

# COUNTY GOVERNMENT OF KITUI



## COUNTY ASSEMBLY

### SECOND ASSEMBLY – (THIRD SESSION)

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#### COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

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#### REPORT ON CONSIDERATION OF THE KITUI COUNTY WARD PUBLIC FORUMS BILL, 2019

CLERK'S CHAMBERS,  
JULY, 2019  
COUNTY ASSEMBLY BUILDINGS,  
KITUI, KENYA

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## **1.0 PREFACE**

### **1.1 Introduction**

**Hon. Speaker Sir,**

The Bill for Introduction into the County Assembly, titled the Kitui County Ward Public Forums Bill, 2019 was committed to the committee on Justice and Legal Affairs on 9<sup>th</sup> May 2019. The committee was expected to undertake its scrutiny of the same pursuant to the provisions of Standing Order No. 120 (3) (4) of the Kitui County Assembly Standing Orders. The Committee had a statutory deadline of 21 calendar days to scrutinise the Bill and submit their comments to the County Assembly for approval.

**Hon. Speaker,**

The Committee's report was not ready for tabling to the County Assembly at the expiry of the statutory deadline, therefore the Chairperson sought for the extension of further twenty one (21) days from 18<sup>th</sup> June 2019.

The Chairperson having been granted such extension of time through a resolution of the house was expected to table the Committee's report on or before Tuesday 9<sup>th</sup> July 2019.

**Hon. Speaker,**

Scrutiny of a Bill is the detailed examination of a Bill which has already been introduced to the county Assembly by a sectorial committee to which it is committed to before it proceeds for the second reading.

The scrutiny provides an opportunity for analysis of Bill and the chance for members of County Assembly to acquaint themselves with the provisions of it. It enhances the effectiveness of the Assembly's role of law making. The scrutiny provides an avenue for the questioning of new policy initiatives contained within the Bill and consideration of any practical and technical issues which might arise from the proposed provisions.

**Hon. Speaker,**

In undertaking the scrutiny, the committee considered the following factors;

- (a) Whether the Bill conforms to the letter and spirit of the Constitution;
- (c) Whether the transition of the Bill into an Act of the County Assembly will be practically possible.
- (d) Whether the Bill has technical soundness.
- (e) Views and recommendations of the members of public during the public participation in various centres across the County

**Mr. Speaker Sir,**

On behalf of the committee on Justice and Legal Affairs, and pursuant to the provisions of the County Assembly of Kitui Standing Order no. 120 (3)(4) it is my pleasant duty and pleasure to present to this House the committee report on the Kitui County Ward Public forums Bill 2019. The report writing exercise was undertaken from 2<sup>nd</sup> to 5<sup>th</sup> July 2019.

## **2.0 COMMITTEE MANDATE**

The Committee on Justice and Legal affairs was established vide a resolution of the County Assembly and it borrows its mandate from the National Assembly's Standing orders which is;

*To consider all matters related to Constitutional Affairs, administration of law and justice, including the Judiciary, public prosecutions, elections, ethics, integrity and anti-corruption and human rights.'*

**Mr. Speaker,**

On the 9<sup>th</sup> day of May 2019, the County Assembly Speaker while exercising his discretion directed that the scrutiny of the Kitui County Ward Public Forums Bill, 2019 be undertaken by the Committee on Justice and Legal Affairs.

**Mr. Speaker,**

On 9<sup>th</sup> may 2019 and pursuant to Standing Order No. 119 of the County Assembly of Kitui, The Kitui County Ward Public Forums Bill was read for the first time without motion made or question put. It was for this reason that the matter was referred to the Committee for scrutiny.

**Mr. Speaker,**

The Committee facilitated public participation across the County pursuant to Standing Order, 120(3) of the County Assembly of Kitui Standing Orders, on 25<sup>th</sup> May 2019, where it collected views and recommendations of the public.

The public participation exercise was undertaken in five (5) designated Centres as placed in an advert in the local FM Stations and print media on 18<sup>th</sup> May 2019.

