KENYA GAZETTE SUPPLEMENT

NAKURU COUNTY BILLS, 2019

NAIROBI, 13th June, 2019

CONTENT

Bill for Introduction into the County Assembly of Nakuru—

The Nakuru County Civic Education Bill 2019 ........................................... 1
THE NAKURU COUNTY CIVIC EDUCATION BILL, 2019
ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY
1—Short Title.
2—Interpretation.
3—Purpose and Objects of the Act.
4—Guiding Principles.

PART II—ESTABLISHMENT, COMPOSITION AND
FUNCTIONS OF THE OFFICE OF COUNTY DIRECTOR OF
CIVIC EDUCATION.
5—County Director of Civic Education and Public Participation.
6—Duties of the County Director.
7—Functions of the County Director.
8—Powers of the County Director.
9—Removal from Office of the County Director.
10—Resignation of the County Director.

PART III—PUBLIC COMMUNICATION
11—Documents to be Made Public.
12—Official Communication Platforms.

PART IV—CO-ORDINATION OF CIVIC EDUCATION.
13—Coordination of civic education
14—County Executive Civic Education Advisory Committee.

PART V—CIVIC EDUCATION FORUMS
15—Civic Education Forums
16—Sub-County Civic Education Forums.
17—Ward Civic Education Forums.
18—Village Civic Education Forums.
The Nakuru County Civic Education Bill, 2018

PART VI— MISCELLANEOUS

19—Annual Estimates.
20—Accounts and Audit.
21—Performance Agreement.
22—The Executive Committee Member's Power of Direction.
23—Annual Report.
24—Management of Information.
25—Publicity.
26—Review.
27—Offenses and General Penalty.
28—Regulations.

PART VII—SCHEDULES

SCHEDULE ONE—Civic Education Guidelines.
SCHEDULE TWO—Oath or Affirmation of the Director.
SCHEDULE THREE—Form of Petition.
THE NAKURU COUNTY CIVIC EDUCATION BILL, 2019

A Bill for

AN ACT of the County Assembly of Nakuru to give effect to Section 14 of Part 2 of the fourth schedule of the Constitution, 2010 and Part X of the County Government Act, 2012; to provide for the legal framework modalities and platforms for facilitating civic education in county governance, policy processes and for connected purposes

ENACTED by the County Assembly of Nakuru as follows—

PART I— PRELIMINARY

Short Title and Commencement

1. This Act may be cited as the Nakuru County Civic Education Act, 2019 and shall come into force upon final publication in the Kenya Gazette.

Interpretation

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

"Administrator" means sub-county administrator, ward administrator, village administrator;

"appointment" includes an acting appointment, reappointment, promotion and re-designation; "Administrator" means sub-county administrator, ward administrator, village administrator;

"Advisory Committee" means the Civic Education Advisory Committee established under section 13;

"Board" means the County Public Service Board;

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

"Civil society" means groups of active citizens concerned about a specific set of issues or focused on accomplishing specific set of objectives;

"Committee of the County Assembly" means the County Assembly Committee on Civic Education "Constitution" means the Constitution of Kenya, 2010;

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

"County Chief Officer" means an officer appointed under section 45
of the County Government Act, 2012 responsible for matters relating to Civic Education;

"County Department" means any office or department established in the County Government by the County Public Service Board or under any written law;

"County Executive Committee" means Nakuru county executive committee established in accordance with Article 179 of the Constitution;

"County Executive Member" means the Nakuru County Executive Committee Member for the time being responsible for Education;

"County Gazette" means a gazette published by the authority of the County government or a supplement to such gazette;

"County Governments Act" means the County Government Act 2012

"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 Public Service Board" means the Nakuru County Public Service Board established under section 57 of the County Government Act;

"Director" means the County Director of Civic Education established under section 5;

"Government" means the County Government of Nakuru;

"Marginalised Group" has the meaning assigned to it by Article 260 of the Constitution;

"public officer" has the meaning assigned to it in Article 260 of the Constitution, "qualification" means any prescribed factor of eligibility or ineligibility attached to holding or acting in a county public office;

"re-designation" means the conferment upon a person, of a county public office at a grade equal to or substantially equal to the one previously held by that person and whose major consequence is to change from one cadre to the other to facilitate that person's horizontal mobility characterized with change in career path;

"retirement" means the removal of an officer from the public service with full separation benefits including pension benefits, gratuity or such other terminal benefits as may be provided for in the applicable law or the contract of service or a special retirement scheme agreed upon between the public officer and the relevant lawful authority;
“Salaries and Remuneration Commission” means the Salaries and Remuneration Commission established under Article 230(1) of the Constitution;

“performance Contract “ means a freely negotiated agreement between the County Government and the Office of the County Director which clearly specifies the intentions, obligations and responsibilities of the two contracting parties.

