

SPECIAL ISSUE

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REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY
OFFICE OF THE CLERK
TABLES & JOURNALS
BILLS FIRST READING

05 DEC 2023

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KENYA GAZETTE SUPPLEMENT

NAIROBI CITY COUNTY BILLS, 2023

NAIROBI, 27th October, 2023

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THE NAIROBI CITY COUNTY CIVIC EDUCATION BILL, 2023
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THE NAIROBI CITY COUNTY CIVIC EDUCATION BILL, 2023

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

1. This Act may be cited as the Nairobi City County Civic Education Act, 2023.

Interpretation

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

“civic education” includes processes and methods for empowerment and enlightenment of citizens and government;

“county” means the Nairobi City County;

“county Assembly” means Nairobi City County Assembly;

“county department” means department established in the county government by the County Public Service Board or under any written law;

“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 matters relating to civic education;

“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 purpose

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 sub-section (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;
- (j) any other matter that enhances Civic Education.

Application

4. The provisions of this Act shall apply to Nairobi City County 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 under 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;
- (b) availing participants access to the information necessary to ensure meaningful participation.

PART II—THE DIRECTORATE OF CIVIC EDUCATION

Establishment of the Directorate

6 There is established a Directorate to be known as the Nairobi City County Directorate of Civic Education which shall be an office in the county public service.

Functions of the Directorate

7. The functions of the Directorate 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) co-ordinate 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;
- (m) carry out any other function in furtherance to the objects and purpose of this Act.

Director and officers of the Directorate

8. (1) The Directorate shall be headed by a Director of Civic Education who shall be competitively recruited by the County Public Service Board and appointed by the Governor upon the approval of the County Assembly.

(2) The Director shall hold office for a term of four years' renewable for one further term.

(3) The County Public Service Board in consultation with the Member of the County Executive Committee shall designate such staff as are necessary to work in the Directorate.

Establishment of the Fund

9. (1) The County Executive Committee Member for Finance with the approval of County Executive Committee and County Assembly shall establish a fund known as Nairobi City County Civic Education Fund.

(2) The Fund shall consist of—

- (a) such monies as may be appropriated by the County Assembly;
- (b) sums received, including contributions, gifts or grants from or by way of testamentary bequest by any person or persons;
- (c) moneys earned or arising from any investment of the Fund;
- (d) all other sums which may in any manner become payable to, or vested in, the Fund.

(3) The Fund shall be used for meeting the capital and current expenditure relating to—

- (a) the functions and operations of the Directorate;
- (b) research, documentation and dissemination of Civic Education in the County;
- (c) promoting civic awareness programs; and
- (d) any other matter incidental to the matters stated in paragraphs (a) (b) and (c).

(4) An amount of not less than fifteen per cent of the Fund's annual income shall be used to fund relevant civil society programmes on Civic Education in the County.

(5) The Fund shall be administered by Director who shall—

- (a) be the accounting officer relating to the Fund;
- (b) supervise and control the administration of the Fund;
- (c) impose conditions on the use of any expenditure personally authorized and may impose any reasonable restriction or other requirement concerning use of expenditure;
- (d) cause to be kept proper books of account and other books and records in relation to the Fund as well as to all the various activities and undertakings of the Fund;

- (e) prepare, sign and transmit to the Auditor-General in respect of each financial year and within three (3) months after the end thereof, a statement of accounts relating to the Fund in accordance with the Public Audit Act, 2015, and in such details as the Treasury may from time to time direct;
- (f) furnish such additional information as may be required for examination and audit by the Auditor-General or under any law;
- (g) perform all other obligations relating to the Fund as required under the Public Finance management Act, 2012.

Annual report

10. (1) The Director 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.

(5) The Director 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

Assembly Civic Education Office

11. There is established an office to be known as the Nairobi City County Assembly Civic Education Office which shall be an office in the County Assembly.

Functions of the Assembly Civic Education Office

12. The Nairobi City County Assembly Civic Education Office shall be responsible for—

- (a) liaising with the Director for the attainment of the functions specified under Section 7 of this Act by the County Assembly;

- (b) providing support and advise to the County Assembly on managing civic education process in accordance with this Act;
- (c) facilitating Committees of the County Assembly when carrying out Civic Education Programs;
- (d) preparing reports on Civic Education facilitated by County Assembly;
- (e) facilitating and supporting Committees of the County Assembly to develop networks and partnerships with key stakeholders for the purposes of enhancing Civic Education;
- (f) carrying out any other function relating to civic education as may be assigned by the County Assembly Service Board.

Ward forums

13. (1) A member of County Assembly shall, in every four months, convene a Ward forum for the purposes of disseminating civic education to Ward residents.

(2) The Member of County Assembly shall—

- (a) subject to subsection (3) facilitate persons with disabilities and the elderly to attend and participate in the citizen forums;
- (b) cause a record of proceedings to be kept; and
- (c) submit a report of each forum to the County Assembly.

(3) The Director shall, in consultation with the Nairobi City County Assembly Civic Education Office, provide support for facilitation of the forums referred to under this section.

PART IV—CONDUCT OF CIVIC EDUCATION

Civic education methods

14. A County Department or Agency or Committee of 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) public meetings;
- (b) public hearings;
- (c) workshops;
- (d) citizen advisory or consultation committees;
- (e) surveys;
- (f) focus groups;

- (g) direct mail;
- (h) newsletters;
- (i) invitations for public submission;
- (j) partnerships and collaboration;
- (k) joint auditing and evaluation of county government performance including projects audits;
- (l) internet based interactive platforms.

Stakeholder engagement plans

15. (1) The Director 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.

Stakeholder mapping

16. 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

17. 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.

Citizen's duties and responsibilities

18. 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.

Notices boards

19. (1) The Director shall install notice boards in the most appropriate and conspicuous places in each County Government Administrative Offices.

(2) The Director 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

20 (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

21. (1) The Director 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 Director 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)

Civic education to be integrated into schemes of service

22. (1) The Director shall liaise with the County Public Service Board and the County Assembly Board to require the successful completion of a prescribed civic education course as a condition for initial entry into or promotion to certain grades of the County Public Service.

(2) The course prescribed under Subsection (1) shall address the roles and responsibilities of national and county governments; the structures and functions of the legislative, executive, and judicial branches of government; the meaning and significance of the Constitution of the Kenya and the matters specified under section 3(2) of this Act.

Governor to designate County Civic Education day

23. (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.

(3) 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.

(4) Any officer of the County Public Service or the County Assembly who contravenes the provisions of Subsections (2) and (3) commits an offence.

PART V—GENERAL PROVISIONS

General penalty

24. (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

25. (1) The Member of the County Executive Committee may make rules for the 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, neighbourhood 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.

(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 fulfil the objectives specified under this section; and
- (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 co-ordination of Civic Education in the County Executive. It provides for the establishment of the Department of Civic Education, which is responsible for co-ordinating Civic Education, other departments, facilitating capacity building, mobilizing and organizing the public and stakeholders and monitoring and evaluating.

This Part also establishes the Civic Education Fund to assist the Directorate in the fulfilment of its functions under the Act.

PART III of the Bill provides for co-ordination of civic education in the County Assembly. It provides for the establishment of the Civic Education Office in the County Assembly to assist the Directorate and the Assembly in the provision of civic education.

PART IV of the Bill provides for 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.

The 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 Rules.

The enactment of this Bill shall occasion additional expenditure of public funds, which shall be catered through the estimates.

Dated the 3rd October, 2023.

SILAS MATARA,
Member of the County Assembly.