

SPECIAL ISSUE

Nairobi City County Gazette Supplement No. 26 (Acts No. 11)



REPUBLIC OF KENYA

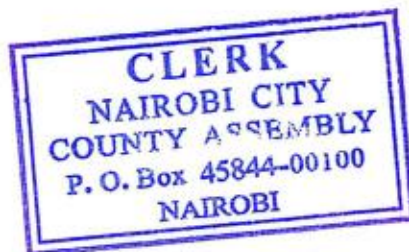
**NAIROBI CITY COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2016

NAIROBI, 22nd April, 2016

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**THE NAIROBI CITY COUNTY PUBLIC
PARTICIPATION ACT, 2015**

No. 11 of 2015

Date of Assent: 17th March, 2016

Date of Commencement: 22nd April, 2016

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**THE NAIROBI CITY COUNTY PUBLIC
PARTICIPATION ACT, 2015**

AN ACT of the Nairobi City County Assembly to give effect to paragraph 14 of Part 2 of the Fourth Schedule of the Constitution; to provide for public participation in the governance of the County and for connected purposes

ENACTED by the Nairobi City County Assembly, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Nairobi City County Public Participation Act, 2015. Short title.

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

“civic education” means the provision of information and learning experiences to equip and empower citizens to participate in democratic and governance processes pursuant to sections 98, 99, 100 and 101 of the County Governments Act of 2012;

“Constitution” means the Constitution of Kenya, 2010;

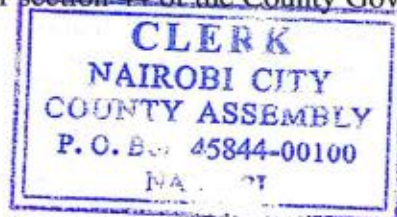
“county” means the Nairobi City County;

“county assembly” means the Nairobi City County Assembly;

“county executive committee” means the County Executive Committee of the Nairobi City County Government;

“county government” means the County Government of the Nairobi City county;

“county secretary” means a County secretary appointed under section 44 of the County Government Act, 2012;



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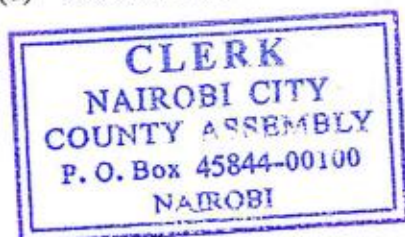
County Government;

- (d) provide for a framework for public participation in service delivery by the County Government;
- (e) generally give effect to the principles of public participation as set out in Articles 1(2) and 10, Chapter 4, Articles 35, 61, 69, 118, 119, 196, 174, 184, 201 and 232, and the Fourth Schedule of the Constitution;
- (f) give effect to the objects and principles of devolution set out under Article 174 (c) and (d) of the Constitution; and
- (g) give effect to Part VIII of the County Governments Act, 2012.
- (h) enable citizens to hold the County Government accountable and to demand for feedback on progress of service delivery and contribute in decision making process that include planning for service provision, budgeting, implementation and policy-making.

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

Guiding principles.

- (a) the communities, organizations and citizens to be affected by a decision shall have a right to be consulted and involved in the decision-making process;
- (b) contributions by the public shall be taken into consideration when making decisions;
- (c) promotion of sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers;
- (d) mobilize and facilitate effective involvement of



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establish such offices and structures that may be necessary for the proper execution of public participation under this Act.

(5) Without prejudice to any structures that may be created under subsection (3), the office or officer responsible for public participation shall—

- (a) coordinate public participation by all County departments or agencies;
- (b) facilitate capacity building and provide support to other County Government departments on public participation processes;
- (c) monitor and evaluate public participation processes undertaken by each department or agency;
- (d) develop and execute an appropriate civic education programme;
- (e) ensure coordination with non-State actors in public participation processes and civic education;
- (f) prepare an annual report on public participation in accordance with the County Governments Act, 2012;
- (g) manage the day to day running of civic education in the county;
- (h) develop a registry of all civic community based organizations in the County.

(6) Notwithstanding subsection (2), each member of the County Executive Committee shall promote, facilitate and coordinate public participation on matters under the department of that member.

(7) (a) The Speaker of the County Assembly shall promote and facilitate public participation in the proceedings and other activities of the County

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- (iv) the preparation of its annual development plans, budgets and their implementation and monitoring thereof; and
 - (v) strategic decisions relating to the provision of County services and functions;
- (b) contribute to building the capacity of—
- (i) the local community to enable it to participate in the affairs of the county; and
 - (ii) staff and administrators of decentralised units to foster community participation appropriate for the purpose.

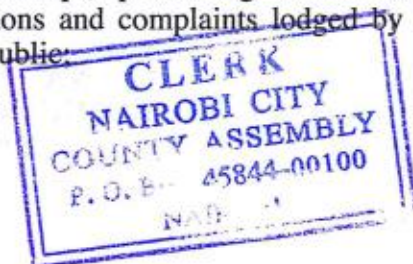
7. (1) Public participation in the affairs of the County shall take place through—

Form of public participation.

- (a) political structures for participation in terms of the County Government Act, Urban Areas and Cities Act, Public Finance Management Act and other relevant laws;
- (b) the mechanisms, processes and procedures for participation in participatory governance established in terms of this Act and any other relevant Act;
- (c) other appropriate mechanisms, processes and procedures established by the office or County Assembly; and
- (d) generally applying the provisions for participation as provided for in this Act.

