

COUNTY GOVERNMENT OF BUNGOMA



COUNTY ASSEMBLY OF BUNGOMA

SECOND ASSEMBLY, THIRD SESSION

LANDS, URBAN & PHYSICAL PLANNING COMMITTEE REPORT

ON

THE IMPLEMENTATION STATUS OF BUNGOMA AND KIMILILI MUNICIPALITIES

DECEMBER, 2019

**Clerk's Chambers
County Assembly Buildings
PO BOX 1886,
BUNGOMA, KENYA**

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1.0. Preface

Mr. Speaker sir,

The Committee on Lands, Urban and Physical Planning and Housing in executing its oversight mandate resolved to examine the status of Bungoma and Kimilili Municipalities with the view of understanding the progress made by the County Executive under the department of Lands, Urban and Physical planning. It should be further be noted that the County Assembly of Bungoma approved various members of the boards to both Bungoma and Kimilili Municipalities.

2.0 Mandate of the committee

The Sectoral Committee on Lands, Urban Development and Physical Planning derives its mandate from provisions of Standing Order 196(5) which defines its functions as being:

- a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- b) To study the program and policy objectives of ministries and departments and the effectiveness of their implementation;
- c) To study and review all legislation referred to it;
- d) To study, asses and analyze the relative success of the ministries and departments measured by the results obtained as compared with their stated objectives;
- e) To investigate and inquire into all matters relating to the assigned ministries and departments as may be deemed necessary, and as may be referred to it by the House or a minister;
- 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 187 (Committee on appointments);
and
- g) To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

3.0 Committee Membership

Mr. Speaker Sir,

The Committee on Lands, Urban and Physical Planning as currently constituted comprises of the following members:-

1. Hon. Humphrey Sifuna	Chairperson
2. Hon. Joseph Magudah	Vice chairperson
3. Hon. Peter Sindani	Member
4. Hon. George Makari	Member
5. Hon. Milliah Masungo	Member
6. Hon. Sitati Makhandia	Member
7. Hon. Charles Nangulu	Member
8. Hon. Isaiah Sudi	Member
9. Hon. Henry Majimbo	Member
10. Hon. Ben Kipkut	Member
11. Hon. Bethwell Mwambu	Member
12. Hon. Beatrice Wekesa	Member
13. Hon. Vitalis Wangila	Member
14. Hon. Luke Opwora	Member
15. Hon. Winnie Nyambok	Member

4.0. Acknowledgement

Mr. Speaker, Sir, allow me take this opportunity to thank all Members of Lands, Urban and Physical Planning Committee for their input and valuable contributions during deliberations on the implementation status of Bungoma and Kimilili Municipalities

Thank You,

Sign:

Date:

Hon. Humphrey Sifuna

Chairperson, Lands, Urban & Physical Planning Committee

5.0 The current members of the two municipal Boards

The current members of the two municipal Boards (Bungoma and Kimilili) include

No.	Organization	Bungoma	Kimilili
1	APSEA/Architectural Association of Kenya	Douglas Sasita Wekesa	Salome Nanjala Bukania Carolyne K. Wanyonyi
2	Kenya National Chamber of Commerce & Industry	Jackline P Malomba	Not yet nominated
3	Informal sector (Juakali/Mama Mboga/Bodaboda)	Jeremiah Kuloba	Not yet nominated
4	H.E. The governor	Edith Were Shitandi	Not yet nominated
5	H.E. The governor	John Barasa Munyasia	Joseph Mulama O. Odera
6	H.E. The governor	Justus Barasa Mbinga	John Masafu Tengeye
7	H.E. The governor	Wabwoba Walinywa Mukhamule	Lilian Nanjala Simiyu
8	CECM –Lands or Representative	Christine Simiyu	Wellington Sindani
9	C.C.O. Lands	Aruput I. Juma	Aruput I. Juma

6.0 Swearing in

The members of board for both the Municipalities as approved by the County Assembly were sworn in on 15th August 2019.

7.0 Unqualified Members of the Board

The County Assembly approved 8 members of the Board for Bungoma Municipality and 7 members of Kimilili Municipality. After the approval it was later found out that a total of 4 members didn't qualify as per the amended Urban Areas and Cities Act 2019.

Unqualified member for Bungoma municipality was

- Mr. Jamal Muhammed

Unqualified members for Kimilili Municipality were

- Mr. Makhapila J.E Mwangale
- Mrs. Catherine Namalwa Kefa
- Mr. Martin Wanyonyi Makokha

8.0 Induction

The members of the Boards were inducted as from 24th to 28th September 2019 at Victoria Suites Hotel.in Kisumu.

