

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF GARISSA**



**THIRD ASSEMBLY – (SECOND SESSION)**

---

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

---

**REPORT ON THE PROPOSED DADAAB MUNICIPAL CHARTER**

**JUNE 2023**

## **TABLE OF CONTENT.**

<b>1.0 EXECUTIVE SUMMARY</b> .....	3
1.1 COMMITTEE MANDATE .....	4
1.2 COMMITTEE MEMBERSHIP .....	4
1.3 COMMITTEE SECRETARIAT .....	4
1.4 COMMITTEE MEETINGS .....	5
<b>2.0 ACKNOWLEDGEMENT</b> .....	7
2.1 ADOPTION OF THE REPORT .....	7
<b>3.0 BACKGROUND LEGAL REQUIREMENT</b> .....	8
3.1 BACKGROUND .....	8
3.2 LEGAL .....	8
3.3 OBJECTS OF THE MUNICIPALITY .....	9
3.4 FUNCTIONS OF THE MUNICIPALITY .....	9
3.5 ESTABLISHMENTS OF THE BOARD OF THE MUNICIPALITY .....	9
3.6 COMPOSITION AND TERMS OF THE BOARD .....	10
3.7 MUNICIPAL MANAGER .....	10
<b>4.0 PROCEEDINGS OF THE PUBLIC PARTICIPATION</b> .....	11
4.1 ADDRESS BY THE COMMITTEE CHAIR .....	11
4.2 SUBMISSIONS FROM THE MEMBERS OF THE PUBLIC .....	14
<b>5.0 COMMITTEE OBSERVATIONS</b> .....	13
5.1 RESOLUTION OF THE PUBLIC PARTICIPATION .....	14
<b>6.0 COMMITTEE RECOMMENDATIONS</b> .....	15

## **1.0 Executive Summary**

Dadaab town is one of the oldest and among the most important towns in Garissa County. Currently, the town serves as the administrative headquarters of Dadaab Sub County and it is also a major commercial hub serving a number of surrounding populations within the county including Liboi, Dertu, Abakaile, Labasigale and Damajaley. The proposal to have Dadaab town elevated into a municipality is in accordance with Section 9 of the Urban Areas and Cities Act, 2011. The proposal was received in the county Assembly and tabled on 7<sup>TH</sup> October, 2023. The Lands, Housing, Physical Planning and Urban Development Committee undertook Public Participation on the document pursuant to Article 196(1) (b) of the Constitution of Kenya, 2010 on 17<sup>th</sup> June, 2023 in which Dadaab Municipality Charter was adopted. The Committee recommends that the Garissa County Government expeditiously confers the Municipality status on Dadaab town to unlock its growth potential and benefit the residents with the development associated with municipality status.

### **1.1 Mandate of the committee**

**Mr. speaker sir**

The committee on Lands, Housing, Physical Planning & Urban Development is one of the Sectoral committees of the Assembly established under standing order no 191 whose mandate is to:

- a) investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) study the programme and policy objectives of departments and the effectiveness of implementation;
- c) study and review all County legislation referred to it;
- d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- e) investigate and inquire into all matters relating to the assigned department as they may deem necessary, and as may be referred to them by the County Assembly.

- f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve except under Standing Order 184 (Committee on Appointments);
- g) **make reports and recommendations to the County Assembly as often as possible including recommendation of proposed legislation.**

### **1.2 Committee Membership.**

The committee on lands, Housing, physical planning and urban development was established pursuant to standing order of the County Assembly.

The committee comprises of the following Members

- |                                  |             |
|----------------------------------|-------------|
| 1. Hon Khadija Idriss Mohamed    | chairperson |
| 2. Hon. Abdirahman Muktar        | vice chair  |
| 3. Hon. Hajir Mohamed Dahiye     | Member      |
| 4. Hon. Issa Aden Abdi           | “           |
| 5. Hon. Mohamed Sheikh Abdi      | “           |
| 6. Hon. Abdirahman Mohamed Ali   | “           |
| 7. Hon. Ayan Mohamed Dahir       | “           |
| 8. Hon. Farhiya Buro             | “           |
| 9. Hon. Fakrudin Haji Sadik      | “           |
| 10. Hon. Dekow Mohamed Duale     | “           |
| 11. Hon. Abubakar Mohamed Khalif | “           |
| 12. Hon. Fatuma Mohamed Shide    | “           |
| 13. Hon. Abdullahi Ibrahim sigat | “           |

