

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY, 21ST FEBRUARY, 2024

Afternoon Sitting

**COUNTY ASSEMBLY OF BUNGOMA
THE HANSARD- OFFICIAL REPORT
WEDNESDAY, 21ST FEBRUARY, 2024**

The House met at the County Assembly Chamber at 2:30 p.m.

(Mr. Speaker [Hon. Emmanuel Situma] in the Chair)

PRAYER

COMMUNICATION FROM THE CHAIR

1. CONSULTATIVE MEETING ON THE COUNTY FISCAL STRATEGY PAPER, 2024

Honourable Members, yesterday I made a communication of the invitation to a consultative meeting on the county fiscal search paper 2024. The said communication had some errors, which I wish to expunge from our HANSARD and to make a fresh communication.

This communication is coming from the Office of the County Secretary and Head of Public Service addressed to the Clerk of the County Assembly of Bungoma, County Government of Bungoma. Reference is; invitation to a consultative meeting on the County Fiscal Strategy Paper, (CFSP) 2024. In reference to earlier letter reference to number CG/ BGM/CS1/ VOL I/ 33 of 20th of February, 2024 on the above subject matter, I would like to clarify that the intended invitees for the consultative meeting are the leadership of the Bungoma County Assembly and all Honourable Members of the County Assembly. We regret the inconvenience caused. Thank you, William Nasongo County Secretary and Head of Public Service.

PAPERS

1. THE COUNTY REVENUE FUND QUARTERLY REPORTS AND FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31ST DECEMBER, 2023
2. THE COUNTY GOVERNMENT (EXECUTIVE ARM) SECOND QUARTER FINANCIAL STATEMENTS FOR THE FINANCIAL YEAR 2023 /2024 FOR THE PERIOD ENDED 31ST DECEMBER, 2023

Mr. Speaker: The Hon. Leader of Majority.

Papers laid by the Leader of Majority (Hon. Joseph Nyongesa)

Mr. Speaker: Honourable Members, the County Revenue Fund quarterly reports and financial statements for the period ended 31st December, 2023 and the County Government (Executive Arm) second quarter financial statements for the financial year 2023 /2024; for the period ended 31st December, 2023 are hereby tabled before the House. Subsequently, I commit them to the Committee on Finance and Economic Planning for processing and reporting back to the House.

3. REPORT BY COMMITTEE ON GENDER, CULTURE AND SOCIAL WELFARE ON THE BUNGOMA COUNTY GOVERNMENT FOURTH QUARTER FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30TH JUNE, 2023

Paper laid by Hon. Florence Juma

Mr. Speaker: Honourable Members, the report by the Sector Committee on Gender, Culture and Social Welfare on the Bungoma County Governments fourth quarter financial statement for the period ending 30th June, 2023; with respect to the Department of Gender, Culture and Social Welfare is hereby tabled. It becomes the record of the House.

4. REPORTS BY THE SECTORAL COMMITTEE ON PUBLIC ADMINISTRATION AND ICT ON THE BUNGOMA COUNTY GOVERNMENT FOURTH QUARTER FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30TH JUNE, 2023

Paper laid by Hon. Caleb Wanjala

Mr. Speaker: Thank you Honourable Members, the report by the Committee on Public Administration in ICT for the Bungoma County Government fourth quarter financial statement for the period ending 30th June, 2023; with respect to the Department of Public Administration ICT is hereby tabled and the same forms part of the record of the House.

NOTICES OF MOTIONS

1. NOTICE BY THE COMMITTEE ON GENDER, CULTURE AND SOCIAL WELFARE

Hon. Florence Juma: Thank you Hon. Speaker. I rise to order a notice of motion that this House adopts the report by the Sectoral Committee on Gender, Culture and Social Welfare on the Bungoma County Government fourth quarter financial statements for the period ended 30th June, 2023; with respect to the Department of Gender, Culture and Social Welfare.

Mr. Speaker: Kindly Hon. Florence issue a notice.

Hon. Florence Juma: I rise on my feet to issue a notice of motion that this House adopts the report by the Sectoral Committee on Gender, Culture and Social Welfare on the Bungoma County Government fourth quarter financial statements for the period ended 30th June, 2023 with respect to the Department of Gender, Culture and Social Welfare.

Mr. Speaker: Honourable Members, the Notice of Motion has been issued by the Sector Committee on Gender, Culture and Social Welfare on the Bungoma County Government fourth quarter financial statement for the period ending 30th of June, 2023; with respect to the Department of Gender, Culture and Social Welfare. I equally direct the Clerks- at- the- Table to share this report with the Honourable MCAs on their gadget. The same will be coming up as a motion in the course of the week or once scheduled.

2. NOTICE BY THE SECTORAL COMMITTEE ON PUBLIC ADMINISTRATION AND ICT

Hon. Caleb Wanjala: Thank you, Mr. Speaker. I rise to give a Notice of Motion on the report by the Sectoral Committee on Public Administration and ICT on the Bungoma County fourth quarter financial statement for the period ended 30th of June, 2023; with respect to the Department of Public Administration and ICT

Mr. Speaker: Honourable Members, the Sector Committee on Public Administration and ICT has duly issued a notice of motion that subsequent to the sittings of this House, the Bungoma County Government fourth quarter financial statement for the period ending 30th of June, 2023; with respect to the Department of Public Administration. It will be coming up as a motion on our Order Paper. Subsequently, the Clerks- at- the- Table are instructed to share this report with Honourable MCAs.

MOTIONS

1. REPORT BY THE SECTORAL COMMITTEE ON ROADS, TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS

Mr. Speaker: Hon. Simotwo, you are presenting the report from the Committee on Roads and you will start from the onset because the Honourable Members did not have a chance to follow and so, we will be starting afresh. Vice Chair, are you moving the report? Kindly proceed, Hon. Polycarp Wandabusi.

Hon. Polycarp Ndabusi (Vice Chairperson, Committee on Roads, Transport, Infrastructure and Public Works): Thank you Mr. Speaker Sir. I rise to move a motion by the Sectoral Committee on Roads, Transport, Infrastructure and Public Works on the fourth quarter financial statements for the period ended 30th June, 2023. First we have the table of contents. I request that I move to the next chapter;

INTRODUCTION

Pursuant to Section 166(4) of the PFM Act, 2012, the County Treasury is mandated to prepare quarterly reports on all county departments and submit the same to the County Assembly not later than 30 days of the succeeding month after the end of each quarter. It is in this regard that the County Executive Committee Member for Finance and Economic Planning submitted the Bungoma County quarterly report and financial statements for the period ended 30th June, 2023.

