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REPUBLIC OF KENYA



13TH PARLIAMENT | 4TH SENATE | 3RD SESSION

STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS

REPORT ON A STATEMENT SOUGHT BY SEN. DAVID WAFULA
WAKOLI, MP REGARDING THE STATE OF MARKETS IN BUNGOMA
COUNTY

APPROVED
RT. HON. SEN
MASON J. KINGI

Rt. Hon. Speaker
You may approve for tabling
J. M. Nyegenye, C.B.S.,
Clerk of the senate/secretary, PSC
Date: 07/08/24

Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.

07/08/24

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LIST OF ABBREVIATIONS/ACRONYMS

KEMSA –	Kenya Medical Supplies Authority
MEDS –	Mission for Essential Drugs and Supplies
NZOWASCO –	Nzoia Water Services Company Limited
OSR	– Own Source Revenue

PRELIMINARIES

Mandate of the Committee

The Senate Standing Committee on Devolution and Intergovernmental Relations is established under the Standing Order 228 (3) and the Fourth Schedule of the Senate Standing Orders. The Committee is mandated to “*consider all matters relating to devolution, intergovernmental and inter-county relations, governance and management of county governments, cities, towns and urban areas.*”

Membership of the Committee

1. Sen. Sheikh Mohamed Abbas, MP	-	Chairperson
2. Sen. Catherine Muyeka Mumma, MP	-	Vice Chairperson
3. Sen. (Dr) Oburu Oginga, MGH, MP.	-	Member
4. Sen. Richard Momoima Onyonka, EBS, MP	-	Member
5. Sen. Peris Pesi Tobiko, CBS, MP	-	Member
6. Sen. Mohamed Said Chute, MP	-	Member
7. Sen. George Mungai Mbugua, MP	-	Member
8. Sen. Hezena M. Lemaletian, MP	-	Member
9. Sen. David Wafula Wakoli, MP	-	Member

CHAIRPERSON'S FOREWORD

Mr. Speaker,

On Wednesday 27th March, 2024, the Senator for Bungoma County, Sen. David Wafula Wakoli, MP, rose pursuant to standing order 53(1) to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the state of markets in Bungoma County.

Mr. Speaker,

In the statement, the Senator for Bungoma County sought a report on the state of key markets in Bungoma County, including but not limited to Chebkube in Bungoma town, Misikhu, Kamukuyua, Matisi, Bukembe, Mateka, Chwele, Kimilili, Cheptais, Sirisia, Kapkateny, Kapsokwany, Kabula, Kanduyi, Mayanja and Mateka, specifically addressing the availability and functionality of essential services such as water supply, street lighting, infrastructure, waste management and sanitation.

Additionally, he requested to be furnished with a status update of all market improvement and/or expansion projects initiated by the County Government of Bungoma from the Financial Year 2013/2014 to date. Further, the Senator requested for a breakdown of the Own Source Revenue (OSR) generated by the County Government from each market from FY 2018/2019 to date, giving a comparison of the revenue to the total costs incurred for services, construction and market improvements, as well as the amount retained from the revenue.

Noting the demolitions of buildings in Kanduyi and Bungoma towns which were said to have been built on public land, the Senator for Bungoma requested information on the estimated revenue shortfall arising from the demolitions in February 2024, outlining any steps taken to address the issue.

Mr. Speaker;

In considering the statement, the Committee wrote to the County Government of Bungoma asking them to submit a response regarding the issues raised in the statement. Additionally, the Committee

wrote to the State Department for Housing and Urban Development to request for information on the conditional grants under the Kenya Urban Support Program (KUSP) given to Counties.

Further, the Committee resolved to undertake a County visit to Bungoma County to inspect the various markets as requested in the statement. The Committee visited Bungoma County on Friday, 21st June, 2024 where they held a meeting with the Deputy Governor and later proceeded for an inspection of the markets. The Committee inspected Chebkube, Bukembe and Kamukuywa markets where they held meetings with the Market Management Development Committees and had engagements with the market traders to receive their memorandum and submissions stating the challenges they face and their proposals of market improvements.

Mr. Speaker;

The Committee did an in-depth analysis of the stakeholders' submissions and made various observations which are set out in Chapter Four of this report. The Committee observed that the markets have the necessary essential services i.e water supply, streetlights, sanitation and waste management although they face challenges of inadequacy, vandalism and poor maintenance. Additionally, the markets face a number of challenges which include; congestion due to limited space, poor drainage and sewerage systems and insecurity, that hinder the business of the traders.

Based on its findings and observations the Committee made various recommendations which are set out in Chapter Five of this report. The Committee recommended that the county government should ensure provision of adequate services to the markets; provide a safe and comfortable working environment for the traders; and address the specific challenges facing traders in each market.

Mr. Speaker;

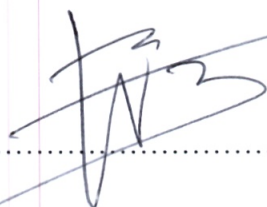
May I take this opportunity to commend the Members of the Committee for their devotion and commitment to duty, which made the consideration of the Statement successful.

I also wish to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this important assignment. Lastly, I wish to thank the stakeholders who presented their submissions on the Statement to the Committee.

Mr. Speaker;

It is now my pleasant duty, pursuant to Standing Orders 56(1)(aa) and 228 (i) of the Senate Standing Orders, to present the report of the Standing Committee on Devolution and Intergovernmental Relations on its consideration of the Statement sought by Sen. David Wafula Wakoli, MP - regarding the state of Markets in Bungoma County.

Signed



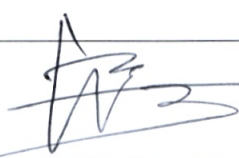
Date.....

06/08/24

SEN. SHEIKH MOHAMED ABASS, MP
CHAIRPERSON,
STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL
RELATIONS

**ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON DEVOLUTION
AND INTERGOVERNMENTAL RELATIONS ON A STATEMENT REGARDING THE
STATE OF MARKETS IN BUNGOMA COUNTY**

We, the undersigned Members of the Standing Committee on Devolution and Intergovernmental Relations, do hereby append our signatures to adopt this Report-

Sen. Sheikh Mohamed Abass, MP	- Chairperson	
Sen. Catherine Muyeka Mumma, MP	-Vice-Chairperson	
Sen. (Dr.) Oburu Oginga, MGH, MP	-Member	
Sen. Richard Momoima Onyonka, EBS, MP	-Member	
Sen. Peris Pesi Tobiko, CBS, MP	-Member	
Sen. Mohamed Said Chute, MP	-Member	
Sen. George Mungai Mbugua, MP	-Member	
Sen. Hezena M. Lemaletian, MP	-Member	
Sen. David Wafula Wakoli, MP	-Member	

CHAPTER ONE: INTRODUCTION

1.1 Background

1. On Wednesday 27th March, 2024, the Senator for Bungoma County, Sen. David Wafula Wakoli, MP, rose pursuant to standing order 53(1) to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the state of markets in Bungoma County. (*Annex 2*)
2. In the statement, the Senator sought the following information;
 - i. Report on the state of key markets in Bungoma County, including but not limited to Chebkube in Bungoma town, Misikhu, Kamukuyua, Matisi, Bukembe, Mateka, Chwele, Kimilili, Cheptais, Sirisia, Kapkateny, Kapsokwany, Kabula, Kanduyi, Mayanja and Mateka, specifically addressing the availability and functionality of essential services such as water supply, street lighting, infrastructure, waste management and sanitation;
 - ii. Provision of a status update of all market improvement and/or expansion projects initiated by the County Government of Bungoma from the Financial Year 2017/2018 to date;
 - iii. Provision of a breakdown of the Own Source Revenue (OSR) generated by the County Government from each market from FY 2018/2019 to date, giving a comparison of the revenue to the total costs incurred for services, construction and market improvements, as well as the amount retained from the revenue; and
 - iv. State the estimated revenue shortfall arising from the demolitions that happened recently in Kanduyi and Bungoma town, outlining any steps taken.

CHAPTER TWO: ENGAGEMENT WITH STAKEHOLDERS

3. At its sitting held on 15th April, 2024, the Committee deliberated on the statement and resolved to write to the County Government of Bungoma to submit a response regarding the issues raised in the statement. In addition, the Committee resolved to write to the State Department for Housing and Urban Development to request for information on the Conditional grants under the Kenya Urban Support Program (KUSP) given to Counties.
4. The Committee further resolved to undertake a county visit to Bungoma County to inspect the various markets as requested in the statement. The Committee visited Bungoma County on Friday, 21st June, 2024 where they held a meeting with the Deputy Governor and later proceeded for an inspection of the markets.

2.1 Response from the County Government of Bungoma

5. The Committee received a written response from the County Government of Bungoma dated 8th May, 2024, REF: CG/BGM/GVN/SNT/VOL.1 (23). (*Annex 3*)
6. In the response, the county government made submissions in response to the issues raised in the statement. They reported on the state of key markets in each sub-county in Bungoma County, specifically addressing the availability and functionality of essential services such as water supply, street lighting, waste management and sanitation.

a) Kanduyi Sub-County

7. Responding to the state of markets in Kanduyi sub-county, the county government stated that there are three markets which are Mayanja, Chebukube and Bukembe market. Concerning water supply, they highlighted that piped water was available in Mayanja and Chebukube market while Bukembe market uses borehole water.
8. Regarding street lighting, the county government submitted that high mast flood lights and normal streetlights were available in all three markets in the sub-county. Additionally, they stated that waste management was effective in all markets and that toilets are available. Mayanja and Bukembe markets had normal public toilets while Chebukube had advanced toilet with Water, Sanitation and Hygiene facilities.

b) Webuye-East Sub-County

9. The county government stated that Webuye-East had two key markets namely Misikhu market and Webuye Town market. On water supply, they responded that water was available at Webuye Town market supplied by Nzoia Water Services Company Limited (NZOWASCO) while in Misikhu, piped water was disconnected and a borehole had been drilled to supply water at the market.
10. Concerning streetlighting, the county government stated that Misikhu market had both grid and solar street lights and Webuye Town market had a high mast flood light and normal street lights. Further, they highlighted that waste management was effective in both markets. Misikhu market had normal public toilets while Webuye Town had advanced toilet with Water, Sanitation and Hygiene facilities.

c) Kimilili Sub-County

11. The county government reported that Kimilili sub-county had two markets which are Kimilili market and Kamukuywa market. They submitted that water in Kimilili market was supplied from NZOWASCO, while Kamukuywa market used borehole water. On street lighting, they stated that high mast flood lights and normal streetlights were available in both markets.
12. Regarding waste management, the county government noted that waste management was contracted and effective and public toilets were available in both markets.

d) Mt. Elgon Sub-County

13. The county government submitted that Mt. Elgon sub-county had three markets namely Cheptais, Kapsokwony and Kapkateny market. They stated that Cheptais market got its water supply from Cheptais Lwakhakha water project, Kapsokwony market got its supply from Kaberua and Sosio water project and Kapkateny's supply was from Kamuneru- Sambocho water project.
14. On streetlighting, the county government stated that Cheptais and Kapsokwony had high mast flood lights and normal street lights available while Kapkateny market had grid street lights. Regarding sanitation, they stated that public toilets were available in all markets and waste management was effective except for Kapkateny market whose waste management was not contracted.

e) Bumula Sub-County

15. The county government mentioned four markets in Bumula sub-county which were Kabula, Myanga, Mateka and Mayanja Kibuke markets. They stated that water supply was available in all markets, waste management was effective and public toilets were available in all markets. Solar streetlights were installed in all markets and Myanga market had an additional high mast flood light.

f) Kabuchai Sub-County

16. The county government stated that Kabuchai subcounty had only one main market which was Chwele market. They submitted that Chwele market had high mast street lights and normal street lights and its waste management was effective with normal public toilets available. However, they did not indicate the status of water supply in Chwele.

g) Sirisia Sub-County

17. The county government highlighted that Sirisia sub-county had three markets namely; Sirisia, Malakisi and Lwakhakha markets. They stated that water in all three markets was supplied from the same source which was Cheptais Lwakhakha Water Project. Further, they added that waste management was effective and public toilets were available in all markets.
18. The county government stated that grid connected streetlights were available in the three markets and Lwakhakha market had an additional high mast flood light.

h) Webuye West Sub-County

19. The county government stated that Webuye West sub-county had only one main market which is Matisi. They reported that Matisi got its water supply from NZOWASCO and the market had grid street lights installed. They added that waste management was effective and public toilets were available at the market.

i) Tongaren Sub-County

20. The county government stated that Tongaren sub-county had four markets which are Ndalu, Naitiri, Brigadier and Mbakalo market. Concerning water supply, they stated that borehole and spring water was available for use in all markets. On street lighting, they highlighted that the

markets had grid and solar street lights and Naitiri market has an additional high mast flood light.

