

THE BOMET COUNTY PUBLIC PARTICIPATION BILL, 2018

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A Bill for

AN ACT of County Assembly of Bomet to give effect to Articles 174 and 187 of the Constitution and Section 87 of the County Governments Act; to provide for the establishment of legal framework to facilitate public participation in county government policy processes and service delivery and for connected purposes.

ENACTED by the County Assembly of Bomet County, as follows –

PART I - PRELIMINARY

Short Title and commencement **1.** This Act may be cited as the Bomet County Public Participation Act, 2018 and shall come into operation on the date of publication in the *Gazette*.

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

“advisory committee” means the Public Participation Advisory Committee established under section 8;

‘county entity’ means County Executive, County Assembly or a County agency

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

“executive member” means the County Executive Committee Member for the time being responsible for public participation;

“public” has the same meaning assigned under the County Governments Act, 2012;

“public participation” includes the process and methods designed to consult, involve and inform the public in order to facilitate and take into consideration the public input to policy, legislation, program, project to have input into the process.”

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

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

- (a) the residents of the county;
- (b) the rate payers of a particular urban area;
- (c) any resident civic organization or non-governmental, private sector, labour organization or faith based organization with an interest in the governance of the county or an urban area;
- (d) Non-resident persons who by virtue of their temporary presence in the county make use of services or facilities provided by the county or an urban area.

Purpose.

- 3.** The purpose of this Act is to enhance, promote and facilitate public participation in the county government and specifically to –
- (a) facilitate the implementation of constitutional provisions on public participation;
 - (b) give effect to public participation framework stipulated under the County Governments Act, 2012, the Public Financial Management Act, 2011 and the Urban Areas and Cities Act, 2011;
 - (c) promote participatory democracy;
 - (d) transparency and accountability in decision making;
 - (e) community empowerment and support;
 - (f) promote partnership and collaboration in public processes;
 - (g) enhance public awareness and understanding of government processes;
 - (h) reduce conflicts related to public or government decisions; and
 - (i) enhance community ownership of public decisions.
 - (j) Enhance access to information

Principles of public participation

- 4.** The following principles shall guide public participation under this Act–
- (a) provision of meaningful information in a format and language that is readily understandable and tailored to the needs of the target groups;
 - (b) provision of information in advance of consultation activities and decision making;
 - (c) mutual consultations and dialogue and exchange of views on matters affecting a community or group of persons;
 - (d) openness and transparency;
 - (e) inclusiveness in representation of views including vulnerable groups and the

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marginalized;

(f) processes free of coercion;

(g) value for money;

(h) objectivity in engagement and non politicization of issues;

(i) constructive dialogue between county government and the public or stakeholders;

(j) clear mechanism for responding to people's concerns, suggestions and grievances;

and

(k) civic duty and responsibility.

PART II- COORDINATION OF PUBLIC PARTICIPATION IN THE COUNTY GOVERNMENT

- Each County Entity to conduct public participation
- 5.** (1) Each Entity of the County government shall integrate and design a public participation plan in all its activities.
- (2) There shall be distinct public participation process for the two arms of the county government.
- (3) The County Executive shall conduct public participation before implementation of any county projects.
- (4) The County Assembly, while respecting the principle of separation of powers, may undertake public participation to validate and verify processes undertaken under sub-section (3).
- (5) The County Executive shall provide the necessary reports and information to facilitate effective public participation under sub-section (4).
- County entities to carry out public participation.
- 6.** (1) Every entity of the County government shall carry out public participation whenever the entity is carrying out any of its statutory duties.
- (2) In carrying out public participation each entity shall adhere to the following-
- (a) Give the public sufficient notice and opportunity to interrogate the policy, legislation or decision on the subject of public participation;
- (b) The Notice referred to in paragraph (a) shall be for a period of not less than fourteen days provided that in exceptional circumstances, the notice shall be for a lesser period;

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- (c) Facilitate the access to information by members of the public that will enable their effective participation at the public participation forum within a reasonable time before the date scheduled for public participation;
- (d) Ensure that the information shared with the public is contained in a format that the public can easily understand and comprehend. Provided that where the Department or Organ simplifies the information it shall nevertheless also avail the original documents to the public; and
- (e) Prepare and document all the views it receives from the public at the public participation forum.

