

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

THURSDAY 22ND FEBRUARY, 2024

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

THURSDAY 22ND FEBRUARY, 2024

The House met at 9:30 a.m.

(Mr. Deputy Speaker [Hon. Stephen Wamalwa] in the Chair)

PRAYER

COMMUNICATION FROM THE CHAIR

Honourable members, I do have some communication to make,

HEALTH CABINET SECRETARY TO LUCHEON DINNER AT WANANGALI

All the women MCAs have been invited to a dinner luncheon to be hosted by the Health Cabinet Secretary, Hon. Susan Nakhumicha starting at 5:00 p.m. to 10:00 p.m. tomorrow Friday 23/02/2024. This event will be held at Wanangali Sports Club and you are all requested to attend.

ST. FRANCIS OF ASIS MIANGA SECONDARY SCHOOL

In the public gallery is St. Francis of Asis Mianga Secondary School. The students are accompanied by 3 teachers and they are 63 in number, so I will call out the names of the teachers and also ask the students to stand. The teachers accompanying the students are:

1. Khatete Ignatius
2. Edith Shikuku
3. Augustine Barasa.

Thank you so much for choosing to come to learn at the County Assembly of Bungoma. You may be sited.

(Applause)

At an opportune time, we shall allow one lady MCA and another male MCA plus the chairperson of Education to make short remarks.

PAPERS

1. THE COUNTY ASSEMBLY OF BUNGOMA 1ST QUARTER FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30TH SEPTEMBER 2023,

2. THE COUNTY ASSEMBLY OF BUNGOMA 2ND QUARTER FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31ST DECEMBER 2023

Hon. Joseph Nyongesa (Leader of Majority): Thank you, Mr. Speaker. Allow me table the following papers;

The County Assembly of Bungoma 1st quarter financial statements for the period ended 30th September 2023 and the County Assembly of Bungoma 2nd Quarter financial statements for the period ended 31st December, 2023.

(Hon. Joseph Nyongesa laid papers laid on the floor)

Mr. Deputy Speaker: Thank you, Hon. Joseph Nyongesa. Hon. Members, these documents having been laid, they stand committed to the committee on Labour Relations, Members Services and Facilities for processing and reporting back to this House.

REPORT BY THE SECTORAL COMMITTEE ON LABOUR RELATIONS, MEMBERS SERVICE AND FACILITIES ON BUNGOMA COUNTY GOVERNMENT 4TH QUARTER FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30TH JUNE, 2023

Hon. Christine Mukhongo: Thank you, Hon. Speaker. I rise to table the report by the Committee on Finance and Economic Planning on the 4th Quarter financial statement for the period ended 30th June 2023.

Mr. Deputy Speaker: Is that Labour or Finance Hon. Christine?

Hon. Christine Mukhongo: It is Finance.

Mr. Deputy Speaker: Okay fine, just table it, Hon. Christine, I believe you will do it later, they had called out Labour and I believed you were reading Labour.

Hon. Christine Mukhongo: No, I am reading Finance.

Mr. Deputy Speaker: Very well, then you will have to redo it at an opportune time. Let's have the Chairperson Labour to table

Hon. Hentry Nyongesa: Thank you, Mr. Speaker. You see it got me off...

Mr. Deputy Speaker: You were given a knock out.

Hon. Hentry Nyongesa: Chairperson, I was wondering how I have been replaced. I hereby rise to table the report of the sectoral Committee on Labour, Member Facility and Welfare.

Hon. Ali Machani: *(On a Point of Information)* Thank you, Hon. Speaker, I think the member taking up his position is trembling. It is not the chairperson; it is the Speaker. He should relax and point out clearly whom he is addressing.

Mr. Deputy Speaker: Thank you, Hon. Machani Mutoka. Hon. Hentry Nyongesa, member for Bumula, Chairperson Labour relations, can you table the document.

Hon. Hentry Nyongesa: Mr. Speaker, as the member is putting it, you become perplexed when certainly you find your position has been taken over by one member, in fact who is not a member of that Committee.

(Laughter)

I rise to table a report on the Committee on Labour Relations, Member Services and Welfare on the Financial Report on the last quarter ending 30th June, 2023.

(Hon. Hentry Nyongesa laid the Paper on the floor)

Mr. Deputy Speaker: Thank you, Hon. Nyongesa. You are trembling and you know you are tall so when you tremble everybody sees you.

Hon. Members, a report by the Committee on Labour Relations, Member Services and Facilities having been laid is now the property of this House.

**REPORT BY THE SECTORAL COMMITTEE ON FINANCE AND ECONOMIC PLANNING ON THE
BUNGOMA COUNTY GOVERNMENT 4TH QUARTER FINANCIAL STATEMENTS FOR THE PERIOD
ENDED 30TH JUNE, 2023**

Hon. Christine Mukhongo: Thank you, Hon. Speaker. I rise to table the report by the Committee on Finance and Economic Planning on the 4th Quarter financial statement for the period ended 30th June, 2023. I table.

Mr. Deputy Speaker: Thank you, Hon. Christine Mukhongo. Hon. Members, a report by the Committee on Finance and Economic Planning on the 4th quarter financial statements for the period ended 30th June, 2023 having been laid in a procedural manner before the House now becomes the property of the Assembly.

NOTICES OF MOTION

**REPORT BY THE SECTORAL COMMITTEE ON LABOUR RELATIONS, MEMBER SERVICES AND
FACILITIES ON THE BUNGOMA COUNTY GOVERNMENT 4TH QUARTER FINANCIAL STATEMENTS
FOR THE PERIOD ENDED 30TH JUNE, 2023**

Mr. Deputy Speaker: You can now issue the notice and please no one has taken your space so you can relax.

Hon. Hentry Nyongesa: Thank you, Mr. Speaker. I hereby rise to issue a notice of motion that this House adopts the report by the sectoral committee on Labour Relations, Members Services and Facilities on the Bungoma County Government 4th Quarter financial statements for the

period ending 30th June, 2023 with respect to the department of Labour Relations, Members Services and Facilities. Thank you.

Mr. Deputy Speaker: Thank you, Hon. Hentry Nyongesa. Hon. Members, a notice of motion having been issued in a procedural manner, I therefore direct that it be circulated to all members of this House for their critical perusal and in depth consumption and it forms part of business that shall be considered by this Assembly after scheduling by HBC.

**REPORT BY THE SECTORAL COMMITTEE ON FINANCE AND ECONOMIC PLANNING ON THE
BUNGOMA COUNTY GOVERNMENT 4TH QUARTER FINANCIAL STATEMENTS FOR THE PERIOD
ENDED 30TH JUNE, 2023**

Hon. Christine Mukhongo: Thank you, Hon. Speaker. I rise to issue a notice of motion that this House adopts a report by the Committee on Finance and Economic Planning on the 4th Quarter financial statements for the period ended 30th June, 2023.

Mr. Deputy Speaker: Thank you, Hon. Mukhongo. Hon. Members, a notice of motion having been issued in a procedural manner, I therefore direct that the same to be circulated to all Honourable members of this House and it forms part of Business that shall be considered by this Assembly after scheduling by HBC.

QUESTIONS AND STATEMENTS

**BUSINESS OF THE WEEK COMMENCING TUESDAY 27TH TO THURSDAY 29TH FEBRUARY
2024.**

Hon. Jacob Psero: Thank you, Speaker sir. Allow me to table the weekly programme of the business of the County Assembly of the week commencing Tuesday 27th to Thursday 29th February 2024.

Tuesday 27th February, 2024 at 2:30 p.m.

Papers

1. Report by the sectoral Committee on Education and Vocational Training on the Bungoma County Government 4th quarter financial statement for the period ended 30th June 2023 in respect to the department of Education and Vocational Training.
2. Report by sectoral committee on Trade, Energy and Industrialization on the Bungoma County Government 4th Quarter financial statement for the period ended 30th June, 2023 with respect to the department of Trade, Energy and Industrialization

Notice of motion

1. That this House adopts the report by the sectoral Committee on Education and Vocational Training on the Bungoma County Government 4th Quarter financial statement for the

period ended 30th June, 2023 in respect to the department of Education and Vocational Training

2. That this House adopts the report by the sectoral committee on Trade, Energy and Industrialization on the Bungoma County Government 4th Quarter financial statements for the period ended 30th June, 2023 with respect to the department of Trade, Energy and Industrialization

Motion

1. Report by the sectoral committee on Health services on the Bungoma County Government 4th quarter financial statement for the period ended 30th June, 2023 in respect to the department of Health and Sanitation.

Wednesday 28th February, 2024 at 9:30 a.m.

