



COUNTY GOVERNMENT OF BUNGOMA



COUNTY ASSEMBLY OF BUNGOMA

THIRD ASSEMBLY, SECOND SESSION

FINANCE AND ECONOMIC PLANNING COMMITTEE REPORT

ON

THE BUNGOMA COUNTY FINANCE AMENDMENT BILL, 2023

OCTOBER, 2023

Clerk's Chambers
County Assembly Buildings
PO BOX 1886,
BUNGOMA, KENYA

CHAPTER ONE

1.0 PREFACE

Mr. Speaker Sir, on behalf of the Committee on Finance and Economic Planning it is my pleasure to present the Bungoma County Finance Amendment Bill, 2023 that was introduced to the House through First Reading on Tuesday 12th September 2023 day at 2:30 pm.

1.1. The establishment and functions of the committee

Hon. Speaker,

The Sectoral Committee on Finance and Economic Planning is established pursuant to the provisions of Standing Order No. 217 of the County Assembly of Bungoma and executes its mandate in accordance with Standing Order 217(5) which provides as follows:

- a) Investigate, inquire and report all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments.
- b) Study the program and policy objectives of departments and the effectiveness of the implementation;
- c) study and review all county legislation referred to it;
- d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- f) to vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing order 185(Committee on Appointments); and
- g) make reports and recommendations to the County Assembly as often as possible, including recommendations of proposed legislation.

1.2 mandate of the committee

The Second Schedule to the Bungoma County Assembly Standing Orders mandates the committee to consider matters relating to:

- a) Public Finance;
- b) Monetary Policies;

- c) Revenue Policies including taxation;
- d) County Integrated Development Plan;
- e) Annual Development Plan;
- f) Mobilization of resources for funding the budgetary requirement of the county government.

1.3 Committee Membership

Mr. Speaker Sir, the Committee on Finance and Economic Planning as currently constituted comprises of the following members:-

- | | |
|-----------------------------|------------------|
| 1. Hon. James Mukhongo | Chairperson |
| 2. Hon. Orise Kundu | Vice chairperson |
| 3. Hon. Stephen Wamalwa | Member |
| 4. Hon. Everlyne Mutiembu | Member |
| 5. Hon. Violet Makhanu | Member |
| 6. Hon. Jack Kawa | Member |
| 7. Hon. Vitalis Juma | Member |
| 8. Hon. Francis Chemion | Member |
| 9. Hon. Tony Barasa | Member |
| 10. Hon. George Makari | Member |
| 11. Hon. Aggrey Mulongo | Member |
| 12. Hon. Godfrey Wanyama | Member |
| 13. Hon. Everton Nganga | Member |
| 14. Hon. Christine Mukhongo | Member |
| 15. Hon. Catherine Kituyi | Member |

1.4 Legal Framework

Hon. Speaker

Article 185 of the Constitution of Kenya 2010 provides for the legislative authority of the County Assembly wherein states;

185. (1) The legislative authority of a county is vested in, and exercised by, its county assembly.

(2) A county assembly may make any laws that are necessary for or incidental to, the effective performance of the functions and exercise of the powers of the county government under the Fourth Schedule.

(3) A county assembly, while respecting the principle of the separation of powers, may exercise oversight over the county executive committee and any other county executive organs.

(4) A county assembly may receive and approve plans and policies for—
(a) the management and exploitation of the county's resources; and

(b) the development and management of its infrastructure

As further read with section 8 of the County Government Act, 2012 which provides

8. (1) The county assembly shall—

(a) vet and approve nominees for appointment to county public offices as may be provided for in this Act or any other law;

(b) perform the roles set out under Article 185 of the Constitution;

(c) approve the budget and expenditure of the county government in accordance with Article 207 of the Constitution, and the legislation contemplated in Article 220(2) of the Constitution, guided by Articles 201 and 203 of the Constitution;

(d) approve the borrowing by the county government in accordance with Article 212 of the Constitution;

(e) approve county development planning; and

(f) perform any other role as may be set out under the Constitution or legislation.

Hon Speaker,

Article 174 of the Constitution of Kenya provides for the objects of devolution wherein it states

174. The objects of the devolution of government are—

- (a) to promote democratic and accountable exercise of power;
- (b) to foster national unity by recognizing diversity;
- (c) to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them;
- (d) to recognize the right of communities to manage their own affairs and to further their development;
- (e) to protect and promote the interests and rights of minorities and marginalized communities;
- (f) to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya;
- (g) to ensure equitable sharing of national and local resources throughout Kenya;
- (h) to facilitate the decentralization of State organs, their functions and services, from the capital of Kenya; and
- (i) to enhance checks and balances and the separation of powers.

Mr. Speaker Sir, Section 132(2) of the PFM Act, 2012 provides as follows: ***“the County Executive Committee Member for Finance shall, on the same date that the revenue raising measures are pronounced, submit to the County Assembly the County Finance Bill, setting out the revenue raising measures for the County Government, together with a policy statement expounding on those measures.”*** under the said Section 132 of the Act, the County Finance Bill is supposed to be submitted to the County Assembly in time to enable the Assembly to pass the Bill within ninety (90) days from the day of enactment of the County Appropriations Bill into law.

Mr. Speaker Sir, the Finance Bill is an annual legislative proposal which must be submitted to the County Assembly on an annual basis and within the statutory

timelines. In addition, the CEC Member for Finance is hereby reminded that the legislative proposal must be submitted together with a policy statement expounding on the policy consideration behind the revenue raising measures of the County Government proposed in the Finance Bill.

Mr. Speaker Sir, Section 132 (4) of the Public Finance Management Act, 2012 provides as follows: *“The recommendations of the County Executive Committee Member for Finance shall be included in a report and tabled in the County Assembly”*

The Bill is a money Bill within the meaning of Article 114 of the Constitution as read together with Section 21 of the County Governments Act, 2012.

Section 21(4) of the County Governments Act defines a Money Bill as:-

(4) For the purposes of this Act, “money Bill” means a Bill that contains provisions dealing with—

- (a) taxes;
- (b) the imposition of charges on a public fund or the variation or repeal of any of those charges;
- (c) the appropriation, receipt, custody, investment or issue of public money;
- (d) the raising or guaranteeing of any loan or its repayment; or (e) matters incidental to any of those matters.

The Bill does not infringe on the fundamental rights and freedom as enshrined in the Constitution.

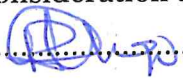
Article 209(4) and (5) provides that the National and County Government may impose charges for the services. The taxation of other revenue raising powers of a county shall not be exercised in a way that prejudices national economic policies, economic activities across county boundaries or national mobility of goods, services capital or labour.

In addition, Article 210(1) of the Constitution on imposition of tax states that no tax or licensing fee may imposed, waived or varies as except as provided by legislation. Based on the aforementioned the Bill concerns the Count Government.

1.5 Acknowledgment

Mr. Speaker Sir, I take this opportunity to express my gratitude and sincere thanks to the members of the committee for dedicating their limited time to sit and examine the Finance Amendment Bill, 2023. The committee would also like to register appreciation to the members of secretariat who worked with us for their unwavering commitment. Lastly, the committee is grateful to the Hon. Speaker, and the Office of the Clerk of the County Assembly of Bungoma for the support received as it discharged its mandate.

Mr. Speaker Sir, it is therefore my duty, on behalf of the committee members of Finance and Economic Planning, to table this report and recommend it to the County Assembly for consideration and adoption.

Signed  Date 26/10/2023

Hon. James Barasa Mukhongo, MCA (Chwele/ Kabuchai Ward)
Chairperson, Committee on Finance and Economic Planning

CHAPTER TWO

2.0 PUBLIC HEARINGS

Mr. Speaker Sir, pursuant to Article 196(b) of the Constitution of Kenya 2010 and the County Assembly of Bungoma Standing Order No. 140(2) which requires that public participation and involvement of the public in the legislative and other business of the County Assembly and its Committees, a notification was placed in the Daily Nation of 22nd September 2023 informing the public to submit written representations on the Finance Bill, 2023 to the Clerk of the County Assembly via post office, email or hand delivery on or before Wednesday 4th of October, 2023 (**Annex 1**)

Mr. Speaker Sir, the committee received the memorandum from the following groups;

- 1) Redo Kenya budget champions
- 2) Torch Africa
- 3) Bungoma County Child Network

The views of these groups are attached to this report as (annexure II)

2.1 PUBLIC VIEWS ON FINANCE BILL, 2023

The Committee on Finance and Economic Planning held public participation forum that was attended by stakeholders drawn from organized groups such as Private Hospitals, Auction Rings, Motorcycle operators commonly known as 'bodaboda', Tuk tuk/ Lorries/ Pickup/Canters operators, Public Service Vehicles or 'matatu' operators, Petrol station owners, Private Schools, Wholesalers and Supermarkets, Civil Society, open air market traders as well as representatives from Chamber of Commerce.

