

SOCIETY OF CLERKS AT THE TABLE-KENYA



MODEL COUNTY ASSEMBLY COMMITTEES MANUAL







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JANUARY 2018



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FOREWORD

There being no precedence of a devolved system in Kenya, disharmony and different approach to work was the norm across the County Assemblies after the 2013 General Elections. This despite the fact that the 47 County Assemblies being the legislative arms of the county governments, perform the same functions. Since 2013 therefore, most County Assemblies have operated their committees without standardized manuals.

To address this problem, the Steering Committee of SOCATT, directed the Procedure and Practice Committee to develop a model County Assembly Committee Manual. The manual is intended for adoption by the 47 County Assemblies in Kenya, and may be customized to fit to specific needs.

The County Assemblies Committee Manual intends to develop the standard operating procedures to guide the operations of committees of the County Assemblies.

This will ensure that the work of County Assemblies is conducted in a systematic and formal manner with a view to strengthen their legislative and oversight roles as provided for in the Constitution of Kenya 2010.

The Manual was developed by the SOCATT (K) Committee on Procedure and Practice. We appreciate the Senate and USAID-AHADI who provided technical and financial resources that made the development of this manual a success.

The objectives of this manual include but are not limited to;

1. Provide the standard operating procedures for members and staff of the County Assembly and,
2. Facilitate effective and efficient County Assembly committee operations

We therefore urge County Assemblies to use this manual as maybe applicable to them.



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EXECUTIVE SUMMARY

Assembly committees are appointed by each County Assembly to undertake business on behalf of the Assembly. Committees are comprised of smaller groups of Members of the County Assembly who have been appointed by the different assembly parties. Committees derive their powers from the House and must report their findings back to the House.

Committees consider only those matters that are referred to them by the County Assembly. Within their mandate and it expected that committees are permitted total independence in their deliberations.

The committee system allows for a more detailed examination of policy and other matters than is possible in the committee of the whole. The committee system also provides members of the public with the opportunity to have direct input into the parliamentary process by making written or electronic submissions and attending public hearings.

Appreciating the functions listed above of the committees it is important for both the Members of the County Assembly and the secretariats that support the committees to be well versed with the mandate of their Committees. This manual consists of four chapters that bring together a compilation of the available knowledge and guidance on committee management for effective and efficient delivery on committee specific mandates.

In chapter one, the manual brings the user to an understanding of the rationale that advised the development of the manual and familiarizes the term committee as used in this context, it further explores the mandates and roles of committees of county assemblies. Chapter two dwells on the formation of committees and the placement of members into committees; it details the committee processes including elections of the chairperson, the actual role of chairing, quorum and reporting the proceedings of the committee. The concluding chapter four endeavors to provide directions on development of committee documentation by providing samples from which adaption can be made by the secretariat supporting assembly committees.



PART ONE

BACKGROUND

The basic purpose of an Assembly Manual is to provide officers with direction and guidance as relates to Assembly processes and procedures by which mandates are realized. Primarily, a Manual is aimed at realizing consistency in the application of standards and procedures in the Assembly. This model Committee Manual aims at documenting the Assembly's procedures in a readily available tool to help officers understand and apply Parliamentary practice and procedure effectively in the management of Assembly Committees.

County Assemblies exercise their mandates through Committees and the Plenary. The Constitution establishes County Assemblies and defines their composition under Article 176. The roles of the County Assemblies are provided for variously under the Constitution and the County Governments Act, 2012. Broadly, Article 185 provides for the exclusive law making mandate of the County Assembly. Further functions are provided for under Sections 8 and 9 of the County Governments Act, 2012.

Note that the Procedures, by which the Assembly's functions are realized, as outlined in this Manual for Committees, find their basis under Section 14 of the County Governments Act, 2012, codified in the Standing Orders.

The said Section provides thus–

A county assembly–

- (a) may make standing orders consistent with the Constitution and this Act regulating the procedure of the county assembly including, in particular, orders for the proper conduct of proceedings; and
- (b) subject to standing orders made under paragraph (a), may establish committees in such manner and for such general or special purposes as it considers fit, and regulate the procedure of any committee so established.

The procedures and processes outlined in this Manual derive from the Standing Orders, and have simplified the said processes and procedures for easier application.

1.2 MANDATES AND ROLE OF COUNTY ASSEMBLIES

Article 185 of the Constitution provides for the role of the County Assembly as follows:

- (1) The legislative authority of a county is vested in, and exercised by, its County Assembly.
- (2) A County Assembly may make any laws that are necessary for or incidental to the effective performance of the functions and exercise of the powers of the county government under the Fourth Schedule.
- (3) A County Assembly, while respecting the principle of separation of powers, may exercise oversight over the county executive committee and any other county executive organs.
- (4) A County Assembly may receive and approve plans and policies for–
 - (a) The management and exploitation of the county's resources.
 - (b) The development of the county.

In addition to the legislative authority of the County Assembly as provided for under Article 185 of the Constitution, the specific mandates of county assemblies are stipulated under Section 9(1) of the County Governments Act as follows–

Section 9(1) of the CGA 2012 provides as follows–

- 9. (1) A member of a County Assembly shall–



BACKGROUND

- (a) maintain close contact with the electorate and consult them on issues before or under discussion in the County Assembly;
- (b) present views, opinions and proposals of the electorate to the County Assembly;
- (c) attend sessions of the County Assembly and its committees;
- (d) provide a linkage between the County Assembly and the electorate on public service delivery; and
- (e) extend professional knowledge, experience or specialized knowledge to any issue for discussion in the County Assembly.

The mandate and role of the County Assemblies from the foregoing can thus be summarized as–

1. Law making;
2. Oversight over the Executive; and
3. Representation.



PART TWO

RATIONALE, VALUE AND PURPOSE OF COMMITTEES

2.1 THE COMMITTEE SYSTEM

Committees in the Assembly are smaller units or groups of Members of the County Assembly that allow the Assembly to perform several functions simultaneously and also provide the opportunity for more detailed investigation and discussion before the findings and outcomes of these committee meetings are presented as reports to the broader group (assembly in plenary) for debate and adoption.

Committees are a vital tool or organ in the working processes of legislatures. Without them, the proceedings of a legislature would grind to a halt from the sheer volume of activities that would have to be considered at the plenary. Committees are agents of the assembly that enable legislatures to organize their work in order to perform numerous activities simultaneously and expeditiously.

These include:

- i) Reviewing legislation.
- ii) Reviewing and approving the budget and expenditure of the county government.
- iii) Scrutinizing governance activities, policies, and programs and assessing whether they meet the intended objectives of legislation, policy frameworks, and development plans.
- iv) Investigating special issues.
- v) Vetting and approving executive appointments.
- vi) Providing a platform for public participation in the execution of specified business.

Committees are an efficient way of running the business of the Assembly. Well-functioning committees expand democratic governance. Committee mandate and membership focus attention on specific issues and bring about meaningful deliberations. Committees have defined mandates and memberships. They study an issue or set of issues and report back to the Assembly. This allows individual members of the County Assembly to focus their attention on a subject matter, study it in detail, and deepen their understanding of the issue(s). The committee setting enhances the ability of members to be productively engaged in the detailed working of the Assembly and so take ownership of its outcome. Members of the County Assembly (MCAs) are able to discuss issues informally, are less constrained by political party discipline, and are able to develop relationships with colleagues who belong to other parties.

Committees are mechanisms that enable public engagement and legitimization of the operations of county assemblies. It is a forum for MCAs to interact and involve the public and various stakeholders in the work of county assemblies. Committees hold hearings and meetings that provide the democratic opportunity for various interest groups (academics, professionals, and individual citizens) with varied expertise to participate by presenting their views on a range of issues.