### **1.3 Committee secretariat**

The committee is served by

- |                    |                      |
|--------------------|----------------------|
| 1. Abdi s. Keinan  | Lead committee clerk |
| 2. Omar I. Koriyow | Committee Researcher |
| 3. Abdi M. Hassan  | Hansard              |
| 4. Ahmed Hussein   | Sergeant at arms     |

## **1.4 Committee Meetings**

**Mr. Speaker Sir,**

The committee held two meetings 15<sup>th</sup> and 16<sup>th</sup> June 2023 to consider and review the Dadaab Municipality Charter. In one of the meetings, the committee made a resolution to conduct public participation on Dadaab Municipality Charter on 17th June, 2023 from 9.00 am.

The members of the public were notified of the public participation forum through print media.

## **2.0 ACKNOWLEDGEMENT**

The Committee is grateful to the Offices of the Speaker and the Clerk of the County Assembly for the support extended to it in fulfilling its mandate.

**Mr. Speaker Sir,**

I wish to thank the Members of committee on Lands, Housing, Physical Planning and Urban Development for their effort in coming up with this report on the proposed Dadaab Municipal Charter. I also wish to thank the committee secretariat who worked tirelessly to compile this Report.

**Mr. Speaker,**

I wish to thank Members of the public who sacrificed their time to attend the public participation exercise held at Aqal Heryo Hotel and gave their valuable views on the proposed Dadaab Municipal Charter. Once again I extend my sincere gratitude and appreciation to the residents of Dadaab Town for their warm welcome and hospitality during the public participation session on the Dadaab Municipal Charter. Their commitment to the betterment of their community is truly commendable, and I am confident that together we will build a prosperous and inclusive municipality.

**Mr. Speaker Sir,**

I wish to confirm that, the recommendations of the Committee in this Report were unanimous. It is therefore my pleasant duty and privilege, on behalf of the Committee to table this report for consideration and adoption.

**SIGNED:** .....

**HON. KHADIJA IDRIS MOHAMED, NOMINATED M.C.A.**

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

**DATE:** .....

## 2.1 ADOPTION OF THE REPORT

We, Members of the Committee on Lands Housing, physical planning and urban development have adopted this Report on Consideration of the Dadaab Municipal Charter and hereby affix our signatures to it to affirm our approval and confirm its accuracy, validity and authenticity: -

NAME	DESIGNATION	SIGNATURE
1. Hon. Khadija Idriss Mohamed	Chairperson	.....
2. Hon. Abdirahman Muktar	Vice Chairperson	.....
3. Hon. Hajir Mohamed Dahiye	Member	.....
4. Hon. Issa Aden Abdi	“	.....
5. Hon. Mohamed Sheikh Abdi	“	.....
6. Hon. Abdirahman Mohamed Ali	“	.....
7. Hon. Ayan Mohamed Dahir	“	.....
8. Hon. Farhiya Buro	“	.....
9. Hon. Fakrudin Haji Sadik	“	.....
10. Hon. Dekow Mohamed Duale	“	.....
11. Hon. Abubakar Mohamed	“	.....
12. Hon. Fatuma Mohamed Shide	„	.....
13. Hon. Abdullahi Ibrahim Sigat	„	.....

## **3.0 BACKGROUND AND LEGAL FRAMEWORK**

### **3.1 Background**

**Mr. Speaker Sir,**

Following the tabling of a proposal to have Dadaab Town to be elevated to a Municipality in the assembly on **Wednesday 7<sup>th</sup> June, 2023**, pursuant to the Urban Areas and Cities Act 2011 and 2019 (Amendments) Act, the County Government Act 2012 and the Constitution of Kenya 2010.

The Speaker, in his ruling, committed the document to the Lands, Housing, Physical Planning and Urban Development Committee and directed Public Participation to be conducted pursuant to Article 196(1) (b) of the Constitution of Kenya, 2010.

The committee on Lands, Physical Planning and Urban Development invited the general public to give their submissions and views at the Aqal Heryo Hotel in Dadaab Town on 17<sup>th</sup> June, 2023. The deliberations of the public participation form the basis of this report.