The centres were as follows; Kitui Town at Multipurpose Hall (*for Kitui Central, Kitui West and Kitui Rural Sub Counties*), Nguni town at Nguni Market shade (*for Mwingi Central and Mwingi West Sub Counties*), Mutitu town at Mutitu social Hall (*for Kitui East Sub County*), Tseikuru Town at Tseikuru resource Centre (*for Mwingi North Sub county*) and Ikutha Town at Ikutha dailies Hotel (*for Kitui South sub county*).

During this exercise, the Committee was able to obtain the views of the public across the county in regard to the Bill.

**Mr. Speaker,**

The Committee finally retreated to Nairobi, at Pride inn Hotel where it held four (4) sittings to review and consider the contents of the Bill and views of the public made during the public participation and there after compiled this report.

### **3.0 COMPOSITION OF THE COMMITTEE**

**Hon. Speaker,**

The County Assembly Committee on Justice and Legal Affairs as currently constituted is composed of the following Honourable Members.

- |                              |                  |
|------------------------------|------------------|
| 1. Hon. Nelson K. Musyoka    | Chairperson      |
| 2. Hon. Eliud M. Ndinguri    | Vice Chairperson |
| 3. Hon. Geoffrey Mwalimu     | Member           |
| 4. Hon. Dr. Grace Mutua      | Member           |
| 5. Hon. Stephen M. Musili    | Member           |
| 6. Hon. Philip Nguli         | Member           |
| 7. Hon. Peter M. Kilonzo     | Member           |
| 8. Hon. Josephine K. Mutie   | Member           |
| 9. Hon. Charity S. Mwangangi | Member           |
| 10. Hon. Deisy M. Mukala     | Member           |

#### 4.0 ACKNOWLEDGEMENT

Hon. Speaker,

I wish to thank the members of the committee for their utmost co-operation which enabled the successive completion of this exercise. The Committee also thanks the secretariat attached to it for dedication to duty and service to the committee.

On behalf of the Committee, I now have the honour and pleasure to submit the Committee's report on the Kitui County Ward public forums Bill 2019.

**HON. NELSON K. MUSYOKA (M.C.A)**  
**CHAIRPERSON, COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**  
**COUNTY ASSEMBLY OF KITUI**

SIGNED.....

DATE.....

## **5.0 OVERVIEW OF THE KITUI COUNTY WARD PUBLIC FORUMS BILL, 2019**

**Mr. Speaker,**

Article 185 (1) of the Constitution provides that the legislative authority of a County Government is vested in the County Assembly. The County Assembly may make any laws that are necessary for, or incidental to, the effective performance of its functions. The Committal of the Kitui County Ward Public Forums Bill, 2019 to the Committee on Justice and legal Affairs is therefore within the functions of the County Assembly.

**Mr. Speaker,**

The Kitui County Ward Public Forums Bill, 2019 has been formulated to provide a general framework for the effective involvement of the Kitui County residents into matters relating to governance, legislation, policy formulation and to create an effective and efficient linkage between the Members of Kitui County Assembly and the residents of Kitui.

### **PART 1 - PRELIMINARY**

#### **Clause 1 – Short Title**

This clause outlines the short title to the draft bill which is the Kitui County Ward Public Forums Act, 2019.

#### **Clause 2 – Interpretation**

This clause has interpreted various phrases used in the Bill as follows-

“county” means Kitui County as established under Article 176 of the Constitution;

“county assembly” means Kitui County Assembly as established under Article 176 of the Constitution;

“assembly” means county Assembly of Kitui as established under Article 176 of the Constitution and shall include the clerk of the Assembly or any person authorized to undertake any activity on behalf of the Assembly whether as employee of the Board or otherwise;

“board” means the Kitui County Assembly service Board established under Section 12 of the County Governments Act, 2012;

“committee” means a committee of the County Assembly of Kitui

“constitution” means constitution of Kenya 2010;

“clerk” means the clerk of the County Assembly appointed in accordance with section 18 of the County Assemblies Services Act, 2017;

“member” means a member of the County Assembly elected in accordance with the constitution;

