

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY, 9TH JULY, 2025

Afternoon Sitting

3rd County Assembly

4th Session

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COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

WEDNESDAY, 9TH JULY, 2025

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

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

PRAYER

PAPERS

REPORT OF THE COMMITTEE ON DELEGATED COUNTY LEGISLATION ON THE POST-LEGISLATIVE SCRUTINY OF THE BUNGOMA COUNTY PARKING MANAGEMENT ACT, 2017

Mr. Speaker: Yes, Hon. Ndasaba, proceed.

Hon. Dorcas Ndasaba: Thank you, Hon. Speaker. I stand to table a report of the Committee on Delegated County Legislation on the Post-Legislative Scrutiny of the Bungoma County Parking Management Act, 2027.

(Paper laid by Hon. Dorcas Ndasaba)

Mr. Speaker: Honourable Members, the report by the Delegated County Legislation Committee on the Post-Legislative Scrutiny of the Bungoma County Parking Management Act, 2017, is hereby tabled by the Committee and formally becomes the property of the House accordingly.

NOTICE OF MOTION

THAT THIS HOUSE ADOPTS THE REPORT OF THE COMMITTEE ON DELEGATED COUNTY LEGISLATION ON THE POST-LEGISLATIVE SCRUTINY OF THE BUNGOMA COUNTY PARKING MANAGEMENT ACT, 2017

Mr. Speaker: Proceed and issue a notice.

Hon. Dorcas Ndasaba: Thank you, Mr. Speaker. I stand to issue a notice of motion that this House adopts the report of the Committee on Delegated County Legislation on the Post-Legislative Scrutiny of Bungoma County Parking Management Act, 2027.

Mr. Speaker: It is 2017, so I am wondering which one you are talking about, please do it again

Hon. Dorcas Ndasaba: Thank you, Mr. Speaker. I stand to issue a notice of motion that this House adopts the report of the Committee on Delegated County Legislation on the Post-Legislative Scrutiny of the Bungoma County Parking Management Act, 2017.

(Applause)

Mr. Speaker: Thank you, Hon. Ndasaba. Honourable members, a notice of motion has been issued by the Committee on Delegated County Legislation on the Post-Legislative Scrutiny of the Bungoma County Parking Management Act, 2017.

I do ask the clerks at the table to have the same shared with the Honourable Members, it will be coming up as a motion in the course of this week or once the same is scheduled in the Order Paper by the HBC accordingly.

QUESTIONS AND STATEMENTS

RESPONSE IN RELATION TO THE STATUS OF VARIOUS ROADS WITHIN TOWNSHIP WARD

Mr. Speaker: Yes, Chair Roads, you are ready?

Hon. Franklyn Simotwo: Thank you, Mr. Speaker. Allow me to read a report on the Committee on Roads, Transport, Infrastructure and Public Works on the response of the statement raised by Hon. Jeremiah Kuloba in relation to various roads within the Township Ward.

The County Assembly of Bungoma, Standing Order No. 54, provides that the Chairperson of Committee shall submit a Progress Report. This is a Progress Report in the House on Questions refer to the committee, to which the Committee has directed the County Executive Committee member to provide additional information on further reply pending before the Committee.

On Wednesday, 25th June 2025 at 2:30p.m, Hon. Jeremiah Kuloba requested through a statement to the Chairperson Committee on Roads, Transport, Infrastructure and Public Works for the response in relation to the statement to the state of the following roads within Township Ward.

1. Mafutu-Wamunyinyi -Cooperative Bank Road.
2. Wamunyinyi Building- Mpeli Primary School Road.
3. Masinde MuLiro -Stadium- Red Cross Road.
4. Posta Ground- Mandizini Road.

In the response, the Chairperson was supposed to elaborate on the following;

1. Whether the Department was aware of the bad state of the state roads especially during rainy seasons.
2. If there were any plans to rehabilitate the said roads.
3. If there were any contractors assigned to the maintenance of the said roads and if yes, the Chairperson to inquire into.
 - a) The contractual amount for the said works.
 - b) The amount paid for so far to the contractor.
 - c) The outstanding balance.
4. Measures that the Department has put in place to solve the train network problem in Bungoma Town.

Honorable Speaker directed under Standing Order No. 52 that the Committee on the Roads, Transport and Public Works liaises with the respective County Department and provides a response to the Honourable Member during the plenary session for Wednesday, 9th June, 2025 at 2:30 p.m. The Committee, during its sitting held on 26th June 2025, deliberated on the statement under consideration.

Upon review, the Committee observed that the issue of the storm water drain rose under 4 falls within the buffers of the Bungoma Municipality under the Department of Lands, Urban Development, Physical Planning and Municipalities. Consequently, in complying with Standing Order No. 52(B), the Committee resolved to seek for formal responses from the County Executive Member, CECM for Roads, Transport and Infrastructure and Public Works, and CECM for Lands, Urban Development, Physical Planning and Municipalities through the Office of the Clerk via letters referred as stated respectively.

A response by the Roads Department was submitted and contemplated under Standing Order No. 53, referred to CGBGM-LPWCA Volume 1,202-02002. The Committee considered the response in the presence of the owner of the statement where he expressed dissatisfaction. This prompted

the Committee to resolve to invite two CECM to appear before it and to provide further clarification of the issues and outstanding gaps.

A consultative meeting was held on Monday 7th July, 2025 at 10:00 a.m. and responses provided as follows;

Response from the Roads Department

1. Whether the Department was aware of the bad state of the said roads, especially during rainy season. The Department of Roads, Transport and Infrastructure and Public Works acknowledged that it was fully aware of the state of the aforementioned roads within Township Ward. Bungoma Municipality recognised that these roads experience significant challenges particularly during rainy seasons which adversely affect their condition and the usability by the public.
2. If there were any plans to rehabilitate the said roads. The Department clarified that there was no budgetary allocation in the financial year 2024-2025 for Ward Based Projects especially designated for Township Ward under the Department of Roads.

