



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 8th – Thursday 10th April,
2025**

***3RD COUNTY ASSEMBLY * 4TH SESSION**

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BUNGOMA

**THIRD COUNTY ASSEMBLY
(NO. 246)**



**FOURTH SESSION
Afternoon Sitting (172)**

**COUNTY GOVERNMENT OF BUNGOMA
THIRD COUNTY ASSEMBLY – FOURTH SESSION
THE COUNTY ASSEMBLY OF BUNGOMA
ORDERS OF THE DAY
TUESDAY 8TH APRIL, 2025 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 PUBLIC ACCOUNTS AND INVESTMENTS**

**COMMITTEE ON THE BUNGOMA COUNTY ASSEMBLY
HONOURABLE MEMBERS' CAR LOAN AND MORTGAGE
SCHEME FUND FOR THE YEAR ENDED 30TH JUNE, 2023 AND
THE REPORT OF THE AUDITOR GENERAL ON THE
FINANCIAL STATEMENTS OF BUNGOMA COUNTY ASSEMBLY
FOR THE YEAR ENDED 30TH JUNE, 2023**

(Chairperson, Public Accounts and Investments Committee)

THAT, this House adopts the report of the Public Accounts and Investments Committee on the Bungoma County Assembly Honourable Members' Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023 and the report of the Auditor General on the Financial Statements of Bungoma County Assembly for the year ended 30th June, 2023, *laid on the Table of the House on Tuesday 1st April, 2025.*

(NO. 246)

Afternoon Sitting (172)

APPENDIX**ORDER NO 5 – PAPERS**

- I. Report by the Budget and Appropriations Committee on the Bungoma County Government 1st Supplementary Budget for the FY 2024/2025
- II. Report by the Budget and Appropriations Committee on the County Fiscal Strategy Paper, 2025
- III. Report by the Budget and Appropriations Committee on Medium Term Debt Management Paper 2025/2026 – 2027/2028
(Chairperson, Budget and Appropriations Committee)
- IV. Report by the Sectoral Committee on Roads, Transport, Infrastructure and Public Works on the status of completion of the Misikhu- Naitiri Brigadier road in Bungoma County
(Chairperson, Sectoral Committee on Roads, Transport, Infrastructure and Public Works)

ORDER NO 6 – NOTICES OF MOTION

- I. **THAT**, this House notes the report by the Budget and Appropriations Committee on the Bungoma County Government 1st Supplementary Budget for the FY 2024/2025
- II. **THAT**, this House adopts the report by the Budget and Appropriations Committee on the County Fiscal Strategy Paper, 2025
- III. **THAT**, this House adopts a report by the Budget and Appropriations Committee on Medium Term Debt Management Paper 2025/2026 – 2027/2028
(Chairperson, Budget and Appropriations Committee)
- IV. **THAT**, this House adopts the report by the Sectoral Committee on Roads, Transport, Infrastructure and Public Works on the status of completion of the Misikhu- Naitiri Brigadier road in Bungoma County
(Chairperson, Sectoral Committee on Roads, Transport, Infrastructure and Public Works)
- V. **THAT**, this House resolves to form an eleven member ADHOC Committee to investigate and scrutinize the collection, waivers and utilization of all revenue collected from Agriculture Produce Cess across the County.
(Hon. Johnston Ipara)

ORDER NO 7 - QUESTIONS AND STATEMENTS

- I. 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**
4/2025 **the provisions of Standing Order 47 (2) (a)**

A Statement informing the County Assembly of the Weekly Business Coming before the House from Tuesday 8th – Thursday 10th April, 2025.

