

NANDI COUNTY PUBLIC PARTICIPATION BILL, 2018

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A Bill for—

AN ACT of the County Assembly of Nandi to give effect to Article 174 (c) and Paragraph 14 of Part 2 of the Fourth Schedule of the Constitution; Part VIII and X of the County Governments Act, 2012; to establish modalities and platforms for public participation and civic education in the governance of Nandi county; and for connected purposes.

ENACTED by the County Assembly of Nandi as follows—

PART I — PRELIMINARY PROVISIONS

Short title and commencement.

1. This Act may be cited as the Nandi County Public Participation and Civic Education Act, 2018, and shall come into effect upon publication.

Interpretation.

2. In this Act, unless the context otherwise requires—

“*Civic Education*” means the provision of information and learning experience to equip and empower citizens to participate in democratic governance processes.

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

“*County*” means County Government of Nandi;

“*County Assembly*” means the County Assembly of Nandi;

“*County Executive Committee*” means the Governor, the Deputy Governor and members appointed by the Governor, with the approval of the County Assembly, to head the relevant County Departments as provided under Article 179 (2) of the Constitution;

“*County Executive Committee Member*” means the County Executive Committee Member for the time being responsible for Administration, Public Service and E-Government;

“*County Secretary*” means the Nandi County Secretary appointed under section 44 of the County Governments Act, 2012;

“*Public*” means—

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

“*Sub-County Coordinating Committees*” means a Coordinating Committee established under Section 7;
“*Steering Committee*” means the Steering Committee established under Section 5;
“Unit” means County, Sub-County and Ward Administrative Units; and
“*Ward Coordinating Committees*” means the Ward Coordinating Committee established under Section 9.

Guiding principles.

3. The guiding principles that shall govern the application of this Act shall be—
 - (a) the practice of direct sovereign power of the County’s citizens’ power to governance;
 - (b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
 - (c) good governance, integrity, transparency and accountability; and
 - (d) Sustainable development.

Objectives of the Act.

4. The objectives of this Act are to establish a legislative framework to give effect to—
 - (a) self-governance by the people and enhancement of the participation of the people in the exercise of the powers of the County and in making decisions affecting them;
 - (b) recognition of the right of communities to manage their own affairs and to further their development; and
 - (c) coordination of the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

PART II — ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF PUBLIC PARTICIPATION COMMITTEES

Establishment of Steering Committee.

5. (1) There is established a Steering Committee at the County level.
(2) The Governor shall appoint members of the Committee to be comprised of—
 - (a) all accounting officers of the various departments;

- (b) the Clerk of the County Assembly who shall be an *ex-officio* member; and
- (c) the Municipal Manager or Town Administrator of the relevant Municipal or Town.

(3) The Chairperson of the Steering Committee shall be the Chief Officer for the time being responsible for Administration and Decentralized Units.

(4) The Secretary of the Steering Committee shall be elected from amongst the members and shall be of the opposite gender from the Chairperson.

Functions of the Steering Committee.

6. The functions of the Steering Committee shall be to—
- (a) establish structures for public participation as is required under section 91 of the County Governments Act, 2012;
 - (b) propose policy formulation guidelines to the County Executive Committee;
 - (c) develop an evaluation framework for the County Public Participation Plan;
 - (d) ensure that public participation processes adhere to the relevant legislation, regulations, policies or guidelines affecting the rights and responsibilities of the public, officers and the different participants involved;
 - (e) inform the public of existing or potential public participation activities and topical issues;
 - (f) ensure that clear and reasonable timelines are established for public input and comment and that these timelines are communicated to the participants;
 - (g) ensure that the public participation devices used are appropriate to the nature of the policy initiatives, issues involved and the target groups affected;
 - (h) establish a feedback mechanism and platform for the public to air out their views including an opportunity for the public to forward additional comments or input on topical issues;
 - (i) provide logistical support and strategies to the Sub-County and Ward Coordinating Committees, including the development of consultation plans and information facilitating public participation in any matter;
 - (j) prepare and submit an annual report to the Governor for submission to the County Assembly on the status of public participation in the affairs of county governance;
 - (k) receive and consider reports, budgets and work schedules from the Sub-County Committees;
 - (l) oversee operations of the Sub-County Committees; and

- (m) perform any other function as may be assigned by the County Executive Committee Member or any other written law.

