

**MINUTES OF THE SPECIAL BOARD MEETING HELD ON 4<sup>TH</sup> OCTOBER, 2019 AT THE MUNICIPAL HALL CHAMBERS MALINDI**

**Members present**

- |                               |                        |
|-------------------------------|------------------------|
| 1) Kassamjee Aliasgar Shabbir | Board Chairman         |
| 2) Victoria Zawadi Safari     | Board Vice Chairperson |
| 3) Yvonne Mafunga             | Member                 |
| 4) Geoffrey Katsoleh          | Member                 |
| 5) Johnson Kaviha Toya        | Member                 |
| 6) Sholo Benjamin Kambi       | Member                 |
| 7) Summayya Hassan            | Member                 |

**Officers present**

- |                     |                       |
|---------------------|-----------------------|
| 1) Silas K. Ngundo  | Municipal Manager     |
| 2) Elizabeth Sidi   | Environmental Officer |
| 3) Jacinta M. Makau | Municipal Planner     |
| 4) Bahati Rajab     | Municipal Accountant  |

**AGENDA**

1. Take through and adoption of the Malindi Municipality IDeP
2. Take through and adoption of the Malindi Municipality Spatial Plan
3. Presentation and adoption of the Malindi Solid Waste Disposal policy and Plan
4. Relocation of traders evicted from Hospital Road
5. Request for allotment letters for plot 1731/R Maweni

The meeting started at 9.11am with a word of prayer from Mr. Kambi Sholo Benjamin.

The Chairman welcomed the members to the meeting and confirmed that there is quorum with 7 members present at the start. He asked the Administration to ensure that the relevant documents that are scheduled for tabling at the meeting are distributed to members in good time so that they can be able to go through them as they prepare for the meeting.

The Municipal Planner informed the meeting that she and her team have spent sleepless nights preparing the IDeP and the delay in sending it may be understandable. Some of the Documents are very big and may not be able to be sent through email and could only be transferred through a flash disk or other such means.

The Chairman then suggested that the meeting discusses agendas 4 & 5 even as we are giving time for the officers to be ready to project their presentations. This was unanimously agreed on by the members.

**MIN.04/MM/4/10/2019 – RELOCATION OF TRADERS EVICTED FROM HOSPITAL ROAD**

The request letter for relocation from the Hustlers group was read out to the members.

Mr. Johnson Kaviha Toya, the Chairman Urban Development, Housing and Public Works Committee (UDH&PW) informed the meeting that he was able to meet with the Chairman of the Hustlers traders association and they visited the site that the group had requested for. What he had observed was that here was a construction going on behind the mortuary and relocating the traders to this place might not be convenient for both parties as well as the mortuary activities.

Another alternative site that the group proposed was opposite the hospital on the way to Pentagon which apparently is also on a road reserve. The group insists on doing their business near the hospital as they mostly target to provide service to the visitors coming to the check on their sick ones.

The Municipal Manager informed the meeting that the Municipality should be under no obligation to relocate the traders as they were actually illegally occupying a road reserve and some unscrupulous traders were collecting rent from the government land. Members agreed that the matter can be adjudicated on humanitarian grounds although there is need to be cautious not to set a precedence where people evicted from road reserves demand to be reallocated alternative sites.

The meeting directed that the following needs to be done before a decision on the request is made:

- A suitability assessment on the site be done
- An EIA be done and a report produced
- Public participation

#### **Action Municipal Manager/ Chairman UDH&PW Committee**

The above should be done by the Municipality to avoid a subjective outcome and to ensure neutrality of the process. For verification and cross checking, the stakeholders who have interest in the matter can also do the studies at their own cost.

Members agreed that as long term solution, the Municipality should consider putting up for rent modern stalls which will also add the aesthetic value of the town as it will rid it of disorganized eye sore put up on many road reserves.

After discussing the matter exhaustively, the members unanimously agreed that it be referred back to the committee thus the matter of the ***relocation of traders evicted from the hospital was referred back to the Urban, Housing and Public Works committee*** for further deliberation and a recommendation that will be forwarded to the Board for adoption or otherwise. Action Municipal Manager/ Chairman UDH&PW.

#### **MIN.05/MM/4/10/2019 – REQUEST FOR ALLOTMENT LETTERS FOR PLOT 1731/R MAWENI**

The letter from the Umoja Housing Association was read out to the members.

The Chairman UDH&PW committee informed the members that he had also visited the subject plot and met with some of the officials of the association. The former Municipal council had given the association some conditions among which was meeting the cost of survey before their request can be considered. It is upon meeting these conditions that the association has now come up to request for the allotment letters.

After a long discussion, the members resolved that that there is need for a background check to be done on the land and establish:

- Who the land belongs to
- Where is the survey report
- If there is any legal dispute in Court regarding ownership of the land

It is necessary that the land be subjected to due diligence as it was noted that past allocations of land were not being done transparently but rather politically and many cases have been reported where allocations are done with an assumption that the land is unoccupied while in reality there are people living on the same land.