The report was subsequently tabled in this House on 26th October, 2023. The Hon. Speaker directed that the report be committed to all sector committees for legislative processing and reporting.

Hon Speaker, the quarterly reports and financial statements presents budget execution status covering the period 1st April, 2023 to 30th June, 2023 with comparative actual achievements and budget amounts for the previous financial year. Further, it contains the revenue performance both locally generated and an equitable share from the National Government.

Finally, the Committee has herein comprehensively considered the Bungoma County quarterly report and financial statements for the period ended 30th June, 2023 and presents this as the Committee's report for consideration by this House.

Mandate of the Committee

The mandate of the Committee is derived from the County Assembly of Bungoma Standing Order No. 217 (5) and matters assigned under the Second Schedule which shall be exercised within the limits contemplated under Part two of the Fourth Schedule of the Constitution of Kenya, 2010.

The functions of a Sectoral Committee shall be to;

- (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) Consider quarterly reports of the assigned departments and report to the House within twenty one sitting days upon being laid.
- (c) Study the programme and policy objectives of departments and the effectiveness of the implementation;

- (d) Study and review all County legislation referred to it;
- (e) Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (f) 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;
- (g) To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 208 (Committee on Appointments);
and
- (h) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Terms of Reference (ToR)

In order to comprehensively review the quarterly report and financial statements as committed to the Committee, the Committee set out a specific approach in which it clearly spelt out specific terms of reference to guide its operations. The terms of reference with regard to the analysis were as follows;

1. Establish compliance with Section 164(4) of the PFM Act, 2012 on submission of financial reports.
2. To establish the receipts and payments during the quarter ended 30th June, 2023.
3. To establish the budget utilization for both the development and recurrent expenditures of the department.
4. To examine in details the nature and behaviour of the expenditures for the quarter.
5. Identify any significant details or information in the reports that may be of material importance to this Honourable House.

Committee Membership

The Committee membership as currently constituted is as follows;

1. Hon. Franklin Simotwo Chairperson

2. Hon. Polycarp Kimeta	Vice Chairperson
3. Hon. Stephen Kaiser	Member
4. Hon. Jerusa Aleu	Member
5. Hon. Meshack Simiyu	Member
6. Hon. Charles Nangulu	Member
7. Hon. Hentry Nyongesa	Member
8. Hon. Johnston Ipara	Member
9. Hon. Violet Makhanu	Member
10. Hon. Godfrey Mukhwana	Member
11. Hon. Job Mukoyandali	Member
12. Hon. Ali Machani	Member
13. Hon. Everton Nganga	Member
14. Hon. Everlyne Mutiambu	Member
15. Hon. Iddi Owongo	Member

Acknowledgement

It is now my privilege and pleasure on behalf of the Honourable Members of the Sectoral Committee on Roads, Transport, Infrastructure and Public Works to convey my gratitude to all Members of the Committee for the valuable input throughout its proceedings. The Committee equally extends appreciations to its members for taking their time out of their busy schedule to participate robustly during the interrogation and scrutiny of this quarterly report and financial statements.

The Committee also appreciates the offices of the Hon. Speaker and Clerk of the County Assembly for providing a conducive atmosphere to prepare this report.

I further extend my appreciation to the County Executive Department of Roads and County Assembly members of staff who worked tirelessly to facilitate the production of this report.

It is therefore my privilege, on behalf of the Honourable Members of the Sectoral Committee on Roads, Transport, Infrastructure and Public Works, to table this report for consideration and adoption.

Signed by **Hon. Franklin Simotwo, MCA-Chepyuk Ward**; Chairperson, Sectoral Committee on Roads, Transport, Infrastructure and Public Works.

CHAPTER TWO

Guiding Principles in the Examination of the Bungoma County Government Fourth Quarter Report Financial Statements

In the execution of its mandate, the Committee is guided by core constitutional and statutory principles on Public Finance Management, as well as established customs, traditions, practices and usages. These principles include the following:

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.*

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*”.

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 non-financial 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*

Key Highlights in the Bungoma County Government Fourth Quarter Reports and Financial Statements for the Period Ended 30th June, 2023

In considering the financial statements for the fourth quarter of the Financial Year 2022/2023, the Committee focused majorly on the following six major components of the Bungoma County Executive Quarterly Reports:

a) Receipts

The County Executive of Bungoma had the following major sources of funds during the last quarter of financial year 2022/2023.

- Exchequer releases.
- County own generated receipts.

b) Payments.

The money received from various sources was used to fund various expenditures listed below:

- Use of goods and services
- Transfer to other government units
- Acquisition of assets

Overview of the County Expenditure

The total budget for the County in the financial year 2022/23 was **Kshs14, 824,138,618** as per the approved second supplementary budget with the breakdown of the resources as indicated below:

- Equitable share Kshs10,659,435,192
- Equitable share brought forward Kshs867,288,525
- Retention Kshs293,425,903
- Conditional grants development partners Kshs1,543,377,938
- Conditional grants National government Kshs113,228,200
- Local revenue Kshs500,000,000
- AIA Kshs847,382,860

The financial statement submitted gives an expenditure outlay of Kshs14, 158,652,597 that is Kshs665, 486,021 less the approved amounts. The difference relates to AIA in the department of health for facilities which were excluded.

Analysis of Revenue

In the period under review, the County transferred from CRF account to respective operational accounts a sum of Kshs11, 863,518,430. Kshs27, 120,967 was received from AIA which translates to 15 per cent of the expected Kshs181, 896,840.

Exchequer Releases

Total Exchequer released:

- 1) Quarter 1 Kshs1,664,556,086
- 2) Quarter 2 Kshs2,409,398,463
- 3) Quarter 3 Kshs2,229,202,353
- 4) Quarter 4 Kshs5,560,361,528

Total Kshs11, 863,518,430

Receipts and payments for the period ended 30th June, 2023

Of the Kshs11, 890,639,396 received during the period, Kshs11, 863,518,430 was from equitable share while Kshs27, 120,967 was from AIA.

Included in the equitable share were grants received from World Bank-NARIGP Kshs180, 705,535, Agriculture Sector Development Support Program II Kshs5, 344,642, Kenya Urban Support Program Kshs3, 534,475 and Financing Locally Led Climate Action Program Kshs11,169,750.

