

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS

OFFICIAL REPORT

Wednesday, 18th October, 2023

The House met at 10.53 a.m.

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

PRAYERS

Hon. Speaker: I suggest that Serjeant-at-Arms, you ring the bell for some period of time, 10 minutes and there about so that we can get quorum.

(Quorum Bell rung)

We can stop the bell and we commence. Next order.

NOTICE OF MOTION

HIRE OF PLANT AND MACHINERY WITHIN MACHAKOS COUNTY

Hon. Speaker: May I invite Hon. Muoki Musila to come forward and present that notice of Motion.

Hon. Muoki Musila (Ndithini, WDM-K):

Hon. Speaker, that aware THAT the County Government of Machakos has invested huge sums of money in purchase of plant and machinery;

Aware THAT in some instances the said plant and machinery are under-utilized due to cash flow challenges and lack of fuel;

Further aware THAT if the plant and machinery are put on hire, they would earn the County Government some revenue which would be utilized to fund other county government projects and further improve the livelihood of the residents of Machakos;

Aware THAT there are no approved rates for hire of county plant and machinery in the Machakos County Finance Acts and further aware THAT some groups and individuals would wish to hire these machines and plants, given the opportunity, to undertake individual or community projects such as drilling of boreholes, scooping of water pans, grading and compacting of roads among others;

Hon. Speaker, I wish to give notice of motion THAT the County Department of Roads, Transport and Public Works prepares a legal framework for hiring of county plants and machinery to work within Machakos County at the approved government rates to the residents of Machakos County to undertake drilling of boreholes, scooping of water pans, grading and compacting of roads among others.

Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Musila. Next order.

Hon. Francis Kavyu (Kinanie, MCCC): Madam Speaker, point of order.

Hon. Speaker: Proceed.

Hon. Francis Kavyu (Kinanie, MCCC): Madam Speaker, we request that the Order Paper of the day be shared with us, unless I am the only one who has not received the same.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Madam Speaker.

Hon. Speaker: Yes Mheshimiwa.

Hon. Stephen Mwanthi (Masinga Central, WDM-K): Thank you, Madam Speaker. The same message was shared last night so I think you can check. We received messages; unless maybe we received half of us but we got the message for the Order Paper.

Hon. Speaker: What is the position, Clerk? Was that shared? You are confirming? Confirm. For fairness let them be sent again for all of us; meanwhile can we proceed as we wait? Thank you.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Point of order, Madam Speaker.

Hon. Speaker: Yes.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, I am raising on order 32 about quorum. Madam Speaker, I want to draw to the attention of the Chair that the House has no quorum.

Hon. Speaker: I was advised that the House has quorum. Is quorum not twenty people?

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker the numbers here are less than twenty.

Hon. Speaker: I have been advised that we have the quorum.

Hon. Francis Kavyu (Kinanie, MCCC): Madam Speaker, I think unless somebody is misleading you, Hon. Speaker and you can count.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Point of order, Madam Speaker.

Hon. Speaker: Let him finish.

Hon. Francis Kavyu (Kinanie, MCCC): Kindly let me finish. I heard somebody talking about how many people have signed. That is the culture we are trying to de-persuade people.

Signing and attending, those are two different things, Madam Speaker. I wish to confirm that we are less than twenty.

Hon. Speaker: Thank you. Hon. Majority.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): At the start of the session, Madam Speaker, I can confirm the House had quorum and it can be confirmed by the biometric. Members have just walked out maybe to go to the washrooms and they are back.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, surely this is a House of Order and the Standing Orders guide the procedures of this House. Madam Speaker, it is unfortunate that the leadership of this House is enjoying impunity.

Madam Speaker, I raised quorum because there is no quorum. I have no business to check with the biometric. It is in that instance I rose to say there is no quorum. Madam Speaker, quorum is not something biometrical unless we are exercising impunity in this House.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Madam Speaker, I think the Member is not in order. If anything happens or we need to have sanity in this House also I think it is also not prudent even for Members or for us to be discussing or having points of order when we have not reached a point whereby, because you cannot stand on a point of order to the Speaker or when there is no Member who is standing or upstanding.

If so, then we are all wrong and by correcting, Majority Leader has just said that Members came in, some of them maybe are outside with their phones. I am not seeing anywhere where the leadership is coming in in this whole case, Madam Speaker. The same maybe can be confirmed with the biometric.

Hon. Speaker: This is the ruling of the Speaker concerning the issue of the quorum. Before we started, I was advised that there was no quorum; the bell was rung for 10 minutes. In the midst, I was advised that the quorum was enough. Is the quorum not twenty Members? Then if it is 20, that is the advice I received from the clerk.

Hon. Francis Kavyu (Kinanie, MCCC): Madam Speaker---

Hon. Speaker: Let me finish. I am making a ruling; you cannot interrupt, Mheshimiwa. Therefore I was advised we have quorum and the clerks who are supposed to advise me have checked with the biometric and they have confirmed.

Members keep on walking in and out but so long as we have twenty Members, we have quorum and I order that we proceed; we have quorum. Thank you, Members. Let us proceed. Hon. Lucky it was your turn to come forward and make a statement. Proceed, Hon. Lucky.

STATEMENT SOUGHT

ACCESS OF WATER TO RESIDENTS OF MATUNGULU WEST WARD

Hon. Lucky Nzau (Matungulu West, WDM-K): Thank you, Madam Speaker.

