

JUKUMU LANGU

Me and the County Government



STATE DEPARTMENT FOR DEVOLUTION & COUNCIL OF GOVERNORS

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GOVERNMENT OF KENYA,
MINISTRY OF DEVOLUTION
AND ASALS



COUNCIL OF GOVERNORS



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FROM THE AMERICAN PEOPLE



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from the British people

Preface

The Constitution of Kenya, promulgated in 2010, presented a total paradigm shift in governance. It introduced a new governance structure with two levels of governments; National and County Governments. The two levels have been assigned clear mandates as detailed in the Fourth schedule of the constitution. Further, the structure fundamentally altered the manner in which power and resources are shared between the National and the devolved units in the country.

Ensuring that every Kenyan understands the provisions of the constitution in relation to their individual welfare, that of fellow citizens and the state is crucial to the success of devolution. The centrality of the Jukumu Langu (me and my County Government) civic education material towards the realization of this goal cannot therefore be over-emphasized. The publication is a timely and welcome resource to guide the on public participation.

Article 1 of the constitution provides that all sovereign power belongs to the people of Kenya and is exercised directly or indirectly through democratically elected representatives. Civic education is therefore a critical avenue for enhancing the ability of the public to meaningfully and effectively participate in governance. Citizens need to be empowered with the right information in a timely manner to enable them participate effectively in public affairs and socio-economic development of the country. Article 33(i) 'a' of the constitution states that, 'every person has the right to freedom of expression which

includes freedom to seek, receive or impart information or ideas.' Effective civic education will ensure that citizens have enhanced knowledge, understanding and skill to exercise those rights.

The **Jukumu Langu** civic education material presents the subject of devolution and public participation in an easy to read language with vivid illustrations and relevant examples. The opportunities for public participation have also been well articulated. The presentation of the material makes rich and enjoyable learning experiences at both individual and group levels. We expect the material to be of immense benefit to all stakeholders engaged in public service delivery. Its internalization will promote closer collaboration, consultation and communication between the two levels of governments', civil society and citizens in policy formulation, budgeting and service delivery.



Eugene Wamalwa, CBS
Cabinet Secretary
Devolution and ASAL

Foreword

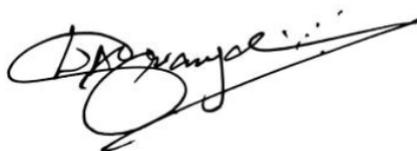
Since the promulgation of the Constitution of Kenya, 2010, public participation in governance has undergone transformative changes from limited involvement in decision making to vesting sovereign power in the people as enshrined in Article 1.

Public participation is a key ingredient in any democratic society. And for it to be said to be properly undertaken, empowerment of the citizen is an important prerequisite to the process. By ensuring that a critical mass of citizens are endowed with knowledge and skills that embody the values, norms and behavior of democracy, Wanjiku is empowered to make informed decisions.

While civic education is acknowledged as a powerful tool for engagement of citizens in development, multiplicity of actors including County Governments, have had challenges to implement a robust program of informing citizens in their Counties. This is primarily due to funding constraints and the establishment of County Civic Education Units, in compliance with the County Governments Act 2012, which has not been fully achieved.

This manual will prepare the Wanjikus of Kenya to claim their rights and carry out their responsibilities as citizens.

It cultivates a sense of belonging, virtues, knowledge and skills necessary for effective participation. Furthermore, it will provide opportunities for the County Governments to create an institutional framework for civic education and strategically partner and coordinate with Non-State Actors across the country to ensure the effective participation of communities in governance.



H. E. Hon. FCPA Wycliffe Ambetsa Oparanya, EGH, CGJ
Chairman
Council of Governors

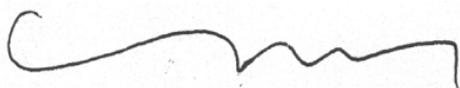
Acknowledgement

Great effort, dedication and commitment has gone into the development of the '**Jukumu Langu**' Civic Education Material towards more effective public participation. I wish to express my gratitude to all stakeholders: in the public and private sectors, development partners, civil society, Faith Based Organizations, professional bodies and academia for their valuable input in the preparation of the guidelines.

I especially wish to recognize Mr. Kennedy Nyambati, the Director, Capacity Building and Technical Assistance, and his team for providing leadership in the development of this important material. I also acknowledge the effort by the team from the Council of Governors, led by Ms. Jacqueline Mogeni, MBS and Ms. Rosemary Irungu, in supporting this worthy course. My special appreciation goes to Mr. David Makali and Mr. Bobby Mkangi for their contribution to the development of content and editing; Mr. Michael Luande for the illustrations; and, Mr. Jackson Maina for the layout and design.

Finally, special thanks go to USAID and UKAID through their Agile and Harmonized Assistance for Devolved Institutions (AHADI) program which provided invaluable financial and technical support in the development of this material.

We, as a ministry therefore, look forward to seeing the efforts put in the development of this document transform the process of public participation and contribute to more effective service delivery for our people towards the implementation of our constitution.

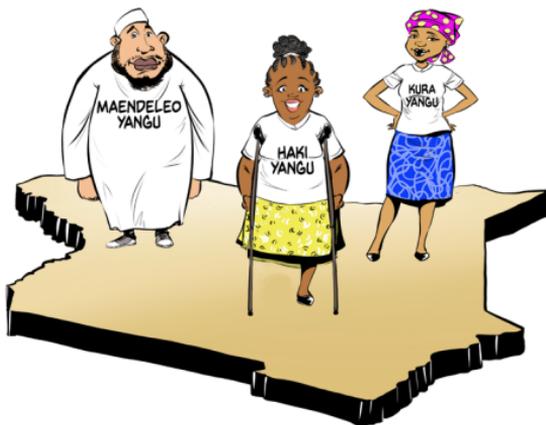
A handwritten signature in black ink, consisting of a series of connected loops and curves, positioned above the name and title.

