

REPUBLIC OF KENYA

MANDERA COUNTY ASSEMBLY

THE HANSARD

Tuesday, 24th March, 2020

*The House met at the Assembly Chambers
County Assembly Buildings, at 9.03 am*

[The Speaker (Hon. M. A. Khalif) in the chair]

PRAYER

PETITIONS

PETITION CONCERNING PUBLIC PARTICIPATION ON MANDERA COUNTY FISCAL STRATEGY PAPER, 2020

Hon. Ahmed Rashid (Gither): Thank you, Mr. Speaker. I take this opportunity on behalf of the committee on Budget and Appropriation to present the report on the petition of the County Assembly concerning public participation on Mandera County Fiscal Strategy Paper, 2020.

Mr. Speaker, the following are the members of the Budget and Appropriations Committee as constituted by the House:-

1. Hon. Ahmed Rashid Mohammed -Chairman
2. Hon. Abdullahi Siyad Adan -Vice Chairman
3. Hon. Adan Maalim Mohamed -Member
4. Hon. Fatuma Issack -Member
5. Hon. Yussuf Maalim Dakane -Member
6. Hon. Ibrahim Ali Wariyo -Member
7. Hon. Abdullahi Yunis Guliye -Member
8. Hon. Abdi Adan Ali -Member
9. Hon. Amran Adan Abdirahman -Member
10. Hon. Issack Dahir Abdi -Member
11. Hon. Sokorey Maalim Issackow -Member
12. Hon. Abdiaziz Dakat -Member
13. Hon. Nasra Noor Mohamed -Member

The County Budget and Appropriations Committee is a Select Committee established under Standing Order 189. The Mandate of the committee includes:-

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- (a) Investigate, inquire into and report on all matters related to coordination, control and monitoring of the of the county budget;
- (b) Discuss and review the estimates and make recommendations to the County Assembly;
- (c) Examine the Fiscal strategy paper presented to the County Assembly;
- (d) Examine Bills related to the County budget, including Appropriations Bills; and
- (e) Evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays.

Mr. Speaker Sir, the Budget and Appropriations Committee wishes to thank its Hon. Members for their dedication, resilience, commitment and valuable contributions to the inquiry process.

The committee is grateful to the offices of the Hon. Speaker and the Clerk to the County Assembly for the support extended in facilitating the logistics, technical and administrative work of the Committee.

The Committee further thanks the petitioners who have acted within their right to petition the County Treasury on behalf of the people of this great County and for honoring invitation of the committee and making oral submission and provided evidentiary materials in form of evidence before the committee .

Mr. Speaker Sir, on behalf of the Budget and Appropriations committee, it is therefore my pleasant duty to table this report for consideration by the County Assembly.

Mr. Speaker Sir, the petition regarding Public Participation on Mandera County Fiscal Strategy paper, 2020 in Mandera East Sub County was presented to the Assembly on 2nd March 2020. The petition was subsequently committed to the Budget and Appropriations Committee on 3rd March 2020 for consideration pursuant to Mandera County Assembly Standing Order 207.

On 8th February, 2020 Mandera County treasury placed a gazette notice on both Standard Newspapers and the Daily Nation with 12th February 2020 earmarked for public participation exercise on Mandera County Fiscal Strategy Paper 2020 in Mandera East Sub County.

Mr. Speaker Sir, CFSP is one of the documents in the Budget cycle that identifies strategic priorities, expenditure/revenue performance of the previous year and more importantly provide departmental ceilings.

CFSP offers policy makers in all the departments an opportunity to modify its macroeconomics parameters and adjust its expenditure and revenue along a more suitable avenue for accelerating service delivery to the people. CFSP is required to align itself to the National objectives outlined in the Budget Policy statement and shall also apply fiscal responsibility principles as provided for under section 107 of the PFM Act 2012.

Pursuant to section 117 (1) of PFM Act 2012 as read together with Standing Order 211 (1), the County Treasury shall prepare and submit to the County Executive Committee the County Fiscal Strategy Paper for approval and the county treasury shall submit the approved Fiscal Strategy Paper to the County Assembly by the 28th February of each year.

Section 117 (5) states;

“In preparing the County Fiscal Strategy Paper, the county treasury shall seek and take into account the views of;

- a) The Commission on Revenue Allocation
- b) The public
- c) Any interested persons or groups; and

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d) Any other forum that is established by legislation.

Mr. Speaker Sir, in view of the foregoing and in accordance with Article 196 (1) (b) of the Constitution of Kenya 2010, effective public participation has become an indispensable element of democracy and people centered development. It is the very foundation for democracy which does not only strengthen the state by legitimizing governmental actions, but it is also important for good and democratic governance.

Recognizing the benefits of public participation, the Constitution of Kenya 2010 created new spaces for interactions, declared the citizen sovereign and demands that the public must be involved on every aspect of public governance. Article 10 of the Constitution lists public participation as one of the national values and principles of governance that binds all state organs, state and public officers, and all persons in Kenya whenever any of them applies or interprets the constitution, enacts, applies or interprets any laws or makes or implements public policy decisions.

Mr. Speaker Sir, the government of Kenya is committed to ensuring the attainment of effective public participation. The commitment is demonstrated by the numerous provisions of the constitution and public participation and devolution. It is also demonstrated by the various policies, guidelines, and legislation on public participation. Furthermore, Kenya is a signatory to several international and regional conventions with important provisions and public participation.

Article 201 (a) states that there shall be openness and accountability, including public participation in financial matters;

Article 232 (1) (d), states that the values and principles of public service includes involvement of the people in the process of policy making.

Fourth schedule of the Constitution on functions and powers of the County Government includes “Ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

Article 174 (c) one of the objects of devolution includes giving powers of self-governance to the people and enhancing the participation of the people in the exercise of the powers of the State and in making decisions affecting them”;

Section 125 of the PFM Act give details including adoption of County Fiscal Strategy Paper, Section 125 (1) (d) read together with Section 125 (2) mandates the County Treasury to do public participation on County Fiscal Strategy Paper.

Section 87 of the County Government Act 2012 states that Citizen Participation in county governments shall be based upon the following principles—

(a) Timely access to information, data, documents, and other information relevant or related to policy formulation and implementation;

(b) reasonable access to the process of formulating and implementing policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards;

(c) Protection and promotion of the interest and rights of minorities, marginalized groups and communities and their access to relevant information;

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(d) legal standing to interested or affected persons, organizations, and where pertinent, communities, to appeal from or, review decisions, or redress grievances, with particular emphasis on persons and traditionally marginalized communities, including women, the youth, and disadvantaged communities;

(e) Reasonable balance in the roles and obligations of county governments and non-state actors in decision-making processes to promote shared responsibility and partnership, and to provide complementary authority and oversight;

Section 88 (1) of County Government Act further indicates that Citizens have a right to petition the county government on any matter under the responsibility of the county government.

Section 88 (1) of County Government Act also states that County government authorities, agencies and agents have a duty to respond expeditiously to petitions and challenges from citizens.

The county government shall facilitate the establishment of structures for citizen participation including—

(a) Information communication technology based platforms;

(b) Town hall meetings;

(c) Budget preparation and validation for;

(d) Notice boards: announcing jobs, appointments, procurement, Wards and other important announcements of public interest;

(e) Development project sites;

(f) Avenues for the participation of peoples' representatives including but not limited to members of the national Assembly and Senate; or

(g) Establishment of citizen fora at county and decentralized units.

Mr. Speaker, Standing Order 200 states that;

(1) A petition to the County Assembly shall be-

(a) Submitted to the Clerk by the petitioner and reported to the County Assembly by the Speaker; or

(b) Presented by a Member on behalf of a petitioner, with the consent of the

Speaker.

(2) Notwithstanding paragraph (1) (b), a Member shall not be eligible to present a petition on his own behalf.

(3) The Clerk shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of these Standing Orders and of the law.

(4) Where the Clerk considers that a petition does not comply with paragraph (3), the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with that paragraph.

(5) The Clerk shall, if satisfied that the petition meets the requirements under paragraph (3), forward the petition to the Speaker for tabling in the County Assembly.

Standing Order 201 states that a Petition on a private Bill shall be dealt with in accordance with Part IX (Private Bills) of these Standing Orders.

Standing Order 202 states that a Member shall give to the Clerk two sitting days' notice of intention to present a Petition and the Clerk shall examine such Petition and ensure that the Petition is presented in the manner, form and content required by these Standing Orders.

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Standing Order 203 states that a petition shall be in the form set out in the Third Schedule and shall-

- (a) Be handwritten, printed or typed;
- (b) Be in English or Kiswahili and be written in respectful, decorous and temperate language;
- (c) Be free of alterations and interlineations in its text;
- (d) Be addressed to the County Assembly;
- (e) Have its subject-matter indicated on every sheet if it consists of more than one sheet;
- (f) Indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory;
- (g) Indicate whether the issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body.;
- (h) Conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;
- (i) Subject to paragraph (m), contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;
- (j) Contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it;
- (k) Not have any letters, affidavits or other documents annexed to it;
- (l) In the case of a petition presented by a Member on behalf of a petitioner, be countersigned by the Member presenting it; and
- (m) Be signed by the petitioner or if the petitioner is unable to sign, by a witness in whose presence the petitioner shall make his or her mark on the petition.

Standing Order 204 states that the total time on the Order "Petitions" shall not exceed thirty minutes.

Standing Order 205 states that;

- (1) A schedule of Petitions to be presented or reported to the County Assembly on a sitting day may be appended to the Order Paper of the Day in the order that they shall be presented or reported.
- (2) When the Order "Petitions" is read, the Speaker shall-
 - (a) In case of a petition presented by a Member, direct that the Member to present the Petition to the County Assembly or;
 - (b) In case of a Petition presented through the Clerk, report the Petition to the County Assembly;
- (3) The Member presenting the Petition shall read such Petition but shall confine himself or herself to the subject of the prayer, the material allegations therein and the number of signatures attached.
- (4) A Member having presented a Petition shall, without question put, lay the Petition on the Table of the County Assembly;
- (5) A Member presenting a Petition shall not speak for more than five minutes, unless with permission of the Speaker.

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Mr. Speaker Sir, Standing Order 206 states that, the Speaker may allow comments, observations or clarifications in relation to a Petition presented or reported and such total time shall not exceed thirty minutes.

Mr. Speaker Sir, Standing Order 207 states that;

(1) Every Petition presented or reported pursuant to this Part, shall stand committed to the relevant Sectoral Committee.

(2) Whenever a Petition is committed to a Sectoral Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the County Assembly and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petitions for not more than twenty Minutes.

(3) The Clerk shall, within fifteen days of the decision of the County Assembly, in writing, notify the petitioner of the decision of the County Assembly on the petition.

Mr. Speaker Sir, the petition regarding Public Participation on Mandera County Fiscal Strategy Paper, 2020 in Mandera East Sub County was presented to the Assembly on 2nd March 2020.

The petition was subjected to a critical scrutiny in order to ascertain whether or not the laid format and procedure as provided for under third schedule and standing order no. 199 and 203 have been complied with.

Mr. Speaker Sir, the petition passed the admissibility test and was read in the Assembly and subsequently committed to the Budget & Appropriations committee on 3rd March 2020 for consideration pursuant to Mandera County Assembly Standing Order 207.

The following are details of the petitioners;

S/NO.	NAME	CONTACT	ID/NO
1.	Mr. Noor Abdow Ahmed	0722506836	10028623
2.	Mr. Mohamed Suleiman Ibrahim	0721547206	2111552
3.	Mr. Abdikadir Adan Ahmed	0726509285	10028081

In their petition, the petitioners prayed that;

1. The Mandera County Assembly REFER the County Fiscal Strategy Paper, 2020/2021 back to the Executive for public participation in order to give the residents of Mandera East Constituency to engage, contribute, and provide their inputs on the document.

Mr. Speaker Sir, the committee at its sitting of 10th March 2020 invited the petitioners to appear before the committee on Wednesday, 11th March 2020 for purpose of making oral submission and providing evidentiary materials.

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On 11th March 2020, Mr. Mohamed Suleiman (petitioner II) appeared before the committee only to request for an extension of time to make submission. Mr. Suleiman indicated his colleagues were out of town and that he was not in a position to make any submission in their absentia. Consequently, the committee rescheduled the proposed appearance to Friday, the 13th March 2020 at 2:30 p.m.

On Friday, March 13, 2020, at 2:30 p.m. the petitioners appeared before the committee in Board room I. The petitioners in their oral submission indicated as follows;

- I. That their petition is purely on merit and not based on a witch hunt.
- II. That pursuant to Article 10, 174 (c) (d), 201 (a) on public participation, they have a right to participate and influence decisions affecting them directly or indirectly as far as county operations are concerned.
- III. That CFSP is an important document in the Budget cycle which identifies strategic priorities, expenditure/revenue performance of the previous year and first quarter of the current year to inform projections and sector/departmental ceilings.
- IV. That there was no public participation exercise conducted for County Fiscal Strategy Paper, 2020 in Mandera East Sub County contrary to the advertisement on the Daily Nation of 12th of February 2020 at Mandera Town Social Hall.
- V. That the Mandera Town Social Hall is non-existent.
- VI. That there was no justification as to why the exercise did not take place.
- VII. That the Mandera County Government is mandated to timely avail information pursuant to Article 35 of the C.O.K 2010.
- VIII. That the issue raised in the petition is not pending in any court of law, constitutional or any other legal body.
- IX. That, they have made the best efforts to have this issue addressed by the relevant authorities through writing and visiting their offices and satisfactory response was availed to them.
- X. That, they pray the CFSP 2020 be referred back to the County Treasury for public participation in order to allow the residents of Mandera East Sub County to provide their input on the document.

