

REPUBLIC OF KENYA

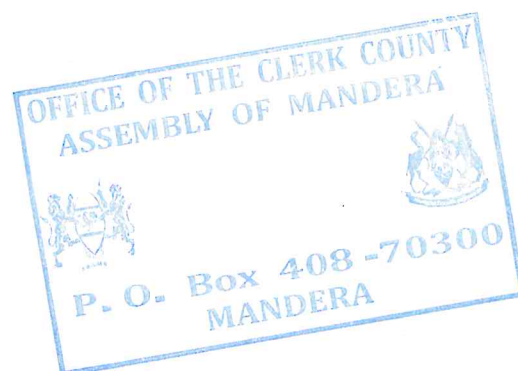


MANDERA COUNTY ASSEMBLY

SECOND ASSEMBLY- FOURTH SESSION, 2020.

THE REPORT OF COMMITTEE ON IMPLEMENTATION ON THE STATUS OF  
MOTIONS PASSED BY THE COUNTY ASSEMBLY IN  
2019.

***THE CLERK'S CHAMBER,  
MANDERA COUNTY ASSEMBLY,  
DECEMBER 2020.***



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MOTIONS PASSED BY THE COUNTY ASSEMBLY IN 2019

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- i. CORESPONDENCES BY THE COUNTY ASSEMBLY
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- iii. THE REPORT ADOPTION MINUTE

## **PREFACE**

**Honourable Speaker,**

The Committee on Implementation Derives its Mandates from Standing Order No.191 (2)(a)(b)(c). which states that-

***(1) There shall be a select committee to be known as the Committee on Implementation.***

***(2) The Committee shall scrutinize the resolutions of the County Assembly (including adopted committee reports), petitions and the undertakings given by the County Executive Committee and examine***

***(a) Whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and***

***(b) Whether or not legislation passed by the County Assembly has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.***

***(3) The Committee may propose to the County Assembly, sanctions against any member of the County Executive Committee who fails to report to the relevant select Committee on implementation status without justifiable reasons.***

## **COMMITTEE MEMBERSHIP**

**Mr. Speaker Sir,**

The committee consists of the following honourable members;

<b>S/NO</b>	<b>NAME</b>	<b>DESIGNATION</b>
1.	Hon. Abdinur Diisow Teno,	Chairperson
2.	Hon. Halima Golo,	V/Chairperson
3.	Hon. Alinur Hassan Ali,	Member
4.	Hon. Noor Mohamud Abdi,	Member
5.	Hon. Bashir Ibrahim Alio	Member

## ACKNOWLEDGEMENT

**Honourable Speaker,**

May I take this opportunity to thank Honourable members of the Committee for their inputs and commitment during Committee deliberations and Compilation of this Report. Am also indebted by Offices of the honourable Speaker and the Clerk for their undivided support and facilitation.

It is now my pleasant duty and privilege on behalf of the Committee members to present the Committee's report on implementation status of Motions passed by the County Assembly in 2019.

SIGNED: .....



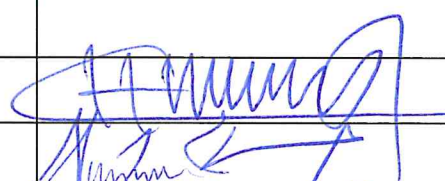
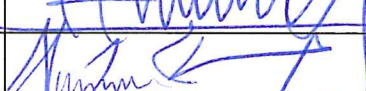

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27/11/2020

**HON. HALIMA GOLO.**  
**VICE CHAIRPERSON**  
**COMMITTEE ON IMPLEMENTATION**

## ADOPTION OF THE REPORT

We the members of the Committee on Implementation do hereby adopt this report on the status of motions passed by the County Assembly in 2019 by affixing our signatures against our names to confirm our support and ownership on this day, Friday 27<sup>th</sup> November, 2020.

