

SPECIAL ISSUE

*Embu County Gazette Supplement No. 26 (Acts No. 9)*



REPUBLIC OF KENYA

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**EMBU COUNTY GAZETTE  
SUPPLEMENT**

**ACTS, 2015**

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NAIROBI, 29th September, 2015

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**THE EMBU COUNTY PUBLIC PARTICIPATION  
ACT, 2015**

**AN ACT of County Assembly of Embu to provide for the establishment of legal framework for facilitating Public Participation in the County Policy Processes, Legislative Processes, Governance, Service delivery in the County and for connected purposes.**

**ENACTED** by the County Assembly of Embu as follows—

**PART I—PRELIMINARY**

1. This Act may be cited as the Embu County Public Participation Act, 2015 and shall come into operation upon publication in the *Gazette*. Short title and Commencement

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

“Assembly” means County Assembly of Embu.

“county executive committee” means the Embu County Executive Committee established in accordance with Article 179 of the Constitution of Kenya, 2010;

“county executive committee member” means the County Executive Committee Member for the time being responsible for public participation;

“county secretary” means a County Secretary of Embu County appointed under section 44 of the County Government Act, 2012;

“Gazette” means a Kenya *Gazette* or County *Gazette* published by the authority of the County Government or a supplement of such *Gazette*;

“Government” means the County Government Embu;

“county public officer” means any person appointed by the Embu County Government and holding or acting in any County public office whether paid or unpaid or on contractual or permanent terms but does not include a person engaged on a part time basis in a County public body paid at an hourly or daily rate;

“output indicator” means an indicator that measures the results of activities, processes and strategies of programmes or projects of the Committee;

“Committee” means the Embu County Committee for Public Participation established under section 5;

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

- (a) the residents of the County;
- (b) the rate payers of a particular city or municipality;
- (c) any resident civic organization or non-Governmental, private sector or labour organization with an interest in the governance of the County;
- (d) non-resident persons who because of their temporary presence in the County consume the services or make use of facilities provided by the Government; and
- (e) non-residents from Embu County.

3. The object and purpose of this Act is to enhance, promote and facilitate public participation in the County Government and specifically to—

Objects and purposes of the Act

- (a) facilitate the implementation of constitutional provisions set out under—
  - (i) Article 1 on sovereignty of the people;
  - (ii) Article 10 on national values;
  - (iii) Article 35 on access to information;
  - (iv) Article 37 on right to petition;
  - (v) Article 48 on access to justice;
  - (vi) Article 174 on the objects of devolution;
  - (vii) Article 196 on participation of public in County assembly businesses;
  - (viii) Article 201 on principles of public finance;
  - (ix) Article 232 on values and principles of public service;
  - (x) Section 14 of Part 2 of the Fourth Schedule to the Constitution; and
  - (xi) Any other provision related to public participation.

- (b) community empowerment and support;
- (c) transparency and accountability in decision making;
- (d) promote participatory democracy;
- (e) give effect to public participation framework stipulated under the County Governments Act, 2012, the Public Financial Management Act, 2012 and the Urban Areas and Cities Act, 2011;
- (f) promote partnership and collaboration in public processes;
- (g) enhance public awareness and understanding of Government processes;
- (h) reduce conflicts related to public or Government decisions; and
- (i) enhance community ownership of public decisions.

4. In addition to principles of citizen participation in counties enshrined under section 87 of the County Governments Act, public participation under this Act shall be guided by the following principles—

- (a) Provision of meaningful information in a format and language that is readily understandable and tailored to the needs of the target groups;
- (b) Provision of information in advance of consultation activities and decision making;
- (c) Mutual consultations and dialogue and exchange of views on matters affecting a community or group of persons within the County;
- (d) openness and transparency;
- (e) inclusiveness in representation of views including vulnerable groups and the marginalized;
- (f) objectivity in engagement and non-politicization of issues;
- (g) constructive dialogue between County Government and the public or stakeholders; feedback to the public on how their input is included in the policy decision;

Guiding principles

- (h) clear mechanism for responding to people's concerns, suggestions and grievances; adherence to the principles of leadership and integrity set out in Chapter Six of the Constitution; and
- (i) civic duty and responsibility.