The county had equitable share brought forward of Kshs867, 288,525. Kshs12, 101,536,966 was utilized in financial year 2022/23. This translates to absorption rate of 82 per cent.

Kshs2, 788,109,602 was utilized on development while Kshs9, 058,422,012 on recurrent expenditure.

Social security benefits relate to gratuity for Chief Officers, CEC Members paid to provident fund on expiry of contracts. Kshs1, 256,268,326 was transferred to the County Assembly.

Comparison of actual vs budget recurrent

Total recurrent budget was Kshs9, 713,369,159, out of this, Kshs9, 300,150,826 was received (96 per cent). Total expenditure was Kshs9, 058,422,012. The major expense was salaries Kshs5, 169,412,184.

Comparison of budget vs actual amounts Development

The county expected to receive exchequer release of Kshs4, 445,883,438 for the year. By the fourth quarter, the period ended 30th June; Kshs2, 590,488,570 had been received, translating to 58 per cent. This was due to failure by donors to remit the budgeted amount in full. Total expenditure was therefore Kshs2, 788,109,603 leaving a negative variance of Kshs197, 621,033.

Department of Roads and Public works expenditure analysis

The Department of Roads had an annual approved budget of Kshs1, 137,358,855, made up of Kshs966, 656,933 developments and Kshs170, 701,922 on recurrent expenditure.

Total exchequer received by the Department in the period under review was Kshs165, 137,077 as recurrent and Kshs869, 883,846 as development.

The Budget execution by programmes and Sub-programmes (Expenditure analysis)

The following highlights the expenditure analysis of the department under four programmes,

1. Transport infrastructure development and management was allocated Kshs1, 039,258,548. Kshs927, 193,116 was absorbed translating to (90 per cent).
2. Public safety and Transport operations Kshs6, 270,982 was absorbed (92 per cent).

3. Building standards and other civil works was allocated Kshs2, 423,736, Kshs2, 200,000 was absorbed (91 per cent).
4. Under General administration, planning and support services; Kshs102, 596,840 was allocated. Kshs100, 237,819 was absorbed translating to 98 per cent absorption. The breakdown is as given below.
 - Administration Planning And Support Services Kshs25,940432
 - Human resource management and development Kshs74, 297,387.

Mr. Speaker: Hon. Polycarp, if you were to read that list you ought to have brought it before the adoption... the moment it becomes an annexure, you can't read it. Kindly invite the seconder of the motion.

Hon. Polycarp Wandabusi: I wish to invite Hon. Ipara to second the motion.

Hon. Johnston Ipara: Thank you Hon. Speaker. Let me have the honour to second the report. Why I agree to second this report is that this is one Department that has shown that some departments can perform to the expectation of the people of this County. If you went back to page 11 of the report, you will find that the performance score card for this department is between 90 and 99 per cent and that means that the Department did pass. We have some shortcomings, but let me start with the good things and why I second this report.

On Ward based projects Hon. Speaker, money was allocated and absorption rate for this was 90 per cent; it means that the face of the County lies on the CEF money that is handled and directed by Honourable Members who are sited here... you can clap for yourselves.

(Applause)

This is great; if today you moved to Tuuti/Marakaru, you will find new roads opened by use of Ward based projects and utilization is Kshs358Million and above and I am happy about that and I proudly second this report.

On the dual carriage; immediately you agree to hire someone to do some work for you then you also have some responsibilities and in this case a legal responsibility to ensure that you meet your obligation. The obligation that we need to meet as a county through the Chairpersons of Budget and Finance Committees; enough money must be allotted to ensure we pay all those we owe money so that in future, people will be running to our County to do some works for us. If you looked at the dual carriage way, you will realize that we owe that person Kshs438Million as of now; for Misikhu/Brigidier Road, we owe them Kshs518Million and when you see the

absorption rate we paid Kshs205Million, the absorption rate was 90 Per cent out of the money that was allocated to that department. It shows that this department is serious with what they do.

What convinced me beyond any reasonable doubt were rural roads opening. Previously, I was also among the doubting Thomases! I was asking where this money goes to; but when I looked at the last page on annexures, it convinced me that Kshs143million was used for road opening across the County. It does not matter from which wards those roads were done, what matters is they were done. Among the roads that were done; some are in Lwandanyi Ward, Bungoma Township, Mt. Elgon, Kabuchai, in Kimilili, Bumula, again in Kabuchai/ Chwele Ward, in Tongaren in Kiminini Ward, they did in Kimilili in Kibingei Ward where my friend comes from, Webuye East, Sirisia...

Mr. Speaker: Who is that friend that has no name?

Hon. Johnston Ipara: My friend Hon. Mulongo Mr. Speaker Sir, I apologize.

Hon. Speaker we have several wards where money was used in and if really Kshs143Million was used in about 30 wards; it means that in other departments like the Department of Water which was lagging behind and up to today, no single contractor has moved to site should learn from this Department and copy the way they are doing things.

(Applause)

And maybe we need with the permission of the Leader of Majority to tell the CECM for Water that he should also read the book of Timothy 6:8 which says; God wants us to use our resources wisely. Tell them to use their money to do well; they should be rich in good works and generous to those in need, always being ready to share with others. I am saying that...

Mr. Speaker: Hon. Ipara, so you want the Leader of Majority to convey the message? Why didn't you ask the chairperson for the Committee on Water because he is closer to him than anybody else?

Hon. Johnston Ipara: Thank you Mr. Speaker. With those many remarks, I second the report.

(Applause)

Mr. Speaker: Thank you Hon. Ipara. I wonder whether Hon. Job can recall that Bible verse because he is known for quoting something else to me.

(Motion proposed)

Hon. Joseph Nyongesa: Thank you Speaker. First allow me appreciate the mover, who is the Vice Chairperson for Roads for taking us through that report. It is a good report. In the morning we only had the chairperson and we are happy now that members are available.

As we support the report, it is only basing on the absorption rate which is 90 per cent, but I thought even the Committee could also go further and see the quality of those roads so that we compare the absorption rate of the funds and the quality of roads that we are also doing; so that we ascertain the value for money... but we appreciate.

