



## **ISIOLO COUNTY GOVERNMENT**

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**HIS EXCELLENCY THE GOVERNOR  
GODANA DOYO ADHI**

I assent

**Governor**

.....2015

**AN ACT** of the County Assembly of Isiolo to give effect to Section 14 of part 2 of the Fourth Schedule of the Constitution and Part VIII of the County Governments Act; to provide for the establishment of legal framework, modalities and platforms for facilitating civic education and public participation in county governance, policy processes and service delivery and for connected purposes and incidental thereto.

**THE ISIOLO COUNTY CIVIC EDUCATION AND PUBLIC  
PARTICIPATION ACT, 2015**

*No. -of 2015*

I certify that this printed impression is a true copy of the  
bill passed by the county assembly on the .....  
November, 2015.

**S. B GURACHA**

*Clerk of the county Assembly.*

Presented for Assent in accordance with the provision of  
the constitution of Kenya and County Governments Act on

The .....at the hour of .....

**M. TUBI BIDU**

*Speaker of the county Assembly*

**THE ISIOLO COUNTY CIVIC EDUCATION AND PUBLIC PARTICIPATION BILL,  
2015**

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### **THE ISIOLO COUNTY CIVIC EDUCATION AND PUBLIC PARTICIPATION BILL, 2015**

**AN ACT** of the County Assembly of Isiolo to give effect to Section 14 of part 2 of the Fourth Schedule of the Constitution and Part VIII of the County Governments Act; to provide for the establishment of legal framework, modalities and platforms for facilitating civic education and public participation in county governance, policy processes and service delivery and for connected purposes and incidental thereto.

**ENACTED** by the County Assembly of Isiolo as follows –

#### **PART I – PRELIMINARY**

Short title and commencement.

1. This Act may be cited as the Isiolo County Civic Education and Public Participation Act, 2015 and shall come into force upon final publication in the Gazette

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

“ Administrator” means sub-county administrator, ward administrator, village administrator

“ Advisory Committee’ means the Civic Education and Public Participation Advisory Committee established under section 13;

“ Committee of the County Assembly” means the County Assembly Committee on Civic Education and Public Participation

“ Constitution” means the Constitution of Kenya, 2010;

“ County Assembly” means the County Assembly of Isiolo

Interpretation.

“ County Chief Officer” means an officer appointed under section 45 of the County Government Act responsible for Civic Education and Public Participation;

“ County department” means any office or department established in the county government by the County Public Service Board or under any written law;

“ County *Gazette*” means a *gazette* published by the authority of the County government or a supplement of such *gazette*;

“ County public officer” means any person appointed by the government and holding or acting in any county public office whether paid or unpaid or on contractual or permanent terms but does not include a person engaged on a part time basis in a county public body paid at an hourly or daily rate;

“ County Secretary” means a county secretary appointed under section 44 of the County Government Act, 2012;

“ Department” means the Department of Civic Education and Public Participation

“ Director” means the County Director of Civic Education and Public Participation established under section 15;

“ Executive Committee” means Isiolo County Executive Committee established in accordance with Article 176 of the Constitution;

“ Executive Member” means the County Executive Committee Member for the time being responsible for Civic Education and public participation;

“ Government” means Isiolo county government;

“ Institutions of government” means institutions of government as defined under Section 2 of the County Government Act;

“Minorities” refers to individuals or communities who because of their ethnicity, religion, culture, nationality or such other factor as stipulated in Article 27 of the Constitution of Kenya have been or risk being excluded from decision making processes that affect their welfare

“ Public/citizens/community”, when used in relation to civic education and public participation in this Act, means-

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

“ Public participation” includes the processes and methods designed to consult, involve and inform the public or stakeholders in order to allow those who would potentially be affected by a decision, any policy, legislation, program, project to have input into the process.

“ Stakeholder” means a person or group of persons who have an interest in a public issue or who are likely to be directly or indirectly affected by a public issue, decision or policy whether negatively or positively;

Purpose and  
Objects

**3.** The Purpose of this Act is to enhance, promote and facilitate civic education and public participation in the county and specifically to –

(a) facilitate the implementation of constitutional provisions set out under-

- i. Article 1 on sovereignty of the people;
- ii. Article 10 on national values;
- iii. Article 19 on freedom of expression
- iv. Article 35 on access to information;
- v. Article 37 on right to petition;

- vi. Article 48 on access to justice;
- vii. Article 174 on the objects of devolution;
- viii. Article 201 on principles of public finance;
- ix. Article 232 on values and principles of public service;
- x. Section 14 of Part 2 of the Fourth Schedule to the Constitution;  
and
- xi. Any other provision related to public participation.

(b) give effect to public participation framework stipulated under the County Governments Act, 2012, the Public Finance Management Act, 2011 and the Urban Areas and Cities Act, 2011;

(c) give effect to International Conventions and Treaties ratified by Kenya that promote public participation including but not limited to the International Convention on Civil and Political Rights;

(d) promote participatory democracy;

(e) transparency and accountability in decision making;

(f) community empowerment and support;

(g) promote partnership and collaboration in public processes;

(h) enhance public awareness and understanding of government processes;

(i) reduce conflicts related to public or government decisions; and

(j) enhance community ownership of public decisions.

(2) Subject to Articles 1(4), 10, 201 and 232 (1) (e) of the Constitution, the Object of this Act is to establish a legislative framework to give effect to-

(a) paragraph 14 of part 2 of the Fourth Schedule of the Constitution;

(b) the objects and principles of devolution set out under Article 174 (c) and (d) of the Constitution; and

(c) Part VIII of the County Governments Act, 2012.

Guiding  
Principles



(d) Part X of the County Government Act 2012.

Whenever there is a conflict between this Act and any other County written law, having a bearing on achievement of the overriding objective of this Act as set out in subsection (1), the provisions of this Act shall prevail.

4. Subject to section 87 and 98 of the County Governments Act and other statutory provisions, the following principles shall guide civic education and public participation under this Act–

- (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, marginalised 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 redress grievances, with particular emphasis on persons and traditionally marginalised communities, including women, the youth, and disadvantaged communities;
- (e) reasonable balance in the roles and obligations of county governments and non-state actors in decision-making processes to promote shared responsibility and partnership, and to provide complementary authority and oversight; promotion of public-private partnerships, such as joint committees, technical teams, and citizen commissions, to encourage direct dialogue and concerted action on sustainable development;
- (f) recognition and promotion of the reciprocal roles of non-state actors' participation and governmental facilitation and oversight;
- (g) inclusion of the widest spectrum of the public;

Development of culture of Civic Education and Public Participation.

- (h) provision of information in formats accessible to a wide group of people including persons with disabilities and translate to local language where necessary;
- (i) communication to participants on how their input affected the decision;
- (j) adherence to the national values and principles of governance set out under Article 10 of the Constitution;
- (k) adherence to the values and principles of public service set out in Article 232 of the Constitution;
- (l) adherence to the principles of leadership and integrity set out in Chapter Six of the Constitution;
- (m) recognition and respect of the differences between cultures and contributing to the recognition and value of each; and
- (n) duty to act in good faith by abstaining from impartiality and anti-democratic conduct.

