

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

SECOND ASSEMBLY-FOURTH SESSION

NBI CA. PLC. 2020 / (024)

16th June, 2020

PAPER LAID

Pursuant to Standing Order 191, I beg to lay the following Paper on the Table of the Assembly, today Tuesday, 16th June, 2020.

THE REPORT OF THE SECTORAL COMMITTEE ON CULTURE AND COMMUNITY SERVICES ON WORKSHOP HELD FROM 20TH TO 24TH FEBRUARY 2020 AT TRAVELLERS HOTEL MOMBASA

(Chairperson, Sectoral Committee on Culture and Community Services)

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

*Paper laid on
16th June 2020 by
the Committee chairperson
Ad
16/06/2020*

*Approved
Blair
16/6/2020*

REPUBLIC OF KENYA

COUNTY GOVERNMENT OF NAIROBI CITY



Approved
Blumi
14/6/2020

NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY – FOURTH SESSION

**REPORT OF THE SECTORAL COMMITTEE ON CULTURE AND COMMUNITY
SERVICES COMMITTEE 20TH – 24TH FEBRUARY, 2020**

(A workshop held in Travellers Beach Hotel, Mombasa from 20th to 25th February 2020)

Paper laid on
16th Feb 2020
by the Champion.
16/06/2020

**CLERK'S CHAMBERS
NAIROBI CITY COUNTY ASSEMBLY
CITY HALL BUILDINGS
NAIROBI**

FEB, 2020

Report of the Sectoral Committee on Culture and Community Services on a workshop held from 20th - 24th February 2020 In Travellers Beach Hotel, Mombasa County. pg. 1

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INTRODUCTION

Committee Mandate

The Sectoral Committee on Culture and Community Services is established under the provisions of Standing Order 191 and is mandated amongst others, “*to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned department.*”

The committee is also mandated to deal with matters related to cultural activities and facilities, county parks, libraries, and recreation facilities, public entertainment and public amenities.”

Committee Membership

The Committee comprises the following Members: -

1. The Hon Mwangi Njihia, MCA - Chairperson
2. The Hon Paul Kados, MCA
3. The Hon Millicent Jagero, MCA
4. The Hon Patrick Karani, MCA
5. The Hon Leah Supuko, MCA
6. The Hon Nancy Muthami, MCA
7. The Hon Joseph Wambugu, MCA
8. The Hon Benson Mwangi, MCA
9. The Hon Anthony Nganga, MCA
10. The Hon Anthony Karanja, MCA
11. The Hon. Jacinta Wanjiru, MCA
12. The Hon. Clarence Munga, MCA
13. The Hon. David Mberia, MCA
14. The Hon. Jared Okoth Okode, MCA
15. The Hon. David Okelo, MCA
16. The Hon. Emapet Kemunto, MCA
17. The Hon. Jackline Apondi, MCA
18. The Hon. Mellab Atemah, MCA
19. The Hon. Omar Nimo Hajji, MCA
20. The Hon. Wilfred Odalo, MCA

Committee Secretariat

The Committee is serviced by: -

Ms. Judith Aron – Clerk Assistant

Acknowledgement

The Committee wishes to thank the offices of the Speaker and the Clerk of the Assembly for the support extended to it.

Madam Speaker,

It is my pleasant duty, to present the report of the Sectoral Committee on Culture and Community Services on the Committee retreat held from 20th – 24th February 2020 in Travellers Beach Hotel, Mombasa County

Signed 

Hon. Mwangi Njihia – (Committee Chairperson)

Date 

Term of the Committee

The Sectoral Committee on Culture and Community Services is constituted pursuant to the provisions of Standing Order No.191. Members of the Committee are nominated by the Committee on Selection in consultation with County Assembly parties at the commencement of every Assembly, and approved by the Assembly to serve for the term of that Assembly (Five Years).

PROCEEDINGS OF THE WORKSHOP SESSIONS

During the first day (21st February 2020) of the conference, the Hon. chair opened the meeting thereafter, called the meeting at 10:00a.m and said the opening prayers. He therefore applauded and welcomed the Members present to the meeting. He took the members through the workshop programme which was adopted as proposed by the Hon. Emapet Kemunto, MCA and seconded by Hon. Jackline Apondi, MCA. The chairperson then welcomed the facilitator who took members through Committee management.

