



COUNTY ASSEMBLY OF KISUMU

PUBLIC PARTICIPATION POLICY

MAY, 2023

COUNTY ASSEMBLY OF KISUMU

PUBLIC PARTICIPATION POLICY

MAY, 2023

TABLE OF CONTENTS

TABLE OF CONTENTS	i
FORWARD.....	iv
PREFACE	vi
ACRONYMS AND ABBREVIATIONS	viii
1.0 INTRODUCTION.....	1
1.1 Background	1
1.2 Legal framework for public participation	2
1.3 Objectives of the Public participation policy.	5
1.4 Purpose of the Policy	5
1.5 Values that inform the Policy	6
1.6 Scope of the Policy.....	7
1.7 Principles of Public Participation	7
1.8 Conditions for public participations.....	8
2.0. PUBLIC PARTICIPATION APPROACHES	11
2.1 Areas of Public participation	11
2.1.1 Legislation/law making	11
2.1.2 Oversight.....	11
2.1.3 Appointment to County public offices	12
2.1.4 Planning, policy formulation and budgeting	13
2.1.5 Service delivery/ functions implementation	14
2.1.6 Procurement.....	15
2.1.7 Performance management, , monitoring and evaluation	16
2.2 Public Participation Process	16
2.2.1 Planning	16
2.2.2 Deliberations and discussions	17
2.2.3 Reporting.....	18
2.2.4 Implementation, follow up and feedback	18
2.2.5 Monitoring and evaluation	19

2.3.0 RESPONSIBILITIES FOR PUBLIC PARTICIPATION	19
2.3.1 The County Assembly Service board	19
2.3.2 Sector Committees.....	20
2.3.3 Clerk of the County Assembly	21
2.3.4 Speaker of the County Assembly	22
2.3.5 The Secretariat.....	22
2.3.6 Devolved Administrators	23
2.4.0 Rights of citizens and duties to public participation	23
3.0 PUBLIC PARTICIPATION STAKEHOLDERS	25
4.0 POLICY STRATEGIES.....	28
4.1 Communication	28
4.2 Vetting for appointment to public offices.....	30
4.3 Access to information	31
4.4 Ethical conduct.....	31
4.5 Inclusivity.....	32
4.6 Public participation records management	32
4.7 Financing.....	33
4.8 Governance and structures	33
4.9 Civic education	34
4.10 Partnership.....	34
4.11 Conflict of interest.....	35
4.12 Capacity building	35
4.13 Security	35
4.14 Monitoring and evaluation	36
4.15 Reporting.....	36
4.16 Health management.....	37
4.17 Confidentiality.....	37
4.18 Rights and Duties of the public.....	37
4.19 Feedback mechanism	38

5.0. ANNEXURES.....	39
5.1 Laws , Regulations and Guidelines for Public Participation.....	39
5.2 Policy documents that require public participation	39
5.3 Attendance schedule.....	40

FOWARD

Public participation policy will enable engagement between the county assembly and the public with the objective of making acceptable and holistic decisions. The process of public involvement in decision making of the County is a constitutional requirement and is also provided in the legislations including; the County government Act, Public Finance Management Act.

The County Assembly of Kisumu notes that despite the existence of laws supporting Public Participation, there are specific and management challenges that require the support of a policy to ensure successful undertaking of public engagements. This therefore calls for the need for the County Assembly to prepare Public Participation Policy to address these management mechanisms in the implementation of involvement of stakeholders, interested parties and the public who are affected by the decisions of the County government and to whom these programmes and priorities are intended to benefit and provide for their welfare.

The Policy shall guide the county assembly when undertaking oversight of the executive, approval of the county planning and development policies, vetting of appointment to the County offices, and law making. The public will have right to access the information and provide their input as provided by Article 185 of the COK, 2010 and the County government Act, Sect. 96

The policy requires collaborative effort of the County assembly service board and members, staff and the public who play major role in ensuring that public recommendations are implemented and feedback given are appreciated.

The Policy provides framework through which public engagements shall be carried out. The policy has legal framework supporting implementation of public participation, principles and ethical guidelines, process of public participation, recognition of stakeholders who can participate in public engagements, responsibilities to ensure successful public participation and strategies for implementation of the policy.

PREFACE

The County assembly of Kisumu plays role in representation, oversight and legislation. Article 185 of the Constitution of Kenya (COK), 2010 provides that the County assembly shall make laws that are necessary for effective performance of the functions of the County government, exercise oversight over the County executive committee and to receive and approve plans and policies for management of county resources and development of infrastructure and institutions.

The discharge of the mandate of the County assembly requires involvement of the Public through Public participation as provided by the COK, 2010. Public participation by the County assembly is provided for by Article 196 of the COK, 2010 which states that the County assembly shall conduct its business in an open manner and hold its sittings and those of the county assembly committees in public and that it shall facilitate public participation and involvement of the people in legislative and other business of the county assembly and its committees.

The purpose of the Policy is to provide legitimacy of legislative and oversight roles of the County assembly by involving the public, stakeholders and interest groups in the decision making process of the County government of Kisumu. The Policy will apply in the entire operations of the county assembly and those affected by the decisions that the county assembly makes through the legislative, representation and oversight roles.

Public participation being a process, requires planning by allocation of resources, identification of the public to be involved, and provision of tools, equipment to capture and record the deliberations. In undertaking this process, the County assembly will ensure

that public participation gives all the participating public equal opportunity to present their views including the marginalized groups.

The County assembly will be guided by the principles of timely sharing of information, honesty and integrity and to ensure civic education to the public to understand their roles in public participation. It will be the responsibility of the county assembly through the Speaker, clerk and various sector committees together with the secretariat to ensure that the public are sensitized and their capacity built to provide meaningful public participation. The county assembly will monitor the implementation of the requirements of the Public and to ensure that the public are given report on the implementation of their recommendations.