Papers

1. Report by the sectoral Committee on Health Services on the management of level 4 hospitals in Bungoma County
2. Report by the sectoral Committee on Public Administration and ICT on the status of the devolved units in Bungoma County

Notices of Motion

1. That this House adopts the report by the sectoral Committee on Health Services on the management of level 4 hospitals in Bungoma County.
2. That this House adopts the report by the sectoral Committee on Public Administration and ICT on the status of the devolved units in Bungoma County

Motions

1. Report by the sectoral committee on Gender, Culture and Social Welfare on the Bungoma County Government 4th quarter financial statements for the period ended 30th June, 2023 with respect to the department of Gender and Culture

Wednesday 28th February, 2023 2:30 p.m.

Papers

1. Report by the sectoral Committee on Trade, Energy and Industrialization on the status of markets in Bungoma County
2. Report by the sectoral Committee on Finance and Economic Planning on Bungoma County receivers of revenue financial statements for the period ended 30th June, 2023.

Notices of motion

1. That this House adopts a report by the sectoral Committee on Trade, Energy and Industrialization on the status of markets in Bungoma County
2. That this House adopts a report by the sectoral committee on Finance and Economic Planning on Bungoma County receivers of revenue financial statements for the period ended 30th June

Motions

1. A report by the sectoral committee on Public Administration and ICT on the Bungoma County Government 4th quarter financial statements for the period ended 30th June, 2023 with respect to the department of Public Service Management

Thursday 29th February, 2024 at 2:30 p.m.

Papers

1. Report by the sectoral Committee on Youth and Sports on the status of Ajiri centre
2. Report by the sectoral Committee on Tourism, Environment, Water and Natural Resources on establishing of the viability of tourist attraction plans in Bungoma County by the department of Tourism, Environment, Water and Natural Resources

Notices of Motion

1. That this House adopts the report by the sectoral Committee on Youth and Sports on the status of Ajiri Centre
2. That this House adopts a report by the sectoral Committee on Tourism, Environment, Water and Natural Resources on establishing the viability of tourist attraction plans in Bungoma County by the department of Tourism, Environment, Water and Natural Resources

Questions and statements

1. A statement informing the County Assembly of the weekly business coming before the House from Tuesday 5th to Thursday 7th March 2024

Motions

1. A report by the sectoral Committee on Labour Relations, Members Service and Facilities on the Bungoma County Government 4th quarter financial statements for the period ended 30th June 2023 with respect to the County Public Service Board and the County Assembly Service Board.

Mr. Deputy Speaker: Thank you, Hon. Maruga Psero, member for Chesikaki for presenting the tentative weekly programme of Business for the County Assembly commencing Tuesday the 27th to Thursday 29th February 2024. Acquaint yourselves with the programme so that you know exactly what business will be coming up in the coming week.

APPRECIATING STUDENTS FROM ST. FRANCIS OF ASIS MIANGA SECONDARY SCHOOL

Mr. Deputy Speaker: May I take this time now to give a window so that we can make short remarks about this good school called St. Francis of Asis Mianga, the member for Kimaeti is in, Hon. Jackson Wambulwa who is also the Chairperson, Budget and Appropriation Committee.

Hon. Jackson Wambulwa: Thank you, Hon. Speaker. I am humbled that you have given me an opportunity to address this House regarding the visiting school which hails from my Ward. It is one of the old schools within my Ward which is actually the most populated.

It is a mixed school located around Mianga Market and it has been there for all these years and as a community, we have given it support. I want to urge the teachers and students who have come with the students today that you are welcome to this County Assembly of Bungoma; this is a replica of the National Assembly.

As you have seen the Order Paper for next week that has been read in this house, those are the agendas from different committees that will be before this House.

I want you to work hard and more so remember that tomorrow is bigger than today. You see these members who are sited here, they are representatives of the people; some were elected and others nominated by political parties to come and represent different interests.

I am here as Jack Wambulwa but remember tomorrow is supposed to be you. You have to remember that you are not just there to go to school and waste your time but your parents want to see you different from what you are.

Being a member of the Board of Management of Mianga, we have put measures in place to make sure that this school performs this year and these are the form fours. Out of these students who are here, there are some that want to join university in the coming financial year. I want to appeal to my colleagues that as we push our bursaries to be released on time, let's assist the needy and bright; that is what is required. Students so if you are not bright and you are not needy and you miss out, don't say maybe members have gone against what you had requested. It is not even us members; we have committees that are set to confirm eligibility.

I want to tell you the role of the County Assembly, it oversees, representation and legislation. That is why you are here to learn and I know majority of you are historians. I want to wish you

that in future you will come and represent me here as a member of Kimaeti, West Bukusu, Tongareni or any other areas within Bungoma County.

As leaders, we want to urge you to be disciplined, always be attentive to your teachers, take time when you have not understood the lesson that you have undergone to reach out to teachers so that you can be explained because we want to see your future bright.

I do not want to waste a lot of time because my colleagues here want to address you. I will be with you thereafter. I want to urge the House to contribute towards St. Asis Mianga Secondary School. Where I am sited is the majority party, the other side is the minority party and that is how we sit, *hakuna madharau*, we cannot underrate one another, we are all leaders, we represent different interests and that is why we are together working as a team.

(Applause)

Mr. Deputy Speaker: Thank you Hon. Jackson Wambulwa member for Kimeti who is also the Chairperson of the Committee on Budget and Appropriation for this County. I can see the Hon. Hentry Nyongesa member for Bumula, the sub county that the school is domiciled, make your remarks

Hon. Hentry Nyongesa: Thank you, Mr. Speaker. I am hearing the sound coming out very clearly that *wa Sudi* and I wish that we end it because where we are going there is no Sudi and others but...

Mr. Deputy Speaker: But member you are sited next to Sudi there.

(Laughter)

When you talk of Sudi, maybe I am wrong because you are sitting next to Hon. Sudi Isaiah Busolo and you are demeaning the name.

Hon. Hentry Nyongesa: Thank you, Mr. Speaker. I only want to justify that let it not be him that enjoys alone, it is a big catchment area.

Mr. Deputy Speaker: Don't be envious.

Hon. Hentry Nyongesa: I want to take this opportunity to welcome our school by the name St. Francis of Asis - Mianga. I also want to take this opportunity to let this House know that most of the students in that school come from across Bumula Constituency and almost a third of them come from my Ward.

I want to take this opportunity to thank the teaching fraternity of that school for they have been friendly; this school is a school that has a good number of students going to the university and is preparing citizens of this Country to prosper as opposed to being house maids and boda boda riders.

I take this opportunity to laud the school and say as leaders of that sub county, we are ready to support such institutions that are ready to take our students to a higher level.

I know the students that are in the gallery are taking Geography and more so English. I am saying this Mr. Speaker because I remember when I was at a school, every Friday we had a debating session where Hon. Wambulwa has said that we had opposition and the government. In my school I was representing the government and up to today I am representing the government side.

Although Hon. Wambulwa touched on it lightly that we have the government and the opposition and that is even coming out in the constitution of this Country under the bipartisan talks that we are going to create a very serious office called Official Opposition Leader. As we are sited here, the students must know that we have opposition and the work of opposition is very clear, to keep checks and balances.

Two, all of us are giving checks and balances but as I have said we have a side that represents the government which defends the government and the opposition gives the checks and balances and that should come out clearly.

I want to wish that St. Asis of Mianga continues pushing the wheels as it has done before so that it becomes a shining star.

Otherwise, I rest my case and I wish them the best with the struggle they are putting in place.

Mr. Deputy Speaker: Thank you, Hon. Hentry Nyongesa. Members, you heard him very clearly he was trying to own the school, so he took it away from Hon. Sudi and Kimaeti and a big junk of it was taken to his Ward. That is interesting. Let's have a lady, the Hon. Katila Maurine.

Hon. Moureen Wafula: Thank you, Hon. Speaker. I want to appreciate the teachers of St. Francis of Asis Mianga from Kimaeti Ward. I also want to appreciate students for making this day a successful. I want to thank the parents of the school for giving us the best leader from Kimaeti Ward who is Hon. Jack Wambulwa, he is very good representative in this Assembly.

Secondly, education is all that you students need to change your future. Nelson Mandela once said education is the most powerful weapon which you can use to change the world. I want to urge you students to respect your parents and your teachers. Also create time for your God, study hard and leave the rest to God. You are future leaders and the community needs you.

Mr. Deputy Speaker: Thank you, Hon. Moureen. I want to also bring in another female member who is a teacher, Hon Rugut.

Hon. Angeline Rugut: Thank you, Mr. Speaker for giving me this chance to also address the students of St. Francis of Asis, I wish to welcome you to our County Assembly. I want to address the teachers; yours is a noble profession, I am a retired teacher having served for 32 years. I want

to urge you to prepare yourselves, you know the demands of the works that you do and you don't have time to really invest for your life. So I want to encourage you to always spare time to do something for yourselves, because when retirement comes in you may not have the chance to invest for yourself. Times are difficult so whenever you squeeze time make sure you do something that grows you as a person.

