

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Wednesday, 1st July, 2015**

The House met at 2. 36 p.m.

*[The Speaker (Mr. Bernard Mung'ata) in the Chair]***PRAYERS****Hon. Speaker:** Good afternoon Hon. Members. Proceed, Clerk please.**COMMUNICATION FROM THE CHAIR**
FINANCIAL STATEMENTS OF MAVWASCO

Hon. Speaker: Sorry Hon. Members, maybe you can give me a moment. There is a communication somewhere that ought to have been delivered. I apologize. And it goes 'Hon. Members on the 25th June, 2015, the Chair received the report of the Auditor General on the Financial Statements of Mavoko Water and Sewerage Company Limited for the year ended 30th June 2013. The same is committed to the Public Accounts and Investment Committee.

**SUSPENSION OF SITTINGS OF AD-HOC COMMITTEE INVESTIGATING CPSB SECRETARY,
ROSEMARY MULEE**

Hon. Speaker: Further, Hon. Members, as you are aware the *ad-hoc* committee investigating the Secretary to the Machakos County Public Service Board, Rosemary Mulee continues to undertake its mandate. However, on 23rd June, 2015, the assembly received court summons or court documents in Machakos High Court petition No. 24 of the year 2015, that is Rosemary Mulee versus the County Assembly of Machakos and the Speaker, County Assembly Machakos. The petitioner who is a subject of investigation by this Hon. House, has gone to court seeking orders that injunction does issue against the Assembly restraining it from investigating her and in order that the court quashes the proceedings, orders, findings, rulings and decisions of the assembly on the petition.

The Assembly appeared in court on the 26th and the 30th June, 2015, and will appear again on the 9th July, 2015 as directed by the court. Although this assembly has strong objections to the matter regarding the jurisdiction of the court to interfere with proceedings of this Hon. House, institutions of governance(inaudible), the Assembly will pursue the matter to ensure that the court and concludes it expeditiously. Meanwhile, the *ad-hoc* committee sittings stand suspended until further communication from the court. The time period given for

the committee will stop running from the day of first appearance in court until this house receives further directions from the court. Thank you. Let us now proceed on and hear Hon. Joseph Muli.

PAPER LAID

INVESTIGATIONS INTO CHALLENGES FACING COFFEE FARMERS

Hon. Joseph Muli: Mr. Speaker, pursuant to Standing Order number 190, I wish to lay on the floor on the house the following paper; the agriculture and co-operative development committee report and investigation to challenges facing coffee farmers. Thank you, Mr. Speaker.

Hon. Speaker: Proceed.

NOTICE OF MOTION

INVESTIGATIONS INTO CHALLENGES FACING COFFEE FARMERS

Hon. Muli: Mr. Speaker, pursuant to Standing Order number 190, I beg to give a notice of motion that this Hon. House discusses and approves the report of Agriculture and co-operative Development Committee on investigations to challenges facing coffee farmers. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Joseph Muli, you said there is a report?

Hon. Muli: Yes, Mr. Speaker, I have the report with me.

Hon. Speaker: It is not supported by any of your team?

Hon. Muli: Thank you, Mr. Speaker. I call upon Majority Leader to support the motion.

(Applause)

Majority Leader (Hon. Mwonga): Mr. Speaker, I am a member of that committee despite being the Leader of Majority. Mr. Speaker, I stand to second that this house discusses and approves the report of Agriculture and Co-operative Development Committee on investigations to the challenges facing coffee farmers, Mr. Speaker. Thank you.

Hon. Speaker: Let us proceed.

REGULATIONS IN BOREHOLE DRILLING USING PUBLIC-PRIVATE PARTNERSHIP

Hon. Nathaniel Nganga: Thank you Mr. Speaker, Sir, and the house at large. Mr. Speaker, I wish to give notice of the following motion; that the Hon. House, urges the county Government of Machakos to move with speed and come up with regulations which shall operationalise the Government Public Partnership in the borehole drilling exercise. Thank you, Mr. Speaker.

Hon. Speaker: Thank you.

Hon. Speaker: Proceed.

MOTION AND BILLS

INVESTIGATIONS INTO CHALLENGES FACING COFFEE FARMERS

Hon. Speaker: I think the motion is already on the floor. Maybe, you can introduce it. Introduce your report.

