

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS

OFFICIAL REPORT

Tuesday, 2nd March, 2021

The House met at 10.22 a.m.

[The Deputy Speaker (Hon. Museku) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR
COUNTY FISCAL STRATEGY PAPER, 2021

Hon. Deputy Speaker: Good morning, Hon. Members. First of all my apologies for the delay in beginning this session today; we were held up somewhere with the Hon. Speaker and that necessitated us starting a little bit late but we shall be able to move on, so my apologies for that. Under Communication from the Chair, we do have one communication and this is on the County Fiscal Strategy Paper 2021.

Hon. Members, Section 117(1) of the Public Finance Management Act 2012, provides that the County Treasury shall prepare and submit to the County Executive Committee, County Fiscal Strategy Paper (CFSP) for approval and there after submit the approved fiscal strategy paper to the County Assembly by the 20th of February of each year. Pursuant to this provision the Assembly received the County Fiscal Strategy Paper for the year 2021 on Friday, 26th February, 2021 from the County Treasury for tabling in the House. I shall issue further guidelines on the process of CFSP when the Paper is tabled. Thank you, Hon. Members.

PAPERS LAID

COUNTY FISCAL STRATEGY PAPER, 2021

Hon. Deputy Speaker: Hon. Members, under this Order, we have a business to be transacted by Hon. Kamitu, Leader of Minority.

Hon. Kamitu: Thank you very much our, Hon. Speaker. Pursuant to Standing Order 207(3), I wish to lay the following Paper on the Table of the Assembly today, 2nd March, 2021; the Machakos County Fiscal Strategy Paper, 2021. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kamitu. Before we proceed there is something I need to communicate on before you go ahead and this is on the issue of the guidelines for processing of the CFSP 2021 now that the Paper has been laid.

Standing Order 205(3) of the Assembly Standing Order provides that upon being laid before the Assembly, the CFSP shall be deemed to have been committed to the sectoral

committees without question put for each such a committee to deliberate upon according to their respective mandates and make recommendations to the Budget and Appropriations Committee.

Further, Standing Order 205(4) provides that in considering the CFSP, the Budget and Appropriations Committee shall consult each sectoral committee and table a report containing its recommendations on the statement to the Assembly for consideration. Pursuant to the above provision of the Standing Orders, the CFSP is hereby committed to sectoral committees to interrogate their respective sectors and the Budget and Appropriations Committee for consideration and tabling a report before this Hon. House for approval with the shortest time possible.

What this means Hon. Members is that each sectoral committee will look at the ceiling which has been set for that committee and interrogate it with the Chief Officer and with the person in-charge in the executive so that you can be able to see whatever projects which are being proposed or whatever expenses/expenditure which is being proposed under that vote is covered by that ceiling. This is a key moment when I would also be requesting that each sectoral committee will need to consult with the various Hon. Members of this House so as to ensure that Ward projects are included in the ceilings as set in the CFSP.

So it is a tight time when we need to be more thorough this time round and ensure that each Hon. Member gives their projects anticipated projects which are in the CIDP, which are in the ADP so that we can be able now to be able through the sectoral committees to interrogate the ceilings as set. We do not want to set a ceiling then when we come back here during the main budget process you find that the ceiling that you set cannot accommodate all your provisions. So this is the time now you are able to interrogate that. Thank you, Hon. Members.

STATEMENT

BUSINESS FOR THE HOUSE FROM 2ND TO 10TH MARCH, 2021

Hon. Deputy Speaker: Hon. Members, under this Order, there is one business to be transacted by the Hon. Minority Leader Hon. Kamitu.

Hon. Kamitu: Once again thank you, Hon. Speaker. Hon. Speaker, the House Business Committee met on Monday, 1st March, 2021 to prioritize business for the House as forwarded by Committees and Hon. Members pursuant to the provisions of the Standing Order 151 (5). The Committee balloted as follows:

Tuesday, 2nd March, 2021

Morning at 10.00 a.m.

- a. Machakos County Fiscal Strategy Paper, 2021. Paper Laid by Hon. Alex Kamitu, Leader of Minority.
- b. Report of Environment, Energy, Lands and Natural Resources Committee on Machakos County Water Policy, 2018 by Hon. Robert Kisini, Chairperson. Continuation of Debate.

Afternoon at 2.30 p.m.

Machakos County Climate Change Bill, 2020 by Hon. Robert Kisini, Chairperson, Committee on Environment, Energy, Lands and Natural Resources. Second Reading.

