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Abbreviations

DFRD - District Focus for Rural Development
LASDAP - (Local Authorities Service Delivery Action plan
KLGPR - Kenya Local Government Reform Program
NGO - Non-Governmental Organisation
CDF - Constituency Development Fund
CDFB - Constituency Development Fund Board
CT - County Treasury
CBROP - County Budget Review and Outlook Paper
CEC - County Executive Committee
MF - Ministry of Finance
1. Introduction

1.1. Purpose of the guidelines

These guidelines are to inform the public participation processes. The guidelines provide salient features of public participation in policy, legislation and development plan formulation, implementation, monitoring and evaluation at the county government level. While counties may already have in place legislation or policies that govern public participation, the guidelines highlight all key aspects that ought to be taken into consideration when undertaking public participation. The guidelines are instrumental in reviewing existing public participation legislation and policy and informing new legislation and policy. The guidelines also offer a practical approach to public participation on various thematic areas and the actual public participation processes. The guidelines further layout the duties and responsibilities of members of the public in public participation.

The guidelines are a living document that may be adapted to fit county contexts and circumstances because counties have different political, economic, social, cultural and religious environments. The guidelines follow a logical path to understand, plan, and implement a public participation as enshrined in the Constitution of Kenya and attendant laws and regulations.

1.2. Defining public participation

Public participation for purposes of these guidelines is the community based process, where people organize themselves and their goals at the grassroots level and work together through governmental and nongovernmental community organizations to influence decision making processes in policy, legislation, service delivery, oversight and development matters. The public get intimately involved in the public participation process when the issue at stake relates directly to them. Furthermore when public participation occurs all the stakeholders easily cooperate to implement changes made. The involvement of the public also includes individuals and groups that are positively or negatively affected by, or that are interested in, a proposed project, program, plan, legislation or policy that is subject to a decision-making process.

The public when used in relation to public participation in these regulations, means, the residents of a particular county; the rate payers of a particular city or municipality; any resident civic organisation with an interest in the governance of a particular county, city or municipality; non-resident persons who because of their temporary presence in a particular county, city or municipality make use of services or facilities provided by the county, city or municipality.
Public participation adopts forms as indicated in the figure below.

**Figure 1 - Forms of public participation**

- **Informing** the public by providing information to help them understand the issues, options, and solutions
- **Consulting** with the public to obtain their feedback on alternatives or decisions
- **Involving** the public to ensure their concerns are considered throughout the decision process, particularly in the development of decision criteria and options
- **Collaborating** with the public to develop decision criteria and alternatives and identify the preferred solution
- **Empowering** the public by placing final decision-making authority in their hands

**1.3. Background**

Before the Constitution of Kenya, 2010, planning and implementation of rural development programs was basically the responsibility of the central government. This top (central government) down approach to planning was carried out from the central government's headquarters in Nairobi. The approach to planning continued until 1983 when the District Focus for Rural development (DFRD) strategy was introduced to make the district as an administrative unit the locus for project identification and implementation.

The DFRD strategy was to encourage community participation in the identification, planning and implementation of development projects at the district level. Central government field officers were involved in the planning and implementation programs. The strategy faced challenges in implementation as it had no legislative framework backing that could entrench the work of coordination committee.
In 2001 the ministry of local government through its reform program (Kenya Local Government Reform Program (KLGRP) introduced the Local Authorities Service Delivery Action plan (LASDAP). This was a tool developed to improve participatory planning, governance and service delivery in local authorities. This created an entry point for local authorities to constructively engage their citizens on matters of decision making at the local level. LASDAP was a product of participatory planning that involved various stakeholders and citizens within a local authority. This included self help groups, business organizations, and resident organizations, religious groups, educational and health institutions, professional organizations, NGOs and individual residents.

In the year 2003 the Constituencies Development Fund was created by the Constituencies Development Fund Act, 2003 with the primary objective of addressing poverty at grassroots level by dedicating a minimum of 2.5% of the Government ordinary revenue to grassroots development and the reduction of poverty. The fund is managed by the Constituencies Development Fund Board (CDFB).

In January 2013, the CDF Act 2003 (as amended in 2007) was repealed and replaced with CDF Act 2013 that is aligned to the constitution of Kenya 2010. The enactment of the CDF Act 2013 was mainly aimed to ensure that the law governing CDF is aligned to the Constitution of Kenya 2010, specifically in compliance with the principles of: transparency and accountability; separation of powers; and participation of the people. The new law was also aimed to align the operations of the Fund to the new devolved government structure. Community participates through their membership in The County Projects Committee, The Constituency Development Fund Committee and the Project Management Committee.

Despite tremendous benefits witnessed in improving livelihoods of the communities, there was low participation of citizens since there were no statutory guidelines on participation. The challenges that faced public participation for the CDF and LASDAP processes included:

1. There was apathy from the public in taking part in CDF and LASDAP processes;
2. CDF had heavy political control while LASDAP had bureaucratic centralised control with a hierarchical structure;
3. Very little civic education took place before public participation was undertaken;
4. Both CDF and LASDAP undertook tokenism public participation;
5. No definition of minimal thresholds;
6. Lack of determination of who the public was;
7. Resource allocation to public participation was not clear cut;
8. The public did not have adequate access to information;
9. Lack of clear timeframes for public participation;
10. Inclusivity to involved marginalised and minority groups was lacking; and
11. Lack of a standard approach to public participation.

These guidelines seek to address the above challenges as provided by the Constitution and legislation that makes public participation mandatory at the county and national government levels.

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1 Kenya Human Rights Commission (KHRC) and Social And Public Accountability Network (SPAN) Harmonization of Decentralized Development In Kenya: Towards Alignment, Citizen Engagement and Enhanced Accountability (2010); National Taxpayers Association (NTA) Budget Transparency And Citizen Participation In Counties In Kenya (2013)
1.4. Legal framework

Public participation is one of the core pillars of the Constitution of Kenya 2010. The constitution making process in Kenya since the early 1990’s had a strong public engagement component. These guidelines are informed by the constitution and legislative provisions cited below that form the core basis for public participation at the county governments’ level.

Article 1(2) of the Constitution of Kenya, 2010 states that all sovereign power belongs to the people of Kenya. It further states that people may exercise their sovereignty directly or through their elected representatives. After having already elected representatives, the people ought to directly exercise their sovereignty by being involved in democracy and governance processes at the national and county levels of government.

Article 10 (2) indicates that public participation is among the national values and principles of governance.

As per Article 174(c), the objects of devolution are to give powers of self-governance to the people and enhance their participation in the exercise of the powers of the State and in making decisions affecting them. Article 174(d) recognizes the rights of communities to manage their own affairs and to further their development.

Article 184(1) states that national legislation is to provide for the governance and management of urban areas and cities and shall in particular provide for participation by residents in the governance of urban areas and cities.

Article 232(1)(d) provides for the involvement of the people in the process of policy making and part (f) provides for transparency and provision to the public of timely and accurate information.

