



REPUBLIC OF KENYA  
NYANDARUA COUNTY ASSEMBLY  
1<sup>ST</sup> ASSEMBLY-3<sup>RD</sup> SESSION  
OFFICIAL REPORT



(The Hansard)

Wednesday, 2<sup>nd</sup> November, 2015

*The Assembly met at the Assembly Chambers, Manunga Catholic Hall, at 2:30 P.M*

*The Speaker, Hon. Ndegwa Wahome, in the Chair*

Prayer

Speaker: Next order.

**COMMUNICATION FROM THE CHAIR**

**SPEAKER'S GUESTS**

**Speaker:** Hon. Members I have two communications to make. As a tradition of this House of welcoming guests, I have in the Speaker's gallery, the pupils of standard 4 and 5 from Mahinga Primary School in Kipipiri ward of Kipipiri Sub County and the delegation is led by their teacher, Mr. Joseph Nderitu. You are welcome to the sitting of the Nyandarua County Assembly.

*Applause*

**GUIDANCE FROM THE CHAIR ON WHETHER FEMALE MEMBERS WERE PROPERLY DRESSED**

Hon. Members, I also have another communication; you remember at 9 a.m. on Wednesday, 25<sup>th</sup> November 2015, the Member for Leshau Pondo (Hon. Joshat Kamau) rose on a point of order and sought guidance from the Chair on whether female Members were properly dressed within the meaning of our adopted Code of Conduct and particularly cited the wearing of boots.

For the benefit of Members who were not in the House at the time. I did commit to give a ruling on the same at a later date. The mode of dressing for Members is defined in the Assembly's Code of Conduct. In particular, Article 35 of our adopted Members Leadership and Integrity Code, 2014 provides as follows and I quote:

- i. A Member shall while in the precincts of the Assembly or in other place likely to reflect the business of the County Assembly, dress himself or herself in a manner befitting the status of an honourable Member and which upholds the dignity and honour of the County Assembly as a law making institution.
- ii. In particular a Member shall, while entering the chamber of the Assembly, lounge or dining in the Assembly, and while in public participation and meeting dignitaries, be dressed in coat, tie, long trouser, shoes, socks if the Member is male, with necessary modifications if the Member is female, or a recognized national dress, hats and scarves for female Members.

Hon. Members, the question of proper dressing or otherwise in the House, though defined in the Article quoted above has been a constantly recurring phenomena in parliaments and in Kenya over the last fifty or so years, that parliament has existed as an institution in independent Kenya. As Members may expect, several communications have been made on the subject matter.

For instance, on 16<sup>th</sup> April, 1968, the Chair, while responding to an objection on the dressing of a Member, ruled as follows:

“Honourable Members, as I have said on other occasions, we have no Standing Orders concerning dress, which I can enforce. It rests on the collective opinion of the House as to what is or is not proper dress. If Mr. Mbogo does not meet with the approval of Hon. Members, he will doubtlessly hear about it.”

Similarly, on Tuesday, 9<sup>th</sup> November, 1993, the then Speaker of the National Assembly made this ruling and I quote:

“...As a guide, Hon. Members are allowed into the Chamber while wearing a coat, collar tie, long trousers, socks and shoes or service uniform or decent national dress for men and an equivalent standard for ladies. As practice also, Hon. Members of the Islamic faith have in addition, been allowed to wear a white “kanzu” buttoned at the neck and with a jacket, preferably a black one, worn on top of a cap, socks and shoes...”

Hon. Members, rulings on the matter are numerous. As you can deduce from the foregoing, therefore, the application of the Code of Conduct on dressing has been applied with some degree of latitude. This is further compounded by the elusive concept of national dress.

However, let me reiterate the spirit of the said Code which is not restricted to the concept of proper dress code, but extends to capture a deep reflection on the need to uphold the dignity of the House, which should be jealously protected and defended.

The issue of appropriate dress is still evolving. While there is no Standing Order providing for dress code, we cannot disregard the commonwealth parliamentary practices on customs and traditions of the House of Commons on dress code. Various precedents by renowned authors on matters of parliamentary practices and procedures prescribe that men should wear a shirt and tie whereas women are expected to dress in smart businesslike attire.

Tradition and practice require all Members, male or female, to dress in contemporary business attire. The contemporary practice and unwritten rule require, therefore, that male Members wear a jacket, shirt and tie as standard dress and female Members adorn a formal businesslike outfit.

The question at hand is to whether the Honourable Members dressed in boots were within the prescribed code of dressing. The Oxford Advanced learners' dictionary defines a shoe as;

“One of a pair of outer coverings for your feet usually made of leather or plastic”

Further a boot is defined as;

“A strong shoe that covers the foot and ankle and often the lower part of the leg”

Therefore, in the instant matter, I find that the Members who were dressed in boots did violate the provisions as to the appropriate dress code of the House, which requires one to be in a shoe, as a boot does not fall within the definition of the same particularly when looked at within the concept of “business-like attire”. This then brings us to the question of the type of shoe that would be said to portray an acceptable parliamentary dress code for shoes.

