

REPUBLIC OF KENYA



TWELFTH PARLIAMENT

THE SENATE

THE STANDING COMMITTEE

ON

DEVOLUTION AND INTERGOVERNMENTAL RELATIONS

REPORT ON CONSIDERATION OF

THE URBAN AREAS AND CITIES (AMENDMENT) BILL, 2017 (SENATE
BILLS NO. 4 OF 2017)

Approved
[Signature]
14/3/2018

Jackie
Please note
for COW
J. Chaney

Clerk's Chambers,
First Floor,
Parliament Buildings,
NAIROBI.

PAPERS LAID	
DATE	<i>15/03/2018</i>
TABLED BY	<i>Chairperson</i>
COMMITTEE	<i>Devolution & IR</i>
CLERK AT THE TABLE	<i>CM</i>

MARCH, 2018

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ABBREVIATIONS

APSEA	Association of Professional Societies in East Africa
COG	Council of Governors
CRA	Commission on Revenue Allocation
IEBC	Independent Electoral and Boundaries Commission
KEPSA	Kenya Private Sector Alliance
S.O	Standing Order
SEN.	Senator
TISA	The Institute for Social Accountability

PREFACE

Establishment of the Committee

The Standing Committee on Devolution and Intergovernmental Relations is established pursuant to the Senate Standing Order (S.O.) 212. In accordance with S.O. 212 (3), the mandate of the Committee as set out in the second schedule is “*to consider all matters relating to devolution, intergovernmental and inter-county relations, governance and management of county governments, cities, towns and urban areas*”.

Further, in accordance with S.O. 212 (4), the Committee is also mandated to “*in dealing with the matters assigned to it under the second schedule, scrutinize the resolutions of the Senate (including adopted committee reports), petitions and formal undertakings given by the National Executive and Examine-*

- a) *whether or not such resolutions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within a reasonable time; and*
- b) *whether or not legislation or subsidiary legislation passed by the Senate has been operationalised and, where operationalised, the extent to which such operationalisation has taken place within a reasonable time.*

Composition of the Committee

The Committee is comprised of the following members;

- | | | |
|--------------------------------------|---|-------------------------|
| 1. Sen. Sen. Kinyua John Nderitu, MP | - | Chairperson |
| 2. Sen. Juma Golich Wario, MP | - | Vice Chairperson |
| 3. Sen. Amos S. Wako, MP | - | Member |
| 4. Sen. James Orengo, MP | - | Member |
| 5. Sen. Ephraim Mwangi Maina, MP | - | Member |
| 6. Sen. Falhada Iman Dekow, MP | - | Member |
| 7. Sen. Boniface Mutinda Kabaka, MP | - | Member |
| 8. Sen. Juma Issa Boy, MP | - | Member |
| 9. Sen. Samson Cherarkey, MP | - | Member |

Committee Secretariat


- | | |
|------------------------|-----------------------------|
| 1. Mr. Julius Ariwomoi | - Principal Clerk Assistant |
| 2. Ms. Carol Cheruiyot | - Legal Counsel |
| 3. Ms. Fiona Musili | - Research Officer |
| 4. Ms. Lucianne Limo | - Media Relations Officer |
| 5. Ms. Regina Munyao | - Legal Pupil |
| 6. Lucy Mwaniki | - Serjeant-At-Arms |
| 7. John Pere | - Serjeant-At-Arms |

Acknowledgement

The Committee wishes to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to it in the conduct of the public hearings and during meetings with relevant stakeholders. The Committee also expresses its gratitude to members of the public and stakeholders who made submissions, both orally and in writing.

Mr. Speaker Sir,

It is my pleasant duty, pursuant to Standing Order 137, to present a Report of the Standing Committee on Devolution and Intergovernmental Relations on the consideration of the Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bills No. 4 of 2017).

Signed.....

Date.....15/3/2018

SEN. KINYUA NDERITU
CHAIRPERSON,
STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL
RELATIONS

EXECUTIVE SUMMARY

The Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bills No. 4 of 2017) was read a First Time on 7th November, 2017.

Following the First Reading of the Bills, it stood committed to the Committee on Devolution and Intergovernmental Relations (in accordance with Standing Order 134) for facilitation of public participation and consideration. Consequently, the Committee, pursuant to Article 118 of the Constitution and Standing Order 134 (5), invited submissions from members of the public on the Bill via an advertisement on the Daily Nation Newspaper on Tuesday, 27th February, 2018. The Committee received both oral and written submissions on the Bill during its meetings with the members of public held on 28th February, 2018 in the Commission Board Room, First Floor, County Hall, Parliament Buildings, on 6th March 2018 in Committee Room 10, Parliament Buildings and on 8th March, 2018 in Committee Room 9, Parliament Buildings.

CHAPTER ONE

1. INTRODUCTION

1.1. The Urban Areas and Cities (Amendment) Bill, 2017

The Urban Areas and Cities (Amendment) Bill, 2017 is sponsored by Sen. Kipchumba Murkomen, MP (Leader of the Majority Party in the Senate). The Bill proposes to amend the Urban Areas and Cities Act 2011, in order to review the criteria provided for classifying an area as a city, municipality, town or market centre.

The Fourth Schedule to the Constitution distributes functions as between the National and the County Governments. The task of urban planning and development is one that is shared between the national and the county governments. Paragraph 21 of Part I of the Fourth Schedule to the Constitution, tasks the national government with the function of general principles of land planning and the co-ordination of planning by the counties. Paragraph 8 of the Part II of the Fourth Schedule to the Constitution designates county planning and development as one of the functional areas of county governments. The Constitution sets out county planning and development to include- statistics, land survey and mapping, boundaries and fencing, housing, electricity and gas reticulation and energy regulation.

OVERVIEW OF THE BILL

1.2. The Urban Areas and Cities (Amendment) Bill, 2017

Clause 2 of the Bill redefines city county and urban areas. Further, the definitions of neighbourhood association and resident population have been included.

Clause 4 provides that the Cabinet Secretary or the relevant county government through the Cabinet Secretary may initiate the delineation of the boundaries of urban areas or

cities. Upon receipt of the request for delineation by a county government, the Cabinet Secretary may form an ad hoc committee to undertake the delineation.

