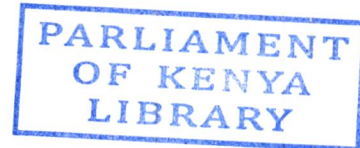


REPUBLIC OF KENYA



*Paper laid on
the Table of the
Senate on 3/12/15
by Sen. M. Karve
LHP
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

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.

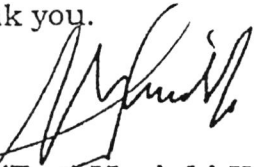
Last but not least, appreciation goes to the Members of the Committee who made time to attend and participate in the meetings and forums despite their busy schedules.

Mr. Speaker Sir,

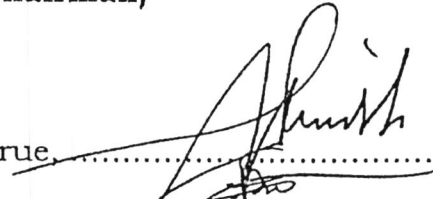

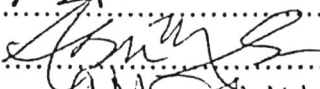
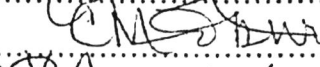
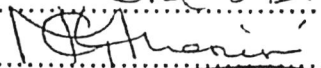
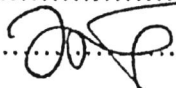
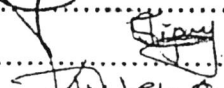
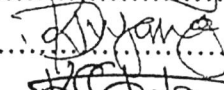
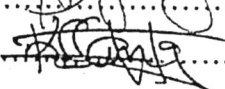
It is my pleasant duty and privilege, pursuant to Standing Order 203, to table the Report of the Ad hoc Select Committee on County Headquarters for consideration. We look forward to the House adopting it and to the speedy implementation of the recommendations therein with the sincere hope that counties 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

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 unconstitutional 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.

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.

- 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.

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.

- 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.

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.

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

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.

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,

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.

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.

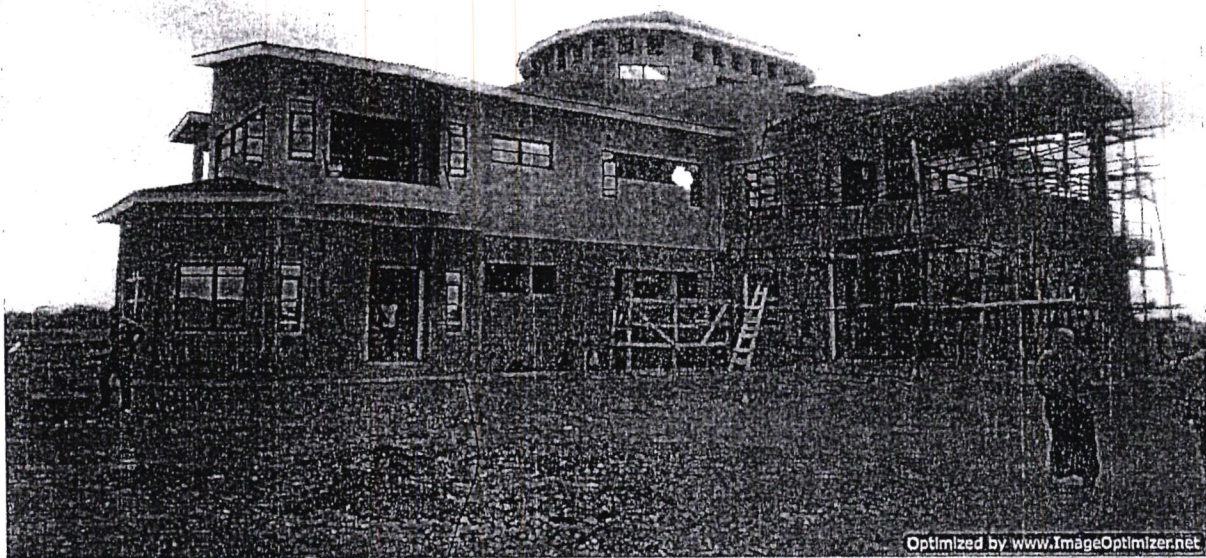
The major ethnic groups are the Pokomo, many of whom are farmers, and the Orma and Wardei, who are predominantly nomadic.

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.

