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***KENYA GAZETTE SUPPLEMENT***

**LAMU COUNTY BILLS, 2023**

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**NAIROBI, 8th November, 2023**

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**THE LAMU COUNTY CITIZEN PARTICIPATION AND CIVIC  
EDUCATION BILL, 2023**

**A Bill for—**

**AN ACT of the County Assembly of Lamu to establish modalities and a platform for citizen participation in the governance of the County as enshrined in paragraph 14 of Part (2) of the Fourth Schedule of the Constitution of Kenya and Part (8) of the County Governments Act 2012 to establish a framework to undertake civic education and promote Citizen’s participation, submission and maintaining of legal proceedings or claims on matter of public interests in the County and for connected purposes**

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

**PART I—PRELIMINARY**

**Short title**

**1.** This Act may be cited as the Lamu County Citizen Participation and Civic Education Act, 2023 and shall come into force on the date of publication in the *Kenya Gazette*.

**Interpretation**

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

“assembly” means the County Assembly of Lamu;

“constitution” means the Constitution of Kenya, 2010;

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

“county gazette” means a gazette published by the authority of the county government or a supplement of such gazette;

“directorate” means the Directorate of Citizen Participation and Civic Education established under section 6;

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

“executive committee member” means the Executive Committee Member responsible for Citizen Participation in the county established in accordance with Article 179 of the Constitution;

“citizen participation” means the process 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, policy, legislation, program, and project to have input in the process;

“civic education” means the process of giving information to the citizens on constitution and constitutionalism, human rights and responsibilities and how these rights can be accessed and exercised according to county government Act section 137;

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

“government” means Lamu County Government;

“county public officer” means any person appointed by the county 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;

“output indicator” means an indicator that measures the results of activities, processes and strategies of programmes or projects of the Directorate;

“person” includes a natural person, company, association or other body of persons whether incorporated or unincorporated;

“the public” when used in relation to Citizen Participation in this Act, means—

- (a) a person who is a resident of the county; or
- (b) the rate payers within the County; or
- (c) any civic organization or non-governmental, private sector or labour organization resident within the County; and
- (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.

### **3. Objects of the Act**

The objects and purposes of this Act are to establish a legislative framework to give effect to—

- (a) paragraph 14 of part 2 of the Fourth Schedule of the Constitution;
- (b) the provision of Chapter 11 of the Constitution in the devolved government;
- (c) part VIII of the County Governments Act, 2012;
- (d) the Second Schedule of the Urban Areas and Cities Act;

- (e) enhance community ownership in public decision;
- (f) promote participatory democracy;
- (g) promote partnership and collaboration in public processes;
- (h) community empowerment and support;
- (i) transparency and accountability in decision making;
- (j) enhance public awareness in governance processes;
- (k) provide a framework for public/citizen participation in service delivery in the county government;
- (l) provide a framework for participation of the public in the affairs of the county through actively informing the form and content of legislation, policy and development plans formulated by the county government; and
- (m) reduce conflict related to public or government decisions.

### **Guiding Principles**

**4.** Citizen Participation in the County Government of Lamu activities will be guided by the following principles—

- (a) timely access to information, data, documents, and other information relevant or related to County policy formulation and implementation;
- (b) reasonable access to the County process of formulating and implementing policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards;
- (c) protection and promotion of the interest and rights of minorities, marginalized groups and communities in the County 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 marginalized communities, including women, the youth, children, People Living with disabilities and disadvantaged communities;
- (e) reasonable balance in the roles and obligations of the County government and non-state actors in decision-making processes to promote shared responsibility and partnership, and to provide complementary authority and oversight;

- (f) promotion of partnerships between the County government and the private sector, such as joint committees, technical teams, and citizen commissions, to encourage direct dialogue and concerted action on sustainable development;
- (g) recognition and promotion of the reciprocal roles of non-state actors' participation and governmental facilitation and oversight;
- (h) adherence to the national values and principles of governance set out under Article 10 of the Constitution;
- (i) adherence to the values and principles of public service set out by Article 232 of the Constitution;
- (j) adherence to the principles of leadership and integrity set out in Chapter Six of the Constitution;
- (k) adherence to the principles of citizen participation set out in section 87 of the County Governments Act, 2012;
- (l) adherence to the principles of civic education set out in section 98 of the County Governments Act, 2012;
- (m) the community organizations, citizens and marginalized groups affected by a decision shall have a right to be consulted and involved in the decision making process;
- (n) constructive dialogue between the county government and the none state actors where common decisions will be considered as final inputs in the policies and plans;
- (o) clear mechanism for responding people's concerns, suggestions, grievances, civic duties and responsibilities; and
- (p) value for money.

### **Conflicts of Laws**

**5.** Whenever there is a conflict between this Act and any other Act of Lamu County related to public or citizen participation and civic education matters the provisions of this act shall prevail.

## **PART II—ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF THE DIRECTORATE OF CITIZEN PARTICIPATION AND CIVIC EDUCATION**

### **Establishment of Directorate**

**6.** (1) There is established a directorate to be known as a Directorate of Citizen Participation and Civic Education.



(2) The Directorate shall be headed by the Director of Citizen Participation and Civic Education and shall be a public officer from the department for administration within the department.

### **Committees of the Directorate**

7. (1) The Directorate shall establish committees for the better carrying out of its functions.

