



MURANG'A COUNTY ASSEMBLY

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February 22, 2016

The Hon. Speaker

Thro'

The Clerk
Murang'a County Assembly
P.O.Box 731

MURANG'A

RE: PAPER LAID

Hon. Speaker, I beg to lay the following Paper on the table of the House;

THAT, the Public Participation report of the Governance, Labour and Social Welfare, Justice and Legal Affairs Committee on The Murang'a County Public Participation Bill, 2015 held in various Sub-Counties on February 4 and 5, 2016, be laid on the table of the Assembly today Tuesday, February 23, 2016.

Thank You

Hon. Speaker


Hon. Jesse Mburu Gitau

Chairperson, Governance, Labour and Social Welfare and Justice and Legal Affairs Committee



**MURANG'A COUNTY ASSEMBLY
CLERK**
23 FEB 2016
.....
**FORWARDED TO THE
HON. SPEAKER FOR APPROVAL**



MURANG'A COUNTY ASSEMBLY

**SECTORAL COMMITTEE ON GOVERNANCE, LABOUR AND SOCIAL WELFARE AND JUSTICE AND
LEGAL AFFAIRS**

**A REPORT ON PUBLIC PARTICIPATION EXERCISE ON COUNTY PUBLIC PARTICIPATION BILL, 2015
HELD AT 8 SUB COUNTIES OF MURANG'A COUNTY GOVERNMENT**

**Clerk's Chambers
Murang'a County Assembly**

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1.0 Preface

On behalf of Governance, Labour and Social Welfare and Justice and Legal Affairs Committee, it is my pleasure and duty to present to the County Assembly, the Committees report on public participation exercise on County public participation Bill, 2015 held at all the Sub Counties of Murang'a County Government.

1.1 Committee membership

The Committee comprises of the following members:-

- | | |
|--|-----------------|
| 1. The Hon. Jesse Mburu Gitau - | (Chairman) |
| 2. The Hon. Anderson Muchemi Waweru - | (Vice-Chairman) |
| 3. The Hon. Samuel Dishon Wandia | Member |
| 4. The Hon. Florence Nyambura Wangechi | „ |
| 5. The Hon. Isaac Mwangi Kamote | „ |
| 6. The Hon. Martin Mwangi Macharia | „ |
| 7. The Hon. Beth Wanjiku Ngugi | „ |
| 8. The Hon. Jane Wanjiku Ndegwa | „ |
| 9. The Hon. Cecilia Wanjiku Gitu | „ |
| 10. The Hon. Esther Wanjiru Ngugi | |
| 11. The Hon. Joseph Njoroge Mwangi | |
| 12. The Hon. Joseph Ndung'u Njogu | |
| 13. The Hon. Eric Kamande Kimani | |

1.2 Committee mandate

The Sectoral Committee on Governance, Labour and Social Welfare and Justice and Legal Affairs deals with all matters related to constitutional affairs, the administration of law and justice, including the elections, ethics, integrity and anti-corruption and human rights, and administrative justice, labour, trade union relations, manpower or human resource planning, gender, culture and social welfare, national heritage, betting, lotteries, sports and County public service and ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of functions and powers and participation in governance at the local level.

1.3 Acknowledgements

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the County Assembly for the support extended to it in the execution of its mandate.

The Chairperson of the Committee takes this opportunity to thank all the members for their profound contribution through dedication of time and efforts towards the realization of the mandates of the Committee.

Thank you.

Signed.....

Hon. Jese Mburu Gitatu

(Chairperson)

Committee on Governance, Labour and Social Welfare and Justice and Legal Affairs

Dated this.....^{18th}.....day of ^{Feb.}.....2016

2.0 Background

The Murang'a County Public Participation Bill, 2015 was drafted on April 13, 2015 and gazetted on May 4, 2015. After the first reading in the Assembly on May 26, 2015, it was committed to the committee on Governance, Labour, Social Welfare and Justice and Legal Affairs Committee. In preparation of public participation exercise on the Bill, the committee resolved to undertake scrutiny of its contents. This was in order to ensure that members were conversant with the contents of the Bill prior to public participation exercise. The committee members would thereafter propose any amendments on its clauses in terms of additions or deletion before its second reading. The committee further resolved through the Clerk's office to subject the Bill for public participation. This was in order to take into account the views and recommendations of the public.

