



ELGEYO/MARAKWET COUNTY

OFFICE OF THE CLERK

ELGEYO/MARAKWET COUNTY ASSEMBLY

SECOND ASSEMBLY

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FIRST SESSION (2018).

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REPORT OF

THE SECTORAL COMMITTEE ON ENVIRONMENT, PHYSICAL PLANNING AND  
NATURAL RESOURCES ON APPROVAL OF ITEN TAMBACH MUNICIPAL  
CHARTER AND LOGO.

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OFFICE OF THE CLERK

ELGEYO/MARAKWET COUNTY ASSEMBLY.

ITEN.



*Hon. Speaker  
For your approval.  
Dimit*

JUNE, 2018.

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Report on Approval of Iten Tambach Municipal Charter and Logo.

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## **LIST OF ACRONYMS, ABBREVIATIONS AND DEFINITIONS.**

<b>CEC</b>	-County Executive Member.
<b>CGA</b>	-County Governments Act.
<b>CRA</b>	-County Revenue Allocation.
<b>EMC</b>	-Elgeyo Marakwet County.
<b>KUSP</b>	-Kenya Urban Support programme.
<b>LWPP</b>	-Lands Water and Physical Planning.
<b>UACA</b>	-Urban Areas and Cities Act.
<b>VOL</b>	-Volio.

## **2.0 PREFACE**

### **2.01 Committee Mandate.**

**Mr. Speaker Sir,**

The Sectoral Committee on Environment, Physical Planning and Natural Resources executes its mandate in accordance with the provisions of Standing Order 193 (6) and Fourth Schedule of the Constitution which mandates it to:

- a. Investigate, inquire and report on all matters relating to the mandate, management, activities administration operation and estimates of the assigned department;
- b. Study the programmed and policy objectives of departments and the effectiveness of the implementation.
- c. Study and review all county legislation referred to it;
- d. Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- e. Investigate and inquire into all matters relating to the assigned departments as they may deem necessary and as may be referred to them by the county assembly.
- f. To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (*Committee on Appointments*).
- g. Make reports and recommendations to the county assembly as often as possible, including recommendation of proposed legislation.

### **2.02 Committee Membership.**

The Committee on Environment, Physical Planning and Natural Resources of comprises the following Members: -

- |                           |               |
|---------------------------|---------------|
| 1. Hon. John Lochara      | Chairperson   |
| 2. Hon. Jane Kaitany      | V/Chairperson |
| 3. Hon. Christopher Kibor | Member        |
| 4. Hon. Jonah Tanui       | Member.       |
| 5. Hon. John Yator        | Member        |
| 6. Hon. Salina Kimitto    | Member        |
| 7. Hon. Thomas Kimunei    | Member.       |

### **3.0 EXECUTIVE SUMMARY.**

#### **3.01 Introduction.**

**Mr. Speaker,**

Pursuant to the provisions of the Constitution of Kenya 2010 Article 185 (4)(b) Iten Tambach Municipal Charter and logo was submitted on 11<sup>th</sup> of May 2018 and subsequently committed to the Sectorial committee on Environment, Physical Planning and Natural Resources on the 30<sup>th</sup> of May 2018.

That vide a letter dated 11<sup>th</sup> day of May 2018, the CEC member in charge of Water, Lands, Environment and Natural Resources Ref. No. EMC/LWPP/VOL.1/34 urged the County Assembly to;

1. Approve the Municipal charter as presented
2. Approve the Municipal logo for the defunct Iten-Tambach Town Council

In the aforesaid letter, the CEC member did highlight the following fundamental issues among others;

- i. That the boundaries as were approved in the Iten spatial plan be adopted as the municipal boundaries
- ii. That the approval does not have financial implication.

**Mr. Speaker,**

The Sectorial committee on Environment, Physical Planning and Natural Resources deliberated on the document with a view of advising the honourable house on its approval.

#### **3.02 Objectives.**

**Mr. Speaker Sir,** amongst its objectives the Committee sought to establish the following issues:-

1. Whether the Elgeyo/Marakwet County Headquarters ( Iten) qualifies to be conferred the status of a municipality
2. Whether the submitted Charter and logo is in line with the existing laws for approval by the County Assembly.

