

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY, 2ND OCTOBER, 2024

Morning Sitting

3rd County Assembly

3rd Session

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COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

WEDNESDAY, 2ND OCTOBER, 2024

The House met at the County assembly Chamber at 9:30 a.m.

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

PRAYER

PAPERS

REPORT BY THE SECTORAL COMMITTEE ON GENDER, CULTURE, SOCIAL WELFARE ON THE BUNGOMA COUNTY, GENDER MAINSTREAMING IN BUNGOMA COUNTY, DISABILITY MAINSTREAMING, CULTURE AND HERITAGE, GROUP REGISTRATION AND BUNGOMA COUNTY CHILDREN POLICIES 2023.

Mr. Speaker: Chair of the Committee, Hon. Kawa.

Hon. Jack Kawa: Thank you, Hon. Speaker. I'm on my feet to table the report on the Committee on Gender, Culture and Social Welfare, Bungoma County, Gender Mainstreaming, Bungoma County, Disability Mainstreaming, Culture and Heritage, Group Registration and Bungoma County Children's Policies 2023.

(Hon. Jack Kawa tabled the report)

Mr. Speaker: Hon. Members, the report by the sector committee on Gender, Culture, Social Welfare on the Bungoma County Gender mainstreaming, Bungoma County Disability mainstreaming, Culture and heritage group registration and Bungoma County children policies 2023 are hereby tabled by the committee and the same becomes the property of the House accordingly.

NOTICE OF MOTION

REPORT BY THE SECTORAL COMMITTEE ON GENDER, CULTURE AND SOCIAL WELFARE ON THE BUNGOMA COUNTY, GENDER MAINSTREAMING, BUNGOMA COUNTY, DISABILITY MAINSTREAMING, CULTURE AND HERITAGE, GROUP REGISTRATION AND BUNGOMA COUNTY CHILDREN POLICIES 2023

Mr. Speaker: Hon. Kawa, you proceed

Hon. Jack Kawa: Hon. Speaker, I want to give a Notice of Motion that this House adopts the report by the Sector Committee on Gender, Culture and Social Welfare on the Bungoma County Gender Mainstreaming, Bungoma County Disability Mainstreaming, Culture and Heritage, Group Registration and Bungoma County Children Policies 2023.

Mr. Speaker: Hon. Members, a Notice of Motion has been duly issued by the sectoral Committee on Gender, Culture and Social Services on the Bungoma County Gender Mainstreaming, Bungoma County Disability Mainstreaming, Culture and Heritage, Group Registration and Bungoma County Children's Policies 2023.

I urge the Table Clerks here to share this report with the Hon. MCAs. The same will be coming up on our Order Paper or once the same is scheduled by the HBC on our Order Paper as a motion accordingly.

QUESTIONS AND STATEMENTS

STATEMENTS ON THE STATUS OF MT. ELGON MEDICAL TRAINING COLLEGE BY HON. FRANCIS CHEMION

Mr. Speaker: Hon. Chemion, proceed!

Hon. Francis Chemion: Thank you, Hon. Speaker. I want to ask this statement about the Mt. Elgon Medical Training College. I want a response from the Chair on Public Administration and another committee that is relevant on the following issues.

To give response on the following issues;

1. Procurement process of the construction of the gate and administration block. The tender advert, evaluation report, professional opinion of the head of the Supply chain management.
2. A copy of the tender award letter, the name of the contractor,
3. Handing over of the site report and the participants thereof,
4. The current level of works, payment that has been made to the contractor in respect to work done,

5. Ownership of the land and the cost of the land purchase- a copy of the title deed to the land.
6. Then future plans of the construction of the facility by the national government and the county government.

Mr. Speaker: Hon. Member from the Committee of Public Administration and ICT! I think there is a problem here, wait first, they are seeking from the Committee of Public Administration and ICT, Let me listen to you before I listen to Hon. Jack.

Hon. Tony Barasa: Thank you, Hon. Speaker. I'm aware the statement has been directed to Public Admin, which is correctly put, because the project was under KDSP and KDSP is under the Office of the County Secretary which used to implement those projects. Given two weeks, we are going to come up with a substantive answer.

Mr. Speaker: Yes, Hon. Jack, do you still want to...

Hon. Jack Wambulwa: No, Hon. Speaker, I think it has been responded well by Hon. Tony.

Mr. Speaker: Clarifying that it falls under KSDP, so I think it's proper under the Ministry of Public Administration, which was in charge of the same.

So Hon. Tony, when you ask for two weeks, I will allow it, but I will give you three weeks so that you have enough time to have a response.

Next item,

MOTION

REPORT BY THE COMMITTEE ON FINANCE AND ECONOMIC PLANNING ON THE CONSOLIDATED REPORTS AND FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31TH DECEMBER, 2023

Mr. Speaker: Hon. Chemion, I see you are having the honour of the committee to move the report on our behalf, so you kindly proceed using the microphone available.

Hon. Francis Chemion: Thank you, Hon. Speaker. On behalf of Finance and Economic Planning, I rise to move a motion on the first and second quarter financial statements for financial year 2023-2024.

We have the preamble which I will skip.

I will also skip the mandate of the committee which is under Standing Order 217(5).

Committee membership

The Committee comprises of the following members;

1. Hon. James Mukhongo Chairperson
2. Hon. Orize Kundu Vice Chairperson

3. Hon. Stephen Wamalwa	Member
4. Hon. Everton Nganga	Member
5. Hon. Aggrey Mulongo	Member
6. Hon. Vitalis Wangila	Member
7. Hon. Evelyn Mutiembu	Member
8. Hon. Violet Makhanu	Member
9. Hon. Tony Barasa	Member
10. Hon. George Makari	Member
11. Hon. Jack Kawa	Member
12. Hon. Francis Chemion	Member
13. Hon. Godfrey Mukhwana	Member
14. Hon. Christine Mukhongo	Member
15. Hon. Catherine Kituyi	Member

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

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

Constitutional Principles on Public Finance

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

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

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

1. 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*”.

2. 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*

1.4 Acknowledgment

I take this opportunity to thank all Hon members of the Committee and secretariat for dedicating their time to interrogate the Finance and Economic Planning departments 1st and 2nd Quarter Financial Statements for the Financial Year 2023/2024 for period ended 31st December, 2023.

Further, this Committee extends its gratitude to the Executive Arm of the County Government, Department of Finance and Economic Planning for the role they played in offering explanations and supporting documents as requested by the Committee

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

It is therefore my privilege, on behalf of the Committee on Finance and Economic Planning, to table this report.

Report signed Hon. James Mukhongo Chairperson, Sectoral Committee on Finance and Economic Planning.

Overview of FY 2023/24 Budget

The County's approved 1st supplementary budget for the Financial Year 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 1st

Resource envelope financial year 2023-2024

A. REVENUE		
NO.	Source	Approved 1st Supplementary Estimates FY 2023/24
1	Bal. b/f - (i) Equitable Share.	275,350,297
	ii Retention	150,000,000
2	Transfers from Central Government	11,111,983,608
3	Conditional Grant- National Government:	807,390,864
4	Conditional Grants- Development Partners:	946,289,771
5	Funds	158,808,217
6	Locally Generated AIA:	1,152,071,383
7	Local revenue as per expected finance act	868,201,471
	Total	15,470,095,611

Revenue Performance

Out of the projected revenue of Kshs.15, 470,095,611, below is a breakdown of revenue received within the period to December 2023. The County received a total of Kshs.4, 090,592,450 (27%). Kshs.3,666,954,592 being exchequer release, against a budget of Kshs.11,387,333,905,Kshs.422,030,878 as local revenue against a budget of Kshs.2,020,272,854 (20.9%) and Kshs.1,606,980 as other receipts against a target of Kshs.2,062,488,852 (Agriculture Sector Development Support project Kshs.1m and return to CRF issues Kshs.606,90 .However the Kshs.150m borrowed from retention account did not feature among the sources of revenues received in the period despite the fact that the retention account has been adjusted to reflect the movement of funds.

Of the amount received , Kshs.539,795,090 was transferred to County Assembly and Kshs.3,550,797,360 to the executive.Kshs.24,746,860 transferred to Assembly was utilized on development programmes while Kshs.515,048,230 on recurrent

Revenue	Budget	Actual received	% realization
Exchequer issue	11,387,333,905	3,666,954,592	32.2
Local revenues	2,020,272,854	422,030,878	20.9
Other receipts including grants	2,062,488,852	1,606,980	0.1
Total	15,470,095,611	4,090,592,450	26.4

Own source revenue

Most revenue streams did not perform well with key revenue streams recording way below expected target. The coding of revenue collected is not accurate with a total collection of 30.8 million recorded as miscellaneous and other receipts with no clear source. Once a customer has paid for any service in the bank, the banking slip should give reason for the payment which will show on the bank statement to guide in the receipting of the money. It's important for the County Government to review and improve its revenue coding methods to ensure accuracy and reliability in financial planning and management.

The table below shows how each of the revenue streams performed realizing a total of Kshs. 422,030,878. The County realized 21% of the set target by half year showing an early indication of inability to meets its targets.

	REVENUE STREAM	TARGET	HALF YEAR COLLECTION	% realized
1	Land Rates	47,500,495.00	3,444,120.00	7
2	Alcoholic Drinks Licenses	9,595,132.00		-
3	Single Business Permits	148,987,640.00	25,722,407.00	17
4	Application Fees	9,926,130.00		-
5	Renewal fees	14,357,014.00		-
6	Conservancy Fees	25,056,506.00	2,266,900.00	9
7	Fire Fighting	40,520,103.00		-
8	Advertisement Fees	42,967,742.00	1,064,720.00	2
9	Food Hygiene Licenses	8,298,352.00		-
10	Hire of Machinery	7,983,525.00	8,163,755.00	102
11	Car Parking Fees	18,128,873.00	31,018,160.00	171
12	Boda boda Parking Fees	9,721,785.00		-
13	House Rent	20,357,748.00	1,272,935.00	6
14	Plan Approval			

		22,370,609.00		-
15	Inspection Fee	4,852,248.00	6,354,520.00	131
16	Ground Fees	6,238,418.00		-
17	Market Fees	76,860,706.00	9,810,758.00	13
18	Enclosed Bus Park Fee	73,666,765.00		-
19	Slaughterhouse Fees	6,922,233.00		-
20	Cess	56,984,994.00	5,727,914.00	10
21	Market Stalls Rent	2,628,063.00		-
22	Stock Sales	14,645,049.00		-
23	Penalties	6,793,200.00	607,250.00	9
24	Consent to charge	325,083.00		-
25	Survey fees	908,389.00		-
26	Audit fees	1,196,760.00		-
27	Payroll product	317,420.00		-
28	Fisheries	13,207,485.00		-
29	30% ATC Mabanga	1,090,199.00		-
30	Salary Recovery	4,088,940.00		-
31	Occupation Certificate	849,150.00		-
32	Weights and Measures	1,020,233.00		-
33	Imprest recovery	1,132,200.00		-
34	Physical Planning fees	388,722.00	3,808,634.00	980
35	Change of User fees	112,088.00		-

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36	SALE OF FERTILIZER	112,500,000.00		-
37	consolidated AIA	55,701,471.00	-	-
38	Miscellaneous receipts	-	12,922,632.00	
39	Other receipts	-	17,928,225.00	
40	Health De.pt AIA	1,152,071,383.00	291,917,950.00	25
	Total	2,020,272,853	422,030,880	21

County Expenditure review

Total expenditure for the period was Kshs.4, 154,851,195 recording an over-expenditure of Kshs. 64,258,745 over and above the revenue figures in the period under review. The total recurrent expenditure for the period was Kshs. 3,735,604,111, which is 38% of the budgeted amount of Kshs. 9,827,058,184. This means that expenditure for the half-year period is below the 50% mark. The expenditure on development amounted to Kshs. 419,247,084, which is 7.4% of the target budget of Kshs. 5,643,037,427. This indicates an underperformance of 42.6% in terms of development expenditure utilization

Kshs.3, 993,493,391 was transferred from County Revenue Fund and it was distributed as follows,

- i. County Executive recurrent Kshs.3,072,357,586
- ii. County Executive Development Kshs 341,901,152
- iii. County Assembly recurrent Kshs. 515,048,230
- iv. County Assembly Development Kshs. 24,746,860
- v. DANIDA-Universal health in devolved units program Kshs. 28, 609,313
- vi. (IDA)World Bank credit financing locally led climate Kshs. 10,830,250

2.5 Budget Vs Actual Table

Expenditure	Expenditure budget Kshs.	Actual Expenditure Kshs.	Realization %
Recurrent	9,827,058,184	3,735,604,111	36
Development	5,643,037,427	419,247,084	7.4
Total	15,470,095,611	4,154,851,195	26.9

Of the Kshs.4, 154, 851, 195 expenditure during the period, the major expenses were:

- i. Compensation to employees Kshs.2, 382, 997, 328, these are basic salary, wages, allowances paid as part of salary and pension. The total budget for personnel stands

at Kshs. 5,992,141,777 excluding County Assembly's. This expenditure represents an absorption of 40.1% which is below the 50% mark in the half year. This is because of anticipated recruitment.

- ii. Use of goods and services Kshs.788,019,330, major expenses were, Kshs.124,933,574 utilized on domestic travel and subsistence allowance, Kshs.77,764,633 on hospitality supplies and services, Kshs.200,877,410 on specialized materials and services, Kshs.243,486,413 on other operating expenses, Kshs.39,477,449 on fuel and lubricants, Kshs.10,540,965 on communication ,supplies and services
- iii. Transfer to County Assembly Kshs.539, 795,090. Recurrent funds Kshs. 515,048,230 and development Kshs. 24,746,860
- iv. Other grants and transfers Kshs.78, 857,140 includes transfer of DANIDA funds to facilities, expenditures by climate change, polytechnic expenditures NAGRIP and ASDSP. During the period, no funds were released towards scholarships in because only 8 wards have so far submitted verified lists for payment. Kshs.60m was released in the 3rd quarter.
- v. Social security benefits Kshs.24, 734,020 are gratuity for the Chief Officers and CEC members, governor and DG. The budget allocation was Kshs. 41.5million hence a 59.5% absorption.
- vi. Acquisition of assets Kshs.292, 439,670 which are majorly development.
- vii. Other payments Kshs.48, 008,618 relates to emergency fund. The whole amount was spent leaving a balance of Kshs. 110,038. It was noted with concern that the procedure for utilization and reimbursement of the emergency fund as spelt out in the PFM Act was not followed despite numerous promises by the executive to abide.

