

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Wednesday, 18th October, 2017

The House met at 10.09 a.m.

[The Speaker (Hon. (Mrs.) Mwangangi) in the Chair]

PRAYERS

Hon. Speaker: Good morning, members. I suggest we start our business. I notice that the House is half empty; do we have quorum? Thank you, members. Mr. Clerk proceed.

NOTICES OF MOTIONS
MANAGEMENT OF KIBAUNI WATER PROJECT

Hon. Speaker: Hon. Members, we do have two notices of Motion as per the appendix. I call upon Hon. Annastaciah Mutuku.

Hon. (Ms.) Mutuku: Thank you, Madam Speaker. I wish to move the motion that; pursuant to Standing order 44(1) the House resolves that the County Government of Machakos urgently takes over the management of Kibauni Water projects to ensure that water is provided to residents of Kibauni ward. Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Annastaciah. The notice of the motion is before the House now. I call upon Hon. Justus Katumo.

POLICY ON COUNTY TREE PLANTING WEEK

Hon. Katumo: Thank you, Madam Speaker.

Aware that the national tree planting Day is celebrated in Kenya every year on April 21;

Aware that trees are important, valuable and necessary to our existence and that without trees we human beings would not exist on this beautiful planet;

Aware that during the climate change public awareness organized by UNEP in Nairobi in October, 2015 reaffirmed its commitment to combat climate change through tree planting;

Remembering that the vision of the Environmental sector in Machakos County Integrated Development Plan is to have a county living in a clean secure and sustainable environment;

Informed that trees have medicinal remedy and that indigenous trees are adaptive and bear unique characteristics of the place;

Recognizing that trees act as carbon sinks by locking carbon dioxide which is an unclean gas and a major contributor of global warming;

Further aware that trees attract rainfall, intercept and redistribute precipitation as well as store water reserves that act as buffers for the ecosystems during drought;

Madam Speaker, I wish to give notice of the following motion that this House discusses and approves that the County Government of Machakos draws a policy to set up a county tree planting week during this short rains of October to December.

Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Justus Katumo. The notice of motion is now before this House. Mr. Clerk, proceed.

MOTION

MANAGEMENT OF KIBAUNI WATER PROJECT

Hon. Speaker: Hon. Members, under this Order, we have a motion as listed in the appendix and I call upon Hon. Annastaciah Mutuku to move the motion.

Hon. (Ms.) Mutuku: Thank you, Madam Speaker. I wish the office of the Clerk to rectify that error of nominated as typed in the notice of motion; I am not nominated but elected. Thank you---

Hon. Speaker: The correction is noted Hon. Member and it is apologized that it is an error that was not intended to be deliberate.

Hon. (Ms.) Mutuku: Thank you Madam Speaker.

That aware that water is fundamental human need;

Aware that the United Nations considers universal access to clean water a basic human right that each person on earth requires at least 20 to 50 liters of clean safe water a day for drinking, cooking and keeping themselves clean;

Acknowledging that the County Government of Machakos proposes to provide water to all Machakos households by 2020;

Aware that Kibauni ward has been severely hit by shortages of clean water and that people in this ward are using polluted water and the consumers risk dying of diseases like diarrhea, cholera;

Further aware that education suffers when sick children miss school and economic opportunities are lost to the impact of rampant illness and the time consuming process of acquiring water where it is not readily available and the children and women bear the brunt of these burden;

Noting that the ward has a water project drawing water from River Athi and that this project is capable of serving over 70 per cent of the wards population;

Aware that Mwala Water Company which currently runs the water project leading an accumulation of electricity bill of over Ksh. 3 million;

Aware that the company is not able to pay this bill and other operational costs;

Madam Speaker, I wish to move the motion that this House resolves that the County Government of Machakos urgently takes over the management of the Kibauni Water Project to ensure that water is provided to residents of Kibauni ward.

I call upon Hon. Kamitu to second the motion. Thank you, Madam Speaker.

Hon. Speaker: Hon. Kamitu.

Hon. Kamitu: Thank you very much, Madam Speaker. I support and second the motion. Thank you.

Hon. Speaker: Thank you, Hon. Members.

(Question proposed)

Hon. Members, the floor is open for debate of this motion. Yes, Hon. Mutinda.

Hon. Mutinda: Thank you, Madam Speaker. I am concerned that this project is now under TANATHI and I happen to be a neighbor of Kibauni Ward. These projects were taken over by TANATHI and handed to Mwala Water Sanitation Company but initially the projects were Kibauni, Wamunyu and Mbiuni; and the company which took these waters did not provide clean water and to some extent it could not provide any water.

So during the takeover, it was taken over by TANATHI but TANATHI handed it over to another group which might not have been a company and I don't know whether the abstracts of accounts for those companies were being checked by the County Government or any other government agency.

People down there have suffered in Kibauni, Wamunyu and Mbiuni, the companies which are owned by Mwala Water and Sanitation; it is worrying that some many years ago, during 2007 to 2010, we were getting water but when it was removed from the community to those service providers, people started suffering. It is the high time this House considered moving this water from this Company, the Mwala Water and Sewerage Company to the community or to the county government because people are suffering.

Whatever water they are getting is not clean or adequate and there is no proper management of the water. Public funds are being consumed, every month there is a bill in the meter whether you receive or not, so we are suffering while the county government can rescue the situation. The song is all over in that constituency and we have suffered in the hands of TANATHI which was a service Board and gave our water to unknown people.