To the students, there is only one rule; stick to the school rules and your life in school will be so simple. Do what teachers expect of you, and these teachers always want the best for you always respect them and use your common sense. If you want to be a teacher in future live for that dream, carry yourself as a teacher. If you want to be a doctor in future carry yourself as one. We wish you well and God's blessings. Have a good day.

(Applause)

Mr. Deputy Speaker: We come to the chairperson Education; let's have CPA Everton Sifuna Nganga, member for Sang'alo East and Chairperson Public Accounts and Investments Committee.

Hon. Everton Nganga: Thank you, Hon. Speaker for giving me a chance to make my comments about the visiting School that is Mianga Secondary School. In most cases they only question teaching techniques in the classroom. Learning trips are also learning techniques which are important, the way they have come to see what happens at the County Assembly of Bungoma. This brings reality and memorization; I thank you teachers from Myanga Secondary School. Teachers looking at teaching continuum, you do a lot of work in terms of giving notes, define terms and issues to students and I must agree that you are doing a good job.

I urge Students to maintain respect to your teachers and God will uplift you in your endeavors. Lastly, students when you go back home please tell your parents that they did a good job to elect Hon. Jack Wambulwa who is the Chairperson of Budget Committee in this Assembly. Students those ward bursaries that you get because of you elected leader. I end there to give a chance to other members to make their comments.

Hon. Benjamin Otsiula: Thank you Hon. Speaker for giving me this opportunity on behalf of Education Committee to pass a word of encouragement to the students. I also extend appreciation to Hon. Nganga for showing respect in by shortening his contribution.

First of all, I also wish to join colleagues in thanking the teachers in this particular institution for the work they are doing. On behalf of the teachers and students and parents of Bumula Sub-County especially my senior brother Hon. Jack Wambulwa, I laud him because he has informed me that he is doing a lot of work in that school. I know he has been disbursing bursaries to needy students in that institution. I applaud his efforts and should continue working hard in the House because he sits in the Budget Committee and whenever we ask for money to get for bursaries, he

has always supported together with the entire committee to ensure that our students are getting the required materials.

I want inform the teachers present before this House to understand the House is enriched with several teachers. On my second left is Hon. Psero Maruga, a former Principal Cheptais Boys High School, we have Hon. Tendet, Hon. Christine Mukhongo, Hon. Angeline Rugut a Senior Lecturer at Moi University, Hon. Aggrey Mulongo who teaches *Gumbaro* in Kimilili and our Deputy Speaker who runs a group of schools..

(Applause)

Therefore, this House is enriched and we are still being educated and taught as Hon. Members and I can assure you that teaching profession is noble.

To our students on a learning spree at this particular place, I wish to remind the students that this is their chance as one of the Hon. Members has put. Let them take the four years in that school seriously, maximize on your time because you may never get another chance again. The law is there and you are enjoying basic rights under Article 53 of the Constitution, it is a right but remembers unless you take advantage of that right, you will come out of school after four years empty handed. It is a challenge to ensure that you are putting into practice whatever you are taught to reflect at the end of the four year in school.

Now that you came here to learn what Hon. Jackson Wambulwa pointed out that the House on the right side is the majority side or the government side which is led by the Leader of Majority who transacts government business on behalf of the County Government, on the left hand of the House is a Minority side led by the Leader of Minority. They are also called the opposition side; this is for the students to understand. Whatever they are seeing in front here is called a mace which symbolizes the authority of the House. Without the mace the Hon. Speaker cannot be able to conduct the business of this House. You have to look at it keenly at it. We have the Sergeant-at-Arms who ensures that the proceedings are orderly and safety of the House.

In front of the Speakers, these are our Table Clerks who organizes the Order Paper for the House and they direct the Speaker on how to moderate and control the deliberations in the House. We also have the HANSARD system; you can see me addressing here live and when we are relayed on TV this evening 7.00 p.m, you have the opportunity to say that I saw these members sitting in the Assembly live.

The HANSARD system records the proceedings of this House and if you want to access what Hon. Nganga and other members said today, that you do this from the Hansard department.

Finally, I want to remind them that this House plays three roles; we represent, legislate and also oversight. They have to know that this House approves the budget that runs the government of the day. With those many remarks, allow me rest as I wish our teachers and the students the best.

(Applause)

Mr. Deputy Speaker: For consumption purposes, the Chairperson of Education and Vocational Training is a Lawyer and Advocate of the High Court. May I take this opportunity to also wish St. Francis of Assis Myanga Secondary School all the best. We want to believe that you will not be among the schools that will misbehave this year because we see them happen. As your good name suggest, you are going to stay true to the name because it is said there is a lot in the name. I wish you all the best and to the teachers God bless you, there is no one like a teacher. Even Jesus Christ was a teacher. As you go back to school may it be well with you.

(Applause)

Next item,

MOTION

REPORT BY SECTORAL COMMITTEE ON YOUTH AFFAIRS AND SPORTS ON BUNGOMA COUNTY GOVERNMENT FOURTH QUARTER FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30TH JUNE, 2023

Hon. Allan Nyongesa (Mover): Thank you, Hon. Speaker. On behalf of the chairperson, I am here to move a motion by the Committee of Youth Affairs and Sports on the Fourth Quarter financial statements for the period ended 30th June 2023.

Preamble

It is my duty to present the report by the Committee on Youth Affairs and Sports on the 4th Quarter Financial Statements for the Financial Year 2022/2023 for period ended 30th June, 2023. The Quarterly Financial Statements was tabled in this County Assembly of Bungoma on 26th October 2023 and stood committed to all Sectoral Committees for their interrogation, input and recommendation through a report to this Honorable House.

Committee Membership

The Committee comprises of the following members;

- | | | |
|----|------------------------|---------------|
| 1. | Hon. Violet Makhanu | Chairperson |
| 2. | Hon. Grace Sundukwa | V/Chairperson |
| 3. | Hon. Timothy Chikati | Member |
| 4. | Hon. Metrine Wilson | Member |
| 5. | Hon. Cornelius Makhanu | Member |
| 6. | Hon. Charles Nangulu | Member |
| 7. | Hon. Allan Nyongesa | Member |
| 8. | Hon. Caleb Wanjala | Member |
| 9. | Hon. Idd Owongo | Member |

10.	Hon. Catherine Kituyi	Member
11.	Hon. Dorcas Ndasaba	Member
12.	Hon. Everlyne Anyango	Member
13.	Hon. Abraham Obama	Member
14.	Hon. Martin Chemorion	Member
15.	Hon. Florence Juma	Member

1.3 Guiding principles in the Examination of the Bungoma County Government Quarterly Reports and Financial statements

In the execution of its mandate, the Committee on Youth Affairs and Sports is given a legal backing under the Constitution of Kenya 2010, Public Finance Management Act, 2012, and County Governments Act, 2012. These statutory provisions include:

1. Constitutional Principles on Public Finance

Article 201 of the Constitution of Kenya, 2010 enacts fundamental principles that “...shall guide all aspects of public finance in the Republic...” These principles include, inter alia, that: 201(a) there shall be openness and accountability, including public participation in financial matters; 201(d) Public money shall be used in a prudent and responsible way; and 201(e) Financial management shall be responsible, and fiscal reporting shall be clear.

Section 149(1) (a) and (b) of the PFM Act 2012 provides as follows...”an accounting officer is accountable to the County Assembly for ensuring that the resources of the entity for which the officer is designated are used in a way that is;

- a) Lawful and authorized
- b) Effective, efficient, economical and transparent

2. Direct Personal Liability

Article 226(5) of the Constitution of Kenya, 2010 is emphatic that “If the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not”.

3. Obligations of Accounting Officers

The Public Finance Management Act, 2012 section 166 states as follows;

1. An accounting officer for a county government entity shall prepare a report for each quarter of the financial year in respect of the entity.
2. In preparing a quarterly report for a county government entity, the accounting officer shall ensure that the report—
 - (a) Contains information on the financial and nonfinancial performance of the entity; and
 - (b) Is in a form determined by the Accounting Standards Board.
3. Not later, than fifteen days after the end of each quarter, the accounting officer shall submit the quarterly report to the County Treasury.
4. Not later than one month after the end of each quarter, the County Treasury shall—
 - (a) Consolidate the quarterly reports and submit them to the county assembly;

(b) Deliver copies to the Controller of Budget, National Treasury and the Commission on Revenue Allocation; and

(c) Publish and publicize them

Acknowledgment

I take this opportunity to thank all Hon members of the Committee for dedicating their time to interrogate the Youth and Sports department Financial Statements for the period ended 30th June, 2023. The Committee would also like to appreciate the Secretariat who worked with us for their commitment.

Lastly, the Committee is grateful to the offices of the Speaker and the office of the Clerk to the County Assembly of Bungoma for logistical support received as it discharged its mandate.

It is therefore my privilege, on behalf of the Committee on Youth Affairs and Sports, to table the Report on the 4th Quarter Financial Statements of the department of Youth and Sports in Bungoma County for the Financial Year 2022/2023 for the period ended 30th June 2023.

