



REPUBLIC OF KENYA

Ministry of Devolution and Planning  
& Council of Governors

# COUNTY PUBLIC PARTICIPATION GUIDELINES



Turkana  
Isiolo  
Taita Taveta  
Murang'a  
Meru  
Samburu  
Tana River  
Baringo  
Mandera  
West Pokot  
Busia  
Nandi  
Nairobi  
Kilifi  
Trans Nzoia  
Machakos  
Kiambu  
Vihiga  
Nyamira  
Garissa  
Elgeyo-Marakwet  
Homa Bay  
Kajiado  
Nyeri  
Kirinyaga  
Lamu  
Uasin Gishu  
Kwale  
Laikipia  
Tharaka Nithi  
Embu  
Kericho  
Kitui  
Mombasa  
Bomet  
Kakamega  
Migori  
Marsabit  
Kisumu  
Nakuru  
Narok  
Siaya  
Nyandarua  
Bungoma



Ministry of Devolution and Planning  
& Council of Governors

# COUNTY PUBLIC PARTICIPATION GUIDELINES

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January 2016

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## PREFACE

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As we continue taking steps towards implementation of our Constitution, the Ministry of Devolution and Planning is determined to play its part by engaging key actors and the public to strengthen our devolved system of Government.

Our Constitution makes citizen participation a central part of Kenya's governance system. Participation of the people is recognized in Article 10 of the Constitution of Kenya as one of our national values and principles of governance. Further Article 174(c) provides that the object of devolution is to: *"enhance the participation of people in the exercise of the powers of the State and in making decisions affecting them."* Article 184 (1) (c) also requires that mechanisms for participation by residents be included in the national legislation relating to urban areas and cities governance and management. The centrality of public participation cannot therefore be over-emphasized.

The County Public Participation Guidelines is a timely and welcome resource which, if used well, will strengthen our democracy and governance, increase accountability, inclusivity, ownership and legitimize the various processes of implementing devolution.

The rationale of public participation is based on the foundation that the people of Kenya have sovereign power which they have delegated to state actors at the national and county levels. The sovereignty must be respected and institutionalized in all processes of governance.

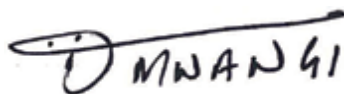
Despite the enormous benefits to be derived from public participation and the constitutional requirements, there has been no structured system of conducting public participation. It is in this regard that the Ministry of Devolution and Planning, in conjunction with key stakeholders, developed these Guidelines.

The Guidelines have been developed through an elaborate process of stakeholder engagement that included; members of the public, civil society groups, faith based organizations, academia, the private sector, professional bodies, international experts as well as national and county government officers. Their contributions and views enriched these Guidelines and are highly appreciated.

We expect the Guidelines to be used by all stakeholders including National and County Government Officers, civil society and all government institutions that are engaged in public service delivery. They are not meant to replace existing county legislation on public participation, rather, they complement them where necessary.

I have found them vastly rich in content and fairly easy to read. We anticipate that their usage will promote closer collaboration, consultation and communication between the two levels of governments, civil society and citizens in policy formulation, planning, budgeting and service delivery.

Finally, I wish to acknowledge the role played by the Principal Secretary, State Department of Devolution, Ms Mwanamak A. Mabruki and her staff in providing leadership in the development of these important guidelines. We at the Ministry look forward to seeing the efforts put in the development of these Guidelines transform the process of public participation and contribute to more effective service delivery for our people and meaningful implementation of the Constitution of Kenya.



**Hon. Mwangi Kiunjuri, MGH  
Cabinet Secretary,  
Devolution and Planning**

## FOREWORD

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I am pleased to be associated with the publication of the County Public Participation Guidelines. The Guidelines, comprehensively consolidate the key procedures and processes of public participation in Kenya. This in effect, forms a standard guide to support public engagements and decision making in policy, legislation, planning, budgeting and service delivery for devolution.


Although devolution came in with quick wins, it also presents challenges such as insufficient public access to information and participatory processes. The capacity challenges at the level of National and county governments, civil society and the citizens, must be quickly addressed to support issue based, people centred engagement, on the supply and demand side. Improving citizen participation will lead to a more responsive government, inclusive ownership, and sustainable engagement of the public. In the past, tokenistic participation deprived the public the ability to engage with trust at every stage, to ensure development of sound policies and quality legislation, effective planning and budgeting and efficient service delivery.

The Guidelines provide generic solutions to these challenges. They also prepare the public for their roles and responsibility in governance.

The Constitution of Kenya demands transparency, accountability, participation and inclusiveness in governance. The County Government Act and other devolution laws mandate county governments to engage citizens in planning and policy making processes, facilitate public communication and access to information, establish citizen fora and conduct civic education, among others. These guidelines do not replace the Public Participation laws already enacted by the county governments. However, they create a standard and provide ways for institutionalizing public participation within Kenya. Counties can therefore adopt the good practices to improve participation.

I appreciate the lead taken by the Ministry of Devolution and Planning, together with my team at the Council of Governors and development partners in the development of these guidelines. It is important to appreciate civil society and all other stakeholders for their invaluable input to the contents of this publication. The guidelines have been developed in the true spirit of consultation and cooperation as emphasised in the Constitution of Kenya 2010.

I am convinced that the guidelines will go a long way to improve public engagement and ultimately result in sustainable quality service delivery.



**Hon. Governor Peter Munya**  
*Chair,*  
**Council of Governors**

## ACKNOWLEDGEMENTS

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**D**edication, effort and commitment have gone into the development of the County Public Participation Guidelines. I wish to express my gratitude to all stakeholders; in the public and private sectors, development partners, civil society, Faith Based Organisations, professional bodies and academia for their valuable input in the preparation of the guidelines.

Special recognition goes to the ministry team led by Amb. P.R.O. Owade and Martin G. Anyango, whose able leadership made the completion of the document possible. I also wish to recognise efforts by; Safia Abdi from the Transition Authority, Professor Karega Mutahi and Patrick Karanja from Intergovernmental Relations Technical Committee, Ms. Jackline Mogeni and Ms. Rosemary Njaramba from the Council of Governors, Mr. Patrick Mariru, Speaker Laikipia County and Mr. Nicholas Obuya, County Executive Member of Finance, Homa Bay County, Mr. James Wagala, Mr. Irungu Houghton, Mr. Jason Lakin, Mr. George Wasonga, Ms. Jacklyne Kirimana, Ms. Wambui Gathathi, Mr. Jack Muriuki, and Mr. Jonathan Maina who supported the entire development process. The list is indeed endless.

I also wish to acknowledge the following institutions; County Governments, Council of Governors, Department of Justice, Transition Authority, URAIA, TISA, Amkeni - Wakenya, Kenya Law Reform Commission, The Commission for the Implementation of the Constitution, The Institute of Social Accountability, Civil Society Urban Development Program, International Budget Partnership, Kenya Dialogue Project, SUPKEM, National Council of Churches of Kenya and the Catholic Justice and Peace Commission, for their dedication and support. The contribution of each individual and organisation is acknowledged and highly appreciated.

I would like to single out for special appreciation the World Bank led by Mr. Christopher Finch, Ms. Annette Omolo, Ms. Lucy Musira, consultants - Mr. Laibuta Mugambi and Mr. Abraham Rugo, and the governance team comprising Ms. Christine Owuor and Mr. Nagaraju Duthaluri for providing invaluable financial and technical support in the development of these guidelines as well as the editorial team that proofread the drafts and greatly improved the quality of the document. We are indebted to them all.



**Mwanamaka A. Mabruki, CBS**  
***Principal Secretary,***  
**State Department of Devolution**



## ABBREVIATIONS

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<b>ADP</b>	Annual Development Plan
<b>BAC</b>	Budget and Appropriations Committee
<b>BPS</b>	Budget Policy Statement
<b>CA</b>	County Assembly
<b>CDF</b>	Constituencies Development Fund
<b>COB</b>	Controller of Budget
<b>CGA</b>	County Government Act
<b>CRA</b>	Commission on Revenue Allocation
<b>CT</b>	County Treasury
<b>CBROP</b>	County Budget Review and Outlook Paper
<b>CBEF</b>	County Budget and Economic Forum
<b>CEC</b>	County Executive Committee
<b>CFSP</b>	County Fiscal Strategy Paper
<b>CIDP</b>	County Integrated Development Plan
<b>DFRD</b>	District Focus for Rural Development
<b>GIS</b>	Geographic Information System
<b>IEC</b>	Information Education Communication
<b>KLGRP</b>	Kenya Local Government Reform Programme
<b>LASDAP</b>	Local Authority Service Delivery Action Plan
<b>M &amp; E</b>	Monitoring and Evaluation
<b>MERL</b>	Monitoring, Evaluation Reporting and Learning
<b>NGOs</b>	Non Governmental Organizations
<b>PETs</b>	Public Expenditure Tracking Surveys
<b>PFM</b>	Public Financial Management
<b>PFMA</b>	Public Financial Management Act
<b>SWG</b>	Sector Working Group

## THE PROCESS OF DEVELOPMENT OF THE PUBLIC PARTICIPATION GUIDELINES

The development of public participation guidelines was initiated by the Ministry of Devolution and Planning with a coordination team drawn from national and county governments and the civil society on 23<sup>rd</sup> October 2014.

With assistance from the World Bank, a workshop to develop the first Draft guidelines was organized from 18<sup>th</sup> - 21<sup>st</sup> November 2014 at the Great Rift Valley lodge, Naivasha. Participants were drawn from the following organizations, Amkeni Wakenya, Civil Society Urban Development Program (CS-UDP, SIDA), Council of Governors, Drivers of Accountability Initiative, Institute of Development Studies, International Budget Partnership, Kenya Dialogues Project – Society for International Development, Kenya Law Reform Commission, URAIA Trust, The Institute of Social Accountability, Transition Authority, World Vision Kenya, Homa Bay County, Kakamega County, Laikipia County, Nyeri County, Nakuru County, and Ministry of Devolution and Planning. A technical working group nominated from the participants then worked with the Ministry in developing the draft guidelines.

The ministry in collaboration with the development partners organized regional validation workshops to obtain views on the draft guidelines, from county government executive and assembly representatives and civil society organizations based in the counties in order to enrich the guidelines. The regional validation workshops were held in Nairobi on 26<sup>th</sup> February 2015, Nakuru on 1<sup>st</sup> April 2015, Embu on 8<sup>th</sup> April 2015 and Machakos on 14<sup>th</sup> April 2015 (See full list of institutions consulted).

The updated draft was then validated and approved for editing by the ministry's Heads of Departments on 11<sup>th</sup> August 2015. The final draft was presented to the ministry on 30<sup>th</sup> October 2015.

The draft was also disseminated through electronic media to receive further feedback from stakeholders across the country.

The public participation guidelines though developed under the provision of the County Governments Act, 2012 remains adoptable and can be used by the national government or any other institution engaging in Public Participation.



**Martin Anyango**

Ag. Director Capacity Building and Technical Assistance

## LIST OF INSTITUTIONS CONSULTED:

The institutions that were consulted in the development of the guidelines include:- all county governments, Council of Governors, National Ministries, Office of the Auditor General, Judicial Service Commission, National Cohesion and Integrated Commission, Controller of Budget, Commission on Revenue Allocation, Commission for Implementation of the Constitution, Transition Authority, Kenya Law Reform Commission, Kenya National Commission on Human Rights, Ethics and Anti-Corruption Commission, Institute of Social Accountability (TISA), Kenya Institute for Public Policy Research and Analysis, International Budget Partnership, Institute of Certified Public Accountants of Kenya, Center for International Development, Kenya Agricultural Value Chain Enterprises, Kenya Private Sector Alliance, Transparency International, Oxfam GB, AHADI, Ford Foundation, UNICEF, Kenya Institute of Curriculum Development, Care International, Future Group Project, Katiba Institute, Urban Sector Working group, Kenya Alliance of Residents Association, National Council of Churches of Kenya, Kenya Muslim Youth Alliance, Catholic Peace and Justice Commission, Great Commission Foundation, Nakuru Citizen Watch Forum, Capacity Development Initiatives, Africog, Africa Youth Trust, URAIA Trust, Amkeni Wakenya, Action Aid, Ni Sisi Devolution Forum, Centre for Economic Governance, Local Government Decentralization Unit Urban Legislation, Land and Governance.



County Government representatives from North Eastern and Coast regions discussing the draft guidelines at a validation workshop.

## KEY TERMS/CONCEPTS

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**Public:** When used, in these guidelines, in relation to public participation, *public* refers to the residents of a particular county; professional associations; community based organisations; and rate payers of a particular city or municipality. It may also infer any resident civic organisation with an interest in the governance of a particular county, city or municipality; non-resident persons who by virtue of their temporary presence in a particular county, city or municipality make use of services or facilities provided by the county, city or municipality<sup>1</sup>. For the purpose of these guidelines, the *public* are also Non-State Actors.

**Public Participation:** For the purposes of these guidelines, public participation is the process where individuals, governmental and non-governmental groups influence decision making in policy, legislation, service delivery, oversight and development matters. It is a two-way interactive process where the duty bearer communicates information in a transparent and timely manner, engages the public in decision making and is responsive and accountable to their needs. The public gets actively involved in the process when the issue at stake relates directly to them.

**Accountability:** Mechanisms that include both direct and indirect relationships, where service providers are sanctioned if they fail to meet an established standard.

**Content/Subject Matter:** Refers to an issue whose deliberation or formulation the public is actively involved in either through information or consultation.

**Mechanisms/Structures:** Are channels through which the public constructively engages in county governance.

**State Actors/Duty Bearers:** State Actors are County Government officials or agencies that are legally mandated to facilitate public engagement in all aspects of decision making.

**Performance Management:** Performance Contracting, Monitoring and Evaluation, are key instruments of performance management. They involve, setting performance indicators, developing performance contracts, cascading them through the county public service, measuring the results, reporting and using the information for decision making.

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<sup>1</sup> Section 2 of the County Government Act 2012.

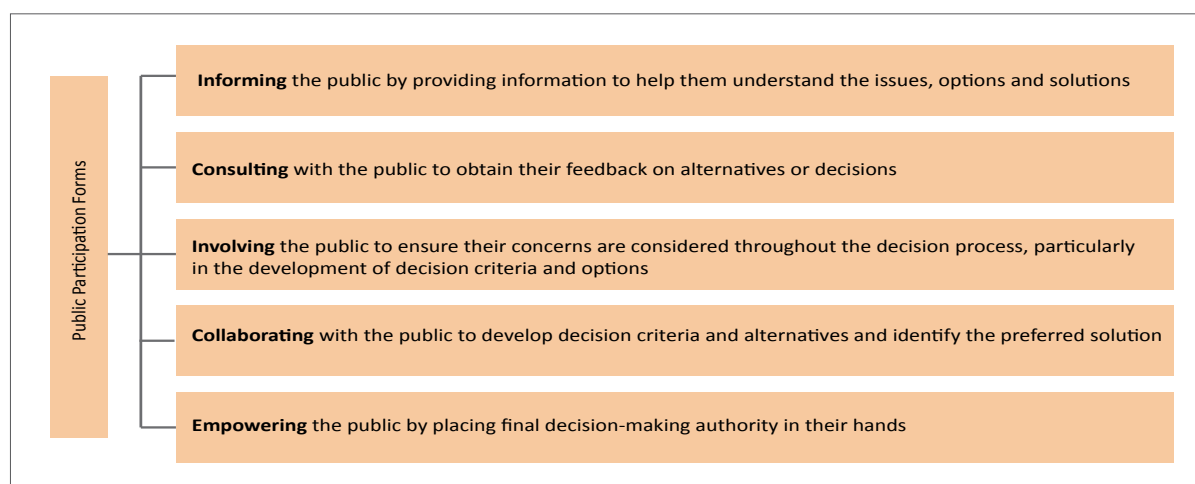
# INTRODUCTION

“ You cannot create experience, you must undergo it. ”  
- Albert Camus, Philosopher

## 1.1 Constitutional and legal foundation for public participation in county governments

1. Public participation is both a key promise and provision of the Constitution of Kenya. It is instilled in the national values and principles of governance stipulated in article 10. Table 1 provides the list of constitutional and legal provisions on Public Participation. The Legislature and Executive at both national and county levels are required to engage the public in the processes of policy making, monitoring and implementation.
2. The Constitution, (Article 174c), provides that one object of devolution is: “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”. The Constitution assigns the responsibility to ensure, facilitate and build capacity of the public to participate in the governance to the county government through function 14 (Schedule 4 Part 2). As such, county governments are required to:
  - a. Create mechanisms of engagement by ensuring and coordinating the participation of communities and locations in governance; and
  - b. Build capacity by assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers.
3. These guidelines interpret Public Participation as broadly encompassing an interactive process between state and non-state actors of public communication and access to information, capacity building and actual engagement in county governance processes. Figure 1.1 shows the forms that public participation takes.