Works that were accomplished using emergency fund include:

Contractor	Nature of work	Ward	Amount
Ziggie Mo Enterprises Ltd	Construction of site & estate culvert	Maraka	9,535,127
Superior products Africa Ltd	Construction of Namwacha- Malinda Bridge	West-Sang'alo	14,613,448
Ambe General Merchants	Construction of Chesiro -Chebwek twin box culvert	Cheptais	8,518,924
Vinbeth Enterprise Ltd	Construction of little lucky culvert box	Sitikho	13,699,629
Administration	El Nino contingency plan 2023/24 and rapid assessment of Kamukuywa and Lwandanyi wards		1,641,490
Total			48,008,618

Receipts and payments

Comparative Statement of receipts and payments for the period ended 31st December 2023

	Period ended December 2023	Comparative period 2022
	Kshs.	Kshs
Receipts		
Exchequer releases from CRF	3,666,954,592	3,517,613,613
Proceeds from domestic & foreign grants (ASDSP)	1,000,000	-
Own source revenue	422,030,878	407,015,831
Other receipts(return to CRF issues)	606,980	1,111,963
Total receipts	4,090,592,450	3,925,741,407
Payments		
Compensation to employees	2,382,997,328	2,556,661,364
Use of goods and services	788,019,330	505,887,753
Transfer to other government entities	539,795,090	466,401,594
Other grants & transfers	78,857,140	280,374,020
Social security benefits	24,734,020	46,456,661
Acquisition of assets	292,439,670	74,599,739
Other payments	48,008,618	1,859,400
Total payments	4,154,851,195	3,932,240,531
Surplus/deficit	(64,258,745)	(6,499,124)

Statement of comparison of budget and Actual amounts for the period ended 30th December 2023 (recurrent)

Kshs.3,300,306,580 received as exchequer release was 44% of budget Kshs.7,514,846,664. Kshs.422,030,878 received from own source revenue is 23% of budget Kshs.1,815,609,036. Utilisation of opening bank balances non-refundable balances on special purpose accounts e.g. DANIDA of Kshs.279,460,727 was 61% of the total Kshs.455,960,556.

The Receipts/expenses	Budget	Actual	variance	%
Exchequer releases	7,514,846,664	3,300,306,580	4,214,540,084	44
Proceeds from domestic and foreign grants	40,641,927	-	40,641,927	0
Own generated revenue	1,815,609,036	422,030,878	1,393,578,158	23
Opening bank balance non-refundable bank balances in special purpose accounts e.g. DANIDA	455,960,556	279,460,727	176,499,829	61

Total	9,827,058,183	4,002,177,839	5,824,880,344	41
Payments				
Compensation to employees	5,921,477,243	2,382,997,328	3,538,479,915	40
Use of goods & services	2,461,163,214	782,222,672	1,678,940,542	32
Transfer to other government units	1,132,238,230	515,048,230	617,190,000	45
Other grants and transfers	142,871,171	19,456,208	123,414,963	14
Social security benefits	44,687,606	24,734,020	19,953,586	55
Acquisition of assets	86,096,945	11,145,654	74,951,292	13
Other payments	38,523,774	-	38,523,774	0
Total	9,827,058,183	3,735,604,111	6,091,454,072	38
Surplus/(Deficit)		266,573,728	(266,573,728)	

Expenditure by Economic Classification

Finance and Economic Planning department

The department had an initial allocation of Kshs.1,263,723,407 in the approved budget, this was enhanced to Kshs.1,510,850,610 in the 1st supplementary budget, distributed as Kshs.1,174,255,850 recurrent and Kshs.336,594,760 development expenditure.

During the period, Kshs.604, 646,717 was received which is 40% of budget.

1. General Administration, Planning and support services had an allocation of Kshs.1,097,034,100. Kshs.464, 802,157 was received during the period as recurrent expenditure, which is 42% absorption.

Major expenses were:

- i. Personnel expenditure Kshs.321, 655,538 against a budget of Kshs.433, 862,391 which is 74% of budget as opposed 50% required. This is because of Kshs.94, 273,037 paid to KRA after an assessment of compliance in the past.
- ii. Administration services Kshs.143, 146,620 against a budget of Kshs.420, 896,063.
- iii. Employer contribution to staff pension with a budget of Kshs.242,275,646 has no expenditure during the period, however, Kshs.116,395,960 was paid out in the 3rd quarter.

2. County Planning Management had an allocation of Kshs.120, 475,271. Kshs.39, 939,185 was received during the period as recurrent expenditure being 33 % absorption.

The major expenses were:

- i. Economic Policy and County Planning services Kshs.13, 355,825
- ii. Budgeting Kshs.22, 051,040
- iii. Monitoring and evaluation Kshs.4, 532,320

3. County Financial services had an allocation of Kshs.100, 264,226; Kshs. 44,896,812 was received on recurrent expenditure, which is 45 % absorption.

The major expenses were:

- i. Revenue mobilization Kshs.16,113,500
- ii. Accounting services Kshs.15,076,946
- iii. Audit services Kshs.5,144,207
- iv. supply chain services Kshs.8,562,159

4. Service delivery and organizational transformation had an allocation of Kshs.159, 827,013, Kshs.55, 008,563 was received in the period.

Major expenses were:

- i. Special Coordination unit was Kshs.2,907,625
- ii. system enhancement Kshs.4,092,320
- iii. emergency fund Kshs.48,008,618

Accounts receivables

Imprest

The County had Kshs.244, 667,700 in outstanding imprest. The comparative periods previous year had Kshs. 30,994,011 but the accuracy of this figure cannot be ascertained because many departments did not give their balances. Finance and Economic Planning Department had the highest un-surrendered imprest of Kshs.133, 645,405 followed by Governor's office with Kshs.38, 853,398. Several staff have multiple un-surrendered imprest in total contravention of the PFM Act. Demand notices have been served to respective accounting officers and imprest holders, but no recoveries have been made so far.

Breakdown of imprest per department	Period ended 31st December 2023 Kshs.	2022/2023 Kshs.
Finance and Economic Planning	133,645,405	21,299,150
Governor & Deputy Governors	38,853,398	1,339,200
Public Administration	17,517,360	1,347,000
County secretary	10,397,530	5,320,700
Health and sanitation	10,186,320	
Gender ,Youth & Sports	10,197,660	899,000
Trade and Industrialization	1,817,000	
Lands Urban and planning	7,825,828	300,000
Tourism	3,096,208	
Education	8,338,920	
Agriculture	700,000	

Roads & Public works	2,092,071	488,961
TOTAL IMPREST	244,667,700	30,994,011

Accounts payable

Deposits and Retentions

As at 30th December, the cash maintained in the deposit account was Kshs.22, 902,533 compared to Kshs.268, 028,338 held the previous financial year. Kshs.150, 000,000 was borrowed by the County Government to finance the budget financial year 2023/24 to be returned in financial year 2024/25. Although this amount does feature among the sources of revenue given

The retention account made total payment of Kshs. 276,635,959 between July and December 2023. A look at the revenue realized during the period does not capture retention figures yet part of the retention amount (150million) is captured in the 1st supplementary resource envelop. The details of the items paid worth Kshs. 276.6 million were not provided.

Outstanding retentions bf 1 st July 2023	268,028,338
Additions during the period to December 2023	31,510,154
Total balance	299,538,492
Less retention payments in the period	276,635,959
Balance as at December 2023	22,902,533

Settlement of Pending Bills

At the beginning of FY 2023/24, the County reported a stock of pending bills amounting to Kshs.1, 244,506,681, comprising

- i. Construction of Buildings Kshs.57,803,562
- ii. Construction of civil works Kshs.503, 100,300
- iii. Supply of goods Kshs.143, 870,407
- iv. Supply of services Kshs.539, 832,413

Kshs.76, 527,084 was paid towards offsetting the bills leaving a balance of Kshs.1, 167,979,597. The fact that appropriations for settling pending bills were made in the first supplementary budget gazetted on 24th Dec 2023 raises questions about the practicality of making payments related to these bills in the first half of the fiscal year. According to the Public Finance Management Act (PFMA) section 149, budget implementation should align with the availability of funds and the planned expenditures. Each sector or department should clearly specify the source of funds allocated for settling pending bills in the first half of the fiscal year. This information is crucial for transparency and accountability in budget

execution. Notably most sectors did not adhere to the CECM- Finance circular directing prioritization on budgeting for pending bills in the annual budget

The department of Finance and Economic planning had a total of Kshs.411, 641,653. Kshs. 388,506 was paid towards offsetting the bills leaving a balance of Kshs.411, 253,153.

Challenges

Some of the challenges of strategic objectives encountered by the County Government include inadequate and delayed funding, high level of poverty, political interference in project prioritization and implementation, inadequate capacity of contractors to handle large projects and delayed procurement process

Committee Observations and recommendations

Observations

1. The County has Kshs.244, 667,700 in un-surrendered imprest, led by Finance Department with Kshs.133, 645, 405, with staff holding multiple imprest.
2. The pending bills brought forward was Kshs.1.24 billion, with Kshs. 76.5 million having been settled in the period, there is an outstanding balance of Kshs. 1.16billion. The fact that appropriations for settling pending bills were made in the first supplementary budget gazetted on 24th Dec 2023 raises questions about the practicality of making payments related to these bills in the first half of the fiscal year.
3. At the close of the financial year, money expected from Linda Mama program, Edu Afya and NHIF had not been received by the facilities .Kshs.122 was however received after year end though it has not been disclosed in the report. COB report states that Health facilities received Kshs.172.5m as Facility Improvement Fund (FIF). The half year report gives total collection from Health Facilities as Kshs.290.1 Million it is not clear how this total is obtained.
4. Other payments Kshs.48, 008,618 relates to expenses on emergency fund. The whole amount was spent leaving a balance of Kshs. 110,038. The procedure for use of emergency fund and reporting on the same as stipulated in the PFM Act 111-115 was not adhered to.
5. Local revenue collection of Kshs. 422,030,880 against a target of 2,020,272,853 stands at 21% which way below 50% expected and a number of sensitive revenue streams like enclosed parking, application fee, Plan approval recorded zero income after half year.
6. Kshs.150, 000,000 was borrowed by the County Government retention account to finance the budget financial year 2023/24 to be returned in financial year 2024/25. Although this amount does feature among the sources of revenue given.

Recommendations

1. The County Treasure must adhere to PFM Act as regards to un-surrendered imprest, pending bills and emergency fund. The County Executive Committee Member of Finance and Economic Planning should immediately after adoption of this report

forward to the Committee interventions and strategies to reverse the trajectory in unsurrendered imprest in the 3rd quarter financial statement.

2. The Chief Officer of Finance should within three Months after adoption of this report furnish the Committee with verified status of pending Bills and commitment from departments to treat pending Bills as first charge. According to the Public Finance Management Act (PFMA) section 149, budget implementation should align with the availability of funds and the planned expenditures. Each sector or department should clearly specify the source of funds allocated for settling pending bills in the first half of the fiscal year. Additionally all sectors should adhere to the CECM- finance circular directing prioritization on budgeting for pending in the annual budget
3. That the Chief Officer Finance should urgently upon receipt of approved report submit to the Committee written justification together with supporting documents the accounting of Ksh 122 Million received from Linda Mama, Edu Afya and NHIF at end of financial year 2022/23 and Kshs. 172.5 Million received from Facility improvement Fund received in quarter 1 FY 2023/2024.
4. The County Executive committee member should ensure that there is a policy direction on management of Disaster and Emergency Fund, further he/she should put in place a functioning Disaster and Emergency Fund Committee and strict adherence to PFM 114.
5. That the County Executive Committee member of Finance and Economic Planning should ensure that Chief Officers in departments are appointed collectors of revenue and all collectors and receiver of revenue should sign for agreed revenue targets and regular appraisals done to ensure compliance. Further he/she should ensure alignment of coding of revenue streams in the revenue system to manage posting of revenue collection to rightful codes.
6. That upon receipt of adopted report, the County Executive Committee Member of Finance and Economic Planning should present to the Committee retention account a bank statement as at 30th December 2023 together with list of all contractors owed retention money showing how much each contractor is owed.

We have the adoption schedule signed by most of the Members. Today I wanted Hon. Kawa to second but I will excuse him today and call upon Hon. Aggrey Mulongo to second the motion.

Hon. Aggrey Mulongo: Thank you Mr. Speaker giving me the opportunity to second the motion. First I want to thank the committee and the mover of the motion for a good job done. As I second this motion our revenue collection as a county is going down each day, hence we need to give proper sanctions to revenue collectors. Especially in our hospitals we have leakages and as Members of this House we need to make sure that this county generates its own source revenue now that Finance Bill flopped. I second the motion.

Mr. Speaker: Thank you Hon. Aggrey for seconding the motion.

(Question proposed)

Hon. Anthony Luseneka: Thank you Mr. Speaker. First I want to appreciate the mover of the motion for moving the motion well. My attention is drawn to page 8 of the report where there is a figure of 150 million as retention. Retention is money set aside for contractors after completions of their projects they are supposed to be paid. I wonder how do you borrow such amount to finance the annual budget yet the money is already committed. When you look at page 19 on the explanation given; the first paragraph is indicating that this money was never returned for the finance year 2024/2025. The question I ask is that have these contractors been paid or not because this is their money upon completion of projects. When you look at the works done, we have not been given a list on how the Kshs. 150 million was utilized. I therefore request the committee to make a follow and establish how the Kshs. 150 million was utilized. Was it returned to the retention account? Was it paid to contractor? Or where is it?