I have a statement to make that aware the Government of Kenya's commitment to uphold the right to water and sanitation is enshrined in Article 4(1)(d) of the Constitution which guarantees the right of all Kenyans to clean and safe water in adequate quantities;

Hon. Speaker, further aware THAT the County Government through the Machakos County Assembly Water and Sanitation Act, 2014 in Article 14 states that;

- (a) Every person in the county shall have access to safe and clean water for domestic use within reasonable distance;
- (b) There is accessible water for agricultural, livestock, wildlife and industrial use;
- (c) Equitable distribution of water between consumers in urban and rural areas.

This therefore clearly mandates the County Government to ensure that every resident of Machakos County has access to this essential resource;

Acknowledging that most areas within Machakos County experience dry spells due to low rainfalls in a year and this has adversely affected the livelihoods of the residents;

Hon. Speaker, cognizant that Matungulu West Ward has a population of 33,935 and an area coverage of 246.90 km² and there exists several water points namely Ngalalya borehole, our Lady of Assumption, Mbuni, Kwa Munyao, Kwa Ngii and Katangini boreholes among many all of which are non-functional.

Hon. Speaker, I wish to seek a statement on the following from the Chairperson Water and Irrigation Committee:

1. The initiative the County Government is doing to ensure the people of Matungulu West have access to safe and clean water for domestic use within reasonable distance.
2. What the County Government is doing to revive these boreholes and reticulate to water points nearer to the residents.
3. Whether the County Government has considered in this financial year 2023/2024 to initiate any water projects within the wards to increase access to water for the residents.

Madam Speaker, I want to add to this statement that Matungulu West Ward is a very vast Ward and as you can get from the coverage given currently, we have less than three boreholes working.

We have facilities which are very key to the society. We have schools which do not have clean water; we have hospitals; Level 4 Kimiti does not have water and it is a hospital that covers a very big area, covering Kyeleni, Matungulu North and also gets people from the neighboring Kiambu County.

That hospital, Madam Speaker, does not have water actually. Currently if I do not come in and give them a bowser to get water, they get served by donkeys. Madam Speaker, we have other hospitals like Mbuni area; we have a clinic there but there is no water and Kalandini hospital there is no water.

Madam Speaker, we also have schools and colleges which need water and there is no water entirely. Madam Speaker, we have boreholes which are supposed to be repaired to serve these people with water.

Madam Speaker, it is a dire situation because this ward has many markets which do not have water supply. We have Koma, we do not have water supply which is a big market along the main road; we have Kantafu which is also a big market along the main road. We have Malaa

which is also a big market with no water supply, Mutalia and Joska and Kisukioni. Madam Speaker, the purpose of politician---

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Point of order, Madam Speaker.

Hon. Lucky Nzau (Matungulu West, WDM-K): I am a Member in this House elected by the people. It is for that Member to make sure the living standards---

(Loud consultations)

Hon. Speaker: Allow the Member to finish.

Hon. Lucky Nzau (Matungulu West, WDM-K): ...the living standards and the lifestyle of his or her electorate are made easier *ama* they are enjoyable. Madam Speaker, you know water is life and if a ward of that magnitude has only three points of water, it tells us those people are suffering.

Madam Speaker, I cry for a good commitment by the County that this ward is considered and given a good budget to have water in plenty to cover all those areas. As I also seek the statement, I will also congratulate the current situation of our Hon. Governor whereby she has done desilting of dams. That notwithstanding, I do not think we are in the era of taking water from dams. People need clean water and I am seeking for that clean water for people to drink and use domestically. Madam Speaker, I seek an answer. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. I invite Members to ventilate on that very vital subject on water in Matungulu. Mheshimiwa Hellen Ndeti proceed and say something.

Hon. Helen Ndeti (Nominated, WDM-K): Thank you, Madam Speaker. Hon. Member who happens to be a leader in the House, Majority Whip has a right to bring up such a query because he is here because of his people. I want to find out whether he is aware that we did public participation for the Annual Development Plan (ADP) and County Integrated Development Plan (CIDP). Is this statement in line with what as a County we have agreed on in our budget for 2023/2024? Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Ndeti. Any other contribution? Hon. Lucky you can respond to what Hon. Ndeti has asked.

Hon. Lucky Nzau (Matungulu West, WDM-K): Thank you, Madam Speaker. As I respond to my senior mother of the House, I am aware of public participation but Madam Speaker, I am seeking to know the position as at now because we gave out our plight. We want to know what the County Government is going to do with what we gave. Thank you Madam Speaker.

Hon. Speaker: If I am not wrong, Mheshimiwa Ndeti wanted to enquire whether this particular matter that we are discussing here is in line. Is it within the ADP? Did you bring it up in the public participation?

Hon. Lucky Nzau (Matungulu West, WDM-K): Madam Speaker, the water issue is in the CIDP and ADP. When I come up---

Hon. Speaker: Is it there for Matungulu Ward?

Hon. Lucky Nzau (Matungulu West, WDM-K): It is there in Matungulu West Ward. We want to know what the position is.

Hon. Speaker: Currently?

Hon. Lucky Nzau (Matungulu West, WDM-K): Yes.

Hon. Speaker: Alright. Mheshimiwa Hon. Kavyu and then Hon. Katiti in that order.

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Madam Speaker. As I also contribute to what Majority Whip has raised in his statement, I want to agree with him that issues to do with water are not only in Matungulu West but it is a challenge that is cutting across most of our Wards. I will give a clear example of my ward, Kinanie. Currently as it stands Madam Speaker, in Kyumbi and Kinanie, members of public are relying on water that is being fetched from Machakos by water bowsers and a jerrican of twenty litres is going for almost Kshs. 50. Sometimes, even when you have the money to buy the water, you are not able to get the water because sometimes there is a very long queue.

