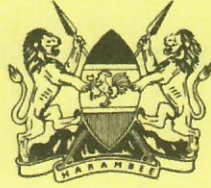


**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 16 (Kirinyaga County Bills No. 9)*



REPUBLIC OF KENYA

---

**KENYA GAZETTE SUPPLEMENT**

**KIRINYAGA COUNTY BILLS, 2023**

---

**NAIROBI, 10th November, 2023**

---

CONTENT

Bill for Introduction into the County Assembly of Kirinyaga—

PAGE

The Kirinyaga County Public Participation Bill, 2023 ..... 1



**THE KIRINYAGA COUNTY PUBLIC PARTICIPATION BILL,  
2023**

**ARRANGEMENT OF CLAUSES**

*Clause*

**PART I—PRELIMINARY**

- 1—Short title.
- 2—Interpretation.
- 3—Objects of the Act.
- 4—Application.

**PART II—ROLES AND RESPONSIBILITIES OF THE COUNTY  
GOVERNMENT AND THE PUBLIC**

- 5—Public participation Budget.
- 6—Publication of Public Participation Report.
- 7—Responsibilities of the Members of the County Assembly.
- 8—Responsibilities of the CECM.
- 9—County leadership forum.
- 10—Office of the Public Participation Officer.
- 11—Public participation in decentralized units.
- 12—Rights and responsibilities of a member of the public.

**PART III—PROCEDURE FOR PUBLIC PARTICIPATION**

- 13—Structure of a Public Notice.
- 14—Language of the notice.
- 15—Publication of notices.
- 16—Conduct of public hearings.
- 17—Structure of written memorandum.

**PART V—MISCELLANEOUS PROVISIONS**

- 18—Regulations.



**THE KIRINYAGA COUNTY PUBLIC PARTICIPATION BILL,  
2023**

**A Bill for**

**AN ACT of County Assembly of Kirinyaga to give effect to the principles of public participation in governance of the County as set out in paragraph 14 of the Part 2 of the Fourth Schedule to the Constitution; Part VIII of the County Governments Act; section 117 (5) of the Public Finance Management Act; and for connected purposes**

**ENACTED** by the County Assembly of Kirinyaga, as follows—

**PART I – PRELIMINARY**

**Short title**

1. This Act may be cited as the Kirinyaga County Public Participation Act, 2023.

**Interpretation**

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

“Constitution” means the Constitution of Kenya, 2010;

“County” means Kirinyaga County;

“County assembly” means the County Assembly of Kirinyaga;

“CECM” means a County Executive Committee Member;

“County government” means the County Government of Kirinyaga;

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

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

“officer” means the Public Participation officer appointed in accordance with this Act;

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

(a) the residents of the County;

(b) the rate payers of the County;

(c) any resident civic organization with an interest in the governance of the County; and



- (d) non-resident persons who because of their temporary presence in the County, makes use of services or facilities provided by the County;

“participation” when used in relation to public participation means the involvement of individuals, corporations or groups of individuals that may be affected by, or that are interested in, a proposed project, program, plan, legislation or policy of the County Government;

“policy” means the policy of the County Government which may affect the public; excluding any policy of the County Government for internal administrative purposes; and

“relevant office” means the office of the Officer-In-Charge of public participation domiciled in the County Secretary’s office or the office of Clerk of the County Assembly.

### **Objects of the Act**

- 3. The objects of this Act is to establish a framework for—
  - (a) public participation in County governance; and
  - (b) public review of services delivered by the County Government.

### **Application**

4. The following shall be subjected to public participation in accordance with the provisions of this Act prior to their enactment—

- (a) County Legislation;
- (b) County Annual Development Plan;
- (c) County Integrated Development Plan;
- (d) County Fiscal Strategy Paper; and
- (e) policies of the County Government.

(2) Notwithstanding sub-section (1), the County Government may, as it deems appropriate, subject any other Business of the County to public participation under this Act.

(3) The provisions of this Act shall apply to any member of the public participating in the governance of the County.

(4) A member of the public may participate either—

- (a) in person or through a registered representative groups;
- (b) oral submissions during public hearings;
- (c) through an e-platform of the County Government;



- (d) by written submission or memoranda; and
- (e) any other manner as may be specified in a notice from time to time.

