

COUNTY ASSEMBLY OF EMBU



SECOND ASSEMBLY: FIRST SESSION

REPORT OF SECTORAL COMMITTEE ON LANDS, PHYSICAL  
PLANNING AND URBAN DEVELOPMENT ON THE EMBU  
MUNICIPAL CHARTER

SUBMITTED FOR CONSIDERATION BY

THE

COUNTY ASSEMBLY OF EMBU

*Approved for  
Tabling  
SCA  
13/17/18*

*II  
DPLCS  
TIA  
13/09/18*

*III  
Hon. Speaker  
13/09/18*

Clerk's Office  
County Assembly of Embu  
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SEPTEMBER, 2018

*II  
CCA  
For directions  
DPLCS  
13/9/2018*

*II  
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advise  
12/09/18*

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ANNEX:

Annex 1 - Municipality of Embu - Municipal Charter, 2018 (Amended)

## LIST OF ACRONYMS

1. CAE : County Assembly of Embu
2. CECM : County Executive Committee Member
3. CGA : County Government Act, 2012 (Revised
4. CIDP : County Integrated Development Plan
5. COK : Constitution of Kenya, 2010
6. CPSB : County Public Service Board
7. ISUDP : Integrated Strategic Urban Development Plan
8. MCA : Member of County Assembly
9. PFM : Public Finance Management Act, 2012
10. S.O : The County Assembly of Embu Standing Orders(2<sup>nd</sup> Edition)
11. UACA : Urban Areas and Cities Act, 2011 (Revised)

## 1.0 EXECUTIVE SUMMARY

The Urban Areas and Cities Act, 2011 (Revised) is an Act intended to give effect to the provisions of Article 184 of the Constitution which required parliament to (within one year of promulgation of the Constitution) enact a legislation to provide for among other things:

1. Establish criteria for classifying areas as urban areas and cities;
2. Establish the principles of governance and management of urban areas and cities; and
3. Provide for participation by residents in the governance of urban areas and cities.

The Urban Areas and Cities Act, 2011 (Revised) provides for the procedure on establishment of the various categories of urban areas and cities, their management and functions. In particular, Section 9 of the 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.

The proposed Embu Municipal Charter was tabled in the County Assembly on 19<sup>th</sup> June 2018 and subsequently committed to the Committee on Lands, Physical Planning and Urban Development for consideration. The Committee was therefore required to conduct public participation pursuant to Article 196 of the Constitution of Kenya, 2010 and table a report on the same.

The Charter seeks the conferment of the status of Embu town to that of a Municipality by H.E the Governor with the approval of the County Assembly.

The objectives of the Municipality of Embu are to;

- (a) Provide for efficient and accountable management of affairs of the municipality
- (b) Provide for a governance mechanisms that will enable the inhabitants to participate in determining the social services regulatory framework that will satisfy their needs and enjoy efficiency in service delivery.
- (c) Provide social services in a cost effective manner

The conferment of the status of Embu town to that of a municipality will enable the county to plan properly for effective and efficient delivery of services which can only be done by the governor with the approval of the county assembly. Upon the conferment of the municipal status, a city or a municipality shall be able to make plans such as;

- (i) City or municipal land use plans;
- (ii) City or municipal building and zoning plans;
- (iii) City or urban area building and zoning plans;



(iv) Location of recreational areas and public facilities; which shall be the instruments for development facilitation and development control and shall be binding on all public entities.

The proposed municipality of Embu shall be run by a Board which shall be a body corporate with perpetual succession. The relationship between the County Government and the board of municipality shall be that of a principal and agency relationship.

In order to undertake its mandate, the committee held several meetings which culminated into public participation to seek the opinions and views of the public on the establishment of the Embu Municipal. The Public Participation forums were held in six wards where the Municipality is proposed to be located, on 6/9/2018 and 7/9/2018. Later the committee retreated from 8/9/2018 to 11/9/2018 to compile this report for tabling in the house.

On behalf of the Members of the committee on Lands, Physical Planning and Urban Development, it is my pleasure to present to the County Assembly, the report of the Committee on the consideration of the Embu Municipal Charter.