Hon. Muli: Thank you, Mr. Speaker, this is the report of Agriculture and Co-operative Development committee after visiting to coffee farming areas within Machakos County to establish the challenges which are facing coffee farmers. That was between 6th and 9th March, and 20th April, 2015.

Preamble

Mr. Speaker, Sir, pursuant to Standing Order No. 190 (1), the committee on which agriculture development is mandated to deal with all matters related to agriculture including crops and animal husbandry, livestock sales yards, county abattoirs, plant and animal diseases control, irrigation, fishing, cooperative societies and veterinary services including regulation of provision.

Further, Mr. Speaker, Sir, a motion on challenges facing coffee farmers in Machakos County, production and marketing of the produce were tabled on the floor of the house on 11 September, 2014 and the was committed to the committee on agriculture and cooperative development for consideration. The committee held four sittings on in consideration of the motion and decided to visit coffee growing areas in Machakos and came up with the report.

The committee as constituted comprises of the following members;

Hon. Joseph Muli	Chairperson
Hon. Phillip Ndolo	Vice Chairperson
Hon. Geoffrey Munyao	Member
Hon. Gideon Kavuu	“
Hon. Kyalo Kyuli	“

Hon. Ruth Ndumi	“
Hon. Isaac Muinde	“
Hon. Catherine Nguluku	“
Hon. Festus Ndeto	“
Hon. Charles Mutisya	“
Hon. Wilson Kasimu	“
Hon. Joshua Mwonga	“
Hon. Nina Mbithe	“

Consequently, the agriculture and cooperative development committee formed two clusters to visit two different societies and later met to compile the report and as earlier report, the exercise was conducted between 6th to 9th March, and 20th April, 2015.

Background Information

Mr. Speaker, Sir, the committee formed two clusters and intended to visit the following coffee cooperative societies; Muisoni, Sengani, Kyemole, Kilalani, Misilili, Katwii, Tendeliani, Makuyu, Kakuyuni, Kaliluni, Kalua, Kambusu and Mbilini cooperative societies. Due to unavoidable circumstances, the committee was not able to visit all the cooperative societies as planned but managed to visit the following cooperative societies; Muisoni, Katwii, Kambusu, Tendeliani, Kasinga, Sengani, Kakuyuni, Kaliluni, Misilili and Kalua.

Mr. Speaker, Sir, members were able to make the following observations:-

1. Some cooperative society members were benefiting from credit such as fertilizer, seeds, pesticides and school fees cheques.
2. Some cooperative society members were not given facilities due to lack of finances and poor management.
3. All cooperative societies members were making savings in the cooperative society.
4. Some farmers were benefitting from training from extension officers.
5. There was need for employment of four extension officers.
6. Most of the farmers planted non-friendly crops in the coffee farms to enhance income since the price of coffee was going down. Price actuation that affected the quality and grade of the coffee produced.
7. The farmers did not have control of grading of their products and depended on the cooperative management for the same.
8. Climatic changes were affecting coffee and here was need for irrigation. That is scooping for dams was necessary.
9. Need to plant wind breakers like tissue culture bananas to protect coffee from strong winds.

10. Most of the societies had large debts due to poor management of finances and corruption by the cooperative board members.
11. Most of the cooperative societies channeled their coffee through Kakuzi coffee mills and Murang'a coffee mills instead of Machakos coffee mills.
12. Coffee farming deteriorated over the years.
13. Most of the famers planted S123 Arabica which was suitable for the soil in Machakos County.
14. District cooperative officers were accused of creating misappropriation when dealing with coffee matters. It was proposed that more powders be given to coffee farmers who knew their challenges better.

Mr. Speaker, Sir, with the above observations, members were able to make the following recommendations in order to improve farming in Machakos County;

1. That the county should budget for and employ extension officers to train farmers on coffee farming in order to increase their farm produce.
2. The county government should provide subsidized fertilizers and pesticides to coffee farmers.
3. There should be regular training on coffee farming.
4. Coffee farmers should be given a chance to manage their produce right from the harvesting, milling up to marketing by electing their representatives to cooperative societies and coffee millers and review the officers after every three years.
5. Need to introduce modern technology such as drip irrigation to improve the produce.
6. The county should assist the farmers in marketing the produce to curb exploitation by middlemen.
7. Societies facing a lot of problems when processing coffee due to lack of water in the areas hence there was need for scooping of dams and drillings of boreholes to provide water for coffee processing.
8. Coffee prices are unstable and therefore the coffee farmers requested for support of the county government to provide coffee cooperative with the private buyers. (??)
9. They also appointed out about the poor roads in coffee-growing areas which need to be graded.
10. The farmers requested the coffee cess to be channeled directly to coffee factories to eliminate the middlemen corruptly handled the allocated funds.
11. Coffee farmers requested the sector to be upgraded by establishing a bill which shall provide guidelines to be followed by farmers and create inclusive leadership hierarchy leading to better performance by coffee growers.
12. District cooperative officers were accused of creating a lot of misappropriation when dealing with coffee matters. It was therefore proposed that more powers be given coffee farmers who know their challenges better.