Establishment of the Sub-County Coordinating Committee.

- 7. (1) There is established a Coordinating Committee at each Sub-County.
- (2) The Chief Officer for the time being responsible for Administration and Decentralized Units shall appoint members of the Committee at each Sub-County, to be comprised of—
 - (a) the Sub-County Administrator who shall be the chairperson; and
 - (b) a member representing each of the ten departments in the County Executive Portfolios from the Sub-County level.
- (3) The Secretary of the Sub-County Coordinating Committee shall be appointed by the chairperson from amongst the members of the Sub-County Coordinating Committee and shall be of the opposite gender from the Chairperson.

Functions of the Sub-County Coordinating Committees.

- 8. The functions of the Sub-County Coordinating Committee shall be to—
 - (a) inform the public of existing or potential public participation activities and topical issues;
 - (b) ensure that clear and reasonable timelines are established for public input and comment and that these timelines are communicated to the participants;
 - (c) ensure that the public participation devices used are appropriate to the nature of the policy initiatives, issues involved and the target groups affected;
 - (d) establish a feedback mechanism and platform for the public to air out their views including an opportunity for the public to forward additional comments or input on topical issues;
 - (e) receive and consider reports, programs and work schedules from the Ward Coordinating Committees;
 - (f) oversee operations of the Ward Coordinating Committees;
 - (g) develop their programs and work schedules and forward them to the Steering Committee for approval;
 - (h) facilitate for public participation activities at the Sub-County level; and
 - (i) Perform any other functions as may be assigned by the Steering Committee.

Establishment of the Ward Coordinating Committee.

- 9. (1) There is established a Ward Coordinating Committee at each Ward.

(2) The Sub-County Administrator shall appoint members of the Committee at each Ward falling under the relevant Sub-County, and the membership shall comprise of—

(a) the Ward Administrator who shall be the chairperson; and

(b) a member representing each of the ten departments in the County Executive Portfolio from the Ward level.

(3) The Secretary of the Ward Coordinating Committee shall be appointed by the chairperson from amongst the members of the Ward Coordinating Committee and shall be of the opposite gender from the Chairperson.

Functions of the Ward Coordinating Committee.

10. The functions of the Ward Coordinating Committee shall be to—

(a) inform the public of existing or potential public participation activities and topical issues;

(b) ensure that clear and reasonable timelines are established for public input and comment and that these timelines are communicated to the participants;

(c) establish a feedback mechanism and platform for the public to air out their views including an opportunity for the public to forward additional comments or input on topical issues;

(d) develop reports, programs and work schedules for their activities to be forwarded to the relevant Sub-County Coordinating Committee for their consideration and approval;

(e) coordinate, manage and facilitate public participation activities at the Ward level; and

(f) Perform any other functions as may be assigned by the Sub-County Coordinating Committee.

Remuneration.

11. The allowances of the Committee members shall be as provided for by the Salaries and Remuneration Commission guidelines.

Meetings.

12. (1) The business and affairs of the Committees shall be conducted in accordance with the Second Schedule.

(2) The Committees may regulate their own procedures in accordance with the relevant law and regulations.

(3) The Committees may invite any person to attend any of its meetings and to participate in its deliberations, but such persons shall not have a right to vote.

PART III — CITIZEN PARTICIPATION

Principles of citizen participation.

13. (1) Citizen participation in the County Government shall be based upon the following principles

- (a) timely access to information, data, documents, and other information relevant or related to policy formulation and implementation;
- (b) reasonable access to the process of formulating and implementing policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards;
- (c) protection and promotion of the interest and rights of minorities, marginalized groups and communities and their access to relevant information;
- (d) legal standing to interested or affected persons, organizations, and where pertinent, communities, to appeal from or review decisions, or seek redress, with particular emphasis on persons and traditionally marginalized communities, including women, youth and disadvantaged groups;

- (e) reasonable balance in the roles and obligations of the County Government and non-state actors in decision-making processes to promote shared responsibility and partnership and to provide complementary authority and oversight;
- (f) promotion of public-private partnerships, such as joint committees, technical teams, and citizen commissions to encourage direct dialogue and concerted action on sustainable development; and
- (g) recognition and promotion of the reciprocal roles of non-state actors' participation and governmental facilitation and oversight.

(2) The guidelines of citizen participation in the County Government shall be as set out under the First Schedule.

