

THE URBAN AREAS AND CITIES BILL, 2011

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THE URBAN AREAS AND CITIES BILL, 2011

A Bill for

AN ACT of Parliament to give effect to Article 184 of the Constitution; to provide for the identification, classification, governance and management of urban areas and cities; to provide for the criteria of establishing urban areas and cities, and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

Short title and commencement.

1. This Act may be cited as the Urban Areas and Cities Act, 2011 and shall come into operation upon the final announcement of all the results of the first elections held under the Constitution.

Interpretation.

2. In this Act, unless the context otherwise requires—

“board” means the board of a city or municipality constituted in accordance with section 17;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to devolved government;

“capital city” means a city conferred with the status of a capital city under this Act;

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“city county” means a city which is also a county;

“Council” means the National and County Government Coordinating Council established under the Intergovernmental Relation Act, 2011;

“County Citizens’ Forum” means the County Citizens Forum established under the Devolved Government Act, 2011;

“County Transition Authority” means the County Transition Authority established under the Transition to Devolved Government Act, 2011;

“transition period” has the meaning assigned to it in the Transition to Devolved Government Act, 2011.

Objects and purposes of the Act.

3. The objects and purposes of this Act are to establish a legislative framework for—

- (a) classification of areas as urban areas or cities;
- (b) governance and management of urban areas and cities;
- (c) participation by the residents in the governance of urban areas and cities;
- (d) other matters for the attainment of the objects provided for in paragraphs (a) to (c).

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**PART II—CLASSIFICATION AND
ESTABLISHMENT OF URBAN AREAS AND
CITIES**

General classification of
urban areas and cities.

4. (1) An area may be classified as an urban area or city if it satisfies the criteria set out under this Act.

(2) The National and County Government Co-ordinating Council shall, within thirty days of receipt of an application for conferment of a city status, constitute an adhoc committee which shall, assess and recommend to the council, the suitability an area, to be classified as an urban area or a city.

(3) The adhoc committee shall compromise of-

(a) four persons, with at least 10 years experience in their respective professions elected by—

(i) the Institute of surveyors of Kenya;

(ii) the Institute of Planners of Kenya;

(iii)the Law Society of Kenya;

(iv)the Institute of Certified Public Accountants of Kenya;

(v) an association of urban areas and cities;

(b) four residents of the county where the municipality is situated.

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Classification of city and urban.

5. In determining the suitability of an area to be classified as an urban area or city the ad hoc committee shall take into account the following factors—

- (a) the existence of an integrated urban area or city development plan in accordance with this Act;
- (b) the topographical and physical characteristics of the area concerned;
- (c) the population size, distribution and density of the area concerned;
- (d) the existing boundaries of the city or urban area or city;
- (e) the revenue collection or revenue collection potential of the area concerned;
- (f) the maximum expenditure the area is able to support;
- (g) the existing and potential land use, including industrial, business, commercial, residential and environmental planning;
- (h) the financial viability and ability to render services within the area concerned;
- (i) the development potential in relation to infrastructure, communication and transport

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- facilities;
- (j) availability of sufficient land for further development according to the spatial needs of residents of the area concerned;
 - (k) the integrated urban or city economy as dictated by commercial, industrial and residential dynamics of the area concerned;
 - (l) the equitable distribution of resources in the area;
 - (m) the national and regional strategic importance of the area;
 - (n) the designation of the area as a county headquarters;
 - (o) capacity of the area to provide support services to the functions provided for in the Schedule;
 - (p) the presence of national and international institutions in the area; and
 - (q) any other factor that the Council may, in its discretion, consider appropriate.

Classification as city.

6. An area or municipality shall be eligible for the status of a city status under this Act if the area or municipality meets the following criteria, namely that the area—

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- (a) has a population of at least two hundred and fifty thousand residents according to the final gazetted results of the last population census preceding the grant;
- (b) has notable features of historical importance;
- (c) has regional, national or international strategic significance;
- (d) makes a positive contribution to the economic development of the country;
- (e) properly manages its financial resources;
- (f) delivers services to its residents in an effective and efficient manner;
- (g) has an effective programme for environmental management and conservation;
- (h) has institutionalised active participation by its residents in the management of its affairs;
- (i) has sufficient land for expansion for industrial, business, commercial, residential and environmental planning;
- (j) has infrastructural facilities,

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including but not limited to roads, street lighting, markets and fire stations, and an adequate capacity for disaster management;

- (k) has a functional and effective waste disposal and sewerage system;
- (l) has demonstrable economic, functional and financial viability;
- (m) has infrastructure that provide national and regional connectivity; and
- (n) has demonstrable capacity to render services, including healthcare, education, waste management and environmental conservation.

Infrastructure in a capital city.

7. A city designated as a capital city shall provide infrastructure necessary to sustain the following—

- (a) the seat of the national government;
- (b) official residences of majority of diplomatic corps;
- (c) efficient transport network connecting to rural areas, towns and other local, regional and international cities;
- (d) commerce and industry.

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Conferment of city status.

8. (1) The President may, on the recommendation of the Council, by grant of a charter in the prescribed form, confer the status of a city on an urban area that meets the criteria set out in sections 5 and 6.

(2) During the transition period, the County Transition Authority shall undertake an assessment of the existing urban areas and cities in order to ascertain whether the areas and the cities meet the criteria for classification as urban areas and cities under this Act, and shall thereby classify the areas and cities accordingly, if they meet the requirements set out in this Act.

Application for conferment of city status.

9. (1) The board of a municipality wishing to become a city may, upon resolution, apply to the county executive committee for consideration for the conferment of city status to the area.

(2) Upon receipt of the application, the county executive committee shall consider the application and submit the application together with its recommendations to the Council.

(3) The Council shall, upon receipt of the application under sub-section (2), within thirty days from the date of receipt, refer the application to an adhoc committee which shall conduct an assessment on the area under consideration and shall submit its recommendations to the Council within ninety days from the date of receipt of the application.

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(4) The Council shall, upon receipt of recommendations by the ad-hoc committee, make its determination on the proposal and inform the county executive committee accordingly.

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(5) Where the Council is of the opinion that the area under consideration meets the criteria for conferment of city status, the county executive committee shall submit the decision of the Council together with the application of the municipal board to the speaker of the Senate for tabling before Parliament.

(6) Where Parliament approves the application, the Speaker of the Senate shall submit the resolution of Parliament to the President for conferment of city status.

(7) The President shall, upon receipt of the resolution of Parliament under sub-section (5) confer upon the municipality, the status of a city in accordance with section 8 of this Act.

Conferment of
municipal status.