Charles T. Sunkuli, CBS
Principal Secretary
State Department for Devolution

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1. DEVOLUTION AND PUBLIC PARTICIPATION



What is devolution?

Devolution comes from the word 'devolve' which means to transfer power, money, staff and services from a national government to local or regional governments so that they are closer to the people.

Why devolution?

Kenyans adopted devolution in the Constitution to ensure that wananchi's voice is heard and considered in decision making. It gives citizens a more active role in the planning, budgeting and monitoring of their own development.

Devolution in Kenya

Kenya has one national government and 47 county governments that are interdependent. They are required by law to cooperate with each other. The two levels have different functions, responsibilities and powers.

1. National Government

The national government is made up of the Executive Legislature and the Judiciary.

(a) Executive

The executive consists of the President, the Deputy President, Cabinet Secretaries and the Attorney General. The executive is headed by the president. The president is elected into office by wananchi. The executive is mainly responsible for making and implementing national development plans, ensuring national security and representing Kenya in foreign affairs.

You and the Executive

Executive authority comes from the people. This is because sovereign power (mamlaka) belongs to all the people of Kenya. The Constitution says that executive authority (power, permission) should be used to serve the people of Kenya, and for their well-being and benefit.

(b) Legislature (Parliament)

Parliament is made up of the National Assembly and the Senate. You elect MPs and Senators (others are nominated) to Parliament to represent you in making national laws, checking the Executive and approving the national budget.

The National Assembly has Members of Parliament (MPs) who represent constituencies and Women Representatives who represent counties.

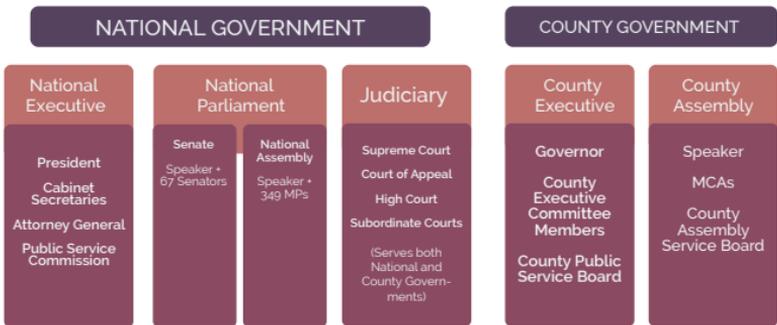
Parliament makes national laws and oversees how the Executive implements them and spends your taxes. It also vets and approves appointment of top public servants such as ambassadors, Cabinet secretaries and Principal secretaries. Senators represent counties in the Senate.

The Senate represents and protects the interests of the counties and ensures that county governments spend your money properly.

You and Parliament

The power that Parliament uses belongs to you and other wananchi through the Constitution and other laws. The law requires Parliament and its committees to work in an open and transparent manner that enables you to participate in its activities including passing laws.

You have a right to petition Parliament on any issue affecting you and the community or country. This includes passing, changing or abolishing any law, budgeting how to use your money and vetting public officials.



Relationship between national and county governments

(c) The Judiciary (courts)

The Judiciary is made up of the Supreme Court, the Court of Appeal, the High Court, Magistrate's court and the Kadhi's courts. It is headed by the Chief Justice assisted by judges and magistrates.

You and the courts

Courts administer justice using power and authority given by the people. They are independent and neutral. Courts are supposed to protect the rights of everyone and ensure justice is done to all. Unless ordered not to, you are free to go and attend court and hear cases.

You can go to court to ask for a solution about any problem concerning you and your county government.

Judges and magistrates are employed by the Judicial Service Commission. You or any person can report or petition the Judicial Service Commission (JSC) about any issue concerning a judge or magistrate.

Have you heard about the Court Users Committee? It is the forum where the public and court officials meet to discuss any issues affecting the courts and delivery of justice.

The Court Users Committee (CUC) is a platform that brings together different stakeholders in the justice system at the local level to consider improvements in the operations of the courts. It is represented by all arms of government, civil society organizations and private sector. CUCs provide a public participation into judiciary matters as it makes the justice system participatory and inclusive.

Constitutional commissions and independent offices

Constitutional commissions and independent offices have been set up to protect your human rights from being violated by the government. They ensure that the Constitution and other laws are followed. They are listed in Chapter 15 of the Constitution. There are 11 different independent commissions, including the Kenya National Commission on Human Rights (KNCHR), Ethics and Anti-Corruption Commission (EACC), Independent Electoral and Boundaries Commission (IEBC) and the Salaries and Remuneration Commission (SRC).

Independent offices include the Director of Public Prosecutions (DPP) and the Auditor General.

You and the commissions and independent offices

Like all government institutions, the power exercised by the commissions comes from you and other Kenyans. You can go to a commission for a solution to a problem or an issue concerning your rights. You can also report or give suggestions to solve any issue affecting your county and its officials.

2. County Government

A county government is made up of the Clerk to the County Assembly, County Executive and the County Assembly.

(a) County Executive

The County Executive consist of the Governor, Deputy Governor, County Executive Committee Member (CEC), chief officers and other county staff.

Its functions include drawing up of development plans and providing services to wananchi in the county.

(b) County Assembly

A county assembly is made of Speaker of the County Assembly, Members of County Assembly (MCAs) and its staff.

The county assembly makes county laws, approves the county budget and makes sure that the governor and the County Executive spend the money you pay through taxes properly.

The county assembly vets senior county officials appointed by the Governor. You elect your county assembly member.

You and the county government

The county government draws its power from wananchi. County officials are required to consult wananchi on all the services they provide to society. The Executive is required to operate in an open manner. The assembly should hold its sittings and those of its committees in public. The county government is required to facilitate your participation in its development programmes, planning, policy formulation, implementation and oversight.



