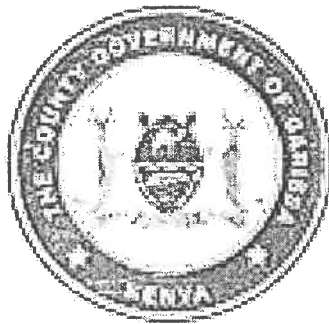


EVD / UDG / MIC-1
Municipal Charter

REPUBLIC OF KENYA



THE COUNTY GOVERNMENT OF GARISSA



GARISSA COUNTY MUNICIPAL CHARTER

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PREAMBLE

WHEREAS

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.

WHEREAS

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 1 year of the promulgation of the Constitution.

WHEREAS

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.

WHEREAS

Section 9 of the Urban Areas and Cities Act empowers the County Governor, on the resolution of the County Assembly, to confer on a qualifying town, the status of a Municipality by grant of a Charter in the prescribed form.

WHEREAS

The Urban Areas and Cities Act does not have the prescribed form of a Municipal Charter.

WHEREAS

No regulations have been promulgated under the Urban Areas and Cities Act providing the prescribed form of a Municipal Charter under the Urban Areas and Cities Act.

WHEREAS

Section 72 of the Interpretations and General Provisions Act allows for substantial conformity of any instruments required to be in a prescribed form under any statute in Kenya.

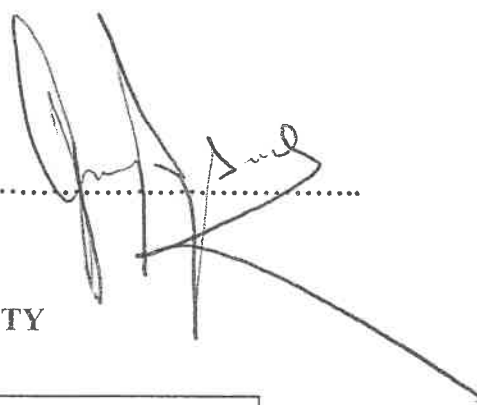
WHEREAS

The County Assembly of Garissa County duly approved this charter upon request by the Garissa County Department for Urban Development.

NOW THEREFORE IN EXERCISE of 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 County Governor of Garissa County **HEREBY GRANTS** the Municipality of Garissa this Municipal Charter on this^{4th} day of ^{July}..... 2018.

[SIGNATURE OF COUNTY GOVERNOR]



H.E ALI KORANE

THE COUNTY GOVERNOR OF GARISSA COUNTY

SEAL OF THE COUNTY GOVERNOR OF GARISSA

1. INCORPORATION, NAME AND BOUNDARIES

Incorporation and Name

This Charter is the Municipal Charter of the Municipality of Garissa within Garissa County, Kenya.

All processes affecting the Municipality shall be served on the Municipal Manager or acting Municipal Manager.

Boundaries

The boundaries of the Municipality of Garissa shall be the boundaries of Garissa Township Sub County as currently delineated.

2. POWERS, OBJECTS AND FUNCTIONS OF THE MUNICIPALITY

Powers of the Municipality

The Municipality of Garissa shall have all the powers, general and special, governmental or proprietary, expressed or implied, which may be possessed or assumed by municipalities under the Urban Areas and Cities Act, the County Government Act and the County of Garissa By-Laws upon approval by the county executive committee.

No enumeration of specific powers in this Charter shall be held to be exclusive. All such powers shall be exercised in the manner prescribed in this Charter, or, if not prescribed herein, in such manner as may be approved by the county executive committee or, in such manner as may be provided by the County of Garissa By-laws.

Objects of the Municipality

The objects of the Municipality of Garissa are to:-

Provide for efficient and accountable management of the affairs of the Municipality.

Provide for a governance mechanism that enables the inhabitants of the Municipality to:

- a. Participate in determining the social services and regulatory framework which will best satisfy their needs and expectations.
- b. Verify whether public resources and authority are utilized or exercised, as the case may be, to their satisfaction.
- c. Enjoy efficiency in service delivery.

