

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

THURSDAY, 9TH APRIL, 2026

Afternoon Sitting

3rd County Assembly

Version 00

5th Session

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

THURSDAY, 9th APRIL, 2026

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

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

PRAYER

NOTICES OF MOTION

Mr. Speaker: Just to confirm Honourable Members before they call out the motions which are lined, they are three on your gadgets on the plenary wall. I wish to confirm that the Office of the Clerk has been able to verify the motions before the House and they all meet the statutory threshold as prescribed under Section 40 of the County Government Act No.12 revised 2020, Section 13 of the Office of the County Attorney Act 2020 and our Standing Order No.77 of the County Assembly of Bungoma.

They have verified and made recommendations that these notices can now be pursuant to the provisions of Standing Order 58(1) and the motions be set down for debate in the House in accordance with the provisions of Standing Order 77. They will be called out in that order. Proceed Clerk!

(Applause)

1.PURSUANT TO THE PROVISIONS OF SECTION 13 OF THE OFFICE OF THE COUNTY ATTORNEY ACT 2020 ,ARTICLE 10 AND CHAPTER SIX OF THE CONSTITUTION OF KENYA AND ARTICLE 185 OF THE CONSTITUTION OF KENYA AND COUNTY ASSEMBLY STANDING ORDERS

Mr. Speaker: Hon. Okasida, you are the mover of the motion, you proceed!

Hon. Johnston Ipara: (*Mover*) thank you Hon. Speaker. I rise to issue a notice of special motion pursuant to the provisions of Section 13 of the Office of the County Attorney Act 2020, Article 10

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

and Chapter six of the Constitution of Kenya and Article 185 of the Constitution of Kenya and County Assembly Standing Orders. This House resolves to remove Mr. Edward Oringe Waswa from the office of the County Attorney by impeachment.

(Applause)

Mr. Speaker: Next!

2. PURSUANT TO THE PROVISIONS OF SECTION 40 OF THE COUNTY GOVERNMENTS ACT, SECTION 129,131,133 AND 196 OF THE PFM ACT 2012 AND ARTICLE 43, 183,185 AND 201 OF THE CONSTITUTION OF KENYA AND COUNTY ASSEMBLY STANDING ORDERS

Mr. Speaker: Yes, Hon. Okasida!

Hon. Johnston Ipara: Mr. Speaker Sir, I rise to issue a notice of special motion pursuant to the provisions of Section 40 of the County Government Act Section 129,131,133 and 196 of the Public Finance Management Act 2012 and Article 43 ,183, 185 and 201 of the Constitution of Kenya and County Assembly Standing Orders. This House resolves to remove Ms. Caroline Makali Khalayi from Office of Member of the County Executive Committee by impeachment

(Applause)

Mr. Speaker: Next motion!

3. PURSUANT TO THE PROVISIONS OF SECTION 40 OF THE COUNTY GOVERNMENTS ACT 2012, ARTICLE 10,179,185,201, 226 AND 232 OF THE CONSTITUTION OF KENYA AND THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT 2015 AND COUNTY ASSEMBLY STANDING ORDERS.

Mr. Speaker: Yes, Hon. Okasida!

Hon. Johnston Ipara: Mr. Speaker Sir, I rise to issue a notice of special motion pursuant to the provisions of Section 40 of the County Governments Act 2012, Article 10,179,185,201,226 and 232 of the Constitution of Kenya and the Public Procurement and Asset Disposal Act 2015 and County Assembly Standing Orders, this House resolves to remove Wekesa Douglas Sasita from office of the Member of the County Executive Committee by impeachment

(Applause)

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

Mr. Speaker: Next item on our Order Paper!

SPECIAL MOTIONS

1. REMOVAL OF EDWARD ORINGE WASWA FROM OFFICE OF THE COUNTY ATTORNEY

Mr. Speaker: The mover, move your motion. Hope your seconder is ready. Proceed!

Hon. Johnston Ipara: Mr. Speaker Sir, I rise to move a special motion on the removal of Edward Oringe Waswa from Office of the County Attorney

PURSUANT TO: Section 13 of the Office of the County Attorney Act, 2020; Article 10 and Chapter 6 of the Constitution of Kenya; and Article 185 of the Constitution of Kenya.

WHEREAS Section 13 of the Office of the County Attorney Act provides for the removal of a County Attorney on grounds of serious violation of the Constitution or any other law, gross misconduct, and incompetence;

AND WHEREAS the County Attorney, Edward Oringe Waswa, serves as the Chief Legal Advisor to the County Government and is held to the highest standards of integrity and professional competence;

NOTING WITH GRAVE CONCERN that the County Attorney has fundamentally breached his constitutional and statutory duties as follows:

Ground 1: Fraudulent Misrepresentation on Official Vetting Documents

The County Attorney, Edward Oringe Waswa, willfully provided false and misleading information to the Committee on Appointment during his vetting process by denying any past criminal charges. This act constitutes a grave breach of the leadership and integrity standards required of the County's Chief Legal Advisor.

(a) False Information during Vetting: The County Attorney willfully provided false and misleading information to the Committee on Appointment by denying any past criminal charges. When asked under oath (Question 28) if he had been charged in court within the last three years, he responded "None".

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

(b) Existence of Criminal Charges: Contrary to his declaration, official records indicate multiple criminal proceedings within the stated three-year period:

i. Malicious Damage to Property: Charged on June 27, 2023, under Section 339(1) of the Penal Code (Police Case No. 857/208/2023) for willfully damaging a perimeter wall valued at KSh 650,000.

ii. Abducting with Intent to Confine: Charged under Section 259 of the Penal Code for the alleged abduction and wrongful confinement of Vipul Ratilal Gosar Ramji Dodhia on May 5, 2023.

(Applause)

Mr. Speaker: Order Members!

iii. Assault Causing Actual Bodily Harm: Charged on June 19, 2023, under Section 251 of the Penal Code (Police Case No. 857/207/2023) for the assault of Christopher Ren Makwato.

(c) Concealment of Court Outcomes: Despite court records indicating he was "Out on F/Bond" and that matters were processed through the Chief Magistrate's Court in Kitale, the Attorney failed to disclose these statuses as required by the vetting form.

(d) Improper Acquisition of Office: By knowingly misrepresenting facts, the officer undermined the credibility of the vetting process and secured appointment through deception, violating Section 46 of the Anti-Corruption and Economic Crimes Act.

Ground 2: Serious Violation of the Constitution and Statutory Law

(Section 13(a), Office of the County Attorney Act, 2020)

1. Breach of Mandatory Reporting Obligations

i. The County Attorney has willfully disregarded Section 28 of the Office of the County Attorney Act, which mandates submission of an Annual Report to the Governor and subsequent tabling before the County Assembly.

ii. This failure conceals the financial statements and legal activities of the Office from the oversight of the Assembly, undermining transparency and accountability.

Ground 3: Gross Incompetence and Lack of Professional Judgment

(Section 13(a) and (d), Office of the County Attorney Act, 2020)

1. Professional Negligence and Erroneous Legal Advising

i. The County Attorney has consistently failed to provide sound legal counsel, citing incorrect provisions and offering misleading guidance to departments.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

ii. This incompetence exposes the County to avoidable litigation, financial loss, and procedural paralysis.

2. Illegal Advisory on Referral of the CFSP (2026)

i. **Violation:** The Attorney wrongly advised that the Governor could —refer back the County Fiscal Strategy Paper (CFSP), 2026, citing Section 24 of the County Governments Act.

ii. **Legal Reality:** Section 24 applies strictly to Bills. The CFSP is governed by Section 117 of the PFM Act and Regulations 26–28. Once adopted by the Assembly, the CFSP is binding and does not require gubernatorial assent.

iii. By inventing a —referral power non-existent in law, the Attorney undermined the finality of Assembly resolutions.

3. Misapplication of the “1% Deviation Rule”

The Attorney wrongly cited Section 131(2) of the PFM Act to limit the Assembly’s oversight authority during the CFSP stage.

ii. **Legal Reality:** Section 131(2) and Regulation 37(1) apply exclusively to Budget Estimates, not the CFSP. There is no 1% cap at the CFSP stage.

iii. **Impact:** This misinterpretation was a deliberate attempt to mislead the Executive and the public, stripping the Assembly of its constitutional power to set fiscal ceilings and align the budget with the CIDP.

4. Constitutional Illiteracy and Breach of Separation of Powers

i. The Attorney has demonstrated a lack of understanding of the constitutional roles of the Executive versus the Assembly, thereby paralyzing the principle of checks and balances under Chapter 11 of the Constitution.