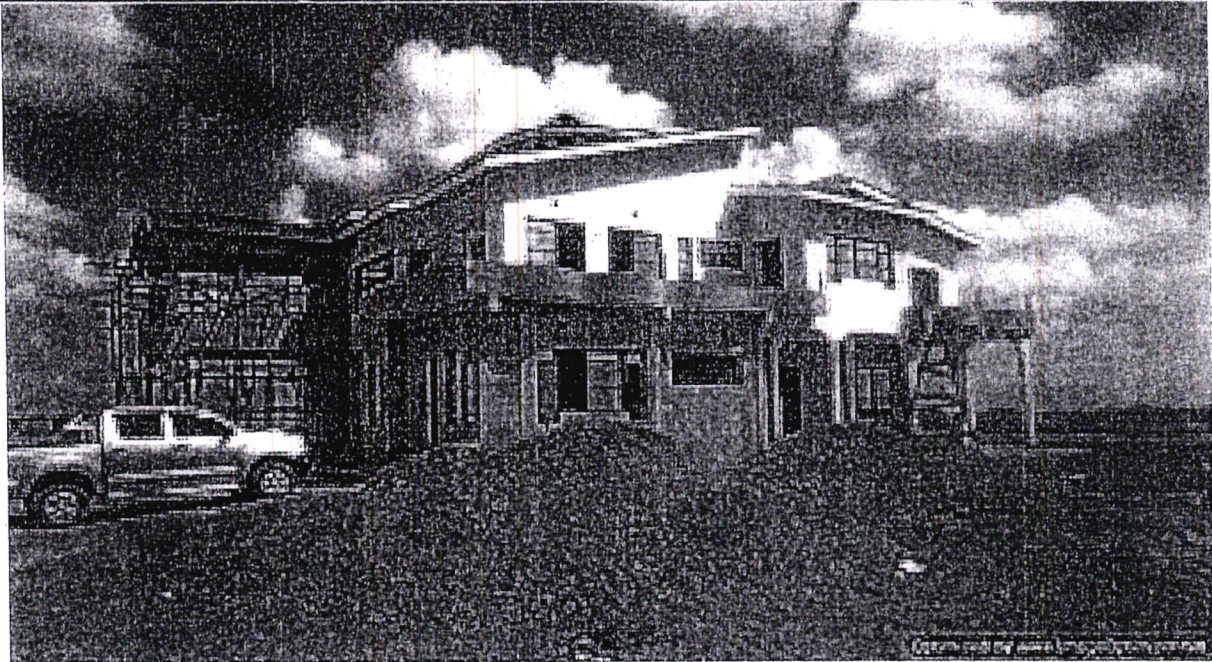
The Visit

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



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

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.

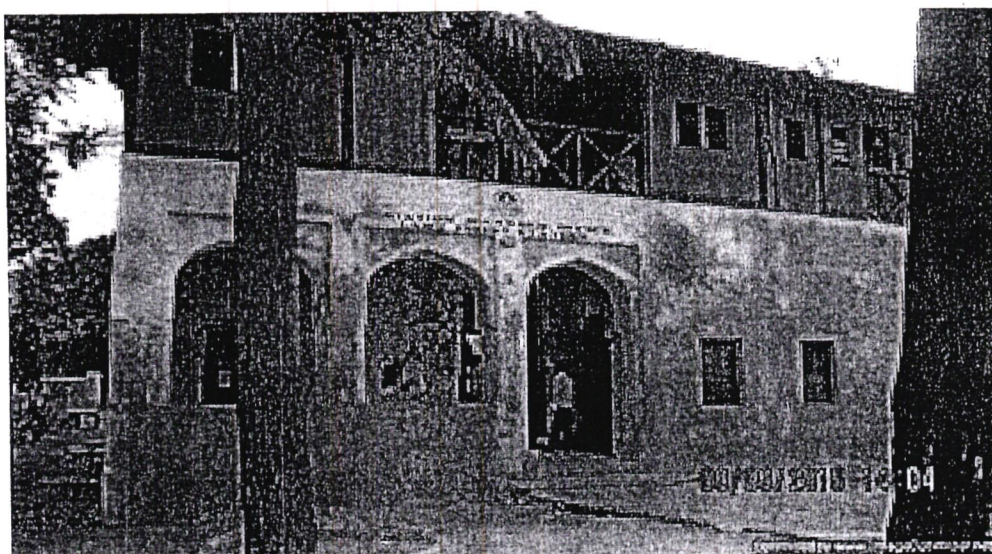


Photo 10: The Lamu Forest Station temporarily housing some of the Lamu County Executive Committee members