In the event that the boundaries of an urban area extend in more than one county, the Bill provides that the membership of the ad hoc committee shall include representatives of the relevant counties and the proposal for delineation of the boundaries shall be handled by the Council of Governors.

Clause 5 of the Bill seeks to review the criteria for classifying an area as city to provide that the population need not be the population arising from the census. It also seeks to delete the following criteria provided in the Act for an area to become a city —

- (a) Infrastructural facilities, including but not limited to roads, street lighting, markets and fire stations and an adequate capacity for disaster management; and
- (b) A capacity for functional and effective waste disposal.

Clause 6(3) of the Bill seeks to review the criteria a for classifying an area as municipality and provide that, to be classified as a municipality, an urban area must satisfy the following criteria —

- (a) Have a resident population of at least fifty thousand residents;
- (b) Have an integrated urban area development plan in accordance with this Act and other existing laws;
- (c) Have the capacity to effectively and efficiently deliver its services to its residents and have in existence, the services provided in the First Schedule; and
- (d) Have demonstrable good system and records of prudent management.

Clause 8 of the Bill introduces a new provision for grant of an area as a market centre. The Bill provides that the County Governor may with the approval of the County

Assembly confer the status of a market centre on an area that meets the required criteria. A market area which shall be governed and managed by the county government must have a resident population of at least two thousand residents and an integrated urban area development plan.

The Bill is expected to streamline the process of urban areas and cities management. The amendments to the application processes for the various urban centres and the various offices involved in urban management are aimed at quality delivery of services and ensuring a greater enhancement of devolved services to the counties.

CHAPTER TWO

2. SUBMISSIONS FROM MEMBERS OF THE PUBLIC/ STAKEHOLDER CONSULTATIONS

2.1. SUBMISSIONS ON THE URBAN AREAS AND CITIES (AMENDMENT) BILL, 2017

The Committee received submissions on the Urban Areas and Cities (Amendment) Bill, 2017 as follows-

NO	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT
1.	2	The Institute for Social Accountability (TISA)	Resident population should be redefined to include the business population in the particular area
2.	2	Association of Professional Societies in East Africa (APSEA)	Define umbrella body to mean a nationwide organization duly registered in Kenya before the commencement of this Act and has been responsible for representing its membership interests.
3.	3(2)	TISA	Delete provision to avoid subjugating county functions to national legislation
4.	4 4A(1)	Council of Governors	The delineation of markets, towns and municipalities should be initiated by county department responsible for urban planning through a request to governor to appoint an <i>ad hoc</i> committee The delineation of a city should be initiated by the Cabinet Secretary appointing an <i>ad hoc</i> committee This is because land survey and mapping is a function of county governments
5.	4 4A(1)	TISA	The process of delineation of the boundaries of urban areas or cities should be governed by the Intergovernmental Relations Act and CRA, IEBC and the Intergovernmental Relations Technical Committee should be involved.
6.	4A(2)	Council of Governors	Redraft as follows to align it with the provision proposed by CoG in clause 4A(1) The Governor shall, on receipt of the request for delineation of the boundaries of urban areas (markets, towns and municipalities) under subsection 4A(1) or considering it necessary, appoint by notice in the Kenya Gazette an ad hoc committee to delineate the boundaries of an urban area.

NO	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT
			For the delineation of the boundaries of a city, the cabinet secretary shall, upon receipt of the request under subsection 4A(1) or upon considering it necessary in consultation with the county government, appoint by notice in the Kenya Gazette an ad hoc committee to delineate the boundaries of a city.
7.	4 4A(2)	TISA	The membership of the <i>ad hoc</i> committee to delineate the boundaries of an urban area or a city should not exceed 15 persons.
8.	4 4A(3)	Youth Progressive Initiative	Youth should be included in the composition of the <i>Adhoc</i> committee to avoid a situation where the youth are marginalized.
9.	4 4A(3)	Council of Governors	CoG proposes the composition of the ad hoc committee to be appointed by the governor to be as follows – (a) a representative of the Independent Electoral and Boundaries Commission, who shall be the chairperson; (b) a representative of the county department for urban development who shall be the secretary; (c) a representative of the county department for environment; (d) a representative of the Institute of Surveyors of Kenya based at the county; (e) a representative of the Kenya Institute of Planners based at the county; (f) a representative of the Law Society of Kenya; (g) a representative of the National Government County Administration.
10.	4 5(1)(c)	TISA	Delete the proposed provision to include other written laws to avoid ambiguity
11.	6	TISA	The criteria for the conferment of a municipal status to a town should be retained as provided for in the Act
12.	7	TISA	The criteria for the conferment of a town status should be retained as provided for in the Act
13.	8 10A & 10C	TISA	The provision on the eligibility for grant of the status of market centre should be deleted as the proposal encroaches on the county planning function of county governments
14.	10	APSEA	Section 13(1) of the Principal Act provides that the membership of the Board of Cities shall not exceed 11 members yet the Bill proposes a Board consisting of 12 members

NO	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT
15.	10	APSEA	The membership of the Board of Cities (the four members) to be nominated by the following umbrella bodies – (a) APSEA representing professional associations in the area; (b) KEPSA representing the private sector in the area; (c) Kenya Alliance of Resident Associations representing neighbourhood associations in the area; and (d) Civil Society Urban Development Platform representing registered associations in the informal sector in the area.
16.	10(5)	APSEA	The chairperson of a Board of a City shall not be a public officer to avoid issues of conflict of interest and to ensure good governance practices
17.	10 1A(b)	Youth Progressive Initiative	Youth should be included in the composition of the Board of a city in the positions reserved for the six members to be competitively appointed by the county governor, with the approval of the county assembly. The youth should be recruited from the local area.
18.	10(6)	Youth Progressive Initiative	Reduce the seven years' post-qualification professional experience required for members of the Board to three years so as to allow more youth to qualify for the positions.
19.	12	APSEA	Redrafting the clause to address the numbering error
20.	12 14(2)	Youth Progressive Initiative	Youth should be included in the composition of the Board of municipalities.
21.	12 14(2)	APSEA	Section 14 of the Principal Act provides that the membership of the Board of Municipalities shall not exceed 9 members yet the Bill proposes a Board consisting of 11 members
22.	12 14(2)(c)	APSEA	Four members of the Board of Municipalities to be nominated and appointed by the county governor, with the approval of the county assembly should be nominated by the organizations specified in subsection (3)
23.	12 14(3)	APSEA	The membership of the Board of Municipalities (the four members) to be nominated by the following umbrella bodies – (a) APSEA representing professional associations in the area; (b) KEPSA representing the private sector in the area;

