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CAB/CS/F/09

COUNTY GOVERNMENT OF BUNGOMA



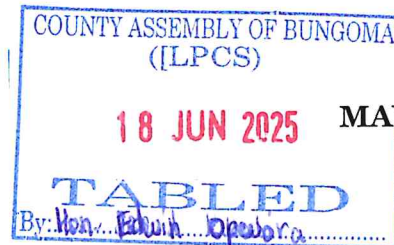
**COUNTY ASSEMBLY OF BUNGOMA
OFFICE OF THE CLERK**

THIRD ASSEMBLY
FOURTH SESSION

TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES COMMITTEE

**REPORT ON THE STATUS OF IMPLEMENTATION OF HOUSE RESOLUTIONS
FOR THE YEAR 2022 AND 2023.**

Clerks Chambers
County Assembly Buildings
P.O BOX 1886 - 50200
BUNGOMA, KENYA



MAY, 2025

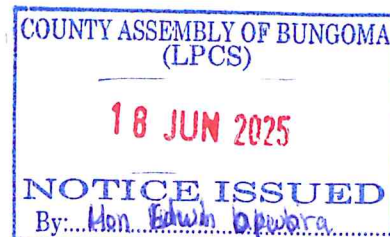


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CHAPTER ONE

1.1 PREFACE

Hon. Speaker,

Pursuant to the provisions of Standing Order No. 205(1), all reports adopted by the House from the Sectoral Committee on Tourism, Environment, Water and Natural Resources were duly transmitted to the County Executive Committee Member (CECM) responsible for the department for implementation.

In accordance with Article 183(3) of the Constitution of Kenya 2010 and Standing Order 205(2) of the County Assembly of Bungoma Standing Orders, the CECM is obligated to report to the Committee on a regular basis and within sixty (60) days on the progress made in the implementation of the adopted reports.

Despite the clear constitutional and procedural obligations, the CECM for Tourism, Environment, Water and Natural Resources has not been submitting any implementation status reports concerning the adopted reports conveyed by the House. This constitutes a breach of Article 183(3) of the Constitution and undermines the oversight mandate of the Committee.

In response to this non-compliance, the Liaison Committee resolved to initiate a follow-up mechanism across all Sectoral Committees. This intervention aims to ensure that implementation of House-adopted committee reports is duly monitored and reported upon. As part of this initiative, all sectoral committees were tasked with tracking and reviewing the implementation status of their respective reports adopted during the years 2022 and 2023.

During the review period, the following reports and legislative proposals were adopted by the House, through the Sectoral Committee on Tourism, Environment, Water and Natural Resources, and were formally conveyed to the CECM for action;

- i. Report on the status of KOICA I and II projects in Bungoma County
- ii. Report on the Bungoma County Government nine months financial statements FY 2022/23 with respect to the Department of Tourism, Environment, Water and Natural Resources

- iii. Report on the status of garbage collection and management in the County
- iv. Report on the Bungoma County Climate Change Action plan 2023-2027 and the Bungoma County Participatory Climate Change Risk Assessment
- v. The Bungoma County Climate Change Fund Act, 2022 (Gazetted)

In line with its oversight mandate, the Committee invited the County Executive Committee Member to appear before the Committee for interrogation. The invitation for interrogation was issued through official correspondence referenced CAB/ADM/6VOL.V (93).

This report presents the findings arising from the Committee's engagement with the department as well as supporting documents submitted during the session. It further outlines the Committee's observations and recommendations for consideration by this House.

1.2 MANDATE OF THE COMMITTEE

Honorable Speaker,

The mandate of the Committee is derived from Part II of the Fourth Schedule of the Constitution of Kenya, 2010 and further as contemplated under Standing Order No. 217 (5) of the County Assembly of Bungoma Standing Orders.

The functions of a Sectoral Committee shall be 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.