### **3.2 Legal Framework**

**Mr. Speaker Sir**

The following legal provisions have informed the resolutions and recommendations reached by the committee on the formation of the Dadaab Municipality charter.

#### **3.1 -The constitution of Kenya**

The Constitution of Kenya under Article 184 provides that a national legislation shall provide for the governance and management of urban areas and cities, and shall inter alia provide for the criteria for classification of areas as urban areas and cities as well establish principles of governance and management of urban areas and cities.



### **3.2 - The County Government Act 2012**

**Mr. Speaker Sir,**

Pursuant to section 104 of the County Governments Act, 2012, a county government has an obligation to plan for the county and no public funds shall be appropriated outside a planning framework developed by the county executive committee and approved by the county assembly. Such county planning should integrate economic, physical, social, environmental and spatial planning. Further the Act provides that the county government shall designate county department, cities and urban areas, sub counties and wards as planning authorities of the county.

Section 111 of the County Governments Act requires that each city or municipality should have the following plans; - City or municipal land use plan, City or municipal building and zoning plans, City or urban area building and zoning plans and Location of recreational areas and public facilities which the county cannot achieve without the conferment of the status of Dadaab town to that of a municipality.

### **3.3- The Urban Areas and Cities**

**Mr. speaker Sir,**

To this end, the parliament through the Urban Areas and Cities Act of 2011 (the Principal Act), the Urban Areas and Cities (Amendment) Bill, 2017 and the Urban Areas and Cities (Amendment) Act, 2019 established the criteria for conferring municipality status on towns and that of conferring town status into other areas.

Section 9(1) of the Urban Areas and Cities Act, 2011 provides that a Governor may, on the resolution of a County Assembly, confer the status of a municipality on a town that meets the criteria in Section 9(3) of the same Act.

#### **3.3 Objects of the Municipality**

The Municipality of Dadaab seeks to, *inter alia*:

- i) provide efficient and accountable management of the municipality;
- ii) provide for a governance mechanism that will enable the inhabitants of the Municipality to participate in determining preferable social services and regulatory framework, and enjoy efficiency in public service delivery;

- iii) pursue developmental opportunities available in the Municipality; and provide high standards of social services in a cost effective manner to the Municipality residents

### **3.4- Functions of the Municipality**

The Municipality shall within its boundaries ensure, amongst others:

- i) promotion, regulation and provision of an integrated wastes management system;
- ii) promotion and provision of water and sanitation services and infrastructure;
- iii) construction and maintenance of urban roads and associated infrastructure;
- iv) construction and maintenance of bus and taxi stands, *Boda Boda* sheds;
- v) municipal administration services; and
- vi) promotion, regulation and provision of municipal sports and cultural activities.

### **3.5- Establishment of the Board of the Municipality**

Under Clause 3, the Municipality of Dadaab shall be run by the Board of the Municipality of Dadaab which shall be a body corporate with perpetual succession, with all powers that can be bestowed upon such a corporate body.

A principal and agency relationship shall exist between the County Government of Garissa and the Board of the Municipality, with the County Government being the principal and the Municipality Board being the agent.

This in essence means that the Board will only exercise powers and functions that are legally delegated to it by the County Government through its authorized officers.

### **3.6- Composition and Term of the Board of the Municipality**

The Board of municipality shall be composed of nine (9) members appointed by the county governor with the approval of the county assembly. The members appointed by the governor shall be constituted of the county executive member responsible for lands physical and urban development and three other members appointed by the governor with the approval of the county assembly.

The chief officer responsible for urban development is the other member and remaining four Board Members shall be nominated by the following umbrella bodies and thereafter approved by the County Assembly for appointment by the County Executive Committee.

- 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 association of the informal sector in the area;
- d) A cluster representing registered neighborhood associations in the area; and
- e) An association of urban areas and cities.

The municipal manager shall be the secretary and ex officio member of the board.

In appointing the members of the Board of Municipality, the County Executive Committee shall ensure gender, equity, and representation of persons with disability, youth and marginalized groups. The term of the members of the Board of the Municipality shall be five years and they shall serve on part time basis.