(2) A committee established under Subsection (1) shall comprise of—

- (a) public officers of the Directorate;
- (b) eight members who shall be nominated in writing by the representative organizations specified in subsection 3; and appointed by the governor.
- (c) the public officers specified in Subsection (4).

(3) The members appointed under Subsection (2)(b) shall be any of the nominees of the following organizations—

- (a) an umbrella body representing professional associations in the county;
- (b) an association representing the private sector in the county;
- (c) a cluster representing the registered associations of the informal sector in the county;
- (d) a cluster representing the registered neighborhood associations in the county; and
- (e) a cluster representing the civil society and non-governmental organizations;
- (f) an association of urban areas and cities.
- (g) a cluster representing registered youth group
- (h) a cluster representing the registered people living with disabilities

(4) The members referred to under Subsection (2)(c) shall be senior public officers representing the departments responsible for—

- (a) Finance;
- (b) Health Services;
- (c) Roads, Transport and Public Works;
- (d) Agriculture, Fisheries and Livestock Development;

- (e) Water, Environment, Forestry, Solid Waste Management and Natural Resources;
- (f) Education, Youth and Sports Affairs;
- (g) ICT, e-Government, Culture and Social Services;
- (h) Trade, Industrialization, Tourism, Wildlife and Co-operatives;
- (i) Lands, Housing, Physical Planning and Urban Development; and
- (j) Devolution, Public Service Management and Disaster Management.

(5) In appointing the Committee members of the Directorate under subsection (2)(b), the Governor shall ensure that—

- (a) the Committee reflects the regional and ethnic diversity of the people within the County; and
- (b) not more than two-thirds of the members are of the same gender.

#### **Appointment and qualifications of members**

**8.** (1) A person is qualified for appointment as member of the committee if that person—

- (a) is a citizen of Kenya;
- (b) a resident of the County;
- (c) holds at least diploma and its equivalent from a recognized university in Kenya;
- (d) has knowledge and relevant experience in community service or social work, or owns a known and active business operating within the County; and
- (e) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

(2) A person shall not be qualified for appointment as a member under section (1) if such person—

- (a) is declared to be of unsound mind;
- (b) is an un-discharged bankrupt; or
- (c) has been removed from office for contravening the provisions of the Constitution or any other written law.

### **Functions of the Directorate**

**9.** (1) The Directorate shall facilitate and co-ordinate Citizen Participation in the governance of the County as provided under paragraph 14 of part 2 of the Fourth Schedule to the Constitution including the participation of communities, organizations and citizens forming the public in the decentralized units within the County.

(2) In the performance of its functions and obligations under subsection (1), the Directorate will facilitate and oversee the effective co-ordination of the operations of the Directorate and shall—

- (a) establish structures for citizen participation and civic education as is required under sections 91 and 100 of the County Governments Act, 2012;
- (b) offer advice to the County assembly on the development of legislation related to citizen participation and civic education;
- (c) ensure civic education is continual and there is systematic engagement of citizens and the County Government;
- (d) ensure that citizen participation activities are inclusive of the broad spectrum of the public and not limited to the traditional sector stakeholders;
- (e) provide the public with a clear context for which citizen participation is to be undertaken and how decisions will be made;
- (f) inform the public of existing or potential linkages with other policy initiatives, issues or citizen participation activities;
- (g) inform the public on whether financial resources correspond to the nature and scope of the citizen participation planned;
- (h) provide information on whether there is sufficient and adequately trained staff to carry out the planned citizen participation and civic education activities;
- (i) ensure that clear and reasonable timelines are established for public input and comment and that these timelines are communicated to the participants;
- (j) ensure that the communication tools and strategies used in citizen participation and civic education are appropriate to the nature of the policy initiatives, issues involved, the target groups affected and the staff and resources available;

- (k) establish a feedback process to the public including opportunities for the public to forward additional comments or input to the decision taken;
- (l) develop an evaluation framework of the Civic Education and Participatory planning;
- (m) ensure that the public, affected groups, and stakeholders are informed of the results of the Citizen Participation process and, where appropriate, how their input was used in the decision taken;
- (n) ensure that citizen participation processes adhere to the relevant legislation, regulations, policies or guidelines affecting the rights and responsibilities of the public, officers and the different participants involved;
- (o) establish whether there is support for the development of new citizen participation techniques and technologies;
- (p) provide logistical support and strategies to the County Executive and the County Assembly, including the development of plans for consultation and information sharing;
- (q) maintain an up to date database or inventory of all its activities;
- (r) for the purpose of creating the culture of, and respect for the principles of citizen participation, facilitate public education and training programmes relating to citizen participation;
- (s) ensure coordination and create linkages between all public officers conducting civic education and citizen participation and members of the public;
- (t) maintain a database of all non-state actors conducting civic education in the county and develop guidelines to regulate their activities;
- (u) carry on research on matters relating to public participation and civic education generally;
- (v) prepare and submit reports to the County Assembly on the status of the implementation of its functions and obligations under this Act;
- (w) prepare and submit an annual report to the Governor for submission through the Executive Committee Member to the County Assembly on the status of citizen participation in the affairs of County governance;
- (x) perform any other function as may be assigned by legislation;

- (y) receive public complains and issues emerging from citizen participation and civic education processes and liaising with respective departments for redress; and
- (z) develop a framework to execute civic education within the County, in accordance to the national civic education curriculum

(3) In the performance of its function and obligations under this section, the Directorate shall be guided by the guidelines provided in the First Schedule.

