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THE KWALE COUNTY PUBLIC PARTICIPATION ACT, 2016

No. 12 of 2016

Date of Assent: 22nd January, 2016

Date of Commencement: 10th March, 2017

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THE KWALE COUNTY PUBLIC PARTICIPATION ACT, 2016

AN ACT of County Assembly of Kwale to give effect to paragraph 14 of part 2 of the Fourth Schedule of the Constitution; to establish modalities and platform for public participation in the governance of the county and for connected purposes.

ENACTED by the County Assembly of Kwale as follows:—

PART I—PRELIMINARY

Citation and commencement

1. This Act may be cited as the Kwale County Public Participation Act, 2016 and shall come into force upon Gazettement in the Kenya Gazette.

Objects and Purposes of this Act

2. The objects and purposes of this Act are, subject to Articles 1(4), 10, 201 and 232 (1) (e) of the Constitution, to establish a legislative framework to give effect to—

(a) paragraph 14 of part 2 of the Fourth Schedule of the Constitution;

(b) the objects and principles of devolution set out under Article 174 (c) and (d) of the Constitution; and

(c) Part VIII of the County Governments Act, 2012.

Interpretation

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

"Board" means the Kwale County Public Service Board;

"Constitution" means the Constitution of Kenya, 2010;

"Government" means county government of Kwale;

"County public officer" means any person appointed by the county government and holding or acting in any county public office whether paid or unpaid or on contractual or permanent terms but does not include a person engaged on a part time basis in a county public body paid at an hourly or daily rate;

"County Executive committee" means Kwale county executive committee established in accordance with Article 176 of the Constitution;

"Performance indicator" means an indicator that measures the results of activities, processes and strategies of programmes or projects of the Office;

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"Office" means the Office of Public Participation established under section 5;

"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 city or municipality;

(c) any resident civic organization or non-governmental,private sector or labour organization with an interest in the governance of the county, city or municipality;

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

(e) communities within the County.

Guiding Principles

4. Subject to section 87 of the County Governments Act, public participation in the county government activities will be guided by the following principles—

(a) the public to be affected by a decision shall have a right to be consulted and involved in the decision making process;

(b) public contributions shall be taken into consideration when making the decisions;

(c) promotion of sustainable decisions by recognizing and communicating the needs and interests of the public;

(d) support the involvement of the public potentially affected by or interested in a decision;

(e) the public have equitable access to information for their meaningful participation;

(f) communication to the public on how their input affected the decision;

(g) adherence to the national values and principles of governance set out under Article 10 of the Constitution;

(h) adherence to the values and principles of public service set out by Article 232 of the Constitution;

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(i) adherence to the principles of leadership and integrity set out in Chapter Six of the Constitution; and

(j) adherence to the principles of citizen participation set out in Section 87 of the County Governments Act, 2012.

PART II—ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF THE OFFICE OF PUBLIC PARTICIPATION

Establishment of the Office

5. There is established an office to be known as the Office of Public Participation which shall be in charge of facilitating and coordinating public participation in the County Government, and payable from the county revenue fund.

Composition of the Office

6. (1) The Office shall comprise—

(a) a chairperson who shall be appointed by the Governor with approval of the County Assembly;

(b) five members nominated by special interest groups specified under subsection (2), who shall be appointed by the Governor with approval of the County Assembly;

(c) four ex-officio members who shall be senior public officers representing the county executive and the county assembly departments; and

(d) the secretary who shall be an ex-officio member.

(2) The members referred to under subsection (1) (b), shall be nominated by—

(a) youth;

(b) women;

(c) persons with disabilities;and

(d) religious groups.

(3) In appointing the chairperson and members of the Office, the Governor and the County Assembly shall ensure that—

(a) the Office reflects the regional and ethnic diversity of the people within the county; and

(b) not more than two-thirds of the members are of the same gender.

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Appointment and qualifications of Chairperson and members

7. (1) The appointment and nomination of the chairperson and members of the Office shall be—

(a) carried out in a competitive and transparent manner;

(b) based on merit; and

(c) in line with the constitutional requirements for public service.

(2) A person is qualified for appointment as chairperson and member of the Office if that person—

(a) is a citizen of Kenya;

(b) holds a diploma from a recognized university;

(c) has knowledge and relevant experience in community service or social work; and

(d) meets the requirements of leadership and integrity set out in chapter six of the Constitution.

(3) A person shall not be qualified for appointment as the Chairperson or as a member under section (1) if such person—

(a) is declared to be of unsound mind;

(b) is an un-discharged bankrupt; or

(c) has been removed from office for contravening the provisions of the Constitution or any other written law.