10. (1) The county governor may, on the recommendation of the Council, by a charter in the prescribed form, confer the status of a municipality on an urban area that satisfies the criteria set out under this Act for the conferment of the status of a municipality.

(2) The provisions under section 8 relating to the application for conferment of city status on a municipality shall apply with necessary modifications to the application of the status of a municipality under this Act.

(3) For an area to qualify to be classified as a municipality in addition to the criteria specified under Section 5 in relation to the functions specified under the schedule to this Act the area Must have a population of between 75,000 and 249,999.

Eligibility for grant of a
town status

11. (1) An area or town shall be eligible for the grant of the status of a town under this Act if it has a population of between ten thousand and seventy five

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thousand according to the final gazetted results of the last population census preceding the grant or such other source of data as may be approved by the Cabinet Secretary responsible for matters relating to national planning.

City and municipality to be a body corporate.

12. The board of an area granted the status of a city or municipality under this Act shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) borrowing money or making investments;
- (d) entering into contracts; and
- (e) doing or performing all other acts or things for the proper performance of its functions under the Constitution and this Act or any other written law which may lawfully be done or performed by a body corporate.

Town to be unincorporated body.

13. The board of an area granted the status of a town under this Act shall be an unincorporated body and shall operate under the direct supervision of the county executive committee.

**PART III—GOVERNANCE AND
MANAGEMENT OF URBAN AREAS AND
CITIES**

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Principles of governance and management.

14. The governance and management of urban areas and cities shall be based on the following principles—

- (a) recognition and respect for the constitutional status of county governments;
- (b) recognition of the principal and agency relationship between the boards of urban areas and cities and their respective county governments including—
 - (i) the carrying out by a board of such functions as maybe delegated by its county government;
 - (ii) the financial dependence upon the county government; and
 - (iii) the governance by each board for and on behalf of its county government;
- (c) promotion of accountability to the county government and residents of the area or city;
- (d) efficient and effective service delivery; and
- (e) clear assignment of functions.

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Management of cities,
and municipalities.

15. (1) The governance and management of a city county shall be in accordance with the Devolved Government Act for a County.

(2) The management of a city and municipality shall be vested in- —

- (a) a board constituted in accordance with section 16;
- (b) a manager appointed pursuant to section 34;
- (c) such other staff or officers as a board may determine.

(3) The management of a town under this section shall be shall be accountable to the county executive committee.

(4) The board of a town under this Act shall be an unincorporated body and shall operate under the direct supervision of the county executive committee.

Boards of cities.

16. (1) A board of a city shall consist of not more than eleven members six of whom shall be appointed through a competitive process by the county executive committee, with the approval of the county legislative assembly.

(2) Of the members referred to in subsection (1), at least five shall be elected by umbrella associations to represent—

- (a) professional associations in the area;
- (b) an association representing the

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private sector in the area;

- (c) a registered association representing the informal sector in the area; and
- (d) registered neighbourhood associations in the area; taking into consideration the different community classes within the area.

(3) A person shall not be appointed a member of the board unless that person is registered as a voter in that city within which the board has jurisdiction.

Boards of Municipalities

17. (1) A board of a municipality shall consist of not more than nine members four of whom shall be appointed through a competitive process by the county executive committee, with the approval of the county legislative assembly.

(2) Of the members referred to in subsection (1), at least five shall be elected by the umbrella associations to represent—

- (a) professional associations in the area;
- (b) an association representing the private sector in the area;
- (c) a registered association representing the informal sector in the area; and

registered neighbourhood associations in the area; taking into consideration the different community classes within the area.

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(3) A person shall not be appointed a member of the board unless that person is registered as a voter in that municipality within which the board has jurisdiction.

Term of office.

18. A member of a board shall hold office for a term of five years and may be re-appointed for one further and final term of five years.

Vacation of office.

19. A member of a board shall cease to hold office if the member—

- (a) is unable to perform the functions of the office by reason of mental or physical infirmity;
- (b) is declared or becomes bankrupt or insolvent;
- (c) is convicted of a criminal offence and sentenced to a term of imprisonment of six months or more;
- (d) resigns in writing to the county executive committee;
- (e) without reasonable cause, the member is absent from three meetings of the board or committee within one financial year;
- (f) in any particular case, the member fails to declare his or her interest in any matter being considered or to be considered by the board or committee; or

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- (g) engages in any conduct which amounts to gross misbehaviour or gross misconduct.

Chairperson and vice-chairperson of the Boards

20. (1) Subject to subsection (2), there shall be a chairperson and vice-chairperson for each board.

(2) The chairperson and the vice chairperson shall be elected by the members of the board from among themselves during the first meeting of the board, and subsequently whenever a vacancy arises and shall be of opposite gender.

(3) The chairperson and vice chairperson shall respectively be the chairperson and vice chairperson of a board.

(4) The chairperson and vice chairperson shall hold office for a term of five years and may be re-elected for one further and final term of five years.

(5) The chairperson shall—

- (a) Except in the case of a city county, be the head of a board for purposes of all ceremonial functions relating to the board;
- (b) chair meetings of the board;
- (c) present the needs of the city or municipality to a meeting of the board; and
- (d) perform such duties as may be delegated by the board.

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(6) The vice chairperson shall—

- (a) be the principal deputy of the chairperson;
- (b) in the absence of the chairperson, attend to or represent a board at all ceremonial functions where the presence of the chairperson is required;
- (c) in the absence of the chairperson, perform all tasks and duties as may be delegated by the chairperson;
- (d) at all times, perform all such duties, assignments and functions as may be delegated from time to time by the chairperson.

Vacation of office by chairperson or vice chairperson.

21. A person shall cease to hold office as a chairperson or vice chairperson if the person—

- (a) becomes disqualified from holding a public office under the Constitution;
- (b) resigns from office in writing and delivers the resignation in person to the county governor;
- (c) suffers physical or mental incapacity that renders him or her incapable of performing the duties as a chairperson or vice chairperson;
- (d) dies;

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- (e) is adjudged bankrupt or enters into composition with his or her creditors;
- (f) is convicted of an offence and is sentenced to imprisonment for a term of six months or more; or
- (g) ceases to be a member of a board.

Removal from office of a chairperson or vice chairperson.

22. (1) A person may be removed from the office of chairperson or vice chairperson of a board before the expiry of the term—

- (a) by the county governor with the approval of the county executive committee;
- (b) by the board, supported by the vote of at least two-thirds of the members of the board;
- (c) upon petition by the residents of a city or municipality.

(2) A resident of a city or large municipality may file a petition with a board in writing for the removal of a chairperson or vice chairperson.

