

**COUNTY GOVERNMENT OF BUNGOMA**

**COUNTY ASSEMBLY OF BUNGOMA**

**COUNTY ASSEMBLY DEBATES**

**THE DAILY HANSARD**

**WEDNESDY, 12<sup>TH</sup> FEBRUARY 2025**

**Afternoon Sitting**

# COUNTY ASSEMBLY OF BUNGOMA

## THE DAILY HANSARD

WEDNESDAY, 12<sup>TH</sup> 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 Naitiri Sub County Hospital for the year ended 30<sup>th</sup> June 2022.
2. Report by Auditor General on Naitiri Sub County Hospital for the year ended 30<sup>th</sup> June 2023
3. Report by the Auditor General on Naitiri Sub County Hospital for the year ended 30<sup>th</sup> June 2024.
4. Report by the Auditor General on Bumula Sub County level 4 hospital for the year ended 30<sup>th</sup> June 2024.
5. Report by the Auditor General on Kimilili Sub County hospital for the year ended 30<sup>th</sup> June 2024.

**Mr. Deputy Speaker:** Honourable Leader of Majority

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

1. Report of the Auditor General on Naitiri Sub County Hospital for the year ended 30<sup>th</sup> June 2022 County Government of Bungoma.
2. Report by Auditor General on Naitiri Sub County Hospital for the year ended 30<sup>th</sup> June 2023 County Government of Bungoma.
3. Report by the Auditor General on Naitiri Sub County Hospital for the year ended 30<sup>th</sup> June 2024 County Government of Bungoma.
4. Report by the Auditor General on Bumula Sub County level 4 hospital for the year ended 30<sup>th</sup> June 2024 County Government of Bungoma.
5. Report by the Auditor General on Kimilili Sub County hospital for the year ended 30<sup>th</sup> June 2024 County Government of Bungoma.

**Mr. Deputy Speaker:** Thank you Hon. Leader of Majority. Honourable Members, these reports having been laid, they stand to be the property of this House and committed to the Committee on Public Accounts and Investments for processing and reporting back. We proceed!

6. Report by the sectorial committee on Agriculture, Livestock, Fisheries, Irrigation and Co-operatives Development on the Financial Statement for the department of Agriculture, Livestock, Fisheries, Irrigation and Co-operative Development for the period ended 30<sup>th</sup> June 2024.

**Mr. Deputy Speaker:** Hon. Waiti Wafula Waiti, member for Naitiri Kabuyefwe!

**Hon. Wafula Waiti (Chairperson Agriculture):** Thank you Hon. Speaker. I rise to table a report on the Financial Statements for the Department of Agriculture, Livestock, Fisheries, Irrigation and Co-operatives Development for the period ended 30<sup>th</sup> June 2024. I table.

**Mr. Deputy Speaker:** Thank you. Honourable members, a report by the committee on Agriculture, Livestock, Fisheries, Irrigation and Co-operative Development having been laid it becomes the property of this House. Next item!

7. Report by the Sectorial Committee on Youth Affairs and Sports on the consolidated statements for the period ended 30<sup>th</sup> June 2014 in respect to the department of Youth and Sports.

**Mr. Deputy Speaker:** You can use the dispatch, Hon. Violet Namaemba Makhanu, member for Mihuu!

**Hon. Violet Makhanu (Chairperson Youth and Sports):** Thank you Hon. Speaker, I am on my feet to table a report on the consolidated Financial Statement for the period ended 30<sup>th</sup> June 2024 with respect to the department of Youth and Sports. I table.

**Mr. Deputy Speaker:** Thank you Honourable members. A report by the Sectorial Committee on Youth Affairs and Sports on the consolidated statements for the period ended 30<sup>th</sup> June 2024 with respect to the Department of Youth and Sports having been laid is now the property of the House.

8. Report by the sectorial committee on Tourism, Environment, Water and Natural Resources on the Fourth Quarter Financial Statements for the Financial Year 2023/2024.

