

**NAIROBI CITY COUNTY GOVERNMENT**



**NAIROBI CITY COUNTY ASSEMBLY  
THIRD ASSEMBLY – SECOND SESSION**

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**THIRD REPORT OF THE SECTORAL COMMITTEE ON AGRICULTURE,  
LIVESTOCK AND FISHERIES  
ON**

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**THE WORKSHOP FOR THE COMMITTEE HELD BETWEEN 23<sup>RD</sup> TO 26<sup>TH</sup> MARCH,  
2023 AT MAXLAND HOTEL, KIAMBU COUNTY**

**Clerks Chambers  
Nairobi City County Assembly  
City Hall Buildings  
NAIROBI**

**May, 2023**

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*Third Report of the Sectoral Committee on Agriculture, Livestock and Fisheries retreat held between 23<sup>rd</sup> and 26<sup>th</sup> March, 2023  
at Maxland Hotel, Kiambu County,*

15. Hon. Martin Mbugua Mwangi, MCA
16. Hon. Chris Mtumishiss, MCA
17. Hon. Martin Wairobi, MCA
18. Hon. Mark Mugambi, MCA
19. Hon. Anthony Kiragu, MCA
20. Hon. Mark Thiga, MCA
21. Hon. Beatrice Wandani, MCA
22. Hon. Hashim Kamau, MCA
23. Hon. Chege Mwaura, MCA

The Committee Secretariat comprises of;

1. Mr. Wilfred Manyi – Senior Clerk Assistant
2. Ms. Hellen Mutie – Senior Clerk Assistant

The Committee on Agriculture, Livestock and Fisheries held a two-day workshop from 23<sup>rd</sup> to 26<sup>th</sup> March, 2023 in Kiambu County. The main objective of the workshop was to;

- a) To enable the Committee understand its role in generation of business;
  - b) To enable Committee appreciate its role in the law making process;
  - c) To enable Committee to appreciate its role in the budget making process;
- and
- d) To enable the Committee to consider its pending business.

## **Acknowledgement**

### **Hon. Speaker,**

The Committee takes this opportunity to thank the Offices of the Speaker and of the Clerk of the County Assembly for the logistical support accorded to it in the execution of its mandate. Further, the Committee extends its gratitude to the Secretariat for their contributions during and after the workshop and compilation of this report.

Finally, on behalf of the Sectoral Committee on Agriculture, Livestock and Fisheries, it is my pleasure and duty to present to the Assembly, the Committee's retreat report pursuant to the Standing Orders of the County Assembly.

**Thank you.**

Signed .....*E. I. Solomon*..... Dated this .....*3<sup>rd</sup>*.....day of.....*May*.....2023

**Hon. Anthony Ngaruiya, MCA**

**(Chairperson) Sectoral Committee on Agriculture, Livestock and Fisheries**

## **2.0 OFFICIAL OPENING AND INTRODUCTORY REMARKS**

The Workshop was officially opened by Hon. Emmy Khatemeshi, Vice-Chairperson of the Committee on Agriculture, Livestock and Fisheries. She welcomed and thanked the participants for availing themselves for the workshop and introductions were made. In her remarks, she stated that at the end of the workshop, the Committee would have understood its role in generation of business, law making process and budget making process.

The workshop was embraced by four facilitators from Prestige Management Consultancies. She concluded her remarks by noting that there was need for members to work as a team in execution of its mandate.

## **3.0 PROCEEDINGS OF THE WORKSHOP**

### **PRESENTATION 1**

### **3.1 COMMITTEE MANAGEMENT AND ADMINISTRATION**

#### **3.1.1 INTRODUCTION**

Ms. Anne Wangeci Githinji (Speaker, Kirinyaga County 2013-2017, County Attorney Nyandarua County 2017-2022) enlightened the members that Committees were vital tools/organs in the working processes of legislatures, without which, the proceedings of a legislature could be volume of activities that would challenge at Plenary.