Figure 1.1: What public participation entails



**Table 1.1: Constitutional and legal provisions for public participation**

Article 1(2) of the Constitution of Kenya, 2010	All sovereign power belongs to the people of Kenya. The people may exercise their sovereignty directly or through their elected representatives.
Article 10 (2) a, b and c	The national values and principles of governance include; democracy and participation of the people; inclusiveness; good governance, integrity, transparency and accountability.
Article 27	The Constitution guarantees equality and non-discrimination. Hence, public participation should ensure equality and non-discrimination.
Article 33	Public participation should respect the freedom of expression of all participants.
Article 35	The Constitution guarantees the right to access information by citizens
Article 174(c)	Objects of devolution are; to give powers of self-governance to the people and enhance their participation in the exercise of such powers in decision making.
Article 174(d)	Communities have the right to manage their own affairs and to further their development.
Article 184(1)	National legislation shall provide for the governance and management of urban areas and cities and shall provide for the participation of residents in the governance of urban areas and cities.
Article 232(1)(d)	The values and principles of public service include the involvement of the people in the process of policy making and (f) transparency and provision to the public of timely and accurate information.
Fourth Schedule Part 2(14)	The functions and powers of the county are to coordinate and ensure the participation of communities in governance. Counties are also to assist communities to develop the administrative capacity to enhance their exercise of power and participation in governance at the local level.
The Public Finance Management Act Section 207	County Governments are to establish structures, mechanisms and guidelines for citizen participation.
County Government Act Section 91	The county government shall facilitate the establishment of modalities, and platforms for citizen participation.
The County Government Act Sections 94, 95,96	Counties are to establish mechanisms to facilitate public communication and access to information using media with the widest public outreach. Every county shall designate an office for ensuring access to information
County Government Act Sections 100 and 101	County governments should create an institutional framework for civic education.
Urban areas Act Sections 21 and 22	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.
Public Procurement and Disposal Act 2015 Section 68(3), 125(5), 138, and 179	Emphasis on transparency of the procurement process including requirements for procuring entities to publicly avail procurement records after closure of proceedings, publicise notice of intention to enter into contract on websites and public notice boards and publish and publicise all contract awards.

## 1.2 Principles of public participation

4. Public participation is based on the following broad principles which are to be institutionalised in every process of county governance:<sup>1</sup>
  - a. Timely access to information, data, documents and other information relevant or related to policy formulation, implementation and oversight;

<sup>1</sup> Section 87 of the County Government Act 2012.

- b. Providing approved and authenticated official documents to the public for discussion. Information going out to the public should be clear and ought not to have any ambiguity;<sup>2</sup>
- c. Reasonable access to the process of formulating and implementing policies, laws, and regulations including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards;
- d. Protection and promotion of the interest and rights of minorities, marginalized groups and communities and their access to relevant information;
- e. Providing multiple opportunities for public participation;
- f. Legal standing of interested or affected persons, organization, and where pertinent, community to appeal from or, review decisions or redress grievances with particular emphasis on persons and traditionally marginalized communities, including women, youth, and disadvantaged communities;
- g. 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;
- h. Promotion of Public-Private Partnerships (PPPs), such as joint committees, technical teams and citizen commissions to encourage direct dialogue and concerted action on sustainable development; and
- i. Recognition and promotion of the reciprocal roles of non-state actors' participation and governmental facilitation and oversight.

### 1.3 The rationale and purpose of engaging the public

5. The rationale of public participation is based on the constitutional foundation which places sovereign power on the people of Kenya. It is this power that has been delegated to state actors at the national and county levels. This sovereignty must be respected and institutionalized in all processes of governance. As such in interpreting the importance of public participation, the High Court has stated:

*'Public participation ought to be real and not illusory and ought not to be treated as a mere formality for the purposes of fulfilment of the Constitutional dictates. It is my view that it behoves the County Assemblies in enacting legislation to ensure that the spirit of public participation is attained both quantitatively and qualitatively. It is not just enough in my view to simply "tweet" messages as it were and leave it to those who care to scavenge for it. The County Assemblies ought to do whatever is reasonable to ensure that as many of their constituents in particular and the Kenyans in general are aware of the intention to pass legislation and where the legislation in question involves such important aspects as payment of taxes and levies, the duty is even more onerous. I hold that it is the duty of the County Assembly in such circumstances to exhort its constituents to participate in the process of the enactment of such legislation by making use of as many fora as possible such as churches, mosques, temples, public barazas, national and vernacular radio broadcasting stations and other avenues where the public are known to converge to disseminate information with respect to the intended action.'*<sup>3</sup>

<sup>2</sup> Petition 532 of 2013 & 12, 35, 36, 42, & 72 of 2014 & Judicial Review Miscellaneous Application 61 of 2014 (Consolidated).

<sup>3</sup> Petition 532 of 2013 & 12, 35, 36, 42, & 72 of 2014 & Judicial Review Miscellaneous Application 61 of 2014 (Consolidated).

6. The benefits of public participation can be summarised as follows:

**a. Strengthens democracy and governance**

By engaging in public participation, the public exercise their constitutional right and the decision making process becomes more representative. Openness to the public provides a platform in which they present their concerns. Insufficient public engagement limits the power of the people to participate in democratic governance.

**b. Increases accountability**

Participation improves transparency and accountability. The public is able to critically engage in the social, political, cultural, economic, and environmental impacts of policies, laws and development plans. It gives the public a say in deciding how costs and benefits will impact different segments of society. Public participation also ensures that governments are held to account for their actions and are responsive to the interest of citizens. Participation also enhances public confidence and support of the decision making processes.

**c. Improves process quality and results in better decisions**

Public participation enables governments to understand and appreciate different opinions and concerns. Before policies are approved, they undergo a comprehensive review and revision thus ensuring that policies, laws and development plans are robust. Participation provides additional skills, knowledge, concerns, and ideas that might have been overlooked had the process been limited to government officials. Overall, this should result in a better decision and greater ownership by all stakeholders.

**d. Manages social conflicts**

Public participation helps alleviate social conflicts, by taking care of the interests of different stakeholders and building consensus. Investment in public participation at an early stage minimises the number and magnitude of social conflicts arising over the course of the implementation of policies, laws and development plans.

**e. Enhances process legitimacy**

Without significant public participation, citizens may become suspicious and feel manipulated. This would undermine effective dialogue and create distrust. Public participation therefore legitimises implementation processes.

## 1.4 Background and purpose of the guidelines

7. Before the Constitution of Kenya was promulgated, planning and implementation of development programmes was basically the responsibility of the central government. The top-down approach to planning was therefore carried out from the seat of government in Nairobi. This approach to planning continued until 1983 when the District Focus for Rural development (DFRD) strategy was introduced making the district an administrative unit and the locus for project identification and implementation. The DFRD strategy was meant 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 however faced implementation challenges since it lacked a legislative framework that could entrench the work of coordination committees.
8. In 2001, the Ministry of Local Government through its reform programme Kenya Local Government Reform Programme (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. It created an entry point for local authorities to constructively engage their citizens in 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, resident organizations, religious groups, educational and health institutions, professional organizations, NGOs and individual residents.

9. In the year 2003 the Constituencies Development Fund (CDF) was created by the Constituencies Development Fund Act, 2003 with the primary objective of addressing poverty at grassroots level. The CDF Act 2003, dedicated a minimum of 2.5% of the government ordinary revenue to grassroots development and poverty reduction. 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. The revised law aimed at aligning the operations of the Fund to the new devolved government structure created under the Constitution of Kenya 2010. Communities were to participate through their membership in the County Projects Committee, the Constituency Development Fund Committee and the Project Management Committee. In February 2015, the High Court ruled that the CDF Act 2013 was unconstitutional as it offended the principle of separation of powers and did not take into consideration the devolved system of government. The ruling was however suspended for 12 months to allow the national government remedy the defect. After the 12 months, the CDF Act 2013 would stand invalidated.
10. 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:<sup>4</sup>
  - a. Public apathy in taking part in CDF and LASDAP processes;
  - b. CDF had heavy political control while LASDAP had bureaucratic centralised control with a hierarchical structure;
  - c. Very little civic education took place before public participation was undertaken;
  - d. Both CDF and LASDAP undertook tokenistic public participation;
  - e. There was no definition of minimal thresholds on what would constitute effective and quality participation;
  - f. Lack of determination of who the public was;
  - g. Resource allocation to public participation was not clear cut;
  - h. The public lacked adequate access to information;
  - i. Lack of clear timelines for public participation;
  - j. Lack of inclusivity of marginalised and minority groups; and
  - k. Lack of a standard approach to public participation.
11. These guidelines seek to address the above challenges within the context of the constitutional and legal provisions that make public participation mandatory. The guidelines are to inform public participation practice in County Governments in line with Part VIII of the County Government Act 2012. They are a precursor to the regulations which the cabinet secretary responsible for devolution is mandated to develop as per the legal provision of Section 135 of the County Government Act, 2012. The guidelines follow a logical path to understand, plan,

<sup>4</sup> 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).

and implement public participation. They offer a practical approach for county governments to actively engage the public in; policy making and planning, budgeting, implementation, monitoring and evaluation and seeking redress through public petitions and referenda. The guidelines further layout the duties and responsibilities of members of the public in public participation. In respecting the unique characteristics of county governments, the guidelines are designed more as set of minimum standards and principles that should be observed whenever a county facilitates public participation. The guidelines may be adapted to fit county contexts and circumstances in respect of their different political, economic, social, cultural and religious environments.

12. These guidelines should be applied in relation to the relevant laws, regulations and guidelines including but not limited to the following:

- Constitution of Kenya
- County Government Act 2012
- Public Finance Management Act 2012
- Urban Areas and Cities Act 2011
- Intergovernmental Relations Act 2012
- Public Finance Management Regulations 2014
- Guidelines on Performance Contracting in County Government
- Guidelines on County Integrated Monitoring and Evaluation System (CIMES)
- Handbook on County Performance Management Systems

### 1.5 Responsibility to facilitate public participation

13. The overall responsibility to facilitate and report on public participation in the county government is on the Governor of the County Government. This is to be done through the various departments and agencies of the county and at all levels of decentralization (Sub-county, ward, village, urban and city areas). In the case of the County Assembly, the responsibility is on the speaker of the County Assembly and Chairpersons of various Committees of the House.

14. The legal provisions for the same are as follows:

- *Governor:* As per Section 30(3) (g) of the County Government Act, the Governor should promote and facilitate citizen participation in the development of policies, plans and service delivery in the county.
- *County Executive Committee:* Section 46(2) (g) of the County Government Act provides that the County Executive committee should bear in mind the need for an all participatory decision making.
- *Sub-County Administrator:* Under Section 50(3) (g) of the County Government 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 Government 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 Government 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 its involvement in its committees, the legislative and other business of the assembly.
- *Urban Areas and Cities*: Section 21(1) (g) of the Urban Areas and Cities Act empowers boards of cities and municipalities to ensure that residents participate in decision making, its activities and programmes. Section 22 establishes that 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 the involvement of the public in the budget making process.

## 1.6 Who should participate?

15. Participation in county governance is open to all members of the public, either individually or in a self-organised form that is legally recognized. No one can be barred from participating on any grounds such as age, race, colour, gender or political affiliation.

## 1.7 Rights and duties of members of the public

16. 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 a direct exercise of sovereignty. Article 174 (c) gives the power of self-governance to the people. It 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 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. Further, sustained public participation develops community capacity to manage difficult social problems. It improves relations between decision-makers and public. It inculcates and nurtures a collaborative and consensus building culture in managing difficult decisions and resolving disputes. Meaningful public participation helps to build the capacity of members of any community to work together constructively and solve problems.
17. The following are some rights, duties and responsibilities of members the public in ensuring effective public participation takes place in the counties:
  - *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.
  - *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.
  - *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.

- *Planning:* The public should be involved in strategizing, 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. County residents should determine the most effective grouping to engage the county governments. Such organisation may be in the form of youth and women groups, Sacco's, chambers of commerce, civil society or religious entities.
- *Participation:* The public has a duty to fully participate in county civic education initiatives and other processes;
- *Monitoring and Evaluation:* The public has a duty to monitor and evaluate the implementation of policies, legislation, development plans, citizen's participation and the civic education process.

These should apply with the rights and responsibilities of the duty bearers.

## 1.8 Conditions for meaningful public participation

18. For public participation to be meaningful, the following should be put into consideration:

- *Clarity of the subject matter:* It is important to establish realistic and practical goals that have been accepted by all stakeholders to mitigate the public's expectations. Making promises that cannot be kept will undermine public confidence in the citizen participation process.
- *Clear structure and process:* Before public participation takes place, clear rules need to be set defining the conduct of the process, tools to be used and how final decisions will be reached.
- *Access to information:* Duty bearers should provide information in acceptable, easy to use formats.
- *Opportunity for balanced influence:* The engagement rules should ensure a balance of opinion and avoid dominance or bias by a section of the public.
- *Commitment to the process:* Proponents of public participation must be willing to obtain and consider public input in decision making and to ensuring that public participation works.
- *Inclusive and effective representation:* Mechanisms must be established to reach out to all relevant stakeholders.
- *A climate of integrity:* For the public to fully participate, government agencies and decision makers must be credible, honest and trustworthy.
- *A belief in the value of public input:* Public input should result in better decision-making and better governance.
- *Capacity to engage:* Ensuring that agencies know how to design and implement public participation processes. Both the agencies and the public should have the knowledge and communication skills required 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.
- *Bear in mind standing conditions of the participants:* It is critical that facilitators understand their audience well. They should clearly discern the; social and economic status, religious beliefs, ethnicity, and clan of those engaging in public participation. Knowledge levels, incomes and power wielded will influence the deliberations and ultimately have a bearing on the conclusion and subsequent outcomes.

## Part Two

# CONTENT AND MECHANISMS FOR PUBLIC PARTICIPATION

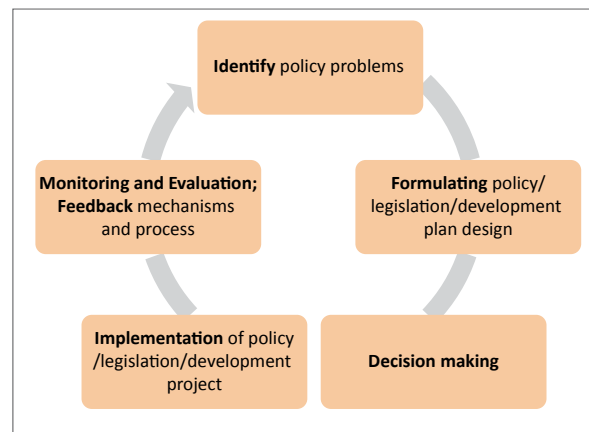
“If you want to go quickly, go alone, if you want to go far, go together”  
- African proverb

### 2.1 General framework for content and mechanisms of public participation

19. Public participation is a mandatory and continuous process in county governance. It is therefore necessary to establish structures, steps and mechanisms that are inclusive and easy to follow for the county government to adopt in facilitating participation. This part provides for such a framework.
20. The basic outline for any public participation process includes:
- Establishing content for discussion;
    - Identify policy problems
    - Formulate 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 decisions to be made.
    - Specify the 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.
21. The public is expected to participate in many ways. This includes; giving input, suggestions, opinions, reviews of content through oral or written memorandum, or (un) solicited feedback on access to service and quality. The public can also petition the County Assembly when aggrieved and in cases of competing options it can vote in a referendum.
22. The public needs to be engaged in the formulation of the key stages of; problem identification, policy making, implementation and evaluation as shown in Figure 2.1. Nevertheless, the engagement is never a straight forward and neat affair. There are numerous negotiations and back and forth forces imbued in the political nature of policy making and implementation.

