KISUMU COUNTY GOVERNMENT

KISUMU COUNTY ASSEMBLY

THIRD ASSEMBLY – FOURTH SESSION

THE COMMITTEE ON LANDS, PHYSICAL PLANNING, HOUSING AND URBAN DEVELOPMENTS

REPORT ON THE INDUCTION OF THE COMMITTTEE AND THE MUNICIPAL BOARDS, 2025

HON. RATIB BOITONE
CHAIRPERSON

Clerk's Chambers
Directorate of Legislative Procedural and Committee Services

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PREAMBLE

Mr. Speaker and Hon. Members

PURSUANT to Article 185(3) of the Constitution, 2010, Section 8 and 9 of the County Governments Act, 2012 read together with Standing Orders No 193 of the Kisumu County Assembly Standing Orders, the Committee on Lands, Physical Planning, Housing and Urban Development has undertaken a comprehensive review of the resolutions emanating from the capacity-building workshop for Kisumu County Municipal Boards held in Nakuru from August 26th to 29th, 2025. (see annex 1)

The workshop, attended by the County Executive, the Chairmen of the newly established Municipal Boards, and this Committee, produced a critical implementation matrix signed by all parties, outlining a time-bound roadmap for the operationalization of the municipalities of Maseno-Holo, Kombewa-Bodi, Ahero-Awasi, Katito-Pap Onditi, and Muhoroni-Chemelil.

The subject matter for consideration by the Committee during the induction were as follows:

i. to examine the legal and regulatory framework underpinning the operationalization of the new municipalities,

ii. assess the feasibility and strategic coherence of the ten resolutions and the associated implementation matrix,

iii. determine the potential challenges and risks to the successful implementation of the resolutions, and

iv. evaluate the role of the County Assembly in providing effective oversight and legislative support to ensure the municipalities become functional and effective centers of devolved service delivery.

Mandate and Composition of the Committee

The Sectoral Committee on Lands, Physical Planning, Housing and Urban Development is established under Kisumu County Assembly Standing Order No. 193 and is required to inquire into and report on;

> *All matters relating to County planning and development, including statistics, land survey and mapping, boundaries and fencing; ensuring that development and location of industries and industrialization policies are well planned and properly executed; and monitor the spread and enhanced use of ICT in the County Government operations to increase transparency and accountability.*

Committee Membership

The sectoral committee on Lands, Physical Planning, Housing and Urban Development is composed of the following members and Secretariat;

Committee Members

	Name	Position
1.	Hon. Ratib Boiton	Chairperson

	Name	Position
2.	Hon Tom Nyaoke	Vice Chairperson
3.	Hon. Joachim Oketch	Member
4.	Hon Seth Kanga	Member
5.	Hon. Nereah Okombo	Member
6.	Hon George Abaja	Member
7.	Hon. Moses Ochele	Member
8.	Hon. Zackaria Okoyo	Member
9.	Hon. James Were	Member

Committee Secretariat

	Name	Position
1.	Mr. Harman Moses	Committee Clerk
2.	Mr. Rodgers Wagude	Clerk assistant
3.	Ms. Vallery Achieng	Hansard
4.	Ms. Faith Judith	Sergeant-At-Arms

ACKNOWLEDGEMENT.

Mr. Speaker and Hon. Members,

The Committee expresses its sincere gratitude to all Hon. Members who diligently participated in the proceedings of this induction and inquiry. Their dedication and contributions were instrumental in shaping the contents of this Report.

The Committee also acknowledges the invaluable support of the Office of the Speaker, the Clerk of the Assembly, the Directorate of Legislative Procedural and Committee Services, and the Committee Secretariat for logistical and administrative facilitation.

In accordance with Standing Order No. 182, it is now the solemn duty and privilege of this Committee to now present its Report for the consideration and adoption by this Honourable House.

HON. BOITONE RATIB
CHAIRPERSON
COMMITTEE ON LANDS, PHYSICAL PLANNING, HOUSING AND URBAN DEVELOPMENT.

