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## KERUGOYA/KUTUS MUNICIPALITY



## 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 election held under the Constitution of Kenya 2010.

### WHEREAS

Section 9 (4) of the Urban Areas and Cities Act empowers the County Governor, to confer on the County Headquarters, the status of a Special Municipality even where it does not meet the threshold specified in law

### WHEREAS

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

### WHEREAS

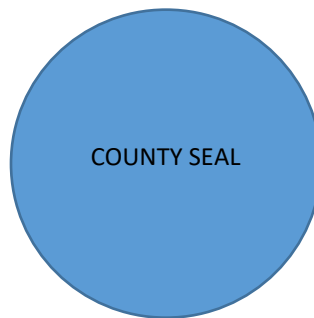
No regulations have been promulgated under the Urban Areas and Cities Act providing the prescribed form of a Municipal Charter under the Urban Areas and Cities Act.

**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.

**NOW THEREFORE IN EXERCISE** of the powers conferred by section 9 (4) 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 Kirinyaga county **HEREBY GRANTS** the Municipality of Kerugoya/Kutus this Municipal Charter on this.....**28TH**.....day of .....**JUNE**.....2018

.....  
**HON. ANNE WAIGURU, OGW  
GOVERNOR, KIRINYAGA COUNTY**



## 1. INCORPORATION, NAME AND BOUNDARIES

### 1.1. INCORPORATION AND NAME

- 1.1.1. This Charter is the Municipal Charter of the Municipality of Kerugoya/Kutus, within Kirinyaga County, Kenya.
- 1.1.2. All processes affecting the Municipality shall be served on the Municipal Manager or acting Municipal Manager, in the absence of both of said officers, on the Secretary of the Board of the Municipality.

### 1.2. BOUNDARIES

- 1.2.1. The boundaries of the Municipality of Kerugoya/Kutus **as previously existed of the defunct Kerugoya/Kutus Municipality** shall be the boundaries of the Municipality of Kerugoya/Kutus.

## 2. POWERS, OBJECTS AND FUNCTIONS OF THE MUNICIPALITY

### 2.1. POWERS OF THE MUNICIPALITY

- 2.1.1. Save as is hereinafter provided, the Municipality of Kerugoya/Kutus 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 Kirinyaga By-laws.
- 2.1.2. 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 Board of the Municipality may determine, or, unless a contrary intent appears in this Charter or in the By-laws and Resolutions of the Board of the Municipality, in such manner as may be provided by the County of Kirinyaga By-laws.

### 2.2. OBJECTS OF THE MUNICIPALITY

- 2.2.1. The objects of the Municipality of Kerugoya/Kutus are to:-
- (i) Provide for efficient and accountable management of the affairs of the Municipality.
  - (ii) Provide for a governance mechanism that will enable 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. Ensure that public resources and authority are utilized or exercised, as the case may be, to their satisfaction.
  - c. Enjoy efficiency in service delivery.
- (iii) To institute such measures as are necessary for achieving public order and the provisions of civic amenities, to enhance the quality of life of the inhabitants of the Municipality.
  - (iv) Provide a high standard of social services in a cost-effective manner to the inhabitants of the Municipality.
  - (v) Promote social cohesiveness and a sense of civic duty and responsibility among the inhabitants and stakeholders in the Municipality to facilitate collective action and commitment towards achieving the goal of a harmonious and stable community.
  - (vi) Providing for services, regulations and other matters for Municipality's benefit.
  - (vii) Fostering the economic, social and environmental well-being of its community

## 2.3. FUNCTIONS OF THE MUNICIPALITY

2.3.1. The Municipality of Kerugoya/Kutus shall, within the boundaries of the Municipality, perform the following functions:

