

REPUBLIC OF KENYA



COUNTY ASSEMBLY OF MURANG'A

THIRD ASSEMBLY – FIRST SESSION

SECTORAL COMMITTEE ON PUBLIC WORKS, ROADS AND
TRANSPORT

REPORT
OF

A CAPACITY BUILDING WORKSHOP ON THE COMMITTEE
MANDATE HELD IN NAIROBI FROM 25th -27th Nov, 2022

Clerks Chambers
Murang'a County Assembly
MURANG'A

8th March, 2023

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1.0 PREFACE

The Committee held a capacity building training on its mandate from 25th -27th November, 2022 in Nairobi. This report contains information on the committees mandate, committee procedures, challenges and recommendations for efficient and effective committee operations.

1.1 COMMITTEE MEMBERSHIP

Members of the Public Works Roads and Transport Committee are as follows:

1. Hon. Samson Mukora Ngigi	Chairperson
2. Hon. Laban Chomba Njaramba	Vice Chairperson
3. Hon. Moses Gachui Mungai	Member
4. Hon. Alex Ndunda Makau	Member
5. Hon. Grace Nduta Wairimu	Member
6. Hon. Gerald Wambugu	Member
7. Hon. John Kamwaga Mwangi	Member
8. Hon. Isaac Chefman Njoroge	Member
9. Hon. Dinah Muthoni Kagiri	Member
10. Hon. Liz Muthoni Mbugua	Member
11. Hon. Simon Mwaura Wamwea	Member
12. Hon. James Karanja Kabera	Member
13. Hon. Bernard Ruiru Njeri	Member
14. Hon. Priscilla Njeri Mwangi	Member
15. Hon. Peter Munga Njuguna	Member

1.2 COMMITTEE SECRETARIAT

The secretariat supporting the committee comprises of the following officers of the County Assembly;

1. Jane Nduta Njeri – **Senior Clerk Assistant and Head of the Secretariat**
2. Naomi Wanjiku Maina – **Hansard Reporter**
3. Caroline Karugo – **Research Officer**
4. Zachary Waithaka – **Serjeant-At-Arms**

1.3 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

The Departmental Committee on Public Works, Roads and Transport is established pursuant to provisions of Standing Order 204.

As a sectoral Committee under these provisions, the Committee is mandated to:-

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) study the programme and policy objectives of departments and the effectiveness of the implementation;
- (c) study and review all county legislation referred to it;
- (d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the Assembly;

- (f) **to vet and report on all appointments where the Constitution or any law requires the Assembly to approve, except those under Standing Order 198 (*Committee on Appointments*) ; and**
- (g) make reports and recommendations to the Assembly as often as possible, including recommendation of proposed legislation.

Pursuant to the fourth schedule of the Constitution of Kenya 2010 and the second schedule of the County Assembly standing order (204), the Committee is also mandated to look into all matters related to;

- a. County transport,
- b. Including county roads,
- c. Street lighting,
- d. Traffic and parking,
- e. Public road transport
- f. Storm water management systems in built-up areas

1.4 ACKNOWLEDGEMENT

This Report was considered at length by the Committee in a meeting held on 8th March, 2023, in the County Assembly. The resolution to adopt this Report was reached unanimously by members of the Committee.

The Committee wish to sincerely thank the Offices of the Honorable Speaker and the Clerk of the County Assembly for the cordial support extended to the members to enable the Committee complete this report.

I applaud members of the Committee for their diligence and commitment as well as the secretariat for their competence in the completion of this task.

On behalf of the sectoral Committee on Public Works, Roads and Transport it is my pleasure and duty to present to the House, the Committee's Report for noting.

Thank you.

Signed: Dated this;Day of March, 2022.