When you look at page 10 of this report on revenue streams on the target amount that was supposed to be raised you will realize that there is a lot of underperformance in terms of revenue collection. As well put by Hon. Mulongo, revenue collection is going down each year. I don't know the measures that we are supposed to put in place to make sure that we achieve our targets. If you look at the first item on land rates we were supposed to raise Kshs. 47 million and at half-year we have only managed to collect Kshs. 3 million translating to 7%. Are we able actually to meet the target even halfway? I don't think we can. May be we are supposed to set realistic targets or we look for ways on how we can meet these targets. On the contrary Hon. Speaker when you look at page 18 if you compare what we are receiving as revenue it is below average but when you look at the expenditure during the same period Finance and Economic Planning department; looking at 2022/2023 they only spent Kshs. 21 million but 2023 as at 1st and 2nd quarter they are spending Kshs. 133 million. They are ready to spend but they are not ready to collect revenue. Therefore, you clearly see where their appetite is.

When you look at development budget, at half-year it is indicated that we have only spent 7% instead of 50% but when you look at the recurrent expenditure it is more than 30%. I want to request the government side to ensure that they prioritize development of this county instead of just spending. Looking at the recurrent expenditure they spend up to the last cent but for development they are reluctant.

Hon. Speaker on the pending bills; I want to appreciate the Leader of Majority side this morning; we are creating pending bills in this county I don't know if it is deliberate because we passed the annual budget in June and the Members of this Assembly submitted their projects in May but up to now their projects have not been advertised. The delay being cause is also going to affect the implementation of these projects because if they are not advertised in good time it will automatically create pending bills. We are not sure if the projects will be done in good time so that the contractors are also paid in time. Some of these contractors take loans and if you don't pay them in good time they will be auctioned yet they are our own sons and daughters. I request this House to make sure that we make a follow up and ensure that the

projects are advertised timely, implemented and paid within the financial year to avoid creating pending bills. Otherwise, I support the report but the Finance Committee should make a follow up on the Kshs. 150 million and the issue of project implementation. Thank you Hon. Speaker.

Hon. Jack Wambulwa: Thank Hon. Speaker for giving me permission to make comments on report before us by the Finance Committee. I wonder and concerned whether the department of Finance is serious because looking at the report on house rent; they are county built houses; why it that people are not paying rent? Why has it become a habit that whenever people are not paying and the enforcement team send to throw out those not paying the Chief Officers call and say they should be spared. Are these houses meant for girl friends or what is happening? Because there is no way you can stay in somebody's house without paying rent. The sector committee should tell us why they are not collecting house rent.

On cess we have Naitiri factory, Nzoia, West Kenya, Mumias. Ole Pito all these companies are collecting cane from Bungoma County but we are being told that they only collected Kshs. 5 million. When I was talking about Naitiri sugar factory we visited and Bungoma South Members and while there they told us this year alone they were supposed to pay Kshs. 56 million. Does it mean they never follow up to make sure the money is paid? We are keen to know whether the cess money is well utilized because statements have been coming on cess matters and nobody wants us to touch on cess. Why don't they tell us where cess money goes to? Procedurally and we need to be guided in future, cess is supposed to be taken to Agriculture department to repair roads across the county unlike now cess is going to Finance department and it is unaccountable.

Leave alone the factories, we have sand cess, we have people along Bungoma- Malaba road collecting cess from sand. We have coffee, maize, stone and other minerals...

Mr. Speaker: Can we have one speaker please. Proceed Hon. Jack.

Hon. Jack Wambulwa: We have Buema concrete firm I don't know how much it pays to this county because we are purchasing a lot of concrete from Buema. Even Lories coming all the way from Malaba and across Uganda are paying cess. Where does the cess money go to for them to tell us that they have only collected Kshs. 5 million?

On salary recovery; I am aware of cases where employees have applied for advance payments, there are those who are imprest holders; when they are surcharged where this money goes to when they are indicating nil recovery.

On fish collection; colleague Members year in year out we have always budgeted not less than Kshs. 20 million to Chwele Fish farm and they are telling us that we are getting zero. Is it worth us giving funds to Chwele fish if we are getting zero collection out of the sales? They were telling us that they normally sale fingerlings, where do they submit this money to.

Lastly Hon. Speaker so that I can allow other colleagues to contribute; the department of Finance must up its game. Even if you look at the permits and plot rents; people are paying but what we are being told is a clear indication that the revenue system has a problem. Why is that people are not paying plot rents yet this is something that they are supposed to effect every yearly. People must pay to continue using the plot, people have to pay to continue doing business. It is unfortunate that as a sector committee on Finance please up your game so that we can meet our revenue collection targets. Thank you Hon. Speaker.

Hon. Job Mukoyandali: Thank you Hon. Speaker for allowing me make my contribution towards this motion. First allow me laud the mover of this good report which has opened up many issues especially on revenue collection within this county. I have been on the floor of this House and I have always said I do not as an individual trust the system that we use for revenue collection. Year in year out we stand here crying about low revenue collection but at the end of the day we are not giving a solution. As a House we have not stood firm to give a solution on better ways of revenue collection. Our revenue collection has many loopholes just as put by Hon. Wambulwa. It is like a cash cow for some specific people within this county. We can't stand here and exempt somebody from what normally happens within that system. How I wish that we looked at the system and if it means acquiring a new system let us get it so that it can help this county.

On the issue of pending bills most of the time as Bungoma County we pass the budget at rightful time but I don't know what happens that every year we are talking about an increase in pending bills. We should do something as a House about pending bills. The other day I was on this floor and I said that somebody is sleeping on the job and the Leader of Majority said that we should go to sector committees. As much as I am concerned the person giving directives of not advertising the projects is the CECM Finance. Let this House wake up and we push for advertisement of these projects early to avoid the issue of pending bills.

Mine last concern is on the observations and recommendations by the committee. On the first observation that the county has Kshs. 244 million in unsurrendered imprest led by Finance department with Kshs. 133 million with staff holding multiple imprests. I went down to look at the recommendations made by the committee I have not seen anything watertight that is really going to tie somebody down. We are talking about the FPM Act; I wish the committee could have recommended that the Chief Officer or the CECM Finance is liable if the imprests are not surrendered and therefore should be surcharged for the same. On this issue if the department that is supposed to enforce is the one leading in terms of unsurrendered imprest this shows that we are headed in the wrong direction. The sector committee should tell the CECM Finance to work because he is the watchdog for other departments yet he is leading in terms of those mistakes.

We have been told that the Chief Officer to appoint those people that will assist in revenue collection but the committee has not given timelines on the same. The committee could have given proper timelines in their recommendation for this people to be appointed. We should

not leave a window for them to take long before they implement this recommendation yet as a county we are losing on revenue collection. I submit Hon. Speaker.

Hon. Miliah Masungo: Thank you Hon. Speaker. First I want to laud the mover of this motion and thank the entire Committee on Finance for the good work done in terms of a detailed report on revenue collection and management of funds in our county.

The Construction Contract Act, 2002 clearly stipulates on how retention is managed or is supposed to be utilized. Retention fund is part of the money retained by any government from any contract agreed on by a contractor. I am shocked that the money meant for retention can again be borrowed for other projects with the government. I want to appeal to this House that where it has reached honourable Members and any contractor here or in Bungoma County who goes to meetings...

Mr. Speaker: Hon. Miliah, are you alleging I have contractors here? I ask because we are talking about retention fund and when you talk about having contractors it is like you are imputing improper motive on the Members here.

Hon. Miliah Masungo: Anybody with a family member or any other person who has interacted with a contractor outside call tell him/her on how contractors do their work. This is information in public domain and we cannot restrict ourselves to know what is happening within the country. I feel that as a House that the contractors do these jobs in our wards and they end up being auctioned because money meant for retention has been used on some other works. We want the CECM Finance to come before us and tell us how the government managed to borrow money meant for retention to put it on some other works in this government.

Secondly, on the issue of pending bills this is a song on the day in this House and we have spoken about this, we have put measures but at the end of the day we are still at the same place. We have made recommendations on the same but nobody is taken action on the same. For how long are we going to rotating on the same issue year in year out? We have to take action honourable Members. On delays on advertising projects other CECMs are saying that the circular came from the CECM Finance instructing them to hold advertising our projects. Nobody is ready to loose elections Hon. Speaker. We have to give back to the community, we made promises to the voters that we have to implement projects. We cannot delay to give services to our people because of one person. That is why we came up with an impeachment motion on the CECM Finance and we want that motion on this floor. Unless we take action Hon. Speaker we are not going to move; I want to be on record and whoever wants to go and tell him should do so because I don't fear since I was elected by voters in Misikhu. All our projects are stack because of one person. You go to all these officers every CECM is complaining about the CECM Finance. Let him come before us and tell us...

Mr. Speaker: Hon. Miliah, restrict your argument on the motion before the House. If you want to discuss him bring a motion.

Hon. Miliah Masungo: The motion is already with the Clerk

Mr. Speaker: You cannot anticipate debate on an issue not before the House. Proceed.

Hon. Miliah Masungo: As I finish the issue on revenue collection; all the Sub County Revenue officers area all thieves because this is something...

Mr. Speaker: Hon. Miliah, can you moderate your language.

Hon. Miliah Masungo: Because we are not realizing revenue and the recent report by Public Accounts Committee clearly indicates...

Mr. Speaker: Can you have a fair word because those are your brothers and parents.

Hon. Miliah Masungo: They are but let us do the right thing at the right time. For how long should we keep on sparing people who are making mistakes all thorough? There is construction is going on in our wards and the revenue collectors go to the sites to take bribes and at the end of the day there is no revenue remitted to the revenue account. Where are we heading to? When we want to ask such like tings we are restricted and threatened. I don't fear, Mr. Speaker I insist we want that motion on the floor of the House.

Hon. Johnston Ipara: Thank you Hon. Speaker. Let me inform you that while you were away Jack Kawa missed you...

Mr. Speaker: Hon. Ipara, proceed. I met Hon. Jack Kawa in my office.

Hon. Johnston Ipara: Thank you Hon. Speaker. One thing we need to know in terms of the functionalities of accounting officers we should all go Section 73 of the Public Finance Management Act. It spells out and gives direction on how the Accounting Officer of every department must perform her/his duties, number one among them is that it reminds them of efficiency and effectiveness.

I thank the mover of this report who happens to be my close friend Hon. Chemion who struggled to find a seconder of the report including the Vice Chairperson of the committee who were out. This is a good report with important information to us. If you look at page 8 of this report, it informs you that our expenditure on development is Kshs. 5, 643 million then it is out done by the wage bill which takes the lions share. On the same page the funny thing is you can see the contradictions. They are indicating that they generated Kshs. 868,201,471 as ordinary own source revenue. If you look at the same report it informs us that our total collection was Kshs. 422 million. I want the mover of the report to clarify on this. As you do so to clarify the books of accounts and my friend Hon. Kennedy informs me that in the new accounting system the roll-over we normally refer to all rollover it is now called accruals

which are moved to the next financial year. When you close the year and some money have not been used you move that money to become the first item on the accounting book.

I take you to page and today I want to stick to this report; we have always complained of low revenue collection. Hon. Chemion during you reply you should also inform the House where did the County Government get Kshs. 1.12 billion which they declared as the total collection for this county yet in the report you talking about Kshs 422 million.

On single business permits if go across the county from Lwakhakha to the last shopping center in Brigadier we have business running and for a business to operate it must have a single business permit. If you see what we had targeted to collect is Kshs. 148 million but at half-year we have only been able to collect Kshs. 25 million. Does the Hon. Chemion the mover of the report and rest of the team in that committee want to inform us our plan was not specific, realistic, achievable, time bound and based on the resources that we have? It is serious and it informs that we always wake up from our houses, run to our offices and say I think what we are able to collect during this financial year for single business is Kshs. 100 million, for agriculture Kshs. 50 million and you make the calculation which is not scientific based. We want scientific based revenue collection targets.

The other thing which is a mockery is on boda boda parking fees. Boda boda have stickers which they pay an annual fee of Kshs. 500 and we have over 1,000 boda boda operators across the county. They have indicated that on this item there is a zero collection. Are we serious as a county?

I want to take you to item 21 on page 11 on market stalls rent and we begin from Bungoma County headquarters here in town represented by Hon., Jeremiah represents where they have stalls. Hon. Speaker, do we want to say that nothing was collected? The answer is no. This is a total mockery of what we do.

In the report towards the end I want to be fair to everybody, they have mentioned about challenges which I want to ignore the rest and concentrate on political interference. All of us live in this county; when did political interference become a factor that did not favour revenue collection in Bungoma? Have we had any instability in this county? The answer is no. May be want they could have said and captured in the observations and Speaker the honourable Members should be serious because our role is not flower carriers for those elsewhere. Politicians can only interfere when they influence appointments of in-effective and unqualified officers to those senior positions of decision making. If there is one why was it not captured under observations? If there is one what is the recommendation that the committee is making to address in order to allow us collect more money in revenue.

As stated by Hon. Mukoyandali and may be an advice for both majority and minority leadership is that create a working relationship between these two offices because you all serve the people of Bungoma. There are many things that the two can jointly address and

come up with solutions and summon the executive to address issues. When talk on radio stations on issues that you are supposed to articulate in this House, then it is a disservice to this House.

(Applause)

On the first observation the person who is supposed to show the way on the management of finances is the Department of Finance. Under this observation they clearly state that the highest violator of the cardinal rule of law is the department of Finance with accumulated non surrendered amount of Kshs. 133 million. Being a father of this House, you don't keep time, you don't follow the rules and regulations, do we expect us to follow? He is supposed to lead by example. This can only be implemented if the Leader of Minority and the Leader of Majority join hands and work together.

