

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

TUESDAY, 2^{1ST} APRIL, 2026

Afternoon Sitting

**3rd County Assembly
Version 00**

**5th Session
Revision 00**

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COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

TUESDAY, 21ST APRIL, 2026

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

1. REORGANIZATION OF THE COUNTY EXECUTIVE

The first communication is from the Office of the Governor of 9th April 2026, referenced EG/BGM/GVN/CAS, Vol.1 (7), addressed to the Speaker of the County Assembly, P.O Box1886, 5200 Bungoma.

Reference: Reorganization of the County Executive, Bungoma County. I wish to inform your office, that in the exercise of the constitutional mandate to ensure effective governance and service delivery, I have undertaken reorganization of the county executive. Accordingly, subject to section 41(a) of the County Government Act, all members of the County Executive Committee, the County Attorney and the County Secretary have been relieved of their duties with immediate effect.

The decision has been taken in good faith and in broader public interest to facilitate the efficient functioning of the County Government and uphold the integrity of its institutions. The county government remains committed to continuity of service and appropriate administrative measures have been put in place to ensure that there is no disruption in the delivery of essential services to the great people of our county.

Further, communication regarding interim arrangements and subsequent appointments will be made in due course. In accordance with the law, the governor appreciates the service rendered by

Version 00

Revision 00

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the affected officers and reaffirms the county government's commitment to constitutionalism, the rule of law and the respect for due process.

The communication is signed by His Excellency Rt. Hon. Ken M. Lusaka, EGH, Governor of Bongoma County

Honourable members, apart from the media communication you saw of which the County Assembly does not act on media communication or rumormongering. This was now the formal communication brought to my office when we adjourned the last time we were sitting on the 9th of April, 2026.

2. STATUS OF THE SPECIAL MOTIONS FOR THE REMOVAL OF CERTAIN COUNTY OFFICIALS

In view of the communication that came on 9th April, 2026, now we must give guidance on the status of the special motions for the removal of the certain county officials.

Honourable members, I wish to bring to attention a significant procedural development regarding the special motions for the removal from office of Mr. Edward Oringe Waswa, County Attorney, Mr. Douglas Sasita, CECM, and Ms. Caroline Makali Khalayi, CECM. Honourable members, you will recall that during our sitting on the 9th April, 2026, these motions were duly moved, seconded and debated.

In compliance with the Standing Orders, this House proceeded to form special committees to investigate the allegations. However, by the time the House rose that evening, His Excellency the Governor, vide the letter of 9th April, 2026, relieved all the County Executive Committee Members of their duties, including the official subjects of the County Assembly process. The primary objective of these committees was to determine the suitability of the individuals to hold office, noting they were no longer in the service of the County Government, as of that evening, the committees could not proceed further with their mandate. I therefore directed a stay of those proceedings to avoid wastage of Assembly resources on a matter that appeared settled through the Executive prerogative.

Subsequent to these events and while this House was attending the Legislative Summit in Mombasa, it became a matter of public notoriety that the status of the affected officers had become a subject of external dispute. In light of these circumstances and for the sake of the integrity of our records, I must clarify the following for the record.

In light of the current circumstances, I must clarify the following for the record. The proceedings of this House remain independent of external executive or administrative shifts. The records of

Version 00

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this Assembly are guided solely by the formal communication received in this House like the one I have done, the one from the Governor. As it stands, the official standing of these officers remains as per the last communication received by my office, on 9th April 2026. The House does not act on hearsay or informal reports. We remain sized of the matter only through the official channel of the Office of the Speaker and the Office of the Clerk.

Further, following the Governor's initial communication, the mover of the motion formally filed a notice through the Office of the Clerk on 17th April, 2026 of withdrawal, persuading the provisions of Standing Order 7(1), seeking leave of this House to formally withdraw the motions on the grounds that they have become redundant and unnecessary given the change of the circumstances. Honourable members, seeing these motions are already in the possession of the House, I shall, at the appropriate time in today's Order Paper, under Standing Order 8, before the substantive business, invite the mover, Hon. Johnstone Okasida, to move the withdrawal and after which I will put a question for the same to be granted leave. Thank you. We proceed.

PAPERS

1. REPORT OF THE COMMITTEE, PUBLIC ADMINISTRATION AND ICT.

Mr. Speaker: Yes...who is proceeding? Hon. Sudi Busolo

Hon. Isaiah Sudi: Thank you, Honourable Speaker. I rise to table a report by the Sectoral Committee on Public Administration and ICT, a report on the status of personnel emolument as of December 2025, I table.

(Report tabled by Hon. Isaiah Sudi)

Mr. Speaker: Honourable members, the report by the Sectoral Committee on Public Administration and ICT on the status of personnel emolument as of December 2025 is hereby tabled and formally it becomes the property of the House.

2. REPORT BY BUDGET AND APPROPRIATION COMMITTEE

Hon. Benjamin Otsiula: Thank you, Honourable Speaker. I rise to table a report by the Budget and Appropriations Committee on Medium-Term Debt Management Strategy Paper for the period that is financial year 2026/27 and 2028/29. Thank you, Honourable Speaker.

(Report tabled by Hon. Benjamin Otsiula)

Version 00

Revision 00

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Mr. Speaker: Honourable members, the report by the Committee of Budget and Appropriations on Medium-Term Debt Management Strategy Paper for 2026/27 and 2028/29 is hereby tabled by the Committee and formally it becomes the property of the House accordingly.

NOTICES OF MOTION

1. A REPORT BY THE SECTORIAL COMMITTEE ON PUBLIC ADMINISTRATION AND ICT

Hon. Isaiah Sudi: Honourable Speaker, I issue a notice of motion by the Sectoral Committee on Public Administration and ICT on Personnel Emolument as of December 2025.

Mr. Speaker: Honourable Members, a notice of motion having been dully issued by the Sectorial Committee on Public Administration and ICT on the status of Personnel Emolument as of December 2025. I equally urge the Clerks at the Table to share the same report with the Honourable Members. The same will be coming up as a motion on the Order Paper once scheduled by the HBC.

2. A REPORT OF THE BUDGET AND APPROPRIATIONS COMMITTEE

Hon. Benjamin Otsiula: Thank you, Honourable Speaker. I rise to issue a notice of motion that this House adopts the report of the Budget and Appropriations Committee on the Medium-Term Debt Management Strategy Paper for the period 2026/2027, 2028/2029. Thank you, Honourable Speaker.

