

LEGAL NOTICE NO .....

**THE URBAN AREAS AND CITIES ACT**

*(NO. 13 of 2011)*

IN EXERCISE of the powers conferred by section 53 (1) of the Urban Areas and Cities Act ,2011, the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works makes the following Regulations-

**THE URBAN AREAS AND CITIES REGULATIONS, 2021**

Citation                      1.These Regulations may be cited as the Urban Areas and Cities Regulations,2021.

Interpretation              2. In these Regulations, unless the context otherwise requires-

“Resident” is an individual person who lives within a defined urban jurisdiction for a continuous period of 6 months.

“Service Delivery Entity” is a unit that is established in a city or urban area by a board/committee for carrying out a specified function.

**PART I - PRELIMINARY**

Registration of the Neighborhood Associations      3. For the purpose of the Urban Areas and Cities Act, the City or Urban Area shall establish a register of all registered neighbourhood associations operating within its jurisdiction which shall be updated every(calendar/financial) year

The neighbourhood organizations shall apply to be admitted in the register by filling the prescribed form in *Schedule I* and paying a fee of Kenya Shillings five hundred only KShs. 500

The register shall be managed by the Manager/Town Administrator or his/her appointed representative

A criterion for establishing the representation of the group.      4. For a neighbourhood association to be admitted in the register, it will provide proof of the following  
a) Registration by a recognized body including its membership which shall comprise at least 25 percent of the residents of the neighborhood

- b) Minutes of its meetings and active participation by a sizable proportion of the residents
- c) Existence and operation for at least two years

A structure for accreditation of the Neighborhood Associations

5. The Manager or Town Administrator shall facilitate the establishment of a cluster or clusters of the neighbourhood associations admitted in the register (referred to above) of the City or Urban Area

Each cluster shall elect a minimum of the following officials;

- a) Chair
- b) Secretary
- c) Treasurer

The office of the Manager/Town Administrator shall provide secretariat staff and services to the cluster(s)

Rules guiding the establishment and operations of the cluster(s) are contained in *Schedule II*

Parameters for establishing compliance with NUDP.

6. The National Director of Urban Development shall develop National Urban Development Policy implementation monitoring guidelines

Counties and Urban Boards shall report annually on the state of implementation of NUDP using the guidelines referred to above

A structure for monitoring compliance.

7. The procedure for reporting on the implementation of the NUDP is as contained in *Schedule III*

Failure to comply with the NUDP shall include exclusion from National Urban Development related capacity development projects or any such sanctions as may be authorized by the Cabinet Secretary

**PART II -CLASSIFICATION AND ESTABLISHMENT OF URBAN AREAS AND CITIES**

Format for making the request to the Cabinet Secretary

8. The request shall be made by the County Governor and shall indicate;

- a) The city or urban areas whose boundary is proposed to be reviewed
- b) Nominees of the County Government to the Ad-Hoc Committee
- c) Commitment to support the logistics of the process

Timelines for actions while responding to requests

9. On receiving the request referred to above, the Cabinet Secretary shall within 3 weeks notify the nominating bodies to make their nominations.  
The nominating bodies shall make their nominations within 3 weeks of receipt of the request by Cabinet Secretary  
The Cabinet Secretary shall within two weeks of the lapse of 3 weeks given to nominating bodies, submit the gazette notice to the State Law Office and the Government Printer

Terms of Reference for the Ad-hoc Committee

10.(1) The Terms of Reference of the Ad-Hoc Committee;  
(2) The objective of the exercise shall be to:  
Delineate boundaries for the city or urban areas for which the Ad-Hoc Committee has been formed

(3) The exercise shall entail undertaking of the following tasks:

- a) Developing a work plan and budget for the assignment.
- b) Application of the set technical standards and guidelines against the targeted city or urban area
- c) Propose preliminary boundaries for the proposed city or urban areas
- d) Subject the preliminary boundaries to stakeholders and document and process the inputs of the stakeholders through structured stakeholder consultations which shall be facilitated by the county government.
- e) Review the preliminary boundaries against the outcomes of the stakeholder consultations.
- f) Prepare a final report on the proposed boundaries of the city or urban area.
- g) Prepare an annex to the report containing boundaries of the respective city or urban areas having been duly drawn by a qualified surveyor

(4) The expected outputs are:

- a) A boundaries preliminary report based on application of the technical parameters.
- b) A synthesis of the outcome of the stakeholders' consultations

- c) A final report describing boundaries of the targeted city or urban areas.
- d) An annex of the final report with finally drawn boundaries.

Process of the work of the Ad-Hoc Committee

- 11.** The commencement of the work of the Ad-Hoc Committee shall begin with;  
A notice of intention to delineate in a media with a wider reach of the residents of the city/urban area and adjoining areas.

Technical guidelines to be applied in the process of delineation of urban boundaries.

- 12.** The following principles and parameters will guide the process of delineation of City/Urban Boundaries
- a) Urban Density- in applying this parameter, the proposed boundary of the urban area should result in an urban density which is not less than 50 percent of the urban density of the County as per the last results of the Population and Housing Census
  - b) Balance between urban and rural development
  - c) Environmental sustainability
  - d) Cultural, historical and social factors
  - e) Economic factors
  - f) International, National, Regional and Local context and best practices

Content of the report of the Ad-Hoc Committee

- 13.** The Report of the Ad-Hoc Committee shall at least include;
- a) A summary of the inputs received from public consultations and which elements were implementable
  - b) An account of how the parameters set in section ----- of these regulations have been applied
  - c) A description of the proposed boundaries of the city or urban areas
  - d) Maps of the boundaries of the city or urban area

Procedure for consideration and approval of the delineation report.

- 14.** The report of the Ad-Hoc Committee shall be presented to the County Executive who shall consider and present the Report to the County Assembly for concurrence

Gazettement of the Final Boundary

- 15.** The County Governor shall upon receipt of the notification by the County Assembly of the adoption of the Report on the

boundaries shall submit the same to the Cabinet Secretary for Gazettement

Format of the gazette notice

- 16.** The Gazette Notice shall include the following;
- a) The County in which the Ad-Hoc committee will work
  - b) The City or Urban Area whose boundary is to be delineated
  - c) The members of the Ad-hoc committee
  - d) The commencement date of the delineation process
  - e) The tenure of the Ad-Hoc committee which shall be 6 months or until the committee has finalized its report

The process and composition of the Ad-hoc committee for urban areas which fall in more than one county

**17.** The process of request to the Cabinet Secretary for delineation of a city or urban areas falling in more than one county shall start with a joint memorandum from the Governors of the affected counties to the Council of Governors.

On receipt of the memorandum referred to in --- above, the Chair of the Council of Governors shall make a request to the Cabinet Secretary stating;

- a) The city or urban areas whose boundary is proposed to be reviewed
- b) Nominees of the affected County Governments to the Ad-Hoc Committee
- c) Commitment to support the logistics of the process

Revenue

**18.** The revenue of a city of urban area can be viewed to be sufficient if they can sustain the ability of the entity to:

- a) Meet its immediate or short-term financial obligations;
- b) Meet its financial obligations over a budgeted fiscal year;
- c) Meet its long-term financial obligations; and,
- d) Finance the base level programs and services as required by law

Mechanisms for assessing capacity to generate sufficient revenue.

**19.** Capacity to generate sufficient revenue is established if the city or urban area

- a) Can effectively map a substantial steam of their own source revenue
- b) Establish the systems (technological, logistical, human resource, spatial etc. ) which can enable it to collect at least 50% of its potential revenue

Applicable urban management practices.

- good 20. Good Urban Management practices entail efficiency in
- a) Planning
  - b) Coordinating
  - c) Resourcing
    - o Human
    - o Financial
    - o Material
    - o Institutional
    - o Information
  - d) Developing
  - e) Operating
  - f) Maintaining

Mechanism for assessing capacity towards delivery of services.

21. Capacity to deliver services shall be evaluated against the following parameters;
- a) An appropriate institutional structure including staff which is sufficient for service delivery for the relevant status of the city or urban area
  - b) A functional structure for decentralized service delivery
  - c) Commensurate revenue generation and collection capacity

Existing Services

**22.**

Paved Roads	Should comprise 50% of the total length of roads
Waste and Refuse Management	Should demonstrate collection of at least 50% of waste generated
Street Lighting	At least 50% of road/streets should have functional street lighting
Public spaces (parks and recreational areas)	At least 5% share of the built-up area of cities that is open space for public use for all,
Cemetery	
Water	At least 75% of the residents have access to reliable, clean and safe water
Sewer	At least 75% of the residents have access to sewer services

Storm water Drainage	At least 50 percent of the paved roads have storm drainage
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- Active participation by residents
- 23.** Active participation by residents is feasible if;
- a) Mapping the representative groups
  - b) an appropriate platform (including virtual) for participation exist
  - c) Empowering the residents including through appropriate capacity development initiatives exists
  - d) Entrenching community outreach programmes
- Gauging active participation
- 24.** Quantitative tools such as records of number of participants in urban development activities shall be applied  
Where possible qualitative tools such as a short survey after the event, silent observer feedback etc shall also be applied
- Capacity
- 25.** The yardsticks for assessing capacity shall include those related to;
- a) Human resource
  - b) Equipment and technology
  - c) Finance
  - d) Logistics
  - e)
- Functional waste management system
- 26.** The standards for an operational waste management system shall include
- a) Collection
  - b) Transportation
  - c) Processing/ Recycling
  - d) Disposal
- Special purpose city
- 27.** The process of the establishment of a Special Purpose City shall commence with a proposal by the National Director of Urban Development (NDUDD) which shall be endorsed by the Council of Governors

The proposal referred to above shall be presented to the Cabinet Secretary who shall in consultation with the Governor(s) where the SPC falls shall appoint a task force to evaluate the proposal by NDUDD and make the necessary recommendations to the Cabinet Secretary who shall proclaim the SPC

A Special Purpose City shall be managed in accordance with Section 12 of the Urban Areas and Cities Act

Decentraliza-tion  
of functions

**28.** To entrench the provisions of Section 6(4), the Capital City shall be decentralized into units equivalent to Municipalities which shall be managed in accordance with Section 12 of the Urban Areas and Cities Act

A City County may also decentralize as guided above

Charter

**29.** Once the President has received the communication from the Senate on the conferment of City Status, the President shall within 7 days task the Cabinet Secretary to present the Charter in the prescribed form to his office for processing.

The Cabinet Secretary shall with 14 days of receipt of the notification for the president prepare a charter in the prescribed form for consideration by the presidency.

The president shall confer the status on the city within 14 days of receipt of the Charter from the Cabinet Secretary

The Charter for conferment of a City Status shall be in the format prescribed in Schedule VII of these regulations

Application to  
the CECM

**30.** The Board shall make an application to the CECM through a letter indicating the following;

- a) When the resolution of the Board was made
- b) The Town(s) to be conferred municipal status
- c) A short assessment indicating preparedness of the Town(s) for Municipal Status

Association of  
urban areas and  
cities

**31.** An association of Cities and Urban Areas shall be established.

The Structure of the Association shall include;

- a) An Assembly composed of Chairs of the Boards and Town Committees which shall be an advisory and policy organ. The State Department for Housing and Urban Development may be co-opted in the Assembly to espouse National Government Policies on Urban Development
- b) Coordinating Council composed of Managers and Town Administrators which shall coordinate the work of the Association and implement policies
- c) A Secretariat

Rules Governing the Operations of the Association are contained in **Schedule XXX**

The Assembly shall determine an annual subscription which shall be paid by all cities and urban areas to support the operations of the Secretariat

The Association may through a decision of the Assembly designate partners in their Urban Agenda

Business  
Community

**32.** The Manager or Town Administrator or their appointed representative shall establish a register of all registered business organizations operating within the city or urban jurisdiction which shall be updated yearly.

The business organizations shall apply to be admitted in the register by filling the prescribed form in *Schedule II* and paying a fee of Kshs 100

For a business organization to be admitted in the register, it will provide proof of the following;

- a) Registration by a recognized body including its membership which shall comprise at least 25 percent of the respective business sector
- b) Minutes of its meetings and active participation by a sizable proportion of the members
- c) Existence and operation for at least two years

The business organizations may be clustered according to their trade and such clusters may have a defined leadership structure

Charter for conferment of municipal status 33. Once the Governor has received the communication from the County Assembly on the conferment of Municipal Status, the Governor shall within 7 days task the County Executive Committee Member responsible for Urban Development to present the Charter in the prescribed form to his office for processing.

The County Executive Committee Member shall with 14 days of receipt of the notification for the Governor prepare a charter in the prescribed form for consideration by the Governor.

Initiation of the process of conferment of status of a market centre 34. The process of conferment of status of Market centre shall start with a recommendation by the County Director of Urban Development to the County Executive Member in charge of Urban Development.

The process shall mimic the steps for conferment of Town status with necessary adjustments

The process shall mimic the applicable process enumerated for section 4A (6) with necessary adjustments

composition of the Ad-hoc committee 35. Market Centres shall be managed by a committee comprising;

- a) The ward administrator of the area who shall be the chair
- b) County Director of Physical Planning
- c) County Director of Urban Development
- d) A county works officer

A Market Centre Clerk appointed by the CECM in charge of Urban Areas who shall be the Secretary and key administrator of the market

### **PART III - GOVERNANCE AND MANAGEMENT OF URBAN AREAS AND CITIES**

Instruments that guide performance of 36.(1) **Charter:**  
The charter shall be developed in accordance to the structure and form prescribed under **Schedule IV** of the regulations  
**Functions Delegation:**

delegated  
functions

- a) All functions as outlined under section 20 of UACA shall be delegated by the Governor in the prescribed manner and form under **schedule xxxx** no later than three months after the Board takes oath of office, and before the second formal meeting of the Board following the one electing the Chair of the Board.
- b) The delegation of these functions shall be in accordance to the procedure as laid out in **schedule xxxx** of these regulations.
- c) In the event of failure of such function's delegation as provided in the clauses above, no budget shall be appropriated for the discharge of functions that are bestowed to the Urban Board by section 20 of UACA, and which shall be in breach of the law so establishing the appropriation procedures

**(2) Executive Order:**

The Governor shall, upon the full delegation of functions to the Board, issue an Executive Order in the form prescribed in **Schedule** appointing the County Urban Executive Committee that will be responsible for inter-departmental coordination of the Board functions under Chairmanship of the CECM - In-Charge of Urban function.

