

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

THURSDAY, 13TH FEBRUARY, 2025

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

WEDNESDAY, 12TH FEBRUARY, 2025

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

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

PRAYER

PAPERS

1. REPORT OF THE AUDITOR GENERAL ON SIRISIA LEVEL 4 HOSPITAL FOR THE YEAR ENDED 30TH JUNE 2024, COUNTY GOVERNMENT OF BUNGOMA.
2. REPORT OF AUDITOR GENERAL ON CHEPTAIS LEVEL 4 HOSPITAL FOR THE YEAR ENDED 30TH JUNE 2024, COUNTY GOVERNMENT OF BUNGOMA.
3. REPORT OF THE AUDITOR GENERAL ON WEBUYE LEVEL 4 HOSPITAL FOR THE YEAR ENDED 30TH JUNE 2024, COUNTY GOVERNMENT OF BUNGOMA.
4. REPORT OF THE AUDITOR GENERAL ON CHWELE SUB COUNTY HOSPITAL FOR THE YEAR ENDED 30TH JUNE 2024, COUNTY GOVERNMENT OF BUNGOMA.
5. REPORT OF THE AUDITOR GENERAL ON BUNGOMA COUNTY REFERRAL HOSPITAL FOR THE YEAR ENDED 30TH JUNE 2024

Hon. Joseph Nyongesa (Leader of Majority): Thank you Speaker, allow me lay the following papers on the floor of this House

1. Report of the Auditor General on Sirisia level 4 hospital for the year ended 30th June 2024, County Government of Bungoma.
2. Report of Auditor General on Cheptais level 4 hospital for the year ended 30th June 2024, County Government of Bungoma.
3. Report of the Auditor General on Webuye level 4 hospital for the year ended 30th June 2024, County Government of Bungoma.
4. Report of the Auditor General on Chwele Sub County Hospital for the year ended 30th June 2024, County Government of Bungoma.
5. Report of the Auditor General on Bungoma County referral hospital for the year ended 30th June 2024

(Papers tabled by Hon. Joseph Nyongesa)

Mr. Deputy Speaker: Thank you, Leader of Majority. Hon. Members, these reports having been tabled, officially become property of this House and stand committed to the committee on Public Accounts and Investment for their action and reporting back to this House.

**REPORT BY THE SECTORAL COMMITTEE ON HEALTH SERVICES ON
CONSOLIDATED FINANCIAL STATEMENTS AND REPORT FOR THE PERIOD
ENDED 30TH JUNE, 2024**

Hon. George Makari (Chairperson, Health Services): Thank you, Mr. Speaker. I rise to table a report by the sectoral committee on Health services on consolidated financial statements and report for the period ended 30th June 2024

(Report tabled by Hon. George Makari)

Mr. Deputy Speaker: Thank you, Hon. Makari. Hon. Members, a report by the committee on Health on consolidated financial statements and report for the period ended 30th June 2024 having been laid on the floor of the House now becomes property of the House.

**REPORT ON THE CONSOLIDATED FINANCIAL STATEMENTS FOR THE
PERIOD ENDED 30TH JUNE 2024 WITH RESPECT TO THE COUNTY PUBLIC
SERVICE BOARD AND THE COUNTY ASSEMBLY SERVICE BOARD**

Hon. Hentry Nyongesa (Chairperson, Labour): Thank you, Mr. Speaker. I rise to table the report for the Committee on Labour Relations, Members Services and facilities on the consolidated financial statements for the period ended 30th June 2024 with respect to the county Public Service Board and the County Assembly Service Board. Thank you.

(Report tabled by Hon. Hentry Nyongesa)

Mr. Deputy Speaker: Thank you, Hon. Hentry. Hon. Members, a report by the committee on Labour Relations Members services and facilities having been laid on the Table becomes officially property of the House

**REPORT ON THE FINANCIAL STATEMENTS FOR THE DEPARTMENT OF
GENDER, CULTURE AND SOCIAL WELFARE FOR THE PERIOD ENDED 30TH
JUNE, 2024**

Hon. George Tendet: Thank you, Mr. Chair. I rise to table a report by the sectoral committee on Gender, Culture and Social Welfare on the financial statements for the department of Gender, Culture and Social Welfare for the period ended 30th June, 2024.

(Report tabled by Hon. George Tendet)

Mr. Deputy Speaker: Thank you so much Hon. George Tendet, member for Elgon. Members, a report by the committee on Gender, Culture and Social Welfare having been laid officially becomes property of the House.

**REPORT BY THE HEALTH AND SANITATION TASK FORCE ON REVIEW AND
AMENDMENT OF BUNGOMA COUNTY HEALTH SERVICES ACT NO. 5 OF 2019**

Hon. George Makari (Chairperson Health Services): Thank you Hon. Speaker, I rise to table a report by the sectoral committee on Health Services on the report by the Health and Sanitation task force on review and amendment of Bungoma County Health Services Act no. 5 of 2019.

(Report tabled by Hon. George Makari)

Mr. Deputy Speaker: Thank you Hon. George Makari, member for Musikoma, members, a report by the committee on Health Services having been laid officially becomes property of the House.

NOTICES OF MOTION

REPORT ON CONSOLIDATED FINANCIAL STATEMENTS AND REPORT FOR THE PERIOD ENDED 30TH JUNE, 2024

Hon. George Makari: Thank you, Hon. Speaker. Once again, I rise to give a notice of motion that this House adopts the report by the sectoral committee on Health Services on consolidated financial statements and report for the period ended 30th June, 2024.

Mr. Deputy Speaker: Thank you, Hon. Makari. Hon. Members, a notice of motion having been issued in a procedural manner, I direct that the same be circulated to all members for their perusal and in-depth analysis so that it forms part of business to be considered by this House after ratification by the House Business committee

REPORT ON THE FINANCIAL STATEMENTS FOR THE DEPARTMENT OF GENDER, CULTURE AND SOCIAL WELFARE FOR THE PERIOD ENDED 30TH JUNE, 2024

Hon. George Tendet: Thank you, Hon. Speaker. I rise again to issue a notice of motion that this House adopts the report by the sectoral committee on Gender, Culture and Social Welfare on the financial statements for the department of Gender, Culture and Social welfare for the period ended 30th June 2024.

Mr. Deputy Speaker: Thank you, Hon. Tendet. Hon. Members, a notice of motion having been issued, I again direct that the same be circulated to all members and it will form part of business to be considered by the House at an appropriate time.

REPORT ON THE CONSOLIDATED FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30TH JUNE, 2024 WITH RESPECT TO THE COUNTY PUBLIC SERVICE BOARD AND THE COUNTY ASSEMBLY SERVICE BOARD

Hon. Hentry Nyongesa: Thank you Chair, I rise to issue a notice of motion that this House adopts a report by the sectoral committee on Labour Relations, Members services and facilities on the consolidated financial statements for the period ended 30th June 2024 with respect to the County Public Service Board and the County Assembly Service Board.

Mr. Deputy Speaker: Thank you, Hon. Nyongesa. Members, a notice of motion having been issued in a structured manner, I direct that it be circulated to Hon. Members for their in-depth consumption and it will form part of the business to be considered by this House.

