

REPUBLIC OF KENYA

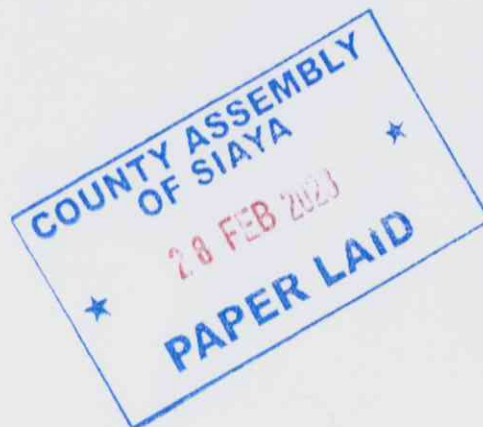


COUNTY ASSEMBLY OF SIAYA

THIRD ASSEMBLY - SECOND SESSION

COMMITTEE ON LANDS, PHYSICAL PLANNING, SURVEYING AND HOUSING.

**REPORT ON THE CONFERMENT OF MUNICIPALITY STATUS TO BONDO
URBAN AREA.**



FEBRUARY 2023

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PREFACE

Hon. Speaker

Mandates of the committee

The Sectorial Committee on Lands, Physical Planning, Surveying and Housing is established pursuant to provisions of Standing Order No. 200 (5) and is mandated to; -

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) Study the program and policy objectives of departments and the effectiveness of the implementation.
- c) Study and review all legislation referred to it;
- d) Study, assess and analyse the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- e) Investigate and enquire into all matters relating to the assigned departments as they may deem necessary and as may be referred to them by the House;
- f) Vet and report on all appointments where the Constitution or any law requires the House to approve, except those under Standing Order 195(committee on Appointments); and
- g) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

Additionally, pursuant to the Second Schedule of the Standing Order, the committee oversees the departments of; Lands, Physical Planning, Surveying and Housing and is mandated to deliberate on; - all matters related to Lands, Housing, Settlement, County Planning and development including statistics, Land Survey, mapping, boundaries and fencing, electricity and gas reticulation.

Membership of the Committee

Hon. Speaker,


The Committee as currently constituted by this House comprises of the following Honorable Members;

- | | |
|--------------------------|------------------------|
| 1. Hon. James Otare | -CHAIRPERSON |
| 2. Hon. John Apodo | -V/ CHAIRPERSON |
| 3. Hon. David Ragen | -Member |
| 4. Hon. Sylas Madingu | -Member |
| 5. Hon. Alice Adhiambo | -Member |
| 6. Hon. Felix Okumu | -Member |
| 7. Hon. Gordon Onguuru | -Member |
| 8. Hon. Bismark Olango | -Member |
| 9. Hon. Andericus Odongo | -Member |

ACKNOWLEDGEMENT

The Committee is grateful to the offices of the Hon. Speaker and the County Assembly Clerk for support received as it discharged its mandate. The Committee is also grateful to the C.E.C in charge of Lands Department as well as the technical officers who provided the necessary information needed by the Committee during the analysis and compilation of its report.

It is therefore my pleasant duty and privilege, on behalf of the Committee on Lands, Physical Planning, Surveying and Housing and as required by Standing Order 200(5) (g) as read together with the Second Schedule of the Standing Order, to present to this House, the Committees' report containing its recommendations on the Analysis of the Municipal Charter and conferment of Municipality status to Bondo urban area for consideration and approval.

SIGNED..........DATE. 28/2/2023.....

HON. JAMES OTARE-MCA, CHAIRPERSON

COMMITTEE ON LANDS, PHYSICAL PLANNING, SURVEYING AND HOUSING

Background

With more Kenyans living in urban areas, investing in urban institutional reforms has enhanced opportunities for inclusive growth. Modern markets, organized parking, street lighting and drainage infrastructure have transformed sleepy urban centers into thriving commercial hubs with livable residential neighborhoods. Bondo urban area is not an exception to this and hence the desire to confer it to a Municipality.

The Siaya County Government is desirous of decentralizing service delivery and enhancing active participation of residents of Bondo urban area. To facilitate the decentralization, it initiated the delineation of its urban area boundary and subsequently appointed an Ad Hoc Committee.

The Urban Areas and Cities Act, 2011 is an Act intended to give effect to the provisions of Article 184 of the Constitution which requires parliament to enact a legislation to provide for among other things:

- a) Establish criteria for classifying areas as urban areas and Cities
- b) Establish the principles of governance and management of urban areas and cities
- c) Provides for participation by residents in the governance of urban areas and cities

Section 9 of the Urban Areas and Cities Act provides for the establishment of Municipalities by the County Governor on a resolution by the County Assembly, by grant of a charter in the prescribed form.