**(3) Vesting Order:**

The Governor shall, upon the full delegation of functions as specified in the clauses above, issue a Vesting Order within a timeline prescribed for delegation of functions in the form prescribed in *Schedule XI* ransferring the assets and liabilities of the municipality to the Board

Accountability

**37. Qualifying accountability performance through measurement**

- a) In the discharge of delegated functions under section 20 (1) (j) of UACA, the Board shall enter into such contracts, partnerships or joint ventures as it may consider necessary for the discharge of its functions under this Act or other written law in accordance to the schedule xxxx of this regulation
- b) In the discharge of delegated functions under section 20 (1) (m) of UACA, the Board shall collect rates, taxes, levies, duties, fees and surcharges on fees in the manner prescribed

in schedule xxxx (schedule should provide for process, standards, thresholds, timelines and restrictions)

- c) In the discharge of delegated functions under section 20 (1) (n) of UACA, the Board shall implement Own Source Revenue (OSR) strategies including settling and implementing tariff, rates and tax and debt collection policies developed and executed in the manner prescribed under schedule xxxx of these regulations (schedule should outline the OSR streams and provide for process, standards, thresholds, timelines and restrictions)
- d) The sharing of the revenue generated from the municipality between the County and Municipal Board shall be in accordance to the formula as prescribed in schedule xxxx.

Multi-sectoral  
nature of urban  
governance

**38.**

- a) The Governor shall, upon the assumption of office by the Board, issue an Executive Order in the form prescribed in schedule xxxx appointing the County Urban Executive Committee that will be responsible for inter-departmental coordination of the Board governance The CECM for urban will Chair the County Urban Executive Committee and report to the Cabinet.
- b) The Board shall be governed in accordance to the provisions as contained in *Mwongozo* code of governance for state corporations

Promotion of  
accountability

**39.** Promotion of accountability to the county government and residents of the urban area or city

- a) The Municipal Board Chair shall sign performance contract with the CECM for Urban within three Months of assumption of Office in the prescribed form as per the county government contracting system.
- b) The Board shall be accountable to the residents of the urban area or city through the Citizen Fora and shall within three Months of the Board's assumption of Office convene the first session of the Citizens forum to establish the Calendar of forum meetings to discharge the duties of the forum as provided for in section 22 and schedule 2 of the UACA (2011).

- c) The Board and the Citizens forum shall engage in the manner as provided for in *Schedule X* of these regulations).
- d) The Municipal Manager, in preparation of the Municipal budget, shall make provisions for consultation with the County Executive as well as the Citizens forum in the manner prescribed in **schedule xxxx** of these regulations.

Institutionalized  
Active  
participation

- 40. Institutionalized' active participation by its residents
  - a) The Board shall be accountable to the residents of the urban area or city through the Citizen Fora and shall within three Months of the Board's assumption of Office convene the first session of the Citizens forum to establish the Calendar of forum meetings to discharge the duties of the forum as provided for in section 22 and schedule 2 of the UACA (2011).
  - b) The Municipal Manager, in preparation of the Municipal budget, shall make provisions for consultation with the Citizens forum in the manner prescribed in **Schedule X** of these regulations.

Efficient and  
Effective service  
delivery

- 41. In order to ensure efficient and effective service delivery
  - a) The board shall develop a strategic (MIDEP) plan within six (6) Months after inauguration as per the provisions of CGA and UACA.
  - b) The board shall prepare a Citizen Service Delivery Charter in the prescribed form and manner under *Schedule VIII* of these regulations within six months after inauguration.
  - c) The Municipal Board Chair shall sign performance contract with the CECM for Urban within three Months of assumption of Office in the prescribed form issued by the relevant Government Agency dealing with performance contracting and management as in **schedule XXXX** of these regulations.
  - d) The Governor shall, upon the full delegation of functions as specified in the clauses above, issue a Vesting Order within a timeline prescribed for delegation of functions in the form prescribed in *Schedule VII* transferring the assets and liabilities of the municipality to the Board.

Clear assignment of functions

**42. Delegation of functions**

- a) All functions as outlined under section 20 of UACA shall be delegated by the Governor in the prescribed manner and form under **schedule xxxx** no later than three months after the Board takes oath of office, and before the second formal meeting of the Board following the one electing the Chair of the Board.
- b) The delegation of these functions shall be in accordance to the procedure as laid out in **schedule xxxx** of these regulations.
- c) In the event of failure of such function delegation as provided in the clauses above, no budget shall be appropriated for the discharge of functions that are bestowed to the Urban Board by section 20 of UACA, and which shall be in breach of the law so establishing the appropriation procedures.

Appointment of Municipal Manager

**43.** The position of the Secretary to the Board shall be held by the Municipal Manager whose appointment shall be competitively recruited by the CPSB in the manner and form prescribed in the **schedule xxxx** of these regulations. (Schedule to borrow from section 20 of the principal act and section 13A of the amendment Act) (define executive and corporate involvement in the board in the recruitment of their manager This could entail expression of the requirement by the urban board to the CPSB, the later executing the process of identification of suitable candidates (3), whom they send to the municipal board for appointment of one).

Staff of Municipalities

**44.** The staff of the municipality and their responsibilities within the municipal jurisdiction shall be established in accordance to the municipal institutional structure issued under **schedule xxxx** of these regulations.

Minimum qualifications

**45.(1)** A person shall qualify to be appointed by the County executive committee if that person;

- a) Is a citizen of Kenya;
- b) Holds a degree from a university recognized in Kenya or its equivalent; and

- c) Has proven experience of not less than ten years in administration or management either in the public or private sector.

In appointing the three members of the board, the governor shall ensure—

- a) gender equity;
- b) the inclusion of minorities and marginalized communities; and
- c) the person satisfies the requirements of Chapter six of the Constitution

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- a) is a citizen of Kenya;
- b) holds a degree from a university recognized in Kenya or its equivalent; and
- c) has proven experience of not less than ten years in administration or management either in the public or private sector.

(2) In appointing the three members of the board, the governor shall ensure—

- a) gender equity;
- b) the inclusion of minorities and marginalized communities; and
- c) the person satisfies the requirements of Chapter six of the Constitution

d) The four nominee positions to the board shall be nominated competitively by the nominating bodies in a manner prescribed in schedule xxxx.

#### **PART IV - DELIVERY OF SERVICES**

Establishment of operational sectors and service delivery entities

46. Establishment of the operational sectors and service delivery entities

For the proper functioning and delivery of services by any urban institution created in accordance of the Act, the County government shall provide the perquisite resources as per provisions set out under Section 172 & 173 of the Public Finance Management Act, 2012

Process of Formation

- 47. The formation process**
- a) The technical department through the City/Municipal manager presents a board paper to the Board/Committee on the justification for the formation of the entity.
  - b) The board/ committee discusses and passes a resolution for the formation of proposed entity.
  - c) The Board/committee presents the resolution to the County executive committee for consideration
  - d) Upon agreement on the formation of the entity, the County executive committee presents the resolution to the County Assembly for legislation on the establishment of the entity.

Guiding Principles in The Establishment of a Service Delivery Entity

- 48. Guiding principles**
- a. Composition of the Unit  
The board of management of the entity shall include the required technical expertise
  - b. Security of tenure/term  
The term of the management of the entity shall be set in a manner that ensures effective and efficient service delivery
  - c. Remuneration  
The remuneration of the entity to accord with prevailing payment guideline with such similar entities

Service delivery in towns

- 49. The regulations on the formation of service delivery entities in cities and municipalities shall apply in towns with necessary modifications**

Objection to any partnership or joint venture by the resident

- 50. (1) The objections maybe by an individual resident or an association/group of individuals.**

**(2) Procedure**

**a.) Notification to the public**

The board/committee shall inform the public by posting on a conspicuous place in the board`s offices, or/and in two widely circulated newspapers, and on the board`s website.

The information should include;

- i. Name of the Partners in the partnership/joint venture
- ii. Terms of Contract
- iii. Scope of the partnership

- iv. Duration of the agreement
- v. Financial details of the partnership
- vi. Any other relevant information

The public shall be given 14 days to submit their objections

**b.) Submission, Hearing and Determination of Objections**

- i. The objections shall be submitted in written form to the board/committee
- ii. The board shall within 21 days hear and determine the objection, and give feedback to the resident objector/ and the public.
- iii. If the resident objector is dissatisfied with the decision of the board, he/she shall within 14 days' appeal to the County Governor who shall establish an Ad Hoc committee who shall within 30 days, hear from both parties (the objector, the board) and make a determination on the dispute.  
The Ad Hoc committee will render its decision in the matter.

The mandate of the Ad Hoc Committee shall cease to exist.

**PART V - INTEGRATED DEVELOPMENT PLANNING**

Urban Planning  
Process

**51. Role of Urban Institutions in the Urban Planning Process**

- a) The CECM in charge of Physical planning and Urban Development shall initiate the urban planning process in consultation with the board/ town committee within 60 days of the establishment of the board / town committee
- b) Upon the expiry of the 60 days, the board shall proceed with the urban planning process to accord with the timelines set out in section 39 (1) of the Act.
- c) The board/ committee shall formulate the integrated city/urban development plan.
- d) Where the urban institutions are not in existence, the county government shall initiate the process of the establishment of the institutions for proper urban planning of the cities and urban areas.

The urban planning process will be conducted as prescribed in *Schedule XV* of this regulation.

Adoption of an  
Integrated  
Development Plan

- 52. Process of adopting the integrated development plan**
- a) Upon the lapse of the stipulated time before the board/committee adopts the plan, they shall notify the county executive committee on the reasons why the plan has not been adopted.
  - b) The county executive committee shall give the board a maximum of 6 months extension to adopt the plan.
  - c) If the board fails to adopt the plan within the extended 6 months, the county executive committee shall recommend such sanctions including but not limited to the dissolution of the board.

Notice of adoption  
of the integrated  
development plan

- 53. The board shall notify the public by posting on a conspicuous place in the board`s offices, or/and in two widely circulated newspapers, and on the board`s website.**

The Notice shall include;

- a) Period of Implementation of the Plan / Timeframe
- b) Effective dates of the Plan
- c) Priority Development projects and programs

Procedure

- 54. Procedure of the Notice of Adoption of the Plan**

- a) The board shall notify the public of the adoption of the integrated development plan within 14 days of adoption.
- b) If the board fails to notify the public within the stipulated time, they shall explain to the county executive committee on the reasons why the public has not been notified.
- c) The county executive shall cause the board to notify the public of the adoption of the plan within an extended 7 days.

Summary of the  
plan

- 55. Contents of the **Summary** of the Plan;**
- a) Vision and Objectives of the Plan
  - b) Assessment of the Existing level of the development
  - c) Period of Implementation of the Plan / Timeframe
  - d) Effective dates of the Plan
  - e) Priority Development projects and programs

- Submission of Integrated Development Plan to the county Executive Committee
- f) Implementation Plan
- 56. Submission to the County Executive Committee**
- a) The board/committee shall furnish the county executive committee with the adopted integrated urban development plan within 21 days of adoption.
  - b) Upon the lapse of the stipulated time before the city/municipal board submits the plan to the county executive, the board shall notify the county executive committee on the reasons why the plan has not been submitted.
  - c) The Board shall be granted an extension of 7 days within which they have to submit the adopted plan to the county executive committee.
  - d) If the board fails to submit the adopted plan within the extended period, the county executive shall sanction the board.

- Submission of Integrated Development Plan to the County Assembly
- 57. Submission to the County Assembly**
- a) Upon the lapse of the stipulated time before the county executive committee submits the plan to the county assembly for approval, the executive committee shall notify the County assembly on the reasons why the plan has not been submitted.
  - b) The county executive shall be given an extension of 10 days within which the plan must be submitted to the county assembly for approval

- Integrated Development Plan
- 58. Process of the preparation, adoption, submissions and approval of the Integrated Development plan**
- a) The technical team prepares the integrated city/urban development plan in consultations with the board and using the recommended urban planning process.
  - b) The board shall adopt the plan
  - c) The board shall notify the public on the adoption of the plan within 14 days of the adoption.
  - d) The board shall send the plan to the county executive committee within 21 days of the adoption or amendment
  - e) The county executive committee shall within 30 days of receipt of the copy of the adopted plan consider the plan and make recommendations.
  - f) The county executive committee shall submit the plan to the county assembly for approval

- g) The board shall notify the public on the approved integrated city/urban development plan

Annual Review of  
the integrated  
Development plan

**59. Failure to review the integrated development plan**

- a) Upon the lapse of the stipulated time before the city/municipal board reviews the plan, they shall notify the county executive committee on the reasons why the plan has not been reviewed.
- b) The county executive committee shall give the board a maximum
- c) of 2 months to review the plan.
- d) Where the board fails to review the plan within the extended period of 60 days, the county executive committee shall recommend such sanctions including but not limited to the dissolution of the board.

**PART VI- FINANCIAL PROVISIONS**

Funds of a Board

**60.** The County governments shall enforce the Public Finance Management Act, 2012 & its regulations

Provide for;

- a) Municipal vote & budget
- b) Appointment of Municipal Manager as accounting officer
- c) Bank account
- d) Assets

**PART VII - MISCELLANEOUS PROVISIONS**

The Secretary to the Board shall forward the Minutes to the County Governor with copies to the CS and relevant CECMs

The office of the Municipal Attorney shall be established for the official liability in line of the duty.



**Schedule I**

**Neighbourhood Associations - Application form**

Name of organization: .....

Address (Postal and Physical): .....

Contact Person (Name, Position, Phone Number and Email):

.....  
.....

Estate or Area of Operation: .....

Sector of Operation (if applicable): .....

Date of Registration: .....

Registering Body: .....

Registration No. (please attach copy of registration certificate): .....

Number of Registered Members: .....

Urban Development

Activities/Achievements.....

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



**Schedule III**

**Certificate of Accreditation**

URBAN AREAS AND CITIES ACT (REGULATIONS), 2021

CERTIFICATE OF ACCREDITATION

ACCREDITATION No.

.....

I hereby certify that the neighborhood association under the name of

.....

.....

.....

has this day been provisionally accredited by XXXX, in pursuance to the provisions of the Act and the Regulations made thereunder. Given under my hand at XXXX, this ..... day of ..... 20 .....

.....

XXXXX (Who issues the certificate of accreditation?)

**Schedule IV**

**Certificate of Provisional Accreditation**

URBAN AREAS AND CITIES ACT (REGULATIONS), 2021

CERTIFICATE OF PROVISIONAL ACCREDITATION

ACCREDITATION NO.

.....

I hereby certify that the neighborhood association under the name of

.....

.....