Report signed by Hon. Violet Makhanu Chairperson, Sectoral Committee on Youth Affairs and Sports.

KEY HIGHLIGHTS ON THE 4th QUARTER FINANCIAL STATEMENTS FOR THE FINANCIAL YEAR 2022/2023

The total budget for the County in the financial year 2022/23 is Kshs. 14,824,138,618 as per the approved 2nd supplementary budget with the breakdown of the sources as indicated below:

- Equitable share Kshs. 10,659,435,192
- Equitable share brought forward Kshs. 867,288,525
- Retention Kshs. 293,425,903
- Conditional grants development partners Kshs. 1,543,377,938
- Conditional grants National government Kshs. 113,228,200
- Local revenue Kshs. 500,000,000
- AIA Kshs. 847,382,860

The financial statement submitted gives an expenditure outlay of Kshs. 14,158,652,597 i.e. Kshs. 665,486,021 less the approved amounts. The difference relates to AIA in the ministry of health for facilities which has been excluded.

Revenue

In the period under review, the County transferred from CRF account to respective operational accounts a sum of Kshs. 11,863,518,430. Kshs. 27,120,967 was received from AIA which translates to 15% of the expected amount of Kshs. 181,896,840.

Exchequer Releases

Total Exchequer releases:

- 1) Quarter 1 Kshs. 1,664,556,086
- 2) Quarter 2 Kshs. 2,409,398,463

3) Quarter 3 Kshs. 2,229,202,353

4) Quarter 4 Kshs. 5,560,361,528

Total 11,863,518,430

The department of Youth and Sports had an annual approved budget of Kshs. 234,154,628, made up of Kshs. 109,476,000 developments, Kshs. 45,086,444 recurrent expenditure and Kshs. 79,592,184 under supplier of credit.

Expenditure

Receipts and payments for the period ended 30th June 2023

Of the Kshs. 11,890,639,396 received during the period under review, Kshs. 11,863,518,430 was from equitable share while Kshs. 27,120,967 was from AIA.

Included in the equitable share were grants received from

- World Bank-NARIGP Kshs. 180,705,535,
- Agriculture Sector Development Support Program II Kshs. 5,344,642,
- Kenya Urban support program Kshs. 3,534,475 and
- Financing Locally Led Climate Action Program Kshs. 11,169,750

Kshs. 2,788,109,602 was utilized on development while Kshs. 9,058,422,012 on recurrent expenditures.

Social security benefits relate to gratuity for Chief Officers, CEC Members paid to provident fund to be paid on expiry of contracts

Kshs. 1,256,268,326 was transferred to the County Assembly

The department of Youth and Sports had a total of Kshs. 37,709,354 absorbed under recurrent expenditure during the period.

Some of the expenses include:

- i. Personnel emoluments Kshs. 15,392,669
- ii. Hospitality Kshs. 5,444,324
- iii. Travel Kshs. 9,824,071
- iv. Other operating expenses Kshs. 13,055,623

The absorption of the Development budget in the period under review was Kshs. 99,637,679, broken down as:

1. Supplier credit with a budgetary allocation of Kshs. 79,592,184 had full absorption which went to Masinde Muliro.
2. Other infrastructure and civil works with an allocation of Kshs.90m had absorption of Kshs. 44,649,207. The major expense was payment for Masinde Muliro stadium Kshs.37m

Accounts Payable

Pending bills had an outstanding amount of Kshs. 97,379,547 at the beginning of the financial year. An allocation of Kshs. 79,592,184 and Kshs. 10,529,973 was made towards supplier credit and pending bills under development vote. Further, Kshs.2.4 M was allocated under recurrent expenditure and was specifically for consultancy services for reviewing of the Bungoma Youth

Fund regulations. Kshs. 91,910,726 was utilized during the period leaving a balance of Kshs. 5,468,821.

Pending bills paid during the period include

- Phase 1 of Masinde Muliro stadium Kshs. 79,905,310,
- Construction of watching stand at Mbakalo Stadium Kshs. 2,493,245,
- Supply, installation and commissioning of kitchen equipment at High Altitude training centre Kshs. 1,350,866,
- Retention on contract for construction of High-Altitude Centre phase I Kshs. 4,786,705
- Supply of sporting equipment for Ndalul Tabani ward Kshs. 3,374,600.

Budget Execution by Programmes and Sub-programmes

Department of Youth and sports had a budgetary allocation of Kshs. 189,068,184. It had absorption of Kshs. 134,292,365.

Sports and Talent development with an allocation of Kshs. 19,525,970 had no absorption

Youth Development services with an allocation of Kshs.5m had no absorption during the period.

Accounts Receivables

The Youth and Sports department had no un-surrendered imprests as at 30th June, 2023.

Committee Observations and Recommendations

Committee General Observations

The committee made the following observations.

1. Sports and Talent development with an allocation of Kshs. 19,525,970 with no absorption.
2. The allocation towards consultancy services for reviewing Youth Fund regulations was not utilized. The regulations are at cabinet level awaiting submission to Assembly for approval.
3. Youth Development services with an allocation of Kshs.5m had no absorption during the period
4. Supply, installation and commissioning of kitchen equipment at High Altitude training centre had expenditure Kshs. 1,350,866. Total contract sum was Kshs. 1,847,540. The work was not fully completed, the department paid for work done and terminated the tender. The works to be retendered are worth Kshs. 496,674.
5. The department has concentrated too much on sports and left out the youth that are not in sports.
6. There was a contract variation on the construction of Phase one of the Masinde Muliro Stadium, Kanduyi from 679, 386,376 to Kshs 807,464,800.60 a total of Ksh 128,078,424 translating to 18.8% from the previous contract.

Committee Recommendations

The following recommendations were made by the Committee:

1. THAT, the Department should ensure that every project they wish to undertake has all the necessary approvals, policies and regulations before including it in the budget.
2. THAT, the Department should hasten the approval of policies that are in pipeline to enable them absorb money budgeted.
3. THAT, the Department should ensure completion and operationalize the Chemoge High-Altitude Training Centre as soon as possible to avoid deterioration of the assets already purchased.
4. THAT, the Department should plan a project that is beneficial to youth who are not interested in sports e.g. cyber cafes where they can go and learn computer, browse and access online jobs, businesses etc.
5. THAT, the Department of Youth and Sports should ensure completion of the Masinde Muliro Stadium as per the stipulated time- 15th June 2024.

The adoption schedule has been signed by all members of the committee.

Lastly, we have the adoption schedule that is signed by all members of this committee. I therefore, call upon Hon. Martin Chemorion to second the report.

(Applause)

Hon. Martin Chemorion: Thank you, Hon. Speaker. First, I want to thank my fellow member of the committee Hon. Allan for taking us through the report. Being a youth I think the way he was presenting the report he was passionate about the outcome especially when he mentioned about diversifying sporting activities meant for the youth.

The county has concentrated on sports only forgetting about building the skills that the youth require. The county is diverse with youth from different background who have different taste and preferences on matters to do with the youth. It is imperative for us as a county to ensure that all the youth are incorporated in the county development programs.

The department has implemented several projects with many grey areas. We could see that there is low absorption on sports development programs which means that there is no effective and efficient utilization of funds and because of this, we are killing the talents of the youth.

On Masinde Muliro-Kanduyi Stadium, the project has been with us for quite some time; we thank God that the National Government under the stewardship of H.E. President William Ruto has decided to take over and the new contractor is going to take over and will fast track the construction and completion of this project. We are going to see the difference how the National Government performs its functions and the county.

It has taken almost two terms and with various variations which are upwards but still the project remains incomplete. If you vary a project by Kshs. 18.8 million without clear contract documents, clear detailed analysis on the items being varied and what necessitated the variations? In the committee we seek for this information which is hardly to come by because when you ask for variation, they will indicate that there is no variation and at the same time they say there is a variation.

As a committee, sometimes we find ourselves between a hard rock and the hard place. It is good to have communication between various stakeholders, the contractor, the client, the project manager and even us who do oversight role to streamline things so that projects are delivered on time to avoid cost overruns. With those few remarks, I second the report.

(Applause)

Hon. Tony Barasa: *(On a point of information)* I want to inform the House that the motion was properly moved by the mover who called up a seconder who was supposed to second the motion before members can give their views. It appears the seconder has issues with the report and therefore, I would like to know if he is seconding the motion or he has issues with the motion. He has already poked holes on their own report. We need to understand or it dies a natural death.

Mr. Deputy Speaker: Hon. Chemorion, were you part of the report, or the work was done without you?

Hon. Martin Chemorion: Thank you, Hon. Speaker Sir. I think I was seconding the motion by highlighting some issues that were observed and the kind of recommendations that we had made. Actually I was seconding the motion and opening the motion for discussion. Also I cannot sugarcoat everything. *Sawa sawa.*

(Laughter)

(Applause)

Mr. Deputy Speaker: Hon. Chemorion, I do not know if you have seconded or not. You know you have talked of *sawa sawa*. I do not know what *sawa sawa* is.

