GOVERNMENT OF NAIROBI CITY COUNTY

THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(SECOND SESSION)

NCCA APPROVED
27 APR 2023
Sign: ....
HON. SPEAKER

NCCA/TJ/PL/2023(25) **27TH APRIL 2023**

27/04/2023

PAPER LAID

SUBJECT: REPORT OF COMMITTEE

Pursuant to Standing Order 196, I beg to lay the following Paper on the Table of this Assembly, today Thursday 27th April 2023.

— **THE REPORT OF THE SECTORAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON WORKSHOP HELD FROM 16TH TO 19TH MARCH 2023 AT MAXLAND HOTEL, KIAMBU COUNTY.**

(The Chairperson of the Sectoral Committee on Environment and Natural Resources)

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

Paper was laid on the Table by Hon. Mutua on 27/4/2023.
S.N.C.A.
27/4/2023.

COUNTY GOVERNMENT OF NAIROBI CITY

NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY– SECOND SESSION

REPORT OF THE SECTORAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON THE SECOND INDUCTION OF THE MEMBERS, HELD FROM 16TH TO 19TH MARCH, 2023 AT MAXLAND HOTEL, KIAMBU COUNTY

Clerks Chamber
City Hall Buildings
NAIROBI

March, 2023

Table of Contents

1.0. PREFACE

1.1. Committee Mandate

Hon. Speaker,

The Sectoral Committee on Environment and Natural Resources is established under Standing Order No. 209 (1). Its mandate pursuant to Standing Order 209 (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 its 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) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 202 (Committee on Appointments): and
g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

1.2 Committee Membership

Hon. Speaker,

The Committee on Environment and Natural Resources was constituted by the Assembly on Thursday 27th October, 2022, comprising of the following Members:-

1.	**Hon. Silas Matara Ongwae, MCA**	**Chairperson**
2.	**Hon. Thuo Fiunifiu, MCA**	**Vice Chairperson**
3.	Hon. Kennedy Odhiambo, MCA	
4.	Hon. Paul Kados, MCA	
5.	Hon. Catherine Apiyo Okoth, MCA	
6.	Hon. Nyantika Ricardo, MCA	
7.	Hon. Fatuma Abduwahid Abey, MCA	
8.	Hon. Nasra Nanda, MCA	
9.	Hon. Fuad Hussein, MCA	
10.	Hon. Dan Oria, MCA	

11. Hon. Peter Imwatok, MCA
12. Hon. Joel Munuve, MCA
13. Hon. Agnes Wambui, MCA
14. Hon. Susan Makungu, MCA
15. Hon. Allan Maina, MCA
16. Hon. Simon Mugo Maina, MCA
17. Hon. Joseph Ndungu Karanja, MCA
18. Hon. Agnes Njeri, MCA
19. Hon. Jeremiah Themendu, MCA
20. Hon. Joy Muthoni Mwangi, MCA
21. Hon. Farhiya Aden, MCA
22. Hon. Brian Itenya, MCA
23. Hon. Joyce Muthoni Kamau, MCA

1.3 Committee secretariat

1. Mr. Joseph Njuguna - Senior Clerk Assistant
2. Ms. Yvonne Wamucii - Researcher
3. Ms. Daisy Kariuki - Legal Counsel

1.4 Background for the induction Workshop

Hon. Speaker,

The County Assembly Committees are extensions of the Assembly established under the Nairobi City 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 constitution of County Assembly Committees on 27th October, 2022, the Sectoral Committee on Environment and Natural Resources held its second induction workshop from 16th to 19th March, 2023 at Maxland Hotel in Kiambu County. The objectives of the workshop included the following;

a. To enable the Committee, understand its role in generation of business;
b. To enable Members to understand the Management of Committee and its business;
c. To enable Committee, appreciate its role in the law making process;
d. To enable Committee to appreciate its role in the budget making process; and
e. To enable the Committee to consider its pending business.

1.5 Acknowledgement

Hon. Speaker,

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

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

Hon. Speaker,

It is therefore my pleasant duty and privilege, on behalf of the Members of the Sectoral Environment and Natural Resources to lay on the Table of the Assembly the report of the Committee on the second induction workshop held from 16th to 19th March, 2023 at Maxland Hotel, Kiambu County.

Signed:... **Date:** 26th April 2023

(SILAS MATARA ONGWAE, MCA - CHAIRPERSON)

2.0 INTRODUCTION

The County Assembly Committees are extensions of the Assembly established under the County Assembly Standing Orders and in accordance with Section 14 of the County Governments Act, 2012. The Committees are supposed to perform functions that the Assembly is not well fitted to consider in plenary. Following the constitution of County Assembly Committees on 27th November, 2022, the Sectoral Committee on Environment and Natural Resources undertook its second induction workshop held from 16th to 19th March, 2023 at Maxland Hotel in Kiambu County.