S/NO.	NAME	SIGNATURE
1.	Hon. Abdinur Diisow Teno,	
2.	Hon. Halima Golo,	
3.	Hon. Alinur Hassan Ali,	
4.	Hon. Noor Mohamud Abdi,	
5.	Hon. Bashir Ibrahim Alio	

**BACKGROUND**

Pursuant to the provisions of Mandera County Assembly Standing Order No. 191(2) The Committee on implementation embarked on executing its mandate and held several Meetings to ascertain whether the motions adopted in 2019 have been implemented and the extent to which they have been implemented and also to find out whether or not such decisions and undertakings have been implemented within the minimum time necessary by the respective County Executive Committee Members.

Mandera County Assembly Standing Order No.184 requires house resolutions be implemented within sixty days from the date of such decision(s)

***“Within sixty days of a resolution of the County Assembly or adoption of a report of a select committee, the relevant County Executive Committee Member under whose portfolio the implementation of the resolution falls shall provide a report to the relevant committee of the County Assembly in accordance with Article 153 (4) (b) of the Constitution”***

To accomplish this task, the committee came up with the schedule below;

**COMMITTEE ACTIVITIES**

<b>MONTHS</b>	<b>ACTIVITIES</b>	<b>REMARKS</b>
MARCH, 2020	Identify the motions passed in 2019	The committee received Motions tracker from table office where only four motions were passed in 2019. Namely; a. Motion by Hon. Bishar M. Abdullahi On Hydrological Survey and procurement of Drilling Rig.  b. Motion by Hon. Sokorey M. Issakow On Construction of Female Care/Female Orphanage Centre in Mandera Town.  c. Motion by Hon. Kullow Alio Guyo On Youth Empowerment Policy.  d. Motion by Hon. Adan Maalim Abdullahi On Social Protection Program.

	motion passed 2018 but not implemented	The committee felt that motion by Hon. Hussein Adan Haji On Establishment of Cemeteries in all Sub-Counties in the County Passed in 2018 was not implemented. This motion had immense public interest hence there is need to follow it up and report on its implementation.
JUNE - SEPTEMBER, 2020	Deliberations on the response to the motion on social protection programs	The Committee deliberated on the response by the County Chief officer for special programs Who termed the Cash Transfer programs as unsustainable programs due to payment mechanism hitches. The Committee found the response was unsatisfactory and resolved to seek more information on the implementation status and do a follow up on installation of the programs by sending a correspondent letter to the department of finance and Economic planning.
	Deliberations on the response by CECM water, Energy, Environment & Natural Resources.	The committee extensively deliberated on the response received from CECM water, Energy, Environment & Natural resources and successfully concluded the matter.
	Deliberations on the response by CECM Lands, Housing and Physical Planning	The Members deliberated on the response and observed that the response was satisfactory.
	Response by CECM Youth, Gender and Social Services	The committee deliberated on response and observed that the response was satisfactory.
	Reminder letter to CECM Finance and Economic Planning	The Committee made a reminder to the CECM Finance to respond to the Implementation Status of converting Relief Food to Social protection (Cash Transfer Programme). However, he did not respond.
	Invite County Executive Committee Member for Finance and Economic Planning to appear before the Committee	<ul style="list-style-type: none"> <li>The CECM Finance appeared and responded on motion on social protection.</li> </ul>

## **MOTIONS PASSED IN 2019 AND ITS IMPLEMENTATION STATUS**

**Honourable Speaker,**

The Committee on Implementation wrote several correspondences to the concern departments regarding the Implementation status motions passed by the Mandera County Assembly 2019 and a motion on the establishment of cemeteries in all sub-counties in Mandera.

The Committee also invited the Executive Committee Member Finance and Economic Planning on 2<sup>nd</sup> October, 2020 to shed light on the Implementation status of motion on Social Protection Program.