Wednesday, 3rd March, 2021

Morning at 10.00 a.m.

Machakos County Finance Bill 2020 by Hon. Stephen Mwanthi, Chairperson, Finance and Revenue Collection. Second Reading.

Afternoon at 2.30 p.m.

Machakos County Finance Bill 2020 by Hon. Stephen Mwanthi, Chairperson, Finance and Revenue Collection). Second Reading; continuation of Debate.

Tuesday, 9th March, 2021

Morning at 10.00 a.m.

Machakos County Annual Development Plan (ADP) for FY 2021/2022 by Hon. Cosmas Kieti, Chairperson, Trade, Economic Planning and Industrialization Committee.

Tuesday, 9th March, 2021

Afternoon at 2.30 p.m.

(a) Machakos County Climate Change Bill, 2020 by Hon. Robert Kisini, Chairperson, Committee on Environment, Energy, Lands and Natural Resources. Committee of the Whole House.

(b) Machakos County Climate Change Bill, 2020 by Hon. Robert Kisini, Chairperson, Committee on Environment, Energy, Lands and Natural Resources. Third Reading.

Wednesday, 10th March, 2021

Morning at 10.00 a.m.

a. Machakos County Finance Bill 2020 by Hon. Stephen Mwanthi by Chairperson, Finance and Revenue Collection. Committee of the Whole.

b. Machakos County Finance Bill 2020 by Hon. Stephen Mwanthi, Chairperson, Finance and Revenue Collection). Third Reading.

Thank you very much, Hon. Speaker.

Hon. Deputy Speaker: Thank you very much, Hon. Leader of Minority.

MOTION

APPROVAL OF THE REPORT ON MACHAKOS COUNTY WATER POLICY 2018

Hon. Deputy Speaker: Hon. Members, under this Order, we have one motion on approval of report of Environment, Lands, Energy and Natural Resources on consideration of the Machakos County water policy 2018 by the Hon. Robert Kisini, Chairperson, Environment, Lands, Energy and Natural Resources committee. The question had already been proposed in the previous sitting and therefore the Hon. Member will go ahead and read the report and from there we will be able to debate the report.

Hon. Kisini: Thank you, Mr. Speaker, for this chance and for the continuation of reading the report. Mr. Speaker before I proceed and through your guidance and since Members when we postponed they were also to go through the report and I hope they have gone through it, I would request for your guidance, Mr. Speaker. Since the Members read the report, I request you allow me to read the following selected Acts, Page 2 on preamble, Page 3 and 4 on background and policy goals, page 11 and 12 under water quality, page 16 on use of ICT, page 18 Monitoring and Evaluation, page 19 on implementing of the policy, page 22 and 23 on observations and recommendations and then Mr. Speaker, finally the conclusion. I am requesting for your guidance it is a 24 page report.

Hon. Deputy Speaker: Thank you, Hon. Members. I think when we adjourned last time, we were to have Members to read and therefore the request by the Hon. Chair is granted that he takes us through the preamble, the introduction and then he goes to the key elements of the report otherwise the report is here on the website, you had the report for one week so go ahead Hon. Chairman.

Hon. Kisini: Thank you, Mr. Speaker. Hon. Speaker, A public policy can be generally understood as the broad strategy that a government uses to deliver services to its citizens. A public policy is a guide to legislative action that is more or less fixed for long periods of time, not just short-term fixes or single legislative acts. In July 2010, the UN General Assembly recognized water and sanitation as a basic human right. The Millennium Development Goals (MDGs) as well as the Sustainable Development Goals (SDGs) have also recognized the importance of water. Goal No. 6 of the SDGs is about ensuring availability and sustainable management of water and sanitation for all.

Kenya is a signatory to various international legal frameworks that have a bearing on water. These international legal frame works include: the universal declaration to human rights, Article 25(1), international conventions on economic, social and cultural rights, Article 11, Convention on the rights of the child, Article 24(2)(h), convention on elimination of all forms of discrimination against women, Article 14(2)(h), conventions on rights of persons living with disability Article 18(2)h and the UN General Assembly and Human Rights Resolutions 292/64 and 15/91 respectively.

The universal normative rights to water and sanitation include availability, quality, accessibility, affordability and acceptability. The County Government of Machakos has undertaken various projects to improve access to clean and safe water for both domestic and industrial. Some of the water projects implemented by the County include: drilling boreholes, rehabilitation of boreholes, and construction of water dams, pans and weirs, and reticulating of water to households. The average distance to the nearest water source has greatly reduced to less than 6km over time.

