

**COUNTY GOVERNMENT OF BUNGOMA**

**COUNTY ASSEMBLY OF BUNGOMA**

**COUNTY ASSEMBLY DEBATES**

**THE DAILY HANSARD**

**THURSDAY, 26<sup>TH</sup> SEPTEMBER, 2024**

**Afternoon Sitting**

**3<sup>rd</sup> County Assembly**

**3<sup>rd</sup> Session**

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# COUNTY ASSEMBLY OF BUNGOMA

## THE DAILY HANSARD

**THURSDAY, 26<sup>TH</sup> SEPTEMBER, 2024**

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

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

### PRAYER

### QUESTIONS AND STATEMENTS

**BUSINESS OF THE WEEK COMMENCING TUESDAY 1<sup>ST</sup> TO THURSDAY 3<sup>RD</sup> OCTOBER, 2024**

**Hon. Cornelius Makhanu:** Thank you, Mr. Speaker Sir. I stand here to present a tentative weekly programme of the business of the County Assembly for the week commencing Tuesday 1<sup>st</sup> to Thursday 3<sup>rd</sup> October 2024.

**Tuesday 1<sup>st</sup> October, 2024 at 2:30 p.m.**

#### Papers

1. Report by the committee on Health Services on the status of projects in the department of Health and Sanitation for Financial Year 2022/23 and half year of Financial year 2023/24
2. Report by the liaison committee on the activities of the County Assembly Committees for financial year 2023/24

#### Notices of motion

1. That this House adopts the report by the committee on Health Services on the status of projects in the department of Health and Sanitation for Financial Year 2022/23 and half year of Financial year 2023/24
2. That this House adopts the report by the liaison committee on the activities of the County Assembly Committees for financial year 2023/24

#### Questions and statements

1. Member for Kaptama Ward Hon. Francis Chemion, MCA to seek for a response from the Chairperson Public Administration and ICT committee in respect to status of construction of Mt. Elgon Medical training college.

The chairperson to respond to the following questions

- i. Procurement process of the construction of gate and administration block, provide tender advert, evaluation report, professional opinion of the head of Supply Chain and a copy of the tender award letter
- ii. The name of the contractor
- iii. Handing over of the site report and participants thereof
- iv. The current level of works
- v. Payment that has been made to the contractor in respect to the works done
- vi. Ownership of the land and cost of the land purchased, provide a copy of the title deed to the land
- vii. Future plans of the construction of the facility by the National Government and County Government

### **Motion**

1. Report by the sectoral committee on Health Services on half year financial statements for the period ended 31<sup>st</sup> December 2023 in respect to the department of Health and Sanitation
2. Report by the sectoral committee on Public Administration and ICT on the half year financial statements for the period ended 31<sup>st</sup> December 2023 in respect to the County Secretary, Governor, Deputy Governor and Public service

**Wednesday 2<sup>nd</sup> October, 2024 at 9:30 a.m.**

### **Papers**

1. Report by the sectoral committee on Gender, Culture, Social Welfare on Bungoma County Gender mainstreaming culture and heritage group registration and Children policies 2023

### **Notices of motion**

1. That this House adopts the report by the sectoral committee on Gender, Culture, Social Welfare on Bungoma County Gender mainstreaming culture and heritage group registration and Children policies 2023

### **Motion**

1. Report by sectoral committee on Finance and Economic planning on the 1<sup>st</sup> and 2<sup>nd</sup> quarter financial statements for financial year 2023/24
2. Report by the committee on Implementation on the implementation status of House resolutions

**Wednesday 2<sup>nd</sup> October, 2024 at 2:30p.m.**

**Motion**

Report by the sectoral committee on Health Services on the management of own generated revenue in health facilities in the County in respect to the department of Health and sanitation

**Thursday 3<sup>rd</sup> October, 2024 at 2:30 p.m.**

**Questions and statements**

A member of the House Business committee will be informing the County Assembly of the weekly business coming before the House from Tuesday 8<sup>th</sup> to Thursday 10<sup>th</sup> October 2024.

**Motion**

1. Report by the sectoral committee on Lands, Urban, Physical planning and Housing on 10 local physical and land use development plans

That is the tentative programme for next week, I table.

*(Weekly tentative programme tabled by Hon. Cornelius Makhanu)*

**Mr. Deputy Speaker:** Thank you, Hon. Cornelius Makhanu. Hon. Members, acquaint with this tentative weekly program commencing Tuesday 1<sup>st</sup> Day of October to Thursday the 3<sup>rd</sup> October, 2024.

Next item,

**MOTION**

**REPORT BY THE SECTORAL COMMITTEE ON TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES ON THE BUNGOMA COUNTY CONSOLIDATED 1<sup>ST</sup> AND 2<sup>ND</sup> QUARTER FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31<sup>ST</sup> DECEMBER, 2023**

**Hon. Edwin Opwora (Chairperson, Committee on Tourism):** Thank you, Mr. Speaker. I am here to present this report on the Bungoma County Government consolidated 1<sup>st</sup> and 2<sup>nd</sup> quarter financial statements for the period ended 31<sup>st</sup> December 2023. The document was tabled in this County Assembly of Bungoma on 21<sup>st</sup> February, 2024 and stood committed to all Sectoral Committees for their interrogation, input and recommendations through a report to this Honorable House.

The Committee critically analyzed the report and had an engagement with the Department on 2<sup>nd</sup> April, 2024 who responded to members' areas of concern.

## **The 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 with Standing Order 217(5).

## **Committee Membership**

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	Luseneka	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. Miliah	Masungo	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**

Sections 163, 166 and 168 of the Public Finance Management Act, 2012 requires that, at the end of each Quarter, the County Treasury shall prepare financial statements of each County Government entity, receiver of receipts and consolidated financial statements for all County Government entities in accordance with the standards and formats prescribed by the Public Sector Accounting Standards Board.

The CEC member for finance of the County Government is responsible for the preparation and presentation of the County Government's financial statements, which give a true and fair view of the state of affairs of the County Government for and as at the end of the period ended on December 31<sup>st</sup>, 2023. This responsibility includes:

- (i) maintaining adequate financial management arrangements and ensuring that these continue to be effective throughout the reporting period;
- (ii) maintaining proper accounting records, which disclose with reasonable accuracy at any time the financial position of the County Government;
- (iii) designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements, and ensuring that they are free from material misstatements, whether due to error or fraud;
- (iv) safeguarding the assets of the County Government;
- (v) selecting and applying appropriate accounting policies; and
- (vi) making accounting estimates that are reasonable in the circumstances

### **Acknowledgment**

May I take this opportunity to thank the office 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 1<sup>st</sup> and 2<sup>nd</sup> Quarter Financial Statements FY 2023/24 for period ending 31<sup>st</sup> December, 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.

It is therefore my privilege, on behalf of this Committee to table the Report on 1<sup>st</sup> and 2<sup>nd</sup> Quarter Financial Statements Financial FY 2023/24 for the period ending 31<sup>st</sup> December, 2023 in respect to the department of Tourism, Environment Water and Natural Resource

The report is signed by the Chairperson Hon. Edwin Opwora.