LEGAL BASIS FOR THE OPERATIONALIZATION OF MUNICIPALITIES

Mr. Speaker and Honourable Members,

During the Committee's deliberations and review of the Nakuru workshop resolutions, the Committee was guided by applicable sources of law and legal precedent in order to assess the legality, constitutionality, and procedural propriety of the proposed actions. The laws cited herein provide the normative and procedural framework for evaluating the County's capacity to establish and operationalize devolved urban units, transfer functions, and ensure compliance with statutory obligations related to public finance, planning, and citizen participation. The legal basis for this inquiry is therefore as follows—

Constitutional Context: Municipalities as Engines of Devolved Service Delivery

The creation of the Maseno-Holo, Kombewa-Bodi, Ahero-Awasi, Katito-Pap Onditi, and Muhoroni-Chemelil municipalities is a direct expression of the principles enshrined in the Constitution of Kenya, 2010. The constitution fundamentally restructured the state, moving away from a centralized model to a devolved system with two distinct but interdependent levels of government: national and county. The core objectives of devolution include giving powers of self-governance to the people, enhancing public participation in decision-making, promoting social and economic development, and ensuring the equitable sharing of national and local resources.

Article 184 of the Constitution provides the specific mandate for the governance of urban areas, stating that "National legislation shall provide for the governance and management of urban areas and cities". This constitutional provision is the bedrock upon which the Urban Areas and Cities Act—the primary statute governing municipalities—is built. Municipalities are therefore not merely administrative sub-units but constitutionally envisioned entities designed to be centers for localized service delivery, economic activity, and democratic engagement.

Furthermore, the establishment of these new urban centers is a direct strategy to address one of the historical challenges that devolution was designed to solve: regional inequality. For decades, development in Kenya was heavily concentrated in a few major urban centers, leaving many regions marginalized. By creating multiple municipalities within Kisumu County, the government aims to create new economic nodes, reduce pressure on the City of Kisumu, and spur development in areas like Ahero, Maseno, and Muhoroni, which possess unique economic potential in agriculture, education, and trade. The successful operationalization of these municipalities is therefore a test of devolution's ability to deliver on its promise of more equitable and widespread prosperity.

The Urban Areas and Cities Act: The Blueprint for Municipal Operations

Enacted to give effect to Article 184 of the Constitution, the Urban Areas and Cities Act, 2011 (as amended) is the foundational law for municipal governance. It establishes the criteria for classifying urban areas, outlines their governance structures, and mandates key planning and management processes.

A central feature of the Act is the establishment of a Municipal Board as the governing body. The composition of the board is designed to ensure diverse representation and professional input. It consists of a maximum of nine members: four are appointed through a competitive process by the County Executive Committee with the approval of the County Assembly, while five are nominated by specific stakeholder groups, including professional associations, the private sector, the informal sector, and neighborhood associations. This structure is directly relevant to Resolution #2, which addresses the urgent need to fill vacant seats to ensure the boards in Kombewa-Bodi and Maseno-Holo are legally constituted and representative.

The Act grants Municipal Boards extensive functions and powers, making them responsible for the strategic direction and oversight of the municipality. These functions include:

- Developing and adopting policies, plans, and strategies.
- Formulating and implementing an Integrated Development Plan (iDeP).
- Controlling land use and development (as delegated by the county government).
- Promoting infrastructural development and services.
- Preparing annual budget estimates for submission to the County Treasury.
- Overseeing municipal service delivery and establishing performance management systems.

These legally mandated functions provide the direct impetus for several Nakuru resolutions, including the preparation of budgets (Resolution #3), iDePs (Resolution #4), Land Use Plans (Resolution #5), and the development of legal and policy frameworks (Resolutions #9 and #10).

The County Governments Act: Defining the Relationship with the County

The County Governments Act, 2012, provides the framework for how municipalities function as decentralized units within the broader county structure. It clarifies the relationship between the county government and its urban areas, establishing a system of delegation and oversight. The Act mandates that county functions and services be decentralized to urban areas and cities to bring them closer to the people.

Crucially, Section 37 of the Act delineates the specific role of the County Executive Committee (CEC) in municipal planning. The CEC is legally required to monitor the formulation of municipal iDePs, assist the municipalities in the planning process, facilitate the coordination of these plans with county and national strategies, and help resolve any disputes that may arise. This provision establishes a legal basis for the collaborative roles envisioned in the Nakuru implementation matrix, where the CECM and other county officials are assigned specific responsibilities in support of the Municipal Boards.

The Act also solidifies the oversight role of the County Assembly. The Assembly is empowered to receive and approve municipal plans and policies, and most importantly, it holds the authority to approve the county budget, which includes the financial allocations for the municipalities. This power of the purse is the Committee's most potent tool for ensuring that the executive and the municipal boards adhere to the commitments made in Nakuru.

The Public Finance Management (PFM) Act: The Rules of Financial Engagement

The Public Finance Management (PFM) Act, 2012, governs all aspects of public finance for both national and county governments, establishing strict procedures for budgeting, expenditure, and reporting. Its provisions are directly applicable to the financial operations of the new municipalities.

