

COUNTY GOVERNMENT OF BUNGOMA
COUNTY ASSEMBLY OF BUNGOMA
COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

TUESDAY, 12TH MAY, 2026

Afternoon Sitting

3rd County Assembly

5th Session

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.

COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

TUESDAY, 12TH MAY, 2026

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

(Mr. Deputy Speaker [Hon. Stephen Wamalwa] in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

Honourable members, I do have a communication to make, that in the public gallery we have students from various institutions on attachment and I request that they be upstanding, all of them.

(Students on attachment stand)

Well, you can now take back your seats.

(Students on attachment sit)

Honourable members, these are students from various higher learning institutions across the country who are here on attachment and they are distributed in various departments in the Assembly. I believe they have been informed and guided on how to carry themselves while in the precincts of the Assembly including the required dress code and especially when attending this House even if it's in the gallery because this gallery is an extension of this honourable House.

While in the precincts of this Assembly and especially in the gallery, for the men, you have to be in a tie and a coat and your shirt should be tucked in, you should be presentable. For the ladies, again, your dress code is supposed to be honourable for you to be allowed to enter this place. Failure to which, you will not be allowed to enter this place and by extension, the precincts of the Assembly.

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.

While here, you are also required to follow the required rules and procedures to enable a proper processing of your report thereafter. Failure to which, the report that your institution requires from here will be not so good for you and before then, even, you can be stopped from proceeding with your attachment here. So, take that and carry yourselves well. On behalf of the Speaker of this Assembly and on behalf of all the honourable members, staff and all the personnel in this institution, you are welcome and we wish you all the best as you carry out your attachment.

Next item?

PAPERS

1. THE BUNGOMA COUNTY ANNUAL CLIMATE CHANGE REPORT FOR THE FINANCIAL YEAR 2024/2025
2. THE BUNGOMA COUNTY TRADE DEVELOPMENT LOAN FUND QUARTERLY REPORT AND FINANCIAL STATEMENT FOR THE PERIOD ENDED MARCH 31ST 2026
3. THE BUNGOMA COUNTY CLIMATE CHANGE FUND QUARTERLY REPORT AND FINANCIAL STATEMENT FOR THE PERIOD ENDED MARCH 31ST, 2026
4. THE 2ND KENYA DEVOLUTION SUPPORT PROGRAM QUARTERLY REPORT AND FINANCIAL STATEMENT FOR THE PERIOD ENDED MARCH 31ST, 2026

Hon. Joseph Nyongesa (*Leader of Majority*): Thank you Speaker. Allow me to Table the following papers.

1. The Bungoma County Annual Climate Change report for the financial year 2024/2025.
2. The Bungoma County Trade Development Loan Fund Quarterly Report and Financial Statement for the period ended March 31st 2026.
3. The Bungoma County Climate Change Fund Quarterly report and Financial Statement for the period ended March 31st, 2026.
4. The 2nd Kenya Devolution Support Program Quarterly report and Financial Statement for the period ended March 31st, 2026.

Thank you

(Papers tabled by Leader of Majority)

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. Deputy Speaker: Thank you Leader of Majority, the Hon. Joseph Nyongesa. Honourable members, The Bungoma County Annual Climate Change report, financial year 2024/2025 having been tabled now becomes the property of this honourable House and stands committed to the Committee on Tourism for processing and reporting back to this honourable House

The Bungoma County Trade Development Loan Fund Quarterly report and Financial Statement for the period ended March 31st, 2026, also having been tabled, becomes the property of this honourable House and stands committed to the Committee on Trade for processing and reporting back to this House accordingly.

The Bungoma County Climate Change Fund Quarterly report and Financial Statement for the period ended March 31st, 2026, also having been tabled becomes the property of this House and is committed to the Committee on Tourism for processing and reporting back to this honourable House.

The 2nd Kenya Development Support Program Quarterly Report and Financial Statement for the period ended 31st March, 2026 is also tabled and is the property of this House and accordingly I commit it to the Committee on Public Administration and ICT for processing and reporting back to this Assembly. Thank you.

5. REPORT BY THE COMMITTEE ON HEALTH SERVICES

Hon. Waiti Wafula: Thank you, Honourable Speaker. On behalf of the Committee on Health, I stand to table a report on implementation status of the SHA and SHIF Acts in the county. I table.

(Report tabled by Hon. Wafula Waiti)

Mr. Deputy Speaker: Very well, I didn't know that you have such a pet name of Zuma, Hon. Waiti that is the honourable member for Naitiri/Kabuyefwe, a senior member of this House.

Hon. Waiti Wafula: Honourable Speaker, that name should be withdrawn from the HANSARD; it is not my official name.

Mr. Deputy Speaker: That is not your name, of course, it is a pet name from your friends, especially those you worked with under the local authority. Well, honourable members, this report on implementation status of the SHA and SHIF Acts in the county from Health Committee having been tabled becomes the property of the House.

6. REPORT OF THE SECTOR COMMITTEE ON LABOR RELATIONS, MEMBER SERVICES AND FACILITIES

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. Catherine Kituyi: Thank you Honourable Speaker. I rise to Table a report on the Committee on Labour Relations, Member Services and Facilities on the Benchmark on the Operationalization of Members and Staff Facilities. Thank you.

(Report tabled by Hon. Catherine Kituyi)

Mr. Deputy Speaker: Thank you, the Hon. Catherine Kitui, specially elected member. Honourable Members, this report on Committee on Labour Relations, Member Services and Facilities having been tabled becomes the property of the House accordingly.

Next item?

NOTICES OF MOTION

1. NOTICE BY THE COMMITTEE ON HEALTH SERVICES

Hon. Wafula Waiti: Thank you, Speaker. I rise to issue a notice of motion that this House adopts the report of the Sector Committee on Health Services on the implementation status of the SHA and SHIF Acts in the county. Thank you.

Mr. Deputy Speaker: Thank you very much, Hon. Waiti. Honourable members, notice of motion having been issued, I now direct that the same report shall be circulated to all honourable members for their in-depth consumption as it will form part of business that will be transacted here. Thank you.

2. NOTICE OF MOTION BY THE COMMITTEE ON LABOUR RELATIONS AND MEMBER SERVICES AND FACILITIES

Hon. Catherine Kitui: Thank you Mr. Speaker. I rise to issue a notice of motion that this House adopts the report on the Sector Committee on Labour Relations, Member Services and Facilities on the Benchmark on Operationalization of Members and Staff Facilities. Thank you.

Deputy Speaker: Very well. Thank you, Hon. Matini. Honourable members, a notice of motion having been issued, I also direct therefore that the same be distributed and circulated accordingly to honourable members for their own consumption so that it will form part of business to be considered by this Assembly after ratification by the House Business Committee. Thank you.

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.

QUESTIONS AND STATEMENTS

1. STATEMENT NUMBER 26 OF 2026 BY THE MEMBER OF THE HOUSE BUSINESS COMMITTEE

Mr. Deputy Speaker: Very well, the Hon. Ipara Johnston Okasida, member for Tongaren community and also member of House Business Committee, proceed to inform the House.

Hon. Johnston Ipara: Thank you, Honourable Speaker and I am happy you noted that incident. Honourable Speaker, this week I have heard that name Zuma twice and I didn't know whom you are referring to. I did hear this in the corridors of power, but now I have known. Let me proceed.

Honourable Speaker, this is a tentative weekly programme of the Business of the County Assembly for this week, commencing today, Tuesday 12th to Thursday 14th May, 2026.

Tuesday 12th May, 2026 at 2.30 p.m.

With your permission, Honourable Speaker, on Order number five and six, let me leave them out because we have already dispensed them.

Questions and statements

1. Statement number 26 of 2026, I am informing the County Assembly of the weekly business before the House as from today 12th to Thursday 14th May, 2026.
2. Statement number 27 of 2026, a member for Bokoli Ward, Hon. Jack Kawa, MCA, to seek a statement from the Chief Officer, Public Administration and ICT. This is in relation to the status, legality and performance of the substantive and acting directors within various County Departments.
3. Statement number 17 of 2026, member for Tuuti/Marakaru Ward, Hon. Joseph Nyongesa Juma, MCA, to get a response from the Chief Officer, Department of Finance and Economic Planning regarding revenue collection, performance and legal compliance by the Department of Finance for the financial years 2024/2025 and 2025/2026.
4. Statement number 18 of 2026, a member for Tuuti/Marakaru Ward, Hon. Joseph Nyongesa Juma, MCA, to get a response from the Chief Officer, Department of Finance and Economic Planning regarding the implementation status of the approved budget for the financial year 2025/2026, which was duly passed by the Honourable House in June 2025.