(3) The procedure for the removal or petition for removal of a chairperson or vice chairperson under subsection (1) and (2) shall be provided by regulations by the Cabinet Secretary for that purpose and approved by the Senate.

Filling of vacancy in of office of chairperson or vice chairperson.

23. A vacancy in the office of a chairperson or vice chairperson shall be filled through an election conducted in accordance with section 20.

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Powers of boards of cities and municipalities.

24. (1) Subject to the Constitution and any other written law, the board of a city, or municipality shall, within its area of jurisdiction—

- (a) exercise executive authority;
- (b) provide services to its residents;
- (c) collect such fees, levies and charges as may be authorised by the county government for delivery of services by the municipality or the city;
- (d) promote democratic governance;
- (e) ensure the implementation and compliance with policies formulated by both the national and county government;
- (f) ensure participation of the residents in decision making, its activities and programmes; and
- (g) exercise such other function as may be delegated by the county executive committee.

(2) Notwithstanding any other provision in this Act, the board of a city or municipality shall exercise such executive authority as may be delegated by the county executive committee for the necessary performance of its functions under this Act.

Functions of a board.

25. Subject to the provisions of this Act the board of a city, or municipality shall—

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- (a) oversee the affairs of the city or municipality;
- (b) develop and adopt policies, plans, strategies and programmes, and may set targets for delivery of services;
- (c) formulate and implement an integrated development plan;
- (d) exercise control over land use, land sub-division, land development and zoning by public and private sectors for any purpose, including agriculture, industry, commerce, markets, shopping and other employment centres, residential areas, recreational areas, parks, entertainment, passenger transport, and freight and transit stations within the framework of the spatial and master plans for the city or municipality;
- (e) promote and undertake infrastructural development and services within the city or municipality;
- (f) develop and manage schemes, including site development in collaboration with the relevant national and county agencies;
- (g) maintain a comprehensive database and information system of the administration

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- and provide public access thereto upon payment of a nominal fee to be determined by a board;
- (h) administer and regulate its internal affairs;
 - (i) implement applicable national and county legislation;
 - (j) enter into such contracts, partnerships or joint ventures as it may consider necessary for the discharge of its functions under this Act or other written law;
 - (k) monitor and, where appropriate, regulate city and municipal services where those services are provided by service providers other than the board of the city or municipality;
 - (l) prepare its budget for approval by the county executive committee and administer the budget as approved;
 - (m) collect rates, taxes levies, duties, fees and surcharges on fees, including setting and implementing tariff, rates and tax and debt collection policies as delegated by the county government;
 - (n) monitor the impact and effectiveness of any services,

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policies, programmes or plans;

- (o) establish, implement and monitor performance management systems;
- (p) promote a safe and healthy environment;
- (q) facilitate and regulate public transport;
- (r) perform such other functions as may be delegated to it by the county government or as may be provided for by any written law.

Oversight role of the County Citizens' Forum.

26. (1) The County Citizens' Forum shall provide the forum for city municipality and town citizens to—

- (a) deliberate and make proposals to the relevant bodies or institutions on—
 - (i) the provision of services in the city or municipality;
 - (ii) proposed county policies and county legislation;
 - (iii) proposed national policies and national legislation;
 - (iv) the proposed annual budget estimates of the county and of the

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- national government;
- (v) the proposed development plans of the county and of the national government; and
- (vi) any other matters of concern to the city or municipality citizens;
- (b) plan strategies for engaging the various levels and units of government on matters of concern to county citizens;
- (c) monitor the activities of elected and appointed officials of the county, including members of the board of a city, large or medium municipality;
- (d) receive representations, including feedback on issues raised by the county citizens, from elected and appointed county officials on the provision of services in the county and on any other matters.

(2) A board shall invite petitions and representations from the County Citizens' Forum with regard to the administration and management of the affairs within a city or municipality under its jurisdiction.

(3) A board shall make recommendations on the manner in which issues raised at the County Citizens' Forum, if any, may be addressed and shall

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accordingly pass the recommendations to the manager for implementation.

Performance of functions in towns.

27. The functions performed by the board of a city, or municipality under this Act shall, in the case of municipality town, be performed by the county executive committee.

Ordinary and special meetings of a board.

28. (1) A board shall hold its ordinary meetings at least once every month.

(2) Notwithstanding subsection (1), the chairperson may, and upon requisition in writing by at least one-third of the members of a board shall, convene a special meeting of the board at any time for the transaction of the business of the board.

(3) The city or municipal manager shall give notice to the public of the time, date and venue of every ordinary or special meeting of a board.

Publication of information on operations, etc.

29. A board shall publish information relating to its operations and programmes through the mass media, internet or such other means as the board may determine.

Remuneration of members of a board.

30. The chairperson, vice chairperson and members of a board shall not receive a salary from the board but shall be paid such allowances and benefits as the county executive committee shall, on the advice of the Salaries and Remuneration Commission, determine.

Committees of a board.

31. A board may—

(a) appoint such committees for any general or special purpose which, in its opinion, would regulate or manage its affairs more efficiently and as may be necessary for the performance

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of its functions under this Act;
and

- (b) delegate to such committee such functions as are necessary for the efficient performance of its duties in respect to the whole or any part of the area under the jurisdiction of a board.

Special committee.

32. (1) A board may appoint a special committee to represent some interests which are peculiar to the area of jurisdiction of the board.

(2) Notwithstanding any other provision of this Act, a maximum of one half of the members of a special committee may, with the approval of the county governor, consist of persons who are not members of the board.

Management of capital city or city county.

33. (1) A capital city and a city county shall, for ease of management and efficient delivery of services, be divided into several administrative units in accordance with this section.

(2) A capital city or city county shall be divided into sub-counties, with each of the constituency in the city constituting a sub-county, and at least two of the sub-counties shall be clustered together to form one administrative unit referred to in subsection (1).

(3) Every administrative unit under this section shall be managed by a board, and the provisions of this Act on the appointment, functions and powers of the board of a city, or municipality shall apply with respect to the board of an administrative unit of a capital city or city county.

(4) The national government and the county

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government of the county where a capital city is situated, shall enter into an agreement regarding the performance of functions and delivery of services by the capital city.

(5) An agreement entered into under subsection (4) may provide for—

- (a) the administrative structure of the capital city, subject to the provisions of this Act;
- (b) funding of operations and activities of the capital city;
- (c) the joint projects to be undertaken by both governments in the capital city;
- (d) dispute resolution mechanisms; and
- (e) such other information as the national and county government may determine.

City and municipal manager and administrator.

34. (1) There shall be a city or municipal manager for every city, or municipality established under this Act.