The value and benefit accruing from the use of committees lie in the fact that they perform functions that the Assembly is not fitted to do in its corporate form such as:

- i) Summon persons to present oral evidence and written memoranda or documents.
- ii) Sit as frequently as is desirable, including sitting away from the precincts of the assembly and for longer hours.
- iii) Make available an environment that can facilitate presentation of details, sifting through evidence and formulating reasoned conclusions consistent with both statutes and procedures.

- iv) Conduct inspection tours, inquire into matters, prepare reports, and make recommendations to the assembly.
- v) Form sub-committees for the effective and efficient discharge of varied issues.

These functions are more efficiently carried out by small groups of members of the County Assemblies. Another advantage of committees is that several of them can operate at the same time, thus dealing with many matters concurrently and expeditiously. By concentrating on specific matters or subjects, committees also offer the benefit of specialization for both MCAs and staff.

2.2 GENERAL ROLES OF COMMITTEES

General roles of a Committee can be summed up as follows–

- Oversight over the executive.
- Initiating legislative proposals.
- Scrutiny of legislative proposals and bills.
- Conducting investigations and reporting to the plenary for action.
- Reviewing and approving the budget and expenditure of the county government.
- Scrutinizing audit reports of County government agencies and managing the business of the house in an orderly manner.
- Investigating, inquiring into, and reporting on all matters relating to the mandate, management, activities, administration, operations, and estimates of the assigned County departments and other matters as may be required by the Assembly.
- Study the program and policy objectives of departments and the effectiveness of implementation.
- Study and review all county legislation referred to it.
- Study, assess, and analyze the relative performance of departments as measured by results compared with stated objectives.
- Investigate and inquire into all matters relating to the assigned departments as may be deemed necessary and as may be required by the assembly.
- Vet and conduct approval hearings for executive appointees where the Constitution or any law requires the Assembly to approve.
- Frequently make reports and recommendations to the assembly, including proposed legislation.

2.3 COMMITTEE MANDATE AND CLASSIFICATION

There are three types of committees in the county assemblies:

- i) Standing Committees, which includes:
 - a) Sectoral committees.
- ii) Other Select Committees, which include:
 - a) Housekeeping committees.
 - b) Statutory committees.
 - c) Watchdog committees.
- iii) Ad hoc select committees, which are temporary special purpose Committees.

For purposes of this classification, it is important to note that the Committee of the Whole Assembly is not a Committee in the traditional parliamentary understanding of a Committee. The Committee of the whole Assembly is dealt with comprehensively in the Procedure Manual.

2.3.1 Standing Committees

A Standing Committee is a committee established by the Standing Orders of the Assembly whose term/duration is tied to the term of the county assembly. It may study matters referred to it by the county assembly or, on its own initiative, undertake studies within its area of responsibility .

A main example of standing committees in the county assembly is the sectoral committees.

Sectoral Committees

Sectoral committees are committees aligned to the county departments.

The functions of a Sectoral committee are to:

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

Sectoral Committees include all Assembly committees established for purposes of oversight of County Departments under the Schedules to the Standing Orders.

2.3.2 Other Select Committees

The mandate of the other select committees is as specified in the Standing Orders establishing them. The Membership and term of the committee is also provided in the Standing Orders. These Select Committees include:

- a) Statutory committees,

Statutory committees are those established by statute to perform functions assigned by the said law. These include the Budget and Appropriations Committee and the Powers and Privileges Committee

- b) Watchdog committees,

Watchdog committees are established to ensure expenditure of funds is in accordance with the law and to prevent misappropriation of funds. An example is the County Public Accounts and Investments Committee

- c) Housekeeping committees,

They are established to ensure smooth running of assembly business and oversee certain aspects of assembly operations. They include:–

- County Assembly business committee;
- Committee on selection;
- Assembly procedure and rules committee;
- Committee on powers and privileges
- Liaison committee; and
- House Broadcasting committee.

2.3.3 Ad Hoc Committees

The Assembly may appoint an Ad Hoc committee to carry out a particular assignment. Such a committee is dissolved as soon as it has completed the matter or assignment referred to it and has presented its report to the Assembly or at the expiry of the duration for which it is established.



PART THREE

MANAGEMENT AND ADMINISTRATION OF COUNTY ASSEMBLY COMMITTEES

3.1 NOMINATION OF MEMBERS TO COMMITTEES

The Select Committee on Selection, in consultation with Assembly parties, nominates members to serve in committees save for the Select Committee on Assembly Business and the Select Committee on Appointments. The Select Committee on Selection in nominating members to committees gives consideration to the need for gender balance and, so far as may be practicable, ensures that no more than two-thirds of members of a committee of the Assembly, including a committee established through a resolution of the Assembly, are of the same gender.

3.2 CRITERIA FOR NOMINATION

In nominating members to serve on a select committee, the committee on selection should ensure proportional representation of parties in the Assembly based on the relative majority of the political parties in the assembly. However, a member belonging to a party other than an Assembly party as defined under Standing Order NO 2 or Independent member may be nominated to serve in a committee and the allocation of membership of committees should be proportional to the number of members belonging to such parties and Independent members.

A member against whom an adverse recommendation has been made in a report of a committee that has been adopted by the assembly is ineligible for nomination as a member of that committee.

3.3 APPROVAL OF NOMINATION

Within seven days of nomination of members to serve in any committee, the committee on selection shall present the list to the Assembly for approval. Whenever a motion for approval of the list is moved, no objection against the proposed inclusion of a member in a committee is permitted except where any such objection is formulated against the proposed membership as a whole. A member does not become a member of a committee unless his or her nomination is approved by the Assembly.

3.4 DISCHARGE OF A MEMBER FROM A COMMITTEE

The assembly party that nominated a member to a select committee may give notice, in writing, to the speaker that the member is to be discharged from a select committee. The discharge of a member takes effect upon receipt by the speaker of a notice. Any vacancy occasioned by resignation or removal of a member from a select committee should be filled within 14 days of the vacancy.

3.5 CONDUCT OF ELECTION OF THE CHAIRPERSON

The chairperson and vice-chairperson of a committee are elected from among its members. The clerk appoints a place, date, and time for the first meeting of a committee within seven days of its constitution by the assembly, or such further period as the speaker may approve. As soon as a majority of the committee is present, the clerk conducts the election of the chairperson and vice-chairperson by secret ballot. Whenever a vacancy occurs in the office of chairperson or vice-chairperson of a select committee, the clerk appoint a place and time for the meeting of the committee to elect the chairperson or vice-chairperson within seven days of the vacancy arising.

3.6 CHAIRING OF COMMITTEES

3.6.1 Duties of Committee Chairperson and Members in a Meeting

3.6.1.1 *A Chairperson of a Committee:*

- i) Presides over meetings. The following are the key elements of presiding over a meeting:
 - Call the meeting to order on time and ask a member to read a prayer.
 - Welcome everyone present to the meeting. Where necessary, have a guided introduction of members and non-members.
 - Briefly state the purpose for which the meeting has been convened.
 - State the procedure and modalities for disposing of the agenda of the meeting.
 - Ensure that the proposed agenda is adopted by the meeting.
 - Keep control of the meeting to ensure deliberations focus on one agenda item at a time and that the agenda is disposed of in the sequence adopted.
 - Moderate the proceedings of the meeting by choosing who to speak at a time and keeping order.
 - Re-state and re-affirm the decision of the committee before proceeding to the next agenda for clarity and avoidance of doubt on the decision taken.
 - Adjourn the meeting at the conclusion of business and, where applicable, announce the date for the next meeting.
 - Confirm that there is quorum at the commencement of the meeting and when adopting committee reports.
- ii) Sign minutes of previous meeting after being proposed, seconded, and confirmed by the members present.
- iii) Maintain order during the meeting, including dealing with errant members.
- iv) Ensure that members do not infringe the rights of witnesses or other persons appearing before the committee.
- v) Determine questions of procedure and/or privilege during the meeting,
- vi) Decide whether there is a need to exclude the public from the committee meeting. If so determined, the chairperson may adjourn the meeting to seek leave of the speaker to authorize exclusion of the public.