County Citizens' Participation Forum.

14. (1) The Steering Committee shall convene and facilitate periodic citizens' participation *fora* to discuss any matter of public importance affecting the public, any community in the County or relating to the delivery of services by the County Government at the County level.

(2) Without prejudice to the provisions of subsection (1), and on the request of the County Executive Committee, the County Executive Committee Member, County Department, or any other County entity, a Sub-County and Ward Coordinating Committee shall facilitate the convening of a citizens' participation forum.

(3) The Committees shall, when a forum is convened, ensure that the forum is fully publicized to enable the attendance and participation of a wide section of the population, including the disadvantaged and marginalized groups and communities.

(4) The Chairpersons of the Committees shall ensure that minutes of the proceedings of a public or citizen participation forum are being noted and shall ensure that the said minutes are publicized throughout the decentralised units of the County Government.

(5) The Committees shall facilitate, manage and ensure that there is meaningful participation of the citizens at the forum, including—

- (a) ensuring accessibility to the forums; and
- (b) the use of a language that is comprehensible by the citizens, including persons living with disabilities.

Sub-county, Municipality, Urban area, Ward and Village Citizen Participation Forum.

15. (1) On the request of a Sub-County or Ward Coordinating Committee, a Citizen Participation Forum shall be conducted to air out views relating to—

- (a) issues of interests at the Sub-County, Municipality, Urban Area, Ward, or Village levels;
- (b) the implementation of county policies and plans at the Sub-County, Municipality, Urban Area, Ward or Village levels;
- (c) the administrative functions of the County, Sub-County, Municipality, Urban Area, Ward or Village levels; or
- (d) the delivery of services by the County Public Service at the County, Sub-County, Municipality, Urban Area, Ward or Village levels.

(2) The forum shall be open to all citizens of the Sub-County, Municipality, Urban Area, Ward or Village who desire to attend, and citizens shall be allowed to speak directly or through representatives.

(3) The conveners of the *fora* must ensure that the *fora* is fully publicized to enable attendance and participation of a wide section of the population, including marginalized groups and communities.

PART IV-CIVIC EDUCATION

Principles of civic education

16. (1) The principles of civic education are to promote—

- a) empowerment and enlightenment of citizens and government;
- b) continual and systemic engagement of citizens and government; and
- c) Values and principles of devolution as enshrined in the Constitution.

(2) The purpose of civic education under this Act is to have an informed citizenry that actively participates in governance affairs of the society on the basis of enhanced knowledge, understanding and ownership of the Constitution.

17. The objectives of civic education are—

- a) sustained citizens' engagement in the implementation of the Constitution;
- b) improved understanding, appreciation and engagement in the operationalization of the County system of governance;
- c) institutionalizing a culture of constitutionalism;
- d) knowledge of Kenya's transformed political system, context and implications;
- e) enhanced knowledge and understanding of electoral system and procedures;
- f) enhanced awareness and mainstreaming of the Bill of Rights and National values;
- g) heightened demand by citizens for service delivery by institutions of governance at the County level;
- h) ownership and knowledge on the principal economic, social and political issues facing County Administrations and their form, structures and procedures; and
- i) appreciation of the diversity of Nandi County's communities as building blocks for County's cohesion and integration.

Establishment of County Administrative Unit

18. There is established a County Administrative Unit which shall be responsible for coordinating and conducting civic education in accordance with the provisions of this Act and other legislations.

Composition of the County Administrative Unit

19. (1) The County Administrative Unit shall consist of –

- a) Members of Steering Committee established under Section 5 of this Act
- b) One member seconded by faith-based Organizations
- c) One member representing Non-Governmental Organizations
- d) A representative of opinion leaders in the County.

(2) Members contemplated under Sub Sections (b),(c) and d) shall be appointed by the County Executive Committee Member for the time being responsible for Administration, Public Service and E-Government.

Functions of the County Administrative Unit

20. In the performance of its functions and obligations under section 18, the County Administrative Unit shall facilitate and oversee the effective coordination of the operations of Civic Education and shall —
- a) establish structures for civic education at the County level;
 - b) Offer advice to various County Departments on how to conduct civic education;
 - c) Advise the County Executive Committee Member on the development of guidelines relating to civic education;
 - d) ensure civic education is continual and there is systemic engagement of citizens and government;
 - e) Ensure coordination and create linkages between all the units conducting civic education;
 - f) Maintain a data base of all non-state actors conducting civic education in the County and develop guidelines to regulate their activities;
 - g) receive and consider schedules developed by Sub-County and Ward Administrative Units;
 - h) facilitate Civic Education programs at both Sub-County and Ward levels;
 - i) prepare and submit reports to the Governor on the status of the implementation of its functions and obligations under this Act; and
 - j) perform any other function as may be assigned by legislation.

