

# **COUNTY ASSEMBLY OF BUNGOMA**

## **COUNTY ASSEMBLY DEBATES**

**DAILY**

**HANSARD**

**TUESDAY 1<sup>ST</sup> MARCH, 2022**

***Afternoon Sitting***

# COUNTY ASSEMBLY OF BUNGOMA

## HANSARD OFFICIAL REPORT

TUESDAY 1<sup>ST</sup> MARCH, 2022

The House met at 2:30 p.m.

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

### PRAYER

### COMMUNICATION FROM THE CHAIR

I have a communication to make Honourable members. With us we have a visiting team from Nyamnyinia Secondary School from Yala. I want to recognize their presence. We have students lead by their teacher Okong'o Simon who should be upstanding. The students be upstanding.

*(The visiting delegation stood in their place)*

Let us applaud them.

*(Applause)*

You can get sited. Honourable members at the appropriate time during the statement hour, you will have two members make short remarks about this school and encourage the students. Thank you.

### PAPERS

The following Paper was laid on the Table of the County Assembly:

A report by Budget and Appropriations Committee on the Bungoma County Government Fiscal Strategy Paper for Financial Year 2022-2023 laid by Hon. Jack Wambulwa (*Chairperson Budget*).

### NOTICE OF MOTION

The following Notice of Motion was issued:

That this House adopts a report by Budget and Appropriations Committee on Bungoma County Government Fiscal Strategy Paper 2022-2023 issued by Hon. Jack Wambulwa (*Chairperson, Budget*).

**STATEMENTS**  
**TENTATIVE WEEKLY PROGRAMME COMMENCING TUESDAY 1ST-  
3RD THURSDAY FEBRUARY, 2022**

**Hon. James Barasa Mukhongo (Member, HBC):** Thank you, Hon. Speaker. I wish to present a tentative weekly programme of the business of the County Assembly pursuant to Standing Order 36 week commencing Tuesday 1<sup>st</sup> up to 3<sup>rd</sup> Thursday February, 2022.

1<sup>st</sup> Tuesday March 2022 at 2:30 p.m.

Motion and Bills

THAT this House adopts a report by Sectoral Committee on Lands, Urban, Physical Planning, Trade, Energy and Industrialization on the Bungoma County First Quarter Financial Statements ended 30th September 2021 in respect to the departments of Lands, Urban, Physical Planning, Trade, Energy and Industrialization.

2<sup>nd</sup> Wednesday March 2022 at 9:30 a.m.

Papers

1. The County Executive half year financial statements report for the period ended 31<sup>st</sup> December 2021
2. The County Assembly of Bungoma half-year financial statements report for the period ended on 31<sup>st</sup> December 2021
3. The report from the Office of the Auditor General on the financial statements of Nzoia Water Services Company for year ended 30<sup>th</sup> June 2020.

Motions

THAT this House adopts a report by the Budget and Appropriations Committee on the Bungoma County Fiscal Strategy Paper Financial year 2022-2023.

2<sup>nd</sup> Wednesday March 2022 at 2:30 p.m.

Papers

1. A report by the Sectoral Committee on Health on the establishment of intensive care unit and high dependency unit at the Bungoma County Referral Hospital.

Notices of Motion

THAT this House adopts a report by the Sectoral Committee on Health on the establishment of intensive care unit and high dependency unit at the Bungoma County Referral Hospital.

Motions

THAT this House adopts a report by Sectoral Committee on Health on the establishment of intensive care unit and high dependency unit at the Bungoma County Referral Hospital.

3<sup>rd</sup> Thursday March 2022 at 2:30 p.m.

#### Papers

1. A report by Sectoral Committee on Housing and Sanitation on the implementation status of departmental work for financial year 2020/ 2021-2022 in respect to the department of Housing and Sanitation.

#### Notices of Motion

1. THAT this House adopts a report by Sectoral Committee on Housing and Sanitation on the implementation status of departmental work for financial year 2020-2021-2022 in respect to the County Department of Housing and Sanitation.

#### Motions

THAT this House adopts a report by Sectoral Committee on Health on the establishment of intensive care unit and high dependency unit at the Bungoma County Referral Hospital.

Honourable Speaker, this is the business of the week commencing today 1<sup>st</sup> up to 3<sup>rd</sup> Thursday February, 2022.

**Mr. Deputy Speaker:** Thank you so much Hon. James Barasa Mukhongo for that. Honourable members, that is the tentative program for the week ending 3<sup>rd</sup> March which will be Thursday 2:30 p.m.

Accordingly acquaint yourself with it so that we move and implement and do our business as required.