Despite my spirited efforts, I have not been able to find an agreed position, codified or otherwise, on the same. The same case and from the foregoing, applies to the wearing of overcoats or raincoats. This also cannot portray “business-like attire” as contemplated in the conventional parlance of the word or statement.

Honourable Members, the essence of this communication is not restricted to the concept of proper dress code but extends to capture a deep reflection on the need to uphold the dignity of the House, which we should jealously protect and defend. I therefore urge all Honourable members to uphold the dignity of the House as we endeavour to come up with the Speaker's

Rules to guide on the conduct and manner of behavior of Members within the precincts of the Assembly.

In the meantime, I request any Member with a suggestion(s) on the appropriate code of dressing in the Chamber, in Committees, in the Lounge and dining areas to forward them to the Chair so that we can have a fresh discourse on the matter.

*Hon. Githinji Mwaniki rises*

What is it Member for Geta, Hon. Githinji Mwaniki?

**Hon. Githinji Mwaniki:** Thank you Mr. Speaker for your wise ruling. I think it is appropriate for members to have a copy of the ruling so that they can acquaint themselves with the issued guidelines.

**Speaker:** Very well, copies of the communication will be made and dropped in the members' pigeonholes as requested.

*Hon. Kiruka Mburu rises*

What is it Member for Charagita, Hon. Kiruka Mburu?

**Hon. Kiruka Mburu:** Thank you Mr. Speaker. I rise to seek your guidance on whether a 'safari boot' can be considered part of a formal dressing.

**Speaker:** Safari boot does not befit a 'business-like attire'. It is actually treated as jungle or casual wear and therefore not a business wear.

*Laughter*

*Hon. Kimani Njiraini rises*

What is it Member for Kaimbaga, Hon. Kimani Njiraini?

**Hon. Kimani Njiraini:** Thank you Mr. Speaker. I rise to seek your guidance on the issue.

According to the guidelines, must the jacket as part of the dress code be black or a dark colour?

**Speaker:** Most of the rulings I have gone through regarding dress code in commonwealth countries are not clear since they say a jacket, preferably, black in colour. It does not say it must be black or dark coloured but only indicates that black is preferable. For the time being, jacket of any colour would do. Yes, Member for Kipipiri, Hon. Michael Kirumba.

**Hon. Michael Kirumba:** Thank you Mr. Speaker. I rise to seek some clarifications regarding the specific business-like attire for women. I think we need to cite one business-like attire for the women so that we can have a standard and an imagery of what to expect. To give a practical

example, I think Hon. Anne Kionero is dressed very well in a skirt suit. Let us give credit where it is due.

*Laughter*

Therefore, I think a skirt suit is best for ladies and fits the ‘business-like attire’ definition. Thank you Mr. Speaker.

**Speaker:** In majority of the literature I have gone through, they have indicated that a business-like attire is a skirt suit for women. Therefore, Member for Kipipiri is correct in applauding the speaker’s communication.

*Applause*

Next order!

### **MOTION**

RESPONSE TO THE STATEMENT REQUESTED BY HON. DORCAS NYAMBURA KIHARA  
CONCERNING THE OPERATIONS OF THE DEPARTMENT OF WATER, ENERGY,  
ENVIRONMENT AND NATURAL RESOURCES

**Speaker:** Yes, Member for Charagita and Chairperson, Committee on Water, Environment and Natural Resources, Hon. Kiruka Mburu.

**Hon. Kiruka Mburu:** Thank you Mr. Speaker sir. I wish to move the following motion:

That this House does adopt the Report of the Committee on Water, Environment and Natural Resources in a Response to the Statement Requested by Hon. Dorcas Nyambura Kihara Concerning the Operations of the Department of Water, Energy, Environment and Natural Resources as a report of this House and recommendations therein as the resolutions of this House.

Mr. Speaker sir, I think I shall go through this report page by page in order to highlight pertinent issues:

#### **Summary of key findings**

Mr. Speaker, the Committee on Water, Environment and Natural Resources, in pursuit of the answers sought concerning the operations of the sectoral department in charge of Water, Energy, Environment and Natural Resources, found out that the department, which is housed by Ol’kalou Water and Sanitation Company, is highly understaffed.

The Ol'kalou Water and Sanitation Company (OLWASCO) is supposed to be autonomous in operations but is currently run by the Rift Valley Water services Board. The staff, however, are paid by the Nyandarua County Government which poses a challenge because; the county government has no power to supervise them effectively since most of the staff members were inherited from the National Government and have not been aligned to the County Structures. The Water supply companies on the other hand, are expected to pay their own staff with the income they collect.