### **Key highlights on the Bungoma county 1<sup>st</sup> and 2<sup>nd</sup> quarter report and financial statement for the period ending 31st December, 2023**

The County's approved 1<sup>st</sup> supplementary budget for the FY 2023/24 was Kshs. 15,470,095,611 comprising Kshs. 5,643,037,428 (36%) and Kshs. 9,827,0528,184 (64%) allocation for development and recurrent programmes, respectively.

The largest part of the budget is expected from exchequer issues contributing 73.6% of the requirement, local revenue 13% and other receipts including grants 13.3%.

To finance the budget, the County expects to receive Kshs. 11,387,333,905 as the equitable share of revenue raised nationally, Kshs. 1,152,071,383 as Facility Improvement Fund (revenue from health facilities), Kshs. 1,753,680,635 as conditional grants from both government and development partners, Kshs. 158, 808,217 fund balances, generate Kshs. 868,201,471 as ordinary own-source revenue and Kshs. 150m from retention account. Kshs. 275, 350,297 was brought forward as opening balance as at July 1<sup>st</sup>

### **Departmental expenditure analysis**

The Department of Tourism and Environment had an approved 1<sup>st</sup> supplementary budget of **Kshs. 585,876,307** comprising of Kshs.376, 376,842 recurrent and Kshs.212, 399,464 for Development expenditure programmes.

The Department of Water and Natural resources had an approved 1<sup>st</sup> supplementary budget of Kshs.271, 247,394 comprising of Kshs.61, 605,249 recurrent and Kshs.209, 642,145 for Development expenditure programmes.

### **Tourism and Environment**

The absorption for the Department in the period under review was Kshs. 143,637,025 representing 25 %.

No.	Programme	Budget allocation	Expenditure	Balance	Absorption rate%
1.	Human resource management	31,136,359	10,647,702	20,488,657	34%
2.	Policy and legal framework	500,000	-	500,000	0%
3.	Planning and support services	4,720,000	3,252,449	1,467,551	69%
4.	Dumpsite management	2,000,000	-	2,000,000	0%
5.	Waste management and control	312,549,334	117,980,594	194,568,740	38%
6.	Climate change resilience investment grant	125,000,000		113,243,721	9%
7.	Climate change fund	80,000,000	-	80,000,000	0%
8.	Climate change institutional	22,000,000	11,756,279	22,000,000	53%

	support grant				
9.	County Tourism art and cultural festival	460,265	-	460,265	0%
10.	Infrastructure Development	7,399,464		7,399,464	0%
	<b>Total</b>	<b>585,876,306</b>	<b>143,637,025</b>	<b>442,239,281</b>	<b>25%</b>

### Water and Natural resource

The absorption for the department in the period under review is Kshs.64, 823,470 representing 24%.

No.	Programme	Budget allocation	Expenditure	Balance	Absorption rate%
1.	Human recourse management	38,151,374	15,144,378	23,006,996	39.7%
2.	Planning and support services	23,453,875	8,902,514	14,551,361	37.8%
2	Rig policy	-	-	-	-
3	Borehole development	8,810,745	-	8,810,745	0%
4	Project supervision	-	-	-	-
5	KOICA counterpart funding	20,000,000	-	20,000,000	0%
6	Ward based projects	180,831,400	40,776,578	140,054,822	23%
	<b>Total</b>	<b>271,247,394</b>	<b>64,823,470</b>	<b>206,423,923</b>	<b>24%</b>

### Department imprest

The outstanding imprest for the Department was Kshs. 3,096,208 which comprised:

- i. Facilitation for pre-topographical survey Kshs. 988,980
- ii. Facilitation for KOICA and Monitoring Kshs. 990,150
- iii. Facilitation for counterpart funding for KOICA 3 project Kshs. 992,800
- iv. Facilitation for purchase of accountable documents Kshs. 124,278

### Department pending bills

The pending bills for the Department are Kshs. 5,462,529 it is broken down as below;

Construction of Buildings	Kshs. 0
Construction of civil works	Kshs. 4,873,286
Supply of goods	Kshs.0
Supply of services	Kshs. 625,243
<b>Total</b>	<b>Kshs. 5,462,529</b>

#### **Department of water payments towards pending bills**

The Department of water made the following payments towards pending bills of Kshs. 22,143,054

- i. Upgrading of Kinugui primary borehole and drilling of one borehole at East Sang'alo Ward. Kshs. 5,909,852.
- ii. Upgrading of Nakhwana primary borehole and drilling of Nambuchi borehole Kshs. 3,976,132.80
- iii. Construction and protection of 6 water springs in Misikhu Ward Kshs. 1,160,160
- iv. Construction of Maliki water project in Milima Ward Kshs. 6,749,526.
- v. Upgrading of Namirembe dispensary borehole in Bukembe West Ward Kshs. 3,581,280
- vi. Extension of Kapsogom-Chepchabai-Cheptonon water project in Kapkateny Ward Kshs. 766,103.60

#### **Committee observations and recommendations**

##### **Observations**

1. The committee was unable to access the Department monthly/annual work plans and detailed budget implementation report together for comparison with half year financial statements report for the year ending 31<sup>st</sup> December 2023.
2. The Committee noted that most of the outstanding staff imprests were not surrendered as at 31<sup>st</sup> December 2023.
3. The department made a payment of Kshs. 22,143,054 towards pending bills however, a provision of Kshs. 14,000,000 was the only amount approved in 1st supplementary budget.
4. Members noted with concern Provision of Kshs 7,859,729 for construction of perimeter wall at Muanda dumpsite phase 2 as an extension to a weak wall that was constructed in phase 1.
5. The department has a pending bill of 51,815,662.40 and only kshs.14, 000,000 was approved in 1<sup>st</sup> supplementary budget.

6. The department did not provide sufficient documentary evidence supporting expenditure even after being tasked to do so before the committee retreats for report writing.

## **Recommendations**

1. **THAT** the department should be submitting its monthly/annual work plans and detailed budget implementation report together with the financial statements for easy comparison and oversight purposes.
2. **THAT** the department should ensure compliance of **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.
3. **THAT** the County Executive Committee member of the Department to establish and inform the Committee before the end of financial year 2023/2024 the source of Kshs. 8 million not approved in 1<sup>st</sup> supplementary budget that was used to pay for pending bills together with beneficiaries and share with the Committee 90 days after adoption of this report.
4. **THAT** the Officers who did and approved design, developed Bill of quantities and supervised the erection of the perimeter wall at the Dumpsite should be investigated responsible for waste of public money on erection of a wall that cannot sustain pressure from the garbage.
5. **THAT** the County/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.*
6. **THAT the** Department should always avail in advance to the Committee necessary documentary evidence supporting every expenditure vote for ease scrutiny and analysis during interrogation of financial statements.

