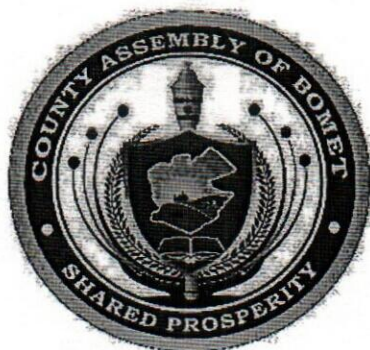




THE COUNTY ASSEMBLY OF BOMET

**REPORT OF THE COMMITTEE ON COUNTY PETITIONS ON PETITION No.1 OF
2026 ON DECENTRALIZATION OF PUBLIC PARTICIPATION TO WARD LEVEL**

MAY, 2026

*Approved for
tabling
20/05/2026*

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PART ONE

1.1 Preface

The Committee on County Petitions is one of the select committees established under the Standing Order 200(1) of the County assembly Standing orders.

Committee Membership

The Committee on County Petitions comprises of the following Honourable Members: -

- | | |
|--------------------------|-------------------|
| 1. Hon. Josphat Kipkirui | -Chairperson |
| 2. Hon. Emily Cheruiyot | -Vice Chairperson |
| 3. Hon. Peter Rono | -Member |
| 4. Hon. Japhet Cheruiyot | -Member |
| 5. Hon. Joseah Samoei | -Member |
| 6. Hon. Chemutai Naomi | -Member |
| 7. Hon. Nathan Kibet | -Member |

2.2 Mandate of the Committee

The Select Committee on County Petitions derives its mandate from provisions of Standing order 200(3) of the County assembly standing orders which provides that the committee shall consider and report on all public petitions presented to the Assembly.

2.3 Petition No. 1 of 2026

Pursuant to Standing order 200(3) of the County Assembly Standing Orders, the County Petitions Committee shall consider and report on all public petitions presented to the Assembly. The Committee on County Petitions formally received a petition from **Mr. Gedion Kemei**, imploring the County Government of Bomet to decentralize public participation forums to the Ward level.

The petitioner asserted that the Constitution and the relevant statutes provides for decentralization of County services and governance and mandates public participation in County Planning and development.

He expressed concern that public participation forums are rarely conducted at the Ward level limiting effective citizen participation and contributing to poor prioritization of development projects. The Petitioner submits that effective public participation is a critical component for transparency, accountability and sustainable development. The Petitioner therefore prays that the County Government of Bomet decentralizes all public participation to the Ward level.

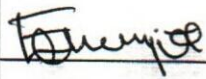
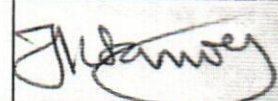
In considering the matter, the Committee held several sittings during which it engaged the Petitioner, the County Executive Committee Member (CECM) for Administration, Public Service and Special Programs.

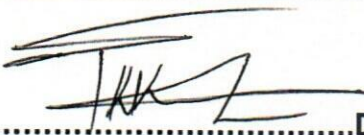
Upon deliberations in the said sittings and based on the submissions from the petitioner, the County Executive Committee Members, the committee came up with a report in response to the petition as provided for under the Standing Order 213 (2) of the County Assembly Standing Orders.

It is therefore my pleasant duty and privilege, on behalf of the County Petitions Committee to table this report on the Petition.

2.4 Adoption of the Report

We, the Hon. Members of County Petitions Committee do hereby append our signatures to this report to affirm our approval and confirm its accuracy, validity and authenticity: -

NO.	NAME	DESIGNATION	SIGNATURE
1.	Hon. Josphat Kipkirui	Chair	
2.	Hon. Emily Cheruiyot	V/Chair	
3.	Hon. Peter Rono	Member	
4.	Hon. Japhet Cheruiyot	Member	
5.	Hon. Joseah Samoei	Member	
6.	Hon. Chemutai Naomi	Member	
7.	Hon. Nathan Kibet	Member	

SIGNED  Date 20/08/2024

HON. JOSPHAT KIPKIRUI, MCA
CHAIRPERSON, COMMITTEE ON COUNTY PETITIONS

PART TWO

2.1 Background

Petition No.1 of 2026 was tabled and committed to the Committee on County Petitions on 01st April, 2026. In the petition, the petitioner sought to draw the attention of the County Assembly to the following:

- (a) **THAT** the Constitution of Kenya, 2010 under Article 174 (c) and (d) establishes devolution as a vehicle to enhance self-governance and promote democratic and accountable exercise of power including citizen participation in decision making.
- (b) **THAT** the County Government Act, 2012 provides a legal framework for decentralization of County services and governance, specifically Section 48 which provides for decentralization of services to the Ward and Village level, and Section 115 which mandates public participation in County Planning and development.
- (c) **THAT** development planning and implementation in Bomet County have largely been decentralized to the Ward and Village levels.
- (d) **THAT** Public Participation forums are rarely conducted at the Ward level as required by law, limiting effective citizen engagement.
- (e) **THAT** lack of adequate Ward-level public participation has contributed to poor prioritization of development projects and a high number of stalled projects in villages.
- (f) **THAT** effective public participation at the Ward level is essential for transparency, accountability and sustainable development.
- (g) **THAT**, Bomet County Public Participation Act, 2019 provides a comprehensive framework for effective, inclusive and structured public participation but mechanisms therein have not been fully operationalized, particularly at the Ward and Village levels.
- (h) **THAT** none of the issues raised in the petition is pending in any court of law, constitutional body or other quasi-judicial organ.

2.2 Legal Basis for Petitions

The right of citizens to petition public authorities is enshrined in the Constitution. **Article 37 of the Constitution** provides that; *'Every person has a right, peaceably*

and unarmed, to assemble, to demonstrate, to picket and to present petitions to public authorities”

Section 15(1) of the County Governments Act, 2012 makes a provision for citizens' right to petition the County assembly. The said section provides that; ***“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.”***

The Standing Order 213(1) of the County Assembly Standing Orders provides that every Petition presented or reported pursuant to this Part, shall stand committed to the County Petitions Committee.

Standing Order 213(2) further provides that whenever a Petition is committed, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the County Assembly and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petitions for not more than twenty Minutes.

2.3 Consideration of Petition

2.3.1 Specific Prayers of the Petitioner

The specific prayers of the Petitioner to the County Assembly were as listed below:

1. Require the County Executive Committee Member (CECM) responsible for public participation to decentralize all public participation forums to the Ward level.
2. Develop and approve a clear county framework for Ward-level public participation
3. Allocate adequate budgetary resources to facilitate Ward-level public participation
4. Strengthen the role of Ward and Village Administrators
5. Review development projects approved without proper Ward-level public participation
6. Require periodic review to the County Assembly.

2.3.1 Approach taken by the committee

- (1) In considering the petition, the committee observed that it would be important to verify the facts alleged in the petition. The committee therefore resolved to conduct an inquiry on the issues raised in the petition.
- (2) In this regard the committee received the petition on 01st April, 2026 after being tabled and committed to it.
- (3) The committee invited the petitioner on 14th April, 2026 to clarify the issues raised in the petition.
- (4) The Committee similarly on 23rd April, 2026 invited the County Executive Committee Member (CECM) for Administration, Public Service and Special Programs to respond to the issues raised in the petition.

2.4 Submissions from the Petitioner

The Petitioner appeared before the Committee on Tuesday 14th April, 2026 and stated as follows;

- a. THAT the Constitution of Kenya in Articles 1 and 10 read together with relevant sections of the County Governments Act, 2012 provides for Public Participation in matters governance.
- b. THAT denying the public, participation is denying them a right.
- c. THAT the County Government of Bomet enacted the County Public Participation Act, 2019 but its implementation was wanting.
- d. THAT the said Act in section 13 provides for the establishment of an advisory committee, which last in place was in the year 2018
- e. Expressed concern on the lack of annual public participation reports as required by the Act.
- f. THAT public participation is often carried out as a formality leading to poor resolutions.
- g. THAT helps the County Government to zero-in to the actual community priority needs

- h. THAT sections 87-91 of the County Governments Act, 2012 provides for the provides for a holistic approach to public participation but its implementation is poor.
- i. THAT views offered by the public during public participation are not captured in the final products.
- j. THAT the placement of public participation advertisement in the Newspapers is insufficient as few can access, thereby there is need to employ notice boards, local vernacular radio stations and barazas among other more efficient channels.
- k. THAT feedback is not given to the public post public participation events.
- l. THAT none of the issues raised in the petition is pending in any court of law, constitutional body or other quasi-judicial organ.

