

**COUNTY GOVERNMENT OF NAKURU  
COUNTY ASSEMBLY OF NAKURU  
OFFICE OF THE  
CLERK TO THE ASSEMBLY**

**SUBMISSION OF MEMORANDA**

In the matter of the approval by the County Assembly of:-

- (a) The Punguza Mzigo (Constitution of Kenya amendment) Bill, 2019;
- (b) Conferment of City Status to Nakuru Municipality (Recommendations)

Pursuant to the provision of Articles 185, 196 and 257 of the Constitution of Kenya as read together with Section 9 and Part VII of the County Governments Act, and Section 8 of the Urban Areas and Cities Act, the Assembly invites interested members of the public to submit their views or representations on the above Bill and on the recommendations for the conferment of City Status to Nakuru Municipality.

The Representations/views may be forwarded to the Clerk of County Assembly of Nakuru, P O Box 907-20100, Nakuru; hand delivered to the Office of the Clerk, UGATUZI Plaza, Off George Morara Road Nakuru or emailed to [clerk@assembly.nakuru.go.ke](mailto:clerk@assembly.nakuru.go.ke); to be received on or before Monday 23<sup>rd</sup> September, 2019 at 3.00p.m.

Those interested may download the listed documents from [www.assembly.nakuru.go.ke](http://www.assembly.nakuru.go.ke).

**CLERK TO THE ASSEMBLY**

**THE PUNGUZA MIZIGO (CONSTITUTION OF KENYA AMENDMENT) BILL,  
2019**

**A Bill for**

**A BILL to amend the Constitution of Kenya pursuant to the Popular Initiative under Article 257 of the Constitution of Kenya 2010.**

**ENACTED** by the County Assemblies and the Parliament of Kenya, as follows-

**Short title.**

**1.** This Bill may be cited as the **PUNGUZA MIZIGO (Constitution of Kenya Amendment) Bill, 2019.**

**Amendment of Article 73 of the Constitution**

**2.** Article 73 of the Constitution is amended by inserting the following new sub-articles immediately after sub-article 2 -

**(3)** The recommendations of past and present public inquiry and audit reports shall automatically be adopted to bar all adversely mentioned individuals from seeking and holding any public or state office.

**(4)** An accounting officer or state officer whose department is cited in the annual Auditor-General report having not accounted public money or fails to prove value for money, shall be required to immediately vacate office.

**Insertion of new sub-articles of the Constitution.**

**3.** The Constitution is amended by inserting the following new article immediately after Article 79-

**Prosecution of corruption and theft of public resources cases**

**4.** 79A (1) A Corruption or theft of public resources case shall be tried within thirty days of arraignment before a court of competent jurisdiction and an appeal be concluded within twenty-one days.

**(2)** A person convicted and found guilty of corruption or theft of public resources or money shall serve a life sentence.

**(3)** Notwithstanding the provisions of Article 133, no presidential pardon or amnesty shall be applicable for those found guilty of corruption or theft of public resources”

**Amendment of Article 83 of the Constitution.**

**5.** Article 83 of the Constitution is amended-

(a) by deleting sub-article (1)(a); and

(b) in sub-article (1) by inserting the following words...(where)

“Every person who attains the age of eighteen and who acquires a national identity card shall be deemed to be a fully registered voter for purposes of elections and referenda”

**Amendment of Article 88 of the Constitution.**

**6.** Article 88 of the Constitution is amended in sub-article (4) by-

(a) deleting paragraph(a); and

(b) deleting the words “constituencies and” appearing immediately after the words “delimitation of” in paragraph (c).

**Amendment of Article 89 of the Constitution**

**7.** Article 89 of the Constitution is amended -

(a) in sub-article (1) by deleting the words “two hundred and ninety” appearing immediately after the words “shall be” and substituting therefor the words “forty-seven”;

(b) by inserting the following new sub-article immediately after sub-article (1)-

(1A) - For purposes of Parliamentary elections to the Senate and the National Assembly, the Independent Electoral and Boundaries Commission, shall use each of the 47 Counties as a single constituency unit”.

(c ) by deleting sub-article (2);

(d) by deleting the word “constituency” in sub-article (5) and replacing with the word “ward”;

(e) by deleting the words “constituency or” appearing immediately after the words “inhabitants of” in the introductory phrase to sub-article (6);

(f) in sub-article (7) by deleting the words “constituency and” –

(i) appearing at the beginning of the introductory phrase; and

(ii) appearing immediately after the words “inhabitants in each” in paragraph (b);

(g) by deleting sub-article (8) and substituting therefor the following new sub-article –

(8) If necessary, the Commission shall alter the number, names, and boundaries of wards”

(h) by deleting sub-article (9) and substituting therefor the following new sub-article-

(9) subject to clause (3), the names and details of the boundaries of wards determined by the Commission shall be published in the *Gazette*, and shall come into effect on the dissolution of Parliament first following their publication.

(i) by deleting the words “constituencies or” appearing immediately after the words “the number of” in sub-article (12).

**Deletion of  
Article 90 of the  
Constitution**

**8.** Article 90 of the Constitution is deleted.

**Amendment of  
Article 93 of the  
Constitution**

**9.** Article 93 of the Constitution is amended by inserting the following new sub-article immediately after sub-article (2)-

(3) the Senate shall be the Upper House with veto power.

**Amendment of  
Article 96 of the  
Constitution**

**10.** Article 96 of the Constitution is amended by inserting the following new sub-articles immediately after sub-article 4-

(5) On its own motion or upon receiving a petition from any person, the Senate shall within twenty-one days consider and review decisions of the National Assembly and upon establishing that such decisions contravene this Constitution or goes against public interest, the Senate shall veto such decisions pursuant to Article 93(3).

(6) The Senate may amend or veto a special Bill that has been passed by the National Assembly only by a resolution supported by at least two-thirds of the members of the Senate.

(7) If a resolution in the Senate to amend or veto a special Bill fails to pass, the Speaker of the Senate shall within seven days of passing of the resolution, refer the Bill in the format adopted by the National Assembly, to the president for assent.

**Amendment of  
Article 97 of the**

**11.** Article 97 of the Constitution is amended in sub-article (1) by-  
(a) deleting the words “two hundred and ninety members”

**Constitution** appearing at the beginning of paragraph (a) and substituting therefor the words “ninety-four members consisting of one man and one woman from each of the 47 constituencies” ;  
(b) deleting paragraph (b) and substituting therefor the following new paragraph-  
(b) six members nominated from special interest groups taking into account the gender balance of one man and one woman in each of the categories under Article 100.  
(c ) deleting paragraph(c).

**Amendment of Article 98 of Constitution** **12.** Article 98 of the Constitution is amended-  
(a) in sub-article (1) by deleting –  
(i) paragraph (b);  
(ii) paragraph (c); and  
(iii) paragraph (d)  
(b)by deleting sub-article (2)

**Amendment of Article 100 of Constitution** **13.** Article 100 of the Constitution is amended by deleting-  
(a) paragraph (a); and  
(b) paragraph (e)

**Amendment of Article 101 of Constitution** **14.** Article 101 of the Constitution is amended-  
(a) by deleting sub-article (2) and substituting therefor the following new sub-article-  
(2) Whenever a vacancy occurs in the office of a member of the National Assembly under Article 97 (1) (b), the Speaker of the National Assembly shall, within twenty-one days of the occurrence of the vacancy, give notice in writing of the vacancy to the Independent Electoral and Boundaries Commission which shall in turn write to the respective nominating statutory bodies.

**Amendment of Article 111 of Constitution** **15.** Article 111 of the Constitution is amended by deleting –  
(a) sub-article (2); and  
(b) sub-article (3).

**Amendment of Article 115 of Constitution** **16.** Article 115 of the Constitution is amended in sub-article (3) by deleting the letter “s” in the word “amendeds”, and in sub-article 4 (b) by deleting the words “delegations in” appearing immediately after the words “of the” and substituting therefor the words “members of”.

**Amendment of**

**Article 121 of  
Constitution**

**17.** Article 121 of the Constitution is amended in paragraph (b) by deleting the word “fifteen” appearing at the beginning of the paragraph and substituting therefor the word “twenty-four”.

**Amendment of  
Article 123 of  
Constitution**

**18.** Article 123 of the Constitution is deleted.

**Amendment of  
Article 136 of  
Constitution**

**19.** Article 136 of the Constitution is amended by deleting sub-article (2) (a) and substituting therefor the following new paragraph (a) on the second Tuesday in August, in every seventh year; or

**Amendment of  
Article 142 of  
Constitution**

**20.** Article 142 of the Constitution is amended by deleting sub-article (2) and substituting therefor the following new paragraph-  
(2) A person shall hold office as President for a single seven-year term.

**Amendment of  
Article 146 of  
Constitution**

**21.** Article 146 of the Constitution is amended in sub-article (2)(b) by deleting the words “National Assembly” appearing immediately after the words “Speaker of the” and substituting therefor the word “Senate”

**Amendment of  
Article 157**

**22.** Article 157 of the Constitution is amended by inserting the following new sub-article immediately after sub-article 10-  
(10A)The Director of Public Prosecutions shall-

- (a) use both general financial audit findings and forensic reports from the Auditor- General as the first piece of evidence in all theft of public resources cases and in no value for money cases;
- (b) prosecute all public and state officers together with their private sector accomplices who are responsible for all adverse audit findings within sixty days of audit completion;
- (c) write to all officers responsible for adverse audit findings demanding that they leave office within thirty days in compliance with Chapter 6 on receiving audit and forensic audit reports; and
- (d) publish in a public website and widely circulated media the action taken on each single issue raised in the audit

and forensic reports within sixty days of receiving the reports.

**Amendment of  
Article 177 of  
Constitution**

**23.** Article 177 of the Constitution is amended-

- (a) in sub-article (1) by deleting-
  - (i) paragraph (b); and
  - (ii) paragraph (c)
- (b) by deleting sub-article (2); and
- (c) by deleting sub-article (3)

**Amendment of  
Article 179 of  
Constitution**

**24.** Article 179 of the Constitution is amended-

- (a) in sub-article (2) (a) by deleting the words “and the deputy county governor; and
- (b) by deleting sub-article (4) and substituting therefor the following new sub-article-
  - (4) The County governor shall be the Chief Executive of the County.
- (c) by deleting sub-article (5)

**Amendment of  
Article 180 of  
Constitution**

**25.** Article 180 of the Constitution is amended-

- (a) in the sub-title by deleting the words “and deputy county governor”
- (b) by deleting sub-article (5);
- (c) by deleting sub-article (6); and
- (d) by deleting sub-article (7) (b)
- (e) by inserting the following new sub-article immediately after sub-article (7)-
  - (7A) The Governor shall nominate one person from among the duly vetted, approved and appointed County Executive Officers, to be the Governor’s Principal Assistant for purposes of administration in the county.

**Amendment of  
Article 182 of  
Constitution**

**26.** Article 182 of the Constitution is amended by-

- (a) deleting sub-article (2);
- (b) deleting sub-article (3);
- (c) deleting sub-article (4).; and
- (d) inserting the following new sub-article immediately after sub-article (5)-
  - (5A) If a vacancy occurs in the office of a governor, a fresh election shall be conducted pursuant to provisions of sub-article (5).

**Amendment of Article 188 of Constitution**

**27.** Article 188 of the Constitution is amended in sub-article (1) (b) (ii) by deleting the words “the county delegations” and substituting therefor the words “the members of the Senate”

**Amendment of Article 201 of the Constitution**

**28.** Article 201 of the Constitution is amended by inserting the following new paragraphs immediately after paragraphs (e) –

- (e) the national budget of Parliament shall not be more than point three five percent of the most recent audited accounts revenue approved by the National Assembly as read together with Article 203 (3).
- (f) Not more than twenty percent of parliament’s total annual budget shall be expended on salaries and allowances to members of Parliament.
- (g) The highest paid public servant or state officer shall be paid a salary and allowances not exceeding fifty times that of the lowest paid public servant or state officer.

**Amendment of Article 203 of Constitution**

**29.** Article 203 sub-article (1) of the Constitution is amended - (a) by deleting paragraph (f) and substituting therefor the following new paragraph-

- (f) development and other needs of wards in the counties;
- (b) deleting paragraph (g) and substituting therefor the following new paragraph-
  - (g) economic disparities within and among wards in the counties and the need to remedy them.
- (c) in sub-article (2) by deleting the word “fifteen” appearing immediately after the words “not less than” and substituting therefor the word “thirty-five” .
- (d) by inserting the following new sub-article immediately after sub-article (3)-
  - (4)To attain optimal development and to take services to the peoples’ doorsteps, counties shall adopt and use the Ward as the primary unit of accelerated development.

**Amendment of Article 204 of the Constitution**

**30.** Article 204 of the Constitution is amended –

- (a) in sub-article (2) by inserting the words “at ward level” immediately after the words “basic services”
- (b) by deleting the word “may” in the introductory phrase to sub-article (3) and substituting therefor the word “shall”;
- (c) by deleting the words “county delegations in” and substituting therefor the words “members of ” in sub-article (8).



**Amendment of  
Article 229 of the  
Constitution**

**31.** Article 229 of the Constitution is amended by inserting the following new sub-articles immediately after sub-article (8)-

(9) There is established a forensic accounting department in the office of the Auditor-General to enhance capacity to produce credible evidence for purposes of prosecuting theft or failure to account for public resources including but not limited to money expended by government departments, as well as by other state organs.

(10) The Auditor-General shall forward the audit and forensic report to the Office of Director of Public Prosecutions and the Director of Criminal Investigations within five days of completion of the audit.

**Amendment of  
Article 250 of the  
Constitution**

**32.** Article 250 of the Constitution is amended-

(a) by deleting sub-article (1) and substituting therefor the following new sub-article-

(1) Each Commission shall consist of, at least, three but not more than five members who shall serve on a part-time basis, and who shall draw a sitting allowance as may be set by the Salaries and Remuneration Commission.

(b) by deleting sub-article (5); and

(c) by deleting sub-article (7).

## **MEMORANDUM OF OBJECTS AND REASONS**

### **THE PUNGUZA MIZIGO CONSTITUTIONAL AMENDMENT BILL** **THEMATIC ARRANGEMENT OF ARTICLES**

#### **INTRODUCTION.**

The Thirdway Alliance Kenya's call for a constitutional referendum, which is dubbed *Punguza Mizigo*, has one main objective: to amend the Constitution of Kenya 2010 (CoK 2010) in order to reduce the burden and cost of governance currently being borne by Kenyan taxpayers. *Punguza Mizigo* call adopts the popular initiative in Article 257 of CoK 2010 that requires that sponsors of a proposal to amend the CoK 2010 must present to the Independent Electoral and Boundaries Commission (IEBC) a million endorsements from registered Kenyan voters. This approach also reaffirms the sovereign authority of Kenyan people in Article 1 of CoK 2010. It departs from all other calls for referenda, including the Parliamentary initiative that is being driven by a selective clique of politicians. *Punguza Mizigo* puts people first. It recognizes that a Constitution is the will of the majority; not a minority whether elected or not.

The first phase of *Punguza Mizigo* started in **April 2018** with a deliberate call on Kenyans to endorse it online at <https://thirdwayalliance.com>. This phase recognized the fact that there are, at least, 15 million Kenyans who use social media. The second phase embarked on county visits, which also acted as a catalyst to Kenyans online. Although *Punguza Mizigo* campaign has already reached the requisite 1 million endorsements, further endorsements continue to stream in.

#### **WHY PUNGUZA MIZIGO? – THE RATIONALE AND JUSTIFICATION**

##### **I. THE NEED TO STRENGTHEN SENATE & NATIONAL ASSEMBLY, AND TO REDUCE COST OF RUNNING NATIONAL PARLIAMENT BY:-**

1. **Addressing concerns of over representation and to reduce number of MPs from the current 416 to 147 by:**
  - (a) Abolishing the 290 constituencies;
  - (b) Adopting and using each of the 47 counties as a single constituency for purposes of parliamentary election to Senate and National Assembly;
  - (c) Electing one man and one woman to the national assembly and to nominate only six members of parliament from special interest groups (SIGs). This will also consider gender equality so that of the six (6) SIGs, there must be one man and one woman for each category. This, in fact, cures the elusive a third gender rule in Parliament.
  - (d) Electing 47 Senators using the County as a single constituency.

#### ***Justification:***

- (a) Besides this proposal coming from a majority of Kenyans through the popular initiative, it is also factual that Kenyans are **400%** over-represented compared to other countries with larger populations than Kenya. In addition, a country like Kenya, which is still developing and with many needs cannot afford the luxury of over-representation. For example:
  - i. China has **1,200** representatives for a population of **1.4 billion people** (meaning 1 elected official represents 1.625 million people);
  - ii. India has **800** representatives for a population of **1.3 billion people** (meaning 1

- iii. elected official represents 1.166 people), and  
the United States of America (USA) has **535** representatives for a population of **350 million** people (meaning 1 elected official represents 654,205 people).

It does not, therefore, make sense that a population of **46 million** people from a poor developing country like Kenya would have, and be able to sustain 416 representatives in Parliament. The cost of this representation has largely contributed to the national wage bill. Kenya has much bigger and challenging problems that include, *inter alia*, the ballooning national debt (currently at KES 5.4 trillion), unemployment, need for infrastructure, affordable housing, healthcare, education and food security than to afford such over-representation. This is why the campaign is dubbed *Punguza Mizigo* in order to reduce the burden on Kenyan taxpayers.

- (b) **The big question is this:** between development and services at your doorstep on the one hand, and more representatives on the other hand, which one would Kenyans rather have?
- (c) Furthermore, all the 47 counties of Kenya are on thereon, sufficient representation of the people of Kenya. Governors are elected from all 47 counties together with MCAs, as representatives of their people. In addition, the County Executives serving in the county government are another level of representation. Therefore, we do not need to send more representatives from counties to the national level. Furthermore, each county of Kenya represents the most dominant and most populous ethnic group of that county. In other words, counties have eliminated the historical marginalization of tribes in leadership. In addition, each county of Kenya, today, receives its equitable share of national revenue. Therefore, no single county or tribe of Kenya, could today claim to be marginalized. They can only blame the failure of leadership in their respective counties. The *Punguza Mizigo*, has in fact considered the plight of such ethnic minorities as the recently recognized Makonde as well as the Boni, El Molo and by dint of the herein amended Article 100 of CoK 2010, they will be nominated as MPs.

**2. Use each of the 47 Counties, as a single constituency unit for purposes of Parliamentary elections to Senate and National Assembly. This abolishes the current 290 constituencies.**

***Justification***

- (a) Parliament will have a manageable number of MPs who will have adequate time to qualitatively contribute to parliamentary debates. It will also ensure that there is efficiency in Parliament. In fact, *Punguza Mizigo* has received support and encouragement from a number of MPs who prefer a lean Parliament than the current bloated one. Many MPs confessed to *Punguza Mizigo* that they actually do not even know most of their fellow MPs. A lean Parliament will be most effective and efficient and less costly to Kenyans;
- (b) Fewer constituencies will address over-representation and bring the cost down. Furthermore, this will reduce cost of running parliament and re-direct resources where they are mostly needed, especially at each Ward level where we can begin to measure development;
- (c) It will end the perennial and conflictual competition between MPs and MCAs on management of wards, as well as end duplication of development funds. This will

encourage MPs to focus on their representation, legislative and oversight roles over government.

- (d) This will result into effective legislation, representation and oversight roles of MPs. MPs will now see their role clearly, broadly and from a national perspective as opposed to seeing it from a Constituency perspective; furthermore, all development issues are now the responsibility of County governments.

**3. Elevate Senate to be an Upper House with veto powers. This ensures that National Assembly is checked and oversighted.**

***Justification:***

- (a) This will enhance the powers of the Senate to review decisions of the lower house (National Assembly) as is the case with the rest of the world. Our Senate, in its current form, is a laughing stock. It has no powers to veto some of the rather injurious legislations from the National Assembly. For example, the *VAT Act of 2013* was passed out of political expediency and convenience without drawing inference from the socio-economic impact it now has on a majority of Kenyans. It was more about party loyalty as opposed to loyalty to the people who sent MPs to represent them in Parliament. Another example is the passage of the *Division of Revenue Act (no. 7) of 2018*, which was unconstitutional in the light of the clear provisions of the Constitution dictating that revenue should be shared based on the most recent audited accounts. Senate could not reject or veto both laws because Senate did not have veto power. In addition, to the foregoing, if only Senate had veto power, it could have questioned the National Assembly's decision in rejecting the report on the possible containment of mercury in imported sugar.
- (b) This will provide a hierarchical parliamentary structure that will ensure quality control, checks and balances even among our elected representatives. Senate will be able to review the lower house's decisions, especially if and when those are injurious to the general public as in the case of the sugar report, amongst others.

**II. STRENGTHEN DEVOLUTION & TAKING SERVICES TO PEOPLES  
DOORSTEPS BY:-**

**4. Increasing Counties revenue share allocation to, at least, 35% from the current 15%. The people of Kenya are in the counties, wards and villages.**

***Justification:***

- (a) It will spur economic development in counties, especially at Ward level;
- (b) The people of Kenya are at the counties and at the ward levels; most development is needed at the ward levels. Increasing funds allocation to the counties is to accelerate development; we want to see good schools, hospitals, roads, security, clean water, amongst other needs at the ward level. This is the quickest way to equalize Kenyans in the republic. This will ensure that services and or state organs are developed to every part of the republic as dictated by Article 6 of our CoK 2010;
- (c) **This will attain real and meaningful inclusivity:** Inclusivity in its raw and real meaning is when each citizen gets equitable access to an equitable share of the national cake.

Devolution of more funds therefore will ensure that each county or community will not need a “negotiator” to get access to public services. With inclusivity attained at the ward level, a majority of Kenyans may not care who actually becomes President. This would emulate other successful countries like Switzerland where the citizen care more about what their Cantons offer them in terms of services. This will also eradicate the tribal and toxic politics that has been driven for a long time by a clique of the political class.

**5. Use each of the 1450 Wards of Kenya as the primary unit of accelerated development replacing CDF hence taking development to the people’s doorsteps.**

***Justification:***

- (a) Besides, this spreading economic development in the wards, services will be brought much closer to the people. This will be in tandem with the true spirit and letter of Article 6 (3) of the CoK 2010 whose intent is to reach each and every Kenyan within the republic. The Ward is the surest way of doing that;
- (b) Use the Wards as the primary unit of accelerated development, which will apply the bottoms-up approach in order to develop our country evenly. This also means that it may not matter where a Kenyan lives within the republic because each Kenyan would then access services (schools, hospitals, roads, security, etc..) accessed by others whether in urban or semi-rural areas;
- (c) **Attain real and meaningful inclusivity:** By taking services to the doorsteps of millions of Kenyans, we will effectively achieve true inclusivity. By allocating substantial development funds to each Ward, each Kenyan will have access to equitable share of the national cake in the form of public services. Inclusivity can only be realized when each citizen is “eating” and not when a few citizens are literally eating for, and on behalf of a region, community, clan and or any other section of the population.

**V. END GENDER IMBALANCE, INEQUALITY AND ADDRESS THE ELUSIVE 1/3 GENDER RULE IN ELECTIVE POSITIONS**

**6. End historical gender inequality and ensure that Kenyans elect one man and one woman from each of the 47 Counties to the National Assembly. This abolishes the women representative position.**

***Justification:***

- (a) End the historical gender inequality relating to leadership and achieve equality between men and women. For a long time, political leadership has been seen as the preserve of men, and whenever women showed interest in leadership, they have experienced violence and other prejudices. This historical injustice will end with the proposed amendment to CoK 2010. Kenya will naturally enter into the books of records of those societies that give women equal opportunity to men. Effectively, we would end the historical disproportionate representation of women and men in leadership;
- (b) This will also achieve the desired equality of both sexes in political leadership; and also, automatically achieve 50-50 gender parity in Parliament. This is the true meaning of equality and inclusive of women who are majority.

### III. DEMYSTIFY THE PRESIDENCY & END A CULTURE OF ELECTORAL VIOLENCE ASSOCIATED WITH POWER OF INCUMBENCY

#### 7. Introduce a one 7-year term presidency

**Justification:**

- (a) **History of violence, ethnic and political tensions.** The proposed one 7-year term limit will end the “do or die” culture of re-election. There is an established violence trend in all our electoral cycles when the incumbent seeks re-election. The violence can be traced to the incumbent (and or supporters) and or by a rogue opposition determined whose main pursuit is to eject the incumbent from power by all means necessary. The violence in 1991/92, 1997, 2007/8 and 2017 was not a coincidence. It is clear that there was no violence in 2002 and 2013 and the only viable explanation is absence of an incumbent seeking re-election;
- (b) **With two terms, the focus has always been on re-election rather than service delivery.** Our political history and experience have shown that a first term President wastes the 1-2 years of first term appeasing political friends and pleasing everyone at the expense of fulfilling political promises; again, the last 2-3 years are wasted because the incumbent is focusing on re-election campaigns and or promises, which are often focused on individuals or a group of political friends. The presidency during this time is not focused on the general Kenyan but at looking politically- correct and or friendly. This is one reason election promises are never met in the first term, and so often even in the second term.
- (c) **One-term presidency will be ending theft of public money.** There is accelerated theft of public money in the last two years of a first term presidency because of the need to finance re-election. There are more than enough examples such as the unaccounted Euro bond, Anglo-leasing, the Goldenberg scandal, SGR’s lack of value for money amongst many others.
- (d) **Economic meltdown.** One term will also stop the cyclical economic meltdown witnessed during 1992, 1997, 2007, and 2017 elections. An incumbent will be in power during campaigns and will substantively have power to protect the country from mischievous presidential candidates;
- (e) **Reduce wage bill.** The presidency is and has always been very expensive, and draws billions from public coffers. One term will help save public money expended on two presidential elections every five years.

### IV. REDUCE PUBLIC WAGE BILL AND RECCURENT EXPEDITURE.

#### 8. Reduce cost of running parliament from current KES 36.8 billion to less than KES 5 billion per year. This saves tax payers KES 31.8 billion.

**Justification:**

- (a) The money saved will be redirected to development projects at the counties and at Ward levels. Kenyans would prefer infrastructural development as opposed to sinking billions into recurrent expenditure of elected officials, which does not transform their lives.

Furthermore, our current bloated representation does not show any value for money. An MP receives a free car loan, mortgage, sitting allowance and mileage allowances over and above a salary of almost KES 1 million. Travel costs for parliamentarians remains high. This is not prudent use of public money even going by our own Article 201 of CoK 2010.

- (b) The amount expended on Parliament is quite high given that Kenya is still a poor county that is still struggling with debt that currently stands at approximately KES 5.4 trillion. A saving of KES 31.8 billion when invested prudently would easily create millions of jobs for our youth; or would settle the various collective bargaining agreements (CBAs) that government has failed/refused to honor every year. This would avert nurses, doctors' and teachers strikes that have devastating effect to our society and economy.
- (a) Kenyans are still in dire need of basic social amenities, and this money can be redirected to enhancing delivery of services to our largely poor and over-taxed citizens.

**9. Abolish nominations in the National Assembly (except for 6 SIGs), County Assemblies and Senate.**

***Justification:***

- (a) This will reduce cost of running Parliament and the County Assemblies. The money saved from this unnecessary re-current expenditure will be re-directed to development projects, or used to generate employment for millions of unemployed youth.

**10. Stop wastage of public funds and cap salaries of elected leaders to a maximum and consolidated pay of KES 500,000 for the President and KES 300,000 for the MP per month. All elected leaders will not be paid any other allowances (sitting allowance, car grant and Mortgage allowance). SRC to determine salaries of other elected leaders.**

***Justification:***

- (a) It is self-evident that elected officials have been using their positions to ***advance personal gains***. Parliamentarians have severally and in the past, united to increase their salaries and benefits, e.g., the recent 700% increase on their pension. Working in the public service should not be an avenue for self-enrichment; it ought to be service to society. Those who desire hefty pay should either go into business or join the corporate world.
- (b) Parliamentarians have been drawing ***hefty sitting allowances*** besides being publicly salaried employees. These payments are just but legalized theft of public money. Public service should be made unattractive for those hell-bent on making money; it should instead be made attractive for those who truly want to serve and give back to society.
- (c) Elective positions are voluntary jobs and it is in-order that elected officials do not use their delegated power to ***enrich themselves*** at the expense of development;
- (d) Elected leaders with qualifications and capacity to earn higher monthly salaries or incomes can seek employment in the ***corporate sector*** or engage in business;
- (e) ***Kenya is in dire need of servant leadership***. Elected leaders must be the people's servants. Leadership must be a calling and not a means of generating wealth per se.