At this moment, I want to welcome Honourable members to make short remarks of encouragement to the touring team that is here with us from Nyamninya Mixed Secondary school.

We have the Chairperson on the Education Committee Hon. John Musebe.

**Hon. Fredrick Musebe:** Thank you, Honourable Speaker for giving me this opportunity to talk to our current and next generation. You will excuse me, I am not familiar with the name.

**Mr. Deputy Speaker:** Nyamninya!

**Hon. Fredrick Musebe:** Nyamninya School from Siaya County. Let me start by congratulating for choosing to have their lesson outside classroom and in Bungoma County Assembly. The time I have been here I think this is the first school from Siaya County and I can even say that of all the schools that have been coming, I think they come from the furthest.

I choose to just tell them one message that everybody has one powerful tool called thought. Even before you came here, it was a thought that you come. This building we are sitting in was once somebody's thought. What you do depends on what you are thinking and therefore take good care of your thoughts.

If you are just thinking about failure you should forget about success. If you think about negative, negative will follow you. As you are in school dreaming as you intend to go into a better person, ensure you take good care of your thoughts. Learn outside the classroom and I wish you all the best.

Thank you, you wanted us to make brief remarks and I chose to get them that. Thank you.

**Mr. Deputy Speaker:** Thank you so much, Hon. Musebe.

**Hon. Sophie Marumbu:** Thank you, Mr. Speaker. I rise to welcome these students from Siaya County and on the onset would want to tell them that I am one from Siaya County married in Bungoma County.

*(Applause)*

And also encourage them that Education is the key to success and also that no human is limited. Work hard and always when you work hard you put God first. Thank you

**Mr. Deputy Speaker:** Thank you, Hon. Sophie Marumbu.

**Hon. Jane Chebet:** Mr. Speaker thank you for according me this opportunity to also join the rest of the Honourable members to welcome the young Kenyan citizens from Nyamninya Secondary School led by their head teacher Mr. Okong'o and the teachers accompanying them.

I want also to wish them all the best in their academics. I am meant to understand that we have form two, three and form four history students. Naturally, historians are politicians so from where we sit here, this is the future job place for you even the Presidency, Gubernatorial and Senatorial positions are where you belong especially for historians. Apart from any other job description, this is where we enjoy doing our work and serving the people from our constituencies and wards.

From where I sit, on behalf of the Cheptais ward people in Mt. Elgon, I really would wish these students all the best in the academic journey until when they become adults' and get jobs and work for this great country called Kenya.

**Mr. Deputy Speaker:** Thank you so much, Hon. Jane.

**Hon. Violet Makhanu:** Thank you, Mr. Speaker for giving me this chance to say something for the students. I want to take this singular opportunity to welcome them to this Assembly and looking at them, they are ladies like us and a few young men. I want to encourage them that they should work hard the way my colleagues have just said that let them work very hard to ensure that they succeed in life. In Kenya today, without education, you cannot be anywhere.

Looking in this Assembly, we are here Honourable ladies. We are 10 elected women in this Assembly and others who are nominated and we have very serious gentlemen in this Assembly and they are here because they worked hard in school and their respective communities elected them to represent them in this Assembly

I just want to urge them that they should work hard so that they become the next leaders that will come after us.

Lastly, I am Hon. Violet Makhanu MCA representing a ward called Mihuu. I want to tell these students that as they go back together with their teachers; that as you go back to Siaya tell them that you went to Bungoma County Assembly and as Bungoma County Assembly including myself we are 100% sure that baba will be the fifth president of the Republic of Kenya.

*(Applause)*

**Mr. Deputy Speaker:** Very well Honourable... I want to give chance to this very young Honourable member here, one of the youngest and I think his voice will resonate well with the youngsters.

A member of County Assembly in Bungoma, he will say his name and he will be short.

**Hon. Luke Opwora:** Thank you, Honourable Speaker and our students from Siaya County. You are most welcome to Bungoma County Assembly. My names are Hon. Luke Opwora, I was nominated by the Ford Kenya party headed by Hon. Masika Wetangula to represent the youth of Bungoma County and it is a privilege for you to be here.

Learning is a continuous process. Mine is just to offer a word of encouragement that first and foremost in everything you endeavor in life you have to put God first. Further, you have to learn to respect your parents and more so your teachers because Nelson Mandela told us that Education is the most powerful weapon we can use to change this world.

At this generation where you are, Education is the most important thing that you are doing right now. Concentrate on it, partake yourselves and your activities seriously to ensure that by the time you are done with high school and you are joining University, you are a person who is respected and a person who can deliver for the people.