**Mr. Deputy Speaker:** Honourable Martin Cheseto Chemorion, member for Cheptais, proceed!

**Hon. Martin Chemorion (Vice Chairperson Tourism):** Thank you Hon. Speaker. I rise to table a report by the Sectorial Committee on Tourism, Environment, Water and Natural Resources on the Fourth Quarter Financial Statements for financial year 2023/2024. I table.

**Mr. Deputy Speaker:** Thank you Honourable members. A report by the Sectorial Committee on Tourism, Environment, Water and Natural Resources having been laid now becomes the property of the House.

### **Notices of Motion**

1. Notice of Motion by the sectorial committee on Agriculture, Livestock Fisheries, Irrigation and Co-operatives Development on the Financial Statements for the department of Agriculture, Livestock, Fisheries, Irrigation and Co-operatives Development for the period ended 30<sup>th</sup> June 2024.

**Mr. Deputy Speaker:** Hon. Waiti, Proceed!

**Hon. Wafula Waiti (Chairperson Agriculture):** Thank you Hon. Speaker. Allow me issue a notice of motion that this House adopts the report by the Sector Committee on Agriculture, Livestock, Fisheries, Irrigation and Co-operatives Development on the Financial Statement for the development of Agriculture, Livestock, Fisheries, Irrigation and Co-operatives Development for the period ended 30<sup>th</sup> June 2024.

**Mr. Deputy Speaker:** Thank you Hon. Waiti. Honourable Members, a notice of motion having been issued in a procedural manner, I therefore direct that the same be circulated to Members of this House for their perusal. It form business to be considered by the House after ratification by the House Business committee.

2. Notice of motion by the sectorial committee on Youth Affairs on the consolidated statements for the period ended 30<sup>th</sup> June 2024 with respect to the department of Youth and Sports.

**Mr. Deputy Speaker:** Honourable Namaemba, you can use the dispatch!

**Hon. Violet Makhanu (Chairperson Youth and Sports):** Thank you Mr. Speaker. I stand to issue a notice of motion that this House adopts the report of the Sectorial Committee on Youth and Sports on the consolidated statements for the period ended 30<sup>th</sup> June 2024 with respect to the department of Youth and Sports.

**Mr. Deputy Speaker:** Thank you Hon. Violet Namaemba Makhanu, Member for Mihuu. Members, a notice of motion having been issued in a proper manner, I therefore direct that the same be circulated to Members of this House so that they can peruse for in-depth understanding. so The report will be considered at an appropriate time in this House after ratification by the House Business committee.

3. Notice of Motion by the Sectorial Committee on Tourism, Environment Water and Natural Resources on the Fourth Quarter Financial Statements for FY 2023/2024.

**Mr. Deputy Speaker:** Hon. Cheseto Chemorion!

**Hon. Martin Chemorion (Vice Chairperson Tourism):** Mr. Speaker Sir, I rise to issue a notice of motion that this House adopts the report by the Sectorial Committee on Tourism, Environment, Water and Natural Resources on the Fourth Quarter Financial Statements for FY 2023/2024.

**Mr. Deputy Speaker:** Honourable members, a notice of motion by the Sectorial Committee on Tourism, Environment, Water and Natural Resources having been issued in a proper manner, I therefore direct again that it be circulated to all Members of the House for their in-depth perusal. It will form part of business to be considered by the House after ratification by the House Business committee. We proceed!

## **MOTION**

### **A REPORT BY THE SECTORIAL COMMITTEE ON ROADS, TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS ON CONSOLIDATED FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30<sup>TH</sup> JUNE, 2024**

**Mr. Deputy Speaker:** Yes, Hon. Chairperson of Roads or member! I can see Hon. Okasida Johnston Ipara...

*(Applause)*

Member for Tongaren- Kiminini Ward. Proceed Hon. Ipara!

**Hon. John Ipara (Mover):** Thank you Hon. Speaker. I have the privilege to move the report by the Sectorial Committee on Roads, Transport, Infrastructure and Public Works on consolidated Financial Statement for the period ended 30<sup>th</sup> June 2024.