Fourth Schedule Part 2(14) stipulates that the functions and powers of the county are to ensure and coordinate the participation of communities and locations in governance at the local level. Counties are also to assist communities to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

The Public Finance Management Act under Section 207 provides that County Governments are to establish structures, mechanisms and guidelines for citizen participation.

The County Government Act Sections 94 and 95 provide that counties are to establish mechanisms to facilitate public communication and access to information with the widest public outreach using media. Sections 100 and 101 of the same Act provide that county governments should create an institutional framework for civic education.

Under the Urban areas Act, the overarching theme is participation by the residents in the governance of urban areas and cities. The Second Schedule of the Act provides for the rights of, and participation by residents in affairs of their city or urban areas.
1.5. The importance of public participation

Strengthens democracy and governance

By engaging in public participation in policy, law and development of policy processes, the public exercise their constitutional rights. As a result, the decision-making process becomes more representative. Openness to the public provides a platform in which the public presents their concerns and engages with government. Insufficient public engagement limits the power of the people to participate in democratic governance.

Increases accountability

Public participation improves transparency and accountability of the social, political, cultural, economic, and environmental impacts of policies, laws and development plans and of how the costs and benefits will impact on different segments of society. Public participation helps to ensure that governments are accountable for their actions and responsive to public interests. By linking the public with decision-makers, public confidence and support of decision-making processes is enhanced.

Improves Process Quality

Public participation enables governments to understand different opinions and concerns and ensures that policies, laws and development plans are more robust because they have been tested through a comprehensive process of review and revision before being approved. Provides additional skills, knowledge, concerns, and ideas that might not otherwise been considered.

Manages social conflicts

Public participation helps alleviate social conflicts, by bringing different stakeholders and interest groups. It helps assess their impacts of conflict and reach a consensus. Investment in public participation at an early stage helps minimize both the number and the magnitude of social conflicts arising over the course of the implementation of policies, laws and development plans.

Enhances process legitimacy

Public participation in the policy, law and development plans and development will legitimises implementation processes. Without significant public participation, the public may feel manipulated and suspicious, which may undermine effective dialogue and create distrust.

Protects public interests

Active public participation can protect public interests, by reducing public conflict and safeguards against future risks.
1.6. Principles of public participation

Public participation is based on the following broad principles:

a. Timely access to information, data, documents and other information relevant or related to policy formulation, implementation and oversight.

b. 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.

c. Protection and promotion of the interest and rights of minorities, marginalized groups and communities and their access to relevant information.

d. Legal standing of interested or affected persons, organization, and where pertinent, community to appeal from or, review decision or redress grievances with particular emphasis on persons and traditionally marginalized communities, including women youth, and disadvantaged communities.

e. Reasonable balance in the roles and obligations of county governance and non-state actors in decision making processes partnership, and to provide complementary authority and oversight.

f. Promotion of Public-Private Partnerships, such as joint committees, technical teams and citizen commissions to encourage direct dialogue and concerted action on sustainable development.

g. Recognition and promotion of the reciprocal roles of non-state actors participation and governmental facilitation and oversight

2. The Public Participation Process

2.1. County government officers mandated to guide public participation

At the county government level, the Constitution and various statutes assign responsibilities to coordinate, manage and supervise public participation to certain county officers. These officers are:

**Governor:** As per Section 30(3)(g) of the County Governments Act, the Governor should promote and facilitate citizen participation in the development of policies and plans, and service delivery in the county.

**County Executive Committee:** Section 46(2)(g) of the County Governments Act provides that the county executive committee should bear in mind the need to all participatory decision making.

**Sub-County Administrator:** Under Section 50(3)(g) of the County Governments Act, the sub-county administrator is responsible for the coordination, management and supervision of the general administrative functions in the sub-county including the facilitation and coordination of citizen participation in the development of policies, plans and service delivery.
Ward Administrator: Under Section 51(3)(g) of the County Governments Act, the ward administrator is responsible for the coordination, management and supervision of the general administrative functions in the ward including the facilitation and coordination of citizen participation in the development of policies, plans and service delivery.

Village Administrator: Under Section 52(3)(a)(i) of the County Governments Act, the village administrator is responsible for the coordination, management and supervision of the general administrative functions in the sub-county including ensuring and coordinating the participation of the village unit in governance.

County Assembly: Article 196 of the Constitution provides that the county assembly should facilitate public participation and the involvement in the legislative and other business of the assembly and its committees.

Urban Areas and Cities: Section 21(1)(g) of the Urban Areas and Cities Act empowers boards of cities and municipalities to ensure public participation of the residents in decision making its activities and programmes. Section 22 establishes citizen fora where residents of a city, municipality or town may actively be involved in policy and law making plus service deliveries in their respective areas.

County Executive Committee member for finance: Section 125 of the Public Finance Management Act provides that the County Executive Committee member of finance should ensure that there is public participation in the budget process. The budget process includes:

- integrated development planning process which shall include both long term and medium term planning;
- planning and establishing financial and economic priorities for the county over the medium term;
- making an overall estimation of the county government’s revenues and expenditures;
- adoption of County Fiscal Strategy Paper;
- preparing budget estimates for the county government and submitting estimates to the county assembly;
- approving of the estimates by the county assembly;
- enacting an appropriation law and any other laws required to implement the county government’s budget;
- implementing the county government’s budget; and
- accounting for, and evaluating, the county government’s budgeted revenues and expenditures.

2.2. The public participation process

The basic outline for any public participation process includes:

- Define what policy, legislation or development plan is up for discussion.
  - Identify policy problems
  - Formulating policy proposals
- Legitimising decision making process
  - Define who needs to be involved in public consultation.
- Decide what level of public participation should take place.
- Identify decision makers.
- Identify opinion shapers.
- Identify institutional capacity to undertake public participation.
- Clarify the kind of decision to be made.
- Specific decision making process and schedule events.

- Implementing the policy, legislation or development plan.
- Monitoring and evaluation
  - Outline the oversight, monitoring and evaluation framework for policy, legislation and development plans implementation.

The figure below illustrates the public participation process. Although certain public participation processes are linear like the vetting of public officers, the basic steps of public participation are indicated. The black arrows represent a public participation process. The tools and methodologies for each step are defined in part three (3) of the guidelines.

**Figure 2: The basic public participation cycle**
2.3. Conditions for meaningful public participation

- **Clarity of the subject matter** – it is important to establish a well-defined purpose for the public’s role in the subject matter that is real, practical, and shared among stakeholders to set the public's expectations accordingly. Making promises that cannot be kept will undermine public confidence in the public participation process.

- **Clear structure and process** – there is need to have in place a set of well-defined rules about how public participation will be conducted, tools to be applied and how the decision will eventually be made.

- **Opportunity for balanced influence** – the setting for engagement should be one that provides for real opportunity for public input to be considered in making the decision and avoid dominance or biasness by a section of the public.

- **Commitment to the process** – proponents for the public participation process must be committed to the full range of activities required to make public participation work and be willing to obtain and consider public input in making the decision.

- **Inclusive and effective representation** – mechanism must be in place that ensures reaching out to representatives of the full range of relevant stakeholder interests.

