

REPUBLIC OF KENYA
NYANDARUA COUNTY ASSEMBLY

2ND ASSEMBLY- 1ST SESSION

OFFICIAL REPORT

Wednesday 18th October 2017

The Assembly met at the Assembly Chamber at 9.00 am.

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

Prayer

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

(The clerk-at-the-table confirms that there is no quorum)

Speaker: Hon. Members, quorum not having been recognized, I invoke the provisions of Article 35(1) of our Standing Orders and direct that the quorum bell be rung for an initial ten minutes, or until such a time within the ten minutes that quorum will have been achieved.

*(Quorum bell is rung for three minutes and quorum is achieved
as confirmed by the clerk-at-the-table)*

Speaker: Very well, quorum for this sitting having been achieved, we can now proceed with the business for this sitting. First Order.

MOTION

1. RIGHT TO CLEAN AND SAFE WATER

Speaker: I am aware that the mover of this motion and the Member for Githioro, Hon. Simon Sambigi Mukuriah is not in the House...What is it County Member County from Rurii, Hon. Geoffrey Kariuki?

Hon. Geoffrey Kariuki: Thank you Mr Speaker; I rise on behalf of the Member for Githioro, Hon. Simon Sambigi...

(Hon. Paul Ngeche rises on a point of order)

Speaker: What is it Member for Kipipiri?

Hon. Paul Ngeche: Mr Speaker, is it in order for the County Member from Karau to cross the floor of the House without bowing to the chair?

Speaker: Very well, although it did not catch my eye, it is important that we learn to abide by the rules of this House. Proceed Hon. Kariuki.

(Hon. Gathungu Kamau rises on a point of order)

Speaker: What is it Member for Leshau Pondo and the Leader of the Majority Party, Hon. Gathungu Kamau?

Hon. Gathungu Kamau: Thank you Mr Speaker. In order that we do not set a bad precedent, would it not be in order for the County Member from Karau to bow to the Chair before he proceeds?

Hon. Geoffrey Kariuki: Mr Speaker, I agree but I also feel, as the leader of majority is constantly reminding us, we are still learning and although I agree that it is important that we abide by the rules of this House, such punitive measures are uncalled for especially since it was not intentional. The Member himself has made numerous mistakes but he has always been pardoned. I have high regard for decorum and the honour of this House and in future, I will be careful to adhere to the rules.

(Hon. James Gachomba rises on a point of order)

Speaker: What is it Member for Njabini Kiburu?

Hon. James Gachomba: Thank you Mr Speaker. Even though we are learning, we should learn by applying the rules. Let the Member from Karau bow.

Speaker: Member for Njabini Kiburu you are out of order. I have already ruled on that issue. Proceed County Member from Karau.

(Hon. Paul Ngeche rises on a point of information)

Speaker: What is it Member for Kipipiri?

Hon. Paul Ngeche: Mr Speaker, I wish to inform the House that the mover of this motion and Member for Githioro, Hon. Sambigi Mukuriah is now in the House and it would be better if he moved the motion himself.

Speaker: Thank you Member for Kipipiri. It is probable, however, that the Member for Githioro had delegated the moving of motion to the County Member from Karau for various reasons and since he will have sufficient time to contribute to the motion, I would urge Hon. Kariuki to proceed.

Hon. Geoffrey Kariuki: Thank you Mr. Speaker Sir, I beg to move the following motion:

Aware that that article 43 of the Constitution of Kenya provides a right for every person to clean and safe water in adequate quantities;

Concerned that a majority of Nyandarua County residents do not access clean and safe water through pipe reticulation to their homesteads;

Appreciating the potential of cooperative societies in participating in the business of supplying piped water to the residents of Nyandarua County;

Noting that the County Government has a role in promoting cooperative societies that address the social-economic needs of its people such as access to clean, safe and piped water;

This Assembly therefore urges the Nyandarua County Executive Committee to –

- i. Initiate a programme in all county villages, sensitizing the Nyandarua County residents on the need to establish co-operative societies with a view of supplying piped water to the homesteads;
- ii. Encourage the existing co-operative societies to venture in the business of supply of piped water to people within the jurisdictions of their operation; and
- iii. Identify ways through which the county government can assist the said cooperative societies in ensuring the cost of water remains affordable to the people, such as subsidizing certain operational costs such as electricity.