### **Powers of the Directorate**

**10.** (1) The Directorate shall do or perform all such other things or acts as may be necessary for the proper discharge of its functions under this Act or as may lawfully be done by a public office.

(2) Without prejudice to the generality of subsection (1) the Directorate shall have power to—

- (a) advice the County Executive Committee on matters of policy relating to citizen participation and civic education;
- (b) enter into agreements or arrangements with any institution, association or professional organization as it may consider appropriate for the furtherance of the object of this Act;
- (c) enforce set standards regarding citizen participation and civic education processes;
- (d) delegate any of its powers to any officer, employee, agent, section or Committee of the Directorate;
- (e) undertake any activity necessary for the fulfillment of any of its functions under this Act;
- (f) manage, supervise, secure and administer the assets of the Directorate in such manner as best promote the purpose for which the directorate is established.

### **Term of Office**

**11.** (1) A member of a Committee established under section 7 shall be appointed for a single term of three years.

(2) However, one third of the Committee shall be appointed for another consecutive term for continuity but depending on one's performance; after which they shall not be eligible for another nomination.

(3) No committee member shall hold office for more than two terms.

**Remuneration**

**12.** The members of the Directorate and its committees shall be paid such allowances as may be prescribed in law.

**Removal from Office**

**13.** a member may be removed from office for—

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct;
- (c) incompetence or negligence of duty;
- (d) bankruptcy;
- (e) is found guilty of professional misconduct by the relevant professional body;
- (f) in any particular case, failure to declare his or her interest in any matter being considered or to be considered by the Board or Committee;
- (g) absence from three consecutive meetings of the Committee without a reasonable explanation; and
- (h) in the case of the public officers, on ceasing to hold their respective public offices.

(2) Before a member is removed from office under subsection (1)(a) to (g), the member shall be given an opportunity to provide a defence against any of the allegations against him or her.

**Vacation of Office**

**14.** A person shall cease to be a member of the Committee if that person—

- (a) resigns in writing, to the Governor;
- (b) is convicted of a criminal offence and sentenced to a term of imprisonment;
- (c) is declared bankrupt;
- (d) is unable to perform the functions of his or her office by reason of mental or physical infirmity; or
- (e) ceases to be a member of the nominating body section 7(3).

### **Filling of Vacancy**

**15.** Where a vacancy occurs in the membership of the Committee under section 13 or 14, the Governor shall, appoint a new member in accordance with the provisions of this Act.

### **Secretary**

**16.** There shall be a secretary to the Committee who shall be appointed by the Director and who shall be a public officer.

### **Meetings**

**17.** (1) The business and affairs of the Committee shall be conducted in accordance with the Second Schedule.

(2) Except as provided in the Second Schedule, the Committee may regulate its own procedure subject to the relevant national law governing meetings and proceedings of boards

(3) The Committee may invite any person to attend any of its meetings and to participate in its deliberations, but that person shall not vote on any matter requiring decision of the Committee.

### **Employees of the Directorate**

**18.** The County Public Service Board may appoint such technical staff and other employees as may be necessary for the proper discharge of the functions of the Directorate under this Act, and upon such terms and conditions of service as the County Public Service Board may determine.

### **Protection from personal liability**

**19.** No matter or thing done by a member of the Directorate or any officer, employee or agent of the Directorate shall, if the matter or thing is done in good faith while executing the functions, powers or duties of the Directorate, render the member, officer, employee or agent personally liable for any action, claim or demand whatsoever.

## **PART III—CITIZENS' PARTICIPATION FORUMS**

### **General Citizens' Participation Forum**

**20.** (1) On the request of the County Executive Committee Member, a County Government organ, member of the Senate or other entity, the Directorate shall facilitate the convening of a citizens' participation forum and shall convene a citizens' participation forum at least once every three months either at County, sub-county, ward or village level depending on the request 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) The Directorate shall, when a forum is convened, ensure that the forum is fully publicized to enable the attendance and participation of a wide section of the population, considering gender and marginalized groups.

(3) The Directorate shall convene a County citizen forum after every three months to discuss any matter of public interest affecting the community in the county or the delivery of service by the County Government with an exception of the meeting described in section 20 (1)

(4) The Director shall appoint a secretary 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 Directorate shall facilitate meaningful participation of the citizens in the forum including—

- (a) ensuring accessibility to the forums;
- (b) the use of language that is understandable by the citizens including persons with disabilities; and
- (c) considering localization of the forum at village, ward or sub-county level

(6) No meeting shall be convened for the purpose of promoting, opposing or discussing the election of any person as a member of that County Government or as a member of Parliament

(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 Director shall convene a county citizen participation forum at least once every three months to discuss matters of public importance affecting the community in the county or the delivery of services by the County Government.

### **County Budget and Economic Forum**

**21.** (1) There is established the Lamu County Budget and Economic Forum.

(2) The Lamu County Budget and Economic Forum shall consist of—



- (a) the Governor of the County who shall be the Chairperson;
- (b) other members of the County Executive Committee;
- (c) a number of representatives, not being public officers, equal to the number of executive committee members appointed by the Governor from persons nominated by the organizations specified in subsection (3).