In the absence of the chairperson and vice-chairperson at any meeting, a member designated by the chairperson takes the chair, and in the absence of such designated member, the members present elect one of them to take the chair.

3.6.1.2 *Effectiveness of Members of the Committee*

The following tips are requisite for effective Committee membership—

- i) Actively participate in the deliberations in an assertive manner but without being aggressive.
- ii) Avoid being distracted from the proceedings by being calm and attentive listeners.
- iii) Keep in mind the mandate and goals of the committee and advance these in their contributions.

- iv) Declare any interest, where applicable, in the matter being discussed.
- v) Observe the rules for orderly conduct of committee meetings, especially in regard to seeking the chairperson's permission before speaking.
- vi) Be supportive of the qualified views of other members and where one is of a contrary view, voice their objection in decorum.

3.7 VOTE OF NO CONFIDENCE IN THE CHAIRPERSON

A committee may, in a resolution supported by a majority of its members, decide that it has no confidence in the chairperson or vice-chairperson and a member designated by the committee for that purpose shall report the resolution to the liaison committee which, as soon as it is practicable, directs the Clerk to conduct an election for the chairperson or vice-chairperson, as the case may be, in accordance with the provisions of the standing orders.

The members desiring to make such a resolution must serve the chairperson or vice-chairperson with a written notice of the intended vote of no confidence and may, if they constitute a majority, request the clerk to call a meeting at the expiry of three days after the giving of such notice. Such a notice is deemed to have been given upon its circulation in the offices of members and posting on notice boards in the precincts of the assembly, and upon delivery to the chairperson's or vice-chairperson's official email address and delivery of the notice to the office of the chairperson or vice-chairperson, as the case may be.

3.8 GENERAL COMMITTEE PROCEDURES

3.8.1 Agenda Items for County Assembly Committee Meetings

The chairperson decides the agenda of the meeting. The secretariat shall publish a draft agenda at least one day in advance of a regularly scheduled meeting. Any committee member may demand that an item be included in the agenda. Items requested by other parties may be included at the discretion of the chairperson of the committee. Where a decision is requested a written proposal must be supplied.

Requests for agenda items and documents in support of the agenda item must be sent to the secretariat at least two weeks before the relevant meeting. Requests for agenda item and documents in support of the agenda item received after that date will only be included at the discretion of the chairperson of the meeting.

3.8.2 Standing Rules and Rules of Order

3.8.2.1 Member's Decorum:

Deals with respect for the rules of the Assembly as detailed in the norms, customs and Standing Orders of the Assembly. They include but are not limited to -

- a) Members need not rise while speaking or making motions and may obtain the floor (*or a place in the queue for the floor*) by signaling the chairperson as appropriate.
- b) Members may refer to other members by the term 'Honorable' and name and must address their remarks to the chairperson.
- c) There is no limit to the number of times a member can speak to a question and no motions to close or limit debate may be entertained.
- d) Members may speak against their own motions.
- e) One Member to speak at a time and only upon being picked by the Chairperson.
- f) Members to respect other members' divergent views/opinions.
- g) Additional topics for discussion can be proposed whenever no motion is pending and will be added to the standing 'any other business' agenda item.

- h) Members to attempt to reach decisions by consensus but if no consensus then a vote to be taken.

3.8.2.2 Chairperson Decorum:

- a) The chairperson need not rise while putting questions to vote.
- b) The chairperson can speak in discussion without rising or leaving the chair, and usually votes on all questions.
- c) The chairperson calls specifically for abstentions during each vote.
- d) Negative votes and abstentions shall be noted in the minutes by name.
- e) The chairperson calls for roll call votes on fiscal matters.
- f) The chairperson, at his or her discretion, may invite a person who is present in person to address the meeting.

3.9 NOTICES FOR SITTINGS

The Clerk gives a notice convening a meeting of a committee to all members showing the date, time, venue, and agenda of the meeting. Such a notice is deemed to have been given upon circulation through the official email addresses of members, the Assembly website, delivery of the notice in the offices of members, or posting of the notice in the precincts of the Assembly.

3.10 FREQUENCY OF SITTINGS

The frequency of committee meetings is most often determined by business before the committee. Ideally, the committee secretariat in coordination with the Chairperson of a Committee prepares a Committee work plan which is subsequently adopted by the Committee to guide its sittings for any given session. However, the SRC has set payable committee meetings for County Assemblies at not more than four sittings per week.

Sittings of a committee are held as determined by the chairperson or on a petition made by at least a majority of members of that committee, but no meeting of a committee may be held outside the precincts of the assembly without the approval of the speaker.

3.11 PRIORITY OF PLENARY SITTINGS

Except for the house business committee, no committee is allowed to meet during a sitting of the Assembly without the written permission of the speaker. However, a sitting of any committee during plenary stands suspended when a division or quorum bell is rung.

3.12 MEMBERS ADVERSELY MENTIONED NOT TO SIT

A member who is adversely mentioned in a matter under deliberation by a committee is not allowed to be present at any meeting at which the committee is deliberating on the matter, but the member may appear to adduce evidence as a witness before the committee.

3.13 ATTENDANCE OF COMMITTEE MEETINGS BY NON-MEMBERS AND THE PUBLIC

- **Non-members** – Any member of the County Assembly is allowed to attend a meeting of a committee to which she/he is not a member. However, such member shall not be entitled to vote on any matter before the committee.
- **The public** – Article 196 of the Constitution and standing orders open up all committee proceedings to the public unless in exceptional circumstances where the chairperson has earlier determined that there are justifiable reasons for excluding the public. When a meeting is in progress and there is a member of the public in attendance and the committee feels that it needs to proceed in camera, the chairperson may put a question to exclude the public upon request from any Member of the committee or adjourn the meeting to seek leave of the speaker to exclude the public from the meeting.

- **Oral evidence sessions with witnesses**

Oral evidence sessions are held in public, with members of the committee questioning the selected witnesses. The committee secretariat should prepare background briefing papers for each oral evidence session, including a number of suggested questions and proposed questioning structure. Questions are intended to draw evidence from the witness. It is, therefore, important to work on the questioning techniques for members to ensure the committee gets the intended responses from witnesses.

Members of the committee should refrain from responding to questions on behalf of the witness (es). Moreover, committee members should not make statements or outline their own views during oral sessions. Care must be taken to ensure that the committee treats witnesses with respect and courtesy.

3.14 ENGAGEMENT OF EXPERTS

When the matter before a select committee is technical in nature and the committee feels insufficiently capacitated to handle it, it may, with the approval of the speaker, engage such experts needed to effectively deal with the matter.

3.15 RECORD OF ATTENDANCE

The names of members present at each sitting of a select committee shall be entered in the minutes of that sitting.

3.16 FAILURE TO ATTEND MEETINGS

Unless otherwise provided for in the standing orders, in the event that any member is absent or otherwise unable to attend the sittings of the committee, the whip of that member's party may, with the permission of the speaker, appoint another member to act in that member's place during the period of such absence or inability. A member shall be considered absent or otherwise unable to attend a sitting, if the member is out of the country on official Assembly business or is indisposed.

If a member fails to attend four consecutive sittings without the written permission of the chairperson of the committee or permission of the speaker where the member is the chairperson, the chairperson, or the speaker, as the case may be, notifies the committee of the failure to attend by the Member. The committee, having noted the notification, may resolve that the member or the chairperson as the case may be, be suspended from the membership of the committee and that the matter be reported to the house business committee. Upon receipt of such a report, the house business committee considers the matter and proposes a replacement of the member for approval by the Assembly.