Vigorously pursue the development opportunities available in the Municipality and to institute such measures as are necessary for achieving public order and the provisions of civic amenities, so as to enhance the quality of life of the inhabitants of the Municipality.

Provide a high standard of social services in a cost effective manner to the inhabitants of the Municipality.

Promote social cohesiveness and a sense of civic duty and responsibility among the inhabitants and other stakeholders in the Municipality in order to facilitate collective action and commitment towards achieving the goal of a harmonious and stable community.

Providing for services, laws and other matters for the benefit of the Municipality.

Fostering the economic, social and environmental well-being of its community.

Functions of the Municipality

The Municipality of Garissa shall, within the boundaries of the Municipality, perform the following delegated functions:

Promotion, regulation and provision of refuse collection and solid waste management services.

Construction and maintenance of urban roads and associated infrastructure.

Construction and maintenance of storm drainage and flood controls.

Construction and maintenance of walkways and other non-motorized transport infrastructure.

Construction and maintenance of recreational parks and green spaces.

Construction and maintenance of street lighting.

Construction, maintenance and regulation of traffic controls and parking facilities.

Construction and maintenance of bus and taxi stands.

Regulation of outdoor advertising.

Construction, maintenance and regulation of municipal markets and abattoirs.

Construction and maintenance of fire stations; provision of fire-fighting services, emergency preparedness and disaster management.

Promotion, regulation and provision of municipal sports and cultural activities.

Promotion, regulation and provision of animal control and welfare.

Development and enforcement of municipal plans and development controls.

Municipal administration services including construction and maintenance of administrative offices through the Department of Public Works.

Promoting and undertaking infrastructural development and services within municipality.

Any other functions as may be delegated by the County Executive Committee from time to time through the County Executive Committee for Urban Development.

3. THE BOARD OF THE MUNICIPALITY

Establishment of the Board

There shall be a Board of the Municipality of Garissa.

The Board of the Municipality shall be a corporate body with perpetual succession and a common seal and shall in its own corporate name be capable of:

- (a) Suing and be sued.
- (b) Taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property.
- (c) Borrowing money or making investments within the limits imposed by law.
- (d) Entering into contracts.
- (e) Doing or performing all other acts or things for the proper performance of its functions in accordance with the Urban Areas and Cities Act or any other written law which may lawfully be done or performed by a body corporate.

There shall be a principal and agency relationship between the Board of the Municipality and the County Government of Garissa.

Powers and Functions of the Board of the Municipality

Except as this Charter otherwise provides, all powers of the Municipality shall be vested in the Board of the Municipality to the extent delegated by the county executive committee member at the time in charge of Urban Development

The Board of the Municipality shall provide for the exercise of these powers and for

the performance of all duties and obligations imposed on the Board of the Municipality.

Subject to the Constitution and any other written law, the Board of the Municipality shall, within the boundaries of the Municipality of Garissa.

- (a) Exercise executive authority as delegated by the County Executive Committee of the County of Garissa.
- (b) Ensure provision of services to its residents.
- (c) Impose such fees, levies and charges as may be authorized by the County Government for delivery of services by the Municipality.
- (d) Promote constitutional values and principles.
- (e) Ensure the implementation and compliance with policies formulated by both the National and County Governments.
- (f) Make By-laws or make recommendations for issues to be included in By-laws.
- (g) Ensure participation of the residents in decision making in its activities and programmes.
- (h) Exercise such other powers as may be delegated by the County Executive Committee of the County of Garissa.

Notwithstanding any other provision of law or this Charter, the Board of the Municipality shall exercise such executive authority as may be delegated by the County Executive Committee, through the County Executive Committee for Urban Development, for the necessary performance of its functions.