Thank you Mr. Speaker, Sir. I wish to call Hon. James Gachomba to second.

Speaker: Yes Member for Njabini Kiburu, Hon. James Kiiru Gachomba.

Hon. James Gachomba: Thank you Mr Speaker. I rise to second this motion. Clean and safe water is everyone's right. I have on several occasions, talked about the county government devising ways to help our cooperative societies. They ought to do this by ensuring that the cost incurred by the suppliers of water is at its minimum. Actually, it is a provision of the law that by the year 2022, every homestead should have a supply of sufficient clean water. The cost of water can be subsidized so that our people have enough water for their daily consumption and their livestock.

With that, I second the motion. Thank you Mr Speaker.

(Question proposed)

Speaker: Yes, Member for Kipipiri, Hon. Paul Ngeche.

Hon. Paul Ngeche: Thank you, Mr Speaker. I rise to support the motion having been a member of a cooperative society. Apparently, our county is branded the land of milk and potatoes. Cooperatives are major sources of income to our people. We need to have this program rolling. We have cooperative societies where our parents take their milk. However, the cooperative societies grapple with the challenge of lack of sufficient water. This implies that a cooperative society will be forced to find another source of water, which comes at a high cost. This in turn increases the production cost which negatively affect the profit margins of the cooperatives. When this happens, the price at which a farmer sells his or her milk goes down. Today, a litre of milk is being bought at Kshs.35 but if the cooperatives societies had sufficient resources such as water so that they can lower production cost, the farmers will sell the milk at a higher price.

Further, our cooperative societies have loans. They operate on loans to hire equipment which are worth millions. Yet, they are supposed to service these loans on a monthly basis. If we were to subsidize the water therefore, we would in essence improve the cash flows...

(Hon. Sambigi Mukuriah rises on a point of order)

Speaker: What is it Hon. Sambigi?

Hon. Sambigi Mukuriah: Mr Speaker, it is my feeling that the Member has lost the gist of this debate and is actually not addressing the debate at hand.

Speaker: Hon. Paul Ngeche please make sure that you don't drift away from the topic. Proceed.

Hon. Paul Ngeche: Thank you Mr Speaker. I might have lost the main point but I wanted to say something in relation to that. We already have co-operatives that are operational and now we want to establish cooperatives to be supplying water to our people. Therefore, my point is that the already operating cooperatives need the resource that will be supplied by the new cooperatives that will be formed since they are interdependent. Water being a basic commodity is required by almost every establishment, we cannot run away from it. On this idea of having a cooperative society...

(Hon. Kamau Gathungu rises on a point of order)

Speaker: What is it Leader of Majority Party?

Hon. Kamau Gathungu: I am looking at the screens and there is a message that, 'there is no link'. I am therefore wondering whether the Hon. Member has been captured by the Hansard.

Speaker: The point has been noted. As you are aware, these are electronic devices and they are prone to such vulnerabilities and as you can now see, the screen is on. Proceed Hon. Ngeche.

Hon. Paul Ngeche: Mr Speaker, the point of having a cooperative managing our water resource is a noble idea which we need to adopt in this Assembly so that we can solve the menace of lack of water. I therefore support this motion. Thank you.

Speaker: Yes Member for Githiuro, Hon. Simon Sambigi.

Hon. Sambigi Mukuriah: Thank you Mr Speaker. I also rise to support this motion and I would like to point out from the onset that Hon. Kariuki was in order to move the motion for me because I had made prior arrangements with him.

Mr Speaker, in view of the fact that Nyandarua County is a water tower and that per capita infiltration of water in the county is extremely low, it is my feeling that we should use our cooperatives as the driving force to ensure that our people enjoy this commodity. The reason is that the cooperatives already enjoy the infrastructure of the local community that own them and it would be easier for them to not only manage but also to make it effective.

When we look at water as a basic commodity, we find that the major challenge facing the County Government is lack of capacity. That is the reason we are looking at cooperatives as the main drivers because the ownership will belong to the people and from there, even the collection of the levies is going to be made easier and ultimately, lowering the cost of operations.

