

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

PETITION 218 OF 2020

IN THE MATTER OF ARTICLES 1, 2, 3, 10, 19, 20 (1) (4), 21, 22, 24, 25, 26 (10, 28, 29, 35, 47, 165, 232 (1), 258 AND 259 OF THE CONSTITUTION OF KENYA, 2010

AND

IN THE MATTER OF SECTION 4, 9, 20, 25 AND 28 OF THE ACCESS TO INFORMATION ACT, 2016

AND

IN THE MATTER OF SECTION 5, 6 AND 10 OF THE HEALTH ACT, 2017

AND

IN THE MATTER OF SECTION 3 AND 4 OF THE FAIR ADMINISTRATIVE ACTION ACT, 2015

BETWEEN

ERICK OKIOMA.....1ST PETITIONER
ESTHER NELIMA.....2ND PETITIONER
CHRIS OWALLA.....3RD PETITIONER
CM.....4TH PETITIONER
FA.....5TH PETITIONER
KB.....6TH PETITIONER
MO.....7TH PETITIONER
EL.....8TH PETITIONER
KATIBA INSTITUTE.....9TH PETITIONER

KENYA LEGAL AND ETHICAL ISSUES NETWORK ON HIV/AIDS (KELIN).....10TH PETITIONER
THE KENYA SECTION OF THE INTERNATIONAL COMMISSION OF JURISTS (ICJ
KENYA).....11TH PETITIONER
TRANSPARENCY INTERNATIONAL KENYA.....12TH PETITIONER
ACHIENG ORERO.....13TH PETITIONER
(9th to 13th Petitioners suing on behalf of health and human rights civil society and non-
governmental organizations)

VERSUS

MUTAHI KAGWE, CABINET SECRETARY FOR HEALTH.....1ST RESPONDENT
PATRICK AMOTH, AG DIRECTOR GENERAL, MINISTRY OF HEALTH.....2ND RESPONDENT
H.E CORNEL RASANGA, GOVERNOR FOR SIAYA COUNTY.....3RD RESPONDENT
COUNCIL OF GOVERNORS.....4TH RESPONDENT
FRED OKENGO MATIANGI, CABINET SECRETARY FOR INTERIOR AND COORDINATION OF
NATIONAL GOVERNMENT.....5TH RESPONDENT
HILARY NZIOKI MUTYAMBAI, INSPECTOR GENERAL OF THE POLICE,
KENYA.....6TH RESPONDENT
JOSEPH WAKABA MUCHERU, CABINET SECRETARY FOR INFORMATION AND
COMMUNICATIONS.....7TH RESPONDENT
THE COMMISSION ON ADMINISTRATIVE JUSTICE.....8TH RESPONDENT
DANIEL YUMBA, CHIEF EXECUTIVE OFFICER KENYA MEDICAL PRACTITIONER AND DENTISTS
COUNCIL.....9TH RESPONDENT

AND

KENYA NATIONAL COMMISSION ON HUMAN RIGHTS
(KNCHR).....1ST INTERESTED PARTY

4TH RESPONDENT'S REPLYING AFFIDAVIT

I **JACQUELINE MOGENI**, a resident of Nairobi City County and of P.O Box 40401-00100 Nairobi within the Republic of Kenya do hereby make a solemn oath and state as follows:

1. **THAT** I am an Advocate of the High Court of Kenya and the Chief Executive Officer of the Council of Governors, the 4th Respondent herein, hence competent and duly authorized to swear this affidavit.
2. **THAT** I have read and understood the Petition filed under Certificate of Urgency, and the Supporting Affidavits of the Petitioners sworn in support thereto on the 18th day of June, 2020 and I make this affidavit in response thereto.
3. **THAT** the 4th Respondent is a non-partisan statutory body established under Section 19 of the Intergovernmental Relations Act No. 2 of 2012 (the Act), whose functions under Section 20 of the Act are to provide a forum for among others: consultation amongst County Governments; and considering matters of common interest to County Governments.
4. **THAT** the petition raises inter-alia the following key issues to wit the response from the 4th Respondent:
 - i. The 4th Respondents' alleged failure to provide information sought which allegedly violated the Petitioners' right of Access to Information under Article 35 (3) of the Constitution of Kenya, 2010 and the Access to Information Act.
 - ii. An alleged failure by the 4th Respondents' to provide the information sought thereby infringing upon the Petitioners' right to life under Article 26 (1) of the Constitution of Kenya, 2010.

- iii. An order declaring that the 4th Respondents' failure to provide the information sought violated the Petitioners' right to health under Article 43 (1) (a) of the Constitution of Kenya, 2010 and the Health Act, 2017.
 - iv. An order in the nature of a mandamus directing the Respondents to provide the Petitioners with the information sought.
5. **THAT** COVID-19 was declared a global pandemic by the World Health Organization on the 11th day of March 2020. Further, the World Health Organization (WHO) has continued to emphasize on the guidelines to mitigate the spread of the Coronavirus including wearing of face masks, washing of hands, sanitization and observation of physical distancing. The guidelines have been implemented by both the National and the County Governments in the fight against the disease.
 6. **THAT** it is noteworthy that **subsequent to the spread of the disease locally**, operations in both the Government institutions and in the Private Sector have since been scaled down.
 7. **THAT** pursuant to a Circular issued by the Head of Public Service on the 23rd day of April 2020 H.E the President issued a directive that where possible, Government offices, business and companies were encouraged to allow employees to work from home, with exception of employees working in critical or essential services.
(Annexed hereto and Marked JM-1 is a copy of the circular dated the 23rd day of April 2020 from the Head of Public Service)
 8. **THAT** in line with the circular hereinabove, a large majority of employees of the 4th Respondent have been working from home with restrictions on access to the office. As such a lot of the information requested by the petitioners was not readily availed in view of the fact that operations in the 4th respondents' offices were not optimal.

9. **THAT** the Government both National and County have a common duty to facilitate the enjoyment of economic, social and political rights; while at the same time safeguarding the People of Kenya from the disease, those suffering from other ailments, the elderly, senior citizens and other vulnerable members of the society.

10. **THAT** at the National level, the Cabinet Secretary on 13th March 2020 announced the first case of COVID-19 in Kenya and the ministry has to date been issuing daily briefings relating to the upsurge of the disease.

11. **THAT** equally the 4th Respondent through its Chairman Governor Wycliffe Oparanya has been delivering weekly press briefings on inter alia the following issues;
 - a) the preparedness of county governments to handle COVID-19
 - b) The designated covid-19 amenities in the Counties
 - c) The total number of trained healthcare workers
 - d) The total amount of Personal Protective Equipment (PPE) kits procured
 - e) The total number of quarantine facilities
 - f) The number of tests carried out in the Counties

The press statements are usually broadcasted in both print and electronic media and the same can readily be accessed on its website and social media platforms.

(Annexed hereto and Marked JM-2A to JM-2L is a bundle containing 12 copies of the Press Statements outlining the preparedness of County Governments to handle COVID-19)

12. **THAT** in view of the fact that the 4th Respondent has covered all the information requested by the Petitioners in its press statements hereinabove, the orders sought against the it in the petition cannot issue as the court does not issue orders in vain.

13. **THAT** as such, the 4th Respondent has not violated the Petitioners' right of Access to Information under Article 35 (3) of the Constitution of Kenya, 2010 and the Access to Information Act No. 31 of 2016.
14. **THAT** consequently the 4th Respondent cannot be held to be criminally liable for failure to respond to a request for information as under Section 28 (4) (b) because the requested information was disclosed as outlined hereinbefore. As a matter of law, section 28 (9) vindicates the 4th Respondent in providing that a person shall not be criminally liable for the disclosure or authorization of the disclosure made in good faith in reliance on the Access to Information Act, 2016.
15. **THAT** counties have continued to put in efforts towards preparedness to handle COVID-19. This vigilance has ensured that those who contract the Coronavirus are given the necessary medical care and hence the Petitioner cannot claim that their right to life under Article 26 (1) of the Constitution of Kenya, 2010 was infringed upon.
16. **THAT** the Petitioners have not demonstrated how their rights to fair administrative action under Article 47 of the Constitution of Kenya and the Fair Administrative Action Act have been violated. The court in **Geoffrey Oduor Sijeny vs Kenyatta University Petition No. 292 of 2017 in the High Court of Kenya at Nairobi** held that such a declaration cannot issue without proof of how the right to fair administrative action was infringed.

17. **THAT** what is deponed to herein is true to the best of my knowledge, information and belief save as to matters of information, the sources and grounds whereof have been disclosed.

SWORN AT NAIROBI)

By the said JACQUELINE MOGENI)

This ^{18TH} day of ^{JANUARY}2021)



DEPONENT

BEFORE ME)



COMMISSIONER FOR OATHS)

DRAWN AND FILED BY:

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THE PRESIDENCY
EXECUTIVE OFFICE OF THE PRESIDENT
HEAD OF THE PUBLIC SERVICE



Telegraphic Address
 Telephone: +254-20-2227436
 When replying please quote

STATE HOUSE
 P.O. Box 40530-00100
 Nairobi, Kenya

Ref. No. **OP/CAB.26/1/3A**
 and date

23rd April, 2020

- The Attorney General
- All Cabinet Secretaries
- All Principal Secretaries
- All County Governments
- All Chief Executive Officers of State Corporations

This is the Exhibit marked JM-1
 referred to in the annexed Affidavit/declaration
 of JACQUELINE MOGENI
 Sworn/Declared before me This 22 day of
July 20 20 at NAIROBI
Uwach
 Commissioner for Oaths / Notary Public

FACE TO FACE MEETINGS AMIDST COVID-19 CHALLENGES

It has come to the attention of the National Security Advisory Committee (NSAC) that some Government Offices are still allowing big face to face meetings, therefore exposing public servants to the unnecessary risk of contracting covid-19.

Due to the said challenges, it has been decided that all meetings of more than four (4) individuals will be conducted through available on-line platforms. Whereas the Ministry of ICT can advise on these platforms, **Webex and Zoom** have proved appropriate and are currently in widespread use across the Public Service.

Please bring this to the attention of all State Departments, State Corporations and Sagas under your purview.

JOSEPH K. KINYUA, EGH
HEAD OF THE PUBLIC SERVICE

This is the Exhibit marked JM-2A
referred to in the annexed Affidavit/declaration
of JACQUELINE MOGENI
Sworn/Declared before me This 22 day of
July 20 20 at NAIROBI
Moraa
Commissioner for Oaths / Notary Public



COUNCIL OF GOVERNORS.

18th March 2020

PRESS STATEMENT ON PREPAREDNESS OF COUNTIES FOR COVID-19

We thank the President for showing leadership in the Country's response towards the Corona virus pandemic. We also thank County Governments for putting in efforts to address the Covid-19. I am confident that the ongoing processes will deliver positive results with adequate support from the Ministry of Health and Development partners.

Despite the measures put in place County Governments continue to face a myriad of challenges as follows:

1. Inadequate Personal Protective Equipment (PPE):

All 47 counties Governments cumulatively received only 2805 PPE kits instead of the promised 305,000 sets of PPE kits. This poses a serious challenge and vulnerability of health workers in the response.