## **Conclusion**

This committee urges for strict compliance to section 104 (i), (j) & (k) of the PFM Act 2012 in regard to responsibilities and powers of the County Treasury by all accounting Officers:

*(i) Ensuring proper management and control of, and accounting for the finances of the the County Government and its entities in order to promote efficient and effective use of the county's budgetary resources;*

*(j) Maintaining proper accounts and other records in respect of the County Revenue Fund, the County Emergencies Fund and other public funds administered by the County government;*

*(k) Monitoring the County Governments entities to ensure compliance with this Act and effective management of their funds, efficiency and transparency and, in particular, proper accountability for expenditure of those funds.*

Adoption of the report, all the committee members appended the signatures confirming the contents therein. Thank you Mr. Speaker

**Mr. Deputy Speaker:** Well, you can call the seconder

**Hon. Edwin Opwora:** I call upon Hon. Martin to second

**Hon. Martin Cheseto:** Thank you, Hon. Speaker. I want to applaud my able chairman for moving the motion fluently. I just want to make some comments as I second this motion; absorption of funds has been a thorn in the flesh in this department. During the 1<sup>st</sup> quarter and 2<sup>nd</sup> quarter, the rate of absorption has been wanting, it was below 50 per cent when during half year we should be at 50 per cent mark. However if you see the planning and support services that is where it performed better because it was at 69 per cent and 53 per cent in climate change institutional support grant. So this curtails the implementation of activities in the departments delaying services to the people of Bungoma

Secondly, on the issue of Imprest, this imprest surrender is just like cancer, it is eating us so it has been a challenge in the department whereby imprest holders overstay with the amount given to implement activities they had requested the funds for. This calls for strict adherence by the department and agenesis tasked with ensuring implementation of this. They should have strict compliance checks so that this issue of non imprest surrender doesn't occur rottenly.

On the issue of pending bills; the department indicated only pending bills of KShs.5,462,529 which was far much below the budget amount during the first supplementary which was KShs.14Million but you discover that the same department went ahead to pay a pending bill of more than KShs.22,143,054 then you wonder where did they get the money from. The department should have full disclosure of pending bills so that they can have it as first charge, without closure it can be a conduit of corruption.

Finally, the issue of the technical staff in the department of public works coming up with shoddy design works, an example of Muanda wall where the garbage is dumped. The technical staff in the department are coming up with the extension of the wall and yet the wall is weak, broken down and you are putting money to extent the same wall which is broken so I think it is high time this Assembly and those tasked to ensure proper works are done besides the prosecution of those who are supposed to do it, we need a serious audit of the qualification of these engineers so that we can curtail these issues of coming up with these shoddy kind of works with skewed bills of quantities which do not meet the test of engineering works. With those many remarks I want to second the motion.

**Mr. Deputy Speaker:** Thank you, Hon. Martin Cheseto Chemorion for seconding. Honorable members, allow me now propose the question that the motion having been moved and duly seconded, I now propose the question that this House adopts the report by the Sectorial Committee on Tourism, Environment, Water and Natural Resources on the Bungoma County Government Consolidated First and Second Quarter Financial Statements for the period ended 31<sup>st</sup> December 2023. I propose.

*(Question proposed)*

Hon. George Wasike Makari, will be the first one to go.

**Hon. George Makari:** Thank you, Mr. Speaker. I looked around and saw that no one was willing to say something on this. I think it's worth noting that we can also point out one or two. I want to say that I support the motion as ably laid before the House by the Chairman of the Committee. It's very demoralizing that the Department of Tourism, Environment, Water and Natural Resources can only absorb 25% of its budget and I don't know where the problem was. Is it the delays in Exchequer releases or what happened? If you look at the table the allocation of policy and legal framework it has an allocation 500,000 and nil expenditure. There is planning and support services, only 69% but I want to dwell on the 0 expenditure. Dump site management; we have a dump site in Bungoma County and nothing was utilized on dump site management. Climate change which was budgeted for only 9% of those millions was utilized, Climate change fund of 80 million has 0 expenditure.

Tourism sites; In East San'galo there is Mwibale, they did not spent even one shilling. That is zero expenditure. You go to infrastructure development 7.3 million; they did not spend anything there. They spent 0%. You come to water and natural resource, an allocation of 8.8 million on borehole development and no expenditure; we are in Bungoma County where there are several areas that water is a problem.

Look at KOICA counterpart funding, 20, 000,000, nothing was spent on this KOICA project. Ward-based projects with 140 million, they only spent 40 million, left out 100 that now goes to pending bills and I am also among the people that the water projects were left like that and now they are pending bills.

Another observation ;this department had a pending bill, an allocation of 14, in the budget but they went ahead and spent 22,000,000,where did they get the balance of 8,000,000 and this is where I also want to blame the committee a little bit because the committee was supposed to come to this House and tell us that the CEC for Water ,Tourism and Natural Resources explained that they got this 8,000,000 from somewhere but as it is, there is a payment above the allocation in the Budget but the committee just noted, they did not try to find out an answer from the executive arm detailing where they got the money from. So, as we pass that motion the way it is, we might not get an explanation where the department got the 8,000,000 from. Now who will

answer us that question because it's the question in my head and I know in the heads of various members of this House because that money could not have come from heaven. How did they get 8,000,000 to pay the pending bills when the provision in the budget was only Kshs.14, 000,000?

Hon. Speaker, maybe at your level you will tell us how we can get an answer on this question because I don't see it going away and the committee has washed its hands. They have just given us a report in the House and told us the department spent 22,000,000 with the provision of 14,000,000. Now, who is to answer us this question?

There is an observation that says the department did not provide documentary evidence to support their expenditure. My good friend Hon. Opwora being the Chair I do not know, does the committee need us to go and ask the executive or we delegated this power to the committee to ask this executive about this documentary evidence. Now, they also leave that question hanging because who is to answer us as to why they did not provide documentary evidence. I think as I support, those are the hanging questions in this report.

**Mr. Deputy Speaker:** Thank you. Hon. George Makari. Hon. Ipara Johnston,

**Hon. Johnston Ipara:** Thank you, Hon. Speaker. I also rise to support this report with the following reservations; first, from where Hon. Makari ended, I also allocated some money for water upgrading but this particular department undermined me that until at the end, nothing was done and maybe the question maybe the committee will also ask the department what happened and where did that money go if it was not rolled over.

On page 12 of the report, the first observation, the committee was unable to assess the department's monthly and annual work plans and detailed budget implementation report. If a department intentionally chooses to deny a committee mandatory documents that may guide them in preparation of a report, where are we headed to?

I think we should not even be blaming the committee. I think this House should think about the person who was responsible by that time, who was he and it reminds us it was the CEC by the name Kibunguchi and this is the man who undermined this committee and this man is the man who was rewarded by being given a sensitive committee of Agriculture and we wonder if he was not able to perform under this where he is assisted by professionals attached to World Bank and other interested partners, will he really perform in the department of Agriculture and you understand very well without an annual work plan, you cannot even understand what was done, what did they intend to do ,what was done at what time and this is why you find that they were not able to

Imagine where you have 14 million available to be used and you spend in excess of 8 million. Where are these people taking us? We thought that we have professionals who are out there to assist the government and the department to realize the wishes of the people of Bungoma County but as I see as an amateur, this will form an audit query and there's no implementation that was

done to increase the allocation to 22 million. Worse about and this should be noted by a respected member who was about to inform me. Are we fair to departments if you deny them documentary evidence on what they did? We may end up blaming the Chair but the Chair and his committee say, they demanded for documents which were not provided on time and these reports have a time frame to be submitted. I think we should not allow this trend to continue. It should not be business as usual. I support.