21. With regard to waste management, the county government stated that waste management was **not** contracted in Ndal, Brigadier and Mbakalo market but was effective in Naitiri market. Further, they stated that public toilets are available in all markets.
22. The County Government of Bungoma provided a status update of all market improvement and expansion projects they initiated from the Financial Year 2017/2018 to FY 2023/2024. They provided details of the completed and ongoing market improvement projects indicating the cost of the project and the year of commencement as shown in the response annexed in this report. (*Annex 3*)
23. The market improvement projects included;
 - i. Construction of ten (10) market and boda boda sheds
 - ii. Renovation of perimeter fence and entry gate
 - iii. Fabrication of forty (40) container stalls
 - iv. Laying of cabros at Bukembe market
 - v. Construction of Kimilili Monday & Thursday markets and bus park
 - vi. Construction of modern market (on-going)
 - vii. Construction of stock auction yard
 - viii. Construction of fifteen (15) container stalls
 - ix. Construction of livestock auction yard (on-going)
 - x. Construction of livestock auction yard (on-going)
 - xi. Construction of livestock auction yard (on-going)
 - xii. Construction of livestock auction yard (on-going)
 - xiii. Construction of livestock auction yard (on-going)
24. The County Government of Bungoma further highlighted the own source revenue generated by each market from FY 2018/19 to FY2023/24 and the cost incurred for services, construction and market improvements in each market. The details are shown in the response annexed below the report (*Annex 3*).
25. Table 1 below gives a summary of the total revenue generated from all markets and also gives a comparison to the total costs incurred for all market improvement projects as submitted by the county government.

Table 1: Comparison of the Revenue collected to the Cost incurred for market improvements

S.No	Financial Year	Total Revenue generated from Markets in Ksh.	Total Costs incurred for services, construction and market improvements.
1.	2018/19	42,447,280	
2.	2019/20	41,728,570	
3.	2020/21	47,480,740	
4.	2021/22	40,147,100	
5.	2022/23	33,923,005	
6.	2023/24	31,423,205	
	TOTAL	237,149,900	506,459,940

26. The county government was required to state the estimated revenue shortfall arising from the demolitions that happened recently in Kanduyi and Bungoma town, outlining any steps taken to address the issue. They submitted that the demolition which started in February 2024, did not affect the revenue collection since the traders affected moved into the new market and others were obstructing structured businesses and at the same time created space for parking.
27. The county government indicated that there was an improvement in revenue from the previous to the current financial year as shown in Table 2 below.

Table 2: Upward trend in revenue

No.	Impost	FY2023/24	FY2022/23	Growth
1.	Trade Licenses	48,617,812	21,565,625	27,052,187
2.	Market fees	3,022,920	1,920,340	1,102,580
3.	Market shops rent	576,000	122,100	454,900

28. They further provided the overall monthly performance of revenue in Kanduyi sub-county for two years as shown in Table 3 below.

Table 3: Performance of revenue in Kanduyi sub-county

Month	FY 2022/2023	FY 2023/2024	Variance
July	9,827,620	9,358,736	(468,884)
August	6,866,370	9,242,178	2,375,808
September	6,766,507	8,785,598	2,019,091
October	853,461	7,381,169	6,527,708
November	11,612,134	9,824,597	(1,787,537)
December	21,863,270	18,098,010	(3,765,260)
January	23,491,331	23,716,276	224,945
February	22,108,653	23,472,155	1,363,502
March	34,339,429	37,639,727	3,300,298
April	16,830,197	20,755,367	3,925,170
May	14,215,809	-	(14,215,809)
June	10,692,196	-	(10,692,196)
Total	179,466,977	168,273,813	(11,193,164)

2.2 Response from the State department for Housing and Urban Development

29. The Committee received a response from the State Department for Housing and Urban Development vide a letter dated 14th May, 2024, reference number – Ref. No. MLPWHUD/HUD/UD/5/16/1Vol. II (19). (*Annex 4*)
30. The Committee had requested information regarding the conditional grants under the Kenya Urban Support Program (KUSP) given to Counties. The State Department made their submissions based on the detailed requests from the committee.
31. The State Department provided details of conditional grants given to Bungoma County through the Kenya Urban Support Program in support of construction of markets, providing names of the projects and the amount of money allocated to each project in both Phase one and Phase two of the program.

32. The Principal Secretary (PS) submitted that, the first Kenya Urban Support Program (KUSP) became effective on 11th January, 2018 and ended on 31st December, 2023, benefitting forty-five (45) counties and fifty-nine (59) municipalities except Nairobi and Mombasa cities. He added that allocations to the counties and their respective municipalities was done after Annual Performance Assessments (APAs). The APAs assessed the levels of counties and municipalities in meeting agreed upon Minimum Conditions (MCs) and Performance Standards (PSs). Results of these APAs determined the succeeding year's allocations to the counties and municipalities.
33. Further, he stated that the second Kenya Urban Support Program became effective on 14th March, 2024 and will end on 30th June 2028. The Program was scheduled for official launch in the month of May, 2024 after which Annual Performance Assessments were to be conducted to assess amounts that will be disbursed to each of the counties and municipalities that will have qualified to receive the funds. **(Note: Phase 2 of the KUSP program was launched on 7th May, 2024 by H.E the President William Ruto).** He mentioned that the program would benefit forty-five (45) counties, except Nairobi and Mombasa, seventy-seven (77) municipalities and two (2) refugee hosting municipalities (Kakuma & Dadaab).
34. The Principal Secretary highlighted that Bungoma county had two municipalities benefitting from the program, which received a total of **KShs.683,076,783.90** as total Urban Development Grant (UDG); Bungoma municipality received a total of **KShs.250,201,539.48** whereas Kimilili municipality received **KShs.432,875,244.42**. The details of the amounts disbursed to Bungoma & Kimilili municipalities are highlighted in the table below.

Table 4: Amount disbursed to Bungoma and Kimilili Municipalities

UDG DISBURSEMENTS TO BUNGOMAMUNICIPALTIY in Kshs.	
APA 1 DISBURSEMENT	109,887,700.00
APA 2 DISBURSEMENT	109,887,700.00
APA 3 DISBURSEMENT	29,231,580.16
ADDITIONAL ALLOCATION (Foreign Exchange gains)	1,194,559.32
TOTAL DISBURSEMENTS TO BUNGOMA MUNICIPALTIY	250,201,539.48
UDG DISBURSEMENTS TO KIMILILI MUNICIPALTIY in Kshs.	
APA 1 DISBURSEMENT	191,089,400.00
APA2 DISBURSEMENT	191,089,400.00

APA 3 DISBURSEMENT	49,501,885.10
ADDITIONAL ALLOCATION (Foreign Exchange gains)	1,194,559.32
TOTAL DISBURSEMENTS TO KIMILILI MUNICIPALITY	432,875,244.42

35. The Principal Secretary stated that as per the program, the Urban Development Grants (UDGs) were managed at municipalities level by the respective Municipal Boards and were used for infrastructure investments as per the program eligible investment menu, which had the following investments categories;

- i) Waste Management (liquid and Solid),
- ii) Storm Water Drainage,
- iii) Connectivity - urban roads, walkways and bicycle paths, street and security lights and road signs
- iv) Urban social and economic infrastructure - urban greenery, public spaces, markets, stadiums e.t.c
- v) Fire and Disaster Management.

36. The program provided that all investments to be undertaken would be identified by the respective municipal boards through consultation with the citizens, the County Executive Committee (CEC) and the County Assembly and an annual investment plan prepared and approved by the boards and county assembly before implementation of the same. The compliance with this process of identification of investments was part of the conditions assessed through the APAs to determine amounts that the municipality would receive from the urban development grant.

37. The Principal Secretary therefore affirmed that, there was no specific allocation for construction of markets or any other urban infrastructure except the infrastructure investment identified and approved by the boards from any sector in the eligible investment menu indicated above. In addition, he stated that the municipalities of Bungoma and Kimilili undertook various infrastructure investments with the disbursements they received from the program, including upgrading of Monday and Thursday market and a bus park in Kimilili Municipality which costed **Kshs. 187,982,674.00/=**. The details of all the projects are highlighted in the response annexed below this report. (*Annex 4*)

38. The State Department was also asked to provide a list of the counties that received conditional grants from the Kenya Urban Support Program, providing a breakdown of the amount of money that was given to each County and their respective municipalities for the construction and upgrading of markets in Phase one and Phase two of the program.
39. The Principal Secretary responded that **there were no disbursements done under KUSP II**. He further stated that there was no specific allocation for construction of markets or any other urban infrastructure except the infrastructure investment identified and approved by the boards from any sector in the eligible investment menu.
40. The Principal Secretary provided a schedule of all the amounts disbursed to the counties as Urban Institutional Grants (UIGs) and Urban Development Grants (UDGs), which is annexed under **Annex 4** of the report.
41. Disbursements made to Bungoma County under Phase I were;
- a) Total Urban Institutional Grants disbursed for the whole county – **Ksh. 51,145,355.56**; and
 - b) Total Urban Development Grants disbursed to the two municipalities – Bungoma received **Kshs. 250,201,539.48** and Kimilili received **Kshs. 432,875,244.42**.
42. The Principal Secretary reported on the State Department's assessment of the adherence of the Counties to the implementation of the projects supported by the Kenya Urban Support Program. He highlighted that the State Department for Housing and Urban Development (SDHUD) through the National Program Coordinating Team (NPCT) undertook the following during the period of the first Kenya Urban Support Program;
- i) Annual Performance Assessments (APAs) - Conducted by a Consultant engaged by the State Department for Housing and Urban Development (SDHUD) to assess the compliance levels of counties and municipalities in meeting agreed upon Minimum Conditions (MCs) and Performance Standards (PSs). Results of these APAs determine succeeding year's allocations to the counties and municipalities. Urban Development Grants (UDGs) are managed at municipalities by Municipal Boards and are used for infrastructure investments. The assessments of the minimum conditions and performance standards through the APAs evaluate the compliance of the counties and municipalities on the implementation requirements for projects.
 - ii) The State Department through the National Program Coordinating Team (NPCT) conducted assessments including capacity building training, technical assistance and audits

on urban infrastructure investments from planning to design, implementation, closure, operation and maintenance. This support was conducted on regular basis and also on specific areas based on requests by counties and municipalities.

iii) Audits - Conducted by both the State Departments internal Audit and OAG.

iv) Biannual Reporting on status of implementation of the program activities.

v) At the end of the program, conducted various assessments; a) Beneficiary Assessment, b) Value for Money Evaluation and c) Environment and Social Safeguards Audit.

43. The Principal Secretary mentioned that the National Program Coordinating Team (NPCT) prepared a program closure report highlighting areas of improvement which were incorporated into the Program Operation Manual (POM) for the second Kenya Urban Support Program (KUSP II).

44. The Principal Secretary concluded by giving a summary of the challenges experienced, the key lessons learnt and some best practices identified during the implementation of the program.

2.3 Meeting with the Deputy Governor of Bungoma County and other County Officials

45. The Committee met with Hon. Jennipher Mbatiany, the Deputy Governor of Bungoma County, the County Executive Committee member for Trade Energy and Industrialization and other County officials on 21st June, 2024 during the county visit.

46. The County Government acknowledged the written response to the statement sent to the Committee. They stated that essential services are provided in the markets and that the County Government is committed to ensure they address all the challenges faced by the traders.

47. On the issue of market improvement projects, the county government informed the Committee that the construction of a modern market at Kamukuywa was ongoing but was facing challenges of funds to pay the workers and the contractor. The county government added that they reached out to the national government to assist in completing the project and are yet to receive a response.

48. The county government also provided information on the construction project at Chebkube market stating that the project was not complete because the initial contract was terminated and another company was contracted to finish the project. They added that some traders were relocated to a new area to do their business temporarily as the project was completed.

49. During the meeting, it was agreed that the Committee visits the hospital for an inspection of essential departments, then later visit three markets that is Chebkube, Bukembe and Kamukuywa market, as a representation of all other markets.