NO	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT
			(c) Kenya Alliance of Resident Associations representing neighbourhood associations in the area; and (d) Civil Society Urban Development Platform representing registered associations in the informal sector in the area.
24.	12 14(4)	APSEA	Redrafting the clause to address the numbering error
25.	12 14(5)	APSEA	The chairperson of the Board of a Municipality shall not be a public officer to avoid issues of conflict of interest and to ensure good governance practices
26.	14 21(1)	TISA	Avoid reference to national legislation on public participation until such legislation is enacted
27.	14(6)	Youth Progressive Initiative	Reduce the five years' post-qualification professional experience required for members of the Board to three years so as to allow more youth to qualify for the positions.
28.	16 27	TISA	There should be a distinction between the management of a city and that of a county
29.	19	TISA	Retain the First Schedule on Classification of Urban Areas and Cities by Services as is currently provided for in the Act
30.	20 31A	TISA	The town committees should not perform the same functions as the cities and municipalities as this is inconsistent with their lower establishment criteria and risks fragmenting county services to beyond unsustainable levels
31.	New provision	TISA	The city administrator and the chairperson of the board of a city should be a member of the county policing authority and the county education boards to enhance security through the urban governance structure
32.	New provision	TISA	Intergovernmental Relations Act to give effect to Article 6(2), 189 and 190 of the Constitution 1. The National Government in accordance with this Act will develop mechanisms to support county governments 2. The Commission on Revenue Allocation will monitor progress in the implementation of urban areas and the quality and effectiveness of revenue generation, service delivery, equity & public participation

NO	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT
			County governments may establish urban service delivery agencies to ensure such structures adhere to Articles 189 and 190 of the Constitution.
33.	Memorandum of Objects and Reasons	TISA	The Memorandum is not adequately representative of the proposed amendments

CHAPTER THREE

3.0 COMMITTEE RECOMMENDATIONS

The Committee upon deliberation recommends the following amendments-

I. COMMITTEE STAGE AMENDMENTS TO THE URBAN AREAS AND CITIES (AMENDMENT) BILL, 2017 (SENATE BILLS NO 4 OF 2017)

CLAUSE 4

THAT clause 4 of the Bill be amended by –

(a) inserting the following new subsection immediately after subsection 4A(4) —

(5) The representative from the national government drawn from the Ministry for the time being responsible for urban development appointed under subsection (3)(b)(i) shall serve as the secretary to the *ad hoc* committee.

(b) renumbering the existing subsection (5) as subsection (6);

CLAUSE 5

THAT clause 5 of the Bill be amended in sub clause (1) by –

(a) deleting paragraph (a); and

(b) deleting paragraph (e).

CLAUSE 6

THAT clause 6 of the Bill be amended by –

(a) deleting clause 6;

(b) inserting the following new subsection immediately after subsection (3) –

(4) Despite subsection (3), every the headquarters of a county government shall be conferred the status of a municipality, whether or not it meets the criteria for a classification as a municipality.

CLAUSE 8

THAT clause 8 of the Bill be amended by inserting the following new section immediately after section 10A —

10B. (1) Delineation of the boundaries of a market may be initiated by a county governor.

(2) The county governor shall, in considering it necessary, appoint by notice in the *Kenya Gazette* an *ad hoc* committee to delineate the boundaries of a market.

(3) The *ad hoc* committee appointed by the county governor under subsection (2) shall comprise —

- (h) a representative of the Independent Electoral and Boundaries Commission based at the county office, who shall be the chairperson;
- (i) two representatives from the county government drawn from —
 - (i) the county department for the time being responsible for urban development who shall be the secretary;
 - (ii) the county department for the time being responsible for environment;
- (j) a representative of the national government based at the county office;
- (k) two representatives from the following Professional Associations in the county —
 - (i) Institute of Surveyors of Kenya; and
 - (ii) Kenya Institute of Planners.

(4) Each of the relevant Professional Associations shall nominate its representative referred to under subsection (3)(d) for appointment by the county governor.

(5) Where the boundaries of a market extend in more than one county, the membership of the *ad hoc* committee shall include representatives of the relevant counties and the proposal for delineation of the boundaries shall be handled by the Council of Governors.

CLAUSE 12

THAT clause 12 of the Bill be amended in sub clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph -

(b) three members shall be appointed by the county governor, with the approval of the county assembly;

APPENDICES

1. Minutes of the Meetings
2. Attendance Lists for the Public Hearing
3. Matrices of Committee Resolutions on Submissions

Minutes of the Meetings

MINUTES OF THE 2ND MEETING OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON THURSDAY, 22ND FEBRUARY, 2018 IN COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDINGS FROM 9.00 A.M.

MEMBERS PRESENT

- | | |
|---------------------------------|------------------|
| 1. Sen. Wario Golich Juma | -Ag. Chairperson |
| 2. Sen. Sitswila Amos Wako | -Member |
| 3. Sen. Boy Issa Juma | -Member |
| 4. Sen. Cherarkey Samson | -Member |
| 5. Sen. Iman Falhada Dekow | -Member |
| 6. Sen. Boniface Mutinda Kabaka | -Member |

ABSENT WITH APOLOGIES

- | | |
|------------------------------|--------------|
| 7. Sen. Nderitu John Kinyua | -Chairperson |
| 8. Sen. Ephraim Mwangi Maina | -Member |
| 9. Sen. James Orengo | -Member |

COMMITTEE SECRETARIAT

- | | |
|------------------------|-----------------------------|
| 1. Mr. Julius Ariwomoi | - Principal Clerk Assistant |
| 2. Ms. Carol Cheruiyot | - Legal Counsel |
| 3. Ms. Fiona Mwikali | - Research Assistant |
| 4. Ms. Lucianne Limo | - Media Relations Officer |

MINUTE SEN/SCDIR/7/2018: PRAYERS

The meeting was called to order at 9.00 am by the Acting Chairperson followed by a word of prayer.

