

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

DAILY HANSARD

THURSDAY 24TH NOVEMBER, 2022

Afternoon Sitting

3rd County Assembly

1st Session

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COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

THURSDAY 24TH NOVEMBER, 2022

The House met at 2:30 p.m.

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

PRAYER

COMMUNICATION FROM THE CHAIR

Honorable Members, I have the Communication from the Chief Whip of the Majority Coalition. This is in relation to the Committee on Powers and Privileges where they feel the Membership is 12. As the Chair, I am unable to conduct elections. They have to discharge a Member from the Committee.

Reference is made to Standing Order number 178 1(a) Hon. Metrine Nangila Wilson has been discharged from the Powers and Privileges Committee to allow the Committee conduct its elections. From the Committee of Powers and Privileges where she is a Member, so in their wisdom they have removed her, so that the committee can have 11 Members. They are having more voters than the Law allows, so we can't have elections. In the next meeting, we will conduct elections in the Speaker's office.

STATEMENTS

Pursuant to the provisions of Standing Order 47 (2)(c) a statement sought by Hon. John Kennedy Wanyama from the Chairperson, Committee on Education and Vocational Training in relation to Muyayi Vocational Centre.

Hon. John Kennedy: Thank you for this opportunity. In consultation with my MCA, I wish to make the following statement.

Pursuant to the provisions of Standing Order number 47(2) c) of Bungoma County Assembly Standing Orders, I hereby seek for a statement from the Chairperson, Sectoral Committee on Education and Vocational Training.

This is in relation to Muyayi Vocational Training Centre which seems to be ill equipped of both the personnel and training equipment's making the Institution to have a low Student enrolment and almost turning to be a white elephant project.

In the response, let the Chair inquire into and report on the following;

1. When the Centre was commissioned.
2. Why the greatly Marketable Courses like Masonry, Plumping and Electrical are not being offered in the Institution.
3. Why the Centre offers only tailoring and food production and there is only one Tutor that is at the Institution.

4. When the training is going to have the VTC equipped with all the Personnel and various courses of Training so that to attract the Students.

Hon. Benjamin Otsiula: Thank you, Mr. Speaker. We shall require 21 Working days, so will we respond accordingly after the Recess.

Mr. Speaker: When you speak of 21 working days and you talk of recess which is 76 days from now?

Hon. Benjamin Otsiula: Not seventy six days immediately after the recess.

Mr. Speaker: Okay, we will have your response on 15th of February 2023 which will be the first day of the resumption from recess. The first day is meant to approve the calendar of the House from the HBC. So we will be having it on the second day of our sitting.

MOTION

REPORT BY LIAISON COMMITTEE ON THE APPORTIONMENT OF ANNUAL OPERATION BUDGET FOR THE FINANCIAL YEAR 2022/2023 AND RETREAT SCHEDULE FOR THE COUNTY ASSEMBLY COMMITTEE

Hon. James Mukhongo: On behalf of the Liaison Committee, I want to move a Motion on the Apportionment of Annual Operation Budget for the financial year 2022/2023 and retreat Schedule for the County Assembly Committees.

INTRODUCTION

In Parliamentary set up; Committees are a vital tool in the working processes of legislatures, without which, the proceedings of a Legislature could grind to a standstill from the big volume of activities that would have to be considered at the plenary. Committees are agents that enable legislatures to organize their work in such a way as to perform numerous activities simultaneously and faster.

Committees are an efficient way of running the business of the County Assembly since each Committee has a defined mandate and membership stated out in the County Assembly of Bungoma Standing Orders, hence they consider issues under their mandates and then report back to the House. This allows individual Members of the County Assembly to focus their attention on a subject matter study it in detail and deepen their understanding of the issue(s). The Committees of the County Assembly are established under the Section 14 of County Government Act, 2012 and the County Assembly of Bungoma Standing Orders which provides for structure, composition and mandate of all Committees.

Committees undertake tasks on behalf of the Assembly and are thus an extension of the Assembly from which they derive authority on delegated basis.

Committees are governed in their proceedings by procedures and practice which reflect those that prevail in the Assembly.

Therefore Committees are essential in the legislative process and assume great importance since the Assembly as a corporate entity cannot undertake its mandate efficiently without enforcing accountability. A well-structured Committee system is critical in assisting the County Assembly to achieve its legislative and oversight roles as stipulated in Article 185 of the Constitution of Kenya 2010.

The Liaison Committee in this case guides and coordinates the operations, policies and mandates of all Committees ensuring effective and efficient operation of the County Assembly. Subsequently, the Committee works to ensure that available budget to Assembly Committees shall meet expectations of value for money through effective governance and accountability, budget management and financial controls.