We urge the CS Health to take up this matter seriously to ensure the country acquires enough stock to help us contain the virus.

With neighbouring countries confirming cases of Covid -19, border Counties need to be classified among the high risk counties for heightened surveillance because of their proximity with affected countries.

2. Diagnostic laboratory services:

Currently, only two laboratories at the National level i.e. KEMRI and National influenza laboratory are able to test for the virus. County lab personnel have been trained but not equipped to collect specimen. This in itself is a great risk for the country should the disease spread rapidly in many counties at the same time. Longer turnaround time for sample collection, and testing is not good for the response.

We therefore recommend that the National Government urgently equip all level 4 and 5 facilities to be able to collect and test samples for the virus and also train more lab personnel. Better still all Counties need to have testing centres.

3. Training of health workers.

The training of trainers of frontline case management health care workers started on Tuesday and will end on Friday this week. Each county is represented by only one healthcare worker and therefore leaving a big gap. More health workers should be trained urgently.

4. Budget allocation

This being the end of financial year, Counties have no budget in their emergency vote and therefore the National Government has to allocate resources to counties, this being a National disaster.

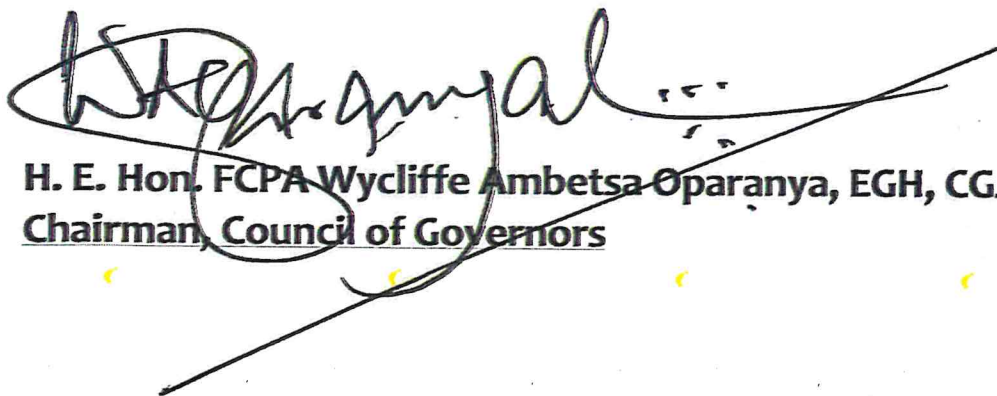
We also ask all the Counties to try and allocate emergency fund for dealing with the corona virus.

5. Economic Impact of Covid -19

There is need for sober discussion on the economic impact of the corona virus epidemic in Kenya therefore we urge the President to convene a meeting that involves all stakeholders including Governors to strategize on how to mitigate the economic effects of Covid -19. At times like this we should all be able to work together for the sake of our people and country.

Finally, we urge all members of the public to remain vigilant as the risk is still high and to continue taking precautionary measures such as maintaining basic hand and respiratory hygiene, safe food handling practices and avoid close contact with people suffering from acute respiratory infections. Members of the public are also encouraged to avoid public gatherings like funerals and weddings.

Signed



H. E. Hon. FCPA Wycliffe Ambetsa Oparanya, EGH, CGJ
Chairman, Council of Governors



This is the Exhibit marked JM-2B
referred to in the annexed Affidavit/declaration
of JACQUELINE MOGENI

Sworn/Declared before me This 22 day of
JULY 20 20 at NAIROBI

COUNCIL OF GOVERNORS Mogab
Commissioner for Oaths / Notary Public

25th March 2020

PRESS STATEMENT ON PREPAREDNESS OF COUNTIES ON COVID-19

We thank the National Government for prompt response towards Corona virus pandemic. We also thank County Governments for not sparing any effort to address the issue. We are concerned about the indifference our people are exhibiting towards the precautionary measures put by the government to contain the disease. Our weakest link is the kind of care free behavior by boda boda operators which must be stopped with immediate effect if we have to arrest the spread and contain the disease.

We now see that the number of persons infected has continued to rise in the last few days. This is likely to continue and even get worse if we don't change our behavior as a people. Every individual has a duty to stay safe and protect the other person from the infection.

It is our individual and collective responsibility as Kenyans to contain the spread of the disease. I will today address you on the progress County Governments have made, the gaps and challenges identified since last week Wednesday, and finally the call for support that we put out today.

What we have done so far: Measures in place

1. Community Sensitization

- Communities are being sensitized on the need to adhere to the government guidelines on infection prevention in local vernacular languages and sign language to sensitize the public.
- Jua kali / informal sector has been engaged to enhance sensitization to the public.
- Covid 19 Response committees incorporating business leadership have been formed to address the challenges of small scale traders in the Counties.

2. Training and capacity building

- Since Wednesday last week a reasonably high number of health workers have been trained on case management through workshops. The trainings are ongoing in various Counties.

3. Media and communication

- So far the COVID 19 Key messages have been translated into vernacular languages for easy understanding.
- Awareness through motorized public address systems and incorporation of sign language interpreters to cater for those with hearing disability. Families of persons with hearing disability have been targeted as the first point of knowledge to pass the message to relations.

4. Restricted Mobility

Most County Governments have sensitized their residents to limit travel around the County to curb the spread of the corona virus.

We urge all citizens to restrain from undertaking any non-essential travels especially Urban to Rural migration which poses a threat in spreading the virus especially to the elderly people in the rural areas.

5. Provision of food - to the vulnerable citizens

County Governments have started mapping the most vulnerable members of the society so as to make arrangement to mitigate the negative impact on their lives. There are plans to provide some food rations.

6. Provision of water and sanitation services

Counties have installed taps with running water, water bowsers and water kiosks to enhance public hygiene including soap for hand washing in strategic public places such as markets, bus stops and bodaboda stations.

All County Governments working closely with other stake holders eg. KPLC and Water Companies are committed to ensuring that there is continuous supply of clean and safe drinking water and electricity .

7. Transport lock down – bodabodas, tuktuks, cost of transport

In some Counties the operation of bodabodas and tuktuks have been suspended. The struggle now is how to provide economic support to these Kenyans who earn a living from these businesses.

8. Financing of critical votes

Most County Governments have reallocated resources to Emergency kitty for utilization in responding to Covid-19.

Challenges and the Gaps

1. **Economic Impact of Covid -19**

- The directive of the Government encouraging businesses to allow employees to work from home is welcomed. This will result in minimizing exposure and spread of the virus by reducing congestion in our transport system as well as amongst employees. However, there are adverse effects this is causing to some SMEs as they do not have the resources and muscle to withstand this global shock.
- These impacts need to be mitigated urgently for purposes of cushioning SMEs and Kenyans who have lost their jobs.

2. **Transporting Health Workers**

Cost of transport has gone up exponentially. County Governments are now bearing the cost of transporting health workers to their work places.

3. **Budget Reallocation**

There is very limited financial resources to reallocate to emergency through the supplementary budget. We request the National Government to consider providing ring-fenced financial support to efforts done by the County Governments.

4. **Inadequate water supply**

Some Counties are densely populated with more than 5 markets and have challenges supplying all the hand washing points with adequate water supply. Therefore, there is need for the National Government to budget and supply Counties with water tanks to bridge this gap.

As I conclude this is our Call/Ask

1. That the National and County Governments put in place measures to cushion the poor and vulnerable members of the society from starvation in the event of a total lock down of the Country. We urge the Government to activate the food distribution programme under the Ministry of Devolution and ASALs and work collaboratively with counties to minimize duplication and wastage of the scarce resources ensuring that we reach those in need.
2. That the National Government supports County Governments with additional resources for their emergency kitty. Further that National Treasury and the Controller of Budget should approve release of all funds due to the County Governments which have not been released for the months of February and March.
3. We ask the National Government to support Counties by availing additional vehicles from KMTCC, NYS and other learning institutions to ferry health workers to the health facilities in the event of lock down.
4. We need more resources to support the Counties in providing essential commodities such as water and support water utilities in the provision of water treatment chemicals and payment of KPLC bills – so that the Utilities can manage to provide the resource without inconveniencing the vulnerable population through disconnection for non-payment of bills.

Finally, we urge all members of the public to remain vigilant as the risk of transmission at the community is higher with more confirmed cases. We ask them to report any suspicious persons who have refused to self-quarantine to emergency telephone lines provided in all the 47 Counties. Meanwhile we should continue with

the precautionary measures such as maintaining hand washing routine and keeping distance.

Signed



H. E. Hon. FCPA Wycliffe Ambetsa Oparanya, EGH, CGJ
Chairman, Council of Governors



This is the Exhibit marked JM-20
referred to in the annexed Affidavit/declaration
of JACQUELINE MOGENI
Sworn/Declared before me This 22 day of
JULY 20 20 at NAIROBI
M. M. M.
Commissioner for Oaths / Notary Public

COUNCIL OF GOVERNORS

26th March 2020

PRESS STATEMENT ON PREPAREDNESS OF COUNTIES ON COVID-19

The Council of Governors has today held an extra Ordinary Council meeting to deliberate on the ongoing pandemic.

First and foremost we thank the President for the measures he has put in place towards addressing the current crisis and to assure Kenyans that we can and we will beat the virus.

We are glad to inform all Kenyans that Counties are making tremendous efforts in all sectors to ensure that we adequately respond to the virus and to ensure the safety of all people.

In today's meeting we have agreed as the Council of Governors as follows:-

1. Salary Cuts

In line with the Presidential initiative to offer a voluntary reduction of salaries of senior ranks of the National Executive, we have also taken a step to mirror the efforts of the President and agreed on a reduction as follows:-

- i. Governors and Deputy Governors – 30%
- ii. County Executive Committee Members – 20%
- iii. Chief Officers and Job Group S – 15 %
- iv. County Directors AND Job Group R – 10%

We have also resolved that other cadres are welcome to voluntarily contribute whatever percentage that they deem fit. We also call upon the County Assemblies to follow suit and agree on a figure as this is for the benefit of our people.

2. Funds Flow for Salary Cuts

We have agreed as the Council, that the money emanating from the pay cuts will be channeled through the special purpose account at the County level. The National Government and Development Partners are welcome to contribute to this account.

3. PPE Kits

We note with concern that the PPE kits that are being distributed in Counties are of low quality and not able to protect health workers in their line of duty. We therefore call upon KEMSA and KEBS to ensure the kits are of good quality.

We further note that most Counties have not received the PPE Kits from KEMSA despite follow up from the Council. We urge the National Government to fast-track the distribution of these kits.

4. Other Support

In order to caution citizens during this period, we have agreed as follows:-

- i. KPLC to consider subsidizing power tariffs for the next three (3) months and not to disconnect power

- ii. Water companies to suspend disconnection of water for the next three (3) months
- iii. Slum dwellers, Vulnerable groups and the urban poor to be supplied with free water

We want to assure Kenyans that County Governments are taking every measure to ensure including channeling resources towards addressing this pandemic. In addition, we urge Kenyans to remain vigilant and to take the necessary precaution.