The Induction topics included but was not limited to the following:-

- Legal and Institutional framework for governance of Municipal Boards
- The role of Boards and their organs Standing Orders
- Urban Governance and Administration
- Public Finance management for Municipalities
- Performance Management
- Key Human Resource Management Issues in Municipalities
- Overview of KUSP Minimum Conditions (MCs) and Performance Standards (PSs)

9.0 Municipal Staff

Both Municipalities have Municipal Managers who were competitively sourced by the County Public Service Board as per the Urban Area and Cities Act.

Members of staff who were seconded in Bungoma were 13 (**Annex 1**), while in Kimilili were 15 (**Annex 2**).

10. KUSP - Minimum Conditions

KUSP (Kenya Urban Support Programme) Minimum Condition for Bungoma and Kimilili Municipalities determines whether the municipalities shall get the second KUSP funds or not. So far the county has met all KUSP – Minimum Conditions as per the KUSP operational Manual as indicated (**Annex 3**).

11. KUSP - Performance Standards

The county has not met all of the Kenya Urban Support Programme – performance standards for both Bungoma and Kimilili municipalities (**Annex 4**). The County did not meet all the Performance standards due to the fact that the county didn't have Municipal Boards in place in good time.

12. KUSP – 2018/19 projects

The Kenya Urban Support Programme allocation

The allocation meant for Bungoma and Kimilili municipalities is as shown in the table below.

No.	Municipality	Allocation
1	Bungoma	109,887,700.00
2	Kimilili	191,089,400.00
Total		300,977,100.00

KUSP Projects progress report for Bungoma and Kimilili municipal boards is shown below

No.	Name of Project	Budget	Contractor	Start date	End Date	% of completion	Amount paid
Bungoma Municipal							
1	Upgrading of Sharif Centre to Police to Prison and Khetia's Stores to Mama Fanta road	48,389,766.76	Sabema International	6 th May 2019	6 th November 2019	90%	43,581,192.10
2	Upgrading of Kanduyi to Makutano (C33)	52,880,518.00	Technoshine Enterprises	6 th May 2019	6 th November 2019	90%	46,657,771.00
	Total	101,270,284.76					90,238,963.1
Kimilili Municipal							
3	Upgrading of Riziki Supermarket to DC (C33) and from Riziki Supermarket to Slaughter House Road	88,082,969.88	Sabema International	6 th May 2019	6 th November 2019	90%	73,212,837.40
4	Upgrading of DC (C33) to Kimilili Market	70,103,590.45	Dach Limited	26 th June 2019	26 th December 2019	90%	40,879,300.90
	Total	158,186,560.33					114,092,138.30

It's worthy to note that due to the procurement provision of the lowest bidder the department was able to make savings in the contracts which will act as opening balances for the Fy 2019/2020 projects.

13. Proposed 2019/2020 KUSP Projects

The proposed Kenya Urban Support programme for the Bungoma and Kimilili municipalities is as shown in the table below

No.	Name of Municipality	Project
1	Bungoma	Upgrading of Wings to Wambiya Junction road - (0.6km) and Market Access Roads
		Upgrading of C33/Sunrise Junction to Marell Namuyemba - (0.9km) and Bungoma High School Access 0.1Km
2	Kimilili	Upgrading of Kimilili Thursday market
		Upgrading of Kimilili Auction ring – Chetambe area – KIE road-1km

14.0 Committee's Observations

Mr. Speaker sir, the committee made the following observations

1. The Bungoma and Kimilili municipality board members have been inducted on their roles and responsibilities.
2. It was noted that Kimilili municipality board was not fully constituted due to the resignation of members representing the business community and informal sector.
3. The Bungoma municipality has so far elected a chairperson and a vice chairperson and also formed various committees. Further, Kimilili municipality is yet to undertake the above.
4. The Bungoma and Kimilili municipalities currently have officers seconded by the County Secretary in consultation with the County Public Service Board.
5. Most of the delegated powers and functions of municipal boards are being exercised by various departments within the County.
6. It was observed that the county had met all Kenya Urban Support Programme – Minimum Conditions as per the KUSP operational Manual.
7. The county government has not met most of the Kenya Urban Support Programme – performance standards for both Bungoma and Kimilili municipalities.

15.0 Committee Recommendations

Mr. Speaker sir, the following are the recommendations made by the committee,

1. The department of Lands, Urban and Physical Planning in consultation with other departments within the County should fast-track legislations that will delegate functions to Municipalities which should be forwarded to the County Assembly for approval.
2. The committee recommends that all the required personnel by the Bungoma and Kimilili municipalities should be seconded from various departments in the County Government of Bungoma.
3. The department of Lands, Urban and Physical Planning should prioritize and fill the two vacant positions of members namely from informal sector and business community to have the board fully constituted
4. The department of Lands, Urban and Physical Planning should meet all of the Kenya Urban Support Programme – performance standards for both Bungoma and Kimilili municipalities.