The petitioners when questioned about the venue, time for public participation on CFSP in Mandera East Sub County as indicated on the newspapers and whether or not they visited the venue, Petitioner I indicated that public participation is not an individual party and as such should be public. He stated that, they visited the proposed venue but nobody was in attendance.

When asked about whether they were in a possession of any evidentiary material to show an effort put to address the same, the petitioners provided a write up which they claimed was an email they had written to the CEC Member for Finance & Economic Planning. However, the same does not indicate the details for sender, receiver, date, time, etc. The petitioners promised to furnish the same with all the details as questioned above as a basic minimum. Petitioner I confirmed not to have any pictorial evidence in relation to the subject of inquiry.

When questioned whether or not the Public Participation exercise on CFSP 2020 was conducted in any of the five wards in Mandera East Sub County, Petitioner 1 stated that no public participation exercise in relation to CFSP 2020 was conducted in any of the five wards. Pursuant to Standing Order 207 as read together with 208, the chair assured petitioners that they

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will receive a copy of response on the petition by a way of report within 60 calendar days from the time of reading the prayer.

Mr. Speaker Sir, on 10th March 2020, the Budget and Appropriations Committee vide letter MCA/CEC/FEP/VOL.1 (256) wrote to the department of Finance and Economic Planning to make a comprehensive submission in relation to the allegation that;

- i. There was no prior sensitization and communication to the citizens concerning the public participation on County Fiscal Strategy Paper by the Mandera County Executive.
- ii. There was no public participation that took place as scheduled and there is no justification as to thereof.

Mr. Speaker Sir, on 16th March 2020, the department of Finance and Economic Planning vide letter MCG/EP/CFSP/PP/006 responded to the allegation as indicated hereunder;-

1. That, the Mandera County Government invited members of the public to participate in CFSP public participation in all seven sub-county headquarters including Mandera East through standard Newspaper advert published on 8th February 2020.
2. That, the government further invited interested parties and key stakeholders through sub-county and ward administrator's offices to attend social hall meetings and give their views on the date/time published in the newspaper.
3. That, on 12th February 2020 at 8.00 am. public participation meeting was held at Peace Social Hall (next to NDMA compound) chaired by Deputy Sub-county administrator Mr. Mustafa and CFSP secretariat, Mr. Shakir Adan.
4. That, a well-balanced group of people attended including a team led by the petitioner Mr. Noor Abdow Ahmed who introduced himself as human right activists.
5. That, Mr. Noor Abdow and his friends caused chaos and interrupted members of the public who were peacefully contributing their views.
6. That, Mr. Noor Abdow further demanded for the presence of the Governor and threatened to petition County Assembly to compel executive to hold another forum and left after members of the public intervened.
7. That, Mandera East public inputs are part of the consolidated Sub-county public inputs as contained in the CFSP 2020 document (excerpt annexed).
8. That, pictorial evidence (annexed) shows Mr. Noor Ahmed participating in the public hearing process of CFSP 2020.
9. That, the petition lacks merit and the Mandera County Assembly dismisses the same based on the evidence provided by the County Executive.

Mr. Speaker Sir, the committee in pursuit to establish the truth of the matter critically scrutinized the oral/written submissions presented by the petitioner's vis-à-vis the written submission by the County Executive and consequently observed as follows;

- 1) That, the petition fulfills the required threshold with regards to the provision of third schedule and Standing Order 199 and 203 of Mandera County Assembly.
- 2) That, the petitioners have acted within their right to petition as provided for in Section 88 of County Government Act 2012 and Article 119 of the Constitution of Kenya 2010 and other statutes.
- 3) That, the Mandera County Executive advertised for public hearing exercise on County Fiscal Strategy Paper, 2020 on Standard and Daily Nation newspapers on 8th February 2020. (annexed)

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- 4) That, the public notice of 8th February 2020 on CFSP, 2020 indicates 17th February 2020 as the deadline for submission of memoranda.
- 5) That, the proposed public hearing day and date on County Fiscal Strategy Paper for Mandera East Sub County was Wednesday, the 12th of February 2020 at Mandera Social Hall – 8:00 am.
- 6) That, the Public hearing on the document was conducted at Mandera Peace Hall as opposed to Mandera Social Hall as captured in the public notice.
- 7) That, the pictorial evidence submitted indicates that the numbers of participants are few.
- 8) That, there was no evidence of public participation register (no attendance list attached)
- 9) That, the committee cannot independently verify the pictorial evidence.
- 10) That, the purported inputs for Mandera East Sub County on CFSP, 2020 during the public participation exercise are well captured in the document. (Excerpt annexed).
- 11) That, the pictorial evidence at the background shows a banner indicates the public participation was for CFSP 2020

Committee Recommendations,

1. After a careful consideration of the petition concerning public participation exercise on County Fiscal Strategy Paper 2020 and following gathering of enough evidence, the committee for Budget and Appropriations recommends the Assembly to dismisses the petition on the ground that; -
 - a) The County executive undertook the public participation exercise on the document.
 - b) That, the goal for petitioners was to give their views on County Fiscal Strategy Paper 2020 and that the opportunity was presented to them by County Assembly during the exercise. And actually they were invited during cross examination.
2. The County Assembly fast track enactment of public participation and civic education policy currently under consideration by the Public Service Committee in order to promote accountability, proper coordination and prudent utilization of resources.
3. And finally going forward, the County Treasury to establish data base of non-state actors and engage them for town hall meetings in preparation of such policy documents in addition to scheduled public participation.

Thank you.

The Speaker (Hon. M. A. Khalif): Any comments or observations?

Next Order!

PETITION CONCERNING DEMOLITION OF JAMHURIA MARKET STALL
ALONG CLOTHS MARKET PERIMETER WALL

The Speaker (Hon. M. A. Khalif): Chairman, you came late. What happened?

Hon. Adan Maalim Mohamed (El-wak North): I am sorry, Mr. Speaker.

The Speaker (Hon. M. A. Khalif): Proceed.

Hon. Adan Maalim Mohamed (El-wak North): Honorable Speaker, I now take this opportunity on behalf of the committee to present the report on the petition of the County Assembly on demolition of Bull a Jamhuria along cloths market perimeter wall in Mandera town.

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The Trade, Industrialization and Cooperative Development committee is one of the Sectoral Committees constituted by this County Assembly and draws its mandates from Mandera County Standing Order 193(5).

The Trade, Industrialization and Cooperative Development committee is comprised of the following Honorable Members;-

- | | |
|-----------------------------------|------------------|
| 1. Hon. Adan Maalim Mohamed | Chairperson |
| 2. Hon. Ibrahim Ali Wariyo | Vice-chairperson |
| 3. Hon. Halima Billow Omar - | Member |
| 4. Hon. Shamsa Ibrahim Maalim - | Member |
| 5. Hon. Abdi Hassan Ali - | Member |
| 6. Hon. Ahmed Rashid Mohamed - | Member |
| 7. Hon. Nasra Noor Mohamed - | Member |
| 8. Hon. Alinoor Derow Abdullahi - | Member |
| 9. Hon. Nasra Hussein Adawa - | Member |

Mr. Speaker Sir, the committee on Trade, Industrialization and Cooperative Development derives its mandate from second schedule of the Standing Orders and Standing Order 193 which provides for the functions of a Sectoral Committee and shall be to;-

- (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- (c) Study and review all county legislation referred to it;
- (d) Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) Investigate and inquire in to all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- (f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order No. 188 (Committee on Appointments); and
- (g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

I take this opportunity to thank Hon. Members for their input and commitment during committee deliberation and compilation of this report. I also take this opportunity to thank the Offices of the Speaker and Office of the Clerk for the Support accorded to the Committee.

Finally, I thank the petitioners, the Department of Lands, Mandera Municipality and Trade Department for honoring our invitations and responding to the prayers of the petitioners. It is now my pleasant duty and privilege on behalf of the Committee to present the report on the petition to the County Assembly on demolition of bulla Jamhuria market stalls along cloths market perimeter wall in Mandera town.

As defined in Standing Order 199 a petition means a written prayer to the County Assembly by a member of the public requesting the County Assembly to consider any matter within its authority including enacting, amending or repealing any legislation. It is therefore a request. It expresses point of view usually on matters of public policy and contains request for action(s) or in some cases not to take action.

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It is the right of individuals, organization, groups and any other stakeholder to petition the County Assembly on matters of interest. Petitions are processed according to the law and the laid down procedure and the general principles applicable to petitions are contained in The Mandera County Citizen Participation Act 2019 and Mandera County Assembly Standing Orders.

In exercise of their right as enshrined in Articles 37 and 119 of the Constitution and sections 37 and 15 of Government Act No 17 of 2012 and in compliance with Standing Order 200 (1) (a), on Tuesday 3rd March 2020, the Office of the Clerk received a petition by traders doing Business in Bulla Jamhuria along the perimeter wall of Bulla Jamhuria Cloths Market on planned demolition of their stalls by Mandera Municipality. Having met the criteria on presentation of petitions as set out in Standing Order 200-203, the petition was tabled in the County Assembly as per Standing Order 200 (1) (a) and it was committed to the Committee on Trade, Industrialization and Cooperative Development and report back to the County Assembly within sixty calendar day as clearly stated in Standing Order 207(2).

The procedure of petitioning the County Assembly is provided in Standing Order 200-209 and the Mandera County Citizen Participation Act 2019 which adequately guide the process.

The right of citizens to petition public authorities is enshrined in Articles 37 and 119 of the Constitution, 2010. In particular Article 37 provides that;

“Every person has a right, peaceably and unarmed, to assemble to demonstrate, to picket and to present petitions to public authorities”.

Section 15(1) of the County Governments Act 2012, states that a person has a right to petition a County Assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation.

In addition, Section 88 (1 & 2) makes provision for citizens’ right to petition and challenge. The said section provides that;

“Citizens have a right to petition the county government on any matter under the responsibility of the county government; and

“Citizen Petitions shall be made in writing to the county government.”

Further, Section 89 of the same Act obligates us;

“The County Government authorities, agencies and agents have a duty to respond expeditiously to petitions and challenges from citizens.”

The manner in which petitions to the County Assembly are handled is provided for in Mandera County Assembly Standing Orders. Standing Order 200 (1) States that, a petition to the County Assembly shall be;-

(a) Submitted to the Clerk by the petitioner and reported to the County Assembly by the Speaker; or

(b) Presented by a Member on behalf of a petitioner, with the consent of the Speaker.

(2) Notwithstanding paragraph (1) (b), a Member shall not be eligible to present a petition on his own behalf.

The Speaker (Hon. M. A. Khalif): Order! There is loud consultation.

Hon. Adan Maalim Mohamed (El-wak North):

(3) The Clerk shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of these Standing orders and of the law.

(4) Where the Clerk considers that a petition does not comply with paragraph (3), the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with that paragraph.

(5) The Clerk shall, if satisfied that the petition meets the requirements under paragraph (3), forward the petition to the Speaker for tabling in the County Assembly.

Standing Order 207 indicates that;

(1) Every Petition presented or reported pursuant to this Part, shall stand committed to the relevant Sectoral Committee.

(2) Whenever a Petition is committed to a Sectoral Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the County Assembly and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petitions for not more than twenty Minutes.

(3) The Clerk shall, within fifteen days of the decision of the County Assembly, in writing, notify the petitioner of the decision of the County Assembly on the petition.

Following the tabling and committal of the petition, the committee embarked on delivering on its mandate. Although this coincided with the spread of pandemic COVID-19 in which few cases were discovered in Kenya, forcing the Government to give directive that banned gatherings and public grouping to be reduced while persons to keep social distance of 1 meter. Further, government institutions are to maintain skeleton staff. This means the committee had to balance the right of the petitioners by responding to their prayers in form of report to the County assembly within the stipulated time in the Standing Order as alive to the fact on the effect of deadly Corona virus. Therefore, little time was at its disposal before the County Assembly is adjourned.

In light of the above circumstances, the committee held five sittings where it engaged;

The petitioners represented by;

1. Mr. Abdullahi Madnur - Chairman
2. Mr. Muhumed Sheikh Adan - Secretary
3. Mr. Mohamed Maalim Abdullahi - Member
4. Mrs. Faduma Mohamed Hussein - Member
5. Mrs. Quresha Jella Ahmed - Member

Lands, Housing and Physical Planning Department;

1. Mr. Adan Hussein Hassan -CEC Member-Lands, Housing & Physical Planning
2. Mrs. Suleikha Osman Maalim - County Chief Officer, Housing and Urban development

Mandera Municipality;

1. Mr. Hassan Noor Adan -Mandera Municipal Manager

Trade, Industrialization and Cooperative Development Department;

1. Dr. Mohamud Adan- Acting CEC Member, Trade, Industrialization and Cooperative Development

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2. Mr. Osman I. Mohamed - County Chief Officer, Trade, Industrialization and Cooperative Development.

The petitioners submitted their petitions on the demolition of Market Stalls on the perimeter wall a long Bulla Jamhuri clothes market (copy of the petition is annexed).