## **PART II – CIVIC EDUCATION AND PUBLIC PARTICIPATION**

5. The Isiolo County government shall develop a system of governance that encourages civic education and participation by citizens in its affairs, and shall for that purpose-

Mechanisms, processes and procedures for civic education and public participation.

- (a) create appropriate conditions for civic education and participation in
  - (i) the formulation and implementation of laws, policies and regulations;
  - (ii) the preparation, implementation and review of the integrated development plan;
  - (iii) the establishment, implementation and review of its performance management system;
  - (iv) the monitoring and review of its performance, including the

outcomes and impact of its performance;

(v) the preparation of its budget; and

(vi) making of strategic decisions relating to delivery of service.

(b) contribute to building the capacity of-

(i) the citizens to enable them participate in the affairs of the county; and

(ii) Sub-county administrators, ward administrators and village administrators, Department of Civic Education and Public Participation and Office of the County Assembly Clerk to foster civic education and community participation.

(c) apply its resources, and allocate funds annually as may be appropriate for the implementation of paragraphs (a) and (b).

6. (1) Civic education and participation by the local public in the affairs of the county must take place through-

(a) decentralized structures for participation in terms of the sub-counties equivalent to the constituencies within the county established under Article 89 of the Constitution, the Wards within the county established under Article 89 of the Constitution and Section 26 of the County Government Act , village units in each county as may be determined by the county assembly , the urban areas and cities within the county established in accordance with the Urban Areas and Cities Act (No. 13 of 2011), and such other or further units as the county government may determine;

(b) other appropriate mechanisms, processes and procedures established by the county;

(c) sub-county administrators in accordance with Section 50 (3) (g) of the County Governments Act;

(d) ward administrators in accordance with Section 51 (3) (g) of the County Governments Act;

(e) village administrators in accordance with Section 52 (3) (a) (i) of the County Governments Act; and generally applying the provisions for participation as provided for in this Act.

(2) The county assembly shall establish appropriate mechanisms, processes and procedures for civic education and to enable the local community to participate in the affairs of the community, and for this purpose provide for-

(a) the receipt, processing and consideration of petitions, complaints and suggestions lodged by members of the local community;

(b) notification and public comment procedures when a Bill is introduced in the County Assembly;

(c) public meetings and hearings by the appropriate decentralized unit and other political structures and political office bearers of the county, when appropriate;

(d) consultative sessions with locally recognized community organizations and, where appropriate, traditional authorities;

(e) report-back to the local community;

(f) information communication technology based platforms; and

(g) County calendar of events.

(3) The county assembly shall ensure that the mechanisms, processes and procedures for civic education and citizen participation provide for engagement by the widest sections of the public, and these may include-

(a) citizen forums;

(b) citizen juries and panels;

(c) focus group discussions;

(d) open days/ exhibitions;

(e) citizen care desks and information centers; establishing a TV station

Affirmative  
Action in Civic  
Education and  
Public  
participation

Communication

of information concerning civic education and public participation

and community FM radio stations;

- (g) broadcasting the County Assembly proceedings to the members of the public;
- (h) notice boards/suggestion boxes/websites;
- (i) service charters and social networking facilities; County magazines / monthly newsletters; Information bulletins;
- (k) traditional media; and/or
- (1) any other mechanism, process or procedure of citizen participation that may be suitable for the county.

Communications to local communities

7. (1) When establishing mechanisms, processes and procedures in terms of Section 6(2) the county assembly shall take into account the special needs of-

- (a) people who cannot read or write;
- (b) people with disabilities;
- (c) minorities and marginalised groups and;
- (d) women and other disadvantaged groups.

(2) The County Assembly may put in place measures to ensure that the County Government and its entities promote affirmative action to ensure that minorities and marginalised groups-

- (a) receive civic education and participate in all matters that affect them and are represented in governance and other spheres of life; and
- (b) are provided with special opportunities in all areas of economic, educational, social, religious and political fields.

### **PART III—PUBLIC COMMUNICATION**

8. (1) Any information meant to be communicated to the public relating to civic education and public participation shall concern-

Documents to be made public

- (a) the available mechanisms, processes and procedures for civic education and public participation;
  - (b) the matters with regard to which civic education and public participation is encouraged;
  - (c) the rights and duties of members of the local community; and
  - (d) county governance, management and development.
- (2) When communicating the information mentioned in subsection (1), the following shall be taken into account-
- (a) language preferences and usage in the community; and
  - (b) the special needs of people who cannot read or write.

**9.** (1) When any information relating to civic education and public participation shall be notified through the media to the public in terms of this Act or any other applicable legislation, it may be done-

- (a) in a newspaper(s) with national circulation;
- (b) in the local newspaper(s) circulating in its area and determined by the county assembly as a newspaper of record; or
- (c) by means of radio or television broadcasts covering the area of the community.

Official Website

- (2) Any such notification must be in the official languages and having regard to language preferences and usage of the area.
- (3) A copy of every notice that shall be published at least seven (7) days before the meeting in the County Gazette or the media in terms of this Act or any other applicable legislation and shall be displayed at conspicuous public places, including but not limited to the sub-county or ward or village offices.
- (4) A notice must indicate the time, date and venue of the meeting.

County  
Departments,  
Agencies and  
Committees of the  
Assembly

- (5) When the public is invited to submit written comments or representations on any matter before the county assembly, due consideration shall be given to the special and appropriate circumstances regarding accessibility, language and methodology in relation to people with disabilities, women, youth, minorities and other marginalised groups

**10. (1)** Where a form is required to be completed by a member of the public;

- (a) a staff member of the county assembly must give reasonable assistance to persons who cannot read or write, to enable such persons to understand and complete the form;
- (b) If the form relates to the payment of money to the county assembly or to the provision of any service, the assistance must include an explanation of its terms and conditions.

(2) All documents that must be made public by the County in terms of the requirement of this Act, the Public Finance Management Act or other applicable legislation, must be conveyed to the local community-

- (a) by displaying the documents at the county's head and satellite offices and libraries;
- (b) by displaying the documents on the county's official website, if the county has a website as envisaged by section 11; and
- (c) by notifying the local community, in accordance with section 9, of the place, including the website address, where detailed particulars concerning the documents can be obtained.

(3) If appropriate, any notification in terms of subsection (1) (c) must invite the local community to submit written comments or representations to the county in respect of the relevant documents.

**11. (1)** The county shall-

- (a) create an official website; and
- (b) place on that official website information required to be made public in terms of this Act and any other law.