“Petition" means any formal means of presenting or expressing a grievance or complaint to public institutions or authority as contemplated within the meaning of Article 37 of the Constitution of Kenya, 2010 and section 88 of the County Governments Act, 2012;

“Public Participation” includes the processes and methods designed to consult, involve and inform the public or stakeholders to allow those who would potentially be affected by a decision, any policy, legislation, program, project to have input into the process;

“Public/Citizens/Community” when used in relation to this Act, means—

(a) the residents of Nakuru County;

(b) the ratepayers of a particular city or municipality in Nakuru County;

(c) any resident civic organization or nongovernmental, private sector or labour organization with interest in the governance of Nakuru County, its city or municipality; and

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

“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.

**Objects and Purpose of the Act**

3. (1) The Purpose of this Act is to enhance, promote and facilitate learning of the competences, i.e. skills, knowledge and attitudes, required to be an active, democratic, responsible and critical citizen. Its ultimate goal is to educate the Citizens on democratic citizenship and make them aware of their rights and responsibilities in the county and specifically to:-

(a) enhance, promote and facilitate civic education in the county and to enhance public awareness, understanding of government
affairs, and to empower the public to participate in democratic processes;

(b) provide a framework for the direct exercise of the people, through actively informing them the form, legislation, policy and development plans of the government;

(c) provide for a framework for informed, effective, efficient and sustainable engagement of the public in policy, legislation and development plans and programmes;

(d) improve understanding, appreciation and engagement of citizens in the operationalization of the Nakuru devolved system of government;

(e) ensure that the public understands the aspects, context, and implications of the day to day running of the County;

(f) enhance awareness and knowledge on the principles of economic, social and political issues facing the county administration and their form, structures, and procedures;

(g) Promote and sustain citizens’ engagement in the implementation of the Constitution, reasonable access to the process of formulating and implementing policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards;

(h) enhance awareness and mainstreaming of the Act of Rights and national values;

(i) enhance knowledge and understanding of electoral system and procedures;

(j) enhance service delivery by institutions of governance at the county level;

(k) enhance community ownership of public decisions;

(l) protection and promotion of the interests and rights of Marginalised Groups and Marginalised Communities and their access to relevant information;

(m) balance in the roles and obligations of county governments and non-state actors in decision-making processes to promote shared responsibility and partnership, and to provide complementary authority and oversight; and

(n) promotion of public-private partnerships, such as joint committees, technical teams, citizen commissions, to encourage direct dialogue and concerted action on sustainable development.
(2) The Object of this Act is to establish a legislative framework to give effect to—

(a) Empowerment and enlightenment of citizens with the aim of the citizens assuming the personal, political, and economic responsibilities of a citizen

(b) Participating in civic affairs by Citizens in a thoughtful and effective manner

(c) continual and systemic engagement of citizens and government;

(d) Promoting the healthy functioning of constitutional democracy.

Guiding principles

4. Subject to Articles 1(4), 10, of the Constitution and section 98 (1) of the County Governments Act, and other statutory provisions the following principles shall guide civic education—

(a) Civic Education shall be based on important content that crosses disciplines in the County and shall be participative, interactive, related to life, conducted in a non-authoritarian environment, cognizant of the challenges of social diversity, and constructed with the parents, the community, and non-governmental organizations as well as Schools and all non state actors.

(b) timely access to information, data, documents, and other information relevant or related to policy formulation and implementation;

(c) reasonable access to the process of formulating and implementing policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards;

(d) protection and promotion of the interest and rights of minorities, marginalised groups and communities and their access to relevant information;

(e) reasonable balance in the roles and obligations of county governments and non-state actors in decision-making processes to promote shared responsibility and partnership, and to provide complementary authority and oversight; promotion of public-private partnerships, such as joint committees, technical teams, and citizen commissions, to encourage direct dialogue and concerted action on sustainable development;
(f) recognition and promotion of the reciprocal roles of non-state actors' participation and governmental facilitation and oversight; and

(g) inclusion of the widest spectrum of the public.

PART II—ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF THE OFFICE OF THE COUNTY DIRECTOR OF CIVIC EDUCATION

Establishment of the office

5. (1) There is established in Nakuru County, the office of the County Director of Civic Education.