3.17 JOINT SITTING OF COMMITTEES OF THE ASSEMBLY

Two committees considering similar matters may, with the approval of the speaker, hold joint sittings. The chairperson of a joint sitting of committees is based on the ranking order set. The second ranking member of the other committee shall deputize. The quorum of a joint sitting of two or more committees is the number obtained by adding the respective quorum of each committee, excluding the chairpersons. The report of a joint sitting of two or more committees cannot be adopted unless supported by a resolution of a majority of the total membership of the committees.

3.18 QUORUM

Unless quorum is achieved within 30 minutes of the appointed time, a meeting of a committee of the assembly stands adjourned to such time on another day as the chairperson of the committee may appoint.

3.19 CHAIRPERSON'S BRIEFING

Thirty minutes before the meeting is scheduled to start, the committee Clerk should have prepare a written briefing for the chairperson. At least fifteen minutes before the meeting, the committee Clerk should brief the chairperson on the committee business for the day and the results of follow-up on committee resolutions/ activities from previous meetings.

Committee clerks must also make sure they have the necessary documents of issues the committee is dealing with in their file and members' files. The Clerk is required to brief the chairperson on matters that are likely to arise for the chairperson to prepare.

During the Meeting

The committee clerk has several specific tasks. These include:

- Marking members present and in attendance and keeping attendance register.
- Checking whether any apologies have been received and recording them.
- Making a list of departmental officials present, as well as any other persons who may have come to brief the committee for the benefit of the chairperson and for minuting purposes of minutes.
- Taking note of the members of the public who may be present during the meeting.
- Preparing correspondence and keeping all records of the meeting.
- Writing down the minutes of the proceedings.
- Observing to ensure orderliness of proceedings.
- Giving accurate advice on procedural issues whenever it is needed.
- Where necessary, taking the committee through background papers and briefing the committee on information requested in previous meeting(s).

The Formal Agenda (Order of the Day)

A formal agenda typically includes the following:

- a) Attendance – and apologies are read, called, and recorded.
- b) Confirmation of Previous minutes – The chairperson calls on the secretary to read the previous minutes if they have not been previously circulated to members. The chairperson calls for corrections or additions after which she/he declares that the minutes are approved as read, delivered, or corrected, or entertains a motion to that effect.
- c) Matters arising from the last minutes are discussed (discussion should be confined to specific questions arising from the minutes or the action someone was asked to take).
- d) Correspondence is tabled. Discussion is limited to the essentials and a motion put that inward correspondence be received, another that outward correspondence be approved.
- e) Committee reports are presented and discussed. These do not need a motion unless specific recommendations are made, in which case a motion is required for the specific recommendation(s) only.
- f) Other reports (brief on specific subjects, with recommendations attached for consideration) are presented. Recommendations are discussed and approved or declined through a motion.
- g) Motions – of which due notice has been given – are put. Any motions proposed without sufficient notice may be rejected by the chairperson and then accepted as notices of motion for the next meeting.
- h) General business (AOB) - This is the time for minor items to be raised. The chairperson should discourage the raising of major items at this point unless they are urgent. The chairperson decides whether each matter will be discussed under AoB or deferred to the next meeting.
- i) The date for the next meeting is arranged, if not already set.

County Assembly committee meetings typically include three types of sessions, each of which provides a different level of access or participation:

- **Open forum sessions:** Local and remote attendees are welcome to ask questions, provide input, and discuss with committee members.
- **Open-to-observers sessions:** Local and remote attendees are welcome to listen in but not to participate except for invited guests or persons summoned to provide information.
- **Closed executive sessions:** When an item to be discussed is likely to result in the disclosure of financial, personal, or other sensitive information the committee declares a closed session. Attendance is restricted to committee members and any specifically invited guests.
- The committee reserves the right to invite individuals to participate in any type of session as needed.

3.20 PROCEDURE IN COMMITTEE OF THE WHOLE ASSEMBLY APPLIES

Committee of the whole assembly arises when all members of the county assembly meet in committee and the session is usually chaired by the Deputy Speaker or temporary speakers. This is mainly done to consider Bills clause by clause after second reading of a Bill.

Except as and to the extent to which the chairperson may otherwise direct for the purpose of facilitating full consideration and discussion of a matter referred to a committee, the procedure in a committee is as nearly as possible the same as that of a committee of the whole Assembly.

3.21 VOTING

Any question arising in a committee is decided by vote and the resolution on any such vote constitutes the decision of the committee on that question. Where a vote on a question is not unanimous, the names of the members voting for and against the question and those abstaining from voting must be recorded in the minutes.

3.22 CONSIDERATION OF MINUTES

The committee clerk should ensure that the minutes of previous meeting are considered and adopted by the committee. The chairperson signs the minutes of proceedings once members are satisfied that they are a correct record of what transpired in the previous meeting. A correction to the minutes, if proposed at the commencement of the next meeting, may be made with the agreement of the committee or upon a motion.

3.23 SEATING ARRANGEMENT FOR A COMMITTEE MEETING

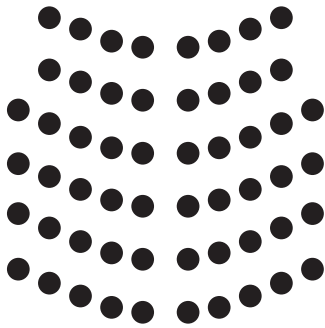
For convenience of the committee, it is advisable that the chairperson, vice-chairperson, and the secretariat sit next to one another in such a manner that the vice-chairperson and the secretariat sandwich the chairperson for ease of consultation. All other members may sit in any position.

Where a committee is engaging witnesses, the witness (es) should be made to sit separately but in a position directly opposite the chairperson.

The committee secretariat may make necessary modifications to the arrangement based on the available space and design of the meeting room.

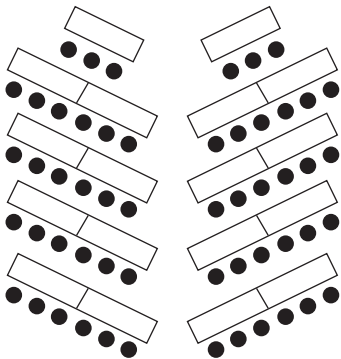
a. *Theater Style*

Chairs are lined up in rows facing the chair/speaker. Rows can be straight, semicircular or herringbone. Best used when committee members take on the characteristics of an audience. Not recommended if committee members will need to take notes.



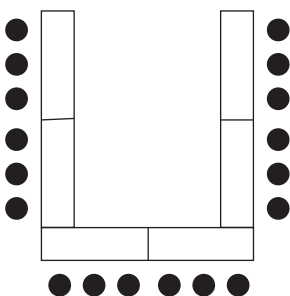
b. Classroom Style

Long, narrow tables are positioned in front of rows of chairs facing the chairperson. Tables can be horizontal or angled slightly, as pictured here. Best used for situations where the presenter is talking and when committee members must take notes, refer to material in binders, or work on computer equipment. It is also the most comfortable setup for long sessions



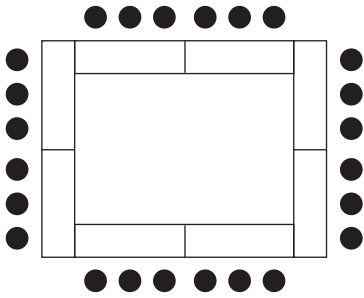
c. U-Shape

Rectangular tables are positioned to form a “U”. Seating is usually on the outside of the U, but it is possible to seat committee members on both inside legs of the U. Best used for relatively small groups where committee members are expected to participate and interact with one another.