I don't know whether this government or the County Assembly is aware of the owners of the water firm, Mwala Water and Sewerage Company. I don't know the owners; we don't know how it went to them because when we gave those people that water it was to TANATHI not to Mwala Water and Sewerage Company. So we are suffering and it is the high time this House rescues our people and ensures that the bills which are held to those companies are paid and smooth running of those water services is ensured.

There is the issue of staff; when this Mwala Water and Sewerage Company took over this water, the staffs have been transferred from a project to another and some are almost retiring. So the services of those people, the gratuities it is not known who will pay them after retiring because previously it was the community, it turned to the company now to the county government. So, we

have to ensure that there is that smooth running through this Hon House and its committee on water. If we don't check, the employees will lose their benefits and as we talk our people are already suffering.

Madam Speaker, I support that this project is taken over by the County Government of Machakos and everything is done to ensure other waters of that nature, save for Wamunyu where my water was transferred to the community just recently by the past House, but other waters which suffer the same, this House should rescue our people and ensure there are proper polices to ensure every citizen gets clean water in this county because we are suffering while we are so lucky by nature to have rivers Athi and Tana passing through this county (??)

The Board is called TANATHI. We border two big rivers in this country and we are suffering with water. Everywhere, like when I go home, I am asked about water, I am never asked what I have left back in Machakos; they ask about water and is just there, two kilometers. The same in Kibauni, same case in Wamunyu same case in Mbiuni; we are suffering, Madam Speaker. Rescue us from this horrible situation. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Mutinda. Hon. Kaloki.

Hon. Kaloki: Thank you Madam Speaker. I support 100 per cent considering that the water function was devolved long time ago and this problem is not only affecting the Kibauni ward people; it is all over the county. Initially the water management was being run by TANATHI and the other water companies and this has made water provisions to our people to be too expensive owing to the fact that they have a lot of running costs which they end up transferring to the common Mwananchi making it quite difficult to afford this essential commodity.

So, I would support this motion and also urge the county government to move fast and save the people of Machakos County owing to the fact that the TANATHI has also been very reluctant. If you go to a place like Matungulu, we have several water boreholes which were done by TANATHI and we appreciate the services, but they have been unable to release these boreholes to the county government of Machakos.

If you go to Kangundo and Matungulu, we are facing a similar situation where almost all the water projects are being run by MAKAWASCO, that is Matungulu and Kangundo water company; these smaller companies are subsidiaries of TANATHI and we would appreciate if they could be dissolved, employees absorbed the County Government but our only challenge would be, how would these projects be managed by the County Government. The county government needs to look in to the matter seriously and constitute local village committees to run the projects without loading any cost into it so that the people can be able to afford.

We have seen in the past some other water projects which are being run by the county also being mismanaged for lack of personnel. Like if you go to my place in Mbusyani were I come from, you find water flowing all over because there are no people manning the water taps and the water points. As we request the County Government to take over these projects, we also need to request them to consider employing the services of the local people through the county government and the water department to manage the water projects.

They should also consider constituting the local typical committees we used to have in the past to be responsible so that in case of anything we know who to ask. You know there are costs like paying for electricity, security because of the water tanks, pipes and so on. So, I think it is a good motion which was long overdue. We are really suffering and we want the county government to move and rescue the people of Machakos County from TANATHI. Thank you.

(Applause)

Hon. Speaker: Hon. Mark Muendo.

Hon. Muendo: Thank you, Madam Speaker. I support this motion. First of all, I think this is not Kibauni alone; it is all over the county. There is a lot of mess and confusion in the management of water in the whole county. I think some water companies are managing water in this County; we also have the community managing water in this county. We also have county managing water. So, I think it is a total confusion and I think this House must come with a water policy which will harmonize these water companies, the County Government water department and also the community.

For example, you find some boreholes are being run by the community. What they do, they sell the water to the community, collect some money, pay the expenses of power and piping, and you know the community because they are not paid, and it is like charity work. They don't manage this water well. Sometimes like in my place, I have three boreholes which have not been functioning because the electricity bills are very high.

For the Kibauni water, I think it is the same, this House must come up with a policy because Kibauni people, I know the area very well its very dry Hon. Members, and today there is no water in Kibauni, I think it is a mess. Thank you, Hon Member, for bringing this motion and it is timely.

The other thing is, these companies are actually taking a lot of money from our people. The cost of water for twenty liters is Ksh. 10 which is very high and water is fundamental. Actually, water is not supposed to be sold and I am looking at a point whereby before I leave this House, water will be free for the people of Machakos County because it is commodity which is not supposed to be sold.

(Applause)

So all the areas in our county are suffering the same problem whereby the county itself cannot manage. That is why I am saying we are in a process of employing CECs; in this House we must get people who can manage water, knowing water is very essential. Soon we are going to get the CEC water, you know the qualities; you must an engineer to run water obviously, because a lot of involvement in water sector is technical. Definitely you cannot tell Kingangi or Hon. Mark Muendo who is not an engineer to run water. It is not easy, Members.

What I am saying is I think there is a problem in Machakos of water. We are talking of Maruba water which is within Machakos, fully contaminated. The water is not used by the people, the water is used to irrigate the park and flowers around; what is important, people or flowers? That is lack of good management. You cannot irrigate the Park and then leave your people of Machakos town without water. That goes back to the management of water. So that is why I am saying, Madam Speaker, when you are getting these positions for the CECs and COs, we must get competent people that is the only way we can solve the problem of Kibauni, the problem in Kinanie and the problem everywhere because that is the problem facing us.