16.0 Adoption Schedule

We the undersigned members of the Committee prepared and adopt this report.

No.	Name	Designation	Signature
1.	Hon. Humphrey Sifuna	Chairperson	
2.	Hon. Joseph Magudah	Vice chairperson	
3.	Hon. Peter Sindani	Member	
4.	Hon. Ben Kipkut	Member	
5.	Hon. Henry Majimbo	Member	
6.	Hon. Bethwell Mwambu	Member	
7.	Hon. George Makari	Member	
8.	Hon. Vitalis Wangila	Member	
9.	Hon. Milliah Masungo	Member	
10.	Hon. Isaiah Sudi	Member	
11.	Hon. Sitati Makhandia	Member	
12.	Hon. Charles Nangulu	Member	
13.	Hon. Beatrice Wekesa	Member	
14.	Hon. Luke Opwora	Member	
15.	Hon. Winnie Nyambok	Member	

17.0 Annexures

1. Bungoma Municipality deployed Staff
2. Kimilili Municipality deployed Staff
3. KUSP-Minimum conditions
4. KUSP-Performance standards

Annex 1: Bungoma Municipality deployed Staff

	NAME	P/NO.	CURRENT DESIGNATION	JOB GROUP	PROPOSED DUTY ASSIGNMENT	JOB GROUP	CURRENT DUTY STATION
1	Caleb Simiyu Kisiombe	20090005075	Asst. Community Devpt. Officer	J	Administrative Officer	J	Dept. of Gender Sirisia Sub-County
2	Purity Birgen Chelegat	201700866334	Office Administrative Asst.	H	Human Resource Asst.	H	Dept. of Finance
3	Virginia Wangare Mwangi	20090004470	Revenue Officer	J	Accountant	J	CS-HRM(Payroll) HQ
4	Moses S. Walekhwa	19970013819	Senior Accountant	L	Revenue Officer	L	Finance Revenue Kanduyi-Sub-County
5	Hillary Masinde Barasa	20140032220	Clerical Officer	G	Revenue Clerk	H	Dept. of PA Sirisia Sub-County
6	Michael F. Wekesa	20150017824	Monitoring & Evaluation Officer	K	Finance Officer	K	Finance-M & E HQ
7	Susy Nekesa Wanyembi	20170086487	Supply Chain Mgt. Asst.III	H	Supply Chain Mgt. Asst.III	H	Dept. of Lands HQ
8	Andrew Keya Barasa	2016007607	Physical planner	K	Physical planner	K	Dept. of Lands Webuye Sub-County
9	Bryan Wafula Kubwa	2011214798	Survey Asst.III	H	Survey Asst.III	H	Dept. of Lands HQ
10	Kigai Alex Kibet	20140151355	Works Officer II	J	Works Officer II	J	Dept. of Roads HQ
11	Pascal Wanjala Wakafura	20100005678	Public Health Officer	J	Public Health Officer	J	Dept. of Health Kanduyi Sub-County
12	Sarah Nangami Nekesa Mutama	20140012880	Personal Secretary I	K	Personal Secretary I	K	Dept. of Lands HQ
13	Emily A. Ondiayo	20120005101	Senior Accountant	L	Internal Auditor	L	Finance HQ

Annex 2: Kimilili Municipality deployed Staff

	NAME	P/NO.	CURRENT DESIGNATION	JOB GROUP	PROPOSED DUTY ASSIGNMENT	JOB GROUP	CURRENT DUTY STATION
1	Kennedy Pkania	20140096251	Protocol Officer	N	Administrative Officer	N	Dept. of Trade HQ
2	Antony Obali Osere	20070005560	Administrative Officer II	J	Human Resource Officer	J	Revenue Bumula -Sub-County
3	Erick Wanyama	20170090963	Accountant II	J	Accountant	J	Webuye East
4	Humphrey Wekesa	2017014686	Administrative Officer II	J	Committee Clerk	J	Finance-Budget HQ
5	David Wabukala	20090005060	Administrative Asst.III	H	Revenue Officer III	H	Finance Kimilili Sub county
6	Marystella N. Simiyu	20090005128	Clerical Officer	C	Revenue Clerk	C	Revenue Tongaren Sub county
7	Donah Chesang' Sisimwo	20170104604	Accountant II	J	Finance Officer	J	Finance-Revenue
8	Simeon Wekesa Munyifwa	20150030354	Ass. Supply Chain Mgt. Officer II	J	Ass. Supply Chain Mgt. Officer II	J	Finance-Procurement
9	Benson Wangila Simiyu	20000013712	Works Officer III	J	Physical Planner	J	Dept. of Lands Kimilili Sub county
10	Everlyne Nyongesa	19940013669	Ass. Senior Survey	B	Survey Assistant	B	Dept. of Lands Kimilili Sub county
11	Bonface N. Nyongesa	19950005839	Works Officer III	J	Works Officer III	J	Dept. of Roads HQ
12	Elizabeth Masinde	19920014508	CDA II	F	CDA II	F	Gender HQ
13	Syphrine Waswa Ndakwa	1988075429	Chief Public Health Officer	M	Chief Public Health Officer	M	Health Kimilili Sub county
14	Nancy Kimachas	20140013341	Personal Secretary I	K	Personal Secretary I	K	Roads-CECM
15	Christine N. Barasa	20090004210	Accountant II	K	Internal Auditor	K	Finance-internal Auditor

