



COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

Tentative

WEEKLY PROGRAMME OF THE BUSINESS OF THE COUNTY ASSEMBLY

(Pursuant to Standing Order. No. 42)

**Week commencing Tuesday 24th – Thursday 26th
October, 2023**

***3RD COUNTY ASSEMBLY * 2ND SESSION**

*Clerk of the County Assembly of Bungoma
Assembly Buildings*

BUNGOMA



COUNTY GOVERNMENT OF BUNGOMA
THIRD COUNTY ASSEMBLY –SECOND SESSION
THE COUNTY ASSEMBLY OF BUNGOMA
ORDERS OF THE DAY
TUESDAY 24TH OCTOBER, 2023 AT 2.30 P.M.
ORDER OF BUSINESS

PRAYERS

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 (*As listed in the Appendix*)
8. **MOTION- REPORT BY THE SECTORAL COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING AND HOUSING ON THE BUNGOMA COUNTY OUTDOOR ADVERTISING AND SIGNAGE CONTROL AND REGULATION BILL, 2023**

(Chairperson Sectoral Committee on Lands, Urban, Physical Planning and Housing)

THAT, this House notes the Report by the Sectoral Committee on Lands, Urban, Physical Planning and Housing on the Bungoma County Outdoor Advertising and Signage Control and Regulation Bill, 2023, *laid on the Table of the House on 4th October, 2023*.

9. **MOTION- REPORT BY THE SECTORAL COMMITTEE ON FINANCE AND ECONOMIC PLANNING ON COUNTY REVENUE FUND STATEMENTS FY 2022/2023 FOR THE PERIOD ENDED DECEMBER 31ST, 2022**

(Chairperson Sectoral Committee on Finance and Economic Planning)

THAT, this House adopts the report by the Sectoral Committee on Finance and Economic Planning on County Revenue Fund Statements FY 2022/2023 for the period ended December 31st, 2022, *laid on the Table of the House on 20th September, 2023*.

10. **BILLS - THE BUNGOMA COUNTY INSPECTORATE, COMPLIANCE AND ENFORCEMENT BILL, 2023**

A Bill for an Act of the County Assembly of Bungoma to provide for the establishment of Bungoma County Enforcement Inspectorate Unit and for matters connected thereto

(Chairperson, Sectoral Committee on Public Administration and ICT)
(Third Reading)

APPENDIX**ORDER NO. 5 - PAPERS**

- I. Report by the Implementation Committee on the status of implementation of Regulations passed by the House.
(Chairperson, Implementation Committee)
- II. Report by the Powers and Privileges Committee on compliance with wealth declaration by Honourable Members.
(Chairperson, Powers and Privileges Committee)
- III. The Bungoma County Budget Review Outlook Paper FY 2022/2023
(Leader of the Majority Party)

ORDER NO. 6 - NOTICES OF MOTION

- I. **THAT**, this House adopts the Report by the Implementation Committee on the status of implementation of Regulations passed by the House.
(Chairperson, Implementation Committee)
- II. **THAT**, this House adopts the Report by the Powers and Privileges Committee on compliance with wealth declaration by Honourable Members.
(Chairperson, Powers and Privileges Committee)

ORDER NO. 7 – QUESTIONS AND STATEMENTS

It is notified that, pursuant to S.O. 47 (2) (a), a Member of the House Business Committee shall inform the House of the weekly Business of the House.

Statement No Statement

Statement No. **Member of the House Business Committee Pursuant to the provisions of Standing Order 47 (2) (a)**
61/2023

A Statement informing the County Assembly of the Weekly Business Coming before the House from Tuesday 24th – Thursday 26th October, 2023.



COUNTY GOVERNMENT OF BUNGOMA
THIRD COUNTY ASSEMBLY –SECOND SESSION
THE COUNTY ASSEMBLY OF BUNGOMA
ORDERS OF THE DAY
WEDNESDAY 25TH OCTOBER, 2023 AT 9:30 A.M
ORDER OF BUSINESS

PRAYERS

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- REPORT BY THE SECTORAL COMMITTEE TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES ON THE STATUS OF GARBAGE COLLECTION AND MANAGEMENT IN THE COUNTY**

(Chairperson, Sectoral Committee on Tourism, Environment, Water and Natural Resources)

THAT, this House adopts the Report by the Sectoral Committee on Tourism, Environment, Water and Natural Resources on the Status of Garbage Collection and Management in the County, *laid on the Table of the House on 20th September 2023*.

