REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Thursday, 2nd July, 2020

The House met at the Assembly Chambers at 9.00 a.m.

[The Speaker (Hon. Patrick Waigwa) in the Chair]

PRAYERS

STATEMENTS

RESPONSE TO STATEMENT ON FOOD DISTRIBUTION

Hon. Simon Kanyutu: Thank you, Mr. Speaker. I stand in response to statement No. 003/2020 to the Chairperson for Agriculture, Environment and Natural Resources from the nominated MCA (Hon. Chris Mark Said) raised on 26th May, 2020 pertaining to food distribution during the COVID-19 period.

Mr. Speaker, I stand to seek a two weeks' extension whereby I will be able to table that report on food distribution. I will have been able to compile all the report as it should be. The statement by the Chairperson representing Igwamiti Ward pertaining to Nanyuki and Nyahururu water, I will be able to table the Nanyuki report but for Nyahururu one I will table it next week.

Speaker: The two weeks' time granted for the one on food distribution. There is also the one for Nyahururu and Nanyuki?

Hon. Simon Kanyutu: I will be able to table the one for NAWASCO but I will seek to table one for Nyahururu next week.

Speaker: That is okay.

REPORT ON NAWASCO WATER CHARGES

Hon. Simon Kanyutu: Mr. Speaker, I have the report that was asked by the Hon. Member for Igwamiti seeking to know the clarification on the charges that are being levied to our members, I have it here. This report is as a result of a statement annex that was read on the floor of the House by Hon. Joseph Kiguru on 11th June, 2019. Mr. Speaker, Sir, this report will respond to the issues raised concerning NAWASCO operations and maintenance costs, administrative expenses vis-a-vis the revenue, donations and funds appropriated by the County Assembly for the Financial Year 2018/2019.

Question two is the statement. Question one, three and four in the statement will be answered in the response to the statement. We have the response with us and as a Committee for Water we were able to visit NAWASCO. The committee held a meeting with the NAWASCO Board in the 16th June, 2020 in the company's compound to discuss the concerns

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

raised on 11th June, 2020. Operations and maintenance costs, administrative expenses vis-a-vis the revenue, donations and funds appropriated by the County Assembly for the Financial Year 2018/2019. Maintenance and administrative costs are as attached in annex 2.

The company collected revenue as shown in annex 2. Received donation and funds as appropriated by the County Assembly. The company did not receive any fund in the Financial Year 2018/2019 from the County Government. Annex 4 is the budget approved by the County Assembly according to records with the committee. The company received only Kshs. 45,252,436 2017/2018 from the water service transferred as a grant to construct the Solio water project. The County Government disbursed Kshs. 23,800,000 to the company on 28th. In total the company received Kshs. 69, 052,436 in the following table as in annex 3.

The County Government contributed Kshs. 23,800,000 and water sector transferred Kshs. 45,252,436. The total donation was Kshs. 69,052,436. The committee made the following observation. That the company did not receive any fund covering the year 2018/2019. The committee recommends that…

Speaker: Hon. Kanyutu, am trying to find where you are. There are two things here and I wish that they do not bring confusion.

Hon. Irene Wachuka: Asante, Mheshimiwa Spika, naona watu wengine hawana barakoa. Hata mimi sina. Hakuna barakoa katika hii deski. Hii sio mara ya kwanza ya kuwa na shida ya barakoa. Nakuomba kama Spika wa hili Bunge kuwa kila mtu apatiwe pakiti ya barakoa. Tunakuja kungoja hapo kama wanafunzi na hilo haliko *in order.*

Hon. Mutahi Muritu: Mheshimiwa Spika, hilo suala sio geni sana. Sisi kama Wajumbe tunatakiwa tupewe kama pakiti moja. Kila mtu awe anajipanga nayo kila asubuhi lakini sio kuja hapa kuomba. Hata mimi sina. Ukipewa moja unakaa nayo hadi inachafuka. Kwani sisi hatustahili kuhudumiwa. Inafanywa kama biashara hapa na haitumiki kama inavyostahili. Tumeiangalia sana. Mheshimiwa Spika, tunakueleza ukweli kuwa haiendi sawa kabisa. Sisi Bunge tunastahili kupewa kama pakiti moja uende nayo. Wewe ndiye utatoa utaratibu. Sio kuja hapa na kupanga foleni ya kuomba barakoa. Haijengi hoja.

Speaker: Serjeant at Arms, ensure that you deliver the masks for the Members. I know that is very possible for each and every Member to have a mask. Are those the masks? We can buy whatever number of packets a Member wants as long as we also look at it in the budget. We have to ensure that we put this things in the budget. Since we have the supplies, I think that the County Assembly has a responsibility to ensure that every Member who comes to the Assembly has a mask. That is why we give them at the door. I have we have no problem with them being given at the door.

