


LAD ON 20/5/2020
At 2.43 PM BY
HON. JOAN. AKINYI


COUNTY GOVERNMENT OF TAITA TAVETA



COUNTY ASSEMBLY OF TAITA TAVETA

SECOND ASSEMBLY - FOURTH SESSION

COMMITTEE ON ADMINISTRATION, SECURITY, DEVOLUTION, PUBLIC PARTICIPATION, COMMUNITY SERVICES AND DRUGS CONTROL

**REPORT
ON THE
TAITA TAVETA COUNTY COVID-19 EMERGENCY
RESPONSE FUND REGULATION, 2020**

20 MAY 2020

TABLE OF CONTENTS

LIST OF ACRONYMS AND ABBREVIATIONS.....3

PREFACE.....4

Committee Membership.....4

Committee Mandate.....4

ACKNOWLEDGEMENTS5

1.0 CHAPTER ONE: INTRODUCTION6

1.2 OBJECTIVES6

1.3: COMMITTEE’S METHODOLOGY7

Committee’s Proceedings7

Consultative Deliberation7

2.0 CHAPTER TWO: COMMITTEE FINDINGS8

2.1: COMMITTEE REVIEW ON THE TAITA TAVETA COUNTY COVID-19 EMERGENCY
RESPONSE FUND REGULATION, 20208

3.0 CHAPTER THREE: RECOMENDATIONS11

LIST OF ACRONYMS AND ABBREVIATIONS

MCA-Member of County Assembly

CECM-County Executive Committee Member

CCO-County Chief Officer

PWD-Persons With Disability

COVID-Corona Virus Disease

PFM-Public Finance Management Act

PREFACE

Mr. Speaker, Sir, the Committee on Administration, Security, Devolution, Public Participation, Community Services and Drugs Control is one of the sectoral committees constituted on 13th February, 2019 pursuant to the provisions of the Taita Taveta County Assembly Standing Order No. 193. Pursuant to Standing Order No. 182 (6). The Committee hereby presents its report on the Taita Taveta County COVID-19 Emergency Response Fund Regulation, 2020.

Committee Membership

The Committee on Administration, Security, Devolution, Public Participation, Community Services and Drugs Control of the County Assembly of Taita Taveta as currently constituted, comprises of the following Members;

1. Hon. Jones Fundi Maskuji, **MCA**, Chairperson
2. Hon. Bertina Mwisege, **MCA**, Vice-Chairperson
3. Hon. Jason Mwamodenyi Tuja, **MCA**, Member
4. Hon. Harris Keke Nganga, **MCA**, Member
5. Hon. Daniel Omari Nguzo, **MCA**, Member
6. Hon. Joan Akinyi Adino, **MCA**, Member
7. Hon. Frank Jumapili, **MCA**, Member
8. Hon. Joyce Mwangoji, **MCA**, Member
9. Hon. Rose Shingira, **MCA**, Member

Committee Mandate

The Committee on Administration, Security, Devolution, Public Participation, Community Services and Drugs Control is established pursuant to Taita Taveta County Assembly Standing Order No.193.

Pursuant to the Taita Taveta County Assembly Standing Order No.193 (5), the mandate of the Committee on Administration, Security, Devolution, Public Participation, Community Services and Drugs Control is 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 into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;

(f) Vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 187 (*Committee on Appointments*); and

(g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

ACKNOWLEDGEMENTS

Mr. Speaker Sir, on behalf of the committee, I take this opportunity to sincerely thank the members of Committee, the office of the Speaker and Clerk for their valuable contributions and facilitation during the deliberations that culminated to this report.

1.0 CHAPTER ONE: INTRODUCTION

The coronavirus disease 19 (COVID-19) is a highly transmitted and pathogenic viral infection caused by severe acute respiratory syndrome coronavirus 2. COVID-19 first emerged in December 2019 in Wuhun in China and spread around the world. This has forced governments worldwide to take stringent measures to regulate the spread of the disease. The general measures taken worldwide in response to the coronavirus pandemic include;

- Social distancing
- Movement restrictions
- Public health measures
- Social and economic measures
- Lockdowns

The first case of the COVID 19 in Kenya was reported in 13th March 2020. Until 19th May, 2020, 963 cases, 358 recoveries and 50 deaths have been reported in Kenya. The Government of Kenya in response to the pandemic has taken several measures to curb the spread the disease. These include;

- Closure of all schools
- Directive to all public and private sector workers to work from home where possible
- Travel restrictions
- Establishment of quarantine centers
- Establishment of Isolation Wards
- Social and economic measures to enable social distancing and to reduce the risk of infection
- Dusk-to-dawn (7pm to 5am) curfew
- Cessation of movement into and out of the Nairobi Metropolitan area and the Counties of Kilifi, Kwale and Mombasa
- Upgrade of the security service alert and response measures in every border area to ensure the porous borders and security threats do not compromise the response to the pandemic

