

THE HOMA BAY COUNTY CIVIC EDUCATION AND PUBLIC PARTICIPATION (REPEAL) ACT, 2024

THE COUNTY GOVERNMENT OF HOMA BAY

HER EXCELLENCY THE GOVERNOR

GLADYS NYASUNA WANGA

I ASSENT

.....

GOVERNOR

This 26th day of March 2025

AN ACT of the County Assembly of Homa Bay to give effect to Articles 1, 10(2)(a), 35, 48, 174, 196, 201(a), 232(1)(d) and paragraph 14 of Part 2 of the Fourth Schedule to the Constitution, Sections 87, 88 and 91 of the County Governments Act, 2012, provide for public participation in county governance, provide for committees, and for connected purposes



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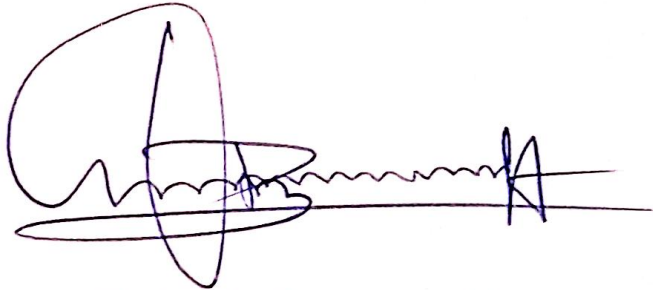
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I certify that this printed impression is a true copy of the
Bill passed by the County Assembly on the
..... (date).....(month), 2024.

A handwritten signature in black ink, consisting of a large, stylized initial 'C' followed by a series of horizontal, wavy lines and a final vertical stroke.

Clerk of the County Assembly

Presented for assent in accordance with the provisions of
the Constitution of Kenya and County Governments Act on the
.....(date) at the hour of

County Assembly Speaker

A handwritten signature in black ink, featuring a large, stylized initial 'S' followed by the letters 'p' and 'on' in a cursive script.

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**THE HOMA BAY COUNTY CIVIC EDUCATION AND PUBLIC
PARTICIPATION (Repeal) BILL, 2024**

ARRANGEMENT OF CLAUSES

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- 4—Object and purpose of the Act.
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- 9—Good practices and standards in stakeholder engagement.
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THE HOMA BAY COUNTY CIVIC EDUCATION AND PUBLIC PARTICIPATION (Repeal) BILL, 2024

A Bill for

AN ACT of the County Assembly of Homa Bay to give effect to Articles 1, 10(2)(a), 35, 48, 174, 196, 201(a), 232(1)(d) and paragraph 14 of Part 2 of the Fourth Schedule to the Constitution, Sections 87, 88 and 91 of the County Governments Act, 2012, provide for public participation in county governance, provide for committees, and for connected purposes

ENACTED by the County Assembly of Homa Bay, as follows—

PART I — PRELIMINARY

Short title and commencement

1. This Act may be cited as the Homa Bay County Civic Education and Public Participation (Repeal) Act, 2024 and shall come into operation fourteen days after its publication in the *Kenya Gazette*.

Interpretation

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

“administrator” means an employee or officer of the county government working as such at county, sub-county, ward or sub-ward level;

“Civic education” means public education aimed at empowering the public with self-government skills, by imparting them with civic knowledge, skills and disposition;

“Civic knowledge” means the content or what citizens ought to know to enable their active participation in governance and other processes;

“Civic skills” means the relevant intellectual capacity and body of knowledge required for citizens to exercise their rights and discharge their responsibilities;

“Clerk” means the Clerk of the County Assembly of Homa Bay;

“County executive committee” means the County Executive Committee for Homa Bay County constituted pursuant to Article 179 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 Homa Bay;

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“County public officer” means a person appointed by the county government and holding or acting in a 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;

“location” means the administrative unit headed by a chief.