Relevant

Committee.

- 7.** There shall be a relevant Committee of the County Assembly which shall be responsible for-
- (a) providing general direction to the public participation processes in the County Assembly;
 - (b) preparing annual report on County Assembly public participation processes for consideration by the County Assembly ; and
 - (c) providing a link between the Public Participation Office and the County Assembly.

Office of the
Liaison and
Outreach
Officer

- 8.** (1) There is established an office of a Liaison and Outreach officer for the County Assembly.
- (2) The function of the office shall be to;
- (a) Assist the County Assembly integrate public participation provisions in all its functions and programs;
 - (b) Prepare and assist the County Assembly and its structures including ward offices for public participation processes;
 - (c) Supervise and coordinate public participation processes by the ward offices
 - (d) Liaise with the Director of Public Participation to ensure coordination between the County Assembly and the County Executive in public participation processes provided for under Section 5 of this Act;
 - (e) Maintain records of public participation processes undertaken by the County Assembly;
 - (f) Collect public feedback from ward offices, forums and other platforms, analyse it

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and relay it to the County Assembly for appropriate response;

(g) Provide feedback to the general public through availing reports using citizen participation centres at ward offices, bulk SMS services and online copies of reports of decisions made; and

(h) Provide overall link between the County Assembly, ward offices and the public at large.

Ward offices
and forums.

9. (1) A member of County Assembly shall, in every three months, convene a Ward forum for the purposes of deliberating governance, policy or service delivery matters of concern to Ward residents.

(2) (a) Ward offices shall serve as citizen participation centres;

(b) The citizen participation centre shall provide primary public participation services, including provision of information, consultation by members of the public and receiving and relaying feedback from the public to the County Assembly.

(3) The Member of County Assembly shall, subject to subsection (4) facilitate persons with disabilities to attend and participate in the citizen forums.

(4) The member of the County Assembly shall cause a record of proceedings to be kept.

(5) The County Assembly shall provide support for facilitation of the forums referred to under this section.

(6) The member of County Assembly shall submit a report of each forum to the County Assembly.

(7) The County Assembly shall conduct an annual County Assembly Service week.

(8) The County Assembly may conduct its sittings outside the official county chambers at least once a year.

Department of
Public
Participation

10. There is established a department to be known as the Department of Public Participation which shall be an office in the county public service

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Functions of the Department. **11.** The functions of the County Executive Committee Member shall be to-

- (a) assist other county entities develop and integrate public participation in their programs;
- (b) advise county entities on effective public participation and platforms of engagement;
- (c) develop a county policy on public participation and constantly review it to ensure that it meets the needs of the county;
- (d) maintain a database of stakeholders in the county from which county departments and Organs can tap when conducting public participation;
- (e) advise on any legal reforms necessary for effective public participation and coordinate public participation by other departments or agencies;
- (f) Coordinating with other county entities on their public participation programmes and activities ;
- (g) Facilitate the sharing and access to information to enable effective public participation in accordance with the relevant Access to Information Acts;
- (h) sensitize the public on county structures and opportunities for public participation;
- (i) along with the outreach and liaison officer, coordinate implementation of decisions and recommendations of the Public Participation Council and the public participation advisory committee;
- (j) Collect public feedback from citizen forums and other platforms, analyse it and relay it to the County Executive for appropriate response
- (k) Provide feedback to the general public through availing reports using structures at village, ward and sub-county level, bulk SMS services and online copies of reports of decisions made;
- (l) prepare an annual report on public participation in accordance with the County Governments Act;
- (m) advise the County Executive Committee generally on the appropriate policies, plans and strategies for enhancing public participation in the county;
- (n) carry out any other function in furtherance to the objects and purpose of this Act and as may be assigned by the Executive Member.