- **A climate of integrity** – trust and credibility of government are essential for public participation. Public participation will not flourish where government agencies or decision makers are dishonest about considering public input.

- **A belief in the value of public input** – the knowledge that public input will result in better decision-making and that public participation results in better governance.

- **Capacity to engage** – ensuring that agencies know how to design and implement public participation processes, and that agencies and the public alike have the knowledge and communication skills to participate effectively in the process.

- **Complete transparency** – the timely sharing of easily understandable and accessible information to educate the public about the issues and options.
3. Public participation management

3.1. Administrative structures
Several options exist to county governments on how they may administratively structure public participation and civic education management. Legislation, the Constitution and County Assembly Standing Orders clearly demarcate the roles of the county executive and county assembly on matters relating to public participation and civic education. At no point in time will the county assembly and county executive merge their constitutional roles and hence will engage the public on very different Platform.

In strict sense, the county executive and county assembly should independently manage their own public and civic education processes. However, it is important to note that the county assembly and county executive deal with the same county or sub county institutions, electorate and have to share the same resources on these matters. Hence, county governments might consider having a coordinated
administrative approach in managing public participation and civic education. Below are options that county governments may consider when setting up administrative structures.

Option 1: The county government appoints a county public participation coordinator who acts as the administrative head for public participation and civic education. The coordinator works with the county executive committee, county assembly and administrators in the county units. This structure would be effective where the county assembly and county executive work in concert. Here the county government would have one pool of resources including funds and synchronised timetables for public participation and civic education. Further, the county government would work with the national government coordinators at the county to mobilise the public and provide security at public participation forums. This is the most practical administrative approach to public participation.

The disadvantage of this option is that constitutional and statutory roles of the county executive and county assembly may be blurred in the process; that is their executive and oversight roles respectively. This option also assumes that the county executive and county assembly have no political differences which is often not the case.

Another sticking point is that the public participation coordinator office may have to be created through the County Public Service Board, increasing the county wage bill. However, the counties may overcome this by assigning an existing office within the county government to coordinate public participation.

The figure below illustrates an organogramme where a county resolves to adopt an integrated administrative approach to public participation.

Option 2: the county assembly and county executive put in place independent administrative structures for their public participation and civic education. The challenge with this approach is that there may be duplication of efforts and resources. Further, since the electorate is one, it may get exhausted attending many and different county forums independently organised by the two arms of the county government. The advantage of this approach is that it does not blur constitutional and statutory roles of the county executive and county assembly.
The figures below illustrate an organogramme where a county resolves to have a non-integrated approach to public participation management.

**Figure 5: County Assembly**

![County Assembly Organogramme]

**Figure 6: County executive**

![County Executive Organogramme]

### 3.2. Financing Public Participation, Civic Education and Capacity Building

Every financial year, a certain percentage of the total county budget is to be allocated to public participation and civic education in the county for both the county executive and county assembly. The budgetary allocation should be equitably distributed in all the villages, wards and sub-counties. Officers in charge of county, sub-county, village and ward should submit financial proposals for public participation and civic education in their respective jurisdictions every financial year.
3.3. Civic education

Part X of the County Governments Act provides for civic education. Section 100 provides that each county should implement an appropriate civic education programme. Civic Education is a critical and effective empowerment tool for promoting public participation in democratic and governance processes. It empowers the public, both as individuals and as part of collective groupings. Public participation is built by protecting individual and collective rights and ensuring appreciation of each citizen’s obligations to the society of which they are a part. Hence, if the public do not have a good understanding of the process and content of public participation they will not effectively engage with county governments.

County governments ought to have an effective framework for civic education which should take place regularly alongside or independent of public participation. The general objectives of civic education at the county are –

- To ensure sustained citizens’ engagement in the implementation of the Constitution;
- To improve understanding, appreciation and engagement in the operationalisation of the county system of government;
- To institutionalize a culture of constitutionalism;
- To ensure people acquire knowledge of Kenya’s transformed political system, context and implications;
- To enhance knowledge and understanding of electoral system and procedures;
- To enhance awareness and mainstream the Bill of Rights and National values;
- To heighten demand by citizens for service delivery by institutions of governance at the county level;
- To ensure ownership and knowledge on the principal economic, social and political issues facing county administrations and their form, structures and procedures;
- To encourage appreciation for the diversity of Kenya’s communities as building blocks for national cohesion and integration;
- To help people understand the roles, rights and responsibilities of citizenship;
- To help people acquire the ability to explain, analyze, interact, evaluate, defend a position, and monitor processes and outcomes; and
- To help citizens use knowledge acquired for informed participation in civic and political processes.

Regularly, the sub-county administrators ward administrators village administrators and the county assembly should conduct civic education sessions to inform county residents on issues that may come up for public participation. Themes that may inform civic education include:

- County policy making;
- Law making processes;
- Public finance management processes;
- Development planning processes;
- Monitoring and evaluating county budget implementation;
- Evaluating periodic county reports; and
- Evaluating county service delivery.
Civic education forums are to be designed in such a way that county residents fully comprehend county policy making, legislative and development planning processes and are empowered to ably participate in county processes.

3.3.1. Civic education providers
The county may undertake civic education on its own or engage certified civic education providers who may be non-state actors to conduct civic education in the county. This means that the county should map out potential civic education providers and develop guidelines and a code of ethics on how civic education may be carried out within the county.

The figure below illustrates the basic steps that must be put in place for comprehensive civic education to take place. The first step is to inform the public of the civic education process including ensuring access to information, communication on venues, times and dates and an agenda of the process. The second step is to actively engage the public on policy, legislation and development processes at the county. Third step is to listen to the public to assess their understanding of the public participation content and the fourth step is developing consensus on the basics discussed on a particular policy, legislation or development plan process.

Figure 7: Civic education continuum:

When drafting an agenda for a civic education session, a civic education provider may consider the following as key issues for discussion:

- Defining policy, legislation and development plans
- Setting down guiding principles
- Stages of policy, legislation and development plan making
- How to make submissions/views to county governments
- What submissions/views should be about
- Follow-up / feedbacks
3.4. Capacity building for county officers
The county government should ensure its officers have good understanding of the public participation process, civic education and issues for discussion during public participation sessions. Hence, county governments should have periodic capacity building sessions for its officers. Capacity building may extend to key stakeholders that work with the counties and civic education providers. Capacity building for county officers is best done through county departments, sectoral units or per specific technical expertise of the county officers.

3.5. Stakeholder mapping
For a comprehensive public participation process, sector based stakeholders should be involved in the process. Essentially these are individuals or groups of people that would be directly affected by a proposed policy, law or development plan. Hence the county government should set up a stakeholders’ register based on the various sectors in the county. The register would be used as a reference point to invite stakeholders relevant to a specific proposed policy, legislation or development plan. This register would include the following information:

- The name of the stakeholder group;
- The sector they represent and their perceived role;
- Their legal identity;
- The nature and extent of their membership;
- Their target constituency, including which wards they work in;
- Their office-bearers and contact details; and
- Location of the stakeholder group

Guiding questions in identifying stakeholders:

a. Who is the policy/law/development plan intended to benefit?
b. What are some likely negative impacts of the policy/law/development plan, and who will feel them?
c. Who will be responsible for implementing the changes introduced by the policy/law/development plan?
d. Whose cooperation or influence is necessary for the policy/law/development plan to be implemented?
e. Who has special knowledge or experience concerning the policy/law/development plan?
f. Who support or oppose the changes the policy/law/development plan will bring?
The figure below assists in mapping out and prioritising stakeholders in relation to how they are affected by an issue.

