

**COUNTY GOVERNMENT OF BUNGOMA**

**COUNTY ASSEMBLY OF BUNGOMA**

**COUNTY ASSEMBLY DEBATES**

**THE DAILY HANSARD**

**WEDNESDAY, 8<sup>TH</sup> APRIL, 2026**

**Afternoon Sitting**

**3<sup>rd</sup> County Assembly**

**5<sup>th</sup> Session**

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## COUNTY ASSEMBLY OF BUNGOMA

### THE DAILY HANSARD

WEDNESDAY, 8<sup>TH</sup> APRIL, 2026

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

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

#### PRAYER

#### QUESTIONS AND STATEMENTS

1. A STATEMENT FROM MEMBER FOR KIMILILI WARD TO SEEK A STATEMENT FROM THE CHAIRPERSON SECTOR COMMITTEE ON ROADS, TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS

**Mr. Speaker:** Yes Hon. Christine, Can I confirm any member of the Roads committee. Hon. Chikati you are standing in for the chair. Christine you proceed

**Hon. Christine Mukhongo:** Thank you Honourable Speaker, Pursuant to standing order No.47.2(c) the statement is in relation to the Implementation status of the following Road projects in Kimilili Ward;

1. Wepukhulu junction Murunga Mafumbo Gabriel junction road awarded to S.L.A Company limited.
2. Paspalam Kambini Road awarded to Kokal. It is written local but it is Kokal.

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**Mr. Speaker:** Hon. Christine it is signed by you, read the way it is. If you didn't have time to proof read it that's your problem. It is signed by Hon. Christine Mukhongo MCA Kimilili ward. Is it not yours?

**Hon. Christine Mukhongo:** But the piece I was given was written *kolokol* it was *kokal*, the one I signed

**Mr. Speaker:** So the one I am having is misleading?

**Hon. Christine Mukhongo:** I don't know okay awarded to kokal engineering.

3. Misikhu main primary Chelekei secondary school road awarded to ocean drop.

In the statement let the Chairperson inquire into the report on the following;

1. The specific reason why the Wepukhulu junction, Murunga Mafumba Gabriel road remains incomplete despite being budgeted for in the Financial year 2022/2023 and outline the immediate measures the department is taking to ensure the contractor returns on the site.
2. The official timeline for the completion of Paspalam Kambini road financial year 24/25 considering the contractor has already received an award letter and signed the contract. Further explain what the department is doing to ensure strict adherence to the contractual timeline to avoid delays witnessed in the previous cycle.
3. The glaring discrepancies regarding the Misikhu main primary and Chelekei Secondary school road where official roads indicate the project is complete yet on the ground work has not yet commenced. In this regards provide the payment status of the said project including the interim payment certificates processed to date. Thank you.

**Mr. Speaker:** Thanks Hon. Chikati.

**Hon. Timothy Chikati:** Thank you Speaker given the weight of the matter the committee requests two months to give a substantive response.

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**Mr. Speaker:** I will give you exactly 3 weeks, I'll expect feedback from your department on 29th of April 2026 in our 2:30p.m. Session. We proceed.

## MOTION

1. REPORT OF THE COMMITTEE ON DELEGATED COUNTY LEGISLATION ON POST LEGISLATIVE SCRUTINY

**Mr. Speaker:** Yes Hon. Waiti

**Hon. Wafula Waiti:** Thank you Honourable Speaker for allowing me present the report of the Committee on Delegated County Legislation, a report...

**Mr. Speaker:** Just before you proceed can you be able to confirm your quorum, let the embers be upstanding.

**Hon. Wafula Waiti:** It is overwhelming out of 11 we are 6.

**Mr. Speaker:** Yes those are 6 out of 11 the quorum is there, equally I have an apology from Hon.Tendet who has lost a former head teacher where they were jointly, and he has gone away. Proceed.

**Hon. Wafula Waiti:** Thank you members for being there.

## CHAPTER ONE

### POST-LEGISLATIVE SCRUTINY OF THE PUBLIC FINANCE MANAGEMENT (BUNGOMA COUNTY DISASTER MANAGEMENT EMERGENCY FUND) REGULATIONS, 2021

#### INTRODUCTION

The Public Finance Management(Bungoma County Disaster management and Emergency Fund Regulations 2021 were made by County Executive Committee Member for Finance and

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Economic planning pursuant to Section 110 of the PFM Act 2012 and Sections 48(1) and 27 of the Bungoma County Disaster and Emergency Management Act,2019.

The Regulations were published in the Kenya Gazette on 18<sup>th</sup> January,2021 vide Legal Notice No.1 of 2021 ,submitted to the Office of the Clerk of the County Assembly on 2<sup>nd</sup> February 2021 and subsequently laid in the House. The Regulations were processed in accordance with Statutory Instruments Act 2013 and Standing Order no.214.

### **Executive Summary**

The executive summary presents the key findings of the Committee on Delegated County Legislation scrutiny of The Public Finance Management (Bungoma County Disaster Management Emergency Fund) Regulations, 2021. The objective of this review is to assess the clarity, coherence, and effectiveness of the regulatory framework established to govern the Bungoma County Disaster Management and Emergency Fund.

The Regulations were established under the authority of the Public Finance Management Act, 2012, to create a structured and accountable mechanism for managing financial resources dedicated to disaster and emergency management within Bungoma County.

