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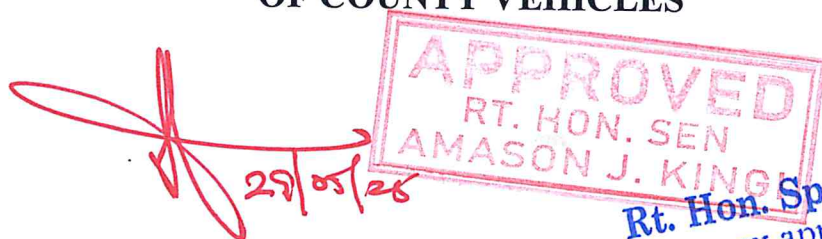


REPUBLIC OF KENYA

13TH PARLIAMENT | 4TH SENATE | 4TH SESSION

STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS

REPORT ON A PETITION CONCERNING THE MATTER OF
BRANDING PUBLIC PROJECTS WITH IMAGES OF GOVERNORS AND
MEMBERS OF THE COUNTY ASSEMBLIES (MCAs) AND BRANDING
OF COUNTY VEHICLES



Rt. Hon. Speaker

You may approve for tabling
J.M. Nyegenye, C.B.S.,
Clerk of the senate/secretary, PSC
Date: 28/05/25

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

Clerk
Forwarded and recommended
for approval for tabling
28/05/2025

MAY, 2025

LIST OF ABBREVIATIONS/ACCRONYMS

EACC	-	Ethics and Anti-Corruption Commission
NCA	-	National Construction Authority
NTSA	-	National Transport and Safety Authority
PFM	-	Public Finance Management

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, CBS, MP | - | Chairperson |
| 2. Sen. Catherine Muyeka Mumma, MP | - | Vice Chairperson |
| 3. Sen. (Prof.) Margaret Kamar, EGH, MP | - | Member |
| 4. Sen. (Dr) Oburu Oginga, MGH, MP | - | Member |
| 5. Sen. Peris Pesi Tobiko, CBS, MP | - | Member |
| 6. Sen. Paul Karungo Thang’wa, CBS, MP | - | Member |
| 7. Sen. Richard Momoima Onyonka, EBS, MP | - | Member |
| 8. Sen. Mohamed Said Chute, MP | - | Member |
| 9. Sen. Hezena M. Lemaletian, MP | - | Member |

The Minutes of the Committee in considering the petition are attached as **Annex 1** of this Report.

CHAIRPERSON'S FOREWORD

Mr. Speaker,

On 2nd September, 2024, the Senate received a Petition from Mr. Laban Omusundi, a resident of Nakuru County, and the Executive Director of Grassroot Civilian Oversight Initiative, concerning the matter of branding public projects with images of Governors and MCA's and branding of county vehicles.

The Petition was presented in the Senate on Tuesday, 9th October, 2024 by the Speaker of the Senate, Pursuant to Standing Order 236(2)(b) of the Senate Standing Orders. Consequently, the Petition stood committed to the Committee on Devolution and Intergovernmental Relations pursuant to Standing Order 238(1) of the Senate Standing Orders.

Mr. Speaker,

The salient issues raised in the petition were that County funded projects across all forty-seven (47) counties are emblazoned with portraits, images and names of Governors and Members of County Assemblies, as if projects were funded by them and not taxpayers. Further, that these political elites in the Counties have been allowed to massage their respective political egos and use spaces of public funded projects to advertise and brand themselves for personal political course without checks and balances.

The petitioner referred to Article 231 (4) of the Constitution that disallows the portrait of any individual on our currency. He was concerned that the political elites are allowed to brand taxpayers funded projects with their respective portraits, images or names. Noting that historically, some kings used their respective portraits in that manner to be seen as gods and superior, it differs from provisions of Chapter 6 of the Constitution of Kenya, 2010, which refers to an elected leader as a selfless servant, not a small god or anything similar to a god. He added that it was high time to reject this self-aggrandizement of using taxpayers' money to brand political elites and perpetuate personal political egos, which is contrary to Article 75(1) of the Constitution of Kenya.

Further that, County Governments vehicles have been used for personal effects to the political elites and other unbecoming staff of counties courtesy of branding those vehicles. The petitioner claimed that efforts made to address this matter to the Council of Governors, Attorney General were futile since there was no response.

The petitioner's prayers were that the Senate-

- a) amends the County Government Act, 2012 to insert a clause to permanently restrain the Governors and Members of County Assemblies from branding their respective portraits, images or names on public funded projects of the counties as it was done to our currency by disallowing portraits of any individual;
- b) ensures that all public funded projects are branded as "COURTESY OF TAXPAYERS OF KENYA";
- c) comes up with regulations or amendments to any law in the existence to make sure that all County Governments vehicles are branded with colours of our national flag to make them easily identifiable, and if the public see them being used for non-government activities, they can occupy them peacefully; and
- d) performs any other course that it deems fit in its own wisdom, on the subject matter.

Mr. Speaker,

The Committee proceeded to consider the petition and sought stakeholder submissions. At its sitting held on 31st October, 2024, the Committee deliberated on the petition and resolved to write to the Ethics and Anti-Corruption Commission (EACC), requesting them to submit written responses regarding the issues raised in the petition. The Committee received submissions from the Ethics and Anti-Corruption Commission (EACC) vide a letter dated 18th March, 2025.

The Committee further resolved to invite the petitioner, Mr. Laban Omusundi for further discussions on the issues raised. Upon invitation, the petitioner appeared before the Committee on 25th November, 2024, to present his petition. He emphasized that the primary objective is to protect public funds from being misused for the personalization and branding

of public projects with individual names or identities. He appealed to the Senate to intervene and establish measures to curb such acts and to safeguard public resources.

The Committee concurred with the petitioner on the need to restrict the branding of public projects and government vehicles with individual names and images, affirming that such practices amount to personalization of public resources and are contrary to principles of integrity as outlined in the Constitution and relevant laws.

Mr. Speaker,

Based on the submissions received from the stakeholders, the committee made various observations and recommendations as set out in the report.

