

REPUBLIC OF KENYA
MANDERA COUNTY ASSEMBLY

THE HANSARD

Tuesday, 1st July, 2020

*The House met at the Assembly Chambers
County Assembly Buildings, at 2.30 p.m.*

[Deputy Speaker (Hon. Farah Abdi) in the Chair]

PRAYER

Deputy Speaker (Hon. Farah Abdi): Sergeant-at-arms, ring the quorum bell for 10 minutes.

(Quorum bell rang)

(Quorum achieved)

(Orders read)

Deputy Speaker (Hon. Farah Abdi): Ok let us start.

STATEMENTS

PLANNING IN BANISA TOWN

Deputy Speaker (Hon. Farah Abdi): Hon. Members, we have a statement from Hon. Abdirahman Aliow Issack.

Hon. Bishar Maalim Abdullahi (Takaba): Mr. Deputy Speaker, honorable Abdirahman requested me to read it on his behalf.

Deputy Speaker (Hon. Farah Abdi): Go ahead.

Hon. Bishar Maalim Abdullahi (Takaba): Mr. Deputy Speaker, section 104 (2) of the County Government Act 2012 states that county planning framework shall integrate economic, physical, social, environmental and spatial planning.

Aware that town planning was never undertaken in Banisa town since inception of devolution, pursuant to provision of Standing Order 44 (2) (c), I wish to seek a statement from the chairperson of Lands, Housing and Physical Planning Committee on-

i. Any plan by the department to undertake physical Planning in Banisa town?

Deputy Speaker (Hon. Farah Abdi): Honorable chair for Lands, honorable Halima.

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Hon. Halima Billow (Nominated): Thank you, Mr. Deputy Speaker. I request the committee to be given two weeks to respond.

Deputy Speaker (Hon. Farah Abdi): Two weeks is fine. We go to statements to be responded to the first being the statement raised by Honorable Abdinoor Dakane Rafat to the Chairperson of Finance and Economic Planning Committee.

Hon. Mohamed Rashid (Kutulo): Thank you, Honorable Chair. Mr. Deputy Speaker, the CEC for Finance has requested to respond by Tuesday 30th which was yesterday and because of the Covid-19 we only have one sitting which was on Monday 29th. So, we will discuss the response in our next meeting and bring it to the House.

Thank you.

Deputy Speaker (Hon. Farah Abdi): So it will be ready by next week?

Hon. Mohamed Rashid (Kutulo): Yes.

Deputy Speaker (Hon. Farah Abdi): That is okay. We go the next statement raised by honorable Yussuf Maalim Dakane to the Committee on Roads, Transport and Public Works.

Hon. Ahmed Gabnan (Waranqara): Mr. Deputy Speaker, we received the response to the statement but the committee felt it is too shallow to be presented to the members. As a result we wrote back to them to provide comprehensive answer to the questions asked. So, we request the members to give us more time.

Deputy Speaker (Hon. Farah Abdi): How long?

Hon. Ahmed Gabnan (Waranqara): It will be ready by next week.

Deputy Speaker (Hon. Farah Abdi): Fine. We go to the next statement raised by honorable Abdullahi Siyad Adan to the Committee on Water, Energy and Natural Resources.

Hon. Yussuf Maalim Dakane (Alungu-Gof): Thank you, Mr. Deputy Speaker. I have the response. I will go to the question of the first statement that says, the amount of money in bank belong to the defunct Water Users Association. By January 2020, the amount of money in all WUAs bank account totaling to 4,634,376.95. However, we observed that these funds were declining due to the deduction of regular bank charges. So, we requested the county treasury to instruct the banks to transfer the above amount in total to the county revenue account. This was effected in February 2020.

On whether any amount of this money has been utilized, we are not aware of the utilization of any amount of this money. In fact we ceased to be in control of the money as soon as it was deposited into counties revenue account. It is now fully under control of the County Treasury. It is only the County Treasury which can provide information regarding if any parts of the money has been used for any purpose.

