Village Administrators initially budgeted under the Office of the Governor were, during the reporting period, charged under the Department of Public Administration resulting to the 100 percent absorption.

However, the Committee further noted that this anomaly was addressed during the First Supplementary Budget, wherein the said salaries were reallocated to the Department of Public Administration.

The breakdown is as tabulated below;

MONTH	AMOUNT PAID(KSH)
May 2024	34,590,426
June 2024	35,073,000
July 2024	34,800,623
August 2024	34,730,737
September 2024	34,747, 336
October 2024	34,842,960
November 2024	34,528,092
December 2024	38,949,678
TOTAL	282,262,852

The absorption rate for the other programmes within the department stood at 46%, as detailed in the table below.

No	Programme	Approved Budget	Expenditure	balance	Absorption rate
1	Utilities, supplies	150,000	75,000	150,000	50%

	and services				
2	Communication , supplies and services	500,000	0	500,000	0%
3	Domestic travel and subsistence	8,000,000	5,345,350	2,654,650	67%
4	Printing advertising and information	750,000	0	750,000	0%
5	Rentals of produced assets	35,000,000	4,233,931	30,766,069	12%
6	Training expenses	2,600,000	759,900	1,840,100	29%

The Kenya Devolution Support Programme (KDSP) 1 grant with a budget of Ksh. 37,500,000 had zero expenditure in the period under review. The department submitted that the County Additional Revenue Allocation (CARA) had not been signed by H.E. the President to allow disbursements to Counties as at the time of interrogation and production of this report.

Sub county Administration

Mr. Speaker Sir,

The Sub-County Administration had an approved annual budget allocation of Kshs. 8,265,905, while the ICT programme was allocated Kshs. 10,000,000 for the financial year under review.

However, no expenditure had been recorded across all programmes under both the ICT and Sub-County Administration during the reporting period.

In its submission, the Department attributed the lack of expenditure to delays to the release of exchequer funds. It was, however, noted that financial commitments had already been entered into by the time the Committee conducted its interrogation.

Revenue Generated during the period under review

The table below indicates the department's revenue streams;

No.	Local generated Revenue target	Target FY 2024/25
1	Payroll product	273,022
	Salary Recovery	3,517,012

2		
3	Imprest recovery	5,000,000
4	Bank Commissions	7,920,000
	Sub-total	16,710,034

During interrogation, the departmental reported that they collected Kshs. 6,208,831 from the Bank commissions. The Other revenue streams are reported under finance department.

Pending Bills /Accounts Payables

The department had a total pending bill of Kshs. 114,720, 203. Recurrent Kshs. 69,307,038 and development of Kshs. 27, 117, 080.

A total of Ksh. 12,848,249 was paid in the period under review are as tabulated below;

	Supplier of goods and services	Description	Contract sum	Outstanding as at June 2024	Paid in half year FY 2024/25	Outstanding as at December 2024
1.	Sharney Catering Services	Catering during 2022 Jamhuri Day	630,000	630,000	630,000	-
2.	Kims Kisika Multi Supplies Services	Provision of cleaning services	9,857,477	9,857,477	2,000,000	7,857,477
3.	Lunam Security	Security Services for April 2024.	954,450	954,450	954,450	-
4.	Lunam Security	Security Services for May 2024	954,450	954,450	954,450	-

5.	MBIG	Rent for black house	4,704,368	4,704,368	4,704,368	-
6.	Sahary Logistics	Cleaning services for June 2024	999,981	999,981	999,981	-
7.	Snipper security	Payment for security services June 2024	2,185,000	2,185,000	2,185,000	-
8.	White calves	Supply of tyres for Public Administration	420,000	420,000	420,000	-
	Total				12,848,249	

In addition, development commitments made were construction of Milima and Kapkateny Ward offices at Ksh.8, 810, 585 and Kshs.9, 485, 500 respectively.

Accounts Receivables (Outstanding Imprests)

Outstanding Imprests for the department of Public Administration amounted to Kshs.8, 555,550 against a total outstanding amount of Kshs.152, 910,360 for the whole County. Some imprest were issued back in 2019 and some officers have since left the service.

Office of the County Secretary and head of Public Service

Mr. Speaker Sir,

The office of the County Secretary and head of Public Service had an approved annual budget of Kshs. 21,699,996. Human resource management with an approved allocation of Ksh. 6,000,000 and Records management with an approved allocation of Ksh. 5,000,000.

The Expenditure in the period under review is as tabulated below;

No.	Programme Description	Approved budget allocation	Expenditure	Balance	Absorption rate
1	Utilities supplies and services	250,000	125,000	125,000	50%

2	Domestic travel and subsistence	4,000,000	649,257	3,350,743	16%
3	Printing, advertising and information	600,000	0	600,000	0%
4	Training expenses	3,199,996	930,000	2,269,996	29%
5	Hospitality supplies and services	7,000,000	1,566,000	5,434,00	22%
6	Office and general supplies	750,000	0	750,000	0%
7	Other operating expenses	1,900,000	0	1,900,000	0%
8	Fuel and lubricant	1,000,000	500,000	500,000	50%
9	Routine maintenance of other assets	200,000	200,000		13%
10	Routine maintenance of vehicles	500,000	0	500,000	0%
11	Purchase of office furniture	800,000	0	500,000	0%
12	Human resource management	6,000,000	1,566,850	4,433,150	26%
13	Records management	5,000,000	584,700	4,415,300	12%

Outstanding imprest

The department had an outstanding imprest of Kshs. 4,142,850. During interrogation, they submitted that they had submitted documents to treasury for surrender processing.

Pending Bills

The office of the County Secretary had a total outstanding pending bill of Kshs. 8,847,956 No payments were made during the period under review.

Office of the County Attorney

Mr. Speaker Sir,

The office of the County Attorney had an approved annual budget of Ksh. 41,000,852, Legal dues/fees Ksh. 8,500,000 and Suppliers credit Ksh. 20,868,844.

The expenditure per programme is as tabulated below

No.	Programme Description	Approved budget allocation	Expenditure	Balance	Absorption rate
1.	Utilities, supplies and services	100,000	0	100,000	0%
2.	Communication , supplies and services	500,000	0	500,000	0%
3.	Domestic travel and subsistence	1,000,000	372,600	627,400	37%
4.	Printing advertising and information	50,000	0	50,000	0%
5.	Training expenses	1,000,000	168,663	831,337	17%
6.	Hospitality supplies and services	2,000,000	500,000	1,500,000	25%
7.	Specialized materials and supplies	500,000	0	500,000	0%
8.	Fuel and lubricants	550,000	0	550,000	0%
9.	Legal dues/fees	8,500,000	0	8,500,000	0%
10.	Supply for credit	20,868,444	2,302,593	18,565,850	11%
11.	Contracted professional and technical services	3,000,000	0	200,000	0%
12.	Routine maintenance of vehicles	100,000	0	100,000	0%

13.	Routine maintenance of others assets	200,000	0	200,000	0%
-----	--------------------------------------	---------	---	---------	----

The Committee noted generally low absorption rates across the programmes. Out of the thirteen, nine recorded zero absorption, with several items registering low expenditure during the reporting period.

Pending Bills

Mr. Speaker Sir,

The Office of the County Attorney had an outstanding pending bill of Kshs.163,208,969. The committee noted that this was never reported by the County treasury. The omission may have resulted in a discrepancy in the overall pending bills reported for the whole County. In its submission, it was reported that the pending bill had been duly submitted to the County Treasury and attributed its omission to a possible oversight by the County Treasury Office. No pending bills were paid during the period.

