

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(SECOND SESSION)



NCCA/TJ/PL/2023(24)

27TH APRIL 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.

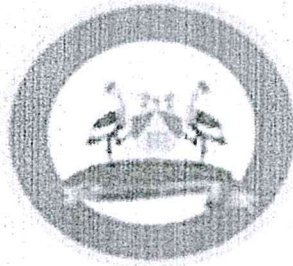
— THE REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON WORKSHOP HELD FROM 16TH TO 19TH MARCH 2023 AT MAXLAND HOTEL, KIAMBU COUNTY.

(The Chairperson of the Sectoral Committee on Labour and Social Welfare)

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

Paper laid on the Table of the Assembly by the Chairperson of the Sectoral Committee on Labour and Social Welfare on 27th April, 2023.
[Signature]
S.M.C.A.
27/4/2023

COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – SECOND SESSION

WORKSHOP REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD FROM 16TH – 19TH MARCH, 2023 AT THE MAXLAND HOTEL, KIAMBU COUNTY.

Clerk's Chambers
Nairobi City County Assembly
City Hall Buildings
Nairobi

APRIL, 2023

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1.0 PREFACE

1.1. Establishment and Mandate

Hon. Speaker,

The Nairobi City County Assembly Sectoral Committee on Labour and Social Welfare was established on Thursday 27th October, 2022, pursuant to the provisions of Standing Order 209 and under the Third Schedule is mandated to consider all matters related to *“Labour, trade union relations, manpower or human resource planning; County Public Service, youth, social welfare and gender”*

The Committee oversees the Sectors whose subject areas are:-

- i. County Public Service Board;
- ii. County Public Service Management;
- iii. Youth Affairs and Social Services; and
- iv. Gender and Inclusivity

1.2 Committee Membership

Committee Membership comprises of:

- | | |
|--------------------------------|------------------|
| 1. Hon. Allan Maina, MCA | Chairperson |
| 2. Hon. Wanjiru Kariuki, MCA | Vice Chairperson |
| 3. Hon. Catherine Okoth, MCA | |
| 4. Hon. Joyce Kamau, MCA | |
| 5. Hon. Nancy Mwaura, MCA | |
| 6. Hon. Oscar Lore, MCA | |
| 7. Hon. Kennedy Odhiambo, MCA | |
| 8. Hon. Thuo Fiunifu, MCA | |
| 9. Hon. Jane Muasya, MCA | |
| 10. Hon. Anthony Kimemia, MCA | |
| 11. Hon. Absalom Odhiambo, MCA | |
| 12. Hon. Joyce Lugonzo, MCA | |
| 13. Hon. Benter Obiero, MCA | |
| 14. Hon. Jane Musangi, MCA | |
| 15. Hon. Evans Nyangicha, MCA | |
| 16. Hon. Peter Maina, MCA | |
| 17. Hon. Paul Wachira, MCA | |
| 18. Hon. Paul Mathu, MCA | |
| 19. Hon. Simon Maina, MCA | |
| 20. Hon. Cicilia Njathi, MCA | |
| 21. Hon. Agnes Njeri, MCA | |
| 22. Hon. Farhiya Aden, MCA | |
| 23. Hon. Abass Khalif, MCA | |

1.3 Committee Secretariat

The Committee Secretariat is comprised of the following officer: -

1. Ms. Mercy Riunga – Senior Clerk Assistant

1.4 Background for the induction Workshop

Hon. Speaker,

The County Assembly Committees are extensions of the Assembly established under the County Assembly Standing Orders and in accordance with Section 14 of the County Governments Act, 2012. The Committees are supposed to perform functions that the Assembly is not well fitted to consider in plenary. Following the constitution of County Assembly Committees on 27th October, 2022 and as part of the County Assembly mandate to build capacity for the Members of the County Assembly in undertaking their functions, the Sectoral Committee Labour and Social Welfare held its second induction workshop from Thursday, 16th to Sunday 19th March, 2023 at Maxland Hotel, Kiambu County. The objectives of the training workshop included the following;

- a) Enable Members to understand their role in generation of business for the Committee;
- b) Enable the Members to understand the legislative process in the Assembly – appreciate the steps in law making process;
- c) Enable the Members to understand and appreciate the parliamentary budget making process and budget documents; and
- d) Enable the Committee to consider the pending business, develop the Committee work plan and its adoption.