We cannot ignore the fact that the cooperatives are going to create employment for our youth who are looking at the County Government as a source of employment after devolution. At the same time, when we look at cooperatives as entities by themselves are owned by the people and therefore ownership will not be an issue. People will own these cooperatives. I will expound more on how the cooperatives might partner with the County Government especially through the Department of Trade which can sink boreholes for the cooperatives. Then the cooperatives can repay this money after they charge the distribution of waters to the people.

Mr Speaker, I beg to support the motion. Thank you.

Speaker: Thank for you contribution Member for Githiuro. Yes, Hon. Kariuki Muchiri, Member for Murungaru.

Hon. Kariuki Muchiri: Thank you Mr Speaker. I rise to oppose this motion. This is because we already have existing cooperative societies. In fact, we have so many dormant cooperative societies in this County and Members of this Assembly will agree with me.

In the first assembly, we tried to revive these societies and actually, we revived some of them. Some survived and others collapsed again. Already we have programs that address the issue of water provision. We have water providers some of whom are very active and I believe that in every ward we have a water provider although I stand to be corrected. For example, in my ward, we have two water providers. We have Muhonia-Turasha water project that provides water to the residents of Murungaru ward and Githioro ward. We also have a 3M Water project, the Mikaro-Mukungi-Mumui water project. Mumui is in Githioro ward while the others are in Murungaru ward.

Mr Speaker, in my ward we had a giant cooperative society called 'olalaguay' cooperative society. It is as dead as a dodo and there are others, about three of them. Muki is a very big cooperative society and it covers a large area of this county. We have another one in Murungaru called Umoja Cooperative Society. Some of them have a problem of even paying their staff members. If they are unable to manage milk and other commodities in their line of work...

(Hon. Sambigi Mukuriah rises on a point of information)

Speaker: What is it Hon. Sambigi?

Hon. Sambigi Mukuriah: Mr Speaker, I would like to bring to the attention of this House that the Hon. Member is deliberately misleading this House by saying that Muki is a cooperative society. Maybe we should know the true definition of a cooperative society so that we can understand whether it lies in that cadre. Muki Sacco according to me is a private entity and I am using the shareholding rights of the members. If an individual holds more than sixty percent of the shares in the company, it cannot qualify as a cooperative society.

Secondly, the 3M that the Hon. Member has just alluded and happens to serve my ward and his ward has been mismanaged and the politicians have done little to help it. I am saying this from what happened in the last assembly. Even the purchase of pipes for the two water providers was interfered with by the political class of the time. So when I say that we also look at cooperatives, am not saying that they are going to eliminate the existing supply chain. What we are saying is that we are going to compliment because apparently the existing ones have not supplied adequate water. And when I talk about adequate water, I mean water that is safe and in large quantities so that the farmers do not have to go the rivers even during the dry season. Thank you Mr Speaker.

Speaker: Thank you member for Githioro. Hon. Kariuki Muchiri you can continue but you have been informed that Muki is a private firm. Continue.

Hon Kariuki Muchiri: Mr Speaker he rose on a point of order because if it was a point of information, the chair ought to have asked me whether I need the information since that is the procedure of this House. A point of order is allowed by you but if it is a point of information, it is I who needs the information; possibly I did not need that information. All the same because you have given me the chance, I will proceed.

What I was saying is that, in my view we need to first of all address the issues in the existing cooperative societies as a County: Are they functional, how many are functional, how many need to be revived because they are very many. We should prioritise on making all the cooperative societies in this County operational before we start opening others. This is where am coming from. Am not opposing for the sake of opposing, am opposing from a point of experience. For example,

if there is a problem, we need to address that problem so that water can be provided in a way that is sustainable and will reach every member of the society. If, as members, we agree to open more cooperatives without addressing the existing ones, we will be missing the point. What am saying is that we should first of all strengthen the existing cooperatives and again, when they are being registered, they are to do specific functions. First of all, we know that this is cooperative A, when it was being registered, did it incorporate the water component in its program because if it did not, we should go and lobby in the cooperative society to include water component in their agenda.

(Hon. Sambigi Mukuriah rises on a point of information)

Speaker: Hon. Kariuki Muchiri there is a point of information. Do you need it?

