

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY, 13TH MAY, 2026

Morning Sitting

3rd County Assembly

5th Session

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COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

WEDNESDAY, 13TH MAY, 2026

The House met at the County Assembly Chamber at 9:30 a.m.

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

PRAYER

MOTION

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

Mr. Deputy Speaker: Hon. Allan Herald Nyongesa, I am very sure today you cannot afford to confuse yourself. You will be very smart on it. Members, you have now gone through the report and I believe you can follow and you have what it takes to actually consume it effectively.

Hon. Allan Nyongesa: Thank you, Mr. Speaker. Members should note this is resumption of debate. We were on page 12 of our report on committee recommendations, the last bit.

(Loud Consultations)

Yes? We are there.

(Laughter)

Hon. Leader of Majority, we have quorum. Hon. Speaker, I beg to start from where I left on committee recommendations.

**Committee Recommendation
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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.

Progress report to be submitted to the committee within sixty days from adoption of this report

Other Matter

Unresolved Prior Year Matters

In the report for the previous year, one issue was raised under Emphasis of matter and two issues under Report on Lawfulness and Effectiveness in use of Public Resources. However, two issues had not been resolved as detailed in appendix 1 and Management did not provide satisfactory reasons for the delay in resolving the issues.

Management Response

The management agrees with the audit findings that prior year issues had not been resolved. However, the Fund regulations have since been merged to enable consolidation of the financial statements. In addition, management has charged some of the Assets, but once all the Assets are charged, the documents will be provided for Audit.

S/N	Audit Query	Management Response	Appendices
1	Failure to prepare separate financial statements for Car Loan Scheme Fund and Mortgage Scheme Fund	The Car Loan Scheme Fund and Mortgage Scheme Fund Regulations have since been merged	Appendix 3
2	Failure to provide jointly charged ownership documents	Some of the properties have already been charged while others are in the process of being charged	Appendix 4

Committee Observations

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The Staff Car Loan Scheme Fund and Mortgage Scheme Fund Regulations have since been merged.

The Committee observed that one prior year audit issue remains unresolved, this is in relation to joint ownership registration of assets/properties between the county Assembly the staff advanced monies from the fund to acquire property.

Committee Recommendations

The Committee recommends that Management undertakes measures to resolve the outstanding prior year audit issue and submit a progress report to the Committee within 60 days from the date of adoption of this report.

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Basis for Conclusion

Failure to provide Jointly Registered Ownership Documents

The statement of financial position and Note 18 reflect long-term receivables from exchange transactions balance of Kshs.235, 524,585, which includes loans of Kshs.60, 633,387 disbursed during the year under review. However, included in this balance is an amount of Kshs.40,483,675, for which log books and title deeds which are jointly registered under the Fund and borrowers were not provided for audit as required by Regulation 16(1) of the Bungoma County Assembly (Employees' Mortgage Scheme Fund) Regulations, 2018 which Provides that the Committee shall have a charge registered on the property financed through a loan granted under these Regulations and shall be entitled to have its name entered in all documents of title for such property.

In the circumstances, the ownership rights and obligations of long-term receivables from exchange transactions balance of Kshs. 40,483,675 could not be confirmed

Management Responses

The management agrees with the audit findings that at the time of audit, an amount of Kshs.40, 483,675, for which log books and title deeds which are jointly registered under the Fund and borrowers were not provided for audit. Some of the properties have already been charged while others are in the process of being charged. The delay has been attributed to bureaucratic procedures at the Ministry of Lands, Public Works, Housing, and Urban Development. The

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management assures the Office of the Auditor-General that all remaining properties once charged, will be submitted for Audit.

Committee Observation

The regulations governing the Bungoma County Assembly Employees' 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.

Committee Recommendation

Regulation 8(2) of the Public Finance Management (Bungoma County Assembly Staff Car Loan 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.

Staff of the County Assembly 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, failure to which their allowances should be withheld.

CONCLUSION

The audit of the Hon. Members Car Loan and Mortgage Fund and the Employee Car Loan and Mortgage Fund for FY 2024/25 resulted in Qualified Opinions, primarily due to some weaknesses like failure to promptly secure jointly registered ownership documents, delayed charging of securities and failure to recover monies advanced to Hon. Members of the first Assembly and the four former staffs of the County Assembly.

The Committee's directives requiring action and submission of a progress report within sixty (60) days from adoption of this report are appropriate remedial measures. Going forward, strict adherence to the Public Finance Management Regulations governing the Funds, strengthened enforcement of loan terms, timely charging of securities, and enhanced fiscal discipline will be critical to ensure minimal audit issues relating to the funds.

Hon. Speaker I move. I now call upon the Chair of the Committee Hon. Everton Nganga to second the report.

(Applause)

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Mr. Deputy Speaker: Hon. Sifuna, proceed to second.

Hon. Everton Nganga: Thank you, Hon. Speaker. It was my request that the name Sifuna also appears in my national ID but you better use Everton Nganga. I have a reason why because there is one superior young man who is coming up in this nation and we don't want confusion. Two weeks ago when I was passing in town, somebody shouted at me using the name Sifuna. In fact, most people were confused. They decided to run to me because they were thinking that it is Hon. Edwin Sifuna. So such confusions I am trying to avoid them.

(Laughter)

(Applause)

Mr. Speaker: Hon. Sifuna, why are you afraid ... What is the point of information, Hon. Makari? He is seconding but make it clear so that you can proceed.

Hon. George Makari: Hon. Speaker was it in order for Hon. Nganga to begin alluding to somebody else who is not in this House? You know Hon. Speaker is gravitating towards that coalition but he should not try to inform the House where he is going. So, Hon. Speaker just authorize that he sticks to the point of seconding the motion.

(Loud Consultations)

(Laughter)

Hon. Sudi Busolo: I am not out of order. I am on a point of information, my friend. Unless he comes with an affidavit showing completely that Sifuna Nganga has denied...he is no longer using the name Sifuna, so that we shall do away with it, Hon. Speaker.

Mr. Deputy Speaker: Hon. Sifuna, proceed.

(Laughter)

Proceed to second, strictly adhere to the issue at hand.

Hon. Everton Nganga: Thank you, Hon. Speaker. I am well guided. I will do what Hon. Sudi has said. First, I would like to thank the mover of the motion. He has done it eloquently. As I

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second this motion, in this motion most of the issues were resolved during the interrogation from the responses that were provided by the Chief Executive Officer of this County Assembly with the officers from OAG.

We Honourable Members who are here elected and nominated, we have privileges that we are enjoying. Honourable Members let us not fear to provide title deeds and logbooks as per the regulation. When you look at our report, it is anchored on the regulations that govern the loans that were advanced by the County Assembly. When you look at 1.4, under budget and budgetary control, this arose because the County Assembly had set aside some money that was supposed to make sure that title deeds and logbooks are jointly co-owned by the County Assembly. That money was not absorbed so the auditor queried, why did you not absorb this money? I want to give out this example and Honourable Members should not fear. When you go to the Commercial banks i.e. KCB, Equity and Cooperative, you will be given a loan at a higher interest rate ranging from 12 to 18%, which is very expensive. On top of that you will be forced to provide security or collaterals. You are supposed to provide a title deed, a pay slip and so on which is normal.

For our case here, Honourable Members you should not fear. It is the County Assembly that will again process before you exit or before the end of your tenure and give you all your documents.

When you go through the laws that govern the purchase of vehicles to Honourable Members, it is the County Assembly that is supposed to purchase for you a vehicle. Look at that but the County Assembly Management, have decided just to give you money, you go and purchase and bring the logbook. We don't want to reach to a level where the County Assembly decides to purchase for you a vehicle; we are lawmakers and let us respect the law.

Our laws here are not punitive. I remember in the financial year 2023/2024, our County Assembly was ranked the best in the nation. It was the best and it was awarded during the Gala Award because they caught an unqualified report.

Again recently, we had the Chair of ICPAK, Institute of Certified Public Accountants of Kenya, CPA Professor Kalunda. They visited our County Assembly and they entered into a memorandum of understanding, because when you look at our Finance department, almost every staff is a CPA which means they are supposed to perform the work perfectly according to the law.

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So Honourable Members, I am not saying that all us and staff have not provided their title deed. Now if you are here and you have not provided the title deed and the log book and you are supposed to provide within 90 days from the time you are advanced the loan, what are you doing? So I am requesting that let us give our County Assembly which is under the leadership of our Clerk easy time to serve us.

The issue of funds long-term receivables; monies that were advanced to Honourable Members in the First Assembly that is the year 2013. There was a case in court and the ruling was done in 2022. We have also advised the County Assembly properly on what they are supposed to do. That one is a very long outstanding receivable that is supposed to be received. They were complaining that their tenure was not complete. It was stopped eight months or six months because the elections took place in the month of March 2013, so they had those issues but we have also directed the County Assembly to do what is required. Remember those Honourable Members who are here during the last assembly years from 2017 to 2022, this is what happened and our recommendation is also backed on this information.

Those who had not provided their logbook and land title deeds, their per diems were deducted. So our recommendation is not punitive. Actually it is anchored on the precedence that was set. That was during the time of Mosongo as our Clerk and it happened. Those monies were deducted to offset your pending money or loan that you are supposed to pay.

So let us accept this report and assist the County Assembly. We as lawmakers; let us be role models. These are very simple issues but it is the County Assembly that will provide what you require when your period expires.

(Applause)

Mr. Deputy Speaker: Thank you, Hon. Everton Nganga for seconding the motion. Honourable Members, allow me now to propose a motion to the House.

(Question proposed)

Let me have Hon. Isaiah Sudi Busolo

Hon. Sudi Busolo: Honorable Speaker, thank you for catching my eye. I also want to concur with the seconder of the motion that was well read to this House. I want to request my colleagues those who have no titles, that we have experts here like myself and Hon. Waiti.

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Why can't you contract us? Because I am very sure some members were given money and you know Bungoma has a problem of succession. Most of our land is still under succession and if you are a victim, please come to us. We support you, so that you get a document and present it to the management.

I was a victim when Mosongo was a Clerk. I didn't bring my documents and he recovered for almost three months until I had to struggle and bring a logbook but I solved the problem, because we passed the regulations that are guide the loaning car loan, and the mortgage.

So maybe we amend it. We are the same people who can amend it because if you look at the recommendations, they are not simple matters. I remember I was a member of PAC and any recommendation, if we pass it as it is, members the consequences are very dire. So maybe why can't we also in our own way... what is the purpose of our payslip that we get here? Because I see my wife who works in the government, she just takes her payslip in the bank and she's given money as a security. And nobody has ever asked her to bring her title deed to take their logbook. She just takes her payslip. It is more important than my title at home. Why can't we also give weight to our payslip as members, that this payslip can protect us? Because you are being paid here, all your payment comes through the County Assembly of Bungoma and you are an employee here.

Why can't this payslip also be given weight that it acts as a security in case where you don't have a title deed? Because all my money until I leave this place, I am being paid by the County Assembly of Bungoma. So that members can enjoy because your payslip is here and also the kitty should be insured so that if I fail, the insurance will take care. Like members who left here in 2013 they are now victims. Had the kitty been insured, I don't think the Assembly could be running after them because the insurer would have taken over. So that is my contribution, Hon. George...

(Laughter)

...because surely if someone just uses a payslip and gets a loan of five or ten million for a period of five years and does it mean our payslips are not genuine. Unless we have payslips which are not genuine because these payslips should support us so that we are not followed left-right on the issue of logbooks or title deeds. We need to change our regulations so that we also give a payslip some weight so that it will guarantee you. I rest my case.

(Applause)

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Mr. Deputy Speaker: Thank you, Hon. Isaiah Sudi. Hon. Jackson Wambulwa,

Hon. Jack Wambulwa: Thank you, Hon. Speaker for giving me this opportunity to support the report. I want to emphasize on what Hon. Busolo Sudi has raised. That if you went to the bank, through check-off system all you will require is your payslip, nothing else and this loan that we are getting in the Assembly is secured because it is insured.

There's nothing like it's not insured. These Members are paying monthly and none of the Members has failed in the report. Why should it be a condition that we should be submitting our titles or logbooks as if we are not employees of this county? I think our regulations should be reviewed.

