LEGAL NOTICE No. 1

THE KAKAMEGA COUNTY DISASTER MANAGEMENT REGULATIONS, 2018

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THE KAKAMEGA COUNTY DISASTER MANAGEMENT REGULATIONS, 2018

IN EXERCISE of the powers conferred by section 28 of the Kakamega County Disaster Management Act, 2015, the Executive Committee Member for Public Service and Administration, makes the following Regulations—

PART I—PRELIMINARY

Short title

1. These Regulations may be cited as the Kakamega County Disaster Management Regulations, 2018 and shall come into effect upon publication.

2. In these Regulations unless the context otherwise requires—

Interpretation

“assessment” means survey of a real or potential disaster to estimate the actual or expected damages and to make recommendations for prevention, preparedness and response;

“county assembly” means the County Assembly of Kakamega;

“disaster risk reduction” means the conceptual framework of elements considered with the possibilities to minimise vulnerabilities and disaster risks throughout a society, to prevent or limit the adverse effects of hazards, within the broad context of sustainable development;

“emergency” means a sudden and usually unforeseen event that calls for immediate measures to minimize its adverse consequences to causing body injury, harm, death and disruption of normal activity;

“emergency management” means a coordinated effort, involving local, state, and National Government agencies as well as volunteer organizations and businesses to respond to an unprecedented situation that may end being a disaster if not well managed;

“emergency operations centre” means officially designated facility for the direction and co-ordination or all activities during the response phase a disaster;

“executive committee member” means the County Executive Committee Member responsible for public service and administration.

Object

3. The object of these Regulations is to—

(a) ensure that institutions and activities for disaster risk management are co-ordinated and focused to foster participatory partnerships between the county and other stakeholders, at all levels;

(b) provide a framework for inter county collaboration in disaster management; and

(c) provide a framework for volunteer support.

PART II—SUB-COUNTY DISASTER MANAGEMENT COMMITTEE

Establishment of the Sub-County Disaster Management Committee

4. (1) There is established a Sub-County Disaster Management Committee in every Sub-County.

(2) The Committee consists of—
(a) the Sub-county administrator who shall be the Chairperson;
(b) the Sub-county Public Health Officer who shall be the secretary;
(c) ward administrators from the respective wards in the sub-county;
(d) one person nominated from each of the ward offices within the sub-county established under section 12 of County Assembly Service Act;
(e) a person nominated by the Council of the Kenya Red Cross Society;
(f) a person nominated by the National Council of the Priory St. John Ambulance Kenya;
(g) deputy County Commissioner in charge of the respective sub-county; and
(h) the Sub-County Kenya Police and Administration Police Commanders.

3) Persons appointed under sub-regulation (1) (d) will hold office for a period of three years renewable once subject to the term of the County Assembly.

4) The committee appointed may co-opt such specialized personnel as may deem fit and as may be necessary for the proper carrying out of its responsibility.

Functions of the Sub-County Disaster Management Committee

5. The functions of the Sub-County Disaster Management Committee shall be to—
(a) ensure that disaster management in the sub-county is consistent with the County Disaster Management Plan;
(b) develop and co-ordinate an effective Disaster Management Plan for the sub-county and regularly review and assess the Plan;
(c) report to the County Disaster Management Committee on matters related to disaster management;
(d) carry out Civic Education and awareness on disaster preparedness and response in the sub-county;
(e) co-ordinate disaster response efforts in sub-county;
(f) promote research and training into aspects of disaster management in the sub-county; and
(g) perform such other functions and exercise such other powers, as the committee may be directed by the Executive Committee Member for the proper discharge of its mandate.

Meetings

6. The committee shall meet quarterly or whenever an alert, a declaration of a disaster, a declaration of a state of emergency is issued or in the event or aftermath of an emergency or a disaster.

Quorum

7. The quorum for meetings of the committee shall be half of the membership.

Removal

8. A member appointed under regulation 4 (1) (d) may be removed from office—
(a) for gross misconduct;
(b) violation of the Constitution or any other law;
(c) mental or physical infirmity;
(d) on being declared bankrupt by a court of law;
(e) upon death; or
(f) upon missing three consecutive meetings without a reasonable explanation.