The Act outlines the annual budget cycle that all county entities must follow. This process begins with the issuance of a budget circular by the County Treasury, followed by the preparation of a County Fiscal Strategy Paper (CFSP), the submission of budget estimates by all departments and entities (including municipalities), review and approval by the County Assembly, and the enactment of an Appropriation Act.

Resolution #3, which tasks the Municipal Boards with preparing their 2026/2027 budgets, is a direct requirement of this legal process. The boards cannot act in isolation; their budget proposals must be submitted to the County Treasury and integrated into the county's overall budget for legislative approval. This legal structure underscores the financial interdependence of the municipalities and the county government.

The legal framework establishes a "principal-agency" relationship, where the County Government is the principal that delegates functions and resources, and the Municipal Board is the agent tasked with implementation. While this provides a clear hierarchy, it also introduces a potential for tension. The County Executive, through its oversight role in planning and finance, may seek to maintain significant control, while the Municipal Boards, with their own legal mandates and direct responsibility to residents, may advocate for greater autonomy. Navigating this dynamic successfully will be critical. The resolutions from the Nakuru workshop represent an attempt to proactively define the terms of this relationship through mutual agreement, but sustained political will and clear communication will be necessary to prevent future conflicts over resources and authority.

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Mr. Speaker and Honourable Members,

These legal instruments provided the foundation upon which the Committee assessed the Nakuru resolutions. These laws guided the evaluation of whether the proposed operationalization plan complies with legal norms, respects the public interest, and falls within the lawful powers of the County Government of Kisumu.

BACKGROUND INFORMATION ON THE MUNICIPAL INDUCTION AND RESOLUTIONS

Mr. Speaker and Hon. Members,

The Committee, upon receipt of the Resolutions made at the induction, established the legal, financial, and procedural implications of the resolutions.

From August 26th to August 29th, 2025, the leadership responsible for urban governance in Kisumu County gathered at the Eldorado Rustic Hotel in Nakuru. This strategic conclave was designed to build a common understanding and secure concrete commitments for the operationalization of the county's five new municipalities: Maseno-Holo, Kombewa-Bodi, Ahero-Awasi, Katito-Pap Onditi, and Muhoroni-Chemelil.

The attendees represented a tripartite coalition essential for the success of municipalization: the County Executive, represented by the County Executive Committee Member (CECM) for Lands, Physical Planning, Housing and Urban Development (LPPHUD); the newly appointed Municipal Boards, represented by their respective Chairmen; and the County Assembly, represented by the Chairman of the Committee on Lands, Physical Planning, Housing and Urban Development.

The workshop's explicit purpose was "capacity building," a term that acknowledges the inherent challenges and knowledge gaps faced by newly formed governance bodies. Devolved units in Kenya often grapple with deficiencies in technical and institutional capacity, which can hinder their ability to deliver services. The joint signing of the resolutions that emerged from the workshop signifies a shared commitment to a structured, time-bound implementation plan, transforming the event's outcomes into a political compact for action.

The Nakuru Resolutions and Implementation Matrix

Mr. Speaker and Hon. Members

The workshop culminated in a signed declaration outlining ten critical resolutions and an implementation matrix. This matrix forms a comprehensive roadmap addressing the foundational legal, administrative, financial, and planning pillars essential for transforming these urban centers into functional, devolved service delivery units.

By convening this induction, the County Government of Kisumu proactively addressed the need to equip its new municipal leaders with the knowledge and strategic framework required to navigate the complexities of urban management, public finance, and participatory governance. The joint signing of the resolutions that emerged from the workshop signifies a shared commitment to a structured, time-bound implementation plan, transforming the event's outcomes into a political compact for action. This collaborative agreement, established at the outset, serves as a crucial mechanism for pre-empting the inter-governmental friction that can often stall progress in devolved systems.

The choice of Nakuru as the venue was also strategically significant. By holding the induction away from the immediate political and administrative pressures of Kisumu, the stakeholders were afforded a neutral and focused environment. This retreat-like setting was conducive to fostering open dialogue and building consensus among the executive, legislative, and municipal leadership, laying a more robust foundation for collaboration than might have been possible within the established political dynamics of the home county.

The following table provides a clear summary of the agreed-upon implementation matrix.

