

SPECIAL ISSUE

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KENYA GAZETTE SUPPLEMENT

NAIROBI CITY COUNTY BILLS, 2021

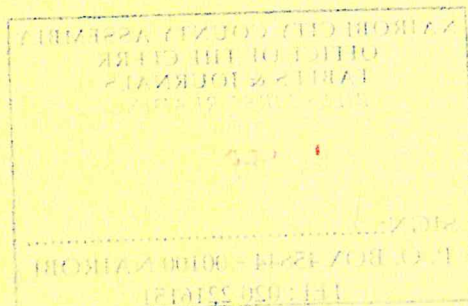
NAIROBI, 14th June, 2021

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THE NAIROBI CITY COUNTY CIVIC EDUCATION BILL, 2021

A BILL for

AN ACT of Nairobi City County Assembly to provide for the establishment of a legal and institutional framework for the facilitation of civic education in county government processes and service delivery so as to give effect to the provisions of the Constitution and the County Governments Act, 2012 and other laws requiring civic education and for connected purposes.

ENACTED by Nairobi City County Assembly, as follows—

PART I—PRELIMINARY

Short title and commencement

1. This Act may be cited as the Nairobi City County Civic Education Act, 2021, and shall come into operation upon the expiry of ninety days from the date of its publication.

Interpretation

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

“Administrator” means sub-county administrator, ward administrator, village administrator;

“chief officer” means an officer appointed under section 45 of the County Government Act and is responsible for Devolution and Sub-county Administration;

“civic education” means to have an informed and empowered citizenry through the provision of information and learning experiences in governance affairs on the basis of enhanced knowledge, understanding and ownership of the Constitution;

“county department” means the department responsible for matters of civic education;

“Director” means the person appointed under section 8(1);

“Directorate” means the Nairobi City County Directorate of Civic Education established by section 6;

“Fund” means the Nairobi City Civic Education Fund established by section 9;

“Member of the County Executive Committee” means the member of the county executive committee responsible for Devolution, Public Service and Administration;

“stakeholder” means a person or persons who have an interest in a

public issue or who are likely to be directly or indirectly affected by interest in a public issue or decision or policy whether negatively or positively;

“the public” when used in relation to civic education in this Act, means—

- (a) the residents of Nairobi City County;
- (b) the rate payers of Nairobi City County;
- (c) any resident civic organization with an interest in the governance of Nairobi City County; and
- (d) non-resident persons who because of their temporary presence in Nairobi City County, make use of services or facilities provided by the county.

Object and purposes of Act

3. (1) The object and purpose of this Act is to establish a legal and institutional framework for civic education so as to give effect to—

- (a) the provisions of Articles 1, 10, 33,35, 174, 201, 232 and paragraph 14 of Part 2 of the Fourth Schedule of the Constitution; and
- (b) the provisions of Part X of the County Governments Act,2012 in particular sections 98, 99,100 and 101 of the Act.

(2) Without prejudice to the generality of subsection (1), this Act seeks to have an informed citizenry that actively participates in governance affairs of the society on the basis of enhanced knowledge, understanding and ownership of the Constitution and in particular—

- (a) sustained citizens’ engagement in the implementation of the Constitution;
- (b) improved understanding, appreciation and engagement in the operationalization of the county system of government;
- (c) institutionalizing a culture of constitutionalism;
- (d) knowledge of Kenya’s transformed political system, context and implications;
- (e) enhanced knowledge and understanding of electoral system and procedures;
- (f) enhanced awareness and mainstreaming of the Bill of Rights and national values;

- (g) heightened demand by citizens for service delivery by institutions of governance at the county level;
- (h) ownership and knowledge of the principal economic, social and political issues facing county administrations and their form, structures and procedures; and
- (i) appreciation of the diversity of Kenya's communities as building blocks for national cohesion and integration; and
- (j) any other matter that enhances civic education.

Application

4. The provisions of this Act shall apply to the county of Nairobi City and shall be in addition to and not in derogation of the provisions of any national law on the subject, for the time being in force.

Guiding principles

5. In addition to the requirements of section 98 of the County Governments Act, 2012 civic education in the government shall be guided by the following principles—

- (a) the communities, organizations and citizens affected by any policy decision of the government shall have a right to be informed about the decision; and
- (b) availing participants access to the information necessary to ensure meaningful participation.

PART II—ADMINISTRATION

Administration of Civic Education

6. Civic Education within Nairobi City County shall be conducted by the Devolution and Sub-county subsector established under the Devolution, Public Service and Administration Sector.