Mr. Speaker sir, the views of the public and all other stakeholders have been considered in this report. The members of the public views are attached to this report (annexure III)

2.2.1 SECOND SCHEDULE: AGRICULTURE, LIVESTOCK, VETERINARY AND FISHERIES

1. On Agricultural Cess item code 1-2450 in MT Elgon
 - a) pick-up they proposed the charges be reduced from khs 2500 to Kshs 200 per trip
 - b) trailer (tractor) proposed the reduction of charges from Kshs 4000 to Kshs 300

- c) canters (4-5 tons) proposed the reduction of charges from Kshs 4000 to Kshs 300
- d) lorries(7-10 tons) charges be reduced from Kshs 7000 to Kshs 500
- e) lorries above 10tons charges be reduced from Kshs 10,000 to Kshs 500
- f) For item code 1-2451 for other sub counties the stakeholders Proposed charges for the pick-up to be the same as the above proposed charges in the item 1-2450, because the amount/cash goes to the same county.

2.3 THIRTEENTH SCHEDULE: TRADE ENERGY & INDUSTRIALIZATION

2.3.1 COUNT TRADE LICENSING ACT, 2017 TRADE LICENSES

On trade licensing the members of the public proposed as follows:

- a) Item code 206 Kiosk charges be reduced from Kshs 1800 to Kshs 1500 per year
- b) On item code 340 large cold storage facility the charges should remain Kshs 33,000
- c) Item code 345 medium cold storage facility charges to remain 20,000
- d) Item code 350 small cold storage facility the charges to remain 15,000
- e) Small posho mill rural areas item code 498 charges to be reduced from Kshs 1600 to Kshs 1500

2.3.2 ELEVENTH SCHEDULE: ROADS PUBLIC WORKS AND TRANSPORT

COUNTY PARKING MANAGEMENT ACT 2017: TRADE & PARKING

On parking charges the stakeholders proposed the following:

- a) Item code 1-6741 TUKTUK parking fee per month be reduced from Kshs 1,000 to Kshs 600
- b) Item code 1-6821 PSV (above 30 passengers) the charges to be reduced from Kshs 2,00 Kshs 1500
- c) Item code 1-6822 PSV (between 20-30 passengers) be Kshs 1500
- d) Item code 1-6823) PSV (between 11-19 passengers) the charges be reduced from Kshs 1000 to Kshs 700
- e) Item code 1-6824 PSV (between 7-10 passengers) charges to remain Kshs 500

The stakeholder proposed that before implementation of Finance Bill 2023 all the stakeholders should be notified.

CHAPTER THREE

3.0 THE COMMITTEE PROPOSED AMENDMENTS TO THE BILL

Mr. Speaker Sir, the Committee proposes a number of amendments to the Finance Amendment Bill, 2023 as follows;

- 1) That the long title of the Bill be amended by deleting the words” amendment Bill” appearing on the long title and therefor substituting with the words “***A BILL for AN ACT***” So as to read “***A BILL for AN ACT of the County Assembly of Bungoma to provide for revision of the various taxes, fees and charges for services, and for other revenue raising measures by the County Government; and for matters incidental thereto.***”
- 2) Amend the short title by deleting the word “***Bill***” appearing immediately after the word “This” and substituting with therefor the word “***Act***” substituting therefor with the word “***Act***” so as to read “***this Act may be cited as the Bungoma County Finance Amendment Act 2023 and shall come into operation or be deemed to have into operation on such a date as the County Executive Committee Member for Finance and Economic Planning, with the concurrence of the H.E the Governor, may appoint and different dates may be appointed for different provisions***”

Second schedule: Agriculture, Livestock, veterinary and fisheries

3. Amendment on Item code number 1- 2450 agricultural produce Cess

Description of fee or Committee Charge recommended	Unit of measure	Proposed charges	
		2023	charges
a) Pick up	per trip	2500	500
b) Trailer	per trip	4,000	700
c) Canter (4-5 tons)	per trip	4,000	500
d) Lorry(7- 10 tons)	per trip	7,000	2,000
e) Lorry above 10tons	per trip	10,000	3,000

Eleventh Schedule: Roads, Public works and Transport

4. Amendment on Item code number 1- 6741 parking fees

Description of fee or Committee Charge recommended	Unit of measure	2023	Proposed charges
Tuk-tuk	per Month	1000	600

Thirteenth schedule: Trade, Energy and Industrialization

5. Amendment on Item code number 345 Trade licensing

Description of fee or Committee Charge recommended	Unit of measure	2023	Proposed charges
a)Medium cold storage facility			
From 101m2 to 1000m2 insulated walls	per year	30,000	25,000
b) Small cold storage facility upto 100m2 insulated walls cold production			
Equipment	per year	20,000	17,000

CHAPTER FOUR

4.0 OBSERVATION, RECOMMENDATIONS AND CONCLUSIONS

4.1 Committee observations

Mr. Speaker sir, the committee made the following observation from the Finance Bill 2023.

1. That there are several key legislations that have been passed by the County Assembly of Bungoma which when operationalized will to help increase local revenue in the County Government of Bungoma.
2. That there is no seamless coordination between the Sector Departments and the Directorate of Revenue in prioritization of programs that support the maximization of revenue collection hence existence of a big variance between the target and the actual revenue collected affecting implementation of projects and programs.
3. That the Bill was not properly drafted because the County lacked the parent Acts to inform the right format of a Finance Bill.
4. That Finance Bill 2023 was submitted to the County Assembly of Bungoma late hence the Bill was processed by the County Assembly outside the statutory timelines of by 30th September each year.
5. That the Finance Bill 2023 was not published in the Kenya Gazette as provided for in Section 23 of the County Government Act, 2012.
6. The County Department of Gender Culture, Youth & Sports does not have appropriate regulations to operationalize the Bungoma County Alcoholic Drinks Control Act.

4.2 Committee recommendations

Mr. Speaker sir, the committee made the following recommendations:

1. **THAT** the CECM Finance and Economic Planning should submit a policy statement alongside Finance Bill by 30th April each year in compliance with Section 132 (2) of the Public Finance Management Act, 2012 to ensure that the Finance Bill is processed within the statutory timelines.
2. **THAT** henceforth the department should use the recently enacted County Revenue raising legislations to conform to the style and format of a Finance Bill while preparing the Bungoma County Finance Bill.


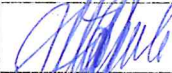
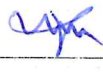


3. **THAT** the Revenue Directorate should fully automate revenue collection to embrace fully a cashless revenue collection system, except in rare circumstances. This will reduce leakages and improve domestic revenue generation and revenue administration and management.
4. **THAT** the Finance and Economic Planning department should be fully in charge of all the revenue streams including Appropriation In Aid (AIA) in all the sector departments of the County Government of Bungoma.
5. **THAT** the following Bills to be fast-tracked by respective sector committees to enhance revenue collection in the County:
 - a) The Construction and Development Bill
 - b) The Bungoma County Public Health and Sanitation Bill.
 - c) The Bungoma County Animal Welfare Control Bill.
 - d) The Bungoma County Rating Bill
6. **THAT** the sector committee on Lands, Urban and physical planning and Housing should fast-track the consideration and submission to the House for approval the valuation role. This will increase the land rates and plot rent and immensely improve revenue collection.
7. **THAT** the Directorate of Revenue should implement all revenue stream items as approved by the County Assembly.
8. **THAT** the County Government should establish key market infrastructure in order to create, nurture and sustain an enabling environment for business growth.
9. **THAT** the County Executive Committee is hereby directed to development regulations for all revenue raising legislation passed by the County Assembly to operationalize them in order to enhance local revenue collection and management.

4.3 Conclusion

Mr. Speaker Sir, the enactment of this Bill into law by this House will serve to provide the much needed legislative framework at the county level for raising local revenue.

adoption schedule

Mr. Speaker sir, we the undersigned members of the Committee on Finance and Economic Planning do append our signatures adopting this report on Finance (Amendment) Bill.2023 with the contents therein.

