

THE KIAMBU COUNTY GOVERNMENT

HIS EXCELLENCY THE GOVERNOR

WILLIAM KABOGO GITAU

I assent

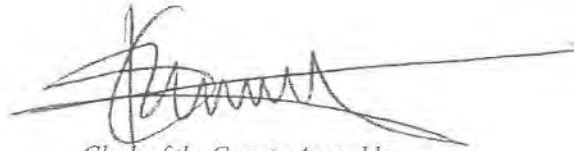


Governor

1st December, 2016

AN ACT of the County Assembly of Kiambu to give statutory recognition to community and neighborhood associations and effect to their initiatives in complementing County Government service delivery; to enable structured co-operation between the County Government, residents and businesses; to facilitate the activities of the associations and organizations; and to give further effect to Articles 10 and 174 of the Constitution as regards the principle of participation of the citizens and for connected purposes.

I certify that this printed impression is a true copy of the
Bill passed by the County Assembly on the
23rd day of.....(date) November.....(month), 2016.



Clerk of the County Assembly.

Presented for assent in accordance with the provisions of
the Constitution of Kenya and County Governments Act on the
15th Dec 2016.....(date) at the hour
of 0900 hrs.....



County Assembly Speaker.

**KIAMBU COUNTY COMMUNITY AND NEIGHBORHOOD ASSOCIATIONS
PROMOTION OF PARTICIPATION AND ENGAGEMENT BILL, 2016**

Arrangement of Clauses

Clause

PART I – PRELIMINARY

- 1 - Short title and commencement
- 2 - Interpretation
- 3 - Objects of the Act

**PART II – RECOGNITION OF, AND ENGAGEMENT WITH
COMMUNITIES AND NEIGHBORHOOD ASSOCIATIONS**

- 4 - Objectives and initiatives of community and neighborhood associations necessary for recognition and engagement
- 5 - Eligibility for community and associations to enter into Recognition Agreement with County Government
- 6 - Recognition Agreements
- 7 - Delineation of Zones
- 8 - Community and Association of interest in a Zone
- 9 - Termination of Recognition Agreement

**PART III - DELEGATION OF RESPOSIBILITIES BY EXECUTIVE
COMMITTEE MEMBER TO COMMUNITIES AND ASSOCIATIONS**

- 10 - Delegation of responsibilities
- 11 - Mandate of and limitations to communities and associations
- 12 - Agency arrangements with Community and Association

PART III MISCELLANEOUS PROVISIONS

- 13 - Consultative forums with communities and associations
- 14 - Benefits and Incentives
- 15 - Dispute Resolution
- 16 - Regulations



**KIAMBU COUNTY COMMUNITY AND NEIGHBORHOOD
ASSOCIATIONS PROMOTION OF PARTICIPATION AND ENGAGEMENT
BILL, 2016**

A Bill for

AN ACT of the Kiambu County Assembly to give statutory recognition to community and neighborhood associations and effect to their initiatives in complementing county government service delivery; to enable structured co-operation between the County Government, residents and businesses; to facilitate the activities of the associations and organizations; and to give further effect to Articles 10 and 174 of the Constitution as regards the principle of participation of the citizens and for connected purposes.

ENACTED by the County Assembly of Kiambu County, as follows—

PART I - PRELIMINARY

Short title and commencement.

1. This Act may be cited as the Kiambu County Community and Neighborhood Associations Engagement Act, 2016.

Interpretation.

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

“association” means a residents’ association or residents umbrella association representing a wider network registered under the laws of Kenya and recognized by the County Government under this Act;

“community” means any interest group, society or community based organization registered under the laws of Kenya and whose objectives meet the criteria set out in section 5;

“county” means Kiambu County.

“County Government” means the County Government of Kiambu.

“Executive Member” means the county executive committee member in charge of public service and administration;

“neighbourhood” includes a grouping representing a common interest not necessarily domiciled in the same locality;

“resident” in respect of a locality or a neighbourhood includes persons who operates a permanent business in that locality or neighbourhood or shares in the community of interest of any group whose members are not necessarily in the same neighbourhood.

Objects of the Act.

3. The objectives of this Act are to -

(a) establish a legal framework for the engagement, promotion and facilitation of community and neighbourhood associations in their support, co-operation and collaborative efforts County Government in the delivery of services;

(b) enhance public participation in the decision making by the County Government especially with regard to service delivery and thus give effect Articles 10 and 174 of the Constitution;

(c) recognize and facilitate community and neighborhood initiatives in complementing County Governments services including security, waste management, water, sanitation, public health and other utility provision;

(d) establish a recognition framework for the community and neighborhood

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associations;

- (e) provide for competencies and responsibilities of the community and neighborhood associations;
- (f) establish framework for strengthening capacities and synergy of community and neighborhood associations to enforce regulations aimed at enhancing service provision;

PART II – RECOGNITION OF, AND ENGAGEMENT WITH COMMUNITIES AND NEIGHBORHOOD ASSOCIATIONS

Areas of cooperation

4. The County Government may cooperate and collaborate with a Neighbourhood Association or Community in-

- (a) Protection of the environment;
- (b) Maintenance of common infrastructure including recreational facilities;
- (c) Monitoring compliance with statutory provisions;
- (d) Sharing of information on matters affecting the residents;
- (e) Provision of public service;
- (f) Promotion of recreational activities including sporting and arts activities; and,
- (g) Building capacity and benchmarking of associations and communities.