9. **BILL- THE BUNGOMA COUNTY OUTDOOR ADVERTISING AND SIGNAGE CONTROL AND REGULATIONS BILL, 2023**

A Bill for an Act of the County Assembly of Bungoma to provide for the regulation of outdoor advertisement and signage within Bungoma County and for connected purposes

(Chairperson, Sectoral Committee on Lands, Urban, Physical Planning and Housing)

(Second Reading)

10. **COMMITTEE OF THE WHOLE HOUSE ON THE BUNGOMA COUNTY OUTDOOR ADVERTISING AND SIGNAGE CONTROL AND REGULATION BILL, 2023**

(Chairperson, Committee of the Whole House)

APPENDIX**ORDER NO 5 - PAPERS**

- I. Report by the Sectoral Committee on Gender, Culture and Social Welfare on the assessment of application of laws guiding the implementation of programmes by the Department of Gender and Culture.

(Chairperson, Sectoral Committee on Gender, Culture and Social Welfare)

- II. Report by the Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development on the status and impact of dams, irrigation schemes and water pans in the County.

(Chairperson Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development)

ORDER NO 6- NOTICES OF MOTION

- I. **THAT**, this House adopts the Report by the Sectoral Committee on Gender, Culture and Social Welfare on the assessment of application of laws guiding the implementation of programmes by the Department of Gender and Culture.

(Chairperson, Sectoral Committee on Gender, Culture and Social Welfare)

- II. **THAT**, this House adopts the Report by the Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development on the status and impact of dams, irrigation schemes and water pans in the County.

(Chairperson Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development)

NOTICES

THE BUNGOMA COUNTY OUTDOOR ADVERTISING AND SIGNAGE CONTROL AND REGULATION BILL, 2023

Notice is given that the Chairperson of the Sectoral Committee on Lands, Urban, Physical Planning and Housing intends to move the following amendments to the Bungoma County Outdoor Advertising and Signage Control and Regulation Bill, 2023 at the Committee Stage

CLAUSES

CLAUSE 4

THAT, Clause 4(i) of the Bill be amended by deleting letter “b” immediately after the word “visual”

So as to read;

“(i) ensure protection of the environment from potential adverse impact from visual lights.”

CLAUSE 9

THAT, Clause 9(2) be amended by deleting the word “to” appearing immediately after the word “presented”

So as to read

“(2) No advertising sign may be connected to any electricity supply without the prior written permission of the electricity supply authority concerned and such permission shall, on request by an authorized official, be presented by the owner of the advertising sign concerned.”

CLAUSE 17

THAT, Clause 17(1) be amended by deleting “11” appearing after the word “section” and replacing it with “10”

So as to read;

“17(1) An advertising sign exempted in terms of Section 10(2) and relating to the development of a property and the disposal of property may be displayed, provided the following requirements are complied with-”

CLAUSE 18

THAT, Clause 18(1) be amended by deleting “10” appearing immediately after the word “section” and replacing it with “11”

So as to read;

“18(1) Notwithstanding section 11(t), a sky sign may be erected on a building where the main use is residential as long as the sign has no visual impact on the occupants of the

building itself or any other building in the immediate area which is used for residential purposes.”

CLAUSE 19

THAT, Clause 19(1) and 19 (1)(d)respectively be amended by deleting “14” and “14(5)” respectively appearing after the word “section” and replacing the same with “18” and “18(5)” in that order

So as to read;

“19(1) Every screen for a sky sign contemplated in section 18 shall comply with the following requirements-”

“(d) no vertical dimension of any screen may exceed one-and-one-half times the vertical dimension of a sky sign specified in section 18(5):”

CLAUSE 22

THAT, Clause 22(2) be amended by deleting “4” appearing after the word “section” and replacing it with “5”

So as to read

“(2) Every person to whom approval has been granted under section 5(2) in respect of an advertisement contemplated in subsection (1), but not exempted under section 9(2), shall comply with and ensure that the following requirements are complied with-”

CLAUSE 24

THAT, Clause 24(b) be amended by deleting “10” appearing after the word section and replacing it with “11”

So as to read

“(b) a third party advertisement may be painted directly onto any surface, subject to section 11(v)”

CLAUSE 25

THAT, Clause 25(f) be amended by deleting the word “of” appearing immediately after the word “period”

So as to read

“(f) a single sign not exceeding 6m² in extent per property on a vacant non-residential property, on which the words “for sale” or “to let” and the name, address and telephone number of the owner or his or her state agent are displayed or the word “sold” and the name, address and telephone number of the state agent concerned, may be displayed for a period not exceeding ninety days.”