..... and its regulation has this day been provisionally accredited by XXXX, in pursuance to the provisions of the Act and the Rules made thereunder. Given under my hand at Nairobi, this ..... day of ..... 20 .....

.....

XXXX (Who issues the certificate of accreditation?)

**Schedule V**

**Business Organizations - Application form**

Name of organization:.....

Address(Postal and Physical):.....

Contact Person(Name, Position, Phone Number and Email):.....

Type of Business :.....

Sector of Operation (if applicable):.....

Date of Registration:.....

Registering Body:.....

Registration No. (please attach copy of registration certificate):.....

Number of registered Members:.....

Urban Development

Activities/ Achievements.....

.....

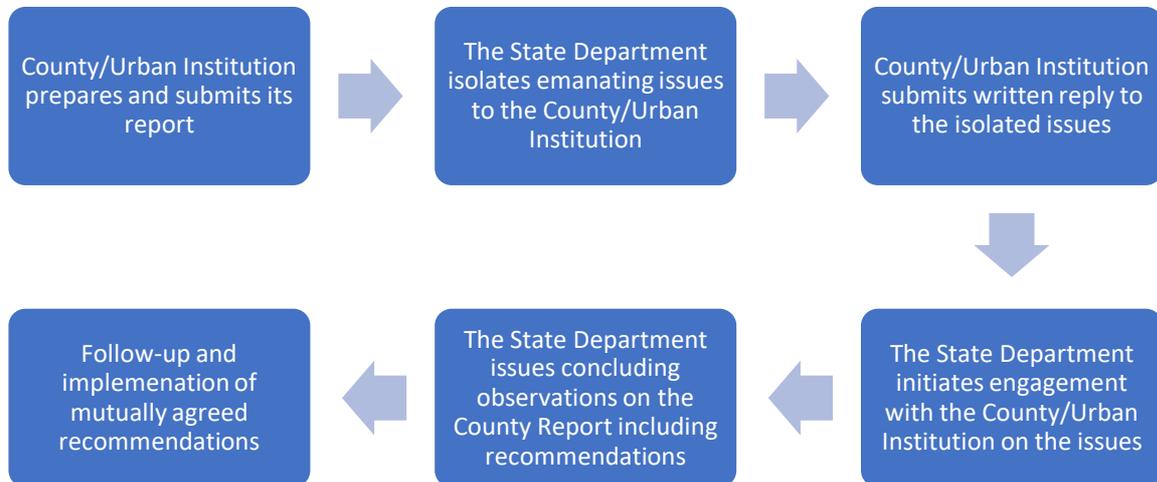
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## Schedule VI

### National Urban Development Policy Implementation Reporting Process



**Schedule VII**

**Charter**

**Model City Charter**

**Template**

[ .....] CITY

[CITY SYMBOL]

CITY CHARTER

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## **PREAMBLE**

### **WHEREAS**

Article 2 of the Constitution provides that the Constitution is the supreme law of the Republic of Kenya and binds all persons and all State organs at both levels of government.

### **WHEREAS**

Article 184 of the Constitution of Kenya 2010 mandated parliament to enact a legislation to provide inter alia the criteria for classifying areas as urban areas and cities; establishing the principles of governance and management of urban areas and cities and to provide for participation by residents in the governance of urban areas and cities within 1 year of the promulgation of the Constitution.

### **WHEREAS**

Parliament enacted the Urban Areas and Cities Act in the year 2011 which legislation had an effective date falling after the first elections held under the Constitution of Kenya 2010.

### **WHEREAS**

Parliament enacted the Urban Areas and Cities (Amendment) Act in the year 2019.

### **WHEREAS**

Section 9 of the Urban Areas and Cities Act of 2011 empowers the County Governor, on the resolution of the County Assembly, to confer on a qualifying Municipal, the status of a City by grant of a Charter in the prescribed form.

### **WHEREAS**

The Urban Areas and Cities Act of 2011 and the Urban Areas and Cities (Amendment) Act of 2019 do not have the prescribed form of a City Charter.

### **WHEREAS**

**No regulations** have been promulgated under the Urban Areas and Cities Act providing the prescribed form of a City Charter under the Urban Areas and Cities Act.

### **WHEREAS**

Section 72 of the Interpretations and General Provisions Act allows for substantial conformity of any instruments required to be in a prescribed form under any statute in Kenya.

**WHEREAS**

The County Assembly of [...] duly approved the request by the City Board of [...] for grant of this Charter to the now City of [...].

**NOW THEREFORE IN EXERCISE** of the powers conferred by section 7 of the Urban Areas and Cities Act, (No. 13 of 2011) as complemented by section 72 of the Interpretations and General Provisions Act (Chapter 2) and all other enabling provisions of law, HIS EXCELLENCY THE PRESIDENT **HEREBY GRANTS** the City of [.....] this City Charter on this [...] day of [...] 20[..].

[SIGNATURE OF HIS EXCELLENCY THE PRESIDENT]

.....  
.....

[INSERT NAME OF HIS EXCELLENCY THE PRESIDENT]

**THE PRESIDENT OF THE REPUBLIC OF KENYA**

**SEAL OF THE REPUBLIC OF KENYA**

## **1. INCORPORATION, NAME AND BOUNDARIES**

### **1.1. Incorporation and Name**

1.1.1. This Charter is the City Charter of the City of [...], within [...] County, Kenya.

1.1.2. All processes affecting the City shall be served on the City Manager or acting City Manager, in the absence of both of said officers, on the Secretary of the Board of the City.

### **1.2. Boundaries**

1.2.1. The boundaries of the City of [...] as now existing or as may subsequently be altered shall be the boundaries of the City of [...].

## **2. POWERS, OBJECTS AND FUNCTIONS OF THE CITY**

### **2.1. Powers of the City**

2.1.1. The City of [...] shall have all the powers, general and special, governmental or proprietary, expressed or implied, which may be possessed or assumed by Cities under the Urban Areas and Cities Act, the County Government Act and the County of [...] By-laws.

2.1.2. No enumeration of specific powers in this Charter shall be held to be exclusive. All such powers shall be exercised in the manner prescribed in this Charter, or, if not prescribed herein, in such manner as Board of the City may determine, or, unless a contrary intent appears in this Charter or in the By-laws and Resolutions of the Board of the City, in such manner as may be provided by the County of [...] By-laws.

### **2.2. Objects of the City**

2.2.1. The objects of the City of [...] are to:-

Provide for efficient and accountable management of the affairs of the City.

Provide for a governance mechanism that will enable the inhabitants of the City to:

Participate in determining the social services and regulatory framework which will best satisfy their needs and expectations.

Verify whether public resources and authority are utilized or exercised, as the case may be, to their satisfaction.

Enjoy efficiency in service delivery.

Vigorously pursue the developmental opportunities which are available in the City and to institute such measures as are necessary for achieving public order and the provisions of civic amenities, so as to enhance the quality of life of the inhabitants of the City.

Provide a high standard of social services in a cost-effective manner to the inhabitants of the City.

Promote social cohesiveness and a sense of civic duty and responsibility among the inhabitants and stakeholders in the City in order to facilitate collective action and commitment towards achieving the goal of a harmonious and stable community.

Providing for services, laws and other matters for City's benefit.

Fostering the economic, social and environmental well-being of its community

## **2.3. Functions of the City**

2.3.1. The City of [...] shall, within the boundaries of the City, perform the following functions:

Promotion, regulation and provision of refuse collection and solid waste management services;

Promotion and provision of water and sanitation services and infrastructure (in areas within the City not served by the Water and Sanitation Provider);

Construction and maintenance of urban roads and associated infrastructure;

Construction and maintenance of storm drainage and flood controls;

Construction and maintenance of walkways and other non-motorized transport infrastructure;

Construction and maintenance of recreational parks and green spaces;

Construction and maintenance of street lighting;

Construction, maintenance and regulation of traffic controls and parking facilities;

Construction and maintenance of bus stands and taxi stands;

Regulation of outdoor advertising;

Construction, maintenance and regulation of City markets and abattoirs;

Construction and maintenance of fire stations; provision of fire-fighting services, emergency preparedness and disaster management;

Promotion, regulation and provision of City sports and cultural activities;

Promotion, regulation and provision of animal control and welfare;

Development and enforcement of City plans and development controls;

City administration services (including construction and maintenance of administrative offices);

Promoting and undertaking infrastructural development and services within City;

Any other functions as may be delegated by the County Executive Committee.

### **3. THE BOARD OF THE CITY**

#### **3.1. Establishment of the Board**

3.1.1. There shall be a Board of the City of [...].

3.1.2. The Board of the City shall be a corporate body with perpetual succession and a common seal and shall in its own corporate name, be capable of:

Suing and being sued;

Taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;

Borrowing money or making investments within the limits imposed by law

Entering into contracts; and

Doing or performing all other act or things for the proper performance of its functions in accordance with the Urban Areas and Cities Act or any other written law which may lawfully be done or performed by a body corporate.

3.1.3. There shall be a principal and agency relationship between the Board of the City and the County Government of [...].

#### **3.2. Powers and Functions of the Board of the City**

- 3.2.1. The Board of the City shall have all the powers and perform all functions vested in boards of Cities under the Urban Areas and Cities Act, the County Government Act and the City By-laws.
- 3.2.2. Except as this Charter otherwise provides, all powers of the City shall be vested in the Board of the City.
- 3.2.3. The Board of the City shall provide for the exercise of these powers and for the performance of all duties and obligations imposed on the Board of the City.
- 3.2.4. Subject to the Constitution and any other written law, the Board of the City shall, within the boundaries of the City of [...]-
- exercise executive authority as delegated by the County Executive Committee of the County of [...];
  - ensure provision of services to its residents;
  - impose such fees, levies and charges as may be authorised by the County Government for delivery of services by the City;
  - promote constitutional values and principles;
  - ensure the implementation and compliance with policies formulated by both the National and County Government;
  - make By-laws or make recommendations for issues to be included in By-laws;
  - ensure participation of the residents in decision making, its activities and programmes; and
  - exercise such other powers as may be delegated by the County Executive Committee of the County of [...].
- 3.2.5. Notwithstanding any other provision of law or this Charter, the Board of the City shall exercise such executive authority as may be delegated by the County Executive Committee for the necessary performance of its functions.
- 3.2.6. The Board of the City shall perform the following functions:
- oversee the affairs of the City;
  - develop or adopt policies, plans, strategies and programmes and set targets for service delivery;
  - formulate and implement an integrated development plan;
  - control land, land sub-division, land development and zoning by public and private sectors for any purpose, including industry, commerce, markets, shopping and other employment centers, residential areas, recreational areas, parks, entertainment, passenger transport, agriculture, and freight and

transit stations within the framework of the spatial and master plans for the City as delegated by the County Government of [...];

promoting and undertaking infrastructural development and services within City as delegated by the County Government of [...];

developing and managing schemes, including site development in collaboration with the relevant national and county agencies;

maintaining a comprehensive database and information system of the administration;

administering and regulating its internal affairs;

implementing applicable national and county legislation;

entering into contracts, partnerships or joint ventures as it may consider necessary for the discharge of its functions;

monitoring and, where appropriate, regulating City services where those services are provided by service providers other than the Board of the City;

preparing and submitting its annual budget estimates to the relevant County Treasury for consideration and submission to the County Assembly for approval as part of the annual County Appropriation Bill;

collecting rates, taxes levies, duties, fees and surcharges on fees as delegated by the County Government of [...];

settling and implementing tariff, rates and tax and debt collection policies as delegated by the County Government of [...];

monitoring the impact and effectiveness of any services, policies, programs or plans;

establishing, implementing and monitoring performance management systems;

promoting a safe and healthy environment;

facilitating and regulating public transport

performing such other functions as delegated by the County Government of [...];

### **3.3. Composition and term of the Board of the City**

3.3.1. The Board of the City shall be composed of eleven (11) members.

3.3.2. Six (6) members of the Board of the City shall be appointed through a competitive process by the County Governor and approved by the County Assembly.

3.3.3. Four (4) members of the Board shall be nominated by the following umbrella bodies:

an umbrella body representing professional associations in the area;

an association representing the private sector in the area;

a cluster representing registered associations of the informal sector in the area;

a cluster representing registered neighborhood associations in the area; and

and appointed by the County Governor with the approval of the County Assembly.

3.3.4. In appointing members of the Board of the City, the County Governor shall ensure gender equity, representation of persons with disability, youth and marginalised groups.

3.3.5. The term of the members of the Board of the City shall be five (5) years on a part-time basis.

### **3.4. Eligibility for appointment as member of the Board of the City**

3.4.1. Each member of the Board of the City shall have the following qualifications:

be a Kenyan citizen;

be ordinarily resident or have a permanent dwelling in the City;

carry on business in the City; or

have lived in the City for at least five years.

### **3.5. Chairperson of the Board**

3.5.1. At the first regular meeting of the Board of the City, members of the Board of the City shall elect from amongst themselves, a Chairperson of the Board of the City.

3.5.2. The Chairperson of the Board shall hold office for a term of five (5) years.

### **3.6. Powers and functions of the Chairperson**

3.6.1. The Chairperson of the Board of the City shall have the following powers and shall perform the functions set out below:

The Chairperson shall be the head of the Board of the City;

Chairing the meetings of the Board of the City; and

Perform such other duties as may be delegated by the Board of the City.

### **3.7. Vice-Chairperson of the Board of the City**

- 3.7.1. At the first regular meeting of the Board of the City, members of the Board of the City shall elect from amongst themselves, a Vice-Chairperson of the Board of the City.<sup>1</sup>
- 3.7.2. The Chairperson and the Vice-Chairperson of the Board of the City shall at all times be of different gender.
- 3.7.3. The Vice-Chairperson shall, in the absence of the Chairperson, perform the functions of the Chairperson and shall perform such other functions as may be delegated by the Chairperson.

### **3.8. Removal of the Chairperson and Vice-Chairperson**

- 3.8.1. The Chairperson and the Vice-Chairperson of the Board of the City may be removed by:
  - a majority decision of the members of Board of the City at a duly convened meeting where quorum is present; or
  - upon petition by a resident of the City.
- 3.8.2. The procedure for the removal of a Chairperson or Vice-Chairperson of the Board of the City under 3.8.1 above may be provided by Regulations under the Urban Areas and Cities Act and, in the absence, thereof in accordance with Kenyan law having regard to fair labour practices.
- 3.8.3. Any vacancy arising out of the removal of a Chairperson or the Vice-Chairperson of Board of the City may be filled in the manner provided under Article 3.6 and 3.7 respectively.

