

REPUBLIC OF KENYA

MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 7th August, 2018

The House met at 10.22 a.m.

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

PRAYERS

Hon. Deputy Speaker: Do not have quorum yet. Could you please maybe ring the bell for 10 minutes?

(Quorum Bell rung)

Okay, we have quorum, maybe you can stop ringing the bell so that we can start. Good morning Members? Good morning. Welcome to today's sitting. Mr. Clerk, proceed. Thank you. Good afternoon Hon. Members?

Hon. Deputy Speaker: We are able to start our sitting this afternoon. Mr. Clerk, proceed.

COMMUNICATIONS FROM THE CHAIR

NOMINATION OF COUNTY SECRETARY AND CHIEF OFFICERS

Hon. Deputy Speaker: Hon. Members, I do have some communication from the Chair this morning which I am going to read to you. I have two communications to make this morning and one which I shall make later in the sitting.

Hon. Members, the Assembly has received a list of nominees for the positions of County Secretary and Chief Officers for the County Government of Machakos pursuant to Sections 44 and 45 of the County Governments Act on 1st August, 2018 at 1642hrs from H.E. Dr. Alfred N. Mutua, the Governor of Machakos County.

The names of the nominees are as follows:

A: County Secretary

	NAME OF NOMINEE	Position
1.	Mrs. Grace Muluki Munguti	County Secretary and Head of Public Service

B: Chief Officers

	NAME OF NOMINEE	Responsibilities
1.	Mr. James Timothy Gutetah	Office of the County Secretary – Administration and Coordination
2.	Mrs. Catherine Syokau Mutwiwa	Office of the County Secretary – Project Delivery, Monitoring and Evaluation
3.	Mr. Patrick Voni Kivaya	Office of the Deputy Governor
4.	Mrs. Catherine Garachu	Ministry of Finance and Economic Planning – Department of Finance and Revenue Collection
5.	Ms. Romana Mwendu Kimende	Ministry of Finance and Economic Planning –Department of Economic Planning and External Resource Mobilization
6.	Dr. Jacks Ngala Nthanga	Ministry of Health and Emergency Services – Department of Medical Services
7.	Mr. Lucas Mulinge Mwove	Ministry of Health and Emergency Services – Department of Public Health and Community Outreach
8.	Mr. Jackson Muthini	Ministry of Water, Irrigation, Environment and Natural Resources – Department of Water and Irrigation
9.	Dr. Stephen Nzioki Mailu	Ministry of Water, Irrigation, Environment and Natural Resources – Department of Environment and Natural Resources
10.	Dr. Mary Wambua Mutisya	Ministry of Tourism, Youth, Sports and Culture – Department of Tourism and Culture
11.	Mr. Carlos Henry Kioko	Ministry of Tourism, Youth, Sports and Culture – Department of Youth and Sports
12.	Eng. Newton Musyoka Muinde	Ministry of Energy, Lands, Housing and Urban Development – Department of Energy and Electrification
13.	Mr. Thomas Mutinda Kavivya	Ministry of Energy, Lands, Housing and Urban Development – Department of Housing and Urban Development
14.	Eng. Michael Muturi Maina	Ministry of Roads, Transport and Public Works - Department of Roads and Transport
15.	Mr. Robert Kioko Maitha	Ministry of County Administration and Decentralized Units - Department of County Administration and Decentralized Units
16.	Dr. James Mutuku Mutunga	Ministry of County Administration and Decentralized Units – Department of Forensics and Inspectorate Services
17.	Mr. Justus Kasivu Musau	Ministry of Trade, Industrialization and Innovation
18.	Mr. Joseph Edson Ochwada	Ministry of Public Service, Quality

		Management and ICT - Department of Public Service Management
19.	Mr. Emmanuel Kata Kimeu	Ministry of Public Service, Quality Management and ICT - Department of Information, Communication and Technology
20.	Mr. Stephen Nguli Kilonzo	Ministry of Public Service, Quality Management and ICT - Department of Cooperative Development and Marketing
21.	Mrs. Damaris Nthenya Mativo	Ministry of Agriculture, Food Security and Cooperative Development - Department of Agriculture and Food Security
22.	Mr. Zuhura Rajab Khamisi	Ministry of Education, Skills Training and Social Welfare - Department of Social Welfare and Civic Empowerment

The nominees for the County Secretary and Chief Officers are hereby committed to the relevant sectoral Committees pursuant to Standing Order 42(1), which provides that ‘upon receipt of a notification of nomination for appointment to an office as is under the Constitution or under any other legislation required to be approved by the House, the nomination shall stand committed to the relevant sectoral Committees of the House for consideration.’

Sectoral Committees are advised to come up with work plans on how the approval hearings will be conducted in line with the Public Appointments (County Assemblies) Approvals Act.

I may just need to add, you need to look carefully at the Public Appointments (County Assemblies) Approvals Act in the various Committees and make sure that we live within the very mandatory requirement of the approvals being done within 21 sitting days. That is the first communication.

MEETING BETWEEN MEMBERS AND THE COUNTY COMMISSIONER

Hon. Deputy Speaker: The second communication is on a meeting between the new County Commissioner and MCAs. As you are aware we do have a new County Commissioner in Machakos who replaced Mrs. Waswa who was upgraded to NYS.

The County received a New County Commissioner recently after the promotion of Madam Matilda Waswa to head the National Youth Service. The new County Commissioner, in consultation with the Assembly leadership has proposed a meeting between the Members of the County Assembly and the County Security team on Wednesday, 15th August, 2018 at 2.30 p.m. in the Assembly precincts. All Members of the Assembly are requested to attend.

This meeting will be key for all of us to attend because it is going to touch on two things; first of all, we need to know our new District Commissioner and secondly, there are key pressing issues concerning security which are affecting the entire County and therefore it is important for us as leaders of our people to address them one on one with the head of the security team in Machakos.

