



**Third County Assembly
(NO.073)**

**REPUBLIC OF KENYA
COUNTY GOVERNMENT OF GARISSA
GARISSA COUNTY ASSEMBLY**



**Second Session
(NO.073)**

THIRD COUNTY ASSEMBLY – (SECOND SESSION)

ORDERS OF THE DAY

THURSDAY 5TH OCTOBER 2023 AT 2:30 AM

ORDER OF BUSINESS

PRAYERS

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

**TABLING OF BURA EAST MUNICIPALITY CHARTER
(HON MOHAMED ABDI FARAH -MAJORITY LEADER)**

Mr. Speaker Sir, I wish to lay on the floor of the House Bura East Municipality Charter

6. Statements

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

Hon. Speaker, Pursuant to Standing Order 41 (2) (c), I wish to request a statement from the chairperson of the Select Committee of Finance, Budget, and Appropriation Committee regarding the revenue collection and management system in the county.

Hon. Speaker, the County government is known to be prone to loss of revenue due to the leakages and loopholes in revenue collection and management systems at the County executive.

Accordingly, there is need to develop a robust system that will improve revenue collection and management which should translate to good service delivery to the residents across the county

Hon. Speaker, in the statement the Chairperson should inquire into and report on;

1. The current system the county executive is using to collect and manage revenue across the county?
2. The efficiency and effectiveness of the current system used in revenue collection?
3. Measures the county executive is taking to seal the perennial loopholes and leakages in revenue collection and management across the county?

(STATEMENT SOUGHT BY HON ZAMZAM MOHAMED-NOMINATED MCA)

7. Notice of Motion

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

THAT, AWARE THAT, Pursuant to Article 6(1) and the first schedule of the Constitution of Kenya, 2010 that sets out Garissa County as one of the Counties within the Kenyan territory.

FURTHER AWARE THAT, section 52 (1) of the County Government Act, 2012 establishes the office of the village Administrator and section 52(4) of the same Act outlines the roles of such an office.

NOTING THAT, section 53 (1) of the County Government Act, 2012 does establish the village council at the local level and whose functions are further set out in section 53(2) of the same Act.

COGNIZANT OF THE FACT THAT, the role and the importance of the said office in the effort to strengthen devolved systems of governance as set out in Articles 174 and 176 (2) of the Constitution of Kenya, 2010.

FURTHER RECOGNIZING THAT, Article 187 (2) (b) provides for functions transferred and assigned by paragraph 14 of part 2 of the fourth schedule of the constitution of Kenya, 2010 to Garissa County Government in ensuring and coordinating the participation of communities and locations in governance at the local level.

CONCERNED THAT the continued delay in establishing the said office as provided for by the above relevant sections of the County Government Act, 2012 is an impediment to the effective service delivery and a contravention of the constitution of Kenya, 2010.

FURTHER CONCERNED THAT, there is need to fast track relevant county legislation establishing and operationalizing the office of the Village Administrator and Village Council in Garissa County Government.

NOW THEREFORE, this motion urges the County Executive to come up with the necessary legal framework establishing the office of the Village Administrators and subsequently transmit the Legislative Proposal to the County Assembly for ratification.

HON OMAR ABDI HASSAN-MCA DAMAJALE WARD

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

THAT, AWARE THAT, that the functions of cultural activities and public entertainment including sports and cultural activities and facilities are vested to County Governments pursuant to paragraph 4 of Part Two of the Fourth schedule to the Constitution of Kenya;

FURTHER AWARE, that sport is a very essential activity both socially and economically to individual as well as groups;

NOTING THAT, the only sport facility existing in the County is next to a School (Garissa Primary School), it's evident that the same has turned to a loading and off-loading bay for the Lorries mostly carrying perishable goods from the nearby Counties and a parking lot for tippers as they wait for customers to engage them. This has literally turned the said facility into a drug den and a hide out for criminals who on many occasions interrupted the very peaceful learning environment for the said school.

CONCERNED That, the difficulty to access the school occasioned by the matatus turning the school gate in to a stage is evident and this is caused by touts who even harass the school going girls. Additionally, the noise from these matatus is really pathetic and affecting the very peaceful learning environment required by the Learners.

AKNOWLEDGING that, there are limited spaces for children and generally the public to play and interact which is an integral element of growth for both;

NOW THEREFORE, this Assembly urges the County Government through the departments of Lands and that of Gender and Sports to intervene and salvage the situation by relocating the Matatus to a designated area and refurbish the Garissa playground to an acceptable standard.

HON. MAHAT ABDIKADIR- MCA MODOGASHE WARD

8. Motions and Bills

1. Hon. Speaker, I beg to move the following motion;

That, Aware That ,The Constitution of Kenya, 2010, chapter four (bill of rights), article 53 (d), gives children, the right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour

Further Aware That, in the Children Act 2022, a child is defined as an individual who has not attained the age of 18 years and in that case, defilement is defined as having sexual relations with a person who is below eighteen years of age with or without their consent.

Noting That, in the sexual offences ACT 2006, Section 8, the offence of defilement is graduated according to the age of the complainant. Where the complainant is aged eleven or less, the offence carries a maximum of life imprisonment. For a victim who is between twelve and fifteen

years, the minimum sentence is twenty years. For a victim between sixteen and eighteen years, the minimum sentence is fifteen years.

Cognizant of the Fact That, the rights of children as paramount by further expounding on the rights in the chapter emphasizing on specific application of rights and children rights to protection from abuse

Concerned that, there are cases of defilement or molestation in our county and most of these cases are unreported due to the stigma associated and the issue of Maslaha system (traditional alternative dispute resolution mechanism) practiced by the locals. Victims of sexual abuse who are mostly children, are more likely to experience depression, substance abuse, post-traumatic stress disorder (PTSD) and suicide in later life than their non-abused counterparts.

Further concerned that, there is need to educate and sensitize our community on the importance of reporting such cases to the relevant authorities, instead of relying on the maslaha system which is contrary to the laws of the country.

NOW THEREFORE, this House do resolves to abolish the maslaha system (traditional alternative dispute resolution mechanism) in handling matters child abuse.

HON AYAN MOHAMED WERAH-NOMINATED MCA

2. PROCEDURAL MOTION

Mr. Speaker sir I beg to move an adjournment motion

THAT, pursuant to Standing Order 25 (4) That, this Assembly now adjourns its regular sessions until Tuesday 17th October, 2023 .This is occasioned by a planned training for the liaison Committee to be accompanied by the Vice Chairs thus denying the House the requisite quorum needed to dispense with Businesses

(HON MOHAMED ABDI FARAH -MAJORITY LEADER)