On page two is table of contents. With your permission allow me move to chapter one.

**Mr. Deputy Speaker:** You can move!

## **CHAPTER ONE**

### **INTRODUCTION**

Mr. Speaker Sir and Hon. Members,

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 on 16th October 2024. The Hon speaker directed that the report be committed to all sector committees for legislative processing and reporting.

Hon Speaker, the quarterly reports and financial statements presents budget execution status covering the period 1st April 2024 to 30th June 2024 with comparative actual achievements and budget amounts for the previous financial year. Further, it contains the revenue performance both locally generated and an equitable share from the National Government.

Finally, the Committee has herein comprehensively considered the Bungoma County quarterly report and Financial Statements for the period ended 30th June 2024 and presents this as the committee report for consideration by this House.

Honourable Speaker, with your permission, allow me skip the mandate of the committee.

**Mr. Deputy Speaker:** Allowed!

### **Terms of Reference (ToR)**

Hon Speaker and Hon Members,

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

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

### **Committee Membership**

The Committee membership as currently constituted is as follows;

1. Hon. Franklin Simotwo Chairperson
2. Hon. Polycarp Kimeta Vice Chairperson

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

## Acknowledgement

Hon Speaker,

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

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

Hon Speaker,

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

It is signed by Hon. Franklin Simotwo, MCA-Chepyuk Ward)

Chairperson, Sectorial Committee on Roads, Transport, Infrastructure and Public Works

Honourable Speaker, with your permission allow me skip legal framework because these are the same details that we are familiar to.

Allow me proceed to page 8 on expenditure by the department of Roads, Transport and Public Works.

## **EXPENDITURE BY THE DEPARTMENT OF ROADS TRANSPORT AND PUBLIC WORKS**

Hon. Speaker,

The Department had an initial allocation of Kshs.1,396,626,350 in the approved budget, this was reduced to Kshs.1,246,541,914 in the 2nd supplementary budget, broken down as Kshs.113,463,594 recurrent and Kshs.1,133,078,320 development expenditure.

During the period, Kshs.1, 073,219,438 (86%) was received broken down as Kshs.91, 601,016 recurrent and Kshs.981, 618, 422 development.

Expenses in the period include:

1. General Administration, Planning and support services with an allocation of Kshs.129,463,594, received Kshs.107,665,593 (83% absorption) Kshs.91,601,016 was recurrent while Kshs.16,064,577 was development.

The expenditure was as follows:

i. Staff salaries Kshs.89, 213,635 against a budget of Kshs.101, 121, 330, (83%absorption). (Kshs.73, 149,058 recurrent while Kshs.16, 064,577 development).

ii. Administration services Kshs.18, 451,958 against a budget of Kshs.23, 615,544 (78% absorption).

iii. Financial services, planning and stewardship with a budget of Kshs.4, 726, 720 had no expenditure in the period.

2. Transport infrastructure Development and Management which is development expenditure with an allocation of Kshs.1, 092, 278, 320 received Kshs.965, 553,845 which is 88 % absorption.

Major expenses were:



- i. Construction of Roads, Bridges and drainage works Kshs.834,582,276 against an allocation of 946,778,320 which is 88% (the specific project list is annexed) after the adoption schedule page 12
- ii. Maintenance of roads received Kshs. 130,971,569 against a budget of Kshs.145, 500, 000 which is 90% absorption. **(The list is annexed).**

### **Analysis of retention**

Outstanding retentions bf 1 <sup>st</sup> July 2023	272,608,533
Additions during the period to March 2024	182,623,520
<b>Total balance</b>	<b>455,232,053</b>
Less retention payments in the period	193,197,584
<b>Balance as at 30<sup>th</sup> June 2024</b>	<b>262,034,469</b>

### **1.2 Settlement of Pending Bills**

#### **Honorable Speaker,**

According to the Financial Statements report, the department of Roads and Public Works had a total of Kshs. 287,682,258 at the start of the financial year, Kshs. 49,020,170 was paid towards offsetting the bills leaving a balance of Kshs. 238, 662, 089. However the ADP indicates the closing balance of pending bills as Kshs. 825,805,494. Understating pending bills means the County Government has not given the issue the attention it deserves. According to the PFM Act, pending bills should get 1<sup>st</sup> charge to money allocated in a financial year to a department.