The Prersenter sighted that Committees in the Assembly being smaller units or groups of Members of the County Assembly that allow the Assembly to perform several functions simultaneously and hence the fulcrum of Assembly legislative and scrutiny functions.

Legal Underpinnings on powers and mandates of a Committee

He stressed on the Legal Underpinnings as being anchored in the following statutes;

- **The Constitution – article 195** – A county Assembly or any of its committees has power to sermon any person to appear before it for the purpose of giving evidence or providing information. An Assembly has the same powers as the high Court to;
 - i) Enforce the attendance of witnesses and examining them on oath, affirmation or otherwise
 - ii) Compel the production of documents; and
 - iii) Issue a commission or request to examine witnesses abroad.

- **Enabling legislation**

Pursuant to the provisions of the Standing Order 202 (3), the Committee shall in respect of any statutory instrument whether it-

- i) Is in accord with the provisions of the constitution, the Act Pursuant to which it is made or other relevant written law;
- ii) Infringes on fundamental rights and freedom of the public;
- iii) Contains a matter which in the opinion of the Committee should more properly be dealt with in Act of the County Assembly;
- iv) Contains imposition of taxation;
- v) Directly or indirectly bars the jurisdiction of the Courts;
- vi) Gives retrospective effect to any of the provisions in respect of which the constitution or the Act does not expressly give any such power;
- vii) Involves expenditure from the County Revenue Fund or other Public Revenues;
- viii) Is defective in its drafting or for any reason the form or purport of the statutory instrument;
- ix) Appears to make some unusual or unexpected use of the powers conferred by the constitution or the Act pursuant to which it is made;
- x) Appears to have had unjustifiable delay in its publication or laying before County Assembly;
- xi) Make rights, liberties or obligations unduly dependent upon non-reviewable decisions;
- xii) Make rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
- xiii) Inappropriately delegates legislative powers;
- xiv) Imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
- xv) Appears for any reason to infringe on the rule of law;
- xvi) Inadequately subjects the exercise of legislative power to County Assembly Scrutiny; and
- xvii) Accords to any other reason that the Committee considers fit to examine.

- **The Standing Orders 203 (6);**

- The functions of a Sectoral Committee shall be to;
 - i) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the signed departments;
 - ii) Study the program and policy objectives of departments and the effectiveness of the implementation;
 - iii) Study and review all County legislation referred to it;
 - iv) Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;

- v) 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;
- vi) To vet and report on all appointments where the Constitution or any law requires the County Assembly to improve, except those under Standing Order 196 (*Committee on Appointments*)
- vii) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.; and

- **Resolutions of the House**

- Where a **County Assembly** passes a **resolution** that a **county** public officer for example, has contravened a subsection in the constitution or any applicable law, the **resolution** of the **County Assembly** shall constitute a ground for removal from office of the **County** public officer in accordance with the above statutory instruments.

The Committee to derive its business from;

- Tracking Assembly resolutions and undertakings;
- Developing database of all resolutions and undertakings;
- Inviting CEC to give status of implementation;
- Reviewing reports on status of implementation as submitted by the CEC;
- Undertaking inspection visit of implemented projects; and
- Reporting to the House on the implementation status of Resolutions/undertakings.

It was also noted that, to become an effective Chairperson, an individual must establish goodwill, respect, and trust in regards to Committee leadership and on the same note, roles of committee chairperson were too stated as being a spokesperson, presiding over meetings, ruling on procedural and relevance issues, dealing with disorder in committee, Maintaining order in the Committee, Signing Minutes and reports, Moderating the hearing of evidence, Maintaining open communication channels with all committee members and Exercising powers assigned by resolutions of the Assembly or legislation;

The facilitator sited other vital qualities of a good chairperson including; Competencies, Flexibilities and adaptability, Firmness and decisiveness, Honesty and dependability, Openness, Fairness, Tolerance, Patience, Humility, Stamina- high energy level; and Consensus building.

He too sited the roles of Committee secretariat amongst others as being the Procedural and technical advisor to the Committee, prepares notices and program of meetings, prepares minutes and draft reports, provides information and support to committee, manages communication and linkage with stakeholders, Planning, coordination and

budgeting of committee, Administration of oath to witnesses and ensuring execution of committee resolutions.