A town is eligible for conferment of municipal status if the town satisfies the following criteria: -

- a. Has a population of at least 50,000 according to the last census Report
- b. Has an Integrated Development Plan
- c. Has demonstrable revenue collection or revenue collection potential
- d. Has the capacity to effectively and efficiently deliver essential services to its residents
- e. Has sufficient space for expansion
- f. Has infrastructural facilities, lighting, markets and fire station
- g. Has capacity for functional and effective waste disposal.
- h. Has institutional active participation by its residents in the management of its affairs.

Introduction

The Draft Municipal Charter for Bondo was tabled and committed to the Committee on Lands, Physical Planning, Surveying and Housing on 8th February 2023.

The public participation and call for memorandum was placed on the Standard Newspaper on 9th February 2023. The Committee held its first sitting on 14th February 2023 which was attended by CECM and Chief Officer Lands, Physical Planning, Surveying and Housing together with their technical officers.

The CECM-Lands took the members through the AD-HOC Committee report and the Municipal Charter to better understand the content of both documents.

The Committee conducted its public participation on 16th February 2023 in Bondo at the CDF Hall from 9:00 a.m which was attended by 100 participants. At the time of compiling this report no memorandum had been received from the public.

The public welcomed the idea of Bondo urban area becoming a Municipality and hoped that with municipality status some of their concerns will be addressed such as water shortages and market congestion.

The public was taken through the Municipal charter to understand its provisions and how it will guide the operations of the Municipality. The public was made aware of the requirements to become a Board member of the Municipality and the process of application.

The Director Housing and Urban Development took the public through the Municipal Charter and its requirements. The public were concerned that the requirements of being a Board member were too high for the public to attain.

Analysis of the AD HOC Committee Report

In line with Section 8(2) of the Urban Areas and Cities Act ,2011 the County Government of Siaya appointed an Ad Hoc Committee to evaluate and prepare a report recommending conferment of urban area status for Bondo for tabling before H.E the Governor.

The Ad Hoc Committee undertook site visits among other methods of collecting data. The eligibility criteria used is under section 9(3) of the Urban Areas and Cities Act ,2011 and the First Schedule of the Urban Areas and Cities (Amendment) Act ,2019 for grant of Municipality status, to assess conferment suitability.

1. Population

Bondo Urban area is composed of the following areas which fall within its delineated urban area boundary:

Area/Sub-Location	Percentage of the area covered	Estimated population of the area within the delineated boundary
Bar Kowino	100	23,950
Nyawita	100	21,801
Maranda	100	2,432
Ajigo	100	8,004
East Migwena	49	2,385
TOTAL		58,572

The population of the Bondo Urban area as per the 2019 Kenya population and Housing Census report is as shown above. In that regard, Bondo satisfies the requirement for an estimated population of 58,572 as required for grant of Municipality status.

2. Service Delivery as per the First Schedule of the UACA

An urban area qualifies for conferment of Municipality status if it has capacity to deliver essential services to its residents. The Ad Hoc committee established that Bondo Urban area has the capacity to deliver the following services in line with the first schedule:

Services	Remarks
Planning and Development Control	Planning and development control services are. They are currently being done by the County Government.
Traffic control and parking	There are designated parking bays in public and private facilities including a bus park at the CBD and parking bays next to West End Hotel.
Street lighting	There are street lights along all major roads and streets.
Outdoor Advertising	There are several billboards for outdoor advertising.
Cemetries and Crematoria	There is space designated for a cemetery in the local land use plan for the area.
Public Transport	There are several public service providers in the area including matatus, motorbikes ,taxi and boda bodas
Libraries	There is an existing library at Jaramogi Oginga Odinga University of science and Technology
Ambulance Services	There are several ambulances serving the urban area stationed at facilities including Bondo Sub County Hospital, JOOUST and the Bondo Medical Centre.
Health facilities	Other than County Hospital, there are several hospitals in the area including Matangwe Hospital, Bondo Medical ,Gobei Health Centre, Kambajo Health Centre,Got WinyoHealth Centre ,Masita Dispensary,Havens hospital, Lilam Hospital and Owens hospital

Fire Fighting and Disaster Management	There is a fire engine serving the urban area
Control of Drugs	There is an existing Sub-County Liquor Licensing committee and a Sub County NACADA office.
Sports and Cultural Activities	There is a stadium and cultural centre in East Migwena. There is a sports ground at Magipa.
Electricity and energy provision	There is electricity
Abattoirs	There is an existing abattoir
Refuse collection	There are several waste collection bins within the urban area and in major public spaces for refuse collection.
Solid waste management	There is an existing dump site for waste collection at Dunya.
Pollution (Air,water,soil) control	There are County environment officers ensuring adherence to regulations on pollution control.
Child Care Facilities	There is an existing paediatric ward at Bondo Sub County Hospital and ECDs for education.
Pre-primary Education	There are several ECDs within the area including Bondo Township, Nyakasungu, sinapanga, Nyawita, Barkowino and several other private schools.
Local Distributor Roads	There are several roads within the area including kisian-Bondo-Osieko and Rangala –Siaya-Bondo-Luanda Kotieno
Community Centres	There are several community centres in the area including Bondo Subcounty Town Hall and the CDF Social Hall