(Applause)

That is one thing that should be proposed in the report that only a payslip of a Member should guarantee him or her to access to this loan. In case he/she fails, there's a way out because this money comes through the County Assembly. So it's wrong for Members to be taken as if they are foreigners taking money from a foreign account. That is when we should meet all those requirements but for now, I support this report that regulations should be changed so that a payslip is a guarantee of any loan to the Member.

(Applause)

Mr. Deputy Speaker: Thank you, Hon. Jack Wambulwa. Hon. Johnston Ipara,

Hon. Johnston Ipara: Bwana Spika ningeanza na kuuliza kwamba mimi nimefinya hii kidude na Mheshimiwa jirani wangu ambaye ni rafiki wangu anakuja kuitoa. Wewe unaamua namna gani kama Spika kabla sijaendelea?

(Laughter)

Mr. Deputy Speaker: Hapo mnong'onezane vizuri na mmalizane.

(Laughter)

Endelea sasa

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Hon. Johnston Ipara: Asante sana Bwana Spika. Hili Bunge ndio inahusika na utungaji wa sheria na kuhakikisha sheria enyewe inafuatwa. Ni aibu kubwa kuona ya kwamba sheria ambayo wewe mwenyewe ulibuni umekataa kuifwata; ni nani mwingine utataka afuate.

Mwezi huu wote tumekuwa hapa tukijadili utendekazi mbaya ya kaunti yetu kwa sababu sheria ni kama maji ya mto ambayo inateremka na huezi zuia, unawezazuia pengine ikiwa imefika katika bahari la Victoria. Na hapa sisi wenyewe hatutungi sheria wewe wakati umepewa pesa ya kujenga nyumba, kunua gari na wewe unaendesha gari na unasherehekea na unajua kwamba hujatimiza mahitaji ya sheria unaskia namna gani? Wakati tunaambia serikali ya Kaunti chini aibu kwenu kwa sababu hamfwati sheria na hata sisi pia tunatosha kujiambia kwamba aibu kwetu.

(Applause)

Mimi nasimama hapa nikiongea kwa sababu najua ya kwamba nilipeana *log book* ya gari yangu iko huko, *tittle deed* yangu iko huko kwa sababu ilikua ni mahitaji ya kwanza. Na hitaji ya pili ilikua uhakikishe kwamba wataalamu kama Mheshimiwa Sudi wamedhibitisha na umeenda kwa *register* kuhakikisha kuwa hio *title* iko kwa jina yako na hio *number* imepewa ni yake.

Mheshimiwa Spika, wewe unajua sababu ambayo inafanya tuseme tufwate sheria ni kuepuka mashtaka inayotokea. Pengine hio shamba ulinunua na pengine mtu alikula pesa na baadaye akageuka na kukatalia shamba na wakati unapotaka kupeleka cheti ya umiliki haitakubalika kwa sababu tayari kuna kesi inaenda katika mahakama. Lakini kama ungefanya haraka mwanzoni ingesaidia sisi wote.

Kwa heshima la Bunge hili hasa mfanyikazi mkuu wa Bunge amabaye ni katibu ndungu Charles Wafula, yeye alikua ni mtu wa roho ya huruma kuhakikisha ya kwamba tumepewa pesa. Naona hapa ndungu yangu mbunge wa mjini anaanza kulalamika na sijui kama yeye ni mmoja wao wa wale hawajatoa *title* na sijui atoa *title* wapi na hapa ni shamba ya mjini.

(Laughter)

Hapa si mambo ya kucheka; hapa si mambo ya kunong'onezana. Hapa ni mambo ya kuhakikisha sisi kama wabunge ukisema ya kwamba matope hutaki kwa nguo nyeupe hakikisha wewe mwenyewe umevaa nguo nyeupe ile haina dosari ndo ukipeleka vidole kwa ule mwingine ujue

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kwako umetengeza. Katika safari hii tuliloanzisha kuhakikisha Kaunti ya chini inafanya kazi, tuhakikishe sisi wenyewe hapa hatuna dosari ndio tukinyoosha kidole pale tunaheshimiwa.

(Applause)

Mr. Deputy Speaker: Asante sana Mheshimiwa Johnston Ipara. Mheshimiwa George Makari,

Hon. George Makari: Honorable Speaker, you know Hon. Waiti cannot come before me; he should come when I have spoken

Mr. Deputy Speaker: Yes, he had switched off so...

Hon. George Makari: You have done well. Honorable Speaker, I want you to rule that Hon. Ipara should be speaking in English because he does very well in that language. I don't know why he goes back to Kiswahili. Every other time and you see he forgets he is speaking Kiswahili and says Hon. Speaker and you see...

(Laughter)

In Kiswahili he should say Mheshimiwa Spika, so even before I continue make a ruling that Hon. Ipara should be...

(Laughter)

...should be talking in English

I want to ride on what Hon. Sudi and Hon. Wambulwa said and even though Hon. Sudi and Hon. Waiti were soliciting for work which is not good because if they want to work, they can text us and say can you give me work not to ask for work on the floor of the House.

These loans are secured. I don't know if there is a way we can do the regulations afresh. What is the point of having a secured loan on your payslip and then again take your logbook or tittle deed for security? Because the security of that loan is the payslip, isn't that one double security? Because you can agree with me, there is no way you will leave this Assembly without having finished your loan that is a guarantee by your slip. There is no way you will ever leave unless you die and if you die the insurance will pay for the loan as Hon. Jack Wambulwa said. So there is no escape, whichever way you cannot escape, so why the double security? You are having a logbook or tittle deed and there are some members here even if you want to tell us we are

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securing with logbooks, Mr. Speaker, have you ever looked at the vehicle Hon. Mulongo from Kibingei has?

(Laughter)

Can you take that security and deposit with the Clerk?

(Laughter)

Mr. Deputy Speaker: Hon. Makari are you ...Order members!

(Loud consultations)

Hon. George Makari: Hon. Mulongo is my friend. I am just giving an example.

Mr. Deputy Speaker: Order members! Order members!

Hon. George Makari: Honorable Speaker, I am just giving an example.

Mr. Deputy Speaker: Order members! I want to believe that Hon. Makari who said that Hon. Waiti and Hon. Sudi are soliciting for work and he tells us if he is a qualified mechanic or valuer.

Hon. George Makari: Honourable Speaker, you are not supposed to enter the debate, you are an arbiter.

Mr. Deputy Speaker: Order Members! Hon. George Makari, let them give us information.

Hon. George Makari: Thank you, Honourable Speaker.

Mr. Deputy Speaker: Hon. Everton Nganga, what is the point of information?

Hon. Everton Nganga: I just want to inform Hon. George Makari that what we require is the logbook, not the vehicle. We require the logbook.

Mr. Deputy Speaker: Hon. George Makari, you are informed what is required is actually a logbook.

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Hon. George Makari: Honourable Speaker, I know you began handling vehicles very way far away, and you are younger than me, but you had vehicles even before I owned one. Honourable Speaker, you can just look at a vehicle and say the valuation of this vehicle is twenty thousand. I know you can do that. So if it is a requirement and I deposit a logbook of a vehicle worth twenty thousand and I have taken a loan of three million...

Mr. Deputy Speaker: Hon. George Makari, you are bringing out debate, which is nice, so let's hear from Hon. Jeremiah Kuloba, and then we proceed. Hon. Kuloba,

Hon. Jeremiah Kuloba: Asante Spika. Langu nilikuwa nataka hapa swala lilikuwa ni juu ya makaratasi ya umiliki

Mr. Deputy Speaker: Kuna makaratasi kweli hamna makaratasi

Hon. Jeremiah Kuloba: Bwana Spika haikuwa kwamba kumdhalilisha Mheshimiwa hapa kwa kuongea juu ya aina ya gari lake, kwa hivyo nilikuwa naomba kuwa atoe hilo jambo na aombe msamaha kwa yule mheshimiwa ambaye hayuko, na tusizungumzie mtu ambaye hayuko.

Mr. Deputy Speaker: Asante Mheshimiwa Kuloba. Mheshimiwa Makari labda ungetumia mfano wa gari la Mheshimiwa Kuloba ingekuwa afadhali. Mheshimiwa Makari hebu tupate huyu Mheshimiwa Ipara.

Hon Johnston Ipara: Honourable Speaker, this is a House of rules and procedures. And the Honourable Member knows very well, it is awkward to refer to a Honorable Member who is not in the House and if you look on the face value, is twenty thousand, is that in order, Honourable Speaker. Kindly, Hon. Makari is my good friend, with all the kindness. Let him apologize and withdraw.

Mr. Deputy Speaker: Hon. George Makari, you have been asked with kindness and whatever to...

Hon. George Makari: Honorable Speaker, let me be kind today, I apologize and withdraw.

Mr. Deputy Speaker: You can now proceed.

Hon. George Makari: Honourable Speaker, we should now come back to the foundation of that debate, as well elaborated by Hon. Isaiah Sudi, elaborated by Hon. Jack Wambulwa and Hon. Johnston Ipara, though Ipara supported that we should always bring the title deeds and logbooks. But my point of argument was that we already secured in the name of a pay slip. And then we are also asked for two documents which is Log book and the Title deed. And whichever

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way, unless you are dead, and even if you are dead, recently we lost Hon. Mukhongo. And I know, whichever way, whether we lose him or not, his loan will be paid. We have secured the loan with a title deed or pay slip. We are again double securing the loan with a log book and a title deed.

Can we review the regulations so that the foundation of that loan or the security of that loan just becomes the pay slip, because whichever way, the money is deducted on the pay slip. There is no way out. I support that let's look ahead and do the review of the regulations so that the security of that loan can only become the pay slip. I support.

Mr. Deputy Speaker: Thank you, Hon. George Makari. Hon. Wafula Waiti,

Hon. Wafula Waiti: Thank you, Honourable Speaker. I had some points, but most of them have been said by Honourable Members who have been on the stage, but I want to strengthen on two points.

Mr. Deputy Speaker: Hon. Jeremiah Kuloba, you should not be that type, what you are reporting is not nice. Hon. Wafula Waiti, proceed.

Hon. Wafula Waiti: Honourable Speaker, I was even wondering why, and just allow me. I was wondering why Hon. George Makari very quickly withdrew the statement he had put across. And we are much aware, from where you sit, that as you produce a logbook in other institutions, apart from this Assembly, the valuation of that vehicle report has to accompany the logbook. So according to me, he was right, as much as he withdrew the allegations.

What Hon. Isaiah Sudi said on this floor, mentioning my name and himself, he was right, because from where you sit, you are a teacher. I have seen many times Honourable Members referring to you to assist in some things when it comes to education matters. At the same time, we have Hon. Otsiula, Hon. Linda, the Speaker, and Hon. Luseneka have been mentioned here adversely to assist in law matters. So, Honourable Speaker, when Hon. Sudi mentioned...

Mr. Deputy Speaker: Hon. Wafula Waiti, you can correct the word adverse, that's why Hon. Nganga is standing up, they are not mentioned adversely, I think. You can delete that.

Hon. Wafula Waiti: I have withdrawn, Honourable Speaker.

Mr. Deputy Speaker: Yes.

Hon. Wafula Waiti: You can now sit.

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Mr. Deputy Speaker: He has withdrawn it, Hon. Everton Nganga, you are shouting.

Hon. Wafula Waiti: Honourable Speaker, I don't know what Hon. Everton Nganga ate today, and he was the seconder of the motion. Honourable Speaker, we are assisting that motion that he seconded.

Recently, not long ago, the administration of this Assembly posted the loan balances of Honourable members to WhatsApp group. And every loan was being deducted, including the loans of those members who have not submitted the logbooks. There were not notes to inform of any member who has not been deducted for failing to produce the logbooks, so that means the pay slips are being used in reducing those loans.

My point is to strengthen, as much as we had passed, that the log books are used. We can review that policy into strengthening the pay slips that can be used as the security of our loans.

As you are aware, in matter's land, there is a willing buyer and a willing seller, and a purchaser will always go for his convenience or her convenience. He takes the land which is convenient to him. So you can get land from a dead proprietor, which can take time to get the title deed through many processes, so I will strengthen the point that we review and strengthen the pay slips to be considered as the security on our loans.

Mr. Deputy Speaker: Thank you, Hon. Wafula Waiti.

