

The Establishment of the Bungoma County Council and its Impact on Development, 1963 to 1978

By

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Abstract

The article details the initiation of the Bungoma County Council (BCC) and its impact on development, 1963-1978. Local governments in Kenya are important propellants of development at the grassroots. The County Council of Bungoma was initiated in 1963 replacing the defunct African District Council of Elgon Nyanza. Specific objectives were; to examine the successes of the BCC, in social, economic and political developments, and to analyse the challenges that faced BCC. Primary and secondary data was utilized. However, it was found out that, in early years of Kenya's independence, BCC contributed in the social and economic development of Bungoma. Besides, the council faced a number of challenges during the Kenyatta era which led to a decline in terms of service delivery. By 1978, BCC had lost its relevance. Consequently, the study contributes to the historiography of local government in Kenya.

Key Words: County Council, Provincial Administration, Centralization, Development, Central government.

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Introduction

The purpose of this article is to discuss the establishment of the BCC and its impact on development. The aim of the chapter is to demonstrate that BCC played a role in the development of the study area. Additionally, the council suffered systemic challenges since its inception in 1963.

The article is based on a number of arguments; to start with, the council provided a number of services since its establishment. Lastly, the council was affected by the center-periphery politics. Notably KANU government saw devolution as an enemy to its accumulation of power at the center. The prime narrative in this article is to demonstrate that BCC played a role in the development of Bungoma in the midst of a myriad of challenges that faced County Councils in the independent Kenya. The analysis will also take a national approach to inform us the negative trajectory local authorities underwent through from 1963 to 1978.

Statement of the Problem

Local governance has undergone a series of transformation in Kenya since Independence. A number of rudimentary questions are pertinent and akin to the characteristics, purpose, evolution and role of BCC. Also, the matter in question is whether BCC fulfilled its mandate in service delivery and representation or not. Despite numerous academic flows on local governance in Kenya, not much has been done to address the above questions. This has left a huge academic interlude, which this study attempts to fill by examining the origins, development, success and challenges of BCC.

Objectives

The main objective of the study was to examine the establishment of the Bungoma County Council and its impact on development, 1963-1978. The specific objectives were:

- i. To examine the successes of the BCC, in social, economic and political developments, 1963-1978.
- ii. To examine the challenges of the BCC, 1963-1978.

Review of Related Literature

Hornsby (2012) writes that at independence, Kenya had acquired a new structure of local government. A hierarchy of elected county councils, area and location or urban councils had been established with an elected chairman or mayor replacing the colonial DC. Education, health, social services and roads were all handled at county council level, funded by the graduated personal tax (GPT) - a form of income tax, by rates, taxes on local produce, and

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license fees, topped up by central government grants (Ibid). This observation provided a useful basis for examining the establishment of county councils in the independent Kenya. However, the study was too general hence justifying the present study which endeavored to examine the evolution and development of BCC.

Republic of Kenya, Report of the Civil Service Review Committee 1979-80, (1980) reveals that, in 1969; the central government transferred all major roles from the local authorities to state line ministries. Some functions that were taken away included provision of primary education, public health and roads. The transfer was justified by the central government in terms of the need 'to alleviate the financial burden placed on the councils. The report was part of the reference material that informed the study from a wider national picture.

Moss, (2016) textures that, throughout the 1970s, local authorities in Kenya continued to rely on local rates to finance their operations. By 1978 local authorities provided a limited range of services as compared to early 1960s. Some services provided included garbage collection, provision of sewerage services, regulation of commercial activities just to mention but a few. Moss used case studies such as the County Councils of Nakuru, Kakamega and Kwale. The above works will be used as yardstick in the analysis of data in the present study.

Esidene (2010) observes that the years after 1974 saw a dramatic and sustained attack on local government particularly on the financial autonomy of the municipal councils. In January 1974, Kenyatta announced the abolition of the GPT, replacing it with a centrally controlled sales tax as a source of revenue. She further notes that the rationale was that rural councils had experienced difficulty in collecting the tax, as it was hard to assess self-employed or subsistence farmers. Even when the central government had taken over the task of tax collection from the county councils, the changes yielded limited fruits. GPT was the major source of revenue for municipalities. From the foregoing arguments, stamp raises fundamental issues in regard to the challenges that affected post-colonial local governance situation in Kenya. However, she falls short of demonstrating how financial challenges of local authorities impacted on service delivery. Notwithstanding, her views were useful in analyzing the findings of the present study.

Muendo (2016) observe that, the full implementation of the *Majimbo* constitution was derailed soon after Kenya's independence in 1963. Regions as provided in the independence constitution were custodians of local governments. KANU government argued against regionalism on the premise that it divided Kenyans. The eventual collapse of regionalism left local governments in disarray. From the above, Muendo's line of argument is an important resource in understanding local governance in Kenya especially on the ideology and political challenges that faced the post-colonial local authorities (Ibid). However, this work is a generalization of the central government verses local government relationship. The present study endeavored to address more specific issues of local governance in the study area. Issues addressed included, how national politics impacted on the image of local governance in

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Bungoma County and how local people perceived their leaders including councillors, chiefs and so on in terms of service delivery and leadership.