**The table below gives a breakdown of the pending Bills as per ADP.**

Development Projects	KShs.386,799,693
Misikhu Brigadier	KShs.116,508,408
Salmond Road	KShs. 73,002,788
Kandui -Musikoma dual	KShs. 249,494,605
<b>Total</b>	<b>KShs. 825,805,494</b>

## **CHAPTER THREE**

### **COMMITTEE OBSERVATIONS AND RECOMMENDATIONS**

## **COMMITTEE OBSERVATIONS**

### **The committee made the following observations**

1. THAT, KShs. 150 Million was transferred from the retention account to facilitate payments for other items, the details of which were not submitted for review. Consequently, the Committee was unable to verify the total amount of funds transferred in relation to roads, since the necessary documentation was not provided.
2. THAT, the imprest advanced to the Director of Roads and Public Works, intended to facilitate attendance at the Lake Region Economic Bloc meeting in 2023 which did not take place has not been fully recovered. However, the department submitted the evidence to the committee of ongoing recoveries from the affected officer.
3. THAT there is need for a special audit of county retention accounts to establish the accuracy, completeness, and proper utilization of the retained funds.
4. The Committee observed significant discrepancies in the reporting of pending bills by the Department of Roads and Public Works, with the Financial Statements showing Ksh. 238,662,089, while the ADP reported Ksh. 825,805,494. This understatement raises concerns over transparency, accountability, and compliance with the PFM Act, which prioritizes pending bills in budget allocations.

## **COMMITTEE RECOMMENDATIONS**

1. The Committee recommends that the Office of the Auditor-General conducts a special audit of county retention accounts to ascertain the accuracy, completeness, and prudent utilization of the retained funds. The audit should also assess compliance with financial regulations and identify any irregularities for corrective action.
2. The Committee recommends that the County Treasury ensures all fund transfers from the retention account are duly supported by relevant documentation and submitted to the County Assembly for review. Further, the responsible accounting officers should provide a comprehensive breakdown of the amounts transferred, particularly in relation to roads, to facilitate accountability and transparency sixty days after adoption of this report.
3. The Committee recommends that the County Treasury ensures full recovery of the unsurrendered imprest in accordance with the Public Finance Management (PFM) Regulation 93(7). The status of the recovery should be reflected in the subsequent Financial Statements that will be submitted to the County Treasury.
4. The Committee recommends that the department of Roads reconciles and verifies the pending bills reported in the Financial Statements and the ADP to ensure accuracy and transparency. The department should prioritize the settlement of pending bills in accordance with the Public Finance Management (PFM) Act and submit to the County Assembly a comprehensive report detailing the outstanding obligations, payments made, and a clear plan for settling the remaining balance sixty days after adoption of this report.

Hon. Speaker the rest is the adoption schedule which was signed by the majority of the members, annexures and attachments that give details of the projects that were undertaken. With your permission allow me now call upon our Chairperson Hon. Franklin Simotwo to second the report.

**Hon. Franklin Simotwo:** Thank you Mr. Speaker for allowing me this opportunity. I would like to appreciate the mover of the motion Hon. Johnston Ipara who has read this report eloquently. I also want to appreciate committee members who sat and made this report.

If you look at this report on the recommendations on the issue of retention, I think the officers in charge should be able to do the necessary. Looking at pending bills, it has a huge figure but when you scrutinize deeper, you find that some monies which were meant for retention have been diverted. It is prudent that they follow the law. If it is money meant for retention, let it be for retention.