No. 13 of 2011

“municipal” or “municipality” means an area conferred with the status of municipality pursuant to section 9 of the Urban Areas and Cities Act, 2011;

“Participatory budgeting” means the process of public participation in conceptualizing community priorities and respective projects for budgeting and policy implementation;

“Participatory development” means the process of development upon which communities are facilitated to participate in the identification of their needs, prioritization, budgeting, management and sustaining the projects after handing over;

“Participatory development review” means peer assessment of development by the communities especially direct beneficiaries of projects;

“Participatory planning” means the process of public participation in identifying intensity of community needs and priorities for planning and policy development;

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

- (a) residents of Homa Bay County;
- (b) rate-payers of a particular urban area;
- (c) any resident civic organization or non-governmental, private sector or labor organization with an interest in the
- (d) governance of Homa Bay County; or
- (e) non-resident persons who because of their temporary presence in Homa Bay County make use of services or
- (f) facilities provided by the county;

“Public participation” means an open, accountable and inclusive process through which individual citizens, community and interest groups, and other stakeholders can exchange views, make or influence the decisions that affect their lives;

“sub-location” has the meaning ascribed to it in the National

Government Co-ordination Act, 2013;

“Sub-Ward” means a smaller administrative unit established within the boundaries of a ward, as delineated by the relevant authority, for purposes of localized governance, planning, service delivery, and community representation, and may consist of one or more neighborhoods, villages, or settlements as specified in the regulations under this Act, and

“Technical officer” means a county government official overseeing the technical aspects of a project implementation.

Application

3. This Act shall apply to all public offices and county government organs, departments, staff and service providers in Homa Bay County.

3A Each responsible authority shall comply with the provisions of this Act when it—

- (a) formulates or reviews a public policy;
- (b) formulates a legislative proposal;
- (c) formulates a statutory instrument;
- (d) initiates a government programme or project.

Object and purpose of the Act

4. (1) The object and purpose of this Act is to enhance, promote and facilitate public participation in governance processes in the county government.

(2) Without prejudice to the generality of the foregoing, this Act seeks to—

- (a) give effect to the principles of public participation provided for in Articles 1, 10(2)(a), 35, 48, 174, 196, 201(a), 232(1)(d) and paragraph 14 of Part 2 of the Fourth Schedule to the Constitution;

No. 17 of 2012

- (b) give effect to the provisions of sections 87 to 92 of the County Governments Act, 2012;
- (c) ensure timely access to information to all citizens in a manner and language that is simple to understand;
- (d) provide a framework for open government partnership and an enabling environment for non-state actors, faith-based organizations and civil society organizations engagements in

- governance processes;
- (e) institutionalize civic education and public participation programmes and structures and collaboration with civil society organizations in the county;
 - (f) undertake coordinated and integrated capacity building towards empowering responsible citizens and public institutions;
 - (g) provide a framework for coordination and management of public participation in planning, budgeting, community-based resource mobilization, implementation of approved plans and budgets and monitoring and evaluation and learning;
 - (h) promote an effective framework for project management, implementation and sustainability;
 - (i) provide adequate, secure and sustainable funding for civic education and public participation;
 - (j) promote a well-resourced, updated and effectively implemented monitoring, evaluation and learning systems for public participation; and
 - (k) promote responsive, functional and timely feedback, reporting and grievance redress mechanisms in order to build confidence in the public participation process.

Guiding principles

5. Public participation in county governance processes shall be guided by the following principles and values—

- (a) sovereignty of the people;
- (b) national values under Article 10, and the Bill of Rights enshrined in Chapter Four, of the Constitution;
- (c) the right of every individual, group, community and organization to be affected by a decision to be involved in decision-making processes;
- (d) provision of adequate and effective information, mechanisms, structures and opportunities for participation for those interested in, or affected by, building relationships with non-state actors, faith-based organizations and civil society organizations serving in the county;
- (e) inclusion of minorities and the marginalized groups, including women, youth, the elderly, people with disabilities and children;

- (f) timely access to information in a language and form that is easy to comprehend, including accessible formats for people with disabilities;
- (g) provision of civic education and the development of the necessary framework for effective public engagement;
- (h) principles of leadership and integrity enshrined in Chapter Six of the Constitution;
- (i) provision of adequate funding for public participation;
- (j) adequate monitoring, evaluation, learning, feedback and grievance redress mechanisms for public participation and civic education; and
- (k) adherence to the principles of devolution and separation of power between the county assembly and the county executive.