- 11. Abolish the position of Deputy Governor. The Governor to nominate from among the duly vetted and appointed County Executive Officers, one of them to be his principal Assistant for purposes of administration. In the unlikely event of the position of Governor falling vacant, the Governor to be elected in a fresh by-election.**

***Justification:***

- (a) All Deputy Governors are redundant without any clear roles in the county.
- (b) This will eliminate political tension and competition between the Governor and his Deputy that has over time proved to be very injurious to delivery of services, and the smooth running of county affairs;
- (c) This will also eliminate political alignment and conniving between the Deputy Governor and his Governor on the one hand, and with MCAs on the hand. The two positions have been a source of political tension and also one reason why County Assemblies have been incited to impeach the Governor.
- (d) This will also reduce the wage bill of counties, and all costs associated with the office of Deputy Governor.

- 12. Constitutional commissions to comprise of not more than 5-part time members who will be sitting on a necessity basis and shall be paid a sitting allowance per sitting as will be set by the SRC**

***Justification:***

- (a) This will cut down the huge wage bill together with other attendant costs, amongst others, security, pension, vehicles, gratuity, hefty salaries and travel. Constitutional Commissions must operate like commercial companies or parastatal boards. The commissioners should be sitting on a need basis. Our National Universities are ran by councils that sit on a need- basis.
- (b) There is no justification for having salaried commissioners whereas they are not involved in the daily operations of their respective organizations. Commissioners, like directors, are meant to oversee policy implementation and this does not need to be full time; what we need is to strengthen secretariats of the various commissions;
- (c) Kenyans will save millions of shillings once this is implemented. The money saved can be re-directed to development and other services

**V. ENFORCE INTEGRITY, END CORRUPTION & THEFT OF PUBLIC MONEY**

- 13. Amend Chapter 6 of the Constitution to automatically adopt recommendations of public inquiry and audit reports and bar all adversely mentioned individuals from holding any public or state office. This will end both impunity and corruption and instill a culture of accountability for those serving in the public service.**



***Justification:***

- (a) It will end impunity in Kenya, and make theft of public money and impunity a costly affair
- (b) It will end Corruption and theft of public money;
- (c) It will ensure Kenyans get value for money in all public projects;
- (d) It will weed out bad apples from public and state offices;

**14. Corruption and theft of public resources cases to be tried within 30 days and all appeals to be exhaustively concluded within 15 days.**

***Justification:***

- (a) This will speed up trials of corruption and theft of public money will give confidence to businesses, as well investors who will see Kenya as the best destination owing to severe punishment of corruption. This goes into the heart of better governance, which is the best attraction for investment;
- (b) I will deter corruption and theft of public money;
- (C) Establish special corruption and theft of public money courts

**15. Impose a life sentence for suspects convicted of corruption and theft of public funds. No presidential pardon and amnesty will be applicable in those cases.**

***Justification:***

- (a) Theft of public money is a national disaster, which denies the majority development. Theft of public money, especially from such institutions as hospitals, schools, etc., is more than murder; it is mass murder. Such perpetrators are therefore undesirable members of our society.
- (b) Corruption and theft of public resources has become an institutionalized crime; we must break the chain;
- (c) Theft of public money has led to stagnated development denying Kenyans essential services over the years;
- (d) Enhance severe punishment of the thieves of public resources;

**VI. REDUCE COST OF RUNNING ELECTIONS & REGISTRATION OF VOTERS**

**16. Every Kenyan at the age of 18 and who acquires a national identity card shall be deemed to be a fully registered voter for purposes of elections and referenda.**

***Justification:***

- (a) This will save Kenyans and IEBC billions of shillings for the continuous registration of voters. Evidently, national identity card and or passport is the commonly used document for voting at elections, and not the voter registration card. With proposals to modernize voting including but not limited to use of electronic voting, all we need to do is to ensure that we have a trusted register of Kenyan adults duly entered into a national register that IEBC can sync with its systems for purposes of elections;
- (b) The cost of voter registration runs into tens of billions of shillings every five years;
- (c) This will stop wastage of public funds by creating yet another government register when we already have one by the National Bureau for the registration of persons;

- (d) This will also help to maintain a single citizen database that can be improved and updated with ease for use as a voter register;

Dated the .....day of.....2019

.....  
**Ekuru Aukot**  
**Party Leader**  
*For and on Behalf of:*  
**Thirdway Alliance Kenya**



# REPORT OF THE AD HOC COMMITTEE ON THE APPLICATION FOR CONFERMENT OF CITY STATUS TO NAKURU MUNICIPALITY



<b>Table of Contents</b>		<b>Page</b>
	List of Figures.....	iv
	List of Tables.....	iv
	Acknowledgements.....	v
<b>1</b>	<b>INTRODUCTION .....</b>	<b>7</b>
<b>2</b>	<b>BACKGROUND INFORMATION.....</b>	<b>9</b>
<b>3</b>	<b>METHODOLOGY.....</b>	<b>15</b>
<b>4</b>	<b>SUBMISSIONS OF STAKEHOLDERS BEFORE THE AD HOC COMMITTEE .....</b>	<b>16</b>
<b>4.1</b>	<b>Justification by the proponents .....</b>	<b>17</b>
<b>4.1.1</b>	<b>Submissions of Nakuru Municipal Board.....</b>	<b>17</b>
<b>4.1.2</b>	<b>Submission of the Department of Land, Housing and Physical Planning.....</b>	<b>23</b>
<b>4.1.3</b>	<b>Submissions of the Department of Water, Environment and Natural Resources .....</b>	<b>31</b>
<b>4.1.4</b>	<b>Submissions of the Department of Roads, Transport and Infrastructure .....</b>	<b>32</b>
<b>4.1.5</b>	<b>Submissions of the Department of Health Services.....</b>	<b>34</b>
<b>4.1.6</b>	<b>Submissions of the Department of Trade and Industrialization.....</b>	<b>37</b>
<b>4.1.7</b>	<b>Submission of the Department of Public Service, Training and Devolution .....</b>	<b>38</b>
<b>4.1.8</b>	<b>Submission of the Department of Education, ICT and E-Government .....</b>	<b>39</b>
<b>4.1.9</b>	<b>Submission of the Department of Finance and Economic Planning.....</b>	<b>40</b>
<b>4.1.10</b>	<b>Submission of the Department of Agriculture, Livestock and Fisheries .....</b>	<b>41</b>
<b>4.1.11</b>	<b>Submission of the Department of Youth, Sports, Gender, Culture and Social Services ..</b>	<b>43</b>
<b>4.2</b>	<b>Submissions of County Utility Providers .....</b>	<b>48</b>
<b>4.2.1</b>	<b>Submissions of Nakuru Water and Sanitation Services Company Limited (NAWASSCO).....</b>	<b>48</b>
<b>4.2.2</b>	<b>Submissions of Nakuru Rural Water and Sanitation Company Limited (NARUWASCO) ..</b>	<b>49</b>
<b>4.3</b>	<b>Submissions of State Corporations.....</b>	<b>50</b>
<b>4.3.1</b>	<b>Submissions of Kenya Rural Roads Authority (KeRRA).....</b>	<b>50</b>
<b>4.3.2</b>	<b>Submissions of Kenya National Highways Authority (KeNHA).....</b>	<b>51</b>
<b>4.3.3</b>	<b>Submissions of Kenya Power and Lighting Company.....</b>	<b>53</b>
<b>4.3.4</b>	<b>Submissions of Rift Valley Water Works Development Agency (RVWWDA).....</b>	<b>54</b>
<b>4.4</b>	<b>Submissions of Professional Groups.....</b>	<b>59</b>
<b>4.4.1</b>	<b>Submissions of Institution of Surveyors of Kenya.....</b>	<b>59</b>
<b>4.4.2</b>	<b>Submissions of the Architectural Association of Kenya (AAK) .....</b>	<b>61</b>
<b>4.4.3</b>	<b>Submissions of Kenya Institute of Planners .....</b>	<b>61</b>
<b>4.4.4</b>	<b>Submissions of Kenya Pharmaceutical Association Nakuru branch.....</b>	<b>62</b>

4.4.5	Submissions of the Law Society of Kenya.....	63
4.5	Submissions of Residential Associations.....	63
4.5.1	Submissions of Milimani Residents Association.....	63
4.5.2	Submissions of Naka Residents Association.....	64
4.5.3	Submissions of All Homes Shabab Association.....	64
4.6	Submissions by Business Umbrella Groups.....	65
4.6.1	Submission of the Kenya National Chamber of Commerce and Industry.....	65
4.6.2	Submissions of Nakuru Business Association (NBA).....	66
4.6.3	Submissions of Kenya Association of Manufacturers.....	66
4.6.4	Submissions of Matatu Owners Association (MOA), South Rift.....	68
4.6.5	Submissions of Nakuru Informal Traders.....	69
4.6.6	Submissions of Boda Boda Operators.....	70
4.7	Submissions of Members of Parliament Nakuru County MPs Caucus & Senator.....	70
4.8	Submissions of Nakuru Workers Union.....	77
4.9	Submission of Mr. Edward Kings Onyancha Maina.....	78
4.10	Submissions of Mr. Munyaka Muthura Baru.....	78
4.11	Submissions of Mr. Daniel Murugu.....	79
5	ISSUE FOR DETERMINATION BY THE AD HOC COMMITTEE.....	81
5.1	Whether Nakuru Municipality meets the minimum requirement to be conferred with City Status as set out in section 5 of the Urban Areas and Cities (Amendment) Act 2019.....	81
6	Analysis of Stakeholders' Submissions.....	96
6.1	Proponent.....	96
6.2	Stakeholders who out rightly rejected the conferment of City Status to Nakuru Municipality with reasons.....	96
6.3	Stakeholders who support the conferment of City Status to Nakuru Municipality with some citing areas that should be addressed.....	96
6.4	Stakeholders who proposed that the conferment of City Status to Nakuru Municipality be deferred for a period of years with reasons.....	96
6.5	Service Providers and County Departments which made submissions on ongoing services and proposed projects in preparedness to conferment of City Status to Nakuru Municipality.....	96
7	CHALLENGES.....	98
8	EMERGING ISSUES AND RECOMMENDATIONS.....	99
9	CONCLUSION.....	101

## List of Figures

Figure 1: Nakuru Municipality Boundaries (2009) .....	9
Figure 2: Integrated Strategic Urban Development Plan for Nakuru town 2014-2034.....	25
Figure 3: Nakuru County Vision, ‘the Eco-Friendly City’ .....	26
Figure 4: Integrated Strategic Urban Development Plan area in square kilometres.....	27
Figure 5: Nakuru CBD, current and proposed infrastructural developments.....	28
Figure 6: Examples of Non-Motorised Transport Facilities and Complete Street Concepts for the proposed Nakuru City .....	28

## List of Tables

Table 1: An illustration on how the Municipality of Nakuru has met the set criteria to City status .....	18
Table 2: Proposed Construction and Upgrading of Sewer System in Nakuru Municipality .....	31
Table 3: Current ICT projects under implementation.....	40
Table 4: Nakuru Municipality Revenue Collection Report for FY 2016/17, 2017/18 & 2018/19 .....	41
Table 5: List of Street Child Protection stakeholders.....	47
Table 6: Proposed Construction and Rehabilitation of Water Reticulation System in Nakuru Town .....	49
Table 7: Road links estimated as 392.8 km under the region are as tabulated below.....	52
Table 8: Performance Based Maintenance of National Trunk Roads Linking Nakuru County .....	52
Table 9: Expected Future Projects within Nakuru .....	53
Table 10: Water Projects that may be funded in to improve the water situation in Rongai .....	57
Table 11: Water Projects that may be funded to improve the water situation in Nakuru West .....	57
Table 12: Water Projects that may be funded to improve the water situation in Bahati .....	58
Table 13: Water Projects that may be funded to improve the water situation in Nakuru East.....	58
Table 14: Table demonstrating analysis of the services as per the First Schedule of UACA .....	81

## Acknowledgements

The Ad Hoc Committee wishes to thank H.E Hon. Lee Kinyanjui for constituting the Ad Hoc Committee for consideration of conferment of City Status to Nakuru Municipality. The members of the committee were drawn from different professions and wish to thank their respective nominating institutions.

The committee thanks the members of Parliament Nakuru County MPs Caucus and Senator for appearing before the committee to make their submissions.

The committee appreciates the Departments of County Government of Nakuru which appeared before the committee and made submissions including written memorandum. These departments include: Department of Land, Housing and Physical Planning; Department of Public Service, Training and Devolution; Department of Water, Environment and Natural Resources Department of Trade and Industrialization; Department of Health; Department of Roads, Transport and Infrastructure; Department of Education, ICT and E-Government; Department of Agriculture, Livestock and Fisheries; Department of Youth, Sports, Gender, Culture and Social Services.

The committee also recognizes state corporations that appeared before it. They include Kenya Rural Roads Authority; Kenya Urban Roads Authority; Kenya National Highway Authority; Rift Valley Water Works Development Agency and Kenya Power and Lighting Company.

The committee expresses gratitude to the following business umbrella groups who made their submissions: Nakuru Business Association; Kenya Association of Manufacturers; Kenya National Chamber of Commerce and Industry; Nakuru Informal Traders; and Boda Boda Operators. We also thank the following resident associations for making the submissions: Naka Residents Association; Milimani Residents Association and All Homes Shabab Association.

The committee thanks Nakuru county utility service providers including Nakuru Water and Sanitation Services Company Limited; and Nakuru Rural Water and Sanitation Company Limited for making their submissions.

We acknowledge different professional groups which appeared and made submissions before us including the Institution of Surveyors of Kenya, Law Society of Kenya, Architectural Association of Kenya, Kenya Institute of Planners and the Kenya Pharmaceutical Association.

Special thanks go to the Nakuru Municipal Board members who appeared before the committee to make their submissions.

Finally, the committee appreciates the secretariat who included Mr. Victor Kanyaura, Mr. Benson Topoika Ole Kipenju, Ms. Jane Muriuki, Ms. Elizabeth Munyui, Ms. Naomi

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# 1 INTRODUCTION

Before the promulgation of the Constitution of Kenya in 2010, Kenya had a centralized system of government. This system of government was headed by the President who was assisted by a Provincial Administration system that ran from provinces to the villages in Kenya. Local Authorities were established for purposes of delivering services and development to the people of Kenya.

Kenya's first formal Local Authority was established in 1902. However, over time, the number of Local Authorities increased. Before the promulgation of the Constitution of Kenya in 2010 and the enactment of the Urban Areas and Cities Act in 2011, the management of urban areas and cities in Kenya was governed by the provisions of Local Government Act, Cap 265 Laws of Kenya (now repealed). Under the said legislation, urban areas and cities were categorized as follows: City, Municipality and Town.

On 27th August 2010, Kenya promulgated a new constitution that introduced a new system of governance. The devolved system of government assigns sovereignty to national and sub-national governments by distributing power and resources between the two levels. In Kenya, these two levels of government are the national government and the county government. The two are distinct and inter-dependent although they conduct their affairs based on mutual consultation and co-operation. To that end, the functions of the various levels of government are as set out under the Fourth Schedule of the Constitution of Kenya 2010.

The devolved system of governance in Kenya is exemplified by Article 6 of the Constitution which provides: "The territory of Kenya is divided into the counties specified in the First Schedule" The guiding principles of devolution are as set out under Article 174 of the Constitution which include: to promote democratic and accountable exercise of power; to foster national unity by recognizing diversity; to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them; to recognize the right of communities to manage their affairs and to further their development; to protect and promote the interests and rights of minorities and marginalized communities among others.

In furtherance of the principles of giving powers of self-governance to the people and recognizing the right of communities to manage their affairs, county governments are mandated to decentralize their functions and the provision of their services to the extent that it is efficient and practicable to do so. Urban areas and cities including municipalities are further decentralized units of county governments.

Together with the devolved system of governance, the constitution of Kenya introduced a new legal framework on the governance and management of urban areas and cities including municipalities. Article 184 of the Constitution mandated parliament, within one (1) year of the date of the promulgation of the Constitution, to enact a legislation providing for among other

things the criteria for classifying areas as urban areas and cities; establishing the principles of governance and management of urban areas and cities and to provide for participation by residents in the governance of urban areas and cities. The said legislation was also intended to provide for a mechanism to provide for identifying the different categories of urban areas and cities and their governance. The legislation contemplated by the framers of the Constitution of Kenya 2010 was enacted in 2011.

Currently, there are only three incorporated Cities namely Nairobi which is the Capital City of the Republic of Kenya; Mombasa, the second-largest city and Kisumu. However, there are numerous Municipalities and towns with significant urban populations. Nakuru Municipality is Kenya's largest followed closely by Eldoret.

## 2 BACKGROUND INFORMATION

Nakuru Municipality is the fourth-largest urban area in Kenya after Nairobi, Mombasa and Kisumu. It is the Headquarters of Nakuru County and former Headquarters of the Rift Valley Province. It lies about 1850 meters above sea level northwest of Nairobi in the Great Rift Valley. Nakuru Municipality covers 348.6 km<sup>2</sup>.

Nakuru County was ranked the second-highest contributor to Kenya's GDP with an average of 6.1 per cent between 2013 and 2017 after Nairobi City County according to the Kenya National Bureau of Statistics (KNBS) Gross County Product 2019. Nakuru contribution to Kenya's GDP has consistently increased as follows: 2013 (5.4%), 2014 (5.7%), 2015 (6.0%), 2016 (6.6) and in 2017 (6.9%)<sup>1</sup>. Nakuru Municipality generated 54% (Ksh 996,448,592) of the total county revenue amounting to Ksh 1,853,568,732.80 in the 2018/19 FY.

According to the 2009 Kenya Population and Housing census, Nakuru town had 367,183 inhabitants.<sup>2</sup> KNBS 2017 population projection by urban areas projected Nakuru Municipality population to be 405,276 by the year 2018. UN-Habitat cited Nakuru Town as the fastest-growing urban area in East and Central Africa (Thomas Melin, 2010). Urbanization causes changes in social and environmental conditions with most of these changes impacting on the efficient provision of essential services such as water and sanitation.

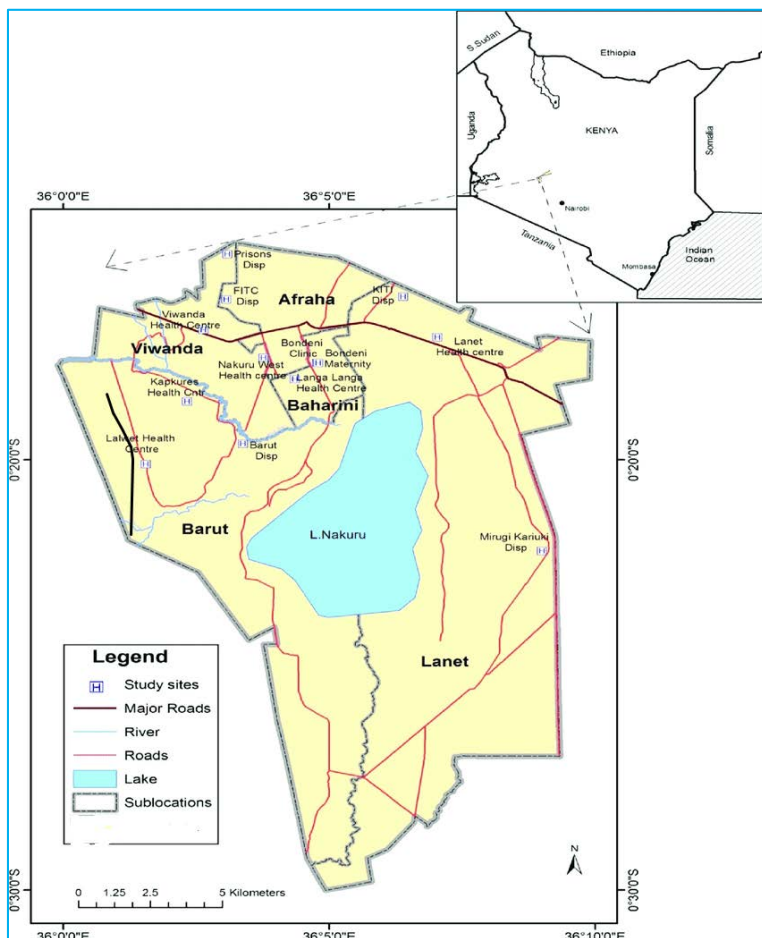


Figure 1: Nakuru Municipality Boundaries (2009)

Although urbanization is one of the inevitable results of development, it also leads to many undesirable outcomes, such as increasing demand for the services of urban infrastructures. Urbanisation is proceeding rapidly as an urban population in Nakuru Municipality continues to grow and expand. The Kenya Urban Areas Performance Index Report 2017 by the Institute for Economic Affairs (IEA) analysed the six largest urban areas based on three areas, namely: service

<sup>1</sup> Ibid

<sup>2</sup> Ibid

delivery, conditions for investment and governance using 67 indicators.<sup>3</sup> The report indicates that it is easier to start a business in Nakuru town compared with five other populous urban areas in Kenya because of a reduced tax burden at an overall score of 89 in the tax sub-cluster followed by Eldoret (78) and Machakos (67) respectively.

Nakuru Municipality was recently conferred with Municipal Status as per the requirements of the Urban Areas & Cities (Amendment) Act, 2019. It now has a municipal board which has made its resolution to the Nakuru County Executive Committee that Nakuru Municipality meets the criteria for conferment of City status pursuant to the Urban Areas and Cities (Amendment Act) 2019.

## **LEGAL AND POLICY FRAMEWORK**

The preparation of this report and the process of application for conferment of city status took into account the constitutional aspirations and principles as well as the attendant laws, Kenya Vision 2030 aspirations and the policy aspirations of the National Urban Development Policy.

Conferment of City status is anchored on legislation and policy frameworks as enumerated herein below: -

### **i) The Constitution of Kenya 2010**

Article 2 of the Constitution provides that the Constitution is the supreme law of the Republic of Kenya and binds all persons and all State organs at both levels of government. Article 184 of the Constitution of Kenya 2010 mandated parliament to enact a legislation to provide inter alia the criteria for classifying areas as urban areas and cities; establishing the principles of governance and management of urban areas and cities and to provide for participation by residents in the governance of urban areas and cities within one year of the promulgation of the Constitution.

### **ii) County Government Act 2012**

Parliament enacted the County Governments Act 2012 to provide for County Governments' powers, functions and responsibilities to deliver services. Section six of the Act obligates County Governments as entities exercising constitutional authority to delegate any of its functions to its officers, decentralized units or other entities within the county. Further the act in section 48 establishes urban areas and cities as part of the decentralized units which counties ought to establish.

### **iii) The Urban Areas and Cities (Amendment) Act, 2019**

Parliament enacted the Urban Areas and Cities Act in the year 2011 which legislation had an effective date falling after the first elections held under the Constitution of Kenya 2010 and subsequently amended in 2019.

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<sup>3</sup> Mutua, John & Wamalwa, Noah. (2017). Kenya Urban Areas: Performance Index Report 2017. Retrieved from: <https://www.ieakenya.or.ke/publications/research-papers/kenya-urban-areas-performance-index-report-2017> Accessed on 6th August, 2019.

**The FIRST SCHEDULE of UACA (Amendment) Act 2019** sets out the criteria for classifying an urban area. In classifying an area as a City, regard shall be had to the ability to provide the following services and also the existence of the services required to be provided by the National Government: -

- i. City — (Population: at least 250,000)
- ii. Planning and Development Control
- iii. City Economic Development Plan
- iv. Traffic Control and Parking
- v. Water and Sanitation
- vi. Street Lighting
- vii. Outdoor Advertising
- viii. Cemeteries and Crematoria
- ix. Public Transport
- x. Library services
- xi. Storm Drainage
- xii. Ambulance Services
- xiii. Heath Facilities
- xiv. Fire Fighting and Disaster Management
- xv. Control of Drugs
- xvi. Sports and Cultural Activities
- xvii. Electricity and energy provision (gas, kerosene, biomass etc)
- xviii. Abattoirs
- xix. Refuse Collection
- xx. Solid waste management
- xxi. Pollution(Air, water and soil) control
- xxii. Child Care Facilities
- xxiii. Pre-Primary Education
- xxiv. Local Distributor Roads
- xxv. Conference Facilities
- xxvi. Community Centres
- xxvii. County Hospital
- xxviii. Constituent University Campuses
- xxix. Polytechnic
- xxx. National School
- xxxi. Stadium
- xxxii. Airport
- xxxiii. Airstrip
- xxxiv. Theatre
- xxxv. Library Service
- xxxvi. Administrative Seat
- xxxvii. Financial Hub
- xxxviii. Museum
- xxxix. Historical Monument
- xl. Fire Station

- xli. Emergency Preparedness
- xlvi. Postal services
- xlvi. Funeral Parlour
- xliv. Recreational Parks
- xliv. Management of Markets
- xlvi. Animal control and welfare
- xlvi. Religious Institution
- xlvi. Organised Public Transport
- xlvi. Information, Communication and Technology services
  - l. Telecommunication services

#### **iv) Kenya Vision 2030**

The Government of Kenya has recognized the need to manage urbanization as part of its overall development strategy. Kenya Vision 2030 highlights rapid urbanization as one of four key challenges facing the country. Within the over-arching framework of Vision 2030, the urbanization component of the Third Medium Term Plans (MTP2) 2018-2022 aims to facilitate a sustainable urbanization process through an integrated urban and regional planning management framework of Kenyan urban areas. Aligned to that goal, the MTP identifies a series of investment programs to enhance infrastructure, connectivity, accessibility, safety and security. Vision 2030 further recognizes that developing the basic institutions required for effective urban management is critical to delivering these investments and for urbanization to contribute to sustainable growth in Kenya.

#### **v) Kenya National Urban Development Policy**

The Kenya National Urban Development Policy (NUDP), formally launched in early 2016 seeks to develop a system of competitive, environmentally sustainable, well-linked integrated urban networks. It focuses on ensuring consistent productivity growth. The policy framework notes limitations among urban areas, leading to inefficient service provision, and the current lack of integration of sectoral and urban plans leading to weak rural-urban linkages. Further, it recognizes that the existence of weak approaches to planning and service provision which are manifested into siloed planning practices, weak synergy building, and limited use of multi-sectoral coordination. This situation leads to inefficient, ineffective, and unproductive planning and service level outcomes.

The urban vision captured in the policy framework, therefore, calls for institutional and policy reforms to leverage the economic benefits of improved connectivity, urban governance, and urban infrastructure.

Its priorities are: -

- a) Preventing the spread of informal settlements on the periphery of cities and other urban areas.
- b) Removing constraints on the supply of land and housing finance.
- c) Providing well-targeted housing assistance and livelihood programmes, and;
- d) Repositioning urban institutions as competent and accountable service providers with proper financial/human resources capacity.
- e) Ensuring good working relationships between national, county and urban areas.

#### **vi) Integrated Structure Urban Development Plan (ISUDP)**

Integrated urban planning is a modern planning approach close connected with the complex nature of cities and the necessity of creating sustainable and resilient settlements. Research has shown that the implementation of integrated urban planning is directly connected to the socio-economic conditions, legal frameworks, technology, and professional and educational potentials of societies, which differ for each country.

The Integrated Strategic Urban Development Plan (2014 -2034) for Nakuru Municipality is a long term spatial development framework for the Municipality, intended to guide the growth

of the Municipality for a period of 20 years up to the year 2034. The plan will also serve as the basis for development control. Implementation of the ISUDP is expected to provide solutions to most of the concerns critical to the development of Nakuru Municipality. It is therefore expected that the plan proposals will be a significant step towards achieving the development vision of Nakuru.



### 3 METHODOLOGY

This section describes the approach adopted by the committee to execute its legal mandate as per section 8 of the Urban Areas and Cities (Amendment) Act 2019 and the terms of reference. It also describes the approach taken by the committee to seek stakeholders and public submissions on the conferment of City Status to Nakuru Municipality.