13. Most of the financial issues are created by auditors appointed by the district cooperative officers and farmers proposed to be given the opportunity to elect their own auditors.
14. Farmers' requested to be offered credit facilities, grants and farm inputs leading to better production.
15. Farmers requested the county government to establish a coffee research centre in Machakos County. This was seen as a way to avoid the charges which the coffee farmers face, even when though they don't benefit from the services offered by coffee research centres in Central Kenya, that is Kikuyuland, since they don't attend their functions.
16. Farmers felt threatened by the middlemen dealing with the dry coffee, that is *mbuni*, and proposed demolition of any factory that was dealing with dry coffee processing.
17. Machakos County to provide a factory dealing with all coffee processing up to grading stage before taking it to Central Kenya in order to avoid four per cent deduction.
18. All coffee factories to be considered for three-phase power electricity connection.

Conclusion

Mr. Speaker, Sir, on behalf of the committee, let me take this opportunity to appreciate the office of the Speaker and that of the Clerk of the county assembly for their continuous support during the exercise. Further, Mr. Speaker, I would like to appreciate the members of the committee for their tireless efforts which have made this exercise successful. Thank you, Mr. Speaker. Mr. Speaker, this is the report which was collected by the committee of Agriculture as we did extensive research. We met all the farmers within the county and with all the coffee co-operative societies. Therefore, Mr. Speaker, thank you.

Hon. Speaker: Thank you. Let us hear contributions on the report. Any additions on the report.....(inaudible) the report and I propose to put a question.

Hon. Francis Matheka: Mr. Speaker, Sir, I happen to come from an area where coffee is grown and I have seen some few issues in the recommendations and before I go to that I would like first to applaud the committee for a job well done. It is a good job but I would like to point out some few recommendations and on the recommendation part, we have No. 2, Mr. Speaker.

Sorry, Mr. Speaker, before we go that, I would like comment on the highlight. First, No. 4, 'some farmers were benefitting from extension officers.' Mr. Speaker, Sir, I would like to point out that the extension officers are from the coffee marketing agents not the county Government neither the National Government. So the County Government should consider posting or engaging the agricultural officers who are on the ground to go and train farmers. Normally they don't, we don't know why.

The other one is on the climatic changes, that is No. 8, 'were affecting the coffee farming industry that is true and as the committee is saying the scooping of dams will be necessary for any meaningful coffee processing to take place. Mr. Speaker, Sir, it should be noted that they have somewhere indicated the issue of boreholes but, if my memory serves me right, borehole water cannot be used to process coffee. It has to be treated. So I would encourage the committee to dwell much on the dams. The dams will assist the farmers.

On the recommendations Mr. Speaker, Sir, No. 2, 'the county Government should provide subsidized fertilizers and pesticides. On the issue of the fertilizers, we have an issue pending in Tala National Cereals and Produce Board depot. Farmers paid for their fertilizers and it has never been delivered or it has been delayed. So the Committee should see to it that the fertilizer is delivered so that the farmers who have paid for their fertilizer can pick it and go on with their farming business uninterrupted.

No. 6, the county government should assist the farmers in marketing the produce and curb exploitation from middlemen. Mr. Speaker, Sir, on this one, I should say that the county Government did a noble idea of putting a mill around Machakos, what we are lacking is marketing facility. They have to mill and take it either to SMS (??) or there is Tropical or Thika Marketing. Those are the people who are licensed to market.

So the county government should see to it that apart from the mill, a marketing agency is set up to assist these farmers. In No. 10 about coffee sales money being channeled directly to the farmers. This has been tested and tried; the farmers cannot manage this money. I would propose that the committee on Agriculture and committee on Public Works, to come up with a Bill and because the coffee money sales is known direct from the source where it comes from, the money should be channeled to the county government and then channeled direct to the roads which are supposed to be made by this money, they are always known because it the roads around the factories or the roads which the farmers use to access the factories.

