

**COUNTY GOVERNMENT OF BUNGOMA**

**COUNTY ASSEMBLY OF BUNGOMA**

**COUNTY ASSEMBLY DEBATES**

**THE DAILY HANSARD**

**WEDNESDAY, 4<sup>TH</sup> JUNE, 2025**

**Afternoon Sitting**

# COUNTY ASSEMBLY OF BUNGOMA

## THE DAILY HANSARD

WEDNESDAY, 4<sup>TH</sup> JUNE, 2025

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

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

### PAPERS

1. REPORT OF THE SECTORIAL COMMITTEE ON TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES ON FIRST AND SECOND QUARTER FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31<sup>ST</sup> DECEMBER 2024.

**Mr. Speaker:** Vice Chair, Hon. Martin Chemorion!

**Hon. Martin Chemorion (Vice Chairperson, Tourism):** Thank you Mr. Speaker Sir. I rise to table a report of the Sectorial Committee on Tourism, Environment, Water and Natural Resources on First and second Quarter Financial Statements for the period ended 31<sup>st</sup> December, 2024. I table.

**Mr. Speaker:** Honourable Members, the report by the Sector Committee on Tourism, Environment, Water and Natural Resources on First and Second Quarter Financial Statements for the period ending 31<sup>st</sup> December, 2024 is hereby tabled and formally becomes the property of the House.

2. REPORT OF THE SECTORIAL COMMITTEE ON ROADS, TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS ON STATUS OF IMPLEMENTATION OF THE BUNGOMA COUNTY TRANSPORT ACT 2015.

**Mr. Speaker:** Hon. Kimeta, vice chair!

**Hon. Polycarp Wandabusi (Vice Chairperson, Roads):** Thank you Hon. Speaker Sir. I rise to move a notice of motion that this House adopts the report of Sectorial Committee on Roads, Transport, Infrastructure and Public Works on First and Second Quarter Financial Statements for the period ended 31<sup>st</sup> December, 2024.

**Mr. Speaker:** Kindly table it then you will come back and move the report.

**Hon. Polycarp Wandabusi (Vice Chairperson, Roads):** Thank you Mr. Speaker Sir. I rise to table a report by the Sectorial Committee on Roads, Transport, Infrastructure and Public Works on First and Second Quarter Financial Statements for the period ended 31<sup>st</sup> December, 2024.

*(Loud Consultation)*

**Mr. Speaker:** Honourable Members, the report by the Sector Committee on Roads, Transport, Infrastructure and Public Works on the status of implementation of Bungoma County Transport Act 2015 is hereby tabled and formally becomes the property of the House.

## NOTICES OF MOTION

1. THAT THIS HOUSE ADOPTS THE REPORT OF THE SECTORIAL COMMITTEE ON TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES ON FIRST AND SECOND QUARTER FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31<sup>ST</sup> DECEMBER, 2024

**Mr. Speaker:** Hon. Martin Chemorion, proceed, kindly please!

**Hon. Martin Chemorion (Vice Chairperson, Tourism):** Thank you Hon. Speaker. I rise to issue a notice of motion that this House adopts a report by the Sectoral Committee on Tourism, Environment, Water and Natural Resources on First and Second Quarter Financial Statements for the period ended 31<sup>st</sup> December, 2024.

**Mr. Speaker:** Honourable Members, a notice of motion has been duly issued by the Sector Committee on Tourism, Environment, Water and Natural Resources on the First and Second Quarter Financial Statements for the period ending 31<sup>st</sup> December, 2024. Equally, I urge the Clerks-at-the-Table to share the same with the honourable MCA's. The report will come up as a motion on our Order Paper in the course of this week once scheduled by HBC.

2. THAT THIS HOUSE ADOPTS THE REPORT OF THE SECTORIAL COMMITTEE ON ROADS, TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS ON STATUS OF IMPLEMENTATION OF THE BUNGOMA COUNTY TRANSPORT ACT 2015.

**Mr. Speaker:** Hon. Kimeta, proceed!

**Hon. Polycarp Wandabusi (Vice Chairperson, Roads):** Thank you Hon. Speaker Sir. I rise to move a notice of motion that this House adopts the report of sectorial committee on Roads, Transport, Infrastructure, and Public Works on status of implementation of Bungoma County Transport Act 2015.

**Mr. Speaker:** Honourable Members, a notice of motion has been duly issued that the House adopts a report by the Sector Committee on Roads, Transport, Infrastructure and Public Works on the Status of implementation of Bungoma County Transport Act 2015. Equally, I urge the Clerks-at-the-Table to share this report with the MCA's. The same may be come up as a motion in the course of this week or scheduled by HBC.

## MOTION

REPORT OF THE SECTORIAL COMMITTEE ON ROADS, TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS ON FIRST AND SECOND QUARTER FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31<sup>ST</sup> DECEMBER, 2024.

**Mr. Speaker:** Yes, my instructions are clear at 2:30 p.m., therefore do the necessary. Before you proceed, confirm your membership!

*(Loud Consultation)*

Can they be upstanding!

*(Loud Consultation)*

Honourable Members, looking at the membership of the committee; I am aware Hon. Simwoto, Violet and Hentry are in Liaison; the number we have is sufficient. We allow them to proceed!

*(Applause)*

Honourable Members, in normal cases, the membership of committees is 15. We are aware that all chairpersons of committees are away about 19 of them. On that basis, we will allow them to proceed. Hon. Kimeta, kindly proceed!

**Hon. Polycarp Wandabusi (Vice Chairperson, Roads):** Thank you Hon. Speaker Sir. I wish to confirm that a good number of the committee membership is present. I rise to move a report by the Sectoral Committee on Roads, Transport, Infrastructure and Public Works on the consolidated Financial Statements for the period ended 31<sup>st</sup> December, 2024.

