

**THIRD COUNTY ASSEMBLY
(NO. 335)**



**FIFTH SESSION
Afternoon Sitting (234)**

**COUNTY GOVERNMENT OF BUNGOMA
THIRD COUNTY ASSEMBLY – FIFTH SESSION
THE COUNTY ASSEMBLY OF BUNGOMA
ORDERS OF THE DAY
WEDNESDAY 25TH FEBRUARY, 2026 AT 2.30 P.M.
ORDER OF BUSINESS**

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers(*As listed in the Appendix*)
6. Notices of Motion (*As listed in the Appendix*)
7. Questions and Statements
8. **MOTION – INITIATION AND CONCLUSION OF AN INTER-
GOVERNMENTAL AGREEMENT WITH THE MINISTRY OF
EDUCATION, PURSUANT TO THE INTERGOVERNMENTAL
RELATIONS ACT, 2012**
(Resumption of interrupted Business)

Hon. Speaker Sir, pursuant to Standing Order No.58 of the County Assembly Standing Orders, I beg to move the following Motion;

THAT, AWARE THAT education is a fundamental right under Article 43(1)(f) of the Constitution of Kenya, 2010;

NOTING THAT education is a critical equalizer that unlocks opportunities for learners to rise above socio-economic challenges and achieve their full potential;

FURTHER NOTING THAT Bungoma County has, over the years, supported bright and needy students through scholarships and bursaries administered under the Bungoma County Education Support Scheme Regulations, 2019;

AWARE THAT in 2025 the Controller of Budget issued guidance suspending the issuance of county-administered bursaries and scholarships unless such programmes are implemented through lawful Inter-Governmental Agreements with the Ministry of Education;

FURTHER AWARE THAT several county governments acted promptly on this advisory and entered into Inter-Governmental Agreements with the Ministry of Education, which were subsequently gazetted, including Murang'a (Gazette Notice No. 12863 of 12th September 2025), Mandera (Gazette Notice No. 15220 of 24th October 2025), Nairobi City (Gazette Notice No. 15220 of 24th October 2025), Mombasa

(Gazette Notice No. 15229 of 24th October 2025), Kisumu (Gazette Notice No. 15896 of 31st October 2025), Marsabit (Gazette Notice No. 15743 of 31st October 2025), Laikipia (Gazette Notice No. 15963 of 7th November 2025), Garissa (Gazette Notice No. 15964 of 7th November 2025), Tana River (Gazette Notice No. 18156 of 11th December 2025), Vihiga (Gazette Notice No. 18153 of 11th December 2025), and Nakuru (Gazette Notice No. 19133 of 24th December 2025);

CONCERNED THAT Bungoma County has not allocated funds for bursaries and scholarships in the Financial Years 2024/2025 and 2025/2026, thereby leaving vulnerable learners without support and widening inequities compared to other counties, despite the Controller of Budget's guidance which encouraged counties to regularize such programmes through lawful agreements with the Ministry of Education;

FURTHER CONCERNED THAT the absence of a county bursary and scholarship programme has contributed to increased school dropout rates, overreliance on National Government Constituency Development Fund support, and governance concerns arising from inaction despite the existence of a clear legal framework;

COGNISANT THAT Section 26 of the Intergovernmental Relations Act, 2012 provides that a county government may enter into an agreement with the national government or another county government for the performance or delivery of a function or service;

NOW THEREFORE, this House resolves to:

Compel the Governor of Bungoma County to urgently initiate and conclude an Inter-Governmental Agreement with the Ministry of Education, pursuant to the Intergovernmental Relations Act, 2012, to enable the lawful administration of bursaries and scholarships within the County; and

Direct the County Executive Committee Member for Finance and the County Treasury to provide for a dedicated allocation for bursaries and scholarships to be captured in the County Fiscal Strategy Paper and County Annual Estimates, FY 2026/2027.