Motion

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. A report of the Public Accounts and Investments Committee on the report of the Auditor General on the Bungoma County Assembly Hon. Members Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2025 and the Bungoma County Employee Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2025. It will be done by the Chairperson, Public Accounts Committee.

Wednesday 13th May, 2026 at 9:30 a.m.

Motion

1. A report of the sectorial Committee on Public Administration and ICT on the status of Personnel Emolument as at December 2025. It will be moved by the chairperson sectorial Committee on Public Administration

Wednesday 13th May, 2026 at 2:30 p.m.

Questions and Statements

1. Statement 12 of 2026: Member for Kimaeti Ward Hon. Jack Wambulwa MCA to get a response from the chairperson sectorial Committee on Tourism, Environment, Water and Natural Resources regarding the utilization of climate change funds within Bungoma County

Motion

1. A report of sectorial Committee on Finance and Economic Planning on the Bungoma County Revenue Enhancement Action Plan. It will be moved by the chairperson sectorial Committee on Finance

Thursday 14th May, 2026 at 2:30 p.m.

Papers

1. A report of the sectorial Committee on Trade, Energy and Industrialization on the status of Completion of Bungoma County Aggregation Industrial Park. It will be tabled by the Chairperson, sectorial Committee on Trade.

Notice of motion

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. That this House adopts the report of the sectorial Committee on Trade, Energy and Industrialization on the status of Completion of Bungoma County Aggregation Industrial Park. Honourable Speaker, it will be moved by the Chairperson, sectorial Committee on Trade.

Questions and Statements

1. A member of the House Business Committee will inform the House of the business coming before the House as from Tuesday 19th to Thursday 21st May, 2026.
2. Statement number 8 of 2026; Member for Tongaren Ward, Hon. Johnston Ipara Okasida MCA, to get a response from the Chairperson, sectorial Committee on Public Administration and ICT in relation to the Medical Insurance Cover for Bungoma County Government Staff for the financial year 2025/2026.
3. Statement number 19 of 2026; Member for Luandanyi Ward, Hon. Tony Barasa MCA, to get a response from the Chairperson, sectorial Committee on Tourism, Environment, Water and Natural Resources regarding submission of financial and non-financial reports in respect to Bungoma Water and Sewerage Company, BWASCO.

Motion

1. A report of the Committee on Implementation on training for members of the Committee on Implementation held at the Centre for Parliamentary Studies and Training. It will be moved by the Chairperson, Committee on Implementation.

Honourable Speaker, this is a tentative weekly programme for this week and I submit.

Mr. Deputy Speaker: Thank you so much Hon. Johnston Okasida Ipara. Honourable Members this is a tentative programme which enables us to transact business between today, Tuesday and 14th day, which is Thursday, this week. Kindly get yourselves appraised by the same so that you are aware and prepare yourselves accordingly. Thank you so much.

Next item?

2. STATEMENT NUMBER 27 OF 2026: A STATEMENT FROM HON. JACK KAWA MCA

Deputy Speaker: Yes, Hon. Jack Kawa, Member for Bokoli...

Hon. Jack Kawa: Thank you, Hon. Speaker. I am sorry I misplaced my card so I will just use the dispatch. Thank you, Hon. Speaker. Substantive Acting Directors in County 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.

Hon. Speaker, I rise to seek a statement from the County Secretary and the Head of Public Service and further Secretary to the County Public Service Board regarding the status, legality and performance of substantive and acting directors within various county departments. This request is anchored on concerns of underperformance in certain departments, potentially linked to prolonged acting appointments and possible noncompliance with the established legal framework governing public service appointments

This inquiry is guided by the following legal provisions;

- A) Article 235 of the Constitution of Kenya 2010, which mandates county governments to establish and manage their public service in accordance with values of efficiency, competence, accountability and transparency.
- B) Article 232 of the Constitution, which sets out the values of principles of public service, including merit-based appointment, accountability for administrative actions and responsiveness.
- C) Section 59 and 63 of the County Government Act 2012, which empowers county public service boards to establish and control county public service and regulate appointments.
- D) Section 73 of the County Government Act 2012, which provides for staffing appointments and acting arrangements within county public service.
- E) Public Service Commission, PSC, Human Resource Policies and Procedures Manual 2016, revised which limits acting appointments to a recommended period, generally not exceeding six months unless justified under requires substantive recruitment where positions are permanent.

Regulations made under the Public Service Commission Act 2017, which emphasizes competitive recruitment, fairness and the limitation of acting positions to avoid abuse of administration discrimination. In this regard, I seek clarification on the following;

- 1) Whether all serving directors within the county executive departments were all substantively recruited and appointed by the County Public Service Board in accordance with Article 235 of the Constitution under Section 59 of the County Government Act 2012.
- 2) Provide a list of all substantive directors, departments, dates of appointment and recruitment preferences.
- 3) Identify all officers currently serving in acting capacity as directors.
- 4) State the authority that appointed each acting director pursuant to Section 73 of the County Government Act 2012.
- 5) Provide copies of appointment letters for both substantive and acting directors.
- 6) Indicate duration each officer has served in acting capacity.
- 7) Clarify whether acting appointments have exceeded the recommended six-month threshold without substantive confirmation or recruitment.

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.

- 8) Explain why the county executive has continued to extend acting appointments beyond the recommended legal threshold.
- 9) Indicate whether such extensions comply with the constitutional principles of efficiency and merit under Articles 234 and 235 of the Constitution.

Mr. Deputy Speaker: Hon. Kawa, is it 232 or 234?

Hon. Jack Kawa: 232 and 235. I am sorry, Hon. Speaker. Thank you.

- 10) Provide justification for retention of officers in acting positions despite prolonged service.
- 11) Provide academic and professional qualifications to all directors both substantive and acting in the line with merit requirements under Section 65 of the County Government Act 2012.
- 12) Confirm whether acting officers meet the minimum qualifications prescribed for their respective positions.
- 13) Provide performance appraisal reports for all directors.
- 14) Explain measures taken to address underperformance linked to leadership capacity gaps in line with Article 232D on accountability of administrative actions. Thank you, Hon. Speaker.

I want to request looking at this statement it's a matter of just to retrieve from the files. So I will request that I get the response within 24 working hours. Thank you, Hon. Speaker.

(Loud Consultations)

(Applause)

Mr. Deputy Speaker: Very well, very well, Hon. Zakayo. Your face says it all and indeed you are serious. Well, Honourable Members this statement is touching on two departments in the County Executive, equally touching on two committees of this House because the County Service Board is under the Labour Committee and the Public Administration and ICT falls under the Public Administration Committee.

Therefore, we need the chairperson Labour. Who is the chairperson, Labour? Yes. The member is asking or demanding that this should be happening in 24 hours. I don't know how possible that is. How long should we give you?

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. Martin Cheseto: Thank you, Hon. Speaker. I accept the sentiment of the member but I want just to request for 14 days so that we handle this matter exhaustively. Thank you.

(Applause)

Mr. Deputy Speaker: That is the chair of Labour, the Hon. Chemorion Martin Cheseto. So he requests 14 days. Before I give the gracious Honourable Members, let's have the Chair Public Administration. There is a point of information? That is Hon. Sheila Sifuma. Yes, proceed.

Hon. Sheila Sifuma: Thank you, Mr. Speaker. Maybe just a clarification; you know the Honourable Members asked for 24 working hours. Is that three days or one day? Maybe you clarify so that... a working day is eight hours so maybe a clarity so that they can guide the chair. Thank you.

(Laughter)

Mr. Deputy Speaker: Well, well.

(Applause)

So we understand. I want to request you, the Honourable Member Sifuma Sheila that he meant the days working hours but he was so serious that I want to believe he meant within a day or two days but we shall go with what the... Of course, we will accept what the chairperson requests. We are not going with what he has demanded but he will agree. He will have to cede ground so that we accept workable duration.