### **Key Provisions:**

#### **1. Establishment and Purpose of the Fund:**

The Regulations successfully establish a dedicated Fund with an initial capital of KSh. 100 million, capped at 2% of total county revenue. Its primary purpose is to provide a timely and efficient financial response to urgent and unforeseen disasters and emergencies, covering all phases of disaster management: preparedness, mitigation, response, and recovery.

#### **2. Governance and Administrative Structure:**

The Regulations create a comprehensive three-tiered governance structure:

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- I. **County Disaster and Emergency Management Committee:** Provides overall policy direction, approves work plans and budgets, and exercises oversight.
  - II. **Fund Administrator (The County Executive Committee Member for Finance):** Holds responsibility for the Fund's administration, financial reporting, and disbursement of funds.
  - III. **Secretariat:** Headed by the Directorate of Disaster Management, it handles the day-to-day operations, project coordination, and preparation of reports.
  - IV. **Sub-County and Ward Steering Committees:** Ensure decentralized coordination and response at the grassroots level.
3. **Financial Management and Accountability:**

The framework incorporates robust financial controls aligned with the Public Finance Management Act, 2012. Key features include:

- I. A clear mandate that administrative costs shall not exceed 3% of the Fund's budget.
- II. Detailed procedures for disbursement, including an 8-hour processing target for extraordinary emergencies.
- III. Requirements for quarterly and annual financial and management reports to be submitted to the County Treasury, Controller of Budget, and Auditor-General.
- IV. Strict bank account signatory rules, requiring the Administrator's signature on all payments.

4. **Project Cycle Management:**

The Regulations outline a clear process for identifying, approving, and implementing projects. The Secretariat is tasked with receiving and prioritizing community-based proposals, which must then be approved by the Committee. Emphasis is placed on projects that build community resilience and align with county and national development goals.

5. **Offences and Penalties:**

The Regulations define specific offences, such as obstruction of authorized personnel, making false claims, and misappropriation of funds. Penalties upon conviction include fines, imprisonment, or both, as per the parent Act.

The Regulations provide a solid, well-structured legal framework for the establishment and management of a county-level disaster fund. They demonstrate a strong intention to promote transparency, accountability, and community participation in disaster risk management. The

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multi-level committee structure is a particular strength, designed to ensure that response is coordinated from the ward level upwards.

## **PREFACE**

### **Establishment of the Committee on Delegated County Legislation**

The Committee on Delegated County Legislation is established pursuant to the County Assembly Standing Order No. 214 and is mandated to consider Statutory Instruments submitted to the County Assembly. Standing Order number 214 (1) (2) states as follows:

- 1) There shall be a select Committee to be known as the Committee on Delegated County Legislation.
- 2) The Committee shall comprise of a chairperson and not more than ten other members.

### **Mandate of the committee**

Standing Order 214(3) provides that Whenever a Statutory Instrument is submitted to the County Assembly pursuant to the Constitution, any law or the Standing Orders, the Statutory Instrument shall, unless a contrary intention appears in the relevant legislation, be laid before the County Assembly by the Chairperson of the relevant Sectoral Committee, or any other Member and shall thereafter stand referred to the Committee on Delegated County Legislation.

In executing its mandate, the Committee on County Delegated Legislation is guided by Standing Order 214(4), (5) & (6) of the County Assembly of Bungoma Standing Orders which states that:-

- 4) The Committee shall consider in respect of any Statutory Instrument whether the Statutory Instrument-
  - a) is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written law;
  - b) infringes on fundamental rights and freedoms of the public;
  - c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
  - d) contains imposition of taxation;
  - e) Directly or indirectly bars the jurisdiction of the courts;
  - f) gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;
  - g) involves expenditure from the Consolidated Fund or other public revenues;

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- h) is defective in its drafting or for any reason, the form or purport of the Statutory instrument calls for any elucidation;
  - i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
  - j) appears to have had unjustifiable delay in its publication or laying before Parliament;
  - k) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;
  - l) makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
  - m) inappropriately delegates legislative powers;
  - n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
  - o) appears for any reason to infringe on the rule of law;
  - p) inadequately subjects the exercise of legislative power to Parliamentary scrutiny; and
  - q) Accords to any other reason that the Committee considers fit to examine.
- 5) If the Committee
- a) resolves that the statutory instrument, be acceded to, the Clerk shall convey that resolution to the relevant County department or the authority that published the statutory instrument;
  - b) Does not accede to the statutory instrument, the Committee may recommend to the House that the County Assembly resolves that all or any part of the statutory instrument, be annulled. If a resolution is passed by the County Assembly within twenty days on which it next sits after the instrument laid before it under paragraph (2), that all or part of the statutory instrument be annulled, the instrument or part thereof shall henceforth stand annulled.
  - 6) In this Standing Order, “statutory instrument” means any rule, order, regulation, direction, form, tariff of costs or fees, letter patent, commission, warrant, proclamation, by-law, resolution, guideline or other instrument issued, made or established in the execution of a power conferred by or under an Act of the County Assembly under which that statutory instrument or subsidiary legislation is expressly authorized to be issued”

### **COMMITTEE MEMBERSHIP**

The Committee as currently constituted comprises of:-

- 1. Hon. George Kwemoi Tendet                      Chairperson
- 2. Hon. Ndasaba Dorcas                              Vice chairperson
- 3. Hon. Anthony Luseneka

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4. Hon. Godfrey Wanyama
5. Hon. Martin Chemorion
6. Hon. Angeline Rugut
7. Hon. Job Mukoyandali
8. Hon. Milliah Masungu
9. Hon. Metrine Wilson
10. Hon. Wafula Waiti
11. Hon. Aggrey Bosire

### **ACKNOWLEDGEMENT**

The Committee expresses its sincere gratitude to the Office of the Speaker and the Office of the Clerk of the County Assembly for their logistical and technical support during the scrutiny process.