- (c) that the county's official website is maintained and regularly updated or provide relevant information

**PART IV—COORDINATION OF CIVIC EDUCATION AND PUBLIC PARTICIPATION**

- 12. (1) Each county department or agency or Committee of the County Assembly where applicable, shall –
  - (a) while developing legislation and policy or designing or implementing programs or delivering services, promote and engage the relevant stakeholders and the public;
  - (b) regularly report and communicate to the stakeholders and the public on the process, outcome and impact of policies, programs and services delivered;
  - (c) provide or issue adequate and sufficient notice and information to stakeholders or the public where the stakeholders or the public are required to participate in an issue or forum stipulated under this Act.
- (2) Each county department, agency and Committee of County Assembly shall develop and implement a stakeholder engagement plan.
- (3) A stakeholder engagement plan shall provide among others for-
  - (a) objectives of stakeholder engagement;
  - (b) major issues requiring public and stakeholder engagement and consultations;
  - (c) time frame within which public consultations would be held;
  - (d) process to be undertaken in stakeholder and public participation;
  - (e) determination of public participation method;
  - (f) method of providing information to the public.



- (4) While carrying out civic education and public participation, a county department or agency or committee of the County Assembly may-
- (a) inform the public in order to enhance understanding the problem, alternatives, opportunities and solutions;
  - (b) consult in order to obtain public feedback on analysis, alternatives and decisions;
  - (c) involve the public directly throughout the process to ensure that public concerns and aspirations are consistently understood and considered;
  - (d) collaborate with the public in each aspect of the decision, including development of alternatives and the identification of the preferred solution;
  - (e) empower the public to make decision in regard to any public issue
- (5) A county department or agency or Committee of the County Assembly may apply any of the following public participation methods in addition to the platforms stipulated under the County Governments Act, 2012-
- (a) public meetings;
  - (b) public hearings;
  - (c) workshops;
  - (d) citizen advisory or consultation committees;
  - (e) surveys;
  - (f) focus groups;
  - (g) direct mail;
  - (h) newsletters;

Civic Education  
and Public  
Participation  
Advisory  
Committee

- (i) invitations for public submission;
  - (j) partnerships and collaboration;
  - (k) joint auditing and evaluation of county government performance including projects audits;
  - (l) internet based interactive platforms.
- (6) A county Department or agency or Committee of the County Assembly may enter into public private partnership with any person for the purposes of effectively discharging a function under this Act;
- (7) In facilitating stakeholder engagement during civic education or public participation, a county department or agency or Committee of the County Assembly shall adopt the following standards and good practices-
- (a) stakeholder identification and analysis;
  - (b) information disclosure;
  - (c) stakeholder consultation;
  - (d) negotiation and partnerships;
  - (e) grievance management through establishing accessible and responsive means for stakeholders to raise concerns and grievances;
  - (f) stakeholder involvement in monitoring and evaluation of projects, programs and policies;
  - (g) reporting to stakeholders on performance;
  - (h) efficient and strategic management of stakeholder processes.
- (8) Each county department or agency or Committee of the County Assembly shall
- (a) identify and liaise with the stakeholders in its sector;

(b) maintain and publish database of the stakeholders identified under paragraph (a); and

(c) ensure regular and effective communication with the stakeholders.

(9) Each county department , agency and Committee of the County Assembly shall provide to the public all applicable information, forms, documents, statistics and data through electronic system such as online system, websites and portal in a timely, efficient and in a usable manner in order to facilitate civic education and public participation.

(10) The Executive Member responsible for information, communication and technology shall ensure that the systems referred under subsection (1) facilitate interactive engagement with the public and are comprehensive in terms of the information provided.

Department of  
Civic education  
and Public  
Participation

(11) A County department or agency or Committee of the Assembly shall install notice boards in the most appropriate and conspicuous places in each village.

(12) The Executive Member and Clerk to the County Assembly shall ensure that all relevant notices related to public participation are posted in the notice boards provided under this section in a timely manner.

(13) A county department or agency or Committee of the Assembly shall use the most appropriate communication methods to publicize any process, forum or issue requiring public participation.

(14) Each County department, agency and Committee of the Assembly shall prepare an annual report on public participation

13. (1) There is established a committee to be known as Civic Education and Public Participation Advisory Committee.

Functions of the  
Department

(2) The Committee shall consist of-

(a) the chief officer for the time being responsible for civic education and public participation who shall be the chairperson;

(b) the chief officer for the time being responsible for public

service;

- (c) one person representing professional bodies appointed by the Executive Member from among three persons recommended by a forum of professional bodies in the county;
- (d) one person representing the nongovernmental organizations in the county appointed by the Executive Member from among three persons recommended by a forum of nongovernmental organizations;
- (e) one person representing faith based organizations in the county appointed by the Executive Member from among three persons recommended by a forum of the faith based organizations;
- (f) one person representing the private sector appointed by the Executive Member from among three persons recommended by a forum of private sector organizations;
- (g) one person representing the youth appointed by the Executive Member from among three persons recommended by a forum of organizations working with the youth in the county;
- (h) one person representing persons with disabilities appointed by the Executive Member from among three persons recommended a the forum of organizations working with persons with disabilities and involved in local governance in the county;
- (i) one person representing women appointed by the Executive Member from among three persons recommended by the forum of women organizations involved in local governance in the county;
- (j) one person representing minorities and marginalised communities appointed by the Executive Member from among three persons recommended by a forum of organizations involved in local governance in the county;
- (k) one person appointed by the Executive Member from each sub-county from among persons experienced in public governance, local development or administration;

- (l) all town managers;
  - (m) the officer responsible for coordinating national government functions in the county;
  - (n) the director of the department of civic education and public participation who shall be the secretary.
- (3) For a person to qualify for appointment under subsection (2) (c),(d), (e), (f), (g), (h), (i), (j), the person must –
- (a) be a holder of at least a diploma from a recognized institution;
  - (b) meet the requirements of chapter six of the Constitution; and
  - (c) must be a resident of the county.
- (4) The Advisory Committee shall be responsible for advising the County Executive Committee on appropriate civic education and public participation processes, strategies and policy frameworks;
- (5) The Executive Member shall prescribe procedures for conduct of business for the advisory committee.
14. There is established a department to be known as the Department of Civic Education and Public Participation which shall be an office in the county public service.
15. The functions of the Department shall be to-
- (a) establish structures for civic education and public participation as is required under section 100 and 91 of the County Governments Act;
  - (b) Subject to Section 91 of the County Governments Act, in such manner as it considers appropriate, publish a notice for public information specifying-
    - (i) the location of all offices undertaking civic education and public participation; and

Director of Civic  
Education and  
Public  
Participation

- (ii) its address(es), telephone numbers and other means of communication or contact with the Department.
- (c) facilitate and coordinate regular civic education and public participation by other departments or agencies. The Department shall ensure that the principles stipulated under this Act are integrated in each county department's or agency's policies, plans and service delivery processes;
- (d) publish and publicize all important information affecting the county and avail all public documents at the county, sub-county, ward and village administrators' offices for perusal and access by the public at no fee. However, citizens can make copies of these documents for their own use at their own cost.
- (e) facilitate the formulation, publication and publicity of the Civic Education Curricula, Civic Education Plan and Stakeholders Engagement Plan by the departments or agencies
- (f) facilitate capacity building and provide support to other county government departments and agencies on civic education and public participation processes;
- (g) ensure that clear and reasonable timelines are established for public input and comment and that these timelines are communicated to the participants;
- (h) ensure that the civic education and public participation devices used are appropriate to the nature of the policy initiatives, issues involved, the target groups affected and the staff and resources available;
- (i) mobilize and organize the public, stakeholders and local communities to participate in county governance and decision making processes;
- (j) monitor and evaluate civic education and public participation processes undertaken by each department or agency;
- (k) sensitize the public on county structures and opportunities for civic education and public participation;