(2) The Director for Civic Education shall be appointed by the Governor from persons already in the County Public Service.

(3) The County Director shall be responsible to the County Executive Member.

(4) The County Public Service Board shall recruit such other officers who in the opinion of the County Chief Officer are required to assist the Director in the administration of this Act.

Duties and responsibilities of the Director

6. (1) The Director shall be responsible for conducting civic education in accordance with the provisions of this Act.

(2) In the performance of the functions and obligations under subsection (1) above, the Director shall facilitate and oversee the coordination of the operations of the office and shall—

(a) establish structures for civic education in accordance with section 100 and 91 of the County Governments Act;

(b) provide oversight to the work of civic educators in the Constituency, Ward and Village level.

(c) assist the civic educators in the County access the different community groups who are potential beneficiaries of the civic education programme.

(d) Be responsible for quality control, regular monitoring and reporting on the progress of civic education work undertaken in the county to the County Executive member.

(e) provide logistical support and strategies to the County Executive Committee including the development of consultation plans and information facilitating civic education in any matter before the Executive Committee;
(f) offer advice to the County Executive Member on the development of policy related to civic education;

(g) provide the public with a clear context for which civic education is to be undertaken and how decisions will be made;

(h) through the County Chief Officer and the County Executive Member prepare and submit an annual report to the Governor for submission to the County Assembly on the status of civic education in the affairs of county governance;

(i) create the culture of respect for the principles of civic education through facilitating public meetings and training programmes;

(j) develop an evaluation framework to the civic education plans;

(k) ensure civic education is continual and there is the systematic engagement of citizens and government;

(l) ensure coordination and create linkages between all public officers conducting civic education and the public;

(m) ensure that civic education processes adhere to the relevant legislation, regulations, policies or guidelines affecting the rights and responsibilities of the public and the different participants involved;

(n) establish whether there is support for the development of new civic education techniques and technologies;

(o) inform the public of existing or potential linkages with other policy initiatives, issues or civic education activities;

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

(q) maintain a database of all non-state actors conducting civic education in the county and develop guidelines to regulate their activities;

(r) maintain an up to date database or inventory of all the civil education programmes, trainings and activities; and

(s) Planning and coordinating civic Education Programmes in conjunction with the devolved units;

(t) Managing, executing and controlling the Civic Education activities; Preparation of the Civic Education work plans for approval by the County executive members responsible for Civic Education;
(u) Developing and implementing an annual civic Education strategy for the county;

(v) Provision of detailed reports of civic education activities; and

(w) Management of all matters pertaining to Public Education and Advocacy

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

(3) In the performance of the functions and obligations under this section, the Director shall be guided by the guidelines provided in the First Schedule of this Act.

Powers of the County Director

7. (1) The Director shall have power to—

(a) delegate any of the powers under this Act to any officer, employee, or agent of the County Government as may be prescribed.

(b) enforce set standards regarding civic education;

(c) enter into agreements or arrangements with any institution, association or professional organizations as the Director may consider appropriate in furtherance of the objectives of this Act; and

(d) Undertake any activity necessary for the fulfilment of any of the functions under this Act.

(2) The Director may do or perform all such other things or acts as may be necessary for the proper discharge of the functions under this Act or as may lawfully be done by a public officer.

Protection from personal liability

8. No deed done by the Director, employee or agent of the Director shall, if done in good faith while executing the functions, powers or duties of the Director, render the Director, employee or agent personally liable for any action, claim or demand whatsoever.

Removal from Office of the Director

9. (1) The County Public Service Board may remove the Director from office only on the grounds of—

(a) Bankruptcy;

(b) Breach of a code of Conduct prescribed for Public Service Officers by an Act of Parliament;
(c) Gross misconduct;
(d) Non-Compliance with Chapter 6 of the Constitution;
(e) Inability to perform the functions of the Office arising out of mental or physical incapacity;
(f) Incompetence or negligence of duty; and
(g) If the Director is found guilty of professional misconduct or any other offence and is sentenced to a period exceeding six (6) months.

(2) Every member of the public has a right to petition to the County Executive or County Public Service Board in writing setting out the alleged facts constituting the grounds for the County Director's removal.

(3) Petitions to the County Executive shall be addressed to the relevant executive committee member and shall be in the form prescribed in the Third Schedule with appropriate modifications.

(4) The County Public Service Board shall consider the Petition and, if satisfied that the petition discloses a ground for removal under Clause 1, send the petition to the Governor.