5. Administrative Inability

i. Persistent failure to manage administrative requirements of the office, including preparation of mandatory Annual Reports under Section 28 and verification of pending bills, demonstrates lack of competence required of the Chief Legal Advisor.

Ground 4: Subversion of the Constitutional Principle of Separation of Powers

(Section 13(b), Office of the County Attorney Act, 2020)

1. Obstruction of Legislative Oversight

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

i. By advising the Executive to —rejectl a CFSP adopted by the Assembly without legal basis under Regulation 28 (which applies only to significant macroeconomic changes), the Attorney engineered a constitutional crisis between the two arms of government.

2. Bad Faith Advisory

- i. The Attorney failed to differentiate between the Executive’s duty to enforce fiscal responsibility under Section 107 of the PFMA and the Assembly’s mandate to adopt fiscal strategy.

Ground 5: Serious Violation of the Law Regarding House Resolutions

(Breach of Article 183(1)(c) of the Constitution and Section 30(2)(l) of the County Governments Act)

1. Failure to Report on Implementation

a) The County Attorney has failed to provide the County Assembly, within the mandatory or reasonable period of sixty (60) days, the implementation status of House resolutions and legislations pertaining to their office.

b) This omission denies the Assembly its constitutional right to timely information and obstructs accountability.

2. Obstruction of Oversight

a) The persistent refusal to account for the execution of House directives has effectively paralyzed the Assembly’s oversight mandate under Article 185(3) of the Constitution.

b) By concealing inefficiencies within the Office of the County Attorney from public scrutiny, the Attorney has eroded transparency and weakened the Assembly’s role as the people’s watchdog.

Ground 6: Incompetence in Fiscal Stewardship (Salary & Statutory Debts)

i. Diversion of Personnel Emoluments: The County Attorney shares collective responsibility for the failure to protect the rights of county employees. She concurred with or failed to object to the diversion of KSh 943.6 million May and June, 2024 exchequer funds, intended for salaries, toward development projects, many of which remain unverified or incomplete.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

- ii. Failure to Remit Statutory Deductions: The County Attorney failed to ensure the department's statutory obligations were met, leading to non-remittance of KRA, SHIF, and pension contributions (LAPFUND/CPF).
- iii. Violation of Social Security Rights: This has denied staff their constitutional right to social security under Article 43(1) (e) and exposed the department to massive surcharges and penalties.

Ground 7: Failure to Allocate Funds towards Settlement of Genuine Bills

THAT, despite the accumulation of massive liabilities, the County Attorney failed to prioritize the settlement of genuine pending bills, choosing instead to initiate new projects Instead of settling outstanding arrears for completed works. By failing to allocate funds to settle the department's legitimate debts, the County Attorney has caused local contractors to suffer financial distress and exposed the County to litigations and high-interest penalties.

Ground 8: Gross Negligence in the Verification and Reporting of Pending Bills

The County Attorney failed to ensure that the pending bills accumulated by the Department were verifiable, accurate, and reliable.

- i. The County Attorney presided over the compilation of a KSh 4.9 Billion pending bills report that was characterized as a "moving target." This report lacked a fixed audit trail and was consistently altered, making it impossible to achieve a definitive and reliable figure for budgeting purposes.
- ii. The County Attorney negligently forwarded these inaccurate and unverified figures to the County Treasury, thereby misrepresenting the County's financial position.
- iii. The County Attorney allowed these discrepancies to persist until the County Assembly raised an alarm, proving that the internal controls and verification mechanisms under his leadership had completely collapsed.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

I move that this House approves the removal of Edward Oringe Waswa from Office of the County Attorney.

Attached are annexures in support of the motion for the removal of Edward Oringe Waswa from office of the County Attorney. They are numbered from 1-9. At this juncture before I call the seconder of the report, allow me to submit the annexures.

(Applause)

Hon. Speaker Sir, at this juncture, let me have the pleasure and honor to invite Hon. Benjamin Otsiula the MCA for Khasoko to second this motion for the removal of the County Attorney Edward Oringe Waswa. I submit.

(Applause)

Mr. Speaker: Hon. Otsiula, you have the honor of seconding the motion moved by the Honorable MCA Ipara Okasida for the removal of the County Attorney Edward Oringe Waswa from Office of the County Attorney accordingly, Proceed!

Hon. Benjamin Otsiula: Thank you Hon. Speaker. First of all I wish to take this opportunity to laud my brother Hon. Okasida Ipara for moving this delicate motion eloquently, a motion that is in the best interest of restructuring the Government of Bungoma and it must be taken with a broad perspective that the business at hand is for the general wellbeing of our people in this County.

My task is very noble and simple, to second this motion. Before I embark on that noble task, allow me appreciate the several Honorable members of this Honorable House who have stood their ground and the test of time in standing with this particular Honorable task reflecting the aspirations of the several thousands of the people of Bungoma County.

First of all, the Office of the County Attorney is a preserve of the Constitution. While Kenyans enacted the Constitution of Kenya 2010, they had in mind the aspirations, wishes of all the people of Kenya. Any Kenyan aspiring to hold the constitutional office is therefore required to comply and meet the principle stipulated under Chapter Six of the Constitution. Honorable Oringe Waswa was vetted by this Honorable House and his name approved with a view of taking up office to serve as the County Attorney in the revered County of Bungoma.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

Chapter Six on Leadership and Integrity, my brother who is lawyer was supposed to confirm to this Honourable House that he does not have any criminal record. If you look at this motion, very carefully, if you have any past criminal record, then you are not fit to hold the office of the County Attorney. My brother in question, Oringe Waswa, is said to have been charged at the time with three counts and for the benefit of this House, I want to refer members to Annexure No. 2 that supports ground one of the impeachment motion. Honourable Speaker, I have three charge sheets confirming, that our County Attorney, that is one, Edward Oringe Waswa, Musa Omusala, Ben Wanjala Matumbeti, were jointly charged with the offence of malicious damage to property, contrary to Section 339(1) of the Penal Code. Honourable Speaker, at the time of vetting, this information was not relayed to the House neither were we told or informed by the House or by the said Honourable Oringe whether he had been acquitted of these charges, Honourable Speaker. Therefore, on this charge alone, my brother lied on oath honourable Speaker, you are a lawyer, if you lie on oath, you are guilty of committing perjury. So my brother is guilty of material non-disclosure, Honourable Speaker.

Count No. 2 on the same charge, Honourable Speaker, he was charged with abducting with the intent to confine contrary to Section 259 of the Penal Code. Honourable Speaker, these are serious criminal charges, abducting with the intent to confine. Honourable Speaker you understand and the Honourable Members understand...you know honourable members have been termed semi-literate but they know the difference between a felony and a misdemeanor. A misdemeanor is a serious offence, Honourable Speaker and if my brother was charged with abducting with the intent to confine, that is not a small offence, Honourable Speaker. No record was provided to this Honourable House to tell the House whether the County attorney was exonerated of these charges at the time he assumed office, Honourable Speaker.

I have another charge; assaults causing actual bodily harm, contrary to Section 251 of the Penal Code. In this one, Edward Oringe Waswa again is charged jointly with Moses Mutange. This is now assault. Honourable Speaker, you can look at the nature of offences. He is abducting, causing malicious damage to property and is now assaulting. I want the people of Bungoma County to know and to exonerate this Honourable House of blame, because we are having somebody occupying a constitution office with multiple offences, Honourable Speaker. This is despicable, Honourable Speaker. We don't have again any record to show that at the time he was being vetted and being given this office, he had been exonerated of this offence and I want to lead this House again to annexure three; Extract vetting questionnaire, that's number one, when given that

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

questionnaire, if you look at section 28, 'have you ever been charged in a court of law in the last three years? If so, specify the nature of the charge, where the matter is ongoing, the present status of the matter, or where the matter is concluded, the judgment of the court, or otherwise, how the case was concluded'. Honourable Speaker, the answer is none. I can show the Honourable House, he said he has never been charged anywhere.

Honourable Speaker, as far as this charge is concerned, I think it is well-battled with evidence and I have led this House very well and provided sufficient annexures as far as that charge is concerned. I want to repeat again, if he lied on oath, as an advocate of the High Court of Kenya he cannot feign ignorance of the law, he has been to the law school for six good years, came back and did pupillage, he has been practicing law and therefore he knows the consequences of lying on oath honourable Speaker. From this impeachment motion, we also call upon the agencies to verify these documents and if he lied on oath as an advocate of the High Court of Kenya, let him be charged with perjury, Honourable Speaker.