Hon. Martin Chemorion: Mr. Speaker Sir, I had actually seconded in my first remarks.

Mr. Deputy Speaker: Okay.

Hon. Martin Chemorion: So, I am seconding it for the third time so that the House can understand.

(Applause)

Mr. Deputy Speaker: Well, Hon. Members, a motion having been moved and duly seconded, I propose that this House adopts the report by the Sectoral Committee on Youth Affairs and Sports on the Bungoma County Government Fourth Quarter Financial Statements for the period ending 30th June, 2023 with respect to the department of Youths and Sports. I propose!

(Question proposed)

Hon. Jackson Wambulwa Ouma, Member for Kimaeti!

Hon. Jackson Wambulwa: Thank you, Hon. Speaker. As I rise to comment on the report that has just been read before this House, I want to laud Hon. Chemorion for coming out clear on this report and indeed what he has tried to confirm to us is that as much as they went through the report, there are grey areas that were never explained to them clearly.

Looking at Masinde Muliro stadium from the time we started allocating funds and these are public funds to that stadium, they are not telling us the current status and it is now that the National Government wants to take over. More so they are telling us about the outstanding payment to the same stadium whereas in between, they are not telling us also there were variations in between of which to my understanding, variations cannot come in between a project that is on-going.

There is a lot of money that was misappropriated to Masinde Muliro stadium that might even require forensic investigation to confirm actually how much we have pumped in that stadium. I still do not support this report because on matters accountability, there are several projects that were started under Youths and Sports including the High Altitude in Mt. Elgon. We have been pumping money year in year out. That centre is going to take care of our athletes in the County and across Kenya has never been completed just because of the same history, variations. People somewhere are using these projects to make money and it is not proper as a House to continue being told about the incomplete projects and the outstanding funds whereas they are not telling us what percentage these projects are.

For purposes of accountability, I would wish that this report should be forwarded back to the committee to be re-done so that they can give us a clear percentage of the pending projects and how much has been spent on them and how much is remaining.

Mr. Deputy Speaker: Thank you, Hon. Jackson. Next on line is Hon. Ipara.

Hon. Johnston Ipara: Thank you, Hon. Speaker. First of all, let me also extend my regards to the students of St. Francis who come from Miyanga. I saw Hon. Nyongesa struggling to own the students of St Francis and I also want to extend my hand because I also have so many relatives within that particular area.

The students have come today at the right time particularly when the youth matters are being discussed before the Honourable House and I want to say this; That article 55 of our Constitution in the bills of rights obliges the State or the County that they must always comply with affirmative action and also make sure that there are programs that suit the youth groups of this particular county and the country. The first one states that the youths must be allowed to access education with related training and I am happy for them and as Hon. Angeline did it, she did it as a professional ,as a former principal and a career teacher.

We also say that the Constitution says and particularly this was exhibited by Hon. Allan himself who is a youth that youths should be given a level playing ground to exercise that that all of us exercise in this country and that is why today he was in this House and he moved that report. We can clap for Hon. Allan!

(Applause)

But one unfair thing is where this department which is supposed to look on matters of youths is not given to the youths. I think maybe in future particularly you the Deputy Speaker and the leadership of this House we must agitate for the rights of youths in the county and particularly through this department where we appoint the CEC to be a youth because he/she understands...

(Applause)

...what affects the youths.

I say this because the youths are the only very valuable, vital asset that has been given to us and the reason why parents take children to school, we do not take them for formality because it is sort of an investment. We take them so that after completing their studies either they are lawyers, policemen and women ,doctors and in return when they start earning, they will also share what they earn with the local people in the community and when they do that they develop the economy of our local areas and I do not want to take the direction of Hon Jack because I want to believe that this report for the first time, had all the details that are required of a report.

(Applause)

And that is why Hon. Tony was wondering whether Hon. Martin was seconding or opposing but what Martin did was to highlight those grey areas that we need to know and not support blindly just because we come from the Government's side.

I do not want to say that this report should be returned just because of the 679,000,000 which was the initial cost and was increased to 807,000,000 a variation that took place. A procurement Act does not give the limit when variation can be done. Variation can be done immediately on when a contract has been awarded, immediately you discover that there was an omission in the

initial contract, you will apply for variation and give reasons as to why you want that amount to be varied but the issue...

Mr. Deputy Speaker: Hon. Okasida lets give Hon. Ouma! Point of information is for the consumption of the House. Hon. Ipara you are a good professional and I know that!

Hon. Jack Wambulwa: *(On a point of information)* Thank you, Hon. Speaker.

Mr. Deputy Speaker: You are making it on a light note I know. Hon. Wambulwa!

Hon. Jack Wambulwa: Hon. Speaker, with due respect to my colleague Hon Ipara, I want him to be very clear that if he tells us this report has given us everything that we wanted, tell us how much variation has been consumed on Masinde Muliro stadium and at what stage and then I was also keen to know what percentage is remaining now that the National Government is taking over in that report so that as we approve we are very sure that we were at a certain percentage, what is remaining is this, what was varied is this and it was going towards this and that. Once you satisfy me with that, I will be ready to withdraw.

Mr. Deputy Speaker: Well, Hon. Ipara Okasida Johnston you can proceed! Hon. Johnston Okasida:

Hon. Johnston Okasida: Thank you, Hon. Speaker. I want to thank my brother from Kimaeti for the information which I think is not valuable to me at this particular time.

(Laughter)

The reason why I say this is, the report that is being presented to this Honourable House is a Fourth Quarter report, a report of the last quarter of the last Financial Year and the last Financial Year in question is the Financial year 2021/2022 and this particular project has been there for a period of not less than five years and if we talk about 679 ,000,000 which was the initial contract sum, I want to assure this Honourable House with a lot of respect that that money was used up and the variation is what has kept the contractor on site.

What Hon. Jack has forgotten is this; if those contractors were unfair to the Government of the County of Bungoma, today we could be speaking this particular matter before court and Hon. Otsiula who is a respected and learned friend in the court understands that a breach of contract because one, the period of the contract I want to believe has already expired, two, we as the County have never complied with the terms of procurement where you are supposed to make payments frequently and often and when you fail you accrue a penalty of 30%. Therefore Hon. Johnston Okasida Ipara is not the right source to give Hon. Jack the information he requires and him being the Chair of Budget is in a better position.

(Applause)

Let me make this appeal to Hon. Allan, you remember the last time when our Governor visited Tongaren - Kiminini ward and in particular Tongaren market, he presided over or commissioned the starting of a stadium in Tongaren market...

Mr. Deputy Speaker: Hon. Khaoya, point of information! Which information?

Hon. Tony Barasa (*On a point of information*): Mr. Speaker, just for guidance purposes, all issues here should be addressed through the Speaker. I am worried when Hon. Ipara wants to address Hon. Allan at this particular juncture. Let him address the House through the Honourable Speaker not through Hon. Allan. I think that is the guidance.

Mr. Deputy Speaker: Hon. Ipara be guided accordingly. Proceed!

Hon. Johnston Ipara: Thank you Hon. Speaker. I thank Hon. Tony for the guidance. I know it was intended to distract and divert...

(Laughter)

I do not know why Honourable members are laughing.

(Laughter)

Mr. Deputy Speaker: Proceed, Hon. Okasida!

Hon. Johnston Okasida: You remember very well, the former Governor came to Tongaren market and cheated the Honourable people of Tongaren Kiminini ward that the County Government of Bungoma was going to construct a stadium in Tongaren to serve the interests of the young generation around that place and where the world record breaker in 100metres Omanyala comes from and up to today nothing happened and I want as Hon. Allan responds, he should also tell us; One, whether the budget was available, two...

Mr. Deputy Speaker: Order members!

Hon. Johnston Okasida: Two, if the budget was available where was this money diverted to?

Three, what action is the department doing to ensure each of the nine sub counties has a stadium to develop and nurture talent in our County. I submit.

Mr. Deputy Speaker: Very well, Hon. Okasida Ipara.

(Applause)

Hon. Sifuma,

Hon. Sheila Sifuma: Thank you Mr. Speaker Sir for the opportunity to add my contribution to the motion and as I start, I want to thank Hon. Allan for moving such an important motion. As a

young person in this House, I want to say this is very close to our hearts because when we do not plan for the youths, we are not planning for the next generation and the future of Bungoma is at stake.

I want to join all my colleagues who have spoken before me to just say that there are things that are pending in this particular County in terms of youths and there is a lot of focus in terms of sports and other activities around sports that is building of stadia and other infrastructure around sports. However, we are living out the most important aspect which is the young people and in this generation where everything is digital, I feel like it's very important for us to figure out how we can help the young people of Bungoma to be able to be part of the infrastructure and the people who will work on the digital jobs that are to come.