Annual Reports,  
Accounts, Audits  
and Estimates

- (l) establish a feedback process to the public including opportunities for the public to forward additional comments or input to the decision taken;
  - (m) coordinate implementation of decisions and recommendations of the advisory committee;
  - (n) receive public complaints on issues emerging from civic education and public participation processes and liaising with respective departments for redress;
  - (o) advise the Executive Member generally on the appropriate policies, plans, resources and strategies for enhancing civic education and public participation by the County Executive;
  - (p) carry out any other function in furtherance to the objects and purpose of this Act and as may be assigned by the Executive Member or by legislation.
- (2) A person may request for information on county affairs from the Department. Such a request for information –
- (i) shall be addressed to the Director;
  - (ii) may, where the Director incurs expense in providing the information, be subject to payment of a reasonable fee; and
  - (iii) may be subject to confidentiality requirements.
- (3) The department shall prepare and present to the Executive Member not later than two months at the end of each financial year an annual report which shall contain among others-
- (a) the number of civic education and public participation forums facilitated by each department or agency;
  - (b) the level of implementation of civic education and stakeholder engagement plans;
  - (c) the level of engagement by participants during civic education and public participation process;

- (d) the level of incorporation of proposals made or issues raised by stakeholders or the public;
- (e) challenges faced in the implementation of this Act and proposed mitigation measures;
- (f) any other prescribed matter.

- (4) The Executive Member shall, within twenty one days, transmit the report to the County Executive Committee for consideration.
- (5) The Executive Member shall within twenty one (21) days of submission of the report to the County Executive Committee make public the annual report through appropriate mechanisms and channels as recommended in this Act
- (6) The County Public Service Board in consultation with the Executive Member shall designate such staff as are necessary to work in the department.

**16.** (1) The Department of Civic Education and Public Participation shall be headed by a County Director of Civic Education and Public Participation appointed by the County Public Service Board

(2) The Director shall be responsible to the County Chief Officer responsible for civic education and public participation.

(3) The Director shall have power to-

- (a) enter into arrangements with any institution, association or professional organizations as the Director may consider appropriate;
- (b) enforce set standards regarding civic education and public participation;
- (c) delegate any of the powers under this Act to any officer, employee, or agent of the County Government as may be prescribed; and
- (d) undertake any activity necessary for the fulfillment of any of the functions under this Act.

County Assembly  
Civic Education  
and Public  
Participation  
Office



- (4) No matter or thing done by the Director, employee or agent of the Director shall, if the matter or thing is done in good faith while executing the functions, powers or duties of the Director, render the Director, employee or agent personally liable for any action, claim or demand whatsoever.
  - (5) The County Public Service Board shall, on the request of the Chief Officer recruit such other officers required to assist the Director in the administration of this Act.
17. (1) The Department shall prepare and present to the Executive Member not later than two months at the end of each financial year an annual report which shall contain among others-
- (a) the number of civic education and public participation forums facilitated by each department or agency;
  - (b) the level of implementation of civic education and stakeholder engagement plans;
  - (c) the level of engagement by participants during civic education and public participation process;
  - (d) the level of incorporation of proposals made or issues raised by stakeholders or the public;
  - (e) challenges faced in the implementation of this Act and proposed mitigation measures;
  - (f) any other prescribed matter.
- (2) The Executive Member shall, within fourteen days, submit the report to the County Executive Committee for consideration.
  - (3) The Executive Member shall within fourteen days of submission of the report to the County Executive Committee present the report to the County Assembly for approval
  - (4) The Executive Member shall within seven days of submission of the report to the County Assembly publish and publicize the annual report through appropriate mechanisms and channels as recommended in this

Act

Clerk of the  
County Assembly

- (5) The Department shall keep proper books and records of account of the income, expenditure, assets and liabilities of the office.
- (6) The annual accounts of the office shall be prepared, audited and reported upon in accordance with the provisions relating to public audit.
- (7) Within a period of three months after the end of each financial year, the Director shall submit to the Auditor-General the accounts of the office in respect of that year together with a-
  - (a) statement of the income and expenditure of the office during that year; and
  - (b) statement of the assets and liabilities of the office on the last day of that financial year.
- (8) Before the commencement of each financial year, the Director shall cause to be prepared estimates of the revenue and expenditure for civic education and public participation.
- (9) The annual estimates shall make provision for all the estimated expenditure for civic education and public participation in the financial year concerned and, in particular, shall provide for –
  - (a) funding of training, research and development of activities;
  - (b) the funding of the schedules and organization of civic education and public participation meetings;
- (10) The annual estimates shall be approved by the County Chief Officer before the commencement of the financial year to which they relate and shall be submitted to the Executive Committee Member responsible for matters of Finance for tabling in County Assembly.
- (11) An expenditure shall not be incurred for the purposes of civic education and public participation except in accordance with the annual estimates approved under subsection (9).

In the performance of the functions and obligations under this Act, the

Director and Department shall be guided by the guidelines provided in the First Schedule.

**18.** (1) There is established an office to be known as the County Assembly Civic Education and Public Participation Office which shall be an office in the County Assembly Service.

(2) The Civic Education and Public Participation Office shall be headed by the Clerk to the Assembly and shall have necessary staff designated by the County Assembly Service Board

(3) The Civic Education and Public Participation Office shall be responsible for –

(a) providing support and advise to the County Assembly on managing civic education and public participation process;

(b) ensuring that the principles stipulated under this Act are integrated in the County Assembly Committee's policies and plans

(c) facilitating the formulation, publication and publicity of the Civic Education Curricula, Civic Education Plan and Stakeholders Engagement Plan by the County Assembly Committee

(d) facilitating and coordinating the County Assembly Committee when carrying out civic education and public participation programs;

(e) preparing reports on civic education and public participation facilitated by County Assembly Committee;

(f) facilitating and supporting Committees of the County Assembly to develop networks and partnerships with key stakeholders for the purposes of enhancing civic education and public participation;

(g) carrying out any other function that may be assigned by the County Assembly Service Board.

(4) Subject to the Standing Orders, the County Assembly shall, through the coordination and facilitation of the Civic Education and Public Participation Office, undertake civic education and public participation on legislative affairs and other matters of the Assembly

Civic Education  
Forums

(5) The Civic Education and Public Participation Office shall provide facilitative services to public participation undertaken by a Member or a Committee of the County Assembly.

