

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Thursday, 9th June, 2016**

The House met at 2.31 p.m.

*[The Deputy Speaker (Hon. Nganga) in the Chair]***PRAYERS****PAPER LAID****PETITION BY WAMUYA WATER USERS ASSOCIATION**

Hon. Muthuka: Thank you, Mr. Speaker, Sir, and the rest of the House. I am standing in for Hon. Edrick Ngunzi the chairman environment, lands, energy and natural resources committee. Mr. Speaker, Sir, I beg to lay the following paper on the floor of the House today, Thursday, 9th June, 2016:- the report of environment lands energy and natural resources committee on petition by Wamuya Water Users Association. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Proceed, clerk.

NOTICE OF MOTION**PETITION BY WAMUYA WATER USERS ASSOCIATION**

Hon. Muthuka: Thank you Mr. Speaker. Again, I am sitting in for the chairman environment, lands, energy and natural resources committee and Mr. Speaker, Sir, pursuant to Standing Order 44 (1), I wish to give notice of the following motion:- that this Hon. House discusses and approves the report of environment, lands, energy and natural resources committee on petition by Wamunya Water Users Association. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Proceed, clerk.

STATEMENTS**BLOCKED WATERWAY FOR KISIKAITA DAM**

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Hon. Nzeki: Thank you Mr. Speaker, Sir. I seek the following statement:- that Katani-Kaloleni road is currently undergoing tarmacking by the National government and Kisikaita dam which is adjacent to the road for years has been very helpful to the community around in supplying of water and that the road under construction has blocked waterway leading to the said dam hence adversely affecting water supply in the dam. I wish to know what the county government is doing to arrest this situation which has caused conflict of interest in the affected area.

ENCROACHMENT OF KASEVE MARKET PLOTS

Secondly, Mr. Speaker, Sir, in the same construction of the road, there is Kaseve market in Mua ward and the above road is in the process of tarmacking extended to plots of individual owners who possess lot numbers of the plots. That means they have allotment letters and I wish to know the plan the county government has laid to solve this conflict and if there were plans to compensate the affected residents. Thank you Mr. Speaker, sir. The plots were surveyed in 1995, owners were given allotment letters and they were in the process of constructing their own plots to make the area a bit marketable that is they are building their plots there and when they came to survey the road when it was under construction, they extended the road where it is not supposed to be because it was surveyed sometimes 1995 and they have extended around six meters to the plots. So, Mr. Speaker, Sir, I need your guidance. Thank you Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you Hon. Nzeki. This is a matter for survey and the department of urban planning and that matter is under the committee on lands. Hon Ngunzi, you need to give us an undertaking when these responses will be issued over the various issues like why the road has affected the water inlet and also individual plots have also been affected. Give us an undertaking when we can be able to offer a reasonable response into the matters raised.

Hon. Ngunzi: We can do that in a weeks' time and bring the report here before the House, a fortnight.

Hon. Deputy Speaker: Two weeks from now?

Hon. Ngunzi: Two weeks from now.

Hon. Deputy Speaker: Two weeks from now we expect a response the necessary departments follow up with the matter.

BUSINESS OF THE HOUSE FROM 14TH TO 16TH JUNE, 2016

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Hon. (Ms.) Musyoki: Statement on business of the House for the week starting from 14th to 16th June, 2016. Mr. Speaker, Sir, 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 the purpose shall every Thursday or on the last sitting day, for not more than 10 minutes present and lay on the table a statement informing the House of the business coming before the House in the following week.

Mr. Speaker, Sir, the House Business Committee met today Thursday, 9th June, 2016 and pursuant to the provisions of the Standing Order 151 balloted business next week as follows:-

TUESDAY, afternoon, 14th June, 2016 will have report of labor, public service and ICT committee on petition on inspectorate, report of agriculture and cooperatives committee on petition by Machakos County poultry farmers.

WEDNESDAY, Morning, 15th June, 2016; report of *ad-hoc* committee on the conduct of County Public Service board Secretary.

WEDNESDAY, afternoon, 15th June, 2016; report on transport, roads, public works and housing on phase two roads project implementation.

THURSDAY, afternoon, 16th June, 2016; report of labor, public service and ICT committee on benchmarking with Kisumu county assembly.