One thing I am worried about is where we make unrealistic recommendations. On the first recommendation we are saying immediately. Is this recommendation time bound? The answer is no. Does it hold anybody to be accountable? The answer is no. The CECM and his team will only do this under their own mercy. This recommendation does not compel and what I want to appeal that in future we should make recommendations that are time bound. The same applies on second recommendation as I finish Hon. Speaker, retention money only serves two purposes; first is to serve on outstanding works not performed by the contractor and where is willing to complete he will be paid. The second instance is to address defects and liabilities. This is where the contractor decides that he will not remain on site and therefore accepts to be paid what is due for him. That are the two instances that money can be paid. The first is to act as a guarantee and another one as an insurance where may be as we allow you go and the defects and liabilities period is yet to expire that money will take of that. If we are using this money for other issues then we are violating the law and doing a disservice to the people who give us services and it must stop. I support the motion Mr. Speaker.

(Applause)

Hon. Jack Kawa: Thank you Hon. Speaker for giving me this opportunity to speak on this report. First allow me laud the mover of the motion. I am a member of Finance Committee and as you can see I did not sign the report because I was away on official duty. When a report comes to the floor of this House with my little knowledge we should look at positively and we should also lower our tempers when articulating issues. As a committee we have played our part and I always say that the implementation part of is a problem in this county. I must say it here let us wait for the other end to implement what we have recommended here.

We did our ADP interrogations yesterday where we invited the CECM Finance who appeared before the committee and I want to shade light that what has been said here that the CECM is becoming a stumbling block that the projects should not be advertised was denied by the CECM. We have many departments and each department is supposed to advertise its own

projects, therefore we should point fingers to respective departments. Let them come and shade light on what is happening in their departments.

I have sat in this House from 2013 and I thank God through the good people of Bokoli there is a problem which must be pointed out. The executive sometimes take the House for granted. This the time and I want to thank the Leader of Majority and the Leader of Minority on what they said. I equally laud what Hon. Ipara has said that the two leaders must accept to walk together and reason together so that this House can see light by end of today.

Today morning as I mention about our own source revenue in this county; there was a patient at Bungoma Referral Hospital who was discharged yesterday and you should not quote me because the person told me that they don't want bills to be paid through Mpesa platform. They instructed the person who was with the patient to withdraw the money Kshs. 29,000 and paid cash instead of paying through Mpesa. As a House we should lower our tempers when such issues arise. We must come and walk together as leaders of this county.

About political interference may honourable Members here do business and we must be sincere, as you point fingers at one person, see yourself where you come from what is happening there. It is said that some of the honourable Members are not ready to support revenue collection in their wards. We do business and some of the Members don't want to pay revenue for their businesses. Hon. Miliah allow me give my views because nobody interfered when you made your contribution to this motion.

Mr. Speaker: Hon. Kawa, continue you are protected.

Hon. Jack Kawa: Thank you, Hon. Speaker for your protection. Honourable Members we cannot come together at the end of our term you will be asked what you did. It is a collective responsibility to make sure that revenue collection goes up as much as we play oversight, represent and legislate we must also support revenue collectors to realize our targets in own source revenue.

On cess collection there is an MOU between West Kenya, County Government of Bungoma and Tongaren Sub-County which has benefited from cess funds. Let us not come here and blame one side leaving the other side. We should see the coin from both sides...

Mr. Speaker: Order Hon. Members. Instead of consulting loudly speak for permission to speak. Hon. Kawa, Proceed.

Hon. Jack Kawa: Hon. Speaker, I want to urge the House that as a member of Committee on Finance this is our report and we have done our part the other end should take up the matter critically go through the report and ensure what has been recommended is implemented. I end by urging the House to pass the report with the observations and recommendations therein and avoid the issue on impeachment and forge ahead. We are only human beings, I am not perfect, and I am not an angel. If I impeach the CECM Finance Hon. Speaker, will I have solved anything? Thank you Hon. Speaker.

Hon. Sudi Busolo: Thank you, Hon. Speaker. Hon. Kawa has covered what I wanted to say. May be I can say something on pending bills...

I wish to request my colleague members who are on finance; we were to meet with the CEC. We started a process of verifying the actual pending bills, so that it can be addressed once and for all but to date because every ward had issues and we were given scripts to go through and agree or not agree.

We were to see that again so that we see exactly what is our pending bills because at the moment as we speak the so-called pending bills are just repeated indicated the contractor was paid and still on our list is listed as a pending bill. So colleague members on finance organize. So that all elected and even special interests we sit here and verify the so-called pending bills.

Another thing is, I think that is why we are blaming the CEC finance because he is the one who initiated and then we just left it there. We are hanging we don't know exactly.. and the outside there in fact the projects are not advertised. The issue is pending bills because we don't know exactly how much will go to the pending bills and Speaker you have been here long enough this issue of surrender of imprest. I don't know what we shall do because you have been here long enough and you see that every department and the notorious one is finance which is the county treasury which is supposed to lead by example.

In all the financial statements we have interrogated the leading department in terms of imprest surrender is the Department of Finance. So I don't know exactly even if they have recommended I don't see why we can say that the recommendations are not watertight. We have done them before and no action no improvement has ever come on the side of recovering imprest.

I think the department should give the guideline because it is the one that manages finances. It is the one that interprets the so-called PFM Act. It is the matter of all the department and as I finish I support the report but as I finish there is this issue of projects. I want to laud our two leaders that today or yesterday you saw it very prudent that we give a notice of 14 days and let us abide to it. Let us not again when after 14 days has expired with no action. We should come up with an action ourselves and see what to do how we can help ourselves because some of these paying bills are created by department.

I have a notorious one in my ward, the Ministry of Education. When it is the so-called procurement team as they retreat to do valuation of projects and award they retreat with the already preferred candidates and most of them don't have capacity. That is why some of the pending bills are created. You go hand over the site then that is the end nobody, no contractor will be seen on the site after handing over.

So, we must also check the so-called director procurement before he award letters. Do they do some due diligence on these contractors? Because you give one contractor four jobs, three jobs the contracts are just shared among the so-called deep state and no work is done. I have seen someone who has not done even....just at the planting level and is requesting for some advance payment.

(Applause)

We are in a very, very awkward situation. I don't know where the leadership has the our top...There is...as much as we blame CEC Finance but now, CEC Finance is not the Governor. He is just appointee. They just call a spade a spade. Let us not run away from even mentioning the governor in this House because why is it that, the projects are not advertised? It's not the CEC Finance to do it. He should authorize.

They have given a caveat that it means don't advertise. The share of our revenue is going to go down. Don't advertise. Let's be clear that it is not the CEC Finance alone. Even the top leadership of the county and you know fortunately or unfortunately some of us who aspire came to be re-elected. It may be very difficult. You may be sitting here and maybe you have chosen not to be re-elected you don't want to contest. That is the problem of working with the government where members, some members are not going to contest. They don't care.

They make sure that even those who wish to be re-elected they are all sent home. So I want to urge this House that we, as we pass the document, let us also insist that we sit with the CEO here and share our problems. We are really in a very difficult moment that someone will go around that the South Bukusu has 25 million. Where is this 25? Where is this 25? I allocated, like in my last allocation, 24 million. All the 14.5 million was not utilized anywhere.

That is one of the pending bill that we are talking about because the contractor was handed over the site and they never stepped there. So we want... how do you give someone a project? He comes, he sends a representative you go hand over the site and that becomes the end. Then they just move around the corridors preparing papers for payment and we keep on the referring that pending bills, pending bills.

It's a problem and the treasury must assist us because they have people, they have a team that must go and assess the progress of the project before any request is passed and how do these people navigate and get money? Get the project approved? And yet the project is..You find that the requested money and what the work done, they are not balanced.

So as I support the report, I leave it there. But where we are going is not...

(Laughter)

These three years are not going to be very... are not going to be roses for most of us. They are likely to be roasted by our bosses or the electorates and not because of our mistake. Not because of our mistake because I am one of a very disappointed leader but I support a government that wants to send me home.

(Laughter)

Mr. Speaker: Thank you Hon. Metrine.

Hon. Metrine Wilson: Thank you, Hon. Speaker for giving me an opportunity to also say something on this motion. First, I would like to applaud the mover of the motion for reading the report very eloquently and for the committee to have done a very good job to come up with such a detailed report. My concern is on a slaughterhouse fees where we have a target of 6,922,233 and with how we are collecting is zero and as we know we eat meat every day in this county and we have butcheries all around with meat stocked. Which shows that slaughterhouses are always busy? So I wonder why the collection is zero. So I would like to urge the committee to look at it and maybe make it a concern to know where our revenue is being led to.

The other concern is on the issue of challenges. The committee has highlighted the challenges and my concern is on a challenge on high level of poverty and I would like to mention that as much as we have poverty in our county the part of it is contributed by our people not being paid on time. Most of them take loans to do such contracts and payment delay and like one of the Honourable Members mentioned they are auctioned and in that manner, a person is made even more poorer than they were before they were engaged in doing business with the county government.

The other thing which I didn't see even the committee had noted on their recommendations on how to deal with this issue of poverty. I would like to mention that maybe this poverty issue is increasing because maybe we have a small tax base and maybe we need to expand and also maybe we have to increase on we have an increased demand for social services. Maybe we have to work on it and make sure we better it and also` maybe we have reduced business opportunities.

So maybe our county may work on it and see that we have more space for business opportunities so that our people can do business and we increase on our revenue collections and maybe we have high rates of crime and maybe our people most of them who are in the interior areas and they fear to starting up businesses because the insecurity of their businesses is a concern. So maybe we work on those and make sure that our people engage in businesses because we have very rare opportunities for white-collar jobs and if they do their businesses we will increase our revenue collection which will help our county to move forward.

As you know from the look of things now that the Exchequer has been delaying every time if we can improve on our revenue collection we can be independent and have our own sources so that we can be able to do our projects in a harmonious way as we wait for the Exchequer and for those few remarks I support the report. Thank you.

Mr. Speaker: Thank you, Metrine Wilson. Hon. Caleb.

Hon. Caleb Wanjala: Thank you, Hon. Speaker. First of all, I would like also to take this opportunity to comment and appreciate the mover of the motion. Just like my colleagues have shared out their concerns and their feeling towards revenue collection I also want to join them with a clarion voice that indeed something needs to be done so that we can enhance our revenue collection

Sitting here listening, oozing wisdom from the mouth of Hon. Jack Kawa, indeed it helps to know that sometime we might see things in a different perspective but at the end of the day we remain the Honourable Member elected in this House to make sure that this ground moves on successfully. If you look at our revenue collection in this County there is a lot of leakage. I remember there is a team from the finance that they were moving around in different markets just for fact-finding to see how much money the revenue officers on those markets give vis-a-vis the amount they were collecting. There was a big variance. So the finance department needs to come up with a well-versed mechanism on how they can cap revenue leakage.

Number two is that some of these markets, I heard one of the Honourable Member, Hon. Jack say that there are some Honourable Members who are interfering with the collection of revenue but how do you feel when the market the drainage system is poor, there are no good toilets in those markets, we are not modernizing the existing market and then you want money from it. It's like you are not feeding a cow the right diet and then you want to get milk out of it.

The cow will either kick you or you will not get your target. So something needs to be done on the revenue enhancement. For example weight and measure. Right now in this county everywhere you go you will see we have these petrol stations coming up gas stations. Myself, I am in the same business I pay, I have a permit for that. Where does this money go? And when it comes here, it is zero nothing they collected from weight and measure. We will keep on talking but if something is not done we will still continue to complain and to murmur and to blame shift.

Another issue is the issue of pending bill as much as we are talking of the pending bill what mechanism is the finance department doing to avoid new pending bills? You realize that when it comes to payment, there are those people who finished their work on time but maybe

because they don't have a connection or they don't have a god father they are not paid but there are those ones who have not even finished the work they have already been paid. I think the finance department needs to move with speed and make sure that we don't escalate the issue of the pending bill.

Just like Hon. Metrine has said. I walk around this town the most frustrated people, the most downhearted people; they are the young people who are entrepreneurs, contractors from this great count of Bungoma. Some of them if you look at them they are depressed. Why? Because they had these high hopes of doing business with our county but because of delayed payment some of them, they have entered into a lot of debts. Their lands have been taken away, marriages have broken because of lack of income. I think if I look at this House all the brains, name it, if you want the accountants are here. If you want the teachers are here. If you want, the entrepreneurs are here in this House. It is high time we do things differently.

Everybody is lifting their hands on the finance department and just to be precise it's the CEC Finance. I think as much as we blame him we also need to blame us and I am saying this because there are people who will shout, talk here openly but secretly, they are the same people who are dining in the same table with the accuser and it reminds me in the Bible one time a woman was brought before Jesus. She was found in the very act and everybody; they were ready to judge that woman. They were carrying stones and Jesus asked I have no problem. Indeed what this woman has done it deserves what you want to do but amongst you if there is anyone who does not have any sin let him be the first person to cast the stone.

I think as much as we are quick to judge, we also need to sit down and review ourselves. Are we really truthful? Are we really genuine to ourselves? Recently, one person said right now in this great country of Kenya, it's not easy to find a truthful person. That every person in Kenya nowadays...

(Laughter)

Mr. Speaker: So those who want to speak, request or shouting as if it's a fishmonger's place, it's not going to be allowed, proceed.

Hon. Caleb Wanjala: They can shout, Mr. Speaker, but you know, the truth is very painful and it must be said. Otherwise for me as much as I am supporting this report but we have to do things differently. Recently, there was an advert in the media saying that the Bungoma has improved in revenue collection. It was there. There were around four or five counties but when you come to reality on the ground there is a lot of cries from people.

Even right now I don't know if it is a deliberate move to delay the advertisement of the project so that they can create another pending bill and everybody when you ask them the

blame is on the finance department and when you ask them show us the circular from the finance that says you should not advertise the project they will not give you.

So let us unite and make sure that we put to task the executive because at the end of the day all of us we are suffering everybody. And also our revenue officers recently they bought motorbikes and they said now things are going to work. Let's hope, let us be on the optimism side that we will enhance our revenue.