The Board of the Municipality shall perform the following functions:

- (a) Oversee the affairs of the Municipality.
- (b) Develop or adopt policies, plans, strategies and programmes and set targets for service delivery.
- (c) Formulate and implement an integrated development plan.
- (d) Promoting and undertaking infrastructural development and services within Municipality as delegated by the County Government of Garissa.
- (e) Developing and managing schemes, including site development in collaboration with the relevant national and county agencies.

- (f) Maintaining a comprehensive database and information system of the administration.
- (g) Administering and regulating its internal affairs.
- (h) Implementing applicable national and county legislation.
- (i) Entering into contracts, partnerships or joint ventures as it may consider necessary for the discharge of its functions.
- (j) Monitoring and, where appropriate, regulating municipal services where those services are provided by service providers other than the Board of the Municipality.
- (k) Preparing draft estimates of its annual budget and submitting to the Chief Officer for Urban Development for consideration and submission to the County Treasury and submission to the County Assembly as part of the Urban Development department/Ministry budget.
- (l) Collecting rates, taxes levies, duties, fees and surcharges on fees as delegated by the County Government of Garissa.
- (m) Settling and implementing tariff, rates and tax and debt collection policies as delegated by the County Government of Garissa.
- (n) Monitoring the impact and effectiveness of any services, policies, programs or plans.
- (o) Establishing, implementing and monitoring performance management systems.
- (p) Promoting a safe and healthy environment.
- (q) Facilitating and regulating public transport.
- (r) Performing such other functions as delegated by the County Government of Garissa.

Composition and Term of the Board of the Municipality

The Board of the Municipality shall be composed of nine (9) members.

Four (4) members of the Board of the Municipality shall be appointed by the County Executive Committee member for Urban Development and approved the County Assembly.

Five (5) members of the Board shall be nominated by the following umbrella bodies and appointed by the County Executive Committee member for Urban Development.

- (a) An umbrella body representing professional associations in the area.
- (b) An association representing the private sector in the area.
- (c) A cluster representing registered associations of the informal sector in the area.
- (d) A cluster representing registered neighbourhood associations in the area.
- (e) An association of the Municipality.

The Chief Officer for Urban Development or his alternate shall be an ex-officio member.

In appointing members of the Board of the Municipality, the County Executive Committee shall ensure gender equity, representation of persons with disability, youth and marginalized groups.

The term of the members of the Board of the Municipality shall be five (5) years on a part-time basis.

Each member of the Board of the Municipality shall have the following qualifications.

- a. Be a Kenyan citizen.
- b. Be ordinarily resident or have a permanent dwelling in the Municipality.
- c. Carry on business in the municipality, or
- d. Have lived in the municipality for at least five years.

Chairperson of the Board

The Chairperson of the Board of the Municipality of Garissa shall be elected by the members of the Board from amongst the members of the Board.

The Chairperson of the Board shall hold office for a term of five (5) years.

Removal of the Chairperson

The Chairperson of the Board of the Municipality may be removed by:

- (a) A majority decision of the members of Board of the Municipality at a duly

convened meeting where quorum is present; or

- (b) Upon petition by a resident of the Municipality.

The procedure for the removal of a Chairperson of the Board of the Municipality under 3.5.1 may be provided for by Regulations under the Urban Areas and Cities Act and in the absence thereof in accordance with Kenyan law having regard to fair labour practices.

Any vacancy arising out of the removal of a Chairperson of Board of the Municipality may be filled in the manner provided under Article 3.4.

Committees of the Board of the Municipality

The Board of the Municipality may:

- (a) Establish such Committees for any general or special purpose which, in its opinion, would regulate or manage its affairs more efficiently and as may be necessary for the performance of its functions under the Urban Areas and Cities Act.
- (b) Delegate to such Committee such functions as are necessary for the efficient performance of its duties in respect to the whole or any part of the area under the jurisdiction of the Board of the Municipality, and
- (c) Include persons who are not members of the Board in any Committee.