Lastly, the water problem is now actually disturbing our people completely. The water now in my area, a 20 liter jerrican is going for Ksh. 50 and that is too high. I think, now, this House must come up with water policy which is going to harmonize everything completely. Thank you, Madam Speaker.

Hon. Speaker: Thank you for that passionate contribution Hon. Member, the House has heard you. Hon. Minority Leader, Kamitu.

Hon. Kamitu: Thank you, Madam Speaker. I stand here on a very sincere note to support the motion that was brought by Hon. Annastaciah, in a sense that everybody, every Hon. Member in this House is aware of the problem that the County is facing in regard to water provisions. So, it is on that regard, Madam Speaker, that we go into the note that Madam Ann has brought a very important motion that should be supported by these Hon. Members.

So, first we should also go to her sentiments that you have seen when she was moving the motion, she has brought to this House that there is that big problem in Kibauni Water. Why? Because the water project was mismanaged and going across all over the County and aware that also these Hon. Members are aware in their areas we have got also this water projects and they are facing the same problem which is mismanagement of the water all over and a good example is like myself in my Ward, we have water that was officially sanctioned by the retired President Hon. President Mwai Kibaki.

In Kyemulendu we have a lot of water but the problem is that the management for those people who were given, that is KEWASCO/MAWASCO, it is a Company that is really mismanaging that water, that the provision of water in that area is not provided because they have got there selling points and within those selling points, they are selling water as much as they would like.

You can imagine a jerrican of 20 litres being sold to the electorates at Ksh. 40. So, it is my humble request, Madam Speaker, if you take into consideration because as other Members have made the sentiments that we have what was devolved to the County must be taken over by the County Government. So, what are we saying? We are requesting this House Madam Speaker, to take over all the water management in the County so that the County Government---

(Applause)

The County Government because it has a provision and it has a budget for running water projects within the County. It should take over so that in most cases, even at a subsidized price, our electorates will be able to get or if we install solar panels, most of our electorates will be given water freely.

So, as a House of Honor, as a House of reason, we should move very fast and if there is any technical involvement, we have got our people in Machakos County Government who have been employed for that and also in our Assembly we have got our Secretariat who should also go out, draw data so that we may know all the projects that have been mismanaged so that out of that data, we will be able to tackle and know exactly how we are going to take over all those water projects.

Otherwise, thank you, Madam Ann for such a noble idea so that our people will be given. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Members. Yes, Hon. Musau

Hon. Wambua: Thank you, Madam Speaker, I stand to support this motion and thank the Member for Kibauni for bringing this motion. Madam Speaker, if we go by the history of the

so-called TANATHI, it came to be when Her Excellency the Governor, Kitui was the minister for water, it is when the creation of the so-called TANATHI came up. Unfortunately, Madam Speaker, by then water was run by the natives and there was a lot of water, there was no hiccups--

Hon. Speaker: Hon. Member, natives? No, that is not proper especially in this age---

Hon. Wambua: I withdraw, Madam Speaker.

Hon. Speaker: Re-phrase the sentence. Members of the public.

Hon. Wambua: I withdraw, Madam Speaker.

Hon. Speaker: Thank you.

Hon. Wambua: Then, Members of the public used to run the water for themselves and there was sufficient supply. When the TANATHI came up with the so-called companies, Madam Speaker, there was total mismanagement and embezzlement because the taps are running dry yet we are having monthly standing fees. Madam Speaker, you realize the offices of TANATHI are located in Kitui County, while here we are in Machakos County. So, it is as if there are affairs of Machakos County running by the Kitui County and it is not realistic. We do not share the same; we may be sharing the same problems but we feel them---

Hon. Muendo: Point of order.

Hon. Speaker: Point of order, Hon. Mark Muendo?

Hon. Muendo: I do not think Madam Speaker the Member is in order to mislead the House saying TANATHI is running Kitui water. TANATHI is running part of Eastern and Central Province. Thank you, Madam Speaker.

Hon. Speaker: Point of order noted.

Hon. Wambua: Noted Hon. King'ang'i. But I have said---

(Laughter)

Hon. Speaker: Is that a name that we know any Member by here? Do we have any Member by the name?

Hon. Wambua: Madam Speaker, the Member calls himself the name even in the House. He is proud of it.

Hon. Speaker: Point of order, Hon. Katumo?

Hon. Katumo: Madam Speaker, I want to inform the Member that the official names of any Member are known. So, I am not aware whether we have any Member known as Hon. King'ang'i. Thank you.

Hon. Speaker: Hon. Musau, what is the right name of the Member you are referring to?

Hon. Wambua: Hon. Mark Muendo.

Hon. Speaker: Thank you.

Hon. Wambua: Who is ever proud of calling himself King'ang'i.

(Laughter)

Thank you, for the correction Members. So---

Hon. Speaker: Let us just leave it at that Hon. Ndawa. Proceed.

Hon. Wambua: So, Madam Speaker, I was trying to elaborate how that office based in Kitui has let the people of Machakos suffer at large. Once they come up with the companies. I would wish to indicate, Madam Speaker, that, in my Ward, people ran a system called Mbiuni Kabaa or Mbika in short and the people used to manage the systems for themselves. There was sufficient water, there was enough money to pay for the electricity bills, the workers were fully paid, compared to now when all the money collected is channeled to Kitui and we have the accumulation of electricity bills and we therefore urge Mr. Speaker, through your Chair that, since this problem is not only affecting Kibauni, it affects the whole County.

Hon. Ndawa: Point of correction.

Hon. Speaker: Point of correction from Hon. Ndawa.