Mr. Speaker: Equally, Honourable Members, a notice of motion has been newly issued by the Sectoral Committee on Budget and Appropriations about the Medium-Term Debt Management Strategy Paper for the period 2026/2027, 2028/2029. I equally urge the Clerks-at -The -Table to share the report with the Honourable Members. The same will be coming up as a motion on our Order Paper in the course of the week when scheduled by the House.

QUESTIONS AND STATEMENTS

1. STATEMENT NO. 22 TO 2026; A MEMBER OF THE HOUSE BUSINESS COMMITTEE PURSUANT TO THE PROVISIONS OF THE STANDING ORDER 47(2)(A)

Hon. Johnston Ipara: Thank you, Honourable Speaker. This is a tentative Weekly Program of the Business of the County Assembly for the week commencing Tuesday, 21st to Thursday, 23rd April, 2026, Honourable Speaker.

Tuesday, 21st April, 2026 at 2.30 p.m.

Version 00

Revision 00

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1. Papers
 - a. A report of the Sectorial Committee on Public Administration and ICT on the status of Personnel Emolument as at December 2025. It will be done by the Chairperson.
 - b. A report of the Budget and Appropriation Committee on the Medium-Term Debt Management Strategy Paper, 2026/2027, 2028/2029. It will be done by the Chairperson.
2. Notices of motion
 - a. That this House adopts the report of the Sectoral Committee on Public Administration and ICT on the status of Personnel Emoluments as at December 2025. It will be done by the Chairperson.
 - b. That this House adopts the report of the Budget and Appropriation Committee on the Medium-Term Debt Management Strategy Paper, 2026/2027, 2028/2029. It will be done by the Chairperson.
3. Questions and statements
 - a. A statement will be issued by a member of the House Business Committee informing the County Assembly of the weekly business coming before the House from Tuesday 21st to Thursday 23rd April, 2026.
 - b. Statement No. 17 of 2026; Member for Tuti/Marakaru Ward, Hon. Joseph Nyongesa Juma, MCA, to get a response from the County Executive Committee Member for Finance and Economic Planning regarding revenue collection, performance and Legal compliance by the Department of Finance for the financial years 2024/2025, 2025/2026.
 - c. Statement No. 18 of 2026; Member for Tuti/Marakaru Ward, Hon. Joseph Nyongesa Juma, MCA, to get a response from the County Executive Committee Member for 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.
4. Motion
 - a. A report of the Committee on Justice, Cohesion and Legal Affairs on the Summary of cases against the County Government of Bungoma. It will be done by the Chairperson Committee of Justice.

Mr. Speaker: People who are consulting to please do so in low tones

Hon. Johnston Ipara: Thank you Speaker Sir.

Version 00

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Wednesday, 22nd April, 2026 at 9.30 a.m.

1. Papers
 - a. Bungoma County Disaster and Emergency Management Fund quarterly report and financial statement for the period ended March 31st 2026. It will be done by the Leader of Majority Party.
2. Questions and statements
 - a. Statement No. 8 of 2026; Member for Tongareni Ward, Hon. Johnston Ipara Okasida, MCA, to get a response from the Chairperson Sectorial Committee on Public Administration and ICT.
3. Motion
 - a. A report of the Public Accounts and Investments Committee on the report of the Auditor General on the Bungoma Municipality for the financial year 2024/2025. It will be moved by the Chairperson Public Accounts.

Wednesday, 22nd April, 2026 at 2.30 p.m.

1. Motion
 - a. 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 done by the Chairperson Committee on Implementation.

Thursday, 23rd April, 2026 at 2.30 p.m.

1. Questions and statements
 - a. Statement No. 23 of 2026; Member of the House of Business will inform the County Assembly of the weekly business coming before the House from Tuesday 28th to Thursday 30th April, 2026.
 - b. Statement No. 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.
2. Motion

Version 00

Revision 00

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- a. A report of the Sectorial Committee on Gender, Culture and Social Welfare on the consideration of the financial statements for the period ended 30th June, 2025. Honourable Speaker, it will be moved by the Chairperson Sectorial Committee on Gender.

Honourable Speaker, this is a tentative program for this week, I submit.

Mr. Speaker: Honourable members, that is the tentative Order Paper of the week and it will run the way it is for now. Let's proceed.

2. STATEMENT NO. 17 OF 2026 AND STATEMENT NO. 18 OF 2026; MEMBER FOR TUUTI/MARAKARU WARD, HON. JOSEPH NYONGESA

Mr. Speaker: Yes, Hon, Catherine,

Hon. Catherine Kituyi: Thank you, Mr. Speaker, Sir. I rise on behalf of the Committee on Finance and Economic Planning to give a progress report on the statements raised by Hon. Joseph Nyongesa regarding the revenue collection performance and legal compliance by the Department of Finance for the financial years 2024/2025 and 2025/2026 and the implementation status of the approved budget for the financial year 2025/2026 which was duly passed by the Honourable House in June 2025.

Honourable Speaker, 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 progress report on the statements sought by Hon. Joseph Nyongesa regarding the revenue collection performance and legal compliance by the Department of Finance for the financial years 2024/2025 and 2025/2026 and the implementation status of the approved budget for the financial year 2025/2026 which was duly passed by this Honourable House in June 2025.

Honourable Speaker, the Committee requested for response from the Department and is yet to interrogate the statements due to interruptions caused by the Legislative Summit held from 13th to 17th April 2026. Honourable Speaker, I hereby request 14 days to enable the Committee conclude on the matter and provide a comprehensive report to this Honourable House. I beg to report. Thank you.

Hon. Joseph Nyongesa: Thank you, Speaker, where I sit, the Committee is also playing with me because, if it means a progress report, then there is no need for me to interrogate. Let them give it to me when it is raw, I will read to understand. Because before we left for Legislative Summit, there is nothing that had happened between the Committee and the Department.

Version 00

Revision 00

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The committee is trying to mislead this House to be given another 14 days. They could have told me on what they have done so far with regards to my statement. This is not a progress report and the committee is misleading me Mr. Speaker. If the committee is unable to manage that department, let them maybe seek for rearrangement of that committee, but where I sit, Honourable Speaker, I won't accept such. Thank you Mr. Speaker.