Hon Kariuki Muchiri: I don't require it.

Speaker: Okay, you have two minutes to wind up.

Hon Kariuki Muchiri: Thank you Mr Speaker, as I was saying and in good faith is that we need strengthen the existing ones and review their management which is very poor. When that is done, we can now think about the water through cooperatives because the others are legal entities. So how do you remove them and start...

(Hon. Sambigi Mukuriah rises on a point of information)

Speaker: Hon Sambigi the contributor is not in agreement with your point of information so I would urge the contributor to wide up because you have a minute.

Hon Kariuki Muchiri: Thank you Mr Speaker. As I was saying, it is good to know the genesis of this motion which is that, the water providers are not doing enough for the people. So the other one will come to supplement what the water providers are doing while in my view, we need to look into the issues of the existing water providers first and then see if we can start with the registration of new cooperatives in every ward. As I wind up, we should train the management of the water providers and cooperative societies in the county. If they fail, then we can establish new cooperatives. With those remarks, I oppose the motion.

Speaker: Okay, thank you member for Murungaru. Yes member for Weru. Hon. Simon Mbogo Mburu.

Hon. Mbogo Mburu: Thank you Mr Speaker. I rise to support the motion. I want to correct the Hon. Member for Murungaru because according to his contribution he has supported the motion. As stipulated in the motion, it is well elaborate that initiating new cooperative societies is one of the bullets and the other one is by encouraging the existing cooperatives and that is what he has said. The other one is identifying how we are going to revive the existing ones. So he is out of order when he says that he is rejecting the motion and then he contributes to it.

Nevertheless, mine is to support it. I want the Hon. Member for Murungaru to be aware that the case study he is using is for his own ward but when you go to Weru ward, we don't have any existing cooperative society that is originating from the county government. So I am in agreement with the motion because I want an initiated cooperative society that is going to provide my people with water that is going to be manned by the county government. So the case study of one ward cannot dictate how the whole county is going to be managed.

Mr Speaker, if you go to Oljoro-Orok today, you will note that they pay sh.500 as a standing charge and they get a drop of water in three weeks' time. The member for Githioro brought a good motion so that we can support our people. What we should do is to have nourishment of this motion, we support it and even introduce some more points to it so that we can help our people. I support the motion in totality. Thank you Mr Speaker.

Speaker: Thank you member for Weru. Yes, majority leader.

Hon. Gathungu Kamau: Thank you Mr Speaker Sir. I rise to support this motion and say that it is timely. I have heard the Hon. Members saying that we have some water projects but what we have are giant cartels. In my ward, we share one water body Leshau Karagoini water project with Mheshimiwa Gaita and it is causing suffering to our people more than helping them because it's poorly managed. As the saying goes, "if you don't plan, you are planning to fail." If we were to empower the cooperative societies so that they could supply water, some of the cooperative societies are doing very well in their various activities, and if they would supply water to the people as are doing with their main role such as selling milk then we would solve water problems.

I would say that Nyandarua is blessed to have a lot of water despite the fact that I come from the driest part of Nyandarua. We have large water bodies and dams but there is poor management of these resources.

We were promised by the president that we shall get three mega dams, Malewa Kinja and Pesi. I would want to say that even if we have those dams and we do not manage the facilities well that will be an exercise in futility. The governor said that he will have boreholes drilled after every few kilometres. If they shall not be managed properly, it would be better if they were not drilled. After being drilled by the county government and laying the required infrastructure for them since that is the much we can do, then they can be handed over to the cooperatives for them to manage. Without proper management there is no much we shall be doing. I support the motion.

Speaker: Yes member for Engineer Hon. Samuel Njatha.

Hon. Samuel Njatha: Mr. Speaker I rise to support the motion. The mover of the motion is right in seeking our support. Our county gives water to other counties and our people do not have water for their use. I may say that there are cartels that hinder people from Nyandarua from accessing water.

In my ward, the county government fully funded a water project to supply people with water from Aberdare but the funds were mismanaged. Had they used the funds well people in my ward would be having tapped water.

I urge the House to come up with ideas on how to streamline water projects in the county. I would also proposed that we disband some of the water providers that have failed our people. I support the motion.