2.4 Visit to Bungoma County Referral Hospital

50. After the meeting with the governor, the Committee proceeded for an inspection of Bungoma County Referral hospital.
51. The Committee inspected the Intensive Care Unit where they interrogated the staff including the critical care nurses and the nutritionist. The hospital personnel submitted that they received an average of four patients weekly and that there were four beds in the Intensive Care Unit and two beds in the High Dependency Unit. They highlighted various challenges faced at the unit which included; inadequate human resource; limited space at the facility, inadequate equipment and high cost of maintaining the machines.
52. The Committee also visited the Renal Unit at the hospital. The staff stated that the unit had four nurses with no medical doctor and they received an average of twenty (20) patients in a month. The patients came twice a week and had a dialysis session of four hours each. They highlighted the challenges faced at the unit which included; lack of a specialized doctor; lack of an isolation machine for Hepatitis B and C; inadequate staff specialized in dialysis; and inadequate dialysis machines.
53. Further, the Committee visited the inpatient pharmacy. At the pharmacy, the personnel gave their submissions to the Committee stating that 60% of their drugs were from Kenya Medical Supplies Authority (KEMSA) while the remaining were from other qualified suppliers like the Mission for Essential Drugs and Supplies (MEDS). This was due to the fact that some drugs were not available at KEMSA. They added that the facility only had one functional ambulance and they did not have a blood bank.
54. The hospital in general was facing challenges of insufficient staffing which impacted patient care, reduced efficiency and increased wait time for patients to be attended to.

2.5 Visit to Markets in Bungoma County

55. Upon completing the inspection at the hospital, the Committee began their inspection of various markets in Bungoma. The Committee inspected Chebukube, Bukembe and Kamukuywa markets where they held meetings with the Market Management Development Committees and had engagements with the market traders. The Committee received memorandum from the traders stating the challenges they faced and their proposals of market improvements.
56. Some of the common challenges highlighted were: congestion due to limited space; unstable water supply from water companies; inadequate water supply; faulty streetlights and insufficient streetlighting; inadequate sanitation facilities; lack of proper and adequate garbage collection and dumping sites; poor drainage and sewerage systems; insecurity at the market; and poor road network.
57. The market traders expressed the need for a modern market with enough space for all traders, adequate and constant water supply preferably from boreholes, enough streetlights, modern toilets with water connection, proper waste management systems, improvement of roads and pavements; and trade loans from the county government.

CHAPTER THREE: ANALYSIS OF STAKEHOLDER SUBMISSIONS

3.1 State of Key Markets in Bungoma

58. The County Government of Bungoma gave a report on the state of key markets in Bungoma County, addressing the availability and functionality of essential services such as water supply, street lighting, waste management, and sanitation.

3.1.1 Water Supply

59. The county government highlighted that water was available in all markets in all Sub-Counties. The sources of water were boreholes drilled in the markets like Bukembe, Misikhu, Kamukuywa, Mateka among other markets.
60. Further, the county government submitted that water was also supplied from Nzoia Water Services Company Limited (NZOWASCO) and other local water projects including Cheptais Lwakhakha, Kaberua and Sosio, Kamuneru- Sambocho water projects.
61. During the engagement with the Committee, the traders complained that water supply was not stable hence they preferred boreholes drilled at the markets.

3.1.2 Street lighting

62. The county government submitted that street lights were installed in all markets in Bungoma County, varying from High mast flood lights, grid connected street lights, solar street lights while some markets had all of them installed.
63. During the engagement with the Committee, the market traders submitted that the installed street lights were insufficient while some were faulty and needed to be repaired.

3.1.3 Waste management and Sanitation

64. On waste management, the county government stated that it was effective in all markets except for Kapkateny, Ndalul, Brigadier and Mbakalo market. They stated that sanitation facilities were available in the markets; most markets had normal public toilets while others specifically had advanced toilets with Water, Sanitation and Hygiene (WASH) facilities.

3.2 Market Improvement and Expansion projects from FY 2017/2018 to FY 2023/2024

65. The county government provided details of the completed and ongoing market improvement projects in Bungoma from FY2017/18 to FY 2023/2024, indicating the cost of the project and the year of commencement as shown in the table below.

Table 5: Highlight of market improvement/ expansion projects from FY 2017/2018

YEAR	MARKETS	IMPROVEMENT/EXPANSION	Cost (Ksh)
2017/2018	Kabula market	Construction of ten (10) market and boda boda sheds	3,014,314
2018/2019	Chwele market	Renovation of perimeter fence and entry gate	3,954,300
2019/2020	Bungoma town	Fabrication of forty (40) container stalls	9,994,738
2021/2022	Bukembe market	Laying of cabros at Bukembe market	4,395,275
2021/2022	Kimilili town	Construction of Kimilili Monday & Thursday markets and bus park	187,982,675
2022/2023	Kamukuywa market	Construction of modern market (on-going)	272,672,926
2023/2024	Dorofu market	Construction of stock auction yard	1,473,000
2023/2024	Kabula market	Construction of fifteen (15) container stalls	4,821,000
2023/2024	Misikhu market	Construction of livestock auction yard (on-going)	5,595,521
2023/2024	Kamukuywa market	Construction of livestock auction yard (on-going)	2,607,630
2023/2024	Mayanja market	Construction of livestock auction yard (on-going)	3,572,950
2023/2024	Cheptais market	Construction of livestock auction yard (on-going)	5,667,750
2023/2024	Ndalu market	Construction of livestock auction yard (on-going)	5,528,861

66. The construction of Kimilili Monday & Thursday markets and bus park in Kimilili town was one of the projects funded by the Kenya Urban Support Program Phase 1.

3.3 Own Source Revenue generated from the Markets from FY 2018/19 to FY2023/24

67. The County Government of Bungoma gave a highlight of the own source revenue generated by each market from FY 2018/19 to FY2023/24 and the cost incurred for services, construction and market improvements in each market.
68. A summary of the total revenue generated from all markets and a comparison to the total costs incurred for all market improvement projects as submitted by the county government is shown in the table below.

Table 6: Comparison of the Revenue collected to the Cost incurred for market improvements

S.No	Financial Year	Total Revenue generated from Markets in Ksh.	Total Costs incurred for services, construction and market improvements.
7.	2018/19	42,447,280	
8.	2019/20	41,728,570	
9.	2020/21	47,480,740	
10.	2021/22	40,147,100	
11.	2022/23	33,923,005	
12.	2023/24	31,423,205	
	TOTAL	237,149,900	506,459,940

3.4 Challenges Facing Markets in Bungoma County

69. While visiting Bungoma County, the Committee met with the Market Management Committees and had engagements with the traders to receive their submissions. The traders highlighted several challenges and gave proposals of improvements they require in their markets.

3.4.1 Chebukube Market

70. The traders in Chebukube market submitted that their major concern was congestion in the market. They stated that the land reserved for the market was illegally taken and they requested the county government to follow up on the matter to ensure that it was given back to the traders.

71. The traders further highlighted various challenges including; street lights going off due to power outage; faulty streetlights; unstable water supply from NZOWASCO; and harassment from predatory lending companies and shylocks.
72. They expressed the need for expansion of the market, drilling of a borehole for water supply, more sheds for traders, solar lights to enable them work for more hours, and need for trade loans from the county government.

3.4.2 Bukembe Market

73. Traders in Bukembe Market submitted that the major challenges they face are; lack of toilets; insufficient water supply; insecurity at the market; congestion due to insufficient space; poor drainage and sewerage system; and lack of an auction market.
74. They further expressed the need for a modern market with a store for securing trader's items, need for toilet, need for bumps on the main road passing by the market, need for a modern slaughter house, enough lights to ensure the safety of the traders, and the need for security enhancements.

3.4.3 Kamukuywa Market

75. The Market Management Committee and the traders in Kamukuywa market were all concerned about the stalling of the construction of a modern market. The Chairperson of the Market committee stated that the project stalled for four months.
76. The Contractor for the construction project at Kamukuywa made his submissions regarding the project. He stated that the construction was currently 55% complete and that the major challenge has been funding for the project. He added that, he had a workforce of 85 – 95 workers and that they are all local residents from the county.
77. The contractor mentioned his plan to handle water connection and drainage to the market once the construction was complete. He stated that with proper funding, the project would be complete and handed over by December 2024. The modern market had enough space to host 1200 traders.

78. From the submissions by the Market Committee, the major challenges affecting Kamukuywa were; inadequate water supply; insufficient lighting; poor drainage system; poor waste management; scarcity of trading space; and inadequate toilets and ablution blocks.

3.4.4 Kimilili Market

79. The Member of County Assembly representing Kimilili Ward made her submissions regarding Kimilili market. She stated that the construction of Kimilili market was completed two years ago but the market still faces challenges which included: no lighting in the stalls hence remain unoccupied, poor drainage system, grocery stalls were planned for but not constructed, lack of an ablution block and lack of a slaughterhouse at the market.

CHAPTER FOUR: COMMITTEE OBSERVATIONS

80. Following stakeholder engagements and an analysis of the submission from the various stakeholders, the Committee made the following observations:

4.1 State of Key Markets in Bungoma County

81. The Committee observed that water was available in most markets, either supplied by local water projects, boreholes dug at the markets and the Nzoia Water Services Company Limited (NZOWASCO). Water supply was not stable and most traders preferred boreholes drilled at the markets. The Committee further observed that the major challenge affecting water supply was the connection from the source to different parts of the market including toilets.
82. Concerning street lighting, the Committee observed that streetlights had been installed in all markets varying from high mast flood lights, solar-powered streetlights, and electric streetlights. However, the street lights were insufficient while some were faulty and needed to be repaired.
83. The Committee observed that waste management was effective in all markets except for Kapkateny, Ndalul, Brigadier and Mbackalo market. Further, the Committee observed that sanitation facilities were available in the markets where most markets had normal public toilets while others had advanced toilets with Water, Sanitation and Hygiene (WASH) facilities. However, some markets still had a challenge where the sanitation facilities were inadequate and lacked essential provisions like water.

4.2 Market Improvement Projects Initiated by the County Government

84. The county government had initiated several improvement projects for the markets from FY 2017/2018 to FY 2023/2024. The Committee observed that some of these projects were stalled due to lack of funds for construction like the modern market in Kamukuywa. Further, the Committee observed that the implemented projects were still not adequately serving the traders at the markets and there was need for more expansion and improvement projects as per the traders' needs.

4.3 Own Source Revenue (OSR) Generated from Markets

85. Taking note of the submissions made on the revenue collected from FY 2018/2019 to FY 2023/2024, the Committee observed that markets in Bungoma are significant contributors to the Own Source Revenue of the county. Additionally, the Committee observed that the challenges affecting the markets had a huge impact on the revenue collection and addressing them would lead to an increase in the revenue collection.

4.4 Challenges facing markets in Bungoma County

86. The markets in Bungoma County faced so many challenges which affected the work environment for the traders. The Committee observed that the common challenges affecting the markets were;

- i. congestion due to limited space;
- ii. inadequate water supply and poor water connection;
- iii. poor streetlighting - inadequate streetlights, street lights going off due to power outage and some are faulty
- iv. poor sanitation standards in the markets - inadequate and poorly maintained toilets and ablution blocks;
- v. lack of proper and adequate garbage collection and dumping sites;
- vi. poor drainage and sewerage systems;
- vii. harassment from predatory lending companies and shylocks;
- viii. inadequate sheds for traders and boda boda operators;
- ix. vandalism and robbery due to insecurity at the market; and
- x. Poor management by the Market Management Development Committee due to lack of capacity building for the members of the committee.

87. These challenges made it difficult for businesses to thrive therefore affecting the revenue collection from the markets.

CHAPTER FIVE: COMMITTEE RECOMMENDATIONS

88. Based on the findings and observations above, the Standing Committee on Devolution and Intergovernmental Relations recommends that –

- i. The County Government of Bungoma should ensure proper connection of water from the sources to all outlets in the market and ensure constant supply.
- ii. The county government should maintain high sanitation standards within the markets by ensuring availability of adequate modern toilets with constant water supply and frequent cleaning.
- iii. The county government should fast-track the installation of additional and the repair of the faulty streetlights to improve the lighting and security at the market.
- iv. The county government should ensure proper waste management, facilitate efficient garbage collection and dumping, and improve the drainage and sewer systems.
- v. The county government should advance the security at the markets to reduce vandalism of items and enhance the safety of the traders.
- vi. Concerning the recommendations on provision of essential services in the markets in i, ii, iii, iv and v above, the county government should report the status update to the Committee within six (6) months upon the adoption of this report.
- vii. The county government should address the challenges of congestion and inadequate sheds for traders to improve their working conditions leading to an improvement of the Own Source Revenue collected from the markets.
- viii. The county government should facilitate the construction of modern markets in all sub-counties and ensure completion of any stalled project for market improvements. Further, the county government should consider building the market vertically to save space for more infrastructural developments and ensure accessibility for persons with disabilities.
- ix. The county government of Bungoma should facilitate provide trade loans for the market traders and other entrepreneurs to avoid harassment from other lenders.
- x. The county government should consider constructing health facilities, crèches and nurseries at the markets to ensure all the essential needs of the traders are catered for.
- xi. Upon qualification and receipt of the funds from the Kenya Urban Support Program (Phase II), the county government should consider investing in fire and disaster management in the Municipality including having fire equipment in every market.

