



Third County Assembly
(NO.026)

REPUBLIC OF KENYA
COUNTY GOVERNMENT OF GARISSA
GARISSA COUNTY ASSEMBLY



Third Session
(NO.026)

THIRD COUNTY ASSEMBLY – (THIRD SESSION)

ORDER OF THE DAY

TUESDAY 7TH MAY, 2024 AT 2:30 PM

ORDER OF BUSINESS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers

6*. Notices of Motion

1. Hon Speaker, I beg to give notice of the following motion;

THAT, aware that ,under the Article 186 (1) and Part Two of the Fourth Schedule to the Constitution of Kenya 2010, the functions and powers of the County Governments, among others, covers County transport including county roads, street lighting, public road transport traffic and parking;

Further aware that, the County has designated preferential parking zone and bus termini behind the shell petrol station, with parking restrictions for the vehicles playing within the central business district.

Noting that recent years have witnessed a marked increase in the number of public and private service vehicles plying various routes in Town ship sub-County and specifically the central business district;

Concerned that, most streets, pedestrian walkways in the central business district: kismayu road and along medina pharmacy have been illegally turned into parking and the Garissa Primary Playground also turned to bus stops and parking slots for commercial vehicles

loading and offloading mostly perishable goods, which has led to increased congestion and accidents including deaths to pedestrians,

Further noting, that, the menace caused by Boda –Bodas’ and Tuk-Tuks within the Central Business District,

Now therefore, this Assembly urges the County Executive to direct them to revert back to the designated bus termini and develop comprehensive policy on allocation of parking, picking and dropping zones for, Boda Bodas and the Tuk-Tuks operating within the central business district.

(HON FATUMA M.SHIDE –NOMINATED MCA)

2. Hon Speaker, I beg to give notice of the following motion;

THAT Aware That, the County Government of Garissa is tasked with overseeing the administration of key municipalities - Garissa, Dadaab, Masalani, and Bura, as per the the County Governments Act, 2012, Urban Areas and Cities Act, 2011, and their respective municipal charters

Further Aware That, in alignment with Section 37 of the County Government Act, 2012, which mandates the executive committee to monitor and ensure the integrated development plan of municipalities is effectively implemented;

ACKNOWLEDGING That, the significance of granting autonomy to municipalities for effective service delivery and sustainable growth, as provided in Section 9 of the Urban Areas and Cities Act,(Rev)2022

RECOGNIZING That, the governance and management functions outlined in Section 12 and Section 20 of the Urban Areas and Cities Act, emphasizing the need for proper administration and oversight within municipalities;

Whereas, challenges such as budget constraints and delayed fund release hinder the municipalities of Garissa, Dadaab, Masalani, and Bura in serving their communities effectively as per the recent Audit reports

RECOGNIZING That, granting autonomy to these municipalities will enhance resource management, revenue generation, infrastructure development, and service provision, as stipulated in the Urban Areas and Cities Act, Rev 2022, the County Governments Act, 2012 and respective municipal Charters

THEREFORE, I propose the immediate granting of autonomy to the municipalities of Garissa, Dadaab, Masalani, and Bura by the County Government of Garissa, in adherence to the relevant laws

Now Therefore, this Assembly compels the County Government of Garissa to empower these municipalities with autonomy to fulfill their responsibilities, address challenges, and promote sustainable growth within Garissa County.

(HON OMAR ABDI HASSAN –MCA DAMAJALE WARD)

7*. Statements

1. (STATEMENT SOUGHT FROM THE CHAIR COMMITTEE ON HEALTH)

Hon Speaker, at 20 deaths for infants is quite alarming and is at the verge of a disaster compared to the world average in 2021 of 38 and 18 per 1,000 live births for under-five and neonates respectively. Further, the circumstances under which 12 deaths in ward five within a span of short period is tragic.

Hon Speaker, Kenya is a signatory of the United Nation's Sustainable Development Goals (SDGs). Under Goal 3 of SDGs, the state members of the UN aim to reduce mortality rates for children under the age of five years (U5MR) to 21 and neonatal mortality rates (NMR) to 12 deaths per 1,000 live births respectively, by 2030. Regrettably, Kenya records double mortality rates of these targets and Garissa being one of peak counties contributing to this.

Hon Speaker, the referral hospital, which is tasked with providing medical care to the citizens of our county, has failed in its duty to protect the most vulnerable members of our society.

Over the past few months, there have been several incidents of infant mortality that can be directly attributed to the negligence of the hospital staff. It is our duty as elected representatives to address these issues and hold those responsible accountable for their actions.