Lastly, as I finish, God created man for management, if we cannot manage what we have, we will lose it. We have been given this county and we can manage it. If you ask Hon. Museveni here during those days and Hon. Waiti when they were just counsellors, they never had sophisticated equipment, computers like what we have now but they were able to run this county and they did great things, including even this House, this chamber that we are debating from in. Otherwise, I support the report.

Mr. Speaker: Hon. Sheila, proceed.

Hon. Sheila Sifuma: Thank you, Mr. Speaker for this opportunity. I think most has been said by the speaker that have gone ahead, but what I would just like to add as a starting point from the speaker who has just spoken you see when you are performing at E and you get a D plus, it's an improvement. So, but it's an improvement below average.

So I think Bungoma is improving, but at a very slow rate. So you should not degrade the improvement that we had. Maybe for the sake of, from the report that has been read the only thing I noted is on the recommendations in terms of timeliness there's no time limit again and I think it had been echoed before. Like if there's a direction or a recommendation given I think we need to give it timelines, especially if it's something that needs accountability at the end of the process. Let's not have vague recommendations.

And then the last contribution I have is I want to laud the CEC Finance. Personally, I think he's doing a good job, a very good job because he's a fast learner and he has very reliable agents in the floor of this House who gives him very up to date communication and whatever even you have done even what you are doing now he is already aware. So I want to laud him.

(Laughter)

(Applause)

You see in this life, you need to have people who can work for you and things to work for you. And he realized that there were gaps in oversight in this House and he realized those gaps were not bothered by projects but he realizes also a team of black men with black hearts that you can oil their pockets and all things will flow according to how you want. So me personally, I think the CEC Finance is doing a great job.

And when we continue like this, I think we are going in the right trajectory as a county.

(Applause)

And until the day the oath of office that we took and everyone took to protect and to serve the people of Bungoma is brought back to the table at the discussion then we are going in the wrong direction but the CEC Finance is doing a good job. Thank you very much.

(Laughter)
(Applause)

Mr. Speaker: Hon. Chemion, respond please.

Hon. Francis Chemion: Thank you Hon. Speaker. First of all, I want to thank the members for their robust contribution on this very important report. The committee burnt its midnight oil to come up with this report and if we had brought a report that was not watertight, these contributions would have not been there. So we dug in and brought to fore all that you needed to know.

That is why you have contributed today very well.

(Applause)

So I want to thank you so much for your contribution. I will start by going back to what the Bishop has said about the woman who was caught in the act. It's a very good example, Analogy. Our God is a living God. He doesn't slumber. That's what the Bible says and going by that analogy, no one has never sinned including the speakers who have spoken today. And God will bear witness because if we go to that direction and we blame the CECM alone we are going to the wrong direction.

(Applause)

Because some of us who are even saying this have sinned and we know there are sins and we don't want to say it here. We know there are sins and if you have sinned, just accept and ask for forgiveness.

Secondly, on the issue of retention look at our budget which we approved in this House without amendment, the main budget. We have proved that we are borrowing 150 million from retention account to finance the budget and the people who presented the budget are here.

We may want to throw a stone to others but you see the budget was brought by the budget committee and the assembly approved.

(Applause)

So whom do we blame? We put the 150 million there. What we are doing as a finance committee then is to ask now how this 150 is going to come back. That is what we are doing and we are doing it diligently. We are not leaving any stone untouched. So members we should know that we are not sleeping as a committee. That's why we have raised the issue. It is in the report.

Secondly, let us also sometimes be optimistic in life. The County Government came in place in 2013 and we have had very many CECMs, very many chief officers and very many revenue collectors and look at the trajectory and I want to thank you very much, Hon. Sheila. You know, if a child performs a little bit in a positive way you congratulate. You don't bash.

You know, if you bash they run away. They will shy from even improving further. You look at the revenue collection; the year that we have collected the highest revenue from 2013 is the last financial year. 443 million own source revenue being the highest. So the committee is pushing and that is not our target. We had brought the target down to 500 but we are still pushing so that we have more. I know there are loopholes and we went for fact-finding although we are not talking about the report here because it is still in HBC it will come. Political interference and people who make a lot of noise are the ones who are interfering.

(Applause)

We went to all the markets. You go to a place you are told the Honourable member of this ward has said from here to there no payment of revenue. If a revenue officer goes there, a phone call and threatened that you will go home the following day. So we are not saying things that are not there. They are there and that is why the analogy of Hon. Bishop is very true. It's very true and until we reach a time where we know our role and we allow the processes to run then we will still question ourselves we will blame others but we also have a contribution that we are contributing.

Then on the issue of pending bills; Pending bills has been caused sometimes by delayed procurement the way Honourable members have said. When we delay procurement it will always impact negatively on absorption. That is very true your contribution is valid but I want to make it clear as a move of the motion. Yesterday we were with the CECM Finance and he said he instructed the chief officers in the departments to continue with the procurement.

These other things he said those are the hearsays let them table in a circular that has stopped them from procuring and that is why I was called last week by the CECM education and he was asking me some issues about what I have provided as projects in my work.

They want to advertise. So if there is a delay let us handle it at the departmental level.

Let us put the chief officers at the department level to task let them advertise, let them not blame the CECM Finance, let them advertise because nobody has instructed them to stop advertisement and an understanding is already there and the leader of majority is here, who represent the government.

The CEF money is not going to be touched and if it is not going to be touched, then let them advertise CEF projects. If there will be any supplementary budget, It will touch other things not the CEF projects and I know members you support that position. That is our position and it is a position of the government of the day. So, that delayed procurement let all the chairs and the committees follow their own departments to ensure that they do so.

On verification of pending bills, the CECM has confirmed the verification was done is now complete. They are bringing back now for validation. We again look maybe they have gone back and brought some errors again. They will be inviting us to Kamukunji we validate the pending bills. If what they did is correct. So that we now have a pending bill that we can say it is a county pending bill. But you know the procedures before advertisement we pass the budget. The budget is taken to the controller of budget for uploading. So it takes some time, for uploading takes some time but from end of September, it should now be advertised because we did the uploading everything is there. They should now advertise our projects.

On rates, the rates are not doing very well, the land rates and the reason why the rates are not doing well is because there is already an audit query from the Auditor General who is querying our use of out-dated valuation role. The Auditor General is questioning the act that we are using. So we are asking Honourable members that when we work, we look at the rating and valuation role that may come back to the House let us expedite the passage of that role. So that we can do the right thing we go away from what is there.

On un-surrendered imprest we have put it on black and white. We didn't put it very far. We have said this is a department that is for compliance. That's what we have written in the report and we have said they are having the highest. They should work to ensure that they don't have the highest impressed. That's what we have said. We are speaking the same language with the Honourable members of this House over that issue of un-surrendered imprest.

There are words that were used which I may not repeat, they were very strong. They were very strong. Now we should focus maybe on the issue of development and recurrent. It is becoming an issue. We are saying we have 30% for development, recurrent is 70 and again,

sometimes we push that we want people to be employed. When we are pushing for employment it will affect the development vote line because that one will come under recurrent and there are job openings that they must be filled for the county also to operate.

So what we need to do then as a county is to come up with a concerted effort of raising revenue so that we have more money at our disposal so that we are able to employ and as well as do development. That should be something that we need to do as a team.

Then we must improve the market infrastructure. We have talked about collection. We must improve the market infrastructure. There are Honourable members here whom I know they have put money from their wards to construct modern latrines in their markets. There are members here. They have put some money even to improve on auction ring. So if we put money in the market infrastructure, we shall improve on collection.

So there are very many issues that have been raised. Slaughterhouse fee, market infrastructure, poverty level, payment of contractors, boda boda , the budget, our targeting also. What is our target? Is it realistic? So we must also as a County Assembly look at the targets that we set. are these targets realistic or we just put them there? So that at the end of the day for example we targeted 800 and something million for own source revenue.

We pegged projects to the 800 and something million. We have not been able to collect the 800 and something million. There were projects that were done pegged on the target. Now what happens? Because we didn't collect, it will eventually go to pending bills. So that is what we need to do. We must see how we target our budgets.

Otherwise, Honourable members there are very many issues that you have raised. I may not respond to all of them. Sales issue, that one has been said. MOUs are there and sometimes the MOUs are done minus consulting the finance department.

A department just sits with another entity they come up with an MOU which affects the financing of the budget and they have not involved the CECM finance. So that affects the amount of money that we collect. Otherwise, Honourable members I want to end there and ask that we adopt this report with its recommendations for onward transmission to the executive to act and later on, we have given recommendations telling them some of them they will report to the committee itself and others they will be taken by the implementation committee. Thank you.

(Applause)

Mr. Speaker: Thank you, Hon. Chemion for your reply to the motion beforehand. Honourable members allow me to put a question to the motion that they have just made a reply to. A motion was moved and seconded and debate having ensued that this House adopt the report by the sector committee on finance and economic planning on the first and second

quarter financial statements for the financial year 2023-2024 laid on the table of the House on 3rd of July, 2024.

(Question put and agreed to)

Ayes have it.

REPORT BY THE COMMITTEE ON IMPLEMENTATION ON THE IMPLEMENTATION STATUS OF THE HOUSE RESOLUTIONS

Mr. Speaker: Proceed Hon. Catherine on behalf of the Committee of Implementation

Hon. Catherine Kituyi: Thank you, Mr. Speaker, sir. I rise to move a motion by the committee on implementation on the status report on the implementation of House resolutions.

MANDATE OF THE COMMITTEE

The Committee on Implementation is mandated to scrutinize resolutions of the House (including adopted Committee reports), petitions and the undertakings given by the County Executive and examine whether such decisions and undertakings have been implemented within the sixty (60) days provided for in the Standing Orders and whether such implementation has taken place within the minimum time necessary and satisfactory explanation for the delay or partial implementation.

The Committee wrote to the Department of Health and Sanitation and The department of Education and Vocational training on the status report on the Implementation of House resolutions respectively.

The report entails a compilation of the responses received and their status of implementation.

The Committee registers its appreciation to the Office of the Speaker and the Clerk of the County Assembly for facilitating it towards the achievement of its mandate and the production of this report.

Committee Membership

The Committee membership comprises of the following:

1. Hon. Aggrey Mulongo	-Chairperson
2. Hon. Job Mukoyandali	-Vice-chairperson.
3. Hon. Aggrey Bosire	-Member
4. Hon. Florence Juma	-Member
5. Hon. Franklin Simotwo	-Member
6. Hon. Catherine Kituyi	-Member

7. Hon. Vitalis Wangila	-Member
8. Hon. Alfred Mukhanya	-Member
9. Hon. Idd Owongo	-Member
10. Hon. Abraham Obama	-Member
11. Hon. Alice Kibaba	-Member

Pursuant to Standing Order 202(7), it is, therefore, my pleasant duty and privilege, on behalf of the Committee on Implementation, to lay this report on the Table of the House for adoption.

Report signed by Hon. Aggrey Mulongo Chairperson Committee on Implementation

REPORT OF THE SECTORAL COMMITTEE ON EDUCATION AND VOCATIONAL TRAINING COMMITTEE

The Report of the sectoral committee on Education and Vocational Training on the status of ECDE Centres for the Financial Years 2017/2018 AND 2018/2019 was adopted by the County Assembly with recommendations therein, the resolution of the House was forwarded to the department by the office of the Clerk as under Standing Order No. 205 in accordance with Article 183 (3) of the constitution.

Honourable speaker, the Committee on Implementation under its mandate wrote to the department of Education and Vocational Training asking for the status report on the Implementation of the Committee recommendations, responses on the status and the Committee's observations are as under listed.

Recommendation .1

That the County Government of Bungoma through the department of Education and Vocational Training should construct at least two classroom for every ECDE center to cater for PP1 and PP2 due to the ever increasing enrolment of the learners.

Response on the implementation status

The department has captured in the county integrated development plan where 101 ECDE classrooms have been earmarked for construction for FY 2024/2025 ADP, 2024/2025 to 2025/2026 medium term expenditure framework.

Committee observation

The committee noted that the recommendation did not provide the timelines within which the department should construct the classrooms and thus not binding the Department to a period within which to comply.

Implementation status

Not implemented.

Committee recommendation

The CECM for Education and Vocational Training should ensure construction of the 101 ECDE classrooms earmarked for construction under FY 2024/2025 within the current financial year since it is the County's core mandate as provided for under part II of schedule IV of the constitution of Kenya 2010

Recommendation 2

That the County Government should endeavour to construct suitable toilet facilities for ECDE learners of each Centre separate from being used by their primary school counterparts.

Response on the implementation status

The department is liaising with Hon. Members to allocate for the construction ECDE centres in the ward based projects to include sanitation facilities , this is because currently the head quarter has no allocation for development projects. Further is liaising with the department of Health and sanitation to ensure that schools sanitation is handled under the sanitation department.

Committee observation

That previously, allocation towards construction of ECDE classrooms has been done without including sanitation facilities for the proper hygiene of learners thus recommendation has not been implemented.

Implementation status

Not implemented

Committee recommendation

That the department should liaise with Hon. Members to ensure construction of the 101 ECDE Classrooms under ward based projects in FY 2024/2025 captures construction of sanitation facilities for the sake of hygiene of the young ECDE learners.

Recommendation 3

That the equipping of the classrooms should be made part of the construction contract for future projects.

Response on the implementation status

The department has prioritized equipping of ECDE centres in 2024/2025 budget and is positive that the county assembly will approve this allocation when setting up the ceilings for FY 2024/2025. Once approved the department will procure furniture and distribute to various ECDE centres. The department is considering engaging Hon. Members to equip ECDE centres from the ward based programs.

Committee observation

That the department initiated the implementation of the recommendation by capturing the equipping of ECDE Centres in the ADP 2024/2025.

Committee recommendation

That the department must prioritize the program as captured in the ADP 2024/2025 so as to equip the ECDE Centres with furniture to provide a conducive learning environment.

Recommendation 4

That procurement process should be expedited and contracts awarded to contractors with capacity through due diligence to ensure projects are implemented within the earmarked financial year to avoid carryovers.