There is one grey area that the Committee should dig deeper into. They have told us here and we thank them for also coming out clearly on this; that the money that was meant for graders was diverted to other machinery and vehicles. For that Department to move, we must have graders on site and graders which are in good working condition. But now they are also missing a point, they are diverting that money to pay for personal cars instead of paying for graders. We need to cure the problem of misappropriation of funds! So as we appreciate them for the 90 per cent absorption, they are also missing on priority areas in that Department. I support.

Hon. Jack Wambulwa: Thank you Hon. Speaker. I wish to take this opportunity to thank the chairman and the team for the work well done and looking at how the Roads Department has been working, for once you can tell that they did work in almost every Sub-County. How I wish that all these other departments can also echo the same and make sure that we actually have projects done in every Ward or every community.

I have a challenge with two departments; there is this Department of Water and Sanitation; those two departments are doing us a disservice. That today as we are talking, water implementation is not on-going just because somebody somewhere is demanding to be cleared before contractors can move on site. This is something that I want to urge my Chairperson for the Committee on Water who is in the House and his sector committee; that they need to sit down and tell the culprit that the five per cent that is being demanded by the Department is already deducted from the CEF allocation.

(Applause)

These members allocation has been deducted to do operation and supervising; why again do we have five per cent in Water? It is the only department that is demanding for five per cent.

I wish to urge our colleagues who are in the two sectors and with my brother here who is the Chairperson, Education; that procuring an ECDE and procuring a VTC workshop in my area that is Miyanga has taken two months to make a BQ. I wonder; and this money was revolved in the Supplementary. Ever since we did the supplementary; and as we are talking, they have not implemented, but I am happy that the Roads Department has implemented up to 90 per cent...
...*Kongole* (congratulations), to Members of the Roads Committee.

Mr. Speaker: Honourable Members, allow me invite Hon. Polycarp to reply to the motion as we proceed. For the first time I have heard appreciation for the Committee on Roads. During the last Assembly they had a record of only tabling one report in the five years and they know it! Let us proceed.

Hon. Polycarp Wandabusi (The mover to reply): Thank you Hon. Speaker Sir, I am very grateful to the members who have made their suggestions and today I am very lucky because I have not received any direct question that needed a direct response. We have been applauded as a Committee for doing the right thing.

I wish to also accept the suggestion raised by Hon. Nyongesa, the Leader of Majority, that money should not be diverted from the priority vehicles to other kind of vehicles; but I am sure it was done so because also the Roads Department has challenges of available vehicles for use. We shall ensure that it does not happen again and that everything will be streamlined.

Mr. Speaker: Thank you Hon. Polycarp the Vice Chairperson for the Committee. Allow me put a question to the motion at hand.

(Question put and agreed to)

2. REPORT BY THE SECTORAL COMMITTEE ON TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES

Mr. Speaker: The Vice Chairperson Hon. Martin Cheseto, kindly, proceed and move the report. It is hot, he may require some water. I saw one Honourable Member share on what you need to do during this dry spell; that you need to take more water and avoid other drinks... so let us have more water for him, please.

Hon. Martin Cheseto: Thank you Hon. Speaker for giving me this chance, I stand here to move a motion by the Committee on Tourism, Environment, Water and Natural Resources on the Bungoma County Government fourth quarter report and the financial statements for the period ending 30th June, 2023.

There is a Table of Contents, I beg that I skip it and start with Chapter one.

Preamble

Mr. Speaker Sir, it is my duty to present the report by the Committee on Tourism, Environment, Water and Natural Resources on the Bungoma County Government fourth quarter financial statements for the period ended 31st June, 2023 in respect to the Department of Tourism, Water, Environment and Natural Resources.

The document was tabled in this House on 26th October, 2023 and was committed to all sectoral committees for their interrogation, input and recommendation through a report to this Honourable House.

Mandate of the Committee

The Committee on Tourism, Water, Environment and Natural Resources is a Select Committee established pursuant to the provisions of Standing Order No. 217 of the County Assembly of

Bungoma and executes its mandate in accordance to the Standing Order No. 217(5) read together with the second schedule of the same Standing Orders.

Standing Order No. 217(5) states that the function of the sectoral committee shall be to:

- a) Investigate, inquire and report all matters relating to the management activities, administration, operations and estimates of the assigned departments.
- b) Study the programme and policies of the department and 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.

While the Second Schedules of the Standing Orders specifies that the Committee on Tourism, Water, Environment and Natural Resources should consider all matters related to Local Tourism, County parks Water Environment, and Natural including implementation of specific national government policies on natural resources and environmental conservation; including soil and water conservation, refuse removal, refuse dumps, solid waste management and enforcement of solid waste management policies, standards, regulations, forestry, control of air pollution, noise pollution, other public nuisance and outdoor advertising.

Committee Membership

Mr. Speaker Sir, the Committee on Tourism, Water, Environment and Natural Resources as currently constituted comprises the following Members:-

- | | | |
|----|-----------------------|------------------|
| 1. | Hon. Edwin Opwora | Chairperson |
| 2. | Hon. Martin Chemorion | Vice Chairperson |
| 3. | Hon. Joseph Juma | Member |
| 4. | Hon. Meshack Simiyu | Member |
| 5. | Hon. Anthony Lusenaka | Member |

6.	Hon. Vitalis	Wangila	Member
7.	Hon. Sudi	Busolo	Member
8.	Hon. James	Mukhongo	Member
9.	Hon. Benjamin	Otsiula	Member
10.	Hon. Aggrey	Mulongo	Member
11.	Hon. Miliyah	Matsunaga	Member
12.	Hon. Orize	Kundu	Member
13.	Hon. Benard	Kikechi	Member
14.	Hon. George	Kwemoi	Member
15.	Hon. Ndasaba	Dorcas	Member

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

Mr. Speaker Sir, in the execution of its mandate, the Committee on Tourism, Environment, Water and Natural resources is given a legal backing under the Public Finance Management Act, 2012, County Government Act, 2012 and the Constitution of Kenya, 2010. These statutory provisions include the following:

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 follow...

“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

Mr. Speaker Sir, may I take this opportunity to thank the Offices of the Speaker and Clerk for giving the Committee logistical support that made this exercise a success.

I also appreciate the Honorable members and the secretariat of the Committee on Tourism, Environment Water and Natural Resource for carefully examining the fourth Quarter Financial Statements FY 2022/23 for period ending 30th June, 2023.

Further, this Committee extends its gratitude to the Executive Arm of the County Government, Department of Tourism, Water, Environment and Natural Resources for honoring the invitation

to appear before the Committee for the interrogation and offering explanations and supporting documents as requested by the Committee.

