

NAIROBI CITY COUNTY



NAIROBI CITY COUNTY ASSEMBLY
SECOND ASSEMBLY – SECOND SESSION

REPORT OF THE SECTORAL
COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

ON

THE CONSIDERATION OF THE SUPPLEMENTARY ESTIMATES FYI 2017/2018.

Clerks Chambers
Nairobi City County Assembly
City Hall Buildings
Nairobi

MARCH 2018

CONTENTS

Table of Contents

1.0 INTRODUCTION..... 3

2.0 FINANCIAL YEAR 2017/2018 SUPPLEMENTARY ALLOTION 6

3.0 COMMITTEE OBSERVATIONS 17

4.0 RECOMMENDATIONS 17

PREFACE

Hon. Chairman,

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.

The Committee comprises the following Members:-

1. Hon. Jayendra Malde, MCA
2. Hon. Moses Ogeto Nyangaresi, MCA
3. Hon. Julius Njoka, MCA
4. Hon. Stephen Gikonyo, MCA
5. Hon. Sylvia Museiya, MCA
6. Hon. Doris Kanario, MCA
7. Hon. Anthony Kimemia , MCA
8. Hon. Elijah Mputhia, MCA
9. Hon. Wanjiru Kariuki, MCA
10. Hon. Michael Ogada Okumu, MCA

Chairman
Vice - chairman

11. Hon. David Ayoi, MCA
12. Hon. Francis Otieno Ngesa, MCA
13. Hon. Elias Otieno Okumu, MCA
14. Hon. Jackline Apondi, MCA
15. Hon. Esther Nyangweso, MCA
16. Hon. Patrick Kanyangi Logedi, MCA
17. Hon. June Ndegwa, MCA
18. Hon. Osman Khalif, MCA
19. Hon. Samora Mwaura, MCA

Hon. Chairman,

In accordance with the Third Schedule of the Standing Orders, the Sectoral Committee on Justice and Legal Affairs is mandated to consider all matters relating to constitutional Affairs, the administration of law and justice, including the elections, ethics, integrity and anti-corruption and human rights; city inspectorate and enforcement.

On Thursday, 1st March, 2018, the Deputy Speaker laid before the Assembly the Supplementary Budget Estimates 2017/2018 pursuant to the provisions of Standing Order 228 (1). The Supplementary Budget Estimates 2017/2018 was thereafter committed to the Sectoral Committees of the Assembly for scrutiny and make recommendations to the Select Committee on County Finance, Budget and Appropriations. The select Committee on County Finance, Budget and Appropriations is to report its recommendations to the Assembly.

Hon. Chairman,

This Report contains the deliberations of the Sectoral Committee on Justice and Legal Affairs on the Supplementary Estimates 2017/2018 for the sector of Devolution and Public Service Management and its recommendations to the Select Committee on County Finance, Budget and Appropriations.

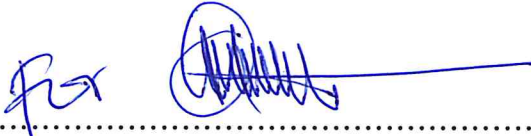
Hon. Chairman

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the County Assembly for the support and services extended to the Members while considering the Sector Supplementary Estimates 2017/2018.

I am grateful for the Members of the Committee whose support enabled the Committee to accomplish this task. Special thanks to the secretariat for their support at all times.

On behalf of the Committee, I now have the honour and pleasure to present this Report on the Examination of the Sector Supplementary Estimates 2017/2018.to the Select Committee on County Finance, Budget and Appropriations for consideration

Thank You.

SIGNED 

HON. JAYENDRA MALDE, MCA

(CHAIRMAN)

DATE.....23/03/2018.....

1.0 INTRODUCTION

1.01 The Committee received the supplementary budget estimates for the financial year 2017/2018 for consideration and recommendation.

2.0 FINANCIAL YEAR 2017/2018 SUPPLEMENTARY ALLOTION

The Committee held a meeting with the Chief Officer Security, Compliance and Disaster Management and the Director, Legal Affairs on Wednesday 21st March 2018 to seek the Sectors views on the supplementary estimates. The Committee was informed as follows with respect to each sector:-

SECURITY, COMPLIANCE AND DISASTER MANAGEMENT

a) City Inspectorate

The Committee was informed that the Sector proposed an adjustment to the Supplementary Budget Estimates initially submitted to the Assembly in order to cater for catering services, purchase of office furniture and fittings, purchase of computers, printers and other IT equipment and training expenses.