The Committee further appreciates the dedication and commitment of all Honorable Members and the secretariat who actively participated in reviewing the Regulations and compiling this report.

Finally, it is now my pleasure, on behalf of the Committee to present this report in accordance with Standing Order number 202(7).

Thank you.

Signed by Hon. George Kwemai Tendet MCA Mt. Elgon Ward, Chairperson, Committee on Delegated County Legislation.

## **CHAPTER TWO**

### **LEGISLATIVE CONTEXT**

**Hon. Speaker,**

Section 110 of the Public Finance Management Act, 2012 grants the County Executive Committee Member for Finance and Economic planning, the power to establish an Emergency Fund with the approval of the County Assembly based on the monies appropriated by the County Assembly to fund urgent and unforeseen expenditure.

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Section 111(1) and (2) provides that the County Executive Committee Member for Finance and Economic Planning shall administer the Emergency Fund and establish a separate account where all monies shall be paid.

Section 112(1),(2)(a),(b) and (c)and (3)(a) and (b) of the Public Finance Management Act,2012 provides that payment out of the Emergency Fund shall only be used to meet urgent and unforeseen needs for expenditure which there is no legislative authority based on the following:

- a) Payment not budgeted for cannot be delayed until a later financial year without harming the general public interest;
- b) Payment is meant to alleviate the damage, loss, hardship or suffering which maybe caused directly by the event;
- c) The damage is on a small scale and limited to the county.

(3) The unforeseen event is one which –

- a) threatens damage to human life or welfare
- b) threatens damage to the environment

Pursuant to Section 113, the County Executive Committee Member for Finance and Economic planning may not, during a financial year, make a payment from the Emergency Fund under Section 112 exceeding two percent of the total County revenue as shown in that County government’s audited financial statements for the previous financial year except for the first year.

Pursuant to Section 114 of the Public Finance Management Act 2012,the County Executive Committee Member for Finance and Economic planning is required to seek approval of the County Assembly within two months of making payment from the Emergency Fund .If the County Assembly is not sitting, approval must be sought within fourteen days of its next sitting.

The request must include a statement of reason for the expenditure and how the payment aligns with the disaster management legislation.

Following the County Assembly approval, a draft appropriation Bill must be introduced to the County Assembly to formally appropriate the money and replenish the fund.

Section 115 of the Public Finance Management Act,2012 provides that the County Treasury shall, not later than three months after the end of each financial year, prepare and submit to the Auditor General, statements in respect of the Emergency Fund for that year.

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Regulation 198 and 199 of the Public Finance Management (County Governments) Regulations 2015 makes provision for management and winding up of County Public Funds. The County Executive Committee Member for Finance and Economic planning is required to provide for the management, operation and winding up procedure in the guidelines for establishing each Fund which should be in accordance with the Public Finance Management Act, 2012 and Public Finance Management (County Governments) Regulations 2015.

### **Disaster Management and Emergency**

A disaster is defined as a severe breakdown in the functioning of a community or society, at any scale, caused by hazardous events combined with exposure, vulnerability, and lack of capacity. Such events lead to significant losses and impacts in human, animal, material, economic, and environmental terms.

Disaster management refers to the organization, planning, and implementation of measures to prepare for, respond to, and recover from disasters. While the term "emergency" is sometimes used interchangeably with "disaster" (especially regarding biological, technological, or health hazards), it can also describe hazardous events that do not severely disrupt the functioning of a community or society.<sup>1</sup>

Regulation 2 of these Regulations provides the following specific definitions:

- I. **Disaster** means an unpredictable and sudden disruption of community or societal functioning, causing widespread human, material, economic, or environmental losses that exceed the community's own ability to cope.
- II. **Emergency** means any situation where the life or well-being of a community is under immediate threat, requiring urgent and exceptional action beyond a normal response.

The legal foundation for disaster management in Kenya is established by:

- a) The Fourth Schedule of the Constitution of Kenya (2010), which assigns disaster management functions to both National and County governments. Part 2, Clause 12 specifically outlines the roles of County governments.

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- b) The Public Finance Management Act (2012), which provides the financial framework for implementing disaster management strategies

## SUMMARY OF THE REGULATIONS

### PART I: Preliminary

1. **Regulation 1 (Citation and Commencement)**  
This Regulation provides for the citation of the Regulations as *The Public Finance Management (Bungoma County Disaster Management and emergency Fund) Regulations, 2021* and their commencement.
2. **Regulation 2 (Interpretation)**  
This Regulation provides for the interpretation of key terms, including “Disaster,” “Emergency,” “Mitigation,” “Preparedness,” and “Response,” so as to ensure clarity and uniform application of the Regulations.