## **CHAPTER ONE**

Hon. Speaker Sir, Pursuant to section 166 (4) of the PFM Act 2012, the County Treasury is mandated to prepare quarterly reports on all county departments and submit the same to the County Assembly not later than 30 days of the succeeding month and after the end of each quarter. It is in this regard that the County Executive committee member for Finance and Economic Planning submitted the Bungoma County Half Year Report and Financial Statements for the period ended 31<sup>st</sup> December 2024. The report was subsequently tabled in this House on 5th March 2025.

The Hon. Speaker directed that the report be committed to all sector committees for legislative processing and reporting.

The Quarterly Reports and Financial Statements presents Budget execution status covering the period 1<sup>st</sup> July 2024 to 31<sup>st</sup> December 2024 with comparative actual achievements and Budget amounts of the previous Financial Year. Further, it contains the revenue performance both locally generated and equitable share from the National Government.

### **End of Take**

Finally, the Committee has herein comprehensively considered the Bungoma County quarterly report and Financial Statements for the period ended 31<sup>st</sup> December, 2024 and presents this as its report for consideration by this House.

### **Mandate of the Committee**

#### **Honorable Speaker,**

The mandate of the Committee is derived from the County Assembly of Bungoma Standing Order No. 217 (5) and matters assigned under the Second Schedule which shall be exercised within the limits contemplated under Part II of the Fourth Schedule of the Constitution of Kenya, 2010.

The functions of a Sectoral Committee shall be to;

- (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) Consider quarterly reports of the assigned departments and report to the House within twenty one sitting days upon being laid.
- (c) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- (d) Study and review all County legislation referred to it;
- (e) Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (f) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- (g) To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 208 (Committee on Appointments); and
- (h) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

2. In accordance with the Second schedule of the Bungoma County Assembly Standing Orders, the Committee is mandated to deal with:

All matters related to County Transport Including County roads, street lighting, traffic and parking, public road transport; firefighting services and disaster management and County Public Works Services.

### **Terms of Reference (ToR)**

#### **Hon. Speaker,**

In order to comprehensively review the quarterly report and financial statements as committed, the Committee set out an approach in which it clearly spelt out specific terms of reference to guide its operations. The terms of reference with regard to the analysis were as follows;

- 1. Establish compliance with Section 164(4) of the PFM Act, 2012 on submission of financial reports.
- 2. Establish the receipts and payments during the quarter ended 30<sup>th</sup> June, 2023.
- 3. Establish the budget utilization for both the development and recurrent expenditures of the Department.
- 4. Examine in details the nature and behavior of the expenditures for the quarter.

5. Identify any significant details or information in the reports that may be of material importance to this Honorable House.

### **Committee Membership**

The Committee membership as currently constituted is as follows;

|     |               |             |                  |
|-----|---------------|-------------|------------------|
| 1.  | Hon. Franklin | Simotwo     | Chairperson      |
| 2.  | Hon. Polycarp | Kimeta      | Vice Chairperson |
| 3.  | Hon. Everlyne | Mutiembu    | Member           |
| 4.  | Hon. Stephen  | Kaiser      | Member           |
| 5.  | Hon. Jerusa   | Aleu        | Member           |
| 6.  | Hon. Meshack  | Simiyu      | Member           |
| 7.  | Hon. Charles  | Nangulu     | Member           |
| 8.  | Hon. Hentry   | Nyongesa    | Member           |
| 9.  | Hon. Johnston | Ipara       | Member           |
| 10. | Hon. Violet   | Makhanu     | Member           |
| 11. | Hon. Godfrey  | Mukhwana    | Member           |
| 12. | Hon. Job      | Mukoyandali | Member           |
| 13. | Hon. Ali      | Machani     | Member           |
| 14. | Hon. Everton  | Nganga      | Member           |
| 15. | Hon. Idd      | Owongo      | Member           |

### **Acknowledgements**

**Hon. Speaker,**

It is now my privilege and pleasure on behalf of the Honourable Members of the Sectoral Committee on Roads, Transport, Infrastructure and Public Works to convey my gratitude to all Members of the Committee for the valuable input throughout its proceedings. The Committee equally extends appreciations to its members for taking their time to participate robustly during the interrogation and scrutiny of this half year report and financial statements.

The Committee also appreciates the offices of the Hon. Speaker and Clerk of the County Assembly for providing a conducive working environment to enable preparation of this report.

**Hon. Speaker,**

It is therefore my privilege, on behalf of the Honorable Members of the Sectoral Committee on Roads, Transport, Infrastructure and Public Works, to table this report for consideration and adoption. Report is signed by Hon. Franklin Simotwo, MCA Chepyuk Ward and Chairperson Sectoral Committee on Roads, Transport, Infrastructure and Public Works.

## **Legal Framework**

### **Constitutional Principles on Public Finance**

Article 201 of the Constitution of Kenya, 2010 enacts fundamental principles that “...*shall guide all aspects of public finance in the Republic...*” These principles include, *inter alia*, that: **201(a)** *there shall be openness and accountability, including public participation in financial matters;* **201(d)** *Public money shall be used in a prudent and responsible way;* and **201(e)** *financial management shall be responsible, and fiscal reporting shall be clear.*

### **Direct Personal Liability**

Article 226(5) of the Constitution of Kenya, 2010 is emphatic that “*If the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not*”.