The Committee held a total of four (4) sittings where it deliberated on the matter and received submissions from the CECM for Environment, Physical Planning and Natural Resources.

#### **4.0 ACKNOWLEDGEMENTS.**

**Mr. Speaker Sir,**

1. The Committee wishes to sincerely thank the Office of the Speaker and that of the Clerk to the County Assembly for the facilitation and the technical support given to the Committee in executing its mandate.
2. The Chairperson of this Committee wishes to thank the Members of the Committee for their punctuality, commitment, time and selfless service that led to the completion of this report.
3. The Committee earnestly thanks the staff of the County Assembly attached to the Committee for their support.

#### **5.0 SUBMISSIONS RECEIVED REGARDING ITEN TAMBACH MUNICIPAL CHARTER AND LOGO.**

The CECM in charge of Environment, Physical Planning and Natural Resources appeared before the committee on the 18<sup>th</sup> of June 2018 and informed the committee as follows:

- 1) That, the funding from World Bank through the urban support program seeks to establish and strengthen urban institutions to deliver improved infrastructure and services.
- 2) That, in February 2018 His Excellency the Governor signed an agreement with the Kenyan Urban Support Programme.
- 3) That, the County is set to receive Kshs 20,000,000 and later Kshs 89,000,000 as a conditional grant for a period of six years.
- 4) That, the logo submitted to the ministry of Housing and Urban Development was from the defunct Iten Tambach Town Council.
- 5) That, the municipal charter should remain as Iten Tambach Municipal Charter but not Iten Municipality as the committee proposes.
- 6) That, the funds would be basically used in the following:
  - a) Waste management both liquid and solid wastes.
  - b) Storm water drainage such as the urban drainage system including flood control systems.
  - c) Connectivity (roads, non-motorized transport facilities, street and security lights).these includes urban roads pedestrian walkways and bicycle paths, street and security lights and road signs.
  - d) Fire and disaster management. Establishment of fire control stations and disaster management equipment( fire fighting trucks, rehabilitation and/or construction of new fire fighting station and facilities).

## **6.0 LEGAL FRAMEWORK.**

**The conferment of a municipality is provided for under the provisions of S. 9 of the Urban Areas and Cities Act, No. 13 of 2011.**

**For the avoidance of doubt, S. 9(4) of the Urban Areas and Cities Act, No. 13 of 2011 provides as here under;**

### **Conferment of municipal status**

(1) The county governor may, on the resolution of the county assembly, confer the status of a municipality on a town that meets the criteria set out in subsection

(3), by grant of a charter in the prescribed form.

(2) The procedure set out under section 8(1) to (4) shall apply with necessary modifications to the conferment of municipal status to a town, except that the conferment shall be done by the county governor.

(3) A town is eligible for the conferment of municipal status under this Act if the town satisfies the following criteria—

(a) has a population of at least between seventy thousand and two hundred and forty-nine thousand residents according to the final gazetted results of the last population census carried out by an institution authorized under any written law, preceding the grant;

(b) has an integrated development plan in accordance with this Act;

(c) has demonstrable revenue collection or revenue collection potential;

(d) has demonstrable capacity to generate sufficient revenue to sustain its operations;

(e) has the capacity to effectively and efficiently deliver essential services to its residents as provided in the First Schedule;

(f) has institutionalised active participation by its residents in the management of its affairs;

(g) has sufficient space for expansion;

(h) has infrastructural facilities, including but not limited to street lighting, markets and fire stations; and

(i) has a capacity for functional and effective waste disposal.

(4) Notwithstanding the provisions of subsection (1), the county governor shall confer the status of a special municipality to the headquarters of the county even where it does not meet the threshold specified under subsection (3) (a).

