



# **COUNTY GOVERNMENT OF NAKURU**

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

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### **OFFICE OF THE COUNTY ATTORNEY SUB SECTOR REPORT**

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**MTEF 2025/2026 – 2027/2028**

**JANUARY 2025**

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## **ABBREVIATIONS**

ADR	Alternative Dispute Resolution
AJS	Alternative Justice System
CAJ	Commission on Administrative Justice
EACC	Ethics and Anti-Corruption Commission
FY	Financial Year
ICT	Information and Communication Technology
KLR	Kenya Law Reports
KLRC	Keya Law Reforms commission
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

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 in three Directorates, namely; Administration, Litigation Services, and Land & Conveyancing services.

During the Previous MTEF period covering FY of 2021/22 to FY 2023/24 period 66 percent of 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. Part of this space will be utilized to establish a legal resource centre in collaboration with Kenya Law Reports (KLR) and the Kenya Law Reforms Commission (KLRC). Importantly, during the review period a substantive County Solicitor was engaged as the administrative head of the sub sector. The total budget allocation to the subsector during the FY 2023/24 was 60,829,307. However, actual budget execution for that year was 33,607,997 representing a budget absorption rate of 55 percent. The budget execution for the FY 2022/23 was 58 percent (allocation of 207,900,000 vs. an absorption of 120,761,725).

During the new MTEF period covering FY 2025/26 to FY 2027/28, 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 improved compliance with legal, policy and regulatory frameworks established at national and subnational levels. The subsector requires a total of Ksh 162,090,500 against an allocation of Ksh 81,821,371. This will impede achievement of some key initiatives including the completion and operationalization of the county

Legal Resource Centre that is poised to cost upwards of 25M to fully operationalize.

*To realize the planned interventions for the MTEF period, the OCA takes cognizance on the important cross-sectoral dependencies and linkages that are crucial for holistic growth of the subsector. The OCA provides legal advisory services to all County Government departments and agencies. On the Flip side, each county department has a unique role to play in enhancing the operational and strategic efficiency of the Subsector based on the functional mandate of that department.*

Key emerging issues included a growing number of litigations against the county government and the increasing number of court ruling declaring a number of government programmes and policies as unconstitutional. Further, the growing dissatisfaction by members of the public on various initiatives by the government owing to lack of public participation has emerged as an issue of concern. Some challenges facing the department include inadequate budgetary allocation, inadequate legal personnel, lack of a legal resource centre and weak adoption of ADR/AJS mechanisms.

In conclusion the subsector has proposed a raft of recommendations to address the challenges and emerging issues above with the back stopping with the County treasury through increased subsector budget ceilings to allow for recruitment of additional personnel, training of departments on AJS and automation of legal services.

## 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	ROLE OF SUBSECTOR STAKEHOLDERS
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 (CAJ)	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.

<b>STAKEHOLDER</b>	<b>ROLE OF SUBSECTOR STAKEHOLDERS</b>
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, and investigating cases of corruption involving public servants.
KLRC /KLR	Publishing and Publicizing Laws, regulation and Policies from the national government and other county governments

## CHAPTER TWO

### 2.0 PROGRAMME PERFORMANCE REVIEW FOR THE MTEF PERIOD 2021/22-2023/24

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

- i. During the period under review, 567 cases (36 in FY 2023/24) were litigated and successfully concluded. This represents 66.7% of all caseloads accumulated during the review period
- ii. During the FY 2023/24, the Office of the County Attorney spearheaded the drafting, review, submission and implementation of the Nakuru County Valuation and Rating Act, 2024
- iii. Digitization of legal records was completed and the office is in the process of automating legal records in collaboration with the Kenya Law Reforms Commission and the Kenya Law Reports
- iv. Establishment of a legal resource Centre was initiated during the period and is currently 50 percent complete awaiting equipping and installation of the CMIS.
- v. An MoU was signed between the KLR and the OCA that will oversee, the equipping and operationalization of a County Legal resource Centre
- vi. During the period under review a County Solicitor was appointed to be the administrative head and assist in reducing the huge case backlog.

