

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY, 30TH JULY, 2025

Morning Sitting

3rd County Assembly

4th Session

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COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

WEDNESDAY, 30TH JULY, 2025

The House met at the County Assembly Chamber at 9:30 a.m.

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

PRAYER

NOTICE OF MOTION

APPROVAL OF FIVE NOMINEES TO SERVE IN THE SELECTION PANEL FOR THE RECRUITMENT OF MEMBERS TO THE COUNTY PUBLIC SERVICE BOARD

That pursuant to section 58 (a) of the County Government Act 2012, this House resolves to approve the following five nominees to serve in the Selection Panel for the recruitment of members to the County Public Service Board.

Mr. Speaker: Hon. Joseph Nyongesa Majority Leader, proceed.

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. I stand to give a notice that pursuant to section 58(a) of the County Government Act 2012, this House resolves to;

(a) Approve the following five Members to serve in the Selection Panel for the recruitment of members to the County Public Service Board.

1. Mr. Moses Naruwenyi - Chairperson.
2. CS. Elizabeth Wanyonyi - representing the private Sector.
3. Mr. Saul Wasilwa - Advocate of the High Court of Kenya.
4. C.P.A. Rita Nabalayo - Member of ICPAK.
5. Mr. Stephen Chemonges - representing the Workers' Association.

(b) Reject the nomination of Mr. Julius Bakasa on the basis that his inclusion exceeds the legally provided number and his role does not align with the statutory categories stipulated in section 58 (a) (2) of the County Government Act 2012. I give a notice.

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Mr. Speaker: Honourable Members, a notice is duly issued. I urge the table clerks here to share this report with the Honourable Members. The same will be coming up at 2:30 p.m. on our Order Paper as a Motion.

QUESTIONS AND STATEMENTS

QUESTION IN RESPECT TO WASTE MANAGEMENT IN THE COUNTY

Mr. Speaker: Yes, Hon. Bridgit Katasi, proceed.

I think my computer has gone off. Honourable Members, let me allow Hon. Bridgit Katasi to seek her statement.

Hon. Bridgit Katasi: Thank you, Mr. Speaker. Pursuant to the provision of Standing Order No. 49 of Bungoma County Assembly Standing Orders, I hereby seek answers to questions from the County Executive Committee Member Tourism, Environment, Water and Natural Resources. This is in respect to the Waste Management in the County:

1. Provide list of markets that were given to contractors for garbage collections.
2. Clarify on the days of collection for the targeted markets for garbage collection.
3. How is supervision for garbage collection done in the same markets?
4. Why some key markets in the County still lack garbage collection plants?
5. What the department is doing on the upcoming markets that could be missing garbage collection arrangements by the County Government?
6. Has the Contractor adhered to the contract?

Mr. Speaker: Chair of the Committee, Vice Chair or any Member? Yes, Honorable Majority Leader.

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. On behalf of our Chair of the Tourism Committee, we request that you give us 14 days to avail the answer.

Mr. Speaker: Honourable Members, since we intend to do some adjustments on our House Calendar, we will have it on 27th of August 2025.

Next item,

MOTION

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**REPORT OF THE SECTORAL COMMITTEE ON FINANCE AND ECONOMIC
PLANNING ON IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS FOR THE
YEAR 2022 AND 2023**

Mr. Speaker: Hon. Tony Barasa, you have the honor.

You'll be able to use the microphone for now because I'm not able to I can't read from this side, I think. You'll have that one for the time being.

Hon. Tony Barasa (Member Finance and Economic Planning Committee): Thank you, Honourable Speaker...

Mr. Speaker: Let me just be able to go quickly. Since we set it as one of our standard rules; we have Hon. Orize Kundu, Stephen Wamalwa, Everlyne Mutiambu, Hon. Tony Barasa, Vitalis Wangila, Jack Kawa, Violet Makhanu, George Makari, Francis Chemion, Godfrey Mukhwana, Everton Nganga and Jerusa Aleu, the quorum is now overflowing.

Let's proceed.

Hon. Tony Barasa: Thank you, Honorable Speaker.

Preamble

It's my duty to present the report by the committee on Finance and Economic planning on implementation status of House resolutions Financial Year 2022/2023.