OWEN OJUOK

COUNTY ASSEMBLY CLERK

ACRONYMS AND ABBREVIATIONS

CASB	County Assembly Service Board
CBROP	County Budget Review and Outlook Paper
CECM	County Executive Committee Member
CFSP	County fiscal Strategy Paper
CIDP	County Integrated Development Plan
CO	Chief Officer
COK	Constitution of Kenya
GOK	Government of Kenya
ICCPR	International Covenant on Civil and Political Rights
ICT	Information and Communication Technology
IAP2	International Association for Public participation (IAP2)
MCA	Member of County Assembly
MDA	Ministry, Department, Agency
M&E	Monitoring and Evaluation
MSME	Micro, Small and Medium Enterprises
PFM	Public Finance Management
PLWDs	People Living With Disabilities
PPDA	Public Procurement and Asset Disposal Act
SMS	Short Message Service
UDHR	Universal declaration of Human rights

1.0 INTRODUCTION

1.1 Background

Public participation is a process by which the County assembly interacts with the public with the aim of making decisions which are acceptable to the public in the legislative affairs, projects, programmes and activities which are undertaken by the County government.

The Constitution of Kenya 2010 provides for participation by the public in decision making that concerns them in recognition of Article 1 of the constitution that the sovereign power belongs to the people and shall be exercised in accordance with the Constitution.

The county assembly of Kisumu has developed a public participation policy that will guide its conduct in engagement with the citizens of Kisumu in the process of legislation or oversight. COK (Article 196), provides that the County assembly shall facilitate public participation and involvement in the legislative and other businesses of the assembly and its committees and that the County assembly shall facilitate Public participation and involvement in the legislative and other businesses of the County assembly and its committees. It further provides that the County assembly may not exclude the public or any media from any sitting unless in exceptional circumstances the Speaker has determined that there are justifiable reasons for doing so.

The County assembly role as provided by Article 185 of the Constitution of Kenya 2010 and Section 8 of the County Government Act No. 17 of 2012, include; making laws necessary for effective performance of functions of the County government, oversight of the executive, approval of development plans and policies, vetting and approval of nominees for appointment to County public service, approval of borrowing, budgets and expenditures. These functions have impact on the citizens and require public

participation which therefore calls for policy to guide engagement with the public.

The public have power of self-governance and to participate in decision making affecting them, manage their own affairs as provided by Article 174 of The COK, 2010. They also have rights to access information and to ensure that there is good governance, integrity, transparency and accountability as provided by Articles 10, 33, 35 of the Constitution. The county assembly of Kisumu being cognizant of the rights of the Constitution develops Public Participation policy to support their role in service delivery to the people.

1.2 Legal framework for public participation

Public participation is a requirement which emanates from the Constitution of Kenya 2010 and other legislative laws. The legal provisions which provide for public participation include:

1. Sovereign power which belongs to the people can be exercised either directly through citizen participation or indirectly through democratically elected leaders. Article 1 of the COK, 2010 provides that all sovereign power belongs to the people of Kenya and they may exercise their sovereign power either directly or through their democratically elected representatives.
2. National values and principles of governance under article 10(2) (a) of the Constitution provides for participation of the people and democracy. These values include; democracy and participation of the people, inclusiveness, good governance, integrity, transparency and accountability.
3. Public access and participation in County legislation in Articles 118 (1) (b) and 196 (1) (b) of the constitution ensures that the legislatures must facilitate public participation in the governance process by inviting the public to submit written memorandum on proposed legislation and that county assembly proceedings

are open to the public

4. The right to petition parliament to consider any matter within its authority, including to enact, amend or repeal any legislation as provided by Article 119 of the COK, 2010
5. The principle of equality as provided in Article 27 of the constitution guarantees equal participation in decision making process including legislative activities
6. Freedom of expression in Article 33 of the constitution includes freedom to seek, receive or impart information or ideas during public participation process.
7. Right to access information as provided in 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 within the limits to Information Act, 2016.
8. The fourth schedule of the COK, 2010 (part 2(14) states that the functions and power of the County are to coordinate and ensure the participation of communities in governance and that Counties are to assist communities to develop the administrative capacity to enhance their exercise of the power and participation in governance at the local level
9. The Constitution of Kenya (Article 174 (c) and (d) provides that objects of devolution are to give the powers of self-governance to the people and enhance their participation in the exercise of power of the state and in making decisions affecting them. It also recognize the right of communities to manage their own affairs and to further their development.
10. The values and principles of public service under Article 232(1)(d) include the involvement of the people in the process of policy making and provision to the public of timely and accurate information.

11. The County government Act sections 94, 95 and 96 requires the County governments to establish mechanisms to facilitate public communication and access to information using media with the widest public outreach. Section 91 of the County government Act also requires the County governments to establish structures, mechanisms and guidelines for citizens' participation.
12. Public Procurement and Assets Disposals Act, 2015 emphasizes on transparency of the procurement process including the requirements for procuring entities to publicly avail procurement records after closure of proceedings, publicize notice of intention to enter into contract on websites and public notice boards and publish and publicize all contract awards.
13. The PFM Act, 2012 Sect. 131(2) provides that the relevant Committees shall take into account views of CECM for finance and the public when considering the estimates of revenues and expenditures. Section 137 provides for appointment of County Budget and Economic Forum that considers interest groups from; business, elderly, PLWDs, faith based, elderly, labour issues, women to provide consultation in preparation of budgets, CFSP, CBROP. Section 207 of the PFM Act provides for participatory governance, including; structures for participation, notification and public comments procedures, public meetings and hearings, special needs of people who cannot read and write, PLWDs, women and disadvantaged groups.

