



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 64/2023 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.

QN.No54/2023 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

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| Question
58/2023 | No. | <p>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:</p> <ul style="list-style-type: none"> 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? |
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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.”