## **PART II—ROLES AND RESPONSIBILITIES OF THE COUNTY GOVERNMENT AND THE PUBLIC**

### **Publication of Public Participation Budget**

5. The County Government shall provide adequate budget to support public participation activities within the County.

### **Publication of Public Participation Report**

6. (1) The County Government shall prepare an annual report of the public participation exercise outlining—

- (a) the items subjected to public participation during the reporting period;
- (b) a list of participants;
- (c) summary of public recommendations; and
- (d) summary of County Government's determination on each item of public participation.

(2) The County Government shall publicize the annual report through the established County Communication methods including the County website and County communication forum.

### **Responsibilities of the Members of the County Assembly**

7. (1) Every Member of the County Assembly shall be responsible for promoting public participation within the County in accordance with the provisions of Article 196 of the Constitution and the County Assembly's Standing Orders.

(2) The Clerk to the County Assembly shall provide administrative support for all public participation activities of the County Assembly.

(3) The County Assembly Service Board may establish such offices and structures for better implementation of the County Assembly functions under this Act.

### **Responsibilities of the County Executive Committee Members**

8. (1) Every County Executive Committee Members shall be responsible for promoting public participation in respect of matters under his or her mandate in accordance with this Act.

(2) The County Executive Committee Members shall—



- (a) not subject an item to public hearing unless the item has been adopted under a minute of the Cabinet;
- (b) ensure compliance with the provisions of this Act in undertaking public participation activities;
- (c) submit a report of the public participation activities to the County Secretary within thirty days from the date of public participation outlining—
  - (i) the list of participants;
  - (ii) summary of the recommendations from the public;
  - (iii) the departments determination; and

(3) Notwithstanding sub-section 2 (c) (iii), the County Executive Committee Members shall provide reasons and justifications to the public in the event that the department makes a decision that is contrary to the unanimous proposal of the public.

### **County Leadership Forum**

9. (1) The Governor shall on every 30th day of April each year convene a County Leaders Forum comprising of all the elected and nominated Members of the County Assembly and the County Executive Committee Members for purposes of discussing the County Development Agenda.

### **Office of Public Participation**

10. (1) There is established the Office of Public Participation in the County Secretary's office headed by an Officer at the level of a Director who shall be responsible for—

- (a) co-ordinating public participation activities of the County Executive;
- (b) maintaining a depository of all information, correspondence and documentation on public participation within the County Executive.

(2) The Officer shall be competitively recruited by the County Public Service Board on such terms and conditions as the County Public Service Board shall determine.

(3) The Officer shall in every quarter submit a report to the County Secretary and thereafter forwarded to the County Assembly outlining—

- (a) the public participation activities undertaken by the Executive during the reporting period;
- (b) an assessment of public participation and responsiveness;



- (c) proposed strategies which may be employed to enhance public participation; and
- (d) any other relevant information.

### **Public Participation in Decentralized Units**

**11.** (1) The sub-county administrators and ward administrators shall on their own motion and as directed by the County Secretary promote and coordinate public participation activities in their area of jurisdiction, including—

- (a) disseminating information and notices of any scheduled public hearings within their area of jurisdiction;
- (b) providing information to the public on the operations and processes of the County Government;
- (c) obtaining citizens views on service delivery; and
- (d) educating the public on the laws and policies of the County Government.

(2) At the commencement of every year, the sub-county administrator, and ward administrators of decentralized units shall together with the County Secretary, set out an annual public participation target.

(3) Every quarter, the Sub-county Administrator and the administrators of decentralized units shall submit a report to the County Secretary outlining—

- (a) the level of compliance with the set targets;
- (b) the strategies employed to enhance public participation;
- (c) an assessment of citizens awareness to County Government operations, policies and laws;
- (d) summary of public participation activities undertaken in the region during the reporting period and issues discussed; and
- (e) any other relevant information.

### **Rights and Responsibilities of a Member of the Public**

**12.** (1) A member of the public shall, in the exercise of his or her right to participate in governance of the County Government, be responsible for—

- (a) acquiring and reading information relevant to a matter to be subjected to public participation;



- (b) seeking assistance from the County Government or any person capable to render the assistance if the member is unable to read or to access information on the subject matter;
- (c) determining the manner in which to participate in County Governance; and
- (d) where appropriate, request for information from the County Government on any matter of interest in accordance with this Act.