Functions of the Devolution and Sub-county administration

7. The functions of the sub-sector shall be to—

- (a) oversee the implementation of the provisions of Part X of the County Governments Act, 2012 in particular sections 98, 99, 100 and 101 of the Act;
- (b) create and sustain within the society the awareness of the principles and objectives of the Constitution as the fundamental law of the people of Kenya;
- (c) educate and encourage the public to defend the Constitution at all times, against all forms of abuse and violation;

- (d) formulate for the consideration of Government, from time to time, programmes at the county levels aimed at realizing the objectives of the Constitution;
- (e) to formulate, implement and oversee programmes intended to inculcate in the public of Nairobi City County awareness of their civic responsibilities and an appreciation of their rights and obligations as free people;
- (f) assess for the information of Government, the limitations to the achievement of true democracy arising from the existing inequalities between different strata of the population and make recommendations for re-dressing these inequalities;
- (g) coordinate civic education by other departments or agencies and facilitate capacity building and support to the departments on civic education processes;
- (h) mobilize and organize the public, stakeholders and local communities to participate in county governance and decision making processes;
- (i) monitor and evaluate civic education and civic education processes undertaken by each department or agency;
- (j) receive public complaints on issues emerging from civic education processes and liaising with respective departments for redress;
- (k) prepare an annual report on civic education in accordance with the County Governments Act;
- (l) advise the County Executive Committee generally on the appropriate policies, plans and strategies for enhancing civic education in the county; and
- (m) carry out any other function in furtherance to the objects and purpose of this Act.

Officers responsible for civic education

8. The Member of the County Executive Committee responsible for Devolution, Public Service and Administration shall, in consultation with the County Public Service Board, establish such structures within the relevant departments that maybe necessary for the proper execution of civic education programs.

Responsibility of the Chief Officer

9. (1) The Chief Officer Devolution and Sub-county Administration as assisted by officers in the sub-sector shall be responsible for Civic Education within Nairobi City County.

(2) The Chief Officer shall ensure civic education is undertaken at the ward level.

Funding of civic education

10. Funding of civic education and civic education programs shall come from the 2% annual budget set aside for public participation as under section 22 of the Nairobi City County Public Participation Act, 2015.(Act No. 11 of 2015).

Annual report

11. (1) The Chief Officer shall prepare an annual report on civic education which shall contain among others—

- (a) the number of civic education forums facilitated by each department or agency;
- (b) the level of implementation of stakeholder engagement plan;
- (c) the level of engagement by participants during civic education process;
- (d) the level of incorporation of proposals made or issues raised by stakeholders or the public;
- (e) challenges faced in the implementation of this Act and proposed mitigation measures; and
- (f) any other prescribed matter.

(2) The Chief Officer shall submit the report to the Governor and the County Assembly not later than two months after the end of every financial year.

PART III—CIVIC EDUCATION IN THE COUNTY ASSEMBLY

Procedures within the County Assembly

12. The County Assembly shall establish appropriate mechanisms, processes and procedures for civic education and to enable the local community to participate in the affairs of the community, and for this purpose provide for—

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

- (b) notification and public comment procedures when a Bill is introduced in the County Assembly;
- (c) public meetings and hearings by the appropriate decentralized unit and other political structures and political office bearers of the county, when appropriate;
- (d) consultative sessions with locally recognized community organizations and, where appropriate, traditional authorities;
- (e) report-back to the local community;
- (f) information communication technology based platforms; and
- (g) County calendar of events.

Civic Education Methods

13. (1) A county department or agency or the County Assembly may apply any of the following civic education methods in addition to the platforms stipulated under the County Governments Act, 2012—

- (a) citizen forums and public hearings;
- (b) citizen advisory or consultation committees ;
- (c) focus group discussions and workshops;
- (d) open days/ exhibitions;
- (e) citizen care desks and information centers; establishing a TV station of information concerning civic education and public participation Communications to local communities and community FM radio stations;
- (f) broadcasting the County Assembly proceedings to the members of the public;
- (g) notice boards/suggestion boxes/websites;
- (h) service charters and social networking facilities; County magazines / monthly newsletters; Information bulletins;
- (i) surveys;
- (j) direct mail;
- (k) newsletters;
- (l) invitations for public submission;
- (m) partnerships and collaboration;
- (n) joint auditing and evaluation of county government performance including projects audits;

- (o) internet based interactive platforms;
- (p) traditional media; and/or;
- (q) any other mechanism, process or procedure of citizen participation that may be suitable for the county.