No.	Name	Designation	Signature
1.	Hon. James Mukhongo	Chairperson	
2.	Hon. Orize Kundu	Vice chairperson	
3.	Hon. Stephen Wamalwa	Member	
4.	Hon. Everlyne Mutiembu	Member	
5.	Hon. Vitalis Wangila	Member	
6.	Hon. George Makari	Member	
7.	Hon. Aggrey Mulongo	Member	
8.	Hon. Everton Nganga	Member	
9.	Hon. Jack Kawa	Member	
10.	Hon. Francis Chemion	Member	
11.	Hon. Tony Barasa	Member	
12.	Hon. Godfrey Wanyama	Member	
13.	Hon. Violet Makhanu	Member	
14.	Hon. Christine Mukhongo	Member	
15.	Hon. Catherine Kituyi	Member	

ANNEXTURES

Annex I : Public Participation Advert

Annex 11 : Public Views

Annex III : Civil societies Views

Annex IV : The Bungoma County Finance Amendment Bill, 2023

Annex V : Adoption minutes

COUNTY GOVERNMENT OF BUNGOMA



OFFICE OF THE CLERK

TELEPHONE: 020 2651905 OR 0208000663, P.O. BOX 1886-50200, BUNGOMA, KENYA,
EMAIL: info@bungomaassembly.go.ke

SUBMISSION OF MEMORANDA ON ADP 2024/2025 AND FINANCE BILL (AMENDMENT), 2023

The Bungoma County Annual Development Plan (ADP) FY 2024/2025 and Bungoma County Bill (Amendment), 2023 have been tabled in the County Assembly and committed to the Committee on Finance and Economic Planning.

Pursuant to Article 196 (1) (b) and 220 (2) (a-c) of the Constitution of Kenya, read together with the County Governments Act, the Chairperson, Committee on Finance and Economic Planning invites members of the public to submit memoranda on Bungoma County Finance Bill (Amendment).

Written memoranda can be hand delivered to the Office of the County Assembly Clerk, County Assembly Building, Bungoma, or emailed to info@bungomaassembly.go.ke; to be received on or before **Wednesday 4th of October, 2023 at 4:30 p.m.**

Stakeholder's engagement will be held on 6th of October, 2023 at 9:00 a.m. in Paskari Nabwoya in the County Assembly, Administration Block.

Members of the public can also submit written memoranda via mail to:

**Clerk of the County Assembly
P.O Box 1886-50200
BUNGOMA**

Copies of the Bills are available at the County Assembly website: www.bungomaassembly.go.ke.

**CHARLES W. WAFULA
CLERK OF THE COUNTY ASSEMBLY
COUNTY GOVERNMENT OF BUNGOMA**





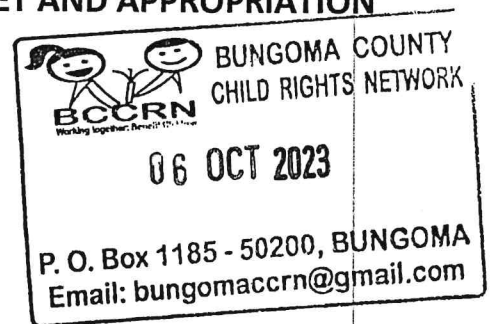
**MEMORANDUM SUBMITTED IN RESPONSE TO THE PROPOSED
BUNGOMA COUNTY FINANCE BILL 2023**

FROM: BUNGOMA COUNTY CHILD RIGHTS NETWORK

TO: THE CLERK COUNTY ASSEMBLY OF BUNGOMA

ATT: CHAIR COUNTY ASSEMBLY COMMITTEE OF BUDGET AND APPROPRIATION

C.C: CECM Finance and Economic Planning
Chief Officer Finance and Economic Planning
Director Revenue



DATE: 06TH OCTOBER 2023

**SUBJECT: BUNGOMA COUNTY CHILD RIGHTS NETWORK INPUT INTO THE
BUNGOMA COUNTY FINANCE BILL 2023**

INTRODUCTION

Bungoma County Child Rights Network (BCCRN) is a Network that brings together all organizations in Bungoma County that works with and for the Child Rights. BCCRN brings together International NGO's, local NGO's, CBO's, FBO's Charitable Children Institution (CCI's) who work in Bungoma in children sector to complement both County and National Government efforts as duty bearers. Our membership stands at fifty-two (52) CSO's spread across the entire County.

ISSUES/RESERVATIONS AND RECOMMENDATIONS

BCCRN lauds the deliberate efforts by the County to develop a comprehensive legal framework that will go a long way in enabling the County to increase revenues generated from within the County in tandem with Article 209(3) and (4) of the



Constitution of Kenya 2010, read together with various sections of the Public Finance Management Act 2012 and the County Government Act 2012.

BCCRN take note of the fact that increasing locally generated revenue will significantly contribute to the County Government being in a position to deliver its commitments to the residents of Bungoma as stipulated by the County Integrated Development Plan **2023-2027**.

The Network begins from the presupposition that the Finance Bill needs to accord to the Principles of the Addis Tax Initiative, in which Kenya is a signatory, which call on countries to enhance their domestic resource mobilization, but at the same time ensure that the taxation system is fair, transparent and efficient.

BCCRN appreciates the County Government for deliberately availing an opportunity to the public to make inputs into this very important draft legislation.

The Network appreciates the efforts of the County Government of Bungoma in its innovative proposals contained in the current Finance Bill; as Civil Society organizations we are delighted to note that some of the proposals we put in the previous memorandums on finance bill for the purposes of increasing own revenue source have been captured. For instance under the County Agricultural services and cess Act 2017 Agricultural produce cess. 1-2450 to 1- 2451 is new revenue stream. we had initially proposed that agricultural products be taxed from the source for instance if potatoes that are from Mt. Elgon that tax should be levied from there same to maize in Tongaren and other agricultural products.

We (CSOs) working in children sector would want to concur with the proposals put forth in the finance bill 2023 a part from a few highlighted under which we wish to propose for considerations for amendment of change.



SECOND SCHEDULE: AGRICULTURE, LIVESTOCK, VETERINARY AND FISHERIES

TRACTOR HIRE SERVICES

1. **Item 1-2070 to 1-2073** we recommend that the Charges for hire of tractor for ploughing be reduced by Ksh. 500. This will make many peasant farmers access the services of the County tractors at an affordable price hence be able to produce food for their families. This will guarantee food security for families and to be specific children in those families. We also recommend that these tractors be located in sub-Counties Agricultural Offices.
2. **Item 1-2085** Kindly clarify what is meant by radius of 5 kilometers. Is it from the Tractor's yard or from where the goods are to where they are delivered?
3. **Item 1-2110 to 1-2115:** while we appreciate the County Government for procuring subsidized fertilizers to farmers, we recommend that the prices be reduced to Ksh. 2,500 this will be in line with the National Government Subsidized fertilizer in embracing the Bottom-up Economic Transformation Agenda. We also recommend that the process of accessing this fertilizer by farmers be simplified. The bureaucracy in place makes it so difficult for peasant farmers to access the fertilizer hence most of them opt to buy the fertilizer from local traders.
4. **Item 1-2428 Milk Cess:** We have all the time in previous Finance bill wanted to know how this Cess on milk is collected especially milk that is brought in from our neighboring Counties. We are loosing revenue on this Item since milk is ferried in Matatus from Uasin Gishu to their delivery point without revenue officers' knowledge. Checks to be mounted at boarder entry point by revenue department to inspect inside all vehicles to establish what they are carrying.



THIRD SCHEDULE: ENVIRONMENT, WATER AND NATURAL RESOURCES

1. **Item 1 – 2703 Car Wash:** Distinguish between large and small Car wash and let the charges not be the same. Those Car wash in urban areas to be charged more on operating license per year.

FOURTH SCHEDULE- PUBLIC HEALTH AND SANITATION

1. **1 – 2168 to 1- 2172 Impounding Charges on roaming animals in CBD towns and Market centres:** This could be very good source of own Revenue Source if operationalized. There are so many animals roaming allover in our towns. This should be implemented if possible and if there is no legislation towards this then we urge our legislators to work on it.

FIFTH SCHEDULE: EDUCATION, CULTURE, YOUTH AND SOCIAL SERVICES

HIRE OF PARKS/STADIA/SPORTS GROUND – KANDUYI, KIMILILI & MULIRO GARDENS

1. **1 – 4204 Funfair renewal Fee:** for the county to encourage people to invest in this venture, we propose the quarterly renewal fee to be reduced from proposed Ksh. 20,000 to Ksh. 10,000. This will open opportunities to our children to access these fun fair activities in our county instead of them travelling to other counties.
2. **Item 1 – 4505 School/Institution,Sporting Activities/ Commercial Activities.** For the purpose of identifying talents within youth, The charges should be reduced to Ksh. 3,000. This will make many youth to access these facilities.

GENERAL RECOMMENDATIONS:

1. County Government should come up with Children Park as own source revenue stream. In this park we can have children funfair where parents can leave their children at a fee which will be revenue to the County.