MINUTE SEN/SCDIR/8/2018: ADOPTION OF AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. Boniface Mutinda Kabaka and seconded by Sen. Iman Falhada Dekow as follows;

1. Prayer;
2. Adoption of the Agenda;
3. Housekeeping: - Confirmation of Minutes of Previous Meeting and Matters Arising;
4. Pre-Publication scrutiny of the County Wards Development Equalisation Bill, 2018;
5. Consideration of briefs for the bills referred to the Committee;
 - a. The Urban Areas and Cities (Amendment) Bill, 2017;
 - b. The County Governments (Amendment) (No.2) Bill, 2017;
 - c. The County Governments (Amendment) Bill, 2017
6. Any Other Business;
7. Date of Next Meeting & Adjournment.

Mombasa on 24th – 27th February, 2018, and that all preparations were complete.

2) Committee Work plan

The committee resolved to consider its work plan during the retreat

MINUTE SEN/SCDIR/13/2018: DATE OF NEXT MEETING & ADJOURNMENT

The Committee resolved to hold its next meeting on Wednesday 28th February, 2018, the day set for the public hearings.

There being no other business, the meeting was adjourned at 10.55 a.m.

SIGNATURE.....

(CHAIRPERSON: SEN. NDERITU JOHN KINYUA, M.P.)

DATE.....6/2/2018.....

MINUTE SEN/SCDIR/16/2018: PUBLIC HEARINGS FOR CONSIDERATION OF BILLS

The Committee received public views on the following bills: -

- a. The Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bills No.4 of 2017) read a first time in the Senate on 7th November, 2017;
- b. The County Governments (Amendment) (No.2) Bill, 2017 (Senate Bills No.7 of 2017) read a first time in the Senate on 29th November, 2017;
- c. The County Governments (Amendment) Bill, 2017 (Senate Bills No.11 of 2017) read a first time in the Senate on 14th December, 2017.

Only one presentation (written memoranda) was made to the Committee by an organization called Youth Progressive Initiative. The Youth organization was represented by Hon. Danson Mungatana (as its advocate), Mr. Collins Juma (CEO) and Mr. Abel Noah (Operations Manager).

Some memoranda sent by the public were also received through mails sent via the office of the Clerk of the Senate and via the official email address given to the public during the advertisement.

MINUTE SEN/SCDIR/17/2018: DATE OF NEXT MEETING & ADJOURNMENT

The Committee resolved to hold its next meeting on Tuesday 6th March, 2018.

There being no other business, the meeting was adjourned at 11.40 a.m.

SIGNATURE.....

(CHAIRPERSON: SEN. NDERITU JOHN KINYUA, M.P.)

DATE.....6/3/2018.....

MINUTES OF THE 4TH MEETING OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON TUESDAY, 6TH MARCH, 2018 IN COMMITTEE ROOM 9, MAIN PARLIAMENT BUILDINGS FROM 10.00 A.M.

MEMBERS PRESENT

- | | |
|---------------------------------|--------------|
| 1. Sen. Nderitu John Kinyua | -Chairperson |
| 2. Sen. Boy Issa Juma | -Member |
| 3. Sen. Cherarkey Samson | -Member |
| 4. Sen. Iman Falhada Dekow | -Member |
| 5. Sen. Boniface Mutinda Kabaka | -Member |

ABSENT WITH APOLOGIES

- | | |
|------------------------------|-------------------|
| 6. Sen. Wario Golich Juma | -Vice Chairperson |
| 7. Sen. Ephraim Mwangi Maina | -Member |
| 8. Sen. Sitswila Amos Wako | -Member |
| 9. Sen. James Orengo | -Member |

COMMITTEE SECRETARIAT

- | | |
|------------------------|-----------------------------|
| 1. Mr. Julius Ariwomoi | - Principal Clerk Assistant |
| 2. Ms. Carol Cheruiyot | - Legal Counsel |
| 3. Ms. Regina Munyao | - Legal Pupil |

MINUTE SEN/SCDIR/18/2018: PRAYERS

The meeting was called to order at 10.25 am by Sen. Boniface Mutinda Kabaka (who was the Acting Chairperson at commencement) followed by a word of prayer.

MINUTE SEN/SCDIR/19/2018: ADOPTION OF AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. Boniface Mutinda Kabaka and seconded by Sen. Boy Issa Juma as follows;

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of Previous Meeting;
4. Matters Arising;
5. Meeting with Council of Governors (CoG), County Assemblies Forum (CAF) and The Institute for Social Accountability (TISA) to receive views/memoranda on the following bills:-
 - a. The Urban Areas and Cities (Amendment) Bill, 2017;
 - b. The County Governments (Amendment) (No.2) Bill, 2017;
 - c. The County Governments (Amendment) Bill, 2017
6. Any Other Business;
7. Date of Next Meeting & Adjournment.

MINUTE SEN/SCDIR/20/2018: CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING AND MATTERS ARISING

The Minutes of the following meetings were confirmed by the members present and signed by the Chairperson:

- (i) Minutes of the 2nd Meeting held on 22nd February 2018 proposed by Sen. Boniface Mutinda Kabaka and seconded by Sen. Boy Issa Juma.
- (ii) Minutes of the 3rd Meeting held on 28th February 2018 proposed by Sen. Iman Falhada Dekow and seconded by Sen. Boniface Mutinda Kabaka.

There were no matters arising from the minutes.

MINUTE SEN/SCDIR/21/2018: MEETING WITH STAKEHOLDERS TO RECEIVE VIEWS/MEMORANDA ON THE THREE BILLS

- (i) The Committee met with Ms. Wanjiru Gikonyo - the National Coordinator of The Institute for Social Accountability (TISA) and received views/memoranda on the Urban Areas and Cities (Amendment) Bill, 2017. TISA was concerned that the Senate should adhere to standards of public participation to avoid challenges on the constitutionality of instruments emerging from the House because of insufficient consideration to public participation. The coordinator noted that since Parliament publishes numerous bills which sometimes never make to the second reading, then sufficient notice should be given to the public to present views or memoranda.

TISA through the Coordinator presented to the Committee several proposals for amendments to the Urban Areas and Cities (Amendment) Bill, 2017.