For the said projects, but with limited resources available, the Department had been able to carry out maintenance of the following roads in Township;

1. Pothole patching of the Masinde Muliro to Red Cross road awaiting bitumen
2. Grading of Shell to Pombo Tano road awaiting gravelling
3. Grading of Jadelica road awaiting gravelling

3. If there were any contractors assigned to the maintenance of said roads. Given the absence of the budgetary allocation of the Township road projects financial year 2024-2025, no contractors have been assigned to undertake maintenance or rehabilitation works on specified roads. Therefore;
 - a) No contractual sum has been established for these works.
 - b) No payment has been made to contractors for those specific roads.
 - c) No outstanding payment exists in relation to these roads.
4. Measures the Department has put in place to solve the drainage problem, Bungoma Town. The Bungoma Municipality Manager admitted the mentioned roads have not received any attention in the previous and current financial year because of the following reasons;
 1. The functions of the contracting and maintaining such infrastructural assets have not been fully transferred to the Municipality of Bungoma.
 2. Roads construction is a function of the Department of Roads and some of the roads and storm water drainage systems were done by KURA, KeRRA or the Department of Roads and Public Works.

3. The maintenance of the waste and storm water drainage system is still domiciled under the Department of Tourism and Environment.
4. The Municipality requests that the functions be fully transferred to enable them to handle the drainage issues fully.

From the deliberation the committee made the following observations

1. That the committee noted that the Department had initiated through Framework Contracts the grading and graveling of Shell to Pombo Tano Road and Jadelica Road. Grading works are complete.
2. Patching of potholes has been done on the Masinde Muliro-Red Cross using gravel.
3. That the Department awaits goodwill from the contractor working on the Senator Wetangula Road to supply bitumen so that patch works can be completed since the Department lacks budget for bitumen.
4. That as per the Municipality Charter, construction and maintenance of Municipal structures such as storm water drainage systems falls within the mandate of the Municipality. However, the functions have not been fully devolved and remain under the Department of Environment, therefore hindering effective implementation by the Municipality.
5. That besides the Exchequer, Municipalities rely on Urban Development Grants (UDG) and the community empowerment funds allocated for execution of their mandate, especially development projects. That the Municipality anticipates activation of CUSIP II grants to support such programs.
6. That the roads cited in the Statement raised by the Honorable Member representing Township Ward i.e. Old Mafutu, Wamunyinyi- Cooperative Bank Road, Wamunyinyi Building- Mupeli Primary School Road and Masinde Muliro Stadium- Red Cross Road fall under the jurisdiction of Kenya Urban Roads Authority (KURA) While the Posta Ground-Mandizini Road is under Kenya Rural Roads Authority (KeRRA), the county therefore cannot undertake works on these roads without seeking approval from the two entities.
7. The Committee further that there was no budgetary allocation for the Ward Based Projects for Township Ward in the financial year 2024-2025 for the maintenance and rehabilitation of roads by the Department of Roads.

The Member who sought the Statement expressed satisfaction with the responses provided. The committee concludes that there is need for clear delineation of roles among the Department in charge of Roads, Water, Environment and Municipality to prevent overlap of functions and conflict during the execution of their respective mandates.

The committee further encourages inter-departmental consultation prior to the implementation of the programs to ensure coherence and efficiency in service delivery. Thank you that is our progress report which I think the Honourable Member was satisfied.

Mr. Speaker: Hon. Simotwo, you have said progress report, what of the main report?

Hon. Franklyn Simotwo: I think it is the report...

Mr. Speaker: No thinking here. Tell us is it a report or a progress report?

Hon. Franklyn Simotwo: This is a main report Mr. Speaker.

Mr. Speaker: So when you are telling us progress report then...

Hon. Franklyn Simotwo: Thank you for that clarification Speaker, it is the main report.

Mr. Speaker: Hon. Jeremiah?

Hon. Jeremiah Kuloba: Thank you, Mr. Speaker. We happen to have gotten to a consensus with the relevant departments though the Chairman of the said Committee is not putting it clear. The roads that were done without my knowledge, and going forward they should consult us to know which ones are bad roads...

Mr. Speaker: Hon. Jeremiah, a very simple question, are you satisfied or not.

Hon. Jeremiah Kuloba: We are satisfied but the report is not conclusive

(Loud consultations)

Mr. Speaker: No, if you are satisfied it ends there.

Hon. Jeremiah Kuloba: Thank you, Mr. Speaker

Mr. Speaker: You cannot be satisfied and say but again. It ends that way.

(Applause)

Next item,

MOTION

REPORT BY THE SECTORAL COMMITTEE ON TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES ON THE STATUS OF IMPLEMENTATION OF HOUSE RESOLUTIONS FOR THE YEAR 2022 AND 2023

Mr. Speaker: The Committee on Tourism to start. Let's proceed.

(*Loud Consultations*)

Hon. Metrine Nangalama: Thank you, Mr. Speaker. I stand to move the motion on Tourism, Environment, Water and Natural Resources. Report on the status of implementation of the House Resolution for the year 2022 and 2023.

Mr. Speaker, before I start, let me just confirm the membership first, if they are all present. Kindly, can you stand up?

(*Loud Consultations*)

Mr. Speaker: Let me confirm. Hon. Martin Chemorion, Joseph Juma? He is not in. Hon. Meshack, Sudi, Luseneka, you are in this report Luseneka. Millie Masungo, Vitalis, Orize, Kwemoi, Kikechi, Otsiula the quorum is overflowing, you proceed.

Hon. Metrine Nangalama: Thank you, Mr. Speaker and the members you have not let me down.

PREFACE

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.

MANDATE OF THE COMMITTEE

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 21 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.

COMMITTEE MEMBERSHIP

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 Luseneka	-Member
5. Hon. Meshack Simiyu	-Member
6. Hon. Busolo Sudi	-Member
7. Hon. Milliah Masungo	-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. Bernard Kikechi	-Member

14. Hon. George Kwemoi	-Member
15. Hon. Metrine Nangalama	-Member

ACKNOWLEDGEMENT

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 honor and privilege to table this report before this Hon. House for consideration and adoption.

