

**COUNTY PUBLIC PARTICIPATION BILL, 2014**  
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Long Title

A bill for an Act of the County Assembly of **XXXXXX** to provide a framework for the exercise of citizens' right to public participation, and for connected purposes.

ENACTED by the County Assembly as follows-

**PART I - PRELIMINARY**

Short Title and Commencement

1. This Act may be cited as the County Public Participation Act, 2014 and shall come into operation upon expiry of fourteen days from the date of publication.

Interpretation

2. In this Act, unless the context otherwise requires  
“**Civic education**” means the provision of information and learning experiences to equip and empower citizens to participate in democratic and governance processes;

“**Constitution**” means the Constitution of Kenya, 2010;

“**Council**” means the Legislative-Executive Council established under Section 18 of the County Public Participation Act, 2014;

“**County Assembly**” means a county assembly established under Article 176 of the Constitution;

“**County executive committee**” means a county executive committee established in accordance with Article 176 of the Constitution;

“**County government**” means the county government provided for under Article 176 of the Constitution;

“**Deputy Governor**” means a person nominated by the governor in accordance with Article 180 of the Constitution;

“**Governor**” means a county governor elected in accordance with Article 180 of the Constitution;

“**Marginalised group**” has the meaning assigned to it by Article 260 of the Constitution;

“**The public**”, when used in relation to public participation in this Act, means—

- (a) the residents of a particular county;
- (b) the rate payers of a particular city or municipality;
- (c) any resident civic organisation with an interest in the governance of a particular county, city or municipality
- (d) non-resident persons who because of their temporary presence in a particular county, city or municipality make use of services or facilities provided by the county, city or municipality;

“**Participation**” means the involvement of individuals and groups that are positively or negatively affected by, or that are interested in, a proposed project, program, plan’ legislation or policy that is subject to a decision-making process.

### Objectives

Objects and Purpose

3. The object and purpose of this Act is to—
  - (a) provide for matters necessary or convenient to give effect to Chapter Eleven of the Constitution;
  - (b) provide a framework for the direct exercise of sovereignty by the people through actively informing the form and content of legislation, policy and development plans;
  - (c) provide for a framework for informed, effective, efficient and sustainable engagement of persons in policy, legislation and development plans and programmes;
  - (d) provide for a framework for public participation in service delivery by the County government;

- (e) give effect to the principles of public participation as set out in Articles 1(2), 10, Chapter 4, Article 35, 61, 69, 118, 119, 196, 174, 184, 201, 232, Fourth Schedule of the Constitution; and
- (f) provide for written and oral submissions on draft county policies, legislation and development plans.

**Principles of the Act**

Principles of the Act

- 4. (1) The Principles of Public Participation under Section 87 of the County Governments Act shall apply to this Act.
- (2) The County Government, its organs and departments shall promote the principle in sub-section (1).

**PART II – ROLES AND RESPONSIBILITIES**

Roles and Responsibilities

- 5. (1) The Governor shall promote and facilitate public participation in the county
- (2) The Governor shall designate a Member of the County Executive Committee to be in charge of Public Participation
- (3) The Member of the County Executive Committee in charge of Public Participation, in consultation with the County Public Service Board shall establish such offices and structures that may be necessary for the proper execution of Public Participation under this act.
- (4) Without prejudice to any structures that may be created under sub-section (3), the office or officer responsible for Public Participation shall
  - (a) coordinate public participation by all County departments or agencies;
  - (b) facilitate capacity building and provide support to other county government departments on public participation processes;
  - (c) monitor and evaluate public participation processes undertaken by each department or agency;
  - (d) develop and execute an appropriate civic education program;
  - (e) ensure coordination with Non State Actors in public participation processes and civic education;
  - (f) prepare an annual report on public participation in accordance with the County Governments Act;
  - (g) manage the day to day running of civic education in the county;
- (5) Notwithstanding sub-section (2), each member of the County Executive Committee shall promote, facilitate and coordinate public participation on

matters under the department of that member.