The Committees of the Board of the Municipality to which members of the Board of the Municipality delegate any of their powers and functions must follow procedures which are based as a far as they are applicable on those provision of this Charter which govern the taking of decisions and performance of functions by the Board of the Municipality.

Remuneration of the Members of the Board of the Municipality

The Board of the Municipality shall not be entitled to a salary.

However, members of the Board of the Municipality shall be paid such allowances as the County Executive Committee shall, with the approval of the County Assembly, and on the advice of the Salaries and Remuneration Commission, determine.

Removal of Members of the Board of the Municipality

A member of the Board of the Municipality shall cease to hold office if the member.

- (a) Is unable to perform the functions of the office by reason of mental or physical infirmity.
- (b) Is declared or becomes bankrupt or insolvent.
- (c) Is convicted of a criminal offence and sentenced to a term of imprisonment of six months or more.
- (d) Resigns in writing to the County Governor.
- (e) Without reasonable cause, the member is absent from three consecutive meetings of the Board or Committee of the Board of the Municipality within one financial year.
- (f) Is found guilty of professional misconduct by the relevant professional body.
- (g) Is disqualified from holding a public office under the Constitution.
- (h) Fails to declare his or her interest in any matter being considered or to be considered by the Board or Board Committees.
- (i) Engages in any gross misconduct, or
- (j) Dies.

A member of the Board of the Municipality may be removed from office by:

- (a) The County Governor upon recommendation by the County Executive Member for Urban Development.
- (b) A resolution of the Board of the Municipality supported by at least two-thirds of the members of the Board of the Municipality
- (c) Petition by the residents of the Municipality.

The procedure for the removal or petition for removal of a member of the Board of the Municipality under 3.10.2 shall be provided by Regulation under the Urban Areas and Cities Act.

Any vacancy arising out of the removal of a member of the Board of the Municipality may be filled in the manner provided under Article 3.3.

Meetings of the Board of the Municipality

The Board of the Municipality shall hold its sittings to transact the business of the

Board once every three months.

Notwithstanding Article 3.11.1, the Chairperson of the Board of the Municipality may, and upon request in writing by at least one-third of the members of the Board of the Municipality shall, convene a special meeting to transact any urgent business of the Board of the Municipality.

All regular meetings of the Board of the Municipality called for the purpose of transacting public business, where a majority of the members are present, shall be open to the public.

The Board shall have the privilege of holding executive sessions from which the public is excluded, however, no by-laws, resolution, rule or regulation shall be finally adopted at such an executive session.

Quorum

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

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

Rules of the Board

The Board of the Municipality shall by resolution adopt rules to govern its meetings.

Record of Information of the Board

The minutes and other information of the Board of the Municipality shall be kept by the Municipal Manager of the Board of the Municipality.

Access to information on the activities and resolutions of the Board of the Municipality shall be as provided for under the Urban Areas and Cities Act.

Citizen Fora

The Board of the Municipality shall ensure the development of mechanisms for the participation of the residents of the Municipality of Garissa in the management and

administration of the Municipality.

All recommendations from the Citizen Fora of the Municipality of Garissa shall be forwarded to the Board of the Municipality for resolution.

All recommendations on issues raised in the Citizen Fora and addressed by the Board of the Municipality shall be forwarded to the Municipal Manager for implementation.

4. LEGISLATIVE AUTHORITY

By-Laws

The Board of the Municipality shall exercise its legislative authority by passing Municipality By-laws.

Passing of By-Laws

Except as authorized by Article 3.2.2, passing of By-laws shall require approval by a majority of the Board of the Municipality at two meetings.

The Board of the Municipality may adopt a By-law at a single meeting by the unanimous approval of at least a quorum of Board, provided the proposed By-law is available in writing to the public at least one week before the meeting.

Any substantive amendment to a proposed By-law must be read aloud or made available in writing to the public before the Board of the Municipality adopts the By-law at that meeting.

After the adoption of a By-law, the vote of each member must be entered into the Board minutes.

After adoption of a By-law, the Chairperson of the Board must endorse it with the date of adoption and his title.