(3) The members appointed under subsection (2) shall be nominees of the following organizations—

- (a) an umbrella body representing professional associations in the County;
- (b) an association representing the private sector in the County;
- (c) a cluster representing the registered associations of the informal sector in the County;
- (d) a cluster organization representing labour associations in the County;
- (e) a cluster organization representing women associations in the County;
- (f) a cluster organization representing associations of persons living with disability in the County;
- (g) a cluster organization representing the elderly persons in the County;
- (h) a cluster organization representing faith-based groups in the County; and
- (i) such other groups as may be required determined in accordance with the provisions of the Public Finance Management Act.

(4) The purpose of the Forum shall be to provide a means for the consultation by the County Government on—

- (a) preparation of County financial plans;
- (b) preparation of the County Fiscal Strategy Paper;
- (c) preparation of the County Budget Review and Outlook Paper;
- (d) matters relating to budgeting, the economy and financial management at County level;
- (e) matters of planning and provision for civic education at all levels within the County;

(5) The Executive Committee Member may make such regulations as may be necessary to provide for the better carrying out of this section.

### **Other Consultative Forums**

**22.** (1) On the request of the County Executive Committee, the Directorate shall facilitate the convening of such consultative forums as may be required by any law other than the County Budget and Economic Forum.

(2) The consultative forums may be convened by the Director, in consultation with the relevant County Executive Committee Member responsible for each department to address among other local issues—

- (a) proposed County policy papers;
- (b) proposed County legislation;
- (c) proposed public private partnerships;
- (d) proposed county integrated plans; and
- (e) such other matters as the County Executive Committee may determine from time to time.

(3) The Executive Committee Member shall prepare such regulations as may be necessary to give effect to the establishment and conduct of the proceedings of the consultative forums.

### **City and Urban Area Citizen Forum**

**23.** (1) On the request of a Sub-county or ward administrator, city or municipal manager or member of the County Assembly in the areas, the Director shall facilitate the convening of a citizens' participation forum to discuss and give views on—

- (a) issues of interests in the Subcounty, city or urban area;
- (b) the implementation of county policies and plans in the subcounty, city or urban area; or
- (c) the administration and functioning of the Sub-county, city or urban area; or
- (d) the delivery of services by the County public service in the sub-county, city or urban area.

(2) The provisions of sub-sections (2) to (6) of section 20 shall apply to a forum convened under this section.

### **Establishment of Sub-County Citizen Participation Forum**

**24.** (1) A Sub-County Citizens Participation Forum shall be established at the sub-county level to enable direct public engagement in planning and budgeting, implementation and monitoring of development projects.

(2) The Sub-County Citizens Participation Forum shall comprise citizens ward representatives, civil society Organizations representatives, community and religious leaders.

(3) Technical county government officers and development partners may sit on the forum as *ex-official* members.

(4) The Sub-County Citizens Participation Forum shall be headed by the Sub-County Administrator.

(5) The Sub-County Citizens Participation Forum shall have powers to form sub-committees for specific functions to address issues of allocation of funds, monitoring and social audits among others.

(6) The officials of the Sub-County Citizens Participation Forum shall be elected by the Sub-County Citizens Participation Forum members presided over by the County Executive Committee.

(7) The County Executive Committee shall publish the names of the Sub-County Citizens Participation Forum in the *Gazette* and the local newspapers and shall invite public opinion on the matter.

(8) A code of conduct shall govern the members of the forums and their committees.

### **The Sub-County Citizen Participation Forum Meetings**

**25.** (1) The Sub-County Citizens Participation Forum meetings shall be open to all members of the public.

(2) The County Assembly shall ensure that a member of the County Assembly attends at least three of the Sub-County Citizens Participation Forum meetings

(3) A calendar of all Sub-County Citizens Participation Forum meetings shall be maintained and publicly circulated.

(4) The Sub-County Citizens Participation Forum shall facilitate the convening of a 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;

- (c) the administration and functioning of the Sub-County; or
- (d) the delivery of services by the county public service in the Sub-County.

(5) No meeting shall be convened for the purpose of promoting, opposing or discussing the election of any person as a member of the County Government or as a Member of Parliament, Senate or County Assembly.

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

### **The Sub-County Citizen Participation Forum Power to Petition**

**26.** The Sub-County Citizens Participation Forum shall have the power to petition the County Assembly.

### **Sub-County Citizen Participation Forum Sub-Committees**

**27.** (1) The Sub-County Citizens Participation Forum may delegate roles, responsibilities and powers to the sub-committees.

(2) The Sub-County Citizens Participation Forum shall establish a public oversight committee to oversee sub-county and county project implementation.

(3) The Forum shall also establish the sub-county citizens social audit, monitoring and evaluation, project implementation and communication sub-committees.

(4) The Sub-County Citizens Participation Forum and committees shall have the right to access all information held by the County Executive.

### **Functions of Sub-County Citizen Participation Forum**

- 28.** The Sub-County Publics Forum shall—
- (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 biannually 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 Public monitoring reports from the oversight committee;
- (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 the affairs of County governance.

#### **Establishment of the Ward Citizen Participation Forum**

**29.** (1) Ward Citizens Participation Forums shall be established at the ward level to enable direct public engagement in planning and budgeting, implementation and monitoring of development projects.