(5) The Governor shall act in guidance of the recommendations of the County Public Service Board and shall communicate in writing their decision to the County Assembly within 7 days from the date of the hearing and if a decision results in the removal of the Director from office giving reasons thereof.

Resignation from Office of the Director

10. The director may at any time give a notice of intention to resign in writing to the Governor in accordance with Section 78 of the Public Service Commission Act No. 10 of 2017.

PART III — COORDINATION OF CIVIC EDUCATION

11. Civic education and participation by the local public in the affairs of the county must take place through decentralized structures for participation in terms of —

(a) the sub-county through the sub-county administrators in accordance with Section 50 (3) (g) of the County Governments Act;

(b) the urban areas and cities within the county established in accordance with the Urban Areas and Cities Act (No. 13 of 2011);
(c) the Wards within the county established under Article 89 of the Constitution and Section 26 of the County Government Act through ward administrators in accordance with Section 51 (3) (g) of the County Governments Act;

(d) village units in each county as may be determined by the county assembly through the village administrators in accordance with Section 52 (3) (a) (i) of the County Governments Act; and

(e) other appropriate mechanisms, processes and procedures established by the county.

County Civic Education Advisory Committee

12. (1) There is established a committee to be known as Civic Education Advisory Committee.

(2) The County Executive Member shall appoint the members of the Civic Education Advisory Committee within twenty-one days after the appointment of the Director by the Governor or after any of the seats referred to under subsection (4) below falls vacant.

(3) The term of the committee shall expire after Five years from their date of appointment.

(4) The Committee shall consist of—

(a) the County Executive member shall be the chairperson of the committee;

(b) one person representing professional bodies recommended by a forum of professional bodies in the County and appointed by the County Executive Member;

(c) one person representing the civil society organizations in the County recommended by a forum of non-governmental organizations and appointed by the County Executive Member;

(d) one person representing faith-based organizations in the County recommended by a forum of the faith-based organizations and appointed by the County Executive Member;

(e) one person representing the private sector recommended by a forum of private sector organizations and appointed by the County Executive Member;

(f) one person representing the youth recommended by a forum of organizations working with the youth in the County and appointed by the County Executive Member;

(g) one person representing persons with disabilities recommended
from a forum of organizations working with persons with disabilities and involved in local governance in the County and appointed by the County Executive Member;

(h) one person representing women recommended by the forum of women organizations involved in local governance in the County and appointed by the Executive Member;

(i) one person representing Marginalised Groups and Marginalised Communities recommended by a forum of organizations involved in local governance in the County and appointed by the County Executive Member; and

(j) the Director shall be the secretary of the committee.

(5) For a person to qualify for appointment under subsection 4 (b), (c), (d), (e), (f), (g), (h), (i), the person must—

(a) be a holder of at least a degree from a recognized University;

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

(c) must be a resident of the County.

(6) The principle Function of the Advisory Committee shall be to formulate sustained civic education strategies and policy frameworks.

(7) The office of the Board shall become vacant—

(a) if the member is absent, without reasonable excuse from three consecutive meetings of the Board of which the member has had notice;

(b) if the member is adjudged bankrupt;

(c) if the member is convicted of an offence under this Act or any other written law and sentenced to imprisonment;

(d) if the member is declared to be of unsound mind;

(e) if a member ceases to hold the office to which that person is a member by virtue of that office;

(f) upon the member’s death; or

(g) does not qualify to be a member of the Board pursuant to any other law in force.

(8) Members of the Board shall be paid such allowances as the County Public Service Board shall recommend.

(9) The Board shall meet at least four times in every financial year and not more than three months shall elapse between one meeting and the next meeting.
(10) Unless three quarters of the members otherwise agree, at least fourteen days notice of a meeting shall be given to every member.

(11) The quorum at the meeting of the Board shall be six members or a greater number as determined by the Board.

(12) The chairperson shall convene and preside over the meetings of the Board or in the absence of the chairperson, a member of the Board elected by the members present from among their number.

(13) Matters before the Board shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(14) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members.

(15) A member of the Board or a person present at a meeting of the Board who has interest in a matter for consideration by the Board or by the Office shall disclose in writing the nature of that interest and is disqualified from participating in the deliberations of the Board or the office in respect of that matter, unless the Board or office decides otherwise.

(16) A member of the Board, the Director or a member of staff of the Office of the Director of Civic Education shall not trade with the Office.