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 to enhance the capacity of the Members in undertaking their functions.

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 Committee on Labour and Social Welfare to table the report of the Committee on the second induction workshop held from 16th to 19th March, 2023 at Maxland Hotel, Kiambu County.

Signed

Hon. Allan Maina Gathuku, MCA (Chairman)

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 and as part of the County Assembly mandate to enhance capacity for the Members of the County Assembly in undertaking their functions, the Sectoral Committee on Trade, Tourism and Cooperatives held its second induction workshop from Monday, 27th to Thursday 30th March, 2023 at Maxland Hotel, Kiambu County.

The workshop entailed the overview, establishment and role of Committees in achieving the mandate of the County Assembly, legal underpinning of Committees of the Assembly, rationale for Committees in the Assembly, Committee business and effective output, indicators of an effective Committee, measures to be employed to have an effective generation and tracking of business by the Committee; roles/duties of Committee Chairperson, Members and the Secretariat, management of Committee, procedure and practices in Committee; law making process; and the budget documents and budget making process.

2.1. Official Opening

The workshop was officially opened by a word of prayer by the Chair, Hon. Allan Maina Gathuku, MCA before welcoming the Members, Facilitator and Secretariat to the meeting. The Session Chair then requested 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 establishment, management and operations of the Committee, law making process and parliamentary budget making process. The Secretariat took the Committee through the main objectives of the workshop which included the following: -

- Enable Members to understand their role in generation of business for the Committee;
- Enable the Members to understand the legislative process in the Assembly – appreciate the steps in law making process;
- Enable the Members to understand and appreciate the parliamentary budget making process and budget documents; and
- Enable the Committee to consider the pending business, develop the Committee work plan and its adoption.

In his opening remarks, the facilitator – **Mr. Victor Weke – Senior Clerk Assistant at the National Parliament** informed the Committee that the induction workshop would equip

Members with requisite skills necessary in understanding the roles of the Committee in scrutinizing the proposed laws, policies and Regulations and in the budget making process. He stated that the training was to build capacity for Members in undertaking their tripartite role of oversight, representation and legislation. He reminded the Members on the oath office they took the before assuming office. The Facilitator emphasized on the words "diligently serve the people" and "conventions of Parliament" which meant to diligently serve the people of Nairobi City County within laid down parliamentary procedures and practices He then took Members through the induction programme after being adopted by the Committee as proposed by Hon. Hashim Kamau, MCA and seconded by Hon. Paul Ndung'u, MCA

3.0 COMMITTEE MANAGEMENT

The facilitator took the Members through the induction on various topics as follows

3.1

a) Legal framework

- 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 Government Act 2012, provides for the procedures of a county assembly and establishment of committees respectively; and
- Some Committees are also established by statutes and other resolutions of a County Assembly

b) Role of Assembly Committees; legislation

- 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
- Facilitating public participation on Bills referred to the Committee
- May recommend/introduce amendments to existing Acts of the county government of Nairobi
- Post legislative scrutiny of Acts to establish impact

c) Role of Assembly Committees; oversight

County Assembly:

- represents the citizens, the real sources of authority, owners of County resources

- the custodian of good governance
- responsible to ensure public needs are met
- facilitate change of behavior
- Through questioning of the relevant county executive committee member/ Chief Officer at meetings.
- Vetting of relevant county executive nominees.
- Committee inquiries on execution of mandate of the relevant county departments
- Budget approval and Budget implementation oversight-after passing the budget.
- Approval of county plans and policies e.g. CIDP, ADP, CFSP

d) Role of Assembly Committees; representation

- 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
- Vetting executive nominees-the Committee allows the public to submit memorandum on executive nominees

e) Role of Assembly Committees; budget-making

The Presenter highlighted the following as the rationale for County Assembly Committees:

- Committees act as laboratory of legislative work;
- Allow for in-depth work of the Assembly to be carried out away from the chamber/plenary;
- Enables structured approach to a legislature's handling of its varied roles, goals and functions;
- Facilitate effective oversight of government activities;
- Provide conducive atmosphere for members to build and utilize their expertise and skills; and
- Avail a platform for public engagement and participation in the legislative and other business of the Assembly.

f) Committee business & effective output

The Presenter stated that effectiveness of the committee largely depends on number of factors including:-

- A clarity of **mandate**, clear roles and responsibilities of the committee;
- **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*);
- Effectiveness of the committee largely depends on number of factors, these include:-
- A clarity of mandate, clear roles and responsibilities of the committee;

- 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);
- Effectiveness of the committee largely depends on number of factors , these include:-
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- Effectiveness of the committee largely depends on number of factors , these include:-
- A clarity of mandate, clear roles and responsibilities of the committee; and
- 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)

3.2. Generating business

The presentation covered the following issues that help to generate business in parliamentary Committees: -

- Business in Committees is 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
- Review of Previous Business

3.3. Role of chair& 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.

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;

- Spokes person 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 executive to House and Committee on Implementation

3.4. Role and Attributes of an effective Committee Member

Effectiveness of Committees is heavily dependent on its Members.

An effective member should therefore demonstrate the following, among other attributes:

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

3.5. Attributes of an ineffectual Committee Member

An ineffectual Committee Member exhibits the following attributes:-

- Irregular in attendance- attends to maintain minimum threshold
- Truancy in meetings/activities - technical appearances
- Perennial late comer frequently arriving late and leaving early
- Passive-unprepared to take part in the committee proceedings
- Perennial complainant & critic – always complaining outside meetings
- Effectiveness of Committees is heavily dependent on its Members.
- An effective member should therefore demonstrate the following, among other attributes:
- Regular attendance of committee meetings;

- Preparedness to take a lead occasionally on particular items of agenda;
- Active and interested participants in the committee proceedings;

3.6. Role of Secretariat

- Procedural and technical advisor;
- Makes administrative arrangements for meetings, public hearings, and visits;
- Prepares notices and programme of meetings and facilitate their circulation;
- Prepares briefing materials for the committee;
- Prepares minutes of meetings and draft reports;
- Assists Chairperson in conducting meetings
- Ensures that committee documents are filed and circulated ahead of the meeting;
- Provides information, advice and support to Assembly committees;
- Manages communication/correspondences
- Planning, coordination and budgeting of committee activities;
- Provides independent research, drafting and impartial procedural support to committees;
- Communication link between committee and stakeholders;
- Administers of oath to witnesses;
- Generally ensures execution of committee resolutions;
- Prepares documents for tabling in the Assembly adoption in the House; and
- Prepares talking notes for motions sponsored by or relating to the Committee

4.0. COUNTY LEGISLATIVE AND POLICY MAKING PROCESS

The Facilitator took the Committee through the Legislative and policy making process. He highlighted the key stages in legislation as provided for in the Constitution of Kenya, 2010. He informed the Committee that a County Assembly exercises its legislative power through Bills passed by the Assembly and assented to by the Governor. A Bill may be introduced by any member or Committee of the Assembly. Public participation in the lawmaking process mandatory.

4.1. Introduction of Legislative proposal

The presenter stated that legislative process largely controlled by Government, to ensure implementation of Manifesto on which it was given a mandate by the electorate. All Bills now introduced as Members' Bills. A legislative proposal introduced by a Member, Public through a Member or a Committee is forwarded to Speaker. It must include a memorandum setting out its objectives. On receiving, the Speaker refers the legislative proposal and the memorandum to the Clerk for consideration and drafting in proper form, before submitting it back to the Speaker for approval or rejection.