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Staff **12.** The County Public Service Board shall designate such staff as are necessary to work with the County Executive Committee member in promoting the objects of this Act

PART IV- PUBLIC PARTICIPATION PROCESS

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

Advisory (2) The Committee shall consist of-

Committee. (a) the chief officer for the time being responsible for public participation who shall be the chairperson;

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

(c) one person representing professional bodies appointed by the Executive Member from among three persons recommended by the forum of professional bodies in the county;

(d) one person representing the non-governmental organizations in the county appointed by the Executive Member from among three persons recommended by the forum of the non-governmental organizations;

(e) one person representing faith based organizations in the county appointed by the Executive Member from among three persons recommended by the forum of the faith based organizations;

(f) one person representing the business community appointed by the Executive Member from among three persons recommended by a forum of business member organizations in the County;

(g) one person representing the youth appointed by the Executive Member from among three persons recommended by the forum of organizations working with the youth in the county;

(h) one person representing persons with disabilities appointed by the Executive Member from among three persons recommended by the forum of organizations working with persons with disabilities and involved in local governance in the county;

(i) one person representing women appointed by the Executive Member from among three persons recommended by the forum of women organizations involved

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in local governance in the county;

(j) one person appointed by the Executive Member from each sub-county from among persons experienced in public governance, local development or administration;

(k) all sub county administrators;

(m) the officer in charge of the department who shall be the secretary.

(3) For a person to qualify for appointment under subsection (2) the person must –

(a) meet the requirements of chapter six of the Constitution; and

(b) must be a resident of the county.

Functions of the
Advisory
Committee.

14. (1) The Advisory Committee shall be responsible for-

(a) advising the County Executive Committee on appropriate public participation processes, strategies and policy frameworks;

(b) providing a platform for dialogue on county policy and service delivery processes;

(c) monitoring the county public participation processes to include the establishment of monitoring and evaluation framework for public participation and advising the County Executive Committee on appropriate measures for enhancing the process; and

(d) Ensure appropriate records of public participation processes are kept, to include generation, analysis and dissemination of data on public participation.

(2) The Executive Member shall prescribe procedures for conduct of business for the advisory committee.

(3) The Department shall provide secretariat services to the Public Participation Advisory Committee.

The County
Public
Participation
Council

15. (1) There is established the Bomet County Public Participation Council

(2) The membership of the Council shall be:

(a) The Governor of the County Government;

(b) The Committee Executive Committee member for Finance;

(c) The Committee Executive Committee member responsible for public participation;

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- (d) the Speaker of the County Assembly;
- (e) Clerk of the County Assembly;
- (f) Chairperson budget committee;
- (g) Chairperson of the relevant Committee of the County Assembly;
- (h) Chief officer of the public participation advisory committee;
- (i) Director of public participation;
- (j) Director of Liaison and outreach; and
- (k) Any other member invited and/or co-opted by the Council as may be necessary for specific meetings.

(3) The Council shall meet at least twice annually.

Functions of the **16.** The functions of the council shall be to provide;

- Public Participation Council
- (a) Political leadership for public participation in the County;
 - (b) coordination of public participation between the County Assembly and the County Executive; and
 - (c) forum for sharing of experiences and best practices on public participation in the County.

Citizen forums. **17** (1) There shall be citizen participation Forums in –

- (a) the county convened by the Governor;
- (b) the Sub-county convened by the respective Sub-county administrator;
- (c) the Ward convened by the respective Ward administrator;
- (d) the Village convened by the respective Village administrator;

(2) The citizen forums shall be convened at least once every four months and shall provide a platform for consultations, review and deliberation on critical matters affecting the respective level.

(3) The respective persons described under subsection (1) shall –

- (a) cause a record of proceedings during each citizen forum to be kept and shall ensure that where practicable, the decisions of such forums conform with the decision making process by the County Government;
- (b) facilitate persons with disabilities to attend and participate in the citizen forums.

(4) A Member of Parliament or County Assembly may participate in any of the

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citizen forums stipulated under this Act.

Stakeholder and public engagement. 18. (1) Each county department or Committee of the County Assembly where applicable, shall –

- a) while developing legislation and policy or designing or implementing programs or delivering services, encourage and engage the relevant stakeholders and the public;
- b) continuously report and communicate to the stakeholders and the public on the process, outcome and impact of policies, programs and services delivered;
- c) provide or issue adequate and sufficient notice and information to stakeholders or the public where the stakeholders or the public are required to participate in an issue or forum stipulated under this Act;
- d) provide feedback to the public on any decision made and position taken by the Department or Organ of the County Government after a public participation forum; and
- e) the feedback referred to in paragraph (d) shall indicate the views of the public on the issue, the decision taken and the reasons why that decision was arrived at by the Department or Organ.