2.5 Submissions from the County Executive Committee Member for Administration, Public Service and Special Programs

- a. The County Executive Committee Member submitted that the County Government fully recognizes and upholds the constitutional requirement for public participation in governance and decision-making processes as envisaged under the Constitution of Kenya, 2010. The CECM stated that all County development projects are subjected to public participation in compliance with the law and established policy frameworks.
- b. The CECM further submitted that public participation forums are currently conducted mainly at the sub-county and ward levels, particularly during project launching, inspection, and commissioning stages. However, due to inadequate budgetary allocation, the County Government has not fully decentralized such forums to the village level. Nevertheless, the County Government is actively exploring mechanisms for enhanced decentralization of public participation to village units through the provision of sufficient funding.
- c. The CECM informed the Committee that the County Government has already enacted the Bomet County Public Participation Act, 2019, which provides the legal framework guiding public participation processes within the County. The CECM

noted that the County Government is progressively operationalizing the provisions of the Act across all devolved units to strengthen citizen engagement.

- d. On budgetary allocation, the CECM submitted that the County Executive acknowledges the importance of adequate funding in facilitating effective public participation and is considering enhanced budgetary allocations towards public participation activities, while balancing competing development priorities and programmes within the County.
- e. The CECM further submitted that Ward and Village Administrators play a critical role in coordinating grassroots public participation forums. In this regard, the County Government is undertaking measures to strengthen their capacity through administrative support, facilitation, and continuous capacity-building initiatives to enable them effectively discharge their mandates.
- f. Regarding development projects, the CECM submitted that all County Government projects originate from the Annual Development Plan (ADP), which is derived from the County Integrated Development Plan (CIDP). The CECM explained that the CIDP undergoes comprehensive public participation during its formulation, while the ADP is subjected to annual public participation to validate and prioritize projects for implementation in each financial year. Consequently, the CECM maintained that all County projects undergo public participation at both planning and implementation stages and that no project is implemented without public involvement.
- g. The CECM also assured the Committee that the County Executive remains committed to continuously improving the quality, inclusiveness, and decentralization of public participation processes within the County.
- h. On accountability and oversight, the CECM acknowledged the oversight role of the County Assembly and submitted that the County Government shall continue providing reports to the Assembly through established channels. The CECM further indicated the County Executive's willingness to strengthen periodic reporting mechanisms on public participation as may be required by the Assembly.

PART THREE

Committee Observations

Upon hearing from the petitioner and other witnesses, the committee observed that;

1. THAT public participation is a constitutional requirement anchored under Articles 1 and 10 of the Constitution of Kenya, 2010 and further operationalized under Sections 87 to 91 of the County Governments Act, 2012.
2. THAT the County Government of Bomet has enacted the Bomet County Public Participation Act, 2019 to provide a legal framework for public participation within the County.
3. THAT despite the existence of the legal framework, there are gaps in the implementation and operationalization of the Bomet County Public Participation Act, 2019.
4. THAT the advisory committee provided for under Section 13 of the Bomet County Public Participation Act, 2019 has not been consistently operationalized, thereby affecting coordination and oversight of public participation processes.
5. THAT there is inadequate dissemination of information relating to public participation forums, particularly where notices are placed mainly in newspapers which have limited accessibility to a majority of residents.
6. THAT alternative communication channels such as local vernacular radio stations, notice boards, chiefs' barazas, social media platforms, and village administration structures would enhance accessibility and inclusivity of public participation processes.
7. THAT there exists inadequate feedback mechanisms to inform members of the public on how their views and memoranda are incorporated into final policies, plans, budgets, and development programmes.

8. THAT the absence of regular and comprehensive annual public participation reports undermines transparency, accountability, and public confidence in governance processes.
9. THAT public participation forums are currently conducted mainly at the sub-county and ward levels due to budgetary constraints, thereby limiting effective grassroots engagement at the village level.
10. THAT decentralization of public participation to village units would enhance inclusivity, ownership, and responsiveness of County Government programmes and projects to community needs.
11. THAT Ward and Village Administrators play a critical role in mobilization, coordination, and facilitation of public participation at the grassroots level and therefore require adequate facilitation and capacity building.
12. THAT public participation assists the County Government in identifying and prioritizing the actual needs and development priorities of the community.
13. THAT concerns were raised that some public participation forums are undertaken as a procedural formality, resulting in poor quality deliberations and inadequate consideration of public views.
14. THAT the County Executive maintained that all County Government projects are derived from the County Integrated Development Plan (CIDP) and Annual Development Plan (ADP), both of which undergo public participation processes before implementation.
15. THAT the County Executive acknowledged the need for enhanced budgetary allocation towards public participation and expressed commitment to strengthening accountability, inclusiveness, and decentralization of public participation processes within the County.