(2) There shall be an administrator for every town established under this Act.

(3) A manager shall be a public officer and the chief executive officer of a city or municipality and, as such shall—

- (a) be the head of administration of the board of the city or municipality and subject to the policy directions of the board;

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- (b) be responsible and accountable for the formation and development of an economical, effective, efficient and accountable administration of a board;
- (c) direct and supervise the administration of all departments, offices and agencies of the city, or municipality except as otherwise provided by this Act or any other written law;
- (d) be responsible for the implementation of the city or municipality's integrated development plan;
- (e) the monitoring of progress of the implementation of the city or municipality's integrated development plan;
- (f) manage the provision of services to the residents of the city or municipality in a sustainable and equitable manner;
- (g) facilitate appointment, management and effective utilisation and training of staff of the board;
- (h) be responsible for the maintenance of discipline of staff;

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- (i) implement the decisions of the board and those of the county government which requires to be implemented by the board;
- (j) facilitate participation by residents and develop and maintain a system of assessment of satisfaction of residents with delivery of services by the city or municipality;
- (k) ensure effective enforcement of county laws regarding delivery of service;
- (l) prepare and accept items for inclusion in the official agenda of all board meetings and meetings of any committees;
- (m) prepare the annual budget of a board for approval by the board and submission to the county governor for onward tabling in county assembly for its approval;
- (n) prepare quarterly reports for the board on the social and economic conditions and future needs of the city or municipality, and such other reports as the board may require;
- (o) make such recommendations concerning the affairs of the city or municipality as a board deems necessary;

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- (p) be responsible and accountable for—
 - (i) all income and expenditure of the board;
 - (ii) assets and the discharge of all liabilities of the board;
- (q) ensure compliance by the board of the law governing county financial management;
- (r) record proceedings of the meetings of a board and its committees and maintain a record thereof; and
- (s) perform such other functions as may be specified in this Act or any other written law.

(3) The administrator of a town shall perform such functions as the county executive committee may determine.

Appointment of city or municipal manager or administrator.

35. (1) A city or municipal manager or administrator shall be competitively recruited and appointed in the manner set out in this section.

(2) Upon a vacancy arising in the office of the city or municipal manager, the body responsible for the county public service shall, by notice in the Gazette and in at least two newspapers of national circulation, invite applications from persons who qualify for appointment under this Act.

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(3) The body responsible for county public service shall consider the applications received under subsection (2) to determine their compliance with the provisions of this Act, shortlist and interview the applicants, and forward to the county governor the names of three candidates who qualify for appointment after the interview, giving its recommendations.

(4) The county governor shall, within seven days of receipt of the names under subsection (3), nominate one person for appointment and forward the name of the nominee to the county assembly for consideration and approval.

(5) Where the county assembly approves a candidate nominated under subsection (4) for appointment, the Clerk of the assembly shall, within seven days from the date of approval, notify the county governor in writing of the approval, and the county governor shall, within seven days from the date of notification by the Clerk, appoint the person so approved to be the city or municipal manager, and shall notify the appointment in the Gazette.

(6) Where the county assembly does not approve under subsection (4), the Clerk of the assembly shall notify the county governor accordingly in writing, within seven days from the date of the determination by the assembly, and the governor shall submit another name for approval and where all three candidates forwarded to the governor are rejected the county governor shall, within seven days of receipt of the notification from the Clerk, communicate the decision to the body responsible for the county public service, requiring that body to nominate other candidates for appointment, and the procedure set out in this section shall apply with respect to a new nomination.

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Qualifications for appointment of city or municipal manager or administrator.

36. A person shall qualify to be appointed as city or municipal manager or administrator if the person—

- (a) is a citizen of Kenya;
- (b) holds a degree from a recognized university or its equivalent; and
- (c) has proven experience of not less than five years in administration or management either in the public or private sector.

Establishment of departments.

37. (1) A board may establish such departments as it may consider necessary for the efficient delivery of services within the city or municipality.

(2) The departments established under subsection (1) may include—

- (a) planning;
- (b) housing;
- (c) water and sanitation;
- (d) engineering and infrastructure;
- (e) trade and economic development;
- (f) social services and community affairs;
- (g) environmental management;
- (h) health;

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- (i) education;
- (j) legal affairs; and
- (k) finance.

PART IV—DELIVERY OF SERVICES

Delivery of service by boards.

38. (1) A board shall, on behalf of the county government, deliver such services as may be specified under this Act or any other national or county legislation.

(2) For efficient delivery of services, a county government shall classify a city or municipality into sub-counties, with each of the constituency in the county constituting a sub-county, and shall group the sub-counties in clusters of at least two sub-counties.

(3) The county government shall constitute a service delivery board for each of the clusters referred to in subsection (2) for purposes of delivery of services in the sub-counties forming the cluster, and such service delivery board shall report to the city or municipality board which shall in turn report to the county executive committee on the delivery of services in the county.

Partnerships with other entities.

39. (1) A board may, in consultation with the county executive committee and with the approval of the county legislative assembly, enter into partnership with an entity either operating within or outside the county for the provision of necessary services.

(2) Where a board is of the opinion that a service would be best provided by an entity, it shall first invite applications for partnership from entities

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operating within the county.

(3) The board shall consider the applications, prequalify the entities in accordance with the law relating to procurement of goods and services and submit the names of the service providers who meet the required pre-determined criteria for delivery of the service to the county governor for onward transmission to the county legislative assembly for approval.

(4) The board shall publish the names of the entities pre-qualified under subsection (3) in a public place within its premises and in a newspaper of wide circulation within the county.

(5) Where a board is of the opinion that none of the applicants meets the pre-determined criteria, it may, with the approval of the county executive committee, invite applications from entities from outside the county by placing an advertisement in a newspaper of wide national circulation and on its website.

Partnership on provision of infrastructural services.

40. (1) A board may, in consultation with the county governor and with the approval of the county legislative assembly, enter into partnership with a utility company either within or outside the county for the provision of social infrastructural services.

(2) The social infrastructural services referred to in subsection (1) may include—

- (a) construction of roads;
- (b) environmental conservation and preservation;
- (c) protection of cultural sites and historical monuments;

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- (d) promotion of tourism and cultural events;
- (e) construction of health centres;
- (f) agriculture and
- (g) provision of emergency health services.

(3) Where a board is of the opinion that an infrastructural service would best be delivered by an agency, it shall first invite applications from utility agencies operating within the county.

(4) The provisions relating to the pre-qualification of utility companies under section 39 shall with necessary modifications apply to the pre-qualification of agencies in this section.

National service providers.