She highlighted the following as the Committees principal roles:

- i. Reviewing legislation;
- ii. Reviewing and approving the budget and expenditures for the execution of governance;
- iii. Scrutinizing governance activities, policies and programs, assessing whether they meet the intended objectives of legislation, policy frameworks and development plans;
- iv. Conducting investigations on special issues;



- v. Vetting and approving executive appointments;
- vi. Providing a platform for public participation in the execution of specified business;
- vii. Summoning persons to present oral evidence and written memoranda or documents;
- viii. Carrying out inspection tours, inquiry on matters out of which reports with recommendations are submitted to the House; and
- ix. Forming sub-Committees for the effective and efficient discharge of varied issues within the mandate of the Committees.

### **3.1.2 What constitutes the Committee business**

The Committee was informed that its business emanates from the following;

- Public participation/hearings – Committees need to aid the public to participate in County decision processes from policy and law making to planning and budgeting;
- Bill proposals and processing – processing of bills and reporting to the Assembly;
- Consideration of memoranda;
- Site visits - finding out the facts of a case/matter before the Assembly;
- Motions – analyzing the motion tracker and do follow ups on implementation status of passed motion under the Sector;
- Petitions- Every Petition presented stands committed to the relevant Standing Committee which will have not more than forty five(45) calendar days from the time of reading the prayer, to respond to the petitioner(s) by way of a report tabled in the Assembly;
- Conduct enquiries, examine witnesses and gather evidence from expert or individuals, sifting evidence, and drawing up reasoned conclusions;
- Benchmarking visits;
- Review of Legacy reports by previous Committees; and

- Reports- Advising the Assembly on a position on matters requiring a resolution through Committee Reports.

### **3.1.3 Key indicators of an effective Committee**

Members were informed that the main indicators of effective Committees were

- Policies considered;
- Number of bills & motions passed;
- Reports developed, tabled and adopted;
- Petitions filed and processed;
- Statements requested, considered and satisfactorily responded/ concluded; and
- Inquiries conducted and concluded.

## **PRESENTATION 2**

### **3.2 LAW MAKING PROCESS**

#### **3.2.1 Introduction**

Ms. Wanjiku Muthui (Advocate of the High Court) defined legislative process as the process by which legislative proposal brought before the Assembly is translated into law.

#### **3.2.2 Committee and law making**

##### **3.2.2.1 Pre-Publication scrutiny**

The meeting was informed that when a Bill is committed to the Committee for pre-publication scrutiny, the Committee is expected to ensure that the Bill is in conformity with the Constitution and other legislations, its pronouncements on rights and freedoms and that it falls within the mandate of the County Governments.

The Committee is also expected to assess the overall policy implications of the Bill and whether necessary structures are set out for its operationalization and propose points to enrich it.

At this point, the Committee is also expected to receive views of the public and stakeholders and endorse for publication or propose otherwise through a report.

#### **3.2.2.2 Committal after First Reading**

The Committee was informed that this is a time-bound stage under Standing Orders and that the Committee is needed to come up with a schedule for processing the various elements of the Bill.

At this stage, the Committee is expected to:

- Plan for the Bill processing
- Identify relevant stakeholders
- Facilitate expert input
- Facilitate Public hearings, public participation
- Undertake Clause-by-clause consideration
- Propose appropriate amendments
- Prepare a Report (including proposed amendments)
- Table the Report (within 20days)

#### **3.2.2.3 Second Reading and Committee of the Whole Assembly**

The Committee was informed that in case of a Bill sponsored by the Committee, the Committee plays a key role in moving and seconding, lead debate on the principles of the Bill, make indications for amendments and support the Bill when the question is put in the Assembly.

