

# COUNTY GOVERNMENT OF KITUI



## COUNTY ASSEMBLY SECOND ASSEMBLY – (SECOND SESSION)

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### COMMITTEE ON SELECTION

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#### REPORT ON THE BENCHMARKING EXERCISE WITH THE COMMITTEE ON SELECTION FROM THE NATIONAL ASSEMBLY, COUNTY ASSEMBLY OF MAKUENI AND MACHAKOS

Clerk Chambers,  
County Assembly Buildings,  
Kitui, Kenya.

November, 2018

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## **1.0 PREFACE**

Pursuant to the County Assembly Standing Order No. 152 (2) and further following the discrepancy on Membership in Committees with common Membership affecting constitution of quorum during meetings, the committee decided to undertake a benchmarking exercise with their counterpart Committee on Selection from the National Assembly, County Assembly of Makueni and Machakos from 13<sup>th</sup> to 18<sup>th</sup> November, 2018 in order to acquaint themselves with the following;-

- i. Good governance and leadership in Committees.
- ii. Measures put in place by the County Assembly of Machakos, Makueni, National Assembly and the Senate to enhance efficient selection of Members to their various Committees.
- iii. Best practices in managing and coordinating affairs of Committee Members.

## **2.0 COMMITTEE MEMBERSHIP**

- |                                     |               |
|-------------------------------------|---------------|
| i. Hon. Peter M. Kilonzo            | - Chairperson |
| ii. Hon. James Musyoka              | - Member      |
| iii. Hon. Anna M Mumo               | - Member      |
| iv. Hon. Grace Mwikali Sammy        | - Member      |
| v. Hon. Stephen Musili              | - Member      |
| vi. Hon. Regina Mueni Ishmael       | - Member      |
| vii. Hon. Waziri Bakari             | - Member      |
| viii. Hon. Florence M. Singi        | - Member      |
| ix. Hon. John Mbaki Kisangau        | - Member      |
| x. Hon. Jacob Kavolonza Musyoka     | - Member      |
| xi. Hon. Annastacia Mwathi Mutunga  | - Member      |
| xii. Hon. Esther Ndile              | - Member      |
| xiii. Hon. Jehoshaphat Nzamba James | - Member      |

## **3.0 COMMITTEE'S MANDATE.**

The committee's mandate, functions and limitations are stipulated in Standing Orders No's. 153, 154, 155 and 156, that the Committee on Selection;

- Shall nominate Members to serve in Committees, save for the Membership of the County Assembly Business Committee and Committee on Appointments.
- Shall be appointed within ten days on Assembly of a new County Assembly.
- Shall in consultation with County Assembly parties, nominate Members who shall serve in a select committee.
- Shall give consideration to the need for gender balance and shall so far as may be practicable, ensure that no more than two-thirds of Members of a Committee shall be of the same gender.
- Shall ensure that the Membership of each Committee reflects the relative majorities of the seats held by each of the County Assembly parties in the County Assembly.
- Shall recommend...for reasons to be stated, no Member to be appointed to serve in more than three Sectoral Committees.
- Shall, within seven days upon nomination of Members to serve in any Committee of the County Assembly, present the list to the County Assembly for approval.

#### **4.0 THE STRATEGIC OBJECTIVE OF THE COMMITTEE.**

The strategic objective of the committee on selection is to ensure; timely, adequate, gender-balanced, party-proportional Membership within the County Assembly of Kitui Committee's in consultation with other relevant designated structures.

## **5.0 ACKNOWLEDGMENT.**

The Committee extends its appreciation to the Offices of the Speaker and the Clerk of the County Assembly for the support accorded to it in the execution of its mandate and the opportunity accorded to its Members to undertake the benchmarking exercise with the National Assembly, County Assembly of Makueni and Machakos as from 13<sup>th</sup> to 18<sup>th</sup> November, 2018.

The Committee also wishes to extend its gratitude to the Clerks of the National Assembly, Senate, County Assemblies of Makueni and Machakos for administering co-ordination towards ensuring that objectives of the benchmarking exercise was successful.

It is, therefore, my pleasant duty and privilege, on behalf of this Committee, to table this report and recommend the same to this House for further Consideration and subsequent Adoption.

Signed \_\_\_\_\_

Hon. Peter Kilonzo,  
Chairperson, Committee on Selection,  
County Assembly of Kitui.

