

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

SECOND ASSEMBLY-FOURTH SESSION

NBI CA. PLC. 2020 / (028)

18th June, 2020

PAPER LAID

Pursuant to Standing Order 191, I beg to lay the following Paper on the Table of the Assembly, today Thursday, 18th June, 2020.

THE REPORT OF THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON WORKSHOP HELD FROM 7TH to 10TH FEBRUARY 2020 AT IMPERIAL EXPRESS HOTEL KISUMU.

(Chairperson, Sectoral Committee on Justice and Legal Affairs)

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

Approved
18/6/2020
Blumen

Paper laid on
18/6/2020
2.30 pm
[Signature]

NAIROBI CITY COUNTY GOVERNMENT



*Approved
EB
18/6/2020*

NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY – FOURTH SESSION

REPORT OF THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

ON

REFRESHER TRAINING WORKSHOP HELD FROM 7TH TO 10TH FEBRUARY, 2020
AT IMPERIAL EXPRESS HOTEL, KISUMU COUNTY

FEBRUARY, 2020

Clerk's Chambers,
CITY HALL,
NAIROBI.

Edition: February 2020

Table of Contents

PREFACE.....	1
Establishment and Mandate	1
1.0 INTRODUCTION	3
1.1 Official Opening	3
2.0 PRESENTATION BY THE FACILITATOR.....	4
2.1	4
2.2.1 Functions of the Committee	5
2.2.2 Mandate of the Committee	5
2.2.3 Committee's stakeholders	6
2.3.0 Overview of the Management of Committees	6
2.3.1 Role of Chairperson of a Committee	6
2.3.2 Role of the Members of a Committee.....	7
2.3.3 Role of the Committee Secretariat	8
2.3.4 Attributes of an effective Chairperson and Members of a Committee	8
2.5.1 Consideration of Bills in the Committee.....	11
2.5.2 Consideration of Petitions.....	12
2.5.3 Consideration of Statements	12
2.5.4 Conduct of Site Visits	13
2.5.5 Consideration of Committee Reports.....	13
3.0 EMERGING ISSUES AND WAY FORWARD	14

PREFACE

Establishment and Mandate

Hon. Speaker,

The Sectoral Committee on Justice and Legal Affairs is established pursuant to the Standing Order 203, the Committee's mandate amongst others, as outlined under Standing Orders 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 analyze the relative success of the departments as measured by the results obtained as compared with their 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. to 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.

Committee Membership

The Committee Membership comprises of:

1. Hon. Jayendra Malde, MCA
2. Hon. Moses Ogeto Nyangaresi, MCA
3. Hon. Sylvia Museiya, MCA
4. Hon. Julius Njoka, MCA
5. Hon. Daniel Ngengi, MCA
6. Hon. Mwaura Samora, MCA
7. Hon. Peter Wahinya, MCA
8. Hon. Doris Kanario, MCA
9. Hon. Kennedy Obuya , MCA
10. Hon. Elijah Mputhia, MCA
11. Hon. Wanjiru Kariuki, MCA
12. Hon. Elizabeth Nyambura, MCA
13. Hon. David Ayoi, MCA
14. Hon. Francis Otieno Ngesa, MCA
15. Hon. Millicent Okach, MCA
16. Hon. Esther Nyangweso, MCA
17. Hon. Patrick Kanyangi Logedi, MCA
18. Hon. June Ndegwa, MCA

Chairman

Vice - chairman

19. Hon. Cecilia Ayot, MCA
20. Hon. Jairus Omayo, MCA

Hon. Speaker,

A County Assembly Committee is considered an extension of the County 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. Following the reconstitution of County Assembly Committees on 21st and 28th November, 2019, the Sectoral Committee on Justice and Legal Affairs held its refresher training workshop from 7th to 10th February, 2020. The objectives of the meeting included the following;


- Appreciate and understand role and place of Committees in the County Assembly;
- Appreciate the role and mandate of the Sectoral Committee on Justice and Legal Affairs;
- Appreciate and understand the role the Committee Chairperson, and the structure of the Committee;
- Understand the management of an effective Committee;
- Appreciate the practice and procedure in the Committee; and
- Consider the Sector Budget Implementation report and the ADP.