**Mr. Deputy Speaker:** Thank you, Hon. Johnston Ipara Okasida. Hon. Simotwo Franklin,

**Hon. Francis Chemion:** Hon. Speaker, you know, I taught English for 20 years.

**Mr. Deputy Speaker:** Yes.

**Hon. Francis Chemion:** And as usual, it is my work to check on any document that comes in the House. If you look at the table...

**Mr. Deputy Speaker:** Hon. Masai!

**Hon. Francis Chemion:** Yes.

**Mr. Deputy Speaker:** You know, you've told this House something and it's interesting. From where I sit and maybe most of these members never knew that your work was to check. So you can proceed.

**Hon. Francis Chemion:** Yes of course. You know, when a document comes here, we must have a very keen observation of any document that comes before the House. So I have checked and found out that if you look at the table on page 8 of the document, we have under Climate Change Resilience Investment Grant, the budget was 125 million. There is a column there that is supposed to show us whatever was expended in that vote line, which is just blank and the balance is lower than the expenditure. So I hope the Committee Clerk should have been very keen to indicate the amount that was spent there, so that we have the 9% and I'm very sure the Chair will be giving us that amount as he replies, because he's a mathematician. I know him.

You go down on the same table under that Climate Resilience Climate Change Fund, Climate Change Institutional Support Grant, if you look at the amounts involved, they are enormous, the first one we have talked of a budget of 125. The second one is a budget of 80. The third one is a budget of 22 million. If you add them together, it's a lot of money and we have not felt the impact of a climate change address by our county and you know this house burned its midnight oil to come up with a climate change policy. The house did whatever it was supposed to do to ensure that these monies are expended but as you see today, we have had some adverts for construction of water projects in our wards which does not even add up to this amount and most of the wards are not even touched and for record purposes, the team that was handling the issue

of climate change in our wards, the engineers, the people who were involved in looking at whatever the climate change committees had proposed in our wards was biased.

It was not transparent and they were coercing even the members of those committees to agree on a project that is not there. A very good example is my ward. The chair of the ward climate change committee was called several times being instructed to accept to sign a water project that the committee had not even discussed and there was not a single proposal and when he failed to do that, the ward was not captured. So, there is some lack of transparency in that team of engineers and in that team of people who are going to the ground to look at the water projects and you know this is a very sensitive matter. It is sensitive to an effect that if a petition is written to the World Bank by a committee, it will stop everything because the World Bank works with a lot of transparency.

So, Chairman and the committee, we want to ask that anything that is going to happen from now let the department do it transparently and openly. Let them not force projects or things that are there. Like, for example, somebody was even hinting to me, that they want to plant trees in the Moorland area in my ward. You know in the Moorland area we don't plant trees. They grow naturally and where will you get even trees to plant there because the trees that grow there are the ones that can only survive in very cold environment. So, we are sounding a warning to that team. Let them do the wishes of the climate change committees in our wards and also, they should also involve the Honorable Members just for information.

You just hear they were here; they met who, they have done this and Honorable Members are not involved. So, climate change is a blessing, we don't want it to turn out to be a curse to our county. Let it help our people. Even what they are doing, the handing over that is happening right now, had the Chairman not even informed us, it could have gone on without our involvement. So, Chair, we thank you, at least you gave us what was happening and those ones whose wards benefited, at least maybe you have participated in the site handover process but transparency and accountability is very key.

**Mr. Deputy Speaker:** Thank you, Hon. Masai Chemion. Let's have Hon. Caleb Wanjala,

**Hon. Caleb Wanjala:** Thank you, Hon. Speaker. As much as I stand here to support the report, there are a lot of things that are not right and one of them we have talked here severally. It is the issue of the pending bills. You realize that most of the projects that did not take off is because some of the contractors that were given the job were not able, they don't have the muscles to do the job so, at the end of the day these Honorable members frequent the office, make a lot of calls, and there is nothing coming out of that.

I think it is a high time where the procurement department needs to be keen especially when they are doing the tendering, to choose the correct people who can be able to help in terms of finishing the project on time.

This issue of climate change, like my colleague has said, indeed, we burned the middle night oil. I remember we had a lot of meetings to make sure that we passed the climate change bill but as we speak, myself yesterday I even delayed coming in the House because they were handing over the project in my place and when they asked the climate change committee from my ward, no member was there and when I called the chairman, they were very frustrated by the department.

Things were being done with a lot of secrecy. They did not want to open up to the committee and mark you it is the same committee that needs to be on the ground to oversight the projects and if they are frustrated and they are not there, how sure are we that the contractors who have been given the work will do a good job.

At the same time, you realize that there is an imbalance in some of those projects. You realize that there are some wards that have received a lot of money compared to other wards. I don't know which criteria they used to determine that this ward has to receive a lot of money and another one receives little money.

They did not even give the committees time to choose the projects that are viable on the ground. They were forcing the committee just to accept projects that are not on their wish list. At the same time, we felt that this money was to help our wards but you realize that most of the contractors are coming outside the wards whereas we have groups like people living with disability, the women groups, the young people groups, none of them were given consideration when it came to choosing the people to do the work and now that we have some balances, we hope that this time round, the climate change group or the people who have been entrusted in charge of making sure that these projects are complete will sit down and involve these Honorable members.

Otherwise, if things go this way, it will go Kakamega way. As we speak today, the Kakamega County accounts have been frozen by the World Bank simply because someone raised a petition over the same way in terms of accountability and transparency. Otherwise, I know our chair is able. Chair, we have a lot of faith in you, and we hope that you will be notifying the House or the honorable members in time so that we can put in check this noble project of climate change. Otherwise, I support, but things have to be done differently.

**Mr. Deputy Speaker:** Thank you, Hon. Caleb Wanjala. We now have Hon. Hentry Nyongesa

**Hon. Hentry Nyongesa:** Thank you, Mr. Speaker. I want to thank the Chairman and the entire committee for being open. Of course they have not hidden anything. The chair has been very clear on the areas, especially where Hon. Makari was mentioning.

I don't want to labor much, but I just want to press on the pending bill. I have witnessed it myself, why this county is suffering in terms of the pending bill. I had a chance to have a project under Ward based and the contractor finished his work towards April, the contractor raised an invoice for payment in the Ministry and up to now, his payment has gone under a pending bill

and further they have referred the documents back to the Ministry and even as we are talking, the Ministry is unable to upload that amount to be paid to that contractor. When I followed-up, the procurement department is going in circles, saying they must upload that payment in the system before it goes to Finance department.

As we are talking today, everything has been done in most of the departments, but this done nothing. The chair should work seriously, such that the officers who are in charge of those departments at least something must be done because we must be given an explanation why contractors can do their work, finish on time, and then you don't pay them. I think that is the reason why we are having serious items lying in the department of Water.