Mr. Speaker Sir, it is therefore my privilege, on behalf of this Committee to table the Report on fourth Quarter Financial Statements Financial FY 2022/23 for the period ending 30th June, 2023 in respect to the department of Tourism, Environment Water and Natural Resources. It is signed by Hon. Edwin Opwora – MCA Luuya Bwake Ward and Chairperson, Tourism, Environment, Water and Natural Resources Committee.

CHAPTER TWO

KEY HIGHLIGHTS ON THE BUNGOMA COUNTY FOURTH QUARTER REPORT AND FINANCIAL STATEMENT FOR THE PERIOD ENDING 30TH JUNE, 2023

The total budget of the Bungoma County Government for the financial year under review was Kshs14, 824,738,616. The amount was after approval of the Second Supplementary Budget FY 2022/23. The Department Tourism and Environment was allocated Kshs436, 927,087 where the recurrent vote had an allocation of Kshs295, 041,980 and development vote had Kshs141, 885,107; while the Department of Water and Natural Resources had a total allocation of Kshs314, 764,221 where Kshs83, 308,234 was for recurrent expenditure and Kshs231, 455, 987 for development expenditure.

2.1 Actual revenue received in the Fourth Quarter of the Financial Year 2022/23

In the financial year 2022/2023, the County had projected revenues of Kshs14, 824,738,616 out of which Kshs665, 486,021 is a projection for level 4 and 5 Hospitals, leaving a balance of Kshs14, 159,252,597. The total actual amount received by the County was Kshs11, 890,639,396 translating to 84 per cent absorption rate and the deficit of Kshs2, 268,613,201.

As at the 30th June, 2023, the Department of Tourism and Environment had received Kshs254,466,205 (86 per cent) for recurrent and Kshs13,297,064 (9 per cent) for development with the approved allocation of Kshs295,885,980 and Kshs141,885,107 respectively; while the Department of Water and Natural Resources had received a total recurrent revenue of Kshs78,270,987, out of the approved amount of Kshs83,308,234 translating to 94 per cent absorption rate, while for development, Kshs226,906,658 was received out of the approved amount of Kshs231,455,987 translating to 98 per cent absorption rate.

The total exchequer release for fourth quarter in the financial year 2022/2023 for Bungoma County was Kshs5, 560,361,528 out of which Kshs169, 891,110 was received by the Department of Water and Natural Resources and Kshs272, 935,614 was received by the Department of Tourism and Environment. The exchequer release for the two departments was broken down as shown below;

Water and Natural Resource

Personnel	7,071,695
Operation and maintenance(OPM)	20,448,996
Development	142,370,419.90
TOTAL	169,891,110.90

Environment and Tourism

Personnel	5,172,345
Operation and maintenance(OPM)	254,466,205
Development	13,297,064
TOTAL	272,935,614

COUNTY OWN GENERATED REVENUE

The report indicates that the County managed to collect Kshs379, 716,358 cumulatively in all the four quarters from local generated revenue out of the targeted amount of Kshs500, 000,000 translating to 76 per cent hence a deficit of Kshs120, 283,642.

The targeted Appropriation in Aid for FY 2022/23 was Kshs847, 382,861 out of which Kshs775, 882,124 was realized translating to 92 per cent, therefore, a deficit of Kshs71,500,737.

The Department of Tourism, Environment, Water and Natural Resources had a targeted AIA of Kshs1,273,388 in the FY 2022/2023 out of which Kshs94,600 was realized translating to seven per cent but this was an improvement from the previous financial year where Kshs39,600 was realized.

CONDITIONAL GRANTS

In the FY 2022/23, the County had projected to receive total conditional grants of Kshs1, 656,728,137 out of which Kshs1, 543,977,937 was development partners while Kshs113,228,200 from National government.

The Department of Tourism, Environment, Water and Natural Resources received Kshs11, 000,000 from the Financing Locally Led Climate Action (FLLOCA) in the Financial Year under review.

Departmental expenditure analysis

Personnel expenditure

In FY 2022/23, the Department of Tourism and Environment had an approved allocation of Kshs27,637,130 and as at the end of the financial year the department had utilized Kshs20,893,021 hence a balance of Kshs6,744,109. During interrogation, the CECM submitted that the funds were meant for employment of 15 environmental officers which did not take place and the funds were used to pay for the pending bill for garbage collection. In the fourth quarter, the Department received Kshs5, 172,345 for personnel.

The Department of Water and Natural Resources had an approved personnel budget of Kshs37, 099,024 and they utilized Kshs36, 063,940 hence a balance of Kshs1, 035,084. During the interrogation, CECM explained that the funds were meant for the employment of the Director, Water which did not take place. In the fourth quarter, the Department received Kshs7, 071,695 for personnel.

Operation and maintenance

In the FY 2022/2023, the Department of Tourism and Environment had an approved budget of Kshs18, 527,744 for operation and maintenance and as at 30th June, 2023. It had utilized Kshs15, 215,380 translating to 82 per cent absorption rate. While the Department of Water and Natural Resources had an approved total operation and maintenance of Kshs46, 209,210 out of which Kshs42, 207, 047 was utilized hence an absorption rate of 91 per cent.

The following programs were implemented in the financial year under review;

Tourism and Environment department

Program	Approved allocation	Actual Expenditure	Absorption rate %
Utilities and supplies services	278,400	-	0%
Communication Supplies and Services	368,000	136,600	37
Domestic Travel and Subsistence, and Other Transportation Costs	7,080,106	6,525,863	92
Foreign Travel and Subsistence, and other transportation costs	152,000	151,886	100
Printing, Advertising and Information Supplies and Services	1,221,142	760,348	62

Training Expenses	940,000	845,450	90
Hospitality Supplies and Services	3,133,589	2,777,949	89
Plant insurance	684,000	-	0
Office and General Supplies and Services	504,000	358,317	71
Refined fuel and lubricants	960,000	900,000	93
Professional Membership Fees	55,840	-	0
Supplier credit	1,030,667	916,667	89
Routine Maintenance - Other Assets	120,000	120,000	100
Routine Maintenance of motor vehicles	800,000	418,140	52
Prefeasibility, Feasibility and Appraisal Studies	800,000	795,160	99
Purchase of computers	400,000	395,000	99
Total recurrent	18,527,744	15,101,380	82

During interrogation, the CECM informed the Committee that in the FY 2022/23, the Department carried out an activity on profiling tourism products in the county where Bungoma County Tourism products were profiled through technical staff feasibility surveys. The study included field visits to sites identified through community and stakeholder engagements or through Sub County explorations. He added that most of the products are privately owned.