Hon. Sheila Sifuma: Thank you, Mr. Speaker. I think we need to get our photos hanged somewhere so that Mr. Speaker can stop confusing Hon. Sheila with Hon. Linda, because we are very two different characters, so I think you should be guided

Mr. Deputy Speaker: I think you sit and walk together; you should sit away from that place then. Yes, proceed.

Hon. Sheila Sifuma: Thank you, Mr. Speaker. I will just add a voice to what my Honourable colleagues have mentioned. There is need to maybe in the near future re-look at our own laws, because it has been said here that this is a House of rules and procedures, which I agree, but it's also a House of debates. So given the members' contributions and their thoughts on what we should do to the mortgage and how it should be secured, I join my colleagues in supporting that mortgage can also be guaranteed in so many other ways. Maybe you can look at what the National Assembly does.

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We have the automatic salary check-offs that are done on our pay slips every month. I think our concern should be looked at maybe in the event that there are defaults, which can only happen when your pay slip is overburdened.

I saw they write a letter to commit their pension in case they do not manage to pay by the time they finish their term. So I think such considerations will be here so that we don't have a law that is pinning us down and we're the ones who have passed it.

There have been historical issues about land, even from the Ndung'u reports and other reports that have come after that. Land succession in Kenya is a problem, because you can buy a parcel of land, where you get a title deed that is fake, and it has happened. And that title deed has been processed by offices of the Registrar of Lands. So I think there should be a new law, especially for land. I think for car we don't have a big challenge, because once you buy, it's a bit easier.

But for land, because of succession issues, you find a brother has refused to cooperate with others, so how do you get a title deed? So such historical land issues and also a lot of corruption in the land registry hampers processing of land title deeds. I think we need to re-look it for ourselves and for future members of this County Assembly. Because we don't want to have laws that we cannot follow, not because we do not want, but because there are things out and above our control. That's my submission.

Mr. Deputy Speaker: Thank you, Hon. Sheila Sifuma. Because our leader is here, let's give him preference Hon. Joseph Nyongesa our Leader of Majority.

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. I also want to join my fellow colleagues on this issue, but I'm looking at almost some critical issues here. You know we are normally given these loans based on the salaries that we earn, and it's like a privilege, because even the profit that we normally pay is because of the status we own. So the critical issues that I'm looking in here are two.

The joint ownership, and the seconder lied to us that the Assembly would be the one processing and giving you back your title deed. When you go through this report, there is nothing like that, because, it's you to ensure that you are having your title deed and you own it.

There is this punitive issue that we are saying here that within sixty days, look at it critically, that within sixty days, if you have not submitted the title deed or maybe the log books, then your allowances will be directed towards your loan. And, my loan is being charged on my pay slip, so as much as we want to approve, but we shall also be in one way or another also shooting in our

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foot. When we are checking our balances, I think in the next eight months or seven months, we shall be through, so why should you not take my allowances

I think the committee should also look into it, because from where I sit, I can't pass such a thing that within sixty days, my allowances will be confiscated to take care of my loan, yet, my pay slip is in charge of that loan, then I will be doing the service to myself. How shall I operate in my Ward, if allowances will be taken, unless we remove this and also agree with other members that we will review and also check if it also happening in other Counties or it only here in Bungoma. So these are the privileges we normally get, loans are there, but let's not tie ourselves as if we shall not exist again. Mr. Speaker, I won't support such. I rest my case.

Mr. Deputy Speaker: Thank you, Hon. Jeremiah Kuloba, and then we finish with the Hon. Benjamin Otsiula.

Hon. Jeremiah Kuloba: Asante sana Bwana Spika kwa kunipa fursa hii. La kwanza mimi nazungumzia kuwa sheria ambazo zimewekwa za mikopo ya mashamba na magari haikuandikwa kwenye jiwe ambapo haiwezi kufutika na kubadilishwa. Mswada huu mkitaka tuunge mkono, lazima hizo sheria zibadilishwe.

La pili kuna Mheshimiwa alizungumzia kuwa tunaonewa huruma kupewa hizi pesa na msimamizi wa *Assembly* hii. Nataka kukosoa na niseme kuwa sio ati tunapewa pesa hizi kwa kusaidiwa tu, hii ni haki yetu. Tusije tukaanza kuwekewa vikwazo katika pesa ambazo ni rahisi kuweza kupatikana.

Pia masharti ya kusema kuwa lazima ukipewa pesa ziwe ni za gari na za shamba, nataka hiyo sheria pia ibadilishwe, ambapo ukipewa pesa hata ukiwa na makaratasi yako ama vyeti vyako vile vya akaunti yako ya benki huambiwi eti hizi pesa tumekupa million kumi kanunue gari ama kafanyie hii ama kama haununui gari hatukupi. Kwa hivyo hata hapa tunataka tukipewa pesa tusipewe pesa za mikopo kuambiwa kuwa hizo pesa lazima ziwe za gari, kwa mfano naweza amua kuwa hizi pesa ambazo nimepewa milioni tano ama milioni kumi niende nikaanzishe kazi tofauti kando na kununua gari sababu najua gari halina faida na niwe naingiza faida. Kwa hivo Bwana Spika kikubwa sasa ambacho nazungumzia hapa hasa ninapo lenga haya...

Mr. Deputy Speaker: Order Members,

Hon. Jeremiah Kuloba: Ni kuwa sheria hizi zibadilishwe, hasa wanapozungumzia juu ya mambo haya, wangelenga wale waheshimiwa ambao hawapo kwenye hili Jumba na hawakulipa fedha zao. Akili yao ingekuwa imelenga kwenye ripoti hii jinsi wameweka mikakati ya kuweza

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kurudisha hizo fedha za wale waheshimiwa ambao hawako kwenye hili jumba kulipa hizo ili wengine wafaidike.

Mr. Deputy Speaker: There is a point of order from Hon. Job Mukoyandali Member for West Bukusu

Hon. Job Mukoyandali: (On a point of order) Thank you, Honourable Speaker. I am not answering to what has been raised but I want to be very specific, I am a member of PAIC but I am raising on a point of order on the point on Hon. Jeremiah Kuloba is trying to raise.

This report is based on the regulations of 2022 that were passed by this House, let it not appear that the committee is being vilified as if we are just basing from nowhere. No, the query was raised on a particular issue. They were looking at the regulations that were passed on this House. So let's not begin vilifying the committee. Again, this query will be repeated, if we don't go and change the regulation, this query will still be coming up.

So it's not about the committee coming up with these recommendations, the recommendations are based on the queries that were raised, and the recommendations are based on the report of the Auditor General. So we are not coming up with anything new, we are only answering to the queries, we are not coming up with anything new.

Mr. Deputy Speaker: Kwa hivyo Mheshimiwa Makabichi, sorry Mheshimiwa Jeremiah Kuloba

Hon. Jeremiah Kuloba: Asante Bwana Spika. Namshukuru Mheshimiwa ambaye amezungumzia yale ambaye nimezungumzia kubadilisha zile sheria ambazo ziliwekwa mwaka wa elfu mbili ishiri na mbili zibadilishwe, hata yeye naona tuko tu na mimi na hatujalenga ati hiyo kamati imeleta jambo mbovu.

La mwisho, huwezi chukuwa mshahara wangu ambao mimi nakata kulipia loan tena uje useme kuwa kwa sababu sijaleta vyeti kwa shamba ambalo nilinunua lina mambo mawili ama matatu ambapo cheti haijatoka eti uje uchukue na marupurupu yangu ambayo inanisaidia uongeze ulipie hiyo loan ambayo nimechukua, na kwa mkutadha huo ikiwa haziwezi kubadilishwa ninapinga mswada huu.

Mr. Deputy Speaker: Asante sana Mheshimiwa Kuloba, umejaribu sana Kiswahili lakini ngeli ya i-zi na M-wa ndio ilikuwa shida

(Laughter)

Twendelee, Mheshimiwa Jeremiah Otsiula Benjamin.

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Hon. Benjamin Otsiula: Thank you, Honourable Speaker. I also want to laud this committee for coming up with this particular motion. I agree with Hon. Job Mukoyandali that looking at the way the report is presented, it is based on the existing regulations. And I agree with his point of information...

We are in this situation because of failing to legislate properly, if at all these laws were passed by this Honourable House to regulate the operation, of these particular mortgage loans, then it means also members who are passing these regulations, were doing a disservice to themselves. Therefore, before we even think about complaining that the committee is not very keen, is not very careful, we must also address the root cause. And therefore those members who are in this House, at that particular time, they did a very terrible job.

They denied Honorable Members in this House, what we call financial freedom; we are captives, because, if a loan is advanced, I can borrow the sentiments of the Majority Leader. They are taking your salary, at the same time, they take your allowances, He's a senior member, let him inform you.

Mr. Deputy Speaker: I think, before Hon. Isaiah Sudi comes, kindly, resume your seat. I had observed the majority leader, was it a point of information? It's okay, Hon. Isaiah Sudi.

Hon. Isaiah Sudi: I'm among those Honourable Members who passed that regulation. You know the regulation came when we are going to election. I want to inform a member from Khasoko, and you know, at that time, we didn't know that we shall come back.

(Laughter)

So even my brother Hon. George was on the Service board and some of these stringent rules were originated by him and others. Because we actually, like now we want to review a regulation. Let it come in good time, but if it comes at the tail end when we are going for election, because you don't know whether you will come back, until it affects you.

(Laughter)

Mr. Deputy Speaker: Order members! Okay Hon. Wambulwa.

Hon. Jack Wambulwa: Thank you, Honorable Speaker. What I want to inform the House of Honourable Speaker is not that these regulations were rushed in the Assembly when we were almost exiting. The truth is that there were members by then who were not paying because they could not meet the requirements as per their pay slip to be able to clear. That is why it came in

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now that it will affect your committee allowances or any other allowances that will come in. So, it was not in bad faith by then.

Now having looked at the current law as it is, like Hon. Benjamin Otsiula was putting it, it doesn't give you the freedom as a Member of the County Assembly who has the pay slip paying. Again they proceed and attach your allowances, Honourable Speaker, all we are saying is that, and the House can agree, we need to review, and the only security that we should have should be a pay slip.

Mr. Deputy Speaker: Yes, another point of information from Hon. George Makari.

Hon. George Makari: You know even the Constitution of Kenya was reviewed once, so there is nothing that is cast in stone, I have seen members pointing at my face. I was not in that. I remember the chair of that committee was Hon. Rosemary Khisa from Luuya /Bwake, She used to sit here with me, then, later on, the late Hon. Mukhongo became the Chair of the Loans Committee, however regulation, even Hon. Jack Wambulwa was a member but the regulation did not emanate from us. We got that regulation in place. Because, you see...

Mr. Deputy Speaker: Order members!

Hon. George Makari: It came in 2013, not in our time, and it was already passed. And, I can remind you one thing, do you know there are members of the previous House from 2013 to 2017, whose title deeds and logbook are still with us, they are still there, because of that regulation. So it cannot occur that we were the ones who passed that regulation. It was passed in the first House.

Mr. Deputy Speaker: We have Hon. Sheila Sifuma; you are just making a point of information

Hon. Sheila Sifuma: *(Point of information)* It is just a point of information, though Hon. Isaiah Sudi has mentioned that the regulations were supposed to come early before people retreated to the elections. I think it's a reminder or a point of concern because it shows that let's not make regulations based on what is happening at the moment but laws that will outlive, serve and stand the test of time and they would not be questioned, so that people cannot run away from the committees served in trying to defend themselves.

Mr. Deputy Speaker: Yes laws for posterity. Hon. Benjamin Otsiula, proceed.

Hon. Benjamin Otsiula: Thank you, Honourable Speaker. I was just making another point that these particular regulations denied Honourable Members financial freedom. If you deny a

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member financial freedom, that means you are going against the Constitution of Kenya, therefore a regulation or a law that is contrary

Mr. Deputy Speaker: Order Members, Minority Whip, Hon. Jeremiah Kuloba, Honourable Members Order!, Order Members! We don't want those side shows. Proceed Hon. Benjamin Otsiula

Hon. Benjamin Otsiula: Thank you, Honourable Speaker. Hon. Jeremiah Kuloba is facing the consequences of being denied financial freedom.