Outstanding Imprests

Mr. Speaker Sir,

The Office had an outstanding imprest of Kshs. 2,344,600 which during the submission by the county treasury the same was reported together with the office of the County Secretary.

The office of H.E. the Governor.

Mr. Speaker Sir,

The office of H.E the Governor had an approved annual budget of Ksh.723, 658,690 being recurrent and Supplier credit Ksh.22, 942, 390. There was no expenditure on Supplier credit. Employee compensation had an expenditure of Kshs. 186,200,000 at 35% absorption rate. The table below shows the budget absorption per programme.

No.	Programme Description	Approved budget allocation	Expenditure	Balance	Absorpti on rate
1.	Utilities supplies and services	250,000	0	250,000	0%
2.	Communication , supplies and services	920,000	0	920,000	0%
3.	Domestic travel and subsistence	38,000,000	15,436,180	22,563,820	41%

4.	Foreign travel and subsistence	10,000,000	2,018,440	7,981,560	20%
5.	Printing advertising and information	4,669,453	0	4,669,453	0%
6.	Rentals for produced assets	2,000,000	0	2,000,000	0%
7.	Training expenses	12,000,000	1,164,701	10,835,299	10%
8.	Hospitality supplies and services	25,000,000	13,765,958	11,234,042	55%
9.	Office and General supplies	1,470,000	0	1,470,000	0%
10.	Fuel and lubricants	15,057,043	4,879,311	10,177,732	32%
11.	Special programmes	41,047,501	11,966,700	29,080,801	29%
12.	Routine maintenance of vehicles	8,120,000	0	8,120,000	0%
13.	Routine maintenance of others assets	400,000	0	400,000	0%
14.	Purchase of office furniture	2,250,000	0	2,225,000	0%
15.	Supplier credit	22,942,690	0	22,942,390	0%

Office of the Deputy Governor

Mr. Speaker Sir, the office of the Deputy Governor had an approved annual budget of Ksh.38, 642,390 being recurrent. The absorption per programme is as tabulated below;

No.	Programme Description	Approved budget allocation	Expenditure	Balance
1	Utilities supplies and services	160,000	0	160,000
2	Communication , supplies and services	600,000	0	600,000
3	Domestic travel and subsistence	12,000,000	2,263,220	9,736,780
4	Foreign travel and subsistence	3,000,000	0	3,000,000
5	Printing advertising and	50,000	0	50,000

	information			
6	Training expenses	3,000,000	0	3,000,000
7	Hospitality supplies and services	10,000,000	2,255,000	7,745,000
8	Office and General supplies	600,000	0	600,000
9	Fuel and lubricants	4,000,000	2,000,000	2,000,000
10	Other operating expenses	2,500,000	0	2,500,000
11	Routine maintenance of vehicles.	2,000,000	0	2,000,000
12	Routine maintenance of others assets	232,390	0	232,390
13	Purchase of office furniture	500,000	0	500,000

CHAPTER THREE

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

COMMITTEE OBSERVATIONS

Mr. Speaker Sir,

The Committee observed as follows;

1. Pending bills under the Office of the County Attorney were not included in the report submitted by the County Treasury to the County Assembly. This omission may have resulted in a significant discrepancy in the total pending bills reported for the County. Consequently, this raises serious concerns about the accuracy and completeness of the information presented to this Honourable House for its consideration and legislative action.
2. Some imprests are beyond the 7 days' limit with some Officers having exited the service without surrendering the same. The Committee notes that the Accounting officer failed to ensure compliance of Regulation 93(5 and 6) of PFM Regulation, 2015 on surrendering imprest and also enhance imprest management system.
3. Public Administration expenditure towards personnel emolument stood at 100% since payment of salaries to Sub-county Ward and Village Administrators was charged from their vote head yet it was budgeted under Governor's Office.
4. There were no expenditures towards pending bills despite having approved allocation as observed in the Offices of H.E. the Governor, County Attorney and County Secretary.

5. The Committee observed that there was generally low budget absorption during the period under review, with most planned programmes registering a zero percent absorption rate. This was attributed to the delayed release of exchequer funds within the reporting period.
6. The Committee notes with concern the persistent variances between figures reported by the County Treasury and those submitted by departments, particularly in relation to accounts payables and outstanding imprests. This raises serious concerns regarding follow-up and reconciliation of financial reports prior to submission to the County Assembly.

COMMITTEE RECOMMENDATIONS

1. **THAT**, The Accounting Officers **MUST** comply with the provisions of Regulation 93(5), (6), (7) and (8) of the Public Finance Management Regulations, 2015 in respect to management of Imprest and report back to the Committee on the status of surrender with evidence 30 days after adoption of this report.
2. **THAT**, the department adheres strictly to its approved budget to prevent over-expenditures in other sub-departments, which may lead to deficits during the remainder of the financial year.
3. **THAT**, the department should treat verified pending bills as first charge as highlighted in the County treasury circular, controller of budget reports and County Assembly resolutions.
4. **THAT**, the department should first track procurement processes to avoid low absorption of the budget. Further, the County Treasury **MUST** facilitate the programmes on time to enable effective implementation of planned activities within the approved budget timelines.
5. **THAT** the respective offices under Public Administration and ICT should liaise closely with the County Treasury to ensure that all financial reports are accurately captured prior to submission to the County Assembly, in order to avoid instances of misreporting. Further, during subsequent interrogations on Financial Statements, the department of Public Administration and ICT and Offices under it should present evidence of documents submitted to the Treasury for purposes of verification.

Mr. Speaker, the adoption schedule is attached and the Members of Sectoral Committee on Public Administration and ICT adopt and append their signatures to this report and contents therein. It is my pleasure to call upon Hon. Job Mukoyandali to second the report.

Hon. Job Mukoyandali: Thank you Hon. Speaker for allowing me to second the report. As I rise to second the report, let me begin by thanking the Azimio new leadership for the opportunity given to them and request them to work diligently to make sure that our House is in order and that we are putting the government on toes to ensure that it is working.

The report that I am rising to second has touched on two important issues; one, it has talked about having the work plans in place early enough to ensure that we avoid pending bills. We are now done with the budget and the norm has been we do our work on time. What happens with the Executive is they will drag and make sure that we eventually don't get things done as early as possible especially projects that we normally give. The report has given a direction on that and how I wish that all the departments follow suit so that we avoid the issue of pending bills.

The report has also talked about the surrenders. When you look at our reports, you will realize that the workers within the departments do not give their surrenders early enough. Some of the departments some members even left service but they have not given their surrenders. The report has been candid on that and has directed the department to be following up within the stipulated time according to the PFM Act so that we ensure that all the monies given by the government are accounted for within the quarter under review.

Otherwise the report is self-explanatory and I ask that this House approves it so that it goes ahead to help this County move forward. I submit.

Mr. Speaker: Thank you Hon. Job for moving and seconding the report accordingly. I will now be able to proceed and propose a motion for debate

(Question proposed)

(Question put and agreed to)

Ayes have it!

BILLS

THE BUNGOMA COUNTY GOVERNMENT SECOND SUPPLEMENTARY APPROPRIATION BILL 2025

Mr. Speaker: Chair of Liaison, proceed!