## 1.1 MANDATE OF THE COMMITTEE

The mandate of the committee on Lands, Physical Planning and Urban Development is derived from the provision of Standing Order No. 204(5), of the County Assembly of Embu which defines functions of the Committee as being;

- 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 programme and policy objectives of the departments and the effectiveness of implementations;*
- c) *Study and review all County legislations referred to it;*
- d) *Study, assess and analyze the relative success of the department as measured by the result obtained as compared with their stated objectives;*
- e) *Investigate and inquire into all matters relating to 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) And;*
- g) *Make reports and recommendations to the County Assembly as often as possible, including recommendations of proposed legislation.*

## 1.2 COMMITTEE MEMBERSHIP

The committee on Lands, Urban development and Physical Planning comprising of the following members;

- |    |                                 |   |                  |
|----|---------------------------------|---|------------------|
| 1. | Hon. John Gichovi Gatumu        | - | Chairperson      |
| 2. | Hon. Margaret Lorna Kariuki     | - | Vice Chairperson |
| 3. | Hon. Paul Muchangi Njiru        | - | Member           |
| 4. | Hon. Philip Kinyutu Nzangi      | - | Member           |
| 5. | Hon. Robert Njiru Ireri         | - | Member           |
| 6. | Hon. Jane Anne Muthoni Muriithi | - | Member           |
| 7. | Hon. John Ngari Mbaka           | - | Member           |

### 1.3 PROBLEM STATEMENT

The Embu Municipal Charter was submitted to the County Assembly and subsequently tabled on 19<sup>th</sup> June, 2018. Upon being laid, the Charter was committed to the Lands, Physical Planning and Urban Development Committee for scrutiny according to the respective mandate. It is against this background that the Committee scrutinized the document and made a report with recommendations to be tabled in the County Assembly.

### 1.4 OBJECTIVES/TERMS OF REFERENCE

- (i) To establish whether the Embu Municipal Charter meets the standards as set out in the Urban Areas and Cities Act, 2011 (Revised).
- (ii) To subject the Municipal Charter to the scrutiny of the public and consider their views on the same.
- (iii) To make a report with recommendations for tabling in the County Assembly.

### 1.5 METHODOLOGY

This report was prepared by;

- (i) Holding committee meetings
- (ii) Perusing the proposed Municipal Charter Documents by the committee members.
- (iii) Interaction with the CECM Lands with the members of the Committee
- (iv) Subjecting the proposed Municipal Charter Documents to the public and stakeholders for their views.

### 1.6 TOOLS OF REFERENCE

The following tools of reference were used in this report;

1. The Constitution of Kenya, 2010
2. The County Governments Act, 2012 (Revised)
3. The Urban Areas and Cities Act, 2011 (Revised)
4. The Companies Act, 2015
5. The Employment Act, 2012 (Revised)
6. County Assembly of Embu Standing orders (2<sup>nd</sup> Edition)
7. The Public Procurement and Assets Disposal Act, 2015 (Revised)
8. Public Finance and Management Act, 2012



1.7 ACKNOWLEDGEMENT

Mr. Speaker Sir,

I wish to confirm that the recommendations of the Committee in this report were unanimously adopted by the Committee members.

The committee wishes to acknowledge the support given to it by the office of the Speaker, the office of the Clerk and the general support of all the members without which this process could not have been successful. The committee also wishes to appreciate all and sundry for what they did before, during, and after the scrutiny of this document.

SIGN



DATE

12/9/2018

**HON. JOHN GICHOVI GATUMU MCA,  
CHAIRMAN, LANDS, PHYSICAL PLANNING AND URBAN  
DEVELOPMENT COMMITTEE**

## 2.0 BACKGROUND AND LEGAL FRAMEWORK

### 2.1 BACKGROUND

The proposed Embu Municipal Charter was tabled in the County Assembly on 19<sup>th</sup> June 2018 and subsequently committed to the Committee on Lands, Physical Planning and Urban Development for interrogation.

The Committee was therefore, required to conduct public participation pursuant to Article 196 of the Constitution of Kenya and compile the views and opinions from the public.

Subsequently the Committee was required to table a conclusive report with the proposed amendments by the committee and the public as well as the stakeholders.

### 2.2 LEGAL FRAMEWORK

The following legal provisions have informed the resolutions and recommendations reached by the committee on the formation of the Embu Municipal Charter;

#### 1. The Constitution of Kenya, 2010

Land, Physical Planning and Urban Development is a devolved function pursuant to provisions of the Constitution of Kenya 2010. Fourth Schedule of the Constitution of Kenya 2010, provides that the County Health Services, including refuse removal, refuse dumps and solid waste, control of air pollution, noise pollution, other public nuisance and outdoor advertising are among the devolved functions.