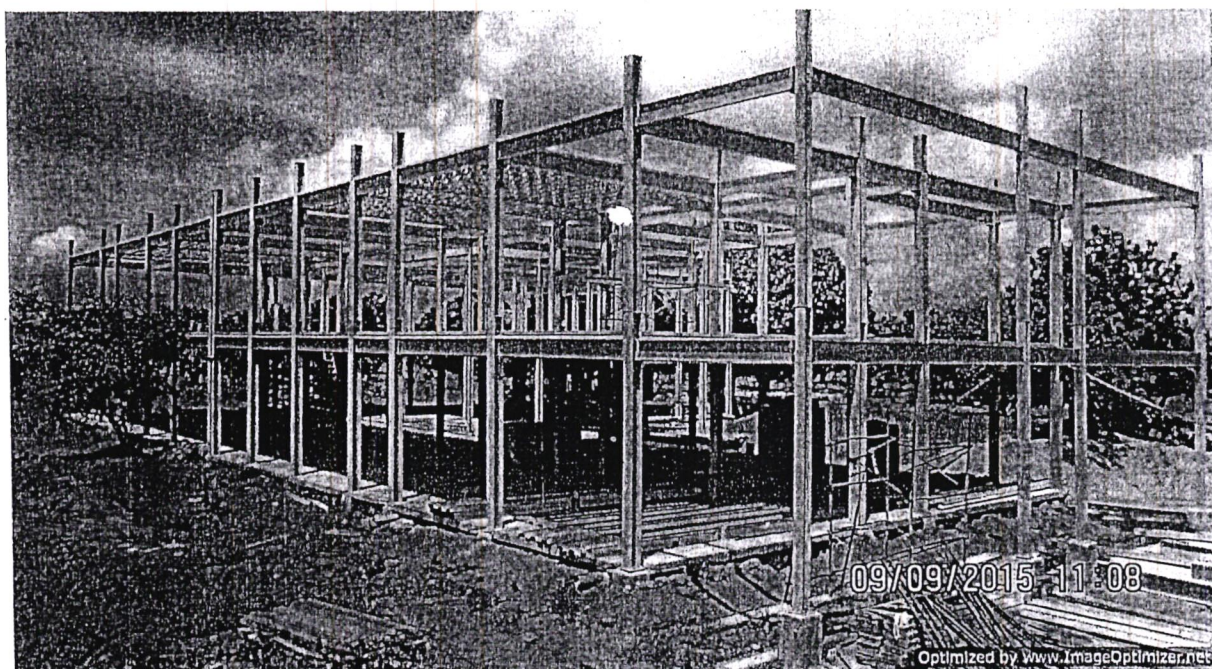


Photo 11: The proposed Lamu County Headquarters at Mokowe mainland, stalled due to lack of funds.

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.

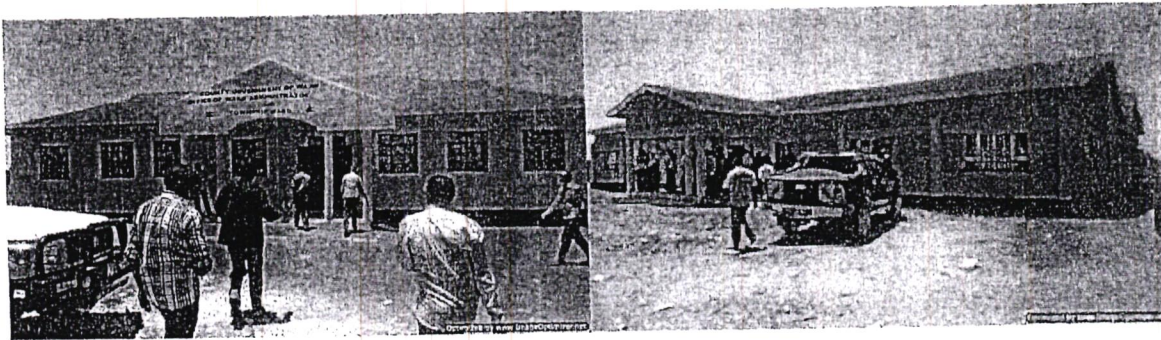


Photo 14: The Wajir County, Ward Administrator Office (L) and the County Pharmacy (R)