The recent illegal advisory on the CFSP speaks volumes. This wrecks a lot of incompetence in the office of the County Attorney. He misled or misadvised the treasury to forward a memorandum challenging the resolution of the House on the report that was approved here on the CFSP. Where on earth did my brother get the provision to sanction a memorandum to be preferred to challenge the ceiling set by the honourable House? A memorandum can only be preferred after the budget estimates. Therefore, he wrecks incompetence, Honourable Speaker.

Secondly, on that advice on CFSP, he was merely trying to challenge... and I want to go clear on the issue of reinstatement of bursaries to the beneficiaries of Bungoma County. In the memorandum, we are advised to drop and remove the consideration of bursaries from that memorandum. I want to appreciate this House, through the Speaker and the legal department for being very keen and reading a lot of mischief in that memorandum. Had we considered that memorandum, I am sure at this particular time, we would have really infringed on the rights of the people of Bungoma County.

Honourable Speaker about the 1 per cent rule that he's talking about, he's misapplying the law. The 1 per cent rule is telling this House that when you are setting ceilings, you don't deviate from the 1 per cent rule when the document is presented by the Treasury. That cannot apply to the CFSP and

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

as a lawyer; if you are constantly misadvising and misleading then you are not fit to hold that office.

Honourable Speaker on pending bills, he has demonstrated gross negligence in the verification and payment of pending bills. He was there when it was reported that pending bills are to the tune of KShs.4.9Billion. This report underwent a lot of verification and it was confirmed by that time that what the county owed was only KShs.2.9Billion in terms of pending bills. Where was my brother getting these figures of KShs.4.9Billion Honourable Speaker? If he lacks any material evidence to support this KShs.4.9Billion, because up to date we have not seen anything close to KShs.4.9Billion, then he misadvised the Treasury and that is why the Treasury is constrained, Honourable Speaker. We are getting valid figures concerning the pending bills, and the people of Bungoma even right now do not know the correct pending bills bedeviling this government. We cannot proceed with a County Attorney who cannot verify or substantiate figures and give a proper and accurate figure of the pending bills, Honourable Speaker.

Therefore, because he is misleading and not giving proper information, he is very, very negligent and therefore, the office that he occupies with the vetting that he underwent, and the promise that he gave to this Honourable House, he has seriously abdicated his duty, and therefore we cannot continue to risk this county any further. We must come together and rescue our county by getting rid of this County Attorney who does not have any serious regard to the law, Honourable Speaker.

Ground six is incompetence in fiscal stewardship; that is salary and statutory debts, Honourable Speaker. This has been an elephant in the House. Just to remind the House, when we were in in Kakamega, sorry, during a consultative meeting with His Excellency the Governor, trying to unravel the mystery behind the diversion, at the time it was an alleged diversion of KShs.943.6 million meant for the May and June 2024 exchequer funds. Members almost came to feasts, it was a harsh exchange and to our dismay, the County Attorney was not in a position to advice if at all the funds were moved to cater for another function for the immediate return of these funds, Honourable Speaker. Up to today, we are told projects cannot be implemented because there is no money to cover pending bills and new development projects.

We process in this House, the CIDP and the ADP carrying the aspirations of people who come here to do public participation. At home there we spend a lot of resources calling people for public

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

participation engagements only to come here when money has been misappropriated. Yet we have a County Attorney, a legal expert, who is supposed to advise the treasury as far as these funds are concerned, Honourable Speaker. That shows that he is sleeping in office.

This house is not malicious. We want the people of Bungoma County to see that we are equal to task, Honourable Speaker. They are saying that we did not go to school, that we are semi-literate. I was your chair of the Law Society of Kenya, Honourable Speaker, you were under me while serving this House.

(Applause)

When the House demands to know where this KShs.943.6Million disappeared to, it becomes now that these Honourable Members are semi-literate, we cannot allow that. It must go on record that the County Attorney has failed this county, Honourable Speaker and he cannot escape. Let His Excellency the Governor, take time, reorganize himself and appoint another competent lawyer to take this county forward, Honourable Speaker. I will not lose election as a member of Khasoko Ward because my projects in 2025/26, 2026/27 F/Y were not implemented because of somebody who is enjoying salary and seated in office. Let him go home, I will find him there in 2027, Honourable Speaker.

(Applause)

Next is violation of the law regarding House resolutions? We are the chief oversight authority of this County Government, Honourable Speaker with three main roles. Once we pass resolutions in the House, it is the preserve of now the County Attorney, that's why he was hired, on a very nice salary. He even quit private practice and opted for that office but he never reports to this House, we never see any implementation reports, no resolutions are coming out of what we have passed here yet he is busy and happy that he is in office, Honourable Speaker.

These are very serious grounds and I am tempted to say that maybe because of his criminal conduct, he is conflicted and he cannot confine and attack these behaviors bordering on crime because he knows very well that he is an accomplice, Honourable Speaker.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

Where I come from, they say that when you want to catch a night runner, you send a night runner and therefore if he is there for his vested interests, this is not the right time. We have been here for the last four years, trying to press this button, trying to move left, center and right. A person we vetted and expected a lot from him has seriously let down this government, Honourable Speaker...

I just want this House to confirm that I am not speaking out of the blue. I have the Governor's Memorandum on CFSP 2026 here with me, I also have the Governor's Memorandum on Budget aspects for Financial Year 2025/2026 on the budget process and I also have the pending bills report dated 30th June 2024 to confirm that honourable Speaker.

As I wind up this motion, I want to remind the House that we have a serious task, this is a momentous duty bestowed upon us by thousands in Bungoma County and I know most of us formed this government, we supported the government, we campaigned for the government. But there comes a time when we have to say and speak the truth because, even as a Christian, they say, speak the truth and shame the devil.

I don't want to compromise my Christianity values, simply because I participated in the formation of this government, Honourable Speaker.

As I end, on the preamble of the Constitution, I just want to dwell with the first phrase, we, the people of Kenya; that is where all of us derive our sovereign authority, we must exercise our sovereign authority, discretionarily, but also bearing in mind the aspirations of our people back at home. If at all we enacted this Constitution, we must honour, be proud, respectful and committed to the task at hand. I end there, Honourable Speaker.

I second and urge the House to support.

Mr. Speaker: Honourable Members, as per our Standing Orders, I will allow Hon. George Makari to make brief remarks and then I will urge the House leadership to proceed and form a five-member committee. The motion before me has the requisite number, the law says a third of the House membership supporting the motion. This motion has attained the minimum threshold of 23 Members.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

I will ask the House leadership to propose names of panel one to take up the first motion for processing purposes. Hon. Makari, make brief remarks.

Hon. George Makari: Thank you, Honourable Speaker. I don't know why members are laughing when you give me the space, perhaps without any iota of doubt; I want to support this motion. Honourable Speaker, you are in the Committee of Appointments with me, you remember when we vetted this person in this House, and I remember we have the majority Leader in that committee, we have the Deputy Speaker and other Members of this esteemed House. Honourable Speaker, the County Attorney did not disclose any material facts about his criminal past. You can remember, when we asked him, have you ever been involved in any criminal activity in the past three years? On that sheet of reply, he said no. But now we have just unearthed court proceedings that this person is a criminal.

Honourable Speaker, even if we are stupid, can we continue keeping such a person in the County Government of Bungoma? You see, our governor is a good man, but now if somebody is now the County Attorney, at the same time is a goon for the Governor, at the same time is a protocol officer, at the same time is pushing people on the line, arranging the line for the Governor to pass, is that really the County Attorney we want? Is that one a goon or a County Attorney?

Do you know Speaker when we were vetting the County Attorney he had a clearance from the ethics and anti-corruption, he had a clearance from the DCI on good conduct, he had a clearance from the NIS and they said he is a clean man. How did he get these papers when the criminal facts are here and have been substantiated, and even the court proceedings are annexed to the report.

Speaker, maybe we can pardon any other person but not this one, let him rest at home, we will get him there in 2027. I support the motion, Honourable Speaker.

Mr. Speaker: Honourable Members, allow me to invite the Leader of Majority to table the names of the committee as per Standing Order 7(5); If a motion under sub-section 2 is supported by at least one third of the Members of the County Assembly, the House shall appoint a select committee comprising of five of its Members to investigate the matter and report back to the House. Leader Majority, the first panel, please.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

Hon. Joseph Nyongesa (*Leader of Majority*): Thank you, Speaker. First, allow me appreciate the mover and the seconder and even Honourable George for supporting. Mr. Speaker, as we support, allow me also to remind this House that actually the product from Khasoko is always a product to consider. If you can remember when I was moving a motion to impeach the CEC Makheti, the seconder was the late Hon. Makhandia and what he did, Mr. Speaker, has now been doubled with Honourable Otsiula.