## 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
			2021/22	2022/23	2023/24	2021/22	2022/23	2023/24	
<b>PROGRAMME 1: ADMINISTRATION, PLANNING AND SUPPORT SERVICES</b>									
Outcome: <b>Outcome:</b> Enhanced access of County Government services to residents									
SP 1.1 Administration Services	Office Renovations and equipping	Number of Renovated and equipped	0	0	9	0	0	5	Complete and in Use
	Establishment of a legal resource Centre	Rate of completion	0	0	100	0	0	50%	Inadequate budget allocation to equip
	Enhanced legal registry, digitization and Automation of legal records	Proportion of legal records digitized (%)	50	100	100	-	10	100	Continuous exercise (Achieved)
		Rate of implementation of case management information system	50	70	100	0	0	0	No budgetary allocation and Lack of Office Space to install the CMIS
SP 1.2: Personnel Services	Staff Training	No. of trainings conducted	4	4	5	1	1	1	Induction training for county Solicitor
		Compensation to employees	..	..	18,020,337	..	..	7,249,607	CBROP 2024 values

Programme	Key Outputs	Key Performance Indicators	Targets			Achieved Targets			Remarks
			2021/22	2022/23	2023/24	2021/22	2022/23	2023/24	
SP 1.3: Financial Services	Enhanced compliance with PFM	Number of quarterly financial reports	-	4	4	4	4	4	Expenditure reports
		Number of quarterly Non-financial reports	-	4	4	4	4	4	M&E reports
<b>PROGRAMME 2: Provision of legal services</b>									
Outcome: Legal Compliance In Service Delivery									
SP 2.1 Legal Services	Reduce Number of Backlog Litigation	Proportion of Caseloads closed (%)	50	60	100	25	33	66.7	Occasioned by handling of cases using internal Capacity
	Processing bills for enactment	Number of enacted laws	21	5	5	10	7	1	Nakuru County Valuation and rating Act, 2024
SP 2.2: Improving Legal Compliance	Co-ordination of County compliance & Enforcement Agents	Number of assorted instruments acquired.	70	180	15	41	0	0	No budgetary allocation.
		Number of uniforms acquired.	350	350	15	-	150	0	Not enough budgetary allocation.

## 2.2 Expenditure Analysis

During the FY 2023/24, the OCA had a total allocation of Ksh. **67,361,886** (Supp II). However, total expenditure by the close of the FY was **33,361,132**. This reflects a budget absorption rate of **49.5 percent**.

### 2.2.1. Analysis of Programme expenditures

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

ANALYSIS OF PROGRAMME EXPENDITURE BY PROGRAMME AND SUB PROGRAMME						
Economic Classification	APPROVED BUDGET			ACTUAL EXPENDITURE		
	2021/22	2022/23	2023/24	2021/22	2022/23	2023/24
<b>PROGRAMME 1: ADMINISTRATION, PLANNING AND SUPPORT SERVICES</b>						
SP 1.1: Administration Services	-	5,957,500	24,670,798	-	1,338,472	15,648,250
SP 1.2: Personnel Services	-	400,000	18,946,623	-	367,577	7,276,967
SP 1.3: Financial Services	-	500,000	500,000	-	-	-
<b>Total Expenditure Prog 1</b>	<b>-</b>	<b>6,857,500</b>	<b>44,117,421</b>	<b>-</b>	<b>1,706,049</b>	<b>22,925,217</b>
<b>PROGRAMME 2: PROVISION OF ADVISORY SERVICES</b>						
SP 2.1: Legal Advisory Services	21,400,000	201,042,500	23,561,886	-	119,055,676	10,435,915
<b>Total Expenditure Prog 2</b>	<b>21,400,000</b>	<b>201,042,500</b>	<b>23,561,886</b>	<b>20,690,092</b>	<b>119,055,676</b>	<b>10,435,915</b>
<b>Total Expenditure of Vote</b>	<b>21,400,000</b>	<b>207,900,000</b>	<b>67,361,886</b>	<b>20,690,092</b>	<b>120,761,725</b>	<b>33,361,132</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		
	2021/22	2022/23	2023/24	2021/22	2022/23	2023/24
<b>PROGRAMME 1: ADMINISTRATION, PLANNING AND SUPPORT SERVICES</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees		400,000	18,302,916		367,577	7,276,967
2200000 Use of goods and services		6,112,500	19,620,798		1,338,472	12,266,136
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits			926,286			
3100000 Acquisition of Non-Financial Assets		345,000	950,000			
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Non-Financial Assets			4,000,000			3,382,115
Capital Transfers Govt. Agencies						
Other development						
<b>TOTAL PROGRAMME 1</b>		<b>6,857,500</b>	<b>43,800,000</b>		<b>1,706,049</b>	<b>22,925,217</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	19,120,798		1,338,472	12,266,136
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets		345,000	950,000			-
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Non-Financial Assets			4,000,000			3,382,115

