

**COUNTY GOVERNMENT OF BUNGOMA**

**COUNTY ASSEMBLY OF BUNGOMA**

**COUNTY ASSEMBLY DEBATES**

**THE DAILY HANSARD**

***SPECIAL SITTING***

**MONDAY, 30<sup>TH</sup> JUNE, 2025**

**Afternoon Sitting**

**3<sup>rd</sup> County Assembly**

**4<sup>th</sup> Session**

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# COUNTY ASSEMBLY OF BUNGOMA

## THE DAILY HANSARD

MONDAY, 30<sup>TH</sup> JUNE, 2025

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

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

### PRAYER

### COMMUNICATION FROM THE CHAIR

#### SUBMISSION OF THE COUNTY BUDGETS ESTIMATES FOR ASSENT

Honorable Members, allow me make this Communication to the House so that the House will take a position in the best way forward. This Communication is from the County Government of Bungoma, office of the Governor, and addressed to the Honorable Speaker.

Subject is Submission of the County Budgets Estimates for Assent.

I refer to my earlier communication contained in the memorandum of 26<sup>th</sup> of June, 2025, conveying my reservations regarding the Budget estimates for the financial year 2025/2026 as passed and adopted by the County of Assembly on 18<sup>th</sup> of June, 2025.

Upon reflection and mindful of the legal timelines under the Public Finance Management Act of 2012, which requires that the Budget to be passed and assented to on or before 30<sup>th</sup> of June, meaning that the debate and the adjustment will need more time and in the interest of the Community in the service delivery, institutional stability and physical responsibility, I have made the decision to proceed with the Budget as passed by the Assembly.

*(Applause)*

The decision has not been made lightly; it reflects my commitment to ensuring that the County Government of Bungoma does not operate without a legally approved budget...

Hon. Members take your seats kindly

*(Honorable Members standing at the bar take their seats)*

...and the needs for our citizens remain prioritized over institutional disagreements. While issues were raised in the Memorandum, I'm convinced that those matters can and shall be addressed progressively through Supplementary Budget process...

*(Loud Consultations)*

...internal audits and enhanced oversight mechanisms. In light of the above, I kindly request that the County Assembly, immediately forwards the approved Budget for the Financial Year

2025/2026 for the purposes of formal assent as required under Section 131 of Public Finance Management Act, 2012 .

Let us continue working collaboratively for the betterment of our County and to safeguard the constitutional values of accountability, transparency in the service to the people.

It is signed by His Excellency, the Kenneth Makelo Lusaka, Governor, Bungoma County Government.

Honourable Members can we be orderly. Hon. Kawa, let us be orderly. In the morning, I did explain to the House that in our meeting that was never planned, but we were ambushed in our offices. Governor didn't apologize on the content and language used in the letter which I explained. Now having been read to this Honourable Members, it's us to make the decision, whether to go on with the process because in essence, what we wanted to achieve...

Honourable Members, the aim of this sitting is to confirm that the earlier approved budget goes back the way it came. Our aim is to have Kshs.35 million per Ward as approved. If the Governor is saying, bring the way it is I sign, what is the difference? You take...

*(Loud consultations)*

So the best way forward is to allow some three, four contributions from Honorable members then I think we will take the position over the way forward. So I will allow few members to make remarks. Yes Hon. Nganga.

**Hon. Nganga Everton:** Thank you, Hon. Speaker. I have listened to the communication that you have made and I don't know what informed them to come up with the communication that you have just made. The letter that was forwarded to you, the person who came up with the content of the letter, was he not aware that we are having some timelines in the submission of the said budget?

What has just informed them to change their mind? I have listened very well and I have gotten the substance in your communication. Honourable Members let us be keen. It's like the letter that has been communicated has not handled the issues that he mentioned in that letter. He is still deferring the issues to subsequent Supplementary Budgets which means the issue still stands.

This is just a *lukumba lukumba* way of managing us. He is trying to manage our anger. Let us be very keen and actually we are ready and we had decided, let us move.

*(Applause)*

**Mr. Speaker:** Hon. Otsiula, then I will have Hon. Ipara.

**Hon. Benjamin Otsiula:** Thank you, Hon. Speaker. First of all, I am very perturbed.

*(Loud consultations)*

There is a lot of conversing in the House.

**Mr. Speaker:** Members allow contribution from the Member.

**Hon. Benjamin Otsiula:** Hon. Speaker, I am saying that I am perturbed by the turn of events. When you were here in the morning, you served us with the contents of the memorandum. We digested and the same was committed to the committee of Liaison. We have banned, we have even sacrificed and we have not even had lunch to ensure that a report is availed to this House for consideration, considering that this was a special sitting. I think in that memorandum, several legal provisions were cited and even matters touching on families were mentioned.

*(Applause)*

These are issues that evoked the emotions. They have touched people, honorable members in this House and how I wish that before the arrival of this communication, that this House will have been allowed to ventilate and express and pour out their hearts so that this informs and it goes on record that we are not going to condone and see this kind of behavior of the Executive trying to behave in a manner likely to suggest that they can oversight this Assembly.

*(Applause)*

If a memorandum says that members of the secretariat in the Liaison committee are not supposed to be there because they are going to compromise the quality of what is supposed to come on the floor of the House that is trying to oversight the County Assembly. The placement of members in committees is the function of the Selection Committee. The Executive cannot decide who sits on the Liaison, Budget, Education committee or any other committee. If we allow this then we are going to set a very dangerous precedent that whatever we do here must be sanctioned by the Executive.

Honorable Speaker, you are a lawyer by profession, you have pronounced yourself. I have other colleagues in this House, Hon. Luseneka and Hon. Linda and even today Hon. Tony Barasa pronounced himself that he is now becoming a lawyer. Hon. Museveni practices without a certificate.

*(Laughter)*

You cannot proceed with a matter that has already been withdrawn.

*(Applause)*

I am very worried because if we are now to proceed with the report that is supposed to be debated this afternoon and now whoever filled the case has withdrawn the case then legally it means he has seen the light of day. But there must be a question coming from the honorable House that the contents of that memorandum were unwelcomed, they were in bad taste and if freedom of expression is being curtailed then it means that in future in the budget making process...

**Mr. Speaker:** Honourable Members, I beseech that we consult in low tones please.

**Hon. Benjamin Otsiula:** We are going to be misdirected and even honorable members who want to pretend and think that they are very good in the eyes of the Executive, should learn from the mood of this honorable House. Let us read on the same script and if we agree with the budget and say every ward is getting 35million then I'm not going to benefit alone but every Ward in Bungoma County.

So there is no need of running up and down and saying that they have given 35Million and I don't know this one has taken this, it will be dragging us behind. We want to approach these issues in a very sober way so that this document serves the general good of the people of Bungoma. And if His Excellency the Governor in his own wisdom and in good heart has now accepted to implement this budget the way it was passed, let him and the Executive do it to the latter. It should not be that they want us to cool down for him to assent it, then we wait up to the first supplementary, then revert again to move funds there. We have to be very cautious. We take your directions because you have communicated, but the message should be very clear that going forward that whatever is approved in the House must be respected by the Executive.

**Mr. Speaker:** Allow me today to give Hon. Mildred a chance to speak; she is on line. Yes Hon. Ipara.

**Hon. Johnston Ipara:** Thank you, Hon. Speaker. This must be the saddest day for the people of Bungoma, and particularly for this Honourable House. We were called names. They even nicknamed this budget as illegal and unlawful, knowing very well that we followed the due processes of the law.

Firstly, the Liaison Committee took this budget for public participation, which is a requirement of the law. How do you term such a thing as an illegal and unlawful budget? The Governor himself, without respect to this House, said that we violated the law and called the budget one that has violated all the laws of this land.

