

**THIRD COUNTY ASSEMBLY  
(NO. 287)**



**FOURTH SESSION  
Afternoon Sitting (202)**

**COUNTY GOVERNMENT OF BUNGOMA**

**THIRD COUNTY ASSEMBLY - FOURTH SESSION**  
**THE COUNTY ASSEMBLY OF BUNGOMA**

**ORDERS OF THE DAY**

**THURSDAY 10<sup>th</sup> JULY, 2025 AT 2:30 P.M.**

**ORDER OF BUSINESS**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (*As listed in the Appendix*)
6. Notices of Motion (*As listed in the Appendix*)
7. Questions and Statements (*As listed in the Appendix*)
8. **MOTION – REPORT OF THE SECTORAL COMMITTEE ON TRADE, ENERGY AND INDUSTRIALIZATION ON IMPLEMENTATION OF HOUSE RESOLUTIONS IN THE YEAR 2022 AND 2023**
9. **MOTION- PROCEDURAL MOTION ON THE DISBANDMENT AND RECONSTITUTION OF THE BUDGET AND APPROPRIATIONS COMMITTEE AND THE PUBLIC ACCOUNTS COMMITTEE FOR NON-COMPLIANCE WITH STANDING ORDERS.**

*(Hon. Johnston Okasida Ipara, MCA, Tongaren - Kiminini Ward)*

I rise pursuant to *Standing Order No. 64(i)* of this House, to move the following motion:

**AWARE THAT** the Budget and Appropriations Committee is mandated to consider budget estimates, revenue allocation, and financial planning, while the Public Accounts and Investments Committee (PAIC) is tasked with oversight, audit, and scrutiny of public expenditure, including funds appropriated through the same budget process;

**CONCERNED THAT** pursuant to *Standing Orders No. 209 and 210(3)* of this Assembly, the Public Accounts Committee and the Budget and Appropriations Committee are distinct oversight committees established to perform separate and independent functions. However, some Honorable Members currently serve concurrently in both Committees, thereby creating a significant conflict of interest and posing a serious threat to the neutrality, fairness, and credibility expected in the exercise of oversight roles. This dual membership raises reasonable doubt as to the ability of such Members to remain impartial, given that they are effectively involved in scrutinizing or auditing decisions in which they participated, either directly or indirectly. Such an arrangement undermines the principle of separation of functions and erodes the independence and legitimacy of the Assembly's oversight processes.

**FURTHER CONCERNED THAT** another Honorable Member serves both in the County Assembly Service Board (CASB) and the Budget and Appropriations Committee, which are directly involved in managing and appropriating the Assembly's internal operations and finances. This dual role presents a clear conflict of interest, raising serious concerns about impartiality, transparency, and accountability, as the same Member is involved in the planning, execution, and indirect oversight of the Assembly's expenditure. Such overlap compromises effective checks and balances and may hinder the prudent use of public resources.

**NOTING THAT** such instances of dual or triple membership contravene the Leadership and Integrity Act, 2012, particularly Section 16, which require state officers to withdraw from decisions where impartiality may be reasonably questioned;

**FURTHER NOTING THAT** parliamentary and public finance oversight best practices require strict independence between budgetary planning committees and audit/oversight committees to ensure transparency, accountability, and public trust in institutional processes;

**AWARE ALSO THAT** *Standing Order No. 210* of this Assembly establishes the Budget and Appropriations Committee and outlines the requirement that its composition reflects sub-county diversity and includes two members representing special interest groups, including youth, women, minorities, or persons living with disabilities;

**CONCERNED FURTHER THAT** the current composition of the Budget and Appropriations Committee violates the provisions of *Standing Order 210(3)* by lacking representation from Kimilili and Tongaren constituencies while over representing others—specifically, Kanduyi, Kabuchai, Bumula, and Webuye West—which undermines the principles of inclusivity, equity, and fairness;

**ACKNOWLEDGING** the recent judgment by the High Court of Kenya in the case of *Luseneka & Another v County Assembly of Bungoma & Another (Petition E003 of 2025)* [2025] KEHC 8669 (KLR), delivered on 20th June 2025, which:

- a) Affirmed the necessity of strict compliance with Standing Orders in the constitution of Assembly Committees;
- b) Declared appointments made in violation of such rules as null and void ab initio and ultra vires;

**NOW THEREFORE, THIS HOUSE RESOLVES AS FOLLOWS:**

1. THAT, the current composition of the Budget and Appropriations Committee and the Public Accounts Committee be disbanded with immediate effect on the grounds that the neutrality and fairness of their Members is reasonably in doubt, due to overlapping roles, and for failure to comply with the Standing Orders and other applicable legal and ethical requirements;
2. THAT, the Committee on Selection be directed to urgently reconstitute both the Budget and Appropriations Committee and the Public Accounts Committee, ensuring the following:

**For the Budget and Appropriations Committee:**

- (a) Strict compliance with Standing Order 210(3);
- (b) Equitable representation from all sub-counties;
- (c) Inclusion of special interest groups as mandated by law and the Standing Orders;

**For the Public Accounts Committee:**

- (d) Exclusion of any Member from serving concurrently in both the Budget and Appropriations Committee and the Public Accounts Committee, or in either Committee while serving as a Member of the County Assembly Service Board, to safeguard the principles of impartiality, separation of functions, and integrity in oversight.
3. THAT, the County Assembly Procedures and Rules Committee considers reviewing and amend the Standing Orders to codify the principle that:
  - a) No Member shall serve simultaneously in both Budget and Appropriations Committee and Public Accounts Committee;
  - b) No Member shall serve in either committee while concurrently holding office in the County Assembly Service Board.