3.0 Problem Statement

Since inception of the County Governments, Murang'a County Government has been undertaking public participation exercises without an Act regulating the same. The County residents with interest in county governance have also lacked an avenue to participate in policy or service delivery matters. The County Assembly and the County Executive were also in dire need of the Bill as there was no general direction and principles to be followed during public participation process. The assembly also needed to fulfill the requirements under County Governments Act, 2012 that provides for co-ordination of public participation in the County Assembly. It was against this backdrop that the County Government's Executive and the Assembly resolved to draft the County Public Participation Bill, 2015.

4.0 Terms of reference/Objectives of the report

The Committee set out the following objectives;

1. To understand the contents of County Public Participation Bill, 2015.
2. To propose any amendments on various sections of the Bill.
3. To collect the views and recommendations from the public with regard to the Bill.

5.0 Methodology

The committee held a workshop on September 25 and 26, 2015. The Assembly's Legal Officer aided the committee in scrutiny and interpretation of the Bill contents.

The workshop was participatory in that the committee members aired their views regarding various sections of the Bill. They proposed various amendments and the Legal Officer helped in determining on their suitability.

The committee through the Clerk's office organized for public participation exercise on the Bill. The meetings were conducted at all the Sub Counties on February 4 and 5, 2016.

6.0 Observations

6.1 Committee Proposed amendments

The following amendments were proposed during a workshop held at Kasarani-Sports view hotel;

6.2 PART II-Co-ordination of public participation in the County Assembly

Clause 5

That the word Board be added after the phrase "county assembly" so as to read "That there is established an office to be known as the Public Participation Office which shall be an office in the county assembly service Board."

6.3 PART IV- Public participation process

Clause 12 and 13

That the entire two Clauses on Public Participation Advisory Committee be deleted. The reasons given were that;

1. The composition of the committee was bloated
2. It would be expensive to run the committee
3. The Public Participation Unit under Clause 9 would suffice in advising the County Executive.

Clause 14

That the Clause on Citizen forums be merged with Clause 8 on Ward Forums.

Clause 17

That the word ``may'' on **Clause 17 (1)** be replaced with **the word ``Shall''**.

Clause 18

That mass media platform be added as a public participation method.

Clause 19

That regulation be drafted to control public private partnership. The rationale behind it is that the mode is prone to political interference.

Clause 22

That an addition of county assembly be made on county department or agency.

Clause 25(5)

That the word transmit be replaced with submit.

Clause 27

That there should be electronic petition form of petition to be submitted online.

Clause 30

That a subsection be included indicating that a petition should be discussed within 60 days.

Clause 31

That an extra subsection numbered **(e)** be added indicating that the County Secretary shall, within fourteen days after the decision is communicated to the petitioner or petitioners submit a report on petition to the Assembly before it's forwarded to the petitioner.

Schedule (s. 27 and 34) Form of a public petition

That there should be a Kiswahili version as required under Clause 27 and 34.

7.0 Views from members of public from various Sub-Counties

The following views were collected from various Sub Counties during a public participation exercise;

7.1 Kandara Sub-County

Members of public thanked the County Assembly and the Executive for initiating the Bill. They indicated that it would help create more awareness on various legislations that would regulate various sectors of the County economy.

7.2 Mathioya Sub-County

The following amendments were proposed;

PART II

Clause 8

That the period for conducting Ward forums be reduced from 6 to 3 months.

Clause 5

That the Public Participation Office be set up at the Ward levels.

7.3 Gatanga Sub-County

The following amendments were proposed;

Clause 12-Sub section 5

That the phrase "Board of Directors" be replaced with Public Participation Advisory Committee.