### **2.1 MOTION BY HON. BISHAR M. ABDULLAHI ON HYDROLOGICAL SURVEY AND DRILLING RIG**

**AWARE, that** Article 43(d) of the constitution of Kenya stipulates that every person has right to clean and safe water in adequate quantities .Further ware, that in 2015, the UN General Assembly emphasized their support for the urgency of water and sanitation provision by adopting the Sustainable Development goals No. 6 which emphasis on the availability and sustainable management of water and sanitation for all by 2030.

**DISTURBED,** that frequency of water Shortage as a result of Continuous Drought Cycle in Mandera County will not only threaten the livelihood of the local people but it also triggers

serious human conflicts with wildlife or fellow human being. Concerned, that large number of populations of Mandera County Depend on Earth pan and Shallow wells for provision of water both for Human and Livestock Consumption.

**CONVINCED,** that Hydrogeological survey through the use of maps (topographic, geological), satellite images, aerial photos, field observations (geological mapping, and Ground geophysical surveys are quite effective in locating water-bearing formations in different area with in the County, noting, that drilling of borehole is a critical for provision of adequate, safe and reliable water for of Human, Livestock and Agricultural Consumption

This County Assembly therefore urges the County Executive for Water, Energy, Environment and Natural Resource-

- I. To carry out Hydrogeological survey in the County for the purpose of locating water bearing sources for drilling of boreholes in the County.
- II. Procure of track-mounted rigs and tools in the-County for drilling of borehole

### **IMPLEMENTATION STATUS**

**On 5th June 2020** the Committee wrote to CECM Water, Environment, Energy and Natural Resource Vide Letter **Ref: MCA/GEN/1/Vol.1 (078)** seeking to know the implementation status of the motion on hydrological survey in the county. and on **19th June 2020** a reminder was sent to him vide letter Ref: **MCA/WE&NR/1/Vol.1 (082)**.

On 23<sup>rd</sup> June 2020, vide letter **Ref: MCG/DWS/MCA/Vol.1/ (019)** the CECM responded that the County Government of Mandera and its development partners have conducted 114 Hydro-geological surveys since FY 2013/14. Which is the equivalent to between 10-20 Hydro-geological surveys done every financial year and as a result, the County Government managed to drill a total 106 boreholes in the County of which 90 were successful. In **FY 2018/2019 and FY 2019/2020** the MCG conducted hydrological survey across the sub-counties and 22 boreholes were drilled across the 30 wards which were successfully equipped and are operational except Irresuki Borehole in Elwak North Ward and Bolowle Borehole in Takaba South, Mandera West which were dry and abandoned.

The CECM further stated that MCG has always felt that aquifer mapping was the only way to fully identify the county's ground water resource. Hence, Aquifer mapping was fully planned by the department throughout in the first 10-year sector plan (2013-2023 period), the 1<sup>st</sup> CIDP (2013-2018) and then 2<sup>nd</sup> CIDP (2018-2023).

He said that according to the fourth schedule of the constitution of Kenya 2010, Aquifer mapping is an output of Water Resource Management functions, which is constitutionally the mandate of National Government through the **State Department for Water, Sanitation and Irrigation** and that specifically of the Water Resource Management Authority (WARMA). Accordingly, the county government has been over the years pressuring the **State Department for Water, Sanitation and Irrigation** on the need for the National Government to support the county water department in the realization of countywide Aquifer mapping. As a result, the **State Department for Water, Sanitation and Irrigation** has planned for the implementation of ground water resource mapping and assessment in Mandera County. An expression of interest for consultancy service to undertake the mapping and assessment exercise was advertised by the State Department for Water in November 2019. The output from this process will be shared with the county government by the State Department for Water once the exercise has been completed; which will in turn help the department to accurately plan for future borehole drilling effort within the county.