In management of Committees, the presenter cited on the procedure Committee

- **Chairing** - chairperson/vice, member; SO 180 – the chairperson should take charge of the Committee but in the absence of the chairperson, a vice Chairperson at any meeting a member designated shall take the chair and in the absence of such, designated member, the members present shall elect one of them to take the chair.
- **Sittings** - once in every two months, 4 sittings/week; SO 174 – A sitting of a Committee 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 but no meeting of a Committee may be held outside the precincts of the County Assembly without the approval of the speaker.
- **Quorum** - prescribed in Standing Orders; SO 35 – A quorum of the County Assembly or of a Committee of the Whole County Assembly shall be a third of its members, if there is not a quorum present, when the chair is taken, at the time appointed for a meeting, of the County Assembly, immediately after the saying of the prayer, the speaker shall order the bell to be rung for ten minutes and if no quorum is present at the expiration of the ten minutes, the speaker may direct that the bell be rung for further five minutes and if there is still no quorum present, the speaker shall adjourn the County Assembly forthwith to the next sitting.
- **Lack of quorum** - 30 minutes' rule; SO 177 – Unless quorum is achieved within thirty minutes of the appointed time, a meeting of a committee of the County Assembly shall stand adjourned to such a time on another day as the chairperson of the Committee may appoint.
- **List of attendance** - Present, Apologies, Absent, in attendance; SO 181 – the names of members present at each sitting of the Select Committee shall be entered in the minutes of that sitting.
- **Minutes** - to be confirmed in every meeting, to accompany report, depersonalized. SO 182/ SO 232- The minutes of the proceedings of a Select Committee shall be laid on the table of the County Assembly with the report of the Committee and may, subject to Standing Orders 232 – the custody of all the journals and records, whether audio, electronic or any other form, including all papers and accounts howsoever presented to or any belonging to the County Assembly, shall be vested in the Clerk, who shall unless otherwise prohibited by any law, allow their access by the public.

It was also noted that in regards to the oversight role, a Committee has Powers and privileges as anchored in the Standing Order 83. It includes;

- Power to Summon powers to appear;
- Power to enforce attendance of witnesses;
- Power to examine witnesses on oath;
- Power to compel production of documents;
- Power to issue commission or request to examine witnesses abroad;
- Freedom of speech and debate; and
- Protection from civil or criminal proceedings (committee, reports).

The presentation delved into tools used while executing Committee Business which are as follows;

a) Statements

- A statement is a brief request or pronouncement presented to the Assembly by a Member of the County Assembly or Chairperson of Sectoral Committee(s) to convey or seek information on a particular matter.

- **Types of statements**

- i) General Statements – raised by a member pursuant to Standing Order 40 on an issue(s) of topical concern within the County. A Member who so wishes to raise a general Statement must hand the Speaker a written notification to the Speaker before 1.00 PM if the Statement is to be made on that day. A Member has a maximum of three minutes to present a Statement of this nature.
- ii) County Assembly Business Committee Statement – is an informative Statement presented by a designated member of the County Assembly Business Committee, bringing to the attention of the Assembly the business prioritized for consideration by the Assembly for the subsequent week.
- iii) Statement by the Leader of the Majority/Minority Party –presented by the Majority Leader or the Minority Leader, as the case may be, relating to their responsibilities in the Assembly, or the activities of a Committee.
- iv) Committee Statements – these are inquisitive Statements sought pursuant to Standing Order 41(2) by a Member of the County Assembly from the County Executives through a Committee Chairperson relating to the matters of concern within the mandate of a Committee. All Members' requests for Statements from Committee Chairpersons must be in writing and must be approved by the Clerk and Speaker. Whenever a Member requests a statement, the relevant Committee invites the relevant County Executive Officer to deliberate on the

statement and the Member who requested the statement is invited to the meeting whenever the officer appear to respond.

- **Procedure for processing of statements**

The responsible officers of the Department are responsible for drafting statements and guiding Members on procedure of processing statements.