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

**Coordination of civic education**

13. (1) While carrying out civic education, the Director shall—

(a) co-ordinate with the sub county Administrator, Ward Administrator and Village Administrator on implementation and facilitation of Civic Education;

(b) make available to the public information necessary to facilitate Civic Education;

(c) consult in order to obtain public feedback on analysis, alternatives, and decisions of the County Policies and Laws;

(d) involve the public directly throughout the process to ensure that public concerns and aspirations are consistently understood and considered; and

(e) do any other act within the Director’s power to ensure that the public is apprised of the issues under consideration and the decision making process.
(2) The Director of civic education may enter into a public-private partnership with any person for effectively discharging a function under this Act.

(3) The County Executive Member in charge of Civic Education shall ensure that the systems referred under Part III to facilitate interactive engagement with the public are comprehensive in terms of the information provided.

(4) The County Chief Officer and the Director shall ensure that all relevant notices related to civic education are posted in the county notice boards promptly.

(5) The office of the Director of civic education shall use the most appropriate communication methods to publicize any process, forum or issue for civic education.

(6) Non State Actors, any County Executive Member and any Stakeholders at the invitation of the convener of the Civic education forums described in sections 18, 19 and 20 of this Act may sit as ex-officio members.

(7) All civic education forums shall use the community conversations approach or any other such participatory approach and shall be open to all citizens of the village, ward, or sub-county who desire to attend.

(8) The convener of the forum shall take note of the issues arising from the forum for action or response after civic education and then forward to the Director within 21 days; to which the Director shall ensure any issues raised is responded to within 45 days and in the next civic education forum, through the convener, give feedback on the action taken on the issues raised.

(9) A governing code of conduct shall be prescribed by the Director for the civic education forums in this Act.

PART IV—PUBLIC COMMUNICATION

Documents to be made public

14. (1) All information to be communicated to the public in this Act shall be in conformity with the provisions of the Access of Information Act, 2016.

(2) Any information meant to be communicated to the public relating to civic education shall be communicated to the public in clear, concise, comprehensible and timely manner.

(3) Without prejudice to the foregoing information meant to be communicated to the public shall include but shall not been limited to—
The Nakuru County Civic Education Bill, 2018

(a) information on the available mechanisms, processes, and procedures for civic education;
(b) information on the matters with regard to which civic education is encouraged;
(c) information on the rights and duties of members of the local community;
(d) information on county governance, management, and development; and
(e) any other information prescribed under any written law as being information relating to civic education.

(4) When communicating the information mentioned in subsection (3), the following shall be taken into account—
(a) language preferences and usage in the community; and
(b) the special needs of people who cannot read or write.

Official Communication Platforms

15. (1) Civic Education information shall be notified to the public through the media and in regard to this Act or any other applicable legislation, shall be done through—
(a) newspaper(s) circulating within the county and recognized by the County Assembly as a newspaper of record;
(b) a newspaper of nation-wide circulation;
(c) the official County website;
(d) official County social media handles;
(e) public meetings
(f) workshops
(g) citizen advisory or consultation committees
(h) focus groups
(i) direct mail and/or electronic Mail
(j) newsletters
(k) mobile phones and SMS;
(l) community media;
(m) public notice boards or
(n) radio or television broadcasts covering the County.
(2) Any such notification must be in the official languages of Kenya, take into consideration persons who cannot read or write and have regard to language preferences and usage of the area.

(3) A copy of every notice shall be published at least fourteen (14) days before the date of the proposed civic education meeting in the County Gazette or the media or any other applicable forum of communication and shall be displayed at conspicuous public places, including but not limited to the sub-county, ward or village offices.

(4) A notice must indicate the purpose, time, date and venue of the meeting for civic education.

(5) When the public is invited to any meeting or forum regarding civic education, due consideration shall be given to the special and appropriate circumstances regarding venue, physical accessibility, language, and methodology in relation to Marginalised Groups and Marginalised Communities.

(6) Where a form is required to be completed by a member of the public, the person in-charge shall give reasonable assistance to persons who cannot see, read or write, to enable such persons to understand and complete the form.

(7) All documents that must be made public by the County in terms of the requirement of this Act or any other applicable legislation must be conveyed to the local community by—

(a) displaying the documents at the County's head and satellite offices and libraries;

(b) displaying the documents on the County's official website and social media handles; and

(c) notifying the local community where detailed particulars concerning the documents can be obtained.

PART V—CIVIC EDUCATION FORUMS

Civic education forums

16. There shall be civic education forums in—

(a) the Sub-county;

(b) the Ward; and

(c) the Village.