Report signed by Hon. Edwin Opwora Chairperson Tourism, Environment, Water and Natural Resources Committee.

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

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.

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.

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.

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

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 Teremi 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

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.

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 uses in case of budget allocation.

(b) Implementation status

Not Implemented

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

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

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

Recommendation No. 1

That the County treasury should report on how much each department receives 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

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

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.

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

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.

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

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

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

Recommendation No. 2

That, the County Government of Bungoma to allocate sufficient Funds for the completion of the construction of the perimeter wall, mounts a gate and provides 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 Wilkori 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.

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.

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

Recommendation No. 5

That the County Executive Committee member for Health and Sanitation to establish and equip a dispensary in Muanda village to address 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.

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

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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

Recommendation No. 7

That, the County Government of Bungoma should enact the necessary legislations 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

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

Recommendation 9

That, the County Government should partner with consider recycling 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

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

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.

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.

COMMITTEE OBSERVATIONS

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.

COMMITTEE RECOMMENDATIONS

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 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.

Next is the adoption schedule, all members have signed and annexures are attached.

Mr. Speaker: Kindly, invite your seconder to proceed!

Hon. Metrine Nangalama: I would like to call Hon. Tendet to second the report.

(Applause)

Hon. George Tendet: Thank you, Mr. Speaker Sir.

Mr. Speaker: The consultations are very high. I am wondering what is not happening.

Hon. George Tendet: First of all, I would like to laud the mover of the motion for being eloquent and very clear. I rise to second the motion as read by the mover and I urge the House that they have heard.

(Applause)

I urge the House to adopt this report.

(Applause)

(Loud Consultation)

Mr. Speaker: Honorable members, allow me be able to propose a motion for debate.

(Question proposed)

Hon. Job Mukoyandali: Thank you, Hon. Speaker. First of all, I support the report moved by Hon. Metrine Nangalama. The report that has been moved reads; Report on The Status of Implementation of House Resolutions for the FY 2022/2023. That is the title of this report. I have been following the report so well, the outline of the whole report has been so good but my attention has been drawn to the last bit of it where we are talking about the committee recommendations.

I would like to read recommendation one; That the County Executive Committee Member of Tourism, Environment, Water and Natural Resources should hence forth ensure submission of implementation and progress report supported by adequate documentation on all reports adopted by the House as per the provisions of Standing Order 205(2) and in accordance with the Constitution of Kenya article 183(3), failure to submit implementation reports within stipulated timelines shall be treated as an act of administrative negligence.

We are looking at a report that was already passed in this House then we are looking at the resolutions and from where I sit, the CECM ought to have already acted on this report and our Standing Orders are very clear on failure by CECM to act upon some recommendation of this House. My only worry is the precedence we are trying to set in this House that we are giving another recommendation and yet one was passed two years ago.

We are supposed to impose some tough measures because the recommendation was passed long ago and the CECM was already supposed to have acted upon. After this now that another recommendation has been given, who is now going to pick up to follow on this new recommendation that has been given again by this House.

Let us not give any more time to that particular officer. Remember this is a report looking at 2022/2023 which means by the time the report was moved, timelines were imposed giving either within 60 days or 90 days, so somebody failed. Why are we giving more time? That is just my submission.

(Applause)

Mr. Speaker: We will have Hon. Makari. Hon. Metrine, you have to know that they had already been given 60 days earlier, so if they fail again 60 days for the next report? Proceed!

Hon. George Makari: Thank you, Hon. Speaker. I laud Hon. Metrine plus the seconder Hon. Tendet who have done a very nice job. I want to support the report but I wanted us to take notice of what Hon. Mukoyandali has said. The thinking behind summoning the CECMs to come and face the sectoral committees was a very noble idea but where we are if you check very well as Hon. Mukoyandali has explained, we are going back to recommend a recommendation on a recommendation.

If we can summon the departments the way we did, we get their views that they did not comply with the recommendations, the next stage let them appear here and explain themselves so that we move away from recommending. We are just doing recommendations on recommendations but at the end of the day, we will have again another session to sit here and you will find that whatever we recommended they did not do.

As much as we will call them again to see how they complied but have failed to comply, what next now? Let them come here we face them on the floor of the House and let them explain why they did not comply with our recommendations. As I think the Majority and Minority Leader are here because we need a way forward. We have recommended that they did not implement anything in 2022/2023 and 2024/2025 what next now? Are we going to add recommendations to recommendations? Let them come and sit here, we deal with them once and for all and if anyone is not complying, let's remove them from office, we have that mandate, impeachment can work. As I support, let's look at that in that direction.

Mr. Speaker: Hon. Nganga!

Hon. Everton Nganga: Thank you, Hon. Speaker. First, I would like to laud Hon. Metrine Nangalama for moving the motion eloquently. The idea of the Liaison committee coming up with the resolution that sectoral committees are supposed to look at the implementation status of

the House resolutions was a nice idea and from the word implementation, we have a committee in our Standing Order in this County Assembly known as Implementation with its mandate well highlighted.

When you look at the recommendations that have been suggested in the current reports from the Sectoral Committees, they are not up to the standards as per the mandate of the Implementation Committee. How I wish that when those Sectoral Committees were looking in the implementation status, they also look at the mandates of the implementation. They just read then know what they should come up with. When you go through all these reports, you discover that some of them are not implemented, partially implemented, and that's the implementation status. When those reports were being passed in this House, they were having timelines and this one defeats logic! We are repeating what had already been passed in this House. No wonder the Executive is saying we are having poor oversight. We are not doing anything! Again here in our reports we are giving time.

When you look at the Standing Order, one of the mandates of the Implementation Committee is to surcharge, summon, and when the Sectoral Committees were looking at them, they were not having those ideas or those mandates when they were doing their work because they were just basing on their mandates as per Standing Orders. I am not opposing the report because the report that has been given here is just in line with that Sectoral Committee but it's not in line with mandates of the Implementation Committee.

