

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

TUESDAY, 22ND APRIL, 2025

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

TUESDAY, 22nd APRIL, 2025

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

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

PRAYER

PAPERS

1. BUNGOMA COUNTY CLIMATE CHANGE FUND QUARTERLY REPORTS AND FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31ST MARCH, 2025

Hon. Joseph Nyongesa: Thank you Speaker, allow me to table the Bungoma County Climate Change Fund quarterly report and financial statements for the period ended 31st March, 2025.

(Report tabled by Hon. Joseph Nyongesa)

Mr. Speaker: Honourable members, the quarterly report of Bungoma County Climate Change fund quarterly report and financial statements for the period from July 31st 2024 to March 2025 is hereby tabled and I commit the same to the Committee of Tourism and Wildlife for Processing and reporting Back to the House accordingly.

2. REPORT BY THE SECTORAL COMMITTEE ON FINANCE AND ECONOMIC PLANNING ON COUNTY REVENUE FUND QUARTERLY REPORTS AND FINANCIAL STATEMENTS FOR THE PERIOD ENDED JUNE 30TH, 2024.
3. THE REPORT BY THE SECTORAL COMMITTEE ON FINANCE AND ECONOMIC PLANNING ON RECEIVER OF REVENUE QUARTERLY REPORTS AND FINANCIAL STATEMENTS FOR THE PERIOD ENDED JUNE 30TH 2024.

Hon. Everlyne Mutiembu: Thank you, Speaker, allow me to table the following reports

1. Report by the Sectoral Committee on Finance and Economic Planning on County Revenue Fund quarterly reports and financial statements for the period ended June 30th, 2024.
2. The report by the Sectoral Committee on Finance and Economic Planning on Receiver of Revenue quarterly reports and financial statements for the period ended June 30th 2024.

(Reports tabled by Hon. Everlyne Mutiembu)

Mr. Speaker: Honourable Members, the two reports from the Sectoral Committee on Finance and Economic Planning are hereby tabled and they become the property of the House accordingly.

NOTICES OF MOTION

1. THAT THIS HOUSE ADOPTS THE REPORT BY THE SECTORAL COMMITTEE ON FINANCE AND ECONOMIC PLANNING ON COUNTY REVENUE FUND QUARTERLY REPORTS AND FINANCIAL STATEMENTS FOR THE PERIOD ENDED JUNE 30TH, 2024.
2. THAT THIS HOUSE ADOPTS THE REPORT BY THE SECTORAL COMMITTEE ON FINANCE AND ECONOMIC PLANNING ON RECEIVER OF REVENUE QUARTERLY REPORTS AND FINANCIAL STATEMENTS FOR THE PERIOD ENDED JUNE 30TH, 2024.

Hon. Everlyn Mutiembu: Thank you, Mr. Speaker. Allow me issue a notice of motion by Finance and Economic Planning on County Revenue Fund quarterly reports and financial statements for the period ending June 30th, 2024 and the report of the Sectoral Committee on Finance and Economic Planning on Receiver of Revenue quarterly reports and financial statements for the period ending June 30th, 2024. Thank you.

Mr. Speaker: Honourable Members, notices of motions have been issued by the Sectoral Committee on Finance, specifically on report on the County Revenue Fund quarterly reports and financial statements for the period ending June 30th, 2024 and equally the report on Finance and Economic Planning on the Receiver of Revenue quarterly reports and financial statements for the period ending June 30th, 2024. The same to be shared with the Honourable MCAs and they will be coming up as motions on our Order Paper accordingly.

QUESTIONS AND STATEMENTS

QUESTION NO.2 OF 2025; A QUESTION IN RELATION TO QUESTIONABLE FINANCIAL STATEMENTS ON THE BURSARY AND SCHOLARSHIP PROGRAMS FOR THE FINANCIAL YEAR 2023/2024

Mr. Speaker: Yes...but before we do that, there is a statement...Yes, Hon. Tony, I am told you have express instructions to seek the statement on behalf of Hon. Makari. Kindly proceed.

Hon. Tony Barasa: Thank you, Honourable Speaker. Pursuant to Standing Order No. 49, on behalf of the member of Musikoma Ward Hon. George Makari, MCA, to seek a response from CECM Education and Vocational Training in relation to questionable financial statements on the bursary and scholarship program for the financial year 2023/2024.

The CECM to inquire into and provide answers to the following;

- i. Provide a breakdown on the expenditure of the borrowed loan of KShs.7, 715,800, which was borrowed by the Department from the Fund and current status on its repayment.