Third question was, if no money was utilized, why is the money lying in the bank account while many boreholes cannot off-set debt accrued from fuels and maintenance? As responded there is no money lying idle in the account. The whole of it has being transferred to the County Revenue Account. When the department dissolved the Association, it also froze all the respective accounts to ensure no one can operate the account and utilize money to that effect.

Lastly, what plan does the department have for the utilization of the said monies? The department has already submitted its 2020/2021 FY Budget proposal to the CECM finance and economic planning requesting for enhanced recurrent budget while anticipating re-allocation of the money under the budget line for the maintenance of water supplies in the 2020/2021 FY

Budget. It is our hope that our above forwarded budget proposal will be realized with the support of the members of this honorable House.

Deputy Speaker (Hon. Farah Abdi): Honorable Abdullahi Siyad.

Hon. Abdullahi Siyad (Lafey): Thank you, Mr. Deputy Speaker. The answer from the department is satisfactory as far as they are concerned but still the issue of money and it is whereabouts is not known. I am also going to generate statement to the department of Finance to tell us where they have taken the money. As far as water is concerned I am satisfied.

Thank you.

Deputy Speaker (Hon. Farah Abdi): Honorable Ahmed.

Hon. Ahmed Gabnan (Waranqara): Mr. Deputy Speaker, I am just mesmerized because though the member said the answer is satisfactory I have no problem with that but it is very unfortunate that I want to bring to the attention of the House the disorderly manner in which this county works. I remember when the Ad Hoc Committee on water was going round, certain boreholes like that in Waranqara, Wargadud and others had huge outstanding debt which they were to clear and these accounts were closed abruptly without any notice and the outstanding debt is still a burden to them. So, what is the rationale behind closing the accounts and leaving the burden to the associations and we do not know what this money was used for? It is very unfortunate and I look forward to the next statement so that we know what is more important, offset the debt and providing water to our people or putting other structures that maybe that money has gone to? I am eagerly waiting to know where that money has gone.

Thank you.

Deputy Speaker (Hon. Farah Abdi): Honorable Alinoor.

Hon. Alinoor Derow (Wargadud): Thank you, Mr. Deputy Speaker. I think the concerns raised by honorable Gabnan are there. In Wargadud, we have two boreholes, the Asal and Wargadud town borehole which are owed almost 900,000. I think the debt has increased due to poor management installed by the water department. For sure it is a major concern for both domestic and livestock water supply. Today at any time those supplying fuel have not been paid and henceforth that borehole is likely to be closed and the community will suffer. The aspect of revenue is meant to ring fence the running of that borehole. There is no essence of transferring that money to revenue department because according to the water act the department should have at least offset the debt for each and every borehole instead of transferring the money to their account. Issue of transparency and accountability is something necessary though the owner of the statement says he is satisfied but we wanted the breakdown of those accounts as per the account statement of various boreholes which have been closed at the initial date.

Ideally there is a cloud over the whole issue. It is necessary that at least the department should come up clear guidelines on the aspect of domestic water supply. It is an issue of concern to date and there are various boreholes which are owed especially Wargadud town. In fact I was about to raise an issue of offsetting the debts in the next session but was only waiting for this feedback with the hope that they will give clear stand on the status of various boreholes so that at least I get information from ward.

Mr. Deputy Speaker, there are several boreholes, Elele borehole, Buqe borehole and Har Sanga boreholes which are run by the department of water and in fact the situation is bad and domestic water supply is a concern in some areas. There is need for water trucking which have generated conflict. Communities are in need of basic water supply and the department is not

coming up with clear guidelines regarding domestic and livestock water supply. I think with that concern the chairman of the committee should have at least gone further and do proper oversight and come up with clear picture. Personally, though I am not the generator of the statement, it is not satisfactory. So, I am waiting for your ruling.

