

COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY—SECOND SESSION

REPORT OF THE SECTORAL
COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES-
INDUCTION WORKSHOP HELD ON 23RD TO 26TH, NOVEMBER 2017 IN NAIVASHA

Approved
2/5/2018
[Signature]

ClerksChambers
CityHallBuildings
NAIROBI

APRIL, 2018

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Abbreviations

CA – County Assembly

SO – Standing Orders

CoK – Constitution of Kenya, 2010

1.0 PREFACE

Committee Mandate

Hon. Speaker,

The Sectoral Committee on Environment and Natural Resources is established under Standing Order No. 203, and its mandate amongst others, as outlined under the third under schedule includes *“implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisances and refuse removal, refuse dumps and solid waste disposal.”*

Committee Membership

Hon. Speaker,

The Committee on Environment and Natural Resources was constituted by the Assembly on 5th October, 2017 comprising of the following Members:-

1. Hon. John Kamau, MCA – Chairperson
2. Hon. Joseph Ouma Ndonji, MCA – Vice-Chairperson
3. Hon. Jeremiah Themendu, MCA
4. Hon. James Mwangi Wambui, MCA
5. Hon. Peter Wahinya Njau, MCA
6. Hon. Laura Mwende, MCA
7. Hon. John Kamangu, MCA
8. Hon. Joyce Muthoni, MCA
9. Hon. Hassan Abdikadir, MCA
10. Hon. Muchene Kabiru, MCA
11. Hon. Susan Makungu, MCA
12. Hon. Silas Ongwae, MCA
13. Hon. Millicent Okatch, MCA
14. Hon. Emapet Kemunto, MCA
15. Hon. Francis Otieno Ngesa, MCA
16. Hon. David Ayoi, MCA
17. Hon. Solomon Magembe, MCA
18. Hon. Emily Wanjiku Waithaka, MCA
19. Hon. Rose Masitsa, MCA

The Committee underwent an induction workshop from 23rd to 26th November 2017 in Naivasha upon scheduling of the Liaison Committee of the Assembly. At the end of the retreat, the participants were expected to:

- i.) Appreciate and understand the role and place of Committees in the Assembly
- ii.) Appreciate the role and mandate of the Environment and Natural Resources Committee
- iii.) Appreciate and understand the role of the Committee Chairperson and the structures of the Committee
- iv.) Appreciate practice and procedure in Committees

Acknowledgements

Hon. Speaker,

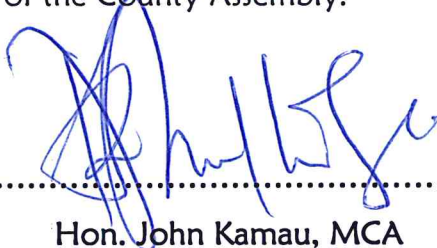
The Committee takes this opportunity to thank the Offices of the Speaker and of the Clerk of the County Assembly for the logistical support accorded to it in the execution of its mandate. Further, the Committee extends its gratitude to the Secretariat for their contributions during and after the workshop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

Finally, I sincerely thank the Members of the Committee for their commitment during the workshop which contributed immensely to the compilation of this report.

Finally, on behalf of the Sectoral Committee on Environment and Natural Resources, it is my pleasure and duty to present to the Assembly, the Committee's induction report pursuant to the Standing Orders of the County Assembly.

Thank you.

Signed



Hon. John Kamau, MCA

(Chairperson)

Sectoral Committee on Environment and Natural Resources

Dated this 15TH day of FEB 2018

OPENING REMARKS BY THE CHAIRPERSON

The Workshop was officially opened by Hon. John Kamau, Chairperson of the Committee on Environment and Natural Resources. He welcomed and thanked the participants for availing themselves for the workshop and introductions were made. In his remarks, he noted that at the end of the workshop, the Committee would have understood role and place of Committees in the Assembly, structures of the Committee, practice and procedure in Committees and most importantly the mandate of the Committee.

He concluded his remarks by noting that there is need for members to work as a team and instill knowledge on their mandate to each other.

OPENING REMARKS BY THE CA DEPUTY CLERK

In her opening remarks the Deputy Clerk advised the Committee to;

- review work of the previous Committee and ...
- revive work / bills that the Committee would be interested in;
- use its oversight role to deal with the garbage menace in the County

She added that at the end of the workshop, the Committee would have internalized the Committee mandate versus the County Executive mandate.