Mr. Speaker: Hon. Catherine, I don't want to disagree with what you have said and what the Leader of Majority has said, but whenever we have reports here called progressive, it means you have met and so we want more information. There is no indication whether you have made attempts to communicate. You are giving insufficient information.

I do not understand at this moment whether to address the CECM or Chief Officer for the time being. But I will give you three weeks, not even two, three weeks so that you give us a report. If you fail, we will bring in the people concerned to answer questions from this floor of the House. Yes leader?

Hon. Joseph: Honourable Speaker, justice delayed is justice denied. Now, extra three week, what will I achieve? When I ask for a statement Mr. Speaker, there is something that I want to achieve. Unless you tell us that there is no need for us to seek for statements.

Equally, Leader of the Majority, justice hurried is justice buried. So to that extent, Members, you are seeking a status of 2024/2025, 2025/2026. If you were patient for one year for 2024/2025, be patient for three weeks. We will have the report here because you don't have to say in 10 days, then you come here again and seek another 10 days, which is again 21. Let's proceed.

Hon. Meshack, it was between the two parties. It's not something I have feedback to contribute on. Let's proceed. Yes, Ipara, I heard your notice. Let me allow you.

Hon. Johnston Ipara: Thank you, Hon. Speaker. This is a request for withdrawal of special motions under Standing Order No. 70. Pursuant to Standing Order No. 70(1) of our Standing Orders, I rise to seek the leave of this House to withdraw the following special motions currently before the Assembly:

- i) The removal from office of Mr. Edward Oringe Waswa, County Attorney.
- ii) The removal from office of Mr. Wekesa Douglas Asita, CECM.
- iii) And the removal from office of Mrs. Caroline Makali Khalayi, CECM.

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Hon. Speaker, as you have communicated to this House, the status of these officers has been significantly altered by the Governor's letter of 16 April, 2026. In view of these developments...

Mr. Speaker: The letter is 9 April.

Hon. Johnston Ipara: Thank you, Hon. Speaker, for that correction; the Governor's letter of 9 April, 2026. In view of these developments, the current motions have become procedurally unattainable and redundant in the business of this House. However, let it be on record that this withdrawal is made without prejudice. I wish to categorically state that I reserve the absolute right to introduce these motions afresh to this House.

I therefore pray that this House grants me leave to withdraw the motions for now, with the liberty to resubmit them should the need arise. I beg to move. It is signed by myself, Honorable Johnstone Okasida Ipara, OJW, Member for Tongareni/Kiminini Ward. Hon. Speaker, I submit.

Mr. Speaker: Honorable Members, such a request for withdrawal does not require a motion for debate. I will proceed to put the question so that you may grant him leave to withdraw his motions and we move on. Honorable Members, I now put the question that the said motions be removed and expunged from the proceedings of this House.

(Question put and agreed to)

Ayes have it. Leave is granted to Honorable Ipara Okasida to withdraw these motions from this House. Thank you.

MOTION

REPORT OF THE COMMITTEE ON JUSTICE, COHESION AND LEGAL AFFAIRS ON THE SUMMARY OF THE CASES AGAINST THE COUNTY GOVERNMENT OF BUNGOMA

Mr. Speaker: Yes, Hon. Psero

Hon. Jacob Psero: Mr. Speaker, sir, allow me to move a motion on the Committee on Justice, Cohesion and Legal Affairs. Particularly on a report on the summary of cases against the current government of Bungoma and before I proceed, I request members of this committee to be upstanding to confirm that we have the quorum.

Members of the committee be upstanding. The quorum is overwhelming.

(Laughter)

Version 00

Revision 00

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Hon. Psero the word overwhelming ought to come from the Chair.

Hon. Jacob Psero: Thank you.

Mr. Speaker: Allow me to confirm, Hon. Psero, Anyango, Makari, Ali Machani, Mutiambu, Kirong, Opwora, Allan, Sheila, Linda. So I think the quorum is attained they are eleven. Those present are six. Proceed.

Hon. Jacob Psero: Thank you, Sir. So, Mr. Speaker, Sir, on page two is just the table of contents. Allow me to skip that and go to 1.0 on the preface.

This report provides an overview and analysis of litigation matters involving the County Government the law firms engaged to handle them. It examines the distribution of cases across firms, their progression through various stages of litigation, associated legal fees and payment status, and the departments generating the highest volume of disputes. The objective is to present a clear picture of the County's current legal exposure, case management performance, and financial obligations arising from ongoing and concluded matters.

COMMITTEE MEMBERSHIP

The Committee on Justice, Cohesion and Legal Affairs comprises of the following members.

NAME	DESIGNATION
1. Hon. Jacob Psero	Chairperson
2. Hon. Everlyne Anyango	
3. Hon. George Makari	
4. Hon. Ali Machani	
5. Hon. Everlyne Mutiambu	
6. Hon. Joan Kirong	
7. Hon. Allan Nyongesa	
8. Hon. Edwin Opwora	
9. Hon. Sheila Sifuma	
10. Hon. Idd Owongo	
11. Hon. Linda Kharakha	

ACKNOWLEDGEMENT

Version 00

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The Committee extends its sincere appreciation to the Office of the Speaker and the Clerk of the County Assembly of Bungoma for their unwavering support and facilitation, which enabled the Committee to effectively carry out its work.

Special recognition and gratitude are also accorded to the Members of the Committee, whose dedication and selfless sacrifices were instrumental in ensuring the successful discharge of committee's mandate.

It is therefore my honor and privilege, on behalf of the Committee on Justice, Cohesion, and Legal Affairs, and pursuant to the provisions of the Standing Orders of the County Assembly of Bungoma, to present this report to the House for adoption.

This report is signed by Hon. Jacob Psero Marugaa, MCA Chesikaki who is the Chairperson Justice, Cohesion and Legal Affairs Committee.

CHAPTER TWO

LEGAL BACKGROUND

THE OFFICE OF THE COUNTY ATTORNEY

Section 4 (1) of the Office of the County Attorney Act no. 14 of 2020 establishes the Office of the County Attorney, as an office in the county public service.

Subsection (2) of the Act provides that the office shall consist of—

- (a) the County Attorney;
- (b) the County Solicitor; and
- (c) such other number of County Legal Counsel as the County Attorney may, in consultation with the county public service board, consider necessary.