Participating in county affairs

You have a right to participate in the running of your county. This right is provided in the Constitution and other laws.

What is public participation?

Public participation means consulting, engaging or involving wananchi in making decisions about day-to-day issues that affect them. The Constitution and other laws require the national and county governments to involve citizens in all affairs.

Your county government is required to provide you with the necessary information, opportunity and materials to enable you participate meaningfully.

County government responsibility in facilitating public participation

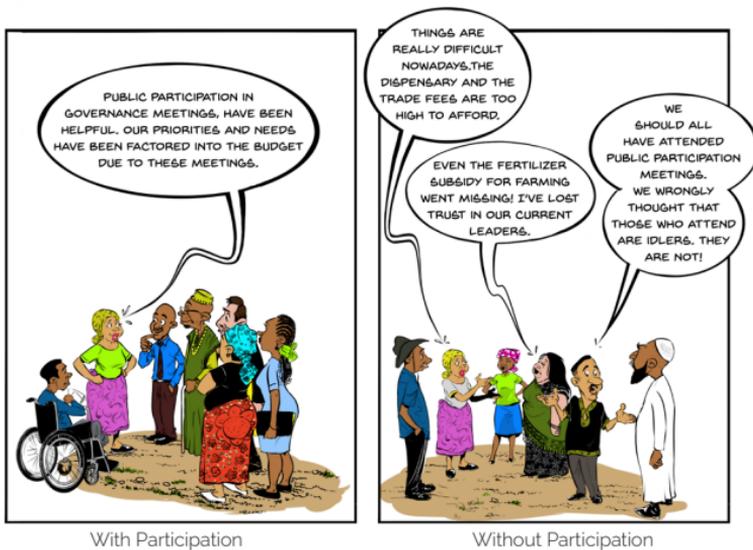
Wananchi have a right to follow and be involved in all county processes through different forums.

The county government should ensure that:

- Public consultations are open to all citizens and taxpayers without discrimination.
- Safeguards are established to prevent consultative forums from being dominated by any one political group, organized interests or politicians.
- Public consultations must have clear and specific purposes.
- The timeline and venues for public consultations are known at least two weeks before consultation.
- Public consultations set aside dedicated time for public feedback and questions.
- Public participation in the planning and budget process should occur at all stages.
- The public must have access to all relevant plans and budget documents in a timely fashion.
- Citizens should be able to provide input into public consultations through direct participation, through representatives and through written comments/memoranda.
- There should be a feedback mechanism for you to know if your input was considered.

Benefits of public participation

- Leads to better decisions by the county government and wananchi
- Helps in setting priorities for action by the county government
- Reduces conflict between mwananchi and the county government
- Enhances openness by holding public officials accountable
- Enhances the ownership of plans, projects and activities of the county government



How you can participate

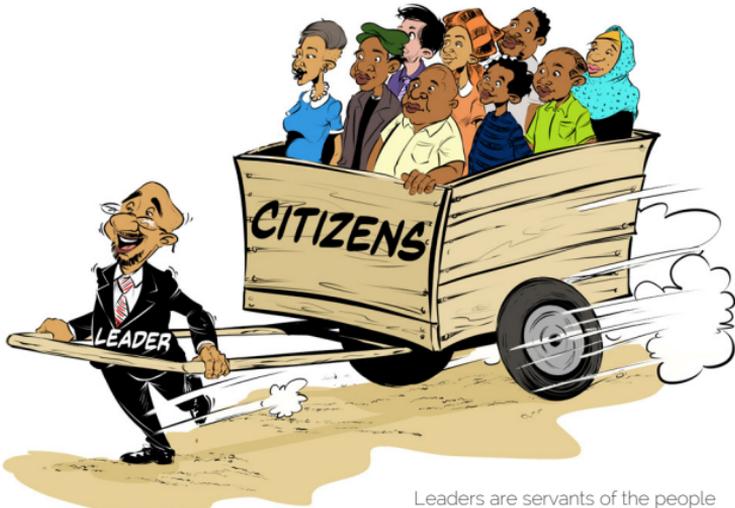
There are various opportunities and ways through which you can get involved and engaged in county affairs through the assembly or the executive. Some are officially provided by the law while others require your self-initiative. They include:

- Participating in public forums organised by the county, including Sector Working Groups (SWG), County Budget And Economic Forum (CBEF), barazas and public meetings
- Petitioning
- Sending memoranda
- Peaceful demonstrations and picketing
- Participating in electoral activities
- Reporting to relevant government agencies/offices like the independent commissions
- Litigation or using courts
- Attending county assembly and parliamentary sessions
- Participating in public debates
- Consulting your elected leaders and sharing your concerns
- Writing letters to public officials on any issue of public concern
- Strikes and go-slows

2. OPPORTUNITIES FOR PUBLIC PARTICIPATION

There are various ways through which you can participate in the running of your county's affairs. They include:

- Voting in elections for your MCA and Governor, therefore employing and removing them from office,
- Planning,
- Budgeting,
- Legislation (making of laws and formulating policies)
- Overseeing implementation of county development plans and provision of services.
- County budgeting forums



Leaders are servants of the people

(a) Employment and removal of county officials

County leaders are employed and paid by your taxes. They are employed through elections, appointment by the governor or the County Public Service Board and the County Assembly Service Board. You have a responsibility to participate in the appointment or removal of public officials in your county.



Elected and Appointed County Officials

Elected Officials	Appointed Officials
<ul style="list-style-type: none">• Governor• Senator• Member of County Assembly• Women Representative	<ul style="list-style-type: none">• County Secretary• County Executive Committee Member• Clerk of the County Assembly• Chief Officer• County Public Service Board Member• County Assembly Service Board Member• County public servants• County Assembly Staff

Participating in the employment of officials

Elected officials

These officials are chosen directly by you and other residents in the county through elections. You participate in election by registering as a voter, being a candidate, campaigning for the candidate of your choice and voting.