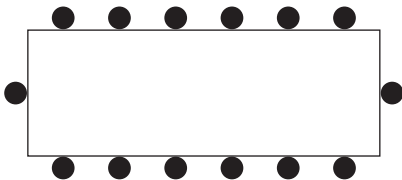
d. Hollow Square

Classroom tables are arranged in a square or rectangular design with the center configuration empty. This arrangement is best used for larger committee meetings where interaction among members is important. It creates a sense of equality as there is no ‘head table’.



e. Boardroom Style

Committee members are seated on all four sides of a large conference table. Best used for board meetings, committee meetings, and other smaller functions at which interaction among participants is expected. Higher-level executives or chairpersons will typically occupy the end sections of the boardroom setup



3.24 POST-MEETING

At the conclusion of any meeting of a committee, the clerk collects members' files and keeps them in a safe place. However, upon a decision by the committee, members can take exhibit files home.

3.24.1 Committee Secretariat

When the meeting ends, or as soon as is practicable, the secretariat should undertake the following activities:

- i) Prepare accurate and timely minutes. It is advisable to avoid the tendency to procrastinate.
- ii) Once the draft minutes are ready, share them with the chairperson before generating the final minutes for circulation in the next meeting.
- iii) Take necessary action where the secretariat is the action entity. Clearly assign each officer in the secretariat specific action points for clarity and responsibility. Actions may include writing invitation letters to witnesses for the next meeting or conveying a decision or resolution of the committee.
- iv) Communicate to other officers or agencies required to take action as soon as possible.
- v) Keep a proper record of documents submitted to the committee and minutes for they will form part of its documents and in cases where a report is expected out of deliberations to which they relate, the documents and minutes form part of the final report of the committee and will serve as a future reference on any matter dealt with by the committee.
- vi) Where a report has to be generated, start to note the recommendations at the earliest time possible so that compilation of the report will not be a challenge where a report forms part of a meeting's outcome.
- vii) Prepare a brief for the chairperson on action points to be reported in the next meeting.
- viii) Commence preparations for the next meeting.

3.24.2 Chairperson of the Committee

- i) Review and validation of the draft minutes and/or report with the secretariat.
- ii) Apprise the assembly of the business transacted by or pending before the committee whenever required to do so.
- iii) Instruct the secretariat when to schedule the next meeting if it was not announced in the previous sitting.

3.25 MINUTES OF PROCEEDINGS

Forty-eight hours after the meeting, minutes of the proceedings must be ready for filing. The minutes of a committee are kept in the same form as the votes and proceedings of the county assembly in plenary. They must include:

- The name of the committee and the day, venue and hour of the meeting.
- The names of members present.
- Every motion made or amendment proposed together with the name of the mover.
- The names of members voting in any division distinguishing on which side of the question they respectively voted.
- All orders and resolutions of the committee.
- All documents or things submitted to the committee,
- The name of any committee member to whom specific action is expected
- The names and professions or occupations of witnesses examined.
- The day and hour to which the committee is adjourned.
- The names of members submitting draft reports.
- Such further matters as the committee may direct.

In addition to preparing minutes, the committee clerk should make a follow-up of committee business in preparation for the next meeting. This may include writing invitation letters to stakeholders, witnesses, or experts requested to attend the next meeting, gathering papers or documents from government departments as well as liaising with the clerk of the assembly where necessary. Any documents received should be photocopied and put in each member's exhibit file. A copy of the minutes should be forwarded to the clerk.

3.26 FILING

The Committee should maintain files for all Members and the secretariat. In addition the committee clerk must also keep a separate correspondence file. The information in the files must be kept in both electronic and hard copy format.

3.27 GENERAL TIPS ON HOW TO RUN MEETINGS

a) *Some Do's include:*

- i) Have a clear agenda and announce it at the commencement of the meeting.
- ii) Prepare the physical setting properly to create an ambient and conducive environment for the meeting.
- iii) Encourage participation and divergent viewpoints on any matter under consideration.

- iv) Deal with one point at a time, one meeting at a time.
- v) Avoid digression to issues not related to the agenda.

b) *Some Don'ts that make a meeting unsuccessful include:*

- i) Fail to start and end a meeting on time.
- ii) Allow interruptions.
- iii) Allow a few participants to dominate.
- iv) Mistake silence for consent.
- v) Get derailed by unimportant issues.
- vi) Allow 'cheap shots'.

c) *Why do meetings fail?*

On many occasions, members and even the secretariat leave a meeting with the impression that it was 'just another meeting'. Members have this feeling when a notice for another meeting is issued. The import of such impressions is that the meeting failed to realize its intended purpose. Meetings fail due to various factors, including but not limited to the following:

- i) Necessity – the meeting was unnecessary.
- ii) The agenda – it was not known, circulated, clear, or exhaustive.
- iii) Participants – the meeting may have had unnecessary participants, too many participants, the wrong participants, or unprepared participants.
- iv) Control and order – the meeting was disorderly, directionless, full of digressions, and characterized with verbose contributions.
- v) Inhibitive – there was excessive control, which prohibited open and fruitful deliberations.
- vi) Imbalanced contributions – deliberations of the meeting were hijacked and dominated by some key personalities.
- vii) Too much discussion – the deliberations were boundless, with no conclusion or clear decision reached.

3.28 GENERAL TIPS ON HOW CHAIRPERSONS AND COMMITTEE MEMBERS CAN MAKE THE NEXT MEETING SUCCESSFUL

Committee secretariat preparing for the next meeting:

- i) Discuss with the chairperson the proposed agenda for the meeting. This is helpful because the chairperson develops a sense of ownership of the agenda and can prepare how to drive the next meeting in disposing of each item effectively.
- ii) Circulate the notice/agenda for the next meeting to all members in good time.
- iii) Ensure that you have reasonable number and breadth of agenda to enable the committee to effectively tackle each item in ample time without having to hurry up due to lack of time.
- iv) Ensure that all the documents required for the meeting are filed or, if it is not necessary to file them, have them available in the meeting room. This will remove the need to leave the meeting room to go for the documents, thus wasting time.

- v) Arrange all documents in files in a sequential but uniform order for all files. If possible and where members will be required to refer to several documents in files, separate them clearly with markers for ease of reference to save the secretariat necessity to go round to each member to help them trace the document being referred to under a specific agenda item.
- vi) Be proactive and foresee possible procedural issues that may arise by analyzing the proposed agenda and relevant documents. This way, you will have possible answers to questions and exit strategies. Share this with the chairperson beforehand.
- v) Be at the venue in time. If not, then members will show up then leave, thereby making it harder to attain a quorum.
- vi) If the meeting is proposed to be held outside the assembly precincts, ensure that the venue is booked and appropriate logistical arrangements made in good time.

Next time you are the chairperson:

- i) Call the meeting to order on time, state the purpose of the meeting, and describe the procedure or modalities to be followed.
- ii) Briefly explain the background of each agenda item for members to get it clearly to avoid digression.
- iii) Ensure the seating arrangement allows eye-to-eye contact for effective control of the meeting.
- iv) Clarify whether the meeting is to inform, discuss, recommend, or decide on a matter.
- v) Stick to the agenda and dispose of it in sequence.
- vi) Handle each item conclusively before proceeding to the next one.
- vii) Build consensus for decision-making by:
 - Desisting from monopolizing the deliberations of the meeting.
 - Initially concealing your own views on a matter until you have heard from members.
 - Allowing sufficient discussion on a matter before deciding on it.
- viii) Be in control and act as a 'traffic controller' by:
 - Being aware and managing 'hijackers' of the meeting.
 - Probing and coaxing silent members to participate and contribute.
 - Discouraging rumbling chitchat during the meeting.
- ix) Encourage different viewpoints on a subject matter.
- x) Summarize various perspectives and input by members at the close of a discussion.
- xi) Re-state the decision of the committee on every subject matter for avoidance of doubt on the resolution taken.
- xii) Assign responsibility for follow-up on action points agreed upon by the committee.