Stamp argues that in 1974, a number of functions were shifted from local government to line ministries (Stamp, 1986). Resources then followed functions staffing off local Authorities. Local authorities evolved into dysfunctional units under constant control of the central government. By 1978 the role of local authorities had declined to near insignificance. Most of their powers had been removed from them by the central government, and as such they were no longer in a position to deliver their services as designed. The local authorities had become inefficient, and corruption within their structures rampant. Local government was also seen as creating problems for national integration especially because they were viewed by the central government as localized centres of power (Ibid). The above works, though critically discussed the negative trajectory local authorities underwent in the post-colonial Kenya, it failed to demonstrate in details why the central government initiated legal and policy changes that weakened local Authorities in Kenya. The present study therefore attempted to identify a number of legal changes that reduced the powers and responsibilities of local authorities in Kenya.

The foregoing literature review is hardly exhaustive but all the same it demonstrates that no comprehensive research has so far been done on the evolution and development of BCC 1963-1978.

Methodology

Research methodology was guided by the theme of the study; therefore, historical research design was employed. Primary and secondary data was collected and utilized. Descriptive data analysis, interpretation and narration were the basis in the writing of the report.

Results and Discussions

Post-Colonial Context of Local Government.

At independence in 1963, Kenya adopted a quasi-federal system of government. This was a radical shift from the highly centralized system that had been used by the British imperialists. After the Second Lancaster House Conference of 1962, a negotiated constitution that ushered Kenya into independence was promulgated. The Independence Constitution of Kenya - 1963 created 7 semi-autonomous regional governments and a central government with its headquarters in Nairobi. The regional governments had a legislative assembly and an executive committee that was to ensure the handling of all functions devolved to them. However, within each region, substantial responsibilities were decentralized to local governments including basic education, primary health care, business regulation, water, and sanitation (Muriu, 2013).

Additionally, the Federal Independence Constitution gave responsibility for the definition and establishment of local authorities under the newly created regional assemblies. Regional assemblies comprised of elected members were established based at regional levels with the responsibility to make By-Laws. The assembly elected a president from amongst themselves and each region had a civil secretary formerly the P.C. The assemblies had powers to allocate resources to their respective local authorities (Ngona, 1990).

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Local governance system established in post-colonial Kenya was highly influenced by the center-periphery debate. The question had been, between the central government and the local governance system, which was best, suited in service delivery? The Kenyatta government in the early 1960s embarked on a political mission to recentralize power due to number of reasons. To start with, the government restricted local power bases to prevent ethnic groups from building political power. This would have led to emergence of regional ethnic chiefs who would have challenged Jomo Kenyatta's authority. The second reason for power accumulation at the center was that, the rapid growth of local government in the 1960s created massive financial pressures and performance problems that were used to justify greater central intervention. Finally, central control was legitimized by consensus among early development experts that central planning would lead to rapid developments (Olowu, 2004).

Nevertheless, at independence local governments were placed under regional governments as a consequence of the independence constitution which provided for the *Majimbo* system. However, the Ministry of Local Government had overbearing influence over local authorities. Legal and constitutional changes hampered the activities of local governments in Kenya. By 1964, regional governments had been abolished. This constitutional change threw local authorities in confusion (Ibid).

Consequently, BCC was almost crippled in its operations due frequent legal changes. This negatively affected service delivery in the rural areas. Services that declined included health, education and road infrastructure. By the end of Kenyatta era local governance system was in disarray (Olowu, 2004).

However, by 1963, the Ministry of Local Authority under Mr Daniel Moi was busy effecting the transition changes to the new system of local authorities to replace the colonial version. Changes were contained in the Local Government regulation Act of 1963. The Sessional Paper No. 2 of 1961 formed the basis of the Local Government Bill of 1962; which was passed in 1963. The law provided for the Local Government regulations (1963) and the establishment of municipal, county, urban and local councils (Republic of Kenya, the Local Government Regulations 1963). It is worth noting that Local Government Regulations (1963) provided the councils with some powers and responsibilities including those of imposing fees and charges and acquisition and dealings in land among others (Mboga, 2009).

In consequence, in 1963 a hierarchy of county councils, area, and location councils were established. In the new system, the elected chairman or mayor replaced the colonial DC. Education, health, social services and roads were all handled at county council level, funded by the graduated personal tax (GPT), a form of income tax, by rates, taxes on local produce and license fees, topped up by central government grants (Hornsby, 2012).

Ultimately, the Ministry of Local Government was the media through which the central government decided how the local government services were to be organized and maintained. Its functions included: Liaison with Local Authorities on Local Government matters, management Local Government Loans Authority, supervision of the activities of the Local Authorities Provident Fund, training of local government staff, and organized short term courses for members and staff of local authorities (Republic of Kenya. Report of the Local Government Commission of Inquiry, 1966).

The Minister for Local Government had powers to approve Standing Orders made by local authorities. He ensured standing orders were followed by all local authorities. The minister

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specified minimum number of meetings to be held by various classes of local authorities each year. This was meant to limit the expenditure on the sitting allowances for councillors. In addition, he had the authority over the nomination of councillors (nominated councillors) (Ibid).

Principally, in 1963, Bungoma District had two levels of local authority, the Bungoma County Council and the local councils which replaced the old locational councils in those areas where it was considered inappropriate to change to the larger area councils. Local councils were created within the boundaries of the county councils. By 1974, Bungoma District had the following local councils: Naitiri, Ndalua, Ndivisi, Kimilili, Bokoli, North Malakisi, South Malakisi, West Bukusu, East Bukusu and Elgon Republic of Kenya (The Kenya Gazette Published by Authority of the Republic of Kenya, 1974).