PART II—COMMUNITY PARTICIPATION AND INVOLVEMENT

Rights of the public

6. A member of the public has the right to—
- (a) attend a public participation forum;
 - (b) make presentations either orally or by way of written submissions to an officer, organ or office of the county government;
 - (c) make a request for and receive adequate information on a matter of interest; and
 - (d) be selected or elected to a committee.

Notice on public participation

7. (1) A county government organ, or an officer of the county government, handling a matter that requires public participation, shall give the public at least seven days' notice to make their input on the matter under consideration.

(2) For purposes of subsection (1), the responsible organ or officer shall establish a mechanism to enable the widest reach which shall include but not limited to dissemination through—

- (a) public advertisements;
- (b) television stations;
- (c) information communication technology centers;
- (d) websites;

- (e) community radio stations;
- (f) public meetings;
- (g) social media;
- (h) print media; or
- (i) public address systems.

Modes of conducting public participation

8. A county department, agency or organ, or a committee of the county assembly, may apply any of the following public participation methods in addition to the methods stipulated under the County Governments Act, 2012—

- (a) public hearings;
- (b) workshops;
- (c) citizen advisory or consultation committees;
- (d) surveys;
- (e) focus groups;
- (f) invitations for public submission;
- (g) partnerships and collaboration;
- (h) emails;
- (i) brochures and newsletters;
- (j) project audits; and
- (k) internet based interactive and/or social media platforms.

Good practices and standards in stakeholder engagement

9. In facilitating stakeholder engagement or public participation, a county department, agency or organ, or a committee of the county assembly shall adopt the following standards and good practices —

- (a) stakeholder identification and analysis;
- (b) information disclosure;
- (c) stakeholder consultation;
- (d) negotiation and partnerships;
- (e) grievance management;
- (f) stakeholder involvement in monitoring and evaluation of

programmes and projects; and

- (g) stakeholder feedback.

Responsibility of the County Assembly

10. (1) The County Assembly shall ensure the conduct of public participation on matters of governance, development planning, oversight and legislation.

(2) The Clerk shall be responsible for the coordination of all public participation activities in the county assembly.

(3) In coordinating public participation referred to in subsection (2), the Clerk shall—

- (a) advise the County Assembly on carrying out public participation processes;
- (b) support members and committees of the County Assembly when carrying out public participation;
- (c) identify and mobilize citizens and relevant stakeholders for purposes of public participation;
- (d) prepare reports on public participation facilitated by the members and committees of the county assembly; and
- (e) prepare an annual report on county assembly public participation processes for consideration by the county assembly.

PART III— PUBLIC PARTICIPATION FORUMS

Ward forum

11. (1) Every Ward Administrator shall in consultation with the Member of the County Assembly convene a ward forum for the purposes of deliberating any matter of concern to the ward.

(2) In convening a ward forum, the ward administrator shall—

- (a) take into account and utilize the existing platforms for public engagements provided for in this Act; and
- (b) cause the recording and archiving of the public participation proceedings.

Responsibilities of the Chief officer

12 The chief officer responsible for public participation shall have the following functions;

- a) Be responsible for carrying out the functions, managing the affairs

and exercising the powers of the directorate

- b) Ensure efficient and effective administration of the directorate including the preparation of the annual workplans and development strategies.
- c) Provide support for the facilitation of forums convened under this Act.
- d) Perform such other functions as the CECM in charge may direct from time to time

Responsibility of County Executive Committee Member

13. (1) The County Executive Committee Member shall ensure the full operationalization of this Act.

(2) Notwithstanding the generality of subsection (1), the County Executive Committee Member shall ensure—

- (a) Implementation of the budget line for public participation and operationalize other resources as provided for.
- (b) development of such guidelines and frameworks as are necessary to give effect to any provision of this Act;
- (c) designation and deployment of such officers as may be necessary to implement the provisions of this Act;
- (d) consideration, approval, and publication of reports of public participation in the planning and implementation of county projects and programmes; and
- (e) The department responsible shall develop specific guidelines for the operationalization the development committees.
- (f) Ensure that a report for each forum is submitted to the county assembly.

Establishment of directorate

14. (1) There is established within the County Public Service, a participatory development coordination directorate.

(2) The directorate shall be headed by a director appointed by the County Public Service Board.