(2) The Ward Citizens Participation Forum shall comprise village representatives, representatives of Civil Society Organizations working in the ward, religious and community/traditional leaders.

(3) The Ward Citizens Participation Forum shall nominate two ward representatives to represent the ward at the Sub County Citizens Forum.

(4) A code of conduct shall govern the members of the forums and their committees.

(5) The forums and its committees will be representative of all members of society including marginalized groups such as persons living with disabilities.

(6) 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.

#### **Ward Citizen Participation Forum Meetings**

**30.** (1) The Ward Citizens Participation Forum meetings shall be open to all members of the public.

(2) The County Assembly shall ensure that the Member of the County Assembly attend the Ward Citizens Forum meetings.

(3) A calendar of all Ward Citizens Participation Forum meetings shall be maintained and publicly circulated.

(4) The Ward Citizens Participation Forum shall facilitate the convening of public participation forums 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.

(5) No meeting shall be convened for the purpose of promoting, opposing or discussing the election of any person as a member of the County Government or as a Member of Parliament, Senate or County Assembly.

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

(7) The forums shall be open to all citizens of the ward who desire to attend and citizens shall be allowed to speak direct or through representatives.

(8) 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 persons living with disabilities, marginalized groups and communities.

### **Functions of the Ward Citizens Participation Forum**

**31.** the Ward Citizens Participation 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 Citizens Forum;
- (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 biannual 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; 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.

#### **Ward Citizens Participation Forum Power to Petition**

**32.** The Ward Citizens Participation Forum shall have the power to petition the County Assembly directly.

#### **Establishment of the Village Citizen Participation Forum**

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

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

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

(4) A Code of Conduct shall govern the members of the forums and their committees.

(5) The forums and its committees will be representative of all members of society including marginalized groups such as persons with disabilities.

(6) 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.

#### **Village Citizens Participation Forum Power to Petition**

**34.** The Village Citizens Participation Forum shall have power to petition the county assembly directly.

#### **Village Citizens Participation Forum Meetings**

**35.** (1) The Village Citizens Participation Forum meetings shall be open to all members of the public.

(2) The County Assembly shall ensure that a member of the County Assembly attends the Village Citizens Participation Forum meetings.

(3) A calendar of all Village Citizens Participation Forum meetings shall be maintained and publicly circulated.

(4) The Village Citizens Participation Forum shall facilitate the convening of public participation forums to discuss and give views on—

- (a) issues of interests in the village;
- (b) the implementation of 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.

(4) No meeting shall be convened for the purpose of promoting, opposing or discussing the election of any person as a member of the County Government or as a member of Parliament, Senate or County Assembly.

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

(6) 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.

(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 persons living with disabilities, marginalized groups and communities.

### **Functions of the Village Citizens Participation Forum**

**36.** The Village Citizens Participation 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 Citizen Forum;
- (c) receive the county implementation status reports on a quarterly basis which status report shall capture all allocations, expenditure and project status;
- (d) receive county expenditure reports;
- (e) prepare biannual 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; 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.

#### **Ward or Village Civic Education Forums**

**37.** (1) A Ward Administrator or Village administrator may convene a civic education forum within their jurisdiction and the Director shall facilitate the organization of the forum to—

- (a) improve understanding, appreciation and engagement in the operationalization of the County system of government;
- (b) institutionalize a culture of constitutionalism;
- (c) high-light the demands of the citizens on service delivery by institutions of governance at the county level;
- (d) enhance ownership and knowledge on the principal economic, social and political issues facing the County administration and their procedures;
- (e) enhance appreciation for the diversity of communication in the County as building blocks for County cohesion and integration; and
- (f) such other pillars of civic and public education as may be directed by the Director.

(2) The Director shall be required to facilitate the organization of regular civic education forums.

### **PART IV – COUNTY CIVIC EDUCATION**

#### **County Civic Education Objectives**

**38.** (1) The County Directorate of Citizens Participation and Civic Education shall perform such activities to provide civic education for the following objectives—

- (a) to enhance knowledge and understanding on the Constitution of Kenya;
- (b) to promote constitutionalism and upholding to the rule of law;
- (c) to increase efficiency and effectiveness in implementation of devolution;
- (d) addressing historical marginalization of women, youth, and persons with disabilities;
- (e) to support the expansion of citizen participation in public affairs and political processes particularly for the marginalized groups and communities;

- (f) to enhance effectiveness and efficiency in advocacy and lobbying for the implementation of community projects to quality basic service delivery by the duty bearers;
- (g) to promote fulfillment of access to human rights.

(2) The County Directorate shall appoint an officer in charge with civic education within the Directorate.

### **Civic Education Providers**

**39.** (1) The County Directorate of Citizens Participation and Civic Education shall provide guidance to the ward forum through the presiding of the ward administrators to facilitate the recruitment of the civic educators in the respective wards.

(2) The civic educators will then be put under an intensive training in accordance to the National Civic Education Curriculum.

(3) The civic educators shall perform such tasks of organizing and providing quality civic education as volunteers who shall be facilitated with transport, airtime and stipends by the County Government.