Notwithstanding the various water programmes undertaken by the County government, water has remained to be a major challenge facing Machakos County. The County lies in Arid and Semi-Arid Land (ASAL) and receives about 1,062 mm of rainfall per annum. A lot of rain falls in the months of April, May, November and December. The demand of water has outweighed the supply of water due to several reasons:

- a) The population of Machakos has grown to 1.4 million according to the 2019 Kenya Population and Housing and Census report.

- b) Mushrooming urbanization and increased infrastructural development has also put pressure on the available water in urban areas which mainly rely of Water Service Providers.
- c) Climate change effects has impacted on the rainfall patterns resulting into prolonged drought, increased siltation, reducing the reservoir capacities of water bodies.
- d) Unregulated acquisition and land ownership has interfered with expansion and development of water sources.

2.0 BACKGROUND INFORMATION

Hon. Speaker, the County Executive Committee Member in the County department of Water, irrigation, environment and natural resources submitted to the County Assembly the Machakos County Government Water Policy 2018 for approval by the Assembly which was received at the Assembly on 23rd March, 2020.

The proposed policy was committed to the Assembly Committee on Environment, Lands, Energy and Natural Resources for deliberation and compilation of a report for approval and subsequent adoption by the House.

Hon. Speaker, the policy is informed by:

- 1. The existing challenges in water resource use and availability.
- 2. The devolution of water services management to Counties as per the Fourth Schedule of Constitution of Kenya 2010.
- 3. Recognition of the Constitutional rights of citizens to access clean and safe water in adequate quantities pursuant to Article 43(1)(d).

2.1 Policy Goal and Objectives

Hon. Speaker, Article 21(2) states that, the state shall take legislative, policy and other measures including the setting of standards, to achieve the progressive realization of the rights guaranteed in Article 43. In pursuant of the forgoing legal obligations, the Machakos County Government through the County Department of Water has proposed the Machakos County Government Water Policy, 2018 whose aim is to entrench the normative rights to water and sanitation which include accessibility, quality, affordability, availability and acceptability.

The policy is geared towards guiding the efficient supply and utilization of water as a commodity and natural resource, improving the institutional set up, administration and coordination for sustainable development in the County.

Hon. Speaker, the Machakos County Government Water Policy, 2018 focuses on the following policy objectives:

- a) To achieve sustainable water availability for all purposes for attainment of cultural and socio-economic development aspirations within the County.
- b) To ensure equitable supply of quality water to the citizens of the County.
- c) To establish pro-poor subsidy programs in poor resource settings (free water).
- d) To improve the sewer and sanitation coverage to urban, peri- urban and local populations in the County.
- e) To combat effects of climatic change for sustainable development by developing the County capacity for mainstreaming climate change mitigation, adaptation and resilience in to county programmes.
- f) To build the capacity for waste water recycling within the County.

- g) To strengthen governance in Water Service Providers (WSPs) for sustainable provision of water services for domestic, industrial and agricultural purposes to ensure the conservation of environment.
- h) Collaborating with other departments to provide holistic technical guidance for all County projects.

Mr. Speaker, I turn to water quality that is page 11 on 6.5.

6.5 WATER QUALITY

The parameters of water quality shall be in conformance with WHO and shall include bacteriological, chemical, thermal and physical analysis. These standards shall comply with the KEBS standard for drinking water.

The possible factors which may compromise the water quality include silting, use of agricultural chemicals like pesticides and fertilizer, industrial processing and poor water treatment. Therefore, the current urban water supply and sewage treatment systems should be reevaluated to ensure that good water quality is attained and maintained. The guaranteed right to safe water thus requires for minimum standards for all and consequently necessary regulations on water quality.

In order to achieve this policy objective, the County government shall, identify water pollution sources and put in place proper mechanisms to protect water sources from possible pollutants, ensure water extension education and awareness creation on water quality, and provide adequate funding for water treatment inputs such as chemicals, laboratory reagents and necessary equipment.

The county Government of Machakos through the Department of Water shall put in place mechanisms to ensure access to quality, safe drinking water through the following:

- a) Establish a water quality laboratory that shall be in charge of water quality
- b) Demand from WSPs quarterly water quality reports
- c) Continuous water sampling from different water points within a distribution system of a CWSP.
- d) Compel Private WSPs to undertake and submit water quality analysis reports on monthly basis.
- e) Demand soil formation logging, chemical and physical analysis report for all boreholes developed within the county.
- f) Establish stakeholder forums and a public complaint reporting mechanism.
- g) Regular feedback and updates on water quality.
- h) Establish water quality surveillance, compliance and enforcement unit.
- i) Establish strict penalties for non-compliance to water quality standards.

