

NATIONAL COUNCIL FOR
LAW REPORTING
LIBRARY

SPECIAL ISSUE

Kenya Gazette Supplement No. 1

28th January, 2020

(Kitui County Legislative Supplement No. 1)

LEGAL NOTICE NO. 1

KITUI COUNTY ASSEMBLY SERVICE BOARD
THE KITUI COUNTY PUBLIC FORUMS ACT, 2019

(No. 3 of 2019)

IN EXERCISE of the powers conferred by section 24 of the Kitui County Public Forums Act, 2019, the Kitui County Assembly Service Board makes the following Guidelines—

KITUI COUNTY PUBLIC FORUMS (IMPLEMENTATION) GUIDELINES, 2020

PART I—GENERAL PROVISIONS

Citation

1. These Guidelines may be cited as the Kitui County Public Forums (Implementation) Guidelines, 2020.

Interpretation

2. In these Guidelines, unless the context otherwise requires—

“Act” means the Kitui County Public Forums Act, 2019;

“Assembly” means the County Assembly of Kitui as established under Article 176 of the Constitution;

“Board” means the Kitui County Assembly Service Board established under section 12 of the County Governments Act, 2012;

“Committee” means any County Assembly committee established under the County Assembly of Kitui standing orders or any other written law;

“Constitution” means the Constitution of Kenya, 2010;

“Clerk” means the Clerk of the County Assembly appointed in accordance with section 18 of the County Assembly Services Act, 2017;

“election day” this means the day when general elections are to be undertaken pursuant to the Constitution;

“member” means a member of the County Assembly elected in accordance with the Constitution;

“Ward office assistant” means a person employed by the Board on behalf of a member to manage the day to day operations of a ward office;

“Ward office staffer” means a person employed by the Board on behalf of a member, to undertake any ward office duties under the directions of a ward office assistant;

“Ward” means one of the electoral wards in Kitui County as established under section 26 of the County Governments Act, 2012;

“public” means residents of a ward and shall include civil society or any other non-state actors operating within a ward and where applicable, a sub-county;

“Speaker” means Speaker of the County Assembly of Kitui elected in accordance with the Constitution.

PART II--ADMINISTRATION

Agenda

3. (1) A member shall in consultation with the ward office assistant agree on the agenda for a public forum.

(2) The ward office assistant shall put the agenda so agreed upon in writing.

Notice to the Clerk

4. (1) A Member shall give to the Clerk at least a fourteen (14) days' notice for the public forum which notice shall contain--

(a) a tentative budget for the activities to be undertaken during the public forum(s);

(b) the tentative budget shall be approved by the Clerk and the Speaker;

(c) upon approval of the budget for the public forum(s) by the Clerk and the Speaker, a ward office assistant shall be issued with an imprest on behalf of a member upon filling imprest warrant form F.O.24 under the Public Finance Management Act, for the sum approved; and

(d) an imprest issued under this guideline shall be so issued in line with the Public Finance Management Act, 2012.

Notice to the Public

5. (1) A Ward office assistant shall issue a seven (7)days' notice to the public on a public forum to be held.

(2) The notice shall be issued by making announcements in churches, public barazas and pinning the notice in Sub-County, Ward and Village Administrator's offices, area Chief's offices and in any other public places.

(3) A notice issued under this provision shall be in a prescribed form.

(4) A Member may publicize public forums through any medium considered appropriate provided that the cost of such advertisement shall be met through the annual budget for the public forum as shall have been appropriated by the Assembly.

Information

6. (1) All the information and documents regarding public forums shall be put in government offices for the public to access.

(2) The information shall be accessed by public for at no cost.

Facilitation

7. A Member shall facilitate persons living with disability in attending public forums either through provision of transport or any other appropriate means.

Rotation of public forums

8. A public forum shall be held in different villages and no public forum shall be held in the same village unless and until all the villages have had the opportunity to host a public forum.

Role of ward office assistant

9. (1) In the implementation of these Guidelines and the Act, a ward office assistant shall have the following roles—

- (a) preparing of public forum tentative budgets in consultation with the member;
- (b) preparing of public forums agenda in consultation with the member;
- (c) preparing of public forum reports in consultation with the member;
- (d) forwarding public forum reports to the office of the Clerk;
- (e) preparing and issuing notices for public forums;
- (f) recording public forum proceedings;
- (g) ensuring that attendance register is signed by the attendees to public forums;
- (h) keeping proper records of all public forums; and
- (i) ensuring safety of all ward office assets.