### PART II: Establishment and Administration of the Fund (Regulations 3–21)

1. **Regulations 3–5 (Establishment and Capital of the Fund)**  
These Regulations provide for the establishment of the Fund and its initial capital of Kenya Shillings One Hundred Million (KSh. 100,000,000), as well as the lawful sources of funding, including county appropriations, donations, grants, and other approved sources.
2. **Regulation 6 (Object and Purpose of the Fund)**  
This Regulation provides for the object and purpose of the Fund, which include effective disaster management, strengthening disaster risk management systems, enhancing resilience, and supporting disaster counter-measures.
3. **Regulation 7 (Expenditure of the Fund)**  
This Regulation provides for the manner in which monies from the Fund may be expended.
4. **Regulations 8–10 (County Disaster and Emergency Management Committee)**  
These Regulations provide for the establishment of the County Disaster and Emergency Management Committee, whose mandate includes policy formulation, approval of plans and budgets, and oversight of the Fund.

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5. **Regulation 11 (Administrator of the Fund)**  
This Regulation provides that the County Executive Committee Member responsible for Finance shall be the Administrator of the Fund, with responsibility for financial control and reporting.
6. **Regulations 12–14 (Secretariat)**  
These Regulations provide for the establishment of a Secretariat, comprising a maximum of five staff, responsible for day-to-day administration, project coordination, and preparation of reports.
7. **Regulation 15 (Coordination Mechanism)**  
This Regulation provides for coordination mechanisms for disaster and emergency management activities.
8. **Regulations 16–19 (Sub-County and Ward Committees)**  
These Regulations provide for the establishment of Sub-County and Ward Committees to offer local-level leadership, information sharing, and resource mobilization.
9. **Regulation 20 (Resource Mobilization)**  
This Regulation provides for the mobilization of resources from communities, development partners, and global climate financing mechanisms.

### **PART III: Projects**

1. **Regulations 22–23 (Intervention Areas)**  
These Regulations provide for intervention areas covering both natural hazards, such as floods and epidemics, and man-made hazards, including industrial accidents.
2. **Regulation 24 (Disaster Recovery)**  
This Regulation provides for disaster recovery measures.
3. **Regulation 25 (Access Criteria)**  
This Regulation provides for criteria for accessing the Fund, including alignment with sustainable development objectives, sustainability frameworks, and statutory requirements.
4. **Regulations 26–29 (Project Planning and Partnerships)**  
These Regulations provide for community-driven project planning processes and allow for co-financing partnerships with the national government, non-governmental organizations, faith-based organizations, community-based organizations, and other county governments.

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5. **Regulations 30–31 (Disaster Response)**  
These Regulations provide for the activation of the Fund during disasters based on rapid assessment reports and approved response plans.
6. **Regulation 32 (Submission of Proposals)**  
This Regulation provides for the submission of programme, project, and initiative proposals.

#### **PART IV: Financial Provisions**

1. **Regulation 33 (Resource Allocation)**  
This Regulation provides that funds shall be allocated to resilience, response, and recovery interventions as approved by the Committee.
2. **Regulations 34–37 (Disbursement and Accountability)**  
These Regulations provide for the formulation of disbursement guidelines by the County Executive Committee Member responsible for Finance and require strict accountability, including quarterly reporting to the County Treasury and the Controller of Budget.
3. **Regulation 38 (Bank Accounts)**  
This Regulation provides that the Fund shall operate a bank account with two signatories, one of whom shall be the Administrator.
4. **Regulation 39 (Records of Disbursement)**  
This Regulation provides for the maintenance of proper records of all disbursements made from the Fund.
5. **Regulation 40 (Financial Reporting)**  
This Regulation provides for the preparation of quarterly and annual financial and non-financial reports in accordance with Public Sector Accounting Standards.
6. **Regulation 41 (Management Reports)**  
This Regulation provides for the preparation of management reports.

#### **PART V: Miscellaneous Provisions**

1. **Regulation 42 (Application of County Financial Regulations and Procedures)**  
This Regulation provides for the application of county government financial regulations and procedures to the Fund.
2. **Regulation 43 (Financial Year)**  
This Regulation provides that the financial year of the Fund shall end on 30th June.

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3. **Regulation 44 (Administrative Costs)**  
This Regulation provides that administrative costs shall not exceed three percent (3%) of the Fund's annual budget.
4. **Regulation 45 (Offences and Penalties)**  
This Regulation provides for offences, including obstruction, false claims, and misappropriation, and prescribes penalties in accordance with the parent Act.
5. **Regulation 46 (Guidelines)**  
This Regulation provides for the issuance of guidelines for the administration and operation of the Fund.
6. **Regulation 47 (Winding Up of the Fund)**  
This Regulation provides for the procedure for winding up the Fund, including the transfer of any surplus to the County Revenue Fund and the conduct of a final audit.

### CHAPTER THREE

#### COMMITTEE OBSERVATIONS

**Hon. Speaker,**

1. These Regulations give effect to Sections 110-115 of the Public Finance Management Act 2012 and Section 27 of the Bungoma County Disaster and Emergency Management Act, 2019 .It establishes the Bungoma County Emergency Fund to provide for payments to be made when an urgent and unforeseen need for expenditure for which there is no specific legislative authority arises.
2. These Regulations provide for the management and administrative procedures of the Fund pursuant to Section 48 of the Bungoma County Disaster and Emergency Management Act,2019.;It establishes a legal framework for the co-ordination of disaster management and emergency activities in the county within the following institutional frameworks:
  - a) Disaster Management Committee established pursuant to Section 9 of the Bungoma County Disaster and Emergency Management Act, 2019 and Regulation 8 of these Regulations. The function of the committee as stipulated under Section 10 of the Act and Regulations 9 and 10 of these Regulations

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includes; to oversee the administration and management of the Fund including approving the Disaster and Emergency Management Plan.

