

COUNTY GOVERNMENT OF NAIROBI CITY



**NAIROBI CITY COUNTY ASSEMBLY
SECOND ASSEMBLY—SECOND SESSION**

**SESSIONAL REPORT
OF THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**

Clerk's Chambers
City Hall Buildings
NAIROBI

OCTOBER, 2018

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1.0. PREFACE

1.1. Committee Mandate

Hon. Speaker,

The Sectoral Committee on Justice and Legal Affairs is established under Standing Order No. 203 (1). Its mandate pursuant to Standing Order 203 (6) is to:-

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) study the programme and policy objectives of departments and the effectiveness of the implementation;
- c) study and review all county legislation referred to it;
- d) study, assess and analyse the relative success of the departments as measured by the results obtained as compared with its stated objectives;
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- f) *vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 196(Committee on Appointments): and*
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

1.2. Committee Membership

Hon. Speaker,

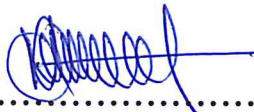
The Sectoral Committee on Justice and Legal Affairs was constituted by the Assembly on 4th October, 2017 comprising of the following Members:-

- | | |
|-------------------------------------|------------------------|
| 1. Hon. Jayendra Malde, MCA | Chairman |
| 2. Hon. Moses Ogeto Nyangaresi, MCA | Vice - chairman |
| 3. Hon. Julius Njoka, MCA | |
| 4. Hon. Osman Khalif, MCA | |
| 5. Hon. Mwaura Samora, MCA | |
| 6. Hon. Sylvia Museiya, MCA | |

7. Hon. Doris Kanario, MCA
8. Hon. Anthony Kimemia , MCA
9. Hon. Elijah Mpuhia, MCA
10. Hon. Wanjiru Kariuki, MCA
11. Hon. Elizabeth Nyambura, MCA
12. Hon. David Ayo, MCA
13. Hon. Francis Otieno Ngesa, MCA
14. Hon. Elias Otieno Okumu, MCA
15. Hon. Jackline Apondi, MCA
16. Hon. Esther Nyangweso, MCA
17. Hon. Patrick Kanyangi Logedi, MCA
18. Hon. June Ndegwa, MCA
19. Hon. Stephen Gikonyo, MCA

Standing Order 192 requires Select Committees to prepare and submit to the Liaison Committee progress report on a bi-annual basis. It is against this backdrop that the Committee developed the bi-annual report for the year 2018. During the period under review, the Committee set two (2) priorities which it aimed to achieve. These included; finalizing of pending business especially statement requests and advocating for the streamlining of the County Attorney programmes and supporting the Chief Officer Security, Compliance and Disaster Management initiate programmes for Nairobi residents.

This report contains what the Committee has been able to accomplish during the period January, 2018 to September, 2018 in its bid to achieve the aforementioned priorities. The Committee wishes to thank the offices of the Speaker and the Clerk of the County Assembly for enabling the Committee to carry out its plans. On behalf of the Committee, I wish to present the bi-annual report for the Sectoral Committee on Justice and Legal Affairs for the period January to September 2018.

Signed 

Hon. Jayendra Malde, MCA

(Chairperson)

Sectoral Committee on Justice and Legal Affairs

Dated this 17.....day of.....10.....2018

1.0 INTRODUCTION

- 1 The bi-annual report of the sectoral Committee on Justice and Legal Affairs is anchored on the provisions of Standing Order 192 which requires Select Committees to prepare and submit to the Liason Committee progress report on a bi-annual basis.
- 2 During the period under review, the Committee set two (2) priorities which it aimed to achieve. These included; finalizing of pending business especially statement requests and advocating for the streamlining of the County Attorney programmes and supporting the Chief Officer Security, Compliance and Disaster Management initiate programmes for Nairobi residents.
- 3 In order to achieve its objectives, the Committee through a consultative approach developed a work plan running from January, 2018 to September 2018. The Committee used various tools under its disposal to achieve its set goals. This included; meeting/engaging with the County Executive and other stakeholders, consideration of the sector's budget estimates, considering of policy papers and petitions committed to the Committee; and conducting site visits and benchmarking foreign study visits.

2.0 Despite not having achieved all its objectives, the Committee can report to have accomplished a few of its set goals, this include; finalizing over 50% of the pending statements

3.0 ACTIVITIES UNDERTAKEN DURING THE PERIOD UNDER REVIEW

a) Sittings

In the period under review the Committee held a total of 107 sittings held at both City Hall Buildings and various sites members visited. The meetings were held for the following action items:-

- Consultative forums with the County Executive and stakeholders
- Consideration of Statement requested by members and the corresponding Executive responses to the statements.
- Examination of the Budget Estimates for the FY 2017/2018 for Sectors.

— Investigations/inquiries into sector issues.