### **Obligations of Accounting Officers**

The Public Finance Management Act, 2012 section 149 **(1), (2), (a), (f) and (q)** states as follows;

**Section 149 (1)** *an accounting officer is accountable to the County Assembly for ensuring that resources of the entity for which the officer is designated are used in a way that is;*

- *Lawful and authorized*
- *Effective, efficient, economical and transparent*

**Section 149 (2)** *in carrying out a responsibility imposed by subsection (1), an accounting officer shall, in respect of the entity concerned;*

**Section 149 (2) (a)** *ensure that all expenditure made by the entity complies with subsection 1*

**Section 149 (2) (f)** *bring a matter to the attention of the Executive Committee Member responsible for the entity if, in the accounting officer’s opinion a decision or policy or proposed decision or policy of the entity may result in resources being used in a way that is contrary to subsection (1)*

**Section 149 (2) (q)** provide information on any fraud, losses, or any violations of subsection (1) and provide explanations for the actions taken to prevent similar conduct in future.

The Public Finance Management Act, 2012 Section 166 states as follows;

1. *An accounting officer for a county government entity shall prepare a report for each quarter of the financial year in respect of the entity.*
2. *In preparing a quarterly report for a county government entity, the accounting officer shall ensure that the report—*
  - (a) *contains information on the financial and nonfinancial performance of the entity; and*
  - (b) *is in a form determined by the Accounting Standards Board.*
3. *Not later, than fifteen days after the end of each quarter, the accounting officer shall submit the quarterly report to the County Treasury.*
4. *Not later than one month after the end of each quarter, the County Treasury shall—*
  - (a) *consolidate the quarterly reports and submit them to the county assembly;*
  - (b) *deliver copies to the Controller of Budget, National Treasury and the Commission on Revenue Allocation; and*
  - (c) *publish and publicize them*

Expenditure by Economic Classification

## **Roads and Public works**

**Hon. Speaker,**

The Department had an allocation of Kshs.1,355,884,291 in the approved budget, distributed as Kshs.1,226,748,613 development and Kshs.129,135,678 recurrent expenditure. During the period, Kshs.153.37M was received. Kshs.61.41M relates to recurrent expenditure and Kshs.91.96M to development expenditure.

Major expenses were

1. General Administration, Planning and support services with an allocation of, Kshs.129, 135,678 received Kshs.61.41M, which is 48%; during the period.

Major expenses were:

- i. Human Resource Management and Development received Kshs.49, 563, 795.56 against a budget of Kshs. 88,225,741 803, which is 56% of budget. This includes salary for the month of, which was outstanding at the close of the financial year.
- ii. Administration services received Kshs.11.84M against a budget of Kshs.29, 107, 726 translating to 41%. Some of the expenses include:

Boards and conferences Kshs.3.9M, refined fuel Kshs.2.4M, catering services Kshs.2.2M, Plant and equipment insurance Kshs.1.18M and motor vehicle maintenance at Kshs.1M.

## Compensation to employees

**Hon. Speaker**, the summary for the review period is as detailed in the table below;

| Month              | Prescribed Payroll System<br>Amount (Kshs.) |
|--------------------|---|
| Jun 30,2024        | 6,721,835.70                                |
| July 31, 2024      | 7,505,399.70                                |
| August 31, 2024    | 6,649,484.45                                |
| September 30, 2024 | 7,000,827.35                                |
| October 31, 2024   | 7,330,207.40                                |
| November 30, 2024  | 6,878,988.45                                |
| December 31, 2024  | 7,477,052.15                                |
| <b>Total</b>       | <b>49,563,795.20</b>                        |

Transport infrastructure Development and Management which is development expenditure with an allocation of Kshs.1, 226,748,613 received Kshs.91.96m (8%).

Major expenses were:

- i. Construction of roads, bridges and drainage works allocated Kshs.1, 003, 702,720 received Kshs.73.52M (7%)
- ii. Rehabilitation of roads, bridges and drainage works RMLF which was allocated Kshs.184, 554,999 did not receive any funds due to an ongoing court case.
- iii. Pending bills with an allocated a total sum of Kshs.38, 490, 894 received Kshs.18.44m (48%).  
During the reporting period, Kshs15, 063,636 was settled with regard to the departmental pending bills; and for the Multiyear projects. A sum of Kshs97, 802,403 was paid in respect of Salmond Road while Kshs103, 735,842 was paid in respect of Misikhu Brigadier road project.

Ward-based projects with an approved allocation of Kshs.647, 702, 720 recorded zero expenditure. The Department reported that as at the reporting period, procurement process had not been concluded for the Ward Based Projects

works to commence. The procurement process delay was attributed to the treasury condition on unlocking the budget i.e. 50 per cent at half year.

#### Analysis of development expenditure as at 31<sup>st</sup> December, 2024

| Title   | Approved Estimates<br>FY 2023/24 (Kshs) | Actual Expenditure FY<br>2023/24 (Kshs.) | Variance (Kshs.)     | Absorption<br>rate |
|---|---|--|----------------------|--------------------|
|   | <b>A</b>                                | <b>B v v c</b>                           | <b>C=A-B</b>         |                    |
| Other Capital Grants and Transfers                            | 184,554,999                             | -  | 184,554,999          | 0%                 |
| Refurbishment of Buildings – Others                           | 647,702,720                             | 9,290,822                                | 638,411,898          | 1%                 |
| Bridges   | 20,000,000                              | -  | 20,000,000           | 0%                 |
| Other Infrastructure and Civil Works                          | 36,500,000                              | 23,448,588                               | 13,051,412           | 64%                |
| Overhaul of Roads and Bridges                                 | 299,500,000                             | 40,782,695                               | 258,717,305          | 14%                |
| Non-Residential Buildings (offices, schools, hospitals, etc.) | 2,000,000                               | 1,000,000                                | 1,000,000            | 50%                |
| Other Infrastructure and Civil Works                          | 36,490,894                              | 17,441,069                               | 19,049,825           | 48%                |
|   | <b>1,226,748,613</b>                    | <b>91,963,174</b>                        | <b>1,134,785,439</b> | <b>7%</b>          |

From the data above, column three (actual expenditure of Kshs **91,963,174**) is further broken down, highlighting the specifics of projects undertaken and the payments made.