I want to support Hon. Ipara on something that is very nagging which was introduced in the department of Water without proper procurement systems and we were asking a lot of questions. We realized that we have geologists in the department, such that the contractor cannot go to a site until that person has gone to the site to certify that there is water, a private geologist resides in Kakamega. Officers in that department have an interest and they have specifically picked on somebody, the contractor must forfeit 100,000 towards that contractor. He is paid 100,000 before he goes to site, and so on. I don't know who gave authority to the department to do such an arrangement that the person should be paid Kshs. 100,000 before he works, yet this county is spending money in terms of employment water officers in the department. The chairperson should come clear on this amount.

Lastly, the department has a rig which is has not been mentioned anywhere. We have Kshs 8 million for boreholes, which nothing has been done. The level of absorption is at 22 per cent which implies that we should remove funds in this department and move it to other departments that can utilize and give services to the residents of this county.

**Mr. Deputy Speaker:** Thank you, Hon. Nyongesa for your contribution. Allow me now call the mover of the motion Hon. Wekesa to reply.

**Hon. Edwin Opwora (Chairperson, Tourism):** Thank you, Mr. Speaker. First, allow me thank all the Hon. Members who have contributed to this motion. I want to say that all the raised issues are valid and are of concern. My neighbor here Hon. George raised the issue on zero absorption balances under climate change. Some of these funds were co-funding and the county was supposed to provide this money but due to delays in exchequer it led to the delays in spending. However, the said money is not lost.

An issue was raised on part of our observations that indeed the documents which we requested were not provided on time. We have been open and I really wish that the Committee on Implementation also takes it up because as a committee we had timelines to be able also to prepare this report. Therefore, whatever that had not been presented calls for audit because it

indicates that there were question marks. Reason we are reporting that the questions we requested for were not provided in time.

Hon. Chemion raised an issue on climate change resilience on page 8 where we had a typo error; the climate change resilience that had an allocation of Kshs. 25 million and the balance was given without expenditure which was indeed Kshs. 11,756,279. However, there are concerns that we have not felt the climate change fund but all is not lost because these projects are starting. I want to note a good observation that through this committee a lot was being done by the department using guidelines from the World Bank and we as Members ideally we were not supposed to interfere with the daily activities of the committees and the department. However because of this committee all elected Members will be involved entirely in the projects. This is the right time for us to do proper oversight, so that we can ensure whatever proposals were done by the ward committee either are captured and implemented. If not implemented we will play our oversight role to query the department on why and where these funds are. Based on some of the proposals that were made, the department had their own recommendations in various wards and that is why you see some discrepancies because it was not a unified proposal for all the wards.

Each ward was coming up with its own projects and those proposals were evaluated and there were some which were falling below the recommended World Bank expenditure expectations. That is why the department was advising these committees to take up certain projects. I believe each ward has their own expectations and I request Members that this is just a start of the programme...

**Mr. Deputy Speaker:** He is giving a reply and we should allow him to proceed and conclude.

**Hon. Edwin Opwora (Chairperson, Tourism):** Thank you, Mr. Speaker for protecting me. I call upon all the Members that we have projects that are being done, kindly let us do oversight to help us as a copy to also do our oversight and report rightly.

I want to finalize on what Hon. Nyongesa has raised and part of the issues that he has raised about the Kshs. 100,000 being requested, unfortunately he has named a particular officer but it is an issue that can be investigated. I request that we are given time as a committee to do proper investigations because we have staff who are paid to undertake these duties. Otherwise, I pray that the House adopts the report.

**Mr. Deputy Speaker:** Thank you Hon. Wekesa.

*(Question put and agreed to)*

The ayes have it and the report is adopted.

(Applause)

## **REPORT BY SECTORAL COMMITTEE ON LABOUR RELATIONS, MEMBERS SERVICES AND FACILITIES ON HALF YEAR FINANCIAL STATEMENTS FOR THE FY 2023/2024 FOR THE PERIOD ENDED 31<sup>ST</sup> DECEMBER 2023**

**Hon. Catherine Kituyi: (Mover)** Thank you, Mr. Speaker Sir. I rise to move a motion on the Committee Labour Relations, Members Services and Facilities report on Half Year Financial Statements for the FY 2023/2024 for the period ended 31<sup>st</sup> December 2023.

### **Preface**

It is my duty to present the report by the Committee on Labour Relations, Members Service and Facilities on the County Assembly Service Board and County Public Service Board 1<sup>st</sup> and 2<sup>nd</sup> Quarter Financial Statements for the Financial Year 2023/2024 for the period ended 31<sup>st</sup> December, 2023. The Financial Statements was tabled on 28<sup>th</sup> March 2024 in the County Assembly of Bungoma and stood committed to all Sectoral Committees for their interrogation, input and recommendation through a report to this Honorable House.

### **Committee Mandate**

The Sectoral Committee on Labour Relations, Members Service and Facilities is constituted pursuant to the provisions of Standing Order 217 of the County Assembly of Bungoma.

### **Committee Membership**

The following are the Members of the Committee on Labour Relations, Members Service and Facilities:

1. Hon. Hentry Nyongesa	Chairperson
2. Hon. Catherine Kituyi	Vice Chairperson
3. Hon. Anthony Lusenaka	Member
4. Hon. Joan Kirong'	Member
5. Hon. Milliah Masungo	Member
6. Hon. Everton Nganga	Member
7. Hon. Charles Nangulu	Member
8. Hon. Jerusa Aleu	Member
9. Hon. Linda Kharakha	Member
10. Hon. Polycarp Kimeta	Member
11. Hon. Metrine Wilson	Member
12. Hon. Everlyne Anyango	Member
13. Hon. Alice Kibaba	Member
14. Hon. Brigid Katasi	Member

### **Acknowledgment**

I take this opportunity to thank all the members of the Committee for dedicating their time to analyze, interrogate and come up with the report on the County Assembly Service Board and County Public Service Board Half year Financial Statements for the Finance Year 2023/2024, for the period ended 31<sup>st</sup> December 2023. The Committee would also like to appreciate the secretariat attached to the committee for its commitment and support. Lastly, the Committee is grateful to your office and the office of the Clerk of 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 Labour Relations, Members Service and Facilities, to table the Report on the Half Year Financial Statements of the County Assembly Service Board and County Public Service Board for Bungoma County for Financial Year 2023/2024.

Report signed by Hon. Hentry Nyongesa Chairperson Committee on Labour Relations, Members Service and Facilities.

### **KEY HIGHLIGHTS ON THE HALF YEAR FINANCIAL STATEMENT FOR THE FINANCIAL YEAR 2023/2024**

The county targeted revenue projection for the financial year 2022/23 was **Kshs. 14, 824, 738, 618** as per the approved 2<sup>nd</sup> supplementary budget. Below is the breakdown of the sources of revenue;

No.	Source	Amount
1	Equitable share	10,659,435,192.00
2	Equitable share b/f	867,288,525.00
3	Retention	293,425,903.00
4	Conditional grant Development partner	1,543,977,937
5	Conditional grants National	113,228,200.00
6	Local revenue as per act	500,000,000.00
7	AIA	847,382,860.00
	<b>Grand Total</b>	<b>14,824,738,616</b>

### **THE COUNTY PUBLIC SERVICE BOARD**

The County Public Service Board of had a total approved allocation of Kshs. 62,852,554 distributed as Kshs. 48,352,554 on recurrent and Kshs. 14.5 million on development.

