



COUNTY GOVERNMENT OF BUNGOMA
THIRD COUNTY ASSEMBLY –SECOND SESSION
THE COUNTY ASSEMBLY OF BUNGOMA
ORDERS OF THE DAY
TUESDAY 31ST OCTOBER, 2023 AT 2.30 P.M.
ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. **MESSAGES** – Message from H.E the Governor on the Nomination of Board Member for Kimilili Municipality.
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 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

(Resumption of interrupted business pursuant to Standing Order. No. 35)
(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. **MOTION – REPORT BY THE SECTORAL COMMITTEE ON TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES ON THE BUNGOMA COUNTY CLIMATE CHANGE ACTION PLAN 2023-2027 AND THE BUNGOMA COUNTY PARTICIPATORY CLIMATE CHANGE RISK ASSESSMENT.**

(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 Bungoma County Climate Change Action Plan 2023-2027 and the Bungoma County Participatory Climate Change Risk Assessment, *laid on the Table of the House on 11th October, 2023.*

10. **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 operations 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)

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

(Chairperson, Committee of the Whole House)

APPENDIX

ORDER NO. 5 - PAPERS

- I. Report by the Sectoral Committee on Health Services on the allegations of negligence, inadequate supply of drugs, corruption and under staffing at Bumula Sub-County Hospital and Ndalul Health Centre
(Chairperson, Sectoral Committee on Health Services)
- II. Report by the Sectoral Committee on Finance and Economic Planning on the cause effect of revenue collection decline in some revenue streams as per the Bungoma County Receivers of Revenue Financial Statements for the period ended 31st March, 2023
(Chairperson, Sectoral Committee on Finance and Economic Planning)

ORDER NO. 6 - NOTICES OF MOTION

1. **THAT**, this House adopts the report by the Sectoral Committee on Health Services on the allegations of negligence, inadequate supply of drugs, corruption and under staffing at Bumula Sub-County Hospital and Ndalul Health Centre
(Chairperson, Sectoral Committee on Health Services)
2. **THAT**, this House adopts the report by Sectoral Committee on Finance and Economic Planning on the cause effect of revenue collection decline in some revenue streams as per the Bungoma County Receivers of Revenue Financial Statements for the period ended 31st March, 2023
(Chairperson, Sectoral Committee on Finance and Economic Planning)

ORDER NO. 7 – QUESTIONS AND STATEMENTS

It is notified that, pursuant to S.O. 47 (2) (c) the following Member will request for response from the Chairperson.

Question No	Question
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Question 65/2023	No. Member for Misikhu Ward (Hon Miliar Masungo –MCA) to seek a response from the Chairperson Sectoral Committee on Roads, Transport, Infrastructure and Public Works in relation to road construction, repair and maintenance programs under Kenya Rural Roads Authority (KERRA) and the County Government for the FY 2021/2022 and 2022/2023. The Chairperson to respond to the following:
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1. List of all County roads constructed/ planned to be constructed, repaired and maintained by Kenya Rural Roads Authority (KERRA) across the 45 wards with special emphasis on Misikhu Ward;
2. List of all County roads constructed/ to be constructed, repaired and maintained by the County Government of Bungoma;
3. The scope of work done and /or planned to be undertaken in the listed roads;
4. The project implementation report indicating the extent of works undertaken in the identified roads both by KERRA and the County Government;

5. Memorandum of understanding if any between KERRA and the County Government of Bungoma with regard to construction, repair and maintenance of rural roads;

It is notified that, pursuant to S.O. 47, the following Chairperson will respond to a Question on Tuesday (afternoon) 31st October, 2023

QN.No56/2023 Response from the **Chairperson, Sectoral Committee on Trade, Energy and Industrialization** on tenders for street lighting across the County. The Chairperson to respond to the following:

1. Allocation for the street lighting programme for the FY 2022/2023
2. Was the procurement process leading to the award of tender of the FY 2022/2023 for installation of street lighting across the County procedurally done?
3. Avail the tender advertisement, evaluation report and professional opinion from the head of supply chain management of the Bungoma County Government.
4. Provide profile of the company that was awarded the tender with the CR-12 form.
5. How much was awarded for the whole street lighting programme, how much has been paid to the contractor(s) to the date hereof and how much is the outstanding balance for the said programme.
6. Any other information that might enlighten the House

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.”