The money is expected to fund the projects as detailed in the table below:

RECURRENT EXPENDITURE				
Budget line	Supplementary Estimates Submitted to the Assembly	Proposed adjustment (KS)	Total (KS)	Justification
Catering Services (reception), accommodation, gifts, food and drinks	9,000,000	+15,000,000	24,000,000	250 officers in the CBD x Kshs. 800.00 per person X 24 days X 3 months = 14.4Million.

				<p>Administration Police attached to Nairobi County 15 officers X 800 X 24 days = 864,000</p> <p>Total = 15,000,000</p>
Purchase of office furniture and fittings	1,500,000	+1,000,000	2,500,000	<p>2,500,000 had already been committed. Furniture worth 1,580,000 has already been delivered. Reducing the budget will create a deficit</p>
Purchase of Computer, printers and other IT equipment	1,500,000	+1,500,000	3,000,000	<p>3,000,000 has already been committed to purchase the equipment</p>
Training Expenses	5,000,000	+5,000,000	10,000,000	<p>To facilitate training of new recruits.</p>

				For a retreat workshop to discuss the Inspectorate Bill
Sub-total		22,500,000		

b) City Inspectorate

The money is expected to fund the projects as detailed in the table below:

RECURRENT EXPENDITURE				
Budget line	Supplementary Estimates Submitted to the Assembly	Proposed adjustment (KS)	Total (KS)	Justification
Confidential Expenditure	975,000	+3,025,000	4,000,000	To increase acquisition of actionable intelligence to fight increased crime.
General office supplies	2,625,000	+875,000	3,500,000	General office supplies has already been committed for procurement

Sanitary material	150,000	+50,000	200,000	The sanitary materials are already committed for procurement
Sub total		3,950,000		

c) Fire and Disaster Management

The money is expected to fund the projects as detailed in the table below:

RECURRENT EXPENDITURE				
Budget line	Supplementary Estimates Submitted to the Assembly	Proposed adjustment (KS)	Total (KS)	Justification
Advertising and public awareness	2,600,000	+10,000,000	12,600,000	Sensitization forum to the public on fire matters
Sub total		10,000,000		

LEGAL SERVICES

The money is expected to fund the projects as detailed in the table below:

RECURRENT EXPENDITURE

PROGR AM	SUB- PROGR AM	TITLE	APPRO VED ESTIMA TES	EXPENDI TURE TO DATE	PROJECT ED EXPENDI TURE JAN- JUNE)	TOTAL PRIORIT Y EXP	Increase/De crease (+ or -)	REVISED BUDGET
072500 5310 P 25 Manage ment of Legal Affairs	072501 5310 sp 25.1 Legal Services	2110100 Basic Salaries - Permanent Employees						0
		2110101 Basic Salaries - Civil Service	48,208, 030	20,937,7 99	27,270,2 31	48,208, 030	0	48,208, 030
		2110300 Personal Allowance - Paid as Part of Salary			0	0	0	0
		2110301 House Allowance	20,376, 000	8,849,741	11,526,25 9	20,376, 000	0	20,376, 000
		2110314 Transport Allowance	2,300,0 00	998,940	1,301,060	2,300,0 00	0	2,300,0 00
		2110315 Extraneous Allowance	960,000	416,949	543,051	960,000	0	960,000
		2110318 Non- Practicing Allowance	560,000	243,220	316,780	560,000	0	560,000
		2110320 Leave Allowance	3,235,0 41	1,405,049	1,829,992	3,235,0 41	0	3,235,0 41
		2120100 Employer Contributio ns to Compulsor y National Social Security Schemes			0	0	0	0
		2120103 Employer Contributio n to Staff Pensions Scheme	9,360,9 29	4,065,65 6	5,295,27 3	9,360,9 29	0	9,360,9 29