- (a) Promotion, regulation and provision of refuse collection and solid waste management services;
- (b) Maintenance of urban roads and associated infrastructure;
- (c) Maintenance of storm drainage and flood controls;
- (d) maintenance of walkways and other non-motorized transport infrastructure;
- (e) Maintenance of recreational parks and green spaces;
- (f) Maintenance of street lighting;
- (g) maintenance and regulation of traffic controls and parking facilities;
- (h) maintenance of bus stands and taxi stands;
- (i) Regulation of outdoor advertising;
- (j) maintenance and regulation of municipal markets and abattoirs;



- (k) maintenance of fire stations; provision of fire-fighting services, emergency preparedness and disaster management;
- (l) Promotion, regulation and provision of municipal sports and cultural activities;
- (m) Promotion, regulation and provision of animal control and welfare;
- (n) Enforcement of municipal plans;
- (o) Maintenance of administrative offices; and
- (p) Any other functions as may be delegated by the Governor.

### 3. THE BOARD OF THE MUNICIPALITY

#### 3.1. ESTABLISHMENT OF THE BOARD

3.1.1. There shall be a Board of the Municipality of Kerugoya/Kutus to be known as the Kirinyaga Municipality Board (KMB)

3.1.2. 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 being 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; and
- (e) Doing or performing all other act 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.

3.1.3. The Board shall exercise its powers under 3.1.2 above as an agent of the County Government of Kirinyaga and with the approval of the Governor.

#### 3.2. POWERS AND FUNCTIONS OF THE BOARD OF THE MUNICIPALITY

3.2.1. Save as otherwise expressly stated in this Charter, the Board of the Municipality shall have all the powers and perform all functions vested in boards of municipalities under

the Urban Areas and Cities Act, the County Government Act and the Municipality By-laws.

3.2.2. Except as this Charter otherwise provides, all powers of the Municipality shall be vested in the Board of the Municipality.

3.2.3. 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.

3.2.4. Subject to the above provisions, the Board of the Municipality shall, within the boundaries of the Municipality of Kerugoya/Kutus.

- (a) exercise executive authority as delegated by the Governor;
- (b) ensure provision of services to its residents;
- (c) promote constitutional values and principles;
- (d) ensure the implementation and compliance with policies formulated by both the National and County Government;
- (e) make By-laws or make recommendations for issues to be included in By-laws;
- (f) ensure participation of the residents in decision making, its activities and programmes; and

3.2.5. 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) maintaining a comprehensive database and information system of the administration;
- (d) administering and regulating its internal affairs;
- (e) implementing applicable national and county legislation;
- (f) monitoring and, where appropriate, regulating municipal services where those services are provided by service providers other than the Board of the Municipality;
- (g) preparing and submitting its annual budget estimates to the relevant County Treasury for consideration and submission to the County Assembly for approval as part of the annual County Appropriation Bill;

- (h) monitoring the impact and effectiveness of any services, policies, programs or plans;
- (i) establishing, implementing and monitoring performance management systems;
- (j) promoting a safe and healthy environment;
- (k) facilitating and regulating public transport;
- (l) performing such other functions as delegated by the Governor.

### 3.3. COMPOSITION AND TERM OF THE BOARD OF THE MUNICIPALITY

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

3.3.2. The Chairperson and 3 members of the Board of the Municipality shall be appointed through a competitive process by the Governor and approved by the County Assembly.

3.3.3. Five (5) members of the Board shall be nominated by the following umbrella bodies:

- (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 neighborhood associations in the area; and
- (e) an association of the Municipality.

and appointed by the Governor with the approval of the County Assembly.

3.3.4. The following persons shall be ex officio members of the Board:

- (a) The County Executive Committee member in charge of Urban Development;**
- (b) The Chief Officer in charge of Urban Development;**
- (c) The Chief Officer in charge of Water and Environment;**
- (d) The Chief Officer in charge of Transport and Public Works;**
- (e) A representative of the County Commissioner.**

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

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

#### 3.4. ELIGIBILITY FOR APPOINTMENT AS MEMBER OF THE BOARD OF THE MUNICIPALITY

3.4.1. 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;
- (d) have lived in the municipality for at least five years; or
- (e) have attained at least the 'O' Level certificate of education and have proven experience of not less than five years in administration or management either in the public or private sector.

