

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 3 (Nandi County Acts No. 2)*



REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**NANDI COUNTY ACTS, 2021**

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**NAIROBI, 18th June, 2021**

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EDUCATION ACT, 2021**

**No. 2 of 2021**

*Date of Assent: 18th February, 2021*

*Commencement Date: See Section 1*

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**THE NANDI COUNTY PUBLIC PARTICIPATION AND CIVIC  
EDUCATION ACT, 2021**

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

ENACTED by the County Assembly of Nandi as follows—

**PART I—PRELIMINARIES**

**Short title and Commencement**

1. This Act may be cited as the Nandi County Public Participation and Civic Education Act, 2021, and shall come into operation upon publication in the Gazette.

**Interpretation**

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

“Bunge Mashinani” means to decentralize the County Assembly legislative business as provided under Article 185 of the Constitution of Kenya, 2010 by organizing for plenary sessions as well as directly engaging the public on all matters concerning them including policy making, legislation, project identification and monitoring through project management;

“Chief Officer” means a chief officer of the County Government of Nandi appointed pursuant to Section 45 of the County Governments Act, 2012, for the time being responsible for public participation and civic education;

“Citizen fora” means a meeting convened by the County Government to discuss any matter of public importance affecting the public, any community in the County or relating to the delivery of services by the County Government;

"Civic education" means the provision of information and learning experiences to equip and empower citizens to participate in democratic governance processes;

"Constitution" means the Constitution of Kenya, 2010;

"County Assembly" means Nandi County Assembly established pursuant to Article 176 of the Constitution;

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“County Department” means the County Department responsible for matters of public participation and civic education;

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

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

"County Government" means the County Government of Nandi as provided for under Article 176 of the Constitution;

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

"deputy governor" means a person nominated by the Governor in accordance with Article 180 of the Constitution;

"governor" means the Governor of Nandi County elected in accordance with Article 180 of the Constitution;

"marginalized group" has the meaning assigned to it by Article 260 of the Constitution of Kenya 2010;

"participation" means the involvement of individuals and groups that are positively or negatively affected by, or that are interested in a proposed project, program, plan, legislation or policy that is subject to a decision-making process;

“Sub-County Coordinating Committees” means a Coordinating Committee established under Section 7;

“Steering Committee” means the Steering Committee established under Section 5;

"the public", when used in relation to public participation in this Act, means—

- (a) the residents of Nandi County;
- (b) the rate payers of Nandi County;
- (c) any resident civic organization with an interest in the governance of Nandi County; or

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

“Unit” means County, Sub-County, Ward Administrative and Village Units; and

“Ward Coordinating Committees” means the Ward Coordinating Committee established under Section 9.

### **Objects and Purpose of the Act**

3. The objective and purpose of this Act is to—
- (a) provide for matters necessary or convenient to give effect to Chapter Eleven of the Constitution;
  - (b) provide a framework for the direct exercise of sovereignty by the people, through actively informing the form and content of legislation, policy and development plans to be adopted by the government;
  - (c) provide for a framework for informed, effective, efficient and sustainable engagement of the public in policy, legislation and development plans and programmes;
  - (d) provide for a framework for public participation in service delivery by the County government;
  - (e) give effect to the principles of public participation as set out in Articles 1 (2), 10, 35, 69, 196, 174, 184, 201, 232, Fourth Schedule of the Constitution, Part II Section 14;
  - (f) provide for written and oral submissions on draft county policies, legislation and development plans;
  - (g) self-governance by the people and enhancement of the participation of the people in the exercise of the powers of the County and in making decisions affecting them;
  - (h) recognition of the right of communities to manage their own affairs and to further their development; and
  - (i) coordination of the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

**Principles of Public Participation**

4. (1) Subject to section 87 of the County Governments Act, 2012, public participation in the activities of the County Government shall be guided by the following principles—

- (a) the communities, organizations and citizens to be affected by a decision shall have a right to consulted and involved in the decision-making process;
- (b) contributions by the public shall be taken into consideration when making decisions;
- (c) promotion of sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers;
- (d) facilitation of the involvement of communities organizations and citizens potentially affected by or interested in a decision;
- (e) the public shall be consulted in designing how public participation shall be conducted;
- (f) the public shall have access to information to enable their participation in a meaningful;
- (g) communication to the public on how their input affected the decision;
- (h) adherence to the national values and principles of governance set out under article 10 of the constitution;
- (i) adherence to the national values and principles of public service set out by article 232 of the constitution;
- (j) adherence to the principle of leadership and integrity set out in chapter six of the constitution; and
- (k) adherence to the principles of public participation set out in section 87 of the County Government Act, 2012.