1.3 Objectives of the Public participation policy.

The policy shall therefore seek to achieve the following objectives;

1. Ensure that the County assembly complies with the law by making provisions for public participation when carrying out their roles, mandate and responsibilities.
2. Inculcate culture of ethical values while conducting public participation
3. Ensure involvement of all the citizens who are affected by the decisions being made
4. Guarantee access to information by the citizens
5. Ensure that statutory policy documents are subjected to public participation as required by law
6. Ensure that competing interests are harmonized during public participation activities
7. Support the communities to develop long term capacity to solve and manage challenging social and economic issues
8. Ensure better and more implementable decisions that reflects public interest
9. Ensure involvement of the stakeholders in Decision making for collaborations, financing and supports

1.4 Purpose of the Policy

The policy will provide guidelines on how to plan, manage and coordinate Public Participation in the county assembly service. A culture of continuous engagement with the Public and stakeholders is encouraged as a way of developing and carrying out mandate in away acceptable to the Public.

1. Well organized public participation reduces chances of duplication of programmes and activities
2. Public participation enhances ownership of the programmes undertaken by the

county government

3. Public participation ensures integrity, accountability
4. Public participation ensures equitable allocation of resources within the county
5. Sound public participation as guided by the policy ensures involvement of the marginalized groups, including people living with disabilities, the youth and women
6. Public participation reduces competition and rivalry as the both parties are included in the process of decision making

1.5 Values that inform the Policy

The values that guide the implementation of the public policy shall constitute;

1. Equality of opportunities to all participants
2. Freedom of expression including freedom to seek, receive or impart information or ideas
3. The maintenance of honesty, accountability and integrity in the delivery of services, having regard to the principles of political neutrality, professionalism, economy, efficiency, equality and fairness, courtesy and discipline.
4. The provision of a workplace that recognizes the diverse backgrounds of the employees of the service and promotes national integration.
5. The maintenance of the spirit of cooperation between the sector committees based on consultation and communication
6. The provision of a fair, flexible, public participation based on the understanding of the diversity of the public and stakeholders
7. The inspiration of public confidence in and respect for the county assembly
8. The fostering of understanding and cooperation between the county executive and the county assembly in the context of their autonomy and complementarity and

9. Such other values as the board may from time to time prescribe

1.6 Scope of the Policy

The policy shall apply in the County assembly of Kisumu when public participation is conducted by the members of the county assembly. Public participation being a holistic approach, all the players whom the Sector committee members shall interact with shall be bound to apply the Public policy provisions that has been developed by the County assembly of Kisumu.

The County assembly members, staff shall ensure that when the County assembly undertakes the role of legislation, oversight and representation and public engagements are needed, the policy guidelines herein provided shall apply. The participating stakeholders of the executive; including the Committee Executive Members, Chief Officers, Departmental heads, Non state actors and the public shall be bound by the County assembly public participation policy.

1.7 Principles of Public Participation

The County Government Act (Sect. 87) provides the following principles in public participation.

1. Timely access to information, data, documents and other information related to policy formulation and implementation
2. 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 performance standards
3. Protection and promotion of the interest and rights of minorities, marginalized groups and communities and their access to relevant information
4. Legal standing to interested or affected persons, organizations and where pertinent, communities, to appeal from or, review decisions or redress grievances,

with particular emphasis on persons and traditionally marginalized communities including , women, youth, and disadvantaged communities

5. Reasonable balance in the roles and obligations of the county government and non-state actors in decision making process to promote shared responsibility and partnership and to provide contemporary authority and oversight.
6. Promotion of public private partnerships, such as joint committees, technical teams, and citizen commissions, to encourage direct dialogue and concerted action on the sustainable development.
7. Recognition and promotion of the reciprocal roles of non-state actors' participation and governmental facilitation and oversight.
8. Providing multiple opportunities for public participation

1.8 Conditions for public participations

1. Timely sharing of information: The public should have the information and programmes to be shared early enough in preparation for their input. This should be circulated within time frame that gives the public chance for preparation.
2. Sensitization and awareness: the public should be imparted with knowledge of the issues to be discussed that require their participation. They should be made to embrace the objectives of the discussions and the benefits to be derived from the implementation of the programmes and legislations.
3. Honesty and integrity : The purpose of public engagement is to seek public legitimacy on what affects them and this should be in an atmosphere of understanding that these will be implemented as the public expects
4. Feedback mechanism : Once the public have given their expectations through public participation, they should be given feedback on the implementation of

their deliberations

5. Clarity and simplicity of the subject matter : The discussion should be such that there are no technicalities which are beyond the understanding of the public who are required to hold discussion
6. Realistic goals : the goals set to the public for discussion should be achievable within the time frame and with available resources
7. Inclusivity: forum for public participation should include the marginalized groups, the youth, people living with disabilities, all faith groups, women and all relevant stakeholders and interested parties.
8. Capacity : both the county assembly members, the secretariat and the public should have knowledge, skills required to participate effectively in the process
9. Transparency and accountability : there should be openness in dealing with the public and the authorities should be accountable to the same public based on their engagements during public participation
10. Balanced discussions : the engagement should ensure a balance in opinion and avoid dominance or bias by a section of the public
11. Accessibility of information: The public and interest groups should be capable of obtaining the contents of the discussions, conclusions and any report arising from the engagements as and when they may need them.
12. Sound governance structure: It should be easy for the public to understand where decisions will be made, the structure through which information flows, contact persons and those responsible for implementation of their recommendations and the authority which approves the undertaking of their discussions.

13. Commitment to outcomes: those engaging the public should be willing to consider their input in decision making and to ensure that public participation works.
14. Resource provisions : The county assembly need to provide sufficient resources to conduct public participation

2.0. PUBLIC PARTICIPATION APPROACHES

Public participation is a process that starts from planning, undertaking of the activities until the report is prepared. This involves determination of areas of Public participation, commitment of resources, instituting responsibilities for management of public participation, control and coordination, reporting, feedback and follow up mechanisms

2.1 Areas of Public participation

2.1.1 Legislation/law making

The requirement for public participation and involvement of the people in the legislative and other business of the County assembly and its committees is provided in Article 196 of the Constitution of Kenya 2010. The county assembly should conduct its business in an open manner and hold its sittings and those of committees in public.

The County assembly may not exclude the public, or any media, from any sitting unless in exceptional circumstances the speaker has determined that there are justifiable reasons for doing so.