CLAUSE 28

THAT, Clause 28 be amended as follows:

- i. 28(4) be amended by deleting the word “in” appearing after the word “impounded”;

So as to read

“(4) Any transit advertising sign impounded pursuant to subsection (2) shall be kept by the department for a period of thirty days from the date of impoundment, and an authorized official shall, in writing, notify the owner of such sign of the impoundment if the address of the owner can be ascertained”

- ii. 28(4) be amended by deleting “2” appearing after the word subsection and replacing it with “3”

So as to read

“(4) Any transit advertising sign impounded pursuant to subsection (3) shall be kept by the department for a period of thirty days from the date of impoundment, and an authorized official shall, in writing, notify the owner of such sign of the impoundment if the address of the owner can be ascertained”

- iii. 28(5) be amended by deleting “2” appearing before the word may and replacing it with “3”

So as to read

“(5) An owner of a transit advertising sign impounded pursuant to subsection (3) may claim such sign within the period specified in subsection (5) subject to payment of a prescribed fee.”

- iv. 28(5) be amended by deleting “5” appearing before the word subject and replacing it with “4”

So as to read

“(5) An owner of a transit advertising sign impounded pursuant to subsection (3) may claim such sign within the period specified in subsection (4) subject to payment of a prescribed fee.”

- v. 28(6) be amended by deleting “3” appearing before the word destroy and replacing it with “5”

So as to read

“(6) The Department may, if an advertising sign is not claimed by its owner within the period of thirty days referred to in subsection (5), destroy or otherwise dispose of the advertising sign concerned.”

- vi. 28(7) be amended by deleting “4” appearing after the word “subsection” and replacing it with “5”.

So as to read

“(7) The Department may recover the prescribed fee from any owner who has not claimed his or her transit advertising sign in terms of subsection (5).”

CLAUSE 29

THAT, Clause 29 be amended in sub clause (11) by deleting “1” appearing after the word “subsection” and replacing it with “10”

So as to read

“(11) The county government may recover the prescribed fee contemplated under subsection (10) from any owner who does not claim his or her poster as contemplated in that subsection.”

CLAUSE 30

THAT, Clause 30(2) of the Bill be amended;

i. In by deleting “28” appearing after the word “section” and replacing it with “29”;

So as to read

“(2) The provisions of section 29(6) (a), (b), (c), (e), (f) and (g), read with the necessary changes, shall apply in respect of any poster contemplated in this section, provided that such poster need not be placed in a frame.”

THAT, Clause 30(3) of the Bill be amended by deleting “28” appearing after the word section and replacing it with “29”.

So as to read

“(3) The provisions of section 29(8) read with the necessary changes shall apply in respect of posters not complying with the provisions of this section.”

CLAUSE 31

THAT, Clause 31(6) be amended by deleting “1” appearing after the word subsection and replacing it with “5”

So as to read

“(6) If a notice served in terms of subsection (5) is not complied with, the Department may, by notice in writing, require the owner of the advertising hoarding at his or her own cost to display a community message specified by the department, until that owner displays an advertisement on the hoarding concerned.”

CLAUSE 35

THAT, Clause 35(1) be amended by deleting “33” appearing after the word section and replacing it with “34”

So as to read

“(1) If any written comments representations or objections have been received in respect of an application from any interested party contemplated in section 34, the Department shall consider all such comments, representations and objections before taking a decision on the application.”

CLAUSE 36

THAT, Clause 36(3) be amended as follows:

- i. that the word section appearing before “3” be reframed to read “subsection”

So as to read

“(3) If the owner of an advertising sign fails to submit an application in terms of subsection 3(2) within sixty days after being notified in terms of the date of an agreement in terms of subsection (1) or of a notification in terms of subsection (2), the advertising sign concerned shall be considered to be erected or displayed without such approval.”

- ii. that “3” appearing after the word section be deleted

So as to read

“(3) If the owner of an advertising sign fails to submit an application in terms of subsection (2) within sixty days after being notified in terms of the date of an agreement in terms of subsection (1) or of a notification in terms of subsection (2), the advertising sign concerned shall be considered to be erected or displayed without such approval.”

CLAUSE 37

THAT, sub-clause (c) be amended by deleting it in its entirety and replacing it with the following, “by running a copy of the notice through the electronic media or through a newspaper of nationwide circulation”

So as to read

(c) “by running a copy of the notice through the electronic media or through a newspaper of nationwide circulation”

THAT, sub-clause (h) be amended by deleting the words “sixteen” and “managing” appearing after the words “atleast and “the” respectively and substituting therefore the words “eighteen” and “manager” in that order

So as to read

“(h) if the person is a partnership, firm or voluntary association, by serving a copy of the notice on a person who at the time of service is apparently in charge of the premises and apparently at least eighteen years of age, at the place of business of such partnership, firm or association or if such partnership, firm or association has no place of business by serving a copy of the notice on a partner, the owner of the firm or the chairman or secretary of the manager or other controlling body of such association, as the case may be.”