THE COUNTY ATTORNEY

The County Attorney serves as the chief legal advisor and representative for the county government, providing legal counsel, drafting laws and contracts, and handling litigation for the county, acting as the primary link between the county and the Attorney General's office on legal matters. Duties include advising on legal issues, representing the county in court, negotiating

Version 00

Revision 00

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agreements, and ensuring legal compliance, all while working with a team including solicitors and counsel.

Key Roles & Responsibilities:

Functions of the County Attorney

Pursuant to section 7 of the Act, The County Attorney—

- a) is the principal legal adviser to the county government;
- b) Attends the meetings of the county executive committee as an *exofficio* member of the executive committee;
- c) on the instructions of the county government, represents the county executive in court or in any other legal proceedings to which the county executive is a party, other than criminal proceedings;
- d) Advises departments in the county executive on legislative and other legal matters;
- e) negotiates, drafts, vets and interprets documents and agreements for and on behalf of the county executive and its agencies;
- f) is responsible for the revision of county laws;
- g) liaises with the Office of the Attorney-General when need arises; and
- h) performs any other function as may be necessary for the effective discharge of the duties and the exercise of the powers of the County Attorney

Powers of the County Attorney

Section 8(1) of the office of the County Attorney Act grants the County Attorney shall the following powers in discharging the functions;

- a) To appear at any stage of any proceedings, appeal, execution or any incidental proceedings before any court or tribunal in which by law the County Attorney's right of audience is not excluded;
- b) require any officer in the county public service to furnish any information in relation to any matter which is the subject of a legal inquiry;
- c) summon any officer in the county public service to explain any matter which is the subject of litigation by or against the county executive; and
- d) issue directions to any officer performing legal functions in any department within the county executive.

Subsection (2) gives The County Attorney further powers to—

Version 00

Revision 00

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- a) establish, in consultation with the county public service board, such administrative units in the Office as may be necessary for the effective discharge of the functions of the Office under this Act; and
- b) perform any other action necessary in the administrative interests of the Office.

Audience by County Attorney in matters of public interest

Section 9(1) of the Act provides that despite the provisions of any other written law, the County Attorney shall have the right of audience in proceedings of any suit or inquiry of an administrative body which the County Attorney considers to—

- a) be of public interest within the county;
- b) involve public property within the county; or
- c) involve an independent department or agency of the county executive.

Subsection (2) in the exercise of the powers of the County Attorney under subsection (1), the County Attorney shall—

- a) notify any court, tribunal or such other administrative body of
- b) the intention to be enjoined in the suit, inquiry or administrative
- c) proceedings;
- d) satisfy the court, tribunal or such other administrative body of the
- e) public interest or public property involved; and
- f) comply with any direction of the court, tribunal or any such other
- g) administrative body on the nature of pleadings or measures to be
- h) taken for purposes of giving effect to the effective discharge of the duties of the Office.

(3) Where a suit, inquiry or any other proceeding is pending before a court, tribunal or any other administrative body to which the County Attorney does not have a right of audience, it shall be sufficient for the County Attorney to file a certificate of the intention of the County Attorney to be joined in the proceeding.

(4) The court, tribunal or such other administrative body may, upon receipt of a certificate under subsection (3), enjoin the County Attorney in the proceedings.

Delegation by County Attorney

Section 14 (1) of the Act clothes The County Attorney with powers to delegate by writing to delegate to the County Solicitor or any County Legal Counsel all or any of the powers and functions under any written law, except the power of delegation. On the other had section 15 of

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Revision 00

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the Act designates all County Legal Counsel in any department in the county executive as officers of the Office of the County Attorney and who are answerable to the County Attorney.

Annual report

Section 28 (1) of the Act stipulates that The County Attorney shall, as soon as practicable after the thirtieth of June in each year, prepare and furnish to the Governor a report of the operations of the Office during the year that ended on thirtieth June.

(2) The report prepared under subsection (1), shall, in respect of the year to which it relates, contain —

- a. the financial statements of the Office;
- b. a description of the activities of the Office; and
- c. such other information relating to its functions that the Office may consider necessary.

Subsection (3) mandates The County Attorney to submit to the Clerk of the County Assembly a copy of the report furnished under subsection (1) for tabling before the County Assembly within fifteen days after the day on which the Governor receives the report.

A CASE STUDY OF NAKURU HIGH COURT PETITION E001 OF 2026 OKIYA OMTATAH OKOITI AND DR. MAGARE GIKENYI J.BENJAMIN AND 5 OTHERS VS COUNCIL OF GOVERNORS AND THE HON. ATTORNEY GENERAL AND 70 OTHERS

In this case, the petitioners argue that outsourcing legal work wastes public money and violates constitutional principles requiring prudent spending and cost-effective procurement. According to the petitioners, these expenses are unnecessary because public bodies already maintain fully staffed legal departments funded by taxpayers. They contended therefore that the continued outsourcing of work sidelines county legal officers, weakens devolution, and renders county legal offices ineffective.

The High Court sitting at Nakuru gave the following orders;

(e) A conservatory order is hereby issued suspending the engagement, procuring, continuing to procure, pending payments, all engagements of private advocates/law firms by all public entities when there is already hired attorney general, state counsels,

Version 00

Revision 00

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solicitor general, county attorneys, county legal counsels, legal officers & legal personnel of ALL public entities pending the hearing and determination of this Application and the petition.

(f) A conservatory order is hereby issued directing the controller of budget and all public servants (whether state officer or public office(r) or any person not to approve any vote/funds for acquisition of external legal services/advocates/firms for ALL Public entities, pending the hearing and determination of this Application and the petition.

(g) The Application shall be mentioned inter-parte for further directions on 30th January 2026 at 11.30 am.

The effect of the above orders is that pending the hearing of the petition the instruction, engagement and payment of external lawyers by public entities, the County Government of Bungoma inclusive. The order further bars the controller of budget and all public servants from approving any funds towards external legal services. Though the said orders were issued at the interim stage, this points to the possibility of a similar outcome upon hearing and determination of the petition.