Deputy Speaker (Hon. Farah Abdi): Honorable Teno.

Hon. Abdinur Diisow (El-wak South): Thank you, Mr. Deputy Speaker. First and foremost, I would like to congratulate the department of water through the able vice chair for bringing such a conclusive report that nearly touches on all aspects that the honorable Member enquired. However, we are also alive to the fact that these Water Users Association was disbanded sometimes back in 2018 and in the same response we are also hearing that they have budgeted these money for 2020. That means these money was idle since 2018. Equally in their response they are saying there was no money which was idle in their account. Further contradicting themselves, again, they said these funds were declining due to deductions of regular bank charges. That means that money has overstayed in that account for nearly two years. That notwithstanding, the bone of contention here is the utilization of the 4,634,376.95 shillings. Now since the department of water through their diligence have reported to this House that this money is no longer within their purview, it is us, as the statement seeker rightly put, to source for more information regarding this money.

Thank you.

Deputy Speaker (Hon. Farah Abdi): Honorable Rafat.

Hon. Abdinoor Dakane (Khalalio): Thank you, Mr. Deputy Speaker. On the same issue about Water Users Association, there is something which is not clear and you can see all the Members are so much concerned over it. What normally happens is that the water department comes very fast to rescue people when pumps fail. If they can rush there and repair those pumps with their money, it could have been better but what happens is that they are not concerned and they have even taken the money and the people are having problems. Some have to go miles to fetch water for their animals. You will be so much concerned when the people call you and tell you that there is no water for weeks and then you will wonder what to do and if you rush to the department of water they tell you it is the revenue department, if you rush to revenue, they tell you it is the finance department. There is something going on here. One thing which we need to note is that we have to get another Ad Hoc Committee to make sure that these water issues must go somewhere because this is just circulating within them and then it is not going anywhere. So, just on a lighter note such committee will be required urgently.

Thank you.

Hon. Adan Maalim Abdullahi (Township): Thank you, Mr. Deputy Speaker. Being a Member of the Committee on Water, I think the questions were attended to well and we were satisfied when we brought the response to the House. I think the question of establishing an Ad Hoc Committee over this matter is misplaced because as far as money collection is concerned, Standing Order is very clear. Money matters go to the department of revenue. We cannot be talking about the same to be brought to water. They have different roles. I hail from Wargadud location, I used to remember when water was handling this matter we use stay two to three days without water in that town. There was no money to handle this matter. Now such problems are not there. The county government is doing its work within the expectation of the public but as far

as collection of money is concerned, I think we do not need to debate, raise concerns or generate an Ad Hoc Committee on this.

Hon. Alinoor Derow (Wargadud): Point of information Mr. Deputy Speaker! As the spokesperson of the residents of Wargadud ward---

Deputy Speaker (Hon. Farah Abdi): Order! Hon. Adan, get back to your seat. Let us hear his information.

Hon. Alinoor Derow (Wargadud): I am honorably elected and representing and being the voice of Wargadud ward. I can confirm that at least the people of Wargadud ward are protesting and it is in the social media that there is inadequate water supply in Wargadud to the extent that there is some conflict over water issue as I am talking now. There are people who fought over water and they are recording statement at Wargadud Police station today. In fact there are people who are injured and are currently in police station taking P3. So, the issue being raised by Hon. Adan Maalim Abdullahi that the aspect of water problem is not there and it does not exist is not there. That borehole is likely to be closed because of lack of offsetting the debt.

Thank you.

Hon. Adan Maalim Abdullahi (Township): I did not dispute that. The honorable member did not understand me. I said that I hail from there and how it used to be when water was handling this matter. There were a lot of problems on servicing wells. I am not talking about the current status of water in Wargadud Town, honorable Alinoor Derow. I just raised a point that money matters should be handled by revenue officers as it is right now and it cannot go to water.

Deputy Speaker (Hon. Farah Abdi): Hon. Sokorey.

