REPUBLIC OF KENYA

Paper laid on the Table of the Senate on 3/12/15 by Sen. M. Karue
LAP
03/12/15

PARLIAMENT

THE SENATE

ELEVENTH PARLIAMENT – THIRD SESSION

REPORT OF THE SENATE AD-HOC COMMITTEE ON COUNTY HEADQUARTERS

Clerk's Chambers
Parliament Buildings
Nairobi.

November, 2015

ABBREVIATIONS

CO	Chief Officer
CRA	Commission for Revenue Allocation
CIC	Commission for the Implementation of the Constitution
CC	County Commissioner
CEC	County Executive Committee Member
DCIO	Divisional Criminal Investigation Officer
ESP	Economic Stimulus Package
MCA	Member of the County Assembly
MoWP	Ministry of Public Works
OCPD	Officer Commanding Police Division
TA	Transition Authority

TABLE OF CONTENTS

REPORT OF THE SENATE AD-HOC SELECT COMMITTEE ON COUNTY HEADQUARTERS

1.0 PREFACE

Mr. Speaker Sir,

The Senate *Ad-Hoc Select Committee on County Headquarters* was established pursuant to a Senate Resolution passed on Tuesday, 30th July, 2015 and it was mandated to inquire into the adequacy and quality standards of the headquarter facilities in each of the forty seven counties and report to the Senate within three months, in a bid to form the basis for possible assistance to the needy counties.

The Committee started by laying out a plan of action in order to gather the information it needed in a systematic manner and within the relatively short period of three months.

The first item in the plan was to send out questionnaires to various stakeholders, including County Governors; County Assembly Speakers; County Commissioners and Senators to gather basic information and perception about the status of county headquarters. Next was to arrange and hold meetings with various public entities involved in the subject matter, among them the Department of Public Works and the Transition Authority.

The Committee also decided to undertake fact-finding visits to a sampling of counties spread across the country in order to acquaint itself with the situation on the ground. The information received was then analyzed before compilation of the final report which we trust will be a good reference for the Senate and useful to many other stakeholders seeking an insight into the matter of adequacy, quality and standards of county headquarter facilities.

Mr. Speaker Sir,

The Committee appreciates the Offices of the Speaker and the Clerk of the Senate for the support extended to it during its entire term. Further appreciation goes to the House for appointing us to the Committee through which the Members got yet another opportunity to serve the Nation.

The Committee also extends its gratitude to the County Governors, the County Assembly Speakers and the County Commissioners wherever it visited for their contributions and for facilitating the Committee to hold public forums during the visits.

The Committee is indebted to Kenyans who enthusiastically participated in the public forums. Their contributions greatly enriched the Committee's work.

The Committee further wishes to thank the then Acting Cabinet Secretary, Ministry of Lands, Housing and Urban Development, Dr. Fred Matiang'i, the Transition Authority, the Commission for the Implementation of the Constitution and the Commission for Revenue Allocation for their invaluable inputs, skills and suggestions to the Committee.

Special appreciation go to the Department of Public Works for availing some of its technical officers to accompany the committee on its county visits and to the Transition Authority for its deep and passionate commitment to the County Headquarters agenda as well as the general success of the devolved units.-

Many thanks also go the secretariat for the technical support and logistical facilitation accorded to the Committee during the entire process.

Last but not least, appreciation goes to the Members of the Committee who made time to attend and participate in the meetings and forums despite their busy schedules.

Mr. Speaker Sir,

It is my pleasant duty and privilege, pursuant to Standing Order 203, to table the Report of the Ad hoc Select Committee on County Headquarters for consideration. We look forward to the House adopting it and to the speedy implementation of the recommendations therein with the sincere hope that counties whose operations have been hampered by lack of proper facilities to operate from will get some relief.

I further wish to confirm that the recommendations of the Committee in this report were unanimous.

Thank you.

Sen (Eng) Muriuki Karue (Chairman)

Signed by Committee

Sen. (Eng) Muriuki Karue ....Chairman
Sen. Fatuma Dullo ....Vice-chair
Sen. Abu Chiaba ....Member
Sen. Christopher M. Obure ....Member
Sen. George Khaniri ....Member
Sen. Abdirahman Hassan ....Member
Sen. Judith Sijeny ....Member
Sen. (Prof.) John Lonyangapuo ....Member
Sen. Stephen Sang ....Member

Dated..1/12/15..

2.0 EXECUTIVE SUMMARY

In view of indications that some County governments had serious challenges of headquarter facilities to operate from, the Senate at its sitting on 30th July, 2015, approved a motion to establish an Ad Hoc Select Committee to enquire into the adequacy and standards of the headquarter facilities in each of the forty-seven counties, with a view to forming the basis for determining possible assistance to needy counties, and report to the House within three months.

The Ad hoc Committee comprised the following members-

1) Sen. (Eng) Muriuki Karue **(Chairperson)**
2) Sen. Fatuma Dullo **(Vice Chairperson)**
3) Sen. Abu Chiaba
4) Sen. Christopher M. Obure
5) Sen. George Khaniri
6) Sen. Abdirahman Hassan
7) Sen. Judith Sijeny
8) Sen. (Prof.) John Lonyangapuo
9) Sen. Stephen Sang

The Committee started its work by formulating a strategy through which it would discharge its mandate. It identified the organizations it would consult with, among them, Department on Public Works and the Transition Authority.

Following consultations, the Committee learnt that when the new Constitution was promulgated in 2010, the then Ministry of Public Works (MoPW) had taken it as its obligation to ensure that the incoming county governments had at least some premises to move into and that they would have adequate and appropriate facilities to operate from when they were fully pledged county governments.

The Ministry conducted a situation survey in all the forty-seven counties and came up with documented needs of each of them. Its focus was principally on the soon to be defunct local authorities and soon to be restructured Provincial Administration.

After analysis of the data obtained, the MoPW categorized the counties into two groups namely: twenty six (26) that had reasonably adequate facilities and did not require assistance and twenty one (21) that needed intervention. The Ministry also developed typical drawings for new structures where needed and did assessment of improvements that would be required in some of them, complete with cost estimates. Overall, the amount required was estimated at Kshs. 27 billion which Treasury was agreeable to and it immediately availed funds to facilitate preliminaries for the programme to commence.

However, the Commission for Implementation of the Constitution (CIC) came on board and declared the whole initiative unconstitutional, resulting in the programme being halted.

The Transition Authority came into operation in July 2012 with the mandate to bridge the gap from the central government to devolved governments and generally, assist the new county governments to be operational. Among its many activities was an initiative to assess the premises and facilities where the county governments would operate from.

The TA initiative was likewise termed unconstituional by the CIC. Nonetheless, the TA went ahead with what it had set out to do and secured a sum of Kshs. 3.2 billion from the Treasury to fund the initial operations and, for counties with dire need of facilities, funds to help them put up some temporary structures. Regretably, at a meeting with the County Governors, the TA was overwhelmed and prevailed upon to distribute the funds available equally to all the counties and, once again, the very needy cases lost out.

As part of its strategy, the Committee sampled a total of eleven counties spread around the country in which it would conduct fact-finding visits. Due to reasons of logistics and other commitments by the Members, the Committee visited only nine, that is, Isiolo, Tharaka-Nithi, Tana River, Lamu, Wajir, Mandera, Nyandarua, Kirinyaga and West Pokot.

The Committee then collated and analyzed the information collected, taking into account the historical events and its own findings.

At a joint meeting with the Department of Public Works and the Transition Authority, the Committee categorized the counties into four groups, that is:,

AA: five (5) counties, Isiolo, Lamu, Nyandarua, Tharaka-Nithi and Tana River which were found to be in dire need of immediate assistance and were recommended for conditional grants of Kshs. 800 million each.

A: six (6) counties, Taita/Taveta, Marsabit, Kitui, Bomet, Siaya and Nyamira that need assistance and were recommended for conditional grants of Kshs. 300 million each.

B: ten (10) counties that have reasonably adequate facilities, that is, Kwale, Garissa, Samburu, West Pokot, Nandi, Elgeyo/Marakwet, Kajiado, Busia, Migori and Homa Bay.

C: twenty six (26) counties that do not require any assistance, that is, Mombasa, Kilifi, Wajir, Mandera, Meru, Embu, Machakos, Makueni, Nyeri, Kirinyaga, Murang'a, Kiambu, Turkana, Trans Nzoia, Uasin Gishu, Baringo, Laikipia, Nakuru, Narok, Kericho, Kakamega, Vihiga, Bungoma, Kisumu, Kisii and Nairobi City.

In the course of Committee deliberations, it emerged that the Commission for Revenue Allocation (CRA) had issued a circular to county governments with guidelines against the use of their budget allocations for capital projects at the expense of service delivery.

The effect of the guidelines was to effectively stop ongoing developments, a directive the Committee did not agree with. The Committee felt that it was necessary that the Senate, in consultation with CRA and other stakeholders develop legislation to regulate capital expenditure by counties.

Finally, during its county visits and following discussions with the Department of Public Works and the Transition Authority, the Committee observed that in many counties, there were serious challenges in the adequacy and standards of the facilities from where the National Government officials were operating.

Although this was a side issue and outside its mandate, the Committee, none-the-less thought it was quite serious and recommended that the National Government should carry out a survey of its facilities throughout the counties with a view to addressing the serious challenges noted.

3.0 THE DEPARTMENT OF PUBLIC WORKS

The Committee was informed that the core mandate of the then Ministry of Public Works was to provide and ensure that all government ministries and institutions had adequate and functional premises to operate from. When the new Constitution came into effect, the Department took it upon itself to ensure that each of the soon to be constituted forty-seven counties had premises to operate from. It started off by conducting a survey to establish the existing facilities on the ground in each of the forty-seven counties. The focus was mainly on the local authorities which would soon be defunct, that is, city, municipal, town and county councils, plus premises occupied by the soon to be restructured, Provincial Administration.

In the survey, the Ministry focused on two concerns. The immediate one was the office accommodation where the incoming county governments would move into. The long term concern was provision of a complete headquarter facility which each of the county governments would operate from, both the executive and the County Assembly.

At the end of the exercise in 2011, the Ministry categorized the forty-seven counties into two groups, as listed below.

a) Twenty one (21) counties which did not have adequate facilities and needed new structures to be put up namely-

1) Lamu
2) Tana River
3) Kwale
4) Garissa
5) Bomet
6) West Pokot
7) Elgeyo/Marakwet
8) Kajiado
9) Nyamira
10) Migori
11) Vihiga
12) Isiolo

13) Samburu
14) Tharaka -Nithi
15) Wajir
16) Nyandarua*
17) Marsabit
18) Turkana
19) Mandera
20) Kitui
21) Kilifi

b) Twenty six (26) Counties that had reasonably adequate infrastructure, that is,

1) Narok
2) Trans Nzoia
3) Kericho
4) Uasin Gishu
5) Nakuru
6) Baringo
7) Machakos
8) Taita/Taveta
9) Makueni
10) Mombasa
11) Nyeri
12) Murang'a
13) Kiambu
14) Kirinyaga
15) Kisumu
16) Kisii
17) Homa Bay
18) Bungoma
19) Kakamega
20) Busia
21) Siaya
22) Meru
23) Embu
24) Nandi
25) Nairobi
26) Laikipia

*In the case of Nyandarua County, the initial report had implied sufficient facilities only to realize later that the buildings and other facilities that the survey teams had been shown were in Nyahururu town which is actually in Laikipia County.

During a later visit to Olkalou, the designated headquarters for Nyandarua County; it was found to have no facilities at all for the incoming county government or any facilities for the national government officials in the County.

At the end of the exercise, the Ministry had documented the needs of every county, complete with the funds needed to implement the required projects. It also came up with typical drawings for new buildings where necessary.

Where new facilities were needed to be put up, the estimated costs per county were Kshs. 310 million for the Executive and Kshs. 400 million for the County Assembly. Overall, the whole intervention was estimated to cost about Kshs. 27 billion. The Treasury was agreeable to the programme and set aside an initial sum of Kshs. 300 million immediately for design work and other preliminaries to commence the implementation. The Commission for Implementation of the Constitution (CIC) came in and declared the whole initiative unconstitutional, hence causing the program to be halted.