#### 3.5. CHAIRPERSON OF THE BOARD

3.5.1. The Chairperson of the Board of the Municipality shall be appointed by the Governor.

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

#### 3.6. POWERS AND FUNCTIONS OF THE CHAIRPERSON

3.6.1. The Chairperson of the Board of the Municipality shall have the following powers and shall perform the functions set out below:

- (a) The Chairperson shall be the head of the Board of the Municipality;
- (b) Chairing the meetings of the Board of the Municipality; and
- (c) Perform such other duties as may be delegated by the Board of the Municipality.

#### 3.7. VICE-CHAIRPERSON OF THE BOARD OF THE MUNICIPALITY

3.7.1. At the first regular meeting of the Board of the Municipality, members of the Board of the Municipality shall elect from amongst themselves, a Vice-Chairperson of the Board of the Municipality.

3.7.2. The Chairperson and the Vice-Chairperson of the Board of the Municipality shall at all times be of different gender.

3.7.3. The Vice-Chairperson shall, in the absence of the Chairperson, perform the functions of the Chairperson and shall perform such other functions as may be delegated by the Chairperson.

### 3.8. REMOVAL OF THE CHAIRPERSON AND VICE-CHAIRPERSON

3.8.1. The Chairperson and the Vice-Chairperson of the Board of the Municipality may be removed by:

- (a) The County Governor;
- (b) The vote of at least two-thirds of the members of the Board of the Municipality at a duly convened meeting where quorum is present; or
- (c) Upon petition by a resident of the Municipality.

3.8.2. The procedure for the removal of a Chairperson or Vice-Chairperson of the Board of the Municipality under 3.8.1 above may be provided 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.

3.8.3. Any vacancy arising out of the removal of a Chairperson or the Vice-Chairperson of Board of the Municipality may be filled in the manner provided under Article 3.6 and 3.7 respectively.

### 3.9. SECRETARY OF THE BOARD OF THE MUNICIPALITY

The Municipal Manager shall be the Secretary of the Board of the Municipality.

### 3.10. COMMITTEES OF THE BOARD OF THE MUNICIPALITY

3.10.1. 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.

3.10.2. 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 far as they are applicable on those provisions of this Charter which govern the taking of decisions and performance of functions by the Board of the Municipality.

### 3.11. REMUNERATION OF THE MEMBERS OF THE BOARD OF THE MUNICIPALITY

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

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

### 3.12. REMOVAL OF MEMBERS OF THE BOARD OF THE MUNICIPALITY

3.12.1. 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 or permission from the Chair, 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.

3.12.2. A member of the Board of the Municipality may be removed from office by;

- (a) the County Governor;
- (b) a resolution of the Board of the Municipality supported by at least two-thirds of the members of the Board of the Municipality; or
- (c) petition by the residents of the Municipality.

3.12.3. The procedure for the removal or petition for removal of a member of the Board of the Municipality under 3.11.1 above shall be provided by Regulation under the Urban Areas and Cities Act.

3.12.4. 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 above.

### 3.13. MEETINGS OF THE BOARD OF THE MUNICIPALITY

3.13.1. The Board of the Municipality shall hold its sittings to transact the business of the Board at least once every three months.

3.13.2. Notwithstanding Article 3.12.1, 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.

### 3.14. QUORUM

3.14.1. At least half 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.

3.14.2. 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.

### 3.15. RULES OF THE BOARD

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

### 3.16. RECORD OF INFORMATION OF THE BOARD

- 3.16.1. The minutes and other information of the Board of the Municipality shall be kept by the Municipal Manager.
- 3.16.2. Access to information on the activities and resolutions of the Board of the Municipality shall be as provided under the Urban Areas and Cities Act.