The workshop entailed the legal underpinning of Committees of the Assembly and the low making process in a legislature, various stakeholders in law making process, stages of law making and the role of the Committee on operationalization of an Act of the County Assembly; Committee management including the role of the Chairperson/Vice-Chairperson, Members and the Secretariat in generation and management of Committee business; budget making process, various budget documents involved in budget making process and their respective timelines; role Committee in budget making process, budget cycle and budget implementation, especially the role of the Committee in budget implementation.

2.1. Official Opening

The workshop was officially opened by a word of prayer by the Committee Chairperson Hon. Silas Matara Ongwae, MCA before welcoming Members to the meeting. The Chairperson then invited Members, the facilitator and the Secretariat to introduce themselves and subsequently urged Members to actively participate in the proceedings to enable them grasp the basics on the law making process, management and operations of the Committee and the budget making process taking into consideration the role of the Committees on the same. In her introductory remarks, the presiding Chair stated the following as the objectives of the retreat;

a. To enable the Committee, understand its role in generation of business;
b. To enable Members to understand the Management of Committee and its business;
c. To enable Committee, appreciate its role in the law making process;
d. To enable Committee to appreciate its role in the budget making process; and
e. To enable the Committee to consider its pending business.

The programme was adopted with Hon. Agness Njeri, MCA proposing and Hon. Joseph Ndungu, MCA seconding.

3.0. PRESENTATION ON THE LAW MAKING PROCESS

The Committee was taken through the second induction on various topical areas starting with law making process as follows: -

3.1. The Constitutional Underpinning of the Law Making Process

The Committee was informed that Governance based on Popular Sovereignty: Exercised directly or indirectly through democratically elected representatives in accordance with the supreme constitutional order. The Kenya constitutional order demands Transparency, Accountability, Participation and Inclusiveness in Governance. The Constitution of Kenya, 2010 heralded various changes in the legislative process in Kenya. Among the changes are:

- Bicameral Parliament consisting of the National Assembly and the Senate;
- Creation of 47 County Assemblies in each of the 47 Counties;
- The requirement for public participation in policy making and legislation;

That the basic function of a legislative body is to make, amend or repeal the law. The process of law making or the legislative process, in relation to Parliament may be defined as the process by which a legislative proposal brought before it, is translated into the law of the land. All such legislative proposals are tabled in the form of Bills.

The process of law-making emanates from an idea to serve a particular goal in society, development of an appropriate policy and the decision to transmute the policy into legislation.

The legislative proposal or idea for a Bill can come from several sources: Members, Committees of the Assembly, the Executive, professional organizations, lobbyists or individuals through a petition to the County Assembly.

The Committee was informed that it was important for legislative bodies, policy makers, draftspersons and members of the public to not only sufficiently understand the legislative process, but also have the opportunity to participate meaningfully in the legislative process and have the capacity to analyze and ensure strict adherence to established standards and procedures.

Additionally, the Committee was informed that the ideal and recommended position in the legislative process was that policy precedes the formulation of a Bill or any other legislative instrument. The importance of developing a policy framework first was intended to amongst other salient features allow the executors to determine a clear road map, conduct an assessment of the problem and possible solutions, and define the opportunity to be embraced and the modalities or approaches to realize the benefit prior to proposing the necessary legal framework.

3.2. Principles of Law Making Process

3.2.1. Operational/Institutional Autonomy

The Committee was informed that the Kenya parliamentary model of administration is a Commission (Parliamentary Service Commission/Service Board in case of the Assembly) anchored in the Constitution of Kenya. This gives parliament/Assembly greater levels of autonomy, promotion of reformation of parliamentary management structures, strengthening of corporate governance arrangements and financial controls, and independent governance of Parliament as corporate body.

The County Assemblies are established under Article 176 of the Constitution as an organ of county government. The legislative power of the Count Assembly is stipulated in Article 185(1) states that the legislative authority of a county assembly is vested in and exercised by its Assembly. Article 185(2) states that *a county assembly make any laws that are necessary for, or incidental to*, the effective performance of the functions and exercised of the powers of the county government under the Part Two of the Fourth Schedule to the Constitution 2010. In principle, County Assemblies perform the following functions: -

- Representation;
- Legislation (Law making);
- Oversight;
- Budget making, Approval of expenditure and revenue raising measures;
- Approval of appointments and removal thereof;
- Deliberation & resolution of issues of concern to residents

The Commission/Service Board as a corporate body headed by a Chairperson is responsible for determination of a range of services and facilities available to parliament, including staffing; secures an adequate parliamentary budget for its activities; provides leadership and strategic direction to the parliamentary/Assembly services; and reports to Parliament/Assembly and the public on its performance through annual reports.