PART III—COUNTY DISASTER OPERATIONS CENTRE

Staff of the Disaster Operations Centre

9. (1) A person appointed as administrator of the County Disaster Operations Centre under section 7(2) of the Act shall have the following qualifications—
   (a) minimum of a degree in any field and at least a certificate in disaster management or related field from an accredited institution; and
   (b) at least five years experience in disaster management, operations, or related field.

(2) Other staff seconded to the Disaster Operations Centre under this regulation shall have knowledge or qualifications in disaster management or operations.

Sub-County Disaster Operations Centre

10. (1) The Executive Committee Member shall progressively decentralise the County Disaster Operations Centre to every sub-county to be known as the Sub-County Disaster Operations Centre.

   (2) Once established, the Sub-County Disaster Operations Centres shall serve as the headquarters of the activities undertaken in response to a disaster alert or disaster within the sub-county.

Staff of Sub-County Operations Centre

11. The sub-county Disaster Operations Centre shall be headed by an administrator and shall have such number of staff with qualifications in disaster management or operations seconded from the County Public Service by the Executive Committee Member.

Functions of Sub-County Operations Centre

12. The functions of the Sub-County Disaster Operations Centre are to—
   (a) provide centralized co-ordination and control or emergency or disaster response and operations on a twenty-four hour per day basis if necessary;
   (b) keep the public informed of the emergency or disaster in a timely and factual manner through briefings and bulletins;
   (c) control and co-ordinate actions generated as a result of orders from the Executive;
   (d) provide direction and support to the disaster site manager;
   (e) arrange for logistic support to site personnel;
(f) plan ahead to meet the requirements that will follow a disaster;

g) ensure the efficient movement, assimilation and dissemination of information from disaster sites to the resource managers and to the public;

(h) issue disaster alerts and give direction to the public which may necessitate the installation of remote broadcast connections through radio and television stations;

(i) issue special bulletins or newsletters;

(j) maintain display devices within the Sub-County Disaster Operations Centre so that agencies can quickly comprehend what actions have been taken and what resources are available; and

(k) ensure the timely preparation and dissemination of situation reports which should be shared with the relevant stakeholders.

Shelters

13. (1) The Executive Committee Member shall establish and maintain a list of shelter premises available and suitable for use as shelters, during a declaration of an emergency or an alert or in the event or the aftermath of an emergency or a disaster.

(2) The shelters list shall—

(a) distinguish between shelters in county occupation and any other shelter;

(b) list the facilities available at each shelter;

(c) indicate the suitability of each shelter for use during a declaration of emergency or an alert or in the event or the aftermath of an emergency or a disaster; and

(d) indicate the periods for and the conditions under which the shelter would be suitable for use.

(3) The Executive Committee Member shall assign to each shelter a shelter manager charged with the responsibility of managing the shelter during any period where the premises are being used for that purpose, and may assign employees or committees established under this Act as shelter officers to assist a shelter manager.

(4) Where a shelter is not in County occupation, the designation of shelter managers or shelter officers for those premises shall be subject to the agreement of the owner of the shelter.

(5) The Executive Committee Member shall inspect shelters annually.

(6) The County Government may enter into agreements with the owners of premises.

PART III—VOLUNTEERS

Volunteers

14. (1) The County Disaster Management Committee shall maintain a register to be known as the Register of Volunteers.

(2) A person who wishes to volunteer for the purposes of assisting in an emergency or a disaster shall submit his or her name to the committee for registration as a volunteer and the committee shall, after undertaking a screening process and if it deems fit register in the Register of Volunteers the person as a volunteer.
(3) The Chairperson of Sub-County Disaster Management Committee shall submit in writing to the County Disaster Management Committee, the names of the members of the committees and the names of these members as volunteers shall be included in the Register of Volunteers.

(4) The County Disaster Management Committee shall annually publish the names of all volunteers registered in the Register of Volunteers on the county website.

(5) The committee may engage a volunteer who is not on the Register of Volunteers if whilst during a disaster it is practicable to do so.

