

# Participation in Partnership



## MEMORANDUM OF UNDERSTANDING

BETWEEN

MUNICIPAL COUNCIL OF MALINDI (MCM)

AND

MALINDI RESIDENTS FORUM (MRF)

2007



The Municipal Council and Malindi Residents Forum have agreed on a Memorandum of Understanding after negotiations between MRF Board, Town Clerk, Mayor, Senior Officers and Councillors. The MoU marks an important achievement in the history of citizen's participation in Malindi and is the first such an agreement between a Local Authority in Kenya and a body representing citizens.

The Memorandum marks the end of the introduction phase of PiP and the beginning of a structured and sustainable involvement of the citizen's in the future development of Malindi, channelled through the Malindi Residents Forum and its Ward committees.

Malindi, October 2007

## **PART 1      DEFINITIONS**

### **Article 1.0    Municipal Council of Malindi**

**Municipal Council of Malindi (here in also referred to as MCM)** is a designated area created by the minister of Local Government of Kenya in consultation with the **Electoral Commission of Kenya (ECK)**.

### **Article 1.1    Malindi Residents Forum**

**Malindi Residents Forum (here in also referred to as MRF)** is non-political and non-registered organization but an open space created by the Municipal Council of Malindi and stakeholders for governance issues.

### **Article 1.2    Objective of Malindi Residents Forum**

The primary objective of Malindi Residents Forum is to encourage residents to participate and engage with Government Agencies in facilitating participatory governance for improved service delivery, life improvement and poverty eradication.

### **Article 1.3    Specific Objective of Malindi Residents Forum**

The specific objective of the forum is to create space for the residents to air their views freely without prejudice especially to the marginalized and the un-heard voices in the society on the management of the Council.

## **PART 2      OBJECTIVE OF THE MEMORANDUM**

Municipal Council of Malindi and Malindi Resident Forum enter into an agreement for continuity of the cooperation between the Council and the citizens for public participation and civic education on Local, National and International Development issues and treaties for life improvement and poverty eradication.

## **PART 3      INTRODUCTION**

### **Article 3.1    The Local Government System**

The local government system was designed to devolve the responsibilities of the central government to the local level in a democratic manner. The local government system is composed of the ministry of local government and the local authorities. Local authorities perform a very significant role in the development process of Kenya. Every part of the country is under jurisdiction of a local authority

### **Article 3.2 The Kenya Local Government Reform Programme**

The Kenya Local Government Reform Programme originated from an evaluation on Local Authorities performance and service delivery. The evaluation which was done through the Omamo Commission and World Bank resulted into the Local Authority Transfer Fund (LATF) Act number 8 of 1998 and Local Authority Service Delivery Action Plan (LASDAP) Act 2000.

### **Article 3.3 Local Authority Transfer Fund (LATF) and Local Authority Service Delivery Action Plan (LASDAP) Acts**

Local Authority Service Delivery Action Plan (LASDAP) Act 2000. The Ministry of Local Government through the 175 Local Authorities country wide implements the Local Authority Transfer Fund (LATF) Act number 8 of 1998 and Local Authority Service Delivery Action Plan (LASDAP) Act of 2000 so as to improve on effectiveness and efficiency of the implementation process.

### **Article 3.4 Implementation of the Local Authority Transfer Fund (LATF) and Local Authority Service Delivery Action Plan (LASDAP) Acts**

Currently the Ministry has integrated the implementation of these Acts with the Result Based Management (RBM) with an aim of enhancing result oriented programme of the local community. This is being done through the Rapid Results Initiatives, Performance contracts and Local Authorities Integrated Financial Operations and management Systems.

### **Article 3.5 Kenya's International Obligation**

Kenya as a country has an obligation to meet the Millennium Development Goals and the newly launched Government Vision 2030. To achieve these goals, it is necessary for a Local Authority to have a sound strategic plan, departmental work plans and a customer service charter as performance guidelines. These performance documents are of good use and assist to enhance the performance of the Local Authority if views of people from different segments of the community are taken into account.

### **Article 3.5 Kenyan strategy to meet the Millennium Development**

Kenya has domesticated these and through local means geared to improve people's living standards through participatory governance in several Government departments including Local Authorities. Further, conforming to the Governance, Justice Law and Order Sector (GJLOS) Reform program has been digested for local consumption in this partnership.

