



# **COUNTY GOVERNMENT OF NAKURU**

## **PUBLIC ADMINISTRATION, NATIONAL/ INTERNATIONAL RELATIONS SECTOR**

### **OFFICE OF THE COUNTY ATTORNEY**

### **SUB SECTOR REPORT**

**MTEF 2024/2025 – 2026/2027**

**JANUARY 2024**

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## **ABBREVIATIONS**

ADR	Alternative Dispute Resolution
AJS	Alternative Justice System
EACC	Ethics and Anti-Corruption Commission
FY	Financial Year
ICT	Information and Communication Technology
MOU	Memorandum of Understanding
MTEF	Medium Term Expenditure Framework
OCA	Office of the County Attorney
PAIR	Public Administration National/International Relations
PFM	Public Finance Management
SRC	Salaries and Remuneration Commission

## EXECUTIVE SUMMARY

*Chapter One* presents an overview of the Subsector, shedding light on its background and the broader vision and mission that guide its operations. The Office of the County Attorney (OCA) is a sub-sector under the Public Administration, National/International Relations (PAIR) sector established pursuant to the Office of the County Attorney Act 2020. The primary mandate of the OCA is that the department is the principal legal adviser to the county government. The mandate is executed in three Directorates, namely; Administration, Litigation Services, and Land & Conveyancing services.

*Chapter Two* performs an in-depth review of the sector's performance during the MTEF period of 2020/21 to 2022/23. During the Previous MTEF period ending 567 cases that were pending in court were concluded. Additionally, The OCA successfully annexed and equipped an office space (HQ Annex) following separation from the mother Public Service Department.

*Chapter Three* offers' projections into the future, highlighting medium-term priorities for the MTEF period of 2024/25 to 2026/27. Programs and sub-programs are prioritized and broken down by objectives, expected outcomes, and performance indicators. Resource requirements and allocations are analyzed, and a clear criterion for resource allocation is established. During the new MTEF period, the OCA has prioritized establishment and operationalization of a legal library, conclusion of all active cases, recruitment of additional legal personnel, automation of legal operations, as well as sensitization fora with departments on legal hygiene.

*Chapter Four* explores the relationships and intersections between this sector and others, emphasizing the cross-sectoral dependencies and linkages crucial for holistic growth of the subsector. The OCA provides legal advisory services to all County Government departments and agencies.

*Chapter Five* draws attention to emerging issues and challenges faced by the sector, emphasizing the need for adaptability and resilience in a constantly

evolving landscape. Key emerging issues included a growing number of litigations against the county government. Some challenges facing the department include inadequate budgetary allocation, inadequate legal personnel, lack of a legal library and weak adoption of ADR/AJS mechanisms. *Chapter Six* concludes the report by encapsulating key findings from the preceding chapters, enumerating the major issues in order of significance, and providing a concise summary that relates directly to the initial objectives of the report. *Chapter Seven* builds on the conclusion, offering actionable and pragmatic recommendations for the future based on identified challenges and emerging issues. These suggestions are structured logically, ensuring that they are pertinent and feasible.

## CHAPTER ONE

### 1.0 INTRODUCTION

#### 1.1 Background Information

The Office of the County is the principal legal advisor of the County government with three (3) distinct directorates.

The directorates are Lands and Conveyancing Services, Litigation Services and Administration Services.

- *The Litigation directorate* is in charge of all Court related matters.
- *The Directorate of lands and conveyancing* is mandated to facilitate and supervise all legal transactions related to land.
- *The Directorate of Administration* is mandated with coordination, supervision, planning, directing and controlling to ensure efficient and effective service delivery.

The departmental establishment stands at 15 members of staff. The department has staff shortage in key sections including directors, legal Counsels, human resource officers, record management officers, office assistants, clerical officers, drivers and support staff. Recruitment proposal is therefore factored in this report aimed at addressing the shortage.

#### **The Mandate of the Department;**

- a) is the principal legal adviser to the county government;
- b) shall attend the meetings of the county executive committee as an ex-officio member of the executive committee;
- c) shall, on the instructions of the county government, represent the county executive in court or in any other legal proceedings to which the county executive is a party, other than criminal proceedings;
- d) shall advise departments in the county executive on legislative and other legal matters;

e) shall negotiate, draft, vet and interpret documents and agreements for and on behalf of the county executive and its agencies;

f) shall be responsible for the revision of county laws;

Of note and a major cost factor for the Department remains in litigation. By the Close of the FY 2022/23, the department had a total of approximately 100 pending cases. Cumulated legal pending bills to day were in the tune of Ksh. 442 million.

## **1.2 Vision and Mission Statement**

### **Vision**

Facilitating the realization of good governance and respect for the rule of law and promotion of County laws and the upholding of ethics and integrity

### **Mission**

Providing legal services and promoting a just democratic and corruption free County

## **1.3 Strategic Goals/Objectives of the Sector**

The following is a brief outline of the main strategic objectives in the Office of the County Attorney

- i. Provision of County Legal Services.
- ii. Coordination in the implementation and formulation of laws
- iii. Continuous Legal Education to other county departments

## **1.4 Sub Sector Mandates**

The office of the County Attorney has the core mandate of provision of legal services to the County Government of Nakuru. The office is established under the office of the County Attorney Act no 14 of 2020 and clearly spells out the mandate of the office as;



- a. is the principal legal adviser to the county government;
- b. shall attend the meetings of the county executive committee as an ex-officio member of the executive committee;
- c. shall, on the instructions of the county government, represent the county executive in court or in any other legal proceedings to which the county executive is a party, other than criminal proceedings;
- d. shall advise departments in the county executive on legislative and other legal matters;
- e. shall negotiate, draft, vet and interpret documents and agreements for and on behalf of the county executive and its agencies;
- f. shall be responsible for the revision of county laws

**1.5 Role of Sub-Sector Stakeholders**

The Office of the County Attorney being a support service department has a wide range of stakeholders mainly comprising of county departments and governmental institutions.

