THIRD COUNTY ASSEMBLY
(NO. 412)

FIFTH SESSION
Morning Sitting (118)

COUNTY GOVERNMENT OF BUNGOMA
THIRD COUNTY ASSEMBLY – FIFTH SESSION
THE COUNTY ASSEMBLY OF BUNGOMA
ORDERS OF THE DAY
TUESDAY 17TH NOVEMBER, 2026 AT 9:30 A.M
ORDER OF BUSINESS

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (*As listed in the Appendix)*
6. Notices of Motion (*As listed in the Appendix)*
7. Questions and Statements
8. **MOTION: MOTION ON A DEFINITE MATTER OF URGENT COUNTY IMPORTANCE (PURSUANT TO STANDING ORDER 36)**

Hon. Jackson Ouma Wambulwa (MCA – Kimaeti Ward)

Honourable Speaker,

Pursuant to Standing Order 36 of the County Assembly of Bungoma Standing Orders, I rise to give notice of, and to move, the following Motion on a definite matter of urgent County importance:

THAT, AWARE, the County Government of Bungoma has distributed and installed Haemogram machines and Biochemistry Analyzers in Level Three hospitals across the County, and a CT Scan machine at Bungoma County Referral Hospital;

COMMENDING the County Government's efforts to modernize healthcare services through the provision of advanced diagnostic equipment;

COGNIZANT that, Article 10 of the Constitution of Kenya, 2010 establishes public participation, transparency, and accountability as national values and principles of governance, and that Sections 104 and 115 of the County Governments Act, 2012 provide for county planning and mandatory public participation in county planning processes;

MINDFUL that, Article 185(3) of the Constitution empowers the County Assembly to exercise oversight over the County Executive, and that Article 201 requires openness, accountability, and prudent use of public finances;

REGRETTING that, the distribution reportedly took place without meaningful public participation, without adequate consultation with the respective health facility in-charges, and without prior communication explaining the operational, contractual, and financial arrangements attached to the equipment;

DEEPLY CONCERNED that, the County Assembly appears not to have been adequately informed about the programme, the identity of the engaged vendor or stakeholder, the contractual duration, and the binding financial implications, raising serious questions about transparency, accountability, and the exercise of its constitutional oversight mandate;

DISTURBED that, some health facilities are reportedly utilizing revenue collected from their own operations to meet costs associated with the machines, thereby compromising their financial stability, long-term operational sustainability, and capacity to pay healthcare workers, procure essential medical supplies, and meet other routine operational obligations;

APPREHENSIVE that, the underlying contractual instruments or Memoranda of Understanding (MOUs) governing this arrangement may contain punitive termination or breach clauses that expose the County Government and individual health facilities to severe financial and legal liabilities, despite the possibility of the County Government directly allocating budgetary funds towards the acquisition and maintenance of the said equipment;

CONVINCED that, this situation raises serious concerns under Sections 102, 104, and 107 of the Public Finance Management Act, 2012 on responsible management of county public finances and fiscal responsibility, and under Section 53 of the Public Procurement and Asset Disposal Act, 2015, which requires procurement to be planned within approved budgets and prohibits commencement of procurement without sufficient funds to meet the resulting contractual obligations;

NOW THEREFORE, this House resolves:

1. **THAT,** the County Executive Committee Member (CECM) responsible for Health and Sanitation and the relevant Chief Officers do appear before the House on Tuesday, 24th November, 2026 at 9:30 a.m. to respond to the issues of concern and provide a comprehensive statement addressing the following specific matters:
    (a) The exact legal, financial, and operational arrangement entered into by the County Government for the supply, installation, and maintenance of the medical equipment, including the full identity and profile of the vendor(s) or stakeholder(s) engaged;
    (b) Production and tabling of the executed Memorandum of Understanding (MOU) or contract entered into between the County Government and the engaged stakeholder(s), together with all schedules, annexes, and payment terms;
    (c) The exact tenure, commencement date, and expiration period of the engagement, including any renewal clauses;
    (d) Confirmation as to whether the said MOU or contractual arrangement was formally declared, gazetted, or disclosed to the

County Assembly and the general public for purposes of statutory oversight and public accountability;

(e) A complete inventory of all health facilities covered under the arrangement across the County, clearly disaggregating the number and names of facilities that have complied with the financial/operational terms versus those that have not complied, and the reasons for non-compliance;

(f) A detailed assessment of the sustainability of the arrangement and its direct impact on the financial stability, cash flow, and service delivery capacity of the participating health facilities;

(g) An explicit legal and financial analysis indicating whether the MOU contains punitive penalties, default interest, or adverse liability clauses against the County Government or health facilities in the event of a breach or early termination; and

(h) Clarification on why the County Government opted for the current arrangement rather than directly allocating funds through the County Budget and Appropriation process to procure, own, and maintain the medical equipment sustainably.

APPENDIX

ORDER NO 5 - PAPERS

I. County Revenue Fund Quarterly Report and Financial Statements for the period ended September 30, 2026

II. Bungoma County Executive Quarterly Reports and Financial Statements for the period ended September 30, 2026

III. County Government of Bungoma Consolidated Report and Financial Statements for the Financial Year ended 30th June, 2026

IV. County Government of Bungoma Equalization Fund Quarterly Report and Financial Statements for the period ended September, 2026

V. County Government of Bungoma Receiver of Revenue Quarterly Reports and Financial Statements for the period ended September 30, 2026

(Leader of the Majority Party)

VI. Report of the Liaison Committee on the activities of County Assembly Committees from July to September, 2026

(Chairperson, Liaison Committee)

VII. Report of the Budget and Appropriations Committee on the Budget Implementation Review for the first nine months of FY 2025/2026 by the Office of the Controller of Budget

(Chairperson, Budget and Appropriations Committee)

VIII. Report of the Public Accounts and Investments Committee on the Auditor General's Special Audit Report on Payroll Management by the Bungoma County Executive for FYs 2021/22, 2022/23 and 2023/24

(Chairperson, Public Accounts and Investments Committee)

ORDER NO 6 – NOTICES OF MOTION

I. **THAT,** this House adopts the report of the Liaison Committee on the activities of County Assembly Committees from July to September, 2026

(Chairperson, Liaison Committee)

II. **THAT,** this House adopts the report of the Public Accounts and Investments Committee on the Auditor General's Special Audit Report on Payroll Management by the Bungoma County Executive for FYs 2021/22, 2022/23 and 2023/24

(Chairperson, Public Accounts and Investments Committee)

III. **THAT,** this House adopts the report of the Budget and Appropriations Committee on the Budget Implementation Review for the first nine months of FY 2025/2026 by the Office of the Controller of Budget

(Chairperson, Budget and Appropriations Committee)