## **REVENUE**

The Board does not collect any revenue and AIA. A total of Kshs 45,587,411 was realized as exchequer based on the requests the Board had submitted. From the amounts received, Kshs 42,182,040 went towards recurrent and Kshs. 3,405,371 was towards development.

## **EXPENDITURE**

The County Public Service Board of had a total approved allocation of Kshs. 62,852,554 of which Kshs. 48,352,554 went on recurrent and Kshs. 14.5 million on development.

The Board received and spent Kshs. 14,847,065 on recurrent expenditures translating to absorption of 30.7% of the recurrent budget. Submissions from the board indicate Kshs. 16,032,995 was realized an equivalent of 33%.

The expenditure items are as highlighted below:

- Payment of staff in the half year was Kshs. 4,130,711 translating to 40% absorption of the budgeted amount.
- Recruitment of 235 personnel in the department of health at Kshs. 4,619,262
- Translation of terms from contract to permanent and pensionable in the department of Health and Finance at a cost 1,500,600
- Renewed contracts for 247 UHC staff and promoted 232 staff in the department of health and lands at a cost Kshs. 2,906,720.
- Commenced the recruitment of 200 ECDE teachers, 6 chief officers, county solicitor and 4 audit committee members including the chairperson cost Kshs. 3,389,829.
- Other office operational costs including costs on seminars, workshops and other costs Kshs. 4,085,135. The breakdown is as follows:
  - ✓ Purchase of stationery 300,000
  - ✓ Motor vehicle fuel 256,500
  - ✓ Payment of air tickets 640,000
  - ✓ Facilitation to members to attend annual conference 890,000
  - ✓ Conference facilitation to 6 officers in ; Mombasa, Naivasha, and Nakuru 767,635
  - ✓ Office operations 300,000
  - ✓ Preparation of annual plan 931,000

## **BUDGET EXECUTION BY PROGRAMMES AND SUB-PROGRAMMES**

### **Governance and Ethics**

Quality assurance had allocation of Kshs. 5,120 330 and nil absorption.

Ethics Governance and National Values had an allocation of Kshs. 10,716,570 and did not realize any expenditure.

### **Development**

Construction of storey building for the CPSB administration block had an allocation of Kshs. 14,500,000 and had nil expenditure during the period under review.

#### ACCOUNTS PAYABLE

A total of Kshs. 7,559,830 was owed to suppliers at the start of this financial year 2023/24 which includes Kshs. 3.1 million for legal services and Kshs. 2.1 M for Mabanga ATC catering and conference service.

#### **1.1.1.1 ACCOUNTS RECEIVABLE.**

The County Public Service Board had cleared and had no un-surrendered imprests to report on as at the time of interrogation.

### **THE COUNTY ASSEMBLY SERVICE BOARD**

#### **REVENUE**

The total budget for County Assembly for the financial year 2023/24 is Kshs. 1,268,975,880 as per the approved 1<sup>st</sup> supplementary budget. This budget comprises of Ksh.1, 132, 238, 230 as recurrent and Kshs. 136,737,650 as development. It, therefore, translates to at 89% and 11% respectively.

During the period under review, the County Assembly received a total of Kshs. 539,795,090 from exchequer distributed as:

Quarter 1 Kshs. 195,663,127

Quarter 2 Kshs. 344,131,963

#### **EXPENDITURE**

The total approved budget for the period was Kshs 1,268,975,880 and actual expenditure amounted to Kshs 536,761,858 representing 42% absorption. Total budget for Recurrent was Kshs. 1,132,238,230 against actual expenditure of Kshs. 512,014,998 representing 45% absorption. Additionally, development budget was Kshs. 136,737,650 against actual expenditure of Kshs. 24,746,860 representing 18% absorption. This is further broken down as follows:-

<b>Classification</b>	<b>Approved budget</b>	<b>Actual Expenditure</b>	<b>Budget Absorption</b>
Recurrent	1,132,238,230	512,014,998	45%
Development	136,737,650	24,746,860	18%
<b>Total</b>	<b>1,268,975,880</b>	<b>536,761,858</b>	<b>42%</b>

## BUDGET EXECUTION BY PROGRAMMES AND SUB-PROGRAMS

General Administration, HRM, Planning & Supports Services had a supplementary budget of Kshs. 901,264,262. The aforementioned had absorption of Kshs. 401,575,857 representing a 45% budget.

### Personnel Expenditures

Compensation to employees (Salaries & Personnel Emoluments) allocation was Ksh. 603,027,483. Absorption of Kshs. 267,430,365 was realized representing 44% budget absorption. The salary amount is inclusive car reimbursement of Members of County Assembly which had an approved budget of Kshs. 119,448,000 and absorption of Kshs. 68,360,000 during the period representing 57%. It also captures gratuity payment worth Kshs. 10,936,704 against a budget of Kshs. 27,661,646. The breakdown of the personnel expenditure is as captured below:

- Basic salaries Kshs. 92,779,983
- Basic wages Kshs. 11,966,850
- Personal allowance paid as part of salary Kshs. 74,214,570
- Pension and other social security contributions Kshs. 9,172,259
- Car Reimbursement Kshs. 68,360,000
- Gratuity (MCAs and ward staff) Kshs. 10,936,704

Description	Supplementary Budget	Actual Expenditure	Budget Absorption
Salaries & Wages	455,917,837	188,133,661	41%
Car Reimbursement	119,448,000	68,360,000	57%
Gratuity	27,661,646	10,936,704	39.5%
<b>Total</b>	<b>603,027,483</b>	<b>267,430,365</b>	44%

### Use of goods and services

Use of goods and services had an allocation of Kshs. 116,967,921. This includes administrative and support costs as captured below:

- Utilities supplies and services Kshs. 845,572
- Communication supplies and services Kshs. 1,654,400
- Domestic travels and Subsistence Kshs. 26,594,305
- Foreign travel and subsistence Kshs. 1,257,955
- Printing, advertising and information supplies Kshs. 1,361,716
- Training expenses Kshs. 12,052,341
- Medical insurance Kshs. 31,945,605

- Specialized material and services Kshs. 7,000
- Office and general supplies services Kshs. 5,146,641
- Fuel, Oil and lubricants Kshs. 1,853,000
- Other operating expenses Kshs. 33,411,229
- Routine maintenance-vehicles Kshs. 675,128
- Routine maintenance other assets Kshs. 163,030

Other Operating expenses with a total expenditure of Kshs. 33,411,229 includes, the following costs:-

- Contracted Guards and Cleaning Services Kshs. 4,861,120
- Membership Fees, Dues and Subscriptions to Professional and Trade Bodies Kshs. 31,400
- Management Fees Kshs. 28,086,347
- Contracted Professional Services Kshs. 432,362