- b) Sub-County Disaster and Emergency Steering Committee established under Regulation 8 to co-ordinate disaster and emergency response interventions at the Sub-County Level.
- c) Ward Disaster and Emergency Steering Committee established under Regulation 17 to co-ordinate disaster and emergency response at the ward level.

However, according to submissions from the Department of Finance and Economic planning, through a letter dated 12th November 2025, the Sub-County and Ward Disaster and Emergency Steering Committees have not yet been established.

- 3. The County Directorate for Disaster Management is required, Pursuant to Sections 13(2)(c) and 15 of the Bungoma County Disaster and Emergency Management Act, 2019, to formulate and develop a Disaster Management Plan. The plan should provide for coordinated emergency response mechanisms in anticipation of, during, and immediately after an emergency. Its objective is to reduce disaster risks and build resilience before disasters occur, while ensuring that all sectors within the County are adequately prepared to address potential threats.
- 4. The County Executive has either been using the revoked Regulations or non-existence Regulations. This is evident in their annual reports and financial statements on the Bungoma County Disaster Emergency Fund. For instance :
  - a) On pages iii and xiii of the Bungoma County Disaster Management Emergency Fund Annual Report and Financial Statements for the year ended 30th June 2023, and on page xv of the corresponding Report for the year ended 30th June 2024, references are made under the background information and the Fund Administrator's Report, to the Bungoma County Disaster Management Emergency Fund Regulations, 2019. However, these Regulations do not exist, as they were never submitted to the County Assembly for consideration, nor were they scrutinized or processed in accordance with the Statutory Instruments Act, 2013 and Standing Order 214 governing subsidiary legislation in the County Assembly of Bungoma.

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5. The reports of the Fund administrator are signed by an officer who is not a County Executive Committee Member for Finance. For instance;
  - a) In the Bungoma County Disaster Management Emergency Fund Annual Reports and Financial Statements for the years ended 30th June 2023 and 30th June 2024, the Fund Administrator's Reports were signed by an officer who was not the County Executive Committee Member for Finance. This action contravenes the provisions of Section 111 of the Public Finance Management (PFM) Act, 2012 which designates the County Executive Committee Member (CECM) responsible for Finance as the Administrator of the Fund. It further contravenes Section 13(m) of the Statutory Instruments Act, 2013 by inappropriately delegating legislative powers.
  - b) Section 48 of the Bungoma County Disaster and Emergency Management Act, 2019 and Regulations 46 of these Regulations allow County Executive Committee Member for Finance to make guidelines on the Fund.
6. The Committee noted that a House Resolution arising from the report of the Public Accounts and Investments Committee on the Auditor-General's Report on the Financial Statements of the Bungoma County Disaster and Emergency Fund for the period ended 30th June, 2022, which was approved by the House on 11th September, 2024, made the following observations:
  - i. **THAT**, the County Executive Committee Member for Finance did not comply with the provisions of Section 114(1), (2), and (3) of the Public Finance Management Act in seeking approval from the County Assembly for emergency expenditure and subsequent appropriation.
  - ii. **THAT**, the Committee observed that the Fund Administrator had not complied with the provisions of Section 114 of the Public Finance Management Act since the inception of the Fund.

However, based on the records of the House, the recommendations arising from these observations have never been implemented. The County Executive Committee Member for Finance and Economic planning has not sought approval from the County Assembly for emergency expenditure and subsequent appropriation, as required under Section 114 of the Public Finance Management Act, 2012.

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**COMMITTEE RECOMMENDATIONS**

**Hon. Speaker,**

1. **THAT**, Guidelines constitute Statutory Instruments within the meaning of Section 2 of the Statutory Instruments Act, 2013 and, where such Guidelines are made by the County Executive Committee Member for Finance, they should be submitted to the County Assembly for consideration by the Delegated County Legislation Committee in accordance with the provisions of the Statutory Instruments Act, 2013 and Standing Order No. 214 of the County Assembly.
2. **THAT**, the County Directorate for Disaster Management should formulate and develop the disaster management plan Pursuant to Sections 13(2)(c) and Section 15 of the Bungoma County Disaster and Emergency Management Act 2019 to ensure a co-ordinated and effective approach to disaster management in the County.
3. **THAT**, in compliance with Section 10 of the Bungoma County Disaster and Emergency Management Act 2019 and Regulations 8, 16, and 18 of these Regulations, the County Executive Committee Member for Finance should ensure that the following committees are established and fully operational:
  - ii) The Sub-county Disaster and Emergency Steering Committee; and
  - iii) The Ward Disaster and Emergency Steering Committee.This is to ensure proper coordination of disaster and emergency responses throughout all decentralized units of the County.
4. **THAT**, the Regulation-making authorities should ensure that Regulations implemented by the County Executive are only those that have been laid before, considered, and approved by the County Assembly in accordance with the provisions of the Statutory Instruments Act, 2013 and Standing Order 214 of the County Assembly of Bungoma.
5. **THAT**, Regulation-Making Authorities should, henceforth, publish the revocation of Statutory Instruments within fourteen (14) days after the County Assembly has adopted a report or passed a resolution revoking it, in compliance with Section 19 of the Statutory Instruments Act, 2013.
6. **THAT**, the County Executive Committee Member for Finance to amend Regulation 47 :

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- I. in sub-regulation (1) by deleting the word “Board” appearing after the article “the” and substituting therefor the word “committee”
- II. in sub-regulation (4)) by deleting the word “Act” appearing after the article “the” and substituting therefor the word “Regulations”.