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 in facilitating the workshop.

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

Hon. Speaker, it is therefore my pleasant duty and privilege, on behalf of the Members of the Sectoral Committee on Justice and Legal Affairs to table this report of the Sectoral Committee on Justice and Legal Affairs on the refresher training workshop held from 8th to 9th February, 2020, at Imperial Express Hotel, Kisumu County.

Signed .....
Hon. Jayendra Malde, MCA
Chairperson

Date 18th June 2020

1.0 INTRODUCTION

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. Following the reconstitution of County Assembly Committees on 21st and 28th November, 2019, the Sectoral Committee on Justice and Legal Affairs held its refresher training workshop from 8th to 9th February, 2020 at Imperial Express Hotel, Kisumu County.

The workshop entailed the overview, establishment and role of Committees in achieving the mandate of the County Assembly, legal underpinning of Committees of the Assembly, rationale for Committees in the Assembly, limitation of mandate of Committees, overview of the management and operation of Committees in the Assembly, mandate of the Sectoral Committee on Justice and Legal Affairs, roles/duties of Committee Chairperson, Members and the Secretariat, management of Committee, procedure and practices in Committee. And consideration of the Sector Annual Development Plan 2020/2021.

1.1 Official Opening

The workshop was officially opened by a word of prayer by the presiding Chair (Hon. Jayendra Malde, MCA) before welcoming Members to the meeting. The presiding Chair then invited Members and the Secretariat to introduce themselves and subsequently urged Members to actively participate in the proceedings to enable them take stock of the Committee on the establishment, management and operations of the Committee for last two (2) years and the way forward. In his introductory remarks, the presiding Chair stated the following as the objectives of the retreat;

- a) To appreciate and understand the role and place of Committees in the Assembly;
- b) To appreciate the role and mandate of the Sectoral Committee on Justice and Legal Affairs;
- c) To appreciate and understand the role of the Committee Chairperson and structures of the Committee;
- d) To appreciate practice and procedure in Committees; and
- e) To deliberate on the Sector Annual Development Plan

In his opening remarks, the presiding Chair informed the Committee that the training came at an opportune time when various policies, legislations and regulations were being developed at the County level. The training would therefore equip Members with requisite skills necessary in understanding the role of the Committees in scrutinizing the proposed laws, policies and Regulations. He then invited the facilitator to take Members through the refresher training workshop programme.

2.0 PRESENTATION BY THE FACILITATOR

The facilitator took Members through the refresher training on various topics as follows;

2.1 OVERVIEW OF ROLE OF COMMITTEES IN ACHIEVING THE MANDATE OF AN ASSEMBLY

a) Role of County Assembly

The Presenter informed that the County Assembly performs the following functions;

- the County Assembly exercises legislative authority pursuant to Article 185 (1 & 2) of the Constitution of Kenya, 2010;
- scrutinizes and monitors the actions of the County Executive pursuant to Article 185 (3) of the Constitution of Kenya, 2010;
- vet and approve key County Government appointees;
- ensure the laws and budgets it has approved are being properly implemented;
- subject the County Executive plans, policies and actions to public debate and hearings as provided in Articles 185 (4) and 196 of the Constitution of Kenya, 2010; and
- approve the budget, expenditure and borrowing of the County Government.

b) Legal Underpinning of Committees of the Assembly

The facilitator 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.