		2210200 Communic ation, Supplies and Services			0	0	0	0
		2210201 Telephone, Telex, Facsimile and Mobile Phone Services	500,000		375,000	375,000	(125,000)	375,000
		2210300 Domestic Travel and Subsistence, and Other Transportat ion Costs			0	0	0	0
		2210301 Travel Costs (airlines, bus, railway, mileage allowances, etc.)	1,000,0 00		750,000	750,000	(250,000)	750,000
		2210303 Daily Subsistence Allowance	6,000,0 00	136,500	4,397,62 5	4,534,12 5	(1,465.875)	4,534,12 5
		2210310 Field Operationa l Allowance	8,000,0 00		6,000,00 0	6,000,0 00	(2,000,000)	6,000,0 00
		2210500 Printing , Advertising and Informatio n Supplies and Services			0	0	0	0
		2210503 Subscriptio ns to Newspaper s, Magazines and Periodicals	500,000		375,000	375,000	(125,000)	375,000

		2210700 Training Expenses			0	0	0	0
		2210711 Tuition Fees	500,000	226,600	205,050	431,650	(68,350)	431,650
		2210800 Hospitality Supplies and Services			0	0	0	0
		2210801 Catering Services (receptions) , Accommod ation, Gifts, Food and Drinks	2,000,0 00	263,700	1,302,225	1,565,92 5	(434,075)	1,565,92 5
		2211100 Office and General Supplies and Services			0	0	0	0
		2211101 General Office Supplies (papers, pencils, forms, small office equipment)	1,500,0 00	30,000	1,102,500	1,132,50 0	(367,500)	1,132,50 0
		2211103 Sanitary and Cleaning Materials, Supplies and Services	500,000		375,000	375,000	(125,000)	375,000
		2211300 Other Operating Expenses			0	0	0	0
		2211306 Membershi p Fees, Dues and Subscriptio ns to	1,000,0 00		750,000	750,000	(250,000)	750,000

		Professiona l and Trade Bodies						
		2211308 Legal Dues/fees, Arbitration and Compensat ion Payments	61,500, 000	33,634,3 66	500,000, 000	533,634 ,366	472,134,36 6	533,634 ,366
		2211311 Contracted Technical Services	9,000,0 00		9,000,00 0	9,000,0 00	0	9,000,0 00
		2220200 Routine Maintenanc e - Other Assets			0	0	0	0
		2220202 Maintenanc e of Office Furniture and Equipment	5,500,0 00		1,000,00 0	1,000,00 0	(4,500,000)	1,000,00 0
		2220205 Maintenanc e of Buildings and Stations -- Non- Residential	1,000,0 00		500,000	500,000	(500,000)	500,000
		2220210 Maintenanc e of Computers, Software, and Networks	1,000,0 00		500,000	500,000	(500,000)	500,000
		2710100 Governme nt Pension and Retirement Benefits			0	0	0	0
		2710102 Gratuity - Civil Servants	500,000	27,500	75,000	102,500	(397,500)	102,500
								0
								0

	531200 0300 Legal Depart ment	NET EXPENDIT URE	185,000 ,000	71,236.02 0	574,790, 046	646,026 ,066	461,026.06 6	646,026 ,066
--	---	------------------------	-----------------	----------------	-----------------	-----------------	-----------------	-----------------

DEVELOPMENT EXPENDITURE

PROGRAMME	PROJECT DESCRIPTION	APPROVED BUDGET	Projected Expenditure (Jan-Jun)	Increase/Decrease	Revised Budget
management of legal affairs	Purchase of Motor Vehicles	5,000,000	5,000,000	11,000,000	16,000,000
	Refurbishment of offices	10,000,000	5,000,000	6,000,000	11,000,000
	Purchase of Legal Software			0	0
		15,000,000	10,000,000	17,000,000	27,000,000

INTERNAL AUDIT AND RISK MANAGEMENT

Budget Line	Approved Budget	Supplimenta ry Budget	Expenditure to Date 21/3/2018	Expected Expenditure to June 2018	Total Expected Expenditure	Variance between Propose d Supp & total Exp. Expendi ture	Increas e/ Decrease	Revised Supp. Budget
	A	B	C	D	E=C+D	F=B-E	G	H=B+G
Basic Salaries - Civil Service	35,800,000	35,800,000	17,013,112	18,786,888	35,800,000	-	-	35,800,000
House Allowance	13,400,000	13,400,000	630,000	12,770,000	13,400,000	-	-	13,400,000
Transport Allowance	2,064,000	2,064,000	996,000	1,068,000	2,064,000	-	-	2,064,000
2110315 Extreneous Allowance	365,605	365,605	1,125,000	375,000	1,500,000	(1,134,395)	1,134,395	1,500,000