There will be a third communication which as I said, I will do at the close of the sitting. Thank you. Mr. Clerk, proceed.

PAPER LAID

REPORT ON TAPPING WATER FROM NGALALYA BOREHOLES

Hon. Deputy Speaker: Hon. Members, under this Order, we do have a Paper to be laid as listed in the appendix and this is to be done by the Hon. Robert Kisini, Chairperson, Committee on Environment, Lands, Energy and Natural Resources.

Hon. Kisini: Mr. Speaker, I beg to lay the following paper on the floor of the House today, Tuesday, 7th August, 2018; the report that Machakos County Government, through the department of water and irrigation, taps and distributes water from the Ngalalya boreholes at Matungulu West Ward in order to increase water availability and accessibility in Matungulu West Ward and the surrounding areas. Thank you, Mr. Speaker.

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

NOTICE OF MOTION

REPORT ON TAPPING WATER FROM NGALALYA BOREHOLES

Hon. Deputy Speaker: Hon. Members under this Order, we have one Notice of Motion again by the Hon. Robert Kisini.

Hon. Kisini:

Mr. Speaker, that aware that the Constitution of Kenya 2010 Article 43(1)(d), stipulates that every person has the right to clean and safe water in adequate quantities.

Further Mr. Speaker, aware that access to clean water is a basic human right and depriving people the same affects their social, physical and economic wellbeing;

Mr. Speaker, cognizant that on Wednesday, 14th March, 2018 a motion seeking that Machakos County Government through the Department of Water and Irrigation taps and distributes water from the high productive Ngalalya boreholes at Matungulu West Ward during the Financial Year 2017/2018 in order to increase water availability and accessibility in Matungulu West Ward and the surrounding areas was tabled, deliberated and directed to the committee on Environment, Lands, Energy and Natural resources for investigations and reporting to this House;

I wish to give a Notice of a motion that this Hon. House considers and approves that the Department of Water and Irrigation taps and distributes water from the Ngalalya boreholes at Matungulu West Ward in order to increase water availability and accessibility in Matungulu West Ward and the surrounding areas.

Hon. Deputy Speaker: Thank you, Hon. Kisini for the Notice of Motion. Mr. Clerk, proceed.

STATEMENTBUSINESS FOR THE HOUSE FOR 7TH TO 8TH AUGUST, 2018

Hon. Deputy Speaker: Hon. Members, under this Order, we do have a statement which was supposed to be made by the Hon. Tariq Mulatya, but I do not see him in the House. Hon. Minority Leader, could you please read the statement.

Hon. Kamitu: Thank you, Mr. Speaker, Sir. Hon. Speaker, I stand under Standing Order 41(2)(a) where during the Statement Hour a Member of the House Business Committee designated by the Committee for that purpose shall for not more than ten minutes, present and lay on the table, a statement informing the House of the business coming before the House.

Hon. Speaker, the House Business Committee met on 6th August, 2018 and balloted business for this week pursuant to the provisions of the Standing Order 151 as follows:

Tuesday, 7th August, 2018

Morning at 10.00 a.m.

Report that the County Government of Machakos taps water from Ngalalya Boreholes to the surroundings of Matungulu West Ward by Hon. Robert Kisini, Chairperson Environment, Energy and Natural Resources Committee.

Afternoon at 2.30 p.m.

Motion that the County Government of Machakos provides Artificial Insemination services to the local farmers at a subsidized price by Hon. Dominic Ndambuki, MCA Kathiani Central Ward.

Wednesday, 8th August, 2018

Morning at 10.00 a.m.

Report of Health and Emergency Services Committee on Status of selected health facilities within Machakos County by Hon. Grace Mutwiwa, Chairperson of health services committee.

Afternoon at 2.30 p.m.

Motion by Hon. Pauline Munguti that the County Government of Machakos collaborates with National Transport and Safety Authority to:

- i. Regulate the issuance of *bodaboda* riders' licenses and permits;
- ii. Conducts civic education on road safety.

Thank you, Hon. Speaker.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Kamitu. Mr. Clerk, proceed.

MOTIONS

REPORT ON TAPPING WATER FROM NGALALYA BOREHOLES

Hon. Deputy Speaker: Hon. Members, under this Order, we have one Motion by the Hon. Robert Kisini, Chairperson Committee of Environment, Lands, Energy and Natural Resources.

Hon. Kisini:

Mr. Speaker, that aware that the Constitution of Kenya 2010 Article 43(1)(d), stipulates that every person has the right to clean and safe water in adequate quantities;

Further Madam Speaker, aware that access to clean water is a basic human right and depriving people the same affects their social, physical and economic wellbeing;

Mr. Speaker, cognizant that on Wednesday, 14th March, 2018, a motion seeking that Machakos County Government through the Department of Water and Irrigation taps and distributes water from the high productive Ngalalya boreholes at Matungulu West Ward during the Financial Year 2017/2018 in order to increase water availability and accessibility in Matungulu West Ward and the surrounding areas was tabled, deliberated and directed to the committee on Environment, Lands, Energy and Natural resources for investigation and reporting to this House:

I wish to move the motion that this Hon. House considers and approves that the Department of Water and Irrigation taps and distributes water from the Ngalalya boreholes at Matungulu West Ward in order to increase water availability and accessibility in Matungulu West Ward and the surrounding areas.

Mr. Speaker, I would request Hon. Christie Koki, the Vice Chair of Committee on Environment to second the Motion.

Hon. (Ms.) C. Koki: Thank you, Mr. Speaker. I do second the Motion.

Hon. Deputy Speaker: Thank you. Hon. Kisini you may read the report please.