Then we will have statements;

IMPLEMENTATION of motion regarding suspension of sand harvesting in Ndalani ward by Hon. Muthuka to be responded by the chairperson, environment, lands, energy and natural resources committee, Hon. Edrick Ngunzi.

STATUS of study of sewage and drainage system in Mlolongo which was allocated Ksh. 50 million by Hon. Rachel Nduku to be responded chairperson environment, lands, energy and natural resources committee Hon. Edrick Ngunzi.

STATUS of Gossip-Mlolongo road allocated Ksh. 5 million for phase two and three by Hon. Rachel Nduku to be responded by chairperson transport, roads and public works committee Hon. Felix Ngu.

STATUS of construction of feeder roads in Mlolongo by Hon. Rachel Nduku to be responded by the chairperson transport, roads and public works committee Hon. Felix Ngu.

WHY the graders and excavators have never worked in Kangundo North and when they are expected to start grading work in the ward by Hon. Francis Matheka to be responded by chairperson transport, roads and public works committee Hon. Felix Ngu.

WHAT led Lazarus Kivuva, an officer in the office of the Governor to assault a junior officer contrary to Leadership and Integrity code by Hon. Alexander Kathinzi to be

responded by the chairperson labor, public service and ICT committee Hon. Leonard Katela.

ISSUE of County Administration Officers appointed to be Chief Officers without vetting and approval by the assembly by Hon. Alex Kathinzi to be responded by chairperson labor, public service and ICT committee Hon. Leonard Katela.

Thank you Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you and at this time I call upon members to appreciate the former councilors who are in the gallery led by one councilor Nguku from Wamunyu. Can we in oneness appreciate them?

(Applause)

I thank you and I want to use the same opportunity to indicate that the county assembly of Machakos is open for the public. Themselves, they are former colleagues and the people they used to represent, every other time, I encourage them to find their time and come and see how their business is being transacted by the Hon. House. Proceed, clerk.

MOTION

PETITION BY WAMUYA WATER USERS ASSOCIATION

Hon. Muthuka: Thank you, Mr. Speaker.

THAT aware that the committee on environment, lands, energy and natural resources is mandated to deal with all matters related to the implementation of specific national government policies on natural resources, soil and water conservation and water management systems

AWARE that in October, 2015 the petition by members of Wamuya Water project requesting the county assembly to intervene for them to repossess, the project was received in the office of the Clerk and committed to this committee.

AWARE that this project was handed over to the community by the ministry of environment and natural resources in 2000, informed that after the transfer of management services provision of constant supply of water to the community was commendable, regretting that in the year 2006, the project was forcibly taken by Tanathi and handed over to Mwala Water and Sanitation Company, a situation which up to date has adversely affected water supply in Wamunyu.

Mr. Speaker, Sir, I wish to move the following motion:- that this Hon. House discusses and approves the report of petition by Wamuya Water Users Association. Thank you Mr. Speaker, Sir. I call upon Hon. Peter from Matungulu North to second this motion. Thank you.

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Hon. Nzoka: Thank you, Mr. Speaker, Sir. I stand to second the motion and I do request the House to unanimously approve this one. If you just listen from the details, how it has been detailed, it is a project which was robbed from the owners and taken captive by others. If you get details because they have been annexed there, you shall see the people of Wamuya have suffered. Not Wamunyu it is Wamuya project. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Proceed Hon. Muthuka.

Hon. Muthuka: Thank you, Mr. Speaker, Sir. I wish now to give the report on Wamuya Water Project petition. Mr. Speaker, Sir, I will start with introduction.

INTRODUCTION

Mr. Speaker, Sir, pursuant to the Second Schedule of the Standing Orders, the committee on Environment, Lands, Energy and Natural Resources is mandated to deal with all matters related to the implementation of specific national government policies---

Hon. Deputy Speaker: Let the member complete. He is presenting his report then we can take the points of order.

Hon. Muthuka: Mr. Speaker, let them have their copies as I proceed.

Hon. Deputy Speaker: Yes what is the matter Hon. Manyolo?

Hon. Manyolo: Thank you Mr. Speaker, Sir. I was just trying to put awareness that we do not have the copies of the report.

Hon. Deputy Speaker: I think the same is being availed. Hon. Steve, proceed.