Establishment of Sub-County Administrative Unit

21. (1) There is established a Sub-County Administrative Unit for each Sub County.
- (2) The Sub-County administrative unit shall consist of –
- a) Members contemplated by section 7 of this Act;
 - b) One member representing various Faith-based Organizations in that Sub-County;
 - c) One member representing Non-governmental Organizations; and
 - d) One member representing opinion leaders in that Sub-County;
- (3) The members contemplated by sub sections (b), (c) and (d) above shall be appointed by the Sub-County Administrator with approval by the Chief Officer for the time being responsible for Administration and Decentralized Units.
- (4) The Secretary to the Unit shall be elected from among members of the Unit on the first meeting convened by the Sub-County Administrator and shall be of the opposite gender from the chairperson.
- (5) The person elected as the secretary under section 7 (3) of the Act is not eligible to be elected under this section

22. Function of the Sub-County Administrative Unit-

- a) Develop its own schedule and forward to the County Administrative Unit for consideration;
- b) Coordinate civic education exercise in their respective Sub-Counties;
- c) Invite and facilitate expertise from various departments or non-state actors when conducting civic education;
- d) Consider and approve schedules from Ward administrative Units;
- e) Advice and facilitate ward Administrative Units in conduct of their activities;
- f) Develop topical issues to be factored in in civic education exercise;
- g) Prepare and submit reports to the County Executive Committee Member on the status of implementation of this Act; and
- h) Perform any other duty as may be assigned by legislation.

Ward Administrative Unit

23. (1) There is established a Ward Administrative Unit for each Ward.

(2) The Ward Administrative Unit shall consist of –

- a) Members contemplated by Section 9(2)of this Act;
- b) One member representing various Faith-based Organizations in that Ward;
- c) One member representing Non-governmental Organizations; and
- d) One member representing opinion leaders in that Ward;

(3) Members under sub sections (b), (c) and (d) shall be appointed by the Ward Administrator with the approval of the respective Sub-County Administrator.

(4) The Secretary to the Unit shall be elected by members on the first meeting convened by the Ward Administrator and shall be of the opposite gender from the Chairperson.

(5) The person elected as the Secretary under Section 9 (3) of this Act is not eligible to be elected under this section.

Functions of the Ward Administrative Unit

24. (1) The functions of the Ward Administrative Unit shall be to-

- a) Coordinate civic education exercise in the Ward level;
- b) Develop its own schedule of activities on topical issues received from Sub-County administrative unit;
- c) Invite expertise during civic education exercise;
- d) Inform members of the public of the date and venue for civic education;
- e) Prepare and submit a report on the implementation of this Act at the Ward level; and
- f) Perform any other function as may be assigned by legislation.

(2) The Ward Administrator may instruct and facilitate Village Administrators appointed under Section 52 of County Governments Act to conduct civic education at the village level.

Quorum

25. (1) The quorum of the meeting shall not be less than half of the appointed members.
- (2) Where there is a vacancy in the unit, the quorum of the meeting shall not be less than three appointed members.
- (3) Decisions shall be arrived at with supporting votes of at least two thirds of the members present.
- (4) This section shall apply to all units.

Meetings

26. Every unit shall meet at least four times in a year.

Remuneration.

27. The allowances of the Unit members shall be as provided for by the Salaries and Remuneration Commission guidelines.

Guidelines

28. The County Executive Committee Member may make guidelines in relation to civic education to give effect to this Act.

PART V— PETITIONS TO THE COUNTY GOVERNMENT

Form of Petition.