23. Most of the issues, such as annual development plans and budgets that are subjected to participatory processes are time bound. Within the policy cycle stages shown in Figure 2.1, public participation will therefore occur in three phases; before, during and after public participation. Each phase has obligations to be undertaken by both the duty bearers (government/county officials) and the public. The phases and obligations are as shown in Table 2.1.

**Figure 2.1: Policy cycle stages for public engagement**



**Table 2.1: Generic stages in the public participation process**

	<b>Phase 1: Before Public Participation</b>	<b>Phase 2: During Public Participation</b>	<b>Phase 3: After Public Participation</b>
Obligations of the duty bearers	<ul style="list-style-type: none"> <li>• Provide all information on the subject matter and mechanisms of engagement</li> <li>• Communicate what is expected of the public</li> </ul>	<ul style="list-style-type: none"> <li>• Respond to questions of clarification</li> <li>• Provide the ample time for members of the public to make their contribution</li> <li>• Encourage the marginalized and the weak to speak</li> </ul>	<ul style="list-style-type: none"> <li>• Assess the process from those that participate.</li> <li>• Document lessons for future improvement</li> <li>• Communicate the decisions made from the public input</li> <li>• Facilitate engagement of the public in following up on implementation i.e. to participate in monitoring and evaluation of the service delivery</li> </ul>
Obligations of the Public/ Non State Actors	<ul style="list-style-type: none"> <li>• Access and read the information provided</li> <li>• Seek further information where clarity lacks</li> <li>• Consult other members of the public to generate consensus especially where prioritization is needed</li> </ul>	<ul style="list-style-type: none"> <li>• Physically attend the meetings or send input to the online platforms created</li> <li>• Allow room for debate and compromise to create a win-win situation</li> </ul>	<ul style="list-style-type: none"> <li>• Provide feedback to the government officials on ways of improving future public participation processes</li> <li>• Participate in the many avenues of learning to be more effective in future engagements</li> <li>• Engage in and provide feedback on the quality of service and ways of improving them</li> </ul>

## 2.2 Specific content areas and the mechanisms to be used in engaging the public

24. This section provides specific content areas or subject matter which require facilitation by the county government for public participation. They include legislative process/policy and law making; planning and budgeting for county public service delivery; implementation/delivery of county public services; and performance management. Other areas are; oversight through Monitoring, Evaluation, Reporting and Learning (MERL); and vetting of public officers. The guidelines provide for the processes and mechanisms to be used for each subject matter in engaging the public. They also state the minimum requirements. (Annex 2 provides a detailed set of minimum requirements). The roles of the government officials and the public in each area are highlighted.

### 2.2.1 Legislative Process/Policy and Law-making

25. Each county is mandated by the Constitution to develop the necessary policy, legal and regulatory frameworks within which to perform its functions. The said functions are provided in Schedule Four Part 2 of the Constitution of Kenya and any other function that parliament may assign to county governments. In developing new or reviewing old policies, laws and regulations, the county government shall engage its public<sup>5</sup>.

26. 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 levels.

27. The basic process for development of Bills and involvement of the public is outlined in Figure 2.2 and Table 2.2 summarizes the content and process of engagement.

**Table 2.2: Public participation in the legislative process/policy and law making**

Process & Mechanisms of Public Participation	Action by the Public Officials	Action by the Public	Minimum Requirements
Input into the proposed policy/law through forums established by the County Executive Committee	Disseminate information to the public not less than 7 days before they are required to give input	To study the documents and provide timely input through the stipulated mechanisms	Disclosure of purpose and process of developing the laws and policies
Submission of oral or written memorandum to committees of the County Assembly	Build capacity of the public to understand the process of law making and why their input is important	Seek clarification on matters that are not clear	Ease of Access to such information in a timely manner
	Carefully collect and collate the public input in a systematic and retrievable manner		
	Provide feedback on how the public input has been used, what has been incorporated, what has been left out and the reasons why		

<sup>5</sup> See Article 196 of the Constitution.



**Figure 2.2: The steps of the legislative process in a county government**

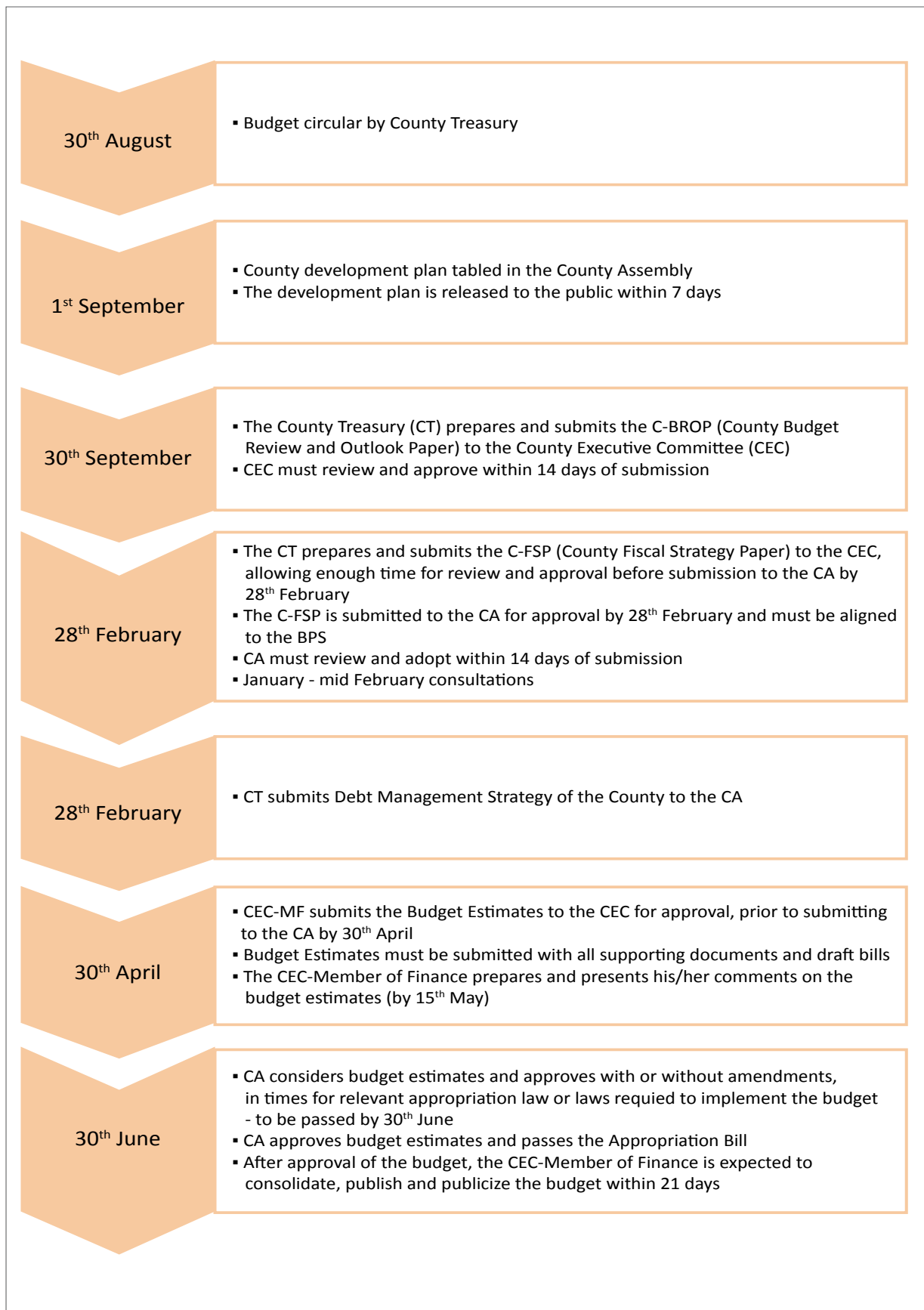




### **2.2.2 Planning and budgeting for County Public Services**

28. A key aspect of performing county functions is planning and budgeting on annual, medium and long term basis. This process entails allocating public resources to what has been planned in the county. The law requires that the public participate in planning (Section 115, County Government Act (CGA) 2012) and Public Finance Management Act (Section 207, PFM Act 2012). While public finance management includes implementation and evaluation, this two are not covered here but in Sections 2.2.3 and 2.2.4. The planning and budgeting process is provided in Section 125 of the PFM Act, 2012 to include:
- a. Integrated development planning process which shall include both long term and medium term planning;
  - b. Planning and establishing financial and economic priorities for the county over the medium term;
  - c. Making an overall estimation of the county government's revenues and expenditures;
  - d. Adoption of the County Fiscal Strategy Paper (CFSP);
  - e. Preparing budget estimates for the county government and submitting estimates to the County Assembly;
  - f. Approving of the estimates by the County Assembly;
  - g. Enacting an appropriation law and any other laws required to implement the county government's budget;
  - h. Implementing the county government's budget; and
  - i. Accounting for and evaluating the county government's budgeted revenues and expenditures.
29. The above process is conducted within specific timelines as shown is Figure 2.3.

Figure 2.3: Timelines for planning and budgeting at the county level



30. The County Government Act provides for county planning in Part XI. 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. This includes:
  - a. Clear strategic environment assessment;
  - b. Clear environment impact assessment reports;
  - c. Expected development outcomes; and
  - d. Development options and their cost implication.
31. Every county government is to 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; and
  - e. Ensuring establishment of a GIS-based database system.
32. The county plans form the basis for all budgeting and spending<sup>6</sup> and should therefore guide the public finance management processes at the county level. The County Planning Unit shall ensure that public participation is undertaken in the preparation of the following plans.
33. *County Integrated Development Plan (CIDP)*: Section 108 of the County Government Act provides that each county shall have a five year CIDP with clear goals and objectives; an implementation plan with clear outcomes; provisions for monitoring and evaluation; and clear reporting mechanisms. The importance of CIDPs is indicated by Section 104 of the County Government Act which states that a county government shall plan for the county and no public funds shall be appropriated outside a planning framework developed by the County Executive committee and approved by the County Assembly. What applies to the CIDP also applies to the County Annual Development Plans (ADP). Sample checklist for the CIDP:
  - Is there a planning unit at the county?
  - What are the economic, physical, social, environmental and special planning priorities of the county?
  - Have priorities been set from the village level up to the County Executive level?
  - Has social mapping taken place to spell out the exact demographics of the county?
  - How does the CIDP mirror national and development goals?
  - Does the CIDP need to be reviewed through annual development plans?
  - What are the available resources to implement the CIDP?
  - Who have been involved in the CIDP process?
  - How projects are identified, appraised, selected as well as how and when they will be implemented?
  - What is the monitoring and evaluation framework of the CIDP?

<sup>6</sup> See Section 107 of the County Government Act 2012.

34. *County Sectoral Plans*: This is a programme based 10 year plan developed by each county department. It provides the basis for budgeting and performance management. It 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.
35. *Spatial plan*: It is provided for under Section 110 of the County Government Act. This is a multi-sectoral 10 year land use plan that should involve all sectors including National and county Government ministries, education institutions and hospitals. It is GIS based system and provides the social and economic development programme of the county. Given the sensitive nature of land, it will require wider consultation and citizen participation at the village, ward, Sub County and county levels.
36. *Cities and urban areas plan*: This will stipulate land use, building and zoning plans, recreation and public facilities in urban areas within a county.
37. Once the plans have been approved by the County Assembly, what follows is the development and approval of the annual budget. Public engagement in the process is organized around the key documents that need to be developed (Refer to Figure 2.3 and Table 2.3 for the stages and timelines).
38. *County Budget Review and Outlook Paper (CBROP)*: Section 118 of the Public Finance Management Act provides that a County Treasury shall prepare a County Budget Review and Outlook Paper in respect of the county for each financial year and submit the paper to the County Executive Committee by the 30<sup>th</sup> September of that year. The CBROP specifies the details of the actual fiscal performance in the previous year compared to the budget appropriation for that year. It also outlines the updated economic and financial forecasts with sufficient information to show changes from the forecasts in the most recent CFSP. It further provides information on any changes in the forecasts compared with the CFSP. It spells out how actual financial performance for the previous financial year may have affected compliance with the fiscal responsibility principles, or the financial objectives in the CFSP for that financial year. It details reasons for any deviation from the financial objectives in the CFSP together with proposals to address the deviation and the time estimated for doing so. The CBROP sets the indicative ceilings for the following year's budget. Thus when the public engages with the CBROP they should ask the following questions:
- What is the actual fiscal performance in the previous year compared to the budget appropriation for that year?
  - What are the changes in fiscal forecasts? What factors have caused changes in fiscal forecasts?
  - How does the county plan to deal with fiscal forecast deviations observed in the previous year?
  - How do the changes in fiscal performance from the previous year affect the implementation of development projects?
39. *County Fiscal Strategy Paper (CFSP)*: Section 117 of the Public Finance Management Act provides that the County Treasury shall prepare a Fiscal Strategy Paper. The County Treasury shall prepare and submit to the County Executive Committee the CFSP for approval. The County Treasury shall submit the approved CFSP to the County Assembly, by the 28<sup>th</sup> February of each year. The CFSP should be aligned with the national objectives in the Budget Policy Statement. The CFSP shall specify the broad strategic priorities and policy goals that will guide the county government in preparing its budget for the coming financial year and over the medium term. It shall also address the financial outlook with respect to county government revenues,

expenditures and borrowing for the coming financial year and over the medium term. In preparing the CFSP, the County Treasury shall seek and take into account the views of the Commission on Revenue Allocation (CRA); the public; any interested persons or groups; and any other forum that is established by legislation. Here is a sample checklist for the CFSP:

- What are the county's strategies and priorities?
- What are the numbers for the previous year's revenues, expenditures and borrowing?
- How was the previous year's revenue utilized? Is revenue increasing or decreasing? How was it allocated, spent and borrowed for development projects?
- How is the budget distributed across key sectors and what are the ceilings for each sector? Are there explanations provided for the ceilings set?
- What are the details of county spending?
- Does the county have loans? How are they being repaid?
- Are the ceilings set in the CFSP realistic based on past year performance, the goals set for the county in the development plans and the total size of the revenue and expenditure?

40. *Annual Budget Estimates* are prepared by the County Treasury and tabled in the County Assembly through the Budget and Appropriations Committee (BAC). The County Treasury is supposed to facilitate public consultations on the budget estimates. Once tabled, the County Assembly through its sectoral committees and with leadership from the BAC will hold hearings for the county residents and receive public views. The end result of the budget approval is the passing of the appropriation act and amending any other laws relevant to the effective implementation of the budget. The citizens will be required to analyse the county budgets. The following checklist is helpful:

- 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 and 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 the 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, including revenue from own sources and equitable share from funding from external sources?
- 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?