Despite Article 227(1) of the Constitution expressly allowing public entities to procure services—including legal services—provided the process is fair, equitable, transparent, competitive, and cost-effective, pronouncements such as the one in **NAKURU HIGH COURT PETITION E001 OF 2026 OKIYA OMTATAH OKOITI AND DR. MAGARE GIKENYI J.BENJAMIN AND 5 OTHERS VS COUNCIL OF GOVERNORS AND THE HON. ATTORNEY GENERAL AND 70 OTHERS** are a stark reminder to the County Government of Bungoma of the need to develop adequate internal capacity to handle litigation and other legal services.

LEGAL FEES AND LAW FIRMS PAID

NO	LAW FIRM	NO OF CASES	TOTAL FEES	TOTAL FEES PAID	BALANCE
1.	OCHARO KEBIRA & CO ADVOCATES	47	21,682,625	8,879,861	12,802,764
2.	ANNET MUMALASI & CO. ADVOCATES	31	42,891,804	24,622,804	18,269,000

Version 00

Revision 00

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3.	A.W KITUYI & CO. ADVOCATES	27	29,146,216	17,100,416	12,045,800
4.	GUMBO & ASSOCIATES	4	30,286,331	11,850,000	18,436,331
5.	WEKESA & SIMIYU ADVOCATES	26	29,631,883	8,688,465	20,934,416
6.	OLANDO, OKELLO & LUSENEKA	14	10,544,980	9,492,205	1,052,775

1. LEGAL FEES AND LAW FIRMS PAID

NO	LAW FIRM	NO OF CASES	TOTAL FEES	TOTAL FEES PAID	BALANCE
7.	OCHARO KEBIRA & CO ADVOCATES	47	21,682,625	8,879,861	12,802,764
8.	ANNET MUMALASI & CO. ADVOCATES	31	42,891,804	24,622,804	18,269,000
9.	A.W KITUYI & CO. ADVOCATES	27	29,146,216	17,100,416	12,045,800
10.	GUMBO & ASSOCIATES	4	30,286,331	11,850,000	18,436,331
11.	WEKESA & SIMIYU ADVOCATES	26	29,631,883	8,688,465	20,934,416
12.	OLANDO, OKELLO & LUSENEKA	14	10,544,980	9,492,205	1,052,775
13.	A.S KULOBA & WANGILA ADVOCATES	5	44,412,000	27,210,000	17,202,000
14.	MAKOKHA , WATTANGA & LUYALI ASSOCIATES	30	28,681,278	13,160,458	15,520,820
15.	J.O MAKALI & COMPANY ADVOCATES	16	11,058,168	4,494,168	6,564,000
16.	NDALILA &CO. ADVOCATES	10	9,219,515	0	9,219,515

Version 00

Revision 00

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17.	BS ADVOCATES LLP	9	7,395,742	2000,000	5,395,742
18.	AMANI WEKESA & ASSOCIATES ADVOCATES	5	818,000	522,000	296,000
19.	OGS LAW LLP	2	3,500,000	2,700,000	800,000
20.	SAMBA & COMPANY ADVOCATES	1	1,305,551	0	1,305,551
21.	SAENDE LAW LLP	1	0	0	0
22.	TOTAL	228	270,574,093	130,720,377	139,853,716

The table presents an overview of 228 legal cases handled by 15 law firms, with total legal fees amounting to KES 270,574,093. Of this amount, KES 130,720,377 has been paid, leaving an outstanding balance of KES 139,853,716—meaning slightly more than half of the total fees remain unpaid.

In terms of workload, Ocharo Kebira & Co. Advocates handled the highest number of cases (47), followed by Annet Mumalasi & Co. Advocates (31) and Makokha, Wattanga & Luyali Associates (30). However, the number of cases does not directly correspond to the total fees billed. For example, A.S. Kuloba & Wangila Advocates handled only 5 cases but billed the highest total fees at KES 44.4 million, indicating high-value or complex matters.

Several firms account for significant unpaid balances. Wekesa & Simiyu Advocates have the largest outstanding balance at approximately KES 20.9 million, followed by Gumbo & Associates (KES 18.4 million) and Annet Mumalasi & Co. Advocates (KES 18.3 million). Ndalila & Co. Advocates and Samba & Company Advocates have not received any payments at all, leaving their entire billed amounts outstanding.

On the other hand, some firms show relatively strong payment performance. Orlando, Okello & Luseneka have a minimal balance of about KES 1.05 million against total fees of KES 10.5 million, while Amani Wekesa & Associates and OGS Law LLP also have small outstanding amounts. Saende Law LLP recorded no fees or payments, suggesting either dormant or closed instructions.

Overall, the data highlights a concentration of both cases and financial exposure among a few firms, with a substantial accumulation of unpaid legal fees. This suggests a need for closer

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monitoring of fee recovery, prioritization of high-balance firms, and possibly a review of engagement or payment arrangements to reduce the growing outstanding liabilities.

2. ANALYSIS OF CASES BY DEPARTMENTS

NO	LAW FIRM	No of Cases	DEPARTMENTS	
1.	OCHARO KEBIRA & CO ADVOCATES	47	Lands, Urban& Physical Planning	16
			Roads Infrastructure, transport & public works	2
			Public administration	7
			Deputy County Secretary (Governor’s Office)	1
			Health	13
			Housing	1
			Finance & Economic Planning	2
			Education & Vocational Training	1
			Agriculture	1
			Roads	2
			Tourism, Environment & Natural Resources	1
2.	ANNET MUMALASI & CO. ADVOCATES	31	Lands, Urban& Physical Planning	6
			Roads Infrastructure, transport & public works	7
			Public administration	6
			Deputy County Secretary (Governor’s Office)	1
			HRM	2
			Health	3
			Finance & Economic Planning	1

Version 00

Revision 00

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			Agriculture	4
			Tourism, Environment & Natural Resources	1
3.	A.W KITUYI & CO. ADVOCATES	27	Lands, Urban& Physical Planning	10
			Roads Infrastructure, transport & public works	1
			Public administration	6
			Deputy County Secretary (Governor's office)	3
			Finance	1
			Health	3
			Agriculture	3
4.	GUMBO & ASSOCIATES	4	Lands, Urban& Physical Planning	2
			Roads Infrastructure, transport & public works	1
			Tourism, Environment & Natural Resources	1
5.	WEKESA & SIMIYU ADVOCATES	26	Lands, Urban& Physical Planning	13
			Deputy County Secretary (Governor's office)	4