Hon. Samson Mukora Ngigi
CHAIRPERSON, PUBLIC WORKS, ROADS AND TRANSPORT COMMITTEE

2.0 BACKGROUND

Legislation, Oversight and Representation are distinctively the core mandates of all legislatures globally. Leaders elected into these legislatures are required to effectively execute the three functions with an aim of transforming societies and improving the quality of lives of the people. To achieve these, inculcation of knowledge and skills to effectively perform the functions of legislation, oversight and representation is key. Members of any legislature including County Assemblies are obligated to comprehend the procedures and guidelines of operations in the performance of their duties. This is attained through planning and budgeting of intensive capacity building workshops.

Immediately members come into the County Assembly and partake oath of office after an election, the office of the Clerk plans for induction training. The inductions are stratified according to general legislative knowledge and specific committee trainings. Upon the selection committee appointing members to various committees of the County Assembly in accordance with its mandate, the specific committees are required to be inducted on their mandates.

2.1 Terms of Reference

The committee set out the following objectives for the capacity building;

1. To learn about committee operations and procedures
2. To learn about the mandates of the Committee
3. To discuss the objectives and challenges of the roads, public works and infrastructure sector
4. To make recommendations for effective committee operations

3.0 INTRODUCTION

The County Assembly Committee System

The Committee system was introduced in legislatures to enable them execute their oversight, legislative and representation mandates effectively. It is important to note that due to the magnitude of issues brought to the attention of legislatures, it would be laborious for the general Assembly at its plenary sittings to comprehensively consider and dispense with all matters coming before it. It is on this basis that committees of the Assembly were established to provide a platform for carrying out indepth scrutiny, detailed deliberations, investigations and analysis of issues.

County Assembly Committees

Committees are defined as sub-divisions of the House or extensions of the Assembly appointed to perform specific functions and undertake assignments on behalf of the whole House. Upon completion of assigned tasks, the committees report back to the House through reports, legislations and policies which are tabled for debate and approval by the House.

Rationale for Establishing County Assembly Committees

Members were informed that the main purpose of County Assembly Committees is to perform functions which the Assembly is not able to perform during its plenary sittings such as;

- a. Summoning of persons/witnesses
- b. Sitting as frequently as desired and for longer unregulated hours.
- c. Sitting away from the precincts of the Assembly.
- d. Undertaking site visits, investigative tours
- e. Conducting public participation
- f. Provides a platform for free expressions, detailed discussions and scrutiny without observing strict rules.

3.1 Powers of Committees

Members were enlightened on powers of Committees which they from the following;

- a. The Constitution of Kenya, 2010.
- b. The County Governments Act, 2012,
- c. Standing orders and other enabling Acts,
- d. Resolutions of the House
- e. Speakers rules.

Members were informed about Article 195 of the Constitution of Kenya, 2010 which provides that;

(1) A county assembly or any of its committees has power to summon any person to appear before it for the purpose of giving evidence or providing information.

(2) For the purposes of clause (1), an assembly has the same powers as the High Court to—

(a) enforce the attendance of witnesses and examining them on oath, affirmation or otherwise;

(b) compel the production of documents; and (c) issue a commission or request to examine witnesses abroad.

4.0 SPECIFIC MANDATE OF THE PUBLIC WORKS, ROADS AND TRANSPORT COMMITTEE

Members were presented with the following outline of the topic on mandate of the committee;

- i. Committee Mandates
- ii. Devolved Functions of The Sector
- iii. Role of the Committee in Devolved Functions.
- iv. Sector Objectives
- v. Sector Vision and Mission
- vi. Stakeholders
- vii. Challenges of The Sector

4.1 Core Mandates of the Committee

The core mandates of the public works, roads and transport committee are derived from devolved functions under;

- i. The Fourth Schedule Part 2 of the Constitution of Kenya, 2010.
- ii. Second schedule/standing order 204 of the County Assembly Standing Orders.

The devolved functions of the sector include;

- i. County Transport
- ii. County Roads
- iii. Street Lighting
- iv. Traffic and Parking
- v. Public works

Limitation to Committee Mandate

Members learned that in accordance with the standing orders of the Assembly, all committee activities/operations are anchored on the specific devolved functions under the Constitution of Kenya, 2010.