29. (1) County Citizens have a right to petition the County Government on any matter touching on the responsibilities of the County Government.
- (2) Citizens' petitions shall be made in writing and shall be in the form set out in the Third Schedule of this Act.
- (3) The Citizen petitions shall—
 - (a) be handwritten, printed or typed;
 - (b) be in English, Kiswahili or braille;
 - (c) be addressed to the County Executive Committee through the County Secretary;
 - (d) have its subject matter indicated on every sheet if it consists of more than one sheet;
 - (e) confirm that efforts have been made to have the matter addressed by the relevant County Department or entity and that there has been no response on the matter from the relevant County Department or entity, or that the response has not been satisfactory;
 - (f) contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner; and
 - (g) in the case of a petition presented through a Member of the County Assembly, Ward Administrator or Sub-County Administrator, on behalf of a petitioner, the petition shall be

countersigned by the Member of the County Assembly, Ward Administrator or Sub-County Administrator presenting it.

Consideration of petition.

30. (1) The County Secretary shall present the Citizen petition to the County Executive Committee or other relevant County Departments or entities for consideration.

(2) The County Executive Committee or other relevant authority at a County Department or entity, deliberating on the petition, may appoint a Committee to investigate and make recommendations relating to the subject matter of the petition.

(3) The County Secretary shall, within fourteen days of the decision of the County Executive Committee or other relevant County Department or entity, notify the petitioner in writing of the decision of the County Executive Committee or other relevant County Department or entity.

Service upon petitioners.

31. Service upon the petitioners of the decision of the County Executive Committee or other relevant County Department or entity shall be done in accordance with the Civil Procedure Act, Chapter 21 of the Laws of Kenya as read with the Civil Procedure Rules, 2010.

Publication of decision on petition.

32. The County Secretary shall, within fourteen days of the decision of the County Executive Committee or other relevant County Department or entity—

- (a) give notice of the decision to the public by posting a copy in a conspicuous place at the County, Sub-County, Ward or Village level;
- (b) inform the public that a copy or extract of the decision is available on its website;
- (c) publish the decision in print or other electronic media; or
- (d) publish the decision in such other manner as may be appropriate for the dissemination of information.

Register of petitions.

33. (1) The County Secretary shall keep and maintain a register of all petitions, supporting documents and the decisions of the County Executive Committee or other relevant County Department or entity.

(2) The register of petitions under subsection (1) shall be accessible to the public during working hours and copies thereof shall be made available to the public upon payment of the relevant charges.

Appeal against decision on a petition.

34. (1) Any petitioner who is dissatisfied by the decision of the County Executive Committee or other relevant County Department or entity shall appeal to the County Assembly within fourteen days of the date of receipt of service of the decision.

(2) A petitioner who is dissatisfied by the decision of the County Assembly under subsection (1) shall appeal to the Commission on Administrative Justice pursuant to the provisions of the Commission on Administrative Justice Act, 2011.

Petitions to County Assembly.

35. A petition may be presented or submitted to the County Assembly by the petitioner or through a Member of the County Assembly on behalf of the petitioner in accordance with the Standing Orders of the County Assembly.

PART VI — COUNTY REFERENDUM

Matters subject to County referenda.

36. (1) The County Government may conduct a County referendum on, among other issues—

- (a) county laws and petitions; or
- (b) planning and investment decisions affecting the County.

(2) The County Government shall conduct a County referendum on an issue as specified under subsection (1) where a petition has been raised and duly signed by at least twenty five percent of the registered voters of the County.

Procedure as to carrying out a referendum.

37. The procedure as to carrying out a County referendum under Section 36 shall be in accordance with the Elections Act, No. 24 of 2011, with necessary modifications permissible in law.

PART VII — FINANCIAL PROVISIONS

Operational funds.

38. (1) The County Government shall ensure that a budgetary provision is made for civic education and public participation in every Department pursuant to the provisions of Parts VIII, IX and X of the County Governments Act, 2012 and any other written law.

(2) The funds of the Committees and the units shall consist of—

- (a) monies allocated by the County Assembly;
- (b) such monies or assets as may accrue to the Committees and/ or the Units in the course of the exercise of its powers or in the performance of its functions under this Act; and

- (c) all monies from any other sources provided, donated or advanced to the Committees and/ or the Units.

Financial year.

- 39. The financial year for purposes of this Act shall be the period of twelve months ending on the thirtieth day of June in each year.

Annual estimates.

- 40. (1) Before the commencement of each financial year, the Committees and Units shall cause to be prepared estimates of the expenditure for that year.