Hon. Ndawa: Yes. I want to remind the Hon. Member who is on his feet that, he is addressing you as Mr. Speaker and you are not Mr. Speaker, you are Madam Speaker. Thank you.

(Laughter)

Hon. Speaker: Hon. Ndawa, thank you for that and Hon. Musau, there is something that we call in law, the things speaks for itself. I think I speak for myself what I am. I am Mrs. or Ms. not Mr. Thank you

(Applause)

Hon. Wambua: Thank you, Madam Speaker, thank you my neighbour Hon. Ndawa, thank you for such corrections. Madam Speaker, in short, I would urge that we incorporate the deliverance of the whole County from TANATHI, we hand it back to the County where our people will benefit the most. Thank you, Madam Speaker.

Hon. Speaker: Thank you, very much Hon. Musau. I have for the time being been on this side, I will come back there. Can I have Hon. Rozina.

Hon. (Ms.) Kanini: Thank you, Madam Speaker. Water is life but before then I support the motion because water is life. I happen to be a resident of this town and I am served by a similar project in Eastleigh and for sure that project if functioning, its services are going on smoothly and the residents there are getting water, the jerrican for 20 litres per Ksh. 2 and I have also gone around the town and the same projects are running smoothly.

So, while the accumulation of this Kibauni, Ksh. 3 million, leaves a lot to be desired. So, I think before the Government takes over this project, somebody somewhere must be held accountable. Ksh. 3 million is not a joke. Thank you, Madam Speaker.

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

Hon. (Ms.) Mueni: Thank you, Madam Speaker. My original home is Kibauni, so I know what Mheshimiwa is talking about. If you can go there, the person who went to look for water from 4 a.m. today has not yet gone back home. So, the people there they are suffering and not the way you talking now about the other places. Kibauni is a place where all these Members can go and see the people the way they are suffering and it is the one which made the other Mheshimiwa go home because of the water. He was not taking responsibility of looking of what is going on there. So, Mheshimiwa congratulations for that and I will report to your people that you are taking care of them.

(Laughter)

So, the Government, I think it can go there and look for those people. They are dying, Madam Speaker, not the way people are saying here that Machakos County is suffering, Kibauni is suffering more. Thank you, Madam Speaker.

Hon. Speaker: Thank you. Hon. Muthoka.

Hon. Muthoka: Thank you, Madam Speaker. I stand here to support the motion but as I support the motion, this House should act with caution because the issue of impunity in this Country, in this County, whereby somebody is given a responsibility and when you are given a responsibility you do not take accountability of it. If we go by this way, whereby somebody is given a responsibility, a project to run, embezzles the funds, take the funds to his own pocket and the County just comes back, picks the project and go on.

I think as you are picking on these projects, also the issue of corruption should come in. There are people who should be surcharged for this because they are selling this water, why do you have the electricity bill? So, they have to answer questions, very hard questions until when this Country will take this route, we will go on well.

I thank IEBC Commissioner Akombe, I think people are not taking responsibility and it will be taken wrongly this Assembly if we just allow people to embezzle funds and just walk away freely without any charge. Thank you, Madam Speaker.

Hon. Speaker: Hon. Member, what did you refer to? There is an issue you brought in which is not before this House.

Hon. Muthoka: No, I just gave an example.

Hon. Speaker: What is the example you gave?

Hon. Muthoka: I am saying people should be ready to take responsibility for their actions.

Hon. Speaker: That we heard from you. Hon. Francis Ngunga. Thank you.

Hon. Ngunga: Thank you, Madam Speaker, I was worried you were not catching my eye today but at least, thank you. Madam Speaker, I stand here to support this motion, I also come from Kibauni, I happen to be a resident of Kibauni for some time and Madam Speaker, today it is a very worrying state because Mheshimiwa from Kibauni says for the last one year, these people have not been able to access to water but interestingly, the Mwala Water Company has been charging standing fees.

For example, if the meter is supposed to attract a few of Ksh. 100 and they are not giving water, so the officers will go round picking Ksh. 100 and if you do not give the Ksh. 100, what happens is that, they will carry away the meter. This is what I think the Mheshimiwa from Mitaboni is saying on corruption.

Mheshimiwa, I propose that this water company relinquishes its responsibility and the responsibility taken over by the County Government. But as we do this again, as we proceed, I do not believe that we should just leave things at that. Water is a big problem in this County, from where I come from in Mua, we have the same problem. Just the other day a borehole was vandalized and we had solar panels that had been installed and they were carried away by people that are not known.

Either the people who installed the solar panels carried them away purporting that they were thieves. What I propose, Madam Speaker, is that during our budgetary cycle, any other time we are doing a borehole, we do a proposal so that we have a security personnel stationed there and we have some security fence put round the borehole and a County Officer to run that bore hole.

Madam Speaker, I have realized the County has also absconded its duty. If we are saying that water is a devolved function, then we must take up responsibility. We must provide water. If you go around, you realize that the average sale of a jerrican will be about Ksh. 3 to Ksh. 5. How many of our residents can be able to afford that and you are saying that water is a basic need? That means therefore, we are not providing for what we are supposed to do.

I therefore propose the committee on water and natural resources, Chaired by Hon. Kisini, Madam Speaker, we are challenging the Chairman to take up responsibility immediately. We have no water, it is a dry spell. Today, if you went round Mua Ward, you know Mua Ward is hilly, we have no water at all, at all and it is a big challenge. I have gone round the County, the water bowsers that are supposed to supplement water, do not have fuel, they are lying idle there.