Therefore, the committee in its operations should be limited to its specific mandate, unless directed otherwise under exceptional circumstances and with the leave of the Liaison Committee and the Hon. Speaker.

(a) County Roads

Members were informed that issues for consideration under county roads entails;

- i. Opening of access roads
- ii. Grading of access roads
- iii. Gravelling and Maintenance of access roads
- iv. Construction of Bridges/footbridges
- v. Construction and installation of culverts.
- vi. Designation of road reserves

(b) County Transport

Issues for consideration under County Transport were highlighted as;

- i. Public transport vehicles coordination
- ii. Passenger dropping and picking terminals (eg. matatus terminals, boarding and drop off points).
- iii. Network and designation of routes
- iv. Coordination of bodaboda and tuktuk operators.

(c) Traffic and Parking

Issues under traffic and parking were highlighted as follows;

- i. Mapping of parking slots/spaces in the Urban centers
- ii. Demarcation of parking slots/bays
- iii. Cabro installation to upgrade parking areas
- iv. Traffic planning and management
- v. Special Parking Bays

(d) Street Lighting

Matters under street lighting were mentioned as;

- i. Installation of flood lights (Poles and lanterns).
- ii. Installation of street lights across the County.
- iii. Maintenance of stree lights and flood lights.

(e) Public Works

County Public works entail Designing, Documentation, contracting and project management of construction and maintenance of public buildings and other infrastructural services.

5.0 ROLE OF THE COMMITTEE IN RELATION TO THE DEVOLVED FUNCTIONS

Members learned that the basis of committee business is driven by;

- i. The devolved functions in the COK fourth schedule, part 11.
- ii. National Planning Frameworks (ie Vision 2030)
- iii. Sustainable Development Goals (SDGs)
- iv. Governors Manifesto (reflected in the County planning frameworks such as the CIDP, and ADP and CFSP)
- v. Public Petitions
- vi. Emerging sector issues

With regards to the specific devolved functions, the committee should establish if the CEC has formulated policies on;

- i. The County Transport Masterplan
- ii. Policies and Regulations on parking and traffic.
- iii. A County Roads Development plan/program containing all existing roads in the County and their proposed maintenance plan.
- iv. Regulation on private roads.
- v. The committee should task the CEC to identify and classify county roads by the criteria of location, kms, class, road number and road name.

5.1 Day-to-day operations of the Committee in Oversight, Representation and Legislation

Members were informed that business transacted by the committee as part of its day-to-day activities in overseeing the executive department include;

- i. Legislation; (formulation of Laws in relation to the sector).
- ii. Consideration of public petitions referred to the committee.
- iii. Responding to request for statements.

- iv. Formulating motions relevant to the sector.
- v. Invitation/Summoning and Cross-examination of witnesses.
- vi. Vetting of nominees for appointment to state office (ie. Chief Officer)
- vii. Scrutiny/Oversight of policy documents from the Executive, Reports formulation and Discussion
- viii. Undertaking fact finding tours in relation to matters within the sector.
- ix. study, assess and analyze the relative success of the department and oversight of the sector performance.
- x. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the departments.

6.0 ROADS, PUBLIC WORKS AND INFRASTRUCTURE SECTOR OBEJCTIVES

National Planning Framework (Vision 2030).

The Government developed and adopted Vision 2030 which identifies infrastructure as a key enabler for achievement of its objective of making Kenya a middle-income country by 2030. To achieve this, the objectives of the Roads and Infrastructure Sector in the County should also be aligned to the National Planning Framework.

6.1 Members were taken through the objectives of the roads and infrastructure sector which are;

- a. expanding the roads and transport network in the County.
- b. opening up of roads in the rural areas which in turn would lead to opening up of the rural economy.
- c. accessing and linking markets which is key to the socio-economic progression of the rural areas.
- d. improving access to social facilities and administration centers.
- e. poverty reduction by lowering the costs of goods and services through better roads.
- f. enhancing safety and security.
- g. to provide road mobility which is safe, reliable and economical.
- h. to build resilient roads within the county.