**PART II—ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF THE EMBU COUNTY COMMITTEE FOR PUBLIC PARTICIPATION**

5. There is established a Committee to be known as the Embu County Public Participation Committee.

Establishment of the Committee.

6. (1) The Committee shall comprise—

Composition of the Committee.

- (a) a Chairperson who shall be appointed by the Governor with approval of the County Assembly;
- (b) one resident from each sub-county appointed by the county executive member through a competitive process;
- (c) five members nominated by the bodies and organisations specified under subsection (2), who shall be appointed by the Executive Committee Member with approval of the County assembly; and
- (d) The County Chief Officer in-charge of Administration who shall be the Secretary and an *ex-officio* member.

(2) The members referred to under subsection (1) (c), shall be—

- (a) one person representing registered professional associations appointed by the county executive member from among three persons recommended by the forum of professional associations in the county;
- (b) one person representing faith based organizations in the county appointed by the county executive member from among three persons recommended by the forum of the faith based organizations;
- (c) one person representing the youth appointed by the county executive member from among three persons recommended by the forum of

organizations working with the youth in the county;

- (d) one person representing the non-governmental organizations in the county appointed by the county executive member from among three persons recommended by the forum of the non-governmental organizations; and
- (e) one person representing persons with disabilities appointed by the county executive member from among three persons recommended by the forum of organizations working with persons with disabilities and involved in local governance in the county.

(3) In appointing and electing members of the Committee under sub-section (1)(b) and (c), the County Executive Committee Member shall ensure that—

- (a) the Committee reflects the regional and ethnic diversity of the people within the County; and
- (b) not more than two-thirds of the members are of the same gender.

7. (1) The appointment and nomination of the chairperson and members of the committee shall be—

- (a) carried out in a competitive and transparent manner;
- (b) based on merit; and
- (c) in line with the constitutional requirements for public service.

(2) A person is qualified for appointment as chairperson or member of the committee if that person—

- (a) is a citizen of Kenya;
- (b) holds a diploma from an institution recognized in Kenya;
- (c) has knowledge and relevant experience in community service, public service or social work; and
- (d) meets the requirements of leadership and integrity set out in chapter six of the Constitution.

(3) A person shall not be qualified for appointment as

Appointment and qualifications of chairperson and members.

the Chairperson or as a member under sub section (1) if such person—

- (a) is declared to be of unsound mind;
- (b) is an un-discharged bankrupt; or
- (c) has been removed from office for contravening the provisions of the Constitution or any other written law.

**8. (1)** The Secretary shall be —

- (a) responsible to the Committee for the day-to-day management of the affairs of the secretariat;
- (b) the head of the secretariat;
- (c) custodian of all records of the Committee;
- (d) responsible for executing decisions of the Committee;
- (e) facilitating, coordinating and ensuring execution of the Committee's mandate; and
- (f) ensuring performance of such other duties as may be assigned by the law and the Committee.

Responsibilities  
of the Secretary

**(2)** The Secretary of the Committee shall be County Chief Officer responsible for Administration.

**9. (1)** The Committee shall co-ordinate public participation in the governance of the County as provided under the Constitution, this Act and any other law applicable to the County.

Functions of the  
Committee.

