



COUNTY GOVERNMENT OF BUNGOMA

THIRD COUNTY ASSEMBLY –FOURTH SESSION

THE COUNTY ASSEMBLY OF BUNGOMA

ORDERS OF THE DAY

WEDNESDAY 9TH APRIL, 2025 AT 9:30 A.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

8. **MOTION** - **REPORT BY THE BUDGET AND APPROPRIATIONS COMMITTEE ON THE BUNGOMA COUNTY GOVERNMENT 1ST SUPPLEMENTARY BUDGET FOR THE FY 2024/2025**
(Chairperson, Budget and Appropriations Committee)

THAT, this House notes the report by the Budget and Appropriations Committee on the Bungoma County Government 1st Supplementary Budget for the FY 2024/2025, *laid on the Table of the House on Tuesday 8th April, 2025*

9. **MOTION** - **FORMATION OF ADHOC COMMITTEE TO SCRUTINIZE THE COLLECTION, WAIVERS AND UTILIZATION OF CESS MONEY**

Hon. Speaker Sir, I beg to move the following motion pursuant to Standing Order No. 58;

AWARE THAT Article 209(3) and (4) of the Constitution of Kenya 2010 provides that a county may impose; Property rates; Entertainment taxes; and any other tax that it is authorized to impose by an Act of Parliament; the National and County Governments may impose charges for the services they provide.

FURTHER-AWARE THAT Article 210(1) and (2) Constitution of Kenya provides that no tax or licensing fee may be imposed, waived or varied except as provided by legislation. If legislation permits the waiver of any tax or licensing fee; a public record of each waiver shall be maintained together with the reason for the waiver; and each waiver, and the reason for it, shall be reported to the Auditor General.

CONSIDERING that the County Assembly passed the Bungoma County Agriculture Produce Cess Act, 2017 and on utilization of the Cess money, section 12 of the Act stipulates that Ninety per cent (90) of all monies collected as Cess from all agricultural produce or products shall be used to maintain Agriculture infrastructure and provide other services related to agriculture in areas where the agriculture produce are produced in the County and three per cent (3%) deposited in the county revenue account and shall be used for the Cess committee's administrative purposes while the remaining seven per cent (7%) shall be credited to the county Revenue account; the ninety per cent (90%) allocation shall be administered under a separate roads maintenance account in the Department of Roads, Transport, Infrastructure and Public Works.

FURTHER CONSIDERING Section 15 of the same Act on waiver provides that the County Executive Member of Finance may waive the Cess payable under this Act to any agriculture producer, persons or group of persons to whom this Act apply; A waiver of Cess under this Act shall be for a determinate period not exceeding one year; Where such waiver is made, the County Executive Member shall give reasons for such waiver and table before the County Assembly the list of persons to whom payment of Cess is waived and the reasons thereof; The County Assembly may overturn any such waiver if it is of the view that no sufficient grounds exist for the waiver of Cess as made by the County Executive Member

ACKNOWLEDGING THAT management and utilization of Agricultural Produce Cess runs across three departmental committees, namely; Finance and Economic Planning; Agriculture, livestock, Fisheries Irrigation and Cooperative development; and Roads, Transport, Infrastructure and Public Works; which makes it cumbersome for three committees comprising of a total of forty five (45)

members to look into this complex issue of collection and Utilization of Cess money.

I NOW MOVE AND PROPOSE that this Honourable House resolves to form an eleven (11) member ADHOC Committee to investigate and scrutinize the collection, Waivers and utilization of the all revenue collected from Agriculture Produce Cess across the County and in particular the committee should investigate:

- a) Entities that have been paying cess since September 2022;
- b) Published list of exit points where cess is collected from;
- c) The existence and operations of the County Cess Committee as established in the Act;
- d) Total revenue collected from Agriculture Cess since September 2022;
- e) Utilization of the Revenue collected through Agriculture Cess and how much was used to construct Road infrastructure in areas where Cess collected.
- f) Percentage submitted to the Separate Road maintenance Account in compliance with the Act.
- g) Whether West Kenya Sugar Company – Naitiri unit is one the companies paying Cess to the County and if, yes how much as the company paid to the County since September 2022
- h) Whether the County Government has granted any Cess waivers to west Kenya Sugar Company, Naitiri unit and if yes, how much.
- i) Waivers given to any other company;
- j) Whether there is any memorandum of understanding with any entity with regard to payment of Cess and challenges occasioned by the said memorandum.
- k) Whether lack of allocation of Cess money in some cases leads to disputes between stakeholders and the County Government.

The Committee should submit the report to this House within sixty (60) working days from the adoption of this Motion.