“governor” means the Governor of Kitui County;

“government” means the County Government of Kitui;

“persons with disabilities” has the meaning assigned to it under the Persons with Disabilities Act;

“ward office assistant” means a person employed by the Board on the recommendation of a member as overall overseer of the ward office;

“forum” means a public ward Forum convened by a member in accordance with this Act;

“the public” when used in relation to a forum in this Act means-

- a. The resident of the County and in particular the residents of the specific ward;
- b. the rate payers of a particular ward;
- c. any resident civic organization or non-governmental organization, private sector, labour organization or faith based organization with an interest in the governance of the county; and
- d. non-residents who by virtue of their temporary presence in the County make use of services or facilities provided by the Government;

“speaker” means the speaker of the County Assembly of Kitui

“stake holder” means a person or group of persons who have an interest in public issue or who are likely to be directly or indirectly affected by a public issue, decision or policies whether negatively or positively.

### **Clause 3 – Application**

This clause provides that the Act when enacted shall apply to the County Assembly of Kitui when undertaking public participation forums.

### **Clause 4 – Object and Purpose**

The Object and purpose of the Bill is to provide a framework that ensures that residents of Kitui County are directly involved in policy formulation, decision making and effectively participate in governance.

### **Clause 5 – Principles of Public Participation**

This clause outlines the principles of public participation which are;

- a) Communities, Organizations, and residents likely to be affected by decision shall have right to be consulted and involved in the decision making process to create a sense of ownership in the decision.
- b) The Assembly shall take into account all views from the public and where the same don't inform the decision made, a justification shall in that case be offered and communicated to the public
- c) The County residents shall have a responsibility to effectively take part and participate in giving their views on matters that affect them whether directly or indirectly.
- d) the assembly shall provide the public with information in format and language understandable to them and allow them sufficient time in order for them to make a meaningful contribution towards the Issue
- e) the forums shall be guided by National Values and principles of Governance set out under Article 10 of the Constitution.
- f) The county assembly shall effectively communicate to the public how their views are likely to affect the issue under discussion
- g) the County assembly shall ensure that minorities and marginalized groups and communities have access to all the information required to ensure that they effectively participate in ward public forums

- h) clear mechanisms for giving feedback to the public; and
- i) Collaboration between the Assembly and non-state actors in public forums.

## **PART II - ADMINISTRATION**

### **Clause 6 – Quarterly Public Forums**

This clause provides that a Member shall on quarterly basis in each financial year convene a ward public forum for deliberation, collection of opinions and views on matters respecting but not limited to-

- a.) good governance
  - b.) impact of implementation of County legislation
  - c.) policy formulation and implementation
  - d.) implementation of projects , plans and programs for economic and social development of ward ;
  - e.) delivery of services by County Government in ward; and
  - f.) any other issues that public and the member of the County Assembly shall consider fit to deliberate.
- 2.) The forums shall be open to all persons in the ward desiring to attend and give their contributions.
- 3.) The forum shall provide a platform for consultation by stake holders within the ward on different issues
- 4.) A members shall publicize the ward public forum to enable attendance and participation by a wide section of the population in the ward.
- 5.) The ward office assistance shall be the secretary to the ward public forum and shall ensure that records of all meetings are well kept and any decisions are communicated to the office of the Clerk.
- 6.) The forums shall be held in rotation within all market centres in each of the villages in the ward.

## Clause 7 – Public Forum Reporting

7 (1). After every forum, a member shall cause a report to be prepared by ward Office assistant for approval by the member and onward transition to the office of the Clerk. The report shall contain *inter alia* the following-

- a.) public forum’s deliberations; and
- b.) proposals made by the public or stake holders in the public forum.

2. The report shall be prepared and transmitted to the office of the Clerk within twenty one days.

3. The office of the Clerk in consultation with the members shall cause the reports from all forty (40) wards to be reduced into one report.