(2) In executing the role under this guideline, the Ward Office Assistant shall be assisted by any other ward office staffer.

Procurement

10. (1) The Board shall cause the pre-qualification of at least four suppliers in every village for purposes of supplying goods and services in a public forum.

(2) Goods and services under these guidelines and the Act shall be procured through the office of the Member as and of when required.

Reporting

11. (1) After every public forum, a ward office assistant shall prepare a report for that public forum.

(2) The following shall be attached on the public forum report—

- (a) attendance register which shall be in a prescribed form;
- (b) photographic evidence confirming that the public forum occurred;
- (c) the Notice calling for the public to attend the public forum; and
- (d) any other relevant documents.

Quarterly reports

12. ward public forum quarterly reports shall be sent to the office of the Clerk within twenty one (21) days of closure of every quarter.

Transmission to the Committee on Appointment

13. The Clerk shall forward all public forum quarterly reports to the Committee on Implementation within seven (7) days of receipt of the reports from the ward office assistant.

Bi-annual reports

14. (1) The Committee on Implementation shall prepare bi-annual reports under the Act and table them before the Assembly for consideration.

(2) The bi-annual report shall be prepared within twenty one (21) days after the end of every two quarters.

(3) A member may bring a motion, statement request, petition, legislative proposal and take any other action that may be appropriate in relation to the report.

PART IV --FINANCIAL PROVISIONS

Budgetary allocations

15. (1) On or before 31st March of each year, a ward office assistant in consultation with a Member shall prepare and forward to the Clerk a tentative budget for the ward public forum activities for the following financial year.

(2) The Board shall approve the tentative budget as part of the Assembly annual budget.

(3) The Assembly shall not appropriate a sum exceeding three hundred thousand Kenya shillings (KSh. 300,000/=) per ward for each quarter for activities under the Act.

(4) Not more than one hundred thousand Kenya shillings (KSh. 100,000/=) may be expended for the activities under the Act in every month of a quarter.

Accounting

16. (1) A Ward office assistant in consultation with a Member shall within seven (7) days of conclusion of a public forum account to the office of the Clerk, the imprest issued in line with guideline 4.

(2) Accounting of an issued imprest shall be in a prescribed form.

(3) A form accounting for an imprest shall be accompanied by all the necessary payment receipts and documents.

(4) The Clerk shall not be obligated to accept any account of an imprest where in the opinion of the Clerk, the accounting is based on a fictitious expenditure or an unallowable expenditure.

PART III--MISCELLANEOUS PROVISIONS

Allowable expenditure

17. Funds appropriated by the Assembly for purposes of implementing these Guidelines and the Act shall be used for the following expenses—

- (a) refreshments;
- (b) purchase of stationery;
- (c) printing expenses;
- (d) ward office staffers's allowances;
- (e) publicity of the public forum;
- (f) facilitation for persons living with disability; and
- (g) hire of armed government security officers where necessary.

Feed back

18. The Member shall be at liberty to—

- (a) provide feedback reports to the public at any time regarding issues raised in a public forum report, if the issues are acted upon before consideration of the bi- annual reports; and
- (b) give feedback to the public after consideration of bi-annual reports by the Assembly.

Form A

**COUNTY ASSEMBLY OF KITUI
KITUI COUNTY ASSEMBLY PUBLIC FORUMS ACT, 2019**

(Act No. 3 of 2019)

NOTICE TO THE CLERK

Notice is hereby given that the Hon. Member for..... intends to hold a public forum pursuant to section..... of the Kitui County Public Forums Act, No. 3 of 2019 below stated are the details of the public forum to be held:

	Date	Time	Venue	Agenda
Meeting 1				
Meeting 2*				

This is therefore to notify your office of the public forum, and further request that the Ward Office Assist. Mr/Mrs/Miss..... be granted on behalf of the Member an imprest for the sum of.....for the purposes of the public forum activities as provided in the attached budget.