Stakeholder engagement plan. 19. (1) A County Government entity shall ensure that the principles stipulated under this Act and the principles specified under section 4 are integrated in each county government entity policies, plans and service delivery processes.

(2) A County Government entity shall develop and implement a stakeholder engagement plan.

(3) A stakeholder engagement plan shall provide among others for-

- (a) objectives of stakeholder engagement;
- (b) major issues requiring public and stakeholder engagement and consultations;
- (c) Sensitization and awareness of the stakeholders on the issues under deliberation, prior to engaging their opinion on issues under deliberation; the purpose of sensitization and awareness shall be to build the competence of stakeholders to productively engage in public participation processes;
- (d) time frame within which public consultations would be held;
- (e) process to be undertaken in stakeholder and public participation;

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- (f) determination of public participation method;
- (g) method of providing information to the public.

Levels of public participation.

20. (1) While carrying out public participation, a county department or Committee shall-

- (a) inform the public in order to enhance understanding the problem, alternatives, opportunities and solutions;
- (b) consult in order to obtain public feedback on analysis, alternatives and decisions;
- (c) involve the public directly throughout the process to ensure that public concerns and aspirations are consistently understood and considered;

- (d) collaborate with the public in each aspect of the decision, including development of alternatives and the identification of the preferred solution;
- (e) empower the public to make decision in regard to any public issue.

(2) A Committee of the County Assembly may apply the levels described under subsection (1) (a) and (b) while carrying out public participation.

(3) There shall be set up a project management committees for every project initiated.

(4) The committees shall be composed of a majority from the beneficiaries of the initiated project;

(a) members of the committees shall be elected by the beneficiaries of the project

(b) The main function of the committees shall be to supervise the implementation of the project, and approval of the project prior to payment being made.

(5) The committees shall stand dissolved upon completion of the projects that they supervise.

Public

21. (1) A county department or agency or Committee of the County Assembly may

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participation methods. apply any of the following public participation methods in addition to the platforms stipulated under the County Governments Act, 2012-

- (a) public meetings;
- (b) public hearings;
- (c) workshops;
- (d) citizen advisory or consultation committees;
- (e) surveys;
- (f) focus groups;
- (g) direct mail including bulk SMS services;
- (h) newsletters;
- (i) invitations for public submission;
- (j) partnerships and collaboration;
- (k) joint auditing and evaluation of county government performance including projects audits; and

(l) internet based interactive platforms including Facebook, Twitter, WhatsApp and Instagram accounts to facilitate information sharing and active participation.

(2) In determining the mode of public participation to pursue, the Department or Organ shall have sufficient regard to-

- (a) the nature of the issue to be considered;
- (b) the complexity of the subject;
- (c) the need to reach as many stakeholders as possible; and
- (d) the time available to consider the issue

(3) The department shall ensure use of appropriate assistive devices for special interest groups.

Public private partnership. 22. (1) Notwithstanding section 14, a county entity may enter into public private partnership with any person for the purposes of effectively discharging its public participation responsibility.

(2) A county government entity may partner with other groups, including national government organs and non-state actors to promote public participation

Good practices 23. In facilitating stakeholder engagement or public participation, a county entity shall

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- and standards in stakeholder engagement. adopt the following standards and good practices-
- (a) stakeholder identification and analysis;
 - (b) information disclosure;
 - (c) stakeholder consultation;
 - (d) negotiation and partnerships;
 - (e) grievance management through establishing accessible and responsive means for stakeholders to raise concerns and grievances;
 - (f) stakeholder involvement in monitoring and evaluation of projects, programs and policies;
 - (g) reporting to stakeholders on performance; and
 - (h) efficient and strategic management of stakeholder processes.
- Stakeholder mapping. 23. Each county entity shall -
- (a) identify and liaise with the stakeholders in its sector;
 - (b) maintain, update annually and publish database of the stakeholders identified under paragraph (a); and
 - (c) ensure continuous and effective communication with the stakeholders.
- Electronic participation 24. (1) Each county entity shall provide all applicable information, forms, documents, statistics and data through electronic system such as online system, websites and portal in a timely, efficient and in a usable manner in order to facilitate public participation.
- (2) The Director of Public Participation and the Liaison and Outreach Officer shall ensure that the systems referred under subsection (1) facilitate interactive engagement with county residents and are comprehensive in terms of the information provided.
25. A resident or any member of the public with interest in county affairs has the duty and responsibility to –
- Citizens’ duties and responsibilities. (a) constructively participate in the forums and platforms created by the county government for public participation;
- (b) share information and make proposals to the county government during the law, policy and decision making processes as well as service delivery mechanisms;
 - (c) contribute where appropriate and practicable resources for developing or

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implementing public services delivery processes; and

(d) allow participants to freely air their views and respect the perspectives of others

Notices boards.