Further, County transport including county roads, street lighting, traffic and parking, public road transport and county planning and development are also functions which have been devolved. All the above mentioned functions fall under the purview of the Committee on Lands, Physical Planning and Urban Development.

#### 2. The Urban Areas and Cities Act, 2011

**Section 9 (1)** of the Urban Areas and Cities Act provides that 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 the necessary modifications to the conferment of municipal status to a town, except that the conferment shall be done by the County Governor.

Sub section 3 stipulates that a town can only be eligible for conferment of a municipal status if it satisfies the following;

- (i) Has a population of at least two hundred and fifty 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;
- (ii) Has an integrated development plan
- (iii) Has demonstrable revenue collection or revenue collection potential;
- (iv) Has demonstrable capacity to generate sufficient revenue to sustain its operations
- (v) Has the capacity to effectively and efficiently deliver essential services to its residents
- (vi) Has institutionalized active participation by its residents in the management of its affairs
- (vi) Has sufficient space for expansion
- (vii) Has infrastructural facilities, including but not limited to street lighting, markets and fire stations; and
- (viii) Has capacity for functional and effective waste disposal.

**3. The County Governments Act, 2012 (Revised)**

**Part XI** of the County Government Act, 2012 (revised) gives a framework and guidelines on the County Planning of the municipality.

**4. The Companies Act, 2015:**

The Board of the Municipality shall be formed as a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of certain functions. This is pursuant to Part (2) of the Companies Act, 2015 as follows;

*“The objects of this Act are to facilitate commerce, industry and other socio-economic activities by enabling one or more natural persons to incorporate as entities with perpetual succession, with or without limited liability, and to provide for the regulation of those entities in the public interest, and in particular in the interest of their members and creditors.”*

**5. The Employment Act, 2012 (Revised):**

Several offices are formed in the Municipal Charter whose formation is informed by fair employment practices pursuant to the Employment Act, 2012;

*“An act of parliament to repeal the Employment Act, declare and define the fundamental rights of employees, to provide basic conditions of employment of employees,*



*to regulate employment of children, and to provide for matters connected with the foregoing.”*

6. **County Assembly of Embu Standing orders (2<sup>nd</sup> Edition):**

The formation of this report is pursuant to Section 193 as read together with Section 204(5) of the County Assembly of Embu Standing Orders.

7. **The Public Procurement and Asset Disposal Act, 2015:**

This is an Act of Parliament to give effect to Article 227 of the Constitution; to provide procedures for efficient public procurement and for assets disposal by public entities; and for connected purposes.

8. **Public Finance and Management Act, 2012**

An Act of Parliament to provide for the effective management of public finances by the national and county governments; the oversight responsibility of Parliament and county assemblies; the different responsibilities of government entities and other bodies, and for connected purposes.



### 3.0 SUBMISSIONS FROM MEMBERS OF THE PUBLIC AND STAKEHOLDERS

Public participation was conducted on 6<sup>th</sup> and 7<sup>th</sup> September 2018 at selected venues in six wards affected by the proposed Municipality area. The general public had also been requested to send their opinion and views on the Embu Municipal Charter and Digital Topographical Mapping and Preparation of ISUD Plan 2015 – 2035. At the time of compiling this report no memorandum had been received from the public, however the committee was able to collect the following views from the one hundred and ninety five persons who attended the various forums in the six wards. The six wards which fall within the proposed municipality area are; Kirimari, Nginda, Gaturi South, Kithimu, Mbeti North and Mbeti South. Majority of the residents welcomed the establishment of the Embu Municipality but they were raised several issues for consideration by the committee as follows;

#### **1. Benefits of establishing a Municipality**

Members were concerned what benefits they were likely to get if the Municipality would be started.

It was explained that there were so many projects lined up in the proposed municipality which includes, construction of by-passes through some wards, increased land value, and improved standards of living through the contemplated introduction of commercial and education hubs in the municipality.

#### **2. Change of status from freehold land to leasehold and resultant costs.**

The public was concerned that their freehold land would be converted to leasehold which would then attract high charges in form of Land rates and the outright ownership would be subjected to a fixed term. The residents cited Section 9.2 "Compulsory acquisition" of the proposed Embu Municipal Charter as very contentious and one which the residents submitted that was not favouring them

It was explained a leasehold agreement provides the tenant with the right to exclusive use and possession of property in for question for an extended period of time and was not a disadvantageous status of property. Members were informed that the land use in municipality would be controlled as per the applicable; laws

and that all charges and fees to be levied would be approved by the County Assembly through the Finance Act. Normally different areas are charged differently depending on the level of services provided and other matters as the assembly may put into considerations.