41. *Finance Bill*: This is a bill tabled in the County Assembly by the 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 from the village to the county level and incorporate their inputs before recommending it for approval. Sample checklist for the Finance Bill:

- How has the county government spent previously earned revenue?
- What is the justification for increased taxes or rates?
- How will the increase in rates and taxes affect the cost of doing business at the county?
- How has the county proposed to spend the new revenue they will earn?

42. Table 2.3 shows the stages of planning and budgeting and what is expected of the public and government officials. This section of the guidelines should be applied in connection with the Public Finance Management Regulations which provide for public participation in public finance management.

**Table 2.3: Public participation in the planning and budgeting process**

Budget Stages	Process/Mechanism for Public Participation	Minimum Requirements
1. County Budget Circular i. PFMA Sec 128 CEC Finance issues guidelines to be followed for PP in the budget process	Invitation to public for submissions in a public forum and/or written memoranda	CEC Finance through the Budget Circular in addition to other details should provide guidelines for public participation. The guidelines should clearly state the mode and period (time allocated) for public participation. (Time frame: by 30 <sup>th</sup> August)
2. Preparation of CIDPs PFMA Sec 126 Annual (Development) Plans CGA Sec 102 – 115 Sector reviews	Stakeholders identify needs and priorities; forums organised by various departments which form the Sectors; submissions through ICT platforms, etc. be included	Stakeholders, including non-state actors to be involved in the annual planning exercise, either through incorporation into the Sector Working Groups (SWGs) or workshops, public hearings etc., set for review of sector reports and CIDP's before approval by CEC and County Assembly (CA) and issue of CBROP. (Time frame: 1 <sup>st</sup> September submitted to CA; CRA; National Treasury (Sec 126 [3-4])

**Table 2.3: Public participation in the planning and budgeting process (continued)**

Budget Stages	Process/Mechanism for Public Participation	Minimum Requirements
3. Establishing County Resource Envelope and Expenditures i. Macro sector group ii. CBROP PFMA Sec 118	Stakeholders invited to participate in Macro group (closed invitation)	Macro sector working group established; includes non-state actors' representatives. County Budget Review Outlook Paper should be submitted to CEC by 30 <sup>th</sup> September a within 14 days with or without amendments; and county treasury submit to CA in 7 days; and publish and publicize CBROP. (Time frame September – October)
4. Developing the CFSP which i. Specifies broad priorities and policy goals, financial outlook, i.e. revenues, debt and expenditures, to guide county government spending in the coming year and over the medium term (Sec. 117)	Stakeholder Forums by CEC Finance before mid-February in order to ensure their inputs are incorporated before the CFSP is submitted to the CA (BAC) on or before Feb 28 BAC also invites public submissions before approving	Stakeholders invited to submit views on CFSP, in writing, public hearings etc. CEC to consult CRA, the public, interested parties or groups and other bodies, recognized by law are taken into account. (Timeframe: Done before due for submission of 28 <sup>th</sup> February)  Invitations for public to provide written and oral submissions to BAC; public hearing held through the BAC. BAC to approve the CFSP with or without amendments 14 days after receiving CFSP. On approval of CFSP CEC Finance issues Budget Circular with indicative ceilings
5. Budget Preparation based on approved Budget Policy Statement (BPS) and CFSP i. Sector working groups ii. Departments	Stakeholders make written submissions and participate in SWGs and Sector Hearing Forums	Departments take into consideration the public input, written submissions and stakeholders' meetings  Sector hearings arranged and publicized for feedback. (Timeframe: March and early April)
6. Budget Estimates (PFMA 2012 Sec 129)	Public forums to share the proposed projects and budget estimates should be organised by CEC before April 30 <sup>th</sup>	On approval by CEC Finance, i) Budget proposal ii) Revenue and iii) Expenditure, submitted to County Assembly (CA). On receipt by CA proposals referred to County Budget Committee (CBAC) on or by April 30 <sup>th</sup> April
7. Legislative approval process (PFMA 2012 Sec 130 – 131) i. Budget and Appropriations Committee (BAC) ii. Sectoral/Departmental Committees	BAC organizes Public Forums down to Sub-county levels, may also invite written or oral submissions from the public and Departmental Committees	County budget estimates disseminated to the public at least 7 days before public forums.  CBAC summarizes findings, prepares report with recommendations to CA  - Appropriation Bill made available to the public in a clear, simple format easily understood by the public  - Finance Bill disseminated to the public, containing revenue raising measures and policies underpinning those measures, Public input necessary before approval. (must be approved within 90 days of Appropriations)  On Approval by CA, Appropriations Bill Enacted to authorize spending.  (Timeframe May – June)



43. In cases where a county department or its agency seeks to embark on a specific project that has been allocated resources through regular budget process, then a process of identifying the priority needs will be undertaken<sup>7</sup>. This process requires that the public be engaged through the various stages as shown in Box 1.

#### Box 1: Specific project planning and implementation

- **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 malnutrition or poor quality of water rather than lack of medical facility.
- **Project identification:** Projects shall be identified that will address the priority 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 during 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. Volunteer Project committee members will be elected from the community. 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 analysing 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 the county monitoring and evaluation department; the project technical committee; project committee; and the citizen's committees.

### 2.2.3 Implementation/ Delivery of County Public Services

44. Implementation of policies and laws is a core function of county governments that requires public input. It is through this process that allocated resources are utilised in line with approved budgets. The public and county government interactions look at the annual and medium term plans and budgets.
45. Part 12 of the County Government Act 2012 provides for the delivery of county public services. These services however, must be provided in a manner that observes the principles of; equity, efficiency, accessibility, non-discrimination, transparency, accountability, data sharing and information and subsidiarity. Public participation ensures that these principles are observed. Table 2.4 provides the guidelines for participation in the delivery of county public services .

<sup>7</sup> This also applies for those projects that have not been provided for in the budget but are to be undertaken in the county such as through support of development partners.



Table 2.4: Public participation in delivery of county public services

Process & Mechanisms of Public Participation	Action by the Public Officials	Action by the Public	Minimum Requirements
<ul style="list-style-type: none"> <li>• Service Committees of delivery units such as health facility, agriculture demonstration projects</li> <li>• Procurement Committees</li> <li>• Co-Production of Services</li> <li>• Progress reports by County Departments, County Treasury and Controller of Budget</li> </ul>	<ul style="list-style-type: none"> <li>• Provide information to persons of the public engaging in implementation teams</li> <li>• Build capacity of the public to engage effectively in the service delivery processes</li> <li>• Disclose the contract value, contractor name, brief/scope of work and contract progress</li> </ul>	<ul style="list-style-type: none"> <li>• To study the implementation plans and provide timely input through the stipulated mechanisms</li> <li>• Seek clarification on matters that are not clear</li> <li>• Read and give input to quarterly reports by the County Treasury which are published and publicized and the County Budget Implementation Reports prepared by Controller of Budget (CoB).</li> <li>• Stakeholders/experts and public will be free to comment and give input on reports, as appropriate. (PFMA 2012 Sec 166)</li> <li>• Provide independent feedback on regularity and quality of public services</li> </ul>	<ul style="list-style-type: none"> <li>• Access to approved development plans, implementation work plans and itemized budgets</li> <li>• Transparent process of selecting members of the public to participate in service committees</li> <li>• Disclose procurement data through notice boards, village assemblies and web portals</li> </ul>

46. Procurement: A key aspect of implementation that requires public participation, is procurement of goods, works and services. Transparency in procurement procedures is critical in ensuring that the county governments function efficiently. Hence, counties should broaden the scope of proactive disclosure of procurement information at all stages of procurement. Such information should be availed at county information centres and online portals. The information must be accessible and user friendly. The information that should be availed to the public includes:

- County procurement plans,
- Invitation for tender and to whom it was issued,
- Tender documents including request for quotations, request for proposals and pre-qualification documents,
- Pre-qualification lists,
- Call for procurement bids and proposals,
- Bidding timelines,
- Terms of procurement bids,
- Procedure of opening bids,
- Terms of contracts,
- Tender results including final contract award, price, scope of work and delivery period
- Justification for awarding contract to selected contractor,
- Feedback and complaints procedures,

- Complaints received and action taken
- Procurement spending, and
- Project progress and audits.

#### **2.2.4 Performance Management and Oversight through Monitoring, Evaluation, Reporting and Learning (MERL)<sup>8</sup>**

47. The public must be engaged in tracking the implementation of county programmes. The county is required to release to the public details of the enacted budget which is in form of an Appropriation Act. This should be done within 21 days of its approval by the County Assembly. The public should engage simultaneously with both the County Executive and the County Assembly through performance management and oversight.
48. Performance management is part of the ongoing public sector reforms on managing for results to Kenyans. Section 47 of the County Government Act 2012 provides for the development of a performance management plan by a County Executive committee. The plan is used to evaluate performance of the county public service in relation to the implementation of county policies, projects and programmes. It also provides for among others: objective, measurable and time bound performance indicators. It offers; linkage to the county mandates; annual performance reports; citizen participation in the evaluation of the performance of county government planning and implementation activities; and public sharing of performance progress reports.
49. The county shall prepare quarterly implementation reports that provide financial and non-financial information on its performance. These reports will be prepared and consolidated within a month at the end of every quarter. They are then submitted to both the County Assembly and the public for oversight and monitoring.
50. Performance management covers the entire process of; developing indicators, measuring them through an Monitoring and Evaluation (M & E) System, reporting and using the information for organizational lessons. It ensures that a county government focuses on netting quality services for citizens. Performance management is undertaken by the County Executive and reports on its progress are submitted to the County Assembly. Performance Contract is a key tool used for performance management. According to the performance contracting guidelines, the public should be engaged in the negotiation of contracts especially while drawing the citizen service charters and finance and stewardship indicators<sup>9</sup>. The performance contracts are public documents and should help citizens in monitoring the progress of the counties.
51. The County M & E System provides a mechanism that enables the county track what is happening in county departments. It systematically collects and reports on results. The public should have access to key documents for implementation to enable it engage effectively in the process of monitoring results. An implementation framework should contain the following information:
  - The county department and officer in charge of the implementation process,
  - Contacts of the county department and officer in charge of the implementation process,
  - The resources to be used in the implementation,
  - The period of the implementation,
  - The exact geographical locations of the implementation,

<sup>8</sup> This section of the guidelines should be applied in connection with the guidelines for Performance Contracting in County Governments, County Integrated Monitoring and Evaluation System (CIMES), the handbook on County Performance Management System. These documents are developed under the Ministry of Devolution and Planning.

<sup>9</sup> This is in Phase II of the negotiations.

- If the implementation involves a public private partnership,
- The names, contacts and role of private contractors and
- Dates for public consultations on the implementation.

52. The county government may provide more information relevant to monitoring and evaluation of the implementation process. The county government should also provide platforms for the public to submit community score cards as discussed in these guidelines. The county is required to work with various groups such as; civil society, professional associations, sector alliances, religious organisations, youth groups, women groups, persons with disabilities and the national coordination ministry. This partnership should come up with oversight committee's at the most basic level to monitor the implementation of policies, laws and development plans. Oversight committees would be tasked with:

**Table 2.5: Monitoring and reporting format**

Report heading	
Name of project/ activity	
Project duration	Start date                      End date
Name of county officer in charge	
Names of oversight committee members	
The problem to be addressed	Assess that project is benefitting the specific users identified who are the project beneficiaries
The objective to be addressed	At the end of the project, assess whether the main problem identified has been addressed.
Name and contacts of the contractor	
Capital costs	
Main project outputs/activities	Present implementation status
Project expenditure to date	
Main issues arising	
Main problems arising	
Proposed solutions	

- Ensuring that all procurement and payment procedures are done according to the law and relevant documents obtained and submitted to the relevant offices for filing; and
- Periodically compiling implementation reports and availing them to the public.

53. Oversight: During the implementation of county policies and programmes, the County Assembly provides oversight in all matters of the county government. This gives the public an opportunity to engage and provide helpful feedback to the committees of the Assembly. Some of the ways of engaging in oversight include:

- 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 the County Executive.

54. Oversight extends to the independent review of the financial expenditure of the county government that is conducted by the Auditor General on behalf of the County Assembly<sup>10</sup>.

<sup>10</sup> See Articles 226 and 229 of the Constitution of Kenya. The County Assembly is expected to debate and take action on matters raised in an audit report within 3 months of the tabling of the report.

The audit is conducted at the end of the financial year but special audits could be done on specific projects that the County Assembly needs looked into. Financial performance aspects of the county are handled in the County Assembly by the Public Accounts and Investments Committee. The public has a chance to participate in the process of the committee's debate of the report from the Auditor general. This offers the public an opportunity to contribute to the appropriate actions required.

55. Table 2.6 indicates what the public oversight committees may evaluate in terms of implementation of policy, legislation and development plans.

**Table 2.6: Evaluation framework**

Policy support	To what extent the implementation process is supported by relevant and progressive policies
Effectiveness	To what extent the beneficiaries are enjoying the services and products delivered by the county projects as formulated in the project plans
Efficiency	To what extent the human, physical and financial resources have been used to realize activities and outputs of county projects. The actual utilization of resources is compared to the budget
Sustainability	To what extent beneficiaries of the projects will continue to enjoy its benefits after outside assistance has ceased (look at <i>environmental effects, sociocultural relevance, institutional management and capacity, financial support by beneficiaries</i> )
Relevance	To what extent the county projects/process satisfies all major stakeholders (beneficiaries, donors, national government and NGOs)

56. Public participation in performance management and oversight especially through monitoring and evaluation of service delivery is continuous. Table 2.5 provides for the mechanisms of such engagement.

**Table 2.7: Public participation in performance management and oversight**

Process & Mechanisms of Public Participation	Action by the Public Officials	Action by the Public	Minimum Requirements
<ul style="list-style-type: none"> <li>Monitoring and Evaluation Committees</li> <li>Conduct accountability assessments using various tools – Public Expenditure Tracking Surveys (PETS), Community Score Cards, Citizen Report Cards, and Social Audits</li> <li>Surveys (Online and Physical)</li> <li>Annual Audit (End of year reports by accounting officers and Auditor general Reports)</li> <li>Stakeholders invited to provide feedback on performance/value for money audits</li> <li>Citizens engaged in performance audits e.g. interviews &amp; focus groups discussions</li> </ul>	<ul style="list-style-type: none"> <li>Ensure access to information on all programmes being undertaken especially the performance indicators</li> <li>Collect feedback from the public and use it for organizational learning</li> </ul>	<ul style="list-style-type: none"> <li>Provide timely and objective feedback on matters being monitored</li> <li>Seek to build own capacity for effective engagement in oversight</li> <li>Review audit reports and monitor how sanctions and recovery of public resources are effected</li> </ul>	<ul style="list-style-type: none"> <li>Access to the Performance Management Plan of the County especially the Performance Contracts with clear performance indicators</li> <li>Access to project specific plans and budgets such as Bill of Materials (BOMs) for construction projects</li> </ul>

57. **Social Accountability Tools:** Engagement of the public in demanding for accountability through performance management and oversight can be achieved using social accountability tools. These tools ensure that there is transparency, accountability and participation by the public. Various tools can be used to do that including those indicated in Table 2.5. Such social accountability tools and methods include; social audits, Public Expenditure Tracking Surveys (PETS), Community Score Cards, Citizen Report Cards, and Social Audits,<sup>11</sup> Ombudsman, transparency portals, community media, public hearings and citizen juries. A commonly used tool in Kenya is Social Audit. Box 2 provides an overview of social audits while Box 3 provides an overview of Community Score Cards.

**Box 2: Social audit<sup>12</sup>**

A social audit is the process through which all details of a public project are scrutinised by its beneficiaries. A social audit seeks to evaluate how well public resources are being used to meet the real needs of target beneficiaries. It examines all aspects of a public project including; the management of finances, officers responsible, recordkeeping, access to information, accountability, levels of public involvement etc. A social audit seeks to engage the widest possible cross section of stakeholders.