In their petition, the petitioners alleged that;

1. The County Government is planning to demolish their 60 market stalls irregularly that were officially allocated to them in 2005 by the defunct Mandera Town Council.
2. The County Government ignored the trader's ownership documents and rent receipt that shows they have been paying taxes for the past 32 years.
3. The traders engaged the County Government through the Department of Trade and Municipality to address the demolition of market stalls, eviction and relocation of traders and never received satisfactory response.

In their submission to the County Assembly the petitioners' humble prayer is;

- a) To intervene and help the 60 businessmen and women to be allowed to remain in their stalls and continue paying the revenue and building our county together.
- b) To sincerely intervene and get us an alternative strategic business park where we can establish our business for daily living as well as support our families by paying school fees, medical treatment and most importantly educating our children in Duksi and Madarasa.

Mr. Speaker, through your leave, we engaged them through oral submission. I will just skip that part; the oral engagement between us, the Department of Lands, Housing and Physical Planning and Municipality. Their oral submission is indicated there. I will just skip that.

The Speaker (Hon. M. A. Khalif): Read the submission of the Department of Trade, Industrialization and Cooperative Development and the Department of Lands, Housing and Physical Planning. It is very important and I want to hear what they said and the County Government's oral submission. Just go through it.

Hon. Adan Maalim Mohamed (El-wak North): The CECM in his submission informed the committee members that as Urban Planning Department they are not denying the existence of the stalls and the authenticity of the ownership documents. But the traders' shades are on road reserve. He clarified that when it comes to land ownership the government defined it and public land such as road reserve cannot be used to do business. The market stalls that the defunct Mandera Town Council offered to the traders during that time are those stalls that are mapped within the parameters of the four-corner of the clothes market building. He said that he sympathizes with the traders and the allocation letter issued by the defunct Town Council was probably aimed at raising revenues. He further stated that with the advent of devolution, urbanization has grown higher with lots of vehicles that is resulted by rural-urban migration and Mandera town being the headquarters there is higher increase in population compared to other sub counties.

He shared with the committee a certified extract copy of the town plan showing the stalls on the road. He concluded by affirming that the traders are on the road and this has caused daily traffic jam and they must be relocated in the interest of all. Annexed is the map and their submission.

The Mandera Municipality Manager Mr. Hassan Noor in his submission responded that the Municipality is not evicting Mandera Bulla Jamhuri Cloths' Market traders but are

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apparently evicting those traders who encroached road reserve and hindered movement along that area. The Manager stated that he received a complaint letter from area Chief Mr. Alinoor Sheikh Ibrahim on 4th November 2019 requesting from the Municipality to open access roads of CeynuShamsi-Hirsifina-Busley stage road, Bulla Jamhuria Market road, Bulla Jamhuria-Ali Nafyar-Sheikh Ibrahim road and Haji Five to Maalim Aliyow Sambul road. The area Chief lamented that these roads are impassable and blocked the movement of the people and vehicles and sometimes congestions of these roads lead to an accident. Attached is the submission of Municipality Manager.

The Municipal Manager informed the members that on 20th January 2020 he wrote a letter to the County Chief Officer for Trade requesting to allocate space to the displaced traders. In the letter, he stated that the Municipality wanted to start opening the access roads within the Central Business District from Monday 27th January 2020 with special focus on Meta-Meta Bus Stage, Khalalio stage, Musdalifa both from behind and front side access roads. He requested from office of CCO trade to carry out all the necessary due diligence in coordination with department of Roads and Transport like public participation/sensitization, providing an alternative space for traders, doing data capture of traders doing business on the road reserve and putting in place measures to cushion the government against possible litigations with the planned eviction.

Further, the Municipal Manager stated that the CCO Trade in his reply called for stakeholders meeting to deliberate on issue. The CCO of Trade called for the meeting and informed the stakeholders of the impending eviction while acknowledging the challenge of market space since ESP market is earmarked for Bus-Park tenants.

The Speaker (Hon. M. A. Khalif): Go to committee observations.

Hon. Adan Maalim Mohamed (El-wak North): Having heard from the Petitioners, the County Department of Lands, Housing and Physical Planning, Mandera Municipality and the County Department of Trade, Industrialization and Cooperative Development the committee made the following observations;

1. THAT, the planned eviction and demolition of the traders' market shade is executed by Mandera Municipality.
2. THAT, based on the oral submissions made and the lack of proof no eviction notice, sensitization and or public participation was done by either of the County Department trade or Mandera Municipality which contravened the Constitution and section 87 of the County Government Act 2012.
3. THAT, the market shades were allocated by the Defunct Mandera Town Council in 2005.
4. THAT, the traders have valid business licenses and some have already paid for the year 2020.
5. THAT, the market shades are on the road and its reserve as evidenced by the certified copy of town plan presented by CECM lands and the petitioners are cognizant of this as seen in their prayer
6. THAT, the presence of traders in this location has caused traffic jam that will ultimately hinder service delivery and likely to cause accident
7. THAT, many residents generate living out of the market shades and destruction without proper process contravenes their right
8. THAT, department of trade has not done proper registration and verification as requested

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by the Mandera Municipality and the 32 traders registered with them are those who voluntarily went to their offices to register, hence no proper record exist.

9. THAT, there are certain markets in Mandera town which are not used and utilized such as Youth Market and ESP Market.
10. THAT, the trade department is willing to relocate the traders and the petitioners are ready too.

In respect of the prayers made in the petition and having made the foregoing observations, the committee must make appropriate relief in the circumstances of this petition. In so doing, it is alive to the provisions of the law that regulates public petition. In light of this the committee made the following determinations;

- a) Prayer; to intervene and help us the 60 businessmen and women to be allowed to remain in our stalls and continue paying the revenue and building our county together.

The committee in respect of this prayer has done investigation and observed that the traders (petitioners) are on the road reserve. Their continued presence will hinder service delivery to the residents of the town, interfere with sewer and water piping plan, and cause unnecessary traffic jam which may result in accident hence the issue of doing business in the market shade is untenable.

- b) Prayer; to sincerely intervene and get us an alternative strategic business park where we can establish our business for daily living as well as support our families by paying school fees, medical treatment and most importantly educating our children in Duksi and Madarasa.

The committee in respect to this prayer has conducted investigation and confirmed that the County Department of Trade and Mandera Municipality did not conduct proper public participation/sensitization of stakeholders' engagement before embarking on the demolition plan and flouted the constitution and the statues relating to public participation therefore the committee recommends that the County Department of Trade and Mandera Municipality conduct proper stakeholders engagement for a period of two (2) months before relocating the traders effective from the date of adoption of this report as requested by them.

Further, the committee recommends that there shall be no demolition of the traders' market shades until the County Department of trade relocates them to convenient, strategic, secure and safe place where they can do their businesses.

In view of the foregoing the committee resolves that;

1. This report be dispatched to County Department of Trade and Mandera Municipality for the purpose of conducting proper stakeholders engagement.
2. This report be dispatched to the County Department of Trade implementing the relocation of the traders to convenient and safe location.
3. This report dispatched to the Acting CECM for Trade so as to report back to the County Assembly on the implementation status within sixty (60) days of receipt of this report.

Attached are letters of correspondences between the petitioners and the County Assembly.

The Speaker (Hon. M. A. Khalif): I think it is enough. Chairperson, thank you very much. Any comments or observations! Hon. Adan.

Hon. Adan Maalim Abdullahi (Township): Thank you, Mr. Speaker. If you keenly observe the committee recommendations and the prayers made, and the report from the CEC Lands, Housing and Physical Planning and that one of Municipality---

The Speaker (Hon. M. A. Khalif): Use microphone.

Hon. Adan Maalim Abdullahi (Township): I have noted that these particular traders have not been allocated any piece of land by any of the departments. I, therefore, seek the indulgence of this House that until these traders are accorded a piece of land to run their businesses they should not be evacuated.

Thank you.

The Speaker (Hon. M. A. Khalif): Leader of Majority.

Hon. Abdi Adan (Neboi): Thank you, Mr. Speaker. I would like to take this opportunity to thank the Committee on Trade, Industrialization and Cooperative Development. This is a very detailed report on the petition of people owning stalls along Bulla Jamhuri Market. I think we acknowledge that Mandera town is now expanding. This problem will always be continuous unless it is addressed once and for all.

I also want to recommend that the committee has taken enough time to listen to the petitioners and the departments concerned. The major problem we have is that the departments are confused according to the report—nobody knows who is supposed to handle what because we have Municipality, Department of Trade, Industrialization and Cooperative Development and Department of Lands, Housing and Physical Planning all writing to each other. One time, when they gave notice for evictions, I personally intervened and talked to the Department of Trade, Industrialization and Cooperative Development to stop the evictions and they took the advice.

These people were given those stalls by the defunct Mandera Town Council. I know you were once the Chair of that Council. They have legal documents. The problem is moving these people and they are not refusing to move and the same applies to Mandera Bus Park Traders; all of them are willing to move but moving them to the right place is now a major problem because we have limited space in town and the markets that are being built are built without any consultation; there was no any public participation. Even us leaders we were not consulted. Where will these people be taken? We have a market next to Mandera Airstrip. That market is not going to serve any purpose because they are saying youth market and millions of shillings have been used to build that market. We are in Mandera town and no trader will move his business there because it is next to a military camp and is not even safe for the people.

The current site where they built a rehabilitation centre would have been an ideal place for a market. That is the major problem we have. I want to urge the committee to ensure that government land in town especially the CBD is being utilized for such programs of evictions.

Therefore, these people unless they are given right place where they can move to then we will not allow them to move from where they are currently. They give them notice without telling them where to go- they do not know where they are being moved to. I urge the committee to look into that matter and ensure that where these traders are being moved to is a site where they can do their business freely where customers can access so that they earn their living. These are poor. We know our town is growing but we also need to assist the poor people in our county.

Thank you, Mr. Speaker.

The Speaker (Hon. M. A. Khalif): Thank you. Hon. Mohamed.

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Hon. Mohamed Ibrahim (Guticha): Thank you, Mr. Speaker. First, I would like to appreciate the very good work the committee has done. If you go to the annexures of this report, these people were paying Kshs 5 at one time in the 90s. I agree with the Majority leader and the Hon. Majority Whip that these are low scale traders and people who are constrained in terms of resources. Some of them whom I met are really disturbed. What the committee has done is very good. If the recommendation of the committee is implemented then it can save those people.

It is true that these people are earning a living under small shades and they are paying fees for their children in religious and circular schools and for their basic needs. That is the source of their livelihood. As representatives of these innocent poor people, we are mandated that until such a time they will be given proper market then their rights have to be protected.

There are markets that have not been occupied or operationalized in this town. These people must be given priority and the first priority should go to these people especially the market next to Miraa market is up for grabs and these people should be given the first consideration.

It is also true that this is one of the access road in this town in terms of accessibility. If you go through Meta-Meta market, it will take almost 30 minutes for a vehicle to penetrate that road. This challenge can only be solved if these people are given proper market. I would wish to seek your indulgence and the committee that they should not leave this report here but they should see its implementation until these people are allocated stalls.

Thank you.

The Speaker (Hon. M. A. Khalif): The last person is Hon. Rafat. Use the other one.

Hon. Abdinoor Rafat (Khalalio): Thank you, Mr. Speaker. I stand to support the committee on Trade, Industrialization and Cooperative Development. I said many times that these traders lack planning and that is how these traders ended up on the wrong side. You remember in the main market, there is a very big building with roofs with no stalls inside. I went and asked the Municipality why not demolish that one and put more stalls inside. The Department on Trade, Industrialization and Cooperative Development is not giving any solution to that but they are only giving instructions through the governor. But they do not give solution. These are our traders. We are getting revenue from there. The committee should go and follow up. These guys do not even have a store where they can keep their goods if it is demolished today. Demolition should not be done without public participation. They are kicked and told to move anywhere because that market next to Miraa Market used to be a market for the members and the County Government said they will build for them. Already it has its own owners who are going to occupy there. These ones will not get a space there. So, the best solution is for them to occupy where they are and that big building which has no stones to be re-constructed so that members can go inside.

Thank you, Mr. Speaker.

The Speaker (Hon. M. A. Khalif): Thank you. One quick observation, on page 7 in the second or third paragraph you said, there is no legislation passed in Mandera County Assembly that provides for the manner in which petitions made to the county assembly are handled. Procedure for petition in the County Assembly is provided in Standing Order 200-209 and Mandera County citizen Participation Act 2019 which adequately guides the process. It contradicts itself. So, in future when doing a report, it is good we read some of these things because it is not true and what is on page 7 is not correct and your recommendation did not even talk about the eviction. I do not know what you had in mind. You know you were given a

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responsibility that you should report back to the Assembly after sixty days and you did not mention anything on eviction. So, look at that so that people should not be evicted before an alternative is accorded to them. You want to say something?

Hon. Adan Maalim Mohamed (El-wak North): Honorable Speaker, on the first note we are going to correct it, there is no problem. The issue of eviction there is a commitment letter that was addressed from the department attached showing that the department of trade requested from the municipality for two months so that they will give a place for relocation and do public participation and sensitization. For two months no demolition or eviction will be done after that they will be relocated to a safer place as assured by the department of trade and assurance letter is attached.

The Speaker (Hon. M. A. Khalif): You should have captured that in the recommendation and that is what I said.

Next Order!