Response on the implementation status

The department has made staffing changes in the procurement and brought in new procurement officers who are fast-tracking procurement process, so far of the 27 projects for financial year 2023/2024, 18 projects have been awarded to contractors and 9 projects re-advertised are currently at finalization of the award stage. For 18 projects awarded to contractors, 11 contractors have reported to site while the remaining 7 projects over schedule are on-going.

Committee Observation

The department is in the process of implementing the recommendation after making staffing changes and bringing in new staff who are more effective and efficient to expedite the procurement process.

Committee Recommendations

1. The department should start the procurement process immediately the budget is uploaded to ensure the projects are implemented and paid in the same financial year so as to avoid pending bills.
2. That close supervision should be done during implementation of the projects and rogue contractors who do shoddy works should be blacklisted to ensure value for money.

MOTION ON EXTENSION OF TIME

Mr. Speaker: Yes, Hon. Deputy Speaker, I see you are online.

Hon. Stephen Wamalwa: Thank you, Hon. Speaker. I am rising under Standing Order No.33 (3) and (4) bearing in mind the issues before the House, I request that we extend a little so that we can dispense with the motion that is on-going on the floor of the House because of the importance and the issues ahead of this House..

Mr. Speaker: Call your seconder.

Hon. Stephen Wafula: Hon. Speaker may I call the Hon. Peter Caleb to second the same.

Mr. Speaker: Hon. Caleb, you are called upon to second the motion. Proceed.

Hon. Caleb Wanjala: I rise to second that the time be extended.

Mr. Speaker: Thank you, Hon. Members. A motion has been moved and seconded that this House extends its sitting pursuant to standing order number 33, three and four until it handles the matter that are still on the order paper and finalizes. Do I need to allow you people to contribute over that?

(Question put on extension of time and agreed to)

Ayes have it. It's extended. Proceed.

Hon. Catherine Kituyi: Thank you, Mr. Speaker.

REPORT OF THE JOINT SELECT COMMITTEE ON JUSTICE, COHESION, LEGAL AFFAIRS, HEALTH AND SANITATION

The Petition by Kenya National Union of Nurses (KNUN), Kenya National Union of Medical Laboratory Officers (KNUMLO) and Kenya Union of Clinical Officers (KUCO).

Hon. Speaker, the petition was tabled on the floor of the House on 28th February 2023 and committed to joint Select committee on Justice, Cohesion, Legal Affairs, Health and Sanitation for processing pursuant to the provisions of the Bungoma County Assembly Standing Order Number 206(1) as read together with Standing order number 213(a).

In processing the matter, the joint select committee considered evidence from both parties in order to make an informed verdict through observations and recommendations to this honourable House.

The report of the joint Committee was adopted by the House on 18th April 2023 with the recommendations therein.

The adopted report was forwarded to the department of Health and Sanitation on the 24th of April, 2023 vide a letter *BCA/CC/6 VOL. IV (28)* pursuant to the standing order No. 205(2) which stipulates *THAT, “within sixty days of a resolution of the county Assembly adoption of a report of a select committee, the relevant County Executive Committee Member under whose portfolio the implementation of the resolutions falls, shall provide a report to the relevant committee of the County Assembly in accordance with Article 183(3) of the Constitution.*

Hon. Speaker the Committee on Implementation under its mandate pursuant to Standing Order 212(a), (b), requested for the Implementation status of the recommendations made by the joint Committee.

The responses were provided, gaps were identified and the Department invited to share more information before the Committee concluded its report.

General Recommendation No.1

THAT the implementation of the new organizational structure should be halted and due process be followed in the formulation of a compliant organogram. In the meantime, the joint select committee recommends that the status quo obtaining prior to the formulation of the new organogram be maintained.

Response from the Department of Health and Sanitation

The Chief Officer issued a departmental directive via a letter *CG/BGTM/CO/MOH/I.MEMO/VOL.1/078* dated 2nd June, 2023 dissolving the disputed organogram and reinstating the previous structure. The 8 Divisions have been dissolved and now the Department functions are now administered by 15 coordinators as listed in the directive.

Committee Observation

The letter dissolving the disputed organogram and maintaining the initial structure was provided to the committee and it was signed by the Chief Officer department of Health and Sanitation.

Hon speaker, the letter and the list of the portfolio of the 15 coordinators is attached to the report.

Committee Recommendation

That pursuant to Sec 59 of the County Governments Act mandates the County public service board to establish and abolish offices in the county public service , it's therefore the mandate of the board to develop organogram for all departments in the County;

Thus the committee directs the County Public Service Board to develop the organogram for the department as under its mandate.

General recommendation No.2

THAT the County Department of Health and Sanitation within thirty (30) days of adoption of this report, to initiate and submit to the County Assembly amendments of Sections 5, (4)(a) and the Third Schedule of the Bungoma County Health Services Act ,2019 to comply with the High Court ruling in the PHARMACEUTICAL SOCIETY OF KENYA AND ANOTHER VERSES ATTORNEY GENERAL AND 3 OTHERS (PETITION 85 OF 2018)[2021] KEHC (KLR).

Response by the department

- a. The department issued a request for feedback and proposal regarding the amendment bill to all Health Sector stakeholders dated 24th May, 2023 (Annexed).
- b. The department issued a request for legal assistance from the office of the County Attorney through a letter dated 28th April, 2023, the letter is annexed.
- c. The department initiated the Amendment Bill formulation process through H.E the governor who constituted a task force to undertake a comprehensive review of the Bungoma Health Services Act 2019 through a Gazette notice.
- d. The Taskforce Report shall include a draft Amendment Bill which will address section 5 of Bungoma County Health Services Act 2019.

- e. The amendment bill will also address changes in National Legislation ,considering the enactment of the SHIF Act 2023,the PHC Act ,2023,the FIF Act 2023 and the Digital Health Act 2023.
- f. The constitutional requirements for prudent use of public resources coupled with delayed responses from the office of the County Attorney, informed the decision to constitute a task force .The task force is undertaking a comprehensive review of the Bungoma County Health Services Act 2019 with a view to address all gaps and challenges inherent in the act; as opposed to initiating several amendment processes each addressing different sections of the Act.

Committee Observation

- a) The department initiated the implementation process where a taskforce was formed to undertake review the Bungoma county Health services Act 2019;
- b) The committee received a copy of the gazette notice by H.E the governor forming the taskforce to undertake the review of the Bungoma Health Services Act 2019,
- c) A copy of the report of Health and Sanitation taskforce on review and amendment of Bungoma County Health Services Act no. 5 of 2019 was submitted to the committee.

Implementation status

Ongoing

Committee recommendation

The committee reiterates that that amendment should be completed and the Bill be officially submitted to the county assembly within 60 days from the adoption of this report.

General Recommendation No.3

THAT the Department should expedite the formulation of Regulations to operationalize the Bungoma County Services Act, 2019 pursuant to section 48 thereof as read together with paragraph 10 of the second schedule to the Act and submit the same to the County Assembly within sixty (60) days from the adoption of this report.

Response from the department

1. The task force has collected views from stakeholders and identified sections in the Act that are appropriate for regulation distinct from matters that can be sufficiently addressed by way of policy internal administration or guidelines.
2. The department will formulate the necessary regulations once the Health Services Act Amendment Bill is passed into law.

3. We note that section 48 as read with schedule 2 of the Bungoma Health Services Act 2019 requires formulation of policies to address the matters listed and the policy formulation requires stake holders' engagement.

Committee Observation

- 1) A copy of the report of Health and Sanitation taskforce on review and amendment of Bungoma County Health Services Act was submitted to the committee to indicate the progress report.

Implementation status

Ongoing

General recommendation No.4

1. **THAT**, henceforth, the Department Must ensure stakeholders engagement and public participation in the formulation of the organogram, departmental policies and guidelines, pursuant to the provisions of article 10(2)(a) of the Constitution, section 87,88,89,91,94, 95 and 96 of the County Governments Act, 2012 and other relevant legislation.

Response from the department

1. The Taskforce mentioned above has been tasked with collecting and collating views from all stakeholders in the Department of Health and Sanitation.
2. The list of stakeholders being engaged is provided.

Committee Observation

1. The committee received lists of stakeholders engaged by the department and the taskforce with all the parties appending their signatures.
2. Hon. Speaker the same is annexed on this report.

Implementation status

Implemented

General Recommendation No.5

1. **THAT** henceforth the Department should embrace dialogue and make use of dispute resolution mechanisms to resolve any emerging issues.

Response from the department

- 1) The department has held several meetings with the Health Sector Unions to discuss challenges arising and the welfare of officers employed by the Department.

- 2) The taskforce formed has convened a meeting with concerned unions representing the different cadres of officers in the department.

Committee observation

A consultative meeting between the Health Unions officials and the department was held vide the minutes dated 22nd May 2023 provided before the committee, Hon. Speaker the same is annexed on this report.

Implementation status

Implemented

REPORT OF THE SECTORAL COMMITTEE ON HEALTH AND SANITATION ON THE STATUS OF THE COLLECTION AND USAGE OF OWN GENERATED REVENUE ON DEVELOPMENT PROJECTS IN RESPECT TO THE DEPARTMENT OF HEALTH AND SANITATION

Hon speaker, the Report of the sector committee on Health and Sanitation was adopted by this House on 14th March, 2023 with recommendations therein. The report was forwarded to the Department of Health and Sanitation on the 14th day of March 2023 \ as per the Bungoma County Assembly standing orders No. 205 in accordance with Article 183 (3) of the constitution. The recommendations in the report with the Implementation status provided as submitted by the department on health and sanitation.

Recommendation No. 1

THAT the department should expedite to form and gazette new Hospital Management Boards for seamless operations at the facilities.

Response from the department

New Hospital Management Boards were formed and gazetted as per Gazette notice no.126 (attached)

Committee observation

The gazette notice forming new hospital management boards was provided to the Committee and the same is annexed to this report.

Implementation status

Implemented

Recommendation No.2

THAT, County Health Headquarters should ensure full automation of all hospital operations and revenue collection for all the facilities to avoid revenue leakages to ensure this is

implemented, the County Health Headquarters must include the program in the budget planning process and ensure budgetary allocation in the FY 2023/2024.

Response from the department

The County Executive complied fully with this recommendation and allowed Kshs. 37,955,528 for the Health Management System in the Approved itemized budget for the FY 2023/2024 under the Department of Finance and Economic Planning.

Already the procurement process for the Health Management Information System has started as evidenced by the advertisement herein.

Committee Observation

The approved itemized budget FY 2023/2024 had an allocation of Kshs. 37,955,528 for Health Management System and the Health Management Information System process has taken off as the advertisement was carried out.

Implementation status

The process is on-going as per the committee observation as evidenced by the documents attached.

Recommendation No.3

1. THAT, the Department should ensure timely remittance of exchequer releases as per the facility approved budgets to enable the facilities to eliminate the issue of pending bills.
2. Henceforth, facilities should limit expenditures to activities that were strictly budgeted for and approved by the Health Management boards and in proportion to the revenue collected.

Response from the department

Firstly, it is important to note that neither the Department of Health and Sanitation nor the County Treasury remits exchequer releases to the hospitals. In the budget for FY 203/2024, all level 4 and 5 hospitals were assigned figures on the vote heads based on the projected collections from user fees. This means that Hospitals would collect fees chargeable from services rendered and would also spend their own source revenue on the operations and maintenance within the respective facility.

Secondly, health facilities have independent procurement plans and are mandated to strictly adhere to their plans and budgets to avoid the issue of credit notes and pending bills. The Hospital Management Boards provide the aspect of corporate governance to ensure that all the resources within the facility are prudently utilized and ensure efficiency in the care of patients.

Committee Recommendation

Expenditures on activities in health facilities must strictly be limited to programs budgeted for and approved by the Health Management boards and in proportion to the revenue realised so as to actualise expenditure at own source.

Recommendation No.4

THAT, there is need for harmonization of the rates paid to casual workers per hospital for uniformity purposes to avoid frequent exits by the casual workers in pursuit for better remuneration in other facilities.

Response from the department

The Department of Health and Sanitation in conjunction with the Directorate of Human Resource are developing the Short-Term Contracted Employees Policy that will streamline and address the welfare issues of the casual workers. The policy document is at draft 1 stage and soon it will be presented to the County Executive Committee before it goes to the County Assembly.

Committee Observation

A policy on the Short-Term Contracted Employees Policy that will streamline and address the welfare issues of the casual workers was submitted to the County Assembly and processed accordingly.

Implementation status

Implemented

Recommendation No. 5

THAT, the Department of Health should develop a policy on infrastructure development and financing of health services in the health facilities, This will guide in infrastructure development for specialized units like theatre rooms, x-rays, dental and eye units and acquisition and installation of equipment where there is great demand; hence reduce cases of frequent referrals and increase revenue collected from the facilities.

Response from the department

The Department of Health and Sanitation is in the process of developing a policy on health facility establishment, operationalization and upgrading that will guide on how health facilities are established in Bungoma County.

Committee Observation

A draft of the policy on establishment, operationalization and upgrading that will guide on how health facilities are established in Bungoma County was provided to the committee as the final copy was to be signed by His Excellency the Governor before submission for processing by the County Assembly.

Implementation status

On-going as per the draft policy submitted to the committee.

General recommendation No. 6

THAT, each county health unit in accordance with provisions of section 30 of the Bungoma County Health Services Act, 2019, should expedite in developing strategic plans for the facilities to aid in preparation of the annual estimates of income and expenditure and implement county health policies and programs at the respective levels.

Response from the Department

The strategic plan 2023-2027 for Kimilili Hospital is ready and the rest of the hospitals are still in the process citing challenges in funding. However, the department of health shall endeavour to fast track the process and ensure that all hospitals comply with the recommendations of the house as well as the Bungoma County Health Services Act, 2019.

Committee Observation

A copy of the Kimilili Hospital strategic plan 2022-2028 signed by H.E the governor was provided to the committee as a prove of the process having taken off for the facilities to aid in preparation of the annual estimates of income and expenditure and implement county health policies and programs at the respective levels.