| Payee                       | Payment Date | Amount     |
|-----------------------------|--------------|------------|
| Dynacorp Logistics Limited  | 29-Oct-24    | 28,254,695 |
| Focus Point Systems Ltd     | 18-Oct-24    | 16,362,251 |
| Midland Construction Ltd    | 29-Oct-24    | 12,528,000 |
| Sultan Mega Company Limited | 22-Oct-24    | 11,700,931 |
| Taj Logistics Ltd           | 20-Nov-24    | 7,201,122  |
| Chemamul Investment Limited | 18-Nov-24    | 5,065,024  |

|   |           |                   |
|---|-----------|-------------------|
| Framepack Company Limited                   | 29-Oct-24 | 4,546,535         |
| Megawide Building And Civil Engineering Ltd | 25-Oct-24 | 4,225,798         |
| Cardslogic Enterprises Ltd                  | 20-Nov-24 | 1,078,819         |
| Devbees Solutions                           | 20-Nov-24 | 1,000,000         |
| <b>Total</b>                                |           | <b>91,963,175</b> |

### Own source revenue as at 31<sup>st</sup> December, 2024

The department managed to collect Kshs.70, 891, 079 from own source revenue. This is broken down as:

| Revenue Stream  | Target               | Actual            | %          |
|-----------------|----------------------|-------------------|------------|
| Parking Fees    | 48,012,036.00        | 9,844,798         | 21%        |
| County Stickers | 26,885,508.50        | 46,189,550        | 172%       |
| Penalties       | 5,000,000.00         | 14,856,731        | 297%       |
| <b>Total</b>    | <b>79,897,544.50</b> | <b>70,891,079</b> | <b>89%</b> |

### Outstanding Imprests

The Department had a total of Kshs.3, 507, 962 in un-surrendered imprests; Kshs.488, 961 of this amount dates back to May, 2023 for facilitation of a Director to attend Lake Region Economic Block conference that was postponed.

The Department reported that the actual outstanding imprest during the reporting period stood at Kshs 832, 161; which included Kshs488, 961 and Ksh. 343,200. The latter relates to facilitation to attend a Senate meeting on 25<sup>th</sup> October, 2024 and has been fully accounted for.

The Committee notes with concern that a status report on the outstanding imprest and the corresponding proof of surrender for the period under review was not submitted. In previous expenditure reports, the Committee had recommended that the Chief Officer invokes the provisions of Public Finance Management (PFM) Regulation 93 (7) relating to the management of imprests; however, this had not been effected by the time of compilation of this report.

In his submission, the Chief Officer indicated that the concerned officer was no longer on the county staff payroll, thereby making it challenging to effect a surcharge as earlier recommended by the committee.

## **CHAPTER THREE**

### **Committee's Observations and Recommendations**

#### **Committee's Observations**

The Committee observed that:

1. The Department expended 56% of its salary obligations for the reporting period at a total sum of Kshs 49,563,795.20. This includes the month of June, 2024.
2. Transport Infrastructure Development and Management, under the development expenditure vote with an allocation fee of Kshs1, 226,748,613 received only Kshs91.96M, representing 8% of the approved allocation. The Department cited delays in procurement processes and National Treasury protocols as justification for the occasion.
3. Revenue realized by the Department in the 1<sup>st</sup> and 2<sup>nd</sup> Quarter FY 2024/25 was Kshs. 70,891,079 generated from parking fees, county stickers and penalties. Parking fees collections ran short of the set target by 79%; county stickers and penalties performed beyond the set targets.
4. A detailed list of payments from the retention account records Kshs.64, 428, 981 as sums paid out during the reporting period. There is however an outstanding sum payable of Kshs.9, 196,317.14, a figure that the Committee could not verify.
5. The imprest advanced to the Director of Roads and Public Works, intended to facilitate attendance of the Lake Region Economic Bloc meeting in 2023 which did not take place has not been fully recovered.
6. Ward based projects with an allocation of Kshs647, 702,720 recorded zero expenditure as at the reporting period. The delay was attributed to the unlocking of the 25% quarterly budget threshold by the National Treasury; thus causing the delay in the procurement process.

#### **3.2 Committee's Recommendations**

**The Committee recommends as follows;**

1. THAT, the that the County Treasury should ensure that all fund transfers from the retention account are duly supported by relevant documentation and submitted to the County Assembly for review. Further, the responsible accounting officers should provide a comprehensive breakdown of the amounts retained from payments, particularly in relation to road works, to facilitate accountability and transparency; sixty days upon adoption of this report.

2. THAT, that the County Treasury should ensure full recovery of the un- surrendered imprest in accordance with the Section 156 of the Public Finance Management Act and PFM Regulation 93(7). The status of the recovery should be reflected in the subsequent financial Statements that will be submitted to the County Treasury. In this regard, the Accounting Officer for the Department of Roads should shoulder the burden for negligence to recover the long outstanding imprest advanced to the former Director and thus resulting to the loss of the said sum. Evidence of this recovery should be reported to the County Assembly sector committee within 30 days upon adoption of this report.
3. THAT, the Department should follow up on project implementation especially for the Ward based Projects; where letters of award have been issued to ensure full absorption of the budgetary allocation within the year.
4. THAT, the County Executive should clearly delineate the functions and boundaries of municipalities and the Department of Roads and Public Works with regards to parking territories. This shall further review the parking fees revenue target projected by the Department and align it with the collection mechanisms that can assist in actualizing the accurate targets.
5. An ideal situation that would enhance revenue transparency and accountability from parking fees is the centralization of parking fees collection. To achieve this, the Department should liaise with the municipality boards to review and ensure full implementation of Bungoma County Parking Management Act, 2017 within the FY 2025/26. The review report should be filed with relevant sector committees of Roads and Lands.
6. THAT, the Department should keep clear records of retention amounts for projects undertaken in the County for ease of reference and accountability to the oversight entity.