The 47 Counties in Kenya in turn put up several measures to enforce the safety directives given by the National Government. The County Government of Taita Taveta issued directives in a bid to curb the spread of the disease in the County. These include;

- Establishment of a County COVID-19 Rapid Response Team
- Establishment of quarantine and isolation centres
- Closure of all major markets; Wundanyi, Voi, Mwatate and Taveta Market
- Temporary closure of all saloons and barber shops
- Temporary closure of all quarries, mining and sand harvesting operations
- Implementation of the public health measures including Distribution of water tanks, water, soap and face mask
- Fumigation of the major towns in the County
- Establishment of screening points at Miasenyi, Njukini and Manyani
- Establishment of a County COVID 19 Resource Mobilization Team to mobilize for relief food for the most vulnerable persons in the County

1.2 OBJECTIVES

The Committee objectives were:

1. To review the regulation and make proposals for amendments where necessary
2. To report to the House the recommendations of the Committee on the regulation

1.3: COMMITTEE'S METHODOLOGY

The Committee took the following approach in dispensing the Taita Taveta County COVID-19 Emergency Response Fund Regulation, 2020:

Committee's Proceedings

The Committee held 3 deliberative sittings in deliberating on the Taita Taveta County Covid-19 Emergency Response Fund Regulation, 2020.

Consultative Deliberation

The Committee held a deliberative session with the County Executive Committee Member Finance and Economic Planning and his team on the Taita Taveta County Covid-19 Emergency Response Fund Regulation, 2020.

Public Participation

The Clerk of the County Assembly pursuant to the provisions of the Constitution of Kenya, 2010 Article 196 (1) (a) on public participation and Section 116(1) and (9) on the Public Finance Management Act, 2012 placed an advert on the Official Taita Taveta County Assembly website and facebook page on 6th May, 2020, requiring interested members of public to submit written submission on the Taita Taveta County COVID-19 Emergency Response Fund Regulation, 2020. The submission were to be received on or before 13th May, 2020 at 5:00 pm.

2.0 CHAPTER TWO: COMMITTEE FINDINGS

The Committee reviewed the Taita Taveta County COVID-19 Emergency Response Fund Regulation, 2020 and made their finding on the proposed regulation.

2.1: COMMITTEE REVIEW ON THE TAITA TAVETA COUNTY COVID-19 EMERGENCY RESPONSE FUND REGULATION, 2020

The regulation was committed to the Committee on 5th May, 2020 in the Afternoon Sitting.

The Committee after reviewing the regulation found at as follows;

The proposed regulation by the County Executive Committee Member (CECM) Finance and Economic Planning is established pursuant to the powers conferred by section 116(1) and (9) of the Public Finance Management Act, (PFM), 2012.

Beneficiaries of the Fund

The proposed regulation defines vulnerable persons as persons including persons with special needs, older persons, pregnant women, orphans, vulnerable children, rural nomadic pastoralist's communities, semi-nomadic agro-pastoralists, fisher folks and any other persons without a clear means of livelihood during the pandemic period.

Object of the Fund

The object and purpose of the Taita Taveta County COVID-19 Emergency Response Fund shall be to mobilize resources for emergency response towards containing the spread, effect and impact of COVID-19 pandemic within Taita Taveta County and the republic of Kenya.

Purpose of the Fund

The Purpose of the fund shall include;

- (a) to fund the purchase of essential supplies for public hospitals and other related institutions, health professionals and other frontline workers, as need arises;
- (b) to fund programmes and initiatives towards cushioning and provision of emergency relief to the most vulnerable, older and poor persons in urban informal settlements and rural poor nomadic pastoralists communities;
- (c) to support and stimulate micro, small and medium enterprises rendered vulnerable by COVID-19 pandemic;
- (d) to fund restoration of the facilities being used for compulsory quarantine for safe use by the hosting institutions;
- (e) to fund emergency rehabilitation of amenities and water facilities to enhance access and sanitation by local communities;
- (f) to support emergency evacuations of affected populations;
- (g) to provide for some form of compensation, resettlement and alternative means of livelihoods during emergency restrictions;
- (h) to fund any other emerging issue arising from the COVID-19 pandemic.

Administration Cost

The administration costs of the Fund shall be a maximum of three (3) percent of the approved budgets of the Fund.

Source of the Funds

The funds shall consist of;

- (a) Monies appropriated by the County Assembly for purposes of the Fund
- (b) voluntary contributions from public officers and private persons;
- (c) grants, donations, subscriptions, bequests or other gifts made to the Fund; and
- (d) monies from any other source approved by the County Executive Committee Member for Finance.

Management of the Fund

The regulation establishes a board to be known as the Taita Taveta County COVID-19 Emergency Response Fund Board.