- (ii) The committee received written memorandum form the County Assemblies Forum (CAF).
- (iii) The Committee deliberated on a letter from the Council of Governors (CoG) requesting for more time to present their views/memorandum. CoG in the letter proposed to meet with the Committee on 13th March, 2018. Upon deliberation, the Committee noted that since it was running short of time, it would not allow CoG the additional time of one week requested but would instead allow them to present within three days (i.e. by Thursday 8th March, 2018), since CoG had already taken too long scrutinizing the bills. The Committee resolved to meet with CoG on Thursday 8th March, 2018 at 12.00 noon.

MINUTE SEN/SCDIR/22/2018: AOB

Under AOB, Members agreed to consolidate the various amendments and compile its report immediately after finalizing with CoG. The Committee also resolved that its report on the three bills will be ready for tabling by Tuesday 13th March, 2018. The chairperson was requested to meet with the Senate

Majority Leader (Sponsor of the two bills) to request for indulgence to the Committee.

MINUTE SEN/SCDIR/23/2018: DATE OF NEXT MEETING & ADJOURNMENT

The Committee resolved to hold its next meeting on Wednesday 7th March, 2018, the day set for the public hearings.

There being no other business, the meeting was adjourned at 11.57 a.m.



SIGNATURE.....

(CHAIRPERSON: SEN. NDERITU JOHN KINYUA, M.P.)

13/2/2018

DATE.....

MINUTES OF THE 5TH MEETING OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON WEDNESDAY, 7TH MARCH, 2018 IN COMMITTEE ROOM 9, PARLIAMENT BUILDINGS FROM 10.00 A.M.

MEMBERS PRESENT

- | | |
|-----------------------------|--------------|
| 1. Sen. Nderitu John Kinyua | -Chairperson |
| 2. Sen. Boy Issa Juma | -Member |
| 3. Sen. Cherarkey Samson | -Member |
| 4. Sen. Iman Falhada Dekow | -Member |

ABSENT WITH APOLOGIES

- | | |
|---------------------------------|-------------------|
| 5. Sen. Wario Golich Juma | -Vice Chairperson |
| 6. Sen. Boniface Mutinda Kabaka | -Member |
| 7. Sen. Sitswila Amos Wako | -Member |
| 8. Sen. Ephraim Mwangi Maina | -Member |
| 9. Sen. James Orengo | -Member |

ATTENDANCE BY NON-MEMBER OF COMMITTEE (S.O. 203)

- | | |
|---------------------------|--------------------------|
| 1. Sen. Adan Dullo Fatuma | - Senator, Isiolo County |
| 2. Sen. Johnes M. Mwaruma | - Senator, Taita-Taveta |

COMMITTEE SECRETARIAT

- | | |
|------------------------|-----------------------------|
| 1. Mr. Julius Ariwomoi | - Principal Clerk Assistant |
| 2. Mr. Jeremy Chabari | - Legal Counsel |
| 3. Ms. Regina Munyao | - Legal Pupil |
| 4. Ms. Lucianne Limo | - Media Relations Officer |

MINUTE SEN/SCDIR/24/2018: PRAYERS

The meeting was called to order at 10.00 am by the Chairperson followed by a word of prayer.

MINUTE SEN/SCDIR/25/2018: ADOPTION OF AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. Iman Falhada Dekow and seconded by Sen. Boy Issa Juma as follows;

1. Prayer;
2. Adoption of the Agenda;
3. Public Hearings for consideration of the following bills: -
 - a. The Assumption of Office of County Governor Bill, 2018;
 - b. The County Boundaries Bill, 2017;
4. Any Other Business;
5. Date of Next Meeting & Adjournment.

MINUTE SEN/SCDIR/26/2018: PUBLIC HEARINGS FOR CONSIDERATION OF BILLS

The Committee received public views on the following bills: -

- a. The County Boundaries Bill, 2017 (Senate Bills No.6 of 2017) read a first time in the Senate on 30th November, 2017;
- b. The Assumption of Office of County Governor Bill, 2018 (Senate Bills No.1 of 2018) read a first time in the Senate on 15th February, 2018;

The Committee received views from the following groups/persons: -

(1) Isiolo Community

- (i) Yusuf H. Jillo
- (ii) Hassan Wako Wario
- (iii) Dr. Abdullahi Dima Jillo

This group noted that the boundaries of Meru and Isiolo Counties were very contentious, emotive and sensitive. They presented a memorandum and documents (including Court rulings) on the matter and requested the Committee to give consideration to the plea of Isiolo Community when looking at the County Boundaries Bill, 2018. They also noted that development projects in the contested boundaries such as LAPSSET Corridor development project (among others in the area) may be affected if the matter is not well addressed. The group further noted the need to amend the Constitution to consider historical boundaries dating way back into 1963 since the 1991 boundaries recognized in the Constitution presented overlaps and marginalization in some Counties.

(2) Mount Elgon Sabaot Community Representative

Mr. Martin Simotwo: Presented a memorandum on the County boundaries bill, 2017.

(3) Africa Art Group

Mr. Wanjohi Nyamu made oral presentation to the Committee. He explained the need to respect Independent Commissions such as IEBC in undertaking their constitutional mandates. He also noted the need to consider reviewing the Constitution.

Some memoranda sent by the public were also received through mails sent via the office of the Clerk of the Senate and via the official email address given to the public during the advertisement.

MINUTE SEN/SCDIR/27/2018: DATE OF NEXT MEETING & ADJOURNMENT

The Committee resolved to hold its next meeting on Thursday 8th March, 2018.

There being no other business, the meeting was adjourned at 12.10 p.m.

SIGNATURE.....

(CHAIRPERSON: SEN. NDERITU JOHN KINYUA, M.P.)

DATE..... 13 / 3 / 2018

MINUTES OF THE 6TH MEETING OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON THURSDAY, 8TH MARCH, 2018 IN COMMITTEE ROOM 9, MAIN PARLIAMENT BUILDINGS FROM 12.00 NOON.