Next is an adoption schedule by the committee members signed by all Members. We also have annexures on pending bills list. I don't know if I should read because it is lengthy?

**Mr. Speaker:** You have finished. You cannot purport to read what is behind the adoption schedule.

**Hon. Polycarp Wandabusi (Vice Chairperson, Roads):** Thank you Mr. Speaker Sir. I take this chance to invite Hon. Okasida Ipara, Member for Tongareni/Kiminini to second the motion.

**Hon. Johnston Ipara:** Thank you Hon. Speaker. I rise to second the motion with the following 4 points;

First, this report in totality has provided a true picture of overall financial performance of the department in question.

Two, it also enhances transparency and accountability where it directs that the department must make a follow up to see whether those projects intended to be completed within this financial year are implemented within the time frame. It also touches on the legal and regulatory requirements which are key and after listening to him I am persuaded.

This report calls for transparency, efficiency and reminds the department of the need to comply with the regulations and that the department is reminded to be quick in decision making particularly on procurement issues.

Lastly, it calls for better budgeting because where there are insufficient funds for on given items; it reminds us that in future during budgeting we must consider to increase funds. With that Hon. Speaker, I second the report.

**Mr. Speaker:** Thank you. Honourable members. Allow me propose a motion for debate;

*(Motion proposed)*

**Hon. Anthony Luseneka:** Thank you Hon. Chair. First allow me to appreciate the mover and the seconder of the motion. I will go straight to my point, recommendation 3; that the department should follow up on project implementation especially for the Ward based projects where letters of award have been issued to ensure full absorption of the budget within the year. I fail to understand this recommendation because it is the duty of the department; we don't have to remind them. Once they give out the contract, they have to make sure that it is done. They should not be reminded and if need be the committee should make a follow up to make sure that all the projects under the department are fully implemented.

On page 11 of the report on the expenditure report, the approved estimates for financial year 2023/24 development budget was KShs.1.2 billion and actual expenditure of KShs. 91 million which reflects 7 per cent. This is half year report. I wonder if the balance of KShs.1.1 billion will be able to be utilized or absorbed in the next 6 months, because we are already in June and the year is coming to an end.

When you compare recurrent and development expenditure, the departments are quick to spend recurrent expenditure, in fact they always meet their targets. Half year they have already spent 50 per cent in recurrent but development expenditure is below 10 per cent yet this is the only money that can help our County grow. I am wondering if we can only utilize 191 Million in only 6 months and you have a budget of 1.2Billion. What miracles are you going to use to utilize 1.1billion? It is not possible as we speak now. Hon. Speaker, treasury is only paying flagship projects for this county. Our contractors who have done work in our wards are still complaining they have not been paid and I'm sure they completed their work in December, January or February this year. Four months down the line, they have not been paid yet we provided this money in the budget.

The year is coming to a close in September this year, Control of Budget will be publishing those Counties that have not utilized their development fund and I am very sure we will appear in that report. So unless this House pronounces itself and helps this County make serious resolutions that any money budgeted for any project should be utilized within the stipulated time otherwise, we will be doing injustice to this County. We budget for the funds, we propose our projects, money is not absorbed projects are not being done in good time. I don't know where we are heading to as elected members we are only left with two years I don't know what kind of miracles we are going to use to convince our people to re-elect us back in 2027.

Things on the ground are different Hon. Speaker so as we plan to process the budget for 25/26, I kindly request that let us make sure that at least the half year report captures substantial absorption of development funds even if its 15 or 20 percent so that the remaining half year we clear the balance. Otherwise going by this trends, we will be held responsible one time. So this House must wake up so that we help this County otherwise the issue of money being returned to Nairobi or money not being absorbed it is out there.

Nowadays people are clever and they know what is going on in this County. If we don't absorb this development funds, we will be held accountable by our people so I just want to request the department kindly make a follow up. This 1.1Billion should be utilized before the year closes. Thank you Hon. Speaker.

*(Applause)*

**Mr. Speaker:** Thank you. Hon. Kimeta, reply to the motion.

**Hon. Polycarp Wandabusi (Mover to reply):** Thank you Hon. Speaker Sir. It is well noted that the Hon. Lusenaka has highlighted the issues that need a lot of concern especially on absorption. I am sure as at this moment, as a department we had even indicated that we should follow up so that we ensure that clear oversight is done and also reminding the department to do the right thing. I am sure with the introduction of the accrual system we shall be able to absorb the whole amount. This issue of late payment is well noted and it was highlighted under the recommendations. I wish that the leadership follows up this issue on late payment to ensure that projects that have been completed in the time frame stipulated are paid with immediate effect. Thank you.

*(Applause)*

**Mr. Speaker:** Thank you Hon. Kimeta for your reply to the motion. Honourable Members now allow me to put the question.

*(Question put and agreed to)*

**Mr. Speaker:** Next item.

REPORT ON THE SECTORAL COMMITTEE ON GENDER CULTURE AND SOCIAL WELFARE ON 1<sup>ST</sup> AND 2<sup>ND</sup> QUARTER FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31<sup>ST</sup> DECEMBER, 2024.

**Mr. Speaker:** Yes Hon. Kennedy, where is the membership of the committee to confirm that you have quorum. Honourable Members, be upstanding so that I can guide please.

Honourable Members the way I have been flexible with the previous committee, Hon. Jack is on Liaison, Obama we also understand his case. Hon. Juma, Hon. Mukhongo, Hon. Violet, Hon. Kwemoi and Hon. Christine Mukhongo are in Liaison processing the annual budget estimates. Hence, we allow the committee to proceed with this report for today. Hon. Ken proceed!