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
Economic Classification	APPROVED BUDGET			ACTUAL EXPENDITURE		
	2021/22	2022/23	2023/24	2021/22	2022/23	2023/24
Capital Transfers Govt. Agencies						
Other development						
<b>TOTAL SUB PROGRAMME 1.1</b>		<b>5,957,500</b>	<b>24,070,798</b>		<b>1,338,472</b>	<b>15,648,250</b>
<b>SUB PROGRAMME 1.2: Personnel Services</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees		400,000	18,302,916		367,577	7,249,607
2200000 Use of goods and services						
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits			926,286			27,360
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 Govt. Agencies						
Other development						
<b>TOTAL SUB PROGRAMME 1.2:</b>		<b>400,000</b>	<b>19,229,202</b>		<b>367,577</b>	<b>7,276,967</b>
<b>SUB PROGRAMME 1.3: Financial Services</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees						
2200000 Use of goods and services		500,000	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>						
Non-Financial Assets						



ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
Economic Classification	APPROVED BUDGET			ACTUAL EXPENDITURE		
	2021/22	2022/23	2023/24	2021/22	2022/23	2023/24
Capital Transfers Govt. Agencies						
Other development						
<b>TOTAL SUB PROGRAMME 1.3:</b>		<b>500,000</b>	<b>500,000</b>		-	-
<b>PROGRAMME 2: PROVISION OF LEGAL SERVICES</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees						
2200000 Use of goods and services	21,400,000	199,925,000	15,410,966	20,690,092	119,055,676	9,917,525
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets		1,117,500	8,150,920			518,390
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Non-Financial Assets						
Capital Transfers Govt. Agencies						
Other development						
<b>TOTAL PROGRAMME 2</b>	<b>21,400,000</b>	<b>201,042,500</b>	<b>23,561,886</b>	<b>20,690,092</b>	<b>119,055,676</b>	<b>10,435,915</b>
<b>SUB PROGRAMME 2.1: Legal Advisory Services</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees						
2200000 Use of goods and services	21,400,000	199,925,000	15,410,966	20,690,092	119,055,676	9,917,525
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets		1,117,500	8,150,920			518,390
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Non-Financial Assets						

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
Economic Classification	APPROVED BUDGET			ACTUAL EXPENDITURE		
	2021/22	2022/23	2023/24	2021/22	2022/23	2023/24
Capital Transfers Govt. Agencies						
Other development						
<b>TOTAL SUB PROGRAMME 2.1:</b>	<b>21,400,000</b>	<b>201,042,500</b>	<b>23,561,886</b>	<b>20,690,092</b>	<b>119,055,676</b>	<b>10,435,915</b>
<b>TOTAL VOTE</b>	<b>21,400,000</b>	<b>207,900,000</b>	<b>67,361,886</b>	<b>20,690,092</b>	<b>120,761,725</b>	<b>33,361,132</b>

### 2.2.3 Analysis of Capital Projects

The department had only one capital project, (establishment of a legal resource Centre). Funds where this project were reduced from 6,000,000 to 4,000,000 during supplementary II budget FY 2023/24. This allowed enough to just renovate the building where the legal resource centre will be hosted.