Public awareness meetings and public accountability forums are an integral part of the social audit process. The social audit method is adapted from the work of the Mazdoor Kisan Shakti Sangathan in India and seeks to enable citizens to audit development projects to lobby for accountability. Social audits have served to empower citizens by introducing them to evidence based monitoring. They empower them with the courage to ask questions of local officials and compel them to act on local lapses in governance. However, experiences with social audits underscore yet again the indispensability of an open governance framework. Institutionalization of a citizen engagement framework of the tenets set out in the new constitution are to be realized.

**Box 3: Community score card**

A social audit is the process through which all details of a public project are scrutinised by its beneficiaries. A social audit seeks to evaluate how well public resources are being used to meet the real needs of target beneficiaries. It examines all aspects of a public project including; the management of finances, officers responsible, recordkeeping, access to information, accountability, levels of public involvement etc. A social audit seeks to engage the widest possible cross section of stakeholders.

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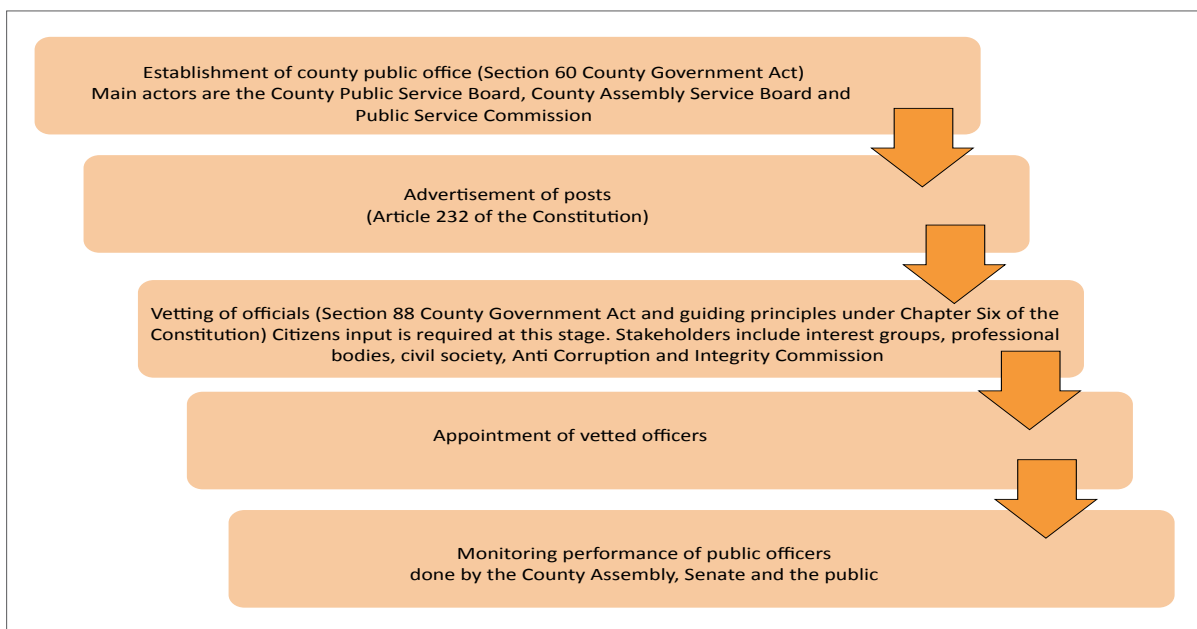
<sup>11</sup> For more details, refer to the Training module on Public Participation for County Governments, Kenya School of Government-Centre for Devolution Studies, 2014.

<sup>12</sup> Excerpt from Training module on Public Participation for County Governments, Kenya School of Government-Centre for Devolution Studies, 2014, pp.50-51.

### 2.1.4 Public Participation in Vetting of Public Officers

58. 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.
59. Integrity and transparency should guide the process of vetting, appointment and monitoring performance of county public officers. The public should be involved in the process to ensure that; constitutional principles are upheld, the right individuals are picked and public officers provide good service 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; and
  - Any factors that may disqualify the candidate for public office.
60. Figure 2.4 provides the basic process of vetting public officers.

**Figure 2.4: Process of vetting public officers**



### 2.3 Collection and analysis of information from the public

61. A key aspect that informs the content and processes of public participation is how information from the public is collected and analysed to inform decision making. Counties must therefore put in place well organized systems for collecting, collating and analysing information that comes from the public. Data may come directly from the public, county initiatives or external sources. Counties should also employ data analysts to ensure quality data management. Use of professional data analysts ensures integrity of the data. This data will inform monitoring and evaluation as well as the policy, legislative and development planning processes. Professional data collection and analysis ensures 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; and
- **Timeliness:** Data are up to date (current) and information is available on time.

62. 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 or oral submissions, surveys and field trips by county officers, advisory groups, task forces, telephone hotlines, and 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.

63. Two ways to obtain information are through written memorandum and discussions in public forums. They are discussed herein.

### 2.3.1 Written Memoranda

64. A written memorandum provides a way for the public to communicate their input in fair detail. A typical format of a memo form is indicated in Table 2.8.

**Table 2.8: Format for written memorandum form**

Date:
Personal Details: name, contact details, if necessary
Policy/ statute/ development plan up for public participation:
Specific proposals to draft policy/legislation/development plan:

### Public Forums

65. Public forums provide an opportunity of face-to-face engagement between government officials and citizens. It offers a chance for instant feedback and observation of state of affairs. The logistics of organizing public forums are cumbersome and can be costly. Key issues to consider when organizing public forums include:

- **Venues:** Public participation meetings should be held in easily accessible venues that are convenient to county residents. The venues should also be; comfortable, have the necessary sitting, ventilation, lighting, and acoustics. The venues should be politically, religious and socially neutral, centrally placed and with provisions for; persons with disabilities and senior citizens.



- *Forums:* public participation forums should be directed in a structured way. County administrators may employ the services of facilitators who are well versed with the policy, legislation or development policy to be discussed.
- Facilitators of public participation sessions should ensure that all participants, regardless of age and gender have equal opportunity to air their views. They should also cater for persons living with disabilities and marginalised persons. They must mitigate any conflict arising out of the discussions. At every opening session, the county officer in charge or facilitator 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.

#### 66. Proposed structure of a public participation forum

- *Registration and distribution of Information Education and Communication (IEC) material:* At this stage the county gathers the names, gender, age, profession, residence and contacts of the participants for records purposes. The forum secretariat also distributes relevant material to the forum.
- *Introductions:* The facilitators will break the ice by introducing the forum and participants and enabling participants to know the other while voicing their expectations.
- *Purpose of the forum:* The facilitators at this stage give a brief on the proposed legislation, policy and development plan up for discussion. They give participants background information on how the policy, development plan or legislation was formulated, the process leading to the forum and the expected outcome. The facilitator also indicates the kind of input they require from the forum and how it will be used. The facilitators and the participants jointly set the ground rules on running the forum.
- *Input from participants:* Depending on the number and diversity of people present at the forum, the facilitators may decide to have one forum or break it into many sessions. Fewer participants are ideal for one forum however where the numbers are high, the participants may break into smaller groups based either; on geographical regions, gender, age, interest group or any other objective criteria. For breakaway sessions, the participants will discuss the draft policy, legislation or development plan and present their views to the plenary at a different session. Breakaway sessions allow for objective interrogation of the drafts at hand. The facilitators should also indicate that input may be sent to the county via email, snail mail or through social media.
- *Presentations from breakaway sessions:* At this stage designated presenters from the various groups will make presentations to the plenary. The plenary will allow for questions, clarifications and further input.
- *Summary of the forum deliberations:* The facilitators will give a summary of the input given. They will then indicate the way forward and when a final report on how the views used by the county government would be released.

67. *Feedback after public participation:* After collecting views, the county government ought to inform the public on the outcome of public participation. This may be done through; a report or media briefing outlining the nature and number of views received; the number of views incorporated and ignored and why? Such reports would enhance public confidence that the county government listens to them and does not take them for granted.



## ENABLERS OF PUBLIC PARTICIPATION

“ *The village which is not discussed is not built.* ”  
- African proverb

68. Enablers are the foundational blocks that have to be put in place for public participation to be effective and sustained. This part provides five such foundational blocks including; planning and financing; management and coordination; capacity building of government officials and the public; public communication and access to information; stakeholder mapping, outreach and mobilization.

### 3.1 Planning and financing for public participation

69. Planning ensures that both time and resources are allocated for public participation. Planning helps create indicators on how public officials should be evaluated on their engagement with the public. Planning also gives the public a clear idea of what will happen where and when, what is expected of them and how they can avail their time. It ensures that there is inclusiveness in the participation processes covering; geographical and social groups and various online platforms.
70. Every financial year, a certain percentage of the total county budget may be allocated to public participation and civic education. The budgetary allocation should be equitably distributed to 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. The budget allocations to participation should be cost effective.
71. Alternatively, the County Assembly and County Executive may come up with their own public participation and civic education budgets. Also, the different departments in the County Assembly and County Executive may make projections on what laws, policies and development plans will be discussed in a financial year and budget based on them.
72. When budgeting for public participation and civic education, it may be instrumental for the county government to consult civil society and development partners who may have similar budgets for the county to avoid duplication of programmes. By partnering with civil society and other groups in the county, the government leverages the scarce resources.
73. Key considerations for a plan and budget for public participation should include:
- Mechanisms to be used, online or physical meetings; booking of venues, hiring of tents and chairs, sound systems etc.
  - Mode of mobilizing the public and advertising costs.

- Facilitation costs such as rapporteurs, projectors, analysts of public input.
- Cost of printing and photocopying, posting of reports to the respective persons.
- Regularity of meetings and transport costs for participants if they have to travel long distances.
- Costs of regular surveys of participation processes.

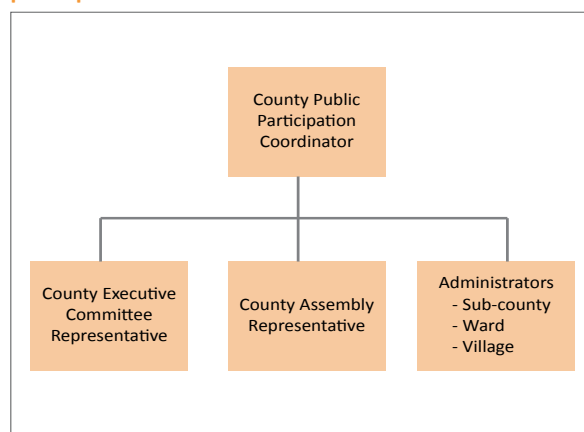
### 3.2 Management and coordination of public participation

74. To ensure that public participation is meticulously executed according to plans and resources allocated, a county must have a mechanism for management and coordination. This section provides various options that may be helpful to the county.
75. Ideally the County Executive and County Assembly should independently manage their own public and civic education processes. However, they deal with the same county or Sub-county institutions and electorate with whom they have to share the same resources. county governments might therefore 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.

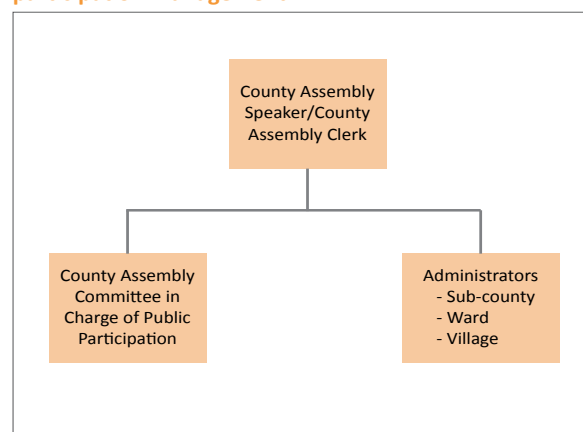
#### 3.2.1 Options for Management and Coordination of Public Participation

76. Several options exist for county governments to administratively structure public participation. 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. County Assembly and County Executives have different Constitutional roles and Platforms for engaging the public.
77. *Option 1:* The county government appoints a county public participation coordinator who acts as the administrative head for public participation. The coordinator works with the County Executive Committee, County Assembly and administrators in the county units. He or she facilitates the day to day work of the County Budget Executive Forum. 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.
78. The disadvantage of this option is that executive and oversight roles of the County Executive and County Assembly may be blurred in the process. 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's 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 the duty of coordinating public participation.
79. Figure 3.1 illustrates an organogram where a county resolves to adopt an integrated administrative approach to public participation.

**Figure 3.1: Integrated administrative approach to public participation**

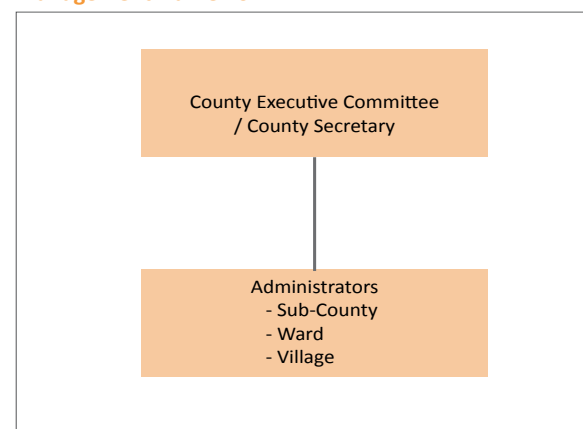


**Figure 3.2: County assembly framework for public participation management**



80. *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. 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 however, is that it does not blur constitutional and statutory roles of the County Executive and County Assembly. Figure 3.2 and 3.3 illustrate an organogram where a county resolves to have a non-integrated approach to public participation management.

**Figure 3.3: County executive public participation management framework**



### 3.2.2 County Budget and Economic Forum (CBEF)

81. In the County Executive, Section 137 the PFM Act 2012 of the Public Finance Management Act, creates the CBEF. This is the body with the ultimate power and mandate to facilitate public participation in the county Executive. It should provide the most effective way of coordinating and managing public participation as it has representation from all County Executive departments and key categories of the public in any given county.
82. The CBEF is composed of the Governor of the county, other members of the County Executive committee and a number of representatives who are not county public officers, equal to the number of executive committee members appointed by the Governor. Others are persons nominated by organizations representing; professionals, business, labour issues, women, persons with disabilities, the elderly and faith based groups. The purpose of the Forum is to provide a means for consultation by the county government on:
- Preparation of county plans, the CFSP and the CBROP for the county; and
  - Matters relating to budgeting, the economy and financial management at the county level.

83. The CBEF should ensure there is public participation when carrying out its mandate under the Public Finance Management Act. As such *“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.”*<sup>13</sup>
84. The CRA has issued guidelines on formation of the CBEFs. The guidelines clarify the establishment of the CBEF. They provide administrative guidance for the CBEF and how its members are nominated. They also breakdown the functions of CBEF and how to operationalize it. On consultative processes, the CBEF guidelines provide that:
- In organizing public consultations throughout the budget cycle, the CBEF shall work through organized citizen groups in the county, including the constituent groups within the CBEF namely: women, business, youth, professionals, labour, people with disabilities, elderly, religious groups, and so on.
  - The non-state members of the CBEF have a responsibility to regularly engage with their constituents, both through sharing information from the CBEF with constituencies, and representing the interests of constituencies within the CBEF. This is a primary mechanism to facilitate ongoing engagement with county planning and budgeting.
  - Beyond regular communication between the members of the CBEF and their constituents, there should also be other public fora held at village, ward and Sub-county level. These fora should follow the budget calendar.

### 3.3 Capacity building of the county officials and the public

85. Capacity building is a key aspect of ensuring both the county government officials and the public acquire the requisite skills, values and attitudes for effective public participation. It is futile to create mechanisms of engagement without having the human capacity to ensure that the desired engagement is undertaken. Capacity building should be seen as part and parcel of the public participation process and should be a continuous event.