- ii. State whether the said borrowing was repaid within a year from the date on which it was borrowed as per the requirements of Section 142(3) of the PFM Act 2012.
- iii. Give an elaborate explanation on the discrepancy highlighted in respect to the financial statements of the Fund during the reporting period.
- iv. The administrative fee for the scholarship grant earned and bursaries has always been 3% of the total allocation as per the regulations governing the Fund, the CECM to provide justification for the expenditure of KShs.5,203,660 as administrative cost, which translates to 5.2%.
- v. Give a status report in respect to the current status of the forensic audit as ordered by the Senate Committee on Public Accounts and Investment mentioned above.
- vi. Provide any other information which the CEC deems relevant to the subject matter.

Mr. Speaker: Chairperson, Education and Vocational training Hon. Otsiula

Hon. Benjamin Otsiula: Honourable Speaker, I need your guidance on that, but I believe 14 days so that we can be able to furnish the House with an appropriate response.

Mr. Speaker: Honourable Members, I am aware we are going to go on recess from 1st of May for one month, so I am trying to get a date after the recess because when we compute the 14 days, we are basically in the first week of May. I want to give Hon. Otsiula enough time so that he does not come here and give us excuses.

Hon. Benjamin Otsiula: Thank you, Honourable Speaker.

Mr. Speaker: I am in a quagmire where even my Clerks at the Table are not aware when we are resuming the House after recess so they are trying to work out the...they are not even sure. Well ... So we will give it on the 28th of May, which is going to be a Wednesday, in the morning session. Hon. Otsiula you have one good month plus one week on top, so we expect a comprehensive response on the 28th of May, Wednesday morning session.

Hon. Benjamin Otsiula: Thank you, Speaker.

MOTION

1. REPORT BY THE SECTORAL COMMITTEE ON PUBLIC ADMINISTRATION AND ICT ON THE IMPLEMENTATION STATUS OF THE DECENTRALIZED ADMINISTRATION UNITS ACT 2015

Mr. Speaker: Hon. Tony, have the microphone then I am over hearing members asking some pertinent questions.

Hon. Tony Barasa (Chairperson PA): Honourable Speaker, I want to confirm we are above the quorum, 10 out of 15 honorable members.

Mr. Speaker: Give us the names, please.

Hon. Tony Barasa (Chairperson, PA): Honourable Speaker, the Public Administration Committee members are known, we have Hon. Ipara, we have Honorable...

Mr. Speaker: No, why can't you use the list as we tick? Members are looking at their gadgets seriously.

Hon. Tony Barasa (Chairperson, PA): Honourable Speaker where you are you don't see

Mr. Speaker: I'm not seeing, but now when you are counting, am I seeing or not?

(Loud consultation)

Hon. Milliah Masungu: (On a point of Information) Thank you, Honourable Speaker. I just wanted to say something, but subject to your correction. I thought once the document is on the floor of the House, it's a document for all of us.

Mr. Speaker: Honorable Millia, this is a resolution of Liaison that the membership of the committee must be here and they were able to agree and pass it so if you are disagreeing with the Liaison's decision, bring it as a motion. We'll discuss it here. For now, allow us to confirm the membership. Yes, I'm ticking. Sorry, have the microphone please.

Hon. Tony Barasa (Chairperson, PA): Honourable Speaker, that syllabus we are taking too first; the membership is on page four.

Mr. Speaker: You are yet to commence the motion. Just confirm first before you start

Hon. Tony Barasa (Chairperson, PA): So you want me to go to 1.3?

Mr. Speaker: Just confirm membership first before we come back to the issue of whether you are proceeding or not.

Hon. Tony Barasa (Chairperson, PA): Okay, Hon. Speaker, the committee of Public Administration and ICT comprises the following members...

Mr. Speaker: Hon. Tony, you are moving already. Just read for us your membership we confirm.

Hon. Tony Barasa (Chairperson, PA): It comprises the following members; Hon. Tony Barasa who is the Chairperson. Hon. Caleb Wanjala - Vice Chairperson, Hon. Joseph Nyongesa – Member, Hon. Jack Wambulwa - member. Hon. Sudi Busolo – member, Hon. Francis Chemion – Member, Hon. Simotwo Franklin – Member, Hon. Grace Sundukwa – member, Hon. Johnston Ipara – member, Hon. Polycarp Kimeta – member, Hon. Cornelius – member, Hon. Timothy Chikati - member...

(Loud consultations)

Hon.Tony Barasa: Hon.Speaker, I am supposed to speak alone here...

(Laughter)

Mr. Speaker: Hon.Tony... In your committee of Liaison, you are the seconder of these conditions therefore you have complied. You have 5 plus 1. Proceed!

Hon.Tony Barasa: Thank you Hon.Speaker.

(Loud consultations)

Mr. Speaker: No, you confirmed the quorum is overflowing...

Mr. Speaker: Thank you Hon.Speaker...