(6) The Civic Education and Public Participation Office shall comply with the guidelines prescribed in the First Schedule in carrying out its mandate

Coordination of  
Civic Education  
Forums

19. (1) The Clerk to the County Assembly in consultation with the relevant County Executive Committee member shall co-ordinate and monitor civic education and public participation activities in the sub-county, ward and village levels.

(2) The Clerk shall facilitate and oversee the effective coordination of citizen participation and shall-

(a) ensure to inform the public on whether financial resources correspond to the nature and scope of the public participation planned;

(b) ensure that there is sufficient and adequately trained staff to carry out planned public participation;

Sub-county Civic  
Education Forums

(c) ensure that the sub-counties, wards and villages have clear and reasonable timelines, for public input and comment and that these timelines are communicated to the participants;

(d) ensure that the sub-counties, wards and villages have established a feedback process to the public including opportunities for the public to forward additional comments or input to the decision taken;

(e) develop an evaluation framework to the public participation plan;

Ward Civic  
Education Forums

(f) advice the county assembly on matters of policy relating to public participation;

(g) ensure that the public, affected groups, and stakeholders are informed of the results of the public participation process and how their input was used in the decision taken;

(h) prepare and submit reports to the County Assembly on the status of

public participation implementation under this Act;

(i) perform any other function as may be assigned by legislation.

(3) Without prejudice to the functions listed in subsection (2) above, the County Clerk shall be responsible for the functions listed under Section 17-21, hold the powers outlined in Section 22 and enjoy the immunity provided under Section 25 of this Act in matters related to the role of the County Assembly regarding public participation

## **PART V—CIVIC EDUCATION AND PUBLIC PARTICIPATION FORUMS**

**20.** (1) There shall be civic education forums in –

Village Civic  
Education Forum

- (a) the county;
- (b) the Sub-county;
- (c) the Ward;
- (d) the Village;

Citizen  
Participation  
Forums

(2) The civic education forums stipulated under subsection (1) shall be convened at least once every four months

(3) The civic education forums shall be based on a civic education plan and curriculum developed by the Director of Civic Education and the Clerk of the Assembly.

(4) The civic education forums shall be additionally conducted to

County Citizen  
Participation  
Forums

- (a) improve understanding, appreciation and engagement in the operationalization of the county system of government;
- (b) institutionalize a culture of constitutionalism;
- (c) heighten demand by citizens for service delivery by institutions of governance at the county level;
- (d) enhance ownership and knowledge on the principal economic, social and political issues facing Isiolo county administrations and their form, structures and procedures; and
- (e) enhance appreciation for the diversity of communities in Isiolo County as building blocks for county cohesion and integration.

- (5) The Director shall be responsible for facilitating and coordinating Civic Education activities by the County Executive in line with Subsections (1) to (4)
  - (6) The Clerk to the County Assembly shall be responsible for facilitating and coordinating Civic Education activities by the County Assembly in line with Subsections (1) to (4)
  - (7) Where appropriate, the Director and Clerk to the Assembly shall consolidate their efforts towards civic education processes for purposes of efficiency and effectiveness
- 21.** The Director in collaboration with the Clerk to the County Assembly shall facilitate and coordinate County Civic Education Forums to perform at County level the purposes set out under section 16 of this Act.
- 22.** A Sub-County administrator shall convene civic education forums to perform at the Sub-County level for the purposes set out under section 16 of this Act through the facilitation of the Director in collaboration with the Clerk of the County Assembly.
- 23.** (1) A Ward administrator shall convene ward civic education forums at the ward level for the purposes set out under Section 16 of this Act through the facilitation of the Director in collaboration with the Clerk to the County Assembly.
- (2) Without prejudice to subsection (1) above and Section 16 of this Act, the County Assembly Civic Education Office shall facilitate and coordinate members of the County Assembly to coordinate civic education forums –
- (a) in their elected wards
  - (b) for the special groups including youth, women, people living with disabilities, minorities and marginalised communities and other special interest groups that they represent
- (3) At least four civic education forums as stipulated in subsection (2) shall be held each year
- 24.** A village administrator shall convene village civic education forums at the

Village level for the purposes set out under Section 16 of this Act through the facilitation of the Director and/or Clerk to the County Assembly.

Sub-County  
Citizen Forums

25. (1) There shall be citizen participation forums in –
    - (a) the county;
    - (b) the Sub-county;
    - (c) the Ward;
    - (d) the Village;
  - (2) The citizen forums stipulated under subsection (1) shall be convened at least once every four months and shall provide a platform for consultations, review and deliberation on critical matters affecting the respective level.
  - (3) A Member of Parliament or County Assembly may participate in any of the citizen forums stipulated under this Act.
26. (1) The Director in collaboration with the Clerk of the County Assembly shall convene a county citizen participation forum once in three months to discuss any matter of public importance affecting the public or any community in the county or the delivery of services by the County Government.
  - (2) Despite the provisions of Subsection 1 the Director in collaboration with the Clerk of the County Assembly may on the request of the county executive committee, a county government officer, or any other public officer convene a county citizens' participation forum.
  - (3) The Director in collaboration with the Clerk of the County Assembly shall, when a county citizens' forum is convened, ensure that the forum is fully publicized to enable the attendance and participation of a wide section of the population, including gender and marginalized groups and communities drawn from the Sub-Counties.
  - (4) The Director in collaboration with the Clerk of the County Assembly shall designate a secretary from among the employees of the County Government for every forum to take the minutes of the proceedings of the forum and shall publicize the minutes throughout the County-
    - (a) taking note of the issues arising from the forum for action or response by the relevant organ or organs of the County government or other

entity; and

(b) giving feedback on the action taken on the issues raised.

(5) The Director in collaboration with the Clerk of the County Assembly shall facilitate meaningful participation of the citizens in the forum including-

(a) ensuring accessibility to the venues of the forums; and

(b) the use of language that is understandable by the citizens including person with disabilities.

(6) A meeting shall not be convened for the purpose of promoting, opposing or discussing ethnic interests, clan issues, or the election of any person for any elective position.

(7) Nothing in this section shall be construed as derogating from the provisions of any other written law relating to the holding of public meetings.

(8) The County Citizens Participation Forum shall-

(a) have the power to form citizen monitoring and oversight committees at village, ward, Sub-County and County levels to monitor implementation of the annual County plans.

(b) review and recommend annual prioritized projects at the village, ward and Sub-County levels which plans shall constitute the annual County plan and shall be transmitted to the County Executive for approval; and

(9) The Director in collaboration with the Clerk of the County Assembly shall ensure that the County government and its entities put in place affirmative action programmes to ensure that youth, women, people living with disabilities, minorities and marginalized groups participate in all matters that affect them and are represented in governance and other spheres of life;

27. (1) A Sub-County Citizens Forum shall be established at the sub-county level to enable direct citizen the engagement in planning and budgeting,



implementation and monitoring of development projects.