#### 3.3.1 Civic education for the public

86. Part X of the County Government Act provides for civic education. Section 100 provides that each county should implement an appropriate civic education programme. The counties are to be steered by the national civic education guidelines and curriculum as developed jointly by the Ministry of Devolution and Planning, the Transition Authority, Commission on Implementation of the Constitution, Department of Justice, and Civil Society Organizations<sup>14</sup>.
87. 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. 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.
88. County governments ought to have an effective civic education program which should take place regularly alongside or independent of public participation. The general objectives of civic education at the county are:

<sup>13</sup> <http://internationalbudget.org/wp-content/uploads/PFM-Brief-.pdf>

<sup>14</sup> The curriculum is available separately.

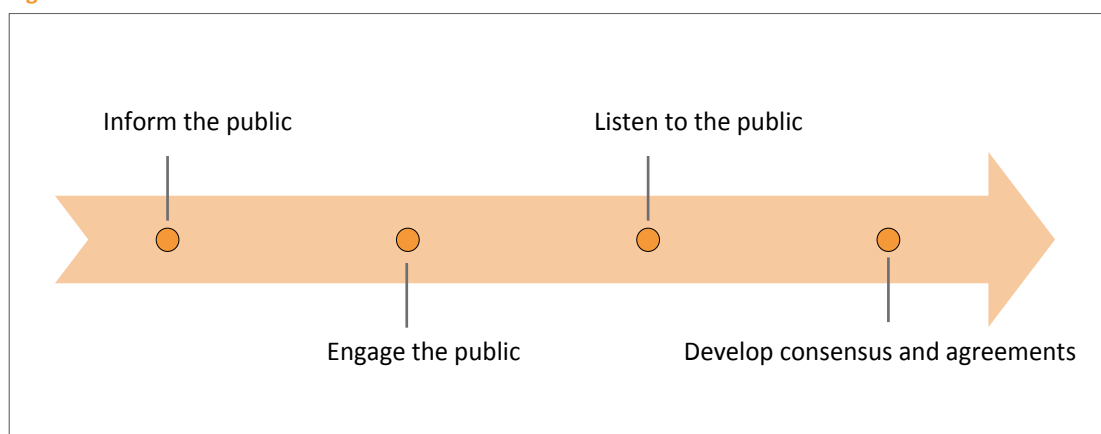
- To ensure sustained citizens' engagement in the implementation of the Constitution;
  - To improve understanding, appreciation and engagement in the operationalisation of the county system of government;
  - To institutionalize a culture of constitutionalism;
  - To ensure people acquire knowledge of Kenya's transformed political system, context and implications;
  - To enhance knowledge and understanding of the 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 of 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, analyse, 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.
89. Before undertaking civic education, the county and its partners ought to carry out a civic education needs assessment. First, the county should establish the social, economic and political situation at the county in relation to set county goals and objectives as per existing development plans and the level of public education of the residents. Secondly, the county should identify people or groups who require civic education. Thirdly, the county should identify people and groups to conduct the civic education.
90. Regularly, the Sub-county; ward and village administrators and the County Assembly should conduct civic education sessions to inform county residents on issues that may come up for public interrogation. 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;
  - Assessment and monitoring of county projects;
  - Public procurement; and
  - Evaluating county service delivery.
91. Civic education forums are to be designed in such a way that the people fully comprehend county policy making, legislative and development planning processes and are empowered to ably participate in county processes. (See Annex 4 for a proposed agenda of a Civic Education Forum).

92. 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.
93. In vetting and certifying civic education providers, the County Assembly and Executive may form an ad hoc joint committee. The committee will also include representation from civil society, youth groups, women groups, persons with disabilities, professional bodies, trade unions, business groups and any other influential groups. In certifying civic education providers, the county ad hoc committee shall bear in mind the following factors:
- Whether the providers have carried out civic education before,
  - The experience, capacity and qualifications of the providers in facilitating civic education,
  - The geographic reach of the providers,
  - The capacity for the providers to reach a wide audience including women, youth, persons with disabilities, older members of society and marginalised communities, and
  - Whether the providers have an independent budget to carry out civic education.
94. Figure 3.4 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.

### 3.3.2 Training of government officials

95. 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. This could be through on the job training, exchange visits/exposure, benchmarking, and simulations.

Figure 3.4: Civic education continuum



### **3.3.3 School curriculum, behaviour change, and adult education forums**

96. Long term and targeted capacity building should be through the school curriculum and adult education programmes. This ensures that constitutional attitudes and values for public engagement are provided and children and youth appreciate their governance context.

## **3.4 Communication and access to public information**

### **3.4.1 General mechanisms of communication and access to information**

97. Access to information for Kenyan citizens is guaranteed by Article 35 of the Constitution. On communication, Section 93 of the County Government Act provides that public communication and access to information shall be integrated in all development activities while observing professionalism, media ethics and standards. Information that is provided by the public should be verified as the official and authentic document for public consumption. Section 96 of the County Government Act also provides that the county should provide access to information it holds. The county should have designated offices for providing access to information and any county legislation on access to information should mirror national legislation.
98. 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.
99. Strategic communication is critical and should be incorporated in all county; policies, legislative and development agendas. County governments should be in constant communication with their residents in a language the residents understand and at the very least in English and Kiswahili. There is need to identify the most effective medium of communication in terms of cost and reach. Such medium may include:
- Television;
  - 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.

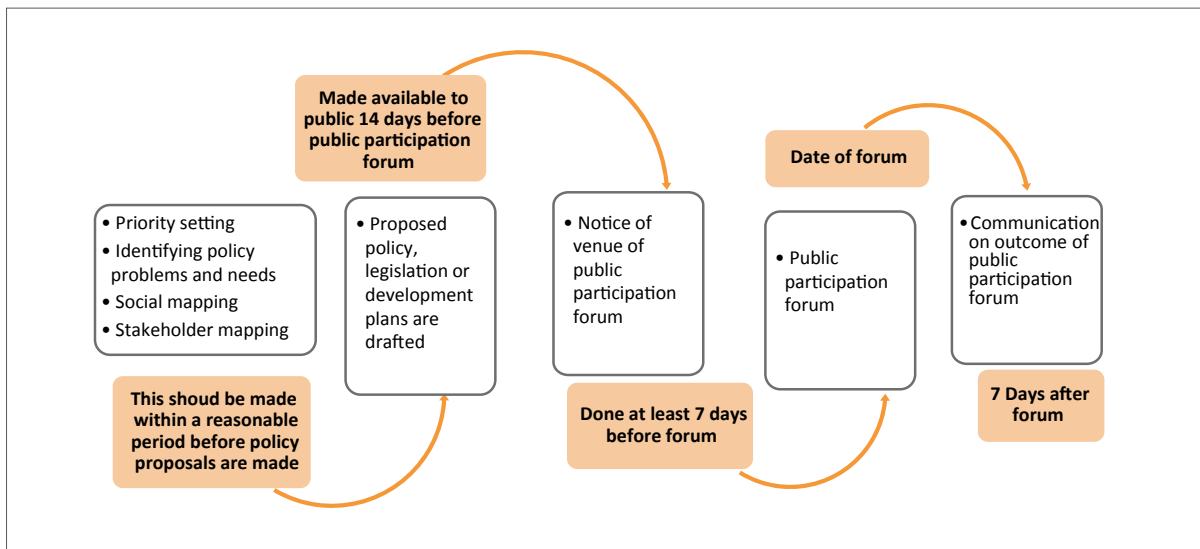
100. Communication should also be tailored to meet the needs of persons with disabilities, senior citizens, the marginalised and the less educated residents of the County. To meet such needs, the county should consider communication in the following forms:
- Publications for persons with hearing impairments;
  - Braille;
  - Local language publications;
  - Popular versions; or
  - Large print publications.
101. Communication on public participation and civic education processes shall contain the following;
- A brief on the relevant draft policy, legislation or development plan;
  - Information on how to access 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.
102. Communication tools should be tailored to suit different groups within the county. Table 3.1 provides the tools for different groups.
103. Communication timelines are critical to ensure that there is ample time to process the information, prepare for engagement and act accordingly. Figure 3.5 gives ideal timelines to post notices inviting stakeholders to Public forums and feedback process.
104. On communication information relating to the Planning, Budgeting and Auditing Process (Annex 8 provides a detailed timeline for availing relevant PFM documents).

**Table 3.1: Communication tools for different groups**

Population	Suggested communication methods.
Youth	Social media, radio, TV, e-platform, newspapers, arts.
Persons with disabilities	Braille, sign language publications, radio, TV, newspapers.
Women	Notices at health centres, markets, TV, radio, newspapers.
Elderly	Large print publications, radio, TV, notices at social fund offices.
Professionals	Newsletters, TV, radio, social media, e-platform, newspapers.



Figure 3.5: Communication timelines



### 3.4.2 Media appearances by county officers

105. 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.

### 3.4.3 County Information Resource Centres as components of County Service Centres

106. County governments should have resource centres where the public may access information. These centres may be public libraries or resource centres at County Assembly or County Executive offices. There already exists provisions for County Service Centres (Section 119, CGA 2012) to be established at County, Sub-County, Ward and Village levels. The county government could establish a resource centre in at least each ward which may be situated in the ward administrators' offices. Information should be availed in a format suitable to county residents both in hard copy and electronic form and should also be posted on the county website.

### 3.4.4 E-Participation and communication

107. 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 a public participation forum, it is important for the counties to develop an elaborate e-participation platform to cater for this critical mass. This means that counties may explore the need of having a common e-platform.

108. The basic guiding principles for e-Participation 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.

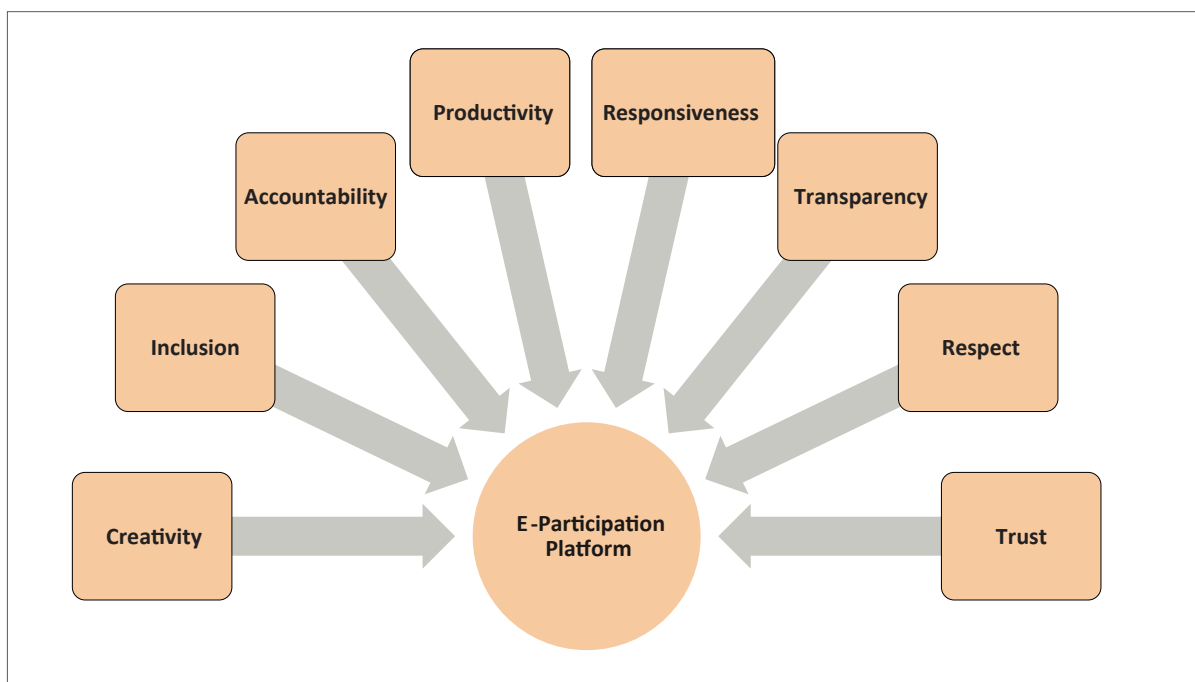
- **Respect** - The e-participation initiatives shall promote civil behaviour, by means of constructive discussions and active listening.
- **Trust** - Within this context trust involves confidence in the e-Participation initiatives and it results in commitment from the E-Participants.
- **Creativity** - 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 existing 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 a 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 3.6

109. Key e-participation and communication channels include:

- **Newsletters** – A county may produce newsletters capturing events 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.

**Figure 3.6: E-platform principles**



- 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 such platforms within a very short time.
- 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.

### 3.5 Stakeholder mapping, mobilization and outreach for public engagement

#### 3.5.1 Basics of stakeholder mapping

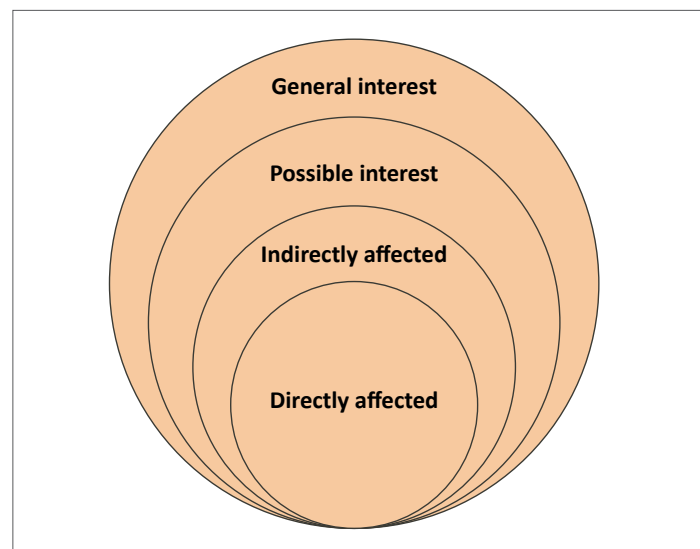
110. A comprehensive public participation process should involve sector-based stakeholders. Essentially these are individuals or groups of people that would be directly affected by a proposed policy, law or development plan. Hence the county government should set up a stakeholders' register based on 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.
111. The register thus 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. Further, the county government should map out individuals who have the potential to either positively or negatively influence the outcome of policy, legislation and development plans formulation and implementation. These may include religious leaders, local chiefs, community elders, activists and political gatekeepers. Hence, community opinion shapers and influencers also need to be identified, mapped and engaged in public participation processes.

112. Guiding questions in identifying stakeholders are;

- 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 be affected by 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 will support or oppose the changes the policy/law/development plan will bring?

113. Figure 3.7 assists in mapping out and prioritising stakeholders in relation to how they are affected by an issue. 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 groups affected either directly or indirectly. (See Annex 3 for a stakeholder mapping form).

**Figure 3.7: Categories of stakeholders**



114. An example of stakeholder mapping in Nairobi City County and the Forestry Sectors is shown in Box 4 and Box 5 respectively.

#### Box 4: Stakeholder mapping framework in Nairobi City County

##### **Case Study:** Nairobi City County Stakeholder Mapping Framework

Nairobi City County has mapped stakeholders at four levels -

- Governor stakeholder forums,
- Sector forums (there are 10 sectors in the county),
- Sub-county stakeholder forums and
- Ward stakeholder forums.

Stakeholders are identified according to their influence on county matters and the number of county residents and or interests they represent. Some are individually invited to be stakeholders while others are nominated by the legally registered organisations/groups/interest they represent. Mapping is done to inform service delivery, proposed policies, development plans and strategies. Each of the four different mapped stakeholder forums meet quarterly every year while there is an annual forum where all residents are invited at the wards to set priorities and discuss progress made by the various forums.