Hon. Kisini:

Mr. Speaker, the Constitution of Kenya 2010 Article 43(1)(d) stipulates that every person has the right to clean and safe water in adequate quantities.

Further, Mr. Speaker, the Fourth Schedule of the Constitution of Kenya mandates both the Counties and the National Government with matters of water.

The National Government is responsible for water protection, securing sufficient residual water, hydraulic engineering and the safety of dams whereas the County Governments are bestowed with the responsibility of storm water management systems in built-up areas and water and sanitation services.

BACKGROUND

Madam Speaker, on Wednesday, 14th March, 2018, a motion seeking that the Machakos County Government, through the Department of Water and Irrigation, taps and distributes water from the high productive Ngalalya boreholes at Matungulu West Ward during 2017/2018 in order to increase water availability and accessibility in Matungulu West Ward and the surrounding areas was tabled, deliberated and directed to the committee on Environment, Lands, Energy and Natural resources for investigation and tabling of a report.

The committee managed to have a site visit at Ngalalya in Matungulu West in the month of March, 2018 where they had an opportunity to meet some residents of Matungulu and the

surrounding. The committee also had an opportunity to meet with Chief Officer, department of Water and later had an opportunity to retreat and compile a report.

MANDATE OF THE COMMITTEE

Mr. Speaker, the Committee on Environment, Lands, Energy and Natural resources is a sectoral Committee established under Standing Order 190 and the Second Schedule with specific mandate to all matters related to the implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisances and outdoor advertising; land survey and mapping; boundaries and fencing; electricity and gas reticulation; energy regulation; water management systems in built up areas and water sanitation services.

COMMITTEE MEMBERSHIP

Mr. Speaker, the membership of the aforementioned committee is as follows:

- | | | |
|---------------------------|---|---------------|
| 1. Hon. Robert Kisini | - | Chairperson |
| 2. Hon. Christine Koki | - | V/Chairperson |
| 3. Hon. Alex Kamitu | - | Member |
| 4. Hon. Brian Kisila | - | “ |
| 5. Hon. Cosmas Kieti Muia | | “ |
| 6. Hon. Dominic Ndambuki | | “ |
| 7. Hon. George King’ori | | “ |
| 8. Hon. Hellen Ndeti | | “ |
| 9. Hon. Jacqueline Nziva | | “ |
| 10. Hon. Jane Nyawira | | “ |
| 11. Hon. Joseph Musau | | “ |
| 12. Hon. Mark Muendo | | “ |
| 13. Hon. Michael Mutiso | | “ |

LEGAL FRAMEWORK

Mr. Speaker,

- Article 20(2) of the Constitution provides that every person shall enjoy the rights and fundamental freedoms in the Bill of Rights to the greatest extent consistent with the nature of the right or fundamental freedom. Further, Article 43(1)(d) provides that every person has a right to clean and safe water in adequate quantities.
- Section 22(c) of part 1 and section 11(b) of part 2 of the Fourth Schedule of the Constitution provides that protection of the environment and natural resources with a view to establishing a durable and sustainable system of development, including, in particular water protection, securing sufficient residual water, hydraulic engineering and the safety of dams is a function of the national government while county waterworks and services including water and sanitation services is a function of the county governments respectively.
- The Cabinet Secretary responsible for water and irrigation vide legal Notice No. 59 of 2016 appointed the 21st day of April, 2016 as the commencement date of all provisions of the Water Act 2016 except sections 152 and 153 in so far as it relates to the Water Services Boards. Further, vide legal Notice No. 60 of 2016,

the Cabinet Secretary also while exercising the powers conferred by section 156(3) of the Water Act revoked the provisions of section 156(3) as long as such revocation does not apply to the Water Appeals Board and Water Service Boards.

- Section 152(1) of the Water Act provides that the Water Development Agency shall take over all property, assets, rights, liabilities, obligations, agreements and other arrangement existing concerning the operations of water services boards when the Water Act shall come into operation and vested in, acquired, incurred or entered into by or on behalf of the Waters Services Boards established under Water Act 2002.
- Section 68(b) of the Water provides that the powers and function of the Water Development Agency includes the operation of the waterworks and provide water services as a water service provider, until such a time as responsibility for the operation and management of the waterworks are handed over to a county government, joint committee, authority of county governments or water services provider within whose area of jurisdiction or supply the waterworks is located;
- Section 68 of the Water Act provides upon commission of the waterworks, the waterworks development agency shall enter into agreement with the county government within whose jurisdiction the water works is located. The agreement shall include the assumption by either the county government, joint committee, Water Resources Authority or water services provider who shall be responsible for paying loans or liabilities of the waterworks. Further, until all repayment of loans and discharge of any outstanding liabilities, ownership of the Water shall remain in the waterworks development agency.
- Section 154 of the Water Act provides that the existing water services providers shall continue to operate as the county water services providers or cross county water services providers as the case may be within the period specified in the transfer plan published by the Cabinet Secretary.
- The Machakos County Water and Sanitation Act, No. 1 of 2014 makes provision for water and Sanitation services, creation of Machakos County Water Board and water service provider, water works, storm water management systems, water conservation and related purposes. However, the provision of the said Act are yet to come into operation as the Executive Committee Member responsible for matters relating to water, irrigation and sanitation is yet to issue a commencement date for the said Act to date.

COMMITTEE FINDINGS

MEETING WITH THE RESIDENTS OF NGALALYA IN MATUNGULU WEST

Mr. Speaker, the Committee met the residents of Ngalalya on the matter on 23rd March, 2018 and the following came out clearly regarding tapping of water from Ngalalya boreholes to the surrounding environment.