#### ANALYSIS OF PERFORMANCE OF CAPITAL PROJECTS (2023/2024)

PROJECT DESCRIPTION	LOCATION	CONTRACT SUM	ACTUAL PAYMENT TO DATE	COMPLETION STAGE (%)	CONTRACT DATE	SPECIFIC NEEDS TO BE ADDRESSED BY THE PROJECT	PROJECT STATUS
Establishment of a Legal Resource centre	HQ	4,000,000	3,757,950	50	FY 2022/23	Improved legal research	Complete awaiting equipping and Operationalization

## **2.3 Review of Pending Bills**

By the close of the FY 2023/24 period, the Total pending bills for the sub sector amounted to 441,981,584. 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.

### **2.3.1 Recurrent Pending Bills**

The department has an advocate pending bill of approximately **441,981,584**. Legal Pending bills are settled under debt management vote by treasury and constitute both emerging and historical pending bills incurred in previous financial years. There is no ceiling to how much a practicing advocate outsourced can charge the County to represent them and this is further not tied to the outcome of the Case.

## CHAPTER THREE

### 3.0 MEDIUM TERM PRIORITIES AND FINANCIAL PLAN FOR THE MTEF PERIOD 2025/26 – 2027/28

During the Next MTEF period 2025/26 – 2027/28, the Office of the County Attorney has prioritized

- Equipping of the legal resource Centre
- Engagement and training of legal pupils
- Recruitment, training and promotion of additional Advocates and support staff
- Purchase of a departmental motor-vehicle
- 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

Outcome: Legal compliance in service delivery

### 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 2023/24	Actual Achievement 2023/24	Baseline 2024/25	Target 2025/26	Target 2026/27	Target 2027/28
<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	Establishment of a legal resource Centre	Rate of Completion	100	50	50	100	100	100
		Equipping of the legal resource centre	Rate of implementation	100	0	0	30	50	100
		Automation of legal records	Rate of implementation	100	0	0	50	100	100
<b>SP 1.2: Personnel Services</b>	Administration	Staff Training	No. of trainings conducted	4	1	1	4	4	4
		Engagement of Pupils	No. of pupils engaged	--	-	2	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	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	100	100	100
		Interdepartmental meetings	No of reports generated from	-	-	-	4	4	4

Programme	Delivery Unit	Key Outputs	Key Performance Indicators	Target 2023/24	Actual Achievement 2023/24	Baseline 2024/25	Target 2025/26	Target 2026/27	Target 2027/28
			interdepartmental meetings						
	Litigation	Reduce number of pending cases	Percentage of open cases closed	100	36	38	60	80	100
		Formulate new laws	No. of formulated bills	10	7	7	3	3	3
		Automation and digitization of case files	Rate of automation of Legal records system	100	0	0	80	90	100
		County Law library and office space	Percentage functionality of law Library and offices	100	0	0	30	50	100
		Seeking ADR mechanisms to reduce the cases	Percentage of cases finalized through ADR	50	0	0	20	30	30
		Participating in drafting of the Bills.	Proportion of departmental bills and policy documents reviewed and forwarded for approval.	100	100	100	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	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 FY 2025/26, the department requires a total of 162,090,500, where Ksh. 142,090,500 is for recurrent expenditure and Ksh. 20,000,000 is for development Expenditure. However, the allocation for the sub sector was 81,821,371, out of which Ksh. 78,821,371 is for recurrent and Ksh 3,000,000 is for development.