Each of the forums appoint their own leaders chosen from the membership. They then develop terms of reference and rules of engagement. Each of the forums also appoint sub-committees to deal with specified matters. Every year, the forums collectively hold 112 meetings. The forums are constituted as indicated below:

**Governor stakeholder forums:** these forums are coordinated by the County Secretary who drives the process. They consist of not more than thirty (30) individuals representing diverse sectors, interest groups and stakeholders. The forums have high ranking representatives from Kenya Private Sector Alliance (KEPSA), Kenya Alliance of Resident Associations (KARA), Association of Professionals Society of East Africa (APSEA), Religious Organisations, the Police and Business Organisations among others. However, overall county administrative coordination of public participation is undertaken by the County Executive Committee Member in charge of Public Service.

**Sector forums:** these forums inform discussion at the Governor Stakeholder forums. Each of the ten (10) sectors in the county map their own stakeholder who vary in number.

**Sub-county stakeholder forums:** these inform the Sector forums. They are chaired by the Deputy Governor. They consist of fifty (50) representatives of diverse sectors, interests, stakeholders and influential individuals at the Sub-county level.

**Ward stakeholder forum:** these inform the Sub-county forums. They consist of seventy (70) representatives of diverse sectors, interests, stakeholders and influential individuals at the Ward level.

#### Box 5: An example of stakeholder mapping in the forestry sector

At times an issue may arise in the forestry sector that relates to a forest or water catchment area. Such an issue would be discussed by the following stakeholders:

- 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.

### 3.5.2 Inclusivity

115. All public participation processes must consciously involve minorities and historically marginalised groups. The Constitution defines a marginalised community as a relatively small population which has been unable to fully participate in the integrated social and economic life of Kenya. A traditional community is one which out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the country's integrated social and economic life. Meanwhile, an indigenous community on the other hand, is one that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy and pastoral communities. Culturally and economically, marginalised groups also include the youth, persons with disabilities, women and older members of the society.
116. 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 mapped out minorities and the historically marginalised. To ensure inclusivity, county governments should use and seek the services of; translators, visual aids, indigenous languages and translations of official county documents.

### 3.5.3 Persons with disabilities

117. All persons with disabilities regardless of their impairment, legal status or place of residence have a right to public participation in governance, legislative processes and policy making. They also have a right to services offered by county governments. Thus, county governments should consult closely and involve persons with disabilities and their representative organizations in all matters concerning the right to participate. Counties should also respect the principles of consultation with persons with disabilities. This as indicated in different sections of these guidelines includes civic education, providing information, choosing venues and means of engagement that pay attention to the unique needs of persons with disabilities. The county should train county officers in conjunction with organizations of persons with disabilities representing different disability constituencies on how to effectively carry out civic education and public participation for persons with disabilities. Statutory organisations that county governments should work with include the National Council for Persons with Disabilities.

## PETITIONS, COMPLIMENT/COMPLAINT, GRIEVANCE AND REDRESS MECHANISMS FOR PUBLIC PARTICIPATION

“Blowing out another person’s candle won’t make yours any brighter.”  
- African proverb

118. Positive criticism that builds and enhances confidence is crucial in the process of public participation. As a learning and developing process, public participation needs to incorporate good practices; review or improve on those that work while discarding those that don’t work. The county government should facilitate ways in which people can provide compliments on what they find impressive and working. Such compliments should be documented as critical feedback and used to improve the process of public engagement.
119. There will be situations where public participation is not optimal. The public should have a mechanism of raising concerns and there should be a way of addressing public complaints especially with regard to service delivery. A platform and mechanisms should be established by the county governments to offer redress to members of the public. This can be done either using an e-platform or a physical complaints mechanism. The county should maintain a register of complaints that should be open to public scrutiny.
120. The complaints mechanisms should adhere to the following principles:<sup>15</sup>
- Public focus – the county is committed to effective complaint handling and values feedback.
  - Visibility – information about how and where to complain is well publicised to the public, county staff and other interested parties.
  - Accessibility – the process of making a complaint and investigating it is easy for complainants to access and understand.
  - Responsiveness – complaints are acknowledged promptly, addressed urgently, and the complainant is kept informed throughout the process.
  - Objectivity and fairness – complaints are dealt with in an equitable, objective and unbiased manner. This will help ensure that the complaint handling process is fair and reasonable. Unreasonable complainants are not allowed to become a burden.
  - Confidentiality – personal information related to complaints is kept confidential.
  - Remedy – if a complaint is upheld, the organisation provides a remedy.
  - Review – there are opportunities for internal and external review and/or appeal about the organisation’s response to the complaint, and complainants are informed about these avenues.
  - Accountability – accountabilities for complaint handling are clearly established and complaints and responses to them are monitored and reported to the county government and other stakeholders.
  - Continuous improvement – complaints are a source of improvement for county governments.

<sup>15</sup> Adopted from: The principles of effective complaint handling – Ombudsman Western Australia - <http://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/The-principles-of-effective-complaint-handling.pdf>

121. Table 4.1 shows an example of a template form that may be used by counties to record complaints from members of the public.

**Table 4.1: Format complaints form**

<b>Date:</b> Date complaint is received	
<b>Personal Details:</b> Name, contact details, if necessary	
Nature of Complaint:	
Detail of Complaint:	
Who dealt with the complaint?	
How it was dealt with:	
<b>Outcome:</b> Outline of what has happened as a result of the complaint	
Follow up required:	

122. A Complaints process should be designed to address the following;

- a. A complaint may be received by the county either by telephone, e-mail, e-platform, a letter or in person or a duly filled form by a complainant to the assigned complaints office.
- b. Once a complaint is received, it shall be recorded and assigned a reference number to facilitate follow-up. A record of a complaint shall include the name and contact details of the complainant, full details of the complaint including the date, as well as details of all communication with the complainant and any actions to resolve the complaint.
- c. The complaint shall then be forwarded to the appropriate county officer who is authorized to deal with the complaint.
- d. The county should resolve all complaints promptly and written complaints shall be acknowledged.
- e. Where the complaint cannot be resolved immediately, complainants shall be informed of the time frame at the time of making their complaint. Complainants shall be informed of the progress of their complaint regularly, especially if there are any delays or changes to what has been agreed upon between the appropriate county officer and the complainant.
- f. Where appropriate, customers who have had a complaint resolved shall be contacted at a later date to find out whether or not they are happy with how their complaint was handled.
- g. Where a complaint cannot be resolved by above complaint handling procedure, it shall be referred to the County Executive secretary or County Assembly clerk and the complainant shall be informed and given an amended time frame for resolution.
- h. The county government shall report to the public on the complaints filed annually.



123. The county should also note that the following remedies are available to county residents:

- Redress within the judicial system;
- The right to assemble, demonstrate, to picket and to present petitions as per Article 37 of the Constitution;
- Right to recall as provided by Article 104 of the Constitution and the County Government Act; and
- Letters to the County Executive or County Assembly.

124. 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 on issues affecting a group of people, through village committees, ward, sub-County and county committees.

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.

125. Referendum

Section 70 of the County Government 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 25 percent of the registered voters where the referendum is to take place.



# MONITORING, EVALUATION, REPORTING AND LEARNING OF PUBLIC PARTICIPATION

“ We will forever be known by the tracks we leave. ”  
- Dakota Proverb

126. It is critical to conduct monitoring and evaluation of public participation to evaluate successes and failures and offer answers on required improvements. The county government should regularly facilitate monitoring and evaluation frameworks for purposes of public participation and conduct an evaluation of all public participation sessions in the county to advise on how to improve the next financial year's sessions. All monitoring and evaluation reports are to be made available to the public.
127. Verification of key performance indicators that may be up for monitoring and evaluation should be done through the 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 5.1 provides the key performance indicators for assessing progress in public participation process in a county. (Annex 3 provides a further checklist).

**Table 5.1: Identifying key performance indicators and outputs of a public participation process**

Planning process	<ul style="list-style-type: none"> <li>• Was the public involved in the priority setting process?</li> <li>• How was the public involved in the priority setting process?</li> <li>• Was the public involved in the policy/legislation/development plan formulation?</li> <li>• How was public involved in the policy/legislation/development plan formulation?</li> </ul>
Resource allocation	<ul style="list-style-type: none"> <li>• Is there a budgetary allocation for public participation?</li> <li>• How much has been allocated for public participation?</li> <li>• Is the budgetary allocation sufficient?</li> <li>• Are there competent county public officers spearheading the public participation process?</li> <li>• How many county public officers are in charge of public participation?</li> <li>• Is there a clear administrative structure?</li> </ul>
Civic education	<ul style="list-style-type: none"> <li>• Has the public been adequately educated on the public participation process and content?</li> <li>• How many civic education sessions have been held?</li> <li>• How many people attended the civic education sessions?</li> </ul>
Access to information	<ul style="list-style-type: none"> <li>• Were documents for discussion provided in good time?</li> <li>• Was the information provided in formats accessible to a large population in the county?</li> </ul>
Stakeholders	<ul style="list-style-type: none"> <li>• Has the county government mapped out stakeholders?</li> <li>• Have all stakeholders been provided adequate notice to participate in the decision making process?</li> <li>• How many stakeholders actually participate?</li> </ul>

Diversity	<ul style="list-style-type: none"> <li>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?</li> <li>How many youth, women, older members of society, persons with disabilities and marginalised groups actually participate in public forums?</li> <li>How many focus group discussions were undertaken?</li> </ul>
Communication	<ul style="list-style-type: none"> <li>Was the public informed in good time about access to documents and when forums would be held?</li> <li>Were effective communication channels employed?</li> </ul>
Information from the public	<ul style="list-style-type: none"> <li>How many views were collected from the public?</li> <li>In what formats was the information collected from the public?</li> </ul>
Data collection from forums	<ul style="list-style-type: none"> <li>Availability of information to the public;</li> <li>Number of residents accessing information;</li> <li>Form and number of communications made to County residents;</li> <li>Number of public participation forums held;</li> <li>Number of people attending public participation forums;</li> <li>Number of people participating in public forums;</li> <li>Diversity of people participating in public forums;</li> <li>Diversity of people attending public participation forums;</li> <li>Accessibility to venues;</li> <li>Number of experts used in public forums including their names and qualifications; and</li> <li>Number of written submission made.</li> </ul>
Feedback	<ul style="list-style-type: none"> <li>Was the public informed of the outcome of their participation?</li> <li>What views were taken up and why?</li> <li>What views were ignored and why?</li> </ul>

128. Effective monitoring and evaluation could be through:

- Surveys:** This entails regularly collecting information on various aspects of public participation. This can be done by a county department responsible for research or on behalf of the county by private actors specialized in conducting large scale public surveys. Counties should also take interest in regular opinion polls conducted by private companies though the sampling needs to be considered. Surveys can be conducted physically or online through the website or even mobile phones. The goal is to achieve representation of the public voice in the county thus ensuring that surveys are administered through the same platforms used for public participation. Simple surveys can be carried out at the end of meetings.
- Focus Group Discussions:** This entails holding of discussions with different public individuals and groups to capture different perspectives on how the process of participation is working and can be improved. Traditional FGD have been done through face to face meetings but now there are other possibilities through social media such as Facebook, Twitter and Whatsapp groups. Discussion forums on the county website can also provide mechanism for group discussions.

- *Meetings with the public:* This is an indispensable way of getting feedback and monitoring progress on public participation. Face-to-face meetings with the public help to provide instant feedback and also an opportunity to clarify any misunderstandings. More important it can be used as an avenue for capacity building through provision of information by the practitioners. Discussions can be held and decisions made on how to move forward. It is however not an efficient way as it takes lots of resources to organize effective face-to-face meetings. Because of sheer numbers, it is impossible to meet all the people or even their representatives.
- External assessments can be commissioned by the county government every two to three years. This would employ different strategies to conduct an in-depth evaluation on the county's performance.

129. Some of the key information to be regularly collected to assess public participation include:

- 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.

130. Annual reporting on public participation is provided for in Section 92(2) of the County Government Act. 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 5.1. Of importance is that the governor's report should show how the principles of public participation have been observed in the processes undertaken by the county. However, the report should be brief, direct and simple for the public to understand and analyse. The report should also be availed to the public as soon as it is launched. Box 5 provides a model format of what kind of information the governors report on public participation should contain.

**Box 6: Model format for the governors annual report on public participation<sup>16</sup>**

1. Introduction that provides an overview of the structures established in the county government to facilitate public participation including how information is communicated, inputs received and feedback processed.
2. How have the issues raised in the previous report by the County Assembly been addressed in the year under review?
3. Details of the number of people that have been engaged in what processes and at what level (County, sub-County, ward and village)?
4. How the principles of public participation (Section 87 of the CGA 2012) have been inculcated in the county processes:
  - What kind of information is availed to the public and is it released in a timely manner? Are there challenges with provision of information in any form, hard, electronic, Braille or audio forms?
  - How accessible to the public is 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?
  - What measures has the county put in place to protect and promote the interest and rights of minorities, marginalized groups and communities and have their access to relevant information been protected and promoted?
  - What opportunities for public participation has the county established? (Section 91 of the CGA 2012).
  - How has the 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 been provided for?
  - What opportunities have been accorded to the roles and obligations of county governance and non-state actors in decision making processes and partnership? And as complementary authority and oversight been provided for?
  - How has promotion of Public-Private Partnerships (PPPs), such as joint committees, technical teams and citizen commissions to encourage direct dialogue and concerted action on sustainable development been facilitated in the county?
  - How has the reciprocal roles of non-state actor's participation and governmental facilitation and oversight been recognized and promoted?
5. What efforts has the county made to train both its officers and the public to participate effectively?
6. A review of mechanisms of redress and grievances that have been put in place.
7. What are the key challenges that the county has faced in facilitating effective public engagement in the county? And what mitigation has been sought?
8. Proposals to the County Assembly on what further actions such as amendments to the law and policies are needed to make public participation effective.

<sup>16</sup> This format is generated from the legal obligations of Part XI of the County Government Act.

## COMMON CHALLENGES WITH PUBLIC PARTICIPATION AND SOME PROPOSALS OF MITIGATION



*Where there is no oil in the lamp, the wicks are wasted.*

**- Cambodiana Proverb**



131. Several lessons can be learned from the two years that Kenya has operated under the system of devolution. Key lessons on facilitating public participation include; planning and financing; reach out and inclusion; thresholds; incentives; feedback and feedforward and record keeping.

### ***Planning and financing for public participation***

132. Public participation in access to information and capacity building has not received sufficient planning and resource allocation. Most of it has been ad hoc and done for compliance purposes. There is an effort to ensure that a county spends considerable effort in planning and setting budget lines for public participation. See guideline 73 for what should be considered.

### ***Outreach/Inclusion***

133. Counties are yet to establish an all-inclusive, multiple mechanisms that ensure the widest public participation. A key complaint in recent court cases where the public have sued county governments for not engaging them has been that of exclusion. This has been due to the limited scope of outreach channels used to mobilize the people, such as adverts in the national newspapers that reach only a small segment of the population. Every county government should do a stakeholder mapping and ensure that a register of all organized groups is maintained along sector lines so as to ensure inclusivity.

### ***Feedback and feedforward***

134. When the public is engaged, it is expected that they would receive regular feedback on what was incorporated and what was not and why. This has not happened in most counties. Rarely is there a follow up to provide feedback to the public on the effectiveness of the mechanisms used to engage them. It is also not clear how lessons learnt are used to improve the design for public engagement. Part of the responsibility of the office coordinating public participation in the county should be to ensure that there is public input in the decision making process. This should be a key aspect that the governor reports on during the annual report to the assembly. Any challenges as to why that is not happening should be indicated and solutions jointly sought with the members of public and the County Assembly.

### ***Thresholds***

135. 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 depending on 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. Thresholds should be left to county governments to determine.

### ***Incentives***

136. The 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. Counties can take extra measures to communicate their achievements resulting from participatory processes.