(2) The civic education forums stipulated under subsection (1) shall be convened at least once every three months.
(3) The Civic Education forums shall be based on a Civic Education Plan and Curriculum developed by the Director in collaboration with the Civic Education Advisory Committee.

(4) The Administrators under section 18(4), 19(4) and 20(4) of this Act which report shall then be subjected to the provision of section 14(8) of this Act.

(5) The content of the curriculum shall take into account the objectives outlined in section 3 of this Act.

**Sub-County Civic Education Forums**

17. (1) A Sub-County Administrator as appointed under section 50 of the County Government Act shall convene civic education forums at the Sub-County level for the purposes set out under this Act through the facilitation of the Director.

(2) A Sub-County Administrator shall facilitate the convening of sub-county Civic education forums through the facilitation of the Director to discuss or/and educate amongst other issues on—

(a) issues of public interest in the Sub-County;

(b) the implementation of County policies and plans in the Sub-County;

(c) the administration and functioning of the Sub-County;

(d) the delivery of services by the County Executive in the Sub-County;

(e) share the County Executive expenditure, and implementation status reports on a quarterly basis;

(f) share annual monitoring reports prepared by the county sectoral departments.

(g) receive any arising complaints to the County Executive for follow up and feedback within the next meeting; and

(h) inform the public about the curriculum developed by the Director.

(3) There shall be at least four Sub County ward civic education forums each year spread out evenly through the year.

(4) The Sub County citizen forums shall be open to all citizens of the sub county who desire to attend, Civil Society Organizations working in the Sub County, religious bodies and community leaders.
(5) The Sub-County Administrator in collaboration with the Office of the Director shall nominate two Sub-County representatives to represent the Sub-County at the Sub-County civic education forums who shall be mandated to prepare forum reports including but not limited to the issues raised and recommendation put forth by the citizens.

(6) The Sub-County administrator must ensure that the forum is fully publicized to enable attendance and participation of a wide section of the population, including Marginalised Groups and Marginalised Communities.

(7) The Sub-County civic education meetings shall be fully open to all members of the public.

(8) The County Assembly shall ensure that a member of the County Assembly attends all of the Sub-County Citizens Forum meetings every year held in the Member’s ward.

(9) A calendar of all Sub-County civic education meetings shall be maintained and publicly disseminated.

(10) After a successful sustained civic education based on the curriculum, the citizens shall be allowed to make recommendations and give their views on—

(a) issues of interests in the ward;
(b) the implementation of county policies and plans in the ward;
(c) the delivery of services by the county executive in the ward; and
(d) ward implementation status report.

(11) The two nominated Sub-County representative under section 18(4) shall forward written forum reports to the ward representative which shall be subjected to the provisions of section 14(8) of this Act.

Ward Civic Education Forums

18. (1) A Ward Administrator shall convene civic education forums at the Ward level for the purposes set out under this Act through the facilitation of the Director.

(2) There shall be at least four ward civic education forums each year spread out evenly through the year.

(3) The ward citizen forums shall be open to all citizens of the ward who desire to attend, Civil Society Organizations working in the ward, religious bodies and community leaders.

(4) The Ward administrator in collaboration with the Office of the
Director shall nominate two ward representatives to represent the ward at the ward civic education forums who shall be mandated to prepare forum reports including but not limited to the issues raised and recommendation put forth by the citizens.

(5) The Ward administrator must ensure that the forum is fully publicized to enable attendance and participation of a wide section of the population, including Marginalised Groups and Marginalised Communities.

(6) The Ward civic education meetings shall be fully open to all members of the public.

(7) The County Assembly shall ensure that a member of the County Assembly attends all of the Ward Citizens Forum meetings every year held in the Member’s ward.

(8) A calendar of all Ward civic education meetings shall be maintained and publicly disseminated.

(9) In the absence of the village decentralized unit, civic education at ward level, shall stand still and instead ward Administrator shall conduct civic education in at least three villages in the respective ward.

(10) After a successful sustained civic education based on the curriculum, the citizens shall be allowed to make recommendations and give their views on—

(a) issues of interests in the ward;

(b) the implementation of county policies and plans in the ward;

(c) the delivery of services by the county executive in the ward; and

(d) ward implementation status report.

(11) The two nominated ward representative under section 19(4) shall forward written forum reports to the ward representative which shall be subjected to the provisions of section 14(8) of this Act.

Village Civic Education Forums.