2. The revenue department should do regular re assignment of their revenue officers to different stations. Once these revenue officers stay in one station for a long time they get acquainted so very much to that environment hence there is likelihood of revenue leakage.
3. The County Government should leverage on the expertise knowledge from Civil Society on matters Monitoring and evaluation.
4. The budget target revenue should be realizable for convenience of realizing set targets.

CONCLUDING REMARKS:

This Memorandum has been submitted in good faith and it's our prayers that Networks recommendations will be put into consideration. Bungoma County stakeholders shall Endeavour to support the County Government in participatory planning and budgeting processes through Child Rights, civic engagement, civic education, information dissemination monitoring and evaluation of the budget making processes and feed backing in order to improve service delivery.

Signed By:

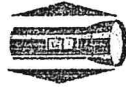
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| 2 David Lupae | ID 22473210 |
| 3. Philip W. Wekera | 13425726 |
| 4. Albert S. Wamalwa | 2078172 |
| 5. Emmanuel Were | 12318048 |
| 6. R3EHOZ COBETH | 11654962 |
| 7. MURONYA M.J. | 13246024 |
| 8. Fred N. Wanyonyi | 23413499 |

BUNGOMA COUNTY CHILD RIGHTS NETWORK

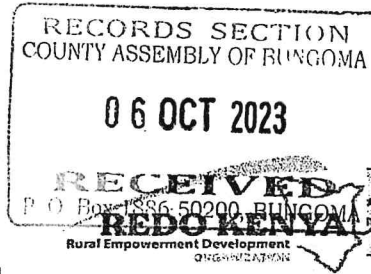
06 OCT 2023

P. O. Box 1185 - 50200, BUNGOMA
Email: bungomaccrn@gmail.com

(Handwritten signatures and initials over the stamp area)



Torch Africa



PUBLIC MEMORANDUM SUBMITTED IN RESPONSE TO THE PROPOSED BUNGOMA COUNTY FINANCE BILL FOR THE FINANCIAL YEAR 2023/24:

TO: THE CLERK OF THE COUNTY ASSEMBLY OF BUNGOMA

TO THE CHAIRMAN OF THE COMMITTEE FOR FINANCE AND ECONOMIC PLANNING

FROM: BUNGOMA CIVIL SOCIETY ORGANIZATION FORUM (BCSF) MEMBERS

DATED: OCTOBER 6, 2023

SUBJECT: BUNGOMA CIVIL SOCIETY FORUM (BCSF) OBSERVATIONS, INPUTS AND RECOMMENDATIONS ON THE COUNTY GOVERNMENT OF BUNGOMA FINANCEBILL FOR THE FINANCIAL YEAR 2023:

1. BACKGROUND INFORMATION:

Bungoma County Civil Society Forum is an informal Network that brings together over fifty (50) civil society organizations working on various thematic areas, particularly in the sector of governance, human rights, planning, policy making and budget tracking, prudent financial management and social accountability, Policy advocacy, public participation, civic education and citizen engagement and feedback through score cards and social audits.

The Consultation and Review Process of the Draft Finance Bill 2023:

The Bungoma Civil Society Organizations Forum (BCSF) has separately and collectively with the CSO representatives from the 9 sub counties of Bungoma and other stakeholders interrogated the Finance Bill 2023. In addition to the specific and itemized observations and recommendations contained in our Memo, we wish to flag out a few observations, concerns and make recommendations for consideration by the duty bearers in the County Executive Committee's Department of Finance.

The Finance Bill 2023 has been prepared inline and in tandem with section 132 of the PFM Act, 2012 which seeks to provide for the revision of various taxes, fees and charges for the services and other revenue raising measures by the County Government; and for the matters incidental thereto.

BCSF acknowledge the positive gesture and efforts by the County Government of Bungoma to make public participation a reality in line with the County Public Participation Act 2016. We also appreciate the County Government creativity and innovativeness in its Endeavour to increase local revenue generated from different goods and services in sectors and sub sectors within the County. This is supported by the main legislations mentioned herein:

1. Bungoma County Trade Licensing Act 2017
2. Bungoma County Agricultural Produce Cess Act 2017
3. Bungoma County Parking Management Act, 2017
4. Bungoma County Public Markets Act, 2019
5. Bungoma County Revenue Administration and Management Act, 2019
6. Bungoma County Alcoholic Drinks Act 2015
7. Bungoma County Property Hire and Lease Act, 2017

The participation of the civil society and the general public is in tandem with Article 209(3) and (4) of the Constitution of Kenya 2010, the County Integrated Development Plans (CIDPs) 2013-2017, 2018-2022, 2023-2027 as read together with various sections of the Public Finance Management Act, 2012 and Part 8 and Part 10 of the County Government Act 2012, titled Public Participation and Civic Education, respectively .

The cardinal principles and values of public participation in governance and development are aptly captured in Articles 1, 2, 3, 4, 6, 10, 22, 33, 35, 46, 47, 48, 50, 73, 118,119, 183, 185, 196, 201, 209(3) & (4), 220(2), 258, 259 and 260 of the Constitution of Kenya 2010 as read together with Part 8 and 9 of the County Governments Act, 2012 and Section 125, 157 & 160 of the Public Finance management Act, 2012 and Public Finance Management Regulations, 2016.

We hereby make reference to; Article 201(a) of the COK 2010 which states that *“there shall be openness and accountability, including public participation in financial matters” read together with section 115 of the County Government Act which emphasizes that “Public Participation in the County planning processes shall be mandatory”*

We take this opportunity to sincerely thank the Office of the Clerk, Speaker and the Committee of Finance and Economic Planning in the County Assembly of Bungoma for inviting us to this important Stakeholders’ Consultative Forum. We take this golden platform to seek clarifications and make our input on the Finance Bill 2023:

DRAFT FINANCE BILL 2023 AT A GLANCE

No	Schedule	Proposed Amendments
1.	Finance and Economic Planning- Administration Charges	The Government of Bungoma is losing a lot of revenue due the leakages and indiscipline by the revenue staff. We therefore recommend for the Introduction of penalties for financial impropriety by County Government Revenue officers. ✓
2.	Agriculture, Livestock, Veterinary and Fisheries – Animal Control and other Agriculture Related Fees	Increase prices for various products from Mabanga ATC demonstration farm
3.	Environment, Water and Natural Resources- Royalties on Natural Resources and Noise Pollution	<ul style="list-style-type: none"> I. Introduce new charges for royalties for transportation of building and construction materials II. Introduce charges for recovered waste materials and waste collection license fees III. Introduce various waste disposal charges IV. Introduce a levy for Environmental Impact Assessment this will be a new revenue stream and widen the revenue base. Start with KES 200 per report ✓
4.	Public Health and Sanitation	<ul style="list-style-type: none"> I. Reduce vaccination fees for food handlers by 30% (code 1-3511 to code 1-3514). This will widen the revenue base as this will encourage more to be in the business ii. Introduce vaccination for hepatitis B
5.	Education, Culture Youth and Social Services	Code 1-4013 and code 1-4015. The registration for CBOs by the County Government should be reduced to KES 2300 and introduce a levy for

		<p>renewals as follows;</p> <ol style="list-style-type: none"> 1. <i>Welfare groups-KES 200 renewal per year</i> 2. <i>CBOs KES 500 per year. This will widen the revenue base and increase revenue collection for the County</i> 	
6.	Lands, Urban and Physical Planning - Property Rates and Other User Fees	No changes	
7.	Lands, Urban and Physical Planning- Physical Planning Fees	No changes	
8.	Housing and Sanitation- County House Rent	No changes	
9.	Lands, Urban and Physical Planning- Signage and Advertisement	No changes	
10.	Roads, Public Works and Transport- Access Roads and Fire Compliance Charges	<ol style="list-style-type: none"> I. The County Government of Bungoma Should Consider introducing charges for firefighting for highly flammable materials and fire safety training. II. The County Government of Bungoma should come up with a fire fighting policy. 	
11.	Roads, Public Works and Transport- Parking and PSV Stickers	<ol style="list-style-type: none"> I. Code 1-6741 Monthly parking fee for Tuk-tuk transporters should be increased from KES 100 to 1300 per month. II. Consider introducing a daily Parking fee for motorbikes (without annual stickers): Bungoma Town, Webuye, Chwele and Kimilili at Ks.50. This will act as a deterrent to those who do not want register annually at KES 500 III. Consider introducing a penalty for parking vehicles on pavement and other undesignated parking areas IV. Introduce Penalty for driving/riding on a wrong lane on the dual carriage way V. Introduce Penalty for loading/offloading along main streets/ dual carriage way VI. Penalty for picking and dropping 	