**REPORT BY THE SECTORAL COMMITTEE ON HEALTH SERVICES ON THE
REPORT OF HEALTH AND SANITATION TASK FORCE ON REVIEW AND
AMENDMENT OF BUNGOMA COUNTY HEALTH SERVICES ACT NO. 5 OF 2019**

Hon. George Makari: Thank you, Mr. Speaker. Once again I rise to give a notice of motion that this House adopts the report by the sectoral committee on Health Services on the report of Health and sanitation task force on review and amendment of Bungoma County Health Services Act no. 5 of 2019 laid on the table of the House on Wednesday 13th February 2023.

Mr. Deputy Speaker: Thank you, Hon. George Makari. Members, again a notice of motion having been issued in a procedural manner I direct that it be circulated to members so that they have an in-depth consumption and it will form part of business to be considered by this House after ratification by the House Business Committee.

MOTION

**REPORT ON THE FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30TH
JUNE, 2024 FOR THE DEPARTMENT OF LANDS, URBAN, PHYSICAL
PLANNING, HOUSING AND MUNICIPALITIES**

Hon. Johnston Ipara: Thank you, Hon. Speaker. I have the privilege to move a report on the financial statements for the period ended 30th June 2024 for the department of Lands, Urban, Physical Planning, Housing and Municipalities.

Executive Summary

The committee conducted one on one interrogation on 8th November 2024 for the consolidated financial statements and report for financial year 2023/24 ending June, 2024 to seek clarity on the expenditures and the rate of absorption of the budget.

Pursuant to section 166(4) of the PFM Act 2012, the County Treasury is mandated to prepare quarterly reports on all county departments and submit the same to the County Assembly not later than 30 days of the succeeding month after the end of each quarter. It is in this regard that the County Executive Committee Member for Finance and Economic Planning submitted the Bungoma County quarterly report and financial statements for the period ended 30th June 2024.

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

The quarterly reports and financial statements present budget execution status covering the period under review with comparative actual achievements and budget amounts for the

previous financial year. Further, it contains the revenue performance both locally generated and an equitable share from the National Government.

Finally, the Committee has comprehensively considered the consolidated financial statements and report for the period ended 30th June 2024 and presents this as the committee report for consideration by this House.

It is my pleasant duty to present the report on the consolidated financial statements and report for the period ended 30th June 2024; in respect to the department of Lands, Urban Physical Planning and Housing.

Fiscal and Legal Framework

Article 226(2) of the Constitution of Kenya, 2010 states that, the Accounting Officer of the National Public entity is accountable to the National assembly, while the Accounting Officer of a County Government entity is accountable to the County Assembly for its financial management.

According to *section 116 of the Public Finance Management Act, 2012*, an Accounting officer for a County Government entity shall prepare a report for each quarter of the financial year in respect of the entity. Further, the section requires the accounting officer of the county government entity to ensure that the quarterly report;

- Contains information on the financial and non-financial performance of the entity, and is in a form that complies with the standards prescribed and published by the Public Sector Accounting Standards Board.

The section also requires that not later than fifteen (15) days after the end of each quarter, the Accounting Officer shall submit the quarterly report to the County Treasury. It also requires the County Treasury to consolidate the financial statements within one month following the end of the quarter and to submit to County Assembly with a copy to National Treasury, Controller of Budget and the Commission on Revenue Allocation.

Obligations of Accounting Officers

Section. 149(1) of the PFM Act 2012, states that;

An accounting officer is accountable to the county assembly for ensuring that resources of the entity for which the officer is designated are used in a way that is;

- *Lawful and authorized*
- *Effective, efficient, economical and transparent.*

Accounting officers will be accountable to County Assembly for;

- *Ensuring the most effective means of achieving desired programme outcomes are used.*

- *Maintaining effective systems of internal control and the measures taken to ensure that they are effective.*
- *Measures taken to prepare the financial reports that reflect a true and fair view of the financial position of the department.*

It is in the considered opinion of the Committee that the Accounting Officer in the department observed the Principles of Public Finance as laid down in **Article 201 of the CoK, 2010** in managing the finances of the entity in the period under review.

Mandate of the Committee

The sectoral Committee on Lands, Urban, Physical Planning and Housing is constituted pursuant to the provisions of Standing Order No. 217 of the Bungoma County Assembly Standing Orders and executes its mandate in accordance with Standing Order No.217(5) which provides that, the functions of a sectoral committee shall be to:-

- Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, coordination, control and monitoring of budget;
- Consider quarterly reports of the assigned departments and report to the House within twenty-one (21) sitting days upon being laid;

The Membership of the Committee

The current composition of the Committee on Lands, Urban, physical Planning and Housing is as follows:

1. Hon. Francis Chemion	Chairperson
2. Hon. Johnston Ipara	Vice Chairperson
3. Hon. Ali Machani	Member
4. Hon. James Mukhongo	Member
5. Hon. Aggrey Mulongo	Member
6. Hon. Sudi Busolo	Member
7. Hon. Hentry Nyongesa	Member
8. Hon. Joan Kirong'	Member
9. Hon. Edwin Opwora	Member
10. Hon. Wafula Waiti	Member
11. Hon. Benjamin Otsiula	Member
12. Hon. George Makari	Member
13. Hon. Cornelius Makhanu	Member
14. Hon. Jeremiah Kuloba	Member
15. Hon. Polycarp Kimeta	Member

Acknowledgment

I take this opportunity to thank the Office of the Speaker and the Clerk of the County Assembly for the logistical support accorded to the Committee as it executed its mandate. My gratitude also goes to all members of the Committee for dedicating their time to examine both the Kimilili and Bungoma Municipality Integrated Development Plans.

. It is therefore my pleasant duty and privilege, on behalf of the Sectoral Committee on Lands, Urban, physical Planning and Housing, to table this report to the Assembly for consideration and adoption.

The report is signed by Hon. Francis Chemion, chairperson, Committee on Lands, Urban and Physical Planning

LANDS URBAN AND PHYSICAL PLANNING

The department had an annual approved budget of kshs.98, 056,672 comprising kshs.49, 096,564 as recurrent and Kshs. 48,960,108 development expenditure. The overall budget expenditure by the end of the financial year 2023/24 was Kshs. 59,740,791 indicating a 61% absorption.

Under recurrent expenditure, the absorption of the budget was as follows;

- I. Human resource management with an approved budget of kshs.26, 637,264 incurred an expenditure of Kshs. 25,674,819.75 indicating 96% absorption.
- II. Operations and maintenance with a cumulative allocation of Kshs. 22,459,300 had an expenditure of Kshs. 15, 020,305 indicating 67% absorption.

The department submitted to the committee that the remaining 4% on Human Resource management was to be used to cover the salaries of the valuation and the GIS officer who were recruited later and reported to office after the close of the financial year.

There were four sub-programs under development budget with the following expenditures summaries;

Mr. Deputy Speaker: Hon. Tony Khaoya, you are out of order, you cannot be doing that, please take your seat, we cannot have two people standing at the same time in the House, take your sit and allow Hon. Okasida proceed.

Hon. Johnston Ipara: Thank you, Hon. Speaker.

There were four sub-programs under development budget with the following expenditures summaries;

- I. Physical and land use plans with an allocation of Kshs. 7,637,625 for contracted technical services for review of Webuye integrated Physical plan and the development of Kaptama urban development plan. However, as per the budget tracking submission from the Department, there was an expenditure of Kshs. 2,306,218.

The department submitted that it prepared all the necessary vouchers for payment but they were not paid for.

- II. Purchase of land had an allocation of Kshs. 10,000,000 meant for purchase of land for Kaberwa tea factory in Mt. Elgon Sub-County was not utilized.