Figure 8: Categories of stakeholders

Directly affected and indirectly affected stakeholders should be involved in the public participation process. As the figure above indicates these may not be as many as those who may have possible interest or general interest in the issue up for public debate. The focus should be on the directly and indirectly affected groups.

If there is an issue in the forestry sector in relation to a forest or water catchment area for example, the following would be suitable stakeholders for engagement:

- Indigenous peoples and other forest-dependent communities;
- Local communities, pastoralists, farmers who depend on forests for livelihoods;
- Civil society (NGOs, community associations, etc.);
- Vulnerable groups (women, youth, etc.);
- Government agencies (forests, environment, agriculture, energy, transportation, finance, planning, national, state, local, etc.);
- Environmental law enforcement agencies;
- Private sector (loggers, ranchers, energy producers, industry, farmers, agri-business etc.);
- Academia.
3.6. Inclusivity
In all public participation processes, there should be a conscious initiative to ensure that minorities and historically marginalised groups are involved. The Constitution defines a marginalised community to be that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole or a traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole or an indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy and pastoral communities. Culturally, economically and marginalised groups also include the youth, persons with disabilities, women and older members of the society.

The ideal approach counties may adopt is to integrate minorities and marginalised individuals in the mainstream public participation process. However where this may not be possible, the county ought to hold focus group meetings specifically targeting the attendance of mapped out minorities and historically marginalised individuals.

3.7. Communication and access to information
Access to information for Kenyan citizens is guaranteed by Article 35 of the Constitution. On Communication, Section 93 of the County Governments Act provides that public communication and access to information shall be integrated in all development activities while observing professionalism, media ethics and standards. Public communication aims at:

a. Creating awareness on devolution and governance;
b. Promoting citizens understanding for purposes of peace and national cohesion; and
c. Undertaking advocacy on core development issues at the county.

Strategic communication is key or essential to county governments. This means that communication efforts by the county should be in line with the policy, legislative and development agenda set for specific periods. County governments should be in constant communication with their residents. The county should communicate in a language the residents understands and at the very least in English and Swahili. There is need to identify the most effective medium of communication in terms of costs and reach. Such medium may include:

- television stations;
- brochures;
- newsletters;
- information communication technology;
- mass mailing;
- websites;
• social media (Facebook, Twitter, LinkedIn, Instagram etc);
• community radio stations;
• public meetings;
• traditional media; and
• Notices in county, sub-county, ward and village offices, places of worships, markets, schools, libraries, social clubs, medical facilities and national government offices.

Communication should also be tailored to meet the needs of persons with disabilities, older members of the society, the marginalised and the less educated residents of the County. To meet such needs, the county should consider communication in the following forms:

• Publications for persons with hearing impairments;
• Braille;
• Local language publications;
• Popular versions; or
• Large print publications.

**Communication on public participation and civic education processes shall contain:**

• a brief on the relevant draft policy, legislation or development plan;
• information about how to access all relevant public documents needed for public participation;
• county organ holding the public participation;
• the venues for public participation;
• dates for public participation;
• channels through which citizens may give input on issues for discussion; and
• contact details for person or department in charge.
The figure below gives indicative ideal timelines to post notices inviting stakeholders to Public forums and feedback process:

Figure 9: Communication timelines

3.8. Media appearances by county officers
In order to expand their audience for public participation and civic education, the county government should use community radio and television shows. The county government may use these shows to give a brief of county policies, legislation and development plans. Since most radio and television shows offer an interactive session with the audience, the county may use the feedback to enrich the public participation process. However, media appearances should not always be used as an alternative to other forms of public participation.

3.9. E-Participation platform
E-participation in governance and democracy processes has gained notoriety. Counties are constantly receiving information and data from the internet. Bearing in mind that many residents of counties are not in a position to physically take part in public participation forum, it is important that the counties...
do develop an elaborate E-participation platform to cater for this critical mass. This means that counties may explore the need of having an officer specifically tasked with monitoring and regulating the E-platform.

The basic guiding principles for E-Participation should be set. These include:

**Transparency** - The E-Participants should be aware of each initiative goals, potential outcomes, targeted participants, processes and tools. To clearly state the goals and potential outcomes will act as an incentive to the contributions.

**Respect** - The E-Participation initiatives shall promote civil behaviour, by means of constructive discussions and active listening.

**Trust** - Within this context trust involves confidence in the e-Participation initiatives and it results in commitment from the E-Participants.

**Creativity** - A creative approach to build awareness contributes to attract participation. It is important to be dynamic and continually evolve the participation process, taking advantage of the available tools and adapting them to the existent socio-cultural context and trends.

**Inclusion** - inclusion refers to the extent to which e-Participation contributes to equalise and promote a participative system, providing initiatives to the largest possible number of people, empowering citizens and acting as key factor to achieve legitimacy.

**Accountability** - Accountability flows from transparency and openness and it includes clarity about the roles and responsibilities of the stakeholders involved in the decision making process.

**Productivity** - The E-Participation initiatives shall be results-oriented, seeking a tangible impact on participative policy making. If the participatory process does not add value it has no reason to exist.

**Responsiveness** - The implemented process shall envisage a response from a decision maker or institutional representative, in order to ensure that participants’ inputs are taken seriously and properly considered.
These principles are illustrated by the figure below:

**Figure 10 – E-Platform principles**

3.9.1. **E-Participation methods**

**E-Petition** - this is an online portal where anyone may fill a form in support or opposition of an issue within the county government. This platform may also be designed for the public to propose issues for discussion and welcome others to support or oppose the ideas being put across.

**Newsletters** - the county may develop newsletters laying down what is happening within the county. The newsletter may be sent to the public via email. Such a platform would be designed in such a way that the public may voluntarily and regularly receive information from the county government.

**Websites** - all counties should have a website. The website is usually a one way mode of communication where the county provides information to the public but it may also integrate other online methods of input from the public.

**SMS/MMS** - Short Message Service and Multimedia Messaging Service represent both the service as well as the pure text and multimedia short messages themselves. The short messages can be sent by a mobile device or from the Internet to a mobile device.
Telephone/Call Centres - The telephone enables simultaneous communication between two individuals (or several individuals in the case of a telephone conference). The answering of calls and/or the active establishment of contact per telephone are bundled in call centres which are staffed by several employees.

Social Media - the county should have Facebook, Twitter, Instagram, Linkedin, Pinterest etc accounts. Such accounts would offer real time interaction between the public and the county. Further, it is possible for the county to gather much information through on platform at a very short time.