41. (1) Where a national entity is established for the provision of a particular service, a city or municipal board may, if it considers it necessary, establish a service board for the efficient delivery of the services within its area of jurisdiction.

(2) A service board under subsection (1) shall co-operate with the national entity in ensuring that services are delivered efficiently within its area of jurisdiction.

Joint delivery of services.

42. For efficient service delivery, cities and municipalities may jointly provide cross-county services and may, in this regard establish joint authorities, boards or committees in such manner as may be prescribed by law.

Joint ventures

43. A board may, where it is of the opinion that a private sector entity is best able to provide a service, in consultation with the county executive

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committee and with the approval of the county legislative assembly, enter into a joint venture with the entity for purposes of delivering the services within its area of jurisdiction.

Service delivery by county executive committee in towns.

44. The provisions of this Part shall, with necessary modifications, apply in the case of the delivery of services in towns by the county executive committee.

Objections by residents.

45. A resident may object to a board's partnership with a service provider or supplier under this Part but such objection shall be registered with the board within the period prescribed for submission of tenders and the objection shall be disposed of before the prequalification of providers or suppliers.

PART V—INTER-URBAN AND CITY FORUM

Establishment of Inter-Urban and City Forum.

46. (1) There is established an Inter-urban and city Forum which shall comprise—

- (a) the chairpersons of city and municipality boards; and
- (b) the municipal managers of the boards.

(2) The Inter-urban and city Forum shall elect a chairperson from amongst the members under subsection (1)(a).

(3) The chairperson shall serve for a non-renewable term of one year.

Functions of the Inter-Urban and City Forum.

47. The Inter-urban and city Forum shall-

- (a) provide a forum for consultation by cities and municipalities;

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- (b) consider matters of interest to cities and municipalities;
- (c) support cities and municipalities in—
 - (i) the implementation of national policy and legislation in the cities and municipalities;
 - (ii) the co-ordination and alignment of priorities, objectives and strategies across the cities and municipalities;
 - (iii) any other matters of strategic importance that affect the interests of the Republic at large and the cities and municipalities;
- (d) provide a forum for the assessment of the performance of the cities and municipalities;
- (e) consider—
 - (i) reports from other intergovernmental forums on matters affecting national, city and municipality interests; and
 - (ii) other reports dealing with the performance of counties;
- (f) follow up the resolution of

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disputes amongst cities and municipalities and between cities or municipalities and the national government or county governments within the framework Transition to Devolved Government Act; and

- (g) discuss the performance of the cities and municipalities in the execution of their functions and initiate preventive or corrective action where necessary.

Meetings of the Inter-urban and city Forum

48. (1) The Inter-urban and city Forum shall meet at least once quarterly.

(2) The council of which the chairperson of the Inter-urban and city Forum is the chairperson shall provide the necessary administrative and technical support to the Forum.

Reporting.

49. (1) The Inter-urban and city Forum shall submit an annual report to the Council of County Governors and to the county assemblies.

(2) Notwithstanding sub-section (1), the Inter-urban and city Forum may, where it considers it necessary, submit any other reports to the Council of County Governors and to the county assemblies.

PART VI—INTEGRATED DEVELOPMENT PLANNING

Principles of integrated urban development planning.

50. (1) Every city and municipality established under this Act shall operate within the framework of integrated development planning which shall—

- (a) give effect to the development

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- duties as required by this Act and any other written law;
- (b) strive to achieve the objects of devolved government as set out in Article 174 of the Constitution;
 - (c) nurture and promote development of informal commercial activities in an orderly and sustainable manner;
 - (d) provide a framework for regulated urban agriculture
 - (e) contribute to the progressive realization of the fundamental rights and freedoms contained in Chapter Four of the Constitution;
 - (f) be the basis for—
 - (i) the preparation of environmental management plans;
 - (ii) the preparation of valuation rolls for property taxation;
 - (iii) provision of physical and social infrastructure and transportation;
 - (iv) preparation of annual strategic plans for a city or municipality;

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- (v) disaster preparedness and response;
- (vi) overall delivery of service including provision of water, electricity, health, telecommunications and solid waste management; and
- (vii) the preparation of a geographic information system for a city or municipality.

(2) In addition to the principles set out in subsection (1) an integrated urban or city development plan shall be binding and shall be the principal strategic planning instrument which shall guide and inform all planning, development and decisions regarding planning, management and development in the city or municipality.

Plan to complement national and county government plans.

51. (1) A city or municipality integrated development plan shall complement and be aligned with the development plans and strategies of the national and county governments.

(2) A city or municipal plan shall—

- (a) comply with the national legislation relating to national development and planning; and
- (b) be incorporated in the county integrated development plan for submission to the national planning body.

Preparation of integrated urban development

52. (1) A city or municipality shall prepare

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plans.

an integrated urban or city development plan.

(2) In the preparation of the integrated urban or city development plan a city or municipality shall provide for—

- (a) an assessment of the current social, economic and environmental situation in its area of jurisdiction;
- (b) a determination of community needs and aligning them to the requirements of the Constitution;
- (c) protection and promotion of the interests and rights of minorities and marginalized groups and communities;
- (d) a shared vision for its development and that of the county as a whole;
- (e) an audit of available resources, skills and capacities;
- (f) prioritization of the identified needs in order of urgency and long-term importance;
- (g) integrated frameworks and goals to meet the identified needs;
- (h) strategies to achieve the goals within specific time frames;
- (i) specific implementation programmes and projects to

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achieve key goals; and

- (j) performance management tools to measure impact and performance and make appropriate course corrections.
- (k) linkage, integration and coordination of sector plans

Adoption of integrated urban development plan.

53. (1) A board shall, within the first year of its election, adopt a single, inclusive strategic plan for the development of the city or municipality for which it is responsible.

(2) An integrated development plan adopted by a board under subsection (1) may be amended during the term of the board and shall remain in force until an integrated urban or city development plan is adopted by the succeeding board.

(3) A city or municipality shall, within fourteen days of the adoption of its integrated development plan—

- (a) give notice of the adoption of the plan to the public in such manner as a board may determine;
- (b) inform the public that copies of or extracts from the plan are available for public inspection at specified places; and
- (c) provide a summary of the plan.

Contents of integrated urban development plan.

54. An integrated urban or city development plan shall reflect—

- (a) a board's vision for the long

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- term development of the city or municipality with special emphasis on a board's most critical development and needs;
- (b) an assessment of the existing level of development in the city or municipality, which shall include an identification of communities which do not have access to basic services;
- (c) a board's development priorities and objectives during its term in office, including its economic development aims and needs;
- (d) a board's development strategies which shall be aligned with any national or county sectoral plans and planning requirements binding the r city or municipality;
- (e) a spatial development framework which shall include the provision of basic guidelines for a land use management system for the city or municipality;
- (f) a board's operational strategies;
- (g) applicable disaster management plans;
- (h) a regulated urban agriculture
- (i) a financial plan, which shall include a budget projection for

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at least the next three years;
and

- (j) the key performance indicators and performance targets.