**Justification.**

- a) To correct a typographical error
  - b) The Regulations make reference to the committee and not the Board
  - c) The repeal is in reference to the Regulations and not the Act.
7. **THAT**, the Committee on Implementation should ensure the implementation of the recommendations made by the Public Accounts and Investments Committee arising from the Auditor-General’s Report on the Financial Statements of the Bungoma County Disaster and Emergency Fund for the period ended 30th June, 2022, which were approved by the House on 11th September, 2024. The said recommendations were as follows:

- I. **THAT**, the Public Accounts and Investments Committee recommended that the County Executive Committee Member for Finance and Economic Planning desist from advancing monies from the Bungoma County Disaster and Emergency Fund to other County entities, as such actions contravened the purpose and nature of the Fund. Further, the County Executive Committee Member for Finance and Economic Planning was required to strictly adhere to the provisions of Section 110(2) of the Public Finance Management Act, which provides that the purpose of an Emergency Fund is to enable payments to be made in respect of a county when an urgent and unforeseen need for expenditure arises for which there is no specific legislative authority. This recommendation required the Department of Finance to ensure that payments from the Emergency Fund were strictly limited to urgent and unforeseen expenditures only.

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- II. **THAT**, the Public Accounts and Investments Committee directed the Accounting Officer to invoke and comply with the provisions of Section 114(1) and (2) of the Public Finance Management Act on the role of the County Executive Committee Member for Finance in seeking approval for payments from the Emergency Fund. Accordingly, the County Executive Committee Member for Finance was required to comply with Section 114 of the Public Finance Management Act, 2012, with respect to the following:
- a) Seeking approval of the County Assembly within two (2) months after making any payment from the Emergency Fund, and where the County Assembly was not sitting, seeking such approval within fourteen (14) days of its next sitting;
  - b) Submitting a request for approval that included a statement of the reasons for the expenditure and an explanation of how the payment aligned with the applicable disaster management legislation; and
  - c) Upon approval by the County Assembly, introducing a draft Appropriation Bill to the County Assembly to formally appropriate the expenditure and replenish the Emergency Fund.

Honourable Speaker, there is annexures attached on the report and the adoption schedule signed by members of the committee and at this stage allow me call upon Hon. Angeline Rugut to second the report

**Hon. Angeline Rugut:** Thank you honourable Speaker for giving me the chance to second the report. May I applaud the honourable member who has read audibly and at this juncture I second the report, thank you.

*(Applause)*

Honourable members, allow me to appreciate the mover of the report and the seconder. I now propose the motion for debate;

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*(Question proposed)*

**Hon. Jack Wambulwa:** Thank you, Hon. Speaker. May I applaud the mover of the motion, Hon. Waiti, seconded by Hon. Rugut, for the work well done. Honourable Members, the report is clear on emergency funds and, as you are aware, Bungoma is just as usual. These are funds that are meant to address emergencies in our wards, but how many of those wards that have had emergencies are benefiting? None of them. You can look at what the committee has recommended on the CECM for Finance.

Advancing money for emergencies to other departments for use; are we really getting it right? These are the many problems that prevail within Bungoma, and as Members, we are just there, saying everything is normal. We bother about our stomachs. We cannot address what is needed by our people.

Colleague Members, one time, one day, we shall be asked by the electorates; we shall be asked by those who sent us here to represent them: why are you satisfied with the 50K at the expense of emergency funds going to the wrong...

**Mr. Speaker:** Hon. Jack, let's stick to the debate.

**Hon. Jack Wambulwa:** Yes, Hon. Speaker. All I am saying is that I am reminding Members that we must know our role in oversight and representation. Look at the report; it is clear, other than what we are doing now. It stands as a message.

These are some of the charges that people should be facing in this county. Why should you transfer money meant for emergencies? Why are emergencies favouring certain areas? I have had emergencies in my area. We have had bridges that have killed people, yet nobody has ever bothered whenever we present these issues.

May I pray to the Almighty God that one day He will give answers? Thank you, I support.

**Mr. Speaker:** Hon. Eric.

**Hon. Eric Wekesa:** Thank you, Hon. Speaker...

**Mr. Speaker:** The only thing that Hon. Jack did not do when he was praying to the Heavenly Father; he ought to have raised his eyes and hands, but he never did that. So proceed.

**Hon. Eric Wekesa:** He's an *Omokuka*; they face down, they don't face up.

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**Mr. Speaker:** No, that one; you are out of order. He's a practicing Catholic. I know him.

*(Laughter)*

**Hon. Eric Wekesa:** Thank you, I withdraw. Thank you, Hon. Speaker. Not to forget what I wanted to say, let me thank the Chair for tabling the report, and the seconder, Honourable Member, for their eloquence. There is something I have not seen in the report, which I would like to give as my input.

Timelines for implementation of emergency projects and funds; I want to give a case in my ward where we identified a project for emergency funding before I came into office. Procurement started in December. It is not complete up to now. So how do we call it emergency funding, yet it takes four months to procure, just to replace a bridge which connects a major town?

There is something I also want to clarify; when you look at the emergency projects, I want to put it straight on the floor of this House; when you look at the emergency bridges done this year, you will see "Chwele" appearing almost four times; but that is not Chwele Ward.