In the process of making laws for the County Government of Kisumu, the County Assembly shall seek public views on the legislations they intend to enact, sensitize the public on the possible impact of the laws and how these will promote development and programmes that impact on the citizens' wellbeing.

2.1.2 Oversight

The county assembly provides oversight over the county executive committee or any other county organs. During the process of oversight, the public will be involved to provide their input and feedback on the progress to the committees of various sectors. The County assembly provides oversight on the following:

1. Expenditure management – the county assembly committees may require information and clarification on the expenditures incurred on projects and operations to determine value for money and whether these are benefiting the

public. These may be provided through expenditure reports and accompanying schedules that support the expenditures

2. Collection and administration of revenue- revenue estimates, targets set, actual collections, reasons for none achievement of targets, collections procedures and banking
3. Project implementation status – projects undertaken, duration, value for money, contract entered into, stage of completion, remaining work, payments made
4. Review of audit findings and recommendations
5. Human resource management- staff recruitment procedures, regional balancing, level of wage bill, qualifications and experience, turnover rate and causes, disciplinary and promotion processes, wage ceilings.
6. Policy matters of the County
7. County assets and liabilities- existence of assets, acquisition procedures, recording of the assets and liabilities, disposals, extent of depreciation, maintenance costs
8. Fiscal responsibility principles
9. Risk management ; including level of risk , mitigating efforts and effects of the risks on county operations

2.1.3 Appointment to County public offices

The County assembly has a role in vetting of nominees to be appointed to the county public service which must be as per Articles 10 and 232 of the constitution and chapter 6 on leadership and integrity. The considerations while vetting for appointment shall include:

1. The vetting should be objective based on the qualifications and experience of the candidates
2. The committee members entrusted with vetting should not receive or solicit for rewards from the candidates
3. The committee should receive written submissions from the public and authenticity of the evidence should be evaluated
4. The public should not be enticed , coerced to give evidence on the candidates

5. The County public office to which the candidates are vetted must be in existence
6. There should be no influence from the executive on the candidates to be selected
7. The rights of the candidates to fair appointment should be upheld and matters that affect their individual characters need to be avoided
8. The process of vetting should be followed with the needs assessment of the position done, the position is advertised, interviews done by the County Public service board, names of suitable candidates submitted to County assembly by the executive.

2.1.4 Planning, policy formulation and budgeting

The County government Act (Sect. 115) provides that public participation in County planning process shall be mandatory. Considering the provisions of the County government Act and PFM Act, the County Assembly shall subject the following to public participation.

- i. The preparation of County Integrated Development Plan (CIDP) which is a five years development plan for the County government.

When carrying out public participation on CID, the County assembly should consider:

1. The resources to implement the priorities in the CIDP
2. Sectoral projects and priorities, programmes and sub programmes of each sector
3. Considerations of the National government policies and priorities during the period of the CIDP
4. The inputs of the public from the village unit, wards, sub-counties priorities
5. Key outcomes and Performance indicators
6. Planned targets and baselines
7. Timeframe for the CIDP
8. The persons responsible for preparation and implementation

ii. The County Fiscal Strategy Paper (CFSP). This is presented to County assembly by 28th February of each year, after which the County assembly will seek the views of the public and stakeholders and adopt it within 14 days of submission.

iii. Preparation of the annual budgets containing estimates of Revenues and expenditures. This shall be done after it has been presented in the County assembly by 30th April of each financial year

iv. Finance bill shall be subjected to County assembly when presented to county assembly within ninety days after passing of appropriations bill.

v. Preparation of Debt Management Strategy Paper which is also submitted to county assembly by 28th of February each year

The debt to be discussed with the public should consider:

1. The benefits of the projects to be financed by the debt and their viability
2. Principal and interest obligations and their effects on the cash flow of the county
3. Fiscal risks associated with the debt obligations
4. Commitments and security associated with the debts

1. County Budget Review and Outlook Paper (CBROP). This reviews actual performance compared to budget estimates, changes in fiscal forecasts and cause of the changes, and how the changes in fiscal forecasts affect implementation of projects.

2.1.5 Service delivery/ functions implementation

The county government Act Sect. 116 provides for delivery of services while observing the principles of equity, sharing of data and information, efficiency, accessibility, transparency, non-discrimination and accountability. Section 117, further states that while delivering services, priority should be given to the basic needs of the public and that these should be provided at the County, Sub-County, wards, villages and any other decentralized level.

The county assembly will be guided as follows in engagement of the public in service delivery

1. Organize meetings with the departments of the executive in providing information on projects and activities under implementation
2. The sector committees will continuously review the progress of programmes by inviting the CECS and Chief Officers to provide information on the progress of implementation
3. Engage the public through public gatherings and sensitization workshops
4. Invitation of stakeholders and interest groups to the County assembly for briefing and consultations
5. Providing the public with reports on progress of implementation
6. Engaging the public in sharing of work plans through the sector committees
7. Allowing the public to collect policy documents for implementation on request

2.1.6 Procurement

The public are usually engage in procurement process through:

1. Prequalification, invitation for tender, request for quotations and proposals
2. Invitation for tender openings
3. Procurement plans and procurement spending
4. Receiving public complaints and giving feedback
5. Providing justifications to the public for award of contracts
6. Identification of projects to be procured, any changes in the initial planned projects
7. Preparation of Procurement policy

2.1.7 Performance management, , monitoring and evaluation

The County assembly will involve the public in developing objectives, performance indicators and outcomes for implementation of programmes, projects and policies.

Public is also involved in preparation of citizens service charter, financial stewardship indicators and performance negotiation contracts.