Otherwise, as the youths of this Country, we are anchored in our constitution of 2010, article 55 of the constitution states clearly that the state should take measures including affirmative action to ensure that the youths are educated, socially, economically and politically protected.

As we are heading towards the general election, I want you to urge your parents and your family members to vote wisely. As Bungoma County and Ford Kenya Government here in Bungoma, we are under Kenya Kwanza...

*(Applause)*

...and our party leader Moses Masika Wetangula, William Ruto and Musalia Mudavadi and we are going to form Government with others or others to form Government with us. Sisi punda imechoka, tulisimama na baba can you...

**Mr. Deputy Speaker:** Order Honourable member!

**Hon. Luke Opwora:** Thank you, Mr. Speaker.

**Hon. Ali Machani:** Thank you, Honourable Speaker. First of all, I want to thank the teachers who have accompanied these students and coming all the way from the other side of the country to come associate with Bungoma environment and to also learn a lot from this county assembly. I am aware that the students sited in this gallery are committed to know more about devolution and from where I sit, when they come here they also learn a lot from the honorable members, how they debate, how they point out issues and in comparison with where they come from I also want to believe that in those areas they do as well have representatives. So whatever we do here, whatever we debate is part of education and the lessons that they learn from us. I remember during our time you could not access anything in the name of assembly. Our parents used to pay very heavily for us to go to Nairobi, but because of devolution and I am happy that we are enjoying devolution because the brain behind devolution is none other than the Hon. Raila Amollo Odinga. He is the one who fought for what we are enjoying.

Today we are proud we can say yes, our students are learning from the assembly, they can see where the speaker sits and the way he is dressed and it means we have someone who really struggled and sacrificed and is someone who each and every person respects nationally and internationally. So these are some of the fruits and we want to say that now we have the Constitution of Kenya 2010 that gives them a leeway to also enjoy such privileges and we can't forget those who fought for it. You know people can say a lot of things but as a leader in my own capacity, if we do comparison on what is happening now and what was the scenario in the early 80s and 70s, it is like the sky and the earth. That distance is a serious range.

So I want to encourage the students that whatever you see happening here, that is what happens in Nairobi and these honorable members the way you see their decorum, the way they dress and talk, you can see some of them can grow and go to other steps and you are the people who are going to take up these positions, so pray for each other, we pray for them that as they go sit for their exams, they perform well so that tomorrow they become good leaders.

**Mr. Deputy Speaker:** Thank you, honorable members for your remarks. I want to believe that the good students from Nyamninia Mixed Secondary School have learnt a lot. I want to believe they have been taken around by the sergeant at arms office and this is the plenary where we are; on the Speaker's right is the majority side, on the left is the minority side and this is a House of procedure. We have the symbol of authority to enable this House transact business. I know we

have been informed accordingly so that as you go back to your school, share with your friends who are not here so that you can move together and understand because you cannot at one time come here all of you. I realize that on this list we have four students from form one and I know they will carry on with this and share with others accordingly.

May God bless you; as you go back to your station we wish you the best in your exams. For the candidates avoid cheating, be yourselves, be real and God is going to give you a grade that belongs to you. The future is luminous and bright. May God bless you as you travel back at the right time.

*(Applause)*

## **MOTIONS**

### **REPORT BY SECTORIAL COMMITTEE ON LANDS, URBAN PHYSICAL PLANNING, TRADE, ENERGY AND INDUSTRIALIZATION ON THE BUNGOMA COUNTY FIRST QUARTER FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30TH SEPTEMBER 2021**

**Hon. Humphrey Sifuna (Chairperson, Lands):** Thank you, Honorable Speaker. Let me also start by appreciating teachers of the said school for having taken their time to visit this honorable House.

Back to business, allow me move a report of the Lands committee on the Bungoma County Government Quarterly Reports and Financial statements for the period ended 30th September 2021 in respect of the department of Lands, Urban, Physical, Trade, Energy and Industrialization.

#### **Preamble**

Mr. Speaker Sir, it is my pleasure and pleasant duty to present the Bungoma County Government Quarterly report and financial statements for the period ended 30th September, 2021 in respect of the Department of Lands, Urban, Physical, Trade, Energy and Industrialization.

This document was tabled in the County Assembly of Bungoma and stood committed to the each of the Sectoral Committee for interrogation, input and recommendation through reports to this honorable House.