Functions of the Office

8. (1) The Office of Public Participation shall facilitate and co-ordinate public participation in the governance of the county as provided under paragraph 14 of part 2 of the Fourth Schedule to the Constitution.

(2) In the performance of its function and obligations under subsection (1), the Office will facilitate and oversee the effective coordination of the operations of the Office and shall—

(a) establish structures for public participation as is required under section 91 of the County Governments Act;

(b) ensure that public participation activities are inclusive of the broad spectrum of the public;

(c) provide the public with a clear context for which public participation is to be undertaken and how decisions will be made.

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(d) inform the public of existing or potential linkages with other policy initiatives, issues or public participation activities;

(e) inform the public on whether financial resources correspond to the nature and scope of the public participation planned;

(f) provide information on whether there is sufficient and adequately trained staff to carry out the planned public participation;

(g) ensure that clear and reasonable timelines are established for public input and comment and that these timelines are communicated to the public;

(h) ensure that the public participation medium used is appropriate to the nature of the policy initiatives, issues involved, the target groups affected and the staff and resources available;

(i) establish a feedback process to the public including opportunities for the public to forward additional comments or input to the decision taken;

(j) develop an evaluation framework to the public participation plan;

(k) ensure that the public are informed of the results of the public participation process and how their input was used in the decision taken;

(l) ensure that public participation processes adhere to the relevant legislation, regulations, policies or guidelines affecting the rights and responsibilities of the public and the officers;

(m) establish whether there is support for the development of new public participation techniques and technologies;

(n) provide strategies to the county assembly and county executive, including the development of consultation plans and information facilitating public participation in any matter before the county assembly and the executive;

(o) maintain an up to date database or inventory of all its activities;

(p) for the purpose of creating the culture of, and respect for the principles of public participation, coordinate public education and training programmes in relating to public participation;

(q) carry on research on matters relating to public participation generally;

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(r) prepare and submit reports to the county assembly on the status of the implementation of its functions and obligations under this Act;

(s) 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; and

(t) perform any other function as may be assigned by legislation.

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

Powers of the Office

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

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

(a) advice the county executive committee on matters of policy relating to public participation;

(b) with the approval of the county assembly enter into agreements or arrangements with any institution, association or professional organizations as the Office may consider appropriate in furtherance of the purpose for which the Office is established;

(c) set and enforce standards regarding public participation;

(d) manage, supervise, secure and administer the assets of the Office in such manner as best promotes the purpose for which the Office is established;

(e) delegate any of its powers to any officer, employee, agent, section or committee of the Office;

(f) undertake any activity necessary for the fulfillment of any of its functions under this Act.

Committees of Office

10. (1) The Office may establish committees for the better carrying out of its functions.

(2) A committee(s) established under subsection (1) may comprise members of the Office and such other co-opted persons who may not be more than two as the Office may determine.

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(3) No decision of any committee(s) shall be effective unless it has been confirmed by the Office.

Term of Office

11. (1) The chairperson shall be appointed for a term of three years and is eligible for re-appointment for one term.

(2) A member of the Office shall be appointed for a term of three years and is eligible for re-appointment for one term.

(3) The chairperson, secretary and members of the Office other than the ex-officio members shall serve on a full time basis.

Remuneration

12. (1) The chairperson and members of the Office, other than the ex-officio members, shall be paid such salaries, allowances and benefits as the board shall, the advice of the Salaries and Remuneration Commission determine.

(2) The ex-officio members of the Office shall be paid such allowances and benefits as set by the Salaries and Remuneration Commission.

Removal from Office

13. (1) The chairperson or a member may be removed from office for—

(a) inability to perform the functions of the office arising out of physical or mental incapacity;

(b) gross misconduct;

(c) incompetence or negligence of duty;

(d) bankruptcy;

(e) is found guilty of professional misconduct by the relevant professional body;

(f) in any particular case, failure to declare his or her interest in any matter being considered or to be considered by the board or committee;

(g) absence from three consecutive meetings of the Office without a reasonable explanation; or

(h) in the case of the ex-officio members, on ceasing to hold their respective offices.

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(2) A member may be removed from office of chairperson or member of the Office on any of the grounds in subsection (1) by the Governor upon—

(a) recommendation by the Office supported by the vote of at least two-thirds of the members of Office;

(b) recommendation for removal by the nominating group under section 6 (2); or

(c) petition by the residents of the county.

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

Vacation of Office

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

(a) resigns in writing, to the Governor;

(b) is convicted of a criminal offence and sentenced to a term of imprisonment of six months or more;

(c) is declared bankrupt;

(d) is unable to perform the functions of his or her office by reason of mental or physical infirmity; or

(e) ceases to be a member of the nominating group.