MEMBERS PRESENT

- | | |
|---------------------------------|-------------------|
| 1. Sen. Nderitu John Kinyua | -Chairperson |
| 2. Sen. Wario Golich Juma | -Vice Chairperson |
| 3. Sen. Boy Issa Juma | -Member |
| 4. Sen. Cherarkey Samson | -Member |
| 5. Sen. Sitswila Amos Wako | -Member |
| 6. Sen. Boniface Mutinda Kabaka | -Member |

ABSENT WITH APOLOGIES

- | | |
|------------------------------|---------|
| 7. Sen. Ephraim Mwangi Maina | -Member |
| 8. Sen. Iman Falhada Dekow | -Member |
| 9. Sen. James Orengo | -Member |

ATTENDANCE BY NON-MEMBER OF COMMITTEE (S.O. 203)

- | | |
|-------------------------------|---------------------------|
| 1. Sen. Mutula Kilonzo Junior | - Senator, Makueni County |
|-------------------------------|---------------------------|

COMMITTEE SECRETARIAT

- | | |
|------------------------|-----------------------------|
| 1. Mr. Julius Ariwomoi | - Principal Clerk Assistant |
| 2. Mr. Jeremy Chabari | - Legal Counsel |
| 3. Ms. Regina Munyao | - Legal Pupil |
| 4. Ms. Fiona Musili | - Research Assistant |
| 5. Ms. Lucianne Limo | - Media Relations Officer |

MINUTE SEN/SCDIR/28/2018: PRAYERS

The meeting was called to order at 12.05p.m. by the Chairperson and followed by a word of prayer.

MINUTE SEN/SCDIR/29/2018: ADOPTION OF AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. Boniface Mutinda Kabaka and seconded by Sen. Boy Issa Juma as follows;

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with Council of Governors (CoG) and the Deputy Governors Forum for consideration of the following bills:-
 - a. The Urban Areas and Cities (Amendment) Bill, 2017;
 - b. The County Governments (Amendment) (No.2) Bill, 2017;
 - c. The County Governments (Amendment) Bill, 2017
4. Any Other Business;
5. Date of Next Meeting & Adjournment.

MINUTE SEN/SCDIR/30/2018: MEETING WITH THE COUNCIL OF GOVERNORS AND DEPUTY GOVERNORS FORUM

(A) Attendance from the Council of Governors

1. Governor Stephen Sang, Chair of Intergovernmental Relations Committee of the CoG;
2. Rosemary Njaramba, Legal Officer
3. Eva Sawe, Legal Officer
4. Benson Loktari, Legal Officer
5. Mukami Kibaara, Legal Officer
6. Eugene N. Lawi, Legal Officer
7. Zipporah Muthama, Legal Officer

(B) Attendance from Deputy Governors Forum

1. Mr. Joash Maangi, Kisii County Deputy Governor, Chair of Deputy Governors Forum
2. Mr. John Mwaniki, Laikipia County Deputy Governor

The Council of Governors (CoG) and the Deputy Governors Forum made presentations on the following bills:-

- a. The Urban Areas and Cities (Amendment) Bill, 2017;
- b. The County Governments (Amendment) (No.2) Bill, 2017;
- c. The County Governments (Amendment) Bill, 2017

Each of the two organs presented written memoranda on their areas of interest in the three bills.

MINUTE SEN/SCDIR/31/2018: AOB

The Committee also received a written memorandum from the Speaker of Nairobi City County Assembly regarding the sections dealing with impeachment of the County Assembly Speaker.

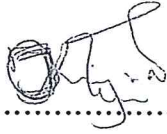
The Council of Governors requested to appear again on Tuesday 13th March, 2018 in order to present memoranda on the Assumption of Office of County Governor Bill, 2018 and the County Boundaries Bill, 2017.

MINUTE SEN/SCDIR/32/2018: DATE OF NEXT MEETING & ADJOURNMENT

The Committee resolved to hold its next meeting on Friday 9th March, 2018, to compile its report on the three bills, i.e. the Urban Areas and Cities

(Amendment) Bill, 2017, the County Governments (Amendment) (No.2) Bill, 2017, and the County Governments (Amendment) Bill, 2017.

There being no other business, the meeting was adjourned at 2.00 p.m.



SIGNATURE.....

(CHAIRPERSON: SEN. NDERITU JOHN KINYUA, M.P.)

13/3/2018

DATE.....

MINUTES OF THE 7TH MEETING OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON TUESDAY, 13TH MARCH, 2018 IN FIRST FLOOR BOARD ROOM, RED CROSS BUILDING AT 10.00 AM.

MEMBERS PRESENT

- | | |
|-------------------------------------|-------------------|
| 1. Sen. Nderitu John Kinyua, MP | -Chairperson |
| 2. Sen. Wario Golich Juma, MP | -Vice Chairperson |
| 3. Sen Iman Falhada Dekow, MP | -Member |
| 4. Sen. Cherarkey Samson, MP | -Member |
| 5. Sen. Boniface Mutinda Kabaka, MP | -Member |

ABSENT WITH APOLOGIES

- | | |
|----------------------------------|---------|
| 6. Sen. Ephraim Mwangi Maina, MP | -Member |
| 7. Sen. Sitswila Amos Wako, MP | -Member |
| 8. Sen. . Boy Issa Juma, MP | -Member |
| 9. Sen. James Orengo, MP | -Member |

COMMITTEE SECRETARIAT

- | | |
|----------------------------|-----------------------------|
| 1. Mr. Julius Ariwomoi | - Principal Clerk Assistant |
| 2. Ms. Carolynne Cheruiyot | - Legal Counsel |
| 3. Ms. Fiona Musili | - Research Assistant |
| 4. Ms. Lucianne Limo | - Media Relations Officer |
| 5. Ms. Lucy Mwaniki | - SAA |
| 6. Mr. John Pere | - SAA |

MINUTE SEN/SCDIR/33/2018: PRAYERS

The meeting was called to order at 10.25am by the Chairperson and followed by a word of prayer.

MINUTE SEN/SCDIR/34/2018: ADOPTION OF AGENDA

The agenda of the meeting was adopted after it was proposed by Sen Iman Falhada Dekow, MP and seconded by Sen. Wario Golich Juma, MP as follows;

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with Council of Governors (CoG) to receive memorandum on the following bills:-
 - a. The Assumption of Office of County Governor Bill, 2018; and
 - b. The County Boundaries Bill, 2017.
4. Consideration of the Committee report on the bills
5. Any Other Business;
6. Date of Next Meeting & Adjournment.