			<p>passengers along Moi Avenue</p> <p>VII. Reduce clamping fee for canters and lorries from Ksh. 4,000 to Ksh.2,000 and</p> <p>VIII. Introduce Enclosed Bus park fee for PSV not plying routes in Bungoma County</p> <p>IX. Boda Boda crossing the dual-carriage way other than the designated places like the inter-change and <i>roundabouts</i> should be fined KES 3000 as a deterrent to the traffic offence.</p>
12.	Trade, Energy and Industrialization – Market Fees		<p>I. Reduce market fees for low categories of traders for fruits, vegetable, cereals, fish, charcoal....</p> <p>II. Remove charges for cash payment for all categories under the schedule</p> <p>III. Introduce charges for Open air retail and displays along main streets in Bungoma Town at Ksh.200 per day</p>
13.	Trade, Energy and Industrialization – Business Permits		<p>I. Reduce charges for various categories of small businesses</p> <p>II. Introduce charges for Small Trader, Shop or Retail Service premises in Municipalities, Urban and Rural areas</p> <p>III. Segregate and introduce new charges for general retail wines and spirits</p> <p>IV. Introduce and categorize charges for Chemists</p>
14.	Trade, Energy and Industrialization - Threshold Weights		Under code 202 –The department should categorize charges on Kiosk operators as urban, peri-urban and rural with those in rural areas charges to be reduced to KES 1000 per year and those in peri-urban areas paying KES 1500.
15.	Trade, Energy and Industrialization – Weights and Measures Fees		No changes
16.	Gender – Alcoholic Drinks Licenses		I. Reduce charges for low categories of alcoholic drinks businesses

		<p>II. Reclassify and segregate General retail wines and spirits and bars</p> <p>III. Amend operating time for General Retail Alcoholic Drinks License (off license) wines and spirits retailers (rural or suburban) in line with County Alcoholic Drinks Control Act 2015.</p>
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ROLE OF BUNGOMA CIVIL SOCIETY ORGANIZATIONS FORUM (BCSF) IN THE FINANCE BILL 2023:

Pursuant to our constitutional and legal mandate enshrined in articles 1,2, 3, 4, 6, 10, 33, 35, 36, 37, 43, 47, 50, 18,119, 196, 201 & 209 of the Constitution of Kenya 2010, read together with sections 88 to 101 of the County Government Act 2012 and various sections of the Public Finance Management Act 2012; we hereby state that our overall objective as representatives of BCSF in this platform and context is to make technical contribution in the Finance Bill 2023 as well as identify gaps and make appropriate recommendations for in cooperation into the final document. Our specific objectives are to:

- Identify gaps and shortcomings in the Finance Bill 2023;
- Analyze challenges and prospects in the proposed items, implementation framework and enforcement strategies of the Finance Bill 2023;
- Make specific and general recommendations for improvement of the Finance Bill 2023 and related matters.

BCSF OBSERVATIONS, ISSUES, CONCERNS & RECOMMENDATIONS:

The Penalty for staff or duty bearer’s not receipting/guiding customers to make payment for street parking, market fees and other related charges stipulated at 500 Per Instance is too low. The Penalty should be increased to at least 5000 as a deterrence measure to hell-bent and corrupt revenue collectors (staff).

The increase of rates or charges for Revenue Tractor Hire per trip/ Dry rate from Ksh. 2,000 to Ksh. 5,000 is too exorbitant and too high. It should be reduced to between Ksh. 2500 to 3000/= only.

There is need to implement the charges/ fees for Certificate for keeping pets in Urban Areas, Towns and Municipalities for dogs, cats, reptiles, ornamental birds, pigs, sheep, goats, chicken (poultry) , donkeys, horses and other domestic animals.

BCSF OBSERVATIONS:

- ❖ The Financial Bill 2023 in future be simplified, digestible and user-friendly format and language. It should be widely disseminated to the residents of Bungoma County beyond the 9 Sub County public participation forums to the 45, Wards and 236 village units for the purpose of identity, by- in and ownership.
- ❖ The Certificate of Transport (COT) for Bovine (Cattle) per consignment Ksh. 20 is too low. It should be raised to at least Ksh.100 per consignment.
- ❖ Ploughing (new land) Per Acre, Ksh. 2500 should be reduced to Ksh. 2000 (i.e., should be subsidized by the County Government).
- ❖ Ploughing (old land) Per Acre 2500 is too high for vulnerable women, youth and persons with disability who want to engage in food security and agribusiness in Bungoma County. It should be reduced to Ksh. 2000 per acre.
- ❖ Re-Ploughing (old land) Per Acre 2,500 should be reduced to Ksh. 2500 per acre.
- ❖ Harrowing (new land) per acre be reduced from 1800 to 1500 per acre.
- ❖ There is need to ensure strict enforcement of the law in terms of Impounding charge on roaming animals in CBD in all urban areas, towns & Market Centres and municipalities.
- ❖ We suggest that storage charges on impound Animals per day Cattle per day 400 and per Sheep/Goat per day 200, Dogs per day 100, Pigs per day 500 should be strictly enforced.
- ❖ That cultivation within urban areas, markets, municipalities should be highly discouraged and offenders charged heavy penalties

Q. What is the state of the two (2) Grain Dryers which were bought during the Lusaka Regime? Are they working in Tongaren and Kaptama? We had the Governor on Sulwe Radio saying the County Government will purchase more Grain Dryers to reduce post harvest loses.

EMERGING ISSUES AND CONCERNS:

- ❖ Does the County Government of Bungoma have animal bank, storage facilities or go-down for the impounded animals?
- ❖ We still have animals roaming in Bungoma Town, Webuye Town, Kimilili Town and all the major markets in the County with little or no enforcement of the regulations and by laws. This is an implementation challenge for the Finance Bill for the Financial Year 2023.
- ❖ The County Government of Bungoma should put higher rates for application for heavy industrial plot.

- ❖ The Charge or Fee Charcoal per Debe and per Bag is unfair to small charcoal dealers/hustlers.
- ❖ The Financial Bill 2023 does not provide under Item charges for Land Boundary dispute Resolution per Application.

GENERAL OBSERVATIONS ON THE FINANCIAL BILL 2023:

- ✓ The Bungoma County Finance Bill 2023 is largely a duplication of the County Finance Bill 2022.
- ✓ Some of the itemized proposals in the Finance Bill 2023 are fair but practically difficult to implement in an effective, transparent and accountable manner. For instance, the *issue of taxing dogs roaming in towns and urban centres is a noble idea but not easy to implement because of lack of inventory and identification tags of all dogs in the respective towns and urban centres. This particular item may never be implemented and the Revenue Department may not collect any significant amount of funds unless it puts in place measures geared towards creating an inventory of ownership and identification particulars for each dog or domestic animal.*
- ✓ Indeed, there is need to sharpen the focus on implementation and enforcement strategies, especially in terms of collection of revenue from signposts, temporary tents and chairs used in public and social functions, including weddings, funerals, sports, political rallies and other related events. Currently, very little revenue is collected from the numerous and mushrooming signposts, tents and chairs across towns and urban centres in the County.
- ✓ **We recommend that signposts, tents and chairs should be clearly itemized in the Finance Bill 2023 and the Revenue Department must put in place concrete mechanisms for enforcing collection from such vendors who are minding millions in the said lucrative businesses. There is need to also itemize revenue from mushrooming tree nurseries in urban/centres, towns and market places within the County.**
- ✓ There is need to put in place mechanisms for the Own Source Revenue Generation (OSR) under the framework of Domestic Resource Mobilization (DRM) for the County Government to attain its revenue collection targets. We have observed a trend where the revenue targets are being revised downwards yet the County has the potential to raise more revenue if they put proper fiscal management systems in place and limit leakages and run away corruption among revenue collectors. The automation of revenue collection is a step in the right direction but it is not 100% water tight as we still have cases of under

reporting and stealing of revenue collected . Some cite the issue of network fluctuations, others simply interfere with the automated machines or deliberately resort to manual collections.