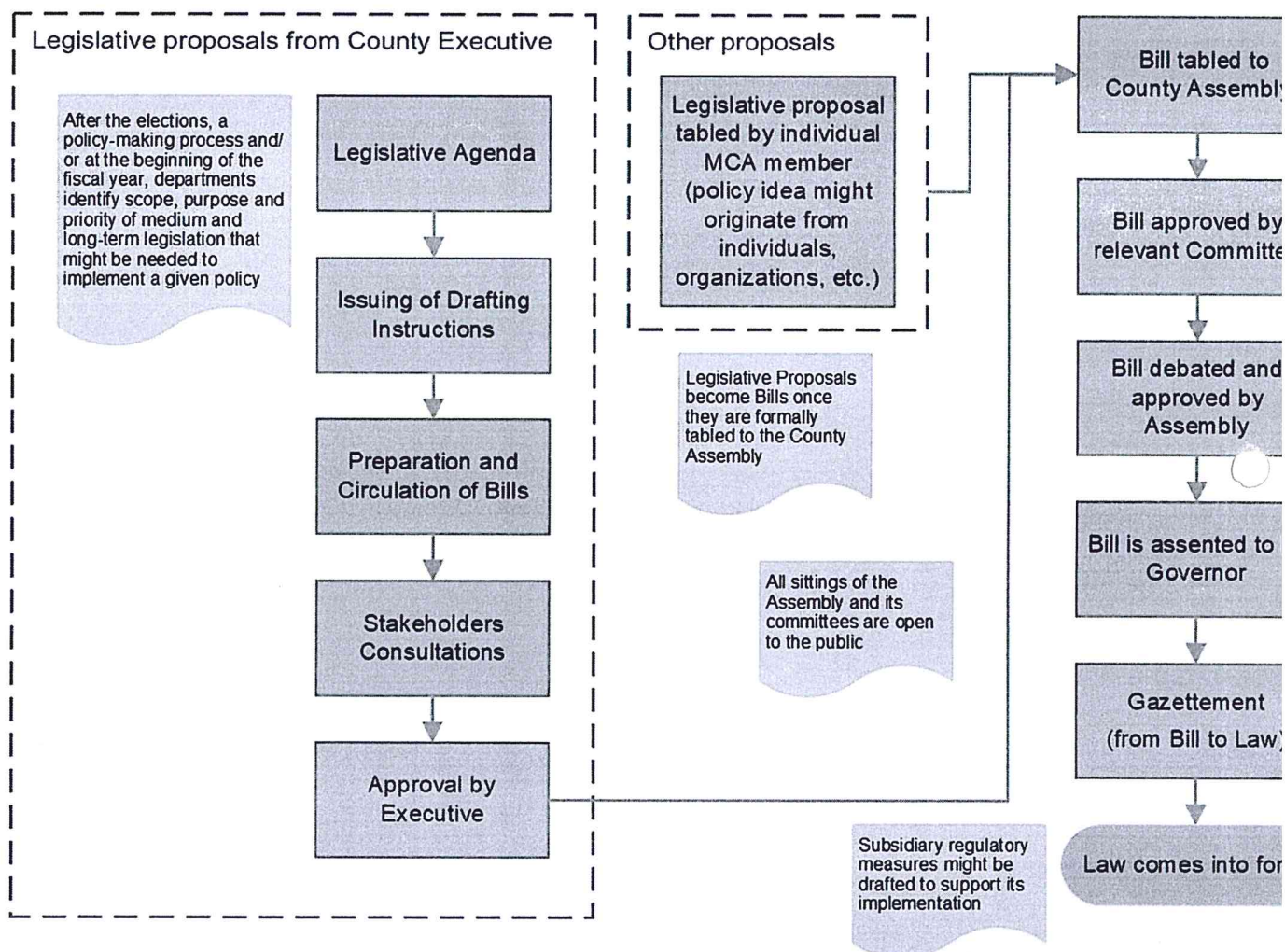
Committee of the Whole Assembly was defined as an arrangement which the plenary converts itself into a Committee that is comprised of the whole membership of the Assembly.