Garbage collection

It had an approved allocation of Kshs225, 877,107 and whole amount was spent. During interrogation, the CECM informed the Committee that the allocation was less by Kshs5.7m that was sourced from the personnel allocation.

The list of 64 markets where garbage is collected was submitted.

Climate Change grant

Climate change grant had recurrent co-funding of Kshs23, 000,000 that is Kshs12 million from the County Government and Kshs11 million from the World Bank. Its absorption rate was 100 per cent and a list of activities undertaken was submitted during interrogation.

On the cause of delayed release of Climate Change grant, the CECM submitted that there have been two fiduciary assessments both by the office of the Auditor General and National Treasury to assess county preparedness. The National treasury with World Bank representatives assured counties of receiving investment grants from November, 2023.

WATER AND NATURAL RESOURCES

On the feasibility study with an allocation of Kshs. 15,289,742, the CECM explained that funds were primarily used for various activities related to KOICA (Korea International Cooperation Agency), specifically for KOICA Phase II and the proposed KOICA Phase III that is intended to cover Kaptama, Kamkuywa, Tongaren and Webuye. Here is a list of the activities undertaken:

1. **Purchase of 3 Parcels of Land:** The funds were allocated for the acquisition of three parcels of land at Kabukwo, Chewangoi, and Kiptunguywo. These parcels of land are essential for storage tanks development or other project-related purposes.
2. **Supervision of Phase II Water Project:** This activity involves overseeing and managing the implementation of the KOICA Phase II water project to ensure it progresses according to plan and meets the desired objectives.
3. **Survey of Distribution Lines for KOICA II:** A survey of distribution lines is crucial for ensuring efficient and effective distribution of water resources as part of KOICA Phase II.
4. **Development of KOICA III Proposal and Project Concept Paper:** This involves the ongoing oversight and management of KOICA Phase III, which involved Preliminary Survey, Pre-feasibility Study, and Development of KOICA Phase III Project Concept Paper for KOICA Phase III in the specified areas of Kaptama, Kamkuywa, Tongaren, and Webuye.

In addition, he informed the committee that the Project Concept Paper (PCP) for KOICA Phase III has been approved, and Korean experts were to visiting Bungoma from November 9th, 2023, for a preliminary project survey. The visit is a significant step in the planning and implementation of KOICA Phase III, demonstrating the commitment to further development and cooperation in the region.

DEVELOPMENT EXPENDITURE

The Department of Tourism and Environment had development allocation of Kshs141, 885,107 out of which Kshs13, 297,064 was utilized on the follows;

PROGRAM	Description	Approved allocation	Actual Expenditure	Absorption rate
Supplier credit	Proposed erection and completion of main gate, sentry, reserve Offices, Tourist view point and campsite for Mt. Elgon forest reserve in Bungoma County	4,034,402	2,079,114	51%
Climate change Grant	Co-funding	125,000,000	0	0%
Other infrastructure and civil works – dumpsite	Proposed construction of perimeter fence and office at dumpsite (Phase II) in Bungoma County	12,850,705	11,217,950	87%
Total development		141,885,107	13,297,064	9%

On other infrastructure and civil works, Kshs12, 850,705 was meant for dumpsite management but it was used to pay for construction of perimeter fence and office at the dumpsite.

The Department of Water and Natural Resources had development allocation of Kshs231, 455,987 and at the end of the financial year, Kshs226,906,658 had been utilized translating to an absorption rate of 98 per cent on the following programme;

Program	Approved allocation	Actual expenditure	Absorption rate
Purchase of workshop tools, spares and small equipment's (drilling tools and accessories, borehole casing)	17,550,000	17,471,444	100%
Other infrastructure and Civil works (CEF projects)	150,521,480	148,429,315	99%
Supplier credit-Ward	10,144,085	10,116,557	100%

Based			
Supplier credit	38,240,422	36,855,485	96%
Other infrastructure and Civil works (KOICA2)	15,000,000	14,000,000	93%
Total development	231,455,987	226,906,658	98%

During interrogation, the Department submitted specific projects implemented under every programme.

Pending staff receivables (outstanding imprest)

The total County outstanding imprest as at 30th June, 2023 was Kshs288, 712,420 out of Kshs6,606,500 was in respect to the Department of Tourism and Environment and Kshs6,341,855 for Water and Natural Resources. The departments did not submit evidence for surrender of the imprests.

Pending accounts payables (pending bills)

The CECM submitted that as at 30th June, 2023, the Department of Tourism, Environment, Water and Natural Resources had total pending bills and commitment of Kshs274, 082,164 where Kshs244, 484,307 was for Water and Natural Resources and Kshs29,597,857 for Tourism and Environment. The pending bills are from FY 2015/16 to FY 2022/2023 as summarized below;

WATER AND NATURAL RESOURCES

	FY	AMOUNT OF PENDING BILLS
1	2015/16	12,360,242
2	2017/18	14,382.430
3	2019/20	3,568,818.40
4	2020/21	54,222,973.40
5	2021/22	50,510,011
6	2022/23	62,342,329.62
7	Projects to be retendered	47,484,307
		244,484,307

TOURISM AND ENVIRONMENT

	FY	AMOUNT OF PENDING BILLS
1	2020/21	29,597,857

GRANT TOTAL **KSHS. 274,082,164**

CHAPTER THREE

COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

3.1 Committee's observations

The Committee observed the following:

1. The Department of Tourism, Environment, Water and Natural Resources had a targeted AIA of Kshs1,273,388 in the FY 2022/2023 out of which Kshs94,600 was realized translating to 7 per cent but this was an improvement from the previous financial year where Kshs39,600 was realized.
2. The Department of Tourism and Environment had an approved allocation of Kshs27,637,130 on personnel emolument and as at 30th June, 2023, the Department had utilized Kshs20,893,021 hence a balance of Kshs6,744,109 that was used to pay for the pending bill on garbage collection which was against the PFM Act.
3. In the FY 2022/23, the Climate Change grant was not released.
4. The Department of Water and Natural Resources had an absorption rate of 98 per cent of its development allocation as at 30th June, 2023 yet in the same period; its pending bill is Kshs62, 342,329.
This implies that funds were spend on projects not intended for contravening provisions of **Section 196 (1) PFM Act, 2012 and Section 109 (1) of the County Government Act.**
5. On dumpsite management, Kshs12, 850,705 was allocation but the funds were used to pay for construction of a perimeter fence and an office at the dumpsite.
6. The Department of Tourism, Environment, Water and Natural Resources has an outstanding imprest of Kshs12, 948,355.
7. The total pending bill for the Department of Tourism, Environment, Water and Natural Resources as at 30th June, 2023 is Kshs274, 082,164.
8. The Department did not submit quarterly work plans and the budget implementation status report to the Committee.