17<sup>th</sup> November, 2018

## **6.0 INTRODUCTION.**

The Committee pursuant to its mandate and in accordance with the provisions of standing orders considered issues affecting Members such as quorum hitch, clashing in committees and balancing in both select and sectorial Committees. In order to resolve the menace evolving on committee membership and in Consideration of the fact that assemblies are guided by nonetheless but best practices on customs and traditions, this spearheaded the committee on selection to undertake a benchmarking exercise with the sister Committee on Selection from the National Assembly, County Assemblies of Makueni and Machakos from 13<sup>th</sup> to 18<sup>th</sup> November, 2018 in order to acquaint themselves with the following:-

- i. Good governance and leadership in Committees.
- ii. Measures put in place by the County Assembly of Machakos, Makueni and National Assembly to enhance efficient selection of Members to their various Committees.
- iii. Best practices in managing and coordinating affairs of Committee Members.

In Cognizant of the fact that during nomination of Members to their various Committees and subsequent approval by the House on 10<sup>th</sup> October, 2018, the Committee considered technical and professional expertise of the Member into a Committee to enhance efficiency.

## **7.0 COUNTY ASSEMBLY OF MAKUENI**

The committee was scheduled to meet with their counterpart Committee from the County Assembly of Makueni on 13<sup>th</sup> November 2018. On arrival at Makueni albeit late, Members were given a warm welcome by their counterparts.

During the meeting the Committee made the following observations and findings;

### **7.1 Criteria**

The Criteria is stipulated under our S.O 177 which stipulates that

- (1) In nominating Members to serve in a Select Committee, the Selection Committee shall ensure that the membership of each Committee reflects the relative majorities of the seats held by each of the County Assembly parties in the County Assembly.*
- (2) Despite paragraph (1), a Member belonging to a party other than a County Assembly party or independent Member may be nominated to serve in Select Committee and the allocation of membership of Select Committees shall be as*

*nearly as practicable proportional to the number of Members belonging to such parties and Independent Members.*

*(3) Except as the County Assembly may otherwise resolve, on the recommendation of the Committee on Selection for reasons to be stated, no Member shall be appointed to serve in more than three Sectoral Committees.*

The Committee also considers expertise of MCAs in various fields/ professionalism, regional balance and gender balance.

Only two committees have eleven (11) Members while the rest have nine (9) Members and this enables them to get quorum during committee sittings easily.

For the Committees to perform effectively **discipline is key** both by Member and the technical staff (Clerk Assistants). There should be a good working rapport between the Chairperson and the Clerk of that Committee. The chair should ensure that Members attend Committees on time.

Technical team (Clerk assistants and Sergeant at arms) make sure that Committee rooms are prepared in time and Committee clerk should be at the venue ten (10) minutes before the sitting time.

At any one time that two Committees sit concurrently, the Liaison Committee prepares the Committee sitting schedule which is a guide to avoid collision when Committees sit. Each Committee has been allocated one hour sitting time. However, Committees can have special sitting to deal with matters pending before it anytime outside the approved sitting schedule depending on the work load.

The Liaison Committee cautions Committees which do not adhere to the Committee sitting schedule.

Committee sitting schedule indicates that sittings are held on Tuesday morning hours, Wednesday 8.00am -9.00am, 12.00-1.00pm and on Thursdays morning hours.

The County Assembly has 23 Committees including Liaison Committee and General Oversight (47 members). There are 11 Sectoral Committees and the rest are select. The Committee widely consults with the County Assembly Parties through the Whips.

## **7.2 Committee Observation**

### **7.2.1 Nomination of Committee Members.**

During placement of Members to their various Committees, the Committee normally factor in the following;

1. Regional balancing
2. Members interest and passion to serve in a given Committee
3. Professional background
4. Gender balance etc.

### **7.2.2 Scheduling of Committees**

Scheduling of committees is done by the committee on Liaison and it is normally prepared to run for the entire session whereupon it is approved by the House Business Committee.

The committee considers the following during scheduling;-

- i. The substance of the Committee in terms of deliberations.
- ii. Every committee is scheduled to meet for one hour.

## **7.3 Committee Findings**

The Committee noted the following from the discussion;-

- I. The committee on selection ensures that every Member is slotted four committees, this is to ensure that they attain their normal four sittings per week.
- II. During committee sittings Members adhere to time strictly in order to avoid Committees overlapping and raising quorum issues, this is to say that if a committee meets for one hour it is strictly one hour, on elapse of the one hour another committee takes over. To ensure this is effected the committee clerk and the Chairpersons ought to observe punctuality.
- III. The Liaison Committee prepares the Committee sitting schedule which is a guide to avoid collision when Committees sit. Each Committee has been allocated one hour sitting time. However, Committees can have special sitting to deal with matters pending before it anytime outside the approved sitting schedule depending on the work load.
- IV. The Liaison Committee cautions Committees which do not adhere to the Committee sitting schedule.