2110318 Practising Allowance	840,000	840,000	390,000	450,000	840,000	-	-	840,000
2110320 Leave Allowance	2,515,266	2,515,266	#####	1,160,206	2,515,266	-	-	2,515,266
2120102 Employer Contribution to Staff Pensions Scheme	7,325,474	7,325,474	#####	1,831,368	7,325,474	-	-	7,325,474
	62,310,345	62,310,345	27,003,278	35,307,067	63,444,740	(1,134,395)	1,134,395	63,444,740
						-	-	
2210203 Courier & Postal Services	143,742	107,807	-	7,807	7,807	100,000	(100,000)	7,807
2210303 Daily Substance Allowance	3,000,000	2,572,125	2,879,900	500,000	3,379,900	(807,775)	807,775	3,379,900
2210310 Field operation	4,000,000	3,000,000	-	3,000,000	3,000,000	-	-	3,000,000
2210503 Subscriptions to Newspapers, Magazines and Periodicals	275,000	206,250	-	56,250	56,250	150,000	(150,000)	56,250
2210799 Training Expenses - Other (Bud	14,000,000	10,512,600	3,450,768	10,179,232	13,630,000	(3,117,400)	3,117,400	13,630,000
2210801 Catering Services (receptions), Accommodation	1,000,000	775,000	200,000.00	275,000	475,000	300,000	(300,000)	475,000

, Gifts, Food and Drinks								
2210802 Boards	5,000,000	3,750,000	-	3,750,000	3,750,000	-	-	3,750,000
2211020 Uniform	250,000	187,500	-	250,000	250,000	(62,500)	62,500	250,000
2211101 General Office Supplies (papers, pencils, forms, small office equipment etc)	2,000,000	1,500,000	90,000.00	1,867,895	1,957,895	(457,895)	457,895	1,957,895
2211103 Sanitary and Cleaning Materials, Supplies and Services	500,000	375,000	-	499,980	499,980	(124,980)	124,980	499,980
2211310 Contracted Professional Services	2,750,000	2,062,500	324,100	1,738,400	2,062,500	-	-	2,062,500
2211323 Laundry	200,000	150,000	-	10,000	10,000	140,000	(140,000)	10,000
2220202 Maintenance of Office Furniture and Equipment	400,000	300,000	-	10,000	10,000	290,000	(290,000)	10,000
2220210 Maintenance of Computers, Software, and Networks	750,000	562,500	-	162,500	162,500	400,000	(400,000)	162,500
2220299 Routine Maintenance	500,000	375,000	-	75,000	75,000	300,000	(300,000)	75,000

2710102 Gratuity - Civil Servants	400,000	300,000	-	300,000	300,000	-	-	300,000
3111001 Purchase of Office Furniture and Fittings	1,500,000	1,125,000	-	125,000	125,000	1,000,000	(1,000,000)	125,000
3111002 Purchase of Computers, Printers and other IT Equipment	1,000,000	750,000	-	1,000,000	1,000,000	(250,000)	250,000	1,000,000
3111009 Purchase of other Office Equipment	1,000,000	750,000	-	50,000	50,000	700,000	(700,000)	50,000
GROSS EXPENDITURE BY SUB-HEAD	38,668,742	29,361,282	6,944,768	22,416,514	30,801,832	(1,440,550)	1,440,550	30,801,832
GRAND TOTAL	100,979,087	91,671,627	33,948,046	57,723,581	94,246,572	(2,574,945)	2,574,945	94,246,572
					#####			

3.0 COMMITTEE OBSERVATIONS

The Committee made the following observation:

- i.) That the two Sectors are key to the growth of the County and ensuring that the city is the preferred investment destination, hence they require adequate funding.
- ii.) That the supplementary budget has not adversely affected the budget for the two sectors and the proposed reallocations are necessary.

4.0 RECOMMENDATIONS

Having considered the Supplementary Budget Estimates 2017/2018 and satisfied with the rational for the review provided by the Sector, the sectoral Committee on Justice and Legal Affairs recommends that:

The Budget and Appropriations Committee adopts the proposal to review the County Approved Budget Estimates 2017/2018 as contained in the Supplementary Budget Estimates 2017/2018.