

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

SECOND ASSEMBLY-FOURTH SESSION

*Approved.
Blalini
16/6/2020*

NBI CA. PLC. 2020 / (025)

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 ENERGY, INFORMATION, COMMUNICATION AND TECHNOLOGY ON WORKSHOP HELD FROM 12TH TO 15TH MARCH 2020 AT PRIDEINN HOTEL MOMBASA

(Chairperson, Sectoral Committee on Energy, Information, Communication and Technology)

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

*Paper laid on
16th June 2020 by
Hon. Fredrick Okeyo, MCA
16/06/2020*

COUNTY GOVERNMENT OF NAIROBI CITY



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NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY– FOURTH SESSION

REPORT OF THE SECTORAL
COMMITTEE ON ENERGY AND ICT WORKSHOP HELD ON 12TH TO 15TH MARCH, 2020 AT
PRIDE INN HOTEL, MOMBASA

Paper laid on
16th June 2020 by
Hon. Fredrick Okeyo, MP
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CLERK'S CHAMBERS
COUNTY ASSEMBLY OF NAIROBI
CITY HALL

JUNE, 2020

Contents

1.0 PREFACE	3
Committee Mandate	3
Committee Membership	3
Acknowledgements.....	4
OPENING REMARKS BY THE CHAIRPERSON	5
2.0 PRESENTATIONS.....	6
3.0 CONCLUSION AND WAY FORWARD.....	13

Abbreviations

CA – County Assembly

SO – Standing Orders

CoK – Constitution of Kenya, 2010

1.0 PREFACE

Committee Mandate

Hon. Speaker,

The Sectoral Committee on Energy, Information, Communication and Technology is established under Standing Order No. 203, and its mandate amongst others, as outlined under the third schedule includes “*to consider all matters relating to:- “County electricity, gas reticulation and energy regulation, communication, information, broadcasting and Information Communications Technology (ICT) management.”*”

Committee Membership

Hon. Speaker,

The Committee on Energy, Information, Communication and Technology comprises of the following Members: -

1. Hon. Osman Adow, MCA - **Chairperson**
2. Hon. Anthony Ngaruiya, MCA - **Vice Chairperson**
3. Hon. Abdi I. Hassan, MCA
4. Hon. Catherine Apiyo, MCA
5. Hon. Alvin Olando Palapala, MCA
6. Hon. Silas Matara, MCA
7. Hon. Mwangi Njihia, MCA
8. Hon. Joseph Mwangi Komu, MCA
9. Hon. James Mwangi, MCA
10. Hon. Doris Kanario, MCA
11. Hon. Kariuki Wanjiru, MCA
12. Hon. Jackline Apondi, MCA
13. Hon. Emapet Kemunto, MCA
14. Hon. Patrick Logedi, MCA
15. Hon. Waithera Chege, MCA
16. Hon. Solomon Magembe, MCA
17. Hon. Emily Oduor, MCA
18. Hon. Fredrick Okeyo, MCA
19. Hon. Geoffrey Majiwa, MCA
20. Hon. Melab Atemah, MCA
21. Hon. Jane Muasya, MCA

The Committee undertook a workshop from Thursday 12th to Sunday 15th March, 2020 in Mombasa to refresh the members with the Committee mandate. At the end of the retreat, the participants were expected to:

- i.) To understand the rule of engagements in the processes of County Assembly Committee;
- ii.) To understand the perspective of an effectively managed Committee of the Assembly; and
- iii.) To appreciate the administrative and procedural roles of the committee leadership and secretariat.

Acknowledgements

Hon. Speaker,

The Committee takes this opportunity to thank the Offices of the Speaker and of the Ag. Clerk of the County Assembly for the logistical support accorded to it in the execution of its mandate.

Further, I thank the Members of the Committee for their commitment during the workshop which contributed vastly to the compilation of this report.

Finally, on behalf of the Sectoral Committee Energy, Information, Communication and Technology, it is my pleasure and duty to present to the Assembly, the Committee's report pursuant to the Standing Orders of the County Assembly.

Thank you.

Signed



Hon. Osman Adow, MCA

(Chairperson)

Sectoral Committee on Energy, Information, Communication and Technology

Dated this 15th day of June 2020

OPENING REMARKS BY THE CHAIRPERSON

The Workshop was officially opened by Hon. Osman Adow, MCA Chairperson of the Committee on Energy, Information, Communication and Technology. 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 better 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.

2.0 PRESENTATIONS

INTRODUCTION

The facilitator informed the participants that Assembly Committees are managed through the agreed regulations in form of the Standing Orders and other rules which include the Constitutions, Relevant statutes (e.g. the Powers and privileges Act), the Speakers rules, ruling and guidelines of the Speaker (Communications), Practices, Traditions, Convention and relevant precedents from other Jurisdictions.

The Committee was stated the following as the importance of Standing Orders of the Assembly;

- The Standing Orders assist Committee to maintain standards;
- Gives the Committee a systematic way of dealing with emerging issues;
- Helps resolve possible conflicts between Members of the Committee or other Committees of the Assembly; and
- Provides for the mandate of Committees and generally providing vision and order.

2.1 Effectiveness of Committees

The presenter informed the Committee that effectiveness of Committees varies from country to country or county to County depending upon context and tools used for measuring effectiveness.