Deputy Speaker: Order Hon. Everton Nganga! Proceed Hon. Otsiula

Hon. Benjamin Otsiula: Honourable Speaker, we need to be very careful with the way we are going to legislate and also the legal department must also pull up their socks because if a law comes to the House, it has gone through all the relevant procedures and all the stakeholders involved. It is very important that they analyze critically because we cannot blame members sitting in this House because we come from different fields and its concerning that I can come here and vote to tie that pay slip, tie my logbook and tie my salary at the same time. That is putting yourself in a situation of double jeopardy. And even if for example you are earning two hundred thousand, you have a loan of two million, you have a contract of five years if they are getting one hundred thousand from your pay slip it remains two and half years, you would have settled or clear that particular loan, but your title deed and logbook both withheld, that means you have been denied financial freedom and that is unconstitutional

Another regulation which we should be very careful about in that those regulations, that particular issue of sixty days, how on earth can you give me for example 3million then you tell me go and look for a personal land buy it, get a title deed and then submit. It means all of us will default and in fact all of us defaulted. How many of us submitted that title deed within sixty days? So that kind of regulation is ambiguous because looking for land that befits a Honourable Member, these are members Honorable Speaker a person of land that defits the Majority Leader of this Honourable House Honourable Speaker, it's not just any kind of personal land Honourable Speaker you wants to invest there must be of valuable money therefore such like provisions that were approved...

Mr. Deputy Speaker: Order Members, order!

Hon. Benjamin Otsiula: Honourable Speaker, we must realize that this is an eye opener so that we can come back to those of us who will be able to come back and serve again should enjoy to have that financial freedom; give me my title deed, let me go to Cooperative bank, now that you

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have purchased that land and you have not defaulted, allow me to use the title deed to get 6 million from the bank to start putting up a house, so that when I exit from the scene, my wife and children and all those others will be happy and enjoying.

Otherwise, it is good that members have brought up this issue and now see why we were saying yesterday that this motion must be discussed today. You can now see why we were saying that we want to know what is there, so that they panel bit that is why we pushed this motion to today. I submit.

Mr. Deputy Speaker: Thank you, Benjamin Otsiula. I want the mover to reply because we have another motion. Order Members, let's be orderly. Hon. Allan Nyongesa just resume your seat. Hon. Johnston Ipara what is it?

Hon. Johnston Ipara: Honourable Speaker

Mr. Deputy Speaker: You finished...

Hon. Johnston Ipara: Honourable Speaker, let me allow Hon. Benjamin Otsiula and Caleb Wanjala to complete then I will raise this very serious issue.

(Loud Consultation)

Mr. Deputy Speaker: Order Members, you cannot tell me that Hon. Member to finish when you finished, I have ears also...

(Loud consultations)

Mr. Deputy Speaker: Honourable members, when an Honourable member says he has finished submissions and said he has finished, he has finished.

Hon. Johnston Ipara: Honourable chair, if that is the...let me proceed.

Mr. Deputy Speaker: Yes, you are an advocate of the High Court...

(Loud consultations)

But I heard you very well, advocate of the High Court, you submitted. Okay fine, what is it Hon. Otsiula

Hon. Benjamin Otsiula: With all the humility Honourable Speaker, thank you for giving me this opportunity...

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Mr. Deputy Speaker: You're not contributing...

Hon. Benjamin Otsiula: Honourable Speaker, I support this report with amendments...

(Applause)

(Loud consultations)

Mr. Deputy Speaker: Yes...

Hon. Benjamin Otsiula: Can I specify the amendments Honourable speaker, that...

Mr. Deputy Speaker: Order members...

Hon. Benjamin Otsiula: Honourable Speaker, first of all on attaching allowances, it should be expunged. Secondly, that regulation as far as it concerns providing a tittle deed within 60 days, is ambiguous. It should also be dropped. Hon. George Makari to second.

Hon. George Makari: I don't know. I think this name Sifuna makes people somehow mad a little bit ...

(Laughter)

Mr. Deputy Speaker: Hon. Nganga you are protected. No one will touch you.

Hon. George Makari: I want to support the amendments as proposed by our Counsel Hon. Hon. Benjamin Otsiula that we pass the motion with amendments as stipulated by Hon. Jeremiah.

Mr. Deputy Speaker: Honourable members, a motion within a motion, having been moved by Hon. Benjamin Otsiula, that this motion is adopted with amendments and that the recommendations touching on allowances be dropped and that the area touching on tittle deed being submitted within 60 days is ambiguous having been moved, I now propose the same for debate.

(Question proposed)

I will suggest that we give it a minute to each contributor because we have another motion.

Hon. Isaiah Sudi: Thank you, Honourable Speaker. I support the amendments proposed. These members have been here for now more than three years and are not able to provide tittle deeds. How can you now force them to bring tittle deeds within 60 days? That is two months because

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they have issues and were affected members given an opportunity to explain themselves, there was no fair hearing...

(Laughter)

I'm a victim, we were not asked... you call me and asked me why I have not brought the tittle or the logbook? You see a committee of this House it is equivalent to High Court. You need to give a person a fair hearing.

(Loud consultations)

Mr. Deputy Speaker: Hon. Sudi, there's a point of information from Hon. Allan, kindly resume your seat.

Hon. Allan what's the point of your information?

Hon. Allan Nyongesa: Thank you, Mr. Speaker. I want just to inform my senior that the Office of the Speaker has been giving us reminders to submit the tittle deeds and logbooks. If they had anything to submit they could have done so.

Mr. Deputy Speaker: Very well Hon. Busolo...

Hon. Isaiah Sudi: Honourable Speaker, the Office of the Speaker could be sending reminders but this PAC committee had also an opportunity to invite members. What was the purpose of them sitting then? Can they now sit here and purport that the Clerk was doing his work but them as a committee were also supposed to do their work by inviting me, then summon me if I refuse but then come here and purport that the Clerk...let us not bring the Clerk because he is not here to defend himself. The Office of the Clerk cannot be put in this circus; I was not given fair hearing. The committee never summoned me to get my side of story.\

(Loud consultations)

Mr. Deputy Speaker: What's the information...? Hon. Sifuna...

(Point of information)

Hon. Everton Nganga: Thank you, Honourable Speaker. I would like to inform Hon. Sudi, that before the auditors come up with the report, they always come here to audit the books in the County Assembly and the responses are always given, after that they will come up with the audit query. Now, the person who is to be invited is the Chief Executive Officer who is the accounting

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officer; they cannot invite you as a Honourable Member. How can they invite you? Are you the one who committed that? That is wrong. They always invite the Accounting Officer. That is how you normally do it and again...

(Loud consultations)

Protect me Honourable Speaker.

Mr. Deputy Speaker: Order members! Order members! Hon. Mulongo,

Hon. Everton Nganga: I would like to inform the House, from the time you were given that loan and told to submit the title deed and the log book in 90 days, it has taken 4 years; we as a Committee we feel that in the next subsequent audit that will begin as from 1st July this year, we don't want now this audit query again to re-occur.

When you count 2 months, that is 60 days, we are now reaching the next financial year. So if you have not complied, then it means this audit query will re-occur again.

(Loud consultations)

We are law makers. What we are to amend is the regulation, but the audit query will remain. However much you try to amend it a hundred times but the audit query will remain.

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

Order members! Hon. Sudi, you have 15 seconds.

Hon. Isaiah Sudi: I have been interrupted, how can that be 15 seconds?

Mr. Deputy Speaker: You have taken 45.

Hon. Isaiah Sudi: You see when a member or a committee brings here a document, they should allow us to ventilate on it. You cannot stand here and protect a document that is fake.

A document that is, how do you, even like you and I subscribed from the same faith. You know how the Catholic Church conducts their masses. It has always been there since I was born. Is there any day now the priest will just come and say, because it is common like that, then he starts

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giving sacraments. He must go through the process. So I expected the committee to have invited us, because they have the powers.

Nothing prevents them, or hinders them from including members because what we are passing here is law.

Mr. Deputy Speaker: Order Hon. Sudi! Again there's a disruption. Let's get this from Hon. Cornelius Makhanu

Hon. Cornelius Makhanu: (*Point of information*) Thank you, Honourable Speaker. My concern is that the report is fake. Could he repeat if it's fake or what? Are we debating a fake report, really? He should withdraw.

Mr. Deputy Speaker: Very well. The report before the House is not fake, Hon. Sudi.

Hon. Isaiah Sudi: I withdraw with humility and I will definitely use a proper word. You see if a report has some weaknesses, we must enrich it. We pluck out the weaknesses and strengthen the report for future generations, because these reports will be here and one time when you are old, your own son or your daughter will be here and say when he goes through it, why did you pass it because of this? Yet if we have identified a weakness, let's be candid enough and correct it. Not that we are rejecting the report, but we are putting strength on the report.

Don't just hang on because you will be paid. If you have not been paid, you will get your dues, but we must strengthen the report. This report is for all of Kenya. It's not just here for Bungoma.

Mr. Deputy Speaker: Thank you.

Hon. Isaiah Sudi: So, what I'm saying, let us make this report. It's a good report, but how do you imagine that we force Sudi to bring a title deed within two months? I have been there for more than two months and I have not brought it.

(Laughter)

So, what do we do? There are issues. There are issues that have made...but now Sudi, bring it. You see the same issues that have... So we must be human enough and call Sudi, why have you not brought the title deed? I will tell you why. It is still under succession and I have no control on succession.

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Mr. Deputy Speaker: You have ten seconds.

Hon. Isaiah Sudi: Succession issues are done in court.

Mr. Deputy Speaker: You have ten seconds.

Hon. Isaiah Sudi: Honourable Speaker, we must look at the issues beyond these Honourable Members, who have not made the requirement. There are issues. Like, I bought *hewa* (air). You want to go and buy land that is not there. Where are you going to get it?

(Laughter)

Mr. Deputy Speaker: Thank you.

Hon. Isaiah Sudi: And money was spent. It cannot come back to you.

Mr. Deputy Speaker: I hear you.

Hon. Isaiah Sudi: So, Honourable Speaker...

Mr. Deputy Speaker: Thank you.

Hon. Isaiah Sudi: We must support members who are not able to meet the requirements, also feel at home, and also feel as members of this House. So I support the amendment of expunging, one, the sixty days title to be brought, that one that as the lawyer used the word ambiguous, that is ambiguous because this person has been there for three and a half years and he has not been able to get a title deed. How is he going to manage it in two months?

(Laughter)

(Loud consultations)

Mr. Deputy Speaker: Your time is up. Hon. Sheila,

Hon. Sheila Sifuma: Thank you, Mr. Speaker. I will keep it very brief because most of the things have been mentioned but I think the concern that you are looking at and being also part of the committee that did this report, and having heard from the members on this floor because you

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might come with a report and I think this we are just informing ourselves, but once it's up for debate, we should be open for the responses that the Honourable members are also giving.

Given that, that's why, as far as the debate that Hon. Otsiula has mentioned, personally I would have preferred if we just included a recommendation that we review our regulations and we pass the report as it is. But we have gone a longer route because the recommendations that Hon. Otsiula has outlined, which is to expunge the allowances from being touched, it is okay because it is in line with the law because it is not mentioned in the main regulation, so that is in order.

Also the concern about the 60 days, but are there other concerns that may arise as far as the mortgage is concerned? So for us to actually open it up, for us to sort any challenge that may have arisen in the future, it would have been prudent if we just passed the report to the amendment that we review our regulations because the regulation is where the problem is, and not necessarily the report. But now we have gone a longer route because now we have to pass this debate or fail it, then we go back again. Those are my submissions.

Mr. Deputy Speaker: Thank you, Hon. Sheila. Hon. Ipara,

Hon. Johnston Ipara: Thank you, Honourable Speaker. Using the words of the proposer of the amendment, this particular recommendation contained on page 14, and overlapping to page 15, is ambiguous and obnoxious and does not comply with the law. If you look in the first three words, on committee recommendations, they are referring to a specific regulation 8(2), strange is at the tail end of the recommendation, which appears on page 15, the last about six words, failure to which the allowances should be withheld.

Being a House of Rules and Regulations, we are supposed to operate within the parameters and the boundaries of the existing law and with this one is strange. It is never covered by the law. Even if today we approve it as it is, it can be challenged elsewhere with those who have the powers to look into fair administration of justice. In compliance with the Constitution and the justice, let's expunge that part of that recommendation from this report and allow other details to be approved, so I'm saying we approve with amendments of expunge that part.