Hon. Stephen Wafula (Chair, Liaison): Thank you Hon. Speaker. I rise in reference to Motion for Withdrawal of the Second Supplementary Appropriation Bill for Financial Year 2024/2025, and pursuant to Standing Order 64 (f) which allows a member to move a Motion in accordance with the Standing Orders governing the procedure on Bills, and more specifically under Standing Order 153(1) on withdrawal of bills, to move the following Motion;

As Members recall, the Second Supplementary Budget Estimates for the Financial Year 2024/2025 was submitted and tabled in this House on 17th June, 2025, and subsequently committed to the Liaison Committee for coordination and processing pursuant to the Standing Orders that mandate the Committee to consolidate reports from sectoral committees. In accordance with established County Assembly procedures, the sectoral committees are expected

to interrogate the budget with their respective departments, and report back to the Liaison Committee to compile its final report.

In addition, this House is required to debate and consider the associated appropriation bill to facilitate sector committee interrogation. Invitations should be issued at least a week before, and Members need adequate briefings beforehand. However, with only thirteen days to the end of the Financial Year, this process is clearly not feasible thereby undermining proper scrutiny and due diligence as required under Standing Orders.

Moreover, we must also recognize that the Integrated Financial Management Information Systems (IFMIS) for Financial Year 2024/2025 automatically closes at midnight on 30th June, 2025. Pursuant to national treasury circulars, any supplementary budget not approved and uploaded by then is rendered inoperative and cannot be implemented, making this effort an exercise in futility. More fundamentally, in consultative meeting with all Honourable Members and the CCM Finance in attendance, Members were taken through the proposed changes in the Second Supplementary Budget. The reasons given by the Executive Committee Member for Finance and Economic Planning for this supplementary budget have raised serious concerns. The CCM for finance informed members that the Second Supplementary Budget was primarily intended to regulate salary short falls for the month of May and June 2024. Yet in the same brief, he confirmed that the funds for these salaries were already received and spent without disclosure in the First Supplementary Budget or approval by this House.

This is a direct contravention of Section 135, Subsection 1 (2) of the Public Finance Management Act 2012, which requires that any reallocation or expenditure of public funds outside an approved budget must first be brought before this House, before this County Assembly for approval.

Additionally, the CECM cited the need to correct negatives created in the First Supplementary Budget passed in April 2025, but he failed to explain one, how these negative balances arose and who was responsible for those fiscal errors. After extensive deliberations, Members resolved that there was no need to consider the supplementary budget due to several unresolved concerns.

1. Pending bills worth 364,924 shillings previously approved in the first supplementary budget were inexplicably omitted in this second iteration. These payments had already been initiated and removing them exposes the county to financial irregularities, litigation and possible fraudulent liabilities.
2. The county treasury has failed to report on loans acquired to meet May and June 2024 salary obligations, violating Section 122, Subsection 1 and Subsection 5 of the PFM Act, thereby denying the Assembly critical oversight information on debt sustainability.
3. There is continued non-compliance with Regulation 119, Subsection 2 of the PFM Act Regulations, which requires a detailed, approved human capital plan to support any personnel

cost allocations. Despite repeated requests, no such plan has been submitted, compromising budget credibility.

4. The allocation of balances brought forward from FY 2023-2024's equitable share prioritized flagship projects instead of unpaid salaries.

5. Programme-based budgets and procurement plans lack clear alignment, which identified funding sources and there is excessive reliance on equitable share, without proportional mobilization of on-source revenue, compromising long-term budget sustainability, hence unable to tell what projects or programmes were affected by the shortfall in targeted on-source revenue.

6. There are serious concerns about the lack of clarity and accountability in the Executive's explanation of correcting negatives, allegedly caused by the First Supplementary Budget passed in April 2025. The CECM failed to

a. explain how the negative balances arose

b. provide evidence of internal controls or remedial measures taken to avoid a repeat, and proceeding without this clarity would legitimize fiscal mismanagement and impair future budget credibility and transparency.

Under Articles 201(a) and (d) of the Constitution on Openness, Accountability and Responsible Financial Management, as well as Sections 107 and 131 of the PFM Act, this Assembly is obligated to insist on transparency, legality and fiscal prudence. In light of the procedural impracticability, non-compliance with legal provisions and unresolved fiscal irregularities and in accordance with Standing Order 153 Subsection 1 of the Bungoma County Assembly Standing Orders, I hereby move that the Second Supplementary Budget Bill for financial year 2024-2025 be withdrawn in its entirety.

Furthermore, as I move the withdrawal of this Second Supplementary Budget Bill 2025, this House directs that the County Executive Committee Member for Finance and Economic Planning to immediately and fully implement the First Supplementary Budget for the financial year 2024-2025 as passed and approved by this House. Any further delay, deviation or selective implementation of the First Supplementary Budget under the pretext of awaiting approval of a new Supplementary Budget shall be treated with utmost contempt and regarded as a blatant violation of the Public Finance Management Act. A breach of the constitutional principles of accountability and a negligence of duty in service delivery to the people of Bungoma County.

Pursuant to Standing Order 153, Subsection 2, I request that you find that this withdrawal is not an abuse of the proceedings of the House, but rather a principled and responsible decision in defense of institutional integrity and prudent financial management. This House stands firm in

upholding the rule of law, fiscal discipline and the right of the people of Bungoma to efficient and lawful use of public resources. I so move.

(Applause)

Mr. Speaker: Hon. Jeremiah Kuloba, order please. Hon. Stephen, Proceed!

Hon. Stephen Wamalwa: Hon. Speaker, allow me to call the respected Hon. Benjamin Otsiula to second.

Mr. Speaker: Hon. Otsiula, you have the honour of seconding this motion. Proceed!

Hon. Benjamin Otsiula: Thank you, Hon. Speaker, for another opportunity to second, this motion that the Supplementary Budget Bill for Financial Year 2024-2025 be withdrawn in its entirety.

I want to appreciate the Chairperson, Liaison with the Deputy Speaker of the House for finding wisdom in moving this motion eloquently with a lot of commitment and passion, with a lot of tenacity. I also thank you for giving me an opportunity to second the motion.

First of all, budget process; budget making is an all-inclusive process. It is not a one-man show. What we are witnessing as from the 17th of June 2025, it appears as if the budget making process in this county is now a one-man show.

How the county treasurer, to be specific the CEC Finance, can wait until we have only 13 days remaining to the close of the financial year then he presents the Second Supplementary Budget to this House leaves a lot to be desired. Indeed it is true that failure to plan then definitely is planning to fail. Having tabled that document on the floor of the House on the 17th of June 2025, in itself, is suspect and I think it is a malicious document, because somebody who is intending to perpetrate malice, will always manifest himself in the manner in which the CEC Finance introduces this document on the floor of this Honorable House.

If you look at the 13 days period, this is a document that is supposed to undergo interrogation, before the various committees. If committees are going to interrogate this document, how long are we going to take to interrogate this second supplementary budget? That in itself if we took that route and then it means we are going to compromise our basic and our fundamental right rather our proper oversight. If we cannot scrutinize the document then what shall we be passing in this House? It is going to set a very dangerous precedent because the procedure is very clear.