We are here on the strength of the Articles in the Constitution that talks about the sovereignty of the people and the power we have has been donated to us. So we are doing this on behalf of the people who live within the boundaries of Bungoma. How do you term such people that have been given a special assignment by the electorate as having been involved in illegal and unlawful activity?

You remember Mr. Speaker in the morning you came here and said he came without a notice, and pleaded for forgiveness saying that he did not know who had written the letter that bears his original signature. Disowning your own signature makes you the greatest liar. Honourable Governor is a person that has been entrusted with responsibilities including managing the resources of this county. The resources in question are the equitable share from the National Government ranging around Kshs 15.9 billion. If such a person can disown a document that him and his cronies sat down for several hours and came up with a silly... forgive me Mr. Speaker for using those vulgar words today, because he did not have respect for us then how

do we have respect for such a person? After he realized that the county attorney whom we have approved did not meet all the requirements, was used to write this letter, he saw the consequences that are coming and thus decided to come up with a letter that pleads that he has withdrawn the earlier letter without apologizing.

Mr. Speaker, you have read that letter from the first to the last paragraph. As a human being and genuine leader, has he apologized? He is still maintaining his stand and that is why he is even ending up with words, that later in the financial year, we can address the gaps that do exist by coming up with a supplementary budget; this is a person who is not remorseful. The way forward is that we ignore and treat that letter as one that came at the last hour when we had no time to consider it.

**Mr. Speaker:** Honourable members, please consult in low tones.

**Hon. Johnston Ipara:** Honourable Speaker, we treat that letter with the contempt that it deserves. First, it has been brought here late, and you have only made a communication. We have our own traditions in this House. When a communication is received, you are supposed to commit it to a committee. The committee in this question is the Liaison Committee. Have you committed it? What urgency is there that now forces us to abandon the rules and procedures to take this letter as it is, as the gospel truth? Do not forget that they have clearly stated under the County Financial Strategic Plan item No. 16, that one of the challenges that the County Executive face is weak oversight by the County Assembly. And that's why without a shame, he is bringing this letter knowing that this is a weak oversight institution.

You remember he wrote to you a message saying that the verification exercise that the County is contacting is an exercise in futility because he was saying that we have no authority as per the law for us to verify the pending bills. This is a man who knows our responsibility is to review, amend, and reallocate and to approve if we verified that really they meet the parameters of the law.

Even a court has procedures; a notice is received, and a hearing date is fixed. When has it been fixed? Let's fix for that mention or hearing date so that we can deliberate on that particular letter but let's proceed to deliberate this matter on the previous letter which was submitted here, which was damaging in all spheres.

*(Applause)*

Law was created by human beings, it's to guide us where we go wrong and this particular time, the Governor and the entire Executive missed a point here. If you look at Article 176 of the Constitution, it clearly says County Government is divided into two; the first is the County Assembly, two is the County Executive meaning that perking order, the County Assembly has more say than the Executive. Why do we want to donate our powers to the Executive, because they are saying that we are weak? Even, if you walked into a drunkard or a weak person's home and you want to take his wife, you will go minus one of your hands.

So, people should not treat us as weak, we should not allow...

**Mr. Speaker:** Hon. Ipara, you are just not being generous with history when you say you walk to somebody's home to take away his wife. Equally the husband also, the woman will handle you accordingly.

**Hon. Johnston Ipara:** The word I missed is vice versa. As I come to an end is to plead with members that there's no harm in us voting for this issue that is before us, because even the Governor himself is asking that just return it the way it is. Why can't we just vote to protect our rights? I submit.

**Mr. Speaker:** Thank you, Hon. Ipara. Hon. Mildred,

**Hon. Mildred Barasa.** Asante sana Bwana Spika kwa kunipa nafasi hii. Kwa maoni yangu, Gavana aliandika Barua na alikosea sana na hata yeye amegundua kwamba ako na makosa. Gavana wetu huyu hata akisema anaenda mkutano pahali saa nne anafika saa nane.

*(Laughter)*

Lakini kwa siku ya leo alijua makosa yake saa moja na dakika arobaini na tano asubuhi, alikuwa amefika hapa. Kwa hivyo naomba tu kama binadamu, sisi wote huenda kanisani tena kama mama kwa sababu ameomba msamaha, tungempatia hiyo msamaha. Lakini ile barua ameandika sijui unajua huwa sielewi kiingereza saa zingine lakini ile barua ...

**Mr. Speaker:** Honorable members, I urge that you consult in lower tones please to allow other members hear what the Honorable member is submitting. Proceed!

**Hon. Mildred Barasa:** Ile barua ilisomwa asubuhi niliskia iko tofauti na ile imesomwa sahii. Ameomba msamaha na ameona hiyo barua haikuwa nzurii. Ameona sisi ni watu maana kwake ndio maana ameandika hiyo barua ingine. Nyinyi hamkufika hapa asubuhi. Mimi nilifika hapa saa moja, nilipata Gavana hapa akitembea mguu akienda kwa Spika...

*(Laughter)*

Na nikajua huyu ako na shida kidogo. Sasa naomba kwa niaba yake...

**Mr. Speaker:** Honorable members, some of you have had a chance to speak. Why can't you allow her to speak also? Yes, Hon. Mildred!

**Hon. Mildred Barasa:** Sitakuwa na mengi, nasema naunga mkono asamehewe.

**Mr Speaker:** Yes, Hon Makari. Members, I am still urging that you consult in low tones.

**Hon George Makari:** Thank you, Hon Speaker. I had asked myself that I would not speak today, Hon. Speaker, you know I work under the Holy Spirit and since...

**Mr Speaker:** Hon. George is a bishop on Sunday, so Bishop is speaking.

**Hon George Makari:** I can see Hon. Linda doubts this. Why do you doubt? I want to be very brief and to the point, because the Governor said he is going to assent to this budget and the more we delay, the day is going.

So we have to take note of the time. I want to support all the Members that spoke today. But, the Governor came and met the leadership and apologized to you. We need him to come here tomorrow and apologize to the House, because we did not hear what he said to the leadership of the House. And while he is coming, he should walk with a sacrifice to appease the curse in this House. You cannot do what he says and you remain like nothing happened, that is not right. We respect our leadership.

You cannot begin throwing words around, ooh this family, which family Hon. Speaker? If I have a wife in this House and unfortunately I don't have...

**Mr Speaker:** Order Members!

**Hon. George Makari:** If Members doubt, can they show me their wives? There is none. Hon. Speaker, even if I have a wife here, what is the problem when we are working together? Is there any problem? The only thing is that there is no conflict of interest.

These people are professionals, and they don't discuss bedroom matters when they are in committee. They discuss matters of the Assembly, not bedroom matters while in the committee. They have become too confused that they are now bringing petty issues; they are bringing family issues into a committee so that confusion can appear in the committee. I want to appreciate also the leadership today for standing your ground; I was very worried you were going to break under pressure. But today you stood firm, and the House is solidly behind you Hon. Speaker.

Because of the interest of time, what Hon. Mildred has said, this is our Governor, this is our Government, and in the act of war, when somebody is down and is kneeling and apologizes, let's forgive him, but Hon. Speaker invite him to apologize to the whole House tomorrow in the afternoon session. We take his Memorandum, and then forgive him and go forward.

**Mr Speaker:** Thank you, Hon. Makari. Hon. Vitalis Wangila,

**Hon Vitalis Wangila:** Thank you, Mr Speaker. First, I want to appreciate whoever came up with an idea of having this special sitting because at the end of the day, we are almost seeing light at the end of the tunnel.