Lastly, I thank the mover of the motion and the entire committee for coming up with this report. Thank you Mr. Speaker.

**Mr. Deputy Speaker:** Thank you Hon. Korir for seconding the motion. Honourable Members a motion having been moved and dully seconded, I now propose the same for debate;

*(Motion proposed)*

**Hon. Joseph Nyongesa:** Thank you Hon. Speaker for this chance. First, allow me appreciate the mover of this report, Hon. Ipara and the seconder who is also the chairperson of the committee. As I rise either to support or not to support, I am somehow stranded because part of the report is making me not to agree with the observations and recommendations. Looking at the major expenses that took a lot of money, almost KShs.1Billion, the mover has told us that we have annexures but on my gadget the last page is page 14 which is the adoption schedule without the other annexures that he alluded to. This annexure Mr. Speaker is carrying important issues on the projects because on (i) they are mentioning about construction of roads, bridges and drainage works worthy KShs.834Million against an allocation of Kshs.946Million which is roughly 88 per cent. As a representative of Marakaru, I wish to see these annexures to know where all these amount was spent.

(ii) On maintenance of roads at KShs.130Million, again the list is not annexed Mr. Speaker. I don't know who did a disservice to us, is it the person who sent the information or who Mr. Speaker? How can I agree with a report which I have not seen the annexures that can support my reelection. I am stranded Mr. Speaker.

**Mr. Deputy Speaker:** Well, Leader of Majority, you are stranded and I want to agree but the one who did the disservice is not the committee. I think whoever circulated is the one who left out because the report I have is full with all issues being raised by the Leader of Majority. Clerks

at the Table if you have an extra copy pass it to the Leader of Majority to assist him make a determination.

**Hon. Joseph Nyongesa:** Mr. Speaker, I agree to be given a copy, what is the importance of this gadget? I thought we are moving away from hard copies. Will they print more copies and circulate to other Members?

**Mr. Deputy Speaker:** Honourable members. It was circulated but there is a problem on attachments. From the submissions by the Leader of Majority, I don't know if every member has no annexures? Clerks at the Table please convey the same to the office so that Members can have the same as is required. Hon. Nganga?

**Hon. Everton Nganga:** Thank you Hon. Speaker for giving me a chance to contribute on this motion. I rise to support this report as read eloquently by Hon. Ipara seconded by my able chairperson of the committee.

I am looking at recommendation one and two; the issue of special audit on the retention fund. Again that the County Treasury should ensure all the funds are transferred from the retention fund. When you look at most of the reports that normally emanate from our committees, there is this issue of retention fund. Retention fund holds money for contractors who finish their works within schedule so that they can be paid the 10 per cent. What is happening in the County Government here Hon. Speaker is that money from the retention fund is normally transferred anyhow. They reduced that fund and when the monies are transferred from the retention fund they are increasing the pending bills. In case a contractor completes his work and is supposed to be paid and the retention account is depleted he will not be paid thus increasing pending bills because of unnecessary transfers.

These pending bills normally impact negatively when you make any requisition from the National Treasury; they insist that you must make pending bills as a first charge. This problem of transfer of money from retention fund is impacting negatively on the performance of the County Government. How I wish the way it has been recommended here that we have a special audit on the retention fund so that we get what was the balance brought forward and current status of the balances. This will assist us understand how much was transferred and documentation should be brought before the committee for verification.

I support this report and I urge the Members to adopt it the way it is. Thank you Hon. Speaker.

**Hon. Joseph Juma: (*On a Point of Information*)** Thank you Speaker. When a CPA talks, we as laymen listen keenly. He is telling us that the money on retention account sometimes is transferred. This is a House of record and we normally follow the law. Let him table evidence to support that retention money is being wired aimlessly to other accounts. Even that recommendation I thought they could expand and say 'as per internal auditors' and now we require to have external auditors to prove what happened. Thank you Mr. Speaker.