### 3.17. CITIZEN PARTICIPATION

- 3.17.1. The residents and the business community of Kerugoya/Kutus Municipality may organize themselves into an association to enhance their participation in the affairs of Kerugoya/Kutus Municipality.
- 3.17.2. All recommendations from such association of the Municipality of Kerugoya/Kutus shall be forwarded to the Board of the Municipality for resolution.
- 3.17.3. All recommendations on issues raised in the association and approved by the Board of the Municipality shall be forwarded to the Municipal Manager for implementation.

## 4. LEGISLATIVE AUTHORITY

### 4.1. BY-LAWS

- 4.1.1. The Board of the Municipality shall pass Municipality By-laws to enable it carry out its mandate efficiently.

### 4.2. PASSING OF BY-LAWS

- 4.2.1. All proposed by-laws must be subjected to public participation before approval by the Board.
- 4.2.2. Except as authorized by Article 3.2.2, passing of By-laws shall require approval by a majority of the Board of the Municipality.
- 4.2.3. 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 Board at least one week before the meeting.
- 4.2.4. Any substantive amendment to a proposed By-law must be read aloud or made available in writing to the Board, before the Board of the Municipality adopts the By-law at that meeting.
- 4.2.5. After the adoption of a By-law, the vote of each member must be entered into the Board minutes.



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

4.2.7. All by-laws passed by the Board shall be forwarded to the Governor for assent.

#### 4.3. EFFECTIVE DATE OF BY-LAWS

4.3.1. By-laws shall take effect on the 14<sup>th</sup> day after assent by the Governor

4.3.2. A By-law may take effect as soon as it is assented by the Governor, if it contains an emergency clause.

### 5. ADMINISTRATIVE AUTHORITY

#### 5.1. RESOLUTIONS

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

#### 5.2. APPROVAL OF RESOLUTIONS

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

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

#### 5.3. EFFECTIVE DATE OF RESOLUTIONS

5.3.1. 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

#### 6.1. OFFICE OF THE MUNICIPAL MANAGER

6.1.1. There is established the office of the Municipal Manager.

6.1.2. The Municipal Manager shall be the administrative head of the Municipality of Kerugoya/Kutus.

## 6.2. APPOINTMENT AND TERM

- 6.2.1. The Municipal Manager shall be competitively recruited and appointed by the County Public Service Board.
- 6.2.2. The Municipal Manager shall be appointed for a period of five years, renewable for a similar period subject to satisfactory performance.

## 6.3. QUALIFICATIONS

6.3.1. The Municipal Manager shall:

- (a) Be a citizen of Kenya
- (b) A degree holder in Urban Management, Urban/Physical Planning, Economic planning, Public Administration or any related field from an institution recognized in Kenya.
- (c) Have served and has proven experience at a senior management level either in public or private sector for a term of at least five years.
- (d) Satisfy the requirements of Chapter six of the Constitution.

## 6.4. FUNCTIONS AND POWERS OF THE MUNICIPAL MANAGER

- 6.4.1. The Municipal Manager shall implement the decisions and functions of the Board of the Municipality and shall be answerable to the Board.
- 6.4.2. 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) Keep all the minutes and other records of the Board.
  - (c) 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;
  - (d) 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;

- (e) Cause to be prepared, transmitted to the Board of the Municipality, and published at an annual report on the activities and accomplishments of the departments and agencies comprising the executive branch of the Municipality.
- (f) Act as an ex-officio member of the Board and of all committees of the Board of the Municipality; and
- (g) Such other functions as the Board may, by order, confer upon the Municipal Manager.

6.4.3. 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.

6.4.4. The Municipal Manager shall:

- (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) With the approval of the Board, appoint, supervise and remove Municipality employees;
- (e) Organize Municipality departments and administrative structure;
- (f) Prepare and administer the annual Municipality budget;
- (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.