Mr. Speaker, I arise pursuant to Standing Order 77(5) (a) to move that this House approves the following Members to serve in the select committee and consider a motion of removal of Mr. Edward Oringe Waswa as the County Attorney.

1. Hon. Caleb Wanjala-Bukembe East
2. Hon. Jack Wambulwa-Kimaeti
3. Hon. Everlyne Mutyembu-Malakisi/Kulisisru
4. Hon. Franklin Simotwo-Chepyuk
5. Everlyne Anyango-nominated member

Allow me to call upon Hon. Vitalis to second.

Mr. Speaker: Hon. Vitalis?

Hon. Vitalis Wangila (*Leader of Minority*): Thank you, Mr. Speaker. I am on my feet to second the names to be on the selectee committee for the removal of the named County Attorney. Thank you I second.

Mr. Speaker :Honourable Members a motion has been moved Pursuant to the provisions of Standing Order No. 77-5A, that this House approves the names of Caleb Wanjala, Jack Wambulwa, Everlyn Mutiembu, Franklyn Simotwo , Everlyn Anyango to serve on the committee for the removal of one Waswa Oringe from the office of the County Attorney;

(Question put and agreed to)

Those names have been approved to serve on the first panel committee for the removal of one Waswa Oringe from the office of the Count Attorney

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

Next item. I am being reminded just for noting purposes, the provisions of 5B, the select committee shall report within 10 days to the House whether it finds the allegations against the Count Attorney substantiated or not. That means you have from today up to next week on Sunday to bring back the report. Thank you.

2. REMOVAL OF MS. CAROLYNE MAKALI KHALAYI FROM OFFICE OF MEMBER OF THE COUNTY
EXECUTIVE COMMITTEE

Mr. Speaker: Yes the mover Hon. Ipara Okasida

Hon. Johnston Ipara: (*Mover*) thank you, Honourable Speaker. I rise to move this special motion on the removal of Mrs. Caroline Makali Khalayi from office of the member of the Count Executive Committee.

PURSUANT TO: *Section 40 of the County Governments Act; Sections 129, 131, 133, and 196 of the PFM Act, 2012; and Articles 43, 183, 185, and 201 of the Constitution of Kenya.*

THAT, WHEREAS Article 179(1) of the Constitution vests the Executive Authority of the County in the County Executive Committee;

AND WHEREAS Section 40 of the County Governments Act, 2012, provides for the removal of a County Executive Committee Member on grounds of Gross Violation of the Constitution or any other law, Gross Misconduct, and Incompetence;

AWARE THAT the CECM for Finance and Economic Planning, Ms. Carolyne Makali Khalayi, has fundamentally failed in the performance of her constitutional and statutory duties;

NOTING WITH GRAVE CONCERN the following specific grounds for her removal:

Ground 1: Gross Misconduct and Financial Impropriety (Pending Bills Scandal)

i. Submission of Unverified KSh 4.9 Billion Report: The CECM submitted a report to the County Assembly and the Controller of Budget detailing pending bills worth KSh 4.9 billion without prior verification by her office.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

- ii. Payment of Fictitious Projects: This negligence facilitated payments for ghost works and fictitious projects, providing legal cover for irregular disbursement of public funds.
- iii. Violation of the PFM Act: This conduct violates Section 104(1) of the Public Finance Management Act, which mandates effective and transparent financial management systems.

Ground 2: Diversion of Public Funds and Salary Arrears

iv. Diversion of Personnel Emoluments: The CECM shares collective responsibility for the failure to protect the rights of county employees. She concurred with or failed to object to the diversion of KSh 943.6 million

May and June, 2024 exchequer funds, intended for salaries, toward development projects, many of which remain unverified or incomplete.

v. Failure to Remit Statutory Deductions: The CECM failed to ensure the department’s statutory obligations were met, leading to non-remittance of KRA, SHIF, and pension contributions (LAPFUND/CPF).

vi. Violation of Social Security Rights: This has denied staff their constitutional right to social security under Article 43(1)(e) and exposed the department to massive surcharges and penalties.

vii. Misappropriation of Retention Funds: KSh 150 million in contractors’ retention funds, held in trust, were diverted for unauthorized expenditures.

Ground 3: Incompetence and Subversion of the Budget Process

i. Failure to Implement House Resolutions: The CECM has disregarded the Assembly by failing to provide implementation reports on House resolutions within the statutory 60-day window, obstructing oversight under Article 183(1)(c) of the Constitution. For example the *ADHOC REPORT ON THE COLLECTION AND UTILIZATION OF AGRICULTURAL CESS IN BUNGOMA COUNTY SINCE SEPTEMBER, 2022 TO MARCH 2025*

Ground 4: Administrative Negligence

i. Delay in Operationalizing the Budget: Persistent delays in uploading the Appropriation Act and operationalizing the budget have caused negative departmental balances and service delivery breakdowns.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

ii. Contract Variations and Double Payments: Duplicate payments and unnecessary contract variations have inflated the county's debt profile.

Ground 5: Systematic Falsification of Appropriations and Budgetary Tampering

(Pursuant to Sections 129, 131 & 196 of the PFM Act, 2012 and Article 185 of the Constitution)

1. Deliberate Alteration of House-Approved Fiscal Figures: Of 13 vote items passed by the Assembly, 10 were illegally modified before gazettment, undermining legislative authority. Specific Evidence 1– Health and Sanitation Budget:

Recurrent Expenditure: House approved KSh 1,471,330,430; gazetted version reflected KSh 1,426,241,895 — an unauthorized reduction of KSh 45,088,535.

Development Expenditure: House approved KSh 225,933,801; gazetted version reflected KSh 219,143,801 — an unauthorized reduction of KSh 6,790,000.

Specific Evidence 2 – Lands, Urban and Physical Planning, Housing, Bungoma Municipality and Kimilili Municipality

Recurrent Expenditure: House approved KSh 176,096,563; gazetted version reflected KSh 182,124,727 — an unauthorized increase of KSh 6,028,164.

Development Expenditure: House approved KSh 637,907,794; gazetted version reflected KSh 576,855,163 — an unauthorized reduction of KSh 61,052,631.

Specific Evidence 3 – Office of the Governor/Deputy

Recurrent Expenditure: House approved KSh 235,391,804; gazetted version reflected KSh 227,891,804 — an unauthorized reduction of KSh 7,500,000.

Honourable members at this juncture I want to remind you this is an office one time did refer you as the challenges they were facing it was this House, weak oversight.

And recently I also want to remind you the current occupier of this office did refer you as MCAs are very cheap to manage and you can only manage them with 20,000 Kenyan shillings. I proceed.

Ground 6: Persistent Failure to Submit Finance Bill and Tariffs/Pricing Policy

i. Violation of Statutory Duty over Two Years: Section 133 of the PFM Act requires annual submission of the Finance Bill. The CECM has failed to comply for two consecutive years.

ii. Revenue and Legitimacy Risks: Absence of a Finance Bill denies lawful authority to impose or collect revenue. Failure to present a Tariffs and Pricing Policy perpetuates arbitrary levies.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

- iii. Obstruction of Oversight: This sustained failure undermines transparency and obstructs the Assembly's fiscal oversight mandate under Article 185.
- iv. Failure to implement Section 120 of the County Government Act

Ground 7: Serious Violation of the Law Regarding House Resolutions

(Breach of Article 183(1)(c) of the Constitution and Section 30(2)(l) of the County Governments Act)

- i. Failure to Report on Implementation: The CECM has failed to provide the Assembly, within 60 days, the implementation status of House resolutions and legislations.
- ii. Obstruction of Oversight: This refusal paralyzes the Assembly's oversight mandate under Article 185(3) and conceals inefficiencies from public scrutiny.