Committee's Recommendations

1. **THAT**, Department should set realistic targets for AIA based on the previous performance.
2. **THAT** the Department should be submitting its quarterly/annual work plans and detailed budget implementation report together with the financial statements for easy comparison and oversight purposes.
3. **THAT**, the Accounting Officer should comply with the provisions of **PFM Act 2012, Section 154 (2) (c)** on reallocation of funds from one program by not exceeding 10 per cent of the total expenditure approved from the program for that year.
4. **THAT**, the Accounting Officer should desist from paying pending bills from the current financial year's allocation instead budget for them in the subsequent supplementary budgets and also comply with the provisions of **Section 196 (1) PFM Act, 2012 and Section 104 (1) of County Government Act** by spending funds on programs and projects as approved in the budget estimates.
5. **THAT** the Department should ensure compliance with **Regulation 93(5 and 6 of PFM Regulation, 2015** on surrendering imprest and also enhance imprest management system. A holder of a temporary imprest shall account or surrender the imprest within seven working days after returning to duty station.
6. **THAT** the departments should prioritize pending bills, since it is provided in law that pending bills **MUST** be given first charge. Section 94 (i) of the (PFM) Act, 2012 *states that failure to make any payments as and when they fall due by the public entity may be an indicator of material breach of measures established under law.*
To ensure pending bills are paid in time, Article 225 of the Constitution and Section 96 of the PFM Act give the treasury powers to stop transfer of funds to the concerned public entity.

There is an adoption schedule.

May I call my seconder to second the motion? Hon. Opwora, the Chair of this Committee!

Mr. Speaker: Hon. Opwora, you have the honour of seconding the Committee's report. Thank you, Hon. Cheseto for moving the report so well.

Hon. Edwin Opwora: Thank you Mr. Speaker. First of all...

(Loud consultations)

Mr. Speaker: Now, as you shake hands lets cause fewer disturbances because the parties have resumed closeness again.

Hon. Edwin Opwora: Allow me congratulate my able Vice Chair for reading the report well and by virtue of him shaking hands with Hon. Ipara, it means that we acknowledge the issues that Hon. Ipara raised and based on the report that...

Mr. Speaker: You may not know why they were shaking hands. Members have resumed their seats...Proceed!

Hon. Edwin Opwora: Mr. Speaker, I know Hon. Ipara was very keen. However, as I second this report, I know there are a number of issues which have been raised and in particular interest was that the Department should be submitting those quarterly and annual work plans so that we as the oversight team can have ample time to go through the annual work plans and the detailed budget implementation reports.

However, also there is need to urgently or keenly look at some of these jobs which are done; which kind of contractors are getting these jobs because you note that we have quite a number of retendered projects amounting to over Kshs47,000,000. So this is one area that as a Committee we are going to be keen on to ensure that the Department is getting the right contractors and the necessary work plans are put in place so that all projects are done based on what has been allocated and within the stipulated time. Otherwise, I second the report.

(Applause)

Mr. Speaker: Thank you Hon. Opwora for seconding the report. Honourable Members, allow me proceed and be propose a motion for the House to debate.

(Motion proposed)

Hon. Ali Machani: Thank you Hon. Speaker. Before I proceed, I wish to thank the Committee on Tourism, Environment, Water and Natural Resources for this important report that they have brought before this House for approval. When I was almost starting, the Honourable Members seated somewhere managed to raise some admirable sounds...not really...

Mr. Speaker: Hon. Ali Machani, explain to us properly... how does the admirable sounds sound like so that we understand.

Hon. Ali Machani: Hon. Speaker, I think this is a House of leaders and when they are seated, they can consult and sometimes you can hear very nice discussions coming up and so we are very close to Hon. Ipara and we are hearing whatever they are discussing. It is for the importance of this House. Away from that, I want to thank the Committee with the very able Chair who is my young brother Hon. Opwora. Concerning this report, we can all of us agree that there are some weaknesses that we need to work on closely and point them out so that we cannot repeat them in the next financial year; and more so in this Department. There are areas where they need to improve much...

Moving across this County, we have done so many projects in terms of water and when you check on water springs, boreholes and so many other things which require the Department to find ways of getting funds which can sustain these projects.

You can agree that we are spending a lot to start projects but maintenance has been a very serious challenge. Like when you go to the area I represent, you will find that I managed to work out on so many boreholes; but you go there today, it is only one borehole that is working and when you report to the Department, they will go round, use government resources trying to pretend as if they are checking and they will give a report. From where we sit as a Committee and a House, we need to assist them that when they are doing the planning and the budgeting of the Department, it will be quite in order for them to set aside money for maintenance; and this one goes across every Department.

Since we started as a County Government, there are so many projects we have done and we have managed to spend a lot of resources in payment of pending bills on contractors, but at the end of the day, if we are talking about value for money; as much as we got some appreciation as a Committee on Roads, I did not want to comment because that is my committee but this cuts across.

It is not about this Department performing well and the other not performing well; it is all about planning and planning comes before budgeting; so when they plan, when they go to the budget and look for ways of setting money aside for maintenance of our projects, we will not continue spending a lot of money on the same program. Today we come up with road construction; tomorrow the same road is captured in the same program. But now take an example; if under water, we would have set enough money aside to maintain water springs, boreholes and even our own machines that as a County we spent a lot of money buying them...

Today, if you go to the Department and ask about drilling machine, I do not think if it is still working and if so, I do not know how many of us are benefiting. When you revisit the document, we spent a lot of money to get such equipment and from where I sit, it is not all about a good report being read on this Floor... it is not all about that document! After interrogation, the Department should come and convince us that we have done this, but let us also as a House go deeper to check if the money we are setting aside to start project; how do we look into ways of setting aside money to maintain the same project so that when we go to another financial year, we cannot revisit the same challenge. Otherwise, the report is okay and I wish to thank the Committee for the efforts you have done. As much as we have complaints, this is a House of leaders, they will always say this is nice or not. Keep it up.