As a country, we are struggling in terms of jobs and there are many jobs online that even our president normally alludes to and I feel like Bungoma County is about time we also jump on that wagon because it's not just locally or in the country but it's also internationally. So, as it has been mentioned on this floor before, there is a great need to be able to tap on the market of ICT to be able to lift the young people of this nation and in this particular day when we have students joining us in the House. I want to say these are the CEC's of tomorrow. They are the Honourable members who will sit in this House in days to come and other important roles in this country so if you are not able to empower them then we will be at a disadvantage.

I think I want to agree with the seconder of the motion that Masinde Muliro stadium has been a cash cow and I do not know how many members of the youth committee are here. However, I feel like at a point in time they need to check that even further because there are other talents in this County like the Omanyala's who come from this County we do not have a particular training facility apart from the one that is being done in Mt. Elgon that can be able to mentor even the Sports talent, rugby and other talents that are in the County.

A point to note about the variations in terms of the budget, I think these are things that need to be addressed by the PAC committee if am not wrong because they are the ones who are charged to do oversight so the minute a member asked another on the floor to respond, I was irked because I feel like that is the responsibility of PAC and I feel like PAC is failing us as a House because they need to look at it no matter how many times we send back the Youths Committee to write these reports, the words, figures and budget will be the same so I do not feel it is a problem of the Youths Committee. I think they did an incredible job showing where the loopholes are, telling us the variations and what we have done as a County and what we have not done.

I now want to raise the mandate back to the PAC committee, if you need to tell us there was misappropriation; the ball is back to you. Thank you for the chance.

(Applause)

Mr. Deputy Speaker: Thank you, Hon. Sifuma Sheila. Hon. Everline,

Hon. Everline Anyango: Thank you, Mr. Speaker. I first of all want to start by welcoming the students and the teachers from Miyanga. Welcome to this House and you have been given pieces of advice that will lead you to a better life. Some of us were one time where we are but here we are today.

Being a member of this committee on Youths and Sports, the committee has done its best putting in mind first of all that this is a department that has had issues.

Extracting information from that department has been an issue ever since this committee was put in place. You call a CEC today, tomorrow she tells you I am not there. Secondly, you call the Chief today, the second day she will say she/he is not there, so everything has always been pending and going round.

We have made several visits to Masinde Muliro. I want to bring to this House that we were even forced sometimes to extract information from the workers on the ground. This Masinde Muliro and the variations is a problem to this County and as a committee, we did not want to sugar-coat anything; we wanted to bring it live. All the grey areas that pertain the projects that are under our watch as a committee.

Ajiri is a project run by an NGO partnering with the County Government of Bungoma and the work of the County Government of Bungoma in this is to pay rent. When we did the audit of the production of the rent that is being paid to this Ajiri, things are not well in the county because the input should be equal to the output.

(Applause)

The rent that is being paid at Ajiri in one year put together can put up a big House and an office can help the County reduce on expenditures. We find that this Ajiri offices are only in Bungoma town and they are serving the headquarter but when you move to Tongaren, or Mt. Elgon who are also taxpayer's of this County and ask the youths there what Ajiri, they do not know. As a committee, we are calling upon the executive to come up well and especially the CEC Youths and Sports to be clear on what the department wants to do to the youths of this County.

We will not sugar-coat things that are not done in the right way or they are not good for the youths. It was once said, youths are the leaders of tomorrow but before this House we have Hon. Allan, Sifuma, Linda but they are not leaders for tomorrow but for today, so youths as a department needs to be taken seriously in this County or from the executive and we will not close our eyes on a few things that we see are derailing the future of our youths. I beg to support.

(Applause)

Mr. Deputy Speaker: Thank you, Hon. Everline Wabwile. Hon. Cornelius Makhanu,

Hon. Cornelius Makhanu: Thank you, Mr. Speaker Sir for giving me this opportunity also to contribute to this motion. First of all, I would like to contribute to laud the mover of this motion Hon. Allan for having moved this motion eloquently. I stand here as a member of the same committee of sports.

As you know our County, 75% of the population is the youths and when it comes to sports, it brings people together. It is a business and creates employment. I am a vivid supporter of sports. From the report, much of our budget in sports department has been to improve infrastructure. We have not been able to allocate money to nature talent. Now that the National Government has come in to take over where Masinde Muliro is, we are lucky as a County

Going forward, much of our budget should focus on nurturing talent. This is a county that is endowed with a lot of talent. This county has produced heroes and heroines. Even in this Assembly of ours, we have an international heroine in the name of Hon. Ndasaba.

(Applause)

She is also a member of this committee. Hon. Dan Wanyama, the Chairman of sports in the National Assembly of Kenya is a son from this County. He is also an international hero. This Masinde Muliro stadium was began in 2018, its more than 5 years now, we have heard variations as members have said.

As a county, I will echo Hon. Okasida; if we do not meet our contractual obligations, that's how pricing for most of our projects is going up because you cannot tell me the price of materials in 2018 and 2023 is the same and as he said, we have been attracting penalties because of delay in payment of our contractual obligation.

As a member also when you go through the observations of the committee, there are grey areas and as my earlier speakers have said, we have tried as a committee and this one maybe I will throw it to the House now. We have had changes in that ministry from Chief Officers, today you meet this one, the next meeting you summon them, you get another one and they seem to be giving different answers.

The last time we had a meeting and wanted to know the status of Masinde Muliro for example, we were told it was about 78% complete but when we paid a visit to that stadium, we are not experts but we realized it was not 78% as they claimed.

We summoned even the director of Public works and he explained it was at 78%. On enquiring about the amount paid so far and the amount of work, he tried to explain sometimes they may even exceed the amount of work that was done and the amount that was paid can even be more then we were wondering how. As a committee, we have tried our best. We have presented this report which I would like the House to adopt but when you go through the observations, we have indicated the grey areas; we have a problem in that ministry.

One, I am sure all the contracts for these projects you have seen lapsed. We have been having extensions, we have tried so many times maybe to get even the BQ's but have not been able to get just like members here even projects in our wards. Sometimes we try to get a BQ, they take you round. We have never seen the BQ of Masinde Muliro stadium to date, so we can also throw it to PAC committee so that if there is any misappropriation, we are not experts, we can throw it back to this House to decide because you cannot tell me a stadium like this one the initial price in 2018 was 600 Million that is phase one, today its 800 Million, it's going to a billion and yet the stadium is far from completion and it's just phase one. So I wonder if it will have phase 2. As they are explaining, it will cost us over 2 Billion. That should be a stadium that should look like the one we have witnessed in Ivory Coast but shall we get value for money, I wonder.

On observation number 4, just kitchen equipment in the High Altitude Centre Chemoge, the contract was about 1.8m then the amount of work that was done was valued at 1.3 and it was paid then the difference is 496,000,000 that is supposed to be re-tendered. Is that not waste of money? You retender that small amount; we were not able to get the explanation as to why this contractor did not supply all the equipment.

I would urge the House to adopt this report not to jeopardize what we are going to get out of the National Government coming to rescue us because this as one said here, has been a cash cow. There were variations that were done, we were just told but there were no minutes to back up those variations. Even as we speak today, there are still variations going on, so I am happy because if the National Government is going to complete this project then we focus on talent nurturing that would save us a lot of money as a County.

We have a problem of supervision of our public works, so in this case as an Assembly we have tried but the executive through the supervision of department of public works, it's not once you have said here or twice but many times. Public works are not doing their job, its only Bungoma where some projects cost so much, we even sought to have a benchmark in other stadia so that we can compare with our own. We were told there is no money but when you look at the project itself, we need to consult widely.

We need to benchmark so that we know what is going on here. We are going to get value for money but as we speak maybe it's a challenge to this Honourable House. Going forward how do we streamline sports in Bungoma Count? As we speak, maybe tomorrow we will get another new Chief Officer or a new CEC so we shall continue, we shall never get to the bottom of this. I therefore throw this back to the House, maybe as a House we have to make a stand and maybe the Public Accounts committee. Otherwise, I submit.

(Applause)

Mr. Deputy Speaker: Thank you, Hon. Cornelius Makhanu. Hon. Tony Khaoya Barasa,

Hon. Tony Barasa: Hon. Speaker, to me it's a sad evening going by the submission from members of the same committee. I was tempted to support the document as ably read by the Chair but going with the submission from the members of the committee and reading the document, whatever they have raised here has not been captured in the document.

I want to give some three examples. We are all not happy with the variations that have been done by the department about Masinde Muliro. It has been a cash cow. They have observed that variations have been done in the same project but go down there the recommendations, they went silent.

They have also flagged out through the submission of the member that Ajiri where the County Government is paying money and if you look into details, the Ajiri is not bringing value for money to this County. If you go through the report, very numbing information like Ajiri County Government paying a lot of money monthly that can build another storey in this County.