THE SECTORAL COMMITTEE OF PUBLIC ADMINISTRATION AND ICT REPORT ON IMPLEMENTATION
OF THE STATUS OF DECENTRALIZED ADMINISTRATION UNITS ACT OF 2015

EXECUTIVE SUMMARY

The County Governments Act 2012, Part VI, Section 48 provides that functions and provision of services of each County Government shall be decentralized to the Sub –Counties, the Wards and such number of village units as may be determined by the County Assembly. Section 48(4) outlines that a County Assembly shall enact legislation to provide for the delineation and establishment of the village units in the County.

Further, Sections 50, 51, 52 and 53 of the County Governments Act 2012 establishes Offices of the Sub-County Administrator, Ward Administrator and Village Administrator respectively and outlines the qualifications and functions.

Following the approval of the Bungoma County (Decentralized Units) Administration Act, 2015, the County Government has established devolved units from the Sub-County to the Village levels; and subsequently filled positions for the Sub-County, Ward and Village Administrators.

However, the administration of the decentralized units has had its share of challenges ranging from political interference to inadequate facilitation and infrastructure for operations. Additionally, after 2017 election, the then county government redeployed the sub-county administrators to other offices within County departments hence causing vacancies that have led to some Ward Administrators doubling up as Sub-County Administrators although in acting capacity.

Arising from the above issues, the Sectoral Committee of Public Administration and ICT undertook to inquire into the implementation status of the decentralized Units Act 2015 with the

aim to unearth the challenges facing by the department and recommend an amicable solution on the administration of the decentralized units in compliance with the relevant laws. This report therefore, provides analysis of information as submitted by the department through written and oral submissions in this regard, committee views and recommendations on the implementation of the Decentralized Units Act, 2015.

PREAMBLE

I am pleased to present this report on the implementation status of the decentralized administrative Units Act 2015 in Bungoma County. The information and insights contained in this report have been gathered through oral submissions and analysis of documents submitted by the County Executive department of Public Service Management and Administration.

COMMITTEE MEMBERSHIP

The Committee on Public Administration and ICT comprise the following members:

1. Hon. Tony Barasa	Chair person
2. Hon. Caleb Wanjala	Vice chairperson
3. Hon. Joseph Nyongesa	Member
4. Hon. Jackson Wambulwa	Member
5. Hon. Busolo Sudi	Member
6. Hon. Francis Chemion	Member
7. Hon. Simotwo Franklin	Member
8. Hon. Grace Sundukwa	Member
9. Hon. Johnston Ipara	Member
10. Hon. Polycarp Kimeta	Member
11. Hon. Cornelius Makhanu	Member
12. Hon. Timothy Chikati	Member
13. Hon. Stephen Kaiser	Member
14. Hon. Jeremiah Kuloba	Member
15. Hon. Job Mukoyandali	Member

MANDATE OF THE COMMITTEE

The Sectoral Committee on Public Administration & ICT is established in accordance with the Standing Order No.179.

The mandate of the Committee is derived from the Standing Order 217 (5) and matters assigned under the Second Schedule which shall be exercised within the limits contemplated under Part 2 of the Fourth Schedule of the Constitution of Kenya, 2010.

The functions of a Sectoral Committee are to;

- (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) Consider quarterly reports of the assigned departments and report to the house within twenty one sitting days upon being laid
- (c) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- (d) Study and review all county legislation referred to it;
- (e) Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (f) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- (g) To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 208 (Committee on Appointments); and
- (h) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

In accordance with the Second schedule of the Bungoma County Assembly Standing Orders, the committee is mandated to deal with all matters related to:

Public Administration including County, Sub-County, Ward and Village Administration, public service; broadcasting of the proceedings of the House; public participation; provision of library, publications and research services in the County Assembly, including improvement of the library and research services; utilization of the facilities provided by the library and research services, including use of information and communication technology; and all matters related to Office of the County Attorney.

ACKNOWLEDGEMENT

I wish to thank all the Committee Members for their input, dedication and valuable contributions during the entire exercise.

The committee also appreciates the Offices of the Speaker and the Clerk to the County Assembly for the logistical support accorded to the committee in exercise of its mandate of oversight.

The Committee further wishes to record its appreciation to the County Assembly staff attached to it for their dedication during the exercise.

Finally, the Committee appreciates the County Executive team led by CECM Public Administration for providing the requisite information and documents that eased the committee work.

It is therefore my pleasant duty on behalf of the committee to present this report for consideration and approval by this Honorable House.

Thank you,

Signed.....Date.....

Hon. Tony Khaoya Barasa (MCA Lwandanyi Ward)

Chairperson, Sectoral Committee on Public Administration and ICT

OVERVIEW OF THE BUNGOMA COUNTY (DECENTRALIZED UNITS) ADMINISTRATION ACT, 2015

The Bungoma County (Decentralized Unit) Administration Act, 2015, was enacted to streamline the administration and governance in the County by creating a structured system of decentralized units. This legislation is integral to enhancing local governance, promoting efficient service delivery, and ensuring equitable development across the County.