Pursuant to the provisions of Standing Order no, 205, reports by the Sectorial Committee on Finance and Economic Planning were adopted by the House and resolutions communicated to the CECM Finance and Economic Planning. The CECM is required, within 60 days to submit a report to the Committee in accordance with Article 183 (3) of the Constitution of Kenya, 2010 on the Implementation status of the House resolutions.

However, the CECM has never reported on the implementation status of the committee reports adopted by the House. As a result Liaison Committee planned for this activity for all the sectoral committees to follow up on the implementation status of their respective reports considered by the House in 2022 and 2023.

In the period under review; the following reports and legislations by the Sectorial Committee on Finance and Economic Planning were adopted by the House and forwarded to the CECM Finance and Economic Planning;

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- a) County Revenue Fund statements for the period ending 31st December 2023.
- b) Report on the Nine months financial statements for the period ended 31st March, 2023.
- c) Report on County Policy Statement on enhancement of own source revenue.
- d) Report on cause and effect of revenue collection decline in some revenue streams as per the Bungoma County receivers of revenue report for period ending 31st March 2023.
- e) Report on Bungoma County Revenue Fund statements for the period ended 30th June 2023.
- f) County Legislation requiring implementation namely, Bungoma County Finance(Amendment) Act 2023, Bungoma County Inspectorate, Compliance and Enforcement Act, 2023, and The Bungoma County Disaster Management Emergency Fund regulations, 2020, The Bungoma County Public Markets (Amendment) Act, 2023 and The Bungoma County Revenue administration (Amendment) Act, 2023.

The County Executive Committee Members were invited for the interrogations with their respective Sectorial Committees via a letter referenced CAB/ADM/6VOL.V (93).

The Committee conducted its interrogation duly and this report contains the findings of the committee from the interrogations and supporting documents submitted, its observations and recommendations.

Committee membership

The Committee comprises of the following members;

- | | |
|-----------------------------|------------------|
| 1. Hon. James Mukhongo | Chairperson |
| 2. Hon. Orize Kundu | Vice Chairperson |
| 3. Hon. Stephen Wamalwa | Member |
| 4. Hon. Everton Nganga | Member |
| 5. Hon. Jeremiah Kuloba | Member |
| 6. Hon. Vitalis Wangila | Member |
| 7. Hon. Everlyne Mutiembu | Member |
| 8. Hon. Violet Makhanu | Member |
| 9. Hon. Tony Barasa | Member |
| 10. Hon. George Makari | Member |
| 11. Hon. Jack Kawa | Member |
| 12. Hon. Francis Chemion | Member |
| 13. Hon. Godfrey Mukhwana | Member |
| 14. Hon. Christine Mukhongo | Member |
| 15. Hon. Jerusa Aleu | Member |

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Acknowledgment

I take this opportunity to thank all Hon members of the Committee for dedicating their time to interrogate the Finance and Economic Planning department on the implementation status of the House Resolutions for the financial year 2023/24. The Committee would also like to appreciate the Secretariat who worked with us for their commitment to ensure that the report was produced on time.

Lastly, the Committee is grateful to the offices of the Speaker and the office of the Clerk to the County Assembly of Bungoma for logistical support received as it discharged its mandate.

It is therefore my privilege, on behalf of the Committee on Finance and Economic Planning, to table the Report on the Implementation Status of House Resolutions for the year 2023 and 2024 with regards to the department of Finance and Economic Planning in Bungoma County.

Report signed by Hon. James Mukhongo Chairperson, Sectoral Committee on Finance and Economic Planning.

Mr. Speaker: Honorable members, I will kindly request that you all log in afresh because my screen was indicating we are all absent. Hon. Tony proceed, there is no problem.

Hon. Tony Barasa: I will just use this one. It's very powerful.

Mr. Speaker: No problem

IMPLEMENTATION STATUS OF THE HOUSE RESOLUTIONS FY 2022/23

Recommendations on County Revenue Fund statements for the period ending 31st December 2023

1. The Committee directs that the department reconcile own source revenue reported in the County Fiscal Strategy paper 2023 and Bungoma County Revenue Fund statements FY 2022/23 for the period ended 31st December 2022 and provide accurate information within 30 days from the adoption of this report.