CLAUSE 39: Appeals

THAT, Clause 39 be amended by deleting the word “department” in its entirety and replaced with “the County Executive Committee Member”

So as to read

“(1) A person whose rights are affected by a decision by an authorized official in terms of or for the purposes of this Act, may appeal against that decision to the County Executive Committee Member, by lodging a written notice of appeal, specifying the grounds of appeal, within twenty-one days of the date on which he or she was notified of that decision.”

“(2) The County Executive Committee Member shall commence consideration of the appeal and take a decision thereon within a reasonable time.”

“(3) The County Executive Committee Member shall forthwith after a decision has been taken in terms of subsection (2), notify the appellant thereof in writing.”

“(4) An applicant contemplated in subsection (1) may, on being notified of a decision in terms of subsection (2), apply in writing for reasons for the decision, and the County Executive Committee Member shall furnish written reasons to the applicant.”

NEW CLAUSE

THAT, the Bill be amended by inserting a new clause immediately after clause 2- and re-numbering Clause 3 as 4 onwards

So as to read

“3. Objects and purpose of the Act

“The object and purpose of the Bill is to regulate outdoor advertising and signage control, and in particular, to-

(a) provide for regularization of applications and approvals on advertising signs in the county;

(b) provide for requirements, exemptions and prohibitions for advertising signs;

(c) make provisions for specific advertising signs for example signs suspended under verandas or canopies, signs on verandas or canopies over public street, project signs, pylon signs for on- premise advertising etc.”

CLAUSE 1: SHORT TITLE:

THAT, the short title be amended by deleting the words, “and regulation” immediately after the word “control”

So as to read

“THE BUNGOMA COUNTY OUTDOOR ADVERTISING AND SIGNAGE CONTROL BILL, 2023”



COUNTY GOVERNMENT OF BUNGOMA
THIRD COUNTY ASSEMBLY –SECOND SESSION
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ORDERS OF THE DAY
WEDNESDAY 25TH OCTOBER, 2023 AT 2.30 P.M.
ORDER OF BUSINESS

PRAYERS

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 (*As listed in the Appendix*)
8. **MOTION - REPORT BY THE SECTORAL COMMITTEE ON TRADE, ENERGY AND INDUSTRIALIZATION ON THE BUNGOMA COUNTY WEIGHTS AND MEASURES BILL, 2023**

(Chairperson, Sectoral Committee on Trade, Energy and Industrialization)

THAT, this House notes the Report by the Sectoral Committee on Trade, Energy and Industrialization on the Bungoma County Weights and Measures Bill, 2023, *laid on the Table of the House on 4th October, 2023*.

9. **MOTION –REPORT BY LIAISON COMMITTEE ON THE ACTIVITIES OF COUNTY ASSEMBLY COMMITTEES IN THE FINANCIAL YEAR JULY 2022/2023**

(Chairperson, Liaison Committee)

THAT, this House adopts the Report by Liaison Committee on the activities of County Assembly Committees in the financial year July 2022/2023, *laid on the Table of the House on 21st September 2023*.

10. **BILL- THE BUNGOMA COUNTY OUTDOOR ADVERTISING AND SIGNAGE CONTROL AND REGULATION BILL, 2023**

A Bill for an Act of the County Assembly of Bungoma to provide for the regulation of outdoor advertisement and signage within Bungoma County and for connected purposes

(Chairperson, Sectoral Committee on Lands, Urban, Physical Planning and Housing)

(Third Reading)

APPENDIX

ORDER NO 5 – PAPERS

I. Report by the Sectoral Committee on Trade, Energy and Industrialization on the status of street lighting in Bungoma County.

(Chairperson, Sectoral Committee on Trade, Energy and Industrialization)

II. County Government of Bungoma Receiver of Revenues Annual Financial Statements and Reports for the period ended June 30, 2023.

(Leader of the Majority Party)

ORDER NO 6 - NOTICES OF MOTION

THAT, this House adopts the Report by the Sectoral Committee on Trade, Energy and Industrialization on the status of street lighting in Bungoma County.