The performance monitoring applied by the county assembly shall be through:

1. Projects status reports
2. Performance reports
3. Variance analysis
4. Review of audit reports and interrogations
5. Review of financial statements and financial reports
6. County policy documents published in website

All these shall provide feedback mechanism and information to the public

2.2 Public Participation Process

2.2.1 Planning

The success of the County assembly in public participation requires determination of aims to achieve and the resources that will be necessary to achieve the objective of the public participation. The planning process will encompass:

1. Obtain the policy issue that require public participation either originated from the executive or the county assembly
2. Undertake stakeholder mapping and outreach for public engagement.
Stakeholder should consider; name of the stakeholder group, sectors they represent, their legal identity, nature and extent of their membership, office bearers and their details, location of the stakeholder group, how they are affected by the policy issues
3. Analyze and simplify the content for ease of discussion by the public

4. The sector committee should deliberate and understand the content, proposals , underlying problem issues that needs public engagements and possible outcomes
5. Set the objectives and outcomes to be achieved by the policy issues under discussions
6. Identify the public, stakeholders and interest groups to be engaged in the deliberations considering their knowledge in the subject of discussion, how the decisions will affect them
7. Assemble tools, equipment to be used in public participation including presentation projectors, stationery, hansard, chairs and tents, public address systems and test their functionalities in advance
8. Acquire the venue at least three days before the event
9. Prepare programme for conducting the public participation session.
10. Make arrangements for transport and accommodation for both the county assembly members and the participants
11. Ensure there are secretariat who are capable of administering the public participation together with facilitators who have the qualifications and experience in the subject matters for discussion

2.2.2 Deliberations and discussions

The county assembly must make effort to capture the expectations of the public and commit to implement the same, giving clear picture of the structure for implementation, those responsible and mechanisms for implementation of public input. This will involve:

1. Recording of the public deliberations and moderations of the same by technical staff or facilitators who are guiding public discussions
2. Provide the public with outcomes to be achieved and how this are beneficial to their wellbeing
3. Give a background of statutory and legislative provisions for the discussions and possible time frames for implementation of the public recommendations

4. State the resource requirements and extent of availability of these resources for implementation of the set objectives or proposals
5. Clarify the implementing agencies of the proposals or policy or legislative issues and their capacity to undertake the process as envisaged

2.2.3 Reporting

On conclusion of the public engagements, the county assembly will retreat to write a report that captures the aspirations of the public to whom the proposals will serve.

1. The report should be clear, capture the public expectations, easy to understand and gives background of the policy or legislative proposals and the outcomes to be achieved
2. The sector committees prepare their reports and where there is need for joint committee effort, this should be shared and deliberated on together.
3. The report is shared with the departments/ ministries for their final input before the final one is written
4. It is then presented to the plenary or full house of the county assembly for debating and conclusions
5. The report from the county assembly is communicated to the speaker who takes the initiative to present the same to the executive committee for implementation

2.2.4 Implementation, follow up and feedback

After public participation discussions and conclusions of the county assembly reporting and debating, the report is presented to the executive as legislation, regulation or policy issue for implementation.

1. The executive will implement the projects or use the policy issues, legislations or regulations to guide their work and compliance to the county assembly laws and regulations will be necessary
2. The county assembly will play oversight by continuous reviews or summons to the implementing agencies from time to time. The county assembly will

require reports of implementation to determine that these are as per public expectations and recommendations.

3. It will be incumbent upon the executive to explain any deviations from the county assembly recommendations and this must be approved by the county assembly
4. The county assembly will then provide feedback to the public on the level of implementation of their recommendations

2.2.5 Monitoring and evaluation

The county assembly will undertake to monitor the projects through arranged site visits, reports on implementation, and request for explanations on variations noticed to ensure the projects are on course.

This will ensure that the projects or proposals are completed within the time frame and within the estimated costs

2.3.0 Responsibilities for Public participation

2.3.1 The County Assembly Service board

The county assembly service board has delegated to the training and development committee the authority to carry out the following

1. Ensure preparation and review of public participation policy;
2. Provide adequate budgetary allocation for public participation;
3. Approve public participation programmes in time;
4. Ensure compliance with statutory provisions as relates to public participation;
5. Ensure that reports of public participation are available
6. Ensure adequate facilities for efficient and effective functioning of the sector committees
7. Recruitment of technical staff/secretariate for the public participation and civic education office.

2.3.2 Sector Committees

The Sector committees are responsible for ensuring that public participation is undertaken in the sectors they represent

1. Coordinate public participation programmes within their sectors
2. Prepare budgets and financial commitment requirements for public participation to the County assembly service board for approval
3. Make arrangements for the venue, facilities required for conducting public participation
4. Prepare public participation report to the full house
5. Identifying the public and stakeholders necessary for public participation
6. Conducting the public participation events and guiding the public during contributions and presentations
7. Ensuring that records of the proceedings are captured for reporting
8. Coordinate with the relevant department/ministries in matters of public participation.
9. Coordinate with other sectors committee members where joint participations are necessary
10. Coordinate with devolved administration in mobilizing the public for the events.
The devolved administration include; sub county administrators, ward administrators and village administrators
11. Coordination with statutory bodies like County Budget and Economic Forum
12. Ensure that information on public participation is disseminated up to the grass root

2.3.3 Clerk of the County Assembly

The Clerk of the County assembly being the administrator will be responsible for coordination of the process of public participation as he performs the following roles:

1. Assigning the secretariat to the sector committees for public participation
2. Invitation of the public and stakeholders to make submissions to the sector committees
3. Ensure that finances are available for conducting public participation
4. Coordinate with sectors committees in arrangement of venues, equipment and facilities required for public participation
5. Ensure sound communication flows for public participation
6. Providing public participation reports on request by the public or interested parties
7. Ensure safe custody of public participation records
8. Make arrangements for security of the public during public participation
9. Submitting requests of finances for public participation to the County assembly service board for approval
10. Ensure timely committee meetings on matters of public participation
11. Ensure that provisions are made for health protection during public participation
12. Ensure adequate arrangements for travel by members of the public or interested stakeholders

2.3.4 Speaker of the County Assembly

The role of the speaker in ensuring sound public participation shall include:

1. Guide members on legislative and policy matters of public participation
2. Ensure timely sittings of members to deliberate on public participation reports
3. Provide linkage between the county assembly and the executive on matters of public participation
4. Provide technical guidance on the memoranda submitted by the public, stakeholders and interested parties
5. Ensure timely approval of budgets for sector public participation
6. Linkage of the County assembly with National government, civil society , non-state actors on matters of public interest(legislation or otherwise) at the County assembly
7. Ensure ethical standards and norms during public participation

2.3.5 The Secretariat

The staff who are assigned during public participation shall undertake the following roles:

1. Record attendance of the public participation events
2. Record proceedings as public participation is conducted;
3. Setting up equipment and facilities for public participation and providing the public with stationery during the deliberations
4. Co-ordinate submission of quarterly reports by the training committee
5. Assist the sectors committee members in writing public participation reports
6. Providing guidance and support to participants
7. Ensure adequate space and sitting arrangements to participants
8. Timing the event sessions for successful completion

9. Making and Arranging programmes for public participation sessions
10. Constantly monitoring the security situation during public participation
11. Ensure health safety of participants
12. Ensure that draft copies of reports for public participation are adequate
13. Distributing matters for public participation early to the public at least one week before the session date
14. Facilitating travel or other arrangements to public where necessary

2.3.6 Devolved Administrators

The devolved administrators including; sub-county administrators, ward administrators and village administrators will be responsible for coordination with the County assembly of citizen's participation in development policies, plans and service delivery. They will mobilize the public to attend public participation events and disseminate information that is necessary for public participation.

2.4.0 Rights of citizens and duties to public participation

Rights of citizens to public participation is provided for in Article 35 of the COK, 2010, Article 21 of the Universal Declaration of Human rights (UDHR), and Article 25 of the International Covenant on Civil and Political rights.

The modes of citizens' participation in public affairs as provided by Article 25 of ICCPR which the County assembly of Kisumu may adopt include:

1. Participate directly by voting in referendum or by being elected
2. Through consultative processes
3. Through debate and dialogue
4. Individually or with others or representative groups
5. By establishing or joining organizations including ; civil society organizations, unions, political parties

The County assembly shall ensure the following rights of the public to public participation:

1. Freedom of expression- the public shall have freedom of expression including freedom to seek, receive or impart information or ideas during public participation
2. Equality – there shall be no discrimination in any ground including, sex, religion, conscience, dress, belief, social origin, language, birth, pregnancy, disability, or health status
3. Right to access information –the public shall have right to access information required for effective public participation.
4. Planning – Public should be involved in strategizing, mapping, and prioritization of issues that may be subjected to public participation and to be clear on issues to be addressed, the department involved in implementation.
5. Civic education : the public have a duty to participate in civic education initiatives that creates information , awareness and knowledge necessary for public participation
6. Monitoring and evaluation – the public have a duty to monitor and evaluate the implementation of policies, legislation and development plans

3.0 PUBLIC PARTICIPATION STAKEHOLDERS

The County assembly shall undertake structured public participation and informal engagements with the Public which comprise various stakeholders who have interest on the operations of the County government or who may be affected by the decisions

The stakeholders who comprise the public for public participation may include:

a. Youth

The youth shall be involved in decision making on matters affecting them. The areas for engagement of the youth may include:

- Matters of appointments, employment
- Education including, bursaries and scholarships
- Sports and youth talent identification and harnessing

b. Women

Women may be involved in the following

- Gender inclusion, mainstreaming, balancing and opportunities
- Food security
- Preventive and promotive health care

c. Business Community

Economic development and growth of a County require the input of the business community. The input of business community may involve:

- Fees, levies, taxes, licensing and charges on the businesses
- Transport and roads networks for transportation of materials and products
- Management of special funds for the business community
- County investment decisions
- Favorable business environment
- Procurement decisions
- Project prioritization

d. Civil Society

The public may not be informed on the priorities of the county government and may need the input of the civil society to support and provide advocacy, dissemination and collaboration on behalf of the public. The role of the civil society in public participation may be:

- Dissemination of information to the public and on behalf of the county in areas the county may not reach
- Provide civic education to the public upon involvement on the decisions of the county
- Provide advocacy and outreach to the citizens
- Provide training and capacity building to MCAs, the County executive and staff
- Support in petitions where there is public outcry

e. Media

The print, broadcasting and social media provide platforms through which the citizens get information relating to the county and shall be considered in public participation as provided by Article 196(2), that the County assembly may not include the media from its stings and activities unless there is justifiable reasons.

- The media may cover the public participation events as evidence of participation
- They provide avenues for communication, knowledge, through broadcasting and prints
- The media provides feedback to the county on public perceptions and to the public on plans, resolutions, events and decisions of the County government
- The media play role in interrogating the decisions, officials, elected representatives for clarity

f. Professionals

Professionals provide expert guidance and advisory in their areas of experience and technical work which support the County Assembly in enacting laws, regulations and development programmes which the County intend to implement. Professionals may provide technical support in Agriculture, Industrialization, trade, financial matters,

social services and arts, Health, ICT, energy, Climate change and other areas of experience which may be beneficial to the County assembly in writing reports.

g. Financial institutions

Financiers need to be involved in public participation as they provide guidance in programmes that meet funding requirements to the public, business enterprises, Micro, Small and Medium Enterprises. They may also support the public participation engagements by providing collaborative support through finances

h. Religious organizations

The religious bodies interact with public and may provide avenues through which information is disseminated to the congregations who are members of the public. They also guide in ensuring that programmes to be implemented do not conflict with their faith and are harmonized for the beneficial interest of the public.

i. Government Representatives

Devolved units implement programmes as aligned with National government priorities which call for harmonious working relationships to prevent conflict in programmes implementation and duplication of activities which benefit the same public. National Government through coordination may also provide security during public participation and experience which arise from similar implementation through the National Government programmes

The National government administration through their public fora (Barazas) may sensitize the public and provide support and awareness on programmes included in county priorities

j. Development partners

Development partners may have interest in supporting programmes of the County government through provision of finances or technical support. Their involvement shall help them understand the county priorities through which they may provide support. In some instances, they may require legislations or regulations to support the management of funding agreements and collaborations between their governments, institutions and the county government.