#### **Publication of notices**

Relevant professional groups, parastatals, political leaders, County Departments and other stakeholders were sent invitation letters to make submissions to the Ad Hoc Committee on conferment of City Status to Nakuru Municipality on 18<sup>th</sup> June 2019. Further, a public notice was published on 24<sup>th</sup> June 2019 in the Standard Newspaper inviting members of the public and key stakeholders to make submissions before the committee. Besides, members of the public and other interested stakeholders were requested to send written memoranda to the committee.

The committee conducted site visits to various installations and facilities of interest within the Municipality. Thereafter, it received oral and written submissions from various stakeholders.

The committee sittings started on Tuesday, 25<sup>th</sup> June 2019 and were concluded on 11<sup>th</sup> July 2019. The committee then retreated to write this report.

## 4 SUBMISSIONS OF STAKEHOLDERS BEFORE THE AD HOC COMMITTEE

This section contains a summary of submissions made orally and/or in writing by stakeholders who appeared before the Committee.

The committee heard and received oral and/or written submissions from the following stakeholders: -

- 1) The Nakuru Municipal Board
- 2) County Department of Land, Housing and Physical Planning
- 3) County Department of Water, Environment and Natural Resources
- 4) County Department of Health Services
- 5) County Department of Roads, Transport and Infrastructure
- 6) County Department of Trade and Industrialization
- 7) County Department of Public Service, Training and Devolution
- 8) County Department of Education, ICT and E-Government
- 9) County Department of Finance and Economic Planning
- 10) County Department of Agriculture, Livestock and Fisheries
- 11) County Department of Youth, Sports, Gender, Culture and Social Services
- 12) Kenya Institute of Planners
- 13) Kenya Pharmaceutical Association
- 14) Architectural Association of Kenya
- 15) Matatu Owners Association
- 16) Informal Sector
- 17) Members of Parliament Nakuru County MPs Caucus & Senator
- 18) Naka Residents Association
- 19) Nakuru County Workers Union
- 20) Institution of Surveyors of Kenya
- 21) Milimani Residents Association
- 22) Boda Boda Operators
- 23) Kenya Association of Manufactures
- 24) Kenya National Chamber of Commerce and Industry
- 25) Nakuru Business Association
- 26) Kenya Power and Lighting Company
- 27) Kenya National Highways Authority (KeNHA)
- 28) Kenya Urban Roads Authority (KURA)
- 29) Nakuru Water and Sanitation Services Company Limited (NAWASSCO)
- 30) Kenya Rural Roads Authority (KeRRA)
- 31) Nakuru Rural Water and Sanitation Company Limited (NARUWASCO)
- 32) Rift Valley Water Works Development Agency (RVWWDA)
- 33) Law Society of Kenya
- 34) All Homes Shabab Association
- 35) Mr. Edward Kings Onyancha Maina
- 36) Mr. Munyaka Muthura Baru
- 37) Mr. Daniel Murugu

## 4.1 Justification by the proponents

### 4.1.1 Submissions of Nakuru Municipal Board

The submission was done by the Nakuru Municipal Board represented by the following members; Mr J.N Kibe, B. Magembe, Jepta Rono, Lawrence Karanja (chairman of the board), Joseph Inoti and Raymond Cheruyot who appeared before the Ad Hoc Committee on 25<sup>th</sup> June 2019.

#### **They Submitted THAT: -**

By the powers conferred by section 9 (1) of the Urban Areas and Cities Act, (No. 13 of 2011) as complemented by section 72 of the Interpretations and General Provisions Act (Chapter 2) and all other enabling provisions of law, the Governor of Nakuru County conferred Municipal status to Nakuru Municipality .

The Board resolved that Nakuru Municipality satisfied the set criteria of section 5 of the Urban Areas and Cities Act and the amendments made to the act thereof and in accordance with section 8(1) of the Urban Areas and Cities Act.

The resolution thereof was guided by the realization that from the onset the Municipality of Nakuru had satisfied the required threshold under the urban areas and cities act to be conferred upon the status of a City.

The resolution was then taken to the County Executive Committee which considered and approved the

recommendation of the municipal board as required by the law. The Governor appointed an Ad Hoc Committee in accordance with section 8 (2) (3) of the Urban Areas and Cities Act to analyse and assess the capacity of Nakuru Municipality to attain City Status.

The Municipal Board was hopeful that the recommendations of the Ad Hoc Committee would be forwarded to the County Assembly of Nakuru by His Excellency the Governor where the house would provide its wisdom and guidance and ultimately provide its approval and forward its recommendation to the senate.

#### **City Status**

The transition from Municipal Status to City Status is well anchored in the Urban Areas and Cities Act, section 5 and the first schedule of the act provide a set criterion that have to be met for the transition to gain traction.



*Mr. Joseph Inoti (left) and Mr. Lawrence Karanja, members of the Nakuru Municipal Board making their submissions*

Table 1: An illustration on how the Municipality of Nakuru has met the set criteria to City status

<b>REQUIRED CRITERIA</b>	<b>ATTAINED</b>
Population of 250,000/=	During the last census in 2009 Nakuru town population was 367,183. <sup>4</sup>
Integrated urban area or City development plan	Preparation of an integrated Urban Development Plan for the Municipality of Nakuru is finalized awaiting approval of the county assembly as per the law.
Capacity to generate sufficient revenue	The local revenue generated in the past three financial years; 2,295,335,146 - 2015/2016 1,960,883,759 - 2016/2017 2,200,000,000 - 2017 /2018  From the above is demonstrable that the Nakuru Municipality has sufficient revenue streams.
Capacity to deliver services	<ul style="list-style-type: none"> <li>• The Municipality has a proper road network which continues to be developed.</li> <li>• It has a conducive parking area that is under construction.</li> <li>• It hosts level 5 hospital</li> <li>• In the Municipality are several county utility providers like Nakuru water and sanitation services company (NAWASSCO)</li> <li>• Municipality has well equipped enforcement unit</li> <li>• A fire station that is currently being upgraded.</li> </ul>
has demonstrable good system and records of prudent management	The Municipality has a good management system that supports its operations.
has the capacity to effectively and efficiently deliver its services to its residents and has in existence, the services provided in the First Schedule	
Traffic Control and Parking	There is adequate parking and the County is in the process of constructing a bus park and a matatu terminus to ease congestion in the CBD.
Ambulance Services	Ambulances are in place providing services to residents across the county.
City economic development plan	This is currently being developed and is at an advanced stage.
Water and Sanitation	Comprehensive water and sanitation strategy have been developed and it's in the process of implementation.

<sup>4</sup> Ibid, iii

Street Lighting	Already in place within the Central Business District and its environs
Outdoor Advertising	This is evidenced within the Central Business District and its environs from billboard to electronic visual displays
Cemeteries and Crematoria	The Municipality has two cemeteries the north cemetery and the south cemetery and the County is in the processes of acquiring land for another cemetery.
Public Transport	Public transport in Nakuru is well developed. The County is planning to put up a bus park and a new matatu terminus.  An interchange has just been completed on the main Nairobi –Nakuru – Nyahururu road
Libraries	The Nakuru Municipality in collaboration with the Kenya library institute has a well-stocked library within the Municipality.
Storm Drainage	Storm drainage exists and is undergoing major upgrades.
Health Facilities	Nakuru Municipality has the provincial general hospital which is a level 5 hospital among other hospitals.
Fire Fighting and Disaster Management	Firefighting station exists and in the process of an upgrade.
Control of Drugs	Through the public health and medical services department, various programs and projects continue to be carried out within the County.
Sports and Cultural Activities	The Municipality has the Hyrax museum, the Lake Nakuru national park and also the Afraha stadium which is currently being upgraded to meet international standards. The Municipality is also a stopover for the rugby circuit the “Prinsloo 7s”
Electricity and energy provision	Available and currently managed by Geothermal Development Company (GDC) and KPLC which has its regional headquarters in Nakuru CBD.
Abattoirs	There are two abattoirs: Kichinjin in Kapkures and the Nakuru County slaughterhouse in Biashara ward.
Refuse Collection Solid waste management	Through the County public health and sanitation department the County has a well-developed collection system and dumpsite properly equipped to process the waste.
Local Distributor Roads	They are present and well maintained by roads and Public works department
Pre-Primary Education	The County has embarked on a serious programme to upgrade the ECD Education in Nakuru with the County recruiting nearly 200 ECD teachers during this financial year alone

Child Care Facilities	They are well developed within the County and the Municipality.
Pollution (water, air and soil) control	Through the inspection department, Nakuru County is in the process of reducing air pollution.  Water conservation programs have also been ongoing with the County.  Most recently the Governor launched a tree planting programme.
Conference Facilities	Nakuru Municipality has the Soilo conferences facilities which are capable of housing a large delegation.  The Nakuru headquarter offices also have adequate conference facilities couple this with the various hotels within the Municipality ranging from Sarova Hotel, Oleken, Merica Etc
County School	Afraha high school; Langa Langa high school, Etc
National School	Nakuru boys and Nakuru girls
Polytechnic	Kenya Medical Training Collage
Constituent University Campuses	Mount Kenya University; Nairobi University; Kabarak University; Egerton University
University	Kabarak University
County Hospital	The Provincial General Hospital is under the management of Nakuru County
Community Centres	There are many community centres including: Bondeni social hall; Kiamunyi social hall; London social hall, Milimani social hall.
Stadium	Afraha stadium is a major facility and is earmarked for upgrading
Postal services	Postal services exist located opposite the Nakuru County enforcement unit offices
Emergency preparedness	Establishment of disaster management center and fire station
Fire Station	Present and currently being upgraded
Historical Monument	Located at the hyrax museum
Museum	Hyrax museum
Financial Hub	<u>BANKS</u> Equity bank Barclays bank Kenya Commercial Bank Standard chartered

	Jamii bora Family Etc <u>INSURANCE COMPANIES</u> Britam Icea lion Old mutual Madison Etc
Administrative Seat	Nakuru Municipality hosts State lodge, County commissioner offices; County headquarters and Regional Commissioners offices.
Library Service	Kenya National Library in the CBD
Theatre	Nakuru players theatre located in the CBD
Airport	Lanet airstrip is earmarked for upgrading to accommodate civilian aircraft.
Funeral Parlour	Umash funeral home; Destiny funeral services
Telecommunication services	Safaricom services regional headquarters Airtel services regional headquarters
Information, communication and technology services	Huawei and calcare (infinix, techno itel) Rift Valley regional headquarters are located in Nakuru CBD
Organized public transport	New matatu terminus and bus are currently under construction
Religious Institution	Several religious institutions including Churches Mosques and Temples exist.
Animal control and welfare	1)Nakuru pet care surgery 2)KSPCA (Kenya Society For The Protection and Care of Animals) Kenya Regional Headquarters
Management of Markets	Currently, the top market is undergoing rehabilitation and an upgrade.
Recreational Parks	Present and currently being upgraded to meet the required international standards

## **Benefits of Elevating Nakuru Municipality to City Status**

### **a. Infrastructural Development**

With the upgrade of Nakuru Municipality to City status comes with substantial development of infrastructure in order to meet the set threshold in the urban areas and cities act. In Nakuru City there will be the construction of an airport, an upgrade of the fire station, stadium and also a major upgrades of the road network and transport services, a new bus park a new matatu terminus rehabilitation of County roads etc

### **b. Economic Growth**

With the growth in infrastructural development in the City, the City will enjoy an economic boost with new businesses and established business setting up their headquarters or branches in the City of Nakuru this will see more employment opportunities within the County and increase in the market for County produce and industries.

**c. Increased Revenue Streams**

The upgrade to City status will introduce new revenue collection streams to the City and county in general, the revenue collected will go a great deal to benefiting the citizens of Nakuru County and the City in general.

**d. Efficient, Effective and Diversification of Services**

With the transition from a Municipality to City status, there will be an increase in the services that will be provided within the County, services will become more efficient and effective with an increase in competition additionally new innovative ways will also be developed in the spirit of competition in the service industry.

**e. Increased Revenue Allocation**

By upgrading to City status comes an increase of the revenue allocated to Nakuru County in general, the City will also have access to loans and grants and donations from various sources, this will ensure the City can carry out more development geared towards making the City an economically, social and politically conducive environment.

**f. Efficient Effective Planning With The City**

With the board solely dedicated to managing the City, this will see efficient and effective planning of transport, education, infrastructure storm drain management, waste management and disposal and all other services within the City.

It is in light of the above, that we kindly seek the committee to arrive at a positive recommendation to realize the attainment of City Status.



#### 4.1.2 Submission of the Department of Land, Housing and Physical Planning

Mr. Francis Mwangi, CECM Land, Housing and Physical Planning Nakuru County appeared before the committee on 11<sup>th</sup> July 2019 to make his submissions.

##### **He submitted THAT: -**

- i) Nakuru Municipality, the Headquarter of Nakuru County was conferred Municipal Status as per the requirements and guidelines of the Urban Areas and Cities (Amendment) Act, 2019.
- ii) The Municipality has a board in accordance with the UACA.
- iii) The Municipal Board held several meetings where the rightful status of the Municipality was discussed. The Board agreed that Nakuru Municipality meets the criteria for a City status and made a resolution that appropriate steps need to be initiated to elevate the status of the urban area.
- iv) That across the world, cities and towns are urbanizing at a very high rate resulting in urban sprawl, population growth and high demand for common services.
- v) High population growth is putting pressure on urban infrastructures such as roads, water, sewerage and public recreational spaces among others. The situation is worse for towns in the developing world which are currently the fastest growing with very little investment in urban infrastructure and other services.
- vi) According to UN-Habitat, over 50 per cent of the world population will be living in urban areas by the year 2050.
- vii) With an annual urbanization rate of 3.2 per cent, Nakuru Municipality is ranked among the fastest urbanizing towns in the world and indeed the fastest in East Africa. For this reason, Nakuru Municipality is a major attraction to both local and foreign investments. This scramble has created pressure on urban infrastructure and services whose capacity cannot commensurate the current demand.

##### **Presentation on Projects/ Activities Coordinated by the department.**

- a. **Stadium**- through Kenya Urban Support Program (KUSP), works for Construction of Afraha stadium is being procured.
- b. **Airport** - Lanet Airstrip will soon be upgraded to accommodate civilian aircraft.
- c. **Theatre** - there already exists a modern Theatre (Nakuru Players theatre)
- d. **Fire Station** - Through Kenya Urban Support Program, works for the construction of Nakuru Central Business District (CBD) fire station and Disaster Management Centre is being procured.
- e. **Drainage** - Works for the construction of stormwater drains along Kia Murogi, Kipkelion and Kinuthia Mbugua Road have already been procured and the contractor will start soon.
- f. **County Spatial Plan** – the plan provides an integrated spatial framework for County sustainable social economic development. The key outputs are: a Spatial Plan; County investment plan; county transportation strategy; county infrastructure and service development strategy; county environment and resource management strategy; county human settlement strategy; county agriculture development strategy and Geographic Information System (GIS) based land information management system (ownership, use and size).

- g. **Housing** - The department is proposing to develop more than 3,000 housing units in five year period through: County government funding, partnering with stakeholders like Co-



*Mr. Francis Mwangi, CECM Land, Housing and Physical Planning making his submissions*

operatives, housing finance institutions, building societies, international financiers and savings and credit co-operative societies (SACCOs).

The Nakuru County Integrated Development Plan and the Integrated Strategic Urban Development Plan for Nakuru and Naivasha have identified the

redevelopment of county housing estates as a key driver of the urban renewal process. They will provide the basic building blocks for the planning process that will ensure that urban fabric receives the requisite attention deserved to ensure sustainable results are achieved.

The objective of the redevelopment programme is to provide a structured tenancy regime ranging from social housing to commercial apartments for existing and new tenants, improve the housing fabric, and ensure the sustainability of the project by utilizing emerging technologies and to increase the housing stock in Nakuru County.

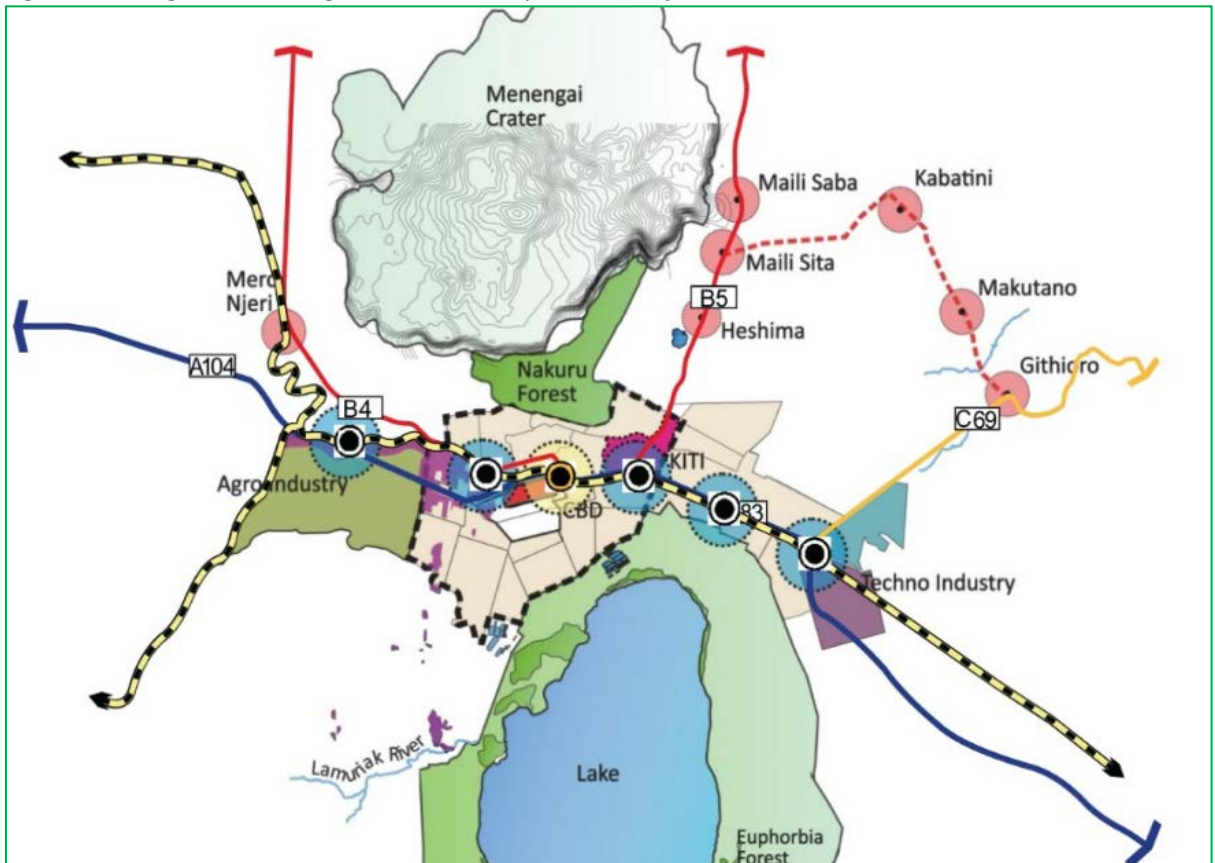
**A case study of Kimathi and Flamingo Estates:** These two estates are in Flamingo Ward of Nakuru East Sub-county occupy 34 acres of land currently valued at One billion Shillings. On this land sits 1512 single rooms in clusters of 24 units sharing 12 door sanitation blocks of communal toilets and showers. The area is 3 kilometres from the CBD with existing paved roads, storm drains, sewer lines and electricity lines. The infrastructure has deteriorated over time due to neglect by the defunct Nakuru Municipal Council. The current maximum rental income is Ksh 1,512,000.00 per month.

### **Redevelopment Proposal**

A redevelopment proposal on the 34 acres based on the upcoming neighbourhoods will result in high-rise apartments comprising bedsitters, one, two and three bedroom units. It is proposed that the existing tenants get the option of acquiring upgraded houses with the balance allocated to new tenants. Up to 3000 units can be achieved.

- h. **The Urban Enforcement Notice (2018)**; Gazette Notice NO.5271. Pursuant to Physical Planning Act (Cap.242), Physical Planning Regulations, National Building Maintenance Policy and the building code regulate compliance to the following: Painting of buildings, improvement of pedestrian walkways, relocation of carwashes, uniform colours for taxis and designated pick up areas and maintenance of drainage around buildings.
- i. **Integrated Strategic Urban Development Plan (2014-2034)** - The department has prepared digital topographical mapping and the preparation of integrated strategic urban development plan for Nakuru town.

Figure 2: Integrated Strategic Urban Development Plan for Nakuru town 2014-2034



## Nakuru City VISION

### “The Eco-Friendly City”

The Nakuru vision is to establish a **well planned, compact, and integrated** City that is **resilient, sustainable, cosmopolitan**, providing a **safe and liveable quality of life** for all its citizens.

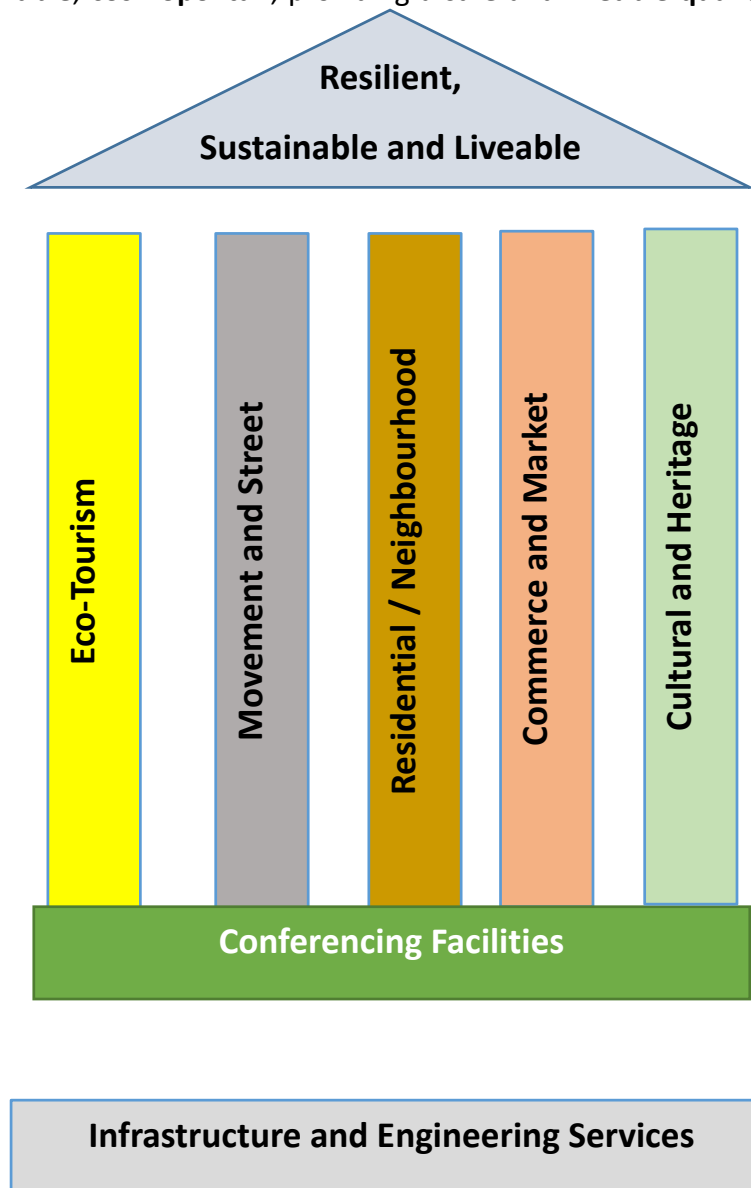
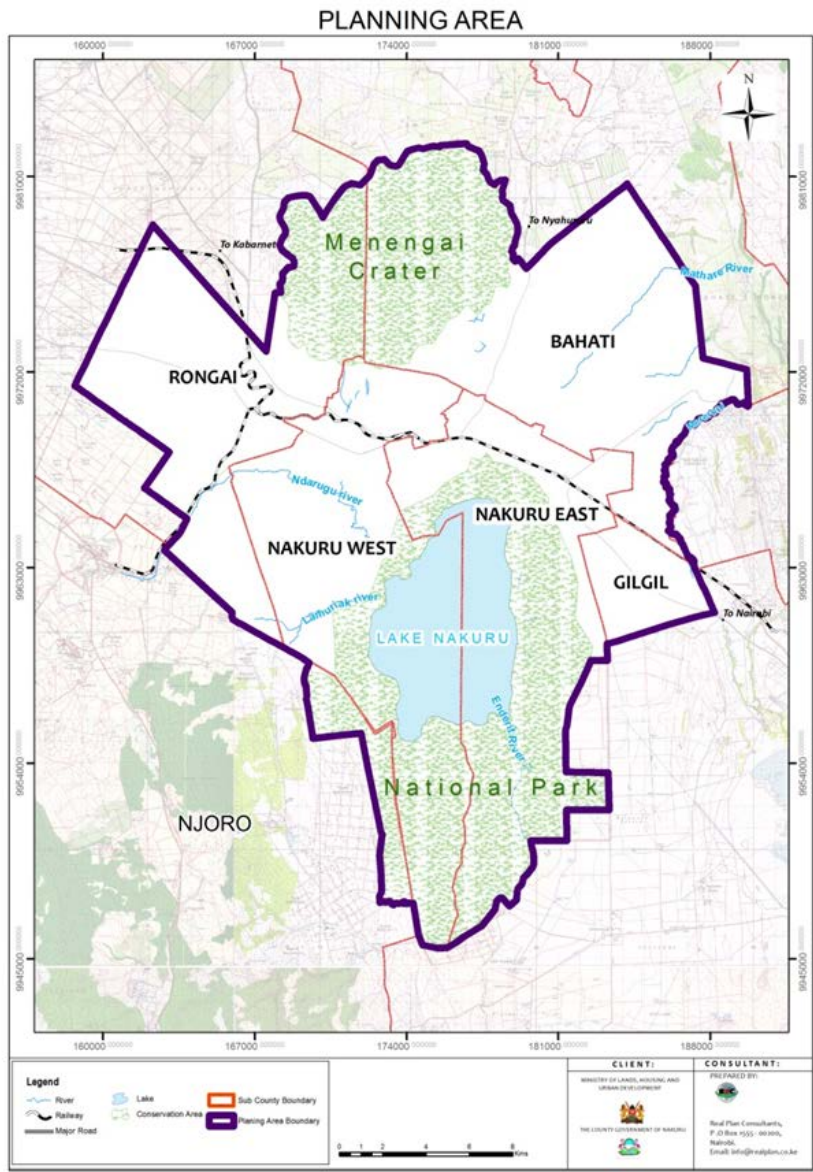


Figure 3: Nakuru County Vision, 'the Eco-Friendly City'

Sub County	Area (km <sup>2</sup> )	%
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Bahati	163	28
Nakuru West	145	24
Nakuru East	162	24
Rongai	122	21
Gilgil	21	3
<b>Total</b>	<b>613</b>	<b>100</b>