Responsibilities of the Officers of the Department in regards to processing of statements are;

- i) Receives the proposed statement from the Member typed or hand written and signed;
- ii) Reviews the proposed statement request to ensure that it conforms with the Constitution, Standing Orders, and other applicable laws and advises the Member accordingly. (The Officer may refer the Member to the Principal Clerk Assistant/the Clerk for further advice if the Member is not convinced);
- iii) Forwards the improved draft to the Clerk for further consideration and advise;
- iv) Informs the Member to sign the statement request and forwards to the Speaker for approval Informs the Member when to request for the statement on the plenary Forwards the statement through a memo to the Principal Clerk Assistant (C) for her to submit it to the relevant Committee for consideration;
- v) Updates the statement tracker;
- vi) Files the statement request

Responsibilities of the Officers of the department in regards to Response to statements;

- i) Annexes a notice on the Order Paper when the response is due
- ii) Receives the responses from the relevant Committee Clerk and facilitates the tabling of the response updates the statement tracker
- iii) Informs the Member who requested the statement when the response is due;
- iv) Files the response to statement
- v) The Principal Clerk Assistant(Supervisors Responsibility):- – Reviews the draft Motions and advises Members where necessary,

Reviews the letters forwarding approved motions to the relevant authorities.

- There are guidelines in regards to statements i.e.
 - Members General Statements - Business of Assembly interrupted to facilitate members to make general statements of topical concern (**Tuesday at 6.00 pm**);
 - Written notification of the matter to the Speaker before 3pm on the material day;
 - Max. three minutes, unless permitted by Speaker;
 - **Statement Hour** - Hour meant to enable Members make requests for Statements;
 - Statement informing the Assembly of the business coming before it in the following week is issued – max. 10 minutes; and
 - Leadership may make statement relating to their responsibilities in the Assembly or the activities of a Committee.
 - Member may request for a statement from the Committee chairperson relating to matters under the mandate of the Committee;
- It was also noted that it is important that officers drafting statements adhere to the criteria for Statements in Committees as stated below;
 - Falls within the subject under the mandate;
 - Is of a County scope and not specific to a County Ward;
 - Is not a pretext of a question or seeks an expression of an opinion;
 - Does not repeat in substance any matter already addressed by the Assembly;
 - Does not refer or seek information on a matter before a Sectoral Committee;
 - Does not refer or seek information which is readily available in ordinary works or official publication; and
 - Is made to a Committee by a Member who is not a Member of that particular Committee.
- The Committee resolves to seek the attendance of the concerned Department official or CEC, the Committee should inform the Member (s) who sought the statement and afford them an opportunity to interrogate the matter.

b) Bills

- A Bill refers to a legislative proposal (a proposed law) at post-publication stage. It may either intent to enact a new law (to anchor a policy into a law), amend or repeal existing law(s).
- A Bill is first introduced in the County Assembly by a Member or a Committee submitting a legislative proposal together with a memorandum setting out its objectives to the Speaker.

- The Speaker then refers the legislative proposal and the memorandum to the Clerk to draft it into proper form.
- Upon receipt of comments from the Clerk, and the Speaker is of the opinion that the draft Bill is a money Bill, it is referred to the Finance, Budget and Appropriations Committee.
- The Committee seeks the views of the CEC Member for Finance docket and then makes recommendations.
- The legislative proposal is then referred to the relevant Committee for pre-publication scrutiny and comments.
- The Committee then submits its comments to the Speaker within 14 days. – After receiving the recommendations from the relevant Committee, the speaker directs that the bill either proceeds for publication or it's inadmissible.
- Before any Bill can be introduced in the County Assembly it is a requirement that it be published in the County and the Kenya Gazette.
- The publication period of any Bill is fourteen (14) days save for a County Revenue Fund Bill, and Appropriation Bill or a Supplementary Appropriation Bill which is seven (7) days
- In general terms, bills pass through seven main stages before they become law. These are: (i) First reading/Committal to relevant Sectoral Committees and Stakeholder Participation Every Bill is read a First Time without question put on the order of the day for First Reading the Clerk reads the whole title and no debate ensues thereafter.
- A Bill having been read a First time is deemed to be committed to the relevant Sectoral Committee, unless a specific Committee has been established for that purpose, without question put. The Committee has to table a report in the 11 Assembly within 20 calendar days on its consideration of the bill. (ii) Second Reading On the order of the day of Second Reading, a motion is made that, "That the Bill be now read a second time. The mover (the sponsor of the bill who could be a member or the Chairperson of the Committee) explains the principles of the Bill and key policy issues involved followed by debate on the general principles of the Bill. At this stage the relevant Committee defends its position on

the bill. The Committee report is used to guide debate in the Assembly. (iii) Committee Stage After the Second Reading, the bill stands committed to the committee of the whole Assembly (in other words, it progresses to the committee stage). At this stage the Assembly is referred to as the Committee of the Whole House. All Members are involved in the consideration of a bill. A bill is at this stage examined clause by clause.

