

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY
(FIFTH SESSION)

NCCA/TJ/PL/2026(78)

23RD JUNE 2026

PAPER LAID

SUBJECT: REPORT OF COMMITTEE

Pursuant to the provisions of Standing Order 196 (6), I beg to lay the following Paper on the Table of the Assembly, today, Tuesday, 23rd June, 2026

— THE REPORT OF THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON ITS WORKSHOP HELD FROM 28TH APRIL TO 1ST MAY 2026 AT LAKE NAIVASHA RESORT.

(Chairperson, Sectoral Committee on Justice and Legal Affairs)

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

*Papers laid
on the floor of
Hon. Jared Kamau*

NAIROBI CITY COUNTY ASSEMBLY



THIRD ASSEMBLY – FIFTH SESSION

**TWELFTH REPORT OF THE SECTORAL
COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**

ON

***COMMITTEE RETREAT HELD AT LAKE NAIVASHA RESORT, NAKURU
COUNTY***

FROM TUESDAY 28TH APRIL – FRIDAY 1ST MAY, 2026

**Clerks Chambers
Nairobi City County Assembly
City Hall Buildings
Nairobi**

JUNE, 2026

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1.0 Preface

PREFACE

Committee Mandate

Hon. Speaker,

The Sectoral Committee on Justice and Legal Affairs is established pursuant to the Standing Order 209, and is mandated amongst others to:

- i. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- ii. Study the programme and policy objectives of departments and the effectiveness of the implementation;
- iii. Study and review all county legislation referred to it;
- iv. Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- v. Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- vi. Vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 196 (Committee on Appointments); and
- vii. Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

1.1 Committee Membership

The Committee comprises of the following Members: -

- | | | |
|--|----------|-------------------------|
| 1. Hon. Jared Akama Ondieki, MCA | - | Chairperson |
| 2. Hon. Suleiman Hamisi Maleya, MCA | - | Vice Chairperson |
| 3. Hon. Fathiya Abdilahi Mohamed, MCA | | |
| 4. Hon. Peter Oluoch Owera, MCA | | |
| 5. Hon. Maurice Ochieng, MCA | | |
| 6. Hon. Perpetua Mponjiwa, MCA | | |
| 7. Hon. Hellen Awuor, MCA | | |
| 8. Hon. Ami Perez, MCA | | |
| 9. Hon. Silas Matara Ong'wae, MCA | | |
| 10. Hon. Agnes Wambui, MCA | | |
| 11. Hon. Asli Mohamed, MCA | | |
| 12. Hon. Emmy Khatemeshi, MCA | | |

13. Hon. Clarence Munga, MCA
14. Hon. Mwaura Samora, MCA
15. Hon. Diana Katile Mwangagi, MCA
16. Hon. Virginia Kang'ethe, MCA
17. Hon. Clement Ng'ang'a, MCA
18. Hon. Deonysias Mwangi, MCA
19. Hon. Joseph Ndungu, MCA
20. Hon. Francis Kimondo, MCA
21. Hon. Doreen Mugambi, MCA
22. Hon. Stephen Kimani Mugo, MCA
23. Hon. Waruguru Kanyi, MCA

The Justice and Legal Affairs Committee (JLAC) of the Nairobi City County Assembly held a retreat from Tuesday, 28th April to Friday, 1st May 2026 at Lake Naivasha Resort. The retreat brought together Members of the Committee, officers from the Office of the County Attorney and technical staff of the County Assembly for deliberations on legal and institutional matters affecting the County Government.

Objectives of the retreat

The retreat sought to achieve the following objectives:

1. To review the mandate, functions, and operational structure of the Office of the County Attorney.
2. To assess the performance of the OCA in handling litigation involving the County Government.
3. To analyze concluded cases from Financial Years 2024/2025 to 2025/2026.
4. To examine the effectiveness of the County's in-house legal representation framework.
5. To evaluate the implementation and effectiveness of Alternative Dispute Resolution (ADR) mechanisms.
6. To identify legal, financial, institutional, and operational challenges affecting the OCA.
7. To formulate policy and legislative recommendations aimed at improving legal service delivery within Nairobi City County Government.