No.	Resolution	Required Input	Time frame	Action Person/Dept
1.	Gazettement of transferred functions and staff to Municipalities	Gazette Notice	30th Sept. 2025	CECM - LPPHUD
2.	Filling of empty seats in the boards of Kombewa Bodi and Maseno Holo	Gazette notice	31st October, 2025	H.E The governor
3.	Preparation of Municipalities board budgets 2026/2027	Budget circular	Follow the budget cycle in PFM Act	Municipal Boards
4.	Preparation of Municipal iDePs	Budget allocation	30th Nov, 2025	Municipal Boards
5.	Preparation of Municipal Land Use Plans for Katito Pap Onditi and Kombewa Bodi	Budget allocation	FY2026/2027	Municipal Boards
6.	Delineation of municipal boundaries	Budget allocation	31st Dec, 2025	C.O LPPH&UD
7.	Formation of Municipal citizen fora	Budget allocation	31st Oct. 2025	Municipal Managers
8.	Registration and mapping of businesses and business associations	Budget allocation	31st Dec, 2025	Municipal Managers
9.	Legal and Policy frameworks	Budget allocation	31st Oct, 2025	Municipal Boards
10.	Preparation to legislation to operationalize transferred functions	Budget allocation	30th Nov, 2025	CECM LPPH&UD

FINDINGS ON THE NAKURU WORKSHOP RESOLUTIONS

Mr. Speaker and Hon. Members

Upon careful examination of the resolutions and the implementation matrix, the Committee notes the following:

Resolution 1: Gazettement of Transferred Functions and Staff to Municipalities

The Committee has found that a gazette notice will effectuate the transfer of functions, powers, staff, and assets from the county government to the municipalities. Without this notice, the municipal boards remain entities with theoretical powers but no practical authority. They cannot legally manage staff, control assets, or expend funds on the devolved functions. The gazettement provides the legal clarity necessary to prevent disputes over jurisdiction and ensures that the municipalities can begin their work on a solid legal footing. The process is anchored in Article 187 of the Constitution, which allows for the transfer of functions between levels of government by agreement.

The deadline of September 30th, 2025, is appropriately ambitious, signaling the urgency of this foundational step. Placing the responsibility on the CECM for Lands, Physical Planning, Housing, and Urban Development is logical, as this office is central to the process. However, the CECM's role is to prepare and forward the notice; the ultimate authority for gazettement often lies with the Governor and requires coordination with the County Attorney and the Government Printer.

Challenges

Mr. Speaker and Hon. Members

The transfer of functions is a notoriously challenging aspect of devolution within Kisumu County evidenced by the hardship faced by the City Board having been delineated additional functions in 2024.

The Committee acknowledges that the primary obstacles the CECM may face include bureaucratic inertia, potential resistance from county departments reluctant to cede control over budgets and personnel, and the complex administrative task of accurately inventorying all assets and staff to be transferred. Any delay in this single item will create a domino effect, stalling the entire operationalization timeline.

Resolution 2: Filling of Empty Seats in the Boards of Kombewa Bodi and Maseno Holo

Mr. Speaker and Hon. Members

The functionality of any board is contingent on its being properly constituted. Without a full quorum of members, a board cannot legally convene meetings, make binding decisions, or approve crucial documents like budgets and development plans. The vacancies in the Kombewa-Bodi and Maseno-Holo boards render them effectively inert, preventing them from undertaking any of the other substantive tasks assigned to them in the declaration. This resolution is therefore a prerequisite for all subsequent actions by these two municipalities.

The deadline of October 31st, 2025, provides a two-month window for the appointment process. The responsibility is correctly assigned to His Excellency the Governor, who makes the final appointments. However, this process is not unilateral. It requires competitive sourcing of candidates by the County Public

Service Board and, critically, vetting and approval by the County Assembly. This means the Committee on Lands, Physical Planning and Housing has a direct and vital role to play in expediting the approval process once nominations are forwarded.

Resolution 3: Preparation of Municipalities Board Budgets 2026/2027

Mr. Speaker and Hon. Members

The ability to formulate a budget is a cornerstone of financial autonomy and strategic planning. This resolution empowers the municipal boards to articulate their financial needs and align resources with their development priorities, in compliance with the Public Finance Management (PFM) Act. An approved municipal budget provides the legal authority for expenditure and is the primary tool for implementing the projects and services outlined in their development plans.

Challenges

This resolution faces a confluence of significant challenges as follows.

First, there is a severe risk of **financial constraints**. The County government itself often face liquidity problems due to delays in exchequer releases and shortfalls in own-source revenue (OSR). New municipalities, with a negligible initial OSR base, will be almost entirely dependent on allocations from a potentially strained county revenue fund.