The Secretary of the Commission/Service Board as the head the administrative wing of the service where he/she leads and manages the parliamentary/Assembly staff; causes the preparation of the annual budgets; ensures prudent management of expenditure; establishes proper financial procedures and controls; provides advice to the Commission/Board in all its administrative, institutional and financial matters; and acts as the chief procedural Advisor.

3.2.2. Separation of Powers

The Committee was informed that in separation of powers, Separation of powers no person to be in more than one organ; different institutions to be charged with the exercise of function of government; and different state organs perform different functions to avoid overlap and repetition. There should be no unprincipled separation of powers, but mutual coexistence, interdependence, checks and balances, collaboration and coordination for effective service delivery.

3.2.3 Powers

The Committee was informed that in terms of powers, the County Assembly has Power to: -

- regulate internal affairs;
- determine own procedures and agenda;
- conduct inquiries: Grand jury of the Nation/County;
- call and examine witnesses (on oath);
- call for documents;
- obtain evidence; and
- deal with contempt.

3.2.4. Rights

The Committee was informed that in terms of rights, the County Assembly has right to: -

- control and discipline members (self-protective and not punitive): Expulsion, Suspension, Censure, Apology / withdrawal, Reprimand / admonishment;
- debate what it wishes;
- debate free from outside control;
- control access to sittings and to reports of proceedings;
- control its own agenda/business and Calendar; and
- make and vary its own procedures- Standing Orders.

3.2.5. Immunities

In terms of immunities, the Committee was informed that the County Assembly has immunities on: -

- Freedom from control and discipline by bodies outside the House;
- Freedom from legal liability for things said or done in the course of parliamentary proceedings;
- Immunity for parliamentary witnesses;
- Qualified immunity from legal process;
- debate what it wishes;
- Right to debate free from outside control; and

- Right to control access to sittings and to reports of proceedings.

3.2.6. Absolute Privileges

The Committee was informed that the County Assembly (Parliamentary) privilege is absolute where statements made in the House (or a Committee) are protected from legal action however injurious they are to another party. However, statements outside the House (or a committee) are subject to the normal laws of defamation and protected by qualified privilege only. The parliamentary staffers enjoy immunity in the execution of their official legal duties.

3.3. Legislative process

The Committee was taken through the law making process from the initiation to the operationalization of the enacted Law as follows: -

1) Legislative Proposal or Idea for a Bill

The legislative proposal or idea for a Bill can come from several sources: Members of the Assembly, Committees of the Assembly, the Executive, professional organizations, lobbyists or individuals through a petition to the County Assembly.

2) Sponsorship of a Bill

A Bill must have a Sponsor in order to be introduced in the Assembly. The Sponsor can either be a member of County Assembly or Committee. In case of a Committee sponsorship it will be published in the name of the Chairperson or any other member appointed by the Committee.

3) Submission of a Legislative Proposal or Idea to the Speaker

The Sponsor (a Member or a Committee) submits the legislative proposal or idea for a Bill to the Speaker. The Speaker refers the legislative proposal to the Clerk for drafting. The Clerk is to check on conformity to the Constitution/ Money Bill.

4) The Bill Drafting Process

The legislative proposal is assigned to a legislative drafter who works closely with the sponsor or Committee to develop a draft Bill. The draft Bill, duly signed by the Sponsor, is then forwarded by the Clerk to the Speaker (whether it is a money Bill and whether it conforms to the Constitution and to the law in terms of format and style). The Speaker then directs whether to proceed with the Bill or not.

5) If the Bill is not a money Bill, the Speaker

Direct that the proposal be referred to the relevant Sectoral Committee for prepublication scrutiny in case of a legislative proposal not sponsored by a Committee or that the proposal be published into a Bill, in the case of a legislative proposal sponsored by a Committee.

6) If the Bill is a Money Bill

Where the Speaker is of the opinion that legislative proposal is a draft money Bill in terms of Section 21(3) the County Governments Act, 2012, direct that the legislative proposal be referred to the County Finance, Budget and Appropriations Committee and the proposal shall be proceeded with only in accordance with the recommendations of the County Finance, Budget and Appropriations Committee after taking into account the views of the County Executive Committee Member responsible for finance.

The County Finance, Budget and Appropriations Committee shall consider only the money-bill or financial aspects of the proposal and submit a report to the Speaker within twenty-one (21) days of receipt of the proposal. The report shall contain the following: -

- ❖ The views of the County Executive Committee Member responsible for finance, if any;
- ❖ A detailed examination of the manner in which the legislative proposal affects the current and future budgets and may include implications on tax measures;
- ❖ A recommendation on whether or not the proposal should be proceeded with; and
- ❖ Any other appropriate recommendation relating to money bill aspects of the proposal.