- The Ngalalya boreholes were drilled back in the year 2005 by the National Government through Tanathi Water Services Board. There are three boreholes in a piece of two acre land which was given to the community by Kimiti Cooperative Society to sink boreholes and any other income-generating projects.
- The first borehole is an on-going project managed by Tanathi Water Service Board. Currently replacing of PVC pipes with concrete ones is ongoing. The idea

is to raise the water to the main so as to increase gravity. The project is half way done. The main water tank is 5 kilometres from the borehole and it has capacity to supply water to Kisukioni, Tala and the environs.

- The second borehole is also managed by Tanathi Water Services Board but piping has never commenced since it was supposed to be in the second phase of the projects implementation. The borehole is aimed at serving Koma hill, Kalingile, Koma Bible School, Nguluni, Malaa, Kantafu, Joska and the environs.
- The third borehole is owned by Ngalalya Community Based Organization/ Self Help Group. The group started in 2008 with a membership of over three hundred people after contributing Ksh. 50 each for registration of permit. Due to group dynamics, the CBO disintegrated and a few members were left running the project. The committee was informed that the group sells a jerrican of 20 litres at Ksh. 3 while a drum of 1,000 litres is sold at Ksh. 130.
- The group has other sources of income like farming, savings and table banking and the county Government of Machakos gave them a greenhouse which they use to plant different vegetables for sale.
- The community was in full support that County Government of Machakos taps water from Ngalalya boreholes to the entire Matungulu West and Surroundings since there was plenty of water which is underutilized.

MEETING WITH THE CHIEF OFFICER, DEPARTMENT OF WATER

Mr. Speaker, the Committee also had an opportunity to hear from the Chief Officer in the Department of Water and the following was highlighted.

- That the Ngalalya boreholes project is ongoing and that the department is awaiting hand over from the National Government, that is Tanathi Water Services Board, so as to finalize on the remaining part.
- The committee was informed that the handing over was to be done on 28th June, 2018 but to-date nothing had been done.
- Further, the committee was informed that immediately the handing over process is complete then the project would be given priority to ensure that water reaches the surroundings of Matungulu West.

Project Outcome after Completion

Mr. Speaker, it is expected that potential positive socio-economic impact shall be realized like:

- Growth of secondary businesses like hotels in Matungulu.
- Improved water supply, sanitation and health within project area.
- Improved well-being of women and children.
- Enhanced growth of business in neighboring towns.

COMMITTEE OBSERVATIONS

Mr. Speaker, the main objective of the project is to improve reliability, accessibility of enough quantity of water for domestic and commercial use for Matungulu West residents and its environs and these are the key observations made by the committee:

- The project is well connected to electricity though the standby generator which is currently used by the community group is not powerful thus

unable to pump water for long hours. There is no other source of power at the site.

- The roads to the Ngalalya boreholes are in bad state thus denying many people access especially during rainy season.
- There was a contractor who was given the tender to do piping and erecting tanks but he defaulted.
- The boreholes have very big capacities of approximately 60,000 cubic meters per hour which is a big amount of water although not fully utilized.
- Matungulu West town and its environs do not get access to clean adequate and affordable water for their consumption as envisaged under Water Act 2016 and the Constitution of Kenya 2010.
- The residents unanimously supported the proposal that the county government taps water from Ngalalya boreholes to the surrounding storages and community at large since by so doing their livelihood and economy would improve drastically.
- That the department of water is aware of the Ngalalya boreholes and they are following up to ensure that handing over is done so as to take up the project for the benefit of Matungulu West residents and the environs.

COMMITTEE RECOMMENDATIONS

Mr. Speaker, considering that most of the assets and obligations in water sector are yet to be transferred fully to the County Government, the committee recommends the following;

- That Ngalalya boreholes is a huge water project which can result to great loss of economy if left unattended and therefore the county government needs to install a powerful solar system as a power backup to ensure smooth supply of water.
- The county Government needs to rehabilitate the roads leading to the project for easy accessibility.
- The County Government needs to cross examine the eligibility of contractors to curb wastage of public money and when found guilty recommend cancellation of their licenses.
- Pursuant to the Fourth Schedule of the Constitution of Kenya on the functions of National and County Governments, storm water management is a function of County Government. In line with this, the County Government of Machakos should ensure implementation of all ongoing and stalled water projects like Ngalalya during the current financial year. This will reduce shortage of water and also enable the community get clean and adequate water as stipulated in the Constitution.
- The County Government needs to follow-up on the handing over process by the National government to County Government so as to realize completion of the project thus giving water service to entire Matungulu West and the environment.

CONCLUSION AND ACKNOWLEDGEMENT

Mr. Speaker, it is important that every Kenyan gets access to clean and safe water in adequate quantities and this can only be achieved through close work relationship between the national government and the counties since some functions are yet to be devolved fully.

Further, Mr. Speaker, Ngalalya boreholes have capacity to emit huge quantities of water which needs to be fully utilized for the benefit of Matungulu West citizens and the environment.

Mr. Speaker, the Environment, Lands, Energy and Natural Resources Committee is grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the committee sittings and visitations. I wish to express my appreciation to the Hon. Members of the Committee who sacrificed their time to participate in the activities of the Committee and in preparation of this report.

Mr. Speaker, it is therefore my privilege, on behalf of the Environment, Lands, Energy and consideration and adoption. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Kisini, for that report.

(Question proposed)

Members, you may debate on the motion. Hon. Moffat?

Hon. Maitha: Thank you, Mr. Speaker. I stand to support the motion and thank the committee through the chair for the good work done. Mr. Speaker, this borehole was done in the year 2005 and up to now it has not been maximized. Only one borehole out of three is currently being used but the water which is coming from that borehole is not reaching many residents of Matungulu West Ward.

It is my belief Mr. Speaker, that when the three boreholes can be done and finished, the people of Matungulu West Ward will have enough water not only for themselves but also for their animals and for irrigation, Mr. Speaker.