Committees must interrogate, scrutinize the contents of that document, and the timeline provided is not sufficient to enable Honorable Members to go through the document and come up with proper guidelines that will inform the liaison committee before the liaison committee can now

retreat to generate a report that will be approved by this Honorable House. Again if you look at the 13 days it means that the IFMIS system for the financial year 2024-2025 closes on 30th June 2025. That means that by the time the committees will have interrogated this supplementary budget then the liaison committee retreated and preferred a report on the floor of this House, by the time the report is approved, we shall be talking maybe of the 4th of July or 5th of July. That means the report that will be approved by this Honorable House will have already been overtaken by events. This clearly shows that we shall be engaging the House in an exercise in futility. This is a House of rules in fact this is the legislative wing of the government. We cannot come here to pass a document for the sake of it and if indeed, they say there are other special ways of ensuring that this document sees the light of day after it has been approved by this Honorable House then clear legal provisions must have been preferred and pointed out to the Honorable Members when they call for the consultative meeting, but not matters of hearsay.

Therefore on the issue of approving this budget before 30th of June 2025, it cannot materialize. There are lengthy provisions quoted in this motion, and I want to draw Members on the provisions of Section 135.1 and 2 of the Public Finance Management Act 2012. If you look at those provisions, if we make a mistake of proceeding and preferring this document with the same timelines, then it means one that this House will be condoning and perpetuating an illegality.

If this House is the wing that is supposed to legislate and provide proper oversight, we cannot come to flout the law with flagrant impunity. This is a document that is clear if you look at the motion. Members were never taken through the proposed changes. For example on the pending bill, if somebody wakes up today, I just want to give an example in the Department of Education, which had a pending bill of 151 million Kenya shillings. The first supplementary budget provided for 60 million Kenya shillings. It was just a drop in the ocean. Now a document is brought at the 11th hour with proposals to scrap off the 60 million and redirect the fund.

I don't know where the funds are going without any proper explanations. These members are entitled to have enough time to question and get answers as to why those pending bills are not going to be settled as approved in the first supplementary budget. Otherwise, if we allow this document to be sneaked the way it is being sneaked in the nick of time, the report that will come on this floor of the House is going to cause us a lot of trouble, especially at the implementation stage

The role of this House will be diluted. Members should be very keen, and realize that in budget making, we don't only approve documents but we must have clear scrutiny and priorities are laid. We have what we call the fiscal strategy paper which was passed here. You set ceilings, you do the main budget. You come to the first supplementary budget. Then, there's 13 days to the close of the financial year. You are now running away from the obligations that you are supposed to undertake as per the first supplementary budget.

This is a deliberate attempt, to avoid settling pending bills. We know this House, has undertaken a very clear roadmap on what should be done as far as verification is concerned before these pending bills are settled. Now because the House is undertaking a verification exercise, somebody who is very bright somewhere sat down and decided that these monies meant to pay for these pending bills should now be diverted to another vote.

Members should reject that kind of thinking and that kind of selective application. We have Section 122, 1, and 5 of the PFM Act that the county treasury, has failed to report on loans acquired to meet May and June 2024 salary obligations. Why? Why didn't the county treasury report? It is indeed an obligation of the county treasury to report. We cannot be told that we are searching for salary. Money meant for payment of that salary was properly appropriated by this House.

There is no clear explanation why these funds were diverted to other functions. A question that now becomes, if these funds were diverted to other functions who vetted that? Who vetted the diversion of these funds? Which are these silent and special functions? Because if this House did not approve any diversion of funds that is what we call misappropriation of funds. And if an individual is misappropriating funds meant for this county, that person should be culpable and face the law.

(Applause)

If he is found culpable, then he has to go because coming here for these Honorable Members to vet that and that will be a perfect misuse of the County Assembly of Bungoma. I'm looking at non-compliance with Regulation 119.2 again of the same act, PFM regulations. There is no detailed approved human capital plan to support any personnel cost allocations. Despite repeated pleas for the County Treasury to comply. If he has failed to submit, then it means that the Second Supplementary Budget has failed the credibility test.

If it has failed the credibility test then we have no business considering this Second Supplementary Budget. He has not submitted the required documents. The mover of the motion has alluded to correcting negatives allegedly caused by the first supplementary budget passed in April 2025. Negatives that the House is not aware of. Negatives that the House cannot understand how they arose. Who created these negatives? What mischief was this negative going to kill? This House should not be used as a rubber stamp. That people outside there will create negatives and positives and then they run to the County Assembly to get approvals, to get further funds to go and cover whatever malice that they are perpetuating. Somebody asks a question that negatives were created. Then as the County Treasury, if these negatives were arising, did they take any remedial measures or steps to cure that? What did they do? They have not explained.

I am aware that if you forward a supplementary budget or a budget to the House, you must attach notes explaining, each particular item, why you feel that these funds were not enough or this happened because of this. Honorable Speaker, the notes, I'm aware by the Liaison Committee on following up on this second supplementary budget, the notes are not explicit. There is no special explanation on the measures taken by the County Treasury to avert this issue of negatives.

Therefore, the issue of negatives, these are mere semantics meant, to wink Honorable Members into believing that there are some negatives that were created after the first Supplementary Budget was approved by this House. Therefore on that issue, the County Treasury has not convinced this House, I like the mover of this motion. He has gone further and even directed this House to look at constitutional provisions articles 2 1(a), and (b) of the Constitution specifically on openness, accountability and responsible financial management. If you look at the issue of openness, it is clear failure to provide explanations as to how monies, how negatives arose, whether they tried to cure? Who approved these monies to go and do other functions? The CEC or the County Treasury has not provided an explanation to that. That means constitutionally, they have failed the test of openness.

Accountability, as I have said let him say that I misappropriated funds that were approved by this. I am now accountable that I misdirected the funds and I now want more funds to go and cure my problem. That is being accountable but if he is not accountable and is just saying that assist me to cure the negatives then again constitutionally he has failed the test. I am already summing up, almost summing up. But if somebody is floating the constitution, the constitution is the grand norm.

If this budget, second submitted budget is going against the constitution, which is the supreme law of the land, we cannot, I cannot even Labor so much. This is a document that ought to be summarily jettisoned. I know you are just tied by the Standing Orders. Otherwise, in our practice this is like an application which is frivolous, vexatious, and an abuse of the due process of the County Assembly proceeding. I want to sum up because I know this is a matter that has generated a lot of concern, and I urge members to be very keen. We join hands as an assembly to safeguard the integrity of this and also to safeguard the interests and the plans that were projected in the first Supplementary Budget.

Therefore as I sum up, the county treasury and in particular the CEC Finance, has approached this House with dirty and unclean hands. He who comes to equity must do equity. I second and I call upon the Honorable House to reject that second Supplementary Budget, a bill for the financial year 2025 and the same be withdrawn in its entirety. I second.

Mr. Speaker: Thank you, Honorable Members. I have had the chance to look at Standing Order No. 64(f) read jointly with Standing Order No. 153(1). On withdrawal of bills Honorable

Members, pursuant to Standing Order No. 153(2), I have determined that the motion is not an abuse of the House proceedings, and thus I propose that the House does agree with the mover of the motion, the Chairperson of the Liaison Committee, to withdraw the second Supplementary Budget, not to be read for the second time accordingly. So I'll allow Honorable Members to make some contributions as required.

So, Hon. Job, you're the first one to go. No, Vitalis the first one to go.

(Laughter)

Hon. Job, you already know the Minority Leader. Proceed! Hon. Vitalis.

Hon. Vitalis Wangila: Thank you Mr. Speaker.