Upon receipt of the recommendations of the County Finance, Budget and Appropriations Committee, the Speaker may direct that:

- The proposal be subjected to prepublication scrutiny before the relevant Sectoral Committee in case of a legislative proposal not sponsored by a Committee; or
- The proposal be published into a bill, in the case of a legislative proposal sponsored by a committee; or
- The legislative proposal not be proceeded with.

7) Publication of a Bill

Once the Speaker certifies that a draft Bill is ready for publication, the Bill is forwarded for publication by the Government Printer. Once a Bill has been published, the Clerk shall/should avail a copy for each Member. The Bill to be signed by a Member or Chairperson of the Committee depending on the sponsorship of the Bill.

A Bill may only be introduced in the Assembly after a period of seven (7) days in the case of a Budget related Bill or a period of fourteen (14) days in the case of any other Bill beginning from the date of publication.

8) First Reading

A Bill is read a first time by the Clerk, by the reading of the title of the Bill.

9) Committal to the relevant Committee and Public Participation

After the First Reading, the Bill automatically stands committed to the relevant Sectoral Committee. The Committee is required to facilitate public participation and to take into account the views of the public when it makes its report to the Assembly. The Committee is further required to submit its report to the Assembly within twenty-one (21) calendar days. In undertaking public participation, the Committee use the following mechanisms: -

- ✓ Public hearings;
- ✓ Invitations for written submissions;
- ✓ Outreach to constituents;
- ✓ Facilitation to ensure all voices heard, all sides of debate aired;
- ✓ Allowing for one to one meetings for individuals as necessary;
- ✓ Use of a wide variety of ways to engage - Breakfast meetings, social media etc; and
- ✓ Follow up phone calls and request for specific materials.

10) Second Reading

This stage avails members the opportunity to debate the Bill and give their views on the essence and principles of the Bill.

11) Committee of the Whole Assembly

The Assembly considers the Bill clause by clause. Any member, other than the Sponsor of the Bill, who wishes to move an amendment to the Bill, must give written notification of the amendment to the Clerk at least twenty-four (24) hours before commencement of the sitting at which the amendment is to be considered.

12) Third Reading

Once Committee of the whole on a Bill is concluded, the Bill is reported back to the House. On adoption of the report on the Bill, the Third Reading is taken. No amendments may be moved at this stage.

13) Assent

Once a Bill has been passed by the House, the Speaker refers the concluded Bill to the Governor for assent. The President/Governor is required within 14 days to either assent to the Bill or refer the Bill back to the Assembly for reconsideration noting any reservations the President/Governor has.

The Assembly may either amend the Bill in light of the President/Governor's reservations or pass it a second time with or without amendments that do not fully accommodate the President/ Governor's reservations.

14) Publication of the Law

Once a Bill has been assented to, the Bill is published as an Act of Parliament/ Assembly within seven (7) days after assent. An Act of Parliament/ Assembly comes into force on the 14th day after its publication in the Gazette and/or County Gazette unless the Act provides for a different date or time.

4.0. PRESENTATION ON MANAGEMENT OF COMMITTEES

The Committee was further inducted on the what Parliamentary Committees are; Role of Assembly committees in Legislation, Oversight, Representation and Budget making; Generating Committee business, tracking and effective output; Indicators of an effective Committee and Role of various actors for effective functioning.

4.1. Legal Underpinnings on Assembly Committees

The Committee was informed that a Committee of Parliament is a select group of Members, with fixed membership, that examines, prosecutes and processes specific business. Committees provide for a less formal approach as compared to plenary, by allowing observations, cross-examination, detailed scrutiny and probing. Among thematic areas that define committees are for example matters of health, transport, foreign relations, sports, labour issues, policing & administration, among others. Committees are agents of plenary.

That Article 176 of the Constitution establishes the county government for each county consisting of the county assembly and the county executive; Article 185 of the Constitution sets out the Legislative Authority of a county to the county assembly; Section 14 (a) and (b) of the County Governments Act 2012, provides for the procedures of a county assembly and establishment of committees respectively; and Some Committees are also established by statutes and others by resolutions of a County Assembly.

That Article 195 (1) stipulates that "A county assembly or any of its committee has the power to summon any person to appear before it to give evidence or provide information". Article 195 (2) – An Assembly has the same powers as the High Court to

- enforce attendance of witness;
- compel production of documents; and
- request to examine witness abroad

Provisions in the Standing Orders;

Practice and Precedence.

4.2. Role of the County Assembly

4.2.1. Legislation

A Committee may develop legislation and present the same as a Committee Bill in the name of the Chairperson. Individual Members of the Committee can develop and initiate legislation in their names or once prepared, may relinquish the Bill to the Committee.