Filling of Vacancy

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

Secretary

16. (1) There shall be a secretary to the Office who shall be competitively recruited by the board, appointed by the Governor and vetted by the county assembly.

(2) A person shall be qualified for appointment as a secretary to the Office if the person—

(a) is a citizen of Kenya;

(b) holds a degree from a university recognized in Kenya;

(c) has at least three years proven experience at management level;

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(d) has extensive experience in public administration and community service; and

(e) meets the requirements of leadership and integrity set out in chapter six of the Constitution.

(3) The secretary shall be the chief executive officer of the Office and head of the secretariat and shall be responsible to the Office.

(4) The secretary shall hold office for a term of five years and shall be eligible for re-appointment for a further term of five years.

Removal of Secretary

17. (1) The secretary may be removed from office by the Governor in accordance with the terms and conditions of service if he or she—

(a) is unable to perform the functions of the office by reason of mental or physical infirmity;

(b) is declared or becomes bankrupt or insolvent;

(c) is convicted of a criminal offence and sentenced to a term of imprisonment of six months or more;

(d) resigns in writing to the County Governor;

(e) without reasonable cause, is absent from three consecutive meetings of the board or committee within one financial year;

(f) is found guilty of professional misconduct by the relevant professional body;

(g) disqualified from holding a public office under the Constitution;

(h) convicted of an offence and is sentenced to imprisonment for a term of six months or more;

(i) where required, fails to declare his or her interest in any matter being considered or to be considered by the Office;

(j) engages in any gross misbehavior or gross misconduct.

(2) Before the Secretary is removed from office under subsection (1), the Secretary shall be given—

(a) sufficient notice of the allegations made against him or her; and

(b) an opportunity to present his or her defense against the allegations.

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Meetings

18. (1) The business and affairs of the Office shall be conducted in accordance with the Second Schedule.

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

Employees of the Office

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

Protection from Personal Liability

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

PART III—PUBLIC PARTICIPATION FORUMS

County Public Participation Forum

21. (1) On the request of the county executive or county assembly, the Office shall co-ordinate the convening of public participation forums and shall convene a public participation forum once in three months to discuss any matter of public importance affecting the public or any community in the county or the delivery of services by the county government.

(2) The office 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 gender and marginalized groups an communities.

(3) The Office shall appoint a secretary from amongst its member to take the minutes of the proceedings of the forum and shall publicize the minutes throughout the county—

(a) taking note of the issues from the forum for action or response by the relevant organs of the county government or other entity; and

(b) giving feedback on the action taken on the issues raised.

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(4) The office shall facilitate meaningful participation of the public in the forum including—

(a) ensuring accessibility to the forums; and

(b) the use of language with disabilities.

(5) No meeting shall be convened for the purpose of promoting opposing or discussing the election of any political post or to discuss the conduct of a public servant in the county.

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

Sub-Counties Public Participation

22. (1) On the request of any county department or the county assembly the office shall facilitate the convening of public participation forum to discuss and give views on issues of interests in the sub-counties.

(2) The provisions of subsection (2) to (6) of section 21 shall apply to forum convened under this section.

Ward or Village Public Participation Forum

23. (1) A ward or village administrator or a member of the county assembly may convene a ward or village public participation forum and the Office shall coordinate the organization of the forum to discuss and give views with respect to the issues of interests in the ward or village, as the case may be.

(2) The forum shall be open to all residents of the ward or village who desire to attend and they shall be allowed to speak through representatives or directly.

(3) The convener of the forum shall appoint a secretary to take the minutes of the proceedings of the forum and shall, with the assistance of the Office publicize the minutes throughout the ward or village and shall—

(a) be taking note of the issues arising from the forum for action or response by the relevant organs of the county government; and

(b) be giving a feedback on the action taken on the issues raised.

(4) The Office must ensure that the forum is fully publicized to enable attendance and participation of a wide section of the public.

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PART IV—PETITIONS

Form of Petition

24. A petition to county executive committee shall be in the form set out in the fourth 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 county secretary;

(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;

(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.

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Procedure for Presenting Petition

25. (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 24, he may give such directions as are necessary to ensure that the petition is amended to comply with that section.

Consideration of Petition

26. (1) The county secretary shall, if satisfied that the petition meets the requirements of this Act, forward the petition to the county executive committee for consideration.

(2) The county executive committee may appoint a committee to investigate the subject matter of the petition.

Procedure in the Investigation

27. (1) The 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 the Secretary to the office or any other person holding public office to appear before them to give evidence relating to the petition;

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

(d) with the support from the Office, 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.