**Hon. John Kennedy (Mover):** Thank you Hon. Speaker.

## CHAPTER ONE

### PREFACE

The 1st and 2nd quarter financial statements for the Financial Year 2024/2025 were tabled on 5th March, 2025 and committed to all sector committees for interrogation and reporting back to this House. The committee interrogated the department of Gender and Culture on 25th April, 2025 and therefore submits its report.

This report contains the legal framework and objectives that guided the committee in analyzing the financial statements. It also highlights the department's expenditure analysis including the budget absorption for the department in the period under review.

Finally, it contains the committee's observations and recommendations on the 1st and 2nd quarter financial statements for the FY 2024/2025 with respect to the department of Gender and Culture.

## **MANDATE OF THE COMMITTEE**

The Sectoral Committee on Gender, Culture and Social Welfare derives its mandate from the provisions of Standing Order 217 (5) of the Bungoma County Assembly Standing Orders which shall be to:

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, coordination, control and monitoring of budget;
- b) Consider quarterly reports of the assigned departments and report to the House within twenty-one (21) sitting days upon being laid;
- c) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- d) Study and review all County legislation referred to it;
- e) Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- f) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- g) To vet and report on all appointments where the constitution or any law requires the House to approve, except those under Standing Order 204 (Committee on Appointments); and
- h) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

## **COMMITTEE MEMBERSHIP**

The current composition of the Committee on Gender, Culture and Social Welfare is as follows:

- |                        |                  |
|------------------------|------------------|
| 1. Hon. Jack Kawa      | Chairperson      |
| 2. Hon. Abraham Obama  | Vice Chairperson |
| 3. Hon. Joseph Juma    | Member           |
| 4. Hon. James Mukhongo | Member           |

|                            |        |
|----------------------------|--------|
| 5. Hon. Grace Sundukwa     | Member |
| 6. Hon. Orize Kundu        | Member |
| 7. Hon. Violet Makhanu     | Member |
| 8. Hon. Christine Mukhongo | Member |
| 9. Hon. Godfrey Mukhwana   | Member |
| 10. Hon. George Kwemoi     | Member |
| 11. Hon. Jeremiah Kuloba   | Member |
| 12. Hon. Alfred Mukhanya   | Member |
| 13. Hon. Florence Juma     | Member |
| 14. Hon. John Wanyama      | Member |
| 15. Hon. Alice Kibaba      | Member |

## **FISCAL AND LEGAL FRAMEWORK**

The County Assembly discharges its oversight function on the executive through the Committee system. According to Section 116 of the Public Finance Management Act, 2012, an accounting Officer for a County Government entity shall prepare a report for each quarter of the financial year in respect of the entity. Further, the Section requires the accounting officer of the County Government entity to ensure that the quarterly report;

-Contains information on the financial and non-financial performance of the entity, and

-Is in a form that complies with the standards prescribed and published by the Public Sector Accounting Standards Board.

Obligations of Accounting Officers,

Section. 149(1) of the PFM Act 2012, states that;

An accounting officer is accountable to the County Assembly for ensuring that resources of the entity for which the officer is designated are used in a way that is;

☐ Lawful and authorized

□Effective, efficient, economical and transparent.

Accounting officers will be accountable to County Assembly for;

- Ensuring the most effective means of achieving desired programme outcomes are used.
- Maintaining effective systems of internal control and the measures taken to ensure that they are effective.
- Measures taken to prepare the financial reports that reflect a true and fair view of the financial position of the department.

## TERMS OF REFERENCE

In processing the 1st and 2nd quarter Financial Statements for FY 2024/2025 the committee based on the following:

- i. Revenue realized by the department in the 1st and 2nd Quarter FY 2024/2025 (Exchequer, Local revenue and grants
- ii. Detailed personnel expenditure of the P&P and contractual staff in the 1<sup>st</sup> and 2<sup>nd</sup> Quarter FY 2024/2025.
- iii. Status of on-going projects/ flagship projects
- iv. Status of the implementation of the procurement plan FY 2024/2025
- v. Detailed report on the pending bills settled in the period under review
- vi. Detailed report on status of the pending bills outstanding
- vii. A status report on the outstanding imprest, proof of surrender of imprest in the period.
- viii. Ward Based Projects implementation status

Detailed list of retentions paid in the period.

### 1.1 ACKNOWLEDGEMENT

**Hon. Speaker,**

I take this opportunity to extend my gratitude to the offices of the Speaker and the Clerk of the County Assembly for the logistical support accorded to the Committee in the execution of its mandate.

Special gratitude goes to members of the Committee for dedicating their time to examine the 1<sup>st</sup> and 2<sup>nd</sup> quarter financial statements for the FY 2024/2025.

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

and adoption.

Sign .....Date.....

**HON. JACK KAWA, MCA, BOKOLI WARD**

**CHAIRPERSON, COMMITTEE ON GENDER, CULTURE AND SOCIAL WELFARE**

## CHAPTER TWO

### 2.1 DEPARTMENTAL EXPENDITURE ANALYSIS

**Hon. Speaker,**

The department of Gender and Culture had an approved annual budget of Kshs. 103,285,018 comprising Kshs. 75,120,355 recurrent and Kshs. 28,164,663 for development expenditure programmes.

As at 31<sup>st</sup> of December, 2024, the department had spent Kshs. 45,620,917 from the recurrent allocation and zero expenditure on the development allocation. The approved personnel allocation was Kshs. 51,289,428 out of which Kshs. 25,620,917 was spent. The monthly personnel expenditure was submitted as below;

| SNO | Month     | Personnel expenditure |
|-----|-----------|-----------------------|
| 1   | July      | 4,761,535.70          |
| 2   | August    | 4,131,598.20          |
| 3   | September | 4,132,678.20          |
| 4   | October   | 4,044,375.75          |
| 5   | November  | 3,980,166.85          |
| 6   | December  | 4,570,562.38          |
|     | Total     | 25,620,917.08         |

The discrepancies in the monthly personnel expenditure reporting for the period under review were attributed by the department to the payment of leave allowances and the departure of some staff members.