### **3.7- The Municipal Manager**

Clause 6 of the charter establishes the Office of the Municipal Manager who shall be the administrative head of the Municipality of Dadaab and Secretary to the Board.

The Clause further provides for the qualifications of a person to hold the office of the manager and states that the manager shall implement decisions and functions of the Board of the Municipality and shall be answerable to the County Executive Committee Member in charge of Lands, Housing, Physical Planning and Urban Development in the County.

This means that the County Assembly will oversight the workings of the Board and the Municipality in general, through the County Executive Committee Member for responsible for urban planning in the County.

## **4.0 PROCEEDINGS OF THE PUBLIC PARTICIPATION**

### **Address by Committee Chair**

The Chair of Garissa County Assembly Committee on Land, Housing, Physical Planning and Urban Development set the agenda of the public/stakeholder participation meeting by addressing the participants. She informed the stakeholders that pursuant to the Urban Areas and Cities Act, The County Government Act 2012 and the Constitution of Kenya 2010, Garissa County Government was in the process of conferring Dadaab Town status of a Municipality.

The process was based on the provisions of the Urban Areas and Cities Act, an Act of parliament that gives effect to Article 184 of the Constitution; to provide for the classification, governance and management of urban areas and cities in Kenya. The Act provides criteria for establishment of urban areas, principle of governance and participation of residents in the affairs of urban areas.

Section 9 of the Urban Areas and Cities Act empowered 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.

The Chair further informed the stakeholders that the County Government considered and deliberated on the draft Municipal Charter prepared by the Department of Land, Housing, Physical Planning and Urban development to give effect to section 9 of the Urban Areas and Cities Act and considered it ready to be subjected to the larger views of members of the public about the intentions to upgrade the urban area.

The stakeholders were informed that Dadaab Municipality will be managed by a Municipal Board, which shall be an agency of the County Government of Garissa exercising delegated responsibility to deliver services. The Board will be headed by a chairperson and composed of 9 members.

The Municipal Manager shall be recruited competitively by the County Public Service Board, and shall provide the administrative functions, implement the decisions of the Board and manage staff of the municipality on behalf of the Board.

The Chair added that the process of upgrading the town is being carried out under the guidance of the National Ministry of Lands, Housing, Physical Planning and Urban Development (MLHPPUD). On behalf of the Garissa County Assembly, the Chair opened the forum for discussions on the draft of Dadaab Municipality Charter and urged the stakeholders to provide feedback that will contribute towards improving it and management practices of the areas.

#### **4.2 Submissions from Members of the Public during the Public Participation by the Committee.**

**Mr. Speaker Sir,**

Article 196(1) (b) of the Constitution requires the County Assembly to facilitate public participation in its business. The County Assembly's Committee on Lands, Housing, physical planning and Urban Development through the office of the clerk placed an advert in one of the local dailies; the Standard, dated Monday, June 12<sup>th</sup>, 2023 inviting the stakeholders and the general members of the Public to present their views on the charter to the proposed Dadaab Municipality.

In fulfillment of this requirement, the County Assembly Committee on Lands, Housing, physical planning and urban Development conducted a public participation exercise on the proposed Dadaab Municipality Charter on 17th June, 2023 at Aqal Heryo Hotel for members of the public to give their views.

The following umbrella groups were also represented;

- i. Religious Leaders
- ii. Youth representatives
- iii. Business community
- iv. Civil society
- v. Women groups
- vi. PWD representative

At the time of compiling this report no memorandum had been received from the public, however the committee was able to collect the following views from the persons who attended the Public Participation.

**Mr. Speaker Sir,**

Among the participants were committee members of Dadaab Town, the business Community, and civil society. The members of the public were taken through the Charter by the Chairperson of the Committee and the secretariat.

In support of the Charter, members of the public made the following proposals;

### **Electricity**

It was mentioned that some parts of the proposed municipality do not have electricity in place. It was therefore suggested that the Board in collaboration with the relevant county and national government agencies should strive to ensure that electricity is connected to all parts of the municipality once the town is conferred to Municipality status.

### **Infrastructure**

Mr. Mohamed Kahin Ahmed was of the opinion that the Board establishes a good infrastructure system to aid in the planning of the municipality particularly; tarmacking of access roads, electricity connection, development of proper sewerage systems.