Hon. Muthuka: Thank you Mr. Speaker. Pursuant to the Second Schedule of the Standing Orders, the committee on environment, lands, energy and natural resources is mandated to deal with all matters related to 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, land survey and mapping; boundaries and fencing; electricity and gas reticulation; energy regulation; water management systems in built up areas and water sanitation services.

MEMBERSHIP

Mr. Speaker, Sir, I wish to give the membership of the committee

1. Hon. Edrick Mutua Ngunzi - Chairman
2. Hon. John Sila - V/ Chairperson
3. Hon. Nzoka Munywoki
4. Hon. Wilson Kasimu
5. Hon. (Ms.) Jacqueline Nziva
6. Hon. (Ms.) Magdalene Ndawa
7. Hon. Margaret Ndalana
8. Hon. Dominic Maitha
9. Hon. (Ms.) Jacinta Luka
10. Hon. Alexander Kathinzi
11. Hon. (Ms.) Alice Nzioka
12. Hon. Raphael Mutuku
13. Hon. Stephen Muthuka

BACKGROUND AND CRY OF THE PETITIONERS

Speaker, Sir, on 2nd November, 2015, a petition by the residents of Wamunyu, that is Wamuya petition was received in the office of the Clerk and forwarded to the committee on Environment, Lands, Energy and Natural Resources for action. The petitioners cried to the County Assembly of Machakos to intervene to recover their water project which was forcefully taken by Tanathi and handed over to Mwala Water and Sanitation Company in the year 2006, a situation which, up to date, has adversely affected water supply in Wamunyu.

HISTORY OF WAMUYA PROJECT

Mr. Speaker, Wamuya project was run by the Machakos District Water Office up to the year 2000 after which it handed was over to the community of Wamunyu by the ministry of Environment and Natural Resources in August 2000. Immediately, a committee was constituted from the various sub-locations to spearhead operations of the project. Mr. Speaker, the community secured a water pump from a donor and installed it in River Athi which is the source of water.

They raised funds and constructed a treatment plant and bought more pipes and tanks to increase water accessibility to the villages in addition to providing labor for digging the waterways. Mr. Speaker, Sir, Wamuya operated the project and supplied clean water efficiently to the residents up to 2006 when the CEO of Tanathi, Mr. Nzesya attended an annual general meeting held in Wamunyu and whose main agenda was election of new committee members.

Mr. Speaker, the mentioned CEO stopped the election and informed the members to go home because he was to take over the running of the water project, adding that all water belonged to him including the one in the glass.' Mr. Speaker, the members were later surprised to learn that the mandate to run the project had been taken up by a company by name Mwala Water and Sanitation Company which, as we talk, has failed to supply water to all consumers and the water supplied to the specific individuals is never treated. The company went ahead to repossess all the assets the community had painfully acquired. Mr. Speaker, I would also like to give the grounds for complaints.

GROUNDINGS OF COMPLAINTS

Mr. Speaker, Sir, it is important to understand that this water project was handed over to the residents of Wamunyu by the Government procedurally. The community devoted their resources and labor to revive it. The supply of water at that time was adequate and timely. The procedure used to confiscate the project from the community was not proper. It is painful for the community of Wamunyu to lose its assets and project which the community tired on without compensation and consent.

The community does not now enjoy water services as they used to and to date Wamunyu residents suffer and travel long distances in search of water. The spirit of devolution is now not being felt by Wamunyu residents as far as water services are concerned.

LEGAL FRAMEWORK ON ISSUES OF WATER RESOURCES

In section 19 of Water Act, 2002, a community project means 'a project approved by the Authority and operating under a permit for one or more purposes which are:-

- a. Connected with the use of water, of the drainage, of land situated, entirely or for the most part, within a given area.

Section 23 (2) 'no permit for a community project shall be cancelled or varied except with the consent of the Minister.'

Section 5 of Water Act, 2002, provides that 'the right to the use of water from any water resource is hereby vested in the Minister, except to the extent that it is alienated by or under this Act or any other written law.'