Hon Speaker, several factors contributed such failures among them Insufficient Medical Supplies the hospital has been plagued by a chronic shortage of essential medical supplies, including but not limited to, incubators, ventilators, and medications. This shortage has directly contributed to the deaths of several infants who were in desperate need of life-saving interventions.

Hon.Speaker, the hospital's facilities are often unsanitary, creating an environment that is conducive to the spread of infection. This lack of hygiene has resulted in numerous cases of preventable illnesses, which have ultimately led to the deaths of infants under the hospital's care.

Hon.Speaker, currently, there is ongoing strike which might even escalate the above and as a matter of urgency, the management of the facility should in collaboration with the County Executive department of Health find an amicable solution on this matter.

The chair should report and inquire on:

- 1) Whether the department is aware of the said deaths and the cause?
- 2) What is the department doing to improve the Hospital condition in regards to sufficient supply of drugs and embrace good hygiene?
- 3) Has the department launched independent investigation to determine the extent of the negligence and the individuals responsible for the lapses and the actions taken?
- 4) What is the care-giver to patient ratio and did this play part in the poor patient management?

- 5) How is the department dealing with the Doctors strike and what strides have so been reached?

(STATEMENT SOUGHT BY HON KHADIJA IDRIS MOHAMED-NOMINATED MCA)

2. (STATEMENT SOUGHT FROM THE CHAIR COMMITTEE ON FINANCE, BUDGET AND APPROPRIATION)

Hon. Speaker Sir. Pursuant to standing order no 41(2) c, I wish to request for a statement from the chairperson of the sectoral committee on Finance, Budget and appropriation, regarding Garissa County Emergency Fund.

Mr. Speaker Sir, Section 110 of the PFM act, allows the county government executive committee to establish county government emergency fund. Section 110(2) of the act, states that, the purpose of an emergency fund is to enable payments to be made in respect of a county when an urgent and unforeseen need for expenditure for which there is no specific legislative authority arises.

Mr. speaker sir, under section 113 of the PFM act 2012, the county executive committee member for finance may not, during a financial year, make a payment from the emergency fund under section 112 exceeding two per cent of the total county government revenue as shown in that county government's audited statements for the previous financial year, except for the first year.

in view of the above and considering the current situation the county is facing in terms of disaster and emergencies due to the floods caused by the on-going heavy rains. Based on this, the chairperson should inquire into and report on:

1. How much was allocated to the County's emergency fund for the current financial year based on the PFM Act's 2% allocation requirement?
2. Is Garissa County emergency fund account operational?
3. Were the monies budgeted for emergencies remitted to the fund account?
4. Were there any monies withdrawn from the accounts and used for the current emergency situations. If not, why?
5. Provide a breakdown of how the allocated fund was utilized?

(STATEMENT SOUGHT BY HON ABDULLAHI IBRAHIM SIGAT –MCA NANIGHI WARD)

8*. Motions and Bills

Hon Speaker, I beg to move the following motion;

THAT, Aware that, dispute resolution is a key aspect of land administration and management in the County and the country in general;

Further aware that, all parcels of land are held in trust on behalf of the Community by the County Government;

Appreciating that, under Part 2 of the Fourth Schedule and Article 185 (2), 186 (1) and 187 (2) of the Constitution of Kenya 2010 states that the County Government provides the functions of County Planning and development including Statistics, Land survey and mapping, Boundaries and fencing.

Concerned that, conflicts over land are the most common form of disputes in various settlements within Garissa County resulting death and distraction in the recent past;

Further concerned that, this act of individuals fencing large parcels of land caused lack of allocation for vital sectors in the community such as Hospitals, Schools and Recreational Facilities for the Children of this great County where talents could have been nurtured;

Worried that, if the County Government will not put measures to adequately address this issue the matter will escalate in to unbearable situation its high time that the County invest on a serious planning program a comprehensive one that will propel the wheel of prosperity in Garissa.

This plan will further enhance the provision of services to the residents of this County by ensuring that a proper allocation of Hospitals, schools, playground and other important aspects are put into consideration.

Now Therefore, this County Assembly urges the CEC member for Lands Housing and Urban Development to establish County Land dispute resolution committee and plan for a mega survey in the County and further embark on proper allocation of the planned parcel of the land to registered persons. This way the County will be able to control the use of land by few and reduce the conflicts, death and destructions caused by the same.

(Hon.Marian.M. Hassan- Nominated MCA)