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

Question No	Statement
Question No. 1/2025	<p>Member for Musikoma Ward (Hon. George Makari – MCA) to seek a response from the County Public Service Board in relation to the employment of the current County Valuer in the Department of Lands, Housing and Physical Planning. The Board to respond to the following:</p> <ol style="list-style-type: none"> 1. Give an elaborate explanation on the selection criteria used by the County Public Service Board to hire the officer who did not possess the requisite qualifications for that position as outlined in the letter of intent presented to the Board by the Department. 2. Explain why the CPSB initiated the recruitment process and went ahead to shortlist the candidate despite his non-registration with the Valuers Registration Board which was a requisite requirement. 3. Despite the candidate's credentials having been reviewed and confirmed that he met the academic and other requirements as provided in the advert, the CECM should give an explanation as to why there is no evidence to the effect that ISK membership was provided at the time of the interview for verification by the interviewing panel. 4. Shed light on whether it is justifiable to conclude that, both the process and the appointment violated statutory provisions under the surveyors Act and the values and principles of public service as provided under Article 232 of the Constitution. 5. Taking into account the provisions of Section 75 of the County Governments Act, 2012 and the red flag raised by the Department vide a letter dated 7th October, 2024, the CECM to inquire and give an explanation on the corrective action taken so far by the authorities concerned. 6. Provide any other information which the CECM deems relevant to the subject matter

**THIRD COUNTY ASSEMBLY
(NO. 247)**



**FOURTH SESSION
Morning Sitting (068)**

COUNTY GOVERNMENT OF BUNGOMA
THIRD COUNTY ASSEMBLY –FOURTH SESSION
THE COUNTY ASSEMBLY OF BUNGOMA

ORDERS OF THE DAY

WEDNESDAY 9TH APRIL, 2025 AT 9:30 A.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

8. **MOTION - REPORT BY THE BUDGET AND APPROPRIATIONS COMMITTEE ON THE BUNGOMA COUNTY GOVERNMENT 1ST SUPPLEMENTARY BUDGET FOR THE FY 2024/2025**
(Chairperson, Budget and Appropriations Committee)

THAT, this House notes the report by the Budget and Appropriations Committee on the Bungoma County Government 1st Supplementary Budget for the FY 2024/2025, *laid on the Table of the House on Tuesday 8th April, 2025*

9. **MOTION - FORMATION OF ADHOC COMMITTEE TO SCRUTINIZE THE COLLECTION, WAIVERS AND UTILIZATION OF CESS MONEY**

Hon. Speaker Sir, I beg to move the following motion pursuant to Standing Order No. 58;

AWARE THAT Article 209(3) and (4) of the Constitution of Kenya 2010 provides that a county may impose; Property rates; Entertainment taxes; and any other tax that it is authorized to impose by an Act of Parliament; the National and County Governments may impose charges for the services they provide.

FURTHER-AWARE THAT Article 210(1) and (2) Constitution of Kenya provides that no tax or licensing fee may be imposed, waived or varied except as provided by legislation. If legislation permits the waiver of any tax or licensing fee; a public record of each waiver shall be maintained together with the reason for the waiver; and each waiver, and the reason for it, shall be reported to the Auditor General.

CONSIDERING that the County Assembly passed the Bungoma County Agriculture Produce Cess Act, 2017 and on utilization of the Cess money, section 12 of the Act stipulates that Ninety per cent (90) of all monies collected as Cess from all agricultural produce or products shall be used to maintain Agriculture infrastructure and provide other services related to agriculture in areas where the agriculture produce are produced in the County and three per cent (3%) deposited in the county revenue account and shall be used for the Cess committee's administrative purposes while the remaining seven per cent (7%) shall be credited to the county Revenue account; the ninety per cent (90%) allocation shall be administered under a separate roads maintenance account in the Department of Roads, Transport, Infrastructure and Public Works.

FURTHER CONSIDERING Section 15 of the same Act on waiver provides that the County Executive Member of Finance may waive the Cess payable under this Act to any agriculture producer, persons or group of persons to whom this Act apply; A waiver of Cess under this Act shall be for a determinate period not exceeding one year; Where such waiver is made, the County Executive Member shall give reasons for such waiver and table before the County Assembly the list of persons to whom payment of Cess is waived and the reasons thereof; The County Assembly may overturn any such waiver if it is of the view that no sufficient grounds exist for the waiver of Cess as made by the County Executive Member

ACKNOWLEDGING THAT management and utilization of Agricultural Produce Cess runs across three departmental committees, namely; Finance and Economic Planning; Agriculture, livestock, Fisheries Irrigation and Cooperative development; and Roads, Transport, Infrastructure and Public Works; which makes it cumbersome for three committees comprising of a total of forty five (45)

members to look into this complex issue of collection and Utilization of Cess money.