Appointed officers

These officers are appointed by the governor (Members of the County Executive Committee, CEC), employed by the County Public Service Board

In addition to those who are appointed, others are employed directly by the County Public Service Board or the County Assembly Service Board. You can participate in the appointment of county officials by providing information about any of the people who have been nominated or have applied.

This can be done:

- During nomination
- During vetting
- Before formal appointment

You are also eligible for appointment or application if you qualify for any position. Vacancies for the are usually advertised and those who apply are shortlisted for interview.

Participating in the removal of officials

The law provides for the removal of an elected official before the end of his or her term. This may happen because the official has performed below expectations or has broken the law and other regulations that govern the official's work.

The law provides for removal through the following ways:

1. Impeachment
2. Recall

Elected officials

Elected officials may be removed (recalled) from office before the end of their terms if they fail to perform. You can participate in this process by starting or signing a petition for recall and by voting during the resultant elections.

Removal of the governor/deputy governor

A governor is removed through impeachment. The motion for impeachment is moved by an MCA and must be supported by two-thirds of the members to succeed.

The constitution sets out the reasons for removing a governor, which include incompetence, gross misconduct and abuse of office. You may participate in the removal of a governor by submitting information during the hearings.

Recall

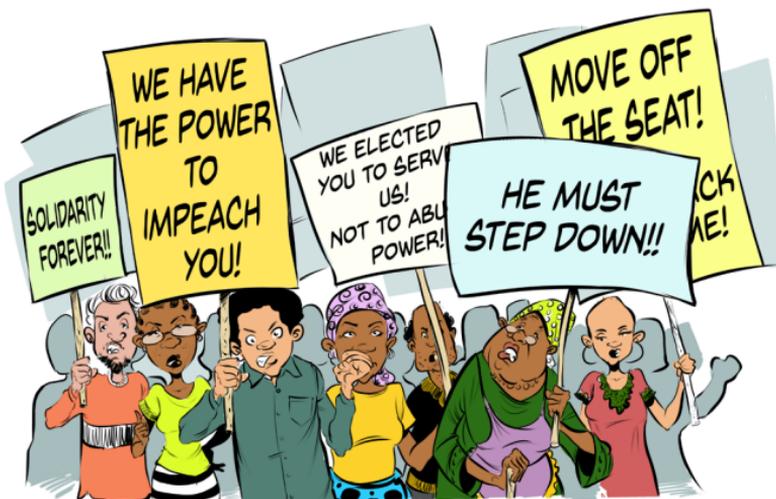
This is a mechanism of removing an elected official by the electorate (wananchi) before the official's term is over.

Senator, MP, Women Representative and MCA may be removed from their office through recall before the end of their terms, however this can only be done two years after their election. They cannot be recalled if there are two years to elections. A voter may petition the Independent Electoral and Boundaries Commission (IEBC) to recall the elected official or leader.

Removal of officials appointed by the governor

These include members of the County Executive Committee, the County Secretary and chief officers. A member of the County executive committee can be removed on the following grounds:

- 1** **INCOMPETENCE**
(being unable to perform their duties)
- 2** **ABUSE OF OFFICE**
(using their position to do wrong things)
- 3** **GROSS MISCONDUCT**
(acting or behaving badly)
- 4** **FAILURE TO ATTEND MEETINGS**
absence from 3 consecutive cabinet meetings without the permission of the governor
- 5** **PHYSICAL OR MENTAL INCAPACITY**
inabilities to perform duties due to health reasons
- 6** **GROSS VIOLATION**
of the Constitution or any other law



They may be removed from office through:

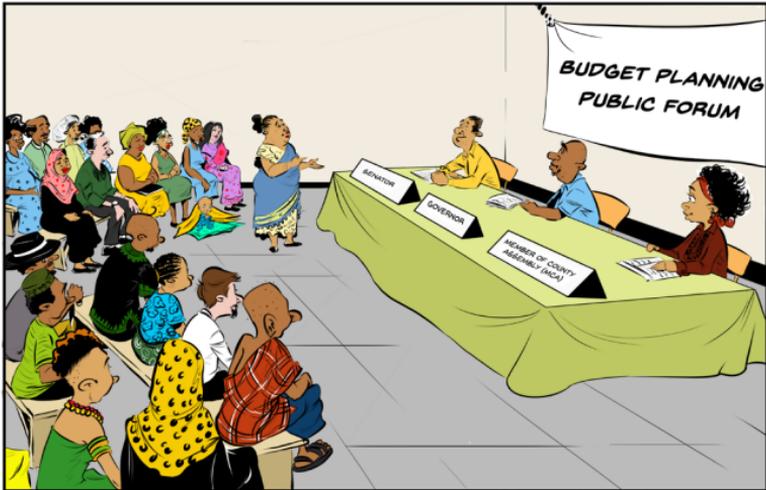
- Dismissal by the governor
- Dismissal by the governor through the County Assembly
- Resignation

You may participate in the removal of county employees by:

- Petitioning the governor, county assembly, IEBC, county public service board or the county assembly service board
- Reporting to relevant constitutional commissions and independent offices
- Picketing and demonstrating against them to push them out of office

(b) Participating in county development planning

The county government is required by law to involve wananchi in the drawing up of county plans. The plans must reflect the priorities of every village, ward or sub-county.



Each county is required by law to develop the following plans:

- **County Integrated Development Plan (CIDP)** – developed every 5 years to outline the priorities for the county's development
- **County Sectoral Plan** – developed every 10 years. It outlines each of the sectors

- **County Spatial Plan** – developed every 10 years to guide what should be built in every area
- **Annual Development Plans** – developed every year to show priorities for utilisation of county funds based on the CIDP
- **Cities and Urban Areas Plan** – developed every ten years for cities and urban areas in counties to guide their development

The county government cannot spend public money on activities or projects that are not in the plans. Annual budgets must also be guided by plans.