Annex 3: KUSP-Minimum conditions

KUSP - Minimum Conditions	Indicator	Met	Not Met
Urban institutional MCs			
UDG MC1: Municipal status*	County Governor, upon resolution of the county assembly, has granted municipal charter to eligible urban area*	Met	
UDG MC2: Municipal Board*	Urban board has been appointed by County Governor upon approval by county assembly*	Met	
UDG MC3: Municipal administration*	A municipal manager has been appointed and is, together with his/her staff, paid out of municipal budget vote*	Met	
UDG MC4: Municipal budget vote	Municipal budget vote included in county budget, in which UDG is budgeted	Met	
UDG MC5: Municipal finance reporting*	County government reports on municipal budget vote to Controller of Budget for previous FY (as part of county overall financial report)	Met	
Program-related and fiduciary MCs			
UDG MC6: County government has committed itself to participation in KUSP	The County Governor has signed the Participation Agreement with the Ministry of Transport, Infrastructure, Housing & Urban Development (MTIHUD) stating that the county government will participate in KUSP and adhere to its Operations Manual	Met	
UDG MC7: Urban area annual investment plan available with investment projects ready for implementation	The annual urban area investment plan for next FY is available and provides the budget for UDG-financed investments, with feasibility (or pre-feasibility) studies for the proposed investments completed and attached to the document	Met	
UDG MC8: Use of previous annual	UDG for the previous FY has been used in accordance with the eligible [positive]	Met	

UDG*	investment menus (as described in POM) *		
UDG MC9: Municipal absorptive capacity*	≥ 50 percent of previous FY's UDG allocation has been spent*	Met	
UDG MC10: Municipal procurement and contract management*	Procurement methods used and contracts issued for UDG funded investment project(s) were consistent with prescribed budget thresholds and contracting procedures*	Met	

Annex 4: Performance Standards for both Bungoma and Kimilili Municipalities.

PERFORMANCE STANDARDS					
Performance Area	Performance Standard and Indicator Score	Bungoma		Kimilili	
		Met	Not Met	Met	Not Met
1. Municipal administration	PS1: There is a publicly available job description for the position of municipal manager.	Met		Met	
2. Municipal board functionality and citizen engagement	PS2: Urban board meetings have been held at least once every three months		Not Met		Not Met
	PS3: Citizen fora (public consultations between urban board and residents, including plan and budget consultations) have been held at least once a year.	Met		Met	
3. Public disclosure and transparency	PS4: Urban board has made key documents publicly available: municipal charter, contact information for board and key officials, urban IDeP (and other plans, as relevant), budget vote proposal (including appropriate annexes), and final budget statement. <i>All specific disclosure requirements must be met to trigger disbursement of UDG 5 percent.</i>	Met		Met	
	PS5: Urban board publishes its annual calendar of citizens' fora with urban area residents, including plan and budget consultations (announced in local media and on county government website)	Met		Met	
4. Municipal budgeting	PS6: Urban board has adopted urban area budget based on the budget ceiling provided by the county as per UAC Act	Met		Met	
5. Municipal planning	PS7: Urban IDeP submitted by the municipal administrator, and reviewed and approved by the municipal board	Met		Met	
	PS8: Urban spatial plan completed and approved	Met			Not Met
6. Municipal services	PS9: An operational waste collection and disposal plan has been drawn up and adopted/endorsed by the municipal board	Met		Met	
7. Municipal infrastructure delivery*	PS10: Over last 12 months, all UDG-financed projects that were completed were delivered: <ul style="list-style-type: none"> in ways that were compliant with environmental & social safeguards on time (within 3 months of plan); according to design and fit for purpose; within +/- 5% of the budget. All criteria to be met to gain the 5 points; Zero points if no project was completed in the period.	Met		Met	