Pre-legislative scrutiny of Bills- Individual Members Bills whose subjects fall under the Committee mandate. Consideration of Bills after first reading. Facilitates public participation on Bills referred to the Committee. May recommend/introduce amendments to existing Acts of the County Government and Post legislative scrutiny of Acts to establish impact.

4.2.2. Oversight

County Assembly Members represents the citizens, the real sources of authority, owners of County resources and therefore responsible for shepherding use of resources and are the custodian of good governance responsible to ensure public needs are met and facilitate change of behaviour.

The Committee undertake the oversight role through questioning of the relevant county executive committee member/ Chief Officer at meetings; Vetting of relevant county executive nominees; conducting Committee inquiries on execution of mandate of the relevant county departments; Budget approval and Budget implementation oversight-after passing the budget; and Approval of county plans and policies e.g. CIDP, ADP, CFSP.

4.2.3. Representation

The Committees exercise the representation through by undertaking public hearings to collect views of the public and channel them to Assembly through Bills or Motions; taking petitions from the public and bringing them to Assembly on behalf of the citizens; undertaking inquiries following a request from the public; Budget making to implement the wishes of members of the public and vetting executive nominees-the Committee allows the public to submit memorandum on executive nominees.

4.2.4. Budget Making

The Committee undertakes the budget making process by Consideration and approval of CIDP, ADP, CBROP, CFSP, Annual Budget Estimates, Supplementary Budget Estimates, and consideration of the Quarterly expenditure report of the Controller of Budget.

There are increasing demands on modern legislatures and committees serve as an important mechanism for division of labour.

- Committees allow members to discuss issues informally and to develop relationships with colleagues from other parties;
- They provide forums for compromise and agreement;
- Committee members (and committee staff) provide continuity, stability, historical knowledge and can develop expertise on certain matters;
- Committees can hold public meetings to disseminate information to the media and public and to gain feedback for legislative decisions;
- Committee hearings allow civil society leaders and experts to present their views;
- Committee hearings can also serve as the forum where members of the executive branch are questioned; and
- Committees provide an opportunity for members of opposition parties to have a say in the policy-making process.

4.3. Committee Business and Effective Output

4.3.1. Factors that determine the effectiveness of a Parliamentary Committee

The Committee was informed that effectiveness of the Parliamentary Committee largely depends on the following factors: -

1) A clarity of mandate – clear roles and responsibilities of the Committee;
2) Size of the Committee – large vs. small (too large or small it renders it ineffective; large Committees become unwieldy while small numbers limit the quality of ideas needed for effective work);
3) The skills of the chairperson in managing activities and meetings of the Committee;
4) The quality of support staff and resources available;
5) Level of commitment and involvement of Members in Committee matters;
6) Public & stakeholder involvement and participation;
7) Adequate preparation of the Committee Chair and Members;
8) Integrity of Committee membership – declaration of interest & acting above reproach;
9) Production of timely and qualitative Committee reports;
10) Ability to evaluate or assess its own performance;
11) Consensus building – the multiparty nature of legislatures often translates into multiparty Committees that calls for effective consensus building for Committee effectiveness;
12) Adequate resources and facilities to carry out assigned mandates;
13) Work plan – serves as roadmap to achievement of goals and focuses Committee to mandate;
14) Consistency – regular attendance of Members to Committee work;
15) Understanding of Procedure – knowledge of rules of procedure in Committees;
16) Punctuality – prompt attendance to Committee business; and

17) Open communication – builds trust, allows divergence of opinion and enhances teamwork.

4.3.2. Ingredients to effective Committee

The Committee was informed that for a parliamentary Committee to effective, it should have the following ingredients: -

1) Order of Proceedings – Proceedings to be undertaken in strict adherence to Standing Orders. Commencement of meeting in time. Commencement of meeting when quorum is achieved. Sticking within the matter under discussion (avoid deviations and side shows. Sequence of Proceedings (As outlined in the Agenda);
2) The Privilege, etiquette, decorum and conduct of Committee Members – same as in House (Dress code, conduct and decorum) – Note that How you conduct yourselves in committees will translate to how witnesses conduct themselves before you;
3) Conduct of Staff – competence, committed, disciplined, et.c. 30 minutes in advance rule...In a planned meeting, staff get to venue in advance (including in workshops, conferences, etc); All Documents (for meetings) prepared in time;
4) The Control of Conduct and Participation in Proceedings – a member to only speak after catching the eye of the Chair. One Member to speak at a time. Disrespect to the Chair to face the consequences of the rules without compromise (friendship aside);
5) Summoning of witnesses and rights of witnesses – Witnesses can be accompanied by their lawyers. Principle of natural justice (Not to be condemned un-heard). Adequate Notification;
6) Committee resolutions and building of consensus – the need to avoid voting on matters (in committees as good practice); and
7) Collective responsibility for committee members – defend your reports and recommendations on the floor. Any member of the committee to be equal to the task.