Committee Observation

No reconciliation was provided within the recommended period.

Implementation Status

Not implemented

2. The Committee hereby recommends the department carry out an audit of the revenue automation system currently in use to ascertain its effectiveness and efficiency in revenue

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collection .This report should be submitted to the County Assembly within 60 days from adoption of this report.

Committee Observation

No audit report of the revenue automation system was submitted by the department as recommended

Implementation Status

Not implemented.

3. The internal Audit Directorate should conduct an audit on all revenue streams that registered abnormal drop and collection of AIA and furnish the County Assembly with a report within 60 days from adoption of this report. In addition, the Directorate of revenue should set targets for receivers/collectors of revenue and follow up on collection monthly to address any drop in good time. The department of Finance and Economic Planning should effectively use revenue collection Officers with the support of enforcement to tap on all existing revenue streams in the County.

Committee Observation

No audit report was submitted by the directorate of internal audit

The department sets revenue targets for receivers and collectors; however the targets are never achieved.

Implementation Status

Partially implemented

4. The department is hereby directed to submit a comprehensive report on transfers from all other development partners within 60 days from the date preceding the adoption of this report.

Committee Observation

No comprehensive report on transfers from development partners was submitted within the recommended timelines.

Implementation Status

Not implemented

5. The County Executive should set aside funds to provide the necessary infrastructure required on all markets within the County eg Auction Ring and sanitation facilities.

Committee Observation

Several markets in the County had been face-lifted and infrastructure set up such as solar-powered street lights, sanitation facilities and the construction of modern markets such as Kamukuywa and Soko Kubwa in Bungoma town are underway.

Implementation status

Implemented

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6. The department should liaise with the County Public Service Board with a view to confirm 86 casuals who are revenue collectors and have demonstrated commitment, integrity and achieved targets and allocate money for wages on the supplementary to pay 35 months arrears that is owed to them.

Committee Observation

The committee noted that the department continues to engage revenue officers on casual basis, the officers lack personal identification numbers and thus they can't be held liable in cases of fraud, there is no evidence of contract and terms of engagement between the department and the casual revenue collectors.

No evidence for confirmation of revenue officers from casual to permanent terms.

Implementation Status

Not implemented

Recommendation on nine Month Financial Statement report for the period ending 31st March 2023

1. The County Treasury should give amount of money disbursed to every department in the report going forward.

Committee Observation

Amounts disbursed to all departments were not reported in subsequent quarterly reports.

Implementation status

Not implemented

2. The County Treasury should disclose the makeup of other receipts totaling to 181 Million immediately after adoption of this report.

Committee Observation

No reported was submitted to the County Assembly on the same within the timelines given by the House.

Implementation Status

Not implemented

3. The Treasury should break down the grants received from different partners by name and amount.

Committee Observation

Grants are only submitted in lump sum figures by the department, no expenditure

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breakdown is provided in their financial statement.

Implementation Status

Not implemented

4. Surrender of Imprest is guided by regulation 93(5) of the Public Finance Management (County Governments) Regulations 2015. The County Treasury through circular No. 1/2023 dated 17th January 2023 guided all accounting Officers of County Governments and entities to ensure imprest is surrendered on time. Standing Imprest is expected to be fully accounted for by 30th June, 2023.

Committee Observation

There are still un-surrendered imprests; therefore lack of accountability across the Executive departments and in breach of the law, the Finance department should lead by example as it is the compliant department.

Implementation status

Not implemented.

Report on County Policy statement on enhancement of own source revenue.

The Committee resolution on the above report was:

Resolution 1: Senior revenue collectors along the collection chain should also have an appraisal tool to hold them accountable in the sections and departments.

Response by the department

The county Director Revenue has been put on performance contracting with clear targets. Revenue performance targets have been cascaded to all revenue officers and collectors on a standard performance appraisal tool.

Committee Observation

The officers in the department are currently under performance contracting, however the committee observes that there is still an issue with achieving of set targets in their respective areas of revenue streams.