— House Keeping Meetings and evaluation of the executive programmes.

b) **Committee reports**

The Committee has, during the period under review, produced the following reports.

- i) Report on the consideration of the Nairobi City County supplementary estimates FY 2017/18.
- ii) Report on the consideration of the Nairobi City County budget estimates FY 2017/18.
- iii) Report on the consideration of the County Fiscal Strategy Paper FYI 2017/2018
- iv) Report on the vetting of nominee for appointment to the position of County Chief Officer responsible for Devolution and Sub- County Administration

c) **Statements**

During the period under review, ten (7) statement requests were directed to the Committee of which eight (3) have since been responded to while two (4) are still pending.

Responded

- i.) Statement requested by the Hon. Osman Adow, MCA, regarding lack of enforcement of traffic rules by the inspectorate in the Nairobi Central Business District.
- ii.) Statement requested by Hon. Benson Mwangi , MCA regarding the legal fee charged by external advocates during the ongoing County filling exercise .
- iii.) Statement requested by Hon. Waithera Chege regarding the illegal occupation of the County Government's premises at the Ward level.
- iv.) Statement requested by Hon. David Mberia, MCA regarding the alleged unethical conduct and racial discrimination by Chandarana chain of supermarkets in their operations in Nairobi County.
- v.) Statement requested by Hon. Daniel Ngengi regarding the controversial sub-division and privatization of part of City Market

- vi.) Statement requested by Hon. Peter Warutere regarding the number of cases the County Government has had and sums paid to external legal counsel over the last six years.
- vii.) Statement requested by Hon. James Kariuki regarding the state of cases in the County.

Pending

- i) Statement requested by Hon. Patrick Karani regarding the functional operations of the County Inspectorate Department.

d) Retreats attended

During the period under review, the Committee held retreats as follows;

- i) **Monday 5th February to Saturday 10th February, 2018.** The objective of the retreat was for to enable the Committee and the Legal department provide quality legal advisory and other legal services to the County to ensure compliance with the existing legal and regulatory framework.
- ii) **Sunday 4th to Saturday 10th March, 2018.** The objective of the retreat was for to enable the Committee conduct an induction workshop.
- iii) **Thursday 15th to Sunday 19th March, 2018.** The objective of the retreat was for members to members undergo capacity building on how to develop the Committee's strategic plan
- iv) **Thursday 22nd to Sunday 25th March, 2018.** The objective of the retreat was for members to capacity build with the support service departments in order to discuss important matters concerning the sector.
- v) **Thursday 21st to Sunday 24th June, 2018.** The objective of the retreat was for the Members to consider Committee progress for the last one year
- vi) **Monday 9th to Sunday 15th July, 2018.** The objective of the retreat was for the Members to meet the legal affairs department to consider Legal affairs, Supply chain management and other support service departments in order to familiarize itself with their functions.

vii) **Monday 13th to Sunday 18th August, 2018.** The objective of the retreat was for the Members to meet the Security and Disaster sub sector to discuss important matters concerning the sector.

viii) **Thursday 22nd to Sunday 25th November, 2018.** The Objective of the retreat was to equip Members with the knowledge of the Budget making process in Kenya

e) **Site Visits**

During the period under review the committee undertook three (1) inspection visit. The visits were part of the fact finding on statement requested and committed to the Committee.

- i.) Visit to Chandarana food plus, Nairobi City County, to ascertain issues raised in a request for a statement by Hon. David Mberia, MCA regarding the alleged unethical conduct and racial discrimination by Chandarana chain of supermarkets in their operations in Nairobi County.
- ii.) Public participation exercise on the County Integrated Development Plan 2018-2022 and the Annual Development Plan 2018/2019 in Kahawa West Market parking
- iii.) Visit to South B, to ascertain issues raised in a request by Hon Waithera Chege, MCA regarding the illegal occupation of the County Government's premises at the Ward level.

f) **Pending Issues**

During the period under review the Committee had the following pending issues:-

- i) Site visit to the City Courts to understand the legal procedures followed and how the court operates.
- ii) Site visit to Dagoretti and Mworoto training school
- iii) Statement requested by Hon. Members
- iv) Meeting with the County Attorney to deliberate on the legal fee charged by external advocates during the ongoing County filling exercise.
- v) Meeting with Rabala and Co. Advocates regarding an evacuation notice issued to them by the owner of Land Ref. No. 209/354.

During the year 2018, the Committee has prioritized to consider the following issues:

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4.0 CONCLUSION

The Committee notes that the period under review has been eventful with the Committee implementing a number of activities aimed at fulfilling its mandate. Most of the activities carried out were oversight in nature and the Committee intends in the next phase to emphasize on legislation with a number of petitions and inquiries already being worked on both from the Executive and the County Assembly. It is in the interest of the Committee to achieve all planned activities for the good welfare of the County residents. This will require the support of all stakeholders and the dedication of Committee members.

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