(Hon. Johnston Ipara)

9. **BILLS – THE BUNGOMA COUNTY FOOD SAFETY COORDINATION BILL, 2025**

(Chairperson, Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development)

A Bill for an Act of the County Assembly of Bungoma to provide for the coordination of institutions in the control of food safety, make provision for the establishment of the Food Safety Co-ordinating Committee, establishment of the County laboratory and for connected purposes

(Second Reading)

10. **COMMITTEE OF THE WHOLE HOUSE**

(THE BUNGOMA COUNTY FOOD SAFETY COORDINATION BILL, 2025)

(Chairperson, Committee of the Whole House)

THE BUNGOMA COUNTY FOOD SAFETY CO-ORDINATION BILL, 2025

Notice is given that the Chairperson of the Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development intends to move the following amendments to the Bungoma County Food Safety Co-ordination Bill, 2025 at the Committee Stage

CLAUSES

CLAUSE 7

That clause Sub-clause 7(2) of the Bill be amended by deleting sub-clauses “7(2) (d), (e) and (f)” entirely and replace with the following new clauses and re-number onwards.

So as to read

- “(a)the Chief Officer in-charge of Agriculture*
- (b)the Chief Officer in-charge of Livestock*
- (c)the Chief Officer in-charge of Public Health*
- (d) the Chief officer in-charge of trade*
- (e)the Chief officer in-charge of Environment*
- (f)the Chief officer in-charge of Water*
- (g)the Chief officer in-charge of Public Administration*
- (h)One representative from Food Processor Organization*
- (i) One representative from Consumer Organization*
- (j) One representative from Agro-dealers*
- (k) One representative from National Government Administration*
- (l) one person representing farmers*
- (m) three farmers representing women, youth and persons with disabilities”*

CLAUSE 8

That clause 8 of the Bill be amended as follows;

In sub-clause 8(1), delete the phrase “4(2)(e) and (f)” appearing immediately after the word “section” and substitute with phrase “7(2)(h),(i),(j) and (k)”

So as to read

“The members prescribed in section 7(2)(h),(i),(j) and (k) must be technical staff in the respective institution, organization or competent authority”

In sub- Clause 8(2) delete the phrase “4(2)(g),(h) and (i)” appearing immediately after the word “section” and substitute with phrase “7(2) (l) and (m)”

So as to read

“The members prescribed in section 7(2) (l) and (m) shall meet the following criteria”

In Sub-clause 8(5) insert the words “Competent Authorities” immediately after the word “Department”

So as to read

“The Committee may, for purposes of this Act, co-opt an other person from a Governement Department, Competent Authorities,the private sector or non-governmental organization as a member.”

CLAUSE 9

That clause 9 of the Bill be amended as follows:

In Sub-clause 9(h) delete the words “*monitoring and evaluation on*” appearing before the word “*food*” and therefor substituting with the words “*Monitor and evaluate*”

So as to read

“Monitor and evaluate food safety activities in the County”

In Sub-clause 9(i) insert the word “*Member*” immediately after the word “*Committee*”

So as to read

“develop annual report on foods safety status in the County and submit to the County Executive Committee Member”

CLAUSE 11

That Sub-clause 11(k) of the Bill be amended by deleting the word “*retained*” appearing immediately after the words “*recall and*” and replace with the word “*retain*”

So as to read

“appropriately keep records of food production,processing,storage,distribution,food quality,laboratory test results,cleaning and sanitation,pest control and product recall and retain the records for a period of two years or the shelf-life of the product,whichever is more”

That Sub-clause 11(s) of the Bill be amended by deleting the word “*light*” appearing immediately before the word “*well-ventilated*” and replace with the word “*lit*”

So as to read

“keep the premises clean, adequately lit, well-ventilated with sufficient free space for movement”

CLAUSE 16

That Sub-clause 16(d) of the Bill be amended by inserting the word *“the”* immediately before word *“Committee”*

So as to read

“such monies as may be payable to the Committee”

CLAUSE 18

That clause 18 of the Bill be amended by Merging Sub-clause *“18(a)”* with Clause 18 introductory phrase and renumber clause *“18(b)”* as *“18(a)”* onwards