### **Qualifications of Civic Educators**

**40.** The civic educators shall have to meet the following qualification—

- (a) be a Kenyan citizen;
- (b) be 18 years and above;
- (c) be of sound mind;
- (d) good communication skills;
- (e) experience in community mobilization, organizational and facilitation skills;
- (f) should meet the requirement of the Chapter six of the Constitution of Kenya;
- (g) possess basic knowledge on the Constitution of Kenya;
- (h) should not be an official of any political party.
- (i) none state actors—
  - (i) civic education providers who are none state actors may conduct civic education in the county as per county civic education guidelines;
  - (ii) none state actors shall coordinate with the Directorate at all times as they carry out civic education.

### **Civic Education Provision Venues**

**41.** The civic educators shall use the following venues among others in providing civic education—

- (a) organized groups such as youth, men, women and self-help groups, sport clubs and groups of people living with disabilities among others;
- (b) community baraza;
- (c) churches and mosques;
- (d) public forums; and
- (e) traditional gatherings.

### **Reporting on Civic Education**

**42.** The directorate shall publish a biannual report on—

- (a) number of certified civic education providers available;
- (b) number of civic education secessions conducted by the civic educators;
- (c) number of citizens reached with civic education; and
- (d) assessment of the impact of civic education conducted by the civic educators.

### **Affirmative Action Measures**

**43.** The Director shall ensure that the County Government and its agencies put in place affirmative action measures to ensure that minorities and marginalized groups participate in all matters that affect them and are represented in governance and other spheres of life.

## **PART V—COUNTY COMMUNICATION FRAMEWORK**

### **County Communication Objectives**

**44.** (1) The County Government shall use communication for the following objectives—

- (a) create awareness on devolution and governance;
- (b) promote public understanding for purposes of peace and cohesion;
- (c) undertake advocacy on all development issues such as; agriculture, education, health, security, economics, sustainable environment among others;
- (d) promotion of the freedom of expression by citizens; and

(e) promotion of the freedom of the media.

(2) The County Government public communication shall be based on the following principles—

(a) integration of communication of all development activities;

(b) observation of access to information by county media in accordance with the constitution;

(c) observation of media ethics standards and professionalism;

(3) The Director of Citizens Participation and Civic Education, in consultation with the County Department responsible for Communication, shall establish mechanisms to facilitate dissemination of information on the various Citizen Participation and Civic Education forums to the public in the form of media with the widest public outreach in the County, which may include —

(a) television stations;

(b) information communication technology centres;

(c) County websites;

(d) community radio stations;

(e) public meetings;

(f) traditional media;

(g) social media;

(h) civil society network; and

(i) bulk Short Message Services(SMS).

(4) The Directorate shall encourage and facilitate other means of mass communication including traditional media.

#### **Notification on Public Forums**

**45.** When convening a County citizen participation and county budget and economic forum, the Director shall ensure that—

(a) a notice is published in at least one national daily newspaper having circulation within the county at least 21 days prior to the proposed forum; and

(b) the notice is announced in at least one community radio station within the County at least 21 days prior to the proposed forum.

(2) The notices in subsections 1(a) and (b) shall—

- (a) include an information statement summarizing particulars of the subject matter of the proposed consultative forum; and
- (b) inform citizens on various ways in which to access any documents relating to the subject matter of the proposed consultative forum; and
- (c) invite the public to submit written comments or representations to the County Government in respect of the proposed subject matter of the forum indicating the time and date within which such written comments or representations should be made.

(3) The Directorate may, at its own discretion, use such other means of communication in addition to those prescribed in sub-section (1) above to notify and invite the public to the citizens' participation forums convened under this section.

#### **Assembly Meetings to be Open to the Public**

**46.** (1) Subject to Standing Orders, the County Assembly shall undertake citizen participation on legislative affairs and other matters of the Assembly.

(2) Meetings shall be open to the public where the following reports are submitted for deliberation by the County Assembly or at which decisions concerning the following reports are to be taken—

- (a) annual report on the implementation status of the county policies and plans;
- (b) annual performance reports in respect of the county performance management plan;
- (c) annual reports of all loans made to the county government;
- (d) annual report on citizen participation in the affairs of the county government;
- (e) any report on the deviation from the financial objectives in the relevant County Fiscal Strategy Paper; and
- (f) such other reports as may be deemed necessary from time to time.

(3) The general sittings of the County Assembly shall be open to the public, or any media, and the County Assembly is prohibited from excluding the public, or any media, from any sitting unless in exceptional circumstances where the Speaker has determined that there are justifiable reasons for doing so.

(3) The County Assembly Service Board shall provide facilitative services for citizen participation undertaken by a Committee of a Member of the County Assembly.

## **PART VI—PETITIONS**

### **Form of Petition**

**47.** A petition to the County Executive Committee shall be in the form set out in the Third Schedule and shall—

- (a) be handwritten, printed or typed;
- (b) be in English or Kiswahili and be written in respectful, decorous and temperate language devoid of abusive, obscene or insulting language;
- (c) be free of alterations and interlineations in its text;
- (d) be addressed to the County Secretary;
- (e) have its subject-matter indicated on every sheet if it consists of more than one sheet;
- (f) be clearly numbered on every sheet if it consists of more than one sheet;
- (g) 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;
- (h) confirm that the issues in respect of which the petition is made are not pending before any court or other constitutional or legal body;
- (i) 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;
- (j) contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;
- (k) 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 or otherwise transferred to it;
- (l) not have any letters, affidavits or other documents annexed to 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.