## **7.0 COMMITTEE FINDINGS AND RECOMMENDATIONS.**

1. Having looked at the relevant legal framework and other enabling legislations the committee is satisfied that Iten, being the County Headquarters, has satisfied the requisite legal threshold for the conferment of a municipality pursuant to the provisions of S. 9(1) as read with the provisions of S. 9(4) of the Urban Areas and Cities Act, No. 13 of 2011.
2. That the Charter be amended to read; Iten Municipality.
3. That the Municipal logo for the Iten Municipality shall be the one approved and adopted in the Iten Town Integrated Spatial Development Plan of 2015-2035.
4. That the boundaries as was approved in the Iten Town integrated spatial development plan of 2015-2035 be adopted as the municipal boundaries of Iten
5. That in there is room for amendment to the spatial plan to include other areas as part of Iten which may have been omitted and/or not covered in the Iten Town Integrated Spatial Development Plan of 2015-2035 but can be included to fall within Iten Municipality
6. That the Municipal Board is divested of the power to make By-laws since the County legislative authority is the exclusive jurisdiction and or domain of the County Assembly pursuant to the provisions of Article 185, of the Constitution of Kenya. As such, the charter should be amended to deprive the Board of the power to make any kind of laws.

## **8.0 COMMITTEE RESOLUTION.**


The Committee urges the house to resolve as hereunder:

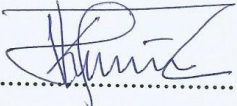
- a) That the Honourable House approves Iten Municipal Charter to confer Iten, the county headquarters of Elegeyo/Marakwet, a municipality status pursuant to the provisions of S. 9(1) as read with S. 9 (4) of the Urban Areas and Cities Act, No. 13 of 2011.
- b) That the Honorable House approves and adopts the Municipal logo for the Iten Municipality as approved in the Iten Town Integrated Spatial Development Plan of 2015-2035

**9.0 CONCLUSION.**

Mr. Speaker Sir, in view of the above findings and submissions, the Committee made the following conclusion that the house adopts the report with or without amendments:-

**10.0 MEMBERS SIGNATURES.**

- |                           |             |  |
|---------------------------|-------------|--|
| 1. Hon. John Lochaa       | Chairperson |  |
| 2. Hon. Jane Kaitany      | V/Chair     | .....  |
| 3. Hon. Christopher Kibor | Member      | .....  |
| 4. Hon. Jonah Tanui       | Member.     | .....  |
| 5. Hon. John Yator        | Member      | .....  |
| 6. Hon. Salina Kimitto    | Member      | .....  |
| 7. Hon. Thomas Kimunei    | Member.     | .....  |

Sign.....

**Hon. John Lochaa.**

**Chairperson: Committee on Environment, Physical Planning and Natural Resources.**

Date:.....19/6/2018.....

## **11.0 ANNEXURES.**

Annex 1. Cover letter on approval of Iten Tambach Municipal Charter and Logo.

Annex 2. Municipal Logo.

Annex 3. Municipal Charter.

Annex 4. Approved Logo in the Iten Town Integrated Spatial Development Plan of 2015-2035.

ANNEXURE I



Legal department  
Consider the legal implications  
involve a procedure for  
such matters & advise before  
advise my office the fastest  
J  
15/5/18

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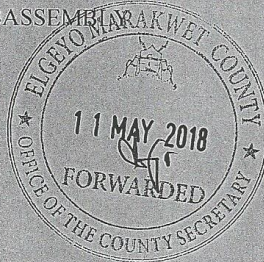
**COUNTY GOVERNMENT OF ELGEYO MARAKWET**  
**DEPARTMENT OF LANDS, WATER, ENVIRONMENT & NATURAL RESOURCES**

Our Ref: EMC/LWPP/ VOL.1/ 34

Date: May 4, 2018

THE CLERK,  
ELGEYO MARAKWET COUNTY BASSEMBLY  
P.O. BOX 53-30700.  
ITEN

THO'  
THE COUNTY SECRETARY  
ELGEYO MARAKWET COUNTY  
P.O. BOX 220-30700  
ITEN



**RE: APPROVAL OF ITEN TAMBACH MUNICIPAL CHARTER AND LOGO**

**Purpose**

The above subject matter refers,

The cabinet has approved the above stated charter and Logo.