County Hospital	There is Bondo Sub County Hospital
Constituent University Hospital	There is an existing University in the area ,Main Campus Jaramogi Oginga Odinga University
Polytechnic	There is Bondo Technical Training Institute at Ratiya, KMTC at the Bondo Sub County Hospital, Bondo College for ECD.
County School	There are several schools including Maranda High School,Gobei Girls High School, Nyamira Girls High School,Bondo Township Secondary School,Nyawita secondary school.
Stadium	There is a stadium in East Migwena
Airstrip	There is an airstrip in Gombe, East Migwena.
Theatre	There is an available amphitheatre facility at Jaramogi Oginga Odinga University of Science and Technology.
Library/ICT Services	There is a 2000-capacity public library being constructed at Jaramogi Oginga Odinga University
Administrative seat	<p>There is a Sub County Office for both the National and County Government.</p> <p>There are two chief's camps in Awelo and Maranda .</p> <p>Bondo Law Courts is hosted within the urban area.</p>
Local Economic Development	The County Government has an existing County Integrated Development Plan which guides economic development for areas in the county including Bondo.
Museum/Cultural Centres	The area has Kango kajaramogi Masoluem

Fire Station	There is fire engine serving the urban area however, there is no fire station
Emergency Preparedness	There are sub county Disaster Management Matangwe Hospital and committees which are decentralized upto the Ward level and comprised of multi sectoral actors including Red Cross.
Telecommunication services/postal services/ICT	There is internet connection and telecommunication boosters within the urban area powered by several mobile companies such as safaricom ,Airtel and Telkom. There is a post office There is a community TV station(Winam) as well as community radio station (radio lwasi)
Funeral Parlour	There are 3 morgues within the urban area.Bondo Sub county Hospital Morgue,Owens Hospital Morgue and Matangwe Hospitals Morgue
Cemetery	There is space designated for a cemetery in the local land use plan for the area.
Recreational Parks	There is Jaramogi Odinga Park
Animal Control and Welfare	There are several veterinary clinics within the area and a Sub-County Veterinary Office in the area. There's also Kenya Wildlife Service office in the area.
Religious Institution	There are diverse religious institutions in the area for religious persuasions including Islam ,Catholics, Pentecostal, Roho maler and Legion Mary

3. Integrated Development Plan

It was established that Bondo Urban area has a local land Use Plan which provides a lay out for different land uses within the area and guides development control.

4. Revenue Collection /Potential /Capacity

Section 9(3) of the Urban Areas and Cities Act ,2011 requires that an area should have a demonstrable capacity or potential to generate and collect revenue to qualify for grant of Municipality status. The Ad Hoc Committee established that Bondo urban area has a wide array of economic activities which provides an avenue for own source revenue collection. The County Government of Siaya currently collects rates from the following revenue streams:

- Single business permit
- Parking fees
- Cess-sand harvesting, bricks, building stones and fishing
- Market levies
- Development plan approval fees
- Survey fees
- Liquour licensing fees
- Land rates among others

5. Waste Disposal

The Ad Hoc Committee established that Bondo urban area has a waste management structure in place which involves waste disposal in waste bins, waste collection by casual workers and disposal in a central collection site at Dunya dump site.

6. Infrastructural facilities

For grant of Municipality status, an urban area must have infrastructural facilities. The Ad Hoc Committee established that Bondo has several infrastructural facilities including hospitals, roads, education facilities, cultural facilities, bus parks, storm water drainage facilities, markets and stadium.

7. Space for Expansion

An urban area must have sufficient space for expansion for it to qualify as a Municipality. The Ad Hoc Committee established that there are several large parcels of fallow land in the

peripheries of Bondo urban area which can be utilized for expansion. The local land use plan has also proposed areas which can be reserved for public use.

8. Active Participation

To qualify for grant of Municipality status, an urban area is required to have institutionalized active participation by its residents in the management of its affairs. The Ad Hoc committee established that Bondo urban area had several avenues for active participation for its residents and stakeholders. There is a community tv station (Winam Tv) and Radio station (Lwasi Radio) where residents can contribute to and receive information on current affairs. The area also has robust associations including; Bondo Traders Association and Jua kali Association, Barter Traders Association, Kibora Matatu Sacco and Boda Boda Association for sector-based engagements.

Synopsis of the Municipal Charter

Chapter one outlines the incorporation and naming of the Municipality of Bondo including the boundaries as delineated at the time of conferment of the Municipality status.