COMMITTEE VISIT AND OBSERVATIONS

Mr. Speaker, Sir, on 16th May, 2016 the committee held a meeting with the people who were the office bearers of the project by then and established the following:-

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1. That Wamuya water project is registered with the registrar of societies in the office of Attorney General (See Appendix 1 and 2 on Notification letters written to the office of the Attorney General on 10th July, 2015 and 12th October, 2015 regarding the Executive Office of Wamuya Water project.)
2. The Wamuya water users had their own by-laws to govern its operation. (See Appendix 3 on By-Laws)
3. The water project was legally handed over to the community by the Ministry of Environment and Natural Resources on 31st August, 2000. (See appendix 4 and 5 on Memorandum of Understanding for handing/taking over, Wamuya water supply and guidelines of pipe laying).
4. The Association kept well their own books of Accounts for the purpose of accountability and transparency as required by the law. (See Appendix 6 on Annual Financial Report of 1st January to 31st December, 2004 and 2005, to be read during the Annual General meeting).
5. The Association forwarded their complaint to the Minister of Water, Agriculture and Irrigation and Sanitation requesting for his authority to have the water project taken back to the community. (See Appendix 7 on Minutes of Wamuya water users held on 30th June, 2015).
6. The Wamuya water users went ahead to complain and request the Director of Kenya Anti-Corruption Commission to investigate the Mwala water and Sanitation Company that forcefully robbed the residents of Wamunyu their project which was acquired amidst costly labor and great pain.(See Appendix 8 on letter to Director Anti-corruption Commission).
7. The Water Services Regulatory Board (WASREB) wrote to the Permanent Secretary ministry of Water to release the keys to Wamuya Water Users and that Mwala Water Company had not been issued with any Interim Service Provision Agreement by the Board. (See Appendix 9 on letter by Water Services Regulatory Board to Director Anti-Corruption Commission).
8. That Tanathi does not have jurisdiction to take over or transfer Assets of the Community to another Company without the assent of the community and that what they did was illegal. (See Appendix 9 on letter by Water Services Regulatory Board to Director Anti-corruption Commission last paragraph).
9. Wamuya Water Services bank account was closed after the forceful takeover of the project by Tanathi and up to date the members cannot access their money which was intended for development purpose of the project. (See appendix 6 of balance sheet for the year 2004).

10. That the Community of Wamunyu currently do not access the clean, healthy and regular water supply they used to enjoy when the project was run by the community and this is very unfair to the community.
11. That all the assets they possessed i.e. water pumps, Tanks, pipes and water meters were forcefully handed to Mwala Water Company by the Tanathi CEO, Mr. Nzesya. (See appendix 10 part 5).
12. It is surprising to report that the Machakos County Government pays for electricity Bill for Mwala Water Company, which is a private unregistered company and which has failed to offer quality and satisfactory services to its customers.

RECOMMENDATIONS

Mr. Speaker, Sir, the committee recommends the following;

1. That the Ministry of Environment and Natural Resources procedurally signed a memorandum of understanding with Wamuya Water Association to have the project run by the community and the same ministry did not give consent to Wamuya to repossess the project. In addition, the Water Services and Regulatory Board through a letter to the Director of Water Services on 26th May, 2010 directed the DWO to return the keys to Wamuya Water Association, then the water project belongs to Wamuya water Association, which is registered and therefore the project should be returned to the community.
2. That Water Services and Regulatory Board (WASREB) declared the action of Tanathi of taking over assets of a community to a company illegal. Therefore, what the then CEO of Tana Athi Mr. Nzesya did and said during the annual general meeting of Wamuya is illegal and legal measures need to be taken upon him.
3. That the Water Services and Regulatory Board (WASREB) has never issued any Interim Service Provision Agreement to Mwala Water Company and therefore this company operates illegally and the action of Tanathi to transfer water services to this company is corruption and a fraudulent conspiracy executed systematically to rob the residents of Wamunyu and hence the whole process and individuals concerned should be investigated and prosecuted, if found guilty.
4. Mwala Water Company collects money for water bills from the few individuals it supplies water to and given that the company has never signed Interim Service Provision Agreement with Water Services and Regulatory Board, then this is unwarranted collection of funds, it is a limited company and is using the Logo of the ministry of Water and Irrigation hence the Anti-corruption Commission needs to investigate on this.
5. The assets that Wamuya possessed by then, including water pumps, tanks, pipes and water meters, which Mwala water company grabbed and which, to date, most have been vandalized and others rendered non-functional, and this is unfair to the innocent citizens

who had a vision to better their lives and hence Mwala water company should be made to compensate Wamuya for the loss.

