



REPUBLIC OF KENYA

WEST POKOT COUNTY ASSEMBLY

P.O. Box 6-30600

KAPENGURIA



REPORT OF THE LIAISON COMMITTEE TRAINING
ATTENDED BY MEMBERS OF THE WEST POKOT
COUNTY ASSEMBLY
CONDUCTED ON MARCH 24TH – MARCH 30TH, 2019
VENUE: IMPERIAL HOTEL, KISUMU

1.0 PREAMBLE

1.1 Introduction

Hon. Speaker,

County Assemblies are established under Article 177 of the Constitution as an organ of county government. Legislative authority at the County is vested in and is exercised by it County Assembly. In principle, County Assemblies perform the following roles–

- i. Representation, Legislation and Oversight
- ii. Approval of expenditure and revenue raising measures
- iii. Approval of appointments and removal thereof
- iv. Deliberation & resolution of issues of concern to residents

County Assemblies discharge these mandates collectively in plenary or through Committees as its specialized units. Committees in the Assembly are thus smaller units or groups of Members of the County Assembly that allow the Assembly to perform multiple functions simultaneously. The power for Assemblies to establish Committees is inherent in its authority/functions given under Articles 176 and 185 of the Constitution

Section 14(1)(b) of the County Governments Act grants the Assembly power to establish Committees; Liaison among the many is established under S.O 192(1)-(3).

The Liaison committee in its work plan for financial year 2018/2019 had lined up a number of training opportunities for the committee on various aspects of legal drafting, financial management, understanding of the standing orders and other rules and regulations for effective functioning of the committee. In line with its workplan, the committee conducted training on the above mentioned matters from 24th March to 30th March, 2019

1.2 Establishment and Mandates of the Committee

Hon. Speaker,

The mandates of the Liaison committee are as follows_

- a) Guide and Co-ordinate the operations, policies and mandates of all committees*
- b) Deliberate on and appropriate the annual operating budget among the committees*
- c) Consider the programs of all committees including their need to travel and sit away from the precincts of the County Assembly*
- d) Ensure that committees submit reports as required by the standing orders*
- e) Determine, whenever necessary the committee or committees to deliberate on any matter*
- f) Give such advice relating to the work and mandate of select committees as it may consider necessary and*
- g) Consider reports of committees that have not been deliberated by the County Assembly and shall report to the Assembly on the consideration of such reports*

1.3 Committee Membership

Hon.Speaker,

The Committee comprises of the following Members:

- | | |
|----------------------------|-------------------|
| 1. Hon.Francis Losia | -Chairperson |
| 2. Hon. Josephine Cheprum | -Vice Chairperson |
| 3. Hon.Catherine Mukenyang | -Member |
| 4. Hon.Josiah Yarakwang | -Member |
| 5. Hon. Patrick Lokomol | -Member |
| 6. Hon. Timtim Korinyang | - Member |
| 7. Hon. John Bosco | -Member |
| 8. Hon. Komolle Robert | -Member |
| 9. Hon. Renson Longit | -Member |
| 10. Hon. Lokato Johnson | -Member |
| 11. Hon. Toungole Jacob | -Member |
| 12. Hon. Kapelisiwa David | -Member |
| 13. Hon.Philip Palor | -Member |
| 14. Hon. Evanson Lomaduny | -Member |
| 15. Hon. Thomas Ngolesia | -Member |
| 16. Hon. Alukulem David | -Member |
| 17. Hon. Angelei Solomon | -Member |
| 18. Hon.Ngolesia Thomas | -Member |

2.0 PROGRAM

Hon.Speaker,

Members of the committee underwent an intense training on matters:

2.1 The Liaison committee: Roles and Functions (comparison with National Assembly)

Liaison Committee as stipulated in the National Assembly (S.O. 217) is composed of: Deputy Speaker (Chairperson), Member of the Chairperson's Panel who also is the First Chairperson of Committees (shall be the Vice-Chairperson) and Chairpersons of all committees of the House.