Nevertheless, as mentioned earlier, county councils in Kenya since independence as guided by the Local Government Act 1963 worked through committees consisting members of the councils. Committees were specialized dealing with specific issues affecting their areas, for instance health, education public works and so on. Committee members deliberated important issues affecting the councils in search of solutions. It is observed that, the council committees discussed departmental programmes and activities of the council on regular basis. In addition, committees played a key role in budget making process by proposing their budgets. These budgets finally formed the council annual budget which was discussed during the council budget day. Committees also played oversight role to ensure that council resources were prudently utilized (Wanjohi, 2003).

However, resolutions made in the committees were tabled before a full council meeting which was the highest organ in the council under the leadership of the Council Chairman. Furthermore, the procedures for conducting debates in the councils were provided for in the 1963 Act to ensure uniformity among all councils. The resolutions once adopted at the full council meeting became a policy at the local authority level known as By-Laws. By-Laws were not supposed to be in conflict with the national laws and the Kenyan constitution. By-Laws were supposed to be approved by the Minister for Local Government (Ibid).

Council clerks played important roles in the councils. Their mandate included convening meetings, coordinating council's meetings, acting as secretary during council meetings, and implementation of policies. Functions and powers of the offices of the council clerks was provided for in the Local Government Act of 1963 cap 265. Part VIII, section 109 of the Act empowered the Public Service Commission (PSC) to appoint county council clerks on a full-time basis. Clerks to county councils were appointed under section 109 of the same Act. The qualifications of a clerk included being an advocate of the High Court of Kenya or having ten years of experience in local government administration. The County Clerk of a local authority was empowered by the Local Government Act of 1963 under section 129 to be the Chief Executive Officer and Chief Administrative Officer of the county council operations. The clerk had the general responsibility of coordinating the whole activities of the council (Republic of Kenya, Local Government Act of 1963).

In terms of election, functions and powers of chairpersons of county councils, deputy chairpersons and committee chairpersons were provided for in the Local Government Act of 1963 which was also amended in 1977. In addition, after the enactment of the 1963 Local Government Act, all councils had councillors that were elected, nominated by political parties or appointed by the Minister for Local Government. From amongst these councillors, a County

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Council Chairman was elected by Councillors in accordance with the rules prescribed by the Electoral Commission of Kenya (ECK). Upon formal election, the Chairman held office for two years after which elections were held (Bungoma County Council Minutes of Meeting Held in July 1963: KNA/BCC/ABG/9/3).

The major functions of the chairperson as provided for under section 77 of the 1963 Act was presiding over council meetings. Sections 78-84 described the conduct of the council meetings including; record of attendance and quorum, attendance by public officers, the keeping and signing of the minutes, legality of the meetings, inspection of the minutes, adjournment of meetings, and admission of press. The chairperson was empowered by the Local Government Act (LGA second schedule standing orders) to summon public meetings to discuss matters affecting the inhabitants. The standing orders of Local Authorities that regulated the conduct of business were provided for in section 85 of the Act and in Part I of the Second Schedule. In consequence, Bungoma County Council from July 1963 complied with the Local Government Act 1963 provisions by establishing a number of committees. The committees included: Roads and public works committee, health committee, education committee, trade and licensing committee, Agricultural committee among others. Committee members elected their chairperson. Subsequently, committee reports were escalated to a full council meeting for final deliberation. Finally, By-Laws were enacted and then implemented and enforced by the Bungoma County Council staff (Ibid).

From the foregoing, it can be deduced that at independence, the system of local authority in Kenya and subsequently BCC was designed to allow effective and efficient service delivery to the people at the grass-roots. The system ensured that services were well discussed and planned for during the committee meetings and the budget making process. The 1979 amendments on the 1963 Local Government Act allowed public participation in the council decision making process, however, in practice public participation remained a mirage.

Moreso at the end of April 1963, the ADC of Elgon Nyanza was dissolved. The winding up commission was established. The commission comprised of the DC Bungoma, the Treasure, ADC and the secretary to the ADC. The commission was charged with the following responsibilities: To continue with the delivery of services, to employ staff and pay them, to make payments to the successor council, to make By-Laws, to alter policy and finally to borrow money (Oral Interview, Simon Mukeyi, 23/2/2021).

Fundamentally, the 1963 Local Government Act stated that, all councils had to have councillors that were elected through elections, nominated by political parties or appointed by the minister for local government. The form of local government that existed before independence was replaced by a new structure with new powers and duties. This new arrangement was drawn up by the Governor. The role of local authorities now expanded beyond managing residents and maintenance of utilities, to providing primary education and public health services within properly defined regions. These councils fell within the ambit of regional assemblies which in turn fell under the control of the ministry of local government (Republic of Kenya, Local Government Act of 1963).

However, in the new county council of Bungoma, archival records reveal that, among the first council meetings in July 1963, councillors requested the minister for local government to increase their allowance from 15/- to 40/- per sitting. They justified their pay increments by

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claiming that there was too much pressure from work (Bulletin of the Institute of Economic Affairs, 2005). The table below shows councillors and their representation in July 1963.

Table 6.1: The Council of Bungoma, 1963

Name	Representation
Lukas Wose	South Bukusu
Epainito Wanyama	Ndivisi
Chief Lavington Naibei	Elgon
Julius Nabimba	South Bukusu
Raymond Wekesa	Naitiri Ndal
Alexander Olunga	Naitiri/Ndal
Pascal Otunga	West Bukusu
Blasio Barasa	West Bukusu
Paul Nasiuma	Malakisi
Eliud Wandiemba	Malakisi
Joseck Okisai	Elgon
Jackson Tengwer	Elgon
Alexander Morioto	West Bukusu
Remi Wanyonyi	Bokoli
William Yiminyi	Kimilili
Jonathan Musabi	Bokoli
Peter Simiyu	Kimilili
Mrs M Masinde	Kimilili
Mrs W Nyukuri	West Bukusu
Chief William Chiuli	Ndivisi
Maurice Temba	Ndivisi
E.N. Scott	DC
Protas Khisa	East Bukusu
J.H. Dhosa	Bungoma Urban
H.H. Patel	Bungoma Urban
John Musundi	Bokoli
T.W. Katenya	Acting Clerk

Source: KNA/BCC/ABG/9/3-1963

From table 6.1, a number of councillors represented various locations. Some locations had more than two councillors; this was a justification of proper representation. The central government was represented by the DC. The presence of the DC was a justification that the county council of Bungoma was under the influence of the central government.