4.0 THE TRANSITION AUTHORITY (TA)

The Committee held several consultative meetings with the Transition Authority (TA) and was informed that the TA which came into being in July 2012 has the mandate of facilitating and coordinating transition to devolved governments. This mandate entails ensuring county governments have adequate capacity to perform their functions effectively which includes:,

(a) Assets and physical facilities.
(b) Human resources.
(c) Finance.
(d) Systems and processes.

The TA informed the Committee that it recognized the need for collaboration and consultation. It had therefore consulted with the Ministries of Public Works, Lands and Housing; Local Government, Provincial Administration, the Commission for Implementation of the Constitution, the National Assembly, the Commission for Revenue Allocation, among other institutions, to assess the readiness of incoming governments' infrastructure.

The TA further conducted county infrastructure readiness assessment and identified the counties with infrastructure and those without adequate facilities. Based on the needs identified, the TA requested from Treasury and was allocated Kshs.3.2 billion for infrastructure interventions for furnishing and refurbishment of the available facilities.

The Committee was informed that the TA gazetted interim offices for the counties based on the survey. In some counties where there were no viable public offices that could have been occupied by the incoming devolved units, TA recommended that the counties could rent suitable premises.

TA further informed the Committee that it disbursed funds for startup interventions in all the Counties in Kenya as follows:

(a) Kshs. 2 million for basic and urgent renovation works such as painting and purchase of furniture.

(b) Kshs. 2 million for purchase of Hansard recording system and other equipment for the County Assemblies.

(c) Kshs. 13 million to facilitate swearing in ceremonies for Members of the County Assemblies, where each county received an amount corresponding to the number of wards in the County at the rate of nine thousand per ward.

(d) Kshs. 2 million to facilitate the ceremonies for assumption of office of the Governors and Deputy Governors.

The TA reserved an amount of Kshs. 2.9 billion for premises for which it drew a schedule of allocation depending on the immediate needs of each county. The amount was divided equally among all the counties with each of them receiving Kshs. 61.6 million.

The TA further indicated to the Committee that some of the money, given to the counties was not spent for the purpose for which it was intended and was instead used for construction of roads and to cater for recurrent expenditure. Many counties have since not accounted for these funds to TA.

The Committee was further informed that,

i. Most counties occupied the facilities identified by TA save for a few.
ii. Some counties were endowed with infrastructural facilities.
iii. Several county offices have since been refurbished.
iv. Currently, a number of counties are constructing County Headquarters and County Assemblies.

v. Other counties are renovating existing offices inherited from various defunct agencies and have temporarily leased privately-owned premises as the renovations are ongoing.

vi. Some counties have built county headquarters in a haphazard manner with buildings scattered in many parts of their towns.

vii. A lot of funds are going into construction of buildings, as opposed to service delivery.

The TA further expressed the view that there was need for policy framework on quality control, technical consultation and stakeholder engagement in these capital developments and recommended that the national government should set regulations and standards in place through legislation.

The Transition Authority remained helpful to the Committee throughout the exercise and actively participated in the stakeholder's retreat. In addition, it carried out an on-the-spot survey of the facilities in all the counties recently which turned out to be very useful to the Committee, especially because the attempt by the Committee to collect part of the information through questionnaires had elicited relatively poor response.

5.0 CONSULTATIONS WITH OTHER STAKEHOLDERS

5.1 The Commission for Implementations of the Constitution (CIC)

The Committee held a consultative meeting with CIC 23rd September 2015 at which the TA was also present.

The CIC informed the committee that it became aware that the Ministry of Public Works had began putting in place plans for the infrastructure of the incoming county governments sometimes in 2011. It further stated that it was opposed to the efforts by the Ministry of Public Works and termed the initiative unconstitutional insisting that the Ministry should have waited until the new County governments were in place so that they could put the structures in place themselves.

CIC further said that it was not happy with the designs, which it said did not address different climatic conditions in various parts of the country. In this respect, the committee was of the view that CIC had overstepped its mandate by getting into a technical area in which it had no expertise and, for that

matter; it was questioning the technical of arm of government entrusted with such responsibility.

As Transition Authority explored the various ways through which the County governments could be assisted, the CIC declared any efforts towards this end as unconstitutional. The Transition Authority however did not agree with the views of CIC and continued to collect information in a bid to assess the infrastructural needs of County Governments.

The CIC insisted that paragraph 11 of Part 2 of the Fourth Schedule to the Constitution provides for County Public Works and Services as one of the functions of county governments and therefore, the national government had no business interfering with the county functions even if this was before the coming into operation of county governments.

The Committee however, did not agree with the position held by CIC and strongly believed that CIC should not have interfered with the efforts by various state agencies to put in place infrastructure for county governments. The move by CIC prejudiced county governments as it forestalled the application of approximately Kshs. 27 billion for the improvement or construction of county headquarters facilities.

In arriving at this conclusion, the Committee was cognizant of the provisions of Article 6(2) of the Constitution which provides that *"the governments at the national and county levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation"*. The Committee is also cognizant of the provisions of Article 190(1) of the Constitution which states that *"Parliament shall by legislation ensure that county governments have adequate support to enable them to perform their functions"*.

Section 121(1) of the County Government Act provides that *"the ministry or government department responsible for matters relating to intergovernmental relations shall provide support to county governments to enable them to perform their functions"*.

It is the Committee's view that the import of the above cited provisions of the law is that while the Constitution created forty-seven new units of governance, this does not preclude national government organs from cooperating and offering assistance to the county governments in order to ensure that they effectively discharge their functions and meet the objectives of devolution as espoused in Article 174 of the Constitution.

5.2 The Commission on Revenue Allocation (CRA)

The Committee had several meetings with the Commission on Revenue Allocation (CRA). It learnt that CRA had taken the position that major capital projects including the construction of new county assemblies and executive offices should not be prioritized by the county governments and, if at all, long term loans should be sought for the purpose.

CRA had in this regard issued a circular dated 19th May, 2015 in which it had effectively instructed the county governments not to construct such facilities using their budgetary allocations.

The Committee did not agree with that position and was of the view that if it became necessary to issue such guidelines, the CRA should have held consultations with the Senate and other relevant state organs in developing those guidelines as they have far reaching financial and operational implications.

It is noteworthy that in one of the counties, West Pokot, the Committee was informed that the County Government had deliberately decided to first put up buildings for the county headquarters, even at the expense of other services, and before embarking on service delivery.

After deliberations, the Committee proposed that the Senate should address the matter and in consultation with CRA and other stakeholders, come up with legislation to regulate capital development by county governments.

6.0 THE COUNTY VISITS

The Committee undertook fact-finding visits to Isiolo, Tharaka-Nithi, Tana-River, Lamu, Wajir, Mandera, Nyandarua, Kirinyaga and West-Pokot Counties

The objective of these visits was to acquaint the Committee with the situation on the ground and to assess the availability and standards of the facilities at the counties Headquarters. The Committee was also interested in finding out whether the necessary amenities such as water, electricity and sewerage systems are available.

In each county, the committee inspected the facilities for the county executive, the county assembly and the County Commissioner before holding a consultative forum and finally addressed the media and *wananchi* present.

6.1 ISIOLO

The County

Isiolo County covers an area of 25,700 sq km and borders Marsabit County to the North, Samburu and Laikipia Counties to the West, Garissa County to the South East, Wajir County to the North East, Tana River and Kitui Counties to the South and Meru and Tharaka-Nithi counties to the South West. The County has two constituencies namely Isiolo North and Isiolo South.

The population of the County stood at 159,791 persons with an annual growth rate of one percent according to the Kenya Population and Housing Census of 2009.

The county is classified into three ecological zones namely; Semi-Arid, accounting for less than five percent of the County (average annual rainfall of 400 -600mm), Arid (with annual rainfall of 300-350mm) and the very Arid, with average annual rainfall of 150-250mm. The vast majority of the county falls under very arid climatic conditions.

The county is also one of the marginalized counties in terms of development with a poverty prevalence index of 71%, much higher than the national average.

According to the Transition Authority reports, both the County Executive and County Assembly share offices of the defunct County Council premises. The County Treasury is accommodated at hired offices. The existing County Assembly chamber is being refurbished. There are also plans to come up with a new office complex that is envisaged to be ready in three years' time.

The Visit

The Committee undertook a fact-finding visit to the County on 3rd September 2015 and was received by:

i. Mr. Mohammed Guled, the County Deputy Governor;
ii. Hon. Mohammed Tubi, the County Assembly Speaker;
iii. Dr. Ibrahim Wako, the County Secretary;
iv. Mr. Joseph Sawe, the Deputy County Commissioner, Merti-
v. Mr. Julius Maiyo, the Deputy County Commisioner, Isiolo.

The Committee Vice-Chairperson, introduced the members of the Ad-hoc Committee and apprised the hosts on the objectives of the fact-finding visit.

The Committee was informed that Isiolo County is attracting a lot of interests lately because it is centrally located within the country and it is also situated along the LAPSET Corridor.

Observations

The Committee made the following observations:

i. The County Assembly Chamber is grossly inadequate; it is actually just a room in a small office block where the Governor and a few of his officials operate from. It lacks basic facilities such as the Speaker's and the Clerk's desk; microphones and appropriate furniture.
ii. There are no precincts of the County Assembly since both the County Assembly and the County Executive share the same building that initially belonged to the defunct Isiolo County Council.

It was further observed that this situation compromises the County Assembly's oversight role.

Members of the County Assembly further told the Committee that very often, they have been blocked from accessing the debating Chamber by members of the public seeking services from the County Executive.

iii. The County Assembly has hired offices for various County Assembly officials outside the main building.
iv. The County Headquarters is within the residential area and lacks a convenient office block.
v. Offices of members of the County Executive are housed in different rented residential premises scattered within the residential estates.
vi. Some of the members of the County Executive operate from their respective homes, posing challenges of accessibility, communication and security of official government documents.
vii. The road network within the County Headquarters is poor hindering accessibility for the members of the public seeking government services;
viii. The National Government officials in the County are also inadequately accommodated.

ix. The County government is putting up some prefabricated houses in a bid to acccomodate some of the Executive members and alleviate the challenges of office space.

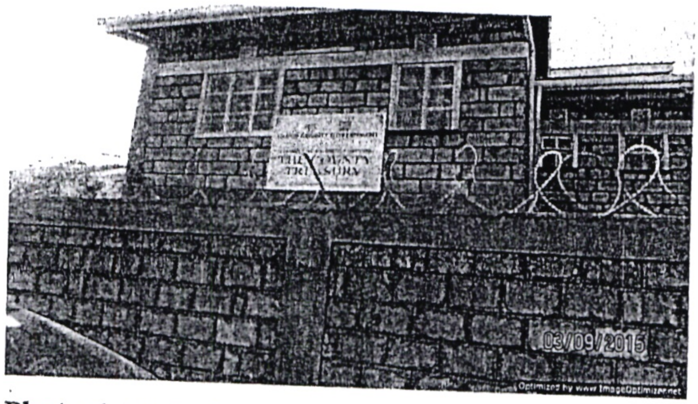

Photo 1 Isiolo County Treasury, one of the rented residential blocks.

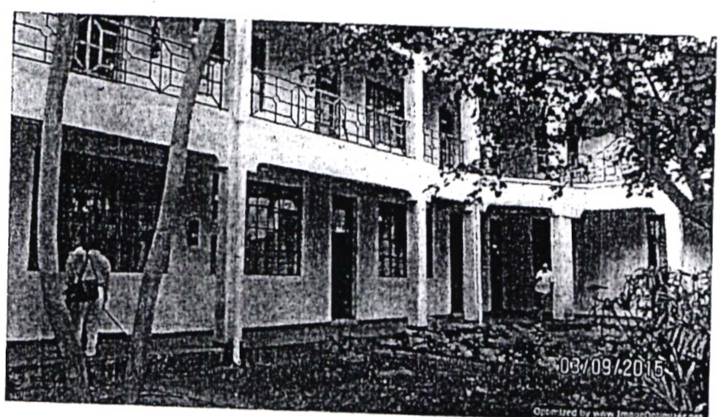

Photo 2 *Isiolo County Administrative Block housing both the Executive and the County Assembly*

Photo 3 The Isiolo County Assembly.