Mr. Speaker: Then after Hon. Vitalis, you'll have a chance to speak.

Hon. Vitalis Wangila: Thank you, Mr. Speaker. I'm totally in support of the mover of this motion and the seconder.

This is a motion that we cannot dwell on much because it is clear that this money was appropriated to a certain particular project and I remember one time we asked him; can you give us the list of the pending bills you paid? He was not able to bring to this House the projects and the companies that were paid the pending bills. Initially, we were told that that money was borrowed was used to pay for the pending bills. All the same, after that, now we have even more pending bills than we thought instead of reducing, it's increasing. It's ballooning every day.

The mover has come out clearly, and the seconder has come out clearly that law was not followed.

I expected the mover of the motion to comment that the CECM Finance is not suitable for this position and we have...

Mr. Speaker: Hon. Vitalis, if you have a chance read Standing Order no. 153(1). It talks about withdrawal of a motion. 64(f) is talking about motion being moved without notices. What you might be talking about look for the rightful forum...

Hon. Vitalis Wangila: I am well guided but I want to appreciate this House because the Spirit we had while passing the budget and the spirit we had while engaging the CECM of Finance here should be the same spirit going forward. Thank you.

Mr. Speaker: Hon. Job you will have the dispatch. You made a request. You will all speak. The energy I am seeing is very high. Let's proceed. Then I will have Caleb after Job...

Hon. Mukoyandali: Thank you Hon. Speaker. A lot has been said by the mover and the seconder of the report. Let me congratulate them for coming up with such a good report. First of all let me say that I support the report. Section 135 of the PFM Act is clear that the budget should not be submitted or approved too close to the end of a financial year especially if the proposed expenditures cannot be realistically implemented. The law is clear about when the supplementary budget is supposed to be brought.

Secondly, a pertinent issue has been brought up by the committee that the reason we are rejecting this supplementary budget is basically because they are appropriating the money to salaries and yet this money on salaries was already appropriated in the main budget when we approved it. Hon. Speaker, the issue of money being brought right now in form of salaries, this is not the time to look for salaries. The PFM Act is clear on what the supplementary budget should look like but somebody wants to rape this House and the work that this House is doing in the name of us bringing up the issue of salaries right now.

We have been talking about the issue of pending bills. This House sat through the First Supplementary Budget and gave enough money to cure this disease of pending bills. Somebody comes right now towards the end of the financial year and is telling us we again move money. He has deliberately refused to pay the pending bills and wants to take that money and redirect that money elsewhere. The report is clear and I believe that if this money cannot be accounted for, the one billion that we are talking about plus the Kshs. 150 million. If somebody cannot account for that money, I dare say this someone who belongs to jail.

Someone must be accountable, they must come to this House and explain to us clearly where that money is. If that person cannot explain, then we need to wake up as a House and send somebody home. He cannot just steal public resources. When you cannot account for the money and its money that belongs to the public, you have stolen that money and the law is clear. The intentions of him not explaining to this House where that money went and bringing this supplementary budget towards the end are clear to this House right now. Riding on what the mover and the seconder of the motion indicated, as a House we need to make a decision on this issue.

We must sanitize this County. This is the right time for us to sanitize this County. If we do not seal this loophole right now when are we going to seal it as a House? Let's wake up as a House and I would like that at one time some lists moved around this House. How I wish that now we have clear ground in what has been presented in the report that that list is brought to this House tomorrow for us to sign so that we can sanitize this County. I submit.

(Applause)

Mr. Speaker: Hon. Caleb then Everline Anyango!

Hon. Caleb Wanjala: Thank you Hon. Speaker. I also rise to support the Chairperson of the Liaison Committee, the seconder and the honourable members.

Mr. Speaker: Order Members, Proceed!

Hon. Caleb Wanjala: For rejecting the Second Supplementary Budget. As we speak today, some of our young men and women especially those who are contractors have been auctioned. Some families have broken because of finances and this is because of the self-interest of one person who is not willing to pay our contractors the money that this House approved in the First Supplementary. There is a cry everywhere you go and it's because of one person just like my fellow honorable Member said that it's a one man guitar. It's like everything is just being choreographed and done by one person and that is the CEC Finance.

If there is a department that was allocated a lot of money, it's Finance and the money was allocated there with intent of improving our own source revenue. Right now as we speak, the name of this County outside there in fact it's just recently when one Honorable Member of a constituency was moving in funerals speaking ill of this House; that we are in bed with the Executive and it's because of such acts.

I want to agree with the honourable Members that a stern action needs to be taken and someone must face the music because this is public money. What happens is that if you fail to pay the contractor who has done a hospital in Maraka ward, that hospital will not be opened. If you fail to pay a contractor who has done work in Tuuti Marakaru ECDE, it will not be opened. We are delaying development to our people and these are people who voted for us.

I support this report in totality and an action needs to be taken. I want to appreciate the honourable Members. I can see the energy and mood you have. This is the right direction we are taking. If we go like this, I think we are going to lift this great County of Bungoma.

(Applause)

Mr. Speaker: Hon. Anyango then Hon. Ipara.

Hon. Everline Anyango: Hon. Speaker, thank you. I want to be calm and precise with my words. That I don't want to labor on something that openly when the CECM Finance was here yesterday, instead of him answering questions that were directed to him by these Members, in his final speech, he tried to teach this House some English.

(Laughter)

This is a member who said that I was not invited to come to defend myself but I was requested to come. I was prompted to ask the Deputy Clerk after this House to give me the definitions of the words. Unfortunately, he laughed and didn't answer me.

Mr. Speaker: Why didn't you follow CPA Meshack to assist you?

(Laughter)

Hon. Everline Anyango: Hon. Speaker, he was sitting facing him directly and I was behind the CECM. I thought he got the words well and could explain to me. I only want to appreciate and laud the Committee on Liaison for the good work they are doing for the people and this county.

(Applause)

It has been a big shame for us who come from town that the Executive can term us as being incompetent. We don't do oversight. We have weak oversight. It is now this time that I am seeing the honourable Members doing their work. I want to appreciate and applaud honourable Members for stamping their feet so that we can save our county. When contractors from far away are being paid and our own contractors are not being paid...

(Applause)

...as the mothers in this house Honorable Members, we are not ready for that. People are very poor and are dying. Businesses are closing up. Were it not for the lights on the dual carriage way in this town, the town would be dark by six. All shops are closing up, businesses are crumbling because there's no money, there's no liquidity, there's no money in the hands of the people of this town! We will not be sitting here for somebody to come and differentiate the definitions of invited and requested. I support.

(Applause)

Mr. Speaker: Thank you. Hon. Ipara?

Hon. Johnston Ipara: Hon. Speaker, let me say this; today is the happiest day in my life as a Member of the County Assembly because the right things are taking on. I want to applaud the mover and seconder of the report. Today you've proven that you are the true sons of our county. We pray for you. Let's clap for them!

(Applause)

I was wondering of the direction that we shall take but they have proven me wrong and you are who we believe in. You have been able to unseal what the CECM Finance had hidden in what he termed as a Second Supplementary. A supplementary that was concealed with a lot of theft issues. I want to say he wanted to justify all the wrongs that he has done and when even he has shamed our county before the Senate. Shame on him! This man wanted to conceal...

Mr. Speaker: Hon. Ipara, that language is not parliamentary from where I sit. You withdraw then proceed!