PICTORIALS



Picture 1; Committee members paying a courtesy call to the Deputy Governor of Bungoma county



Picture 2; Committee members meeting the county executive at the Governor's office Boardroom



Picture 3; Committee members inspecting Bungoma County Referral Hospital



Picture 4; Committee members inspection the Pharmacy at Bungoma Hospital



Picture 5; Committee members engaging traders at Bukembe market



Picture 6; Committee members engaging traders at Kamukuywa market



Picture 7; Stalled construction of a modern market in Kamukuywa



Picture 8; Committee members inspecting the project at Kamukuywa market

ANNEXURES

1. Minutes
2. Statement
3. Response by the County Government of Bungoma
4. Response by the State Department for Housing and Urban Development

LIST OF ANNEXURES

<i>Annex 1</i>		Minutes of the Standing Committee on Devolution and Intergovernmental Relations
<i>Annex 2</i>		Copy of Statement
<i>Annex 3</i>		Submissions by the County Government of Bungoma
<i>Annex 4</i>		Submissions made by the State Department for Housing and Urban Development

Annex 1:

***Minutes of the Standing
Committee on Devolution and
Intergovernmental Relations***



**MINUTES OF THE HUNDRED AND SECOND SITTING OF THE SENATE
STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS HELD ON MONDAY, 15TH APRIL,
2024 VIRTUALLY, ON THE ZOOM LINK PLATFORM**

PRESENT

- | | |
|--|-------------------------------|
| 1. Sen. Catherine Muyeka Mumma, MP | - Vice-Chairperson (Chairing) |
| 2. Sen. Richard Momoima Onyonka, EBS, MP | - Member |
| 3. Sen. Mohamed Chute, MP | - Member |
| 4. Sen. George Mungai Mbugua, MP | - Member |
| 5. Sen. David Wafula Wakoli, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|-------------------------------------|---------------|
| 1. Sen. Sheikh Mohamed Abass, MP | - Chairperson |
| 2. Sen. (Dr.) Oburu Oginga, MGH, MP | - Member |
| 3. Sen. Peris Pesi Tobiko, CBS, MP | - Member |
| 4. Sen. Hezena Lemaletian, MP | - Member |

SECRETARIAT

- | | |
|---------------------------|---|
| 1. Mr. Desmond Rasugu | - Clerk Assistant III (taking minutes) |
| 2. Mr. Walters Omondi | - Legal Counsel II |
| 3. Ms. Mwanamisi Mwachasi | - Research Officer III |
| 4. Ms. Lucianne Limo | - Ag Chief Media Relations Officer |
| 5. Mr. Johnstone Simiyu | - Audio Officer III |

IN ATTENDANCE

- | | |
|-------------------------|-----------------------------------|
| Sen. William Kisang, MP | - Senator, Elgeyo Marakwet County |
|-------------------------|-----------------------------------|

MIN/SEN/DEVIR/512/2024:

PRAYER

The acting Chairperson called the meeting to order at 8:35 am followed by a word of prayer by Mr. Desmond Rasugu.

MIN/SEN/DEVIR/513/2024:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted as presented after being proposed by Sen. Richard Onyoka, EBS, and seconded by Sen. George Mbugua, MP as follows -

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of the minutes of the previous meetings; (3 sets)
4. Consideration of matters arising from the Minutes;
5. Consideration of Statement by Sen. William Kisang', MP, on conditional grants to Counties for the construction of County Headquarters;
6. Consideration of Statement by Sen. David Wakoli, MP, on the state of markets in Bungoma County;
7. Any Other Business; and
8. Date of the Next Meeting and Adjournment.

MIN/SEN/DEVIR/514/2024:

**CONFIRMATION OF MINUTES OF
PREVIOUS MEETINGS**

- a) The minutes of the ninety-ninth meeting held on 22nd March, 2024 at 10.00 am were confirmed to be a true record of the proceedings after being proposed by Sen. Richard Onyonka, EBS, MP and seconded by Sen. David Wakoli, MP; and
- b) The minutes of the hundreth meeting held on 22nd March, 2024 at 2.30 pm were confirmed to be a true record of the proceedings after being proposed by Sen. Richard Onyonka, EBS, MP and seconded by Sen. David Wakoli, MP.
- c) Confirmation of the minutes of the hundred and first meeting was deferred to the next meeting.

MIN/SEN/DEVIR/515/2024:

MATTERS ARISING FROM THE MINUTES

There were no matters arising from the minutes that were confirmed.

MIN/SEN/DEVIR/516/2024:

**CONSIDERATION OF A STATEMENT BY SEN. WILLIAM KISANG, MP ON
CONDITIONAL GRANTS TO COUNTIES FOR CONSTRUCTION OF
COUNTY HEADQUARTERS.**

The Committee considered Committee Paper No. 66, a brief on the request for a Statement regarding the conditional grants to Counties for the Construction of County Headquarters. The paper analyzed the report of the Senate Ad Hoc Committee which was established in 2015 to enquire into the adequacy and standards of the headquarter facilities in each of the forty-seven (47) counties. The findings of the Ad Hoc Committee formed the basis for determining the Counties that needed assistance for

construction of their headquarters. The Ad Committee categorized the Counties into the following groups -

AA:

This is a special category of Counties that were in dire need of prioritization and special immediate assistance. These were five (5) counties; Isiolo, Lamu, Nyandarua, Tharaka-Nithi and Tana River. The five were to be given a conditional grant of Ksh.800 Million.

A:

Counties that require assistance. This category had six (6) counties namely; TaitaTaveta, Marsabit, Kitui, Bomet, Siaya and Nyamira. To be given conditional grants of Ksh. 300 Million.

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

C: Counties that do not require any assistance. This category comprised of all the remaining twenty-six (26) counties.

The requester of the Statement, Sen. William Kisang, MP, Senator for Elgeyo Marakwet County submitted that although Elgeyo Marakwet was not categorized to receive the conditional grant, its headquarters are inadequate with substandard facilities to serve the county effectively. He appealed to the Committee to carry out a visit to the County headquarters in Iten town and assess its status. Whereafter the committee can do a report making appropriate recommendations to assist the County upgrade the headquarters.

Committee resolution

Upon deliberation of the request by Sen. William Kisang, MP, the Committee resolved as follows-

- a) To write the Governor of Elgeyo Marakwet County inviting him to submit written responses to the statement and in particular provide details of the current status of the County Headquarters; and
- b) The Committee to carry out a County visit to Elgeyo Marakwet to assess the status of the County headquarters. The Visit to take place in the month of May, 2024.

MIN/SEN/DEVIR/517/2024:

CONSIDERATION OF STATEMENT BY SEN. DAVID WAKOLI, MP, ON THE STATE OF MARKETS IN BUNGOMA COUNTY

The Committee considered Committee Paper No. 71, a brief on a Statement sought by Sen. David Wakoli, MP. The Senator had requested the Committee to –

1. Report on the state of key markets in Bungoma County, including but not limited to Chebkube in Bungoma town, Misikhu, Kamukuyua, Matisi, Bukembe, Mateka, Chwele, Kimilili, Cheptais, Sirisia, Kapkateny, Kapsokwany, Kabula, Kanduyi, Mayanja and Mateka, specifically addressing the availability and functionality of essential services such as water supply, street lighting, infrastructure, waste management and sanitation;
2. Provide a status update of all market improvement and/or expansion projects initiated by the County Government of Bungoma from the Financial Year 2017/2018 to date;
3. Provision of a breakdown of the Own Source Revenue (OSR) generated by the County Government from each market from FY 2018/2019 to date, giving a comparison of the revenue to the total costs incurred for services, construction and market improvements, as well as the amount retained from the revenue; and
4. States the estimated revenue shortfall arising from the demolitions that happened recently in Kanduyi and Bungoma town, outlining any steps taken.

The Committee noted the policy and legislative frameworks governing markets in the country including the Urban Areas and cities Act and the market management and development guide formulated by the Ministry of Lands, Public Works, Housing and Urban Development whose main objective is to provide harmonized standards that will guide the development and management of markets in the country. The County Governments are responsible for implementing these guidelines at the grassroot level.

Upon deliberation on the brief and the views of the requester of the statement, the Committee resolved as follows-

- a) To write the Governor of Bungoma County requesting him to submit written responses to the issues raised in the statement;
- b) Write to the State Department for Housing and Urban Development requesting the submission of details of any conditional grants given to Bungoma County through the Kenya Urban Support Program in support of the construction of markets, providing names of the projects and the amount of money allocated to each project in both Phase one and Phase two of the program; and
- c) To provide a full list of the counties that received conditional grants from the Kenya Urban Support Program, providing a breakdown of the amount of money that was given to each County and their respective municipalities for the construction and upgrading of markets in Phase one and Phase two of the program; and

MIN/SEN/DEVIR/518/2024

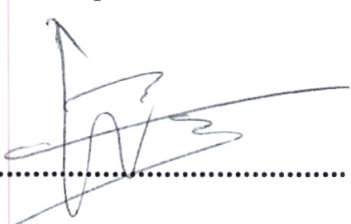
ANY OTHER BUSINESS

There was no any other business.

MIN/SEN/DEVIR/519/2024

DATE OF NEXT MEETING AND
ADJOURNMENT

The Vice-Chairperson adjourned the meeting at 9:27 am. The next meeting to be held on Thursday, 18th April, 2024.

SIGNED.....

DATE.....22/04/24

SEN. SHEIKH MOHAMED ABASS, M.P
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.



**MINUTES OF THE HUNDRED AND SEVENTEENTH SITTING OF THE
SENATE STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS HELD ON FRIDAY, 21ST JUNE, 2024,
AT 10.00 AM AT THE BOARDROOM OF THE GOVERNOR, BUNGOMA
COUNTY**

PRESENT

- | | |
|--|---------------|
| 1. Sen. Sheikh Mohamed Abass, MP | - Chairperson |
| 2. Sen. (Dr.) Oburu Oginga, MGH, MP | - Member |
| 3. Sen. Richard Momoima Onyonka, EBS, MP | - Member |
| 4. Sen. Hezena Lemaletian, MP | - Member |
| 5. Sen. David Wafula Wakoli, MP | - Member |

ABSENT

- | | |
|------------------------------------|--------------------|
| 1. Sen. Catherine Muyeka Mumma, MP | - Vice-Chairperson |
| 2. Sen. Peris Pesi Tobiko, CBS, MP | - Member |
| 3. Sen. Mohamed Chute, MP | - Member |
| 4. Sen. George Mungai Mbugua, MP | - Member |

IN ATTENDANCE

- | | |
|---------------------------|-------------------------------------|
| 1. Hon. Janepher Mbatiany | - Deputy Governor, Bungoma County |
| 2. Mr. William Nasongo | - County Secretary, Bungoma County |
| 3. Ms. Caroline Makali | - CECM for Trade, Bungoma County |
| 4. Dr. David Wamamili | - CECM for Education Bungoma County |
| 5. Mr. Robert Simiyu | - Chief Officer for Finance |
| 6. Dr. Magarina Mayano | - Chief Officer for Health |

SECRETARIAT

- | | |
|---------------------------|---|
| 1. Mr. Desmond Rasugu | - Clerk Assistant III (taking minutes) |
| 2. Mr. Walters Omondi | - Legal Counsel II |
| 3. Ms. Mwanamisi Mwachasi | - Research Officer III |
| 4. Ms. Lucianne Limo | - Media Relations Officer |

- | | |
|----------------------|--------------------|
| 5. Mr. Wilson Bosmet | - Serjeant-At-Arms |
| 6. Mr. Charles Oyosi | - Audio officer |

MIN/SEN/DEVIR/583/2024:

PRAYER

The meeting was called to order at 10:20 am by the Chairperson followed by a word of prayer by Sen David Wakoli, MP. Thereafter, there was a round of introductions by all those who were present.