Clause 27 (i) (j)

That the word "card" be inserted in between "identification numbers" so as to read identification card numbers.

7.4 Kahuro Sub County

Members of public indicated that the County Assembly and the Executive should enhance the use of public Participation Methods outlined in Clause 18 of the Bill.

7.5 Kangema Sub County

The following were proposals from the members of public;

1. That public participation exercise should be done at the village, Sub-Location and Location levels.

2. The County should embrace use of road shows in alerting the public to participate in future forums and meetings.

7.6 Kiharu Sub County

Members of public proposed the following;

1. That there is need for civic education so as to sensitize the public more on future proposed County legislations.
2. That the Public Participation methods provided in Clause 18 should be effective in terms of delivering the desired message and generating adequate feedback.

7.7 Maragua Sub County

The following views were submitted;

1. That the Assembly should in future provide summaries for the proposed Bills. This will facilitate easier understanding and discussion of the same.
2. That future notices for proposed public participation should be done in public places such as churches and Chief camps.
3. That Ward offices for the various County Assembly Members and Chiefs' offices should have prior information on proposed legislations to be subjected to public participation. This will help the Ward residents to be well versed with the documents under discussion.

7.8 Kigumo Sub County

Views from public were as follows;

1. That there should be enhanced awareness created to the public on future proposed legislations. Various public participation methods should be exhausted such as mass media.
2. The Bill should have a Clause providing on remuneration of participants during public participation meetings. Various packages were proposed such as catering for travel expenses and provision for lunch.
3. With reference to **Clause 12**, Local opinion leaders should be included to be part of public advisory committee at the Ward level

8.0 Findings

1. The drafter of the Bill incorporated relevant contents in the Clauses. This is due to the fact that the members of public proposed minimal amendments on the Bill.
2. That the Bill was drafted in line with Article 196 of the Constitution of Kenya, 2010 and Section 87 of the County Governments Act. The Article provides that the County Assembly shall facilitate public participation and involvement in the legislative and other business of the assembly and its committees.
3. There was inadequate prior public awareness conducted on public participation exercise of the Bill. This translated into poor attendance of the exercise in various Sub Counties.

9.0 Recommendations

1. That the amendments from members of public on various Clauses should be presented to the committee of the whole house as proposed.
2. Future public participation exercise by both the County Assembly and the Executive should be guided by the contents of the Murang'a County Public Participation Bill, 2015.
3. Enhanced public awareness on proposed future legislations should be embraced. The concerned entities of the County Government which are the Assembly and the Executive should exhaust the public participation methods outlined under Clause 18 of the Bill.
4. As part of the regulations and for better carrying into effect of the provisions of the Bill, the County Executive Member for Public Service and Administration should use community or opinion leaders in sensitizing the public on relevance of the Bill contents once enacted into Law.

10.0 Conclusion

The committee concluded by expressing confidence that the contents of Murang'a County Public Participation Bill would effectively help in co-ordination of public participation both in the County Assembly and the Executive.

11.0 Report adoption

The following committee members adopted the report;

		SIGNATURE
1. The Hon. Jesse Mburu Gitau -	(Chairperson)	
2. The Hon. Anderson Muchemi Waweru -	(Vice-Chairperson)	
3. The Hon. Samuel Dishon Wandia	Member	
4. The Hon. Florence Nyambura Wangechi	"	
5. The Hon. Isaac Mwangi Kamote	"	
6. The Hon. Martin Mwangi Macharia	"	
7. The Hon. Beth Wanjiku Ngugi	"	
8. The Hon. Jane Wanjiku Ndegwa	"	
9. The Hon. Cecilia Wanjiku Gitu	"	
10. The Hon. Esther Wanjiru Ngugi	"	
11. The Hon. Joseph Njoroge Mwangi	"	
12. The Hon. Joseph Ndung'u Njogu	"	
13. The Hon. Eric Kamande Kimani	"	