The purpose of this memo is to seek the County Assembly to approve the **Iten Tambach Municipal Charter** and **Logo**. The approval will pave way for the implementation of the Kenya urban support World Bank funded program in the financial years between 2018 and 2023 financial of which H.E The Governor has already signed an agreement.

**Background**

The Urban Areas and Cities (Amendment) Act 2017 Section( 6 ) sub-section (4) provides that every headquarters of a County Government shall be conferred the status of a municipality. It therefore follows that Iten which is our County Headquarters qualifies to be conferred the status of a Municipality. Section (9) sub-section (1) of the urban areas and Cities Act 2012 provides for a criteria for conferment of Municipal status as follows:

*Section 9(1) The county governor may, on the resolution of the county assembly, confer the status of a municipality on a town that meets the criteria set out in subsection (3), by grant of a charter in the prescribed form.*

Based on the above section of the law I therefore present the Iten Tambach Municipal Charter and Logo (Separate Print out of the logo is attached for clarity) which has been done in the prescribed form for approval by County Assembly. Once the charter is approved we shall also have a municipal board in place as per the act and a Municipal Manager for the town. I also propose that the boundaries as were approved in the Iten Spatial Plan are adopted as the Municipal Boundaries.

Secondly, Elgeyo/Marakwet is one of the forty five counties that have been approved to participate in the world banks Kenya Urban Support Program through the Ministry of Housing and Urban Development. His Excellency the Governor has already signed an agreement as a commitment by the County Government towards implementation of the program. The objective of the Urban Support Program is to establish and strengthen urban institutions to deliver improved infrastructure and services in participating counties in Kenya. It is expected that the County Government will receive twenty million (Ksh 20,000,000) shillings between now and June 2018 to as the first tranche for the implementation of the program once CARA is approved by the National Assembly. The County through the office of CECM Finance and Economic Planning has already opened a special account for the program in the Central Bank of Kenya (CBK). The money once received will be used for the capacity building of the Municipal Board and preparation for implementation of the second tranche of eighty nine million (Ksh 89,000,000) development money in the next financial year 2018/19.

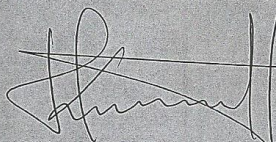
#### **Financial Analysis**

The approval does not have financial implication however, the County Government as a show of commitment to the program. Secondly the infrastructure that is to be developed in the municipality which include markets, bus parks, fire stations, landfills, cemeteries etc. require land for construction which the grant expects the county government to acquire. For the county to utilize these funds therefore it is expected that funds will be allocated for the priority projects from the financial year 2018/19

#### **Recommendation**

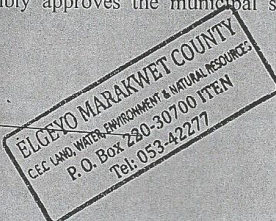
I therefore recommend the following to County Assembly:

1. That the County Assembly approve s the municipal charter as presented.
2. That the County Assembly approves the municipal symbol for the defunct Iten Tambach Town Council.