H. E. Hon. FCPA Wycliffe Ambetsa Oparanya, EGH, CGJ
Chairman, Council of Governors

This is the Exhibit marked JM-2D
referred to in the annexed Affidavit/declaration
of JACQUELINE MOGENI

Sworn/Declared before me This 22 day of
JULY 20 20 at NAIROBI

[Signature]
Commissioner for Oaths / Notary Public



COUNCIL OF GOVERNORS

1st April, 2020

PRESS STATEMENT ON PREPAREDNESS OF COUNTIES ON COVID-19

We continue to acknowledge the efforts of the National and County Governments put in place to contain the spread of the Corona Virus. We also commend the citizens who have heeded the call and follow the directions given by the relevant government agencies. It is for the good of all of us especially this time when we get reports of increasing number of COVID - 19 positive cases.

All of us are at a risk of contracting the disease and must do our part in this war. Everyone has a duty to stay safe and protect the other person from the infection and therefore I request you to follow the guidance given by our doctors. There are many vulnerable people amidst us, the aged population, young children and those with underlying medical conditions. As a country we bear a big HIV/ AIDS burden, this may compound our situation should the virus continue to spread. Every individual has a duty to stay safe and protect the other person from the infection.

I make this appeal to you cognizant of the fact that millions of Kenyans risk death by starvation should they stay at home without food. We therefore call upon the National Government to make arrangements and put in place economic stimulus interventions for small and micro enterprises to cushion them against the economic impact of the Corona virus.

I will today address you on the progress County Governments have made, the gaps and challenges identified since last week Wednesday, and finally the call for support that we put out today.

What we have done so far: Measures in place

1. ICU beds and Ventilators

Currently, only 24 Counties have functional ICU facilities, 14 Counties of these having benefited under the MES project. The total number of ICU beds is 162 in the Counties. 22 Counties do not have ICU facilities, we call upon the National Government to support these counties set up ICU facilities.

Cumulatively, there are 161 ventilators in the County ICUs. We need support from the National Government to acquire approximately 300 more ventilators.

2. Human Resources for Health

To address the gaps in Human resources, the National Government has agreed to support Counties to recruit additional 6656 health workers in different cadres for Covid-19 emergency only.

3. Personal Protective Equipment (PPE)

All 47 Counties still grapple with the challenge of inadequate PPEs despite the Governments effort to procure some and get donations from philanthropists. As at 20th March, KEMSA distributed the following assorted PPE items: surgical masks 694 Pieces, Face Masks 32,000, medical disposal overalls 910 Pieces, Face shields 735, goggles 610 pieces, examination gloves 769 Boxes of 50pairs in each, Gumboots 140 pairs, N95 masks 2000pieces, only 167 sets of complete PPEs was distributed.

These items are not readily available in the market and if there are, the standards are not guaranteed and the price is prohibitive.

Therefore measures need to be stepped up to procure them in bulk to ensure the country acquires enough stock. This shortage poses a serious challenge of vulnerability of health workers in the response.

4. Testing for COVID -19

Only two laboratories at the National level i.e. KEMRI and National influenza laboratory are able to test for the virus currently. This in itself is a great risk for the country should the disease spread rapidly in many counties at the same time as is projected in the coming weeks.

The National Government has agreed to operationalize five other laboratories in the regions. As the Council of Governors we request that accreditation of regional laboratories should be fast tracked and private laboratories in known private hospitals such as Aga Khan, Nairobi Hospital, M.P Shah, Mediheal medical centres, among others.

5. Isolation facilities

Most counties have isolation facilities and Counties have been requested by the National Government to expand their ward capacity. It has been agreed by the National Coordinating Committee that more isolation places be identified in Counties and these could include boarding schools to serve as isolation facilities. Governors have agreed to identify these facilities.

6. Community Sensitization

Communities are being sensitized on the need to adhere to the government guidelines on infection prevention in local vernacular languages and sign languages.

7. Reduction of Electricity tariffs

The Council of Governors requests the National Government to lower electricity tariffs for all medical facilities in the Country and not to disconnect in case delay for the next 3 months.

8. Waiver of CESS

County Governments have agreed waive CESS on food stuffs and transportation of the same.

9. Approval of County Supplementary Budget on emergency
The National Treasury is requested to upload the votes of County supplementary budget for emergency on IFMIS with the interim approval of the county budget committees awaiting ratification by the County Assemblies.

Following the agreement between the Council and Kenya Pipeline Company Limited, for the supply of 20,000 litres of sanitizers per week, the Council will with effect from today supply counties with sanitizers as follows:-

Category 1:

Counties with active confirmed cases will receive 520 litres per County per week.

Category 2:

Counties classified as high risk will receive 420 litres, per County per week.

Category 3:

All other counties will receive 400 litres per County per week.

This will be reviewed on a 2 weeks basis.

Finally, we urge all members of the public to remain vigilant as the risk of transmission at the community is higher with more confirmed cases. We ask them to report any suspicious persons who have refused to self-quarantine. We have installed emergency lines in all the 47 County Governments – let us utilize them they are working. We should continue with the

precautionary measures such as maintaining hand washing routine and social keeping distance.

Signed:



H. E. Hon. FCPA Wycliffe Ambetsa Oparanya, EGH, CGJ
Chairman, Council of Governors



This is the Exhibit marked JM-2E
referred to in the annexed Affidavit/declaration
of JACQUELINE MOGENI
Sworn/Declared before me This 22 day of
JULY 20 20 at NAIROBI
Mwambi
Commissioner for Oaths / Notary Public

COUNCIL OF GOVERNORS

29th April, 2020

PRESS STATEMENT ON PREPAREDNESS OF COUNTIES ON COVID-19

Fellow Kenyans, as you are aware, we have a total number of 374 reported positive cases as of now. Through concerted effort of the National and County Governments we have put in place mechanisms to curb the spread of the virus.

The Council of Governors takes great exception to the recent media report carried by the Standard Media Group attempting to rate County Governments on preparedness to deal with the corona virus pandemic.

We want to assure the entire Country that all CGs are prepared and ready to deal with the pandemic. It is therefore in bad light for a Media House to purport to rank County Governments.

What we seek at this moment is support from the public, media, development partners, private sector, National Government and well-wishers to enable the entire architecture of County Governments to deal with this pandemic.

We further wish to inform you that the Council of Governors today held a consultative meeting with the National Treasury to discuss the proposed reduction of the County equitable share. It was agreed that there will be no reduction on the of Kshs. 30 Billion County Equitable share for FY 2019/20. County Governments will

now be able to continue delivering services to the citizens without disruption.

We thank the President for his intervention by ensuring County Governments receive Five (5) Billion to supplement their effort towards the response to the pandemic. These funds have been included in the Supplementary budget. Subsequently, the Commission of Revenue Allocation (CRA) will come up with a formulae for allocation of these funds amongst all the forty seven (47) County Governments.

Last week, I updated you on our preparedness. I hope you are walking with us in this journey. Let me share with you what we have done in the last one week:-

1. Training and Capacity building of health workers

A total of Fourteen Thousand Seven Hundred and Twenty Three (14,723) health workers have been trained across all the forty seven (47) Counties. In addition, Counties have trained Four Thousand Three Hundred and Forty One hospital support staff have been trained to increase their capacity to handle COVID-19.

2. Testing Centres for COVID 19

Last week I reported a total of 10 testing centres countrywide. We now have an additional 6 testing centres. There is therefore going to be enhanced testing of the virus which will enable Counties respond appropriately.

Further, the County Government of Mombasa in collaboration with the Technical University of Mombasa (TUM) and the private sector have set up a COVID -19 isolation and treatment center with capacity of 100 beds. Machakos County Government has also set up a mass screening and isolation centre with capacity of 60 beds.

3. Food Security

The National Government through the Nyumba Kumi initiative has identified a total of one (1) million vulnerable households across the 47 Counties for provision of food. Further, the National Government has piloted the cash transfer Programme in Nairobi with 5000 households receiving Two thousand (2,000) shillings.

Five (5) Counties have also mapped vulnerably households and mobilized resources to support 317,000 households. We urge the remaining 42 Counties to also map households to ensure adequate measures are put in place to cushion the vulnerable.

Last week I report that County Governments are in the process of creating war rooms. So far, 35 Counties have set up security war rooms to enhance county capacity to monitor and report on food market performance and advice the County and National Governments on interventions required to ensure optimal operations of food markets.

4. ECDE and Vocational Training during COVID-19

There is a total of 2.73 million learners enrolled in public and private ECDE Centres across the forty seven (47) County Governments. These learners are now currently on holiday and County Governments will give an update from next week on how the learners will be engaged.

Further, trainees in 77 County Vocational Training Centres are currently engaged in industrial training and apprenticeship programmes in local *Jua Kali* cottage industries whereby they are producing locally manufactured facemasks.

5. County COVID-19 Emergency Response Fund Regulations

The Council of Governors has developed a model regulation on the County Emergency Fund, 2020 to enable all County Governments customize the same for approval by the respective County Assemblies. The fund will consist of all monies donated towards support of the pandemic.

6. County Reallocation to Emergency Funding

County Governments have so far committed a total of 6.2 Billion out of which 15 County Assemblies have approved a supplementary budget of Kshs. 2,347,000,000 Billion for expenditure on Emergency Response. The said amount will be geared towards the fight against the novel corona virus.

We urge the remaining 32 County Assemblies to fast-track approval of the supplementary budgets.

7. County Support from partners

We thank the Kenya Pipeline Company for the donation of 20,000 litres of hand sanitizers shared amongst all 47 County Governments. We also thank Crown Solutions Limited for donating 86 oxygen concentrators, 172 infr-red thermometers and 86 pulse oximetres worth of Ksh 20,984,000 to be shared equally amongst the Counties.

We wish to further appreciate the support of Thinkwell who have seconded two technical staff to support the CoG COVID-19 Secretariat.

As I emphasized in my statement last week, we still call upon all partners to support all the forty seven (47) County Governments through the Council of Governors Secretariat so as to ensure that donations are distributed equitably to all the Counties.

8. Challenges

Whereas Counties are making strides towards combating the pandemic, Counties are experiencing the following challenges:-

i) Support to County Governments

On 16th April 2020 vide a press statement by H.E the President, an amount of Kshs. Five (5) Billion was allocated to County Governments to complement their efforts. However, the said amount is yet to be disbursed to Counties. We therefore call upon the National Treasury and Parliament to fast-track the process of disbursing the funds to the Counties so as to complement their efforts.

ii) County Governments hosting refugees

Kenya has been a host to refugees from the neighboring Countries for more than three (3) decades who are currently residing in Northern Kenya, Rift Valley, Coastal and Nairobi region.