The Department explained that documentations on the project were presented outside the exchequer period hence they were returned by the County Treasury.

- III. Ward based projects with an allocation of kshs.20, 151,400 had an expenditure of kshs.15, 723,216 indicating 78% absorption.

The department submitted that it used the amount to clear the pending bills for 2022/2023 financial year and the total amount spent was Kshs. 16,700,000 and not kshs.15, 723,216 as presented.

Pending Bills

- Supplier credit with an allocation of Kshs. 11,170,983 did incur an expenditure of Kshs. 7,004,785 according to the financial statements while the submitted document shows an expenditure of Kshs. 5,655,517. The activity paid relates to preparation of valuation rolls for Kimilili Town. The pending bill of Kshs. 4,000,000 for purchase of land for Mukuyuni Ward office and Syombe ECDE were not settled by the end of the financial year;

The department submitted that it prepared all the necessary documentation but they were not paid for.

Outstanding Imprest

Outstanding imprest in the department amounted to Kshs. 5,651,820 with some imprest relating to the period outside of the financial year i.e. an imprest dated 3rd August 2024 and 15th July 2024.

A list of surrendered imprests was presented to the committee indicating that all the imprests had been surrendered.

HOUSING

The directorate had an approved budget of kshs.183, 111,105 comprising of KShs.31, 811,175 as recurrent and Kshs. 151,299,930 as development expenditure. The directorate was able to receive and spend Kshs. 179,458,273 which translates to 98% absorption of the budget. Recurrent had an expenditure of Kshs. 28,158,343 (88.5% absorption) while development had an absorption of Kshs. 151,299,930 (100% absorption).

In terms of programs and sub-programs, recurrent expenditure had the following absorption:

- I. Salaries and emoluments with an approved budget of kshs.9, 586,560 had an expenditure of kshs.10, 664,165.14 indicating 108% absorption.

- II. Operations and maintenance with cumulative allocation of Kshs. 21,916,574 had an expenditure of Kshs. 8,784,490.85 indicating 40% absorption.

The department explained that extra amount incurred on Salaries of 108% was for the new recruits in the department paid by the County Treasury.

Development expenditure with a total of Kshs. 151,299,930 incurred an expenditure of Kshs. 88,635,372.4 as summarized in the table below;

N O	ITEM	BUDGETE D AMOUNT	CONTRAC T SUM	AMOUNT PAID	BALANCE C/F	REMARKS
1	Construction of County office Block	30,700,000	498,880,128	50,000,000	Nil	payment made during 2 nd suppl budget uploading
2	Construction of Official Governor's Residence	10,000,000	40,120,900	0	10,000,000	Funds utilized in advance payment for County office Block
3	Construction of 5No public security light in Mjini & Landi matope	27,900,000	27,900,000	21,935,172.40	5,964,828	Almost complete
5	Other Capital Grants and Transfers KISP11	54,699,830	378,999,500	0	54,699,830	Site handed over.
6	Supplier Credit (renovation of houses and perimeter wall)	3,000,100	0	3,000,000	0	
7	Urban beautification	25,000,000	24,982,001	13,700,200	11,281,801	Balance utilized to clear advance payment for County office Block
	Total	151,299,930	970,882,529	88,635,372.4	81,946,459	

Supplier Credit

There was a provision of Kshs. 4,523,874 in the budget meant for supplier credit (Kshs. 1,523,774 recurrent and Kshs. 3,000,100 development). By end of the financial year Kshs. 3,014,704 had been paid out (Kshs. 1,234,433 recurrent and Kshs. 1,780,271 development);

the department provided a list of programmes to the committee to justify the above expenditures.

Outstanding imprest

The outstanding imprest for the directorate of Housing is as captured under lands.

BUNGOMA MUNICIPALITY

The Municipality had an approved budget of Kshs. 192,125,073 comprising of Kshs. 23,125,073 as recurrent and Kshs. 169,100,000 development expenditure. The overall budget expenditure by the end of the financial year was Kshs. 80,493,913 indicating a 41.9% absorption.

Recurrent expenditure had absorption of Kshs. 20,723,562 translating to 90% of the entire allocation. The following were the absorptions per sub-programs;

- I. Salaries and personnel emoluments with an approved budget of Kshs. 13,503,848 incurred an expenditure of Kshs. 12,397,661,190 indicating 99.6% absorption.
- II. Operations and maintenance had an annual approved budget of Kshs. 10,627,412 while it incurred expenditure of Kshs. 7,744,737 translating to 73% absorption.

On the development side, expenditure was Kshs. 59,770,351 under the following sub-programs;

- Urban, transport and infrastructure development with an allocation of Kshs. 85,500,000 absorbed Kshs. 51,121,716 (59.8% absorption). The allocation includes the construction of a modern bus park at Kanduyi and purchase of land for a trailer park.
- Ward based projects with an allocation of Kshs. 68,400,000 incurred an expenditure of Kshs. 8,662,648 (13% absorption).
- Overhaul of other infrastructure and civil works with an allocation of Kshs. 15,200,000 had absorption of Kshs. 5,500,000.

Supplier Credit

Pending Bills declared amounts to Kshs. 1,320,740 all being recurrent. Kshs. 298,670 was paid out within the financial year to settle one of the pending bill while there is no provision in the budget for supplier credit.

Committee observations

Kshs. 16 million meant for trailer park was reallocated to purchase of land for traders at Chebukube market and the process was at procurement stage, a reallocation done without committee approval or knowledge.

KIMILILI MUNICIPALITY

The Municipality had an approved budget of Kshs. 150,700,007 comprising of Kshs. 29,045,267 as recurrent and Kshs. 121,654,740 development expenditure. The overall budget expenditure by the end of the year was Kshs. 60,283,423 indicating a 40% absorption.

Recurrent expenditure was Kshs. 25,626,885 and was on the following programs;

- General administration planning and support services had an approved budget of Kshs. 15,234,222 absorbed Kshs. 13,541,281 (89% absorption).
- Human resource with a budget of Kshs. 13,811,045 meant for salaries incurred an expenditure of Kshs. 12,085,604 translating to 88% absorption.

On the development side, a total of Kshs. 34,656,538 from an allocation of Kshs. 121,654,740 was absorbed, indicating 28.5% absorption. The absorption has been put under the following programmes;

1. Urban infrastructure development and maintenance with an allocation of Kshs. 32,700,000 absorbed Kshs. 3,764,780 (11% absorption) the absorption is for construction of sanitation facility at Bus park.
2. Other infrastructure and civil works with an allocation of Kshs. 89,154,740, which includes Ward based projects of Kshs. 68,400,000 and KUSP refund of Kshs. 20,754,740.
 - a. The WBP incurred an expenditure of Kshs. 10,137,017.90 (15.6% absorption). This was towards periodic maintenance of Miruri SA Babasaba Road (Kibingei Ward), period maintenance of Nambani VTC-Topela Road (Maeni Ward).
 - b. For the refund of funds to KUSP Special Purpose accounts, the entire amount of kshs. 20,754,740 was used to settle the following; upgrading of Mkulima-Nasusi Road (Phase I), installation of Highmast Lights at Nasusi and Chebukwabi, Urban cleaning and beautification and installation of Waste Collection Bins within the Municipality

COMMITTEE GENERAL OBSERVATIONS AND RECOMMENDATIONS

COMMITTEE OBSERVATIONS

The committee observes as follows;

1. The committee observes that the department made reallocations and payment of Ward based projects without the approval of the committee or the owners of the allocated projects.
2. The department provided a list of Ward based projects both paid for and those not paid for to the committee.
3. The employment of the new county valuer will henceforth help in spearheading the purchase of land in the county.