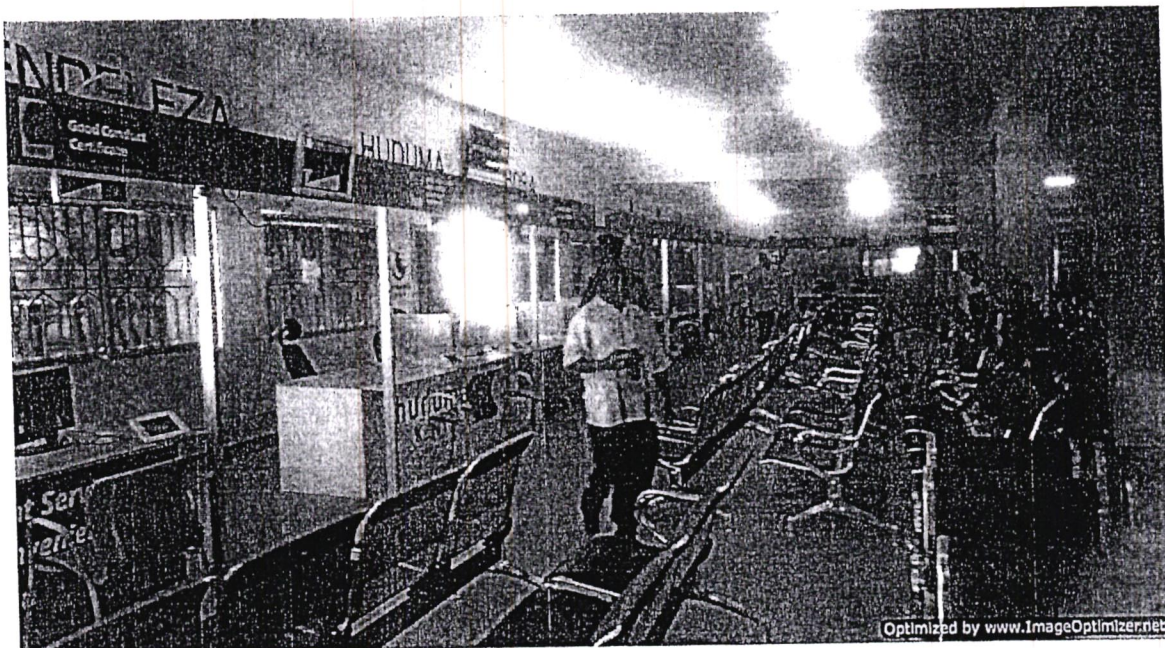


Photo 15: The Wajir County Huduma Centre, constructed by the County Government and offering services provided by both the County and the National Government

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.