- (2) The Committees and the Units shall ensure that the estimates under subsection (1) provide for

—

- (a) payment of the allowances and other charges in respect of the Committees and the Units;
- (b) funding of training, research and development activities of the Committees and the Units;
- and

- (c) the funding of the schedules and organization of public participation and civic education meetings.

- (3) The annual estimates shall be developed and approved by the relevant Committee/Unit before the commencement of the financial year to which they relate and shall be submitted to the relevant departments for consolidation into the County Budget.

- (4) No expenditure shall be incurred for the purposes of the Committees/Units except in accordance with the annual estimates approved under this section.

Audit.

- 41. (1) The Committees/Units shall cause to be kept proper books and records of account of their receipts, expenditures and liabilities.

- (2) Within a period of three months after the end of each financial year, the Committees/Units shall submit to the accounting officers of the relevant Departments, financial reports for consolidation of a report to be submitted to the Auditor General by the County Treasury.

- (3) The annual accounts of the Committees/units shall be prepared, audited and reported upon in accordance with the provisions relating to public audit and management of public resources.

PART VII— MISCELLANEOUS PROVISIONS

County Executive Committee’s power of direction.

42. The County Executive Committee shall oversee the performance of the activities of the Committees/Units under this Act and may, in writing, give the Committees/Units directions on matters of procedure and strategy in accordance with this Act.

Annual report.

43. (1) The Committees/Units shall, at the end of each financial year, cause an annual report of its activities relating to public participation and civic education to be prepared.
- (2) The Steering Committee shall submit the annual report to the Governor, through the County Executive Committee Member, not later than three months after the end of the year to which it relates.
- (3) The annual report shall contain, in respect of the year to which it relates—
- (a) the financial statements of the Committees/Units;
 - (b) a description of the activities and outcomes of public participation and civic education;
 - and
 - (c) any other information, that the Committees/Units may consider relevant.

Offences and penalty.

44. A person who—
- (a) without justification or lawful excuse, obstructs, hinders or threatens a member of a Committee/Unit or a member of staff acting under this Act;
 - (b) without justification or lawful excuse, disrupts, interrupts or obstructs activities relating to public participation or civic education;
 - (c) submits false or misleading information;
 - (d) without reasonable excuse, fails to appear before a meeting of the Committees/Units as and when required to do so; or
 - (e) misrepresents to or knowingly misleads a member of the Committees/Units;
- commits an offence and is liable to a fine not exceeding Kenya Shillings five hundred thousand or to imprisonment for a term not exceeding One year, or both.

Review.

45. A person who is aggrieved by the decision of a Committee/Unit under this Act may apply to that Committee/Unit for review of that decision after fourteen days of making the decision.

Prosecution of matters under this Act.

46. (1) The County Government shall liaise with the Office of the Director of Public Prosecution to have its authorized officers gazetted in order to prosecute matters for and on behalf of the County Government under this Act.
- (2) Offences created pursuant to this Act shall be cognizable offences.

Fines.

47. (1) Fines payable under this Act shall be remitted to the County Revenue Fund.
(2) The County Government shall make arrangements with the National Treasury to give effect to sub-section one of this section.

Regulations.

48. (1) The County Executive Committee Member may make regulations respecting any matter that is necessary or convenient to be prescribed under this Act or for the carrying out or giving effect to this Act.
- (2) Without prejudice to the aforementioned, the County Executive Committee Member may make regulations with respect to—
- (a) procedure as to activities relating to public participation and civic education;
 - (b) form of documents to be used at public participation and civic education *fora*;
 - (c) form of responses by the County Executive Committee with relation to public participation and civic education;
 - (d) development of the County Public Participation and Civic Education Plans;
 - (e) the vesting of special powers and duties in various departments and agencies of the County for the purposes of public participation and civic education; and
 - (f) any matter that the County Executive Committee Member may consider necessary for the administration of this Act.

SCHEDULES

FIRST SCHEDULE (s.13 (2))

PUBLIC PARTICIPATION GUIDELINES

The following guidelines shall guide the County Government and the Committees when conducting public participation activities—

1. Building a realistic timeframe for the consultation and allowing reasonable period for each stage of the process.
2. Publicise Public Participation *fora* using such media as to reach and inform all target members of the public about the time and the venues of the *fora*.
3. Be clear as to the type of the public, community or profession to be consulted, the issues or matter for consultation and for what specific purpose.
4. Ensure that the consultation document is as simple and concise as possible, providing the summary of the issues or matters for consultation and clearly setting out the issues to be addressed.
5. Publish and distribute the documents as widely as possible, including but not limited to providing hard copies, noticeboards, television advertisements, websites, community radio announcements and traditional media.
6. Ensure that all responses are carefully and open-mindedly analysed and the results made widely available to the public, including an account of the views expressed and the reasons for the decisions made.

