

COUNTY GOVERNMENT OF BUNGOMA



OFFICE OF H.E THE GOVERNOR

MINUTES OF THE 12TH CABINET MEETING HELD ON 14TH OCTOBER, 2023

VENUE: H.E GOVERNOR'S RESIDENCE, KAMUKUYWA

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MEMBERS PRESENT

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| 1. H.E Rt. Hon. Kenneth M. Lusaka EGH | H.E GOVERNOR (Chairing) |
| 2. H.E Hon. Pst. Janepher Mbatiany | H.E Deputy Governor |
| 3. Hon. Monicah Fedha | Agriculture, Livestock, Fisheries, Irrigation & co-
op Devt Ag. County Secretary (Taking Minutes) |
| 4. Hon. Bonventure Chengek | Roads, Infrastructure, Transport & Public Works |
| 5. Hon. Benedict Emacar | Public Service Mgt & Administration |
| 6. Hon. Carlyne K. Makali | Trade, Energy and Industrialization |
| 7. Hon. Douglas Sasita | - Lands, Urban/Planning, Housing & Municipalities |
| 8. Hon. Dr. David W. Wamamili | - Education & Vocational Training |
| 9. Hon. Dr. Andrew Wamalwa | - Health and Sanitation |
| 10. Hon. Herbert Kibunguchy | - Water, Tourism, Environment & Natural
Resources |
| 11. Hon. Chrispinus Barasa | - Finance & Economic Planning |
| 12. Hon. Eng. Agnes Wachie | Gender, Culture, Youth and Sports |

AGENDA:

1. Preliminaries
 - Opening Prayer
 - Adoption of the Agenda
 - Opening remarks by the Chairman, H.E The Governor
 - Declaration of Conflict of interest
4. Cabinet memos and reports from Department of Lands, Housing, Urban and Physical Planning & Municipalities for consideration and Approval
5. Approval of the County Urban Institutional Development Strategy (CUIDS)
6. Waiver of interests on rateable properties
7. Approval of spatial plans for Kimilili, Naitiri and Kapsokwony
8. Approval for purchase of Nzoia Pension Scheme houses in Bungoma County and purchase of Chebukube Land using Emergency funds to avert El Niño crisis
10. AOB
11. Adjournment

MIN/BGM/78/23: 14/10/2023: PRELIMINARIES

Prayer and opening remarks

The chairman called the meeting to order at 9:50 AM. The opening prayer was made by H.E The Deputy Governor.

Opening remarks were made by H.E Governor who lauded members for attending the meeting. He informed members that it was a special CEC and would not take a long time since members had other engagements being a Saturday.

Adoption of the Agenda

Members were taken through the agenda and they unanimously adopted it.

Conflict of interest

No conflict of interest was declared by any member

MIN/BGM/EXC/81/23: 14/10/2023: Cabinet Memos and reports from Department of Lands, Housing, Urban and Physical Planning & Municipalities for consideration and Approval

- a. Approval of the County Urban Institutional Development Strategy (CUIDS)

The CECM took the Cabinet through the memo whose objectives were: request for approval of the Bungoma County Urban Institutional Development Strategy and appraise cabinet on the on the proposed strategies to explore and generate resources needed to meet the urban development agenda. He further informed Cabinet on the legal basis of the memo, being that The Kenyan Constitution creates two levels of governments, National and County, both of which must strategize for gradual realization of human rights and fundamental freedoms contained in the Bill of Rights (Chapter 4 of the Kenya Constitution, 2010). There is need for the County to prepare both long term and medium-term plans to guide the budgeting process. Parliament has enacted laws that support the need for sustainable planning namely; the Urban Areas and Cities Act, 2011, The County Government Act, 2012 and the Public Finance Management Act, 2012.

Further, section 108 (2a) (ii) of the County Government Act, 2012 provides for the need for and integrated plan that provides for a strategy to address the county internal transformation needs; while sub-section 108 (2b) states that county plans shall identify (i) any investment initiatives in the county (ii) any development initiatives in the county, including infrastructure, physical, social, economic and institutional development; (iii) all known projects, Strategies and programmes to be implemented within the county by any organ of state; and (iv) the key performance indicators set by the county.