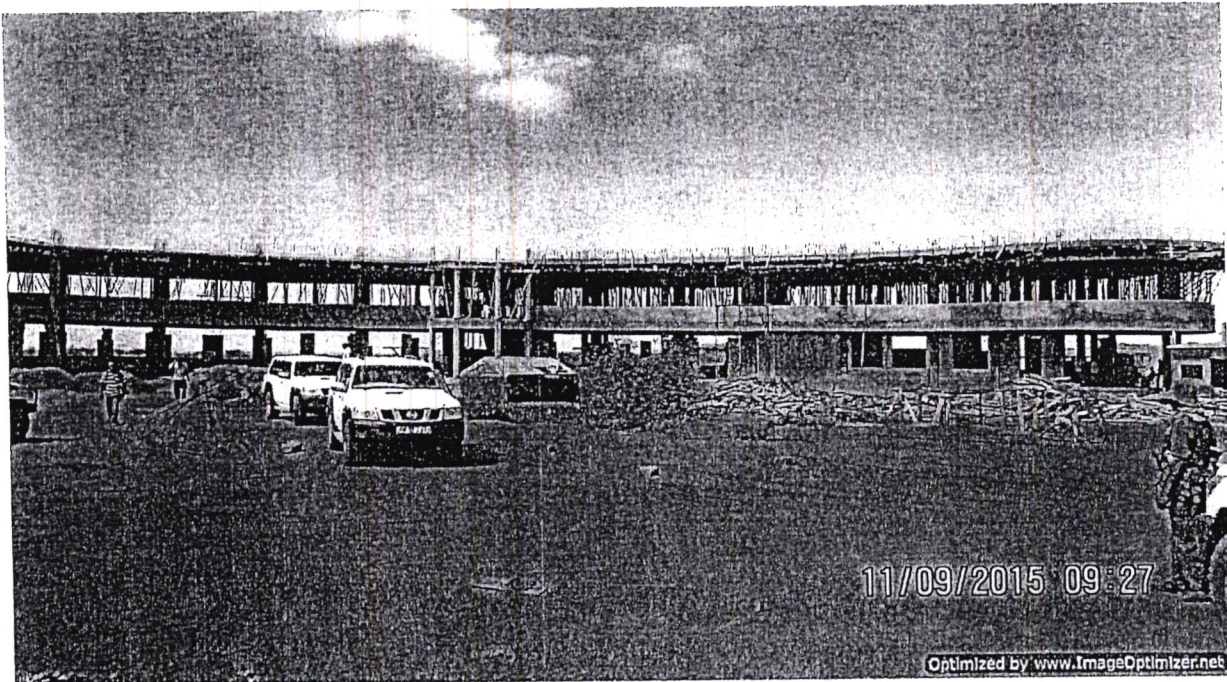


Photo 17: The Mandera County Executive block under construction.

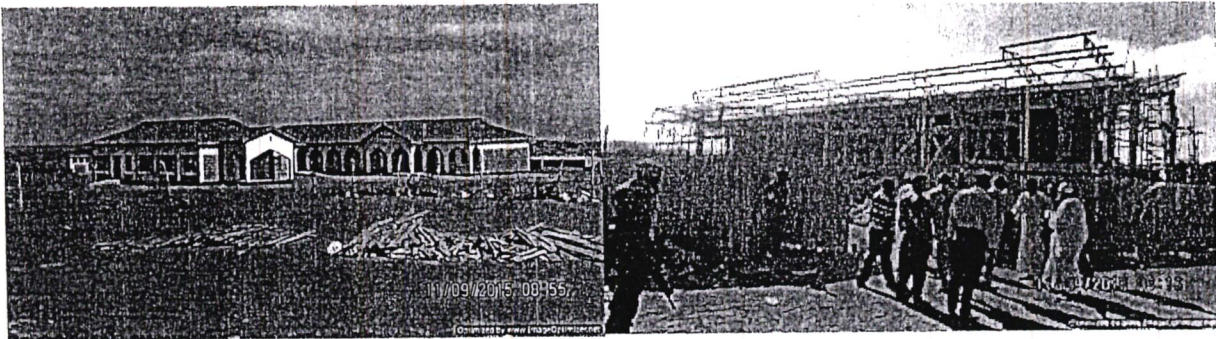


Photo 18: ECDE College constructed by the County Government (L) and the County Stadium under construction (R)

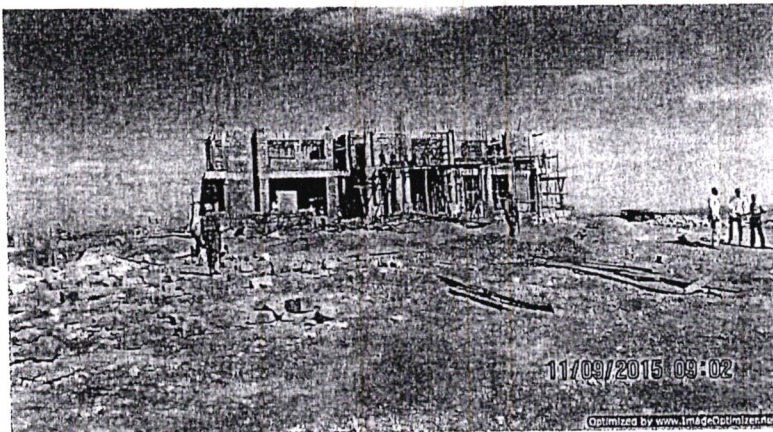


Photo 19: The County Governor's residence under construction.

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.