The Committee observed that -

- (i) Branding public projects and vehicles with individual names or images translates to personalization of public resources, creating the impression of individual ownership. Such practices by Governors, Members of County Assemblies (MCA's) and any other public officers are unethical and in contravention of the Constitution of Kenya 2010, the Public Service (Values and Principles) Act, 2015, the Public Officer Ethics Act, Cap 183, and the Leadership and Integrity Act, Cap 185C.
- (ii) The display of information on projects and buildings is guided by the Physical and Land Use Planning Act, Cap 303; the Urban Areas and Cities Act Cap 275; the Occupational Safety and Health Act, Cap 236A and its Public Health and Safety Regulations; the National Construction Authority Act CAP 118 and its Building Code 2024. Additionally, the Site Board Guide by National Construction Authority explicitly highlights the required details to be displayed on project sites.
- (iii) Using public funds to brand projects and vehicles with the names or images of public officers, amounts to misuse of public resources and goes against the principles of transparency and prudent financial management as set out in Section 79 and 162 of the Public Finance Management Act, 2012.

The Committee recommended that -

- (i) Public officers, including Governors, Members of County Assemblies, and officials at both national and county levels, should strictly adhere to the laws guiding conduct of public officers including the Constitution of Kenya 2010, the Public Service (Values and Principles) Act, 2015, the Public Officer Ethics Act, Cap 183, and the Leadership and Integrity Act, Cap 185C.
- (ii) The Ethics and Anti-Corruption Commission (EACC), in collaboration with the Office of the Auditor-General, and the Controller of Budget, should enforce strict compliance with constitutional and statutory provisions governing integrity, accountability, and the proper use of public resources. These oversight institutions should enhance monitoring, issue clear advisories to public officers on the proper use of public funds, conduct audits and investigations and take appropriate disciplinary action against misuse of public funds for personal branding
- (iii) The Ethics and Anti-Corruption Commission (EACC) should, within thirty (30) days upon tabling of this report, provide a report to the Senate on the status of the interventions and measures taken to restrain public officers from branding public projects, vehicles or assets with their names, images or personal symbols.
- (iv) In addition to the prescribed format and positioning of registration plates as provided for under the Traffic Act (Registration Plates) Rules all government-owned vehicles should have their official registration numbers clearly and permanently endorsed on the vehicle body for ease of identification.

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 Petition 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 Petition to the Committee.

Mr. Speaker,

It is now my pleasant duty, pursuant to Standing Order 148(1), to present the report of the Standing Committee on Devolution and Intergovernmental Relations on a petition concerning the branding public projects with images of Governors and MCA's and branding of county vehicles.

Signed Date 21/05/25





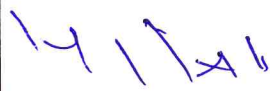

SEN. SHEIKH MOHAMED ABASS, CBS, MP

CHAIRPERSON,

**STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL
RELATIONS**

**ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON
DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON A PETITION
CONCERNING THE BRANDING PUBLIC PROJECTS WITH IMAGES OF
GOVERNORS AND MCA'S AND BRANDING OF COUNTY VEHICLES**

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, CBS, MP	- Chairperson	
Sen. Catherine Muyeka Mumma, MP	-Vice-Chairperson	
Sen. (Prof.) Margaret Kamar, EGH, MP	-Member	
Sen. (Dr) Oburu Oginga, MGH, MP	-Member	
Sen. Peris Pesi Tobiko, CBS, MP	-Member	
Sen. Paul Karungo Thang'wa, CBS, MP	-Member	
Sen. Richard Momoima Onyonka, EBS, MP	-Member	
Sen. Mohamed Said Chute, MP	-Member	
Sen. Hezena M. Lemaletian, MP	-Member	

CHAPTER ONE: INTRODUCTION

1.1 Right to Petition

1. The right of every person to present petitions to public authorities is provided for under Article 37 of the Constitution. Further, Article 119(1) provides that ‘Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation’.
2. Parliament enacted the Petition to Parliament (Procedure) Act (No. 12 of 2012) to make provision for the procedure for the exercise of this right. Further, Part XXVII of the Senate Standing Orders also provides for how such right may be exercised.

1.2 Background of the Petition

3. On 2nd September, 2024, the Senate received a Petition from Mr. Laban Omusundi concerning the matter of branding public projects with images of Governors and MCA’s and branding county vehicles.
4. Pursuant to Standing Order 236(2)(b) of the Senate Standing Orders, the Petition was presented in the Senate on Tuesday, 9th October, 2024 by the Speaker of the Senate. Consequently, the Petition stood committed to the Committee on Devolution and Intergovernmental Relations pursuant to Standing Order 238(1) of the Senate Standing Orders.
5. Pursuant to Standing Order 238(2) the relevant Committee is required in not more than sixty calendar days from the time of reading the prayer to respond to the Petitioner by way of a report addressed to the Petitioner and laid on the Table of the Senate.
6. The Petitioner drew the attention of the Senate to the following:
 - i. That, all County funded projects across all 47 Counties are emblazoned with portraits, images and names of Governors and Members of County Assemblies, as if projects were funded by philanthropic funds by them and not taxpayers.

- ii. That, these political elites in the Counties have been allowed to massage their respective political egos and use spaces of public funded projects to advertise and brand themselves for personal political course without checks and balances.
- iii. That, Article 231 (4) of the Constitution disallows the portrait of any individual on our currency, why then allow the political elites to brand taxpayers funded projects with their respective portraits, images or names purporting to be so and so.
- iv. That, history testifies that some kings used their respective portraits in that manner to be seen as gods and superior, but with our 2010 Constitution Chapter 6, an elected leader is a self-less servant not a small god or anything similar to a god.
- v. That, it's high time to reject this self-aggrandizement of using taxpayers to brand political elites portraits, images or names to perpetuate personal political egos contrary to article 75(1) of the Constitution of Kenya.
- vi. That, County Governments vehicles have been used for personal effects to the political elites and other unbecoming staff of counties courtesy of un branding those vehicles.
- vii. That, efforts to address this matter to the Council of Governors, Attorney General hit a snag for there was no response.
- viii. That, this matter is not pending in any Court between the parties herein.

7. Therefore, the **petitioner's prayers** were that the Senate;

- a) Amends the County Government Act, 2012 to insert a clause to restrain permanently the Governors and Members of County Assemblies from branding their respective portraits, images or names on public funded projects of the counties as it was done to our currency by disallowing portraits of any individual.
- b) Ensures that all public funded projects are branded as "COURTESY OF TAXPAYERS OF KENYA"
- c) Comes up with regulations or amendments to any law in the existence to make sure that all County Governments vehicles are branded with colours of our national flag

to make them easily identifiable and if the public see them being used for non-government activities, they can occupy them peacefully.

d) Performs any other course that it deems fit in its own wisdom, on the subject matter.