4.0 POLICY STRATEGIES

The Public participation addresses policy interventions that will guide the County assembly during engagements with the public from planning of the process, management, follow up and feedback and submission of report on the implementation of public recommendations.

The PFM Act, 2012 provides for participatory governance and that in development of policy or regulation, the following shall be considered:

1. Structures for public participation
2. Notification and public comments procedures
3. Public meetings and hearings
4. Mechanisms, processes and procedures for public participation
5. Receipt, processing and consideration of petitions and complaints lodged by members of the community
6. Special needs of people who cannot read or write, people living with disabilities, women and disadvantaged groups
7. Rights and duties of members of the community
8. Any other matter that enhance community participation

The issues that the Policy will address include:

4.1 Communication

Communication has a major role in public participation, and the policy issues to provide guidance involve:

1. The public should have knowledge of the subject matters at least five days before the day of deliberations
2. The venue should be communicated within a period of five days before the day of public participation
3. The public should have right to access information useful for public participation

both from the county assembly and the executive committee

4. All communication from the county assembly shall be through the clerk and the speaker
5. The public shall submit their comments to the sector committees for considerations either directly during their public hearings or through the clerk of the county assembly

The media of communication that the County assembly may use include:

1. Television
2. County assembly website
3. Community radio stations
4. County assembly newsletters
5. Social media (Face book, Twitter, LinkedIn, Instagram)
6. Public gatherings and meetings
7. Brochures
8. Notices in the devolved administration offices, markets, schools, libraries, medical facilities, places of worships, national government offices
9. Mailing through postal and emails

The County assembly of Kisumu will use different forms of communication for different target groups:

Target group	Form of communication
1. Youth	Community halls, stadia and play grounds Social media, TV, e-platform, newspaper, SMS
2. PWDs	Braille, Sign language, radio, TV, Newspaper
3. Women	Notices in public places, TV, Radio, newspaper

4. Elderly	Large print publications, Community gatherings(Public barazas), Radio, TV, Notices in public places
5. Professionals	Newsletters, TV, Radio, Social media, e-platform, newspapers, SMS
6. Faith based	Places of worship, TV, Notices,SMS
7. Business Community	County/Community Halls, written invitations, Radio, TV, Social Media, e-platforms, Newspapers
8. Government Representatives	Public fora (Barazas), Official invitation letters
9. Civil Society	Radio, TVs, Written invitations
10. Financial Institutions	Written invitations, TVs, Radio
11. Development Partners	Written Invitations for presentations, Meetings and Dialogue Forum, Consultative meetings, Diplomatic engagements

4.2 Vetting for appointment to public offices

The public may be required tom participate on the vetting of candidates for appointment to the County offices by presenting views on the candidates for which the following policy guidelines may apply.

- a. All the candidates should be given adequate and equal opportunity to present their views
- b. The vetting process should be open to the members of the public
- c. The process should not involve infringement on the personal character of the candidates
- d. The County assembly committee undertaking vetting and members of the public

- should not solicit for favours or reward during vetting
- e. Vetting should be done during the working office hours
 - f. Public views should be evaluated to prevent bias or personal differences from affecting the candidates

4.3 Access to information

Citizen's right of access to information is provided by Article 35 of the Constitution. The following policy guidelines shall be applicable in access to information:

1. The county assembly shall be responsible for disseminating information to the public on the activities it is undertaking on quarterly basis
2. The county assembly shall cooperate with the media to provide information that is of public interest
3. A member of the public shall be provided with information on request to the clerk of the county assembly
4. Staff shall keep information confidential and only provide information as directed by the county assembly management through clerk or the speaker
5. The public , media, civil society or any other person or institution provided with information from the County assembly shall use the information in beneficial manner to the running of the County and it's affairs

4.4 Ethical conduct

1. Public participation should promote the running of the county assembly
2. The MCAs, staff should not solicit favours or rewards during the process of public participation
3. The county assembly of Kisumu will adopt code of ethics for international association for public participation (IAP2) which include ;
 - a. Trust – Encouraging actions that build trust and credibility of the process among

- all participants
- b. Openness- disclosure of all information relevant to the public understanding and evaluation of the decision
 - c. Commitment – Ensure all commitments made to the public, including those of the decision makers are made in good faith
 - d. Advocacy – the county assembly shall advocate for public participation process and not for interest, party or project outcome
 - e. Access to the process – ensure that stakeholders have fair and equal access to the public participation process and the opportunity to influence decisions

4.5 Inclusivity

1. The marginalized groups including People Living with disabilities (PLWDs). The youth, women, and minority should be engaged in deliberations affecting the county
2. Stakeholders and interest groups who are affected by the decisions should be invited
3. All the county operational devolved units should be represented
4. The venue of the meetings and public hearings should be conducive for the PWDs and the disadvantaged groups including; ability to access, provision of interpreters, communication aids, visual aids
5. Transport mechanism may be provided to those who are physically challenged

4.6 Public participation records management

1. The county assembly shall assign secretariat to record the views and recommendations of the public
2. The county assembly shall have a final session to summarize the recommendations to the public and these must read and agreed on by the public to be recorded as the final views of the public
3. These can be recorded both by written notes and electronic recording to limit alterations, disagreement on view points

4. Submissions and memoranda by the public should be recorded and sent to the relevant sector committee for consideration.

4.7 Financing

1. Adequate budgetary allocation should be provided for public participation
2. The county assembly commits to maintain enough cash flow during public participation programmes
3. Financing from interested parties on the outcomes should not be accepted
4. Financing from donors should be disclosed, made in writing, the terms of financing indicated and possible outcomes agreed on.
5. Financing from un disclosed sources or from money laundering should not be accepted by the county assembly
6. Public should not contribute towards public participation where they will be engaged
7. The county executive may not finance the public participation to influence outcomes but may provide support to facilitate the process.