Implementation status

Implemented

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Resolution 2: Those receivers of revenue are hereby directed to strictly adhere to the provisions of section 157(2) of PFM Act 2012 by promptly accounting and reporting revenue collected.

Response by the department

The county Receiver of Revenue has been designated in compliance with sec 157(2) of PFM Act 2012. He prepares quarterly and annual receiver of revenue reports.

Committee Observation

The quarterly and annual reports on receivers of revenue have been dully submitted to the County Assembly for consideration.

Implementation status

Implemented

Resolution 3: The treasury should set specific Revenue streams targets for all receivers of revenue in the County.

Response by the department

County Receiver of Revenue Appointed Collectors in line with section 158(1) of PFM Act 2012. Targets has been cascaded to all collectors.

Committee observation

Annual revenue targets are always set by the treasury for all revenue collectors in the annual budget estimates; however the targets are hardly achieved.

Implementation status

Implemented

Resolution 4: The policy should provide a mechanism to carry out regular audit in respect to the registration of business in their correct categories as provided in the finance act.

Response by the department

The department is continuously updating revenue registers and chart of accounts in the automated revenue system to achieve correct classification .A revenue steering committee has been

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established as a strategic supervision unit in addition to the annual external audit and periodic internal audit.

Committee Observation

No audit report in respect to the registration of businesses has been submitted to the County Assembly by the treasury.

Implementation status

Not implemented

Resolution 5: That the mapping should be linked to the County revenue system and register should be permanent so that it can be used in subsequent years where invoicing will be done without repeating the exercise.

Response by the department

The established revenue steering committee is still mapping the revenue streams as part of its mandate. The registers are configured in BARMS as recommended. County is in process of acquiring GIS lab as part of technology application in revenue mapping.

Committee Observation

The mapping has not been done and no report has been submitted to this House on the same as evidence or to show progress.

Implementation status

Not implemented

Resolution 6: The County government should carry out an audit of existing vehicles before buying new ones.

Response by the department

An audit status of County Movable assets was undertaken in FY 2023/2024. An asset disposal plan has been prepared for unserviceable vehicles.

Committee Observation

No audit report on existing County vehicles was submitted

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Implementation Status

Not implemented

Resolution 7: The department and the County attorney should liaise with Judicial Service Commission to fast track the establishment of County courts.

Response by the department

The county Attorney's office submitted a request for a special purpose court to the JSC's court users committee.

Committee Observation

County Courts are yet to be established

Implementation Status

Not implemented

Committee observation

The department demonstrated lack of seriousness to implement House resolution on reports of the department.

Report cause and effect of revenue collection decline in some revenue streams as per the receivers of revenue report for the period ending 31st March, 2023

Committee observation

The department demonstrated lack of seriousness to implement House resolution since they did not respond on the implementation status on this report.

Report on Bungoma County Revenue fund statements for the period ending 30th June, 2023

Committee observation

The department demonstrated lack of seriousness to implement House resolution since they did not respond on the implementation status on this report.

County legislation requiring implementation namely:

- a) Bungoma County Finance (Amendment) Act, 2023,

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- b) Bungoma County Inspectorate, Compliance and Enforcement Act, 2023,
- c) Bungoma County Disaster Management and Emergency Fund regulations, 2020,
- d) Bungoma County Public Markets (Amendment) Act, 2023
- e) Bungoma County Revenue administration (amendment) Act, 2023

Committee observation

The department demonstrated lack of seriousness to implement House resolution since they did not respond on the implementation status approved County Legislations.

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

Committee General Observations

The committee made the following observations.

1. The CECM for Finance has never reported on the progress or implementation status of the committee reports adopted by the House as understanding order 205 (2) , and article 183(3) of the constitution of which is always stated on every letter forwarding the House resolutions to the respective entity, the CECM is therefore in breach of the law.
2. Most of the recommendations were not implemented within the timelines set out by the committee and the House in its resolutions.
3. The department responded on three out of six reports requested to give implementation status.
4. The department despite being a compliance department never ensured surrender of imprest across the departments more so it's the most affected department.
5. The department had no work plan for implementation of County Assembly House resolutions.