**(2)** In the performance of its functions under subsection (1), the Committee shall oversee the effective coordination of public participation and shall —

- (a) formulate policy directions for the conduct of public participation;
- (b) moderate public participation activities to ensure they are inclusive of the broad spectrum of the public.
- (c) Co-ordinate and promote cooperation between all participants in public participation including County Assembly ;
- (d) develop civic education programmes to promote public participation in public affairs;

- (e) ensure that clear and reasonable timelines are established for public input and comment and that these timelines are communicated to the public;
- (f) ensure that the public participation device used is appropriate to the nature of the policy initiatives, issues involved and the target groups affected;
- (g) establish a feedback process to the public including opportunities for the public to forward additional comments or input to the decision taken;
- (h) develop an evaluation framework to the public participation plan;
- (i) ensure that public participation processes adhere to the relevant legislation, regulations, policies or guidelines affecting the rights and responsibilities of the public, officers and the different participants involved;
- (j) establish whether there is support for the development of new public participation techniques and technologies;
- (k) maintain an up to date database or inventory of all its activities;
- (l) carry on research on matters relating to public participation generally;
- (m) prepare and submit quarterly reports to the County Executive Committee member for onward transmission to the County Assembly on the status of the implementation of its functions and obligations under this Act; and
- (n) perform any other function as may be assigned by County Executive Committee Member.

(3) In the performance of its function and obligations under this section, the Committee shall be guided by the guidelines provided in the First Schedule.

10. (1) The Committee may do or perform all such other things or acts as may be necessary for the proper discharge of its functions under this Act or as may lawfully be done by a public office.

(2) Without prejudice to the generality of subsection (1) the Committee shall have power to—

*Powers of the Committee.*

- (a) advise the County executive committee on matters of policy relating to public participation;
- (b) enter into agreements or arrangements with approval of the County Executive Committee Member with any institution, association or professional organizations as the Committee may consider appropriate in furtherance of the purpose for which the Committee is established;
- (c) enforce set standards regarding public participation;
- (d) manage, supervise, secure and administer the assets of the Committee in such manner as best promotes the purpose for which the Committee is established;
- (e) delegate any of its powers to any officer, employee, agent, section or technical committee established by the Committee; and
- (f) undertake any activity necessary for the fulfilment of any of its functions under this Act.

**11.** (1) The Committee may establish Sub-County committees when there is need for the better carrying out of its functions.

Sub-County Committees.

(2) A Sub-County committee established under subsection (1) may comprise of a member of the Committee and such other persons who may not be more than the number determined by the County Executive Committee member.

(3) No decision of any Sub-County Committee shall be effective unless the Committee has approved it.

**12.** A member of the Committee shall be appointed for a single term of three years and is eligible for re-appointment for a further term.

Term of office.

**13.** The Secretary and members of the Committee shall be paid such allowances as may be determined by the County Public Service Board upon the advice of the Salaries and Remuneration Commission.

Remuneration.

**14.** (1) The Chairperson or a Member of the Committee may be removed from office for—

Removal from office.

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct;
- (c) incompetence or negligence of duty;
- (d) bankruptcy;
- (e) is found guilty of professional misconduct by the relevant professional body;
- (f) in any particular case, failure to declare his or her interest in any matter being considered or to be considered by the board or committee; or
- (g) absence from three consecutive meetings of the Committee without a reasonable explanation.

(2) A person may be removed from office on any of the grounds in subsection (1) by—

- (a) the Governor;
- (b) the County Executive Committee Member;
- (c) the Committee, supported by the vote of at least two-thirds of the members of Committee; or
- (d) upon a successful petition by the resident or residents of the County.

(3) Before a person is removed from office under subsection (2), the person shall be given an opportunity to provide a defence against any of the allegations against him or her.

**15.** A person shall cease to be a member of the Committee if that person—

*Vacation of office.*

- (a) resigns in writing, to the appointing authority;
- (b) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (c) is declared bankrupt;
- (d) is unable to perform the functions of his or her office by reason of mental or physical infirmity;
- (e) ceases to be a member of the nominating body under section 6 (2); or
- (f) dies.

**16.** Where a vacancy occurs in the membership of the Committee under section 14 or 15, the appointing authority shall, appoint a new member in accordance with the provisions of this Act.

Filling of Vacancy.

**17.** (1) The business and affairs of the Committee shall be conducted in accordance with the Second Schedule.

Meetings.

(2) Except as provided in the Second Schedule, the Committee may regulate its own procedures.