The Committee is also expected to sponsor amendments to the Bill, lead Clause- by- Clause amendments during the Committee of the Whole Assembly, informing the Assembly on amendments sponsored by Committee and lobby for vote.

During the post enactment, the Committee is expected to oversight its implementation, initiate support its implementation where necessary and review the operationalization of the Act with a view of identifying gaps that may be addressed through amendments.

A simplified version of the legislative process in county governments can be visualized as follows:





#### **3.2.2.4 Third reading**

The final stage of the passage of a Bill through the Assembly is the Third Reading. The presenter accentuated that no further substantive amendments are taken up at this stage though drafting amendments and renumbering of clauses may be accepted. Generally, there is very little debate in the third reading, and a final vote is taken.

The Speaker then refers the Bill to the Governor for assent. It was noted that a Bill is lost if it is rejected at either Second Reading, Committee of the whole House or at Third Reading.

#### **3.2.2.5 Governor's assent**

Once a bill has been passed by the Assembly, the Speaker, upon certification of the passed bill presents it for assent by the Governor. The Governor may within fourteen (14) days after receiving the Bill:

- (a) assent to the bill, in which case it becomes law (i.e. becomes an Act of Parliament) and comes into effect within fourteen days or on the date or period specified for commencement in the Act; or
- (b) refer the bill back to the House with a memorandum outlining reasons for the referral.

#### **3.2.2.6 Referral of a Bill back to the House**

Ms. Muthui cited that if the Governor refers a Bill back to the Assembly, the Speaker conveys this referral to the assembly by way of a Message, and refers the Governor's Memorandum containing the recommended amendments to the relevant Committee.

The Committee considers the recommended amendments and submits a report to the Assembly on them. The Assembly re-considers the bill whilst confining

itself to the clauses to which the Governor has expressed reservations, and either:

- a. passes the Bill fully accommodating the Governor's reservation, following which the Speaker re-submits the Bill to the Governor for assent, or
- b. passes the Bill a second time without amendments, or;
- c. passes the Bill with amendments that do not accommodate the Governor's reservations.

NB: In order for the Assembly to override the Governor's reservations, the Assembly vetoes the proposed amendments by a vote supported by two-thirds of the Assembly membership. Thereafter the Speaker re-submits the Bill for assent within seven (7) days and the Governor is required to assent to it within seven (7) days.

## **PRESENTATION 3**

### **3.3 OVERVIEW OF THE BUDGET PROCESS**

#### **3.3.1 Introduction**

Ms. Wanjiku Muthui took the Committee through the budget making process and its legal underpinnings/statutory provisions.

#### **3.3.2 Statutory Provisions**

In consideration and examination of any budget process, the following statutory provisions are to be adhered to the latter. These include;

<b>Statutory provisions on the County Budget making process and County Revenue</b>		
<b>No.</b>	<b>Statute</b>	<b>Provisions</b>
1.	Chapter 12 of the Constitution of Kenya, 2010	PUBLIC FINANCES Part 1: Principles and framework of Public Finance;

		<p>Part 2: Other Public Funds</p> <p>Part 3: Revenue raising powers and the Public debt;</p> <p>Part 4: Revenue Allocation;</p> <p>Part 5: Budgets and Spending;</p> <p>Part 6: Control of Public Money; and,</p> <p>Part 7: Financial Officers and Institutions.</p>
2.	Article 202 (1) and 203 (2) of the Constitution of Kenya, 2010	Equitable sharing of at least 15% of most recently audited revenues raised nationally.
3.	Article 202(2) of the Constitution of Kenya, 2010.	Additional conditional and unconditional grants from the National Government's share of revenue
4.	Article 204 of the Constitution of Kenya, 2010	Equalization Fund based on half of one percent of revenue raised nationally
5.	Section 125 of the Public Finance Management Act, 2012 & Public Finance Management Regulations, 2015	Provides for the Budget Making Process at the County level.
6.	Section 104 of the County Government Act, 2012	Preparation of the <b>County Integrated Development Plan –CIDP</b> ( a five year plan that informs Annual Development Plan -ADP)
7.	Section 126 of the Public Finance Management Act, 2012	Preparation of the <b>Annual Development Plan – ADP</b> – contains County's priorities, to be submitted by the CECM- planning to the County Assembly, not late than 1 <sup>st</sup> September.
5.	Section 117 of the Public Finance	Preparation of the <b>County Fiscal Strategy Paper – CFSP</b> (aligned with