It is the Liaison Committee's objective to be presenting reports on a quarterly basis in each fiscal year on the Committees' activities.

COMMITTEE MANDATE

The Committee on Liaison draws its mandate from the Standing Order No. 216 (1, 2 &3) which states thus:

- (1) There shall be a select committee to be known as the Liaison Committee which shall consist of ;
 - a) The Deputy Speaker as the Chairperson of the Committee
 - b) The First Panelist of the Speaker's Panel who shall be the Vice- Chairperson
 - c) Chairpersons of all Committees of the County Assembly excluding the Ad hoc Committees
- (2) The Liaison Committee shall-
 - (a) Guide and co-ordinate the operations, policies and mandates of all Committees as per the Constitution of Kenya, other Relevant Statutes and these Standing Orders
 - (b) Deliberate on and apportion the annual operating budgets among the Committees;
 - (c) Consider and schedule the programmes of all Committees businesses;
 - (d) Ensure that Committees submit reports as required by these Standing Orders;
 - (e) Determine whenever necessary, the Committee or Committees to deliberate on any matter; and
 - (f) Give such advice relating to the work and mandate of select committees as it may consider necessary.
- (3) The Liaison Committee shall consider reports of Committees that have not been deliberated by the House and shall report to the House on the consideration of such reports.

COMMITTEE MEMBERSHIP

The Committee as currently constituted is comprised of the following members:-

Mr. Speaker, can I skip this because the members are aware of their membership?

Mr. Speaker: It needs to be on HANSARD please.

Hon. James Mukhongo (Member Liaison): Because it has to go on HANSARD, okay

Name	Designation
1. Hon. Stephen Wamalwa	Chairperson – Liaison
2. Hon. Christine Mukhongo	Vice chairperson – Liaison
3. Hon. Emmanuel Situma	Chairperson- Powers /HBC/Rules/Speaker’s/Appointments
4. Hon. James Mukhongo	Chairperson – Finance
5. Hon. Jack Wambulwa	Chairperson – Budget
6. Hon. George Makari	Chairperson – Health Services
7. Hon. Jack Kawa	Chairperson – Gender and Culture
8. Hon. Joseph Nyongesa	Chairperson – Selection
9. Hon. Franklin Simotwo	Chairperson – Roads
10. Hon. Tony Barasa	Chairperson–Public Administration
11. Hon. Hentry Nyongesa	Chairperson -Labor relations
12. Hon. Francis Chemion	Chairperson – Lands,
13. Hon. Johnston Ipara	Chairperson – Trade, Energy
14. Hon. Benjamin Otsiula	Chairperson – Education & VTC
15. Hon. Violet Makhanu	Chairperson - Youth Affairs
16. Hon. Waiti Wafula	Chairperson – Agriculture
17. Hon. Edwin Opwora	Chairperson – Tourism
18. Hon. Metrine Nangila	Chairperson – Justice
19. Hon. Linda Kharakha	Chairperson – Delegated
20. Hon. Jacob Psero	Chairperson - Implementation
21. Hon. George Tendet	Chairperson – PAIC

SUMMARY

This report highlights two aspects as below:

- a) First, the report indicates the approved budget as allocated to Committees for the FY 2022/2023 and the amount apportioned by Liaison Committee for each Committee.
- b) Secondly, the report shows the Committees’ retreat schedule from the months of November, 2022 to February, 2023.

APPORTIONMENT OF COMMITTEES' BUDGET

For this current financial year 2022/2023, the total budget allocation sharable amongst Committees is Kshs **98,120,140** while **Kshs.3, 706,000** for any expenditure on public participation.

The Committee noted with great concern that this amount was much lower than the previous financial years' allocations.

In determining the budget to be apportioned to each committee, the Committee was guided by the following:

1. The Constitution of Kenya, 2010
2. The Bungoma County Assembly Standing Orders
3. The Approved Bungoma County Assembly Budget FY 2022/2023
4. Precedence from previous Financial Years
5. The Membership of Committees
6. The mandatory statutory documents with timelines to be handled by Committees

In view of the above, the Committee went ahead to apportion a total sum of Kshs. 98,120,140 to all the 24 Committees approved by the House. The Committees' budget as apportioned by the Liaison Committee for the financial 2022/2023 is as follows;