(2) Notwithstanding the provisions of subsection (1) nothing in this Act shall be construed to limit the areas in which a community or neighbourhood association may collaborate in with the County Government.

Eligibility for community and neighborhood associations to enter into Recognition Agreement with County Government

5. The County Government may enter into a recognition agreement with a community and neighborhood associations under this Act if that community or association -

- (a) is a registered body under the laws of Kenya and has demonstrated compliance with the relevant national and county legislation relating to registration, regulatory and other requirement;
- (b) has, as its objects, functions that complement and demonstrate the spirit of corporation between the members or between the community or association and the County Government for the purpose of the functions of the County Government;
- (c) demonstrates that it is complying to its objectives and serving the common interest of its members;

Application for Recognition

6. (1) A community or neighbourhood association within Kiambu County may apply, either directly or through the recognized umbrella body in the County as at the time of application, for recognition by the County Government.

(2) An application under subsection(1) shall be made to the Executive Member in the form prescribed in the First Schedule to this Act and shall be accompanied by;

- (a) copy of a certificate of registration;
- (b) a list of the office bearers of the community or neighbourhood association;
- (c) a list of names and addresses of the members of the community or

neighbourhood association;

(d) any other requirement that the executive member may determine.

(3) The Executive Member shall place the application before the County Executive Committee for consideration and approval within forty five days from the date of application.

(4) The County Government shall enter into a recognition agreement with a community or neighbourhood association whose application has been approved under subsection (3) and issue a certificate of recognition.

(5) Notwithstanding anything in this section, the county government may reject an application for recognition if a community neighbourhood association is engaged in unlawful or illegal activities or for any other justifiable cause that the county executive committee may determine.

7. (1) A legally registered body may apply to be recognized by the County Government in manner set out in the First Schedule to this Act.

(2) A duly filled in form will be submitted to the County Secretary who shall forward it to the relevant County Executive committee Member duly charged with that portfolio as per the request and with due regard to the Laws of Kenya.

(3) Upon receipt of a Recognition Request Form, A County Executive Committee Member Shall respond to the same within thirty working days.

(4) A County Executive Member may request for any such additional information that is required to deliberate on whether to enter into a recognition Agreement.

Delineation of Zones

8. (1) The County Government may in consultation with residents, community and associations delineate respective zones within the County which shall be recognized as areas of the respective community or association for the purpose of this Act.

(2) In delineating the zones under this section, the County Executive Committee Member shall take into account -

- (a) the existing co-operation arrangement by residents, if any;
- (b) the community of interest of the respective neighbourhood's residents;
- (c) geographical, spatial plans and built demarcations if any;
- (d) any other relevant matter as the executive committee member may determine, in consultation with the residents



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- Substantive provision
of a recognition
agreement
9. (1) A community or neighbourhood association recognized under this Act may enter into a collaboration agreement with any department of the County government on such terms and conditions that the Executive member for that department may determine.
- (2) Nothing in this Act shall permit a community or neighbourhood association recognized under this Act to perform any function of the County Government unless through an agreement entered into under subsection (1).
- (3) A member of a community or neighbourhood association who purports to act on behalf of a county government without a lawful agreement commits an offence and is liable on conviction to a fine not exceeding five hundred thousand Kenya shillings or to imprisonment for a term not exceeding 2 years or to both.
- (4) In addition to the provisions of subsection (3) the county government may terminate a recognition agreement where a community or neighbourhood association violates the requirements under this Act or the terms and conditions of a recognition agreement.

**PART III - DELEGATION OF RESPONSIBILITIES BY EXECUTIVE
COMMITTEE MEMBER TO COMMUNITIES AND ASSOCIATIONS**

- Agency arrangements
with Community and
Association
10. The County Government may, subject to any relevant written law and to such conditions as it may determine, enter into agency arrangements with any community or association, or their respective but recognized umbrella body for the purpose of providing services.

PART IV - MISCELLANEOUS PROVISIONS

- Consultative forums
with communities
and associations
11. The County Government shall at least once every year, and, as need arises, convene a forum and invite at least three officials from each community and association to discuss, as the main agenda, County Government programmes of interest to the residents where direct participation is sort.
- Benefits and
Incentives
- 12.(1) The County Government may, subject to the relevant legislation, grant waiver on rates, fees and other charges due to the County Government from members of a recognized community or association which has successfully engaged with the County Government in implementation of a recognition

agreement entered into under this Act.

(2) The County Government may enter into an agreement for a specific development initiative that has a direct benefit to the community or association which has successfully engaged with the County Government in implementation of a recognition agreement entered into under this Act.

Regulations

13.(1) The Executive Member, with the approval of the County Executive Committee, may make regulations for the better implementation and carrying out of the provision of this Act.