Opportunities for public participation during planning

The county government is required by law to organise meetings or forums for you to contribute your ideas and review the plans.

As a citizen, you have a chance to contribute to, and participate in, developing the county development plan. You may do this during the following processes:

- Once the budget calendar is presented to the assembly
- During budget hearings consultations

- During drafting of plans, your county government should ask you for your needs and priorities
- During review and assessment of plans

How to participate

You may participate through the following ways:

- Petitions
- Memoranda or letters
- Participating in sector working groups
- County economic forums

You may participate individually or organise yourself into a community group to discuss and agree on your priorities to present in the petition, memorandum or when the meeting is called.

You may also participate through planning forums that the county ought to establish:

1. County Budget and Economic Forums (CBEF)
2. Sectoral Working Groups (SWG)

Before the meeting

Before attending the planning meetings, you need to ask yourself the following questions:

- Have you read or familiarised with the draft planning document?
- What problems affect you, your village, your ward, constituency, sub-county or county?
- Have you discussed these problems with anyone else such as your family, friends?
- What is being done or has been done in the past about the problems?
- Have you told your leaders or the local administration about it?

These questions are important because a public forum attended by many people means you will have limited time to contribute if you get a chance. Prepare to use it well.

Benefits of participating in planning

- Your problems and priorities are taken into account
- It is only through participating in planning that your concerns are budgeted for
- You learn about the investment and employment opportunities in your county created by the plans

After the meeting:

- Always seek to see the report of the public participation to see if your ideas were included or, if not, why?
- Review to see if you were given a chance to contribute or the meeting was dominated by "experts"?
- Reflect on whether you had access to supporting information and documents to enable you contribute effectively. Did you understand the content of the plans?

(c) Participating in making the county budget

What is a budget?

A budget is a plan of how the government intends to raise funds or revenue and spend it within a given period. The period is referred to as a Financial Year and its covers **July 1 – June 30**. The law requires county governments to develop budgets for each financial year.

The Constitution requires that budgets contain:

- Estimates of income, recurrent and development spending. This includes: Revenue (taxes, fees, transfers), Recurrent expenditure (salaries, fuel, maintenance, etc); Development expenditure (one-off expenses such as vehicles, projects etc); Deficit (expenditures higher than the money the county has)
- Proposals for financing deficits or shortfalls
- Proposals concerning borrowing and public liability and how this increases public debt

Why budget?

Budgeting is important for the following reasons:

- For better and focused planning of resources
- To ensure priorities are met
- To facilitate responsible spending
- To avoid wastage
- For accountability

The budget processes

Preparing for the budget process

The county government is required to carry out civic education to inform the public of the process of budgeting so that wananchi can participate effectively.

The process

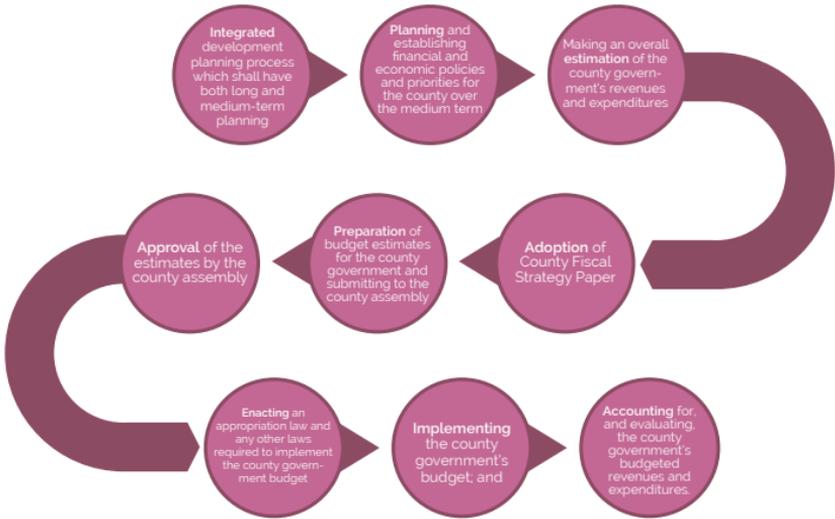
The budget process begins from August 30 every year when the County Treasury issues a Budget circular. The process goes on up to June 30 of the next year by when the Budget estimates are approved by the assembly for the government to spend the money.

County Budget Calender

Every 5 years	County Integrated Development Plan (CIDP) is prepared
30 th August	County Treasury releases a Budget Circular to all departments
1 st September	Counties prepare and table an Annual Development Plan (ADP) to the County Assembly for approval
30 th September	County Budget Review and Outlook Paper (C-BROP) submitted to the CEC
1 st January	Commission on Revenue Allocation (CRA) recommendations on how revenue should be divided between national and county governments.
28 th February	County Fiscal Strategy Paper (CFSP) tabled in the County Assembly
30 th April	County Executive submits Budget Estimates (spending plan) to the County Assembly
May	Debate and changes to the proposed budget estimates.
30 th June	County Finance Bill to be passed within 90 days of budget approval

The county budget process

The county budget process has the following stages:

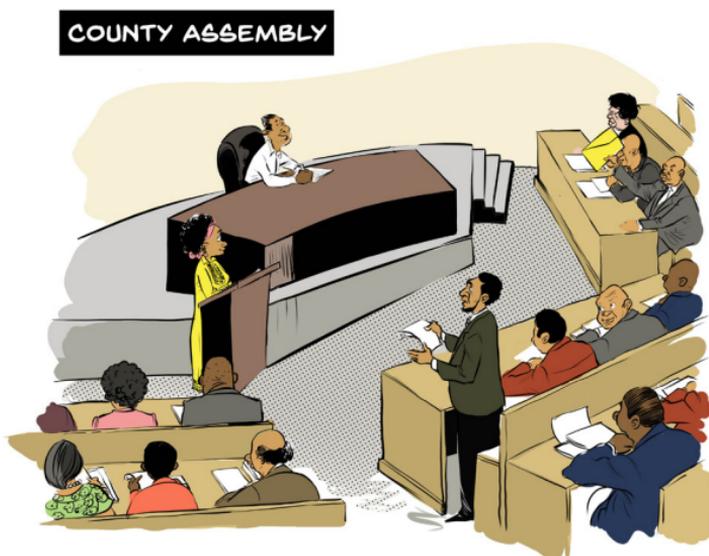


The opportunities for public participation

The budget is prepared in four major stages which are opportunities for your input and participation. The stages are:

- Formulation – when the budget is prepared through planning and other processes by the County Executive

- Approval – when the County Assembly passes the budget estimates to be implemented by the County Executive
- Implementation – when programmes, projects and services are implemented based on the annual plans
- Audit – follow up to ascertain whether funds were used according to the budget



Why participate?

It is important to participate in the budget making process of your county because:

- It is your right – the Constitution and other laws provide for public participation during the budget making process as a right for all citizens. Sovereignty belongs to all wananchi.
- It is your responsibility – As a citizen of Kenya, it is your civic duty to be involved in public affairs and government.
- Your opinion matters – your views and opinions help shape how the county is run, the priorities for the county and how revenue is collected. The government uses your views to decide how it budgets your money.
- Knowledge is power – it is important to know how your money shall be used.

How to participate

You as a citizen can participate individually or through representation in county budget making by:

- Attending and contributing during county public participation forums including County Budget and Economic Forum (CBEF) and Sector Working Groups (SWG)
- Submitting petitions and memoranda to the assembly
- Through consulting your elected leaders (MCAs) and sharing your concerns
- Writing letters to public officials on any issue of concern
- Advocacy activities and campaigns to push your ideas

(d) Participating in policy making and legislation

County governments make laws and policies (decisions that guide the way in which public affairs will be handled) delivery of services, performance of functions and implementation of plans.

The Constitution provides that your County Executive and Assembly should enable you and other citizens to participate in making or reviewing laws and policies, plans and budgets.

County Executive departments and County Assembly committees should take views from the citizens, at the village, ward, sub-county and county levels on laws and policies.

Who makes laws?

Laws and policies are drafted by the executive and passed by the assembly. You are represented through your elected representatives (MCAs).

However, the Constitution requires that you, the public, must participate in every law or policy passed by the assembly.

The assembly must set up forums and meetings for members of the public to submit their views through a clear, publicised process (elaborate on the steps).

The Assembly publishes a proposed law (bill) and circulates it to the public to make people aware of the plan to pass the law and ask for input or even objections to it.

Opportunities for participating

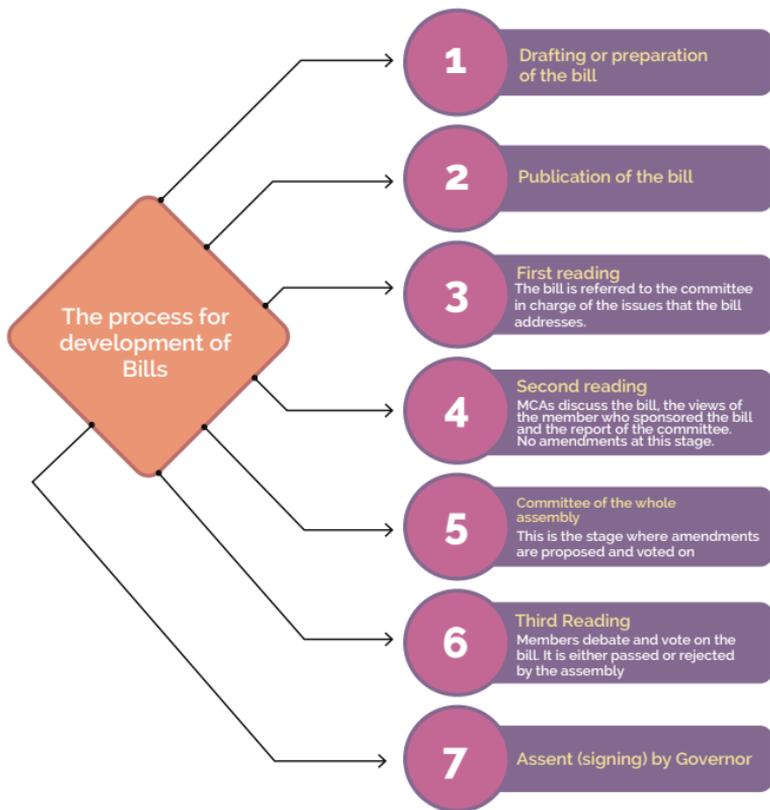
There are various opportunities for the public to participate in the creation of laws and policies in the county.

The Constitution says that you and any other person can petition your County Assembly to make, change or remove a law. County departments must also involve the public during the formulation of policies.

The assembly works through committees in charge of different issues or responsibilities. The committee conducts public hearings on the proposed laws and makes proposals or changes before the County Assembly finalises it.

Legislative process

You can participate in developing laws during the following stages:



How to participate

There are various ways for you to participate in the creation of laws and policies in the county. Some are officially organised by the County Assembly or department while others are self-initiated.

These include:

- Petitioning the County Assembly or department
- Attending and actively participating in public participation forums or hearings on bills and policies
- Writing letters/memoranda
- Social media debates or public discussions on media
- Initiating and voting during referenda
- Engaging your MCA(s)
- Writing to the relevant member of County Executive Committee
- Picketing and demonstrating
- Advocacy activity
- Dialogue meetings to agree on contentious issues

Before you go before a committee, prepare your ideas well. Read the proposed law and understand its purpose. This will enable you be focused and make contributions that will add value to the policy or law. Information is power.