Further the Department shall endeavor to carry out program activities in a prudent and sustainable manner and shall in particular articulate the following strategies to increase household connections (enhancing the shower program).

- i. Ensure we acquire and develop a diverse and optimal number of water sources around the county.
- ii. Link clustered water sources to a common treatment and distribution facility. By mapping the water sources within reasonable distances of each other, the

- department shall install raised steel tanks and treatment facilities so as to optimize the water quantities available.
- iii. Continue to carry out reticulation so as to increase the number of water points and households connected to water pipelines in all wards.
 - iv. By adapting the Integrated Water Resources Management (IWRM) strategy. This shall promote coordinated development and management of water resources so as to maximize the resultant economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems. To achieve this aim, we shall endeavor to work in collaboration with the National Government, Non-State actors (NGOs) and communities to increase connectivity to existing water sources.
 - v. Sourcing for funding for Water Service Providers (WSPs) from National government, State corporations in the water sector as well as donors. This is geared towards offloading the burden of water supply in urban areas and their environs from the department of Water and Irrigation.
 - vi. Mapping water scarce areas.
 - vii. The department has identified areas around the county that experience acute water scarcity and have thus been prioritized in subsequent financial years of the implementation of the current CIDP.

Mr. Speaker, I move top number 6.10 that is the use of ICT on Page 16.

6.10 *USE OF ICT*

The County will continually and progressively deploy ICT in the following areas:

- Billing in CWSPs.
- GIS mapping of water infrastructure (pump house, meters and pipelines) in order to identify water leakages and illegal connections with an overall objective of reducing nonrevenue water (NRW).
- Improve governance by reducing interaction between meter readers and customers.
- Improve HR performance by use of ICT (clocking systems and performance-based pay).
- Use of modern/ advanced tetrameters for accurate hydrogeological survey.

Mr. Speaker, I move to page 18 that is 6.15 on Monitoring and evaluation.

6.15 *MONITORING AND EVALUATION*

The monitoring of the implementation of this policy shall be done on monthly and quarterly basis.

Hon. Deputy Speaker: I think page 16 there is water use charges and tariffs maybe you can go through that.

Hon. Kisini: I will go through that.

Hon. Deputy Speaker: Go through that one page on water use charges and tariffs.

Hon. Kisini: Thank you, Mr. Speaker. I go to page 16 number 6.11.

6.11 WATER USE CHARGES AND TARIFFS

Water tariff is a price assigned to water supplied by a public utility through a piped network to its customers. These are determined by cost of production, system maintenance and other operational costs excluding the capital investment for the water asset.

Equitable access to water for all and its fair pricing, for drinking and other uses such as sanitation, agricultural and industrial use should be arrived at after wide consultation with all stakeholders. Therefore, pricing of water thus should ensure its efficient use and reward water conservation.

Pricing of water in the county is per the attached schedule (annexure 7) and the county Department of Water shall progressively review the tariffs with an aim of ensuring commercial viability and provision of free water non-commercially viable areas towards achievement of the right to water.

The County Department of Water shall subsidize the CWSPs by payment of electricity bills, procurement of water treatment chemicals, technical assistance and cash transfer where applicable. Further the county Department of Water and Irrigation shall ensure the CWSPs are operated as commercially viable entities and shall put measures in place to ensure prudent financial and risk management.

The county department of Water and Irrigation shall in consultation with stakeholders and WASREB shall determine the water tariffs applicable in areas served by CWSPs. Pursuant to section 131(2) of the Water Act, 2016 the County Water Service Providers shall not pay any fees or statutory deductions for use of public assets for the provision of their water services. Such fees may include Water Resources Authority license, Service Provision Agreements, WASREB license fees.

The County Governor through the intergovernmental forum and the sectoral committee for water (The Summit) shall seek a waiver for all statutory charges/ licenses to Water Resources Authority, NEMA, WASREB considering water is public good and a key enabler for the four agenda.

Mr. Speaker, I now move to page 18, 6.15 monitoring and evaluation.

6.15 MONITORING AND EVALUATION

The monitoring of the implementation of this policy shall be done on monthly and quarterly basis. Evaluation of this water policy shall be carried out during the midterm and end of term review.