(Loud Consultation)

Hon. Johnston Ipara: Hon. Speaker, your guidance is taken.

Mr. Speaker: You withdraw it!

Hon. Johnston Ipara: Hon. Speaker, I withdraw honorably.

Mr. Speaker: Thank you proceed!

Hon. Johnston Ipara: Hon. Speaker, when the CECM Finance was called to appear before the Committee of Finance and the Liaison after borrowing Kshs.150 from the retention account, he was unable to give an account on how that money was spent. Is that not a shame? It is a shame. You know salary is a mandatory item in the budget. The Kshs. 940 million on salaries was utilized and nobody was able to give an account as to how that money was used. When he was called out he said oh, oh, oh, then we failed to understand which language that was.

(Laughter)

He confirmed before the Senate that he received the May and June Salary in the month of August. Where did our money go to? Shame on him!

Mr. Speaker: Hon. Ipara, I will take away the microphone from you.

Hon. Johnston Ipara... (Inaudible)

Mr. Speaker: Be on HANSARD because you are off HANSARD!

Hon. Johnston Ipara: Hon. Speaker, I am saying I apologize and withdraw.

Mr. Speaker: Proceed, you are cautioned.

Hon. Johnston Ipara: Thank you for allowing me to proceed. Hon. Speaker, the Constitution allows that we must be allowed for access to information.

Mr. Speaker: Hon. Ipara, Article 34 has limitations.

Hon. Johnston Ipara: Thank you for that.

Mr. Speaker: Proceed!

Hon. Johnston Ipara: Thank you Hon. Speaker. I want to draw your attention to the expenditure that we've incurred in putting up the administration block. As we are sitted here, Kshs. 97 million has been used. I want to give a comparison; the upcoming new Assembly Plenary has only utilized Kshs. 92 million up to where we are standing today and we are now approaching third floor. When you go to the administration block of the County Government, you can only see a ditch, soil, but money has been spent. As if that was a mockery, they were proposing again an additional 55 million. Though you've reprimanded me two times, let me refrain from using those bad words.

As if that was not enough, the government's official residence has used Kshs. 17.5 million. They were still asking again for some more money. Where do we get this money to waste and why are we condoning these people who are misusing and wasting scarce resources that come to this county? I think that must come to an end.

The worst of all that made them to bring the supplementary budget was the failure by the CECM to upload the First Supplementary budget within 7 and 14 days as guided by the statute. The statute I am referring here is the Public Finance Management Act of 2012 and the Regulation of 2022. He never abided to that and you remember that this particular CECM was creating a gap to spend money without authority and yet he was the initiator of the proposals. He contravened Section 135 (1) and (2) of the Public Finance Management Act 2012 and the law says if you do contravene, you must be held accountable and punishable for the offense you occasioned.

Personal liability; the CECM contravened Section 197 of the Public Finance Management Act and this law tells us if you do that, surcharge must be done to recover the proceeds. That is why the mover of the report was in pain, that how do we have a report which indicates negatives? Where did the negatives originate from? They originated from misappropriation, diversion, and fraud that have not been added.

This CECM must be called upon to account for the wrongs that he has done. I want to make some remedies; these are serious omissions by a person entrusted to manage the finances of the county. The law gives us the following remedies; the administrative remedy is where politely the Governor removes the CECM under Article 179 (7) and Section 40 of the County Governments Act of 2012.

Upon failure to comply with that, the people, the civil society, and ourselves who are sitted here can move to court and petition the court for this person to be punished.

Lastly, under that category, oversight by the County Assembly can recommend censure and removal proceedings under Section 40 of the County Governments Act for the CECM forthwith to be removed under impeachment by this House. Are you not able to impeach him? Are you ready to impeach him Hon. Members?

Mr. Speaker: Hon Okasida, I will not allow you to proceed with that direction.

Hon. Johnston Okasida: Hon. Speaker, let me finish up. I appreciate the mover and the seconder because they have rejected the deceit that is being forwarded by the Executive. Let me ask the following four questions;

1. Who is increasing the pending bills in the county? The CECM Finance.
2. Who is misleading this county in terms of finance? The CECM Finance.
3. Who is making the people of this county to suffer? It is the CECM Finance.

Honorable Members, with that, let's stand up and be counted as the patriots and honest sons and daughters of Bungoma County.

I support the withdrawal.

(Applause)

Mr. Speaker: Hon. Linda!

Hon. Linda Kharakha: Thank you, Mr. Speaker. First of all, I want to rise on provisions of our Standing Order and in line with the Public Finance Management Act of 2012. I support the motion to seek to withdraw the Second Supplementary Budget for FY 2023/2024 which was tabled in this House on 17th June 2024, just 13 days before we close of the Financial Year. I think we've been taken for a rough ride. A ride of conman ship lies being hidden into the PFM Act, with other short stories. If there is a book this House can write, we've been taken in circles with no solution.

It has been three years of lies on top of lies. I am so happy today to be counted to be sitting among these honourable Members who have decided to take the bull by its horns. That now the landing will not be rough to anyone who is going to seek for a re-election but the direction we took before, I doubt we will be counted as women and men of honor. We've been made a rubber stamp, of every document that comes here. We've been called that we do not internalize or interrogate our documents.

That's why someone will take an advantage to sneak in the wrong timing knowing that because we are a rubber stamp House, to bring a document so that we pass it as usual. I am happy that it is not business as usual. The person that is driving this car now, I commend you, the Liaison Committee.

(Applause)

That you sat down and decided that enough is enough and we should take a proper direction. I seek to ask, was it reasonable time to bring such supplementary? If we took that supplementary and passed it for instance, someone will ask, how are we going to absorb such amount of money in this short period of time? It does not make sense. The only sense it makes is someone is about to play the games they have been playing. I am happy that we have learned the game and we are changing the tune, the coach, the referee and the players.

The credibility of the budget process demands that the resources be allocated within sufficient time so that the committees and these honourable Members and also the public could interrogate and do what we call due diligence so that now we sit down and see if it is viable. As usual, in the stories of many other short stories; they decided that this is the time because we sit back and condone.

It shows that they have demeaned this House. The integrity of this House had been washed away. We did not have a face to say. I would have not been happy to sit to be regarded to be part of this House the way we have been proceeding before. Today it's a new dawn. We proceed as a team and we soldier on like warriors, not afraid to die in the war. A rushed budget, to me, in my simple thinking, is a sign of mismanagement. Audit queries will have fallen onto us. Every time we pass a budget, they say, it is not me who passes the budget, it is the House. We took the blame for the budgets we've passed through this House. Today I'm happy, the blame is shifted. Let the public know where the wrong comes from.

(Applause)

I stand to urge this House that going forward, even as we withdraw this Supplementary Budget that it should be brought within reasonable time. That the timeframes that are provided are well known to each one and even the person who drafted the supplementary so that we have time, ample time to go through the document. I am happy this time the main budget was brought in good timeframe. We were able to interrogate. The person who stood here was able to teach us, those who did not belong to the Liaison Committee which is holding brief for the Budget Committee; we were able to understand what it entails.

Years in, years out, we've been hiding under vote heads that are not even justifiable. Money being moved from one department to another. Today I sleep a happy woman, a happy daughter of this county, a happy Member of this County Assembly. I hope all of you have a good sleep tonight because we've done it right and may we continue like that.