(3) The Committee may invite any person to attend any of its meetings and to participate in its deliberations, but that person shall not vote on any matter requiring decision of the Committee.

**18.** No matter or thing done by a member of the Committee or any officer, employee or agent of the Committee shall, if the matter or thing is done in good faith while executing the functions, powers or duties of the Committee, render the member, officer, employee or agent personally liable for any action, claim or demand whatsoever.

Protection from personal liability.

### **PART III — CO-ORDINATION OF PUBLIC PARTICIPATION IN THE COUNTY ASSEMBLY**

**19.** (1) The Assembly shall—

Public involvement in Assembly Business

- (a) conduct its business in an open manner, and hold its sittings and those of its committees, in public; and
- (b) involve the public in its legislative and other business and its committees.

(2) The 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.

**20.** (1) There is established a County Assembly Committee to be known as the Public Participation Committee.

Establishment of a Committee

(2) The committee shall consist of a Chairperson and not more than six other members.

(3) The Clerk of the Assembly shall designate staff of the assembly to be part of the Secretariat.

(4) The committee shall Co-ordinate Public Participation in the Assembly.

**21.** (1) The Assembly Public Participation Committee shall be responsible for—

- (a) Coordinating and moderating public participation activities and programs to ensure they are inclusive of the broad spectrum of the public;
- (b) Co-ordinating and promoting co-operation between all participants in public participation;
- (c) ensuring that clear and reasonable timelines are established for public input and comment and that these timelines are communicated to the public;
- (d) ensuring that the public participation device used is appropriate to the nature of a specific initiatives, issues involved and the target groups affected;
- (e) establishing a feedback process to the public including opportunities for the public to forward additional comments or input to the decision taken;
- (f) developing an evaluation framework to the public participation plan;
- (g) providing advice to the Assembly on managing public participation process;
- (h) preparing reports on public participation facilitated by Assembly;
- (i) preparing annual report on Assembly Public Participation processes for consideration by the Assembly;
- (j) developing networks and partnerships with key stakeholders for the purposes of enhancing public participation; and
- (k) carrying out any other function that may be assigned by the Assembly.

Committee role in  
public  
participation

#### **PART IV—CITIZENS' PARTICIPATION FORUMS**

**22.** (1) There shall be at least two county citizen participation forums in every financial year convened by the Governor to discuss any matter of public importance affecting the public or any community in the county and to provide a platform for consultations, review and deliberation on critical matters affecting delivery of services by the County Government.

County Citizens'  
Participation  
Forums

(2) The Committee shall, when a forum is convened, ensure that the forum is fully publicized to enable the attendance and participation of a wide section of the population, including gender and marginalized groups and communities.

(3) The Secretary of the Committee shall ensure that the minutes of the proceedings of the forum are taken and publicized throughout the County—

- (a) taking note of the issues arising from the forum for action or response by the relevant organ or organs of the County Government or other entity; and
- (b) giving feedback on the action taken on the issues raised.

(4) The Committee shall facilitate meaningful participation of the citizens in the forum including—

- (a) ensuring accessibility to the forums; and
- (b) the use of language that is understandable by the citizens including person with disabilities.

(5) No meeting shall be convened for the purpose of promoting, opposing or discussing the election of any person as a member of that County Government or as a Member of Parliament.

(6) Nothing in this section shall be construed as derogating from the provisions of any other written law relating to the holding of public meetings.

23. (1) There shall be county citizen participation forums in every Sub-County convened by the sub-county administrator to discuss and give views on—

- (a) issues of interests in the Sub-County;
- (b) the implementation of County policies and plans in the sub-County;
- (c) the administration and functioning of the sub-County; or
- (d) the delivery of services by the County public service in the Sub-County.

(2) The provisions of subsections (2) to (6) of section 22 shall apply to a forum convened under this section.

Sub-County  
Citizen  
Participation  
Forum.