TABLE 1: PROPOSED COMMITTEE ALLOCATIONS AS PER THE PERCENTAGE SHARE OF COMMITTEE RESOURCE ENVELOPE

Committee	Percentage Share	Amount allocated
Committee based induction (10days)	13.76%	13,500,000
Finance and Economic Planning	7.13%	7,000,000
Education and Vocational Training	3.18%	3,118,103
Agriculture, Livestock, Fisheries, Irrigation, and Cooperative Development	3.18%	3,118,103
Roads, Transport, Infrastructure and Public Works	3.18%	3,118,103
Tourism, Environment, Water and Natural Resources	3.18%	3,118,103
Gender, Culture & Social Welfare	3.18%	3,118,103
Health Services	3.18%	3,118,103
Land, Urban, Physical Planning and Housing	3.18%	3,118,103
Trade, Energy and Industrialization	3.18%	3,118,103
Public Administration and ICT	3.18%	3,118,103
Labour Relations, Members Service and Facilities	3.18%	3,118,103
Youth Affairs and Sports	3.18%	3,118,103

House Business Committee.	3.18%	3,118,103
Committee on Appointments	2.33%	2,286,185
Selection Committee	2.33%	2,286,185
Delegated County Legislation	2.33%	2,286,185
Justice, Cohesion and Legal Affairs	2.33%	2,286,185
Powers and Privileges	2.33%	2,286,185
Implementation	2.33%	2,286,185
Budget and Appropriations	9.17%	9,000,000
Public Accounts and Investments	7.13%	7,000,000
Liaison Committee	8.14%	7,988,574
Procedure and House Rules Committee	1.48%	1,453,779
Speaker's Panel	1.06%	1,043,441
Total	100%	98,120,140

SCHEDULE FOR COMMITTEES' RETREATS

The Liaison Committee came up with a tentative Committees' retreat schedule for the period November, 2022 to February 2023 that gave priority to Committees with statutory documents in order to meet timelines. The schedule is subject to change depending on the business before the County Assembly for consideration and any other unforeseen activities: legislative proposal laid and committed to the Assembly committees.

TABLE 2; TENTATIVE COMMITTEES' RETREAT SCHEDULE- NOV 2022- FEB 2023

NO	COMMITTEE	DATES	DAYS	PLANNED ACTIVITY
1	LIAISON	17 – 20 TH NOV	4	Apportioning of Committees' funds
2	APPOINTMENT	20 TH -22 ND NOV	3	Report writing on the CECM nominee for Finance
3	GENDER	24 TH -28 TH NOV	5	Report writing on the Bungoma County Culture and Heritage Bill, 202
	LABOUR	24 TH -28 TH NOV	5	BBF Regulations
4	FINANCE	1 ST – 4 TH DEC	5	Report writing on the Bungoma County

				Equitable Development Bill, 2022
	BUDGET	1 ST – 4 TH DEC	5	Report writing on CBROP
5	PUBLIC ADMIN	4 TH - 8 TH DEC	5	Report writing retreat on the Bungoma County State of County Address Bill, 2022
	IMPLEMENTATION	4 TH - 8 TH DEC	5	Report writing on the implementation status of Policies passed in the Second Assembly
6	ALL COMMITTEES	10 TH - 19 TH DEC	10	Committee based induction
7	YOUTH	20 TH – 24 TH DEC	5	Report writing on the status of stadia in Bungoma County
	POWERS	20 TH – 24 TH DEC	5	Training on public officers Leadership and integrity
8	JUSTICE	4 TH -8 TH JAN	5	Report Writing on the Petition from Emony Yefwe
	DELEGATED	4 TH -8 TH JAN	5	Scrutiny and interrogation of the Executive orders
9	PAC	9 TH - 13 TH JAN	5	Interrogation and report writing on the County Assembly Special Audit on pending bills FY 2018/2019-2019/2020 and Special Audit on COVID-19 Vaccine Roll out for Bungoma County Government
	LANDS	9 TH -13 TH JAN	5	Implementation status of Kimilili and Bungoma Municipalities
10	EDUCATION	14 TH – 18 TH JAN	5	Review of the Youth Polytechnics Bill
	AGRICULTURE	14 TH – 18 TH JAN	5	Report writing on the fertilizer program and policy review
11	HEALTH	19 TH – 23 RD JAN	5	Status of the usage of the own generated revenue on the development projects in major hospitals in the

				County
	SPEAKERS PANEL	19 TH – 23 RD JAN	5	Training on presiding over the County Assembly
12	ROADS	24 TH – 28 TH JAN	5	Report writing to ascertain the status of RMLF projects FY 2020/2021 in Bungoma County
	TOURISM	24 TH – 28 TH JAN	5	Report writing on the status of KOICA project
13	TRADE	28 TH -2 ND FEB	5	Report writing on the status of trade loans
	RULES	28 TH JAN – 2 ND FEB	5	Review of customization of rules governing public access to County Assembly and Committee
	SELECTION	28 TH JAN – 2 ND FEB	5	Realignment of members in Committees
14	HOUSE BUSINESS	3 RD -7 TH FEB	5	First session report and 2 nd session calendar
15	LIAISON COMMITTEE	8 TH – 12 TH FEB	5	Reviewing of the Committees activities and retreat schedule for March- May 2023

The following Committees; Gender, Culture and Social Welfare Committee, Public Administration and ICT Committee and Finance and Economic Planning Committee had Bills that were committed to them (first read) for processing while Justice, Cohesion and Legal Affairs had a petition to process in regard to that, the Committees were therefore given priority on the schedule to conclude on the said business. The Committee also considered pairing Committees with no or minimal clashes of their membership.