3.10. County information resource centres
County governments should have resource centres where the public may access all information held by the county government. These centres may be public libraries or resource centres at county assembly or county executive offices. The county government should ensure that there is a resource centre in at least each ward which may be situated in the ward administrators’ offices. Information is to made available should be both in hard copy and electronic form. They should also ensure that information is available on the county website. At all times, information available should be in a format suitable to county residents.

3.11. Getting information from the public
The county government should have a data collection and management system for the information it collects from the public. Information may be collected from written submissions, oral submissions, surveys, field trips by county officers, advisory groups, task forces, telephone hotlines, media call in shows, social media, focus group discussions, interviews, public meetings, workshops, seminars, conferences, opinion polls etc. The county government shall determine the most suitable, inclusive, and cost effective and information gathering processes with the widest reach.

Written memoranda may be in the form indicated in the table below.

Table 1 – Written memorandum form

<table>
<thead>
<tr>
<th>Date:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Details:</td>
<td>name, contact details, if necessary</td>
</tr>
<tr>
<td>Policy/ statute/ development plan up for public participation:</td>
<td></td>
</tr>
<tr>
<td>Specific proposals to draft policy/legislation/development plan:</td>
<td></td>
</tr>
</tbody>
</table>
3.12. **Data collection, collation and analysis**

For effective public participation and civic education to take place, counties should collect, collate and analyse data to inform processes. Data may be from the public, from county initiatives and may also be from external sources. For quality data management, the counties ought to have data analysts as part of their staff. Use of professional data analysts ensures integrity of the data. This data will inform monitoring and evaluation plus the policy, legislative and development planning processes. Professional data analysts would also ensure that data has:

- **Validity**: Data measure what they are intended to measure.
- **Reliability**: Data are measured and collected consistently according to standard definitions and methodologies; the results are the same when measurements are repeated.
- **Completeness**: All data elements are included (as per the definitions and methodologies specified).
- **Precision**: Data have sufficient detail.
- **Integrity**: Data are protected from deliberate bias or manipulation for political or personal reasons.
- **Timeliness**: Data are up to date (current) and information is available on time.

3.13. **Public forums**

**Venues**: Public participation meetings should be held in easily accessible venues and at times convenient to county residents. They should also be of appropriate size, county officers in charge of public participation and civic education should ensure that the venues comfortable, have the necessary seating, ventilation, lighting, acoustics and facilities. The venues should be centrally placed and make provision for persons with disabilities, senior citizens, be politically, religious and socially neutral.

**Forums**: Public participation forums should be directed in a structured way. County administrators may employ the services of facilitators who may generally be well versed with the policy, legislation or development policy up for discussion.

Facilitators of public participation sessions should ensure that all participants have equal opportunity to air their views bearing in mind age, gender, disability and marginalised persons and that any conflict arising out of the discussions is mitigated.

At the opening of each public participation session, the County officer in charge should lay out the agenda of the meeting, ground rules and give a brief on the proposed policy, legislation or development plan that is to be discussed. During the forum, time allocation should be structured to give participants most time to air their views.

**Data collection at forums**: at all public participation and civic education forums, the following information should be collected:

- Availability of information to the public;
- Number of residents accessing information;
- Form and number of communications made to County residents;
• Number of public participation forums held;
• Number of people attending public participation forums;
• Number of people participating in public forums;
• Diversity of people participating in public forums;
• Diversity of people attending public participation forums;
• Accessibility to venues;
• Number of experts used in public forums including their names and qualifications; and
• Number of written submission made.

3.14. Petitions
Sections 15 and 88 of County Government Act states that citizens have a right to petition the county assembly to consider any matter within its authority including enacting, amending or repealing any of its legislation. The public may petition through village committees, ward, sub county and county committees and the issues should affect a group of people.

A county government should indicate the manner and form in which a petition may be done. Information that the petition may include is:

(a) be addressed to the county executive committee or the county assembly;
(b) have its subject-matter indicated on every sheet if it consists of more than one sheet;
(c) 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;
(d) confirm that the issues in respect of which the petition is made are not pending before any court or other constitutional or legal body;
(e) conclude with a clear, proper and respectful request, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;
(f) 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; and
(g) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it.

The county government should indicate to the petitioner the period and manner the petition will be replied to. This also means that the county should keep a register of petitions that should be made available for public scrutiny.

3.15. Referendum
Section 70 of the County Governments Act provides that a county government may conduct a local referendum on among other local issues, county laws and petitions or planning and investment decisions affecting the county for which a petition has been raised and duly signed by at least twenty five percent of the registered voters where the referendum is to take place.
3.16. Complaints mechanism

Residents of a county may at times be dissatisfied with service delivery. A platform and mechanisms should be put in place by the county governments. Either using an E-Platform or physical complaints mechanisms, the county should offer redress for members of the public with complaints against the county government. This means that, one, there should be a complaints mechanism and two, a mechanism to address the complaints from the public. The table below shows an example of a template form that may be used by counties to record complaints from members of the public.

Table 2 – Complaints form

<table>
<thead>
<tr>
<th>Date:</th>
<th>Date complaint is received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Details:</td>
<td>name, contact details, if necessary</td>
</tr>
<tr>
<td>Nature of Complaint:</td>
<td></td>
</tr>
<tr>
<td>Detail of Complaint:</td>
<td></td>
</tr>
<tr>
<td>Who dealt with the complaint:</td>
<td></td>
</tr>
<tr>
<td>How it was dealt with:</td>
<td></td>
</tr>
<tr>
<td>Outcome:</td>
<td>outline of what has happened as a result of the complaint</td>
</tr>
<tr>
<td>Follow up required:</td>
<td></td>
</tr>
</tbody>
</table>
3.17. Post public participation processes

**Feedback to the public:** after collecting views, the county government ought to inform the public on the outcome of public participation on an issue. This may be done through a report or media briefing outlining the nature and number of views received, the number of views taken on board, the number of views not taken into consideration and the reasons for each. Such reports would instil confidence among the public that their views on county government matters are not taken for granted and that the county government actually listens.

**Monitoring and evaluation:** The county government should regularly develop a monitoring and evaluation framework for purposes of public participation and conduct an evaluation of all public participation sessions in the county to advise on how to improve next financial year’s sessions. All monitoring and evaluation reports are to be made available to the public. The table below provides for pointers that may be used to identify key performance indicators, outputs and thresholds for public participation.

Verification of key performance indicators that may be up for monitoring and evaluation should be done through use of reports at different stages of public participation, interviews and focus group discussions.

Monitoring and evaluation reports should be published and made available to the public.