Mr. Deputy Speaker: Thank you, Hon. Ipara for keeping time.

Hon. Job Mukoyandali: Thank you, Honourable Speaker. As we tend to actually apply the law, it's in my view that then we also look at the recommendations that we are actually making about our staffs. As much as we are not the same but I'm sure that within the mandate of the

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committee, as they were trying to come up with those recommendations, they were trying to be actually fair enough.

Secondly, and maybe the last thing, we should look at the baseline law. The baseline law in this issue is the regulation that was passed in this House. Then we are looking at this Assembly was once awarded for having the unqualified report. That was in 2023/2024. As we move forward, let's look at the best way of giving our Assembly the clean sheet on matters of audit. The PAIC and the CEO of this Assembly will always appear in the Senate.

We should try as much as possible as a House to help the Assembly to avoid some embarrassments which other assemblies get at the Senate and those emanate from the background law. Then coming to the audit, when the auditor appears in this Assembly and is auditing the CEO, they are looking at the documents that are being provided. Then on part of the document that is being provided are the guidelines. So let's go change the guidelines. Have the proper guidelines. Help the Assembly get the clean sheet when the audit is being done. Then we will move forward in a very positive way. That's my submission.

Mr. Deputy Speaker: I'm calling upon the mover to give reply. Sorry Majority Leader,

Hon. Joseph Nyongesa: Thank you, Speaker. I want to appreciate the mover with the amendments. What auditors need is just to justify how public money will be refunded. This is not a big issue and the CEO is aware that I'm deducting using the check-off system. The issue of saying that we shall be embarrassed in the Senate, how when the money is being recover? What happened in the First Assembly was that members did not serve the five years. They only served for four and almost four months. That's why maybe the audit queries came in, but as per now there is no audit because money is being recovered.

As much as we are saying that we want to follow the law, we need to be realistic. If we say we know the challenges that normally happen in this County, especially in the issue of maybe ownership of land, even three-quarters of these members here, including me, the land that I normally stay in, I have no title deed which was from my parents. I inherited. I'm still in the process because I have no disturbance. Maybe the only land that I can maybe push is that land that I have bought. But you can also buy land whereby there is no ownership. There is a process. So let's stick on the issue of check off system.

Lastly, what happens to Honourable members also happens with the staff. The challenges Honourable members are passing through, our staffs are also passing through. So when we say

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we attach these allowances of the staffs, we shall be encouraging mental issues in this Assembly. So, let's also be realistic and deal with the issues because we are aware of what has happened.

(Applause)

The CEO and the Board will ensure that no money will be left out. We shall ensure that actually every member clears his/her loan in time. As I said, that our loans will be cleared six months to election. So the PAC committee, be aware that your report is excellent. But we're just doing some panel beating. So accept and move on and even most of them if we can check almost five have not even also remitted their title deeds.

(Laughter)

(Applause)

So, I don't know why they are so stuck on this issue.

Mr. Deputy Speaker: Thank you, Honourable Leader of Majority. Hon. Everton Sifuna,

Hon. Everton Nganga: Thank you, Honourable Speaker. I'm not replying, but I'm just informing the House.

Mr. Deputy Speaker: Inform, in one minute.

Hon. Everton Nganga: That any audit report in the Republic of Kenya, they always come up with the basis of the qualification or maybe unqualified report like that. In this report, there is not only loss of public money but this one was anchored on report on financial statement, two, also report on lawfulness and effectiveness, if we are following the law or not, three, report on effectiveness of internal control. That is where all the recommendations were anchored from.

Yes. I'm just informing the House. Let us be aware and actually, this report has the rubber stamp of the OAG.

Mr. Deputy Speaker: Yes.

Hon. Francis Chemion: Honourable Speaker, I want to inform the Chair of this committee.

Mr. Deputy Speaker: Order members, allow Hon. Masai Chemion to...

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Hon. Francis Chemion: As we look at the law, the lawfulness, where did you get the law that says we attach allowances? Where is it? Can you cite the law? In the regulations, where is the law?

Mr. Deputy Speaker: Thank you, Hon. Masai. Hon. Aggrey Mulongo, do you have something or call the mover to reply?

Hon. Aggrey Mulongo: Thank you, Mr. Speaker. If we want to follow the law, then we have already failed. When you're applying for a loan, there is a board that sits down and comes up with all the approvals. Now, if they have approved you since you have the pay slip, now why are they again going against after that as afterthought?

Otherwise, you are supposed to get because of the pay slip that you have. When we are talking about the regulations, I even said that we are supposed to amend these regulations and then secondly I also back the amendment in this report before it's passed.

Mr. Deputy Speaker: Let's now have the move of that motion within a motion to reply then we move to the major report.

The mover to reply

Hon. Benjamin Otsiula (Mover): Thank you, Honourable Speaker. I also want to appreciate my colleagues Honourable Members, both for the positive and contradictory contributions to the motion but the motion is in good faith and in the best interests of all the Honourable Members.

If we say attaching allowances, we are aware with what happens in Nairobi, with the exchequer. Sometimes we earn our salaries way beyond 15th of some months. So if you have survived and you are managing to get some little allowance and it is also taken away, then it means our operation as Honourable Members becomes jeopardized.

So Honourable Members, these amendments are brought in good faith. Members have also talked about the regulations on the 60 day that members will have submitted their title deeds. It is common knowledge that obtaining a title deed in Kenya is not an easy task, especially in the current dispensation.

We have the land registrar, you have to go through all the tiresome processes; you cannot manage. It is not easy for you to manage, to purchase and manage within 60 days. Others have

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court cases and you have to go back to court. Others have purchased property which was jointly owned. They are telling you to remove one member from that title before you can even begin the process of transfer. So at the time of coming up with that regulation, I think they did not conduct a serious proper background check to know what informs. Maybe by that time several surveyors like Hon. Waiti were not there to give a background of how, what it entails when you want to acquire a parcel of land. Majority Leader has said that these loans will be settled by February next year. So it means if an audit query has arisen, as Hon. Everton has put it by that time all of us will have complied. That is by February next year because they are deducting these monies from the pay slips.

I want to encourage Hon. Everton Nganga to do is that next time if such an audit query arises, let him go to the accounts department, get copies of our pay slips and attach them on the report to prove to the Controller of Budget that our loans are being deducted by way of check off system.

Otherwise, I don't know why these audit queries are arising and every month this money is being deducted from our pay slips.

Finally, before I sit down, you know you cannot enforce a law that is, we have what we call the repugnance Clause. If it is contrary to justice and morality you cannot enforce it. So if they tell you that for example, you must bring a title deed within 60 days and they are taking your money, it is contrary to justice and morality. Therefore, Hon. Everton Nganga should not be worried that maybe they will say that we have not complied with the law.

You know, the Constitution is the grand norm and all other laws enacted or legislated; they must comply with the grand norm to the extent that they are not in tandem, and then the Constitution supersedes those other legislations. Therefore, I believe that these amendments are not affecting the report.

The report is very okay. In fact, I appreciate the committee so much, but we need to work on those two provisions so that we don't hang ourselves while we are seeing. I reply.

Mr. Deputy Speaker: Thank you, Hon Benjamin Otsiula. Honourable Members, a motion within a motion having been moved and duly seconded and debate having ensued, I now put a question for the House that a proposal by Hon. Otsiula that this report is approved with amendments by dropping the area where the report recommended that allowances of Honourable Members to be attached and that the title deed should be forwarded within 60 days be dropped

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(Question put and agreed to)

(Laughter)

(Applause)

Now, we give the mover of the main report to reply, the Hon. Allan Herald Nyongesa, Special Elected Member.

Hon. Allan Nyongesa: Thank you, Honourable Speaker. I want to appreciate Members for contributing towards this motion. This motion has attracted so many interests.

I want to appreciate Members for being keen. That is why they requested that we postpone the motion from yesterday evening to be debated this morning.

Most of the issues that have been raised by Members have been cured by the amendments that was moved by Hon. Otsiula and that has been passed, so I don't want to labor so much to respond to what Members raised. But there is only one issue a Member raised, saying, they should not be followed when given mortgage or car loan to prove that they bought cars or land.

In PFM Act 2013, provides for Members to be given such loans and it is very specific for Members to live a decent life. When given a car loan or mortgage loan, there is a need to prove that the money that you were given was used for the intended purpose. You can't divert it to something else. So Members should note that.

Lastly, going forward for us to cure this, I encourage this House that we need to do an amendment to our regulations that govern this scheme. Otherwise, if we don't do that, this query will keep on recurring. Therefore, with that, I want to urge this House to pass the report to get the amendments as it is. I thank you.

(Applause)

Mr. Deputy Speaker: Thank you, the Hon. Allan Nyongesa. Honourable Members, a report having been moved, seconded, and debate having ensued, I now put the question before the House and to the House that this House adopts the 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

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Bungoma County Assembly employee car loan and mortgage scheme fund for the year ended 30th June 2025 laid on the table of the House on Tuesday, the 7th day, April 2026, with amendments.

(Question put and agreed to)

The report is adopted with amendments.

(Applause)

Next item,

MOTION

**REPORT OF THE SECTORAL COMMITTEE ON PUBLIC ADMINISTRATION AND
ICT ON THE STATUS OF PERSONNEL EMOLUMENTS AS OF DECEMBER 2025**

Mr. Deputy Speaker: Hon. Chemion Francis,

Hon. Francis Chemion: Thank you, Honourable Speaker.

I rise to move a report by the Sectoral Committee on Public Administration and ICT on the Status of Personnel Emoluments as of December 2025. Members, I want you to be very keen on this report.

Mr. Deputy Speaker: Now, after that, you...

Hon. Francis Chemion: My members are there.

Mr. Deputy Speaker: The members of Public Administration; kindly be upstanding to confirm the quorum.

(Loud consultations)

Hon. Francis Chemion: It is overwhelming.

Mr. Deputy Speaker: Very well, the quorum is attained...

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Hon. Francis Chemion: Thank you, Honourable Speaker.

Mr. Deputy Speaker: That is an indicator of discipline.

Hon. Francis Chemion: They will remain throughout...

The sectoral Committee on Public Administration and ICT presents this report on the status of Bungoma Executive personnel emoluments as at December 2025. The information and insights contained in this report have been gathered through oral submissions and analysis of documents submitted by the County Secretary and Head of Public Service and Finance department.

The Committee Membership

The composition of the Committee on Public Administration and ICT at the time of the preparation of this report was as follows:

1. Hon. Tony Barasa -Chairperson
2. Hon. Francis Chemion -Vice Chairperson
3. Hon. Joseph Nyongesa
4. Hon. Joan Kiro'ng
5. Hon. Busolo Sudi
6. Hon. Jackson Wambulwa
7. Hon. Simotwo Franklin
8. Hon. Johnston Ipara
9. Hon. Stephen Kaiser
10. Hon. Caleb Wanjala
11. Hon. Cornelius Makhanu
12. Hon. Job Mukoyandali
13. Hon. Allan Nyongesa
14. Hon. Florence Juma
15. Hon. Brigid Katasi

I will not read the mandate, which is under Standing Order No. 179.

Terms of Reference (ToR)

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In order to comprehensively review the status of personnel emoluments, the Committee set out a structured approach which clearly spelt out specific terms of reference to guide its operations. The terms of reference were as follows;

1. To ascertain the total personnel emoluments expenditure incurred by the County Government in the FY 2025/26.
2. To examine the status of payment of salaries and allowances to county staff.
3. To evaluate the level of compliance with statutory deductions and remittances to relevant institutions.
4. To identify and document any outstanding salary arrears, payroll anomalies, or related irregularities.
5. To ascertain whether the centralized payroll management system has improved personnel management.

I will skip the methodology

Acknowledgement

I wish to convey my gratitude to all Members of the Committee and the secretariat for their invaluable input throughout the proceedings to the conclusion of this report.

The Committee is equally grateful to the County Secretary's Office and Finance department for appearing in person to provide the required information, clarify on issues that the Committee was uncertain about; contents which have been relied upon in the production of this report.

The Committee further appreciates the offices of the Honorable Speaker and Clerk of the County Assembly for the logistical support received.

It is therefore my privilege, on behalf of the Honorable Members of the Sectorial Committee on Public Administration and ICT, to table this report for consideration and adoption.