(2) The County Government, its organs and departments shall promote the principle in Sub-section (1).

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

**Establishment of Steering Committee**

5. (1) There is established a Steering Committee at the County level.

(2) The County Executive Committee Member shall appoint members of the Committee to be comprised of—

- (a) accounting officers of the various departments; and
- (b) the Municipal Manager.

(3) The Chairperson of the Steering Committee shall be the Chief Officer for the time being responsible for public participation and civic education.

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

### **Functions of the Steering Committee**

6. The functions of the Steering Committee shall be to—

- (a) establish structures for public participation as is required under Section 91 of the County Governments Act, 2012;
- (b) propose policy formulation guidelines to the County Executive Committee;
- (c) develop an evaluation framework for the County Public Participation Plan;
- (d) ensure that public participation processes adhere to the relevant legislation, regulations, policies or guidelines affecting the rights and responsibilities of the public, officers and the different participants involved;
- (e) inform the public of existing or potential public participation activities and topical issues;
- (f) ensure that clear and reasonable timelines are established for public input and comment, and that these timelines are communicated to the participants;
- (g) ensure that the public participation devices used are appropriate to the nature of the policy initiatives, issues involved and the target groups affected;
- (h) establish a feedback mechanism and platform for the public to air out their views including an opportunity for the public to forward additional comments or input on topical issues;
- (i) provide logistical support and strategies to the Sub-County and Ward Coordinating Committees, including the development of consultation plans and information facilitating public participation in any matter;



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- (j) prepare and submit an annual report to the Governor for submission to the County Assembly on the status of public participation in the affairs of county governance;
- (k) receive and consider reports, budgets and work schedules from the Sub-County Committees;
- (l) oversee operations of the Sub-County Committees; and
- (m) perform any other function as may be assigned by the County Executive Committee Member or any other written law.

**Establishment of the Sub-County Coordinating Committee**

7. (1) There is established a Coordinating Committee at each Sub-County.

(2) The Chief Officer for the time being responsible for public participation and civic education shall appoint members of the Committee at each Sub-County, to be comprised of—

- (a) the Sub-County Administrator who shall be the chairperson; and
- (b) A member representing each of the ten departments in the County Executive Portfolios from the Sub-County level.

(3) The Secretary of the Sub-County Coordinating Committee shall be appointed by the chairperson from amongst the members of the Sub-County Coordinating Committee.

**Functions of the Sub-County Coordinating Committees**

8. The functions of the Sub-County Coordinating Committee shall be to—

- (a) inform the public of existing or potential public participation activities and topical issues;
- (b) ensure that clear and reasonable timelines are established for public input and comment and that these timelines are communicated to the participants;
- (c) ensure that the public participation devices used are appropriate to the nature of the policy initiatives, issues involved and the target groups affected;
- (d) establish a feedback mechanism and platform for the public to air out their views including an opportunity for the public to forward additional comments or input on topical issues;

- (e) receive and consider reports, programs and work schedules from the Ward Coordinating Committees;
- (f) oversee operations of the Ward Coordinating Committees;
- (g) develop their programs and work schedules and forward them to the Steering Committee for approval;
- (h) facilitate public participation activities at the Sub-County level; and
- (i) perform any other functions as may be assigned by the Steering Committee.

### **Establishment of the Ward Coordinating Committee**

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

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

- (a) the Ward Administrator who shall be the chairperson; and
- (b) a member representing each of the ten departments in the County Executive Portfolio at the Ward level.

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

### **Functions of the Ward Coordinating Committee**

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

- (a) inform the public of existing or potential public participation activities and topical issues;
- (b) ensure that clear and reasonable timelines are established for public input and comment and that these timelines are communicated to the participants;
- (c) establish a feedback mechanism and platform for the public to air out their views including an opportunity for the public to forward additional comments or input on topical issues;
- (d) develop reports, programs and work schedules for their activities to be forwarded to the relevant Ward Coordinating Committee for their consideration and approval;

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- (e) coordinate, manage and facilitate public participation activities at the Ward level; and
- (f) perform any other functions as may be assigned by the Sub-County Coordinating Committee.