(Loud consultations)

Hon. Linda Kharakha what is it?

Hon. Linda Kharakha: Mr. Speaker, you know when you say 24 hours, how many hours as a House do we sit and how many hours do we sit as a committee? It's not possible to assume that 24 hours is a whole day because we don't sit for one committee for a whole day. It means we'll be working over midnight, Mr. Speaker.

Mr. Deputy Speaker: Thank you, Hon. Linda.

(Laughter)

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.

Order members! That's why the chair will request for some days. The chair has requested for 14 days and the owner of the statement was asking for 24 hours. So you can try to understand. If the House sits for eight hours then he was maybe trying to talk about three days but then the chairs will have to tell us what will be.

(Laughter)

(Loud Consultations)

Order! Please. Before Hon. Okasida, you come in. We have timelines of sitting and responses understanding order number 52 and I quote the timelines for reply. Standing order 53 says, subject to paragraph 2, a County Executive Committee Member shall reply to a question within 14 days or referral of a question to a committee.

(Applause)

So with that guidance, we know what will happen because we have it in our Standing Orders.

(Loud consultations)

Well... Chairperson. How long do you want us to give you?

Hon. Francis Chemion: Hon. Speaker, if the government was functional...

(Laughter)

(Applause)

We could have said the 24 hours but we are working with a government that is in depth. It will take more than 14 days to even respond to these simple questions and Honourable Speaker, from what the person who sought the information has presented here.

Honourable Speaker. We have...

(Loud Consultations)

Mr. Deputy Speaker: Order! Allow the Honourable Member to complete what he's presenting. No, allow him to finish; we don't want him to loose direction.

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. Francis Chemion: Hon. Speaker, this is public knowledge that even if we give 14, 24 hours, we will not get the response. So we want to make it 14 days so that we get this response. As a committee, we are requesting for 14 days.

(Applause)

Mr. Deputy Speaker: Honourable Members. Order! We cannot belabor so much on something that requires procedure and rules of this House and we should not try to bring in some other side shows. We have to be serious and I trust you are serious Members here.

We are working with serious Members, Honourable ladies and gentlemen who are honourable and eminent. Order, Members and also, under Standing Order 53(2) and I quote; *where the Speaker determines a question to be urgent...* Remember this Standing Order. It precedes everything here. *'Where the Speaker determines a Question to be urgent, a County Executive Committee Member shall reply to the Question within seven days of referral of the Question to the Committee'*.

Now, that is the Standing Order and the Members, the Chairperson Public Administration, the Chairperson, Labour have requested for 14 days. Let us give them a time that they will bring...

(Loud Consultations)

Order Hon. Mulongo, you are a Whip. Order! Members.

We need a sufficient reply, Honourable Members. Which information on Hon. Okasida? Wait on Hon. Okasida. I have not given you permission. I don't want to look biased here.

(Laughter)

Order! I want to rule. I want to rule. Order! Hon. Kharakha you are honourable and you never shout and I know you that you never shout. I want to make a ruling. What is it? Order, Members. We heard Hon. Mulongo, who is a senior Member in this House, a leader. What is it?

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. Aggrey Mulongo: Thank you, Mr. Speaker, Sir. Chairperson of Public Administration mentioned that we have no government in place. If the government is not there, then where are we going to get the information from?

Mr. Deputy Speaker: Order! Mr. Speaker, he said that a government which is... You know, we can have a government but malfunctioning is part of any system. Any system can malfunction at some point and even you yourself, in your home there are some malfunctions that happen. It doesn't mean...

(Laughter)

(Applause)

Yes. Order Members! Hon. Mulongo it doesn't mean that you are not a leader of that home. It's part of human life. Yes. So, we proceed. Hon. Okasida and then Hon. Chikati. Those will be the last people to make comments on this.

Hon. Johnston Ipara: Thank you, Hon. Speaker. Hon. Chikati is happy because Sheila did give him a new name today and... I have heard from the Chair, Public Administration, admitting that this is a dysfunctional, failed government. That is an admission before this Honourable House and, Hon. Speaker, repeatedly you have also referred to a County Secretary, and we believe that the County Secretary's office is vacant.

(Applause)

And if this particular office is vacant, who will provide the details that we require? Because you have referred to whether it is 14 days or seven days, and the word that I need you, Speaker, to mark is "within," and I told you that Hon. Kawa was right when he was referring to 24 hours. Twenty-four hours is standard working time for this country. His eight hours, when we are referring to 24 hours, we are referring to three working days.

Hon. Speaker, an efficient and effective...

Mr. Deputy Speaker: Order! Members, consult in low tones.

Hon. Johnston Ipara: Hon. Speaker, an effective and efficient government would provide the information requested by Hon. Kawa within an hour unless they want to admit, as confessed by the Chair, that this is a failed government.

(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. Deputy Speaker: The Hon. Chikati Timothy.

Hon. Timothy Chikati: Thank you, Speaker. I think, Hon. Speaker, as a House we are getting it wrong. There is no office in this County Government of Bungoma that is vacant. At least there is somebody there who can furnish both the Public Administration and the Labour Committee with information. So I suggest we go with 24, not working hours, but 24 straight hours.

(Laughter)

(Applause)

Mr. Deputy Speaker: Now, Honourable Members, I had said that Hon. Chikati's remark would be the last. Order! Order! I had directed that Hon. Chikati's remark would be the last, but you are on, and you are a leader of this House. What is it so that I can give directions?

Hon. Sudi Busolo: Hon. Speaker, with the technology that we currently have, 14 days is a long period because actually we are living in a digital era, and you know we have visitors here who are very, very digital. This is not a time where a messenger will be sent to move around looking for information.

Why do you grant a whole two weeks, and this is an era of technology? We are not living in those days where we relied on a messenger or the human brain, but now we have technology. All these offices are modern with systems. Why can't we, maybe if we go beyond, let it just be one week? But two weeks is a long period for an office that has systems. Yes, that is my concern.

We must change because 14 days is a long period because we are not manual. Are we manual? You can see, as I speak, I am not manual. Things are now... with the current situations in the world, surely, why do we go for such a long period? Another happening will come in. Let's shorten the period. We need to get an answer because, if you listen to the concerns of the Honourable Member for Bokoli, they touch on all of us. It is a very sensitive statement and let's give it the weight it needs.

The weight it requires. Shorten the period. We have people in the office who are learned. They are not like us, who sometimes claim that we are not learned, but they themselves are. Why do you give them a long period?

(Applause)

(Loud Consultations)

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.

Why do you give them a long period? Hon. Speaker, I am just saying; I am not referring to my learned friend behind me. This House has learned people, and outside there we have professors. Our offices have people with doctorates. Why do you give them two weeks to search for information that is at their fingertips? I expected them to have it. So, with due respect, shorten the period.

(Applause)

Mr. Deputy Speaker: Now, Hon. Waiti, what point of information is that? I want to make a ruling and give directions.

Hon. Wafula Waiti: Hon. Speaker, this is a House of Rules and Procedure, and when you stood while seated here, I saw you with a Standing Order which you read to this Honourable House, and you quoted Standing Order Number 53(2). Standing there, Honourable Speaker, you made a ruling that you would grant the two chairs 14 days as they had requested.

Honourable Speaker, you say this is an Honourable House, and the occupiers of this House are Honourable Members. I am wondering why they are making noise when I listened to them quietly. So, Honourable Speaker, I wonder if you will reverse your decision. Thank you.

Mr. Deputy Speaker: Order, Members. You know, with all due respect, Hon. Wafula Waiti is actually my uncle, and I respect him for that, but signs of aging are also catching up with him. I have not made a ruling and given directions, so I am yet to do that. But don't take any offence from him, as I have said that signs of aging are catching up with him. So, we love him. What is it, Hon. Wambulwa? I am making a direction here. What is it?

Hon. Jack Wambulwa: Honourable Speaker, I want to agree with the Standing Order you read out. But more so, Honourable Speaker, I want to urge colleagues that as much as we want the Executive to respond within 24 hours, that is no problem.

The procedure must be followed, Honourable colleagues, that once a response comes, it has to go to the committee, and then the committee has to file it with the Assembly. I therefore urge, Honourable Speaker, especially now those who are claiming that there is no government, that there is a government.