6.2 THARAKA NITHI

The County

Tharaka-Nithi County covers an area of 2,639 sq km with a population of 365,330 according to Kenya Population and Housing Census 2009. The population was projected to rise to 478,570 by 2017, at the county's annual population growth rate of 1.8 %.

There are 88,803 households in the county and a population density of 138 people per sq km. Thirteen (13.6%) percent of the county's population is under five years old while 5.2% of the population is aged 64 years and above. The labour force (15-64 years) is 50% of the county's population.

Tharaka-Nithi County is divided into three (3) Constituencies namely; Chuka-IgambaNg'ombe, Tharaka and Maara. The largest town is Chuka which serves as an agricultural and business centre.

Tharaka-Nithi County lies in a semi-arid area. The rainfall averages between 200mm and 800mm annually with its temperature ranging between 11°C to 26°C during cold and hot seasons respectively. Agriculture is the major economic activity.

Kathwana centre was unanimously chosen as the County Headquarters following wide consultations by all the stakeholders. This was mainly influenced by its centrality in location, adequate space for expansion and to open up Tharaka side of the County for wider and better service delivery.

The Visit

The Committee undertook a fact-finding visit to the County on Friday, 4th September, 2015 and was received by:

i. Hon. Samwel M. Ragwa, the Governor;
ii. Hon. John Mbabu, County Assembly Speaker;
iii. Mr. Charles Munari, the acting County Commissioner,

The Committee was informed that Tharaka-Nithi County used part of the Kshs. 61.6 million from the Transition Authority for renovation of the existing offices at Chuka Town, buying furniture and constructed some prefabricated offices for the County Executive and the County Assembly chamber at Kathwana.

The Committee was further informed that on the advent of devolution, there was no infrastructure or social amenities within Kathwana to host the County Headquarters. The County members of staff had to work from make shift structures while the CEC's operated from their homes. The County Assembly operated from a tent for a period of six (6) months before the prefabricated chamber and some offices were put up.

However, over the last two years, various achievements had been realized which include; the construction of a temporally Administration Block which hosts the County Executive together with a temporally County Assembly Hall, the Governor's office and improved water system. The County has commenced the construction of an office block that began in early 2015 but has stalled for lack of funds. Electrification of the surrounding area, improved telecommunication network and improvement of road network has also progressed well.

The Committee was also informed that the County Government plans to host all officers at the County Headquarters including the security team which is still in Chuka town. Due to the acute shortage of office space, the county plans to forgo delivery of some services and commit Kshs. 365 million for construction of the County Headquarters out of which Kshs. 100 million has already been allocated this financial year.

The County Assembly also plans to construct an office block at a cost of Kshs. 300 million and has already allocated Kshs. 69 million for the project in the current financial year.

The Committee was further informed that the Police Department in Tharaka-Nithi County had been allocated 300 housing units out of which 80 housing units have been reserved for Kathwana. The County Government has already allocated land for the housing project but construction works have not yet commenced.

Observations

The Committee made the following observations:

i. There are 38 offices in the prefabricated block accommodating a total of about 93 officers.

ii. Some County Executive officials especially those working in the Roads, Transport, Public Works, Health Services, Agriculture Livestock and Fisheries, Physical Planning, Land, Energy & ICT are accommodated at Chiakariga and Chuka towns, a situation that often causes delays and hinders efficient service delivery.

iii. The County does not have a Governor's residence and all the County Executive members and employees commute daily from their homes.

iv. The County is poorly linked to road networks with the whole county having only eight (8) kilometers of tarmac road;

v. The county security team, the County Commissioner, the Police Commander, the OCPD and the DCIO are all housed in Chuka town because there are no offices or residential facilities in Kathwana.

vi. The County is not connected to the on-going fibre optic cable because it lies away from the main Nairobi -Meru Highway which was the designed route for the cable. This creates a challenge since County essential internet services such as IFMIS will be difficult to connect.

vii. The County Headquarters has no medical care facilities and there is no hospital in Kathwana, either public or private.

viii. The High Court has already been allocated a parcel of land in Kathwana Centre on which it plans to put up law courts.

ix. At least the County Headquarters is adjacent to several rivers and this will be very convenient for the future development of the county.

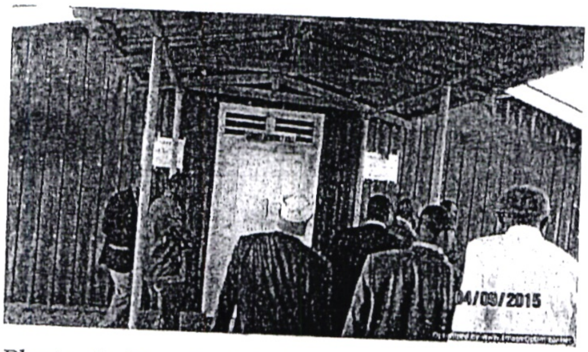

Photo 4: The Prefabricated Building housing part of the executive and the County Assembly Chamber.

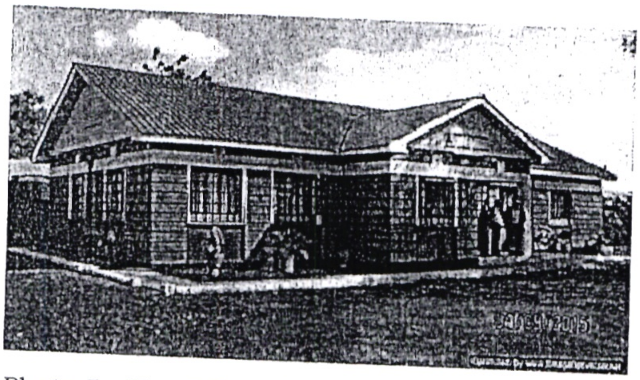

Photo 5: The Office of the Governor

Photo 6: The Proposed County Headquarters under construction in Kathwana.

6.3 TANA RIVER

The County

Tana River County is located in the coast region of Kenya. It has a total population of 240,075 with 47,414 households. The Population density is 6.2 people per sq km with an annual growth rate of 3.4%.

Majority of the population is aged between 0-14 years (50.9 %), while ages 15-64 years account for 46.2 % and those aged above 65 years are 2.9 %. According Kenya County Fact Sheet by Commission for Revenue allocation (CRA), 77% of the population lives below the poverty line.

The County borders Kitui county to the West, Garissa County to the North East, Isiolo County to the North, Lamu County to the South East and Kilifi County to the South.

Tana-River County is divided into three (3) Constituencies namely; Garsen, Bura and Galole and 15 electoral wards. The largest towns are Hola with an estimated population of 17,337, Madogo with 15,824 and Garsen with 2,904.

The major ethnic groups are the Pokomo, many of whom are farmers, and the Orma and Wardei, who are predominantly nomadic.

Tana River County is situated in a semi-arid area with annual rainfall varying between 400mm and 750mm with a mean annual temperature ranging between 30°C and 33°C.

The Visit

The Committee undertook a fact-finding visit to Tana River County on Tuesday 8th September, 2015 and was received by:

i. Mr. Jire Siyat, The County Deputy Governor;
ii. Hon. (Dr) Nuh Nassir Abdi, the County Assembly Speaker

The Committee was informed that the County Government has not filled numerous vacant positions within the government because of lack of office space to accommodate the required staff. Due to scarcity of resources, the County Government has not been able to invest in the construction of County Headquarter infrastructure.

Observations

The Committee made the following observations:

i. The County Assembly Speaker occupies a building that belongs to the defunct Tana River County Council.
ii. The County Assembly renovated the debating chamber and currently uses it for the County Assembly activities.
iii. Out of a total of 26 members of the County Assembly, only three (3) have offices within the precincts of the County Assembly.
iv. The County Assembly does not have adequate Committee rooms and there is only one committee room shared amongst all the County Assembly committees;
v. Due to the poor road network within the County, some members of the County Executive and the County Assembly are unable to access the County Headquarters for official business during the rainy season.
vi. The Assembly had set aside some funds to put up a small building that will house committee rooms and a common room for the MCAs.
vii. The premises occupied by the executive were grossly inadequate and inappropriate. The county government had secured a piece of land slightly outside the CBD where it would put up premises as and when funds become available.

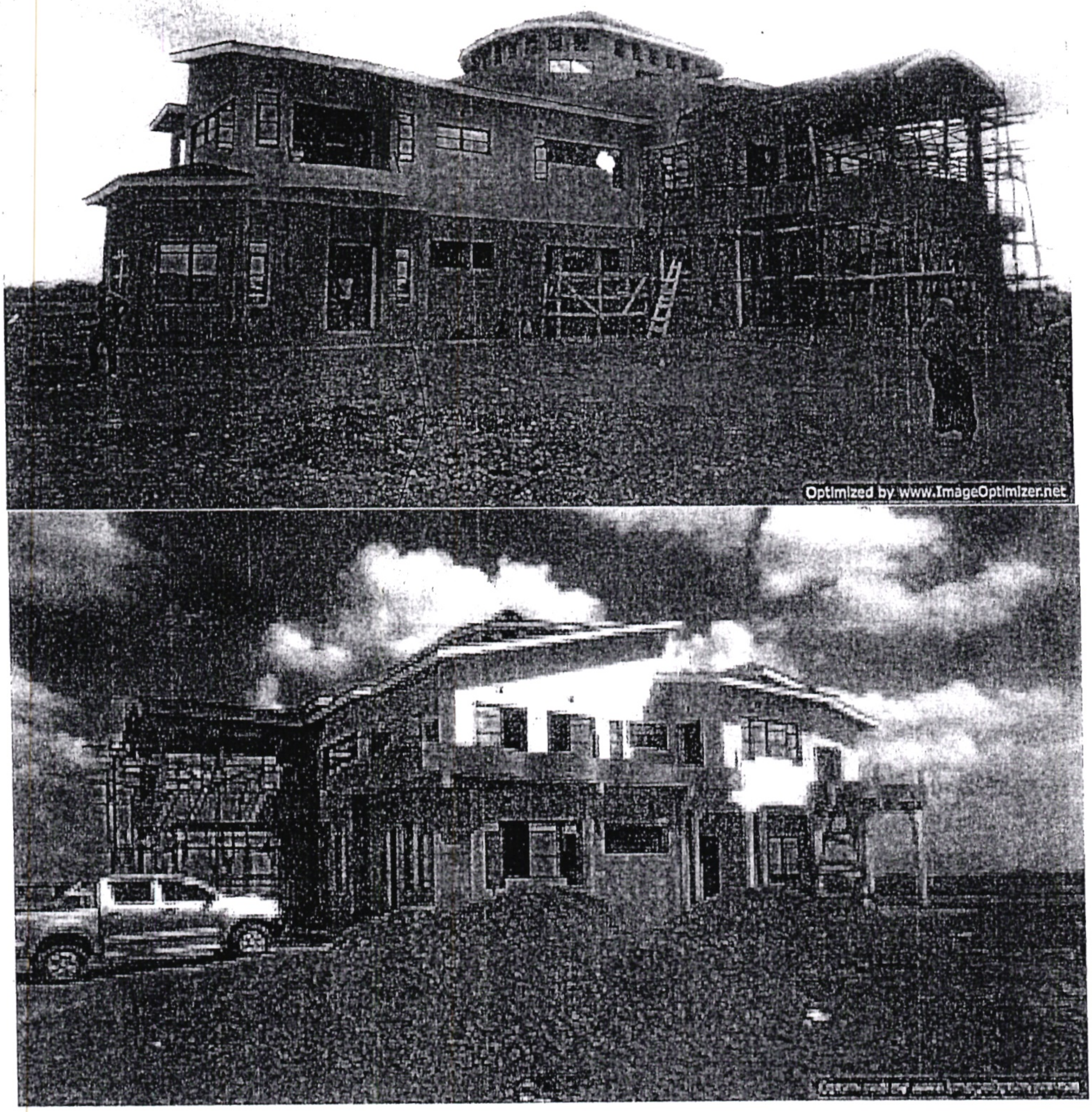

Photo 7: Tana-River County Governors' residence under construction

6.4 LAMU

The County

Lamu County is located in Kenya's Coast Province with a land area of 6,273 km^2. The County covers a strip of coastal mainland and the Lamu Archipelago, which consists of numerous islands, extending to about 100km south from the Somalia border. The most well-known of the islands is Lamu Island, which is the oldest existing Swahili settlement. Lamu town is termed as "the oldest and best-preserved Swahili settlement in East Africa" but neighboring islands also have many archaeological remnants of history dating as far back as the 14th Century.