Planning area  
 613 km<sup>2</sup>  
 County area  
 7497km<sup>2</sup>

Figure 4: Integrated Strategic Urban Development Plan area in square kilometres



# CBD STRATEGIC INTERVENTIONS

Figure 5: Nakuru CBD, current and proposed infrastructural developments



Nakuru of the future  
A green and walkable town

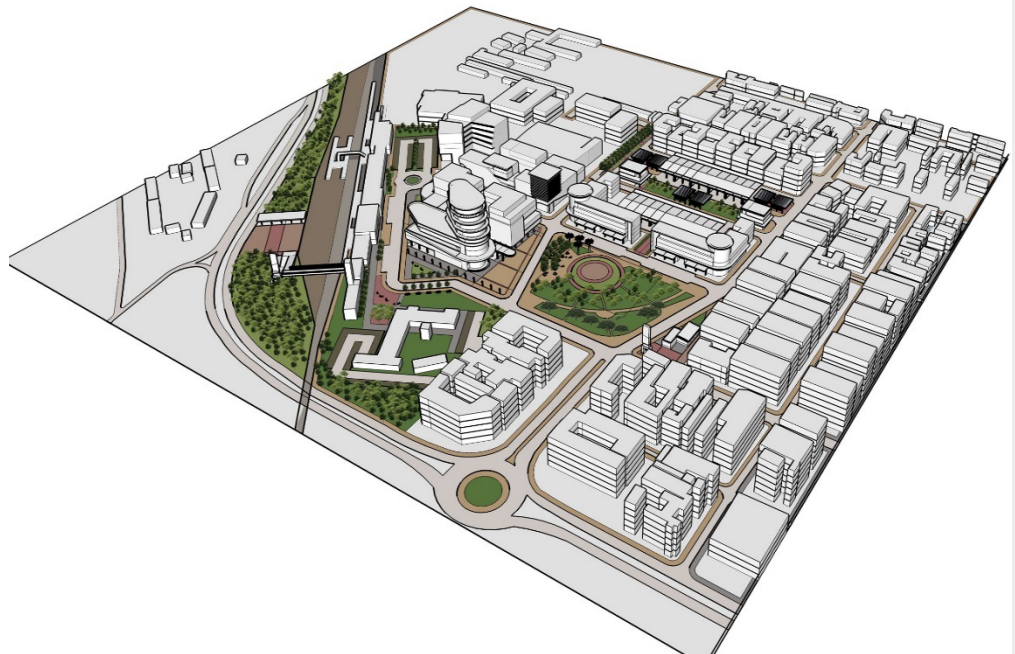
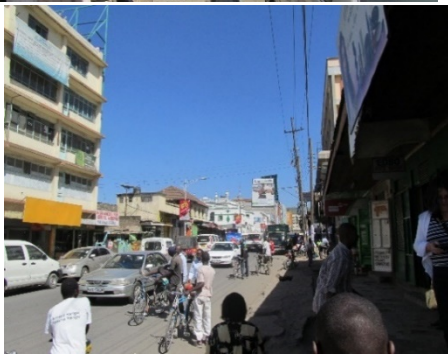
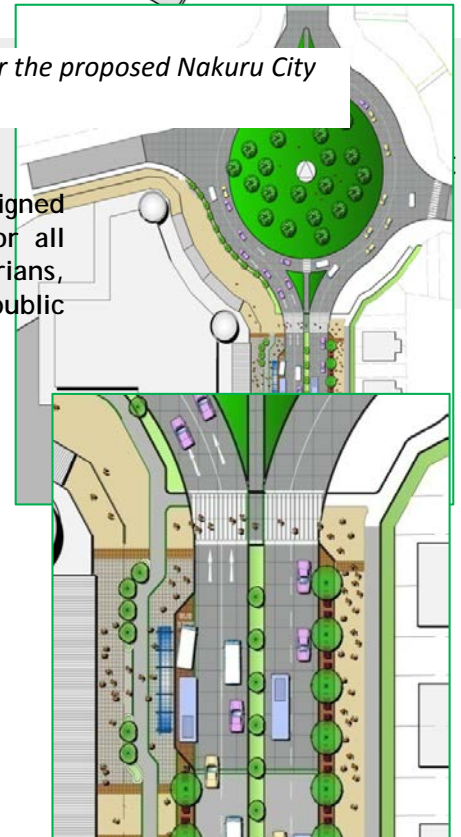
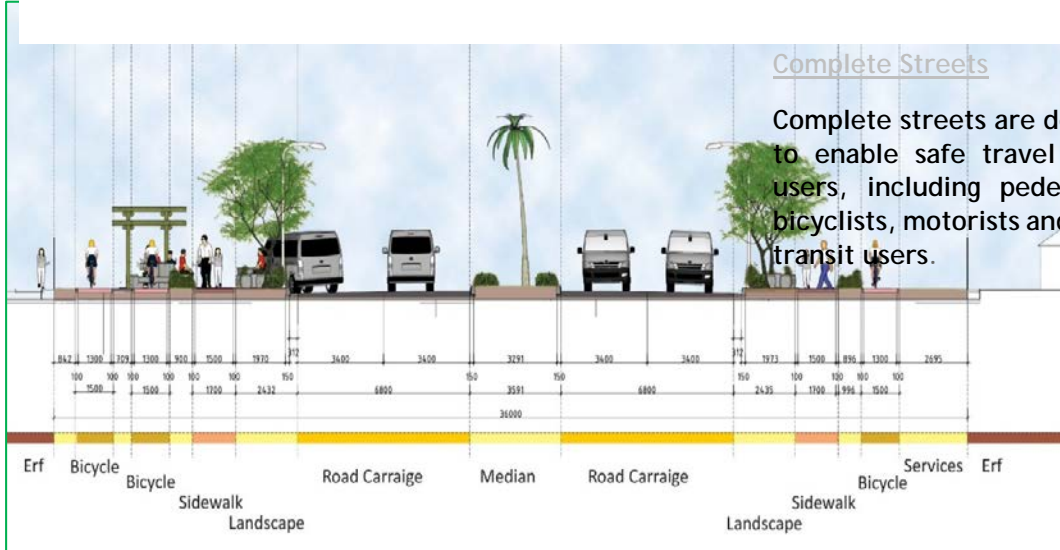


Figure 6: Examples of Non-Motorised Transport Facilities and Complete Street Concepts for the proposed Nakuru City



### **Valuation Roll**

Valuation for rating is a legal process of determining property values by governments for purposes of realizing property rates. Section 3 of the Valuation for Rating Act Cap 266 provides for the preparation of valuation rolls by governments. It specifies that this should be done once in ten years or such period as may be approved. Section 4 of the Act also gives powers to amend the Valuation Roll on a need basis.

The County has prepared a harmonized valuation roll for Nakuru County awaiting approval. The new roll will ensure that:-

- i) The County has a legal document for revenue collection – once approved; the new valuation roll will provide a legal basis for revenue collection.
- ii) All land parcels are captured – the past valuation rolls of the defunct local authorities focused only on urban areas thus leaving out most land parcels in the agricultural areas. Besides, new land parcels subdivided have not been captured in the existing valuation rolls.
- iii) Current land values are reflected – Land values have increased over the past ten years. The current land rates are based on old values. A new valuation roll translates to more revenues for the people of Nakuru. The current land values have also changed due to the rezoning of land.

### **Land Information Management System (LIMS)**

The constitution of Kenya 2010 introduced devolution and formation of the 47 county governments. The enactment of new land laws and the Kenyan constitution 2010 enhanced devolution and a need for digital LIMS and this resulted in the subsequent overhaul of Land Laws to conform to the provisions of the Constitution. Chapter 5 (Land and Environment) and Chapter 11 (Devolution) of the constitution of Kenya 2010 have established the structure of Land Management where the County Governments are expected to support land and information management at the county level.

The County Government Act of 2012, Laws of Kenya, requires that a county planning unit be responsible for ensuring the collection, storage and updating of data and information suitable for the planning process and ensuring the establishment of a Geographic Information System (GIS) based Database. The spatial plans and the GIS Database system are a source of LIMS which enables proper land planning and management. The Land Act no. 6 of 2012, Laws of Kenya, Section 8(a) on Management of Public Land provides that the National Land Commission (NLC) supports the National and County Governments to identify public land, prepare and keep a database, geo-referenced and authenticated by Survey Department and share data with the public and relevant institutions.

The Nakuru county LIMS was developed to enhance a comprehensive review of business process; identify capacity needs and configuring a suitable digital LIMS aimed at modernizing and streamlining land administration, enhancing revenue collection and to improving service delivery through an electronic platform. The development process of Land Information Management System (LIMS) began with user needs evaluation,

collection of data, system design, development and system implementation. The user need evaluation involved getting views of different users and stakeholder on the functions, data and procedures that are desired.

The implementation of the LIMS developed for Nakuru is meant for the integration and modernization of land administration and management functions in addition to enhancing land-based revenue collection and ensuring effective and efficient service delivery. Based on the business process documented in the Needs Assessment including institutional arrangements have been factored in the design, development and implementation of the LIMS. The completed LIMS has been configured and tested for the required robustness in delivering the land management services within Nakuru and Naivasha Municipality areas as the first anticipated phase before rolling out the system to other areas within the county of Nakuru.

### **Land Information Management System Outputs**

- i) The Nakuru county LIMS was developed to enhance a comprehensive review of business process; identify capacity needs and configuring a suitable digital LIMS aimed at modernizing and streamlining land administration, enhancing revenue collection and to improving service delivery through electronic platforms.
- ii) The County LIMS that has been developed will help in reducing corruption, unnecessary bureaucracy through streamlining and putting in place appropriate processes and procedures as all the services will be in an electronic platform. The services will be accessible from the comfort of the citizens' homes and offices without having to visit the public institutions through the use of computers and mobile devices.
- iii) Land transactions will be secure, transparent and straightforward and once completed will reflect the correct status of a parcel in the LIMS and on the ground.
- iv) A web based Land information management system allowing submission and approval of development plans through the internet and interactive map interface, displaying and sharing information on land ownership, tax items and social infrastructure on free/open backgrounds as open street maps, Google maps and others.
- v) An executive Dashboard Office interface for the Governor, Executive committee Members and top level managers of the County.
- vi) LIMS management and operations manual.
- vii) Proposal and recommendation institutional arrangement and protocols for LIMS management.
- viii) A rapid bulk SMS engine to allowing clients to check dues by SMS and for communicating information on invoices, notices, changes, waivers, reminders on land rates to citizens.



#### 4.1.3 Submissions of the Department of Water, Environment and Natural Resources

Eng. Festus Ng'eno appeared before the committee on 24<sup>th</sup> June 2019 and made his submission.

**He submitted THAT: -**

##### **i) Solid Waste Management**

That solid waste collection is done partly by the County Government using the facilities and/or vehicles available. The County has also subcontracted Community Based Organizations (CBOs),



*Eng. Festus Ng'eno (centre), CECM Water, Environment and Natural Resources; Mr. Kiogora Muriithi, CO Environment and Natural Resources and Eng. Joab Tomno, CO Walter making their submissions before the Ad Hoc Committee*

to collect and dispose of solid waste. He, however, observed that not all areas are covered by the above systems. Notably, Nakuru has lost its glory of being the cleanest town in the country and this needs to be restored.

He noted that the only dumpsite, Gioto, is in poor condition. Other challenges linked to solid waste disposal he highlighted included:

- (a). Lack of alternative land for relocation of the dumpsite;
- (b). Lack of awareness and/or willingness to segregate waste at the source;

(c). Lack of ideal trucks for waste transportation

(d). Poor enforcement of waste management policies and legislation.

He recommended that the Integrated Solid Waste Management Feasibility Report which was commissioned by the County should thus be prioritized for implementation.

#### **SANITATION (SEWER SYSTEM AND TREATMENT PLANTS)**

<b>PROJECT TITLE/CODE</b>	<b>PROPOSED CONSTRUCTION AND UPGRADING OF SEWER SYSTEM IN NAKURU CITY</b>
Project Location	<ul style="list-style-type: none"> <li>• Nakuru East Subcounty (Nakuru Teachers, Nakuru Workers/Kiratina, Mama Ngina Phase II and III, Unsurveyed-Section 58, Lake View, Nakuru Blanket, Nagaria, Mediheal Area, Mwariki East and Barnabas</li> <li>• Nakuru West Sub county (London Block 20)</li> </ul>
Project Start Date	• Financial Year 2019/2020
Estimation Capital Expenditure	• Ksh. 800 Million
Estimated Operational Cost	• Ksh. 100 Million
Costing Method Used	Nawassco Business Plan Estimates

*Table 2: Proposed Construction and Upgrading of Sewer System in Nakuru Municipality*

## **Current Status**

The sewer system serves only 27% of the customers and has an estimated total length of 203km while 73% are on onsite technologies where residents rely on shared toilets linked to a sewer. It is estimated that 30% of the population use septic tanks. Private exhausters are registered and licenced by the county government. NAWASSCO has authorized eight (8) private exhausters to discharge into the company's designated area. In the low-income areas, the main type of sanitation facilities is traditional pits and improved pit latrines which is approximately 40%.

### **4.1.4 Submissions of the Department of Roads, Transport and Infrastructure**

Submissions were made by Eng. Lucy Kariuki CECM for Roads, Transport and Infrastructure and Eng. James Ochieng, Director of Roads and Transport who appeared before the ad hoc committee on 25<sup>th</sup> June 2019.

#### **They Submitted THAT: -**

As per the first schedule, Classification of City and Towns by services, under the functions of the Department of Roads, Transport, Public works and Disaster Management as follows: -

##### **i) REVENUE STREAMS**

The main revenue streams for the department include:

- a) Daily street parking fees
- b) Enclosed bus park fees
- c) Taxi
- d) Motor cycle
- e) Tuk tuk
- f) Clamping fees
- g) Compounding and towing of private vehicles
- h) Compounding and towing of Transport Licencing Board (TLB) vehicles
- i) Wayleaves
- j) Reserved parking
- k) Fire inspection certificates

##### **ii) ROADS**

There are five (5) road authorities managing roads of different classes within Nakuru Municipality namely: KeNHA, KURA, KeRRA, KWS and Nakuru County Government.

##### **iii) STORM WATER DRAINAGE**

Nakuru Municipality has a network of approximately 500km of storm water drain. The terrain of the town slope downwards from Menengai crater to Lake Nakuru and storm water drain to the lake. Most of the drains are earth drains thereby causing a lot of siltation. Currently, the department has contracted construction of 3.7km of storm water drain of Kwa Murogi and Kivumbini area funded by the World Bank under KUSP. This is to be implemented by the county government of Nakuru. Prior to Nakuru county government coming on board, designs for construction of 40km of the storm water drainage had been done by a consultant contracted by the ministry of transport, infrastructure, housing, urban development and public works. The cost

of the project at that time was about Kshs 1.6 billion. This will, if implemented reduce clogging in the lower area of the Municipality.

#### **iv) FIRE STATION**

Nakuru town has one fire station operating 24 hours. There is one fire engine, one water boozer



*Eng. Lucy Kariuki (centre), CECM for Roads and Infrastructure and her team (Eng. Muthinga and Director Eng. Ochieng) before the committee*

and 19 fire fighters. There is a need for 4 more fire engines to efficiently respond to fire disasters in the Municipality.

The county has procured an additional fire engine expected to be delivered in 2019. The department is currently carrying out human resource capacity building. Policy formulation is in the process and legislation of statues to guide disaster

management is ongoing.

#### **v) STREET LIGHTS**

Nakuru Municipality currently has a total of 3000 street lights /high mast lights. The cost of maintenance is approximately Kshs 10 Million per month. There is a total of sixteen (16) staff who maintain the streetlights. Most of the new streetlight installations are contracted out.

Nakuru county government partners with various stakeholders including KPLC and KeNHA in maintaining the street lights. The ministry of roads recently purchased a telescopic areal lift to ease maintaining of the street lights. At the moment the department is carrying energy audit to reduce power bills.

#### **vi) Disaster Management**

The department handles the following types of disaster: -

- Fire disaster
- Lightening
- Floods

#### **vii) Challenges**

The major challenge is vandalism of street lights infrastructure.

#### 4.1.5 Submissions of the Department of Health Services

Dr. Kariuki Gichuki, CECM Health Services appeared before the Ad Hoc Committee on 24<sup>th</sup> June 2019 to make his submissions.

##### **He submitted THAT: -**

The Department of Health, Nakuru County is mandated to provide health services as provided for in the fourth schedule of the Constitution of Kenya 2010. Section 1 of the sixth schedule to the constitution as read with section 23 and 24 of the transition to the devolved government Act, 2012 and further to the legal notice No. 16 of 2013, the transition Authority approved the transfer of functions specified in the schedule to the County Government of Nakuru with effect from 9<sup>th</sup> August 2013. These functions under County health services include;

- a) County health facilities and pharmacies
- b) Ambulance services
- c) Promotion of primary health care
- d) Licensing and control of undertakings that sell food to the public
- e) Cemeteries, funeral parlours and crematoria

To support and realize the delivery of the above responsibilities, the department of health is guided by the Kenya Health Policy (KHP) 2014-2030, Vision 2030 and other International treaties /protocols. The Kenya Health Policy focuses on six specific objectives which provide government's stewardship and directions to anchor the health sector commitment aimed at enabling county to attain the highest possible standards of health, in a manner that is responsive to the needs of the population. These objectives are:

1. Eliminate communicable diseases
2. Halt and reverse the rising burden of non-communicable diseases
3. Reduce the burden of violence and injuries
4. Provide essential Health care
5. Minimize exposure to health risk factors
6. Strengthening collaboration with private and non-health related sectors

Elevating a Municipality to a City at its most basic level involves improving the living standards of the people in terms of health and their environment that is physical environment especially of informal settlements and low income areas.



*Dr. Kariuki Gichuki, CECM Health Services making his submissions*

According to World Bank, for a Municipality to be upgraded to a City status the following basic urban infrastructures need to be installed or upgraded as they have a direct impact on the people's health: -

- i) Water supply in terms of quality and quantity
- ii) Sanitation
- iii) Solid and liquid waste management
- iv) Storm water drainage
- v) Access roads and footpaths to avoid accidents
- vi) Street lighting
- vii) Regularizing security of land tenure
- viii) Housing improvements

Elevating a Municipality to a City also involves improving access to municipal services and amenities and social support programmes such as health services, cemeteries, public toilets, management of waste and coordinated policy action across multiple disciplines.

As Nakuru is elevated into a City, one will expect pressure on existing infrastructure due to rural urban migration, rapid development, transport problem (congestion), low income informal settlements, overcrowded areas and this shall lead to increase in infectious diseases, chronic non-communicable diseases including cancer, diabetes and heart diseases may also increase due to unhealthy lifestyles which include tobacco use, unhealthy diets, physical inactivity and harmful use of alcohol. Road traffic accidents, injuries, violence and crime may also rise. This wide range of health issues and its determinants require coordinated policies and actions across multiple disciplines.

### **The Legal Framework**

That there are several laws and regulations that provide guidance and framework in implementation of the devolved functions such as Public Health Act cap 282, Health Act of 2017, County Public Health and Sanitation Act 2017 among others.

### **County Health Facilities**

That there are a total of 27 government health facilities in Nakuru Municipality i.e. 4 hospitals (level 4), 5 health Centre (Level 3) and 18 dispensaries (level 2). These facilities need renovations and upgrading in terms of infrastructure and services; equipment and additional staff to cope with the expected increased demand for services.

### **Community health facilities**

That there are 19 community health units with a total of 479 community health workers within Nakuru Municipality. There is need to increase the number of community health units and to provide incentives to the community volunteers in form of stipends in order to strengthen promotive and preventative healthcare services bearing in mind that most emerging and re-emerging diseases are purely preventative since it's easy and cheaper to prevent than to treat.

### **Public Toilets**

Nakuru cannot achieve Open Defecation Free status (ODF) and eradication of faecal related diseases without adequate sanitation facilities in public places particularly along major highways, markets and bus parks. That there is a need to provide adequate public toilets and ensure their 24hr operation.

### **Public Mortuaries**

That Nakuru County public Mortuary can handle 49 bodies. This facility mostly handles cases outside the hospital including police cases and/or road accidents cases and sometimes it handles more than its capacity leading to inefficiencies.

### **Cemeteries**

There are two (2) public cemeteries within Nakuru Municipality (North and South cemeteries). Nakuru North Cemetery is full while south cemetery is almost full.

### **Health Care Waste (HCW)**

Management of health care waste is done by the department of health. Approximately 22 tons of HCW are produced daily from the 647 health facilities across the county. 10-25% of these wastes are infectious. HCW is managed at the source (health facility level) by burning in chambers or the open and burying. This poses a great risk to health and the environment. One of the non-burn technology embraced by the county is the shredder and microwave located in Nakuru County Referral Hospital (Nakuru PGH, Level 5). It can treat HCW from Nakuru county referral hospital and other surrounding facilities.

### **Ambulance services**

There is a total of 24 ambulances currently serving the whole county. Efforts are being made to increase the number of ambulances from 24 to 34 by the end of next financial year 2019/2020. The department of health is also establishing an ambulance dispatch centre at Nakuru County referral hospital that will manage all ambulance services in Nakuru County. This will improve service delivery, emergency and/or disaster response.

### **Asbestos**

Several county residential houses, offices, health facilities, schools and some industries have asbestos roofing. They have since deteriorated with time and require replacement necessitating removal and disposal. Currently, the removal, storage, transportation and disposal are done inappropriately, leading to environmental degradation. Exposure to asbestos fibres increases the chances of inhaling the same leading to health problems such as asbestosis and lung cancer which are not curable. There is a need to manage this waste in a healthy and environmentally sound manner.



#### 4.1.6 Submissions of the Department of Trade and Industrialization

Mr. Raymond Komen, CECM Trade and Industrialization appeared before the committee on 24<sup>th</sup> June 2019 to make his submissions.

##### He submitted THAT: -

- i) The County has a main market (Wakulima Market) where trading of farm produce takes place. The market functions as a wholesale market for Nakuru County and other neighbouring counties i.e. Nyandarua, Laikipia, Baringo and Narok counties.
- ii) The County has constructed a hawker's complex which accommodates small scale traders in Nakuru Town.
- iii) The County inherited stalled Economic Stimulus Programme (ESP) markets and has prioritised their completion and operationalisation. Further, the County will focus on improving market use delivery services through rehabilitation, maintenance and construction of new markets.
- iv) That there is no industrial park in the county. However, there are proposals to put up an industrial park in Naivasha Sub-county which will leverage on the SGR dry port and the abundant resource of Olkaria geothermal energy. The Kenya Vision 2030 has also proposed the establishment of an SME Park in Rongai Sub-county.
- v) Various industries drive the economy of Nakuru County as well as offer employment opportunities. They include animal feeds production companies and companies dealing in agricultural inputs e.g. Syngenta, engineering works; manufacturing industries e.g. Keroche, Menengai Oil Refineries, canners, dairy products, bakery and hotel industry. However, investment opportunities still exist in the County that includes the revival of Pyrethrum processing among other agro based industries.
- vi) A significant number of people rely on business income to support their livelihoods. Most of the businesses in the county fall under the micro, small, or medium level enterprises. Business in Nakuru County has been thriving as evidenced by the revenue collected from trade licences. The County had registered 40,158 businesses in 2014. The retail business has the lion share of registered businesses at 63.15 per cent (County Statistical Abstract, 2015).
- vii) Micro, Small and Medium Enterprise have been identified under the Kenya Vision 2030 as a key driver in the provision of goods and services thus enhancing competition, fostering innovation, generating employment hence alleviating poverty. The 2016 National MSME Survey indicated that there were a total of 118,200 licensed and 257,900 un-licensed MSMEs in Nakuru County. Further, a large proportion of these, at 47.9 per cent of the licensed MSMEs are owned by males while 32.2 percent are owned by females. The County government will continue to



*Mr. Raymond Komen, CECM Trade and Industrialization appearing before the committee*

provide the enabling environment for the revitalization of the MSMEs to improve economic growth.

- viii) Fish farming in Nakuru County involves the production of fish in earthen fish ponds, cemented or lined as well as fishing in Lake Naivasha. Some are practising emerging technologies like raised ponds and aquaponics. There are a total of 1,524 ponds constructed in the County. The County continues to provide fish farming extension services to encourage the uptake of this initiative.
- ix) Financial Services in the County are offered by; banks, Microfinance institutions, mobile money agents and SACCOs that offers FOSA services.
- x) The County is served by major financial institutions. A total of 60 bank branches are spread across the county, the majority of them being in Nakuru town.

#### 4.1.7 Submission of the Department of Public Service, Training and Devolution

Mr. Mwangangi Mwanja, CECM Public Service Training and Devolution appeared before the Ad Hoc Committee on 24<sup>th</sup> June 2019 to make his submissions.

##### **He Submitted THAT: -**

- i) The department of Public Service, Training and Devolution has the mandate to support other departments in implementation of their duties and/or projects.
- ii) The department deals with service delivery and enforcement of laws and regulations.
- iii) That public participation is actualised in all county processes
- iv) Training of staff through continuous Training Needs Assessment.
- v) Ensuring active public participation in service delivery at sub county and ward levels in areas such as budget preparation, project identification, implementation and monitoring.
- vi) Carrying out civic education including the use of media, public address system, and through partnerships with NGOs.



*Mr. Mwangangi Mwanja, CECM Public Service Training and Devolution before the committee*

He observed that the department has a competent and functional system of public service. Nakuru Municipality comprises of Nakuru West and East Sub counties. The two sub counties are served by a total of 2000 staff.



#### 4.1.8 Submission of the Department of Education, ICT and E-Government

Mr. Jamlek Maina the Chief Officer Early Childhood Development and Mr. Leonard Kirui, Director ICT appeared on Monday 24<sup>th</sup> June 2019 at the county headquarter chambers to make their submissions.

#### **They Submitted THAT: -**

The department of Education, ICT and E-Government has two directorates namely:

1. Education that entails pre-primary education (ECDE), vocational training and libraries excluding the Kenya National Library Services
2. ICT and e-Government that handles the promotion of e-Government services, provision of ICT services, ICT training and standards, public communication and dissemination of public information and public relations services.

#### **Directorate of ICT and E-Government**

The directorate is already implementing and planning for programs and projects that will see



*Mr. Jamlek Maina (left), the Chief Officer Early Childhood Development and Mr. Leonard Kirui (right), Director ICT making their submissions*

Nakuru attain City status. It is dedicated to a city that uses information and communication technologies and other means to (a). Improve the quality of life; (b). Increase the efficiency of urban operation and services, and; (c). Encourage competitiveness

Core ICT Infrastructure that the department intends to achieve include: -

1. Robust IT connectivity and digitalization
2. Automation of office operations
3. Development of citizens portal for self-service and feedback

Table 3: Current ICT projects under implementation

Project Description	Role of Project
Installation and configuration of Local Area Network	Connect offices to local network and internet to enable the use of computers for automated operations
Installation, configuration and commissioning of a wide area network (WAN)	Connects departments and sub-counties for easy communication and use of automated services across the county
Establishment of data centre	Enable connectivity and storage of data
Installation, configuration, testing and commissioning of network security solution	Ensure networks and data from automated services are secure
Software development –office 365 and email solution	Ensure continuous /uninterrupted communication by staff using emails and access office soft wares in the cloud anywhere any time
Installation of public wifi	Facilitate citizen access internet and county services in different parts of the county
Development of digital centres	To enable public access government services and be trained on how to access government services
CCTELEVISION Surveillance systems	Work with relevant departments to put up CCTELEVISION systems in town for security purposes

#### 4.1.9 Submission of the Department of Finance and Economic Planning

CECM Finance and Economic Planning Dr. Peter Ketyenya, Mr. Cyrus M Kahiga the Ag. Director Economic planning and Salome Ng’anga, County Receiver of Revenue appeared before the Ad Hoc Committee on 1<sup>st</sup> July 2019 to make their submissions.

#### They Submitted that: -

- i) According to the Kenya National Bureau of Statistics (KNBS) Gross County Product 2019, Nakuru ranked second highest contributor to Kenya’s GDP at an average of 6.1 percent after Nairobi City County between 2013 and 2017 according to the Kenya National Bureau of Statistics (KNBS) Gross County Product 2019 as follows: 2013 (5.4%), 2014 (5.7%), 2015 (6.0%), 2016 (6.6) and in 2017 (6.9%).
- i) The County has put in place measures to optimally collect more revenue in the subsequent years in order to



CECM Finance and Economic Planning Dr. Peter Ketyenya (right), Mr. Cyrus M Kahiga the Ag. Director Economic planning (standing) and Salome Ng’anga (left), County Receiver of Revenue making their submissions

sustain the municipalities operations. Measures highlighted to optimise revenue collection included the use of technology in revenue collection by use of cashless system eg. MPESA system and Point of Sale terminal system in parking, markets, slaughter, cess, royalties.

- ii) The revenue collection system generates real time revenue reports.