With regards to Procurement of track-mounted drilling rigs and tools/accessories in the County for drilling of boreholes, the CECM stated that the department has stated that it has been prioritizing the procurement of a



modern rotary drilling rigs and accessories (which will include; a crane truck, a water boozer, a test pumping unit, mobile workshop, a 4WD Double-Cabin vehicle and camping equipment and 11-member operation team), within the 2<sup>nd</sup> CIDP. However, a final executive decision on the purchases of these equipment and accessories has been delayed by concerns regarding the significant capital investment cost as well as their annual recurrent cost required to maintain the drilling units. The table below shows the total estimated capital cost of procuring the drilling equipment as well as their estimated annual recurrent expenditure to maintain the drilling units. Despite this cost, having a county owned drilling unit will significantly reduce the unit cost of drilling a borehole from a present average of **KES 4.6M** to about **KES 1.5M**.

TOTAL CAPITAL COST(KSHS)			ANNUAL RECUURENT COST (KSHS)		
No.	Rigs & Accessories needed	Amount	No.	Recurrent Expenditure Items	Amount
1	Rotary Rig	70,000,000	1	Maintenance of 6 vehicles	26,800,000
2	Crane Truck	12,000,000	2	Personal Emoluments	5,200,000
3	Water Boozer	15,000,000	3	Utilities	1,000,000
4	Test pumping unit	16,000,000	4	Uniform & Miscellaneous	360,000
5	Mobile Workshop	17,600,000			
6	4WD D/cabin car	6,000,000			
7	Camping Equipment	2,400,000			
	<b>Total</b>	<b>140,000,000</b>		<b>Total</b>	<b>33,360,000</b>

The total amount for a drilling unit and maintenance is kshs. **173,360000**.  
(Response Annexed)

### **COMMITTEE'S REMARKS**

The motion is largely implemented, however acquiring a drilling rig requires budgetary allocation and this needs concerted efforts of both the County Assembly and the County Executives.

### **2.2 MOTION BY HON. SOKOREY M. ISSAKOW ON CONTRUCTION OF FEMALE CARE/FEMALE ORPHANAGE CENTRE IN MANDERA TOWN**

**AWARE** That, Article 53(b)(c) of 2010 Constitution of Kenya guarantees Child right to free and compulsory basic education and basic right to nutrition,

Shelter and health care and these provisions are aligned with those cited in both the Convention on the Rights of the Child and the Africa Charter on the Rights and Welfare of the Child, to which Kenya is a signatory.

**FURTHER AWARE**, according to Ministry for Planning, National Development and Kenya Social Protection Sector Review Report of June 2012, approximately 3.6 million Kenyan children are orphans or otherwise classified as vulnerable.

**NOTING**, that child protection is a multi-sectoral issue that requires the involvement of everyone and protecting the disadvantaged members of our community is a cardinal role of both the National and The County Government

**CONCERNED**, that, there is no Female orphanage center in Mandera County to provide Education, Shelter and psychosocial support and care.

This County Assembly therefore **URGES**, The Department of Culture and Social Service

1. To construct Female Child care Facility in Mandera town (Mandera East-Sub-County) that provides education, nutrition, shelter, and all other necessary care to enhance a fulfilling childhood and realize full potential of Female orphans. Partner with religious leaders in identifying the vulnerable female orphans for enrolment and access to orphanage center.

#### **IMPLEMENTATION STATUS**

The committee made the correspondence Vide Letter Ref: **MCA/GY&SS/GEN/1/VOL.1 (079) dated 5<sup>th</sup> June 2020** to Mr. Ahmed Sheikh the then acting CECM Gender, Youth and Social Services, seeking to know the implementation status of the motion. However, the department did not respond on time and on **19<sup>th</sup> June,2020** a reminder was made vide letter Ref: **MCA/GY&SS/1/VoL.1 (081) dated 19<sup>th</sup> June,2020**.

On 25<sup>th</sup> June 2020, vide letter **Ref: MCG/MYGSS/MCA/GE/VOL.3/ (021)** the acting CECM responded that the department has endeavored to implement the motion and establishing a female child care facility in Mandera town has been a top priority of the department.