As a sector Committee, put your hands down and make sure this Department can work more. The nice thing you are enjoying, the CECM who is serving now is one of the initiators of devolution. He was the Chief Officer in the Department of Roads, and he is an engineer. I do not know why I am not feeling his grip, I am just not seeing why and he got a very able Chair. Very

educated young man, very intelligent and sometimes I admire the way he operates with this Committee. It is only that maybe in the system there are people who are not very keen with what they are supposed to do, but on our side as a Committee and Honourable Members, you have tried. Congratulations, I support.

(Applause)

Mr. Speaker: Thank you. Hon. Ipara! I have now discovered the sign language they were using. Proceed!

Hon. Johnston Ipara: Thank you Hon. Speaker. Actually I was not whispering to anybody and nobody was whispering to me.

Mr. Speaker: That is why I saw the sign language. Proceed!

Hon. Johnston Ipara: Hon. Speaker, first of all let me commend the mover of this particular report for eloquence and clarity; that every one of us was able to get everything as alluded by the Chair of this particular Committee. The disappointment comes when the Committee is silent when it comes to very important equipment called rig drilling machine.

If you just ran down to page 18, you will find on the second column; purchase of workshop tools- Kshs17,471 444 has been used in purchase of tools and we have not made any effort to this particular machine into use by drilling across the 45 wards at least each one borehole.

This particular machine has remained idle in the parking of the Department of water for the last two years that all of us have been in this Honourable House. Then the question is why did we purchase the rig if we did not have any purpose that we intended to use it on and that money that we wasted in purchase of that particular rig, whom will we surcharge for wastage of important resources.

This particular Department is fond... if you looked on page 15 item number three- domestic travel and subsistence. They are achieving over 92 per cent and if we did achieve 92 per cent on utilisation of the rig, every person around this County should be celebrating availability of clean water.

I want to believe there is nothing that they have delivered to the people of Bungoma County even though this expenditure is read out to us. I wish to ask my respected young Honourable Chair of this Committee; as you walk back, plan serious interrogation meetings with the CECM and his Chief Officer so that they can explain as to why we purchased an equipment that we did not intend to use.

This House is supposed to be a watchdog of all that is done by the Executive, but where it seems and I am using the word seems intentionally; that we have signed an agreement that is not known to the Honourable Members of this Honourable House then it perturbs and this we should desist

from and draw a line that gives a permanent boundary between the Executive and us. The only time that we can meet with them is when we are checking, over sighting what they have done or intend to do for us.

As we are seated here discussing this important report, I wish to inform you that in every ward where contracts were recently awarded, no contractor has moved to the site and for myself from Tongaren Kiminini ward, I set aside Kshs1.85 million for the upgrade of Ambich borehole when the CECM for water did a circular which stated that to upgrade a borehole, we require Ksh10, 000,000. Where are we going to get the Kshs10, 000,000 and yet in the CEF we have only Kshs. 24 million available and if you spent...

Mr. Speaker: Can you explain properly. That drilling is around Kshs6, 000,000 but upgrading is Kshs10, 000,000... Is that what you are telling us?

Hon. Johnston Ipara: Hon. Speaker, this document was circulated and you are the one who read it to us and we have copies and it says upgrading. Upgrading excludes drilling of the borehole. Are we really serious? Was he in his normal senses by the time he was drawing that circular?

As we talk about revenue, it is a scarce commodity, it is not available and whatever is available is what is divided among the 45 wards, so that at least you can have a quarter doing something else and another quarter drilling a borehole. At my personal level, I engaged some of the people who drill water and they told me, "Ipara, drilling a borehole of between 200 by 250 metres you can pay us Ksh500, 000." I also engaged another expert in Solar pump, the total amount for provision of all those items that form a solar pump amounted to Kshs450,000; with an amount that I set aside which is Kshs1.85 million was capable and enough to cater and provide clean water for the people of Tongaren Kiminini Ward.

We also at our own times need to go out and carry a simple exercise called market survey where you visit various points which sell solar pumps, establish the different prices they have for different pumps, then from there you are informed. But here is where someone decided to cheat the Honourable House during day time as if we do not have eyes to see and ears to hear.

I submit.

Mr. Speaker: Thank you. Hon. Cheseto, you reply to the motion accordingly! Just a minute please, I give you the microphone!

Hon. Martin Chemorion (Mover to reply): Thank you Hon. Speaker. First and foremost, I wish to appreciate the positive comments that my colleague Honourable Members have raised on this issue and the weaknesses that have been pointed out. In any institution or organisation, there are always some weaknesses that can be worked upon and that is why in the report in each and

every item we had a very serious engagement with the CECM on any activity that needed clarification so we had to call upon him to give us clarifications; so that we can fix them.

Hon. Ipara has raised issues on the rig machine. Yes, there was money allocated for the purchase of the necessary tools that can undertake that activity. I think that was meant to fix the machine so that it can work and that is why we are always as a Committee, you know it is a Committee of eminent leaders of this County Assembly and so we are on top of things to ensure that the CECM complies or implements activities as per the plans. That is why we had to go to an extent of asking for the procurement and annual plans so that we see how he works.

There is an issue that you also raised on upgrading of boreholes and the circular. If my memory serves me right, I think the CECM was giving us a professional opinion; that instead of duplication or having a multiple in a village or community, we could come up with only one borehole and distribute its waters three kilometres away to the community and various schools. I think that was a professional opinion that the CECM- an engineer was giving us, but that does not mean that we are defending the CECM. Everybody has their weaknesses. You have heard of the 5 per cent and maybe that is an assertion. I think it is something which we cannot bite unless it is proven otherwise.

Thank you and I beg this House to approve the report.

(Applause)

Mr. Speaker: Thank you Hon. Cheseto for your reply to the motion accordingly. Honourable Members, allow me proceed and put a question to the motion before the House for a decision.

(Question put and agreed to)

The ayes have it; the report is approved by the House accordingly

(Applause)

ADJOURNMENT

Honourable Members, that was the last item on our Order Paper; we will now adjourn and resume our sitting tomorrow, Thursday, the 22nd of February, 2024 at 2:30 p.m.

The House rose at 4:39 p.m.