In the wake of the current pandemic, social distancing among the refugees has proved to be a complex issue due to the living conditions. To mitigate this challenge and other shortcomings in the fight against the pandemic, we call upon the National Government in collaboration with the UNHCR to urgently assist the host Counties with both technical and financial support.

iii) Protocol on Foreign Neighbouring Countries

While there are County Governments that border foreign Countries, there is no protocol in place to deal with cross border movements of persons accessing the Country through our porous borders to seek services during this time of COVID. Failure to

accord the required services may lead to serious challenges that may cause diplomatic problems.

It is therefore prudent for the Ministry of Foreign Affairs to provide a protocol on how to deal with neighbouring Countries during this period.

iv) Counties affected by Floods and Landslides

As County Governments continue to tackle the COVID-19 pandemic, the long rains have continued to wreak havoc in various Counties.

This has led to loss of lives, destruction of property and displacement of approximately Six thousand (6,000) people.

We thank the National Government through the Kenya Defense Forces for their efforts in evacuation and tracing of victims in Elgeyo Marakwet and West Pokot Counties.

The Council of Governors has set up a fund to support the affected Counties. Each County Government is contributing Kshs. 200,000 to this fund.

We call upon well-wishers to support this fund through the Council of Governors.

Conclusion


Noting that the nationwide dusk-to-dawn curfew and the cessation of movement into and out of Nairobi, Kilifi, Kwale, Mandera and Mombasa Counties has been extended for a further period of 21 days, we urge Kenyans to continue observing the preventive measures laid down.

We also urge the police manning the roadblocks and entry points to be more stringent and seal all the unmarked routes. This will be very helpful in curbing the spread of virus in Counties.

We request Kenyans to observe the curfew, exercise social distancing, wash hands frequently, wear a mask and stay at home. We must all ensure adherence to these measures for us to succeed in the fight against this pandemic.

Asanteni Sana.

Signed



H. E. Hon. FCPA Wycliffe Ambetsa Oparanya, EGH, CGJ
Chairman, Council of Governors

This is the Exhibit marked JM-2F
referred to in the annexed Affidavit/declaration
of JACQUELINE MOGENI
Sworn/Declared before me This 22 day of
JULY 20 20 at NAIROBI
M. Mwangi
Commissioner for Oaths / Notary Public



COUNCIL OF GOVERNORS

6th May, 2020

PRESS STATEMENT ON PREPAREDNESS OF COUNTY

GOVERNMENTS ON COVID-19 – WEEK 7

Ladies and gentlemen, for the last seven weeks, County Governments have been preparing and tackling the COVID-19 pandemic. We have moved from importation of the virus to local transmission and County Governments have equipped themselves to successfully tackle the virus within their jurisdictions. This they have done in close partnership with the National Government and partners. We are grateful for the support received so far.

In the past week, the County Governments have put the following plans in place:

1. Recruitment of Health Workers

The process of shortlisting and interviewing the candidates was completed on 30th April, 2020 as we had earlier informed you. The newly recruited 5,550 health workers will begin to report to their various work stations on different dates this month. Plans by the National Government to hire additional 1,156 health workers are welcome. This will bring the total number of health workers recruited to 6,656 as agreed upon by the National Government and Council of Governors.

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2. Disbursement of funds

We wish to inform you that County Governments have set aside a total of Kshs 6.1 Billion in their Supplementary Budgets towards the fight against the virus. We have not received any funds towards Covid-19 fight from the National Government as erroneously reported in some quarters.

3. County efforts to procure PPEs

Majority of the Counties have begun the process of procuring Personal Protective Equipment. In the past week, twenty (20) County Governments have procured 315 complete PPEs. Over and above PPEs, these County Governments have also procured 30,000 assorted gears in the past week.

4. Intensive Care Units

As of today, we have a total of 209 ICU beds in 26 Counties and 212 Ventilators in 26 Counties. To supplement this, 43 County Governments received a donation of 86 oxygen concentrators from Crown Healthcare, 172 infra-red thermometers and 86 pulse oximeters.

5. Quarantine/Isolation and Testing

In the last week, 4 County Governments have quarantined 100 people in their facilities as a result of contact tracing. Testing of those quarantined is ongoing in these Counties. However there is need for them to be complemented with more testing kits.

Further, two County Governments namely; Nairobi and Mombasa have started mass testing and we urge our citizens to support the process by showing up to the various points for testing. This disease

can only be controlled by early identification, intervention and treatment.

Additionally, we welcome the move by the Inspector of Police to set aside police holding facilities for those who violate the curfew and lockdown rules separate from county quarantine facilities.

6. Strengthening of border disease surveillance by counties

In the last one week, nine (9) County Governments with international borders were able to quarantine 205 people and tested 249 across all the borders. The cost of quarantine is met by both the counties and the persons quarantined.

Furthermore, these Counties have put in place measures such as fumigation of trucks in transit and screening of all persons crossing the borders.

We urge the Ministry of Foreign Affairs to come up with a protocol of dealing with neighboring countries that will only allow limited access, if at all, in order to curb the spread of the virus into the Country.

7. Operationalization of County food security War rooms

I wish to report that from last week, five (5) more counties have formed County Food Security war rooms bringing the total to 40 counties. The data being collected by the County food security war rooms is being used to inform policy decisions to enhance food access and ease doing business in the Counties.

From the reports that we received, we have identified and are addressing the reducing stocking levels of food stores and shops. Counties continue to ascertain the vulnerable households and are

consulting with National Government to ensure that these households are supported with food and non-food commodities. In addition, County Governments are supplementing this move through consultation and coordination to ensure that there is no duplicity of the activity.

8. Enforcement of Market Guidelines

County Governments welcome the support through the National Youth Service in enforcing the market guidelines on wearing masks and maintaining social distance. We urge citizens to take this seriously and cooperate with NYS brigade.

9. Vocational Training Centers

I am happy to report that in the past week, Vocational Training Centers in Mandera (2), Nyandarua, Kirinyaga and Bomet have commenced production of facemasks, increasing the total number to 82 Centers in 21 Counties which are producing facemasks for distribution to the public. This has increased the production capacity by 8% therefore producing 431,000 masks in a day. These Centers have engaged 400 tailors. Vocational Training Centre trainees are engaged in industrial training and apprenticeship programmes to continue developing skills in their respective trades. The masks produced are being distributed for free to the vulnerable members of the society including children homes.

10. Re-opening of Hotels within County Governments

Hotels and Restaurants within the Counties are slowly opening their doors to members of the public while strictly adhering to the protocols provided by the Ministry of Health as enforced jointly by the Public Health Officers and the County enforcement officers. We encourage our citizens to ensure their safety while visiting these

hotels by listening to and following the rules and guidelines provided.

Challenges

Whereas Counties are making strides towards combating the pandemic, Counties are experiencing the following challenges: -

1. Floods and Landslides

The Country continues to suffer great havoc caused by the ongoing floods. The current heavy rains in some parts of the counties has led to flooding and landslides causing approximately 35 deaths and over 13,000 households displaced and leaving many injured in accordance to reports received from 18 Counties. The floods have also destroyed crops raising the cost of food supply. Transportation of food items has been affected due to impassable roads and many have abandoned their homes and farms for secure areas.

We kindly ask well-wishers to provide direct support to these Counties.

2. Provision of water to informal settlements

Provision of water is a County Government function. During this period, the National Government has allocated money towards provision and access to water. Despite this, the money is yet to be disbursed for use by County Governments. The directive from the National Government not to disconnect water in informal sectors has greatly affected revenue collection which goes towards Operations and the purchase of water treatment chemicals. We urge citizens who are gainfully employed and are capable, to pay their water bills to ensure that the water is treated and provided to all citizens.

3. Heightened Gender Based Violence in our homes

The Council appreciates the measures some counties have put in place to ensure that GBV survivors and women in need of sexual reproductive health services are assisted. I request that every County put measures in place to respond to GBV and sexual violence cases that may arise during COVID-19 and to ensure expectant mothers are supported to reach health services especially during curfew hours for safe delivery.

4. Interaction of truck drivers with local citizens

We take note of the massive 35KM truck traffic at Malaba boarder stretching to Mayanja market in Bungoma County. It has emerged that the truck drivers are interacting with local residents as they wait in the traffic jam to undergo the mass testing for Covid-19, which is mandatory for all cargo operators crossing the border. This has raised fear among the local residents that the virus could spread in the area.

We note that this testing exercise is pivotal in combating the spread of Covid-19 in border Counties, however we call upon the National and County Governments to increase the number of health workers conducting the testing at the border points to expedite the exercise. We also call upon the National Government to speed up infrastructural development in Busia County especially the Busia – Korinda highway Carriage to reduce the perpetual truck jam that poses a danger to the communities during this period.

Conclusion

It is important to note that in the past three days, we have witnessed an escalation of the positive cases posing a new challenge. The Council of Governors continues to urge all of us to

stay at home, practice social distancing, wash your hands and wear masks properly. We must all ensure adherence to these measures for us to succeed in the fight against this pandemic.

Asanteni Sana.

Signed

A handwritten signature in black ink, appearing to read 'Wycliffe Ambetsa Oparanya', written over a horizontal line.

**H. E. Hon. FCPA Wycliffe Ambetsa Oparanya, EGH, CGJ
Chairman, Council of Governors**



COUNCIL OF GOVERNORS

This is the Exhibit marked JM-2G
referred to in the annexed Affidavit/declaration
of JACQUELINE MOGENI
Sworn/Declared before me This 22 day of
JULY 20 20 at NAIROBI
M. Mwangi
Commissioner for Oaths / Notary Public

13th May, 2020

PRESS STATEMENT ON PREPAREDNESS OF COUNTY GOVERNMENTS ON COVID-19 – WEEK 8

Ladies and gentlemen, I welcome you to the eighth update on the efforts of County Governments to fight the dreaded COVID-19 pandemic.

In the past week, we have witnessed a massive rise in the confirmed COVID-19 positive cases. This has been as a result of the sense of normalcy that has created laxity by the public in adhering to the guidelines issued by the Ministry of Health. As you are aware, we now have 715 reported positive cases. We need to exercise extra vigilance in protecting ourselves.

The Council of Governors (CoG) has noted with great concern that members of the public who suffer from other ailments are refraining from visiting medical facilities for fear of contracting the virus. We want to assure you that precautionary measures have been put in place to separate suspected cases of Covid-19 from other medical cases. We wish to encourage members of the public who are unwell to continue visiting our medical facilities to access medical attention to avoid unnecessary deaths at home.

In the past week, the following measures have been put in place to ensure the readiness of all 47 County Governments in the fight against the pandemic:

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1. Additional allocation of funds

We wish to inform you that, County Governments have received additional allocations totaling to Kshs 1.5 Billion to the following hospitals;

- Kitui Hospital-Ksh 300,000,000
- Mandera Hospital -Ksh 300,000,000
- Coast General Hospital-Ksh 500,000,00
- Jaramogi Oginga Odinga Teaching and Referral Hospital-Ksh 400,000,000

These resources will go towards boosting measures put in place by the Counties to control the spread of the virus.

2. Active quarantine Facilities

All Counties have active quarantine and isolation centers ready for use. Each County has prepared at least one facility that could take up suspected or confirmed cases. This applies even to Counties that do not have any suspected Covid-19 cases so far.