Lamu has a population of 101,539 (2009 census) and consists of four main indigenous communities: the Bajuni, Sanye, Aweer (Boni), and Orma. The Bajuni, who are the largest in population of the four groups trace their origins to diverse groups, primarily Bantu and Arab descent. They mainly derive their livelihoods from fishing,. farming and more recently, tourism-related activities. The Orma are pastoralists, while the Cushitic Sanye and Aweer are hunter-gatherers primarily living off the forest resources and some farming. The Aweer are the smallest of the four groups in population.

The Visit

The Committee undertook a fact-finding visit to the County on Wednesday 9th September, 2015 and was received by:

i. Mr. Eric Mugo, the County Deputy Governor; and
ii. Hon. Hashim Salim, the County Assembly Speaker

The Committee was informed that the Lamu County Government inherited only one house from the defunct local authorities. Currently, the Governor operates from a rented double storey residential building, which doubles up as his residence. County government officials are scattered in various rented premises.

The Committee was informed that before the advent of devolution, all civil servants used to camp in Lamu Island and they could not attend to their official duties within the vast county due to poor road network and dilapidated health care facilities. The County Government has now procured some motor cycles to help in supervision of the employees within the county in order to ensure adequate and timely service delivery.

The County Assembly currently operates from a room rented from the *Maendeleo ya Wanawake* Organization. The Committee was informed by the County Assembly Speaker that the County Assembly does not have sufficient finances to construct a modern assembly on the land set aside for it at Mokowe.

Observations

The Committee made the following observations:-

i. The County Governor and the county executive do not have any offices and they usually meet at a rented Governor's residence.

ii. The County Government has set aside a 50 acre piece of land at Mokowe on the mainland where the entire county as well as the National government institutions will be located. The County government had started putting up an office block which has stalled due to lack of funds.

iii. There are no sub-county or ward administrators' offices although the County Government is in the process of constructing at least four (4) Ward offices out of 10 wards in the County.

iv. Various County Executive members are currently housed at the Ministry of Lands, Urban development and Housing local offices in Mokowe, a building that lacks running water and electricity; The situation in Lamu is very desperate.

Photo 8: the Lamu County Assembly housed in a room belonging to Maendeleo ya Wanawake organization

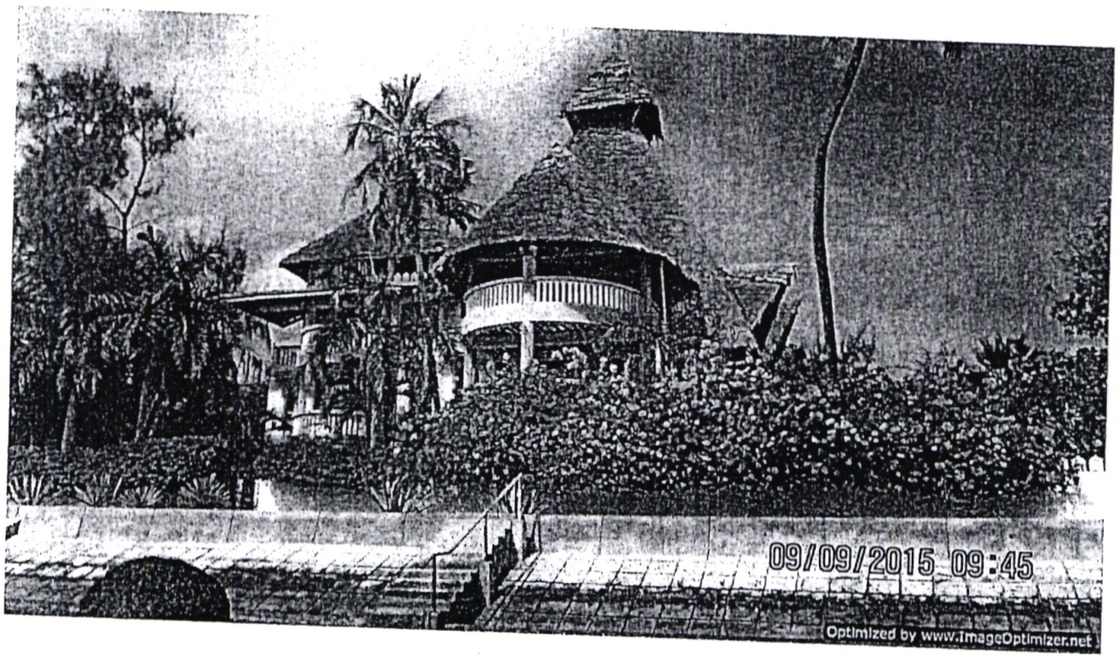

Photo 9: Rented premises that doubles up as Governor's residence and office

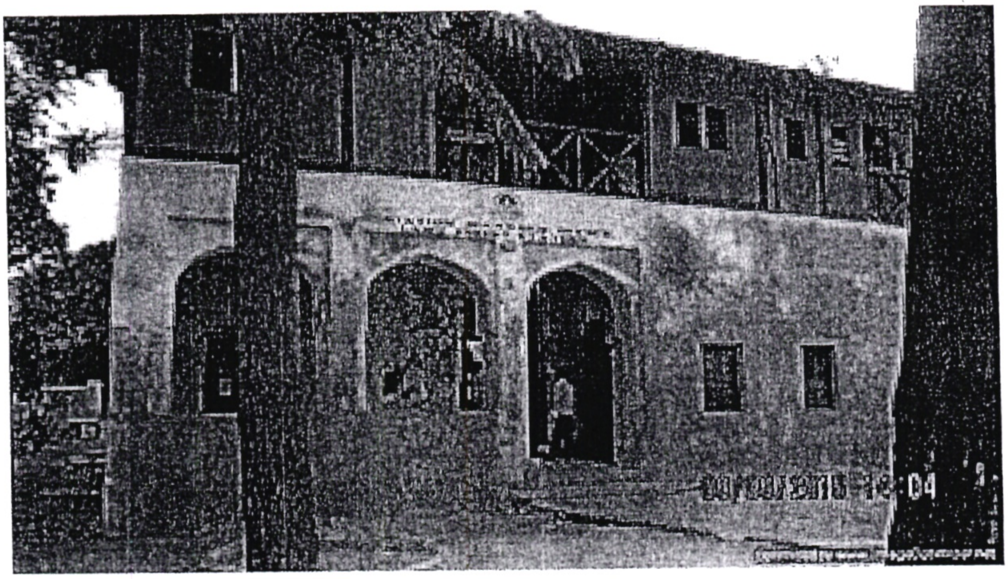

Photo 10: The Lamu Forest Station temporarily housing some of the Lamu County Executive Committee members

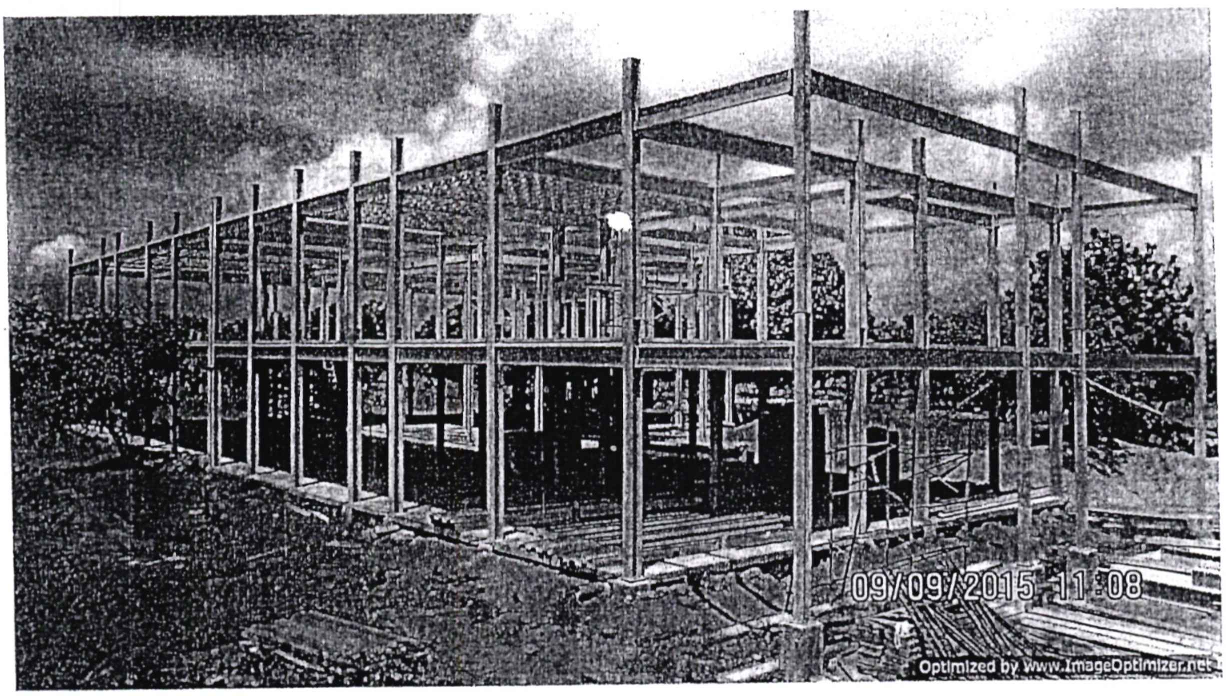

Photo 11: The proposed Lamu County Headquarters at Mokowe mainland, stalled due to lack of funds.

6.5 WAJIR

The County

Wajir County covers an area of 56,686 Km^2 and is located in the North Eastern region of Kenya. It borders Somalia to the East, Ethiopia to the North, Mandera County to the Northeast, Isiolo County to the South West, Marsabit County to the West and Garissa County to the South. Wajir town is the county headquarters.

The County is divided into eight sub-counties namely: Wajir East, Tarbaj, Wajir West, Eldas, Wajir North, Buna, Habaswein and Wajir South. These sub-counties are further sub-divided into 28 divisions, 128 locations and 159 sub-locations.

The county has six parliamentary constituencies namely; Wajir South, Wajir North, Wajir East, Tarbaj, Wajir West and Eldas.

The population of the county according to the 2009 Kenya Population and Housing Census (KPHC) was 661,945 persons of which 55% are males and 45% females. The projected population will be 852,963 in 2017.

In the last Northern Kenya livestock Census of 2009, it was approximated that the county had over 15.3 million animals with a market value of Kshs. 55 Billion.

The county has a poverty rate of 84% compared with national average of 46%. Majority of the residents are unable to meet their basic livelihood needs and are entirely dependent on relief food from the government and non-governmental organizations (GOK, 2013).

The county has no well-defined river or water sources except the seasonal Ewaso Nyiro river tributaries that floods part of the county during rainy seasons. The entire county is categorized as trust land apart from a small proportion of the total area occupied by townships.

The Visit

The Committee undertook a fact-finding visit to the County on Thursday 10th September 2015 and was received by the County Secretary, Mr. Abdirizak Sheikh and a number of the County Executive Committee Members.

The Committee was informed that the County Governor currently occupies a hired private premise, (Hotel), which has been converted into an office block. However, the County Government is putting up an office for its headquarters which is expected to be ready for occupation by June 2016. The office block is estimated to cost Kshs. 160 million.

The Committee was also informed that Wajir County Government inherited only one local authority, one old office, a local market and a slaughter slab. The County has no proper sanitation facilities and majority of the residents still rely on plastic toilets. Additionally, the County inherited about 100 employees from the defunct local Authorities, majority of whom are casual laborers.

The County government has invested heavily in infrastructure development. Since inception, seventy six boreholes have been sunk to alleviate the perennial water challenges. The County Government has constructed fifteen new dispensaries, thirty eight maternity wards and procured eight ambulances. It has recruited about 60% of all the health workers in the County and intends to tarmac about twenty eight kilometers of road by the end of January 2016.

The County Government requested the Senate to urge the National government to fast track the completion of the Vision 2030 flagship projects. These include the Wajir Sewerage Project initiated by the defunct Ministry of State for Northern Kenya Development.

The Wajir County Government through the department of ICT and e-government has constructed a County Radio Station. However, it is yet to be issued with a broadcasting licence despite complying with all the required terms and conditions.