4.8 Governance and structures

1. Public participation should be undertaken in all the county geographical locations
2. The county assembly shall conduct public participation in all the county administrative structures of ; Sub-counties, Wards, and village units
3. The sector committees distinctly or jointly may conduct public participation in matters affecting their sectors
4. Public participation may be conducted in consultations with the county governance structures involving the Committee Executive Members, the respective Chief Officer(s) and agencies within the departments
5. There shall be the secretariat to the sector committees who provide assistance

in management of public participation process

4.9 Civic education

1. The County assembly shall enhance the capacity of the citizens to understand the problem, opportunities available, alternatives and possible solutions
2. The county assembly may organize consultative sessions with community organizations, workshops in order to empower the communities to make decisions of county affairs
3. The county assembly may coordinate with sub county administrators, ward administrators and village administrators in educating the public in County development priorities, programmes
4. The county assembly shall assess the participants and disseminate information in a language that the public understand.

4.10 Partnership

1. The county assembly may partner with the NGOs, Civil societies, CBOs, and other organizations with a view to having quality and wide coverage public participation.
2. The speaker and the Clerk of the county assembly shall be notified on intended partnership for public participation
3. Partnership that derail , delay or inhibit the process of public participation should not be entered into
4. Partnership between the county assembly of Kisumu and county assembly of another county should be through a signed memorandum the county executive notified
5. Partnerships may involve technical support, collaborative support or financial assistance and all these should support the process of public participation and programmes of the county assembly for public good
6. Partnerships may need to be in writing and inform of agreements that are understood and may not prejudice either parties

4.11 Conflict of interest

1. The county assembly members, staff shall not influence the outcome of public participation decisions to suit individual interests in projects, programmes and activities
2. Where individual interest conflict with those of the county assembly and the county, the individual shall uphold county assembly or county interest.
3. Those participating in public participation shall select contributions or those meant to influence the direction of deliberations
4. Where self- interest conflict with public interest, the officials of the county assembly shall subordinate their interest to those of the public

4.12 Capacity building

1. The public shall be sensitized and made aware of the content of the subject matter and any technical that required explanation before and during public participation
2. The sector committees should be briefed or inducted on the policy issues involved before undertaking public participation
3. Technical experts may be engaged during public participation to provide guidance on the matters under deliberations
4. Staff assigned during public participation should have right qualifications and experience to conduct public participation. The public should be taken through the overview, processes, and explanations that are necessary for their understanding and participation during discussions

4.13 Security

1. The county assembly shall provide adequate security to safeguard the public who attend the engagements
2. Divergent views should be accommodated and their security guaranteed
3. No member of the public should be victimized for statements issued during public engagements if the issues relate to the discussions

4. The County assembly shall ensure that venues for conducting public participation are secure and free from possible hazards and security risks

4.14 Monitoring and evaluation

1. The county assembly shall evaluate the implementation of the policies, projects and programmes, whether in line with public recommendations
2. Monitor the progress of implementation against set time frame, estimated costs
3. Determine the impact of the projects on the public or communities
4. Monitor the social and economic impact of the projects on the communities
5. Determine the openness and transparency of the process
6. Determine the fairness of the projects, programmes taking into a count the diversity and regional distribution of the County.

4.15 Reporting

1. The sector committee members are required to write report on the public engagements and report to the county assembly
2. The report shall cover, the public recommendations, giving background, objectives, scope, , how the recommendations will be achieved, deliberations, benefits to be achieved, challenges to implementation, alternative achievable results and solutions.
3. The report should be signed by all the sector committee members
4. The report should be simplified, concise, based on conclusions and easy to understand
5. The report on public participation should be shared with the public who gave their views during public consultations
6. Reports of the sector committee should not be biased as to the region, personality, programmes or projects

4.16 Health management

1. The public engagements shall consider the health issues including the guidelines issued on Covid-19 protocols of social distancing, wearing of face masks, temperature measurements.
2. There should be no congestions and public health safety measures of clean environment should be considered
3. Accessibility to health facilities including; ambulance services, medical personnel, fast aid, hospitals should be considered where public are involved.

4.17 Confidentiality

1. During the process of managing public participation, the outcome should be confidential and discussions not exposed to parties who may use the information for ulterior motives.
2. The outcomes should be kept confidentially and only used by the county assembly and interested public

4.18 Rights and Duties of the public

1. The members of the public shall have the rights to petition the county assembly on any matters affecting them
2. The public shall have rights to make submissions during public hearing, or make written submissions to the county assembly through the Sector committees or the clerk of the county assembly
3. The public shall be entitled to proper awareness and sensitization to enable their contributions and understanding of the subject of discussions
4. The Public shall have a duty to attend public hearings, make submissions and engage the county assembly during public participation
5. It will be the duty of the public to seek information and to require sufficient knowledge that will assist their meaningful participation

4.19 Feedback mechanism

1. The county assembly shall consider giving feedback to the public after involving them on public engagements
2. The feedback to the public should be timely, sufficient and relevant
3. Feedback should be provided to representative proportion of the citizens, interest groups and stakeholders
4. Feedback should be transparent, accountable where the public can be satisfied based on their initial recommendations

5.0. ANNEXURES

5.1 Laws, Regulations and Guidelines for Public Participation

Constitution of Kenya, 2010
County Government Act, 2012
Public Finance Management Act, 2012 and PFM Regulations 2015
Access to information Act, 2016
Intergovernmental Relations Act 2012
Urban Areas and Cities Act 2011
Public Procurement and Asset Disposal Act, 2015
Guidelines for performance contracting in County government
County Public Participation guidelines

5.2 Policy documents that require public participation

County Integrated Development Plan
County Spatial plan
Cities and urban Areas Plan
County Sectoral Plans
County Budget Review and Outlook Paper
County Fiscal Strategy Paper
Annual Budget estimates
Finance Bill

5.3 Attendance schedule

S/No	Name	organization	Tel. No.	Email	Sign	Remarks	