Committee General Recommendation

- 1) **THAT**, The CECM for Finance and Economic Planning going forward must submit the Implementation Status of every House resolution to the County Assembly within 60 days upon receiving a communication of adopted reports from the Office of the Clerk, the Committee on Finance and Economic Planning is henceforth going to monitor and track its adopted reports and report to the House accordingly in line with the Standing Order 205 2 and Article 183 of the Constitution.
- 2) That the two Chief Officers who should ensure compliance to Regulations 93, 5 and 6 of the PFM Act 2015 on surrendering of personally held responsible and surcharged failure to recover outstanding interests.

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- 3) That the Chief Officers of the Department should incorporate House resolution in their work plan for effective and efficient implementation of the resolution. This should include timelines for achievement of specific recommendations.
- 4) That Upon adoption of this report, the County Executive Committee Member and his Chief Officers within 30 days should submit to the County Assembly implementation status of the remaining four reports which they did not respond.
- 5) Lastly, the County Executive Committee Member for Finance and Economic Planning should include implementation of the County Assembly resolution in their work plan.

All members of the committee appended their signatures to confirm contents in the Department's implementation of the House resolution report for the financial for the year 2022 and 2023.

I take this opportunity to welcome Hon. Jeremiah Kuloba to second the report.

Mr. Speaker: Yes Hon. Kuloba.

Hon. Jeremiah Kuloba: Thank you, Mr. Speaker. I rise to second the report that has been given by the Finance Committee and mainly the recommendations that have been read out. Most of them have not been implemented. It is a pity that this is the mother department that deals with Finance and when you look at the surrender of imprest, it is the department that is having highest un-surrendered imprests. So I call upon other members from other committee to make a follow-up of the same to ensure that there is compliance with the law. I second.

Mr. Speaker: Honourable members, allow me to propose a motion for debate.

(Question proposed)

Yes Honourable Majority Leader,

Hon. Joseph Nyongesa: Thank you, Speaker. First, allow me also I appreciate the mover of this report and the seconder though he was somehow off-guard but he has tried. Most of our failures are emanating from the County Treasury and I think through the committee some initiative will be put in place to ensure that House resolutions are being implemented

I am rising on one issue, No. 6 of Chapter 2. That the Department should liaise up with the County Public Service Board with a view of confirming 86 casuals who are working as revenue collectors

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and who have demonstrated commitment, integrity and achieved targets by allocating money for wages on the supplementary to pay 35 months' arrears that is owed to them. I know there was implementation on the 194 casuals out of which 86 of them were from the Department of Finance, it is again being captured that we still have casuals who are collecting revenue, then as a county we are cheating ourselves.

The 194 had been confirmed so I don't know these 86 casuals; if they are still collecting revenue in this county then the committee should come up strongly to tell us these 86 are collecting under which law? And those that were confirmed among the 194, who are they? And who are these 86? Otherwise, we support and humbly request the committee to ensure that actually the Treasury improves its working system.

Mr. Speaker: Thank you, Honorable Leader of Majority. Hon. Kuloba...sorry not Kuloba, Aggrey Mulongo

(Laughter)

You know when two old people sit together; you end up confusing them Proceed.

Hon. Aggrey Mulongo: Thank you, Mr. Speaker, for giving me this chance to contribute towards this motion. First of all, I must thank the mover of the motion and the seconder who was caught unaware but at least he tried. This is a compliance department but what we have just heard from the report itself, it's not even complying and it's a compliance department.

There are so many things that they have not even complied they are the ones who bought the machine for revenue enhancement in the hospital and when you see the revenue trends in it is going down, and yet they are the ones who bought those machines for the enhancement of the revenue.

When you go through the report, when you go to the market, all those casuals that they have mentioned, if casuals are the ones collecting funds and they are not being paid, will that money really reach the revenue? This is the department that is supposed to comply and if the casuals have been there for some time, and they went to court, they have been taken back and they have not been employed, why? And why are they still collecting revenue? I support this but they must pull up their socks.

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Mr. Speaker: Hon. Jack Wambulwa,

Hon. Jack Wambulwa: Thank you, Honourable Speaker. First of all, may I appreciate the mover of the motion and the seconder who came in unknowingly?