(2) The Sub-County Citizens Forum shall comprise –

- (a) citizen ward representatives, Civil Society Organizations' representatives, community and religious leaders;
- (b) Technical county government officers and development partners may sit on the forum as ex-officio members;
- (c) The Sub-county Citizens County Forum shall be headed by the Sub-County Administrator.

(3) A sub-county administrator, shall facilitate the convening of a sub-county citizens' participation forum to discuss and give views on-

- (a) issues of interests in the sub-county;
- (b) the implementation of county policies and plans in the sub-county;  
or
- (c) the administration and functioning of the sub-county ; or
- (d) the delivery of services by the county public service in the sub-county;
- (e) share the County Executive expenditure and implementation status reports on a quarterly basis;
- (f) receive any arising complaints to Executive for follow up and feedback within 3 months; and
- (g) share annual monitoring reports prepared by the county sectoral departments.

(4) The Sub-County Citizens Forum shall have powers to form committees for specific functions to address issues of allocation of funds, audit, and procurement among others;

(5) The officials of the Sub-County Citizens Forum shall be appointed by the County Executive Committee;

Ward Citizens  
Forums

- (6) The County Executive Committee shall publish the names of the Sub-County Citizens Forum in the County Gazette and the local newspapers and shall invite public opinion on the matter;
- (7) A code of conduct shall govern the members of the forums and their committees.
- (8) The Sub-County Citizens Forum meetings shall –
  - (a) be open to all members of the public.
  - (b) maintain and publicly disseminate a calendar of all scheduled meetings
  - (c) facilitate the convening of a citizens' participation forum to discuss and give views on-
    - (i) issues of interests in the sub-county;
    - (ii) the implementation of county policies and plans in the sub-county;
    - (iii) the administration and functioning of the sub-county; or
    - (iv) the delivery of services by the county public service in the sub-county.
  - (d) No meeting shall be convened for the purpose of promoting, opposing or discussing the election of any person as a member of that County Assembly.
- (9) The County Assembly shall ensure that a member of the Assembly attends at least three of the Sub-County Citizens Forum meetings.
- (10) Nothing in this section shall be construed as derogating from the provisions of any other written law relating to the holding of public meetings.
- (11) The Sub-County Citizens Forum shall have the Power to Petition
- (12) The Sub-county Citizens Forum –

- (a) may delegate roles, responsibilities and powers to its sub-committees.
- (b) shall establish a citizen oversight committee to oversee sub-county and county project implementation.
- (c) establish the sub-county Public Audit Sub-Committee to audit the implementation of the sector sub-county projects.
- (d) shall have the right to access all information held by the county executive.

(13) The functions of the Sub-County Citizens Forum shall include to-

- (a) review and recommend annual prioritized projects;
- (b) transmit the final prioritized project list which shall constitute the annual county plan, to the county executive for approval;
- (c) receive the county implementation status reports on a quarterly basis which status report shall capture all allocations, expenditure, projects, status;
- (d) receive county expenditure reports prepared by the county executive;
- (e) prepare quarterly oversight report providing comments or reactions to the implementation status report;
- (f) submit any arising complaints to the county executive and assembly for follow up;
- (g) report back to the community on the responses to the complaints made;
- (h) receive annual monitoring reports prepared by the county sectoral offices;
- (i) receive citizen monitoring reports from the oversight committee;

Village Citizens  
Forums

(j) make recommendations based on the monitoring reports and forward the same to the county executive;

(k) prepare and submit an annual report to the Governor for submission to the county assembly on the status of public participation in county governance.

28. (1) Ward Citizens Forums shall be established at the ward to enable direct citizen engagement in planning ward Citizens and budgeting, implementation and monitoring of development projects.
- (2) The Ward Citizens Forum shall comprise ward residents, Civil Society Organizations working in the ward, religious bodies and community leaders.
- (3) Technical county government officers and development partners may sit on the forum as ex-officio members.
- (4) The Ward Citizens Forum shall be headed by the Ward Administrator.
- (5) The Ward Citizen Forum shall nominate two ward representatives to represent the ward at the Sub-County Citizens Forum.
- (6) The Ward Citizens Forum shall have power to petition the county assembly directly.
- (7) A code of conduct shall govern the members of the forums and their committees.
- (8) The forums and its committees will be representative of all members of society including minorities, marginalised groups and persons with disabilities.
- (9) The convener of the forum must ensure that the forum is fully publicized to enable attendance and participation of a wide section of the population, including minorities, marginalised groups and communities.
- (10) The Ward Citizens Forum meetings shall be open to all members of the public.
- (11) The County Assembly shall ensure that a member of the Assembly

attends at least three of the Ward Citizens Forum meetings every year.

- (12) A calendar of all Ward Citizens Forum meetings shall be maintained and publically disseminated.
- (13) The Ward Citizens Forum shall facilitate the convening of a citizens' participation forum to discuss and give views on-
  - (a) issues of interests in the ward;
  - (b) the implementation of county policies and plans in the ward;
  - (c) the administration and functioning of the ward; or
  - (d) the delivery of services by the county public service in the ward.
- (14) No meeting shall be convened for the purpose of promoting, opposing or discussing the election of any person as a member of that County Assembly.
- (15) Nothing in this section shall be construed as derogating from the provisions of any other written law relating to the holding of public meetings.
- (16) The forums shall be open to all citizens of the ward who desire to attend and citizens shall be allowed to speak through representatives or directly.
- (17) The convener of the forum must ensure that the forum is fully publicized to enable attendance and participation of a wide section of the population, including minorities, marginalised groups and communities.
- (18) The ward citizens forum shall-
  - (a) review and recommend annual ward prioritized projects;
  - (b) transmit the final prioritized project list which shall constitute the annual county plan, to the Sub-County Citizen's Forum;
  - (c) receive the ward implementation status reports on a quarterly basis

Power to Petition

which status report shall capture all allocations, expenditure, projects status;

(d) receive ward expenditure reports;

Procedure for presenting petitions

(e) prepare quarterly oversight report providing comments or reactions to the implementation status report;

(f) submit any arising complaints to the county executive and assembly for follow up;

(g) report back to the community on the responses to the complaints made;

(h) receive annual monitoring reports prepared by the ward sectoral offices;

(i) receive citizen monitoring reports from the ward oversight committee;

(j) make recommendations based on the monitoring reports and forward the same to the county executive; and

(k) prepare and submit an annual report for submission to the county assembly on the status of public participation in the affairs of county governance.

**29. (1)** Village Citizens Forums shall be established at the village to enable direct citizen engagement in planning and budgeting, implementation and monitoring of development projects.

(2) The Village Citizens Forum shall comprise village residents, Civil Society Organizations working in the village, religious bodies and community/ traditional leaders.

(3) The Village Citizens Forum shall nominate two village representatives to represent the village at the Ward Citizens Forum.

(4) The Village Citizens Forum shall have power to petition the county assembly directly.

