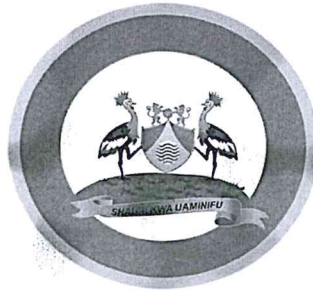


GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

SECOND ASSEMBLY-FOURTH SESSION

NBI CA. PLC. 2020 / (002)

19th february, 2020.

PAPER LAID

Pursuant to Standing Order 191 (6) I beg to lay the following Paper on the Table of the Assembly, today Wednesday 19th February, 2020.

THE REPORT OF THE SELECT COMMITTEE ON SELECTION ON THE CAPACITY BUILDING OF MEMBERS RETREAT HELD FROM 12TH TO 17TH DECEMBER, 2019

(Chairperson, Select Committee on Selection)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

Approved
[Signature]

20/02/2020

*Paper laid by
Majority leader
Hon. [Signature]
on Thursday
20/2/2020
[Signature]
C.A.*

NAIROBI CITY COUNTY ASSEMBLY

NAIROBI CITY COUNTY



*Paper laid by
Hon. Charles
Tumo-Ngũgĩ
Leader on
25/02/2020
Kenya*

SECOND ASSEMBLY – FOURTH SESSION

REPORT OF THE SELECT

COMMITTEE ON SELECTION

ON THE

CAPACITY BUILDING OF MEMBERS

RETREAT OF HELD FROM 12TH DECEMBER TO 17TH DECEMBER, 2019

Clerks Chambers

Nairobi City County Assembly

City Hall Buildings

Nairobi

*Approved
B. B. B. B.
20/02/2020*

FEBRUARY, 2020

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1.0 PREFACE

Establishment and Mandate

Hon. Speaker,

The Select Committee on Selection is established under Standing Order 164 and its mandate amongst is to:-

- a) The Committee on Selection shall nominate members to serve in Committees, save for the membership of the County Assembly Business Committee and Committee on Appointments.*

COMMITTEE MEMBERSHIP

The Select Committee on Selection comprises the following Members:-

1. The Hon. Charles Thuo, MCA- Chairperson (Majority Leader)
2. The Hon. David Mberia, MCA – D. Chairperson(Minority Leader)
3. The Hon. Millicent Mugadi, MCA –Deputy Majority Leader
4. The Hon. Mark Ndung'u, MCA- Majority Board Member
5. The Hon. John Kamangu, MCA- Deputy Speaker
6. The Hon. Juliet Ndegwa, MCA- Majority Chief Whip
7. The Hon. Peter Imwatok, MCA -Minority Chief Whip
8. The Hon. Millicent Jagero, MCA
9. The Hon. Herman Azangu, MCA
10. The Hon. Mbugua Kabiru, MCA
11. The Hon. Carolyn Mayunzu, MCA
12. The Hon. John Kyalo, MCA

Hon. Speaker,

The County Assembly Committees are extensions of the Assembly established under the County Assembly Standing Orders and in accordance with Section 14 of the County Governments Act, 2012. The Committees are supposed to perform functions that the Assembly is not well fitted to consider in plenary.

Acknowledgement

Hon. Speaker, I wish to acknowledge with gratitude the offices of the Speaker and the Clerk of the County Assembly for the support extended to the Committee to facilitate its training workshop.

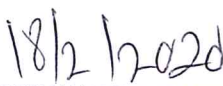
Finally, much thanks to the Members of the Committee and the Secretariat for their dedication, untiring commitment and valuable contributions during the training workshop.

Hon. Speaker, it is therefore my pleasant duty and privilege, on behalf of the Members of the Select Committee on Selection to table the report of the Select Committee on Selection on the training workshop held from 14th to 18th December, 2018 at Royal City Hotel, Kisumu County.

Signed 

Hon. Charles Thuo, MCA

Chairperson

Date 

1.0 INTRODUCTION

For the Committee to have effective oversight role, a training workshop was organized by the County Assembly to build capacity of members for the Members to be trained on an overview of the role of a legislature and committees in governance, to focus on the Mandate and functions of the Select Committee on Selection, to focus on Management of Committee affairs and operations and to focus on review of pending business before the committee.

1.1 Official Opening

The workshop was officially opened by a word of prayer by the Chairperson before welcoming Members to the meeting. The Chair then invited Members, the facilitator and the Secretariat to introduce themselves and subsequently urged Members to actively participate in the proceedings to enable them grasp the basics on the role of a legislature and committees in governance.

In his introductory remarks, the Chair stated the following as the objectives of the retreat;

- to focus on the Mandate and functions of the Select Committee on Selection;
- to focus on Management of Committee affairs and operations;
- to focus on review of pending business before the committee

He then invited Facilitator Mr. Samuel Kalama to take Members through the programme.