Finance being a compliance department, we expect it to perform but looking at the way the recommendations have been done in this report I think the sector committee must be awake. As we talk today we have had casuals that are very hardworking to this County. They might have not met the requirements to qualify to be confirmed like the Majority Leader had said but this are people who are leading in matters collection. They had not been paid for over 4 years. I don't know what measures were put in place because these are our sons and daughters to make sure as much as we release them to go out, there must be something to take care of them because they were working for the County. They have papers of appointment only but when it came to recruitment and confirmation they did not meet the requirements, this is something that we must address.

When it comes to matters collection as we talk the target is coming down day in day out, we don't know how we are going to achieve this target if indeed the current reshuffles that are going on are going to kill this county revenue collection. It is unfortunate that ongoing reshuffles are favoring maybe those who are well related to those in the department in the expense of performance. The Finance committee must reach out and find out why recent reshuffles. Are they reasonable excuses to make sure the reshuffle met the target or we are just going to reshuffle without seeing there is improvement at the end of the day in revenue collection, then we are going to fail at the end of the day and that's how we are going to incur pending bills?

We must do right things at the right time and as we address that let's make sure that these sons and daughters who have been dismissed after serving as casuals for 4years without payment, yet they were appointed. As a House we need to budget for the same so that they do not go home crying. I support the report.

Mr. Speaker: Thank you, Hon. Jack. I will have Hon. Chemion.

Hon. Francis Chemion: Thank you, Honorable Speaker. I have one issue, after the House burning midnight oil to come up with the Acts of this House, the departments or the executive are not even implementing the laws, so why should we then be doing so much and yet what we put in place to assist the government run smoothly is not implemented. The laws that we have passed here; the Bungoma Finance Amendment Act 2023, Bungoma County Inspectorate and Compliance Enforcement Act 2023, Bungoma Disaster Management and Emergency Fund Regulation 2020, Bungoma County Public Market Amendment Act 2023, Bungoma County Revenue

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Administrative Act 2023. The department was unable to furnish the committee with how they have implemented these laws and yet these are critical laws that if properly implemented it can improve revenue collection.

As a County Assembly, we need to push them again to come up with the regulations on all Acts that we have passed. So I urge all sector committees to push their respective departments to come up with regulations on those laws that have been enacted by this house so that we can have smooth implementation. Otherwise, the department must pull their socks to ensure that the county runs smoothly.

Mr. Speaker: Thank you, Hon. Chemion. Hon. Tony, Kindly reply to the motion.

Hon. Tony Barasa: Thank you, Honourable Speaker. I want to appreciate all who have come to support the motion and I also agree with them that some of the failures as stated by the Majority Leader is that our Executive are not taking seriously the resolutions of this House. That one has been married by Hon. Chemion's submission that indeed we are passing laws that are swept and kept under the carpet and is this House has recommended in recommendation Number 1 that going forward as a department we are going to follow up on all resolutions as required by the Standing Orders and the Article 183 of the Constitution.

On the issues of casualties, I'm aware this report is for 2022 and 2023, I'm expecting between then and up to now status have changed. We don't know whether 86 casualties are absorbed or not because if you look at our recommendation they did not declare anything. Meaning where they sit they are not doing anything good to update this House. So I want to appreciate all those members who have supported and given their views and request that the House adopts the report for processing.

Mr. Speaker: Thank you, Hon. Tony. Honourable Members, before I am able to put a question to the said motion, Members this is my observation that as you to pass these Bills, for them to come up with the required regulations, sector committees you have work to push departments and County Treasury so that we have regulations to operationalize these nice laws that have been passed by this House.

I think what Hon. Jack, Chemion, Aggrey and Majority Leader talked about the issue of regulations, members you must continue pressing them to come up with regulations, because the way they are behaving, they will never come.

So Members, allow me to proceed and to be able to put a question and to the motion before the House.

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(Question put and agreed to)

The report plus its observations and recommendations are hereby adopted by the House accordingly.

ADJOURNMENT

Honourable Members; that was the only motion in our Order Paper; we will adjourn for now and resume today at 2:30 p.m.

The House rose at 10:18 a.m.

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