1.3 Overview of the Legal Framework

1.3.1 Conduct of Public Officers in Service delivery to the Citizens

(a) Constitution of Kenya, 2010

8. **Chapter Six** of the Constitution under **Article 73**, states the guiding principles of leadership and integrity including selfless service based solely on the public interest, demonstrated by honesty in the execution of public duties and the declaration of any personal interest that may conflict with public duties.
9. Further, **Article 75** describes the conduct of State Officers as follows;¹
 - (1) A State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids –
 - (a) any conflict between personal interests and public or official duties;
 - (b) compromising any public or official interest in favour of personal interest; or
 - (c) demeaning the office the officer holds.
10. **Article 232** of the Constitution and the **Public Service (Values and Principles) Act, 2015** provides the values and principles of public service including; high standards of professional ethics and efficient, effective and economic use of resources by public officers.

(b) The Public Officers Ethics Act, CAP 183

11. The Act aims to advance the ethics of public officers by providing for a Code of Conduct and Ethics for public officers. **Section 12** of the Act provides that a public officer shall use his best efforts to avoid being in a position in which his personal interests conflict with his official duties. In the event this happens, the officer shall

¹ The Constitution of Kenya, 2010

declare the personal interests to his superior or other appropriate body and comply with any directions to avoid the conflict.²

(c) The Leadership and Integrity Act, CAP 185C

12. **Section 3(2)** of the Act, requires that a State officer shall respect the values, principles, and requirements of the Constitution. These include the national values and principles outlined in Article 10; the rights and fundamental freedoms provided under Chapter Four; the responsibilities of leadership set out in Article 73; the principles governing the conduct of State officers in Article 75; the educational, ethical, and moral requirements as stipulated in Articles 99(1)(b) and 193(1)(b); and the values and principles of public service as provided under Article 232 of the Constitution.
13. **Section 13** of the Act states that, for the purposes of Articles 99(1)(b) and 193(1)(b) of the Constitution, a person shall observe and maintain the following ethical and moral requirements-
 - (a) demonstrate honesty in the conduct of public affairs subject to the Public Officer Ethics Act (No. 4 of 2003);
 - (b) not to engage in activities that amount to abuse of office;
 - (c) accurately and honestly represent information to the public;
 - (d) not engage in wrongful conduct in furtherance of personal benefit;
 - (e) not misuse public resources; and not falsify any records.³

1.3.2 Management of Public Funds by Public Officers

(a) The Public Finance Management Act, 2012 (PFM)

14. The PFM Act, governs the effective use of public finances, to ensure accountability and full benefit and satisfaction to the citizens.

² The Public Officers Ethics Act, CAP 183

³ The Leadership and Integrity Act, CAP 185C

15. **Section 79 and 162** of the Act provides that every public officer employed in a national government state organ, public entity, or county government shall comply with the Constitution and all laws relating to the conduct of public officers when carrying out any responsibility or exercising any power under the Public Finance Management Act.
16. It further provides that a public officer employed in a national government state organ, public entity or county government shall, within the officer's area of responsibility-⁴
- (i) ensure that adequate arrangements are made for the proper use, custody, safeguarding and maintenance of public property; and
 - (ii) use the officer's best efforts to prevent any damage from being done to the financial interests of the national government or the county government.

(b) The National Governments Constituencies Development Fund (NG-CDF) Act, Cap 414A, and NG-CDF Regulations

17. The NG-CDF Act establishes the National Government Constituency Development Fund (NG-CDF) to finance projects in respect of works and services falling within the exclusive functions of the national government as provided for in the Constitution.
18. **Section 25 (3)** of the Act states that the funds shall **not** be used for the purpose of supporting political bodies or political activities or for supporting religious bodies or religious activities.⁵
19. The **National Governments Constituencies Development Fund (NG-CDF) Regulations, 2016** highlight the functions of the Constituency Committee which include ensuring that the principles of public finance as provided for under Chapter Twelve of the Constitution and the Public Finance Management legislation are observed in the management of the Fund.

⁴ The Public Finance Management Act, 2012

⁵ The National Governments Constituencies Development Fund (NG-CDF) Act, Cap 414A

20. In managing the projects funded by the NG-CDF, the Constituency Committee is also mandated to ensure projects are labelled in accordance with the guidelines issued by the NG-CDF Board.⁶

1.3.3 Building and Construction guidelines

21. The **National Construction Authority Act, Cap118** establishes the National Construction Authority (NCA) whose mandate is to promote and ensure quality assurance in the construction industry by enforcing the prescribed Building Code in the construction industry. Additionally, the Act provides for the formulation of regulations to support the implementation of the Building Code.
22. The **National Building Code, 2024** is a framework designed to promote order and safety in construction works, while also safeguarding the health and well-being of individuals in and around construction sites. It establishes clear guidelines for the design, construction, and maintenance of buildings, ensuring they are safe, durable, sustainable and environmental-friendly.
23. The National Construction Authority formulated Site Board Guidelines to promote transparency and ensure compliance with regulatory standards at construction sites. The guidelines stipulate that project sites must display details including:⁷
- (i) Project name and location (Land Reference Number);
 - (ii) Ownership details;
 - (iii) Names and addresses of supervising consultants (architect, quantity surveyor, engineers);
 - (iv) Names and addresses of the contractor and subcontractor(s);
 - (v) Statutory approvals, including county construction permits, NEMA License, and NCA Compliance Certificate

1.3.4 Addressing and Naming of County infrastructure

⁶ The National Governments Constituencies Development Fund (NG-CDF) Regulations, 2016

⁷ NCA Site Board Guide <https://www.nca.go.ke/sign-board>

(a) The National Addressing Policy

24. The Ministry of Information, Communications and the Digital Economy developed a Draft Policy on National Addressing in 2023.
25. The Draft Policy defines an “**address**” as structured information that provides a verifiable, clear and simple determination of an object for purposes of identification and location. Additionally, it defines “**addressing**” as the assignment of names and numbers to addressable objects.
26. The main goal of the policy is to develop frameworks, principles, and strategies for assigning a unique and verifiable address to all transport infrastructure, properties and any addressable objects in Kenya.
27. The Rationale behind the policy includes the lack of national guidelines for naming to support a National Addressing System. For instance, street naming and property numbering is limited, and the existing street names in urban areas appear to be in honour of famous people who have been associated to Kenya, however, there are no national standards for the display or assignment of official street names. The policy aims to create national guidelines that will harmonise national addressing initiative.
28. The Policy aims to promote the development of National Guidelines for Naming. It recognizes that the mandate of naming is within various institutions, and tasks the Government to under-take the following policy measures:
 - (1) Develop national naming guidelines based on legislative and regulatory frameworks that consider principles of **public participation** as guided by the Constitution, national heritage, local culture and languages.
 - (2) This policy provides the following naming guidelines at the national and county levels;
 - (i) Historical names of places, people, events from Kenya and selectively from the rest of Africa.
 - (ii) Names of African insects, birds, animals, plants etc. either in Swahili or local languages.