2.0 PRESENTATION BY THE FACILITATOR

The Facilitator took the Committee through on the role of a legislature and committees in governance as follows;

2.1 Role of a legislature and committees in governance

The Facilitator took the Committee through the role of a legislature and committees in governance. He referred Members to Article 185 of the Constitution of Kenya which provides:-

(1) The legislative authority of a county is vested in and exercised by its county Assembly;

(2) A county Assembly may make laws that are incidental to the effective performance of the functions and exercise of the powers of county governments under the Fourth Schedule;

(3) Oversight of the County Executive; and

(4) Receipt and approval of plans and policies for management and exploitation of county's resources and development and management of infrastructure and institutions.

2.3 Role of a County Assembly

Members were taken through Section 8 of the County Government Act, 2012 which provides for the role of the County Assembly as follows:-

- To vet and approve nominees for appointment to county public offices as may be provided for in this Act or any other law;
- Perform the roles set out under Article 185 of the Constitution;
- Approve the budget and expenditure of the county government in accordance with Article 207 of the Constitution, and the legislation contemplated in Article 220 (2) of the Constitution, guided by Articles 201 and 203 of the Constitution;
- Approve the borrowing by the county government in accordance with Article 212 of the Constitution;
- Approve county development planning; and
- Perform any other role as may be set out under the Constitution or legislation.

2.4 Role of Members of a County Assembly (MCAs)

The Presenter further took Members through section 9 of the same Act which provides for the role of MCAs as follows:-

A member of a county assembly shall —

- (a) Maintain close contact with the electorate and consult them on issues before or under discussion in the county assembly;

- (b) Present views, opinions and proposals of the electorate to the county assembly;
- (c) Attend sessions of the county assembly and its committees;
- (d) Provide a linkage between the county assembly and the electorate on public service delivery; and
- (e) Extend professional knowledge, experience or specialized knowledge to any issue for discussion in the county assembly.

Further, it provides that a member of the County Assembly shall not be directly or indirectly involved in the —

- (a) executive functions of the county government and its administration; or
- (b) Delivery of services as if the member were an officer or employee of the county government.

3.1 Establishment of selection committee

Selection Committee is established pursuant to Nairobi City County Assembly Standing Order 164 consisting of:-

- (a) The Leader of the Majority party who shall be the chairperson,
- (b) The Leader of the Minority party;
- (c) Not less than eleven and not more than thirteen members, who shall be nominated by the County Assembly parties and approved by the County Assembly; and
- (d) Appointed within ten days on Assembly of a new county Assembly

3.2 Functions of selection committee

The Committee is mandated to do the following:-

- (a) To nominate Members to serve in Committees; and
- (b) Exception- Membership of the County Assembly Business Committee and Committee on Appointments.

3.3 Nomination of members of select committees

The Committee on selection is required to consult county Assembly Parties in the nominating process.

That the of S.O 169 provides for the composition of select committees - odd number/ not less than 7 and not more than 17 members.

- (a) Recommendations of adopted committee reports- members adversely mentioned ineligible for nomination as members of committee;
- (b) Fair representation of political parties in the Assembly;
- (c) Interests of independents;
- (d) Regional balance;
- (e) Gender balance –Ensure that no more than 2/3 of members of committee of a county Assembly, including committee established through a resolution of the county Assembly shall be of the same gender;
- (f) Other special interests groups in the Assembly;
- (g) A vacancy occasioned by resignation or removal of a member from committee to be filled within 14 days of the vacancy;
- (h) Approval of nomination- present a list to the House for approval, seven (7) days upon nomination of members; and
- (i) No objection against proposed membership of a member in a select committee is permitted, if any to be formulated against the proposed membership as a whole.

That in nomination, discussion on compliance with the following aspects:

- (a) Gender balance & regional balance;
- (b) Adverse recommendations;
- (c) Relative strengths/majorities; and
- (d) Other parties & Independent members.

4.1 Nomination of members of select committees

He informed that Committees in the Assembly are smaller units or groups of Members of the County Assembly that allow the Assembly to perform several functions simultaneously as follows:

- (a) Gender balance & regional balance;
- (b) Finding out the facts of a case;
- (c) Adverse recommendations;
- (d) Examining witnesses, sifting evidence, and drawing up reasoned conclusions
- (e) Gathering of evidence from expert groups or individuals;
- (f) 'Take Parliament to the people' and allow direct contact between members of the public; and
- (g) Promote public debate on a subject at issue.

4.2 General roles of committees

- (a) Oversight on the Executive;
- (b) Initiating legislative proposals;
- (c) Scrutiny of legislative proposals and Bills;
- (d) Conducting investigations and reporting to the plenary for action;
- (e) Reviewing and approving the budget and expenditure;
- (f) Review of audited accounts of county government and public agencies;
- (g) Approval of public appointments; and
- (h) Approval of county planning and development plans.

4.3 Management of members of select committees

The operations of the Committees are as follows. The Committees:-

- (a) Work under the direction of the Speaker, the House Business Committee, Liaison Committee;
- (b) Are supervised by the Liaison Committee;
- (c) Have powers, privileges and immunities provided by the Constitution, Statutes, Standing Orders and application of established practice and procedures;

- (d) Are administratively supported by the Clerk through the Department of Committee Services and Committee Clerks; and
- (e) Are resourced by the CASB through provision of staff, committee rooms and financial resources.