The Municipality would not wish to get entangled itself in matters difficult to disentangle from and thus there is need to follow due process in handling this case.

The request for allotment letters for plot 1731/ R Maweni was therefore referred back to the committee.

**Action Municipal Manager/ Chairman UDH&PW Committee**

#### **MIN.01/MM/4/10/2019 – TAKE THROUGH AND ADOPTION OF THE MUNICIPALITY OF MALINDI IDeP**

The Municipal Planner projected the IDeP and informed the members that:

- The IDeP is one of the documents that shall be required to be submitted as one of the requirements to be met for the KUSP minimum conditions.
- The document was prepared and aligned with the Constitution of Kenya, the Public Finance Management Act (PFMA), the CIDP as well as the Urban Areas and Cities Act to guide the execution of projects
- IDeP is integrated and cuts across all other sectors
- The vision and mission in the IDeP was formulated to fit the planning unit but an all encompassing one can be and shall be done at a different forum.

After the presentation, the members resolved that:

- The relationship between Malindi and Lamu should be brought out clearly to potential investors
- In section 1.2.2 the reference to Arabs should be deleted
- In section 1.2.4, mention should be made that there are both conventional as well as sharia compliant banks like Gulf African Bank, First Community Bank, etc and their names be included
- The organogram in the IDeP can be aligned to the one prepared earlier

The meeting resolved that there a Risk and Audit Committee be formed and be Chaired by Ms. Sumayyah Hassan and that the Municipal Manager should advertise internally or externally to recruit 2 (two) more members of this committee. Preference should be given to members of professional organizations like ICPAK or institute of Auditors. Action Municipal Manager.

- The first task of the Risk and Audit Committee would be to audit the ongoing KUSP projects
- A legal officer and a Public Relations Officer should be included in the proposed IDeP staff establishment
- Beautification in Chapter 4 can stand alone so that it can be given the prominence it deserves and as a priority activity
- The Municipality should look into ways and purpose to establish a center for energy research and innovation

After further review, the Municipality of Malindi IDeP was adopted with amendments. It was:

Proposed by: Ms. Sumayya Hassan

Seconded by: Mr. Sholo Benjamin Kambi

### **MIN.03/MM/4/10/2019 – PRESENTATION AND ADOPTION OF THE MUNICIPALITY THE MALINDI SOLID WASTE POLICY**

The Solid Waste policy was presented by Ms. Elizabeth Sidi, the Municipal Environmental Officer

- It is proposed, as happens in other jurisdiction, that the Department cleans the town and the area from the Airport to the round about and then hands it over to the Enforcement Department to ensure that cleanliness is maintained at all times.
- The Municipality should provide receptacles which also needs public private partnership
- The Municipality could also procure bins which shall then be be hired out to the residents for easier management and uniformity

- Regulations shall be made later to guide on such matters as the specifications and color code
- In cases where the collection of garbage is done by private companies, the residents will still be obligated to show their payment receipt for inspection for the bins hired out
- The Municipality shall increase the number of receptacles for shall be disposal which shall be time regulated to dissuade people from dumping garbage anytime and uncontrollably
- In managing waste, the Municipality should consider working with scavengers in the dumpsites to dissuade them from burning waste as they scavenge as the smoke generated thereby is quite toxic
- To create awareness, encourage and excite the community on proper waste management and disposal, the Municipality should consider inter-zone competitions with generous awards for the different categories of winners

After further discussion, the Municipality of Malindi Solid Waste Management Policy and Plan were adopted by by the Board with corrections to be done on the optimal staff numbers. This was:

Proposed by: Mr. Geoffrey Katsoleh

Seconded by: Ms. Sumayya Hassan

**MIN.02/MM/4/10/2019 – TAKE THROUGH AND ADOPTION OF THE MUNICIPALITY THE MALINDI SPATIAL PLAN**

- The State Department of Urban Development had contracted consultants to prepare the ISUDP in 2015
- The Municipality of Malindi spatial plan was presented by the Municipal Planner Ms. Jacinta Makau who informed the members that the document might not need many changes for now as it is due for review very soon.
- After projecting and taking the members through the ISUDP, the Municipality of Malindi spatial plan was adopted by the Board of Municipality of Malindi. It was:

Proposed by: **Ms. Yvonne Mafunga**

Seconded by: **Mr. Johnson Kaviha Toya**

**AOB**

1. The 100 years Muslim Maulidi festival is expected to be celebrated in Malindi starting on 17th November and it is expected to bring in over 5000 visitors. The Municipality is called upon to be an active player in the whole festival and also consider the naming request from the organizers. The matter was referred to the Trade, Tourism, Social Services, Education, Youth and Sports committee for their action

2. There is need to define the length of meetings and see what qualifies for two meetings in one.

The meeting was adjourned at 6.47pm with a word of prayer from Mr. Johnson Kaviha Toya