Hon. Sokorey Maalim Issackow (Nominated): Thank you, Mr. Deputy Speaker. I want to say few things raised by the honorable member for Lafey. To me, I think (*went off record*) for this question. So that is one thing-----

Hon. Alinoor Derow (Wargadud): Point of information. I am not the generator of the statement. It is Hon. Abdullahi Siyad who generated.

Hon. Sokorey Maalim Issackow (Nominated): I do not need any information. (*Spoke off record*).

Hon. Shaban Hassan (Ashabito): Thank you, Mr. Deputy Speaker. When these Water Users Associations were disbanded and these funds transferred to Revenue Department or Finance and Economic Department. There are people who have supplied fuel and spare parts. This money could have been used to offset these debts and these people do not know when they will be paid. The best thing is before they have transferred this to the Department of Finance and Economic Planning then they could have settled this debt. The owner of the statement should take up with Finance and Economic Planning Department so that this money should not be factored in this year's budget but returned to offset these debts.

Thank you.

Hon. Bashir Ibrahim (Kiliwehiri): Thank you, Mr. Deputy Speaker. I want us to go back to the question and I want to tell the House that this response is well answered. The first question we asked is how much money was in the bank? And we have been told how much money was there like 2 million and something was in the bank up to January 2020. We are told the money is not idle and it has been transferred to the Revenue Department. Now if you have a question bring another statement because the mover of the statement has said the response is well

answered. I do not know why, if you have any other reason or you are not satisfied with the answer then right your own statement and ask the Ministry of Finance and Economic Planning how that money has been used or write back to the Ministry of Water on why they have transferred money instead of paying the debts. But we do not know whether it is debts because nobody asked question on debt. I do not know why you are talking about it in this House.

Thank you.

Deputy Speaker (Hon. Farah Abdi): I will allow the honorable member repressing Malkamari.

Hon. Abdi Hassan (Malkamari): I will concur with the two honorable Members who spoke before me; Hon. Bashir Ibrahim and Hon. Sokorey Maalim Issackow though I defer with Hon. Sokorey on the question of Hon. Alinoor Derow. It is true that the statement was raised and we own it and the statement belongs to the House. The answers given are unsatisfactory. But concerns of water shortages are there in all Wards and it is concerning us as elected or nominated members. Because water is a devolved function and water is life.

In that regard, the questions were answered but the problem of water is there. So, let us solve it or go forward on how we shall solve the problems of water generally within our county.

Thank you.

Deputy Speaker (Hon. Farah Abdi): I think the response is very satisfactory because the four questions that was being asked;

1. The amount of money? They answered it and said it is 4.6 million.
2. Where the money has been used? They said they have transferred the money to Revenue Account.

Now from there the owner of the statement can also generate another statement whether that money has been used or not. But this time round, it is not Water Department but it will go to the Department of Finance and Economic Planning. From where I sit, the response is very satisfactory. We go to the next statement.

This is a statement raised by honorable Yussuf Maalim Dakane member representing Alungu-Gof to the Committee on Roads, Public Works and Transport. Chair, Hon. Abdiaziz, do you have the response?

Hon. Abdiaziz Dakat (Arabia): Thank you, Mr. Deputy Speaker. The statement raised by honorable Yussuf Maalim Dakane, the department has responded but the committee did not deliberate because as you know the committee sits only once in a week. So, they have responded yesterday. We will respond next week Wednesday, Insha'Allah.

Deputy Speaker (Hon. Farah Abdi): We said in liaison meeting that we have only once for every committee per week. But we said when committee has a lot of businesses then they can request more time through the Clerk's Office, and if the Clerk approves it then they can have more than one sitting. It is our prayer that next week, this response will be ready.

ADJOURNMENT

Deputy Speaker (Hon. Farah Abdi): Hon. Members, having exhausted today's business, we adjourn the House to next week Tuesday, 7th July, 2020 at 2:30 p.m.

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