The Act establishes administrative units at the Sub-County, Ward, and Village levels to facilitate local governance and service delivery. These units are designed to bring government services closer to the people and effectively address local needs as far as the roles and responsibilities of various administrative officials are defined.

The Act also gives a significant focus on public participation, mandating that the community be involved in decision-making processes; this approach is intended to ensure that the needs, preferences and priorities of the local population are considered in governance and development initiatives.

The Act outlines procedures for the allocation and management of resources to the decentralized units by ensuring that resources are distributed equitably across the County, promoting balanced development and also creating provisions for regular reporting and accountability of all administrators on resource utilization to foster trust.

The Act establishes legal and institutional framework for the effective management of decentralized units and provisions for the resolution of disputes and the enforcement of the Act.

The First schedule shows allowances for administrators of Mlango, Second schedule states the functions of Sub -County, Ward, Village administrator's, Mlango administrators and the village councils while Third schedule shows names of Sub- County, Ward, approximate population per Ward and number of village units per Ward.

Rationale for Post Legislative Scrutiny

In exercising its oversight mandate pursuant to Article 185(3) of the Constitution, Select Committees are mandated to monitor the implementation of a legislation as intended with the expected effects, and where necessary to review legislation and propose amendments.

The Committee on Public Administration therefore, sought to inquire from the Department of Public Service Management and Administration on the implementation status of the Act, specifically: Whether the provisions of section 16 of the Act on establishment of the Task Force Committee on Decentralization in every eighth year after the enactment of the Act to carry out the functions outlined in Section 17 of the Act have been implemented and the implementation status of section 53 of the County Governments Act No.17 of 2012 and sections 5(2)(e) and 6 of the Bungoma County (Decentralized Units)Administration Act,2015 with regard to the appointment of village elders as administrators of Milango.

Implementation Status of Act

The Bungoma County Decentralized Units Act, 2015 was enacted by the County Assembly in 2015 and its implementation commenced on 10th July 2015 upon assent by H.E the Governor and publication in the Kenya Gazette.

Formulation of Regulations

The Act is majorly self-executing. However, as provided under Section 33 of the Act, the CEC Member in-charge of Public Service and Administration may, in consultation with the Management Committee,(outlined in section 19 of the Act) make regulations for the better carrying into effect the provisions of the Act.

As at the time of production of this report, the CECM had not formulated regulations. The CECM submitted that the Department has so far developed policy frameworks, i.e Public Participation Policy among others which shall guide the formulation of regulations which shall continue to guide the implementation of the provisions of Act. The main challenge to the formulation of the regulations has been limited funding to the department.

Achievement of the intended objectives of the Act

The Objectives of the Act were to

1. To provide for the administrative structure of the County Government;
2. To provide for the delineation of the administrative units of the County Governments;
3. To give effect to the provisions of the Constitution and the County Governments Act with regard to devolution;
4. To provide for a legal framework for delivery of service by the County Government

5. To provide for the appointment of the administrators of devolved units.

The Bungoma County (Decentralized Units) Administration Act, 2015 has achieved most of its objectives. For instance:

- a) There is established decentralized units of administration comprising the Director, the Sub-county administrators, Ward Administrators and the Village administrators in accordance with Section 5 of the Act. However, the appointment of village elders as administrators of Milango has not been done as required under section 53 of the County Governments Act No.17 of 2012 and Section 6 of the Act.
- b) The delineation and establishment of village units in the County has been done in accordance with Section 15 of the Act.

Establishment of Implementing Agencies as outlined in the Act.

The Act established the decentralized units of administration as the main implementing agencies. Section 5(2) of the Act outlines the decentralized units of administration as; the Director, Sub-County Administrator, Ward Administrator, Village Administrator and the Administrator of Mlango.

1. Director of Administration

The position was created by the County Public Service Board and the Director of Administration was competitively sourced.

2. Sub-County Administrators

Nine (9) Sub-County Administrators were competitively recruited by the County Public Service Board in 2013, each for the nine (9) Sub-Counties of Bungoma County. The pioneer Sub-County Administrators were however deployed in other County Departments as Deputy Directors of Administration. The Department has initiated the process of re-designating and promoting the pioneer Sub-County Administrators to fill the directors' posts. This process is at an advanced stage awaiting the County Public Service Board to advertise.

3. Ward Administrators

Forty-five (45) Ward Administrators were recruited in the year 2014 each representing the forty-five Ward Administrative Units in Bungoma County. Since then, five (5) of them have exited service as follows:

- a) Retirement: Two(2) officers for Ndivisi and Khasoko Wards
- b) Re-designation: One (1) officer from Kabula Ward
- c) Secondment to other Government Agencies: Two (2) officers from Maraka and Kamukuywa Wards

The department has initiated and submitted an intent to the County Public Service Board to recruit five (5) Ward Administrators to replace the above.