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**Afternoon Sitting (202)****APPENDIX****ORDER NO 5 - PAPERS**

- I. Report of the House Business Committee on Plenary Review for the period February- June, 2025  
*(Chairperson, House Business Committee)*
- II. Report by the Adhoc Committee on the collection and utilization of Agricultural Cess in Bungoma County since September, 2022 to March, 2025  
*(Chairperson, Adhoc Committee)*

**ORDER NO 6 – NOTICES OF MOTION**

- I. **THAT**, this House adopts the report of the House Business Committee on Plenary Review for the period February- June, 2025  
*(Chairperson, House Business Committee)*
- II. **THAT**, this House adopts the report by the Adhoc Committee on the collection and utilization of Agricultural Cess in Bungoma County since September, 2022 to March, 2025.  
*(Chairperson, Adhoc Committee)*
- III. **THAT**, this House disbands the Budget and Appropriations Committee and the Public Accounts Committee for non-compliance with Standing Orders and urge the Selection Committee to reconstitute the said committees  
*(Hon. Johnston Okasida Ipara, MCA, Tongaren - Kiminini Ward)*

**ORDER NO 7– QUESTIONS AND STATEMENTS**

It is notified that, pursuant to S.O. 47 (2) (c), the following Member will request for a Statement for reply before the House.

**Statement No Statement**

Statement No. **Nominated Member (Hon. John Kennedy Wanyama – MCA)** to request for a Statement from the Chairperson, Sectoral Committee on Labour Relations, Member Services & Facilities in relation to the state of casual workers in the County Government of Bungoma after the court ruling in the dispute between them and the County Government. In the statement, let the chairperson elaborate on the following and provide the following details:

1. Avail details of the affected casuals as per court documents detailing what positions each one of them held and dates of employment.
2. Avail the court ruling that was delivered in their favour, detailing what action the Executive was expected to do
3. Avail the results of the physical verification exercise carried out

by the Executive regarding the affected casuals.

4. What action has the executive taken after the court ruling?
5. If they have been re-instated, how many are they and in what positions have they been employed.
6. Provide the payroll prior to the court judgement and after the judgement for verification.

**Statement No**

Statement No.  
17/2025

**Statement**

**Nominated Member (Hon. John Kennedy Wanyama – MCA)** to request for a Statement from the Chairperson, Sectoral Committee on Lands, Urban, Physical Planning and Housing. This is in relation to the upcoming Administration block that will house offices for the Executive. Let the chairperson inquire into and provide the following details:

1. Why the project is domiciled in the Department of Housing and Lands instead of Public Administration?
2. Provide the plans and bills of quantities for the project.
3. How much has been paid towards the project so far, when was the same paid and provide vouchers to support payments.
4. How much is the balance?
5. At what level is the project in terms of implementation, are the works done commensurate with the payments made so far?
6. What was the commencement date of the project?
7. What was the project completion date?
8. Whether there was allocation of funds for the project as at the stipulated commencement date.

**Statement No**

Statement No.  
18/2025

**Statement**

**Elected Member for Khasoko Ward (Hon. Benjamin Otsiula – MCA)** to request for a Statement from the Chairperson, Sectoral Committee on Health Services. The statement is in respect to the construction of a Maternity Wing at Mungore Health Centre in Khasoko Ward.

Aware that in the financial year 2024/2025 the County Assembly approved a budget of Kshs 4 million for construction of a maternity Wing at Mungore Health Centre. **In the Statement**, let the Chairperson inquire into and report on the following:

1. The procurement process; advertisement, evaluation report, professional opinion and award.
2. The names of directors of the company that won the tender to construct the maternity Wing (CR 6).
3. The BQs of the project.
4. Provide the contract agreement for the project
5. Status of the project and how much has been paid to the contractor.
6. Explain why the project has stalled.
7. Action taken on the contractor for failure to adhere to timelines stipulated in the contract agreement.

8. Measures the department has put in place to ensure the project is completed.
9. Any other information deemed necessary.

<b>Statement No</b>	<b>Statement</b>
Statement No. 19/2025	<p><b>Elected Member for Tongaren - Kiminini Ward (Hon. Johnston Okasida Ipara,– MCA)</b> to request for a Statement from the Chairperson, Sectoral Committee on Finance and Economic Planning. This is in relation to the management of the County emergency funds in Bungoma County.</p> <p><b>In the response</b>, let the CECM state and elaborate on the following:</p> <ol style="list-style-type: none"> <li>1. Do the regulations outline the sources, eligible expenditures, approval procedures and accountability mechanisms?</li> <li>2. What is the total amount allocated to the emergency fund in each of the financial years 2022 – 2023, 2023 – 2024 and 2024 – 2025?</li> <li>3. How much was withdrawn from the fund each financial year and provide statements including relevant tender documents/cash purchase receipts where applicable.</li> <li>4. Let CECM provide a list of specific emergencies/disasters where expenditure was incurred and indicate the benefiting ward.</li> <li>5. Who authorized the expenditures?</li> <li>6. Did the CECM report the said expenditures to the County Assembly within two months as required under the Public Finance Management Act?</li> <li>7. When was the last such report submitted to the County Assembly for approval?</li> <li>8. Has the emergency been audited by the Office of the Auditor General for the period in question? And if yes, let the CECM provide copies of the said reports.</li> <li>9. If adverse findings were made what actions have been taken to remedy the anomalies?</li> <li>10. Is the public aware of the existence and purpose of the emergency fund?</li> <li>11. Have any ward administrators and community leaders been involved in reporting, assessing or responding to emergencies?</li> <li>12. What systems are in place to monitor and evaluate the impact of the emergency fund expenditures</li> <li>13. Since the enactment of the Regulations have they served their purpose, and if not, has the department put up any proposals for review to the County Assembly to enhance controls and reporting timelines?</li> </ol>