**Mr. Deputy Speaker:** Thank you. Hon. Jackson Wambulwa?

**Hon. Jack Wambulwa:** Thank you Hon. Speaker. Whether I rise to support the report or not I want to thank Hon. Ipara who read the report eloquently and the Chairperson of Roads Committee who seconded the report.

My concern is on the issue of pending bills, they are not being clear on pending bills. As far as I am concerned, Roads department has the highest pending bills not revealed here and maybe that is why they decided not to forward us the annexures so that we can tell which Ward is owed what. They would have come out clearly and tell us this is what is owed on this particular road. We have always had a problems with regard to pending bills and full disclosure could have assisted this House especially elected Members to establish whether they are genuine bills or no. It is important that they point out all the pending bills so that during the first supplementary budget we are able to address the issue of pending bills in the department of Roads.

Finally, if we endorse this report without the annexures that would have guided us, shall we be doing right to the people we represent? Are we endorsing because we are members of the committee or maybe we support the department. That we don't look at the figures involved in coming up with the pending bills and as to whether the previous payments were rightly paid to the right contractors or not. Thank you Mr. Speaker.

**Mr. Deputy Speaker:** Thank you Hon. Jackson Ouma Wambulwa Member for Kimaiti. Hon. Aggrey Mulongo?

**Hon. Aggrey Mulongo:** Thank you, Mr. Speaker Sir for giving me this chance to contribute on this motion. I take this opportunity to thank the mover of the motion. He has really moved it well but it's not a full report. We need to have a full report so that we can debate but with this one here, is a half report. Annexures are important and vital information that is being hidden.

We need to look at the annexures through our gadgets and if we don't have them then this is not a full report. It is a half report because for instance on pending bills I am supposed to look at my ward. Is it really true or not? If it's not, then I can argue from an informed point.

Otherwise, with this report I second the Leader of Majority that this is not a full... I am coming up with... Excuse me, are you the Speaker? Mr. Speaker, protect me.

**Mr. Deputy Speaker:** You are protected...

**Hon. Aggrey Mulongo:** Thank you Mr. Speaker.

**Mr. Deputy Speaker:** I know you are always mischievous

*(Laughter)*

*(Applause)*

But you are protected by your friend the Speaker. You are protected proceed

**Hon. Aggrey Mulongo:** I am not protected, Mr. Speaker. You have already uttered some words.

*(Laughter)*

You are also adding the same again...

*(Laughter)*

**Mr. Deputy Speaker:** Hon. Waliaula you are protected and you know that. When I am here, you are protected. Proceed.

**Hon. Aggrey Mulongo:** Okay Mr. Speaker. So, you cannot stand in between. We either say we don't approve or we approve because we cannot be in between. In my opinion this report here, it should be referred back. We are not supposed to approve something that we have not seen annexures on our gadgets. Thank you Mr. Speaker.

**Mr. Deputy Speaker:** Honourable Members, the annexure is there well explained and detailed and I want to believe that. Yes, Hon. Makhanu proceed. Cornelius, Member for Khalaba.

**Hon. Cornelius Makhanu:** Thank you, Hon. Speaker. Mine is on the observations which I would like to point out. The first concern is the retention account of Kshs. 150 million that was diverted to pay for other items. As you have said, there is an annexure for that. Fine we shall get it because right now we don't have it on our gadgets. Therefore, we cannot speak about something that we don't have.

Now, I was just asking an amount of Kshs. 150 million is not pocket change. This Kshs. 150 retention is for how many fiscal years? I doubt if it is for one year it must have been an accumulation for several years. I look at this account as an account that is used maybe to siphon public funds. How can you retain 150 million and you don't utilize it for the purpose that it was created for? What does the law say about the retention account? This is worrying because retention money is just a small percentage of the actual amount of the contract. So to accumulate such kind of money it must be several years.

Is it being used by the department for other use? If that is the case we have had a problem of accumulation of pending bills. We are also creating the problem of pending bills because some of us here are contractors. I don't mean we work without the county government but for somebody...