### **Meetings**

**11.** The business and affairs of the Committees shall be conducted in accordance with the First Schedule.

### **Public participation by the County Assembly**

**12.** (1) The County Assembly shall carry out its public participation under this Act as per Article 196(1) of the Constitution of Kenya, 2010 and the Standing Orders of the Nandi County Assembly.

(2) Whenever a bill, policy or statutory instrument is committed before a County Assembly Committee, the committee shall organize and manage the logistics for the smooth running of the public participation activity. The Committee shall take into account the views and recommendations of the public when the committee presents its reports to the County Assembly.

(3) County Assembly shall conduct Bunge Mashinani at Sub-County Level.

(4) The calendar for Bunge Mashinani shall be gazetted upon adoption by the Assembly.

(5) The Assembly shall provide funds to be utilized for logistics during public participation and for Bunge Mashinani program.

(6) Bunge Mashinani program shall be funded through County Government disbursement, grants from national Government, grants, aid or donation from international agencies and any monies from any source provided or donated for the said purposes.

(7) The Clerk may liaise with the Sub-County Coordinating Committees and the Ward Coordinating Committees to promote and facilitate public participation.

## **PART III— CITIZEN PARTICIPATION**

### **Principles of citizen participation**

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

- (a) timely access to information, data, documents, and other information relevant or related to policy formulation and implementation;
  - (b) reasonable access to the process of formulating and implementing policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards;
  - (c) protection and promotion of the interest and rights of minorities, marginalized groups and communities and their access to relevant information;
  - (d) legal standing to interested or affected persons, organizations, and where pertinent, communities, to appeal from or review decisions, or seek redress, with particular emphasis on persons and traditionally marginalized communities, including women, youth and disadvantaged groups;
  - (e) reasonable balance in the roles and obligations of the County Government and non-state actors in decision-making processes to promote shared responsibility and partnership and to provide complementary authority and oversight;
  - (f) promotion of public-private partnerships, such as joint committees, technical teams, and citizen commissions to encourage direct dialogue and concerted action on sustainable development; and
  - (g) Recognition and promotion of the reciprocal roles of non-state actors' participation and governmental facilitation and oversight.
- (2) The guidelines of citizen participation in the County Government shall be as set out under the Second Schedule.
- (3) Citizen Fora shall be held in venues that are easily accessible to citizens, including persons living with disabilities.
- (4) Proceedings of Citizen Fora shall be managed in such a manner as to allow time for citizens to present their views.

#### **Citizen fora**

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

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

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

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

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

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

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

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

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

**Notices**

**15.** (1) A notice for a Citizen Forum shall be issued at least fourteen days prior to the citizen forum.

(2) Notwithstanding the provision of sub-section (1)—

- (a) in respect of the County Executive, the Chairperson of the Steering Committee; and
- (b) in respect of the County Assembly, the Clerk may, in writing, reduce the notice period to seven days.

(3) A notice for a Citizen Forum shall—

- (a) be published in at least one newspaper of national circulation;
- (b) be carried in an announcement by a radio that has County audience, and broadcasts in Kiswahili; and
- (c) be placed in notice boards in the offices of the Ward and Sub-County Administrators.

(4) In addition to methods required in Sub-section (3), the County may use any other appropriate method to publicize the citizen fora.

(5) A notice of citizen fora shall be written in English or Kiswahili and shall outline—

- (a) a summary of the information on the instrument under consideration;
- (b) in summary, the rationale of the instrument and its importance to the County residents;
- (c) the date and the venue(s) of the citizen fora;
- (d) the information on how citizens may give their input on the matter under consideration; and
- (e) information on how copies of the instrument under consideration may be obtained.

**Provision of Information**

**16.** (1) Unless otherwise provided by any written law, copies of the instrument under consideration shall be made available at the office of each Ward and Sub-County Administrators for perusal.

(2) Any person requiring a copy of the instrument under consideration shall meet the cost.

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(3) Where an instrument under consideration is of technical nature, the County shall publish a simplified version of the instrument under consideration.