I think it is a matter that needs to be addressed and one of the key water sources that supplies the entire Kyumbi is a borehole called Masai borehole that we gave out in the last financial year as first priority. We also gave it recently as one of our top priority for consideration but one year and a half down the line, the people of Kyumbi have the same fate that people of Matungulu and other wards are going through. The issue has not been addressed.

If you go to the other side of Kinanie, there is also one borehole at a place called Kwa-Mboo, where the County Government has done a very good initiative of putting up a dispensary that is complete but I think the Department of Health might be compelled to be buying water using water bowsers yet there is also a borehole that people of Kinanie gave as a priority in the last financial year 2022/2023.

We also gave it and they are just simple items and maybe on the same, although I have heard it is part of what the Member for Ndithini was seeking, even the dams that we are talking of, rains are almost here with us and despite the challenges, there are already people on the ground who are working. I will give an example; I was engaging the minister for water this morning. There are people on site who are supposed to be doing works but I will give an example of Kwa Itumbi in my Ward. Since Sunday, the machines have been grounded and the reason that is being given for work not going on is that the person who has been given the work has no fuel.

Sometimes you wonder what is happening because our expectation, if I am a contractor and I am given a certain mandate to work, the expectation is that I have demonstrated that I have the financial capacity to deliver on the works that has been given. So that is the matter that we need to look into as a House to ensure that because we are talking of El-Nino, and as a county today you saw rains have already started in Kitui, if today there is rain, it means that those works might not be completed in time yet we are wasting time because of water.

We need to prioritize the needs of our people and the basic need of access to clean water because the county has sufficient boreholes so it is a case of maintenance and also there are some being managed by the water companies. There is one at Kiasa that has a pump issue but for the third week now, members of the public do not have where they can get water. People of Kiasa

are fetching water from dams that they are sharing with wildebeests. It is the same that their animals get water from and the response that we are getting is that it will take four to six months for MAVWASCO to fix a pump that goes for less than Ksh. 400,000.

We need to address the issue of water and I think it is not an exception of Kinanie or Matungulu West. If we go across the forty wards, there is a likelihood that you will find such cases, so we need the committee on water to provide answers to this House on how long our people are going to wait. Economy has really hit our people, so I do not know whether it is food we are going to buy or we are going to spend the little coins that we have on buying water and Ksh. 50 is a lot for a jerrican of twenty litres. Thank you, Madam Speaker, and we hope we can get assistance as soon as possible to alleviate the situation.

Hon. Speaker: Thank you Hon. Member, this matter on water is not peculiar for only Matungulu and Kinanie. I was discussing this matter with Hon. Member for Kivaa, Aliphonce, recently and it is cutting across, so I think it is really important that we seek this statement from the Executive to come and give us the current position concerning the issue of water. Water is a subject that is quite emotive and very important to the county of Machakos as a whole so Members as we ventilate, let us restrict ourselves to the two areas that Members have talked, we have plenty of us who have the same matter but they have never had an opportunity to say it. Let us look at it wholesomely. Hon. Katiti, Hon. Kitaka then Hon. Musila in that order.

Hon. Boniface Katiti (Muthetheni, UDA): Thank you, Madam Speaker. I do not know whether I am within confines of the law to welcome you back in this Assembly but that said and done---

Hon. Speaker: You are not out of order, you are okay.

Hon. Boniface Katiti (Muthetheni, UDA): Yes, I want to thank the seeker of the statement, Hon. Lucky Nzau, and because I do not want to repeat most of what has been said by him and Hon. Kavyu, this is an urgent issue that should be looked on so that we can make sure that our people have clean water because I believe we must have a government that is responsible to the mandates and requirements of everything that is needed by its people. I have an example of a borehole in Kaliambeu sub location that has taken more than six years. It was initially powered by a generator, its pump broke down, now the whole sub location of Kaliambeu there is no water and they rely on one borehole from a private person and he is even charging ten bob per twenty litres jerrican.

My wish is that the County Government moves with speed so that they can rehabilitate those boreholes. They can empower them with solar and replace the pumps that have been broken down. I still have so many, around ten, in Muthetheni Ward that are not functional and I would request that they should be rehabilitated so that the people in Muthetheni and even elsewhere in Machakos County can have clean water and make use of it through domestic and even watering plants. I am happy; this is an urgent issue and should be addressed urgently. Thank you, Madam Speaker.

Hon. Speaker: Hon. Kitaka.

Hon. Francis Kitaka (Ndalani, WDM-K): Thank you, Madam Speaker. I think this matter is a matter that is very compound and I want to appreciate the Member who has sought the statement and on that note, I would like to request if we can have the statement seeking also

to have the status of all water boreholes in every forty wards so that we can know what the department has attended to, what they are planning to do and the expectations to restore the water boreholes in our wards. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much; very important points there.

Hon. Muoki wa Musila (Ndithini, WDM-K): Thank you, Madam Speaker. First I want to congratulate the seeker of the statement and then contribute to it and more so, I do not know because it cuts across what I am trying to put a motion on to start fixing these problems of water. Without pre-empting the motion that I presented earlier in the day, this problem of water, Madam Speaker and you have rightfully said so, that is a problem that is cutting across the whole of the county and will not be totally solved by the county alone, and that is why I am seeking if individuals, communities, community organizations, can hire at a lower cost, these machines that are lying all over the county and members will agree with me that the last time we had graders on the ground is like four, five months back.