- V. Technical team (Clerk assistants and Sergeant at arms) should ensure that the rooms are prepared in time and the clerk should be at the venue 10 minutes before the sitting time. At any one time two Committees sit concurrently.
- VI. For the Committees to perform effectively **discipline is key** both by member and the technical staff (Clerk Assistants). There should be a good working rapport between the chair and the clerk of that Committee.
- VII. Discipline, Wide consultation, respect is Key in carrying out the Mandates of the County Assembly.
- VIII. The chairpersons should ensure that Members attend Committees on time.

## **8.0 COUNTY ASSEMBLY OF MACHAKOS**

The committee met with the sister committee from the county assembly of Machakos on 14<sup>th</sup> November, 2018 whereupon members made the following observation and finding out of the healthy discussion in between the two Committees.

### **8.1 Committee Observations**

The committee made the following observations out of the healthy discussion;-

#### **8.1.1 Scheduling of Committees**

- i. Scheduling of committees is always done by the committee on Liaison upon consideration of the committee work plans and it is done as per calendar year.
- ii. Scheduling of Committees is done according to committee Membership and on need basis of the Committees in terms of deliberations.
- iii. The County Assembly of Machakos normally have plenary on Tuesday and Wednesday.
- iv. Monday is scheduled for committee sittings and site visits while Thursday, Friday and Saturday is scheduled for report writing.

#### **8.2 Committee findings**

- i. Scheduling of committees is always done by the committee on Liaison upon consideration of the committee work plans and it is done as per calendar year (session).
- ii. Scheduling of committees is done according to committee Membership and on need basis of the committees in terms of deliberations.

## 9.0 NATIONAL ASSEMBLY

The committee was scheduled to meet with the counterpart Committee from the National Assembly on 15<sup>th</sup> November, 2018 whereupon the following deliberations were made;- Select Committees are established pursuant to Article 124(1) of the Constitution which provides that each House of Parliament may establish committees, and shall make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its Committees.

Further in Article 124 (4) when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament—

- (a) The appointment shall be considered by a committee of the relevant House;
- (b) The committee's recommendation shall be tabled in the House for approval; and
- (c) The proceedings of the committee and the House shall be open to the public.

Committees cannot therefore, take up the responsibilities assigned to them until their Members have been nominated. It is the House, and the House alone, that appoints the Members of its Committees, as well as the Members who will represent it on mediation Committees. This is a fundamental right of the House. The Committees themselves have no powers at all in this regard.

For assistance in determining the membership of many of its committees, the House uses its Select Committee on Selection to receive and deliberate on the lists of Members nominated for committees. At the start of the first session of a Parliament, the Leader of Majority normally moves a motion to appoint the Members of the Committee on Selection. The lists are then tabled in the House for approval. The Members of the Committee continue in this capacity from session to session throughout the life of a Parliament.

The House has adopted committee Membership mechanisms that enable it to rely largely on the recognized political parties to prepare the lists of Members. In Standing Orders (171(1); 172 (1); 177; 204; 207 and 208, the House sets the number of Members for each Committee.

A parliamentary party means a party or coalition of parties consisting of no less than five percent of the membership of the National Assembly.

The number of Members selected from each of the recognized parties is the subject of negotiation among the parties at the beginning of each Parliament. The resulting informal agreement although not set down in the Standing Orders or anywhere else, is reflected in the composition of each committee.

The Committee received a list of nominations from the various coalitions as well as the independent candidates. In its deliberations on the list of nominated Members, the Committee gives consideration to the need for gender balance. The Committee also took into consideration ethnic balancing as well as marginalized communities.

### **9.1 Committee Mandate**

The Committee on Selection is a select Committee of the House established pursuant to Standing Order 172 of the National Assembly Standing Orders. It is mandated to nominate Members in consultation with parliamentary parties, to serve in Committees, save for the Membership of the House Business Committee and Committee on Appointments. The Committee on Selection is appointed within ten days on the Assembly of a new House.

The Chairperson of the Committee is the Leader of the Majority party who is deputized by the Leader of the Minority Party. Members to the Committee may range in number from eleven to twenty- one nominated by parliamentary parties and taking into consideration the interest of the independents.

To fulfil the need for gender balance and so far as may be practicable, the Standing Orders require that no more than two-thirds of Members of a Committee, including a committee established through a resolution of the House, be of the same gender.

The Criteria for nomination provided in S.O 174 requires that in nominating Members to Committees, the relative majorities of the seats held by each of the parliamentary parties in the National Assembly is reflected. The same S.O provides that no two members of the House Business Committee can serve in the same Departmental Committee and that a Member of an independent party serves in the Special Fund Accounts Committee.