1.3 COMMITTEE MEMBERSHIP

Honorable Speaker,

The Committee on Tourism, Environment, Water and Natural Resources as currently constituted comprises the following Members:

- | | |
|----------------------------|-------------------|
| 1. Hon. Edwin Opwora | -Chairperson |
| 2. Hon. Martin Chemorion | -Vice Chairperson |
| 3. Hon. Joseph Juma | -Member |
| 4. Hon. Anthony Lusenaka | -Member |
| 5. Hon. Meshack Simiyu | -Member |
| 6. Hon. Busolo Sudi | -Member |
| 7. Hon. Milliah Masungu | -Member |
| 8. Hon. James Mukhongo | -Member |
| 9. Hon. Orize Kundu | -Member |
| 10. Hon. Vitalis Wangila | -Member |
| 11. Hon. Grace Sundukwa | -Member |
| 12. Hon. Benjamin Otsiula | -Member |
| 13. Hon. Benard Kikechi | -Member |
| 14. Hon. George Kwemoi | -Member |
| 15. Hon. Metrine Nangalama | -Member |


1.4 ACKNOWLEDGEMENT

Hon. Speaker,

The Committee extends its sincere gratitude to the Offices of the Hon. Speaker and the Clerk of the County Assembly of Bungoma for the unwavering support accorded to it in the execution of its mandate.

On behalf of the Sectoral Committee on Tourism, Environment, Water, and Natural Resources, I wish to express heartfelt appreciation to the Members of the Committee for their invaluable contributions and commitment throughout the Committee's deliberations and the preparation of this report.

It is, therefore, my honour and privilege to table this report before this Hon. House for consideration and adoption.

Signed  Date..... 18/06/2025

(Hon. Edwin Opwora, MCA-LUUYA BWAKE)

Chairperson, Committee on Tourism, Environment, Water and Natural Resources

CHAPTER TWO

2.1 Report on the status of KOICA I and II projects in Bungoma County

Hon. Speaker, the Report was adopted by this House on 29th March, 2023 with recommendations therein.

The report was forwarded to the Department of Tourism, Water Environment and Natural Resources (REF:BCA/CC/6 Vol.IV(21)) as per the Bungoma County Assembly standing orders No. 205 and in accordance with Article 183 (3) of the constitution.

2.1.1 Recommendation No. 1

That, the County Executive Committee Member to liaise with his counterpart from Roads and Public Works and fast track the rehabilitation of the road to Terem water treatment plant for ease accessibility.

(a) Response from the department

The works were contracted and done and the road is currently accessible.

(b) Implementation status

The Committee observed that the recommendation had been implemented.

2.1.2 Recommendation No. 2

That, the Department, in collaboration with the National Government, Ministry of Water should ensure that KOICA phase II Project is successfully completed by October 2023 as per the agreement.

(a) Response from the department

The project was completed in November 2023 and is currently being operated by BWASCO.

(b) Implementation status

The committee established that the recommendation was implemented as per the attached handing over report. The Committee however had reservation on the Capacity

of BWASCO to manage the infrastructure and agreed to have a committee agenda for discussion on effectiveness of BWASCO in infrastructure and management operations.

2.1.3 Recommendation No. 3

That, the department should expedite in carrying out sensitization meeting on need to pay for water services in source regions. This will promote peace and harmony with the communities living around the water treatment plant and will eliminate vandalism and illegal connections on transmitting pipes.

(a) Response from the department

Public engagements were carried out where way forward was agreed on. One of the resolution was for the communities at the source to pay an initial amount of Ksh. 2,500 and the balance to be paid in installments within a period of one year.

(c) Implementation status

Implemented.

2.1.4 Recommendation No. 4

That, there is need for the department through the management of NZOWASCO to control the massive backwash of water that has caused mayhem around Terem area by constructing the wash outs at the water treatment plant.

(a) Response from the department

Storm water drains were done that have significantly reduced the effects of the water from the treatment plant.

(b) Implementation status

Implemented.

2.1.5 Recommendation No. 5

That, a clear guideline should be developed by the department to guide renting of Kiosks by locals interested in water provision services to reduce on cases non performing water kiosks.

(a) Response from the department

There is already an existing policy guideline to the Water Service Providers that champions for the issuance of the water kiosks to registered CBO's under Youth, Women or PWD

(b) Committee Observation

The committee observed that most water kiosks are dormant and not operational hence not benefitting the residents.

(c) Implementation status

Implementation of the policy guideline is ongoing. However, the Committee directed that formulation of a Water Bill should be a priority to enhance effectiveness in management and operation of water Kiosks.