Formulation of integrated urban development plan.

55. (1) The city or municipality manager shall manage the formulation of the city or municipality's integrated development plan and may assign responsibilities in this regard to the city or municipal departmental head in charge of planning.

(2) In managing the formulation of a plan under sub section (1), the city or municipal manager shall take into account the views of the residents of the urban area.

(3) The city or municipal manager shall submit the draft urban development plan to the city or municipal board for adoption.

Submission of integrated urban development plan to the governor.

56. (1) The city or municipal manager shall submit to the governor, a copy of the integrated development plan as adopted by a board within twenty one days of the adoption or amendment, and the governor shall table the plan before the county executive committee.

(2) The copy of the integrated development plan submitted to the county executive committee shall be accompanied by—

- (a) a summary of the process of its formulation plan provided under this Part;
- (b) a statement that the process has been complied with, together with any explanations that may be necessary to clarify the statement.

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(3) The county executive committee shall, within thirty days of receipt of a copy of the plan-

- (a) consider the integrated development plan and make recommendations; and
- (b) submit the plan to the speaker of the county assembly.

(4) The speaker shall refer the plan together with the recommendations of the county executive committee to the relevant committee of the county assembly for deliberations and tabling before the county assembly which shall consider and either approve or reject the plans.

Role of county executive committee.

57. A county executive committee shall—

- (a) monitor the process of planning, formulation and adoption of the integrated development plan by a city or municipality under this Part;
- (b) assist a city or municipality with the planning, formulation, adoption and review of its integrated development plan;
- (c) facilitate the co-ordination and alignment of integrated development plans of different cities or municipalities within the county;
- (d) facilitate the co-ordination and alignment of the integrated development plan of a city or municipality with the plans,

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strategies and programmes of national and county governments;

- (e) take any appropriate steps to resolve any disputes or differences in connection with the planning, formulation, adoption or review of an integrated development plan.

Notice of Dissatisfaction with a plan by residents.

58. (1) A resident of a city or municipality who considers that—

- (a) the integrated development plan required under this Part has not been prepared; or
- (b) the integrated development plan that has been prepared does not meet the requirements of this Part,

may serve an appropriate notice in writing to the city or municipal board indicating the anomaly and requiring a board to rectify it.

(2) The board shall respond to the notice served on it under subsection (1) within twenty one days of receipt of the notice, indicating the manner and time within which it seeks to rectify the situation, failing which the resident may lodge a petition in writing with the county executive committee.

(3) The county assembly committee in charge of planning shall facilitate public participation in the discussion and consideration of the plans.

Annual review of integrated development plan.

59. A city or municipal board shall review its integrated development plan annually to assess its performance in accordance with performance

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management tools set by it under this Part, and may amend the plan where it considers it necessary.

PART VII—FINANCIAL PROVISIONS

Funds of a board.

60. (1) The funds of a board shall consist of—

- (a) monies allocated by county legislative assembly for the purposes of the management of the board;
- (b) monies or assets that may accrue to the board in the course of the exercise of its powers or the performance of its functions under this Act; and
- (c) all monies or grants from any other legitimate source provided or donated to the board.

(2) Where a joint board, authority or committee is established for the provision of services within an urban area, the monies allocated to the joint board, authority or committee shall be determined by the boards constituting the joint board, authority or committee.

(3) No payment shall be made out of the funds of a board unless it has been provided for in the approved annual or revised or supplementary estimates of expenditure and authorized by a board.

Financial year.

61. The financial year of a board shall be the period of twelve months ending on the thirtieth June in each year.

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Annual estimates.

62. (1) Three months before the commencement of each financial year, the manager shall cause to be prepared estimates of the revenue and expenditure of a board for that year.

(2) The annual estimates shall make provision for all the estimated revenue and expenditure of the board for the financial year concerned.

(3) The annual estimates shall be tabled before the board for adoption and approval.

(4) The annual estimates approved by the board under subsection (3) shall be submitted to the governor for submission to the County Assembly for its approval.

Accounts and audit.

63. (1) The board shall cause to be kept all proper books and records of account of its income, expenditure, assets and liabilities.

(2) The accounts of the board shall be kept in such manner as to secure the monies raised by the board, or monies received by the board that are not applied for purposes to which such monies are not properly applicable, or monies raised or received for specific purpose, that are not applied for such specific purposes.

(3) Every board shall cause its accounts to be kept in such manner as to show in respect of the financial year to which the accounts relate—

- (a) all receipts and payments of the board during the year; and
- (b) any moneys due but not paid to or by the board in that year.

(4) The accounts required to be kept by the

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board shall be balanced for every financial year not later than three months from the end of the financial year to which they relate, and an annual financial statement on the accounts shall be prepared.

(5) An annual financial statement prepared under subsection (4), or an abstract of accounts, shall be prepared in such form and shall contain such particulars as the county executive committee may by rules prescribe.

(6) Within a period of three months after the end of each financial year, the board shall submit to the Auditor-General and the County Executive Committee the accounts of the board in respect of that year together with—

- (a) a statement of the income and expenditure of a board for that year; and
- (b) a statement of the assets and liabilities of a board on the last day of that financial year.

No. 12 of 2003.

(7) The Auditor-General shall prepare a financial report as required under the Public Audit Act, 2003 or its successor and shall forward a copy of the report to the relevant board and the County Executive Committee in respect of which the audit report is made.

Financial report to be laid before board.
No. 12 of 2003.

64. (1) As soon as is practicable, and in any event not later than thirty days from the date of receipt by a board, a financial report prepared under the Public Audit Act, 2003 or its successor in respect of the accounts of the board, together with copies of the annual statement or abstract of accounts prepared under this Part relating to the financial year to which such report relates shall—

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- (a) be laid by the manager before the board for consideration; and
- (b) be available to any resident of the area within the jurisdiction of the board, upon application and payment of the prescribed fee.

(2) Where the manager of a board fails to table the report as required under this section, the county governor shall direct that the report be laid by any other person authorised by the county governor.

Display of audited financial statement.

65. The board shall cause its audited annual financial statement to be posted in full in a conspicuous place in the board's offices and on the board's website.

Securing accounting of money or property.