#### **Procedure for Presenting Petition**

**48.** (1) A petitioner shall submit his, her or its petition to the County Executive Committee by delivering the petition to the County Secretary.

(2) The County Secretary shall, within fourteen 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 County Secretary considers that a petition does not comply with section 47, the county secretary may give such directions as are necessary to ensure that the petition is amended to comply with that section.

#### **Consideration of Petition**

**49.** (1) The County Secretary shall, if satisfied that the petition meets the requirements of this Act, forward the petition to the County Executive Committee or the relevant county department for consideration

(2) The County Executive Committee or the relevant County Department relating to the petition may appoint a committee to investigate the subject matter of the petition.

#### **Procedure in the Investigation**

**50.** (1) The County Executive Committee, the relevant County Department or a committee appointed in relation to a petition may hold a public hearing and may—

- (a) invite individuals 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 to the petition;
- (c) employ qualified persons to assist it in the discharge of their functions; or
- (d) with the support from the Directorate, hold public hearings in relation to the petition, where the county executive committee deems it necessary to hold such public hearings.

(2) The evidence given by a person invited under sub-section (1) shall be taken down in writing and a copy of it availed to the person who gave the evidence.

(3) The presentations and comments given during a public hearing shall be recorded and shall constitute a public record to which members of the public shall have reasonable access on such terms and conditions as the Directorate may determine without derogating the Constitution.

(4) The County Executive Committee, the relevant body or the committee may at its discretion refuse to hear any irrelevant evidence or 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 Executive 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) Any document received at the investigation of a petition shall not be withdrawn or altered without the knowledge and approval of the County Executive Committee.

(8) The committee appointed under section 49 shall, as soon as practicable after the conclusion of the investigation, submit its findings and recommendation to the County Executive Committee or the relevant body for a final decision to be made on the petition.

(9) The county secretary shall, within fifteen days of the decision of the County Executive or the relevant body, in writing, notifies the petitioner of the decision.

(10) The Committee appointed under section 49 shall, as soon as practicable after the conclusion of the investigation, submit its findings and recommendation to the county executive committee or the relevant body for a final decision to be made on the petition

#### **Publication of Decision on Petition**

**51.** The County Secretary shall, within fourteen days after the decision is communicated to the petitioner or petitioners, with support from the Director —

- (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.

### **Register of Petitions**

**52.** (1) The County Secretary 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 sub-section (1) shall be accessible to the public during working hours.

### **Appeal Against Decision on a Petition**

**53.** Any petitioner who is dissatisfied by the decision of the county government or the relevant body may appeal to the Commission on Administrative Justice.

### **Petitions to County Assembly**

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

## **PART VII—MISCELLANEOUS PROVISIONS**

### **Funds of the Directorate**

**55.** (1) The funds of the Directorate shall consist of—

- (a) monies allocated by the County Assembly for the purposes of the Directorate;
- (b) such monies or assets as may accrue to the Directorate in the course of the exercise of its powers or in the performance of its functions under this Act; and
- (c) all monies from any other source provided, donated or advanced to the Directorate.

(2) All matters in relation to public finance management and accounting shall be adhered to in accordance with the Public Finance Management Act, 2012 and the Public Finance Management (County Government) Regulations, 2015.

### **Management of Information**

**56.** (1) The Directorate shall publish and publicize all important information affecting the County within its mandate.

(2) A person may request for information within the mandate of the Directorate in the public interest.

(3) Subject to the provisions of Article 35 of the Constitution and the law relating to freedom of information and data protection, the Director 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 imposed by the Directorate.

(4) A request for information under subsection (2)—

- (a) shall be addressed to the Director or such other person as the Director may designate for that purpose;
- (b) may, where the Directorate incurs expense in providing the information, be subject to payment of a reasonable fee; and
- (c) may be subject to confidentiality requirements of the Directorate.

(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.

(6) Every staff of the Directorate shall sign a confidentiality agreement.

### **Publicity**

**57.** Subject to section 91 of the County Governments Act, the Director shall, in such manner as it considers appropriate, publish a notice for public information specifying—

- (a) the location of all its offices; and
- (b) its address or addresses, telephone numbers and other means of communication or contact with the Directorate.

### **Offences and General Penalty**

**58.** (1) A person who—

- (a) without justification or lawful excuse, obstructs hinders, threatens a member of the Directorate or a member of staff acting under this Act;
- (b) submits false or misleading information;
- (c) without reasonable excuse, fails to appear before a meeting of the Directorate when required to do so;
- (d) misrepresents to or knowingly misleads a member of a committee or a member of staff of the Directorate acting under this Act, commits an offence and is liable on conviction to a

fine not exceeding one hundred thousand Kenya shillings or to imprisonment for a term not exceeding six months or to both.

(2) Every person who violates or fails to comply with any provision of this Act for which no other penalty is provided, commits an offence and is liable on conviction to a fine not exceeding fifty thousand Kenya shillings or imprisonment for a term not exceeding three months or both.

### **Review**

**59.** A person who is aggrieved by a decision of the Directorate under this Act may apply to the Directorate for review of that decision.

### **Regulations**

**60.** (1) The Executive Committee Member may, in consultation with the Director, make regulations for the better carrying into effect of the provisions of this Act.