Giving the money back to the farmers, it will be another complication. They were given the money but they never did anything with it. Now it is better it is being managed by KeRRA but since we have account and KeRRA is a National Government body, the county Government think it can handle the mandate very well.

Mr. Speaker, Sir, on the District Co-operative Societies, I think the farmers here gave the wrong information about the auditors. It is not the District Co-operative officers who choose the auditors; it is the farmers themselves. It is only that they don't know their rights. The auditors, the lawyers and the marketers come to the farmers and argue their case out, but maybe the DCO or the District Co-operative Officer might have an upper hand on either of them because of some vested interests.

So it is actually the farmers who choose the auditors not the DCO. So that one, I think it has to remain as it is and in the misappropriation, when dealing with the coffee matters, that is also an issue with of the farmers. It is only that they don't know their rights; it is that the DCOs have an upper hand on that. The same thing applies to No. 16, when dealing with *mbuni*. Mr. Speaker, Sir, coffee industry was liberalized years back and down there, farmers call it *Soko huru*. *Soko huru* means you can sell your coffee wherever you want. So when dealing with *mbuni* there is nobody who has an upper hand in it apart from the farmer himself, he can take his *mbuni* or his coffee wherever he thinks.

So Mr. Speaker, Sir, I would like to say, the committee did a good job and it is good they also go back again to the farmers and explain to them their rights. Where they are erring and where they are doing the best and when it comes to marketing, they have a right of where to market their *mbuni* and their processed coffee but they should not blame the DCOs. Thank you, Mr. Speaker, Sir. I fully support the report.

Hon. Speaker: We have a contribution. Yes.

Hon. Geoffrey Munyao: Let me start by applauding the committee on Agriculture where I am member and I want to contribute on recommendations. No. 11, 'coffee farmers requested coffee sector to be upgraded by establishing a bill which shall provide guidelines to be followed by coffee farmers and create inclusive leadership.....(inaudible) leading to a better performance by coffee farmers. Mr. Speaker, Sir, I think that is one of the best recommendations that the committee observed because when we entered in this societies, Mr. Speaker, we have come to realize that, some of this guidelines in the coffee sector are not favoring our people.

Mr. Speaker, the second one I am going to talk about is that most of the committees in this assembly are doing well in doing research on whatever is needed for their people. Mr. Speaker, I think we have some challenge in the committee of implementation, Mr. Speaker because when the committee recommends and says these things to be observed, the committee on implementation Mr. Speaker is failing. So I urge the committee on implementation to work very fast on recommendations which are being done by other committees so as to hasten the works of other committees. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. Any additional contributions? Chairman, I was just trying to understand your report and your recommendations. I don't know whether you led your committee before you produced your report on any benchmarking where there are best practices like Murang'a, Central Kenya. Did you do that?

Hon. Muli: Thank you Mr. Speaker, what we did first with my committee, we first arranged visiting our own co-operatives, then from their now we benchmark with the other

counties, like we were suggesting for Murang'a because Mr. Speaker, we believed that after attending our co-operatives within our county, we shall learn more and we shall have more materials on what we are going to investigate and scrutinize what is of more importance. Therefore, Mr. Speaker, still the benchmarking is on the way. Thank you, Mr. Speaker.

Hon. Speaker: Basically you are saying that you can be allowed to file a supplementary report and then you bench mark.

Hon. Muli: Absolutely. Yes Mr. Speaker.

Hon. Speaker: Thank you.

(Question put and agreed to)

Proceed.

REGULATIONS IN BOREHOLE DRILLING USING PUBLIC-PRIVATE PARTNERSHIP

Hon. Nganga: Mr. Speaker, that aware the department of water and irrigation in our county purchased borehole drilling rigs further aware that our county has limited public land where these boreholes can be sunk. Aware that there are members of the Public whose land has been identified by (inaudible) as potential areas for sinking bore holes.

Mr. Speaker, such individuals whose land has been earmarked as potential areas for sinking boreholes, they are areas of opportunities where the county Government can utilize to give water to the people. Mr. Speaker, aware that there are people who are ready to transfer such pieces of land to the community and the land be gazetted as public and aware that the owners of such lands are able to provide funds for equipping of boreholes(inaudible) and be ready to supply to the community with water.