Analyzed as follows:-

<b>Vote item No.</b>	<b>Description</b>	<b>Budget</b>	<b>Actual</b>	<b>Budget Absorption</b>
2211305	Contracted Guards and Cleaning Services	14,352,000	4,861,120	33.9%
2211306	Membership Fees, Dues and Subscriptions to Professional and Trade Bodies	11,807,470	31,400	0.3%
2211308	Legal Dues/fees, Arbitration and Compensation Payments	10,000,000	-	0.0%
2211309	Management Fees	41,241,250	28,086,347	68.1%
2211310	Contracted Professional Services	2,928,953	432,362	14.8%
		<b>80,329,673</b>	<b>33,411,229</b>	<b>41.6%</b>

## Representation

Operationalization of the ward offices had expenditure of Kshs. 12,748,725. This entailed transfer of Kshs. 2,549,745 per month to the 45 ward bank accounts. As such, by half year, the remittances had been done up to the month of November 2023.

## **Legislation**

Legislation had approved budget of Kshs. 13,286,000 with zero budget absorption. During the period under review the Assembly was able to legislate a number of laws which includes:

- ✓ Bungoma Government Inspectorate And Compliance & Enforcement Bill 2023.
- ✓ Bungoma County Co-Op Societies Bill 2023
- ✓ Bungoma County Public Entertainment & Amenities Bill 2023
- ✓ Bungoma County Outdoor Advertising & Signage Control And Regulations Bill 2023
- ✓ Bungoma County Weights & Measures Bills 2023
- ✓ Bungoma County Finance Amendment Bill 2023
- ✓ Bungoma County 1<sup>st</sup> Supplementary Appropriation Bill 2023
- ✓ Among Others.

## **Oversight**

Oversight services had a supplementary budget of Kshs. 136,660,359 with actual expenditure of Kshs. 76,709,605 representing 56% budget absorption. Committees' activities/retreats were funded and report tabled on the floor of the House.

### **1. Other Payments**

This payment relates to tax-audit arrears for FYs 2018/2019, 2019/2020 and 2020/2021. This was budgeted under Vote item No. 2211399. The amount was 36 million

### **2. Acquisition of Assets**

Entails the development expenditures which had a budget of kshs.136,737,650 and actual expenditures of Kshs. 24,746,860 translating to 18% absorption.

The County Assembly had an approved budget of Kshs. 106,793,185 for development. It was expended as follows;

- New administration block Kshs 62,451,513
- Pending bills for teammate audit system Kshs. 3, 550, 418. 57.
- HANSARD system Kshs 2,709,406.30

### **Accounts Payables- Pending Bills**

The total amount for County Assembly at the beginning of the period was Kshs. 34,746,187. During the period, Kshs. 10,826,325 was paid leaving a balance of Kshs. 23,919,862 as at 31<sup>st</sup> December 2023. Included in the amount of pending bills are:

- ✓ Kshs. 14,700,000 owed to County Assemblies Forum accrued from prior years.

- ✓ Legal fees Kshs. 4,740,000
- ✓ Supply of goods and services (Nairobi sports house, computers systems) Kshs.2, 502,074

Notably is the absence of the supplier of credit vote.

There are no pending bills relating to development expenditures.

### **Retention**

County Assembly had an outstanding Retention amount of Kshs. 28,314,671 as at 31<sup>st</sup> December 2023 compared to Kshs. 44,464,244 in the prior period (as at 31<sup>st</sup> December 2022). At the close of the previous financial year- as at 30<sup>th</sup> June 2023, the Retention amount was Kshs. 25,839,985. The Retention account is operated and maintained by the County Executive

### **Accounts Receivables**

County Assembly had cleared all Outstanding Imprests by 31<sup>st</sup> December 2023 as compared to the prior period where there was an outstanding imprest amount of Kshs. 5,226,600.

### **General Committee Observations and Recommendations**

#### **Committee's Observations.**

The Committee made the following observations.

1. The Construction of County Public Service Board office block had an allocation of Kshs. 14,500,000 with no expenditure as at the time of interrogation.
2. The County Public Service Board has had Land allocated to it and is set to begin construction of the office block.
3. A total of Kshs. 7,559,830 was owed by the County Public Service Board to suppliers at the start of this financial year 2023/24 which includes Kshs. 3.1 million for legal services and Kshs. 2.1 M for Mabanga ATC.
4. Under development expenditure, the County Public Service Board did not spend any funds.
5. The County Assembly, under Legislation had approved budget of Kshs. 13,286,000 with zero budget absorption.
6. The two Boards had no un-surrendered imprests to report on.

### Committee Recommendations

The following recommendations were made by the Committee:

1. **That**, the County Public Service Board should see to it that the construction of the Administration Block on the land allotted to them by the County Government before the lapse of the Financial Year.
2. **That**, the County Public Service Board should declare and prioritize the payment of pending bills when preparing proposed budget estimates to avoid unnecessary litigation and accumulation. It needs to allocate funds towards settlement of pending bills in the second supplementary budget.
3. **That**, County treasury should ensure the correctness of the financial statements by consulting the user departments.
4. **THAT**, Hon. Members are encouraged to come up with legislations to have absorption on the legislation vote.
5. **That**, the approved budgets should be implemented pursuant to PFMA 149 (1).  
*(1) 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; and*  
*(b) effective, efficient, economical and transparent.*

The adoption schedule is here. All members have signed apart from one.

There are minutes to adopt the report. Thank you, Mr. Speaker, sir. I call upon the chair to second the report.

**Mr. Deputy Speaker:** Well done Hon. Catherine Kituyi.

*(Applause)*

So let us have the Chairperson of the committee, the Hon. Henry Nyongesa Khaemba to second the report.

**Hon. Henry Nyongesa:** Thank you, Hon. Speaker. I want to appreciate my Vice-Chair for being eloquent on reading this report. I will start with the County Assembly, you may realize that all programs were stuck on the budget and I want to appreciate the members. While we are looking at this report, there are a lot of achievements that were made and you may realize that in the County Assembly utilization was almost 90 per cent.

The only item that was not utilized was a vote on legislation, which we want to urge members that this vote requires private motions and we have enough money, so those members who have private motions there is enough funding for the same.

On the side of the County Public Service Board, I think we had challenges when we were looking for the land, but as we speak, the administration block for the County Public Service Board is on. Only that the payment was not done on time and the money that was required to continue facilitating the contractor went into a pending bill. But when we inquire, now the money has been committed and I think the project will be on.

As I second the motion, it is my request that the House approve this report without amendment.

*(Applause)*

**Mr. Deputy Speaker:** That's a veteran member here, Hon. Henry Nyongesa. Hon. Members, I now propose the question that this House adopts the report by the Sector Committee on Labor Relations, Member Service and Facilities on half-year financial statements for financial year 2023-2024 for the period end of 31<sup>st</sup> December 2023.

I propose. The Hon. Bernard Kikechi, Member from Mbakalo.