3. Arrangements put in place for staff working in Wards

County Governments have put in place measures to protect Health care workers on duty from contracting the virus. These measures include:

- Setting aside a designated location either a hotel or ward in the facility for the health care workers for quarantine once they complete their shifts. This includes the drivers and security staff who attend to COVID-19 patients.
- Staff working in quarantine facilities are first tested and quarantined for 14 days before being released to go home.

- While on duty, these staff are not allowed to go home until they are tested.
- Counties without any active or suspected cases allow their Health Care Workers to go home.
- Counties have provided their health care workers with Personal Protective Equipment (PPEs), safe transport to quarantine locations and trained them on infection prevention and control.

4. Containment in border Counties

Testing in the Counties that border our neighboring Countries continues to be done by the National Government. So far, in six (6) border Counties, there are 291 patients isolated in quarantine facilities that are managed by the County Governments.

We continue to urge the Ministry of Health to equip County Governments with sample collection kits, reagents, PPEs and testing kits to facilitate faster testing.

5. Ambulance services

All Counties have set aside COVID-19 specific ambulances to help with moving suspected cases to quarantine facilities. These ambulances do not transport any other patients. The average response time is between 20 and 30 minutes.

6. Food aid support to vulnerable Households

County Governments have mapped out vulnerable households that have been affected by COVID-19. Out of the 1.4 million households identified, the County Governments have prioritized 342,389 households to benefit from the County programmes on food aid.

Food worth over Kshs 912 million has so far been distributed through in kind support, cash transfer and e-vouchers to the affected households. We continue to ensure that the efforts of County Governments complement those of the National Government to avoid double allocations to households.

I continue to urge the National Government, private sector, our Development Partners and philanthropic citizens to support County Governments to reach out to the most vulnerable households during this period through the County COVID-19 Response Committee co-chaired by my fellow Governors and the County Commissioners.

7. Prices of food in Counties

All 47 County Governments have operationalized the County Food Security War rooms to monitor food availability and market operations. These war rooms also advice County Governments on the necessary measures to ensure food is available.

I wish to report that majority of the food basket item prices have stabilized. However, we note an increase in maize and fish prices by 10% and 20% respectively. With the authorization of millers to import four (4) million bags of maize for human and animal feed, the prices are expected to stabilize in the long run.

County Governments will continue to monitor the food prices and make the necessary adjustments to avert food crisis.

8. Re-opening of Restaurants

Following the directive by the Cabinet Secretary for Health on re-opening of eateries and restaurants, we note the following;

- Approximately 50% of the eateries and 90% of hotels are closed while 90% of the fast food restaurants are open.
- All establishments have downsized their staff but we are glad to report that at least 50% of the total jobs in the sector have been restored as a result of the order.

Hotel owners should note that inspection by the County Public Health officials for purposes of attaining the re-opening license is free. You are encouraged to comply with the Ministry of Health guidelines and directives and then apply to your respective County Governments for inspection to ensure we have more eateries opened.

We, however encourage Kenyans to order for take aways as opposed to sitting in restaurants for meals in order to minimize the risk of transmission.

9. Resource Mobilization

I wish to take this opportunity to deeply thank all partners who have continued to support us in responding to the pandemic. More specifically, I wish to appreciate the support of Washfin – USAID who have provided extra technical support to the Council of Governors to enhance coordination of water and sanitation which is a key component in the fight against Covid-19 epidemic.

10. Status of provision of water

As part of the response to the COVID-19 crisis, some Counties have received support from various stakeholders to fight the pandemic that has now become a global threat. So far, 13 Counties have received water and hand washing tanks from Water Works Development Agencies in their regions.

However, there are 25 Counties that are yet to receive any form of support. The Council urges all stakeholders to join hands during these trying times and support efforts geared towards fighting the COVID-19 pandemic.

Challenges

Whereas Counties are making strides towards combating the pandemic, Counties are experiencing the following challenges:-

1. Disbursement of Equitable Share Revenue

County Governments are unable to access their equitable share of disbursements which has interfered with the execution of their activities. As of today a total of Kshs 85.6 Billion which is 27% out of the total allocation is yet to be disbursed to the Counties. This is as a result of the bureaucracies in the Office of the Controller of Budget which has imposed unnecessary conditions for disbursement of funds to County Governments other than what is stipulated in law. The Council takes great exception with this gate keeping and calls upon the Controller of Budget to respect the rule of law and follow the court orders which will ensure that money belonging to County Governments is disbursed without undue delay.

Should this continue, the Council will not hesitate to explore alternative avenues to handle the continued disregard of the rule of law.

2. Third Generation Formula

The Council notes that the Senate is yet to approve the 3rd Generation Formula since April, 2019.

We appeal to the Senate to expedite the matter and approve the third Generation formula before the close of this financial year as it should be applied in the allocation of the equitable share from FY 2020/2021 for a period of 5 years as required by law.

3. Flooding

It is unfortunate that so far 38,980 people have been displaced in 19 Counties that have been worst hit by flooding and landslides as a result of the heavy down pour being witnessed across the country.

In complementing the support received from National Government and other stakeholders during this period, respective Counties are providing alternative shelter and food for some of the displaced residents. However, additional support is required in order to cushion our people from the adverse impacts of the ongoing flooding

The Council urges residents living in areas prone to flooding and landslides to move to safer grounds. County Governments are concerned that the deaths as a result of flooding and landslides tally higher than those of the corona virus and as such are working closely with the National Government to ensure that no more lives are lost as a result of the floods.

4. Essential Health Services

Due to the on-going floods, we have reports of Cholera outbreaks in five Counties; Garissa, Wajir, Turkana, Murang'a and Marsabit. Cumulatively, a total of 522 cases have been reported. Sadly, 13 deaths have so far been recorded. The affected Counties together with partners have put control measures in place to contain the spread. These include treatment of home water, chlorination of water sources, community sensitization, isolation and treatment of cases, and contact tracing and chemoprophylaxis of contacts. The outbreak in the five Counties has thus far been controlled.

5. Support by Development Partners

The Council of Governors notes with concerns the unresponsiveness by the National Government to provide guidelines on absorption of grants from DANIDA for the fight against the pandemic.

Following correspondence by DANIDA, we have noted the frustration that the Development Partner is facing from the National Treasury that has hampered expeditious processing of the money meant for an emergency response to the current crisis. We therefore we urge the National Treasury to remove the bottlenecks and give guidelines on how these funds will be absorbed by County Governments.

Conclusion

We should all continue adhering to the preventive directives by staying at home, continue practicing social distancing, washing our hands with soap and running water and wearing our masks properly. We can only stem the spread of this pandemic by religiously adhering to these measures.

Asanteni Sana.

Signed

A handwritten signature in blue ink, appearing to read 'Wycliffe Ambetsa Oparanya', written over a horizontal line.

H. E. Hon. FCPA Wycliffe Ambetsa Oparanya, EGH, CGJ
Chairman, Council of Governors



This is the Exhibit marked JM-24 referred to in the annexed Affidavit/declaration of JACQUELINE MOGENI Sworn/Declared before me This 22 day of JULY 20 20 at NAIROBI Commissioner for Oaths/Notary Public

COUNCIL OF GOVERNORS

27th May, 2020

PRESS STATEMENT ON PREPAREDNESS OF COUNTY GOVERNMENTS ON COVID-19 – WEEK 10

Fellow Kenyans, I want to begin this week's update by appiauding your efforts in the fight against the corona virus. You are highly alert and vigilant^{of} people who have travelled into and out of our neighborhoods and villages. As a result of this diligence, there is increased reporting of persons to the authorities which has enabled the government to trace and locate those who have travelled from towns that have high infection rate to the villages. This has also happened in Counties that border our neighboring Countries. I wish to commend you for being vigilant and your brothers' keeper.

I am also aware that many people are trying to find ways to travel to the villages because they have lost their jobs and are unable to sustain their families in Nairobi. Following the recent announcement by His Excellency the President on the stimuius program last Saturday, it is hoped that there will be jobs created during this period that will be able to cushion this group of people. Therefore, we implore the citizens to remain in Nairobi and such other towns so as to reduce the risk of spreading the disease to the elderly in the villages.

The Council of Governors welcomes the 8 point economic stimulus program recently announced by His Excellency. Counties will make a deliberate effort to reach out to The Presidency to discuss how the National Government and County Governments can jointly implement this program.

In the past week, the 47 County Governments have addressed the following:

1. Reproductive, Maternal, Newborn and Child Health (RMNCH)

County Governments have invested extensively in implementing the health measures including re-focusing resources to strengthen the healthcare system to respond to the COVID-19 pandemic. While these investments have resulted in slowing down the epidemic, evidence shows that this shift in healthcare delivery system has affected the uptake of RMNCH services. While the months of January to March 2020 had good performance, there is notable drop across majority of the counties for the month of April in Antenatal Care (39% for 4th ANC), delivery by skilled birth attendants (32%), immunization (34% for under one year fully immunized), as well as uptake of family planning services (25%). I want to once again encourage the public to utilize health care services as needed. We have ensured that other health care services in all our facilities are not interrupted, and taken safeguards to protect patients against COVID-19 infection at the health facilities.

2. Medical Waste Management

We are treating medical waste management as an urgent and essential public service in order to minimize possible secondary impacts of COVID-19 upon health and the environment. Counties

have made arrangements for proper medical waste disposal. This includes waste disaggregation, decontamination, autoclaving, and incineration. General waste from isolation and quarantine facilities is decontaminated and then incinerated.

3. Active Quarantine Facilities

46 counties have so far reported on the status of active quarantine facilities. Currently, there are 1789 People in quarantine. 2436 People who were confined in public quarantine facilities have been released having tested negative. This is good news for the County Governments. We encourage citizens to practice self-quarantine especially when they suspect they have come into contact with a person with the virus during various forms of interaction.

4. Food Market Prices

In the past week, it was reported that there was adequate availability of cereals, pulses and fresh foods in the market and prices for most commodities remained stable.

Prices of maize grain, wheat flour, rice and sugar recorded slight increase, due to increased sales during preparation for Eidul-Fitr celebrations. Traders have sufficient stocks to meet the demand during this period.

The supply of beans in the markets is still low and therefore the low availability in the markets is driving prices up by about 18% compared to the previous week.

5. Food aid to vulnerable households

County Governments have mapped 1.9 Million Households that require food support due to livelihood challenges related to COVID 19. Out of the 1.9M households mapped, counties have prioritized 742, 038 homes for food aid through cash transfer, e-voucher and in kind food distribution. Nine (9) County Governments have so far been able to mobilize 1.087 Billion to support this initiative. We appreciate the support by National Government to 250,000 households in ten (10) counties and urge that the programme be expanded to cover all the 47 counties.

6. Replanting and reclaiming of farm land

The ongoing floods have washed away crops in over 100,000 acres of land. The County Governments are working with the affected farmers by supporting them with provision of seeds for replanting as well as funds to reclaim their farms. We urge the National Government and other development partners to support counties in this noble intervention.