Mr. Speaker, I wish to move the motion that this Hon. House urges the County Government of Machakos to move with speed to come up with regulations which shall operationalise their own measures like government/public private partnership. Thank you Mr. Speaker, Sir. I call upon Hon. Ngunzi to second my motion. Thank you, Mr. Speaker.

Hon. Edrick Ngunzi: Thank you Mr. Speaker, Sir, I wish to second the motion that has been moved by Hon. Member MCA, Ikombe Ward. As the Chairman of water, Mr. Speaker, I had witnessed that the drilling rigs are able to do the drilling works in a day. But equipping the boreholes, will very soon become a challenge to the County Government and the maintenance of the boreholes after the equipping of the same, will remain a challenge.

If we engage in Private partnerships, with those who are willing to provide land and we drill the boreholes for them then they equip and maintain the same, we will be providing water faster to the public than the Government can be able to. So I wish to request members to support that we the government partners with the public who are able to do the boreholes. This as I am saying, I have seen and witnessed that the machines will be able to do so many other boreholes and rid us of the burden to equip them. Thank you, Mr. Speaker.

Hon. Nganga: Thank you, Mr. Speaker, in fact that was my intention, Mr. Speaker, that this matter be referred to the relevant committee of water so that Mr. Speaker, they can be able to come up with a regulations. As you understand, Mr. Speaker, these are some of the policy documents that should be coming to this house from the Executive arm of the Government but as leaders of the house, whenever such is not happening we have the prerogative to move beforehand, be proactive and be pro active and come up with the measures that will operationalise development within our areas. Mr. Speaker, I have received several delegations from across the county, in my ward and also from different wards, Mr. Speaker, with the request of this kind, Mr. Speaker.

One time I met two gentlemen; one Musyoka and another one Mwangangi from my ward and they were requesting if the county Government can come up with criteria where we could be able to identify the people who are willing to partner with the County Government. The county Government can be able to do the drilling of the boreholes then from there now, the partnership between the Government private land owners, they are ready to give out land as public and gazetted then we shall have community committees that shall be custodians of this piece of land given even the bore holes and they can supply water to the people. They also have the capacity to equip the boreholes so that we reduce the cost and the burden on the county government to provide water, Mr. Speaker, in interior areas of our county, Mr. Speaker.

As you also understand, in some of our areas within the county, especially in Machakos and Kathiani and Kangundo, there is high land fragmentation, Mr. Speaker. The pieces of lands have been subdivided into very small pieces and getting pieces of public land in those areas is also a challenge. If there are people who are willing to surrender part of their land to be used to drill these boreholes, then as they utilize the water, the community shall be able to benefit from that end.

Then Mr. Speaker, if the committee would sit, a subcommittee maybe or the committee on water could sit and come up with these regulations, Mr. Speaker, and then you will find that it will be of help to our people. So I am in agreement with the proposal that, this matter be referred to the relevant committee for drafting of the relevant regulations which will help us operationalize this matter.

Mr. Speaker, I am aware that some of our members have been able to do this but with that has only been done using the lacuna that we have in the law that we had. Some of them have been doing it to benefit the people, people within our areas of jurisdiction propose that they want boreholes but there is no law or no regulation that is supporting the procedure within which they can follow and formalize such agreements. Mr. Speaker, with enactment of these regulations, we shall put the necessary mechanism to ensure this matter is addressed.

So Mr. Speaker, I beg to agree that the matter can be referred to the relevant committee and given timelines because this is something that cannot take a lot of time they can report back to the committee in the shortest time possible because the water drilling exercise has already taken off, we have already approved the budget, this is the first day of county when the budget of Kshs. 2.5 billion is going to be implemented. So as the bore holes are being drilled now, the same exercise of partnership with private land owners also be enacted Mr. Speaker. Thank you, Mr. Speaker.

Hon. Speaker: I think the house is in agreement that the matter be referred to water and irrigation with the chairman here. Will 30 days be adequate?

Hon. Ngunzi: Mr. Speaker, 30 days is adequate. We will move as a committee and invite experts on water matters. We will be able to come up with regulations within 30 days.

Hon. Speaker: Thank you. I think by consensus of the house, the matter is referred by committee and a report will be filed for debate within 30 days.

ADJOURNMENT

Hon. Speaker: With no other business, the house is adjourned until next sitting.

The House rose at 3.17 p.m.