(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

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her evidence due to inaccurate reporting and the evidence shall be printed with such corrections as may be appropriate.

(5) 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 committee.

(7) 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 26 shall, as soon as practicable after the conclusion of the investigation, submit its findings and recommendation to the county executive committee for a final decision to be made on the petition.

(9) The county secretary shall, within fifteen days of the decision of the county executive committee, notify the petitioner of the decision.

Publication of Decision on Petition

28. The county secretary shall, within fourteen days after the decision is communicated to the petitioner or petitioners, with support from the Office —

(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 such other manner as may be appropriate for the dissemination of information.

Register of Petitions

29. (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 assembly.

(3) The register of petitions under subsection (1) shall be accessible to the public during working hours.

Appeal against Decision on a Petition

30. Any petitioner who is dissatisfied by the decision of the county executive committee may appeal to the Commission on Administrative Justice pursuant to the Commission on Administrative Act, 2011.

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Petitions to the Assembly

31. A petition maybe presented or submitted to the Assembly by the petitioner or a member of county Assembly on behalf of the petitioner in accordance with the standing orders of the Assembly.

PART V—FINANCIAL PROVISIONS

Funds of the Office

32. The funds of the Office shall consist of—

(a) such monies as may be appropriated by the county assembly for the purposes of the Office;

(b) such monies or assets as may accrue to the Office in the course of the exercise of its powers or in the performance of its functions under this Act; and

(c) all monies from any other source provided, donated or advanced to the Office.

Borrowing Powers

33. (1) Subject to subsection (2), the Office may borrow money required for the exercise of its functions and for meeting its obligations after approval by the county assembly.

(2) The approval under subsection (1) may be either general or limited to a particular transaction and may be either conditional or unconditional.

Financial Year

34. The financial year of the Office shall be the period of twelve months ending on the thirtieth day of June in each year.

Annual Estimates

35. (1) Before the commencement of each financial year, the Office shall cause to be prepared estimates of the revenue and expenditure of the Office for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Office for the financial year concerned and, in particular, shall provide for—

(a) payment of the salaries, allowances, gratuities and other charges in respect of the staff and members of the Office;

(b) maintenance of buildings and grounds of the Office;

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(c) funding of training, research and development of activities of the Office;

(d) the funding of the schedules and organization of public participation meetings;

(e) the creation of such funds to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or installations, equipment and in respect of such other matters as the Office may think fit.

(3) The annual estimates shall be approved by the Office before the commencement of the financial year to which they relate and shall be submitted to the clerk for tabling before the county assembly.

(4) No expenditure shall be incurred for the purposes of the Office except in accordance with the annual estimates approved under sub-section (3).

Accounts and audit

36. (1) The Office shall cause to be kept proper books and records of account of the income, expenditure, assets and liabilities of the Office.

(2) Within a period of three months after the end of each financial year, the Office shall submit to the county auditor-general the accounts of the Office in respect of that year together with a—

(a) statement of the income and expenditure of the Office during that year; and

(b) statement of the assets and liabilities of the Office on the last day of that financial year.

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

Bank accounts

37. The Office shall open and maintain such bank accounts as shall be necessary for the performance of its functions.

PART VI—MISCELLANEOUS

Performance agreement

38. (1) A performance agreement shall be made between the county government and the Office in relation to the mandate of the Office.

(2) The performance agreement shall describe the key outputs that the Office shall achieve in any financial year and such output shall be defined in terms of performance indicators and targets.

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(3) The county government may request for an independent report on the implementation of the performance agreement.

County government power of direction

39. The county government shall oversee the performance of the activities of the Office under this Act and may, in writing, give the Office directions on matters of policy not inconsistent with the provisions of this Act.

Annual report

40. (1) The Office shall, at the end of each financial year cause an annual report to be prepared.

(2) The Office shall submit the annual report to the Governor and the County Assembly 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 Office;

(b) a description of the activities and outcomes of public participation; and

(c) any other information, that the Office may consider relevant.

(4) The Office shall cause the annual report to be published and publicized in at least one newspaper with national circulation and such other manner as the Office may determine.

Management of information

41. (1) The Office shall publish and publicize all important information affecting the county within its mandate.

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

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

(a) shall be addressed to the Secretary or such other person as the Office may designate for that purpose;

(b) may, where the Office incurs expense in providing the information, be subject to payment of a reasonable fee; and

(c) may be subject to confidentiality requirements of the Office.

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(4) Subject to the provisions of Article 35 of the Constitution and the law relating to freedom of information and data protection, the Office may decline to give information to an applicant where—

(a) the request is unreasonable in the circumstances; or

(b) the applicant fails to satisfy any confidentiality requirements imposed by the Office.