6. The Speaker of the County Assembly shall promote and facilitate public participation in the proceedings and other activities of the county assembly
7. The Clerk of the County Assembly shall provide administrative support for all public participation activities carried out by the county assembly.
8. Each Chief Officer shall provide administrative support for all public participation activities carried out by the respective department for which the chief officer is responsible
9. Sub-County Administrators, Ward Administrators and Village Administrators shall promote, facilitate, and coordinate public participation activities in their respective administrative units

### **PART III - PUBLIC PARTICIPATION FORUMS**

Citizen  
Forums

10. (1) Public participation meetings shall be known as citizen forums, and shall be conducted to-
  - (a) provide opportunity for consultation with the widest possible cross-section of the society
  - (b) build a climate of trust, collaboration and mutual respect in public participation processes;
  - (c) ensure that public participation process is carried within reasonable time
- (2) Unless otherwise provided in any written law, Citizen Forum held to discuss and receive input on the Budget, The Finance Bill, and County Development Plans shall be held at the Ward level.
- (3) Citizen Forums held to discuss and receive input on other matters shall be held at the sub-county level
- (4) Notwithstanding subsection (3), Citizen Forums held to discuss any matter may be held at the ward and village level.

- (5) Where a policy, regulation, legislation or development plan is deemed to have a significant impact on a section of the society, the County Government shall take steps to ensure that the views of that section of the society are received.
- (6) The county government shall ensure citizen participation by its decentralized units through the provision of guidelines and allocation of adequate resources to the decentralized units

Notices

11. (1) A notice for a Citizen Forum shall be issued at least fourteen (14) days prior to the citizen forum.
- (2) Notwithstanding the provision of sub-section (1), the County Executive Member responsible for the matter under consideration may, in writing, reduce the notice period to seven (7) days
- (3) A notice for a Citizen Forum shall
  - (a) be published in a newspaper with national circulation
  - (b) be carried in an announcement by a radio that has county wide audience, and broadcasts in Kiswahili
  - (c) be placed in notice boards in the offices of the Ward Administrator.
- (4) The county may use any other appropriate method to publicize the Citizen Forum
- (5) A notice of a Citizen Forum shall be written in English or Kiswahili and shall provide
  - (a) Information on the instrument under consideration
  - (b) A short rationale of the instrument and its importance to the county
  - (c) The date and the venue(s) of the Citizen Forum
  - (d) Information on how citizens may give their input on the matter under consideration
  - (e) Information on how copies of the instrument under consideration may be obtained.

Provision of Information

- 12 (1) Unless otherwise provided by any written law, copies of the instrument under consideration shall be made available at the office of each Sub-County

Administrator.

- (2) In addition to providing a copy of the instrument under consideration the County may provide further information through
    - (a) Publishing popular version of the instrument
    - (b) Publishing and distributing information packages
    - (c) Conduct roads shows, workshops and radio shows
    - (d) Any other activity aimed at informing and educating the public on the matter under consideration
  - (3) Communication on Public Participation shall be tailored to meet the needs of persons with disabilities, older members of the society and the less educated residents of the County, and may include the following forms
    - (a) Publications for persons with hearing impairments;
    - (b) Braille;
    - (c) Local language publications;
    - (d) Popular versions; and
    - (e) Large print publications.
  - (4) The County Government shall establish county resource centers at the offices of sub-county, ward and village administrators that shall at all times make available to county residents all county documents, records and reports.
  - (5) Access to County Executive and County Assembly information, documents and records required for public participation shall be made to county residents at no cost.
  - (6) The county government may use information technology platforms as additional channels to provide public information.
13. Citizen Forums shall be held in venues that are easily accessible to citizens, including people living with disabilities.
14. Proceedings of Citizens Forums shall be managed in such a manner as to allow time for citizens to present their views

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Input by Facilitators, Public and State Officers 15. 15. Input by facilitators, public and state officers during Citizen



Forums shall be limited to giving instructions and making clarification on issues raised in the instrument under consideration

16. Every Citizen has a right to attend and make contributions during Citizen Forums

17. No person shall face any sanctions for attending and making submissions during a Citizen Forum

18. (1) Information that contains allegations of wrong-doing against another person shall not be received in a Citizen Forum, unless accompanied by a sworn statement by the person making the allegation

(2) The sworn statement must be made available to the public officers in charge of a Citizen Forum at least thirty minutes before the submission containing such allegations is made.

(3) Public order shall be observed at all times during the proceeding of a Citizen Forum

19. The proceedings of a Citizen Forum shall be recorded in written or electronic form.

20. All written submissions received during the Citizen Forum shall be registered.

21 (1) Within thirty (30) days after the conclusion of public participation activities on an instrument, the public officer responsible shall publicize a report with information on

(a) Number of Citizen Forums held

(b) Number of people reached

(c) Summary of submissions given by citizens

(d) Consideration and use of the public input received

Reporting

(2) Every year, the Governor shall submit a report to the County

Governors Report

Assembly pursuant to Section 92(2) of the County Governments Act, with information on

- (a) Methods of public participation used;
- (b) Budget spent;
- (c) Platforms for public participation availed;
- (d) Content generated from public participation; and
- (e) Final use of input from the people by the County Executive and County Assembly.