Second, there is a profound technical capacity gap in the Boards. The new boards and their nascent administrations are unlikely to possess the specialized skills in public financial management required for PFM-compliant budgeting. This is evidenced by the findings of the recent Committee Report on the Operationalization of Municipalities which found that the Municipalities have struggled with low budget absorption rates due to operational challenges.

Resolution 4: Preparation of Municipal iDePs

Mr. Speaker and Hon. Members

This Resolution has a deadline of November 30th, 2025. The Committee observes that this is extremely ambitious for creating a meaningful iDeP. A proper iDeP process involves situational analysis, extensive public consultation, stakeholder workshops, technical drafting, and final approval by the County Assembly. Compressing this into roughly three months is a significant challenge. The "Budget allocation" input is a critical dependency; without dedicated funds for consultations and technical support, the process cannot begin.

Challenges:

The primary challenge is the absence of a foundational County Spatial Plan for Kisumu, which makes integrated planning difficult. The boards will require substantial technical support from the County Executive's planning department, as mandated by Section 37 of the County Governments Act , and may need to engage external consultants, further highlighting the need for an adequate budget.

Resolution 5: Preparation of Municipal Land Use Plans for Katito Pap Onditi and Kombewa Bodi

Mr. Speaker and Hon. Members

Land use plans are the instruments for implementing the spatial vision of an iDeP. They provide detailed zoning regulations that control development, protect sensitive areas, and ensure that infrastructure is located logically. For rapidly urbanizing areas like those in Kisumu County, these plans are vital for preventing the kind of haphazard sprawl and land use conflicts that currently plague the region. This resolution is a direct step towards fulfilling the requirements of the Physical and Land Use Planning Act (PLUPA).

The timeframe of Fiscal Year 2026/2027 is more realistic than that for the iDeP, acknowledging the technical complexity and consultative nature of spatial planning. The responsibility lies with the Municipal Boards, but execution will depend entirely on the technical capacity of the county's physical planners and surveyors.

Challenges

Kisumu County has a history of land use planning challenges, including outdated plans and a lack of a comprehensive spatial framework. There may be a significant deficit in technical capacity, particularly in modern tools like Geographic Information Systems (GIS), which are essential for effective land use planning. Furthermore, this resolution only targets two of the five municipalities, suggesting a phased approach likely dictated by resource constraints.

Resolution 6: Delineation of Municipal Boundaries

Mr. Speaker and Hon. Members

Clearly defined and legally gazetted boundaries are fundamental to the existence of a municipality. They establish the precise geographical area of jurisdiction for service delivery, regulation (e.g., business permits), and revenue collection (e.g., land rates). Ambiguous boundaries are a recipe for future disputes with adjacent administrative units and can paralyze revenue collection efforts.

The deadline of December 31st, 2025, is tight for a process that involves technical surveying, potential dispute resolution, and legal gazettement. The Chief Officer for LPPH&UD is the correct coordinating authority for this technical and administrative task.

Challenges

Boundary delineation is often a politically sensitive and contentious process. It requires not only technical surveying expertise but also skilled negotiation and public consultation to build consensus and avoid protracted disputes. The process involves multiple agencies, including the County Government, the National Land Commission, and potentially the Independent Electoral and Boundaries Commission, which can lead to administrative delays.

Resolution 7: Formation of Municipal Citizen Fora

Mr. Speaker and Hon. Members

Citizen Fora are the primary mechanism for institutionalizing public participation in municipal governance, as required by the Urban Areas and Cities Act. These fora provide a structured platform for residents to engage with the board, deliberate on development proposals, provide input into the budget, and hold the municipal leadership accountable. This resolution is crucial for embedding the constitutional principle of public participation into the day-to-day operations of the municipalities.

The deadline of October 31st, 2025, is feasible. The responsibility is appropriately assigned to the Municipal Managers, who, as the chief administrative officers, are responsible for establishing operational structures.

Challenges

The primary challenge is not the formation of the fora, but ensuring their effectiveness. Public participation in Kenya is often hampered by low citizen awareness, apathy, logistical barriers, and the risk of capture by political or elite interests. The Municipal Managers will need to develop robust outreach strategies and ensure the fora are inclusive and their deliberations are genuinely considered in decision-making to build public trust and avoid tokenism.

Resolution 8: Registration and Mapping of Businesses and Business Associations

Mr. Speaker and Hon. Members

This is a vital administrative task directly linked to economic planning and financial sustainability. A comprehensive and accurate database of all businesses operating within the municipal boundaries is the foundation for an effective revenue collection system, particularly for Single Business Permits (SBPs), which are a major source of OSR for urban areas. The mapping component allows for better planning of commercial zones and infrastructure provision.