4. The office of the Clerk shall in consultation with members shall on a bi-annual basis cause to be prepared public forum reports, the reports shall contain *inter alia* the following-

- a). the number of the public forums undertaken
- b). the level of incorporation of the proposals made or issues raised by  
Public;
- c.) challenges faced in the implementation of this Act;
- d.) proposed mitigation measures
- e.) the performance of the public forums; and
- f.) any other information that the members shall consider fit to be in the report.

5. A Member may bring a motion in the assembly for consideration on a matter arising from any public forum report which the matter shall be committed to the relevant committee for necessary action.

## Clause 8 – Responsibilities of the Board

As relates to the Bill, the County Assembly service Board shall have the following responsibilities-

- a.) to facilitate the carrying out of the forum
- b.) to facilitate, through the member, persons with disabilities within the ward to attend the meetings; and

- c.) facilitating committees of the County Assembly when carrying out public participation programs

### **Clause 9 – Functions of the Office of the Clerk**

This clause lists down the functions of the office of the clerk which shall be as follows-

- a.) offering technical advice and support to the forums
- b.) offering administrative services and logistical support to the forums
- c.) preparing forums reports for tabling before the Assembly
- d.) provide documentations necessary for any forum in and language that is understandable to any person attending the forum
- e.) facilitate and support the committees in creating networks that assists in undertaking forums
- f.) carrying out any other function that may be assigned by the Board ; and
- g.) prepare bi-annual reports on forums undertaken and cause the reports to be laid in the Assembly.

### **Clause 10 – Feedback Reports**

Members shall ensure that the decisions made by the Assembly from a forum report are communicated back to all the relevant stakeholders.

### **Clause 11 – Forum Notices**

The Clerk of Assembly shall in consultation with a member-

- a.) issue adequate and sufficient notice and information on any public forum to be undertaken
- b.) a notice shall be issued under this section by pinning the notice on all conspicuous places within the ward , having the local radio stations run the adverts and using any other media as may be considered appropriate
- c.) submit request for views and proposals from the stake holders or the public where the stake holders or the public are required to participate in forum under this Act,
- d.) sufficient notice in this case shall be a seven days' notice

## **Clause 12 – Provision of Information**

The Clerk of Assembly shall provide applicable information in any form necessary to aid and facilitate the efficient carrying out of public forums.

## **Clause 13 – Citizens Duties and Responsibilities**

A resident or any member of the public with interest in the County shall have the duty and responsibility to-

- a. constructively participate in the public forums
- b. share information and make proposals to the Assembly regarding governance and service delivery ; and
- c. not to negatively interfere with the public forum.

For the purposes of this section, to interfere with the public forum means-

- a.) to interrupt on-going public forum without permission;
- b.) to cause chaos during public forum; or
- c.) any other behaviour that would negatively affect an on-going public forum.

## **PART III – FINANCIAL PROVISIONS**

### **Clause 14 – Facilitation of Ward Public Forums**

The County Assembly shall be responsible for appropriating funds for the undertaking of ward public forums.

## **PART IV – MISCELLANEOUS PROVISIONS**

### **Clause 15-Simplicity of documents**

The Assembly shall ensure that all documents relating to the Forums are simple and concise and shall provide summery of the issues or matter for consultation and clearly setting out the questions to be addressed.

### **Clause 16-Forum Responses**

The Assembly shall ensure that all responses are carefully and open mindedly analysed and the results made available to the public, including an account of the views expressed and reasons for the decisions taken.

### **Clause 17- Disclosure**

The Assembly shall disclose all the information relevant for the public to understand and evaluate any decisions taken under this Act.

### **Clause 18- Fair Participation**

The Assembly shall ensure that the stake holders have fair and equal access to the public participation process and are given a fair opportunity to make decisions in the process.

### **Clause 19-Decision to be made in good faith**

The Assembly and the member shall ensure that all decisions and commitments made to the public under this Act are made in good faith.

### **Clause 20- Participation by the Public**

The Assembly shall undertake and encourage actions that build trust and credibility for the Forums process among the participants.

### **Clause 21- Validity of Data**

The Assembly shall be responsible for the validity of all data collected, analysis performed, or plans developed by it or under its direction under this Act.