The department has articulated its vision, mission and a ten year strategic plan, as required by the County Government Acts part X1. It is important to note, however, that the pace at which operations are run is not satisfactory and, the department may not realize its goals unless, some streamlining is done and the operations of the Water Service providers clearly defined. The County Public Service Board should, therefore, intervene for effective and efficient operations of the Water, Energy, Environment and Natural Resources Department.

### **Acknowledgement**

Mr. Speaker, on behalf of the committee on Water, Environment and Natural Resources, I wish to thank your office, for giving us the necessary support throughout the process of inquiry and the report writing exercise. I also wish to thank all Members of this Hon. House for giving us the opportunity to carry out our mandate, as stipulated in our Standing Orders. I would also wish to thank the Office of the Clerk which played an instrumental role by offering the committee technical support throughout its operations.

We also register our appreciation to the CEC member for Water, Energy, Environment and Natural Resources and her Chief Officer for their support during our interactions in pursuit of the committee's mandate. Their cooperation in providing the necessary information to the committee was highly appreciated.

To the members of my committee, thank you for your commitment and dedication.

### **Committee's composition**

The committee comprises of the following members:

1. Hon. Paul K. Mburu - Chairman

2. Hon. Moses Mwicigi - V/Chairman
3. Hon. Mwangi Gichuki - Member
4. Hon. Paul Maina Nderitu - Member
5. Hon. Kimani Njiraini - Member
6. Hon. Monicah W. Kariuki - Member
7. Hon. Teresiah Njoki - Member
8. Hon. David Ndirangu Mwangi - Co-opted Member.

#### **Secretariat**

1. Grace Ng'ang'a - Committee clerk Assistant
2. Samuel Gicheha - Committee clerk Assistant
3. Stephen Mwangi - Sergeant-at-Arms

#### **Committee's Mandate**

Pursuant to Standing Orders 191(5), the functions of a Sectoral Committee shall be to;

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) study the programme and policy objectives of departments and the effectiveness of the implementation;
- c) study and review all county legislation referred to it;
- d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the Assembly;
- f) to vet and report on all appointments where the Constitution or any law requires the Assembly to approve ; and
- g) make reports and recommendations to the Assembly as often as possible, including recommendation of proposed legislation.

#### **Executive summary**

Mr. Speaker, Sir; the Constitution of Kenya 2010 conceived a new dispensation where some functions were devolved to the County government and others left with the National

government. Functions relating to Water Resources Management are shared between the National and County Governments. Part two of the fourth schedule of the Kenyan Constitution spells out the specific functions devolved to the County Government (Constitution of Kenya, 2010).

It is paramount that Nyandarua County establishes good structures that will ensure the County performs its mandate efficiently and effectively, as outlined in the constitution. This calls for clear policies and infrastructure to guide the operations of the department, as well as legislations to regulate the operations of the department and other water service providers in the county. Clean water and sanitation provision is a function that not only requires a heavy investment but also maintenance, monitoring and continuous development.

It is also important that the department defines the relationships and specific roles expected of the various agencies, this will be instrumental in streamlining services offered by the department. Clear policies and legislation on County management and utilization of water and other natural resources is crucial in ensuring efficient use of these resources and conservation for sustainability.

### **Introduction**

The department on Water, Energy, Environment and Natural Resources is one of the ten departments in Nyandarua County Government. It is headed by the County Executive Committee Member, Madam Grace Gitonga.

The department is hosted by Ol Kalou Water and Sanitation Company due to lack of office space at the County Headquarters. The department, however, hopes to build its own permanent premises subject to availability of funds.

### **Background**

Mr. Speaker, on 6<sup>th</sup> August 2015, a statement request was made by Hon. Dorcas Kihara seeking that the chairman of the committee on Water, Energy, Environment and Natural Resources provides answers to the following questions regarding the Water, Energy, Environment and Natural Resources department:

- i) The functions and mandate of the said department.

- ii) Whether the department, in accordance with the County Governments Act, possesses a ten year strategic plan and if not, the reasons thereof.
- iii) Whether the department has developed a service charter and if not, the reasons thereof
- iv) The status of human resource in the department, including their distribution in the County.
- v) The number, and status, of assets owned by the department
- vi) The relationship between the department and water supply companies such as Ol Kalou water and Sewerage Company.
- vii) The gaps of human resource that ought to be filled in the department.

### **Committee's findings**

Mr. Speaker, the committee invited the CEC member in charge of Water, Energy, Environment and Natural Resources who submitted the requisite documents relating to the questions raised and clarified that:

1. The functions of the Department on Water, Energy, Environment and Natural Resources are as specified in part two of the Fourth schedule of the Constitution which includes:
  - Implementation of specific national government policies on natural resources and environmental conservation, including— (a) soil and water conservation; and (b) forestry.
  - Electricity and gas reticulation and energy regulation.
  - Refuse removal, refuse dumps and solid waste disposal.
  - Storm water management systems in built-up areas; and
  - Water and sanitation services (Constitution of Kenya, 2010).