Notably, at the end of 1964, regional governments were abolished and the control of local authorities was handed over to the central government. This transferred all the activities of the defunct regional assemblies to the local authorities without any adequate preparations and proper consideration of administrative and financial implications (Stamp, 1986).

Moreover, the enactment of the GPT Act in 1964 was meant to close the financial gap. However, this act was cumbersome to implement and it was perceived to be colonial as it

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resembled the hut tax and the poll tax. The new GPT was to serve as a source of revenue to local authorities. GPT was calculated on the basis of someone's income. The higher the income, the more GPT someone had to pay (Republic of Kenya Report of the Local Government Commission of inquiry, 1966).

However, from 1964, the powers of local authorities were classified as either permissive or mandatory. Permissive powers allowed local authorities to carry out certain tasks or activities subject to the approval of the minister for local government. On the other hand, the mandatory powers were duties that expressly defined by the statute. Permissive powers gave the minister for local government sweeping powers over the local authorities (Bulletin of the Institute of Economic Affairs, 2005).

Notably, the enactment of Transfer of Functions Act in 1969 transferred major services, primary schools, health services and road maintenance including financial resources (grants and assets), to central government except in seven Municipal Councils, namely, Nairobi, Mombasa, Thika, Eldoret, Kisumu, Nakuru, and Kitale. The Act left county councils with the staff in sectors of transferred functions with no job specifications hence becoming a burden to the County Councils with reduced revenue base. In 1974, the government transferred the GPT from the local government to the central government general grants (Barasa, and Eising, 2010).

In 1978 the Local Government Act Cap 265 was enacted. The Act was the principal law that created and regulated the local government system in Kenya. The Act laid out the legal powers, responsibilities and institutional structure of local authorities. It gave powers and responsibility to the local authorities to provide public services and to co-ordinate affairs of a particular locality under the guidance of the Ministry of Local Government (Bungoma County Council Minutes of Meeting Held in July 1978: KNA/BCC/ABG/9/4/2).

From the above data presented, legal changes completely changed the form of local government in Kenya from 1963. There was more democratic space in the election of council officials. However, the provincial administration just like during the colonial period influenced the activities of the council. The collapse of regional governments that housed local authorities in 1964 put local governments in jeopardy. They did not have constitutional backup.

The Impact of Bungoma County Council and the Kenyan experience on Development

This section looks at a number of economic and social initiatives established by BCC. However, at independence, the council was effective but its role in development declined with time. According to archival sources, Bungoma County expenditure estimates in 1964 were £360,040 and the revenue collected was £360694. This implies the county had a surplus of £654 which was forwarded to the civil secretary Western region (Bungoma County Council Minutes of Meeting Held in July 1964: KNA/BCC/ABG/9/4/1). This was an indication that the council was doing well at independence under the *Majimbo* Constitution. Nevertheless, a number of social and economic achievements were realized.

Notably, the BCC just like the defunct ADC of Elgon Nyanza was keen on provision of education. In one of the Council Meetings held in 1964 under the chairmanship of the committee chair Councillor Blasio Barasa and members including councillors, Lucas Wose, Epainito Wanyama, Alexander Olunga, Joseck Okisai, William Yiminyi, Jonathan Musabi, George Mirioto and Paul Nasiuma, the Council noted that there was shortage of equipment in schools. This was occasioned by the central government taking the role of the council in supplying

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equipment to schools and giving it to private suppliers such as Sardaral Ltd. However, during the meeting, the council proposed to the regional assembly to allow Kamusinga, Kibabii, and Lugulu to be two streams (Ibid).

Additionally, the council continued with its initiative to sponsor students in terms of bursary allocation just like the case of its predecessor the Elgon Nyanza ADC. Local bursaries were awarded to students learning in Uganda and Kenya (Bungoma County Council Minutes of Meeting Held in July 1965: KNA/BCC/ABG/9/4/2). Furthermore, the Council gave education Bursaries to students locally and overseas. Those at overseas were mainly studying in various universities in the USA and Europe. Students in local secondary schools who benefitted included: orphans, very poor, deserted, blind and those with sick fathers (Minutes of the 1st Meeting of BCC held in the Council Chamber on 19th January, 1964: KNA/BCC/ABG/9/4/1). During the 2nd meeting of the education committee held in the council chamber on 17th and 18th March, 1964, the council seconded councillors on secondary school committees. For instance, councillors Chief William Chiuli and John Musundi were seconded to Kamusinga Secondary School. Councillors Epainito Wanyama and H. H. Patel were to sit on Bungoma Secondary School Committee (Minutes of the 2nd Meeting of the County Council of Bungoma held in the Council Chamber on 17th and 18th March, 1964: KNA/BCC/ABG/9/4/2).