COMMITTEE RECOMMENDATIONS

The committee recommends as follows;

1. **THAT**, the committee will carry out a site visit on the projects under other infrastructure and civil works in Kimilili Municipality to ascertain the implementation status of the above mentioned programmes.

2. **THAT**, in view of late submission of necessary documentations, the department should endeavor to commit money for projects early enough to avoid cases of roll overs which is not expressly provided for in law.
3. **THAT**, the Committee strongly warns and refrains the Department from making re-allocations of funds without seeking the approval of the County Assembly.
4. **THAT**, henceforth, the department should embrace consultations with mother committee and involvement of the public in sensitive matters of land including purchases and the Public Private Partnerships (PPP)

The adoption schedule was signed by the members of the Committee as you see it. At this juncture, allow me to call the respected Hon. Member of the Committee, Benjamin Otsiula, to second this report.

(Applause)

Mr. Deputy Speaker: Hon. Okasida,

Hon. Johnston Ipara: Thank you, Hon. Speaker. We have just done some consultations; I want now to call at this point the Hon. Francis Masai, the Chair of this Committee to second the report. Kindly, Chemion do it.

Mr. Deputy Speaker: Well thank you so much, the Hon. Johnston Ipara Okasida for eloquently moving the report. Hon. Francis Masai, proceed to second.

Hon. Francis Chemion: I have risen to second this Committee report that has been ably done by Hon. Ipara. The Committee has given three major observations. The first one is that the Department made reallocations and payment of vote-based projects without the approval of the Committee or the owners of the allocated projects. That is a gross misconduct and it is a very wrong thing to do.

We also noted and observed, that a list of vote-based projects both paid for and those not paid for by the Committee were provided so all the vote-based projects list was provided, those ones that had been paid for and those ones that had not been paid for so that one was good on their part.

The issue of the County valuer; by that time the Committee was very energetic and happy because they knew the valuer had been employed. These are the things that came after this report Hon. Members, know but as a Committee that time we were very happy that a new valuer had been employed by the Public Service Board, whose issues are being handled by the Labour Committee. We don't want to pre-empt that report because the Chair is here.

So we have given the four recommendations and as an endeavour since we came up with this report, it has taken some time and therefore we will swing in action as a Committee again because according to our Standing Orders, we have powers as a Sectoral Committee to make

a follow-up of the recommendations that we have made in our report, to check and confirm whether what we have given as observation and recommendation has been adhered to.

So I urge Members that we support this report, so that we can make progress but as a Committee, we are indebted to ensure that these recommendations are followed. I second the report.

(Applause)

Mr. Deputy Speaker: Thank you, Hon. Masai. Hon. Members, allow me now to propose the question to the House that a report having been moved and duly seconded, I now propose that this House adopts the report by the Sectoral Committee on Lands, Urban, Fiscal Planning and Housing On the financial statements for the period ended 30th June 2024 for the Department of Lands, Urban, Fiscal Planning, Housing and Municipalities laid on the table of the House on Wednesday, the 12th day, February 2025. I propose.

(Question proposed)

Hon. Anthony Luseneke,

Hon. Anthony Luseneke: Thank you, Hon. Speaker. I rise to contribute to the current motion. I am looking at page 12. There is a line that is Committee observations and it is in bold. That an amount of 16 million meant for trailer park was reallocated to purchase land for traders at Chebukube Market and the process was at procurement stage, a reallocation done without Committee approval or knowledge. I was expecting this to be captured under Committee recommendations and I haven't seen the Committee mentioning this 16 million elsewhere. If we allow the Executive to be reallocating money to other projects then what is the need for this House to be passing the itemized budget? Because during budgeting, we allocate money for a specific purpose, so are we going to reallocate funds to purchase the trailer park? Or what will happen? And what necessitated the reallocation of 16 million to purchase land at Chebukube? When you look at Chebukube, we already have a market that was constructed.

The National Government is also putting up another market, a first world market, just within the similar vicinity. My thinking was, since this process was at procurement stage, the Committee should have cancelled the transaction and money directed to the specific project that was passed by this County Assembly. That will bring some justice to this county.

I know you are a frequent user of the Webuye - Malaba Road and you normally pass at Sikata Junction and you usually see the problem we have on that road. The trailers parking along the road close to 50 trailers in a single day. If something happens, who will be held responsible? The Assembly allocated the money to purchase land for that purpose. The money was diverted and we are here keeping quiet, nothing is being done and we are waiting for a time bomb. An accident will occur at that place and all eyes, lamentations, etc. will be labelled or directed to this County Assembly. So my request is, let this Committee go back cancel that procurement, whatever is being procured and direct that money to the specific project that was approved by this County Assembly.

(Applause)

Mr. Deputy Speaker: Thank you, Hon. Anthony Luseneke. Online we have the Hon. John Kennedy Wanyama,

Hon. John Kennedy Wanyama: Thank you, Mr. Speaker. I rise to support the motion before us but I specifically want to talk on the issue of Municipalities; this is Bungoma and Kimilili municipalities. For these municipalities to discharge their functions effectively there is a need to ensure that all the functions have actually been transferred to these municipalities. These municipalities are supposed to be autonomous, so as the mover of the motion comes to reply, I would wish that he can share with us at what level are we to ensure that these municipalities are fully autonomous so that then they can be able to discharge their functions more effectively.

Mr. Deputy Speaker: Thank you, the Hon. John Kennedy Wanyama. Hon. Benjamin Jeremiah Otsiula.

Hon. Benjamin Otsiula: Thank you, Hon. Speaker.

Mr. Deputy Speaker: You know, I was confused because I am not used to having you there. So I was like is someone using your card? But I can see the face. I can now place the person to the mic.

Hon. Benjamin Otsiula: Hon. Speaker, I was just respecting the order of the day. When I came in, I realized that you as the speaker of the day, you are dressed in a similar manner to Okasida, me and the Hon. Member has just walked outside. So I think it was very prudent for me to sit in a uniformed manner to conform to you.

Mr. Deputy Speaker: Proceed.

Hon. Benjamin Otsiula: But as you are delivering your ruling, Hon. Speaker, I was very happy today. When I came in and I think Hon. Tony was trying to assist me. The Deputy Majority Leader was occupying my reserved seat and I almost thought that the Majority Coalition had promoted me to the position of the Deputy Majority Leader. I was almost pledging to serve with humility.

But I saw Hon. Tony interrupt and I saw the Deputy Majority Leader run helter skelter to occupy that seat. That's why I am occupying this other end, but you should not be worried. I respected the chair. Next time she occupies mine, I will whisper to the Majority Leader to regularize the position and also talk well to the Chief Whip, so that I become the Deputy Majority and serve for the remainder of the term.

(Laughter)

Mr. Deputy Speaker: Proceed.

Hon. Benjamin Otsiula: Hon. Speaker, I also wish to laud the move of the motion. The Hon. Okasida for the energy and the eloquence exhibited while moving the motion and the seconder, who was very brief, but to the point and our able chair in this Committee of Lands. One of the concerning issues in this report is on the issue of the absorption rate in these municipalities. If you look at Bungoma Municipality, I think it is the bedrock of economic activities in this county.