4.4 Opportunities & challenges

There are several opportunities and challenges. They are as follows:-

4. 4.1 Opportunities include:

- (a) Resources;
- (b) Committee rooms;
- (c) Competency of members; and
- (d) Expertise of members.

4.4.2 Challenges include:

- (a) Work load for committees; and
- (b) Resources.

5.0 WORK PLAN

He defined a work plan as a detailed account of how the Committee will go about accomplishing specific tasks that relate to achievement of its strategy. Sometimes it is referred to as a “statement of work,” a work plan generally includes an overview of a project or job, a breakdown of how individual project-related tasks will be accomplished, a timeline for completion and cost projections for implementation.

The Facilitator shared with the Committee on the proposed template for a work plan and took them through the process of generating a work plan in line with the strategic objectives. A work plan includes the following; activity, item, break-down of activities, timeframe, performance objective, outcome, performance indicators, resource requirement, action by and status.

6.0 CONCLUSION

The Committee made the following resolutions:

1. Committee to come up with a work plan for the remaining part of the session to guide in considering Committee activities;
2. The Select Committee on Procedure and Rules be formed in order to:
 - Amend the Standing Orders to enable members to be given a chance to be heard by the Committee on Selection in case they are de-whipped from committees;
 - Amend the Standing Orders to create a Sectoral Committee to be known as Committee on Security and Disaster management but in the meantime an ad hoc Committee be constituted by way of a motion to handle issues on disaster;
 - Propose suitable amendments to the Standing Orders by honorable members, if any to address the matter of technical appearance in the Committee Sittings; and
 - Amend the standing orders to cushion the Hon. Members from Arbitrary removal from Committees.
3. The Committee chairpersons to report to the Speaker any four consecutive Sittings in case a Member fails to attend without the approval of the speaker to enable the Committee on Selection make changes to the affected Committees;
4. Decisions by the Committee on Selection to be decided on through consensus or where there is no consensus then the Committee to take a vote upon the Chair putting the question;
5. Members opposed to the committee Reports to register dissenting view/minority report according to the Standing Orders; and
6. Draft quarterly, half year and sessional reports for purposes of determining Committee progress.

MINUTES OF THE 1ST SITTING OF NAIROBI CITY COUNTY ASSEMBLY'S SELECT COMMITTEE ON SELECTION HELD ON TUESDAY, 18TH FEBRUARY, 2020 AT 11.00 A.M. AT BASEMENT, CITY HALL BUILDINGS.

PRESENT:

1. The Hon. Charles Thuo, MCA- Chairperson (Majority Leader)
2. The Hon. David Mberia, MCA – D. Chairperson(Minority Leader)
3. The Hon. Millicent Mugadi, MCA –Deputy Majority Leader
4. The Hon. Mark Ndung'u, MCA- Majority Board Member
5. The Hon. John Kamangu, MCA- Deputy Speaker
6. The Hon. Juliet Ndegwa, MCA- Majority Chief Whip
7. The Hon. Peter Imwatok, MCA -Minority Chief Whip
8. The Hon. Millicent Jagero, MCA
9. The Hon. Herman Azangu, MCA
10. The Hon. Mbugua Kabiru, MCA
11. The Hon. Carolyn Mayunzu, MCA
12. The Hon. John Kyalo, MCA

ABSENT

1. The Hon. Carolyn Mayunzu, MCA
2. The Hon. John Kyalo, MCA

SECRETARIAT – COUNTY ASSEMBLY

1. Ms. Cammelyne Anguche – Clerk Assistant

MIN 1/FEBRUARY/2020 – PRAYERS

The meeting was called to order at 11.35 A.m and begun with a word of prayer from Hon. Samuel Mwangi. The Chairperson then took Members through the agenda which was adopted as proposed by Hon. Juliet Ndegwa and seconded by Hon. Herman Azangu as follows:-

AGENDA

1. Prayers
2. Adoption of the Agenda
3. Adoption of the report of the Capacity Building of Members Retreat held from 12th to 17th December, 2019;
4. Any other business
5. Adjournment

MIN. 2/FEBRUARY/2019 - ADOPTION OF THE REPORT OF THE CAPACITY BUILDING OF MEMBERS RETREAT HELD FROM 12TH TO 17TH DECEMBER, 2019;

The report of the adoption of the report of the Capacity Building of Members Retreat held from 12th to 17th December, 2019 was adopted as proposed by Hon. Millicent Jagero and seconded by Hon. John Kamangu.

MIN. 3/FEBRUARY/2019 - ANY OTHER BUSINESS AND ADJOURNMENT

There being no any other business to consider, the meeting was adjourned at 12.18pm.

CONFIRMED AS TRUE RECORDS OF PROCEEDINGS

CHAIRPERSON.....CT.....

DATE.....18/2/2020.....