The specific County functions have been specified and explained further in annexure 1.

2. The department's strategic plan for the period 2013-2023 is encompassed in the Sectoral Plan for the Productive Sector which incorporates Water, Energy and Natural Resources, Cooperatives, Trade and Tourism.

The document, as tabled before the committee, indicated that strategic goals regarding the department include; natural resources conservation and management, Environmental

Conservation, Sustainable resource management and promotion of renewable energy sources.

The Medium Term plan has selected projects that need to be implemented and the committee is hopeful that it will be able to play its oversight role to ensure that such flagship projects are effectively and prudently implemented.

An extract of the sectoral plan for the productive sector showing the Department's plan is attached in the report (*annexure2*)

**3. Whether the department has developed a service charter and if not, the reasons thereof:**

It was indeed confirmed that the department has a Service Charter in place which is annexed herein as *annexure 3a*.

The department has developed, and adopted, a Departmental Vision and Mission and the strategic objectives *Annexure 3b*.

**4. The status of Human Resource in the Department and their distribution.**

The department's workforce is very lean and there is need to recruit more staff to operationalize it optimally.

The total number and distribution of staff is tabulated in *annex 5*.

Currently only 19 employees are in post as summarized in *Annex 4a* based on the ratified organization structure adopted by the County Executive Committee shown in *Annexure 4b*. However, with the realization of the department's already approved organizational structure, the workforce is expected to comprise 93 employees.

Despite the lean workforce in the department, the total number of salaried employees is 86 and includes; staff seconded from the National Government, 21 members belonging to the Nyandarua Water Company and 19 others who work for the Ol Kalou Water and Sanitation Company.

It is worth noting that the said water companies are parastatals or government agencies which are expected to be autonomous in their operations but are currently being funded by the County Government.

**5. The number and status of Assets owned by the department:**

A list of the department's assets was presented to the committee, herein attached as *annex* the committee, however, noted that there are boreholes and water pans and dams omitted from the list and it hopes to ascertain the ownership of the facilities thus omitted.

6. The relationship between the department and the Water Supply Companies like Ol Kalou Town Water and Sewerage Company:

The relationship between the Water Supply companies and the Department is one of a government and parastatal under the ambit of the department.

There exists two water companies which, ideally, should operate autonomously like parastatals.

These are: 1. *Ol'Kalou Water and Sanitation Company* that serves the residents of Ol Kalou town but is, in future, expected to serve all major towns in the County and

2. *Nyandarua Water Company*, serving the rural areas and also provides irrigation water for the county's rural residents.

The department is currently housed by the Ol Kalou Water and Sanitation Company but hopes to put up its offices in the adjacent plot, subject to availability of funds.

7. The gaps in Human Resource that need to be filled in the department:

The department should, ideally, have an establishment of 93 staff members. However, currently, it only has 19 in post, as indicated in the documents attached herein. Therefore, to be fully functional, the department needs to employ 67 more employees who ought to be recruited by the County Public Service Board.

Employees already working for the government (seconded by National government) and its agencies (water providing companies) will be considered first while filling the positions but, off course, in line with their competencies and job requirements.

### **Committee's recommendations**

The committee recommends that;

1. The public Service Board recruits the requisite number employees to ensure the department achieves its goals and mission, and conducts a comprehensive job analysis for the staff in the department.
2. That the Department fast tracks the draft bill on Water and Sanitation Services and presents it to this Assembly for processing and approval in order to streamline the operations of the department.

3. That the activities of the Water providing companies be regulated to ensure they serve the interests of the residents of Nyandarua County.
4. The County Government continues to forge partnerships with the National Government and other development partners to secure enough funds for the department's success.
5. The County Government ensures public facilities, like dams, are registered as such after demarcation to guard them against grabbing by individuals.
6. That the Department takes an inventory of public dams and boreholes in the county and gathers statistics on the number of people with access to piped water.
7. That the department prepares a progress report on their implementation status of water projects in the CIDP to the committee for monitoring and oversight purposes.

### **Conclusion**

Mr. Speaker, It is worth noting that this Department is yet to operationalize fully. This partly due to the staff shortage, as is shown in the organization structure, and also because streamlining of the department's operations, to include the irrigation section; in order for it to benefit from the National Government through the National Irrigation Board funds, is yet to be done. Currently, the irrigation section is under the department of Agriculture, livestock development and Fisheries.