(Chairperson, Sectoral Committee on Trade, Energy and Industrialization)

ORDER NO 7 – QUESTIONS AND STATEMENTS

It is notified that, pursuant to S.O. 49, the following Member will ask a Question for reply before the House

Question No Question

Question No. **Member for Township Ward (Hon. Jeremiah Kuloba – MCA) to seek a response from the Chairperson, Lands, Urban, Physical Planning and Housing** in respect to space for traders within Township Ward. The Chairperson to respond to the following:

1. Whether the CECM is aware that small traders have been evicted and barred from selling their wares and goods from their spaces within Township Ward.
2. Whether there was public participation involving the CECMs for Trade, Energy and Industrialization; Finance and Economic Planning; Public Administration and ICT and traders within Township Ward prior to the actions above.
3. Provide information as to whether the said decision was discussed and approved at the cabinet prior to being effected.
4. Was the municipal manager involved in the deliberations that led to such evictions and if so, what was his input?
5. Provide the notices directing that all small traders to move and desist from exhibiting and selling their goods and/or providing their services in their usual areas within Township Ward.
6. Whether the Department has any resettlement plan in order to provide enough alternative space for small traders to operate from.

7. If not, let the CECM provide the timeframe within which the Department shall have set aside proper and ample space in well designated areas for small traders to operate from before any evictions are effected.
8. How many parcels of land have so far been purchased, fully paid for and registered in the Bungoma County Government's name for purposes of establishing market places within Township Ward?
9. State how much money has been set aside in the budget for purposes of designation of proper market space for small traders within Township Ward.
10. What mechanism has the Department put in place to ensure that traders are enlightened and informed of the various laws and regulations governing urban and physical planning in compliance with the Access to Information Act, 2016 and Article 35 of the Constitution?

It is notified that, pursuant to S.O. 47, the following Chairpersons will respond to Questions on Wednesday (afternoon) 25th October, 2023.

QN.No30/2023 Response from the **Chairperson, Sectoral Committee on Roads, Transport, Infrastructure and Public Works** in relation to:

1. Road network in Tongaren-Kiminini ward in the FY 2019/2020, 2020/2021, 2021/2022. The Chairperson to respond to the following:
 - a) How many roads have so far been done in the FY 2019/2020, 2020/2021 and 2021/2022 under the following programmes in Kimilili-Tongaren Ward; Ward based project, Framework contracting and Road Maintenance Levy Fund (RMLF)
 - b) Provide the names of the said roads, the names of contractors contracted on the mentioned roads, the cost on each road and the current status of the roads.

QN.No33/2023 2. The status of CEF road projects in Kimaeti ward and all the remaining Wards for the period 2019-2022. The Chairperson to respond to the following:

- a) The names of the roads and its contractors
- b) The BQs and contract sum for the said roads
- c) The payment status of these roads
- d) The completion certificates and payments of the same roads
- e) The measures put in place by the department to have all the roads under CEF programme in the ward be completed within the timeframe as provided in the contract agreements

QN.No47/2023 3. Rehabilitation of the road from Kabula catholic church to

Naburereya done in FY 2021/2022. The Chairperson to respond to the following:

- a) The current status of the road.
- b) The procurement process; provide the tender advert, evaluation report, professional opinion from the head of supply chain management.
- c) The name of the contractor who won the tender.
- d) State the contract sum and how much has been paid so far.
- e) State the contract period and elucidate whether the works were done within the contract period provided in the contract agreement.
- f) Provide the contract agreement.

4. The tendering process of the following roads; Kapsami-Kongit road, Kaptama booster-Bondeni Kaboywo road, Kostoi-Chelida road, Sultan-Kapteyandet road and Kaberwa-Chepkitale road

- a) If the procurement process was undertaken for the above mentioned roads and also avail the documents as proof.
- b) Names of the contractors who were awarded the tenders
- c) The contract sum and dates of payment for each road
- d) Payment certificates for the contract
- e) The Bill of Quantities (BQs) of the mentioned roads
- f) Whether the signage's for the projects were erected on the mentioned roads

QN.No50/2023

5. The status of roads contracted/rehabilitated in Musikoma Ward in the FY 2022/2023. The Chairperson to respond to the following:

- a) If the contractors executed the job according to the specifications
- b) Why the contractors were paid before the inspection of the said roads was done, especially Lavin- Mwiruti road and Namasanda, SDA junction to Mukasa Atemba in Namasanda village unit.
- c) Elaborate on the other roads constructed/ rehabilitated in Musikoma Ward within the same financial year.

QN.No52/2023

Response from the **Chairperson, Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development** in relation to:

1. Cattle dips within Ndalu-Tabani Ward. The Chairperson to respond to the following:
 - a) Provide information as to why the foregoing cattle dips have stalled and/or are not in operation even after award of the contract to renovate them.
 - b) Provide the name and/or identity of the contractor awarded the tender for the renovation.