#### **Committee Membership**

Mr. Speaker Sir, the Committee on Lands, Urban and Physical Planning as currently constituted comprises of the following Members:-

1. Hon. Humphrey Sifuna                      Chairperson

|                           |                  |
|---------------------------|------------------|
| 2. Hon. Metrine Nangalama | Vice Chairperson |
| 3. Hon. Henry Majimbo     | Member           |
| 4. Hon. Ben Kipkut        | Member           |
| 5. Hon. Joseph Magudah    | Member           |
| 6. Hon. Bethwell Mwambu   | Member           |
| 7. Hon. Sudi Busolo       | Member           |
| 8. Hon. Sospeter Nyongesa | Member           |
| 9. Hon. George Makari     | Member           |
| 10. Hon. Vitalis Sifuna   | Member           |
| 11. Hon. Charles Nangulu  | Member           |
| 12. Hon. Joan Lutukai     | Member           |
| 13. Hon. Eunice Kirui     | Member           |
| 14. Hon. Milliah Masungu  | Member           |
| 15. Hon. Simiyu Wamusai   | Member           |

### Acknowledgment

Mr. Speaker Sir, I take this opportunity to thank all the members of the committee for dedicating their time to examine the Bungoma County Government Quarterly report and financial statements for the period ended 30th September, 2021 in respect to the Departments of Lands, Urban and Physical Planning and Trade, Energy and Industrialization.

The committee is grateful to the Hon. Speaker, and the Office of the Clerk of the County Assembly of Bungoma for the approval and requisite facilitation in coming up with this report.

Lastly, the committee would also like to register appreciation to the members of staff who worked with us for their untiring commitment.

Mr. Speaker Sir, it is therefore my pleasant duty and privilege, on behalf of the Hon. Members of the Lands, Urban and Physical Planning & Trade, Energy and Industrialization Committee to table this report and recommend it to the Assembly for consideration and adoption.

Signed Hon. Humphrey Sifuna, MCA - Bumula Ward, Chairperson

## CHAPTER TWO

### DEPARTMENTAL ANALYSIS DEPARTMENT OF LANDS, URBAN AND PHYSICAL PLANNING 1ST QUARTER EXPENDITURE FY 2021/2022

The department received a total exchequer Of Kshs. 6,982,330 in the first quarter for its recurrent expenditures. No release was done in favour of development expenditures.

Personnel budget had a total expenditures of Kshs. 6,062,330 representing an absorption of Kshs. 23.4% of the budgeted amounts.

July –Kshs. 2,084,630

Aug-Kshs. 1,988,850

September-Kshs.1, 988,850.

The salary for the month of July was more with 31 members of staff compared to the other two months with 3 members of Staff the reason submitted by the Chief Officer is due to retirement of Mr. Isaac Alinyo Okaka from service.

Implementation of development projects had not commenced in the 1st quarter including the pending bills of 4 million for the kimetics equipment. The total amount on pending bills as at 30th June was Kshs. 13,379,760 exclusive of 4 million for the kimetics equipment. The total amount of Pending bills in the department amounts to Kshs. 55,671,305.12 and this includes pending bills for the ward based projects worth Kshs. 42,291,525.12 Outstanding imprest

#### Development Expenditure

The department has the approved budget of Ksh. 21,700,000 (development) to undertake the following development programs in the FY 2021/2022

- ☐ Other Infrastructure and Civil Works 9,700,000
- ☐ Purchase of survey equipment's 4,000,000
- ☐ Acquisition of Land 8,000,000

During the period under review, the department did not undertake any development project.

#### Budget execution by programmes

The department spent a total of Ksh. 1,914,885 out of which Ksh. 1,344,085 on salaries and Ksh. 570,800 spent on other operations in the department.

#### Outstanding Imprest

The department had 2 imprest relating to the following activities:

SUED (Sustainable Urban Economic Development) launch -Ksh. 520,000. However, the activity was not captured in the approved Programme Based Budget at the same time SUED is a UK-AID grant domiciled in the Municipality of Bungoma.

The Chief Officer justified that the facilitation for finalization of County Urban Development Plan policy at the cost of Ksh. 630,500 was on advanced stage and the report was at the cabinet level awaiting recommendations and subsequent forwarding to the County Assembly for approval.