STAKEHOLDER	STAKEHOLDER’S EXPECTATION OF OCA
Department of Lands	Provide legal advice and representation in cases where the county's land policies are challenged or in disputes involving land ownership and use. Additionally, OCA works with the department in handling legal aspects of land transactions such as transfer, zoning/subdivision among others.
County Departments	Provision legal advisory opinions Drafting & Review of MOUs, contracts and bills Representation in Court
Office of the Ombudsman	The Office of the County Attorney often collaborates with the Office of the Ombudsman in addressing issues related to administrative justice and public complaints against County government departments and entities
The County Assembly	Review of bills and regulations before transition of the same to the assembly
Office of the Director of Public Prosecutions (ODPP)	OCA collaborates with the ODPP to ensure legal compliance and the effective prosecution of crimes within or involving the county government.

STAKEHOLDER	STAKEHOLDER's EXPECTATION OF OCA
Development Partners	Funding and implementation of development programmes and projects
Judiciary	The County Attorney interacts with the Judiciary in the course of representing the county government in civil litigation and other legal proceedings.
Law Society of Kenya	As a professional body, the Law Society of Kenya represents the interests of legal practitioners in the country. legal practitioners in the Office of The County Attorney are members and adhere to the ethical standards and professional conduct set by the society.
Kenya School of Government	Conducts Staff training
Attorney General	The County Attorney may seek advice from the Attorney General on complex legal issues, particularly those that intersect with national laws and policies. The Attorney General's office may also provide directives or opinions that guide the legal actions of county governments.
Council of Governors	Liaise, implement and refer.
Non-Governmental organizations	Information sharing
	Engagement in matters policy formulation, implementation, monitoring and feedback
	Advocate for Transparency and accountability
Local Community	Efficient, effective and timely service delivery
	Transparency and accountability.
	Provide a conducive environment for policy implementation.
County Treasury	Ensure adherence to PFM Act.
	Provide timely financial reports
	Efficiency and effectiveness in utilization of funds.
County Employees	Professional legal services
EACC	Promotion of Ethics and Integrity in County Public Service
Commission on Administrative Justice	Resolution of public complaints

## **CHAPTER TWO**

### **2.0 PROGRAMME PERFORMANCE REVIEW FOR THE MTEF PERIOD 2020/21-2022/23**

This chapter provides an in-depth review of the sub sector's performance during the MTEF period of 2020/21 to 2022/23. The section analyses programmatic and budget performance against targets over the previous MTEF period.

#### **Summary of key achievements for the MTEF period**

- i. During the period under review, 567 cases were litigated and successfully concluded
- ii. 37 laws were reviewed and forwarded to the assembly for legislation and passing and consequently enacted
- iii. Digitization of legal records was completed and the office is in the process of automating legal records.
- iv. Establishment of a legal library was initiated during the period under review and is expected to be completed in the next MTEF period

## 2.1 Review of Sector Programmes/Sub-Programmes/projects-Delivery of Outputs/ KPI/ targets

**Table 1: Sector Programme Performance Reviews**

Programme	Key Outputs	Key Performance Indicators	Targets			Achieved Targets			Remarks
			2020/21	2021/22	2022/23	2020/21	2021/22	2022/23	
<b>PROGRAMME 1: ADMINISTRATION, PLANNING AND SUPPORT SERVICES</b>									
<b>Outcome: Enhanced access of County Government services to residents</b>									
SP 1.1 Administration Services	Office Renovations and equipping	Renovated and equipped Office	100%	-		-	-	20%	No budgetary allocation
	Establishment of a legal library	Enhance research work	20%	30%	50%	-	-	-	No budgetary allocation
SP 1.2: Personnel Services	Enhanced legal registry Automation of legal records	Proper storage of legal documents	50%	50%	-	-	-	10%	No budgetary allocation and Lack of Office Space
		Automation of legal records	50%	50%	-	-	-	-	No budgetary allocation and Lack of Office Space
SP 1.3: Financial Services	Staff Training	No. of trainings conducted	4	4	4	-	1	1	No budgetary allocation
<b>PROGRAMME 2: Provision of legal services</b>									
<b>Outcome: Legal Compliance In Service Delivery</b>									
SP 2.1 Legal Services	Reduce Number of Backlog Litigation	Number of cases closed	500	600	100	275	256	36	Lack of enough staff.
	Processing bills for enactment	Number of enacted laws	25	21	5	20	10	7	achieved
SP 2.2: Improving Legal Compliance	Co-ordination of County compliance & Enforcement Agents	Number of assorted instruments acquired.	70	70	180	50	41	0	No budgetary allocation.
		Number of uniforms acquired.	350	350	350	-	-	150	Not enough budgetary allocation.

## 2.2 Expenditure Analysis

During the FY 2022/23, the OCA had a total allocation of Ksh. 207,900,000 (Supp II). However, total expenditure by the close of the FY was 117,878,896. This reflects a budget 56.7 percent.