INTRODUCTION

The Committee was informed that the County Assemblies are a creation of Article 177 of the Constitution of Kenya, 2010 as an organ of the County Government in whom the legislative authority is vested at the County level.

The County Assemblies are mandated to perform the following principal roles:

- Exercise legislative authority (Art. 185 (1&2));
- Scrutinize and monitor the actions of the Executive (Art. 185 (3);
- Vet and approve key government appointees;
- Ensure the laws and budgets it has approved are being properly implemented;
- Subject executive plans, policies and actions to public debate and hearings, ((Art. 185 (4), 196); and
- Approve the budget, expenditure and borrowing of the County Government.

The presenter informed Members that County Assemblies discharge the above roles in two ways: at Plenary and during Committee sittings of the Assembly.

He defined Committees of the Assembly as smaller units or groups of Members of the County Assembly that allow the Assembly to perform multiple functions simultaneously.

Members learnt that the power of the County Assembly to form Committees is manifested in the functions given under Articles 176 and 185 of the Constitution and that the authority to establish Committees of the Assembly is granted in Section 14 (1) (b) of the County Governments Act.

Other Committees are an establishment of the County Assembly Standing Orders. However, a Committee may be formed on a resolution of the Assembly.

Role of County Assembly Committees

The presenter informed the Committee that the depth and breadth of work in a legislature cannot be conducted in plenary sessions; the detailed work of the legislature is thus carried out by specialized Committees.

The role of the County Assemblies under Article 185 and Part 2 of the Fourth Schedule of the Constitution is broad and one that cannot be effectively discharged in the plenary.

Section 14 (1)b of the County Governments Act, 2012 provides that a County Assembly may establish Committees in such manner and for such general or special purposes as it considers fit, and regulate the procedure of any Committee so established.

Members were informed that Committees are critical in enhancing the efficiency of the Assemblies in the following manner:

- Provides the opportunity for more detailed, in-depth investigation and discussions;
- Allow review of policy matters or bills more closely than would be possible by the entire chamber;
- Serve as the focal point for legislation and oversight;
- Present their observations, findings and recommendations (reports) to the Chamber for the final debate; and
- Serves as point for people inside and outside the legislature to seek to influence legislative products by providing information about what they want/ will accept.

Powers of Assembly Committees

Members were informed that for effective discharge of mandate, Committees are guaranteed powers and immunities that are conferred collectively and individually to Committee Members.

These powers and immunities are derived from the following documents:

- The Constitution (Art. 196 of the Constitution)
- County Governments Act (S. 17)
- County Assemblies Powers and Privileges Act
- Standing Order 183

It is however important to note that immunities are limited to the extent of the nexus with parliamentary work and precincts of the Assembly.

Powers of the Committees

The presenter highlighted the powers of Committees as follows:

- Power to Summon witnesses to appear
- Power to enforce attendance of witnesses
- Power to examine witnesses on oath/affirmation
- Power to compel production of documents
- Power to compel answering of questions
- Power to examine to issue commission or request to examine witnesses abroad
- Freedom of debate and speech
- Protection from civil or criminal proceedings for Legislative work (committee, reports)

MANDATE AND FUNCTIONS OF THE COMMITTEE

Introduction

Article 185 of the Constitution vests the legislative authority of a County in the County Assembly. In order to carry out its functions effectively, Section 14 of the County Governments Act, 2012 empowers County Assemblies to establish Committees in such manner and for such general or special purposes as it considers fit.

The Committee was informed that the Sectoral Committee on Environment and Natural Resources is established pursuant to Standing Order 203 and its mandate is drawn from the Constitution of Kenya and the County Assembly Standing Orders.

The mandate of the Committee is implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation, control of air pollution, noise pollution, other public nuisances and refuse removal, refuse dumps and solid waste disposal.

Amongst others, the Committee's stakeholders include:

- The County Government Sub-Sector on Environment and Natural Resources;
- The National Government Ministry of Environment and Natural Resources;
- National Environment Management Authority (NEMA); and
- The residents of Nairobi.

