

**MINUTES OF THE SECOND BOARD OF MUNICIPALITY OF MALINDI HELD ON MONDAY 9<sup>TH</sup> SEPTEMBER, 2019 AT THE MUNICIPAL CHAMBERS, MALINDI**

**MEMBERS PRESENT**

- |                                  |                            |
|----------------------------------|----------------------------|
| 1. Ms. Victoria Zawadi Safari    | Vice Chairperson, Chairing |
| 2. Mr. Johnson Kaviha Toya       | Member                     |
| 3. Ms. Yvonne Khayanga Mafunga   | Member                     |
| 4. Mr. Geoffrey Kahindi Katsoleh | Member                     |
| 5. Mr. Sholo Benjamin Kambi      | Member                     |

**ABSENT WITH APOLOGY**

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|-----------------------------------|----------|
| 1. Mr. Aliasgar Shabbir Kassamjee | Chairman |
| 2. Ms. Summaya Assad Hassan       | Member   |
| 3. Mr. Moses Munga Gunda          | Member   |

**OFFICERS**

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|------------------------------|------------------------------------|
| 1. Mr. Silas Kenros Ngundo   | Municipal Manager, Board Secretary |
| 2. Ms. Elizabeth Sidi Jilani | Municipal Environment Officer      |
| 3. Ms. Jacinta Mbithe Makau  | Municipal Planner                  |

**AGENDA**

- a) Opening prayers
- b) Introductions
- c) Confirmation of previous minutes
- d) Matters arising from previous minutes
- e) Take through KUSP projects
- f) Meeting with Swahili Council of Elders
- g) Discussion and adoption of Municipal Organogram
- h) Board meetings quorum
- i) AOB

The meeting was opened at 10.24 am with a word of prayer by Elizabeth Sidi followed by introductions of all members present.

The Chairperson welcomed the members to the meeting and apologized for the late start for the meeting which had been called for at 9.00am but could not start on time for various reason. She however indicated that it's better late than never.

Member Sholo gave his apologies for coming late to the meeting which was acknowledged by the other members. Member Geoffrey Katsoleh requested that his name be spelt properly by adding the letter 'h' at the end.

**MIN. 01/MM/9/9/2019 - CONFIRMATION OF PREVIOUS MINUTES**

The minutes of the previous meeting held on 23<sup>rd</sup> August, 2019 were confirmed as a true record of the proceedings.

Confirmation: **Geoffrey Katsoleh**  
Secondment: **Yvonne Mafunga**

### **MIN. 02/MM/9/9/2019 - MATTERS ARISING FROM THE PREVIOUS MINUTES**

From **MIN.02/MM/23/8/2019**:

- The meeting with the traders which was scheduled to be held on Wednesday 28<sup>th</sup> August did take place
- The Municipal Manager informed the meeting that he had sought to summon the contractors for the Non Motorized street and the Waterfront projects that is Classic and Tracon Ltd respectively but he was out of the country. This matter shall be revisited when the contractor returns.
- The drainage works at Barani by Cashman Ltd. is yet to receive the approval from KENHA to cut through Lamu Highway. Members advised that there should be more follow up on the matter and different options be explored to find a solution to the delay.

At this point, the Chairperson requested to add the following agenda items should the members concur:

- a) Plans and dates for citizens for a
- b) Formation of committees under the organogram

Members approved and allowed for introduction of the the two matters as agenda items in the meeting.

The Municipal Manager informed the meeting that the Assistant Director Urban Development Mr. Erick Randu, the Principal Procurement Officer and the Resident Engineer Nurrein had requested that their agenda where they were to take the members through the KUSP projects be pushed forward to another meeting as they were all committed with some deadline to meet.

Members agreed and therefore the agenda of taking the members through the KUSP projects was adjourned.

### **MIN. 03/MM/9/9/2019 – MEETING WITH SWAHILI COUNCIL OF ELDERS AND WATERFRONT PROJECT BENEFICIARIES COMMITTEE**

See attached list for members of the Council present.

The Waterfront Beneficiaries Committee members and the Swahili Council of Elders were invited into the meeting room at 10.56am and were welcomed by the Chairperson who thanked them for finding time to come and engage with the Board of Municipality members.