**Table 3: Identifying key performance indicators and outputs of a public participation process**

<table>
<thead>
<tr>
<th>Planning process</th>
<th>• Was the public involved in the priority setting process?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• How was the public involved in the priority setting process?</td>
</tr>
<tr>
<td></td>
<td>• Was the public involved in the policy/legislation/development plan formulation?</td>
</tr>
<tr>
<td></td>
<td>• How was public involved in the policy/legislation/development plan formulation?</td>
</tr>
<tr>
<td>Resource allocation</td>
<td>• Is there a budgetary allocation for public participation?</td>
</tr>
<tr>
<td></td>
<td>• How much has been allocated for public participation?</td>
</tr>
<tr>
<td></td>
<td>• Is the budgetary allocation sufficient?</td>
</tr>
<tr>
<td></td>
<td>• Are there competent county public officers spearheading the public participation process?</td>
</tr>
<tr>
<td></td>
<td>• How many county public officers are in charge of public participation?</td>
</tr>
<tr>
<td></td>
<td>• Is there a clear administrative structure?</td>
</tr>
<tr>
<td>Civic education</td>
<td>• Has the public been adequately educated on the public participation process and content?</td>
</tr>
<tr>
<td></td>
<td>• How many civic education sessions have been held?</td>
</tr>
<tr>
<td></td>
<td>• How many people attended the civic education sessions?</td>
</tr>
<tr>
<td>Access to information</td>
<td>• Were documents for discussion provided in good time?</td>
</tr>
<tr>
<td></td>
<td>• Was the information provided in formats accessible to a large population in the county?</td>
</tr>
<tr>
<td>Stakeholders</td>
<td>• Has the county government mapped out stakeholders?</td>
</tr>
</tbody>
</table>
### Diversity
- Have all stakeholders been provided adequate notice to participate in the decision making process?
- How many stakeholders actually participate?
- Has the county government put in place mechanisms to include the youth, women, older members of society, persons with disabilities and marginalised groups to effectively participate in the decision making process?
- How many youth, women, older members of society, persons with disabilities and marginalised groups actually participate in public forums?
- How many focus group discussions were undertaken?

### Communication
- Was the public informed in good time about access to documents and when forums would be held?
- Were effective communication channels employed?

### Information from the public
- How many views were collected from the public?
- In what formats was the information collected from the public?

### Data collection from forums
- Availability of information to the public;
- Number of residents accessing information;
- Form and number of communications made to County residents;
- Number of public participation forums held;
- Number of people attending public participation forums;
- Number of people participating in public forums;
- Diversity of people participating in public forums;
- Diversity of people attending public participation forums;
- Accessibility to venues;
- Number of experts used in public forums including their names and qualifications; and
- Number of written submission made.

### Feedback
- Was the public informed of the outcome of their participation?
- What views were taken up and why?
- What views were ignored and why?

### 3.18. Reporting
Section 92(2) of the County Governments Act provides that the governor shall submit an annual report to the county assembly on citizen participation in the affairs of the county government. To ensure that the provision is fulfilled, the county government may use the key performance indicators and outputs that may be realised by the framework set out in Table 2. However, the report should be brief, direct and simple for the public to understand and analyse. The report should also be made available to the public as soon as it is launched.
4. Thematic Areas for Citizen Participation

4.1. Public Finance Management

Article 220 of the constitution requires that county budget on the basis of plans. To provide timely information to the public and to facilitate public participation the county should ensure it prepare the following documents within legislative and constitutional timelines:

a. Circular by county executive of finance to all county government bodies laying out more details and how the citizen will participate in budget making process. By August 30 yearly.
b. County development plan which is tabled in county assembly by September 1 and released to public within 7 days.
c. County fiscal strategy paper that is tabled in county assembly by February 28 and released to public within 7 days.
d. County Debt Management Strategy Paper which is tabled in County Assembly by February 28 and released to the public as soon as practicable.
e. County Budget Estimates that is tabled in County Assembly by April 30 and released to the public as soon as practicable.
f. County Budget Review and Outlook Paper to be submitted to County Executive Committee by September 30 and released to the public as soon as practicable.
g. Quarterly implementation reports on county budget to be made public within 30 days of the end of each quarter.

Through civic education citizens need to review Schedule Four of the Constitution, which lays out the powers and functions of counties and national government, this assist in knowing what kinds of provisions to expect in county budgets.

Preparing the budget: once the county budget estimates are tabled in county assembly the county budget committee will arrange to hold hearings from the county residents and receive citizen views.

Evaluating the budget: the citizens will be required to analyze the county budgets. The following checklist will be useful. Evaluation checklist:

- Are there reasons given for choices the leaders made in the budget?
- Does the budget contain a summary table allowing easy comparison of total proposed spending for all ministries/departments?
- What are the priority areas in the budget?
- Does the budget have programmes sub, programmes and further disaggregation of government spending below the sub-programme level?
- Are there indicators and targets for all the programmes and sub-programmes?
- Does the budget contain detailed information about staff costs, including the salaries and benefits of workers by ministry, and ideally, by job class, group, or individual positions?
- Does the budget have the same priorities as the county’s development plan?
- Is there enough money in the budget to maintain the current level of basic services like health?
- Does the budget tell where (that is, in which ward or sub-county) development projects will be located?
- Does the budget contain any funds for civic education, or to facilitate public participation in
- County decision-making?
- Does the budget have a deficit and how will it be paid for?
- How much money does the county say it will raise from its own taxes and fees and is that reasonable?
- Did the county table a cash flow projection with the budget showing how much it expects to take in by month, and how much it expects to spend by month?
- How much money does the county expect to get from national government?
- Does the budget spend money on things that counties are responsible for rather than things the national government is responsible for and are there any areas that counties are responsible for that are missing from the budget?
- Does the budget have an emergency fund in case of any disaster?
- Does the budget properly distinguish between recurrent and development expenditure?
- Does the budget contain unit costs for various purchases (such as vehicles, generators and other assets) and are these consistent across departments?
- Are the budget lines sufficiently clear to know what each of them refers to, and are they consistent across departments?
- Does the budget contain estimates for the coming three years or only for this year?

**Monitoring the budget:** this starts with the enacted budget which is in form of an Appropriation Act approved by the county assembly. This is available to the public within 21 days of passage by the county assembly. The county shall prepare quarterly implementation reports that provide financial and non-financial information on the performance of county government entities. These reports will be prepared and consolidated within a month after the quarter ends (every 3 months) and submitted to both the County Assembly and the public for oversight and monitoring.

**Finance Bill:** This is a bill tabled in county assembly by county executive member of finance and should be approved within 90 days of the approval of the county budget. It stipulates the proposed revenue raising measures and taxes the county intends to impose. The county committee responsible shall engage the citizens and incorporate their inputs before recommending it for approval. The consultation of the above processes will be at the village, ward, Sub County and county level.

**County Budget and Economic Forum**

Section 137 of the Public Finance Management Act establishes County Budget and Economic Forums. The Forums are composed of the Governor of the county, other members of the county executive committee and a number of representatives, not being county public officers, equal to the number of executive committee members appointed by the Governor from persons nominated by organisations representing professionals, business, labour issues, women, persons with disabilities, the elderly and faith based groups at the county level. The purpose of the Forum is to provide a means for consultation by the county government on—

- preparation of county plans, the County Fiscal Strategy Paper and the Budget Review and Outlook Paper for the county; and
- matters relating to budgeting, the economy and financial management at the county level

The County Budget and Economic Forum should ensure there is public participation when carrying out its mandate under the Public Finance Management Act.
“the principal role of the CBEF should be to convene public consultations, rather than to represent the public. The nature of the body, which is composed of government officials and members appointed by the Governor, is inadequate to serve as a deliberative body that could take budget decisions on behalf of, or fully represent, a county’s citizens. But it can serve the important function of reaching out to citizens and structuring participatory processes for gathering input on plans and budgets.”