I NOW MOVE AND PROPOSE that this Honourable House resolves to form an eleven (11) member ADHOC Committee to investigate and scrutinize the collection, Waivers and utilization of the all revenue collected from Agriculture Produce Cess across the County and in particular the committee should investigate:

- a) Entities that have been paying cess since September 2022;
- b) Published list of exit points where cess is collected from;
- c) The existence and operations of the County Cess Committee as established in the Act;
- d) Total revenue collected from Agriculture Cess since September 2022;
- e) Utilization of the Revenue collected through Agriculture Cess and how much was used to construct Road infrastructure in areas where Cess collected.
- f) Percentage submitted to the Separate Road maintenance Account in compliance with the Act.
- g) Whether West Kenya Sugar Company – Naitiri unit is one the companies paying Cess to the County and if, yes how much as the company paid to the County since September 2022
- h) Whether the County Government has granted any Cess waivers to west Kenya Sugar Company, Naitiri unit and if yes, how much.
- i) Waivers given to any other company;
- j) Whether there is any memorandum of understanding with any entity with regard to payment of Cess and challenges occasioned by the said memorandum.
- k) Whether lack of allocation of Cess money in some cases leads to disputes between stakeholders and the County Government.

The Committee should submit the report to this House within sixty (60) working days from the adoption of this Motion.

**THIRD COUNTY ASSEMBLY
(NO. 248)**



**FOURTH SESSION
Afternoon Sitting (173)**

COUNTY GOVERNMENT OF BUNGOMA
THIRD COUNTY ASSEMBLY – FOURTH SESSION
THE COUNTY ASSEMBLY OF BUNGOMA
ORDERS OF THE DAY
WEDNESDAY 9TH APRIL, 2025 AT 2.30 P.M.
ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements
8. Motion
9. **BILLS -**

**THE BUNGOMA COUNTY 1ST SUPPLEMENTARY
APPROPRIATION BILL, FY 2024/2025**

(Chairperson, Budget and Appropriations Committee)

A Bill for an Act of the County Assembly of Bungoma to authorize the issue of a sum of money out of the Revenue Fund and its application towards the service of the year ending on 30th June, 2025 and to appropriate that sum and a sum voted on account by the County Assembly for certain public service and purposes.

(Second Reading)

10. COMMITTEE OF THE WHOLE HOUSE (COMMITTEE ON SUPPLY) ON THE BUNGOMA COUNTY 1ST SUPPLEMENTARY APPROPRIATION BILL, FY 2024/2025

(Chairperson, Committee of the Whole House)

11. **BILLS -** **THE BUNGOMA COUNTY 1ST SUPPLEMENTARY
APPROPRIATION BILL, FY 2024/2025**

(Chairperson, Budget and Appropriations Committee)

A Bill for an Act of the County Assembly of Bungoma to authorize the issue of a sum of money out of the Revenue Fund and its application towards the service of the year ending on 30th June, 2025 and to appropriate that sum and a sum voted on account by the County Assembly for certain public service and purposes.

(Third Reading)

**THIRD COUNTY ASSEMBLY
(NO. 249)**



**FOURTH SESSION
Afternoon Sitting (174)**

COUNTY GOVERNMENT OF BUNGOMA
THIRD COUNTY ASSEMBLY - FOURTH SESSION
THE COUNTY ASSEMBLY OF BUNGOMA
ORDERS OF THE DAY
THURSDAY 10TH APRIL, 2025 AT 2:30 P.M.
ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements (*As listed in the Appendix*)
8. **MOTION - REPORT BY THE BUDGET AND APPROPRIATIONS**

**COMMITTEE ON THE COUNTY FISCAL STRATEGY PAPER,
2025**

(Chairperson, Budget and Appropriations Committee)

THAT, this House adopts the report by the Budget and Appropriations Committee on the County Fiscal Strategy Paper, 2025 *laid on the Table of the House on 8th April, 2025*

(NO. 246)

Afternoon Sitting (172)

APPENDIX**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
5/2025 the provisions of Standing Order 47 (2) (a)**

A Statement informing the County Assembly of the Weekly Business Coming before the House from Tuesday 15th – Thursday 17th April, 2025.