6.2 Roads and Infrastructure Sector Vision and Mission

The following vision and mission for the Department of roads and infrastructure were presented to the committee;

▪ Vision

The vision of the department is to provide safe, secure, and efficient road network, transportation system and quality works for prosperity in the county and beyond.

▪ Mission

The mission of the department is to provide efficient, affordable and reliable infrastructure for sustainable economic growth and development through modernization, rehabilitation and effective management of all infrastructure facilities in the County.

7.0 SECTOR STAKEHOLDERS

Stakeholder engagement and public participation are principles enshrined in the Constitution to ensure that policy formulation for driving the Governments socio-economic agenda is holistic and consultative. The County Assembly standing orders also provide for stakeholder engagement in committee operations.

The following County, National Government and other partners were highlighted as key stakeholders who the Committee will be engaging with from time to time;

In the County

1. The CEC Roads, Public Works, Transport and Infrastructure.
2. Other County Departments with cross-cutting mandates ie planning, land, trade.
3. The Municipalities
4. Traders
5. Transport sector Welfare Associations eg. Matatu Welfare Associations, Bodaboda and Tuktuk Welfare Associations etc...

6. County Commissioner
7. Traffic Police Commander
8. The business community
9. Residents of Murang'a

National Level

1. Ministry of Roads, Transport and Public Works
2. Roads Authorities eg. - KERRA (Kenya Rural Roads Authority)
 - a. KURRA (Kenya Urban Roads Authority)
3. Kenya Roads Board (KRB)
4. National Transport and Safety Authority (NTSA)
5. The Senate, Roads, Public Works and Transport Committee
6. Counties in the Nairobi Metropolitan Area.
7. Nairobi Metropolitan Area Transport Authority (NaMATA).
8. Donors and Development Partners eg. World Bank, AFD, etc...

8.0 SECTOR CHALLENGES

Members learned that some of the major challenges for the sector are;

1. Limited budget allocation towards the sector despite the huge demand for good road networks.
2. Low Budget Absorption and lack of adherence to the appropriated budgets.
3. Inadequate personnel eg. County engineers, works officers, inspectors and other technical officers.
4. Undertaking of sub-standard works by some rogue contractors.
5. Delay in payment of contractors who have completed works.
6. Encroachment of road reserves

7. Political interference in planning and enforcement



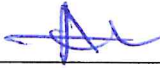









9.0 COMMITTEE RECOMMENDATIONS

At the end of the induction, members made the following recommendations;

1. That the Committee should make use of the powers granted by the Constitution of Kenya to conduct effective oversight, representation and legislation in relation to its mandate.
2. The committee should ensure that the CEC has put in place mechanisms for improved roads infrastructure to facilitate County economic growth.
3. Noting that better roads will contribute to poverty reduction by lowering the costs of goods and services and improve access to social amenities as well as enhance safety and security, the committee should be keen during scrutiny and analysis of the sector budget to ensure substantive budget allocation towards the sector programs.
4. To drive County Governments transformation agenda through community based projects, the Committee should effectively oversight implementation of the projects to ensure attainment of this agenda at the grassroots.
5. The Department of Roads and Infrastructure should ensure that procurement and award of tenders are transparent and on merit and further that contractors undertake and deliver quality work translating to value for tax-payers money.
6. The Committee should endeavor to have constant consultative engagements with the CEC especially in identification of proposed areas of legislation and policy formulation to improve the sector performance.

Report Adoption

This report was adopted by the following members;

S/N	NAME	SIGN
1.	Hon. Samson Mukora Ngigi	
2.	Hon. Laban Chomba Njaramba	
3.	Hon. Moses Gachui Mungai	
4.	Hon. Alex Ndunda Makau	
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