- ✓ The Finance Bill 2023 should greatly subsidize the provision of Artificial Insemination (AI) Subsidy (i.e., Convectional Semen).In order to encourage farmers to upgrade their dairy cows and for a start, the Department of ALFIC should charge between Ksh. 50/= & Ksh.100/= for per each AI Service.
- ✓ The charges per consignment of Poultry should be increased since it is a booming business and this can be a new revenue stream and source of domestic revenue.
- ✓ The Grain Shelling Machines are currently under-utilized Maize Dryers that were purchased at exorbitant prices with tax payers funds. There is no value for public funds and the dryers are not only idle but cost infective. The Finance Bill should propose appropriate measures for its optimal utilization at fair and reasonable rate per 90 Kg bag of Maize. It is an important revenue generating service that should be properly managed by the relevant duty bearers in the County Government. The Dryers should be re-located to Tongaren Sub County or any other sub County with high maize production in the County. The County Government should explore ways of making the two(2) dryer's user friendly to maize farmers and cost effective.
- ✓ That the Finance Bill 2023 has not made an appropriate proposal on fair and reasonable fees charged on the three (3)Soil Testing Laboratories by the County Government' Department for Agriculture, Livestock, Fisheries, Irrigation and Cooperatives. This item could be an important source of revenue for the County Government.
- ✓ The Finance Bill 2023 increase CESS Charge for maize and other grain traders, brokers and lorries delivering maize and other grains to our local cereal boards in Bungoma, Webuye and Tongaren from outside the County.
- ✓ The County Revenue Unit should consider charging some special rates on evening and night parking at Sango and Kwa Dina in Webuye, Bukembe and Kanduyi Urban centres along the road reserves to achieve its revenue targets. The County Revenue Unit should consider deploying its employees/revenue collectors on *day and night shifts once the 24 hours & 7 days economic legislation, policy and regulations are enacted by the County Government of Bungoma.*
- ✓ There is need to increase the License Fee for Supermarket and reduce the License Fee for Small Scale Shop Operators and business people. This proposal is based on the fact that

Bungoma County population is a consumer community and supermarkets are minding millions per second, per minute, per hour, per day, per month and per year. Hence the proposed License Fee is a very low yet they make huge profit margins generated from the sales of goods including vegetables and fruits.

- ✓ The License charges for small traders should be reduced by 50% of the current and proposed rates in the Finance Bill 2023. The revenue gap will be compensated by the 50% increase on supermarkets charges. The License Fee should be maintained as low as possible small and medium income traders are struggling because of the COVID19 Pandemic and the skyrocketing inflation negative impact on the economy and the high taxes imposed by the *National Government through the controversial Finance Bill 2023*.
- ✓ The County Government of Bungoma should prioritize more subsidized farm inputs (i.e., Fertilizer and Maize) as opposed to free fertilizer and maize seeds to vulnerable groups if at all it is to improve food security. Some of the recipients of the free farm inputs end up selling them at throw away prices.
- ✓ The charges should be increased because they make a lot of money from sale scrap metal and even enter into selling properties that are not scrap metal. This should act as a deterrent.
- ✓ The Revenue Directorate should come up with a definition and classification of who "*mama mboga is/are*" and set different rates for each category, without express exemption since there is no law or policy in the national government and or the county government that can exempt any citizen from paying taxes or rates. After defining *mama mboga* and coming up with regulations, then those with small quantities of produce, less say less than one banana can be exempted from paying tax and not blanket exemption.

BCSF SPECIFIC RECOMMENDATIONS FOR IMPROVEMENT OF THE FINANCE BILL 2023:

- There is need to fast track the formulations of county laws, policies and regulations, taking a cue from the highly consultative and collaborative process of the County Health Services Act 2019. The County Government worked closely with the Civil Society to finalize it. We need such collaboration in drafting other legislations, policies and regulations for Bungoma County.
- There's no single slaughter house for pigs in the entire county. We recommend construction of at least 3 pig slaughter houses in Bungoma, Kimilili and Webuye Towns.

- Trade business committees should create a **CESS Development Fund** for maintenance of our markets to improve on service delivery.
- There is need to formulate a new County Valuation Role, since the current one is outdated.
- Vaccination is a challenge to most farmers in Bungoma County and we propose zero charges to motivate them and improve on production.
- We suggest that the charges for keepers of roaming animals in urban areas, towns and municipalities in the Finance Bill 2023 and subsequent years should be doubled to enhance equal responsibility as per the law. The law enforcement agents/officers should confiscate all animals found loitering in any of the towns and urban centres within the County.
- We recommend that the County Government of Bungoma enact an Animal Welfare Legislation or Policy.
- At Page 14 to 16 of the Finance Bill 2023, there is no County Legislation or Policy on Environmental Governance & Management.
- The charges for sand harvest on item 2540 has raised increase in levies.
- Noise pollution as captured under item 2705 at page 13 of the Finance Bill should be controlled and offenders highly penalized.
- There is need for proper legislation, policy and decentralized program of waste management and cabbage collection in each of the 9 sub counties and 45 wards in Bungoma County.
- Need of proper integrated spatial plans for Bungoma and Kimilili Municipalities to spur faster economic growth and development.
- There is need to establish reasonable standard of sanitation in each town and urban centre, with a special focus on the sewerage system, dumping sites and proper solid and liquid waste management system.
- At Page 18 of the Finance Bill 2023, public health based on legal frame work fumigation on forest will depend on number of trees not just per square metre floor area and should therefore be well defined.
- The duty bearers should explain on this issue of welfare of groups under Code 1-4013 to 4015.
- There is need for the County Government of Bungoma to adopt new valuation role to inform property and land rate charges at page 21 of the Finance Bill 2023.

- BCSF observes that it is impossible to enforce charges without reinforcement by public health inspectors.
- We need legislation on county advertisements and signage on outdoor advertisement, especially with regard to political activities in the County.
- We need a County Public Parking Management Act on parking, since parking spaces in towns are limited and not properly zoned or designated.
- The Finance Bill 2023 should provide for spaces and parking fee on motorbikes. New charges of motor bike don't have specific places and charges introduced. We propose designated place for parking for motorbikes.
- The Finance bill 2023 should route for consultation between the duty bearers and stakeholders to determine their take for harmonization of commodity prices.
- There is need for the Review of County Trade License Act 2017 with a view of lowering charges for small business community (*i.e., hustlers who are now sufferers*)
- The Finance Bill 2023, the County Government should review its with *Busaa* legislation/ Act in tandem with the National Government Legislation on Alcohol (*i.e., Alcohol Control Act, 2015*).
- BCSF is deeply concerned that the Tax Holidays proposed by the current County Governor may be difficult to implement in view of the loss of revenue (taxes) in markets that generate good revenue in a given day.
- BCSF suggests that there should be no increment of the Tax regime/ streams be a one-year Tax holiday, as more revenue streams activated to increase the County own source revenue base.
- The County Trade Development Fund should be re-established through a proper legislation and policy within the framework of the hustler National Fund for Small Traders.
- On Natural Resources and mining, Environment, water and Natural Resources should be increased and the Department of Environment and Natural resources should consider organizing sand harvesters in groups or SACCOs and empower them to take care of the river banks and sand sources.
- The proposed charges for PSV Vehicles should be increased as yet another trajectory for revenue decline. The directorate should renegotiate with the SACCO directors for possible increment of charges.
- We further recommend that the Annual Registration for Motor Bike Owners be maintained at Ksh.500/=. We also recommend that the County Government should bring

sanity and enhancing security in the *boda boda* industry each operator should have safety uniform, reflector jacket, two (2) helmets a badge and stage name.

- The County Government in collaboration with the National Police Service should ensure that **No *boda boda* operator** is allowed to carry **more than two (2) passengers** on one motorbike during the day and only one (1) passenger during the night or two passengers but with an escort motorbike rider following it.
- The County Government is yet to enact a *boda boda* policy, legislation and regulations to govern this fast growing sub sector of transport. Unfortunately, the civil society and the general public are yet to be informed of the enactment or existence of an appropriate policy, legal and regulatory framework on *motorcycles/ boda boda* operations in the County.
- The Finance Bill 2023 should Itemize the envisaged revenue collected from several work stations including; Mabanga Agricultural Training Centre (ATC), Mabanga Agricultural Mechanization (AMC), Chwele Fish Farm, Chwele Chicken, Slaughter House and Sangalo Livestock Production Centre. These work stations and county facilities if well managed can generate a lot of revenue for the County Government of Bungoma.
- The County Government should fast track the construction of the the County Aggregated Industrial Park that was recently launched by H.E. Dr. William Samoei Ruto, the President of the Republic of Kenya.
- The County Assembly of Bungoma should also fast track the construction of a modern and well equipped debating chamber and also strive to equip its library.

GAPS IN POLICY AND LEGAL FRAME WORK FRAMEWORK AND RECOMMENDATIONS:

1. The County Executive in liaison with the County Assembly Finance and economic Planning Committee should **draft and formulate a legislation, policy and regulations that will operationalize and transform** some active towns like Chwele, Kamukuywa, Kimilili, Mayanja Vitungu, Misikhu, Webuye, Kanduyi , Kabula, Miyanga, Naitiri, Sirisia, Malakisi, Kapsokwany, Cheptais and Kimaeti markets into **a 24 Hour & 7 Day Economy**. This will greatly boost the revenue collection by the County Government as the revenue staff will work in day and night shifts to collect revenue from business operators. The envisaged transformation should be implemented in liaison with the National Police Service so as to **guarantee security 24/7** in each of the aforementioned towns, market centres.
2. The County Government should consider putting up a motor vehicle repair unit at Mabanga ATC or any other convenient place in order to reduce on the amount of money spent on motor vehicle repairs, servicing and maintenance.