It was further explained that before compulsory acquisition was effected due process would be followed, open negotiation and adequate compensation provided to the affected land owners. It was also noted that leasehold contracts provides the tenant with the right to exclusive use and possession of property for an extended period of time, which tenure is not disadvantageous.

**3. Fear of Incorporation of residents' views in the charter**

Residents feared that not everything they proposed would find its way into the Municipal Charter.

The residents were assured that all issues raised would be taken into consideration and be subjected to respective provisions of the applicable laws.

**4. Increase Road network, electricity connections and provision of piped water.**

In supporting the Municipal Charter, the residents of Mbeti South requested that, roads be constructed in the ward to increase the existing road network therefore improving mobility in the vast ward. They also requested for increased connectivity to electricity for the many residents. Members decried the lack of piped water in the area which would be vital so as to save the residents from possible contamination of their water by the proposed relocation of dumpsite, sewerage and cemetery to Mbeti South ward.

The committee noted their requests and observed that there was a procedure by which all projects should be proposed for funding by the county government.

## 4.0 COMMITTEE OBSERVATIONS AND FINDINGS

### 4.1 Criteria of conferment of Municipal Status

- (i) That, the committee noted that the County is in the process of putting in place the Embu County Integrated Development Plan.
- (ii) That, Embu town has sufficient space for expansion as required by law
- (iii) That, Embu town has a capacity to effectively and efficiently deliver essential services to its citizens as provided for in the fourth schedule of the Constitution of Kenya 2010.
- (iv) That, Embu has infrastructural facilities including but not limited to street lighting, markets and functional fire brigade.
- (v) That, it has capacity for functional and effective waste disposal
- (vi) That, it has demonstrable revenue collection or revenue collection potential.
- (vii) That, it has demonstrable capacity to generate sufficient revenue to sustain its operations.
- (viii) That, the proposed Embu Municipality has a fast growing population

### 4.2 Proposed Amendments;

That, the proposed Municipal Charter required some amendments.



## 5.0 COMMITTEE RECOMMENDATIONS

Upon reviewing the proposed Embu Municipal Charter, the Committee made the following recommendations;

- (i) **THAT**, the County Assembly approves the following amendments on the Embu Municipal Charter documents.
1. **THAT** the Charter be amended by inserting a Clause on Definitions and interpretations of terms as follows;

In this Charter, unless otherwise defined;

*Board* – means the Embu Municipality Board established in this Charter;

*Charter* - means the Embu Municipality Charter;

*County Assembly* – means the County Assembly of Embu;

*County Executive Committee* - means the Embu County Government County Executive Committee;

*County Executive Committee Member* means the County Executive Committee Member responsible for urban areas

*County Public Service Board* – means the Embu County Public Service Board;

*Governor* – means the Governor of Embu County;

*Officer* means a Member of the Municipality board;

*Manager* – means the Embu Municipality Manager appointed under this Charter;  
and

*Permanent dwelling* means a self-contained unit of accommodation used by one or more households as a home, such as a house, apartment, mobile home, houseboat, vehicle or other 'substantial' structure. A dwelling typically includes nearby outbuildings, sheds, etc. within the curtilage of the property, excluding any 'open fields beyond'

2. **THAT** Clause 2.1 of the Charter be amended by deleting it in its entirety and substituting thereof with the following new Clause;
3. **THAT** Clause 2.2.1 be amended;
  - (a) In Sub- Clause(vi) by inserting the word “by” immediately before the “laws”
  - (b) In Sub- Clause (viii) by deleting it in its entirety