4. Village Administrators

Two hundred and thirty-six (236) Village Administrators were competitively sourced and recruited in the year 2022 each for the 236 Village Administrative Units. Since then, three (3) Village Administrators have exited service as follows:

- a) Exit to Judicial Service Commission: Officer from Kakamwe Village in Tongaren Ward
- b) Exit to Teachers Service Commission: Officer from Milima Village in Milima Ward
- c) Deceased: Officer from Chepkurkur Village in Chepyuk Ward.

The department has initiated and submitted an intent to the County Public Service Board to replace the three (3) Village Administrators.

However Section 5(2) (e) and Section 6 on appointment of village elders as administrators of Milango as read together with Section 53 of the County Governments Act N0.17 Of of 2012 is yet to be implemented since the Administrators of Milango have not yet been recruited.

In his response, the CECM submitted that the Village Councils' advert was put up in 2022. Applicants submitted their applications as stipulated in section 12 of the Bungoma Decentralized Act 2015, however due to inadequate budget provisions, the recruitment did not take place. In the FY 2025/26, the Department has drafted a proposed budget for the operationalization of the Village Councils, as per the First Schedule of the Act; subject to the consideration and approval of this House as follows;

S/ N	Description	Number per village	Meetings per Week	Rate per member in every meeting	Total Number	Amount per week	Amount per month	Amount per year
	Elders	4	1	1,000	944	944,000	3,776,000	45,312,000
	Secretary	1	1	1,500	236	354,000	1,416,000	16,992,000
TOTAL		5	1		1,180	1,298,000	5,192,000	62,304,000

The committee however notes that despite establishment of the decentralized administrative units comprising the Director, the Sub-County administrators, Ward administrators and the Village administrators in accordance with Section 5 of the Act, there are several vacancies occasioned by re-designation of Sub-County Administrators and exit of some of the Ward Administrators and village administrators. The committee notes that the delivery of the set objectives can be achieved by filling the said vacant positions.

The Committee was informed that a request had been submitted to the County Public Service Board to recruit new Administrators. This move is aimed at promoting effective governance and administration in the affected administrative units.

Functions and Duties of Administrators

Section 10 (3) of the Act stipulates that the County Government shall ensure the administrators of the devolved units are adequately facilitated, financed and equipped to effectively perform the functions and duties assigned by the Act.

The committee confirmed through the submitted and approved annual budgets that the administrators are provided with a budget, supplied with uniforms and provided with office spaces and equipment to perform their functions and duties.

Section 11 of the Act outlines the functions and duties of the Administrator of a devolved unit, among them to be ready to account for everything done by their office and avoid involvement in political activities of any person or political party.

The committee however notes that there are some notable challenges in the execution of these functions, among them; untimely communication from other departments in coordinating Government activities and programs to the grass root level and conflicts between the Administrators and the Members of the public especially, on beneficiaries of government programs and identification of projects.

Delineation and Establishment of Village Units

Section 14(1) of the Act stipulates that the county executive shall, subject to subsection (2), and the approval of the County Assembly, delineate and establish village units of administration for purposes of the Act. A village unit shall be delineated or established except in accordance with the recommendations of the Task Force Committee.

Section 16 of the Act establishes the Task Force Committee on Decentralization in every eighth year after the enactment of the Act to carry out the functions as outlined in Section 17 of the Act.

Section 17(4) stipulates that the Task Force Committee shall be provided with adequate financial and human resources by the County Government to enable it deliver on its mandate timely.

The Village Units were established in 2015. The delineation and demarcation of the Village boundaries was done through a Task Force Committee appointed by H.E the Governor. The exercise was undertaken by the Department of Public Service Management and Administration in consultation with the County Assembly.

Pursuant to Section 17(5) the Task Force Report was submitted to the Governor, ratified by the County Executive Committee and forwarded to the County Assembly for approval on 23rd August 2019.

However, upon lapse of the required period, the Task Force report was deemed approved and was implemented as submitted

As at the time of production of this report, a second Task Force Committee on Decentralization was required to have been formulated to review the Village Units boundaries, and /or create further decentralized units pursuant to sections 16(1) and 17(2). This has not been formulated as required.

The CECM submitted to the committee that the formulation of a Taskforce attracts an Operational budget for the Taskforce and its functions whose implications are but not limited to hiring of more Administrators. The budget for the same had not been provided for.

The Department forwarded to the County Assembly proposals and recommendations made by the taskforce of boundary addition and naming of village Units as provided for in **(sections 14 (1) (2) and section 17 sub section (5))** of the decentralized Act 2015 for consensus and adoption. The Department submitted on 23rd August 2019 a report on the delimitation exercise to the County Assembly, containing proposed amendments, including the renaming of certain units and the establishment of additional village units. However, the Department is yet to receive any formal response from the Assembly regarding the matter.