7. Disclose all information relevant for the public to understand and evaluate the decision.
8. Ensure that stakeholders have fair and equal access to the public participation process and their opportunity to influence decisions.
9. Ensure that all commitments made to the public, including those by the decision-maker, are made in good faith.
10. Undertake and encourage actions that build trust and credibility for the process among all the participants.
11. Be personally responsible for the validity of data collected, analyses performed or plans developed by it or under its direction.
12. Ensure that there is no misrepresentation of work performed or that was performed under the relevant body's direction.
13. Examine all of its relationships or actions, which could be legitimately interpreted as a conflict of interest by clients, officials, the public or peers.
14. Should not engage in conduct involving dishonesty, fraud, deceit, misrepresentation or discrimination.
15. Should not accept fees wholly or partially contingent on the client's desired result where that desired result conflicts with its professional judgment.

SECOND SCHEDULE (s.12 (1))

MEETINGS AND PROCEDURE FOR THE COMMITTEES

1. The Chairperson of each Committee shall convene the first meeting of the Committees.
2. The Committees shall decide when and where it meets and the meetings shall be convened by the Chairperson.
3. The Committees shall have at least four meetings in every financial year and not more than three months shall elapse between one meeting and the next.
4. Unless three quarters of the members otherwise agree, at least seven days' notice in writing of a meeting shall be given to the members of the Committees.
5. The Chairperson may call a special meeting indicating the reason for calling the special meeting thereof.
6. A meeting shall be presided over by the chairperson or in his or her absence, by the Vice Chairperson.
7. The members of the Committees shall elect a Vice Chairperson from among themselves—
 - (a) at the first sitting of the Committees ; or

- (b) whenever it is necessary to fill the vacancy.
8. The chairperson and Vice Chairperson shall not be of the same gender.
 9. If any person has a personal or fiduciary interest in any matter before the Committees, and is present at a meeting of the Committee at which such matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching on such matter.
 10. A disclosure of interest made under paragraph 9 shall be recorded in the minutes of the meeting at which it is made.
 11. A person who contravenes paragraph 9 commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or both.
 12. No member of the Committees shall transact any business or trade with the Committees.
 13. Subject to paragraph 14, the quorum of the meeting shall not be less than half of the appointed members.
 14. Where there is a vacancy in the Committees, the quorum of the meeting shall not be less than three appointed members.
 15. A question before the Committee shall be decided with a supporting vote of at least two thirds of the members present.
 16. Where there is a tie in the votes of the Committees, the respective Chairpersons shall have a casting vote.
 17. The Committees shall keep minutes of proceedings of its meetings and decisions taken.

THIRD SCHEDULE (s. 29 (2))

FORM OF A PUBLIC PETITION

TO: The County Government of Nandi or the County Assembly of Nandi

WE/I, the undersigned and humble Petitioner or Petitioners of *(Here insert the names or description of the petitioner or petitioners and address including their status: residents of a particular area, workers, particular part of the community, minority or marginalised group etc.)*

DRAW the attention of the County Government/Assembly to the following:

(Here, briefly state the reasons underlying the petition and request for the intervention of the County Executive Committee/ County Assembly by outlining the grievances or problems and summarizing the facts which the petitioners wish the County Executive Committee/ County Assembly to consider)

BASED on the following grounds—

THAT:

(Here confirm that efforts have been made to have the matter addressed by the relevant body, and it failed to give satisfactory response.)

THAT:

(Here confirm that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.)

THAT:

(Here indicate that what you have written in the petition is true to the best of your information, belief and knowledge.)

THEREFORE your humble petitioners PRAY that the County Government or County Assembly—

(Here, set out the prayer, by stating in summary what action the petitioners wish the County Government or County Assembly to take or refrain from)

Name of petitioner(s)	Full Address	National ID or Passport No.	Signature/Thumb print
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PETITION concerning.....

(Here, repeat the summary in first page)

**This form may contain such variations as the circumstances of each case may require.*