26. (1) The department of public participation shall install notice boards in the most appropriate and conspicuous places in each village.

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

(3) Notwithstanding section (1) and (2), a County Government entity shall use the most appropriate communication methods to publicize any process, forum or issue requiring public participation including places of worship, public gatherings, markets and any other social gathering in the County.

Annual report.

27. (1) The Department shall prepare quarterly reports and an annual report on public participation which shall contain among others-

(a) the number of public participation forums facilitated by each department or agency;

(b) the level of implementation of stakeholder engagement plan;

(c) the level of engagement by participants during public participation process;

(d) the level of incorporation of proposals made or issues raised by stakeholders or the public;

(e) challenges faced in the implementation of this Act and proposed mitigation measures;

(f) any other prescribed matter.

(2) The Department shall submit the report to the Executive Member not later than two months after the end of financial year.

(3) The Report generated under this Section shall be tabled before the County Assembly and publicised within 14 days from the date of its receipt by the Executive Member.

(4) For every public participation process a report shall be produced providing details including the list of participants, a summary of the deliberations and the resolutions reached.

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PART V- PUBLIC PETITION TO COUNTY GOVERNMENT

- Right to petition.
28. (1) Every person has the right to petition an entity of the County Government on any issue.
- (2) The process of petitioning the County Assembly is as provided for under the Petitions to the County Assembly Act 2016 and the Standing Orders.
- Form of petition to the County Executive.
29. A petition to the County Executive shall be in the form set out in the Schedule and shall –
- (a) be handwritten, printed or typed;
 - (b) be in English or Kiswahili and be written in respectful, decorous and temperate language;
 - (c) be free of alterations and interlineations in its text;
 - (d) be addressed to the Executive Committee member under whom the Department falls or to the Speaker of the Assembly if it affects the Assembly;
 - (e) have its subject-matter indicated on every sheet if it consists of more than one sheet;
 - (f) confirm that efforts have been made to have the matter addressed by the relevant body and that there has been no response on the matter from the relevant body or that the response has not been satisfactory;
 - (g) confirm that the issues in respect of which the petition is made are not pending before any court or other constitutional or legal body;
 - (h) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;
 - (i) subject to paragraph (m), contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;
 - (j) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it;

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(k) not have any letters, affidavits or other documents annexed to it;

(l) in the case of a petition presented by a Member of County Assembly on behalf of a petitioner, be countersigned by the Member presenting it; and

(m) if the petitioner is unable to sign, be signed by a witness in whose presence the petitioner shall make his or her mark or thumb impression on the petition.

Procedure for presenting the petition. 30. (1) A petition to the County Executive Committee shall be submitted to the county secretary by the petitioner.

(2) The county secretary shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of this Act.

(3) Where the county secretary considers that a petition does not comply with section 22, the county secretary may give such directions as are necessary to ensure that the petition is amended to comply with that section.

(4) A petition to the County Speaker shall be submitted to the Clerk of the County Assembly who shall cause the petition to be brought to the attention of the Speaker within (3) days of receiving it

(5) A Person to whom a Petition is addressed has a responsibility to communicate to the Petitioner within 21 days of the date of receipt of the Petition on what measures or steps he or she has taken or is proposing to take to address the concerns raised in the Petition.

Consideration of petition. 31. (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 department or body for consideration.

(2) The county executive committee or the relevant department or body may appoint a committee to investigate or assess the subject matter of the petition.

Procedure of investigating or assessing the petition. 32. (1) The county executive committee, the relevant body or a committee appointed in relation to a petition may hold 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 responsible for any matter related to the petition to appear before

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them to give evidence relating a petition;

(c) employ qualified persons to assist it in the discharge of their functions;

(d) where appropriate hold public hearing in relation to the petition.