Effective Date of By-laws

By-laws shall take effect on the 30th day after adoption, or on a later day provided in the By-law.

A By-law may take effect as soon as adopted or other date less than 30 days after

adoption if it contains an emergency clause.

5. ADMINISTRATIVE AUTHORITY

Resolutions

The Board of the Municipality shall exercise its administrative authority by approving resolutions.

Approval of Resolutions

Approval of a resolution or any other Board administrative decision requires approval by the Board of the Municipality at one meeting.

Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the Board adopts the resolution at that meeting.

After approval of a resolution or other administrative decision, the vote of each member must be entered into the Board minutes.

Effective Date of Resolutions

Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

6. THE MUNICIPAL MANAGER

Office of the Municipal Manager

There is established the office of the Municipal Manager.

The Municipal Manager shall be the administrative head of the Municipality of Garissa and the Secretary of the Board of the Municipality.

Appointment and Term

The Municipal Manager shall be recruited by the County Public Service Board.

The Municipal Manager may be appointed for a definite or an indefinite term.

Qualifications

The Municipal Manager shall.

- (a) Be a citizen of Kenya.

- (b) Hold a degree from a university recognized in Kenya or its equivalent.
- (c) Has served and have proven experience in administration or management either in public or private sector for at least five years.

In appointing the Municipal Manager, the County Governor shall ensure:

- (a) Gender equity.
- (b) The inclusion of minorities and marginalized communities.
- (c) The person satisfies the requirements of Chapter six of the Constitution.

The Municipal Manager need not reside within the Municipality.

Functions and Powers of the Municipal Manager

The Municipal Manager shall implement the decisions and functions of the Board of the Municipality and shall be answerable to the Board through the Chief Officer at the time in charge of urban Development.

The Municipal Manager shall perform the following functions:

- (a) Act on behalf of the Board of the Municipality-
 - (i) In ensuring the execution of the directives of the Board of the Municipality.
 - (ii) During all intervals between meetings of the Board of the Municipality.
- (b) Prepare and present for approval of the Board of the Municipality, an annual estimate of revenue and expenditure to fund and carry out the programmes and operations of the Board.
- (c) Be principally responsible for building and maintain a strong alliance and effective working relationships between the Board of the Municipality and the civil society, private sector and community-based organizations.
- (d) Cause to be prepared, transmitted to the Board of the Municipality, and distributed to the public at least an annual report on the activities and accomplishments of the departments and agencies comprising the executive branch of the Municipality.

- (e) Act as an ex-officio member of all committees of the Board of the Municipality.
- (f) Such other functions as the Board may, by order, confer upon the Municipal Manager.

The Municipal Manager shall be fully responsible for the proper conduct of the executive and administrative work and affairs of the Municipality. The Municipal Manager shall have the power and shall be required to:

- (a) Exercise supervision over all departments and agencies of the Municipality and provide for the coordination of their activities.
- (b) Enforce the provisions of this Charter, Municipal By-laws, and all applicable laws.
- (c) Exercise powers granted to the Municipal Manager in this Charter, By-laws and applicable laws concerning the appointment and removal of certain officers, employees, and members of committees of the Board of the Municipality.
- (d) Exercise such other powers as may be prescribed by this Charter, by-laws and applicable laws.

The Municipal Manager must:

- (a) Attend all Board of the Municipality meetings unless excused by the Chairperson of the Board or the Board of the Municipality.
- (b) Make reports and recommendations to the Board of the Municipality about the needs of the Municipality.
- (c) Administer and enforce all Municipality By-laws, resolutions, franchises, leases, contracts, permits, and other Municipality decisions.
- (d) Supervise all Municipality employees.
- (e) Organize Municipality departments and administrative structure.
- (f) Prepare and administer the annual Municipality budget upon consideration by the Chief Officer for Urban Development.
- (g) Administer Municipality utilities and property.
- (h) Encourage and support regional and intergovernmental cooperation.