7. Payment of Cess

We are aware that some food transporters are experiencing challenges of paying cess in some counties during this period. We reiterate the commitment of all County Governments not to charge cess for the transportation of food stuff across the country during this period.

Challenges

Whereas Counties are making strides towards combating the pandemic, Counties are experiencing the following challenges:

1. Disbursement of Funds

The National Treasury is yet to disburse the 5 Billion Kenya Shillings to the County Governments that His Excellency The President announced as support towards the fight against the COVID-19 pandemic. The National Treasury is also yet to disburse the 353 Million Shillings donated by the Danish Embassy towards this fight in the levels two and three health facilities. As the pandemic spreads rapidly to the Counties, Kenyans should be aware that there is adequate funding and we should not be held accountable for failure to act because the resources are being withheld by the National Treasury.

2. Floods

Over 50% of land in 20 Counties is currently submerged.

Accessibility in these Counties is a challenge because the road infrastructure has also collapsed. As a result, health facilities across these counties are inaccessible. In Tana River, for example, 22 out of 55 health facilities have been cut off. We note and also thank His Excellency The President for setting aside funds for the repair of among others, the road network. We urge those with the responsibility of disbursement to undertake a quick assessment across the counties and disburse these funds so that the reconstruction work can start immediately.

3. State of Water Service Providers

As I have reported before, Water Service Providers are struggling to meet their operational costs and thus accumulating huge electricity bills, failing to pay salaries and procure water treatment chemicals. While the National COVID-19 response committee gave the directive

for free supply of water to informal settlements, the committee did not provide for funding for the revenue gap.

I wish to take this opportunity to urge the Food Supply and County Government Coordination Committee headed by CS Peter Munya to prioritize funding the water supply as they also focus on health and food security aspects.

I am happy to report that the Council held a virtual meeting on Tuesday 19th May 2020, with Water Sector Development Partners. I thank the WASH partners for the support extended to Counties so far and for demonstrating great willingness to work closely with CoG to cushion the sector from adverse effects of floods, COVID-19 and debt.

4. Support by Non-Governmental Organizations

We are aware that there are in excess of 11,262 NGOs in the country who have received huge support by their donors towards fighting this pandemic. However this support has not been seen or felt by County Governments. We encourage these organizations to partner with the Counties so that the support they are offering can reach the most deserving.

5. Insurance coverage for Frontline Health Workers

Civil Servants are currently not covered by the National Hospital Insurance Fund (NHIF) thus will have to pay out of pocket for any expenses that arise from contracting any disease including COVID-19. We call upon NHIF to expedite this process and sign agreements with the County Governments to ensure that civil servants, including the medical personnel are insured.

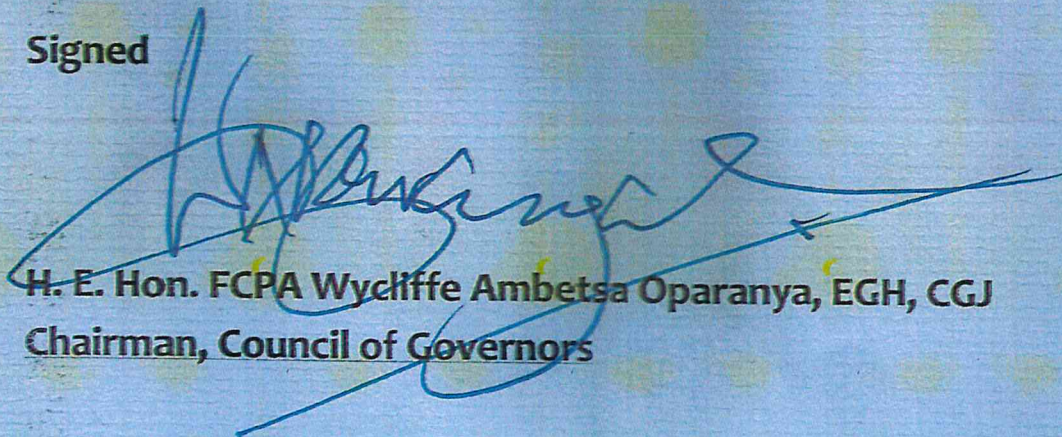
Conclusion

The Council welcomes the decision by the Court of Appeal which states that Health is a devolved function and that the National Government cannot take back the functions of County Governments without following the provisions of Article 187 of the Constitution. With this judgement in place, we encourage the union of health workers to reach out to the Council of Governors so that we can chart a way to work together to ensure that the lives of the citizens are protected by providing the highest attainable standard of health.

The Council extends its sincere condolences to the families that have lost their loved ones to this virus. The Ministry of Health has indicated that there is likely to be a peak in the number of COVID-19 positive cases unless we change our behavior and treat this pandemic with the seriousness it deserves. In order to reduce the numbers and flatten the curve, we need to behave better by wearing our masks properly, practicing social distancing as well as washing our hands with soap and water. We shall not tire sharing this message. We need to come out of this pandemic stronger.

Asanteni Sana.

Signed

A handwritten signature in blue ink, appearing to read 'Wycliffe Ambetsa Oparanya', is written over the typed name and title. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

**H. E. Hon. FCPA Wycliffe Ambetsa Oparanya, EGH, CGJ
Chairman, Council of Governors**

This is the Exhibit marked JM-2I
referred to in the annexed Affidavit/declaration
of JACQUELINE MOGENI

Sworn/Declared before me This 22 day of
JULY 20 20 at NAIROBI
Mwasa
Commissioner for Oaths / Notary Public



COUNCIL OF GOVERNORS

17th June, 2020

PRESS STATEMENT ON PREPAREDNESS OF COUNTY GOVERNMENTS ON COVID-19 – WEEK 13

Fellow Kenyans, on 10th June, 2020 the President convened an Extra Ordinary session of the National and County Government Coordination Summit to deliberate on issues regarding the COVID-19 pandemic. We thank the President for convening this crucial meeting which focused on enhancing the Country's response to the pandemic.

So far, 39 Counties have reported cases of Corona virus while 8 Counties namely:-Nyandarua; Vihiga; Baringo; Tharaka Nithi; Samburu; Tana River; West Pokot; and Lamu have not reported any COVID-19 cases.

To ensure containment of the virus, both levels of Government have continued to work together in the fight against the pandemic. Indeed this period has revealed that, *"United we stand, divided we fall."* We remain united in this fight.

The Council is grateful to the Cabinet Secretary of the National Treasury for heeding to our calls and gazetting all County Government employees as public servants for the purpose of offering enhanced medical, group life and last expense cover insurance. Our frontline workers can now serve the citizens without

the fear of having to pay out of pocket expenses for healthcare services. NHIF is therefore urged to move fast to ensure that all civil servants in the counties have their covers activated.

In the past week, the 47 County Governments have addressed the following:

1. Active Quarantine Facilities

Currently, there are 180 active facilities across the 47 County Governments. Additionally, there are 187 hospitals that are ready to attend to COVID-19 cases. County Governments have also secured 453 ICU beds across the 47 County Governments.

2. Recruitment of Healthcare Workers

So far, 3220 healthcare workers out of 5550 recruited in the first phase have now reported to various counties. This has enhanced the human resource capacity which will go a long way towards response of the virus.

3. Establishment of Isolation facilities

In line with the President's directive, every County Government is required to set up isolation facilities with 300 bed-capacity. I am happy to report that so far, 5 Counties have already complied with this directive.

I call upon the remaining 42 County Governments to prioritize this initiative so as to reach a target of 30, 500 isolation bed facilities across the Country. This will enhance the national preparedness on management of the disease.

4. Protocols on gradual re-opening of the economy

County Governments have developed draft proposals on the following:-

- **Protocols on the progressive reopening of the economy;**
- **Protocols on the gradual reopening of places of worship; and**
- **Protocols on inter-county movement**

It is our hope that our proposals on the respective protocols will be considered and subsequently adopted so as to pave way for the gradual easing of the lockdown and cessation of movement.

5. Kazi Mtaani Initiative

Through the **Kazi Mtaani Initiative**, a clean-up programme for the youth in the Counties, there has been an increase of disinfection of boda-boda shades and toilets; unclogging of drainage systems; and garbage collection. This has ensured that our environment remains clean hence enhancing our response measures to COVID-19.

Fellow Kenyans, we are pleased to note that the first phase of the programme enabled 26,148 youth living in the informal settlements enlist to undertake rapid environment improvements and sanitation.

County Governments commit to work closely with the National Government to ensure that such initiatives are strengthened and more youth are employed. Therefore in July all 47 County Governments will engage more youth in their Counties to undertake the **Kazi Mtaani** programme.

6. Strengthening Innovative Communication Tools and Technology to Combat COVID-19

COVID-19 has challenged Counties to think outside the box and innovate new ways of combating the pandemic. Technology is enhancing efficiency and accountability as counties work with the youth and community health volunteers.

Nandi County, for example, is leveraging on existing tools and innovations and have repurposed their call center for COVID-19 response with great success. Their surveillance and contact tracing portal (*380*29#) is assisting the County with information that will help in response mechanisms.

County Governments are encouraged to embrace such technology during this period and in future.

7. Strengthening Response to Gender Based Violence (GBV)

During this difficult time of the pandemic, there has been an escalation on domestic violence. Recently, I highlighted what County Governments are doing to respond to GBV. Today I announce that Makueni County has become the first County in Kenya to open a state-run safe house for women and girls. This is phenomenal and we salute Makueni County and my brother H.E Prof Kivutha Kibwana.

Challenges

Counties have continued to enhance their response measures to stem the spread of the virus. However, we have experienced the following challenges:

1. Disbursement of County Equitable share

So far, a total of Kshs. 257 Billion has been disbursed which is an equivalent of 81% of the total equitable share. Therefore, Kshs. 59 Billion is yet to be disbursed to the Counties yet we are only 2 weeks to the end of the FY 2019/2020.

Despite this challenge, Counties have managed to clear Kshs.37.6 Billion amount of pending bills which is equivalent to 71% of bills cleared.

We therefore urge the National Treasury to immediately disburse the remaining funds to County Governments to enable them meet their commitments for the current financial year and also enable them pay the pending bills.

2. Truck drivers in border Counties

Long queues of the truck drivers at border counties have been experienced throughout the week following the drivers long waiting time to be tested and release of their results.

We urge the National Government to set up adequate testing centers in the border counties so as to expedite the testing processes, hence reduce the long queues and the rapid spread of the virus.

3. Displacement of families as a result of floods

Whereas floods have subsided across all the counties, 316,482 people in North Eastern, Coast, North Rift and Western region remain displaced.

We call upon the Ministry of Devolution and ASALs to fast-track their efforts and support the resettlement of the affected families.

4. Water Treatment Chemicals

Procurement of Water Treatment Chemicals (Chlorine & Alum) has posed to be a major challenge to the Water Services Providers (WSPs) due to low revenue collection and shortage of water treatment chemicals in the country.