### 2.2.1 Analysis of Programme expenditures

**Table 2: Programme/Sub Programme expenditure analysis**

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
Economic Classification	APPROVED BUDGET			ACTUAL EXPENDITURE		
	2020/21	2021/22	2022/23	2020/21	2021/22	2022/23
<b>PROGRAMME 1: ADMINISTRATION, PLANNING AND SUPPORT SERVICES</b>						
SP 1.1: Administration Services	-	-	5,957,500	-	-	1,338,472
SP 1.2: Personnel Services	-	-	400,000	-	-	367,577
SP 1.3: Financial Services	-	-	500,000	-	-	-
<b>Total Expenditure Programme</b>	-	-	<b>6,857,500</b>	-	-	<b>1,706,049</b>
<b>PROGRAMME 2: Provision of Legal Services</b>						
SP 2.1: Advising on Legal Matters	-	-	5,550,000	-	-	1,176,780
SP 2.2: Legal Services	25,734,015	16,200,000	895,000	21,885,774	15,218,215	-
SP 2.3: Litigation	-	-	191,597,500	-	-	117,363,296
SP 2.4: Formulation and Review of Bills	-	-	2,000,000	-	-	515,600
SP 2.5: Conveyance and Commercial Transactions	-	-	1,000,000	-	-	-
<b>Total Expenditure Programme</b>	<b>25,734,015</b>	<b>16,200,000</b>	<b>201,042,500</b>	<b>21,885,774</b>	<b>15,218,215</b>	<b>117,878,896</b>

## 2.2.2 Analysis of Programme Expenditures by Economic Classification

**Table 3: Programme Expenditure Analysis by Economic Classification**

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
Economic Classification	APPROVED BUDGET			ACTUAL EXPENDITURE		
	2020/21	2021/22	2022/23	2020/21	2021/22	2022/23
<b>PROGRAMME 1: ADMINISTRATION, PLANNING AND SUPPORT SERVICES</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees			400,000			367,577
2200000 Use of goods and services			6,112,500			1,338,472
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets			345,000			
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Acquisition Of Non-Financial Assets						
Capital Transfers to Govt. Agencies						
Other Development						
<b>Total Expenditure Prog 1</b>	-	-	<b>6,857,500</b>			<b>1,706,049</b>
<b>Sub-Programme 1.1: Administration Services</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees						
2200000 Use of goods and services			5,612,500			1,338,472
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets			345,000			
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Acquisition Of Non-Financial Assets						

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
Economic Classification	APPROVED BUDGET			ACTUAL EXPENDITURE		
	2020/21	2021/22	2022/23	2020/21	2021/22	2022/23
Capital Transfers to Govt. Agencies						
Other Development						
<b>Total Expenditure SP 1.1</b>	-	-	5,957,500			1,338,472
<b>Sub-Programme 1.2: Personnel Services</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees			400,000			367,577
2200000 Use of goods and services						
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets						
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Acquisition Of Non-Financial Assets						
Capital Transfers to Govt. Agencies						
Other Development						
<b>Total Expenditure SP 1.2</b>	-	-	400,000			367,577
<b>Sub-Programme 1.3: Financial Services</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees						
2200000 Use of goods and services			500,000			
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets						
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Acquisition Of Non-Financial Assets						

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
Economic Classification	APPROVED BUDGET			ACTUAL EXPENDITURE		
	2020/21	2021/22	2022/23	2020/21	2021/22	2022/23
Capital Transfers to Govt. Agencies						
Other Development						
<b>Total Expenditure SP 1.3</b>	-	-	500,000			
<b>PROGRAMME 2: PROVISION OF ADVISORY SERVICES</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees						
2200000 Use of goods and services	25,734,015	16,200,000	5,550,000	21,885,774	15,218,215	1,176,780
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets			895,000			
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Acquisition Of Non-Financial Assets						
Capital Transfers to Govt. Agencies						
Other Development						
<b>Total Expenditure Prog 2</b>	<b>25,734,015</b>	<b>16,200,000</b>	<b>6,445,000</b>	<b>21,885,774</b>	<b>15,218,215</b>	<b>1,176,780</b>
<b>Sub-Programme 2.1: Advice on Legal Matters</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees						
2200000 Use of goods and services	25,734,015	16,200,000	5,550,000	21,885,774	15,218,215	1,176,780
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets						
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Acquisition Of Non-Financial Assets						



ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
Economic Classification	APPROVED BUDGET			ACTUAL EXPENDITURE		
	2020/21	2021/22	2022/23	2020/21	2021/22	2022/23
Capital Transfers to Govt. Agencies						
Other Development						
<b>Total Expenditure SP 2.1</b>	<b>25,734,015</b>	<b>16,200,000</b>	<b>5,550,000</b>	<b>21,885,774</b>	<b>15,218,215</b>	<b>1,176,780</b>
<b>Sub-Programme 2.2: Legal Services</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees						
2200000 Use of goods and services						
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets			895,000			
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Acquisition Of Non-Financial Assets						
Capital Transfers to Govt. Agencies						
Other Development						
<b>Total Expenditure SP 2.2</b>	<b>-</b>	<b>-</b>	<b>895,000</b>			
<b>PROGRAMME 3: PROVISION OF LEGAL SERVICES</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees						
2200000 Use of goods and services			194,375,000			117,878,896
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets			222,500			
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Acquisition Of Non-Financial Assets						