A monitoring and Evaluation (M & E) framework with key performance indicators shall be developed, implemented and gaps identified during the implementation shall be rectified. The M & E framework shall be on the following indicators as per the duty bearer.

i) County Department of Water and Irrigation

1. Budget proposal
2. Budget approved
3. Budget utilization
4. Number of projects initiated

5. Number of projects completed
6. Affirmative action
7. Number of households served
8. Number of water tanks distributed
9. Number of kilometers reticulated
10. Governance indicators- boards and committees
11. Number of water conflicts resolved
12. Number of water public participation meeting
13. Number of water projects launched

ii) County Water Service Providers Water coverage percentage

1. Drinking Water Quality percentage.
2. Hours of supply.
3. Personnel expenditure as percentage of Operations and Maintenance (O + M) costs percentage.
4. O + M cost coverage as a percentage.

Hon. Mitaa: Point of order, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Speaker.

**PROCEDURAL MOTION
EXTENSION OF SITTING TIME**

Hon. Mitaa: I stand on a point of Order, under Standing Order 27 to request extension of time.

Hon. Speaker, that aware that Standing Order number 27(2) provides that provides that the Speaker shall interrupt business at 12.30 p.m. for the Morning sitting;
Aware that Standing Order 27(3) provides that the House may resolve to extend its sitting time;
Aware that Standing Order 27(4) requires motion to extend sitting time to be moved at least 30 minutes before the time appointed of adjournment;
Hon. Speaker, I beg to move the motion THAT the house resolves to extend its sitting time until the business is done.

Thank you, Hon. Speaker and I request Hon. Rozina Kanini to second.

Hon. (Ms.) Kanini: Thank you, Mr. Speaker. Due to the workload ahead of us; I second. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon Members This is a procedural motion for extension of time, and considering we have a report before us, I think we are all in agreement that we extend the time. So, the time is extended. Go ahead Hon. Kisini.

(The House resumed business as per the Order Paper)

Hon Kisini: Thank you, Mr. Speaker. I was in; County Water Service Providers Water coverage percentage

1. Drinking-Water Quality percentage.
2. Hours of supply.
3. Personnel expenditure as a percentage of Operations and Maintenance (O + M) costs percentage.
4. O + M cost coverage as a percentage.
5. Revenue collection efficiency as a Percentage.
6. Non-Revenue Water as a percentage.
7. Staff production (Staff per 1,000 connections) No.
8. Metering ratio.
9. Governance.
10. Debt Equity Ratio.

IMPLICATIONS OF THE POLICY

This policy shall be funded from the County Government of Machakos budgetary allocation to the water sector, funding from the National Government, the Water Sector Trust Fund, Grants, and donations both in cash and the kind from Development partners and stakeholders.

Revenue generated by CWSPs shall be ring-fenced and used solely for operations and maintenance of the CWSP infrastructure. The County Department of Water and Irrigation will subsidize through the payment of electricity bills, procurement of water treatment chemicals and grants, and cash transfer to cater for Boards and committee allowances.

- a) Financial: Increase funding level from the current level.
 - b) Socio-economic: Improved health, level of education and productivity, and increased household income.
 - c) Political: Affirmative action targeting poor resource settings and rural communities, amendment to Machakos County Water Act, 2014 to rationalize institutional operations, possibility of litigations, and general political goodwill.
- Hon Speaker, I move to page 22 committee observations and recommendations.

OBSERVATIONS AND RECOMMENDATIONS

Policy Strengths

Hon. Speaker, a critical examination of the policy reveals the following strengths:

- a) The policy has taken cognizance of gender mainstreaming and will be implemented through appointments, recruitment and procurement opportunities.
- b) Affirmative action and pro-poor initiatives: The County Department of Water and Irrigation shall strive to ensure the poor, person living with disabilities, the elderly and the vulnerable (women and children) are given priority in our water programs. People living in informal settlements shall be given first priority including appropriate solutions for sludge management.
- c) The policy is in line with the Constitution since it seeks to provide the rights of citizens under Article 43 (1) (d) on access to clean and safe water inadequate quantities.
- d) The Policy gives opportunities to private services providers to operate a business aimed at provision of water.

- e) The Policy will give an opportunity for the County Government of Machakos to attract funding from the National government, private sector and international sources to undertake projects in water.
- f) The policy gives room for promotion of Public-Private Partnerships (PPPs).
- g) Access to clean and adequate supply of water will have a positive ripple effect on other sectors of the economy like health, agriculture, and trade.