### **Clause 22- General Penalty**

A Person who contravenes any provision of this Act shall be liable to a fine not exceeding Kenya Shillings One Hundred thousand or imprisonment to a term not exceeding six months.

### **Clause 23- Code of Conduct**

A person shall not engage in any conduct involving dishonesty, fraud, deceit, misrepresentation as relates to the undertaking of any activities under this Act.

### **Clause 24- Guidelines**

The Board may make guidelines for better carrying of the effects of this Act.

Clause 24(2) provides that, without generality, of subsection (1) the board may make guidelines regarding –

- a.) timeframe for consultations noting to allow reasonable time for each stage of the process;
- b.) type of the public to be consulted whether it is the community or professionals to be consulted and what manner is to be employed;
- c.) Publication and distribution of documents and reports relating to the Forums.

## 6.0. COMMITTEE OBSERVATIONS IN SPECIFIC CLAUSES OF THE BILL

As regards the Bill, the Committee made the following observations;

1. Long Title – AN ACT of the County Assembly of Kitui to provide for the general framework for the effective involvement of the Kitui County residents into matters relating to governance, legislation, policy formulation; and to create an effective and efficient linkage between the members of County Assembly of Kitui and the residents of Kitui County and for all connected purposes

The Committee observed that the long title of the Act is too broad, and the same has not captured matters relating to implementation of projects.

### 2. Clause 2- Interpretation

- a. *“County Assembly” means Kitui County Assembly as established under Article 176 of the Constitution*

Committee observed that Article 176 of the constitution establishes all County Assemblies but not Kitui County Assembly.

- b. *“assembly” means county Assembly of Kitui as established under article 176 of the constitution and shall include the clerk of Assembly or any person authorized to undertake any activity on behalf of the Assembly whether as employee of the Board or otherwise.”*

The Committee observed that the word *“assembly”* as used alone cannot be defined as above.

- c. *“Clerk” means the clerk of the county assembly appointed in accordance with section 18 of the County Assemblies services Act, 2017.*

The Committee observed that the definition of the clerk is not contained in section 18 of the County Assemblies services Act 2017.

*e. “Speaker “means the speaker of the county Assembly of Kitui.*

The Committee observed that this interpretation is not supported by any written law

**3. *Clause 5- Principles of Public Participation***

The Committee observed that use of the word “*public participation*” in this Bill is likely to confuse the consumers of it on its main object and purpose.

**4. *Clause 5(g)- the County assembly shall ensure that minorities and marginalized groups and communities have access to all the information required to ensure that they effectively participate in ward public forums***

The Committee observed that this clause makes it mandatory for the County Assembly to ensure that minorities and the marginalized groups and communities have access to all the information required and also compels the assembly to ensure that they participate in ward public forums.

**5. *Clause 6(1) - a member shall on a quarterly basis in each financial year convene a ward public forum for deliberation, collection of opinion and views on matters respecting but not limited to;***

The Committee observed that this clause limits a Member to holding only one ward public Forum per quarter.

**6. *Clause 7- Public Forum reporting***

The Committee noted a clerical error in numbering of the sub-sections aligned to the main clause.

**7. *Clause 7(2) The report shall be prepared and transmitted to the office of the Clerk within Twenty –one days***

The Committee observed that the time provided for under this clause for a member to prepare and submit a report to the Office of the Clerk is not sufficient.

**8. Clause 7(4)- the Office of the Clerk in consultation with the members shall on a bi –annual basis cause to be prepared public forum reports ,the reports shall contain inter alia the following-**

The committee observed that this clause has not provided for a strict timelines on which a bi-annual reports shall be prepared.

**9. Clause 10 - Feedback reports**

The Committee noted that this clause does not provide for the timeline within which a feedback should be communicated back to all stakeholders.

**10. Forum Notice.**

***Clause 11 – The Clerk shall in consultation with a member-***

The Committee observed that it is not necessary for the Clerk to issue notices for the forums

**11. Clause 11(b) - a notice shall be issued under this section by pinning the notice on all conspicuous places within the ward , having the local radio station run the adverts using any other medium as may be considered appropriate**

The Committee notes that there will be an additional expense in each forum.