66. (1) Where a board considers it necessary, it may require a person employed by it, who is likely to be entrusted with the custody and control of money or property belonging to the board, to give such security to secure the accounting for the money or property entrusted to that person as the board may determine.

(2) A board may, in the case of a person not employed by it but who is likely to be entrusted with the control of money or property belonging to the board, take such security as it deems sufficient for the accounting for the money or property entrusted to that person.

Delivery of account by officer.

67. (1) Every officer employed by a board under this Act or any other written law shall at such times during the continuance of the office or within three months of that officer ceasing to hold office and in such manner as the board may direct, make and deliver to the board a true record of accounts in

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writing, of all money and property committed to that officer's charge and of receipts and payments, with vouchers and other documents and records supporting the entries therein and a list of persons from whom or to whom money is due in connection with that office, showing the amount due from or to each.

(2) The officer referred to under subsection (1) shall pay all monies due from him or her to the board.

(3) If the officer—

- (a) refuses or wilfully neglects to make any payments which he or she is required by this section to make; or
- (b) refuses or wilfully neglects to make out or deliver to the board any account, voucher, record or other document which the officer is required by this section to make or deliver, after being given a three weeks' notice in writing, signed by the city or municipal manager,

the officer commits an offence and is be liable, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

(4) Notwithstanding subsection (3), a board may recover any sum due to it from any officer through the due process of law.

Establishment of pension schemes.

68. Every board shall establish for the benefit of its officers or members such schemes for the management of its pension, benevolent fund, including the payment of annuities, gratuity or any

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other retirement benefits in accordance with any written law for the time being in force.

PART VIII—MISCELLANEOUS PROVISIONS

Disclosure of personal interest by officers.

69. If it comes to the knowledge of an officer employed by a board that a bargain, contract or arrangement in which he or she has any direct or indirect pecuniary interest (other than a bargain, contract or arrangement to which he or she is a party) has been or is proposed to be, made or entered into by the board, that officer shall as soon as practicable give notice in writing to the board disclosing the fact that he or she has interest therein.

Official website of a board.

70. Each city or municipal board shall establish and maintain its own official website and the city or municipal manager shall ensure regular update of the website.

Reports.

71. (1) Every board shall render to the county executive committee, not later than the thirty first day of March in each year, a report of its work and of the affairs of its area of jurisdiction for the preceding financial year.

(2) A report shall be in such form as may be prescribed by the county executive committee and shall be accompanied by such other documents or information as may be required.

Councils to furnish county governor with copies of proceedings.

72. (1) Every board shall furnish the county executive committee and any other person as the county executive committee may designate, with certified copies of any proceedings or minutes of the board or its committees, and of records of any of its accounts or such reports, statistics and documents as the county executive committee may from time to time require.

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(2) Minutes of the proceedings of each meeting of a board or of any committee thereof which are required to be furnished to the county executive committee shall be forwarded within twenty-one days after the minutes have been confirmed by the Board.

Protection against personal liability.

73. No act, matter or thing done or omitted to be done by—

- (a) the chairperson or vice chairperson of a city or municipality;
- (b) any member of a board or its management or committee;
- (c) any member of staff or other person in the service of city or municipal board; or
- (d) any person acting under the direction of a board,

shall, if that act, matter or thing was done or omitted to be done in good faith in the execution of a duty or under direction, render that member or person personally liable to any civil action, claim or demand.

(2) Notwithstanding the provisions of subsection (1), a person who misappropriates, or authorises the use of funds contrary to existing law or instructions shall be accountable for any loss arising from that use and shall be required to make good the loss even if that person has ceased to hold office.

Rights and duties of residents.

74. (1) Subject to subsection (2), residents of a city or municipality have the right to—

- (a) contribute to the decision-making processes of the city or municipality by submitting

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- written or oral recommendations, presentations or complaints to a board through the city or municipal manager or administrator;
- (b) prompt responses to their written or oral communications;
- (c) be informed of decisions of a board, affecting their rights, property and reasonable expectations;
- (d) regular disclosure of the state of affairs of the city or municipality, including its finances;
- (e) demand that the proceedings of a board and its committees be—
 - (i) conducted impartially and without prejudice; and
 - (ii) untainted by personal self-interest;
- (f) the use and enjoyment of public facilities; and
- (g) have access to services which the city or municipality provides.

(2) Residents of a city or municipality have the duty—

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- (a) when exercising their rights, to observe the mechanisms, processes and procedures of the city or municipality;
- (b) to promptly pay the required service fees, surcharges on fees, rates on property and other taxes, levies and duties imposed by the city or municipality;
- (c) to respect the rights of other residents;
- (d) to allow officers and employees of the city or municipality reasonable access to their property in the performance of their official duties; and
- (e) to comply with all the relevant laws applicable to them.

Participation by residents.

75. (1) A city or municipality shall develop a system of governance that encourages participation by residents in its affairs, and shall for that purpose—

- (a) create appropriate conditions for participation in—
 - (i) the preparation, implementation and review of the integrated development plan;
 - (ii) the establishment, implementation and review of its

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- performance management system;
- (iii) the monitoring and review of its performance, including the outcomes and impact of its performance;
- (iv) the preparation of its budget; and
- (v) making of strategic decisions relating to delivery of service;
- (b) contribute to building the capacity of—
 - (i) the residents to enable them participate in the affairs of the city or municipality; and
 - (ii) members of a board and staff to foster community participation;
- (c) apply its resources, and allocate funds annually as may be appropriate for the implementation of paragraphs (a) and (b); and
- (d) establish appropriate mechanisms, processes and procedures for—
 - (i) the receipt, processing

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and consideration of petitions and complaints lodged by residents;

- (ii) notification and public comment procedures, when appropriate;
- (iii) notification of public meetings and hearings organised by a board;
- (iv) consultative sessions with locally recognized resident organisations; and
- (v) report back to the residents.

(2) The provisions of subsection (1) shall not be construed as permitting interference with a board's right to govern and exercise its functions.

(3) When establishing mechanisms, processes and procedures under subsection (1), the city or municipality shall take into account the special needs of—

- (a) people who cannot read or write;
- (b) people with disabilities;
- (c) gender; and
- (d) other disadvantaged groups.

Regulations.

76. (1) The Cabinet Secretary may, in consultation with the association of county governors established by law, make regulations for the better

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carrying into effect of the provisions of this Act, or for prescribing anything which is required to be prescribed under this Act.

(2) Regulations made under this section shall be tabled before the Senate for approval, and shall not take effect until they are approved by the Senate.

PART IX—TRANSITIONAL PROVISIONS

Rights and liabilities.
Cap. 265.