The Committee notes with concern that a considerable period has since elapsed, and therefore, the report is no longer tenable for consideration.

Complaints and Disputes Resolution

Section 24(1) of the Act; outlines that every resident of the county has a right to present any complaint against the administrator of a devolved unit.

Sub-section(2) stipulates that there shall be maintained at the County Government headquarters, a citizen compliant register to receive every complaint against the administrator of a devolved unit or county government devolved units administration.

The County Government has established a Citizen complaints register at the County Headquarter to deal with complaints as may be presented against an Administrator of any Unit by the citizens of Bungoma County.

Further, the County Government has established complaints and dispute resolution mechanisms Committee at the headquarters. The committee handles both complaints raised against the Administrators and the concerns about government services rendered to the citizens. Reports are submitted quarterly to the Chief Officer for action.

The Department has received a number of complaints against Administrators. Such as administrative challenges between legislators and the Administrators i.e. conflicts in identification of Government program beneficiaries and identification of projects among others. The Department has put mitigations in place subjecting such complaints to thorough scrutiny before taking any actions since some claims may be politically instigated and may also attract litigations.

The Departmental Human Resource Advisory Committee has been handling issues related to the discipline of Administrators with guidance of the laid down Human Resource procedures.

This has seen recall of some Ward Administrators for Tongaren, Milima and Mbakalo to the Departmental headquarters pending investigations of the allegations levelled against them by the community.

With regard to reporting cases of mismanagement and misadministration by the local residents in the Wards and Villages, the Department through the Office of the Chief Officer gave a directive of creating Sub County Human Resource Advisory Committees whose aim was to cascade and decentralize all round reporting mechanisms in the entire County. The reports are thereafter submitted to the Office of the Chief Officer on a quarterly basis for action.

Reports and Records

Section 25 of the Act provides the provisions on reporting and record keeping of the administrative works of the administrators. The section provides for preparation of monthly reports by administrators of their activities and submission in the pecking order to the Director on quarterly basis. The Director is required to consolidate the reports and submit the report to the CECM through the Chief Officer. The CECM prepares a consolidated annual report and submits the same to the Governor who then submits the report to the County Assembly.

The Committee established that Administrators are required to prepare and compile quarterly, semi-annual, and annual reports, which are submitted to the Chief Officer, who in turn forwards them to the CECM for onward transmission to H.E. the Governor. The Governor is expected to present these reports to the County Assembly through the Annual State of the County Address.

However, the Committee observes that the County Assembly has not received any such reports in accordance with the provisions of section 25 of the Act.

Public Participation and Citizen Engagement

Section 11(b)-(f) of the Act mandates an Administrator to establish efficient and reliable citizen and public participation systems and forums in his or her area of jurisdiction, implement sound and good communication systems with the residents, ensure efficient and satisfactory public service delivery in every sphere and set in place adequate machinery for consultation with the residents and the national government organs or other agencies within the devolved unit.

The County Government has enacted a Public Participation and Civic Education Act which provides a framework for coordination and administration of all public participation and civic engagements in the County.

CHAPTER THREE

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

COMMITTEE OBSERVATIONS

The Committee made the following observations.

1. The Act has been well implemented and achieved most of its objectives as outlined below:
 - a) The County has established decentralized units administration comprising the Director, the Sub-county Administrators, Ward Administrators and Village Administrators in accordance with section 5.2(a-d) of the Act.
 - b) The delineation and establishment of village units in the County has been done in accordance with Section 14 of the Act.
 - c) Mechanisms for complaints and dispute resolution have been put into place and implemented.
2. Contrary to the provisions of Section 25 of the Act, reports and records of the activities of the administrative units have not been submitted to the County Assembly for consideration.
3. Whereas Section 5 of the Act creates the position of the administrator of a Mlango as one of the decentralized units administration, whose appointment shall be in accordance with Section 53(1) of the County Governments Act No: 17 of 2012, the appointment of village elders as administrators of Milango has not been done.
4. While Section 16 of the Act obligates the County Government to establish, every eighth year after its enactment, a Task Force Committee on Decentralization to, among other functions outlined under Section 17, make recommendations to the County Executive on matters relating to the delineation and establishment of devolved units of administration, the Committee observes that no such Task Force has been constituted to date, contrary to the provisions of the Act.
5. Although Section 24 of the Act makes provision for complaints and dispute resolution mechanism; whereby County residents have a right to present any complaint against the administrator of a devolved unit, the Act provides for this service to be only offered at the County government headquarters. In addition, the section does not provide for complaints and dispute redress mechanisms for aggrieved residents on the general County matters affecting them.
6. The Act does not make provision for the manner of convening meetings of the village council, quorum and procedure of meetings of the village council.
7. The Act has progressive provisions such as public participation and citizen engagement. These provisions are important in ensuring that citizens participate in governance at the County level thus enhancing transparency and accountability.
8. The Act allows the relevant County Executive Committee Member to formulate Regulations for the better carrying into effect the provisions of this Act. However, there are no Regulations pursuant to the Act that have been submitted to the House for scrutiny and consideration.