We have the Chief Officers who are the AIE holders; we have the directors. These are the people who have the information at their fingertips. So we should not have the excuse of saying the CECs are absent. CECs are just there, but they rely on this technical team. Therefore, I urge, Honourable Speaker that for a fair ruling, give it seven days so that the committee can be able to go through it, be satisfied, and bring it to the House. Then we can now get the response before the Honourable Speaker. Thank you, 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.

Mr. Deputy Speaker: Members, I want to request you with lots of humility that you allow me to give directions, please. Now, having listened to you and considering the sensitivity of the statement, I want to rely on Standing Order Number 53(2). This matter being deemed urgent, as requested by the owner of the statement, I direct that the Government Executive shall furnish the committees, and thereafter this House shall be informed of those issues raised by the owner of the statement, before this House on the 19th day of May 2026 at 2.30 p.m. That is exactly one week from today, so the table clerks must ensure that the same is conveyed to the responsible respective offices immediately, as soon as possible, so that the committees can have time to process and report to this House on the same day. I so direct.

Next item.

STATEMENT NUMBER 17 OF 2026, A MEMBER OF TUUTI MARAKARU WARD, HONOURABLE JOSEPH NYONGESA, MCA, TO GET A RESPONSE FROM THE DEPARTMENT OF FINANCE AND ECONOMIC PLANNING

Mr. Deputy Speaker: Hon. Grace Sundukwa, Member for Sitikho, proceed

Hon. Grace Sundukwa: Thank you, Speaker. Just a concern, we have two responses which one?

Deputy Speaker: There is the first statement, Hon. Sundukwa, I want to believe that you are keen. This is touching on a member for Tuuti Marakaru getting a response from the Chief Officer of the Department of Finance and Economic Planning regarding revenue collection, performance and legal compliance by the Department of Finance for the financial year 2024/2025 and 2025/2026.

Hon. Grace Sundukwa: Thank you Speaker. A report on the statement raised by Hon. Joseph Nyongesa regarding revenue collection, performance and legal compliance by the Department of Finance for financial year 2024/2025 and 2025/2026.

Pursuant to the provisions of Standing Order 54 (a) of the County Assembly of Bungoma Standing Orders, the committee on Finance and Economic Planning hereby submits its report on a statement sought by Hon. Joseph Juma (Member of County Assembly for Tuuti- Marakaru Ward) regarding revenue collection performance and legal compliance by the department of Finance for the Financial Years 2024/2025 and 2025/2026.

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.

The Committee requested for response from the Department of Finance and Economic Planning vide a letter ref: CAB/CC/SECT/1 VOL.VI (13) dated 22nd April, 2026. The response was received and subsequently shared with the owner of the statement.

The Chief Officer Finance and Economic Planning appeared before the Committee on 30th April, 2026 and submitted as follows:

1. As to what was the total projected Own Source Revenue for FY 2025/2026, and how much Revenue has been collected to date?

The County had projected to collect Kshs. 2,077,454,844 as own source revenue. In the first nine months ended 31st March, 2026, the County collected Kshs. 1,030,748,805 compared to Kshs. 799,940,511 received the same period last Financial Year representing 29% growth as summarized in the table below:

The table is on your gadget, Honourable Members. We have local revenue, Honourable Speaker, I can skip that so that Members can check directly on their gadgets.

2. As to why the department of Finance has not formulated and implemented a tariff and pricing policy as mandated by section 120 of the County Government Act(No. 17 of 2012);

Again Honourable Speaker, the table is on Honourable Members gadgets. I can skip that so that Members can check directly

The Directorate of revenue has developed a draft Tariffs and Pricing Policy. The County Government of Bungoma has a wide range of revenue streams that can be harnessed more effectively through strategic reforms. A structured Tariffs and Pricing Policy, grounded in accurate data, updated legal frameworks and participatory governance will be critical to closing the revenue gap, ensuring fair service pricing and achieving financial sustainability.

Challenges in Revenue Mobilization

Despite the variety of revenue streams, Bungoma County faces several persistent challenges in optimizing revenue collection:

1. Outdated Valuation and Tariff structures: Property rates and service charges are based on old valuation rolls, leading to under-collection and unfair pricing.
2. Low compliance and Enforcement gaps: Many businesses and individuals either under – declare or fail to pay due levies. Enforcement mechanisms are often weak, understaffed, or prone to corruption.

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.

3. Public Resistance and Political Interference. Resistance to new or increased charges often arises due to lack of awareness or perceived unfairness. Politicians may discourage enforcement, especially during election cycle .Poor or inadequate market infrastructure.
4. Unexploited Revenue Potential .Assets like County houses, markets and public land may be underutilized, encroached, or leased without clear terms, resulting in loss of revenue.
5. Inadequate Budget Allocation to finance revenue generating activities.

Despite these challenges, several strategic opportunities were identified to enhance revenue generation in Bungoma;

- i. Regular Tariff Reviews and Valuation Updates. Instituting a legal and transparent process for updating tariffs and property Valuation Rolls ensures fair, current and defensible charges.
- ii. Revenue mapping and asset audit. Undertaking GIS-based revenue mapping and audits of County assets (markets, stalls, land, parking bays) can reveal untapped potential.
- iii. Business Formalization and Licensing Drives. Encouraging and simplifying SME registration increases the trade license base.
- iv. Targeted Sensitization Campaigns. Educating the public about the importance of paying for services builds trust and compliance.

Under KDSP II, KRA 1, work plan, a technical working group has been formed to develop various documents before 30th June,2026 under consultancy services aimed at enhancing own source revenue and giving effect to Article 209 of the Constitution of Kenya,2010.These include:

- a) County Tariffs and Pricing Policy as required under section 120 of the County Governments Act to form basis for the determination of various County User fees and charges –Consultancy Services.
 - b) Revenue mobilization strategy to identify and analyze existing and potential resource mobilization opportunities; and provide a structured and sustainable framework to mobilize, manage, and account for County Revenue –Consultancy services.
 - c) Revenue mapping to identify, locate, quantify and organize all revenue sources.
3. As for the measures in place to ensure that tariffs and pricing enhance revenue mobilization while maintaining equity and fairness;

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.

This policy once approved by the cabinet will be implemented through an inter-departmental approach spearheaded by the County Treasury. The County Treasury will also commission a midterm evaluation of the implementation progress.

4. As to why did the County Government fail to formulate, table and enact a Finance Bill for FY 2024/2025 and 2025/2026 and under what legal framework has revenue been collected in their absence;

Section 133 of the PFM Act, 2012 stipulates that not later than ninety days after passing of the Appropriation Bill, the County Assembly shall consider and approve the Finance Bill with or without amendments. The Bungoma County Finance Bill, 2024 was halted due to GZ protests that too affected the National Treasury Finance Bill. Finance Bill 2025 was presented to County Assembly after cabinet approval only to be rejected on non-compliance. The County Assembly could have invoked Sec 133 to approve the Finance Bill without amendments.

The Bungoma County Finance Act of 2023 is currently the legal framework in force and our reference for collection of revenue until amended or repealed by the Draft Bungoma County Finance Bill of 2026 which is currently being subjected to public participation.

5. As to the systems currently in place for revenue collection, and the steps that have been taken to seal loopholes and prevent revenue leakages;

Revenue department collects revenue through the BARMS (Bungoma Automated Revenue Management System). Frequent updates on software enhances its performance and data security protocols this also addresses any internal control weaknesses.

The platform accepts only cashless payment platforms which minimize revenue leakages. It also has verification and notification tools to validate and verify transactions and also provide feedback to rate payers.

Sending of bulk SMS reminders to defaulter's increases voluntary compliance which minimizes cash handling by collectors.

6. As to the mechanism that exist to ensure compliance among revenue payers, and the enforcement actions that have been taken against defaulters;

The department has enforced the following mechanisms;

- i. Frequent Sending of Bulk SMS notifications to defaulters to comply on due dates

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. Targeted enforcement and compliance efforts purely guided by system generated defaulter’s reports
- iii. RRI team formed to pursue all the defaulters.
- iv. List of property rates defaulters submitted to the County Attorney for credit listing and further legal action.
- v. A tax resolution and arbitration team formed to resolve tax related disputes
- vi. E- camping APP for PSV defaulters
- vii. Joint enforcement with National Security Agencies
- viii. Twinning of Fees and charges e.g. SBP with liquor license, Property rates compliance and plan approvals.