Next time you are in invited to a committee meeting as a member:

- i) Do your homework on the purpose (agenda) of the meeting by reading the background papers so as to prepare your views.
- ii) Arrive on time for the meeting.
- iii) Listen to others. Do not be impatient to express your views first.
- iv) Speak to every subject matter, but do not monopolize debate.
- v) Do not bully, attack others, or cause conflicts.
- vi) Allow and encourage participation by other members.
- vii) Respect the authority of the chairperson. Do not undermine the chairperson at any time.
- viii) Keep an open mind by avoiding getting into the meeting with a set opinion or pre-conceived decision on the matter listed for consideration.



PART FOUR

DRAFTING MINUTES AND REPORTS OF COMMITTEES

A report is “a statement of the results of an investigation or of any matter on which definite information is required”.¹ It is a presentation of facts and findings as a basis for recommendations, written for a specific readership, and intended to be kept as a record and the only way through which committee’s document and communicate their activities officially to the house.

4.1 KEY PARTS OF A REPORT

There is no set format for report writing. However, out of practice, a legislature would adopt a certain format. Be that as it may, the following general layout should be included when writing a report:

4.1.1 Part 1 Cover Page

May also be referred to as the title page. It officially introduces the report to the readers. It contains the name and address of the organization, name of the report, the name of committee or author and date or month of completion.

4.1.2 Part 2 Table of Contents

Identifies the report and also indicates the contents and the pages on which such topic or subtopic is contained in the report.

4.1.3 Part 3 Glossary

Arranged in alphabetical order, this gives definitions or additional explanations of terms or words used in a report.

4.1.4 Part 4 Summary or Synopsis

Two types of summaries: An abstract and an executive summary. This is an overview or summary of the main ideas or points of the entire report that gives the reader a quick general idea on the content of the report. The abstract gives the focus of the mandate of the select committee, a synthesis of the task to be undertaken. An executive summary similarly highlights mandate of the committee, process followed (methodology) in undertaking assignment for which report is being submitted as well as a summary of the observations and findings. The final draft should be an indication that the report has been well revised, edited, and proofread.

4.1.5 Part 5 Introduction/Background to the Problem

It explains the purpose or reason (problems or issues) for which the study or inquiry was undertaken, introduces the major topics discussed in the report, and could include the scope and limitations of the report as well as any assumptions on which the report is based.

4.1.6 Part 6 Scope and Limitations

This could be part of the introduction or a separate section and gives the reasons the report was written. It includes the following:

- i) Aim (intention or purpose) of the report - uses infinitive verbs such as to assess, to examine, to investigate, to inquire into.
- ii) Objectives (goals or aims) of the report - to evaluate whether whatever the committee set out to achieve has been attained.

¹ Oxford English Dictionary

- iii) Limitations of the area covered by the report (that is, relevant topics that are not addressed because of certain constraints).
- iv) Intended outcome of the inquiry, site visits, investigation, assessment, etc.

4.1.7 Part 7 Method(s) or Way of Execution

Describes the exact steps taken or methods used to research, gather, or obtain data or information for use in executing the mandate of the committee.

4.1.8 Part 8 Results, Findings, or Evidence

Forms the nature of the research in that it presents the findings or discoveries of the research or information gathered.

4.1.9 Part 9 Conclusion

Makes logical conclusions based on the findings of the research or study.

4.1.10 Part 10 Recommendation

Based on the findings and conclusions and supported by the evidence, the recommendation states the actions or suggestions that should be taken to rectify, improve, remedy, or change the current problem or situation that necessitated the activity in the first place. It basically states what action the committee expects the House to take concerning the report.

4.1.11 Part 11 Certification Form for Adoption of Report

Members put their signatures on this form. The committee is required to hold a sitting specifically for adoption of a report.

4.1.12 Part 12 List of References/Bibliography

A list of sources of information or references referred to or cited in the report is placed at the end of the report, arranged in alphabetical order according to authors' surnames.

4.1.13 Part 13 Appendix (Appendices)

Supplementary material or additional information that supports the body of the report. May include Minutes of the committee.

4.2 QUALITIES OF A GOOD REPORT

- Factual - based on facts, verified information, and valid proofs.
- Clear and easily understandable – non-colloquial language.
- Free from errors and duplication.
- Facilitates right decision-making.
- Result-focused and result-oriented
- Well organized and structured.
- Ethical reporting style.
- Timely prepared and dispatched.

4.3 WRITING OF MINUTES

The minutes of a committee are the vehicle/means by which members of the committee and stakeholders are able to keep track of the issues/matters dealt with at previous sittings. Minutes are an abridged content (summary) of the debate, considerations, assumptions, and decisions made on the issue. Minutes constitute a record that is an essential document of the proceedings at a sitting; a useful tool in managing the operations of an organ.

4.3.1 Elements of Good Minutes

Good minutes are:

- i) Brief but sufficiently detailed for clarity.
- ii) Accurate, leaving no doubt as to the meaning or intent of every word or phrase.
- iii) Largely use past tense and reported speech.
- iv) Impersonal, as decisions belong to the group.
- v) Complete so as to remove any gaps in the information being shared.
- vi) Factual, simple statement of fact, not elaboration of personal opinions.

4.3.2 Key points to Note about Minutes

Care should be taken in the use of language when writing minutes – seek written effective communication, paying attention to such elements as grammar, capitalization, punctuation, paragraphing, sentence construction, vocabulary. It is not possible to summarize all key points, thus the following are a guide:

- i) Minutes become final/authentic only when they have been read at the next sitting, approved by the members present, and signed by the chairperson.
- ii) Often minutes are circulated to members beforehand and at the next meeting, the chairperson confirms them after ascertaining that members have no amendments to suggest.
- iii) If a member suggests an amendment, the chairperson seeks the opinion and approval of the members present at the sitting before signing them.
- iv) Any editing done by the sitting before confirmation should be initialed by the chairperson.
- v) If there are major errors, fresh typing should be done.
- vi) Once the minutes are signed by the chairperson, corrections cannot be made unless through a subsequent minute in another sitting or if the fully constituted sitting decides by consensus or vote on a resolution seeking the change.
- vii) The Clerk keeps custody of the minutes signed by the chairperson.
- viii) Good minutes are the result of regular consultation between the chairperson and the secretary i.e. the secretary should be able to seek clarification from the chairperson where certain details escape his/her memory.



PART FIVE

PUBLIC PARTICIPATION IN COMMITTEES

Public participation has been defined as the involvement of individuals and groups that are positively or negatively affected by a proposed intervention, subject of a decision-making process, or are interested in it.

5.1 RATIONALE AND LEGAL BASIS FOR PUBLIC PARTICIPATION

Public participation is at the heart of democratic governance. It improves information flow, accountability and due process and gives a voice to those most directly affected by public policy. Involvement of stakeholders ensures that the priorities of the citizens are more correctly identified and analyzed, and decisions stand a greater chance of support and success when the people concerned are meaningfully engaged. Participatory decision-making also enables continuous oversight of resource allocation and utilization.

The legal basis for public participation in parliamentary business is found in the Constitution and the Standing Orders.

Article 196 of the Constitution provides that:

- (1) A County Assembly shall:
 - (a) Conduct its business in an open manner and hold its sittings and those of its committees in public.
 - (b) Facilitate public participation and involvement in the legislative and other business of the assembly and its committees.
- (2) A County Assembly may not exclude the public, or any media, from any sitting unless in exceptional circumstances and the Speaker has determined that there are justifiable reasons for doing so.