The department also lacks a director in charge of Energy and Environment conservation which has detrimental effects on this very crucial component. It is my sincere hope that the department will be empowered execute its mandate, by being adequately funded, and that the required staff will be engaged in the operationalization of the department. The department also needs a law to guide its operations in the County and this is only possible with the good will of this Hon. House. Mr Speaker, I now call Hon. Kimani Njiraini, member for Kaimbaga to second the motion.

Thank you.

**Speaker:** You have said the member for Kaimbaga? Member for Charagita, who have you called to second your motion?

**Hon. Kiruka Mburu:** The Member for Kaimbaga.

**Speaker:** Okay, member for Kaimbaga, Hon. Kimani Njiraini.

**Hon. Kimani Njiraini:** Mr Speaker, you know in this House we have two members who answer to the name ‘Samuel Kimani’, that is, the member for Weru and I and so if a member is referring to me, they should add my third name- ‘Njiraini.’

I thank the chairman of the Committee on Water, Environment and Natural Resources for ably moving the motion. Every ward in our county should have a water project. This is in view of the fact that most of our people do not have access to clean water.

Mr Speaker, most town centres in our county are strewn with litter. The litter needs to be collected. In our county there were many boreholes sunk by the whites during and after the colonial era. Most of them are still existent and they just need rehabilitation by the county government.

The Ol’kalou Water and Sanitation Company as well as Nyandarua Water Company are very crucial. They will enhance provision of water to our people. In Ol’kalou, for example, there has been no regulated water rates. Recently the rates were raised from Kshs. 200 to Kshs. 500. The water rates need to be controlled and a policy for the same should be formulated. It is unfortunate to increase the water rates yet there is limited supply of water.

Recommendations number six (6) of the report states that the Department should take

“An inventory of public dams and boreholes in the county and gathers statistics on the number of people with access to piped water.”

In relation to this, the title deeds of the lands on which public dams and boreholes in our county sit should be retained by the Department of Lands, Housing and Physical Planning.

Recommendation number seven (7) of the report states that “the department (should) prepare a progress report on their implementation status of water projects in the CIDP to the committee for monitoring and oversight purposes. I find the import of this recommendation ironical because the Department of Water, Environment and Natural Resources cannot enhance implementation of water projects whereas there is no enough land for this.

Recommendation number two (2) is very critical. It states that “the Department should fast track the draft Bill on Water and Sanitation Services and presents it to this Assembly for processing and approval in order to streamline the operations of the department. This reminds me

of how rain water runs into people's homes in our major trading centres like Huruma. During this rainy season some families have been displaced by floods.

There has been a tussle between the Departments of Water, Environment and Natural resources concerning which department should be responsible for solid wastes disposal in our county. This happens as solid wastes continue to be dumped on road sides especially in our trading centres. To enhance afforestation, the Executive should procure tree seedlings for planting especially during this rainy season. With those remarks I beg to second.

Thank you.

*Question proposed*

**Speaker:** Yes member for Kipipiri and the deputy Leader of Majority, Hon. Michael Kirumba

**Hon. Michael Kirumba:** Thank you very much Mr Speaker. I rise to support the motion.

The report is very clear.

Mr Speaker, for me annexure 6, which is about a list of departmental assets is not complete. There is, for example, a borehole at Munyeki that has not been captured in the said annexure. The list of departmental assets should be all-inclusive. It is advisable for the department to do a proper assets verification.

In annexure two, they have listed all the water projects. There is a project in this ward called Mugitiri and it started in 1973. It is not in this list and it is one of the projects that has used millions and millions of taxpayers' money. It is just a kilometre from here on your way to ranges. It is interesting that one can miss a project of that magnitude. This started even before Hon. Ngilu and Hon. Martha Karua were cabinet ministers.

**Speaker:** Member for Kipipiri, is the Mugitiri not the same as the Kipipiri integrated?

**Hon. Michael Kirumba:** No Mr. Speaker. Those were two different projects.

**Speaker:** Did they run parallel to each other?

**Hon. Michael Kirumba:** Yes. A pipe was put from Geta to this place. You can imagine the millions of money that is lying there. There is need for a motion or a statement specifically on Gitiri. You were born in Nyandarua and you know it. I would like the members to give their input on this.

Finally, on the work force, I can only account for three but for the rest I have seen them for the first time. There are plumbers and extension officers but what they are doing on the ground is not adding up. I urge the members to take stock of the extension officers when they go

to the ground. We can have it on paper but on the ground they are not there. I was told of one that is stationed at Geta but when I asked Hon. Githinji Mwaniki he had no idea.

This report will assist us solve so many issues especially those that are touching on water. Worst hit areas in terms of lack of water are Ndaragwa, Kaimbaga and Kipipiri because for the rest, they have water projects that are still running. Most of the southern part is better in terms of clean water. These areas should be marked out in terms of agriculture and rain consistence so that we do not end up relying on relief food. They need tapped clean and healthy water. I saw the chairperson taking notes and that is...