#### Committee recommendations

- I. The Chief Officer department of Lands, Urban and Physical Planning should revise the department's procurement plan and capture the following programmes that were not achieved in the 1st quarter. The programmes are:
  - ☐ Purchase of Land for WARD Based Projects
  - ☐ Purchase of Land for Land bank
  - ☐ Acquisition of land for Kapsokwony fire Station
- II. The pending bills amounting to Ksh. 13,379,760 and Ksh. 4 million for the kinetics equipment should be considered and be paid as per the approved Budget FY 2021/2022
- III. The total amount of Pending bills in the department amounting to Ksh. 55,671,305.12 including pending bills for the ward based projects worth Ksh. 42,291,525.12 should be implemented as per the approved Budget FY 2021/2022
- IV. The Chief Officer should within 30 days after adoption of this report submit to the committee a certificate of imprest surrendered on the following imprest:
  - ☐ SUEDE (Sustainable Urban Economic Development) launch -Ksh. 520,000.
  - ☐ The facilitation for finalization of County Urban Development Plan policy at the cost of Ksh. 630,500

#### PART FOUR: DEPARTMENTAL EXPENDITURE ANALYSIS

1. The department of Trade, Energy and Industrialization had an annual approved budget of Ksh. 140,890,813 comprising of Ksh. 58,486,816 recurrent and Ksh. 82,403,997 for Development expenditure programmes.
2. The department submitted reports on how it performed during the period under review in terms of expenditure. The department also submitted its implemented programmes broken down into activities for ease of understanding and subsequent oversight by the committee as per the approved budget.
3. Pending staff receivables (outstanding imprest holders) in the department is Ksh. 1,624,360. Out of the total County outstanding imprest for all the departments amounting to Ksh. 117,087,185 as at end of the period under review.
4. Budget execution by programmes and sub-programmes as indicated of the submitted document indicates that the department spent a total of Ksh. 5,028,061 in the period under review. Ksh. 4,228,061 was spent on salaries while Ksh. 800,000 was spent on other operations of the department.

#### PART FIVE

##### (A). COMMITTEE FINDINGS

1. The County treasury did not indicate how much each department received as revenue (Exchequer Issues) to implement their programmes in first quarter.

2. The executed specific activities to which the Ksh. 800,000 spent on operations were not shown to disclose the detailed information on the actual budget implementation of the department.
3. Departmental monthly/annual work plans and the budget implementation status report were not submitted to the committee for comparison purposes with the financial report.
4. Notes as to how the outstanding staff imprest would be surrendered or recovered were not indicated in the report.
5. The report does not outline specific projects implemented by the department in the period under review, to enable the committee carry out its oversight role.

#### (B). COMMITTEE RECOMMENDATIONS

1. The County treasury should be submitting additional information on how much each department received as revenue (Exchequer Issues) to implement their programmes in the respective departments.
2. The department should within 21 days after adoption of this report furnish to the committee a report on the specific activities to which the Ksh 800,000 was spend on operations, this will assist the committee in playing its oversight role on approved programmes.
3. The Chief Officer department of Trade, Energy and Industrialization should be submitting Departmental monthly/ annual work plans and the budget implementation status report for scrutiny and approval on time as it's required in the PFM ACT.
4. The Chief Officer, Department of Trade, Energy and Industrialization should within 21 days submit to the committee Imprest surrender clearance certificates for the imprest holders amounting to Kshs.1, 624,360 for verification.

#### Adoption Schedule

The members of the sectorial committee on Lands, Urban, Physical Planning Trade, Energy and Industrialization do herby append signatures adopting this report.

Mr. Speaker, I think I have come to the end of the report and I will now call upon Hon. Sospeter to second this Motion.

*(Applause)*

**Mr. Deputy Speaker:** Thank you Hon. Sifuna for the eloquence. I now call upon Hon. Erastus Sospeter Nyongesa to second.

**Hon. Sospeter Nyongesa:** Thank you for giving me this chance to second the adoption of the report. I happened to be a member of this Committee which means that we interrogated the document together and we came up with those observations and the recommendations. May I take this chance to second the adoption of that report? Thank you.

First quarter financial Statements by the Committee on Lands.

**Mr. Deputy Speaker:** Thank you, Hon. Sospeter Nyongesa. Hon. Members, the Motion having been moved and seconded, I now put the question that this House adopts the report by the sectorial Committee on Lands, Urban, Physical Planning, Trade, Energy and Industrialization on the Bungoma County First quarter Financial Statements ended 30th September, 2021 in respect to the department of Land, Urban, Physical Planning, Trade, Energy and Industrialization.

I propose.

*(Question proposed)*

That is an indicator that you have internalized the contents of the Motion and there is no debate on the same. I now put a question that this House adopts the report by the sectorial Committee on Lands, Urban, Physical Planning, Trade, Energy and Industrialization on the Bungoma County First quarter Financial Statements ended 30th September 2021 in respect to the department of Lands, Urban, Physical Planning, Trade, Energy and Industrialization.

*(Question put and agreed to)*

The report is adopted herein and the table clerks will do the necessary of the disseminating the same to the relevant office. Hon. Members, there being no other business, this House stands adjourned to 2<sup>nd</sup> March 9:30 a.m.

*(House Adjourns)*