The power of the County Assembly to appoint Committees is derived from:-

- The Constitution – Articles 124, 195;
- Enabling Acts – County Governments Act, 2012, Parliamentary Powers & Privileges Act;
- The Standing Orders;
- Resolutions of the Assembly; and
- Practice

What Committees are capable of: -

- Finding out the facts of a case;
- examining witnesses;
- sifting through evidence, and drawing up reasoned conclusions;
- gathering of evidence from expert groups or individuals;
- take Parliament to the people' and allow direct contact between members of the public; and
- promote public debate on a subject at issue.

c) General roles of committees

The Presenter highlighted the following as the general roles of Committees:-

- Oversight the County Executive;
- Initiating legislative proposals;
- Scrutinizing of legislative proposals and Bills;
- Conducting investigations and reporting to the plenary for action;
- Reviewing and approving the budget and expenditure;
- Reviewing audited accounts of County Government and public agencies;
- Approval of public appointments; and
- Approval of county planning and development plans.

d) Rationale for Committees in the Assembly

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.

- 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.

2.2 MANDATE OF THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

The presentation covered the establishment of the Committee, its membership, functions, mandate and stakeholders.

2.2.1 Functions of the Committee

The functions of the Committee include the following;

- inquire and report on all matters relating to the management, activities, administration, operations and estimates of relevant departments;
- examine the programme and policy objectives and the effectiveness of the implementation; and
- review all County legislations referred by the Assembly.

2.2.2 Mandate of the Committee

Pursuant to the County Assembly Standing Orders, the Committee's mandate covers the following areas in relation to the roles/functions of the County Government;

1. Constitutional affairs;
2. Administration of Law and Justice including the elections, ethics, integrity and anti-corruption and human rights; and,
3. City inspectorate and enforcement.

2.2.3 Committee's stakeholders

The following were identified as stakeholders of the Committee;

- Members of Public;
- The Judiciary;
- Office of the County Attorney and Legal Affairs Department;
- Kenya National Human Rights Commission;
- Commission on Administrative Justice;
- Kenya Law Reporting Council;
- The Attorney General's Chambers; and,
- Kenya Law Reform Commission.

2.3 CONDUCT OF COMMITTEE BUSINESS

2.3.0 Overview of the Management of Committees

The presentation covered the role of the Chairperson and Vice-Chairperson of the Committee, attributes of an effective Chairperson and Members of Committee, Managing Members in a meeting and role of the Committee Secretariat.

2.3.1 Role of Chairperson of a Committee

The facilitator enumerated roles of the Committee Chairperson as follows

a) Before the Meeting

- Agenda Setting - Formulates the agenda in consultation with the Secretariat and Members; and
- Develops a discussion plan for the meeting

b) During the meeting

- Presides at meetings of the Committee;
- Perform the functions and exercise the powers assigned to the office of the Chairperson by the Committee, resolutions of the Assembly or legislation; and is the spokesperson of the Committee pursuant to Standing Order 172;
- Introduces agenda items - preliminaries, adoption of the agenda;
- 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; and

- Allow AOB – devote ¼ time for preliminary & AOB and ¾ time for main business, (80-20 Rule).

c) After the meeting

The Chairperson ensures;-

- 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 the report of the Committee, on behalf of the other Committee Members.

2.3.2 Role of the Members of a Committee

a) Before the meeting

- 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; and
- Well informed/aware about various items on the agenda to be discussed.

b) During the meeting

- 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 Chair 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; and
- Take part in voting (if any).

c) After the meeting

- Carry out tasks allocated (if any);

- Evaluate your performance and other members during the meeting; and
- Consult officials or members to clarify on tasks.

2.3.3 Role of the Committee Secretariat

i. Clerk Assistant

- Rendering advice on procedural matters;
- 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;
- Facilitating public participation and the consolidation and harmonization of amendments to Bills;
- Planning and coordination of Committee's programmes and meetings;
- Prepare and circulate Notices of Meetings;
- Prepare Programme of Sittings;
- Handle all Committee Correspondences;
- Taking of Minutes;
- Determine Quorum of Committee meetings;
- Prepare Chairperson's brief;
- Committee Documents/Papers– Maintaining and safe record;
- Preparation of Draft Report;
- Keep track of Committee Budget and Finances and advise the Committee accordingly; and
- Prepare Committee Work plan and Budget/Finances.

ii. Legal Counsel

- Rendering legal advice;
- Drafting Bills and Committee stage amendments to Bills;
- Assisting Committees and Members to scrutinize Bills; and
- Carrying out legal research on legal and procedural matters.