Ground 8: Gross incompetence and Negligence of duty

The then-CECM for Health and Sanitation, Ms. Carolyne Makali Khalayi, demonstrated gross incompetence and total abdication of her constitutional and statutory duties in the following manner:

- i. Abdication of Departmental Responsibility: The CECM willfully allowed and or consented to the Department of Finance and Economic Planning taking over the core technical functions of her department, specifically the procurement of the Hospital Management System (HMS), thereby failing to protect the autonomy and technical integrity of the Health Department.
- ii. Negligent Oversight of Technical Specifications: As the head of the user department, the CECM failed to ensure that the system being procured met the clinical and administrative requirements of the county hospitals, leading to the acquisition of a system that was non-functional upon deployment.
- iii. Failure to Object to Irregular Procurement: The CECM sat by and watched as the Finance Department oversaw the advertising, evaluation, and awarding of a KSh 65 Million contract for a specialized medical health system, a process she was legally mandated to lead and safeguard under the Public Procurement and Asset Disposal Act.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

iv. **Condoning Fruitless Expenditure:** By failing to raise a professional objection to the payment of KSh 32.5 Million to Jumbo Soft Technologies for a failed system, the CECM was complicit in the loss of public funds.

v. **Derelection of Duty toward Health Facilities:** The CECM's failure to ensure a working management system directly undermined the delivery of health services to the people of Bungoma, as the lack of a functional system compromised patient records, revenue collection, and facility management.

vi. **Incompetence in Project Leadership:** The CECM failed to assert her authority to ensure that the Project Implementation Team was technically competent and health-oriented, rather than a team appointed by the Finance Department with no clinical expertise.

Ground 9: Failure to allocate funds towards settlement of genuine bills

THAT, despite the accumulation of massive liabilities, the CECM failed to prioritize the settlement of genuine pending bills, choosing instead to initiate new projects Instead of settling outstanding arrears for completed works. By failing to allocate funds to settle the department's legitimate debts, the CECM has caused local contractors to suffer financial distress and exposed the County to litigations and high-interest penalties.

Ground 10: Gross negligence in the verification and reporting of Pending Bills

The CECM failed to ensure that the pending bills accumulated by the Department were verifiable, accurate, and reliable.

iv. The CECM presided over the compilation of a KSh 4.9 Billion pending bills report that was characterized as a "moving target." This report lacked a fixed audit trail and was consistently altered, making it impossible to achieve a definitive and reliable figure for budgeting purposes.

v. The CECM negligently forwarded these inaccurate and unverified figures to the County Treasury, thereby misrepresenting the County's financial position.

vi. The CECM allowed these discrepancies to persist until the County Assembly raised an alarm, proving that the internal controls and verification mechanisms under her leadership had completely collapsed.

I MOVE that this House approves the removal of Ms. Carolyne Makali Khalayi from Office of Member of the County Executive Committee.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

Hon. Speaker there are annexures attached from item up to item three proving all the 11 grounds that has been preferred against her. At this juncture allow me to call upon my respected young professional Lawyer Hon. Benjamin Otsiula Member for Khasoko to come and second this motion of removal of Carolyn Khalayi from Office

(Applause)

I also want to hand over the annexures that I have just referred to you Hon. Speaker

Mr. Speaker: Yes Hon. Benjamin Otsiula you come and proceed and second the motion as moved by Hon. Jonston Okasida Ipara Honourable MCA for Tongaren

Hon. Benjamin Otsiula: Thank you Hon. Speaker. I laud Hon. Okasida for moving the motion so passionately and eloquently, a motion touching an office that is central to the running of the affairs of the County Government of Bungoma. Before I proceed on the nitty gritty of the motion, I want to remind members serving in various Sectoral committees that wherever the CECs have appeared before Sectoral committees, questions emanating from implementation of projects, questions emanating from payment of pending bills, questions emanating from lack of compliance with the budgetary provisions and allocations, all the CECs if not all, a majority of them have always pointed a finger at the Department of Finance, the Treasury.

Ground number one and ground number ten are closely intertwined. They are related. When we talk about pending bills, it has been a very big scandal in this county. The CECM for Finance, the first ground related to her is gross misconduct and financial impropriety.

Hon. Speaker just a demonstration that a report was compiled which gave a figure of 4.9 billion. That report was submitted to this House. The same report was forwarded to the Controller of Budget and that report was the basis of payments. This report had not been verified. There was no verification process of those pending bills.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

How on earth can you forward a report containing pending bills worth of 4.9 billion without conducting a verification exercise? Yet you are occupying this very, very delicate position. That wrecks financial impropriety.

It was only upon close oversight and members stepping up and you attended that meeting when a committee was now set up between the County Assembly and the County Executive to now go and verify and come up with a report with the correct, verified pending bills. By this time, the county had already lost money because this report of 4.9 billion was already at the Controller of Budget office and payments were already underway. Therefore, that wrecks financial impropriety.

Payment of fictitious projects. Members have been accused

(Applause)

Honourable Members in this House saying that an MCA has generated a project to be paid; an MCA does not sit in the procurement department. An MCA does not implement projects. An MCA does not sign a certificate for payment. An MCA does not effect or approve a payment that is a function of specified office holders. Our work is oversight, legislation and representation.

Therefore, payment of fictitious projects and I want to highlight just two. Under Milima Ward for example, on page 19, Hon. Speaker there was a construction of Maliki Water project. It was paid in full to a company known as Rogan but still appear as a pending bill in the new firm name.

(Applause)

Hon. Speaker, I want to send you all the way to Tuuti/Marakaru, a respected ward where the Leader of Majority of this House hails from and I am saying page 430 to 432, this is not hearsay. The project was triplicated for an amount of KSh 17,456,985. If at all the Honourable Member for Milima, if at all the Honourable Member for Tuuti/Marakaru is working in conduit with these particular defrauders Hon. Speaker, then let them come and show us any document evidencing that Hon. Jerusa Aleu...

(Applause)

and our Leader of Majority is a precursor of the count losing money. We are proving these facts.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

I want to talk about diversion of public funds and salary arrears. Diversion of personnel and monuments are referred to by Honorable Okasida Ipara. We are still talking about the exchequer of 2024, May and June, KSh 943.6 million. This money was diverted. In fact, we are told money meant for development was taken to the recurrent how can that happen?

(Applause)

From development to recurrent, how? This issue was in office when this was happening. We are saying that that was diversion and in fact unlawful, illegal and unauthorized diversion of public funds. Hon. Speaker, we are told that money meant for salaries, two months' salary for May and June 2024. The reason, even his Excellency the Governor, has been struggling to understand where this issue of 943.6 million came from, it is because the CECM Finance could not explain and give proper directions on how we reached here Honourable Speaker. It is the wisdom of this Honourable House, Honourable Speaker that appropriated this money, 943.6 million, in our last first Supplementary Budget, mainly to cushion the employees of this County, Honourable Speaker. Had we not appropriated this money, Honourable Speaker, our daughters, our sons, our fathers outside there, Honourable Speaker, could have worked and gone home without a salary for two months, Honourable Speaker.

Honourable Speaker, Violation of social security rights, under Article 43 1(e) of the Constitution, Honourable Speaker, we have been exposed to massive penalties and surcharges because we have not been remitting statutory reductions, Honourable Speaker, this affects even those people who go home for retirement, Honourable Speaker, they are not able to get their retirement benefits on time.

We are talking about the story of the one hundred and fifty (150) million Kenya shillings meant for retention Honourable Speaker, it has appeared all the time, and this was contractors' money, Honourable Speaker. Our people secure loans to do these contracts, Honourable Speaker, these retention funds are held in trust, Honourable Speaker, they were diverted to unauthorized expenditures. Who authorized that expenditure, Honourable Speaker, these 150 million, Honourable Speaker, this House is normally ridiculed, the House is, we are normally blamed that we don't set aside money meant for payment of contractors, Honourable Speaker, but here, 150 million Kenya shillings set aside, meant for retention, Honourable Speaker, was diverted for unauthorized expenditures.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

Honourable Speaker, I want to go to ground number three, sorry, ground number five, before I come back to ground number three. Complaints, Honourable Speaker, especially after the approval of the last first supplementary budget, that the budget that was appropriated by this House was being altered and tempered, Honourable Speaker. And a member referred to systematic falsification of appropriations and budgetary tampering, Honourable Speaker. There was deliberate alteration of the House approved physical figures on 13 items passed by the Assembly, ten items were tampered with, because these documents are already on record.

Honourable Speaker, I just want to guide the House and the people of Bungoma who are listening to me today, Honourable Speaker, to be informed for example, I just want to pick one example, Health and Sanitation budget, recurrent expenditure. The house approved a total of 1,471,330,430. The gazetted version, Honourable Speaker, reflects 1,426,241,895, an unauthorized Honourable Speaker reduction of Kenya Shillings 45,088,535, Honourable Speaker, can that be said to be a topographical or an arithmetic error, Honourable Speaker. This is a very huge discrepancy. I don't want to read the others, Honourable Speaker, they are already well laid down by the motion, mover, Honourable Speaker.

Another issue, Honourable Speaker, that brings us in circles when we are doing the budget process, Honourable Speaker, the Law requires and pertains the CECM Finance to furnish this House, that is section 133 of the PFM Act, with a finance bill every year, Honourable Speaker, for the last two financial years, we have never seen a financial bill in this House, Honourable Speaker.