Mandate and Functions of the Committee

The Committee learnt that pursuant to Standing Order 203(6) the mandate and functions of the Committee include:

- Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- Study the programme and policy objectives of departments and the effectiveness of the implementation;
- Study and review all county legislation referred to it;
- Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with its stated objectives;
- 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;
- 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
- Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Means of discharging mandate

The Committee learnt that there are various ways through which it can discharge its mandate as follows:

- Committee meetings/Sub-Committee meetings
- Request for memoranda
- Site visits
- Public hearings
- Committee Inquiries
- Fact finding visits
- Benchmarking visits
- Review of Legacy reports by previous Committees
- Questioning witnesses for oral evidence

ROLES AND ATTRIBUTES OF THE COMMITTEE CHAIRPERSON

The Committee was informed that a Chairperson plays a key role in the effectiveness of the Committee. He/she is the most important personality and is usually responsible for convening and managing the Committee. The qualities and skills of the Committee Chairperson will influence the works and output of the Committee

The following are roles of a Committee Chairperson before the meeting (Standing Order 172):

- Presides over the meeting;
- Performs the functions and exercise the powers assigned to the office of the Chairperson by the Committee, resolutions of the Assembly or legislation; and
- Plays a critical role in determining the meetings success before, during and after the meeting.

The following are roles of a Committee Chairperson during the meeting:

- Presides at meetings;
- Proposes the adoption of the agenda;
- Introduces agenda for the day;
- Enforces rules of procedure, summarizes debate, highlight points of convergence or divergence;
- Allocates time to every agenda item and attempts to impress upon members to stick to set timelines;
- Ensures that democracy prevails and that equity in contributions is respected and achieved;
- Keep to the order of the agenda;
- Be familiar with the protocol of meetings e.g. insist that only one person at a time may address the meeting & that members address the chair;
- Fair, impartial/neutral;
- Decisions must specify way forward – purpose, resources, time frame, terms of reference, supervision;
- Allow AOB – devote $\frac{1}{4}$ time for preliminary & AOB and $\frac{3}{4}$ time for main business,(80-20 Rule);
- Regular evaluation of meeting Performance;

- Drives consensus – or defers matter for further consultation - avoid stalemate;
- Must sign minutes when approved in the next meeting;
- Ensures appropriate dress code;
- Controls trouble makers;
- Draws out the silent;
- Protects the weak; and
- Presides over voting and announces the results.

The following are roles of a Committee Chairperson after the meeting:

- Ensures that action items are implemented;
- Must ascertain that typed Minutes are a true reflection of the previous meeting - minutes are effectively written (factual and correctly);
- Draft Minutes are circulated to members before next meeting if rules permit;
- Evaluates the meetings;
- The spokesperson of the Committee;
- Represents the interests of the Committee in the Liaison Committee; and
- Tables and moves reports of the Committee, on behalf of the other Committee Members.

ROLES AND ATTRIBUTES OF A COMMITTEE MEMBER

The presenter stated that second to the Committee leadership, the effectiveness of the Committee also depends on certain attributes of the Members.

In this regard, he stated that an effective Committee Member should be able to demonstrate the following attributes:

- Familiarize themselves with the agenda items and prepare adequately to partake in the debate;
- Know the venue;
- Collect all supportive evidence;
- Clarify unclear issues with the Chairman or the secretary;
- Thoroughly reads and understands Standing Orders/other rules applicable;
- Well informed/Aware about various items on the agenda to be discussed;

- Attend meeting with open mind;
- Respect views of others;
- Be a good listener and have keen interest in Committee business /proceedings;
- Be receptive to new/other approach(es);
- Present views precisely, clearly & confidently;
- Not allow personal preferences to obscure opposing views;
- Help Chairperson maintain order;
- Note main points of meeting for future reference;
- Preparedness to take the lead occasionally on particular items of agenda;
- Bears in mind/focuses on the goals, mandates and functions of the Committee;
- Professionally deals with and respects the secretariat/staff;
- Raise points of order or information;
- Support others to reach consensus for purposes of collective decision making;
- Take part in voting (if any);
- Carry out tasks allocated (if any);
- Evaluate your performance and other members during the meeting; and
- Consult officials or members to clarify on tasks.