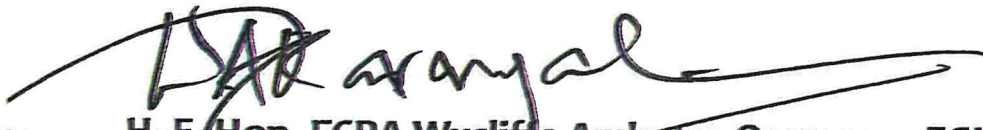
Following the easing of global supply chains for chemicals, we are aware that UNICEF has procured 226,500 Kgs of Alum which will benefit 13 Counties.

We call upon UNICEF to expedite distribution of these chemicals to the counties to ensure provision of safe and clean water supply to all Kenyans.

Conclusion

While the two levels of government work hard towards flattening the curve, we urge all citizens to remain vigilant and to diligently adhere to the guidelines put in place so that together we can curb the spread of the virus.

Signed



H. E/Hon. FCPA Wycliffe Ambetsa Oparanya, EGH, CGJ
Chairman, Council of Governors



This is the Exhibit marked JM-2J
referred to in the annexed Affidavit/declaration
of JACQUELINE MOGENI
Sworn/Declared before me This 22 day of
JULY 20 20 at NAIROBI
Mogani
Commissioner for Oaths / Notary Public

COUNCIL OF GOVERNORS

24th June, 2020

PRESS STATEMENT ON PREPAREDNESS OF COUNTY GOVERNMENTS ON COVID-19 – WEEK 16

In the past week, we have recorded the highest number of COVID-19 cases which has continued to rise exponentially each day. The National Government has reported that 91% of the cases are locally transmitted hence underscoring the need for strengthening community prevention and surveillance activities.

As the curve continues to tick upwards, we must all take responsibility as no one is safe until everyone is safe. We must therefore observe hygiene and the safety measures put in place as control of the virus is largely based on individual discipline.

As County Governments we continue to enhance efforts to combat the virus in collaboration with the National Government and other stakeholders.

In the past week, the 47 County Governments have addressed the following:

1. Status of Isolation Beds in County Governments

Last week I reported a total of 5 Counties with isolation facilities with 300 bed-capacity. We now have 5 more counties each having acquired the minimum 300 bed capacity.

The remaining counties are working towards achieving the 300 bed-capacity in line with the last Summit's agreement.

2. Training of Healthcare workers

Cumulatively, 30 Counties have this week trained **689 healthcare workers** and sensitized **1614 community health volunteers** on management of COVID-19 through the support of various partners. This will enhance the response measures at the County level.

3. Active quarantine facilities

30 counties have reported on the status of active quarantine facilities. Currently, there are **627 people in quarantine** a **reduction of 323** from the previous week. The decrease in number of people in active quarantine facilities is attributed to the increased practice of self-quarantine.

Further, in the last one week, **267 people** confined in public quarantine facilities have been released having tested negative.

4. Enhanced Community Surveillance

As a result of enhanced surveillance activities, 12 Counties have less than two reported Covid-19 cases. The Council recognizes the efforts of Wajir and Mandera Counties that have successfully treated and discharged COVID-19 patients hence flattening the curve. We hope that this trend will be maintained.

We urge Counties to continue enforcing community surveillance measures so as to curb the spread of the virus.

5. County Budgets for FY 2020/2021

All the 47 County Governments have finalized the budgeting process for the FY 2020/21 and the budgets are at various stages of approval by respective County Assemblies.

We urge all the County Assemblies to expedite the approval of the budgets so that Counties can continue responding effectively to the Covid-19 pandemic.

We urge the National Treasury to release Kshs. 59 billion outstanding equitable sharable revenue for the month of May and June. We also urge the National Government to release a further Kshs. 4.6 billion under the devolution support programme by the World Bank as these funds will be used to fight Covid-19. We are grateful to the World Bank for their support.

6. The County Socio economic Re-engineering and Recovery Strategy

The County Governments through the Council of Governors is working on a County Socio-economic Re-engineering and Recovery plan which will strive to develop specific interventions to be implemented during the COVID-19 containment and recovery process. This plan seeks to provide solutions aimed at boosting local manufacturing, job creation, cushioning the vulnerable and building a strong emergency response system between the two levels of Government.

7. County Support from partners

The Council of Governors takes this opportunity to thank the UN Women and the World Bank for providing technical assistance to CoG to assist with development of the County Socio-economic Re-engineering and Recovery strategy. The Council also appreciates UNDP for facilitating the development of the strategy.

Challenges

Counties have continued to enhance their response measures to stem the spread of the virus. However, we continue to experience the following challenges:

1. Management of Testing Logistics

As Counties respond to the current surge in infections, we note that procurement of reagents and timely release of results remains a challenge hence limiting the testing capacity in the Country. In addition, the difference in approaches in testing across border countries is a challenge.

We call upon the Ministry of Health to:-

- (a) Avail testing reagents and sample collection kits; and
- (b) Fast-track engagements with the border countries to agree on the testing protocols to avoid difference in test results.

2. Water Treatment Chemicals

Counties are still in dire need of water treatment chemicals hence posing a challenge on provision of clean and safe water supply by Water Service Providers (WSPs).

We are aware of plans by the Ministry of Water, Sanitation & Irrigation to procure chemicals for the 88 regulated WSPs and we wish to urge them to expedite the process to meet the daily rising demand.

Conclusion

It is feared that the number of Covid-19 cases may rise in the coming days if citizens do not observe the guidelines put in place. We therefore call for strict discipline in the observation of the laid down guidelines.

Thank you and may God bless you.



H. E. Hon. FCPA Wycliffe Ambetsa Oparanya, EGH, CGJ
Chairman, Council of Governors

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COUNCIL OF GOVERNORS

8TH July, 2020

PRESS STATEMENT ON PREPAREDNESS OF COUNTY GOVERNMENTS ON COVID-19 – WEEK 18

On behalf of the 47 County Governments, I take this opportunity to thank our Excellency the President for his continued leadership during this period.

We appreciate the support extended to Counties through the Ministry of Agriculture by writing off 62 Billion owed by Sugar Companies in various Counties. We also wish to thank the National Treasury for releasing Kshs.10.3 Billion grants from the World Bank to support various programmes in the counties. We further thank the Ministry of Health for releasing allowances for healthcare workers amounting to Kshs. 2.3 Billion.

Fellow Kenyans, as we continue in the fight against this pandemic, we undertake to support the directives issued by the President during the 9th State address on the coronavirus pandemic. Indeed, we support the phased re-opening of the Country. However, we must all remain vigilant by implementing the guidelines issued by the Ministry of Health.

In the past few days, we have witnessed the number of positive cases recorded averaging 200 per day. It is therefore evident that the disease is spreading at an accelerating rate. This points to the need for intense effort by both levels of government and other stakeholders to confront the pandemic. At the same time it points to concerted effort for individual responsibility failure to which the control of the disease will be impossible and fatal.

Only yesterday we witnessed a very sad sudden death of a Kenyan who was driving himself to seek help and he never managed to get to hospital. He collapsed immediately he got out of his car. Condolences to his family.

The Community Health Volunteers need to be supported to enhance outreach. The Country is open and movement is highly increased so response needs to be swift, timely and effective.

In the past one and a half weeks, the 47 County Governments have addressed the following:-

1. Status of isolation beds in the Counties

Cumulatively, 26 Counties have complied with the President's directive of attaining 300 bed capacity in the isolation facilities. The remaining 21 counties are working towards achieving the same by 22nd July, 2020. They are all at different levels of preparedness.

2. Training and Sensitization of Healthcare workers

38 Counties have trained an additional 846 healthcare workers bringing the total to 19,177. Further, an additional 1247 community health volunteers have been sensitized bringing the total to 64,283.

We appreciate the efforts put in place by partners to train and sensitize healthcare workers and community health volunteers. We urge all the partners to now more than ever reach out and provide practical support directly to the counties. As we all know and can see it is government that is responding to this process not partners – we urge you to channel your support to government.

3. Active quarantine facilities

38 counties have reported on the status of active quarantine facilities. There are 933 people in active quarantine facilities. 382 people who were confined in public quarantine facilities have been released.

In the last one and a half weeks, the general decrease in number of people in quarantine facilities has been attributed to the uptake of self-quarantine. Cumulatively in 46 counties, 3970 tests have been carried out.

4. Recruitment of Healthcare Workers

So far, 8,680 human resource staff have been recruited and already reported to their workstations in Counties except in five counties where they are finalizing the processes. However, by end of July a cumulative total of 9,858 healthcare workers will be on board.

Fellow Kenyans,

I wish to note that Counties that have been dealing with COVID-19 from March, 2020 have shared their lessons on how to confront the disease and minimize the mortality rate while increasing the rate of recovery. In today's statement, I will share with you and other County

Governments the lessons learnt by the County Governments who dealt with this pandemic first.

Lesson 1: Training of Healthcare workers

Training of healthcare workers has proved to be an effective measure towards the fight against Coronavirus. County Governments should embrace continuous training of healthcare workers as well as community health volunteers on the management and response to COVID-19.

Lesson 2: Provision of adequate quarantine and isolation facilities

Functional quarantine and isolation facilities are critical in addressing the pandemic. This has enabled effective response to the pandemic. In dealing with the expected upsurge, all County Governments should up their game in ensuring these facilities are properly running and expedite the completion of the minimum 300 bed capacity.

Further each County needs to pay attention to setting up of a functional ICU and HDU to respond to COVID 19 cases separate from the normal ICU and HDU beds to care for patients in critical condition.

Lesson 3: Strengthening of County Specific Health system and Facilities

From experience it is emerging that those who fall sick from the pandemic will most likely be attended to in the counties where this happens. This being the case, it is important that each County strengthen its systems and ensure the facilities can provide the requisite services to respond to the disease as modeled by Ministry of Health Experts.

Lesson 4: Ensuring availability of Pharmaceuticals and Non-pharmaceutical supplies

Availability of essential medical supplies is key in responding to the virus. Medicine must be available especially for individuals with underlying medical conditions. In addition, availability of non-pharmaceuticals of good quality is key in protecting the healthcare workers who will in turn confidently attend to COVID-19 patients as it reduces the risk of transmission of the virus.

Lesson 5: Enhancing preventive and promotive healthcare services

Capitalizing on preventive and promotive healthcare services through community health platforms is a key measure in stemming the spread of the virus. We therefore urge the members of the public to continue implementing the guidelines issued by the Ministry of Health.

Lesson 6: Continuous engagement of communities and advocacy on COVID-19 prevention measures

Community engagement is an enabler to effective contact tracing and curbing the spread of the virus. Community sensitization and advocacy is thus paramount in quick response to contact tracing.

Lesson 7: Strengthening disease surveillance system

Nyumba Kumi initiative has proved to be so effective in disease surveillance system. Therefore Counties need to utilize this system for early detection, triage and response. This system proves to be

effective in generating quality data for timely public health interventions.

Lesson 8: Enhanced Testing capacity of COVID-19

It is important to undertake continuous testing especially for healthcare workers. County Governments have continued to test workers attending to COVID-19 patients after every two weeks.