### **Eligibility and Qualifications of the Board**

Mr. Hassan Bulle informed that, the eligibility and qualification of board members and staff should be strictly as provided for in section 14 of the Urban Areas and Cities (amendment) Act 2019. He further highlighted that persons appointed to the Board and staff employed, should be qualified for the positions through a competitive process to ensure that the administration of the Municipality is managed effectively and efficiently, and should come from larger Dadaab residents.

### **Economic development**

#### **Mrs. Dola Mohamed Dubow (chairlady Maendeleo ya wanawake Dadaab)**

Mrs. Dola supported the conferment of Dadaab to status of Municipality, noting that, it comes with a number of economic benefits including and not limited to; Job creation for the youth, women and Marginalised groups, and increase revenue generating capacity and property value.

## **Mandate of the Board**

### **Mr. Ali Barud Gedi (chairman Youth)**

Proposed that once the Municipality is Conferred clear boundaries be drawn between the roles the County Government does from those that will be executed by the board under this charter such that no duplication of functions and roles is witnessed.

## **Employment and Business**

### **Mrs Naima Abdi Dubat**

She noted that the municipality will open a range of opportunities especially for the unemployed women who will grow their small businesses. They will also benefit from better roads to access the market and also water availability.

## **5.0 COMMITTEE OBSERVATIONS**

The committee delved into a number of issues raised by the participants including the municipal boundaries; effects of the new status on residents; relationship between the Dadaab Town Administration and the incoming Municipal Board; powers of the Governor in removal of board members; fairness in employment; private public partnerships; educating local residents on implications of a municipality;

The committee observed that Dadaab town satisfies the threshold to be conferred the status of Municipality as follows:

- a) Has a population of over 50,000 people thus meeting the entrance criteria.
- b) Is in the process of putting in place The Dadaab Municipality Integrated Development Plan.
- c) Has demonstrable revenue collection potential
- d) Has demonstrable capacity to generate sufficient revenue to sustain its operations
- e) Has the capacity to effectively and efficiently deliver essential services to its residents such as Health facilities, administrative services, among other several services. Further, there is room for building other facilities that are required to serve the residents better.
- f) Has infrastructural facilities, including but not limited to Street Lighting, markets, and set aside land for a fire station.
- g) Has the capacity for functional and effective waste disposal system.

## **5.1 Resolution of the Public Participation**

The Chair assured the participants that the issues which they had raised will be given serious consideration, and that the Urban Areas and Cities Act 2011 and 2019 amendments Act 2019, the County Government Act 2012. and the Constitution of Kenya 2010 recognized public participation as a measure of involving members of the public in addressing issues. Moreover, the Urban Areas and Cities Act provided for citizen fora where the residents will regularly meet the Municipal Board to discuss diverse issues in the Dadaab Municipality.

The participants of the Public/stakeholder participation meeting approved the Dadaab Municipal Charter for onward presentation to the County Assembly for debate and final approval.



## **6.0 COMMITTEE RECOMMENDATIONS**

From the submissions made by the participants during the exercise, interactions with experts and the departmental officers and committee deliberations, the committee made the following recommendations:

1. That, The County Government should expedite the process of conferring Dadaab to a municipality status immediately the municipality charter is approved by the County Assembly.
2. That, a Comprehensive orientation should be designed for the Dadaab Municipal Staff and the Directors of other county departments to clearly differentiate their functions in order to avoid duplications.
3. The Department of Land, Housing, Physical Planning and Urban development should launch public awareness campaigns to educate the residents on how the Municipality will operate and how it will impact on their activities.
4. The department of Lands, Housing, Physical Planning and Urban Development along with the relevant bodies should take measures to secure land that can be availed for municipal facilities such as bus parks, open market, Jua Kali artisans, fire station, among others.
5. Clause 3.2.3. (d) and (e) be amended by deleting the words “County executive committee member and replacing it with County Governor of Garissa in accordance with the Urban Areas and Cities Act 2019 amendments Act.
6. The boundaries of the municipality of Dadaab shall be Dadaab Ward and Refugee Complex (Ifo one, Ifo two and Dagahley).
7. The establishment of Dadaab Water and Sewerage Company (DAWASCO)