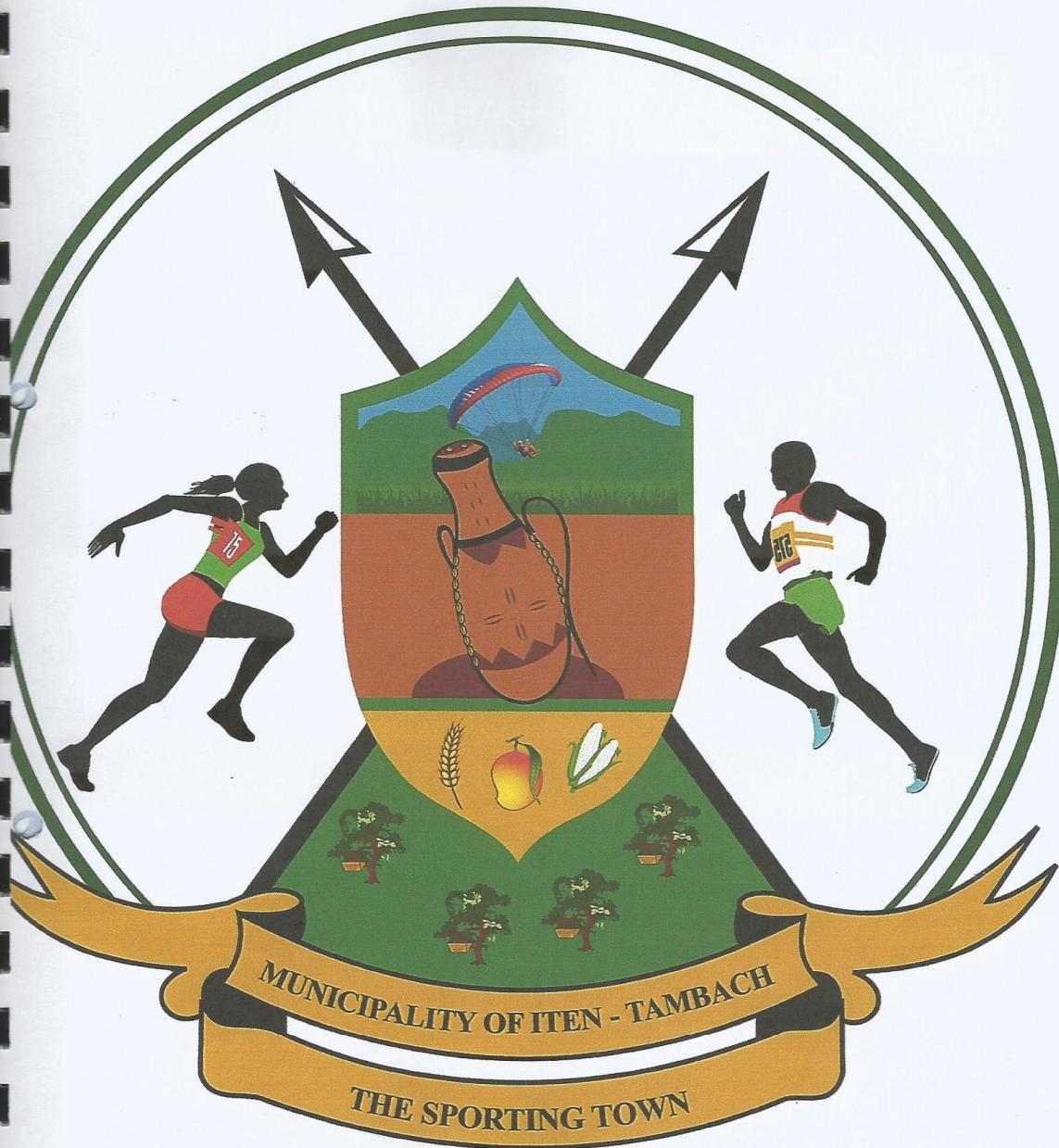


**Mr. Abraham K. Barsosio**

**CECM Water, Lands, Environment and Natural Resources**

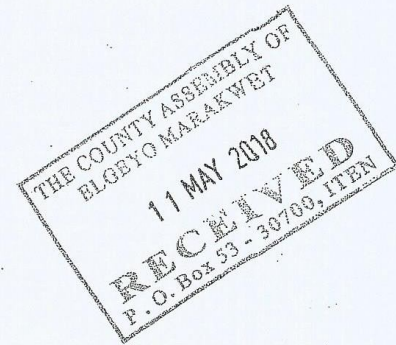


ANNEXURE 2



ANNEXURE 3

ITEN TAMBACH MUNICIPALITY



MUNICIPAL CHARTER

Model Draft Municipal Charter prepared under The World Bank Kenya Urban Support Programme

ANNEXURE 4



RECEIVED  
15 JUN 2015

**COUNTY GOVERNMENT OF ELGEYO MARAKWET**

**ITEN TOWN INTEGRATED SPATIAL DEVELOPMENT PLAN  
2015 - 2035**