4. **THAT Clause 2.3** be amended by deleting it in its entirety;
5. **THAT Clause 3.1.2** be amended by deleting the words *“any other relating bills and any other written law”*
6. **THAT Clause 3.1.3** be amended by deleting it in its entirety.
7. **THAT Clause 3.2.1** be amended as follows;
  - i. In sub- clause (b) By adding the words *“as provided for under the Public Procurement and Asset Disposal Act, 2015”*
  - ii. In Sub- Clause (c) by adding the words *“within the limits imposed by law”*
8. **THAT** the Charter be amended by inserting the following new clauses immediately after Clause 3.2.1 as follows;
  - 3.2.1 *The Board of the Municipality of Embu shall have all the powers and perform all functions vested in boards of Municipalities under the Urban areas and Cities Act, 2011 and the County Governments Act, 2012.*
  - 3.2.2 *Except as this Charter otherwise provides, all powers of the Municipality shall be vested in the Board of the Municipality.*
  - 3.2.3. *The Board of the Municipality shall provide for the exercise of these powers and for the performance of all duties and obligations imposed on the Board of the Municipality.*
9. **THAT Clause 3.2.2** be amended by
  - i. adding the words *“within the boundaries of the Municipality”*
  - ii. Deleting Sub- Clauses (i) to (xxii)
  - iii. Deleting sub- Clause (h) in its entirety
  - iv. Deleting sub- Clause (i) ) in its entirety
  - v. Deleting sub- clause (j) ) in its entirety
10. **THAT** the Charter be amended by inserting a new Clause as follows;
  - 3.2.5. *The Board of the Municipality shall perform the following functions:*
    - (a) *Oversee the affairs of the Municipality;*
    - (b) *Develop or adopt policies, plans, strategies and programmes and set targets for service delivery;*
    - (c) *Formulate and implement an integrated development plan;*
    - (d) *Control land use, land sub-division, land development, and zoning by public and private sectors for any purpose, including industry, commerce, markets, shopping and other employment centres, residential areas, recreational areas, parks, entertainment, passenger*

*transport, agriculture, and freight and transit stations within the framework of the spatial and master plans for the Municipality as delegated by the County Government of Embu;*

- (e) Promoting and undertaking infrastructural development and services within Municipality as delegated by the County Government of Embu;*
- (f) Developing and managing schemes, including site development in collaboration with the relevant national and county agencies*
- (g) Maintaining a comprehensive database and information system of the administration;*
- (h) Administering and regulating its internal affairs;*
- (i) Implementing applicable national and county legislation;*
- (j) Entering into contracts, partnerships or joint ventures as it may consider necessary or the discharge of its functions;*
- (k) Monitoring and, where appropriate, regulating municipal services where those services are provided by service providers other than the Board of the Municipality;*
- (l) Preparing and submitting its annual budget estimates to the County Treasury for consideration and submission to the County Assembly for approval as part of the annual County Appropriation Bill;*
- (m) Collecting rates, taxes levies, duties, fees and surcharges on fees as delegated by the County Government of Embu;*
- (n) Settling and implementing tariff, rates and tax and debt collection policies as delegated by the County Government of Embu;*
- (o) Monitoring the impact and effectiveness of any services, policies, programs or plans;*
- (p) Establishing, implementing and monitoring performance management systems;*
- (q) Promoting a safe and healthy environment;*
- (r) Facilitating and regulating public transport; and*
- (s) Performing such other functions as delegated by the County Government of Embu or as may be provided by any other written law.*

**11. THAT Clause 3.3.1** be amended by adding by adding the phrase *‘The Chief Officers responsible for Urban Planning and Finance shall be Ex-officio members’*

**12. THAT Clause 3.3** be amended by adding a new clause as follows;

*3.3.4 The County Executive Committee Member for the time being responsible for urban areas or his representative shall also sit in the board as an ex-officio Member*

3.3.5 *The Municipal manager who shall be the secretary to the Board and an ex-officio member*

13. **THAT Clause 3.4.1** be amended by adding the following new sub- Clauses;

*(f) In case of the Chairperson holds a minimum of a degree, while for any other member holds at least a minimum of a Diploma from an institution recognised in Kenya*

*(g) Has a distinguished career in a medium level management position in either the private or public sector;*

*(h) Holds at least 10 years post-qualification professional experience in case of the chairperson, while in case of any other member, at least five years post qualification professional experience*

*(i) A person shall not be appointed a Member of the Board of the Municipality if that person;*

*(i) Is an undischarged bankrupt;*

*(ii) Has been removed from office for contravening the Constitution or any other written law;*

*(iii) Has in the conduct of his or her affairs not met any statutory obligations.*

14. **THAT Clause 3.5.2** be amended by deleting the words “and shall be of the opposite gender”

15. **THAT Clause 3.7.1** be amended

(i) In sub- Clause (a) by deleting the words “a simple majority” and substituting thereof with “two-thirds”

(ii) In sub- Clause (b) by inserting the words “to the County Assembly” between the words “petition” and “by a resident”

(iii) In sub- clause (c) by deleting it in its entirety and substituting thereof with “by the County Governor”

16. **THAT CLAUSE 3.7** be amended by adding a new clause as follows;