MOTIONS

ADOPTION OF THE REPORT OF THE COMMITTEE ON EDUCATION, CULTURE AND SPORTS ON THE MANDERA COUNTY EDUCATION BURSARY FUND, REGULATION, 2019

Hon. Yakub Hassan (Derkhale): Thank you, Mr. Speaker. This is the report of Education, Culture and Sports Committee on the Mandera County Education Bursary Fund Regulation, 2019.

Honorable Speaker, the Mandera County Education Bursary Fund Regulation, 2019 was tabled in this House on 13th of November 2019 pursuant to the provision of Mandera County Standing Order 193 (5) and referred to the Committee on Education, Culture and Sports. The term of reference in regard to any statutory instrument are set out in Statutory Instrument Act, 2013 and Standing Order 193 (5) of Mandera County Assembly Standing Orders.

The committee held a total of five sittings, two of which the committee had engagement with the County Executive Committee Member (CECM) for Education on December 2019 at the County Assembly Committee room one and in Nairobi to scrutinize the regulation as provided for in section 17 of the Statutory Instrument Act, 2013 where the County Executive Committee Member's (CECM) input was considered and the document is a product of consultative meetings between the committee and the department of education.

Mr. Speaker, the Education, Culture and Sports Committee is one of the Sectoral Committee established under the Standing Order 193 (5) and the functions include; -

(a), investigate, enquire into and report all matters relating to mandate, management activities, administration, operations and estimates of the assigned departments.

(b) Study the programs, policies and objectives of the department and the effectiveness of the implementation.

(c) Study and review all county legislations referred to it.

(d) Study, assess and analyze the relative success of the department as measured by the result obtained as compared with their stated objectives.

Mr. Speaker, committee members are stated here of course I being the chair plus eight other honorable members as stated because I believe everybody has a copy.

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Honorable Speaker, I take this opportunity to thank all members of this committee for their input and valuable contributions during the deliberation on the report. The committee also takes this opportunity to thank the Offices of the Speaker and the Clerk for the support accorded during the report writing.

On behalf of the Education, Culture and Sports Committee Members and pursuant to section 15 (a) of Statutory Instruments Act, 2013 and the Mandera County Assembly Standing Orders 193 (5), it is my pleasure and duty to be present to the county assembly the committee's report on the Mandera County Education Bursary Fund Regulation, 2019.

Mr. Speaker, on over view of the regulation part one deals with preliminary, citations, interpretations. Part two provides for bursary applications and disbursement. When I say bursary application even the format for application is annexed here. Part three provides for administration of the funds which is actually the basis for amendment and why we came up with this regulations and part four provide for bank account. Part five provides for government social responsibility projects normally handled by the executive up there and part six provides for monitoring and evaluation. Part seven provides for guidelines.

Honorable members and honorable Speaker, the objectives and purposes of this regulation are to compliment the Mandera County Education Bursary Act, 2014 and clarifying procedures that are not explicitly dealt with in the Act and subsequent amendment to the Principle Act, conformity to the Statutory Instrument Act, 2013.

Honorable Speaker, the Statutory Instrument Act, 2013 provides several procedural and substantive issues that are a requirement of any statutory instruments. As a matter of procedure the instruments must first be published and serialized pursuant to section 22 of Statutory Instrument Act. It should then be forwarded to the County Assembly within seven days after publication pursuant to section 11(1) of the Act. Under section 11(12) the instrument is supposed to be forwarded with an explanatory memorandum attached to it as set out on the schedule. The explanatory memorandum should contain regulatory impact statement. The regulatory making authority is also supposed to subject the instruments to consultation with the person likely to be affected by the instrument. The committee found out that the regulations were as published but an explanatory memorandum was not provided for the enabling act which is the Public Finance Management Act which provides for the reason of the establishment of this fund.

In addition, section 9 provides for exceptional circumstances where regulatory impact statements would be unnecessary thus the committee found out the requirement to be unnecessary for this particular regulation.

Honorable Speaker, the statutory instrument facilitates the scrutiny of parliamentary statutory instruments and the manner in which such instruments are dealt with. Under section 13 the committee required while carrying out its scrutiny of any statutory instruments be guided by the principle of good governance, rule of law and shall in particular consider whether the statutory instruments;

- a. Is in accordance with the Provision of the constitution act pursuant to which it's made or other written laws.
- b. Infringes of fundamental rights and freedom of the public.
- c. Contain a matter which is in the opinion of the committee shall more properly be dealt with in act of parliament.
- d. Contain imposition of taxation.

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- e. Directly or indirectly pass the jurisdiction of the court.
- f. Gives retrospective effect to any of the provisions in respect of which the constitution or the act does not expressly give such any such power.
- g. Involves expenditure from the consolidated fund or other public revenues.
- h. Defecting in its drafting for any reason the form or purport of the statutory instruments calls for any elucidations.
- i. Appears to make some unusual or unexpected use of the powers conferred by the constitution of the act pursuant to which it is made.
- j. Appears to have heard unjustifiable delay in its publication or laying before parliament.
- k. Make slight liberties or obligations depending upon non-reviewable decisions.
- l. Makes rights, liberties and obligations and duly dependent insufficiently define administrative powers.
- m. Inappropriately delegate legislative powers.
- n. Imposes a fine, imprisonment or other penalties without express authority having being provided for in the enabling legislations.
- o. Appears for any reasons to infringe on the rule of law.
- p. Inadequately subject the exercise of legislative powers to parliamentary scrutiny.
- q. For this matter a calls to any other reason that the committee considers fit to examine.

Honorable Speaker, in ascertaining the compliance of the regulation with the Statutory Instrument Act, 2013, the committee found out that the regulation is;

- a. In accordance with the provisions of the constitution and the public finance management act 2012 and the Mandera county bursary act 2014 as well as other relevant laws.
- b. Does not inappropriately delegate legislative powers.
- c. Does not impose a fine, imprisonment or other penalties without express authorities having being provided for in the enabling legislation.
- d. Does not appear for any reason to infringe on the rule of law.
- e. Does not infringe subject to the exercise of legislative powers to the county assembly scrutiny and does not for any reason in its content or forms provide a ground for disapproval.

The regulation is in compliance with the requirement of Statutory Instrument Act, 2013 section 13.

Honorable Speaker, finally in accordance with section 16 and 17 of the Statutory Instrument Act, 2013 which provides for the procedures of tabling the reports in the House and in recommendation thereof, the committee finds that this regulation has made to the threshold and it is appropriate that as it seeks to regulate funds already approved by this County Assembly pursuant to the provision of Public Finance Management Act, 2012 and the Mandera County Education Bursary Act, 2014 thus the committee upon deliberation approved the regulation and hereby present this report on the regulation to this August county assembly for approval.

Mr. Speaker and honorable Members, the committee recommends; -

1. THAT, this County Assembly approves the Mandera County Education Bursary Fund Regulation, 2019.

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2. The relevant authorities including Mandera county assembly budget and appropriation committee allocates more funds to the bursary kitty.
3. The executive should publish this regulation in the Kenyan gazette and county gazette pursuant to section 23 of the County Government Act.

Mr. Speaker that is all about this regulation and all the annexes are attached including the minutes of the committee sittings, the correspondences from the department and the regulation itself including the application forms.

With that before I ask an honorable member to second me, this regulation can be either rejected or approved wholly. There will be no amendment and that is just for the purpose of information.

With that, I request Honorable Alinoor, Member representing Dandu to second me.

Thank you.

Hon. Alinoor Hassan (Dandu): Thank you, Mr. Speaker. I think the issue of bursary is long overdue. As we are all aware the allocation fund at Mandera County bursary account and the concerned department for education is blaming Mandera County Assembly Members for failing to approve this regulation. Mr. Speaker, as we are all aware the schools have also been closed due to Coronavirus and our children are now at home. By the time we approve this regulation we shall make a follow up and ensure that the concerned department will advertise in the local media starting from today in the afternoon and distribute bursary forms so that our children, those in Nairobi and even those who are in Dandu, will apply and within the course of this month we will ensure that we distribute the bursary.

With that, I stand to second my chair for education.

(Question proposed)

Hon. Kullow Alio (Rhamu): Thank you, Mr. Speaker. The regulation is before the county assembly and as the honorable Member for Derkhale and the chairman for education has alluded, we can do nothing about the regulation but since we have never had time to peruse through the same document before and it is finding itself before the floor of the House then we have some concerns.

Mr. Speaker, the honorable chair said that on 13th November, 2019 is when the document was on the floor of this House and according to Standing Order 58, once a Motion is tabled, seconded and proposed then it becomes the property of the House and it is only with the leave of the House that the document can be removed. But the honorable chair said it was a wrong document and the way it was removed from the floor of the House was not with the leave of the House. Mr. Speaker, there was no Motion that was moved and I still believe the wrong document is before the honorable House.

Having said that, coming back to the same document, the chair for education has not signed although the quorum is there. I do not know whether it was actually by design or by default; I do not know.

Mr. Speaker, I want to take you through, if you have the document, certain sections of this regulation and I want to take you first to section 5, award of bursary 5 (d). This is award of bursaries in each financial year where the executive member shall issue guidelines stipulating the minimum amount that may be awarded to an applicant irrespective of the type or level of school the applicant is attending. Day school is a free school according to my understanding;

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government sponsored. There is no money that should be allocated to a day school as per what I know. The committee can tell us otherwise.

Number (e) and (f) again, special secondary school and special primary school, this particular definition has not been given in the regulation. I tried to look for what a special primary and secondary is and I have not found out in the regulation in terms of definition. So, we need some of these things to be clear and when you talk of special school, in my ward do I have special school both primary and secondary?

Mr. Speaker, I want to take you to section 7 (46) where it talks over the designated ward administrators shall maintain the record of the verification process and the beneficiaries shall fill out application forms set out under Mandera County Bursary Act which shall be forwarded to or kept as the case may be by the respective ward administrators. As the situation stands now there are some wards which do not have ward administrators. So, in case the ward administrator is not there the regulation does not provide for an alternative. If it is a sub county administrator, if it is the committee members who are supposed to have those documents and keep them we are not much involved because anybody can challenge these regulations and it has to be provided. If it is a ward administrator, some wards do not have ward administrators in that case what will happen? The regulation is again silent on that.

Mr. Speaker, I believe section 7 number 7 is misplaced. It is misplaced in this sense, now go to number 9, look at number 7 the duly filled serialized application forms together with the summary shall then be forwarded to the board secretary by the respective ward administrators. It means the bursary has been awarded now the committee has decided and made a decision as per this section and now it is the ward administrator to forward it to the county board secretary. If you come to number 9, it says upon receiving the application forms the chairperson of the ward bursary committee again shall immediately convene a meeting to vet and award bursaries again. Now this form has been forwarded already, which is this committee that we are coming back to again to do the vetting? Then it goes to number 10, 11, 12 up to 13.

Then going to number 8 again, the universities and colleges bursary award, I am assuming the bursaries had already been allocated; the committees have sat, looked at the universities and all those criteria and now we are coming with the document that has already been forwarded to the board secretary. Number 8 again, a person shall qualify for award of bursary for universities and colleges if the person meets the condition stipulated. A person applying for bursaries under these regulations shall submit this application to the ward committee again. There is a bit of mix-up.

Mr. Speaker, I will take you to the application form, look at the application form. I am not against this regulation, I am only highlighting some key things because the honorable chair for education is normally a very thorough chairman who normally scrutinizes his documents but for this one I think the issue of Turkey trip has actually confused him a bit and I think that is what actually misled him. If you look at the forms to be completed by the principle, look at part c, part d, the form itself. Now part d says students grade, what is the purpose of attaching the students' grade? The report form yes but do we need the grade. If a student gets grade E does it mean he does not qualify to get a bursary? I have a problem with the issue of the students' grade.

Look at number (e), recommendation by the ward bursary committee. I think this one should have come last and then look at part f, declaration. I am assuming I am the one who is applying for the bursary, declare that the information I have given here is true to the best of my

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knowledge and I append my signature. But the committee has already recommended whether I qualify for the bursary or not. Which one comes first? I think declaration comes first and recommendation comes later and then official use.

Those are my concerns, otherwise, the bursary issues are long overdue and we need it right now.

Thank you.

The Speaker (Hon. M. A. Khalif): Yes, chairman! Let me give it to the chairman to make his comments and then I will give it to you.

Hon. Yakub Hassan (Derkhale): Thank you, Mr. Speaker, for giving me this chance. Mr. Speaker, what the honorable Member representing Rhamu is saying is true. It is his opinion but some of this wordings and sentences are very technical. It needs somebody to take time and understand. As he said he did not read the document; he has just seen it on the floor of the House. I just advise him to read and understand.

Secondly, Mr. Speaker, on the day school, the day school can be a public school or a private institution. There are private institutions that are very expensive and we can pay the bursary. Alternatively, the public school still pays three thousand shillings. There are parents who cannot pay the three thousand shillings. That is why we have put the three thousand shillings of the day scholars there.

On the issues of special groups actually that is why you see there is disability here. It is well defined in the education sector that there are deaf and blind schools and those are the special schools that need to benefit from the bursary.

On ward administrators, in the absence of ward administrator in specific ward there is always an acting ward administrator. There is an alternative. If a ward administrator is not there then an acting ward administrator from the immediate ward can be posted there to take care of it.

Mr. Speaker, on awarding the bursary, it is very clear the ward administrator collects the bursary application forms and then the committee awards the bursary. There is nothing like mix-up or the committee collecting the forms. It is the ward administrator who collects the application forms, bring it to the chairman who calls for a meeting and then a ward of the bursary is done.