- c) Provide the procurement documents (tender advert, quotation or tender opening and evaluation reports, contract agreement, opinion of the procurement officer in accordance with the Public Procurement and Asset Disposal Act, 2015) for the renovation of the aforementioned cattle dips.
- d) Provide the procurement plan encompassing the said renovations in accordance with Section 44 (2) of the Public Procurement and Asset Disposal Act, 2015.
- e) State whether there was a budgetary provision for the renovations in accordance with Section 44 (2) (a) of the Public Procurement and Asset Disposal Act, 2015; and if yes, state how much.
- f) Provide information and or a conclusive report as to whether the said cattle dips were handed over by the contractors to the County Government. How much was paid and how much is the balance?
- g) Provide information as to whether the tender awarded included fencing of the said cattle dips.
- h) If completion and handing over has not been done, what measures are being taken to ensure that the dips are completed and operational?

QN.No53/2023

- 2. Field extension officers in the Department of Livestock and Fisheries. The Chairperson to respond to the following:
 - a) The budgetary allocation for the Department of Livestock and Fisheries for the FY 2022/2023
 - b) Staff establishment in the Department of Livestock and Fisheries, detailing the respective duty stations of the officers and respective years in service.
 - c) Details of the number and venues of field days and external meetings held by the Department.
 - d) Information on the participants of the field days/external meetings and details of the facilitation provided for the field extension officers during the financial year.
 - e) The tools of work provided for the field extension officers in the course of duty; and
 - f) Details on the trainings provided to the officers to improve on skills.

QN.No51/2023

Response from the **Chairperson, Sectoral Committee on Lands, Urban, Physical Planning and Housing** with respect to:

- 1. Purchase of lands for various projects within Bungoma County. The Chairperson to respond to the following:
 - a) How much was allocated to the Department for land purchase for CEF projects in various wards and the County

flagship projects in the FY 2020/2021, 2021/2022, 2022/2023.

- b) How many parcels of land have so far been purchased and fully paid for and, registered in the Bungoma County Government's name.
- c) Why land for Lunao dispensary has not been paid for yet there has been allocation for the same for four successive Financial Years since; FY 2017/2018, 2020/2021/, 2021/2022, 2022/2023 putting in mind that the project is a priority for the people of Bumula Ward.
- d) Provide the circular directing that all Land to be purchased must be approved by the National office contrary to the fact that land matters are a devolved function.
- e) Provide the timeframe within which the Department shall have processed such intent.

3. Provide names of public officers involved in the processing of land within the County for instance Lunao Dispensary
2. Unclear information concerning the municipality board members both for Kimilili and Bungoma. The Chairperson to respond to the following:
 - a) What is the term of service of the municipality board members who took over office in 2017 and more so shade light on their years of service? If the term of the said board members is renewable and elaborate more on their curriculum vitae and the period remaining for each member to serve on the board.
 - b) If there any vacancies that might have been availed due to members resignation and if in affirmative, the evidence of resignation.
 - c) Is there any board member currently serving or any member who contested in the 2022 general elections but still serving, if yes: their names and if they were cleared by IEBC and EACC as per the law.
 - d) Is there any board member who contested in the last general elections and still sits on the board to date?

QN.No57/2023

3. The construction of Pamus-Muyayi-Ndengelwa road. The Chairperson to respond to the following:
 - a) What is the contractual sum and scope of the project, avail the BQs?
 - b) What is the name of the contractor; attach the CR 12 and a signed contract?
 - c) What was the contractual period? Has it expired or not, if expired, avail an extension authority?
 - d) Is the project complete as markings have been made; if not

QN.No59/2023

complete, what is the status?

- e) Does the project have the contract implementation committee (CIC); if it has, avail the CIC reports and payment status (Payment Certificates to be availed)
- f) Has the project been done according to the required standards?



COUNTY GOVERNMENT OF BUNGOMA
THIRD COUNTY ASSEMBLY -SECOND SESSION
THE COUNTY ASSEMBLY OF BUNGOMA
ORDERS OF THE DAY
THURSDAY 26TH OCTOBER, 2023 AT 2:30 P.M
ORDER OF BUSINESS

PRAYERS

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 (*As listed in the Appendix*)
8. **MOTION - THAT, THIS HOUSE ADOPTS THE REPORT BY THE PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE ON THE AUDITOR GENERAL'S REPORTS ON FINANCIAL STATEMENTS OF BUNGOMA COUNTY ON BUNGOMA COUNTY YOUTH AND WOMEN EMPOWERMENT FUND FOR THE PERIOD ENDED 30TH JUNE, 2019**

(Chairperson, Public Accounts and Investments Committee)

THAT, this House adopts the Report by the Public Accounts and Investments Committee on the Auditor General's Report on Financial Statements of Bungoma County Youth and Women Empowerment Fund for the period ended 30 June, 2019, *laid on the table of the House on 3rd October, 2023*.