Those graders are lying somewhere because of fuel; they are not able to do any work. If today we had or we could hire those machines, then the roads would be fixed by individuals; boreholes would be done and if I do a borehole within my land possibly I would sell that water to the local community there and that local community would not say we do not have water because they can go and get water from that particular borehole. What I am trying to achieve is, as much as the County Government of Machakos is going to provide water, individuals and community organizations can still do that by sinking individual or personal boreholes.

Madam Speaker, we have been talking about the water; the boreholes are there already, dug by the County Government of Machakos at various times, in different areas but the problem of rehabilitating the same boreholes is so expensive that the best thing would be to privatize these boreholes so that that particular person who is going to run the borehole will be ready to rehabilitate or to repair when the boreholes are not working as opposed to them being owned by the county or the water companies that are so slow and you will agree with me whenever we discuss about it in PAIC, they have all these kind of problems.

If we had the local community, there as individuals or organizations in the local area they will be able to facilitate whatever it takes. This is because not once, not twice in my area and those whom we were together during the public participation in my area, I talked about one and by good luck it was rehabilitated the same day. It was on a Friday and on Sunday, we were drinking water from the same borehole; they had done it. When I asked Engineer Ndwiki, he told me that he spent Ksh. 400,000 to do another pump; that is very expensive but if you had somebody who can take care of those kinds of things, then that would be done.

Again, personally I am reluctant to rely on boreholes because if you remember Madam Speaker, the other time we were discussing about the environment, we said that the boreholes are draining the ground water. The minute we do that, we are depleting or we are destroying our environment. I have a good reason why I brought that motion of hiring these machines because the runoff water is the best source of water as opposed to the borehole or ground water. If we can hire these machines, the backhoes, the excavators and the like, individually or as a community, then we have more water pans, those water pans are going to do a better job than the boreholes that are breaking down now and then.

So, I want to support the seeker of the statement and say yes, this is the best way to go. Let us have a statement that will not address Matungulu West alone; that will address all the boreholes, all the water sources in the whole of the County as a unit and then we see which way we can go as a county. Thank you Madam Speaker.

Hon. Speaker: Thank you very much, we can move on and for that statement, I wish to commit it to the Water and Irrigation Committee; we need a report on or before 8th November 2023. And let me inform the committee concerned that we are very keen on these dates we give here; we are going to be pursuing them very closely because we want to keep track of our work. So if it is before 8th let it be before 8th. The concerned committee, the Clerk Assistant concerned should keep records of the dates so that a week earlier, they have notified the chair of the committee to be able to have this particular business put on that week of 8th as a business of the House for that week. So that is the directive. Thank you very much, let's proceed. Next order.

MOTION

LEGAL FRAMEWORK FOR HIRING OF COUNTY PLANTS AND MACHINERY

Hon. Speaker: We have Hon. Muoki Musila to come forward to present this motion on formulation of legal framework for hiring of county plants and machinery. Proceed Hon. Musila.

Hon. Muoki wa Musila (Ndithini, WDM-K): Thank you, Hon. Speaker.

Hon. Speaker, that aware THAT the County Government of Machakos has invested huge sums of money in purchase of plant and machinery;

Aware THAT in some instances, the said plant and machinery are under-utilized due to cash flow challenges and lack of fuel;

Further aware THAT if the plants and machinery are put on hire, they would earn the County Government some revenue which would be utilized to fund other county government projects and further improve the livelihood of the residents of Machakos;

Aware THAT there are no approved rates for hire of county plants and machinery in the Machakos County Finance Act and further aware THAT some groups and individuals would wish to hire these machines and plants, given the opportunity, to undertake individual/community projects such as drilling of boreholes, scooping of water pans, grading and compacting of roads among others;

Hon. Speaker, I wish to move the motion THAT the County Department of Roads, Transport and Public Works prepares a legal framework for hiring of county plants and machinery to work within Machakos County at the approved government rates to the residents of Machakos County to undertake drilling of boreholes, scooping of water pans, grading and compacting of roads among others.

Madam Speaker, this is a motion that I am seeking so that we can fix some of these problems that we have been discussing about water in our county. I do know Machakos County today has got a lot of machinery that can be used. Since the month of April, the graders that we have here in Machakos, have not been doing any job; they are lying idle everywhere within the county. If today they were being hired to individuals or community organizations, possibly the roads that are leading, for instance, to my place from the main road or from KeRRA road, could be two kilometers in. If an individual was able to do that particular road to his home, then the people before his home would all be served by the same road and as such. The County Government would be achieving whatever it wanted to do in terms of roads by being helped by the private people.

The same thing with the drilling, if today we had enough rich people, to sink boreholes everywhere, people would be able to hire these machines and by so doing, they would be helping the county achieve provision of water within the county not necessarily by the County Government undergoing any cost, but the private people being able to sink boreholes which they can use to supply other people who are not able. Those people would be able to get water from that individual; they would not say that their area has no water and as such, the County Government would be able to achieve its objective of provision of that service. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. You may call a seconder.

Hon. Muoki Musila (Ndithini, WDM-K): Thank you, Madam Speaker. I want to request the Majority Leader to second the motion.

Hon. Nicholas Nzioka (Machakos Central, WDM-K) seconded.

Hon. Speaker: Thank you very much, Hon. Majority Leader.

(Question proposed)

I now wish to invite Members to debate this motion. I start with Hon. Hellen Ndeti.

Hon. Hellen Ndeti (Nominated, WDM-K): Thank you Madam Speaker for catching my eye. I stand here to agree or comment on what the motion brought by the chair of Roads committee has brought to the floor of the House. I stand to not to agree with this proposal where he is requesting the County Government to hire private equipment. I am doing so because there are cost implications in every move that you take.