Mr. Speaker sir, on the issue of putting the students' grade or why the department puts the students' grade on the application forms is to reward those who perform well. It is very simple, those who bring D minus to form four there is no need of rewarding them. Once you put the grade there and you say you will reward those who perform very well then that will become a basis for others to improve.

With that, I thank the Member for contributing.

The Speaker (Hon. M. A. Khalif): Okay honorable Alinoor!

Hon. Alinoor Derow (Wargadud): Thank you, Mr. Speaker. I would like to congratulate the Committee on Education.

The Speaker (Hon. M. A. Khalif): Just use the right mike.

Hon. Alinoor Derow (Wargadud): I thank the committee for bringing a detailed regulation that will help us implement the bursary but in terms of the deliverance of this document, there are issues related to observing the ethics and code of presenting a document. Mr. Speaker, if you look at this document, on page 3 the acknowledgment of the report is signed for the chairperson of Education, Culture and Sports Committee. The name of the person who signed

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the document is not appended, though he has signed for the chairperson of the education committee. Somebody else signed this document but the person who signed the document did not put his name and the signature is there. Then when it comes to presenting the document, I know the chairperson who is the spokesperson of the committee is supposed to read, I do not know whether he has gone through this document but it has happened that he was present when issues were deliberated and discussed but he is the same person now presenting the same document on behalf of the committee.

The Speaker (Hon. M. A. Khalif): Yes, Hon. Alinoor!

Hon. Alinoor Hassan (Dandu): Mr. Speaker, I think my namesake, Member for Wargadud is doubting the credibility of the senior member. Mr. Speaker, it is true that when the chair was away to Banisa, I chaired the committee as the vice chair and the minute is attached that the vice chair chaired the committee. I am wondering why he is doubting my credibility as a vice chair when the minute is attached.

The Speaker (Hon. M. A. Khalif): Thank you for the information. Proceed.

Hon. Alinoor Derow (Wargadud): Mr. Speaker, if I may proceed, this is about the regulation regarding forwarding of a report. If it is so, I do not know but his name was supposed to appear according to my knowledge.

The Speaker (Hon. M. A. Khalif): Where?

Hon. Alinoor Derow (Wargadud): On the signature part.

The Speaker (Hon. M. A. Khalif): No he is signing for the chairman. He is signing where the chairman was supposed to sign. Just proceed

Hon. Alinoor Derow (Wargadud): Then Mr. Speaker, regarding the report, in terms of the regulation itself, it is supposed to facilitate implementation of the Act. There are a lot of patches regarding chronological aspect of presenting this report which is necessary to simplify further so that ordinary citizens or civil servants can at least read and understand and ensure that he does not have difficulty implementing the same. I think the issue raised by my fellow comrade, honorable Kullow, needs to be effected to ensure ease of implementation of this regulation.

The Speaker (Hon. M. A. Khalif): Thank you. Honorable Sokorey!

Hon. Sokorey Maalim Issackow (Nominated): Thank you, Mr. Speaker. Mine is just on the grading where the chair said that they will indicate the grade so that it shows them they are rewarding the ones who are doing well. Mr. Speaker, according to the statistics we have in Mandera County, majority of our children are scoring D's and that one does not guarantee them to be denied their rights. I urge the chair to look at that point and remove the grade.

Thank you.

The Speaker (Hon. M. A. Khalif): Honorable Hindia!

Hon. Hindia Hussein (Nominated): Thank you, honorable Speaker. I rise to support the report of the committee and I congratulate the education committee for the wonderful work because this thing has been long overdue and it is here now. Students were supposed to get the bursaries by December and now we are heading to April. The regulations which are put here are strict measures which will help the bursary board to do their work. But I am worried that when the next bursary fund will be released, the executive will bring another hurdle or another reason for delay of the bursary. The other thing is about the issue of grading. I support it because if

somebody has D+ and he is the first in their class, he should be rewarded and leave the one who has E.

Thank you.

The Speaker (Hon. M. A. Khalif): Do not dwell so much on the grade because there is no where it is written that it is only this grade that benefits. The information there is that you attach the report form. So, the decision on who gets the bursary is with the committee. We do not need to dwell so much on the grade whether you oppose or propose because there is nothing to oppose or support there. Honorable Wariyo!

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): Thank you, Mr. Speaker. I rise to support the bursary report presented by the able chairman for education. Mr. Speaker, I just want to read quite number of bursary application disbursement procedures. When I go through the process of awarding this bursary, I think nothing has been left behind to be fair enough. As Members are saying it is long overdue. As all of us understand whether we reject in totally or accept it in totally, the issue of raising number of points does not fit our mind. I do not think it will hold any water.

Mr. Speaker, when I read number 4, part 2 of bursary application disbursement which says; ward committee shall consider and verify the following information while reviewing application under regulation 3.

The Speaker (Hon. M. A. Khalif): Honorable Wariyo, you are pocketing. You are on the floor and your hands are in your pockets. Be orderly.

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): I have noted, thank you for your direction. Mr. Speaker, the ward committee shall consider and verify the following information while reviewing the application under regulation 3 whether the applicant resides in the respective ward. I know we are very much concerned on the issue of the ward committee and the ward committee should first ensure that the applicant resides in the ward. This is a good point and we need to congratulate the committee. It goes ahead and says whether the information provided and supportive documentation is correct and complete. This is to check whether the applicant is lying and whether the applicant meets the condition set out in this regulation. I think we have read and we know.

Mr. Speaker, each financial year Executive Member shall issue guidelines stipulating the minimum amount that maybe awarded to applicant in respect to the type or level of school the applicant is attending. I think before this regulation, day schools are not considered and some of the wards have no secondary schools but only day schools.

The Speaker (Hon. M. A. Khalif): But we look at government policy that public day schools are not supposed to be. That is the fact. I know there are some levies they do for lunch. It is illegal but the fact is public day schools are not supposed to get bursary. So, let us not dwell on that. We will improve on this document. It is just the beginning.

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): I stand to support and I know what I am facing from my ward and the kind of challenge I have regarding this bursary. If I see the number of schools, national schools, county schools, sub-county schools, special secondary schools, day schools, special primary, university and colleges. I think this thing was not properly defined before. When I read the eligibility criteria, it is perfect.

On number seven, identification of beneficiary by ward committee members and ward administrators, the Act shall take into account the number of candidates in the Kenya Certificate

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of Primary Education and Kenya Certificate of Secondary Education candidates of the previous year. It is like the record is with the ministry. The record of the number of primary schools who did KCPE last year from Shimbir ward is with the ministry. But the thing is if the record is put and they will disburse this bursary, this is now the allocation per ward. These criteria will only imply how much amount Rhamu ward will get. This is the criteria of allocating wards but not for the beneficiaries and the thing is if that is considered, some of the wards that do not have secondary schools and getting bursary equally like any other place like Mandera and Takaba, will have to go by what they have which is really fair to the more populated areas. Let us not refuse the fact.

With all those few remarks, because of what is happening globally and everyone is fearing the issue of social distancing, the issue of stay at home, stay safe and policies being circulated globally, let us not stop this population from getting the bursary because we can amend some of the few things within this year.

I, therefore, support and advise my brother who tried to highlight some signature aspect like honorable Kullow to overlook that.

Thank you.

The Speaker (Hon. M. A. Khalif): Order! Hon. Abass!

Hon. Abass Abdille (Nominated): Thank you, Mr. Speaker. I stand to support. For the last six months the Executives were blaming this House for not passing Acts and regulation. Mr. Speaker, to my understanding I think you really put it well that day public schools according to the government regulation are not to be given bursary but we have private day schools like in Mandera we have Border point that performs well than public schools. So, there are many bright students in those private schools and I think that part captures the day private schools.

On the special schools, Mandera County has almost two to three schools and I think it covers special schools and when it says special schools it does not mean special in culture or behavior but special in terms of inability. I think if this regulation has some short comings, it can be re-introduced through amendments. This House will not shift till 2022 but our students are suffering. A case example, there are two bright students who performed well in KCSE. They got B plain and B plus and they are in university. I am always disturbed when I get message that they have not met their school fees. The fastest we pass this regulation and disbursement is done is better for this county.

I plead to the honorable Members to pass this regulation so that the disbursement is done.

Thank you.

The Speaker (Hon. M. A. Khalif): Honorable Rafat.

Hon. Abdinur Dakane (Khalalio): Thank you, Mr. Speaker. I support the committee's recommendations but I have some reservations. On the issue of Khalalio ward, bursary disbursement is very low especially where they get five hundred thousand. Some students are in universities, the applicants for secondary are only six hundred candidates while we have got five hundred thousand. They cannot even get five hundred shillings. This issue has disturbed me so much and I request the committee that when they are asking for that bursary disbursement, Khalalio ward should be considered so that they can get even a Million because when they get five hundred thousand you can only give to forty or fifty students. I have taken some forms to his ward; I have taken to Morothile requesting these students to be considered. I still request those

wards that when I come with forms of certain students in universities or colleges, they should support me.

I stand to support.

Thank you.

The Speaker (Hon. M. A. Khalif): Honorable Shaban.

Hon. Shaban Hassan (Ashabito): Thank you, Mr. Speaker. I rise to support the report by the Committee on Education but I have two reservations that the committee should look into during the disbursement of this fund. Day schools, according to the government directive, should be free and students are not supposed to pay but because of this 100% transition, these day schools need to improve their infrastructure. We need to complement the effort of the CDF. So, I think day schools programs should not be left out however little it is. We should allocate some funds to these day schools.

The other reservation is that in the last disbursement there was a ceiling which was put by the treasury and most of the students were disadvantaged. They allocated huge amount of money to secondary schools and in secondary schools this days even CDF has some allocation which they give to secondary schools. So, the major beneficiaries in the last disbursement were secondary schools. The tertiary and university were disadvantaged. This time they should not put any ceiling. If it is three million for ascertain ward it should be left with the committee and ward administrator to distribute it according to the needs.

Thank you, very much.

The Speaker (Hon. M. A. Khalif): Honorable Adan.

Hon. Adan Maalim Abdullahi (Township): Thank you, Mr. Speaker. I rise to support the report which is before the House.

The Speaker (Hon. M. A. Khalif): Use the mic.

Hon. Adan Maalim Abdullahi (Township): I just want to make two comments. Much has been said by other Members but on the points that relate to the grades because of the 100% transition, this should be completely deleted because we were made to understand that the policy of the government says regardless of what a child scores, this child must go to secondary school and therefore it is needless to have a grade in the first place.

The other one, if I give an example, in day school, as you rightly put there is no policy guiding payment of school fees to public day schools. This is a place where poor families, mostly vulnerable, in our population take their children. In my ward there is a child who is an orphan and who is a close neighbor to me and this child scored 350 marks in KCPE. He got Mandera Boys Secondary school and his mother said she cannot afford to pay the school fees for her child in Mandera Secondary School. I, therefore, requested Buruburu boys' secondary which is equally a good public secondary school in Mandera County to admit the boy. He is now in Buruburu. Certainly that mother could not be able to pay the three thousand shillings for that child and this child will end up dropping out of school if we shall not go out of our way to support this child. I, therefore, request your direction on this that payment of fees to public secondary schools be made because of many circumstances that are faced by those students in those secondary schools.

Thank you.

The Speaker (Hon. M. A. Khalif): I think we have debated enough. Before I give to the chairman, chairman it is good you take notes on the comments of the Members because some of

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them are very valid. I do not mean there are some which are invalid but it is good that they should think of making an amendment where necessary. The recommendation and declaration on the form, it is basics that the latter should appear before the former. I will give you one minute and then we put the question.

Hon. Yakub Hassan (Derkhale): Thank you, Mr. Speaker. As debated by the honorable Members because this a human document there must be some kind of errors but regulations always come from the Executive. We make corrections at the committee level. We make corrections and return them and they make corrections and then the final copy. With this, most of the comments are genuine. After few months and a minimum of six months, we will look into the regulation and ask the Executive to resubmit for correction again.

Thank you, very much.

(Question Put and agreed to)

(The Speaker leaves the Chair)

(Deputy Speaker took the Chair)

BILL

Second Reading

THE MANDERA COUNTY FINANCE BILL, 2019

Deputy Speaker (Hon. Farah Abdi): Honorable Minority Leader.

Hon. Jimale Abdi (Guba): Thank you, Mr. Deputy Speaker. I beg to move; -
THAT the Mandera County Finance Bill, 2019 be read a Second Time
The following are the Members of the Finance committee.

- | | |
|---------------------------------|-------------|
| 1. Hon. Abdirahman Aliow Issack | Chairperson |
| 2. Hon. Mohamed Rashid Ali | V/Chair |
| 3. Hon. Hussein Adan Haji | Member |
| 4. Hon. Rahma Ibrahim Issack | Member |
| 5. Hon. Zamzam Abdullahi Ali | Member |
| 6. Hon. Alinoor Derow Abdullahi | Member |
| 7. Hon. Abdirashid Maalim | Member |
| 8. Hon. Saad Sheikh Ahmed | Member |
| 9. Hon. Jimale Abdi Hassan | Member |

Mr. Deputy Speaker, on behalf of the Finance and Economic Planning Committee I have the pleasure to present to the Assembly the Report of the Public Participation on the Finance Bill, 2019.

I take this opportunity to sincerely thank the offices of the Speaker and the Clerk of Mandera County Assembly for the support given to the committee in carrying out its mandate.

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The committee also wishes to thank and appreciate the firm support of the Committee members for the successful completion and compilation of this report.