The Public Finance Management Act mandates that the following information should be published and publicised by the county government that will facilitate public participation:

- County Fiscal Strategy Papers
- Reports on County government deviation from financial objectives
- Reports on usage of county public funds
- Country Budget Review and Outlook Paper
- County government debt management strategy statements
- County annual development plans
- County budget estimates
- Bills required to implement the county budget
- Reports on county government entities
- Guidelines for public participation in Urban Areas and Cities
- Urban Areas and Cities strategic plans
- Urban Areas and Cities budget estimates

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Figure 10: Public participation entry points:
30th August
- Budget circular by Heads of Department

1st September
- County development plan tabled in the County Assembly
  - the development plan is released to the public within 7 days

30th September
- The County Treasury (CT) prepares and submits the CBROP (County Budget Review and Outlook Paper) to the County Executive Committee (CEC)
- CEC must review and approve within 14 days of submission

28th February
- The CT prepares and submits the CFSP (County Fiscal Strategy Paper) to the CEC, allowing enough time for review and approval before submission to the CA by 28 February
- The CFSP is submitted to the CA for approval by 28 February and must be aligned to the EFS
- CA must review and adopt within 14 days of submission
- January- and February consultations

28th February
- GT submits Debt Management Strategy of the county to the CA

30th April
- CEC/MF submits the Budget Estimates to the CEC for approval, prior to submitting to the CA by 30 April
- Budget Estimates must be submitted with all supporting documents and draft bills
- The CEC/MF prepares and presents his/her comments on the budget estimates (by 15 May)

30th June
- CA considers budget estimates and approves with or without amendments, in time for relevant appropriation law or laws required to implement the budget – to be passed by 30 June
- CA approves budget estimates and passes the Appropriation Bill
- After approval of the budget, the CEC/MF is expected to consolidate, publish and publicize the budget within 21 days
4.2. Bill development

Article 196(1)(b) of the Constitution provides that county assemblies are to facilitate public participation in legislative and other business of the assembly and its committees. County assemblies should conduct their business in an open manner, and hold their sittings and those of their committees, in public; and facilitate public participation and involvement in the legislative and other business of the assembly and its committees. County assembly committees responsible should take views from the citizens, at the village, ward, and Sub County and county level.

The basic process for development of Bills and involvement of the public is outlined below and each step highlights the entry points for public participation:

Figure 11:

- Identification of issues from manifestos, research, surveys, public, government departments, etc
- Establishment of a working group or taskforce to draft Bill
  - Involves the public
- Development of policy papers to inform the Bill
  - Involves the public
- Drafting the Bill
- Consideration of the Bill by the county executive
  - Involves the public
- Bill is tabled in the county assembly
  - First reading
  - Second reading
  - Third reading
    - In all the stages the public may be involved as per county assembly standing orders
- Assent to the bill by the Governor
  - Public may give input on whether Bill should be assented to or taken back to the county assembly
4.3. Vetting of public officers

Appointed county public officers develop and implement policies, legislation and development plans. The county executive, county assembly and the county public service board are involved in the administrative process of vetting, appointment and oversight of public officers.

There are county public offices established by the Constitution and through legislation while other offices are established by the county public service board. The county public service should ensure that national principles under Articles 10 and 232 of the Constitution are upheld. All public officers should fulfil provisions of Chapter Six of the Constitution on leadership and integrity.

The process of vetting, appointment and monitoring performance of county public officer should be above board encompassing integrity and transparency. In all these processes, the public should be involved to ensure that constitutional principles are upheld, the right individuals become county public officers and that there is good service delivery by public officers at all times.

When requesting for public participation in the vetting of public officers, the county government will ask for information relating to:

- Suitability of the candidate to serve as a public officer
- Any factors to support the candidate for public office
- Any factors that may disqualify the candidate for public office
Figure 12: Vetting of public officers process

Establishment of county public office
(Section 60 County Governments Act)
Main actors are the County Public Service Board, County Assembly Service Board and Public Service Commission

Advertisement of posts
(Article 232)

Vetting of officials
(Section 88 County Governments Act and guiding principles under Chapter Six of the Constitution)
Citizens input is required at this stage
Stakeholders include interest groups, professional bodies, civil society, Anti-Corruption and Integrity Commission

Appointment of vetted officers

Monitoring performance of public officers
done by the County Assembly, Senate and the public
4.4. Service delivery, planning and oversight

The County Governments Act provides for county planning. Citizen participation in the county planning processes is mandatory and is facilitated through provision to the public of clear and unambiguous information on any matter under consideration in the planning process including:

a) Clear strategic environment assessment
b) clear environment impact assessment reports
c) expected development outcomes
d) Development options and their cost implication.

A county shall have a planning unit which will be responsible for:

a) Coordinating integrated development planning within the county.
b) Ensuring integrated planning within the county.
c) Ensuring linkages between county plans and national planning framework.
d) Ensuring meaningful engagement of citizens in the planning process.
e) Ensuring establishment of A GIS based database system.

Section 107 of the County Governments Act dictates that county plans shall be the basis for all budgeting and spending in a county. Hence, the public finance management processes at the county level should be guided by these plans. The County Planning Unit shall ensure that the county has the following plans and that public participation has been undertaken in their development process:

**County integrated development plan (CIDP):** This is a 5 year integrated development plan which outlines the goals, objectives, Monitoring and evaluation, reporting and institutional framework for internal transformation. The plan covers all sectors in devolved functions. Citizen participation will be at the village, ward, and Sub County and at the county levels.

**County sectoral plan:** This is 10 year county a sectoral plan which is a programme based. It provides the basis for budgeting and performance management and will be reviewed every five years and updated annually. Citizen participation will be at the village, ward, and Sub County and at the county levels.

**Spatial plan:** This is a 10 year land use plan it is multisectoral and should involve all sectors including National and county Government ministries, education institutions, hospitals. It is GIS based system and provide social and economic development program of the county. Given the sensitivity nature of land it will require wider consultation. Citizen participation will be at the village, ward, Sub County and at the county levels.

**Cities and urban areas plan:** This will stipulate land use, building and zoning plans recreation and public facilities.

4.5. County projects/development plans
**Identification of priority needs:** Identification and prioritization of community needs shall be accorded sufficient time. The root cause of the problem shall be identified. For example illness in children might be due to poor quality of water or malnutrition rather than lack of clinic.

**Project identification:** Projects shall be identified that will address the priorities needs. Prioritized projects shall be forwarded from the Ward Citizens Forums to the Sub-county Citizen Forum for consensus building. The Sub-county Citizen Forum shall review and recommend annual prioritized projects.