COMMITTEE’S OBSERVATIONS, RECOMMENDATIONS AND CONCLUSION

COMMITTEE’S OBSERVATIONS

1. In the FY 2022/2023, Committees operations were under funded but all committees have been apportioned funds to start off their operations.
2. There is need for the Committees to track their expenditures.
3. The Committees retreat schedule comprises of all committees, the time of retreat and activities to be considered.
4. Most of the Committees had work plans whose budget exceeded the amount sharable.

RECOMMENDATIONS

The Committee recommends as follows;

1. THAT the County Assembly should consider increasing the Committees' operations allocation in the 1st Supplementary Budget.
2. THAT Committee Clerks must ensure they keep updated records of their respective Committees' expenditures in order to keep a track of the Committees' balances.
3. THAT Committees should operate strictly within Committees retreat schedule as approved unless otherwise directed by the House.
4. THAT all committees review and prioritizes activities in their work plans bearing in mind the Committee based induction and vetting of Chief Officers in relation to the available resource envelope as approved.
5. THAT Committees should operate within their approved allocations, if a Committee exhausts its allocation, it should undertake the remaining activities within the County Assembly precinct.

CONCLUSION

It is now my humble request that this House approves this report by the Liaison Committee on the Apportionment of Committees Annual operating budgets for FY 2022/2023 and Committees' retreat schedule for the period November, 2022 to February 2023. The adoption schedule is behind.

We the undersigned Members of the Liaison Committee appended our signatures adopting this report with the content. All members have signed. We have the annexures that is the formula for apportionment of budgets to committees for financial year. The basis on committee membership is also considered.

We have a formula for apportionment of the budget to committees' financial year 2022 based on the committee membership.

The total allocation for committee operations is Kshs 98,120,140 and we have an induction which will cost 13.5million.

We have the committees with mandatory statutory documents with the timeline; we have Finance and Economic Planning which has a Membership of 15. We have the County Integrated development plan, Annual Development Plan and Finance Bill. The Budget Committee has the County Budget Review and Outlook Paper (CBROP), County Fiscal Strategy Paper, Supplementary Budget and Debt Management Strategy Paper. Finally, they have also an annual budget estimate for financial year 2023/20224.

We also have Committee to Pubic Accounts that has Annual audit reports for the County Assembly, Annual Audit report for the County executive employees Car and Mortgage Fund, Members of County Assembly Car and Mortgage Fund. It has also a Special Audit Trade Loan Fund, Emergency Fund, Youth Fund, Women Fund, and Disability Fund.

The committee had allocated ksh 7 million for the operation of the said activities.

In summary, the table is here showing the percentages and the formula. We also have the proposed membership committees allocation is also there.

Finally at this juncture, let me usher in my brother Hon. Johnston Ipara to second the motion.

Hon. Johnston Ipara: Honourable Speaker, I rise to second the motion on Liaison report on Apportionment. During that retreat all chairpersons of this Honourable House attended and if this report is approved, it will enable committees to commence their activities effectively and efficiently. It will also enable all the committees to undergo joint induction training and this particular training will enable the members to understand specific activities of their committees.

In addition it will enable members to understand and carry out their roles as expected the electorate.

This report will also ensure a fair distribution of the available funds, so there is nowhere we may say a certain committee was favoured because several factors were put into consideration and all members agreed with that. I submit to support.

Mr. Speaker: Thank you, Hon. Ipara for seconding the motion. Honourable members, a motion having been moved and seconded that this House adopts the report by Liaison Committee on the Apportionment of Annual Operating Budgets for the Financial Year 2022/2023 and Retreat Schedule for County Assembly Committees, I propose.

(Question proposed)

Honorable Members thank you for your contributions, I will proceed.

(Applause)

A motion has been moved and seconded that, this House adopts the report by Liaison Committee on the Apportionment of Annual Operating Budgets for the Financial Year 2022/2023 and Retreat Schedule for County Assembly Committees.

(Question put and agreed to)

You start implementing now. The chairs don't ask me about the welfare; it is before you. Sit and plan with your committee members as from tomorrow until 15th of February then you come back and ask me again after the 15th of February. I will take care from there.

Honourable members, that was our last item in our Order Paper; we will adjourn for now and resume next week Tuesday at 2:30p.m.

(House adjourns)