### **3.9. Secretary of the Board of the City**

- 3.9.1. At the first regular meeting of the Board of the City, members of the Board of the City shall elect from amongst themselves a Secretary of the Board of the City.
- 3.9.2. Where the Secretary of the Board of the City is absent from any meeting, the members of the Board of the City shall appoint a Secretary of the Board from amongst themselves for purposes of that meeting.

### **3.10. Committees of the Board of the City**

3.10.1. The Board of the City may:

Establish such Committees for any general or special purpose which, in its opinion, would regulate or manage its affairs more efficiently and as may be necessary for the performance of its functions under the Urban Areas and Cities Act;

delegate to such Committee such functions as are necessary for the efficient performance of its duties in respect to the whole or any part of the area under the jurisdiction of the Board of the City; and

include persons who are not members of the Board in any Committee.

3.10.2. The Committees of the Board of the City to which members of the Board of the City delegate any of their powers and functions must follow procedures which are based as far as they are applicable on those provision of this Charter which govern the taking of decisions and performance of functions by the Board of the City.

### **3.11. Remuneration of the members of the Board of the City**

3.11.1. The Board of the City shall not be entitled to a salary.

3.11.2. However, members of the Board of the City shall be paid such allowances as the County Executive Committee shall, with the approval of the County Assembly, and on the advice of the Salaries and Remuneration Commission, determine.

### **3.12. Removal of members of the Board of the City**

3.12.1. A member of the Board of the City shall cease to hold office if the member:

is unable to perform the functions of the office by reason of mental or physical infirmity;

is declared or becomes bankrupt or insolvent;

is convicted of a criminal offence and sentenced to a term of imprisonment of six months or more;

resigns in writing to the County Governor;

without reasonable cause, the member is absent from three consecutive meetings of the Board or Committee of the Board of the City within one financial year;

is found guilty of professional misconduct by the relevant professional body;

is disqualified from holding a public office under the Constitution;  
fails to declare his or her interest in any matter being considered or to be considered by the Board or Board Committees;  
engages in any gross misconduct; or  
dies.

3.12.2. A member of the Board of the City may be removed from office by;

the County Governor;

a resolution of the Board of the City supported by at least two-thirds of the members of the Board of the City; or

petition by the residents of the City.

3.12.3. The procedure for the removal or petition for removal of a member of the Board of the City under 3.11.1 above shall be provided by Regulation under the Urban Areas and Cities Act.

3.12.4. Any vacancy arising out of the removal of a member of the Board of the City may be filled in the manner provided under Article 3.3 above.

### **3.13. Meetings of the Board of the City**

3.13.1. The Board of the City shall hold its sittings to transact the business of the Board once every three months.

3.13.2. Notwithstanding Article 3.12.1, the Chairperson of the Board of the City may, and upon request in writing by at least one-third of the members of the Board of the City shall, convene a special meeting to transact any urgent business of the Board of the City.

3.13.3. All regular meetings of the Board of the City called for the purpose of transacting public business, where a majority of the members elected are present, shall be open to the public.

3.13.4. The Board shall have the privilege of holding executive sessions from which the public is excluded, however, no by-laws, resolution, rule or regulation shall be finally adopted at such an executive session.

### **3.14. Quorum**

3.14.1. A majority of the members of the Board of the City is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by Board of the City Rules.

3.14.2. A member of the Board of the City who is interested in any discussions or decision-making regarding any subject or transaction under consideration by the Board of the City, shall not to be counted as participating in the discussions or decision-making, and is not entitled to vote on or agree to the subject or transaction relating to it.

### **3.15. Rules of the Board**

3.15.1. The Board of the City shall by resolution adopt rules to govern its meetings.

### **3.16. Record of information of the Board**

3.16.1. The minutes and other information of the Board of the City shall be kept by the Secretary of the Board of the City.

3.16.2. Access to information on the activities and resolutions of the Board of the City shall be as provided under the Urban Areas and Cities Act.

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### **3.17. Citizen Fora**

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3.17.1. The Board of the City shall ensure the development of mechanisms for the participation of the residents of the City of [...] in the management and administration of the City.

3.17.2. All recommendations from the Citizen Fora of the City of [...] shall be forwarded to the Board of the City for resolution.

3.17.3. All recommendations on issues raised in the Citizen Fora and addressed by the Board of the City shall be forwarded to the City Manager for implementation.

## **4. LEGISLATIVE AUTHORITY<sup>27</sup>**

### **4.1. By-laws**

4.1.1. The Board of the City shall exercise its legislative authority by passing City By-laws.

### **4.2. Passing of By-laws**

- 4.2.1. Except as authorized by Article 3.2.2, passing of By-laws shall require approval by a majority of the Board of the City at two meetings.
- 4.2.2. The Board of the City may adopt a By-law at a single meeting by the unanimous approval of at least a quorum of Board, provided the proposed By-law is available in writing to the public at least one week before the meeting.
- 4.2.3. Any substantive amendment to a proposed By-law must be read aloud or made available in writing to the public before the Board of the City adopts the By-law at that meeting.
- 4.2.4. After the adoption of a By-law, the vote of each member must be entered into the Board minutes.
- 4.2.5. After adoption of a By-law, the Chairperson of the Board must endorse it with the date of adoption and his title.

#### **4.3. Effective date of By-laws**

- 4.3.1. By-laws shall take effect on the 30<sup>th</sup> day after adoption, or on a later day provided in the By-law.
- 4.3.2. A By-law may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.

### **5. ADMINISTRATIVE AUTHORITY 28**

#### **5.1. Resolutions**

- 5.1.1. The Board of the City shall exercise its administrative authority by approving resolutions.

#### **5.2. Approval of resolutions**

- 5.2.1. Approval of a resolution or any other Board administrative decision requires approval by the Board of the City at one meeting.
- 5.2.2. Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the Board adopts the resolution at that meeting.

- 5.2.3. After approval of a resolution or other administrative decision, the vote of each member must be entered into the Board minutes.

### **5.3. Effective date of resolutions**

- 5.3.1. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

## **6. THE CITY MANAGER**

### **6.1. Office of the City Manager**

- 6.1.1. There is established the office of the City Manager.
- 6.1.2. The City Manager shall be the administrative head of the City of [...].

### **6.2. Appointment and term**

- 6.2.1. The City Manager shall be competitively recruited and appointed by the County Public Service Board.
- 6.2.2. The City Manager may be appointed for a definite or an indefinite term.

### **6.3. Qualifications**

- 6.3.1. The City Manager shall:

Be a citizen of Kenya

Hold a degree from a university recognized in Kenya or its equivalent

Have served and had proven experience in administration or management either in public or private sector for a term of at least ten years.

- 6.3.2. In appointing the City Manager, the County Public Service Board shall ensure:

gender equity;

the inclusion of minorities and marginalised communities; and

the person satisfies the requirements of Chapter six of the Constitution.

6.3.3. The City Manager need not reside within the City.

#### 6.4. Functions and powers of the City Manager

6.4.1. The City Manager shall implement the decisions and functions of the Board of the City and shall be answerable to the Board.

6.4.2. The City Manager shall perform the following functions:

Act on behalf of the Board of the City-

In ensuring the execution of the directives of the Board of the City;  
During all intervals between meetings of the Board of the City;

Prepare and present for approval of the Board of the City, an annual estimate of revenue and expenditure to fund and carry out the programmes and operations of the Board;

Be principally responsible for building and maintain a strong alliance and effective working relationships between the Board of the City and the civil society, private sector and community based organizations;

Cause to be prepared, transmitted to the Board of the City, and distributed to the public at least an annual report on the activities and accomplishments of the departments and agencies comprising the executive branch of the City.

Act as an ex-officio member of all committees of the Board of the City; and

Such other functions as the Board may, by order, confer upon the City Manager.

6.4.3. The City Manager shall be fully responsible for the proper conduct of the executive and administrative work and affairs of the City. The City Manager shall have the power and shall be required to:

Exercise supervision over all departments and agencies of the City and provide for the coordination of their activities;

Enforce the provisions of this Charter, City By-laws, and all applicable laws;

Exercise powers granted to the City Manager in this Charter, By-laws and applicable laws concerning the appointment and removal of certain officers, employees, and members of committees of the Board of the City;

Exercise such other powers as may be prescribed by this Charter, by-laws and applicable laws.

6.4.4. The City Manager must:

Attend all Board of the City meetings unless excused by the Chairperson of the Board or the Board of the City;

Make reports and recommendations to the Board of the City about the needs of the City;

Administer and enforce all City By-laws, resolutions, franchises, leases, contracts, permits, and other City decisions;

Appoint, supervise and remove City employees;

Organize City departments and administrative structure;

Prepare and administer the annual City budget;

Administer City utilities and property;

Encourage and support regional and intergovernmental cooperation;

Promote cooperation among the Board of the City, staff and citizens in developing City policies and building a sense of community;

Perform other duties as directed by the Board of the City;

Delegate duties, but remain responsible for acts of all subordinates.

6.4.5. The City Manager shall have no authority over the Board of the City.

6.4.6. The City Manager shall be entitled to attend meetings of the Board of the City but shall not be entitled to vote.

## **6.5. Remuneration**

6.5.1. The County Public Service Board shall set the compensation and determine the conditions of employment of the City Manager.

## **6.6. Removal of the City Manager**

6.6.1. The City Manager may be removed from office by;

the County Governor;

a resolution of the Board of the City supported by at least two-thirds of the members of the Board of the City; or

petition by the residents of the City.

6.6.2. The City Manager shall cease to hold office upon the lapse of the employment term of if he/she:

is unable to perform the functions of the office by reason of mental or physical infirmity;

is declared or becomes bankrupt or insolvent;

is convicted of a criminal offence and sentenced to a term of imprisonment of six months or more;

resigns in writing to the County Governor;

without reasonable cause, is absent from three consecutive meetings of the Board of the City;

is found guilty of professional misconduct by the relevant professional body;

is disqualified from holding a public office under the Constitution;

engages in any gross misconduct; or

dies.

6.6.3. The procedure for the removal of the City Manager may be provided by the Regulations made under the County Government Act (No. 17 of 2012) and in the absence thereof in accordance with Kenyan law having regard to fair labour practices.

6.6.4. Any vacancy arising in the office of the City Manager may be filled in the manner provided under Article 6.2 above.

## **6.7. Acting City Manager**

6.7.1. When the City Manager is temporarily disabled from acting as City Manager or when the office of the City Manager becomes vacant, the County Governor shall appoint a qualified person to be an Acting City Manager.

6.7.2. The County Governor shall inform the County Public Service Board of such appointment within seven (7) days.

6.7.3. The Acting City Manager shall have the authority and duties of the City Manager, except that the Acting City Manager may appoint or remove employees only with approval of the Board of the City.

6.7.4. An Acting City Manager shall hold office until such a time as a new City Manager shall be appointed by the County Public Service Board.

## **7. CITY FINANCES AND FINANCIAL MANAGEMENT**

## **7.1. Sources of the City's funds and revenue**

7.1.1. The Board of the City shall derive its revenue and funds from:

- (a) monies allocated by the County Assembly for the purposes of the management and service delivery of the Board;

monies or assets that may accrue to the Board in the course of the exercise of its powers or the performance of its functions;

all monies or grants from any other legitimate source provided or donated to the Board;

revenue arising from rates, fees, levies, charges and other revenue raising measures which is retained by City for the purpose of defraying its costs for providing services;

investment income; and

borrowing.

## **7.2. Appointment of the City Accounting Officer**

7.2.1. The City Accounting Officer shall be designated by the County Executive Committee Member for Finance in the manner provided under Section 148 of the Public Finance Management Act.

## **7.3. Functions and Powers of the City Accounting Officer**

\\

7.3.1. The City Accounting Officer shall have all the powers and perform all the functions of accounting officers as provided under the Public Finance Management Act.

7.3.2. Without prejudice to the foregoing, the City Accounting Officer shall be responsible for managing the finances of the City.

## **7.4. Financial year**

7.4.1. The City shall operate on an annual budget.

7.4.2. The financial year of the Board of the City shall be the period of twelve months ending on the thirtieth June in each year.

## **7.5. Budget**

7.5.1. The budget of the Board of the City shall be developed in the manner provided under Section 175 of the Public Finance Management Act.

## **7.6. Management of City Finances**

7.6.1. The Board of the City shall, with the approval of the County Executive Committee member for finance, open and maintain a bank account in the name of the City.

7.6.2. All monies received by the Board of the City shall be paid into the City's bank account promptly and in accordance with the Public Finance Management Act.

## **7.7. Borrowing by the City**

7.7.1. The Board of the City may only borrow from:-

from the County Government;

through the County Government; or

by way of a bank overdraft.

and subject to such terms as may be imposed by the County Assembly or such terms as provided by law.

## **7.8. Audit**

7.8.1. The audit of the Board of the City shall be as provided under Section 46 and 47 of the Urban Areas and Cities Act.

## **8. CITY PERSONNEL<sup>41</sup>**

### **8.1. City Personnel**

8.1.1. The Board of the City in consultation with the City Manager may subject to the approval by the County Public Service Board, employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other any other law.

### **8.2. Management of City Personnel**

8.2.1. Employees of the City shall be under the general guidance of the City Manager.

### **8.3. Retirement systems**

8.3.1. The Board of the City may do all things necessary to include its officers and employees, or any of them within any retirement system or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the Board of the City.

### **8.4. Compensation of City Personnel**

8.4.1. The compensation of all employees of the City shall be set by the County Public Service Board upon the advice of the Salaries and Remuneration Commission.

## **9. CITY PROPERTY**

### **9.1. Acquisition, possession and disposal**

9.1.1. The Board of the City is a body corporate and may acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the City.

9.1.2. All Municipal property and funds of every kind belonging to or in the possession of the Municipal (by whatever prior name known) at the time this Charter becomes effective are vested in the City, subject to the terms and conditions thereof.

### **9.2. Compulsory acquisition**

9.2.1. Whenever the City deems it necessary to acquire private land for its purposes, it shall request the County Executive Committee Member to request the National Land Commission to acquire the land on its behalf.

9.2.2. The provisions of the Land Act shall apply to any intended compulsory acquisition by the City of property within the City.

### **9.3. City Buildings**

- 9.3.1. The Board of the City may acquire, obtain by lease or rent, purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the City.

#### 9.4. Protection of City Property

- 9.4.1. The Board of the City may do whatever may be necessary to protect City property and to keep all City property in good condition.