County  
Leaders  
Forum

22 (1) There is established the XXXXX County Leaders Forum pursuant to Section 91(f) of the County Governments Act

(2) The County Leaders Forum shall be composed of:

- (a) The Governor who shall be Convenor of the Forum;
- (b) The Deputy Governor;
- (c) The County Secretary who shall be the secretary to the forum;
- (d) The Senator (or Senators where applicable);
- (e) The Members of Parliament from the County;
- (f) The Speaker of the County Assembly. (Deputy Speaker can appear as an Alternate Member);
- (g) A minimum of four and a maximum 10 Members of the County Assembly nominated by Parties in Assembly.

(3) The County Leaders Forum shall:

- (a) Ensure the integration of national and constituency development plans in the county development plan and assess effectiveness of the implementation of the county development plan;
- (b) Integrate the national legislative agenda with the county development plan and propose a common legislative agenda;
- (c) Determine issues and strategies for engagement with the national government, independent commissions and offices, on matters that affect the county development;
- (d) Recommend socioeconomic development goals and provide policy advice to the County Government;

- (e) Study measures to improve the implementation of official development assistance to the county;
- (f) Assess effectiveness of the implementation of the national development plan in the county;
- (g) Integrate environmental principles and practices into the county development plan; and
- (h) Recommend to the Governor and Senate sources of revenue and measures to reduce unnecessary expenditures in county government;

23. The County Leaders Forum shall meet at least twice every year

24. The Office of the Governor shall provide administrative support to the Forum

25. Decisions of the forum shall be publicized in a media communiqué and made available to the public

#### **PART IV – PETITIONS AND COMPLAINTS**

26. (1) A citizen may present a petition or a complaint to the County Government or any of its organs, departments, agencies or officers.
- (2) The petition or complaint may be presented in a general letter, or may be put in a specific format that may be prescribed by any written law
- (3) A petition or complain shall be received, acknowledged and recorded in a register of petitions and complaints for the respective organ, department or agency, and a copy sent to the County Secretary.
- (4) A petition or complaint shall be acted upon promptly by
- (a) resolving the issue raised in the petition or complaint
  - (b) referring the matter to the relevant organ of state for action
  - (c) taking any other step that may be necessary for effective and prompt resolution of the issue raised,
- (5) Within thirty (30) days of receipt of a petition or complaint, a designated officer in the department or agency shall formally write to the petitioner or

Petition to  
County  
Executive

complainant to provide information on the action taken.

(6) A petition or complaint shall be resolved and the matter closed within ninety (90) days from the date of submission within prejudice to the right of the petitioner or complainant seeking further action.

(7) An officer of the county government who fails to act or respond to a petition or complaint shall be liable to disciplinary action in accordance to laid down procedures

Petition to  
County  
Assembly

27. Petition to the County Assembly shall be processed in accordance with the Standing Orders of the Assembly, or any other written law.

#### PART V – GENERAL PROVISIONS

Budget

28. The County Government, through its organs and departments shall set aside at least two percent of the annual budget for Public Participation

Independently  
Organized  
Initiatives

29. (1) No provision in the Act precludes the private mobilisation for citizens for purposes of public participation.

(2) County Government shall work in cooperation with Independent citizen forums.

Review Forums

30. (1) The county government through its organs, departments, and agencies shall organize annual forums at the ward level to receive feedback from the citizens.

(2) The forums referred to in sub-section (1) shall be held accordance with the provisions of part 1(iii) of this act.

Civic Education

31. (1) Every financial year, the Sub-County Administrators, Ward Administrators and Village Administrators in consultation with the County Executive Committee and County Assembly shall conduct at least two civic education sessions to inform county residents on issues including but not limited to:

(a) County policy making;

(b) Law making processes;

- (c) Public finance management processes;
  - (d) Development planning processes;
  - (e) Monitoring and evaluating county budget implementation;
  - (f) Evaluating periodic county reports; and
- (2) Certified civic education providers who are non-state actors may conduct civic education in the county as per county civic education guidelines.
- (3) Non-state actors shall coordinate with the Department in charge of Public Participation at all times as they carry out civic education.
- (4) The Member of the County Executive Committee responsible for Public Participation shall publish a quarterly report on
- (a) number of certified non-state actor civic education providers;
  - (b) number of civic education session conducted by non-state actors;and
  - (c) assessment of the impact of civic education conducted by non-state actors.
32. The County Executive in charge of Public Participation may make regulation to operationalize this Act.