(7) The committee shall provide training and incentives to all volunteers.

(8) A volunteer who exercises the duties assigned to him pursuant to this Act in good faith shall not be liable for injury to persons or loss to property caused as a result of those duties.

Components Within Units of Volunteers

15. A unit of volunteers may comprise the following components—

(a) first aid;

(b) general medical assistance and planning, such as doctors, specialists, nurses and pharmacists;

(c) social welfare, including, where necessary, subcategories for emergency housing and feeding, counselling of the bereaved and assisting with stress relief and caring for the very young and elderly;

(d) fire safety or prevention;

(e) drivers;

(f) community and environmental health;

(g) traffic control;

(h) technical related services, including water supply, electricity supply, roads and bridge construction, waste water and solid waste services and emergency vehicle and equipment repairs;

(i) logistical support;

(j) Sub-County and County Disaster Management Support Staff;

(k) communications; and

(l) administrative support.

Reports

16. The County Committee shall not later than three months after the end of each financial year, submit to the Executive Committee Member an annual report on—

(a) activities of the committee during the financial year;

(b) results of monitoring risk reduction and mitigation matters;

(c) status of implementation of the County Disaster Management Plan;
(d) classification, magnitude and severity of disasters occurring in that financial year and any challenges encountered in dealing with them, including implications for existing policies, strategies, plans and guidelines;

(e) the finding of surveys during that financial year to determine the state of readiness of all stakeholders involved in disaster management;

(f) the status of shelters; and

(g) the status of the implementation of the strategy and action plan.

**Training of Staff**

17. The department responsible for disaster management shall conduct annual exercises and training for all county staff in relation to disaster management.

**Cluster Working Groups**

18. Cluster working groups will be formed within a designated department to work in an area of emergency management or humanitarian response in which gaps for action are identified.

**Functions of Cluster Working Groups**

19. The cluster working groups shall—

(a) ensure predictable action within the sectoral area for analysis of needs, addressing priorities, and identifying gaps in the thematic area;

(b) secure and follow-up on commitments from the sector area to contribute to responding to needs and filling the gaps in disaster response;

(c) ensure that activities within a sector area are carried out;

(d) sustain mechanisms through which the sector area as a whole assesses its performance;

(e) up-to-date assessments of the overall needs for human, financial, and institutional capacity in disaster response;

(f) review of currently available capacities and means for their utilization as per needs;

(g) links with other sectors, including preparedness measures and long-term planning;

(h) take action to ensure that required capacities and mechanisms exist;

(i) ensure training and system development at the county and community levels; and

(j) all the cluster working groups shall be chaired by respective County Government ministries or departments with a lead role.

**PART V—MISCELLANEOUS PROVISIONS**

**Charges for Offering Emergency Services Outside the County**

20 (1) The Executive Committee Member may from time to time set and determine charges and rates applicable to emergency services offered by the County Government to other county governments through pre arranged agreements.
(2) Emergency services referred to in sub-regulation (1) may include fire fighting services, rescue services and related services.

Liability for Personal Injury or Damage to Property

21. The benefitting County Government shall indemnify and keep the County Government indemnified against any loss or damage to property or injury or death arising as a result of the emergency services referred to in regulation 17.

Collaboration

22. Nothing contained in these Regulations prohibits the County Government from collaborating or engaging in any form of co-operation with other county governments or agencies in matters relating to provision of emergency services.

Duty to Provide Emergency Services

23. All agencies within the county with capacity to offer emergency support services and facilities in times of disaster, emergency or state of emergency may be under obligation to provide such services or facilities at their own cost.

Allowances for Committee Members

24. Members of the committees established under the Act and these Regulations may be paid such allowances as the Executive Committee Member may determine in line with the Salaries and Remuneration Commission guidelines.

Savings

25. Any memorandum of understanding, agreement or any other arrangement that may have been entered into between the County Government and any institution in respect of disaster management shall continue in force subject to these Regulations.


RACHAEL JALUHA OKUMU,

County Executive Committee Member for Public Service and Administration.