3. The County Government should also consider put up mini petrol stations in each sub county to curb fuel scandals involving county government staff and operators of private fuel stations. This will minimize recurrent expenditure and mismanagement of public funds on fuel and unnecessary and unproductive trips.
4. Currently the County Government of Bungoma does not have a law, policy and regulations on Anti- Corruption vices involving its employees/officials in the Finance & Economic Planning Department and across other departments. As a result, the County has since devolution encountered several instances of corruption, bribery, fraud, diversion of public funds to unplanned projects and general mismanagement of resources.
5. There is need for the Department of Finance and Economic Planning in collaboration with the County Assembly Committee for Finance & Economic Planning to formulate a legislation, policy and regulations for combating corruption, fraud and mismanagement of public resources and county government assets including vehicles, houses and equipment.
6. The sources of Domestic Resource Mobilization (DRM) which can be incorporated and clarified in the Finance Bill 2023:
 - ✓ Disposal of obsolete Assets and Equipment
 - ✓ Public Land recovery and revaluation.
 - ✓ Historical and Cultural sites for Eco-tourism
 - ✓ Children's Parks and Children Museums
 - ✓ Child Care Centres
 - ✓ Public Parks and Recreational Parks
 - ✓ Morturies, cemetery and crematoria
 - ✓ Collection of revenue from all luggage vehicles entering the County
 - ✓ Charge on waste disposal and waste management for commercial and private premises.
7. The County Government should establish key market infrastructure in order to create, nurture and sustain an enabling environment for business growth. This will in turn help in increasing domestic resource generation:
 - ✓ Better Management of Parking lots and Parking Fees which has been leaking and diverted by some hell-bent revenue staff.
 - ✓ Proper Management of Livestock holding grounds in the County
 - ✓ Improvement of Auction Rings across the County
 - ✓ Increase in Market Stalls and leasing out to generate revenue for the County Government.

8. The Directorate of Revenue should establish clear data bank for revenue collection and administration to remove and curb cartels in revenue collection.
9. There is need to establish a competent **County Revenue Authority** or Board to oversee and monitor general revenue management in collaboration with the County Director of Revenue.
10. The Revenue Directorate should fully automate revenue collection so that they can embrace fully a cashless revenue collection system, except in rare circumstances. This will reduce leakages and improve domestic revenue generation and revenue administration and management.
11. Ensure enabling policies and legislation is put in place to enable expansion and enhancement of revenue collection, administration, management and monitoring. This will also enable the county tap into new revenue streams. The following policies and other legal framework should be implemented and those missing be put in place.
12. The County Department of Gender Culture, Youth & Sports does not have appropriate regulations to operationalize the alcoholic drinks and drug substance act, the public entertainment & amenities act, hospitality, public health and sanitation.
13. Fact track the enactment of the Urban and Physical Planning Policy- the County needs to enact – Rating Bill, Policy & Regulations, Construction and Development Policy and Regulations and the valuation role. County Animal Control and Offences Bill with Sanctions and Penalties

PREPARED & SUBMITTED:



**BY: BARASA K. NYUKURI, ID NO. 9996356 KIMILILI SUB COUNTY, KIMILILI
WARD, TELEPHONE 0720369518/0736133441**

&

**EZEKIEL ODEOH ID NO. 11658967, SIRISIA SUB COUNTY, TELEPHONE
0724856015**



(SEE ATTACHED LIST)

BUNGOMA CIVIL SOCIETY FORUM (BCSF):

NAME	ORGANIZATION	SUB-COUNTY	PHONE	ID NO	SIGN
Ezekiel Odeoh	REDO KENYA	SIRISIA	0724856015	11658967	<i>[Signature]</i>
Barasa Kundu Nyukuri	TORCH AFRICA	KIMILILI	0720 369 518	9996356	<i>[Signature]</i>
Fredy Wanyonyi	REDO KENYA	KABUCHAI	0726528486	23413499	<i>[Signature]</i>
Phillip Wanyonyi	CFGG	KANDUYI	0728641006	13435736	<i>[Signature]</i>
UMMI MALOBA	MYWO	KANDUYI			
Abgail Lusweti	CRECO	BUMULA	0706488586		
David wabomba	Business Community	MT ELGON	0707244380		
Edith Nyongesa	Siboti CBO	Bumula	0720212168		
Danstone Ilavonga	AOET-Kenya	WEBUYE EAST	0722615199	9731449	<i>[Signature]</i>
Albert Simiyu Wekesa <i>Wabomba</i>	CFGG	KANDUYI	0722643724	2078172	<i>[Signature]</i>
Emmanuel Were Khaemba	CDS	KANDUYI	0720235978	13318048	<i>[Signature]</i>

THE COUNTY GOVERNMENT OF BUNGOMA
FINANCE AMENDMENT BILL, 2023

Date of Assent:

Date of Commencement: See Section 1

An Amendment Bill of the County Assembly of Bungoma to provide for revision of the various taxes, fees and charges for the services, and for other revenue raising measures by the County Government; and for matters incidental thereto.

ENACTED by the County Assembly of Bungoma as follows-

PART 1

PRELIMINARY

**Short Title and
Commencement**

1.

This Bill may be cited as the Bungoma County Finance Amendment Bill, 2023 and shall come into operation or be deemed to have come into operation on such a date as the County Executive Committee Member for Finance and Economic Planning, with the concurrence of the H.E. the Governor, may appoint and different dates may be appointed for different provisions.

Interpretation

2.(1) In this Amendment Bill, except where the context otherwise requires-

"Authorized channel" means the manner in which a person may effect payment including but not limited to a person or collection agent designated by Committee Member pursuant to section 157 and 160 of the Public Finance Management Act 2012, to collect or receive revenue or other mode of payment as may be prescribed from time to time.

"County Legislations" shall have the meaning given under Article 260 of the Constitution to refer to a law made by a County Government or under authority of the County Assembly; it includes Acts of the Assembly, rules, Acts, regulations and savings.

Executive Committee Member" means the Executive for the time being responsible for matters connected with finance and economic planning in the County.

FINANCE AMENDMENT BILL, 2023

ARRANGMENT OF SECTIONS

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licenses” shall have the meaning accorded to it under the relevant legislation and shall include but not limited trade license.

directions, resolutions, orders and authorizations on or relating to financial management, including the collection and administration of taxes, fees and charges given or issued and subsisting or valid immediately before the cessation of the application of the Local Government Act (now repealed) shall be deemed to have been given, issued or made by or under the authority of the County Assembly until the expiry, amendment or repeal of those directions, resolutions, orders and authorizations on financial management.

Other applicable laws

The amendments proposed under this bill are anchored on two County legislations; Bungoma County Agricultural Produce Cess Act, 2017, Bungoma County Parking Management Act, 2017 and Bungoma County Trade Licensing Act 2017.

I - SCHEDULES

This section sets out the fees and charges for services provided by the county government. It also provides for city business and trade licenses. The charges under this section are for services provided by the County government and they are contained in the schedules below:

SECOND SCHEDULE: AGRICULTURE, LIVESTOCK, VETERINARY AND FISHERIES

PART II

COUNTY AGRICULTURAL SERVICES AND CESS ACT 2017 AGRICULTURAL PRODUCE CESS

Item	Description of fee or Charge on Service	Unit of Measure	Approved Charges 2022/23	Proposed Charges 2022/23
AGRICULTURAL PRODUCE CESS				
MT ELGON SUB-COUNTY				
1-2450	- Pick-up	Per Trip	New	2,500
	- Trailer	Per Trip	New	4,000
	- Canter(4-5 tons)	Per Trip	New	4,000
	-Lorry 7 – 10 tons	Per Trip	New	7,000
	-Lorry above 10 tons	Per Trip	New	10,000
OTHER SUB-COUNTIES				
1-2451	- Pick-up	Per Trip	New	1,500
	- Trailer	Per Trip	New	2,500
	- Canter(4-5 tons)	Per Trip	New	2,500
	-Lorry 7 – 10 tons	Per Trip	New	4,000
	-Lorry above 10 tons	Per Trip	New	7,000