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
Economic Classification	APPROVED BUDGET			ACTUAL EXPENDITURE		
	2020/21	2021/22	2022/23	2020/21	2021/22	2022/23
Capital Transfers to Govt. Agencies						
Other Development						
<b>Total Expenditure Prog 3</b>	-	-	194,597,500			117,878,896
<b>Sub-Programme 3.1: Litigation</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees						
2200000 Use of goods and services			191,375,000			117,363,296
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets			222,500			
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Acquisition Of Non-Financial Assets						
Capital Transfers to Govt. Agencies						
Other Development						
<b>Total Expenditure SP 3.1</b>	-	-	191,597,500			117,363,296
<b>Sub-Programme 3.2: Formulation and Review</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees						
2200000 Use of goods and services			2,000,000			515,600
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets						
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Acquisition Of Non-Financial Assets						

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
Economic Classification	APPROVED BUDGET			ACTUAL EXPENDITURE		
	2020/21	2021/22	2022/23	2020/21	2021/22	2022/23
Capital Transfers To Govt. Agencies						
Other Development						
<b>Total Expenditure SP 3.2</b>	-	-	2,000,000			515,600
<b>Sub-Programme 3.3: Conveyance and Commercial transactions</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees						
2200000 Use of goods and services			1,000,000			
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets						
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Acquisition Of Non-Financial Assets						
Capital Transfers To Govt. Agencies						
Other Development						
<b>Total Expenditure SP 3.3</b>	-	-	1,000,000			
<b>TOTAL VOTE</b>	25,734,015	16,200,000	207,900,000	21,885,774	15,218,215	

### 2.2.3 Analysis of Capital Projects

The Department had only one capital project, (establishment of a legal library). Funds where this project were removed during supplementary II budget FY 2022/23.

#### ANALYSIS OF PERFORMANCE OF CAPITAL PROJECTS (2022/2023)

PROJECT DESCRIPTION	LOCATION	CONTRACT DATE	COMPLETION DATE	ESTIMATED COST TO COMPLETION	CUMULATIVE BUDGET ALLOCATION	COMPLETION STAGE (%)	SPECIFIC NEEDS TO BE ADDRESSED BY THE PROJECT
Establishment of a Legal Library	HQ	2022/23	2022/23	7,000,000	4,000,000	Yet to Start	Improved legal research

## **2.3 Review of Pending Bills**

Total pending bills for the department amounted to 442 million. However, Ksh. 49,949,975 has been allocated to settle eligible legal pending bills in the current budget cycle. Failure to settle legal pending bills on time may expose the County Government to legal action, budgetary imbalance from accrued interests and penalties and strained relationship with prequalified legal firms that handle cases on behalf of the County government. See Appendix 1 a comprehensive outlook of the legal pending bills under the OCA.

### **2.3.1 Recurrent Pending Bills**

The department has an advocate pending bill of approximately 442,000,000.

### **2.3.2 Development Pending Bills**

The department had no development pending bills.

## CHAPTER THREE

### **3.0 MEDIUM TERM PRIORITIES AND FINANCIAL PLAN FOR THE MTEF PERIOD 2024/25 – 2026/27**

*This chapter analyzes the sub sector's programme expectations into the future, highlighting medium-term priorities for the MTEF period of 2024/25 to 2026/27. Programs and sub-programs are prioritized and broken down by objectives, expected outcomes, and performance indicators. Resource requirements and allocations are analyzed, and a clear criterion for resource allocation is established.*

During the Next MTEF period 2024/25 – 2026/27, the Office of the County Attorney has prioritized

- Establishment of a legal library and legal registry
- Automation of legal records
- Finalizing cases pending in court
- Promoting ADR/AJS mechanisms in handling of county cases

#### **3.1 Prioritization of Programmes and Sub-Programmes**

##### **PROGRAMME 1: ADMINISTRATION, PLANNING AND SUPPORT SERVICES**

- SP 1.1 Administration Services
- SP 1.2. Personnel Services
- SP 1.3. Financial Services

##### **PROGRAMME 2: PROVISION OF LEGAL SERVICE**

- SP 2.1 legal Advisory Services

#### **3.1.1 Programmes and their Objectives**

##### **Programme Name: Administration, Planning and Support Services**

Objective: To provide effective and efficient service delivery

##### **Programme Name: Legal Advisory Services**

Objective: To provide legal advisory services to the County Government

### 3.1.2 Programmes, Sub-Programmes, Expected Outcomes, Outputs, and Key Performance Indicators for the Sector

**Table 4: Programmes, Sub-Programmes, Expected Outcomes, Outputs and Key Performance Indicators for the Sector**

Programme	Delivery Unit	Key Outputs	Key Performance Indicators	Target 2024/2025	Target 2025/2026	Target 2026/2027
<b>PROGRAMME 1: ADMINISTRATION, PLANNING AND SUPPORT SERVICES</b>						
<b>Outcome:</b> Enhanced Access Of County Government Services To Residents						
<b>SP 1.1 Administration Services</b>	Administration	Office space	Rate of completion	50	100	-
		Establishment of a legal library	Rate of Completion	20	30	50
		Establishment of a legal registry	Rate of implementation	50	100	-
		Automation of legal records	Rate of implementation	50	100	-
<b>SP 1.2: Personnel Services</b>	Administration	Staff Training	No. of trainings conducted	4	4	4
		Engagement of Pupils	No. of pupils engaged	1	2	3
		Capacity Development workshops	No. of workshops conducted	2	3	3
<b>SP 1.3: Financial Services</b>	Accounting Unit	Improved financial reporting	No of financial reports generated	5	5	5
<b>PROGRAMME 2: PROVISION OF LEGAL SERVICES</b>						
<b>Outcome:</b> Efficiency and Effectiveness in the Legal Service						
<b>SP 2.1 Legal Advisory Services</b>	Administration	Attending cabinet meetings	Proportion of cabinet meetings attended	100	100	100
		Interdepartmental meetings	No of reports generated from interdepartmental meetings	4	4	4
	Litigation	Reduce number of pending cases	Percentage of open cases closed	60	80	100
		Formulate new laws	No. of formulated bills	3	3	3
		Automation and digitization of case files	Rate of automation of Legal records system	80	90	100
		County Law library and office space	Percentage functionality of law Library and offices	30	60	100
		Seeking ADR mechanisms to reduce the cases	Percentage of cases finalized through ADR	20	30	30
		Participating in drafting of the Bills.	Proportion of departmental bills and policy documents reviewed and forwarded for approval.	100	100	100
	lands and conveyancing	Attending to all conveyance and commercial transactions on behalf of the County	Percentage of commercial transactions and conveyance applications received and processed by OCA	100	100	100