ROLES OF THE SECRETARIAT IN THE EFFECTIVENESS OF A COMMITTEE

The presenter informed the participants that the secretariat plays a key role in the effective running of a Committee in the following respects:

- Rendering advice on procedural matters;
- Rendering legal advice;
- Identification of gaps or areas requiring legislation for consideration by the Committee through a review of existing legislation or a situational analysis of areas within the mandate of the Committee;
- Formulation of ideas for conversion into legislative proposals;
- Drafting Bills and committee stage amendments to Bills;
- Assisting Committees and Members to scrutinize Bills;
- Carrying out legal research on legal and procedural matters; and
- Facilitating public participation and the consolidation and harmonization of amendments to Bills.

RULES OF PROCEDURE IN COMMITTEES

The facilitator informed the Committee that procedure in Committees shall be as nearly as possible, the same as that in Committee of the Whole. Deliberations in Committees must be confined to the mandate and limited to the matter referred to them by the Assembly.

All proceedings should be conducted in Kiswahili, English or in Kenyan Sign Language and the Minutes of a Committee should be kept in the same form as the Votes.

The following are some of the key rules and procedures governing Committee meetings:

- Proceedings of a Committee of the Whole;
- Members desiring to speak should address a request to the Chairperson;
- The substance of the proceedings of a Committee should not be made public before the Committee has tabled its report to the Assembly;
- A Member who wishes to speak on any matter in which the Member has a personal interest should first declare that interest;
- A Member should be responsible for the accuracy of his/her contributions;
- The quorum of a Committee is a third of its membership;
- Unless quorum is achieved within thirty minutes of the appointed time, a meeting of a committee of the Assembly shall stand adjourned;
- A notice of a meeting of a Committee should be given by the Clerk showing the date time, venue and agenda of the meeting;
- No meeting of a Committee may be held outside the precincts of Assembly without the approval of the Speaker;
- A Committee may establish sub-committees as it may consider necessary;
- A Member who is adversely mentioned in a matter under deliberation by a Committee should not be present at any meeting at which the Committee is deliberating on the matter, but he/she may appear to adduce evidence as a witness before that Committee;
- Every Committee should meet at least once in two months unless the Assembly resolves otherwise except for the Assembly Business Committee;
- Any question arising in a Committee should be decided by vote and the resolution on any such vote shall constitute the decision of the Committee on that question;

- Committee may, with the approval of the Speaker, engage such experts as it may consider necessary in furtherance of its mandate; and
- Committee work should be limited to its mandate as provided for in any law, the Standing Orders or a resolution of the Assembly.

MANAGEMENT OF COMMITTEE MEETINGS

The meeting was informed that Committee meetings are meant to boost the productivity and effectiveness of the Assembly through information sharing and decision making.

The facilitator mentioned that for conduct of proper, productive and decisive meetings, there ought to be adequate prior planning and that before convening a meeting, it needs to be clear if the meeting is necessary, who should attend and the items to be deliberated upon.

At the preparation stage, all the participants ought to be furnished with the agenda, time and venue. It was emphasized that every Committee meeting needs to be clear on the purpose and objectives it is expected to achieve within span of time agreed upon.

The presenter stated that since meetings are forums that are expected to generate specific outcomes, punctuality to the meeting is critical in granting sufficient time to cover all the agenda items, avoid recapping on already covered topics and allow the participants time to attend to other commitments.

It was further mentioned that proceedings of a meeting are important for reference, tracking of action points and follow up purposes. In this regard, it is important that the proceedings go down into record in whatever form, in essence, minutes, reports etc. These records need to be available to the participants of the meeting for verification of information and endorsement.

It was also noted that a sound meeting is the one in which the participants are creative, focused on tackling the agenda item, properly directed, one that follows laid down rules and procedure and one that is short and concise.

Etiquette of Members during meetings

The presenter stated that an Assembly meeting is a formal gathering and therefore should be guided by certain set guidelines (both written and unwritten) which participants ought to abide by. Such guidelines include:

- Respect for the authority of the Chairperson
- Observation of rules of procedure and maintenance order
- Respect for witnesses
- Professionalism in conduct of meetings
- Keeping arms-length operations with witnesses
- Avoiding disclosure of content of ongoing investigations
- Committed presence in the meetings throughout and avoid technical appearances
- Declaration of conflict of interest
- Keeping arms-length relations between staff & Members
- Respect for divergent opinions

PROCEDURE AND PRACTICE IN COMMITTEES

Frequency of meetings

The meeting was informed that pursuant to Standing Order 178(1), Committee is expected to meet at least once in two months while taking into account the callings set by the Salaries and Remunerations Commission.