Speaker: Yes member for Gatimu Hon. Kieru Wambui.

Hon. Kieru Wambui: Thank you Mr Speaker, I want to appreciate the thought behind this motion and it is timely, since this is the beginning of operations of a new government. If the motion is implemented, then we shall have time to see the fruits of the implementation of the motion.

In Nyandarua County we do not have any organization that we can say manages the Nyandarua county water affairs. You will find that a group of people may decide to manage water as long as they have the licence from WRMA. These people to some extent become a burden to the people or the so-called cartels as a Hon. Member has put it.

Time has come that the Nyandarua county government as early as now, looks into the matter as proposed in this motion with a view of legalizing water control bodies within areas of our representation. We require entities that the county government can control. Mr. Speaker you will realize that the so-called water management bodies or welfares are private. When we have societies owned by the public and whose leadership is elected by the people and governed by the cooperatives regulations and operations of a government entity we shall not have problems like those that we have now.

I want to give an example of a water organization called Nyakanja. This organization was started for providing clean and safe water to the people of Gatimu. Mr Speaker because of lack of platform under which the organization operates, it is treated as a private entity, it stopped being a welfare group to a private company that provides water to the people of Gatimu. The resource and the land from which water comes from belongs to the public. The channels through which people get water were dug by the people when we were little boys. They dug the trenches and laid those pipes. After some time some wealthy people converted that into their own project. As we speak, the matter is before the court that is the public and a group of people that registered the welfare society as a private entity.

Mr Speaker we should have an organization and regulations or laws governing water in Nyandarua, and we initiate programs in all county villages and sensitize the public on the need to start cooperative societies to supply piped water to homesteads. Mr Speaker you appreciate the mechanisms in which cooperatives are initiated, the rules and regulations that must be followed. This will ensure that no one takes away what belongs to the public.

Our mothers, now they are *cucus* (elderly), sweat digging those trenches but today the wealthy people converted that organization into a private entity. To stop this it calls for the Nyandarua County Government to put mechanisms to stop that in future. What will stop those that call themselves leaders from converting what had been started by the public into a private entity? They steal public resources and then subject the public to endless battles in courts. The only cure is to establish cooperative societies with a view of supplying water to the people. The mechanisms under which the cooperatives societies are formed are within the law and no one can steal them. It should be ensured that the greatest shareholder is the county government and that the officials of the cooperatives societies abide by the rules and regulations governing cooperative societies.

Secondly, we should encourage the existing cooperatives societies to venture into the business of supplying piped water to the people within jurisdictions of their operation. If there is an existing cooperative society in Gatimu ward it should be allowed to venture into the business of supplying water in Gatimu ward. It would be easier because the funds in the water docket are wired to them and the water supply to the people will be efficient. This would make easier for Wanjiku to have water all the time.

Thirdly we should identify ways through which the county government can assist the said cooperatives. The Kshs. 8 million per ward in the budget may not be enough. There are some members who had the ward development funds added to that funds and it could be Kshs. 8 Million plus. We saw pipes being laid, boreholes being drilled but people cannot access clean water still. What is the problem? The answer is within the management of the water management organizations that we have. These hard questions' answers are within the management of water organizations that we have. That is the only problem Mr Speaker. Why, because in Nyandarua, it was said, only Ndaragwa, sorry to say so, there was a geotechnical survey that was done within Nyandarua some years back by the ministry of water and it was said that there is plenty of water underground. If you sink a bore hole, chances of getting water are 90% with the exception of very few areas in Ndaragwa.

So what does that mean? One, we have underground water. Two, we have sources of water. Nyandarua has many sources of water and I can give you an example from my ward. It has four sources of water that do not dry up day in day out. Whether there is dry spell or not. Like there is one source that was surveyed and the results were that it can run 24 million cubic meters of water in a day. What does that tell you? That water flows and goes to Thompsons falls and goes to Rorian swamp and that water help people from those areas of Samburu. I do not say that those people

should not benefit but the issue is we have sources of water in Nyandarua but our people do not have water. Then what is the problem? The problem is with us and the leadership and even the people managing the water organizations are messing.