**Mr. Deputy Speaker:** Hon. Makhanu that cannot go without being clarified, because it is on HANSARD.

**Hon. Cornelius Makhanu:** Let me withdraw that statement, Mr. Speaker. I am Sorry.

**Mr. Deputy Speaker:** What are you withdrawing?

*(Laughter)*

**Hon. Cornelius Makhanu:** That some of us are contractors. I withdraw that statement.

*(Applause)*

**Mr. Deputy Speaker:** Very well.

**Hon. Cornelius Makhanu:** I am saying that once you have done some work, a small percentage of the contract sum is retained for a certain period of time. If what you did has no issue, you are entitled to be paid that retention.

The department holding the retention to such amount of money is worrying. It must worry each one of us here.

Then, on the issue an imprest given to the Director of Roads and Public Works and Roads, I don't know if it was cancelled or not. We have been going to these consultative events funded by the executive and I am aware that such payments are done at the venue of the meeting. It is unacceptable that some people are special and they are paid in advance even when such meetings are postponed. If it is true that the meeting was postponed yet they have not collected this money from the director. It is worrying Mr. Speaker.

There are two worrying trends in this department and as a House, we need to put down our foot because this department is messing this county. We cannot sit and watch. We are waiting for those annexures because the report is incomplete. There is a lot of inconsistencies in the reporting. I support the report as I wait for the annexures. Thank you Mr. Speaker.

**Mr. Deputy Speaker:** Thank you so much, the Hon. Cornelius Makhanu Wanjala, member for Khalaba. Members, you have annexures on your phones. For clarity purposes, aware that I am a Member who is always present in the House, you should be informed that the House pronounced itself on the retention issue. Therefore, as you debate, you need to refresh your minds on the retention issue because the House approved the same.

On the annexures, you have it on your phones. I ask that we proceed. Hon. Wambulwa, what is the information about?

**Hon. Jack Wambulwa: (On a point of information)** Hon. Speaker, the annexures are being sent now when the report has already been read. You want to tell us we go back and start analyzing again so that we are able to now support this report? You need to be fair and impartial when you are going to make a ruling on this. As Members, we don't know whether it is the Secretariat excluded the annexures or the department that forwarded this information without the



supporting annexures. How come it's only the Speaker with the annexures on his hard copy? It is unfortunate Mr. Speaker.

Finally, there is no way Hon. Makhanu can say he will only support the report when he gets the annexures. Is he serious when he has already rejected the same? I think we need to be fair. This is a department that is so sensitive. My suggestion is that this report should be given a further date to enable Members go through the annexures, debate and approve it.

**Mr. Deputy Speaker:** Hon. Jackson Wambulwa, you are a veteran and you know that when I am seated here, I will make a very informed decision. Therefore, don't worry.

*(Laughter)*

We are okay. So let no one jump the gun or put the cart before the horse. We are in charge of the House impartially based on traditions and history. Hon. Mukoyandali, Member for West Bukusu.

**Hon. Job Mukoyandali:** Thank you, Hon. Speaker, for giving me this chance. I rise to support the report. I have actually gone through the annexures on my gadget and I am convinced in supporting the report which was moved by Hon. Ipara. I am aware that we have a serious issue of pending bills across all departments in the executive including the Department of Roads which are debating their report today.

The report is a self-explanatory and my concern is why honourable Members are worried because when this report was tabled before the House it had all the annexures. Our Standing Orders are clear over the same because this House is guided by the Standing Orders which is our bible...

**Mr. Deputy Speaker:** Hon. Job Mukoyandali Lubwani...

**Hon. Job Mukoyandali:** Thank you, Hon. Speaker. We are well guided by our bible in this House. Whenever a report is tabled in this House, it must have all the documents. An error can be made when uploading and sending soft copies to our gadgets. Going through our Standing Orders, there is nowhere where it is indicated that if a report is not sent to our gadgets it should be thrown out Mr. Speaker...