### 10. GENERAL PROVISIONS

#### 10.1. Oath of office

- 10.1.1. Before entering upon the duties of their offices, the City Manager, the Chairperson and Vice-Chairperson and the members of the Board, and all other persons elected or appointed to any office of profit or trust in the City, as determined by Board, shall take and subscribe to the following oath or affirmation:

*"I, [...], being called on to exercise the functions of [City Manager/Chairperson, etc.] of the City of [...], do swear/solemnly affirm that that I will at all times be faithful to the Republic of Kenya; that I will obey, respect and uphold this Constitution of Kenya and all other laws of the Republic, that except with the authority of the Board of the City of [...], I will not directly or indirectly reveal the nature or contents of any business, proceedings or document of the City committed to my secrecy, except as may be required for the due discharge of my duties as [City Manager/Chairperson, etc.] of the City of [...] or otherwise under the law. (In the case of an oath-- So help me God."*

- 10.1.2. The City Manager shall take and subscribe to this oath or affirmation before the County Governor or before one of the sworn deputies. All other persons taking and subscribing to the oath shall do so before the City Manager.

#### 10.2. Amendments to the Charter

- 10.2.1. The County Governor may at any time, after consultation with the Board of the City, amend any provision of this Charter.
- 10.2.2. The County Governor shall cause a copy of the Amended Charter to be laid before the County Assembly within 30 days of its amendment for approval.

### **10.3. Separability**

10.3.1. If, at any time, any provision of this Charter is or becomes illegal, invalid or unenforceable in any respect under Kenyan law, neither the legality, validity or enforceability of the remaining provisions nor the legality, validity or enforceability of such provision will in any way be affected or impaired.

## **11. TRANSITIONAL PROVISIONS**

### **11.1. Effective Date of Charter**

\

11.1.1. The provisions of this Charter shall be in effect from and after [...]

### **11.2. Rights and Privileges Preserved**

11.2.1. Nothing in the Charter except as otherwise specifically provided shall effect or impair the rights or privileges of persons who are Municipal Officials, Officers or Employees at the time of its adoption.

### **11.3. Departments**

11.3.1. All Municipal Departments shall continue to operate with the same powers, duties, activities, budgets, and employees as were in effect at the time this Charter becomes effective until changed by the City Manager with the approval of the Board of the City.

Schedule VIII

Charter

# Model Municipal Charter

Template

[ .....] MUNICIPALITY

[MUNICIPALITY SYMBOL]

MUNICIPAL CHARTER

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## **PREAMBLE**

### **WHEREAS**

Article 2 of the Constitution provides that the Constitution is the supreme law of the Republic of Kenya and binds all persons and all State organs at both levels of government.

### **WHEREAS**

Article 184 of the Constitution of Kenya 2010 mandated parliament to enact a legislation to provide inter alia the criteria for classifying areas as urban areas and cities; establishing the principles of governance and management of urban areas and cities and to provide for participation by residents in the governance of urban areas and cities within 1 year of the promulgation of the Constitution.

### **WHEREAS**

Parliament enacted the Urban Areas and Cities Act in the year 2011 which legislation had an effective date falling after the first elections held under the Constitution of Kenya 2010.

### **WHEREAS**

Parliament enacted the Urban Areas and Cities (Amendment) Act in the year 2019.

### **WHEREAS**

Section 9 of the Urban Areas and Cities Act of 2011 empowers the County Governor, on the resolution of the County Assembly, to confer on a qualifying town, the status of a Municipality by grant of a Charter in the prescribed form.

### **WHEREAS**

The Urban Areas and Cities Act of 2011 and the Urban Areas and Cities (Amendment) Act of 2019 do not have the prescribed form of a Municipal Charter.

### **WHEREAS**

**No regulations** have been promulgated under the Urban Areas and Cities Act providing the prescribed form of a Municipal Charter under the Urban Areas and Cities Act.

### **WHEREAS**

Section 72 of the Interpretations and General Provisions Act allows for substantial conformity of any instruments required to be in a prescribed form under any statute in Kenya.

**WHEREAS**

The County Assembly of [...] duly approved the request by the Town Committee of [...] for grant of this Charter to the now Municipality of [...].

**NOW THEREFORE IN EXERCISE** of the powers conferred by section 9 (1) of the Urban Areas and Cities Act, (No. 13 of 2011) as complemented by section 72 of the Interpretations and General Provisions Act (Chapter 2) and all other enabling provisions of law, the County Governor of [...] County **HEREBY GRANTS** the Municipality of [.....] this Municipal Charter

on this [...] day of [...] 201[..].

[SIGNATURE OF COUNTY GOVERNOR]

.....  
.....

[INSERT NAME OF COUNTY GOVERNOR]

THE COUNTY GOVERNOR OF [.....] COUNTY

SEAL OF THE COUNTY GOVERNOR OF [...] COUNTY
---------------------------------------------

## **1. INCORPORATION, NAME AND BOUNDARIES**

### **1.1. Incorporation and Name**

1.1.1. This Charter is the Municipal Charter of the Municipality of [...], within [...] County, Kenya.

1.1.2. All processes affecting the Municipality shall be served on the Municipal Manager or acting Municipal Manager, in the absence of both of said officers, on the Secretary of the Board of the Municipality.

### **1.2. Boundaries**

1.2.1. The boundaries of the Municipality of [...] as now existing or as may subsequently be altered shall be the boundaries of the Municipality of [...].

## **2. POWERS, OBJECTS AND FUNCTIONS OF THE MUNICIPALITY**

### **2.1. Powers of the Municipality**

- 2.1.1. The Municipality of [...] shall have all the powers, general and special, governmental or proprietary, expressed or implied, which may be possessed or assumed by municipalities under the Urban Areas and Cities Act, the County Government Act and the County of [...] By-laws.
- 2.1.2. No enumeration of specific powers in this Charter shall be held to be exclusive. All such powers shall be exercised in the manner prescribed in this Charter, or, if not prescribed herein, in such manner as Board of the Municipality may determine, or, unless a contrary intent appears in this Charter or in the By-laws and Resolutions of the Board of the Municipality, in such manner as may be provided by the County of [...] By-laws.

## 2.2. Objects of the Municipality

- 2.2.1. The objects of the Municipality of [...] are to: -

Provide for efficient and accountable management of the affairs of the Municipality.

Provide for a governance mechanism that will enable the inhabitants of the Municipality to:

- i. Participate in determining the social services and regulatory framework which will best satisfy their needs and expectations.
- ii. Verify whether public resources and authority are utilized or exercised, as the case may be, to their satisfaction.
- iii. Enjoy efficiency in service delivery.

Vigorously pursue the developmental opportunities which are available in the Municipality and to institute such measures as are necessary for achieving public order and the provisions of civic amenities, so as to enhance the quality of life of the inhabitants of the Municipality.

Provide a high standard of social services in a cost-effective manner to the inhabitants of the Municipality.

Promote social cohesiveness and a sense of civic duty and responsibility among the inhabitants and stakeholders in the Municipality in order to facilitate collective action and commitment towards achieving the goal of a harmonious and stable community.

Providing for services, laws and other matters for Municipality's benefit.

Fostering the economic, social and environmental well-being of its community

### 2.3. Functions of the Municipality

2.3.1. The Municipality of [...] shall, within the boundaries of the Municipality, perform the following functions:

Promotion, regulation and provision of refuse collection and solid waste management services;

Promotion and provision of water and sanitation services and infrastructure (in areas within the Municipality not served by the Water and Sanitation Provider);

Construction and maintenance of urban roads and associated infrastructure;

Construction and maintenance of storm drainage and flood controls;

Construction and maintenance of walkways and other non-motorized transport infrastructure;

Construction and maintenance of recreational parks and green spaces;

Construction and maintenance of street lighting;

Construction, maintenance and regulation of traffic controls and parking facilities;

Construction and maintenance of bus stands and taxi stands;

Regulation of outdoor advertising;

Construction, maintenance and regulation of municipal markets and abattoirs;

Construction and maintenance of fire stations; provision of fire-fighting services, emergency preparedness and disaster management;

Promotion, regulation and provision of municipal sports and cultural activities;

Promotion, regulation and provision of animal control and welfare;

Development and enforcement of municipal plans and development controls;

Municipal administration services (including construction and maintenance of administrative offices);

Promoting and undertaking infrastructural development and services within municipality;

Any other functions as may be delegated by the County Executive Committee.

### **3. THE BOARD OF THE MUNICIPALITY**

#### **3.1. Establishment of the Board**

3.1.1. There shall be a Board of the Municipality of [...]<sup>1</sup>.

3.1.2. The Board of the Municipality shall be a corporate body with perpetual succession and a common seal and shall in its own corporate name, be capable of<sup>2</sup>:

Suing and being sued;

Taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;

Borrowing money or making investments within the limits imposed by law

Entering into contracts; and

Doing or performing all other act or things for the proper performance of its functions in accordance with the Urban Areas and Cities Act or any other written law which may lawfully be done or performed by a body corporate.

3.1.3. There shall be a principal and agency relationship between the Board of the Municipality and the County Government of [...].<sup>3</sup>

## **3.2. Powers and Functions of the Board of the Municipality**

3.2.1. The Board of the Municipality shall have all the powers and perform all functions vested in boards of municipalities under the Urban Areas and Cities Act, the County Government Act and the Municipality By-laws.

3.2.2. Except as this Charter otherwise provides, all powers of the Municipality shall be vested in the Board of the Municipality.

3.2.3. The Board of the Municipality shall provide for the exercise of these powers and for the performance of all duties and obligations imposed on the Board of the Municipality.

3.2.4. Subject to the Constitution and any other written law, the Board of the Municipality shall, within the boundaries of the Municipality of [...]-

Exercise executive authority as delegated by the County Executive Committee of the County of [...];

Ensure provision of services to its residents;

Impose such fees, levies and charges as may be authorised by the County Government for delivery of services by the Municipality;

Promote constitutional values and principles;

Ensure the implementation and compliance with policies formulated by both the National and County Government;

Make By-laws or make recommendations for issues to be included in By-laws;

Ensure participation of the residents in decision making, its activities and programmes; and

Exercise such other powers as may be delegated by the County Executive Committee of the County of [...].

3.2.5. Notwithstanding any other provision of law or this Charter, the Board of the Municipality shall exercise such executive authority as may be delegated by the County Executive Committee for the necessary performance of its functions.

3.2.6. The Board of the Municipality shall perform the following functions:

Oversee the affairs of the Municipality;

Develop or adopt policies, plans, strategies and programmes and set targets for service delivery;

Formulate and implement an integrated development plan;

Control land, land sub-division, land development and zoning by public and private sectors for any purpose, including industry, commerce, markets, shopping and other employment centers, residential areas, recreational areas, parks, entertainment, passenger transport, agriculture, and freight and transit stations within the framework of the spatial and master plans for the Municipality as delegated by the County Government of [...];

Promoting and undertaking infrastructural development and services within Municipality as delegated by the County Government of [...];

Developing and managing schemes, including site development in collaboration with the relevant national and county agencies;

Maintaining a comprehensive database and information system of the administration;

Administering and regulating its internal affairs;

Implementing applicable national and county legislation;

Entering into contracts, partnerships or joint ventures as it may consider necessary for the discharge of its functions;

Monitoring and, where appropriate, regulating municipal services where those services are provided by service providers other than the Board of the Municipality;

Preparing and submitting its annual budget estimates to the relevant County Treasury for consideration and submission to the County Assembly for approval as part of the annual County Appropriation Bill;

Collecting rates, taxes levies, duties, fees and surcharges on fees as delegated by the County Government of [...];

Settling and implementing tariff, rates and tax and debt collection policies as delegated by the County Government of [...];

Monitoring the impact and effectiveness of any services, policies, programs or plans;

Establishing, implementing and monitoring performance management systems;

Promoting a safe and healthy environment;

Facilitating and regulating public transport

Performing such other functions as delegated by the County Government of [...];

### **3.3. Composition and term of the Board of the Municipality**

3.3.1. The Board of the Municipality shall be composed of nine (9) members<sup>4</sup>.

3.3.2. Four (4) members of the Board of the Municipality shall be appointed through a competitive process by the County Executive Committee and approved by the County Assembly<sup>5</sup>.

3.3.3. Five (5) members of the Board shall be nominated by the following umbrella bodies<sup>6</sup>:

An umbrella body representing professional associations in the area;

An association representing the private sector in the area;

A cluster representing registered associations of the informal sector in the area;

A cluster representing registered neighborhood associations in the area; and

An association of the municipality.

And appointed by the county executive committee with the approval of the county assembly.

3.3.4. In appointing members of the Board of the Municipality, the County Executive Committee shall ensure gender equity, representation of persons with disability, youth and marginalised groups.

3.3.5. The term of the members of the Board of the Municipality shall be five (5) years on a part-time basis<sup>7</sup>.

#### **3.4. Eligibility for appointment as member of the Board of the Municipality**

3.4.1. Each member of the Board of the Municipality shall have the following qualifications<sup>8</sup>:

be a Kenyan citizen;

be ordinarily resident or have a permanent dwelling in the Municipality;

carry on business in the municipality; or

have lived in the municipality for at least five years.

#### **3.5. Chairperson of the Board**

3.5.1. At the first regular meeting of the Board of the Municipality, members of the Board of the Municipality shall elect from amongst themselves, a Chairperson of the Board of the Municipality.<sup>9</sup>

3.5.2. The Chairperson of the Board shall hold office for a term of five (5) years<sup>10</sup>.

### **3.6. Powers and functions of the Chairperson**

3.6.1. The Chairperson of the Board of the Municipality shall have the following powers and shall perform the functions set out below:

The Chairperson shall be the head of the Board of the Municipality;

Chairing the meetings of the Board of the Municipality; and

Perform such other duties as may be delegated by the Board of the Municipality.

### **3.7. Vice-Chairperson of the Board of the Municipality**

3.7.1. At the first regular meeting of the Board of the Municipality, members of the Board of the Municipality shall elect from amongst themselves, a Vice-Chairperson of the Board of the Municipality.<sup>11</sup>

3.7.2. The Chairperson and the Vice-Chairperson of the Board of the Municipality shall at all times be of different gender.

3.7.3. The Vice-Chairperson shall, in the absence of the Chairperson, perform the functions of the Chairperson and shall perform such other functions as may be delegated by the Chairperson.