COMMITTEE RECOMMENDATIONS

The Committee recommends as follows;

- 1. THAT** the County Executive Committee Member for Public Administration should, pursuant to Section 33 of the Bungoma County (Decentralized Units) Administration Act, 2015, formulate

the necessary Regulations within 90 days after adoption of this report. The Regulations should provide for:

- a) The manner of convening meetings of the Village Council, including the quorum and procedure of such meetings;
- b) The manner of conducting elections, convening meetings, and procedures for regulating the affairs and business of the Management Committee.

2. THAT the County Executive Committee Member for Public Administration should initiate a review of the Act, on:

- a) **Section 25(5)** – to correct the reference to the submission date of the annual report, currently stated as “not later than the thirtieth day of every year” to read “not later than thirtieth day of February every year”
- b) **Section 24(2)** – to ensure the citizen complaint register is maintained down to the village level;
- c) The need to prescribe appropriate Alternative Dispute Resolution (ADR) mechanisms; and
- d) The establishment of effective public sensitization mechanisms regarding the complaints channels available to citizens."

3. THAT, the department of Public Service and Administration should expedite in the implementation of Section 53 of the County Governments Act No.17 of 2012 and Sections 5(2) (e) and 6 of the Act with regard to the appointment of village elders as administrators of Milango within 90 days after approval of the adoption of the annual budget FY 2025/26.

4.THAT, that the County Executive Committee Member for Public Administration should ensure full compliance to the provisions of Section 25 of the Act by submitting timely comprehensive reports and records of the activities of the administrative units to the County Assembly for consideration.

5.THAT, the County Executive Committee Member for Public Administration and ICT should, subject to budgetary availability, expedite the constitution of the Task Force Committee in accordance with the provisions of the Act and report progress to the Committee within 60 days after the approval of the Annual Budget for the Financial Year 2025/2026.

Hon. Speaker, I thank you. I want to move and call upon Hon. Johnstone Okasida Ipara to second the report.

Mr. Speaker: Thank you, Hon. Tony Barasa. Hon. Okasida you want to speak from there? Or you want the physical report itself?

Hon. Johnstone Ipara: Thank you, Hon. Speaker. I raise to second the report on the decentralization of local officers within the Department of Public Administration. As

recommended by the mover of the report, Hon. Tony Khaoya Barasa, if we don't implement this particular report in totality, we are causing confusion.

When you talk of Mulango which is the start point, the gate point where if we want any information about the village unit that is the starting point. In the absence of that particular office, it creates a gap that the only village admin cannot fulfil. There are also other people who left the services either to look for green pastures or they died along the way. A good example is Kakamwe village unit where the former officer was employed in the judiciary. Since all that time it is now running to a year, that particular office has not been filled. Therefore, creating a budget for employment of those officers is very critical.

For that reason, I raise to second this motion and urge Members to approve this report because our intention is clear. I second the report.

(Applause)

Mr. Speaker: Thank you Hon. Ipara. Honourable Members allow me proceed and propose the motion for debate;

(Motion proposed)

Hon. Everton Nganga: Thank you Hon. Speaker. First, I would like to laud the mover of the motion. He has read the motion eloquently, and seconded by Hon. Okasida who was brief and straight to the point.

I rise to support this motion. One of the reasons I'm supporting is that the village elders, actually it's long overdue. In some counties especially in Kakamega, you discover that the elders in different sub-units of the County Government were employed. These people are important and they will assist our County in identifying viable projects for each area during the public participation.

Hon. Speaker, we discovered that we are allocating money to projects but sometimes you discover that if the public don't own the project, they vandalize those projects. So through the Mulango or the village elders, they will assist us identify viable projects that can be owned by the residents of those Wards.

The mover of the motion mentioned that they are supposed to provide enough working space for Ward Administrators. To be sincere, it is now 10 years down the line yet a good number of Wards don't have substantive Ward Administrators and offices. How I wish the Department of Public Administration allocates enough money to construct these Ward offices so that the Ward

Administrators can have enough space to operate and manage our wards well. I support the report.

Mr. Speaker: Thank you. Deputy Speaker?

Hon. Stephen Wamalwa: Thank you Hon. Speaker for according me this chance. I want to thank the mover of the motion Hon. Tony Khaoya and the seconder Hon. Ipara.