2.3.4 Attributes of an effective Chairperson and Members of a Committee

a) Attributes of an effective Chairperson of a Committee

- Sound planning and advance preparations for meetings;
- Control over deliberation;
- Effective use of the Standing Orders;
- Encourage Members' participation;

- Guide the deliberations in terms of focus and relevancy;
- Keep a firm hand on the proceedings by managing time and being consistent in applying the legislative rules;
- Drawing upon the talents and expertise of other Members;
- Personal persuasions and management skills a critical asset; and
- Any question arising in a select committee shall be decided by vote and a good Chairperson would be advised to avoid taking a decision on a controversial matter without significant number of Members being present.

b) Attributes of effective Members of a Committee

- Committee Members should be committed and devoted and take their Committee business seriously so as to improve the level and quality of Executive accountability to the public;
- Punctuality – the Committee members must observe punctuality because the secretariat has powers to adjourn the meeting in the event there meeting lacks quorum pursuant Standing Orders 177;
- Avoid technical appearance;
- Members of any Committee should respect the office of the Chairperson;
- Members should avoid discussing about the subject of their inquiry in public until their report is laid on the Table of the House so as not to pre-empt the debate; and
- Prior to a meeting, it is important that the Committee meets at least thirty (30) to prepare Members and strategize for the meeting.

The success of any legislature depends on the effectiveness of its committees. Committees are effective where their membership and secretariat function optimally according to the required rules. This should apply to the Committee Leadership, Members and the Secretariat. Every Committee is as strong as its Leadership, Members and the Secretariat.

2.4 Rules and Procedures that govern Committee meetings

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

i) The following are some of the key Rules and Procedures Governing Committee Meetings:

- a) All proceedings should be conducted in Kiswahili, English or in Kenyan Sign Language – Standing Order 82;
- b) A sitting shall be held at such place, date and time as shall be determined by the Chairperson or on a petition made by at least seven members of that Committee – Standing Order 174. A Committee shall not sit during a sitting of the County Assembly without Speaker's written permission pursuant to Standing Order 178 (2);

- c) A meeting of a Committee may not be held outside the precincts of Assembly without the approval of the Speaker – Standing Order 174;
- d) The Minutes of a Committee should be kept in the same form as the Votes and Proceedings of a Committee of the Whole – Standing Order 182;
- e) Members desiring to speak should address a request to the Chairperson – Standing Order 83;
- f) The substance of the proceedings of a Committee should not be made public before the Committee has tabled its report to the Assembly;
- g) A Member who wishes to speak on any matter in which the Member has a personal interest should first declare that interest – Standing Order 95;
- h) A Member should be responsible for the accuracy of his/her contributions;
- i) The quorum of a Committee is a third of its membership – Standing Order 170 (2);
- j) Unless quorum is achieved within thirty minutes of the appointed time, a meeting of a Committee of the Assembly shall stand adjourned – Standing Order 177;
- k) A notice of a meeting of a Committee should be given by the Clerk showing the date time, venue and agenda of the meeting – Standing Order 173;
- l) A member who fails to attend 4 consecutive sittings without the permission of the Chairperson (Speaker), the Committee should be notified and may resolve that the member be replaced – Standing Order 179;
- m) Every Member present should sign the attendance register - the names of Members present at each sitting of a Committee shall be entered in the minutes of that sitting;
- n) A Committee may establish sub-committees as it may consider necessary – Standing Order 175;
- o) 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 – Standing Order 176;
- p) Every Committee should meet at least once in two months unless the Assembly resolves otherwise except for the Assembly Business Committee – Standing Order 178;
- q) 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;
- r) Committee may, with the approval of the Speaker, engage such experts as it may consider necessary in furtherance of its mandate – Standing Order 195;
- s) Committee work should be limited to its mandate as provided for in any law, the Standing Orders or a resolution of the Assembly – Standing Order 189;
- t) Committees shall enjoy and exercise all the powers and privileges bestowed on County Assembly by Articles. 195 and 196 of the Constitution - power to Summon, call for evidence, Similar powers to High Court, Conduct business in open manner, facilitate Public participation; The statute, Section 17 of the County Governments Act, 2012 - Powers, privileges and immunities of a County Assembly provides that

the national law regulating the powers and privileges of Parliament shall, with the necessary modifications, apply to a County Assembly;