4.3.3. Generation of Business

The Committee was informed that business in Committees maybe generated through;

- Work Planning (planning and prioritizing);
- Inquiries;
- Inspection tours/ spot-checks;
- Review of past decisions (Bills, motions, petitions, statements, laws/Acts, Reports);
- Identification of issues of concern in the County;
- Manifestos;
- Ministries, Departments and Agencies (Legal framework – establishing or review);
- Public Outcry/concerns;
- Media Reports;
- Audit Reports;
- Address by Governor, Dignitary;
- Matters of County Importance; and

- Review of Previous Business.

The Committee was further informed that Committee business is tracked through Minutes,
Reports, Business tracker/ register and Periodic review of work-plan.

4.3.4. Roles of various players for Effective Committees

The Committee was taken through the role various players for an effective parliamentary Committee as follows: -

4.3.4.1. Liaison Committee

The Liaison Committee consists of the Deputy Speaker as Chairperson and the Chairpersons of all Sectoral and Sessional Committees of the Assembly excluding Ad-Hoc Committees.

The Liaison Committee is mandated to-

a) guide and co-ordinate the operations, policies and mandates of all Committees;
b) deliberate on and apportion the annual operating budget among the Committees;
c) consider programmes of all Committees, including their need to travel and sit away from the precincts of the Assembly;
d) deliberate and decide on which reports of the Committees shall be debated in the Assembly;
e) ensure that Committees submit reports as required by these Standing Orders;
f) determine, whenever necessary, which committee or committees should deliberate on a matter; and
g) give such advice relating to the work and mandate of select committees as it may deem necessary.

The Liaison Committee shall consider reports of Committees that have not been deliberated by the County Assembly and shall report to the County Assembly on the consideration of such reports.

4.3.4.2. Chairperson and Vice-Chairperson

The Chairperson is the Presiding Officer in Committee, as the Speaker is for the Assembly. The Committee Chairperson is the most important personality and is usually responsible for convening meetings and managing the Committee. The Committee Chairpersons require qualities that will enhance effectiveness, such as: -

Competence; Flexibility and adaptability; Firmness and decisiveness; Honesty and dependability; Openness; Fairness; Tolerance; Attentive; Patience; Humility; Stamina; Consensus building: Impartial; Focused.

The chairperson is: -

- Spokesperson of the Committee – he/she presents position of the Committee and talks on behalf of the Committee;
- Presides over committee meetings, ruling on procedural and relevance issues, such as the relevance of questions or amendments to that committee's mandate;
- Controls the public hearings of evidence and directs the proceedings;
- Liaises with the government and other members of the committee on the progress of important legislation;
- Maintains open communication channels with all committee members for effective functioning of Committees;
- Performs the functions and exercises the powers assigned to office of the Chairperson by the committee, resolutions of the Assembly or legislation;
- Deals with disorder among members or by the public where the latter are admitted to hearings;
- Answers oral questions and responds to Statements in the Assembly on behalf of the Committee;
- Signs Committee reports after consideration of a matter;
- Presents Committee business to the Assembly;
- Communicates undertakings of the County Executive relevant sector to House and Committee on Implementation;

4.3.4.3. Members of the Committee

The Committee was informed that for a Committee to be effective, the following are some of the roles and attributes of effective Members: -

a) Regular attendance of committee meetings;
b) Preparedness to take a lead occasionally on particular items of agenda;
c) Active and interested participants in the committee proceedings;
d) Assertive without being aggressive i.e. prepared to give an opinion/ start a point without being domineering;
e) Conscious of the goals and mandate of the Committee;
f) Maintains confidentiality on Committee matters;
g) Supportive of other members of the Committee;
h) Well prepared and contributes to discussion in a relevant and constructive way;
i) Proactive, well briefed and informed about the various items on the agenda to be discussed;
j) Attentive listener who respects the views of the other Members;

Equally, the Committee was taken through the following as some of the attributes of an ineffective Member: -

a. Irregular in attendance- attends to maintain minimum threshold;
b. Truancy in meetings/activities - technical appearances;
c. Perennial late comer frequently arriving late and leaving early;
d. Passive-unprepared to take part in the committee proceedings;
e. Perennial complainant & critic – always complaining outside meetings;
f. Uninformed of the committee agenda and mandate;
g. Unwilling to do background research before committee meetings/activities;
h. Over assertive - putting people down during committee discussion;
i. One who arrives at committee meetings with fixed goals (influenced by external forces);
j. Has secret agenda that he or she is unwilling to share with other Committee members;
k. Attempt to take over the role of the Chair or is dismissive of the Chair; and
l. Engages in distractive side shows during Committee work.