- (iii) Geographical names of Kenyan and, selectively, African rivers, mountains, plains, hills, water bodies, villages, towns, marketplaces, etc. Names of African countries could also be used.
- (iv) Names of departed freedom fighters and other Kenyans of known repute who either gave up their lives for Kenya or whose life contribution assisted substantially in the fight for our independence.
- (v) In consultation with the Ministry of Defense names of modern-day heroes who have lost their lives in service for the country.
- (vi) Important cultural artifacts like various traditional attires, customs, social events, etc. either in Swahili or local languages.
- (vii) Abstract names in Swahili which have special national significance such as Umoja, Amani and Shujaa.
- (viii) Names that have national significance and denote Kenyan pride. **The policy discourages the usage of names of living political figures** but encourages the use of names of living heroes as identified by Kenya's Heroes Act, 2014.

29. The Draft Policy states that the role of the County governments is to be the interface for National Addressing System of Kenya (NASK) at the county level. Counties shall be responsible for ensuring address data provided and signage is compatible with required standards.⁸

(b) The Street Naming and Property Addressing System Bill (Senate Bills No. 43 of 2024)

30. The Street Naming and Property Addressing System Bill, 2024 is a proposal to provide for the procedure and guidelines for an addressing system for each county and for naming of streets and public places in counties.

⁸ Ministry of Information, Communications and the Digital Economy: National Addressing Policy, Final Draft 2023

31. The primary objectives are to create and manage a National Addressing System, and to provide a framework for the establishment of an addressing system for every county so as to enhance location and identification of various places within counties.
32. The Bill proposes to establish the County Addressing System Committee that will be mandated to facilitate the process of naming and property addressing.
33. **Clause 27** of the Bill proposes factors to be considered by the Committee in selecting the name of a street or a public place including names that enable effective responses to emergencies by ambulance, police, fire services or other emergency response systems. Further, **Clause 27 (2) (e)** states that a name shall **not be permitted if it is intended to honour a living person.**⁹
34. The Bill is sponsored by Sen. Fatuma Dullo, MP and was referred to the Standing Committee on Roads, Transportation and Housing. The Committee conducted public participation on the Bill and is considering the submissions received.

⁹ The Street Naming and Property Addressing System Bill, 2024

CHAPTER TWO: CONSIDERATION OF THE PETITION

2.1 Conduct of inquiry into the petition

35. Pursuant to the Senate Standing Orders and the Petition to Parliament (Procedure) Act, 2012 the Committee proceeded to consider the petition and to seek stakeholder submissions.
36. At its sitting held on 31st October, 2024, the Committee deliberated on the petition and resolved to write to the Ethics and Anti-Corruption Commission (EACC), requesting them to submit written responses regarding the issues raised in the petition. The Committee further resolved to invite the petitioner, Mr. Laban Omusundi for further discussions on the issues raised.
37. Upon invitation, the petitioner appeared before the Committee on 25th November, 2024, to present his petition. He emphasized that the main objective is to protect public funds from being misused for the personalization and branding of public projects with individual names or identities. He appealed to the Senate to intervene and establish measures to curb such acts and to safeguard public resources.
38. The Committee concurred with the petitioner on the need to restrict the branding of public projects and government vehicles with individual names and images, affirming that such practices amount to personalization of public resources and are contrary to principles of integrity as outlined in the Constitution and relevant laws.
39. The Committee received submissions from the Ethics and Anti-Corruption Commission (EACC) vide a letter dated 18th March, 2025, attached herein as **Annex 3**.

2.2 Submissions received from the Ethics and Anti-Corruption Commission (EACC)

40. The Ethics and Anti-Corruption Commission (EACC) submitted as follows;
- (i) That, the mandate of the Commission is to combat and prevent corruption, economic crime, and unethical conduct in Kenya through law enforcement, prevention, public

education, and promotion of standards and practices of integrity, ethics, and anti-corruption.

(ii) That various Laws and Regulations mandate public and private developers to erect sign boards to provide information on projects. These include; the Physical and Land Use Planning Act, Cap 303; the Urban Areas and Cities Act Cap 275; the Occupational Safety and Health Act, Cap 236A and its Public Health and Safety Regulations; the National Construction Authority Act CAP 118 and its Building Code (Building and Construction Regulations) 2024.

(iii) That branding of public projects is regulated by the National Construction Authority (NCA). The NCA Guidelines requires display of the following information at project sites;

- Project name and location (Land No.) to be constructed;
- Ownership details;
- Name and address of the supervising consultants i.e. architect, quantity surveyor, engineers;
- Name and address of the Contractor and subcontractor(s); and
- Statutory approvals i.e. county construction permit, NEMA License, and NCA Compliance Certificate.

(iv) The purpose of this guide/requirement by NCA, is to ensure transparency and accountability in the construction industry, making it easier to identify those responsible for a project and to address any issues or concerns that may arise.

(v) **Section 13 of the Leadership and Integrity Act (Cap 185C)** sets out the moral and ethical requirements for State and public officers. The Act specifically obligates public officers to, *inter alia*, demonstrate honesty in the conduct of public affairs, not to engage in conduct that amount to abuse of office and accurately, and honestly represent information to the public and not to engage in wrongful conduct in furtherance of personal benefit, not to falsify any records as well as not to misuse public resources.

- (vi) In addition, **Section 29** of the Act prohibits State and public officers from knowingly giving false or misleading information to any person.
 - (vii) That the conduct by Governors and MCAs of branding public projects and motor vehicles with their personal images is **unethical and in contravention of Sections 13 and 29** of the Leadership and Integrity Act.
-

41. In view of the issues raised in the petition, EACC highlighted some interventions that they plan to undertake which included:

- (i) Issuing an Advisory to all county governments on branding of public projects and government vehicles;
- (ii) Undertaking public education and awareness; and
- (iii) Issuing cautions as deemed necessary.