She then requested them to introduce themselves after which their representatives will make a presentation on behalf of the other group members.

After appreciating the Board for finding time and recognizing the importance of meeting with them which will further strengthen the relationship between the Municipality and the Muslim community, Mr. Athman Seif, Twaheer, Abdalla, Mohammed Nassor and Salim on behalf of the Council members submitted as follows:

- As Shela elders, they feel like they are being taken for granted because projects are being undertaken without them being involved in the spirit of public participation. He gave an example of the Waterfront project at Shela. They wished to be involved from conceptualization up to implementation and operation
- They wondered why the Project Management Committee (PMC) was renamed the Beneficiaries Committee. It should revert to its original name
- After they were elected to office it was their expectation that they shall be given the minutes of the meeting at which they were elected as proof that they are legally in office and with full mandate. They request the minutes
- They were elected without any written terms of reference being read to them. They therefore request to know their TOR
- According to their understanding, such projects usually set aside approximately 2.5% of the project contract sum for administrative expenses including the PMCs allowances. They need to be paid.
- They have not been able to see the participation agreement signed by H.E the Governor of Kilifi and the World Bank. They therefore request that they be given a copy of the agreement
- The Council would wish that they are also involved in the Management of the facilities and as such, there should be an MOU signed between the County Government of Kilifi and the Community on post project
- The Municipality should ensure that the locals benefit from the project more than any other person
- The hotels and other business premises being constructed at the Waterfront be given on a priority basis to the people who were evicted from the site who have now been estimated to be about 52
- They thanked the Municipal Manager for the good work he has been doing while holding forte a waiting the Board to be formally ushered into office.
- The people affected by the project were brought together and elected a project management committee (PMC) but unfortunately it has been granted information and documents like the BQ and project designs. It is pertinent that the PMC has access to these documents to enable them do informed monitoring of the project progress
- There is need to vary the project to increase the business opportunities that will be created as the project affected persons are more than the currently planned hotels and stalls
- It was commendable for H.E the Governor to launch the road works at the Seafront road. However the Council feels let down as they were not informed nor invited through a letter or public announcements. They therefore sat out the whole visit as spectators

- The Council would like that they be made part of the road PMC from the initial formative stage
- Public participation has been turned into public information sessions and it is the Councils demand that it be done in a better way which should involve the community in the planning stages. It is more of rubber stamping than actual public participation
- At the Kwa Jiwa market, it is only through consultations that it was possible for the Governor to order a rework of the old markets roof which was deemed to be too low and there fire too hot for the traders to operate comfortably. Such consultations should be encouraged to firm up community ownership of the projects
- The community feelings about being left out of projects runs deep but should not be seen as if it is resistance or a sign of being against the government.
- BMU which is an institution recognized by the Kenyan law
- The BMU feels that the concerned Departments should do more on the management of the sea affairs for the benefit of all and employment creation
- It has been noted that some ships mostly suspected to be from China arrive and dock off shore for many days without the BMU nor the department being notified. This could be a security threat as well as illegal exploitation of the Kenyan waters
- The ships also do not employ the local youth and instead arrive with their own workers who are youth from Mombasa and some from Pemba
- Some people evicted from the project site have not been paid and this has forced the contractor to halt as he is facing resistance
- As a committee, they do not understand how the tender for the project was awarded and further how this one contractor could be awarded two jobs in the same area while local contractors who can even do a better job are not considered
- It is their recommendation that the Board takes full charge of the projects including the award of tenders
- The committee does not have details of the project and are monitoring implementation on a position of little knowledge about the project and the information that they could probably have obtained is unobtainable as the project office is ever locked
- The Municipal Board should organize cultural events to enhance the community unity for the sake of all Malindi residents
- The local leadership led by the Council should be the one to welcome the Governor whenever he comes to Malindi in his official capacity

At this point, the Chairperson thanked the members of the Council for finding time to meet and maturely present their issues to the Board without too much drama. She informed that they are in the process of organizing the citizens fora and the programme for this will be uploaded on the County website.

The Chairperson added that the visit had opened the Boards eyes to matters which they may have taken quite a long time to realize.

He then invited the Protocol Officer in the Governors office to respond to the issues directly touching on their office.