Whether we accept the letter that you have just read some minutes ago or we vote no or we go to the end, it's all the same, because the Governor has accepted it and withdrawn. What the Governor has talked about is the Supplementary Budget. It's you people who will work on the the same. So after passing this Motion to accept this Budget, we should be on toes on him

by ensuring that procurement and all other things are done in time so that by July our projects are done. And that does not mean that when we are accepting this, we are closing some of the doors for him not respecting this particular House. You have a right from tomorrow or the following day, to proceed and what you would like to be done. The elephant in the house is the Budget. And as Mr Makari has said, we are running out of time, because by 4:00 p.m. this particular document should be at the Executive.

So the earlier we conclude the better. We can either vote it later or we can go at the end of the tail end of how we have planned from the morning.

**Mr Speaker:** Thank you, Hon. Vitalis. Hon. Chikati,

**Hon Timothy Chikati:** Thank you, Hon. Speaker.

**Mr Speaker:** Honourable Members, I beseech you to consult in low tones please. I beseech you, please.

**Hon Timothy Chikati:** Thank you, Hon. Speaker. In the morning when you read that memorandum, you committed to Liaison Committee. We haven't heard what Liaison Committee have come up with. They could have given us their verdict, so that we know how to move on.

Hon. Speaker, as you have read the response from the Governor this afternoon, we accept the withdrawal. But remember, the memorandum was sent to the COB, EACC and OAG. Have they been informed of the withdrawal? And what have they said to this communication? They have not been included in that communication.

Touching on the family issues, I have listened to that communication very well and there is nowhere the Governor has written anything to do with the families. This Secretariat sited here, and these Honourable Members who have married from this Assembly, they did not marry yesterday but they have been there. Why are they bringing now that so and so is married to so and so? Why are they not talking about me, who has also married from this House?

Let us listen from the Liaison, what they have come up with, and then let us also know, if this withdrawal has reached the COB, EACC, and OAG, and what is their verdict over the same so that we can be able to move on.

**Mr Speaker:** Hon. Kuloba, proceed. Let Members say something that on the memorandum I read in the morning. As you are all aware, that CARA was passed today in the morning by the Senate. And from the CRAs point of view, the increment is there from Kshs 405 billion to Kshs 415 Billion. That means, pro rata, as Bungoma County, we will get some additional funding from that. So either way, we must have the First Supplementary to factor in the new increment arising from the approved CARA. So why can't you wait for CARA to come out?

The extra amount of money from CARA can be part of the allocation to the First Supplementary. But I want us to agree on it because whether you vote now or you vote in the evening hours, it must be signed today.

Thank you, Hon. Chikati. Hon. Jeremiah Kuloba,

**Hon. Jeremiah Kuloba:** Asante Bwana Spika. Mimi langu wakati mtu amedharau hii Assembly, akaandika barua kuwa hatufai kufanya hiyo kazi, akaandikia *Commissions* kama *EACC* na *COB*, na sasa analeta barua ya kuomba msamaha, lazima aandike barua nyingine ifuate hiyo mkondo hadi kwa hizo *commissions* akiomba msamaha. Sijaona mahali ambapo wameandika kuwa katika kiingereza "Copied to" Kama ile barua ya kwanza.

Pili, mwandishi wa ile barua, anazungumzia maswala ya familia ya watu wawili. Je ameomba msamaha kwa hawa watu ambaa ameingilia mambo yao ya ndoa? Tukiendelea hivi tutakuwa tunachukuliwa kama vyombo visivyo vya maana. Mtu ataongea hivi leo na kesho si mimi niliandika ama niliandika bila kujuu. Na iko kwenye nakala kuwa hiyo barua uliyotusomea ilikuwa ya kutudunisha na katuonya kuwa sisi sio watu ambaa tunasitahili kuangalia hiyo Bageti. Je katika hiyo barua ambayo amekuandikia, amekubali kuwa sisi kazi yetu hapa ni ile ambayo alikuwa amekanusha? Kama hajafanya hivyo ukweli ni kwamba barua hio haijangalia yale maswala ambayo yalikuwa katika ile barua ya kwanza. Hiyo barua ambayo imeletwa iwekwe yale maswala ambayo iliwekwa kwenye hiyo ya kwanza.

Pili barua nyingine iandikiwe waadhiriwa ambapo hapo palikuwa na Naibu wa Spika, na, *Clerk* wetu kwamba wako na wake katika ile kamati ilikuwa inatengeza bageti. Je hawa watu ambaa wameadhiriwa na haya maneno ambayo yalisemwa kwa ile barua pia wameandikiwa ama hawajaandikiwa? Asante Bwana Spika.

**Mr. Speaker:** I'm seeing the Chair of Education is now seeing the vice chair around, proceed.

**Hon. Steve Kaiser:** Okay, thank you, Mr. Speaker, Sir, for giving me this opportunity. But today I stand here as a very disappointed person because when we were here in the morning, we were speaking the same language, before the Committee retreated so that they can come back with a report. But what I'm hearing from them now is a change of tune.

If we hear somebody like our senior Member Hon. George Makari, coming and saying that the letter has been brought and I've apologized, we should go the same. And then we get the minority leader coming in the same tune, that's very disappointing. It's very disappointing.

And you know, I was sitting somewhere with some Honorable members. And we heard that very senior member of the leadership was sitting with the Governor somewhere and they

were having lunch. And then after that, we come to this House and then there's change of tune.

That means there's something that has happened. So Mr. Speaker, as much as we are going to do what is supposed to be done, but we are so much disappointed with the Leadership of this House. Just a minute...

**Mr. Speaker:** Hon. Steve Kaiser, don't just give blank condemnation. Say you saw so and so eating lunch with the Governor.

**Hon. Steve Kaiser:** Mr. Speaker, I cannot stand here...

**Mr. Speaker:** When you say leadership, I'm part of the leadership. And I've been here the whole of this afternoon having not gone anywhere since morning. Yes.

**Hon. Steve Kaiser:** Mr. Speaker, with all due respect, when I speak something here, I'm not a madman who can just come up with an accusation that's not there. I know what I'm saying, and if you want proof, I can put on the record that I have from my phone to say that so and so was with the Governor like 30 minutes ago, and then we come here, the leadership especially the Committee that was supposed to bring the report here is not saying anything. Everybody is just supporting the Governor.

**Mr. Speaker:** Honorable members, at the end of this discussion, we are going to have Liaison Committee report. I'm only hearing your views. I can also cut the story short, allow Deputy Speaker to read the report.

**Hon. Steve Kaiser:** But Mr. Speaker, before you give the Committee to give out the report, but also we have our ears on the ground. We know what is going on. We know people who have been meeting the Executive, and we know everything that has happened, so you cannot cut us short, telling us that maybe, I'm sorry to say this, but maybe you are the perfect person for them because you are trying to cut us short. You are trying to explain everything, but you are cutting us short, which is what's going on.

**Mr. Speaker:** Honorable members, allowing Members to give some remarks about the communication was just basically a leeway. We could have just done the communication and gone to the report of Liaison Committee, because allowing Members to make some brief remarks, it's not part of the Order Paper here.

**Hon. Steve Kaiser:** But Honorable Speaker, if that was part of your plan to make the communication, you could have just gone ahead and made the communication without taking us in circles, and then at the end of the day, you know what you want to do. Because you said it's a must that you could have done that, and you could have brought it here for us to discuss, and you know what has gone on. I rest my case.

**Mr. Speaker:** Hon. Linda, just hold on. Hon. Linda Kharakha, let us have Hon. Ali Machani.

**Hon. Ali Machani:** Thank you, Honorable Speaker. This is a House of Rules and Procedure, and we must also give the respect and dignity it deserves. We are the leaders in two areas, where you sit, you are the Captain of this House, Leader of Majority and the Leader of Minority and this team.