The report is okay but we are repeating what had already been done just the way Hon. Mukoyandali has said, the way Hon. George has mentioned. Let us change the way we over sight the Executive. Let us not repeat the work that was already done. If a committee like implementation has its powers, let us support them as required. Otherwise the report is okay, I support it, but the resolution that was made by the Liaison Committee to arrive at what we are doing to me was wrong.

Mr. Speaker: Yes Hon. Metrine, give a reply. But I think going forward on this report we must find a way because we will end up having reports from every Sector Committee and I think it brings up the issue of copy pasting from the Sector Secretariats. Metrine you have a chance to reply to the motion.

Hon. Metrine Nangalama: Thank you, Mr. Speaker once again for giving me this chance to reply to the questions raised by Honourable Members. First, let me appreciate all Honourable Members who have been patient with this motion. It has not been easy, somebody may think it has been a short report. Thank you very much for your patience, for listening and raising questions.

On issue raised by Hon. Job Mukoyandali; the committees will sermon the CECM to provide information as captured in recommendation number 6; that says that, the department should implement all committee recommendations illustrated here within the timelines stipulated and submit to the County Assembly implementation report, failure to which the committee shall issue sermons in accordance with Article 195(1) of the Constitution of Kenya 2010.

On Hon. Nganga, it was just additional to what Hon. Mukoyandali said; I will refer him to Article 195(1) of the Constitution that a County Assembly or any committee has powers to sermon any person to appear before it for the purpose of giving evidence. So following this we have got powers to sermon the CECM to provide information as captured in our recommendations. So thank you Members for listening to me and I urge this House to pass the report.

(*Applause*)

Mr. Speaker: Hon. Metrine, before you resume your sit, they are asking the sector committee made a recommendation, two years have elapsed it was given 60 days to comply, it never complied. Now you as a committee again you have gone back and made a similar recommendation of again 60 days, now suppose they fail what's going to happen?

Hon. Metrine Nangalama: Final sermon.

(*Laughter*)

I don't know if it is a sanction or final sermon, you are a lawyer Hon. Speaker.

Mr. Speaker: Now when you say final sermon, when was the first sermon?

(*Laughter*)

Hon. Metrine Nangalama: This will be the last one; we will not entertain them. That is what I mean.

(*Applause*)

Mr. Speaker: Thank you, Hon. Nangalama. Resume you sit.

Hon. Metrine Nangalama: Thank you, I urge the House to pass this report.

(*Applause*)

Mr. Speaker: But Members before I proceed to put a question to this report, I hope you are seeing the chairs and the members of each sectoral committee. We do have a challenge. So that it does not become musical or drama; imagine if there was a committee to surcharge somebody

two years ago? I love the committee of Education that was here in the last Assembly; they fined the CEC of Education not to appear here until she complies. So let them be fined and I think going forward we have to look at these things. They must appear here so that... yes.

(Applause)

People who are saying that the House is doing the work of the sectoral committee; if they aren't behaving, they will see these things themselves. So we will look at these issues at the leadership level and agree on the best way forward.

Honourable members allow me to be able to proceed and put a question to the motion as moved;

(Question put to and agreed to)

The ayes have it!

(Applause)

**REPORT BY THE SECTORAL COMMITTEE ON ROADS, INFRASTRUCTURE AND PUBLIC WORKS ON
THE IMPLEMENTATION OF HOUSE RESOLUTIONS FOR THE YEARS 2022 AND 2023**

Hon. Hentry Nyongesa (Member, Roads Committee): Thank you, Honourable Speaker. On behalf of the Chairperson of Roads...

Mr. Speaker: I hope as you continue, you have confirmed that your quorum is overflowing.

(Applause)

Can they be upstanding for confirmation...including Hon. Ali Machani...

(Loud consultations)

Hon. Charles Nangulu, Mukoyandali, Godfrey, Nganga, Ipara, Hentry, Meshack, Jerusa Alehu, Mutiembu, Simotwo...those are more than enough members. Please, let us proceed.

Hon. Hentry Nyongesa: Thank you, Hon. Speaker. On behalf of the Chairperson committee on Roads, Transport, Infrastructure and Public Works, I beg to move this motion for this House to note.

This is a report on the status of implementation of the House resolutions in 2022 and 2023.

PREFACE

Standing Order 205(2) provides that, within sixty days of a resolution of the House or adoption of a report of a committee, the relevant County Executive Committee Member under whose

portfolio the implementation of the resolution falls shall provide a report to the relevant Committee of the House in accordance with Article 183(3) of the Constitution...

(Loud consultations)

Mr. Speaker: Honourable members, I beseech you to consult in low tones.

Hon. Henry Nyongesa: However, the CECM for Roads, Transport, Infrastructure, and Public Works has not provided a report on the status of implementation of the committee reports adopted by the House. Consequently, the Liaison Committee scheduled this activity for all sector committees to follow up on and report on the implementation status of the respective reports considered by the House in 2022 and 2023.

During the period under review, the following reports and legislative items originating from the Sectoral Committee on Roads, Transport, Infrastructure, and Public Works were adopted by the House and subsequently, the resolutions conveyed to the CECM.:

1. Report on the status of construction of the Kanduyi – Sang’alo Junction (C33) Road to Dual Carriageway Contract No. BGM/CNTY/OT/184/2018-2019
2. Report on the Bungoma County Government nine months’ financial statements for the period ending 31st March, 2023; with respect to the Department of Roads.
3. Report on the status of implementation of Ward Based Projects FY 2021/2022 as at October, 2023
4. The Bungoma County Transport Act, 2015
5. Bungoma County Property Hire and Lease Act, 2017
6. The Bungoma County Parking Management Act, 2017

The respective County Executive Committee Members were invited for the consultation sessions with their Sectoral Committees via a letter referenced CAB/ADM/6VOL.V (93). The Committee on Roads, Transport, Infrastructure and Public Works conducted its interrogation on 13th May, 2025 at 11:00 a.m. within the County Assembly Precincts.

This report contains the findings of the Committee from the interrogations and supporting documents submitted; its observations and recommendations.

Mandate of the Committee

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.