*Hon. Kimani Njiraini rises on a point of order*

**Speaker:** What is it member for Kaimbaga Hon. Njiraini

**Hon. Kimani Njiraini:** Is it on order for the member to address the members instead of addressing the speaker.

**Speaker:** Member for Kaimbaga, I think that you just wanted to break the monotony of the debate. The member has actually been addressing the speaker. Proceed member for Kipipiri

**Hon. Michael Kirumba:** Thank you Mr Speaker. I think the statement sought by Hon. Dorcas is well responded to and I support the report.

**Speaker:** Member for Githabai Hon. Peter Njoroge Kairu.

**Hon. Peter Kairu:** Thank you Mr Speaker. I support the motion. I don't think we should be complaining about lack of water in Nyandarua County. Githabai ward is one place that has no tapped water. I was very happy when the CEC for water told me that there will be water in that ward by February but nothing has been done so far. The ward still has no water.

There is need for a feasibility study in the whole county to see where water is needed most. Other counties have considered the areas that have no water. A county like Machakos has drilled so many boreholes to provide water for the citizens. In Nyandarua we have done nothing about it. We have a very great water catchment area but we have no tapped water.

The County Government should partner with the national government to secure enough funds so that we can fund these projects and see that these people get water. I am looking forward to a time when people will get clean tapped water. This should start with a survey especially in Githabai ward where animals die during the dry spell. There are so many squatters who cannot afford firewood to boil the water.

**Speaker:** Yes member for Wanjohi

**Hon. Mumba Gichini:** Thank you Mr Speaker Sir. I rise to support the motion. I concur with Hon. Kirumba that it is not prudent for the county to have such supervisors because that is like a wife who cannot control the House.

*Laughter and applause*

There are two different rivers that have different intakes and their source is Aberdare ranges. They have only laid down the pipes. In my area people see them but they do not know that there are some areas that do not have piped water such as Ndemi. All they have are boreholes. I urge the water department to look at this seriously.

With those few remarks I support.

**Speaker:** Member for Rurii.

**Hon. Wahome Kamoche:** Thank you Mr Speaker. I rise to support the report by the committee on water and natural resources. In the report, we can see the projects that had been earmarked. This department needs to be serious. Rurii ward has not taped water. Lack of water keeps on pulling us down.

Rurii has a spot that has a lot of water but since the county government came in, nothing has been done to give that water to the people yet it may not cost a lot of money. We are urging the county executive to come up with a bill to manage water projects in the county.

I support the report.

**Speaker:** Yes member for Engineer and the Leader of Majority.

**Hon. Mwangi Gichuki:** Thank you Mr Speaker. I support the motion. My concern is on page 11 of the report. We all know that the people in this department are aware on any other function other than laying down the pipes and constructing tanks.

I have never seen the department asking for funds to manage the environment. My question to the concerned CECM is whether she is aware that she is supposed to manage the environment. I have only seen an allocation of Ksh. 2 million for the tree seedlings for the entire county.

The directors and the chief officer in the department should indicate such needs so that the assembly can appropriate money for other functions of the department.

I have observed that after the county funds these water projects, for example a project in my area, there is no policy that is put in place to cushion the ordinary citizens who get services from this department. All the water projects are getting money from the county government but

do they reduce the tariffs that the citizens pay now that they are getting more money from the government? This department is watching as the projects exploit *Wanjiku*. That is why I support Hon. Kamoche that there should be an act. I cannot understand why a citizen who wants to get water services from engineer water project needs to pay a lot to get them.

Why should they charge a lot of money for new connections when all the infrastructure is funded by the government? There must be a policy to guide the people on how much they should pay. The tariffs being used are based on a national government policy. Three years down, the department that has only been putting the pipes and constructing tanks has not done a policy to guide people on tariffs they need to pay for maintenance.

In engineer, I have three providers, one at Ksh. 150 per month, engineer water project at Ksh. 200 per month and another one at Ksh. 250 per month. What principle is guiding these tariffs? This is what the CEC member and the chief officers should be thinking about. There is need to think of how these projects will be monitored. Some of the groups do not even recognise the county government. How does this department evaluate itself to see how what they have achieved and of what benefit it is to *Wanjiku*?

This one of the department that the committee needs to monitor to even ensure that the CECM is available in office because she is never there. She needs to know that her absence causes decline in performance of the department and she needs to be there to provide leadership.

**Speaker:** Yes member for Gatimu Hon. John Kieru Wambui.

**Hon. Kieru Wambui:** Thank you Mr Speaker. I want to appreciate the effort of the committee. Most of the issues that were raised by Hon. Dorcas have been addressed by the committee and we hope that the rest will be addressed. Mr. Speaker you being the third most powerful person in the county, if the governor and his deputy were to be removed from their seats, you would take over the government, I would like to tell you this, that we have given the county executive the support it requires as a county assembly. The issues that we raise here have solutions but they are not taken. The reason for saying this is that in the report...