(4) In addition to providing a copy of the instrument under consideration, the County may provide further information through—

- (a) publishing and distributing information packages;
- (b) information technology platforms;
- (c) conducting roads shows, workshops and radio shows; and
- (d) any other activity aimed at informing and educating the public on the matter under consideration.

(5) Communication on public participation shall be tailored to meet the needs of persons with disabilities, aged members of the society and the less educated residents of the County, and may include the following forms—

- (a) communication forms for persons with hearing impairments;
- (b) braille;
- (c) local language publications;
- (d) simplified and popular versions; and
- (e) large print publications.

(6) The County Government shall, through Steering Committee and Coordinating Committees make available to county residents all notices, documents, records and reports of the County Government.

(7) The amount collected by public officers pursuant to subsection (2) shall be credited to the County Revenue Fund Account.

**Right to contribution**

**17.** Every Citizen has a right to attend and make contributions during a Citizen Forum.

**Information on allegations**

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

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

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

### **Recording of proceedings**

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

### **Written submissions**

20. (1) An office that receives written submissions received during the Citizen Forum shall keep a register of the submissions.

(2) A citizen may at any time request to view the register of submissions.

### **Reporting**

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

- (a) number of citizen fora held;
- (b) number of people reached;
- (c) summary of submissions given by citizens; and
- (d) consideration and use of the public input received.

## **PART IV—PUBLIC INFORMATION AND CIVIC EDUCATION**

### **Principles of civic education**

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

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

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

### **Objectives of Civic Education**

23. The objectives of civic education are—



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

**Establishment of County Administrative Unit**

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

**Composition of the County Administrative Unit**

**25.** (1)The County Administrative Unit shall consist of—

- (a) members of Steering Committee established under Section 5 of this Act;
- (b) one member seconded by faith-based Organizations;
- (c) one member representing Non-Governmental Organizations; and
- (d) two members each representing youth and women.

(2) Members contemplated under Sub Sections (b),(c) and (d) shall be appointed by the County Executive Committee Member.

(3) The Secretary to the Unit shall be elected from among members of the Unit on the first meeting convened by the Sub-County Administrator.

### **Functions of the County Administrative Unit**

**26.** The County Administrative Unit shall facilitate and oversee the effective coordination of the operations of Civic Education and shall—

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

### **Establishment of Sub-County Administrative Unit**

**27.** (1) There is established a Sub-County Administrative Unit for each Sub County.

- (2) The Sub-County administrative unit shall consist of—
  - (a) members contemplated by section 7 of this Act;
  - (b) one member representing various Faith-based Organizations in that Sub-County;
  - (c) one member representing Non-governmental Organizations; and

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(d) two members each representing youth and women

(3) The members contemplated by sub sections (b), (c) and (d) above shall be appointed by the Sub-County Administrator with approval by the Chief Officer for the time being responsible for public participation and civic education.

(4) The Secretary to the Unit shall be elected from among members of the Unit on the first meeting convened by the Sub-County Administrator.

**Functions of the Sub-County Administrative Unit**

**28.** Functions of the Sub-County Administrative Unit are—

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

**Ward Administrative Unit**

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

(2) The Ward Administrative Unit shall consist of—

- (a) members contemplated by Section 9 (2) of this Act;
- (b) one member representing various Faith-based Organizations in that Ward;
- (c) one member representing Non-governmental Organizations; and

(d) two members each representing youth and women.

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

(4) The Secretary to the Unit shall be elected by members on the first meeting convened by the Ward Administrator.

#### **Functions of the Ward Administrative Unit**

**30.** The functions of the Ward Administrative Unit shall be to—

- (a) coordinate civic education exercise in the Ward level;
- (b) inform members of the public of the date and venue for civic education;
- (c) develop its own schedule of activities on topical issues received from Ward administrative unit;
- (d) invite expert advice during civic education exercise;
- (e) prepare and submit a report on the implementation of this Act at the Ward level; and
- (f) perform any other function as may be assigned by legislation.

#### **PART V— PETITIONS TO THE COUNTY GOVERNMENT**

##### **Petition to County Executive**

**31.** A citizen may present a petition to the County Government or any of its organs, departments, or agencies.

##### **Form of petition**

**32.** (1) Citizens' petitions shall be made in writing and shall be in the form set out in the Third Schedule of this Act.