**12. Clause 11 (d) -Sufficient notice in this in this case shall be seven days' notice.**

The Committee observed that this clause is unnecessary

## 7.0 COMMITTEE OBSERVATIONS IN RELATION TO THE LAW.

Upon further scrutiny of the Bill in relation to the public hearings and the enabling provisions of the Law the Committee further observed the following;

1. That the Bill conforms to the letter and spirit of the Constitution regarding the concept of public participation in governance and other administrative activities.

The Constitution of Kenya 2010, requires that public participation be undertaken at all levels of government before government officials and bodies make official decisions.

- i. Article 10 (2a) recognizes public participation as one of the national values and principles of governance;
  - ii. Article 118 requires Parliament to conduct its business in an open manner and to facilitate public participation and involvement in the legislative and other business of Parliament and its committees.
  - iii. Article 196 contains a similar requirement for County Governments;
  - iv. Article 232 (1d) which provides that one of the values and principles of public service is the involvement of the people in the process of policy making.
2. Public participation is also addressed under Section 87 of the County Governments Act which provides for the principles of citizen participation in counties. It states that Citizen Participation in County Governments shall be based upon the following principles:
  - i. Timely access to information and data relevant to and related to policy formulation;
  - ii. Reasonable access to the process of formulating and implementing policies, laws and regulations;
  - iii. Protection and promotion of the interests of minorities and marginalised groups and communities and their access to relevant information; and
  - iv. Recognition and promotion of the roles of non-state actors' participation and governmental facilitation and oversight.

It is envisaged in the Constitution and the law that the public may participate as individuals or as organized groups representing minorities and other interests.

Therefore, the committee observed that the Bill will facilitate fully the participation of the public in matters relating to governance within the County.

3. The Committee further observed that the bill can be practically implemented once enacted.
4. The committee observed that the Bill is properly drafted and brings out clearly its intended object and purpose.
5. The Bill has outlined all the important clauses pertaining to notice, and provision of adequate information to the public and the same qualifies to transits to an Act of the Kitui County Assembly.

## 8.0 COMMITTEE'S RECOMMENDATIONS TO THE SPECIFIC CLAUSE OBSEVED.

From the above observations the committee made the following recommendations;

1. Long Title - *AN ACT of the County Assembly of Kitui to provide for the general framework for the effective involvement of the Kitui County residents into matters relating to governance, legislation, policy formulation; and to create an effective and efficient linkage between the members of County Assembly of Kitui and the residents of Kitui County and for all connected purposes*

The Committee recommends that the long title be amended to read as follows;

*“AN ACT of County Assembly of Kitui to provide for a framework for the effective involvement of the public into matters relating to governance, legislation, policy formulation and implementation, project implementation; and to create a linkage between members and the public and for all connected purposes”*

## 2. Clause 2 – Interpretation

- a. *County Assembly’ means Kitui County Assembly as established under Article 176 of the Constitution*

The Committee recommends this definition should be deleted in its entirety.

- b. *“assembly” means county Assembly of Kitui as established under article 176 of the constitution and shall include the clerk of Assembly or any person authorized to undertake any activity on behalf of the Assembly whether as employee of the Board or otherwise.”*

The Committee recommends the word “*County*” to be inserted immediately before the word “Assembly”.

- c. *Clerk” means the clerk of the county assembly appointed in accordance with section 18 of the County Assemblies services Act, 2017*

The Committee recommends that this interpretation be amended to read as follows;

*“Clerk means the clerk of the County Assembly under section 13 of the County Governments Act, No. 17 of 2012”.*

- d. *“Speaker “means the speaker of the county Assembly of Kitui.*

The Committee recommends that this interpretation be amended to read as follows;

*“Speaker’ means the Speaker of the County Assembly or a member presiding at a sitting of the county assembly under article 178(2) (b) of the constitution.”*

## 3. Clause 5- Principles of Public Participation

The Committee recommends that the word “*Public*” be deleted from the clause to read “*principles of participation*”

4. *Clause 5(g)- the County assembly shall ensure that minorities and marginalized groups and communities have access to all the information required to ensure that they effectively participate in ward public forums*

The Committee recommends that this paragraph be amended to read “*the county assembly shall provide minorities and marginalised groups and communities with the information required to facilitate meaningful participation in ward public forums*”.