Version 00

Revision 00

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			Agriculture	1
			Health	2
			Public administration	1
			HRM	2
			Tourism, Environment & Natural Resources	1
			County Assembly	1
			Finance	1
6.	OLANDO, OKELLO & LUSENEKA	14	Lands, Urban& Physical Planning	5
			Roads Infrastructure, transport & public works	3
			Public administration	1
			Tourism, Environment & Natural Resources	1
			Health	4
7.	A.S KULOBA & WANGILA ADVOCATES	5	Roads Infrastructure, transport & public works	1
			Deputy County Secretary (Governor's office)	3
			Lands, Urban& Physical Planning	1
8.	MAKOKHA WATTANGA LUYALI ASSOCIATES	30	Finance	7
			Deputy County Secretary (Governor's office)	11
			Lands, Urban& Physical Planning	3
			Health	1
			Public administration	2
			Tourism, Environment & Natural	3

Version 00

Revision 00

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			Resources	
			Municipalities	1
			Housing	1
			Roads Infrastructure, transport & public works	1
9.	J.O MAKALI & COMPANY ADVOCATES	16	Lands, Urban& Physical Planning	12
			Municipal Council	2
			HRM	2
10.	NDALILA &CO. ADVOCATES	10	Education	1
			Lands, Urban& Physical Planning	4
			Roads Infrastructure, transport & public works	1
			Cooperatives	1
			Finance	2
			County Public Service Board	1
11.	BS ADVOCATES LLP	9	Lands, Urban& Physical Planning	5
			Roads Infrastructure, transport & public works	3
			Health	1
12.	AMANI WEKESA & ASSOCIATES ADVOCATES	5	Lands, Urban& Physical Planning	2
			Health	1
			Public administration	1
			Deputy County Secretary (Governor's office)	1

Version 00

Revision 00

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13.	OGS LAW LLP	2	Lands, Urban& Physical Planning	1
			Public administration	1
14.	SAMBA & COMPANY ADVOCATES	1	Lands, Urban& Physical Planning	1
15.	SAENDE LAW LLP	1	Health/HR	1

The data shows how 15 law firms handled legal matters across a wide range of county departments, revealing both the concentration of cases in particular sectors and the specialization patterns of individual firms.

Overall, Lands, Urban and Physical Planning dominates the litigation portfolio. Nearly all firms handled cases in this department, and for many—such as Ocharo Kebira & Co. Advocates, A.W. Kituyi & Co. Advocates, Wekesa & Simiyu Advocates, J.O. Makali & Company Advocates, and BS Advocates LLP—it accounts for the largest share of their instructions. This indicates that land use, planning, and development disputes are the most prevalent source of legal exposure for the county.

Roads Infrastructure, Transport and Public Works is the second most common department involved in litigation. Several firms, including Ocharo Kebira & Co. Advocates, Annet Mumalasi & Co. Advocates, Olando, Okello & Luseneke, and BS Advocates LLP, handled multiple cases in this sector, reflecting recurring disputes linked to infrastructure projects and public works.

Public Administration and the Deputy County Secretary (Governor’s Office) also feature prominently, suggesting frequent governance, administrative, and executive-related legal matters. Notably, Makokha, Wattanga & Luyali Associates handled a particularly high number of cases for the Governor’s Office, while A.W. Kituyi & Co. Advocates and Wekesa & Simiyu Advocates also show significant engagement in this area.

Health-related cases appear across many firms, though generally in smaller numbers per firm. Ocharo Kebira & Co. Advocates and Olando, Okello & Luseneke have comparatively higher involvement in health matters, indicating exposure to disputes arising from health service delivery and administration.

Version 00

Revision 00

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Other departments such as Finance and Economic Planning, Agriculture, HRM, Education, Tourism, Environment and Natural Resources, Housing, and Municipal or County Assembly matters appear less frequently and are more dispersed among firms. Some firms show clear niche involvement: Makokha, Wattanga & Luyali Associates has a strong concentration in finance and executive office matters, while J.O. Makali & Company Advocates is heavily focused on Lands-related cases. Smaller firms such as OGS Law LLP, Samba & Company Advocates, and Saende Law LLP handle very limited and highly specific departmental instructions.

3. SUMMARY STATUS OF COURT CASES

Law firm	Matter dismissed /struck out	Awaiting dismissal/ Application for dismissal	Pending hearing	Withdrawn	Awaiting judgment/Reserved for ruling	Judgment Delivered	Ruled	Arbitration	Final order if any	TOTAL
OCHARO	12	6	1	4	1	19	0	1	3	47
ANNET	9	3	7	1	0	10	0	0	1	31
A.W KITUYI	6	3	6	3	1	6	0	1	1	27
GUMBO	0	0	1	0	0	3	0	0	0	4
WEKESA	9	0	10	0	0	7	0	0	0	26
OLANDO	2	3	4	2	0	3	0	0	0	14
A.S KULOBA	1		1	1	1	1	0	0	0	5
MAKOKHA	10	6	3	2	0	6	0	3	0	30
MAKALI	3	0	5	2	0	6	0	0	0	16
NDALI LA	1	0	8	0	1	0	0	0	0	10
BS	0	0	8	0	0	1	0	0	0	9

Version 00

Revision 00

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AMANI	0	0	3	1	1	0	0	0	0	5
OGS LAW	0	0	0	1	0	1	0	0	0	2
SAMBA	1	0	0	0	0	0	0	0	0	1
SAEND E	0	0	1	0	0		0	0	0	0

The table shows how cases are distributed across different stages for each law firm. Overall, Ocharo, Annet, and Makokha handle the highest number of cases and also record the highest number of dismissals and judgments delivered, indicating stronger case resolution performance. Gumbo also shows high efficiency, with most of its few cases already concluded.

However, several firms have a large backlog of pending hearings, notably Wekesa, BS Advocates, and Ndalila, with limited judgments delivered, which presents higher unresolved risk. Arbitration is used sparingly and appears in only a few firms. In summary, while many cases have been successfully concluded, a significant number remain pending, particularly among a few firms, requiring focused follow-up to reduce backlog and legal exposure.