The Committee was taken on a tour of the Wajir County Huduma Centre which is an initiative of the County Government, ICT and e-government Department. The Huduma Centre was equipped by the National Government and offers services provided by both the County Government and National Government.

Observations

i. The County Government has earmarked and prioritized construction of the County Government Administration block.

ii. The County Assembly block is under construction and once completed, it will house the debating chamber, the MCAs offices and the County Assembly Secretariat.

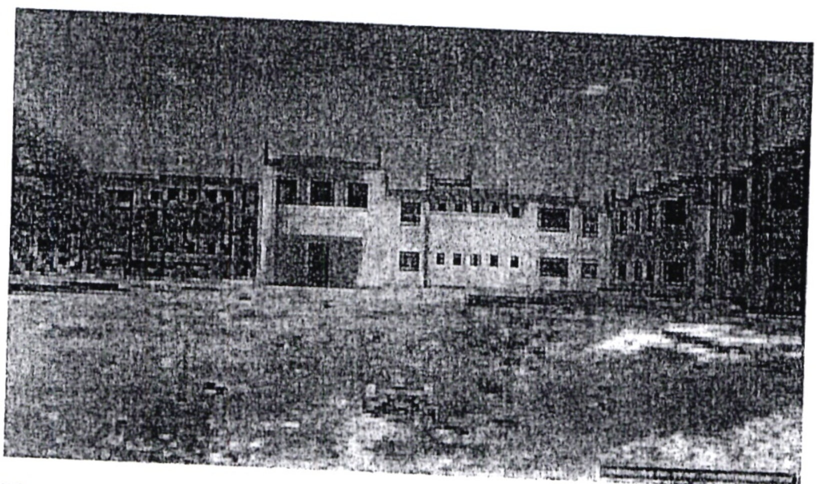

Photo 12: The Proposed Wajir County Executive block under construction

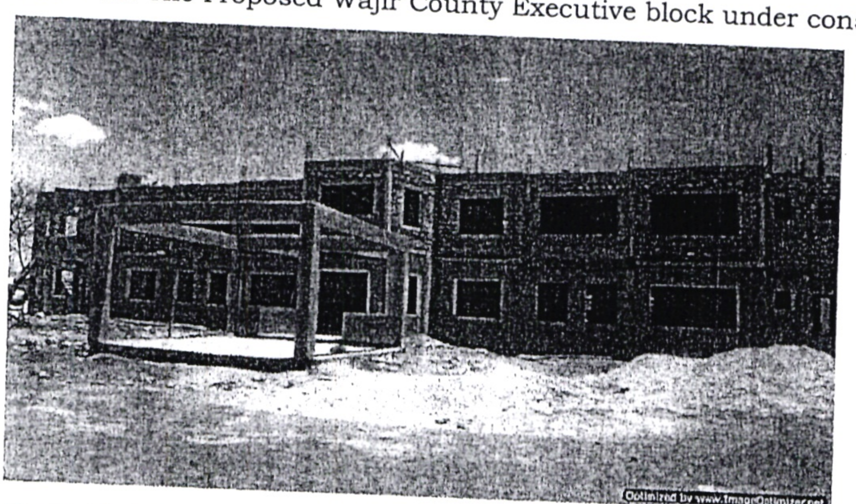

Photo 13: The proposed Wajir County Assembly block under construction

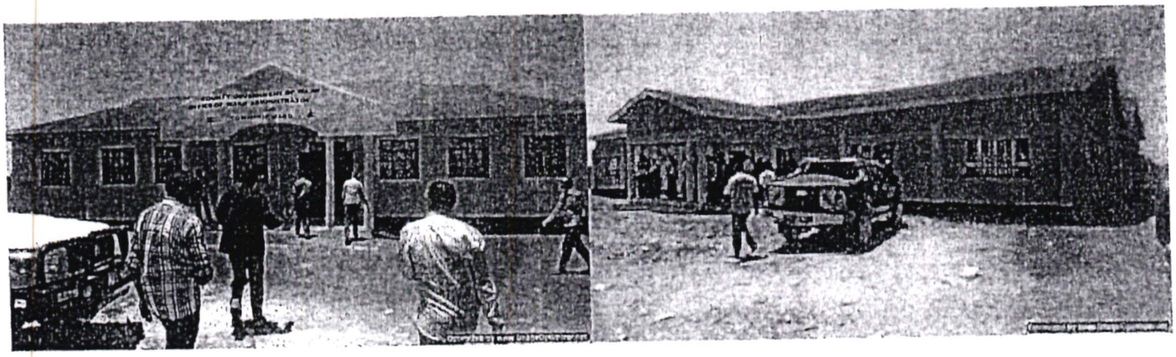

Photo 14: The Wajir County, Ward Administrator Office (L) and the County Pharmacy (R)

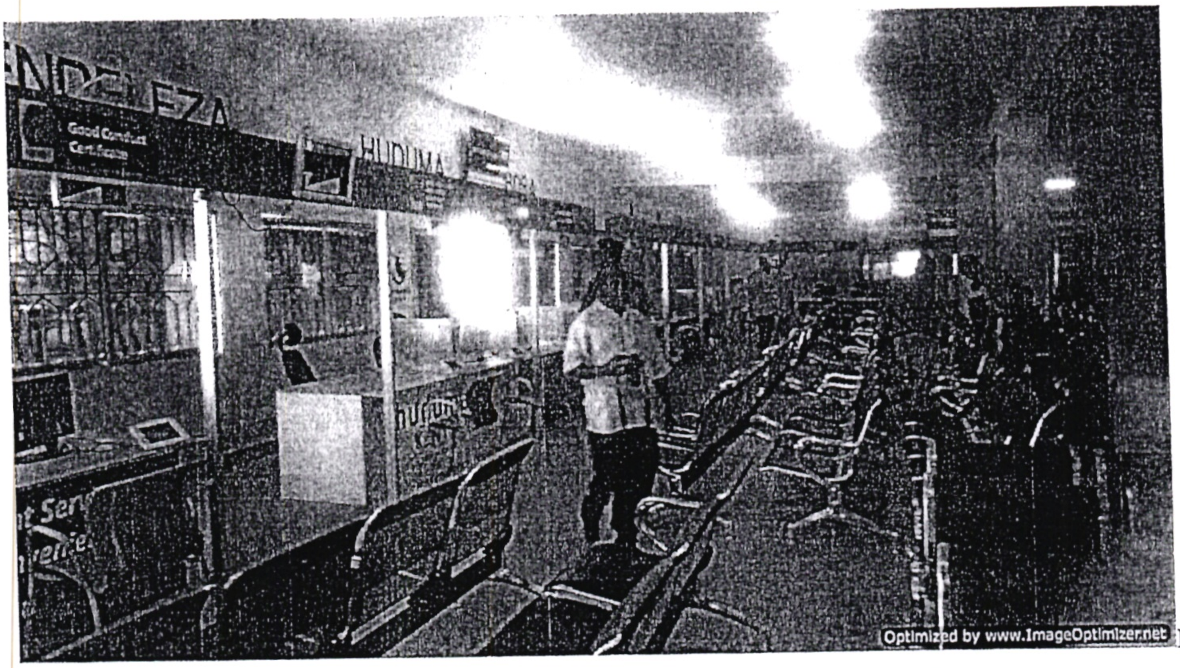

Photo 15: The Wajir County Huduma Centre, constructed by the County Government and offering services provided by both the County and the National Government

6.6 MANDERA

The County

Mandera County is located in the North Eastern part of Kenya and borders Ethiopia to the North, Somalia Republic to the East and Wajir County to the South. Mandera town is about 1,100km from the capital city of Nairobi.

The County has a total of 1885 km of road network and none has bitumen surface. The gravel surface covers an approximate length of 495 km while earth surface covers approximately 1390 km. The County is served by four (4) functional airstrips in Rhamu, Elwak, Mandera and Takaba. There are other four non serviceable airstrips in Malkamari, Arabia, Banissa and Lafey.

The Visit

The Committee undertook a fact-finding visit to the County on Thursday 10th September 2015 and was received by the Mandera County Governor, Hon. (Capt) Ali Roba Ibrahim, the Mandera County Assembly Speaker, Hon. Abdikadir Sheikh Hassan and the County Commisioner, Mr. Alex Ole Nkayo.

The Governor welcomed the committee and said that the visit should have been undertaken within the first three months of devolution. He added that the Transition Authority (TA) should have ensured that there was sufficient infrastructure to welcome devolution.

The Committee was informed that Mandera town, which is the County Headquarters, is not connected to the National Electricity Grid and relies on generators for power supply.

In regard to staffing, the County inherited only three 3% of permanent members of staff and several casuals. It has however employed about 1,400 members of staff in various departments spread across the County so far, a situation that has increased the demand for the already limited office space.

To institutionalize the government, the County has contracted companies to construct the County Headquarters, the County Assembly and the Governor's residence.

The Committee was also informed that the County Government has recruited about 1,300 teachers to replace those who departed from the County following terrorists' attacks earlier in 2015.

The County Government has, additionally, put in place mechanisms to ensure that it promptly responds to drought and so far, there have been no mass deaths of livestock as witnessed previously in the County.

The Committee was further informed that security remains the single most serious challenge in the County. This situation requires that the buildings under construction must have some level of security considerations factored in their architectural designs.

The County Commissioner informed the Committee that devolution has brought a facelift in a previously marginalized County. However, he said that the National Government seems to have forgotten itself within the counties.

Observations

i. The County Governor and the County Executive currently operate from rented premises which is a hotel converted to offices with the Governor residing in his personal house located a short distance from the town.

ii. The leased/rented premise is not sufficient to house the entire County Executive. Some of the executives occupy the old Town Council building but the Government has also leased about ten (10) other facilities to house the senior members of its Executive.

iii. The County Government is putting up a large office block, following the MoPW designs, to house the executive.

iv. The County Government is also constructing a large building for the County Assembly, which will house the chamber, offices for the Speaker and Clerk and offices for each of the MCAs.

v. The County Stadium, which is currently under construction, is almost complete and should be ready for use before the end of the year.

vi. The County Government is further constructing a four storey Hotel which should be complete by the end of the year.

vii. The Mandera County Assembly currently occupies the premises that were initially owned by the defunct Mandera County Council.

viii. The County Commissioner has no office currently and he occupies the office meant for the Deputy County Commissioner (District Commissioner) for Mandera East District, which is part of Mandera Police Station built in 1926.

ix. Officials of the National Government in Mandera town, the County headquarters, have very serious shortage of working space. There is need for urgent intervention by the national government.