MINUTE SEN/SCDIR/35/2018: MEETING WITH THE COUNCIL OF GOVERNORS

Attendance from the Council of Governors

1. Governor Stephen Sang, Chair of Intergovernmental Relations Committee of the CoG;
 2. Mr. Barnabas K. Ngeno, CEC Member for Lands, Kericho County
 3. Mr. Bramwel Murgor, CEC Member for Lands, Bungoma County
 4. Eng. Lucy Kariuki, CEC Member for Lands, Nakuru County
 5. Mr. Timothy Kariuki, Embu County Attorney
 6. Ms. Rosemary Njaramba, Legal Officer
 7. Ms. Eva Sawe, Legal Officer
-
8. Ms. Mukami Kibaara, Legal Officer

The Council of Governors (CoG) made presentations on the following bills:-
 a. The Assumption of Office of County Governor Bill, 2018; and
 b. The County Boundaries Bill, 2017.

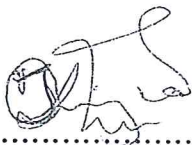
They presented written memoranda on some areas of interest in the two bills. The presentation is annexed in the Committee report.

MINUTE SEN/SCDIR/36/2018: CONSIDERATION OF THE COMMITTEE REPORT

The Committee resolved to hold a meeting this afternoon at 4.00pm to consider the matrix of the proposed amendments prepared by the secretariat and to adopt its report.

MINUTE SEN/SCDIR/37/2018: DATE OF NEXT MEETING & ADJOURNMENT

There being no other business, the meeting was adjourned at 1.20 p.m.



SIGNATURE.....

(CHAIRPERSON: SEN. NDERITU JOHN KINYUA, M.P.)

DATE.....

13/3/2018

MINUTES OF THE 8TH MEETING OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON TUESDAY, 13TH MARCH, 2018 IN COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDINGS FROM 4.00 P.M.

MEMBERS PRESENT

- | | |
|----------------------------------|-------------------|
| 1. Sen. Kinyua John Nderitu, MP | -Chairperson |
| 2. Sen. Wario Golich Juma, MP | -Vice Chairperson |
| 3. Sen. Ephraim Mwangi Maina, MP | -Member |
| 4. Sen. Iman Falhada Dekow, MP | -Member |
| 5. Sen. Sitswila Amos Wako, MP | -Member |
| 6. Sen. James Orengo, MP | -Member |

ABSENT WITH APOLOGIES

- | | |
|-------------------------------------|---------|
| 7. Sen. Cherarkey Samson, MP | -Member |
| 8. Sen. Boy Issa Juma, MP | -Member |
| 9. Sen. Boniface Mutinda Kabaka, MP | -Member |

COMMITTEE SECRETARIAT

- | | |
|-------------------------|-----------------------------|
| 1. -Mr. Julius Ariwomoi | - Principal Clerk Assistant |
| 2. Ms. Carol Cheruiyot | - Legal Counsel |
| 3. Ms. Fiona Musili | - Research Assistant |

MINUTE SEN/SCDIR/38/2018: PRAYERS

The meeting was called to order at 4.15pm by the Chairperson and followed by a word of prayer.

MINUTE SEN/SCDIR/39/2018: ADOPTION OF AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. Iman Falhada Dekow, MP and seconded by Sen. Wario Golich Juma, MP as follows;

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of Previous Meetings;
4. Matters Arising;
5. Adoption of Committee Report for consideration of the following three bills: -
 - a. The Urban Areas and Cities (Amendment) Bill, 2017;
 - b. The County Governments (Amendment) (No.2) Bill, 2017; and
 - c. The County Governments (Amendment) Bill, 2017
6. Any Other Business;
7. Date of Next Meeting & Adjournment.

MINUTE SEN/SCDIR/40/2018: CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS AND MATTERS ARISING

The Minutes of the following meetings were confirmed by the members present and signed by the Chairperson:

- (i) Minutes of the 4th Meeting held on 6th March 2018 proposed by Sen. Wario Gorich Juma, MP and seconded by Sen. Boy Issa Juma, MP.
- (ii) Minutes of the 5th Meeting held on 7th March 2018 proposed by Sen. Iman Falhada Dekow, MP and seconded by Sen. Amos Wako, MP.
- (iii) Minutes of the 6th Meeting held on 8th March 2018 proposed by Sen. Wario Gorich Juma, MP and seconded by Sen. Amos Wako, MP.
- (iv) Minutes of the 7th Meeting held on 13th March 2018 proposed by Sen. Iman Falhada Dekow, MP and seconded by Sen. Wario Gorich Juma, MP.

There were no matters arising from the minutes.

MINUTE SEN/SCDIR/41/2018 ADOPTION OF THE COMMITTEE REPORT

The Committee considered its draft report on the following three bills: -

- a. The Urban Areas and Cities (Amendment) Bill, 2017;
- b. The County Governments (Amendment) (No.2) Bill, 2017; and
- c. The County Governments (Amendment) Bill, 2017

After going through its draft report and the draft amendments prepared by the legal counsel, the Committee unanimously adopted the report.

MINUTE SEN/SCDIR/42/2018: DATE OF NEXT MEETING & ADJOURNMENT

The Committee resolved to hold its next meeting on Thursday 15th March, 2018, to consider and adopt the report on the Assumption of Office of County Governor Bill, 2018.

There being no other business, the meeting was adjourned at 6.45 p.m.

SIGNATURE.....


(CHAIRPERSON: SEN. NDERITU JOHN KINYUA, M.P.)