Deputy Speaker: Order members, Members if you are watching anything don't make us interested in it, because it disrupts and turns attention of members from what is being presented to what you are watching. Please proceed

Hon. Grace Sundukwa:

8. As to the total amount of outstanding revenue arrears, and the strategies in place for recovery, it was submitted as follows;

Description	Period ended	Opening
	Statement 31 st Dec,2025	Statement 1 st July,2025
	Kshs.	Kshs.
Receivables		
Cess	84,641,795.00	84,641,795.00
Land Rates	180,994,522.00	183,756,587.00
Total Current Receivables	265,636,317.00	268,398,382.00

- i. The department provided the following strategies for recovery of outstanding revenue arrears; Frequent Sending of Bulk SMS notifications to defaulters to comply on due dates
- ii. Targeted enforcement and compliance efforts purely guided by system generated defaulter’s reports
- iii. RRI team formed to pursue all the defaulters.

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. List of property rates defaulters submitted to the County Attorney for credit listing and further legal action.
- v. A tax resolution and arbitration team formed to resolve tax related disputes
- vi. E- camping APP for PSV defaulters
- vii. Joint enforcement with National Security Agencies
- viii. Twinning of Fees and charges e.g. SBP with liquor license, Property rates compliance and plan approvals.

9. As to the challenges the department is facing in revenue collection;

The department submitted the following;

1. Outdated Valuation and Tariff structures: Property rates and services charges are based on old valuation rolls, leading to under-collection and unfair pricing.
2. Low compliance and Enforcement gaps: Many businesses and individuals either under – declare or fail to pay due levies. Enforcement mechanisms are often weak, understaffed, or prone to corruption.
3. Public Resistance and Political Interference. Resistance to new or increased charges often arises due to lack of awareness or perceived unfairness. Politicians may discourage enforcement, especially during election cycle .Poor or inadequate market infrastructure.
4. Unexploited Revenue Potential .Assets like County houses, markets and public land may be underutilized, encroached, or leased without clear terms, resulting in loss of revenue.
5. Inadequate Budget Allocation to finance revenue generating activities.

10. As to the corrective measures and timelines that the department established to ensure:

a) The formulation of a tariff and pricing policy

b) The timely preparation and enactment of Finance Bills in Future financial years

- Issuing of circular by the CECM in good time to guide the process and ensure full compliance
- Liaising with the County Attorney’s office for technical assistance to guide the process
- Adequate Budget Allocation by the County Assembly to facilitate the process.

Outdated valuation rolls and tariff structures were cited as factors leading to the under-collection of revenue. The Committee noted that it is the responsibility of the Department to develop the aforementioned legislation. In addition, the Finance Act currently in place is for 2023.

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.

The owner of the statement was not satisfied with the response provided. The committee in its meeting held on 12th May, 2026 resolved that due to the gravity of the matter, it be handled by the House. Honourable Speaker, I submit. Thank you

Mr. Deputy Speaker: Very well, that is the submission by Hon. Grace Sundukwa. We have the owner of the statement, who is our Leader of Majority, Hon. Joseph Nyongesa.

Hon. Joseph Nyongesa: Thank you, Speaker. First, I want to, in good faith, partially appreciate the committee. Mr. Speaker, through your own wisdom, I do not know whether I should respond to anything, or whether we should wait until we are addressed as the whole House, because there is no need of talking to us individually, Mr. Speaker. I am aware that members have received the document on their gadgets. Your guidance, Speaker.

Deputy Speaker: Very well, Honourable Members, because the committee has presented to the House what they believe is the best way forward for this House, and by extension, the residents of this County, I'll make the following direction. That under the article 195 of the Constitution of Kenya, which reads,

(1) A county assembly or any of its committees has power to summon in person to appear before it for the purpose of giving evidence or providing information.

(2) For the purposes of clause (1) an assembly has the same powers as the High Court to -

- a) enforce the attendance of witnesses and examining them on oath, affirmation, or otherwise*
- b) compel the production of documents; and*
- c) issue a commission or request to examine witnesses abroad.*

Based on that, Honourable members, I feel it's important that the officers should appear before this House so that we can, as a House, get information from them.

And therefore, I want to issue directions so that we don't get excuses. The officers should appear before this House before end of this month. That will be on the 26th day, which will be a Tuesday, 2 p.m., to get information and to be examined by this House. The owner of the statement, I hope that goes well with you.

Hon. Joseph Nyongesa: Thank you, Speaker. The same applies to the second statement also, because there is no need to waste time. I think we can take the same direction.

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.

Again, I also want to urge our committees that it actually lies within our mandate to ensure that the matters raised in the statements are followed up by the committees, so that at least the departments can work. Otherwise, Mr. Speaker, I do appreciate and I am most obliged for it. Thank you.

Deputy Speaker: Very well and therefore for the order purposes and HANSARD let's have the second statement read.

STATEMENT NO. 18/2026

The Honourable Member for Tuuti Marakaru Ward Hon. Joseph Nyongesa to get a response from the department of Finance and Economic Planning regarding the Implementation status of the approved budget for the Financial Year 2025/2026.

Mr. Deputy Speaker: Hon. Grace you summarize because we are taking the same direction.

Hon. Grace Sundukwa: Thank you Speaker.

On the second response we also concluded as a committee that the owner of the statement was not satisfied with the response provided. The committee in its meeting held on 12th May, 2026 resolved that due to the gravity let the matter be handled by the whole House. I submit.

Mr. Deputy Speaker: So Honourable members again because it is the same department and officers as I directed, they will appear here on the 26th day 2:30 p.m. so that the House can get says and interrogate the officers so that we get the proper answers. I direct the table clerks to ensure that this reaches the respective offices as soon as possible so that we don't have any excuses. Next item.

MOTION

A REPORT OF THE PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE ON THE
REPORT OF THE AUDITOR GENERAL ON THE BUNGOMA COUNTY ASSEMBLY
HONOURABLE MEMBERS CAR LOAN AND MORTGAGE SCHEME FUND FOR THE
YEAR ENDED 30TH JUNE 2025 AND THE BUNGOMA COUNTY ASSEMBLY
EMPLOYEE CAR LOAN AND MORTGAGE SCHEME FUND FOR THE PERIOD ENDED
30TH JUNE, 2025

Deputy Speaker: Very well we have the Hon. Allan Nyongesa specially elected member proceed.

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. Allan Nyongesa: Thank you Honourable Speaker on behalf of the committee I am here to move the report of the Public Accounts and Investment Committee on the Auditor General's report on;

1. The Bungoma County Assembly Honorable Members' Car Loan and Mortgage scheme fund for the year ended 30th June, 2025.
2. The Bungoma County Assembly Employee Car Loan and Mortgage scheme fund for the year ended 30th June 2025.

Deputy Speaker: Very well, now confirm the quorum.

Hon. Allan Nyongesa: Honourable Speaker, we have enough membership let the members of PAC Committee be upstanding, as they stand members should note that this is a committee of 11 members.

Deputy Speaker: The quorum is attained we proceed...

Hon. Allan Nyongesa: Thank you Speaker

Deputy Speaker: That's a disciplined committee

Hon. Allan Nyongesa: Very disciplined Speaker

Deputy Speaker: That's an indicator of discipline members lets proceed

CHAPTER ONE

Preface

On behalf of the Members of the Public Accounts and Investments Committee and pursuant to the provisions of Standing Order No. 209 and in accordance with Article 227(8) of the Constitution of Kenya, 2010, it is my pleasure and duty to present to this Assembly, the Committee's report on the reports of the Auditor General on the Bungoma County Assembly Honorable Members' Car Loan and Mortgage scheme fund for the year ended 30th June, 2025 and the report of the auditor general on the Bungoma County Assembly Employee Car Loan and Mortgage scheme fund for the year ended 30th June, 2025.

Mandate and powers of the Committee

The mandate of Public Accounts and Investments Committee is drawn from Standing Order number, 209 (5) which states that, the functions of the committee shall be 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.