### **3.1.3 Programmes by Order of Ranking**

**Programme 1:** Administration, Planning and Support Services

**Programme 2:** Provision Of Legal Services

### **3.2 Analysis of Resource Requirement versus allocation by Sector/Sub Sector**

To effectively execute their mandate, the department requires a total of 91,000,000, where Ksh. 81,000,000 is for recurrent expenditure and Ksh. 10,000,000 is for development Expenditure. However, the allocation for the sub sector was 79, 244,498, out of which Ksh. 73,244,498 is for recurrent and Ksh 6,000,000 is for development.



### 3.2.1 Sub Sector Recurrent

**Table 5a: Analysis of Resource Requirement versus Allocation – Recurrent**

		Approved	REQUIREMENT				ALLOCATION		
		2023/24	2024/25	2025/26	2026/27	2024/25	2025/26	2026/27	
<b>Vote &amp; Vote Details</b>	<b>Economic Classification</b>								
4579	Current Expenditure								
	2100000 Compensation to Employees	18,302,916	20,000,000	22,000,000	24,200,000	19,916,494	21,908,143	24,098,958	
	2200000 Use of Goods and Services	35,958,050	45,000,000	49,500,000	54,450,000	43,316,992	47,648,691	52,413,560	
	2400000 Interest Payments								
	2600000 Current Grants and Other Transfers								
	2700000 Social Benefits								
	3100000 Acquisition of Non-Financial Assets	9,100,920	16,000,000	17,600,000	19,360,000	10,011,012	11,012,113	12,113,325	
	4100000 Acquisition of Financial Assets								
	4500000 Disposal of Financial Assets								
<b>TOTAL</b>		<b>63,361,886</b>	<b>81,000,000</b>	<b>89,100,000</b>	<b>98,010,000</b>	<b>73,244,498</b>	<b>80,568,948</b>	<b>88,625,843</b>	

### 3.2.2 Sub Sector Development

**Table 5b: Analysis of Resource Requirement versus Allocation – Development**

ANALYSIS OF DEVELOPMENT RESOURCE REQUIREMENT VS ALLOCATION									
		Approved	REQUIREMENT				ALLOCATION		
		2023/24	2024/25	2025/26	2026/27	2024/25	2025/26	2026/27	
<b>Vote and Vote Details</b>	<b>Description</b>								
4579	Non-Financial Assets	4,000,000	10,000,000	11,000,000	12,100,000	6,000,000	6,600,000	7,260,000	
	Capital Transfers Govt. Agencies								
	Other development								
<b>TOTAL</b>		<b>4,000,000</b>	<b>10,000,000</b>	<b>11,000,000</b>	<b>12,100,000</b>	<b>6,000,000</b>	<b>6,600,000</b>	<b>7,260,000</b>	

### 3.2.3 Programmes and sub-programmes Resource Requirement (2024/25 – 2026/27)

**Table 6a: Programme and Sub-Programmes requirement by Economic Classification**

ANALYSIS OF PROGRAMME EXPENDITURE RESOURCE REQUIREMENT (AMOUNT KSH MILLIONS)									
	2024/5			2025/26			2026/27		
	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total
<b>PROGRAMME 1: ADMINISTRATION, PLANNING AND SUPPORT SERVICES</b>									
SP 1.1 Administration Services	19,400,000		19,400,000	21,340,000	-	21,340,000	23,474,000	-	23,474,000
SP 1.2. Personnel Services	20,000,000		20,000,000	22,000,000	-	22,000,000	24,200,000	-	24,200,000
SP 1.3. Financial Services	600,000		600,000	660,000	-	660,000	726,000	-	726,000
<b>TOTAL PROG 1</b>	<b>40,000,000</b>	<b>-</b>	<b>40,000,000</b>	<b>44,000,000</b>	<b>-</b>	<b>44,000,000</b>	<b>48,400,000</b>	<b>-</b>	<b>48,400,000</b>
<b>PROGRAMME 2: PROVISION OF LEGAL SERVICES</b>									
SP 2.1 legal Advisory Services	41,000,000	10,000,000	51,000,000	45,100,000	11,000,000	56,100,000	98,010,000	12,100,000	61,710,000
<b>TOTAL PROG 2</b>	<b>41,000,000</b>	<b>10,000,000</b>	<b>51,000,000</b>	<b>45,100,000</b>	<b>11,000,000</b>	<b>56,100,000</b>	<b>98,010,000</b>	<b>12,100,000</b>	<b>61,710,000</b>
<b>Total Expenditure of Vote</b>	<b>81,000,000</b>	<b>10,000,000</b>	<b>91,000,000</b>	<b>89,100,000</b>	<b>11,000,000</b>	<b>100,100,000</b>	<b>98,010,000</b>	<b>12,100,000</b>	<b>110,110,000</b>