8. To strengthen collaboration between the Committee and the OCA in execution of their respective constitutional and statutory mandates.

Acknowledgement

The Committee wishes to appreciate the Office of the Speaker and the office of the Clerk for all the support extended to members which enabled the retreat successful.

On behalf of the Committee, it is my pleasant duty to table the Report of the Sectoral Committee on Justice and Legal Affairs Committee retreat held at Lake Naivasha Resort from Tuesday, 28th April to Friday, 1st May 2026.

Signed

Hon. Jared Akama, MCA

(Chairperson)

Sectoral Committee on Justice and Legal Affairs

Dated this 17th.....day of June.....2026

2.0 SESSION I: OFFICIAL OPENING

Introduction and objectives of the workshop

The Justice and Legal Affairs Committee (JLAC) held a retreat from Tuesday, 28th April to Friday, 1st May 2026 at Lake Naivasha Resort. The retreat brought together Members of the Committee, officers from the Office of the County Attorney and technical staff of the County Assembly for deliberations on legal and institutional matters affecting the County Government.

The retreat was convened pursuant to the Committee's oversight mandate over the Office of the County Attorney (OCA) and other legal institutions within the County Government. The main objective of the retreat was to review the performance of the OCA, assess ongoing legal challenges facing the County Government, analyze concluded litigation matters, evaluate the effectiveness of Alternative Dispute Resolution (ADR) mechanisms, and deliberate on institutional reforms necessary for efficient legal service delivery within the County Government.

The retreat further provided an opportunity for Members of the Committee to interact with officers from the OCA on operational challenges affecting the discharge of their mandate and to formulate recommendations aimed at strengthening legal governance, litigation management, compliance, and accountability within the County Government.

3.0 SESSION II: PRESENTATION BY THE OFFICE OF THE COUNTY ATTORNEY

The Chairperson informed that the session would be dedicated towards reviewing the mandate, functions, and operational structure of the Office of the County Attorney and to assess the performance of the OCA in handling litigation involving the County Government.

3.1 Mandate of the Office of the County Attorney

The presenter Mr. Evans Mogire, Deputy **Director for Legislative Affairs** informed the Committee that the Office of the County Attorney was established under Section 4 of the Office of the County Attorney Act, 2020 and is charged with the responsibility of providing legal services to the County Government.

The functions of the Office include:

- Offering legal advice to the County Government;
- Representing the County Government in civil proceedings;
- Advising County departments on legislative and legal matters;
- Drafting, vetting, negotiating, and interpreting contracts and agreements;
- Reviewing County laws and policies;
- Liaising with the Office of the Attorney General where necessary.

The Committee further noted that the OCA executes its mandate through various delivery units including:

- Legislative Affairs;
- Civil Litigation and Alternative Dispute Resolution;
- County Transactions;
- Legal Research and Compliance;
- Legal Services.

The Committee appreciated the strategic importance of the OCA in safeguarding public resources and ensuring legal compliance within County operations.

3.2 Analysis of Concluded Cases

3.21 Recruitment of In-House Counsels

The Committee was informed that during Financial Year 2024/2025, the County Public Service Board, in consultation with the County Executive, recruited sixty (60) in-house legal counsel on permanent and pensionable terms pursuant to Section 18(1) of the Office of the County Attorney Act, 2020.

The recruitment aimed at:

- Strengthening the County's legal capacity;
- Reducing overreliance on external advocates;
- Improving efficiency in litigation management; and
- Reducing legal expenditure incurred through outsourcing legal representation.

Out of the sixty (60) advocates recruited, twenty (20) were deployed to the Directorate of Civil Litigation and Alternative Dispute Resolution.

The Committee observed that the recruitment significantly enhanced the County's litigation capacity and contributed to substantial financial savings through reduction of external legal fees and successful defense of claims against the County.

3.22 Key Litigation Performance Highlights

The Committee was informed that:

- A total of 174 cases had been concluded between FY 2024/2025 and FY 2025/2026;
- Eighty-four (84) cases were handled by in-house counsel;
- Forty-seven (47) out of the 84 cases were determined in favour of the County Government; and
- This represented an approximate success rate of 56%.