(3) The directorate established under subsection (1) shall be responsible for enforcing this Act and specifically for—

- (a) advising the county executive committee on appropriate participatory development policy processes and strategy

- frameworks;
- (b) liaising with the county assembly on effective conduct of public participation in the county;
 - (c) guiding, in consultation with an administrator at each level, decentralized participatory development process, including—
 - (i) overseeing the convening of development forums at all levels;
 - (ii) formulating regulations and rules of procedure for the development committees and project management committees;
 - (d) advising on the best participatory processes that ensure implementation of county programmes;
 - (e) management of citizen complaints;
 - (f) stimulation and evaluation of pro-poor policies, overall economic policy and partnership models for sustained growth;
 - (g) conducting civic education and development education programmes;
 - (h) championing people-centered development throughout a development cycle;
 - (i) facilitating public participation through continuous development committees' forums;
 - (j) enhancing engagements with non-state actors and public benefit organizations, including community-based organizations;
 - (k) managing community feedback on projects;
 - (l) developing mechanisms for managing complaints;
 - (m) publication of community information and development outcomes;
 - (n) review of participatory development and peer review programmes; and
 - (o) preparation of annual reports of public participation for consideration by the county executive committee.

Qualifications of a director

15. (1) A person is qualified to be a director if they meet the following minimum qualifications;

- a) A Degree from a university recognized in Kenya;
- b) A minimum work experience of 5 years;

c) Meets the Requirement of Chapter Six of the Constitution of Kenya, 2010

(2) The term of office for the director appointed under Section 14(2) shall be three years which may be renewable once.

Establishment of committees

16. (1) There shall be established committees at various levels of the county for purposes of conducting civic education and public participation under this Act.

(2) The committees referred to in subsection (1) shall be named as—

- (a) village cluster development committees;
- (b) ward development committees;
- (c) sub-county development committees;
- (d) municipal development committees;
- (e) county development committee; and
- (f) project management committees.

(3) In electing members to the committees, the following principles shall be taken into account—

- (a) not more than two-thirds of the members of a committee shall be of the same gender;
- (b) inclusion of the youth;
- (b) action plans;
- (c) mobilize community action and assist in facilitating county programmes and projects;
- (d) identification of community priorities, needs and protecting the poorest among the community.
- (e) promote accountability of the county government to residents of the county;
- (f) promote community-based monitoring and evaluation; and
- (g) facilitate community dialogue and community development that involves communities.

Village cluster development committees

17. There shall be established village cluster development committees.

(2) A committee established under subsection (1) shall consist of five

(5) members elected at a village cluster forum convened for that purpose.

(3) The village cluster forum shall consist of all eligible members in the villages forming the cluster.

(4) For the avoidance of doubt, every sub-location shall have three village clusters.

(5) The role of the village cluster development committee shall be to—

(a) lead the village cluster forum in proposing and negotiating projects to be presented in the sub-ward forum;

(b) represent the cluster in development planning, policy formulation and performance evaluation;

(c) develop cluster development needs, issues, and priorities including those affecting children, youth, women, senior citizens and the marginalized;

(d) mobilize the cluster for public participation, civic and development education forums;

(e) oversee the development of the area sub-ward development committees.

(f) prioritize cluster-self-driven policies, regulations, and action plans that enhance the people's sovereignty and self-governance in accordance with existing laws;

(g) consolidate data on the village community, and determine decisions with a view of redistribution to marginalized and border communities;

(h) coordinate planning and implementation of development projects; and

(i) handle community complaints and coordinate their resolution.

(6) A person elected to the committee shall serve for a term of three years, and shall not be eligible for re-election.

Sub-Ward Development Committees

18. (1) There shall be established the sub-ward development committees.

(2) A committee established under subsection (1) shall consist of five members elected at a sub-ward forum convened for that purpose.

(3) The forum convened under subsection (2) shall be attended by eight representatives from each village cluster.