MIN/SEN/DEVIR/584/2024

MEETING WITH THE DEPUTY GOVERNOR OF BUNGOMA COUNTY TO DELIBERATE ON THE STATEMENT BY SEN, DAVID WAKOLI, MP ON THE STATEMENT REGARDING THE STATE OF MARKETS IN BUNGOMA

The Chairperson in his opening remarks stated that the Committee had visited the County for a factfinding mission on the state of various markets in the County following a request the Committee received from Sen. David Wakoli, MP. He explained that in the Statement the Senator requested the Committee to –

- i. Report on the state of key markets in Bungoma County, including but not limited to Chebkube in Bungoma town, Misikhu, Kamukuyua, Matisi, Bukembe, Mateka, Chwele, Kimilili, Cheptais, Sirisia, Kapkateny, Kapsokwany, Kabula, Kanduyi, Mayanja and Mateka, specifically addressing the availability and functionality of essential services such as water supply, street lighting, infrastructure, waste management and sanitation;
- ii. Provision of a status update of all market improvement and/or expansion projects initiated by the County Government of Bungoma from the Financial Year 2017/2018 to date;
- iii. Provision of a breakdown of the Own Source Revenue (OSR) generated by the County Government from each market from FY 2018/2019 to date, giving a comparison of the revenue to the total costs incurred for services, construction and market improvements, as well as the amount retained from the revenue; and
- iv. State the estimated revenue shortfall arising from the demolitions that happened recently in Kanduyi and Bungoma town, outlining any steps taken.

He noted that the Committee had received a written response from the County government regarding the issues raised. He then invited the Deputy Governor and the Members of the County Executive to give a summarized oral response on the above issues. The team responded as follows -

1. That water supply is available in all markets in of the nine Sub-Counties. The sources of water vary from boreholes, supply from local water projects and the Nzoia Water Services Company Limited (NZOWASCO).

2. That street lighting is also available in the markets with street lights varying from high mast flood lights, grid, solar street, and some markets have all of them installed;
3. That waste management is effective in all markets except for Kapkateny, Ndalù, Brigadier and Mbakalo Market. Sanitation facilities are available; Some markets specifically indicated that there are Water, Sanitation and Hygiene (WASH) facilities while the rest have normal Public toilets;
4. Provided a list of the completed and ongoing market improvement projects from FY 2017/2018 in the major markets which included, the construction of market and boda boda sheds, renovation of perimeter fences, fabrication of container stalls, construction of an auction yard etc;
5. Highlighted the own source revenue generated by each market from FY 2018/19 to FY 2023/24 and the cost incurred for services, construction and market improvements in each market;
6. That the demolition which started in February 2024, did not affect the revenue collection since the traders affected moved into the new market and others were obstructing structured businesses and at the same time created space for parking;
7. Reported that there was an improvement in revenue from the previous to the current financial year.

Resolution

After deliberating on the responses, the Committee resolved to visit Chebkube, Bukembe, and Kamukuyia markets for a proper inspection of their state.

MIN/SEN/DEVIR/585/2024

ANY OTHER BUSINESS

There was no any other Business.

MIN/SEN/DEVIR/586/2024

DATE OF NEXT MEETING AND ADJOURNMENT

The Chairperson adjourned the meeting at 11:20 am. The next meeting to be held at 12:00 pm.

SIGNED.....

DATE.....06/08/2024

SEN. SHEIKH MOHAMED ABASS, M.P
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.



**MINUTES OF THE HUNDRED AND EIGHTEENTH SITTING OF THE
SENATE STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS HELD ON FRIDAY, 21ST JUNE, 2024,
AT 1.00 PM AT BUKEMBE MARKET CENTRE**

PRESENT

- | | |
|--|---------------|
| 1. Sen. Sheikh Mohamed Abass, MP | - Chairperson |
| 2. Sen. (Dr.) Oburu Oginga, MGH, MP | - Member |
| 3. Sen. Richard Momoi Onyonka, EBS, MP | - Member |
| 4. Sen. Hezema Lemaletian, MP | - Member |
| 5. Sen. David Wafula Wakoli, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|------------------------------------|--------------------|
| 1. Sen. Catherine Muyeka Mumma, MP | - Vice-Chairperson |
| 2. Sen. Peris Pesi Tobiko, CBS, MP | - Member |
| 3. Sen. Mohamed Chute, MP | - Member |
| 4. Sen. George Mungai Mbugua, MP | - Member |

IN ATTENDANCE

- | | |
|------------------------|-----------------------------------|
| 1. Mr. William Nasongo | -County Secretary, Bungoma County |
| 2. Ms. Caroline Makali | - CECM for Trade |

SECRETARIAT

- | | |
|---------------------------|---|
| 1. Mr. Desmond Rasugu | - Clerk Assistant III (taking minutes) |
| 2. Mr. Walters Omondi | - Legal Counsel II |
| 3. Ms. Mwanamisi Mwachasi | - Research Officer III |
| 4. Ms. Lucianne Limo | - Media Relations Officer |
| 5. Mr. Wilson Bosmet | - Serjeant-At-Arms |
| 6. Mr. Charles Oyosi | - Audio officer |

MIN/SEN/DEVIR/587/2024:

PRAYER

The meeting was called to order at 1:20 pm by the Chairperson followed by a word of prayer by Sen. David Wakoli, MP. Thereafter, there was a round of introductions by all those who were present.

MIN/SEN/DEVIR/588/2024

MEETING WITH THE TRADERS OF BUKEMBE MARKET AND AN INSPECTION VISIT OF THE MARKET

The Chairperson in his opening remarks stated that the Committee had visited the County for a factfinding mission on the state of various markets in the County following a request the Committee received from Sen. David Wakoli, MP. He stated that the Committee was looking forward to getting their views on the true state of the markets, its management, and the challenges that they want addressed by the County governments.

The following were the submissions made by the market traders -

1. The market needs modern structures with a storey building to make maximum use of the available land;
2. The market needs to be leveled to erase stagnant water for ease of movement within the market;
3. Need to build a permanent drainage system to avoid deposition of alluvial silt which blocks culverts during the rainy season;
4. The government to annex land that was grabbed with immediate effect and use it to expand the area of the market;
5. The market needs a physical planning map to determine proper planning, growth, and expansion;
6. The town has no reliable clean systems and therefore a health risk in case of a disease outbreak. Need for the county government to improve sanitation;
7. Construction of a modern slaughterhouse;
8. The town lacks a dumpsite. The county government to set aside a place for a dumpsite;
9. The county government to expand the market land to provide for a livestock auction yard;
10. Install sufficient and functional flood lights in the market; and
11. The Committee to probe and hold accountable any person who may have misappropriated funds meant for expansion of the market.

Resolution

The Committee to do a comprehensive report from the observations and findings of the visits and make necessary recommendations.

MIN/SEN/DEVIR/589/2024

ANY OTHER BUSINESS

There was no any other Business.

MIN/SEN/DEVIR/590/2024

DATE OF NEXT MEETING AND
ADJOURNMENT

The Chairperson adjourned the meeting at 3:40 pm. The next meeting to be held on Saturday, 22nd June, 2024 at 9.00 am.

SIGNED.....

DATE.....06/08/2024

SEN. SHEIKH MOHAMED ABASS, M.P
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.



**MINUTES OF THE HUNDRED AND TWENTY-SEVENTH SITTING OF THE
SENATE STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS HELD ON TUESDAY, 6TH AUGUST,
2024, AT 10.00 AM AT COMMITTEE ROOM 6, BUNGE TOWER.**

PRESENT

- | | |
|--|--------------------|
| 1. Sen. Sheikh Mohamed Abass, MP | - Chairperson |
| 2. Sen. Catherine Muyeka Mumma, MP | - Vice-Chairperson |
| 3. Sen. (Dr.) Oburu Oginga, MGH, MP | - Member |
| 4. Sen. Richard Momoima Onyonka, EBS, MP | - Member |
| 5. Sen. Mohamed Chute, MP | - Member |
| 6. Sen. George Mbugua, MP | - Member |
| 7. Sen. Hezena Lemaletian, MP | - Member |
| 8. Sen. David Wafula Wakoli, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|----------------------------|----------|
| Sen. Peris Tobiko, CBS, MP | - Member |
|----------------------------|----------|

SECRETARIAT

- | | |
|----------------------------|---|
| 1. Ms. Sylvia Nasambu | - Clerk Assistant I |
| 2. Mr. Desmond Rasugu | - Clerk Assistant III (taking minutes) |
| 3. Mr. Walters Omondi | - Legal Counsel I |
| 4. Ms. Lucianne Limo | - Media Relations Officer |
| 5. Ms. Mwanamisi Mwachasi | - Research Officer III |
| 6. Ms. Celestine Jepkosgey | - Public Communications Officer |
| 7. Mr. Alex Mutuku | - Serjeant-At-Arms |
| 8. Mr. Johnstone Simiyu | - Audio officer |

MIN/SEN/DEVIR/627/2024:

PRAYER

The meeting was called to order at 10:15 am by the Chairperson followed by a word of prayer by Ms. Sylvia Nasambu.

MIN/SEN/DEVIR/628/2024**ADOPTION OF THE AGENDA**

The Agenda of the meeting was adopted as presented after being proposed by Sen. David Wakoli, MP, and seconded by Sen Mohamed Chute, MP as follows -

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the Previous Meetings; (8 sets)
4. Consideration of Matters Arising from the Minutes;
5. Consideration of a legislative proposal on The County Government Laws (Amendment) Bill, 2024;
6. Consideration and adoption of the following reports of the Committee:
 - a) Report on personal security concerns raised by Hon. Philomenah Kapkory, Deputy Governor, Trans Nzoia County;
 - b) Report on the Statement sought by Sen. Godfrey Osotsi, MP, regarding the state of markets in Vihiga County; and
 - c) Report on the Statement sought by Sen. David Wakoli, MP, regarding the state of markets in Bungoma County.
7. Any other Business; and
8. Date of the Next Meeting and Adjournment.

MIN/SEN/DEVIR/629/2024**CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETINGS**

1. The minutes of the hundred and fourteenth sitting held on Monday, 20th May, 2024 at 10.00 am were confirmed as a true record of the proceedings after being proposed by Sen. Mohamed Chute, MP and seconded by Sen. George Mbugua, MP;
2. The minutes of the hundred and fifteenth sitting held on Thursday, 23rd May, 2024 at 11.00 am were confirmed as a true record of the proceedings after being proposed by Sen. Mohamed Chute, MP and seconded by Sen. George Mbugua, MP;
3. The minutes of the hundred and sixteenth sitting held on Tuesday, 28th May, 2024 at 10.00 am were confirmed as a true record of the proceedings after being proposed by Sen. Mohamed Chute, MP and seconded by Sen. David Wakoli, MP;
4. The minutes of the hundred and seventeenth sitting held on Friday, 21st June, 2024 at 10.00 am were confirmed as a true record of the proceedings after being proposed by Sen. Richard Onyonka, MP, EBS, and seconded by Sen. David Wakoli, MP;
5. The minutes of the hundred and eighteenth sitting held on Friday, 21st June, 2024 at 1.00 pm were confirmed as a true record of the proceedings after being proposed by Sen. Richard Onyonka, MP, EBS, and seconded by Sen. David Wakoli, MP;

6. The minutes of the hundred and nineteenth sitting held on Saturday, 22nd June, 2024 at 10.00 am were confirmed as a true record of the proceedings after being proposed by Sen. George Mbugua, MP and seconded by Sen. David Wakoli, MP;
7. The minutes of the hundred and twentieth sitting held on Saturday, 22nd June, 2024 at 2.00 pm were confirmed as a true record of the proceedings after being proposed by Sen. George Mbugua, MP and seconded by Sen. David Wakoli, MP; and
8. The minutes of the hundred and twenty-first sitting held on Monday, 15th July 2024 at 10. 00 am were confirmed as a true record of the proceedings after being proposed by Sen. George Mbugua, MP and seconded by Sen. Mohamed Chute, MP.

MIN/SEN/DEVIR/630//2024

**CONSIDERATION OF MATTERS ARISING
FROM THE MINUTES**

There were no matters arising from the confirmed minutes.

MIN/SEN/DEVIR/631/2024

**CONSIDERATION OF A LEGISLATIVE PROPOSAL
ON THE COUNTY GOVERNMENT LAWS
(AMENDMENT) BILL, 2024.**

The Committee considered the legislative proposal that seeks to amend the County Governments Act to set out clear and specific functions of a Deputy Governor, in order to streamline the responsibilities of the said office and also foster harmonious relations with the office of the county governor.