The recommendation to Cabinet by the CECM were as follows:

- i. The Cabinet approves the Bungoma County Urban Institutional Development Strategy for the period 2023 to 2027 to meet the funding conditions of the Kenya Urban Support program and provide a road-map for institutional development for our urban areas
- ii. The cabinet approves mandates the Department of Lands, Urban, Physical Planning, Housing and Municipalities to ensure development of strong urban institutions to promote efficient and effective governance and service delivery.

The approval by the County Executive Committee was proposed by Hon. Carolyne Makali and seconded by Hon. Eng. Agnes Wachie.

b. Waiver of interests on rateable properties

The CECM submitted Cabinet memo seeking approval of Cabinet to waive interest on all rateable properties.

The objective of this memorandum was to seek for cabinet Approval for the Department of Lands, Urban/Physical Planning, Housing and Municipalities in collaboration with the department of Finance and Economic Planning initiate 100% land rates waiver for all rateable properties within the Bungoma County as per the Constitution of Kenya 2010, Valuation for Rating Acts Cap 266, The Rating Act CAP 267 and Public Finance Management Act, 2012. The approval by the Cabinet will officially authorize the CECM for Department for Lands, Urban/Physical Planning, Housing and Municipalities and the CECM for Finance to implement to implement the lands rates waiver and improve on Land Rates collection efficiency and enforcement currently performing poorly.

After consideration of the Cabinet Memo, the cabinet approval was proposed by Hon. Chengeck and seconded by Hon. Emacar.

c. Approval of spatial plans for Kimilili, Naitiri and Kapsokwony urban areas

The CECM further submitted a Cabinet Memo seeking approval of Spatial Plans for Naitiri, Kimilili and Kapsokwony urban areas.

The Specific purpose of the Physical and Land Use Development Plan is provided for in section 46(a-e) and include among others:- 1) Zoning, urban renewal, or redevelopment; 2) Guiding and co-ordinating the development of infrastructure; 3) Regulating the land use and land development; 4) Providing a framework for coordinating various sectoral agencies; and 5) Providing a framework and guidelines on building and works development in the city, municipality, urban area, or other smaller urban centres including local centres, and market centres.

After consideration and extensive deliberations, the approval by Cabinet of the three spatial plans was proposed by Hon. Chengeck and seconded by Hon. Dr Wamalwa.

d. Approval for:

- ✓ **Purchase of Nzoia Pension Scheme houses in Bungoma County**
The CECM did not present the Cabinet Memo on this issue citing budgetary shortfalls.
- ✓ **purchase of Chebukube Land using Emergency funds to avert El nino crisis.**
- ✓ **The department of Lands to handle all matters related to land within the County**

Confidential

The CECM responsible for the department of lands presented a cabinet memo seeking approval of Cabinet to allow the department to purchase land for traders who operate in an open market at Chebukube area. The Cabinet concurred with the fact that there was looming disaster around Chebukube market since traders are exposed to accidents.

On land matters, the cabinet was informed that the County Government was facing litigation from various stakeholders who are suing the County on various land issues. Furthermore, various departments are undertaking developments such as opening of roads, construction of Ward offices, ECDE classrooms, dispensaries without approval from the responsible department. According to Physical Land Use Planning Act 2019, such developments are illegal and need to be demolished.

The CEC Member responsible for Lands recommended that:


- ✓ Cabinet notes the contents of the Cabinet memo
- ✓ Approves the utilization of the Emergency fund to procure one (1) acre of land at approximately Ksh. 50M (Fifty Million) to be verified by a Government Valuer.
- ✓ Gives consent and directs that all matters relating to land as well as their budget allocation such as site planning, land purchase, public building approvals, survey of new/opening of roads among others be handled by the Department of Lands, Urban/Physical Planning, Housing and Municipalities.

The County Executive Committee exhaustively considered the issues raised by the CEC Member responsible for Lands. The approval of the cabinet memo was proposed by Hon. Eng. Agnes Wachie and seconded by Hon. Emacar.

The meeting was adjourned at 1:30 P.M with a word of prayer.

Minutes signed for circulation:

Chairman  Date 13/11/2023

Secretary  Date 13/11/23