Report signed by Hon. Tony Barasa Chairperson Committee on Public Administration and ICT

Background Information

In accordance with the established administrative and financial structure of the County Government of Bungoma, the entire personnel emoluments budget for the Executive Arm is centralized and administered under the Office of the County Secretary, save for the Bungoma

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and Kimilili Municipalities and the County Assembly, which operate distinct payroll arrangements. This centralization is anchored in the provisions of Article 235 of the Constitution of Kenya, 2010, which vests county governments with responsibility over human resource management, and Section 69 of the County Governments Act, 2012, which designates the County Secretary as the head of the County Public Service.

In the recent past, the County Government has experienced persistent challenges relating to personnel management, including delayed payment of salaries, accumulation of pension arrears, delays in payment of Community Health Promoters, and non-remittance or delayed remittance of statutory deductions to relevant institutions. These challenges raise concerns on compliance with Section 107 and 109 of the Public Finance Management Act, 2012, which require prudent, responsible, and timely management of public resources, as well as Section 17 of the Employment Act, 2007, which obligates employers to pay wages when due.

Further, the timely remittance of statutory deductions is a legal obligation under various statutes, including the Employment Act, 2007, The Public Service Superannuation Act, 2012 and Employment and Labour Relations Court (ELRC) failure of which exposes the County to penalties and interest.

The Committee sought to inquire into the status of personnel emoluments management within the Executive Arm as at December 2025 in order to provide an overview of the County wage bill, statutory deductions, and overall budget performance, with a view to identifying the underlying challenges and making actionable recommendations to enhance compliance with the law, safeguard employee welfare, and strengthen fiscal discipline within the County Government.

Legal Provisions

I will just quote legal provisions; members can make a follow up

Article 235 of the Constitution of Kenya 2010, 41(1) of the Constitution of Kenya, 2010, Section 69 of the County Government Act, 2012, Public Finance Management (PFM) Act, 2012, Section 109, Regulation 119 of the PFM Regulations 2015, The Employment Act, 2007 Section 17 , 18(1), 19, 20,35(5),35(6) ,35(1),36,40(1)(g)49(1)(g)49 (1)(a)(c),51,87, The Public Service Superannuation Act, 2012, Section 12 of the Labour Institutions Act, 2007, The NSSF Act, 2013, particularly Sections 20 and 21, Public Finance Management (County Governments) Regulations, 2015 and Regulation 25(1) (b)

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Overview of Personnel Emoluments

According to the payroll data submitted, the County Executive had a total number of 7,141 employees excluding the 463 casuals who were reinstated as per the court ruling. The total County yearly gross salary as appropriated in the 1st Supplementary Budget FY 2025/26 is Kshs **7,567,448,199** representing 43.4% of the total revenue. This contravenes Public Finance Management (County Governments) Regulations, 2015 **Regulation 25(1) (b)** provides that: *“the total expenditure on personnel emoluments shall not exceed **thirty-five per cent (35%) of the county government’s total revenue.**”*

The table below highlights the employee distribution per department.

No.	Department	No. of employees	Gross Pay per year
1	Agriculture	448	318,152,192.59
2	Health	2492	2,678,149,202.32
3	Education	2239	1,174,738,066.93
4	Finance	639	429,033,949.83
5	Public Administration	486	347,570,300.24
6	Governor’s	371	349,193,027.99
7	Roads	128	85,613,831.30
8	Lands	38	33,451,559.84
9	Gender	55	49,872,688.12
10	Trade	37	33,829,282.67
11	Tourism	69	43,872,626.21
12	Water	68	42,526,480.29
13	Bungoma Municipality	22	23,203,064.04
14	Kimilili Municipality	21	18,030,537.76
15	CPSB	9	10,824,734.02

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16	Housing	7	7,893,432
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Mr. Deputy Speaker: Just a moment Hon. Chemion! Yes Hon. Aggrey!

Hon. Aggrey Mulongo: Information!

Mr. Deputy Speaker: Yes

Hon. Aggrey Mulongo: The quorum of the House is not sufficient

Mr. Deputy Speaker: So what are you saying? I have not heard anything Hon. Aggrey Mulongo.

Hon. Aggrey Mulongo: I am saying...

(Loud Consultation)

Fine, if they are not there, I am also a member, apart from being a whip, I am also a member of this House and when I see mistakes I must point out.

Mr. Deputy Speaker: I agree but you know the procedure Hon. Aggrey Mulongo.

Hon. Aggrey Mulongo: Standing Order No. 38. Fine, it talks about the quorum and as a member you should know that Standing Order 38 talks about the quorum. If it is not sufficient, if you say that what does it say then you are not even supposed to be here.

(Loud Consultation)

Mr. Deputy Speaker: Members, what is it Hon. Chemion before I give my direction?

Hon. Francis Chemion: Hon. Speaker, there is no interest here.

Mr. Deputy Speaker: Is it a point of information?

Hon. Francis Chemion: Honorable Speaker, it is a question of what is the role of a whip in the County Assembly. Just answer the role of the whip because the whip is not performing his duty.

Mr. Deputy Speaker: Thank you, Hon. Chemion for that particular concern. Members, because of time, the whip is not supposed to raise an issue, you are out of order Hon. Aggrey Mulongo. Let me give Hon. Ipara an opportunity to say something.

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Hon. Johnston Ipara: Hon. Speaker, I was even wondering and the same words have been used by Hon. Francis Chemion who moved the motion. The role of every whip in any Assembly is to ensure they whip members. They are within the House and when a whip whose responsibility is to ensure the presence and attendance of members raises the issue, does he want to tell us that he is unable to play his role and if he is unable to play his role and we believe that we have capable men and women on this side, one of them is Hon. Chikati and the second is Florence who can take this role. Why should we continue having people who do not understand their role?

Mr. Deputy Speaker: Hon. Okasida, why are you trying to suggest that the members do not understand their roles?

Hon. Johnston Ipara: Hon. Speaker!

Mr. Deputy Speaker: Yes it's like a father, you are in the House and you go to your child who is 15 years and you start asking this child when will we do the planting, when will we go to the market to buy packets of milk and sugar? For us, the person that was supposed to offer that guidance was the Chief Whip regardless of which side that particular Chief whip comes from. This is a partisan matter to ensure that the credibility of discussion is upheld at a higher standard but when...

You will be given time. This is my moment, you will have all the hours to say what you want to say.

Mr. Deputy Speaker: Honorable Okasida, when a member has a point of information, we just give him. You will proceed! Hon. Allan, what is the point of information?

Hon. Allan Nyongesa: Honorable Speaker, is it in order for Hon. Okasida to refer to my whip that he does not understand his role?

Two, a whip is only supposed to bring in people after your order when the bell has rung. You cannot start bringing them in when the information has been raised. It is you Honourable Speaker to order the bell to be rung then we shall act as whips.

Mr. Deputy Speaker: You are also having another point of information?

Hon. Isaiah Sudi: I have just arrived when the discussion was going on. Hon. Ipara was on a point of information, he was not contributing and what has caused that is that a whip like me, I stand and say there is no quorum. What is the role of the whip that I wake up and say there is no quorum. I think I will be adjudicating my responsibility as a whip.

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Mr. Deputy Speaker: Hon. Ipara, proceed!

Hon. Johnston Ipara: Honorable Speaker, the justification of my statement has already been confirmed by Hon. Allan who said that the responsibility of a whip is when the bell has rung and according to the law and traditions, the role of a whip is before, during and after. Before you prepare all members for a very serious matter that is due in the House and during you whip them to remain within the House to ensure they follow the details as they happen in the Public Accounts Committee and after you retreat for a brief with your members, how was the matter and when a whip says it's when the bell rings is what I said they do not understand their role. They also need to be whipped. We are not ashamed on this. The credibility of this House has been watered down by people we have given responsibility and they do not understand that responsibility

(Applause)

Learning is a continuous process and let everybody learn as we proceed!

(Loud Consultation)

Mr. Deputy Speaker: Order members!

Hon. Johnston Ipara: Honourable Speaker, I submit!

Mr. Deputy Speaker: Hon. Mulongo, I will not give you time to speak. If you are the whip who rose to raise that then you are out of order yourself. You have failed in your responsibility and you should not shout.

(Applause)

You should not shout Hon. Mulongo, as a whip you are failing.

(Applause)

Hon. Mulongo you have failed. Proceed Hon. Masai!

(Loud Consultation)

Mr. Deputy Speaker: Order!

Hon. Francis Chemion: Thank you Honorable Speaker for noting the mischief.

Housing

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7,893,432.09

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Youth	12	10,180,091.25
Total	7141	5,656,135,067.

From the table above, Health department has the highest number of employees, followed by Education and Finance respectively.

The table below highlights a breakdown of the monthly gross pay to Permanent and Pensionable (P & P) and Contracted staff FY_2025/26.

Code	Description	Amount
801	Basic Pay	263,635,107.15
802	Rental House Allowance	44,919,734.20
803	Special House Allowance	4,407,159.00
806	Acting Allowance	67,040.00
808	Special Salary Allowance	2,250,000.00
813	Commuter Allowance	28,043,032.15
817	Extraneous Duty Allowance	40,500.00
819	Health Risk Allowance	7,391,720.90
833	Non-Practicing Allowance	3,916,000.00
847	Telephone Allowance	163,000.00
858	Disability Guide Allowance	220,000.00
868	Emergency Call Allowance	10,998,000.00
869	Health Workers Extraneous Allowance	35,989,032.25
876	Nursing Service Allowance	16,643,225.80
877	Health Service Allowance	14,052,500.00
891	Salary Market Adjustment	1,473,317.00
	Total	434,209,368.45
	Employer Contributions	
1	Pension	
	Lapfund	19,141,326.80
	Laptrust – Benefit	981,262.95
	Laptrust – Contribution	10,614,221.85
2	NSSF	3,228,840.00
3	Nita	357,050.00

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4	Housing Levy	6,905,304.65
5	Gratuity – Lapfund	6,417,262.96
6	Gratuity – Laptrust	2,244,144.87
	Total (Employer Contribution)	49,889,414.08
	Total Per Month	484,098,782.53
	Total Per Annum	5,809,185,390.36
	Leave Allowance	40,563,046.64
	Uniform Allowance	9,590,000.00
	Total Wage-bill (P&P)	5,859,338,437.00
	Casual Workers	60,952,073
	CHPs	107,400,000
	Pension Arrears	100,000,000
	May and June	940,000,000
	Total Wage bill (Executive)	7,067,690,510
	Total Wage bill (County Assembly)	525,036,835
	Total Wage bill	7,592,727,345
	Approved allocation FY 2025/26	7,567,448,199
	Deficit	25,279,146

The personnel budget presents a deficit of Kshs. 25.2 million which will be covered by staff exits in the year.

Staff Exits

A total of 81 staff members have exited the workforce for various reasons as at December 2025. The Health sector accounts for the highest number of retirees’.39 skilled workers exited the department followed by Agriculture with a total of 15. The financial implication for these retirements amounted to Kshs. **116,186,721.10** million by end of December FY 2025/26.

The table below highlights the exits per department and the savings from the exit;

Department	June	July	Aug	Sept	Oct	Nov	Dec	Total	Annual Gross Pay
Health	10	3	6	8	2	5	5	39	75,862,682.20
Agriculture	2	1	4	2	0	1	2	12	14,694,929.66

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CAB/HR/HSD/005

Lands	0	1	0	0	1	0	0	2	2,366,516.10
Education	1	2	1	1	2	3	4	14	4,921,569.00
Public Works	1	0	0	0	0	0	0	1	1,943,708.80
Trade	0	0	1	0	0	0	0	1	1,943,708.80
Public Admin	0	0	1	0	0	0	1	2	6,167,025.90
Finance	0	0	0	1	0	1	0	2	4,132,498.00
Tourism And Water	0	0	0	0	2	0	0	2	4,154,082.64
Total								81	116,186,721.10

According to the 1st quarter payroll cleansing report submitted to the Committee as at the end of the first quarter of FY 2025/2026, a total of 43 staff had exited service. Of these, 24 officers exited through attainment of the mandatory retirement age of 60 years, one exited on medical grounds, 9 due to death, 2 through resignation, 3 following expiry of contract, 1 proceeded on unpaid leave, and 3 were transferred to the National Government.