(4) The role of the sub-ward development committee shall be to—

- (a) lead the sub-ward forum in negotiating and prioritizing projects presented by village cluster development committees;
- (b) represent the sub-ward in development planning, budgeting, policy formulation and performance evaluation;
- (c) consolidate and harmonize the cluster development plans with those of the national and county governments, non-state actors and community action plans;
- (d) operationalize integrated community resource centers, including community libraries, community educational centers, development committee desks, transparency and accountability platforms for communities;
- (e) follow up, lobby and negotiation for development of the cluster;
- (f) consolidate project management committee work plans, reports and oversight activities for consideration at the ward development forum;
- (g) facilitate village project management conferences and peer learning mechanisms;
- (h) oversee implementation of development in the cluster, including the community self-driven policies and plans;
- (i) harmonize sub-ward data for prioritization;
- (j) coordinate civic engagement, oversight and civic education gap analysis;
- (k) initiate pro-poor policy development initiatives; and
- (l) handle community complaints at the sub-ward and coordinate their resolution.

(5) A person elected to the committee shall serve for a term of three years, and shall not be eligible for re-election.

Ward development committees

19. (1) There shall be established in every Ward a ward development committee.

(2) A committee established under subsection (1) shall consist of five persons elected at a ward forum convened for that purpose.

(3) The forum convened under subsection (2) shall be attended by sixteen persons drawn from each location, and sixteen sectoral

representatives identified by the ward administrator in each ward,

(4) The role of the ward development committee shall be to—

- (a) lead the ward forum in debating and confirming development projects presented to the forum by sub-ward development committees;
- (b) represent the ward in ranking, voting and validation of development programmes, priorities and policy formulation;
- (c) facilitate public participation in the ward;
- (d) profile developments in the ward, including investments done through non-state actors, national government and community initiatives;
- (e) track implementation of project in the ward;
- (f) audit social activities in the ward;
- (g) supervise village cluster development committees and sub-ward development committees;
- (h) oversee community-based monitoring and evaluation framework in the ward;
- (i) consolidate project management committee reports and review project sustainability, utilization and further planning initiatives;
- (j) prioritize village cluster development plans, their consolidation and review;
- (k) follow-up, lobby and negotiate for ward development;
- (l) plan for participatory development review and peer learning activities;
- (m) consolidate ward statistics and data collection initiatives;
- (n) formulation of rural development policy; and
- (o) handle community complaints at the ward and coordinate their resolution.

(5) A person elected to the committee shall serve for a term of three years, and shall not be eligible for re-election.

Sub-county development committees

20. (1) There shall be established in every sub-county a sub-county development committee.

(2) A committee established under subsection (1) shall consist of five

members elected at a sub-county forum convened for that purpose.

(3) The forum convened under subsection (2) shall be attended by sixteen persons drawn from each location, and sixteen sectoral representatives identified by the sub-county administrator in every sub-county.

(4) The role of the committee shall be to—

- (a) lead the sub-county forum in discussing and approving sub-county flagship projects;
- (b) represent the sub-county in participatory development processes pertaining the development of the sub-county;
- (c) coordinate public participation in legislative processes of the county at the sub-county;
- (d) monitor the implementation of policies and laws at the community level;
- (e) contribute to the development of urban development policy and other policies;
- (f) mobilize for civic and development education at the sub-county;
- (g) collaborate with volunteers, national government institutions and non-state actors for community development at the sub-county;
- (h) ensure that projects implemented at the sub-county involve and benefit the residents, from inception to conclusion;
- (i) manage and coordinate development forums at the sub-county;
- (j) coordinate community disaster management and education at the sub-county; and
- (k) handle community complaints at the sub-county and coordinate their resolution.

(5) A person elected to the committee shall serve for a term of three years, and shall not be eligible for re-election.

Municipal development committees

21 (1) There shall be established in every municipality a municipal development committee.

(2) A committee established under subsection (1) shall consist of five persons elected in a municipal stakeholders meeting convened for that purpose.

(3) The stakeholders in the meeting under subsection (2) shall not

exceed fifty persons, and shall be drawn from all sectors in the municipality.

(4) The role of the committee shall be to—

- (a) represent the municipal in the formulation of a development plan for the municipal;
- (b) convene forums for effective governance of towns and emerging urban centers within the municipality;
- (c) coordinate public participation in legislative processes of the county at the municipality;
- (d) contribute to the formulation of urban development policy and other policies in the municipality;
- (e) mobilize for civic and development education at the municipality;
- (f) ensure that projects implemented at the municipality involve and benefit the residents, from inception to conclusion;
- (g) manage and coordinate development forums at the municipality County development committee.
- (h) coordinate community disaster management and education at the municipality; and
- (i) handle community complaints at the municipality and coordinate their resolution.