77. All rights, assets and liabilities accrued in respect of the properties vested in the local authorities established under the Local Government Act which shall stand repealed at first election under this constitution shall be vested, vested in an enforceable as may be determined by the County Transition Authority established in the Transition to Devolved Government Act, 2011

Existing by-laws and orders of local authorities.

78. All directions, resolutions, orders and authorizations given by by-laws made, and licenses or permits issued by the local authorities established, under the Local Government Act and subsisting or valid immediately before the commencement of this Act shall be deemed to have been given, issued or made by the boards established pursuant to this Act, as the case may be, until their expiry, amendment or repeal.

Staff, officers, etc.

79. (1) Every person who, immediately before the commencement of this Act was an officer, agent or member of staff appointed, seconded or otherwise employed by a local authority shall, on the commencement of this Act transferred, re-interviewed or otherwise dealt with as may be determined by the County Transition Authority.

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(a)

(3) A person who does not wish to become an officer or member of staff of a board shall give notice in writing of that decision within fourteen days from the date of commencement of this Act, notify the County Transition Authority and that person shall thereupon cease to be an officer or member of staff of the board.

Existing contracts, etc.

80. (1) Any act, matter or thing lawfully done by any local authority before the commencement of this Act and any contract, arrangement, agreement, settlement, trust, bequest, transfer division, distribution or succession affecting any service delivery, trade of any form, sale or dealings on land or any other matter affecting assets, liabilities or property belonging to any local authority whether moveable, immoveable or intellectual property shall, unless and until affected by the operation of this Act, continue in force and be vested in the County Transition Authority for evaluation, discharge, allocation, distribution or otherwise dealt with as may be determined by the authority may determine.

(2) Any remuneration payable by any local authority before the commencement of this Act to any person or officer and any liability, debt, decree outstanding against any local authority shall remain payable by the County transition Authority as may be appropriate.

Pending actions and proceedings.

81. Any legal right accrued, cause of action commenced in any court of law or tribunal established under any written law in force, or any defence, appeal, or reference howsoever filed by or against any local authority shall continue to be sustained in the same manner in which they were prior to the commencement of this Act against the County Transition Authority which shall conclude the

matters as may be appropriate.

SCHEDULE

CLASSIFICATION OF CITIES MUNICIPALITIES AND TOWNS BY FUNCTIONS

**In classifying area as a city, municipality or Town,
regard shall be had to the following matters:**

City – (Population 250,000)

Planning and Development Control
Traffic Control and Parking
Food Security
Water and Sanitation
Street Lighting
Outdoor Advertising
Cemeteries and Crematoria
Public Transport
Libraries
Storm Drainage
Ambulance Services
Heath Facilities
Fire Fighting and Disaster Management
Sports and Cultural Activities
Abattoirs
Refuse Collection
Solid waste management
Air pollution
Child Care Facilities
Pre-Primary Education
Local Distributor Roads
Conference Facilities
Community Centres
Five Star Hotel
Guest Houses
Hospital
University

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Constituent University Campuses
Polytechnic
Training Institution
High/Secondary School
Stadium
National Theatre
Theatre
Library Service
Administrative Seat
Financial Hub
Diplomatic Hub
Consulate
Museum
Historical Monument
Fire Station
Postal services
TV station
Radio Station
Casinos
Funeral Parlour
Cemetery
Recreational Parks
Management of Markets
Animal control and welfare

Municipalities (75,000 – 249,999)

Planning and Development Control
Traffic Control and Parking
Water and Sanitation
Food Security
Street Lighting
Outdoor Advertising
Cemeteries and Crematoria
Public Transport
Libraries
Storm Drainage
Ambulance Services
Heath Facilities
Fire Fighting and Disaster Management

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Sports and Cultural Activities
Abattoirs
Refuse Collection
Solid waste management
Air noise
Child Care Facilities
Pre-Primary Education
Local Distributor Roads
Conference Facilities
Community Centres
Homestays
Guest Houses
Constituent University Campuses
Polytechnic
Training Institution
Municipal Stadium
Municipal Theatre
Library Service
Administrative Seat
Financial Hub
Museum
Historical Monument
Fire Station
Emergency Preparedness
Postal services
TV station
Radio Station
Funeral Parlour
Cemetery
Recreational Parks
Management of Markets
Animal control and welfare

Towns (10,000 – 74,999)

Food Security
Street Lighting
Cemeteries and Crematoria
Libraries

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Heath Facilities
Sports and Cultural Activities
Abattoirs
Refuse Collection
Solid waste management
Air noise
Child Care Facilities
Pre-Primary Education
Community Centres
Guest Houses
Homestays
Polytechnic
Training Institution

Minor roads
Museum
Postal services
Regional Radio Station
Community Radio
Funeral Parlour
Cemetery
Recreational Parks
Management of Markets
Animal control and welfare

MEMORANDUM OF OBJECTS AND REASONS

The objective of this Bill is to provide a legislative framework to give effect to the provisions of Article 184 of the Constitution. In so doing, it seeks to make provision for the identification, classification, governance and management of urban areas and cities as contemplated in the Constitution. It similarly seeks to define the criteria to be applied in establishing urban areas and cities.

Part I contains preliminary provisions.

Part II contains provisions on the classification and establishment of urban areas and cities. It sets out those factors which should be considered in the classification of urban areas and cities. It further provides for the conferment

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of both the city and municipal status on areas that meets the criteria stipulated in the Bill.

Part III contains provisions on the governance and management of urban areas and cities. It provides for the establishment of boards for the governance of cities and the various types of municipalities. It stipulates the manner in which these boards are to be constituted and how will they run their affairs. This Part also provides for the positions of both chairperson and vice chairperson of the boards and how those positions are to be filled.

Similarly, this Part provides for the appointment of managers and administrators for the various boards, who shall be responsible for the management of boards and small municipalities, as the case may be.

Part IV contains provisions relating to delivery of services in cities and municipalities. It lays down which services are to be provided and how those services are to be delivered. It provides for cities and municipalities to enter into partnerships and joint ventures with other entities for purposes of providing certain services.

Part V contains provisions on the establishment, meetings and functions of the Inter-City and Municipality Forum.

Part VI contains provisions on integrated urban development planning. Cities and municipalities are obliged to formulate urban development plans which will constitute the framework on which to run their affairs and delivery of services to residents.

Part VII contains financial provisions.

Part VIII contains miscellaneous provisions.

Part IX contains transitional provisions.

The enactment of this Bill will occasion additional expenditure of public funds to be provided for in the estimates.

Dated the, 2011.

Draft 1 August 2011

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Musalia Mudavadi,
Deputy Prime Minister and Minister for Local Government