### **3.8. Removal of the Chairperson and Vice-Chairperson**

3.8.1. The Chairperson and the Vice-Chairperson of the Board of the Municipality may be removed by:

a majority decision of the members of Board of the Municipality at a duly convened meeting where quorum is present; or

upon petition by a resident of the Municipality.<sup>12</sup>

- 3.8.2. The procedure for the removal of a Chairperson or Vice-Chairperson of the Board of the Municipality under 3.8.1 above may be provided by Regulations under the Urban Areas and Cities Act and in the absence thereof in accordance with Kenyan law having regard to fair labour practices.
- 3.8.3. Any vacancy arising out of the removal of a Chairperson or the Vice-Chairperson of Board of the Municipality may be filled in the manner provided under Article 3.6 and 3.7 respectively. <sup>13</sup>

### **3.9. Secretary of the Board of the Municipality**

- 3.9.1. At the first regular meeting of the Board of the Municipality, members of the Board of the Municipality shall elect from amongst themselves a Secretary of the Board of the Municipality.
- 3.9.2. Where the Secretary of the Board of the Municipality is absent from any meeting, the members of the Board of the Municipality shall appoint a Secretary of the Board from amongst themselves for purposes of that meeting.

### **3.10. Committees of the Board of the Municipality**

- 3.10.1. The Board of the Municipality may:

Establish such Committees for any general or special purpose which, in its opinion, would regulate or manage its affairs more efficiently and as may be necessary for the performance of its functions under the Urban Areas and Cities Act;<sup>14</sup>

delegate to such Committee such functions as are necessary for the efficient performance of its duties in respect to the whole or any part of the area under the jurisdiction of the Board of the Municipality;<sup>15</sup> and

include persons who are not members of the Board in any Committee<sup>16</sup>.

3.10.2. The Committees of the Board of the Municipality to which members of the Board of the Municipality delegate any of their powers and functions must follow procedures which are based as far as they are applicable on those provision of this Charter which govern the taking of decisions and performance of functions by the Board of the Municipality.

### **3.11. Remuneration of the members of the Board of the Municipality**

3.11.1. The Board of the Municipality shall not be entitled to a salary.

3.11.2. However, members of the Board of the Municipality shall be paid such allowances as the County Executive Committee shall, with the approval of the County Assembly, and on the advice of the Salaries and Remuneration Commission, determine. <sup>17</sup>

### **3.12. Removal of members of the Board of the Municipality**

3.12.1. A member of the Board of the Municipality shall cease to hold office if the member<sup>18</sup>:

is unable to perform the functions of the office by reason of mental or physical infirmity;

is declared or becomes bankrupt or insolvent;

is convicted of a criminal offence and sentenced to a term of imprisonment of six months or more;

resigns in writing to the County Governor;

without reasonable cause, the member is absent from three consecutive meetings of the Board or Committee of the Board of the Municipality within one financial year;

is found guilty of professional misconduct by the relevant professional body;

is disqualified from holding a public office under the Constitution;

fails to declare his or her interest in any matter being considered or to be considered by the Board or Board Committees;

engages in any gross misconduct; or

dies.

3.12.2. A member of the Board of the Municipality may be removed from office by<sup>19</sup>;

the County Governor;

a resolution of the Board of the Municipality supported by at least two-thirds of the members of the Board of the Municipality; or

petition by the residents of the Municipality.

3.12.3. The procedure for the removal or petition for removal of a member of the Board of the Municipality under 3.11.1 above shall be provided by Regulation under the Urban Areas and Cities Act<sup>20</sup>.

3.12.4. Any vacancy arising out of the removal of a member of the Board of the Municipality may be filled in the manner provided under Article 3.3 above.<sup>21</sup>

### **3.13. Meetings of the Board of the Municipality**

3.13.1. The Board of the Municipality shall hold its sittings to transact the business of the Board once every three months.<sup>22</sup>

3.13.2. Notwithstanding Article 3.12.1, the Chairperson of the Board of the Municipality may, and upon request in writing by at least one-third of the members of the Board of the Municipality shall, convene a special meeting to transact any urgent business of the Board of the Municipality.

3.13.3. All regular meetings of the Board of the Municipality called for the purpose of transacting public business, where a majority of the members elected are present, shall be open to the public.<sup>23</sup>

3.13.4. The Board shall have the privilege of holding executive sessions from which the public is excluded, however, no by-laws, resolution, rule or regulation shall be finally adopted at such an executive session.<sup>24</sup>

### **3.14. Quorum**

3.14.1. A majority of the members of the Board of the Municipality is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by Board of the Municipality Rules.<sup>25</sup>

3.14.2. A member of the Board of the Municipality who is interested in any discussions or decision-making regarding any subject or transaction under consideration by the Board of the Municipality, shall not be counted as participating in the discussions or decision-making, and is not entitled to vote on or agree to the subject or transaction relating to it.

### **3.15. Rules of the Board**

3.15.1. The Board of the Municipality shall by resolution adopt rules to govern its meetings.

### **3.16. Record of information of the Board**

3.16.1. The minutes and other information of the Board of the Municipality shall be kept by the Secretary of the Board of the Municipality.<sup>26</sup>

3.16.2. Access to information on the activities and resolutions of the Board of the Municipality shall be as provided under the Urban Areas and Cities Act.

### 3.17. Citizen Fora

3.17.1. The Board of the Municipality shall ensure the development of mechanisms for the participation of the residents of the Municipality of [...] in the management and administration of the Municipality.

3.17.2. All recommendations from the Citizen Fora of the Municipality of [...] shall be forwarded to the Board of the Municipality for resolution.

3.17.3. All recommendations on issues raised in the Citizen Fora and addressed by the Board of the Municipality shall be forwarded to the Municipal Manager for implementation.

## 4. LEGISLATIVE AUTHORITY<sup>27</sup>

### 4.1. By-laws

4.1.1. The Board of the Municipality shall exercise its legislative authority by passing Municipality By-laws.

### 4.2. Passing of By-laws

- 4.2.1. Except as authorized by Article 3.2.2, passing of By-laws shall require approval by a majority of the Board of the Municipality at two meetings.
- 4.2.2. The Board of the Municipality may adopt a By-law at a single meeting by the unanimous approval of at least a quorum of Board, provided the proposed By-law is available in writing to the public at least one week before the meeting.
- 4.2.3. Any substantive amendment to a proposed By-law must be read aloud or made available in writing to the public before the Board of the Municipality adopts the By-law at that meeting.
- 4.2.4. After the adoption of a By-law, the vote of each member must be entered into the Board minutes.
- 4.2.5. After adoption of a By-law, the Chairperson of the Board must endorse it with the date of adoption and his title.

#### **4.3. Effective date of By-laws**

- 4.3.1. By-laws shall take effect on the 30<sup>th</sup> day after adoption, or on a later day provided in the By-law.
- 4.3.2. A By-law may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.

## **5. ADMINISTRATIVE AUTHORITY** 28

### **5.1. Resolutions**

5.1.1. The Board of the Municipality shall exercise its administrative authority by approving resolutions.

## **5.2. Approval of resolutions**

5.2.1. Approval of a resolution or any other Board administrative decision requires approval by the Board of the Municipality at one meeting.

5.2.2. Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the Board adopts the resolution at that meeting.

5.2.3. After approval of a resolution or other administrative decision, the vote of each member must be entered into the Board minutes.

## **5.3. Effective date of resolutions**

5.3.1. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

# **6. THE MUNICIPAL MANAGER**

## **6.1. Office of the Municipal Manager**

6.1.1. There is established the office of the Municipal Manager.<sup>29</sup>

6.1.2. The Municipal Manager shall be the administrative head of the Municipality of [...].

## 6.2. Appointment and term

6.2.1. The Municipal Manager shall be competitively recruited and appointed by the County Public Service Board.<sup>30</sup>

6.2.2. The Municipal Manager may be appointed for a definite or an indefinite term.<sup>31</sup>

## 6.3. Qualifications

6.3.1. The Municipal Manager shall<sup>32</sup>:

Be a citizen of Kenya

Hold a degree from a university recognized in Kenya or its equivalent

Have served and had proven experience in administration or management either in public or private sector for a term of at least ten years.

6.3.2. In appointing the Municipal Manager, the County Public Service Board shall ensure:

gender equity;

the inclusion of minorities and marginalised communities; and

the person satisfies the requirements of Chapter six of the Constitution.

6.3.3. The Municipal Manager need not reside within the Municipality.

#### 6.4. Functions and powers of the Municipal Manager

6.4.1. The Municipal Manager shall implement the decisions and functions of the Board of the Municipality and shall be answerable to the Board.<sup>33</sup>

6.4.2. The Municipal Manager shall perform the following functions<sup>34</sup>:

Act on behalf of the Board of the Municipality-

In ensuring the execution of the directives of the Board of the Municipality;

During all intervals between meetings of the Board of the Municipality;

Prepare and present for approval of the Board of the Municipality, an annual estimate of revenue and expenditure to fund and carry out the programmes and operations of the Board;

Be principally responsible for building and maintain a strong alliance and effective working relationships between the Board of the Municipality and the civil society, private sector and community based organizations;

Cause to be prepared, transmitted to the Board of the Municipality, and distributed to the public at least an annual report on the activities and accomplishments of the departments and agencies comprising the executive branch of the Municipality.

Act as an ex-officio member of all committees of the Board of the Municipality; and

Such other functions as the Board may, by order, confer upon the Municipal Manager.

6.4.3. The Municipal Manager shall be fully responsible for the proper conduct of the executive and administrative work and affairs of the Municipality. The Municipal Manager shall have the power and shall be required to:

Exercise supervision over all departments and agencies of the Municipality and provide for the coordination of their activities;

Enforce the provisions of this Charter, Municipal By-laws, and all applicable laws;

Exercise powers granted to the Municipal Manager in this Charter, By-laws and applicable laws concerning the appointment and removal of certain officers, employees, and members of committees of the Board of the Municipality;

Exercise such other powers as may be prescribed by this Charter, by-laws and applicable laws.

6.4.4. The Municipal Manager must:

Attend all Board of the Municipality meetings unless excused by the Chairperson of the Board or the Board of the Municipality;

Make reports and recommendations to the Board of the Municipality about the needs of the Municipality;

Administer and enforce all Municipality By-laws, resolutions, franchises, leases, contracts, permits, and other Municipality decisions;

Appoint, supervise and remove Municipality employees;

Organize Municipality departments and administrative structure;

Prepare and administer the annual Municipality budget;

Administer Municipality utilities and property;

Encourage and support regional and intergovernmental cooperation;

Promote cooperation among the Board of the Municipality, staff and citizens in developing Municipality policies and building a sense of community;

Perform other duties as directed by the Board of the Municipality;

Delegate duties, but remain responsible for acts of all subordinates.

6.4.5. The Municipal Manager shall have no authority over the Board of the Municipality.

6.4.6. The Municipal Manager shall be entitled to attend meetings of the Board of the Municipality but shall not be entitled to vote.

## 6.5. Remuneration

6.5.1. The County Public Service Board shall set the compensation and determine the conditions of employment of the Municipal Manager.

## 6.6. Removal of the Municipal Manager

6.6.1. The Municipal Manager may be removed from office by<sup>35</sup>;

the County Governor;

a resolution of the Board of the Municipality supported by at least two-thirds of the members of the Board of the Municipality; or  
petition by the residents of the Municipality.

6.6.2. The Municipal Manager shall cease to hold office upon the lapse of the employment term of if he/she:

is unable to perform the functions of the office by reason of mental or physical infirmity;

is declared or becomes bankrupt or insolvent;

is convicted of a criminal offence and sentenced to a term of imprisonment of six months or more;

resigns in writing to the County Governor;

without reasonable cause, is absent from three consecutive meetings of the Board of the Municipality;

is found guilty of professional misconduct by the relevant professional body;

is disqualified from holding a public office under the Constitution;

engages in any gross misconduct; or

dies.

6.6.3. The procedure for the removal of the Municipal Manager may be provided by the Regulations made under the County Government Act (No. 17 of 2012) and in the absence thereof in accordance with Kenyan law having regard to fair labour practices.

6.6.4. Any vacancy arising in the office of the Municipal Manager may be filled in the manner provided under Article 6.2 above.

#### **6.7. Acting Municipal Manager**

6.7.1. When the Municipal Manager is temporarily disabled from acting as Municipal Manager or when the office of the Municipal Manager becomes vacant, the County Governor shall appoint a qualified person to be an Acting Municipal Manager.

6.7.2. The County Governor shall inform the County Public Service Board of such appointment within seven (7) days.

6.7.3. The Acting Municipal Manager shall have the authority and duties of the Municipal Manager, except that the Acting Municipal Manager may appoint or remove employees only with approval of the Board of the Municipality.

6.7.4. An Acting Municipal Manager shall hold office until such a time as a new Municipal Manager shall be appointed by the County Public Service Board.

## 7. MUNICIPAL FINANCES AND FINANCIAL MANAGEMENT

### 7.1. Sources of the Municipality's funds and revenue

7.1.1. The Board of the Municipality shall derive its revenue and funds from<sup>36</sup>:

- (a) monies allocated by the County Assembly for the purposes of the management and service delivery of the Board;
- monies or assets that may accrue to the Board in the course of the exercise of its powers or the performance of its functions;
- all monies or grants from any other legitimate source provided or donated to the Board;
- revenue arising from rates, fees, levies, charges and other revenue raising measures which is retained by Municipality for the purpose of defraying its costs for providing services;
- investment income; and
- borrowing.

### 7.2. Appointment of the Municipality Accounting Officer

7.2.1. The Municipality Accounting Officer shall be designated by the County Executive Committee Member for Finance in the manner provided under Section 148 of the Public Finance Management Act. <sup>37</sup>

### 7.3. Functions and Powers of the Municipality Accounting Officer

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- 7.3.1. The Municipality Accounting Officer shall have all the powers and perform all the functions of accounting officers as provided under the Public Finance Management Act.
- 7.3.2. Without prejudice to the foregoing, the Municipality Accounting Officer shall be responsible for managing the finances of the Municipality.

#### **7.4. Financial year**

- 7.4.1. The Municipality shall operate on an annual budget.
- 7.4.2. The financial year of the Board of the Municipality shall be the period of twelve months ending on the thirtieth June in each year.<sup>38</sup>

#### **7.5. Budget**

- 7.5.1. The budget of the Board of the Municipality shall be developed in the manner provided under Section 175 of the Public Finance Management Act.

#### **7.6. Management of Municipality Finances**

- 7.6.1. The Board of the Municipality shall, with the approval of the County Executive Committee member for finance, open and maintain a bank account in the name of the Municipality.
- 7.6.2. All monies received by the Board of the Municipality shall be paid into the Municipality's bank account promptly and in accordance with the Public Finance Management Act.<sup>39</sup>

## 7.7. Borrowing by the Municipality

7.7.1. The Board of the Municipality may only borrow from<sup>40</sup>:-

from the County Government;

through the County Government; or

by way of a bank overdraft.

and subject to such terms as may be imposed by the County Assembly or such terms as provided by law.