PART FOUR

Committee Recommendations

Pursuant to Standing Order 200(3) and in response to the prayer sought, the committee recommends that;

1. Prayer 1: Require the County Executive Committee Member (CECM) responsible for public participation to decentralize all public participation forums to the Ward level.

- a. The Committee notes that, Article 1 of the Constitution of Kenya, 2010 vests sovereign power in the people and provides that such power may be exercised directly or through democratically elected representatives. Article 10(2)(a) of the Constitution also identifies participation of the people as a national value and principle of governance binding all State organs, State officers, public officers, and all persons whenever they apply or implement public policy decisions. Additionally, Section 87 of the County Governments Act, 2012, provides the principles of citizen participation including timely access to information, reasonable access to participation processes, and protection and promotion of the interests and rights of minorities and marginalized groups. Finally, Section 91 of the County Governments Act, 2012, requires county governments to facilitate structures for citizen participation including information communication technology platforms, town hall meetings, budget preparation forums, notice boards, and development project sites.
- b. The Committee also notes that that decentralization of public participation to lower devolved units would enhance accessibility, and effective citizen engagement.

The Committee therefore recommends that the County Executive progressively decentralizes public participation forums to the ward and village levels subject to availability of funds and administrative capacity.

2. Prayer 2: Develop and approve a clear county framework for Ward-level public participation

- a. The Committee notes that **Article 196(1)(b) of the Constitution of Kenya, 2010**, requires County Assemblies to facilitate public participation and involvement in legislative and other business of the Assembly and its Committees. Further **Article 201(a) of the Constitution**, provides that there shall be openness and accountability, including public participation in financial matters.
- b. The Committee further notes that **Section 115 of the County Governments Act, 2012**, requires public participation in county planning processes and that **Section 125(2) of the County Governments Act, 2012**, requires budget processes to involve the public and other stakeholders.
- c. The Committee also notes that **The Bomet County Public Participation Act, 2019**, particularly Section 13 provides for establishment of an advisory committee to coordinate and advise on public participation matters.
- d. Finally the Committee observed that although the legal framework exists, implementation gaps remain, particularly in operationalizing statutory structures and ensuring effective coordination of public participation activities.

The Committee therefore recommends that the County Executive fully operationalizes and implements the existing legal framework, including development of necessary regulations, guidelines, and administrative procedures to strengthen ward and village level public participation.

3. Prayer 3: Allocate adequate budgetary resources to facilitate Ward-level public participation

The Committee notes that effective public participation requires adequate logistical and financial facilitation including public notices, venue facilitation, civic education, mobility, and dissemination of feedback reports.

The Committee recommends that the County Executive considers enhancing budgetary allocation towards public participation activities for every spending unit in the County Executive to facilitate wider grassroots engagement and effective citizen involvement in governance processes.

4. Prayer 4: Strengthen the role of Ward and Village Administrators

- a. The Committee notes that **Section 51 of the County Governments Act, 2012**, establishes the office of the Village Administrator and outlines functions including coordination, administrative support, and facilitation of citizen participation at the village level. Additionally, the Committee notes that **Section 52 of the County Governments Act, 2012**, establishes the office of the Ward Administrator whose functions include coordinating county government functions and citizen participation at the ward level.
- b. Furthermore, the Committee notes that **Section 48 of the County Governments Act, 2012**, provides for decentralized units for efficient service delivery and enhanced citizen participation.
- c. Finally, the committee observed that Ward and Village Administrators are critical links between the County Government and local communities and therefore require adequate facilitation and institutional support.

The Committee recommends that the County Executive enhances facilitation, capacity building, logistical support, and administrative empowerment of Ward and Village Administrators to enable them effectively coordinate public participation activities at the grassroots level.

- 5. Prayer 5:** Review development projects approved without proper Ward-level public participation

The Committee rejects the prayer on grounds that the County Executive demonstrated that County projects are derived from the County Integrated Development Plan (CIDP) and Annual Development Plan (ADP), both of which undergo public participation processes as required under the law. Further, no sufficient evidence was presented before the Committee to prove the existence of any specific development project implemented without public participation.

- 6. Prayer 6:** Require periodic review to the County Assembly.

The Committee notes that Section 28 of the Bomet County Public Participation, 2019 provides that the department in charge of public participation shall prepare quarterly and annual reports on public participation and such reports shall be tabled before the County Assembly and publicized within 14 days.

The Committee therefore recommends that the County Executive strengthens periodic reporting mechanisms on public participation and submits quarterly and annual public participation reports to the County Assembly in line with Section 28 of the Bomet County Public Participation, 2019.