Special consideration by the County Assembly

14. (1) When establishing mechanisms, processes and procedures in terms of Section 12(1) the County Assembly shall take into account the special needs of—

- (a) people who cannot read or write;
- (b) people with disabilities;
- (c) minorities and marginalized groups;
- (d) women and other disadvantaged groups; and
- (e) the elderly.

(2) The County Assembly may put in place measures to ensure that the County Government and its entities promote affirmative action to ensure that minorities and marginalized groups—

- (a) receive civic education and participate in all matters that affect them and are represented in governance and other spheres of life; and
- (b) are provided with special opportunities in all areas of economic, educational, social, religious and political fields.

Civic Education Forums

15. (1) There shall be civic education forums in—

- (a) the county;
- (b) the Sub-county;
- (c) the Ward; and
- (d) the Village.

(2) The civic education forums stipulated under subsection (1) shall be convened at least once every four months.

(3) The civic education forums shall be based on a civic education plan and curriculum developed by the Chief Officer Devolution and the Clerk of the Assembly.

(4) The civic education forums shall be additionally conducted to—

- (a) improve understanding, appreciation and engagement in the operationalization of the county system of government;
- (b) institutionalize a culture of constitutionalism;
- (c) heighten demand by citizens for service delivery by institutions of governance at the county level;
- (d) enhance ownership and knowledge on the principal economic, social and political issues facing Nairobi county administrations and their form, structures and procedures; and
- (e) enhance appreciation for the diversity of communities in Nairobi County as building blocks for county cohesion and integration.

(5) The Chief Officer shall be responsible for facilitating and coordinating Civic Education activities by the County Executive in line with Subsections (1) to (4).

(6) The Clerk to the County Assembly shall be responsible for facilitating and coordinating Civic Education activities by the County Assembly in line with Subsections (1) to (4). A member of County Assembly shall, in every four months, convene a Ward forum for the purposes of disseminating civic education to Ward residents. The Member of County Assembly shall—

- (a) cause a record of proceedings to be kept; and
- (b) submit a report of each forum to the County Assembly.

(7) Where appropriate, the Chief Officer and Clerk to the Assembly shall consolidate their efforts towards providing support for facilitation of the forums referred to under this section for purposes of efficiency and effectiveness.

PART IV—CO-ORDINATION OF CIVIC EDUCATION AND PUBLIC PARTICIPATION

Stakeholder engagement

16. (1) Each county department or agency or Committee of the County Assembly where applicable, shall—

- (a) while developing legislation and policy or designing or implementing programs or delivering services, promote and engage the relevant stakeholders and the public;
- (b) regularly report and communicate to the stakeholders and the public on the process, outcome and impact of policies, programs and services delivered;
- (c) provide or issue adequate and sufficient notice and information

to stakeholders or the public where the stakeholders or the public are required to participate in an issue or forum stipulated under this Act.

Stakeholder engagement plans

17. (1) The Chief Officer shall ensure that the principles stipulated under this Act and are integrated in each county department's or agency's policies, plan and service delivery processes.

(2) Each county department or agency shall develop and implement a stakeholder engagement plan.

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

- (a) objectives of stakeholder engagement;
- (b) major issues requiring public and stakeholder engagement and consultations;
- (c) time frame within which public consultations would be held;
- (d) process to be undertaken in stakeholder and civic education;
- (e) determination of civic education method; and
- (f) method of providing information to the public.

(4) In facilitating stakeholder engagement during civic education or public participation, a county department or agency or Committee of the County Assembly shall adopt the following standards and good practices—

- (a) stakeholder identification and analysis;
- (b) information disclosure;
- (c) stakeholder consultation;
- (d) negotiation and partnerships;
- (e) grievance management through establishing accessible and responsive means for stakeholders to raise concerns and grievances;
- (f) stakeholder involvement in monitoring and evaluation of projects, programs and policies;
- (g) reporting to stakeholders on performance; and
- (h) efficient and strategic management of stakeholder processes.

Stakeholder mapping

18. Each county department or agency or Committee of the County Assembly shall—

- (a) identify and liaise with the stakeholders in its sector;
- (b) maintain and publish database of the stakeholders identified under paragraph (a); and
- (c) ensure continuous and effective communication with the stakeholders.

Electronic governance

19. Each county department or agency shall provide all applicable information, forms, documents, statistics and data through electronic system such as online system, websites and portal in a timely, efficient and in a usable manner in order to facilitate civic education.