6. That, Mr. Nzesya, the then CEO of Tanathi conducted himself in a manner that does not maintain public confidence in the integrity of his office contrary to Section 9 of the Public Officers Ethics Act and also failed to adhere to the values and principles of public service contrary to Article 232 of the Constitution of Kenya and therefore he should be made accountable for what happened.
7. Considering that Mwala Water Company conspired with Tanathi to take up the project un-procedurally, then the County Government of Machakos should intervene to have Wamuya Association access their bank account.

CONCLUSION

Mr. Speaker, Sir, Community-managed water schemes appear to function reasonably well and to be sustainable. Although such schemes are obviously difficult to standardize for all communities, water and sanitation experts agree that they have numerous advantages over other approaches. Mr. Speaker, most development projects donors identify Community participation as one of the pre-requisite for the improved performance of water sector. Sustainable water supply and sanitation cannot be achieved without involving the community who are the beneficiaries of water projects. They should be counted on to participate fully in planning, construction, operation, maintenance, and management of community-based domestic water supply. Thank you, Mr. Speaker Sir.

This was the report of the committee after the investigation and those are the recommendations and I wish to urge this Hon. House that we may approve and adopt this report and forthwith, you may direct that the department concerned should move with speed to make sure that Wamuya Water Users Association have repossessed their community project and the villages and residents of Wamunyu will have something to cheer for, because they will feel the power of the people is being respected and they will feel honored to have their projects run by the residents. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Hon. Members, in line with Standing Order 201 on the committal of petitions:-

1. Every Petition presented or reported pursuant to this Part, shall stand committed to the relevant Sectoral Committee.
2. Whenever a Petition is committed to a Sectoral Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the Assembly and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional

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circumstances, allow comments or observations in relation to the petitions for not more than twenty minutes.

3. The Clerk shall, within fifteen days of the decision of the Assembly, in writing, notify the petitioner of the decision of the Assembly on the petition.

I think we are accordingly guided and therefore in this instance, I will offer an opportunity for members to make comments, observations or clarifications but not debate on the matter that has been substantiated. We begin with Hon. Nziva. Proceed.

Hon. (Ms.) Nziva: Thank you Mr. Speaker. I am a member of the committee and the report is in black and white, it is comprehensively explained and I want to go on observation number 10 on page five, that currently the community of Wamunyu does not have access to clean, healthy and regular water supply that they used to enjoy when the project was run by the community and this is very unfair to them.

In our conclusion, sustainable water supply and sanitation cannot be achieved without involving the community who are the beneficiaries of the water projects. They should be counted on to participate fully in planning, construction, operation, maintenance and management of community based domestic water supply. Members, I urge you, we approve this report because the community is waiting so that they can continue enjoying the services. Thank you Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you. Hon. Kitheka.

Hon. Kitheka: Thank you Mr. Speaker. I think the entire literature in this report dictates the solution to be undertaken. Mr. Speaker, I have cited a lot of arrogance, impunity and even robbing the community by individuals purporting to have authority to do such.

Mr. Speaker, I think what has been done to this community by these few individuals claiming to have authority to repossess is quite demeaning to the existence of that community. I think it would be prudent for this House to make sure that this report is implemented immediately because it seems as if the community has been suffering very much because of ignorance and a don't-care attitude by few individuals who are not keen on what should have been done.

Citing one of the quotes which the CEO meant, it means that this is a person who needs to be jailed because of making utterances which are making the community feel neglected. He cannot just go ahead and say 'all water belongs to him including the one in the glass.' That shows there is a lot of arrogance and I think it is a good report from the committee and we wish

we get report of such magnitudes in this House and we will be moving forward. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Nzoka.

Hon. Nzoka: Thank you Mr. Speaker. I belong to this committee of environment. Firstly, it is wonderful and I don't know where this person was operating from, that person by the name Nzesya. Just in a meeting and he says he has repossessed everything even without quoting any law. Again, this project, the community approached a donor, the donor gave a pump and this man came and took it if and he knew where those donors are, he could have gone and sourced his from somewhere else.