(2) A member of the public shall observe rules of natural decorum in making presentations in a public forum to ensure that peace is maintained.

### **PART III—PROCEDURE FOR PUBLIC PARTICIPATION**

#### **Structure of a Public Notice**

13. (1) Prior to undertaking any public participation exercise, a public notice shall issue to the public which shall state—

- (a) the subject matter for discussion;
- (b) the purpose and likely effects upon implementation of the subject matter;
- (c) the persons or groups of persons who are likely to be directly affected by the implementation of the subject matter including youth, women and persons living with disabilities;
- (d) the manner and location where the public can access;
- (e) documents comprising of the subject matter;
- (f) the designated office in each ward available to assist any person who is unable to read or access the documents comprising the subject matter or any other person living with disability who needs special assistance;
- (g) the avenues open to the public to submit their comments on the subject matter;
- (h) the period within which the public can make their comments and the details of the office receiving the comments; and the venue, date and time of any organized public hearings.

(2) The County Government shall issue not less than seven days prior notice in respect to—

- (a) a Bill published by the County Assembly;
- (b) the County Fiscal Strategy Paper; or



(c) money Bills.

(3) The County Government shall issue not less than fourteen days prior notice in respect of any other matter other than the items specified in sub-section (2).

#### **Language of the Notice**

**14.** Any notice to the public required under this Act shall be written in both English and Kiswahili languages.

#### **Publication of Notices**

**15.** The County shall publish and publicize a notice inviting public participation through the established County communication methods which include the County website and County communication forum.

#### **Conduct of Public Hearings**

**16.** (1) The County Government may on notice to the public hold public hearings in respect of any item required to be subjected to public participation.

(2) A member of the public may access the information relating to a scheduled public hearing from the County website or a copy at the sub-county and ward offices upon payment of the cost set for photocopying the relevant documents.

#### **Structure of Written Memorandum**

**17.** (1) A written memorandum shall —

- (a) either be in English or Kiswahili language;
- (b) be legible;
- (c) only address the matter subject to public participation;
- (d) use decent language;
- (e) be delivered to the office notified in the public notice or in the e-platform on or before the publicized date of public participation; and
- (f) be delivered at the relevant offices which issued the notice on public participation on or before the close of business on the day scheduled for public participation.

(2) Any written comments that do not comply with sub-section (1) shall not be taken into consideration in decision making.



**PART V – MISCELLANEOUS PROVISIONS**

**Regulations**

**18.** The County Executive Committee Member at the time responsible for public participation shall prescribe regulations for better implementation of the provisions of this Act.

Part II contains provisions assigning responsibilities and roles of each arm of government. The part establishes the County Leader's forum, a citizens forum and public hearings. The part also sets out the responsibilities of the County Executive Committee Member and the members of the County Assembly in public participation. The section also creates an office of the public participation within the Executive to co-ordinate public participation in the various departments and the decentralized units.

Part III sets out the procedure for the conduct of public hearings, outlining the structure of the notice and its publication. It also set out the responsibilities of the public to participate in the events provided. It also guides the public in the manner to submit written memorandum.

Part V in miscellaneous provisions provides for the development of regulations for better implementation of this Act.

Dated the 8th November, 2023.

BERNARD GICHANGI MURUKI  
Chairperson, Public Service and Administration  
Committee



### **MEMORANDUM OF OBJECTS AND REASONS**

The principal objective of the Bill is to provide for modalities and platform for public participation in governance of the County as envisaged in the Constitution and the County Governments Act, 2012.

**Part I** contains the preliminary provisions.

**Part II** contains provisions assigning responsibilities and roles of each arm of government. The part establishes the County Leader's forum, a citizens forum and public hearings. The part also sets out the responsibilities of the County Executive Committee Member and the Members of the County Assembly in public participation. The section also creates an office of the public participation within the Executive to co-ordinate public participations in the various departments and the decentralized units.

**Part III** sets out the procedure for the conduct of public hearings, outlining the structure of the notice and its publication. It also set out the responsibilities of the public to participate in the avenues provided. It also guides the public in the manner to submit written memorandum.

**Part V** in miscellaneous provisions provides for the development of regulations for better implementation of this Act.

Dated the 8th November, 2023.

**BERNARD GICHANGI MURIUKI,**  
*Chairperson, Public Service and Administration  
Committee.*