(Applause)

Mr. Speaker: I know of one person who may not have a good sleep. I'm not going to mention his name, but just look at him.

(Laughter)

I will not mention his name but you know. Hon. Ken, Proceed!

Hon. Ken Wanyama: Thank you, Mr. Speaker. First, I want to appreciate the mover and the seconder of the motion. I'll be very brief. We have been subjected to enough theatrics in this House ranging from lopsided budgeting to issues where we're diverting funds meant for development projects.

Section 132 of the PFM Act is clear that while we are doing our budgeting, we must use realistic projections. Year in, year out, our budgeting has been unrealistic and by the end of the day, the most affected people are the elected Members in this House. Because when projects are not implemented and the reason is because our own source revenue is not achieved.

Secondly, I want to talk about two issues and to me, I want to go on record that even if this second Supplementary Budget came on time, I will personally vote against it for two simple reasons;

The first issue is the issue of retention money. Which county with a budget of 15 billion goes as low as borrowing 140 million meant for retention? 150 million, meant for retention? Retention money, like I mentioned here recently, is trust money. It's not revenue. So, when we start diverting retention money to other uses, we are actually inviting legal battles with the county and for me, I think we need to go deeper and ensure that we get a comprehensive list of who are these suppliers and contractors who are still owed retention money. Let's get deep into it and see

when they finalize their contracts and why have they not been paid. That way we'll be doing justice to the people of Bungoma.

Secondly, the reason why I wouldn't vote for this Supplementary Budget is the issue of pending bills. When His Excellency was here, he gave us a very nice payment plan for pending bills in his speech. Unfortunately, in all the departments I sit in, while doing interrogations, we do not pay pending bills. Pending bills are accumulating day in, day out. In this second Supplementary Budget, I was actually astonished that somebody sat down and decided that the only way to get money is to wipe out all appropriations for pending bills from all departments and allocate towards salaries.

While doing budgeting you budget for salaries. This is my second Financial Year in this County and it's the first time am coming across this situation where the CEC Finance is telling us about negatives in the Budget. Budgeting is a planning tool, how do you start creating negatives. You want to create a whole year, pick money from somewhere else, fill it then when are you going to feel these holes? As a County, we need to be serious. Let's crack the whip and to me we are on the right direction and I think the dice is cast.

(Applause)

Mr. Speaker: Hon. Sudi, you are closing up then I will be able to invite majority. Proceed!

Hon. Sudi Busolo: Thank you Hon. Speaker. I also want to be brief. Just to ride on what my other colleagues have spoken. The issue of negatives, as we are sitted here mostly elected, you know a contractor who did some work in my ward, they would use his company to request money from Nairobi and when money comes, it is paid to someone else. That is why they have created negatives and let us not sit here and people imagine that we do not know what is happening and you will find that some flagship projects had less money. When you look at the pre-payment plan, they have paid more which means money meant for a specific project has been diverted and they request using local contractors, the poor contractors of Bungoma.

They keep on telling them things are on IB, your companies name has gone to Nairobi and when money comes, the poor contractor is not paid.

It goes to another person. Now it creates a negative, because you see, money meant for a particular project and it went to a different one. Definitely it will create a negative because this project is still standing. When you check in books, it is already committed and it has been spent. So I am very happy that now as a House we are really on top of issues. We have supported the government; we've really supported it, just like your father supports you when you repeat. You do KCSE you get a D+ your father takes you back, you continue getting a D+ maybe you drop again, to a D-. What will your father do?

(Laughter)

I want to request this House, that we now...

(Laughter)

We have a....

Mr. Speaker: Hon. Sudi, we are not understanding you, now what does your father do?

Hon. Isaiah Sudi: What will your father do now?

Hon. Speaker: He will chase you?

Hon. Isaiah Sudi: We have given the leadership of this County enough time and enough support, and you know we are here, courtesy of the people of Bungoma. We are exercising delegated power from the people of Bungoma. Surely, if we live them suffer the way they are suffering, if you one time decide like tomorrow you walk outrageously, you will see how contractors are moving on the corridors, and what they are being told, they just lie to them.

You remove a whole Kshs.60 million, meant for lands, and this Honourable Members have prepared the owners. Those who have provided parcels of land, that money is now in the IB, can you allow us to build because some of the contractors work was already contracted assuming that land is there. Now you remove it. How would this House tell those members?

It brings a difficult scenario. Then another scenario is, they were looking for salaries, but do you think it is salary alone they were looking for? If you look at it, it is not salary alone. You allocate Kshs.55 million to an office block that has not taken off, where Kshs. 100 million was already spent. What interest do you have in such a scenario? You allocate money for electricity that we have now put electricity expenses at one point and yet in the main budget, we have already budgeted for electricity.

What do you think Kshs. 28 million can do now, in the remaining 6 or 7 days? Even the 1st Supplementary was supposed to be brought to this Assembly for processing in September or October, but it was brought in April this year. The CEC Finance is a smart man; we must also be smart to him, so that we manage him. How can you even bring 1st supplementary in April, then you follow with 2nd supplementary after a month. You don't allow this money to be spent.

I want to urge the leadership to support us so that we don't look like we are targeting anybody. We only want to target mistakes and work on mistakes but we don't want to work on anybody, we shall work on mistakes and correct them. Once you correct a mistake, the person himself will also be corrected. Because we cannot live. Speaker, I want to be re-elected. What I will tell the people of South Bukusu, the contractors, you are just sitting on a bomb, because they will explode and all of us will perish.

Some of them are our cousins, our brothers, are our fathers, our neighbors. He has done a contract in Bungoma, he is not paid. When you advertise another one, will he really go for it? We shall end up not getting even a single contractor for our jobs here in Bungoma if we are not careful. Because how do you put your money in a project then take 5 years to pay you. There is no value for your money.

I want to request that His Excellency the Governor, I hope his liaison man is here, that he tells him because we have 10 CECMs, let us have another CECM, in the department of Finance. You don't need to be a CPA holder to be a CECM Finance. Does it mean that you must be a CPA to be a CECM? That you must be an ICPAK member. It doesn't mean that you must...

Mr. Speaker: Hon. Members you had a chance of contributing here, when you are shouting from the side lines like Honourable so and so.

(Laughter)

Mr. Speaker: Then proceed.

Hon. Sudi Busolo: Hon. Speaker, my request is that I want the leadership to buy this idea that His Excellency the Governor; we have no issue with him. We really support him, but let him also listen to us. Let him do reshuffles so that we get another person in that docket. We shall move on well because this person puts his hands in all the projects. I don't know what you should do so that you are paid. Some of us don't have what we can give him so that the contractor is paid. Some contractors are like what they will do so that they are paid because the system is completely controlled. Soon we shall not be allowed to walk around. Our people are dying and businesses being closed. Let us not allow it as we sit here in this House. How do you sit here in this House and your mother is suffering in a House where it is raining?

(Applause)

We rather all of us suffer and share the blame than one person just enjoying. I participated in the first supplementary and it was the interest of this House that we allocate some money on pending bills to cater for the local contractors. There was no single cent on pending bills for local contractors. The only money on pending bills was on the flagship projects.

What about this other contractors? How many of us have flagship projects in our wards? There are not there, we are only riding on small projects that are being done but the poor contractors of this County and we should not leave them to suffer in our hands. The hands of one person who pretends that he has done CPA even someone with a D+ would start with part one and he upgrades and goes to the CPA Kenya; it is not that he is a clever person.