**Mr. Deputy Speaker:** Proceed. You are protected.

**Hon. Job Mukoyandali:** Thank you Hon. Speaker. It is not a must that reports should be sent to our gadgets. That is being done because we are embracing technology Mr. Speaker. If you get hold of the report that was tabled in this House you will realize that it had all the attachments.

In my view if any member who has an issue with the annexures, I would request that a hard copy is issued so that we can make an informed decision on this report. Thank you Mr. Speaker.



*(Applause)*

**Mr. Deputy Speaker:** Well, thank you. I was going to call the mover to reply but I can see the Leader of Majority who had already submitted on this motion. Leader is it important information?

**Hon. Joseph Nyongesa: (On a point of information)** thank you, Speaker. Just to inform the Member who has been on the floor. That whether soft copies or hard copies what is important is the information therein. I want to appreciate our secretariat because they have done it quickly and I now have the annexures on my gadget majorly listing the CEF projects in our wards. I have gone through and I am aware of them because they are in my ward. Just to urge the secretariat and the committee to be always keen and ensure all information is shared with the rest of the Members who are not Members of a given committee. The committee Members might have the information but those who are not members of a committee, they should be provided with all the information to assist them debate and make an informed decision. Otherwise, I support Mr. Speaker

*(Applause)*

**Mr. Deputy Speaker:** Very well. The Hon. Johnston Ipara Okasida, you can now reply. Order Hon. Waliaula, Order Hon. Herald.

**Hon. Johnston Ipara: (Mover to reply)** Thank you, Hon. Speaker. Today I am the happiest man. The reason is, it shows you how curious the honourable Members are particularly when they see misappropriation of funds within the County Government. Thank you Members and I also agree that financial statements are presented in the county assembly following purposes; one, for making informed financial decisions. Two, also to guide us in future budgeting and resource allocation. Thirdly is to ensure accountability; what the Members have been discussing is about accountability and transparency. Four, on the compliance to see whether we are complying with the Public Finance Management Act or we are straying as seen on retention funds.

Most Members are concerned with the retention funds and the law clearly spells out that retention money is meant to address defects during the liability period which is six months after completion of a project. This money is retained to confirm whether the contractor adhered to the standards as spelled out in the Bills of Quantities or not. I agree with the Members that retention is only released to a contractor when that period expires and the project meets the standards set out in the BQs. In this regard we have made strong recommendations that a special audit team so that contractors don't lose money rendered to the County Government. We insist that retention money should remain in a separate account and whenever a contractor complies with the terms of the contract the money should immediately be released to him.

Thank you, Hon. Speaker for your intervention to make sure that the annexures are forwarded to the honourable Members. My copy has all the annexures but I was surprised when my friend Hon. Joseph Ngongesa said there are no annexures.

I want to request the House to adopt this report so that those recommendations can be enforced and in the future, the right things be done within our county. When we mention about a project that is not paid for, for instance in Tuuti/Marakuru, you will realize that a project was implemented yet payment has not been done. Let us adopt this report in the interest of electorates in this county. Thank you Mr. Speaker Sir.

**Mr. Deputy Speaker:** Thank you, Hon. Johnston Ipara Okasida, member for Tongaren, Kiminini Ward for your reply. Honourable members, I want to make this clear that in such circumstances, as a speaker I will always uphold the requirements and the rules of the House on fair play. For the Members who wanted the House to suspend this motion to a later date so that annexures are provided you needed to move a motion within a motion. I waited for someone to do move this motion but no one did. Unfortunately, Hon. Wambulwa is not in the House now but in future be reminded that when you want something done the rules and procedures of the House must be followed. The argument the Hon. Wambulwa was correct but he did not move a motion within a motion. Having said that honourable Members, allow me now put the question;

*(Question put and agreed to)*

The ayes have it and the report is adopted. Thank you. Next item

### **ADJOURNMENT**

Honourable Members that was the last item on our Order Paper. Therefore, we adjourn and resume tomorrow Thursday 13th February 2025 at 2.30 p.m.

***The House rose at 3.43 p.m.***