Hon. Jeremiah Kuloba, allow me to pronounce what I have. Is it in order for us to have information from the Honorable Member, and he cannot substantiate, the Leader who met the Governor? That thing must come out very clear, because he's a person who's respected. Honorable Speaker, he's our son and he was elected to represent some interests. So we cannot pin him down, not to give information, but can he also pronounce to us who is this leader that met the Governor 30 minutes ago?

**Mr. Speaker:** Hon. Steve Kaiser, I will give you a chance to say?

**Hon. Steve Kaiser:** Mr. Speaker, it's like I'm being intimidated with the same people who have been in that circle of meeting the Governor, and maybe a special thing has been done to them. Just a minute, I won't bend that low, to be intimidated and then I reveal my source.

**Mr. Speaker:** No Hon. Steve Kaiser you must indicate, because Leadership is here. If it was Speaker then say Speaker met the Governor, if it is Hon. Vitalis Wangila just tell us.

**Hon. Steve Kaiser:** Yes, I have the recording on my phone, so if you allow me, maybe Speaker, we go to your office then I play that recording, so that you can hear.

**Mr. Speaker:** Hon. Steve Kaiser if that was the case, you could have said, I have that information, I will share with you. But saying Leadership? It may be Deputy Speaker or the Majority Leader

**Hon. Steve Kaiser:** But Mr. Speaker, if you heard me very well, I did not say the leadership. I said one of the members of the leadership, which means an individual, not the whole, yeah. Hon. Speaker, just be patient with me.

**Hon. George Makari:** Yes, Hon. Speaker, our Standing Orders are very explicit. Hon. Steve Kaiser is my good friend; but you cannot stand on the floor of the House and cast aspersions to leadership and refuse to substantiate. Either you name the Member or you withdraw and apologize. So either the Honorable Member who is my good friend, names the Leader that was with the Governor, I was also named, that senior Members like Hon. George Makari now are changing tune. I did not change tune, I said the Governor should come here and apologize.

The Honorable Member should name the senior Member of the Leadership that was there, as I back Hon. Ali Machani or if he doesn't name, let him now withdraw that remark and apologize because it is on the HANSARD.

**Mr. Speaker:** Hon. Steve Kaiser, you do the necessary.

**Hon. Steve Kaiser:** I think I'm being pushed to the wall, and they want me to name the Honorable Member, but I will not do that, so I withdraw and apologize.

*(Laughter)*

**Mr. Speaker:** Hon. Linda Kharakha, proceed. Order Members!!

**Hon. Linda Kharakha:** Thank you, for the opportunity to also contribute on the matter before us. Honourable Speaker, we usually do not sit on a Monday. And today was gazetted as a special sitting to handle the matter before us. But we look like a House that does not have order anymore, we are being taken in corners, and as I said before, and other short stories.

The first Memorandum and then another short story of the Governor apologizing; it is a shame that when the notice went out, we were called, we left our most important duties to come and handle a matter that was returned to us by the Executive, only again by the same person disowning the Memorandum of reasons that came with that budget. Then later on apologizes. Mr. Speaker, how do we look? We do not look like a House of integrity, we look like a House that when we sit things might be sneaked in any corner so long as they are here. No one is giving regard to timings...

Where were they when we send them the budget and report from this House? Only to come last minute, could they be reading that we are a House that passes their issues whenever they come? We rubber stamp whenever they want us to? The letter that came this afternoon was not in good faith. That letter would have come in the morning. Not him walking in this compound, we will have had it in the morning, then the committee of Liaison retreat. I think the person bringing the letter at this point wants the House to operate under pressure, and Mr. Speaker, you can read the mood of the House; Members are agitated and they are now becoming suspicious of each other. Who picked what from whom? Who met with whom? Who ate lunch with whom? Does it sit well? I'm even more worried about the people who send us to this House; because they are waiting to hear the report.

It will be the same story, Honorable Members are already speculating, I had lunch with Hon. Kaiser, the Governor or CECM Finance; what will our people say? Money has changed hands. In my reasoning, we should proceed as per gazetted notice to transact the business before us. I believe your communication is Law and that's how it directs us, that we come here in the afternoon to deliberate on the Liaison Committee report and we vote on it.

Changing tune at this point, it will look like this House does not have Rules and Procedures. It will also look like we don't have a stand, and we might be swayed tomorrow and do as one pleases.

Unfortunately, our CEO who is the Governor, is outgoing after serving his two terms. He has nothing to lose, but we stand to be called names when we go to the ballot.

I highly doubt he will be on the ballot. As we continue to speculate on each other, who has married who, who is sleeping with who, at this point if they say that the Fiscal Analyst is a wife to some Honorable Member here. Was that Fiscal Analyst not a member of the Budget Committee before? So does it make the previous Committee also not properly constituted in that matter? I believe when you communicate and give authority to a Committee to handle a matter, it is Law and it gives them leeway to transact with disregarding their relation. However, if the Committee went further and transacted in a manner to conflict interests of other Members in this House, then we will say those Members are conflicted. But if they are performing their duties as this House assigned them, then, I saw no need to call people names. I see no conflict unless someone can prove on this floor that person A married to person B has transacted in a manner that contravenes the rules and procedures and the transactions thereof of this House.

However, we are talking about the budget, that the Liaison is not well constituted. In the previous Budget and Appropriation Committee, Tongaren Constituency was never considered in it. Did we say that the Committee is not well constituted? Is it because someone's leg has been pulled or their interests are not being felt the way they want? Now they want to make us pull us in circus. I feel dishonoured this afternoon to stand before this Honourable House to speak pathetic things.

For someone who thinks they cannot relate with anyone in this, if we went to relation, we are all related because we were all created by God as per the Bible. Let's withdraw trivial issues of relations and look at the matter before us.

As per the Speaker's communication, you communicated very well and said we are going to vote after the Liaison Committee report, why don't we proceed on the same? Because, if we look the other way, come the next budget, they will bring budgets and documents past timelines and they will want us to approve, which will not be the order of the day..

This House should stand to be counted, and I will ask you, for instance after memorandum being disowned, then later on an apology? You disown it, and then apologize? Does it make sense? Is someone playing a game of chess. I hope this House will not be used as a political ground to settle scores with others or to feed someone's ego. How I wish we proceed as we agreed before.

*(Applause)*

**Mr. Speaker:** Honourable members as we are all seated here. You all know that the report of the Committee of Liaison is not with the Speaker's office, it is with the Committee on Liaison. So it has to be brought back to the House here. So either way even if we are to proceed, the committee must bring back the report because it has the report and the memorandum. So we must get the feedback from Liaison Committee.

Next item,

## BILL

### CONSIDERATION OF THE GOVERNOR'S RESERVATION ON THE BUNGOMA COUNTY APPROAPRIATION BILL, 2025(BUDGET ESTIMATES FOR FY 2025/2026

**Mr. Speaker:** Honourable Chair Liaison. Honourable Members Order!

**Hon. Stephen Wafula:** Honorable Speaker, I am on my feet to move this report.

**Mr. Speaker:** Honourable members, I will urge you to make a follow-up of the same plenary wall. The report of the committee is there. You can make a follow-up from there.

**Hon. Stephen Wafula:** Thank you, Hon. Speaker. I am on my feet to move a report on memorandum of the Bungoma County appropriation bill 2025 and maybe Hon. Speaker...

*(Loud consultations)*

**Mr. Speaker:** Order members!

**Hon. Stephen Wafula:** Before I move, I wish to also maybe make members aware especially Hon. Sheila, that the Speaker has seven days to forward the memorandum. So we have no problem at all. Where he is seated, he is comfortable because he has all the seven days so that he can return it. He can do it today, he can do it tomorrow. So we should not be afraid. We want to allay the fear so that you can be at home and know that you are in control of everything. Hon. Speaker, allow me move.