Hon. Speaker, after Committee's deliberations on the proposed Machakos County Water Policy, 2018, the Committee makes the following observations:

- (1) That this is the Second Policy on Water Policy to be prepared and submitted by the department of water, Irrigation, Environment and Natural Resources since the inception of devolution.
- (2) That the policy is in good faith and will provide a framework to enable the County Government to implement National government policies on natural resources and environmental conservation which may include but not limited to soil and water conservation; and forestry as envisioned in Section 10 of part 2 of the Fourth Schedule of the Constitution.
- (3) The policy will help the County to attain sustainable development goals related to water.

Hon. Speaker, based on the proposed policy submitted by the Water, Irrigation, Environment and Natural Resources department, the Committee makes the following recommendations:

- (1) In order to make the operations of the County boreholes economical, the County Government of Machakos through the County department responsible for matters related to water should develop a framework to transfer the operations and management of County boreholes to the community or Public water companies operating within that area.
- (2) The department of water should consider undertaking a feasibility study to establish the viability of harnessing wind energy to supplement other forms of energy in water distribution.
- (3) The County Government of Machakos through the department of water should consult with the National Government agencies on cross-cutting functions related to environmental conservation.
- (4) The County Government of Machakos should prioritize implementation of the Machakos Water Policy County, 2018.
- (5) That going forward, the Department of finance and revenue should provide for the required funds to implement this Policy.
- (6) Due to financial constraints, this policy should be implemented in phases.
- (7) The County Executive should within 30 days cost all the programmes and actions that will be undertaken to implement this policy and submit them to the County Assembly for consideration.
- (8) That within 60 days after adoption of this report, the County Executive Committee member for matters related to water should present a report on implementation of this policy.

CONCLUSION AND ACKNOWLEDGEMENT

Hon. Speaker, the Assembly Committee on Environment, Lands, Energy, and Natural Resources is grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during their meetings. I wish to express my appreciation to the Hon. Members of the Committee who sacrificed their time to participate in the discussion of the Policy and in preparation of this report especially during this difficult moment of dealing with COVID-19 pandemic.

Hon. Speaker, it is therefore my privilege, on behalf of the Environment, Lands, Energy and Natural Resources Committee to table this report on the Machakos County Water Policy, 2018 for deliberations and approval by this Hon. House. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you very much, Hon. Robert Kisini. Hon. Members you may now debate on the report. Hon. Steve Mwanthi.

Hon. Mwanthi: Thank you, Hon. Speaker. Hon. Speaker. Let me take this opportunity to thank the committee for the report that they have presented to this Hon. House. Highlighting some of the areas I have noted onwe have had several of such policies that have not been being implemented and I think it is the high time now we push now for all those Acts and Policies that have been passed. If you go through this you will realize that this is the second policy and the first policy if monitored would give our people ample working or getting enough water.

If we go as per this report, you will realize that we have over 300 boreholes in Machakos County; I don't believe that they are all operational so we could be having so many of them and maybe 100 are functioning. So, if some of these observations that have been raised by this committee are followed, I want to believe much could be attained. It is good that we pump back those local collections to those areas so that the members of the community may maintain those boreholes and revive the boreholes and the water pans that we have maybe that needs de-silting, again to be de-silted for proper use by our people. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you very much. Hon. Moses.

Hon. Mitaa: Thank you, Hon. Speaker. I first want to applaud the chairman and the committee for the report which has been tabled before this House and Hon. Speaker, just to echo what Hon. Stephen Mwanthi has stated, a lot has been explained in the report and indeed we need to go back to the ground and establish the boreholes, both from the county government and even for the boards which undertake running of the boreholes which they provide water our residents.

If we can indeed concentrate and ensure that there is full utilization of the boreholes which we have in our county that would mean that now our residents have enough water. A good example is some boreholes I have in my ward; there is one which is run by the Matungulu Water Board and that borehole, as much as it has plenty of water, it is not helping our residents and actually I was of the opinion of inviting the committee because I am trying to push and see whether that borehole can come back to the county government so that we can control its management.

Hon. Speaker, again we have other boreholes which have been sunk but water has not been reticulated. So, when you look at it the value versus what was spent to dig the boreholes,

you find it is like zero. So, I would request that we work on the report; we make a follow-up to ensure that it is implemented fully so that whatever is on the ground can be felt by the community. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Alex Kamitu.

Hon. Kamitu: Thank you very much Hon. Speaker. Hon. Speaker, I would also appreciate the committee for coming up with a very good paper for 2018, Water Policy of Machakos County. Hon. Speaker, you have heard also from members who have given their comments and it is in this regard that Hon. Speaker, I would say that it is very important for the Hon. Members especially for the elected ones to come up with a data as you have heard what Hon. Moses has said; we come up with data for every ward.