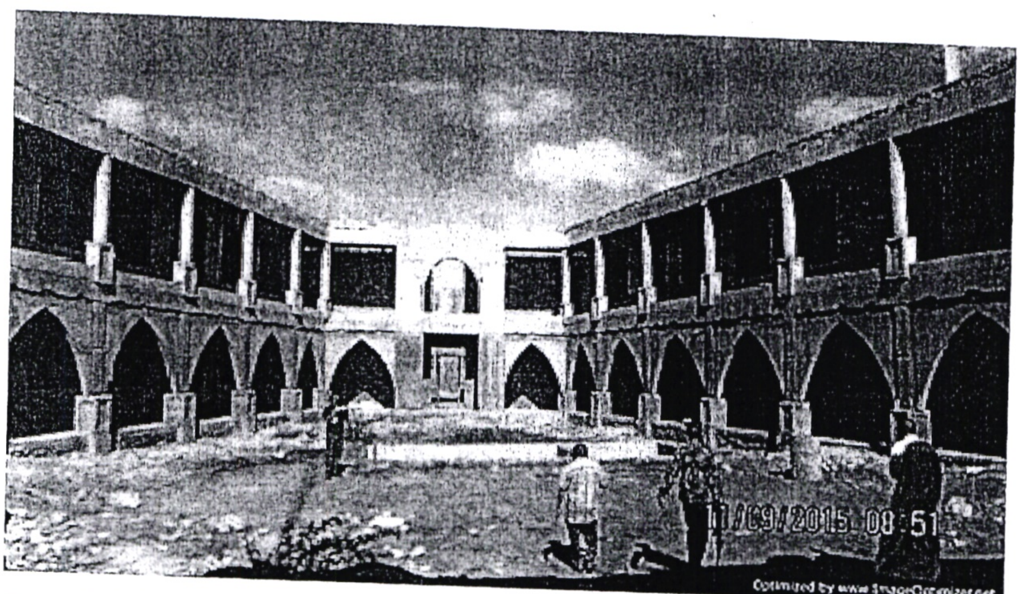

Photo 16: The Mandera County Assembly block under construction

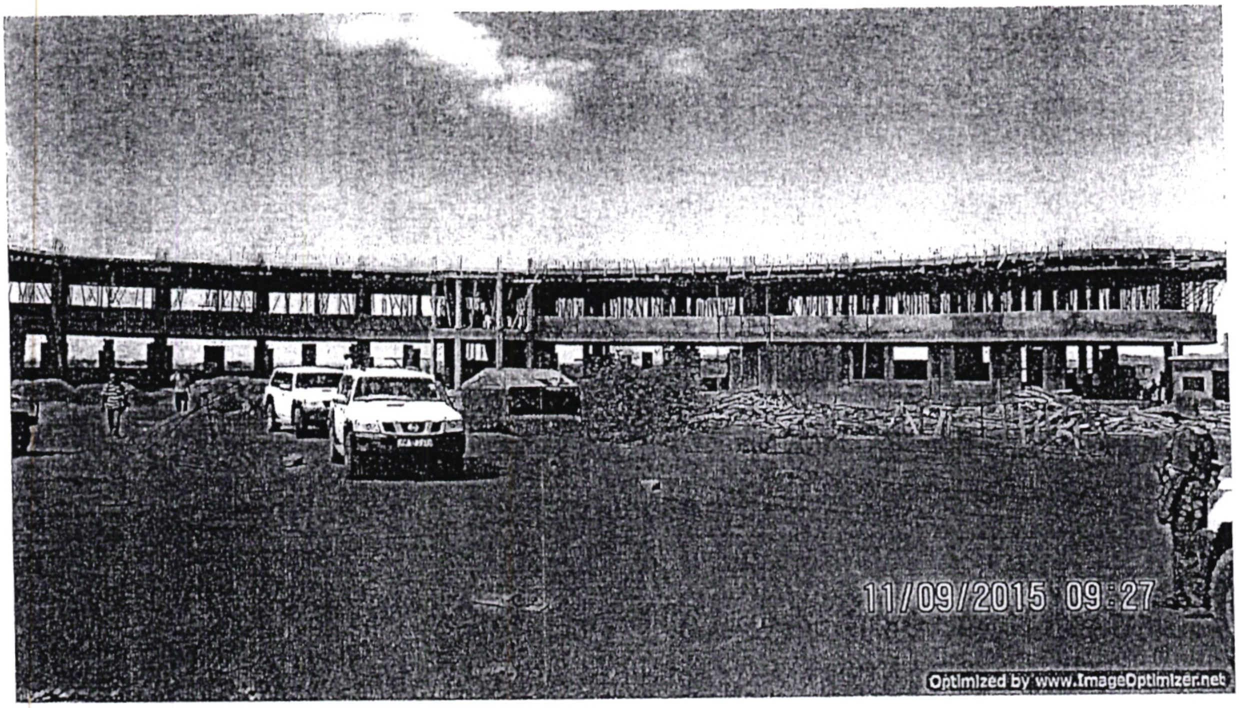

Photo 17: The Mandera County Executive block under construction.

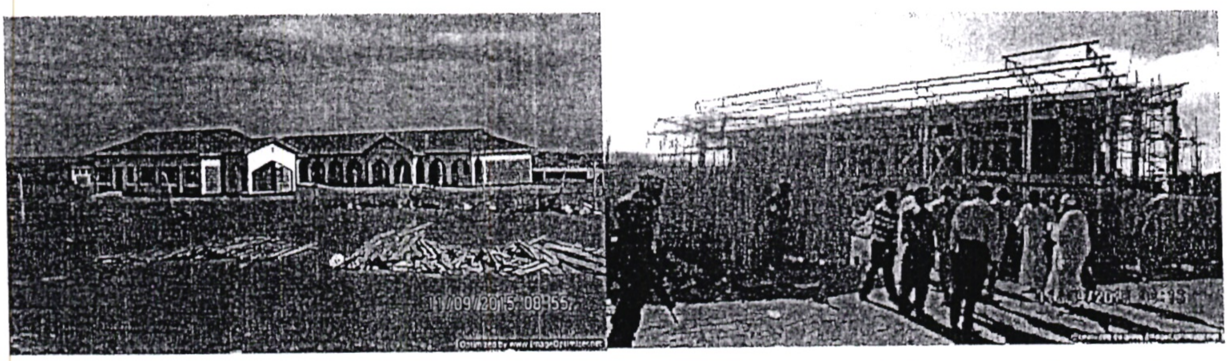

Photo 18: ECDE College constructed by the County Government (L) and the County Stadium under construction (R)

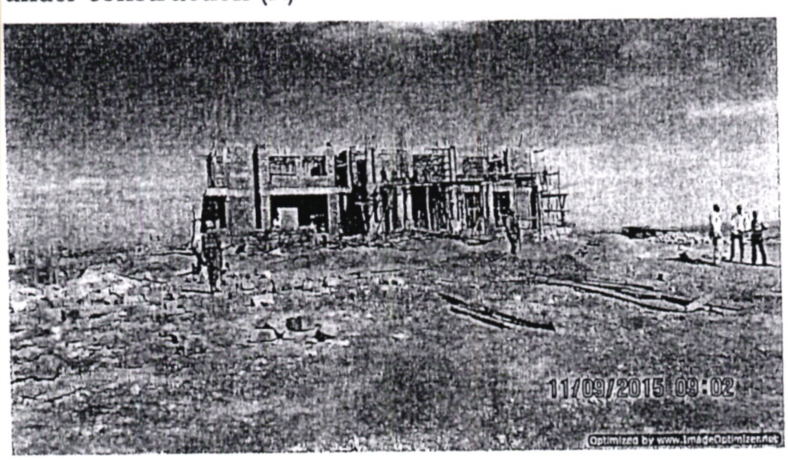

Photo 19: The County Governor's residence under construction.

6.7 NYANDARUA

The County

Nyandarua County is located in the Central region of Kenya. The County has an area of 3,245 sq km. It borders Laikipia to the North, Nyeri to the East, Kiambu to the South, Murang'a to the South East and Nakuru to the West.

The County is divided into five constituencies, namely, Kinangop, Kipipiri, Ol'kalou, Oljororok and Ndaragwa and twenty five (25) county wards.

The population in the County stood at 596,268 as at national population census of 2009 with an annual growth rate of 2.4%. This comprised of 292,155 males and 304,113 females.

The population is estimated to grow to 722,498 persons in 2017 with over 69% of the population being below 30 years.

The Visit

The Committee undertook a fact-finding visit to Nyandarua County on Monday, 5th October, 2015 and was received by the Nyandarua County Governor, Hon. Daniel Waithaka Mwangi, the Deputy Governor Mr. Waithaka Mwangi Kirika, the Nyandarua County Assembly Speaker, Hon. Wahome Ndegwa and the incoming Nyandarua County Commissioner Mr. Samwel Kimiti.

The Committee was informed that the administrative Headquarters of the defunct Nyandarua District, now Nyandarua County was located in Nyahururu town in Laikipia County. These included; the Nyandarua District Commissioner's office complex and residence, Nyandarua County Council chamber and offices, Nyandarua District Hospital, Nyandarua Law Courts and Nyandarua District Departments such as Agriculture, Education, Public Works, Lands, among others.

Olkalou had been designated as the Nyandarua district headquarters and a large piece of land set aside for the purpose in the 1970s but was never built up. Nonetheless, during a leaders meeting, just before the new constitution was promulgated and after deliberations with all the stakeholders, the residents of Nyandarua County endorsed Olkalou Town which was formerly a Divisional Headquarters, as its Headquarters.

The County Government currently sits in rented premises at a building in the middle of a busy commercial area. The County faces a serious deficiency of office space making it very difficult to operate and serve the people.

The Nyandarua County Assembly was accommodated in a church compound and uses the Church facilities including the old church hall as the debating chamber. The Assembly Speaker converted the church offices into his office. However, the church still schedules its own activities within the same facilities and at times the Assembly is forced to share even the hired facilities with the church.

The Committee was further informed that the County Assembly is putting up a building using its financial reserves but it requires financial assistance to complete it.

The Committee was also informed that the former Nyandarua County Council building and facilities in Nyahururu are vacant and no one utilizes them since the Laikipia County Government currently sits in Nanyuki Town.

The County lacks facilities for the National Government officers including the County Police Commanders whose offices and residences are still in Nyahururu Town. Indeed, all the County heads of departments and their staff are based in Nyahururu Town. This has made supervision and service delivery very challenging because all supervisors sit in Nyahururu town.

The County Commissioner informed the Committee that land had been set aside for the County Headquarters including the County Commissioners residence and the requisite designs had been done. However, the project has not commenced for lack of funds.

Observations

1. The Nyandarua County Assembly holds its plenary and Committee sittings in an old church hall with no public gallery.
2. Since the County Assembly does not have Committee rooms, it uses the debating chamber to hold meetings.
3. The Nyandarua County Governor and Deputy Governor's office are situated on the 1st and 2nd floors of a rented commercial building.
4. The majority of County Executive senior officers operate from rented premises or buildings previously used by divisional officers.
5. The security of government documents is seriously threatened in the rented premises because they are too congested, small and lack storage facilities;
6. The County Government is putting up some offices at an estimated cost of Kshs. 39 million which are expected to be ready for occupation by January 2016.
7. The Nyandarua County Commissioner sits at the offices that were meant for the Deputy County Commissioner (formerly DC) in charge of Nyandarua Central sub-county.

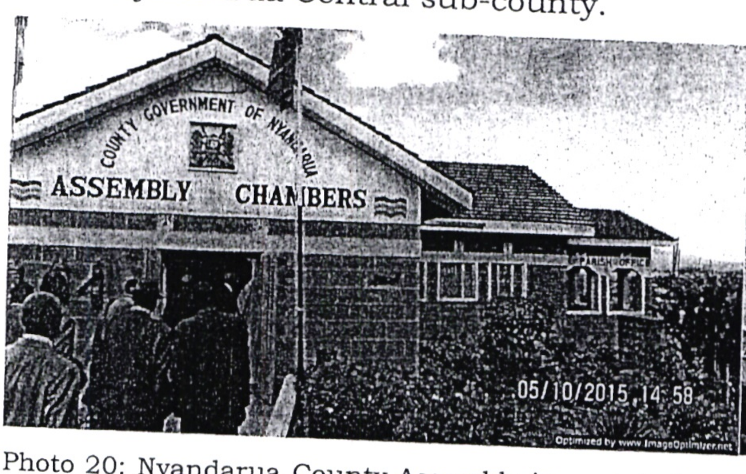

Photo 20: Nyandarua County Assembly in rented church premises (L) and inside the debating chamber (R)