The Functions of the Liaison Committee in National Assembly are as follows:

- i. Guide and co-ordinate the operations, policies and mandates of all Committees
- ii. Deliberate on and apportion the annual operating budget among the Committees
- iii. Consider the programmes of all Committees, including their need to travel and sit away from the precincts of Parliament
- iv. Ensure that Committees submit reports as required by the Standing Orders

- v. Determine, whenever necessary, the committee or committees to deliberate on any matter
- vi. Give such advice relating to the work and mandate of select committees as it may consider necessary

Similarities and differences between Liaison Committees in the National Assembly and West Pokot County Assembly

| NATIONAL ASSEMBLY | COUNTY ASSEMBLY |
|--|--|
| Composed of Deputy Speaker (Chairperson) | Chairperson of Committees(Chairperson) |
| A member of the Chairperson's Panel who also is the First Chairperson of Committees(Vice-Chairperson) | |
| Chairpersons of all committees of the House(Members) | Chairpersons of all committees(Members) |
| Similar functions | Similar functions |
| Similar requirements on progress reports | Similar requirements on progress reports |

2.2 The Liaison Committee on execution of its mandate

a) Fundamental roles of Liaison Committee are:

- To inform: The Liaison Committee is a forum where all chairpersons meet to inform each other on what is happening in Committees
- To strategize: The role of the Committee is to formulate policies for committees and its budget
- To report progress: The meetings are avenues where matters are discussed and reports made to the County Assembly
- Research and make recommendation as solutions to problems encountered in the various committees

b) Requisite qualities of good Committee Chairpersons

The Committee Chairperson is the Presiding Officer in a Committee; he/she assumes roles similar to those of the Speaker of the Assembly. Committee Chairpersons must possess qualities that will enhance effectiveness, such as:

- Competence; demonstrate understanding of legislative process, have a solid working relationship with members and key staff and know the content of key matters assigned to the committee.
- Flexibility and adaptability; learn to adapt new conditions when circumstances change.
- Firmness and decisiveness; stand firm when decision are made.
- Honesty and dependability: be honesty and forthright with committee members, staff and media to earn respect.
- Openness; build strong open communication links for trust
- Fairness; treat committee members fairly
- Tolerance; understand and accept that members will not support committee leadership/position
- Patience; recognize times when it is necessary to be patient.
- Humility; Accept responsibility for mistakes,
- Stamina; project high energy level however long it may take to address matters
- Consensus building: demonstrate high sensitivity to diverse opinions in view of building consensus and synergy
- Impartial: treat all members and attendees with equity irrespective of party or position

c) Roles of Committee Chairpersons

The Committee Chairperson plays a key role in the effectiveness of the Committee. He/she is the most important personality and is usually responsible for convening and managing the committee.

The chairperson is:

- Spokesperson of the Committee – he/she presents position of the Committee and talks on behalf of the Committee
- Presides over committee meetings, ruling on procedural and relevance issues, such as the relevance of questions or amendments to that committee's mandate
- Performs the functions and exercises the powers assigned to office of the Chairperson by the committee, resolutions of the Assembly or legislation
- Deals with disorder among members or by the public where the latter are admitted to hearings;
- Answers oral questions and responds to Statements in the Assembly on behalf of the committee;
- Signs committee reports after consideration of a matter
- requests the appearance of witnesses or the production of papers on behalf of the committee
- Controls the hearing of evidence and directs the proceedings;

- Liaises with the government and other members of the committee on the progress of important legislation; and
- Maintains open communication channels with all committee members for effective functioning of Committees

2.3 Management of Liaison Committee Meetings

a) Characteristics of an effective meeting

An effective committee meeting begins with the chair, who is supposed to always observe the following principles:

- Chair remains neutral; also courteous, fair, impartial and promotes equality
- Chair facilitates one item at a time including way forward or further action
- Every member has their say: Participation of all members encouraged
- Majority rules but rights of minority opinion and absent members are protected

Further, an effective meeting must observe the 5 P's of a meeting i.e.

- Purpose**- Meetings should be called for a purpose whose achievement is only through coming together of specific people
- Power** – The authority (executive, advisory, based on a person, office, e.t.c) that provides the power for the group to meet
- People** – Those who should be selected to attend the meeting
- Procedures** – Success of a meeting depends on effective enforcement of rules and procedures
- Papers** – Relevant documents related to the agenda and the activities of the meeting

The Chair may need to confront the following challenges from members:

- People often react to other people - not to their ideas
- Chair must stress that effectiveness = disregard for personal or departmental allegiances
- Self-perception of members - some see themselves as elders, joker, voice of reason, etc.