Mr. Speaker, the second borehole can take water throughout Matungulu West Ward while the first one can take water to Tala and its environs while the third borehole Mr. Speaker, can even take water to Matungulu North Ward and Kyeleni Wards, Mr. Speaker.

It is my belief and expectation that the County Government of Machakos undertakes this project wholly to benefit the people of that area. Mr. Speaker, if these bore holes can be done in fact the people of Matungulu West Ward will not need boreholes to be done again and therefore I support the motion. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Dominic.

Hon. Ndambuki: Thank you, Hon. Speaker for the opportunity to contribute to this motion. Hon. Speaker, the report about the borehole at Ngalalya water project is very elaborate and using words that I will borrow from Hon. Moffat Maitha that he has used in this house before, Hon. Speaker, the three boreholes have adequate water to supply to areas in Matungulu. We are now talking about the municipalities, Hon. Speaker, and this is a good source of water for the Tala municipality.

If the County Government of Machakos can move with speed and ensure that it reticulates water to its residents, more so targeting those that are living within the towns then we will be on the right path in to realizing our dream of building these municipalities and in particular the Tala municipality. Thank you, Hon. Speaker. I support.

Hon. Deputy Speaker: Hon. Moses Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker for granting me the opportunity to air my views on the report. First of all, I wish to commend the committee for good job done. On the report on Ng'alalya water boreholes. Mr. Speaker, as I support this report, I am one of the neighboring leaders from Matungulu Sub-County; actually, I normally call it the larger Kangundo.

Mr. Speaker, as it is now, currently we are sharing these resources, Kangundo and Matungulu and there has been some sort of friction because of the scarcity of the resource and if these boreholes can indeed be utilized to the optimum, I believe even Kangundo people would also benefit from the facilities.

Again, there is a lot of mismanagement by the organizations which have been given the role to run these boreholes; how I wish that we would recommend that the county government would take over the functions of these boreholes, back to the people down there, we form committees on the ground who can be able to run the facilities in a better way because only the locals understand were the need is not a foreigner. So, I support the report. Thank you.

Hon. Deputy Speaker: Hon. Kieti.

Hon. Kieti: Thank you, Mr. Speaker for giving me the chance. I support the report that has been brought by Hon. Kisini, the chair for Environment, lands, Energy and Natural resources committee. Mr. Speaker, I visited Ng'alalya and the contents of this report is a true picture of what is on the ground; one, the roads are impassable, it was not easy for us to get to the boreholes as it has been cited.

Two, I noted that to some extent there are cartels who run the boreholes, although I stand to be guided, but Hon. Mitaa has mentioned about some people who run the project. So, it is as though there is a kind of self-help group that has owned management of the project and such kind of cartels are likely to derail performance of the projects disrupting distribution of water to the people who need the water.

Hon. Speaker, I want to say that we have so many natural resources that are around us and as a county, we need to embrace them because they form part of our wealth and we have exploited them fully; like when you visit the Ng'alalya water boreholes, as it has been mentioned, there are three boreholes in place and they pump a lot of water and if these boreholes are fully exploited then people living within the neighborhood of Matungulu west and the larger Kangundo are likely to benefit a lot.

It is also good if more water tanks could be distributed within the region so that people can access this important commodity in their neighborhood because at times you may find that during dry season the water levels may go down but at the same time if the water levels go down and there is storage then it will ensure that there is smooth reticulation throughout the year.

At the same time, I want to say that much of our boreholes within the county need to emulate whatever we are going to recommend about Ng'alalya because our people are in dire need of this important commodity now that we are heading towards the dry season.

So, I support the recommendation that the county government of Machakos takes up the management of this boreholes so that the reticulation of water is achieved to the people within the neighborhood and also fully exploitation of this project is achieved so that our people get water. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Mark Muendo.

Hon. Muendo: Thank you, Mr. Speaker. I support this report. It is not only Ng'alalya boreholes which has got problems on management, it is actually across the county and that is why I brought a motion in this House for the Machakos County to take over all the water providers, water distribution. Hon. Speaker, on that note, what we are lacking mostly in Machakos County is this Act, the Machakos County Water and Sanitation Act No. 1 of 2014. In this Act, there is a board which is supposed to be formed to run these water providers.

The Act is clear on how the board is supposed to be formed and without this board; we are going to bring a lot of motions here because every corner there is a problem of management of these boreholes. In my case, Kinanie, I have a borehole which was being run by community which is at the junction of Machakos; the community ran the borehole down, the function of the borehole has stopped and this is now a year and I have been engaging the Chief Officer of that department but nothing has come out for the last three months.

Sometimes they give you an excuse that the borehole does not belong to this county so I will ask this House to fast track and look at that Act; that is the only Act which is going to make us survive if we need this water to be managed. I understand the case of Hon. Senior Maitha that the boreholes have a lot of water which can give water to even the entire Kangundo but the problem is the management.

The generator is not pumping water, the roads are not repaired; so I think we all have similar problems. So, it for this House we immediately fast track this Act then we have that water board in place, we employ managers, those community people Hon. Mitaa is talking about to run the water, it is not possible; there must be people with skills, who know about water. In the community we don't have those people; those are the people who normally when they go to repair they put pipes and tie with flexible bladders and then they say *wacha maji iende*.

So, what I am saying, Hon. Speaker, we must have this board in place like yesterday. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Mark Muendo, Majority Leader. Hon. Cosmus Masesi.

Hon. Masesi: Thank you, Mr. Speaker. I support the motion and more so appreciate the works of the committee of environment led by Hon. Kisini. Mr. Speaker, I want to believe that matters of water are fully devolved whereby the issue of the county government coming in will be in order. I want to emphasize on the committee recommendations where they have said that the county government needs to cross examine the legibility of contractors to curb wastage of public money and when found guilty recommend cancellation of their licenses.