- u) A Member of the County Assembly may attend and participate in a meeting of any Committee of which he or she is not a Member, but such Member shall not be entitled to vote on any matter. Such a Member May only speak if invited by the Chairperson to do so – Standing Order 187; and
- v) The deliberations of a Committee shall be within the mandate of the Committee – Standing Order 189. The Committee may not consider any matter that is not contemplated within the mandate of the County Assembly under the Constitution. The County Assemblies have their Mandate limited to the devolved functions.

ii) What to expect in a Committee

- a) Communication with the Executive;
- b) Cooperation with other committees within the legislature;
- c) Institutional memory;
- d) Strengthening the link with other oversight bodies; and
- e) Neutrality in the performance of its functions.

iii) Etiquette For Members

Meeting Etiquette refers to codes of behavior an individual ought to follow while attending meetings and discussions. This earns respect and appreciation. The following were some of the shared etiquettes;

- Members not attend to phone calls during meetings unless it is an emergency;
- Members to observe punctuality in meetings- never be late for meetings.
- Be a good listener;
- Members should not convert the meeting room into a battle ground. Speak politely and do respect your colleagues; and
- Members to attending meeting in official attire - never attend meetings in casuals.

2.5 Consideration of Bills, Petitions, Statements, Reports and Site Visits

The presentation covered procedures and practices in executing Committee mandates in line with consideration of Bills, Petitions, Statements, Reports and Site visits.

2.5.1 Consideration of Bills in the Committee

I. Consideration of Bill (During Pre-publication period)

Pursuant to Standing Order 121 the Committee undertakes the following:-

- The committee scrutinizes a bill within 21 days upon referral by the Speaker;

- The committee examines the proposal and seeks the views of the sponsor and the relevant CEC on the likely impact, effect, outcome and consequence of the legislative proposal;
- The committee may in consultation with the sponsor of the legislative proposal, suggest variations with a view to improving the legislative proposal, but the sponsor is not bound to incorporate such variations; and
- After expiry of the 21 days, the Speaker may direct the publication of the bill, with or without the pre-publication scrutiny report of the committee.

II. Consideration of Bill(First Reading)

Pursuant to Standing Order 131

Once a Bill is read a first time, it is committed to the relevant Sectoral Committee which, among others, is expected to conduct public hearings and then prepare a report to the Assembly within 20 calendar days.

The report is then tabled in the Assembly which guides the Assembly in its deliberations on the Bill. It contains proposed amendments by the Committee.

2.5.2 Consideration of Petitions

In consideration of Petition the Committee undertakes the following procedures Pursuant to Standing Order 215: -

- The Assembly refers Petitions to the relevant Sectoral Committee;
- In not more than 45 calendar days from the time of reading the prayer, respond to the petitioner(s) by way of a report;
- The Petition Report is laid on the Table of the Assembly and not debated upon although the Speaker may, in exceptional circumstances, allow comments or observations but this is limited to not more than 20 Minutes; and
- The Clerk shall, within 15 days of the decision of the Assembly, in writing, notify the petitioner(s) of the decision of the County Assembly on the petition.

The Role of the Committee in Considering Petitions:

- The Committee Clerk through Consultations with the Chairperson creates timelines/Schedule for the Committee to adopt in working on the Petition;
- The Committee invites the stakeholders likely to be interested in the Petition;
- Conduct hearings with the Petitioner and Witnesses;
- Committee can proceed to writing the Report;
- The report must be adopted by the Committee members in a sitting; and
- Thorough proof reading is required and the must sign the report.