#### Preface

On the 26<sup>th</sup> day, June 2025 H.E, the Governor of Bungoma County submitted to the County Assembly a memorandum on the approved Bungoma County Appropriation Bill 2025. Pursuant to section 24(2) (b) of the County Government Act 2012, the memorandum was relayed by the Honorable Speaker to the House. Pursuant to Standing Order 156(1) in a special sitting convened on Monday which is today, June 30<sup>th</sup> 2025 at 9:30a.m.

It was then committed to the Liaison Committee for consideration and to report back to the County Assembly as contemplated under Standing Order 156(2) read together with section 24(3) of the County Government Act 2012.

## **Committee Membership**

As currently constituted, the committee comprises the following members.

1. Hon. Stephen Wamalwa.	Chairperson
2. Hon. Christine Mukhongo.	Member
3. Hon. Joseph Nyongesa.	Member
4. Hon. James Mukhongo.	Member
5. Hon. George Makari.	Member
6. Hon. Jack Kawa.	Member
7. Hon. Franklin Simotwo.	Member
8. Hon. Tony Barasa.	Member
9. Hon. Henry Nyongesa.	Member
10. Hon. Francis Chemion.	Member
11. Hon. Violet Makhanu.	Member
12. Hon. Bernard Kikechi.	Member
13. Hon. Benjamin Otsiula.	Member
14. Hon. Wafula Waiti.	Member
15. Hon. Edwin Opwora.	Member
16. Hon. Jacob Psero.	Member
17. Hon. George Tendet.	Member
18. Hon. Aggrey Mulongo.	Member

The mandate of the committee is as under Standing Order No. 216 of the County Assembly of Bungoma.

## **Acknowledgement**

The Liaison Committee is grateful to the Office of the Speaker for the guidance provided. We also sincerely appreciate the Office of the Clerk for the invaluable administrative and procedural support extended to the committee.

I wish to commend the members of the Liaison Committee for their dedication and the sacrifices they have made to produce this report within the shortest time possible.

It is therefore my present duty on behalf of the committee to present this report on His Excellency the Governor's Memorandum on Bungoma County Appropriation Bill 2025 Budget Estimates for Financial Year 2025-2026.

Report signed by myself Hon. Stephen Wafula Wamalwa Chairperson, Liaison Committee.

## **The Memorandum**

Committee consideration of the Memorandum by His Excellency the Governor on Bungoma County Appropriation Bill 2025

The Liaison Committee has examined the Governor's Memorandum and below are point-by-point responses. The particular concerns raised in the Memorandum are highlighted in bold with corresponding replies below each issue;

1. Unlawful budget amendments in excess of the statutory limit of 1%. The Assembly increased the allocation for the Community Empowerment Fund from 30 million Kenya shillings to 35 million without the requisite approval of the Executive. An increase of over 16.7% contrary to Section 131(2) of the PFM Act and Regulation 37 of the PFM County Government's Regulations 2015.

Honourable Speaker, I seek your indulgence if the members could be so keen to follow this without consulting, so that we can get what is going on here.

**Mr. Speaker:** Yes, Hon. Ipara.

**Hon. Johnston Ipara:** Hon. Speaker, I want you to direct us. Are we transacting an illegality? Because I want to believe that you did pronounce yourself. Did you redo your pronouncement?

**Mr. Speaker:** Honourable Members, if you go through the report, they are answering item by item in the said communication.

**Hon. Johnston Ipara:** Hon. Speaker, I was asking.

**Mr. Speaker:** Hon. Ipara, we allow the Deputy Speaker to proceed.

**Hon. Johnston Ipara:** Hon. Speaker is it an illegality or is it within the law? Kindly.

**Mr. Speaker:** He said it is an illegality. But we are saying it is basically a legal document. That is why he is moving the report.

**Mr. Speaker:** Yes, Hon. Kikechi.

**Hon. Bernard Kikechi:** Honourable Speaker, we are a bit confused here. We need your guidance because you read us a letter the Governor withdrawing the memorandum and requesting that we forward the budget as it is. Now I don't understand why we are proceeding with the same matter. Even he has withdrawn, I don't understand. You can guide us.

**Mr. Speaker:** Hon. Kikechi, you are the one who is confusing us. When we were in Liaison Committee, were you not part of the Liaison Committee? You were in Liaison. I don't expect such a thing to come from you.

Number two, what came here earlier was not a message but my usual communications. It was a communication. So stop confusing us.

**Hon. Bernard Kikechi:** That is why; I said you can guide us, Hon. Speaker. I am well guided.

**Hon. Stephen Wamalwa:** Thank you, Hon. Speaker. Members, I will seek through the Speaker that we are keen and follow these appropriately so that we understand.

Unlawfully budget amendments in excess of the statutory limit of 1%; The Assembly increased the allocation for the Community Empowerment Fund from Kshs 30 million to Kshs 35 million without the requisite approval of the Executive and increased of over 16.7% congruent to Section 131(2) of the PFM Act and Regulation 37 of the PFM County Government's Regulations 2015.

### **Committee submission**

The Committee submits that the budget does not include a Community Empowerment Fund but rather features ward-based projects. The total allocation for Ward Based Projects amounts to Kshs 1,575,000,000 which translates to 35 million per ward. The addition was made in line with the public views and in spirit of executive order.

Section 131(2) of the PFM Act provides that before the County Assembly considers the estimates of revenue and expenditure the relevant Committee of the Assembly shall discuss and review the estimates and make recommendations to the Assembly provided that the Committee thus shall not make any recommendations that will increase the expenditure in total or the amount of any vote without the approval of the County Executive Committee Member for Finance.

### **Committee submission**

The Committee submits that the above is misrepresentation of the law. Section 131(2) of the PFM Act 2012 provides that before the County Assembly considers the estimates of revenue and expenditure the relevant Committee of the Assembly shall discuss and review the estimates and make recommendations to the Assembly and in finalizing the recommendations to County Assembly, the Committee shall take into account the views of the County Executive Committee Member for Finance and the public on the proposed recommendations.

Budget vote approval; whether increases or decreases are the exclusive preserve of the County Assembly not the CEC Finance. The CEC Finance is restricted to providing views for consideration. Additionally, the relevant Committee is mandated to solicit and consider public input the degree to which both the CEC and public views influence final decisions is documented in the Committee's final report on the Annual Budget Financial Year 2025-2026.

Further, Regulation 37(1)(b) of the PFM County Government Regulations 2015 provides that the County Assembly may amend the budget estimates submitted by the CEC Member for Finance provided that...

**Mr. Speaker:** Honourable Members, if you do what you are doing, you will be here for a long period. Allow the mover to proceed.

**Hon. Stephen Wafula:** Hon. Speaker, I repeat that section.

The County Assembly, this is in relation to Regulation 37(1)(b) of the PFM County Government Regulations 2015 provides that the County Assembly may amend the budget estimates submitted by the CEC Member for Finance provided that

1. Any increase in expenditure in a proposed vote shall not exceed 1% of the vote and
2. The increase shall be balanced by a reduction in another vote of an equivalent amount.

### **Committee submission**

The Committee submits thus that there is no PFM Regulation 37(1)(b). However, Regulation 37(1) provides that where a County Assembly approves any changes in the annual estimates of budget under Section 131 of the Act, any increase or a reduction in expenditure of a vote shall not exceed 1% of the vote's ceilings.