19. (1) A Village Administrator as appointed under section 52 of the County Government Act shall convene civic education forums at the Village level for the purposes set out under this Act through the facilitation of the Director.

(2) The Village civic education forums shall comprise—

(a) village residents;

(b) Civil Society Organizations working in the village,
(c) religious bodies and;
(d) community/ traditional leaders.

(3) There shall be at least four village civic education forums each year spread out evenly through the year.

(4) The village administrator in collaboration with the Office of the Director shall nominate two village representatives to represent the village at the village civic education forums who shall be mandated to prepare forum reports including but not limited to the issues raised and recommendation put forth by the citizens.

(5) The village administrator must ensure that the forum is fully publicized to enable attendance and participation of a wide section of the population, including Marginalised Groups and Marginalised Communities.

(6) The village civic education meetings shall be fully open to all members of the public.

(7) The County Assembly shall ensure that a member of the County Assembly attends all of the village Citizens Forum meetings every year held in the Member's ward.

(8) A calendar of all village civic education meetings shall be maintained and publicly disseminated.

(9) After a successful sustained civic education based on the curriculum, the citizens shall be allowed to make recommendations and give their views on—
(a) issues of interests in the ward;
(b) the implementation of county policies and plans in the ward;
(c) the delivery of services by the county executive in the ward; and
(d) ward implementation status report.

(10) The village administrator shall ensure that the forum is fully publicized to enable attendance and participation of a wide section of the population, including Marginalised Groups, and Marginalised Communities.
Civic Education Forums Generally

20. (1) Nothing in this Part V shall be construed as derogating from the provisions of any other written law relating to the holding of the civic education.

(2) Despite the provisions of this Act, the Director may on the request of the County Executive Committee Member mandate an administrator or any other public officer to convene and conduct civic education and ensure that the forum is fully publicized to enable the attendance and participation of a wide section of the population, including Marginalised Groups and Marginalised Communities drawn from the Sub-County or a Ward depending on the request.

(3) Civic education shall not be convened to promote, oppose or discuss ethnic interests, clan issues, or the election of any person for any elective position. Civic education forums shall be based strictly on the curriculum or any other provision under this Act.

(4) The Director shall ensure that the County government and its entities put in place affirmative action programmes to ensure that persons from Marginalised Groups and Marginalised Communities participate in all civic education.

(5) After a successful civic education training, citizens can make recommendations/proposals/grievances based on the education taught for better service delivery.

(6) All civic education forums shall have the power to petition the county executive, county assembly or county executive member.

PART VI—MISCELLANEOUS

Annual Estimates.

21. (1) Before the commencement of each financial year, the Director shall cause to be prepared estimates of the revenue and expenditure for civic education.

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

(a) maintenance of buildings and grounds;

(b) funding of training, research, and development of activities with respect to civic education;

(c) the funding of the schedules and organization of civic education meetings; and
(d) 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 Director may think fit.

(3) The annual estimates shall be approved by the County Executive Member before the commencement of the financial year to which they relate and shall be submitted to the Executive Committee Member in charge of Finance for tabling in County Assembly.

**Accounts and Audit.**

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

(2) Within three months after the end of each financial year, the Director shall submit to the Auditor-General the accounts of the office in respect of that year together—

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

(b) a 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 in accordance with the provisions relating to the public audit.

**Performance Contract**

23. (1) A performance Contract shall be made between the County and the Director in relation to the mandate of the Director.

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

(3) The Executive Committee Member may request for an independent report on the implementation of the performance agreement.

**The Executive Committee Member's Power of Direction**

24. The County Executive Committee Member shall oversee the performance of the activities of the Director under this Act and may, in writing, give the Director directions on matters of policy not inconsistent with the provisions of this Act.

**Annual Report**

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

(2) The Director shall submit the annual report to the County Executive Member for submission to 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) a description of the activities and outcomes of civic education; and

(b) any other information, that the County Chief Officer may consider relevant.

(4) The Executive Committee Member shall cause the annual report to be published and publicized in the County Gazette, county website, county offices at village, ward and sub-county level, in at least one newspaper with Countywide circulation and such other manner as the Executive Committee Member may determine.

Management of Information

26. (1) A person may request for information on county affairs from the Director.

(2) A request for information under subsection (1) above—

(a) shall be addressed to the Director;

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

(c) may be subject to confidentiality requirements.

(3) All public documents shall be available within the county, sub-county, ward and village administrators' offices for perusal and access by the public at no fee. However, citizens can make copies of these documents for their use at their own cost.