24. (1) There shall be county citizen participation forums in every Ward convened by the Ward administrator to discuss and give views on the following—

- (a) issues of interests in the Ward or Village, as the case may be;
- (b) implementation of County or Sub County policies and plans in the ward or village;
- (c) the administration and functioning of the Ward or Village; or
- (d) the delivery of services by the County Public Service in the Ward or Village.

(2) The forum shall be open to all citizens of the Ward or Village who desire to attend and citizens shall be allowed to speak through representatives or directly.

(3) The convener of the forum shall appoint a Secretary to take the minutes of the proceedings of the forum and shall, with the assistance of the Committee publicize the minutes throughout the Ward or Village and shall—

- (a) taking note of the issues arising from the forum for action or response by the relevant organs of the County Government; and
- (b) giving a feedback on the action taken on the issues raised.

(4) The convener of the forum must ensure that the forum is fully publicized to enable attendance and participation of a wide section of the population, including marginalized groups and communities.

25. (1) The Committee shall ensure that the County Government and its entities put in place affirmative action programmes to ensure that minorities and marginalised groups—

- (a) participate in all matters that affect them and are represented in governance and other spheres of life;
- (b) are provided with special opportunities in all areas of economic, educational, social, religious and political fields;
- (c) are provided with special opportunities for access to employment;

- (d) develop their ethnic and cultural values, languages and practices;
- (e) have reasonable access to water, health services and infrastructure;
- (f) pursue their personal development;
- (g) live in dignity and respect and be free from abuse;
- (h) are free from discrimination including but not limited on the basis of language, religion, culture, national or social origin, sex, caste, birth, descent or other status;
- (i) are free from hostility, violence and abuse as a result of their ethnic, cultural, linguistic, religious or other identity.

#### PART V—PETITIONS

26. (1) The right for citizens to petition the County Government as contemplated under section 88 of the County Governments Act shall be in accordance with this Part.

*Form of Petition.*

(2) A petition to County Executive Committee shall be in the form set out in the Third Schedule and shall—

- (a) be handwritten, printed or typed;
- (b) be in English or Kiswahili and
- (c) be written in respectful, decorous and temperate language;
- (d) be free of alterations and interlineations in its text;
- (e) be addressed to the County Secretary;
- (f) have its subject-matter indicated on every sheet if it consists of more than one sheet;
- (g) 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;
- (h) confirm that the issues in respect of which the petition is made are not pending before any court or other constitutional or legal body;

- (i) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;
- (j) subject to paragraph (m), contain the names, personal contacts, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;
- (k) 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;
- (l) not have any letters, affidavits or other documents annexed to it;
- (m) in the case of a petition presented by a Member of County Assembly on behalf of a petitioner, be countersigned by the Member presenting it; and
- (n) if the petitioner is unable to sign, be signed by a witness in whose presence the petitioner shall make his or her mark or thumb impression on the petition.

**27.** (1) A petition to the County Executive Committee shall be submitted to the County Secretary by the petitioner.

*Procedure for presenting petition.*

(2) The County secretary shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of this Act.

(3) Where the County Secretary considers that a petition does not comply with section 26, the County Secretary may give such directions as are necessary to ensure that the petition is amended to comply with that section.

**28.** (1) The County Secretary shall, if satisfied that the petition meets the requirements of this Act, forward the petition to the County executive committee or the relevant body for consideration.

*Consideration of petition.*

(2) The County Executive Committee or the relevant body relating to the petition may appoint a committee to investigate the subject matter of the petition.

**29.** (1) The County Executive Committee, the relevant body or a committee appointed in relation to a petition may hold public hearing and may—

*Procedure in the investigation.*

- (a) invite individuals to submit memoranda or appear before the committee to give evidence on a petition;
- (b) invite any Executive Secretary or any person holding public office to appear before them to give evidence relating a petition;
- (c) with the support from the Committee, hold public hearing in relation to the petition.

(2) The evidence given by a person invited under sub section (1) shall be taken down in writing and a copy of it sent to the person who gave the evidence.