She added that the roles of Members, the Chairperson and the Clerk will define the effectiveness of a committee. She emphasized that all should be proactive, attend meeting, always be familiar with subject matter and have clear mandate.

For a Committee to have consensus, the facilitator mentioned that Members should;

- Trust each other;
- Encourage contributions from all members;
- Allow the expression of different opinions;
- Agree on agenda & expectations within your mandate;
- Discuss opinions;
- Clear compromise; and
- Uphold decisions made.

2.2 Nomination of Members to Committees

The Committee was reminded that Pursuant to SO. 164 Members are Nominated to serve in Committees through the Selection Committee and is usually done in consultation with the leadership of Political parties.

The Selection Committee nominates members using the threshold and criteria provided for in the Standing orders.

NB: The Motion for nomination of Members to serve in Committee may not allow objection against one member but the entire list.

Upon Approval by the County Assembly, the Committee would meet to elect its chairperson and vice chairperson with the support of the office of the Clerk.

2.3 Conduct of election

Pursuant to the SO.171 “The Clerk shall appoint a place, date and time for the first meeting of a Committee within seven days of its constitution by the County Assembly, or such further period as the Speaker may approve, and as soon as a majority of the Committee is present, the Clerk shall, by a secret ballot, conduct the election of the Chairperson and Vice chairperson of the Committee”

2.4 Chairing and quorum of the Committee

The Chairperson shall take his position upon election by the Members. Members learnt that the Chairperson responsibilities were to preside at meetings of the Committee, perform the functions and exercise the powers assigned to office of the Chairperson by the Committee and be the spokesperson of the Committee. He speaks on behalf of the Committee both in meeting and Plenary.

2.41 Why quorums are important

Members were informed that the Standing Orders prescribe that “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 time on another day as the chairperson of the Committee may appoint”.

The Committee learnt that the Chairperson or the clerk can adjourn a meeting where quorum has not been achieved at the right time depending on circumstances at hand.

The facilitator informed the Committee that quorum is important to allow the Committee make resolutions and recommendations for the Assembly, adopt reports, carry out the business of the Committee effectively, take a vote on a critical matter, help clear pending issues and avoid backlog of business, legitimacy and acceptability of committee report. The Committee was further informed that by practice a Member may raise the matter on quorum anytime and the Clerk shall be tasked to confirm and advice way forward.

2.5 Sitting of the Committee

The Standing orders may prescribe the frequency of sitting. It must be noted that while the Committee can organize their own programmes for sittings they shall meet per week;

- i.) no committee sitting shall be held during the sitting of the Assembly unless the Speaker provides permission. This is to allow all Members consider issues in the Assembly.
- ii.) a sitting of a committee shall stand suspended when a division or quorum bell is rung. This allows Members retreat back to the Assembly.

2.6 Failure to attend meetings

The presenter emphasized that where a Member fails to attend four consecutive sitting of the Committee without the permission of the Chairperson, the matter must be communicated to the Selection Committee who will make a decision on the matter upon hearing the Member. They may either retain the member or propose a replacement.

2.7 Absence of Chairperson and Vice-Chairperson

Members were reminded that where the Chairperson or the Vice-Chairperson is absent for the meeting Members shall elect one of them to be the Chairperson. Where two or more Members are elected to act as Chair, the Clerk shall conduct an election and the Member with the Highest votes shall be the acting Chairperson. On this matter consensus is encouraged. (Order of Precedence may also be used to nominate the Chairperson).

- The facilitator mentioned the following as some qualities of an effective Chairperson;
- Competence

- Flexibility and Adaptability
- Firmness & Decisiveness
- Honesty and Dependability
- Openness
- Fairness
- Tolerance

2.8 Powers and Privileges of 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)

2.9 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

2.91 Conduct of site inspection 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.

Members were reminded that before embarking to such a mission, the Committee is expected to undertake the following:

- Make a resolution of the intent to conduct a site inspection visit
- 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 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

2.10 Reports of Committee

Members learnt that 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.

Consideration of committee reports

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.

2.11 Consideration of statements

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.

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.

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.

2.12 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.

2.13 Some Common Practices

Members learnt the following as some of the common parliamentary practices;

- i.) All Assembly businesses that relate to the subject area shall be referred to the Committee i.e. statements, petitions, bills, inquiries and reports;
- ii.) The Committee on its own motion may also generate agenda or business for consideration in line with the mandate. This may include public inquiries, public hearings, field visits and many more;
- iii.) The Committee may use experts with permission of the Speaker; and
- iv.) Powers to summon witness and produce documents.

3.0 CONCLUSION AND WAY FORWARD

Having come to the end of the workshop, the Committee identified the following as some of the challenges slackening execution of its mandate;

- Lack of policies in the Energy and ICT sectors
- Inadequate resources
- Political Instability

- Lack of corporation form the executive and other County government organs
- Change in Committee Membership may lead to a little understanding of the Mandate and subject matter;
- In decisive leadership

WAY FORWARD

The meeting agreed on the following as the way forward;

That;

1. revive work / bills that the Committee would be interested in;
2. Members with the assistance of the secretariat to research on areas to legislate on taking into consideration the mandate of the Committee;
3. The Committee work as a team to effectively execute its mandate.

CLOSING REMARKS BY THE CHAIRPERSON

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