(5) A person elected to the committee shall serve for a term of three years, and shall not be eligible for re-election.

Establishment of the county development committee

22. (1) There is established the county development committee.

(2) The committee shall consist of nine members elected at a county forum convened for that purpose.

(3) The forum convened under subsection (2) shall consist of sixteen members from each sub-county, sixteen members elected at the sub-ward forum and not more than one hundred sectoral representatives appointed by the Governor.

(4) The role of the committee shall be to—

(a) lead the county validation forum in—

- (i) approving county-wide projects;
- (ii) discussing county projects;
- (iii) receiving and considering the county development status

report from the Governor;

- (b) represent participatory development units and communities at the county level decision making processes;
- (c) ensure implementation of the public participation and civic education policy at the county;
- (d) ensure capacity building of project management committees and development committees;
- (e) contribute to decentralized participatory development designs and techniques;
- (f) link the County Budget and Economic Forum, county development boards and professional bodies to the other decentralized structures of public participation;
- (g) advise on complaints and petitions regarding community development and governance management tracking;
- (h) stimulate and evaluate pro-poor policies, overall community development policy and partnership models for sustained growth;
- (i) advise on the development of the Annual State of the County Address and reports provided for under this Act or other written law;
- (j) advise on the changing trends in development, best practices and models; and
- (k) handle community complaints at the county and coordinate their resolution.

(5) A person elected to the committee shall serve for a term of three years, and shall not be eligible for re-election.

Project management committees

23. (1) There shall be established a project management committee for every project or programme undertaken by the county government.

(2) A committee established under subsection (1) shall consist of a maximum of five members who shall be elected by the community at the project inception meeting organized by the relevant county department.

(3) The ward administrator shall be the secretary to the committee.

(4) The role of the committee shall be to—

- (a) receive and brief the contractor or service provider and department staff when they visit the project site;
- (b) represent the community in project implementation and

management;

- (c) provide information about the community and projects whenever necessary;
- (d) act as the link between the community and project implementers or developers;
- (e) keep custody of project plans, designs and bills of quantities of the projects being implemented in the community;
- (f) ensure ownership and sustainability of the project by the community;
- (g) monitor and report on the progress of a project;
- (h) give feedback on the project to the relevant development committees, community and government;
- (i) prepare and keep up to date books and records of projects and citizen concerns;
- (j) ensure public participation in environmental conservation and climate change management;
- (k) ensure public participation in management of project resources,
- (l) assist in resolving any problem that may arise during implementation of a project by communicating to the administrator or the relevant department, and ensuring that the community is comfortable and their interests well addressed;
- (m) exercise any other power or role as is necessary for the discharge of functions concerning project management and sustainability;
- (n) develop and submit a project exit evaluation report; and
- (o) handle complaints in respect of the project and coordinate their resolution.

(5) The committee shall serve for the duration of the project, and its term lapses upon conclusion of the project.

(6) A person shall not be eligible for election as a member of a project committee member in more than one projects running concurrently.

(7) The committee shall hold meetings as necessary but not more than six meetings shall be held during the life of a project.

(8) The department responsible shall develop specific guidelines for the operationalization of the project management committees.

Project management costs

24. (1) In the conceptualization and formulation of project designs and

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bilis of quantities a provlslon shall be made for project management costs.

(2) The project management costs shall be determined considering the scope of the project and the expected supervlslons, meetings and reporting by respective project management committees.

(3) The amount reserved as project management costs shall be paid by the project contractor into a special account to be operated by the Chief Officer responsible for finance and/or authorized representative, the Chief Officer for the department implementing the project and/or authorized representative, and a representative of the county unit responsible for service delivery, monitoring and evaluation.

(4) The project management costs shall be utilized to defray project management committee expenses, project supervision costs and such other relevant expenses provided for in this Act.

(5) It is hereby provided that the project contractor's final account shall only be settled upon confirmation that all project management costs have been fully paid.