In fact, this morning I was talking to Mheshimiwa and she was telling me that she was lucky at least she has three bowsers that were sent to her place; that is God send. But I am sure, Madam Speaker, something must be done immediately while we are supporting this, I propose

that, these officers that have been running down these projects here to be surcharged. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Majority. Hon. Mbevi.

Hon. Mbevi: Thank you, Madam Speaker. I want to support this motion because, actually my going into politics was the problem of water in my area, Mlolongo/Syokimau. It is very much amazing to have the biggest town with the highest income in the County without water. Before the Counties, this problem of water was not that big that time but I do not know what happened when we went for devolved Governments, I do not know what happened and this confusion of water issues, I do not know where they emerged because like Mlolongo, you get there, the water is passing along the road coming from I thin Ndakaini.

I do not know what method should be used or the mechanism because the town does not have that fresh water, yet it is just along the road. You get down to Kitengela, you find water supply does not end in the town, there is a lot of water and even Mlolongo people go to Kitengela to get water for probably their businesses and for drinking.

I do not know if this House may find a way on how to handle that issue of water especially in Mlolongo because to me it is urgent. You are aware that the income that comes from Mlolongo and the businesses that are in Mlolongo and without water, it cannot work and we cannot make and being a source of income to the County, I think that is an issue that should be addressed immediately and soonest possible.

The other issue is about the same and when I followed and I went to Mavwasco offices, the Managing Director told me that they are following up the issue but you find that it is like they are complaining that the EPZ that runs the water of Mavoko, claims that line from General Motors from Nairobi it is their line. So, I wonder how comes a company can own a water company and decide to ignore to supply to fellow residents of the area just to use it for their own purposes alone.

So, I do not know how that one can be handled. I think it is important that we get into this water issues concerning the County to see how they can be smoothly run because there is a big confusion and a very big problem concerning the same. Thank you, Madam Speaker.

Hon. Speaker: Hon. Mitaa. I am coming to your side, just a little patience Hon. Members.

Hon. Mitaa: Thank you, Madam Speaker for granting me the opportunity for me to contribute to this motion by Hon. Annastaciah Mutuku. It is a pity that we are here today talking about water problems when recently we saw our Hon. Governor, bring an old lady in front of National Television and kick away buckets that our people are no longer suffering of water. How I beg our leader Governor, to differentiate politics from development. As I said yesterday, I think time to act is now, our people have really suffered for long because whenever we see our Governor he is busy escorting the President and talking about politics and yet our people are suffering.

In fact, this motion has been brought by a Member from his party, meaning they can no longer keep quiet and celebrate on things which cannot be tangible---

Hon. Speaker: Hon. Mitaa, the motion has been brought by a Member of this House.

Hon. Mitaa: Okay. I apologize, Madam Speaker.

Hon. Speaker: Thank you.

Hon. Ngunga: Point of information, Madam.

Hon. Speaker: I have ruled on that point Members, let us proceed.

Hon. Ngunga: It is common logic that she is from Chap Chap.

Hon. Mitaa: Thank you, Madam Speaker. My wish is for the County Government to at least consolidate water management issues to one unit led by a person we can call in this House and hold liable. The other issue is, recently during the last financial years, these guys were busy sinking bore holes all over our County. Would you kindly have this House request for audit of all boreholes which were sunk within our county because many were sunk and they no longer function? Like my place I can count almost five of them which were sunk and they are not functioning.

Hon. Speaker: Point of information from Hon. Johanna.

Hon. Munyao: Thank you, Madam Speaker. I wish to correct the member Hon. Mitaa that we seem to have diverted from the motion. It is whether we propose to have Tanathi relinquish the leadership of Kibauni water project to the county government or whether it is to continue. So, I think I wish to correct that we seem to be diverting from the motion. Thank you.

Hon. Speaker: Hon. Mitaa proceed.

Hon. Mitaa: Thank you Madam Speaker, for your indulgence. The other thing is that we have witnessed so much infights amongst the groups which are mandated to run water projects within our region. The same necessitates for my request to have this issue consolidated to one unit so that our people may not continue suffering. The other thing is that it is a shame, I come from Kangundo and everyone wishes to come from Kangundo especially from hardship areas within our county but even today my town is served by donkey carts.

We do not have piped water within Kangundo and Hon. Members within Kangundo can witness that. It is a shame, Kangundo is a big name but unfortunately there is nothing to be seen. So, Madam Speaker, on that note I beg to support the motion. Thank you.

Hon. Speaker: Thank you very much Hon. Members. Can I have Hon. Kasyoki.

Hon. Kasyoki: Thank you, Madam Speaker. I stand here to support the motion that the county government should take over Kibauni water project. Mine is to say they should take over and investigate the so-called Mwala water company and lastly, those officers who have

mismanaged public funds it is the high time they should be taken to court. Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Kasyoki. Hon Caleb.

Hon. Mule: Thank you, Madam Speaker.

Hon. Speaker: Assist the Hon. Member with the mic.

Hon. Mule: Thank you, Madam Speaker. I am happy that the House has faith with the government of Machakos that it can run the water project better than Tanathi but before Machakos takes over the Tanathi works, I wanted to put some few suggestion. One, Tanathi is a substantial parastatal which has a budget and has workers. If Machakos Government takes over the Tanathi works that means it will eat in the little budget that Machakos County Government has and it will eat in other departments, like for example roads and other departments will suffer if we take up this because we are inheriting a lot of debts.

We are inheriting Ksh. 3 million from Tanathi. We are inheriting workers and we are inheriting a lot of debts. So, before Machakos County Government takes over to run the Tanathi I am suggesting we have a sitting or a working relationship or a come together between Machakos County and Tanathi to see how better they can perform this function. Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Caleb. Hon. Kalumu.