4.3.4.4. The Secretariat

a) Procedural and technical advisor;
b) Makes administrative arrangements for meetings, public hearings, and visits;
c) Prepares notices and programme of meetings and facilitate their circulation;
d) Prepares briefing materials for the Committee;
e) Prepares minutes of meetings and draft reports;
f) Assists Chairperson in conducting meetings;
g) Ensures that Committee documents are filed and circulated ahead of the meeting;
h) Provides information, advice and support to Assembly Committees;
i) Manages communication/correspondences;
j) Planning, coordination and budgeting of Committee activities;
k) Provides independent research, drafting and impartial procedural support to Committees;
l) Communication link between committee and stakeholders;
m) Administers of oath to witnesses;
n) Generally, ensures execution of Committee resolutions;
o) Prepares documents for tabling in the Assembly adoption in the House; and
p) Prepares talking notes for motions sponsored by or relating to the Committee.

5.0. PRESENTATION ON THE BUDGET MAKING PROCESS

On the second day of the workshop, the Committee was taken through the parliamentary budget making process and the Budget Cycle. During the induction, the Committee was briefed on the legal underpinning on budget making, role of the County Assembly in the budget making process, the various budget documents necessary, consideration of the same and the timelines, key public revenue allocation, role of the Committee in budget implementation and finance management institutions framework.

The Committee was informed that Public Finance Management Cycle involves planning (macro fiscal), formulation and approval, budget implementation and audit and evaluation. The County Assembly is to offer oversight at every stage of the cycle.

The Committee was further informed that there are types of legislatures in the world; that is: -

- o Budget making Legislatures;
- o Budget influencing Legislatures; and
- o Legislatures with little influence/rubber stamping legislatures.

5.1. Involvement of Legislature in Budget Making Process

The Committee was informed that the following are some of the reasons why legislature gets involved in budget making process: -

- Holding the Executive accountable – the budget belongs to the people and the legislators are their representatives;
- Being the watchdog – must raise the alarm in time not too late, thus must be involved in the budget process early in time; and
- Gate-keepers of the nation's/counties' finances and the public purse – the complex documents must be scrutinized

It was informed that Early engagement in the budget process depends on the quality of Committees and their power in the proposition of amendments; timing of the approval of the Annual Division of Revenue and the County Allocation of Revenue pieces of legislations; the time available for the consideration of the budget policies; and the interaction of County Assembly and the County Executive.

The Committee was briefed on the following as some of the fiscal responsibility principles in the County Government: -

- ❖ That recurrent expenditure is not to a % of revenue prescribed in regulations;
- ❖ Wages not to exceed a % of revenue prescribed in regulations;
- ❖ Borrowings are to finance development expenditure only;
- ❖ Public debt to be maintained at sustainable level;
- ❖ Fiscal risks to be managed prudently; and
- ❖ Reasonable predictability of tax rates and bases.

5.2. Budget Cycle

The Committee was informed that the Budget Cycle involves the following: -

- Needs by the people – involves the identification of people's needs;
- Establishing County Priorities - establishing the resource envelope – sharing of resources raised Nationally – only at County level;
- Internal Public Finance Expertise – seek internal public finance expert on the priorities vis-a-vis the resources available;
- Departmental preparation of budget proposals, review and submission to the legislature for consideration and approval;'
- Budget Execution – implementation of the Budget as approved by the Legislature;
- Audit – preparation of accounts – evaluation on the implementation of the budget.

5.3. Budget Making Process, Budget Documents and timelines

The Committee was taken through key budget documents and the role of the Committee in the budget making process. The Committee was briefed on key budget documents such as: -

- Sectoral plans (Section 109 of the County Governments Act, 2012);
- County Integrated Development plan (Section 108 of the County Governments Act, 2012) – a five-year development plan to be considered by September;
- Annual Development plan (Section 126 of the Public Finance Management Act, 2012) – one-year development plan to be considered by September of each year;
- County budget review outlook paper – to be submitted to the County Assembly by 30th of September;
- Debt Management Strategy – to be submitted to the County Assembly by 28th of February;
- County Fiscal Strategy Paper (Section 117 of the Public Finance Management Act, 2012) – to be submitted to the County Assembly by 28th of February and considered within 14 days.
- County Fiscal Strategy Paper contains Medium-term plans of the County Government, indicate resource envelope for the County Departments and the Fiscal Responsibility Principles;
- The Budget Estimates – to be submitted to the County Assembly together with the Appropriation Bill by 30th of April;
- Supplementary Budget; and
- Vote on Account

5.3. 1. Scrutiny of the County Fiscal Strategy Paper

The Committee was informed that while scrutinizing the County Fiscal Strategy Paper, the Assembly should consider the following: -.
Whether the document is aligned with the National objectives in the Budget Policy Statement;

Whether the County Government revenues, expenditures and borrowing for the coming financial year and over the medium term in a good state of health;

Whether there are strategic priorities as proposed by the county treasury in line with the expectations of the County Assembly;

5.3.2. Specific issues to examine in the County Budget Review and Outlook Paper

The Committee was briefed on the following as some of the specific issues to examine in the County Budget Review and Outlook Paper: -

- How was the actual fiscal performance in the previous year compared to the budget appropriation for that year?
- How did actual financial performance for the previous financial year affect compliance with the fiscal responsibility principles
- Are the reasons for any deviation from the financial objectives in the County Fiscal Strategy Paper acceptable?
- Are the proposals to address the deviation and the time estimated for doing so credible?