(2) The Citizen petitions shall—

- (a) be handwritten, or printed;
- (b) be in English, Swahili or braille;
- (c) be addressed to the County Executive Committee through the County Secretary;
- (d) have its subject matter indicated on every sheet if it consists of more than one sheet;
- (e) confirm that efforts have been made to have the matter addressed by the relevant County Department or entity and that

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there has been no response on the matter from the relevant County Department or entity, or that the response has not been satisfactory;

- (f) contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner; and
- (g) in the case of a petition presented through a Member of the County Assembly, Ward Administrator or Sub-County Administrator, on behalf of a petitioner, the petition shall be countersigned by the Member of the County Assembly, Ward Administrator or Sub-County Administrator presenting it.

**Consideration of petitions**

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

(2) Subject to 33(1) the County Executive or other relevant County Departments or entities shall conclude on the petition, in not more than 60 calendar days from the date of receipt of the petition from the County Secretary.

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

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

**Service upon petitioners**

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

**Publication of decision on petition**

**35.** The County Secretary shall, within fourteen (14) days of the decision of the County Executive Committee or other relevant County Department or entity—

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

### **Register of petitions.**

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

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

### **Appeal against decision on a petition.**

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

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

### **Petitions to County Assembly**

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

## **PART VI — COUNTY REFERENDUM**

### **Matters subject to County referendum**

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

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

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

**Procedure as to carrying out a referendum**

**40.** The procedure as to carrying out a County referendum under Section 40 shall be in accordance with the Elections Act, No. 24 of 2011, with necessary modifications permissible in law.

**PART VII— FINANCIAL PROVISIONS**

**Operational funds**

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

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

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

**Financial year**

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

**Annual estimates**

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

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

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

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

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

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

#### **Audit**

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

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

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

### **PART VIII— MISCELLANEOUS PROVISIONS**

#### **County Executive Committee's power of direction.**

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

#### **Annual report**

46. (1) The Committees/Units shall, at the end of each financial year, cause an annual report of its activities relating to public participation and civic education to be prepared.

(2) The Steering Committee shall submit the annual report to the Governor, through the County Executive Committee Member, not later than three months after the end of the year to which it relates.

(3) The annual report shall contain, in respect of the year to which it relates—

(a) the financial statements of the Committees/Units;



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- (b) a description of the activities and outcomes of public participation and civic education;
- (c) final use of input by the people to the County Executive; and
- (d) any other information, that the Committees/Units may consider relevant.

(4) The Clerk of the County Assembly shall prepare and submit to the County Assembly an annual report on the final use of the input by the people on public participation conducted by the County Assembly.

**Offences and penalty**

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

**Review**

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

**Prosecution of matters under this Act**

**49.** (1) The County Government shall liaise with the Office of the Director of Public Prosecution to have the County Government's authorized officers gazetted in order to prosecute matters for and on behalf of the County Government under this Act.

(2) Offences created pursuant to this Act shall be cognizable offences.

**Fines.**

**50.** (1) Fines payable under this Act shall be remitted to the County Revenue Fund.

(2) The County Government shall make arrangements with the National Treasury to give effect to sub-section one of this section.

**Regulations**

**51.** (1) The County Executive Committee Member may make regulations respecting any matter that is necessary or convenient to be prescribed under this Act or for the carrying out or giving effect to this Act.

(2) Without prejudice to the aforementioned, the County Executive Committee Member may make regulations with respect to—

- (a) procedure as to activities relating to public participation and civic education;
- (b) form of documents to be used at public participation and civic education fora;
- (c) form of responses by the County Executive Committee with relation to public participation and civic education;
- (d) development of the County Public Participation and Civic Education Plans;
- (e) the vesting of special powers and duties in various departments and agencies of the County for the purposes of public participation and civic education;
- (f) public participation at the village level;
- (g) contribution by facilitators, state and public officers at citizen fora; and
- (h) any matter that the County Executive Committee Member may consider necessary for the administration of this Act.