### 3.2.4 Programmes and Sub-Programmes Resource Allocation (2024/25 – 2026/27)

**Table 6b: Analysis of Resource Allocation by Programmes and Sub-Programmes**

ANALYSIS OF PROGRAMME EXPENDITURE RESOURCE ALLOCATION (AMOUNT KSH MILLIONS)									
	2024/2025			2025/2026			2026/2027		
	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total
<b>PROGRAMME 1: ADMINISTRATION, PLANNING AND SUPPORT SERVICES</b>									
SP 1.1 Administration Services	19,400,000		19,400,000	21,340,000	-	21,340,000	23,474,000	-	23,474,000
SP 1.2. Personnel Services	19,916,494		19,916,494	21,908,143	-	21,908,143	24,098,958	-	24,098,958
SP 1.3. Financial Services	600,000		600,000	660,000	-	660,000	726,000	-	726,000
<b>TOTAL PROG 1</b>	<b>39,916,494</b>	<b>-</b>	<b>39,916,494</b>	<b>43,908,143</b>	<b>-</b>	<b>43,908,143</b>	<b>48,298,958</b>	<b>-</b>	<b>48,298,958</b>
<b>PROGRAMME 2: PROVISION OF LEGAL SERVICES</b>									
SP 2.1 Legal Advisory Services	33,328,004	6,000,000	39,328,004	36,660,804	6,600,000	43,260,805	40,326,885	7,260,000	47,586,885
<b>TOTAL PROG 2</b>	<b>33,328,004</b>	<b>6,000,000</b>	<b>39,328,004</b>	<b>36,660,804</b>	<b>6,600,000</b>	<b>43,260,805</b>	<b>40,326,885</b>	<b>7,260,000</b>	<b>47,586,885</b>
<b>Total Expenditure of Vote</b>	<b>73,244,498</b>	<b>6,000,000</b>	<b>79,244,498</b>	<b>80,568,947</b>	<b>6,600,000</b>	<b>87,168,948</b>	<b>88,625,843</b>	<b>7,260,000</b>	<b>95,885,843</b>

### 3.2.5 Programmes and Sub-Programmes Economic Classification.

**Table 7: Programme and Sub-Programmes Allocation by Economic Classification**

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
Economic Classification	REQUIREMENT			ALLOCATION		
	2024/25	2025/26	2026/27	2024/25	2025/26	2026/27
<b>PROGRAMME 1: ADMINISTRATION, PLANNING AND SUPPORT SERVICES</b>						
<b>Current Expenditure:</b>						
2100000 Compensation to Employees	20,000,000	22,000,000	24,200,000	19,916,494	21,908,143	24,098,958
2200000 Use of Goods and Services	11,000,000	12,100,000	13,310,000	11,000,000	12,100,000	13,310,000
2400000 Interest Payments						
2600000 Current Grants and Other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets	9,000,000	9,900,000	10,890,000	9,000,000	9,900,000	10,890,000
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Non-Financial Assets						
Capital Transfers to Govt. Agencies						
Other Development						
<b>TOTAL PROGRAMME 1</b>	<b>40,000,000</b>	<b>44,000,000</b>	<b>48,400,000</b>	<b>39,916,494</b>	<b>43,908,143</b>	<b>48,298,958</b>
<b>SP 1.1 Administration Services</b>						
<b>Current Expenditure:</b>						
2100000 Compensation to Employees						
2200000 Use of Goods and Services	10,400,000	11,440,000	12,584,000	10,400,000	11,440,000	12,584,000
2400000 Interest Payments						
2600000 Current Grants and Other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets	9,000,000	9,900,000	10,890,000	9,000,000	9,900,000	10,890,000
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Non-Financial Assets						
Capital Transfers to Govt. Agencies						
Other Development						
<b>SUB TOTAL SP 1.1</b>	<b>19,400,000</b>	<b>21,340,000</b>	<b>23,474,000</b>	<b>19,400,000</b>	<b>21,340,000</b>	<b>23,474,000</b>

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
Economic Classification	REQUIREMENT			ALLOCATION		
	2024/25	2025/26	2026/27	2024/25	2025/26	2026/27
<b>SP 1.2. Personnel Services</b>						
<b>Current Expenditure:</b>						
2100000 Compensation to Employees	20,000,000	22,000,000	24,200,000	19,916,494	21,908,143	24,098,958
2200000 Use of Goods and Services						
2400000 Interest Payments						
2600000 Current Grants and Other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets						
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Non-Financial Assets						
Capital Transfers to Govt. Agencies						
Other Development						
<b>SUB TOTAL SP 1.2</b>	<b>20,000,000</b>	<b>22,000,000</b>	<b>24,200,000</b>	<b>19,916,494</b>	<b>21,908,143</b>	<b>24,098,958</b>
<b>SP 1.3. Financial Services</b>						
<b>Current Expenditure:</b>						
2100000 Compensation to Employees						
2200000 Use of Goods and Services	600,000	660,000	726,000	600,000	660,000	726,000
2400000 Interest Payments						
2600000 Current Grants and Other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets						
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Non-Financial Assets						
Capital Transfers to Govt. Agencies						
Other Development						
<b>SUB TOTAL SP 1.3</b>	<b>600,000</b>	<b>660,000</b>	<b>726,000</b>	<b>600,000</b>	<b>660,000</b>	<b>726,000</b>
<b>PROGRAMME 2: PROVISION OF LEGAL SERVICES</b>						
<b>Current Expenditure:</b>						
2100000 Compensation to Employees						
2200000 Use of Goods and Services	35,000,000	38,500,000	42,350,000	28,628,004	31,490,804	34,639,885
2400000 Interest Payments						