- The rules of debate are relaxed as signified by the lowering of the mace by the Serjeant at-arms. The Chairperson of Committees of the Whole Assembly presides
- (iv) Third Reading.
- The third reading stage of a bill is confined to the formal moving of the motion "that this bill be now read for the third time" and the putting of the question thereon. (v) Assent After the passage of a bill by the County Assembly, the Speaker within fourteen days forwards it to the Governor who is required within fourteen days to either assent to it or refer it back to the County Assembly with a memorandum outlining reasons for the referral. (vi) Gazettement (Coming into force of law) A legislation passed by the County Assembly and assented to by the Governor is published in the County Gazette and Kenya Gazette within seven days after assent.
- The Legislation comes into force on the fourteenth day after its publication in the county Gazette and Kenya Gazette, whichever comes earlier, unless the legislation stipulates a different date on or time at which it shall come into force.

PROCEDURE

- The responsible officers of the Department are responsible for facilitating and guiding Members on procedure during the legislative process.
- Responsibilities of the Officers of the Department are;
 - i) During Introduction of Bills in the Assembly (Standing Order 111) Conducts research for a Member on an area the Member intends to legislate on. Guides the Member on the procedure of introducing bills pursuant to the Standing Orders Refers the Member to the Legal Department for the development of the Legislative 12 Proposal;
 - ii) During Pre-publication scrutiny [Standing Order 111(3)] At this stage the department has no role;
 - iii) Publication Takes note of the maturity of the Bill after publication for First Reading. Drafts a procedural motion to reduce the publication period of a bill if required. Opens a file for the Bill and update the Bill tracker.

- iv) During First Reading Ensures that once the Bill matures for First Reading is placed on the Order Paper Uploads the Bill on Assembly Website 30 minutes after the Chamber sitting. Puts a copy of the Bill in the member's binder at the Chamber Forwards a copy of the Bill to the relevant Committee through the Principal Clerk Assistant(C). Sends the soft copy of the Bill to Member's emails while avails sufficient hard copies at the T&J office for Members and the general public. Puts copies of the Bill in the Chamber Folders Stamps the Bill to indicate that it has undergone First Reading and the Bill tracker is updated Updates both the Bill tracker and the weekly schedule;
- v) When the Bill is Committed to the Committee (Standing Order 121) Tracks the 20 Calendar Days for maturity of Second Reading of the Bill Liaises with the Committee services department to ensure that the report of the relevant Committee is tabled;
- vi) During Second Reading (Standing Order 122) Advises the Assembly Business Committee on expiry of the 20 Calendar days so that the Bill can be slotted for Second Reading. Places a notice on the Order Paper that the Bill is due for Second Reading and reminds the relevant Clerk Assistant Facilitates the tabling of the Committee report as a paper to be laid Places the Bill on the Order Paper once the Assembly Business Committee schedules the Bill for Second Reading Informs the Sponsor of the Bill and/or the relevant Committee Chairperson that the Bill is on the Order Paper for Second Reading and he/she should prepare to move the Bill (also reminds the relevant Clerk Assistant to prepare the Chairperson) Circulates the relevant Committee report to Members through email, website and hard 13 copies prior to the order for Second Reading of the Bill Updates both the Bill tracker and the Weekly Schedule Stamps the Bill to indicate that it has undergone Second Reading;
- vii) During Committee of the Whole Assembly Stage(Standing Order 123) Places the Bill on the Order Paper once the Bill has been scheduled for the Committee of the Whole Assembly Receives the approved proposed amendments (if any) and attaches to the Order Paper as a notice. Liaises with the relevant Clerk Assistant to provide the soft copy of the proposed amendments Prepares amendment schedules showing how the amendments would be moved (the role of the mover, sponsor of the Bill, Chairperson of Committees and the Clerk) (template provided in appendix) Prepares reporting forms showing how the Bill shall be reported to the Plenary after consideration of the Bill in the Committee of the Whole (template provided in appendix) Briefs the Lead Clerk on the Bill to be considered and the process Advises the Mover, the relevant Committee Chairperson, the