## **SIMON GONA – CHIEF PROTOCOL OFFICER, OFFICE OF THE GOVERNOR**

Started by thanking the Chairperson, the Municipal Manager and the Council of Elders for finding it fit to handle these matters amicably as such matters if mishandled, they may cause a difficult working relationship between the Government and the community leadership.

His presence today at the meeting arises from an invitation by the Municipal Manager following some complaints which were brought to his attention regarding the recent visit to Malindi by H.E the Governor to officially launch construction of the Seafront road among other projects.

The protocol officer explained that the Governors programme was firmed up late in the evening a day before the visit which did not give them enough time to do the regular mobilization they do for such events which under normal circumstances would have included a publicity vehicle going round the estate as well as direct contact with leadership.

He assured the Muslim community that HE the Governor does not discriminate and goes out of his way to ensure all communities are in Government. He made sure a Muslim from Malindi is a member of the County Public Service Board which was meant to cater for their interests among others.

Should there be issues to be raised for the attention of HE the Governor, it can be done through the Sub County Administrator, the Municipal Manager and on through to him through the concerned CECM

The protocol office will liaise with the Manager to invite the Governor to visit for various projects including the public launch of the Malindi Board of Municipality

Mr. Gona apologized for the lack of communication but promised that it will not be repeated as long as proper contacts and channels of communication are established and agreed on. This will obligate the Council to provide a few contact persons to the Manager who will then reach out to them on short notice. **Action Taheer Mohammed.**

The meeting with the Swahili Council of Elders ended at 12.14pm

### **MIN. 04/MM/9/9/2019 – DISCUSSION AND ADOPTION OF THE MALINDI MUNICIPALITY ORGANOGRAM**

The Municipal Manager informed the members that he had circulated a sample proposed organogram to all of them through email which was confirmed.

It was agreed that members will give their input after which the same shall be shared with the CEC Urban Development and other concerned officers.

The following was noted:

- Management and operations of cemeteries fall under the Department of Environment but the Department of Public Health is also prominently involved
- Matters to do with energy should be under Roads and Public Works
- Some functions seem to have been left out in the CECs Cabinet memo and there is need to have them included as they are clearly listed in the Charter. Thus there is need for the CECM to review the memo before presenting it to the Cabinet
- It is resolved that the gazetted functions be unpacked to the Board as they are and it will be incumbent upon the CECM to convince the Cabinet to pass that and in case it is not acceptable, records will show effort was made **Action CECM**
- There is need to create a Department of fisheries and urban agriculture owing to the fact that fishing is a major economic activity in the town and there is therefore need to prioritize it
- After some further discussion, it was agreed that the Municipal Manager will further relook at the draft organogram and come up with a proper structure which shall include identification of the required establishment.

### **Citizens Fora**

The Municipal Manager informed the meeting that it is a constitutional requirement that there is citizen participation in all major developmental matters and projects being undertaken by the entity. It is also a requirement that will build up to meeting the KUSP grant performance standards.

Members discussed and resolved that:

- each public meeting requires a day to itself as this being the initial stages, many issues will definitely be raised by the community and there is need to accord them unlimited time
- that a citizens forum will be held once every month at the Municipal Hall after the initial ones which shall be held in all the Wards
- the initial citizens fora shall be used to launch the Board as well as get feedback from the community
- the citizens fora be held for continuous days starting from 30<sup>th</sup> September to 4<sup>th</sup> October, 2019
- The Manager organizes a meeting with the Municipal technical officers before the citizens fora so as the Board members are able to understand and get a picture of the situation on the ground. **Action Municipal Manager.**

The Municipal Manager was therefore tasked with the responsibility of actualizing the citizens fora in consultation with the Chief Officer. **Action Municipal Manager.**

### **FORMATION OF MALINDI BOARD OF MUNICIPALITY COMMITTEES**

Guided by the proposed organogram, the members discussed and resolved that the following shall be the committees of the Board:

1. Finance, Administration and Governance
2. Transport, Energy and Disaster Management
3. Urban Development, Housing and Public Works
4. Trade, Tourism, Social Services, Education, Youth and Sports
5. Water, Sanitation, Environment and the Blue Economy