This cannot be said to be an error of omission, it is a deliberate attempt, Honourable Speaker, to hoodwink the House, in fact, it is systematic, Honourable Speaker, because two financial years running, it means, Honourable Speaker, that's why they say that we don't understand what we are doing here, Honourable Speaker. We have been lenient enough and failure by the CECM, Honourable Speaker, for two running years to avail a financial bill for consideration, Honourable Speaker. Honourable Speaker that is an abuse of office, Honourable Speaker, no reasons appearing before committees, we have debated in this House, that have been advanced to contradict our proposition, Honourable Speaker, that the holder of this office is incompetent, Honourable Speaker.

House resolutions, Honourable Speaker, every time we blame the chair implementation, Hon. Aggrey Mulongo was holding that docket, and we used to accuse him, Honourable Speaker, for failing to follow up on reports. Hon. Timothy Chikati is now in the hot seat, Honourable Speaker, until they referred to Deputy Clerk Legislative, Dr. Momos, said that the back now to implement

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

projects rests with the executive. We were skinning our brothers alive here, Honourable Speaker, and if resolutions, for example, I'll give the report on CESS, Honourable Speaker, I remember I'm the one who moved that motion, with very stringent provisions, that within sixty days, within sixty, constitute this, to open accounts, the Roads department is supposed to receive ninety percent of the collected CESS. They have never opened those accounts, Honourable Speaker, 60 days lapsed long time ago, Honorable Speaker, therefore, they are not following up on anything.

The Department collecting CESS, for example, Honorable Speaker, is a treasury, it is a treasury, Honourable Speaker. And therefore, Honorable Speaker, we are saying that this is serious violation of the law regarding our own housing resolutions. If we are the chief overnighters, Honourable Speaker, of this county government, and whatever we pass here cannot be implemented, Honourable Speaker, we are reduced to a laughing stock, Honorable Speaker, before the public, Honourable Speaker. Therefore, on this alone, Honourable Speaker, this ground alone, failing to implement the Housing resolutions, is sufficient to send the CECM Finance back home...

Mr. Speaker: Honourable Members, I think the few Members, you know, like, my hands are very flexible, can take some ruthless action right away. Proceed.

Hon. Benjamin Otsiula: Honourable Speaker, administrative negligence this Honourable Speaker goes to delay in operationalizing the budget. Honourable Speaker, it is only in Bungoma County, where this House, Honourable Speaker, is told to work quickly, within a period of five to seven days, and ensure that the supplementary budget is approved. In fact, it was approved on 22nd, the last first supplementary budget on 22nd of December, 2025, but the same supplementary budget that was appropriated and approved by this House, in a record period of five days, takes the County Executive close to one and a half months to be uploaded.

What is this difficult thing, Honourable Speaker, that we have not been told, what happens with the uploading of the budget, Honourable Speaker, if she is presiding over people in that treasury who cannot upload and submit this budget on time to enable the County progress and run efficiently, then, Honourable Speaker, she has failed on her administrative duties, Honourable Speaker.

Contract variations coming, Honourable Speaker, towards the time of budget making. The question I'm asking, Honourable Speaker, after we have approved money and appropriated for a specific project, why can't they pay on time, Why can't they pay, because when we retreat, Honourable Speaker, to start working on the budget, during interrogations, members are struggling to

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

understand why are we doing variations now to provide for this money, and we provided. Honourable Speaker, that shows that either inflation, or there is something that is happening, Honourable Speaker.

Honourable Speaker, as I end, I come to the end of my submissions, Ground nine, failure to allocate funds towards settlement of pending bills. Honourable Speaker, if you go outside there and you meet any contractor who has undertaken works with the County Government of Bungoma, the keyword is, the MCAs have failed to provide for money made for pending bills. Honourable Speaker, the recently uploaded budget we provided for more than 493 million meant for settlement of this pending bill. When the Committee on Finance calls upon the CECM and the department to provide a list of those contractors who have been paid, it becomes a mirage, Honourable Speaker.

If we provided for 493 million made for pending bills, why is it so difficult for a list to be provided to the House showing how the 493 million was appropriated, Honourable Speaker. Even in the current fiscal strategy paper, Honourable Speaker, when you are setting ceilings, members forego so many projects, Honourable Speaker, and provided for over 623 million. In fact, it was agreed that when we get the CARA allocation, we shall enhance that money to close to 1 billion, to cushion our contractors who have delivered services to this County. Honourable Speaker, the idea of saying it is a House, and I want this House, Honourable Speaker, to be exonerated from this mischief that is being perpetrated by the treasury, Honourable Speaker. Claiming that we don't set aside money for these pending bills, Honourable Speaker. That is a hoax, Honourable Speaker, we have done the best as a House, and if they have paid, they are not providing evidence, Honourable Speaker.

Honourable Speaker, reference I make to the altered report of 4.9 billion, Honourable Speaker, nobody in the House, Honourable Speaker, even as we speak today, members, if you get the report, the verified one of 2.9 million, and you now ask the treasury, these are now the verified pending bills, now show us the companies that were paid before this report came into force. Honourable Speaker, that question has never been answered. And that is the reason why, Honourable Speaker, before I sit down, you hear stories of specific companies, specific, being paid all the time, this money comes from Nairobi, Honourable Speaker. It is because they cannot avail the list that came before this report of 2.9 billion was approved by the Executive and the County Assembly.

Honourable Speaker, I don't want to belabor so much, but I want members to look at this motion, because this docket is central to the implementation of anything as far as development is concerned

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

in this County. When our projects were delayed to be advertised, all CEC's, Chief Officers were saying we have not been given money by the department of Finance. That is why projects are not being implemented, that has been the song. Honourable Members, if His Excellency the Governor is not assisted by this House to see where omissions, where troubles, those people are pulling him back, because this one we elected, the Governor supported him, and he told us this will be a legacy regime, we want His Excellency to live an everlasting legacy. It has taken this County so many years for the Governor to acquire a CT scan machine, Honourable Speaker. We don't have an MRI machine, Honourable Speaker, it is because of this kind of officers. That is what the people of Bungoma expected from His Excellency. And we want to ask him to remain patient, remain calm, and allow the House assist him streamline his cabinet. I rest, Honourable Speaker.

(Applause)

Mr. Speaker: Honourable Members, Pursuant to the provisions of Section 77 5 (a), the motion is having more than requisite number, a third of the House membership, supporting the said motion. Allow the majority to come forward again and give us the names of the panel two to handle the second motion of impeachment.

Hon. Joseph Nyongesa (*Leader of Majority*): Thank you, Honourable Speaker, Maybe before I read the names, I will almost update the mover and the seconder and the willingness of the whole House, Mr. Speaker that we are moving in the right direction. Mr. Speaker, there is an observation which I want to say that actually this is a public House, all the information is public, I am seeing people in the gallery straining to ensure that somebody should be hearing what we are saying. Mr. Speaker, what is important, they are free to request the HANSARD report and even the audios, so that they should not strain much. Mr. Speaker, let them sit and listen.

Mr. Speaker, last observation, Mr. Speaker, that any Member in this House seeing those facts and is willing maybe to run around saying we want to save the situation, how will you save the situation? Allow me to read the names of the select committee that will ensure that members are having the fair hearing.

Mr. Speaker, I arise Pursuant to provision of the Standing Order 77 5 (a). I move that the House approve the following members to serve in the select committee to consider the motion on the removal of CECM Caroline Khalai.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

These are the members:

1. Hon. Francis Chemion Masai-Kaptama Ward.
2. Hon. Jack Kawa-Bokoli.
3. Hon. Jacob Psero- Chesikaki.
4. Hon. Jeremiah Kuloba-Township.
5. Hon. Eunice Kirui- nominated Member

Having reached there, Mr. Speaker, allow me to call upon Hon. Allan Nyongesa, Deputy Chief in the Minority Side, to second.

Mr. Speaker: Hon. Allan Nyongesa

Hon. Allan Nyongesa: Thank you, Honourable Speaker, I second the names as read by the Majority Leader to serve on the select committee.

Mr. Speaker: Honourable Members, the names read by the Leader Majority and seconded by the Hon. Allan Nyongesa to serve on the second panel. I propose that the names be approved;

(Question put and agreed to)

The said Honourable Members' names are approved to serve on the committee of panel number two for the removal from office the CEC Member, Caroline Khalai. Thank you. Next item.