- a) Pursuant to Article 185 (3) of the Constitution of Kenya to exercise oversight over the County Executive Committee and any other County Executive Organ.
- b) Pursuant to Article 229 (7) and (8) of the Constitution to examine the reports of the Auditor General on the annual accounts of the County Government.
- c) To examine special reports if any, of the Auditor General on County Government Funds.
- d) To examine the reports if any of the Auditor General on the County Public Investments.
- e) To exercise oversight over County Public Accounts and Investments.

Powers

The Committee pursuant to the provisions of Article 185(3) of the constitution of Kenya, 2010 is mandated to exercise oversight over the County Executive Committee and any other County organs and also to examine special reports of the Auditor-General on County Government Funds in respect of the appropriation of sums granted by the County Assembly to meet the public expenditure, and to enforce adherence to the fiscal responsibility principles as provided under *Article 201* of the Constitution of Kenya, 2010. The Committee executes its mandate on the basis of annual and special audit reports prepared by the Office of the Auditor-General (OAG)

Guiding Principles

AUDIT OF PUBLIC ACCOUNTS

According to Article 229(4) (b) of the Constitution of Kenya, within six months after the end of each financial year, the Auditor General is required to examine the Financial Report on the Accounts of all funds and authorities of the National and County Governments and express an opinion on the report on whether money appropriated by Parliament or the relevant County Assembly and disbursed;

(I) has been applied for the purpose for which it was appropriated or raised;

(ii) Was expended in conformity with the authority that governs it; and

(iii) Was expended economically, efficiently and effectively.

The Audit report shall then be submitted to Parliament or the relevant County Assembly for debate and consideration.

Obligations of accounting officers

Section 149(1), of the PFM Act, 2012 stipulates that: *“An accounting officer is accountable to the County Assembly for ensuring that the resources of the entity for which the officer is*

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.

designated are used in a way that is lawful and authorized; effective, efficient, economical and transparent.”

Direct personal liability

Article 226(5) of the Constitution of Kenya, 2010 is emphatic that “If the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not”.

Section 116(1) of the Public Finance Management Act, 2012 provides that, the County Executive Committee Member for Finance may, with the approval of the County Executive Committee and the County Assembly, establish Public Funds.

Section 116 (7)(a) (b) (c) of the same Act directs that “The administrator of a County Public Fund shall prepare accounts for the fund for each financial year and not later than three months after the end of each financial year, submit the financial statements relating to those accounts to the Auditor-General and the County Assembly.”

Furthermore, the *Public Audit Act, No. 34 of 2015, more specifically section 32 of the Act* provides that;

- 1) All reports of an Audit shall be submitted to Parliament or the relevant County Assembly.
- 2) Within seven days of receiving the report, Parliament shall publicize it on its official website and other public spaces.
- 3) Within fourteen days after submitting the report to Parliament or the relevant County Assembly, the Auditor-General shall publicize the report on the official website and other public spaces.

Further, Section 35 of the same Act states that, the Auditor-General shall conduct audits of financial statements under Article 229 of the Constitution for State Organs and public entities and report annually to Parliament and the relevant County Assembly.

Section 36(1) provides, that the Auditor-General shall conduct performance audit to examine the economy, efficiency and effectiveness with which public money has been expended pursuant to Article 229 of the Constitution.

The Public Accounts and Investments Committee strongly holds the view that these provisions of the law were meant to ensure prudent and responsible use of public funds. The Committee has accordingly applied these provisions to recommend varying actions. The committee also places a premium on these principles, among others, and has been guided by them in the entire process that has culminated into the preparation and production of this report.

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.

Confidentiality undertaking by the committee

To enhance the integrity of the Committee and its work, Members of the Public Accounts and Investments Committee have signed a confidentiality undertaking in accordance with Bungoma County Assembly Standing Order No 98. In relation to the provisions of the said Standing Order; Members have undertaken that in relation to this report, no Member of the Committee shall refer to the substance of the proceedings touching on the subject matter which shall include any evidence or documents presented to the Committee and any information under discussion or deliberation at its meetings before it is tabled in the County Assembly.

Methodology

The Reports of the Auditor General on Bungoma County Assembly Honorable Members' Car Loan and Mortgage scheme fund for the year ended 30th June, 2025, and the report of the Auditor General on the financial statements of Bungoma County Assembly Employee car loan and mortgage fund year ended 30th June 2025 were committed to the Public Accounts and Investments Committee for consideration under the Committee's mandate.

The Committee carried out an analysis of the queries raised by the Auditor General in the two reports and wrote to the Accounting officer who provided responses and subsequently appeared before the Committee for interrogation on the 10th day of February, 2025 in the presence of officers from the office of the Auditor General from Kakamega.

The Committee hereby provides this report having considered the responses provided by the Accounting Officer of The County Assembly of Bungoma and the guidance provided by the Officers from the Office of the Auditor General who were the prosecutors of the reports during the interrogation exercise.

Members of the Public Accounts and Investments committee

- | | |
|---------------------------|-------------|
| 1. Hon. Everton Nga'nga | Chairperson |
| 2. Hon. Job Mukoyandali | Vice Chair |
| 3. Hon. Charles Nangulu | Member |
| 4. Hon. Cornelius Makhanu | Member |
| 5. Hon. Mitrine Nangalama | Member |
| 6. Hon. Allan Nyongesa | Member |
| 7. Hon. Everlyn Anyango | Member |
| 8. Hon. Sheila Sifuma | Member |
| 9. Hon. Kennedy Wanyama | Member |
| 10. Hon. Florence Juma | Member |

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.

11. Hon. Maureen Wafula Member

Acknowledgment

The Committee wishes to express its gratitude to your office for allowing it to sit outside the precincts of the County Assembly to prepare this report, further the committee's great thanks goes to the office of the Clerk for facilitating the committee to execute its mandate and the County Assembly management for appearing before the Committee for interrogation and lastly the secretariat of the committee and the officers from the office of the Auditor General for exemplary technical support that led to the production of this report.

On behalf of the Public Accounts and Investments Committee, I now wish to move this report and urge the Honorable House to adopt it with the recommendations therein.

Signed by Hon. Everton S Nga'nga, MCA- East Sang'alo Ward.CHAPTER TWO

REPORT OF THE AUDITOR GENERAL ON HON.MEMBERS CAR LOAN AND MORGATGE FUND FY 2024/25

Qualified Opinion

Audit query

Long Outstanding Receivables from Exchange Transactions

The statement of financial position reflects long-term receivables from exchange transactions balance of Kshs.186,410,726 as disclosed in Note 18 to the financial statements. The balance includes a balance brought forward amount of Kshs.23,009,233 which refers to loans advanced to members of the first and second County Assemblies who were not subsequently re-elected. No explanation was provided on why the former members were advanced loans that were not confined to the term of their respective office tenure of five (5) years.

In the circumstances, the accuracy and recoverability of the opening balance of long outstanding loans of Kshs.23,009,233 issued to the former Members of County Assembly could not be confirmed.

Management response

The management agrees with the audit findings that outstanding loans advanced to Hon.

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.

Members of first assembly were not recovered before the end of their term. The Honorable members were awarded the benefits by the SRC vide circular reference no SRC/TS/CGOVT/3/16 dated 27th November 2013. The funds were provided for FY 2013/2014 budget and the same was disbursed to honorable members. At the end of their term the management could not fully recover the loans disbursed because in 2015, the Honorable members had filed a court case through petition no 576 of 2015 where the honorable members of county assemblies argued that they had not served their term in full but the same was finally dismissed by supreme court on 28th October, 2022 and therefore the management has initiated the process of recovering the same loans as per the attached demand notices issued to the defaulting members.

Committee Observation

Management has not recovered or collected the amount stated in the Audit Report yet the court already made a ruling on the same; however demand notices had been issued to the defaulting members as a measure to start the recovery process.

Cautions have been put on the properties acquired by the affected members to ensure the same properties cannot be disposed-off before recoveries are made.

Committee recommendation

The committee hereby directs the management to immediately initiate the recovery of the uncollected amounts from members of the first Assembly basing on the court ruling and give a progress report within 60 days from adoption of this report.

The Auditor General to monitor the progress in subsequent audit cycles.