That a legislative proposal for which a Member or a Committee is in charge shall, together with a memorandum setting out its objectives and matters specified in Standing Order 128 (Memorandum of objectives and reasons) be submitted to the Speaker. The Speaker shall refer the legislative proposal and the memorandum to the Clerk who shall consider the

legislative proposal, draft it in proper form where necessary and submit it to the Speaker with comments on: -

- whether the legislative proposal is a draft money Bill in terms of Article 114 of the Constitution; and
- whether the legislative proposal conforms to the Constitution

4.2. Stages of Bill

Not more than one stage of a Bill to be taken at the same sitting except with the leave of the County Assembly – apart from an Appropriation Bill or a County Revenue Fund Bill.

- a) **First Reading** – a Bill is read of the title by the Clerk to the assembled County Assembly. A Bill is read a First Time without Motion made or question put. A Bill having been read a First Time shall stand committed to the relevant Sectoral Committee without question put – for public participation. However, the County Assembly may resolve to commit a Bill to a select committee established for that purpose. The Sectoral Committee to which a Bill is committed must facilitate public participation and shall take into account the views and recommendations of the public when the committee makes its report to the County Assembly (Art. 196 (1) (b) of the Constitution. The Committee is to report in 20 calendar days, or proceeds without report.
- b) **Second Reading** – this is where the Bill is debated on principles.
- c) **Committee of the Whole County Assembly** – A Bill having been read a Second Time shall stand committed to a Committee of the whole County Assembly. On the Order of the Day for Committee on a Bill being read, the Speaker shall leave the Chair without question put. In considering a Bill in Committee, the various parts thereof shall be considered in the following sequence: -
 - Clauses as printed, excluding the clauses providing for the citation of the Bill, the commencement, if any, and the interpretation;
 - New clauses;
 - Schedules;
 - New schedules;
 - Interpretation;
 - Preamble, if any;
 - Long title;
 - The clauses providing for the citation of the Bill and the commencement.
- d) **Report Stage – Committee Stage** involves a detailed, clause-by-clause examination of the content of the Bill. The Member responsible for the Bill pilots the Bill through the Committee of the Whole House. The Bill can be rejected at this stage; it takes another 6 months to merit reintroduction.
- e) **Third Reading** – this is a final debate, often very short and held immediately after Report, on the overall content of the amended Bill. After the question is put, then the Clerk reads the short and long title of the Bill.

- f) Assent and Commencement – Bill Assent: When the Bill is read a third time, the Speaker passes it on to the Governor for Assent and it becomes law referred to as an Act of County Assembly.

The Act is published in the Official Kenya Gazette and County Gazette.

Operationalization of the Act requires vigilance, Resources, and Establishment Implementation Report to the relevant committee, House Corrigenda, Amendment Bills.

5.0. PARLIAMENTARY BUDGET MAKING PROCESS

During this session, the Facilitator highlighted the procedure in consideration of key budget documents from the County Integrated Development Plan to the Supplementary Estimates. In his presentations, the presenter highlighted the budget making process and the legal timelines. He further articulated on the role of parliamentary Committees in budget implementation.

5.1. Involvement of Legislature in Budget Making Process

The presenter stated the following as some of the reasons why legislature get 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

He stated 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.

He shared 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 Facilitator stated 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 Facilitator took the Committee through key budget documents and the role of the Committee in the budget making process. He briefed the Committee 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 Facilitator stated 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 Presenter outlined the following as 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 Presenter 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: Role of the County Assembly in Budget Implementation

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

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

The Facilitator concluded by stating 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. EMERGING ISSUES AND WAY FORWARD

After a successful eye-opening induction of Members of the Sectoral Committee on Labour and Social Welfare, the Committee made a number of deliberations and therefore made the following proposals;

a) Emerging issues

Develop and adopt a work plan for the Committee.

b) Way forward

- Develop strategic and quarter work plan and ensure all committee pending Business is undertaken;
- Develop continuous review of sector performance by having regular monthly meetings with the heads of the Sector and Sub-sector;
- Develop policies, legislations and regulations aimed at improving operations and service delivery within the County; and
- Conducting a number of inquiries on issues within the mandate of the committee; and Members to generate Committee business, do the tracking and ensure effective output