	Management Act, 2012	the Budget Policy Statement submitted to the County Assembly not later than 28 <sup>th</sup> February)
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### 3.3.3 Role of the County Assembly in the Budget Process

The Committees being at the centre of the process during the scrutiny, reporting and approval play the following role:

- Review and approval of budget estimates and other related documents;
- Facilitating public participation in the budget process;
- Monitoring implementation as gatekeepers of the public purse; and
- Holding the Executive accountable on the budget proposals

### 3.3.4 County Budget calendar: - Key Documents

The facilitator stated the following as the key budget documents;

- i. Budget circular
- ii. Annual Development Plan/ CIDP
- iii. County Budget Review and Outlook Paper
- iv. Division on Revenue Bill/ County Allocation of Revenue Bill
- v. County Fiscal Strategy Paper/ Debt Management Strategy Paper
- vi. Budget & Revenue Estimates/ Supplementary Estimates
- vii. Appropriation Bill/ Vote on Account/ Finance Bill

Budget Document	Date	Relevant Legislation	Functions/ Purpose
Annual budget circular: Sets out guidelines to be followed by county government entities in preparation of annual county budget	30 <sup>th</sup> August	PFMA, 2012 Section 128	Annual budget call circular •Initiates annual budget process •Gives guidelines and timelines
Medium-term County Integrated Development Plan(CIDP) and the ADP	1 <sup>st</sup> September	Constitution of Kenya, Article 220(2) County Government Act, Part XI, Section 108 PFMA, 2012 Section 126	Legally required to give: •Economic priorities •Financial priorities Guides budgeting No public money spent outside

			CIDP
County Budget Review Outlook Paper (CBROP)	30 <sup>th</sup> September		Assessment of previous year's performance •Project economic outlook into medium-term
Division of Revenue Bill(DORB) and County Allocation of Revenue Bill (CARB)	Two months before end of financial year	CoK Article 218	Article 218 i)Sharing revenue raised nationally among national and county levels ii)Sharing among counties in accordance with resolution in force as per provisions of Article 217
County Fiscal Strategy Paper (CFSP)	28 <sup>th</sup> February	PFMA, 2012 Section 117	Overview of economic and financial environment •Sets priorities •Guides annual budget preparation
Debt Management Strategy Paper	28 <sup>th</sup> February	PFMA, 2012 Section 123	Review debt position Sets guide for further borrowing
Budget estimates i) Revenue estimates	30 <sup>th</sup> April	PFMA, 2012 Section 129	Details of estimates •Revenue, all sources •Expenditure Recurrent& Development
Annual cash-flow projections	Not later than 15 <sup>th</sup> June	PFMA, 2012 Section 127	To guide cash releases by COB for budget execution
Appropriations Bill/ Act Vote on Account	By 30 <sup>th</sup> June	PFMA, 2012 Section 131 Constitution of Kenya, Article 222 PFMA, Section 134	Budget approval giving legal authority to spend Preliminary budget approval if Appropriations Bill not enacted.
Finance Bill/ Act	Within 90 days	PFMA, Section 133	Proposes revenue raising measures - On approval, gives power to tax
Supplementary Estimates	During the Financial Year	Constitution of Kenya, Article 223 PFM Act section 135	Necessary when there is: Inadequate provision to meet voted expenditure; Reallocation; Additional requirements and Emergencies