Budgetary Control and Performance

The statement of comparison of budget and actual amounts reflects final revenue budget and actual on comparative basis amounting to Kshs.6,000,000 and Kshs.6,519,105 respectively, resulting to an over-collection of Kshs.519,105 or 9% of the approved budget. Similarly, the Fund expended Kshs.3, 578,523 against an approved budget of Kshs.5, 030,000 resulting to under-utilization of Kshs.1, 451,477 or 29% of the budget.

In the circumstances, Management did not observe fiscal discipline.

Management Response

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.

The management agrees with the findings that there was an underutilization of Kshs.1, 451,477 or 29% of the approved budget. The unabsorbed Funds were meant for charging securities and they have been rolled over to the current financial year budget.

Committee Observation

The under spending was due to uncharged securities, funds have been rolled over to the current financial year.

Committee recommendation

Hon. Members who are yet to submit their title deeds for charging to do so within a period of 60 days from adoption of this report to enable management clear the query, failure to which their allowances will be withheld.

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Basis for Conclusion

Outstanding Borrowing by County Assembly Service Board

The statement of financial position reflects current portion of long-term receivables from exchange transactions balance of Kshs.12, 185,053 as disclosed in Note 18 to the financial statements. The balance includes Kshs.7, 935,458 in respect to un-refunded borrowings by the County Assembly Service Board contrary to Regulation 4 of both the Public Finance Management (County Assembly Members Car Loan Scheme Fund) Regulations, 2025 which states that the object and purpose of the fund is to provide a loan scheme for purchase of vehicles by members and for the purchase, development, renovation or repair of residential property by members of the scheme respectively.

In the circumstances, Fund's monies may not be available for disbursement to new applicants.

Management Response

The management agrees with the audit findings that, at the time of audit, outstanding balances amounting to Kshs.7, 935,458 had not been refunded by County Assembly Service Board. However, the entire amount has been processed and requisitioned as per the attached payment Voucher, Pending EFT report and Exchequer requisition documents.

Committee Observation

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.

The borrowed amount has since been repaid and a payment voucher was availed to the committee.

The issue is therefore addressed.

Failure to Provide Jointly Registered Ownership Documents

The statement of financial position reflects long-term receivables from exchange transactions balance of Kshs.186, 410, 726 as disclosed in Note 18 to the financial statements. The balance includes loans of Kshs. 4,480,000 disbursed during the year under review. However, the log books and title deeds which are jointly registered under the Fund and borrowers were not provided for audit as required by Regulation 8(2) of the Public Finance Management (Bungoma County Assembly Members' Car Loan Scheme Fund) Regulations, 2022, which provides that, jointly registered ownership documents of property financed by the Fund should be kept in the custody of the officer administering the Fund.

In the circumstances, the ownership rights and obligations of long-term receivables from exchange transactions balance of Kshs. 4,480,000 could not be confirmed.

Management Responses

Management agrees with the audit findings that, at the time of audit, securities relating to disbursements amounting to Kshs. 4,480,000 made during the year under review; comprising logbook and title deeds jointly registered under the Fund and the respective borrowers had not been availed. The securities had been forwarded for charging; however, the process has experienced delays due to procedures at the Ministry of Lands, Public Works, and Housing and Urban Development. Management assures the Office of the Auditor-General that once all securities are charged, the same will be submitted to OAG for audit.

Committee Observation

The regulations governing the Bungoma County Assembly Member's Car Loan and Mortgage Scheme Fund as approved by the County Assembly require the beneficiaries to submit the title deeds and Logbooks for property acquired within the timelines of ninety (90) days after loan advancement.

Some Honorable Members are yet to submit the ownership documents for joint-ownership registration for security purposes of the fund by management.

Committee Recommendation

Regulation 8(2) of the Public Finance Management (Bungoma County Assembly Member's Car

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.

Loan and Mortgage Scheme Fund) Regulation, 2025 requires that logbooks of the motor vehicles and title deeds for property financed by the Fund be registered jointly between the County Assembly and the Member to whom the loan is advanced.

Hon. Members who are yet to submit the ownership documents for joint-ownership should do so to enable management clear the query within 60 days from adoption of this report, a progress report on the same to be submitted to the committee.

CHAPTER THREE

REPORT OF THE AUDITOR GENERAL ON EMPLOYEE CAR LOAN AND MORGATGE FUND FY 2024/25

Basis for Qualified Opinion

Non-Recovery of Loans

The statement of financial position reflects long-term receivables from exchange transactions balance of Kshs.235, 524,585 as disclosed in Note 18 to the financial statements. However, review of the loan repayment and loan amortization schedules provided for audit revealed that loans amounting to Kshs.11, 525,383 have not been serviced for a period of four (4) years by four (4) employees of the County Assembly of Bungoma. Further, no explanation or documentation was provided on why the Fund has not initiated recovery measures using the securities held against these loans. Additionally, no provision for bad and doubtful debts has been made in the financial statements.

In the circumstances, the accuracy and recoverability of loans balance of Kshs.11, 525,383 could not be confirmed

Management Response

The management agrees with the audit findings that four scheme members had long outstanding loan balances. Two members, Mr. Francis Tome and Mr. Wamukota Situma, have disciplinary cases that are still pending before the courts and the same will be handled once court determines the case.

In their oral response from management with respect to Mr. Michael Kimwele and Mr. John Mosongo, the Management has initiated recovery measures by demanding them to make the

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.

payments; failing by which, recovery will be pursued through auction of the assets whose securities are held against their loans.

Committee Observation

Management has not recovered or collected the amount stated in the Audit Report, this is contrary to Section 17 of the Bungoma County Assembly Employees’ car loan and mortgage scheme fund regulations of 2025, which states that the duration of the Mortgage Scheme shall be for a period of fifteen (15) years or the remaining period of service of the borrower whereas that of Car Loan Schemes will be for a period of five (5) years.

Committee Recommendation

Management should immediately start the recovery of the monies advanced to the four former employees of the County Assembly and give a progress report to the committee within sixty days from adoption of this report.

The auditor to put this in view in subsequent audit cycles.

Emphasis of Matter

Budgetary Control and Performance

The statement of comparison of budget and actual amounts reflects final revenue budget and actual on comparative basis amounting to Kshs.6,000,000 and Kshs.6,207,987 respectively, resulting to an over-collection of Kshs.207,987 or 3% of the approved budget. Similarly, the Fund expended Kshs.3, 547,227 against an approved budget of Kshs.5,030,000 resulting to under-expenditure of Kshs.1,482,773 or 29% of the budget.

In the circumstances, Management did not observe fiscal discipline.

Management Response

The management agrees with the audit findings that there was an underutilization of Kshs.1, 482,773 or 29% of the approved budget. The unabsorbed Funds were meant for charging securities and they have been rolled over to the current financial year's budget (*Appendix 2*).

Committee Observation

The under spending was due to uncharged securities, funds have been rolled over to the current financial year.

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.

Committee Recommendation

The management to immediately ensure County Assembly staff who are yet to submit securities for property acquired through the loans advanced do submit to enable the process of charging securities for the rolled over monies to be utilized within the current fiscal period, failure to which allowances for the affected staff should hence be withheld.

A progress report to be submitted to the committee within sixty days from adoption of this report.

Committee Recommendation

Deputy Speaker: Hon. Kawa...

Just have a seat Hon.

Hon. Jack Kawa: Thank you Honourable Speaker. I am on my feet and I want to raise a point of order under our Standing Order no.38 that is determination of quorum.

Deputy Speaker: Now, the House orderlies, can we confirm what Hon. Kawa is saying?

(Loud consultations)

Hon. Francis Chemion: Information Honourable Speaker!

Mr. Deputy Speaker: Yes Honorable!

Hon. Francis Chemion: We have tried to follow that report on our gadgets very keenly; it's not there. The one that was sent is what we dispensed so we are lost, we can't follow that report.

Mr. Deputy Speaker: The legislative department must have sent a wrong one which is grave. The one we are reading and the one I am having is the same. So, you did not bring it to my attention early in time. You should have done that early enough because members have to follow this appropriately.

There is this issue of quorum and the issue of content. Yes, Honorable Leader of Majority, what is your issue?

Hon. Joseph Nyongesa: The key issue here is maybe the quorum but the issue of the content we are listening and hearing...

(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. Deputy Speaker: Very well. The Leader has said because when we are here we have to be keen also and the mover of the motion is very eloquent with a lot of proper diction, where he confused himself, he unconfused himself. Can the bell be rung because of the quorum!