Upon deliberation of the matter, the Committee resolved to have a meeting with the sponsor of the Bill, Sen. Kathuri Murungi, MGH, MP, Deputy Speaker, and the Deputy Governors Forum to have an in-depth discussion on the consequences of the proposal before submitting the comments of the Committee to the Speaker. The meeting was scheduled to take place on Tuesday, 20th August, 2024.

MIN/SEN/DEVIR/632/2024

**CONSIDERATION AND ADOPTION OF
REPORTS**

a) Consideration of the report on personal security concerns raised by Hon. Philomenah Kapkory, Deputy Governor, Trans Nzoia County.

The Committee was presented with the report on the personal security concerns that were raised by the Deputy Governor of Transnzoia which covered the background of the matter, analysis of stakeholder submissions, the observations and recommendations made by the committee. The report was unanimously adopted after being proposed by Sen. David Wakoli, MP and seconded by Sen. Mohamed Chute, MP;

b) Consideration of report on the statement sought by Sen. Godfrey Osotsi, MP, regarding the state of markets in Vihiga County.

The Committee was presented with the report on the Statement sought by Sen. Godfrey Osotsi, MP regarding the state of markets in Vihiga County which covered the background of the matter, an analysis of the stakeholder submissions and the Committee observations. The report was unanimously adopted after being proposed by Sen. David Wakoli, MP and seconded by Sen. Mohamed Chute, MP.

c) Consideration of report on the statement sought by Sen. David Wakoli, MP, regarding the state of markets in Bungoma County

The Committee was presented with the report on the statement sought by Sen. David Wakoli, MP regarding the state of markets in Bungoma County which covered the background of the matter, an analysis of the stakeholder submissions, and the Committee observations. The report was unanimously adopted after being proposed by Sen. Mohamed Chute, MP and seconded by Sen. David Wakoli, MP.

MIN/SEN/DEVIR/633/2024

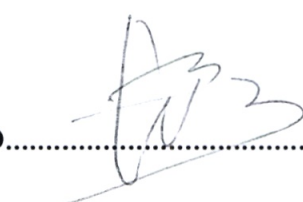
ANY OTHER BUSINESS

There was no any other business.

MIN/SEN/DEVIR/634/2024

**DATE OF NEXT MEETING AND
ADJOURNMENT**

The Chairperson adjourned the meeting at 11:52 am. The next meeting to be held on notice.

SIGNED.....

DATE.....06/08/2024,

**SEN. SHEIKH MOHAMED ABASS, MP,
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.**

Annex 2:

Copy of Statement

DDLPS (L.A)

This is forwarded
for your consideration.

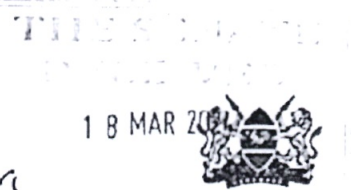
Chairman

15/3/24

DDLPS

Submitted for further
process

15/03/2024



DEPUTY CLERK (S.A.)
REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - (THIRD SESSION)

THE SENATE

REQUEST FOR STATEMENT

ON THE STATE OF MARKETS IN BUNGOMA COUNTY

Mr. Speaker, Sir,

I rise, pursuant to Standing Order 53 (1), to seek a Statement from the Standing Committee on Devolution and Intergovernmental relations regarding the condition of markets within Bungoma County.

In the Statement, the Committee should-

1. Report on the state of key markets in Bungoma County, including but not limited to Chebkube in Bungoma town, Misikhu, Kamukuyua, Matisi, Bukembe, Mateka, Chwele, Kimilili, Cheptais, Sirisia, Kapkateny, Kapsokwany, Kabula, Kanduyi, Mayanja and Mateka, specifically addressing the availability and functionality of essential services such as water supply, street lighting, infrastructure, waste management and sanitation;
2. Provide a status update of all market improvement and/or expansion projects initiated by the County Government of Bungoma from the Financial Year 2017/2018 to date;
3. Provide a breakdown of the Own Source Revenue (OSR) generated by the County Government from each market from FY 2018/2019 to date, giving a comparison of the revenue to the total costs incurred for services, construction and market improvements, as well as the amount retained from the revenue; and
4. State the estimated revenue shortfall arising from the demolitions that happened recently in Kanduyi and Bungoma Town, outlining any steps taken.

SEN. DAVID WAFULA WAKOLI, M.P.
SENATOR FOR BUNGOMA COUNTY

DATE: 14th March, 2024

DDLPS

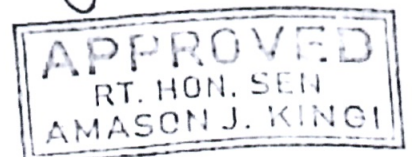
Submitted for
approval.

2M
18.03.24

Hon. Speaker

You may approve.

18/3/24



Annex 3:

**Submissions by the County
Government of Bungoma**

978

COUNTY GOVERNMENT OF BUNGOMA



OFFICE OF THE GOVERNOR

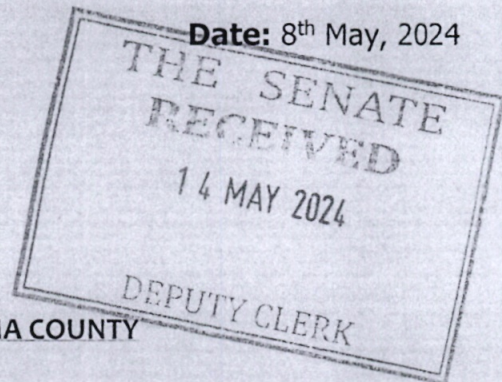
Telephone: 0725-393939
e-mail: governor@bungoma.go.ke

Municipal Building
P.O Box 437- 50200
BUNGOMA

Our Ref: CG/BGM/GVN/SNT/VOL.I (23)

Date: 8th May, 2024

The Clerk of the Senate
The Senate Clerk's Chambers, Parliament Buildings
P.O. BOX 41842-00100
NAIROBI.

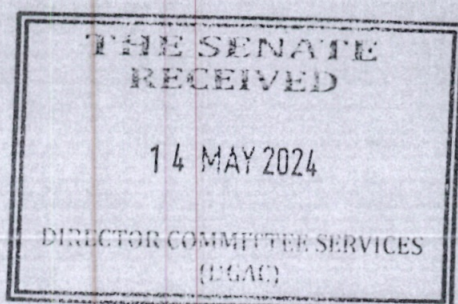


RE: RESPONSE ON STATE OF MARKETS IN BUNGOMA COUNTY

I refer to the letter dated 18th April, 2024 REF: SEN/DGAC/DEVIR/2024/024 where the standing committee on devolution and intergovernmental relations was to provide information regarding the state of markets in Bungoma County as requested by the senator.

The committee requested the following information:

- a) **Issue one:** To report on the state of key markets in Bungoma County, including but not limited to Chebukube in Bungoma town, Misikhu, Kamukuywa, Matisi, Bukembe, Mateka, Chwele, Kimilili, Cheptais, sirisia, Kapkateny, Kapsokwony, Kabula, Kanduyi, Mayanja and Mateka, specifically addressing the availability and functionality of essential services such as water supply, street lighting, waste management and sanitation.



① DGAC

Kindly deal -

② HDD-GOVERNANCE
Lead Clerk - Devolution

Kindly deal

14/05/2024

14/05/2024

The following is the status of our markets as requested:

S/No.	Sub-County	Markets	Water Supply	Street Lighting	Waste Management and Sanitation
1.	Kanduyi	Mayanja market	Piped water available	High mast flood light and Street light available	Waste management effective (Contracted) Public toilets available
		Chebukube market	Piped water available	High mast flood light and streetlights available	Waste management effective (Contracted) WASH facilities available
		Bukembe Market	Borehole water available-treatment to reduce iron content budgeted	High mast flood light and streetlights available	Waste management effective (Contracted) Public toilets available
2.	Webuye East	Misikhu market	Piped water disconnected-a borehole has been drilled on the market for water supply	Grid and solar Street lights available	Waste management effective (Contracted) Public toilets available
		Webuye town market	Water available (NZOWASCO)	High mast flood light and streetlights available	Waste management effective (Contracted) WASH facilities available
3.	Kimilili	Kimilili market	Water available (NZOWASCO)	High mast flood light and streetlights available	Waste management effective (Contracted) Public toilets available
		Kamukuywa market	Borehole water available	High mast flood light and streetlights available	Waste management effective (Contracted) Public toilets available
4.	Mt. Elgon	Cheptais	Water supply available (Cheptais-Lwakhakha water project)	High mast flood light and streetlights available	Waste management effective (Contracted) Public toilets available
		Kapsokwony market	Water available (Kaberua and Sosio water project)	High mast flood light and streetlights available	Waste management effective (Contracted) Public toilets available
		Kapkateny market	Water available (Kamuneru-Sambocho water project)	Grid streetlights available	Waste management not contracted Public toilets available
5.	Bumula	Kabula	Community water available	solar streetlights available	Waste management effective (Contracted) Public toilets available
		Myanga market	Water available	High mast flood light and solar streetlights available	Waste management effective (Contracted) Public toilets available
		Mateka market	Borehole water available	Grid and solar street lighting available	Waste management effective (Contracted) Public toilets available

		Mayanja Kibuke	Water supply available	solar streetlights available	Waste management effective (Contracted) Public toilets available
6.	Kabuchai	Chwele market	Grid street lights available (KOICA 1)	High mast flood light and streetlights available	Waste management effective (Contracted) Public toilets available
7.	Sirisia	Sirisia market	Water supply available (Cheptais-Lwakhakha water project)	Grid street lights available	Waste management effective (Contracted) Public toilets available
		Malakisi market	Water supply available (Cheptais-Lwakhakha water project)	Grid street lights available	Waste management effective (Contracted) Public toilets available
		Lwakhakha market	Water supply available (Cheptais-Lwakhakha water project)	High mast flood light and grid streetlights available	Waste management effective (Contracted) Public toilets available
8.	Webuye West	Matisi	Water supply available (NZOWASCO)	Grid street lights available	Waste management effective (Contracted) Public toilets available
9.	Tongaren	Ndalu market	Borehole water available	Grid street lights available	Waste management not contracted Public toilets available
		Naitiri market	Borehole spring water available	High mast Floodlight street lights available	Waste management effective (Contracted) Public toilets available
		Brigadier market	Borehole spring water available	Grid street lights available	Waste management not contracted Public toilets available
		Mbakalo market	Borehole spring water available	Grid and solar street lighting available	Waste management not contracted Public toilets available

- b) **Issue two:** To provide a status update of all market improvement and /or expansion projects initiated by the County Government of Bungoma from the Financial Year 2017/2018 to date.

Below is a highlight of market improvement and/or expansion projects undertaken by the County Government of Bungoma from financial year 2017/18 to date.