Effective meetings don't just happen— they are planned for, each agenda item highlighted, make sure the group is clear about the goals, processes, and functions

b) Time management in meetings

- When handling preliminary business, Committee chairs should avoid bad practice of taking a lot of time to discuss **preliminary business** at the expense of the business of the day. Taking a lot of time to establish quorum, prayers,

- introduction of members, introduction and adoption of agenda, opening remarks, reading and confirmation of minutes, matters arising. This is not the substantive business of the day. Instead adopt good practice where preliminary business takes ¼ of meeting's time. Usually ordinary meetings take ½ to 2 hours and on Tuesdays up to Thursdays except in special circumstances. Apply this rule studiously as a Chair and inform members all the time. Opening remarks should be short and to the point. The Chair must at all times allocate time for every agenda item in order to manage business instead of being managed by business. It is an absurdity to conduct business for which one has no control of time
- ii. Having lengthy debate on introduction and adoption of **Agenda** in a meeting is a bad practice. As a matter of principle, good practice involves circulating draft agenda (if rules allow) before the meeting to build consensus
 - iii. For an effective meeting, chairs should avoid reading and making major changes to the **minutes** during the meeting. If rules allow, circulate minutes before the meeting
 - iv. Allowing lengthy debate because of **matters arising** should be avoided these were issues which were dispensed with in the last meeting. Instead if there is need for debate on these reports, then new agenda should be provided for as new business. The Chair should provide direction on these matters and inform members under what agenda item their concerns on the reports will be taken care of
 - v. It is unprocedural allowing extended debate on **AOBs**. It is like conducting a meeting within a meeting. The chair should instead inform members that issues of AOB are not for debate but they can ratify that such matters be considered as substantive motion in another meeting
 - vi. Allowing members to engage in a lot of side shows deviating from **business of the day** is a bad practice instead; chairs should inform members at all times by making reference to Standing Orders or rules or other limiting regulations
 - vii. **Lengthy consultations** between the Chair and the secretary or a Member during the meeting should not be allowed. This consultation should have been done before the meeting to save time
 - viii. Carrying out **logistical work** during the meeting like photocopying documents should be done before the meeting by preparing the meeting kit and other logistical requirements
 - ix. Chairs should be alert and caution Members against **repeating debate** on a motion which has already been agreed upon. Members should take personal responsibility to prepare well and avoid debates that goes round in circles due to contributions from ignorance
 - x. **Effective secretariat** to ensure matters of logistics addressed proactively
 - xi. **Unnecessary interruptions** like phone calls, other meetings within a meeting should be avoided instead, enforce discipline without fear or favour
 - xii. Generating agenda for the day during the meeting can take a lot of time. This can be done only if the Constitution, law or rules require it. Agenda should be generated and circulated before the meeting if rules allow

- xiii. Briefing anybody who arrives late takes a lot time to save time; never brief them. But if necessary do this at the end of the meeting. The only exceptions being principal officers of the meeting or any other important person
- xiv. Conclusion/adjournment of meeting. It's a bad practice for chairs to adjourn meetings without paying attention to matters of protocol. Chairs should thank members for attendance and contributions and wish them well

2.4 Overview of Budgeting Process

The topic seeks to answer why and how Legislature should be involved in the Budget Process?

Oversight of public budgets is central to democratization and improved budget management. It ensures that the county's priorities are adequately reflected in the County major fiscal plan and the budget.

In the long run legislatures and its technical staff develop expertise in budget oversight and assist government departments to plan and implement budgets more effectively and efficiently.

Within the realm of the PFM ACT, three objectives for scrutiny are; affordability, prioritization and value for money. Affordable aggregate expenditure is taken in the context of available resources, macroeconomic and fiscal policies and spending priorities. Hard decisions must be made during the Budget Approval process. If the process is effective, recommendations can filter into the future budgets creating continuous and virtuous cycle of improvements in public spending.

There is often a trade-off involved in the way Legislature engages in the three objectives mentioned. Congressional system- has a powerful ex ante process and relatively weak ex post process. Parliamentary system has abdicated all the ex ante decision making power; instead investing in ex post assessment by investing heavily in PAC/PIC committees.

2.5 The Role of Committees in the Budget Process

i. Public Participation

Public participation largely depends on the underpinning legal framework. Public participation:

- Increases opportunities for participation by breaking down barriers between citizens and government. It strengthens local CSOs, which may improve local governance in the long term and can help make infrastructure and services more relevant to the communities they serve
- Manages spending and revenues to budget and allows budget to be planning and steering tool

- Promotes fiscal discipline hence reducing opportunities for corruption and assure resources flow to programs
- Enable program implementation budget to aid operational efficiency through spending unit advance planning and efficient administration

ii. Oversight of Sector and documents relevant to the Committee

The appropriate mechanism for legislatures to conduct oversight of organs of the government is through committees. A committee would either request a briefing from the organ of state or visit the organ of state for fact-finding, depending on the purpose of the oversight. The committees would have to consider appropriate means for conducting oversight to cover all organs of state by:

- Determination of Policy and Agreement on Performance Plans. All committees of legislatures must invite departments to present their Annual Performance Plans that are aligned to priorities. At this stage committees must confirm that plans of departments are aligned to priorities of government
- Committees must also assess if departmental plans respond to previous resolutions of the House regarding performance. An agreement between departments and committees on how the plans are going be measured against priorities through set indicators and targets is firmed up
- Quarterly Reports from departments provide a committee with the information needed to monitor effective programme implementation. The information contained in the Quarterly Reports must indicate present expenditure on a month-to-month basis against planned expenditure. It is also in the legislature's interests to ensure that more than just financial data are delivered in these reports. Relevant environmental data should be included with some degree of commentary/narrative by the department
- The analyses of the Annual Report should give a comprehensive indication of where a department truly finds itself in terms of the priorities it has been pursuing in the current financial year.

3.0 General Observations

Hon Speaker,

During the training, the committee made the following observations:

- i. That majority of committee meetings were performing poorly in terms of efficiency and time management; exhibited by lack of prior planning and agenda items highlighted

- ii. The major factor affecting committees in the budget making process was lack of sufficient information to enhance scrutiny. The executive was either not willing to share information or lack of information all together.
- iii. That, Committees have failed to notice problematic areas in the budget. Committees are reactive rather than proactive to documents they receive from departments. Confounded by the presentation of budgets over years, and the shifts of money and priorities between programmes or into new Programme areas
- iv. That, committees have failed to reconcile departmental expenditure with policy priorities, or even to focus on actual policy priorities
- v. Committees never track performance in any key programme area over a period of time; and rarely follow up on recommendations or performance in key areas as part of a dedicated strategy to improve performance in such areas
- vi. That, the legislature provides adequate oversight during the planning stage of the budget cycle and no oversight during the implementation stage of the budget cycle
- vii. That, the executive does not receive prior approval by the legislature before implementing a supplemental budget as supposed in law and practice. The legislature is not consulted prior to the virement of funds in the enacted Budget leading to spending of any unanticipated revenue and contingency funds that were not identified in the enacted Budget

4.0 Recommendations/Way forward

Hon Speaker,

The committee wishes to make the following recommendations:

- i. That in committee sittings, good practices as highlighted earlier should be followed and bad practices eliminated
- ii. That there **MUST** be commitment of chairs to their various committees. Chairs should not start sector scrutiny without respective CECs and that committees should have continuous engagements with respective departments prior to scrutiny of County Fiscal Strategy Paper.
- iii. That in the scrutiny and consideration of the County Fiscal Strategy Paper(CFSP),committee clerks should write briefs as summary of details in CFSP for consumption by respective chairs
- iv. That for an effective committee secretariat, money should be allocated from the County Assembly resource envelope for capacity building and enhancement of skills of committee clerks
- v. That in the budget process members **MUST** have in possession the following documents: Treasury Circular,ADP,CBROP,Sector Reports(Ranked in terms of priority),CFSP and Budget Estimates
- vi. That for future budgets, the Assembly should create a continuous and virtuous cycle of improvements in public spending by considering PIC/PAC reports.

- vii. That there is need to merge the Budget and Finance Committees in the Assembly to be referred as the *Budget, Finance and Appropriation Committee* to avoid duplications of mandates and enhance effectiveness of the committee
- viii. That, input by Oversight should be infused in the Budget Cycle for determination of priorities.

5.0 CONCLUSION

Hon Speaker,

The Committee therefore requests this Honorable House to adopt this report and its recommendations.

I wish to confirm that the recommendations of the Committee in this report were unanimous and I therefore beg the Members of this Honourable House to adopt this report with or without amendments.

SIGNED.....DATE.....

HON.FRANCIS LOSIA –CHAIRPERSON LIASON COMMITTEE

6.0 ADOPTION OF REPORT

Hon Speaker,

We the members of the Liaison Committee have pursuant to Standing Order 196(1) adopted this report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity.

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|----|-------------------------|-------------------|-------|
| 1. | Hon.Francis Losia | -Chairperson | |
| 2. | Hon. Josephine Cheprum | -Vice Chairperson | |
| 3. | Hon.Catherine Mukenyang | -Member | |
| 4. | Hon. Patrick Lokomol | -Member | |

| | | | |
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7.0 ANNEXURES

Annex 1. Minute of the Committee

Annex 2 Adoption Minutes