*3.7.3. Any vacancy arising out of the removal of a Chairperson or the Vice-Chairperson of Board of the Municipality may be filled in the manner provided under Article 3.54 and 3.5 of this charter.*

17. **THAT CLAUSE 3.8.2** be amended by deleting the words “members of the board of the Municipality” and substituting thereof with “Municipal Manager”

18. **THAT CLAUSE 3.9.1** be amended by adding a new sub- clause as follows;



*(c) Include persons with necessary expertise who are not members of the Board to such committees*

**19. THAT CLAUSE 3.9.2** be amended

(i) In sub- Clause (b) by adding the words “*Executive Committee*”

(ii) In sub- Clause (c) by adding the words “*monitoring and evaluation.*”

**20. THAT Clause 3.11. 1** be amended ;

(i) In sub- clause (f) by adding the words “or becomes insolvent”

(ii) By adding the following new sub-clauses;

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

*(h) resigns in writing to the County Governor;*

*(i) if he/ she dies;*

*(j) is disqualified from holding a public office under the Constitution.*

(iii) By adding a new Clause immediately after clause 3.11.1 as follows;

*3.11.2 A person may be removed from office on any of the grounds provided under section 3.11.1 (a), (b) (c), (e), (f), (g), (h) and (i) by*

*(a) By the County Governor;*

*(b) By a resolution of the Board of the Municipality supported by at least two-thirds of the Members of the Board of the Municipality; or*

*(c) Upon a petition to the County Assembly by the residents of the Municipality.*

**21. THAT Clause 3. 12** be amended by adding new Clauses as follows;

*3.12. 5All regular meetings of the Board called for the purpose of transacting public business, where the majority of the Members elected are present, shall be open to the open.*

*3.12.6 The Board shall have the privilege of holding executive sessions from which members of the Public are excluded, however no by- laws, resolutions, rules or regulations shall be finally adopted at such an executive*

**22. THAT Clause 3.13** be amended by adding the following new clauses;

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



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

23. **THAT CLAUSE 3.15** be amended by inserting a new Clause as follows;

3.15.2 *Access to information on the activities and resolutions of the Board shall be as provided under the Urban Areas and Cities Act, 2011*

24. **THAT Clause 3.16.4** be amended by inserting a new Clause as follows;

3.16.4 *The Citizen Fora shall be convened in accordance with the County Government laws on public participation.*

25. **THAT CLAUSE 6.2** be amended by adding the words *“with the approval of the County Assembly.*

26. **THAT Clause 6.2.2** be amended by deleting it in its entirety

27. **THAT Clause 6.2.3** be amended by deleting the word “five” and substituting thereof “three”

28. **THAT CLAUSE 6.3.1** (c) and (e) be amended by deleting it in its entirety

29. **THAT CLAUSE 6.4** be amended by deleting the words “functions and powers” and substituting thereof with the words *“roles and responsibilities”*

30. **THAT CLAUSE 6.4.2** (o) be amended by deleting it in its entirety and substituting thereof with the words *“Be the secretary to the Board and shall Act as an ex-officio member of all committees of the Board of the Municipality”*

31. **THAT CLAUSE 6.6.1** be amended by deleting the words “petition by” and substituting thereof with *“a resolution of “*

32. **THAT Clause 6.6** be amended by adding a new clause as follows;

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

33. **THAT Claus 6.8. 2** be amended by adding the words *“Such appointment shall be for a maximum period of six months.”*

34. **THAT CLAUSE 7.1.1** be amended by deleting sub clause (b) in its entirety

In sub-clause (d) by adding the words *“in accordance with relevant written law; and”*

i. Deleting sub- clause (e) in its entirety

6.0 CONCLUSION

The Lands, Physical Planning and Urban Development committee urges the County Assembly to consider and adopt this report.

NAME	POSITION	SIGNATURE
Hon. Margaret Lorna Kariuki	Vice Chair	
Hon. Paul Muchangi Njiru	Member	
Hon. Robert Njiru Ireri	Member	
Hon. Philip Kinyutu Nzangi	Member	
Hon. Jane Ann Muthoni Murithi	Member	
Hon. John Ngari Mbaka	Member	

SIGNED..........DATE.....12/9/2018.....

HON. JOHN GICHOVI GATUMU MCA,  
CHAIRMAN,  
COMMITTEE ON LANDS, PHYSICAL PLANNING AND URBAN  
DEVELOPMENT.