With an absorption of 41.9% that means that most projects under that financial year were never honoured and were never completed. With the current conditions, then it means that the Department of Lands and Housing must pull up their socks.

If you look at municipality, that is Kimilili Municipality, they are at 40% and most of the problem now goes to the Ward Based Projects. In Bungoma Municipality, for example with an allocation of 68,400,000 only 8,662,648, translating to 13% absorption was expended on projects. That is a cause for alarm considering that Bungoma Municipality is the beehive of activities as far as economic issues are concerned. Therefore, in this report it is very clear that we are achieving very little in these municipalities and if something is not done drastically to ensure that we change the face then it means that we are going to be left behind.

I concur with my senior colleague that this issue of transferring funds or reallocating without the consent of the committee or the County Assembly is very alarming. If you look at, for example, under housing, the construction of official Governor's residence, there was an allocation of 10 million which was taken and utilized in advance payment for the County office block. Who authorized this transfer, these reallocations?

If you look at the urban beautification again, Kshs 11,281,801, this balance utilized to clear advance payment for the County office block, so without this clear roadmap on how these funds are transferred then it leaves a lot to be desired. I believe that the committee did very well to flag out these areas for the benefit of this House and the issues of pending bills. I have always had the Chair Budget in this House crying and complaining that there are no clear pending bills as far as the Finance department is concerned.

One area if you look at page 9 of this report, the department submitted that they incurred an expenditure of Kshs 7,004,785 but the documents that were presented only amounted to Kshs 5,655,517 wondering where 1 point something million had disappeared to. So this also means that even on the issue of pending bills, the bills that are being submitted are not very clear, so I think they should pull up their socks to avoid these embarrassments.

Finally because I am the final contributor on the motion no other member has requested, the Majority Leader is still there. He is on a different league. The issue of the County Valuer, our chairman has said we do not wish to touch on that but since it forms part of this report it is also very important to note that the absence of this valuer has really hurt this county and members of this House. The Valuer according to this findings here was not there and if there

is one at this particular moment as the Chair has said, we are not very careful because we have informed that he lacked the necessary qualifications, therefore they should fast-track and ensure that we have a competent valuer because in the current financial year I have seen the department running up and down trying to ensure this issue is cured but we are not 100 per cent sure whether at the end of the financial year we are going to see a different picture or not.

Therefore as I wish to support this report, I also wish to point out that the department has lagged behind and they are dragging their feet on very critical matters and being left with only two years to the general election to the 2027, how I wish that they wake up from their slumber and move with speed to implement projects initiated in various wards in this County. I wish to support.

Mr. Deputy Speaker: Thank you, Hon. Benjamin Otsiula. Online we have the Leader of Majority,

Hon. Joseph Nyongesa: Thank you Hon. Speaker for giving me this chance to say something on this report though *Wakili* has touched on most of the issues and it is just a matter of putting more emphasis especially in terms of absorption rate. Municipalities are the face of this County, looking at Bungoma and Kimilili those are the key faces for this county but looking at the absorption rate, especially in terms of development is too low because I think in the committee's observation and recommendation, they could have also captured such issues so that at least we see in this current financial year, at least we have an improvement.

Touching on the Land Valuer as per the observation, I think the proper way we should just expunge it because currently the Valuer we have is doing a disservice to us because as we speak, I have two plots but because of the slow valuer they are depending on the National Valuer, so there is nothing going on.

Looking at observation number 3; although the chair was trying to evade saying that the employment of the new County Valuer will henceforth help in spearheading the purchase of land in this county is quite wrong, because there is no value that this county valuer has added to this county. There is no need for us to pass this report with such an observation, we better expunge it or we put it the right way that having unqualified valuer, the county is not moving the right direction. Otherwise, we do support the report but this one should be expunged.

Mr. Deputy Speaker: Thank you, Leader of Majority. We have the Hon. Jackson Wambulwa,

Hon. Jackson Wambulwa: Thank you, Hon. Speaker. I rise to either support or not support this report. I am concerned at the way this department is operating; it is running with a lot of impunity that as we talk you can see it on the absorption of the Municipalities why? It is because they are fighting over the resources brought in by the donors and the county government as well and this is not going to take us anywhere, unless we give powers to these Municipalities to operate independently.

This is something that we have always run away from but why do we give Municipalities budgets if they cannot run on their own. The issue here at hand is about the Valuer, really do we have a valuer and as we speak you know we are a House of Representatives, and is it right for somebody to be earning using the other person's title?

I will urge the House that we need to summon the Public Service Board because, we allocated funds for them to hire a valuer instead of employing a valuer they are employing someone who is not a valuer, they gave him a title and he is earning as a valuer but he is not a practising valuer. That is something that we must take serious as much as my leader say we expunge some of this information but before we expunge, can action be taken to those who are doing us disservice.

Finally, on the issue that Hon. Lusenaka raised, budget making is a process and when we allocate funds towards a particular item, why is it that this department keeps on diverting? If you check, a lot of diversions have been done through this department. Who had requested for Chepkube additional land? Why is it being bought hurriedly and for your information and I want to bring it to the attention of the House, monies meant to buy land in wards that were allocated through CEF was diverted and taken to this Chepkube land by the same department and we therefore want to say this is something in house so we play undercover, see how best we can cover this.

No, this is wrong, the department should be able to appear before this House together with the County Public Service Board and even the department of Finance and tell us why they allow this diversionary of funds in this department and it goes Scott free. If it's about the Assembly doing the same, they say don't attempt. What is so special about the executive? It is time we must stamp our authority, its time as a House we must stand up and say what is right is right and what is wrong is wrong and even when the committee was recommending, it should be tough. You are over sighting Honourable members. You need to give us the right guidance, do not do it because you are doing it for your own sector committee that tells us that some of the sector committees are in bed with the executive.

(Applause)

Mr. Deputy Speaker: Hon. Aggrey Waliaula Mulongo, Member for Kibingei, you can proceed!

Hon. Aggrey Waliaula: Thank you Mr. Speaker Sir for giving me this chance to contribute. These municipalities, Bungoma and Kimilili started in 2018, up to date the functions have been relayed but the budget is not there. I stand here as a very disappointed member of County Assembly from Kimilili municipality. We were told to give the CEF money to the municipality. Out of 68,000,000, the money that was paid was only 6,000,000 for our CEF money. In Kibingei, there are five projects that were not implemented. Kimilili five, Maeni 7, all those projects were not implemented.

The outcry is, there is a lot of interference from the executive. If we want these municipalities to be operational, we need to give guidance to the department of Lands and Housing. They have really interfered and there is nothing that is going on in Kimilili municipality and Bungoma municipality.

Recently, we visited some projects that were done. If we are going to revisit it again, we are going to come back here with a very bad report and the payment was done. If we want this to operate, let us rubber stamp authority as a committee.

Let us recommend, unless we give them timelines because if we are just going to say they will implement, it will never be implemented. Our recommendations should say we have given them 60 or 30 days so that at least reaching that time if they have not implemented anything then at least we can have teeth to bite.

Mr. Deputy Speaker: Thank you, Hon. Aggrey Mulongo. I now call upon the mover to reply. Hon. Johnston Okasida Ipara, Member for Tongaren/Kiminini!