(2) The County Government shall establish appropriate mechanisms, processes and procedures to enable the public participate in the affairs of the county, and shall, for this purpose provide for—

- (a) the receipt, processing and consideration of petitions and complaints lodged by members of the public;



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(2) When communicating the information mentioned in subsection (1), the County Government shall take into account—

- (a) language preferences and usage in the county; and
- (b) persons with special needs.
- (c) preference to the different mediums of communication.

9. (1) Any notice to the public required in terms of this Act or any other applicable legislation shall be done by—

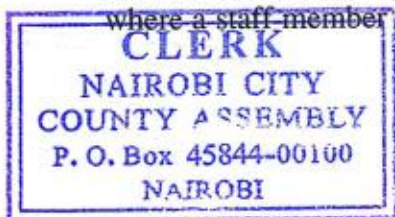
Notification.

- (a) publication in at least two daily newspapers with national circulation where appropriate;
- (b) publication in the official website of the County Government;
- (c) by means of radio broadcasts covering the area of the county; or
- (d) publication in any other media with wide reach to interested persons, including but not limited to social media platforms.

(2) A notification under subsection (1) shall be in English and Kiswahili.

(3) A copy of every notice issued by the County Government under this Act or any other legislation shall be published in the County Gazette and placed in notice boards in all offices of the County and any other places where the public is known to converge, including but not limited to Churches, Mosques, Temples, public barazas and community social halls.

(4) When the County Government invites the public to submit written comments or representations on any matter before it, it shall be stated in the invitation that any person who cannot write may visit, during office hours, a place where a staff member of the County Government named in



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citizens including person with disabilities.

(5) No meeting shall be convened for the purpose of promoting, opposing or discussing any elected leader.

(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.

11. (1) On the request of a sub-County or town administrator, city or municipal manager or member of the County Assembly in the areas for a sub-county, city or urban area citizen participation forum, the County Government shall facilitate the convening of a citizens' participation forum to discuss and give views on—

Sub-county, city and urban area citizen participation forum.

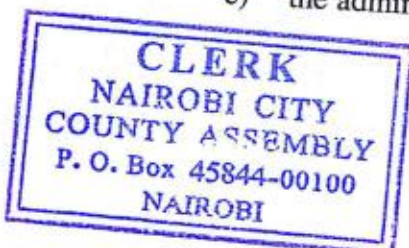
- (a) issues of interests in the sub-county, city or urban area;
- (b) the implementation of County policies and plans in the sub-county, city or urban area; or
- (c) the administration and functioning of the sub-county, city or urban area; or
- (d) the delivery of services by the County public service in the sub-county, city or urban area.

(2) The provisions of section 10(2) to (6) shall apply to a forum convened under this section.

12. (1) A ward or village administrator or a member of the County Assembly may convene a ward or village citizen participation forum, and the County Government shall facilitate the organization of the forum to discuss and give views with respect to the following—

Ward or village citizen participation forum.

- a) issues of interests in the ward or village, as the case may be;
- b) implementation of County or sub County policies and plans in the ward or village;
- c) the administration and functioning of the ward or



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Governor for review of that decision in writing and a response given to the petitioners within seven days.

PART IV – PETITIONS

14. A petition to the County Executive Committee shall be in the form set out in the Schedule and shall— Form of petition.

- (a) be handwritten, printed or typed;
- (b) be in English or Kiswahili and be written in 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~~

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PART V—MISCELLANEOUS PROVISIONS

22. The County Government, through its organs and departments, shall set aside at least two percent of the annual budget for public participation. Setting aside of funds.

23. (1) No provision in this Act precludes the private mobilisation of citizens for purposes of public participation. Independently organised initiatives.

(2) The County Government shall work in cooperation with the citizens' fora.

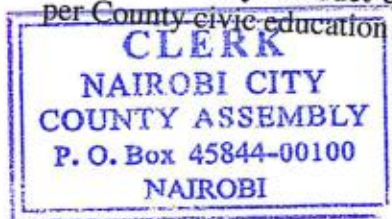
24. (1) The County Government through its organs, departments, and agencies shall organize annual forums in April of every year at the ward level to receive feedback from the citizens. Review forums.

(2) The forums referred to in subsection (1) shall be held accordance with the provisions of Part III of this Act.

25. (1) Every financial year, the sub-County administrators, ward administrators and village administrators shall, in consultation with the member (s) of the County Assembly and the County Executive committee, conduct at least two civic education sessions to inform and receive feedback from County residents on issues including but not limited to— Civic education.

- (a) County policy making;
- (b) law making processes;
- (c) public finance management processes;
- (d) development planning processes; monitoring and evaluating County budget implementation;
- (e) evaluating periodic County reports.

(2) Certified civic education providers who are non-state actors may conduct civic education in the County as per County civic education guidelines.



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SCHEDULE

(s. 10)

FORM OF A PUBLIC PETITION

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

WE/I, the undersigned and humble Petitioner(s) of

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

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

(Here, briefly state the reasons underlying the petition and request for the intervention of the Government/Assembly by outlining the grievances or problems and summarizing the facts which the petitioners wish the Government/Assembly/Office 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 Government / Assembly/ Office:-

(Here, set out the prayer, by stating in summary what action the petitioners wish the Government/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)

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