Implementation status

On-going as the process has started off with one facility (Kimilili Hospital having a strategic plan) and the department working to ensure that all hospitals comply with the recommendations of the house as well as the Bungoma County Health Services Act, 2019.

Conclusion

Article 201 of the Constitution of Kenya enacts fundamental principles that “ ...shall guide all aspects of public finance in the Republic...” THAT

There shall be openness and accountability, including public participation in financial matters.

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.

Part (iv) of the Bungoma County Health Services Act No.5 of 2019, more particularly section 29 on Health planning and management provide that the Health department shall provide among others for:

Investment in physical infrastructure in the County Health units and Human resource strategy and development.

As a fiscal responsibility principle to the management and control of public finances, and in the spirit of the provisions of part IV of the Public Finance Management Act, 2012, and subject to the Constitution that the Committee on Implementation under its oversight mandate as provided for under Standing Order 212, engaged the Executive departments on Implementation of House resolutions while writing this report and coming up with the recommendations therein.

I urge this House to adopt this report. The adoption schedule is signed by all members of Implementation; all annexures are there therefore I call upon Hon. Florence to second the report, Thank you.

Hon. Florence Juma: Thank you, Hon. Speaker. First allow me applaud the mover of the motion Hon. Catherine Kituyi who has eloquently taken us through the report. Even as I rise to second the report, I would like to say that the committee noted that pursuant to section 49 of the County Governments Act, it is the mandate of the County Public Service Board to establish and abolish offices in the County and that is why in our interrogation with the department of Health on the report on the petition by the union of Nurses we informed the department that it is not there mandate to form an organogram but the mandate lies with the County Public Service Board.

Secondly, the committee also wishes to laud the department of Health for submitting the amendments of the Bungoma County Health Services Act which was committed to the Health committee and in our interrogation we had given them timelines to enable first track the task force report on the amendments to enable operationalize activities in the department. On the use of own generated revenue, the committee directed that all health facilities move to IFMIS and this is for proper accountability, this is where it indicates the amount that is collected and amount spent by health facilities.

On Education under the status of ECDE centers, all the ECDE centers are constructed without factoring in the aspect of equipping the class rooms and also on the part of hygiene we had recommended that the center should have separate toilets for the young ones. As I finalize, as a committee we can only follow up on what the departments have recommended but again you find that most of the recommendations if not all is like a blank cheques, they are just there, not water tight, some of them are not realistic and are also not specific. If I give an example of matters imprest, you will only find a recommendation saying with the PFM Act it states that within 7 days you are supposed to have surrendered, what happens suppose they don't surrender, you only need to support, while we are following up on the implementation let us know that within 7 days if they have not surrendered what happens. There is also an issue, like the motion that has just been on the floor of the House, urgently or

immediately after the adoption, what is the timeline? You know your urgently or immediately might not be somebody else's immediate or urgently.

We have also realized while interrogating that some of these reports or recommendations are not taken up by the department so when you call them for interrogation some seem to have just gotten them from somewhere under the shelf, even some end up denying how the report looks like.

Finally, I would like to use the example of the domestic House managers, you know when you employ a House manager, you give them responsibilities; take care of children, cook food, do the cleaning but even as the owner of the House it also becomes your responsibility to make a follow up and make sure that children have been properly fed, the house has been properly cleaned and everything else is in order so even as Implementation committee as we are following up on the implementation we would request that even the sectorial committees also make a follow up when you meet the executive. I second, thank you.

(Loud consultation)

Mr. Speaker: Order members, Order, allow me proceed and be able to put a motion for the House to debate.

(Motion proposed)

Hon. Isaiah Busolo: Thank you, Hon. Speaker. Mine is just a concern as I applaud the mover of the motion. The way the seconder has done the seconding is as if members of Implementation committee are not members of other committees, you see Speaker I have even been left wondering as if Implementation is an independent entity, they are just there until other committees do their work, and they don't participate in those other committee. I thought all of us participate in other committees and recommendations and observations. All we need to do is as members of Implementation and other committees is strengthen our recommendations but you cannot say that members of those committees, we are all members of all these other committees.

Implementation committee was in my Ward at the dumpsite, I am also waiting for that report to come because it is a motion that we passed and is supposed to be followed, that we decentralize dumpsites in all sub counties and I have seen budgets come and go but I have never seen any budget directly addressing it. I want Implementation to fast track the report so that I also get a relief because where we are dumping is full, it is just...

Mr. Speaker: Hon. Sudi, I do appreciate your submissions but I think you are off the rail.

Hon. Isaiah Busolo: If you are off then you cannot bring up that line?

Mr. Speaker: You come with that one we shall be able to assist you but today just go back to rail

Hon. Isaiah Busolo: The rail now is that Implementation members are also members of other committees and they cannot purport to be telling us who are in other committees that our observations and recommendations are weak and yet they are also participants in those recommendations, thank you.

Mr. Speaker: Hon. Leader of Minority.

Hon. Anthony Luseneka: Thank you, Hon. Speaker. I also support the motion but my attention is drawn to the department of public Works, for us we are not experts, when I request that an ECDE should be put up in one of my schools, it is there duty to find out that this ECDE should come with a toilet and a small office. I just want to request the department of public Works whenever they do drawings for ECDE and Dispensaries, you propose an ECDE they come and put it up without a toilet or a placenta pit so it remains a white elephant. They should at least come up with drawings that are inclusive. If you put up a maternity it is supposed to come with an abolition block with a small kitchen and an office but for them they don't even advise us, they don't give us estimates. I just want to request that when you propose projects it is better they come and consult us from what we actually need because what I want may not necessarily mean I understand, they should come and advise us on the projects we propose in our Wards.

Hon. Ali Machani: Thank you, Hon. Speaker for allowing me also to add more flesh on this report. First of all I want to thank the committee for the efforts they have shown in bringing the report on the floor. Several times it has been pronounced in this House that we had some delays but I am happy that the delays are not there now because we have a report. We rely much on Implementation Committee, on every resolution and any report approved by any sector committee for them to make a follow up. I want to thank the Chair and members for the efforts they have shown.

From where I sit, we rely much on the committee on Implementation because some of these adoptions done in this House are supposed to work on it and it is something we need to work on in liaison committee, they need to allocate them reasonable resources to handle our reports. We may end up blaming them but maybe in there resource envelope they don't have much to move around and work on our reports.

From where I sit also, it is the role of the mother committee to do oversight, it begins with the mother committee, an example is Roads and Education, it is the role of members in that committee through the able leadership of the chairman to do oversight. A committee's effective working is highly dependent on the leader; a leader can motivate and make members admire to be part of their team. I remember when I was with the Leader of Majority here in the first Assembly where people rushed and picked committees to run like Roads, Finance, Budget and I had one colleague of mine who thought that it was like when we were in defunct local authorities where Finance and other things were within the Finance committee and he didn't know that Budget was separate from Finance was different unlike in local authorities where we used to generalize.

Let us also advise members that when we are on those mother committees put your points across, interrogate those reports, and make sure that whatever that is coming through is fine-tuned before it comes to this House. Sometimes we may end up also blaming Implementation committee that they are not doing much but also let us ask ourselves in our committees what are we doing, are we just there listening to the committee how it is being moderated then we leave? I think we will be doing disservice to ourselves and the committee, we may be talking about Implementation but let us also assist them from our mother committees.

Again, let us also embrace our members, each and every member. The first Assembly we rated those members who used to debate and those who were not used to debate. Debating is a practice, some of us when we came here we were not keen on debating but I am happy with Hon. Ipara when he came in he came in slowly but now he is becoming serious and when he debates I also feel there is someone sited there. We want to embrace each and every member, you can speak even in Kiswahili, nobody will punish you, if you know sign language, and it is good. I am happy with this committee and any other committee that we are also embracing our nominated members to come up and move reports.

Secondly, and I am happy with Hon. Kituyi Catherine, the way she is eloquent...

Mr. Speaker: Hon. Ali Machani, wind up, you are off the rail

Hon. Ali Machani: No, I am embracing the members

Mr. Speaker: No, you are off the rail

Hon. Ali Machani: I don't know, let me keep quiet then.

(Laughter)

Hon. Jack Kawa: Thank you, Hon. Speaker. First, allow me applaud the committee for the report. Secondly, as Chair for committee of Gender, the moment I bring a report to this House that is the best I can do with my members so I leave it to the watchdog and the watchdog here and we must say it is the Implementation Committee, because they are the ones now to follow up on what the committee has reported to us.

I want to support this report and I want to specifically dwell on the department of Health, there is a problem in Health, you are aware Speaker, you come from Bokoli and you know the dispensary known as Machakha, just nearby your compound and I am also happy that...

Mr. Speaker: Hon. Kawa, for your information, my compound is in Maraka Ward.

Hon. Jack Kawa: So there is a Ward based project, maternity wing at Milani Dispensary that was started in the Financial Year 2019/2020, up to date it is incomplete, go to Milani Dispensary, there is a maternity project there for 2020/21 up to date only 40 per cent has been done, go to Bokoli Sub-County hospital, a departmental project, there is a theater for Financial Year 2021/22 and up to date it is not complete. There is a problem of implementing projects in that department. As we do our oversight here, let us put the executive on toes.

What is the problem with the stalled projects, what does the law say? The procurement law says that if you have advertised a project, somebody has applied, won the tender, signed the letter of acceptance it shows that he/she has read the instruction and accepted. I have a problem and I want to say this, that going forward I will deny the department of Health money because of their slowness in implementing projects across the county and I am not the only one, I hope so. To the Chairperson Implementation committee, the department of Health has a problem; we have many stalled projects in the department of Health, thank you Hon. Speaker.

Hon. Job Mukoyandali: Thank you, Hon. Speaker. Let me laud the mover of the motion. Hon. Kituyi, for your information, she is my sister and that is how eloquent people from my...

Mr. Speaker: Hon. Job, please just contribute to the motion at hand, you know what I am wondering is since we came it is now that you are claiming she is your sister, proceed

Hon. Job Mukoyandali: Hon. Speaker, when somebody does something good that is when we associate...

Mr. Speaker: That is very dangerous, you are saying since she came in she has done nothing good it is the first time? Be very careful

Hon. Job Mukoyandali: Thank you, Mr. Speaker. The report is very clear and I want to laud the members of Implementation Committee for coming up with that report. When we were going through the resolutions bit by bit, there is something specific you must have realized, first, you will realize that the resolutions which were given by the sector committees were not time bound, most of them are hanging and it makes us have problems especially when we are now interrogating the departments. A good resolution has been made by the sector committee, it is not time bound when the department comes to respond they don't know what they are responding on because something that was raised by the sector committee was not time bound.

This is a committee on Implementation and not like other committees like a member was putting it, ours is only to follow up on the resolutions of the House. Hon. Sudi was talking about the dump site, I sit on the committee of Implementation as the Vice Chair and when you look at the allocation that this committee is given and you look at how many reports this committee is supposed to actually go through and interrogate they don't match. Basically the committee on Implementation as it sits, it is supposed to interrogate almost all the reports that are passed on the floor of this House but when you look at the budgetary allocation given is so much wanting. This House needs to look into the budgetary allocation of the committee of Implementation so that if the committee of Finance is getting KShs.6Million, let the committee on Implementation get KShs.9Million because of the work ahead of them so that members of this House do not keep lamenting about the workmanship of the committee of Implementation.

As I finish, my attention is drawn to our Standing Order 205(2) Within 60 days of the resolution of the House or adoption of the report of the select committee, the relevant County

Executive Committee Member under whose portfolio the implementation of the resolution falls shall provide a report to the relevant committee of the County Assembly in accordance with Article 183 of the constitution and...

Mr. Speaker: Yes our Deputy Speaker.

Hon. Stephen Wamalwa: (*On a Point of Information*) Hon. Speaker, sorry I didn't want to say anything today but because the Hon. Job has emphasized the issue that Implementation Committee follows resolutions of this House, there is something I don't know if it was a resolution of this House or not, we need that information made clearly to the House, this issue of 101 ECDE centers captured in the financial year 2024/25 for construction purposes across this county, that is an issue that this House may not be privy to, this issue of equipping ECDE centers...

Mr. Speaker: Hon. Deputy Speaker, now is it a point of information or enquiry

Hon. Stephen Wamalwa: A point of information to him so that he can bear in mind as he concludes

Mr. Speaker: The only challenge we have is if it is a point of information then how he will be able to clarify

Hon. Stephen Wamalwa: Hon. Speaker, clarity should be made.

Mr. Speaker: That one has to go to the mover to clarify not a contributor.

Hon. Stephen Wamalwa: Because you had ruled out on those who should speak and I didn't want to go against your ruling that is why I am standing on this point of information so that it can be captured.

Mr. Speaker: Hon. Deputy Speaker, that line is mischievous, whoever is supposed to clarify issues raised by any contribution is the mover of the motion so the information the deputy Speaker is giving us here I am wondering is it information or inquiry

Hon. Stephen Wamalwa: You know very well that I can only stand on that point; I know they have captured that and they have to work on it.

Mr. Speaker: Thank you, I am not asking Hon. Aggrey to use that means of the Deputy Speaker to contribute, I won't allow you, proceed and wind up please Hon. Job.

Hon. Job Mukoyandali: Thank you, Hon. Speaker. Maybe our Deputy Speaker was not there when the report by the Education Committee was moved; we are following up on that resolution which is in the report of the Committee on Education. Just go through that report you will get what we passed on the floor of this House.

As I finish, on the same 205(1) the Clerk shall within 7 days of the resolution of the House or adoption of a report of a select committee convey the resolution and where applicable a copy

of the report to the relevant County Executive Committee Member, independent commission or holder of statutory body under whose portfolio of implementation of the resolution falls.