3. REMOVAL OF WEKESA DOUGLAS SASITA FROM OFFICE OF MEMBER OF THE COUNTY EXECUTIVE COMMITTEE

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

Hon. Johnston Okasida: (*Mover*) Honourable Speaker, I've seen Honourable members getting disturbed, but I want to give them an assurance. In the Book of Galatians, verse 4:16, am I there for becoming your enemy because I tell you the truth. The Bible says, true leaders or servants of God or of the people must stand by the truth despite rejection. I proceed, Honourable Speaker.

(*Applause*)

I raise to move this special motion on the removal of Wekesa Douglas-Sasita from office of member of the County Executive Committee.

Pursuant to section 40 of the County Government's Act 2012 article 10, 179, 185, 201, 226, and 232 of the Constitution of Kenya and the Public Procurement and Asset Disposal Act 2015. That whereas article 179.1 of the Constitution vests executive authority of the county in the County Executive Committee and whereas section 40 of the County Government's Act 2012 provides for the removal of a County Executive Committee member on grounds of gross violation of the Constitution or any other law, gross misconduct, and incompetence. Aware that Wekesa Douglas-Sasita who currently serves as a CECM, Trade, Energy, and Industrialization and previously served as the County Executive Committee member for lands, urban, fiscal planning, and housing until his reshuffle on August 22, 2025 during which time he held primary executive and professional responsibility for the initiation, design, approval, and foundational management of the county executive administration block. Further aware that in his previous capacity as the CECM for lands and in his current standing...

Mr. Speaker: Honourable Members, my kind request to you kindly consult in low tones allow the mover to move. Kindly proceed Hon. Johnston Ipara

Hon. Johnston Okasida: and in his current standing as the CECM for Trade, Energy, and Industrialization the said Wekesa Douglas Sasita has fundamentally and persistently failed to discharge his constitutional and statutory duties demonstrating a gross lack of professional integrity and physical stewardship that continues to prejudice the interest of the County government and its taxpayers.

Noting with grief concern, the following specific grounds for his removal:

Ground 1: Gross Misconduct and Misleading the House.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

1. Violation of article 10 of the constitution. The CECM bridged national values of integrity and transparency by providing a technical progress report that misrepresents facts on the ground. In July 2025, the CECM reported through the Sectoral committee on Lands, Urban, Physical planning, and Housing that foundation works were at 70% complete and casting was at 95%. Yet, as of April 2026 the project remains at the foundation stage.
2. The CECM's continued assurance that the project was on track misled the Assembly and concealed the fact that no work has proceeded since the committee's fact finding mission on July 28, 2025.

Ground 2: Professional Negligence and Approval of Non-viable Designs for the County Executive Administration Block

1. Breach of article 232 of the constitution. The CECM failed to maintain high professional ethics by approving and signing off on questionable structural designs as the County architect.
2. Endangering occupational safety following alarms raised by the national government engineer from Public Works. It was determined the design was not physically viable and posed a threat to occupational safety necessitating a complete redesign of the administration block.
3. Despite the Governor's cabinet reshuffle on August 22, 2025 intended to address departmental failures and the subsequent withdrawal of national supervision, the CECM failed to ensure the County resident engineer resumed works, leading to total stagnation.

Ground 3: Financial Negligence and Failure to Secure Public Funds

There is a critical failure in the CECM's duty to protect County resources through the management of bank guarantees where, 1. Expired securities.

The advance payment guarantee for the project expired on March 18, 2025. Despite this, as of October 17, 2025, the guarantee had still not been renewed.

2. Exposure of public funds.

The County has already paid out Kenya Shillings 95,149,651.46 to Centre Line Logistics Ltd. By allowing the guarantee to remain expired for over seven months, the CECM left Kenya Shillings

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

95,149,651.46 million of taxpayer money completely unsecured and unrecoverable in the event of contractor default or termination.

- i. The department's "efforts" were limited to writing reminders to the contractor in July and September 2025, rather than taking decisive legal or contractual action to suspend the works or invoke penalties earlier.

Ground 4: Incompetence and Fiscal Irresponsibility

- i. The CECM presided over a project that is now mathematically impossible to complete within the original contract timelines. With 29 months (80%) of the contract elapsed since November 2, 2023, the project is only 10% complete. To finish the remaining 90% by November 2, 2026, the contractor would require a 900% increase in work pace a logistical impossibility. By failing to issue a "Notice to Cure" or invoke the bank guarantee after the project stalled, the CECM has jeopardized the KShs. 97,476,000 advance payment made to Centerline Logistics Limited.

Ground 5: Gross Violation of the Constitution and Statutory Law while serving as a CECM for Lands, Urban Planning, Physical Housing and Municipalities

[Section 40(1)(a) of the County Governments Act; Sections 12, 20, 28 & 29 of the Urban Areas and Cities Act; Article 10 & 175 of the Constitution]

- i. Failure to Operationalize Municipalities: The CECM grossly violated statutory provisions by failing to facilitate the mandatory transfer of functions, assets, and resources to Bungoma and Kimilili Municipalities.
- ii. Breach of the Urban Areas and Cities Act: By refusing to transfer critical functions such as Building Plan Approval, Revenue Collection, and Refuse Management since October 2021, the CECM acted in direct contravention of the legal framework governing devolved urban units.
- iii. Illegal Retention of Power: The CECM's failure to appoint a substantive Municipal Manager through a competitive process—opting instead for prolonged "acting" appointments—violates Section 28 of the Urban Areas and Cities Act and undermines the statutory intent of professional municipal management.
- iv. Subversion of Devolution: These actions constitute a systemic attempt to frustrate the operationalization of municipal governance, thereby violating the constitutional principles of decentralization and democratic governance under Article 175.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

Ground 6: Abuse of Office and Improper Allocation of Resources

[Section 40(1)(d) of the County Governments Act; Section 46 of the Anti-Corruption and Economic Crimes Act]

- i. **Centralization of Functions:** The CECM abused his office by unlawfully retaining control over functions and funds legally earmarked for the Municipalities, thereby denying them their lawful autonomy.
- ii. **Financial Usurpation:** The CECM presided over the irregular expenditure of Kshs. 39,647,586 for Kimilili and Kshs. 79,470,574 for Bungoma by the County Executive, bypassing the Municipal Boards and conferring improper advantage to the parent department.
- iii. **Administrative Sabotage:** The use of frequent, arbitrary transfers of acting managers served as a tool of intimidation, eroding institutional memory and stalling long-term projects essential for urban development.

Ground 7: Abuse of Procurement and Tendering Processes

- i. **Failure to Adhere to Procurement Plans:** The CECM allowed the department to bypass approved procurement plans, leading to ad-hoc, irregular spending and the emergency —procurement of goods that were never delivered.
- ii. **Unjustified Procurement Delays:** The CECM presided over intentional and unjustified delays in tendering processes, often used to create —artificial emergencies to justify direct procurement or variations.

Ground 8: Serious Violation of the Law Regarding House Resolutions

- i. **Failure to Report on Implementation:** The CECM has failed to provide the Assembly, within sixty (60) days, the implementation status of House resolutions and legislations pertaining to department. For example the implementation of THE BUNGOMA COUNTY WEIGHTS AND MEASURES ACT, 2023, REPORT ON TRADE LOAN STATUS.
 - ii. **Obstruction of Oversight:** This persistent refusal to account for the execution of House directives has paralyzed the Assembly’s oversight mandate under Article
- Version 00** **Revision 00**

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

185(3) of the Constitution and concealed departmental inefficiencies from public scrutiny.

Ground 9: Incompetence in Fiscal Stewardship (Salary & Statutory Debts)

- i. Diversion of Personnel Emoluments: The CECM shares collective responsibility for the failure to protect the rights of county employees. She

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

Concurred with or failed to object to the diversion of KSh 943.6 million May and June, 2024 exchequer funds, intended for salaries, toward development projects, many of which remain unverified or incomplete.

- ii. Failure to Remit Statutory Deductions: The CECM failed to ensure the department's statutory obligations were met, leading to non-remittance of KRA, SHIF, and pension contributions (LAPFUND/CPF).
- iii. Violation of Social Security Rights: This has denied staff their constitutional right to social security under Article 43(1)(e) and exposed the department to massive surcharges and penalties.