A consensus dialogue towards the development of the final list of prioritized projects shall be done at county level where the principal of equity shall be observed.

The final prioritized project list shall constitute the annual county development plan, which shall be transmitted to the county budget and economic forum for approval.

**Project design and costing:** The projects identified in consultative meetings and agreed upon shall be designed and cost estimates done by the county technical committee.

**Project implementation:** The objective of implementation is to deliver the projects and activities prioritized by citizens and to meet the needs identified during the consultation process. County governments shall delegate implementation powers and responsibilities to sub-county and ward levels. Project committees will be elected from the community who will be volunteers. The County shall assign an officer at the ward level known as the Community Development Officer. This shall be the officer responsible for ward level planning, implementation and monitoring.

**Project Monitoring and evaluation:** Monitoring is defined as the process of collecting and analyzing data to measure the actual performance of the program, process or activity against expected results. The purpose is to identify whether implementation is undertaken according to projects plans and design. The county will undertake its monitoring and evaluation through

i. The county budget and economic forum.

ii. The project technical committee.

iii. Project committee.

iv. The citizens

**Social audits:** Each ward forum shall establish the ward Public Audit Sub-Committee to audit the implementation of the sector or ward projects. Its mandate shall be to ensure transparency and accountability particularly in procurement of goods and services

**4.6. Oversight**

The public may be involved in constitutional and legislative oversight in the following processes:

- Under Article 96 of the Constitution when the Senate exercises oversight over revenue and state officers plus county government officers;
• Under Article 125 of the Constitution when Parliament summons one to give evidence; and
• Under Article 185 of the Constitution when the county assembly exercises oversight over county executive.

5. Rights and duties of members of the public

Article 1 of the Constitution provides that sovereign power belongs to the people of Kenya. Such power may be exercised directly or indirectly. Public participation is direct exercise of sovereignty. Article 174 (c) gives powers of self-governance to the people can derive direct benefit from meaningful public participation as this contributes to better informed decision-makers armed with additional facts, values and perspectives obtained through public input.

The public is the ideally the demand side for public participation and civic education. These guidelines have highlighted the salient features of the public participation process outlining the role of county governments in facilitating effective public participation. However, for public participation to be effective, a proactive, objective and informed population is required. This also does away with token public participation. Further, sustained public participation develops community capacity to manage difficult social problems by improving relations between decision-makers and public and inculcating a collaborative and consensus building culture in managing difficult decisions and resolving disputes. Meaningful public participation helps to build the capacity of any community to work together constructively and solve problems.

The following are some rights, duties and responsibilities of members the public in ensuring effective public participation takes place in the counties:

**Right to access information:** Article 35 of the Constitution guarantees every citizen the right to access information held by the state. This includes information required for effective public participation to take place.

**Freedom of Expression:** Article 33 of the Constitution guarantees the freedom of expression including the freedom to seek, receive or impart information or ideas. Hence, every person should feel constitutionally empowered to share information and ideas during public participation processes.

**Equality:** Article 27 of the Constitution provides that the state shall not discriminate directly or indirectly on any ground. This guarantees equal participation in decision making processes at the county.

**Planning:** the public should be involved in the mapping, prioritisation and codification of issues that may be subjected to public participation be they draft policies, legislation or development plans. Members of the public have the duty from the onset to ensure that what is documented actually represents issues that are crucial at the most basic unit of the county.

After mapping, prioritisation and codification of issues, members of the public should be clear on who the issues are to be addressed to, the county department involved, the statutory period for civic education and form of participation.
**Organisation:** members of the public may participate in decision making processes as individuals or representative groups. It is for the county residents to use discernment to determine the most effective grouping they should use to engage the county governments. Such organisation may be in the form of youth groups, women groups, saccos, chambers of commerce, civil society or religious groups.

**Participation:** the public has a duty to fully participate in county processes when need be or on their own initiative. This includes participating in county civic education initiatives.

**Monitoring and Evaluation:** the public has a duty to monitor and evaluate not only the public participation and civic education process but also the implementation of policies, legislation and development plans.

6. **Sticking points in public participation**

6.1. **Thresholds**
One of the greatest challenges of public participation is determining the thresholds that should be met for public participation to be termed as effective. These thresholds are determined in terms of number of views received, number of forums held and number of people who have participated. What data would indicate that effective public participation has taken place? County governments should evaluate whether they have structured public participation in line with sections 2, 3 and 4 of these guidelines.

Thresholds will differ from county to county determined by population, terrain, infrastructure and diversity of the population and hence no threshold may be objectively prescribed. The question will be whether the county had structured the public participation process within constitutional and legislative guidelines. Lethargy from the public may be one of the hindrances to effective public participation.

6.2. **Incentives**
Practice in the private and public sectors is such that persons who attend public forums are compensated for their attendance and participation. Such compensation is in the form of transport reimbursements, provision of snacks and meals and per diem payments. Such a format for public participation is not sustainable for county governments. County governments may however partner with suitable organisations to ensure that public participation is successful.

If the public can see the fruits of their participation then that may act as an objective incentive to periodically take part in public participation processes.
ANNEXES

Annex 1 – Stakeholder Mapping Form (for public participation and civic education)

<table>
<thead>
<tr>
<th>ID</th>
<th>Stakeholder</th>
<th>Sector</th>
<th>Role</th>
<th>Level of influence/Reach in the County</th>
<th>When to be engaged</th>
<th>Expected outcome</th>
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Annex 2 - Draft Agenda for Civic Education Forum

- Registration and distribution of IEC material
- Introductions
- Mapping out expectations
- Summary of matters for discussion
- Seminar/Lecture sessions
- Q & A session
- Seminar/Lectures
- Q & A session
- Summary of forum
- Closing

Annex 3 - Draft Agenda for Public Participation Forum

- Registration and distribution of IEC material
- Introductions
- Mapping out expectations
- Summary of matters for discussion
- Q & A
- Clarifications
- Input from the public
- Summary of forum
- Closing
Annex 4 - Communicating Public Forum Announcement

_________________ County

Public Participation on _____________________ (Bill/Policy/Development Plan)

Date: __________

Article ______ of the Constitution and Section ______ of the ______ Act provide that the County Executive/County Assembly shall facilitate public participation and involvement in the legislative/policy making process.

In pursuance of the above, the County Executive/County Assembly invites members of the public to submit their views on the draft_______ (Bill/Policy/Development Plan).

The Bill/Policy/Development Plan:

- One paragraph summary
- Intended impact/outcome from the Bill/Policy/Development Plan

Copies of the Bill/Policy/Development Plan are available at:

- Indicate physical place
- Web address

Presentations from the public may be made to:

- Email address
- Physical address
- Postal address
- Twitter handle
- Facebook page
- Indicate deadline

Public forums will be held at the following venues:

- Indicate venue
- Date and time
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<tr>
<th>Number</th>
<th>Name</th>
<th>Ward</th>
<th>Profession</th>
<th>Gender</th>
<th>Age</th>
<th>Group representing</th>
<th>Contacts</th>
<th>Written Memorandum?</th>
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