For example, how many boreholes are in use, how many boreholes are stalled so that out of this data, it will give us guidance in regard to prioritizing those that are supposed to be rehabilitated, those that are supposed to be given more piping or rather reticulation because we have got boreholes in our wards for example, in my ward that were sunk but they have not been made into use because actually it has got water, but it has not been finished up to the end and you find in sometimes when we come and sit with our Chief Officers, they normally give us a report that a borehole is 100 per cent complete and it is not complete because a complete borehole means that it is a borehole that is in use and people are drinking water from that borehole.

So, my contribution in this regard is if all the Hon. Members would come up with data showing boreholes that are in use, boreholes that are stalled, and boreholes that needs rehabilitation. For example, I have got also another borehole called Kyamama and it is a borehole with a lot of water but it broke down for about three months now with just a pump and up to now people are not getting water from that one. So, this is the data that we need so that when it is brought into this House, we shall give it a priority so that our electorate will get enough water. Otherwise, thank you very much, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Annastaciah.

Hon. (Ms.) Mutuku: Thank you, Hon. Speaker. Hon. Speaker, I want to applaud the Chair of Environment and his Committee for the good job they have done and I want to support the committee recommendations. I think as Hon. Members, have said, we have so many boreholes and earth dams and as I understand we have some which are not operational and I do not know which criteria we are going to use because every Member who is elected here has some challenges on those issues of water.

In my ward I have three boreholes; Kwa Mbiti which is not in operation and it is almost two years. I have been communicating with the Chief Officer and he has been promising me that he will send a team to check; even the dams which have been destroyed by the rains need to be scooped.

So, if we can set a regulation to see whether we can work closely with the department of water because this is the department which is touching every Member and through Article 42 of our constitution; it is the right of our people to get clean water. If we can form a committee if the Executive will allow, we can perform through that.

We understand there are some challenges of funding from National government but if we can have local committees on the ground we can work closely with the County and that committee can give us some support to push the County Government to do better for our people so that before 2022 we can deliver somehow. So, I support the report. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Cosmus Masesi.

Hon. Masesi: Thank you, Mr. Speaker. I want to appreciate the environment Committee led by the able Chair, Hon. Kisini for tabling this policy for 2018. Mr. Speaker, water is matters health and most importantly, the policy is addressing the quality of water for the residents of Machakos.

We also know that water is about development and I remember very well, the last time we sunk these boreholes was 2018/2019; this shows that two years down the line, we have not been able to do any developments in terms of MCAs projects. This reminds me again that in 2018/2019 in the MCA projects I gave money for Kinyui borehole and doing the stadium which was done and was fully equipped and the residents there are enjoying.

Mr. Speaker, I would like to curse the day our late Senator passed on because this has diverted the attention of development within Machakos due to politics.

(Applause)

Mr. Speaker, it hurts when you see Members of this Assembly purporting to be MPs and cross cutting across our wards to launch projects which we gave as part of the MCAs projects. We know this very members very well, some of them have tried to vie for the MP seats in vain and I do not see how one could be thinking that one time he could be going to launch projects in the other wards and saying that he is the one bringing them and not the current MCA voted by the public.

Mr. Speaker, my concern on number one is when we say that let the County boreholes be manned by the community. There is a challenge of funds and not unless we address the issue of funds because we normally give water for free to our residents, I do not see how the community will be able to manage these boreholes and we not that every now and then we have breakdowns and it is all about funds to make sure that we keep the boreholes up and running.

Otherwise Mr. Speaker, ensure that the same if implemented to the letter will also sort the issues of this water bills which has been occasioned by the management committees leaving the boreholes not able to take care of the costs along.

I support fully the same and we need to have the budget to make sure that if this report comes into action when we have the water companies operating or managing these boreholes, at least there will be budget for the breakdown all through. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. In the outside chamber, can I have Hon. Thomas Mutinda.

Hon. Mutinda: Thank you, Mr. Speaker. First, I thank the Chair of the committee and the committee in general for this good report. It should be known that some of these rivers like the river Athi which traverses all the way in our counties all the way to Indian Ocean. Mr. Speaker, for this river, there should be a policy where it is being protected. Today as we speak,

there is sand harvesting in the river and that should be captured in a policy where nobody can carry sand from that river.

In my ward, we do not allow lorries to come and ferry any sand from there but on the other side of Katangi ward, you find it is allowed and that now makes it difficult for this water to be clean because sand is used to clean the water naturally. So there is urgent need to see to it that these rivers are protected.