THIRTEENTH SCHEDULE: TRADE, ENERGY & INDUSTRIALIZATION

COUNTY TRADE LICENSING ACT, 2017

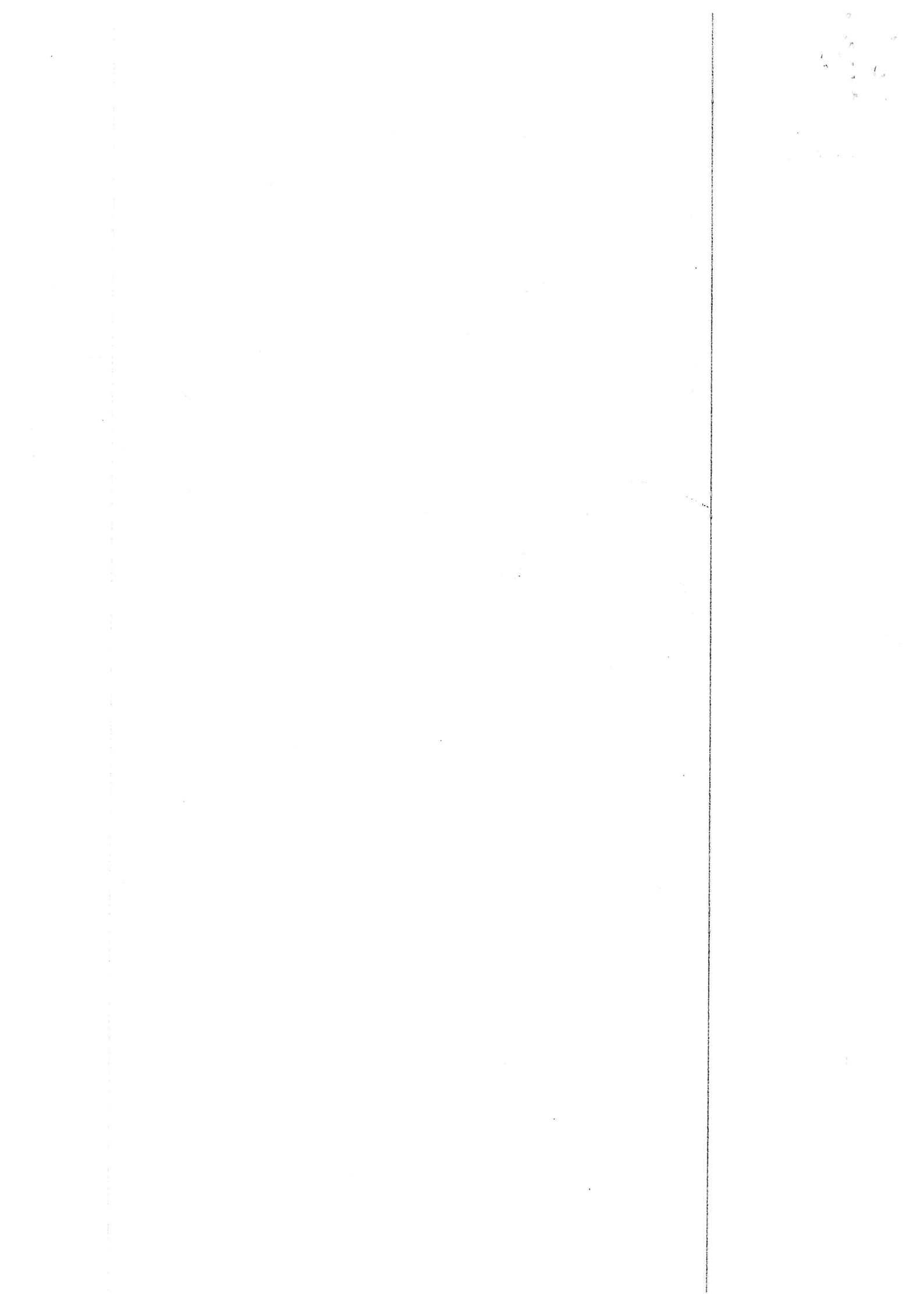
TRADE LICENSES

BRIMS CODE	200: General Trade, Wholesale, Retail, Shops and Services	Approved Charges 2022/23	Proposed Charges 2022/23
206	Kiosk	New	1,800
BRIMS CODE	300: General Trade, Wholesale, Retail, Shops and Services	Approved Charges 2022/23	Proposed Charges 2022/23
340	Large Cold Storage Facility Over 1000 m2 , Insulated walls, cold production equipment	33,000 ✓	40,000
345	Medium Cold Storage Facility from 101m2 to 1000m2 , Insulated walls , cold production equipment	20,000 ✓	30,000
350	Small Cold Storage Facility Up to 100m2, Insulated walls, Cold Production equipment	15,000 ✓	20,000
BRIMS CODE	400: Agriculture, Forestry and Natural Resources	Approved Charges 2022/23	Proposed Charges 2022/23
498	Small Poshomill – Rural areas	New	1,600 1,500

ELEVENTH SCHEDULE: ROADS, PUBLIC WORKS AND TRANSPORT

COUNTY PARKING MANAGEMENT ACT 2017: TRAFFIC & PARKING

Item	Description of fee or Charge on Service	Unit of Measure	Approved Charges 2022/23	Proposed Charges 2022/23
	MONTHLY PARKING (ON OR BEFORE 10TH DAY OF EVERY MONTH)			
741	Tuk-tuk (Transporters)	Per Month	New	1,000 600
	DAILY BUS PARK FEES FOR RELIEVER VEHICLES- APPLICABLE TO PSV SACCOS			
821	PSV (Above 30 passengers)	Per day	New	2,000 1,500
822	PSV (Between 20-30 passengers)	Per day	New	1,500 1,200
823	PSV (Between 11-19 passengers)	Per day	New	1,000 700
824	PSV (Between 7-10 passengers)	Per day	New	500 ✓



**MINUTES OF FINANCE AND ECONOMIC PLANNING COMMITTEE
HELD ON 23RD OCTOBER 2023 AT ATURKAN HOTEL KITALE**

MEMBERS PRESENT

1. Hon. James Mukhongo	Chairperson
2. Hon. Orize Kundu	Vice Chairperson
3. Hon. Stephen Wamalwa	Member
4. Hon. Everlyne Mutiembu	Member
5. Hon. Vitalis Wangila	Member
6. Hon. George Makari	Member
7. Hon. Francis Chemion	Member
8. Hon. Tony Barasa	Member
9. Hon. Violet Makhanu	Member
10. Hon. Aggrey Mulongo	Member
11. Hon. Everton Nganga	Member
12. Hon. Jack Kawa	Member
13. Hon. Godfrey Wanyama	Member
14. Hon. Christine Mukhongo	Member
15. Hon. Catherine Kituyi	Member

MEMBERS OF THE SECRETARIAT

1. Jocktan Kabeyi	Committee Clerk
2. Lucy Imenje	Saa
3. Janet Makhanu	Fa
4. Protus Wanngila	Hansard
5. Evans Mangara	Legal

Agenda

1. Preliminaries
 - (a) Prayer
 - (b) Adoption of the agenda
2. Communication from the Chair
3. Adoption of the report on County Revenue fund financial statement for period ended 30th June 2023.
4. Adoption of the report on Finance (amendment) Bill.2023.

MIN 1/23/10/2023 PRELIMINARIES

1. Prayer. The meeting was called to order at 11.36 a.m. with a word of prayer by the Chair
2. Adoption of the agenda. The agenda for deliberation was adopted on proposal by Hon Aggrey Mulongo and seconded by Hon Catherine Kituyi

MIN 2/23/10/2023 COMMUNICATION FROM THE CHAIR. The Chair welcomed members to the meeting and thanked them for participating fully in the entire process of report writing.

MIN 3/23/10/2023 ADOPTION OF THE REPORT ON COUNTY REVENUE FUND FIANCIAL STATEMENT FOR THE PERIOD ENDED 31ST JUNE 2023.

The chair asked the Committee Clerk to project and read the entire report for members after with a general overview of the report formed basis for members to make their observation out of which the recommendations were arrived at. The the Chair read out the recommendation one by one which Committee agreed to after putting a question..

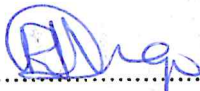
MIN 4/23/10/2023 ADOPTION OF THE REPORT ON FINANCE (AMENDMENT) BILL.2023.

The chair called upon the Legal Clerk to read out the report particularly new charges and those proposed for amendments.

The member agreed with the some new charges and agreed with some amendments particularly those the members of public recommended for amendments.

ADJOURNMENT. There being no other business, the meeting ended at 2.15 p.m. The Committee will reconvene on notice.

Confirmation

Chairman Name.....Hon James Mwachongo.....Signature.....

Date.....23/10/2023.....

Secretary Name.....Duncan Kibey.....Signature.....

Date.....23.10.23.....