Publicity

27. Subject to section 91 of the County Governments Act (2012), the Director shall, in such manner as it considers appropriate, publish a notice for public information specifying—

(a) the location of all offices undertaking civic education, and

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

Review

28. A person who is aggrieved by a decision of the Director under this Act may apply to the Executive Committee Member for review of that decision.
Offenses and Penalties

29. (1) Any person who attempts to influence the County Executive Member, Administrator or the Director or any other officer of the county government not to enforce an obligation in terms of this Act, is guilty of an offense and on conviction liable to a fine not exceeding fifty thousand shillings or to imprisonment for a period not exceeding three months or both.

(2) An Executive Member, Administrator, the Director or any other officer of the County Government who accedes to an attempt mentioned in subsection (1), is guilty of an offense and on conviction liable to a fine not exceeding one hundred and fifty thousand shillings or to imprisonment for a period not exceeding two years or both.

Regulations

30. (1) The County Executive Committee Members may, make regulations for the better carrying into effect of the provisions of this Act.

(2) When making regulations or issuing guidelines to provide for or to regulate the matters of this Act, the County Executive Member must take into account the capacity of the County and decentralized units therein to comply with those matters.
SCHEDULES

FIRST SCHEDULE

Civic Education Guidelines.

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

1. Recognition of communities’ values and experiences based upon an acknowledgment that communities can contribute to governance processes.

2. A realistic timeframe for the consultation which allows reasonable periods for each stage of the process by giving at least fourteen days’ prior notice of the venue, date, and agenda of every citizen civic education forum at the sub-county, ward or village level.

3. Disclose all information and conduct adequate civic education relevant for the public to understand and evaluate the decision.

4. Ensure that stakeholders have fair and equal access to the Civic Education and their opportunity to influence decisions.

5. Shun any involvement in dishonest, fraudulent, deceitful, misrepresentation or discriminatory conduct.

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

7. Publish and distribute the documents as widely as possible, including but not limited to providing hard copies at sub-county, and ward administrator’s offices, television advertisements, websites, community radio announcements, and official social media platforms.
SECOND SCHEDULE
FORM OF PETITION

I/We, the undersigned,

(Here, identify in general terms, who the petitioner or petitioners are, for example, citizens of Kenya, residents of province or region, workers of industry, etc.)

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

(Here, briefly state the reasons underlying the request for the intervention of the County Assembly by outlining the grievances or problems by summarizing the facts which the petitioner or petitioners wish the County 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 a 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).

HEREFORE your humble petitioner(s) Pray that the County Assembly/Executive—

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

And your PETITIONER(S) will ever Pray.

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PETITION concerning .................................................................

(Here, repeat the summary in the first page) Name of petitioner

Signature/ Thumb impression

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MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to provide a framework for the implementation of Part X of the County Governments Act, 2012. The Bill also aims at providing for a legal mechanism within which county residents or any persons with interest in county governance matters can participate in policy or service delivery matters. Further and importantly, the Bill provides for coordination of civic education in Nakuru County.

Part I of the Bill provides for the preliminaries, which include the interpretation of terms used in the Act, the objects and purpose of the Bill as well as the Guiding Principles. The objects include establishing a legislative framework to give effect to Part X of the County Governments Act, 2012.

Part II of the Bill provides for the establishment, composition, and functions of the office of the Director of civic education. It further provides for the powers of the director, procedure for removal from office and protection from liability for things done in good faith in furtherance of the duties of the director.

Part III of the Bill provides for communication guidelines regarding civic education and outlines the requirements for communications with local communities and the documents to be made public.

Part IV of the Bill provides for coordination of civic education by establishing relevant institutions for the promotion of civic education by the County Executive Committee Member. It also, sets guidelines and requirements for enhancing civic education by Institutions given a focus like; County Executive Civic Education Advisory Committee and the Department of Civic Education.

Part V of the Bill provides for civic education forums including Sub-County Civic Education Forums, Ward Civic Education Forums and the Village Civic Education Forums.

Part VI of the Bill provides for the procedure for submission and registration of a petition.

Part VII of the Bill carries the miscellaneous matters which include annual estimates, accounts and audit of the office of the director. The Bill further provides for performance agreements between the County Chief Officer and the Director in relation to the mandate of the Director. The Act further proposes that the County Executive Committee member gives directions to the Director through the County Chief Officer. The Bill further proposes preparation of annual reports and publication. The Bill further provides for Offences and Penalties, review of the decision of a director and finally regulations.

ERIC GICHUKI,
Member of County Assembly.