Citizens duties and responsibilities

20. A resident or any member of the public with interest in county affairs has the duty and responsibility to—

- (a) constructively participate in the forums and Platforms created by the County government for civic education;
- (b) share information and make proposals to the county government during the law, policy and decision making processes as well as service delivery mechanisms; and
- (c) contribute where appropriate and practicable resources for developing or implementing public services delivery processes.

Notice boards

21. (1) The Chief Officer shall install notice boards in the most appropriate and conspicuous places in each county government administrative offices.

(2) The Chief Officer shall ensure that all relevant notices related to civic education are posted in the notice boards provided under this section in a timely manner.

(3) Notwithstanding section (1) and (2), a county department or agency shall use the most appropriate communication methods to publicize any process, forum or issue requiring civic education.

Partnership in public and civic education

22. (1) Notwithstanding any provision in this Act, a county Department or agency may enter into partnership with any Community based organization for the purposes of effective civic education.

(2) No provision in the Act precludes the private mobilization for citizens for purposes of civic education.

(3) County Government may work in cooperation with independent citizen forums.

Civic education to be integrated into education syllabus

23. (1) The Chief Officer shall liaise with the county government department responsible for education, to integrate civic education into subjects taught in public and private schools at all levels of pre-primary education, village polytechnics, home craft centres and childcare facilities, including informal, non formal and indigenous learning systems.

(2) The Chief Officer shall in collaboration with the county government department responsible for education, develop and implement a training curriculum on civic education to be integrated into syllabuses to be taught in the institutions specified under subsection (1).

Governor to designate County Civic Education day

24. (1) The Governor shall, by notice in the Gazette, designate a day in each calendar year that shall be observed within the County as the County Civic Education day.

(2) All departments of the County Public Service and County Assembly Service shall—

- (a) conduct civic education to the general public within the County in such manner as may be prescribed; and
- (b) participate in such other activities as may be prescribed—
 - (i) for the avoidance of doubt, the day designated under subsection (1) shall not be construed to be a public holiday for the purposes of the Public Holidays Act; and
 - (ii) any officer of the county public service or the county assembly who contravenes the provisions of subsections (2) and (3) commits an offence.

Publishing of information

25. (1) The administrators shall ensure that all important information affecting the county/sub- county/ward/village is published and publicized, within their mandate.

(2) A person may request for information in public interest.

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

- (a) shall be addressed to the Clerk or Chief Officer as the case may be; and

- (b) may be subject to confidentiality requirements within reasonable statutory requirements.

(4) Subject to the provisions of Article 35 of the Constitution and the law relating to freedom of information and data protection, the Clerk 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.

(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.

PART IV—PROVISIONS ON DELEGATED POWERS

General penalty

26. (1) A person who contravenes the provisions of this Act for which no penalty is specified or fails to comply with any order or direction given under this Act, shall upon conviction be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year or both.

(2) A person who having been convicted of an offence under this Act, is again found guilty and is convicted of an offence under this Act, shall be liable to double the penalty provided for the offence.

Rules

27. (1) The Member of the County Executive Committee shall make rules for the purpose of carrying out the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the rules made may provide for—

- (a) the conduct of civic education including providing for additional guidelines;
- (b) use of media to promote civic education;
- (c) the criteria and manner of funding of civil society programmes by the Fund;
- (d) the coordination of all forms of citizen fora including sub county, village, neighborhood and other associations;
- (e) the representation of attendance of the public in civic education fora; and
- (f) the prescribing of anything required to be prescribed in this Act.

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- (3) For the purposes of Article 94 (6) of the Constitution—
- (a) the purpose and objective of delegation under this section is to enable the Member of the County Executive Committee to make rules to provide for the better carrying into effect of the provisions of this Act;
 - (b) the authority of the Member of the County Executive Committee to make rules under this Act will be limited to bringing into effect the provisions of this Act and to fulfill the objectives specified under this section;
 - (c) the principles and standards applicable to the rules made under this section are those set out in the Interpretation and General Provisions Act, and the Statutory Instruments Act, 2013.

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to implement the Constitutional provisions relating to civic education as well as the requirements under the County Governments Act, 2012.

PART—I of the Bill provides for preliminary matters.

PART—II of the Bill provides for administration of civic education in the county. It provides for functions of the Devolution and sub-county administration and the officers responsible for civic education.

This Part also provides for funding of civic education to assist the department in the fulfillment of its functions under the Act.

PART—III of the Bill provides for coordination of civic education in the County Assembly. It provides for Civic Education methods and forums as well as special factors to be considered by the County Assembly in provision of civic education.