#### NAKURU MUNICIPALITY REVENUE COLLECTION REPORT

No.	SUB-COUNTY	JULY-JUNE ACTUAL 16/17		JULY-JUNE ACTUAL 17/18		JULY-JUNE ACTUAL 18/19	
1	NAKURU EAST	647,851,649.00	42%	675,528,015.00	40%	708,837,182.00	38%
3	NAKURU WEST	200,605,275.00	13%	251,510,247.00	15%	287,611,410.00	16%
	<b>TOTAL RECEIPTED</b>	<b>848,456,924.00</b>	<b>55%</b>	<b>927,038,262.00</b>	<b>55%</b>	<b>996,448,592.00</b>	<b>54%</b>
	<b>TOTAL OWN SOURCE REVENUE</b>	<b>1,555,180,152.00</b>		<b>1,682,970,850.00</b>		<b>1,853,568,732.80</b>	

Table 4: Nakuru Municipality Revenue Collection Report for FY 2016/17, 2017/18 & 2018/19

- iii) The revenue sources includes but not limited to: Property tax (Land rates); Ground Rent; Single Business Permit; Market Fees; Building Approval; House Rent; Advertising; Parking Fees; Liquor licencing; County Part Fees; Water and Sewerage; Health Fees; Education, Culture and Social Services; Royalties; Stock/Slaughter fees.
- iv) The Nakuru County Integrated Development Plan (CIDP) 2018-2022 prioritized sectoral initiatives for the 2018-2022 plan period within the context of devolved sectoral functions.
- v) The County has endeavoured to integrate Sustainable Development Goals (SDGs), the Kenya Vision 2030 and the Medium-Term Plan III 2018-2022 into the County Planning process, the sector plans and the urban plans.
- vi) The CIDP draws important linkages with the current draft Integrated Strategic Urban Development Plans (ISUDPs) for Nakuru and Naivasha to mainstream the development needs of the growing urban population in line with the Urban Areas and Cities Act.

#### 4.1.10 Submission of the Department of Agriculture, Livestock and Fisheries

CECM Agriculture, Livestock and Fisheries Dr. Immaculate Maina together with Mr. Kibet Maina, Chief Officer Agriculture; Dr. Wanjohi Veronica and Mr. Stephen W. Murithi appeared before the committee on Monday 24<sup>th</sup> June 2019 to make their submissions.

#### They Submitted THAT: -

- i) The department of Agriculture, Livestock and Fisheries implements programs in various subsectors as listed below:
- Livestock keeping
  - Fish farming
  - Food and cash crop farming including horticulture and floriculture

- ii) Agriculture is the number one economic driver in Nakuru County and plays a key role in food provision and employment creation.
- iii) Conferment of Nakuru Municipality City status creates an opportunity for regulated urban agriculture.

**Strategic objectives of the department include:**

- i) To increase livestock production, productivity, health and improved products and by products to enhance food security.
- ii) To increase fish production for enhanced food security, employment creation, income generation and poverty eradication.
- iii) To enhance the dissemination of information to farmers for improved productivity, food security and farm incomes.



*Dr. Immaculate Maina, the CECM Agriculture, Livestock and Fisheries with Mr. Kibet Maina, Chief Officer Agriculture making their submissions*

**That there is a need for:**

- a) Legislation/domesticating related legislation for urban agriculture.
- b) Guidance and capacity training in implementing and regulating urban agriculture as this has been identified as an area of relevance to enhance food security in the proposed City.

**The department of agriculture can contribute to the following: -**

- a) Development of regulations to guide access to land and water for use in food production, with priority high density residential areas and informal settlements.
- b) Food safety, public health and environmental standards for urban agriculture.
- c) Establishment of markets for fresh produce e.g. grading and sorting sheds, milk dispensers and potato cold rooms.
- d) Institutionalizing administrative procedures for access to agricultural resources in urban areas.
- e) Develop monitoring impacts of urban agriculture socially, economically and environmentally, based on research and best practices.
- f) Job creation in enhanced urban agriculture as an alternative source of income.
- g) Establishing procedures to oversee law enforcement on issues regarding urban agriculture.

**Department proposals:-**

- i) There is a possibility/potential to implement urban agriculture with requisite support structures eg tool sheds, greenhouses, storage facilities and instructional space



- ii) CECM will establish measures to promote best practice and regulate production, processing, marketing, grading, storage, collection, transporting and warehousing of products and inputs within the county.
- iii) The proposed inclusion of urban agriculture in the planning process in land use/zoning and food policy framework
- iv) Preparation of a strategic plan for urban agriculture programs as per existing legal framework e.g. urban area and cities act sec 36 (1) (f).
  - a. Regulation of urban agriculture that is currently unregulated based on relevant sectors
  - b. Provision of alternative location of a category A slaughterhouse since the current county owned one in Naivasha is set for demolition to give way to low cost housing project by the national government.
  - c. Retrieval/recovery and repossession of land assigned to slaughterhouse in Nakuru town much of which is currently encroached by private developers.

#### 4.1.11 Submission of the Department of Youth, Sports, Gender, Culture and Social Services

Madam Alice Moraa Gekonde, Director Culture and Gender; and Mr. Joel Bii, Social services appeared before the Ad Hoc Committee on Monday 24<sup>th</sup> June 2019 to make submissions.

#### **They Submitted THAT: -**

The department has two sections with each being led by a Chief Officer. Under the sections are directorates, headed by directors as listed below:

- a) Culture, Gender and Social Services section has two (2) directorates – Culture and Gender and Social Services
- b) Youth and Sports and recreation with two (2) directorates - Youth and Sports

#### **Departmental Projects Earmarked as Nakuru Municipality prepares conferment to City Status**

##### **i) Gender Based Violence Rescue Centre.**

The land has already been identified at Gilgil sub-county hospital where the rescue centre project is to be implemented upon approval by the hospital board. This will greatly assist in rescuing and counselling of victims of Gender based violence by offering a rescue centre where after counselling the victims are reintegrated back to the society. The amount allocated for this is Ksh. 4 Million in the financial year 2018/2019 and Ksh.10 Million in the FY 2019/2020.

##### **ii) Cultural Center**

A cultural centre is to be built at Kihingo ward, Njoro sub-county. Ksh 5 Million has been allocated during the FY 2018/2019 while another Ksh. 5,585,000.00 has been allocated for construction and equipping of the cultural centre for FY 2019/2020. This will greatly assist in the preservation of the different cultures as the county headquarters is elevated to City status. The directorate is also in the process of mapping out heritage sites within the county and is also working with the private sector to support the existing private cultural centres like Ogiek cultural centre in Mariashoni and the Bomas of Nakuru in Bahati sub-county.

##### **iii) Art City**

The directorate of culture and gender in partnership with the creative economy structure and artists in Nakuru is in the process of creating an art City to be domiciled in Flamingo and Kimathi estates in Flamingo Ward Nakuru East Sub County. This concept will greatly assist in ensuring that the City will be put in the world map as an art (to nurture talent) and tourist destination. The road leading to Lake Nakuru national park will have artwork displayed, village interpreters will also be trained to assist the tourists, photography and beadworks will also feature in the art City.

#### **iv) Film Industry Development**

Nakuru County has already been positioned as a premier film hub. It has produced its film like Ole-Naibon which premiered on 15 March 2019 in Nakuru. The County partnered with Lake International Pan African Film Festival aiming at building the capacity of our filmmakers.

The County through the Directorate of Culture and Gender facilitates and provides a suitable environment and exposure for Nakuru filmmakers through Television and film marketing, engagement with stakeholders and also involvement in competitions.



*Alice Moraa Gekonde (right), Director Culture and Gender; and Mr. Joel Bii (left), Social Services appearing before the committee*

Nakuru was the county of focus during the 3<sup>rd</sup> edition of the Kalasha International Television and Film Market festivals. This' a critical platform as it provides a leeway for trading content, networking and promoting discourses on matters of film. It has set a laudable pace for the film industry in Kenya and beyond. The Culture and Arts Office is exploring ways of building the capacities of local filmmakers so that they can be able to participate in this competition in future. Through the Kenya film commission pitching competition that featured the Kalasha film and market festivals, content crafters were able to obtain funding for their projects in a future film, documentaries, animation and Television series.

#### **v) Recording Studio**

The County Government of Nakuru recently opened a recording studio at the Nakuru Players Theatre which is open to local artists. The studio is meant to serve the upcoming artists as they endeavour to sharpen their skills while being provided with a marketing platform. Thus, from this Studio, artists can record at an affordable fee, hence availing a critical service much needed by the youth.

#### **vi) Developing Artistic Talents**

The Directorate of Culture and Gender is in the process of signing a Memorandum of Understanding (MoU) with the Kabarak University aimed at growing music and other creative

artistic talents among the youth. Through this MoU, the University's school of music and performing arts together with Nakuru Players Theatre will work closely to nurture talents as well as foster knowledge sharing among youths. The collaboration between the University and the County Government of Nakuru will open up more opportunities for young people talented in music and other arts.

#### **vii) Museums**

Pre-historic and cultural sites and museums are a critical resource that enables the growth of cultural and creative industries. The Directorate of Culture and Gender is tapping into these resources so as empower people working in the creative and cultural industries in the county which include: The theatre, visual arts, cinema, television, radio, music, publishing business, computer games, architecture, design, and fashion among others.

Currently, there are two museums in Nakuru County namely: Hyrax Hill in Nakuru East and Kariandusi in Gilgil. Despite the museum services being devolved, the management of both Kariandusi and Hyrax Hill museums continues to be under the National Museums of Kenya since they are both pre-historic sites hence cannot be devolved. Plans are at an advanced stage for the training of county staff who will undertake an exercise in the mapping of heritage sites.

#### **viii) Memorandum of Understanding (MoU) with the National Museums of Kenya through Hyrax Hill Pre-Historic Site**

This MoU was signed in February 2019 which is a big step forward towards the promotion of Culture and Creative Industries in Nakuru County. This agreement permits the County Government as well as the community to use Hyrax Hill to set-up a museum, cultural centre, a botanical garden among other things.

#### **Objectives of the MoU:**

- i) Conservation, development and restoration of heritage sites in Nakuru County.
- ii) Build up and nurture research and documentation of the sites.
- iii) Facilitate knowledge transfer between parties and members of the community through education, training and staff exchange.
- iv) Establishment of a botanical garden that is to be used by herbal medicine practitioners, and conservationists while at the same time protecting seeds and plants with cultural values.
- v) Working with various cultural groups to establish a museum or cultural centre. Youth will be involved in various form of art through the creation of creative spaces such as art studios and exhibitions among others.

#### **vi) Sports Projects**

The following sports centres have been earmarked for development as a way of nurturing sports talents.

- i) Gilgil Stadium (Gilgil Ward) – construction of changing rooms and rehabilitation of the playing field – Ksh.3,500,000.00
- ii) Rongai Stadium (Visoi Ward) – construction of perimeter wall – Ksh.3,500,000.00

- iii) Molo Stadium (Molo Ward) – Levelling of playing field and construction of drainage system – Ksh.3,500,000.00
- iv) Bahati Stadium – Construction of changing room Kshs.1,500,000.00 and perimeter wall – Ksh.3,000,000.00
- v) Kamkunji playing grounds in Biashara Ward – Nakuru East Sub-County) - Construction of perimeter wall - Ksh.3, 000,000.00. Construction of changing rooms Ksh.2,500,000.00
- vi) Afraha stadium is to be upgraded into international status. Kshs. 303,000,000.00 has been allocated for this project through the Kenya Urban Support Programme (KUSP).
- vii) A sports centre is to be constructed at Keringet, Kuresoi South Sub-county during FY 2019/2020. Ksh 50,000,000.00 has been allocated for this project.

### **Preparedness on City Status - Social Services.**

#### **1. Care and Protection of the Elderly**

- i) Renovation of Alms House - Expand the facility to accommodate more clients who need care and support/protection – budgetary allocation of Ksh. 6 Million in the 2018/19 Financial Year. There is proposed Ksh.7 Million in the budgetary provision 2019/2020 Financial Year.
- ii) Groundbreaking of new structures done by H.E. the Governor Hon Lee Kinyanjui was done on 13/6/2019.

#### **2. Programs to help Persons with Disability**

- i) Continue distribution of disability mobility devices donated by Crutches for Africa across the county. Crutches for Africa is a United States based Non-Governmental Organization.
- ii) Signed a memorandum of understanding between National Council for Persons with Disability and County Government of Nakuru.
- iii) Developed a letter of intent between Brecon Molo, a UK based NGO and County Government of Nakuru.
- iv) Procured and distributed Mobility and Economic empowerment for Groups, Institutions and Individuals for PWD through the Nakuru county Persons with Disability funds phase one for the county.
- v) Conducted capacity building for Persons with Disability across the county on Access to Government Procurement Opportunities, Economic empowerment, Screening assessment and placement of street families and Orphans and Vulnerable Children (OVCs) was done on 4<sup>th</sup> July 2019.

#### **3. Rehabilitation of Street Children**

- i) Established and operationalized Counselling and Rehabilitation Unit in Menengai social Hall.
- ii) Form Multi–Sectoral committee to address the plight of children living on the streets of major urban centres and Nakuru CBD.
- iii) A budgetary provision proposed in the 2019/2020 FY of Ksh. 10 M for Perimeter fence, re-roofing, electrical works, plumbing, general repairs and renovation to establish rehabilitation centre at Njoro Home Craft.



## Screening of Street Children for Assistance

Some 255 boys and girls showed up on 4<sup>th</sup> July 2019. The following stakeholders helped us with placement and educational Programmes

*Table 5: List of Street Child Protection stakeholders*

<b>S/NO.</b>	<b>INSTITUTION</b>	<b>NUMBER</b>
<b>1.</b>	Vocational Training	43
<b>2.</b>	Guteal	3
<b>3.</b>	New Life Africa	5
<b>4.</b>	SCANN	10
<b>5.</b>	Bridge	2
<b>6.</b>	Rift Valley Institute of Business Studies	15
<b>7.</b>	Achievers College	12
<b>8.</b>	Children Department	3
<b>9.</b>	Save A Child Future's Africa	3
<b>10.</b>	P.C.E.A Academy	2
<b>TOTAL</b>		<b>98</b>

### ***Report on the Preparedness of the Directorate of Youth Affairs towards City Status of Nakuru***

#### **What the directorate is doing for youths now**

- i) Formation of the directorate by laying structures for effective coordination and involvement of youths.
- ii) Provision of linkages with other government departments both at the county and national government level.

#### **What it will do**

- i) Train youths on mentorship programs
- ii) Offer empowerment programs through capacity building and training on employability skills
- iii) During the Annual Youth Week, the Directorate will provide youths with linkages through other stakeholders that will lead to exposure, employment creation, and generation of business ideas.

#### **What the department has done**

The directorate came into existence after the Executive Order that restructured the whole department. Youth Affairs and Vocational Training were split up. Previously there was no budgetary allocation for the directorate. The most significant milestone accomplished is that the directorate through the budgeting process has presented its financial request to run its programs.

## 4.2 Submissions of County Utility Providers

### 4.2.1 Submissions of Nakuru Water and Sanitation Services Company Limited (NAWASSCO)

Eng. James Ng'anga appeared before the committee on 2<sup>nd</sup> July 2019 and made submissions on behalf of NAWASSCO.

#### **He submitted THAT: -**

##### **i) Water Supply**

Water access in Nakuru town is characterised by routine water rationing in areas served by Nakuru Water and Sanitation Services Company Limited (NAWASSCO). Further, several estates rely on water vendors since there is no piped water in those areas. According to NAWASSCO, there are 32,000 water connections which serve domestic, commercial, industrial and educational purposes. Production of water is 41, 745 m<sup>3</sup>/day against an estimated demand of 70,000 m<sup>3</sup> /day. This implies a shortfall of about 30,000 m<sup>3</sup>, depicting a huge gap in supply. There is a need to extend the distribution network in many estates that are not served by the network. This will be in readiness for Itare Dam Water Project that will bridge the water rationing gaps, as well as avail water for areas without.

##### **ii) Sewer Services**

The sewerage reticulation network coverage is about 24.7 km<sup>2</sup>. The sewer network covers about 50% of the water supply area and constitutes about 4.17% of the planning area of 613 km<sup>2</sup> (Nakuru ISUDP 2014-2034). The earliest sewer lagoons serving most of the old town are located south west of the Central Business District (CBD) adjacent to the park. The more recent ponds are located in Mwariki to the south also adjacent to the park. It is worthy to note that the sewerage coverage matches the main mode of human waste disposal in only 25% of the urban households. Frequent blockages, leakages and overflows are often reported. There is need to revamp the system and undertake pipeline extension, which is not feasible with the normal County budget, due to the capital outlay required.

Table 6: Proposed Construction and Rehabilitation of Water Reticulation System in Nakuru Town

PROJECT TITLE/CODE	PROPOSED CONSTRUCTION AND REHABILITATION OF WATER RETICULATION SYSTEM IN NAKURU TOWN
Project Location	<ul style="list-style-type: none"> <li>• Nakuru East Subcounty (Barnabas, Machine, Muguga and Faari, Mwariki East, Naka)</li> <li>• Nakuru West Subcounty (Gilani, Industrial Area, Bangladesh, Mama Ngina Phase I, II and III plus unsurveyed-Section 58, Soilo Estate.</li> </ul>
Project Start Date	• Financial Year 2019/2020
Estimation Capital Expenditure (Kshs)	• 2,000,000,000.00
Estimated Operational Cost (Ksh)	• 400,000,000.00
Costing Method Used	NAWASSCO Business Plan Estimate

### iii) Current Status

The area of coverage in Nakuru is 92%. Nakuru Water Sewerage Company has approximately 41,000 water accounts. 85% of Water production is derived from groundwater (through 24 Boreholes) while the remainder 15% is from surface water (River Mereroni and Malewa). Most of the distribution system in Estates is through spaghetti pipes which lead to high unaccounted for water. It is therefore imperative that this water losses leading to Non-Revenue Water be curbed through a proper network.

#### 4.2.2 Submissions of Nakuru Rural Water and Sanitation Company Limited (NARUWASCO)

Mr. Reuben K. Korir appeared before the ad hoc committee on 3<sup>rd</sup> July 2019 to make his submissions on behalf of NARUWASCO.

#### He submitted THAT: -

- i) Nakuru Rural Water and Sanitation Company Limited (NARUWASCO) is a wholly owned Company of the County Government of Nakuru. NARUWASCO was incorporated under the Company's Act Cap 486 in September 2006 and that it's responsible for the provision of water and sanitation services within the larger parts of Nakuru County except for Nakuru and Naivasha Urban sub-counties.
- ii) That NARUWASCO is governed by a Board of Directors comprising of nine (9) members representing various key stakeholders including the County Government of Nakuru. Daily management of the company is undertaken by the Corporate Management Team (CMT) headed by the Managing Director.

## **Water Supplies**

That NARUWASCO operates ten (10) Water Supply schemes within its area of jurisdiction. Six of the schemes are purely gravity systems (i.e. Gilgil, Nguso - Salгаа, Bahati, Kabatini, Subukia, and Rongai South), the remaining four (4) schemes (Njoro, Molo, Elburgon and Nguso-Molo) schemes, are a combination of gravity and pumping schemes.

## **Water Treatment Works**

That NARUWASCO operates two conventional water treatment systems i.e. Turasha and Rongai South water treatment works. NARUWASCO also does operate partial water treatment systems i.e. only Chlorination is done.

## **4.3 Submissions of State Corporations**

### **4.3.1 Submissions of Kenya Rural Roads Authority (KeRRA)**

Eng. Silvia Rotich who appeared before the committee on 2<sup>nd</sup> July 2019 to submit the documents and presentations.

#### **She submitted THAT: -**

KeRRA Supports Nakuru Municipality conferment to City Status with the following Submissions.

KeRRA is a state corporation within the state department of infrastructure under the Ministry of Transport, Infrastructure, Housing and Urban development established through the Kenya Roads Act, 2007.

#### **KeRRA Mandate**

The authority's primary mandate is to develop, construct and maintain rural roads in the country as per the Kenyan Roads Act, 2007.

- i) Constructing, upgrading, rehabilitating and maintaining rural roads.
- ii) Controlling reserves for rural roads and access to roadside developments.
- iii) Implementing road policies in relation to rural roads.
- iv) Ensuring adherence by motorists to the rules and guidelines on axle load control prescribed under the Traffic Act or any other existing regulations. Ensuring that the quality of roadworks is following such standards as may be defined by the Minister. In collaboration with the Ministry responsible for Transport and the Police Department, overseeing the management of traffic on rural roads and issues related to road safety.
- v) Collecting and collating all such data related to the use of rural roads as may be necessary for efficient planning.
- vi) Monitoring and evaluating the use of rural roads, Planning the development and maintenance of rural roads, Liaising and coordinating with other authorities in planning operation in respect of roads, Preparing road work programmes for all rural roads, Advising the Minister on all issues relating to rural roads and performing such other functions related to rural roads as may be directed by the Minister.
  - a. The Authority is responsible for category C class of Roads.

## **Road Network**

The total road network for class C is about 600kms, in addition to the adopted roads, the network totals 1618.9kms.

## **Road Upgrading Programme**

The following roads are being upgraded to bitumen standards in Nakuru Region; -

1. D366: Subukia- Maseno- Solai Maili Kumi Road
2. Junction B5 Subukia- Catholic Shrine Road
3. Molo- Olenguruone Road (D316)
4. (A104) Salгаа- Rongai (D318) Road
5. Miti Mingi Bagaria Naishi-Store Mbili

## **Concerning elevating Nakuru to a City, KeRRA will; -**

- Endeavour to provide a good rural road network that shall ensure efficient delivery of farm produce to the City.
- Efficient rural road network for movement of people within the county and beyond and therefore supporting the City's demand for labour and workforce.
- Support movement of goods manufactured in the City to consumers within the county.

### **4.3.2 Submissions of Kenya National Highways Authority (KeNHA)**

Eng. Sheikh Takoy appeared before the committee on 2<sup>nd</sup> July 2019.

#### **He submitted THAT: -**

KeNHA is a road agency, responsible for the management, development, rehabilitation and maintenance of international trunk roads linking centres of international importance and crossing international boundaries or terminating at international ports (Class A road), national trunk roads linking internationally important centres (Class B roads), and primarily roads linking provincially important centres to each other or two higher-class roads (Class C roads).

South Rift Region is one of the 10 Kenya National Highways Authority Regions Mandated to carry out amongst others:

1. Maintenance (holding, routine, periodic and performance based) Works of Class A, B and C roads within the region.
2. Liaison with both the Public and Private Sector Agencies throughout the Counties.
3. Identification and response to emergencies.
4. Co-ordination of Authority's activities in the region.
5. Performing any other duties as assigned by the Board and Management of the Authority.

Table 7: Road links estimated as 392.8 km under the region are as tabulated below

S/N	ROAD NO. CLASS	ROAD LINK NAME	APPROX LENGTH (Km)	SURFACE TYPE	CONDITION
1	A8	LONGONOT TURNOFF - MAU SUMMIT	140	Paved	Very Good
2	B7	JUNCT A8/B7 (KAMANDURA) – MAI MAHIU –SUSWA	50.6	Paved	Good
3	B17	NAKURU – MARIGAT	26.2	Paved	Good
4	B21	NAKURU – SUBUKIA (LAIKIPIA CAMPUS)	52	Paved	Good
5	B77	KAMPI YA MOTO – KAMWOSOR	6	Paved	Good
6	B18	NJORO TURN OFF – MAU NAROK (MWISHO WA LAMI) – TIPIS	65	Paved/Unpaved	Fair
7	A8	LONGONOT TURNOFF – NAIVASHA – MAI MAHIU	37	Paved	Very Good
8	B20	LANET – DONDORI	14	Paved	Very Good
		<b>TOTAL</b>	<b>392.8</b>		

Table 8: Performance Based Maintenance of National Trunk Roads Linking Nakuru County

S/N	ROAD NO. (CLASS)	ROAD NAME	APPROX LENGTH (KM)	APPROX LENGTH IN NAKURU COUNTY KM	STATUS
1	A8	NYAHURURU - MAU SUMMIT	58	58	Ongoing
2	A8	NYAHURURU – NAIVASHA	68	68	Ongoing
3	A8	NAIVASHA – RIRONI	61	36	Ongoing
4	A8	RIRONI - MAI MAHIU NAIVASHA	58	38	Ongoing
5	B17	NAKURU – MARIGAT	98	26.2	Ongoing
6	B21	NAKURU – NYAHURURU	62	52	Ongoing
7	B77	KAMPI YA MOTO – KAMWOSOR	79.1	15	Ongoing
8	B18	NGATA - MAU NAROK	38	38	Ongoing
9	B20	LANET – DUNDORI	18	18	Ongoing
		<b>Totals</b>	<b>540.1</b>	<b>349.2</b>	

CHALLENGES	IMPACT	PROPOSED WAY FORWARD
<ul style="list-style-type: none"> <li>• Encroachment on the road reserves</li> </ul>	<ul style="list-style-type: none"> <li>• Poor visibility</li> <li>• Delayed project implementation</li> <li>• Blockage of a waterway</li> </ul>	<ul style="list-style-type: none"> <li>• Sensitization on road reserve</li> <li>• Demolition of structures within the road reserve</li> </ul>
<ul style="list-style-type: none"> <li>• Setting up of illegal structures (Kiosks and Vibanda's)</li> <li>• Hawking along the road in busy centres</li> </ul>	<ul style="list-style-type: none"> <li>• Danger of hawkers being run over by motorists</li> <li>• Risk of Kiosk owners being run over in the event a vehicle loses control</li> </ul>	<ul style="list-style-type: none"> <li>• Sensitization on road safety to hawkers.</li> <li>• Movement of Kiosks away from the road reserves (safe distance)</li> </ul>
<ul style="list-style-type: none"> <li>• Silting of culverts by upstream farmers</li> </ul>	<ul style="list-style-type: none"> <li>• Ponding of water causing damage to the carriageway.</li> </ul>	<ul style="list-style-type: none"> <li>• Farmers to be cautioned against blocking of drainage structures.</li> </ul>
<ul style="list-style-type: none"> <li>• Littering of waste on the road reserve</li> </ul>	<ul style="list-style-type: none"> <li>• Environment pollution</li> </ul>	<ul style="list-style-type: none"> <li>• Formulation of legislation with a stiff penalty to restrain the vice.</li> </ul>
<ul style="list-style-type: none"> <li>• Existence of cess points along the road</li> </ul>	<ul style="list-style-type: none"> <li>• Unnecessary cost incurred by the contractor.</li> <li>• Abandoning of good borrow pits to evade cess charge.</li> </ul>	<ul style="list-style-type: none"> <li>• Waving of cess fees for contractors working within the region.</li> </ul>

Table 9: Expected Future Projects within Nakuru

KeNHA is currently undertaking and/or planning to execute the following works to ease congestion in the town;

- a. Dualling of Nakuru – Nairobi (A8) Road
- b. Dualling of Nyahururu – Nyeri (B21) Road
- c. Anticipated Nakuru bypass
- d. Interchange at Gate house to connect to (B17) Road
- e. Dualling of Nakuru – Kabarak (B17) Road

#### 4.3.3 Submissions of Kenya Power and Lighting Company

Madam Ngamati appeared before the committee to make submissions on behalf of the Kenya Power and Lighting Company.

##### **She submitted THAT: -**

- i) Electricity is a key indicator of urbanization with the County having 70% coverage (20% in Naivasha and 50% in Nakuru Municipality)
- ii) The role of KPLC is majorly purchasing electricity, ensuring there is a robust network and having a good customer service.
- iii) Nakuru County has 437,737 customers with 750 industrial customers.
- iv) The main station is in the industrial area and has two lines from Soilo and Lanet substations and the transformation capacity can support either of the networks.

- v) On the quality of supply, the Company has 36 substations that can be switched on remotely which also have lifeline equipment to work stations without switching off.
- vi) They also take care of the power bought and sold to reduce the cost of electricity.
- vii) On access to electricity, a target of 85% in June 2019 has been set with funding from the Government of Kenya (GoK), World Bank and Asian Development Bank targeting 100% connectivity in 2020. The designs are ready awaiting approval and funding to light Nakuru Municipality.
- viii) The company has had sensitization forums whereby customers have been taught on efficient power use which has had great returns on the reduction of power costs.

**The challenges they face include:**

- a. Encroachment of way leaves by informal structures
- b. Rerouting schemes by road agencies
- c. Illegal power connections
- d. Vandalism

**Their recommendations include:**

- a. Incorporate electricity grid in all major expansion plans
- b. Sign service level agreements with the County Government
- c. Facilitate land for electricity network infrastructure
- d. Mandatory way leaves
- e. Stakeholders’ participation

**4.3.4 Submissions of Rift Valley Water Works Development Agency (RVWWDA)**

Eng. Hosea K. Wendot, and Eng. Samuel K. Oruma appeared before the committee on 3<sup>rd</sup> July 2019 to submit the documents and presentations.