I want to believe to believe the County Governments Act section 51, 52 and 53, where we will have all the chain of development structures all the way to the village council, Mr. Speaker, the issue of checks and balances to our contractors will be fully taken care of. I want to urge this House to push by all means and make sure that this county implements fully the County

Government Act; even us as Hon. Members we will be involved in the implementation of these projects.

Mr. Speaker, the Ward Projects committee has also written to the Chief Officer of water and I want to believe very soon we will furnish the House with the number of boreholes which we have within the county and the stalled ones, so that we can recommend to the Executive to move with speed and make sure that we provide water to our citizens. Mr. Speaker, thank you.

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

Hon. (Ms.) Nzioka: Asante Mheshimiwa Spika kwa kunipa nafasi. Nimesimama kuunga mkono mswaada ambao umeletwa na Mheshimiwa Kisini; kongole kwake na kamati yote kwa jumla kwa huo unchunguzi ambao alifanya. Bw. Spika, katika katiba ya Kenya fungu la 43, limesema kwamba mwananchi wa Kenya ana haki ya kupata maji na sio maji tu, mbali maji safi. Maji ni mojawapo ya miradi ambayo kaunti ya Machakos imeweka kwenye ruwaza yake. Maji ni sehemu moja ya mwananchi kupata maana tunajua maji ni uhai.

Hivyo visima ambavyo viko sehemu ya Matungulu Magharibi ni visima ambavyo vina maji inaweza tumika sehemu kubwa san ya eneo bunge la Matungulu. Sisi kama bunge, jukumu letu kubwa ni kuona wananchi ambao wametuchagua wamepata maji ya kutosha na afya ya kutosha. Bw. Spika, wananchi wa Matungulu wakipata maji, wasambaziwe maji katika kila boma, nyumbani, hospitalini na kwenye zahanati.

Hilo ni jukumu letu kama wabunge. Ningeuliza sisi kama bunge turejeele tena sheria ambayo ilipitishwa na bunge la kwanza la kaunti ya Machakos; kuangalia sheria ambayo tulipitisha juu ya maji ili tuone usambazaji wa maji umefikia watu na pia tumefuata sheria ambayo ilipitishwa. Kwenye kamati ya uhasibu, sisi kama bunge tumechunguza tukapata kwamba zile bodi za maji katika kaunti yetu, zote kabisa ni kama zimeshindwa kazi. Tukifuata sheria tutaona jinsi ambavyo tutatengeneza hizo bodi kama itawezekana, ili tuone maji yakipatikana mahali ambapo kuna kisima, vidimbwi na watu wa Machakos wanapata maji.

Bw. Spika, maji ni sehemu moja ya kazi ambayo tunahitaji kufanya maana wakati wa ugatuzi, sehemu ya maji ililetwa hili kuona wananchi wamepata maji karibu; maji safi na pia wasambaziwe maji. Kumbuka kwamba sehemu ya Ukambani kwa kuangalia kwa macho tunaona ni sehemu kavu lakini Spika nakuhakikishia kwamba kaunti ya Machakos ikipata maji, ni sehemu ambayo tunaeza zalisha chakula hata tunaeza patiana chakula katika kaunti zingine.

Ni vile tumezoea kuona ukavu lakini tukipata maji utaona hali ya maisha ya wananchi wetu imeinuka, wataweza kujimudu na kumudu kaunti; maana Spika, hiyo maji ikisambazwa wananchi wetu watalima vyakula vya kutumia hata pia kuuza. Kwa hivyo naunga mkono nimshukuru mwenyekiti wa hio kamati kwa kazi nzuri ambayo amefanya. Yetu kama bunge ni kufuatilia tuone kwamba hio ripoti imetimizwa na hio ndio kazi yetu. Asante, Bw. Spika.

Hon. Deputy Speaker: Hon. Jacqueline Nziva.

Hon. (Ms.) Nziva: Thank you, Mr. Speaker and Members present. I would like to commend the committee for a wonderful report which is elaborate and say that Ng'alalya is one of the boreholes which I know and I have visited and it needs reticulation because every Kenyan citizen should access clean water. When we give these people clean water, we are doing God's wish because cleanliness is second to godliness. In doing reticulation of water, we will be doing

well to that community and we will also enhance their economy because they will use it for domestic needs and do irrigation.

Mr. Speaker, most of our boreholes across the county need reticulation. In my ward, there is Kionyweni-Ikombe-Kenyatta, just to mention but a few; they need reticulation because there is a process when we get to realize the full potential when doing water projects. The first phase is drilling, the second is equipping and the third is reticulation; so most of our boreholes since they have been fully equipped, I think we should reticulate and raise tanks so that our people get water in plenty. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. Nziva. Hon. Judas.

Hon. Ndawa: Thank you, Mr. Speaker, Sir. I want to take this moment to congratulate the chairperson and the committee for this elaborate report which has been tabled in this House. I support the report 100 per cent. When Hon. Moffat Maitha from that particular area brought this motion to this House, it meant a need had been felt. So, that is why he brought that motion. Water is life, water is a right that is provided for in the constitution, Article 43(1)(d) is very clear, it says that every Kenya has a right to clean and safe water and it has gone ahead to say that the water should be in adequate quantities.

If one consumes 10 litres a day, he has a right to be provided with 10 liters that day. So, this issue of water needs to be given very much attention and should be given the highest allocation so that we can make our people enjoy this right which is provided for in the constitution. Mr. Speaker, the county government has sunk so many boreholes and most of them are dry; these boreholes we are talking of are boreholes which produce a lot of water.