- Speaker/Chair of the day and the Chairperson of the Committee of the whole of the day on the procedure to be followed and avails to them all the required forms Avails the report of the relevant Committee and copies of the Bill to Members;
- viii) Third Reading Stamps the Bill to indicate that it has undergone Third Reading and Updates the Bill tracker Prepares the vellum by inserting the Committee stage amendments into the Bill within 24 hours after Third Reading. Submits the draft vellum to the legal department for scrutiny and final verification Forward the vellum to the Clerk for approval, certification and forwarding to the Speaker Drafts the letter to be signed by the Speaker forwarding the vellum to the Governor for Assents ensure that the votes and proceedings, the order paper and the Hansard report for the day are attached to the vellum Personally delivers the signed vellum (five copies) to the office of the Governor and file a copy of the received letter.
 - ix) Assent and Publication Drafts the Communication to inform the Members on the assent by the Governor Drafts a message and communication in case the Governor refuses to assent the bill Facilitates the consideration of the Governors Memorandum in the Committee of the Whole 14 Assembly and forwarding the Assembly resolution to the Governor Follows up and ensures the Act is assented within the prescribed period and if not, informs the Clerk for action to be taken under Section 24(6) of County Governments Act, 2012. Follows up and ensures the Act is published as required. Compiles and opens a file the final for the Act comprising of the published Bill. The committee report, all the Committee stage amendments, the votes and proceedings, the Hansard and the published Act as a journal of the Assembly
 - x) Consideration of Governor's Memorandum on refusal to assent to a Bill(s) Whenever the Governor declines to assent to a bill(s) and refers it back to the Assembly, the following steps are followed: – Step 1: Conveyance of the Message – Step 2: Referral to the Committee – Step 3: Consideration in the Committee of the Whole Assembly – Step 4: Approval of the Report of the Committee of the Whole Assembly; and
 - xi) Consideration of Statutory Instruments(Committee on Delegated Legislation) Ensures the instruments are tabled immediately they are forwarded to the Department by the Clerk The instruments are then forwarded to the Committee on Delegated Legislation within 30 minutes after the sitting of the Assembly Facilitates the tabling of the Committee report on consideration of the instrument prepares a notice of motion and ensures its issued updates the weekly schedule and uploads the Committee report on the Assembly website Places the Motion for the adoption of the

report on the Order Paper once scheduled for debate Informs the relevant Clerk Assistant to prepare the Chairperson to move the motion Reminds the Chairperson to move the report prior to the day of debate and before the sitting Forwards the adopted report to the County Executive/relevant entity Supervisors Responsibility The Principal Clerk Assistant(L&P):- — Minutes to the relevant officer all documents received — Reviews all the drafts, memos, schedules, letters and documents prepared by the Clerk Assistants. — Ensures observation of timelines and adherence to procedure, Standing Orders and relevant laws.

In summery;

- Assembly may resolve to reduce publication period through a procedural motion i.e **First Reading** – After publication, the Bill goes through the **First Reading** and is then committed to the relevant Committee.
- **Consideration by committee** - Committee interrogates the Bill and considers all stakeholders input (*public participation* - Article 196 - *A County Assembly shall conduct its business in an open manner and hold its sittings and those of its Committees, in public and facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees.*).
- **Reporting** should be done within 20 calendar days. Committee pronounces itself on bill, during the **Second Reading** – Mover explains the principles of the Bill and key policy issues, debate, **Voting** takes place and if agreed to, the Bill is taken to the Committee of the Whole.
- **At Committee Stage** this is the amendment stage. Clause by clause consideration, and finally **Reporting** on the deliberations of the Committee of the Whole House
- During the **third Reading** there is limited debate/No amendment allowed.
- **Assent** - The Speaker within fourteen days, forward a Bill passed by the House to the Governor who has 14 days to assent or refer back the bill.

Summery on Consideration of Bills

On consideration of bills the secretariat mentioned the following;

- Only means of Communication for a Committee to the House.
- Contain evidence taken, Committees observations and recommendations.
- To hold the Executive accountable through the implementation of the recommendations
- Confined to the Committee's mandate.