5.2 COMMITMENT OF BILLS TO COMMITTEES AND PUBLIC PARTICIPATION

Standing Orders provide for bill processing and specifically provide for public participation on bills after the bill has been read the first time and committed to the relevant committee. A committee to which a bill is committed shall 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 within 21 days.

5.2.1 Procedure in Public Participation

Notification and Call for Submissions

Notification and call for submissions to the general public is done by way of advertisement on the County Assembly's website, radio announcement and newspapers with national circulation. Notification to the specific stakeholders, who are likely to be affected by the business before the committee is done directly through correspondence under the hand of the Clerk of the County Assembly.

The notice shall specify the:-

- i) Business and where copies of it can be obtained.
- ii) Committee to which the business has been referred.
- iii) Manner of submissions (oral or written).
- iv) Time within which submissions shall be made. It should be noted that the period for submission should be reasonable/adequate and enough to enable the public to peruse or interrogate documents relating to the business so as to submit their comments.

- v) Date, day and Venue for public participation, which, venue should be easily accessible.

5.2.2 Public Participation, Hearings

Each committee shall determine the manner in which it will proceed with the public participation exercise, taking note to observe the provisions of the Standing Orders as to conduct of sittings and further ensure that adequate opportunity is granted to each participant.

5.2.3 Analysis of Submissions

The committee shall, as soon as is practicable, after receiving submissions analyze them. The committee may invoke relevant County Assembly Standing Orders for engagement of experts to assist in the analysis.

5.2.4 Report

The committee, while adhering to any set timelines, shall make its recommendations to the County Assembly by way of a report.

The report shall include:

- i) Proof of call for public participation (advert/notice to public).
- ii) Attendance schedules.
- iii) Submissions from the public.
- iv) Committee observations/analysis.
- v) Recommendations.
- vi) Minutes of the sittings of committee.

Feedback to the public shall be deemed to be by way of a report tabled before the County Assembly, also through the social media and the assembly website.

PART SIX

THE BUDGET MAKING AND OTHER FINANCIAL PROCESSES AT COMMITTEE STAGE

The Public Finance Management Act 2012 prescribes the financial processes for the County Government covering the following stages:

- i) Budget formulation:
 - a) Planning – both long-term and medium-term.
 - b) Policy formulation - financial and economic policies.
 - c) Drafting of budget proposals and submission to County Assemblies.
 - d) Budget as instrument for implementing policies.
- ii) Budget legislation.
- iii) Budget implementation.
- iv) Accounting, reporting, and auditing.

6.1 BUDGET FORMULATION

The County Executive Committee member for Finance (CECM-F) is responsible for managing the budget process of the County Government.

The county budget process commences with the issuance by the CECM-F of initial instructions (budget circular) to guide the budget process by the 30th day of August every year. The circular contains instructions to include:

- i) Key timelines for various activities.
- ii) Procedures for review and projection of revenues and expenditures.
- iii) Key policy areas to be taken into consideration.
- iv) Procedures for public consultation.
- v) Format for budget documentation.

6.1.1 Annual Development Plan

No public funds can be appropriated without a development plan (Section 104 – County Government Act 2012). Article 220 of the Constitution also requires a development plan.

Section 126 of the Public Finance Management Act provides as follows:

126. (1) Every county government shall prepare a development plan in accordance with Article 220(2) of the Constitution, that includes:

- (a) Strategic priorities for the medium term that reflect the County Government’s priorities and plans.
- (b) A description of how the County Government is responding to changes in the financial and economic environment.

- (c) Programs to be delivered with details for each program of:
 - (i) The strategic priorities to which the program will contribute.
 - (ii) The services or goods to be provided.
 - (iii) Measurable indicators of performance where feasible.
 - (iv) The budget allocated to the program.
 - (d) Payments to be made on behalf of the County Government, including details of any grants, benefits, and subsidies that are to be paid.
 - (e) A description of significant capital developments.
 - (f) A detailed description of proposals with respect to the development of physical, intellectual, human and other resources of the county, including measurable indicators where those are feasible.
 - (g) A summary budget in the format required by regulations.
 - (h) Such other matters as may be required by the Constitution or this Act.
- (2) The County Executive Committee member responsible for planning shall prepare the development plan in accordance with the format prescribed by regulations.
 - (3) The County Executive Committee member responsible for planning shall, not later than the first day of September in each year, submit the development plan to the County Assembly for its approval, and send a copy to the Commission on Revenue Allocation and the National Treasury.
 - (4) The County Executive Committee member responsible for planning shall publish and publicize the Annual Development Plan within seven days after its submission to the County Assembly.

The Annual Development Plan (ADP) is scrutinized by the County Assembly committee on Budget and Appropriations to ensure that it is in tandem with the provisions of the comprehensive five year county development plan. The committee further coordinates public participation on the ADP and presents a report before the assembly.

6.1.2 County Budget Review and Outlook Paper (C-BROP)

The county treasury shall prepare and submit to the county executive committee for approval a C-BROP by the 30th day of September each year. The C-BROP will outline:

- i) Actual fiscal performance in the previous year.
- ii) Updated economic and financial forecasts from the recent budget.
- iii) Policy statement, identification of broad policy priorities to be implemented by the County Government in the medium term.
- iv) Provide indicative available resources (i.e. ceilings) to fund the County Government.
- v) Priorities, in consultation with the Commission on Revenue Allocation (CRA) and the National Treasury, and reasons for any deviations from the financial objectives in the County Fiscal Strategy Paper (C-FSP).

6.1.3 County Fiscal Framework

The county treasury determines the county fiscal framework that sets out estimates of available financial resources. This is determined by forecasting:

- i) Own revenue sources — property and entertainment taxes etc.
- ii) County share of revenue from the national government — the horizontal share.
- iii) Grants from the Equalization Fund.
- iv) Conditional and unconditional grants from the national government
- v) Domestic borrowing.
- vi) Potential external support (grants and loans)

It includes the policies and reforms required to achieve the targets (especially own revenue).

6.1.4 County Fiscal Strategy Paper (C-FSP)

The county treasury shall prepare and submit to the County Executive Committee for adoption a C-FSP. Once approved, the C-FSP shall be submitted to the County Assembly by the 28th day of February each year. The C-FSP contains:

- i) Broad strategic priorities and policy goals - medium and long term.
- ii) Outlook on expenditures, revenues, and borrowing for the medium term.

In preparing the C-FSP, the county treasury seeks the views of:

- a) The Commission on Revenue Allocation.
- b) The public – any interested persons and groups.
- c) Any other forum established by legislation (e.g. county budget and economic forum)

On presentation to the County Assembly, the committee on Budget and Appropriations offers scrutiny on the C-FSP, this is also subjected to public participation with a report tabled in the County Assembly.

The County Assembly, through the committee on Budget and Appropriations, ensures that budgets adhere to the following fiscal responsibility principles set in the PFM Act 2012:

- i) Development expenditure – shall not be less than 30% of County Government budget.
- ii) Wages and benefits – shall not exceed a certain percentage of total county revenue to be set in regulations.
- iii) Borrowings - only for development expenditure.
- iv) County public debt - maintained at a sustainable level.
- v) Level of debt - not to exceed the level specified annually by resolution of County Assembly.
- vi) Fiscal risks should be managed prudently.
- vii) Level of tax rates and tax bases to have reasonable degree of predictability.

The committee on Budget and Appropriations also interrogates the County Government's debt management strategy, which is submitted by the 28th day of February every year. The County Government debt management strategy includes information on:

- i) Total stock of debt.
- ii) Sources of loans.
- iii) Principal risks associated with those loans.

- iv) Assumptions underlying the debt management strategy.