Again, instead of elections he is saying 'I have taken the water without using any law' or whatever. These people are not enjoying treated water as we are standing now, and you can still see again, the people raised funds for construction of treatment plant. Even he is working in the government and he has not brought that treatment tank there. So, he is somehow waiting in a room, you organize yourself, you start a project, you bring assets, you build this and he comes and repossess.

That person is working out of Kenya. I don't know where he is working from. So what I can commend is, the resolution we have given here are complete, they are self-explanatory and there is a lot of arrogance by this man and this should be given to community immediately and the community should start now, getting their rights by suing that person to compensate all this time they have suffered from the water, the pump might need repairs because it has been exhausted, so they need compensation.

They should be given a mandate to come in the office and assess their account. There is over Ksh. 1 million in the bank they cannot access it and that Nzesya is taking cold water somewhere without a pinch while the others are suffering. Mr. Speaker, it needs immediate action, it needs to come to implementation committee where I belong then we do the rest. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Muli, and I urge the remarks be brief.

Hon. Muli: Thank you Mr. Speaker. I would like to applaud the chairman of this committee and also the members for the good work they have done. In fact, I have gone through the statement very well and they have done enough interrogation. Without any reasonable doubt, Mr. Speaker, we are fully convinced that there was conspiracy which was hurriedly done and this is not the Kenya of today. These are issues of the past whereby colonialism and

dictatorship was being applied and much of the silent issues being done on the ground need to be brought to this house so that they can be purified well.

I would also, because I know the Hon. Member for Wamunyu was following on this with a lot of concern and Mr. Speaker issues of this calibre should be addressed and followed thoroughly to be implemented. This is an outcry. It needs to be operated as fast as possible so that everybody can be given their own right. Mr. Speaker, people of Wamuya should be given back their project and Mwala Water Company should also be scrutinized how they came to own this project and also Mr. Speaker, under special request, we would also want to know who is Nzesya as per the concerned project. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon Isaac Muinde.

Hon. Muinde: Thank you Mr. Speaker. First, I congratulate the chairman and the entire committee for a job well done and the area and the area MCA Hon. Kyalo Kyuli, for working together with this committee and ensuring that the plight of the people of Wamuya in Wamunyu have their cry heard. Mr. Speaker, I want to tell this House, one Mr. Nzesya who was once the CEO of Tanathi, was at one time hounded out of office on corruption allegations. He was actually one ruthless man and at one time he conned the people of this region.

Mr. Speaker, this water project and the report(*inaudible*) of anomalies of the waters of Masinga, for example, taken from our county, run by a company in Kitui. You can imagine the people of Masinga paying for waters on Masinga dam to a company in Kitui County. We have Nzesya who was in Kitui and Tanathi coming to conduct an election in Wamunyu and arrogantly telling the people that all water belongs to him, he was acting as a demi-god, that even water that is in a glass belongs to him and by that word he denied the people of Wamuya their right.

Mr. Speaker, by the wording of this report, this house should approve this report that the people of Wamuya get back their project and also ensure that the bank accounts are open and the people who are supposed to benefit from this project do get their project back so that they can enjoy the fruits of their own labor.

Imagine at one time they had to dig, they dug the trenches, their own sweat and somebody comes with impunity and runs away with their own project. It should be condemned and those who need to be prosecuted, Mr. Speaker, should be so that justice can be seen to have been done. I support the report. Thank you.

Hon. Deputy Speaker: Hon. Kyalo Kyuli.

Hon. Kyuli: Thank you, Mr. Speaker. I am overwhelmed by the support that I am seeing this House giving my electorates. By this report I can assure you in the next general elections I will be up there or I will be here in this assembly. This one can be attested because I know the route that you pass going to your ward, just stop by and ask about this and you will find that truly, water is life. This actually means that I am going to have electorates vote for me, because by adoption of this report in this assembly, I have some live line in the future. Mr. Speaker, I am one of the people who contributed in digging of the trenches. Every homestead in my ward contributed towards this.