- Contents should comply with provisions in the Constitution, existing laws and the Standing Orders.
- Report to be adopted by a majority of the members;
- Adoption to be conducted in presence of majority;
- A minority or dissenting report may be appended to the report by any member(s) of the Committee

c) Petitions

- A petition refers to a written prayer to the County Assembly by a member of the public or private entity requesting the County Assembly to consider any matter within its authority, including enacting, amending or repealing any legislation.
Submission
- A petition to the County Assembly can be submitted to the Clerk by the petitioner and reported to the County Assembly by the Speaker or presented by a Member on behalf of a petitioner, with the consent of the Speaker.
- A Member is not eligible to present a petition on his/her own behalf.
- **Form of Petition (Standing Order 198)** — A petition ought to be in the following format:-
 - i) be handwritten, printed or typed;
 - ii) be in English or Kiswahili and be written in respectful, decorous and temperate language; –
 - iii) be free of alterations and interlineations in its text;
 - iv) be addressed to the County Assembly;
 - v) have its subject-matter indicated on every sheet if it consists of more than one sheet;
 - vi) indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory;
 - vii) indicate whether the issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body.;
 - viii) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;
 - ix) contain the names, addresses, identification numbers, signature or a thumb impression of 20 the petitioner or of every petitioner, where there is more than one petitioner;

- x) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it;
 - xi) not have any letters, affidavits or other documents annexed to it;
 - xii) in the case of a petition presented by a Member on behalf of a petitioner, be countersigned by the Member presenting it; and
 - xiii) be signed by the petitioner.
- Once a petition has been requested on the floor of the Assembly, it stands committed to the relevant Committee and the Committee is required to table its report within 90 days.
 - The report of the Committee is not subject for debate but it is forwarded to the relevant CEC Member/authority for action and the petitioners.

PROCEDURE

- The responsible officers of the Department are responsible for drafting petitions and guiding Members of the and the General public on procedure of processing petitions.
- Officers of the Department are (What happens at the Table Office);
 - (i) Presentation of the Petition;
 - (ii) Receives the Petition and reviews it to ensure that it conforms with the Standing Orders, the Constitution and other applicable laws; and
 - (iii) advises the petitioner(s) accordingly.(The Officer may refer the petitioner(s) to the Principal Clerk Assistant/the Clerk for further advice if the Member is not convinced) Drafts the Petition in proper format and forwards it to the Principal Clerk Assistant for reviewing Forwards the improved draft to the Clerk for further consideration and advise Forwards the final draft to the Speaker for approval Facilitates the tabling of the petition Forwards the Petition to the relevant Committee through a Memo addressed to the Principal Clerk(C) Tracks the statutory timelines on the maturity of the Petition and updates the petition tracker Files the Petition and updates the petition tracker (ii) Presentation of the Committee report Reminds the relevant Clerk Assistant of the timeline at least one week before the expiry of the timelines Receives the report from the relevant Committee Facilitates the tabling of the report of the Committee on the petition as paper to be laid Drafts letters forwarding the report on the petition to the County Executive and the petitioners, Updates the petition tracker Files the report on the petition Supervisors

Responsibility The Principal Clerk Assistant:- – Reviews the draft Petitions and advises Members where necessary – Reviews and forwards Memos on the petition – Reviews the letters forwarding report on the petition to the County Executive and the petitioners

Summary on Consideration of petition

He defined Petition as a written prayer/request to the Assembly by a member or members of the public seeking it to consider any matter **within its authority**, including to enact, amend or repeal any legislation.

He further stated the Legal framework as anchored in the Article 37 and 119 of the constitution - right to petition public authorities/parliament, Submissions of petitions ought to be done by Clerk or MCA

It was noted that Petition can either be done in Kiswahili or English-sign language but the Language should be respectful, with decorum and temperate without alterations

When addressing to the Assembly, one should Indicate the Subject matter on each of its sheets i.e

- **Prayers** – Clarity in request;
- Append names, address and signatures /thumbprints of petitioners;
- **Attachments** – No attachments.

Two days' notice for Clerk to examine admissibility during this time, Speaker may allow comments at presentation of Petitions (5 mins), Committed to relevant Sectoral Committees, Reporting done within 60 calendar days and the register to be kept by Clerk & accessible to public.

d) Visits; and Reports

Responsibilities of the Officers of the Department are;

a) Research for areas to visit;

- i.) Conduct research on probable areas to visit that suits the interest of the Committee. This could be Countries with devolved system of government and practice commonwealth parliamentary system of Government or workshops that are of interest to the mandate of the Committee;
- ii.) Draft correspondence to the respective destination informing them the objectives of the visit;

- iii.) Submits the letters to the Principal Clerk Assistant for approval and then forwards to the Clerk;
- iv.) Ensures the scanned signed copy is emailed to the foreign entity through the official County Assembly email Liaises with the PR department to ensure that the original letter is forwarded to the Principal Secretary, Ministry of Planning and Devolution.

b) Before the Foreign Visit.