About 2017 and earlier on, I used to work in a place where I was selling construction equipment which is next to caterpillar and I know a lot of County Governments decided to go ahead and hire but there are County Governments that spent like Makeni County. His Excellency Governor Kivutha Kibwana came to see me and I advised him to buy the equipment. He spent about three hundred and twenty million and that equipment today they can even lease it to Machakos at a lower cost.

Hon. Francis Kavyu (Kinanie, MCCC): Point of information.

Hon. Speaker: Yes.

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Madam Speaker, I wish to inform my senior Hon. Hellen Ndeti, it is either myself or her who did not get what Hon. Muoki Musila was trying to put across and the member can confirm. What the Hon. Member is seeking to achieve, is for us to have a framework where individuals can hire the existing machineries that we have within the county of Machakos, not the county hiring equipment or outsourcing for them to come and perform those activities. Maybe the Hon. Member can confirm that.

Even before the Hon. Member confirms, I just also wish to state that, that is how the motion has been framed; it is not the County Government that is hiring; it is the County Government renting out to individuals or even members of the County Government itself to do drilling and all that to make sure that we have, so Hon. Ndeti it is the other way round.

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Hon. Hellen Ndeti (Nominated, WDM-K): Thank you. I am well informed maybe I was out of my mind---

Hon. Speaker: No, you were not out of your mind; maybe you just misunderstood.

Hon. Hellen Ndeti (Nominated, WDM-K): I think then what he is proposing is very much in line but I still feel that the County Government should invest; you know Machakos County bought used equipment and that is why I do not think it has served this county properly, so if the County Government can really invest in buying good equipment, that equipment can be used by all of us in the entire county and be leased even to the private road construction companies but yes, we need a legal framework, policy to be able to hire. Thank you.

Hon. Speaker: Thank you very much, Hon. Ndeti. Hon. Kavyu, Katiti, in that order.

Hon. Francis Kavyu (Kinanie, M CCP): Thank you, Madam Speaker. I want to oppose the motion on the basis of this account: today as we talk, Machakos County has a very substantive government that is led by her Excellency, Governor Wavinya Ndeti and we can all agree that since her inauguration, she has done a lot to make sure that our people have access to basic services.

What we need as a County Government, both elected and the people who have been employed in our offices, we have a duty to deliver services to the people of Machakos and the biggest challenge that we have been having is not issues of inadequate equipment; it is a case of I do not know whether to term it as mismanagement and also inequality in the way some of the services are being administered.

I am surprised that the Hon. Member is talking that the last time graders were on the ground, was April this year but I would like to bring to your attention that whatever the Hon. Member is proposing is still happening and I will give an example of Mlolongo-Syokimau Ward. Through the leadership of the Hon. Member, the whole of last week and part of this week, the county grader has been working in that area with the support and facilitation of members of public.

They were trying to see how they can organize themselves and make sure that once we have the rains, they are able to access their homes. They pulled resources together and did that, so it is something that is already happening but the biggest cancer that we have and the question that we need to be asking ourselves at every departmental level, we approved a budget on this House to have enough funds, starting with the department of Water, Health, Transport and if I can recall, the departments of Transport, Water and Health were among the biggest winners in terms of allocation that we gave, but immediately after approving the budget, a Member sought a statement here in regards to how ready are we for the El-Nino.

Preparedness involves having accessible roads, better drainage systems and also harvesting enough water but Madam Speaker, to date, if today God sees it good for Machakos to have water, there are people who will not access their homes. The narrative that we are getting every time you want assistance is that there is no fuel. What we need to understand is, when will we ever have fuel and even in most cases, when this machines are dispatched to the ground to serve people, the first day they will work efficiently, then the third or the second day once the fuel allocation that the grader came with is depleted, the next thing is that you are either forced as a Hon. Member to chip in and fuel the machineries.

What we need to have is to make sure we have a better plan because the budget is there, then even we will not have time to have members of public hiring this equipment. This is because they will be engaged serving the people of Machakos. So, the people in charge of procurement, the Chief Officers heading those departments, need, through the House committees, to forward to us an elaborate plan on how they are planning to solve these issues that we are facing because we are also going to have another challenge because Machakos County is a service delivery entity that is supposed to serve the people of Machakos. We are not a profit-making entity.

So, if we start leasing the equipment, how are those funds going to be used? I know they can be used as own source revenue, but before we hire to the members of public to dig their own boreholes, do we have enough boreholes for our people to get water? That is what we need to ask ourselves. Before we hire the graders to members of public for people to do roads on their own, we need to ask, are we doing enough as a county through the department of roads to make sure that our people have better? And that is the commitment that our Governor has.

So, it is up to us as a House to make sure to oversight and make sure that things are moving slowly and the county, through the department of procurement, needs to give us an elaborate plan on who are the people who have been given the mandate to supply the county with fuel because our problem is not equipment, the biggest cancer is the issue of fuel within those departments, so we want to understand.

Last year, we had similar challenges when we were doing the RRI initiative that had been launched by Her Excellency so we also need to support her and also to let her know that sometimes we are going through challenges because unless we do the oversight and bring it to her attention, sometimes we will sit here, complain and maybe some of the time she does not have the correct picture.

She cannot be all over; that is why we have a member for every particular ward so before we hire Madam Speaker, what I would request is that we first optimize what we have as a county and when we get to a point where we can now agree and say that as a county we are helpless, we are not able to fuel this equipment, then at that point we can have this discussion and ask for help, but as it stands, my feeling and belief is that we have a capable Government that can deliver to the people of Machakos.