9. **BILLS - THE BUNGOMA COUNTY WEIGHTS AND MEASURES BILL, 2023**

A Bill for an Act of the County Assembly of Bungoma to establish a legal framework to develop structures of operation to provide a mechanism for the imposition of certain fees and charges for weights and measures related activities and for related purposes.

*(Chairperson, Sectoral Committee on Trade, Energy and Industrialization)
(Second reading)*

10. **COMMITTEE OF THE WHOLE HOUSE ON THE BUNGOMA COUNTY WEIGHTS AND MEASURES BILL, 2023**

(The Chairperson, Committee of the Whole House)

APPENDIX

ORDER NO. 5 – PAPERS

- I. Report by the Public Accounts and Investments Committee on the Bungoma County Youth and Women Empowerment Fund for the period ended 30th June, 2021.
(Chairperson, Public Accounts and Investments Committee)
- II. County Government of Bungoma Financial Statements and Reports for the period ended June 30th, 2023
(Leader of the Majority Party)

ORDER NO. 6 – NOTICES OF MOTION

THAT, this House adopts the Report by the Public Accounts and Investments Committee on the Bungoma County Youth and Women Empowerment Fund for the period ended 30th June, 2021.

(Chairperson, Public Accounts and Investments Committee)

ORDER NO. 7 – QUESTIONS AND STATEMENTS

It is notified that, pursuant to S.O. 47 (2) (a), a Member of the House Business Committee shall inform the House of the weekly Business of the House.

Statement No Statement

Statement No. **Member of the House Business Committee Pursuant to the provisions of Standing Order 47 (2) (a)**

A Statement informing the County Assembly of the Weekly Business Coming before the House from Tuesday 31st – Thursday 2nd November, 2023.

It is notified that, pursuant to S.O. 47, the following Chairpersons will respond to Questions on Thursday (afternoon) 26th October, 2023

QN.No46/2023 Response from the **Chairperson, Sectoral Committee on Youth and Sports** in relation to the construction of the high altitude training center. The Chairperson to respond to the following:

- a) Construction of the High Altitude Training Centre administration block and hostels
- b) The budgetary allocation so far
- c) Procurement process; tender adverts, evaluation reports, professional opinions from the head of supply chain management and the name of the contractor who won the tenders.
- d) The total contract sum and how much has been paid so far (provide certificates for payment of the same)

- e) The contract period (provide the contract agreement)
- f) Explain the level of works so far done (provide BQS of the same)
- g) Explain the steps the Department is taking to complete the project.
- h) State when the project will be operationalized
- i) State the phase that entails the whole project
- j) Provide any other important information in respect to the construction and operationalization of the High Altitude training Centre.

QN. No38/2023 Response from the **Chairperson, Sectoral Committee on Health Services** in relation to:

- 1. The construction of Kaptalelio dispensary maternity wing in Kaptama ward and the status of all pending projects in the 45 Wards. The Chairperson to respond to the following:
 - a) The budgetary allocation for the project and the financial year.
 - b) Procurement process; tender advert, evaluation report, professional opinion from the head of supply chain management and the name of the contractors who won the tender.
 - c) The total contract sum and how much has been paid so far.
 - d) The contract period (provide the contract agreement)
 - e) Explain the level of works so far done.
 - f) Explain the steps the Department is taking to complete the project and operationalize the same.
 - g) Explain the steps the Department is taking to forestall such cases in the implementation of projects.
- 2. Management of Bungoma County Referral, Kimilili Sub County and Webuye County Hospitals. The Chairperson to respond to the following:

- a) Procurement plan for financial year 2022/2023
- b) Procurement process of all the procurable including but limited to pharmaceutical and non- pharmaceutical (provide tender advert, tender evaluation reports, professional opinion from the head of supply chain management and final decision by the accounting officer.
- c) Provide tender inspection and acceptance reports of all goods and services procured in the financial year 2022/2023
- d) Provide all the contract agreements for the supply of goods and services for the financial year 2022/2023
- e) Provide the CR 12 forms for all companies that won tenders in the financial year 2022/2023

- f) State whether the Public Procurement and Asset Disposal Act, 2015 and the Regulations thereto were strictly followed during procurement of goods and services for the FY 2022/2023
- g) Provide full reports on the amount of money collected from 1st July, 2022 to 31st May, 2023 (Provide bank statements from 1st July, 2022 to 31st May, 2023)
- h) Provide full expenditure reports for the financial year 2022/2023 (provide supporting documents for expenditure)
- i) Provide all fully signed minutes or reports of the management committee sanctioning expenditure of the same
- j) Provide a report on waiver of the hospital bills (include names of the patients whose bills were waived and the reasons thereto).
- k) State whether the procedure for waiver of the bills was followed.