Hon. Johnston Ipara: Thank you, Hon. Speaker. This is a very serious issue and every Honourable member as per their contribution has shown that and I will start with the last contribution of Honourable Mukhongo under the principle of collective responsibility. Mulongo is a member of the committee and these issues that he is raising he failed miserably to present before the committee

(Applause)

So, for us as members of the committee he did a disservice to the committee and next time...

Mr. Deputy Speaker: Order Hon. Mulongo!

Hon. Johnston Ipara: And next time Honourable Mulongo kindly make sure that at least you give all the information which you think can improve the management of the municipalities and utilisation of resources in the County.

I totally agree with Honourable Wambulwa and Majority in terms of the valuer but I want to say this, by the time we were submitting this report, the period under review did not cover or extend to cover the period when the valuer was employed but I want to say this, during one of our meetings, we had a very serious debate on why do we employ one who does not add value to what we intended initially and we found that the people to blame were the County Public Service Board and we did recommend and agree that the appropriate committee to handle that matter at that particular time was the committee of Labour and I want to report this without any fear; that as of today, labour committee is handling this matter and it's in advance and I want to believe that among the recommendations and the rulings that they will make, one is to surcharge those who were involved in employing that who did not meet all the qualifications that were contained in the intent requisition.

I also agree that we have not been able to do much within the municipalities and the reason why we have not been able to do this is because of lack of full transfer and automation of

municipalities and this is tied on the huge budget that municipalities have and we have sounded a warning particularly to the CEC lands who is responsible and who seems to be the leader of those who interfere to desist ,refrain and that is why the committee flagged out this particular issues and we are saying, the committee is going forthwith one ,to meet the Governor and ask him to show reasons as to why he cannot transfer all powers to municipalities and allow them do what the law requires them and we started this recently with this Honourable House. The House approved municipality board members and that was one of the shortcomings that the municipalities had and that we want to believe will assist to address these shortcomings that we have seen from the municipalities.

We also have seen illegal reallocation of money and this one all of us are aware. The only authority that is allowed to carry out reallocation of money is this Honourable House through the supplementary and that has not been done and that is why as a committee we flagged that out as an observation and made a recommendation that the Lands department should refrain from future illegal relocations and we should be calling it illegal relocation and that is not the end. That is the beginning of the committee on taking drastic measures to ensure one, the CEC and Chief Officer who allowed this is punished and we shall bring the punishment to this Honourable House for approval and action to be taken against that particular officer who did that.

The issue raised by Hon. John Kennedy by saying that we are recommending full transfer of powers to the municipalities, allow them operate carry out their budgets, do the tendering and approve what is required by the municipalities on their own but the worst thing about the municipalities is when they failed to use the money allocated by the Honourable members who come from that region who are members in this House and channelled them to a wrong program that was never planned. Two, was never in the budget and I have been assured by the Chair of this committee that the first action that this committee will take is to summon this officer immediately and all the issues that have been raised by the Honourable members placed and we must have the correct answers that will address this and the correction of the anomaly created placed before this Assembly for correction.

I want to thank Hon. Benjamin for explaining and stating the details. I want to thank Hon. Masai who seconded the motion and Honourable Luseneka who pointed out particularly the major one, the parking money and we agree in totality that we need a parking for long distance vehicles and other vehicles that use our road so that we can get an added source of revenue.

Lastly, as I plead with the members to adopt this because the recommendations we've made, if adopted, will bring a change and will sound a warning to those who like to do the wrong things, to refrain and desist. That from today onwards, we the Hon. Members of this House, let's stand for what is right and for what is wrong so that at the end, history will not judge us harshly.

I plead with them to approve the adoption of this report.

(Applause)

Mr. Deputy Speaker: Thank you, Hon. Johnston Okasida Ipara for your replies. Hon. Members, I now rise to put a question to the House that this House adopts the report by the Sector Committee on Lands, Urban, Fiscal Planning and Housing on the financial statements for the period ended 30th June, 2024 for the department of Lands, Urban, Fiscal Planning, Housing and Municipalities laid on the table of the House on Wednesday, the 12th day, February 2025.

(Question put and agreed to)

The ayes have it. The report is adopted.

(Applause)

Our table clerks will do the needful by transmitting to the relevant offices for action. Next item!

MOTION OF ADJOURNMENT OF THE HOUSE FOR MEMBERS TO ATTEND CAF MEETING

Mr. Deputy Speaker: The Hon. Leader of Majority, Honourable Joseph Nyongesa Juma!

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. Allow me to move the motion of adjournment.

I rise to move a motion for adjournment of this House pursuant to Standing Order number 64(b) as read together with Standing Order number 34(1).

Aware that members of this House have been invited to participate in the County Assembly Forum (CAF) meeting scheduled to take place in Nairobi from 18th -20th February 2025.

Acknowledging that CAF meeting serves as platform for County Assemblies to engage in discussions on legislative best practices, evolution and governance.

Noting that full participation in this meeting will equip members with valuable insights and strategies to enhance the effectiveness of these County Assemblies in discharging its legislative oversight and representative roles.

Further, noting that the presence of the members in this engagement is crucial for fostering collaboration among County Assemblies and addressing emerging challenges in devolved governance. Now, therefore, this House resolves to adjourn its sittings from Tuesday 18th, February 2025 to Thursday 20th, February 2025 to allow members to attend the CAF meeting and thereafter resume its normal sittings on Tuesday 25th, February 2025.

I beg to move.

Having reached there, allow me call upon the Leader of the Minority, Honourable Lusenaka to second.

Mr. Deputy Speaker: Thank you, Hon. Nyongesa. Hon. Namunyu!

Hon. Anthony Luseneka: Thank you Hon. Speaker. I rise to second the motion as moved by Majority Leader. I'm aware that each one of us has gotten a message from CAF that we have a meeting next week. We need to travel and attend to matters that affect our welfare. So, it's just prudent enough that we adjourn for next week to allow us to travel and engage because we have tried to engage the National Government at different levels but nothing is forthcoming. So, it has forced CAF to call an AGM for all Honourable Members so that we attend the meeting and push for our welfare and the other issues affecting our operations.

So I want to request members to support the motion that we adjourn so that we all travel and have a meeting in the city so that we push our agenda as one family.

Mr. Deputy Speaker: Thank you so much. Hon. Members, allow me now to put the question to the House that after a motion has been moved and duly seconded, I now propose the question to the House that this House resolves to adjourn its sittings from Tuesday 18th February 2025 to Thursday 20th February 2025 to allow members to attend the CAF meeting and thereafter resume its normal sittings on Tuesday, February 25th, 2025. I propose.

(Question proposed)

Hon. Hentry,

Hon. Hentry Nyongesa: Thank you, Hon. Speaker. I rise in support of the motion moved by the Leader of Majority. It's in public domain that the 47 County Assemblies carry serious mandate on behalf of the citizens of this country and the way things are in the entire country, some people somewhere might be thinking that this County Governments are lesser Governments and they need to stay on orders and circulars which affects the common *mwananchi* directly.

We passed the Constitution of 2010 to bring the resources near the people and since we are representatives of the people, we are becoming toothless. I am thinking loudly that the organisers of this forum at the national level must be having a serious agenda to engage the serious entities especially on Controller of Budget.

You may realise that some of the things that are being altered by the Controller of Budget like the bursaries, whom do you ask those questions? As we adjourn this House, those are some of the lingering questions that we are supposed to put across at the national level.