You can only intimidate us if you get an A and do medicine or even a lawyer but ICPAK anybody can do it because we start from a low grade. It is a low grade qualification.

(Laughter)

(Applause)

Mr. Speaker: Hon. Sudi, Hon. Sudi, Hon. Sudi,

Hon. Sudi Busolo: If you look at qualifications to be a surveyor, it is much higher. It is completely high than being a CPA person, so they should not come here to hide in...

(Laughter)

And tell us that they are cleverer than us.

(Loud consultations)

Anybody with a D will do a certificate, do a diploma and become an ICPAK man but you cannot start with a D and become a surveyor. How? Or a lawyer, do we have any Lawyer with a D? Or a Doctor? Somebody comes here with very inferior...

(Laughter)

(Applause)

Mr. Speaker: Hon. Sudi , Hon Sudi, Hon. Sudi..

Hon. Sudi Busolo: And imagines that he is so learned he must take us in circles. We are not going to allow that. Definitely we shall not allow that, let us rise up to be counted, let us do our oversight because the Governor must change, must remove Chris from treasury. Let him take him elsewhere. We are not against... he is a resident Bungoma and he is a Kenyan. Kindly Speaker, as you leave this House today, call the Governor and advise him.

Mr. Speaker: Hon. Sudi you are the Chief Whip of the Majority, you ought to do so.

Hon. Sudi Busolo: There are restrictions, your position Speaker, not all of us. You know like when your father is giving out land, for you to get more acres definitely it is your mother to talk to your father.

(Laughter)

(Applause)

We are all leaders but it is a special request that you lead us, so that we have somebody else manning the treasury and we move on. Why do you bring a supplementary in the remaining less than two weeks? What is the motive? That is why I am saying Liaison Committee to continue as you had indicated in your communication. If we allow development money to be taken to salaries, we shall be a laughing stalk my friends. The Liaison Committee has a larger membership; they can reason well more than a composition of 11...

(Laughter)

(Applause)

More wisdom compared with 11. That is an expanded committee with good heads, therefore, I encourage that you continue.

(Laughter)

(Applause)

We are proud looking at what is happening; these things could not have happened if it was me who was handling it. I could have seen it from a different perspective but look at how Liaison has taken this perspective because it has leaders; our former Majority Leader in this House, is in Liaison. Don't you think he can think well than me who has never been a Majority Leader?

(Laughter)

Let me stop it at that point but I really support the motion. Let us withdraw it, let us take it back to the sender, to the owner. I really feel for the contractors with pending bills. Before I even rest, the County Executive itself has been moving around in hotels in Kisumu, Bungoma, Busia. They have not paid yet he has removed money for other departments, the only department with money to pay is finance, his department. These other departments are now hiding. They cannot go anywhere and hold a meeting in a hotel, because he doesn't allow them to pay, eeh!

(Laughter)

(Applause)

Mr. Speaker: Hon. Majority!

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. First, allow me also to congratulate the new leadership from Azimio Coalition. As you are aware, there is a saying that a new broom sweeps better, and the old one now sweeps in every corner. As you assume your new seats and positions, we wish you all the best.

First, I want also to appreciate Chairperson Liaison, and the seconder Hon. Otsiula and every Member that has talked positively on this report or motion. I am happy because one thing, I like

the courage and the determination that this House is taking. Sometimes, when you are in a war, or when you are planning for war, and then you see your troops are not near, others are moving out, others are on edges, you start worrying. This is a product from Liaison Committee and you can count the chairpersons who are here right now.

As much as you are determined, how sure are we that this determination will yield fruits? This action that we have taken will really save this county. I am not seeing an individual, but I am seeing a composition of people messing this county. For a document like the budget document before reaching this House, there are processes to be undertaken. For it to be signed to come to this House, it should be signed in a cabinet. As much as we are seeing an individual, it's bigger than what we are seeing. This one tells us that even the cabinet is in support of this because even the county boss appended his signature for this document to be here. I wonder if a cabinet comprising of almost 13 people or thereabout could not realize that uploading of the first supplementary budget took almost weeks to be uploaded. How they then expect us to process the second supplementary budget and have it uploaded within 13 days to closure of the financial year?

Let us see the bigger picture and go back to the drawing board and say, what's wrong? What should we do? In the interest of the people who voted for this government. Otherwise, as we submit, let's also check our troops. Are they really serious?

(Applause)

Are they ready to walk the talk? Or is it just a matter of saying and passing? Otherwise, we support the course, but I'm worried. I submit.

(Applause)

Mr. Speaker: Honourable Members, allow me to invite the mover to make some brief reply to the motion before we move to next step.

Hon. Stephen Wamalwa: Thank you, Hon. Speaker. I am on my feet to give my reply. Honourable Members, I must say this; Members, I want to appreciate you for sitting in, sitting through so that we can look at this document. So that we can discuss the motion, and so that we can make an informed decision together as a unit, as an Assembly. Thank you.

The first supplementary budget was delayed to be brought to this House. I want to ask myself, and I know Members have talked about this. Why was the first supplementary brought late so that now what we are going through was never witnessed? Supplementary budget was supposed to be brought early, in fact last year before end of 2024. Instead the first supplementary budget was brought in April and the consequences are here now with us.

Hon. Speaker, there is also this talk of negatives that were created when we had enacted the appropriation bill which was supposed to be uploaded in Nairobi in time. Now we must know

why the negatives came about. The negatives came about because while we had enacted the same here, uploading never took place, there were delays in uploading and they continued to spend. These negatives could have been avoided if officers were deliberate and intentional. We were not intentional and because of that we created negatives, we were not supposed to have the negatives.

Hon. Speaker, there is this issue of allocation of balances brought forward and from the 2023/24 equitable share, they prioritized payment for flagship projects but not unpaid salaries, was it a problem of this House? I want to thank the Members who observed that there was a deliberate intention not to pay salaries instead direct the funds somewhere else and where the money was directed, the Executive knows. We do not know Hon. Speaker.

The other week I was at the Senate, Hon. Speaker you sent me to represent this Assembly at the Senate and yes, I looked in the face of the Chairperson of the Public Accounts and Investments Committee in the Senate, Hon. Kajwan'g. I gave the opinion, the position of this Assembly effectively. The question was on Kshs.592 million for salaries. We are again going to be candidates of the Senate with the salaries issue.

As I finish, this House knows that the deficiency that was there was explained, to approve the salary component amounting to KShs.470M and this House does not understand any other narration and statement that would come after that. The budget of Bungoma is lacking one component, that component of salary of KShs.470M. However it spreads across, beneath, above all sides and everywhere it remains salary. I submit Hon. Speaker.

Hon Speaker: Thank you Hon. Deputy Speaker, the Chairperson - Liaison Committee and the mover of the motion. Members having made deliberation in support of the withdrawal, I therefore exercise my powers given to me by Standing Order No 153(2), I direct that the 2nd Supplementary Appropriation Bill is hereby withdrawn.

Further, I direct that the Clerk to communicate to the Executive the directions of this House on the 1st Supplementary Budget as approved by this House to be implemented as approved in totality. Thank you, Honourable Members.

ADJOURNMENT

Looking at the Order Paper, that was our last item. Based on that, we will adjourn our today's sitting and resume tomorrow at 9:30 a.m. Thank you for being patient.

The House rose at 5:43 p.m.