The department has stated that the motion was passed at the tail end of the budget making FY 2019/2020 and could not be factored in that budget. However, the department has made progress to secure land through the department of Land where the female care facility will be constructed and the department committed to incorporate in the budget FY 2020/2021.

The committee followed up the matter during the budget making process FY 2020/2021 and through its persuasion managed to have allocated 7 million

dedicated towards implementation of this motion in line with the provision of the County Assembly Standing Order No.47(3) (a-f). therefore, the motion was successfully implemented. **(Response annexed)**

### **COMMITTEE REMARKS**

Motion was fully implemented.

### **2.3 MOTION BY HON. KULLOW ALIO GUYO ON YOUTH EMPOWERMENT POLICY**

**AWARE;** that that the youths in Mandera County compose of a majority of the County population. Further aware that according to the basic Labour Force Report, 2018 conducted by Kenya National Bureau of statistics, 85% of the youths are jobless and have lacked adequate opportunities for jobs and wealth creation.

**FURTHER AWARE,** that National Adolescents and Youth Survey conducted by the National Council for Population and Development, (NCPD), 2015 in Mandera indicates that the County faces high rates of poverty, unemployment, crime and substance abuse

**COGNIZANT** of the fact that Article 55 of the Constitution of Kenya 2010 requires the state to take measures including affirmative action programs to ensure that the youths access relevant education and training, have opportunities to associate, be represented and participate in political, social, economic and other spheres of life, access employment and be protected from harmful cultural practice and exploitation.

This House **RESOLVES** that the County Department of Gender and Social Service formulates and implements County policy framework in FY 2020/2021 Budget to ensure the youths;

- a) Sufficiently benefit from employment opportunities in the County
- b) Be effectively considered in the County Government procurement opportunities as outlined in public procurement and asset disposal Act of 2015
- c) Enhance vocational training, internship programs and capacity building on youth entrepreneurship
- d) Facilitate effective youth participation in all decision making at all levels.

### **IMPLEMENTATION STATUS**

The Committee wrote to the department vide letter **Ref: MCA/GY&SS/1/VOL.1 (079) dated 5<sup>th</sup> June 2020**, seeking to know the implementation status of the motion. However, the department did not reply.

The Committee Made a reminder on the same vide letter Ref: **MCA/GY&SS/1/VOL.1 (081) dated 19<sup>th</sup> June,2020.**

On **25<sup>th</sup> June,2020** vide letter Ref: **MCG/MYGSS/MCA/GEN/VOL.3(021)**, the department responded that they are in the process of incorporating the youth based agenda into the budget FY 2020/2021, county policy framework

In FY 2020/2021 there is no budgetary provision. However, there is plan to incorporate in **FY 2021/2022**. Policy framework for youth is not in existence and it requires involvement of experts in policy development, which in itself requires substantial amount of money, an expense not provided for in the **FY 2020/2021**, and budgeting cannot be done without the existence of policy framework. *(Response annexed)*

### **COMMITTEE REMARKS**

Although the policy does not exist but programmes such as creation of income generating activities, 30% tendering, employment opportunities etc are complied with by the County Government.

### **2.4 MOTION BY HON. ADAN MAALIM ABDULLAHI ON SOCIAL PROTECTION PROGRAM**

**AWARE**, that Article 43(c) of Constitution of Kenya state that Every person has the right to be free from the hunger and to have adequate food of acceptable quality, according to the 2005/2006 KIHBS, about 85% of the ASAL population lives below the national poverty line in Kenya's northern ASAL region, has the highest poverty level and the lowest access to public infrastructure in the Country. Concerned, that the increasingly frequent of droughts contribute to chronic food insecurity and tribal conflict over scarce resources in Northern Kenya.

**FURTHER**, aware that Majority of the Household's in Northern Kenya have been dependent on food aid for many years, noting that Emergency food aid provides a temporary remedy and remains ineffective at combating chronic food insecurity of vulnerable Households in the County.