The committee on Budget and Appropriations in its oversight mandate ensures that the County treasury ensures that County budget estimates are in accordance with the resolutions adopted by the County Assembly on the C-FSP, including ceilings provided in the C-FSP and other instructions in the budget circular. The county treasury consolidates the budgets for ratification by the county executive committee before submission to the County Assembly no later than the end of April for approval. The County Assembly committee on budget and appropriation is required to take into account the views of the CECM-F and the public in their recommendations to the County Assembly.

6.2 BUDGET LEGISLATION

6.2.1 County Appropriations Bill

The County Assembly subjects the budget estimates, as presented in the county appropriation Bill, to public participation and reviews the budget estimates and may make amendments in line with the C-FSP. Any increase in expenditure is balanced by a reduction elsewhere and a reduction is used to reduce a deficit. Approved estimates are included in the county appropriation bill to be approved by the County Assembly by the end of June.

Having been tabled, the budget estimates are deemed to have been committed to each sectoral committee for consideration according to their respective mandates.

- a) *Consideration by sectoral committees*

In considering the estimates, each sectoral committee may review the estimates and submit its report and recommendations to the Budget and Appropriations committee within 21 days after being laid on the table of the County Assembly.

- b) *Review by the Budget and Appropriations Committee*

The committee shall review the estimates and make recommendations to the County Assembly, taking into account the recommendations of the sectoral committees, the member of county executive committee responsible for finance, and the public.

- c) *Adoption by the Assembly*

The County Assembly shall adopt the Budget and Appropriations committee report on the estimates by way of a motion, with or without amendments. The motion may be couched as:

“That this County Assembly adopts the report of the budget and appropriations committee on the budget estimates for the County government, and County Assembly tabled in the County Assembly on...”

County Governments may submit a supplementary budget to the County Assembly in support of additional expenditure (up to 10% of appropriated amounts).

The Constitution of Kenya 2010 and the Public Finance Management Act 2012 give power to County Assemblies to authorize withdrawal of funds from the County revenue fund if a County Appropriation Bill is not likely to be assented to by July 1 (vote on account).

6.2.2 County Finance Bill

The County executive committee member for finance is expected to make a public pronouncement of revenue raising measures i.e. County finance bill in June. Once introduced in the County Assembly, the Assembly, through the advice of the committee on finance (after consideration of public participation reports), may propose amendments. However, the County Assembly must ensure total revenues remain the same as in the CFSP to avoid financing gaps. Any recommendations of the CECM-F on changes proposed by the County Assembly should be tabled in the Assembly. Within 90 days of the approval of the appropriations bill, the County Assembly is required to consider the County finance bill and approve it with or without amendments.



PART SEVEN

PLANS AND BUDGETS FOR SELECT COMMITTEES

7.1 BUDGETING AND TRACKING COMMITTEE EXPENDITURE

County assemblies have limited resources and must, therefore, adequately plan and budget for their activities. Committees are therefore, through the liaison committee, allocated a particular amount for which they must plan and budget to ensure that the funds are well spent.

Committees prepare draft work plans of the activities to be carried out during the year. When drafting the work plans, the committees cost each activity, including local and foreign travel, workshops, consideration of bills, public hearings, estimated number of committee sittings, sitting allowances, and hospitality.

The committees meet and adopt the work plans and their proposed budgets. These are then presented to the liaison committee for approval. A consolidated budget for the County Assembly is then presented by the Clerk to the Assembly's committee on budget and appropriations and ultimately the floor of the Assembly, where it forms part of the County's appropriation bill. It is the duty of the committee Clerk to track the expenditure of the committee, ensuring that it remains within budget and carries out the activities laid out in the committee work plan.



PART EIGHT

APPENDICES

APPENDIX 1: SAMPLE TEMPLATE FOR NOTICE OF COMMITTEE MEETING

REF. SCA/SC.PAC/ ____ (year)/ ____ (no. of Agenda)

Clerk's Chambers
Sample County Assembly
Sample Buildings
P.O Box _____

SAMPLE TOWN

Date. _____

SELECT COMMITTEE ON PUBLIC ACCOUNTS

The Clerk of the County Assembly presents his compliments to Members of the Select Committee on Public Accounts and has the honour to inform them that a Sitting of the Committee will be held on ____ (day), ____ (date) at ____ (time), at the ____ (venue), ____ (name of place where venue is where applicable).

AGENDA

Prayers

- i. ____ (substantive business)
ii. ____ (substantive business)
iii. ____ (substantive business)
iv. Any Other Business
v. Adjournment

Copies to:-

- Ms. ____ - Chairperson
Mr. ____ - Vice Chairperson
Mr. ____
Mr. ____
Ms. ____
Ms. ____
Ms. ____
Mr. ____
Mr. ____
Mr. ____
Mr. ____
Mr. ____

Notes:

SCA in Ref Means Sample County Assembly
SC.PAC in Ref Means Select Committee on Public Accounts

APPENDIX 2: SAMPLE TEMPLATE OF ATTENDANCE REGISTER

Clerks' Chambers,
 Sample Buildings,
 P.O. Box _____,
 Sample Town.



**SAMPLE COUNTY ASSEMBLY
 SECOND ASSEMBLY – FIRST SESSION
SELECT COMMITTEE ON PUBLIC ACCOUNTS
ATTENDANCE REGISTER**

For the Meeting held on _____ (date) at _____ am/pm

S/NO	MEMBER'S NAME	SIGNATURE
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		

(Committee Clerk's name)

 Rank

 (Rank)Signature

APPENDIX 3: SAMPLE TEMPLATE FOR LETTER TO SUMMON A WITNESS

LOGO

AFFIDAVIT OF SERVICE OF SUMMONS

(s. 18(7))

I..... of an officer of the County Assembly Service Board of the county/police officer make oath and state as follows:

1. On 20..... at (*time*) I served the summons in this matter on at (*place*) by tendering a copy thereof to him/her and requiring a signature on the original. She/he signed/refused to sign the summons. He/She was personally known to me/ was identified to me by and admitted that he/she was the witness.
2. Not being able to find the witness on 20..... at (*time*) I served the summons on (*name*) an adult member of the family of the witness who is residing with him/her.
3. Not being able to find the witness or any person on whom service could be made, on 20..... at (*time*), I affixed a copy of the summons to the outer door of being the house in which he/she ordinarily resides/carries on business/personally works for gain. I was accompanied by who identified the house to me.
4. (Otherwise specify the manner in which the summons was served).

SWORN by the said this day of....., 20.....

Before me

Commissioner for Oaths/Magistrate.

APPENDIX 4: SAMPLE TEMPLATE FOR COMMITTEE WORK PLAN/SCHEDULE OF ACTIVITIES

COUNTY GOVERNMENT OF.....
SECOND ASSEMBLY
(FIRST SESSION)
THE SAMPLE COUNTY ASSEMBLY
SELECT COMMITTEE ON.....
WORK PLAN JAN-JUNE 20.....

No	Activity	Item	Break down of activities	Time frame for activities	Performance objective	Outcome/ Output	Performance Indicators	Resource Requirements	Action by	STATUS
1.										
2.										
3.										
4.										
5.										
6.										

Sign _____
 Chairperson of Committee

Sign _____
 Committee Clerk Name – Rank



PART NINE

REFERENCES

1. Republic of Kenya: Constitution of Kenya 2010
2. County Assembly Standing Orders for Nairobi City County, Kirinyaga, Trans Nzoia, Laikipia, and Kiambu
3. Republic of Kenya : Public Finance Management Act 2012
4. Republic of Kenya : County Governments Act 2012





SOCIETY OF CLERKS AT THE TABLE-KENYA

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FROM THE AMERICAN PEOPLE

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