*Eng. Hosea K. Wendot (standing) and Eng. Samuel K. Oruma (right) from Rift Valley Water Works Development Agency (RVWWDA) making their submissions*

**They submitted THAT: -**

Rift Valley Water Works Development Agency (RVWWDA) is one of the eight water agencies in Kenya. The area under the jurisdiction of RVWWDA includes the following counties: Turkana, West Pokot, Baringo, Nakuru, Nyandarua, Elgeyo Marakwet and Narok.

RVWWDA has a board of directors headed by a chairperson, appointed by the cabinet secretary, Ministry of Water and Irrigation. The management is headed by the Chief Executive Officer who is also the secretary

to the Board and that the mission of RVWWDA is to plan, develop and deliver efficient and dependable water infrastructure.



In regards to conferring Nakuru Municipality City status, they submitted: -

- i) That currently the predominant source of water in the county is ground water, followed by small rivers within the County.
- ii) That the use of electricity for pumping water has increased the operational costs of water services due to large overheads but that the Government is investing in the surface Water Supply Projects that would reduce reliance on ground water.

### **Water Services Situation in Nakuru County**

The urban population around Nakuru County is estimated to be over 783,030 as at present while the rural population is about 1,249,601. The total water demand in urban area is about 93,964 a day, while in rural areas is about 91,221 m<sup>3</sup> per day. Nakuru town is served by Nakuru Water and Sanitation Services Company Limited (NAWASSCO) which gets much of the water supplied from boreholes in Baharin, Kabatini, Ol Banita among other well fields around the town. Naivasha town is served by the Naivasha Water and Sanitation Services Company Limited (NAIVAWASSCO) which gets its water from boreholes around the town. All other urban centres in the County are served by the Nakuru Rural Water Supply Company Limited (NARUWASCO) which gets its water from several small river intakes and boreholes around the County. There are over 500 community water schemes that are managed by community management committees around the County.

### **Water Development Projects in Nakuru County**

#### **Nakuru Works and Five Towns Water Supply and Sanitation Project**

As a precursor to the Vision 2030 water agenda for Nakuru County, the Rift Valley Water Services Board implemented the Nakuru Works and Five Towns Water Supply and Sanitation Project which was christened “immediate works”. The project was part of the wider project called Rift Valley Water Supply and Sanitation Project that was funded by an on lent loan from the African Development Bank at a total cost of Kshs. 2.1 Billion.

The project components for Nakuru Works included rehabilitation of existing water sources for Nakuru Town, drilling and equipping of 15 boreholes in Kabatini and Ol Banita wellfields, Minor treatment works, 5000 m<sup>3</sup> water storage tanks, rehabilitation of water distribution system within Nakuru town, replacement of the old and dilapidated sewerage pipelines in the town, rehabilitation of the old town sewerage ponds and construction of the Njoro sewerage plant. The components of the Five Towns water projects included augmentation of water supply to the five towns of Naivasha, Gilgil, Njoro, Elburgon and Molo. The works carried out included the drilling and equipping of boreholes, civil works and minor water treatment works for each of the five towns.

This project was completed in the year 2011/12 and is operational. Its impact was to increase water supply to Nakuru Town from 35,000 m<sup>3</sup> per day to about 60,000 m<sup>3</sup> per day. The project further increased the sewerage handling capacity of the town. The boreholes in Ol Banita well field have a challenge of hot water which reduces the efficiency of pumping units. The five Towns Water Supply project increased the efficiency of water supply in the five towns.

### **Itare Dam Water Supply Project**

Itare Dam is one of the flagship projects identified by the government of Kenya through the Rift Valley Water Services Board that is being developed as an enabler for vision 2030 and the Government Big Four initiative in Nakuru County.

The project targets water supply to Nakuru Town, parts of Kuresoi, Molo, Njoro and Rongai sub counties. Towns along the pipeline route including Chepsir, Chepson and Kedowa in Kericho County will also be served.

The Itare Dam is located in the boundary of Kuresoi North and South Sub Counties, Kiptororo and Tinet locations. The bulk supply pipeline will traverse Kuresoi, Kipkelion East, Molo and Rongai constituencies and terminate at Ngata reservoirs.

The scope of works includes: -

- i. Construction of 57m high Asphalt core Rock Fill Dam (ACRD) with a storage capacity of 27.8 Million Cubic Meters proposed to produce 100,000<sup>m<sup>3</sup></sup>/day and projected to serve a population of 789,717 by 2032.
- ii. Construction of 100,000<sup>m<sup>3</sup></sup>/day Water Treatment Works 1.4km downstream of Itare Dam.
- iii. Laying of 112km of bulk transfer gravity pipeline.
- iv. Construction of 14.5 km long bulk water transfer tunnel.
- v. Construction of bulk water storage reservoirs at Ngata, Lalwet Nakuru Prisons area and KBC transmitter in Milimani area.
- vi. Laying of 32km distribution pipelines.
- vii. Resettlement/Relocation of the project affected persons and infrastructure.

### **Public Priority Water Projects**

This is a Government of Kenya funded Programme which the Board is implementing in Counties across its area of jurisdiction. Three projects are being implemented in Nakuru County. These projects include; Mau Summit borehole, Twendane Borehole in Gilgil and Mbaruk-Eburu Water Project at a total cost of Kshs. 18 Million

### **Naivasha Industrial Park Water Supply Project**

The objective of this project is to supply sufficient water to the industrial park to meet the water demand at the industrial park to support the Big Four Initiative of the Government. The project has two components, short term intervention (water supply from 25 Boreholes to be drilled in Naivasha and Narok areas around the industrial park) and long term component that aims at supplying water at the industrial park from Malewa Multi-purpose Dam and 20,000<sup>m<sup>3</sup></sup>/day Water Supply which is under investigations and feasibility studies.

### **Lake Nakuru Biodiversity Conservation Project**

The main objective of the project is to reduce the pollution impact to the Lake Nakuru National Park ecosystem which is due to rapid urbanization in Nakuru County. The specific objectives include sustainable access to safe water supply and sanitation services in urban and peri-urban areas around Nakuru town; Protection of the Biodiversity in the Lake Nakuru National Park and

Enhanced capacity of the service provider to smoothly manage expanded and renewed sewerage system in Nakuru town and its environs.

The project will be funded jointly by the Government of Kenya (GoK) and The German Bank for Reconstruction (KfW). The RVWSB is the lead implementing agency in collaboration with the Kenya Wildlife Service (KWS). The scope of the project includes rehabilitation, augmentation and extension of the sewerage network and conservation activities in the Lake Nakuru National Park. The project will also develop facilities for wastewater recycling and reuse within the Lake Nakuru Catchment area with a possibility of pumping treated wastewater to the Lake Elmentaita Catchment Area. The implementation of the project is expected to start on July 2019 and end in June 2023.

### **Other Water Projects that may be considered for Future Development**

The table below shows some of the projects that may be funded in Nakuru town to improve the water situation.

*Table 10: Water Projects that may be funded in to improve the water situation in Rongai*

<b>RONGAI</b>					
Burgei Community Water	Rongai Sub County, Visoi Ward	To increase Water supply Coverage area	4,500	Equipping, Solar panels and pipeline extension	15,000,000
Emarangishu Water Project	Rongai Sub County, Visoi Ward	To increase Water supply Coverage area	6,000	Equipping Solar panels, rising main, storage tanks and pipeline extension	25,000,000
Laplap dam water project	Rongai SubCounty, Soin Ward	To increase Water supply Coverage area	2,500	Small Dam Construction, pumping system, Rising main, Storage and distribution system	50,000,000
<b>Totals</b>					<b>90,000,000</b>

*Table 11: Water Projects that may be funded to improve the water situation in Nakuru West*

<b>NAKURU WEST</b>					
Ingbor water project	Nakuru West County	To increase Water supply Coverage area	2,500	Replacement of pumping system and pipeline rehabilitation	2,500,000
<b>Totals</b>					<b>2,500,000</b>

Table 12: Water Projects that may be funded to improve the water situation in Bahati

<b>BAHATI</b>						
	Ndimu Ndege Water Project	Bahati sub-county, Lanet Umoja ward	To increase water supply coverage area	5,000	Drilling of two boreholes, equipping and civil works	15,000,000
	Kagoto primary school borehole	Bahati sub-county, Kiamaina ward	To increase water supply coverage area	4,000	Equipping, rising main, storage tanks and pipeline extension	10,000,000
<b>SUBTOTAL</b>						<b>10,000,000</b>

Table 13: Water Projects that may be funded to improve the water situation in Nakuru East

<b>NAKURU EAST</b>						
	Mirugi Kariuki secondary school area water project	Nakuru East sub-county, Nakuru east ward	To increase water supply coverage area	5,000	Drilling of borehole, equipping and civil works	20,000,000
	Muguga area water project	Nakuru East sub-county, Nakuru East ward	To increase water supply coverage area	5,000	Drilling of borehole, equipping and civil works	20,000,000
	Lanet water project	Nakuru East sub-county, Nakuru East ward	To increase water supply coverage area	10,000	Relocation of intake upstream, expansion pipeline and storage facilities	30,000,000
<b>SUBTOTAL</b>						<b>50,000,000</b>

## 4.4 Submissions of Professional Groups

### 4.4.1 Submissions of Institution of Surveyors of Kenya

Mr. Joseph M. Mugendi from the Institution of Surveyors of Kenya (ISK) South Rift Branch appeared before the committee on 11<sup>th</sup> July 2019 to submit make his submissions and to submit a memorandum.

#### **He submitted THAT: -**

- i) Nakuru should be conferred the status of a City because it meets most of the criteria defined in section 5 of the Urban Areas and Cities Act: -
  - a) Nakuru town now has a population of at least three hundred thousand which exceeds the two hundred and fifty thousand residents set out in the act.
  - b) Nakuru town has an integrated urban area or City development plan in accordance with this Act.
  - c) Nakuru town has demonstrable capacity to generate sufficient revenue to sustain its operations.
  - d) Nakuru town has demonstrable good system and records of prudent management.
  - e) Nakuru town has the capacity to effectively and efficiently deliver essential services to its residents as provided in the First Schedule of the Act.
  - f) Nakuru has institutionalised active participation by its residents in the management of its affairs through various organs including this forum, the Municipal Board and so on.
  - g) Nakuru town has infrastructural facilities, including but not limited to roads, street lighting, markets and a fire station.
  - h) Nakuru town has a capacity for functional and effective waste disposal.
- ii) Administrative context – There are certain functions that Nakuru town cannot perform as a Municipality that can only be done as a City. This is set out in the First Schedule of the Urban and Cities Act. A good example is airports as well as diplomatic hubs and consulates. Noting that the town has a sizeable international community, conferring Nakuru Municipality City status provides a framework for its residents to enjoy consular services.
- iii) Within the County, Nakuru is the leading economic engine as measured by services, agricultural and industrial output. The positioning of Nakuru town as a City will help to further consolidate this position by attracting talent, labour, investment and the right mix of raw materials, intermediate goods and finished products anticipating that the upgrading of the existing railway line passing through the town will be implemented.
- iv) Nakuru enjoys excellent linkage to all adjacent Counties. Conferring it City status will further consolidate its position as a logistical hub, tourism hub, hospitality hub, retail hub, an industrial hub, an education hub and administrative hub.
- v) Nakuru County is the second County in the Republic of Kenya as far as the collection of revenue is concerned and within Nakuru County, Nakuru town provides most of that revenue as at 2017/2018 FY. This means that the town can generate high levels of revenue needed to support City services.

- vi) Conferring Nakuru Municipality City status will enable her to provide an excellent market for the output and raw materials of the other counties including meat, vegetables, staple cereals, fuel, water, fruits, honey and others.
- vii) The designation of Nakuru as a City will further consolidate its place as Kenya's entrepreneurship hub. Many of Kenya's large companies started in Nakuru because the town provides a unique blend of low cost and intensive competition. For example, Nakuru Blankets, Eveready, Nakumatt, Tuskys, Naivas, Bedi Investments, Londra among others all begun in Nakuru.
- viii) Cities create economies of agglomeration. Nakuru has a large, diverse population with a well-developed professional sector that will attract more professionals, a well-developed financial sector, education and medical services. The further growth of Nakuru depends on its ability to attract and retain talented people who will create jobs and wealth in the City. This requires careful attention to the provision of attractive social amenities and service including: churches, mosques, temples, education facilities, sanitation, health and entertainment.
- ix) Nakuru County has many large urban areas including Naivasha, Gilgil, Njoro, Molo, Subukia and Mai Mahiu. Conferring Nakuru Municipality City status provides for the establishment of a City Board, which shall ensure adequate attention is provided solely for the development of the City against the many competing interests the county government must address.

**ISK recommends the following considerations before conferring City status:**

- i) City Status is not an excuse to charge the people of Nakuru more money. The Kenyan economy is struggling under the burden of predatory regulation and regulatory overreach. The County Government must ensure that the attainment of City status does not destroy Nakuru's reputation as an entrepreneurs' best City. It must not increase the gap between the rich and the poor. It must not create cliques that determine who can and who cannot be in business. Everything needs not to be expensive – a City affordable for everyone attracts more entrepreneurs.
- ii) During the pursuit of conferring Nakuru Municipality City status, the County Government must also be careful to ensure that zoning is not abused in Nakuru. Excessive zoning creates a lot of demand for mobility as people are forced to live on one side and then work on the other side. City status must come with a strong commitment to mixed use development. Furthermore, care should be taken not to exclude low income households from accessing housing by zoning their areas in favour of high-income land uses.
- iii) Nakuru should not become a City if it is not a green City. The pursuit of conferring City status must come with a strong commitment to green spaces and by expanding walkways and protecting pedestrians from the encroachment of their spaces by vehicles and vendors. Progress is not about creating a hard infrastructure that can only be enjoyed by a few people. The County should require the City Board to invest adequately on protecting and improving green spaces, pedestrian and cycling paths and promoting sustainability within the City.
- iv) Nakuru should not be allowed to sprawl to attain City status. Horizontal sprawl extending the limits of the City far beyond the core of the town will result in a town that is very

expensive to serve. Besides, Nakuru should also be careful about vertical sprawl – noting that the City is in a tectonically active area and that there should be limits on the skyline and adequate control of the building code and construction techniques.

- v) Light and Noise pollution – In the process of becoming a City, Nakuru should be careful not to become a noisy hell. It is important to ensure there is adequate lighting – but not too much because too much light hurts the ecosystem. It is also important to ensure that noise and air quality levels are managed.

**He submitted that it is important to address the following issues among others:**

1. Equip, revamp, and increase the fire stations.
2. Supply of adequate clean water, densify sewer connections and improve on sewer treatment works and management of storm water drainage.
3. Decongest the CBD and develop a road bypass.
4. Security of residents and their properties must be enhanced.

#### 4.4.2 Submissions of the Architectural Association of Kenya (AAK)

Mr. Kaggai Thiongo an Architect with AAK appeared before the committee on 26<sup>th</sup> June 2019 to make his submissions and as well as submit a memorandum.

**He submitted THAT: -**

The Architectural Association of Kenya (AAK) supports the conferment of Nakuru Municipality City Status with the following submissions.

- i) That there is a need for the construction of bypasses to filter the transit traffic on Class A104 from Nakuru Central Business District (CBD).
- ii) The building plans approval process should be digitized and the Physical planning unit to be well equipped with requisite infrastructure and personnel.
- iii) The municipal boundaries should be extended to Nakuru peri-urban.
- iv) There is a need to extend the sewer reticulation system to Kiamunyi, Barnabas, Kenya Industrial Training Institute and other estates.
- v) There should be development control guidelines to guide in the development and growth of the City including plot ratios, ground coverage and plot sizes.

#### 4.4.3 Submissions of Kenya Institute of Planners

Mr. Martin Ngugi and Mr. Charles Mwangi appeared before the committee on 26<sup>th</sup> June 2019 to make their submissions.

**They submitted THAT: -**

Kenya Institute of Planners supports the conferment of Nakuru Municipality City Status but the following concerns to be addressed first.

- i) The department of Land Housing and Physical Planning have no capacity to handle physical planning matters.
- ii) There is a shortage of qualified and competent department personnel and poor record keeping.

- iii) There is an urgent need to digitize the records and migrate to online submissions of development applications.
- iv) There is a shortage of professionals in the Physical Planning department hence there is need to employ additional Physical Planners, Land Surveyors, building inspectors and development control officers.
- v) The department should set up a fully-fledged planning unit with modern infrastructure. All transactions should be digital.
- vi) There is inadequate office space at Land Housing and Physical Planning to effectively serve the clients.
- vii) There is a lack of clear zonal regulations or development control framework to control the developments. There is a need for a review of zoning guidelines.
- viii) There is a need for integrated storm water runoff system.
- ix) There is a shortage of recreational facilities; sporting facilities, public parks, children playground, Public swimming pools.
- x) Nakuru town is too congested and therefore there is a need for the construction of bus parks and the introduction of a public transport system.
- xi) There is a shortage of adequate housing for low income earners hence the need for the provision of the same in the county housing strategy.
- xii) The tourism sector has not been fully exploited in the development and growth of the envisioned City.



*Mr. Martin Ngugi and Mr. Charles Mwangi from Kenya Institute of Planners appearing before the committee*

#### 4.4.4 Submissions of Kenya Pharmaceutical Association Nakuru branch

Johk K. Njenga, Margaret Komen and Pamela Mageto appeared before the committee on 26<sup>th</sup> June 2019 to make their submissions.

##### **They submitted THAT: -**

Kenya Pharmaceutical Association supports conferment of Nakuru Municipality City status with the following submissions:

- i) There is need to nurture and/or offer incentives to international drug manufacturers to set up factories in Nakuru.
- ii) There is a need to instil ethics in pharmaceutical practice. Due to expected urban sprawl and increase



*Johk K. Njenga (right), Pamela Mageto (centre) and Margaret Komen (Left) appearing before the committee*



in population, the county should employ more pharmacists to enforce the pharmaceutical regulations.

- iii) There should be a proper mechanism for health waste disposal. There is a need to construct additional incinerators and enforce relevant laws in liaison with the County government.

#### 4.4.5 Submissions of the Law Society of Kenya

Mr Ochang Ajigo appeared before the committee on 11<sup>th</sup> July 2019 to submit the documents and presentations.

##### **He submitted THAT: -**

Law Society of Kenya Rift Valley branch supports the conferment of Nakuru Municipality City Status subject to the following submissions.

- i) The Nakuru Municipality is too congested and there is an urgent need for decongestion.
- ii) There is the practice of Urban Agriculture in the residential neighbourhood e.g poultry and daily farming in Milimani. The practise should be discouraged by the enforcement of by-laws/ regulations.
- iii) There is insecurity in town streets at night. This can be addressed by lighting and maintaining the street lights.
- iv) There is a shortage of water supply in Kiamunyeki area.
- v) The City boundaries to be delineated.
- vi) The Architectural designs approved by the county should factor in the provision of adequate parking and appealing aesthetics.
- vii) The County government to consider Standard Gauge Railway or light rail for the mass transport system.

#### 4.5 Submissions of Residential Associations

##### 4.5.1 Submissions of Milimani Residents Association

Eng. J.K Wanderi appeared before the committee on 1<sup>st</sup> July 2019 to make submissions on behalf of Milimani Residents Association.

##### **He submitted THAT: -**

Milimani Residents Association does not support conferment of City status to Nakuru Municipality because of the following reasons:

- i) Physical Planning: There is no compatibility of various land uses in Milimani estate. There is a need to develop and implement development control framework.
- ii) Road network: There is a need for expansion of roads with functional road infrastructure e.g storm water drainage, street lights and pedestrian walkways.
- iii) The sewer reticulation system needs to be expanded to accommodate additional sewer volume.
- iv) The shanties in Milimani residential neighbourhood compromises the security and aesthetics and they need to be demolished.

- v) The County government should first evaluate the cost benefit analysis of conferring City status to Nakuru Municipality and share the findings with the stakeholders.

#### 4.5.2 Submissions of Naka Residents Association

Mr. Solomon Toroitich appeared before the committee on 1<sup>st</sup> July 2019 to make his submissions.

##### **He submitted THAT: -**

Naka Residents Association supports the conferment of City Status to Nakuru subject to the following recommendations.

- i) Improvements of infrastructure within the Naka estates e.g. expansion of sewer line and water reticulation system.
- ii) Street lighting to improve security.
- iii) Construction of new Roads to connect Naka to section 58 and free area
- iv) The land rates should not increase with the attainment of City Status. The county charges/taxes should be commensurate with the services offered by the County Government
- v) Zoning framework to regulate developments e.g. plot coverage and plot ratios should be controlled to ensure development compatibility.

#### 4.5.3 Submissions of All Homes Shabab Association

A memorandum to the Secretariat Ad Hoc Committee on conferring City status to Nakuru by All Homes Shabab Association and presented by its chairperson Paul Mwangi Ndereba.

##### **He submitted THAT:-**

They support the conferment of City Status to Nakuru with the following recommendations:

- i) The micro and small entrepreneurs to be displaced and affected in the expansion process should be allocated other alternative designated places to guarantee the continuity of their businesses.
- ii) The exercise of allocation of new open spaces should be done in a humane way and compensation and other incentives committed where possible.
- iii) Overall infrastructural development to be increased adequately
- iv) Essential social amenities services to be available to enhance business opportunities to the Micro and small enterprises
- v) Cost of doing business should be favourable to all and security guaranteed
- vi) Affordability of the housing schemes should be considered.
- vii) Environmental measures should be given the right priorities key priority.
- viii) Food security should be propagated.
- ix) All projects should be socially and economically viable with real time frames.
- x) Employment opportunities should gear towards benefiting and improving the welfare of Nakuru City.
- xi) Information should be provided on the cross benefits of the conferring City status to Nakuru.
- xii) Disaster preparedness and management will be above board and reliable.

- xiii) All stakeholders should be made to own and accommodate the upgrading process of Nakuru Municipality to attain the City status.

## 4.6 Submissions by Business Umbrella Groups

### 4.6.1 Submission of the Kenya National Chamber of Commerce and Industry

The submission was done by Mr. John Kamama, Mr. Stephen Thuo, Mr. John N. Mugo and Mary Nyanchama from Kenya National Chamber of Commerce and Industry (KNCCI) who appeared before the Ad hoc committee on 25<sup>th</sup> June 2019.

#### **They submitted THAT: -**

The Kenya National Chamber of Commerce and Industry (KNCCI) supports conferment of City status to Nakuru with the following reasons: -

- i) The City will create employment opportunities for the youth.
- ii) That due to the location of Nakuru Town on the transit corridor, other counties depend on it for movement and business transactions.
- iii) The upcoming industrial hub in Salгаа.
- iv) The tourist attractions sites in Nakuru Municipality.

Kenya National Chamber of Commerce and Industry (KNCCI) however would wish the county government to provide solutions to the following concerns as it plans the conferment of City Status to Nakuru Municipality:

- i) What are the county plans in the upgrading of informal settlements?
- ii) What is the fate of SMEs with the conferment to City status?
- iii) What is the relationship/framework between foreign investors with the county government?
- iv) Is the county Government prepared to expand the existing infrastructure to accommodate a commensurate increase in population?
- v) Provision of accessible infrastructure and utilities for the People Living With Disabilities (PLWDs)
- vi) The fear of relocation of businesses e.g. boda boda operators.
- vii) What are the incentives offered to the current business community to thrive in the Market? The framework of accommodating the new entrants in the market to protect the existing businesses.

Kenya National Chamber of Commerce and Industry (KNCCI) recommends that the Memorandum of Understanding (MoU) between the KNCCI and Council of Governors (COG) be implemented.

#### 4.6.2 Submissions of Nakuru Business Association (NBA)

Mr. Wilson Gitu appeared before the committee on 25<sup>th</sup> June 2019 to make his submissions on behalf of the Nakuru Business Association (NBA).

##### **He submitted THAT: -**

Nakuru Business Association does not support conferment of City status to Nakuru Municipality with consideration of moratorium of 15 years and with the following submissions: -

- i) There should be continuous upgrading of the existing infrastructure for example Roads, water, sanitation and other utility infrastructure. The current infrastructure is strained and cannot accommodate additional envisioned population influx.



*Mr. Wilson Gitu (right) and his colleague from Nakuru Business Association appearing before the committee*

- ii) The property valuation will increase hence overburden ratepayers.
- iii) There should be rezoning of the various land uses especially the industrial hubs like Salgaa to create land use compatibility and ensure environmental management.
- iv) There should be a E-waste management system put in place to deter the deterioration of the ecosystems e.g. lake Nakuru National Park.
- v) There is fear of political cost; there might be the legislation of bills which are selective or biased to City dwellers without consideration of the rural dwellers.
- vi) The county Government should partner with other agencies in service delivery e.g. in disaster management.

#### 4.6.3 Submissions of Kenya Association of Manufacturers

Madam Vanessa Evans, Peris Mbuthia and Rayanshoh appeared before the committee on 25<sup>th</sup> June 2019 to make their submissions.

##### **They submitted THAT: -**

Kenya Association of Manufacturers (KAM) opposes conferment of City Status to Nakuru Municipality with the following submissions.

##### **i) Competitiveness**

Businesses in the Municipality anticipates the rise in the cost of doing business after the upgrade takes place, this will also include a rise in fees and levies chargeable by the County including Single business permit fees, Advertisement fees, Rental costs and Water costs. The anticipated rise

could negatively affect the competitiveness of businesses both in the local market as well as in the international market for export-oriented manufacturers.

The conferment to a City would, as by law stipulated, automatically prompt wage increase. This would be a further disincentive for present businesses to continue investing in the City or for new ones to set up.

## **ii) Infrastructural Readiness for Businesses**

The current status of infrastructure in the Municipality County has been noted not to be at par with a town of City status, these shortfalls include:

- a) Lack of disaster preparedness in critical areas like firefighting.
- b) Social amenities like theatres or stadiums are not yet to the City status standards.
- c) The Municipality has not yet put in place the proper infrastructure for Waste Management and Sanitation (according to NAWASSCO, only 27% of the Municipality is connected to a sewer and that the majority of the population rely on on-site sanitation/septic tanks).
- d) Service delivery ought to be commensurate with infrastructural upgrades, but human resources development is lagging behind the physical improvement of some facilities in the Municipality including Provincial General Hospital.

## **iii) Risk of Businesses Relocating outside of Nakuru Municipality**

With the anticipated rise in the cost of doing business, Nakuru Municipality risks businesses seeking to relocate to alternative sites outside the City. The impact of the relocation of businesses from the county will lead to:

- a) Increase in the number of unemployment in the Municipality.
- b) Reduced revenue collection to the Municipality.

## **iv) Implications for Members**

The aforementioned concerns have been noted to have potentially disruptive and damaging implications to manufacturers currently within the Municipality. They are: -

- a) In respect to competitiveness, it has been noted that the increase in costs for the various services and business factors is likely to erode the competitiveness of the said manufacturers, especially should there happen to be no mitigating measures to cushion them.
- b) The increase in costs shall lead to the increased cost of production, with the manufacturers having limited options on how to respond to ensure that they remain



*Vanessa Evans from the Kenya Association of Manufacturers (KAM) appearing before the committee to make her submissions*

competitive. The challenge would be even more acute for export-oriented manufacturers, who would find their capacity to compete at the international market drastically diminished.

- c) The manufacturing sector is nervous that the direct and immediate social and economic consequence would either be scaling down of operations or worse still, complete cessation of operations, which would naturally result in loss of jobs and revenue to the government
- d) The upgrade would degrade the ability of the Municipality to attract new investors.

### **Recommendations**

- a) Nakuru County should allow more time (10 years) for consultation with stakeholders before proceeding with the process of upgrading the Municipality to a City.
- b) There is a need for a cost-benefit analysis of the upgrade to consider the cost implication it will have on businesses in the County. This analysis would also show how efficient the current County revenue collection and expenditures are and whether it can be sufficient to sustain Nakuru in the proposed status of a City.
- c) There is a need for the county government to share a comprehensive 'City business plan' that includes revenue, expenditure, projects, sources of income and funding. This should help stakeholders to properly discern the cost-benefit analysis of the whole initiative.
- d) KAM requests to see the City Master Plan indicating how the proposed move will look like especially in terms of zoning.
- e) KAM requests for a comprehensive database of all relevant statistics relating to skills availability, demographics, land and other resources to be shared with other stakeholders.
- f) There is a need for a legal framework for Solid waste management.
- g) The county should adopt a Smart City concept in the management of the City e.g CCTELEVISION Cameras to enhance security.
- h) The county should consider expansion of businesses outside the Nakuru town as opposed to relocation.
- i) The county should fully automate service provision mechanisms e.g revenue collection

### **Conclusion**

KAM welcomes the move to upgrade Nakuru Municipality to a City but they would like to see it done in a way that will not affect the people and businesses. They also express their reservation regarding this intention until it is clear on the implication of the upgrade to the cost of doing business in the Nakuru Municipality.