**CONVINCED** that the people of Mandera requires viable solution of Social protection programs to help in the eradication of poverty in the longer term and enhance the poor to manage recurring multifaceted poverty problems and helps the poor households to purchase consumable goods.

This County Assembly therefore **URGES** the County Executive Committee of Finance and Economic Planning.

- I. Carry out Community based targeting Approach to identify Poor Households and enroll them in social protection programme in the County

The CECM Finance responded that there was no engagement done on the implementation of the motion, making it to be one-sided responsibility upon the county executives whereas availing resources to roll out such noble program requires consolidated efforts of county executives and the County Assembly.

He mentioned that due to budgetary constraints they are unable to make an additional resource allocation towards helping the vulnerable through Cash Transfer Program in a way that is envisioned in the motion.

He acknowledged that the motion as an aspiration to better the lives of people and enhance service delivery to the public, however the county government has made a budget proposal of 149 million for relief food support program in FY 2020/2021 and the County Assembly moved 100 million to the account of County Emergency Fund and challenged why the Assembly did not appropriate funds towards the implementation of the motion.

He also suggested that the County Assembly could have channeled that budget to cash disbursement to vulnerable households so that the program will be rolled out together with the relief food distribution in the County.

He promised that he will raise the matter in the cabinet meeting for it to be considered in the next financial year 2021/2022.

#### **COMMITTEE REMARKS**

The committee has noted that despite the existence of the motion there is no Act of Mandera County Assembly to authorize the budgeting and subsequent withdrawal of such funds from the exchequer as such appropriation requires enabling legislation hence the motion was not implemented.

#### **2.5 MOTION BY HON. HUSSEIN ADAN HAJI ON ESTABLISHMENT OF CEMETRIES IN ALL SUB-COUNTIES IN THE COUNTY PASSED IN 2018**

**AWARE**, That Fourth Schedule, part 2 (2) (f) of the constitution of Kenya provides for the acquisition and maintenance of cemeteries as one of the function of the County Government;

**FURTHER AWARE**, that burial of a dead person is a cardinal practice consistent with human dignity.

**NOTING**, that a lot number of populations in Mandera County is predominantly Muslims and that Islamic doctrine teaches honoring of the dead and hastening of the burials as one of the funeral rites.

**CONCERNED**, that there is a shortage of open spaces for burial within the county as a result of consequence of urbanization.

This County assembly therefore URGES the County Executive to acquire sufficient land in all sub counties for establishment of Burial sites and carry out maintenance of the existing/ designated areas for interment.

**IMPLEMENTATION STATUS**

The lands for cemeteries has been identified and demarcated. The demarcation and establishment of the cemeteries in the county has been factored in the budget FY 2020/2021.

In **FY 2020/2021** kshs 20 million is appropriated towards establishment of burial sites in all Sub-Counties in the County. **(copy annexed)**

**COMMITTEE REMARKS**

This motion was passed in 2018. In the Committees report of 2019 it was indicated as partially implemented however, due to its immense significance to the public the Committee found it prudent to follow up on this motion and ensure that it was fully implemented. Therefore, the motion was fully implemented.

## **RECOMENDATIONS**

The Committee recommends that;

- i. The Assembly Sector Committees to give Consideration to resolutions made by the County Assembly in the budget estimates so that the Committee can enforce the compliance with Article 153(4)(b) of the Constitution of Kenya and Mandera County Assembly standing order No: 184.
- ii. The executive department concerned should comply with the provision of Mandera County Assembly standing order No.184 on implementation period of the House resolutions.
- iii. The CECM for finance and Economic planning should come up with draft legislation on cash transfer programme before the commencement of **FY 2021/2022.**
- iv. The CECM responsible for matter relating to Youth should come up with policy on youth empowerment programmes before the commencement of **FY 2021/2022.**