The Committees were thereafter constituted as follows:

#### **Finance, Administration and Governance**

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|----------------------------------|----------|
| a) Mr. Sholo Benjamin Kambi      | Chairman |
| b) Ms. Yvonne Khayanga Mafunga   | Member   |
| c) Mr. Johnson Kaviha Toya       | Member   |
| d) Mr. Moses Munga Gunda         | Member   |
| e) Mr. Geoffrey Kahindi Katsoleh | Member   |

#### **Transport, Energy and Disaster Management**

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|----------------------------------|-------------|
| a) Ms. Summaya Assad Hassan      | Chairperson |
| b) Mr. Charles Karisa Dadu       | Member      |
| c) Mr. Johnson Kaviha Toya       | Member      |
| d) Ms. Yvonne Khayanga Mafunga   | Member      |
| e) Mr. Geoffrey Kahindi Katsoleh | Member      |

#### **Urban Development, Housing and Public Works**

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|-----------------------------|----------|
| a) Mr. Johnson Kaviha Toya  | Chairman |
| b) Mr. Moses Munga Gunda    | Member   |
| c) Mr. Sholo Benjamin Kambi | Member   |
| d) Mr. Charles Dadu Karisa  | Member   |
| e) Ms. Summaya Assad Hassan | Member   |

#### **Trade, Tourism, Social Services, Education, Youth and Sports**

- |                                  |             |
|----------------------------------|-------------|
| a) Ms. Yvonne Khayanga Mafunga   | Chairperson |
| b) Mr. Geoffrey Kahindi Katsoleh | Member      |
| c) Ms. Summaya Assad Hassan      | Member      |
| d) Mr. Moses Munga Gunda         | Member      |
| e) Mr. Johnson Kaviha Toya       | Member      |

#### **Water, Sanitation, Environment and the Blue Economy**

- |                                  |          |
|----------------------------------|----------|
| a) Mr. Geoffrey Kahindi Katsoleh | Chairman |
| b) Mr. Charles Dadu Karisa       | Member   |

- |                                |         |
|--------------------------------|---------|
| c) Ms. Summaya Assad Hassan    | Member  |
| d) Mr. Sholo Benjamin Kambi    | Member  |
| e) Ms. Yvonne Khayanga Mafunga | Members |

- The Chairman and Vice Chairperson will not be members of any of the committees but can sit in any and lobby for certain positions
- The Municipal Manager was asked to work closely with the Committee Chairs and guide them on the current situation of matters and their operations
- Relevant technical staff shall also be sitting through the committee meetings as directed by the Municipal Manager
- It was however the responsibility of the various Chairs to activate their committees and ensure that they serve the functions that they are meant for while working closely with the Municipal Manager
- The Manager shall coordinate the committee meetings including communication and meeting venues

The Chairperson read out a concern letter from Malindi Residents Development Group (MRDG) which members referred to the Urban Development committee for deliberation and the resolve. **Action Municipal Manager.**

**MIN. 05/MM/9/9/2019 – BOARD MEETINGS QUORUM**

Members resolved that:

- 1) The full Board of Municipality quorum shall be 5 (five) of the 9 (nine) and can transact and make binding decisions
- 2) The quorum for the committees shall be 3 (three) of the 5 members and transact and make binding decisions
- 3) Consensus shall be the best way of making decisions but where necessary, members shall vote
- 4) The Chairman and Vice Chairperson can sit in all and any of the committees and their presence can add up to form quorum

**MIN. 05/MM/9/9/2019 – AOB**

1. The Board meetings should have a provision for stationery
2. The Chairman should hasten to take up the matter of the Municipal Managers office with the necessary authorities
3. There is need to also identify an office for the Chairman within the Municipal Hall and refurbish it for occupation
4. Members requested the Manager to organize for them to have business cards
5. Members resolved that led by the Chairman, they should take ownership of the KUSP projects
6. The members should be taken through the KUSP projects in the next meeting
7. The date for the next meeting shall be communicated by the Manager

The meeting was adjourned at 2.37pm with a word of prayer.

**CONFIRMATION**

Chairman

Name.....

Signature.....

Date.....

Secretary

Name.....

Signature.....

Date.....