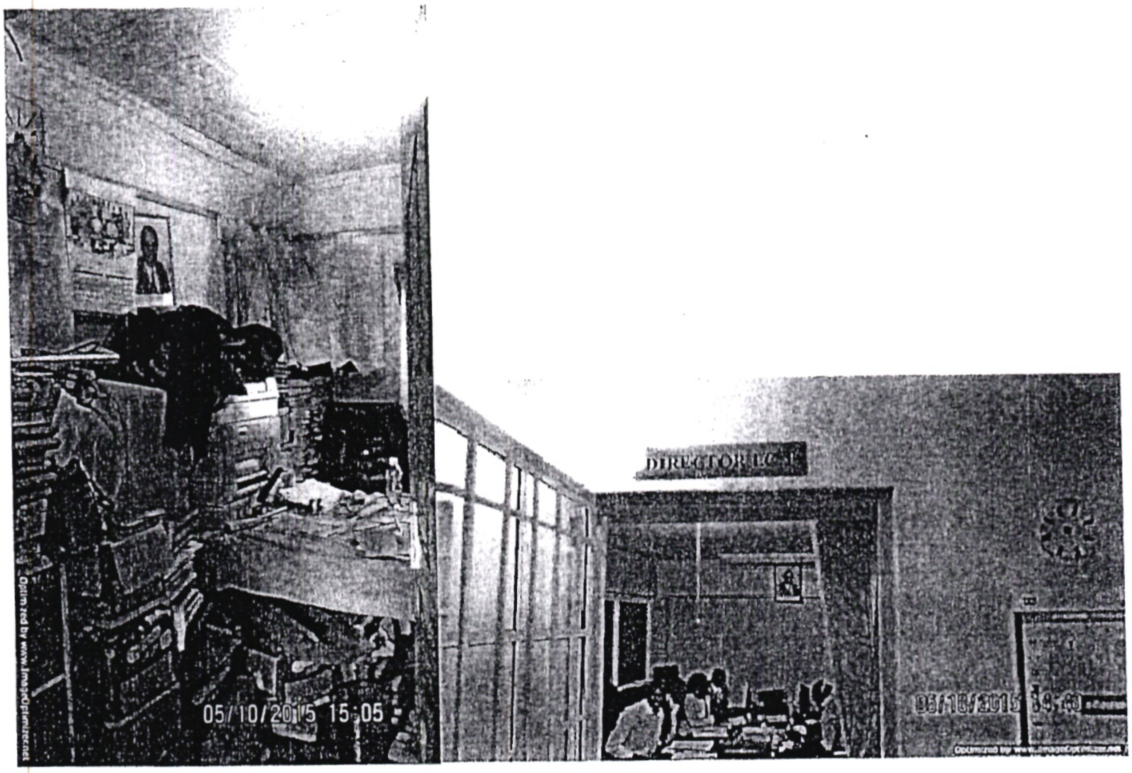

Photo 21: An overcrowded County Assembly Clerks' Office (L) and one of the CEC offices (R)

Photo 22: The County Government Offices in rented premises

6.8 KIRINYAGA

The County

Kirinyaga County borders Nyeri, Murang'a, and Embu Counties and covers an area of 1,478 square kilometers. The County's population stands at 528,054 persons according to the Kenya Population and Housing Census of 2009 report and is projected to be 595, 379 in 2017.

Kerugoya, Sagana and Wang'uru are the only towns in the County while Kagio and Kagumo are major urban centres. The town with the highest population is Wang'uru with a population of 18,437; followed by Kerugoya with a population of 17,122; the least populated town is Sagana with a population of 10,344.

The county is divided into five sub-counties, namely, Kirinyaga East, Kirinyaga West, Mwea East, Mwea West and Kirinyaga Central. The County has four constituencies, namely, Mwea, Ndia, Kirinyaga Central and Gichugu. It has twenty (20) wards.

The Visit

The Committee undertook a fact-finding visit to the County on Tuesday, 6th October, 2015 and was received by Hon. Joseph K. Ndathi, the County Governor and Mr. Kamau Aidi the Clerk of Kirinyaga County Assembly.

The Committee was informed that the Kirinyaga County Executive is based at Kutus Town while the County Assembly is based in Kerugoya Town.

The two towns are about eight (8) kilometers apart and initially, they used to be administered as one municipality called, Kerugoya-Kutus.

The Committee was further informed that the Kirinyaga County Assembly currently occupies the building inherited from the defunct Kirinyaga County Council in Kerugoya. The County Assembly Speaker's residence is the former residence of an administrator with the defunct Provincial Administration.

The Committee was informed that the County Assembly has a total membership of thirty (30), twenty (20) elected MCAs, 9 Nominated MCAs and the Speaker. In addition, the County Assembly has employed 51 members of staff. The current County assembly precincts are able to accommodate the offices of the Speaker, the Deputy Speaker, the Clerk, Leader of the Majority Party, Leader of the Minority Party and the Chairperson of the Budget and Appropriation Committee.

The Committee was also informed that elected MCAs have offices in their respective electoral wards since there are insufficient office spaces within the precincts of the County Assembly.

The County Assembly is undertaking construction of an office block. This will be a four (4) storey building to house the MCAs, the County Assembly staff, a Research Centre and a Library. The office block is estimated to cost Kshs. 300 million which is being appropriated from the Development Vote of the County Assembly.

The Committee heard that the construction of the County Assembly block is likely to face some challenges following a Circular by the Commission for Revenue Allocation (CRA) that bars County Governments from undertaking Capital projects.

The Committee visited Kutus Town where the County Executive led by the Governor, the Deputy Governor and the CECs currently occupy premises rented from the ACK Church. Most senior County Government officials have offices located all over the County in towns such as Baricho and Kerugoya, a situation which poses challenges of mobilizing and supervising personnel.

The Committee also toured the site where the County Government is putting up a new five storey building for the executive. The Project commenced in November 2014 and is projected to be completed by July 2016, at an estimated cost of Kshs. 385 million. The office block will accommodate about 250 members of staff, mostly senior County Government officials who need to be in close proximity of each other for effective service delivery.

The County Government intends to retain the current rented premises until such a time when there are sufficient resources to build offices to accommodate an additional eighty (80) members of support staff required to work closely with the Executive team.

Observations

1. The current office space at the Kirinyaga County Assembly is inadequate to accommodate all the MCAs and the members of staff. Majority of the County Assembly staff share very small offices while others sit in one hall.
2. There is no organized registry which makes retrieval of information and records a challenge.
3. Currently, there are only 2 CECs accommodated at Kutus Town while the rest of the CECs, COs and Directors are in Kerugoya town.
4. The County Executive is putting up an office block in Kutus town while the Assembly's office block is located in Kerugoya town.
5. The Current County Commissioner's office block (formerly District Headquarters) is shared between officials of the County and those of the National Government.

Photo 23: The Kirinyaga County Assembly Chamber (L) and the members lounge (R)

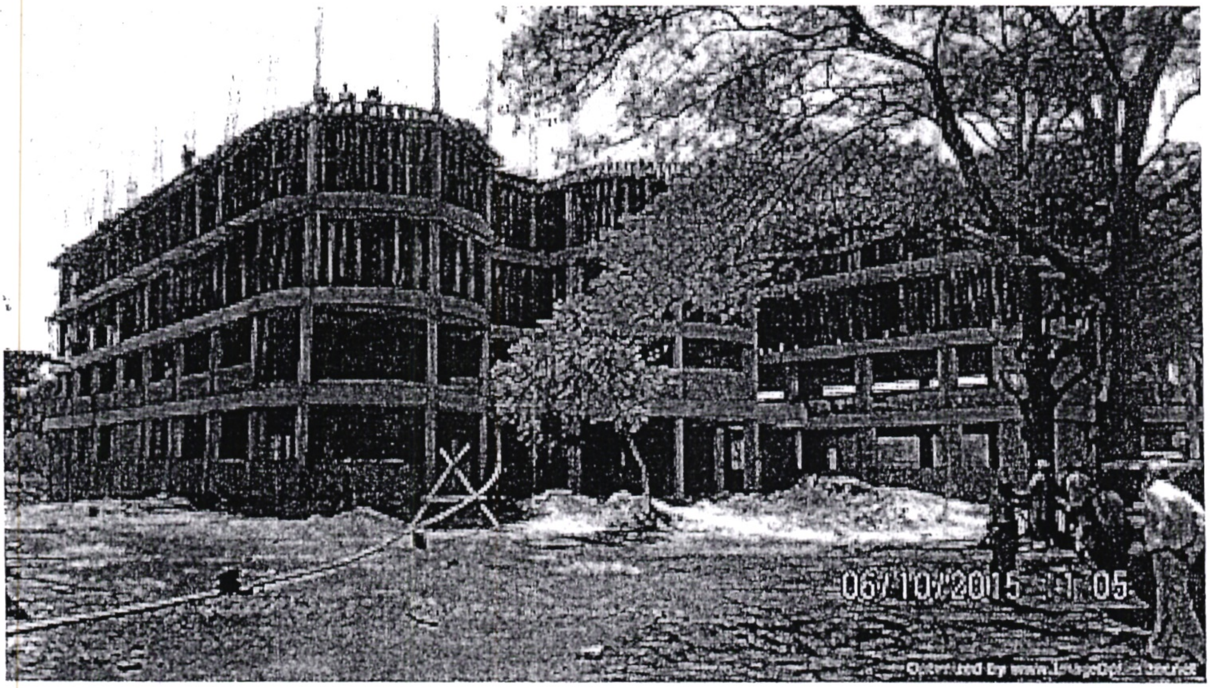

Photo 24: Kirinyaga County Executive block under construction

6.9 WEST-POKOT

The County

West Pokot County is located in the Rift Valley and borders the following counties; Turkana to the North, Baringo to the East, Elgeyo Marakwet and Trans Nzoia to the South, and The Republic of Uganda to the West. The County has a population of 512,690 according to the 2009 Population Census and an area of 8,418 sq km. The County is home to mainly the Pokot people. The county's population is estimated to grow to 683,808 by 2017.

West-Pokot County is divided into 4 sub counties, namely, West Pokot, Pokot North, Pokot Central and Pokot South. It has 13 divisions, 61 locations and 222 sub-locations. Kapenguria town is the county headquarters. West Pokot has four constituencies, namely, Kapenguria, Kacheliba, Sigor and Pokot South, with a total of 20 County wards. The County is also home to the Turkwel Hydro-electric power plant which serves the national grid with approximately 105MW of power.

The Visit

The Committee undertook a fact-finding visit to the County on Tuesday, 12th October, 2015 and was received by the County Governor, Hon. Simon K. Kachapin; the Deputy Governor, Mr. Titus Lotee; the County Assembly Speaker, Hon. Robert Katina; and the Clerk of the County Assembly, Mr. Julius Ariwomoi.

The Committee was informed that the West Pokot County Assembly inherited the premises that were used by the defunct West-Pokot County Council. The Assembly is putting up an office block which, however, is likely to take long to complete due to financial challenges.

The Committee further heard that the County Governor inherited a building that was constructed through the Economic Stimulus Program (ESP) and was meant to accommodate the County Commissioner.

There was an understanding, that the County Governor would share the facility temporarily with the County Commissioner and the County Treasury before establishing a permanent office for the Governor. However, the Governor informed the Committee that he had invested a lot of resources in the building and was not willing to relinquish it.

The Committee was also informed that the County Government has planned to embark on infrastructural development such as office construction first, before embarking on other development programmes. The County Government had constructed offices in different locations within the town as opposed to one centralized location or building as envisaged in the public works plans.

The Governor further informed the Committee that the decision to spread the offices out was informed by the uniqueness of the services offered. He added that this would decongest the County Government offices and ensure that ministries work separately.

The Committee heard that the County Executive will be adequately catered for within the next two years and all the County departments are already settled in offices within the County Headquarters and adjacent to urban centres.

The National Government is also coming up with a huge water reservoir that will supply sufficient water for Kapenguria town and adjacent areas.

Observations

1. The West-Pokot County Governor is currently occupying the building that was meant for the County Commissioner.
2. The county executive officers are housed in various buildings recently constructed by the county government.
3. The County Commissioner occupies a condemned building that was constructed during colonial times.
4. Most buildings housing the National Government officials in the Counties are small, old and were constructed during the colonial era.