We have Chwele River, so a bridge can be called Bukembe–Chwele River. It does not mean it is in Chwele Ward; that one is in Bukembe. There is another one in Bwake, but because they touch on Chwele River, you will see "Chwele River, Chwele, Chwele" everywhere.

It does not mean those projects are in one place. But my point is this: why can't we have a clear way of stating that, because it is emergency funding, once a project is identified, it should take a month or three weeks to implement? So that it is truly done under emergency, as it suggests.

Not this situation where a project is identified in November, procurement starts in December, and now we are in April; they have not even sent the contractor to the site. People are dying at the bridge.

Just to add again on the report, as part of my input: the person controlling the emergency fund should be given some level of freedom and power. We have the emergency fund under the Chief Officer of Finance. He is a very busy person; he does not have time to draw budget estimates, prepare physical documents, and respond to emergencies.

Why can't we have a substantive controller of the fund, as suggested in the report, so that we can have a quick response regarding this fund. Up to that point, I submit my contribution to the report. I support.

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**Mr. Speaker:** Yes, Hon. Isaiah Sudi.

**Hon. Sudi Busolo:** Thank you, Hon. Speaker, for giving me this opportunity. This emergency fund; I have tried. I have a river, the so-called River Sio, which connects my ward and Kabula. It has really affected my people. Many of them have died; a significant number from 2017 to date. I have never even heard... So I am shocked that we have this emergency fund.

It seems it is for a particular region, for particular people; not for everyone. You cannot just access it. Others just escort those who benefit.

If you can recall from 2017 to date and review how the emergency fund has been utilized, I remember during the last regime there was a lady who was running it. It was like her personal property. She was moving around with the emergency money.

She would distribute it and say, "Provide some iron sheets here," wherever she wanted. Actually, it is a fund that is highly misused. We even need to change the name. It should not be called "emergency" because it does not support emergency issues.

When you go there with an emergency issue...

**Mr. Speaker:** Hon. Sudi, I am not understanding you. You say you are surprised that it is an emergency fund, yet you also say they keep dishing out money left and right. So are you aware of this fund or not?

**Hon. Sudi Busolo:** What I mean is that during that time; I do not want to mention someone who is not here; there was a lady who was running it. It was her personal fund. At the moment, again, there is a lady running it. It is still like her personal fund.

Most of our wards have had emerging issues. You will hear of Chebyuk landslides, you will hear of other areas, but you cannot see those emergencies being addressed.

Hon. Speaker, it is high time this House takes serious steps. It needs a strong, collective response because most of our wards have never benefited; only a few have.

I want to call upon Members: those who have never benefited, in our next budget let us not allocate any money to emergencies if it is just benefiting a few people. There are those who must have connections; you reach the Governor, maybe you stay there the whole night. Some of us do not take those 'hard' routes.

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*(Applause)*

So that you benefit. You see, Speaker, how difficult it is.

*(Applause)*

It is so difficult that those who cannot go that route will never benefit. I do not know why it should be called an emergency fund. It is just like someone's blanket; you use it the way you want. You can put it in water or anywhere. It is micromanaged such that you must stay there until late in the evening to be considered. I rest my case.

*(Applause)*

*(Laughter)*

**Mr. Speaker:** I do not understand, because there are many "hard" things...

*(Laughter)*

And they are partaken by many people, so I do not know which one you are talking about. Let me have Hon. Chemion.

**Hon. Francis Chemion:** Thank you, Speaker. I will also be brief. First, I have been on a committee that has been overseeing these funds for some time, and there were very many grey areas for a long period when it was under Finance.

What made it not functional at that time was that the committee was established but was not executing its mandate. Therefore, a few individuals were making decisions, as stated by Hon. Sudi. If you check from 2013 to today, you can easily see that certain wards have specifically benefited from the emergency fund, while others have not.

I am also a senior member, and from 2017 up to this financial year, this is the first time I am seeing even a single project. That means things are not very good in that fund.

We have a law, we have a policy, we have everything that guides it, but we need to ensure that the committee in place performs its duties. In fact, there is still interference with the committee. I understand what Hon. Sudi is saying; the committee can even go to the field and make decisions, but when it comes to implementation, some quarters interfere with what the committee has identified as emergencies within the county.

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In my ward, I have many rivers, and considering the terrain of Kaptama Ward, I have lost many people due to falling into rivers, especially during rainy seasons. It has forced me to construct makeshift bridges across most of these rivers, but when they flood, they are all swept away in a single event.

So, Speaker, if the emergency fund will not serve the interests of the county, why should we have it? Let us only have it if it serves the interests of the people. If we ask, the mover should be able to respond by giving us the number of projects funded by this emergency fund and from which wards...

I know the law allows that we must have two percent of our budget, but why is it not serving the purpose it is meant for? You will find that in one ward there are four bridges constructed by the emergency fund. We have been there, yet I have never had even a single bridge, and you know the terrain of my place.

Then, what criteria has been used to deny other wards the opportunity to benefit from this fund? So, as a County Assembly, we must be very vigilant to ensure that the funds established by law, which allow two percent of the budget to be set aside for emergencies, are utilized as per the law. Thank you, Honourable Speaker.