The deadline of December 31st, 2025, provides a reasonable timeframe for this data-gathering exercise. Assigning the task to Municipal Managers is correct, as it is a core administrative function.

Challenges

This is a labor-intensive exercise that requires adequate staffing and appropriate technology (e.g., mobile data collection tools, GIS software). There may be resistance from businesses in the informal sector who are wary of formalization and taxation. Ensuring the database is continuously updated will be an ongoing challenge that requires a sustainable system, not just a one-off exercise.

Resolution 9: Legal and Policy Frameworks

Mr. Speaker and Hon. Members

For municipalities to govern effectively, they must develop their own local legislation (by-laws) and policies to regulate issues within their jurisdiction that are not covered by county or national law. This could include by-laws on solid waste management, parking regulations, market operations, or public nuisance control. This resolution empowers the boards to create a tailored regulatory environment that addresses the specific needs of their urban area.

The Committee has observed that the deadline of October 31st, 2025, is highly ambitious. The process of drafting a single by-law, let alone a full framework, involves legal drafting, expert consultation, extensive public participation, and final debate and approval by the County Assembly. To achieve this for five municipalities in two months is unrealistic.

Challenges

The new boards will almost certainly lack the in-house legal expertise required to draft sound, enforceable by-laws. They will need significant support from the County Attorney's office. Furthermore, each proposed by-law must be carefully vetted to ensure it does not conflict with existing county or national legislation.

Resolution 10: Preparation of Legislation to Operationalize Transferred Functions

Mr. Speaker and Hon. Members

This resolution is the legislative counterpart to Resolution #1. While the gazette notice transfers the functions, specific county legislation may be required to provide the detailed rules, procedures, standards, and enforcement mechanisms for how those functions will be carried out by the municipalities. For example, if "control of outdoor advertising" is transferred, a new county act or an amendment might be needed to specify how municipalities will issue permits, collect fees, and enforce standards.

The Committee observes that the deadline of November 30th, 2025, is also very tight. The CECM for LPPH&UD is tasked with initiating the process, but the legislative power rests solely with the County Assembly. This resolution places a direct responsibility on the Committee on Lands, Physical Planning and Housing to champion these legislative proposals.

Challenges

This task requires seamless coordination between the County Executive, which will draft the bills, and the County Assembly, which must debate, potentially amend, and pass them. Any disconnect or political friction between the two arms of county government could delay this crucial legislation, creating a legal vacuum and hindering the municipalities' ability to fully exercise their newly acquired functions.

The implementation matrix presents a logical sequence of activities, but its timelines are aggressive and reveal critical interdependencies. The entire plan hinges on the successful and timely completion of the initial legal and administrative steps: gazettement of functions and the full constitution of the boards. Failure or delay in these first two steps will trigger a cascade of failures across the entire operationalization plan. Furthermore, a significant unstated assumption is the presence of capable municipal staff, particularly Municipal Managers, to execute the technical tasks assigned to the boards. This represents a major potential bottleneck that is not explicitly addressed in the resolutions.

OVERARCHING CHALLENGES AND STRATEGIC CONSIDERATIONS FOR SUCCESS OF THE RESOLUTIONS

Mr. Speaker and Hon. Members

While the Nakuru resolutions provide a clear roadmap, their successful implementation will depend on navigating a series of deep-seated challenges inherent in Kenya's devolved governance landscape. The Committee's oversight must extend beyond monitoring the matrix's timelines to strategically addressing these broader issues of finance, capacity, coordination, and public engagement.

Ensuring Financial Sustainability and Prudent Management

Mr. Speaker and Hon. Members

The most significant hurdle for the new municipalities will be securing a stable and adequate financial base. The implementation matrix repeatedly lists "Budget allocation" as a required input, highlighting a critical dependency on the County Treasury. This dependency creates several vulnerabilities. Firstly, municipalities are subject to the county's overall fiscal health; delays in exchequer disbursements from the national government or shortfalls in county-wide revenue collection will directly impact the funds available for municipal operations. Secondly, new municipalities begin with a minimal own-source revenue (OSR) base. Building this base through property rates, business permits, and service fees is a medium-to-long-term process that requires functioning administrative systems, which are yet to be established.