Committee Membership

The Committee on Roads, Transport, Infrastructure and Public Works as currently constituted comprises the following Members:

1. Hon. Franklin Simotwo	Chairperson
2. Hon. Polycarp Kimeta	Vice Chairperson
3. Hon. Stephen Kaiser	Member
4. Hon. Jerusa Aleu	Member
5. Hon. Meshack Simiyu	Member
6. Hon. Hentry Nyongesa	Member
7. Hon. Johnston Ipara	Member
8. Hon. Everton Nganga	Member
9. Hon. Godfrey Mukhwana	Member
10. Hon. Job Mukoyandali	Member
11. Hon. Ali Machani	Member
12. Hon. Charles Nangulu	Member
13. Hon. Everlyne Mutiembu	Member
14. Hon. Idd Owongo	Member
15. Hon. Violet Makhanu	Member

Acknowledgement

On behalf of the Honorable Members of the Sectoral Committee on Roads, Transport, Infrastructure and Public Works, I wish to convey my gratitude to all Members of the Committee for their invaluable input throughout the proceedings, up to the conclusion of this report.

The Committee is equally grateful to the County Executive Department for availing the requested information on the status of implementation of House Resolutions in good time, appearing in person to clarify on issues that were outstanding; contents which have been relied upon in the production of this report.

The Committee further appreciates the offices of the Honorable Speaker and Clerk of the County Assembly for the support received as it prepared this report.

It is therefore my privilege to table this report for consideration and adoption by this Honourable House.

The report is signed by Hon. Frankline Simotwo Chairperson, Roads, Transport, Infrastructure and Public Works Committee.

ADOPTED REPORTS IN THE YEARS 2022 AND 2023

1. Report on the Status of Construction of the Kanduyi – Sang’alo Junction (C33) Road to Dual Carriageway Contract No. BGM/CNTY/OT/184/2018-2019

Honorable Speaker, the Report was adopted by this House on 19th April, 2023 with recommendations therein.

The report was forwarded to the Department of Roads, Transport, Infrastructure and Public Works as per the Bungoma County Assembly Standing Order No. 205 and in accordance with Article 183 (3) of the Constitution.

During the consultative meeting, the status of implementation of the recommendations in that report that formed the resolutions upon adoption by this Honorable House was submitted by the Department as below.

Resolution No. 1

THAT, the Department should ensure that the contractor completes the dual carriageway project and fully hands it over to the County Government within the stipulated contract time lines.

Response from the Department

The Dual Carriageway Project was completed as per the Contract Agreement and Scope of Works and handed over to the County Government of Bungoma on August 6th, 2024. The County Government is yet to clear outstanding financial obligations owed to the contractor. (Annexure 1; Project status report)

Committee’s Observation

The project has been handed over to the County Government of Bungoma

The project is intended to be handed over to the Kenya National Highways Authority (KeNHA). However; the condition of completion and full settlement of all outstanding payments to the contractor by the County Government has not been met.

The contract sum for this project is Kshs1, 382,699,139.29 revised upwards to Kshs1, 725,699,139.29. The completion certificate however indicates a project sum of Kshs1, 724,219,375.60. To date, a sum of Kshs1, 334,990.10 has been paid to the contractor. Submissions by the Department put the pending bill together with the claims on this project at Kshs465M. This includes the pending payment/ balance due of Kshs330, 816,891.64 and an outstanding claim of Kshs108M. There are however notable inconsistencies in the overall contract sum for the Kanduyi – Sang’alo Junction (C33) Road to Dual Carriageway project in the numerous submissions/ reports from the Department to the sector Committee.

Status of Implementation

Resolution partially implemented

Committee's Recommendation

That, the County Government should hand over the road project to the National Government in its current state

That, the County Government should allocate sufficient funds to the Project to enable settlement of outstanding balances and expedite project handover to the KeNHA

That, for ease of budgeting and prioritization of project funds allocation, there should be reconciliation of figures on the project's contract sum to reflect the actual totals.

Resolution No. 2

THAT, the Department should ensure that all outstanding payments to the contractor are fully settled to avoid accrual of interest on delayed payments and instances of litigation for defaulted payment by the contractor.

Response from the Department

The completion certificate indicates that out of the overall Contract Sum of Ksh. 1,725,699,139.29, the County Government owes the Contractor Kshs. 354,217,247.77. The outstanding amount is duly captured in the list of pending bills for prioritization in resource allocation.

Committee's Observation

The 2025 CFSP proposed an allocation of Kshs113M towards settlement of pending bills on this project.

The Annual Budget for FY 2024/2025 allocated Kshs105M to settle part of the pending bills for the project. From this amount, only Kshs30M had been paid to the contractor by the time of compilation of this report. The Department following a Treasury advisory structured the payments certificates into amounts of Kshs30M and below to facilitate the settlement of the pending payments. However, only Kshs30M was released while Kshs 75M from this year's allocation remains outstanding on the payment certificate.

This situation raises concern regarding the County's ability to settle pending bills, particularly where budgetary allocations have been made but corresponding payments are not forthcoming.

Further, stagnated payments of payment certificates contravene the conditions of contract; resulting into continued depletion of county resources towards settlement of arising claims.

Status of Implementation

Partially implemented

Committee's Recommendation

That, the balance of Kshs75M from the allocated amount of Kshs105M under the current FY 2024/25 should be released towards settlement of the pending bill on the road project

That, the Department should prioritize allocation of funds for payment of pending bills on the project to forestall incidents of accruing claims

Resolution No. 3

THAT, the relevant County Department of Trade, Energy and Industrialization should move with speed to settle the traders who have encroached sections of the Dual Carriageway to allow easy flow of traffic and reduce the number of accidents due to encroachment.

Submission from the Department

In collaboration with the Departments of Trade and Lands, a number of traders were successfully relocated to the newly constructed Chekube Market. However, efforts to facilitate the relocation of the remaining traders have not borne fruit, largely due to political interference. The Departments have enlisted services of enforcement officers from the Department of Public Service Management and Administration to ensure full adherence to the directive against encroachment on road reserves.