#### 3.2.1 Sub Sector Recurrent

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

ANALYSIS OF RECURRENT RESOURCE REQUIREMENT VS ALLOCATION									
Sector Name	Economic Classification	Approved	REQUIREMENT				ALLOCATION		
		2024/25	2025/26	2026/27	2027/28	2025/26	2026/27	2027/28	
Vote and Vote Details xxx1	<b>Current Expenditure</b>								
	2100000 Compensation to Employees	27,161,503	40,250,210	44,275,220	48,702,742	32,187,240	35,405,964	38,946,560	
	2200000 Use of Goods and Services	31,538,931	88,500,000	97,350,000	107,085,000	41,692,824	45,862,106	50,448,317	
	2400000 Interest Payments	-	-	-	-	-	-	-	
	2600000 Current Grants and Other Transfers	-	-	-	-	-	-	-	
	2700000 Social Benefits	1,310,280	1,840,300	2,024,330	2,226,763	1,441,307	1,585,438	1,743,981	
	3100000 Acquisition of Non-Financial Assets	2,500,000	16,500,000	18,150,000	19,965,000	3,500,000	3,850,000	4,235,000	
	4100000 Acquisition of Financial Assets	-	-	-	-	-	-	-	
	4500000 Disposal of Financial Assets	-	-	-	-	-	-	-	
<b>TOTAL</b>		<b>62,510,713</b>	<b>147,090,500</b>	<b>161,799,550</b>	<b>177,979,505</b>	<b>78,821,371</b>	<b>86,703,508</b>	<b>95,373,859</b>	

### 3.2.2 Sub Sector Development

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

ANALYSIS OF DEVELOPMENT RESOURCE REQUIREMENT VS ALLOCATION								
Sector Name	Description	Approved	REQUIREMENT			ALLOCATION		
		2024/25	2025/26	2026/27	2027/28	2025/26	2026/27	2027/28
Vote and Vote Details xxx1	Non-Financial Assets	3,000,000	15,000,000	16,500,000	18,150,000	3,000,000	3,300,000	3,630,000
	Capital Transfers Govt. Agencies	-	-	-	-	-	-	-
	Other development	-	-	-	-	-	-	-
	<b>TOTAL</b>	<b>3,000,000</b>	<b>15,000,000</b>	<b>16,500,000</b>	<b>18,150,000</b>	<b>3,000,000</b>	<b>3,300,000</b>	<b>3,630,000</b>