As we move there, I think in solidarity of the entire Nation, I wish that the leadership of the House because of the financial temperatures outside there put in the proper facilitation that all the members of this Assembly are at the KICC to discuss these matters.

I am saying this because I am referring to the financial temperatures outside there. That we go as a group so that we stand in solidarity of all Kenyans to defend devolution aspect in this country.

Lastly, we have CAF and its leadership trickles down to the Assemblies. I am not saying Hon. Tony and Grace who are our representatives... that they have to seriously put emphasis

on the issue I have raised. They are not here maybe they are doing some alignment at the national level but we are thinking that when they bring the agenda that we are going to discuss, they should be specifically the agendas that are affecting the common *Mwananchi* directly. Otherwise, I support the motion.

Mr. Deputy Speaker: Thank you, Hon. Hentry. Hon. Everton Sifuna Nganga,

Hon. Everton Nganga: Thank you, Hon. Speaker for giving me chance to contribute towards this motion that has been moved by our Majority Leader and seconded by the Minority Leader. I am against this motion. I do not support it, the reason being that from the time I was elected, first election in 2017 and second election in 2022, I have not seen the impact of this CAF. I am now around 8 years old in the County Assembly. I have not seen the impact. This CAF is toothless and if I had powers, I could agitate for disbandment to make sure that this CAF does not exist.

I remember the issue of Hon. members pension, those who were there from 2013, 2017, 2022 have been fighting for that and we have been thinking that CAF is the only channel that we can voice or that can channel our issues to the National Government and actually nothing has come forth. To me, I see this is a waste of time and money for us to travel to Nairobi.

Again, with the current National Government headed by His Excellency William Ruto, it is a rigid Government. This is a Government that will not hear anything from CAF, which has no powers. Let us just remain here and do our work in Bungoma County.

Mr. Deputy Speaker: Thank you, Hon. Everton Nganga for your contribution. We have Hon. Vitalis then Okasida Ipara!

Hon. Vitalis Wangila: Thank you, Mr. Speaker. I am on my feet to support the motion of adjournment of this House to attend the CAF meeting at KICC Nairobi. You allow me to differ a little with my colleague behind here. I want to also inform him that freedom does not come on a silver spoon. You should not give up fighting. We have now been given opportunity ourselves, not even sending the representative to go to KICC.

(Applause)

And make sure that at least what we are fighting for all these times has been successful. On my side, I genuinely support this adjournment of the House so that we go there as a House and see things with our naked eyes. I support.

(Applause)

Mr. Deputy Speaker: Hon. Okasida, Hon. Vitalis is also called Sifuna talking after another Sifuna and saying that he badly supports this. Hon. Okasida proceed!

Hon. Johnston Ipara: Thank you, Hon. Speaker. I support this motion because one, under the principles of democracy, it will allow us to exercise the powers given to us by ensuring that we establish whether those we elected agitate for our rights or for their own rights? So, I want to say we must. Based on the popular sovereignty power, the power comes from the

people. We, the MCAs were elected by the people, the national leaders were elected by the people and why should they practice the superiority? Who said that they are superior to us because the appointing authority is the people of this country?

Today, why I am so disappointed and making sure with money or without money, and I hope the majority will speak on this one, I will go to Nairobi, one, to stand with the rest of the MCAs across the country. Two, to speak with them the same language, the language which says the welfare of the MCAs across the country must be addressed now or never and this is the time we must also go and make a declaration.

We are with them or we are not with them. Why should we be treated as if we are less citizens of this country? That we have a different law that we MCAs apply and the rule of law says everyone including leaders is subject to the law including even those in Nairobi, the President, the National Assembly members and the Senators. These are people who earn ten times more than the salary of an MCA and the job description is the same. Representation, legislation, and oversight and who told them that that we are lesser animals than them and that's why I strongly support this particular motion because I'll have an opportunity to address those issues.

We think that there's an injustice being done to the Honourable Members in the name of members of the County Assembly. If you looked into our Constitution, it's very clear; it has two levels of government; The National Government and the County Government. The powers given to the National Government are similar to the powers given to the County Government but when it comes to treatment and welfare, handling of the Hon. Members, it's never taken care of and I hear Honourable Nganga is saying *tutachoka kwa sababu* he is a CPA and he knows how he can get his money and be satisfied. With that, I support the adjournment.

Mr. Deputy Speaker: Thank you, Hon. Okasida; we have Hon. Aggrey Mulongo Waliaula,

Hon. Aggrey Mulongo: Thank you, Mr. Speaker Sir for giving me this good time to contribute towards this noble motion. All of us inside this plenary fought for it. Somebody really fought outside there to come to this House, so we have now been given chance to go and fight for our rights. I am standing here to support the motion.

Last year, Mheshimiwa Opwora and I went to such a meeting that was AMCAR. This CAF unless we wake up, they are not for us. When we went there, they were really deliberating on our issues but with CAF, the Chair was called and we were taken to court. There is nothing that has come out of that up to date. There is nothing that has come out. So I am supporting for us to go and talk about it clearly. Let them show us, let them come up with a case. Was it summarised or not. There are a lot of things unless we go there... When we talk from here, Mheshimiwa Nganga, we cannot talk from here. We need to talk from the other side so that we can be heard from Nairobi. We have representatives here but they are compromised.

(Laughter)

Mr. Deputy Speaker: Hon. Chemion, use the dispatch then Hon. Edwin Opwora will finish then I bring the mover to respond!

Hon. Francis Chemion: Hon. Speaker. For the purposes of history, members you must be aware that before we had CAF we had a body that preceded CAF. It used to be called County Assembly Speaker's Forum. That was there in 2013. Eventually it was realised that the County Assembly's Speakers forum was supporting issues to do with the Speaker's alone, so Hon. Members agitated and pushed for the inclusion of members of the County Assembly and that is why the name transitioned from County Assembly's Speakers forum in 2014 and now became the County Assembly Forum (CAF) and we cannot hang CAF in total because there are things that we have enjoyed courtesy of CAF. One of them that we have enjoyed in most of our stay here is participation in CASA games. CASA is a child of CAF and as we meet we enjoy ourselves in those games; we get something to take care of our pockets. So, we cannot say CAF has not assisted us 100%.

Secondly, we have been having legislative summits. We have had Legislative Summits although they are not coming regularly but we have attended legislative Summits as County Assembly, Hon. Members where we share with the Senate. You remember in Legislative summits, we do sharing of what is happening in our Counties and the Senate role in management of counties.

Legislative summits are an enriching opportunity or avenue for Hon. Members and apart from enriching them in terms of knowledge and skill; you also have some oil in your pocket.

We finally have the Devolution Conference; where we have been meeting. Sometimes we have had challenges that we have not met; those are the things that bring members together with the executive. When we came here members in 2017, my learned friend Hon. CPA Nganga can agree with me that we had an issue of car grant, had it not been for CAF to be there and our solidarity with CAF, I was in the minority chapter of CAF that time and we had meetings in Nairobi pushing for Car grant and eventually car grant is now going on.

Hon. Members are getting car grants, we may say it is us who pushed, that is according to you but I was there and I participated fully on behalf of the County Assembly of Bungoma and records are there. If you go to CAF, you will find my signature and that of the Majority Leader, he was representing us in the majority chapter and we were discussing car grants in those meetings.

Mr. Deputy Speaker: And yours truly was representing the majority as an...