Committee's Observation

The push back from political leaders which the Department cited to have interfered with joint efforts between the two departments in settling traders that have encroached on the road reserves was not substantiated.

Status of Implementation

Not implemented

Committee's Recommendation

The Committee recommends that the inciting politicians, if any, should be brought to book and be held accountable for the actions. This will enable full implementation of this resolution. Further the County Government should identify alternative locations conducive for business operations and relocate the overflowing traders.

Resolution No. 4

THAT, the Department should allocate more funds in the subsequent financial years towards the project to cover for the challenges arising from global inflation so as to fast-track the project completion and to enable a smooth handing over to KeNHA

Response from the Department

The Department allocated Kshs105, 000,000 in the FY 2024/2025 for the project where Kshs104, 999,999 was processed and Kshs30, 000,000 paid. The pending amount will be prioritized in the FY 2025/2026 as part of eligible pending bills captured in the Program Based Budget Estimates for FY 2025/2026 that was submitted to the County Assembly.

Committee's Observation

That there is slow absorption of funds allocated towards sorting out the issue of pending bills on this project. In the current financial year 2024/25, Kshs105M was allocated for the project out of which only Kshs30M has been paid to the contractor.

That, from the submitted annual budget estimates to the County Assembly for FY 2025/26, an additional Kshs113M has been proposed for allocation towards settling pending bills on the project and thus insufficient to cover the accrued pending bills.

The conditions for the project takeover by KeNHA, that is, completion and financial settlement to the contractor has not been met by the County Government.

Status of Implementation

Not implemented.

Committee's Recommendation

That the Department should liaise with the County Treasury to ensure that all appropriated monies are absorbed as appropriate as this will lessen the probability of contractors lodging unnecessary claims that continue to diminish the county's resource basket.

2.1.2. Report on the Bungoma County Government nine months' financial statements for the period ending 31st March, 2023 with respect to the department of Roads

The Report was adopted by this House on 5th October, 2023 with recommendations therein.

The report was forwarded to the Department of Roads Transport, Infrastructure and Public Works as per the Bungoma County Assembly Standing Order No. 205 and in accordance with Article 183 (3) of the Constitution.

The status of implementation of the recommendations in that report that formed the resolutions upon adoption by this Honorable House was submitted by the Department as below.

Resolution No. 1

That the County Treasury should report on the cumulative amount of revenue received by each Department for ease of interrogation and general oversight.

Response from the Department

To be reported by the County Treasury

Committee's Observation

That the County Departments submits revenue reports directly to Treasury who bear the responsibility to extract and report to the County Assembly.

Status of Implementation

Not applicable to the Roads Department

Resolution No. 2

The Department should prepare and submit the budget implementation reports on a quarterly basis for purposes of sector committee interrogation and timely in-depth oversight.

Response from the Department

The Department by practice and in compliance with legal requirements prepares quarterly budget implementation reports and submits to the County Treasury for Compilation and subsequent submission to the County Assembly.

Committee's Observation

Budget implementation reports that present budget execution status are received in the County Assembly in the form of financial statements and expenditure reports pursuant to Section 166(4) of the PFM Act 2012 166 (4) Not later than one month after the end of each quarter, the County Treasury shall—

- (a) Consolidate the quarterly reports and submit them to the County Assembly;

Status of Implementation

Implemented

Resolution No. 3

The Department must declare an accurate and detailed report on all pending bills to the County Assembly for proper budgeting and scrutiny by the Committee.

Response from the Department

The Department declared all pending bills to the County Assembly in the submitted PBB Estimates for FY 2025/2026.

Committee's Observation

That the County Departments submits pending bills reports directly to Treasury who then are tasked with the responsibility to compile and report to the County Assembly. The Department submitted that the Department has a pending bill of Kshs1, 251,581,368 as confirmed from the Program Based Budget draft estimates for the FY 2025/26. The accuracy of the reported status is subject to verification.

Status of Implementation

Implemented

Resolution No. 4

The Accounting Officer must comply with the provisions of Regulations 93(5) and (6) of the Public Finance Management Regulations, 2015 in respect to management of Imprests.

Response from the Department

The Accounting Officer has purposed to comply with the legal framework on management of imprests with minimal cases of delayed surrender of imprests.

Committee's Observation

The Committee notes with concern that the Department holds a long outstanding imprest of Kshs.488, 961 dating back to May, 2023 advanced to a former Director whose proof of surrender for the period under review has not been submitted.

The Committee has made recommendations in the financial statements and expenditure reports that the Accounting Officer needs to be subjected to the provisions of Section 156 of the Public Finance Management Act and PFM Regulation 93(7) for failing to recover this long outstanding imprest. The latest recommendation on this matter was made in the report of the Committee on the consolidated financial statements for the period ended 31st December, 2024 which the County Assembly pronounced itself upon.

Status of implementation

Not implemented

Resolution No. 5

The Accounting Officer should forward the development projects' status as at the reporting date of the budget implementation reports for purposes of offering checks and balances to the Executive.

Response from the Department

Status of Implementation of Development Projects is usually part of the budget implementation reports which are prepared and submitted quarterly to the County Treasury for Compilation before submission to the County Assembly

Committee's Observation

That the County Departments submits development projects' status reports directly to Treasury who then are tasked with the responsibility to compile and report to the County Assembly while reporting on budget implementation status. The Department has made reports regarding Ward Based projects, the Dual carriageway project and the Misikhu Brigadier road project which the Committee has scrutinized and reported on.

Status of Implementation

Implemented

Resolution No. 6

The County Executive should pursue through the Council of Governors measures that will address the matter of timely exchequer releases to the counties, for effective service delivery.

Response from the Department

The Council of Governors through the Inter-Governmental Budget and Economic Council (IBEC) has consistently championed for timely exchequer releases to the counties.

Committee's Observation

The situation persists and is outside the purview of the CECM and the Department

Status of Implementation

Not implemented

REPORT ON THE STATUS OF IMPLEMENTATION OF WARD BASED PROJECTS FY 2021/2022 AS AT OCTOBER, 2023

The Report was adopted by this House on 29th November, 2023 with recommendations therein.