What we need to work on is the operational plan to make sure services are efficiently delivered to our people. Also, maybe to highlight as I finish, what Hon. Ndeti raised I think we also need to get an audit report of the status of our equipment because I will give an example with the grader that is assigned to serve the people of Mavoko that is Muthwani, Mlolongo, Kinanie and Athi River Wards, the grader that has been assigned, if it is working in my ward or in Mlolongo/Syokimau Ward and it happens to work consistently for three days without a breakdown, then you count yourself lucky.

We need to have a serious audit even if it means going back to the time when the equipment were processed; we look at the status, look at the tractors that are supposed to help our farmers. We have a lot of them at the department of agriculture lying there as scrap and I do not think they have depreciated to zero because they have not finished 10 years. Most of them were bought recently.

Unless they are depreciating at a very fast rate, which I believe should not be less than five years in terms of depreciation, whichever way you look at it, then I think we need to do a thorough audit and establish what Machakos County Government was supplied with. Were they in good quality, were they in good shape? And if as a County we were given faulty machines, then action needs to be taken because we need to have people held accountable if something wrong is done, but it is a good idea that Mheshimiwa is proposing but on the account that we

have a sufficient and capable government in place that can deliver those services to our people, I oppose the motion and request that we take the necessary measures to make sure we deliver first to our people. Thank you, Madam Speaker.

Hon. Speaker: Thank you, very much Hon. Kavyu. Before I proceed to the next speaker, perhaps I would like...something has caught my ear in this hiring of the County plants and machinery. Perhaps Mheshimiwa Musila you had an idea why it was necessary we have these rented out to individuals? Clarify it so that we can get the goal you were trying to achieve.

Hon. Muoki wa Musila (Ndithini, WDM-K): Thank you, Madam Speaker. As of today, the County Government, and I want to commend the Governor that they have done a lot in regard to the roads and Hon. Kavyu here admitted that the grader that is doing the work today in his place was organized by the committee because the community found it necessary to have their road done before the rains struck and that is why they organized themselves to get the truck that it can do the work for them.

In my area, that is Ndithini ward and Muthesya ward, we have one grader and my colleague Hon. Patsy (Hon. Daniel Muindi) will attest to it that our grader has been lying in his ward since May before the budget to date. Even when you ask the ministry, they will tell you those items/plants are idle there because of one particular item: fuel. And it is that particular item or fuel that I am thinking to fix. When we cannot fix or buy fuel for these machines, what do we do with the machines? Three months for a machine of that quality just lying idle is a costly business for our county---

Hon. Speaker: So, there is something I am trying to get there. When you ask that we rent them out, are you trying to get money for the fuel or how is it?

Hon. Muoki wa Musila (Ndithini, WDM-K): What I am trying to say is at one point, the County Government---

Hon. Speaker: Why are we renting them out?

Hon. Muoki wa Musila (Ndithini, WDM-K): Why I am asking them to be rented out is to fix the roads for individuals, particularly a time like now when we do not have any fuel yet the machine is just lying there. Remember for example, the machine or grader that we have in Ndithini and Muthesya wards belongs to NYS and the county is hiring the same machine and they are paying for an idle machine. So instead of it lying idle, that is why I am asking, can we improvise a way of using the same machine other than it just lying idle and we get its benefits? That is my issue. Thank you, Madam Speaker.

Hon. Speaker: I am very well advised. Hon. Majority Leader. Somebody else was raising their hand? It is DS. Okay. Proceed, Leader of Majority.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Indeed when I stand here, I stand because I highly support the motion, reason being any government property's usage must be guided by law. And I want to say that what Mheshimiwa Kavyu was saying that communities are hiring government equipment, if there is no law that exists, that in itself is an audit query because then, how do you hire government machinery without due process?

There has to be a framework so I highly support Mheshimiwa Musila's motion that seeks to have us have a regulation or framework so that one, even the equipment itself may not be misused by rogue public officers. What Mheshimiwa Musila is telling us is that no government, including the super power the United States of America or big economy like China, has ever effectively fixed every single problem for its people. And on that matter, communities come together, people come together, non-governmental organizations come in, other partners and private people come in and say we could help but without the legal framework then it becomes a challenge.

So, this legal framework would guide the ministry or departments of government on how to engage with me as an individual when I want to hire an equipment or a bank that wants to do a CSR by opening up a road or a borehole where they maybe come and say we may not be able to afford the whole borehole or the whole business of doing a borehole but perhaps, the government could provide a ring and us as a company that is operating in Machakos, could provide other logistics like fuel and pay the personnel and do the casing. So it is also good that with a framework, other partners can join the government where there are gaps for development. Lastly, I sympathize with the situation---

Hon. Speaker: I am not cutting you short but I am wondering then, renting those out or is it partnerships with the private sector---

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker---

Hon. Speaker: I am not interfering with your submission I just want to understand.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Madam Speaker, what I am saying is, what Mheshimiwa is seeking is a framework on how to engage when the machinery is lying down there at the department of roads and I walk in. How do I get the machinery since maybe the government is not able to utilize the machinery as of that time and I am requesting to utilize it? So, it is also good that with a framework, other partners can join the government where there are gaps for development. Lastly, I sympathize with the situation---

Hon. Speaker: I am not cutting you short but I am wondering then, renting those out or is it partnerships with the private sector.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker.

Hon. Speaker: I am not interfering with your submission I just want to understand.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Madam Speaker, what I am saying is what Mheshimiwa is seeking is a framework on how to engage when the machinery is lying down there at the department of roads and I walk in how. Do I get the machinery since maybe the government is not able to utilize the machinery as of that time and I am requesting to utilize it?