**Mr. Speaker:** Yes, Hon. Caleb Wanjala.

**Hon. Caleb Wanjala:** Thank you, Honourable Speaker, for giving me an opportunity to also add my voice on the same. Honourable Speaker, on this issue of the emergency fund, just like my colleagues have raised their concerns, I also raise a similar concern. I do not know the method they use to identify the problems or challenges in these wards.

In my own ward, I have a river that connects me and Hon. Antony Lusenaka. It was even featured on Citizen TV. We have lost so many lives at that bridge, and it is just a makeshift bridge, Honourable Speaker. People went as far as holding demonstrations, and nothing has happened up to now. I am told the BQ was prepared, but just like my colleagues are saying, Honourable Speaker, awarding the contract has become another mountain.

There is another one at Chebosi, connecting me with Hon. Jack Kawa. I am also facing the same challenge, whereas there is a ward that has benefited from around three or almost four bridges, Honourable Speaker. So, there must be equity when distributing these resources because they are

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for all of us. The fact that it is anchored in law, Honourable Speaker, does not mean that they should look down upon other wards.

You will realize, Honourable Speaker, like my colleague Sudi said, only a few individuals benefit. These are individuals who perhaps gather where the CEO of this County is; when they are happy and celebrating; then some of these bridges are dished out. We want equity, and as I finish, Honourable Speaker...

**Mr. Speaker:** Are you suggesting that they only distribute when they are happy and celebrating? If they are not, they don't?

**Hon. Caleb Wanjala:** No, those hard staff.

**Mr. Speaker:** Which ones are these?

**Hon. Caleb Wanjala:** Maybe John Walker.

**Mr. Speaker:** I will consult if the Majority is in, and ask which "hard staff" these are.

**Hon. Caleb Wanjala:** Absolutely. Again, Honourable Speaker, the blame comes back to us as an Assembly because we are the oversight. So, we should not be lenient, Honourable Speaker, because these things have gone on for so long. Now that the Assembly is awake and ready to conduct oversight, a few individuals who have benefited from the emergency funds feel that we are being hard on the Executive.

I think as an Assembly, we must stand firm. We must fight for the benefit of our wards and the betterment of this great County of Bungoma, Honourable Speaker. I submit. Thank you.

**Mr. Speaker:** Thank you, Hon. Everton Nganga.

**Hon. Everton Nganga:** Thank you much, Honourable Speaker, for giving me a chance to contribute towards this motion. Honourable Speaker, I am looking at recommendation number three of this report, where they have stated that in compliance with Section 10 of the Bungoma County Disaster and Emergency Management Act, 2019, and Regulations 8, 16, and 18, the County Executive Committee Member for Finance should ensure that the following committees are established and fully operational.

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They have listed the Sub-County Disaster and Emergency Steering Committee and the Ward Disaster and Emergency Steering Committee. They have added that this is to ensure proper coordination of disaster and emergency responses throughout all decentralized units of the County.

Honourable Speaker, this is an important recommendation, and if the County Government of Bungoma adheres to it, there will be no issues of disparity in the distribution of emergency fund projects. From the ward level to the sub-county, these committees will inform the emergency fund committee whenever there is a disaster, so that funds can be channeled appropriately to mitigate the situation and ensure residents benefit.

I remember well last year, there was a parent who was crossing River Kuywa to East Sang'alo during a visiting day at Sango Secondary School. That parent, who was a mother to a student, drowned in River Kuywa. This is an area where we are supposed to ensure that there is a bridge to enable students from Sitikho Ward to cross to East Sang'alo.

When we have these committees at the ward and sub-county levels, they will enable proper distribution of projects. There will be no complaints from Honourable Members about skewed distribution, where some wards benefit from four bridges while others get none. This is a good recommendation, and I congratulate the committee that came up with this report. Thank you, Honourable Speaker. I submit.

**Mr. Speaker:** Thank you. I invite Hon. Wafula Waiti to reply to the motion. You can do so from where you are, or come to the dispatch if you wish.

**Hon. Wafula Waiti:** (Mover to reply) thank you, Honourable Speaker. May I also laud Honourable Members who have contributed to this report. Members, when you look at this report from start to end, it is a good report. It has opened up issues, and Members have now seen where the problem lies.

Honourable Members, when you look at the recommendations of this report and the contributions made, especially on recommendation number three as discussed by Hon. Everton Nganga, if we have such committees in our wards, they can clearly outline issues. In our areas, the community does not even know that such a fund exists. Once these committees are established, they will inform the people on how the fund can be utilized.

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On the issue of timelines raised by Hon. Eric Wekesa, it is already stipulated in this report. Honourable Members, when you look at Section 15, the timelines are clearly outlined.

On equitable distribution of the emergency fund, Honourable Speaker, the fund is meant for unforeseen and urgent situations only. Regardless of the ward or geographical area, it should address such situations. However, the lack of ward and sub-county committees may be contributing to the current challenges.

Otherwise, Members, I urge that we support this report as it is, together with its recommendations, so that this County can address many of these issues. I urge you, Members, to pass the report so that this County can realize the importance of the emergency fund. Thank you, Honourable Speaker.

**Mr. Speaker:** Thank you, Hon. Wafula Waiti, for your reply to the motion. I will proceed and put the question;

*(Question put and agreed to)*

The report is approved by the House accordingly.

## **ADJOURNMENT**

Honourable Members that was the last item on our Order Paper for today. We adjourn today's sitting and resume on Thursday, 9th April 2026, at 2:30 p.m.

*The House rose at 3.45 p.m.*

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