Vote ceilings are established in the approved County Fiscal Strategy Paper. It is both offensive and unlawful for the Executive to compare the approved budget estimates against their original submissions rather than against the approved County Fiscal Strategy Paper. The County Assembly is further concerned by the Executive's selective interpretation of the law instead of adopting a comprehensive understanding of basic budget documents.

The Liaison Committee through its report to this House, also questioned deviations in various departments and demanded a memorandum from the County Executive Committee Member for Finance, pursuant to Section 108(3) of the PFM Act and Regulation 26(7) of the PFM Regulations.

There is page 13 and 14 of the Liaison Committee report which you have. Section 108 of the PFM Act addresses the circumstances under which a County Government may deviate from the financial objectives established in the approved County Fiscal Strategy Paper.

In considering the Financial Year 2025-26 budget, the Assembly as part of the County Government, departed from several financial objectives pursuant to Section 108(1). These decisions were informed by the Controller of Budget comments, the CECM Finance

Memorandum, departmental submissions through sector committees and public views. Examples of adjustments include the following;

### **Education**

Funds were removed from the supply of learning materials, construction of model ECDEs, construction of VTCs in Sirisia, the Home craft Facility in Ngoli, the VTC equipment. These were replaced with allocations for ECDE teacher recruitment and enhanced VTC capitation. The affected projects were captured under ward based projects based on ward priorities. The change in the ceiling resulted from centralizing ECDE teachers' recruitment funds under the County Secretary's office.

### **Lands**

The renovation of Webuye Town Hall and the integrated fiscal planning project in Misikhu were dropped in favour of funding for a taskforce on county land inventory and the review of seven urban fiscal and land use plans as per the submissions by the Department of Lands.

### **County Public Service Board**

Reductions were made in operations allocations to prioritize funding for recruitment and promotion exercises as well as legal fees.

These are just a few examples. The County Treasury should analyse the approved budget and provide a detailed report to this House on the deviation from the financial objectives, especially those that resulted from the CCEM Finance Memorandum and their implications pursuant to Section 108(3) of the PFM Act. The Treasury should also ensure the report is published and publicized in line with Section 108(4).

Attached is a comprehensive analysis showing how the approved budget deviated from the County Fiscal Strategy Paper with innovations indicating that most of the variations originated from the County Treasury as documented in the CCEM Finance Memorandum.

The Assembly in considering public views, considered four items that resulted to a shift in ceiling; ECDE teachers recruitment, Youth Empowerment Fund, escalating legal fees, pending bills and 5% increase on the ward-based projects. These would have informed the County Executive deliberations with the County Assembly and the residents of Bungoma outlining valid justifications to why ECDE teacher recruitment budgets, youth empowerment allocations, legal fees, pending bills allocation and enhanced ward-based projects allocation should not have been considered.

2. Illegal reorganization of funds from Departments to Central Finance Department, SPCU. The attempt by the Assembly to remove the administration of Community Empowerment Fund from the implementing departments and centralizing it under the Department of Finance is not only administratively untenable but legally impermissible. Under Section 104(1) (b) of

the PFM Act, the County Treasury's mandate is to coordinate the preparation of annual estimates of revenue and expenditure, not to implement or execute development projects.

The departments which proposed and planned these projects remain the legal and functional implementing agencies. The Department of Finance has no mandate to execute development projects on behalf of other departments and its role is clearly limited to facilitating financial operations and disbursements. Furthermore, the 10% administrative costs allocated to the finance department is unattainable and unlawful as it will lead to inordinate delays, inefficiency, a lot of confusion, the Assembly cannot disorganize and or reorganize the executive's duties. The assembly's action contravenes

- a. Article 183.1(d) of the constitution which mandates county executives through respective departments to implement county legislation and manage the functions assigned to them.
- b. Section 30.3(f) of the County Governments Act which empowers the Governor and executive to coordinate the functions of the county departments. The reallocation undermines the principles of accountability, transparency and Sectoral planning as recognized under Section 102 as reared with Section 104 of the Public Finance Management Act. A county Assembly has no mandate to reconfigure or reassign executive functions through budget amendments.
- c. The reallocation of funds from departments to the central finance department was proposed and defended by the county executive. The 135 million 10% administrative costs component was presented by the County Treasury and deliberated upon during a Kamkunji meeting held on Monday 26<sup>th</sup> May 2025 in the plenary with the Governor and his Cabinet in attendance. Subsequently, a detailed memorandum outlining the work plan and corresponding expenditure was prepared and submitted to the Liaison Committee in Kisumu by the County Executive Committee Member for Finance.

The County Assembly approved exactly what was submitted and defended by the executive. Therefore the assembly cannot be held responsible for institutional reorganization effected through budget appropriations. Should the county executive wish to revise its position there are established procedures to follow rather than assigning blame to the assembly.

### **3. Violation of separation of powers doctrine**

The budget-making process is a collaborative function between the executive and the legislature but within well-established roles. The assembly's role is oversight and limited adjustment within legal parameters, not executive planning or budget co-equal originate. The judiciary has consistently pronounced itself on this issue.

In Council of Governors and Six Others vs. Senate and others and another 2015, the High Court, per Isaac Lenaola Jay as he was then held the legislative arm of the government is not to encroach on the constitutional and legal mandate of the executive. The principle of

separation of powers must be respected to avoid institutional overreach and illegality. Further, in Okiya Omtata Okoit vs. Cabinet Secretary, National Treasury and three others 2018, the Court stated, it is not open to Parliament or by extension, the County Assembly to originate or independently alter budget proposals outside the framework laid down in the PFM Act.

To do so is to usurp the constitutional role of the executive. While Parliament and the County Assembly exercise oversight, they cannot originate or substantially alter budgetary priorities in ways that interfere with the policy decisions of the executive. The Assembly's attempt to usurp the executive's functions under the guise of budget review in this case amount to legislative outreach, overreach and gross violation of the executive's constitutionally protected autonomy in budget formulation and assigned functions under Article 183 and 185 of the Constitution of Kenya 2010.

The Assembly is not in the business of rubber-stamping county executives' budgets. Budget making is a process, not a single event marked by the submission of budget estimates to the Assembly. A comprehensive budget cycle governs the entire process of budget formulation and approval.

When reviewing the annual budget, the Assembly considers all preliminary stages of the budget cycle, including previous appropriations, the CECM Finance Budget Circular, the Annual Development Plan (ADP), County Budget Review and Outlook Paper (CBROP), County Fiscal Strategy Paper (CFSP), Policy Statements, Financial Statements, Fact-Finding Reports, Audit Reports, County Allocation of Revenue Act (CARA), and the Controller of Budget Comments, all of which inform the approval of the budget estimates. While case law supports the principle of separation of powers, it does not negate the Assembly's lawful role in refining and rebalancing the budget in accordance with the law and in the public interest. Quoting court rulings out of context disregards the legislative oversight responsibilities assigned to the Assembly under Section 117 to 131 of the Public Finance Management Act.

The County Treasury encompasses 11 directorates with specific mandates, each receiving fund allocations by the Assembly. The head of the County Treasury must ensure that all directorates are actively involved in the budget formulation process. Currently, the Accounting Directorate continues to produce substandard financial statements which do not give the correct financial position of the County.

The M&E Directorates fail to submit reports that inform Assembly decisions. The Audit Department neglects its risk management and governance oversight responsibilities. Procurement processes leads to project implementation delays, excessive variations, and pending bills.

The Revenue Directorate appears defeated. Budget and Planning Directorates rarely consider Assembly's recommendations. Budget preparation must adhere to the programme-based budgeting framework.

Allocating funds without specifying projects and their respective locations effectively shifts the responsibility of budget formulation to the Assembly, congruent to the law and best practices. This practice is especially common in the Roads Department, which is known for consistently disregarding the programme-based budgeting framework. These results in confusion when distinguishing between projects implemented through framework contracts, emergency funds, Constituency Development Fund, CDF, Road Maintenance Levy Fund, RMLF, and ward-based initiatives.