PART—IV of the Bill provides for Coordination of Civic education and public participation civic education process. It sets out the principles to be followed during civic education process such as provision of meaningful information, mutual consultations, openness and transparency, value for money and inclusiveness among others.

This Part also provides for facilitation of citizen forums and guidelines for managing civic education such as stakeholder mapping and engagement, stakeholder engagement plan, best practices and standards of civic education

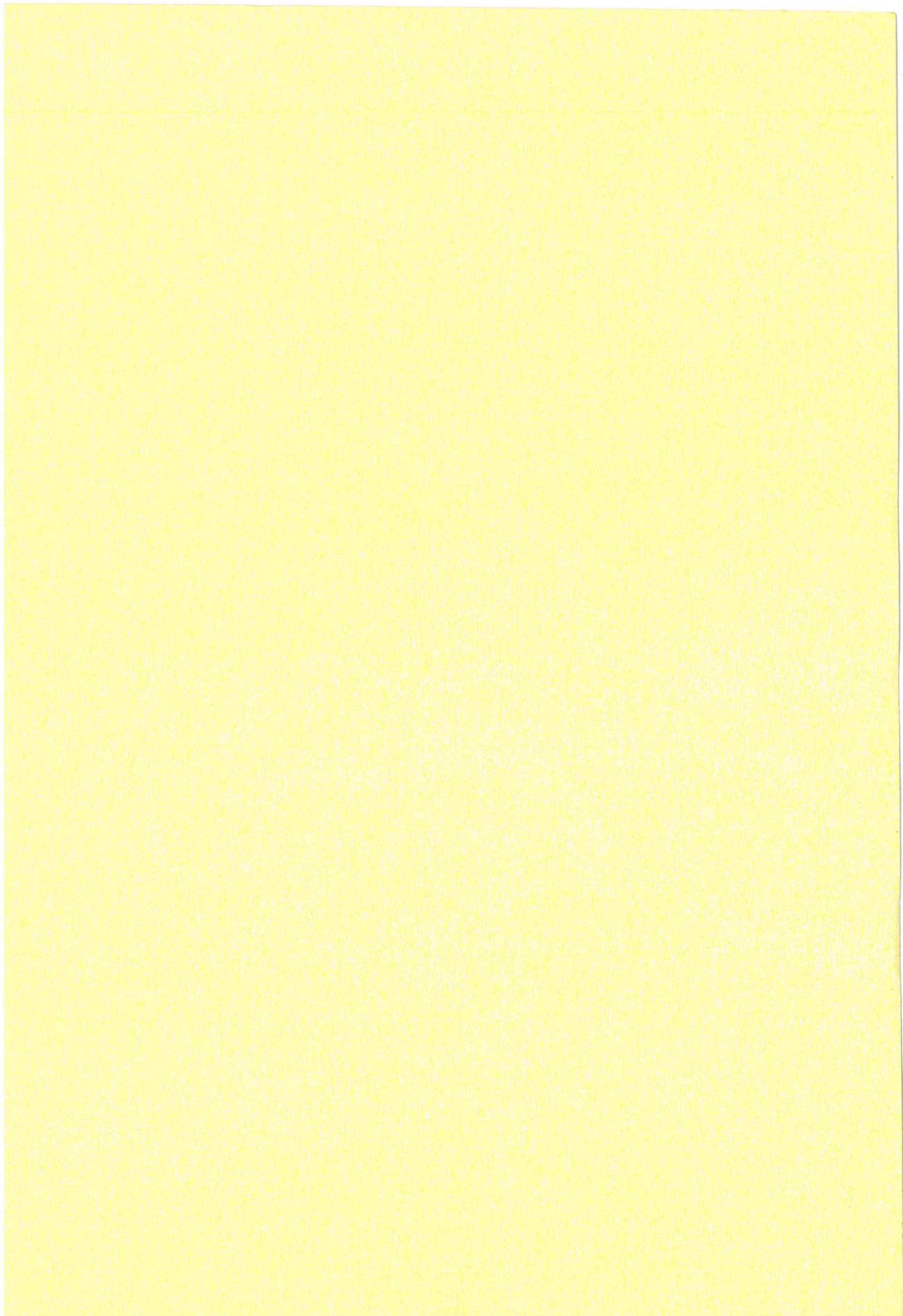
The Governor is empowered to designate one day in every calendar year on which the County Government shall conduct civic education.

PART—V of the Bill provides for the general provisions mainly the power of the Executive Member to make Regulations.

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 4th June, 2021.

SILAS MATARA, MCA,
Member for Dandora II Ward.



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