(Quorum bell rung)

Order Members! Order! Hon. Kharakha, I have always believed that you are

(Loud Consultation)

Order members! Order!

Honorable members Order! You are only allowed to speak using your gadgets, anything else is heckling and shouting and we did not know that some of you can do that. Looking at Hon. Kharakha, she is very gracious so, she should not even try to do that. I have not even heard anything from her.

Order Members!

Let us have Hon. Kikechi then Benjamin

(Loud Consultation)

I said I did not hear you. You will come after...

(Loud Consultation)

Order Members! I will be queuing you up but for now the bell is ringing. Hon. Kharakha, Hon. Linda, and you will not leave that place until you speak properly. The bell is ringing let us put that on hold.

Order members! The bell is ringing

Let's have the count be taken!

(Loud Consultation)

Well, Honorable members, mathematics is very important at this level so the quorum is attained based on the numbers that we have, so we proceed.

(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.

Order! We are proceeding but we have very many points of information, what are they for?

(Loud Consultation)

Order Members! I have only two ears so allow me hear. If you have so many, I cannot hear. What is the point of information? They say ladies first so let us have the gracious lady Hon. Kharakha, Otsiula then Kuloba!

(Loud Consultation)

(Applause)

Hon. Linda Kharakha: Mr. Speaker

Mr. Deputy Speaker: Proceed Hon. Kharakha!

Hon. Linda Kharakha: Mr. Speaker, this is a House of rules and procedure. We have been notified and while going through the report it raises serious concerns given that we are a House of procedure, fairness and integrity to deliberate on matters while seated here. What was circulated to us is not what has been read and I want to say this, that as members we prepared to debate on circulated reports so it is improper to introduce a different version of report without formally notifying the House and I guess the Standing Orders are very right.

Also, what is on the Order Paper is not the same as what we are reading so, the House cannot debate or make informed decisions based on a document being read orally even though we are following as Honorable Majority is saying, we must be serviced with a defined or proper document for us to properly debate. This is a House of debate, we can't debate on issues being just read but we should also follow so that we are in tandem with what is being read and also if they were going to change the report they needed to cite before reading to us and say that they are changing from the initial one to the one they are reading.

We cannot continue and I request that we be served with the proper document in tandem with the one being read and that this report being read be suspended so that the authentic document be tabled here so that we go through.

Members need a better version, we cannot...so if I will be debating and orally I did not follow it properly, how am I going to debate properly and for those reasons, I think we just need to suspend this report and be furnished with a proper report for us to debate. That is my submission.

(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. Deputy Speaker: We cannot belabor so much Honorable members. We have to take in consideration Hon. Kharakha's remarks and I do not know if you are going to make any other apart from what she has presented. So, if it's the same you allow me make a ruling, if it's different then...

I can see the Honorable Leader of Majority online. You will get a minute but let's have him.

Hon. Leader and the Hon. Otsiula.

(Applause)

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. Actually, what Hon. Linda is saying is right, but we also sometimes need to have trust in the committees we have because these committees were approved by this House. Therefore, what they read to us is the true picture of this House, so it is just a matter of having trust. And now that we are listening very keenly, you can even observe that members are very alert.

Hon. Linda, now that we trust the committee, and this committee was approved by this House, they hold that trust on behalf of those members who are in those committees. So, let us trust the Chair who is reading, then we can make our observations. Now that the report has been sent, we shall go through it in our free time.

Mr. Deputy Speaker: Well, Hon. Otsiula, Kuloba then Kikechi

Hon. Benjamin Otsiula: Thank you Hon. Speaker. I rise as a member of the House Rules and Procedure committee. The motion before the House is not a unique motion; all motions follow a specific channel. I sit with the Speaker of the day on that committee. We are going to set a very dangerous precedence in this House. If the motion was not shared, it is erroneously listed on the Order Paper and therefore the correct procedure is that they circulate the motion before we come in the House to debate otherwise somebody might easily think there is a mischief behind it. Let us use this opportunity to set the record straight so that this committee follows the laid down procedure. I support what Hon. Linda Kharakha is saying.

(Applause)

Mr. Deputy Speaker: Hon. Kuloba then Kikechi

Hon. Jeremiah Kuloba: Thank you Mr. Speaker. Mine is a deviation from what we are discussing. It is about the way a sergeant at arms handled a female....

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. Deputy Speaker: Order Hon. Kuloba!

(Loud Consultation)

It is a concern, we have female...

Mr. Deputy Speaker: Hon. Kuloba, you can resume your seat; you are out of order! The sergeant at arms was doing his duty; he did not harass the said Honorable Member. Order! The said Honorable lady was not harassed and we have not even gotten information that she was harassed.

Hon. Jeremiah Kuloba: I saw it.

Mr. Deputy Speaker: You saw it erroneously. Hon. Kikechi then Eric; the one with the dispatch will be the last one because you lost your card. Very well, proceed Hon. Kikechi.

Hon. Bernard Kikechi: Thank you Hon. Speaker. To avoid repeating what my young sister Hon. Linda has said, I have just looked on my phone and I am seeing another version has been posted. I believe this is what the Honorable was reading but we have not gone through it. We cannot be reading as we go through it. The trend is that we get the information earlier, go through it, internalize so that as the Honorable member moves the report we are in tandem. I support that they go back bring it in a proper way so that this Honorable House can debate.

Mr. Deputy Speaker: Now, Honorable members, I want to beseech you, don't repeat what has already been said. If you have something else, please give us but if it is said avoid so that you can save time and make a ruling on the same. Hon. Eric!

Hon. Eric Wekesa: Thank you Honorable Speaker. I have a concern on why the report has been shared now, the report was there, by it being shared now our gadgets means that report was there, it is just intentional or there is something...You know this is a Public Accounts Committee, it deals with calculations. It's like a watchdog. They might be hiding something and then they have a very able chair who is capable and he is heckling and he has not officially talked in this House. So, because the Chair is behaving suspiciously, I prefer that we be given enough time to go through the report before we debate on the floor of this House.

Mr. Deputy Speaker: Hon. Waiti then we finish with Nganga who is the Chair. You should be the last one because you have to answer questions here.

Hon. Wafula Waiti: Thank you Hon. Speaker. It's like Hon. Kikechi was in my mind. He said what I wanted to say but to mark just a point, and this is the same report that was sent back due

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.

to quorum and then hiding the report and sending it at 4.20 when members are seated means it has some sinister things inside. Let them go back and prepare it afresh so that we can listen to it.

Mr. Deputy Speaker: Honorable members, we are repeating, so we are saying the same thing. Chair, what do you have to say? I am going to make a ruling please.

Hon. Everton Nganga: Thank you, Hon. Speaker, for giving me a chance to make my comments. First, Honourable Members, when you look at today's Order Paper, this report is properly serialized as Motion Number 8. I am saying this because Hon. Linda said that it is not on the Order Paper. I would like to nullify what she said. Today is Tuesday, 12th May 2026, and it is Motion Number 8.

Second, this motion was supposed to be moved the other week, not last week, but because of a quorum hitch, it was not moved. In the morning, Honourable Members were saying that this motion is not in our gadgets, yet it was sent last week and is in our gadgets. Forget about what was sent today. This motion was sent by Dr. Momos last week.

(Applause)

I do not know why this motion is bringing hot air into this House. You know, it is a motion that concerns Honourable Members' welfare, that is, car and mortgage facilities for Honourable Members and staff. To my understanding, you will make a ruling, but most Honourable Members have not submitted their title deeds and logbooks, and that is why they are making a lot of noise.

Mr. Deputy Speaker: Well, Honorable Members because you know as we sit here we have to be satisfied with what we are doing. I want to make a ruling so that each Member can feel satisfied. We can read this report overnight then as we resume here tomorrow Wednesday morning we begin where we stopped so whether you are complaining, go read it tonight. You can even read the other one that was sent last week because it was the same or what has been sent. Tomorrow the mover will begin from where we are stopping the first thing in the morning.

(Applause)

ADJOURNMENT

Mr. Deputy Speaker: There being no other business, the House adjourn to reconvene tomorrow at 9.30 a.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.

The House rose at 4.43 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.