4. MATTERS HANDLED BY THE COUNTY ATTORNEY

No	NO	PARTIES INVOLVED	DEPARTMENT	CAUSE OF ACTION	NEXT COURT	STATUS
1.	MCC E2 24/25	Joannes Oduor vs Bungoma County	PSM	Contract-non-payment of amount	Mention 25 July 2025	Pending Hearing

Version 00

Revision 00

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2.	MCC E074/25	Lweya Kenya Co mpany vs County Government	Health	Claim for n on payment of contract sum kshs 286,333 for construction of maternity wing at Korsiandet Dispensary	Mention 30 September 2025	Pending Hearing
3.	MCCC E137/20/ 24	Yusuf Ismail vs Co unt y Government	Lands, Housing and Municipality	Repossessio n of Toilet F acilit ies by CECM Lands	Mention 3 0 September 2025	Pending Judgement
4.	MCCEL RCMISC EOO6	Isaac Mukenya & Company vs County Government	CS .HRM	Unfair dismissal of chief officers	Consent entered Awaiting	Pending Judgement
5.	MCELR C/026 2024	John Kasembeli vs the governor of Bungoma and county Director revenue	C.S Finance.HR	Claim for conversion to PnP and back payment of salary	Mention 26/6/25	Pending Hearing
6.	CMCEL RC/E025 2024	Dixon Sheunda vs Governor, Director Revenue, CPSP	HR	Claim for conversion to PnP and salary arrears of 543,287 and statutory deductions	Mention 13/3/25	Pending Hearing
7.	CMCEL RC/EO2 8/2024	Abubakar Nyongesa vs C.S,CPSB/Director Revenue	HR	Claim for salary arrears for collector from 2018-	Mention 13/3/25	Pending hearing

Version 00

Revision 00

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				2024 kshs 602,185 together with statutory deductions		
8.	CMCEL RCE024/2024	Jostine Nafula vs Govenor, Director revenue, CPSB	HRM	Claim for conversion to PnP and salary arrears of 526,765 and statutory deductions	Mention 13/3/25	Pending hearing
9.	ELC/EO 04/2025	Albert Muchai T/A Chev Engineers VS County Government of Bungoma	Lands, Trade	Dispute over County Notice to stop operations of the gas plant on Ndivisi /Muji/9853 &9854	Mention 25/06/2025	Pending hearing
10.	ELC/PE T/E005/2024	Elias Wanyama Makhanu vs Muliro DEB,AG, County government of Bungoma & others	Lands, Education	Encroachment on plot number 81/Ndalu scheme	Mention 1/07/2025	Pending hearing
11.	ELCC/8/2022	Shadrack Nakitare Kisiangani VS County Government of Bungoma	Lands	Dispute over ownership of Webuye Municipality plot number 7996/78A	Hearing 24/06/2025	Pending hearing
12.	ELC/PE T/2/2020	Kevin Kundu vs AG , County Government of Bungoma	Lands	Dispute over Boundaries/ Encroachme	Mention 23/06/2025	Pending hearing

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				nt of Ebukusu/S Kanduyi /120		
13.	ELCC/5/ 2024	Municipal Council of Bungoma Vs Bungoma teachers savings and Credit Sacco	Lands		Mention 23/06/2025	Pending hearing
14.	ELRC/P ET/EOO 52024	Newton Sikobe Ndengu Vs County Government of Bungoma & CPSB	Health,CPSB	Recruitment of short term contractual workers dispute as the process plaintiff allege they should be given priority	Judgment 9 th Oct 2025	Pending Judgement
15.	HCJR/E0 03/2025	Andrew Wafula & Davidson Toili Reps of the estate of Hellen Mulongo VS County Government of Bungoma		An order of mandamus against County government		Pending hearing
16.	Sirisia MCCU/E 005/24	Mike Mosit Vs Kisongo VTC	Education	Unfair dismissal and salary arrears	Ruling on E.O delivered 12/06/2025	Ruling Delivered

The table outlines 16 litigation matters involving the County Government, most of which are still unresolved. Eleven cases are pending hearing, four are pending judgment, and one has a ruling delivered, indicating a large backlog of active cases.

The majority of disputes arise from Human Resource and employment issues, including claims for salary arrears, conversion to pensionable terms, unfair dismissal, and recruitment processes. Land-related disputes form the second largest category, involving ownership, boundary, and

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encroachment claims. There are also contractual and judicial review matters, exposing the County to potential financial and operational risk.

Overall, the case profile shows high ongoing legal exposure, with several matters at advanced stages requiring close monitoring, especially those awaiting judgment, which carry immediate financial and policy implications.

CHALLENGES AND PROPOSED INTERVENTIONS

1. Recruitment of additional legal personnel to address understaffing and manage growing workload.
2. Digitization of the legal process to implement electronic filing case management and record keeping system to enhance efficiency and accessibility.
3. Enhanced budget allocation for equipment provide funds for essential legal and office equipment to support the functionality.
4. Record Management System

Establish a structured framework for achieving legal documents and litigation file

5. Departmental Compliance, sensitization conduct training and awareness programs to ensure early consultation and adherence to the legal requirements.
6. Comprehensive legal audit of the County identity pending liability obligation and potential risk areas to inform strategic legal planning.
7. Budget allocation for vehicle acquisition equip the office with its own vehicle facilities, court attendance, site inspection and other official duties.
8. Budget allocation for court awards obligation.

Ensure funds are set aside to settle court judgments promptly and prevent

Mr. Speaker: What is the difference between Budget allocation for court awards obligation and ensuring funds for judgments, are they different? The last three and four...

Hon. Jacob Psero: It could be having some similarities but they are closer...

Version 00

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Mr. Speaker: Proceed and finish so that...

Hon. Jacob Psero: 8. Budget allocation for court awards obligation.

Ensure funds are set aside to settle court judgments promptly and prevent continued accrual on interest and outstanding liabilities

Structured handover protocols develop and implement formal handover procedures across departments to ensure continuity and safeguard institutional memory and minimize disruption during transition.

CHAPTER THREE

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

COMMITTEE OBSERVATIONS

1. The Lands department accounts for the highest number of cases across almost all law firms. Nearly every firm listed is handling matters from the department, with some firms having more than half of their caseload while in the office of the county attorney majority of disputes arise from Human Resource and employment issues, including claims for salary arrears, conversion to pensionable terms, unfair dismissal, and recruitment processes
2. Human Resource and employment disputes dominate the caseload, suggesting persistent challenges in staff management, remuneration, and recruitment processes. These cases carry both financial implications and reputational risk, particularly where claims involve unfair dismissal or employment benefits
3. Firms such as Ocharo Kebira & Co. Advocates, Annet Mumalasi & Co. Advocates, and Makokha, Wattanga & Luyali Associates not only manage high caseloads but also demonstrate stronger resolution outcomes, reflected in higher numbers of dismissals and judgments delivered. Gumbo & Associates similarly shows efficiency, concluding most of its limited cases.