- i) Receives the invitation letter as forwarded by the Clerk Liaises with the Principal Clerk on the Members nominated to attend the visit and drafts the response letter acknowledging the invitation;
- ii) Prepares a concept note on the visit Liaises with the PR Department to seeks clearance from the Ministry of Devolution and Foreign Affairs Liaises with the PR Department on acquisition of visas Prepares the budget and Submits the same through a Memo to the Clerk through the Principal Clerk Assistant(C)
- iii) Ensures that Members sign imprest Liaises with the Procurement department on the flight itinerary;
- iv) Liaises with the Contact person from the entity being visited on the dates of arrival, hotel reservation and programme of the visit;
- v) Request the PR department for Assembly branded gifts. Prepares Committee files which contain the Programme, Flight itinerary, Visas, Clearance from devolution and the invitation letter;
- vi) Reminds members on the visit, what shall be required of them and the travel documents (passports, vaccines cards, official ware)

c) During the Study visit Ensures

- Members observe decorum and be punctual in reporting to the venue.
- Take notes of the proceedings and actively participate in discussions.
- Ensures that each Member has a copy of the file.
- Ensures there"s a quorum and decorum during the visit Guides members to ensure that the programme is adhered to.

d) After the visit

- Ensures that the Members surrender their imprests within 48 hours;
- Drafts a letter of appreciation to the Host entity;
- Prepares draft interim surrender report and submits to the Principal Clerk Assistant for approval;
- Submit the approved interim surrender report;
- surrender Imprest form and any other relevant document to the Accounts department for clearance;

- Drafts the Committee report and submits to the Principal Clerk Assistant for approval;
- Ensures the Committee adopts the report and is tabled before the Assembly.
- Supervisors Responsibility – The Principal Clerk Assistant reviews and approves all the memo, budget and invitation letters prepared by the Clerk Assistant. – The Principal Clerk Assistant informs the Leaders of the Majority and Minority Parties to nominate Members to attend the study visit; and
- The Principal Clerk Assistant reviews and approves the draft Committee report.

e) Procedure for Receiving Foreign Delegations

PURPOSE - To define procedures for Receiving Foreign Delegation

APPLICABLE PRINCIPLES - A Committee may receive a delegation wishing to benchmark on the Committee's work.

PROCEDURE - Each Committee Clerk Assistant is to prepare for the visit and ensure that the delegation fulfills its objective.

- Responsibilities of the Officers of the Department are;
 - i) Receives a forwarded letter from the Principal Clerk Assistant regarding the dates of the visit and number of delegates;
 - ii) Responds to the letter Inform the Committee of the visiting delegation and brief them on the objectives of their visit;
 - iii) Organize for the meeting by ensuring that the venue of the meeting, stationeries and refreshments are available;
 - iv) Prepares a power point presentation touching on Committee profile; -- mandates, achievements, challenges facing the Committee etc.;
 - v) Distributes brochure Liaise with PR Office to issue gifts to the guest;
 - vi) Briefs the Principal Clerk Assistant on the visit.
- Supervisors Responsibility – Ensures that the responsible Clerk Assistant has put in place all that is required in order for the visit is successful

Summary on foreign visits.

On visits, Committee initiates the process of travel through its work plan, make decision on the need for travel and the member(s) allowed to travel and establish availability of funds for such travel.

Approvals before travel

The presenter cited the following crucial stages before a committee goes for any travel

- Written notification to the Speaker;
- Approval by the Liaison Committee;
- Administrative Approval and authorization by the Accounting officer;
- Initiate correspondence to secure appointments;
- Briefing of members before visit;
- Notification of the relevant authorities including the public;
- Members to attend all meetings during visit;
- Members to conduct themselves with dignity and decorum and avoid situations that may embarrass the country and or their host. Follow protocol
- Members should not seek or accept any favour/facilitation/funding by interested parties during their visit in whatever form; and
- Preparation of draft a report of the visit by accompanying secretariat.

The Committee adopts report of visit and tables in the House within two weeks after conclusion of the visit.