Chapter Two provides for the powers of the Municipality which are provided for under the County Government Act, The Urban Areas and Cities Act and any other Siaya County legislation. It also outlines the objects and functions of the Municipality.

Chapter Three establishes the Board of the Municipality, the powers and functions of the Municipality.

It stipulates the composition and term of the of the Municipality as well as giving out eligibility for appointment as member of the Board of the Municipality.

The Chapter also stipulates the eligibility for appointment of as a Chairperson and vice-chairperson of the Board.

It also outlines how the Board can establish committees for general or special purpose.

It outlines the scenarios in which a Board member can vacate or be removed from office.

The Chapter also outlines the meetings the Board can hold and the quorum.

Chapter Four provides for the legislative authority of the Board Municipality through passing Municipality By-laws, process of passing of By-laws, effective date of by-laws

Chapter Five outlines the administrative Authority of the Board in terms of approving the resolutions, amendments to resolutions and the process of adoption.

Chapter Six establishes the office of the Municipal Manager, appointment of Municipal Manager and qualifications. It also outlines the functions and powers of the Municipal Manager, remuneration and conditions of employment and removal of Municipal Manager.

Chapter Seven outlines the sources of the Municipality's funds and revenue, appointment of the Municipality Accounting Officer, functions and powers of the Municipality Accounting officer, management of Municipality finances and borrowing by the Municipality.

Chapter Eight provides for Municipality personnel, management of municipal personnel, retirement systems and compensation of Municipal personnel.

Chapter nine provides for acquisition, possession and disposal of municipal property, compulsory acquisition and protection of Municipal property by the Board.

Chapter Ten provides for general provisions such as oath of office and amendments to the charter.

Chapter Eleven contains the transitional provisions such as effective date of the charter, rights and privileges preserved.

Submissions from Members of the Public

Article 196 (1) (b) of the Constitution requires the county Assembly to facilitate public participation in its business. In fulfilment of this requirement, the County Assembly Committee on Lands conducted a public participation exercise on the Municipal charter on 16th February 2023 at the CDF Hall in Bondo town for members of the public to give their views.

In support of the charter, members of the public were of the opinion that the following should be addressed once the municipality is established, THAT:

- Security within the Municipality should be enhanced so as to attract investors.
- The water shortage within the urban area should be addressed.
- The infrastructural development should be prioritized once the municipality is established.
- Proper town planning should be prioritized within the Municipality
- Persons appointed to the Board should be extremely qualified for the position to ensure the administration of the Municipality is managed effectively and efficiently.
- The Members of the Board should be from within the Municipality.
- SIBO Water Company should take into consideration sourcing water from the Lake to serve the proposed municipality instead of relying on River Yala which can't serve the whole county sufficiently to curb water shortages especially during drought.
- There is need for continuous public engagements on the functions of the Municipality and the role of the public to the decision –making processes by the Board.

COMMITTEE OBSERVATIONS AND FINDINGS

As stated earlier, section 9 (3) of Urban Areas and Cities Act outlines the criteria for conferment of Municipal status. Regarding this criteria, the committee made the following general observations:

- I. **Population-** The Bondo urban area has attained the population of 58,572. The Urban Areas and Cities Act, 2011 requires that for a town to qualify as a Municipality, it must attain a minimum population of 50,000 people.
- II. **Integrated Development Plan-** Bondo has a local land use plan which provides a layout for different land uses within the area and guides development control.
- III. **Revenue Collection-** Bondo urban area has a wide array of economic activities which provide an avenue for own source revenue collection. If well managed, this can sustain the operations of the Municipality.
- IV. **Service delivery capacity** – It has potential to effectively and efficiently deliver essential services as required in the First Schedule of the Urban Areas and Cities Act.
- V. **Public Participation** – Public participation exercises are carried out often within Bondo urban area and therefore it has institutionalized active participation by its residents in the management of its affairs.
- VI. **Space for Expansion-** the town has sufficient space for expansion should need arise. Further, there are various pieces of public land that can be utilized for expansion.
- VII. **Infrastructural Facilities** – Bondo urban area has sufficient infrastructure including markets, street lights, postal services, roads just to mention a few.
- VIII. **Waste Disposal** – Bondo urban area has capacity for functional and effective waste disposal.

Based on the above and findings, Bondo Urban area satisfies the criteria for conferment of Municipality status.

GENERAL COMMITTEE RECOMMENDATION

Upon reviewing the proposed Bondo Municipal Charter, the AD Hoc Committee report and considering the views of the public, the committee makes the following recommendations:

- I. That the County Assembly approves the Charter in the Form presented to the County Assembly by H.E the Governor.
- II. That, pursuant to the provisions of section 9 (1) of the Urban Areas and Cities Act, 2011 this House resolves that Bondo Urban area be conferred the status of Municipality by H.E the Governor by grant of a Charter.