Other recurrent programmes (operation and maintenance) had an allocation of Kshs. 23,830,927 out of which Kshs. 19,999,999.92 had been spent at the end of the 2<sup>nd</sup> quarter as shown in the table below;

| No | Programme                        | Approved<br>budget<br>allocation | Expenditure | Balance | Absorption<br>rate (%) |
|----|----------------------------------|----------------------------------|-------------|---------|------------------------|
|    | Description                      |                                  |             |         |                        |
| 1  | Utilities, supplies and services | 160,000                          | -           | 160,000 | 0.00                   |

|     |                                      |            |               |           |       |
|-----|--------------------------------------|------------|---------------|-----------|-------|
| 2   | Communication, supplies and services | 300,000    | -             | 300,000   | 0.00  |
| 3   | Domestic travel and subsistence      | 15,146,120 | 15,140,000.00 | 6,120     | 99.96 |
| 4   | Printing advertising and information | 900,000    | -             | 900,000   | 0.00  |
| 5   | Training expenses                    | 1,000,000  | 405,678.75    | 594,321   | 40.57 |
| 6   | Hospitality supplies and services    | 3,000,000  | 2,762,413.00  | 237,587   | 92.08 |
| 7   | Fuel and lubricants                  | 500,000    | 491,379.30    | 8,621     | 98.28 |
| 8   | Insurance costs motor vehicle        | 200,000    | -             | 200,000   | 0.00  |
| 9   | Office and general supplies          | 600,000    | 457,457.85    | 142,542   | 76.24 |
| 10. | Routine maintenance of vehicles      | 400,000    | -             | 400,000   | 0.00  |
| 11. | Purchase of office furniture         | 500,000    | -             | 500,000   | 0.00  |
|     | SUB-TOTAL                            | 22,706,120 | 19,256,929    | 3,449,191 | 84.8  |

### **Own source revenue Hon. Speaker,**

The Alcoholic drinks licenses is the only local generated revenue stream in the department of Gender and Culture. In the FY 2024/2025, it had a target of Kshs. 25,253,042 out of which Kshs. 1,689,550 had been realized as at 31<sup>st</sup> December, 2024.

### **2.1 ACCOUNTS RECEIVABLES**

#### **Hon. Speaker,**

The unsurrendered Imprests for the department of Gender and Culture amounted to Kshs. 10,701,800. The amount is combined with that of Youth and Sports. Some

imprest were issued back in 2019.

Below are the outstanding imprests;

| <b><u>No.</u></b> | <b><u>Date issued</u></b> | <b><u>Reason for imprest</u></b>                            | <b><u>Amount</u></b> |
|-------------------|---------------------------|---|----------------------|
| 1                 | 25/10/2024                | Facilitation for compilation of county legislative workshop | 1,322,000            |
| 2                 | 11/11/2024                | Facilitation for standing imprest                           | 300,000              |
| 3.                | 25/11/2024                | Facilitation for standing imprest                           | 300,000              |
| 4                 | 25/10/2024                | Facilitation for international youth week                   | 600,000              |
| 5                 | 25/10/2024                | Facilitation for sensitization of cultural stakeholders     | 1,264,600            |
| 6                 | 02/12/2024                | Facilitation for training of circumcisers                   | 1,080,000            |
| 7                 | 11/11/2024                | Facilitation for staff meeting                              | 100,000              |
| 8                 | 09/09/2019                | Facilitation for celebration of international day of PWD    | 500,000              |
| 9                 | 29/11/2024                | Facilitation for KICOSCA games in Kakamega                  | 1,000,000            |
| 10                | 29/11/2024                | Facilitation for KICOSCA games in Kakamega                  | 863,800              |
| 11                | 29/11/2024                | Facilitation for KICOSCA games in Kakamega                  | 755,200              |
| 12                | 29/11/2024                | Facilitation for KICOSCA games in Kakamega                  | 809,200              |

|    |            |  |           |
|----|------------|--|-----------|
| 13 | 29/11/2024 | Facilitation for KICOSCA games in Kakamega | 722,200   |
| 14 | 29/11/2024 | Facilitation for KICOSCA games in Kakamega | 1,084,800 |
|    |            | <b>Total</b>                               |           |

During the interrogation, the department submitted that in the period under review, it had an unsurrendered imprest of Kshs. 2,344,600 out of which Kshs. 1,264,600 that was related to the sensitization of culture stakeholder was surrendered and Kshs. 1,080,000 for facilitation of the training for circumcisers was pending.

#### PENDING ACCOUNTS PAYABLE

The financial statements reported a total pending of Kshs. 178,574,774 for both Gender and Culture and Youth and Sports departments.

During the interrogation, the department of Gender and Culture submitted that its total pending accounts payables as at 31<sup>st</sup> December, 2024 was Kshs. 14,539,057.90; Recurrent Kshs.7,143,932 and Kshs. 7,395,126 for development.