The committee also acknowledges the support of the members of staff of the County Assembly in compilation of the report.

Mr. Deputy Speaker, it is another occasion yet again to present to this House the Report on the Public Participation of the Mandera County Finance Bill, 2019 for consideration and adoption by members. By doing so, we would be complying with the law and the wishes of the citizens of this great County.

The consideration and approval of the Finance Bill is a legal obligation in the annual budget cycle and its purpose is to authorize the raising of revenue to enable financing of the expenditures appropriated by the County Assembly through the Annual Appropriation Bill.

Public Participation is a necessary practice that is espoused in the law to receive and consider citizen input as a way for ownership of projects, programmes and legislation implemented by government and to know the needs and wishes of the people who are the main consumers of government services.

The County Assembly received the Bill on Friday, 15th November, 2019 and it went through First Reading on Wednesday, 18th March 2020 but due to Global Health Threat of COVID-19 and in accordance with the presidential directive issued on 17th March, 2020 thus made the Committee unable to undertake the oral submission in regards to the Public Participation on Finance bill, 2019.

The Committee invites Members of the public and all other stakeholders to present their views in written Memorandum on the County Finance Bill 2019 to the Office of the Clerk, Mandera County Assembly, P.O Box 408-70300 Mandera or through email address clerk@manderaassembly.go.ke on or before Noon 23rd March 2020.

The Committee having considered all the views given, their merits and whether they were practical, after consulting the County Treasury for their views on their impact on collection of local revenue, approved some for inclusion in the Schedule to the Bill as amendments.

The Committee is cognizant of the fact that it will require a lot of effort to realize the funds that this House will approve through this Bill and it is upon the County Government's departments and particularly local revenue collection and enforcement personnel to put in more effort towards that end.

Mr. Deputy Speaker, the honorable Members can go through the legal frame work, it is there. Committee observations, we will amend in the committee of the whole House. I will directly go to the committee recommendation.

1. THAT, the County Treasury and other revenue collection departments of the County Government enhance enforcement measures to ensure the various revenue streams contained in the Bill are collected.
2. THAT, the LAIFORMS system or whichever other information system for recording of revenue to capture and include all items contained in the Finance Bill so as to provide periodic and annual totals per item so that performance can be aptly analyzed.
3. THAT; the Clerk's office converts the document in statutory language form.
4. THAT, the Committee recommends the amendments pertaining to the Bill contained in this report be approved and be included in the Mandera County Finance Bill, 2019 accordingly.

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5. THAT, henceforth the Finance Bill be an amendment Bill of other revenue related Acts of the county assembly while the schedule of fees and charges by the county government be included in schedules of respective Acts of the County Assembly.
6. THAT, pursuant to section 126 (3) of the Public Finance Management Act, 2012, this County Assembly RESOLVES to approve the Mandera County Finance Bill, 2019 with amendments.
7. THAT, this County Assembly adopts this report and the annexed minutes of the proceedings of the Committee recommending the adoption of the report.

I request honorable Hussein Adan Haji Member representing Takaba South to second me.

Hon. Hussein Adan (Takaba South): Thank you, Mr. Deputy Speaker. I stand to second.

As the honorable Member said most of the changes have been done to the benefits of the electorates of this county. We have changed some parts like the land rates. We have changed the land transfer fees from 20,000 to 15,000 and other land transfer fees of sub-counties to 10,000. As you can see most of the things have been changed.

I request Members to support this report.

I second.

Thank you.

(Question Proposed)

Deputy Speaker (Hon. Farah Abdi): Honorable Member representing Wargadud.

Hon. Alinoor Derow (Wargadud): Thank you, Mr. Deputy Speaker. I have an issue regarding this report. On the first instance, I did not append my signature on this final Finance Bill which is read in this honorable House but I am seeing somebody has signed on my behalf. The presiding Chair needs to clarify who did it which is a criminal offense against code of ethics in terms of presenting a document. If somebody went ahead and appended my signature which I did not do, I think he needs to testify.

The other issue is about the statutory timeline of this Finance Bill. It is supposed to be here on 30th September on any financial year. So, the timeline has elapsed and I do not know how this honorable House will treat this Bill.

The second issue is about public participation. When deliberating, I attended the committee meeting and we agreed that before noon of 23rd March 2020, the public should present their petition regarding the same on contribution on this Bill which was supposed to be done through the email of the clerk to this County Assembly. We sat at 11:00 a.m. before the lapse of the timeline that we gave and we never received any petition and the clerk did not share anything. If the public has not presented anything then it is supposed to be stated that there are no such petition regarding the same.

The other issue is about the committee sittings. Here we have only one minute which is adopting this report but we had several sitting regarding the same. Those minutes are not attached to this report. I think this is a criminal offense. Someone went ahead and appended my signature. So, the presiding Chair should testify and take any legal proceeding against the person who did this. If not, this is going to be a trend.

I request your indulgence on this issue.

Thank you.

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Deputy Speaker (Hon. Farah Abdi): Honorable Alinoor, you raised a very serious concern on somebody signing on your behalf. Let the chair tell the House more about that.

Hon. Jimale Abdi (Guba): Thank you, Mr. Deputy Speaker. I think the honorable Member has forgotten. We had two meetings yesterday and we are only five finance Members in this Assembly from last week. It is myself, honorable Alinoor, honorable Hussein Adan, honorable Rahma and honorable Zamzam. Mr. Deputy Speaker, you know and everybody in this House knows that there is no committee which will sit without a quorum. I can assure you yesterday we met in the Clerk's office at 7:30 a.m. and he was the first one who came for the meeting. We deliberated because of the deadline on the Corona issue. We sat in committee room1. We signed for the meeting, we signed for the minutes and we signed the committee register book. If honorable Derow who is a Member of that committee has not signed that book in the first meeting then this is an illegal signature. Second meeting which took place at schedule time for the Finance committee was at 11:30. He was the Member of course the principal clerk was also with us. We signed all the documents. Everything was brought, we signed and he also signed. I remember him signing. I witnessed and he signed again the committee report.

Deputy Speaker (Hon. Farah Abdi): Order honorable Member!

Hon. Jimale Abdi (Guba): Let me finish. If the honorable Member is claiming that the signature is forged, that he has not signed the committee register, then what is here is illegal. It is unfortunate and it is not good

Deputy Speaker (Hon. Farah Abdi): Order Minority Leader! Apart from the attendance book, did he sign the document?

Hon. Jimale Abdi (Guba): I can assure you, I have witnessed and Members have witnessed, including the clerk, he signed in front me.

Deputy Speaker (Hon. Farah Abdi): So, this is his signature?

Hon. Jimale Abdi (Guba): This is his signature unless he did it deliberately just to bring such allegation to the floor of the House but what I can assure you is that the honorable Member signed the book and the report and everything was clear. What he is doing maybe he has an ill motive or something or he does not want the Finance Bill to be passed. Something must be wrong somewhere but I can assure you that the honorable Member has signed the report.

Thank you.

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

Hon. Hussein Adan (Takaba South): Thank you, Mr. Deputy Speaker. I think honorable Alinoor forgot what he has done. I was with him when he signed. Let him apologize and withdraw this statement. We as the committee witnessed him sign. Let him withdraw that allegation and apologize.

Thank you.

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

Hon. Abdi Hassan (Malkamari): Thank you, Mr. Deputy Speaker. Right away when I went outside to assist myself, I saw on the corridor the clerk to the committee and honorable Derow, the clerk is pleading and holding his beard telling him to forgive him. We are honorable Members and when an honorable Member is saying that he has not appended his signature, other honorable Members must have witnessed. This House has to have dignity. What happened to honorable Derow today will happen to you tomorrow. When an honorable says he has not signed, other honorable Members should accept. Right away when I went outside, the committee

clerk was kneeling and begging in front of the honorable Member and asking him to forgive him and God is my witness. So, the honorable Member is not mad. We have to fear God and that is what I have seen with my naked eyes.

Deputy Speaker (Hon. Farah Abdi): Honorable Alinoor, you heard what honorable Minority Leader was saying and the other Members of the Finance Committee, please take over and tell us more about that.

Hon. Alinoor Derow (Wargadud): Mr. Deputy Speaker, I am an elderly person, 56 years old and of sound mind. I am in good health and I know what I have done. I attended the meeting at 7:30 which was invited through a forum. I attended the 11:30 meeting and it is true that I signed the attendance book. They presented to me a draft document and not the final document. I signed the draft document, not the final document.

Deputy Speaker (Hon. Farah Abdi): Order honorable Members! Allow him to finish.

Hon. Alinoor Derow (Wargadud): I signed the draft document. They said they are going to print. I waited for almost 15 to 20 minutes after finalizing the meeting. The clerk did not bring the final document for my signature. Now honorable Jimale of Guba who was chairing the meeting, because I had an appointment with the Governor, I went to attend the meeting there and we met there. He said, why don't I come by 2:30, I think honorable Bishar Maalim Abdullahi was there with me, and sign the document? I did not come to this Assembly. I came here at 9:10 to attend the House. So, when I realized this I took the document.

Deputy Speaker (Hon. Farah Abdi): Order honorable Members!

Hon. Jimale Abdi (Guba): Point of order Mr. Speaker!

Deputy Speaker (Hon. Farah Abdi): I will give you. Let me remind the honorable Members. From there you will proceed. He said he has signed the draft document. Did you have the draft copy at the committee level? What do you want to say? Hon. Ahmed.

Hon. Ahmed Rashid (Gither): Thank you, Mr. Deputy Speaker. I am rising on a point of order.

Deputy Speaker (Hon. Farah Abdi): You will be given, please get back to your seat. I think he has risen on a point of order Let him speak and then I will give you back honorable Member.

Hon. Ahmed Rashid (Gither): Thank you, very much Mr. Deputy Speaker. It is very unfortunate for this committee to come and share very dirty feelings in this honorable House. It is unfortunate because the honorable Member is just confessing that he has not signed the document and I think you append your signatures to something that you have agreed to. So, once the honorable Member here is confirming his mental status and everything is correct, how can you sign something that is still work in progress? It does not make sense at all. So, unless he is confusing what he has signed and they have brought before this House, I do not agree with him despite not being in that committee, it does not have logic in it. You signed a document and you come and deny it before this honorable House again. I think it is a bit irresponsible and out of place.

Thank you.

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

Hon. Abdi Adan (Neboi): Thank you, Mr. Deputy Speaker. I think we are debating something which is a non-issue. This report is procedurally before this House.

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Deputy Speaker (Hon. Farah Abdi): Order honorable Members! Please allow the speaker to---

Hon. Abdi Adan (Neboi): It has passed through the committee, the minutes are there. I think this is a political House and somebody can just stand and bring an argument. So, a document is here before this County Assembly. This is a House of rules and if honorable Alinoor Derow has other issues, let him address it outside this House.

Deputy Speaker (Hon. Farah Abdi): Order honorable Members! Let me give it to honorable Minority Leader and then back to Alinoor and then we proceed.

Hon. Jimale Abdi (Guba): Thank you, Mr. Deputy Speaker.

Deputy Speaker (Hon. Farah Abdi): Order honorable Members! I gave the chance to the Minority Leader. You are out of order honorable Member! I gave him the chance to make clarification. You are out of order honorable Member, please get back to your seat. Order honorable Member! Get back to your seat. Let him clarify.

Hon. Jimale Abdi (Guba): Mr. Deputy Speaker, I think there is politics being played here. The honorable Member should not bring politics to the business of the House. This is the business of the House and it has to go on. We do not want people to come and bring their own issue to the floor of the House.

Deputy Speaker (Hon. Farah Abdi): Order honorable Member! Get back to your seat. I am getting your point.

Hon. Jimale Abdi (Guba): Mr. Deputy Speaker, finally we met in the office of the Governor with honorable Derow at 4:30 p.m. How will I ask him to come and sign at the office of the governor?

Deputy Speaker (Hon. Farah Abdi): That is another discussion. Please get back to your seat. Honorable Member, I was following what the honorable member was saying and he said it clearly. At the committee level, with such kind of business, we do not have a draft. Still we are going to verify from the clerk's office. Otherwise honorable Member, proceed.

(Honorable Kullow Alio stood on point of order)

Deputy Speaker (Hon. Farah Abdi): I think for that business of honorable---

(Honorable Kullow Alio interjects off record)

Deputy Speaker (Hon. Farah Abdi): I want to give you. Still the debate is ongoing. For this one we will clarify from the clerk's office. Please debate on the Bill. Honorable Kula, with due respect, we already made a ruling. We said we will make a clarification from the Clerk's office. Order! Any other member willing to contribute! Honorable Mohamed!

Hon. Mohamed Ibrahim (Guticha): I know you have ruled Mr. Deputy Speaker and I do not wish to comment on that. Mr. Deputy Speaker, we are elected leaders and we are bound by the Holly Quran that we swore on and we must conduct ourselves in a manner that will dignify our offices. Finance Bill is a very important document. Last year when an Ad Hoc Committee was formed in this Assembly to investigate matters relating to water, one of the findings in that report was that this Finance Act is not followed in the rural areas. A very important issue is the

issue of water; sales collected at water points. This is a very important document and my recommendation to the committee is that they should go out of their way.