*Hon. Mwangi Gichuki rises on a point of order*

**Speaker:** What is it member for Engineer?

**Hon. Mwangi Gichuki:** Is it in order for the member to be dressed in such a manner. His shirt is untacked.

**Speaker:** Leader of majority you were not here, I gave a very comprehensive direction in dress code because that is the most abused ethical issue in the assembly. The member for Gatimu was listening very keenly but it seems that he never put it into effect.

Actually what he has is not a shirt but a polo neck t-shirt. The tie is not tied but it is loosely hanging on the neck. It is only that the Speaker will not initiate any move against the member. As I read in the ruling, it is the collective observation of all the members that carries the day. I believe that the member for Gatimu is not fair to the House and he should actually in terms of sartorial elegance style up.

He is a young member of this house and member for Gatimu, at least tighten the tie and you will be allowed that opportunity today to go and think about it and come to the house in a proper manner. The reason why I am disturbed is that I have privately talked to the member for Gatimu and told him that he cannot come here in a polo t-shirt and a tie and seeing him that way in the House is not fair. Member for Gatimu proceed but obviously this will not be acceptable in the future.

**Hon. Kieru Wambui:** Thank you Mr Speaker for that. Honestly I am in a polo shirt and Hon. Mwicigi admired it and said that he wants on like it. The other thing is that I am one of the smartest members of this assembly.

Mr Speaker I was speaking about the water projects in the county. I wish we would get a way that the county government would take over the projects. Soon these projects or water companies will collapse. If you look at the fourth schedule, second section of the constitution, the county governments have been given mandate to manage the water and this includes conservation. The leadership of these companies or projects is rotting and some benefit individuals. They do not have standard ways of managing those projects. They supply water from the source and it is not treated in any way and that's why there are issues of cholera arising. A person from River side was found to have cholera. This is one of the many problems that come along with these water companies.

These organizations get funds from different sources. There is a company that get funds from the county government, allocated to Gatimu ward but they use that money in a ward called Weru just because they are supplying water outside Gatimu yet it is a Gatimu based organization. Hon. Kimani's ward had been allocated its money. If we have good people working in the ministry, we would have taken up all these projects as a government and managed them.

This needs to be done because soon most of these projects will collapse and people will not have water. Where do these projects get water from? They get water from the counties natural resources and I expected the committee to annex them. These wetlands are county lands. There is a spring in my ward and it belongs to no one. After sometime you find that it has been grabbed by a person. We have a water department that works from Monday to Friday and they do not know the county wetlands, what do they do from Monday to Friday? I expect them to do such things as identification of those lands.

I am proud to be associated with this assembly. We are organized as an arm of government. In the executive they do not know what they will wake up to do tomorrow and this is because they do not understand their mandate. Unless Mheshimiwa Kirumba pushes a certain project in his ward, these people will never follow it up. The government has given them conducive environment to work but they never do so. We are going to take stringent measures to ensure that these people work as expected.

They do not even know the projects in the CIDP. We know the water projects in our wards and if I ask a water officer in Gatimu about them, he is not aware of any. He tells me of a project in Kangui which they think is in Gatimu ward, and fund it. Mr. Speaker, if we only speak about these issues, we shall do it until the second coming of Jesus.

Finally it is about the tariffs, if you rise the tariffs, you raise the units of water. These companies only add the tariffs. With those few remarks I support the motion.

**Speaker:** County member from Githioro, Hon. Dorcas Kihara.

**Hon. Dorcas Kihara:** Thank you Mr Speaker sir, I rise to support the report. My concern is on Ol'kalou Water and Sanitation Company which manages the water and sets the tariffs. People in the town are paying higher water bills that the electricity bills. There is a standing charge of Ksh. 500. From 1 to 50 units you are charged Ksh. 500 and if you surpass the 50 units you pay a 100 shillings for each unit. If you try to find out why they are charging that amount of money you find that they set them in 2013 when the county government was in place and it was not informed of the changes.

If the current board continues controlling the company, we shall not be able to control how they work and how they charge. The water they are currently supplying is untreated and it flows using the gravitational force so they do not use electricity to pump the water. The staff in this company are paid by the county government, where does the company take the money they

charge the public? We cannot allow the public to be oppressed while the money goes into people's pockets. Their vehicles were bought in the 1980s. They have given a big list of vehicles and the ones that are in use are three vehicles.

There is a vehicle whose date of possession by the company is 1982 and that vehicle cannot be seen in the company. The only vehicles that they use are two, one that was bought in the year 2010 and another that was bought in the year 2005 and they are not used for service delivery but for carrying the senior officials in the company. I do not know why the CEC member has never thought of procuring motorbikes for the department for use by the staff.