<b>ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION</b>						
<b>Economic Classification</b>	<b>REQUIREMENT</b>			<b>ALLOCATION</b>		
	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>
2600000 Current Grants and Other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets	6,000,000	6,600,000	7,260,000	4,700,000	5,170,000	5,687,000
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Non-Financial Assets	10,000,000	11,000,000	12,100,000	6,000,000	6,600,000	7,260,000
Capital Transfers to Govt. Agencies						
Other Development						
<b>TOTAL PROGRAMME 2</b>	<b>51,000,000</b>	<b>56,100,000</b>	<b>61,710,000</b>	<b>39,328,004</b>	<b>43,260,804</b>	<b>47,586,885</b>
<b>SP 2.1 Legal Advisory Services</b>						
<b>Current Expenditure:</b>						
2100000 Compensation to Employees						
2200000 Use of Goods and Services	35,000,000	38,500,000	42,350,000	28,628,004	31,490,804	34,639,885
2400000 Interest Payments						
2600000 Current Grants and Other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets	6,000,000	6,600,000	7,260,000	4,700,000	5,170,000	5,687,000
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Non-Financial Assets	10,000,000	11,000,000	12,100,000	6,000,000	6,600,000	7,260,000
Capital Transfers to Govt. Agencies						
Other Development						
<b>SUB TOTAL SP 2.1</b>	<b>51,000,000</b>	<b>56,100,000</b>	<b>61,710,000</b>	<b>39,328,004</b>	<b>43,260,804</b>	<b>47,586,885</b>
<b>TOTAL VOTE</b>	<b>91,000,000</b>	<b>100,100,000</b>	<b>110,110,000</b>	<b>79,244,498</b>	<b>87,168,948</b>	<b>95,885,843</b>

### **3.3 Resource Allocation Criteria**

1. Members of the SWG received the Ceilings (CBROP).
2. Reviewed the priorities as per the CIDP 2023-2027 and ADP 2024.2025
3. Made provisions for the non-discretionary Expenditures (employee remuneration and interest payments.
4. Made provisions for Development Priorities.
5. The remaining amount was allocated towards other recurrent expenditures for operations and maintenance.

## CHAPTER FOUR

### 4.0 CROSS-SECTOR LINKAGES

The Office of the County Attorney has inter-linkages both within and with other County Government sectors. It offers facilitative role to other Departments:

#### Summary of Sector Linkages

SECTOR	LINKAGES
General economics and Commercial affairs	<ul style="list-style-type: none"> <li>• OCA provides legal advisory services to GECA.</li> </ul>
Energy, physical infrastructure and ICT	<ul style="list-style-type: none"> <li>• OCA provides legal advisory services to the infrastructure sector.</li> <li>• Infrastructure on the other hand assists OCA in preparing BQs and supervising development projects implemented by the OCA.</li> </ul>
Agriculture, rural and urban development	<ul style="list-style-type: none"> <li>• OCA provides legal advisory services to the ARUD sector</li> <li>• OCA collaborates with the ARUD sector in handling legal matters associated with Conveyancing services</li> </ul>
Education sector	<ul style="list-style-type: none"> <li>• OCA provides legal advisory services to the education sector.</li> </ul>
Environmental Protection sector	<ul style="list-style-type: none"> <li>• OCA provides legal advisory services to the education sector.</li> <li>• Implementation of crosscutting issues in climate change adaptation and mitigation</li> </ul>
Health sector	<ul style="list-style-type: none"> <li>• OCA provides legal advisory services to the health sector.</li> </ul>



SECTOR	LINKAGES
Public Administration, international/national Relations	<ul style="list-style-type: none"> <li>• OCA provides legal advisory services to the PAIR sector.</li> <li>• The county Assembly passes bills reviewed by the County Attorney's office from departments</li> <li>• The county Treasury provides technical assistance on budget formulation and implementation as well as expenditure control and management to OCA</li> <li>• The public service board approves staff establishments and facilitates recruitment of legal counsels and other essential staff.</li> <li>• The office of the Governor ascents to bills passed by the assembly and passes policies reviewed by OCA.</li> <li>• The PSD department supplies OCA with support staff such as drivers, cooks, cleaners, HR officers, Admins and others to assist the department to run efficiently as they are executing their mandate.</li> </ul>

## CHAPTER FIVE

### 5.0 EMERGING ISSUES AND CHALLENGES

#### 5.1 Emerging Issues

- I. The emergence of online court hearings presents a multifaceted issue encompassing concerns related to technological accessibility, security, privacy, legal frameworks, fairness, and the long-term implications on the legal system.
- II. Proposed Abolishment of the non-practicing allowance by the SRC's recent issue 2023
- III. Increased cases of litigation against the County government leading to rise in legal pending bills.