The experience of established municipalities provides a cautionary tale. In Nakuru County, for instance, both Nakuru City and Naivasha Municipality have demonstrated very low absorption rates for their development budgets, not due to a lack of allocation, but because of challenges in operationalizing their financial systems within the Integrated Financial Management Information System (IFMIS). Kisumu's new municipalities will likely face similar, if not more severe, teething problems. Therefore, a key strategic consideration is to move beyond simply allocating funds to ensuring the municipalities have the systems and capacity to spend them prudently and effectively. The Committee must rigorously scrutinize the county budget to ensure that sufficient seed funding is not only allocated but is also ring-fenced for municipal operationalization. It should also demand that the boards present realistic, phased strategies for enhancing OSR that are grounded in the local economic context.

Bridging the Human and Technical Capacity Gap

Mr. Speaker and Hon. Members

The Nakuru declaration assigns complex technical responsibilities such as budget preparation, iDeP formulation, and land use planning to the "Municipal Boards." This assignment, while formally correct, overlooks a critical reality: the boards are part-time, oversight bodies and are unlikely to possess the specialized, day-to-day technical expertise required for these tasks. The actual execution falls to the Municipal Manager and a professional administration, which, for these new entities, does not yet exist.

This reveals a significant capacity gap at both the human and technical levels. Devolved units across Kenya consistently struggle with a shortage of skilled personnel in critical areas like public financial management, spatial planning, project management, and legal drafting. The capacity-building workshop in Nakuru was an essential first step, but it is not a substitute for a permanent, professional administration.

A critical strategic consideration is the urgent need to recruit and empower qualified Municipal Managers and a core team of technical staff (finance officers, physical planners). The Committee should use its oversight authority to press the County Public Service Board on the timeline for these recruitments. Furthermore, a continuous capacity-building program, budgeted for annually, is essential. This could involve partnerships with academic institutions, peer-learning programs with more established municipalities, and shared-service agreements among the five new municipalities to pool scarce expertise in areas like GIS mapping or legal services.

Fostering Effective Inter-Governmental Coordination

Mr. Speaker and Hon. Members

The legal framework establishes a clear hierarchy and relationship between the county government and its municipalities. However, legal structures alone do not guarantee smooth operations. Effective coordination requires constant and structured communication between multiple actors: the Municipal Boards, the Municipal Managers, the CECM for LPPHUD, the County Treasury, the County Attorney, and the various committees of the County Assembly.

Without robust coordination mechanisms, there is a high risk of duplicated efforts, conflicting policies, and administrative gridlock. For example, the preparation of a municipal budget (Resolution #3) requires input from the board, technical drafting by the manager, guidance from the County Treasury, and final approval from the County Assembly. A breakdown in communication at any point in this chain can derail the entire process. The Committee on Lands, Physical Planning and Housing is uniquely positioned to serve as a central hub for this coordination. By demanding joint progress reports from the CECM and the Municipal Board Chairs, the Committee can enforce a discipline of collaboration and provide a formal venue for identifying and resolving inter-governmental bottlenecks before they escalate.

Embedding Authentic Public Participation

Mr. Speaker and Hon. Members

The formation of Citizen Fora (Resolution #7) is a crucial step, but it only creates the platform for participation; it does not guarantee its quality or impact. Experience across Kenya shows that public participation often remains a procedural formality rather than a process of genuine citizen influence. Common challenges include low public awareness of participation opportunities, the use of technical jargon that alienates ordinary citizens, logistical barriers such as inconvenient venues and timing, and the perception that decisions have already been made.

For the new municipalities to build legitimacy and ensure their plans and budgets reflect community priorities, they must adopt best practices for authentic engagement. This includes providing timely and accessible information in local languages, using diverse communication channels beyond official newspaper adverts, holding meetings at the ward or village level, and, most importantly, establishing clear feedback mechanisms that show residents how their input has influenced final decisions. The Committee has a vital role in holding the municipalities to these high standards. During its review of municipal iDePs and budgets, the Committee should demand detailed evidence of the public participation process undertaken, scrutinizing not just whether meetings were held, but how they were conducted and how the feedback was incorporated.

STRATEGIC RECOMMENDATIONS FOR LEGISLATIVE OVERSIGHT AND SUPPORT

Mr. Speaker and Hon. Members

The successful operationalization of Kisumu County's five new municipalities is contingent not only on the efforts of the County Executive and the Municipal Boards but also on the proactive and rigorous engagement of the County Assembly. The Committee on Lands, Physical Planning, Housing and Urban Development, as the primary legislative body overseeing this domain, has a critical role to play. The following recommendations are structured around the Committee's core functions of oversight, legislation, and budgetary approval, providing an actionable framework for supporting and holding accountable the implementation of the Nakuru resolutions.