**Hon. Bernard Kikechi:** Thank you, Hon. Speaker. Having keenly followed the report as eloquently presented by the Vice Chair of the Committee of Labor and having looked at the findings and recommendations, the Committee did a wonderful job. As a Hon. Member of this House, I stand to fully support the report.

*(Applause)*

**Mr. Deputy Speaker:** Thank you, Hon. Kikechi Benard. The Hon. Makari George,

**Hon. George Makari:** Thank you, Mr. Speaker. I want to support the report. I have one or two issues. Like for example, 14 million on development, County Public Service Board, maybe I should appreciate that this is just a half-year report, because we can debate now and say they did not pay, but when the third and fourth quarter report comes, you might find that actually they cleared but however, even if they did, but if you look at the County Public Service Board House through your window, you see that it is stalled. I don't know if the Chair of Labor is listening to this, It is not going on and it has remained like that for almost three or four months and you find that even the metal in the casing that is covering is now rusting away, that is also an issue that needs to be looked at.

On CASB, 13 million for legislation has a nil expense. I want to agree that maybe because it is just a half-year and actually members don't bring private motions here where this vote can be utilized. But now the wisdom of the Committee of Labor, when the supplementary come, if the

money is not utilized, then it can be moved elsewhere, so that we are clear with that, so that it does not remain in our books.

I want to commend the CASB as well as the County Public Service Board, because there are no outstanding imprests, so it is a plus to these two bodies. I think we should give them a round of applause..

*(Applause)*

Then maybe finally, this accounts payable, pending bills, even the Assembly, there is 14,700,000 owed to county assemblies for CAF. It is an accrued expense from prior years, meaning we have not been paying these amounts. I was one time in the seat of the majority leader, one day and actually, when I left we had 5 million that was not paid but now, the Leader of Majority has sat there, but it has now accumulated to almost 15 million that they are not paying. So, that is a pending bill. I remember one day we passed here a motion and said you are no longer part of the CAF and actually, the motion passed. So I don't know if you are basing on the motion not to pay that money or we again re-registered into CAF but I can see Hon. Grace Sundukwa and Tony still attend CAF meetings, despite the fact that we passed a motion delinking ourselves from the CAF.

**Mr. Deputy Speaker:** Maybe Hon. Makari for guidance purposes, I don't like interjecting members when they are presenting. But kindly the Hon. Speaker is the only authority mandated to make such decisions. So where I sit as a Deputy Speaker here, I cannot purport to lead the House in leaving some bodies and institutions or associations in my capacity. So, that motion was not appropriate. I want to say this because it is on HANSARD and I think it is important that we clear the air. Proceed, Hon. Wasike Makari.

**Hon. George Makari:** Thank you, Hon. Speaker for guidance. It was hot air but you supported the motion, Hon. Sudi maybe just another one. A legal fee of 4.7 million is also a pending bill but what I believe is that has been sorted because that was just a half-year report. I think in the subsequent report these pending bills will be cleared. I support.

**Mr. Deputy Speaker:** Thank you, George Makari. Let's now have the Hon. Johnston Ipara, **Hon. Johnston Ipara:** Thank you, Hon. Speaker for the opportunity. Let me laud the mover of the report and slightly talk a few things. The seconder I think he was not even aware of the report that was being presented to the House, in today's report, it indicates that the new Public Service Board building being put up had an allocation of 14,700,000 which had not been utilized by the time. I think he could have told us as to why that money was not utilized. He was trying to divert attention, which is not fair. I want to quote from him. The chair of the committee said that this committee is a committee that abides by the rule of law. If really this committee abides by the rule of law, they were supposed to lead by example. Making sure they pay a contractor on time,

they make sure that all payments are made on time, but if you look into this report, payments are not being made and the chair is sitting here celebrating. Just see here. Legal fees are not paid

*(Applause)*

It is not a laughing matter. They are not paid and the chair is just laughing seated here.

*(Laughter)*

I am only referring to their report; pending bills. What it means is that debts have not been paid. The uniforms that we used during CASA games in Nakuru up to this moment, we are being told they are not paid, are we really serious? This committee looks on the welfare of this Assembly and should report on timely matters that affect the assembly. They should abide by Article 47 of the Constitution where they make available all reports that are required.

He is talking about the new administration block. From the time when I came to this House in August 2022, I have never heard the chair of Labour talking of achievements of the new administration block. I have never heard him talking of how much the new administration block cost us and I want to caution the chair, this should not be a practice.

As we proceed, he should now inform us the new Assembly plenary. How much is it going to cost? What will it contain? How many offices will it have beside the plenary? This man should not hide under.

*(Laughter)*

*(Applause)*

**Mr. Deputy Speaker:** Hon. Hentry, your friend behind you is as tall as you are and you are joking around with each other. Proceed.

**Hon. Hentry Nyongesa:** Hon. Speaker, I wish the speaker who has just left could refer the question to the mover of the motion because he is referring to this man. Who is this man Mr. Speaker? So the Hon. Ipara should come out clearly. Who is this man? Because I saw the mover of the motion was the lady, I don't know why he has changed again. So I think the Hon. Ipara should withdraw those statements.

**Mr. Deputy Speaker:** Hon. Henry, you are the chair and you are known. Unfortunately, you are tall and with very white teeth. So you cannot hide anywhere.

*(Laughter)*

Hon. Joan Kirong, our Deputy Majority Leader, member for Kapkateny .

**Hon. Joan Kirong'**: Thank you, Chair. I want the member who was in the stage to respect our chair.

*(Applause)*

Because the way he is stating, it seems the chair of Labour Committee is the auditor, is the implementer. SoI do not understand the Hon. Member.

**Mr. Deputy Speaker**: Hon. Joan Kirong, Deputy Leader of the Majority and member for Kapkateny. We have heard you and I don't think there was anything. The two members, looking at their body language you can realize something. There is chemistry and we cannot dispute that. We proceed.

I call upon now the mover, the able member, Hon Catherine to give reply.

**Hon. Catherine Kituyi**: Thank you, Mr. Speaker. First of all, I want to thank the members who contributed towards the motion, it was worth. Members, this was a half-year financial statement. All those dues were paid. Wait for the full-year financial statement. Don't make noise.

*(Applause)*

*(Laughter)*

You know like such a time when we are procuring CASA uniform, there is no money. Where do you expect the County Assembly to get the money to pay? They will procure, we will get reports, they have not paid but later on they will pay.

About the CAF, yes we had money but the administration is working on it. They have been paid and soon we will not have a debt. Otherwise, I pray that you support the motion.

*(Applause)*

**Mr. Deputy Speaker**: Thank you so much.

*(Loud consultations)*

*(Question put and agreed to)*

The ayes have it and the report is adopted.

*(Applause)*

## **ADJOURNMENT**

Hon. Members, that being our last item on the Order Paper. We have the preparations for CASA on-going. Find yourself in respective teams and do your practice, so that after the period of practice, we are able to defend and bring back many trophies as much as possible to our county, being the hosts. So we adjourn and we meet next week on Tuesday.

***The House rose at 4:45 p.m.***