(e) Overseeing implementation of county plans and budget

After the budget is passed, it is your right and responsibility as a citizen to follow through and ensure it is implemented properly.

The following questions can help you in overseeing the implementation of the budget:

1. Have you seen a copy of the budget? Is it simple and understandable?
2. Is the project in the annual development plan?
3. Do the projects meet the standards expected? Are they worth the cost?
4. Did it follow the project plan, design or was it varied? What is the final cost of the project and variation?

You have a right to ask for and be given this information as part of your feedback and role in planning and implementing county projects.

Why oversee implementation of plans and budgets?

Devolved government was introduced to take services closer to the people. You, participate in deciding what is important and should be prioritized for your welfare or development. The public also has a hand in assessing how services are provided.

As a citizen you can participate in ensuring the delivery of services through monitoring and evaluation systems. This includes giving feedback and physically inspecting the projects or testing the quality of services being offered.

You need to be involved in tracking the implementation of the county's programmes.

The county government is required to release to you and the public details of the approved budget through a law called the Appropriation Act. This should be done within 21 days of its approval by the County Assembly. As a member of the public you can engage with both the County Executive and the County Assembly through performance management and oversight processes.

How to participate in implementation and oversight

- Mobilise and organise yourself into a citizens'

oversight committee to follow government projects and delivery of services and goods.

- Petition the County Assembly or the governor on any issue relating to the provision of services to the people.
- Report to an MCA.

At the end of the day, you should ask yourself the following questions:

1. Have you been given a chance to contribute or is the forum dominated by “experts”?
2. Did you have access to supporting information and documents to help you understand the content of the budget?



Budget checklist

As a citizen here is what you should look out for:

- What are the priority areas in the budget?
- Does the budget have the same priorities as the county's development plan? Is there enough money in the budget to maintain the current level of basic services like health?
- Does the budget tell where (that is, in which ward or sub-county) planned development projects will be located?
- Does the budget have a deficit and how will it be paid for?
- How much money does the county say it will raise from its own taxes and fees and is that reasonable?
- How much money does the county expect to receive from the national government?
- Does the budget spend money on things that counties are responsible for rather than the national government and are there any areas that the county is responsible for that are missing from the budget?
- Does the budget contain unit costs for various purchases (such as vehicles, generators and other assets) and are these consistent across departments?

- The county government is supposed to set up specific sector public participation forums to assess delivery of services in health, agriculture, water and sanitation, education etc.
- The government should provide information on each of the services planned and being provided for you as a mwananchi to interrogate and oversee.
- The government should provide performance contracts for each of the services tendered and procured for you to follow and determine if they are value for money.
- The county government should also provide the procurement plans so that you can check against the purchased goods and services being supplied. Every item purchased must be documented and according to procurement plan and at the cost of the contract. These should be published on notice boards or availed at the information /communication office of the department or finance office. They are public documents.
- Compare the services with what is promised in the plan or budget. Do not demand the government to do things that are not in the budget because it does not have funds to do so. It is also illegal for the government to use funds which it has not budgeted or that are not approved by the County Assembly.

Procurement

This is one of the most important processes that you should participate in. Delivery of all services begins with procurement.

The law requires all the services and goods supplied to the county to be procured through competitive bidding and following a procurement plan.

The information should be put on notice boards and advertised in the mass media. All information for the procurement of goods and services should be available to the public and understandable.

Procurement information that you need:

- Annual procurement plan or sector plans
- Contract value, name of supplier, extent of the contract/details/brief, and stages of implementation, quarterly reports.
- Are the terms of the tender, deadlines for application reasonable?
- Does it have periodic reporting for financial and non-financial performance?
- Are the procurement and payment schedules/procedures according to the law?

Procurement checklist

What to look for in the county procurement process

- Compliance with the law on procurement of goods and services,
- Members of the procurement committee,
- Invitation for tender and to whom it was issued,
- Tender documents including request for quotations, request for proposals and pre-qualification documents,
- Pre-qualification lists,
- Call for procurement bids and proposals,
- Bidding timelines,
- Terms of procurement bids,
- Procedure of opening bids,
- Terms of contracts,
- Tender results including final contract award, price, scope of work and delivery period,
- Justification for awarding contract to selected contractor,
- Feedback and complaints procedures,
- Access to Government Procurement Opportunities (AGPO) for Youth, women and persons with disabilities

Public participation in the procurement process includes inspecting the following:

- Progress reports by county departments, county Treasury and Controller of Budget
- Disclosure of the contract value, contractor name, brief/ scope of work and contract progress
- Studying the implementation plans and providing timely input through the stipulated mechanisms
- Seeking clarification on matters that are not clear
- Reading and giving input to quarterly reports by the county Treasury and County Budget Implementation Reports prepared by Controller of Budget (CoB).
- Stakeholders/experts and public review of reports.
- Independent feedback on regularity and quality of public services
- Access to approved development plans, implementation work plans and itemized budgets
- Transparent process of selecting members of the public to participate in service committees
- Disclosure of procurement data through notice boards, village assemblies and web portals.