The Committee further noted that the deployment of in-house advocates substantially reduced the County's financial exposure arising from:

- Fictitious decrees;
- Undefended suits;
- Inflated legal fees by external advocates; and
- Poor litigation coordination.

The Committee was informed that the estimated savings realized through internal handling of cases stood at approximately Kshs. 8.48 Billion.

3.23 Observations on Litigation Trends

The Committee observed that the majority of cases instituted against the County Government arose from the following sectors:

1. Finance Sector;
2. Lands sub-sector; and
3. Urban Planning and Development sub-sector.

The Committee further observed that many matters touching on the Finance Sector involved:

- Enforcement of decrees;
- Outstanding legal fees;
- Judicial Review applications for Mandamus Orders; and
- Taxation of Bills of Costs.

The Committee noted with concern that the County continues to face a huge burden of pending legal liabilities estimated at approximately Kshs. 13.41 Billion.

3.24 Significant case outcomes

The Committee reviewed several significant cases concluded in favour of the County including:

- Dismissal of petitions and applications for want of prosecution;
- Withdrawal of suits by petitioners;
- Reduction of inflated Bills of Costs;
- Striking out of matters filed in wrong jurisdictions;
- Successful preliminary objections; and
- Out-of-court settlements.

The Committee particularly noted the successful reduction of several Bills of Costs filed by external advocates, including matters involving Prof. Tom Ojienda & Associates and other law firms where substantial reductions were achieved through active litigation by in-house counsel.

The Committee commended the legal team for protecting the County from excessive financial loss arising from litigation.

However, the Committee also observed that cases were yet to be determined against the County, particularly where:

- Judgments had already been entered before recruitment of in-house counsel;
- There were delays in provision of instructions by County departments;
- There was insufficient documentary evidence from sectors; and

- Decretal sums remained unpaid leading to accrual of interest and contempt proceedings.

3.3 Alternative Dispute Resolution (ADR)

The Committee received a comprehensive briefing on the County's ADR framework. The Committee noted that ADR mechanisms including:

- Mediation;
- Negotiation; and
- Arbitration; have increasingly been adopted by the OCA pursuant to Article 159(2)(c) of the Constitution of Kenya.

The Committee was informed that ADR has enabled the County Government to:

- Reduce prolonged litigation;
- Minimize legal costs;
- Avoid adverse judgments;
- Facilitate amicable settlements; and
- Manage legal risks proactively.

The Committee reviewed several ongoing ADR matters involving disputes in:

- Land;
- Commercial transactions;
- Health services;
- Urban planning; and
- Employment matters.

The Committee observed that several negotiations had successfully progressed toward settlement but delays in payment of negotiated amounts often resulted in matters reverting to litigation, thereby increasing the County's financial exposure.

The Committee emphasized the need for timely facilitation of ADR processes to ensure realization of intended benefits.

3.4 CHALLENGES FACED BY THE OFFICE OF THE COUNTY ATTORNEY

The Committee deliberated extensively on challenges affecting the Office of the County Attorney and made the following observations:

3.41 Non-Compliance by County Sectors

The Committee observed that some County sectors continue to undertake actions contrary to existing laws, policies, and contractual obligations thereby exposing the County to avoidable litigation.

The Committee noted that lack of legal consultation prior to administrative actions contributes significantly to legal disputes.

3.42 Delayed or Failure to Provide Instructions

The Committee observed that several County departments fail to provide timely instructions and supporting documents to the OCA, thereby weakening the County's defense in court matters.

The Committee noted that some cases are lost due to absence of evidence and delayed sectoral responses.

3.43 Inadequate Funding and Pending Bills

The Committee noted that delayed settlement of decrees and legal fees results in:

- Accrual of interest;
- Increased pending bills;
- Contempt proceedings;
- Warrants of arrest against County officials; and
- Escalation of legal liabilities.

The Committee further observed that the OCA lacks sufficient financial autonomy in prioritization and settlement of legal obligations.