#### **4.6.4 Submissions of Matatu Owners Association (MOA), South Rift**

Mr. David Karanja and Mr. Peter Wambugu from the Matatu Owners Association South Rift appeared before the committee on 1<sup>st</sup> July 2019 to make their submissions.

#### **They submitted THAT: -**

Matatu Owners Association supports conferment of City status to Nakuru Municipality recommends a moratorium of two (2) years with the following submissions.



- i) There is no adequate public bus terminus to accommodate the public transport sector.
- ii) Nakuru town is too congested and there should be an expansion of the roads and bypasses to decongest the town.
- iii) There should be the provision of adequate infrastructure to support the public transport sector – for instance, a multi-storied parking mall.
- iv) There should be construction of stalls, shopping malls and/or markets to accommodate the hawkers.
- v) The county should construct satellite wholesale markets outside the town to decongest the Wakulima market and minimize traffic flow within the Nakuru CBD.
- vi) The county should construct an industrial park to thrive the industrialization business.
- vii) There is a need for the re-planning of the town with proper zoning guidelines.
- viii) There is a need for expressway highway from section 58 to Njoro turnoff.
- ix) There should be decentralization of selling points of farm products.
- x) There is a need for a central upcountry bus park.
- xi) The multiple or double charging of parking fees should be abolished and harmonized to avoid double taxation.
- xii) There is a need for mass public transports especially on block 9 Kenya Railways reserve.

#### 4.6.5 Submissions of Nakuru Informal Traders

Mr. Simon Nasieku appeared before the committee on 1<sup>st</sup> July 2019 representing informal traders (hawkers) to make his submissions.

##### **He submitted THAT: -**

The informal traders oppose conferment of City Status to Nakuru Municipality in abeyance for 8 years with the following submissions.

- i) It is feared that informal traders will be relocated resulting in job losses hence entrenching poverty.
- ii) There is a need for public participation and creation of awareness.
- iii) The County government should implement an Integrated Strategic Urban Development Plan before conferment.
- iv) There is a need for the development of a transport management plan or a road master plan.
- v) That street lighting and security need to be enhanced to promote a 24hr business economy.
- vi) Solid waste Management: That there is a need for expansion of sewer reticulation system to accommodate additional population
- vii) Storm water drainage system is inadequate to effectively control flooding in the Municipality.
- viii) There is a shortage of adequate housing. There is a need for housing policy and redevelopment of existing county estates.
- ix) The county government has no adequate land for future expansion of the proposed City.
- x) There is a need for acquisition of additional land for the cemetery.
- xi) City inspectorate department should be reformed. There is a need for re-training of the staff in the inspectorate department for change of attitude.

#### 4.6.6 Submissions of Boda Boda Operators

Mr. Machongu N. Joseph, Sammy Waweru and Lawrence Omuse appeared before the committee on 1st July 2019 and made their submission.

#### **They submitted THAT: -**

They support conferment of City Status to Nakuru Municipality with the following conditions.

- i) Storm water drainage infrastructure needs to be improved.
- ii) There is a need to improve security to promote 24hrs economy of a City Status.
- iii) There is a need to set aside boda boda sheds within the Nakuru CBD.
- iv) There is a need for training the boda boda riders on-road use and ensure obtaining of medical cover.
- v) The county to install traffic lights to control traffic and well-designated parking area and routes of operation.

#### 4.7 Submissions of Members of Parliament Nakuru County MPs Caucus & Senator

Senator Susan Kihika, Hon. David Gikaria, Hon. Kimani Ngunjiri appeared before the committee on 8th July 2019 to make their presentation and submit a memorandum.

#### **They Submitted THAT: -**

- i. That Nakuru town is the fourth largest town in Kenya after Nairobi, Mombasa and Kisumu. The three are already cities and this might explain the excitement shared among few people on it being given City status. But across the board, the majority hold the view that the county government have not given sufficient information on how it would affect businesses and its strategy to deal with congestion, water shortage, sewerage and sanitation, health facilities and care, storm drainage among other thorny issues.



*Hon. Susan Kihika, Nakuru Senator (centre); Hon. David Gikaria and Hon. Kimani Ngunjiri making their submissions before the committee*

- ii. The urban areas and cities Act of 2011 has been the roadmap to achieving cities, Municipalities and town's status together with improving service delivery to the common *mwananchi*. However, it was deficient in some ways and some of the current cities in Kenya today do not possess the characteristics set in the act. This act made it difficult to be conferred with City status and action had to be taken.



- iii. The National Assembly embarked on a mission to ease this process while still maintaining service delivery as an important element and a key factor in attaining the City status pedigree. The bill went through both the national assembly and the senate and on 12<sup>th</sup> March 2019, the president of the Republic of Kenya, H.E Uhuru Kenyatta signed the **Urban Areas and Cities (Amendment) Bill 2017 (“The Amendment Act”)** into law. It provides for a new criterion for classifying an area as a City, Municipality, Town or Market centre.
- iv. The review was particularly important since the older classification criteria were unattainable under the then prevailing circumstances and service delivery to the people would be compromised unless the law was amended. It is worth remembering that all County Headquarters were also to automatically be classified as Municipalities regardless of whether they had attained the minimum set standard/criteria or not.
- v. A major amendment was the reduction of the number of residents in an area to be classified as and City from 500,000 to 250,000. This made it easier for major owns to be conferred City status. This amendment has led to the rush by county governments to try and attain City status in areas where the headquarters are located. Unfortunately, this has been informed on the number of residents with total disregard of service delivery to these people.
- vi. However, the first schedule must be read with any subsection of article 184 of the constitution to cater for the needs of citizens as we endeavour to confer our jurisdictions to either cities municipalities, towns or market centres.

**FIRST SCHEDULE (s. 5(1), 9(1) (e), and 10 (2) (d))** on the classification of urban areas and cities and by services. In classifying an area as a City, regard shall be that it has the ability to provide the following services and also the existence of the services required to provide by the national government:

- i. City (Population: at least 250,000)
- ii. Planning and development control
- iii. City economic development plan
- iv. Traffic control parking
- v. Water and Sanitation
- vi. Street lighting
- vii. Outdoor advertising
- viii. Cemeteries and Crematoria
- ix. Public transport
- x. Library services
- xi. Storm drainage
- xii. Ambulance services
- xiii. Health services
- xiv. Firefighting and disaster management
- xv. Control of drugs
- xvi. Sports and cultural activities
- xvii. Electricity and energy provision (gas, kerosene, biomass etc.)
- xviii. Abattoirs
- xix. Refuse Collection

- xx. Solid Waste Management
- xxi. Pollution (Air, Water and Soil) Control
- xxii. Child Care Facilities
- xxiii. Pre-Primary Education
- xxiv. Local Distribution Roads
- xxv. Conference Facilities
- xxvi. Community Centres
- xxvii. County Hospital
- xxviii. Constituent University Campuses
- xxix. Polytechnic
- xxx. National School
- xxxi. Stadium
- xxxii. Airport
- xxxiii. Airstrip
- xxxiv. Theatre
- xxxv. Library Services
- xxxvi. Administrative Seat
- xxxvii. Financial Hub
- xxxviii. Museum
- xxxix. Historical Monument
- xl. Fire Station
- xli. Emergency Preparedness
- xlii. Postal services
- xliii. Funeral parlour
- xliv. Recreational parks
- xlv. Management of markets
- xlvi. Animals control and welfare
- xlvii. Religious institution
- xlviii. Organized public transport

Since then, major towns in Kenya are in the process of realigning themselves to the criteria set out in the Act including Eldoret and Nakuru. This is only important if the City status translates to improved service delivery by the Counties and National Government and an attractive, conducive and favourable environment for carrying out businesses by the small and medium entrepreneurs.

#### **Memorandum in a Snapshot**

- i. That Nakuru is set to become a City sooner or later, but the timing will determine and shape the future of Nakuru Municipality residents.
- ii. That to most as demonstrated in the public participation forums, the Municipality is not yet ready to become a City and it would be a disservice to the great people of Nakuru if their contributions were not incorporated in this process.
- iii. That they wished and hoped for the conferment one day, but there is a need to trade cautiously not to fasten a process which other developed countries took their time to achieve.

- iv. The constitution has set a criterion and a service delivery minimum to ensure enhanced services delivery and access to modern infrastructures with limitless possibilities of doing business.

#### **Nakuru Compliance with the Urban Areas and Cities Act (UACA)**

- i. Nakuru automatically become a Municipality by virtue of hosting the County Headquarters as stipulated in the Urban Areas Cities Act.
- ii. It has been rated as among the fastest growing towns in East and Central Africa.
- iii. That this growth is majorly attributed to the previous ease of starting and sustaining a business enterprise.
- iv. This has been attracting people from diverse communities and with numerous business ideas and skills. Immigration in this town has been an ever-present phenomenon. Trading licenses were affordable, and the authority made the business environment very attractive to investors.
- v. The second factor for the growth has been available space/land within the Municipality. The town is blessed with large chunks of idle land which can be put to more productive use. However, this has been negated by the county government desire for CBD land for various purposes. Business buildings/ structures have been demolished evicting traders who have been left with loans without means to repay them.
- vi. That the stipulated services which must be present for an area to be conferred to as a City are conspicuously lacking within Nakuru Municipality.
- vii. That these lacking services be addressed before conferring the Municipality City status.

#### **Nakuru status**

##### **1. Storm drainage**

The current plan of storm drainage was established in the 1990s and a lot has changed since then. The plan was meant for the then sparsely populated area with very few buildings. The plan could at that time cater for the existing settlements. However, since then there has been a mushrooming of settlements which are not served by the previous storm drainage system.

This being a period of rainfall, it is evident that the county government needs to rethink and redesign the storm drainage system to avoid any further deaths as five (5) deaths have already been reported within the CBD during the last rains early this year (2019). Nakuru Municipality should not attain City status without a concrete and practical storm drainage system.

##### **2. Refuse collection and solid waste management**

This responsibility was placed on the county government with the promulgation of the 2010 constitution. The individuals mandated to carry out this role have illustrated laxity and lack of due diligence. There have been cases of demonstrations within the CBD and surrounding areas due to the nuisance of garbage lying all over and exposing residents to diseases such as typhoid, cholera, malaria and diarrhoea.

This can also be attributed to the companies contracted who charge exorbitant fees for their services yet do not appear to understand the areas they are contracted to operate. They collect garbage inconsistently and at times face the wrath of irate residents.

The county government has a long way to go before it can streamline its garbage /refuse collection system as stipulated as a requirement by the urban areas and cities act. The solid waste and sewerage system serve only a portion of the residents with a large percentage relying on exhauster trucks for waste disposal. This on its own denies Nakuru Municipality the opportunity to be elevated to a City.

### **3. Emergency Preparedness, Fire Fighting and Disaster Management**

In an emergency, many systems the County relies on may not function optimally. Familiar landmarks, routes, resources and services may be altered and many lives depend on disaster management/response team. Timely response by the team tasked to handle such situations and with the capacity to handle them is crucial.

This issue cannot be overemphasized in this county as time and again we have suffered great losses from disasters. Nakuru lacks the capacity to handle emergencies. Despite the County Assembly being in the process of articulating on a bill on the same and the county government has established a Disaster management unit recently, it's a case of too little too late and more time is required to fully operationalize this unit.

This might have been triggered by the Lake Nakuru plane crash where the whole county could not respond in time and all the persons on board the chartered plane perished. The first team responded approximately eight hours after the incident.

Fire disasters are also a common phenomenon in Nakuru Municipality. The fire brigade team may not be purely to blame but their response has been off the pace. It is worth remembering that the excuses given on emergencies such as not having the required resources and inaccessibility is the simple definition of emergency/disaster. The fire station is also not centrally located with a non-working telephone line that is rarely answered.

### **4. Cemeteries and Cremation**

No one has the guarantee of life and we will all one day return to our creator, as such, it is necessary for the county to have land to allow a decent send off to the departed. Nakuru cemeteries (both the north and the south) are full and it is unfortunate that people are burying their loved ones on top of other decaying bodies. It is a disgraceful sight and people should cease and the dead accorded respect.

The county needs to plan and acquire land to establish cemeteries which should also be accessible and safe. This is a key factor that makes Nakuru Municipality unprepared to attain the status of a City at the moment.

### **5. Health facilities and Ambulance services**

The health sector is a very crucial sector with the national government allocating billions of shillings every fiscal year. Hospitals across the county from referral to community are dilapidated and lack basic equipment and drugs.

The referral system is dying and health being a devolved function, the administration should move with speed to arrest the situation. Treatable disease such as malaria and lifestyle diseases are now killing residents. Early diagnosis is lacking which would otherwise improve the survival rate of victims. Hospitals around the Municipality such as Langa Langa, Bondeni (Methonge) lack modern equipment, have inadequate staffs across all cadres, experience gross insufficient funding and frequently run out of drugs stock. With an improved health system, morbidity and mortality rates would decrease and the health prognosis would be positive.

The county government needs to invest more in health through infrastructural development, drug stocking, staffing and capacity building. The management of health facilities should improve with correct staffing with competent individuals.

## **6. City Economics Development Plan**

Targeting key economic sectors for growth allows the national and county governments to direct their economic development efforts in a strategic manner, which helps administrations use their limited resources prudently.

The secret is identifying the correct sectors for investment as wrong sectors would lead to wastage of public resources. The Nakuru county government has been concentrating on the agricultural sector which is, by all means, commendable but it is a mistake neglecting other potential sectors with the potential to create job opportunities and transform this great town. It is wise where possible to align the key sectors to the National Government agendas. To a small extent, it has purported to support value addition but the situation on the ground has been different.

Nakuru Municipality has immense potential to become an industrial/manufacturing hub with the correct policies and practice. Manufacturing as a way of value addition is specifically key as Nakuru serves as both a producer of raw material and a consumer of finished products. With this in mind, it requires a deliberate and collaborative effort to tilt the scale and allow Nakuru to naturally illustrate its industrial potential.

Another sector which should receive huge investments is the Small and Medium Enterprises (SMEs) as they provide income to more than 60% of the Municipality's residents. Residents deal with tree nurseries, second hand clothes, hawking and other small businesses which require nurturing as they have the ability to transform and become the giant industries of tomorrow. It is quite disturbing that the county government has embarked on erratic demolition of buildings/structures hosting these small businesses. Licenses are being revoked and others denied the necessary/documents to start businesses. This denial of an important mandate placed on the county government as article 174 (f) of the constitution places the obligation of promoting social and economic development and the provision of proximate, easily accessible services

throughout Kenya on county governments; moreover Article 209 gives counties the power to impose taxes and charges on services on services they provide but clause 5 states that “the taxation and other revenue-raising powers of a county shall not be exercised in a way that prejudices national economic policies, economic activities across county boundaries or the national mobility of goods, services, capital or labour.”

The other sector is transporting industry. Public transport serves a majority of commuters in Kenya. This is well reflected in Nakuru Municipality as residents rely on it as their main mode of transport.

Nakuru Municipality lacks an efficient transport network with stages being moved from time to time with harassment of operators. Certain individuals are constantly evicting others on purported County government orders to remote areas only for others to be reallocated the land. This contributes to bad blood within Matatu SACCOs.

### **7. Water, Sewerage and sanitation**

Article 43(d) of the constitution safeguards the provision of water as a constitutional right for every Kenyan by establishing the right to clean and safe water in adequate quantities; Article 21(2) places an obligation on the state and state organs to take legislative and other measures to realize this right.

Nakuru Municipality has been experiencing water shortages despite the immense water resources available. This has shed a negative light on the county administration severely crippling businesses and depriving the public the opportunity to earn a living. Some areas just lack water connection such as *mzee wanyama* and a large area of Nakuru east ward. The residents have turned to use rainwater collected through gutters which have exposed them to diseases such as diarrhoea and cholera. The area is also prime for agriculture and with sufficient water provision, this area can produce enough food to cater for the surrounding areas.

### **8. Public Participation and its Time-Frame**

Public participation is the engagement of the public in legislative processes and other businesses carried out by any agency with the county government included. It is well secured in Article 118 of the constitution and entails giving full consideration of people’s views and concerns. It is however sad to say that the process elevating Nakuru Municipality to a City has been carried out hurriedly for a period not exceeding one month which is barely enough for public consultation let alone report writing.

Also, the Ad Hoc Committee should get out of its comfort zone and get to the people as a majority do not attend the set forums due to various reasons. The committee quorum should also be observed at any forum and its constitution especially having a legal person as stipulated in the urban areas and cities act on Ad Hoc Committee composition.

A longer period is required to engage the residents and sensitize them on becoming a City to enable them to express their full views fully aware of the matter on the table. Failure to this,

Nakuru City will become another ghost City with its residents suffering from the impact of status the Municipality was not ready for and was not made ready for it.

### **Conclusion and Recommendations**

Unless the above areas are addressed through capacity building, sensitization, improving service delivery, enhancing the business environment and engaging the residents in legislation and other businesses; Nakuru City will never exist or it will bring great suffering to its people. The county administration and other stakeholders must come together and deliberate on the best way forward and give Nakuru Municipality time (minimum ten years) to gradually grow into a City rather than make the jump into the unknown.

Certain areas must be addressed as stipulated in the first schedule of the urban areas and cities Act for this dream to become a reality. These areas include but not limited to: economic viability, transport, water and sanitation, waste disposal, health facilities and health care among others: The small-scale traders should be given the liberty to carry out their businesses without harassment by county *askaris* and improve on service delivery to enable compliance. Any demolitions should be after wide consultations on the relocation sites and the viability of carrying out businesses on those proposed alternative sites.

This will ensure that our youths and women and the public in general have a form of employment which will facilitate achieving the City status pedigree. Nakuru cannot be granted City status if its residents are unemployed, lack educational opportunities to acquire the desired skills and are stricken by poverty. The public transport system should be improved and well managed with designated picking and dropping points as it has the potential to revolutionize the economy of Nakuru.

### **4.8 Submissions of Nakuru Workers Union**

Mr. John Ndunda appeared before the committee on 1<sup>st</sup> July 2019 to make his submissions on behalf of Nakuru Workers Union.

#### **He submitted THAT: -**

Nakuru Workers Union Supports the conferment of City Status to Nakuru Municipality with the following submissions.

The Union represents 1,200 members within Nakuru County.

- i) Conferment of City status will result in economic diversity. There will be an attraction of partnership with other international firms hence the creation of wealth and resultant employment. Additionally, it will enhance investor confidence.
- ii) There will be improved standards of living due to the expansion of infrastructure and essential government services.
- iii) There will be an increase in revenue collection due to an increase in investment and economic growth.
- iv) There will be improved infrastructure and social amenities.
- v) There will be an increase in allowances through collective bargain agreements.
- vi) The county should offer services commensurate with the taxes charged.

#### 4.9 Submission of Mr. Edward Kings Onyancha Maina

Mr. Edward Kings Onyancha Maina rejected conferment of City status to Nakuru Municipality.

He cited that the Municipality does not have the following: -

- i) An established geographical boundaries
- ii) A housing and settlement policy and master plan
- iii) Transport master plan
- iv) Social amenities master plan
- v) Educational institutions master plan
- vi) Solid waste management master plan
- vii) Sewerage master plan
- viii) Safe drinking water master plan
- ix) Debt repayment master plan
- x) Tertiary educational institutes master plan
- xi) Disaster management master plan
- xii) Energy reticulation master plan
- xiii) Valuation master roll
- xiv) Tourism and catering facilities master plan
- xv) Manufacturing industries master plan
- xvi) Forest and reforestation master plan
- xvii) Land usage master plan
- xviii) Conservation and wildlife master plan

#### 4.10 Submissions of Mr. Munyaka Muthura Baru

The following are the opinions and interests in an attempt to beautify our City: -

- i. Bus Park - a nice bus park be situated just opposite Huduma Centre since it is the centre Junction of main roads i.e. Njoro, Kericho, Kisii and Kisumu all are converging at this point.
- ii. Market Place - a modern market be erected with a storey building whereby the ground floor will be Bus Park and up to be a market place. This be erected just opposite Standard Chartered Bank because of its location.
- iii. Private vehicles parking- enough and spacious space and parking be allowed during the trimming of town buildings. This will decongest the streets and ease security.
- iv. Modern Garden - expand the current garden, be fenced and install WiFi while generating revenue from its public toilet.
- v. Feeder roads - the roads be widened and to open up the entire town. They should also be maintained thus bringing equality.



- vi. Flyover - A flyover must be present at the outlet of Nakuru i.e. Nakuru-Kericho highway. It will help in reducing vehicle-pedestrians disturbances and accidents. This is the main entrance and outlet of the main town.
- vii. Modern building - Buildings should be modernized i.e. up to the current standards. Old buildings must be upgraded to modern houses as it is required by the National Construction Authority (NCA). This is to avoid collapsing and falling off tall buildings which were erected with low standards.
- viii. Drainage - lack of drainages leads to business destruction and preferably outbreak of diseases. A proper one must be installed.
- ix. Rental houses - A uniform painting pattern should be observed i.e. white and green colour - it should have proper waste disposal, good security.

#### 4.11 Submissions of Mr. Daniel Murugu

**He submitted THAT: -**

- i. The informal trading segment is a crucial sector of economic empowerment of the people of Nakuru County that produces thousands of jobs indirect trading of locally and imported manufactured goods and similarly provision of essential services.
- ii. In Nakuru town, traders are revenue contributors through business permits and should therefore, be involved in all decision making process of the county government of Nakuru that affects them directly or indirectly.
- iii. In the anticipated conferment of City Status to Nakuru town probably before the end of the year, he submitted the following concerns that should be adequately considered:-
  - a) Maximum freedom to operate within Nakuru CBD without being harassed in any way.
  - b) No re-location of informal traders in these hard economic times. There should be a policy framework for continuous dialogue on emerging issues on their operations.
  - c) Provision of sanitation services in all trading areas.
  - d) Sealing of loopholes that result in loss of revenue in business permits.
  - e) Proper planning of City to promote ease of doing business for all informal traders within busy areas in the City and close to customers in bus parks, markets, hotels, supermarkets and major roads.
  - f) Special education Bursary kitty to promote the education of the children of all informal traders.
  - g) Security of all public parcels of land that can be used for their benefit now and future.
  - h) Curb the menace of foreign traders invading their businesses with cheap and counterfeit goods.
  - i) Retraining of county enforcement officers and revenue officers to promote integrity and professionalism especially while dealing with informal traders.

- j) The working relationship between informal traders and enforcement and revenue officers be improved.
- k) Total resettlement of informal traders who were evicted in Nakuru CBD in 2015 and who were not given alternative trading sites.
- l) Compensation of the said traders those alive and dead where applicable.
- m) Monthly open air trading along Kenyatta Avenue and other major roads in Nakuru town CBD to promote their business.
- n) An informal Traders Capacity Building and Trading Conference be held in the next two months sponsored by the county government and partners.
- o) Exchange programs in other counties for information and experience sharing.
- p) Enabling a conducive business environment.
- q) Ensure maximum security for premises, goods, employees, liquid cash etc.
- r) Return to 16 trading hours of the last decade.

## 5 ISSUE FOR DETERMINATION BY THE AD HOC COMMITTEE

### 5.1 Whether Nakuru Municipality meets the minimum requirement to be conferred with City Status as set out in section 5 of the Urban Areas and Cities (Amendment) Act 2019

Table 14: Table demonstrating analysis of the services as per the First Schedule of UACA

REQUIRED CRITERIA	Current Status	Proposed/ On-going activities
Population of 250,000/=	<p>Nakuru County is home to 2.1 million people as per the Kenya National Bureau of Statistics (KNBS) projections for 2017. The County's two major towns are; Nakuru Municipality which is the County's headquarters and Naivasha town which is popular for both local and international tourism because of its proximity to Nairobi the Capital city of Kenya. Nakuru Municipality is complemented by other urban centres spread across the County that include; Molo, Njoro, Gilgil, Mai Mahiu, Subukia, Salgaa and Rongai.</p>	<p>The County's population according to the 2009 National Population and Housing Census was approximately 1.6 million with 804,582 males and 798,743 females. At a growth rate of 3.05 per cent, the population is estimated to be at 2.1 million in 2018 whereas in 2022 the population is estimated to grow to 2.4 million people.</p> <p>Nakuru Municipality is comprised of two sub counties: Nakuru west and Nakuru East covering approximately 251km<sup>2</sup> and 74.3km<sup>2</sup> respectively.</p> <p>Nakuru Town West has six wards: Barut, London, Kaptembwo, Kapkures, Rhonda, Shaabab</p> <p>Nakuru Town East has five wards; Biashara, Kivumbini, Menengai, Flamingo, Nakuru East.</p> <p>According to the 2009 National Population census, Nakuru Municipality had a population of 367,183 which surpasses the required population threshold of 250,000.<sup>5</sup> KNBS 2017 population projection by urban areas projected Nakuru Municipality population to be 405,276 by the year 2018.</p>
Integrated urban area or City development plan	<p>Currently, the development and growth of the Municipality is guided by Nakuru Strategic Structure plan (2001-2021). The plan was prepared under the then defunct Municipal Council of Nakuru and therefore mainly</p>	<p>The County government has prepared The Integrated Strategic Urban Development Plan (2014 -2034) for Nakuru Municipality. This is a long-term spatial development framework for the Municipality, intended to guide the growth of the town for a period of 20 years up to the year 2034.</p>

<sup>5</sup> Ibid, iii

	<p>covered the then municipal boundary. It contained broad land use zones and identified some of the strategic interventions including concepts that were required for implementation to achieve sustainable development. Greening, the need for mobilization of resources amid dwindling public coffers, prioritization of actions and the adoption of the strategic approach to planning were emphasized. The plan identified various Action plans there were to be acted on as part of the implementation of the plan. The roles of various actors were outlined.</p>	<p>The plan has been submitted to the Nakuru County Assembly for consideration of approval.</p> <p>Implementation of the ISUDP is expected to provide solutions to most of the concerns critical to the development of Nakuru Municipality. It is therefore expected that the plan proposals will be a significant step towards achieving the development vision of Nakuru. It is expected that all stakeholders and actors including residents, business entrepreneurs, civil society organizations, and the local, county and national administration will play their respective roles and provide the necessary support to ensure implementation of the plan proposals.</p>
<p>Capacity to generate sufficient revenue</p>	<p>According to the Kenya National Bureau of Statistics (KNBS) Gross County Product 2019, Nakuru ranked second highest contributor to Kenya's GDP at an average of 6.1 percent after Nairobi City County between 2013 and 2017 according to the Kenya National Bureau of Statistics (KNBS) Gross County Product 2019 as follows: 2013 (5.4%), 2014 (5.7%), 2015 (6.0%), 2016 (6.6) and in 2017 (6.9%).</p> <p>Nakuru Municipality generated 54% (Ksh 996,448,592) of the total county revenue in the (Ksh 1,853,568,732.80) in the FY 2018/19.</p> <p>The revenue source include but not limited to: Property tax (Land rates); Ground Rent; Single Business Permit; Market Fees; Building Approval; House Rent; Advertising; Parking Fees; Liquor licencing; County Part Fees; Water and Sewerage; Health Fees;</p>	<p>The County has put in place measures to optimally collect more revenue in the subsequent years to sustain the City's operations.</p> <p>The measures included the use of technology in revenue collection by use of cashless system eg. MPESA system and Point of Sale terminal system in parking, markets, slaughter, cess, royalties. These systems generate real-time revenue reports.</p> <p>On human capacity, the department of finance and economic planning has 500 revenue collection staff in Nakuru Municipality and there is a proposal to employ an additional 200 staff in the subsequent financial years. Besides, the department will Map all the revenue sources, train revenue collectors on county laws and regulations as well as on public relations. The directorate will hire and train revenue inspectorate officers.</p> <p>The County Spatial Development Plan 2015-2025 once completed and approved will guide and</p>