Ground 10: Gross Violation of the Constitution and the Environmental Management and Coordination Act (EMCA)

While serving as a CECM for Lands, Urban Planning, Physical, Housing and Municipalities

- i. The CECM oversaw the demolition of the old Kanduyi Market and the subsequent burial of asbestos-containing waste on-site at a depth of 15 meters without a NEMA-licensed handler. This constitutes a Breach of Section 89 of the Environmental Management and Coordination Act (EMCA) and the Waste Management Regulations (2006), which categorize asbestos as hazardous waste (Item 136) requiring strict, licensed disposal protocols.
- ii. The disposal was carried out despite the absence of an Environmental Impact Assessment (EIA) project report and without the mandatory oversight of experts from the National Environmental Management Authority. This is a Gross Violation of Section 58 of EMCA, which mandates an EIA for projects likely to have a significant impact on the environment, and Section 102 of the County Governments Act, which requires efficiency and professional standards in service delivery.
- iii. The CECM failed to decommission the burial site, fence it with a lockable chain-link fence, or post warning notices, thereby leaving the hazardous site open to the public. This violates the Precautionary Principle under the Rio Declaration (to which Kenya is a signatory), which dictates that lack of scientific certainty shall not justify postponing measures to prevent environmental degradation.
- iv. The improper handling of these materials exposed the public to airborne fibers known to cause lung cancer, mesothelioma, and other terminal illnesses. This is a Gross Violation of Article 42 of the Constitution of Kenya, which guarantees every person the right to a clean and healthy environment, a right the court explicitly found to be under threat in this

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

- case.
- v. The CECM allowed construction to proceed and buildings to be erected over the buried hazardous waste, despite knowing the disposal was not NEMA-compliant. The court's order to "remove all hazardous asbestos waste from its current location" now necessitates the destruction or interference with new infrastructure to reach the waste buried 15 meters deep.
 - vi. This violates the Principles of Public Finance under Article 201(d) of the Constitution, which requires that public money be used in a prudent and responsible way. The decision to build over illegally buried toxins represents a gross failure of professional judgment and fiduciary duty.
 - vii. In Case E003 of 2025, the court found the 1st Respondent's (County Government) argument that the application was "overtaken by events" because the site was already clear to be unpersuasive. By ordering a mandatory injunction for removal, the court has effectively penalized the County for the CECM's "short-cut" disposal methods. The residents of Bungoma will now incur the costs.

Ground 11: Failure to Allocate Funds Towards Settlement of Genuine Bills

THAT, despite the accumulation of massive liabilities, the CECM failed to prioritize the settlement of genuine pending bills, choosing instead to initiate new projects Instead of settling outstanding arrears for completed works. By failing to allocate funds to settle the department's legitimate debts, the CECM has caused local contractors to suffer financial distress and exposed the County to litigations and high-interest penalties.

Ground 12: Gross Negligence in the Verification and Reporting of Pending Bills

The CECM failed to ensure that the pending bills accumulated by the Department were verifiable, accurate, and reliable.

- i. The CECM presided over the compilation of a KSh 4.9 Billion pending bills report that was characterized as a "moving target." This report lacked a fixed audit trail and was consistently altered, making it impossible to achieve a definitive and reliable figure for budgeting purposes.
- ii. The CECM negligently forwarded these inaccurate and unverified figures to the County

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

Treasury, thereby misrepresenting the County's financial position.

- iii. The CECM allowed these discrepancies to persist until the County Assembly raised an alarm, proving that the internal controls and verification mechanisms under his leadership had completely collapsed.

I MOVE that this House approves the removal of Wekesa Douglas Sasita from Office of Member of the County Executive Committee.

Hon. Speaker next to it are annexures in support of the motion for the removal of Wekesa Douglas Sasita from Office of Member of the County Executive Committee running from 1-5. We have been referring to a 4.9 booklet of 30th June 2024 and at this particular juncture allow me to submit it before I call the seconder of the motion.

Mr. Speaker: Yes Honourable kindly call your seconder to proceed.

Hon. Johnstone Ipara: Thank you Honourable Speaker, at this point let me call upon Hon. Opwora to second this motion.

Mr. Speaker: Hon. Opwora Edwin

(Applause)

Hon. Edwin Opwora: Thank you Honourable Speaker...

Mr. Speaker: I am wondering this amusement is from where, maybe what you ate during your lunch break

(Applause)

Or is it your hairstyle or what. Proceed

Hon. Edwin Opwora: Mr. Speaker it is my eloquence that always amuses them and I just want to also take this opportunity to thank Hon. Okasida for moving the motion and I come here to second the removal of Wekesa Douglas Sasita from office of the Member of County Executive Committee having persistently failed to discharge his constitutional and statutory duties.

I have been a Member of the Lands committee and most of the raised issues here indeed shows lack of competence by virtue that some of the key issues, some of the projects which have been

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

termed as legacy projects were under the watch of one CEC Wekesa Douglas Sasita. For instance, when I look at the professional negligence and approval of non-viable designs for the County Administration Block. The Committee of Lands took time to visit the site and indeed we were shocked that CEC Sasita had indicated that the project was on track with a 70% work done and unfortunately when the committee visited the site we only found the building at the foundation stage.

When you look at the financial negligence and the failure to secure public funds because there was an advance payment guarantee for the project which expired in March 2025 and despite this as of October 17th 2025 the guarantee had still not been renewed and this leads to the exposure of Public funds. The County had already paid Kshs 95,149651 to the Centre Line Logistics Limited by allowing the guarantee to remain expired for 7months the CECM left this monies the Kshs 95M of taxpayers money completely unsecured and unrecrurable in the event that the contractor defaults or termination is done.

The incompetence and the physical responsibility of the CECM presided over a project that is now mathematically impossible to complete within the original contract timeline. Within 29* months 80% of the contract elapsed since 2nd of November 2023 the project is only 10% complete. One of the biggest legacy projects is the Kanduyi Market and as stated here by the mover of the motion there is a gross violation of the constitution and exposure of hazardous materials that the CECM allowed the construction of the Kanduyi Market to go on despite knowing that proper regulations or proper due diligence was supposed to be done by NEMA which resulted to discovery that there is material that is still at site. This not only poses a health hazard risk to the people but also by the virtue that this buildings are supposed to have been brought down it is a total loss of monies of the Public fund. Therefore I want to second this motion

(Applause)

Mr. Speaker: Thank you, allow me invite the leader of Majority to table the list of the 5 Members to select committee so that we are able to move on.

Hon. Joseph Nyongesa (*Leader of Majority*): Thank you Mr. Speaker, allow me before I move a motion for this select committee to appreciate the mover and the seconder for the good work they are doing and also the House for the overwhelming support.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

I rise pursuant to the provisions of the standing orders 27.5(a) I move that this House approves the following members to serve in the select committee to consider a motion of the removal of the CECM Douglas Sasita in office.

These are the members that will listen to him and give the determination;

1. Hon. Timothy Chikati-Ndalu Tabani Ward
2. Hon. George Kwemai-Elgon Ward
3. Hon. Aggrey Mulongo-Kibingei Ward
4. Hon. Eric Wekesa-Chwele Kabuchai Ward
5. Hon. Christine Mukhongo-Kimilili Ward

Having reached there allow me now call the alert member Hon. Job Mukoyandali to second.

(Laughter)

(Applause)

Mr. Speaker: Hon. Job you proceed...

Hon. Job Mukoyandali: Thank you Honourable Speaker, you know Leader of Majority is my neighbor so we are only trying to take care of one another both away and at home. I rise to second the names that have been forwarded here to interrogate the CECM. I second.

Mr. Speaker: Honourable Members the following names have been proposed to serve on the committee for the removal of Wekesa Douglas Sasita from office of the Member of the Executive Committee that is Hon. Timothy Chikati, George Kwemai, Aggrey Mulongo, Eric Wekesa and Christine Mukhongo having been proposed and seconded;

(Question put and agreed to)

I will now give the following directions that the Clerk will give you enough support, you will have more than 5 committee secretariat in terms of legal, researchers, committee clerks and the Deputy Clerk will be there for you to be assisted.

I will want to ask you that from here before you leave you can all go to one committee room so that you agree which one goes to which committee room because your timetable is supposed to run from today evening to the last day of your report presentation.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.

Equally if you are not aware Honourable Members it arose from the other days meeting after your session that Bungoma County Assembly will not take part in this year's Legislative Summit in Mombasa. We are not going to Mombasa, you will go to Mombasa during your own time after maybe we are done with the exercise ahead of us. Even myself as the Speaker I will be around in view of the motion; 9 more are coming; which we must run through and ensure they are processed within the set timelines.

In respective select committees you are going to elect your chairperson and vice chairperson respectively.

(Applause)

ADJOURNMENT

There being no other business on the Order Paper, Honourable Members, we will adjourn our sitting for today and resume next week on 14th Tuesday, April, 2026.

The House rose at 4.48 p.m.

Version 00

Revision 00

Disclaimer: The electronic Version of the Official Hansard Report is for information purposes only.

A certified Version of this report can be obtained from the Hansard Editor.