5. There is no sewer line or sewerage system in Kapenguria town and therefore, all the buildings rely on septic tanks.

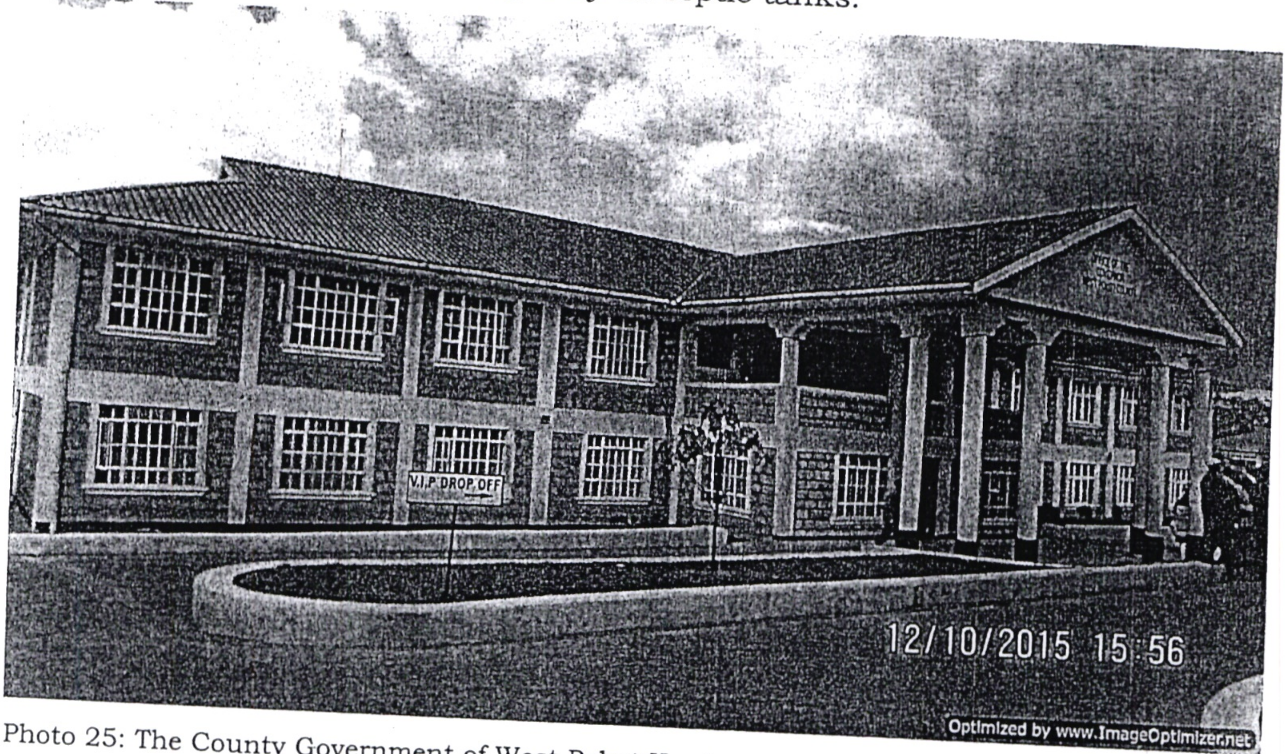

Photo 25: The County Government of West Pokot Headquarters.

7.0 NATIONAL GOVERNMENT FACILITIES IN THE COUNTIES

During the fact-finding visits in the various counties, the Committee observed that the National Government officials in many of those counties have a serious problem of office accommodation. These officers include the County Commissioners, the County Police Commanders, members of the County Security team and departmental heads.

In Nyandarua County for instance, the Committee was informed that the County Police Commanders have their offices and residences in Nyahururu Town in Laikipia County. Indeed, all the County heads of departments are based in Nyahururu which makes supervision and service delivery by the National Government officials in the County very challenging because all the supervisors sit in Nyahururu Town.

In Kirinyaga County, the Committee observed that the current County Commissioner's office block (formerly District Headquarters) is shared between the County Government and the National Government officers. This has led to intermittent conflicts between the officers serving under the two levels of government, sometimes hindering service delivery.

The Committee is of the view that the National Government should conduct a thorough survey to establish how its members of staff are housed in each of the counties.

Photo 26: *Isiolo County Commissioner's office block, currently shared by the Deputies and Assistant County Commissioners.*

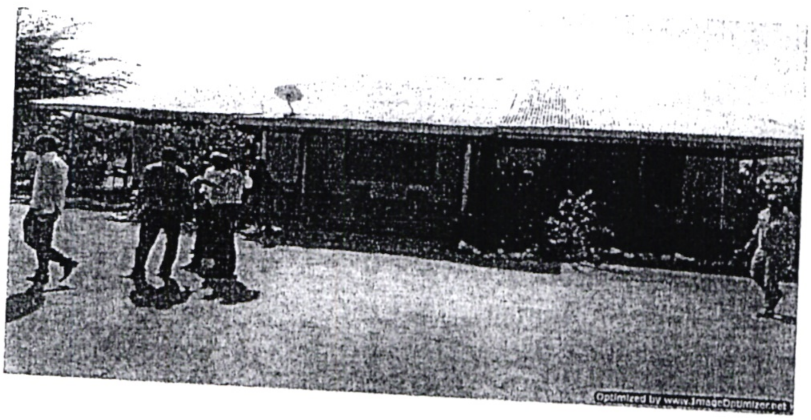

Photo 27: *Tana River County Commissioner's Office and Administration block.*

Photo 28: *Mandera County Commissioner's office housed in a police station together with the security teams.*

8 COUNTIES INFRASTRUCTURAL NEEDS ASSESSMENT

The Committee in consultation with TA and the Department of Public Works, developed a needs assessment chart as set out below to lay out the interventions that would be made.

The needs assessment formula took into account the status of infrastructure facilities as at the time of assessment by MoPW in 2011, assessment by TA in 2012, the fact finding visits by the Committee and the recent assessment by TA in November 2015. It was noted that counties which receive a large allocation of funds were easily setting aside money for buildings and were able to deliver more services. Thus, the allocation to each county becomes relevant and is reflected in the third column (**ref. 2015/16 revenue allocation below).**

The Committee was of the view that on average, it costs a County Government around Kshs. 2 billion to effectively run its operations in every financial year. A county government therefore requires a certain minimum amount of money over and above the cost of running the government in order to be able to engage in effective development projects and, for that matter, to prioritize the improvement of facilities at its county headquarters.

The Committee categorized the 47 counties into the following four groups-

AA: a special category of counties that require prioritized, special and immediate assistance.

A: counties that require assistance.

B: counties that have reasonably adequate infrastructure.

C: counties that do not require any assistance.

Table1. Counties Headquarter Infrastructural Needs Assessment

NO	COUNTY	MOPW ASSESSMENT AS AT 2011	COUNTY ALLOCATION (2015/16 Bn)	AD-HOC COMMTTEE RECOMMENDATION
1.	Mombasa	C	5.20	**C**
2.	Kwale	A	5.13	**B**
3.	Kilifi	C	7.44	**C**
4.	**Tana River**	A	3.98	**AA**
5.	**Lamu**	A	2.05	**AA**
6.	Taita /Taveta	C	3.31	**A**
7.	Garissa	A	5.77	**B**
8.	Wajir	A	7.23	**C**
9.	Mandera	A	8.96	**C**
10.	Marsabit	A	5.19	**A**
11.	**Isiolo**	A	3.06	**AA**
12.	Meru	C	6.50	**C**
13.	**Tharaka-Nithi.**	A	3.14	**AA**
14.	Embu	C	3.84	**C**
15.	Kitui	A	7.27	**A**
16.	Machakos	C	6.77	**C**
17.	Makueni	C	5.97	**C**
18.	**Nyandarua**	A	4.31	**AA**
19.	Nyeri	C	4.45	**C**
20.	Kirinyaga	C	3.54	**C**

21.	Murang'a	C	5.36	C
22.	Kiambu	C	7.46	C
23.	Turkana	A	10.48	C
24.	West Pokot	A	4.31	B
25.	Samburu	A	3.55	B
26.	Trans Nzoia	C	5.10	C
27.	Uasin Gishu	C	5.19	C
28.	Elgeyo-Marakwet	A	3.27	B
29.	Nandi	C	4.76	B
30.	Baringo	C	4.44	C
31.	Laikipia	C	3.45	C
32.	Nakuru	C	8.12	C
33.	Narok	C	5.29	C
34.	Kajiado	A	4.41	B
35.	Kericho	C	4.51	C
36.	Bomet	A	4.71	A
37.	Kakamega	C	8.91	C
38.	Vihiga	A	3.87	C
39.	Bung'oma	C	7.68	C
40.	Busia	C	7.68	B
41.	Siaya	A	5.00	A
42.	Kisumu	C	5.68	C
43.	Homa Bay	C	5.63	B

44.	Migori	A	5.84	**B**
45.	Kisii.	C	7.09	**C**
46.	Nyamira	A	4.15	**A**
47.	Nairobi City	C	13.00	**C**

<u>Key</u>

AA – Special intervention required immediately

A – Intervention required

B – Reasonably adequate facilities

C – No assistance required

9 COMMITTEE FINDINGS

1. Soon after the new Constitution was promulgated in 2010, the National Government had acknowledged that it had a duty to accommodate all the incoming forty-seven County Governments. It conducted an evaluation of the existing physical infrastructure at the counties in an attempt to address the question of which premises the County Government would occupy immediately upon their coming into operation in 2013 and, as a long term measure, where they would operate from as fully fledged county governments.
2. The focus was buildings and other infrastructure occupied by the soon to be defunct local authorities and the soon to be restructured Provincial Administration.
3. From the data collected by the Ministry of Public Works in 2011, two categories emerged; 21 Counties that did not have any infrastructure and needed assistance and 26 counties that had reasonably adequate infrastructure to accommodate the functions of incoming County Governments.
4. The MoPW came up with a programme that addressed the needs of each of the forty-seven counties, complete with typical drawings for both the Executive and the County Assembly where new structures were required and improvement of existing structures necessary. The whole programme was estimated to cost Kshs. 27 billion, a matter that was agreeable to the Treasury. The Treasury immediately provided funds for preliminaries in readiness for implementation of the entire programme.
5. In an attempt by the MoPW to involve stakeholders, the Commission for Implementation of the Constitution (CIC) came in and declared the whole MoPW programme for counties as unconstitutional and the issue was halted.
6. The Transition Authority, which came into being in July 2012, also conducted county infrastructure needs assessment to identify counties with adequate facilities and those without and would require assistance.

The CIC was once again opposed to the initiative by the Transition Authority terming it unconstitutional, but TA proceeded with the program. Based on its assessment, T.A secured Kshs. 3.2 billion from the National Treasury to assist the incoming county governments settle down after the elections;

7. The TA had intended to disburse the funds made available by the National Government for the construction or improvement of County Headquarters on an equitable basis depending on the status and need of each County government. However, at a meeting with the County Governors, the governors resolved and overwhelmed TA to distribute the money equally among all counties;
8. Some of the counties that had inadequate facilities have used the resources assigned to them in the allocation of national revenue and have developed their infrastructure to a level that may be comparable or better to counties whose facilities had been deemed adequate at the beginning;
9. The Commission on Revenue Allocation (CRA) issued a circular dated 19th May, 2015 giving guidelines on the financing of major capital projects by County Governments. However, the CRA confirmed to the Committee that where reasonable justification had been provided, the Commission had no objection to the development of the projects. The Committee was however of the view that there was need to come up with a legislation to regulate capital development in the counties;
10. Some County Governors and their respective County Executive Committee members are currently operating from rented premise because they do not have sufficient office space to accommodate them;
11. Various County Assemblies have inadequate debating chambers, inadequate Committee meeting rooms as well as offices;

12. The quality of public infrastructure coming up in the counties may benefit from technical assistance given by officers such as architects and structural engineers from the Department of Public Works;

13. As the Committee analyzed the information collected, it emerged that counties required a certain minimum amount over and above what it costs to run the government in order for them to be able to effect any meaningful development, whether for normal service delivery or for office premises, and as such, the Senate should review the formula for allocation of funds to counties in order to reflect this possible shortcoming;

14. Although the mandate of the Committee was only on the County Governments, members could not avoid observing that the National Government officials in many counties are operating from inadequate and deplorable offices. Some of the senior officers are accommodated in dingy rented premises, hindering coordination and effective service delivery.

10 RECOMMENDATIONS

1. The following five (5) Counties in the 'AA' category are in dire need of special intervention and assistance immediately to help them develop their headquarter infrastructure if they are to operate as effective county governments, that is,
    1) Isiolo
    2) Lamu
    3) Nyandarua
    4) Tana River
    5) Tharaka-Nithi; and

    the Committee recommends that each of them be allocated a sum of Kshs. 800 million to be included as conditional grants under the Division of Revenue Bill in the next Financial Year.

2. The following counties in the 'A' category require assistance and interventions to help them develop their headquarter infrastructure.
    1) Bomet
    2) Kitui
    3) Marsabit
    4) Nyamira
    5) Siaya
    6) Taita/Taveta; and

    the Committee recommends that each of them be allocated Kshs. 300 million to be included as conditional grants under the Division of Revenue Bill in the next Financial Year.

3. The Senate should review the formula for allocation of revenue to counties in line with the Committee findings.

4. The Senate should develop a framework to regulate capital expenditure by county governments.

5. The National Government should conduct a survey of facilities occupied by its officers in the counties with a view to addressing their adequacy and quality standards.