Procedure for  
Investigation of  
Petition

- (5) A code of conduct shall govern the members of the forums and their committees.
- (6) The forums and its committees will be representative of all members of society including minorities and marginalised groups such as persons with disabilities.
- (7) The convener of the forum must ensure that the forum is fully publicized to enable attendance and participation of a wide section of the population, including minorities, marginalised groups and communities.
- (8) The Village Citizens Forum meetings shall be open to all members of the public.
- (9) The County Assembly shall ensure that a member of the Assembly attends at least three of the Village Citizens Forum meetings each year.
- (10) A calendar of all Village Citizens Forum meetings shall be maintained and publicly disseminated.
- (11) The Village Citizens Forum shall facilitate the convening of a citizens' participation forum to discuss and give views on-
  - (a) issues of interests in the village;
  - (b) the implementation of county and sub-county policies and plans in the village;
  - (c) the administration and functioning of the village; or
  - (d) the delivery of services by the county public service in the village.
  - (e) share the County Government expenditure and implementation status reports on a quarterly basis;
  - (f) receive any arising complaints to the County government for follow up and feedback after every three months;
  - (g) share annual monitoring reports prepared by the county sectoral

Hearing of  
Petition

departments.

- (12) The forum shall use the community conversations approach or any other such participatory approach and shall be open to all citizens of the village who desire to attend.
- (13) The convener of the forum shall designate a secretary from among employees of the County Government to take the minutes of the proceedings of the forum and shall, with the assistance of the Director publicize the minutes throughout the village and shall-
  - (a) taking note of the issues arising from the forum for action or response by the relevant organs of the county government; and
  - (b) giving feedback on the action taken on the issues raised.
- (14) The convener of the forum must ensure that the forum is fully publicized to enable attendance and participation of a wide section of the population, including marginalized groups and communities.
- (15) No meeting shall be convened for the purpose of promoting, opposing or discussing the election of any person as a member of that County Assembly.
- (16) Nothing in this section shall be construed as derogating from the provisions of any other written law relating to the holding of public meetings.
- (17) The forums shall be open to all citizens of the village who desire to attend and citizens shall be allowed to speak through representatives or directly.
- (18) The convener of the forum must ensure that the forum is fully publicized to enable attendance and participation of a wide section of the population, including marginalised groups and communities.
- (19) The Village Citizens Forum shall-
  - (a) review and recommend annual village prioritized projects;
  - (b) transmit the final prioritized project list which shall constitute the



annual county plan, to the Ward Citizens Forum;

Publication of  
decision on  
petition

(c) receive the county implementation status reports on a quarterly basis which status report shall capture all allocations, expenditure, projects, status;

(d) receive county expenditure reports;

(e) prepare quarterly oversight report providing comments or reactions to the implementation status report;

(f) submit any arising complaints to the county executive and assembly for follow up;

Register of  
Petitions

(g) report back to the community on the responses to the complaints made; and

(h) prepare and submit an annual report for submission to the county assembly on the status of public participation in the affairs of county governance.

#### **PART V-PETITIONS**

Appeal against  
petition decision

**30.** A petition shall lie to the County Assembly.

Duties and  
responsibilities of  
resident with  
interest in county  
affairs

**31.** A petition to County Assembly shall be in the form set out in the Second Schedule and shall-

(a) be written, and copies availed to the clerk of the County Assembly for record purposes;

(b) be in English or Kiswahili and be written in respectful, decorous and temperate language;

(c) be free of alterations and interlineations in its text;

Oversight of the  
Clerk

(d) be addressed to the clerk of the County Assembly;

(e) have its subject-matter indicated on every sheet if it consists of more than one sheet;

(f) confirm that efforts have been made to have the matter addressed by

the relevant body and that there has been no response on the matter from the relevant body or that the response has not been satisfactory;

- (g) confirm that the issues in respect of which the petition is made are not pending before any court or constitutional or legal body;
- (h) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;
- (i) subject to paragraph (m), contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there more than one petitioner;
- (j) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon otherwise transferred to it;
- (k) not have any letters, affidavits or other documents annexed to it;
- (l) in the case of a petition presented by a Member of County Assembly on behalf of a petitioner, be countersigned by the Member presenting it; and
- (m) if the petitioner is unable to sign, be signed by a witness in whose presence the petitioner shall make his or her mark or thumb impression on the petition.

Clerk and  
Administrators'  
role in  
information  
publication

32. (1) A petition to the County Assembly shall be submitted to the clerk of the County Assembly by the petitioner if presented by the petitioner or a Member of the County Assembly if presenting it before the assembly on behalf of a petitioner in accordance with the Standing Orders of the Assembly.

Offences and  
Penalties

- (2) The Clerk of the County Assembly shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of this Act.
- (3) Where the Clerk of the County Assembly considers that a petition does not comply with the requirements under this Act, the clerk may give such directions as are necessary to ensure that the petition is amended to

comply

Regulations

- (4) The Clerk of the County Assembly shall, if satisfied that the petition meets the requirements of this Act, forward the petition to the county assembly select committee relating to the substance of the petition for consideration within 7 days.
  - (5) The County Assembly select committee relating to the petition may appoint a committee to investigate the subject matter of the petition.
  - (6) The County Assembly select committee relating to the petition shall address the issues raised in the petition without undue regard to procedural technicalities.
- 33.** (1) The County Assembly select committee or a committee appointed in relation to a petition may hold public hearing and may-
- (a) invite persons to submit memoranda or appear before the committee to give evidence on a petition;
  - (b) invite any person holding public office to appear before them to give evidence relating a petition;
  - (c) where necessary a witness may be heard in camera;
  - (d) evidence given before the committee shall not be used against the person presenting the evidence and the person shall enjoy the protection offered under the Witness Protection Act, 2006;
  - (e) employ qualified persons to assist it in the discharge of their functions;
  - (f) with the support from the Director, hold public hearing in relation to the petition.
- (2) The evidence given by a person invited under sub section (1) shall be taken down in writing verbatim and signed by the person giving evidence as a true presentation of the evidence given.
  - (3) The presentations and comments given during a public hearing shall be recorded and a copy of it shall be publicized by posting the copy in a

conspicuous place at the offices of the county government and on the website or any other locally available media.

- (4) The county assembly select committee may at its discretion decline to listen to any unruly or unmanageable person giving evidence.
- (5) Any document received at the investigation of a petition shall not be withdrawn or altered without the knowledge and approval of the county assembly committee.
- (6) A document submitted to the investigation of a petition may be released to the person who submitted it at the conclusion of the deliberations.
- (7) The committee appointed under subsection (1) shall within 14 days after the conclusion of the investigation, submit its findings and recommendation to the County Assembly select committee for further considerations to be made on the petition.
- (8) The county assembly select committee shall make recommendations which shall be forwarded to the speaker for tabling and adoption before the County Assembly.
- (9) The Procedure for carrying out the investigations outlined in this section shall be in line with the County Assembly Standing Orders
- (10) The Clerk of the County Assembly shall, within 14 days of the decision of the county assembly, notify the petitioner of the decision in writing.