Repeal of the Homa Bay Civic Education and Public Participation Act 2019

25. The Homa Bay County Civic and Public Participation Act, in force immediately before the effective date of this Act shall stand repealed on the day this legislation becomes operationalized."

Oversight by County Executive

26. (1) The county executive may from time-to-time exercise oversight of any project and/or activity being implemented pursuant to this Act.

(2) The county executive may exercise an oversight role through the relevant implementing department, the procurement directorate or the county unit responsible for service delivery, monitoring and evaluation.

(3) The expenses for project oversight shall be appropriated for this purpose in the normal manner.

(4) A report of the oversight exercise shall be submitted to the county executive for its review and action.

PART IV—MISCELANEOUS PROVISIONS

Technical officers

27. All technical officers shall have a responsibility of promoting public participation, and in particular—

(a) facilitation of public participation, civic and development

education, participatory development review and project management forums;

- (b) technical inputs towards quality decisions that inform development at the county level;
- (c) technical support in project appraisal, feasibility and viability inputs in project development and evaluation;
- (d) interpretation of bills of quantities and guidance for development committees and project management committees;
- (e) capacity building of development committees, project management committees and the project beneficiary communities;
- (f) public participation, civic education and monitoring, evaluation and learning systems;
- (g) management of social risk in project identification, implementation and post-handover;
- (h) enhancing community planning, budgeting and development prioritization;
- (i) ensuring that all project management costs have been paid to relevant committee before settlement of contractor's final certificate;
- (j) community complaints management and grievance redress mechanisms.

Role of County administration

28. The county administration shall enrich participatory development process through—

- (a) overall coordination of the public participation and civic education in their units;
- (b) grievance redress;
- (c) dispute resolution; and
- (d) monitoring, evaluation and reporting of county government programmes and projects.

Regulations and Guidelines

29. The County Executive Committee Member may make regulations and/or guidelines for the better carrying into effect the provisions of this Act, and for prescribing anything which requires to be prescribed under

this Act.

30. The County development Committee shall provide criteria, conditions and guidelines for the elections across the committees in the regulations.

31. The criteria, conditions and guidelines provided under Section 30 shall ensure that youths and people living with disability are represented and that no more than two-thirds of the members of the Committee are of the same gender.

32. The remuneration of the members of the committees enlisted herein shall be as determined by the County Public Service Board

MEMORANDUM OF OBJECTS AND REASONS

The principal purpose of this bill is to provide a legislative framework for coordinating the participation of the county communities in governance at the local level as envisaged in Articles 1, 10(2)(a), 35, 48, 174, 196, 201(a), 232(1)(d) and paragraph 14 of Part 2 of the Fourth Schedule to the Constitution, sections 87, 88 and 91 of the County Governments Act, 2012, provide for public participation in county governance, provide for committees, and for connected purposes.

PART I of the Bill sets out the preliminary provisions including the objects and purposes of the Act and the guiding principles for the implementation of the Act.

PART II provides for a framework for community participation and involvement in governance and sets out the rights of members of the public, notice and mode of conducting public participation, good practices and standards in stakeholder engagement and responsibility of the county government.

PART III provides for the establishment of the County institutional frameworks for Public Participation that include county participatory development coordination office and the establishment of various committees for Public Participation. It sets out the roles of the committees established and provides for the responsibilities of the County executive. It further provides for the convening of citizens participation forum at various levels of the county government.

PART IV of the Bill contains miscellaneous provisions including the role of technical officers of the county government in implementation of the Act, the overall role of the county administration in the Act and the powers to make Regulations and Guidelines for the better carrying into effect the provisions of the Act, and for prescribing anything which requires to be prescribed under the Act.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms.

The Bill does not delegate legislative powers, except to the extent reserved for the County Executive Member to make Regulations and Guidelines under section 27. The Bill does not limit fundamental rights and freedoms.

Statement to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution.

The Bill is a money Bill for the purposes of Article 114 of the Constitution as its enactment will occasion additional expenditure of public funds in respect of project management committees, allowances for the institutional committees and oversight by the county executive.

Dated the 29th June, 2024.

PAUL ODOCK,

Chairperson, Committee on Justice and Legal Affairs