## 7.8. Audit

7.8.1. The audit of the Board of the Municipality shall be as provided under Section 46 and

47 of the Urban Areas and Cities Act.

# 8. MUNICIPALITY PERSONNEL<sup>41</sup>

## 8.1. Municipality Personnel

8.1.1. The Board of the Municipality in consultation with the Municipal Manager may subject to the approval by the County Public Service Board, employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other any other law.

## **8.2. Management of Municipal Personnel**

8.2.1. Employees of the Municipality shall be under the general guidance of the Municipal Manager.

## **8.3. Retirement systems**

8.3.1. The Board of the Municipality may do all things necessary to include its officers and employees, or any of them within any retirement system or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the Board of the Municipality.

## **8.4. Compensation of Municipal Personnel**

8.4.1. The compensation of all employees of the Municipality shall be set by the County Public Service Board upon the advice of the Salaries and Remuneration Commission.

# **9. MUNICIPALITY PROPERTY<sup>42</sup>**

## **9.1. Acquisition, possession and disposal**

9.1.1. The Board of the Municipality is a body corporate and may acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the Municipality.

9.1.2. All town property and funds of every kind belonging to or in the possession of the town (by whatever prior name known) at the time this Charter becomes effective are vested in the Municipality, subject to the terms and conditions thereof.

## **9.2. Compulsory acquisition**

9.2.1. Whenever the Municipality deems it necessary to acquire private land for its purposes, it shall request the County Executive Committee Member to request the National Land Commission to acquire the land on its behalf.<sup>43</sup>

9.2.2. The provisions of the Land Act shall apply to any intended compulsory acquisition by the Municipality of property within the Municipality.

## **9.3. Municipal Buildings**

9.3.1. The Board of the Municipality may acquire, obtain by lease or rent, purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the Municipality.

## **9.4. Protection of Municipality Property**

9.4.1. The Board of the Municipality may do whatever may be necessary to protect municipal property and to keep all municipal property in good condition.

## 10. GENERAL PROVISIONS

### 10.1. Oath of office<sup>44</sup>

10.1.1. Before entering upon the duties of their offices, the Municipal Manager, the Chairperson and Vice-Chairperson and the members of the Board, and all other persons elected or appointed to any office of profit or trust in the Municipality, as determined by Board, shall take and subscribe to the following oath or affirmation:

*“I, [...], being called on to exercise the functions of [Municipal Manager/Chairperson, etc.] of the Municipality of [...], do swear/solemnly affirm that that I will at all times be faithful to the Republic of Kenya; that I will obey, respect and uphold this Constitution of Kenya and all other laws of the Republic, that except with the authority of the Board of the Municipality of [...], I will not directly or indirectly reveal the nature or contents of any business, proceedings or document of the Municipality committed to my secrecy, except as may be required for the due discharge of my duties as [Municipal Manager/Chairperson, etc.] of the Municipality of [...] or otherwise under the law. (In the case of an oath— So help me God.  
45.”*

10.1.2. The Municipal Manager shall take and subscribe to this oath or affirmation before the County Governor or before one of the sworn deputies. All other persons taking and subscribing to the oath shall do so before the Municipal Manager.

### 10.2. Amendments to the Charter

10.2.1. The County Governor may at any time, after consultation with the Board of the Municipality, amend any provision of this Charter.

10.2.2. The County Governor shall cause a copy of the Amended Charter to be laid before the County Assembly within 30 days of its amendment for approval.

### 10.3. Separability

10.3.1. If, at any time, any provision of this Charter is or becomes illegal, invalid or unenforceable in any respect under Kenyan law, neither the legality, validity or enforceability of the remaining provisions nor the legality, validity or enforceability of such provision will in any way be affected or impaired.

## 11. TRANSITIONAL PROVISIONS

### 11.1. Effective Date of Charter

11.1.1. The provisions of this Charter shall be in effect from and after [...]

### 11.2. Rights and Privileges Preserved

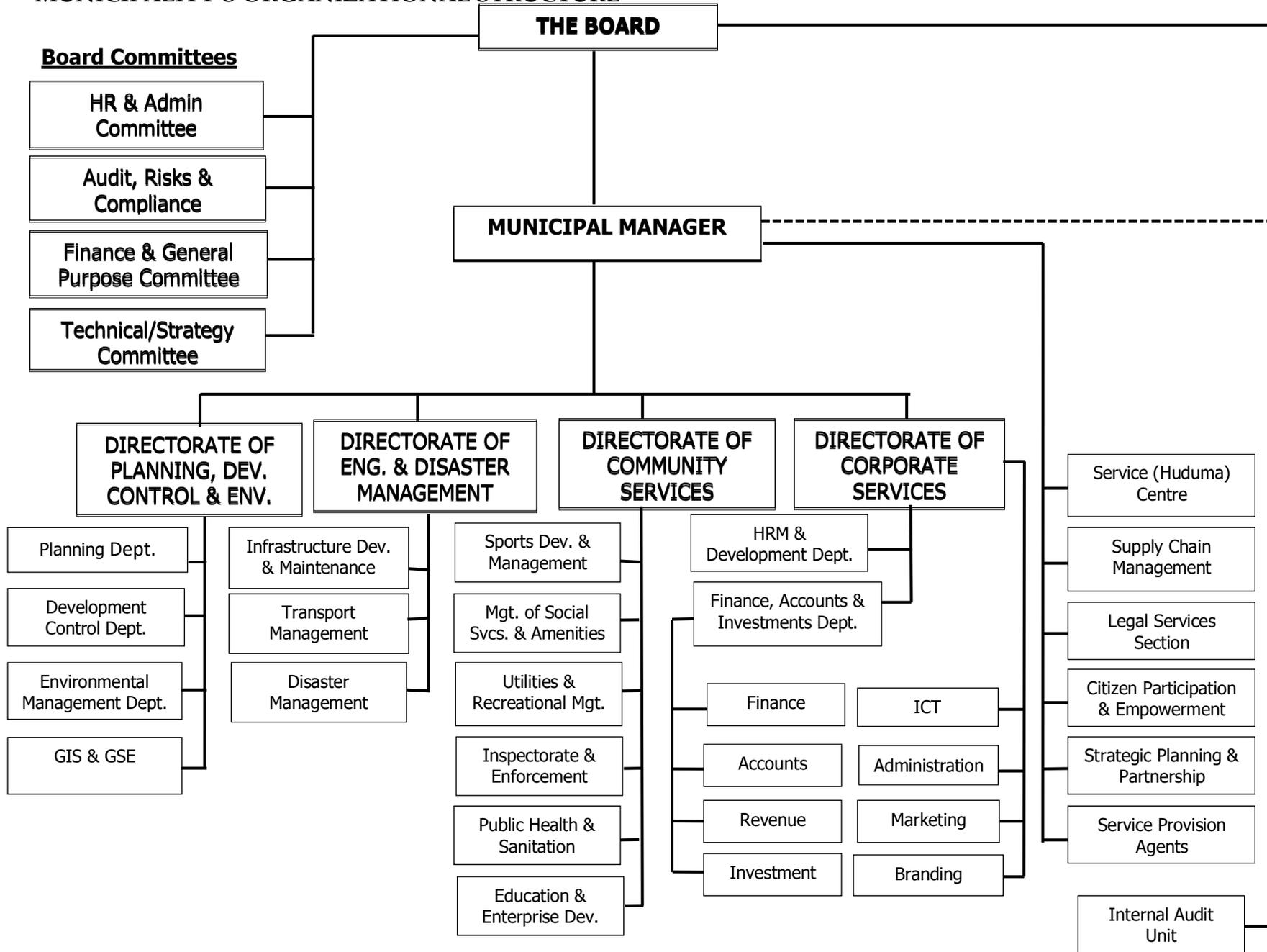
11.2.1. Nothing in the Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are Town Officials, Officers or Employees at the time of its adoption.

### 11.3. Departments

11.3.1. All Town Departments shall continue to operate with the same powers, duties, activities, budgets, and employees as were in effect at the time this Charter becomes effective until changed by the Municipal Manager with the approval of the Board of the Municipality.

Schedule IX

MUNICIPALITY'S ORGANIZATIONAL STRUCTURE



## DIRECTORATES' FUNCTIONS

Service Provision Agents	Planning and Dev. Control & Environment	Community services	Municipal Manager	Corporate Services	Engineering and Disaster Management.
<ul style="list-style-type: none"> <li>• Water Services and Management</li> <li>• Solid Waste Management</li> <li>• Water resources' management</li> <li>• Conservation and protection of water catchment areas</li> <li>• County Line ministries</li> <li>• National Government</li> <li>• Internal partners</li> <li>• NGOs</li> <li>• CBOs</li> <li>• Institutions</li> <li>• CDF</li> <li>• Religious Orgs</li> <li>• National Gov. Agencies</li> <li>• Women Rep related Funds</li> <li>• Senatorial related Funds</li> </ul>	<ul style="list-style-type: none"> <li>• Developmental Services               <ul style="list-style-type: none"> <li>○ <i>Integrated Dev. Planning</i></li> <li>○ <i>Local Economic Development</i></li> <li>○ <i>Performance Management Systems</i></li> <li>○ <i>Compliance</i></li> </ul> </li> <li>• GIS and GSE</li> <li>• Town Planning &amp; Building Control               <ul style="list-style-type: none"> <li>○ <i>Business advertising and signage</i></li> <li>○ <i>Building Control</i></li> <li>○ <i>Town Planning</i></li> <li>○ <i>Urban Design</i></li> <li>○ <i>Environmental Monitoring</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Sports and Talents Development</li> <li>• Library Services</li> <li>• Public Parks and squares</li> <li>• Cemeteries</li> <li>• Refuse collection &amp; Transportation</li> <li>• Healthcare Services</li> <li>• Education and Technical Training</li> <li>• Agricultural Extension Services</li> <li>• Markets management</li> <li>• Enterprise development</li> <li>• Administrative Support Services               <ul style="list-style-type: none"> <li>○ <i>Secretariat/Committee Services</i></li> <li>○ <i>Office Auxiliaries Services</i></li> </ul> </li> <li>○ Records &amp; Archives</li> </ul>	<ul style="list-style-type: none"> <li>• Citizen Participation and Empowerment Programs</li> <li>• Municipal Branding and Marketing               <ul style="list-style-type: none"> <li>○ Municipal image</li> <li>○ Outdoor advertising</li> <li>○ Roads &amp; Business signage</li> <li>○ Marketing of municipal products/services</li> </ul> </li> <li>• Supply Chain Management               <ul style="list-style-type: none"> <li>○ Demand &amp; Acquisition Management</li> <li>○ Stores and Disposal Management</li> </ul> </li> <li>• Legal &amp; ERM Services</li> <li>• Huduma Centre services</li> </ul>	<ul style="list-style-type: none"> <li>• ICT Services</li> <li>• Budget, Reporting and Expenditure Services               <ul style="list-style-type: none"> <li>○ <i>Asset Management</i></li> <li>○ <i>Creditors Payroll</i></li> </ul> </li> <li>• Revenue Services               <ul style="list-style-type: none"> <li>○ <i>Rates &amp; Taxes</i></li> <li>○ <i>Debtors &amp; Cashiers</i></li> <li>○ <i>Credit Control</i></li> </ul> </li> <li>• Finance and Accounts</li> <li>• Human Resource Management               <ul style="list-style-type: none"> <li>○ <i>HR Administration &amp; Staff Provisioning</i></li> <li>○ <i>Labour Relation Management &amp;</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Civil Engineering Services               <ul style="list-style-type: none"> <li>○ <i>Roads &amp; Storm Water Services</i></li> <li>○ <i>Transport network Planning, Compliance</i></li> <li>○ <i>Project Management Services</i></li> <li>○ <i>Fire fighting</i></li> <li>○ <i>Fleet Management Services</i></li> <li>○ <i>Street lighting and service lines</i></li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>&amp; Compliance</li> <li>○ Road signage</li> <li>○ Street furniture</li> <li>• Valuation services</li> <li>• Quantity surveying</li> <li>• Housing Services <ul style="list-style-type: none"> <li>○ Housing Projects</li> <li>○ Housing Finance</li> <li>○ Housing Administration</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>○ Cleaning Services</li> <li>○ Customer Care Services</li> <li>○ Switchboard/ Reception</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Investment Modelling</li> <li>• Performance Management</li> <li>• Service Provision Agencies/Partners</li> </ul>	<ul style="list-style-type: none"> <li><i>Employee Wellness</i></li> <li>○ <i>Skills Development</i></li> <li>• Staff welfare management</li> <li>• Pension Management</li> </ul>	<ul style="list-style-type: none"> <li>• Structural engineering services</li> <li>• Mechanical Engineering services</li> <li>• Electrical installation and controls</li> <li>• Water &amp; Irrigation infrastructure</li> <li>• Traffic Services <ul style="list-style-type: none"> <li>○ Law Enforcement</li> <li>○ License &amp; Vehicle Test Station</li> <li>○ Registration, Licensing</li> <li>○ Infrastructure Maintenance</li> </ul> </li> </ul>
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### REQUIRED KEY COMPETENCIES

<ul style="list-style-type: none"> <li>• Water resource management</li> </ul>	<ul style="list-style-type: none"> <li>• Urban planning</li> <li>• Urban design</li> <li>• Geospatial engineering</li> <li>• Building economics</li> </ul>	<ul style="list-style-type: none"> <li>• Information Systems' development &amp; management</li> <li>• Strategic Management</li> </ul>	<ul style="list-style-type: none"> <li>• Financial Analysis</li> <li>• Economics</li> <li>• Strategic Management</li> </ul>	<ul style="list-style-type: none"> <li>• Finance</li> <li>• HR</li> <li>• ICT</li> <li>• Strategic management</li> </ul>	<ul style="list-style-type: none"> <li>• Civil/Structural Engineering</li> <li>• Transport management</li> </ul>
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<ul style="list-style-type: none"> <li>• Water Engineering</li> <li>• Geology</li> <li>• HR</li> <li>• Finance &amp; Investment</li> <li>• Environment</li> <li>• Strategic management</li> </ul>	<ul style="list-style-type: none"> <li>• Construction technology</li> <li>• Environmental science</li> <li>• Housing policy and practice</li> <li>• Natural Resources management</li> <li>• Architectural</li> <li>• Human Resources</li> <li>• Strategic management</li> </ul>	<ul style="list-style-type: none"> <li>• Sports &amp; performing Arts dev &amp; management</li> <li>• Public policy</li> <li>• Healthcare</li> <li>• Education and vocational training</li> <li>• Statistics</li> <li>• Customer care</li> </ul>	<ul style="list-style-type: none"> <li>• Human relations</li> <li>• Branding &amp; Marketing</li> <li>• Public policy</li> <li>• Supply chain management</li> <li>• Legal</li> </ul>	<ul style="list-style-type: none"> <li>• Economics</li> <li>• investment</li> </ul>	<ul style="list-style-type: none"> <li>• Disaster planning &amp; management</li> <li>• Mechanical /plants' engineering</li> <li>• Electrical</li> <li>• Water engineering</li> <li>• Irrigation engineering</li> </ul>
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### REQUIRED KEY STAFF FOR EACH MUNICIPALITY

S/No.	DESIGNATION OF STAFF RQRD	MIN. REQUIRED SKILLS	RQRD EXPERIENCE	FUNCTIONAL PURPOSE.
01	Municipal Planner	Degree in Urban and Regional Planning/ Town Planning	At least four years	Head of Municipal planning and Development Control directorate
02	Municipal Services' Engineer	Degree in Civil or Construction Engineering	At least four years	Head of Municipal Engineering directorate.
03	Municipal Development Controller	Degree in Urban Planning/ Urban Design/Architecture	At least four years	Head of Municipal Development Control portfolio.
04	Municipal Accountant	Degree in Finance	At least five years	Municipal Budgeting and Revenue Collection.
05	Municipal Auditor	Degree in Finance	At least five years	Municipal Internal Auditor
06	Municipal Procurement Officer	Degree in Supply chain logistics	At least three years	Municipal procurement plans and implementations thereof.