2.1.6 Recommendation No. 6

That, some water tanks used under KOICA I should be renovated instead of constructing new tanks in distribution of water to residents in the Ward enlisted in the project.

(a) Response from the department

No new tank has since been constructed in KOICA 1. The department would wish to repair the old tanks for community use in case of budget allocation.

(b) Implementation status

Not Implemented.

2.1.7 Recommendation No. 7

That, the KOICA management majorly undertook construction of the main infrastructural works and the County government should immediately embark on carrying out last mile connectivity by extending water distribution network through both department and CEF funded projects as in the agreement.

(a) Response from the department

The county has subsequently allocated budget for Last Mile connectivity mainly through CEF in wards that are within the project area and has so far done more than 15km of pipeline extensions.

(b) Committee Observation

The committee noted that some extensions were done to areas with no potential customer/consumers. Therefore the Committee tasked the executive to do research before extensions are done in future and evidence for Last mile connectivity should be availed.

(c) Implementation status

Partially Implemented

2.2 Report on the Bungoma County Government nine months financial statements FY 2022/23 with respect to the Department of Tourism, Environment, Water and Natural Resources

Hon. Speaker, the Report was adopted by this House on 20th September, 2023 with its recommendations therein.

2.2.1 Recommendation No. 1

That the County treasury should indicate how much each department received as exchequer for easy comparison in the quarters.

(b) Response from the department

The department submitted that the Treasury is responsible for indicating how much each department receives as exchequer.

(c) Committee Observation

The Committee Observed that the County Treasury did not indicate how much each department received as exchequer and also noted that the department does not make follow-ups to find out how much the department received.

(d) Implementation status

Not Implemented

2.2.2 Recommendation No. 2

That the department should break down the budget execution by programmes and sub programs, into activities for easy scrutiny and oversight.

(a) Response from the department

The department is using activity costing in its expenditure.

(b) Implementation status

Implemented

2.2.3 Recommendation No. 3

That the department should submit the department monthly/annual work plan and budget implementation reports for comparison purposes with the financial report by the committee.

(a) Response from the department

The department shall adhere to the committee recommendation moving forward.

(b) Committee Observation

The committee established that the department still does not submit monthly/annual work plan and budget implementation reports to the County Assembly for comparison purposes with the Financial statements report.

(c) Implementation status

The committee established that the recommendation had not been implemented.

2.2.4 Recommendation No. 4

That the department should ensure compliance of regulation 93(5 and 6) of PFM regulations, 2015 on surrendering of imprest and also enhance imprest management system. A holder of temporary imprest shall account or surrender the imprest within seven working days after returning to duty station

(a) Response from the department

Hence forth the department will adhere to PFM regulation.

(b) Committee observation

The committee noted that the Accounting Officers responsible for enforcement of the resolution are reluctant and should be personally held liable.

(c) Implementation status

Not Implemented

2.2.5 Recommendation No. 5

That the department should give pending bills first charge, when it comes to budgeting.

(a) Response from the department

The department is settling Pending bills in phases i.e 14million in 2023/24, 43million in 2024/25.

(b) Committee Observation

The Committee observed that pending Bills is still an issue in the department due to inadequate budget allocation to pay outstanding pending Bills.

(c) Implementation status

Not Implemented.

2.3 Report on the status of garbage collection and management in the County

Hon. Speaker, the Report was adopted by this House on 25th October, 2023 with recommendations therein.

2.3.1 Recommendation No. 1

That, the County Government of Bungoma should ensure regular fumigation is done at the dumpsite and within the neighborhood to control pests and diseases.

(a) Response from the department

Fumigation is conducted using organic pesticides .There are delays in payment of the contractor which is attributed by delays in exchequer releases and hence affects the garbage collection and fumigation.

(b) Committee Observation

The Committee observed that despite having the fumigation schedule in place, it's not adhered to by the service provider.

(c) Implementation status

Not fully Implemented

2.3.2 Recommendation No. 2

That, the County Government of Bungoma to allocate sufficient Funds for the completion of the construction of the perimeter wall, mount a gate and provide a shed for the workers as well.

(a) Response from the department

The CECM responded that there is insufficient allocation of funds for the completion of the project.

(b) Committee Observation

The committee observed that the Contract sum for the project was Kshs. 31M. The Contractor Wikori Building and Construction Company was paid Kshs. 11M with a balance of Kshs. 19M. It was observed that the Contractor has not completed the works and has not been on site for quite some time.