(3) The presentations and comments given during a public hearing shall be recorded and a copy of it shall be publicized by posting the copy in a conspicuous place at the offices of the County Government and on the website as the case may be.

(4) A person giving evidence may, within seven days from the date of receipt of the copy under sub section (2), suggest corrections to his or her evidence due to inaccurate reporting and the evidence shall be printed with such corrections as may be appropriate.

(5) The County executive committee, the relevant body or the committee may at its discretion refuse to hear any irrelevant evidence or to listen to any unruly or unmanageable person giving evidence.

(6) Any document received at the investigation of a petition shall not be withdrawn or altered without the knowledge and approval of the executive committee.

(7) A document submitted to the investigation of a petition may be released to the person who submitted it at the conclusion of the deliberations.

(8) The committee appointed under section 28 shall, within fifteen (15) days after the conclusion of the investigation, submit its findings and recommendations to the County executive committee or the relevant body for a final decision to be made on the petition.

(9) The County secretary shall, within fifteen days of the decision of the County Executive Committee or the relevant body, in writing, notify the petitioner of the decision.

**30.** The County Secretary shall, within fourteen days after the decision is communicated to the petitioner or petitioners, with support from the Committee—

- (a) give notice of the decision to the public by posting a copy in a conspicuous place at the offices of the County Government;
- (b) inform the public that a copy or extract of the decision is available on its website;
- (c) publish the decision in the County Gazette, print or electronic media; or
- (d) publish the decision in such other manner as may be appropriate for the dissemination of information.

Publication of decision on petition

**31.** (1) The County Secretary shall keep and maintain a register in which shall be recorded all petitions and supporting documents, and the decisions of the County Executive Committee or the relevant body.

Register of petitions

(2) The register of petitions under subsection (1) shall be accessible to the public during working hours.

**32.** Any petitioner who is dissatisfied by the decision of the County Government or the relevant body may within twenty one (21) days appeal to the Commission on Administrative Justice.

Appeal against decision on a petition

**33.** A petition may be presented or submitted to the Assembly by the petitioner or a Member of the Assembly on behalf of the petitioner in accordance with the Standing Orders of the Assembly.

Petitions to Assembly

## PART VI—FINANCIAL PROVISIONS

**34.** The Funds of the Committee shall consist of—

Funds of the Committee

- (a) monies allocated by the County Assembly for the purposes of the Committee;
- (b) such monies or assets as may accrue to the Committee in the course of the exercise of its powers or in the performance of its functions under this Act; and
- (c) all monies from any other source provided, donated or advanced to the Committee.

**35.** The financial year of the Committee shall be the period of twelve months ending on the thirtieth day of June in

Financial year

each year.

**36.** (1) Before the commencement of each financial year, the Committee shall cause to be prepared estimates of the revenue and expenditure of the Committee for that year.

Annual estimates.

(2) The annual estimates shall make provision for all the estimated expenditure of the Committee for the financial year concerned and, in particular, shall provide for —

- (a) payment of the allowances in respect to members of the Committee;
- (b) maintenance of buildings and grounds of the Committee;
- (c) funding of training, research and development of activities of the Committee; and
- (d) the funding of the schedules and organization of public participation meetings.

(3) The annual estimates shall be approved by the County Executive Committee before the commencement of the financial year to which they relate.

(4) No expenditure shall be incurred for the purposes of the Committee except in accordance with the annual estimates approved under subsection (3).

**37.** (1) The Committee shall cause to be kept proper books and records of account of the income, expenditure, assets and liabilities of the Committee.

Accounts and audit.

(2) Within a period of three months after the end of each financial year, the Committee shall submit to the County Executive Member in respect of that year together with a —

- (a) statement of the income and expenditure of the Committee during that year; and
- (b) Statement of the assets and liabilities of the Committee on the last day of that financial year.

#### PART VII— MISCELLANEOUS

**38.** (1) A performance agreement shall be made between the County Executive Committee Member and the Committee in relation to the mandate of the Committee.