CHAPTER THREE: COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

3.1 Committee Observations

42. Based on its consideration of the submissions above, the Committee observes as follows;

a) Conduct of Public Officers

- (1) Articles 10, 73, 75, and 232 of the Constitution of Kenya, together with the Public Service (Values and Principles) Act, 2015, the Public Officer Ethics Act, Cap 183, and the Leadership and Integrity Act, Cap 185C, collectively establish the guiding principles and ethical standards expected of public officers in the discharge of their leadership responsibilities. These provisions emphasize integrity, honesty, selflessness, accountability, and the promotion of high standards of professional ethics in public service. They further require public officers to conduct their duties with impartiality and to avoid actions motivated by personal interest or gain.
- (2) Branding public projects and vehicles with individual names or images translates to personalization of public resources, creating the impression of individual ownership. Such practices by Governors, Members of County Assemblies (MCA's) and any other public officers are unethical and in contravention of the Constitution of Kenya 2010, the Public Service (Values and Principles) Act, 2015, the Public Officer Ethics Act, Cap 183, and the Leadership and Integrity Act, Cap 185C.
- (3) Institutions mandated to enforce integrity and accountability laws, such as the Ethics and Anti-Corruption Commission (EACC), the Public Service Commission (PSC), the Office of the Auditor General, and the Office of the Controller of budget, have not been sufficiently effective in curbing the misuse of public resources for personal branding leading to the persistence of these unethical practices, undermining public trust.
- (4) EACC plans to undertake the following interventions to contain the situation:

- (i) Issuing an Advisory to all county governments on branding of public projects and government vehicles;
 - (ii) Undertaking public education and awareness; and
 - (iii) Issuing cautions as deemed necessary.
-

b) Management of Public Funds by Public Officers

- (5) Article 79 and 162 of the Public Finance Management Act, 2012 provides for obligations of public officers with respect to management of national and county government resources. They provide that a public officer employed in a national government state organ, public entity or county government shall, within the officer's area of responsibility, ensure that adequate arrangements are made for the proper use, custody, safeguarding and maintenance of public property.
- (6) Using public funds to brand projects and vehicles with the names or images of public officers, amounts to misuse of public resources and goes against the principles of transparency and prudent financial management as set out in public finance management laws.

c) Construction and naming of county infrastructure

- (7) The display of information on projects and buildings is guided by the Physical and Land Use Planning Act, Cap 303; the Urban Areas and Cities Act Cap 275; the Occupational Safety and Health Act, Cap 236A and its Public Health and Safety Regulations; the National Construction Authority Act CAP 118 and its Building Code 2024. Additionally, the Site Board Guide by National Construction Authority explicitly highlights the required details to be displayed on project sites.
- (8) To discourage Governors, MCAs and county officials from branding public projects with their personal identities, proper addressing and naming of county infrastructure needs to be implemented. This can be achieved through adoption of the proposed guidelines in the Draft National Addressing Policy and the proposed

framework for street naming and property addressing system in the Street Naming and Property Addressing System Bill (Senate Bills No. 43 of 2024).

d) Identification of government vehicles

- (9) The Traffic Act, CAP403, the Traffic Act (Registration Plates) Rules and the National Transport and Safety Authority (NTSA) Act, 2012 provide the legal framework governing the registration, identification, classification, and use of motor vehicles on public roads in Kenya. These laws establish uniform standards for vehicle number plates, prescribe the format, color and placement of registration details, including vehicles owned by government entities.
- (10) The enforcement of these laws is a shared mandate between the National Transport and Safety Authority (NTSA) and the Kenya Police Service, particularly the Traffic Police Department. These two institutions should work together closely to ensure compliance with transport regulations, enhance road safety, and prevent improper identification of vehicles, including those owned by government entities.

3.2 Committee Recommendations

43. The Committee recommends as follows;

- (1) Public officers, including Governors, Members of County Assemblies, and officials at both national and county levels, should strictly adhere to the laws guiding conduct of public officers including the Constitution of Kenya 2010, the Public Service (Values and Principles) Act, 2015, the Public Officer Ethics Act, Cap 183, and the Leadership and Integrity Act, Cap 185C.
- (2) The Ethics and Anti-Corruption Commission (EACC), in collaboration with the Office of the Auditor-General, and the Controller of Budget, should enforce strict compliance with constitutional and statutory provisions governing integrity, accountability, and the proper use of public resources. These oversight institutions should enhance monitoring, issue clear advisories to public officers on the proper

use of public funds, conduct audits and investigations and take appropriate disciplinary action against misuse of public funds for personal branding.

- (3) When conducting audits, the Office of the Auditor-General should specifically flag any instances of branding on public projects and government vehicles that promotes individual identities. Such cases should be highlighted as potential misuse of public funds for personal gain, and appropriate recommendations made in line with the law.
- (4) The Ethics and Anti-Corruption Commission (EACC) should, within thirty (30) days upon tabling of this report, provide a report to the Senate on the status of the interventions and measures taken to restrain public officers from branding public projects, vehicles or assets with their names, images or personal symbols.
- (5) All public institutions and project implementers should strictly adhere to the legal and regulatory requirements for displaying information at project and construction sites, including the NCA Site Board Guide. Relevant regulatory agencies including the National Construction Authority and the county governments, should enhance monitoring and enforcement to ensure compliance with these provisions and prevent unauthorized branding or personalization of public projects.
- (6) Counties and state agencies should develop and enforce clear signage guidelines that show projects are publicly funded and owned by the government. All signs should display official project information only without being attributed to individual leaders.
- (7) In addition to the prescribed format and positioning of registration plates as provided for under the Traffic Act (Registration Plates) Rules, the Committee recommends that all government-owned vehicles should have their official registration numbers clearly and permanently endorsed on the vehicle body for ease of identification.
- (8) County governments should ensure strict compliance with all laws and regulations governing the registration, identification and proper use of government vehicles. This includes adherence to the provisions of the Traffic Act, CAP403, the Traffic

Act (Registration Plates) Rules and the National Transport and Safety Authority (NTSA) Act, 2012 which require standardized registration plates and prohibit unauthorized modifications or personal branding of government vehicles.

- (9) Members of the public who witness government vehicles being used for personal gain, such as unauthorized personal branding and private errands, should promptly report such incidents to the relevant institutions which include the Ethics and Anti-Corruption Commission (EACC), the National Transport and Safety Authority (NTSA), and the Kenya Police Service (Traffic Department).