It was noted that Committees may not sit when the Assembly is sitting lest the sitting becomes void.

Chairing of meetings

The meeting was informed that Standing Order 180 stipulates that the Chairperson shall preside over meetings of a Committee, in absence of whom the Vice-Chair presides.

However, in the absence of both the Chairperson and the Vice- Chairperson, a Member designated by the Chairperson presides and absence of whom the Committee elects another Member to preside over that meeting.

Joint sittings

matter that is crosscutting and chaired by the Chair with the longest cumulative period and the quorum shall be the number obtained by adding the quorum of the respective Committees.

A report of such a sitting shall be supported and adopted by a majority of the total membership of the Committees.

Attendance by non-Members

The meeting was informed that Standing Order 187 allows non- Members to attend a meeting of a Committee but they cannot vote on matters under consideration.

Failure to attend meeting/temporary absence

The meeting was informed that pursuant to Standing Order 179, if a Member fails to attend four (4) consecutive sittings of a Committee without the written permission from the Chairperson of Committee, or the permission of the Speaker if the Member is the Chairperson, the Chairperson or the Speaker, as the case may be, shall notify the Committee of the failure.

Further, pursuant to Standing Oder 184(1), if a Member is absent or unable to attend a sitting of the Committee, the party whip may, with permission of the Speaker, appoint another Member to act in the Member's place for a period of which such a Member will be absent. In this case, a Member shall be considered absent when outside the country on official duty or indisposed (Standing Oder 184(2)).

Public Access to meetings

The meeting was informed that meeting should be open to the Members of the Public pursuant to Standing Order 190 and in the spirit of the Constitution unless justifiably excluded with the Speaker's permission.

CONDUCT OF SITE INSPECITON VISIT

The meeting was informed that site inspection visit is a form of inquiry/fact finding through which Members gather information regarding a matter under consideration.

Before embarking to such a mission, the Committee is expected to undertake the following:

- Agree on the dates and time of the visit
- Agree on the purpose/objective of the visit
- Agree on the target groups to be met during the visit
- Make a decision on the delegation to undertake the visit
- Record the resolution documented in the minutes of the sitting at which the decision to undertake the visit was discussed and resolved

In undertaking such a visit, the Committee is guided by the provisions of Standing Order 174 that relates to sitting outside the precincts of the Assembly.

The meeting was informed that in conduct of site inspection visit, the Clerk (in consultation with the Chairperson) is responsible for handling the logistical arrangements of the visit.

During the visit, the Members are expected to attend all the sessions, be focused on the subject of the visit, manage politics properly and avoid cases of conflicts of interest.

Upon conclusion and return from the visit the clerk is expected to draft a report documenting the findings and recommendations of the visit which is expected to be discussed and adopted by the Committee.

REPORTS OF COMMITTEE

The meeting was informed that pursuant to Standing Order 191 the report of a select committee shall be prepared and kept in the same form as the Votes and Proceedings of a Committee of the whole County Assembly and in such other form as may be prescribed in the Committee Manual.

Further, the report of the committee, having been adopted by a majority of the members has to be signed by the chairperson on behalf of the Committee.

A report having been adopted by a majority of members, a minority or dissenting report may be appended to the report by any member(s) of the Committee

A report of a select committee including any minority report, together with the minutes of the proceedings of the committee, and with such note or record of any evidence by the committee as the committee may deem fit to be laid on the Table of the County Assembly by the chairperson or the vice chairperson or by a member authorized by the committee on its behalf within fourteen days of the conclusion of its proceedings.

Committee progress reports and engagement of experts

The Committee learnt that Standing Order 181 requires Committees to prepare and submit half yearly progress reports to the Liaison Committee which will cumulatively be submitted to the Assembly.

In its conduct of business, a Committee may need the services of experts in a particular field to bring insight into deliberations of a particular subject. In this regard, the meeting was informed that a Committee may, pursuant to the Standing Orders, engage such an expert for a comprehensive and meaningful consideration of a matter.