(c) Implementation status

Arising from the submissions the Committee observed that the resolution had not been implemented.

No. 2.3.3 Recommendation 3

That, the County Government of Bungoma should procure more land around the dumpsite for establishing a buffer zone in the area by planting trees and grass to reduce the effects of air and water pollution.

(a) Response from the department

The purchase of additional land has been captured in the ADP 2024/2025. In this FY 2024/2025 Budget Kshs. 15M had been allocated for the procurement of land. However, the allocation was removed because the Ministry of Land did not have the requisite documentation to procure the Land.

(c) Implementation status

The committee noted that the recommendation had not been implemented.

2.3.4 Recommendation No. 4

That, the County executive Committee Member for Tourism, Environment, Water and Natural resources in Government of Bungoma to provide access to water for the residents living around the dumpsite by drilling a borehole and supplying water to their homes.

(a) Response from the department

Wilkori Building and Construction Company has been engaged to drill and equip a borehole.

(b) Committee Observation

The Committee noted that the Wilkori Building and Construction Company is currently not on site and therefore the project has not commenced.

(c) Implementation status

Not Implemented

2.3.5 Recommendation No. 5

That, the County Executive Committee member for Health and Sanitation to establish and equip a dispensary in Muanda village to counter emergencies and potential outbreaks of diseases.

(a) Response from the department

To be determined at Cabinet level.

(b) Committee Observation

It was noted that there were no Funds allocated to the department of Health during that time to execute the programme.

(c) Implementation status

Arising from the submissions, the committee observed that the resolution had not been implemented.

2.3.6 Recommendation No. 6

That, the County Executive Committee Member for Roads and Infrastructure to improve and regularly maintain the road network leading to and even within the dumpsite.

(a) Response from the department

The road network leading to and within the dumpsite has been developed and maintained.

(b) Committee Observation

The committee noted that the road was done. However, being a murram road it requires regular maintenance.

(c) Implementation status

Implemented

2.3.7 Recommendation No. 7

That, the County Government of Bungoma to develop necessary legislation on the Garbage collection and management of dumpsites in the County.

(a) Response from the department

No funds allocated for policy **development**

(b) Committee Observation

It was observed that the National Environmental Management Act, 2016 is in use by the department however, there is need for the department to domesticate the Act .The Committee noted that garbage management is not well handled by the department.

(c) Implementation status

Not Implemented

No. 2.3.8 Recommendation 8

That, the department should fast-track the construction and operationalization of the weighbridge to promote accountability of the garbage collected from the markets and delivered at the facility.

(a) Response from the department

The weighbridge was constructed at the dumpsite.

(b) Implementation status

Implemented but not operational

No. 2.3.9 Recommendation 9

That, the County Government should consider recycling the recyclable waste especially plastic and glass. Additionally, it should also consider partnering with other stakeholders to help them manage the reusable garbage. Furthermore, the department should procure an incinerator to burn unrecyclable waste.

(a) Response from the department

Construction of the incinerator is ongoing. Partners are being sought for recycling with Kibabii University having already shown interest.

(b) Committee Observation

The Committee observed that the department has not been able to recycle the recyclable waste especially plastic and glass due to lack of Funds for the programme to be undertaken.

(c) Implementation status

Not Implemented

2.3.10 Recommendation No. 10

That, the department should implement on the House resolution during the Second Assembly on decentralization of dumpsites across all the Sub-Counties.

(a) Implementation status

Not Implemented

2.4 Report on the Bungoma County Climate Change Action plan 2023-2027 and the Bungoma County Participatory Climate Change Risk Assessment

(a) Response from the department.

After the approval by the County Assembly, the department has been implementing it.

(b) Implementation status

On-going

(c) Committee recommendation

The department should at regular basis inform the committee on implementation of the Resolutions for the two reports.

2.5 The Bungoma county climate change fund Act, 2022

(a) Response from the department

The act is partially operational.

(b) Committee Observation

The committee noted that the Bungoma County Climate Change Fund ACT, 2022 is not fully operational since there is need to develop regulations to operationalize the ACT.