**34.** The Clerk of the County Assembly shall, within seven days after the decision is communicated to the petitioner or petitioners –

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

the dissemination of information.

35. (1) The clerk to the county assembly shall keep and maintain a register in which shall be recorded all petitions and supporting documents, and the decisions of the county executive committee or the relevant body.
- (2) The register of petitions under subsection (1) shall be accessible to the public during working hours.
36. Any petitioner who is dissatisfied by the decision of the county assembly may appeal within 21 days to the Commission on Administrative Justice pursuant to the Commission on Administrative Justice Act, 2011.

#### **PART VI—MISCELLANEOUS**

37. A resident or any member of the public with interest in county affairs has the duty and responsibility to –
- (a) constructively participate in the forums and platforms created by the county government for civic education and public participation;
  - (b) share information and make proposals to the county government during the law, policy and decision making processes as well as service delivery mechanisms; and
  - (c) contribute where appropriate and practicable resources for developing or implementing public services delivery processes.
38. (1) The administrators shall ensure that all important information affecting the county/sub- county/ward/village is published and publicized, within their mandate.
- (2) A person may request for information in public interest.
- (3) A request for information under subsection (2) -
- (a) shall be addressed to the Clerk or Director as the case may be;
  - (b) may, where the Clerk incurs expense in providing the information, be subject to payment of a reasonable fee; and
  - (c) may be subject to confidentiality requirements within reasonable statutory requirements.

(4) Subject to the provisions of Article 35 of the Constitution and the law relating to freedom of information and data protection, the Clerk may decline to give information to an applicant where-

(a) the request is unreasonable in the circumstances; or

(b) the applicant fails to satisfy any confidentiality requirements.

(5) The right of access to information under Article 35 of the Constitution shall be limited to the nature and extent specified under this section.

**39.** Subject to section 91 of the County Governments Act, the administrators and the Clerk shall, in such manner as they consider appropriate, publish a notice for public information specifying-

(a) the location of their respective offices; and

(b) their address or addresses, telephone numbers and other means of communication or contact.

**40.** (1) Any person who attempts to influence the administrator or the Clerk or any other staff member or agent of a county not to enforce an obligation in terms of this Act, any other applicable legislation or by-law or decision, is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding two years

(2) An administrator or the Clerk or any other staff member or an agent of a county who accedes to an attempt mentioned in subsection (1), is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding two years.

**41.** (1) The executive committee member responsible for matters relating to information may, in consultation with the administrators and the County Clerk, make regulations for the better carrying into effect of the provisions of this Act.

When making regulations or issuing guidelines to provide for or to regulate the matters of this Act, the executive committee member must take into account the capacity of the county and decentralized units therein to comply with those matters.

## **SCHEDULES**

### **FIRST SCHEDULE: PUBLIC PARTICIPATION GUIDELINES**

All departments, agencies, committees and public officials of the county government charged with the responsibility and duty of promoting public participation shall be adhere to the following guidelines in carrying out their mandates:

1. Build a realistic timeframe for the consultation, allowing reasonable period for each stage of the process.
2. 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.
3. Ensure that the consultation document is as simple and concise as possible, providing the summary of the issues or matter for consultation and clearly setting out the questions to be address.
4. Publish and distribute the documents as widely as possible, including but not limited to providing hard copies, television advertisements, websites, community radio announcements and traditional media.
5. 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 taken.
6. Disclose all information relevant for the public to understand and evaluate the decision.
7. Ensure that stakeholders have fair and equal access to the public participation process and their opportunity to influence decisions.
8. Ensure that all commitments made to the public, including those by the decision-maker, are made in good faith.
9. Undertake and encourage actions that build trust and credibility for the process among all the participants.
10. Be personally responsible for the validity of all data collected, analyses performed, or plans developed by it or under its direction.
11. Ensure that there is no misrepresentation of work performed or that was performed under the relevant body's direction.
12. Examine all of its relationships or actions, which could be legitimately interpreted as a conflict of interest by clients, officials, the public or peers.

13. Should not engage any conduct involving dishonesty, fraud, deceit, misrepresentation or discrimination.
14. 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: FORM OF A PUBLIC PETITION**

To: County Government of Isiolo

WE/I, the undersigned and humble Petitioner(s) 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 to the following:**

*(Here, briefly state the reasons underlying the petition and request for the intervention of the Government by outlining the grievances or problems and summarizing the facts which the petitioners wish the county government to consider)*

**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.)*

**THEREFORE your humble petitioners PRAY that the County Government:**

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

and your PETITIONERS will ever Pray.

Name of petitioner	Full Address	National ID or Passport No.	Signature/Thumb Print
.....	.....	.....	.....
...	...	...	..



.....	.....	.....	.....
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Subsequent Pages

*PETITION concerning.....*

*(Here, repeat the summary in first page)*

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

**MEMORANDUM OF OBJECTS AND REASONS**

Firstly, this Bill aims at providing for a legal mechanism within which county residents or any persons with interest in county governance matters can participate in policy or service delivery matters. Secondly, the Bill seeks to implement the Constitutional provisions relating to public participation as well as the requirements under the County Governments Act, 2012. Thirdly, the Bill provides for coordination of public participation in the County Assembly.

**PART I** of the Bill provides for preliminary matters.

**PART II** of the Bill provides for development of culture of civic education and public participation and outlines mechanisms, processes and procedures for civic education and public participation. It provides for affirmative action in civic education and public participation. It provides requirements for communication of information concerning civic education and public participation.

**PART III** of the Bill provides for communication guidelines in regard to civic education and public participation by outlining requirements for communications with local communities, documents to be made public and requirements for an official website as a platform for communication.

**PART IV** of the Bill provides for coordination of civic education and public participation by establishing relevant institutions for promotion of civic education and public participation by the

County Executive and Assembly. It in addition sets guidelines and requirements for enhancing public participation and civic education by county departments, agencies and committees of the County Assembly. Institutions given a focus include Such County Departments, Agencies and Committees of the Assembly; County Executive Civic Education and Public Participation Advisory Committee; Department of Civic Education and Public Participation; County Assembly Civic Education and Public Participation Office and the Office of the Clerk of the County Assembly

**PART V** of the Bill provides for civic education and public participation forums including County Civic Education Forums; Sub-County Civic Education Forums; Ward Civic Education Forums; Village Civic Education Forums; County Citizens Participation Forum; Sub-county Citizens Forums; Ward Citizens Forums; and Village Citizens Forums.

**PART VI** of the Bill provides for procedure for submission, investigation, hearing, publication and register of petitions. It also provides for modalities for appeal against petition decision.

**PART VII** of the Bill provides for duties and responsibilities of residents with interest in county affairs and outlines the oversight role of the Clerk to the Assembly and administrators in relation to civic education and public participation. It defines offences in relation to the provisions of the Bill and prescribes penalties for the offences. It also empowers the County Executive Member to set regulations to for application of the Bill.

DATE                                      DAY OF                                      2015

.....

Hon. David Lemantile

Deputy Speaker Isiolo County Assembly