So considering what is in our Standing Orders and also 212(5) about the sanctions some of the reports that we bring on the floor of this House I am speaking as a vice chair of the committee of Implementation, are not water tight for us to pin people down. They put us in an awkward state especially when we are coming up with our reports, there is nothing specific for us to follow on and press these people down. I want to urge this House that in future let's look at the allocation of this committee and as Hon. Machani had put it, let the first oversight be the mother committee, it is very clear that the mother committee should be the one to receive feedback before the Committee on Implementation.

It is my suggestion also that we do some small amendments in our Standing Orders because there is no clear communication between the mother committee and committee on Implementation. For us to make this work efficient I would suggest that we come up with something within our Standing Orders that directs at what moment does the mother committee communicate to the committee on Implementation over the status of reports. When we look at our Standing Orders they tell us that they respond to the sector committee but there is nowhere where we are told now if they fail to respond to the sector committee at what time will now the sector committee brings the notice to the Implementation committee so that it picks it up.

Mr. Speaker: At the moment Hon. Job the committee on Rules and Procedure is reviewing the Standing Orders. You bring a draft so that you enrich it with your beautiful and handsome views that you are putting across.

Hon. Job Mukoyandali: Thank you, Hon. Speaker. I submit.

Mr. Speaker: Thank you, Hon. Ipara you wind up then Hon. Catherine you prepare to respond to the motion accordingly.

Hon. Johnston Ipara: Thank you Hon. Speaker, let me take this opportunity first of all for the first time laud Hon. Catherine who has proven to this House that she is a standing report reader for every chair and maybe a polite request I wanted to make to those chairs who like taking advantage of Hon. Kituyi...

Mr. Speaker: Hon. Ipara...Hon. Ipara...

Hon. Johnston Ipara: Noted Hon. Speaker.

Mr. Speaker: Are you trying to say she is a Hon. Member for hire.

Hon. Johnston Ipara: The reason why I said that is the other day when you were away, she stood in to read a report for Labour...

Mr. Speaker: She did not stand in, she is a member of the committee and any member of the committee is competent to read the report.

Hon. Johnston Ipara: That is why I am saying she is a competent Honourable member and chairs should not take advantage of her, it is a kind request.

Mr. Speaker: That is a committee arrangement we do not want to enter into it.

Hon. Johnston Ipara: Agreed Speaker. I want to agree with this committee that this is a very important report that gives guidance and reminds other committees of our own responsibilities. The key aspect and the key word here is feedback; feedback is key even internal feedback, if you are given a responsibility you must at a given level give feedback and where they delay you remind them that let me have that feedback. This feedback informs all committees that what they recommended has been followed to the later or it has not. It is key because it informs you whether that recommendation has been implemented partially or fully.

The second one is standardization of ECDE classes; when you built a class that does not have toilets and we have 2 gender groups, male and female and according to our culture particularly this western region, we say where a girl goes a man should not go or a father can get his daughter when...when we put a class we need to put up toilets. When we have standards we will have uniformity such that when we have an ECDE class in Chepyuk, it is similar to an ECDE class in Milima or Soysambu. At this juncture let me say this, I will report to the Chair Education on the request made by the deputy Speaker on how many classes they were to put across the county.

I was one of the people who wondered what is the committee for Implementation for, what are they supposed to do? Only to be reminded by Hon. Sudi who has just walked out that their number one role is oversight of policy implementation, they are the watchdog of all committees to ensure that every recommendation that the mother committee made has been implemented or not and when they do that the second responsibility they have is when they also look in that report, the first quickest they are supposed to do is to report back to the mother committee that we looked in the report you prepared and it met the threshold or did not.

This committee is also very important in terms of tracking progress. Imagine of the dual carriage, they are the ones who are supposed to walk there from Kanduyi to Musikoma junction see what is happening, come and prepare a report and give it to the Roads departments and one to the executive.

Lastly, as Hon. Sudi was discussing with me, he reminded me Implementation is a bridge between the Assembly and the implementing department but we have always been failed by this Committee, I was thinking that it is their own wish and aspiration only to realize it is the budget they receive that is not equivalent to the work given to them. I am not a member of that committee, I have not been hired, I have not been persuaded but I think we need to look into their budget because we require work done and value for money realized by the County and also the Assembly and if we can't follow up then we are planning to fail. I support

Mr. Speaker: Hon. Catherine, you are called upon to respond to the motion.

Hon. Catherine Kituyi: Thank you, Mr. Speaker sir. First of all, I want to thank the members who have contributed towards this motion, it was worth. In replying I want to tell the members that most of the things you have raised is for all of us to take note so it is about all of us as members of the House on how we do policy and reporting.

Two, for example the leader raised about public works, I think it is high time now we do a policy so that whatever is done in the County in the Wards is the same so that there is uniformity in development projects. Talking about resources the Deputy Speaker raised about the 101 classes, I didn't say it is this House that passed, in our questioning about the implementation status, it is the department that replied saying they have captured 101 classrooms to be done and because the reports in their recommendations they didn't have timelines, the department has captured 2023, 2024, 2025, 2026 because there are no timelines so it is continuing and so we take it the way it is. That is why we are urging the House that in our reporting let us have SMART recommendations.

About implementation of reports, it will be prudent if all committees followed up their reports, it is clearly stated in 205 of our Standing Orders that within 60 days of a resolution of a County Assembly adoption of a report of a select committee, the relevant county Executive Committee Member under whose portfolio the implementation of the resolution falls shall provide a report to the relevant committee of the County Assembly in accordance to article 103 of the constitution. If every committee followed up on the reports they do to their departments we would not have a pile of reports as Implementation committee and things will move fast, implementation will be fast tracked. Committees should follow up on their reports within 60 days after that is when Implementation committee will come up. Like now Implementation committee has over 100 reports, we have the same budgetary allocation, how shall we follow up on the reports? It is not easy so let us fast track this if we do this per committee we will have few reports as Implementation to follow up.

As I finalize, my seconder talked said as Implementation committee members most of the time as we come to this House for example when a motion is being moved, we call upon members of that committee if they are less they say there is no quorum even if other members are in the House so she was talking today as a member of Implementing committee.

Mr. Speaker: To my understanding the issue of quorum here is only raised in 2 areas, at the commencement and during the proceedings of the House, the issue of committee quorum is done in the committees not here. So let be able to wind up this part of the motion by a question.

(Question put and agreed to)

The report is adopted accordingly.

Next item,

ADJOURNMENT MOTION

Hon. Joseph Nyongesa (Leader of Majority): Thank you Speaker, allow me move the adjournment motion; that pursuant to Standing Order 31(4) I move a motion that this House alters its calendar and that this House adjourns its sittings from today Wednesday 2nd October 2024 and resume on 29th October, 2024 at 2:30 p.m. to allow members and staff prepare for CASA games being the hosting county.

Further that in case of any urgent matter in between that requires the House consideration the Honourable Speaker shall convene a sitting as per our calendar. Having reached there allow me call upon Hon. Leader of Minority to second

Hon. Anthony Luseneka: Thank you, Hon. Speaker. I rise to second the motion as moved by Leader of Majority. We have been given an opportunity to host CASA games, this is a rare opportunity and we need to embrace it. Being the host, we need time to train in different disciplines so that we participate fully, looking at the calendar, this is 2024, if maybe the next time we may host such an event is 2070, that is 46 years from now. So it's a golden opportunity for us. We must prepare fully so that we are not last in all disciplines. In football we require enough time, at least two weeks, to prepare.

Same to volleyball, netball and other disciplines and even Tag of War. Maybe apart from dance, Hon. Museveni has experience in that. And I've seen him participate up to international level. Hon. Speaker, the only challenge is that these members require welfare. And as a leadership we discussed about it. So that they are comfortable whenever they are participating in these events. So we'll work on that.

I just want to assure members that I think the leadership and the Clerk, they'll work on the issue of welfare so that you are not distracted. Us being the host, I know most of us may not spend in our homes during the event so that we participate fully. Because we may be distracted by our electorates and we want to win these trophies. So Hon. Speaker, if you don't get Hon. Waiti in his Ward, just know that he's just around within. Yes, I know he's a very good volley baller.

And for him to play well, he should be taken to a camp so that he's not distracted. Hon. Speaker, I just want to second. As you prepare to flag off the events, I think today, later in the afternoon, let all be committed and defend and support our County.

Thank you, Hon. Speaker.

Mr. Speaker: Thank you. I'll refrain from commenting what I was going to say. But where I come from, they always say that whenever you're going to play, if you climb the hill, you will lose. And if the hill is plain, you lose!

(Laughter)

Hon. Members, allow me to be able to propose these motions so that we are able to make some brief contributions.

Hon. Members, a motion has been moved and seconded that pursuant to the Standing Order No. 31(4), that this House alters its calendar, that the House adjourns its sittings from today, Wednesday, October 2, 2024, after the morning sitting, and the House resumes sittings on the 9th of October, 2024, at 2.30 p.m., to allow Hon. Members and the staff to prepare, focus on games, being the hosting County. Further, that in case of any urgent matter in between that requires the House's consideration; the Hon. Speaker shall convene sittings as per our calendar.

I now propose a motion for debate. Hon. Chemion, Hon. Members, it is very much in order for Members to contribute and say how they are going to prepare. What is the worry for?

Hon. Francis Chemion: Hon. Speaker, when we are elected, we come here to represent our people. And when an opportunity is there to speak, we speak, Hon. Speaker. And I only have two issues.

One issue is that the Minority Leader, you have spoken very well, but you are not detailed enough. So maybe as the mover responds, he will add some flesh to what the Minority Leader said on the issue of welfare. Secondly, Hon. Speaker, I support this motion because you have put a caveat that in case we have emerging issues of County importance that needs us to come back, we will be recalled.

That has really covered most of us, and we support that we are allowed to go. Now that I have joined Hon. Museveni nowadays in dance, he needs to take me through how dance is done.

So we support. Let us go for that training as the mover responds on the other issue. Thank you, Hon. Speaker.

Mr. Speaker: Thank you. Hon. Milliah Masungo.

Hon. Milliah Masungo: Thank you, Hon. Speaker. I also rise to support the adjournment motion because it is also going to give Hon. Members enough time to do practice and train in the different disciplines. This is very important because to some of us, from the last time we played in Nakuru, we have never entered any field or done any...

Mr. Speaker: Even the natural one?

Hon. Milliah Masungo: No, we are privileged, some of us, because we are lucky we have spouses. Maybe that is the only exercise we do in line of our conjugal rights, which is not enough as to what we are going to do.

So this is a very golden opportunity for members as hosts, we must fight that we win some of the several disciplines and make sure that our county is uplifted.

Secondly, this is an opportunity to our people right now, as honorable members; we are going to host so many guests. And from here, it's now also our duty, apart from what maybe the management is going to do, to inform our people that there is going to be enough business here, there's going to be serious interactions, mixing with visitors and all that.

We might end up getting so many foreigners in our county, which we welcome because we'll be increasing our population, voters' numbers and all that. So please prepare our people for this great function.

Lastly, from the last speaker Hon. Chemion, these members are not going to welcome members or visitors with empty pockets.

Mr. Speaker: Hon. Minority Whip.

Hon. Milliah Masungo: Yes, speaker.

Mr. Speaker: Now that you were in that meeting and you know what we were discussing, can you spare those that we discussed in our meeting?

Hon. Milliah Masungo: I'm giving them hopes.

Mr. Speaker: We'll give them hopes for the other venue.

Hon. Milliah Masungo: I'm giving them hopes that all will be well because they have to stay very well outside their homes now that we are going for games. Because all of us might spend in this town for a change as we avoid *Milimas* as we play around. I support the motion.

Mr. Speaker: Hon. Majority Leader kindly reply. Now I'm seeing Hon. Milly urging Hon. Waiti to relocate from Naitiri to start now being a tenant in town like me in either Township or Khalaba. Hon. Majority Leader, proceed.

Hon. Joseph Nyongesa: Thank you, Hon. members once more again for supporting the adjournment so that at least we actively participate in these forthcoming events because indeed Speaker is a rare opportunity as a county to host and as we host the speaker we shall be competing and in any competition at least we should have some practice and I know our members are always serious over their activities ahead of us.

The critical issue, that actually the issue of welfare, I know and I'm aware there are two things here; the issue of maybe our committee sittings. Members, those ones shall be taken care of because we shall be reporting this Assembly before maybe going to our various fields.

Secondly, the other second one will be taken care during our last leadership meeting likely today evening because we are aware that we are hosting and again we have a budget for the same, so when we have a budget is upon us now to plan for it.

Otherwise, Mr. Speaker, thank you as we prepare for the official launch this afternoon. I'm very grateful to the members and let us hope for the best. Thank you members

Mr. Speaker: Thank you, Majority Leader. Hon. Members, allow me people to put a question that pursuant to Standing Order 31(4), and a motion having been moved and seconded and debate having ensued that this house alters the calendar and the house adjourns its sittings from today Wednesday, 2nd of October, 2024 and the house resume sittings on 29th

of October, 2024 to 2.30 p.m to allow the Hon. Members and the staff to prepare for CASA Games being the hosting county.

Further, that in case of any urgent matter in between that requires the house consideration; the house Speaker shall convene the sittings as per our calendar.

(Question put and agreed to)

Ayes have it.

ADJOURNMENT

I will ask members that tomorrow we'll be having visitors numbering 50 from 46 County Assemblies consisting of Speakers, clerks and the leadership of CASA to handle formally the hosting rights. So I urge that from here, after you've taken your lunch we meet in Pascal Nabwana Hall for official flagging off of the games.

Tomorrow we'll be receiving visitors. Then from tomorrow, I'll urge members that basically we go to the field and be able to prepare. It will be embarrassing for the host team to be knocked out in every discipline except cheering squad in stage one.

After lunch we meet in Pascal Nabwana Hall so that we make some arrangements on what is being raised by members here about member's committee sittings. And equally, there was a budget for CASA games, how to take over your interests when you're going for CASA games? So those issues will be discussed in a proper way. We were expecting Majority Leader to lead the team of Tug of War vs staff, but he has told me that he still has some pain. So we want to see from there.

We adjourn accordingly.

The House rose at 1.44 p.m.