The committee having known that, have not observed nor recommended anything about Ajiri. How will we pass a report that has got so many gaps towards that? I can even hear from the submission of members of the committee who have admitted that there are so many issues which we agree but now you admitted we have these issues but you have not observed nor recommended for this House to do an extra thing so how will we pass and they are the ones agreeing here.

I want to remind the committee that they have powers under the Powers and Privileges Act section 18-22 for them to summon, first they will invite, summon and after some penalties, you know that committee has powers like for the high court. Any member, civil servant or Chief Officer, director or CEC if you are invited and you fail to honor the committee's invitation, the Powers and Privileges Act section 18-22 gives the committee powers of the high court. You give the summons stipulated within 7 or 14 days, if they fail, the Powers and Privileges act is very clear, you can impound even 200,000 fine, both or even they can be even sentenced or this House can pronounce to remove them in office but now look at the committee's report. They have not observed anything that maybe we did summons, invitations, gave them these sanctions they did not honor. We have requested this House to either sentence them or even remove them in...

If we really mean well and learning is a continuous process. Maybe the committee did not know about the Powers and Privileges Act, we cannot send this report to PAC unless the committee itself has exhausted all avenues. I want to be guided and if this House passes this and from their own submission, they have admitted on HANSARD that we pass it. To me, we will be doing injustice to this County. Remember we are losing a lot of taxpayers money, paying rent in *Ajiri* and the committee is not observing.

The committee has the powers to summon the CEC and Chief Officers; you have not summoned them. You have the powers to sanction them; you have not done so. To me as Tony Khaoya Barasa of Lwandanyi, I oppose the motion.

Mr. Deputy Speaker: Thank you, Hon. Tony Khaoya Barasa. Let's have Hon. Kennedy Wanyama.

Hon. Ken Wanyama: Thank you, Mr. Speaker. First, I want to applaud Hon. Allan for moving the motion so well. Having listened to contributions from members, it's clear in black and white that there is a huge problem. This is with the two stadiums and the thing they are calling *Ajiri*.

As a member of the Public Accounts Committee that this is in response to Hon. Makhanu and Sheila, the Public Accounts Committee does not invite itself. I listened so well to the recommendations and there is no single recommendation where the committee is saying the matter should be referred to the Public Accounts Committee, so maybe for the membership of this committee and other committees, whenever there are grave issues and you have exhausted all avenues to resolve it, make sure that you put a recommendation that the same matter should be forwarded to the committee of PAC. For me, I will only support this report but with amendments.

Mr. Deputy Speaker: Thank you, Hon. John Kennedy Wanyama. I can see online is our Majority Leader Hon. Joseph Juma Nyongesa!

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. I also want to appreciate the mover of this report and all members that have also participated over it. Actually according to the report, it is not that maybe members will be demeaning the committee members but they are only adding value so that at least what we are doing can be of good value in the future. So that when maybe people will be reading it...

(Applause)

So Hon. Speaker through your own guidance and wisdom we do request the members of Youth Committee to do some panel beating and ensure that it suits this House, because what you are saying is of value and we also add value. So kindly take it positively. So that at least you do some panel beating.

(Applause)

Mr. Deputy Speaker: Hon. Members, you know as you have well debated, I have not seen a member trying to propose that this motion should be returned because it has to be a motion within a motion. I have not seen anybody who suggests that he is proposing and asked for a seconder to come in. So with that in mind, I want to bring back the mover to reply.

(Applause)

Hon. Joseph Nyongesa: Excuse me Speaker, point of information,

Mr. Deputy Speaker: Fine.

Hon. Joseph Nyongesa: In fact my request was through your own wisdom.

Mr. Deputy Speaker: Thank you, Leader of Majority. Let me let them reply.

Hon. Joseph Nyongesa: Another point of information, Mr. Speaker.

Mr. Deputy Speaker: I will make a ruling on it.

Hon. Joseph Nyongesa: Actually, Members, we are not just here for posterity but we are here for issues that actually will help this county. What Hon. Anyango was saying is very critical and was not captured here. So when we request for panel beating, we are requesting that those issues come up, so that at least they can also be captured in this report and it will help even the committee on PAC also to make a follow up. So we are not doing competition or maybe demeaning but we are requesting and even we shall also be requesting our Committee Clerks also to assist members on coming up with such issues. It will help us in future.

Mr. Deputy Speaker: Hon. Leader of Majority, if this motion has to be passed with amendments then we must have a proposer and a seconder that is in order. The Hon. Tony Khaoya

Hon. Tony Barasa: Hon. Speaker, maybe to put everything straight, I want to propose under Standing Order No. 64(b) that says a motion for adjournment of the House or of the debate. Having heard from the membership of the Youth Committee itself that there are some grey areas, I am proposing Hon. Speaker that the same motion to be returned to the Committee of Youth Affairs so that they can go and do the panel beating. I want to ask Hon. Jack Wambulwa to second.

Mr. Deputy Speaker: Hon. Jack Wambulwa,

Hon. Jack Wambulwa: Thank you, Hon. Speaker. As I second Hon. Tony, I want to put it to my colleagues. Nobody is trying to underrate the report. All we are trying to say is that, indeed you had very nice ideas towards this report but those that might have tried to damage you were the Executive and as a House, we must set an example that we cannot be inviting an Executive to appear before a committee, especially a mother committee that oversees the department and they don't appear. Something must be done.

We want to give you time, so that you can summon the CEC and the Chief Officer including the Director to come and give you the good ideas you have been bringing out as members of that committee and these ideas are lacking in the same reports. That's why I want to request the presenter of the report who is Hon. Allan with the team that just be patient we give you back this

report, so that you can call all the technocrats you require including those CPAs we have in this county to come and work out for you the figures of how much variation? How much balance? What percentage of work? So that you can give us actual reports that will be admissible to this House

Like Hon. Tony had put it as a committee, you have the powers to take action against the Chief Officer or the CEC who does not appear before you by even suspending the same CEC appearing in this Assembly. You can decide to penalize the CEC or the Chief Officer even to a half a million or a million shillings. If they don't pay they don't come to the office. So you had the opportunity.

All we want to request you that please take back the report so that you can summon these people to get the clear fact like Hon. Chemorion has said. Otherwise I want to second Hon. Tony that this report goes back to the committee.

Mr. Deputy Speaker: Hon. Members before I propose that question, I know some members are keen because I had called the mover to reply. Yes, I knew that's what you want to come to. But remember that under Standing Order No. 1 and even if the mover had replied but still we had issues then we shall have a motion within a motion. Under Standing Order No.1 we have to understand this is not about anything else.

Honourable Members, a motion having been moved, that this report is given more time for the committee to add flesh by inviting the executive involved so that they can give answers to the questions that the Honourable members are demanding and to clear the grey areas. I want to propose a question for debate that this House adjourns the motion in question so that the committee can completely and extensively inform the House based on information that is missing from the executive. I propose the question.

(Question of motion within a motion proposed)

The Hon. Allan, where are you? Yes,

Hon. Allan Nyongesa: Thank you, Hon.Speaker. I am not replying to the motion, but just to bring information to this House that this report is not about Masinde Muliro Stadium, it is not about Ajiri. It is a quarterly report financial statement. I remember the last time we moved a report on this floor of the House about Youth and Sports, I moved a report on Maeni and Chemoge High Altitude. We gave our recommendations as a committee.

We also had a report on Masinde Muliro Stadium; we gave our reservation on the same. On the issue of Ajiri is coming next week on Thursday. We are having a report over the same.

(Applause)

So on the Ajiri issue; we will be debating on it. Next week Thursday. So I beg members to desist from the issue of Ajiri because it is on our Order Paper. So the issue of Masinde Muliro, we

already addressed on our first report on Masinde Muliro Stadium. We give our reservations, we directed the report to the Committee on Implementation. So we are still waiting for the report from the Implementation Committee, because as a committee, we were not satisfied when it came to the issue of variation and we gave our recommendation on the same.

So I want this House to note that this report is a quarterly report a financial report not a report about Masinde Muliro or Ajiri centre.

(Applause)

So I beg your indulgence Hon. Speaker.

Hon. Johnston Ipara: Hon. Speaker, I want to say it is not because you come with me from the same sub county. Today you exhibited leadership in this House and as I walk out of this House today, I know you will be walking chest out or head up knowing very well, we have an upcoming leader. Let God take care of that.

Those who have been agitating that this particular matter be adjourned and the report returned to the committee were basing the argument on Ajiri which is not subject of the report. I don't know why Hon. Tony gets agitated every time I raise up. Hon. Tony, one thing I want you to learn is this. We don't want these members to be taken for a ride. Where people take advantage hiding on the recommendation we make of the report to run elsewhere to demand.

(Applause)

And I am saying this without the fear of any contradiction and I want also to warn those particular Honourable members who have that tendency that this must come to an end.