On annexure 4 (a) where they are showing the distribution of staff, there are some very crucial posts in the department. A person like chief principal superintendent (planning and designing) does not have a designer and therefore the work in the county will go wrong. The environment has to be conserved but there is no staff for such posts. The constitution requires us to preserve the environment for us and the future generation but we do not have officers to help us do that in the said department.

Mr. Speaker, the constitution is clear that we reserve the mandate to ensure that we encourage environmental custodianship and sustainable development. How can we ensure that the future generation's environment is safeguarded if we do have the people to advise us? I believe that we are lacking very critical people in that department.

Having said that Mr. Speaker, we want the water draft policy to come into effect as soon as possible so that our water resources can be managed in a centralized way. The aim of devolving water, as a major function of devolution, was to ensure that services are closer to the people.

We all know that water is life. In fact, almost 80% of our bodies are composed of water and Hon. Kairu can attest to that because he is a professional in the area. Therefore, I want to underscore the importance of this resource in our county and ask the Department of Water to work extra hard and ensure that the people access water services.

Now that the CECM for water is a woman and that women bear the greatest burden during the periods of water scarcity, I am hopeful that she has taken up the issue of water from the heart. Girls are the ones who go up and down looking for water at the expense of their education. These facts should serve as the wakeup call for the CECM for water so that she can ensure the issue of clean and adequate water supply is realized. Nyandarua County is blessed

with major water sources including Aberdare Ranges and Kipipiri hills among others and so, the issue of the sources of water should not come up.

With those remarks, I support this report and hope that the CECM for water will engage CPSB and ensure that the aforementioned positions are filled for improved water services delivery in our county. It is very painful when you see our people buying a 20 liters jerry-can at Kshs. 80 while people in Nakuru and Nairobi counties are benefiting from our resources. On the statement I sought previously, you have given assurance that you will make a communication on what the committee will be responding to. This is because the Committee on Agriculture, through their chair, had said that they had adequately responded to the issues I had raised but they had not in actuality. The chairman had said they did not receive any budgetary support in the fiscal year 2014/2015. To that end, I call the mover to respond.

**Speaker:** The motion mover, Member for Charagita, Hon. Paul Kiruka Mburu.

**Hon. Kiruka Mburu:** I would like to thank the hon. members for their passionate contributions to the motion. In addition, I wish to thank the entire membership of the committee on water for their dedication given that they did two reports within one session. This shows that the members are committed to execute the mandate bestowed upon them by the *mwananchi*.

Mr. Speaker, it is unfortunate that the people who have been employed to work in the ministry of water have no water resources to manage. We need to have an Act that addresses this issue so that we can move forward because the companies that are handling water issues in our county are not delivering as expected.

Another issue involves the funding in regard to water in every ward. For the two years, we have Ksh. 470,000 and Ksh. 900,000 allocated to every ward in the first and second years respectively. This amount is not enough and that is why many of the issues regarding water have stalled. I am therefore requesting the hon. members to allocate at least Ksh. 10 Million in the Supplementary Budget to the department. If we give the money and we still experience the same problems by 1<sup>st</sup> July 2016, I will personally bring an impeachment motion for the people responsible.

We should therefore ensure that they have enough funds so that they do not find a justification for not delivering services as expected. I am hopeful that the department of water will undertake all the necessary projects when the funds are allocated sufficiently. I wish to thank

the members once more and in particular thank hon. Dorcas Kihara for requesting for this statement on behalf of the Nyandarua County residents.

Thank you Mr. Speaker sir, I beg to move.

*Question put and agreed to*

**Speaker:** The motion having been taken, the recommendations thereof have been adopted as the resolutions of this House and now form part of the record of this House. As usual, the same shall be communicated to the Executive for implementation and I don't think I have much to mention about the report since the recommendations are very clear and all the weak points are known. Therefore, the committee on implementation needs to follow up on the matter to ensure that it is implemented.

I am impressed that the members have been able to pinpoint a very serious weakness about statistics. You cannot purport to implement anything without a plan and the basic statistics. I believe the department of water will take up this issue seriously. They should ensure that they collect all vital statistics on issues touching on water including land, boreholes and dams so that the Assembly can allocate money knowing its intended purpose(s). For instance, we should know that we have 50 boreholes requiring rehabilitation and other dams requiring some works so that we are able to allocate funds for effective operation of the department. I also believe that other recommendations are very critical in lieu of the fact that water is very key to our lives and therefore, I hope that these recommendations will be implemented and the committee on implementation will as well follow up on the matter.

Next order.

### **ADJOURNMENT**

**Speaker:** Hon. Members, the business of this sitting having been exhausted, this House will now adjourn to tomorrow, Thursday, the 3<sup>rd</sup> day of December 2015 at 2.30p.m.

*The House rose at 4.44pm.*