- (2) Notwithstanding the generality of sub clause (1), the regulations may-
 - (a) Prescribe other standard forms to be used;
 - (b) Prescribe additional procedures for application or rejection of Recognition Agreements; and,
 - (c) Prescribe operational policies and guidelines for the management of records with regards to Recognition agreements.

FIRST SCHEDULE

Form 1.....s.7

**COUNTY GOVERNMENT OF KIAMBU
RECOGNITION AGREEMENT REQUEST FORM**

**To: The County Secretary
Kiambu County Government
P.O. Box. xxxxxx
Kiambu**

Date :.....

Name of Body:.....

Email Address :.....

P.O. Box.....

Number of Members.....

Domicile (which ward are you based?).....

Physical Address (including LR.No.)

Registration Number (kindly attach certificate):
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Name of Contact person/lead person.....

Contact Number of Lead person.....

PIN Number:.....

Purpose of Request (What you seek to achieve through collaboration as a group)

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Past achievements in the Community if any (Kindly attach documentary evidence to support claims)

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Do you expect any aid from the County Government? If so what kind?

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Do any of your members have any Criminal record?

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Has Your Organization been involved in any kind of suit regarding any subject matter within the County? Whether past or present? If so kindly explain

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How long do you expect the collaboration to last and why?

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What Benefits do you expect to bring to the community through this Collaboration?

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Are there any cost implications to the County Government? If so kindly elaborate

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Name of Applicant.....

Designation of Applicant.....

Signature.....

Date:.....

MEMORANDUM OF OBJECTS AND REASONS



*Kiambu County Community and Neighborhood Associations promotion of
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The objective of this Bill is to establish a legal framework for the engagement between recognized residents' association, residents umbrella association, interest groups, societies or community based organizations and the County Government

Residents and businesses in the County and Country at large have organized themselves into neighbourhood or residents associations; have formed interest groups, societies or community based organizations for their common good including pooling of resources to provide some basic needs like security services, community based policing, ensure garbage collection, ensure clean habitable environment and neighbourhood, ensure maintenance of the value of their investments and property. Some of these initiatives have oftentimes taken over certain functions that the authorities are meant to perform. However despite these interventions by citizens directly in service provision and sometimes in even in infrastructure development initiatives, the authorities have not recognized nor rewarded such initiatives even where such residents have continued to pay the respective services charges, relevant fees and taxes to the relevant government.

The Bill seeks to ensure an arrangement for recognition and support of these initiatives; their regulation and engagement of communities and associations with County Government on issues that have to do with their objectives as resident association or community. this will enable the County Government not only entrench the principle of public participation as required by Article 10 and Article 174 of the Constitution but will also enable structured collaborative engagement between the County Government and communities and associations in the latter's initiatives so that there is an understanding of expectations and incentives that are intended for them.

Part I provides for preliminary matters include the definition of certain terms and phrases used in the proposed legislation.

This part also sets out the broad objectives of the Act which include the establishment of a legal framework to promote, facilitate and strengthen communities and associations in their support and co-operation with the County Government in the delivery of services as well as enhancing public participation.

Part II provides for the recognition of and engagement with communities and associations.

Clause 4 provides for the objectives and/or initiatives of a community or neighbourhood association necessary for recognition and engagement. Among the objectives are those that promote integrity of the members' environment and investments or protection of environment and enhancement of habitability of a zone.

Clause 5 provides for the grounds of eligibility to enter in recognition agreement with County Government. These include valid registration under the laws of Kenya, representation of at least fifty one percent of the residents in a give locality, a demonstration of compliance with the relevant National and County legislation relating to registration, regulatory and other requirements and demonstration of public interests

Clause 6 requires the County Government to enter into a recognition agreement with eligible communities and associations and provides for areas that may be provided for in the recognition agreement

Clause 7 provides for delineation of zones and considerations thereof

Clause 8 provides for the manner of determination of community of interest in cases where the community or association is to further interests which are not necessarily neighbourhood based and where more than one community or association claim to operate within a zone.

Clause 9 provides for termination of Recognition Agreement giving circumstances leading to termination and notice period thereof.

PART III provides for delegation of responsibilities by executive committee member to communities and associations as well as mandate of and limitations to communities and associations

Clause 10 provides for delegation of responsibilities to a recognized community or association eligible for responsibilities

Clause 11 prohibits associations from undertaking or assuming regulatory functions or any other responsibilities which are preserved for the County Government. It also provides binding effect of a lawful resolution passed under the mandate of the community or association

Clause 12 provides for County Government entering into agency arrangements with any community or association, or their respective but recognized umbrella body for the purpose of providing services or collecting revenue.

PART IV provide for miscellaneous matters include at least two forums every year between the County Government and selected officials of recognized communities or associations.

Clause 14 provides for benefits or incentives that may be awarded to a community or an association for successfully engaging with the County Government in implementation of a recognition agreement entered.

Clause 15 provides for dispute resolution mediation committee that would comprise of members nominated by respective parties, a professional nominated by a professional body and a co-opted member whose knowledge and skills is deemed necessary for the functions of the committees.

The enactment of this Bill into law shall not occasion expenditure of public funds

Dated theof 2016

HON. PETER GECHU KARANJA MCA
Kahawa Sukari Ward