It is notified that, pursuant to S.O. 55, the following County Executive Committee Member will respond to a Question on Thursday (afternoon) 26th October, 2023.

County Executive Committee Member for Education and Vocational Training

Question No Question

Question No. **Member for Tuuti Marakaru Ward (Hon Joseph Nyongesa –MCA) to seek a response from the CECM, Education and Vocational Training through the Sectoral Committee on Education and Vocational Training** in relation to the utilization of 3% of both the scholarship and bursary funds. The CECM to respond to the following:

- a) Provide expenditure reports of 3% of the scholarship and bursary funds.
- b) Provide bank statements indicating withdrawals of 3% of the scholarship and bursary funds.
- c) List activities that are to be funded from the 3% of the scholarship and bursary funds
- d) Provide request forms for the expenditures.
- e) What was the total allocation for scholarship and bursary funds in the FY 2022/2023?
- f) What was the total administrative cost of both the scholarship and bursary funds?

NOTICES

THE BUNGOMA COUNTY WEIGHTS AND MEASURES BILL, 2023

Notice is given that the Chairperson of the Sectoral Committee on Trade, Energy and industrialization intends to move the following amendments to the Bungoma County Weights and Measures Bill, 2023 at the Committee Stage –

CLAUSE 3

THAT, clause 3 of the Bill be amended by:

i. Inserting the word “**the**” immediately after the word “**of**” on the sub- heading.
So as to read;

“*Objects and Purpose of the Act*”

ii. Inserting the letter “**i**” immediately after the letter “**h**”
So as to read;

“3. *The Objects and purpose of this Act is to-*”

CLAUSE 4

THAT, clause 4 of the Bill be amended in by deleting the word “Deputy” appearing before the word “Director” in the sub-heading and sub-clause (1) (a)

So as to read;

“*Appointment of Director Weights and Measures*

4(1) (a) There shall be in the Public Service of the County an office designated as the office of the Director, Weights and Measures.”

CLAUSE 5

THAT, clause 5 of the Bill be amended by;

i. Deleting the word “Deputy” appearing before the word “Director” in the entire clause and deleting the word “many” appearing before the word “Assistants” in sub-clause (1)

So as to read;

“*5(1) There shall be director weights Measures, inspectors and assistants of weights and Measures, as may be necessary for the purposes of this Act.”*

ii. Deleting sub clause 5 paragraph (c) in its entirety

CLAUSE 21

THAT, clause 21 of the Bill be amended by deleting the words “*except where the Court is satisfied that the weight, measure or weighing or measuring instrument is the property of a person other than the person committing, or a person being a party to*

the commission of, the fraud, the Court may waive the forfeiture” after the word “forfeit”

So as to read;

“21. Where a fraud is committed in the use of any weight, measure, weighing or measuring, the person committing the fraud shall be guilty of an offence and the weight, measure, weighing or measuring instrument shall forfeit”

CLAUSE 34

THAT, clause 34 of the Bill be amended by deleting the clause in its entirety

CLAUSE 35

THAT, clause 35 of the Bill be amended by deleting the clause in its entirety

CLAUSE 43

THAT, clause 43 of the Bill be amended in sub-clause (3) by substituting the word “Act” appearing before the words “of seizure” with the word “act”

So as to read;

“43(3) Where any perishable goods have been seized under any provision of this act, the inspector who has seized the goods shall forthwith report to a magistrate the act of seizure and if the magistrate is satisfied that the goods are perishable, he may authorize the inspector to dispose of the goods as the magistrate may think fit.”

CLAUSE 46

THAT, clause 46 of the Bill be amended in sub clause 2 paragraph (f) by deleting the word “**Deputy**” immediately before the word “**Director**”

So as to read;

“(f) the performance of the functions, the exercise of powers and discharge of the duties of the Director and other weights and measures officers under this Act; and”

SCHEDULE

THAT, the Schedule on the Bill be amended by deleting the entire second last column with the sub heading “*Approved charges 2021/22*” and the column on “*proposed Charges 2022/23*” by deleting the words “*proposed and 2022/23*”

So as to read; “*Charge*”

CLAUSE 2

THAT, clause 2 of the Bill be amended by:

- i. deleting the word “Deputy” appearing before the word “Director” on the interpretation of the word “**Approved**”

So as to read;

“Approved’ means approved by the Director, or by any other person deputed by the director to carry out examinations, grant approvals and issue certificates”

- ii. Deleting the word “Deputy” appearing before the word “Director” on the interpretation of the word **“Deputy Director”**

So as to read;

“Director” means the Director of Weights and Measures appointed under Section 4.”