(5) The right of access to information under Article 35 of the Constitution shall be limited to the nature and extent specified under this section.

(6) Every member and staff of the Office shall sign a confidentiality agreement.

Publicity

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

(a) the location of all its offices; and

(b) its address or addresses, telephone numbers and other means of communication or contact with the Office.

Offences and penalty

43. A person who—

(a) without justification or lawful excuse, obstructs hinders, threatens a member of the Office or a member of staff acting under this Act;

(b) submits false or misleading information;

(c) without reasonable excuse, fails to appear before a meeting of the Office when required to do so;

(d) misrepresents to or knowingly misleads a member of the Office or a member of staff of the Office acting under this Act;

(e) convenes a meeting for the purpose of promoting, opposing or discussing the election of any political post or to discuss the conduct of a public servant in the county;

commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

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Review

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

Regulations

45. The executive committee member responsible for matters relating to public participation may, in consultation with the Office, make regulations for the better carrying into effect of the provisions of this Act.

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FIRST SCHEDULE (s.8)

PUBLIC PARTICIPATION GUIDELINES

The following guidelines shall guide the county government and the Office when conducting public participation activities:

1. Build a realistic timeframe for the consultation, allowing reasonable period for each stage of the process.

2. Be clear as to the type of the public, community or profession to be consulted, the issues or matter for consultation and for what specific purpose.

3. Ensure that the consultation document is as simple and concise as possible, providing the summary of the issues or matter for consultation and clearly setting out the questions to be address.

4. Publish and distribute the documents as widely as possible, including but not limited to providing hard copies, television advertisements, websites, community radio announcements and traditional media.

5. 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 taken.

6. Disclose all information relevant for the public to understand and evaluate the decision.

7. Ensure that stakeholders have fair and equal access to the public participation process and their opportunity to influence decisions.

8. Ensure that all commitments made to the public, including those by the decision-maker, are made in good faith.

9. Undertake and encourage actions that build trust and credibility for the process among all the participants.

10. Be personally responsible for the validity of all data collected, analyses performed, or plans developed by it or under its direction.

11. Ensure that there is no misrepresentation of work performed or that was performed under the relevant body's direction.

12. Examine all of its relationships or actions, which could be legitimately interpreted as a conflict of interest by clients, officials, the public or peers.

13. Should not engage in conduct involving dishonesty, fraud, deceit, misrepresentation or discrimination.

14. Should not accept fees wholly or partially contingent on the client's desired result where that desired result conflicts with its professional judgment.

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SECOND SCHEDULE (s.18)

MEETINGS AND PROCEDURE FOR THE OFFICE

1. The county executive committee member responsible for matters relating to public participation shall convene the first meeting of the Office.

2. The Office shall decide when and where it meets and the meetings shall be convened by the chairperson.

3. The Office shall have at least six meetings in every financial year and not more than four months shall elapse between one meeting and the next meeting.

4. Unless three quarters of the members otherwise agree, at least seven days' notice in writing of a meeting shall be given to every member.

5. A meeting shall be presided over by the chairperson or in his or her absence, by the vice-chairperson.

6. The members of the Office shall elect a vice-chairperson from among themselves—

(a) at the first sitting of the Office; and

(b) whenever it is necessary to fill the vacancy in the office of the vice-chairperson.

7. The chairperson and vice-chairperson shall not be of the same gender.

8. If any person has a personal or fiduciary interest in any matter before the Office, and is present at a meeting of the Office or any committee at which any matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter.

9. A disclosure of interest made under paragraph 8 shall be recorded in the minutes of the meeting at which it is made.

10. A person who contravenes paragraph 8 commits an offence and is liable, upon conviction, to a fine not exceeding three million shillings, or to imprisonment for a term not exceeding seven years, or to both.

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11. No member or staff of the Office shall transact any business or trade with the Office.

12. (1) Subject to paragraph 13, the quorum of the meeting shall not be less than half of the appointed members.

14. Where there is a vacancy in the Office, the quorum of the meeting shall not be less than three appointed members.

15. A question before the meeting shall be decided with a supporting vote of at least two thirds of the members present.

16. The Office shall keep minutes of proceedings of its meetings and decisions taken.

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THIRDSCHEDULE (s. 24)

FORM OF A PUBLIC PETITION

TO: The (Name of county) County Government/Assembly

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

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

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

THAT:

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

THAT:

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

THEREFORE your humble petitioners PRAY that the Assembly—

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

and your PETITIONERS will ever Pray

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

PETITION concerning.....

(Here, repeat the summary in first page)