The board comprises of;

- Chairperson appointed by the Governor
- CECM responsible for Public Service, Administration and Disaster Management
- CECM responsible for Health Services and Sanitation
- Four Members who are not public officers, appointed by the Governor
- A secretary appointed from among County directors

Term of Services of the Board

The board shall remain in office for the period of the COVID-19 emergency or for a term of service as may be determined by the Governor based on emergency needs

Functions of the Board

The functions of the board include;

- (a) to consider and recommend the estimates of revenue to and expenditure from the Fund to the County Executive Committee Member for Finance for approval;
- (b) to support resource mobilization for the Fund from partners
- (c) with to approve the opening and closing of bank accounts in accordance the Act;
- (d) to approve disbursements from the Fund;
- (e) to receive, review and approve reports on the performance of the Fund;
- (f) to oversee the monitoring and evaluation of the programmes and activities under the Fund;
- (g) to approve the financial statements of the Fund prepared in accordance with the Act;
- (h) to consult with the County Executive Committee Member for Finance on matters relating to the administration of the Fund; and to perform any other functions that shall be assigned by the County Executive Committee Member for finance.

The administrator of the fund shall be the County Chief Officer (CCO) responsible for Finance and may open bank accounts in consultation with the Board in the name of the Fund with a bank as may be approved by the County Treasury.

The Administrator of the Fund shall prepare quarterly financial and non-financial reports in accordance with the Act.

The Board shall cause to be kept all proper books and records of account of the income, expenditure, assets, equipment and properties of the Fund

The fund shall lapse upon declarations on end of COVID 19 pandemic.

2.2: PUBLIC PARTICIPATION VIEWS

The Committee through the office of the clerk of the County Assembly did not receive any written submission by way of memorandum by Thursday 14th May, 2020 as was required in the advert placed on 6th May, 2020.

3.0 CHAPTER THREE: RECOMMENDATIONS

The Committee on Administration, Security, Devolution, Public Participation, Community Services and Drugs Control unanimously recommend that the second County Assembly of Taita Taveta approves the Taita Taveta County COVID-19 Emergency Response Fund Regulation, 2020 with the following amendments;

1. Regulation 2 be amended by adding 'persons with disability' immediately after the words 'special needs' in the definition of 'Vulnerable persons'
2. Regulation 4 (2) (f) be amended by replacing the word 'population' with the word 'persons'
3. Regulation 4 (2) (h) be amended by adding the words 'as approved by the County Assembly' immediately after the word 'pandemic'
4. Regulation 4 (2) be amended by replacing the number '(2)' with the number '(3)' and adding the following words immediately after the word 'Fund', 'save that the administration cost shall be commensurate to the period of the pandemic should it last less than 12 months'
5. Regulation 4 (3) be amended by replacing the number '(3)' with '(4)'
6. An additional sub-regulation be added to regulation 4 as follows;
 - (5) Notwithstanding the generality of regulation 4, the beneficiaries of the fund shall be approved by the County Assembly.
7. Regulation 6 be amended by adding the words 'with the approval of the County Assembly' immediately after the word 'established'
8. Regulation 7 (1) (a) be amended by adding the words 'with the approval of the County Assembly' immediately after the word 'Governor'
9. Regulation 7 (1) (d) be amended by adding the words 'with the approval of the County Assembly' immediately after the word 'Governor'
10. Regulation 7 (3) be amended by deleting the words 'or for a term of service as maybe determined by the Governor based on emergency needs.' immediately after the words 'Covid-19 emergency'
11. Regulation 8 (c) be amended by deleting the word 'with'
12. An additional sub-regulation be added to regulation 8 as follows;
 - (i) To prepare and submit to the County Assembly monthly reports of it activities and expenditure
13. Regulation 9 (2) (a) be amended by deleting the words 'unless the County Executive Committee Member for finance directs otherwise;' immediately after the words 'retained in the fund,
14. Regulation 9 (2) (f) be amended by replacing the word 'annual' with the word 'monthly'
15. Regulation 14 be amended by replacing the word 'quarterly' with the word 'monthly' adding the words 'for presentation to the board, County Executive Committee Member for finance and the County Assembly' immediately after the word 'act'
16. Regulation 16 (1) and (3) be deleted
17. Regulation 16 (2) be amended by replacing the word 'when' with the words 'upon a declaration by' and deleting the word 'declares' immediately after the word '*Gazette*' and adding the words 'the Fund shall lapse' after the word 'country'

Mr. Speaker, Sir, on behalf of the Committee on Administration, Security, Devolution, Public Participation, Community Services and Drugs Control, it is my honor and pleasure to table this report.

CONFIRMED.....

DATE.....

20th MAY 2020

HON. JOHNES MASKUJI, MCACHAIRPERSON,
COMMITTEE ON ADMINISTRATION, SECURITY, DEVOLUTION, PUBLIC
PARTICIPATION, COMMUNITY SERVICES AND DRUGS CONTROL