07	Municipal Administrator	Degree in Social sciences / Marketing / Public relations / Actuarial science or related	At least three years	Head of Municipal Administration and Community Service directorate.
08	Municipal Environmental officer	Degree in Environmental science/Landscape Architecture	At least two years	Head of Municipal Environmental and landscape portfolio
09	Municipal ICT, Vocational training and Education officer	Degree in Information Technology	At least two years	Municipal ICT Development and Compliance.
10	Municipal Economist	Degree in Economic Planning	At least eight years	Head of Municipal Corporate Services' directorate.
11	Economist	Degree in Economic Planning	At least five years	Municipal economic planning.
12	Municipal Legal Counsel	Degree in Law	At least five years	Municipal Legal Counsel
13	Municipal Marketing and branding Officer	Degree in Marketing	At least three years	Municipal Marketing, Advertising and Branding
14	Municipal Surveyor	Degree in Surveying & Mapping or Geo-Spatial Engineering	Two years	Municipal Surveying and Mapping Programs
15	Municipal Public health, Water and Sanitation officer	Degree in public health and Sanitation	Five years	Municipal public health, Water and Sanitation programs
16	Municipal Trade and Investment Officer	Degree in Finance and Investment	Five years	Municipal Investment and Resource Mobilization strategies/policies
17	Municipal Secretary	Advanced Diploma in Secretarial studies	At least three years	Municipal Secretarial/front office services
18	Municipal Driver	Post-secondary training, a valid driving license and CO GC	At least three years	Municipal Transport logistics
19	Municipal support staff	Post form four certificate	N/A	Municipal Office services support

## Schedule X: Municipal Budgeting Procedures

The Municipal Manager shall prepare and submit to the Board the Municipal Fiscal Strategy Paper for approval and the Manager shall submit the approved Fiscal Strategy Paper to the County Executive by the 28th February of each year.

The Municipal Manager shall align its Municipal Fiscal Strategy Paper with the County objectives in the Budget Policy Statement. In preparing the Municipal Fiscal Strategy Paper, the Municipal Manager shall specify the broad strategic priorities and policy goals that will guide the Municipal government in preparing its budget for the coming financial year and over the medium term. The Municipal Budgets will be prepared with the aim to outline how resources coming from many different sources will be allocated. Typically, this will include a highlight of expected revenue as well as estimated expenditures across various departments and services.

### Factors to Consider During the Municipal Budget Preparation Process:

#### 1. The municipal budget guidelines incorporate a long-term perspective

- While the budget extends through the fiscal year, it's important to think into the future when creating it. That way, it'll be easier to consider budgeting for important projects that aren't right in front of you but will eventually require funding.

#### 2. The municipal budget should establish linkages to broad organizational goals

- No municipality has an unlimited budget (or unlimited time to formulate that budget). This means every municipality has to carefully consider their limited resources and how to allocate them properly. The best way to do this is to start with the municipal objectives as captured in the UIDeP. By doing this, the Municipal's UIDeP (which should have included input from constituents across the municipality) is taken into account during the budgeting process.

#### 3. Focus municipal budget decisions on outcomes.

- Because the budgeting processes take information from previous years and the current year into advance, as well as projections for the next few years, it's vital to have at least some of the municipality's outcomes in mind while budgeting. With a clear set of goals the key performance indicators or outcomes are linked to those goals. For high-performance, the municipality will align their major budget items to outcomes to demonstrate why they are spending their funds in a certain way.

#### 4. The municipal budget should involve and promote effective communication with stakeholders

- To align the budgeting decisions that are focused on goals and outcomes, it's important to communicate this with anyone who has a stake in municipal management. This includes municipal employees, businesses, citizens, council members, administrators, etc.

#### 5. The municipal budget should provide incentives to government management and employees

- When the UIDeP is aligned and incorporated into the municipal budget preparation process, the buy-in will automatically increase across the municipality. Both government management and employees will be able to see that what they're doing on a day-to-day basis is contributing to yearly goals and that their contributions are important to the success of the municipality.

## The steps in preparing the municipal budget

Municipalities prepare budgets that they use as a method of comparison when evaluating their actual results over the next year. Typically, the process of preparing a budget should be highly regimented and follow a set schedule, so that the completed budget is ready for use by the beginning of the next fiscal year.

### Here are the steps to follow when preparing a budget:

1. **Update budget assumptions:** Review the assumptions about the Municipality's business environment that were used as the basis for the last budget, and update as necessary.
2. **Review bottlenecks:** Determine the capacity level of the primary bottleneck that is constraining the municipality from generating revenue, and define how this will impact any additional municipal revenue growth.
3. **Available funding:** Determine the most likely amount of funding that will be available for the municipality during the budget period, which may limit growth plans.
4. **Step costing points:** Determine whether any step costs will be incurred during the likely range of municipal activity in the upcoming budget period, and define the amount of these costs and at what activity levels they will be incurred.
5. **Create budget package:** Copy forward the basic budgeting instructions from the instruction packet used in the preceding year. Update it by including the year-to-date actual expenses incurred in the current year, and also annualize this information for the full current year. Add a commentary to the packet, stating step costing information, bottlenecks, and expected funding limitations for the upcoming budget year.
6. **Update the budget model:** Input all budget information into the master budget model.
7. **Review the budget:** Meet with the Municipal Board to review the budget. Highlight possible constraint issues, and any limitations caused by funding problems.
8. **Issue the budget:** Issue the budget approved by the Board to the County Executive responsible for urban affairs.

Schedule XI

Vesting Order

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT -----

FUNCTIONS & ASSETS TRANSFER TO A COUNTY PUBLIC ENTITY FROM

THE COUNTY GOVERNMENT OF ..... (PRINCIPAL)

- INTER ALIA -

THE MUNICIPAL BOARD OF ..... (BODY CORPORATE AGENT)

VESTING ORDER

(AS PER ATTACHED SCHEDULE OF ASSETS & LIABILITIES)

WHEREAS COUNTY NO. ....; CONTITUTIONALLY REFERRED TO AS THE COUNTY GOVERNMENT OF .....; P.O. BOX.....has the constitutional principal mandate of rendering services to the residents of ....., currently referred to as.....MUNICIPALITY under CoK article 184, the UACA legislation thereof and the County Government Act section 148(2); and as formalized vide gazette notice No. ....dated.....; outlining the functions and assets associated with the provision of services within the spatial framework so designated as the Urban Entity, and as outlined under the Municipal Management Charter signed between the CG of .....and her agent Municipality; This vesting order is herein signed and sealed as the hand-over instrument of the said functions and Assets (as per the schedules of the two herein annexed) transfer thereto.

In so doing, the two corporate entities, the Principal and Agent (County and Municipality) are affirming the Body corporate and the Executive authority nature of the two entities in as far as the provision of services within their distinct but conjoined spatial context is concerned.

Subsequently, it is NOW ACKNOWLEDGED by the instrument of this VO that the said functions and assets within the spatial framework of the urban entity in reference are effectively within the management and governance executive authority of the ..... MUNICIPALITY as per the provisions of Article 184 of CoK 2010 but without prejudice to the provisions of the PFMA, UACA and the CGA.

SIGNED THIS ..... DAY OF ..... 20.....

COUNTY GOVERNMENT OF .....

GOVERNOR ..... Date..... Sign

MUNICIPAL BOARD OF .....

Board Chair..... Date..... Sign

Municipal Manager..... Date..... Sign

IN THE PRESENCE OF

DEPUTY REGISTRAR

Schedule XII  
Service charter

HIGH COURT OF KENYA .....

TEMPLATE ON SCHEDULE-----

CITY / MUNICIPAL CITIZEN SERVICE DELIVERY CHARTER

OUTLINE:

1. FORWARD BY THE CECM
2. CITY / MUNICIPALITY OBJECTIVE
3. STATEMENT ON COMMITMENT TO SERVICE
4. OBJECTIVES OF THE SERVICE CHARTER
5. MANDATE
6. VISION
7. CORE VALUES
8. OUR CUSTOMERS
9. CITY / MUNICIPAL SERVICE DELIVERY CHARTER

S/NO	SERVICE	OBLIGATIONS	CHARGE S	DURATIO N	RESPONSIBILITY
1.	Attending to enquiries	Voluntary Visits / Phone Calls	Nil	10 min	All Departments / Sections
2.	Feedback on correspondence s	Letters / Emails	Nil	1 to 7 days	All Departments / Sections
3.					
4.					
5.					
6.					
7.					

10. YOUR RIGHTS AS OUR CUSTOMER
11. YOUR RESPONSIBILITY AS OUR CUSTOMER
12. OUR COMMITMENT TO YOU AS OUR CUSTOMER
13. REVIEW OF THE CHARTER
14. SERVICE EVALUATION
15. HANDLING OF COMPLAINTS

16. FEEDBACK

**FOR COMPLAINTS AND COMPLIMENTS:**

CONTACT THE CITY / MUNICIPAL MANAGER

CITY / MUNICIPAL BOARD OF -----

PHYSICAL ADDRESS-----

P.O BOX-----

TEL:-----

EMAIL; -----

WEBSITE-----

***DROP YOUR COMPLAINTS/ COMPLIMENTS IN THE DROP BOXES SITUATED  
WITHIN THE CITY/MUNICIPALITY OFFICES***

## **Schedule XIII**

### **The Nomination Process**

- (i) The County Government, through its County Secretary, shall call for nominees for appointment to city and municipal boards from the nationally registered umbrella bodies and clusters under sections 13(2) and 14 of the Act requesting for three nominees of both gender in each category to achieve gender parity.
  - (ii) Nomination of the candidates by the registered umbrella bodies and clusters shall be carried out in consultation with the local chapters of umbrella institutions and cluster associations in accordance to the guidelines<sup>1</sup> for nominating non-state representation to the boards and in further compliance with section 13(4) of the Act.
  - (iii) The “area” of the nominee for each category shall refer to the city, municipality, and town boundaries within the specific County. In the event no one qualifies from within the area the institution and clusters shall nominate from within the County.
  - (iv) The selected area nominees in each category of representation shall obtain written affirmation on their suitability to perform in the board accompanied by clearance letter from the registered nominating agency confirming their compliance to the registration regime.
  - (v) The nominating institutions and clusters, shall within the stipulated time, submit three names in each category and supporting documents (minutes) that shows the nominees are qualified as per the Act and are validly nominated in accordance to the guidelines for nominating non-state representation to the boards.
  - (vi) The County Executive Committee shall forward the three nominees in each respective category to the County Governor who shall, while appointing the members of the board, ensure gender equity, representation of persons with disability, youth and marginalized groups in compliance with sections 13(3) of the Act.
  - (vii) The nominating institutions, which shall not submit the nominees within the stipulated time, shall forfeit the chance to nominate and the County Secretary shall proceed to advertise for the position as per the requirements of the Act.
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## Schedule XIV

### Citizens Participation Standards

The Municipality in collaboration with other stakeholders will:

- i. Ensure the participation of as wide a variety of groups as possible, including special interest groups;
- ii. Ensure meetings are held in venues that are accessible to PWDs.
- iii. Establish a framework for citizen engagement clarifying when and how they will participate, the available opportunities and resources for such engagements;
- iv. Ensure a clear agenda for participation is set with objectives and process well defined and issues for discussion stated;
- v. Ensure use of as many fora as possible to reach people in every public place they are known to converge, including churches, mosques, temples, public barazas, national, local and community radios and TVs.
- vi. Engage community leaders and opinion shapers to get a deeper grasp of the issues affecting citizens;
- vii. Ensure alternation and rotation of the location and timings of meetings so that no people or communities are repeatedly disadvantaged or burdened with high travel or accommodation costs;
- viii. Ensure public participation is decentralized to spaces closer to the people – to sub-counties, wards, and village and establish public participation forums at each level;
- ix. Ensure expansion of existing public participation mechanisms and systems, providing the necessary assistance to ensure residents and local groups organize themselves, and where necessary, provide easy and simple registration process;
- x. Ensure meetings are well attended, and where necessary facilitate the attendance and the presence of individuals and groups with the capacity to engage on the issues and matters in the agenda;
- xi. Encourage the establishment of new and the expansion of existing partnerships with Business Management Organizations (BMOs) and CSOs, championing the formation of coalitions and caucuses;
- xii. Ensure an anonymous feedback mechanism with adequate checks to protect citizens from intimidation and those who might possess sensitive information;
- xiii. Ensure that functional citizen forums are set up and facilitate holding of town-hall meetings;
- xiv. Establish effective communication policies to enable citizens take advantage of the opportunities provided by various media, including ICT;
- xv. Establish effective information management systems to support public participation.

## Schedule XV

### STEPS IN URBAN PLANNING PROCESS

The steps in preparing the integrated urban areas and city development plan are outlined as follows;