ANNEXURES

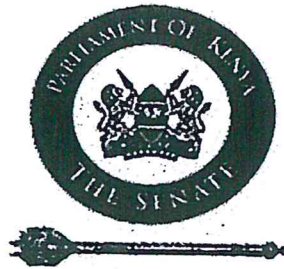
1. Minutes
 2. Petition
 3. Submissions by the Ethics and Anti-Corruption Commission (EACC)
-

LIST OF ANNEXTURES

<i>Annex 1</i>	Minutes of the sittings of the Standing Committee on Devolution and Intergovernmental Relations
<i>Annex 2</i>	Petition
<i>Annex 3</i>	Submissions by EACC

Annex 1:

Minutes of the Standing Committee on Devolution and Intergovernmental Relations



**MINUTES OF THE HUNDRED AND SEVENTY-FIRST SITTING (171ST)
SITTING OF THE SENATE STANDING COMMITTEE ON DEVOLUTION
AND INTERGOVERNMENTAL RELATIONS HELD ON MONDAY, 19TH
MAY, 2025, AT 10.00 A.M. AT COMMITTEE ROOM 4, FIRST FLOOR,
BUNGE TOWER AND ON THE ZOOM ONLINE PLATFORM**

PRESENT

- | | |
|---|--------------------|
| 1. Sen. Sheikh Mohamed Abass, CBS, MP | - Chairperson |
| 2. Sen. Catherine Mumma, MP | - Vice-Chairperson |
| 3. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member |
| 4. Sen (Dr.) Oburu Oginga, MGH, MP | - Member |
| 5. Sen. Peris Tobiko, CBS, MP | - Member |
| 6. Sen. Paul Karungu Thangwa, CBS, MP | - Member |
| 7. Sen. Mohamed Said Chute, MP | -Member |
| 8. Sen. Hezena Lemaletian, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|-------------------------------|----------|
| Sen. Richard Onyonka, EBS, MP | - Member |
|-------------------------------|----------|

SECRETARIAT

- | | |
|---------------------------|---|
| 1. Ms. Sylvia Nasambu | - Clerk Assistant I |
| 2. Mr. Desmond Rasugu | - Clerk Assistant III (taking minutes) |
| 3. Ms. Angela Kagunyi | - Legal Counsel II |
| 4. Ms. Mwanamisi Mwachasi | - Research Officer III |
| 5. Mr. Stanley Oyosi | - Audio Officer III |
| 6. Ms. Julia Gachoki | - Serjeant-at-arms |

MIN/SEN/DEVIR/872/2025

PRAYER

The meeting was called to order at 10:20 a.m by the Chairperson, followed by a word of prayer by Ms. Sylvia Nasambu.

MIN/SEN/DEVIR/873/2025:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted as presented after being proposed by Sen. Catherine Mumma, MP and seconded by Sen. Peris Tobiko, CBS, 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 the Report of the Committee on the Petition on branding public projects with images of Governors and MCA's and branding of County Vehicles;
6. Consideration of matters regarding the leadership and operational crisis affecting the County Assembly of Nyamira;
7. Any other Business; and
8. Date of the Next Meeting and Adjournment.

MIN/SEN/DEVIR/874/2025:

**CONFIRMATION OF THE MINUTES
OF THE PREVIOUS MEETINGS**

Consideration of the agenda was deferred to the next meeting.

MIN/SEN/DEVIR/875/2025:

**CONSIDERATION OF THE REPORT ON THE PETITION ON BRANDING
PUBLIC PROJECTS WITH IMAGES OF GOVERNORS AND MCA'S AND
BRANDING OF COUNTY VEHICLES.**

The Committee considered the draft report of the petition by Mr. Laban Omusundi on branding public projects with images of Governors and MCAs and branding of county vehicles. Upon deliberations, the Committee resolved to adopt the report with minor amendments after being proposed by Sen. (Dr.) Oburu Oginga, MGH, MP and seconded by Sen. (Prof.) Margaret Kamar, EGH, MP.

MIN/SEN/DEVIR/876/2025

**CONSIDERATION OF MATTERS REGARDING THE LEADERSHIP AND
OPERATIONAL CRISIS AFFECTING THE COUNTY ASSEMBLY OF
NYAMIRA.**

The Committee resumed consideration of the matter on the leadership and operational crisis affecting the County Assembly of Nyamira and noted that at its sitting held on Thursday,

15th May, 2025 the Senate resolved to adopt the progress report of the Committee with amendments.

Upon deliberations, the Committee resolved as follows –

1. The Committee to invite all the Members of the County Assembly of Nyamira to a meeting of the Committee to be held on Monday, 26th May, 2025 to deliberate on the way forward on the matter; and
2. The Committee to table its final report on the matter after the above-mentioned meeting takes place.

MIN/SEN/DEVIR/877/2025

ANY OTHER BUSINESS

The indefinite suspension of the sittings of the County Assembly of Machakos

The Committee deliberated on the Statement that was sought by Sen. Agnes Kavindu, MP on the indefinite suspension of the plenary and committee operations in the County Assembly of Machakos. The Committee noted the urgency of the issues raised in the Statement and resolved to invite the Speaker, Clerk and the MCAs of the Assembly to a meeting of the Committee to be held on Tuesday, 27th May, 2025.

Retreat to Kiambu County

The Committee resolved to have a retreat on Friday, 23rd May, 2025 to consider legislative business before it, including the submissions received from the public on the Office of the County Attorney (Amendment) Bill, 2024 (Senate Bills No. 47 of 2024) and the County Government Laws (Amendment) Bill, 2024 (Senate Bills No. 52 of 2024). It was proposed that the retreat takes place in Kiambu County.

MIN/SEN/DEVIR/878/2025

ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 11:40 a.m. The next meeting to be held on Friday, 23rd May, 2025.

SIGNED.....