	<p>Education, Culture and Social Services; Royalties; Stock/Slaughter fees.</p> <p>The local revenue generated in the past three financial years;  1,555,180,152.00- 2016/2017  1,682,970,850.00 - 2017/2018  1,853,568,732.80- 2018/19</p> <p>The above analysis demonstrates Nakuru the capacity and potential in revenue collection by the County.</p>	<p>enhance revenue generation and County investments.</p>
<p>Has the capacity to effectively and efficiently deliver its services to its residents and has in existence, the services provided in the First Schedule</p>	<p>The Municipality has skilled personnel and infrastructure to effectively and efficiently deliver services. Has infrastructural facilities', including but not limited to roads, street lighting, markets and fire stations, and adequate capacity for disaster management. Emergency preparedness, Fire Fighting and other Infrastructural Developments.</p>	<ul style="list-style-type: none"> <li>• In the 2018/2019 FY, the county had an approved budgetary provision estimates of 11 billion for capital and recurrent expenditure for the County ten (10) departments.</li> <li>• The County has qualified and competent staff in the respective departments with modern equipped infrastructure</li> <li>• The construction of Nakuru CBD fire station and Disaster Management Centre has been procured and construction is to commence in the 2019/2020 FY.</li> <li>• The County targets to upgrade Nakuru PGH to Level-6 towards achieving universal health care for all while reducing disease burden associated with environmental health risk factors and unhealthy lifestyles. Purchase of Cemetery land, screening and management of non-communicable diseases has also been prioritized.</li> <li>• A functional oncology Centre has been launched at the Nakuru PGH to enhance detection and treatment of cancer.</li> <li>• A modern mother and newborn unit have been constructed with a bed capacity of 288. The unit has 4 modern theatres.</li> </ul>

		<ul style="list-style-type: none"> <li>• The county is in the process of acquiring land for the cemetery.</li> <li>• The construction of storm water drains along Kia Murogi, Kipkelion and Kinuthia Mbugua Road have commenced.</li> <li>• The County is proposing to develop more than 3,000 housing units in five year period through County government funding, Partnering with stakeholders eg. Co-operatives, housing finance institutions, building societies, international financiers &amp; savings and credit co-operative societies.</li> </ul>
Has demonstrable good system and records of prudent management	The CIDP (2018-2022) has provided spatial development strategies aimed at enhancing County competitiveness, modernizing agriculture, diversifying tourism, providing appropriate infrastructure, managing human settlement, promoting industrialization, conserving the natural environment and improving the transport network have been mapped out. The various natural resources and their sustainable management strategies have also been outlined.	<p>The County operates on Integrated Financial Management Information System (IFMIS) a module which enhances transparency and accountability in the procurement process from procurement planning, requisition, sourcing, and payment. The system also ensures transparent financial management and standard financial reporting.</p> <p>Also, the county operates on The Integrated Payroll and Personnel Database (IPPD) for payroll administration.</p> <p>The approval and implementation of a new valuation roll will enhance revenue collection on property taxation/land rates in the Municipality. Currently, the roll has been submitted to the county assembly for approval.</p> <p>The Land Information Management system (LIMS) will enhance modern land administration and management functions for efficient and effective service delivery in addition to enhancing land based revenue collection. For instance in online submission of the following development applications: building plans approval, land subdivision, extension/renewal of a lease, the extension of user, plots amalgamation etc.</p>
Has the capacity to effectively		

and efficiently deliver its services to its residents and has in existence, the services provided in the First Schedule		
Traffic Control and Parking	<ul style="list-style-type: none"> <li>• There are County traffic marshals</li> <li>• County is regulating Boda boda operators eg. by designating stages.</li> <li>• There exists Non-Motorised Transport (NMT) facilities</li> <li>• Matatus are restricted from using Kenyatta Avenue, Oginga Odinga and Government Roads to ease traffic.</li> <li>• There are designated bus parks/Matatu terminus</li> <li>• Matatus are organised into SACCOS hence easy to regulate them.</li> <li>• TukTuks have designated stages</li> <li>• County designates parking areas and fees paid to the County</li> <li>• Digital cabs are regulated.</li> </ul>	<ul style="list-style-type: none"> <li>• The county has initiated operational designs for the construction of a modern Bus park on three acres of land leased from Kenya Railways within the Central Business District.</li> </ul>
Ambulance Services	<ul style="list-style-type: none"> <li>• There are currently 24 ambulances.</li> </ul>	<ul style="list-style-type: none"> <li>• The County has budgeted for procurement of additional 10 more ambulances by end of 2019/2020 Financial Year.</li> </ul>
Water and Sanitation	<ul style="list-style-type: none"> <li>• There are 32,000 water connections for both domestic and commercial use.</li> <li>• Production of water is 41,743m<sup>3</sup>/day against an estimated demand of 70,000m<sup>3</sup>/day.</li> <li>• The sewer network covers about 50% of the water supply area construction about 4.17% of the planning area of 613 km<sup>2</sup>.</li> </ul>	<ul style="list-style-type: none"> <li>• Proposed Itare Dam will bridge the water rationing gaps as well as avail water for areas without. 100,000m<sup>3</sup> Itare Dam is 49% complete.</li> <li>• Comprehensive water and sanitation strategy developed and is in the process of implementation.</li> <li>• Proposed construction and upgrading of sewer system in Nakuru Municipality - Nakuru East Sub county - (Nakuru Teachers, Nakuru Workers/Kiratina, Mama Ngina Phase II and III, Unsurveyed- Section 58, Lake View, Nakuru</li> </ul>

	<ul style="list-style-type: none"> <li>• Currently the sewer system serves only 27% of the customers with an estimated length of 203 km while 73% rely on shared toilets linked to a sewer.</li> <li>• It's estimated that 30% of the population use septic tanks.</li> <li>• NAWASSCO has authorized eight (8) private exhausters to discharge into the company's designated areas.</li> </ul>	<p>Blanket, Nagaria, Mediheal Area, Mwariki East and Barnabas; and Nakuru West Sub county (London Block 20) in the 2019/2020 Financial Year.</p> <ul style="list-style-type: none"> <li>• NAWASSCO has proposed construction and upgrading of the sewer system in Nakuru City as outlined in Table 5 at a cost of Ksh. 900 million as per its business plan estimates.</li> <li>• An assessment of six largest urban areas in Kenya on the percentage of households in the urban area with water supply Nakuru scored 90% followed by Kisumu 72 % (Kenya Urban Areas: Performance Index Report 2017, p44).</li> </ul>
Street Lighting	<ul style="list-style-type: none"> <li>• Nakuru Municipality currently has a total of 3000 street lights /high mast lights. The cost of maintenance is approximately Kshs 10 Million per month. There are sixteen (16) staff who maintain the streetlights. Most of the new streetlight installations are contracted out. The County partners with KPLC and KeNHA to maintain the street lights. The department of roads recently purchased a telescopic areal lift to ease maintaining of the street lights.</li> </ul>	<ul style="list-style-type: none"> <li>• At the moment the department is carrying out an energy audit to reduce power bills.</li> <li>• There is an ongoing installation of street lights on newly constructed roads as well as existing ones.</li> </ul>
Outdoor Advertising	<ul style="list-style-type: none"> <li>• Nakuru County Outdoor Advertisement Act, of 2014 guides how the outdoor advertisement is carried out. Outdoor advertisement includes any notice, Billboard, Poster, picture or any other printed or written advertisement material.</li> </ul>	<ul style="list-style-type: none"> <li>• There is continuous enforcement of the Nakuru County Outdoor Advertisement Act, 2014.</li> </ul>
Cemeteries and Crematoria	<ul style="list-style-type: none"> <li>• Nakuru Municipality has two cemeteries – Nakuru North and Nakuru South. Nakuru North is full while Nakuru South is almost full.</li> </ul>	<ul style="list-style-type: none"> <li>• The process is on to acquire land for a cemetery.</li> </ul>



Public Transport	<ul style="list-style-type: none"> <li>Public Transport in Nakuru currently includes but not limited to; bicycles, motorcycles, Matatus, TukTuks and Taxis. In the recent past, Nakuru has witnessed an emergence of digital application Taxis such as <i>Wasili</i>, <i>Safari</i>, <i>Wasafi</i> etc.</li> <li>An interchange has just been completed at A8 and B27 (Nakuru-Nairobi road and Nakuru – Nyahururu) at Section 58.</li> </ul>	<ul style="list-style-type: none"> <li>Old railway line is earmarked to rehabilitation by the National Government.</li> <li>The railway station is to be interlinked with the proposed county bus terminus (ISUDP)</li> <li>Decongesting the CBD-Bus terminus-CECM for Land Housing and physical Planning submitted that the County Government is in the process of procuring alternative land from Kenya Railways to construct a modern Bus Park to relocate the current one. This will help decongest the CDB.</li> <li>Urban Enforcement Notice of 2018 on all Taxis-the County Government intends to have all taxis painted a one uniform colour for ease of identification.</li> </ul>
Libraries	Nakuru Municipality hosts Kenya National Library Services (KNLS), Nakuru the largest in the area.	
Storm Drainage	<ul style="list-style-type: none"> <li>During heavy rainfall families in some residential areas get affected by floods.</li> <li>Clogging of drains within the Nakuru Municipality.</li> </ul>	<ul style="list-style-type: none"> <li>The County Contracted construction of 3.7 km of storm water drain of Kwa Murogi and Kivumbini area under KUSP, 2019/2020 FY. In subsequent years, the storm water designs are under review for construction of additional 36.3KM.</li> <li>There is continuous unclogging of existing drainages.</li> </ul>
Health Facilities	<ul style="list-style-type: none"> <li>Nakuru Municipality has one level five, (Nakuru PGH). It also has four levels 4 hospitals; 5 health centres, (level 3); and 18 dispensaries.</li> </ul>	<ul style="list-style-type: none"> <li>Nakuru PGH is being upgraded to level 6 (referral hospital).</li> <li>There is ongoing renovation and upgrading of the other health facilities.</li> </ul>
Fire Fighting and Disaster Management	Nakuru Municipality has one fire station operating 24 hours. There is one fire engine, one water boozer and 19 firefighters.	<ul style="list-style-type: none"> <li>The county has recently (July 2019) procured an additional fire-engine which has been delivered.</li> <li>Works for a modern fire station and Disaster Management centre at the Old Town Hall have been procured.</li> </ul>
Sports and Cultural Activities	The following facilities are utilised for sporting activities in Nakuru Municipality: Golf club, Nakuru Athletics, Boxing Club, Rift Valley Sports Club, Kamukunji grounds,	There are plans to expand the Hyrax Museum following an MoU was signed with National Museums of Kenya. Kamukunji grounds is undergoing fencing.

	Nakuru ASK show grounds, and Nakuru Railway grounds.	
Electricity and energy provision	<ul style="list-style-type: none"> <li>• Nakuru County has 437,737 customers with 750 industrial customers connected.</li> <li>• The main power station is in the industrial area, and has two lines from Soilo and Lanet substations and the transformation capacity can support either of the networks.</li> <li>• On the quality of supply, the Company has 36 substations that can be switched on remotely which also have lifeline equipment to work stations without switching off.</li> <li>• KPLC take care of the power bought and that sold to reduce the cost of electricity.</li> <li>• On access to electricity, a target of 85% in 2019 has been set with funding from the Government of Kenya (GoK), World Bank and Asian Development Bank targeting 100% connectivity in 2020. The designs are ready awaiting approval and funding to light Nakuru Municipality.</li> <li>• KPLC has had sensitization forums whereby customers have been taught on efficient power use which has had great returns on the reduction of power costs.</li> </ul>	<ul style="list-style-type: none"> <li>• There is need to incorporate electricity grid in all major expansion plans.</li> <li>• Kenya Power to sign service level agreements with the County Government.</li> <li>• County to facilitate land for electricity network infrastructure.</li> <li>• Mandatory wayleaves.</li> <li>• Stakeholders' participation.</li> </ul>
Abattoirs	There are two abattoirs in Nakuru Municipality; "Kichinjio" in Kapkures ward and Nakuru County Slaughterhouse in Biashara ward.	The county will expand and upgrade these abattoirs to modern standards.
Refuse Collection Solid waste management	Kiamunyi Landfill (Gioto Dumpsite) is the main disposal site for the Municipality which receives approximately 80-100 lorries of waste per day.	The department of environment is undertaking sensitization campaigns for segregation of waste at the source with household and the commercial waste being collected into two streams; organic and inorganic (Reduce, reuse and recycle campaign-RRR).

		<p>Nakuru is the best performer on solid waste management (Kenya Urban Areas: Performance Index Report 2017, p16) compared to the six largest urban areas. Nakuru is specifically looking into innovative disposal options that include: recycling, integrated solid waste management with the aim of sourcing for energy and employment opportunities for their residents as part of their solid waste improvement plans. Given that it has one designated disposal site with limitation of creating a new dumpsite, Nakuru is looking into increasing the life cycle of the current dumpsite, creating stations for sorting waste with the main aim of recycling as well as installing incinerators. These plans are stipulated in the Environment and Conservation Bill 2015 currently at the County Assembly waiting to be debated and passed.</p>
Local Distributor Roads	<p>The various roads within the Municipality are constructed and managed by respective road agencies Eg KeNHA, KURA, KeRRA and the County Government.</p>	<ul style="list-style-type: none"> <li>• Roads currently being tarmacked include Lena Moi, Ronald Ngala, Kanyon-Kabacia road, Shadrack Kimalel, Kinuthia Mbugua, Wangari Maathai and Kipsigis rise.</li> <li>• The county is proposing to improve 79 KM of Roads-local distributor roads (Nakuru CIDP, 2018-2022).</li> </ul>
Pre-Primary Education	<p>ECDs teachers have been recruited and construction and equipping of ECD facilities done. 1224 pupil chairs and 143 pupil tables have been distributed; 35 teachers' tables and 35 tables have also been distributed within the Municipality.</p>	
Childcare Facilities	<ul style="list-style-type: none"> <li>• Childcare facilities include Arap Moi Children's home, Jacaranda children home, Holy family children's home among others.</li> <li>• The County government has established and operationalized Counselling and rehabilitation unit for street children in Menengai social hall.</li> <li>• The County has formed a multi-sectoral committee to address</li> </ul>	

	<p>the plight of children living in the CBD and its environs.</p> <ul style="list-style-type: none"> <li>• Ksh 10m proposed for in the FY 2019/2020 for the refurbishment of the Njoro Home Craft to house street children.</li> </ul>	
Conference Facilities	<ul style="list-style-type: none"> <li>• There are various hotels within the Municipality including Sarova Hotel, Oleken, Merica, Cathay, Bontana, WaterBuck having excellent conference facilities.</li> <li>• Nakuru Municipality has the Soilo conferences facilities which are capable of hosting a large delegation.</li> <li>• Nakuru county headquarters offices also have adequate conference facilities.</li> <li>• Other conference facilities include: Nakuru High school</li> </ul>	The proposed expansion of Afraha Stadium will accommodate conference facilities.
County School	The following County schools are situated within the Municipality: Afraha high school Langa Langa high school.	
National School	The Municipality hosts the following national schools: Nakuru Boys (High) and Nakuru Girls.	
Polytechnic	<ul style="list-style-type: none"> <li>• Rift Valley Institute of Science and Technology is situated within Nakuru Municipality.</li> <li>• Nakuru County has 28 vocational training centres with a workforce of 107.</li> <li>• The County has prioritised technical, vocational and occasional training.</li> </ul>	
Constituent University Campuses	The following constituent universities are situated within the Municipality: University of Nairobi; Kenyatta University; Mount Kenya University; Egerton University; Kabarak University among others	

University	None, though within the Municipality proximity there are: Kabarak and Egerton universities.	
County Hospital	Nakuru County Referral hospital, level five	
Community Centres	There are several social halls in Nakuru Municipality including: Menengai Social Hall, Free Area Social hall in Nakuru East and Kiamunyi Social Hall in Nakuru Town West Constituency.	The County government has prepared the designs to upgrade the dilapidated Menengai social hall.
Stadium	The Afraha stadium hosts various sports within and outside the Municipality eg Kenya Premier League matches	The Afraha stadium will be upgraded to international standards and the works of the same are at the procurement stage.
Postal services	There is a major Post Office within Nakuru CBD which currently hosts Huduma centre	
Emergency preparedness	Works for a modern fire station and Disaster Management centre at the Old Town Hall have been contracted.	
Historical Monument and Museums	<ul style="list-style-type: none"> <li>• Currently, there is one museum in Nakuru Municipality which is Hyrax Hill in Nakuru East.</li> <li>• Pre-historic and cultural sites and museums are a critical resource that enables the growth of cultural and creative industries. The Directorate of Culture and Gender is tapping into these resources so as empower people working in the creative and cultural industries in the county which include: Theatre, visual arts, cinema, television, radio, music, publishing business, computer games, new media, architecture, design, and fashion among others.</li> <li>• Currently, there are two museums in Nakuru County namely: Hyrax Hill in Nakuru East</li> </ul>	Plans are at an advanced stage for the training of county staff who will undertake an exercise in the mapping of heritage sites.

	and Kariandusi in Gilgil. Despite the museum services being devolved, the management of both Kariandusi and Hyrax Hill museums continues to be under the National Museums of Kenya since they are both pre-historic sites hence cannot be devolved.	
Financial Hub	<p>Nakuru Municipality as a commercial hub has the following commercial/financial services institutions among others: -</p> <ul style="list-style-type: none"> <li>• <b><u>Banks</u></b></li> </ul> <p>Central bank Equity bank Barclays bank Kenya Commercial Bank Standard Chartered Jamii bora Family Bank among others</p> <ul style="list-style-type: none"> <li>• <b><u>Insurance Companies</u></b></li> </ul> <p>Britam Blue Shield Insurance Company Icea lion Resolution Health Old mutual Madison Insurance among others</p> <ul style="list-style-type: none"> <li>• Nakuru Municipality also has several Shopping malls, foreign exchange bureaus.</li> </ul>	
Administrative Seat	<ul style="list-style-type: none"> <li>• Nakuru Municipality is currently the Regional Head Quarter for provincial administration of the region and county.</li> <li>• It also hosts the Nakuru State lodge.</li> </ul>	
Library Service	Nakuru Municipality hosts Kenya National Library Services (KNLS) the largest in the Rift valley region	
Theatre	<ul style="list-style-type: none"> <li>• Nakuru Municipality hosts the Nakuru Payers theatre.</li> <li>• The County Government of Nakuru recently opened a</li> </ul>	<ul style="list-style-type: none"> <li>• The Directorate of Culture and Gender is in the process of signing an MoU with the Kabarak University aimed at growing music and other creative artistic talents among the youth.</li> </ul>

	<p>recording studio at the Nakuru Players Theatre open to local artists. The studio is meant to serve upcoming artists as they endeavour to sharpen their skills while being provided with a marketing platform.</p>	<ul style="list-style-type: none"> <li>• Through this MoU, the University's school of music and performing arts together with Nakuru Players Theatre will work closely to nurture talents as well as foster knowledge sharing among youths</li> <li>• The Department of Culture and Arts is exploring ways of building the capacities of local filmmakers so that they can be able to participate in future competition</li> </ul>
Airport	<p>There exists a military airbase at Lanet barracks.</p>	<p>The National government in collaboration with Nakuru County has initiated the process of upgrading the Lanet military airbase to an airport. An allocation of Ksh.400 Million has been put aside by the National Government.</p>
Funeral Parlour	<ul style="list-style-type: none"> <li>• There is one public mortuary at Nakuru PGH with a capacity of 49 bodies a day; and Nakuru Municipal mortuary.</li> <li>• There are other private funeral parlours including: Umash, P.N. Ngari, War Memorial and others.</li> </ul>	<ul style="list-style-type: none"> <li>• The county government is proposing to construct a new morgue.</li> </ul>
Telecommunication services	<ul style="list-style-type: none"> <li>• Nakuru Municipality is a telecommunication hub hosting major telecom service providers such as: Safaricom, Airtel, and Telkom among others.</li> <li>• There are local TV Stations and Radio Stations.</li> </ul>	<ul style="list-style-type: none"> <li>• The county government has introduced free hotspots (WIFI) within the Municipality.</li> <li>• The county government offices and other agencies are connected with reliable internet.</li> </ul>
Information, communication and technology services	<ul style="list-style-type: none"> <li>• The county has a website where department functions and current affairs are highlighted.</li> <li>• The County has active social media sites for information dissemination.</li> <li>• Parking fees are partly paid electronically.</li> <li>• Point of Sale (POS) is used to pay for trade.</li> <li>• Software development –office 365 and email solution.</li> <li>• Installation of public WIFI.</li> <li>• Development of innovation hubs (digital centres).</li> </ul>	<p>Project under implementation include: -</p> <ul style="list-style-type: none"> <li>• Installation and configuration of Local Area Network.</li> <li>• Installation, configuration and commissioning of a wide area network (WAN).</li> <li>• Establishment of datacentre.</li> <li>• CCTELEVISION Surveillance systems.</li> <li>• Installation, configuration, testing and commissioning of network security solution.</li> </ul>

Religious Institution	Nakuru Municipality has many religious institutions including Churches, Mosques and Temples.	
Animal control and welfare	<ul style="list-style-type: none"> <li>• The Department of Environment and Public Health services have deployed officers for animal control within the Municipality.</li> <li>• This is in addition to enforcement of existing laws and regulations.</li> </ul>	<ul style="list-style-type: none"> <li>• The Department of Environment and Public health services have developed programs for Community education awareness creation, mobilization and extension services and beef up the local problem <i>animal control</i> teams.</li> </ul>
Management of Markets	<ul style="list-style-type: none"> <li>• A significant number of people rely on business income to support their livelihoods. Most of the businesses in the county fall under the micro, small, or medium level enterprises. Business in Nakuru County has been thriving as evidenced by the revenue collected from trade licences. The County had registered 40,158 businesses in 2014. The retail business has the lion share of registered businesses at 63.15 per cent.</li> <li>• Nakuru Municipality has a main wholesale market (Wakulima Market) where trading of farm produce takes place. The market serves Nakuru County and other neighbouring counties i.e. Nyandarua, Laikipia, Baringo and Narok counties.</li> <li>• The County has constructed a hawker's complex which accommodates small scale traders in Nakuru Town.</li> <li>• The County inherited stalled Economic Stimulus Programme (ESP) markets and has prioritised their completion and operationalisation.</li> <li>• There are various industries that drive the economy of Nakuru Municipality as well as offer employment opportunities to the</li> </ul>	<ul style="list-style-type: none"> <li>• Top market is undergoing rehabilitation and an upgrade.</li> <li>• The County will focus on improving market use delivery services through rehabilitation, maintenance and construction of new markets.</li> <li>• There is a proposed revival of Pyrethrum processing factories among other agro based industries.</li> </ul>



	<p>population. They include animal feeds production companies and companies dealing in agricultural inputs such as Syngenta, engineering works; manufacturing industries, Menengai Oil Refineries, canners, dairy products, bakery and hotel industry.</p>	
<p>Recreational Parks</p>	<p>Nakuru Municipality has Nyayo Gardens and Lions Garden recreational parks.</p>	<p>Nyayo Gardens is undergoing rehabilitation with the contractor on site.</p>

## 6 Analysis of Stakeholders' Submissions

### 6.1 Proponent

1. Nakuru Municipal Board

### 6.2 Stakeholders who out rightly rejected the conferment of City Status to Nakuru Municipality with reasons.

1. Mr. Edward Kings Onyancha Maina.
2. Milimani Residents Association.

### 6.3 Stakeholders who support the conferment of City Status to Nakuru Municipality with some citing areas that should be addressed.

1. Institution of Surveyors of Kenya
2. Architectural Association of Kenya
3. Kenya Institute of Planners
4. Kenya Pharmaceutical Association
5. Law Society of Kenya
6. Naka Residents Association
7. Kenya National Chamber of Commerce and Industry
8. Boda Boda Operators
9. Nakuru Workers Union
10. All Homes Shabab Association
11. Mr. Munyaka Muthura Baru
12. Mr. Daniel Murugu

### 6.4 Stakeholders who proposed that the conferment of City Status to Nakuru Municipality be deferred for a period of years with reasons.

1. Nakuru Business Association – defer by 15 years
2. Kenya Association of Manufacturers – defer by 10 years
3. Matatu Owners Association – defer by 2 years
4. Nakuru Informal Traders – defer by 8 years
5. Members of Parliament Nakuru County MPs Caucus and Senator – defer by 10 years

### 6.5 Service Providers and County Departments which made submissions on ongoing services and proposed projects in preparedness to conferment of City Status to Nakuru Municipality.

1. County Department of Land, Housing and Physical Planning
2. County Department of Water, Environment and Natural Resources
3. County Department of Health Services
4. County Department of Roads, Transport and Infrastructure
5. County Department of Trade and Industrialization
6. County Department of Public Service, Training and Devolution
7. County Department of Education, ICT and E-Government
8. County Department of Finance and Economic Planning

9. County Department of Agriculture, Livestock and Fisheries
10. County Department of Youth, Sports, Gender, Culture and Social Services
11. Kenya Rural Roads Authority (KeRRA)
12. Kenya Urban Roads Authority (KURA)
13. Kenya National Highways Authority (KeNHA)
14. Kenya Power and Lighting Company (KPLC)
15. Nakuru Water and Sanitation Services Company Limited (NAWASSCO)
16. Nakuru Rural Water and Sanitation Services Company Limited (NARUWASSCO)
17. Rift Valley Water Works Development Agency (RVWWDA)

## 7 CHALLENGES

The committee experienced time constraints to receive and hear the submissions from all the stakeholders within the stipulated timeline of thirty (30) days. This necessitated the committee to seek time extension from the appointing authority to enable it to finalize the report.

## 8 EMERGING ISSUES AND RECOMMENDATIONS

- i) **Statutory fees and charges** –That the rationale for confirming of City status should be beneficial to the residents of Nakuru by ensuring their economic and social wellbeing is well taken care of. The cost of living should not rise drastically and that any proposed increase in taxation should be subjected to thorough public participation and ownership. This should include adequate sensitization of the general public on the cost benefits.
- ii) **Delineation of Municipal/City boundary** – Nakuru Municipality in the recent past has experienced urban sprawl, increase in population, strain in physical infrastructure and social amenities. The committee recommends a review of the boundaries of Nakuru Municipality as stipulated in UACA (amendment) Act 2019 section 4A which provides the procedure for delineation of boundaries.
- iii) **Displacement of persons affected by the implementation of development projects** – The Committee recommends that public sensitization be done on the need to keep off public land. Also, it recommends that the law and applicable regulations and good practices be followed in dealing with businesses that have encroached on public land. This will help open up public spaces including drainages.
- iv) **Identification and implementation of projects** – to promote community ownership of public projects, transparency, accountability and public awareness, the Committee recommends that the Municipal Board should implement Section 22 of UACA by forming institutionalized citizen fora.
- v) **Zoning regulation and development control framework** – The growth and development of Nakuru Municipality is guided by Nakuru strategic structure plan 2001 which expires in 2021. The Committee recommends that the county assembly should fast track the approval of the ISUDP and subsequently should prepare implementation framework of the same.
- vi) **Capacity Building for Planning and Development Control units** – The Committee recommends that the Municipality should constitute and equip a modern planning and development control unit in line with UACA for sustainable development of the Municipality/ City.
- vii) **Traffic and Municipal Management** – Because of the increasing traffic numbers in the Municipality, the Committee recommends that there is a need for traffic separation, safety and control measures to be put in place. This includes proper use of Zebra crossing and road signage; pedestrian ways and pavements to be properly designated and provided. The same can be enforced through County legislation.

viii) **Facilities** - The lack of certain critical services/facilities e.g. the cemetery, disaster preparedness, county owned public theatre, inadequate sanitation and storm water drainage, need urgent and immediate action, if the conferment to city is to have valuable/ meaningful effect.

ix) **Service delivery** - There is urgent need to build institutional, competent human resource, infrastructure and financial capacity in all departments to adequately deliver services.

## 9 CONCLUSION

Having listened to all the views and submissions by stakeholders and having visited some of the Municipal facilities and installations and reviewed the resolution of the Nakuru Municipal Board, the Committee came to the conclusion that Nakuru Municipality meets the minimum requirement to be conferred City status as set out in Section 5 of the Urban Areas and Cities (amendment) Act 2019. The committee hereby unanimously recommends that Nakuru Municipality be conferred with City Status.