(2) Regulations under this Act may provide for the following matters—

- (a) structures for participation;
  - (b) mechanisms, processes and procedures for participation;
  - (c) receipt, processing and consideration of petitions, and complaints lodged by members of the public;
  - (d) notification and public comment procedures;
  - (e) public meetings and hearings;
  - (f) special needs of people who cannot read or write and people with disabilities, women and other disadvantaged groups;
  - (g) matters with regard to which citizen participation is encouraged; and
  - (h) the rights and duties of members of the citizens; and any other matter that enhanced citizen participation.
- (3) A provision of a regulation made under this Act may—
- (a) apply generally or be limited in its application;
  - (b) apply differently according to different factors;
  - (c) authorize any matter or thing to be done from time to time; or
  - (d) do any combination of those things.

**FIRST SCHEDULE**

(s.9)

**CITIZEN PARTICIPATION AND PUBLIC PARTICIPATION  
GUIDELINES**

The following guidelines shall guide the County Government and the Office of the Director when conducting civic education and citizen participation activities—

- 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 matters and specific purpose for consultation.
- 3.** Ensure that the consultation document is as simple and concise as possible, providing the summary of the issues or matters for consultation and clearly setting out the questions to be addressed, being provided no less than seven days prior to the forum.
- 4.** Publish and distribute the documents as widely as possible, including but not limited to providing hard copies at sub county, ward and village administration offices, television advertisements, websites, community radio announcements and traditional media.
- 5.** Ensure that all responses are carefully and open-mindedly analyzed 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 citizen 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.** Desist from engaging in conduct involving dishonesty, fraud, deceit, misrepresentation, individual interests or discrimination.

**SECOND SCHEDULE**

(s.17)

**MEETINGS AND PROCEDURE FOR THE COMMITTEES**

1. The Director shall convene the first meeting of the Committees.
2. The Committee shall decide when and where it meets and the meetings shall be convened by the Chairperson who shall be elected at the first meeting.
3. The members of the Committee shall elect a vice-chairperson from among themselves—
  - (a) at the first sitting of the Office; and
  - (b) whenever it is necessary to fill the vacancy in the office of the Vice-Chairperson.
4. The Chairperson and Vice-Chairperson shall not be of the same gender.
5. The Committee shall have at least four meetings in every financial year and not more than four months shall elapse between one meeting and the next meeting.
6. Unless three quarters of the members otherwise agree, at least seven days' notice in writing of a meeting shall be given to every member.
7. A meeting shall be presided over by the Chairperson or in his or her absence, by the Vice-chairperson.
8. If any person has a personal or fiduciary interest in any matter before the Committee, and is present at a meeting of the Directorate or any committee at which any matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter.
9. A disclosure of interest made under paragraph 8 shall be recorded in the minutes of the meeting at which it is made.
10. No member or staff of the Directorate shall transact any business or trade with the County Government.
11. The quorum of the meeting shall not be less than half of the appointed members.
12. A question before the meeting shall be decided with a supporting a simple majority vote.
13. The Director or a person designated by him shall keep minutes of proceedings of its meetings and decisions taken.

**THIRD SCHEDULE (s.47)**  
**FORM OF A PUBLIC PETITION**

**TO:** The County Government of Lamu/Assembly

**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 marginalized group etc.)

**DRAW** the attention of the County Government/Assembly to the following: (Here, briefly state the reasons underlying the petition and request for the intervention of the Government/Assembly by outlining the grievances or problems and summarizing the facts which the petitioners wish the Government/Assembly 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 / Assembly—

(Here, set out the prayer, by stating in summary what action the petitioners wish the Government/Assembly 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**

**PART I** of the Bill provides for preliminary, it highlights the key objectives of the Bill and the guiding principles.

**PART II** of the Bill provides for the establishment, composition and functions of the office of the Director and the Directorate of Citizen Participation and Civic Education. It provides for the establishment of Committees of the Directorate, appointment and qualifications of members, functions of the Directorate, powers of the Director, term of Committee Members, vacation of office, and filling of vacancy amongst other related matters.

**PART III** of the Bill creates citizens' participation forums. It provides for general citizens' participation forum, County budget and economic forums and other consultative forums. It provides for city and urban area citizen participation forum, Sub-County, ward and village citizen participation forums, their functions and power to petition.

**PART IV** of the Bill creates a County civic education section. It provides for the objectives of civic education, who will be civic education providers, how the civic education will be provided and reported on and Affirmative Action programmes.

**PART V** of the Bill further provides for County communication framework, notification of citizens' participation forum and Assembly meetings to be open to the public.

**PART VI** of the Bill provides for petitions, form of petition, procedure for presenting petition, consideration of petition, procedure in the investigation, publication of decision on petition, register of petitions, appeal against decision on a petition and petitions to assembly

**PART VII** of the Bill provides for miscellaneous matters which include public finance management matters, management of information, publicity, offences and general penalty, review and regulations.

#### **The Schedule to the Bill is structure in three parts—**

1. The First Schedule sets out the public participation guidelines when conducting public participation activities.

2. The Second Schedule provides for meetings and also sets out the procedure for the office.

3. The Third Schedule provides for the form of the petition to be filed in case of any grievances.

Dated the 2nd November, 2023.

**BWANA MOHAMED BWANA,**  
*Leader of the Majority.*