| S/N<br>o | Supplier<br>/Contractor Name      | Date of the<br>Contract | Details of Work Performed                  | Balance as at<br>31 <sup>st</sup> Decemb<br>2024 |
|----------|-----------------------------------|-------------------------|--|--|
| 1        | M/s value partners consulting ltd | 2019/20                 | Development of departmental Policies       | 4,851,196.50                                     |
| 2        | Fantastic smart ltd               | 2019/2020               | Supply and delivery of cleaning Materials  | 103,795  |
| 3        | Sialo one general supplies        | 2022/23                 | Purchase of office stationery              | 242,665  |
| 4        | Webmar                            | OCT-22                  | Purchase of fuel and lubricants            | 350,000  |
| 5        | Std media                         | 13/09/2019              | Advertisement of Sangalo Multipurpose Hall | 216,920  |

|                        |                                     |            |   |                  |
|------------------------|-------------------------------------|------------|---|------------------|
| 6                      | Lionel General Office<br>Stationary | 2023/2024  | Supply and delivery of KICOSCA<br>Uniform   | 690,000          |
| 7                      | Webar enterprises                   | 2023/2024  | Supply and delivery of tonners              | 279,700          |
| 8                      | Prudential West<br>Insurance        | 29/04/2024 | Provision of M/V insurance cover            | 199,300          |
| 9                      | Sesa Elimu Centre                   |            | Supply and delivery of<br>Newspapers        | 54,000           |
| 10                     | African Touch Safaris<br>LTD        |            | Payment of Air Ticket                       | 156,355          |
| <b>Total Recurrent</b> |                                     |            |   | <b>7,143,932</b> |
| <b>Development</b>     |                                     |            |   |                  |
|                        | <b>Pasisi Enterprises Ltd</b>       | 26/11/2024 | Completion of Sang'alo<br>Multipurpose Hall | <b>7,395,126</b> |
| <b>Total</b>           |                                     |            | <b>14,539,057.90</b>                        |                  |

## CHAPTER THREE

### COMMITTEE OBSERVATIONS

**Hon. Speaker,**

The committee observed the following:

1. The departmental monthly/annual workplans and the budget implementation status report were not submitted to the committee.
2. The Committee observes that the department, in its reporting, presented the financial statements for the Departments of Gender and Culture, and Youth and Sports in a consolidated manner. This amalgamation makes it difficult to distinctly identify and analyze expenditures, accounts receivables, and accounts payables to each department individually.
3. The Committee notes that the department collected Kshs. 1,009,100 and Kshs. 680,450 in the first and second quarters respectively, from alcoholic drink licenses as locally generated revenue. This is against an annual revenue target of Kshs. 25,253,042 for the Financial Year 2024/2025, indicating significant underperformance.

4. The department submitted that accounts receivables of Kshs. 1,264,600 was surrendered and Kshs. 1,080,000 was not surrendered. However, the Treasury reported that the combined Departments of Gender and Culture and Youth and Sports had outstanding accounts receivables balance of Kshs. 10,701,800. Furthermore, the department did not furnish the Committee with proof to support the claimed imprest surrenders.
5. The Treasury reported combined pending accounts payables amounting to Kshs. 178,574,774 for the departments of Youth and Gender. However, the department in its submissions reported pending accounts payables totaling Kshs. 14,539,057, comprising Kshs. 7,143,932 under recurrent and Kshs. 7,395,126 under development. It was further noted that no pending accounts payables were settled in the period under review.

## COMMITTEE RECOMMENDATIONS

**Hon. Speaker,**

The committee recommends the following;

1. **THAT**, the department should be submitting comprehensive budget implementation reports, along with monthly and annual work plans to the Committee for the Committee to be well-informed about the department's financial performance and planned activities, thereby enabling it to carry out effective oversight, monitor progress, assess alignment with approved budgets, and hold the department accountable for the achievement of its objectives.
2. **THAT**, the Department and the County Treasury to report on the departmental expenditure separately for the Department of Gender and Culture and the Department of Youth and Sports, in order to enhance transparency and eliminate discrepancies in Financial reporting.
3. **THAT**, the department should set realistic and attainable local revenue targets and implement effective strategies aimed at enhancing revenue collection performance.
4. **THAT**, the Department must ensure full compliance with Regulation 93(5) and (6) of the Public Finance Management (County Governments) Regulations, 2015, regarding the surrender of imprests and should submit a report and proof of surrender of outstanding imprest, Kshs. 10,701,800 as captured in the Financial statements and reports as at 31<sup>st</sup> December, 2024, within 30 days after the adoption of this report.
5. **THAT**, the Department should submit all relevant supporting documents related to its outstanding accounts payable amounts into Kshs.14, 539,057.90, thirty days from the adoption of this Report. This will enable the committee to verify the validity of the claims and accurately ascertain the actual value of the departments' accounts payables for accurate budgeting.

We the undersigned Honourable Members of the

Committee on Gender, Culture and Social Welfare, append our signatures adopting this Report with the contents therein. Thank you Hon. Speaker. Next we have the annexures. At this point I will invite Hon. Alice Kibaba to second, thank you.

**Mr. Speaker:** Hon. Alice you have the honor to second the Report.

*(Applause)*

*(Laughter)*

**Mr. Speaker:** Hon. Alice the way they have laughed appears it was a conspiracy by the committee members, so proceed!

**Hon. Alice Kibaba:** Thank you Mr. Speaker Sir for giving me this chance to second the motion. Before I say anything, that is the work of Hon. Florence. You know she had ran away from me and I knew she was going to do something.

**Mr. Speaker:** Mischief!

**Hon. Alice Kibaba:** Mischief.

**Mr. Speaker:** I report her don't worry!

*(Laughter)*

**Hon. Alice Kibaba:** Thank you. Let me congratulate the mover of the motion, Hon. Ken Wanyama. Mr. Speaker, I second the motion.

*(Applause)*

**Mr. Speaker:** Honourable Members allow me to propose motion for debate;

*(Motion Proposed)*

*(Question put and agreed to)*

The Ayes have it!

*(Applause)*

The committees report, its observations and recommendations is hereby adopted by the House.

### **ADJOURNMENT**

Honourable Members I am duly informed by my Clerks at the Table that was our last item on our Order Paper. Therefore, we adjourn today's sitting and resume on Thursday 5<sup>th</sup> June, 2025 in our 2:30 p.m. session.

***The House rose at 5:54 p.m.***