### **Article 3.7 Cooperation in Malindi**

The Municipal Council of Malindi has been able to cooperate with stakeholders and capture the citizens' views in its governance through Malindi Residents Forum (MRF). Malindi Residents Forum is as a result of implementing the partnership in participation project (PIP). The product of which has been the remarkably improved people's participation in revenue enhancement monitoring weekly meetings, financial reviews and the LASDAP planning process financial year 2006/07

## **PART 4      RESOLUTIONS**

**Under this MOU both parties resolve to the following clauses:**

### **Article 4.1    Administrative Arrangements**

- The Council will acknowledge the existence of Malindi Residents Forum structures i.e. Village Residents Forums, Ward Residents Forum and Malindi Residents Forum Board as the channel for communication and engagement on issues involving the Municipality and its citizens. Election of such committees will be done under the supervision of the social services department with the blessings of the area Councilor.
- The Council will maintain the existing citizens' Liaison office cum resource center and will support a liaison officer with his mobility and include the office running in the budget towards this program.
- The Council will provide space for MRF meetings at no cost.
- Municipal Council of Malindi will allow MRF to use the existing citizens' Liaison office as its operational base.
- The MRF budget proposals shall be forwarded with a covering letter from the Town Clerk to development partners where necessary
- Funds to support MRF activities as outlined in the project write-up; will be channeled through MCM and/or an appropriate legally registered stakeholder organization, which will be agreed up by both parties.

### **The activities are such as**

- Institutionalizing participatory development planning process
- Strengthening organizational capacities of civil initiatives and administration.
- Supporting the involvement of excluded actors in the decision making process of the Council.
- Mobilizing and promoting people's participation in decision making.
- Promoting good governance and implementing the strategic plans.

### **Article 4.2    Information Dissemination**

- Where the Council organizes consultative stakeholders meetings such as project monitoring meetings and financial enhancement meetings; MRF will be allowed to participate for further dissemination of the same to the grassroots (conscientization).
- Information from the Council for public consumption will be guaranteed.
- A quarterly newsletter will be supported by the Council as an information dissemination tool
- The Council will continuously share information on financial status (revenue and expenditure) in a format appropriate to the Town Treasurer weekly reports and other stakeholders' meetings.
- Information on council matters from and to the MRF shall be communicated through the office of the Town Clerk.
- Information dissemination related to the Council, which is relevant to MRF, shall only originate from the office of the Town Clerk.
- Issues on council matters may be disseminated and feedback received through MRF among others.
- Other information on policy matters shall be shared according to the source of such information for people's knowledge and participation.

- Where issues concerning MCM are raised or reported through MRF, such issues shall be raised and brought forth through the laid down MRF structures i.e. village resident forum – ward resident forum – MRF Board onwards to the Council for address for the council to take such necessary action as the case may be.
- The Municipal Council of Malindi shall maintain the billboards in all wards.

### **Article 4.3 Participatory Planning**

- The planning process for community projects shall be done in accordance to the LASDAP guidelines.
- The Municipal Council of Malindi will give a feedback on the projects approved by the ministry and their costs at the convenience of the two parties.
- Where the council undertakes to implement a project, MRF shall be consulted at the planning stage.
- The council shall then proceed to implement the project following the laid down process and procedures
- MRF will be involved in monitoring of the projects and reporting any anomalies there of to the Town Clerk
- All public meetings schedule shall be shared by both parties for the participation of the two (Annual calendar)
- Notices for public meetings and changes for the same should be communicated early enough.
- MRF may take the lead in informing the Public on matters of their concern regarding Civic Education.
- The LASDAP preparation and planning shall be shared by both parties for convenience and participation
- Annual activities, budget preparation should be participatory and shared between both for involvement/participation.
- The Municipal Officers will advice throughout the whole LASDP process which proposal/projects can be done through LATF or other governmental resources.

### **Article 4.4 Participatory Monitoring and Evaluation**

- Forum will be supported by the MCM in monitoring projects implemented by Public devolved funds in the municipality.
- The monitoring and evaluation processes will be conducted as per laid down government procedures.
- Where the council has to monitor a project, there shall be formed a monitoring and evaluation team that shall be composed of the area Councilor, Ward Residents Forum chairman and other two community representatives and the Council Technical Team.
- There shall also for the purposes of monitoring and evaluation, be constant meetings at most monthly where necessary frequent meetings may be called by the Town Clerk to discuss emerging issues
- The MRF Board will be supported by the Municipal to prepare a monitoring report.

### **Article 4.5 Disputes Resolutions**

Where disputes arise between the two parties, mediation shall be handled amicably and settled through consultations. In the event of no solution, two arbitrators shall be nominated from **two religious sectors**.

<b>CONTACTS IN MCM</b>	<b>CONTACTS IN MRF</b>
<p><b>Town Clerk</b> Municipal Council of Malindi P.O. Box 371 – 80200 - Malindi</p> <p><b>His Worship the Mayor</b> Municipal Council of Malindi. P.O. Box 371 – 80200 - Malindi</p> <p><b>Social Welfare Officer</b> Municipal Council of Malindi P.O. Box 371 – 80200 - Malindi</p>	<p><b>Chairman</b> Malindi Resident Forum P.O. Box 371 – 80200 - Malindi</p> <p><b>Secretary</b> Malindi Resident Forum P.O. Box 371 – 80200 – Malindi</p> <p><b>Treasurer</b> Malindi Resident Forum P.O. Box 371 – 80200 – Malindi</p>