Mr. Deputy Speaker, once this document becomes an act, there must be a provision for the implementation and sensitization of the public on this. I was just looking at the environmental sense as far as resource exploration and resource issues are concerned in terms of quarry and sand. As much as I feel the rates are high, there is need to educate the public on the rates that are contained in this act. Because if you go to the water points today, what people are giving out as sales is higher than what is contained in this bill. A good example, a donkey cart, a drum of water is 200 shillings sometimes it is 500 shillings. But here it is said 50, it is said 100. So, there must be a deliberate attempt to educate the public on what is contained in this act.

Otherwise, I support.

Thank you.

Deputy Speaker (Hon. Farah Abdi): The mover to reply.

Hon. Jimale Abdi (Guba): Thank you, Mr. Deputy Speaker. I really appreciate honorable Members who supported and I ask the honorable Members who raised something out of his committee, let me not go to that. I appreciate the honorable Members for supporting the document and I request you to put the question.

Thank you.

Deputy Speaker (Farah Abdi): Thank you honorable Member.

(Question put and agreed to)

(The Bill was accordingly read a Second Time and committed to the Committee of the Whole today by the leave of the House)

BILL

First Reading

THE MANDERA COUNTY SECOND SUPPLEMENTARY APPROPRIATION BILL, 2020

(The Bill was read the First Time)

THE MANDERA COUNTY SECOND SUPPLEMENTARY APPROPRIATION BILL, 2020

Second Reading

Hon. Ahmed Rashid (Gither): Thank you, Mr. Deputy Speaker. I beg to move; -
THAT The Mandera County Second Supplementary Appropriation Bill 2020, be now read a Second Time. I would ask honorable Abdullahi Siyad to second.

Hon. Abdullahi Siyad: Seconded.

(Question proposed)

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(Question put and agreed to)

(The Bill was accordingly read a Second Time and committed to the Committee of the Whole today by the leave of the House)

COMMITTEE OF THE WHOLE

Deputy Speaker (Hon. Farah Abdi) left the Chair

IN THE COMMITTEE

Temporary Chair (Hon. Sokorey M. Issackow) took the Chair

(Order for the Committee read)

THE MANDERA COUNTY FINANCE BILL, 2020

Temporary Speaker (Hon. Sokorey M. Issackow): Hon. Members, we are in the Committee of the Whole to consider the Mandera County Finance Bill, 2020 and Mandera County Second Supplementary Appropriation Bill, 2020. We will start with the Chairperson of the Committee on Finance to take us through the Finance Bill.

Clauses 1-32,

Hon. Jimale Abdi: No amendment Madam Temporary Chair. However, the Bill is in narrative form rather than statutory language. The Office of the Clerk to check on this issue as allowed in law.

(Clauses 1-32 agreed to)

First Schedule,

(Part I agreed to)

Part II,

Hon. Jimale Abdi: There is an amendment in Part II; reduce tax rates on hide and skin as follows;-

- i. Inspection certificate for skin premises per premises/year from 20,000 to 15,000.

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

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(Part II as amended agreed to)

(Part III agreed to)

Part IV,

Hon. Jimale Abdi: On detained roaming animals, there is an amendment. Reduce maintenance of animals per day – other charges

- i. Cess on fish harvest per basket from 100 to 50

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(Part IV as amended agreed to)

(Part V, VI and VII agreed to)

Part VIII,

Hon. Jimale Abdi: Yes Madam Temporary Chair, reduce deposit on admission per person from 10,000 to 5,000; complete denture per person from 10,000 to 5,000; Age assessment from 500 to 300; disposal of still birth per person from 10,000 to 5,000; and dialysis from 6,000 to 4,000.

(Question for the amendments proposed)

(Question for the amendments put and agreed to)

(Part VIII as amended agreed to)

Part IX,

Hon. Jimale Abdi: Under Education, Culture, Youth and Social Services, there is a new clause – annual fees charges; - Private primary school 20,000; Private Secondary School, 20,000; and Private Professional Institutes/Commercial Colleges, 30,000.

(Question for the amendments proposed)

(Question for the amendments put and agreed to)

(Part IX as amended agreed to)

(Part XI, XII, XIII, XIV and XV agreed to)

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Part XVI,

Hon. Jimale Abdi: There is a new clause in Part XVI of the First Schedule. Increase tax rates on Market gate fees in consumable products; -

- i. Miraa Transportation per track from 6,000 to 10,000
- ii. Miraa from Ethiopia per bag from 1,000 to 1,500.

Reduce Bulla Jamhuria market stalls from 1,200 per month to 1,000; other sub county headquarters stalls from 1,500 to 1,000 and stalls in other areas from 1,500 to 500.

(Question for the amendments proposed)

(Question for the amendments put and agreed to)

(Part XVI as amended agreed to)

(Part XVII agreed to)

*Second Schedule,
Part I,*

Hon. Jimale Abdi: Reduce informal sectors; -

- i. Hawker with wheelbarrow ZONE A from 2,500 to 1,000
ZONE B from 2,000 to 500
ZONE C from 1,500 to 500
ZONE D from 1,000 to 500

(Question for the amendments proposed)

(Question for the amendments put and agreed to)

(Second Schedule Part I as amended agreed to)

Hon. Jimale Abdi: Madam Temporary Chair, Part X of the First Schedule has an amendment. Under land, Physical Planning and Housing, reduce tax rates on land transfer fees; -

- i. Land transfer fee- Mandera Municipality per transfer from 20,000 to 15,000.
- ii. Land transfer fee – other Sub county headquarters per transfer from 15,000 to 10,000.
- iii. Land transfer fee – other areas per transfer from 10,000 to 7,000.
- iv. Mandera Municipality developed residential per plot from 2,000 to 1,000.
- v. Other sub county headquarters residential per plot from 1000 to 500.
- vi. Other areas developed per plot from 800 to 500.

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(Question for the amendments proposed)

(Question for the amendments put and agreed to)

(First Schedule Part X as amended agreed to)

Title,

Hon. Jimale Abdi: Yes, there is an amendment. The title of the Bill be amended by deleting 2020 and replacing it with 2019.

(Question, that the words to be left out be left out proposed)

(Question, that the words to be left out be left out put and agreed to)

(The words deleted)

(Question, that the words to be inserted in place thereof be inserted proposed)

(Question, that the words to be inserted in place thereof be inserted put and agreed to)

(The words inserted)

(Title, as amended, agreed to)

Hon. Jimale Abdi: Madam Temporary Chair, I beg to move-
THAT, the Committee doth report to the County Assembly its consideration of the Mandera County Finance Bill, 2019 and its approval thereof with amendments.

(Question put and agreed to)

THE MANDERA COUNTY SECOND SUPPLEMENTARY APPROPRIATION BILL, 2020

Temporary Chair (Hon. Sokorey M. Issackow): Hon. Members, we now move to the Mandera County Second Supplementary Appropriation Bill, 2020.

Clause 1,

Hon. Ahmed Rashid: There is an amendment in Clause 1. The figure changes to 13,118,313,035.

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(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(Clause 1, as amended, agreed to)

Clause 2,

Hon. Ahmed Rashid: The County Treasury may issue the sum of Kenya Shillings Thirteen Billion, One Hundred and Eighteen million, Three Hundred and Thirteen Thousand and Thirty Five Shillings only out of the County Revenue Account and apply towards the supply granted for the service of the year ending on the 30th June, 2020.

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(Clause 2, as amended, agreed to)

(Clause 3, 4 and 5 agreed to)

First Schedule, Recurrent Expenditure

R341-01,

The amount required in the year ending 30th June, 2020 for salaries and expenses of the Department of Public Service, Management, and Devolved Unit including expenses on general administration and financial management services of the county, sub-county administrators, and ward administrators; supply amount; 1, 138, 281, 752.

Hon. Ahmed Rashid: Yes there an amendment, the amount to be changed to read 1,146,683,327.

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(R341-01, as amended, agreed to)

R341-02,

The amount required in the year ending 30th June, 2020, for salaries and expenses for the Department of Finance and Economic Planning; Supply Kshs 630,024,088, Appropriation in aid, Kshs 11,706, 459.

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Hon. Ahmed Rashid: Yes the figure in the supply be amended to read 726,269,859; Appropriation in aid to remain the same.

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(R341-02, as amended, agreed to)

R341-03,

The amount required in the year ending 30th June 2020, for the salaries and expenses of the Department of Education Culture and Sports; supply amount 441,476,398.

Hon. Ahmed Rashid: The amount to change to 425,665,461.

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(R341-03, as amended, agreed to)

R341-04,

The amount required in the year ending 30th June, 2020, for the salaries and expenses of the Department of Agriculture including irrigation, Livestock and Fisheries, supply amount 259,206,959; Appropriation in aid 23,178,825.

Hon. Ahmed Rashid: Supply amount changes to 270,105,168; Appropriation in aid remains the same.

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(R341-04, as amended, agreed to)

R341-05,

The amount required in the year ending 30th June, 2020, for the salaries and expenses of the Department of Health Services, supply amount 1,691,614,898, Appropriation in aid 35,759,400.

Hon. Ahmed Rashid: Supply amount changes to 1,739,860,995; Appropriation in aid remains the same.

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(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(R341-05, as amended, agreed to)

R341-06,

The amount required in the year ending 30th June, 2020, for the salaries and expenses of the County Assembly Services 751,834,897.

(R341-06 agreed to)

R341-07,

The amount required in the year ending 30th June, 2020, for the salaries and expenses of the Department of Trade, Investment, Industrialization and Co-operative Development and Tourism, supply amount 71,606,053, Appropriation in aid 63,202,369.

(R341-07 agreed to)

R341-08,

The amount required in the year ending 30th June, 2020, for salaries and expenses for the Department of Lands, Housing and Physical Planning supply amount 279,483,073, Appropriation in aid 41,794,654.

Hon. Ahmed Rashid: Supply amount changes to 286,889,250; Appropriation in aid remains the same.

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(R341-08, as amended, agreed to)

R341-09,

The amount required in the year ending 30th June, 2020, for salaries and expenses for the Department of Gender Youth and Social Service; amount 85,559,108.

Hon. Ahmed Rashid: The amount be amended to 83,358,197.

(Question for the amendment proposed)

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(Question for the amendment put and agreed to)

(R341-09, as amended, agreed to)

PROCEDURAL MOTION

EXTENSION OF SITTING HOURS

Hon. Abdi Adan Ali: Point of Order Madam Temporary Chair. We are almost coming to the time to adjourn this House. We are supposed to push the time by at least thirty minutes. I want to move a Procedural Motion pursuant to Standing Order 30 (3) (a) of this County Assembly-

THAT, this House extends its hours of sitting from 12.30 p.m. to 1 p.m

(Question proposed)

(Question put and agreed to)

R341-10,

The amount required in the year ending 30th June, 2020, for salaries and expenses for the Department of Public Works, Roads and Transport 126,574,242.

Hon. Ahmed Rashid: The amount be amended to read 110,957,792.

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(R341-10, as amended, agreed to)

R341-11,

The amount required in the year ending 30th June, 2020, for salaries and expenses for the Department of Water, Energy, Environment and Natural Resources; amount 528,712,218, Appropriation in aid 7,917,922.

Hon. Ahmed Rashid: Supply amount be amended to read 562,890,176; Appropriation in aid to remain the same.

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(R341-11, as amended, agreed to)

R341-12,

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The amount required in the year ending 30th June, 2020, for salaries and expenses of the office of the Governor and Deputy Governor 449,390,273.

Hon. Ahmed Rashid: The amount to be amended to read 482,390,273.

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(R341-12, as amended, agreed to)

R341-13,

The amount required in the year ending 30th June, 2020, for salaries and expenses of the Office of County Public Service Board, 56,759,224.

(R341-13 agreed to)

Class sub-total,

Supply amount, 6,510,523,183 and appropriation in aid 183,559,629.

Hon. Ahmed Rashid: Class subtotal for supply amount to read 6,715,270,673; Appropriation in aid to remain the same.

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(Class subtotal, as amended, agreed to)

Second schedule; Development Expenditure

D324-01,

The amount required in the year ending 30th June, 2020, for Development Expenditure of Public Service Management and Devolved Unit, 248,497,599.

Hon. Ahmed Rashid: The amount to now read 246,297,599.

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(D324-01, as amended, agreed to)

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D324-02,

The amount required in the year ending 30th June, 2020, for Development Expenditure for the Department of Finance and Economic Planning 284,405,058.

Hon. Ahmed Rashid: The amount be amended to read 405,828,671.

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(D324-02, as amended, agreed to)

D324-03,

The amount required in the year ending 30th June, 2020, for Development Expenditure for the Department of Education, Culture and Sports 453,601,223.

Hon. Ahmed Rashid: The amount be amended to read 448,994,521

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(D324-03, as amended, agreed to)

D324-04,

The amount required in the year ending 30th June, 2020, for development Expenditure for the Department of Agriculture, Livestock and Fisheries including Irrigation, Administration, Planning Regulatory Management 1,061,831,660.

Hon. Ahmed Rashid: The amount be amended to read 1,055,031,660.

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(D324-04, as amended, agreed to)

D324-05,

The amount required in the year ending 30th June, 2020, for Development Expenditure for the Department of Health Service 868,405,230.

Hon. Ahmed Rashid: The amount be amended to read 825,218,230.

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(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(D324-05, as amended, agreed to)

D324-06,

The amount required in the year ending 30th June, 2020, for Development Expenditure of County Assembly Services 268,827,226.

(D324-06 agreed to)

D324-07,

The amount required in the year ending 30th June, 2020, for Development Expenditure for the Department Expenditure for the Department of Trade, Investment, Industrialization and Co-operative Development 282,269,804.