Recommendations for the County Assembly's Oversight Role

The Assembly's oversight function is paramount in ensuring that the commitments made in the Nakuru implementation matrix are translated into tangible action within the specified timelines. It is therefore recommended as follows:

a) **THAT** the Assembly should create a dedicated subcommittee or assign a lead member to formally track the progress of each of the ten resolutions against the agreed-upon deadlines and responsible parties. This mechanism should involve a detailed checklist based on the implementation matrix, which is updated monthly to provide a clear, at-a-glance view of progress and identify emerging bottlenecks.

b) **THAT** the Assembly should formally resolve to require the CECM for Lands, Physical Planning, Housing and Urban Development to submit a comprehensive written report to the Committee every quarter. To foster accountability and collaboration, this report should be co-signed by the Chairpersons of the five Municipal Boards. The report must detail the status of each resolution, explain any delays, and propose remedial actions.

c) **THAT** to supplement the written reports, the Committee should schedule and conduct bi-annual fact-finding visits to the new municipalities. These visits should include meetings with the full Municipal Boards and staff, as well as public hearings with residents, local business owners, and civil society organizations. This direct engagement will allow the Committee to verify reported progress, understand on-the-ground challenges, and assess whether the operationalization is leading to improved service delivery.

d) **THAT** the County Assembly should initiate a comprehensive review of existing county legislation related to physical planning, finance, trade, and environmental management. The purpose of this review is to identify and amend any provisions that may conflict with the new municipal structures or create administrative hurdles for their operation. This legal harmonization is crucial for preventing future jurisdictional disputes and ensuring a coherent governance framework.

Recommendations on the County's Budgetary Framework

The Committee recommends:

i. **THAT** in the forthcoming review of the County's 2026/2027 budget, the Committee must ensure that the "budget allocation" required for critical municipal activities—such as the preparation of iDePs, Land Use Plans, boundary delineation, and business mapping—is explicitly identified and ring-fenced. The Committee should consider making its approval of the departmental budget for LPPHUD conditional upon the adequate funding of these foundational municipal activities.

ii. **THAT** to address the significant technical capacity gaps, this Hon. House should establish a policy of making the approval of individual municipal budgets conditional upon the inclusion of a clear, costed, and credible plan for the continuous technical capacity building of both municipal staff and board members. This will embed the principle of professional development into the financial DNA of the new institutions, moving beyond the initial induction workshop.

Final Recommendation on the Adoption of this Report

Mr. Speaker and Hon. Members,

Based on the strategic importance of operationalizing the new municipalities for the deepening of devolution and service delivery in Kisumu County, it is the recommendation of the Committee that this Hon. House **ADOPT** this Report and its recommendations.

Proposed Way Forward and Conditions for Oversight

Mr. Speaker and Hon. Members,

To provide a constructive path forward, it is recommended that this House, through this Committee, institutes the following as conditions for its ongoing oversight of the municipal operationalization process:

1. THAT the CECM for LPPHUD and the Municipal Boards must furnish this Committee with a more detailed, consolidated work plan within 30 days of the adoption of this report, breaking down the ambitious resolutions into smaller, measurable steps.
2. **THAT** the Committee be authorized to schedule bi-annual oversight hearings, summoning the CECM and Municipal Board Chairs to provide testimony on progress and challenges, supplementing the required written reports.

Mr. Speaker and Hon. Members,

In conclusion, on behalf of the Committee, I now move that this Report be adopted by this Hon. House.

I call upon Hon. ……………………… to second.

HON. RATIB BOITONE

CHAIRPERSON, COMMITTEE ON LANDS PHYSICAL PLANNING, HOUSING AND URBAN DEVELOPMENT

APPENDIX

1. Pictorial

Members of the Committee on Lands, Physical Planning, Housing and Urban Development and the Board Members of Municipalities.

APPROVAL SCHEDULE ON THE REPORT ON THE INDUCTION OF THE COMMITTTEE AND THE MUNICIPAL BOARDS, 2025.

We the undersigned Members of the Committee on Lands, Physical Planning, Housing and Urban Development having deliberated on the findings and Recommendations of this Report append our signatures to affirm that the matters herein addressed are the true deliberations of the Committee.

NAME	POSITION	SIGN
Hon. Ratib Boiton	**Chairperson**	BR
Hon Tom Nyaoke	**Vice Chairperson**	[signature]
Hon. Joachim Oketch	Member	
Hon Seth Kanga	Member	
Hon. Nereah Okombo -	Member	
Hon George Abaja	Member	
Hon. Moses Ochele	Member	OMO
Hon. Zackaria Okoyo	Member	[signature]
Hon. James Were	Member	[signature]