She summarized the Standing Order provisions for budget documents consideration by Sectoral Committees as below;

- i. SO 205 (6)- The FBAC shall invite Chairpersons of all Sectoral Committees to make presentation during the consideration of the budget;
- ii. SO 209 (6) (b) – Sectoral Committees shall study the programme and policy objectives of departments and the effectiveness of the implementation;
- iii. SO 209 (6) (d) – Sectoral Committees shall study, assess and analyze the relative success of the departments as measured by the results obtained as compared with the stated objectives.;
- iv. SO 225 (2) (3), 226 – the requirement for CIDP/ADP to be committed to Sectoral Committees for consideration and reporting to FBAC within 21 days;
- v. SO 227 (3) – Sectoral Committees discuss CFSP and submit reports to Finance ,Budget and Appropriations Committee; and
- vi. SO 228 (3), (4), 234– Sectoral Committees role in reviewing budget estimates and the subsequent submission of respective reports to the FBAC.

### **3.3.5 Procedure for consideration of the County Plans, CFSPs and Budget Estimates by Sectoral Committees**

Step 1: Submission of CFSP, County Plans and Budget Estimates

Step 2: Meeting of Sectoral Committees

Step 3: Briefing by the Fiscal Analysts

Step 4: Public Participation

Step 5: Meeting with the County Executive

Step 6: Submission of Sectoral Committee Report to the Budget Committee

Step 7 : Tabling of Report for Approval



## Step 8 : Post Budgetary Approval Processes

Ms. Muthui highlighted the following as the do's and don'ts for Sectoral Committees during budget scrutiny ;

- Restrictions with regard to certain financial measures (Article 114 of the Constitution, Section 21 of the CGA and Standing Order 224)
- Sectoral Committees only make recommendations on matters that fall within their mandate;
- As much as possible, in line with the provisions of Section 131 (3) (a), any increase in expenditure in a proposed appropriation should be balanced by a reduction in expenditure in another proposed appropriation;
- Proposals for introductions of new projects and programmes are be based on the approved County plans; and
- Emphasis is be given to submissions from the public during public hearings, site visits, petitions, memoranda and views presented during other public fora.

#### 4.0 CLOSING OF THE WORKSHOP AND WAY FORWARD

At the end of the workshop the Committee resolved as follows:

- i) The Committee to have a familiarization engagement with the Sector whereby all Directorates, CEC and Chief Officers are in attendance;
- ii) Regular engagements with the Sector County Executive Committee Member & Chief Officers to enable Members understand challenges of the Sector, extent of implementation of existing Acts, Capital projects and programmes. As such, Committee to insist to be furnished with quarterly reports as part of oversight and monitoring performance of the Sector;
- iii) The Committee to map out all relevant stakeholders and plan for official meetings with them for purposes of understanding their roles in promoting agricultural activities in the City;
- iv) Members to acquaint themselves with the key Finance and Budget documents such as the County Integrated Development Plan (CIDP), Annual Development Plan (ADP), County Budget Review and Outlook Paper (CBROP), County Fiscal Strategy Paper, Budget Estimates etc; and
- v) The Committee to map out the Sector projects and schedule for site visits to examine their status.

MINUTES OF THE 11<sup>TH</sup> SITTING OF THE SECTORAL COMMITTEE ON AGRICULTURE,  
LIVESTOCK AND FISHERIES HELD ON THURSDAY 4<sup>TH</sup> MAY, 2023 IN COMMITTEE  
ROOM 4 AT 12.00PM