Signed by:

Name:(Ward Office Assistant).....

Signature:.....

Date:.....

Delete where applicable*

Confirmed by:

Name(M.C.A.).....Name of the Ward:.....

Signature:.....

Date.....

APPROVALS (FOR OFFICIAL USE ONLY)

APPROVAL 1:..... Clerk of Assembly

(signature and stamp)

EXPENDITURE APPROVED:

AMOUNT: KSh.....

REMARKS

.....
.....
.....
.....

EXPENDITURE DECLINED (GIVE REASONS)

.....
.....
.....
.....

APPROVAL 2:..... Speaker of
Assembly

(Signature and stamp)

EXPENDITURE APPROVED:

AMOUNT: KSh.....

REMARKS

.....
.....
.....
.....
.....

EXPENDITURE DECLINED (GIVE REASONS)

.....
.....
.....
.....
.....
.....
.....

Form B

COUNTY ASSEMBLY OF KITUI
KITUI COUNTY ASSEMBLY PUBLIC FORUMS ACT, 2019
(Act No. 3 of 2019)

NOTICE TO THE PUBLIC

Notice is hereby given that the Hon. Member for..... intends to hold a public forum pursuant to section..... of the Kitui County Public Forums Act, No. 3 of 2019 below stated are the details of the public forum to be held—

Venue:

Date:

Time:

Agenda:

Further information regarding the public forum may be collected from any of the following government offices:

- (a) MCAs office;
- (b) Village Administrators office;
- (c) Ward Administrators office;
- (d) Sub county administrators office (where applicable); and
- (e) Area chief's office.

(Members of the public are therefore encouraged to collect the documents and read them in preparation for the public forum to enable their meaningful participation).

Members of the public, civil society and all residents of.....ward and particularly residents ofvillage are encouraged to attend the public forum.

Signed by:

Name:(Ward Office Assistant).....

Signature:.....

Date:.....

Confirmed by:

Name(M.C.A)..... Name of the

Ward:.....

Signature:.....

Date.....

COPY TO:

- (a) Village Administrator's office;
- (b) Ward Administrator's office;
- (c) Sub county administrators office (where applicable); and
- (d) Area chief's office.

Form C

COUNTY ASSEMBLY OF KITUI
KITUI COUNTY ASSEMBLY PUBLIC FORUMS ACT, 2019
(Act No. 3 of 2019)

ATTENDANCE REGISTER FOR WARD PUBLIC FORUM

VENUE:

DATE:

TIME:

No.	NAME	ID No.	SIGNATURE
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			

20.			
21.			
22.			
23.			
24.			
25.			
26.			
27.			
28.			
29.			
30.			
31.			
32.			
33.			
34.			
35.			
36.			
37.			
38.			

Signed By: (Name)..... Ward Office Assistant

Signature:.....

Date:.....

Confirmed By;(Name)..... M.C.A,
..... Ward

Signature:.....

Date.....

Form D

COUNTY ASSEMBLY OF KITUI
KITUI COUNTY ASSEMBLY PUBLIC FORUMS ACT, 2019
(Act No. 3 of 2019)

IMPREST ACCOUNTING

Ward Office Assitsnat's Name: _____

Ward: _____

Date: _____

S. No.	ITEMS OF EXPENDITURE	PARTICULARS	AMOUNT (KSh.)
1	Transport Expenses		
2	Refreshments cost		
3	Printing and Stationery cost		
4	Ward Assistant Allowance		
5	Publicity and Advertising costs		
6	Facilitation to PLWD cost		
7	Hire of Security cost		
Total Cost			

Amount in words _____

Examination

Name: _____

Signature: _____ Date: _____

Approved by Clerk

Name: _____ Signature: _____

Date: _____

If not approved indicate reasons: _____

Note

(1) All receipts must be attached to this form and signed by the Ward office assistant and the member accounting for the imprest.

(2) Where space is insufficient to insert all requisite details, items should be specified on the reverse side of this form and the totals applicable to each heading carried to the front.

(3) All prerequisite approvals should be attached to this form.

Dated the 21st of January, 2020.

GEORGE M. NDOTTO,
Speaker/Chairperson,
Kitui County Assembly Service Board.