Hon. Kalumu: Thank you, Madam Speaker. Bearing in mind that water is a precious commodity, bearing in mind that water is life I think taking over of water from Tanathi to Machakos County will create a lot of issues. One, the principal of devolution will not be achieved because one principal of devolution was for the units of devolution to govern themselves and run their own affairs.

When a company mismanages funds, I think it is not the work of this county to take over those issues because if we take over, for example, we will have some employees who will have to be paid and already we have a lot of employees. If we take over---

Hon. Speaker: Point of information from Hon. Majority.

Hon. Ngunga: Yes, Madam Speaker. I would like to inform the member that water is a devolved function and that to achieve devolution, these companies we are proposing is not actually managed by the people themselves. What the motion proposes is that we form the locals to manage the funds themselves under the supervision of the County Government. That is what the proposal is.

Number two, we are not going to compromise lives of people just because of budgets. Thank you, Madam Speaker.

Hon. Speaker: Hon. Kioko proceed.

Hon. Kalumu: Thank you, Madam Speaker. I am saying that a company like Mwala Water Project is run by its own people within Mwala and that project, I think, it belongs to the Mwala people and they should be given an opportunity to run their own affairs and if they are not able to run their own affairs, how can you bring something to centralize something.

Like for example, when it comes to Machakos it will be centralized and we are working to decentralize issues so that if you manage a smaller unit, it is not like managing a bigger unit. If you bring it in Machakos County it will be under the Chief Officer in the department of water under Machakos County but when it is under the people of Mwala, the management of that water will be easier. I am calling upon you, when things do not work there with the people---

Hon. Speaker: Point of order?

Hon. Kamitu: Madam Speaker, is it in order for an Hon. Member on a very sincere note to tell us while already there is a figure that has already been given, Ksh. 3 million shillings that has not being paid and as leaders of this House is it proper for the member to inform us to just sit down and see water project in Kibauni being mismanaged and as leaders who have been elected.

So it is a point of order that honorably the member should just sit down and let members of this House continue on that motion.

(Applause)

Thank you, Madam Speaker.

Hon. Speaker: The ruling, Hon. Members is that the member who was submitting is not out of order. Proceed, Hon. Kioko.

Hon. Kalumu: Thank you, Madam Speaker. I think the accumulated Ksh. 3 million and so whoever was fetching that water was paying. It is only that that money got mismanaged by the people who are running that company. Is it fair, Madam Speaker, when the resources of this county are mismanaged through a company they are brought back to the county or Machakos County for it to run?

I think it is fair for this county to decentralize issues to mwananchi so that mwananchi can run his own affairs and water is one of the things which can be run well because if you fetch a jerrican of 20 liters you pay Ksh. 3. I think---

(Loud consultations)

Hon. Speaker: Order in the House. Let us have order.

Hon. Kalumu: I think that money does not evaporate; it is there and needs to be managed well so that the people of Mwala can get water. So, I beg, it has been all the time when I came to this House, every motion that comes to this House is unanimously supported. I beg to oppose. Thank you.

Hon. Speaker: Hon. Johanna you are not going to speak before others speak. Hon. Geoffrey.

Hon. Kamulu: Thank you, Madam Speaker. This matter is very serious the way most of the Hon. Members have seen it and my view on the same is that we form a task force to go and carry out forensic audit to find out the reasons why this company has failed. Where there is accumulated---

Hon. Speaker: What is the information Hon. Muendo?

Hon. Muendo: Well, let me inform the member we do not form for purposes of task force we have relevant committees in this House. Thank you, Madam Speaker.

Hon. Speaker: Information taken, Hon. Geoffrey.

Hon. Kamulu: Thank you, Madam Speaker. I wish to correct myself. Hon. Muendo, thank you very much. So my suggestion is and my view is that the committee related to the same goes and finds out why this company has failed, why they are not performing then at a certain time bring us the report and recommendations on which actions to take. Otherwise---

Hon. Wambua: Thank you, Madam Speaker---

Hon. Speaker: I have not allowed you Hon. Musau. Continue and finalize.

Hon. Kamulu: This Company has really failed according to the suggestions of the person who has brought the motion. Because they have mismanaged everything and I feel that is my position. Madam Speaker, allow me to go to my area and give some examples of failures which are there. Iveti hills are where my ward is. When we say hills, the topography there is funny in relation to water.

So we have a very serious problem in Iveti hills as far as water is concerned. The few boreholes which are existing, in fact we have two in the ward are not adequate to the members in that region and I am sure the other members in the other areas are facing the same. So, I am appealing that we have a major source of water in every ward which can supply water to the people of every region. For example, in Iveti hills we have Imbani catchment area where if that dam is well established can provide water even to the lower part of the ward. It can even supply water in Mitaboni because we cannot only concentrate on one area which has a lot of water which is mismanaged while we forget other regions.

So my suggestion is that, we as a House, resolve that the committee goes down to the ground, finds out the reasons why this company is failing and probably replace the members who are manning that area and we have a new management in the same region.

So, I cannot say exactly say I am supporting that we overhaul and bring all the functions of this water project to the county because just the way my friend has said, we cannot carry everything which has failed in the devolved functions and bring it back to the county. Instead we must be finding solutions to the same so that that activity can continue functioning and providing water to the people.

The best punishment to those people is not to take it away from them. The best is to find solutions. How can they perform better instead of failing the people? Whom can we include there so that water can be supplied to the people?