Consideration of committee reports

The meeting was informed that a report is a presentation of facts and findings, as a basis for recommendations; written for a specific readership, and intended to be kept as a record. She noted that it is the only way through which committees document and communicate their activities officially to the House.

The presenter informed the meeting that most of the activities conducted by the Committees result in a report whose confidentiality is paramount until it is Tabled in the Assembly.

The Chairperson is responsible for presenting reports to the Committee and leads the discussions on the same. Suitable amendments to the report are noted and taken into account before it is adopted and Tabled in the Assembly. The Members opposed to sections of the report their dissenting views via a dissenting report attached to the main report pursuant to Standing Orders.

Members are expected to append their signatures to demonstrate their approval of the report and signed by the Chairperson who Tables it in the Assembly through a motion.

Qualities of a good report

- Be factual i.e it should be based on facts, verified information and valid proofs
- Be clear and easily understandable
- Be free from errors and duplication

- Facilitates right decision making
- Result focused and result oriented
- Should be well organized and structured
- Should be ethical in style
- Be prepared on time and tabled in the Assembly

In processing the report, the Committee Members are expected to support the Chairperson or Vice-Chairperson in Seconding of the Motion, contribute to the debate and support and lobby other Members to support the report in the assembly.

CONSIDERATION OF STATATEMENTS

The meeting was informed that whenever a statement is requested on the floor of the Assembly and the matter falls within the mandate of the Committee, the Chairperson notes and makes an undertaking as regards the timeline for reporting.

The presenter cautioned that the timeline should be adequate to allow for engagement of the County Executive Committee Member, site visit (if any) and urgency of the concerns raised by the Member.

In this case of a Statement, the Committee analyzes the request to identify issues of concern, areas of possible supplementary questions, agrees on the date to expect response and meeting with CECM and dispatches correspondence to the line department.

The Committee is expected to have a background briefing on the matters before meeting the CECM, invite the Member who requested the Statement to a meeting with the CECM, have the response circulated to Members before the meeting.

After the meeting, the Committee is expected to compile a response for reporting to the Assembly within the time undertaken.

The Committee is expected to follow up on the long term and short term interventions on various concerns raised by the Committee and the member requesting the Statement by the CECM.

CONSIDERATION OF PUBLIC PETITION

The meeting was informed that a Petition is a written prayer to the Assembly through a Member by the Members of the Public requesting for the Assembly's intervention on a matter of concern.

When a Petition is committed to the Committee, the Committee is expected to come up with a schedule for its consideration bearing in mind that is a time bound business under Standing Order 215.

The Committee then analyzes the prayers in order to identify the relevant departments to respond to the various issues and the best approaches to addressing the issues.

Further, the Committee needs to have a background research about the issues raised then invite and invite the Petitioners to shed more light on the concerns raised in their Petition.

The Committee is also expected to invite the CECM from the concerned departments to submit their perspectives as regards the prayers in the Petition and if need be, conduct fact finding missions.

At this point, the Committee compiles a report with replies to specific prayers which will be tabled in the Assembly and after which a reply is communicated to the Petitioners and shared with the Executive. The Committee is expected to follow up on the recommendations to ensure their implementation.

GROUP WORK

The Committee deliberated on two topics as part of the group work, i.e.

Simulation of a petition;

The Committee learnt that;

- i) a Petition is a written prayer to the County Assembly by a Member of the Public requesting the County Assembly to consider any matter within its authority, including enacting, amending or repealing any legislation;
- ii) a petition shall be in the form set out in the Fourth Schedule of the CA Standing Orders;
- iii) When a Petition is committed to the Committee, the Committee is expected to

report to the Assembly and the petitioner by a way of a report in not more than forty five (45) days from the time of reading the prayer (S.O 215(2);

- iv) the Committee invites the Petitioners to shed more light on the concerns raised in their Petition.
- v) the Committee is also expected to invite the CECM from the concerned department(s) to submit their perspectives as regards the prayers in the Petition;
- vi) conduct fact finding missions, if need be.
- vii) the Committee is expected to follow up on the recommendations to ensure their implementation.