5. *Clause 6(1) - a member shall on a quarterly basis in each financial year convene a ward public forum for deliberation, collection of opinion and views on matters respecting but not limited to-*

The Committee recommends to remove the letter “*a*” between convene and ward and add letter “*s*” to the word Forum to allow members hold more than one forum per quarter.

#### 6. Clause 7-Public Forum reporting

The Committee recommends correction of the clerical error noted in sub-sections of the main clause to follow each other in the ascending order.

7. *Clause 7(2) - The report shall be prepared and transmitted to the office of the Clerk within Twenty –one days*

The Committee recommends that clause 7(2) be amended to read as follows; “*the reports to be prepared and transmitted to the office of the Clerk within twenty –one days after the closure of every quarter*”

8. *Clause 7(4)- the Office of the Clerk in consultation with the members shall on a bi –annual basis cause to be prepared public forum reports ,the reports shall contain inter alia the following*

The Committee recommends that clause 7(4) be amended to read as follows: “*the Office of the Clerk in consultation with the members shall on a bi –annual basis cause to be prepared public forum reports within twenty-one days after the end of every two quarters to be approved by the Assembly*”. The reports shall contain inter alia the following-

## 9. Clause 10 - *Feedback reports*

The Committee recommends that the following statement to be added immediately after the full stop following immediately after the word stakeholders. *“feedback reports to be communicated to all stakeholders after consideration of every bi- annual report by the Assembly and the resolutions made thereto”*

## 10. Forum Notices

### *Clause 11 – The Clerk shall in consultation with a member-*

The committee recommends to delete the whole sentence and substitute the same with the following sentence,

*“A member shall through the ward office assistant” ....*

### 11. Clause 11(b) - *a notice shall be issued under this section by pinning the notice on all conspicuous places within the ward , having the local radio station run the adverts using any other medium as may be considered appropriate*

The Committee recommends that the clause be amended to read as follows; *Notices to be pinned in public places, announced in markets, churches and using any other medium as may be considered appropriate.*

### 12. *Clause 11 (d) -Sufficient notice in this case shall be seven days’ notice.*

The Committee recommends the entire clause be deleted from the Bill.

## 9.0 CONCLUSION.

The committee applauds the work of the Sponsor of the Bill, Hon. David Thuvi for coming up with this important Bill.

The committee unanimously agrees that the Bill once enacted will provide an effective mechanism to facilitate effective and co-ordinated engagement of the public and the honourable members.

**Mr. Speaker**

The Committee therefore requests this House to resolve following; THAT;

- 1. This Assembly adopts the report on Justice and Legal Affairs on Consideration of the Kitui county Ward Public Forums Bill 2019.*
- 2. The proposed Amendments contained in the report be Adopted*

*Report Compiled by Japheth Kiamba (Legal Clerk).*

## **CONSIDERAION AND ADOPTION OF THE REPORT BY THE COMMITTEE**

We, the honourable members of the committee on Justice and Legal Affairs, do hereby affix our signatures to this report to affirm its accuracy, validity and authenticity;-

<b>NAME</b>	<b>DESIGNATION</b>	<b>SIGNATURE</b>
1. Hon. Nelson K. Musyoka	Chairperson	.....
2. Hon. Eliud M. Ndinguri	Vice Chairperson	.....
3. Hon. Peter M. Kilonzo	Member	.....
4. Hon. Charity S. Mwangangi	”	.....
5. Hon. Josephine K. Mutie	”	.....
6. Hon. Deiys M. Mukala	”	.....
7. Hon. Stephen M. Musili	”	.....
8. Hon. Phillip Nguli	”	.....
9. Hon. Dr. Grace Mutua	”	.....
10.Hon. Geoffrey Mwalimu	”	.....