(Applause)

Because solutions are there that is the position otherwise Hon. Members, when motions come let us not just say this one goes through because we are taking through that direction then we bring problems because of the actions we take. My position is we have a better management as far as Tanathi is concerned. We carry out forensic audit on the same---

Hon. Speaker: We hear you Hon. Member.

Hon. Kamulu: Thank you very much.

Hon. Speaker: Thank you very much. I am going to have only two members submit before I call the mover to reply. Hon. Kiilu.

Hon. Kiilu: Thank you, Madam Speaker. You realize that Hon. Members from this assembly have given water all the sweet names. That it is life, it is everything and it is a precious commodity; I also acknowledge that. Actually, allow me to most sincerely congratulate Madam Hon. Annastaciah from Kibauni and I want to support 100 percent whatever she is saying.

Number 2, allow me to concur with my friends or my colleague members of parliament on what they are suggesting. That firstly, it is good and Ksh. 3 million is not little money. Investigations must be done and let the right process of the law take place. If the money has been embezzled let these people be arraigned in court. I support that one; it is only that my learned friend Hon. Kalumu is just misusing some words---

Hon. Speaker: Hon. Kiilu, the terminology 'learned friend' is reserved for a certain profession not here.

Hon. Kiilu: I am advised. I said that he was requesting that we decentralize. Once we decentralize, we are going to have a similar problem. The right word should have been involved the community so that they are able to own the project. I think that is where Hon. Kamulu, you know it is Kalumu and Kamulu alternatively. He was also heading there. In fact, let me say that water is very critical.

Hon. Speaker: The Hon. Member wants to give you his correct name.

Hon. Kamulu: Yes, Madam Speaker. Thank you very much. I want to give my names. My name is Geoffrey Mutuku Kamulu or Kamulu but not Kalumu. It is Kamulu those are my names.

Hon. Kiilu: Advised.

Hon. Speaker: We hear you, Hon. Geoffrey.

Hon. Kiilu: So that is good, we are saying water is everything, water is life and in fact you can have food and without water you cannot cook that food. It is useful, it is everything, in

fact. I want to give and I want to concur with Mheshimiwa Muendo when he says water is a problem everywhere in this county and I want to give a very practical issue in my area from Muthesya a place known as Manyatta.

This was an issue that was raised by the community during a mammoth campaign led by one of the Senator Kabaka that I tried to investigate, in fact. We have been running short of water, it is better for those who are having these water companies and they are lacking water. In our place we get it from the streams. So it is either the donkey goes before you either a donkey or you. Whoever goes first he take the water so the issue is, water in a place is very critical and if you want to get water you normally wake up around 11(??)

Now simple mathematics, the pupils come from school at around 6 p.m. and this is a place prone of sand harvesting and you now sand harvesters load the lorry up to around midnight. So, as they come home, the wives leave to line up for the water. Now they would stay at the streams looking for water up to 6.30 a.m. As they come home the pupils have woken up and want breakfast, they want to go to school. Where am I heading to? The ladies there are unable to conceive simply because the men are not there. I am not using a bad terminology but---

Hon. Speaker: Do we have a scientific report on that Hon. Kiilu?

(Laughter)

Hon. Kiilu: I have---

Hon. Speaker: Unless you have one that you table before this House, I will ask you to withdraw that statement.

Hon. Kiilu: I am communicating about a clip I can provide. What was said---

Hon. Speaker: You do not have it now? Bring it when you have it.

Hon. Kiilu: Okay, I will. So I am saying that I want to join hands with my friends and say that water is very critical. So let this County Government critically look at the issue concerning water. Thank you, Madam Speaker.

Hon. Speaker: One final comment, okay let me have two Hon. Mutiso. The reason is that he is from this ward. Maybe we have water here other than those who do not have water. Let us hear from him.

Hon. P.J. Mutiso: Thank you, Madam Speaker. I am here to support the motion by saying this; there are many problems on water and it is because of the cartels. There are so many cartels that we have. I have been dealing with water from the previous government that was the local government, municipal council of Machakos. That is where I started to deal with water and we had so many problems because during that time, I think I was in that committee which was called Machakos sewerage and something. I do not remember it well.

So like here in Machakos for example we have so many problems because of those cartels. The officers from the water offices they could even open water or release water sometimes early in the morning but they collaborate with those cartels, they close the water then

booster, those people just sell the water and they share the money with them. I am a witness because I can even bring some papers or table that to this House but because there is a motion a bigger one, I will come with it later.

So, what I am saying is that we have so many problems. And members we should not take this lightly. It is a serious matter because people need water all over. Even your body is almost 95 per cent water so we need to deal with this problem amicably without jokes. Even that committee of Mheshimiwa Kisini, we wish you talk with whoever is making the budget or the chairman of budget committee, we allocate more money in that sector so as to finish all these problems about water.

For example, Madam Speaker, do not go far but just here Kusyomiomo/Misakwani, we have a lot of problems on water. People are not able to get water in those areas. Now even when you go there to those areas, you could see what is happening and you can even witness because for example, as one member has said people go to fetch water and they can even stay there for almost eight hours.

That is what is happening just around here it is just 600 meters, about 800 meters from these offices. So we have so many problems and as Hon. Member Rozina said that we have water I don't think whether we have water in this town.

Just Kariobangi just near here we are buying water at Ksh. 20 here in this town and we are in town. So may be Hon. Rozina you are lucky because on your area may be there is water. But because it is my area, I know there is no enough water that is what I can say. May be they are lucky because there are no cartels, but the cartels are the problems that we have not even in water but all over.