### 3.2.3 Programmes and sub-programmes Resource Requirement (2025/26 – 2027/28)

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

ANALYSIS OF PROGRAMME EXPENDITURE RESOURCE REQUIREMENT (AMOUNT KSH MILLIONS)									
	2025/26			2026/27			2027/28		
	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total
<b>Programme 1: ADMINISTRATION, PLANNING AND SUPPORT SERVICES</b>									
SP 1.1 Administration Services	84,500,000	15,000,000	99,500,000	92,950,000	16,500,000	109,450,000	102,245,000	18,150,000	120,395,000
SP 1.2. Personnel Services	42,090,500	-	42,090,500	46,299,550	-	46,299,550	50,929,505	-	50,929,505
SP 1.3. Financial Services	500,000	-	500,000	550,000	-	550,000	605,000	-	605,000
<b>TOTAL PROGRAMME 1</b>	<b>127,090,500</b>	<b>15,000,000</b>	<b>142,090,500</b>	<b>139,799,550</b>	<b>16,500,000</b>	<b>156,299,550.</b>	<b>153,779,505</b>	<b>18,150,000</b>	<b>171,929,505</b>
<b>PROGRAMME 2: PROVISION OF LEGAL SERVICES</b>									
SP 2.1 Legal Advisory Services	20,000,000	-	20,000,000	22,000,000	-	22,000,000	24,200,000	-	24,200,000
<b>TOTAL PROGRAMME 2</b>	<b>20,000,000</b>	<b>-</b>	<b>20,000,000</b>	<b>22,000,000</b>	<b>-</b>	<b>22,000,000</b>	<b>24,200,000</b>	<b>-</b>	<b>24,200,000</b>
<b>TOTAL VOTE</b>	<b>147,090,500</b>	<b>15,000,000</b>	<b>162,090,500</b>	<b>161,799,550</b>	<b>16,500,000</b>	<b>177,979,505</b>	<b>178,299,550</b>	<b>18,150,000</b>	<b>196,129,505</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)									
	2025/26			2026/27			2027/28		
	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total
<b>Programme 1: ADMINISTRATION, PLANNING AND SUPPORT SERVICES</b>									
SP 1.1 Administration Services	31,650,124	3,000,000	34,650,124	34,815,136	3,300,000	38,115,136	38,296,650	3,630,000	41,926,650
SP 1.2. Personnel Services	33,628,547		33,628,547	36,991,401	-	36,991,401	40,690,542	-	40,690,542
SP 1.3. Financial Services	500,000		500,000	550,000	-	550,000	605,000	-	605,000
<b>TOTAL PROGRAMME 1</b>	<b>65,778,671</b>	<b>3,000,000</b>	<b>68,778,671</b>	<b>72,356,538</b>	<b>3,300,000</b>	<b>75,656,538</b>	<b>79,592,192</b>	<b>3,630,000</b>	<b>83,222,192</b>
<b>PROGRAMME 2: PROVISION OF LEGAL SERVICES</b>									
SP 2.1 Legal Advisory Services	13,042,700		13,042,700	14,346,970	-	14,346,970	15,781,667	-	15,781,667
<b>TOTAL PROGRAMME 2</b>	<b>13,042,700</b>	<b>-</b>	<b>13,042,700</b>	<b>14,346,970</b>	<b>-</b>	<b>14,346,970</b>	<b>15,781,667</b>	<b>-</b>	<b>15,781,667</b>
<b>TOTAL VOTE</b>	<b>78,821,371</b>	<b>3,000,000</b>	<b>81,821,371</b>	<b>86,703,508</b>	<b>3,300,000</b>	<b>90,003,508</b>	<b>95,373,859</b>	<b>3,630,000</b>	<b>99,003,859</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						
	REQUIREMENT			ALLOCATION		
Economic Classification	2025/26	2026/27	2027/28	2025/26	2026/27	2027/28
<b>PROGRAMME 1: ADMINISTRATION, PLANNING AND SUPPORT SERVICES</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees	40,250,210	44,275,220	48,702,742	32,187,240	35,405,964	38,946,560
2200000 Use of goods and services	68,500,000	75,350,000	82,885,000	28,650,124	31,515,136	34,666,650
2400000 Interest Payments		-	-	-	-	-
2600000 Current grants and other Transfers		-	-	-	-	-
2700000 Social Benefits	1,840,300	2,024,330	2,226,763	1,441,307	1,585,438	1,743,981
3100000 Acquisition of Non-Financial Assets	16,500,000	18,150,000	19,965,000	3,500,000	3,850,000	4,235,000
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
Economic Classification	REQUIREMENT			ALLOCATION		
	2025/26	2026/27	2027/28	2025/26	2026/27	2027/28
Non-Financial Assets	15,000,000	16,500,000	18,150,000	3,000,000	3,300,000	3,630,000
Capital Transfers Govt. Agencies						
Other development						
<b>TOTAL PROGRAMME 1</b>	<b>142,090,510</b>	<b>156,299,550</b>	<b>171,929,505</b>	<b>68,778,671</b>	<b>75,656,538</b>	<b>83,222,192</b>
<b>Sub-Programme 1.1: Administration Services</b>						
<b>Current Expenditure:</b>						
2100000 Compensation to Employees						
2200000 Use of Goods and Services	68,000,000	74,800,000	82,280,000	28,150,124	30,965,136	34,061,650
2400000 Interest Payments						
2600000 Current Grants and Other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets	16,500,000	18,150,000	19,965,000	3,500,000	3,850,000	4,235,000
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Non-Financial Assets	15,000,000	16,500,000	18,150,000	3,000,000	3,300,000	3,630,000
Capital Transfers to Govt. Agencies						
Other Development						
<b>SUB TOTAL SP 1.1</b>	<b>99,500,000</b>	<b>109,450,000</b>	<b>120,395,000</b>	<b>34,650,124</b>	<b>38,115,136</b>	<b>41,926,650</b>
<b>Sub-Programme 1.2: Personnel Services</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees	40,250,210	44,275,220	48,702,742	32,187,240	35,405,964	38,946,560
2200000 Use of goods and services						
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits	1,840,300	2,024,330	2,226,763	1,441,307	1,585,438	1,743,981
3100000 Acquisition of Non-Financial Assets						
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
Economic Classification	REQUIREMENT			ALLOCATION		
	2025/26	2026/27	2027/28	2025/26	2026/27	2027/28
Non-Financial Assets						
Capital Transfers Govt. Agencies						
Other development						
<b>SUB TOTAL SP 1.2:</b>	<b>42,090,510</b>	<b>46,299,550</b>	<b>50,929,505</b>	<b>33,628,547</b>	<b>36,991,402</b>	<b>40,690,541</b>
<b>Sub-Programme 1.3: Financial Services</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees						
2200000 Use of goods and services	500,000	550,000	605,000	500,000	550,000	605,000
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 Govt. Agencies						
Other development						
<b>SUB TOTAL SP 1.3:</b>	<b>500,000</b>	<b>550,000</b>	<b>605,000</b>	<b>500,000</b>	<b>550,000</b>	<b>605,000</b>
<b>PROGRAMME 2: PROVISION OF LEGAL SERVICES</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees						
2200000 Use of goods and services	15,500,000	17,050,000	18,755,000	10,542,700	11,596,970	12,756,667
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets	4,500,000	4,950,000	5,445,000	2,500,000	2,750,000	3,025,000
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						

ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION						
Economic Classification	REQUIREMENT			ALLOCATION		
	2025/26	2026/27	2027/28	2025/26	2026/27	2027/28
Non-Financial Assets						
Capital Transfers Govt. Agencies						
Other development						
<b>TOTAL PROGRAMME 2</b>	<b>20,000,000</b>	<b>22,000,000</b>	<b>24,200,000</b>	<b>13,042,700</b>	<b>14,346,970</b>	<b>15,781,667</b>
<b>Sub-Programme 2.1: Legal Advisory Services</b>						
<b>Current Expenditure</b>						
2100000 Compensation to Employees						
2200000 Use of goods and services	15,500,000	17,050,000	18,755,000	10,542,700	11,596,970	12,756,667
2400000 Interest Payments						
2600000 Current grants and other Transfers						
2700000 Social Benefits						
3100000 Acquisition of Non-Financial Assets	4,500,000	4,950,000	5,445,000	2,500,000	2,750,000	3,025,000
4100000 Acquisition of Financial Assets						
4500000 Disposal of Financial Assets						
<b>Capital Expenditure</b>						
Non-Financial Assets						
Capital Transfers Govt. Agencies						
Other development						
<b>SUB TOTAL SP 2.1</b>	<b>20,000,000</b>	<b>22,000,000</b>	<b>24,200,000</b>	<b>13,042,700</b>	<b>14,346,970</b>	<b>15,781,667</b>
<b>TOTAL VOTE</b>	<b>162,090,500</b>	<b>177,979,505</b>	<b>196,129,505</b>	<b>81,821,371</b>	<b>90,003,508</b>	<b>99,003,859</b>

### **3.3 Resource Allocation Criteria.**

Resources were allocated based on the following criteria

1. Order of ranking for the programme
2. Non-discretionary expenditure
3. Impact of the interventions in addressing compliance issues

## 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:

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>
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> </ul>