YEAR	MARKETS	IMPROVEMENT/EXPANSION	Cost (Ksh)
2017/2018	Kabula market	Construction of 10No. market and boda boda sheds	3,014,314
2018/2019	Chwele market	Renovation of perimeter fence and entry gate	3,954,300
2019/2020	Bungoma town	Fabrication of 40No. container stalls	9,994,738
2021/2022	Bukembe market	Laying of cabros at Bukembe market	4,395,275
2021/2022	Kimilili town	Construction of Kimilili Monday & Thursday markets and bus park	187,982,675
2022/2023	Kamukuywa market	Construction of modern market (on-going)	272,672,926
2023/2024	Dorofu market	Construction of stock auction yard	1,473,000
2023/2024	Kabula market	Construction of 15 No. container stalls	4,821,000
2023/2024	Misikhu market	Construction of livestock auction yard (on-going)	5,595,521
2023/2024	Kamukuywa market	Construction of livestock auction yard (on-going)	2,607,630
2023/2024	Mayanja market	Construction of livestock auction yard (on-going)	3,572,950
2023/2024	Cheptais market	Construction of livestock auction yard (on-going)	5,667,750
2023/2024	Ndalu market	Construction of livestock auction yard (on-going)	5,528,861

- c) **Issue three:** To provide a breakdown of the Own Source Revenue (OSR) generated by the County Government from each market from FY 2018/2019 to date, giving a comparison of the revenue to the total costs incurred for services, construction and market improvements, as well as the amount retained from the revenue;

The own source revenue generated by each market is as shown below:

S/No.	Market	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	Services/Constructions/ Improvements	Cost (Ksh)
1.	Kimilili	3,900,190	3,834,150	4,454,560	3,688,840	3,116,950	2,887,240	Construction of Kimilili Monday & Thursday markets and bus park	187,982,675
2.	Kamukuywa	2,946,240	2,896,350	3,365,020	2,786,590	2,354,575	2,181,045	Construction of modern market	272,672,926
								Ongoing construction of livestock auction yard	2,607,630
3.	Webuye Market	3,911,000	3,844,780	4,466,910	3,699,070	3,125,590	2,895,245		
4.	Misikhu	418,830	411,740	478,360	396,130	334,720	310,050	Ongoing construction of livestock auction yard	5,595,521
5.	Chebkupe	9,882,730	9,715,400	10,287,470	9,347,200	7,898,080	7,316,000		
6.	Township	2,561,880	2,518,510	2,926,030	2,423,060	2,047,405	1,896,515	Fabrication of 40No. container stalls in Bungoma town	9,994,738
7.	Dorofu	788,780	775,430	900,900	746,040	630,380	583,920	Construction of stock auction ring	1,473,000
8.	Bukembe	1,366,600	1,343,460	1,560,850	1,292,550	1,092,160	1,011,670	Cabros laying at Bukembe market	4,395,275
9.	Mayanja	2,763,070	2,716,290	3,155,810	2,613,340	2,208,190	2,045,450	Ongoing construction of livestock auction yard	3,572,950
10.	Chwele	4,447,150	4,371,850	5,079,270	4,206,160	3,554,070	3,292,145	Renovation of chwele market perimeter fence	3,954,300
11.	Kapsokwony	283,000	278,200	323,220	267,660	226,165	209,770		
12.	Cheptais	1,429,390	1,405,190	1,632,560	1,351,930	1,142,340	1,058,150	Ongoing construction of livestock auction yard	5,667,750
13.	Kapkateny	558,270	548,820	637,630	528,020	446,160	413,275		
14.	Lwakhakha	2,348,870	2,309,090	2,682,730	2,221,580	1,877,165	1,738,825		
15.	Malakisi	717,780	705,630	819,810	678,880	573,635	531,360		

16.	Ndalu	709,550	697,530	810,400	671,100	567,055	525,260	Ongoing construction of livestock auction yard	5,528,861
17.	Mateka	843,840	829,550	963,780	798,110	674,380	624,680		
18.	Kabula	189,860	186,650	216,850	179,570	151,735	140,550	Construction of 10 No. market and Boda boda sheds	3,014,314
19.	Myanga	2,380,250	2,339,950	2,718,580	2,251,270	1,902,250	1,762,055		
Total		42,447,280	41,728,570	47,480,740	40,147,100	33,923,005	31,423,205		506,459,940

- d) **Issue four:** To state the estimated revenue shortfall arising from the demolitions that happened recently in Kanduyi and Bungoma Town, outlining any steps taken.

The demolition started in February 2024 and did not affect the revenue collection since the traders affected moved into the new market and others were obstructing structured businesses and at the same time created space for parking.

Below is the analysis that show upward trend.

No.	Impost	FY 2023/24	FY 2022/23	Growth
1.	Trade Licenses	48,617,812	21,565,625	27,052,187
2.	Market fees	3,022,920	1,920,340	1,102,580
3.	Market shops rent	576,000	122,100	453,900

Below is the overall performance of revenue in the Kanduyi sub-county for two years:

Month	Fy 2022/2023	Fy 2023/2024	Variance
July	9,827,620	9,358,736	(468,884)
August	6,866,370	9,242,178	2,375,808
September	6,766,507	8,785,598	2,019,091
October	853,461	7,381,169	6,527,708
November	11,612,134	9,824,597	(1,787,537)
December	21,863,270	18,098,010	(3,765,260)
January	23,491,331	23,716,276	224,945
February	22,108,653	23,472,155	1,363,502
March	34,339,429	37,639,727	3,300,298
April	16,830,197	20,755,367	3,925,170
May	14,215,809	-	(14,215,809)
June	10,692,196	-	(10,692,196)
Total	179,466,977	168,273,813	(11,193,164)

We are committed in improving our markets and also reengineer the revenue collection approach to enhance own source revenue.

Yours faithfully,



H.E. Rt. Hon. Kenneth M. Lusaka, EGH
GOVERNOR - BUNGOMA COUNTY



Copy to:

Regional Director,
Office of the Auditor General, Western Hub
P.O Box 2042 - 50200
KAKAMEGA

Annex 4:

**Submissions by the State
Department for Housing and
Urban Development**



**MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND
URBAN DEVELOPMENT**

State Department for Housing and Urban Development

6th Floor,
Ardhi Building
1st Ngong Avenue
Email: ps@housingandurban.go.ke

OFFICE OF THE PRINCIPAL SECRETARY
P.O. Box 30119 – 00100
Tel: +254 (0) 20 2734886
NAIROBI

Ref. No. MLPWHUD/HUD/UD/5/16/1 Vol. II (19)

Date: 14th May, 2024

Jeremiah M. Nyegenye, CBS

Clerk of the Senate
Parliament Buildings
Parliament Road
NAIROBI

① DGAC

② HOD-Governance

Lead Clerk-
Devolution

Kindly deal.

Kindly deal

16/05/2024

THE SENATE
RECEIVED

16 MAY 2024

DEPUTY CLERK

Dear Mr. Nyegenye,

**RESPONSE TO THE SENATE ON REQUEST FOR INFORMATION ON
CONDITIONAL GRANTS FOR THE KENYA URBAN SUPPORT PROGRAM IN
THE COUNTIES**

Reference is made to your letter Ref: SEN/DGAC/DEVIR/2024/025 dated 18th April, 2024 regarding the above subject matter. We wish to respond to the issues as attached below.

- 1. Details of any conditional grants given to Bungoma County through the Kenya Urban Support Program in support of construction of markets, providing names of the projects and the amount of money allocated to each project in both Phase one and Phase two of the program;**

Response

The first Kenya Urban Support Program (KUSP) became effective on 11th January, 2018 and ended on 31st December, 2023. The program benefitted 45 counties and 59 municipalities except Nairobi and Mombasa cities. Allocations to the counties and their respective municipalities was done after Annual Performance Assessments (APAs). The APAs assessed the levels of counties and municipalities in meeting agreed upon Minimum Conditions (MCs) and Performance Standards (PSs). Results of these APAs determine succeeding year's allocations to the counties and municipalities.

The second Kenya Urban Support Program become effective on 14th March, 2024 and will end on 30th June 2028. The Program is scheduled for official launch in the month of May, 2024 after which Annual Performance Assessments will be conducted to assess amounts that will be disbursed to each of the counties and municipalities that will have qualified to receive the funds. The program will benefit 45 counties, except Nairobi and Mombasa, 77 municipalities and 2 refugee hosting municipalities (Kakuma & Dadaab).

Bungoma county had two municipalities benefitting from the program, both received a total of **KShs.683,076,783.90** as total Urban Development Grant (UDG), Bungoma municipality a total of **KShs.250,201,539.48** whereas Kimilili municipality received **KShs.432,875,244.42**. The following tables shows amounts disbursed to Bungoma&Kimilili municipalities.

UDG DISBURSEMENTS TO BUNGOMA MUNICIPALITY	
APA 1 DISBURSEMENT	109,887,700.00
APA 2 DISBURSEMENT	109,887,700.00
APA 3 DISBURSEMENT	29,231,580.16
ADDITIONAL ALLOCATION (Foreign Exchange gains)	1,194,559.32
TOTAL DISBURSEMENTS TO BUNGOMA MUNICIPALITY	250,201,539.48
UDG DISBURSEMENTS TO KIMILILI MUNICIPALITY	
APA 1 DISBURSEMENT	191,089,400.00
APA 2 DISBURSEMENT	191,089,400.00
APA 3 DISBURSEMENT	49,501,885.10
ADDITIONAL ALLOCATION (Foreign Exchange gains)	1,194,559.32
TOTAL DISBURSEMENTS TO KIMILILI MUNICIPALITY	432,875,244.42

As per the program, the Urban Development Grants (UDGs) were managed at municipalities level by the respective Municipal Boards and were used for infrastructure investments as per the program eligible investment menu. The eligible investments categories were as follows,

1. Waste Management (liquid and Solid),
2. Storm Water Drainage,
3. Connectivity – urban roads, walkways and bicycle paths, street and security lights and road signs
4. Urban social and economic infrastructure – urban greenery, public spaces, markets, stadiums etc
5. Fire and Disaster Management.

The program provided that all investments to be undertaken would be identified by the respective municipal boards through consultation with the citizens, the county executive committee (CEC) and the county assembly and an annual investment plan prepared and approved by the boards and county assembly before implementation of the same. The compliance with this process of identification of investments was part of the conditions assessed through the APAs to determine amounts that the municipality would receive from the urban development grant.

There was therefore no specific allocation for construction of markets or any other urban infrastructure except the infrastructure investment identified and approved by the boards from any sector in the eligible investment menu indicated above. The municipalities of Bungoma and Kimilili thus undertook the following urban infrastructure investments with the disbursements they received from the program.

County	Municipality	Project Name	Project Status	Works Contract Amount (KShs.)
FY2018/2019				
Bungoma	Bungoma	Upgrading of Kanduyi – Makutano Junction road	Complete	52,880,518.00
		Upgrading of Bungoma County Assembly – Law Court - Prison – IEBC and Khetia Stores – Mama Fanta road	Complete	48,389,766.76
		Total for Bungoma		101,270,284.76
	Kimilili	Upgrading of DC_Riziki to Slaughter House Road to low seal Bitumen	Complete	88,082,969.88
		Upgrading of DC(C33) to Thursday Market Road to low seal Bitumen	Complete	70,103,590.45
		Total for Kimilili		158,186,560.33
TOTAL 1				259,456,845.09
FY2019/2020				
Bungoma	Bungoma	Upgrading of sunrise - Marel road and other roads in Bungoma Municipality	Complete	48,255,065.00
		Upgrading of Wings-Wambiya and other access roads within Bungoma Municipality	Complete	52,870,749.00
		Total for Bungoma		101,125,814.00
	Kimilili	Upgrading of Thursday market- Auction Ring- Chetambe area -KIE Road	Complete	49,136,782.20
		Upgrading of Thursday Market, Monday Market and the Bus park	Complete	187,982,674.00
		Total for Kimilili		237,119,456.20
TOTAL 2				338,245,270.20
FY2020/2021				
Bungoma	Bungoma	Upgrading of Pamuz-Muyayi-Ndengelwa road	Complete	38,812,934.00
		Total for Bungoma		38,812,934.00
	Kimilili	Upgrading of Mkulima - Nasusi (Phase 1) road to Bitumen Standards in Kimilili Municipality (0.6 km)	Complete	33,405,394.18
		Consultancy Services On Mkulima – Nasusi Road	Complete	5,000,000.00
		Installation Of Highmast Lights At Nasusi Market	Complete	2,990,400.00
		Installation Of Highmast Lights At Chubukwabi Market	Complete	2,990,400.00
		Urban greening and Beautification	Complete	2,246,990.00
		Total for Kimilili		46,633,184.18
TOTAL 3				85,446,118.18
TOTAL FOR BUNGOMA MUNICIPALITY				241,209,032.76
TOTAL FOR KIMILILI MUNICIPALITY				441,939,200.71
GRAND TOTAL (BUNGOMA MUNICIPALITY + KIMILILI MUNICIPALITY)				683,148,233.47

2. A list of the counties that received conditional grants from the Kenya Urban Support Program, providing a breakdown of the amount of money that was given to each County and their respective municipalities for the construction and upgrading of markets in Phase one and Phase two of the program;

Response

As mentioned under 1 above, the first Kenya Urban Support Program commenced on 11th January 2018 and ended on 31st December, 2023 and the second Kenya Urban Support Program become effective on 14th March 2024 and is scheduled to be launched in the month of May 2024 for assessments activities to start to determine disbursements to the counties. Therefore, there are no disbursements done under KUSP II.

As mentioned under 1 above, there was no specific allocation for construction of markets or any other urban infrastructure except the infrastructure investment identified and approved by the boards from any sector in the eligible investment menu indicated under 1 above.

The following is a schedule of all the amounts disbursed to the counties as Urban Institutional Grants (UIGs) and Urban Development Grants (UDGs).