5.3.3. Specific issues to examine in the Annual Estimates

The Facilitator outlined the following as specific issues to examine in the County Budget Estimates: -

- Are the allocations to the various ministries in line with the County development plan and the approved county fiscal strategy paper?
- What savings can be made by reducing on non-priority expenditure?
- Are there any votes that need additional funding?
- Can the revised resource envelope fund the allocations proposed?

5.3.4. Specific issues to consider in the Supplementary Budget

The Presenter outlined the following as specific issues to examine in the County Supplementary Budget Estimates: -

- Section 135 of the Public Finance Management Act, 2012 provides for the issues to examine in the supplementary estimates;
- Regulation 46 on budget variation;
- Regulation 47 on budget reallocations; and
- Regulation 48 – provides that reallocations by the County Treasury in terms of section 154(2) of the PFM Act shall be included in the next revised budget for submission to and approval by the County Assembly.

5.4. Legal Underpinnings to parliamentary budget making process

The Committee was informed that in addition to the Constitution, key legislations and legal basis for budgeting and budget cycle include: -

a) Public Finance Management Act, 2012;
b) Public Finance Management (National Government) Regulations, 2015;
c) Public Finance Management (County Government) Regulations, 2015;
d) Division of Revenue Acts;
e) County Allocation of Revenue Acts;
f) County Government Additional Allocation Acts;
g) Procurement laws and regulations; and
h) County Governments Act, 2012 (county planning Sections 100 to 115).

5.5. Some of the Terminologies used in Parliamentary Budgeting

The Committee was briefed on some of the following terminologies as used in parliamentary budgeting: -

- **Incremental Budgeting** – budget for the base year or the actual expenditure is used to give additional resources to spending agencies;
- **Zero Based Budgeting** – technique utilizing a zero base at the beginning of every budgeting. Comes with level of complexity and the absence of credible and recent baselines expenditure;
- **Budget Deficit and Balanced Budget** – Shortfalls in budget where expenditure exceeds available resources. Counties are expected to pursue balanced Budget;
- **Discretionary and Non-Discretionary Expenditure** – Non discretionary expenditure relates to mandatory expenditure that must be incurred such as compensation to employees whereas discretionary expenditure is based on needs and prioritization that can be varied;

5.6. Role of the County Assembly in Budget Implementation

The Facilitator outlined the following as the role of the County Assembly in the budget implementation: -

a) Examine reports by both the Auditor General and the Controller of Budget;
b) Examine (any) Supplementary Budgets; and
c) Monitor revenue receipts and releases to inform the next budget.

5.7. Key Public Finance Management Institutional Framework

The Committee was briefed on the following key public finance management institutional framework: -

- National Treasury;
- County Treasury;
- County Budget Economic Forum (PFM provision);
- Controller of Budget;
- Legislature -Parliament (National Assembly & Senate), County Assembly;
- Central Bank of Kernya;
- Auditor General – *What is the audit opinion for the County in the last 10 years and which programmes are affected most;*
- Salaries and Remuneration Commission;
- Commission on Revenue Allocation;
- IBEC (PFM Provision);
- State Department of Planning including statistic agency (KNBS);
- Others include procurement bodies and investigative agencies (mandated to ensure proper application and use of public resources).

The Facilitator concluded the presentation by informing the Committee that Legislative oversight should not necessarily be restricted to budget approval and the review of audit findings. Rather, legislative effectiveness in budget scrutiny is enhanced by continuous oversight. Budgeting is a process rather than an event, and budget cycles are ongoing and interconnected. To keep track of all relevant issues, legislators have to follow the entire process as it unfolds.

6.0. CONCLUSION AND WAY FORWARD

After a successful vigorous second induction of Members of the Sectoral Committee on Environment and Natural Resources, the Committee resolved as follows;

1. Members need to develop continuous review of Sector performance by having regular meetings with the Sub Sector Chief Officer and Directors;
2. Develop policies, regulations and Bills aimed at improving operations and service delivery to the Nairobians;
3. Develop work plans that will guide the Committee in undertaking its mandate; and
4. Fully engage the Sector Executive in consideration, review, implementing and monitoring of the Sector's budget documents.