DATE.....19/05/25

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



**MINUTES OF THE HUNDRED AND FORTY SECOND (142ND) SITTING OF
THE SENATE STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS HELD ON MONDAY, 25TH
NOVEMBER, 2024, AT 9:30 AM AT COMMITTEE ROOM 6, BUNGE TOWER.**

PRESENT

- | | |
|----------------------------------|---------------|
| 1. Sen. Sheikh Mohamed Abass, MP | - Chairperson |
| 2. Sen. Richard Onyonka, EBS, | - Member |
| 3. Sen. Peris Tobiko, CBS, MP | - Member |
| 4. Sen. George Mbugua, MP | - Member |
| 5. Sen. Hezena Lemaletian, MP | - Member |
| 6. Sen. David Wafula Wakoli, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|-------------------------------------|--------------------|
| 1. Sen. Catherine Muyeka Mumma, MP | - Vice-Chairperson |
| 2. Sen. (Dr.) Oburu Oginga, MGH, MP | - Member |
| 3. Sen. Mohamed Chute, MP | - Member |

IN ATTENDANCE

- | | |
|--------------------------|----------------------------|
| 1. Mr. Laban Omusundi | - Petitioner |
| 2. Ms. Quresha Abdullahi | - Executive Director, IHRM |
| 3. Ms. Irene Kimacia | - Director, IHRM |
| 4. Mr. Wycliffe Nyakina | - Director, IHRM |

SECRETARIAT

- | | |
|----------------------------|--|
| 1. Ms. Sylvia Nasambu | - Clerk Assistant I |
| 2. Mr. Desmond Rasugu | - Clerk Assistant III (taking minutes) |
| 3. Mr. Walters Omondi | - Legal Counsel II |
| 4. Ms. Mwanamisi Mwachasi | - Research Officer III |
| 5. Ms. Amran Yunis | - Fiscal Analyst I |
| 6. Ms. Celestine Jepkosgey | - Public Communications Officer III |
| 7. Mr. David Barasa | - Serjeant-At-Arms |
| 8. Mr. Johnstone Simiyu | - Audio Officer III |

MIN/SEN/DEVIR/714/2024:

PRAYER

The meeting was called to order at 9:45 am by the Chairperson followed by a word of prayer by Ms. Sylvia Nasambu.

MIN/SEN/DEVIR/715/2024

ADOPTION OF THE AGENDA

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with Mr. Laban Omusundi for consideration of petition on branding public projects with images of Governors and MCAs and branding county vehicles;
4. Meeting with the Institute of Human Resource Management to receive their submissions on the County Governments (Amendment) Bill, 2024 (Senate Bills No. 39 of 2024);
5. Any other Business; and
6. Date of the Next Meeting and Adjournment.

MIN/SEN/DEVIR/715/2024

MEETING WITH MR. LABAN OMUSUNDI FOR CONSIDERATION OF PETITION ON BRANDING PUBLIC PROJECTS WITH IMAGES OF GOVERNORS AND MCAS AND BRANDING COUNTY VEHICLES

1. The Committee heard the views of Mr. Laban Omusundi on his Petition on the matter of branding public projects with images of Governors and MCAs and branding county vehicles. In his submissions, the Petitioner stated that branding public projects and vehicles with individual names creates a perception of bias and favoritism which may erode public trust;
2. He further submitted that personalization of the projects could create a sense of individual ownership and may raise legal and ethical issues if public funds are used to promote personal interests, contrary to the provisions of the Constitution and Public Finance Management Laws;
3. He reported that he had made efforts to the Council of Governors and the Attorney General to address the issue but no response was provided;
4. He therefore sought the following prayers from the Senate –
 - a) to amend the County Government Act 2012 to insert a clause to restrain permanently the Governors and Members of County Assemblies from branding their respective portraits, images or names on public funded projects of the Counties as it was done to the national currency;
 - b) to make sure that all public funded projects are branded as “courtesy of taxpayers of Kenya” ;
 - c) to come up with regulations or amend any law in existence to make sure that all County Government vehicles are branded with colours of our National flag to make them easily identifiable; and

- d) Any other course that deems fit in the Senate's wisdom in the subject matter.

Resolution

Upon deliberations on the submissions of the petitioners, the Committee resolved to consider the matter in another meeting to come up with appropriate recommendations to make on the issues raised in the petition in its report to the Senate.

MIN/SEN/DEVIR/716/2024

MEETING WITH THE INSTITUTE OF HUMAN RESOURCE MANAGEMENT TO RECEIVE THEIR SUBMISSIONS ON THE COUNTY GOVERNMENTS (AMENDMENT) BILL, 2024 (SENATE BILLS NO. 39 OF 2024)

1. The Committee met with the Institute of Human Resource Management to receive their views on the County Governments (Amendment) Bill, 2024 (Senate Bills No. 39 of 2024). The Institute proposed that the Bill be amended to provide for additional qualifications of the Chairpersons of a County Public Service Board. This is to build the capacity of the County Public Service Boards to enable them to execute their mandate in a professional manner;
2. They justified their proposal by arguing that there has been serious concerns over service delivery in key human resources functions such as recruitment, selection, performance management, training and development, change management and human resource development by the county governments since their inception;
3. They further submitted that the head of the secretariat of the proposed County Public Service Board National Consultative Forum be a seasoned Human Resource Management Professional who is capable of guiding and directing the Forum appropriately;
4. They observed that the management of Human Resource in counties has stood out as one of the weakest links in the realization of devolution. While other functions such as accounting and procurement are properly regulated and standardized, they submitted that Human Resource Management lacks such standards and controls. They further reported that the Institute has in the past done audits on staff establishments in some counties and their findings revealed many irregularities in the whole Human Resource management in the Counties.
5. The Institute offered to work with the Committee in looking into the major Human resource challenges in counties based on the observations they have made from the Counties that they have considered.

Resolution

Following the offer by the Executive Director to assist the Committee in identifying the Human Resource management irregularities in the counties, it was resolved that the institute to prepare and submit a report to the Committee pointing out the major Human Resource irregularities in counties and the guidelines they propose to address them.

MIN/SEN/DEVIR/717/2024

ANY OTHER BUSINESS

1. The Committee was informed that the Committee's visit to Siaya County to meet with the Governor and the Deputy Governor of the County in an effort to mediate their strained working relationship shall be take place from 28th -30th November, 2024; and
2. The Committee resolved to reschedule its proposed visit to Turkana County for inspection of various development to January, 2025.

MIN/SEN/DEVIR/718/2024

DATE OF NEXT MEETING AND
ADJOURNMENT

The Chairperson adjourned the meeting at 11:08 am. The next meeting to be held on Thursday, 28th November, 2024.

SIGNED.....

DATE..... 5. 12/24

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

Annex 2:
Copy of Petition

② Mr. Chama (001085)

ps deal accordingly
01/2/24
31/12/24



30 AUG 2024



GRASSROOT CIVILIAN OVERSIGHT INITIATIVE

P.O Box 9759-20100 Nakuru.

Tel : +254723159625

Email: omusundi200@gmail.com

② Mrs. Macharia.