The report was forwarded to the Department of Roads Transport, Infrastructure and Public Works as per the Bungoma County Assembly Standing Order No. 205 and in accordance with Article 183 (3) of the Constitution.

The status of implementation of the recommendations in that report that formed the resolutions upon adoption by this Honourable House was submitted by the Department as below.

Resolution No 1

The County Government of Bungoma through the County Executive Committee Member for Roads, Infrastructure and Public Works should ensure Ward Based projects awarded contracts are completed within the required time frame. Further, ensure that the contractors who have not completed the works go back to the site and complete the works; failure to which, necessary action should be taken against them including blacklisting.

Response from the Department

The Department has purposed to enhance project completion index within contract periods through timely procurement of budgeted projects and undertake legal measures against contractors who do not complete contracted works within timelines.

Committee's Observation

The Committee observed that inadequate supervision by the Department of Roads has resulted into instances where contractors have either abandoned project sites or executed substandard works. The Department submitted evidence of termination notices and warnings issued to errant contractors on various Ward Based projects (**annexed**).

Status of Implementation

Implemented

Resolution No 2

The County Government of Bungoma through the County Executive Committee Member for Roads, Infrastructure and Public Works should establish an evaluation and monitoring mechanism to ensure that all contracts under Ward-Based Projects are executed to the required standards for the benefit of the people living in the rural areas.

Response from the Department

A departmental Monitoring and Evaluation Mechanism has been established to enhance adherence to contracted standards and timelines. The Departmental M&E unit is headed by the Economist and supported by the Ward Based Projects Officer for all Ward Based Projects.

Committee's Observation

The Committee observed that lack of a structured evaluation and monitoring mechanism has led to poor implementation of some of the contracts under ward-based projects.

That, Monitoring and Evaluation Officers should be facilitated to perform their duties with utmost professionalism

That the Department should transfer works officers who operate from the headquarters to respective project sites (sub county offices); to allow department to undertake site visits as appropriate and enable production of accurate reports and present project quotes that reflect actual quantities. This will forestall instances of collusion with rogue contractors.

Status of Implementation

Not implemented

Resolution No. 3

The County Government of Bungoma through the County Executive Committee Member for Roads, Infrastructure and Public Works should ensure that road reserves are well protected and bushes cleared to ascertain the correct width of the road.

Response from the Department

A GIS based Surveillance mechanism is necessary with collaboration with the Department of Land, Urban, Physical Planning, Housing and Municipalities. This will require allocation of relevant resources to facilitate GIS mapping of all county roads and resources for bush clearance and community sensitization.

Committee's Observation

That the Department has failed to conduct routine checks on existing rural roads; a practice that could enable the documentation of a database compiling all rural roads and the road reserves.

That routine bush clearing is an essential component of setting the boundaries for rural road reserves and preventing instances of encroachment.

That GIS mapping of all county roads will pave way for clear demarcations and established road reserves for all county roads.

Status of Implementation

Not implemented

Resolution No 4

The County Government of Bungoma through the County Executive Committee Member for Roads, Infrastructure and Public Works should carry out due diligence on the capability of the contractors before being awarded contracts so that total completion of all of the ward-based projects is realized.

Response from the Department

The Department will enhance compliance to Public Procurement and Asset Disposal Act, 2015 in the process of procuring works for all approved projects.

Committee's Observation

The Department submitted that some of the blacklisted contractors use proxy companies to bid for contracts; making it difficult to apply the necessary provisions of law.

This action further defeats the purpose of debarment/ blacklisting by using proxy means where the contractors have controlling interests without being a Director/ shareholder.

Status of Implementation

Not implemented

Resolution No 5

The Department should at all times ensure that project implementation involves members of the public. This shall create project ownership, appreciation and utilization of the projects.

Response from the Department

The Department commits to enhance participation of members of the public in project execution especially in monitoring and evaluation of road projects.

Committee's Observation

The Committee observed that public participation as aspect of project execution has been overlooked.

There is a need to develop sector-specific regulations to guide public participation during project implementation, as well as to enact appropriate laws that clearly assign responsibilities to the relevant departments. This is especially important in municipalities, where overlapping roles are a common risk.

Status of implementation

Not implemented

ACTS PASSED IN THE YEARS 2022 AND 2023

The Bungoma County Transport Act, 2015

The sector Committee considered the status of implementation of this Act and has submitted a comprehensive report for consideration by this Honorable House.

The Bungoma County Property Hire and Lease Act, 2017

The Department has not hired out any of its equipment, machinery or property since enactment of the Act. The Act is not attached to a specific department and thus difficult to ascertain responsibility.

Bungoma County Parking Management Act, 2017

The County Executive Committee Member responsible for Physical Planning is mandated by the Act to designate parking places within the County, hence responsible for reporting on status of implementation of the Bungoma County Parking Management Act, 2017.

COMMITTEE'S GENERAL OBSERVATIONS AND RECOMMENDATIONS

The Committee observed as follows;

1. There are inconsistencies in the reported contract sum and financial balances related to the dual carriageway project and other multiyear projects across multiple reports submitted to the County Assembly. These discrepancies undermine the reliability of financial reporting and hinder effective oversight and accountability.
2. There are instances where sector committee recommendations are not directed to the appropriate departments for implementation. In particular, some reports make recommendations requiring action from the County Treasury are not being relayed appropriately, leading to delayed or non-implementation of such resolutions.
3. Numerous imprests have remained unaccounted for over extended periods. For instance, the imprest advanced to a Director in the Roads Department has been long outstanding despite numerous recommendations made by the Committee on the application of Section 156 of the PFMA and Regulation 93 (7) of the corresponding regulations. This action is in contravention of financial regulations and indicates weak enforcement of accountability measures and increases the risk of misappropriation of public funds.