To enhance their oversight role, the majority of the members to serve in Public Accounts Committee, Public Investments Committee, Committee on Implementation and the Special Fund Accounts Committee are nominated from other parties not forming the current National Government.

Unless the House so resolves, a member cannot be nominated to serve in more than two Departmental Committees or a Chairperson of a Committee or a member of the Parliamentary Service Commission (as per Article 127(2) (c) serve in more than one Committee.

Further, a committee is composed of an odd number of members, being not less than seventeen and not more than twenty-three. (S.O 177).

The Committee is also charged with filling vacancies in select Committees of the House once the need arise either through resignation or removal of a Member. The filling of these vacancies is made within fourteen days.

Within seven days upon nomination of Members to serve in any Committee of the House, the Selection Committee presents the list to the House for approval. S.O 175(2) provides that whenever a Motion for approval of a list of members nominated to Committees is moved in the House, no objection against the proposed membership of a Member in a select committee shall be permitted and objections, if any, shall be formulated against the proposed membership as a whole.

A Member shall not be a member of a Committee of the House unless the nomination of such Member into the Committee is approved by the House.

The Committee can also recommend replacement of a Member for approval by the House if a Member fails to attend meetings as reported by the relevant Committee within fourteen days.

## **9.2 Scheduling of Committees**

At the National Assembly, Scheduling of committees is done at the administrative level under the directorate of committees in Liaison with the committee clerks and it is normally done on a weekly basis mostly on Thursdays.

## **9.3 Committee Findings**

- i. Committees with the same membership are not allowed to sit at the same time.
- ii. Scheduling of committees is done at the administrative level under the directorate of committees upon the request of the committee clerks, and it's normally done on Thursday and posted in the parliamentary website on Friday.
- iii. Liaison committee meets on every Wednesdays and prioritizes committee business before the House Business Committee.
- iv. A Member cannot be nominated to serve in more than two Departmental Committees or a Chairperson of a Committee or a member of the Parliamentary Serve Commission (as per Article 127(2) (c)) serve in more than one Committee.
- v. To enhance their oversight role, the majority of the members to serve in Public Accounts Committee, Public Investments Committee, Committee on Implementation and the Special Fund Accounts Committee are nominated from other parties not forming the current National Government.
- vi. S.O 174 provides that no two members of the House Business Committee can serve in the same Departmental Committee and that a Member of an independent party serves in the Special Fund Accounts Committee.

## **10.0 CHALLENGES**

The Committee on selection face some challenges during the selection process including the following:-

1. The parliamentary parties take time to agree on the nomination of Members which delays constitution of committees.
2. The list of members nominated to Committee must be approved by the House in full, otherwise it's back to the drawing board.

3. The provision for two third gender rule is proving a challenge to implement, one because of the provisions of the committee a member may belong to and also the number of female members in the House.
4. The Committee has little leeway to recommend changes to the list of nominations because it's the parliamentary parties who make the nominations.
5. The Committee may also face opposition to the changes to committee Membership although it's shielded by the fact that the parliamentary parties make the nominations.
6. The Committee only meets as required for nominations at the beginning of the term of Parliament and during changes to Committee membership.

#### **11.0 COMMITTEE RECOMMENDATIONS**

The committee came up with the following recommendations;-

- i. Scheduling of Committees should be done by the Committee on Liaison upon consideration of the Committee work plans and should be done in a calendar year (session) with approval of the House Business Committee.
- ii. For the Committees to perform effectively **discipline is key** both by Members and the technical staff (Clerk Assistants). There should be a good working rapport between the chair and the clerk of that Committee.
- iii. Discipline, Wide consultation and respect is Key in carrying out the Mandates of the County Assembly.
- iv. Committees with the same Membership should not be allowed to sit at the same time.
- v. Liaison Committee should be sitting on a weekly basis in order to coordinate activities of Committees hence balancing and making sure there is quorum in the House.
- vi. Committees should be scheduled to conduct their oversight mandates and foreign travels during recess period.
- vii. Technical team (Clerk assistants and Sergeant at arms) should make sure that Committee rooms are prepared in time and the clerk should be at the venue ten (10) minutes before the sitting time.

- viii. The Majority and minority Leaders, party whips and Committee Chairpersons should take full mandate of ensuring that Members attend Committees on time.
- ix. County Assembly political parties should be given full mandate to nominate Members to serve in various committees that is; Members from small parties and independent party should align themselves to either of the three County Assembly parties in order to be slotted committees as is the case in the National Assembly, County Assembly of Makueni and Machakos.
- x. There should be continuous capacity building to develop competencies and skills that can make committee Members more effective and sustainable thus increasing the potential of the House Committees.

*(Prepared By: David Manzi- Clerk Assistant)*