The framework is what is in question if I understood the mover well because more often, you would go there and ask a caterpillar to do a road and then they will say there is no law that allows us to give you a caterpillar as an individual. You will have to wait for us to arrange other logistics so that we come and do the work with you. What Mheshimiwa is seeking is how can we

enhance or make the government more effective by allowing other people to come in willingly to use the equipment or the machinery. I think that is what he means and this could---

Hon. Speaker: Let Majority Leader finish.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): And I do not want to be informed at this point. I do not feel I need further information.

Hon. Speaker: It is me to make a decision whether you will be informed or not.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Well-guided, Madam Speaker. What we are saying is that the framework is not only individual but I think it seeks other partners other than the government. It could be a person, a private company, it could be a partnership with an NGO or a community based organization. That is my take. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member. Hon. Ndeti you have spoken. Hon. Katiti you have spoken, haven't you? Hon. DS and then Hon. Lucky.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Madam Speaker, I think you have answered a Member. It is very true that if a Member has finished submitting---

Hon. Speaker: Let me give him an opportunity.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Okay.

Hon. Speaker: Kindly I am sorry about that.

Hon. Francis Kavyu (Kinanie, MCCP): Thank you, Madam Speaker. It is not wrong to be informed because it helps us to understand more so there is no need of objecting being informed and it is in good faith because we want the best for our people and also quality discussion for our House. So, what Hon. Majority Leader is proposing is good indeed and it is very different from leasing, hiring and renting equipment, is very different Majority Leader, unless you bring a different motion where we can explore terms of partnering with the county.

What Hon. Musila is seeking is a framework for the county to lease the equipment to either private or institutions that want to work. What you are proposing is very okay because we have suffered that fate, Madam Speaker because that framework if it is there to provide terms of engagement and partnering with the county, then it becomes easier because you will find Musila will walk for instance to any of our department, he gets the equipment, goes and does then the next time Hon. Daniel from Muthesya walks to the same department and gets a response that there is no framework that allows us to give you.

What we need maybe we can provide a framework that we can discuss and maybe each committee to come up with a draft that we can look at and provide that framework because our interest is that these equipment to be on the ground. We still have so many kilometres of roads that have not been covered that need to be graded. We have dams that even ten years to come, the county might not sufficiently cover all the dams that we have within the county.

What Majority Leader is proposing is good but I do not think it is closer to what Hon. Musila was giving. It is a good thing but we can look at it from another angle. What we are not for is the aspect of renting because it can open a door for misuse because if that opportunity is

there, somebody will go, maybe you are a contractor you get somebody who wants a borehole drilled at their area and because the county definitely is going to give at a lower rate compared to what you will get in the market, most people will opt to come to the county in the name of they are going to drill a borehole that will serve the public.

So, you will find even what the county is supposed to deliver because once you sign a contract you want to give somebody a machine they have rented then at Ndithini there is a public borehole that the department of water wants to go and drill using our equipment, you will only have to wait until the contract or the agreement that they have had with somebody who has rented the equipment is serviced. That is the only time that machine will be available to people of Ndithini or Kinanie. And these equipment are supposed to serve the Wananchi 24/7, if possible. Thank you, Madam Speaker.

Hon. Speaker: Thank you. I believe when we have that legislation in place we ought to make sure that it is about partnership because when we bring in the issue of renting out to private partners, there is an involvement of money. Money is coming in and as a result, there is bound to be abuse and misuse of this particular legislation. When we are drafting this legislation and Mheshimiwa Musila I am not interfering, but I can see the danger ahead when you talk about renting or leasing out. Partnership is okay. If in the legislation it can come out as partnership and I am sure the drafters will be very careful how to frame it. Therefore, do not think we are bringing down your motion we are just trying to make things right. Thank you. Point of information then DS was on his feet but just say it.

Hon. Hellen Ndeti (Nominated, WDM-K): Point of information.

Hon. Speaker: Mheshimiwa Hellen.

Hon. Hellen Ndeti (Nominated, WDM-K): Thank you, Madam Speaker, because I also exactly what Mheshimiwa said is what I was thinking about also; the PPP (public, private partnership) but also I want to inform you that even the National Government does leasing of equipment through Chief Mechanical Department as a private person or even to other governments. You can also lease the same equipment from the chief mechanical which are properly managed and serviced.

Hon. Speaker: Thank you very much. I am getting ideas. Deputy Speaker.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. I stand to support the motion from Hon. Muoki. Madam Speaker, I think the mover of the motion is seeking a framework that will solve some of the things that have been happening, including what Majority Leader just said. You see sometimes even us as Hon. Members, there are some urgent situations that come across and there is no framework or authority to give us some of these equipment. Just giving that example of what Hon. Kavyu gave of Mlolongo where the Member through the residents agreed and got some monies to do grading and if there is a good framework that would help in such situation, with such frameworks Madam Speaker, we have got so many people around who are willing and ready to help but there is no framework to allow such activities to take place.

Giving an example of people who would want to have some boreholes in their areas, if there is a good framework it can help probably and the framework should include how the same will benefit the residents or the members of public who are around those areas. I do not think it

should be so private; it should work just like a PPP so that also we may have our people benefitting from such. We have the same in the national government like the Yatta Dam that is about to be sunk by the national government. It is a PPP. So it is a good program.