SECTOR	LINKAGES
	<ul style="list-style-type: none"> <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
- III. Increased cases of litigation against the County government leading to rise in legal pending bills.
- IV. Declaration of various government laws as Unconstitutional Null and Void due to lack of adequate and meaningful public participation

#### 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 and inconsistent internet connectivity to carry out judicial research
- iii. Inadequate budgetary allocation to support the implementation of key priorities that were planned for including full implementation of the MoU signed with KLRC/KLR
- 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 fund key interventions that will improve statutory, legal and regulatory compliance and reduce the number of cases. The OCA is also strengthening adoption of AJS/ADR mechanisms to address the huge backlog of pending cases.

## 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

- Approved CIDP 2018-2022, CIDP 2023-2027
- Approved ADPs 2022/23, 2023/24, 2024/25
- Approved budgets and Supplementary Budgets FY 2021/22-2023/24
- Annual Progress Report FY 2023/24
- The OCA subsector report 2023/24 -2025/26
- SRC Circular -2023 (<https://src.go.ke/download/proposal-to-review-non-practice-allowance-in-the-public-service/> )
- CBROP, 2022, 2023, 2024
- County Attorney Act no 14 of 2020
- MoU between CGN and the National Council for Law Reporting, 2024

## ANNEXURES

### Annex I: Proposed Projects FY2025/2026

Project Code (IFMIS)	Project Description	Sub County	Ward	Est cost of Project or Contract Value (a)	Timeline		Allocation for 2025/26 Budget	
					Start Date	Expected Completion Date	Equitable	Conditional Grant
<b>PROGRAMME 2: PROVISION OF LEGAL services</b>								
<b>Sub Programme: Provision of legal services</b>								
	Equipping of the County Legal Resource Center	HQ	HQ	23,333,400	FY 2024/25	FY 2026/27	3,000,000	-
	<b>SUB TOTAL</b>			<b>23,333,400</b>			<b>3,000,000</b>	
	<b>TOTAL</b>			<b>23,333,400</b>			<b>3,000,000</b>	

## Annex II: Summary of Human Resource Requirements

Directorate	Designation/ Position Title	Job Group	Authorized Establishment	In Post As At 30 <sup>th</sup> June 2024	Funded Positions	Positions To Be Funded		
					2024/25	2025/26	2026/27 Projection	2027/28 Projection
Administration and Planning (To be Deployed from PSM and From Treasury)	Supply Chain Management officer/Assistant	H/J/K	1	0	0	0	0	0
	Economist/ Statisticians	J/K	1	1	0	0	0	0
	Accountant	J/K	1	0	0	0	0	0
	ICT Officer	J/K	1	0	0	0	0	0
	Human Resource Officers	J/K	1	0	0	0	0	0
	Office Administrative Officer/Assistant	H/J/K	2	0	0	0	0	0
	Clerical Officers	F/G	2	0	0	0	0	0
	Drivers	D/E/F	3	0	0	0	0	0
	Records Management Officers	J/K	1	0	0	0	0	0
	Support Staff	D/E/F/G	2	0	0	0	0	0
Litigation and Conveyancing	County Attorney	T	1	1	0	0	0	0
	County Solicitor	S	1	0	1	0	0	0
	Deputy Chief Legal Officer	R	1	0	0	0	0	1
	Assistant Deputy Chief Legal Officer	Q	1	0	0	0	1	0
	Principal Legal Officer	P	2	1	0	1	1	0
	Senior Legal Officer	N	3	0	0	0	1	2
	Legal Officer II/ Legal Officer I	L/M	6	0	0	1	2	3
	Legal Clerk Assistant I	K	4	1	2	0	0	1
	Legal Clerk Assistant III/Legal Clerk Assistant II	H/J	8	2	0	2	2	2
<b>Total Funded Positions</b>			<b>42</b>	<b>5</b>	<b>3</b>	<b>4</b>	<b>7</b>	<b>9</b>