The legal framework governing contract variations is explicit. Any proposed variation must be thoroughly justified to qualify for additional funding.

### **Conflict of Interest**

There is a glaring conflict of interest arising from the composition of the Liaison Committee, which has been sitting in place of the Budget and Appropriations Committee. It has come to light that several members of the Liaison Committee, together with certain members of its Secretariat, share close family relations. This situation raises serious ethical and governance concerns and directly undermines the integrity of the budgeting process. The presence of such creates both a real and perceived lack of impartiality which taints the objectivity, transparency, and credibility of the budget-making process.

Public Finance Management principles demand strict adherence to fairness, accountability, and the avoidance of any actual or perceived conflict of interest. The compromised structure of the Committee not only contravenes these principles but also casts doubt on whether the Budget was prepared and processed in a manner that prioritizes the public interest. As such, the Budget, in its current form, cannot be endorsed or implemented as it fails to meet the basic threshold of constitutional integrity and impartiality.

The Liaison Committee's composition is not influenced by family connections or personal relations. As stipulated in the Standing Orders, the Liaison Committee comprises all Chairpersons from Central and Standing Committees and it is chaired by the Deputy Speaker. Technical support to various County Assembly Committees is provided by the Secretariat based on staff expertise and professional experience.

The County Executive is overstepping its constitutional mandate by expressing satisfaction with certain staff/Honorable members, serving on specific committees. Such conduct may be construed as intimidation and a deliberate attempt to undermine legislative oversight functions. The Memorandum does not specify how the purported conflict of interest arises. This constitutes a clear indication of overreach.

## **Budget Process as an Executive Function**

Let it be clear that the preparation and submission of Budget Estimates is solely the mandate of the Executive under Articles 201 and 202 of the Constitution. Sections 117 to 129 of the PFM Act, Section 30 (2)(k) of the County Governance Act which obligates the Governor to submit the Budget to the County Assembly and Section 132 of the PFM Act which only permits the Assembly to pass or reject the Appropriation Bill and not redraft the Budget.

## **Committee Submission**

Quoting Articles 201 and 202 of the Constitution in relation to the County Executive's mandate for preparation and submission of the annual Budget is misplaced. Article 201 outlines principles of public finance but does not assign the Budget Process as an Executive Function. Article 202, on the other hand addresses the equitable sharing of nationally raised revenue between the National and County Governments and does not pertain to Budget making mandates.

Citing Section 30(2)(k) of the County Governance Act 2012 which is said to obligate the Governor to submit the Budget to the County Assembly is inaccurate. The Assembly notes that this section refers to the Governor's duty to deliver the annual State of the County Address. The law does not mandate the Governor to submit the Budget to the Assembly. Rather it is the responsibility of the County Executive Committee Member for Finance to submit the Budget as made to the County Assembly.

With regard to Section 132 of the Public Finance Management Act which is cited as only permitting the Assembly to pass or reject the Appropriation Bill and not redraft the Budget, the County Assembly clarifies that Section 132 addresses the submission and consideration of the County's revenue-raising measures in the County Assembly, including the Finance Bill. It does not contain the limitations as quoted.

## **Demand for immediate rectification and resubmission.**

In light of the above violations, the County Executive

- (a) Rejects the amended Budget as enabled by the County Assembly.
- (b). Demands that the Budget be returned to the Executive for correction and realignment within legal parameters.
- (c) Warns that any attempt to proceed to appropriation based on the altered Budget will attract legal challenge, including judicial review and reference to the control of Budget and the Auditor General if the Assembly persists with its illegality.

The Committee submits that the approved Budget is lawful, procedurally sound and reflective of the needs of the County residents. The Memorandum does not provide precise guidance on the Governor's specific concerns or the corrective actions being sought in particular unfunded projects which require immediate intervention. The Assembly will not recall or amend the Budget outside the confines of the legal framework. And should the Executive wish to revise the Appropriation Bill, the appropriate course of action is to initiate a formal supplementary

Budget under Section 135 of the Public Finance Management Act, subject to applicable legal thresholds and Assembly review. Threats of judicial action are misplaced and appear to be an attempt to circumvent lawful fiscal accountability.

### **Conclusion**

The last one concludes as follows; The County Assembly has acted within its constitutional mandate guided by the Public Finance Management Act, principles of public participation and adherence to territory timelines.

The approved Budget estimates for the financial year 2025-2026 reflect broad-based consultations, legislative oversight and responsible stewardship of public resources. The Assembly undertook an exclusively consultative Budget approval process involving multiple engagement sessions with the County Executive.

The Memorandum appears to have been inadequately informed about the Budget approval proceedings and seem to have overlooked the real Committee's report.

The Memorandum also conveys a noticeably emotional tone throughout its drafting. Moreover, the Memorandum reveals significant gaps in understanding public finance laws, constitutional interpretation and institutional governance. The Assembly's response thus provides an opportunity to clarify proper legal procedures and highlight existing capacity gaps within the Executive.

### **Recommendation**

This Committee recommends that this House applies itself to Section 24(3)(b) of the County Government's Act 2012 and maintains that the Bungoma County Appropriations Bill 2025 as passed by the House on Wednesday 18<sup>th</sup> June 2025 without any amendment. The effect is that the Governor's reservations in the Memorandum are hereby declined.

The report is duly adopted by the Honorable Members. I now call upon the Hon. Tony Barasa to second the motion.

**Mr. Speaker:** Hon. Tony, proceed.

**Hon. Tony Barasa:** Thank you, Honorable Speaker. First, I want to thank the mover of the motion who is the Chair of the Liaison Committee. I will second the motion based on pages 7, 8 and 10. Allow me first to say that I stand with this approved budget which is lawful, procedurally sound and reflects the views of Bungoma residents that is on page 14 roman number 6 committee submission.

When we went to do this Budget as Liaison Committee members, as I reflect into this Budget, I am seeing the youths, women who did not have any allocation getting allocation

and the people of Bungoma who did not have the future of having business seeing the LPO financing of about 30 million.

I am seeing the promises that the President of this Republic that gave Bungoma County an airport and Kshs 50 million has been set aside for Matulo International airport.

*(Applause)*

I am seeing our sons and daughters of this Bungoma County who have been on contract are being employed on permanent and pensionable terms, also the devolved functions like Education and Vocational Training allocated money to employ more than 450 ECDE and VTC teachers' trainers. Finally, I am seeing equitable sharable allocation going towards CEF of about Kshs. 35,000,000. So I urge this House that we support the motion by rejecting the memorandum that has come to this House.

I want to thank the secretariat of this Liaison Committee; if you go to page 7 of the report, our secretariat is educating the Executive. The Executive quoted regulation 37 (1)(b) but you find that our own secretariat are telling the Executive you have quoted the wrong regulation that does not exist. We have regulation 37 (1)

*(Applause)*

But we do not have regulation 37(1) (b). So, these are the staff that have done their work and guarded the community to give us a perfect report.

From my own analysis and regardless of this House, if you are going to adopt this report, I want to beg that we give this secretariat to go on a trip and for them to also enjoy for the work well done. I support.

*(Applause)*

**Mr. Speaker:** Order Honorable members! Do not worry Hon. Hentry. The committee recommends that this House applies itself to section 24 (3) (b) of the County Government Act of 2012 and maintains the Bungoma County Appropriation Bill 2025 as passed by the House on Wednesday 18<sup>th</sup> of June 2025 without any amendment. The effect is that the Governor's memorandum is hereby declined.