- (i) Promote cooperation among the Board of the Municipality, staff and citizens in developing Municipality policies and building a sense of community.
- (j) Perform other duties as directed by the Board of the Municipality.
- (k) Delegate duties, but remain responsible for acts of all subordinates.

The Municipal Manager shall have no authority over the Board of the Municipality.

The municipal manager shall report to the Chief Officer Urban Development.

The Municipal Manager shall be entitled to attend meetings of the Board of the Municipality but shall not be entitled to vote.

Remuneration

The County Public Service Board shall set the compensation and determine the conditions of employment of the Municipal Manager.

Removal of the Municipal Manager

The Municipal Manager may be removed from office by:

- (a) The County Governor upon the recommendation of the County Executive Committee member for Urban Development.
- (b) A resolution of the Board of the Municipality supported by at least two-thirds of the members of the Board of the Municipality.
- (c) Petition by the residents of the Municipality.

The Municipal Manager shall cease to hold office upon the lapse of the employment term of if he/she:

- (a) Is unable to perform the functions of the office by reason of mental or physical infirmity.
- (b) Is declared or becomes bankrupt or insolvent.
- (c) Is convicted of a criminal offence and sentenced to a term of imprisonment of six months or more.
- (d) Resigns in writing to the County Executive Committee Member.
- (e) Without reasonable cause, is absent from three consecutive meetings of the Board of the Municipality.

- (f) Is found guilty of professional misconduct by the relevant professional body.
- (g) Is disqualified from holding a public office under the Constitution.
- (h) Engages in any gross misconduct.
- (i) Dies.

The procedure for the removal of the Municipal Manager may be provided by the Regulations made under the County Government Act (No. 17 of 2012) and in the absence thereof in accordance with Kenyan law having regard to fair labour practices.

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

Acting Municipal Manager

When the Municipal Manager is temporarily disabled from acting as Municipal Manager or when the office of the Municipal Manager becomes vacant, the County Governor shall appoint a qualified person to be an Acting Municipal Manager.

The County Governor shall inform the County Public Service Board of such appointment within seven (7) days.

The Acting Municipal Manager shall have the authority and duties of the Municipal Manager, except that the Acting Municipal Manager may appoint or remove employees only with approval of the Board of the Municipality.

An Acting Municipal Manager shall hold office until such a time as a new Municipal Manager shall be appointed in line with sub paragraph 6.2.

7. MUNICIPAL FINANCES AND FINANCIAL MANAGEMENT

Sources of the Municipality Funds and Revenue

The Board of the Municipality shall derive its revenue and funds from:

- (a) Monies allocated by the County Assembly through the Annual Budget for the Department of Urban Development for the purposes of the management and service delivery of the Board.
- (b) Monies or assets that may accrue to the Board in the course of the exercise of its powers or the performance of its functions.
- (c) All monies or grants from any other legitimate source provided or donated

to the Board.

- (d) Revenue arising from rates, fees, levies, charges and other revenue raising measures which is retained by Municipality for the purpose of defraying its costs for providing services.
- (e) Investment income.
- (f) Borrowing.

Appointment of the Municipality Accounting Officer

The Municipality Accounting Officer shall be designated by the County Executive Committee Member for Finance in the manner provided under Section 148 of the Public Finance Management Act.

Functions and Powers of the Municipality Accounting Officer

The Municipality Accounting Officer shall have all the powers and perform all the functions of accounting officers as provided under the Public Finance Management Act.

Without prejudice to the foregoing, the Municipality Accounting Officer shall be responsible for managing the finances of the Municipality.

Financial Year

The Municipality shall operate on an annual budget.

The financial year of the Board of the Municipality shall be the period of twelve months ending on the thirtieth June in each year.

Budget

The estimate budget of the Board of the Municipality shall be developed in the manner provided under Section 175 of the Public Finance Management Act.