3.44 Lack of Institutional Autonomy

The Committee observed that despite the Office of the County Attorney being established as an independent office under the Office of the County Attorney Act, 2020, there have been administrative tendencies to place the office under other County sectors contrary to the law.

The Committee emphasized that the County Attorney holds a status equivalent to a County Executive Committee Member and should operate independently as envisaged under the law.

3.45 Usurpation of Mandate

The Committee observed instances where County sectors undertake functions legally assigned to the OCA, including preparation of leases and legal documents.

The Committee noted that this creates legal risks, institutional conflict, and exposure to future litigation.

3.46 Human Resource Challenges

The Committee observed that:

- Remuneration of legal officers remains below industry standards;
- Advocates are not adequately facilitated for practicing certificates and CPD trainings;
- There is inadequate budgetary support for staff capacity building.

The Committee noted that failure to address staff welfare may negatively affect staff retention and performance.

3.47 Inadequate Office Space and Equipment

The Committee observed that the current office space at City Hall Annex is insufficient following recruitment of additional staff and creation of new departments.

The Committee further noted inadequacies in office furniture, ICT equipment, and legal research materials.

4.0 COMMITTEE FINDINGS

The Committee made the following findings:

1. The recruitment of in-house counsel has significantly improved litigation management within the County Government;
2. The Office of the County Attorney has demonstrated measurable progress in reducing legal costs and safeguarding public resources;
3. ADR mechanisms provide an effective framework for reducing legal exposure and should be strengthened;
4. Delayed settlement of decrees remains one of the greatest contributors to escalating legal liabilities;
5. Weak coordination between County sectors and the OCA undermines effective legal representation;
6. The OCA continues to face operational challenges arising from inadequate funding, limited autonomy, and insufficient institutional support; and
7. There is need for stronger legal compliance mechanisms across County departments.

5.0 COMMITTEE RECOMMENDATIONS

The Committee recommends that:

1. Strengthening Legal Compliance; County sectors should seek legal advice from the Office of the County Attorney before undertaking actions likely to expose the County to litigation.
2. Timely Provision of Instructions; County departments should provide timely instructions and documentation to the OCA to facilitate effective legal representation.
3. Financial Support to OCA; The County Assembly should allocate adequate funding to the Office of the County Attorney to enable:
 - a. Timely settlement of decrees;
 - b. Payment of legal fees;
 - c. Facilitation of ADR processes; and
 - d. Capacity building and staff welfare.
4. Financial Autonomy; The County Government should operationalize financial autonomy for the Office of the County Attorney including establishment of:
 - a. An independent budget line;
 - b. An independent finance vote; and
 - c. Authority to initiate and finalize legal payments.
5. Institutional Independence; The County Government should fully comply with the Office of the County Attorney Act, 2020 and safeguard the institutional independence of the Office.
6. Human Resource Improvements; The remuneration of legal officers should be harmonized with comparable institutions including:
 - a. The Office of the Attorney General;
 - b. The Judiciary; and
 - c. The Office of the Director of Public Prosecutions.

The County should also facilitate:

- Practicing certificates;
 - Continuous Professional Development (CPD); and
 - Specialized legal trainings.
7. Infrastructure Improvement; The County Government should provide additional office space, furniture, ICT equipment, and legal research resources for the OCA.

6.0 CONCLUSION

The Committee noted that the Office of the County Attorney plays a pivotal role in safeguarding the legal and financial interests of Nairobi City County Government. The retreat provided an important platform for evaluating progress made in litigation management, identifying operational gaps, and developing strategic interventions aimed at strengthening legal governance within the County Government.

The Committee commended the Office of the County Attorney for the significant strides made in reducing legal exposure through effective litigation management and utilization of Alternative Dispute Resolution mechanisms. The Committee further emphasized the need for enhanced institutional support, adequate funding, and strengthened interdepartmental collaboration to enable the Office effectively discharge its constitutional and statutory mandate.

The Committee resolved to continue supporting legislative and policy interventions aimed at strengthening the legal framework and operational capacity of the Office of the County Attorney for efficient and accountable service delivery within Nairobi City County Government.