**SCHEDULES****FIRST SCHEDULE (S.11)****MEETINGS AND PROCEDURE FOR THE COMMITTEES**

1. The Chairperson of each Committee shall convene the first meeting of the Committees.
2. The Committees shall decide when and where it meets and the meetings shall be convened by the Chairperson.
3. The Committees shall have at least four meetings in every financial year and not more than three months shall elapse between one meeting and the next.
4. Unless three quarters of the members otherwise agree, at least seven days' notice in writing of a meeting shall be given to the members of the Committees.
5. The Chairperson may call a special meeting indicating the reason for calling the special meeting thereof.
6. A meeting shall be presided over by the chairperson or in his or her absence, by the Vice Chairperson.
7. The members of the Committees shall elect a Vice Chairperson from among themselves—
  - (a) at the first sitting of the Committees ; or
  - (b) Whenever it is necessary to fill the vacancy.
8. The chairperson and Vice Chairperson shall not be of the same gender.
9. If any person has a personal or fiduciary interest in any matter before the Committees, and is present at a meeting of the Committee at which such matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching on such matter.
10. A disclosure of interest made under paragraph 9 shall be recorded in the minutes of the meeting at which it is made.
11. A person who contravenes paragraph 9 commits an offence and is liable, upon conviction, to a fine not exceeding one hundred

thousand shillings, or to imprisonment for a term not exceeding one year, or both.

12. No member of the Committees shall transact any business or trade with the Committees.
13. Subject to paragraph 14, the quorum of the meeting shall not be less than half of the appointed members.
14. Where there is a vacancy in the Committees, the quorum of the meeting shall not be less than three appointed members.
15. A question before the Committee shall be decided with a supporting vote of at least two thirds of the members present.
16. Where there is a tie in the votes of the Committees, the respective Chairpersons shall have a casting vote.
17. The Committees may regulate their own procedures in accordance with the relevant law and regulations.
18. The Committees may establish subcommittees for the purposes of carrying out its functions and in accordance with their own procedures and standing orders developed under clause 17.
19. The Committees may invite any person to attend any of its meetings and to participate in its deliberations, but such persons shall not have a right to vote.
20. The Committees shall keep minutes of proceedings of its meetings and decisions taken.
21. The allowances of the Committee members shall be as provided for by the Salaries and Remuneration Commission guidelines.

## **SECOND SCHEDULE (S.13 (2))**

### **PUBLIC PARTICIPATION GUIDELINES**

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

1. Developing a realistic timeframe for the consultation and allowing reasonable period for each stage of the process.
2. Publicise citizen *fora* using such media as to reach and inform all target members of the public about the time and the venues of the *fora*.
3. Be clear as to the type of the public, community or profession to be consulted, the issues or matter for consultation and describe the specific purpose intended to be met.

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4. Ensure that the consultation document is as simple and concise as possible, providing the summary of the issues or matters for consultation and clearly setting out the issues to be addressed.
5. Publish and disseminate the documents as widely as possible, including but not limited to providing hard copies, noticeboards, television advertisements, websites, community radio announcements and traditional media.
6. Ensure that all responses are carefully and open-mindedly analysed and the results made widely available to the public, including an account of the views expressed and the reasons for the decisions made.
7. Disclose all information relevant for the public to understand and evaluate the decision.
8. Ensure that stakeholders have fair and equal access to the public participation process and their opportunity to influence decisions.
9. Ensure that all commitments made to the public, including those by the decision-maker, are made in good faith.
10. Undertake and encourage actions that build trust and credibility for the process among all the participants.
11. Be personally responsible for the validity of data collected, analyses performed or plans developed by it or under its direction.
12. Ensure that there is no misrepresentation of work performed or that was performed under the relevant body's direction.
13. Examine all of its relationships or actions, which could be legitimately interpreted as a conflict of interest by clients, officials, the public or peers with a view to curing the conflict of interest.
14. Should not engage in conduct involving dishonesty, fraud, deceit, misrepresentation or discrimination.

**THIRD SCHEDULE (S. 32 (1))**

**FORM OF A PUBLIC PETITION**

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

**WE/I, the undersigned and humble Petitioner or Petitioners of**  
..... *(Here insert the names or description of the  
petitioner or petitioners and address including their status: residents of a*

*particular area, workers, particular part of the community, minority or marginalised group etc.)*

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

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

**BASED** on the following grounds—

**THAT:**

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

**THAT:**

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

**THAT:**

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

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

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

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

PETITION concerning.....

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

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