Lesson 9: Adequate allocation and mobilization of additional resources to support COVID-19 response interventions

The resources at the disposal of County Governments are not adequate to enable waging a war to confront this pandemic. Therefore County Governments must partner with Development partners, private sector and other stakeholders, to boost their response measures. Delay in disbursement of funds can be catastrophic and precipitate an apocalypse kind of situation in dealing with COVID-19. We therefore urge the National Government to ensure that disbursements to Counties are effected without undue delay.

Challenges:-

1. Ignorance of COVID-19

The numbers have now proven to all and sundry that the virus is here with us and we must exercise caution. To my fellow politicians, the political class has been singled out by the media as the most unconcerned and reckless in this fight second only to the youth. I urge all politicians including myself to lead by example because we are not immune by virtue of being politicians.

Let us support the President by keeping Kenya safe. We have done it before and we can do it now.

To all Kenyans I once again reiterate what has been said before:-

(a) wear your masks correctly as it reduces the risk of infection by 80%;

(b) maintain social distance as it reduces the risk of transmission by 75%;

(c) if you need not get out please stay and work from home as it reduces the risk by 100%.

Let us ensure strict adherence to the guidelines issued by the Ministry of Health for us to win this war.

2. Dissemination of Information

There has been a challenge of dissemination of information to the public on COVID-19. As we embrace home-based care, I urge all the County Governments to ensure that training of home-based care starts from the household level as those affected by the virus will be taken care of at that level. It is therefore paramount that every household is trained in a language they understand. Please note care givers even at household level are both men and women.

I urge all the FM stations especially vernacular stations to take on this challenge and train Kenyans on home-based care the same way students are being tutored. Dedicate one hour each week as FM stations and disseminate information to Kenyans in languages that they understand best. County Governments are ready to partner with you to provide all the information and attend your programs.

3. Non-availability of Testing Cartridges

Lack of infrastructure for mass testing has obscured the true reflection of the spread of the virus therefore posing a risk of increased community transmissions. Despite the availability of Genexpert machines in all Counties, testing has been hindered due to lack of cartridges. We cannot contain this virus if we do not expand the testing.

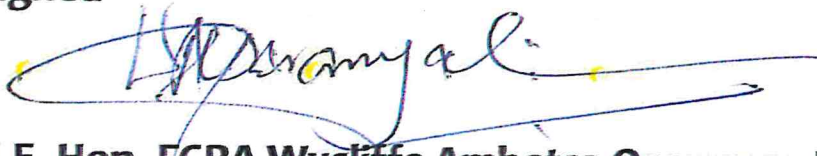
4. Contradictory Results

The results that have emerged that are contradictory is an immediate risk and a roll back on the fight against the virus. It has made the citizens begin to think that their myth is true. This needs to be urgently addressed.

Conclusion

As we continue to put in place measures geared towards the containment of the virus, we must continue to implement physical distancing and sanitation. All Counties must ensure that public spaces are well equipped with sanitation facilities as preventive measures are paramount towards curbing transmission of the disease.

Signed



**H.E. Hon. FCPA Wycliffe Ambetsa Oparanya, EGH, CGJ
Chairman, Council of Governors**



This is the Exhibit marked JM-20L
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of JACQUELINE MOGENI
Sworn/Declared before me This 22 day of
JULY 20 20 at NAIROBI
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COUNCIL OF GOVERNORS

15TH July, 2020

PRESS STATEMENT ON PREPAREDNESS OF COUNTY GOVERNMENTS ON COVID-19 – WEEK 19

In the last few days we have unfortunately lost three of our frontline health workers and a university Don in this battle. As Council of Governors, we condole with the families of Dr Doreen Adisa Lugaliki who was buried on Monday and University of Nairobi senior lecturer Prof Maurice Kizito Mang'oli who succumbed to the virus yesterday and other Kenyans who lost the battle to Covid-19. I emphasize that the insurance package which the President himself recommended should be operationalized so that it can benefit the families of the three health workers and those who are still in the battle front.

The number of new COVID-19 cases recorded in the past few days has been over **1,400 cases**, representing 14% of all cases reported in the Country so far. This reflects an exponential infection rate which has been attributed to local transmissions.

In the last week we also recorded the highest number of deaths with 12 lives lost to the virus in one day. It was further reported that three of these were community deaths. This should get all Kenyans alert and awake because the disease has begun to claim people in the community. The Country has only been opened for one week and yet these are the statistics we are beginning to see. As CoG, we are

JM-2L

acting with caution and alertness to stem the spread from one county to the other. In the event that the situation gets dire, individual County Governments will have no choice but in consultation with H.E the President, seek to lock down the affected County to contain the rapid spread and protect lives.

It is saddening to see in the media and also on the streets, the ignorance displayed by Kenyans that the virus is not real and take this as child play. Please note that we are our brother's keepers and hence we are encouraged to wear masks properly by covering our nose and mouth and not wearing the same on our chin. We should also observe social distancing to respect our neighbor's space.

As County Governments, we have continued to enhance our response towards COVID-19. A number of County Governments have put in efforts and taken the initiative of creating awareness on COVID-19 situation. Once again, I appeal to the vernacular FM stations in the entire country to take up the issue of awareness on a continuous basis by hosting interactive sessions with Wananchi. It would be unfortunate for Kenyans to perish for lack of information hence there is need for concerted effort to create awareness as this is a war which we have to fight together for the sake of our Country Kenya.

In the past week, the 47 County Governments have addressed themselves to the following:-

1. Inspection and Gazettement of isolation facilities in Counties

47 County Governments have cumulatively set aside 271 isolation health facilities with a total of 12,034 beds. Additionally, there are 447 ICU beds and 437 ventilators dedicated for COVID-19 treatment.

The identified isolation facilities shall be jointly inspected by both levels of Government and subsequently gazetted by the Ministry of Health.

2. Testing capacity in the Counties

Last week I reported on the issue of testing, today I still want to urge the Ministry of Health in collaboration with County Governments to work towards improving the testing capacity within the County clusters to ensure shorter turnaround time for results. Currently, the turnaround for results is increasingly being delayed from the initial 24 hours to 7 days. This is not good enough in this war.

We urge the National Government and partners to support the Counties by cascading the testing capacity to enhance response measures and fast-track contact tracing so that we stem the spread of this virus.

3. Establishment of Infection Prevention Committees

County Governments have set up Infection Prevention Committees to ensure compliance of the health protocols issued by the Ministry of Health. This is aimed at ensuring that infections are contained in the health facilities.

4. Support to County Emergency Operations

All the 47 counties continue to finance the Emergency Operations Committees to ensure COVID-19 response activities are well coordinated from the community to the County level.

Counties have also invested in management of case finding and contact tracing at the sub-county and community level so as to achieve and report 100% contact tracing rate.

Further, Counties continue to provide public health education to communities on COVID-19 prevention. However, we note that the Ministry of Health has withdrawn ambulance services from all Counties that support the movement of COVID-19 patients to facilities. This is a huge setback and may negate some of the efforts that Counties are putting in.

5. Training and Sensitization of Healthcare workers

Last week I reported that a total of 19,177 healthcare workers had been trained. Cumulatively, this week, Counties have trained and sensitized an additional 4103 healthcare workers bringing the total to 23,280. Further, we reported that a total number of 64,283 community health volunteers had been trained and sensitized. This week the number has increased by 3930 bringing the total to 68,213.

We appreciate the efforts put in place by County Governments, Ministry of Health and various partners to train and sensitize our frontline workers in COVID-19 response.

6. Community of Practice on Water, Sanitation and Hygiene (WASH)

Last week, the Council hosted the inaugural COVID-19 Response Community of Practice on WASH aimed at safeguarding operations of Water Service Providers (WSPs) and their financial sustainability during COVID 19 pandemic.

I would like to appreciate all stakeholders who contributed to useful resolutions that will help us ensure sustained WASH services during and after the pandemic.

We are cognizant that Water Services and Sanitation are crucial for successful home-based care of infected patients, management of

waste and prevention of further spread of the virus. Additionally, our healthcare facilities are also served by the WSPs, we therefore urge all County Governments and stakeholders to support WSPs so as to prevent interruption of water supply in these frontline institutions during this critical time.

7. Response to Gender Based Violence

In the last one week, the COVID-19 pandemic has intensified structural violence and inequalities that the most vulnerable in society continue to endure. As a response measure, the Council of Governors with support from UN Women has inducted a total of 11 **tele-counsellors** who will be responsible for manning GBV hotlines in select Counties, as well as offering psycho-social support to GBV survivors, including Persons with Disabilities. The tele-counselors will also refer survivors to other GBV service providers and follow up on the interventions to enhance a multi-sectoral response to GBV.

8. Compliance in the Transport sector

County Governments have provided functioning hand washing and sanitization facilities at the bus stations and stop-overs along the transport corridor. We are also undertaking ad-hoc and impromptu roadside health checks to confirm compliance with government regulations on COVID-19.

However, we still face a challenge with the transport sector on human and truck traffic at the border points. We urge the National and County Governments to accelerate operations at border points to avoid overcrowding, taking into consideration road safety for freights and passenger movements.

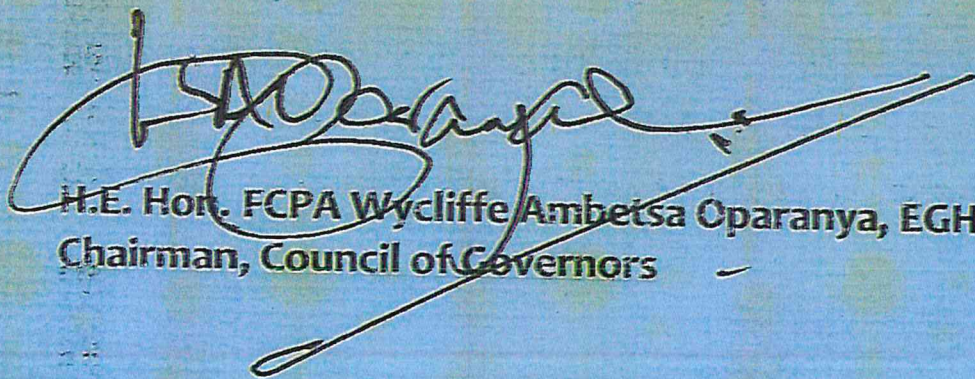
Conclusion

With the reopening of the economy, we call upon all Kenyans to take personal responsibility in protecting themselves and their families by wearing a mask every time they are in public spaces, observe physical distancing, observe good cough etiquette, regularly and thoroughly wash hands or sanitize them and avoid unnecessary movement.

We also wish to remind all our younger population that COVID-19 is a serious disease that should not be taken for granted. Young people must be at the forefront in ensuring the vulnerable populations especially their old parents and guardians in rural areas are protected. I would want to emphasize to the young people that there will time for parties, now is time to keep safe.

Asanteni sana.

Signed

A handwritten signature in black ink, appearing to read 'Wycliffe Ambetsa Oparanya', written over a horizontal line.

**H.E. Hon. FCPA Wycliffe Ambetsa Oparanya, EGH, CGJ
Chairman, Council of Governors**