DATE..... 13 / 3 / 2018

Attendance Lists for the Public Hearing

COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS

6/3/18

<u>NAME</u>	<u>ORGANISATION</u>	<u>CONTACT</u>	<u>SIGN</u>
I. WAINSTEIN	TRSA	0722 793302 wainstein@trsa.co.uk	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
14.	10	APSEA	Section 13(1) of the Principal Act provides that the membership of the Board of Cities shall not exceed 11 members yet the Bill proposes a Board consisting of 12 members	
15.	10	APSEA	<p>The membership of the Board of Cities (the four members) to be nominated by the following umbrella bodies –</p> <p>(a) APSEA representing professional associations in the area;</p> <p>(b) KEPSSA representing the private sector in the area;</p> <p>(c) Kenya Alliance of Resident Associations representing neighbourhood associations in the area; and</p> <p>(d) Civil Society Urban Development Platform representing registered associations in the informal sector in the area.</p>	
16.	10(5)	APSEA	The chairperson of a Board of a City shall not be a public officer to avoid issues of conflict of interest and to ensure good governance practices	
17.	10 1A(b)	Youth Initiative Progressive	<p>Youth should be included in the composition of the Board of a city in the positions reserved for the six members to be competitively appointed by the county governor, with the approval of the county assembly.</p> <p>The youth should be recruited from the local area.</p>	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
18.	10(6)	Youth Initiative Progressive	Reduce the seven years' post-qualification professional experience required for members of the Board to three years so as to allow more youth to qualify for the positions.	
19.	12	APSEA	Redrafting the clause to address the numbering error	
20.	12 14(2)	Youth Initiative Progressive	Youth should be included in the composition of the Board of municipalities.	
21.	12 14(2)	APSEA	Section 14 of the Principal Act provides that the membership of the Board of Municipalities shall not exceed 9 members yet the Bill proposes a Board consisting of 11 members	
22.	12 14(2)(c)	APSEA	Four members of the Board of Municipalities to be nominated and appointed by the county governor, with the approval of the county assembly should be nominated by the organizations specified in subsection (3)	
23.	12 14(3)	APSEA	The membership of the Board of Municipalities (the four members) to be nominated by the following umbrella bodies – (a) APSEA representing professional associations in the area; (b) KEPISA representing the private sector in the area; (c) Kenya Alliance of Resident Associations representing neighbourhood associations in the area; and	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
			(d) Civil Society Urban Development Platform representing registered associations in the informal sector in the area.	
24.	12 14(4)	APSEA	Redrafting the clause to address the numbering error.	
25.	12 14(5)	APSEA	The chairperson of the Board of a Municipality shall not be a public officer to avoid issues of conflict of interest and to ensure good governance practices	
26.	14 21(1)	TISA	Avoid reference to national legislation on public participation until such legislation is enacted	
27.	14(6)	Youth Initiative	Progressive	
			Reduce the five years' post-qualification professional experience required for members of the Board to three years so as to allow more youth to qualify for the positions.	
28.	16 27	TISA	There should be a distinction between the management of a city and that of a county	
29.	19	TISA	Retain the First Schedule on Classification of Urban Areas and Cities by Services as is currently provided for in the Act	
30.	20 31A	TISA	The town committees should not perform the same functions as the cities and municipalities as this is inconsistent with their lower establishment criteria and risks fragmenting county services to beyond	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
31.	New provision	TISA	<p>unsustainable levels</p> <p>The city administrator and the chairperson of the board of a city should be a member of the county policing authority and the county education boards to enhance security through the urban governance structure</p>	
32.	New provision	TISA	<p>Intergovernmental Relations Act to give effect to Article 6(2), 189 and 190 of the Constitution</p> <p>1. The National Government in accordance with this Act will develop mechanisms to support county governments</p> <p>2. The Commission on Revenue Allocation will monitor progress in the implementation of urban areas and the quality and effectiveness of revenue generation, service delivery, equity & public participation</p> <p>County governments may establish urban service delivery agencies to ensure such structures adhere to Articles 189 and 190 of the Constitution.</p>	
33.	Memorandum of Objects and Reasons	TISA	<p>The Memorandum is not adequately representative of the proposed amendments</p>	

THE SENATE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS
STAKEHOLDER VIEWS ON THE URBAN AREAS AND CITIES (AMENDMENT) BILL, 2017
(SENATE BILLS NO 4 OF 2017)

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
1.	4A	National Land Commission	The delineation of boundaries of urban areas or cities by the Cabinet Secretary should be done through the planning process and be consistent with section 110(2)(f) of the County Governments Act.	
2.	5(b)	National Land Commission	The population of a city should be two hundred and fifty thousand resident population to avoid contravening section 104(1) and (3) of the County Governments Act.	
3.	5(c)	National Land Commission	Restore the criteria for a city proposed to be deleted in the Bill as the criteria is essential in making urban areas functional and competitive which are aspirations under the new urban agenda that Kenya ascribes to.	
4.	6(3)(a)	National Land Commission	Delete the marginal note, "Cap. 286"	
5.	6(3)(b)	National Land Commission	Delete the proposed provision to include other existing laws as the integrated urban area plan is only provided for under the Urban Areas and Cities Act.	
6.	6(3)(b)	National Land Commission	Delete the proposed provision on provision of services by municipalities and retain essential services as is currently provided for in the Act. This	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
			is to avoid ambiguity.	
7.	6	National Land Commission	Retain the criteria for conferment of a municipality as it is currently provided for in the Act. The criteria is fundamental in enabling the municipal areas which are predominantly county headquarters.	
8.	7	National Land Commission	Delete the proposed provision on provision of services by towns and retain essential services as is currently provided for in the Act. This is to avoid ambiguity.	
9.	8 10A(2)(b)	National Land Commission	Delete the proposed provision to include other existing laws as the integrated urban area plan is only provided for under the Urban Areas and Cities Act.	
10.	10 13(5)	National Land Commission	Enhance the qualifications for the Chairperson of a Board of a city to include a Degree in urban governance, urban planning, public policy, public administration, law, public finance, international relations, architecture and related degree in built environment Enhance the post qualification experience to at least fifteen years	
11.	10 13(6)	National Land Commission	Replace recognized institution with a university recognized in Kenya Enhance the post qualification experience for the member of a Board of a city to at least ten years The qualifications for the member of a Board of a city to include a Degree in urban management, urban planning, public policy, public administration,	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	COMMITTEE RESOLUTION
			law, public finance or strategic management	
12.	12(5)(a)	National Land Commission	<p>Enhance the post qualification experience for the Chairperson of a Board of a municipality to at least twelve years</p> <p>The qualifications for the Chairperson of a Board of a city to include a Degree in urban governance, urban planning, public policy, public administration, law, public finance, international relations, architecture and related degree in built environment</p>	
13.	14(5)(f)	National Land Commission	<p>One of the qualifications for appointment as a chairperson of the Board of a municipality is that a person carries on business in the municipality or has lived in the municipality for at least five years.</p> <p>NLC proposes that it be amended to read, lived or carries out business in the county for at least five years</p>	
14.	20 31(3)(a)	National Land Commission	<p>Replace the qualification for the chairperson or member of a Board from post-secondary education professional diploma to professional certificate</p>	
15.	20 31(3)(b)	National Land Commission	<p>Increase the post qualification professional experijnce from three years to seven years</p>	