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

(3) The presentations and comments given during a public hearing shall be recorded and a copy of it shall be publicized by posting the copy in a conspicuous place at the offices of the county government and on the website as the case may be:

Provided that where any information is in the opinion of the investigating committee may be deemed to be sensitive and any public disclosure may pose a threat to the person giving the evidence, the investigating committee may exclude such information from public disclosure.

(4) A person giving evidence may, within seven days from the date of receipt of the copy under sub section (2), suggest corrections to his or her evidence due to inaccurate reporting and the evidence shall be printed with such corrections as may be appropriate.

(5) 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.

(6) Any document received at the investigation of a petition shall not be withdrawn or altered without the knowledge and approval of the executive committee.

(7) A document submitted to the investigation of a petition may be released to the person who submitted it at the conclusion of the deliberations.

(8) The committee appointed under section 24 shall, as soon as practicable after the conclusion of the investigation, submit its findings and recommendation or recommendations to the county executive committee or the relevant body for a final decision to be made on the petition.

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

Publication of decision on petition. 33. The County Secretary shall, within fourteen days after the decision is communicated to the petitioner or petitioners—

(a) give notice of the decision to the public by posting a copy in a conspicuous place at the offices of the county government;

(b) inform the public that a copy or extract of the decision is available on its website;

(c) publish the decision in the county Gazette, print or electronic media; or

(d) publish the decision in such other manner as may be appropriate for the dissemination of information.

Register of petitions. 34. (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 subsection (1) shall be accessible to the public during working hours.

PART VI- GENERAL PROVISIONS

Funding for public participation Regulations. 35. Each county entity shall ensure allocation of adequate resources for effective public participation processes.

36. The Executive Member may, in consultation with the Department, make regulations for the better carrying into effect of the provisions of this Act.

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SCHEDULE (s. 27)

FORM OF A PUBLIC PETITION

To: County Government of Bomet County

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

DRAW the attention of the County Government to the following:

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

THAT:

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

THAT:

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

THEREFORE your humble petitioners PRAY that the County Government-

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

and your

PETITIONERS

will ever Pray.

Name of petitioner

Full Address

National ID or Signature/Thumb
Passport No. 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.**

THE BOMET COUNTY PUBLIC PARTICIPATION BILL, 2018

MEMORANDUM OF OBJECTS AND REASONS

Firstly, this Bill aims at providing for a legal mechanism within which county residents or any person with interest in county governance matters to participate in policy or service delivery matters.

Secondly, the Bill seeks to implement the Constitutional provisions relating to public participation as well as the requirements under the County Governments Act, 2012. Thirdly, the Bill provides for coordination of public participation in the County Assembly.

PART I of the Bill provides for preliminary matters. PART II of the Bill provides for coordination of public participation in the County Assembly. It provides for the establishment of the public participation Office in the County Assembly as well as a select committee on public participation for providing general direction on public participation.

PART III of the Bill provides for coordination of public participation in the county executive. It provides for the establishment of the Department of public participation, which is responsible for coordinating public participation, other departments, facilitating capacity building, mobilizing and organizing the public and stakeholders and monitoring and evaluating.

PART IV of the Bill provides for public participation process. It sets out the principles to be followed during public participation process such as provision of meaningful information, mutual consultations, openness and transparency, value for money and inclusiveness among others. It provides for the establishment of the public participation Advisory Committee that brings together representatives from faith based organization, NGOs, youth, persons with disabilities and private sector. The Committee's main function is to advise the county executive committee on appropriate public participation processes, strategies and policy frameworks, providing platform for engagement and monitoring public participation processes. The part also provides for facilitation of citizen forums and guidelines for managing public participation such as stakeholders mapping and engagement, stakeholder engagement plan, best practices and standards of public participation, levels of public participation and public participation methods and presentation of annual reports.

PART V of the Bill provides for procedures for public petition as required under Article 37 of the Constitution and section 88(1) of the County Governments Act, 2012

PART VI of the Bill provides for the general provisions mainly the power of the executive member to make regulations.

Dated this.....day of2018.

Hon. Kirui C. Weldon
Member of the County Assembly

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