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4. The County Government is managing a substantial litigation workload, with 228 legal cases handled by 15 law firms, alongside 16 separate litigation matters directly involving the County attorney, majority of which remain unresolved. This indicates a high level of on-going legal exposure and sustained demand on both external advocates and internal legal resources.

COMMITTEE RECOMMENDATIONS

1. Given that the Lands, Urban and Physical Planning Department accounts for the highest number of cases across nearly all law firms, there is a need for targeted risk mitigation within this department. The County should strengthen land administration systems, improve documentation and record management, and enhance compliance with planning and approval procedures. Regular legal audits of land transactions and early legal review of development decisions would help reduce disputes and prevent repetitive litigation.
2. THAT the Office of the County Attorney should prioritize reforms in Human Resource and employment management, as the majority of disputes arise from salary arrears, conversion to pensionable terms, unfair dismissal, and recruitment processes. This can be addressed through strict adherence to employment laws, timely payment of staff entitlements, clear human resource policies, and structured disciplinary and recruitment procedures. Capacity building for HR officers and early engagement of legal advisory services before adverse employment decisions are made would significantly reduce exposure to employment-related litigation.
3. THAT the County Government should strengthen centralized litigation management through the Office of the County Attorney. This should include maintaining an up-to-date case tracking system, prioritizing long-pending and high-risk matters, and setting clear performance benchmarks for engaged law firms.
4. THAT the County Public Service Board should consider hiring legal counsels with experience in litigation to enhance legal compliance and results in litigation while reducing the expenditure in external counsel.
5. THAT the County Government should consider facilitating capacity building exercises for counsel in the office of the County Attorney to further develop their skills and knowledge in litigation.

Hon. Jacob Psero: I now want to call an Honourable Member of Luhya Bwake to second this report

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Mr. Speaker: Hon. Opwora you have been called upon by the chair to second the committee report. Proceed

(Applause)

Hon. Edwin Opwora: Thank you, Mr. Speaker. First of all, let me congratulate my Chair, having read that report, bearing in mind that he is a teacher who has retired but is not tired and is still serving the community.

The report highlights legal issues that actually exist in this County, and as we note, there are quite a lot of cases, the majority of them still pending. Based on the report, it indicates that most of the cases are in the Lands Committee.

However, one observation is the amount of legal fees charged, and this in one way also shows the incompetence that we might be having in the legal department under the leadership of the County Attorney, by virtue that he is the lead person who should be defending the County.

Mr. Speaker: You should be saying the former County Attorney...

Hon. Edwin Opwora: Honourable Speaker, I'm just referring to the bearer of that office who was there. It shows that he was not up to the task because this County is going into losses. There are so many cases that are still pending. When you look even at the number of the legal fees that have been charged; over Kshs 270M; for a County, that is money that should be going towards development, but here we are spending it on cases.

Therefore, as per the observations made in the report, we wish that the report is taken seriously and that all the observations and recommendations are implemented so that we can at least reduce the number of cases in this County. We are looking forward to having competent people, and if there is a need to employ more legal officers to help ease the pressure that is already there, then so be it. Otherwise, thank you. I second the report.

(Applause)

Mr. Speaker: Allow me to propose a motion for debate. Honourable Members, a motion having been moved and seconded that this House adopts the report of the Committee on Justice, Cohesion, and Legal Affairs on the summary of cases against the County Government of Bungoma laid on the Table of the House on Wednesday, 11th March, 2026. I propose. Yes, Hon. Sudi.

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Hon. Isaiah Sudi: Thank you, Honourable Speaker, for the opportunity. First of all, I want to thank the mover of the motion, the Honourable Member for Chesikaki Ward, for moving the motion very eloquently.

As the seconder has put it, we need to come up with a mechanism of reducing unnecessary court litigation because it is really eating into our finances. If you look at how those law firms and the claims that they have from the County, it is huge, and definitely it affects development for our people. I would encourage that, as I support the report, most of the issues should be handled outside court because some disputes are petty. The way we handle them, they just find themselves in court because of small misunderstandings and vested interests.

In some instances, it could be a syndicate that now goes to court so that we pick Sudi and Company to come and defend, and I have a share. Because once you are given a case, it doesn't matter whether you lose or win, your fee has to be paid. So, as a County, I think the most affected persons are the common *wananchi* that we represent because small and scarce resources are being used on litigation that is very unnecessary and could be settled outside court. Otherwise, I support the motion.

Mr. Speaker: I think there are no more contributions. Allow me to invite the mover to respond. I want to reserve all my comments about this report for now. Yes, Hon. Psero.

Hon. Jacob Psero: (*Mover to respond*) Thank you very much, Mr. Speaker, for this opportunity again to react to what Members have said. First of all, I want to thank the Member, my seconder, for ensuring that he has given good comments about this report. I also want to thank the Department for coming up with this good report. In addition to that, I thank Hon. Sudi for the kind of advice he has given.

Indeed, in this department, we have seen that the County Attorney has a lot to do, but occasionally when we have met in the department, in most cases he has been a rude officer. You ask a question, and he responds by asking other questions. He does not take questions as they are, and at times he wants to neglect or undermine the position of the MCAs, which is not good.

I'm requesting that when we are going to have the next Attorney, let us ensure that we pick the right person—somebody who has humility and is ready to work with us. I remember he was asked where he gets time to move with the Governor to funerals and other places, but he said that was not our business and that he knows what he is doing. Otherwise, thank you. I want to stop there.

(*Applause*)

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Mr. Speaker: Honourable Members, allow me now to proceed and put the question to the said motion to allow the Honourable Members to make a decision on the same.

(Question put and agreed to)

(Applause)

Honourable Members, the report, together with its observations and recommendations, is hereby adopted by this House.

ADJOURNMENT

Honourable Members that was our last item on the Order Paper. We will adjourn today and resume tomorrow, Wednesday, 22nd April 2026, at 9:30 a.m.

The House rose at 4:23 p.m.

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