Table 1: Provisions of the County Governments Act prescribing public participation

Issue	Provision
<p>Objects of County Government Act</p>	<p>Section 3 (f) – Provide for public participation in the conduct of the activities of the county assembly as required under Article 196 of the Constitution</p>
<p>Functions of a Member of a County Assembly</p>	<p>Section 9 (1) (b) – present views, opinions and proposals of the electorate to the County Assembly (d) – Provide a linkage between the county assembly and the electorate on service delivery</p>
<p>Right to petition county assembly</p>	<p>Section 15 (1) – A person has a right to petition a county assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation</p>

<p>Recall of a county assembly member</p>	<p>Section 27 – The electorate in a county ward may recall their member of the county assembly before the end of the term of the member of the county assembly.</p>
<p>Functions and responsibilities of a county governor</p>	<p>Section 30 (3) (g) – promote and facilitate citizen participation in the development of policies and plans, and delivery of services in the county</p>
<p>Functions of the county executive committee</p>	<p>Section 46 (2) – When establishing departments and organising the county, the county executive committee shall take into account, and be guided by the need to – (a) be responsive to the needs of the local community and the functions and competencies assigned to and transferred to the county; ... (g) allow participatory decision-making as far as is practicable</p>

<p>Performance management plan</p>	<p>Section 47 – The plan shall provide for among others - ... (d) citizen participation in the evaluation of performance of county government; and (e) public sharing of performance progress reports</p>
<p>County offices</p>	<p>Section 50 (3) – sub county administrator (g) – facilitation and coordination of citizen participation in the development of policies, plans and delivery of services. The foregoing applies mutatis mutandis for the following offices – 51 (g) – ward administrator 52 (3) (a)(i) – village administrator and 53 (2) (a)village council</p>

<p>Citizen participation</p>	<p>Part VIII of the Act Section 87 – principles of citizen participation Section 88 – citizens' right to petition and challenge Section 89 – duty to respond to citizens' petitions and challenges Section 90 – matters subject to local laws (county laws, plans, policies) Section 91 – establishment of modalities and platforms for citizen participation</p>
<p>Public communication and access to information</p>	<p>Part IX of the Act Section 93 – principles of public communication Section 94 – objectives of county communication Section 95 – county communication framework Section 96 – access to information Section 97 – inclusion and integration of minorities and marginalised groups – (g)... effective participation of minorities and marginalised groups in public and political life</p>

<p>Civic education</p>	<p>Section 98 – principles of civic education – to promote... (b) - ...continual and systemic engagement of citizens and government... Section 99 – purpose and objectives of civic education – (2)(a) – sustained citizens' engagement in the implementation of the Constitution Section 100 – Design and implementation of civic education</p>
<p>County planning</p>	<p>Section 102 – principles of planning shall – (i) serve as a basis for engagement between county government and the citizenry, stakeholders and interest groups Section 104 – obligation to plan by the county...(4) – To promote public participation, non-state actors shall be incorporated the planning processes by all authorities.</p>

Sample Petition

PETITION BY THE SMALL TRADERS OF BIDHAA MARKET URGING THE WARD ADMINISTRATOR OF GATUZI DOGO WARD TO ENSURE THAT THE MARKET IS CLEANED EVERY MORNING AND EVENING

We the undersigned, are small traders and residents of Gatuzi-Dogo ward, Gatuzi County. Through this petition, we urge you to take immediate action to ensure that our market is cleaned every morning and evening.

NAME	ID.NUMBER	SIGNATURE
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Meaning of Words and Phrases

Word	Meaning
Advocacy	- Campaign, argue for, support or push for something such as a cause
Bid	- To apply for or tender for a contract to provide goods or services
Demean	- To shame or lower a person's dignity
Deficit	- Shortfall or shortage of funds to do an activity in a budget
Devolve	- To distribute or delegate power from a central government to lower or regional governments
Dismissal	- To be sacked or fired from employment
Gross Violation	- breaking the law
Gubernatorial	- Relating to a governor e.g. gubernatorial elections means elections for a governor
Incapacity	- Not have or lack ability to perform a job. Be unable to do a task
Interdependent	- dependend on, rely on or cooperate with each other
Policy	- A plan, guide or strategy for achieving a goal or objective
Priority	- More important, urgent or something that should be done before other things
Promulgate	- Make a Constitution official and start using or following it

Mashinani	- Kiswahili word used to mean community, local or grassroots level e.g. village level
Petition	- A formal written request asking for a certain response or action. It is normally signed by many people
Picket	- To demonstrate by standing outside or walking around the premises or offices of an institution normally while carrying placards, chanting or singing
Procure	- To get, buy, obtain or acquire a thing such as a service or goods
Recall	- Removing an elected official e.g. an MP from office before his or her term is over
Sovereignty	- Supreme power or authority in a country

Additional reading

For more information on devolution and public participation you may read the following materials and documents

1. Adili No. 135: *Public participation: Kenya's best weapon against graft and poor governance*
2. *What is Public Participation?* Frequently asked questions (Uraia)
3. Devolution and Public Participation in Kenya: Civic Education Curriculum Executive Programme (Ministry of Devolution, 2016)
4. *Devolution and Public Participation in Kenya: Civic Education Curriculum for General Public* (Ministry of Devolution, 2016)
5. *Devolution and Public Participation in Kenya: Civic Education Curriculum for Learning Institutions* (Ministry of Devolution, 2016)
6. *Devolution and Public Participation in Kenya: Civic Education Handouts for Participants* (Ministry of Devolution, 2016)
7. *Devolution and Public Participation in Kenya: Civic Education Trainer's Manual for Executive Programme* (Ministry of Devolution, 2016)
8. *County Public Participation Guidelines* (Ministry of Devolution and Planning & Council of Governors (2016)
9. *Delivering on Devolution?: Evaluating County Budgets 2013/14* (Africog)
10. *Factors Influencing Public Participation in Budget Formulation: The case of Nairobi* (Edwin Odhiambo Siala,

USIU, 2015)

11. *Public Participation in Public Finance Management Under the Constitution of Kenya* (ICPAK)
12. *Public Participation Under Kenya's New Financial Management Law and Beyond* (Policy Statement by IEA)
13. *Public Participation in Kenya* (KARA, 2017)
14. *Budget Transparency and Citizen Participation in Counties in Kenya: A Guide* by NTA (NTA, 2013)
15. *County Budget and Economic Forums (CBEFs) and Public Participation* (IBP Kenya, 2014)
16. *Policy Proposals on Citizen Participation in Devolved Governance in Kenya* (TISA)
17. *Public Participation Bill, 2016* (Kenya Gazette 8 November 2016)
18. *Public Participation Framework in the County Assembly* (TISA, 2015)



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