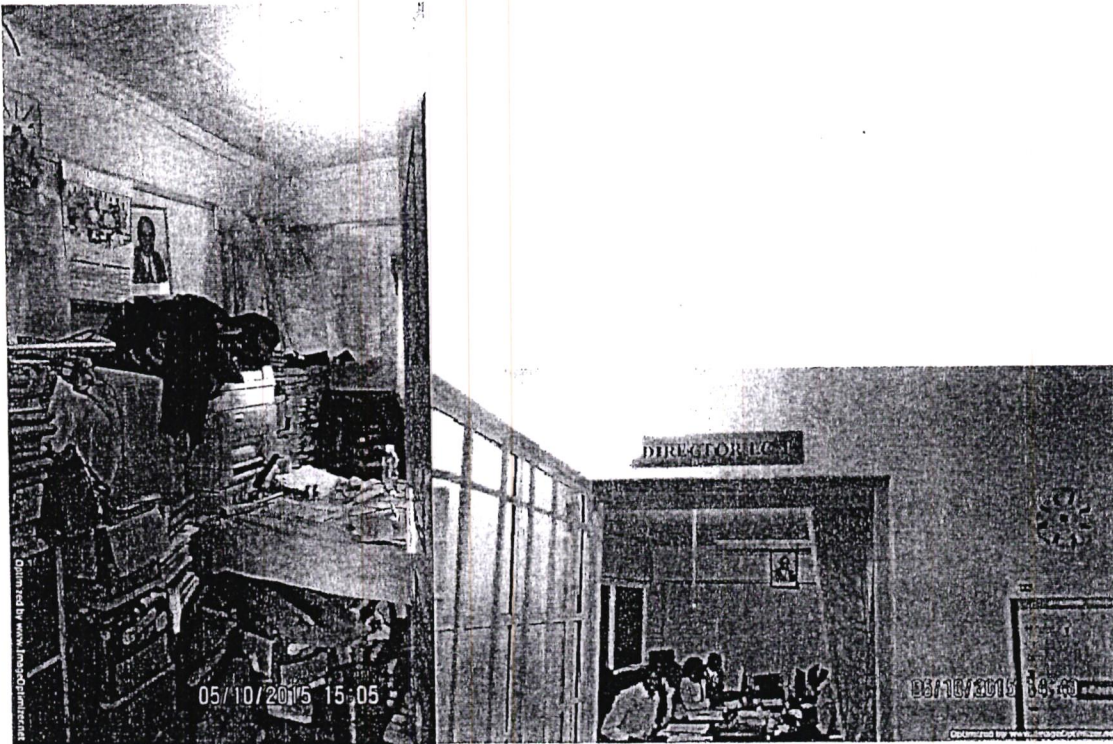


Photo 21: An overcrowded County Assembly Clerks' Office (L) and one of the CEC offices (R)



Photo 22: The County Government Offices in rented premises

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

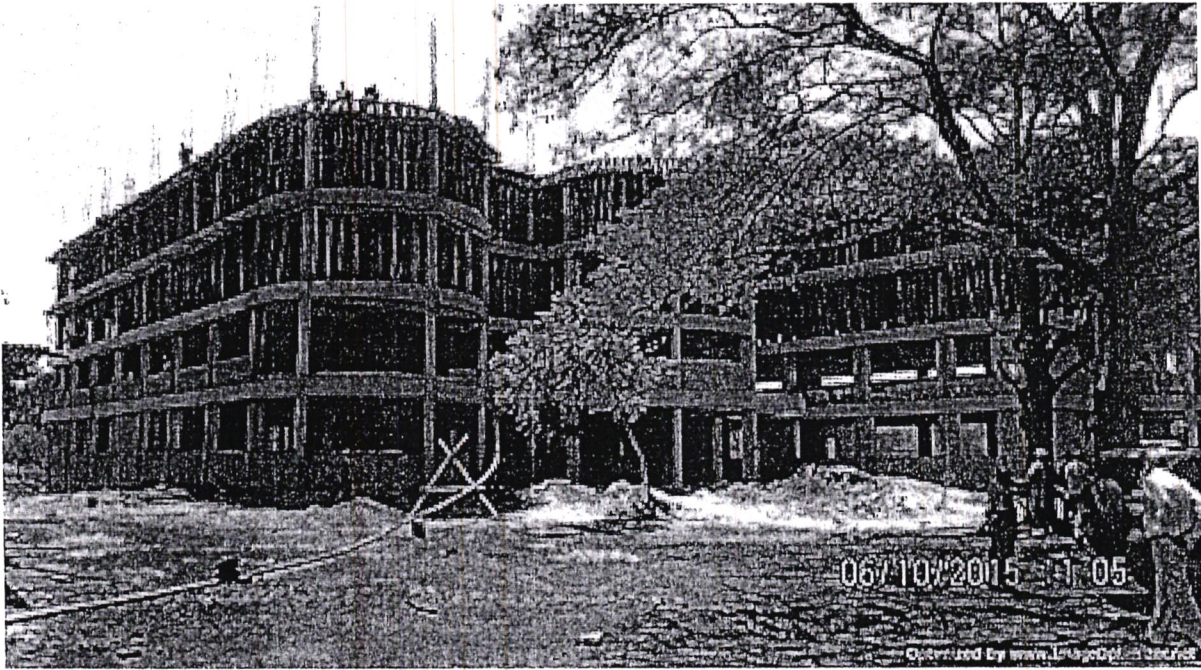


Photo 24: Kirinyaga County Executive block under construction

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.

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.

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.

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

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.

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.

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.