However, in 1970, 1000 acres were donated by the BCC towards expansion of the Sang'alo Technical Training College. The donation was given during the District Leaders Conference at the Bungoma County Council Hall. Leaders present included MP for Bungoma East, Elijah Mwangale and MP for Bungoma South J.W Khaoya who was also the Chairman of Bungoma District KANU branch. Addressing the conference, Mwangale warned people to refrain from unnecessary squabbles and join hands for development of the district (Mabolo, 2016).

In the health sector, in 1967, the construction of Kapsakwany health center was completed. The center was officially opened by Hon. J. D. Otiende the Minister for Health on 30th December, 1967. The completion of the partially constructed health center had started in February 1967 by Errick Neeve Flatt Ltd at an estimated cost of 62, 000/- mostly funded by the (Bungoma County Council Memo for the opening of Kapsakwany Health Center. 1967: KNA/BCC/AGB/3/13).

The period 1963-1970, the council-maintained cemetery services at Bungoma town and Kimilili. Collection of garbage and sewerage services was only limited in advanced urban centers such as Bungoma, Kimilili and Webuye. The Council also provided water in various urban centers, schools, hospitals and coffee factories (Bungoma County Council Meeting Held in July 1963: KNA/BCC/ABG/9/3/3).

From the aforementioned, BCC provided a number of social services. They included, education, health services, water supply, sewerage services just to mention. During this period, councils in Kenya were struggling to provide services under difficult circumstances such as insufficient funds.

Even though, the role of the council in the economic sector declined in post-colonial era in the view of the fact that, most of the economic functions such as Agriculture, livestock and forestry were taken to various line ministries. However, the council achieved what it could during this period. From 1964 to 1970, the council struggled to build and maintain open market centers and market stalls. The Council maintained a number of roads for instance, Chwele-

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Malakisi, Mayanja-Malakisi, Kimilili-Malakisi and Bungoma-Bumula. A number of permanent and semi-permanent bridges were constructed for instance; at Mabusi along Naitiri Tongareni road and more several bridges were repaired along Musikoma-Khachonge-Kimilili road. Several roads in the interior parts of the county were also carpeted with marram (Bungoma County Council Meeting Held in July 1966: KNA/BCC/ABG/9/3/6).

The council provided employment opportunity to a number of people in various departments such as revenue and tax collection, health, education, engineering department and so on. However, some staff such as the town clerks were employees of the central government (Minutes of Bungoma County Council Meeting Held in July 1970: KNA/BCC/ABG/9/3/11).

From the above, it is arguable that from 1963 the effort of local authority to deliver its services took a negative trajectory. The justification of why local authorities declined in terms of service delivery will be explained in the next section. However, a number of achievements are evidenced especially in road infrastructure project.

Local Authority, its Decline and Demise

This section will briefly discuss a number of general factors that led to decline and destruction of Local Authorities in Kenya with a focus on the study area. A number of challenges that faced BCC will form part of our discussion.

By 1965–1966, most local authorities were in serious difficulties, as the demands on their services massively exceeded their income. For instance, Kakamega County Council was dissolved as insolvent as early as 1965, and the responsibility for collection of GPT moved to the provincial administration. The finances and administration of local government were to remain a problem for the next four decades (Hornsby, 2012).

Basically, in 1964, the independence constitution was amended to make Kenya a republic with an executive president. President Kenyatta from 1964 enjoyed total power and therefore had the necessary political and legal gravitas to phase out the regional governments in Kenya. As mentioned earlier KANU opposed regionalism and favoured centralization of power (Southall and Wood, 1996).

Moreover, the concern of the Kenyan government was more to do with setting limits to popular participation than ensuring sound local administrative procedures. To be sure, unchallenged victory in the first nation-wide local government elections in 1968 was secured for KANU by controlling factionalism within KANU at the ward levels. Party division was seen as a threat to national stability and the unity of KANU (Leys, 1975). In all Districts, KANU District Chairpersons were mandated to identify suitable candidates for local government seats. In Bungoma District the then KANU Chairman J.W Khaoya ensured that all candidates at ward level were individuals who had KANU at their heart (Oral Interview, Simon Mukeyi, 23/2/2021). The amendment to make Kenya a republic with an elected president in 1964 paved way for a unitary state. Following the republican constitution therefore, the regional assemblies were dismissed and their powers were transferred to the minister of local government. Regional assemblies were completely starved of the much-needed revenue (Moss, 2016).

After phasing out Regional Assemblies, Jomo Kenyatta and his government focused on strategies to dominate the grass roots. Kenyatta designed a grand plan to frustrate the local governance system which he termed as colonial relic. Rather than attack the local government system directly, Kenyatta established the provincial administration as an agent of control.

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Ironically the provincial administration had been the chief instrument of colonial rule (Stamp, 1986). Kenyatta discovered the usefulness of the bureaucratic colonial style of government in the countryside-complete with the trappings of pith helmets and *khaki* uniforms as symbols of governmental authority (Hornsby, 2012). In December 1964 the provincial administration was transferred from the Ministry of Home Affairs to the Office of the President. Provincial and district commissioners resumed as the senior executive officers and coordinators of government activities in the field. By strengthening the provincial administration, Kenyatta created a parallel structure of government whose advantage was its accountability personally to him. Kenyatta's activities led to frequent conflicts at the grassroots between chiefs and councillors (Ibid). A former councillor and teacher revealed that, in the 1970s supremacy battle between Chiefs and councillors was witnessed in a number of locations. In 1977, in one of the functions in Ndivisi location, a chief and a councillor fought in public over who was the senior most to speak last. Same superiority related conflicts were witnessed in Kimilili Location. Indeed, supremacy battles hampered service delivery (Oral Interview, Mumbwani, 21/2/ 2021).