Performance agreement.

(2) The performance agreement shall describe the key outputs that the Committee shall achieve in any financial year

and such output shall be defined in terms of performance indicators and targets.

(3) The executive committee may request for an independent report on the implementation of the performance agreement.

39. The County Executive Committee Member shall oversee the performance of the activities of the Committee under this Act and may, in writing, give the Committee directions on matters of policy not inconsistent with the provisions of this Act.

County Executive Committee Member power.

40. (1) The Committee shall, at the end of each financial year prepare submit an annual report.

Annual report.

(2) The Committee shall submit the annual report to the County Executive Member not later than three months after the end of the year to which it relates.

(3) The annual report shall contain, in respect of the year to which it relates—

- (a) the financial statements of the Committee;
- (b) a description of the activities and outcomes of public participation; and
- (c) any other information, that the Committee may consider relevant.

(4) The Committee shall cause the annual report to be published in the *County Gazette*.

41. (1) The Committee shall publish and publicize all important information affecting the County within its mandate.

Management of information.

(2) A person may request for information within the mandate of the Committee in public interest.

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

- (a) shall be addressed to the Secretary or such other person as the Committee may designate for that purpose;
- (b) may, where the Committee incurs expense in providing the information, be subject to payment of a reasonable fee; and

- (c) may be subject to confidentiality requirements of the Committee.

(4) Subject to the provisions of Article 35 of the Constitution and the law relating to freedom of information and data protection, the Committee may decline to give information to an applicant where—

- (a) the request is unreasonable in the circumstances; or
- (b) the applicant fails to satisfy any confidentiality requirements imposed by the Committee

(5) The right of access to information under Article 35 of the Constitution shall be limited to the nature and extent specified under this section.

(6) Every member of the Committee shall sign a confidentiality agreement.

42. Subject to section 91 of the County Governments Act, the Committee shall, in such manner as it considers appropriate, publish a notice for public information specifying—

Publicity.

- (a) the location of all its offices; and
- (b) its address or addresses, telephone numbers and other means of communication or contact with the Committee.

43. A person who—

Offences and  
penalty.

- (a) without justification or lawful excuse, obstructs, hinders, threatens a member of the Committee under this Act;
- (b) submits false or misleading information;
- (c) without reasonable excuse, fails to appear before a meeting of the Committee when required to do so;
- (d) misrepresents to or knowingly misleads a member of the Committee or a member of staff of the Committee acting under this Act,

commits an offence and is liable on conviction to a fine not exceeding one hundred thousand Shillings or to imprisonment for a term not exceeding one year or to both.

44. (1) The County Executive Committee Member may, in consultation with the Committee, make regulations for the better carrying into effect of the provisions of this Act.

(2) Without prejudice to subsection (1) the Regulations may prescribe for—

- (a) conduct of public participation including providing for additional guidelines;
- (b) mode of feedback to the public;
- (c) use of media to promote public participation;
- (d) coordination of all forms of citizen fora including County, Sub-County, Ward and Village fora;
- (e) representation of citizens in the consultative fora; and
- (f) conduct of the affairs of the Secretariat.

(3) Pursuant to the nature and scope, the Regulations shall—

- (a) be for the purpose and objectives set out under section 3 of this Act;
- (b) be limited only to the matters set out in this Act; and
- (c) comply with the drafting standards set out under any law applicable to the County.