S/NO	County	TOTAL UIG Disbursed (Kshs.)	Municipality	TOTAL UDG Disbursed (Kshs.)
1	Baringo	51,145,355.56	Kabarnet	120,244,665.33
2	Bomet	51,145,355.56	Bomet	382,236,514.58
3	Bungoma	51,145,355.56	Bungoma	250,201,539.48
4	Bungoma		Kimilili	432,875,244.42
5	Busia	51,145,355.56	Busia	230,285,294.74
6	Elgeyo Marakwet	51,145,355.56	Iten	204,827,146.28
7	Embu	51,145,355.56	Embu	272,801,988.52
8	Garissa	51,145,355.56	Garissa	514,339,087.87
9	Homa Bay	51,145,355.56	Homa Bay	271,603,336.09
10	Isiolo	51,145,355.56	Isiolo	214,238,352.44
11	Kajiado	51,145,355.56	Kajiado	115,265,529.12
12	Kajiado		Ngong	488,683,929.96
13	Kakamega	51,145,355.56	Kakamega	415,385,031.31
14	Kakamega		Mumias	466,808,341.16
15	Kericho	51,145,355.56	Kericho	580,187,051.36
16	Kiambu	51,145,355.56	Karuri	528,637,316.57
17	Kiambu		Kiambu	381,438,843.70
18	Kiambu		Kikuyu	1,207,625,568.12
19	Kiambu		Limuru	365,127,592.42
20	Kiambu		Ruiru	1,096,021,675.47
21	Kiambu		Thika	690,400,724.09
22	Kilifi	51,145,355.56	Kilifi	220,523,032.10
23	Kilifi		Malindi	529,325,423.50
24	Kirinyaga	51,145,355.56	Kerugoya	162,111,385.14
25	Kisii	51,145,355.56	Kisii	372,565,517.59
26	Kisumu	51,145,355.56	Kisumu	1,748,736,035.27
27	Kitui	51,145,355.56	Kitui	526,139,709.89
28	Kwale	51,145,355.56	Kwale	113,616,921.02

29	Laikipia	51,145,355.56	Rumuruti	114,912,175.62
30	Lamu	51,145,355.56	Lamu	112,321,666.41
31	Machakos	51,145,355.56	Kangundo/ Tala	995,600,284.64
32	Machakos		Machakos	688,332,852.67
33	Machakos		Mavoko	620,088,403.98
34	Makueni	51,145,355.56	Wote	309,781,522.54
35	Mandera	51,145,355.56	Mandera	399,144,833.01
36	Marsabit	51,145,355.56	Marsabit	112,969,293.71
37	Meru	51,145,355.56	Meru	266,020,543.56
38	Migori	51,145,355.56	Awendo	496,784,924.50
39	Migori		Migori	303,820,339.00
40	Migori		Rongo	375,527,811.06
41	Muranga	51,145,355.56	Muranga	143,009,347.37
42	Nakuru	51,145,355.56	Naivasha	778,478,634.54
43	Nakuru		Naakuru	1,674,626,740.28
44	Nandi	51,145,355.56	Kapsabet	402,335,064.71
45	Narok	51,145,355.56	Narok	171,174,516.54
46	Nyamira	51,145,355.56	Nyamira	261,084,743.20
47	Nyandarua	51,145,355.56	Ol'Kalou	306,403,440.07
48	Nyeri	51,145,355.56	Nyeri	535,774,336.17
49	Samburu	51,145,355.56	Maralal	114,264,548.33
50	Siaya	51,145,355.56	Siaya	114,264,548.32
51	Taita Taveta	51,145,355.56	Mwatate	114,912,175.62
52	Tana River	51,145,355.56	Hola	113,616,921.03
53	Tharaka Nithi	51,145,355.56	Kathwana	114,912,175.62
54	Trans Nzoia	51,145,355.56	Kitale	676,892,277.29
55	Turkana	51,145,355.56	Lodwar	216,621,877.02
56	Uasin Gishu	51,145,355.56	Eldoret	1,424,730,527.36
57	Vihiga	51,145,355.56	Vihiga	568,104,969.31
58	Wajir	51,145,355.56	Wajir	376,156,730.83
59	West Pokot	51,145,355.56	Kapenguria	164,904,721.05
Total		2,301,541,000.20		25,969,825,742.90

Grand Total in Kshs.

$$2,301,541,000.20 + 25,969,825,742.90 = \mathbf{28,271,366,743.10}$$

3. A report of the State Department's assessment of the adherence of the Counties to the implementation of the projects supported by the Kenya Urban Support Program

Response

The State Department for Housing and Urban Development (SDHUD) through the National Program Coordinating Team (NPCT) undertook the following during the period of the first Kenya Urban Support Program,

1. Annual Performance Assessments (APAs) – Conducted by a Consultant engaged by the State Department for Housing and Urban Development (SDHUD) to assess the compliance levels of counties and municipalities in meeting agreed upon Minimum Conditions (MCs) and Performance Standards (PSs). Results of these APAs determine succeeding year's allocations to the counties and municipalities. Urban Development Grants (UDGs) are managed at municipalities by Municipal Boards and are used for infrastructure investments. The assessments of the minimum conditions and performance standards through the APAs assess the compliance of the counties and municipalities on the implementation requirements for projects.
2. The State Department through the National Program Coordinating Team (NPCT) conducted assessments including capacity building training, technical assistance and audits on urban infrastructure investments from planning to design, implementation, closure, operation and maintenance. This support was conducted on regular basis and also on specific areas based on requests by counties and municipalities.
3. Audits – Conducted by both the State Departments internal Audit and OAG.
4. Biannual Reporting on status of implementation of the program activities.
5. At the end of the program, conducted various assessments; a) Beneficiary Assessment, b) Value for Money Evaluation and c) Environment and Social Safeguards Audit.

The National Program Coordinating Team (NPCT) prepared a program closure report highlighting areas of improvement which were incorporated into the Program Operation Manual (POM) for the second Kenya Urban Support Program (KUSP II).

Over the duration of the program, several challenges were experienced, key lessons were learnt including some best practices. These are summarized as follows:

Challenges faced during implementation of the Program included the following:

1. The disbursement of the UDG before full establishment of the urban institution capacities meant that the mother departments undertook preparation as well as implementation of investments without release of the requisite staff to the new institutions (the municipalities). This led to majority of the municipalities lacking requisite staff to date. Municipalities should have requisite staff to undertake functions to be transferred to them as per the Charters.
2. High turnover of staff leading to delays in investments implementation and lack of understanding of program requirements. This also resulted to some non-compliance since the new staff did not understand the expectations.
3. Procurement and implementation of investments without surety of funding to their completion to usable states (especially for multiyear investments). This should be discouraged for any investment and none should be procured without full funding surety. Municipalities should ensure that for each funding cycle they undertake projects that would be done to completion and to a functional level.
4. No budget provisions for O&M of implemented investments. The functions under which most of the investments undertaken fall, are yet to be transferred to municipalities hence, O&M is left to the county departments currently undertaking the function. Municipalities not having these functions transferred to them and the lack of maintenance budget poses a danger to sustainability and functionality of these

investments. In future programs, municipalities should only implement projects under their mandate.

5. Due to lack of technical staff, there were many contract management issues ranging from poor investments packaging, designs, quality assurances, time overruns as well as cost variations. Municipalities need to have registered professionals to undertake investments activities and to take responsibility/accountability for the same.
6. Disbursements not synchronized with FY budget cycles caused delays in identification, designs, procurement and implementation of some investments due to supplementary budgets approval. These resulted in disbursements for a specific year being implemented in the following year that is, for FY2018/19 disbursements, the projects were implemented in FY2019/20.
7. Delays in transferring funds from the counties' CRF to municipalities' SPAs leading to delayed project implementation or payment to contractors, suppliers and service providers.
8. Long periods between infrastructure technical backstopping visits to the municipalities made it difficult to address emerging investments related issues early. There is need for more frequent technical visit activities to address both investments identification, designs, procurement, implementation and contract management challenges in good time.
9. There is a huge discrepancy in design, implementation and costing of similar infrastructure projects across the municipalities. There is need for standardization of designs to ensure that infrastructure projects adhere to the set standards (existing design manuals) for all investments in all the municipalities.

Key lessons learnt are as follows:

1. For the municipalities that used supervision consultants, they still require the relevant municipal technical staff to oversee the implementation of those projects. This will ensure that there is no collusion between the contractors and supervision consultant as well as ensuring timely implementation of the projects.
2. There are municipalities which cover more than one ward normally face challenges in conceptualizing projects due to the competing interests from the Members of County Assembly. Similarly, O&M for such projects is a challenge due to the same reason.
3. There is need for continuous stakeholder engagement and community involvement in design and implementation of infrastructure projects to promote ownership amongst the public. Additionally, communities need to be sensitized on maintenance of infrastructure investments to ensure sustainability.
4. Capacity building initiatives under the program have enhanced efficiency and effectiveness of municipality service delivery and project implementation. Counties and municipalities are currently mainstreaming environmental compliance, social safeguards and climate resilience during design and implementation of their projects. There has also been improvement in many other aspects including financial management, procurement and records management.
5. Change of governance affected negatively most of the gains made by the program due to the difference in priorities between outgoing and incoming regime. Emphasis should be made on counties and municipalities to adhere to projects informed by plans, as provided for in law, thus change in political regimes should not affect ongoing projects.
6. In designing infrastructure projects, there is need to integrate climate change mitigation measures and avoid destruction of property or disruption of services.

7. Grievances need to be responded to in a timely manner to avoid negative impacts that may lead to projects being stopped or delayed. Municipalities need to make public their GRM systems and ensure that the public have easy access to the same.
8. Implementation of ESMPs by contractors and; involvement of environmental and safeguards officers proved to be impactful in delivering projects that adhered to ESS with no complaints through the implementation.
9. There was lack of proper record management in most of the municipalities mainly because there are no dedicated registries/record management sections/departments/officers. Also, for municipalities where projects were handled by technical officers from the county, it was very difficult to trace documents as their precise location at any given time was not definite.
10. Review of the procurement process revealed that all the projects adopted acceptable processes as per the law and regulations guiding procurement. In some instances, there were some anomalies observed where the procurement process either took a very short (a week) or long (up to 2 years) to be finalized.
11. Project management was found to be inadequate in approximately half of the implemented projects considering some aspects were not undertaken conclusively, like as-built drawings were not available in most projects, final accounts had not been done and there were issues of project delays and provision of project extensions.
12. KUSP catalyzed the formation of municipalities, but most counties are not allocating budgets to these urban institutions. For the municipalities receiving funds, the bulk of the allocation is recurrent an indication of the lack of emphasis on urban infrastructure investment for proper urban service delivery. The allocations are also not consistent as they are not based on any criteria, percentage or formula.
13. There was enhanced community participation in undertaking of the different projects under the program. There was strong community engagement from project conception, designing and implementation.
14. Market projects have faced many challenges from design, implementation and operationalization. These projects are usually plagued with many grievances as a result of relocations and reallocation of traders. Some of the complete projects are not operational either due to the location of the projects or allocation challenges. On the other hand, there were some positives where constructed markets are well utilized and well appreciated by the beneficiaries for example, Mwatate retail market, Kathwana market despite initial structural integrity concerns and Homabay market.

Some of the best practices observed included the following:

1. The incorporation of culture and heritage in the design of infrastructure projects to complement existing outlook of an area as well as bring out the cultural heritage of the specific communities. For instance, Lamu market incorporated the same design elements as the adjacent Museum building thus complementing it and Wote Green Park included some statues of historical heroes of the community.
2. The implementation for the Kisumu City NMT, which adhered to the engineering standards in terms of width and construction, within the CBD transformed the face of the city which was initially congested and disorganized with informal traders, leading to conflict between pedestrians and vehicles as there were no designated areas for NMT.
3. Rumuruti embarked on use of cobble stone to upgrade their roads instead of the conventional paved roads. Because of the permeable nature of the roads, they allow for effective drainage in addition to providing longevity and resistance against weathering and traffic.

4. Mandera municipality undertook the construction of drainage which has had a huge impact on the municipality due to the reduction of flooding and its effects. This is a good example of how a single project could have such an impact on the livelihoods of the community.
5. Homabay municipality constructed a market to improve the working environment for the traders and better organize the traders. The process of relocation and resettlement of the traders was very systematic and well implemented, and should be emulated for investments that would require relocation and resettlement.
6. Mwatate municipality constructed a simple market by providing market sheds, stalls and storage spaces. The market has accommodated all the traders who used to occupy the road sides or hawk within the municipality. In terms of functionality, this is a good demonstration of how a simple project could have such a huge impact economically and on the livelihoods of the traders.

In conclusion, and given the oversight role of the Senate with regard to counties, We propose that the Senate continues to actively oversight the program projects being implemented by the counties, to ensure timely delivery and value for money on the projects.

Yours *Sincerely,*



Charles M. Hinga, CBS, CA (SA)
PRINCIPAL SECRETARY

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