Besides, in 1964, chiefs were mandated to collect the GPT on behalf of the County Councils of Bungoma. Sometimes chiefs colluded with some of their relatives and friends to lower their income in order to pay fewer taxes. In addition, the decision for chiefs to collect tax encouraged corruption and created village tyrants in the name of chiefs (Report of the Local Government Commission of inquiry, 1966).

However, by 1964, Local Authorities had survived 'natural death' from KADU verses KANU conflicts and continued to offer services such as health, education and road maintenance among others. The survival did not take too long; by 1970 a series of amendments had been instituted that transferred the responsibilities of local authorities to the central government. Local authorities were starved off revenue which made it difficult for them to survive (Moss, 2016).

The regime of Jomo Kenyatta engaged in consolidation of power and used all means to ensure that it amassed a lot of power at the center. The first two decades of independence saw the incorporation of the Kalenjin into Jomo Kenyatta's Kikuyu alliance, and eventual marginalization of the Luo whose leaders' criticized accumulation of power at the presidency. It should be remembered that at independence, competition between the Luo and the Kikuyu dominated the political scene. The Luyia ended up inclined towards the Kalenjin. The perception of politics as ethnic competition for resources and a survival of the fittest was built into the country since independence. The consolidation of power at the center ensured the necessary support particularly in the National Assembly to disable local authorities which seemed a diversion of political and economic power from the center (Hornsby, 2012). Local authorities were deliberately phased out to consolidate power at the Kenyan capital. Benjamin Kipkorir in his own words asserted that:

What was witnessed in 1965-1966 was only the beginning. The usurpation of powers of local government was but part of an elaborate scheme by which Kenyatta arrogated to his person all powers in the state-both political and executive. The provincial Administration was transferred to the Office of the President in December 1964. It should be remembered that this service used to fall under the Chief Native Commissioner during the colonial period. In concerting power in his Office and, in particular, in promoting the coordinating

role to the Provincial Administration, Kenyatta faced considerable opposition, not least from his own backyard of Central Province. The instrument he employed to address the opposition was the Provincial Administration, a government department that had never been under the Governor's Office during the entire period (Kipkorir, 2009).

It is defensible to assert that, KANU never wanted devolution from the time the independence constitution was being negotiated. Kenyatta's address to parliament was a clear message that he had little regard for the local authorities. He asserted that:

My government is totally committed to serving the people by increasing the initiatives and improving the living standard of every family. Such an aim greatly depends on the effective operation of the Local Government. In this regard we deplore a position in which people in many areas are blaming their local authorities for inefficiency, while the council blames the local people for not paying taxes that are due. All this means in effect that thousands of families are unable to access services they need. We need to examine the whole Local Government position and see how present difficulties can best be met and put right (Republic of Kenya, Official Report, House of representative, First Parliament, Third Session, 2nd November, 1965).

Following this observation, the Hardacre Commission of 1966 was constituted, comprising a number of professionals including Dr Bethwell Allan Ogot an academician. Before the commission started its work, the president made it clear that they were free to do their work so long as they did not interfere with the structure of the provincial administration which represented the central government at the grassroots (Moss, 2016).

The Hardacre Commission in its report made a number of observations: They identified the weaknesses of the local government in terms of its structure and operations; they paid tribute to the achievements of the local government; they stressed on additional sources of revenue to the local authorities, they argued that the expenses had increased over time; they recommended the adjustments of GPT collection and enforcement procedures; and finally they also looked at the challenges of dual administration in respect to the conflicts between the provincial Administration and the local authorities (Ibid).

Hardacre Commission Report was handed over to the president but delayed to be tabled in parliament for debate and adoption until December 1967. It was noticed that, its content had been altered during the minister for local government Hon. Lawrence Sagini's address to parliament. The minister presented the report as part of the Sessional paper No. 12 of 1967. The paper suggested amendment in the Local Government Act to allow the transfer of services from the local government to the central government. In his address, Minister Lawrence Sagini lamented that:

Revenue which Local Government requires for their services must be found from basically the same person from whom government seeks its own revenue. There cannot be competition between government and Local Authorities in

matters of taxing the country..... These days considerable amount of overseas aid is difficult to obtain and it must be accepted that the majority of the money for development will have to come from the people of this country. (Republic of Kenya, House of Representative, First Parliament 8th Session 18th December 1967).

Nonetheless, in a parliamentary session in the afternoon of November 4th, 1969 the government introduced a bill in parliament to empower the president; if he desired to transfer to the central government the administration of health, education, and the maintenance of all secondary roads previously under the county council administration. During the debate, the impression was choreographed to indicate that the councils had issues of financial mismanagement, corruption and bribery. Councilors were also accused of only being interested to become Members of Parliament. The debate was also prompted by the 1969 teachers strike over non-payment of salary. In Nyanza province one thousand teachers had been fired over what the authorities called illegal strike. Hon. Martin Shikuku in the session stated that in his constituency parents had paid school fees and yet teachers had not been paid because the council had eaten the money. Hon. Shikuku implored that any member of parliament who opposed the motion to move crucial services from local authorities to the central government was mad. The amendment was implemented from 1970 and this crippled the activities of the local authorities in Kenya (Ibid).