Further, the Committee noted that the salaries of 3 officers had been stopped due to ongoing disciplinary action. The remaining 38 officers exited during the second quarter FY 2025/2026.

The payroll cleansing report further revealed that Kshs. 145,803 was erroneously paid to 16 employees as Commuter/Rental House Allowances while being on boarded in the HRIS system, this amount was fully recovered.

Analysis by the Committee on staff exits indicates a significant loss of institutional knowledge, technical expertise, and skilled personnel. During the interrogation, the Director of Human Resource Management submitted that the Office of the County Secretary had made recommendations for each position on whether the vacancy should be filled through competitive recruitment or through promotion by the County Public Service Board (CPSB).

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Recruitments within the year

Kshs.203, 154,311 was allocated in the Annual budget for recruitment of technical staff, ECDE teachers and instructors as follows;

S/NO	TYPE	AMOUNT
1.	Recruitment of Technical Staff	21,600,000
2.	Recruitment of ECDE Teachers and VTC instructors	181,554,311
	Total	203,154,311

Recruitment proposals from other Departments

S/NO	DESIGNATION	JOB GROUP	NO
Office of the County Attorney			
1	Legal Officer	L	4
2.	Legal Clerk	K	2
Trade Energy and Industrialization			
1.	Director of Trade & Enterprise Development	R	1
2.	Deputy Director Weights & Measures	Q	1
3.	Weights and Measures Officers	K	4
4.	Weights and Measures Assistants	H	3
Lands and Physical Planning			
1.	Asst. Physical Planner II	J	3
2.	Asst. Physical Planner	H	3
3.	Inspector Building	H	9
4.	Land Surveyor	J	1
5.	GIS Officer	J	2
Department of Environment, Water, Natural Resources, Tourism and Climate Change			
1.	Director Water & Sewerage	R	1
2.	Asst. Water & Sewerage Engineer	K	4
Department of Agriculture, Livestock, Fisheries, Irrigation & Cooperatives			
Cooperatives			
1.	County Director Cooperatives	R	1
2.	Director Audit- Cooperative Services	R	1

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3.	Cooperative Auditors	J	4
Agriculture			
1.	Asst. Agricultural Officer III	H	9
2.	Agricultural Officers	K	9
Irrigation			
	Irrigation Officers	J	4
Livestock			
1.	Veterinary Officers	L	6
2.	Director Livestock Production	R	1
3.	Animal Health Officers	K	9
4.	Laboratory Technician III	G	2
Fisheries			
1.	Fisheries Officer	J	9
Department of Roads, Infrastructure & Public Works			
1.	Asst Roads Engineer	K	1
2.	Asst Engineer- Structural	K	1
3.	Asst Engineer - Electrical	K	1
4	Asst Engineer - Roads	K	1
5.	Quantity Surveyor	K	1
6.	Architect	K	1
Department of Housing, Urban Areas and Municipalities			
1.	Housing Officer	J	3
2.	Artisans	G	6
3.	Works Officer	K	1
4.	Building Surveyor II	K	3
Department of Education & Vocational Training			
1.	Director – Education and Vocational Training	R	1
	Deputy Director – Education (ECD)	Q	1
	Deputy Director – Vocational Training	Q	
	ECD Teachers	H	225
	VCT Instructors	K	25

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During the 1st Supplementary Budget, the total amount of Kshs. 203,154,311 was scaled down to 29.04million due to prioritization of the May and June 2025 salaries.

Kshs. 29.04M was approved specifically for the recruitment of ECDE teachers and VTC instructors in the 4th quarter of FY 2025/26.

Further, the department cited promotion and competitive recruitment through the County Public Service Board as ways of replacing the skilled Workforce that have exited the Service through retirement in the Health and other departments.

Budget Analysis for Personnel Emoluments for the Financial Year 2025/2026

The total salary allocation for the fiscal year 2025/26 is Kshs. 7.042 billion against a requirement of **7.075B**. This amount includes Kshs. 940 million for May and June 2025 salary arrears. These two months' salaries were financed through a loan facility from Kenya Commercial Bank. The two months deficit that caused the arrears in the FY 2023/24 when the County Treasury prioritized settling dues owed to contractors.

In defending this decision, the County Treasury submitted a document of the May 2024 exchequer of Kshs. 943.6million and details of expenditures. In the submission, the May salary was not paid but a total of Kshs. 675.9 million worth of development projects were paid. Further, the June exchequer was released in August, way after the closure of the FY 2023/24.

In re-voting the June exchequer, consideration was made on the June salary amount of Kshs. 225 million from the exchequer brought forward, Kshs. 178 million as salary savings and Kshs. 25 million due to exits; while processing and approving the 1st Supplementary budget of the FY 2024/25, the County Assembly declined to make the allocation since it came alongside a Kshs. 470 million salary advance. The County Assembly could not reconcile the demand.

Implementation of the Court Order in petition No.1 of 2019

The County Government Workers Union, Bungoma County Branch, the petitioner, filed a case in the Employment and Labour Relations Court at Bungoma, being Petition No. 1 of 2019 against Bungoma County Public Service Board as 1st respondent and County Government of Bungoma as 2nd respondent on 1st April, 2019 (*herein referred as the Petitioners*).

The case concerned the employment of 463 casual workers who were allegedly engaged by the Defunct Local Authority before the advent of Devolution in 2012. The petition challenged the legality of their continued casual employment that violated the Employment Act, 2007 and the Constitution of Kenya 2010.

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The Court Ruling

The court directed that the respondents to place all the affected employees, referred to above on payroll and apply to each one of them minimum terms and conditions of service provided under parts II, III, IV, V and VI of the Employment Act, 2007. Arising from this, an implementation Committee was established by H.E the Governor to conduct verification and report on the findings for implementation by CPSB.

From the exercise;

1. The Implementation Committee reported that 339 out of 463 casuals turned up during the verification exercise;
2. From the list of 463 certified by the court, one name was repeated; number 22 and 216. The correct number was therefore 462 casuals.
3. A total of 123 casuals did not turn up and no information about their whereabouts was availed to the Committee.

Further, the Implementation Committee noted the following from the exercise

1. A total number of 235 casuals that presented themselves had basic requirements that enabled them to be employed at entry level of Job Group B
2. A total of 45 casual workers had partial qualifications for employment/placement at JG B
3. Three casual workers had already secured formal employment with the County Government of Bungoma.
4. A total of 56 casuals had not attained the age of maturity by 2013 when they were allegedly engaged as casuals. The casuals were not recommended since by 2013 they were under age.

The table below summarizes the above

S/N	DESCRIPTION	TOTAL NUMBER
1	Total number of casuals from the Court (less one duplicate)	462
2	Total number of casuals who appeared for	339

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	verification	
3	Total number of casuals who never appeared for verification	123
4	Total number of casuals recommended for issuance with letters	280
5	Total number of casuals recommended without issues	235
6	Total number of casuals had partial qualifications (recommended with issues)	45
7	Casuals that were underage in 2013 (Total number of casuals not recommended due to age as per 2013)	56
8	Casuals who are already employed in P&P terms by County	3

The Implementation Committee made the following recommendations;

1. The County Government of Bungoma to place 235 casuals on Permanent and Pensionable employment terms at Job Group ‘B’ as ordered by the Court.
2. The County Government to seek an advisory from the Public Service Commission on employability of 45 casual workers who didn't have form four certificates (KCSE certificates). This will address the issue of placement on IHRIS System and generation of personal numbers to facilitate salary payments as manual system of remuneration is not applicable.
3. The County Government of Bungoma to seek advisory from the Public Service Commission on how to handle 56 casual workers who had not attained the age of maturity by 2013 yet they were already in formal employment. They were minors by then and the question arises on how to handle their issues.

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4. Once the advisory is issued on underage casual and those who did not possess qualifications for placement on permanent and pensionable terms, the respondents will abide by the advisory given.
5. Discussions on the payment of accrued arrears as directed by the Court will commence immediately after the appointment letters are issued.

At the time of production of this report, the County Secretary office reported that 189 Casuals had been issued with appointment letters, 44 casuals were yet to be posted pending further communication from the County Public Service Board and two officers had not submitted their personal files. The County Public Service Board issued letters to 235 casuals in October 2025 and will appoint a further 113 in February 2026.

While Kshs. 90 million was allocated for casual's compensation remuneration in the annual budget, the supplementary budget catered for the 348 appointed staff at Kshs. 60,952,073. However, the advisory from the Public Service Commission on the status of the remaining 115 casuals had not been reported.

Community Health Promoters (CHPs) Stipend

The County has a total of 3,580 Community Health Promoters engaged to offer health support services to the public. Each of the officers is entitled to a monthly stipend of Kshs. 2,500 from the County Government and an equal amount from National Government. A total of Kshs. 250,600,000 is required to pay the promoters as analyzed below;

- (i) The National Government pays Kshs. 107,400,000 directly to the CHPs.
- (ii) The County Government Co-funds the CHPs with a similar amount of kshs. 107,400,000.
- (iii) The County Government has accumulated arrears of Kshs.35, 800,000 being unpaid stipend for four months from March 2025 to June 2025.

The National Government maintains up-to-date CHP reimbursements; however, the County Government disbursed only four months of CHP payments since the commencement of the financial year. This payment covers the outstanding arrears for March–June 2025, with no payment made for the current fiscal year, resulting in a total arrears position of six months.

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During the interrogation, the Committee also observed that some CHPs appear on the County Government list but are missing from the National Government list, and vice versa. This suggests that certain CHPs receive payments from only one entity instead of both.

Implementation of Phase IV of 3rd & phase I of 4th Remuneration and Benefits Review Cycles

The Salaries & Remuneration Commission, through circular number SRC/TS/24/6 VOL.II (108) dated August 29, 2025 (*copy attached*), requested the County Government to confirm the availability of funds totaling to Kshs. 305,248,768.00 to facilitate the following;

1. Implementation of Phase IV of the 3rd Remuneration and Benefits Review Cycle effective financial year 2024/2025 – Kshs.144, 949,428
2. Implementation of Phase I of the 4th Remuneration and Benefits Review Cycle effective financial year 2025/2026 - Kshs. 160,299,340.

The Kshs. 305,248,768 to facilitate the above was not considered in the 1st Supplementary Budget FY 2025/26 due to budgetary constraints caused by the May and June 2025 Salary arrears

Gratuity Arrears

The County Government of Bungoma has gratuity arrears amounting to Kshs. 103,540,681 representing payments due to contractual staff as tabulated below;

CONTRACT STAFF	PERIOD	AMOUNT KSHS.
Staff on contract	August 2017 to July 2022	35,200,000
Staff on contract	August 2022 to June 2023	28,638,727.21
ECDE teachers on contract	July 2017 to July 2022	24,035,177.30
staff on contracts – Department of Health	January 2025 to June 2025	15,666,776.28

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and Agriculture		
Total		103,540,680.79

The First Supplementary Budget allocated a total of **Kshs. 30.2 million** to cover gratuity for staff on contract who were employed between August 2017 and 2022. However, there remains an outstanding balance of **Kshs. 73.3 million**.

Pension Arrears and its Accrued Interest

As at December 2023, the County Government owed Kshs.676.2million to the LAPFUND, LAPTRUST, and the County Pension Fund (CFP) that serve employees of County Governments and affiliated entities which have accumulated over the years. The principal debt stands at Kshs. 362,988,968 and accrued interest of kshs. 313, 256, 457

In the last FY Kshs. 308.6M had been provided in approved budget Estimates to cater for the arrears and accrued interest, where Kshs.43.2million was paid. Kshs. 47.5 million was paid in the FY 2023/24.

In the current FY there is an allocation of Kshs. 100million.

	In millions'		
FY	Payment Plan	Budgeted amount	Amount Paid
2023/24	47.50	201.30	47.5
2024/25	308.60	308.60	43.2
2025/26	215.70	100.00	0
2026/27	104.40		0

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		-	
Total	676.20	609.90	90.7

This limited payment undercuts the County's commitment to clearing pension arrears despite having made adequate budgetary provisions. It also goes against the agreement made by the County Government and the pension schemes.