REPUBLIC OF KENYA



MANDERA COUNTY ASSEMBLY

**THE MINUTES OF THE COMMITTEE ON IMPLEMENTATION MEETING ON  
REPORT WRITING HELD ON FRIDAY 27<sup>TH</sup> NOVEMBER, 2020 AT 1: 35 PM IN  
MANDERA PALACE HOTEL**

**MEMBERS PRESENT**

- |                           |                   |
|---------------------------|-------------------|
| 1. HON. HALIMA GOLO       | VICE CHAIRPERSON. |
| 2. HON. ALINUR HASSAN ALI | MEMBER            |
| 3. HON. NOOR MOHAMUD      | MEMBER            |

**ABSENT WITH APOLOGY**

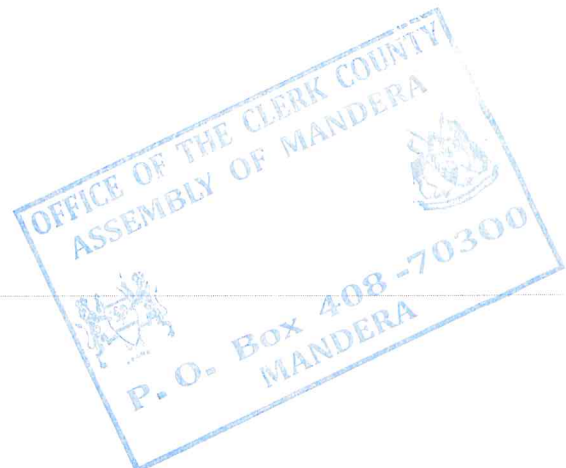
- |                        |             |
|------------------------|-------------|
| 4. HON. ABDINUR DIISOW | CHAIRPERSON |
| 5. HON. BASHIR IBRAHIM | MEMBER      |

**IN ATTENDANCE**

- |                        |                                   |
|------------------------|-----------------------------------|
| 1. MR. HASSAN IBRAHIM  | PRINCIPAL CLERK ASSISTANT.        |
| 2. MR. HUSSEIN A. ABDI | CLERK ASSISTANT (Taking Minutes). |
| 2. MR. HASSAN M. ISSAK | SERGEANT AT ARM.                  |

**AGENDA**

1. *PRELIMINARY/PRAAYER.*
2. *CONFIRMATION OF THE PREVIOUS MINUTES.*
3. *ADOPTION OF THE REPORT ON IMPLEMENTATION STATUS OF MOTIONS PASSED IN 2019.*
4. *A.O.B & ADJOURNMENT.*





**MIN1/COI/27/11/2020: PRELIMINARY/PRAAYER**

The meeting was called to order at 1:35 PM and commenced with a word of prayer from Hon. Noor Mohamud. The Vice chair welcomed members to the meeting and thanked them for been punctual.

**MIN2/COI/27/11/2020: CONFIRMATION OF THE PREVIOUS MINUTES**

The Minutes of the previous meeting held on Friday 27<sup>th</sup> November,2020 at 10:05 AM was read by the Committee Clerk. It was Proposed by Hon. Alinur Hassan and seconded by Hon.Noor Mohamud as the true records of committee proceedings. The minutes was later confirmed and adopted.

**MIN3/COI/27/11/2020: ADOPTION OF THE REPORT ON IMPLEMENTATION STATUS OF MOTIONS PASSED IN 2019**

The Committee extensively deliberated on the final Content of Report on Implementation status of motions passed in 2019 and made further observations and recommendations in the Report.

Consequently, the Committee resolved to adopt the Report and agreed to table in the House for consideration on Tuesday 1<sup>st</sup> December,2020.

**MIN4/COI/27/11/2020: A.O.B & ADJOURNMENT**

There being no other business the meeting was adjourned at 2:49 PM with a word of prayer by Hon. Alinur Hassan.

MINUTES TAKEN BY..........DATE.....  
**THE COMMITTEE CLERK.**

CONFIRMED BY..........DATE.....  
**THE COMMITTEE VICE CHAIRPERSON.**