**FIRST SCHEDULE (s.9 (3))**  
**PUBLIC PARTICIPATION GUIDELINES**

The following guidelines shall guide the County Government and the Committee when conducting public participation activities:

1. Build a realistic timeframe for the consultation, allowing reasonable period for each stage of the process.
2. Be clear as to the type of the public, community or profession to be consulted, the issues or matter for consultation and for what specific purpose.
3. Ensure that the consultation document is as simple and concise as possible, providing the summary of the issues or matter for consultation and clearly setting out the questions to be addressed.
4. Publish and distribute the documents as widely as possible, including but not limited to providing hard copies, television advertisements, websites, community radio announcements and traditional media.
5. Ensure that all responses are carefully and open-mindedly analysed and the results made widely available to the public, including an account of the views expressed and the reasons for the decisions taken.
6. Disclose all information relevant for the public to understand and evaluate the decision.
7. Ensure that stakeholders have fair and equal access to the public participation process and their opportunity to influence decisions.
8. Ensure that all commitments made to the public, including those by the decision-makers, are made in good faith.
9. Undertake and encourage actions that build trust and credibility for the process among all the participants.
10. Be personally responsible for the validity of all data collected, analyses performed, or plans developed by it or under its direction.
11. Ensure that there is no misrepresentation of work performed or that was performed under the relevant body's direction.
12. Examine all of its relationships or actions, which could be legitimately interpreted as a conflict of interest by clients, officials, the public or peers.
13. Should not engage in conduct involving dishonesty, fraud, deceit, misrepresentation or discrimination.
14. Should not accept fees wholly or partially contingent on the client's desired result where that desired result conflicts with its professional judgment.

## SECOND SCHEDULE (s.17 (1))

## MEETINGS AND PROCEDURE FOR THE COMMITTEE

1. The County Secretary shall convene the first meeting of the Committee.
2. The Committee shall decide when and where it meets and the meetings shall be convened by the Secretary in consultation with the chairperson.
3. The Committee shall have at least six meetings in every financial year and not more than four months shall elapse between one meeting and the next meeting.
4. Unless three quarters of the members otherwise agree, at least seven days' notice in writing of a meeting shall be given to every member.
5. A meeting shall be presided over by the Chairperson or in his or her absence, by the Vice-Chairperson.
6. The members of the Office shall elect a Vice-Chairperson from among themselves
  - (a) at the first sitting of the Office; and
  - (b) whenever it is necessary to fill the vacancy in the office of the Vice-Chairperson.
7. The Chairperson and Vice-Chairperson shall not be of the same gender.
8. If any person has a personal or fiduciary interest in any matter before the Committee, and is present at a meeting of the Committee or any committee at which any matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter.
9. A disclosure of interest made under paragraph 8 shall be recorded in the minutes of the meeting at which it is made.
10. A person who contravenes paragraph 8 commits an offence and is liable, upon conviction, to a fine not exceeding two hundred shillings, or to imprisonment for a term not exceeding one year, or to both.
11. The quorum of the meeting shall not be less than half of the appointed members.
12. A question before the meeting shall be decided with a supporting vote of at least two thirds of the members present and voting.
13. The Committee shall keep minutes of proceedings of its meetings and decisions taken.

**THIRD SCHEDULE (s. 26(2))**  
**FORM OF A PUBLIC PETITION**

TO: The Embu County Government/Assembly

WE/I, the undersigned and humble Petitioner(s) of..... (Here insert the names or description of the petitioner or petitioners and address including their status: residents of a particular area, workers, particular part of the community, minority or marginalised group etc.)

**DRAW the attention of the County Government/Assembly to the following:**

(Here, briefly state the reasons underlying the petition and request for the intervention of the Government/Assembly by outlining the grievances or problems and summarizing the facts which the petitioners wish the Government/Assembly to consider)

**THAT:**

(Here confirm that efforts have been made to have the matter addressed by the relevant body, and it failed to give satisfactory response.)

**THAT:**

(Here confirm that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.)

**THEREFORE** your humble petitioners **PRAY** that the Government / Assembly:-

(Here, set out the prayer, by stating in summary what action the petitioners wish the Government/Assembly to take or refrain from)

**and your PETITIONERS will ever Pray.**

Name of petitioner	Full Address	National ID or Passport No.	Signature/T humb print
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

**Subsequent Pages**

*PETITION concerning.....*

(Here, repeat the summary in first page)

\*This form may contain such variations as the circumstances of each case may require.