Hon. Francis Chemion: Yes and the presiding Speaker was representing the Deputy Speaker's chapter and they appended signatures and you supported us. Although BBI came and helped us also, it re-energized but we were on the way. We may blame CAF but there are fruits that we have at least enjoyed; if it had even pushed for some increment, you remember due to those pressures that came, we lost Kshs 10,000, so if we say today we don't want CAF, then we will be saying we will be leaderless, we will be formless, we will have no direction, and therefore, how will we engage the government? Let them be an umbrella body, and they

have allowed us this time. They have invited all of us to express ourselves the way Hon Members are saying.

Let us go there in solidarity, and talk about our issues, and the issues bedevilling County Assemblies and the County Governments. You remember the issue of Ward Development Fund which is thorny. You have seen what CARA has done; our budget has been brought substantially down. So should we now say that CAF is toothless, as use the word used by my learned friend, do we now resign to fate? And now let it just continues like that? And in a democracy, you push for and fight for space. So let us, I want to thank the mover and the seconder of this motion. That let us support this.

Let us go and air our issues to the world, and to this country that members are suffering. We even want our sitting allowance, plenary, sitting allowance to be reinstated because we travel from very far; from Tongaren, Mt. Elgon, Khasoko, Sangalo, Mechimeru to Bungoma. So members, even the landlords here, I see them using sometimes motorbikes. And they pay for those services. So we must go there and push for these things to come back.

Let us not resign to fate. We should not be a County Assembly that will be counted in Kenya that this is a County Assembly that is not supporting an issue that every member of this country is supporting. Let us be united with the rest of our other members and push for our welfare. I support.

Mr Deputy Speaker: Thank you, Hon Masai. Hon Edwin Opwora.

Hon Edwin Opwora: Thank you, Mr. Speaker for giving me this opportunity. I just want to laud Hon Chemion on his articulation and the importance of attending this meeting, CAF meeting. Hon Chemion actually has talked so much advantages or the importance of what CAF has done.

And I believe maybe we might be having people who are not representing as well in CAF from Bungoma County. I believe if we have the likes of Hon Chemion, maybe some things will be articulated better. Because sometimes actually, I don't know whether it's me alone, but I feel we don't have proper representation or we don't have proper articulation at the top there.

However, as I support this motion, I just want to encourage the Hon Members that this is like an army. We are going to fight a war and we need to go there in unity. We need to have proper leadership that will help us channel our grievances to the right office.

You know, there is a saying that it is always better to whisper in the right ear than shouting on top of a hill. But if we whisper in this right ear and there's nothing which is being done, sometimes you are forced to go and shout on top of a hill so that your issues can be addressed. And I believe this is an opportunity for all the Hon members to go to Nairobi with one voice, with the hope that we are also going to have our grievances listened to so that

when we come back on the ground, we'll have the energy and the vigour to ensure that we represent our people well.

Last year, as Hon. Mulongo said, actually it was only him and I who represented Bungoma, but now that transport might be there, those who might not have means of transport, I can facilitate some of you so that we go there and talk as one voice. I support the motion,

Mr Deputy Speaker: Thank you, Hon. Edwin. Hon Leader of Majority, you can make a reply.

Hon Joseph Nyongesa: Thank you, Mr. Speaker. First, I want to appreciate members for supporting the motion so that at least we attend in solidarity with other counties. I want to humbly appreciate Hon Francis Chemion for reminding members the benefits that we have achieved from CAF.

And I was really looking at Hon. Everton Nganga and he was really convinced and he has also changed the mind that he should attend. The only worry is that he's being worried now, how shall I travel to Nairobi? But the greatest issue also that even Hon. Chemion also mentioned; the issue of CARA, the current one where almost 45 counties were affected. Even Bungoma was affected because we had a reduction of Kshs 147 million and that one was being lost to the executive. And imagine, Hon. Speaker, a legislative arm being underfunded for the benefit of the executive. How will you now oversight that Executive? And Mr. Speaker, the only support that we intended maybe to receive was from the Senate, but the Senate wholeheartedly also supported the Executive to remove the money meant for the Assemblies to move to the Executive.

So we are only left with one option, which is now CAF, to support ourselves. And as much as members may say, maybe the few members representing the assemblies may not be doing it in a better way, but now this is the forum for us to give them the backup and to show support and solidarity that actually, this is what we are fighting for. And, let me say this also, that we also missed a point when constituting this CAF because we preferred to be led by the Speakers.

And as you are aware, what affects the MCAs doesn't affect the Speakers, because even in terms of remuneration, Speakers are quite far away. So, and you know, defending somebody who happens maybe to be earning three times like you, you could not feel it. So I'm urging the Hon. Members that this is the only opportunity for us to stand and defend ourselves.

And again, the few members that we are having, because we normally have two representatives in every County, for us here, we have Hon Tony and Hon Chris, and we are lucky that Hon Grace is holding a very senior seat. So we hope that actually most of the grievances that we are articulating here, they are also aware of them. So the only issue that Hon. Nyongesa raised is the issue of maybe cash.

And Nganga is aware when we say the issue of cash that even the Auditor General doesn't recognize CAF because they term it as maybe an illegal entity. So we are having challenges. And this is the right time to unlock such challenges. So, members, let's be there and ensure that our voices are heard. It's also unfortunate that the current government, which we fought for, is not supporting devolution; because as we speak, money that are meant for our salaries, up to now, they have only released up to December. January is not yet, so unless we stand firm and ensure that actually we speak with one voice then devolution may be killed.

Lastly, Hon Members, you know, when we had a chance maybe to travel to Nairobi, we did some arrangement using our Executive bus, but when coming back, it was quite challenging, because members, it's as if they were somehow, when somebody is loaded, they can do anything.

But for now, let's prepare psychologically that in a case maybe the COB fails to sign for our request, and then it's just a matter of us working smart to ensure that actually the four days that we shall be in Nairobi shall be paid for. But be prepared that she may not sign, but we shall look for a way, but let's attend. We shall engage the other key stakeholders to ensure that, if possible, but not 100% sure; if possible, if we can organize for travel as a team, then we can do so.

But if not, let's ensure that we attend. And as we attend, let's be at KICC very early, because, you know, such a meeting, sometimes have no formula. So you may decide maybe to coil around, and it can take only maybe one hour, they are done. So let's be there early, and then ensure that our voices are heard. As I said, I happen to be serving the third term, in our first term, when we were having the likes of Hon. Nyongesa, Violet and the others who are not here, there were no restrictions, because you could attend even six retreats, whether they have collided or not you will be paid.

We had sittings; we were being paid up to almost 32 or 36 sittings. But nowadays, we have only been restricted to be paid around 16. So members, let's fight for our space. Otherwise, I do appreciate the support, and let's be there in time, and raise our voices.

Mr Deputy Speaker: Thank you, our Leader of Majority, for your submission during the reply. Hon. Members, I'm on my feet now to put a question to the House, that this House resolves to adjourn its sittings from Tuesday, the 18th, February 2025, to Thursday, the 20th, February 2025, to allow members attend the CAF meeting, and thereafter, resume its normal sittings on Tuesday, 25th, February 2025.

(Question put and agreed)

So the motion is adopted, and members are allowed now to prepare themselves for the same purpose.

ADJOURNMENT

Mr Deputy Speaker: Hon. Member; that has been our last item on the Order Paper of the day. So we adjourn, and look forward to meeting here on the 25th, February 2025.
We adjourn.

The House rose at 4:40 p.m.