So, if we do away with those cartels, I think maybe we will get enough water and more so we find sources of water if it will be possible because I think this problem is generally, it is all over. Not even in Machakos central or Kibauni. I concur with the members who have said that we should not decentralize water because of one problem.

For example, yesterday, Madam Speaker, you saw what happened because of the health sector, nurses were all here because that is a devolved function whereby the county is not able to handle it--

Hon. Speaker: Hon. Member, let us deal with the issue of water, issue of water.

Hon. P.J. Mutiso: Yes, Madam Speaker, it is an example---

Hon. Speaker: Address the issue of water please.

Hon. P.J. Mutiso: Yes. So, I say that we should deal with this problem amicably and we put more money in water so that we finish this problem. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Members. I do notice that this is a matter that is at the hearts, the middle of your heart, the inner part of your hearts and I believe we can deal with it in a much more effective manner and I am going to move that the mover of this motion replies because we need to take directions after that.

Hon. (Ms.) Mutuku: Thank you, Madam Speaker. I really appreciate very much for the Hon. Members who have supported this motion. Hon. Members, I really appreciate because every one of you where you are seated, you are seated with a bottle of water. Can you imagine people from my area where I come from, they stay almost a day that is eight hours without water. Women are trekking almost 30 km to fetch water with donkeys every day and sincerely let me appreciate the Majority Leader, is was born in Kibauni and he has already moved from Kibauni and Hon. Bendetta Mueni. I think they moved from Kibauni because of that crisis of water they came to town.

As a white man said 'home, sweet home' I cannot ran away from my area because of disaster of water and that is why I am standing here requesting you to pass that motion and I am very happy you have supported fully.

(Applause)

I am also requesting the chairman of committee of water to take this matter seriously and as a very urgent issue for my people. In my area there is drought, people are starving because there is no food and also there is a crisis of water. Can you imagine, we have a new constitution, Article 43 says you have a right to have water or to be served by the government and my people are starving?

I don't leave that county government has already done something, we have seven boreholes but they are already dried. We have seven dams constructed by the county Government and have also dried. So people are trekking from area to area looking where they can get water, all we have is a very big river, River Athi where we can get water and also we can do irrigation. I would say and support if we can get a CEC in this county who is serious to serve the people of this county.

(Applause)

Let us recognize the leadership and the committee which is doing vetting, please kindly can you bring somebody who is very smart with a lot of experience who can deal with the issues of water, who is ready to serve this county because we are here elected by the people, but we are not here to come and maybe please somebody.

(Applause)

Yes I come from *Chap Chap* but I am here by right.

So I am supporting the government because he is my party leader but my people need services.

Today I am very lucky I got three water bowsers; already they are doing something on the ground. Yesterday, I was very rude with this government because of lack of water in my ward but today when they hear I have a motion they did something.

So, I really appreciate the county government for doing something for my people, but it should not be today only. I think up to the rain season, my people are going to be getting water. Let me say this, as a woman standing here, women without water we cannot even survive really because as a man when you wake up you ask; *Mama Mwendu, wapi maji nioge uso?*

Hon. Speaker: Hon. Member, you started by speaking English, please continue speaking in English or you choose Kiswahili.

Hon. (Ms.) Mutuku: Thank you Madam I beg to say that I withdraw. So I really appreciate the members for supporting the motion and because we are in a new regime, let us serve this county and show solidarity in this House so that our people can benefit, our people can be served. So many of you have talked and I don't want to add more because as I am taking, I do sympathize with my people I can start crying alone. So, with due respect I really appreciate the Hon. Members who supported this motion. With due respect, Madam Speaker, thank you

(Applause)

Hon. Speaker: Thank you, Hon. Mutuku.

(Question put and agreed to)

Hon. Members, I will still give directions on the way forward on this motion. However, before I do that Hon. Members I want to draw to the attention of this Hon. House as it is my duty to do, that, water is a shared function under the Constitution of Kenya and I will refer Hon. Members at your free time look at the Fourth Schedule Part 1(22) that is for the National Government. You also look at Part 2(10 and 11) for the County Governments and then when we are still at appreciate members that water is in the bill of rights, it is a human right, which must be enjoyed by every citizen of this nation and I will refer you Article 43(1)(d) which stipulate in mandatory terms that every citizen is entitled to clean, safe water and in adequate quantities.

Again, Hon. Members, I draw your attention to the fact that we have both National and County laws on water. So, when we are at that point, Hon Members, notice that Tana Athi Water Services Board is not a water provider, but it provides infrastructure for water under the assistance of the National Government.

Water infrastructure is very expensive, the county government may afford and that is why water is a shared function. That being as it may this is a matter under Standing Order 192 I am going to commit to the joint committee of environment, land, energy and natural resources and because of the legal requirement to consider what the legal position is as far as water distribution and provision is concerned, that committee will work with the legal and justice affairs.

The importance of those two committees is that they are going to handle this matter, which is not only of interest to the mover but of every member of this House.

(Applause)

The motion by the member has been approved as per the voting which you have done, and Members in their contribution requested that this matter be referred to Committees which some member, by an error which was corrected, called a task force. So, we understand that the request was to commit this business to the relevant Committee or Committees and I have directed as much. That joint committee for the two committees are to report to this House within 30 days.

(Applause)

ADJOURNMENT

Hon. Speaker: When we are at that, Hon. Members, this House stands adjourned. It is going to resume on the 18th October, 2017 at 2.30 p.m. Thank you.

The House rose at 11.33 a.m.