Mr. Speaker, up to and until now, the only water that is found in my ward that looks like it is treated, it is one that is brought by water bowsers by the same company that cannot supply clean water to my residents. Therefore, by adoption of this report, I am 100 per cent sure that if this project is handed over or back to the people of Wamunyu, there will be water in nearly every homestead, because we had connections to nearly every homestead and that dream that we had from our Governor that every homestead will have tapped water, Mr. Speaker, by adoption of this report, it is an assurance that truly the people of Wamunyu will get water into their doorsteps, Mr. Speaker.

Therefore, after adoption, I would plead that the process is hastened so that resumption of water supply in my ward will also resume, because the people who used to operate the project, and those who used to supply water, the ones that had written the petition, were giving every person who had connection, enough water until we had started thinking about starting another line for irrigation, which died somewhere along the way.

Mr. Speaker, if you see the way the accounts looked like before they were closed, there is a lot of money lying idle and this government, the worst thing it has been doing is paying electricity bills for this particular company while after they collect whatever they collect from the people of Wamunyu, they never plough it back to the people of Wamunyu, they never remit anything to this county because it is not a registered collection entity. They cannot purport to collect revenue on behalf of the county.

So Mr. Speaker, this is a limited company, people are being fed by the government of Machakos, they collect moneys from the residents and they eat the money in their own style. Therefore, I am grateful to this assembly today, Mr. Speaker, that there is such a report brought here, that is going to bring live to the people of Wamunyu. Lastly, I must congratulate the committee that is concerned and the chairperson. Mr. Speaker, it wasn't easy but the way we operated, because I was always involved, I must congratulate the committee and the chairperson. They did a wonderful job and not forgetting the clerks that sat with us. Thank you, Mr. Speaker.

Hon. Deputy Speaker: I said the comments should be brief. I will only give opportunities for one or two then we close on this matter. Hon. Katela.

Hon. Katela: Thank you Mr. Speaker. I am happy because of the report, the way it was tailored and also perturbed, if Wamunyu residents, the driest area in Mwala do not get water when they have a multi-million water project. I really have no words to say because I know the history of Wamunyu as a neighbor and I was once involved in laying pipes for that project from Mbaikini secondary to Nunga market, where I had a contract of about Ksh. 2.2 million and the Nzesya never paid me half of my money. I am still owed Ksh. 1.2 million and I thank Hon. Kyalo of Wamunyu, because I have known that there is some money in the accounts, so next week I will get hold of his neck and get paid my money.

So what I am trying to say is; can we give Wamunyu people their water to run. There is a saying in Kikamba 'andu na kwoo,' (people and their home). People of Wamunyu should be given their water to manage it but should not be managed by somebody from Kitui or Makueni, who does not know the problems of water in Wamunyu. Mr. Speaker, Sir, I really support this report and thank the committee and its chairman for going deep in to the root cause of the problem and I think the committee has unveiled each and everything so I we should really support it and even if it means giving another thorough report and even it means Hon. Kyalo going back to the county government and looks for more money to revive the project.

In fact, what we should be talking about is how we can revive Wamunyu water project because it supplies up to about 20,000 homes up to Yathui. I know the terrain of Wamunyu. So, please, I thank the house for supporting the report and Mr. Speaker, just put the question, if you can.

Hon. Deputy Speaker: Finally Hon. Nzeki wa Munyaka and as brief as possible.

Hon. Nzeki: Thank you Mr. Speaker. I want to comment about Mr. Nzesya. In fact he is at large according to what I know. He was sacked from Tanathi and the way Wamunya water project changed hands to Mwala Water and Sanitation Company, Mr. Nzesya should be held accountable for that. So what I am recommending is that Mr. Nzesya, the former CEO of Tanathi should be charged and investigated and taken to the court of law because he has mismanaged our water projects in Wamunyu and I really thank the committee for a well constructed report which they have brought to this House and it should be given back to implementation committee and that should not take more than one week. The people of Wamunya Water Users Project should be given back their water. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. Nzeki. In line with Standing Order 201 (3), ‘the Clerk shall within fifteen days of the decision of the Assembly, in writing, notify the petitioner of the decision of the Assembly on the petition.’ Therefore, the members concerned should take communication of the House from the office of the Clerk. Proceed.

ADJOURNMENT

Hon. Deputy Speaker: Therefore the House adjourns until the next sitting day.

The House rose at 3.27 p.m.