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**PRESENT**

1. Hon. Anthony Ngaruiya Jasho, MCA – Chairperson
2. Hon. Emmy Khatemeshi, MCA – Vice-Chairperson
3. Hon. Naomi Kerubo, MCA
4. Hon. Martin Wairobi, MCA
5. Hon. Mark Thiga, MCA
6. Hon. Eutychus Mukiri, MCA
7. Hon. Scolastica Muthoni, MCA
8. Hon. Beatrice Wandani, MCA
9. Hon. Samson Ochieng Jera, MCA
10. Hon. Joyce Lugonzo, MCA
11. Hon. Joel Munuve, MCA
12. Hon. Chris Mtumishi, MCA
13. Hon. Martin Mbugua Mwangi, MCA

**ABSENT**

1. Hon. Peter Imwatok, MCA
2. Hon. Anthony Kiragu, MCA
3. Hon. Malyun Abdi, MCA
4. Hon. Mark Mugambi, MCA
5. Hon. Chege Mwaura, MCA
6. Hon. Robert Alai, MCA
7. Hon. Robert Mbatia, MCA
8. Hon. Hashim Kamau, MCA
9. Hon. John Rex Omolleh, MCA
10. Hon. Emily Oduor, MCA

**SECRETARIAT**

Ms. Hellen Mutie - Senior Clerk Assistant

**MIN. NO./A&LF/MAY/038/2023:- PRELIMINARIES**

The Vice-Chairperson called the meeting to order at 12.09am and said the opening prayers. She then welcomed the Members present to the meeting and read the agenda of the meeting which was subsequently adopted for discussion as proposed Hon. Mark Thiga and seconded by Hon. Scolastica Muthoni as follows;

**Agenda**

1. *Preliminaries (prayers & adoption of the Agenda)*
2. *Consideration for adoption of Committee report on quarterly retreat held from Thursday 23<sup>rd</sup> to Sunday 26<sup>th</sup> March, 2023 at Maxland Hotel, Kiambu County*



3. *Housekeeping - Schedule of visits to County Installations under the Food and Agriculture sub- Sector*
4. *Any Other Business*
5. *Adjournment/ Date of Next Meeting*

**MIN. NO./A&LF/MAY/039/2023 – CONSIDERATION FOR ADOPTION OF COMMITTEE REPORT ON QUARTERLY RETREAT HELD FROM THURSDAY 23<sup>RD</sup> TO SUNDAY 26<sup>TH</sup> MARCH, 2023 AT MAXLAND HOTEL, KIAMBU COUNTY**

- The clerk submitted the report to the Committee.
- The Vice-Chairperson took Members through the report with the following as the way forward;
  - i) The Committee to have a familiarization engagement with the Sector whereby all Directorates, CEC and Chief Officers are in attendance;
  - ii) Regular engagements with the Sector County Executive Committee Member & Chief Officers to enable Members understand challenges of the Sector, extent of implementation of existing Acts, Capital projects and programmes. As such, Committee to insist to be furnished with quarterly reports as part of oversight and monitoring performance of the Sector;
  - iii) The Committee to map out all relevant stakeholders and plan for official meetings with them for purposes of understanding their roles in promoting agricultural activities in the City;
  - iv) Members to acquaint themselves with the key Finance and Budget documents such as the County Integrated Development Plan (CIDP), Annual Development Plan (ADP), County Budget Review and Outlook Paper (CBROP), County Fiscal Strategy Paper, Budget Estimates etc; and
  - v) The Committee to map out the Sector projects and schedule for site visits to examine their status.

— The report was unanimously adopted by the Committee.

**MIN. NO./A&LF/MAY/040/2023: HOUSEKEEPING - SCHEDULE OF VISITS TO COUNTY INSTALLATIONS UNDER THE FOOD & AGRICULTURE SUB-SECTOR**

— The said agenda was deferred.

**MIN. NO./A&LF/MAY/041/2023: - A.O.B & ADJOURNMENT**

— There being no other business to transact, the Vice-Chairperson adjourned the meeting at 12.33pm. Date and venue for the next meeting would be communicated by the Chair.

SIGNATURE..... E-I Solombo .....

(Chairperson)

DATE ..... 4/5/2023 .....