While appearing before the committee, the County Secretary submitted that the pension arrears had received a relieve from the Public Service Superannuation Scheme (PSSS): Out of a reconciliation done in January 2025, the County Government erroneously made employer’s contribution to PSSF fund totaling to Kshs. 154,837,842.41 during a period of 1st January 2021 to December 2024. The payments relate to staff who were transferred from National Government to County Government and whose employer contribution was to be paid by National Government. The overpaid amount will be transferred to the following pension scheme: Lap trust Contribution Kshs. 55,170,761.10; LapFund Kshs. 99,667,081.31. *(Minutes of the 19th March meeting on debt agreements between County Government of Bungoma the creditors hereto attached)*

As the FY 2026/27 commences, these committee is alive to an outstanding amount of Kshs. 485.5 million to be appropriated to avoid further penalties and interests.

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

Committee Observations

1. The County Government faces a significant funding gap and unfunded liabilities in personnel. The executive requires KES 8,177,547,820.84 for personnel emoluments in FY 2025/26, but has an allocation of Kshs. 7, 042, 411,364 , creating a deficit of Kshs. 1,135,136,456.84 (13.9% shortfall). This deficit encompasses multiple unfunded items; pending pension obligations 485.5 million, gratuity arrears Kshs.103.5 million, SRC salary review implementation Kshs. 305.2 million, CHP arrears of Kshs. 35 million and Kshs. 205.8 million for pending promotion and recruitment/replacement of staff that have exited. This imbalance severely constraints the County's ability to meet its

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statutory obligations to employees risking legal action, penalties, and institutional credibility.

2. Despite the County Assembly appropriating a total of Kshs. 509.9million in the FY 2023/24 and FY 2025/26 for pension arrears, a paltry 90.7 million has been paid thereby failing to honor the repayment agreement with the pension schemes. The current year allocation of Kshs. 100 million remain unutilized at half year, signaling a failure to prioritize settlement of pending bills.
3. There is no clear accountability structures between the Office of the County Secretary and individual departments to ensure departmental autonomy in personnel management is maintained while benefiting from centralized budget control. Under PFM Regulations 2015, Section 120(3), accounting officers are mandated to certify the correctness of monthly payroll. However, there is no documented evidence of individual accounting officers performing this certification prior to salary payment.
4. Analysis of staff exits reveals critical challenges in County's continuity: the County is experiencing significant loss of institutional knowledge and technical expertise through the departure of skilled personnel without corresponding replacement. Compounding this issue is a notable mismatch between the skills and positions vacated and the recruitment intents submitted by departments, coupled with an absence of formal succession planning frameworks to manage workforce transitions systematically.
5. The total yearly gross salary is Kshs 7,567,448,199 representing 43.4 % of the total revenue. This contravenes Public Finance Management (County Governments) Regulations, 2015, Regulation 25(1) (b) which provides that: *"the total expenditure on personnel emoluments shall not exceed thirty-five per cent (35%) of the county government's total revenue."*
6. Of the 463 casuals who pursued court action, 56 were found to be underage at the time of engagement in 2013. The matter has appropriately been referred to the Directorate of Criminal Investigations (DCI), as it constitutes a potential criminal offense. However, the County Attorney's office had not sought judicial guidance or direction from the court regarding this matter and any other matter surrounding the court order in order to have a closure.

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7. Out of a reconciliation done in January 2025, The County Government erroneously made employer's contribution to PSSF fund totaling to Kshs. 154,837,842.41 during a period of 1st January 2021 to December 2024. The payments relate to staff who were transferred from National Government to County Government and whose employer contribution was paid and will be paid by National Government. The identified overpayments were earmarked for transfer to LAPTRUST and LAPFUND to offset outstanding pension arrears. However, after one year, no such transfers have been executed, and there is no documented evidence of recovery attempts or corresponding communication with PSSF.
8. Salary allocations were diverted to contractor payments, contravening Section 149 of the PFMA. This diversion resulted in FY 2025/26 being burdened with fourteen months' salary obligations instead of the normal twelve-month. This has created acute budgetary constraints and necessitating suspension of planned programmes/ projects.

Committee Recommendations

The Committee recommends as follows;

1. **THAT**, the County Executive, through the County Treasury, prioritize the settlement of salary obligations as a first charge to prevent the recurrence of arrears. Additionally, the Treasury and the County Secretary's office should develop a clear, phased implementation plan.
2. **THAT**, the County Executive, through the County Treasury, prioritize the full utilization of pension arrears allocations in accordance with approved budgets and existing repayment agreements. The Treasury should therefore develop and implement a clear, time-bound disbursement schedule within 30 days of absorption of this report to ensure that appropriated funds are released promptly and that all existing agreements with pension schemes are honored without further delay.
3. **THAT**, all Accounting Officers strictly comply with Section 120(3) of the Public Finance Management Regulations, 2015, by certifying the correctness of payroll summary sheets on a monthly basis prior to salary payment. In light of the observed non-compliance, where no documented evidence exists of individual Accounting Officers performing this mandatory certification, the Committee further recommends that all payroll summary sheets for previous periods (July 2025 up to date) be certified retrospectively to regularize past payments. Going

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forward, the County Treasury should establish a robust verification mechanism to ensure that no salaries are processed without the requisite certification by the respective Accounting Officers. This will enhance accountability, strengthen internal controls over the payroll function, and ensure full compliance with the provisions of the Public Finance Management Act and its attendant Regulations.

4. **THAT**, the Office of the County Secretary should formulate and implement a succession and knowledge transfer framework to match skills while replacing exits arising from staff attrition and impending retirements. Skills gap analysis should be undertaken within 60 days after adoption of this report and the resultant findings should be forwarded to the County Assembly for review and proper planning.
5. **THAT**, the County Executive, through the County Public Service Board and the County Treasury should develop and implement a comprehensive Wage Bill Rationalization Strategy to progressively reduce personnel emoluments to the statutory threshold of 35% of total revenue as prescribed under Regulation 25(1)(b) of the Public Finance Management (County Governments) Regulations, 2015. The Strategy should incorporate measures such as natural attrition management, payroll audit and cleansing, irregular allowances, restrictions on non-essential recruitment, and enhanced revenue mobilization to expand the revenue base. The County Treasury should submit quarterly progress reports to the County Assembly detailing the measures undertaken and the impact on the wage bill ratio, with a clear timeline for achieving full compliance.
6. **THAT**, the County Attorney's office urgently seek judicial guidance and direction from the court regarding the matter of the 56 individuals who were found to be underage at the time of their engagement as casuals in 2013, as well as any other outstanding issues arising from the court order, in order to bring the matter to conclusive closure. Failure by the County Attorney's office to proactively engage the court for direction has leaves the County exposed to legal uncertainty and potential liability. A comprehensive report on the steps taken and the court's direction should subsequently be submitted to the County Assembly for information and appropriate action 60 days after adoption of this report.
7. **THAT**, County Treasury urgently initiate formal communication with the Public Service Superannuation Fund (PSSF) to recover the erroneously remitted employer contributions amounting to Kshs. 154,837,842.41 and immediately effect the transfer of these funds to LAPTRUST and LAPFUND to offset the outstanding pension arrears as originally intended. The failure to pursue recovery or execute the earmarked transfers one year after the

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reconciliation that was completed in January 2025 reflects a lack of diligence in safeguarding public funds. The Treasury should provide documented evidence of all recovery efforts and corresponding communication with PSSF to the County Assembly within 30 days upon adoption of this report.

8. **THAT**, the County Treasury should strictly adhere to Section 149 of the Public Finance Management Act by ensuring that funds appropriated for personnel emoluments are utilized exclusively for their intended purpose and are not diverted to other expenditure items. The Committee further recommends that the Accounting Officer responsible for this irregular diversion be held accountable in accordance with the provisions of the PFMA.

The adoption schedule is signed by all members of the committee on Public Administration and ICT.

I therefore take this time to welcome the Honourable member for Khalaba Ward to second the report.

Mr. Deputy Speaker: Thank you, Hon. Francis Chemion, Hon. Cornelius.

Hon. Cornelius Makhanu: Thank you, Honourable Speaker for this opportunity to second the motion. First, I would like to laud my able Vice Chair of the committee Hon. Chemion and the entire committee membership.

I would like to draw the attention of members as the mover first stated that they be keen with this report because it is very important to this County Government of Bungoma. If this motion is adopted, it is going to enable our County to rationalize and to administratively run this government effectively.

All our staff are under the County Secretary except the three entities that is the two Municipalities and our County Assembly. From the report, we have an entire staff of over 7,000 and as a County we are beyond the requirements. We are at 43 per cent yet the regulations demand that we should not go beyond 35 per cent; I hope members are noting that.

On top of that, we still have a deficit of expert staff in some departments; we require almost 280 more staff, a large number in Education that is 225 ECDE, 25 VTC instructors and 30 from other departments. If this report is adopted it should be implemented.

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When members go through the observations, there are some gaps that we need to correct. Our staff emoluments are a first charge but you will get that we have some arrears. This is because salaries and emolument money is diverted and from the report we are told that it went to paying pending bills which should not be happening.

Again there is this gratuity that was diverted and paid to a National Government entity, Public Service Super Annual Fund, KShs.154Million and there is no documentary evidence of the follow up on how we are going to recover that money. We need to recover this money because people who have retired are suffering. You can imagine salaries and emolument is adding up to 43 per cent and when we add other expenditures we are doing at 68 per cent recurrent so it is eating into development percentage as we are having only about 38 per cent to development. We need to rationalize to ensure that we comply with those regulations; otherwise the report is comprehensive with other areas self-explanatory. I second and urge members to adopt it.

Mr. Deputy Speaker: Thank you, Hon. Cornelius Wanjala Makhanu for seconding the report. Honourable members allow me now propose a motion to the House

(Question proposed)

Hon. Brigit Katasi: Thank you, Mr. Speaker Sir. I also want to support this report. From my own understanding, personnel emolument is a motivational tool towards service delivery and it has 3 components; salary, allowances and bonuses and you realize that when one of these components delays like salary, we shall experience poor service delivery. Our County workers are parents. Imagine your child is at home and you are in office offering services; you will not give quality services.

At the same time when workers are not motivated, we experience exits. You realize in our report we had 81 exits. Again, you realize that we also have gaps in Community Health Promoters with some on National Government payroll and missing on County Government pay roll. You also realize that gratuity arrears are around Kshs. 364 Million so when one exits service, it will take like 3 or 4 years before he is given his pension.

When you go to page 9 of our report on Employment Act; the employment Act of 2007 provides the statutory framework governing payment of wages, terminal benefits and protection of employee rights;

Salary and wages: Section 17 obligates employers to pay wages when due. Section 18(a) requires payment of wages at the end of each wage period. Section 19 restricts deduction of wages to the

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authorized by law. Section 20 entitles employees to itemized payment statement detailing earning and deduction and failure to adhere to the provisions amounts to unlawful labour practices and you realize that we are not adhering to the employment Act.

We have gratuity and service payment, section 35(5) provides for service pay upon termination of employment where an employee is not covered by pension, gratuity or NSSF scheme. Then section 35(6) exempts employees from paying wages and service pay where statutory or contractual retirement benefits apply. Gratuity where applicable is therefore contractual while service pay statutory in the absence of security coverage.

My interest is on (c) on terminal benefits, section 35(a) and section 36 requires notice or payment in lieu of notice upon termination, then section 40(a)(g) mandates severance pay in redundancy cases at not less than 15 days' pay for each completed years of service. Because we are not remitting those statutory deductions, you realize that we are not in compliance. In case of any termination of contract, you realize that our employees will go without their pay.

My last observation is you also realize that when we delay in paying these salaries, we are encouraging corruption, like you can't expect an employee in Revenue department to collect revenue and surrender all while he is on an empty stomach. Thank you Mr. Speaker Sir, I support this motion.

Mr. Deputy Speaker: Thank you Hon. Katasi Bridgit, specially elected member for your contribution. The mover

Hon. Francis Chemion (Mover): Honourable Speaker, I don't have anything to respond to because those have just been observations which are good for the report; she was just with me. Thank you, Hon. Katasi for supporting the report

Mr. Deputy Speaker: Honourable members, allow me now put a question

(Question put and agreed to)

The report is adopted and the Clerks at the Table will ensure submission to relevant offices for action.

ADJOURNMENT

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Mr. Deputy Speaker: That being our last item on the Order paper, we adjourn and resume this afternoon at 2:30 p.m.

The House rose at 12:59 p.m.

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