*(Applause)*

I am seeing Honorable members requesting to speak. Unfortunately...

*(Loud Consultation)*

Wait first Honorable members. Unfortunately what we have here is not a motion for debating. It is a Bill that there is no window for debating because you cannot amend it. Based on that Honorable members, I am invoking Standing Order 86(1) Roll Call Voting.

*(Applause)*

86(1) for your information; When the Speaker directs a roll call voting to be taken, the division bell shall be rung for 10 minutes. So, it be rung! That means as we do so, the practice is when you are outside, you come in, when you are in you cannot go out, apart from the whips only, who can run around to bring in your members.

*(Bell rung)*

Hon. Achieng, you can be send out, I did not allow people to start dancing!

*(Loud Consultation)*

Order members! Being a roll call voting, I am required to have two tellers from the Honorable Members, one for Ayes, another one for Nay.

*(Loud Consultation)*

Honorable members, there is no self-appointment in this House. It's the Leadership to provide the names so the Leader of Majority and Minority, you can consult and give me the names of Ayes and Nays if they are there.

*(Loud Consultation)*

Hon. Vitalis, you do consultations, that is not my duty...

*(Loud consultation)*

Honorable members, for guidance purposes, Order members!

*(Loud Consultation)*

Order members!

Those who are saying yes are supporting the report and its recommendations

*(Applause)*

Those who say nay are the ones who agree with the memorandum so that the budget is rejected.

*(Applause)*

*(Loud Consultation)*

Hon. Chikati, make no mistake about it!

Honorable members, it does not mean that if you are the teller for nay you are going to vote nay. No, because at the end of the day, we must have a feedback on how people are voting yes or nay. Are you getting it? So if nobody is voting nay still we will get feedback and it must come from the teller?

**Hon. Tony Barasa:** But Mr. Speaker, for your clarification suppose I signed on nay, will you count me as a nay person or I can even vote yes. I am saying ...

*(Loud Consultation)*

**Mr. Speaker:** Honorable members, tellers will be allowed to vote last. At the end of the day, the tellers must give us feedback. Even if we are all seeing but they must give us individual figures because after voting, they will be doing the tallying and reporting to the Speaker. Are you getting it?

Honorable members!

*(Loud Consultation)*

Hon. Meshack, what is the issue?

**Hon. Meshack Simiyu:** Spika hapa hatu jaelewa vizuri. Mimi nikisimama saa hii niseme yes, nitakuwa niko upande gani, ya kupinga au kuunga? Wajua vitu hivi huwa mara mbili.

**Mr. Speaker:** Honorable members, let me be able to come again. I will take you to the recommendations of this Liaison report. The committee recommends that the House applies itself to section 24 (3) (b) of the County Government Act which I will want to read for you to understand. 24(3)(b), if the Governor refers a bill back to the County Assembly, the County Assembly may follow the appropriate procedure under this section pass the Bill without amendment. Are we together? This recommendation is in tandem with this section. When you are supporting that this House approves this report with its recommendations, you are

saying yes to the earlier budget. When you oppose this report it means you are saying the earlier report of the budget committee is rejected. Is it on order now?

**Hon. Johnston Ipara:** Hon. Speaker, you issued clear instructions here that nobody will walk out except those who are coming from outside but I have seen Hon. Jack Wambulwa who was seated here, let us be told how he got out!

**Mr. Speaker:** Honorable members, lets proceed!

*(Loud Consultation)*

Members can I have the names of the tellers? You know in the absence of the teller, you cannot start voting. Members have some respect; I do not have Hon. Makabichi here. I have Hon. Jeremiah Kuloba and Hon. Jack Kawa as the tellers. There must be two people here and it does not bar him from voting for yes at the end of voting.

The two Honorable members are going to have pens, as they call the name of an Honorable Member, he will confirm if he is voting yes or no. They will be ticking and at the end of that they will be reconciling with the secretariat here then we will know how many people have voted yes because we have attained 42 plus. Call the names as everybody votes!

Members, to cut the story short, when you come up you say I vote Yes or No.

Can we start!

Ayes; Hon. Joseph Nyongesa, Hon. Vitalis Wangila, Hon. Stephen Wamalwa, Hon. Ali Machani, Hon. Everlyne Mutiembu, Hon. Meshack Simiyu, Hon. Violet Makhanu, Hon. Everton Nganga, Hon. George Makari, Hon. Tony Barasa, Hon. Jerusa Aleu, Hon. Frankline Simotwo, Hon. Joan Kirong', Hon. Francis Chemion, Hon. Aggrey Mulongo, Hon. Isaiah Sudi, Hon. Hentry Nyongesa, Hon. Metrine Nangalama, Hon. Charles Nangulu, Hon. Alfred Mukhanya, Hon. Stephen Kaiser, Hon. Caleb Wanjala, Hon. Cornelius Mukhongo, Hon. Edwin Opwora, Hon. Bernard Kikechi, Hon. Wafula Waiti, Hon. Johnston Ipara, Hon. Timothy Chikati, Hon. Martin Chemorion, Hon. Jacob Psero, Hon. George Tendet, Hon. Idd Owongo, Hon. Christine Mukhongo, Hon. Benjamin Otsiula, Hon. Orize Kundu, Hon. Job Mukoyandali, Hon. Catherine Kituyi, Hon. Dorcas Ndasaba, Hon. Linda Kharakha, Hon. Everlyne Anyango, Hon. Maureen Wafula, Hon. Bridgit Katasi, Hon. Florence Juma, Hon. Metrine Wilson, Hon. Alice Kibaba, Hon. Eunice Kirui, Hon. Angeline Rugut, Hon. Sheila Sifuma, Hon. Mildred Barasa, Hon. John Kennedy Wanyama, Hon. Allan Nyongesa, Hon. Kuloba Jeremiah and Hon. Jack Kawa

Nays; 0

**Mr. Speaker:** You can be able to reconcile your voting and we have the final figures. Hon. Jeremiah, do it with the table clerks here.

*(Loud Consultation)*

Hon. Chikati, be orderly!

Order members, these are the verified results by teller 1 and 2 for Ayes Hon. Jack Kawa and Hon. Jeremiah Kuloba on this day 30<sup>th</sup> June, 2025.

### **Summary of the outcome;**

Ayes - 53

Nay - 0

Abstention - 9

Total membership - 62

(*Applause*)

Honorable members, I will now go back to section 24(v) of the Act provides as follows; *If the County Assembly passes the Bill the second time without amendment or with amendment which do not accommodate the Governors concern by the votes supported by two thirds of the members of the County Assembly, the Speaker shall within seven days resubmit the Bill to the Governor and the Governor shall within seven days assent the Bill.*

If the Governor does not assent to a Bill or refer it back within the period referred to under this section, the Bill shall be taken to have been assented to on the expiry of the seven days.

(*Applause*)

The threshold of two thirds of this House is 42 and we have surpassed that number to the tune of 53 Honorable members voting yes. Basing on that, the report has overwhelming support. My remaining duty is to forward the same before the end of this day. I will ask that the secretariat and the concerned officers of this Assembly to avail to me the requisite document for signing and forwarding again. I think we have an hour; it has to be signed by my office and be dispatched. You know today ends at 11.00 p.m. I will have them sent today whether it will be signed whichever day is not our problem but by the end of today from our side, we will have dispatched the document to the Executive for their signature.

Honorable members, I have to take this chance to thank everybody for sparing this time. I say thank you for being available on the short notice of this special sitting of this 2.00 p.m. session.

## **ADJOURNMENT**

That brings to an end our special sitting for today and we adjourn the sitting accordingly and resume tomorrow in our normal sitting of 2:30 p.m. as per our House calendar.

***The House rose at 4:53 p.m.***