TO THE SENATE
REPUBLIC OF KENYA
NAIROBI KENYA

Please process
as per the S.O.
D. Chama
08/09/24

Date: 30th AUGUST 2024



① DLPS
Please deal
MA
2/9/24

A PUBLIC PETITION

IN THE MATTER OF BRANDING PUBLIC PROJECTS WITH IMAGES OF GOVERNORS AND MCAs AND BRANDING COUNTY VEHICLES

Under the Strength of article 37 as read together with article 119 of the Constitution of Kenya, I Resident of Nakuru County, A Citizen of Republic of Kenya, A Person of great interest in enhancing good governance, rule of law and Constitutionalism, herein draw your attention to the following fronts:

- (1) THAT all County funded projects across all 47 Counties are emblazoned with portraits, images and names of Governors and Member of County Assemblies, as if projects were funded by philanthropic funds by them and not taxpayers.
- (2) THAT these political elites in the Counties have been allowed to massage their respective political egos and use spaces of public funded projects to advertise and brand themselves for personal political course without checks and balances.
- (3) THAT article 231 (4) of the Constitution disallows the portrait of any individual on our currency, why then allow the Political elites to brand taxpayers funded projects with their respective portraits, images or names purporting to be so and so.
- (4) THAT history testify that some kings used their respective portraits in that manner to be seen as gods and superior, but with our 2010 Constitution Chapter 6, an elected leader is a self-less servant not a small god or anything of similar to a god.
- (5) THAT it's high time to REJECT this self-aggrandizement of using taxpayers to brand political elites portraits, images or names to perpetuate personal political egos contrary to article 75(1) of the Constitution of Kenya.

Petition to disallow portraits of Governors and MCAs on Public Projects by Laban 0723159625

Ms. Belinda
Kandey Process.
X - macharia
10/9/2024

IN THE MATTER OF BRANDING PUBLIC PROJECTS WITH IMAGES OF GOVERNORS AND MCAs AND BRANDING COUNTY VEHICLES

(6) THAT County Governments vehicles have been used for personal effects to the political elites and other unbecoming staffs of Counties courtesy of un branding those vehicles.

(7) THAT efforts to address this matter to the council of governors, attorney general hit a snag for there was no response.

(8) THAT this matter is not pending in any Court between the parties herein.

(9) THEREFORE I SEEK THE FOLLOWING PRAYERS:

(A) To amend the County Government Act 2012 to insert a clause to restrain permanently the Governors and Members of County Assemblies from branding their respective portraits, images or names on public funded projects of the Counties as it was done to our currency by disallowing portraits of any individual.

(B) To make sure that all public funded projects are branded as "COURTESY OF TAXPAYERS OF KENYANS"

(C) To come up with regulations or amend any law in the existence to make sure that all County Governments vehicles are branded with colours of our National flag to make them easily identifiable and if the public see them being used for non-government activities, they can occupy them peacefully.

(D) Any other course that deems fit in the Senate's wisdom in the subject matter.

Yours



Laban Omusundi
The Serial Petitioner

Annex 3:
Submissions by EACC



ETHICS AND ANTI-CORRUPTION COMMISSION (EACC)

SUBMISSION TO THE SENATE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON A PETITION ON BRANDING OF COUNTY PROJECTS WITH THE IMAGES OF GOVERNORS AND MEMBERS OF COUNTY ASSEMBLIES AND BRANDING OF COUNTY GOVERNMENT VEHICLES

Tuesday, 18th March, 2025

1. Introduction

The Ethics and Anti-Corruption Commission (EACC) is a Constitutional Commission established under Section 3 of the Ethics and Anti-Corruption Commission Act, CAP 7H pursuant to the Provision of Article 79 of the Constitution of Kenya, 2010.

The mandate of the Commission is to combat and prevent corruption, economic crime, and unethical conduct in Kenya through law enforcement, prevention, public education, and promotion of standards and practices of integrity, ethics, and anti-corruption.

This Report is submitted to the Senate Standing Committee on Devolution and Intergovernmental Relations Committee as requested vide a letter **Ref: SEN/DGAC/DEVIR/2025/036** dated **11th March 2025**.

2. Issues Raised in the Petition

In the petition to the Senate dated 30th August 2024, the petitioner raised concerns with the branding of county projects with the images of Governors and Members of County Assemblies and the branding of county government vehicles.

3. Legal Framework

The Physical and Land Use Planning Act, Cap 303; The Urban Areas and Cities Act Cap 275; The Occupational Safety and Health Act, Cap 236A and its Public Health and Safety Regulations; the National Construction Authority Act CAP 118 and its Building Code (Building and Construction Regulations) 2024; and relevant County Government Laws and Regulations mandate public and private developers to erect sign boards to provide information on projects.

Branding of public projects is regulated by the National Construction Authority (NCA). The NCA Guidelines requires display of the following information at project sites:

- Project name and location (Land No.) to be constructed;
- Ownership details;
- Name and address of the supervising consultants i.e. architect, quantity surveyor, engineers;
- Name and address of the Contractor and subcontractor(s); and
- Statutory approvals i.e. county construction permit, NEMA License, and NCA Compliance Certificate.

The purpose of this requirement is to ensure transparency and accountability in the construction industry, making it easier to identify those responsible for a project and to address any issues or concerns that may arise.

4. EACC Response

Section 13 of the Leadership and Integrity Act (Cap 185C) sets out the moral and ethical requirements for State and public officers. It specifically obligates them to, *inter alia*, demonstrate honesty in the conduct of public affairs, not to engage in conduct that amount to abuse of office and accurately, and honestly represent information to the public and not to engage in wrongful conduct in furtherance of personal benefit, not to falsify any records as well as not to misuse public resources.

In addition, Section 29 of LIA prohibits State and public officers from knowingly giving false or misleading information to any person.

The conduct by Governors and MCAs of branding public projects and motor vehicles with their personal images is unethical and in contravention of Sections 13 and 29 of the Leadership and Integrity Act.

5. EACC Interventions

In view of the issues raised in the petition, EACC undertakes to do the following:

- (i) Issue an Advisory to all county governments on branding of public projects and government vehicles;
- (ii) Undertake public education and awareness; and
- (iii) Issue cautions as deemed necessary.

Dated this Tuesday, 18th day of March, 2025



Mr. Abdi A. Mohamud, MBS
Secretary/Chief Executive Officer
Ethics and Anti-Corruption Commission (EACC)