Imagining the budget that we gave the roads department in the 2023/2024 financial year, Madam Speaker, I know that department has got Ksh. 67 million for fuel for both the vehicles the engineers are using, the Cos; the entire department has got Ksh. 67 million. What does that tell? That tells we may not have all these equipment moving around and working for our people. What shall we be doing in between when the departments deplete their budget? I think that is where Mheshimiwa is coming in to request get a good framework that will still help those equipment to continue working for our people. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. DS. Hon. Lucky.

Hon. Lucky Nzau (Matungulu West, WDM-K): Thank you, Madam Speaker. I want to thank you and also congratulate the House for maturing from put the question situation to now a good debate which is giving life to the House and I believe my work to whip Members will be now easy.

Madam Speaker, as I contribute to this motion, I want to support the motion and though it may seem like a repetition of what has been contributed, I would want we replace the wording of the motion about leasing and hiring to inclusion, because Madam Speaker, currently PPP is working very well but only when we are dealing with either a public road or doing a public dam or you are doing something for the public, but I would want to say like now when a resident has a dam and wants it de-silted, there is no way we are going to use a County Government machine to de-silt a private dam. It will hit a snag.

I am contributing that we include those private facilities which also end up helping the public. Maybe if we de-silt a private dam, the neighborhood or the person will also grow crops which will assist the residents. Madam Speaker, I would want to contribute by saying let us change the wording of the motion from leasing or hiring to include the private assistant. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Lucky. I now wish to...sorry Mheshimiwa Katiti.

Hon. Boniface Katiti (Muthetheni, UDA): Thank you, Madam Speaker, for catching my eye. I want to thank the mover of the motion because this thing of the PPP that is public private partnership, I once heard it from the Governor herself and she was embracing such a culture where the public can partner with the private sector so that we can deliver our services to the people.

Our main goal here is services to go to the mwananchi and it has its merits and demerits but I believe where the government is so much engaged and so much committed to give services to its people, then the rates of operations are lower. When the government partners with the private sector, even the services are excellent because there is somebody who can manage. There is somebody who is looking to do things and like now, what we are experiencing what is happening now about fuel, if we have the private sector partnering with the public sector, then such cases cannot be occurring every other day.

It is nice and good that we encourage having a roadmap and we should not fear or derail ourselves because I believe we cannot accomplish anything unless we try. Let us have a roadmap or framework that will take us there because those people in our wards, majority of the places, we do not have adequate public land but we have adequate private land where boreholes can be

drilled or dams can be sunk. With that kind of framework, I believe and I hope we will give better services and take services closer to them.

When we have a private person having a dam, those regulations or laws will guide the public on how to sue that dam that has been sunk by the county or the public equipment. Even the people that use the major dams that have been sunk by the County or National Government, they will be fewer because the people that will be using that water, some will go to their private dams and use the water for drinking, irrigation and other things. That water in the other dams will take time to dry and before it dries up, then we will have time for the rain season. It will be rolling every now and then and we will be having water.

I support the motion and I encourage that we have that public private partnership. It is essential at this time and even there are some people in our localities that cannot afford to dig a borehole. There are some people in the whole community in a whole region that cannot even give cash of Ksh. 400,000 that will be required to drill a borehole but if there are regulations, they can make use of the regulations or laws and use their monies like Ksh. 400,000 to drill a borehole and from there, the public will be ready to use it depending on the regulations that will have been set. I support the seeker of the motion and say that it is timely. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Katiti. Hon. Mulinge and you are the last. I will give you a few minutes.

Hon. Joseph Mulinge (Muvuti/Kiima Kimwe, MCCP): Madam Speaker, I am going to be very brief. Madam, Speaker, the essence of private partnership has got more benefits. One, it will reduce the wage bill of our county. Two, it is going to increase the offering of services if for instance it is for roads and de-silting of dams; it is going to increase development in our wards. Three, it is going to reduce wastage of resources.

For instance, Madam Speaker, we have graders that have been hired from National Youth Service and because of lack of that, we have been with them since May lying without doing any operation because of lack of fuel. That means the essence of increasing services to our wards and community. If we will have a good framework, it will help our county to move forward. Thank you so much.

Hon. Speaker: Thank you very much, Hon. Member. Those are very important points. I now wish... I do not think it is necessary Hon... You have really replied but proceed and reply.

Hon. Muoki wa Musila (Ndithini, WDM-K): Thank you, Madam Speaker. Thank you, Hon. Hellen for pointing out very well that even the National Government hires or leases or rents whichever word you want to use as long as it means that it gives at a price their machinery to individuals or organizations to use their machinery for the benefit of individuals or even a community.

Madam, Speaker, in my own ward, I spent a lot of money and I did four dams for the community in church compounds. For all that long since the rains stopped the other time, the small water pans or dams still had water. If I had this kind of a service from the County Government of Machakos, I would have done even more. That is where I am coming in. If I could rent from the county that I belong to at a subsidized amount of money, then I would provide more water to more people, as opposed to when I go to commercial people. That has been my thinking.

Like today, rains have already set in; sometime ago we had some...*hizi za kupanda tanga tanga* those tractors where are they? If they were somewhere, we would be renting them. Bring one to Ndithini we have very big tracts of land that we can plough with those tractors and then we get benefit out of it. Thank you, Hon. Members for taking it positively and reading my mind where I am coming from and I wanted to achieve. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member.

(Question put and agreed to)

As we approve this motion we will request the drafters to include and exclude what we have debated. Thank you very much.

ADJOURNMENT

Hon. Speaker: The House adjourns to Wednesday, 18th October 2023 at 2.30 p.m. Today we have a guest; the Senator is coming to be with us in the afternoon. Thank you.

The House rose at 12.28 p.m.