CHAPTER THREE

3.1. COMMITTEE OBSERVATIONS

Hon. Speaker, The Committee made the following Observations;

1. While the Department has indicated that it has implemented a majority of the resolutions previously adopted by the House, it has consistently failed to submit implementation and progress reports within the stipulated sixty-day timeframe following the adoption of the reports by the House. This delay has hindered the Committee's ability to effectively monitor and assess the status of implementation, thereby impacting oversight and accountability functions.
 2. It was noted that Accounting Officers are not fully complying with the requirements set out in Regulation 93(5) and (6) of the Public Finance Management (PFM) Regulations, 2015, pertaining to the timely surrender of imprest. Specifically, there is a consistent failure to surrender imprest within the prescribed timeframes, which undermines Financial accountability in the department.
 3. The Committee observed that the Department lacks adequate legal and regulatory frameworks to guide the implementation of its programmes. This gap has contributed to inconsistencies in execution, limited accountability, and challenges in ensuring the sustainability and effectiveness of departmental initiatives.
 4. The Committee observed that the contractor, Wilkori Building and Construction Company, had been paid Kshs. 11 million out of the total contract sum of Kshs. 31 million. However, the construction works remain incomplete and the contractor has been largely absent from the project site raising concerns about delays and non-compliance with the set project timelines and deliverables.
 5. The Committee noted that the department is yet to develop the necessary regulations to operationalize the Climate Change Fund Act, 2022. The absence of these regulations has hindered the effective implementation of the Act and the realization of its intended objectives in addressing Climate Change Financing and resilience efforts.
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3.2. COMMITTEE RECOMMENDATIONS

Hon. Speaker,

The Committee made the following recommendations;

1. **THAT**, the County Executive Committee Member for Tourism, Environment ,Water and Natural Resources should henceforth ensure submission of implementation and progress reports supported by adequate documentation on all reports adopted by the House as per the provision of Standing Order no. 205 (2) and in accordance with the constitution of Kenya Article 183(3). Failure to submit implementation reports within the stipulated timelines shall be treated as an act of administrative negligence.
 2. **THAT**, the Accounting Officer for Tourism and Environment and his counterpart of Water and Natural Resources should ensure compliance to regulation 93(5 and 6) of PFM regulations, 2015 on surrender of imprest and submit a progress report within 30 days from the adoption of this report. Failure to which the Accounting Officers shall be held personally liable and surcharged.
 3. **THAT**, the Department should develop and submit to the County Assembly Legislative proposals to guide the implementation of its programmes within sixty days from the adoption of this report. This should Include; a legislation on Garbage collection and management of dumpsites in the County.
 4. **THAT**, the department should immediately issue a default notice to the Contractor Wilkori Building and Construction Company for non-performance. The department should forward the matter to investigative agencies to investigate the Contractor for breach of Contract and process of termination of the Contract to be initiated immediately. A comprehensive status report on the project should be submitted to the County Assembly 30 days from the adoption of this report.
 5. **THAT**, the County Executive Committee Member for Tourism, Environment Water and Natural Resources should within 60 days from the adoption of this
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report prepare and submit to the County Assembly the Bungoma County Climate Change Fund Regulations for consideration.

6. **THAT**, the department should implement all the committee recommendations illustrated herein within the timelines stipulated and submit to the County Assembly implementation reports failure to which, the Committee shall issue summons in accordance with article 195(1) of the constitution of Kenya 2010.

ADOPTION SCHEDULE

We the undersigned Members affix our signatures adopting this report with the contents therein

	MEMBERS NAME	DESIGNATION	SIGN
1	Hon. Edwin Opwora	Chairperson	
2	Hon. Martin Chemorion	V. Chair	
3	Hon. Joseph Juma	Member	
4	Hon. Meshack Simiyu	Member	
5	Hon. Busolo Sudi	Member	
6	Hon. Anthony Lusenaka	Member	
7	Hon. Miliyah Masungu	Member	
8	Hon. James Mukhongo	Member	
9	Hon. Vitalis Wangila	Member	
10	Hon. Orize Kundu	Member	
11	Hon. Grace Sundukwa	Member	
12	Hon. George Kwemoi	Member	
13	Hon. Benard Kikechi	Member	
14	Hon. Benjamin Otsiula	Member	
15	Hon. Metrine Nangalama	Member	