(D324-07 agreed to)

D324-08,

The amount required in the year ending 30th June, 2020, for Development Expenditure for the Department Expenditure for the Department of Lands, Housing and Physical Planning 216,319,500.

Hon. Ahmed Rashid: The amount to be amended to read 307,742,294.

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(D324-08, as amended, agreed to)

D324-09,

The amount required in the year ending 30th June, 2020, for Development Expenditure for the department of Gender, Youth and Social Service amount 60,748,646.

Hon. Ahmed Rashid: The amount to be amended to read 59,848,646.

(Question for the amendment proposed)

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(Question for the amendment put and agreed to)

(D324-09, as amended, agreed to)

D324-10,

The amount required in the year ending 30th June, 2020, for Development Expenditure of the department of public works, Roads and Transport 1,449,718,366.

Hon. Ahmed Rashid: The amount to be amended to read 1,348,238,366.

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(D324-10, as amended, agreed to)

D324-11,

The amount required in the year ending 30th June, 2020, for Development Expenditure of the department of Water, Energy, Environment and Natural Resources 1,282,345,347.

Hon. Ahmed Rashid: The amount to be amended to read 1,154,745,347.

(Question for the amendment proposed)

(Question for the amendment put and agreed to)

(D324-11, as amended, agreed to)

D324-12,

The amount required in the year ending 30th June, 2020 for Development Expenditure of Office of the Governor and Deputy Governor; Nil

(D324-12 agreed to)

Title,

Hon. Ahmed Rashid: The title be amended by inserting the word ‘Second’ after the word ‘County’ to read The Mandera County Second Supplementary Appropriation Bill, 2020.

*(Question, that the word to be inserted be inserted
proposed)*

(Question, that the word to be inserted be inserted)

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put and agreed to)

(The word inserted)

(Title, as amended, agreed to)

Hon. Ahmed Rashid: Madam Temporary Chair, I beg to move; -
THAT the committee do report to the County Assembly its consideration of Mandera County Supplementary Appropriation Bill, 2020 and its approval thereof with amendments.

(Question put and agreed to)

Temporary Chair (Hon. Sokorey M. Issackow): Sergeant at arm, usher in the Speaker.

The House resumed

Deputy Speaker (Hon. Farah Abdi) in the Chair

REPORTS AND THIRD READING

Hon. Sokorey M. Issackow: Mr. Deputy Speaker, I beg to report that the committee of the whole County Assembly has considered the Mandera County Finance Bill, 2019 and approved the same with amendments.

Thank you.

Hon. Jimale Abdi: Mr. Deputy Speaker, I beg to move- THAT the County Assembly do agree with the committee in the said report.

(Question proposed)

(Question put and agreed to)

Hon. Jimale Abdi: Mr. Deputy Speaker, I beg to move; -
THAT the Mandera County Finance Bill 2019, be now read a Third Time.

(Question proposed)

(Question put and agreed to)

*(The Bill was accordingly read the
Third Time and passed)*

Hon. Sokorey M. Issackow: Mr. Deputy Speaker, I beg to report that the committee of the whole County Assembly has considered the Mandera County Second Supplementary Appropriation Bill, 2020 and approved the same with amendments.

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Thank you.

Hon. Ahmed Rashid: Mr. Deputy Speaker, I beg to move- THAT the County Assembly do agree with the committee in the said report.

(Question proposed)

(Question put and agreed to)

Hon. Ahmed Rashid: Mr. Deputy Speaker, I beg to move; -
THAT the Mandera County Second Supplementary Appropriation Bill 2020, be now read a Third Time.

(Question proposed)

(Question put and agreed to)

*(The Bill was accordingly read the
Third Time and passed)*

Deputy Speaker (Hon. Farah Abdi): The Bill is now passed. Honorable Leader of Majority!

PROCEDURAL MOTION

ADJOURNMENT OF THE SITTINGS OF THE HOUSE DUE TO COVID- 19

Hon. Abdi Adan (Neboi): Thank you Mr. Speaker. I wish to move a Procedural Motion on the adjournment of the sittings of the House.

Aware that, the World Health Organization has declared Coronavirus disease (COVID-19) to be a Public Health Emergency of International Concern;

Further aware that, upon confirmation of Coronavirus cases in the country, the President issued a directive on 17th March, 2020 highlighting measures in containing the spread of the Coronavirus Disease;

Now, therefore, this House resolves as follows-

a) That, Pursuant to Standing Order 28 (4) this County Assembly resolves to alter its Calendar and adjourn the House Sine Die until such a time the Speaker calls for resumption of the Assembly sittings.

b) That, the calendar of the House (Regular sessions) for the Fourth Session 2020, be hereby altered accordingly.

Mr. Deputy Speaker, we need to abide by the international laws and the laws of this country and the directives given by the President of the Republic of Kenya for our own safety and good. We need to adjourn so that we go for self –quarantine, as we go home we pray to God because God is the only one who can save the world out of this menace. We have to go back to

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our homes, children and quarantine ourselves, stay with our families at home and pray that this disease comes to an end.

Therefore, I want to urge the honorable Members to strictly stay at home. Now that we have adjourned the House, we do not want to see Members loitering around in town or the precincts of this County Assembly. It is very dangerous. It is an opportunity because some people have not seen their children and wives for a very long time.

I ask the Honorable Minority Leader to second.

Thank you.

Hon. Jimale Abdi (Guba): Thank you, Mr. Deputy Speaker, I rise to second. As you know this is an international crisis. It is not our making or request but the directives of the President of this country. As we are seated here even now it might be illegal because this is a gathering and so we are adjourning the House indefinitely. There might be a lockdown and we might miss to stay with our kids. We also do not want to harm our loved ones by loitering around. We want to stay indoors so that we take the health issues very serious.

Thank you.

(Question proposed)

Hon. Yakub Hassan (Derkhale): Thank you, Mr. Deputy Speaker. I stand to support the Procedural Motion. It is in order because this is a global pandemic and it is affecting anybody and everybody. I am telling the honorable Members to prepare for the worst. This is a pandemic which is affecting the whole world. This Procedural Motion put by the Majority Leader is open-ended and there is no timeline for coming back to the Assembly. You may end up coming back after 2022. I am telling you that and that is the fact of the matter. It depends on how quickly the world will control the pandemic and by extension the Kenyan government. As long as the virus exists, there is no coming back here. If you think that you are going for a two days or one week session forget about that and reset your mind to be away for the next few weeks or months or even years.

Secondly, this is the best time for people who have excuses of avoiding their families. This is the best time to produce children; this is the best time to increase the population of Kenya which we expect to be reduced as a result of the corona virus death outbreak. I advise the honorable Members to go home, stay at home, stay safe.

Thank you, very much.

Deputy Speaker (Hon. Farah Abdi): Thank you, Honorable Yakub. Honorable Mohamed!

Hon. Mohamed Ibrahim (Guticha): Thank you, Mr. Deputy Speaker. Honorable Sokorey is questioning what Yakub said. Mr. Deputy Speaker, I support. This is not a joking issue but a serious international concern. I was just seeing a report that was posted online, a country like China has lost 3265 people out of 81,397 and Italy has lost 5476 people to date and over 59,000 people have been infected. This is a crisis and we pray to Almighty Allah that we will not realize any death as a result of this corona virus. As leaders of this county we need to take this issue very seriously. I was with a civilian and he was telling me that since we are travelling too much as MCAs we might be a source of this problem. People are saying that because we are travelling to and from this county a lot. I want to request the honorable Members

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that within this period we must limit our movement as far as travelling is concerned. This pandemic is an international issue and we need to take this issue with the seriousness it deserves.

You have seen the story of the Deputy Governor in Kilifi. I was reading a guy from Siaya who was confirmed yesterday as positive. He was from outside the country and he passed almost two countries, landed in Kenya and slept in a house at Utawala. He interacted with his family members, travelled to rural area in Siaya and he interacted with more than 200 people, he went to a funeral and yesterday he was confirmed to be positive.

As a community and because of our social culture we tend to bond together as families, friend and colleagues. We must take this issue very serious and above all we must pray to God as a country/county that as much as mosques have been closed, we must pray to God within our homes. It is only Almighty Allah who can protect us from this pandemic.

I support and we must stay home and stay safe.

Thank you.

Hon. Shaban Hassan (Ashabito): Thank you, Mr. Deputy Speaker. I support the adjournment. We are facing a global threat of the outbreak of the COVID-19 which has become a global issue. As a country and a county we are ill prepared as we speak. The only measure is prevention since there is no cure. As a county we are bordering two countries with very fragile and weak health care systems. God forbid should there be an outbreak of index cases in Mandera the first people at risks are health personnel. This is because we do not have isolation wards in this county. We have normal wards converted to isolation. So, the process of transmission from the affected cases to health personnel is very high.

Mr. Deputy Speaker, we need to abide by the Public Health guidelines of stay at home and self-quarantine so that we disrupt the transmission of this disease. When you are staying at home or you go into self-quarantine, the transmission of this disease is being curbed like what happened in Wuhan. Most of the temporary hospitals have been closed and all health personnel have been recalled to their stations. That means we disrupt the transmission of these things.

As said by Honorable Yakub that business is not there. We need to do social distancing even at home and in bed we should be at least be one meter apart. Otherwise, this business of making babies should also reduce.

Mr. Deputy Speaker, as one of the speakers said, we should be prepared for even the worst. Now we are doing self-isolation or staying at home, if these cases increase the government will pass another directive of total lockdown which means you cannot leave your home. You only leave your house when you need to buy essential necessities. We also need to restrict our movement ----

Deputy Speaker (Hon. Farah Abdi): Put on your Mic.

Hon. Shaban Hassan (Ashabito): We should be around our kids and the community. I am sure our kids are at home. We should also pass this message aware that, mosques, Duksis and Madarasas have all been closed.

Deputy Speaker (Hon. Farah Abdi): Honorable Shaban please put on your Mic.

Hon. Shaban Hassan (Ashabito): So, we should mind our safety and that of the community. I am sure some are saying there is freedom of movement and how can we be restricted? The issue is now balancing between protecting public and curbing the spread of this disease and infringing on personal movement.

With those few remarks, I support the adjournment of the House.

Thank you.

Hon. Sokorey Maalim Issackow (Nominated): Thank you, Mr. Deputy Speaker. I stand to support the Procedural Motion. Mine is just a reminder. This is not something that we joke with. It is true honorable Yakub was complaining the whole of this week but the reality is this is a disaster and we need to pray to Almighty God and make Dua for our families and everyone. You have witnessed that no one is a super power. The super power is Almighty God and we need to remember God in our prayers.

Another reminder is that, while we are at home let us memorize the Holy book the little time that we have because most of the time we do not have time to look at the Holy Quran. So, this is the right time for us and our kids to read the Quran.

Thirdly, I know staying at home also has some disadvantage. I am talking on behalf of the mothers who are at home. Bear with us because I know there will be many misunderstanding, hiccups and people will hate each other. Let me stop it there because I know I will get so many comments. Kindly, put the question.

Deputy Speaker (Hon. Farah Abdi): Because of time, honorable Wariyo take two minutes and Honorable Hindia.

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): Thank you, Mr. Deputy Speaker. I support the adjournment of the House. Mr. Deputy Speaker, this adjournment is long overdue. As the Chair for Health stated, we should know that in our country we have less than 100 ICU beds. So, this country cannot address this problem. Now the world is moving from curative measures to preventive as the chair has said. You only have to belief in Allah. There is no hope ahead. We need to pray as a House because we are adjourning and we do not know who will come back. We need to have mass prayer before we adjourn. We need to know that the message that we go home with is only three. We must belief that these problems are there; our people belief that this thing does not affect those in this kind of temperature. We should accept the reality that first world countries are crying and we are in a third world country.

Mr. Deputy Speaker, our Chair can attest how many ICU beds are in our referral hospital. I urge that we stay at home and stay safe. This message must be loud and clear. I want to again say that as a preventive measure we need to wash our hands including a guest that comes to your house before they come in.

Thank you.

Deputy Speaker (Hon. Farah Abdi): Thank you, Because of time, we only have few minutes to one---

Hon. Ibrahim Ali Wariyo (Shimbir Fatuma): The issue of social distancing is very important. The world has exhausted everything and they have resorted to three measures. We must accept that this is a problem. It is our high time that the Public Health department carries out mass campaign to tell our public to stay at home because they do not believe this pandemic exists.

Deputy Speaker (Hon. Farah Abdi): Please get back to your seat. Honorable Hindia!

Hon. Hindia Hussein (Nominated): Thank you, Mr. Deputy Speaker. I want to talk to honorable Members. There are members who are polygamous here and when they will be moving from one home to another they will be affecting the other family. It is high time they stay under one roof or stick to one family.

Secondly, everybody knows that we are adjourning and we will be having a lot of visitors, we should put sanitizers at the gate. They are the ones who will affect this community.

Thank you.

Hon. Abdi Adan (Neboi): Mr. Deputy Speaker, we have heard a lot from Members and we have gained enough and the only thing is prayers. I know there are genuine points like that of polygamous. Those who are polygamous put your families under one roof.

I request you to put the question.

(Question put and agreed to)

ADJOURNMENT

Deputy Speaker (Hon. Farah Abdi): Honorable Members, for information purposes, we also notify the general public that they should not be allowed to come into the precincts of the County Assembly to avoid the spread of the Corona virus.