Finally, there is the so called the Nyandarua Water and Sanitation Company. It's an organization owned by the government. Initially it was owned by the local government, the Nyandarua county council. Today, Nyandarua county government owns it. The so called Rift Valley in Ol'kalou, it's also an entity within Nyandarua County Government.

Mr Speaker, in as much as those entities belong to Nyandarua County Government, and are independent, they are companies and they should not continue terrorizing the people of Nyandarua in the name of a company. So they board seats today, decide to increase water tariffs because it is a board. That water body decides today that, water will only be supplied for three hours in a day, and it becomes so, and water supply is sufficient and there is water today, tomorrow and it does not mean that because water is not flowing, so they ration it.

So what is the problem? These people are paid by public money and I can tell you, Nyandarua water office which in Nyahururu, and it supplies water mostly in Gatimu, Weru and some parts of Ndaragwa in Kirita. That organization, pays its staff using the public money that come from the National Government. It is only the board that benefits from the tariffs that the Kenyans of that area pay. If these people are still employees of Nyandarua County Government, why do you have to tell me that I pay sh.500 standing charge plus what I use, and per month you realize that e.g. myself, and we are only three in our house and we are spending, sh.1, 800 per month. What am I doing in my homestead that I have to pay that amount? It does not make any sense to me or to any one and therefore those people are terrorizing others.

We have these kind of organizations, organizations owned by the people themselves, and I am saying this because I hear the Governor is bringing a water act for Nyandarua. Let that water act regulate all these things, the water service providers, the water tariffs, the standing charge, rationing. Let that act solve all the messes we have because we cannot enjoy to be the sources of water but our people do not have water.

And Mr Speaker, supporting this motion I would say that it has come at the right time. When this motion passes because I know it will pass today, irrespective of only one oppose I have heard, what we need to do is to initiate a process of sitting down with the executive.

In 2013, Governor Waithaka talked of roads all over, let us now sing, water all over because you cannot say the way roads were in 2013, is the same way they are today. But we can say we have a major problem of water. Many members can tell that most of the issues disturbing them are roads but another major issue is water. So after this motion passes, let your office trigger a meeting with the executive so that we can address this menace of water management and I support.

Speaker: Thank you member for Gatimu. Yes Jane, county member.

Hon. Waweru Jane: Okay. Thank you Mr Speaker Sir. I rise to support the motion and also congratulate Mr Sambigi. For sure it is a good idea because there is a saying that says "maji ni uhai". If there is no water, there is no life. After looking at the consequences of lack of water, I realized that there is absenteeism of children from school. You will find that some children are walking for so many kilometres searching for water which makes them not go to school.

Another consequence is women not working because most of the time they are walking from one valley to the other to fetch water. If everybody has water, everything goes well and becomes easier. So I support the motion 100%.

Speaker: Thank you Hon. Jane. Reading from the mood of the house it seems as if the contributions have been exhausted. Hon. Jane I would request you to call upon the mover to respond.

Hon. Waweru Jane: I call the mover of the motion.

Speaker: Yes Hon. Kariuki.

Hon. Geoffrey Kariuki: Thank you Mr Speaker. I stand to move this motion.

First of all, am grateful to members of this House because from their contribution it is clear that water is a big problem in this county and with passing of this motion, and the majority having supported this motion, it paves way for the executive to be able to undertake one of its major manifestos which is water. They will now have a chance since us as the members who are close to Wanjiku, we have shown that water is one of the many driver that can drive this country and it's a commodity if well taken care of.

We need a revolution as far as the economy of this country is concerned because there is nothing we can do without water. We want to be proud of agriculture and it cannot be effective without water. So I urge the members to pass this motion so that we can now forward the duty to the County Government to make sure that this county has enough and even surplus water, to also export to other counties without delay. In fact I would wish that it is given the first priority. Thank you very much Mr Speaker, I beg to move this motion.

Speaker: Thank you Hon. Ngaruiya, County member from Rurii.

(Question put and agreed to)

Next order.

ADJOURNMENT

Speaker: Thank you Hon. Members. The business of the day having been exhausted as it appears on the order paper, this House stands adjourned to today the 18th day of October 2017 at 2.30 pm.

(The house rose at 10.11 am.)