I support the report because this is a report that is talking about structures that should have been put in place long time ago. With the promulgation of the Constitution of 2010; it was loud and clear, in black and white; that we have structures that should be in place so that county governments or devolved units function effectively.

In our county, we are always seeing some funny things happening. The National Government has its structures from the top to the bottom, including those positions that otherwise the county government should be doing. This report is talking about a delayed justice for the people of Bungoma, because our neighboring counties have actualized and ensured that the structures are in place, ensuring that there is proper communication from the top to the bottom.

Hon. Speaker, let us focus on our devolved functions. We want to call upon the mother Committee, of Public Administration, supported by the Committee on Implementation that we look at the observation and recommendations after 60 days. We want to see that we are pronouncing ourselves based on that we have the structures so that we can have issues being handled from the grassroots to the top and that's the essence of devolution.

I support the report and urge that as a Committee on Public Administration and as Implementation Committee led by the Hon. Aggrey Mulongo of Kibingei, let us go out and ensure that we follow up the resolutions of this House. I support the report.

Mr. Speaker: Thank you, Hon. Lusenaka?

Hon. Anthony Lusenaka: Thank you, Hon. Speaker. I also rise to support the motion as moved by Hon. Tony....

Mr. Speaker: Hon. Aggrey Molongo, you are not alone. You are so many, so don't worry. Proceed.

Hon. Anthony Lusenaka: I want to stress what Hon. Nganga said, that most of our wards don't have substantive Ward Administrators including mine, hampering service delivery to our people.

If the committee can take it up and make sure that each ward has a substantive Ward Administrator to serve the people...

Secondly, this issue of village elders; they are called Mulango. Devolution was meant to reach the lowest point possible. There is a gap which is supposed to be filled. If it means maybe providing a budget for those people to be employed, let the department come out clear so that come the main budget, we can see how we can also step in and help that committee.

Lastly, Hon. Speaker, we also have vacancies in Sub-County Administrators. Some have acted for more than three years now. It is high time that the committee makes a follow-up and ensures that either we employ fresh ones or they confirm those who have been acting in those offices. Because acting for three years, that is inhuman. They are not being given any responsibility allowances.

Hon. Speaker, Public Administration Committee also deals with ward offices. They can also help these Members because most of the Wards don't have Ward offices. Sometimes you go searching for these officers because they don't have specific places to operate from. It becomes difficult for our people to get services. The committee can intervene and make sure that they have designated areas where they operate from to help our people get service delivery. I support the report. Thank you, Hon. Speaker.

Mr. Speaker: Thank you. Hon. Tony?

Hon. Tony Barasa: Thank you Hon. Speaker. I want to congratulate and appreciate the Honourable Members who have supported the motion. I want to respond as follows; Hon. Speaker, the issues to do with ward offices, as a Committee of Public Administration and aware of our budget allocation, we are working on constructing five ward offices every financial year. I'm also urging for the indulgence of this House, now that the executives are moving out of the Black House may be from the 1st of July, the allocation for this Black House in the next financial year honourable Members...

Mr. Speaker: Hon. Tony, come out clearly Black House rent or what? When you say Black House, we wonder what you mean. We are wondering now which one is this?

Hon. Tony Barasa: I'm requesting that the money that goes to the Black House rent if we can consider adding to the Public Administration so that we can increase the number of Ward Offices from five per year to at least eight or ten per year. This will sort out the issues of ward administration.

On the issues to do with the village councils, this is our devolved function and I urge you Members as per the report on page 14, we have tabulated that if we are going to pass these monies in the coming financial year of Kshs62, 304,000, we are going to sort out this issue once and for all because from the oral submission of the department, they were saying it is because of lack of finances.

On the issue to do with the ward administration units without substantive Ward Administrators, if you go to page 12, as a committee we engaged the department and they proved to us that they have submitted an intent to the Public Service Board to recruit the Ward Administrators to fill in. They are going to recruit about five for those areas that don't have Ward Administrators.

On issues regarding the Sub-County Administrators who have acted for long Hon. Speaker, we engaged the department, they indicated that they are in advanced stage, the County Public Service Board either to recruit new Sub-County Administrator or redeploy officers.

Hon. Speaker, I want to beseech this House to support the report and also to consider giving the department enough funds for ward administration units across the county. Thank you, Hon. Speaker. I beg for support.

Mr. Speaker: Thank you Hon. Tony.

(Question put and agreed to)

Ayes have it.

The report, its observations and recommendations is hereby adopted by the House.

ADJOURNMENT

Honourable Members, I am advised that was the only motion we had today this afternoon. Therefore, we adjourn our today's sitting and resume tomorrow Wednesday, 23rd of April, 2025 in our normal sitting at 9.30 a.m.

The House rose at 3:37 p.m.