COMMITTEE'S RECOMMENDATIONS

The Committee recommends as follows;

1. A standardized reporting format that reconciles accuracy of the reported figures and establishes the correct financial position on projects should be adopted to ensure consistency across all submissions to the County Assembly.
2. The County Assembly should invoke necessary provisions of the law that includes sanctions; to Accounting Officers who continue to undermine the recommendations made by sector Committee regarding accountability for unresolved imprests.
3. A formal mechanism should be established to track and relay sector committee recommendations to the relevant departments, including ensuring that actionable recommendations are categorized and assigned to the correct implementing departments under the County Executive.

The adoption schedule is signed by the Members who are here. Chapter 7 is just an annexure of what has been reported in this report.

At that end, I hereby request that Hon. Johnston Ipara seconds the report.

Mr. Speaker: Hon. Johnston Ipara, you have the honor of seconding the report. Proceed.

Hon. Johnston Ipara: Thank you, Honourable Speaker. First, let me begin by lauding the Honorable Member who has moved the report. Today is proven that he did not have challenges; I don't know what he ate over lunchtime. Let's clap for him, Honourable Members. He has been able to read without glasses, and I thank him for that.

Honorable Speaker, as you have seen, resolutions made back in 2022/23 which three years down the line and they have not been implemented. It shows that there's some laxity in some of the officers assigned these duties in the Executive.

As I do the seconding, what does the Implementation Committee do? I want to draw your attention to Standing Order No. 212(4), where it clearly spells out the responsibilities of this Committee. Among them, is to scrutinize resolutions of the Assembly including Committee reports, petitions, and account executive undertakings.

If they have been doing timely follow-up on this, we could not be at this quagmire at this moment. This Committee is also supposed to assess whether items have been implemented and evaluated, to the extent and timelines of that implementation, as normally we do recommend, we give them either 60 days or 90 days. It shows that maybe the Implementation Committee has a challenge. And I want to plead that, in the future, this Committee should be put in the same level with the Committee of Budget and Finance, so that we are able to remove artificial barriers that normally they come up with, saying that maybe they were unable to do that because of financial challenges.

We should also come up with stringent and deterrent measures that should include the Chief Officer or the CECM appears before the committee, and he does give satisfying responses. They should be given a shorter period of not more than 14 days, to go and come back and report that they have implemented the resolutions made by this Committee.

Honorable Speaker, you always have been reminding me that this House and the committees have powers equivalent to the powers of the High Court. We should also recommend disciplinary action, deterrent disciplinary action against the Chief Officer or CECMs who without reasonable cause, fail to implement the resolutions of this House.

We are the people who approve the appropriation, what has hindered us from putting up budgetary sanctions to a department that has failed, or frequently has continued to fail to implement the resolutions of this House? I think if we did take those deterrent measures, another deterrent measure that can also assist us to make the County Executive work for us, is a referral to some of these matters to other agencies that are involved in oversight. And a good example of one of them is EACC; the second one is the Auditor General. If we did that, I want to assure that

we shall be counted as a House that stood and made sure that the people of this County got what they expected from us.

Another deterrent measure that we should also come up in the future with, and in the near future is from today onwards, it should include even censure motions against respective officers. If we did censure two or three then it will be a wake-up call for those Chief Officers and CECMs.

And they will do exactly what is required of them and what the appointing authority appointed them. We started this journey of writing these reports on the resolutions that were not implemented, most of us were not well-guided and we did not refer to Standing Order 212 to find out what are the real functions of Implementation Committee; when they normally make a follow-up on the solutions made, but in the future we have learned.

I want to plead with the Honorable Members because this is a learning session and we have learned the hard way. I plead that as we contribute and debate, but at the end let us adopt this report.

Mr. Speaker: Thank you, Hon. Johnston Okasida for seconding the report that was ably moved by Hon. Henry Nyongesa. Allow me be able to proceed and now be able to propose a motion for debate.

(Question proposed)

Hon. Martin Cheseto,

I just want to allow the mover of the motion, and of course the seconder, who was actually expounded on what the resolutions made by the Committee on Roads have done. You know, the Committee or the Roads Department is very key in terms of delivering services to the people of Bungoma.

Hon. Martin Cheseto: Thank you, Honourable Speaker. I want to appreciate the Committee, actually the mover, for being bold with the recommendation that we should come up with sanctions, at least sanction the people who are in charge in implementation. As the seconder was seconding, it made me to look at observation number two and recommendation three.

Recommendations are sometimes misdirected or they are directed not to the relevant departments. And the recommendation that I'm making is that we establish a formal mechanism.

And that confirmed my fears when the seconder was moving, was actually seconding. He talked about Implementation Committee sleeping on the job and coming up with now the formal mechanism.

And, you know, formal mechanism derives its structure and power from the regulations, the laws, and the policies. So maybe I want the mover of the motion when it comes to reply. Is he insinuating that the Committee on Implementation is not doing their job? Another form of mechanism should be established so that it does this work.

That is what I'm just raising, Mr. Speaker, Sir.

Mr. Speaker: With those remarks, I think now the mover can respond.

Hon. Henry Nyongesa: Thank you, Honourable Speaker. I want to appreciate all Members. Remaining quiet means they are almost satisfied with the report.

What Hon. Martin Chemorion has alluded is a question that everybody is asking but I want to request that we have constraints of finances. And I wish that as we push for autonomy, so that we have enough resources for every committee to function without financial constraints.

But remember, what we have said that most of the items were implemented. The only item that maybe Hon. Martin Chemorion is not satisfied is about maybe the imprest, but we have made sure that the recommendations are very clear and promise to institute sanctions to officers which are in charge so that such resolutions are implemented..

But as we have said, facilitation to those Committees must be adhered to so that they can work effectively.

Otherwise, I beseech the House that these resolutions are approved the way they are, because the committee has gone an extra mile of making sure that the Department implements almost everything.

I request the House to approve this report.

Mr. Speaker: Thank you, Hon. Henry Nyongesa for your reply to the motion. Members, allow me to proceed and put a question to the said motion.

(Question put and agreed to)

Ayes have it!

ADJOURNMENT

Honourable Members that was the last motion on our Order Paper, we will adjourn our sitting today and resume tomorrow Thursday, 10th of July at 2:30 p.m. session.

The House rose at 4:47 p.m.