### ***Access to information and capacity of government officials and the public to engage effectively***

137. It cannot be assumed that government officials and the public have, or will develop the capacity to engage on their own. Nationwide civic education is yet to be undertaken and neither have county civic education been done. There is therefore limited understanding of the roles of different actors. Closely related is limited access to public information in the absence of a freedom of information law. Given that civic education is now a mandate of the county government, a starting point would be a countywide education for the officials of the county and the public. This can be easily done by integrating it into the planned public engagement opportunities.

### ***Record keeping***

138. While there have been numerous public participation activities undertaken, record keeping for future reference has been poor or non-existent. It would appear that a standard storage and retrieval mechanism of public input would be of great value especially where misunderstandings occur. County governments need to invest in electronic mechanisms of record keeping such as still and motion cameras, rapporteurs who key in all information and a filing system that makes retrieval of information much easier.



## ANNEXES

### Annex 1: Minimum Requirements for Public Participation in County Governance

Overall legal, Regulatory, Institutional framework	Reference in Legislation
1. County Governments (CGs) should create structures, mechanisms and guidelines for citizen participation. The structures and guidelines should ensure participation is open to all without discrimination and have safeguards against domination of the consultations by one group.	PFMA Section 207
2. Each County Assembly shall develop laws and regulations giving effect to the requirement for effective citizen participation in development planning and performance management within the county and such laws and guidelines shall adhere to minimum national requirements.	CGA Section 115 (2) and 47
3. CGs and its agencies shall designate an office or officer for purposes of ensuring access to information and shall enact access to information legislation.	CGA Section 96 and CoK, Art. 35
4. CGs should promote access to information for minorities, marginalised groups and communities.	CoK, CGA, PFM Act (Specifically Article 35 and 254:3)
5. CGs should establish mechanisms to facilitate public communications and access to information with the widest public outreach using media, which may include: television stations, information communication technology centres, websites, community radio stations, public meetings; and traditional media.	CGA Section 94 and 95.
6. CGs should develop city-level interactive websites on which planning information will be posted and feedback received.	Urban Areas and Cities Act 2011.
7. CGs should create legislation to provide the institutional framework for facilitating civic education and establish a civic education unit.	CGA Section 100-101.
8. County Governors are responsible for promoting and facilitating citizen participation in the development of policies and plans, delivering services, and for submitting an annual report to the County Assembly on citizen participation in the affairs of the county government.	CGA, Section 30 and 92.
9. CGs should establish County Budget and Economic Forums (CBEF) as a “means for consultation” by the county government on plans and budgets.	PFM Act Section 137
10. CGs should develop complaints (grievance redressal mechanisms) which are followed up and have the confidence of citizens. These should be based on common standards, with clear regulations and operational mechanisms.	CGA Section 47 and 59, PFM Section 48 and 139.
11. County Government Authorities, agencies and agents have a duty to respond to petitions and challenges from citizens. Public authorities should promote accountability; ensure that expenditure of public funds is subject to effective oversight; and promote informed debate on issues of public interest.	CGA Section 89, FOI Clause 27.
12. The County Governor should publicly deliver an annual State of the County address.	CGA Section 30K.

<b>Participatory Planning</b>	
13. County Governors are responsible for ensuring citizen participation in the planning and delivery of services.	CoK Art. 232 and CGA Section 115.
14. Citizens should be engaged in preparation of integrated development plans. Citizens should be represented in the boards of cities and municipalities including representatives of professional associations, private sector, registered associations of informal sector, neighbourhood associations and associations of urban areas and cities.	Urban Areas and Cities Act (Section 22 and Second Schedule Clauses 1 and 2).
15. County planning should serve as a basis for engagement between county governments, citizens, other stakeholders and interest groups.	CGA Section 102.
16. The County Planning Unit (CPU) will be responsible for ensuring meaningful citizen engagement in planning processes through a 5 year County Integrated Development Plan (CIDP); a 10 year County Sectoral Plan; a 10 year County Spatial Plan; and a Cities and Urban Areas Plan.	CGA Section 105.
<b>Participatory Budgeting</b>	
17. The County Executive Committee (CEC) member for finance should ensure citizen participation in planning and budgeting.	
18. The County Budget circular should prescribe the manner in which the public will participate. Participation could take various forms including but not limited to direct participation, written comments and through representatives.	
19. The public should be consulted in preparation of the CFSP.	
20. The accounting officer of an urban area or city should ensure that the public participates in the preparation of the annual budget estimates/strategic plan.	
21. The relevant committee of the County Assembly should take into account public views in considering budget estimates.	
<b>Participatory Monitoring</b>	
22. Each county should develop the Performance Management Plan to provide for mechanisms of monitoring the work of the county.	
23. Each County should establish County Public Service Boards. The boards should be responsible for (i) reporting to the County Assembly, (ii) informing and educating county public officers, (iii) advising the county governments on the implementation and monitoring of the national performance management system which should involve citizens facilitated by the County Executive Committee.	
<b>Financial Transparency – Public Financial Management (PFM)</b>	
24. Various budget documents (e.g. Budget estimates and approvals, fiscal strategy paper, Audited accounts, Annual Reports, Quarterly Report, Pre and post- election reports) should be published and publicized within laid out times in user friendly formats (e.g. have executive summary and narrative) so the citizens can provide meaningful input and engagements.	
25. Municipal and city boards should make public their annual audited financial statements; to be published in two major public dailies, as well as on Board's website, and in a conspicuous place at the Board's office.	

Source: Ministry of Devolution and Planning, Kenya School of Government and World Bank 2015<sup>1</sup>.

<sup>1</sup> Basic Requirements for Public Participation in Kenya's legal framework.

## Annex 2: Checklist for Monitoring and Evaluating Public Participation

County Name: .....			
Assessment undertaken by: .....			
Date: .....			
		<b>Requires Action</b>	
		<b>Yes</b>	<b>No</b>
<b>1.0 Communications and Transparency Around Citizen Engagement</b>			
1.1	Have the County Government (CG) enacted legislation to provide the institutional framework for facilitating public participation and civic education?		
1.2	Are there mechanisms in the CG to facilitate public communications and information access e.g. media, TVs, ICT centres, websites, community radio, baraza, traditional media?		
1.3	Are there platforms to promote access to information for minorities, marginalized groups and communities?		
1.4	Has the CG established a civic education unit for purposes to ensure access to information by the public?		
1.5	Has the County Governor publicly delivered an annual State of the County Address?		
1.6	Has the County Governor submitted an annual report to the County Assembly on citizen participation?		
<b>2.0 Participatory Planning</b>			
2.1	Has County Assembly developed laws and regulations supporting effective citizen participation in development planning and performance management?		
2.2	Has the CG established 'County Planning Units (CPUs) or County Planning Committees?		
2.3	Has the CPU or county planning committee ensured effective citizen involvement in planning processes in (1) CIDP (2), Sectoral plan (3), spatial plan (4), urban areas plan?		
2.4	Are citizens represented in key forums, including the boards of cities and municipalities?		
<b>3.0 Participatory Budgeting</b>			
3.1	Has CG published and publicized various budget documents within specified time to enable citizens meaningful input and engagement?		
3.2	Has the County Executive established the County Budget and Economic Forum (CBEF)?		
3.3	Does the County Executive facilitate public consultations at different stages of the budget cycle?		
3.4	Does the CA have a Budget and Appropriations Committee (CBAC)?		

3.5	Does CBAC release budget information?		
3.6	Does the CBAC convene public budget forums for analysis of the CE proposed budget		
<b>4.0 Participatory Monitoring</b>			
4.1	Has the CG established the County Public Service Boards (CPSBs)?		
4.2	Has the CG developed the Performance Management Plan?		
4.3	Does the CPSB (1) report to the County Assembly? (2) Inform and educate county public officers? (3) Advise the CG on the implementation and monitoring of the county performance management system which should involve citizens facilitated by the CEC?		
<b>5.0 Government Responsiveness and Accountability to Citizens</b>			
5.1	Does CG establish feedback mechanisms for citizens to know their input was considered?		
5.2	Do the public forums set aside specific time for public questions and feedback?		
5.3	Does the CG have a service charter on access to information?		
5.4	Does it avail the information within the specified time?		
5.5	Has CG developed interactive websites on which planning information is posted and feedback received?		
5.6	Has the CG conducted an Annual Public Expenditure Tracking Survey (PETS) with engagement of the Controller of Budget?		
<b>6.0 Financial Transparency &amp; Reporting</b>			
6.1	Has CG published and publicized various budget documents within specified time (Audited accounts, annual reports, quarterly reports)		
6.2	Did municipal boards make public their annual audited financial statements by publishing in two major public dailies, on bill boards, website and on office boards where the public could easily view them?		
6.3	Does the CG have a Public Accounts Committee and Public Investment Committee that regularly audit CG financial reports?		

Source: Ministry of Devolution and Planning, Kenya School of Government and World Bank 2015<sup>2</sup>.

<sup>2</sup> Ibid

**Annex 3: Stakeholder Mapping Form (for public participation and civic education)**

ID	Stakeholder	Sector	Role	Level of influence/Reach in the County	When to be engaged	Expected outcome

**Annex 4: 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 5: Draft Agenda for Public Participation Forum**

- Registration and distribution of IEC material
- Introductions
- Mapping out expectations
- Summary of matters for discussion
- Q & A
- Clarifications
- Breakaway sessions guided by:
  - o Geographical area
  - o Special interest groups
  - o Sectors etc.
- Presentations from breakaway sessions
- Summary of forum
- Closing

## Annex 6: 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 pursuant 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
- Example – for a budgetary process, the information should include:

- County revenue;
- National transfers;
- Own source revenue;
- Grants from national government and donors;
- Total revenues;
- Estimated expenditure;
- Estimated cost of salaries and wages;
- Estimated cost of operations and maintenance;
- Amount set aside for debt resolution;
- Total recurrent expenditure; and
- Total development expenditure.

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; and
- Indicate deadline.

Public forums will be held at the following venues:

- Indicate venue; and
- Date and time.

## Annex 7: Public Forum Data Collection Sheet

Number	Name	Ward	Profession	Gender	Age	Group representing	Contacts	Written Memorandum?



Annex 8: Timeline for tabling County Budget Documents in the County Assembly and Release to the Public

Document	Contents of the Document (What MCAs should look out for before approving) the document)	Date Due in the County Assembly	Deadline for Action by the County Assembly	Rationale for Public Release	Publication Information/ Input by the Public
Budget Circular	<ul style="list-style-type: none"> <li>• Timelines for various activities;</li> <li>• Procedures for review and projection of revenues and expenditures;</li> <li>• Key policy areas to be taken into consideration;</li> <li>• Procedures for public consultation; and</li> <li>• Format for budget documentation.</li> </ul>	30 August	For the information of members especially in scheduling their annual calendar	The document is critical for the public to know when, where and how to participate in the budget process	To be publicized within 7 days of publication
County Integrated Development Plans (CIDP)/ Annual Development Plans <sup>1</sup>	<ul style="list-style-type: none"> <li>• Strategic priorities for the medium term;</li> <li>• Programmes to be delivered;</li> <li>• Significant capital expenditure; and</li> <li>• Grants, transfers and subsidies to be made on behalf of County Governments.</li> </ul>	1 September	<p>No date provided but should be within 14 days</p> <p>Action: To debate and approve with or without amendments</p>	<p>The plans will go through three main stages</p> <p>a. Formulation by the County Planning Unit</p> <p>b. Approval by the County Executive</p> <p>c. Tabling and approval in the County Assembly</p> <p>In each of these stages there is need to share with the public the documents whether as draft especially in stage (a) and (b)</p>	<p>14 days before adoption in the County Executive and then tabling in the CA</p> <p>To be publicized within 7 days of tabling in the CA</p>

Document	Contents of the Document (What MCAs should look out for before approving) the document)	Date Due in the County Assembly	Deadline for Action by the County Assembly	Rationale for Public Release	Publication Information/ Input by the Public
Budget Review and Outlook Paper (BROP)	<ul style="list-style-type: none"> <li>Actual fiscal performance in the previous year;</li> <li>Updated economic and financial forecasts from the recent Budget Policy Statement;</li> <li>Identification of broad policy priorities to be implemented by the CG in the medium term;</li> <li>Provide indicative available resources (i.e. ceilings) to fund CG priorities-in consultation with CRA and the National Treasury; and</li> <li>Reasons for any deviations from the financial objectives in the CFSP.</li> </ul>	30 September	Action: For Information of Members	<p>The County Treasury will prepare the BROP and it is important that before they table it in the County Executive the Public be given an opportunity to comment.</p> <p>Thereafter when the final document is approved and tabled in the County Assembly it should also be published and publicized within 7 days</p>	<p>14 days before tabling in the County Executive committee (with 7 days allowed for input)</p> <p>To be publicized within 7 days of tabling in the CA</p>
County Fiscal Strategy Paper (CFSP)	<ul style="list-style-type: none"> <li>Broad strategic priorities and policy goals- medium term and long term.</li> <li>Outlook on expenditures, revenues and borrowing for the medium term</li> </ul>	28 February	15 March Action: To debate and approve	<p>Same applies with the BPS and CBSP. There is need that before the County Executive approves it that the public be given an opportunity to input.</p> <p>Thereafter when it is tabled in the County Assembly it should be made public</p> <p>Finally what the County Assembly approves (with or without amendments) should be made public too for greater certainty</p>	<p>7 days before tabling in the County Executive</p> <p>To be publicized 7 days after tabling in the CA</p>

Document	Contents of the Document (What MCAs should look out for before (approving) the document)	Date Due in the County Assembly	Deadline for Action by the County Assembly	Rationale for Public Release	Publication Information/ Input by the Public
Debt Management Strategy	(a) the total stock of debt as at the date of the statement; (b) the sources of loans made to the county government; (c) the principal risks associated with those loans; (d) the assumptions underlying the debt management strategy; and (e) An analysis of the sustainability of the amount of debt, both actual and potential.	28 February	Action: For information of members in decision making on the liabilities of the county	It is important that the public know the debt obligations facing them and what strategies the county is taking to address them	-
Budget Estimates (Revenue and Expenditure) Appropriation Bill	Details of all planned development and recurrent expenditures of the government. Also the estimated revenues by source and explanation of strategies for deficit financing	30 April	30 June Action: To debate and approve with or without amendments  To pass the appropriations bill to authorise withdrawals from the County Revenue Fund	The public need to see what is tabled in the County Assembly. This should also be complemented by clear dates (Not later than May 30) as to when the public can give feedback to the departmental committees (on sector specific matters) or to the Budget and Appropriation Committee	7 days after tabling in the CA with 14 days of public input
Budget and Appropriation Act	Same as above	By 30 June		Once all has been discussed and the final budget approved it should be made public via the appropriations act and detailed programme/itemized budget documents on the day it is approved but not later than 7 days	To be publicized 7 days after approval in the County Assembly

Document	Contents of the Document (What MCAs should look out for before approving the document)	Date Due in the County Assembly	Deadline for Action by the County Assembly	Rationale for Public Release	Publication Information/ Input by the Public
Supplementary Budget Documents	Revised Budget Estimates	On needs basis		All supplementary budget estimates and the rationale for the same should be availed before they are tabled in the respective CA and thereafter when they are tabled in the house	14 days before tabling in the CA and 7 days after tabling in the CA
Finance Bill and Act	Taxation and other revenue raising measures of the county government	30 September (Within 90 Days)	Action: To debate and approve with or without amendments	There is need that the public have an opportunity to input into the Finance Bill before it is tabled at the County Assembly; Further the public should also be allowed space by the Finance Committee to contribute before the respective house approves it	14 days before tabling in the CA and 7 days after approval in the CA
Expenditure Review Reports	An indepth analysis on specific sectors to establish the progress (or lack of it) by the county	No Specific Date	Action: For information of members		
Audit Reports	An independent opinion on the use of public funds in the county (both the County Executive and County Assembly)	31 December	2 months Action: To debate and decide on what actions should be taken		

Source: Kenya School of Government, Centre for Devolution Studies, 2014





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