So as to read

“The Committee shall, within a period of three months after the end of each financial year, submit to the County Executive Committee Member, an annual report in respect of that year containing-

(a) a statement of the expenditure of the Committee during that year;

(b) the Committee’s performance indicators and any other related information;

(c) a report on the operations of the Committee during that year; and

(d) such any other information as the County Executive Committee Member may request”

CLAUSE 20

That Sub-clause 20 of the Bill be amended as follows;

That part *“IX”* on miscellaneous provisions be amended by deleting the phrase *“IX”* and replacing it with the phrase *“VI”*

In Sub Clause 20(1) delete the phrase *“3(1)”* appearing immediately after the word *“Section”* and replace it with the phrase *“ 6(1)”*

So as to read

“A person aggrieved by a decision made by the committee established under section 6(1) of this Act shall appeal to the County Executive Committee Member”

Inserting a new Sub-clause *“20(5)”* and renumber Sub-clause *“20(5)”* as *“20(6)”*.

So as to read

“(5) the appeals committee shall hear and determine the appeals within 30 days

(6)A person aggrieved by a decision made by the Appeals committee may within thirty days of the decision appeal to the Court”

CLAUSE 23

That clause 23 of the Bill be amended by deleting the words *“on recommendation of the committee, and in consultation with other relevant public institution, by statutory instrument”* appearing immediately after the word “may”

So as to read

“The County Executive Committee Member may, make regulations for the better carrying out of the provisions of this Act”

SCHEDULES

SECOND SCHEDULE

That the Second schedule to the Bill be amended as follows;

In Sub-Clause 1(1) delete the word *“3(1)”* appearing immediately after the word Section and substitute with the word *6(1)”*

So as to read

“The members of the Committee referred to in Section 6(1) shall, subject to the provisions of this Schedule, hold office for a period of three years on terms and conditions as may be specified in the instrument of appointment, but shall be eligible for re-appointment for one further term”

That part “2(1)” and 2(2)” of the Bill amended by deleting it entirely and substituting therefor with the following new clauses to read;

“2(1) the chairperson of the committee shall be the chief officer in-charge of Agriculture.

2(2) The vice-chairperson of the committee shall be elected amongst members

2(3) the secretary to the committee shall be the chief officer in-charge of public Health

2(4) The persons under sub-paragraph (1) and (2) shall not be of the same gender”

THIRD SCHEDULE

That the third schedule to the Bill be amended by deleting it entirely.

CLAUSE 2: INTERPRETATION

That clause 2 of the Bill be amended as follows;

In the definition of *“Laboratory”* delete the phrase *“41”* appearing immediately after the word *“section”* and therefor replace with the phrase *“ clause 12”*

So as to read

“Laboratory” means the Couty Food Laboratory established under section 12”

In the definition of the word *“Public analyst”* delete the phrase *“44”* appearing immediately after the word *“section”* and replace therefor with the phrase *“clause 15(1)”*

So as to read

“Public analyst” means a person appointed as a public analyst under clause 15(1)”

In the definition for the word *“Relevant laws”* delete the word *“in the manner”* appearing before the word *“prescribe”* and replace with the word *“as”* and further delete the word *“prescribe”* and replace with the word *“prescribed”*

So as to read

“Relevant laws” means food safety-related legislation as prescribed in the First Schedule”

Inserting the words *“Chief Officer” means chief officer responsible for matters relating to food safety;”*

ARRANGEMENT OF CLAUSES

That the arrangement of Clauses be amended by renumbering Part “VI” as Part “IV” onwards

(NO. 335)

Afternoon Sitting (234)

APPENDIX

ORDER NO 5 – PAPERS

Report of the Public Accounts and Investments Committee on the report of the Auditor General on the Kimilili Municipality FY 2024/2025

(Chairperson, Public Accounts and Investments Committee)

ORDER NO 6 - NOTICES OF MOTION

THAT, this House adopts the report of the Public Accounts and Investments Committee on the report of the Auditor General on the Kimilili Municipality FY 2024/2025

(Chairperson, Public Accounts and Investments Committee)