Management of Municipality Finances

The Board of the Municipality shall, with the approval of the County Executive Committee member for finance, open and maintain a bank account in the name of the Municipality.

All monies received by the Board of the Municipality shall be paid into the Municipality's bank account promptly and in accordance with the Public Finance

Management Act.

Borrowing by the Municipality

The Board of the Municipality may only borrow:

- (a) from the County Government.
- (b) through the County Government.
- (c) by way of a bank overdraft.

and subject to such terms as may be imposed by the County Assembly or such terms as provided by law.

7.8 Audit

The audit of the Board of the Municipality shall be as provided under Section 46 and 47 of the Urban Areas and Cities Act.

8. MUNICIPALITY PERSONNEL

Municipal Personnel

The Board of the Municipality may subject to the approval by the County Public Service Board, employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other any other law.

Management of Municipal Personnel

Employees of the Municipality shall be under the general guidance of the Municipal Manager.

Retirement Systems

The Board of the Municipality may do all things necessary to include its officers and employees, or any of them within any retirement system or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the Board of the Municipality.

Compensation of Municipal Personnel

The compensation of all employees of the Municipality shall be set by the County Public

Service Board upon the advice of the Salaries and Remuneration Commission.

9. MUNICIPALITY PROPERTY

Acquisition, Possession and Disposal

The Board of the Municipality is a body corporate and may acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the Municipality.

All town property and funds of every kind belonging to or in the possession of the town (by whatever prior name known) at the time this Charter becomes effective are vested in the Municipality, subject to the terms and conditions thereof.

Compulsory Acquisition

Whenever the Municipality deems it necessary to acquire private land for its purposes, it shall request the County Executive Committee Member to request the National Land Commission to acquire the land on its behalf.

The provisions of the Land Act shall apply to any intended compulsory acquisition by the Municipality of property within the Municipality.

Municipal Buildings

The Board of the Municipality may acquire, obtain by lease or rent, purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the Municipality.

Protection of Municipal Property

The Board of the Municipality may do whatever may be necessary to protect municipal property and to keep all municipal property in good condition.

10. General Provisions

Oath of Office

Before entering upon the duties of their offices, the Municipal Manager, the Chairperson and the members of the Board, and all other persons elected or appointed to

any office of profit or trust in the Municipality, as determined by Board, shall take and subscribe to the following oath or affirmation:

“I, [...], being called on to exercise the functions of [Chairperson, etc.] of the Municipality of [...], do swear/solemnly affirm that that I will at all times be faithful to the Republic of Kenya; that I will obey, respect and uphold this Constitution of Kenya and all other laws of the Republic, that except with the authority of the Board of the Municipality of [...], I will not directly or indirectly reveal the nature or contents of any business, proceedings or document of the Municipality committed to my secrecy, except as may be required for the due discharge of my duties as [Chairperson, etc.] of the Municipality of [...] or otherwise under the law. (In the case of an oath— So help me God.”

All persons taking and subscribing to the oath shall do so before the County Governor.

Amendments to the Charter

The County Governor may at any time, after consultation with the Board of the Municipality, amend any provision of this Charter.

10.2.1. The County Governor shall cause a copy of the Amended Charter to be laid before the County Assembly within 30 days of its amendment for approval.

Separability

If, at any time, any provision of this Charter is or becomes illegal, invalid or unenforceable in any respect under Kenyan law, neither the legality, validity or enforceability of the remaining provisions nor the legality, validity or enforceability of such provision will in any way be affected or impaired.

11. TRANSITIONAL PROVISIONS

The provisions of this Charter shall be in effect from and after

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11.2 Rights and Privileges Preserved

Nothing in the Charter except as otherwise specifically provided shall effect or impair the rights or privileges of persons who are Town Officials, Officers or Employees at the time of its adoption.

11.3. Departments

All Town Departments shall continue to operate with the same powers, duties, activities, budgets, and employees as were in effect at the time this Charter becomes effective until changed by the County Executive Committee Member for Lands and Urban Development.