#### 5.2 Challenges

- i. There are inadequate advocates of the High court to carry out the departmental mandates. Support staff are also inadequate such as an accountant, accounting officer and necessary support staff.
- ii. Poor internet connectivity to carry out judicial research
- iii. Inadequate budgetary allocation to support the implementation of key priorities that were planned for.
- iv. Capacity constraints relating to inadequate and fragmented office space, insufficient office equipment and lack of a legal library.
- v. Non-compliance with set out laws by county departments sparking a huge number of litigations with 70 percent of cases relating to land, housing and physical planning matters.
- vi. Inadequate training and capacity building budget against very high demand for service delivery
- vii. Lack of vehicles for the department to attend to necessary court cases and other Court mandated field visits.
- viii. Lack of payment of non-practicing allowance to legal counsels

- ix. Necessary policies between departments and sub counties not yet fully developed.
- x. Legal pending bills have been on the rise over the medium term

## **CHAPTER SIX**

### **6.0 CONCLUSION**

The Office of the County Attorney will play a big role in the coming Medium Term Expenditure Period by developing County Government legal system and provision of service towards this end, the foregoing outlined programs are aimed at improving performance and ensuring quality service delivery to the people. It is therefore important that sufficient resources are availed to fuel the facilitative nature of the department to the development of the County

## CHAPTER SEVEN

### 7.0 RECOMMENDATIONS

The subsector, proposes the following key recommendations:

- I. The county public service board should fast track recruitment of staff recommended by the departmental human resource establishment to ensure the County has a strong and well-functioning legal unit that effectively executes its mandate.
- II. The county treasury should allocate more funds to the subsector to facilitate full operationalization and procurement of office necessities.
- III. The SRC should review the proposals to abolish non practicing allowance by conducting Public Participation with the County Attorney's Forum as a way of trying to understand the ramifications of such a revision.
- IV. The county departments should engage the Attorney's office in their processes and procedures to prevent occurrence of preventable litigations.
- V. The County treasury should fast-track repayment of eligible pending bills for legal services directorate.

## REFERENCES

- Annual Progress Report FY 2022/23
- Approved ADPs 2022/23, 2023/24, 2024/25
- Approved budgets and Supplementary Budgets FY 2019/20-2023/24
- Approved CIDP 2018-2022, CIDP 2023-2027
- CBROP, 2023
- County Attorney Act no 14 of 2020
- SRC Circular -2023 (<https://src.go.ke/download/proposal-to-review-non-practice-allowance-in-the-public-service/> )
- The OCA subsector report 2023/24 -2025/26

## APPENDICES

### Appendix I: Pending Bills

#### PROGRESS REPORT ON SETTLEMENT OF PENDING BILLS AS AT 30TH NOVEMBER, 2023

S/No.	Supplier/Contractor Name	LPO/LSO Contract No.	Date of the LPO/LSO Contract No.	Details of Work Performed	Outstanding Pending Bill Amount as of 30th June, 2023 (Kshs.)	Amount Paid (Kshs.)	Outstanding Pending Bill Amount as of 30th November, 2023 (Kshs.)
					A	B	C=A-B
1	Odhiambo & Odhiambo Advocates			Legal Fees	42,000,000.00	-	42,000,000.00
2	Mirugi Kariuki & Company Advocates			Legal Fees	31,093,550.00	-	31,093,550.00
3	A.N Geke & Company Advocate			Legal Fees	91,708,878.00	-	91,708,878.00
4	Rodi Orege & Company Advocates			Legal Fees	31,829,842.00	-	31,829,842.00
5	Munene Chege & Company Advocates			Legal Fees	12,375,490.00	-	12,375,490.00
6	Momanyi & Associates			Legal Fees	-	-	-
7	S.O Madialo & Company Advocates			Legal Fees	11,077,623.00	-	11,077,623.00
8	M.J. Okumu & Company Advocates			Legal Fees	51,005,052.00	-	51,005,052.00
9	Musembi Ndolo & Company Advocates			Legal Fees	8,231,749.00	-	8,231,749.00
10	Githiru & Company Advocate			Legal Fees	10,188,720.00	-	10,188,720.00
11	Munene Kiplagat & Company Advocates			Legal Fees	19,316,000.00	-	19,316,000.00
12	G.K Mwaura & Associates			Legal Fees	6,610,000.00	-	6,610,000.00
13	Ikua Mwangi & Company Advocates			Legal Fees	27,702,000.00	-	27,702,000.00
14	Mugambi Nguthari			Legal Fees	4,105,450.00	-	4,105,450.00
15	Githui And Company Advocates			Legal Fees	1,000,000.00	-	1,000,000.00
16	Nyangacha & Company Advocates			Legal Fees	9,620,854.00	-	9,620,854.00

**PROGRESS REPORT ON SETTLEMENT OF PENDING BILLS AS AT 30TH NOVEMBER, 2023**

S/No.	Supplier/Contractor Name	LPO/LSO Contract No.	Date of the LPO/LSO Contract No.	Details of Work Performed	Outstanding Pending Bill Amount as of 30th June, 2023 (Kshs.)	Amount Paid (Kshs.)	Outstanding Pending Bill Amount as of 30th November, 2023 (Kshs.)
					<b>A</b>	<b>B</b>	<b>C=A-B</b>
17	Konosi & Company Advocates			Legal Fees	16,471,824.00	-	16,471,824.00
18	Lawrence Mwangi & Company Advocates			Legal Fees	14,890,000.00	-	14,890,000.00
19	Orina & Company			Legal Fees	15,663,430.00	-	15,663,430.00
20	Obura Mbeche And Company Advocates			Legal Fees	17,459,490.00	-	17,459,490.00
21	Prof. M.N. Wabwile & Company Advocates			Legal Fees	3,490,302.00	-	3,490,302.00
22	Mukite Musangi & Company Advocates			Legal Fees	15,366,330.00	-	15,366,330.00
23	Momanyi Gichuki & Company Advocates			Legal Fees	775,000.00	-	775,000.00
<b>Total</b>					<b>441,981,584.00</b>	<b>-</b>	<b>441,981,584.00</b>