Mr. Deputy Speaker: Hon. Ipara, let's have on information from Hon. Tony

Hon. Tony Barasa: Hon. Speaker, information is allowed in this House. We have not come here to quarrel at all. I did not come with the issues like Ajiri. It was submitted on the floor of this House. Not in the report.

Mr. Deputy Speaker: Order members.

Hon. Tony Barasa: But the member of youth submitted it here and we have debated everything and remember it is on HANSARD; we can get it. A member of the same committee brought the issue for Ajiri. How did I come with Ajiri issue here and we are here to interrogate both the views members are giving.

We are not here to quarrel and the way you have guided almost every member who has contributed here apart from Hon. Sheila and Hon. Ipara himself they are the ones who stood with

this and from the word go, I want to stand with this but in my guidance I did not just say but I also guided that if in your calling them or inviting them. If you have been unable, you can invoke Powers and Privileges Act whereby you can summon them. You can find them. We are not doing malice. I stood because of the contributions that were made by Honourable members of that same committee. I don't have any ill motive but as a member elected from Lwandayi, everything that comes to this floor it must have our input.

Mr. Deputy Speaker: Hon. Leader of Majority

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. Actually let's also maintain the Parliamentary language because members are only informed but not warned so I urge Hon. Ipara to use a Parliamentary language. Nobody is here to be warned but to be informed.

Mr. Deputy Speaker: Thank you so much. We will not allow members of the committee now to contribute because they had time to do it. Let me allow Hon. Ipara to complete then I will have Hon. Waiti and Kennedy then we will complete that.

Hon. Johnston Ipara: Hon. Speaker, as a responsible human being and a member from Tongaren/Kiminini Ward, I want to withdraw those particular words, which are not parliamentary as requested by Hon. Nyongesa and Tony. I say in the future, let the rules of this House be followed to the latter and where you accidentally make a pronouncement. Let that pronouncement be final whether it will it does not favor most of us, because that will put you into a category that either we shall respect you or not but for today, you have won my heart.

People have said that the variation that was done, it was not clear. According to the details held in that report, you are holding, in the last observation where the committee clearly did state that the variation was 18%. It told us the observation intention was to inform this respected House that actually when they did it, they did it either with the good or not good faith. But they were opening our eyes to that when the Public Accounts and Investments Committee seizes it then they have pointed to them the area of investigation.

After listening to the proponents, who said that this report should be returned? They have never individually or collectively given satisfying reasons which are beyond reasonable doubt that actually this report did not cover what it was required for. I want to say this with respect to the former Deputy Vice Chair for Trade, in this particular expenditure, where we are looking into accounts, the revenue account and the expenditure account and Hon. Allan did convince this House that the income that was taken there was spent on the right hand side of the column and that's actually what was supposed to be presented to this House in the quarterly report because that report was only supposed to justify the usage.

Some people may think that when Hon. Nyongesa and I say this insurance issue in question, actually we said the obvious things that you don't even need to give an explanation and one of them was the insurance issue. One, you have said that you are insuring 45,000 and yet what you gave out was 22,000. You are not even stating what is clear, you are just fumbling around with no details and that's why it was referred back to come with those details. And for this case, Allan has presented all the details that are required. I don't see the motion that has been moved that this report be adjourned unless we have hidden agendas. I submit.

(Applause)

Mr. Deputy Speaker: Hon. Waiti.

Hon. Waiti Wafula: Thank you, Mr. Speaker. I rise also to put my weight on this debate of referring this motion back to the committee. I believe this is House of rules and procedure. I am surprised that the reference has been made here to a motion that came from the committee that I chair on Tuesday; the Speaker did comparison of the observations versus the recommendations of the motion on that day which has been referred here. He did to quote and he used his powers to refer that motion back to the committee by comparing the observations of the committee versus the recommendations.

Where you are sitting now, if you can confirm that the motion you are having following up d is the same as the motion that was being read there because whatever I am holding now is the same motion that was being read. Looking at the committee observations was six. When we go to recommendations that are there are five so that means that the committee at some point did not have something to recommend as a sixth recommendation versus the sixth observation. So basing on this, I don't see anything sinister if this motion is referred to the committee for panel beating.

Mr. Deputy Speaker: Thank you, Waiti Wafula. Hon. Jon Kennedy Wanyama.

Hon. Kennedy Wanyama: Thank you, Mr. Speaker. I want to make my contribution in form of an advisory. The purpose of reviewing quarterly reports is to critically analyze expenditure and revenue generated. I want to quickly go to the expenditure of this report and there is a section where they are talking about absorption of the development budget. When you look at supplier credit, refers to pending bills they paid 79.5 million towards construction of Masinde Muliro Stadium.

When you look at infrastructure and civil works, the total allocation was 90 million out of which 37 million was paid to Masinde Muliro, so maybe just to give more information. As much as these are quarterly reports but so long as there is expenditure towards a certain project then that project becomes a subject of discussion. So members are in order to ask how much was the budget? How much was the variation? What has been paid to date? And what is the balance? So to me, it's in order for members to ask for more information on Masinde Muliro.

Mr. Deputy Speaker: Thank you, Hon. Kennedy Wanyama. Before I call the mover who is Hon. Khaoya to reply, let me allow the Hon. Cornelius to submit.

Hon. Cornelius Makhanu: Thank you, Mr. Speaker Sir. It's a House of rules and procedure and today I am happy about the debate that has emanated on this report. If it's in the wisdom of this House that the report goes back to the committee of which I belong, so be it. We are ready. We are taking it positively as a committee.

I have seen senior members in this House who have spoken passionately about this report; they want the best for this county. So, as a committee, I would urge my committee members, let us take it positively and take the report back. This is a learning exercise to us. We have to bring a watertight report and for me, the mover of the motion, we take it positively and as a committee we have to do a good job. So, for us that is our job. We have to oversight and we fell short of that. Let us accept the report back to the committee. We do a wonderful job. I submit.

(Applause)

Mr. Deputy Speaker: Thank you, Hon. Cornelius Makhanu. I want to call the mover who is the Hon. Tony Barasa, Member for Lwandanyi to reply.

Hon. Tony Barasa: Thank you, Hon. Speaker. First, I want to appreciate all members who have taken time to also contribute to this important motion and I have listened to every member and we are not here to undermine any committee nor any chair but we give views basing on the best practice of this House.

Whatever members have contributed in this House, one is going to give respect to the Youth Committee that they are going now to invoke even the Powers and Privileges Act for those members, the CECMS, the Chief Officers who have been invited and are not honoring the invitation. It has been an eye opener to them again, that any officer who will not honor their invitation or summons. This committee is very powerful they are going even to recommend to this House their removal in the office or even to give them some penalties.

I remember in the second assembly as PAC committee, I was the chair. The House guided us very well and we took it very positively and when we invoked those, these officers came trembling and they gave us the information required. Before then, they were like there is no way that this committee can take us anywhere. Now that we have the support of the House, you can recommend to PAC because you have not recommended, now that you can invoke provisions that these members have told you and I know you are going to become a very powerful Committee of Youth and Sports.

Senior Hon. Makhanu has said we are doing it in good faith because we want our transaction in this House to be above board and we don't want to leave anything aside. Like for example; if you say the report on 2.4 budget execution by the programmes and yet you have not mentioned specific programmes under the 2.4 million that were allocated, then where are we going?

So I want to urge the indulgence of this House, that when we come here to execute our matters, the committee members should also be alive and sensitive to the motion on the floor of the House, because some of us have poked noses because some members went wider and large and they took away from whatever the motion was. So we have to dig deeper on whatever the members of the same committee have attributed on the floor of the House.

The motion that I moved, we return the same report to our wonderful committee of Youth and Sports to panel beat, so they can bring a good report even if it includes recommending to PAC committee so be it and the House will adopt.

Mr. Deputy Speaker: Thank you, Hon. Members. I now rise to put a question that the report by the Committee on Youth Affairs and Sports on the fourth quarter financial statements for the period ended 30th June, 2023 be taken back to the committee for further improvement and report to this House on the 7th March 2.30 p.m.

(Laughter)

(Applause)

No, no members you know when we reach that point and we feel that both sides have had voices, we split the House and take a vote so that those who are voting for yes will be the side and those who are voting for no will be the other side. When you want to abstain you declare.

The Sergeant's take the count! who is declaring to abstain? Hon. Makhanu is abstaining. Who else is abstaining?

(Loud Consultations)

Hon. Members there is a tie. The Nays are 12; abstinence is one and yes is 12. So therefore Honourable members this being the question, I have to rule under Standing Order No. 1 and having listened to this debate, I want to believe that we have the welfare of our people at heart. So I want to passionately urge with a lot of humility that the committee works on what is the bone of contention and bring this report on the seventh day of March at 2:30 p.m, so that we can address those issues that the House has raised. So I direct.

Next Item,

(Applause)

ADJOURNMENT

Hon. Members, that being our last item on the Order Paper the House stands adjourned and will resume on Tuesday 2:30 p.m.

House rose at 5:20 p.m.