Factors that determine an effective Committee

The Committee learnt the following as the factors that determine an effective Committee;

- i) able Chairperson and secretariat;
- ii) circulation of agenda in good time;
- iii) have clear agendas;
- iv) adequate prior planning;
- v) full participation of all Members/participants during meetings;
- vi) start and end meeting on time;

REVIEW OF THE FIRST ASSEMBLY SECTORAL COMMITTEE ON AGRICULTURE, ENVIRONMENT AND NATURAL RESOURCES LEGACY REPORT

The Committee secretariat summarized the legacy report as follows;

Reports produced;

- 1) The report on the Status of Abattoirs within Nairobi City County;
- 2) The report on the Inquiry on the ongoing destruction and Pollution of River Ruaraka by Private Developers and Commercial Industries;
- 3) The report on the status of waste management in the County;
- 4) The report on the Study visit to the republic of South Africa, Western Cape Province;

- 5) The report of the Nairobi City County urban agriculture promotion and regulation Bill, 2014;
- 6) The report of the Nairobi City County Dog Control and Welfare Bill, 2015;
- 7) The report of the Nairobi City County Solid Waste Management Bill, 2015
- 8) The report of the Nairobi City County Plastic Control Bill, 2016;
- 9) The report of the Nairobi City Animal Control and Abattoirs Management Bill, 2016;
- 10) The report of the Nairobi City County Animal Control and Abattoirs Management Bill, 2016; and
- 11) The report of the review of Committee's performance in the last four years impending conclusion of the first assembly.

Statements

The Committee on Agriculture, Environment and Natural Resources considered and responded to the Assembly Twenty One (21) statements in the First Assembly.

Bills

Six (6) Bills were committed and considered by the Committee;

- 1) The Nairobi City County Solid Waste Management Bill, 2015;
- 2) The Nairobi City County Urban Agriculture Promotion and Regulation Bill, 2015;
- 3) The Nairobi City County Dog Control and Welfare Bill, 2015;
- 4) The Nairobi City County Plastic Control, 2016;
- 5) The Nairobi City County Animal Control and Abattoirs Management Bill, 2016;
and
- 6) The Nairobi City County Public Nuisance Bill, 2016

NB: The Nairobi City County Public Nuisance Bill, 2016 was rejected in the plenary on Thursday 17th November, 2016 in its second reading.

Challenges Encountered

The following were some of the challenges that affected the Agriculture, Environment and Natural Resources Committee's work;

- 1) Delay by the Executive to respond to Committee requests, especially statement requests by Hon. MCAs. Some questions are responded to when matters have been overtaken by events. In addition, it's very hard for Members to instantly verify the authenticity of the information provided by CEC Members. The Committee has resorted to inviting the CEC Members and the Chief Officers to the Committee to respond directly rather than relying on correspondences. Site visits also corroborate information provided by the CEC Members.
- 2) Statements requested by Members for personal/political gains thus no tangible results obtained. In the event the Committee notices this ill motive, the Committee always invites the member to declare interest so as to conclude the matter.
- 3) Many a times recommendations made by the Committee and the Assembly as a whole are never implemented by the Executive. While the Committee do a lot of work in sifting out facts and coming up with sound recommendations/resolutions, the executive only implements what is favorable to it and disregards most of what the Assembly recommends. The Committee on implementation committee has recently resorted to follow-up on the resolutions. In addition, the Committee before tabling its report usually shares the recommendations with the CEC Member to determine the practicality of the recommendations.

WAY FORWARD

The meeting agreed on the following as the way forward;

That;

1. the secretariat to table before the Committee a list of businesses that was left pending by the First Assembly Committee on Environment and Natural Resources;
2. the secretariat to provide the Committee copies of the NCC Public Nuisance Bill, 2016;
3. the Committee to flag out the relevant bills to Environment & Natural Resources and follow up on the development of regulations;
4. Members with the assistance of the secretariat to research on areas to legislate on taking into consideration the mandate of the Committee;
5. The Committee work as a team to effectively execute its mandate.

CLOSING REMARKS BY THE CHAIRPERSON

The Chairman, on behalf of the Committee also thanked the facilitators for enabling the Members to understand the role and mandate of the Environment and Natural Resources Committee and the importance of Committee in the CA. He maintained that generally the workshop was very educative, well-coordinated and there was cooperation by the Members, noting the well attendance by Members.

$$\begin{array}{r} 23^{\text{rd}} - 3^{\text{rd}} = 26^{\text{th}} \\ \hline 27 - 30 \end{array}$$