So, in order to comply with the directives of the President; which said we should not start new projects, we have to complete the ongoing and stalled projects, Mr. Speake, I would request this Hon. House to adopt this report and pass it to the next step so that we can have the same implemented. I am very sure if this project is implemented, the people from that particular area will no longer suffer from shortages of water.

Mr. Speaker, in the report it has also mentioned roads; the constitution also gives us rights of movement and if we don't have good roads, that will hinder us from enjoying this right of movement which is provided for in the constitution. So, I would also request that the recommendation of having the roads repaired be done as soon as possible so that when the water is there people can be able to reach and get that super product. I don't want to talk much; I only wish to say that I support and request the Hon. House to pass this motion.

Finally, as I sit I want to wish this House happy time as they celebrate their first anniversary tomorrow as they Second Assembly of Machakos. Thank you, Mr. Speaker.

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

Hon. Munyao: Thank you, Mr. Speaker. I support the report by the committee of environment. Having a borehole with a yield of 60,000 cubic meters is a very high yielding borehole which can only serve people if the water was properly reticulated and therefore the reason for us to be very keen on supporting such programmes. I am sure such a borehole can be able to serve a wide area or many residents even in the surrounding wards or sub-counties and if it were possible we would also identify such other projects in the county other than going for so many with low yields.

Right from the start; even as geologists do their work, a proper survey is done so that we are able to identify areas with high potential or with potential of giving high yielding boreholes before we settle even to sink such boreholes. Mr. Speaker, I don't know if at the moment, the water been used by the residents of Ngalalya boreholes is paid for; whether the users pay for water because I am not sure whether when it is handed over to the county, it will be free even also that it is a mega project.

I am beginning to really wonder whether we are going to be able to sustain running boreholes for free. I am a Member of a borehole in Mutituni, which is just within Mutituni market, a place where the residents were suffering for so many years before the borehole was sunk and when the department drilled the borehole, it was handed over to the community and we elected a committee to run the project.

Residents were paying Ksh. 2, other than when they were paying 20 litre jerrican for Ksh. 20. They started paying for the same Ksh. 2 by using little collections from the project and we were able to even install three-phase electric power to supplement the generator which was been used before.

From the little collection and proper management, we were able to employ two residents, pay them monthly wage and also even pay for their NSSF, NHIF and even provide for their breakfast and lunch and were are also able to, at the end of the year, call all Members who registered for paying just Ksh. 50 and even pay dividends yearly and even other users we are able to convene a meeting and even pay them for just a choosing to buy water from that borehole.

I am wondering whether, because we also wish to create employment and again free things can never run; who will organize to go and open or close a running tap? Who is going to spend their time for free to go and even check whether there is broken pipe? I am wondering as long as we wish to have so many boreholes, I am proposing to this House and it will be really be healthy for us if we settle and come up with a policy, where the boreholes will be run by some committees and they should not be free.

We are not saying we charge a lot but I am very sure it will not be very possible to manage free things in future. Thank you. I support this report. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. Johana for your contribution to these. Hon. Kisisni, please respond to the motion.

Hon. Kisini: Hon. Members, I sincerely want to thank you for the debate and for the constructive debate you have engaged in this motion. I also want to request you to pass the motion; we visited that place as it was read in the report on the very muddy circumstances as you have heard, so we are requesting for that road be maintained. I am requesting Hon. Members as the saying says, 'there are seven wonders in the world,' the place where there are this boreholes at Matungulu West, it is a wonder in Machakos, in Matungulu.

I request you Members, at your free time or at an organized time, we go and relax there as we visit the place. Why I am calling 'wonder' is because these are three boreholes in one place and they have volumes of water as the saying say it is as if the people of Matungulu have struck a gold mine in form of water. I also want to thank Hon. Maitha for being generous in wanting to distribute this water to the environments.

I come from that place, that is my birthplace Matungulu and we have no water at our town at Nguluni, at Tala, Hon. Kamitu is still here, Hon. Moffat is ready to supply water to all

those environs even including Joska, where Hon. King'ori comes from; one time you donated something to Hon. Moffat, he is also donating water to you and I want to say thank you, Hon. Members. I would request we pass this motion we pass this report and we will see wonders to the Matungulu people. Thank you.

(Applause)

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

(Question put and agreed to)

(Applause)

The report has been adopted by the House and I will make a few comments before we move on to the next motion. Concerning that report, as the chairman has ably summarized it 60,000 cubic metres is not a joke; it is a lot of water. It is a wonder that while other areas are suffering from lack of water, we have an area which is suffering from too much water which is not been distributed. It is a paradox.

Considering that one of the goals of this Government and this Assembly is to ensure that our people get water, it will be important for the County Government or the Executive to ensure that this water is tapped and distributed as recommended in this report and benefit the people of Kangundo, the larger Kangundo area. It is a pity to know that there are some cartels which seem to have infiltrated in to this obviously due to the lack of coordination in the water boreholes, cartels are bound to come in people who want to make personal gain. What are supposed to gain the community they want one personal gain that is cartels come in.

One important thing which has come out of this is the issue of Machakos Water and Sanitation Act 2014 and its full implementation and I would that the joint Committees of Environment and Implementation need to look at that Act in its entirety and see whether it has been implemented fully or the areas of the Act which need to be implemented to assist our people and prepare a report and table it before the House so that the House can be able to consider whether her is need for amendments or any further action to be taken in as far as this particular Act is concerned.

I would direct that the joint committees on environment and implementation need to look at that Act in its entirety and see whether it has been implemented fully or the areas of the Act which need to be implemented to assist our people and prepare a report and table it before the House so that the House can be able to consider whether her is need for amendment or any further actions to be taken in as far as this particular Act is concerned.

Again, the issue of sustainability as it has been raised by Hon. Johanna, of this I know for sure like in my area, currently I have two boreholes which have gone under and we are waiting for the County Government; the Executive to go and replace those pumps yet the water is given for free. There is need for us to reconsider on the issue of free services if at all we are going to have sustainability; low cost is the key.