Mr. Speaker, we have boreholes which have been sunk but now we have to come up with a policy of the standards and water levels which should be harnessed from any borehole because some borehole yields is 1.5 cubic others less than one. The cost is the same; so when you do cost-benefit analysis of that borehole, then it means we have to concentrate our efforts and look for standards of boreholes which we should sink so that we may have a borehole serving many people.

The other thing is to have sustainability in our boreholes; we have many which are not working. In my place we have Kilembwa borehole which has not been working for a year now, we have Kwa-Kaela borehole which is also not working and so I think we should have them working so that people can get water.

The other thing is the process of sinking boreholes and ensuring water is delivered to the people. I have a borehole which was sunk last year but up to now it has not given water to the people so those are the things we should see to it that they are under a certain policy.

The other is dams; we should have a policy of when we should sink our dams; like we have so many dams in my ward like Muvuti Dam, Kwa Job dam, Nyaani Dam and others which need to be sunk but there seem to be no policy. Now they are dry, we can de-silt but without a policy it will be difficult because it is like we will be doing development haphazardly which I request we have policies in all these and we will be delivering good services to our people.

With those few remarks, I support the report and say we should rise to the occasion and see that every department is working and delivering services to the people of Machakos County. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Can I call the mover of the motion to respond. Hon. Robert.

Hon. Kisini: Thank you, Mr. Speaker. I want to thank Members for the discussions and submissions they have had on the report. I want to say at it has been stated by many Members, this water policy if passed, it will take care of many sectors small, vulnerable and industrial. It is talking of every sector of *wananchi* in Machakos County.

I also want to request, as most of the Members have said, that we had the first policy and now we have this second policy; if Members pass this report, let it be seen to be of help to the residents of Machakos by considering all the factors which have been raised in the report. Also as MCA of Mavoko I also have stalled boreholes which I also request they be considered. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kisini

(Question put and agreed to)

Hon. Members, I want to have one or two comments on the report which you have just adopted. The first one Hon. Members have rightly pointed out, we have very many boreholes and when you look at page seven and eight, you will see that they have spread all over the county with more than 300. It is therefore disheartening to find that you can have so many boreholes and a department of water which is supposed to be purportedly managing these boreholes through very rigorous procurement processes.

The best way to manage such high number of boreholes is to outsource the maintenance. We will be requesting if possible the county government to outsource or hire an external contractor to go round maintaining boreholes as and when reported that they are down. That way, the response will be very fast and there will be no need to go through rigorous procurement processes.

Always, take (....Inaudible) from my background which is the oil industry and you know how many service stations there are in Kenya; so a company like Total, for example, has more than 300 service stations. It cannot afford to have their own people doing the maintenance, so they outsource service providers who go maintaining all pumps throughout the country and you will rarely go to any service station and find a pump down, yet pump are much more than boreholes. So we might need as part of the recommendations, Hon. Chair, you may find out or enquire from the Executive whether it is possible to outsource the maintenance of these boreholes.

We also have boreholes which have been sunk and two years down the line they have not been powered. If you drill a borehole and two years down the line you have not powered it, you have sunk money. You have put Ksh. 1 million on the ground and the people around there are not enjoying it simply because you have not powered it. So that needs to be looked into to ensure that all boreholes, for example in my area, I have one which was sunk in 2018 and up to now, it has never been powered.

There is a Hon. Member who talked about standards of boreholes; yes it is funny that somebody will go and sink a borehole which will give a yield of one cubic meter an hour. Sincerely speaking, if we are doing an actual geological surveying and testing, before we sink a borehole the geologist should be able to tell the amount of water there is enough to become viable. How would you sink a borehole, spend Ksh. 1 million, power it and it is producing a cubic meter an hour. That money is misappropriated and it is not in the right place. We need to have standards where we are saying we only sink boreholes where they give five cubic meters and above and then you put it as a standard.

We also have areas like in my area there is a place called Kwa Mbunga water springs; it is spring water which can be able to supply the entire Machakos with water if properly harnessed and stored. It does not require a borehole and such natural resources should be concentrated on by the county government to ensure that they optimize on what God has given us to provide the people with water instead of sinking many boreholes which may not be able to have the same capacity as those springs which are coming out naturally.

ADJOURNMENT

Hon. Deputy Speaker: So with those few words, this House stands adjourned to resume on 2nd March, 2021 at 2.30 p.m.

The House rose at 11.14 a.m.