In consequence, in 1973, the Kenyan government abolished GPT which had been the main source of local revenue to local authorities. 1st January, 1974, was the effective date for local authorities to end GPT collection. The government promised the councils that they would receive compensating grants in progressive declining order for five years during which period the councils were to find alternative sources of revenue for themselves. In 1973, the Nyaga committee was appointed to examine the whole mechanism of revenue collection of local authorities and to recommend ways and means of improving the revenue and methods of collection (The Republic of Kenya. Report of the Civil Service Review Committee 1979-80, 1980, September. Government printers, 1980). The Nyaga committee recommended far-reaching measures on how to raise revenue and how the central government was to share financial responsibilities with the local authorities. Some of the measures included increased rates, expansion of taxable items, and cost-effective methods of revenue collection. Interestingly, Nyaga's proposals never reached the implementation desk (Ibid).

Notably, ascribable to the comparatively short reign (two years) of most council chairmen, the incentives that drove their action tended to have been based on securing re-election. This state of affairs was not suitable for the residents in terms of service delivery. The position of the mayor and the council chairman was surrounded by a series of lobbying and campaigns (Bienen, 1974).

Furthermore, elected councillors' term of office was equivalent to the electoral cycle of five years while that of nominated councillors could be less as this depended on the discretion of the nominating authority (the minister for local government). Nominated councilors therefore played the role of serving their appointing authority- the minister for local authority who was a politician and equally served the interest of the president and the ruling party (The Bulletin of the Institute of Economic Affairs. 2005).

Most notably, the Transfer of Functions Act of 1970 finally deprived the county councils of their role in providing health care and primary education. The assumption of revenue-raising powers by the central government resulted in further erosion of the fiscal base of local authorities, which nonetheless earned the blame for the non-delivery of services (Southhall and Wood, 1996)

Table 6.2: Development funds for Bungoma County Council, 1960-1969

Year	Government Loan to the Local Authorities	Total Expenditure
	Sterling pounds	Sterling Pounds
1960	1000000	1281000
1961	700000	1364000
1962	511000	625000
1963	579000	578000
1964	293000	273000
1965	375000	435000
1966	-	537000
1967	8000	811000
1968	21000	895000
1969	107000	551000

Source: The Report of the Commission of Inquiry on Public Service Structure and Remuneration, 1971: 220.

The figures above show the shrinking funds from the central government to finance local authorities. This was a clear justification of the central government grand plan to disable local authorities in Kenya.

After the transfer of functions and less of government grants, councils including BCC were pushed in a tense relationship with the public. In order to finance their remaining services, and support large staff establishment, councils had to exploit a wide range of taxes. To the public, it became unclear in what the councils offered for their taxes (Moss, 2016). However, in the provision of education, the central government made local authorities, directly responsible for primary education when Kenya achieved independence. It was inevitable that this service would expand rapidly as the election campaign had virtually promised free education, local authorities were put under extreme pressure to develop more schools and at the same time there was reluctance in fees payment by parents (Oral Interview, Simon Mukeyi, 23/2/ 2020).

In conformity with the foregoing observation, the decline in terms of efficiency negatively affected service delivery of BCC. A former councillor and teacher Mr Mukeyi noted that, Sporting activities had been sponsored by local government from the time by LNCs and ADCs. Up to mid -1960s, the council sponsored a number of football matches, distributed sports equipment to clubs and schools and also maintained various sports grounds. He further contends that, in the late 1960s sporting activities took a negative trajectory. He exhibited nostalgia for the past when games were free compared to the late 1960s onwards (A letter dated 7th January 1971, from the district sports Supervisor Bungoma to the B.C.C. KNA/BCC/Corr/1/69/6).

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In revelation, a letter dated 7th January 1971 from the district sports Supervisor Bungoma to the Bungoma County Council indicated the poor state of the Kanduyi stadium. The grand stand was almost collapsing and required urgent repairs. This was a clear indication of insufficient funds that were supposed to repair and maintain the stadium (Minutes of Bungoma County Council meeting held in July 1969: KNA/BCC/ABG/9/3/9).

In addition, a letter dated 4th September 1977 from M.A. Khan, water development officer Bungoma County Council to headmaster Teremi, was a clear indication that one of the challenges that faced the council in its mandate to supply water was non-payment of water bills. The letter showed that Teremi secondary school had not paid water bills at the rate of Kes 120/- per month from 1965 to 1977. There were also cases of vandalism where water pipes had been cut (A letter dated 4th September 1971 from M.A. Khan, Water Development officer BCC to Headmaster, Teremi KNA/ BCC/ABR/9/18/4).

Eminently, in the health sector suffered a number of challenges. The financial situation got worse when the central government decided to abolish out-patient treatment fees in all local authorities' clinics. This happened at the same time when the government reduced the scope of the GPT to cover only people whose income was above a certain level. This resulted in a drop in county councils' revenue. Huge deficits on local authority's budgets became inevitable and by 1967 most of the health centres in Bungoma County Council were in deplorable conditions (Barasa, and Eising, 2010)

Moreover, in 1968, the Webuye health center was in poor condition in terms of facilities. The female ward was closed on 5th June 1968 because it did not have window panels. The health center had no ambulance because the only ambulance had overstayed at the garage for repair. The septic tank was full and even threatened the closure of the whole health center. General repairs were also needed (Ibid).

Apart from technical, operational and financial challenges, there were structural challenges that affected the Bungoma County Council. According to the former councillors, the council officials were subjected to multiple lines of reporting and accountability. There was a parallel system in management of local government where the provincial administration reported directly to the Office of the President, while local authorities on the other hand reported to the minister for local government. Within this set up, local authorities in some instances were expected to comply with provincial administration requirements in the formulation of their budgets. This brought unending conflicts compromising service delivery to citizens (Oral Interview, John Masinde 16/2/2021).