2.5.3 Consideration of Statements

Participants were taken through procedures undertaken when Statement requested is committed to relevant Assembly Committees for response pursuant to Standing Order 45 (2); procedures are:-

- A Member requests for statement on particular matters of interest;
- The relevant officer of the County Executive under whose purview the matters raised in the Statement fall, should be invited to a meeting of the Committee to deliberate on the Statement;
- The Member who requested for the Statement shall be invited when the Committee is deliberating on the matter;
- The Chairperson of the Committee shall report to the Assembly the Committee's consideration of a Statement request on the progress; and
- A response to a Statement as tabled by a Chairperson of a Committee may not be debated, unless the Speaker directs so for the convenience of the Assembly.

2.5.4 Conduct of Site Visits

The Committee should be able to conduct site visits to ascertain issues raised during its meetings or statements requested by Hon. MCAs in the Chamber.

The information gathered from the site visits informs the Committees report on the matter under inquiry. Examples of Visits can be to Inspectorate Training School, City Court among others.

The Role of the Secretariat before and after the visit:

- Coordinate and obtain authority from the Speaker to have a meeting away from the Assembly on advice by the Clerk;
- Do all the logistical arrangements which include availing transport for Members and informing the local administration of the visit to ensure Security for Members;
- Coordinate with the County Executive to have technical officers to accompany the Committee.
- Preparing of site visit report noting the observations and recommendations of the Committee.

2.5.5 Consideration of Committee Reports

The Committee's work is communicated through reports it tabled before the Assembly *including bi-annual reports*.

The half year progress report usually addresses the following issues: -

- Bills Committed to the Committee;
- Statement requests;
- Petitions;
- Inquiries/ investigations; and
- Studies from field visits.
- The Committee findings and recommendations to the Assembly are critical when the Assembly adopts the Committee report;
- When Assembly adopts the report, the recommendation gets the force of a formal Assembly's resolution; and

- Therefore, the Assembly will have monitored County Executive compliance with these recommendations through the Select Committee on Implementation.

The Committee was taken through important Planning and Budgetary documents. The key budget/planning documents include;

- Sectoral plans (Section 109 of the County Governments Act, 2012)
- County Integrated Development plan (Section 108 of the County Governments Act, 2012)
- Annual Development plan (Section 126 of the Public Finance Management Act, 2012)
- County Fiscal Strategy Paper (Section 117 of the Public Finance Management Act, 2012) and the Budget Estimates.

3.0 EMERGING ISSUES AND WAY FORWARD

After the workshop Members of the Sectoral Committee on Justice and Legal Affairs made a number of deliberations including the Sector Annual Development Plan for the financial year 2020/2021 and therefore made the following proposals;

a) Emerging issues

- o The Committee to Develop a Work plan to guide in the implementation of its mandate;
- o The Committee organizes a meeting with the County Attorney, County Executive Committee Members, Chief Officer and Directors of all Sectors that fall under the Committee's mandate.

b) Challenges

- o Quorum – Members were urged to attend Committee meetings in time to enable Committee dispense with the day's agenda in a timely manner;
- o Cooperation of the Members – Members were reminded that cooperation among them is key to the delivery of the Committee mandate;
- o Conflict of interest – Members were encouraged to disclose any conflict of interest as and when it arises touching on a matter under consideration by the Committee to allow effective implementation of the Committee's mandate; and
- o Failure to honour invitation and summon by the County Executive and other witnesses.

c) Way forward

- ✓ Committee to regularly engage stakeholders to ensure seamless implementation of its mandate;
- ✓ The Constitution of sub-committees be fast tracked pursuant to standing order 175 to enable the Committee process various businesses within its mandate expeditiously;
- ✓ The Committee to ensure that the line sectors submit progress reports for oversight and assessing of implementation of various projects and programmes;
- ✓ The Committee to consider all issues under its mandate that necessitate site visits and expedite on urgent ones; and,
- ✓ The Committee expedites consideration of all urgent business pending before it.