You can be able to get little like the Ksh. 2 we have heard from here has enable to put a three-phase pump so there is need to review the whole process in terms of long term viability of the project so that we do not go sinking borehole and other facilities and it becomes impossible for the government or the county government to manage to sustain them.

So, there is need for the environmental committee and its team when looking at this Act to also look at the issue of sustainability. Thank you, Mr. Clerk proceed.

MOTION ON ADJOURNMENT TO INTERROGATE THE COUNTY PUBLIC SERVICE BOARD

Hon. Deputy Speaker: Hon. Members, under this Order, we have one motion by the Hon. Tariq Mulatya.

Hon. Mulatya: Thank you, Mr. Speaker. Good morning, Hon. Members.

That aware that Standing Order 25 provides for calendar of the Assembly that guides the general sittings of the Assembly within a given session;

Further, aware that Standing Order 27 provides for hours of meeting during a particular sitting day of the Assembly;

Cognizant that in 2015, the county Government of Machakos enacted the Machakos County Government Administrative Structures Act 2015 aimed at providing for powers and responsibility of the county administrative officers and coordination of county service delivery;

Informed that Pursuant to Article 183(3) of the constitution, Section 39 of the County Governments Act and Section 18 and 19 of the County Assembly Powers and Privilege Act;

The committee on general oversight on the 31st of July, 2018 re-invited the County Public Service Board members to respond to the issues related to its mandate;

Remembering that yesterday on the 6th August, 2018 the said committee interrogated the board but the business was not concluded;

Mr. Speaker, I wish to move the motion that this House adjourns today's afternoon meeting of the 7th August, 2018 at 2.30 p.m. to resume tomorrow on the 8th August, 2018 at 10.00 a.m. in order to interrogate the County Public Service Board.

Thank you, Mr. Speaker. I wish to call Hon. Mueni to second this motion.

Hon. (Ms.) Mueni: Thank you, Mr. Speaker. I support.

Hon. Deputy Speaker: Thank you, Hon. Members. You have had the motion that has been moved.

(Question proposed)

You may debate about the motion. Hon. Ndawa.

Hon. Ndawa: Thank you, Mr. Speaker. I have a concern on this motion; yesterday the committee of the whole House was seated here and there were some issues that it wanted to clarify with the Public Service Board and at a certain point the Committee could not proceed. Now we are adjourning so that we can interrogate the same committee; do we have information whether whatever made us not to proceed yesterday is in place. We may adjourn Mr. Speaker, and when the time comes we also find that we cannot---

Hon. Deputy Speaker: Point of information from the Chief Whip.

Hon. Mulatya: Mr. Speaker, I want to inform the Hon. Member that this Hon. Member that this Hon. House is independent on its dealings and if we had invited this Members from the Public Service Board, it is not our business to know if they are going to do it or not; ours is to invite them, theirs is to adhere to the invitations. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Maybe just to give directions on that Hon Judas, yesterday during the General Oversight Committee, the Speaker directed the Board to appear the same Committee today at 2.30 p.m. unless the House has not received information contrary to that and therefore the House will proceed on the assumption that we invited them to come before the House and they have no reasons whatsoever not to appear before the House. Thank you. Hon. Moffat.

Hon. Maitha: Thank you, Mr. Speaker. Mr. Speaker, I stand to support the motion that we adjourn. Mr. Speaker it is important that we meet the County Public Service Board officials so that they can put to light the actions going on at their end. There some interviews which are being done for Ward employees, Village Managers; we would wish for them to come and tell us the right thing on what they are doing. Therefore, I support.

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

Hon. (Ms.) Mueni: Thank you, Mr. Speaker. What the members have to understand is that we are not against the Public Service Board; we want them to do their work and we are also doing our work and you have to read the constitution and see what the MCAs are supposed to do; you should not to be defending what you do not know.

If the Service Board officials are there doing what they do not know, it is for us, Members to keep them on their toes and know what they are supposed to do. Tomorrow as they are coming here they will come with answers but we should not say they are in good terms with the Governor when they do not meet him. Thank you, Mr. Speaker

(Applause)

Hon. Deputy Speaker: Hon. Jacqueline

Hon. (Ms.) Nziva: Thank you, Mr. Speaker and the entire House. I would like also to support this because yesterday you realize that the County Public Service Board members came without the County acting Secretary and the acting Secretary, I believe is the custodian of the whole board so it would be prudent enough the board Secretary comes with the other members so that we interrogate them. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon King'ori.

Hon. King'ori: Thank you, Mr. Speaker. I stand to support the motion. It is quite important to put everything right and we have that opportunity to do it today. Thank you, Mr. Speaker.

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR
DISCHARGE OF HON. NGUNGA FROM THREE COMMITTEES

Hon. Deputy Speaker: Before I adjourn the House, I have one communication to make. The office of the Speaker received a letter from the Majority Chief Whip and I would like to read it.

This is discharge of a Member from a committee pursuant to Standing Order 156(1) which states that 'the Assembly party that nominated a member to a select committee may give notice in writing, to the Speaker that the Member is to be discharged from a select committee.'

Having met the entire requirements mentioned in this Standing Order, I wish to notify the Hon. Speaker that Hon. Francis Mwaniki Ngunga has been discharged from the following committees:

1. Committee on Implementation.
2. Committee on Transport, Roads and Public Works.
3. Committee on Education.

Be informed accordingly.

ADJOURNMENT

Hon. Deputy Speaker: The House adjourns to Wednesday, 8th August, 2018 at 10.00 a.m. but remember we are meeting as the committee of the whole House this afternoon to interrogate the Public Service Board. Thank you.

The House rose at 12.00 p.m.