It is on record that the council did not have the capacity in terms of funds to finance its operations. Table 6.2 is a clear indication that by 1966, the Bungoma County Council was among the local authorities that experienced increased demand of services by rate-payers as compared to the shrinking revenue base. County councils experienced huge financial deficits as indicated in the financial years of 1965 and 1966. Bungoma County Council had an accumulated deficiency of £947,000 on general fund at end of 1966.

Table 6.3: Annual Budgets for County Councils in Kenya (1965-1966).

1962 population census	Council	Estimated Annual Expenditure in 1966	Revised Estimated Deficit 1965	Estimated Deficit in 1966	Estimated in Accumulated Deficiency on General Fund at end Of 1966
		£	£	£	£
571, 600	Masaku	705,000	13,000	39,000	37,000
134,700	Embu	224,000	15,000	67,000	101,000
279, 000	Nyeri	538,000	41,000	44,000	114,000
595, 000	Kisumu	532,000	45,000	75,000	150,000
481,600	South Nyanza	422,000	18,000	44,000	114,000
600,200	Kakamega	651,000	69,000	74,000	221,000
241,900	Bungoma	294,000	18,000	104,000	210,000
			193,000	447,000	947,000

Source: Republic of Kenya, Ministry of local government annual report, 1965-1966.

Notably, the council staff was faced with a myriad of issues for instance: senior staff members experienced a great deal of frustration, much of which emanated from the interference of councillors; the local governments were also understaffed and poorly remunerated compared to other public sector and the private sector; some local government officers did private business at the expense of their official duties; there was also a tendency for appointments, promotions, and discipline that was influenced by tribalism and nepotism; and lastly there was no planned effort of capacity building among the staff (The Republic of Kenya, *Report of the Commission of Inquiry (Public Service Structure and Remuneration Commission, 1971)*).

In addition, other political related challenges included: Illiteracy among Councillors who did little meaningful contribution in their capacity as people's representatives. The report also alleged that Councillors had corrupt tendencies where they influenced tender awards to themselves and their relatives. Finally, the report indicated that political wing including councillors, mayors and council chairmen interfered with the working of the technical staff (Ibid). Most notably, from 1963, allowances to Councillors were a matter always on the agenda in Council meeting of Bungoma County Council. This indeed affected the operations of the council. Funds to meet important social services such as education, health and salaries for council staff were vied to take care of the councillors salaries and allowances (Bungoma County Council Meeting Held in July 1965: KNA/BCC/ABG/9/3/5). Councillors did not have a meaningful salary hence relied on allowances. Poor remuneration of councillors led to a number of them making money through unfair means. Councillors engaged in corrupt practices such as receiving money to influence the tendering process, awarding of contracts, granting loans, leasing council property such as market stalls and school bursaries (Bungoma County Council Meeting Held in July 1967: KNA/BCC/ABG/9/3/7). The behavior of councillors made them unpopular and people perceived councils as ineffective corporate institutions only meant to collect money to be 'eaten' by a few council members (Oral Interview, John Masinde 16/2/2021).

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It was proclaimed that the reasons for poor performance of BCC, was the fact that councillors had insufficient resources for the enormous tasks that they often had to undertake. Additionally, decisions were sometimes made informally or casually hence it was very difficult for citizens to have a clear understanding of the standing procedures of service delivery (Ibid).

Moreover, Councillor John Masinde a former deputy Mayor asserted that, in the 1970s councillors were paid peanuts in terms of salaries. There was nothing like house allowance or commuter allowance. This led to some of them getting involved in illegal practices such as corruption for survival. Councillor Masinde went on to explain that councillors were supposed to use money for campaigns, *Harambees* and to help electorates with personal financial problems. The only way they could raise money to do all these was through corrupt practices. He went on to mention that those councillors who played holly were easily phased out during elections. Councillor Mumbwani explained that, mayors and council chairmen had an election cycle of two years. Within this short period, they were supposed to raise finance and lobby their fellow councillors to elect them. This encouraged the council bosses to engage in corruption and ‘cutting deals’ to win re-elections (Oral Interview, Mumbwani, 21/2/ 2021). All expenditure during the year 1975-1977 in the BCC was on recurrent items such as administration, payment of salaries, garbage collection, recreational facilities, sanitary services at market places and health. No new projects were undertaken. In fact, the provision of sewerage and water distribution by 1977 was at the verge of collapsing (Bungoma County Council Meeting Held in July 1970, KNA/BCC/ABG/9/3/1). Jomo Kenyatta’s political philosophy, pull together (*Harambee*) emphasized more on self-help local development as opposed to local government which was mundane and bureaucratic. In the late 1970s social institutions such as hospitals, schools, cattle dips among others were established. In Bungoma County and even the rest of Kenya schools established through *Harambee* were known as *Harambee* schools. After fund raising in most cases by prominent politicians and bureaucrats’ projects were established and the institution that funded the recurrent expenditure was the county council. The County Council of Bungoma before 1974 paid teachers and purchased stationery and infrastructure in all schools including *Harambee* ones that were established. It is therefore tenable to argue that *Harambee* was indeed anti-local government (Moss, 2016).

Conclusion

In a nut-shell, all these mentioned challenges; operational, financial, and legal led to the downfall of BCC and many other councils in Kenya. However, a few developments were realized in the three spheres of life. Fundamentally, after the death of Jomo Kenyatta in August 1978, Mr Daniel Moi took power and shifted his attention to revitalizing KANU, strengthening the provincial administration, and initiating District Focus for Rural Development (DFRD).

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