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

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

## 6.5. REMUNERATION

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

## 6.6. REMOVAL OF THE MUNICIPAL MANAGER

6.6.1. The Municipal Manager may be removed from office by;

- a) the County Governor;
- b) a resolution of the Board of the Municipality supported by at least two-thirds of the members of the Board of the Municipality.

6.6.2. 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 Governor;
- (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; or
- (i) dies.

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

## 6.7. ACTING MUNICIPAL MANAGER

6.7.1. 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.

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

6.7.3. The Acting Municipal Manager shall have the authority and duties of the Municipal Manager, except that the Acting Municipal Manager may not appoint or remove employees only with approval of the Board of the Municipality.

6.7.4. An Acting Municipal Manager shall hold office until such a time as a new Municipal Manager shall be appointed by the County Public Service Board.

## 7. MUNICIPAL FINANCES AND FINANCIAL MANAGEMENT

### 7.1. SOURCES OF THE MUNICIPALITY'S FUNDS AND REVENUE

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

- (a) monies allocated by the County Assembly 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; and,
- (c) all monies or grants from any other legitimate source provided or donated to the Board.

### 7.2. APPOINTMENT OF THE MUNICIPALITY ACCOUNTING OFFICER

7.2.1. 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.

### 7.3. FINANCIAL YEAR

7.3.1. The Municipality shall operate on an annual budget.

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

#### 7.4. BUDGET

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

#### 7.5. MANAGEMENT OF MUNICIPALITY FINANCES

7.5.1. 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.

7.5.2. 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.

#### 7.6. BORROWING BY THE MUNICIPALITY

7.7. The Board of the Municipality may only borrow from: -

- (a) from the County Government; or
- (b) through the County Government.

#### 7.8. AUDIT

7.8.1. 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

#### 8.1. MUNICIPALITY PERSONNEL

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

8.1.2. The CECM in charge of Public Service may, in consultation with the Board of the Municipality, second officers to the Municipality.

## 8.2. MANAGEMENT OF MUNICIPAL PERSONNEL

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

## 8.3. RETIREMENT SYSTEMS

8.3.1. The officers and staff of Kerugoya/Kutus Municipality shall be covered by the medical, retirement and pension schemes applicable to employees of the County Government of Kirinyaga.

## 8.4. COMPENSATION OF MUNICIPAL PERSONNEL

8.4.1. 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

### 9.1. ACQUISITION, POSSESSION AND DISPOSAL

9.1.1. 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 with the consent and approval of the Governor.

### 9.2. COMPULSORY ACQUISITION

9.2.1. 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.

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

### 9.3. MUNICIPAL BUILDINGS

9.3.1. 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 with the approval of the Governor.

### 9.4. PROTECTION OF MUNICIPALITY PROPERTY

9.4.1. 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

### 10.1. OATH OF OFFICE

10.1.1. Before entering upon the duties of their offices, the Municipal Manager, the Chairperson and Vice-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 [Municipal Manager/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 Kerugoya/Kutus, 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 [Municipal Manager/Chairperson, etc.] of the Municipality of Kerugoya/Kutus or otherwise under the law. So, help me God.”*

10.1.2. The Municipal Manager shall take and subscribe to this oath or affirmation before the County Governor or before one of the sworn deputies. All other persons taking and subscribing to the oath shall do so before the Municipal Manager.

### 10.2. AMENDMENTS TO THE CHARTER

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

10.2.2. 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.

### 10.3. SEPARABILITY

10.3.1. 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

### 11.1. EFFECTIVE DATE OF CHARTER

11.1.1. The provisions of this Charter shall be in effect from the date of the grant of the Charter by the Governor.



## 11.2. RIGHTS AND PRIVILEGES PRESERVED

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

## 11.3. DEPARTMENTS

11.3.1. All County 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 Municipal Manager with the approval of the Board of the Municipality and the County Governor.

## 12.ANNEXURES

12.1. Proposed municipal map.....
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