At times you could have the packet in the car but you forget. We still have to have them here even if we give them in packets. Hon. Kanyutu kindly continue with the statement. What I was saying is that whatever you were reading is very different from whatever you are responding. What is it Hon. Wachuka?

Hon. Irene Wachuka: Mheshimiwa Spika kuna kitu nilikuwa nataka kuongeza. *Serjeant at Arms* hana shida na barakoa. Yeye huletewa. Shida iliyo hapa ni kuwa ni nani anayeleta barakoa. Kila Mheshimiwa apate barakoa yake kama Bunge zingine. Umenikuta nje kabla sijaingia kwa sababu nimekaa kwa dakika kumi nikingoja barakoa. Hawa ni

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Waheshimiwa wanangoja barakoa ziletwe na Serjeant hana shida. Sijui kama ni yule ni mtu anayeleta. Kila mtu apatiwe pakiti yake na akae nayo. Mtu akikuja kama hana basi anasaidiwa hizo barakoa huko.

Speaker: We will make sure that that is done.

Hon. Robert Maina: Asante, Mheshimiwa Spika. Nataka kupongeza Mheshimiwa Wachuka. Imekuwa ni mazoea. Mjumbe anapanga laini hapa ili apewe barakoa. Hii niliyovaa iko na siku tatu. Mheshimiwa Spika, hata kama unasema tutengeneze bajeti ndani ya hii Bunge tunajua kuwa kuna pesa ya dharura. Tuambiwe ilienda wapi ilhali mwaka umefungwa. Hatuko hapa kuchezewa.

Mheshimiwa Spika, tunacheza na maisha ya Wajumbe ambao wameshikilia hii kaunti. Hatuko hapa kupanga foleni. Tupatiwe barakoa. Kila mtu apatiwe pakiti na ijulikane itachukua muda upi. Akitoka kwa gari lake anavalia. Lakini sio kuja kupanga foleni hapa. Hata mimi nimekasirika. Ni biashara gani inayofanywa hapa. Wajumbe katika hili nyumba wameshikilia Laikipia nzima. Umesikia kuwa kuna Mheshimiwa katika Bunge la nchi anayeadhiriwa na Korona. Sasa tutakosa barakoa ili tuwe wagonjwa? Hii kaunti itaendeshwa namna gani? Toa mwongozo Mheshimiwa Spika.

Speaker: I already said that masks will be distributed. I wish to ask Hon. Members that when we get those masks for us not to get sick, we have to put them appropriately. I have made that observation in the House in quite a number of times. That at times we have a mask but we do not put them the way they are supposed. We must observe these guidelines to protect ourselves. I know that the Office of the Clerk will have my instructions to distribute those masks. Let us also ensure that we wear them, observe social distance and observe every guideline that has been given by the Ministry of Health.

Back to the statement, Hon. Kanyutu, I thought that you were going through the report on the motion. You have two things that are similar. You have a statement to respond on NAWASCO and also another report that is all less the same. I would wish that you go to the statement.

Hon. Simon Kanyutu: Thank you, Mr. Speaker. It is only that it is well stated that once you come from my side you just take tripe.

Speaker: What?

Hon. Simon Kanyutu: That once you come from my side you just take tripe.

Speaker: You just?

Hon. Simon Kanyutu: I quote from Kikuyu language '*mumbi najoka bara'*. It is only that I came rushing and took over the statement that was wrong and started reading. It is a response to a statement on Nanyuki Water and Sanitation Company.

Mr. Speaker, Sir, the above statement was read by Hon. Joseph Kiguru on the floor of the House on 11th June, 2020 to inform the House on the following annexes;

1. Whether the due process in tariff adjustment was followed (to attached documents for public consultations);

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

2. Submission to the House a report on operations and maintenance cost, administrative expenses vis-a-vis the revenue, donations and funds appropriated by the County Assembly for the 2018/2019 Financial Year;
3. What informed the increase in tariffs by the said Water Service Providers?
4. Whether they can consider readjusting the tariffs during the period of Covid-19.

Mr. Speaker, Sir, request No. 2 was seeking for a report and a motion will be moved and discussed by the House.

Process undertaken

A letter was written to the Managing Director, Nanyuki Water and Sanitation Company REF: CGL/CA/CM/005/2/VOL. 1/41 dated 11th June, 2020 and a response was received on 24th June, 2020.

NAWASCO's due process to the gazetted tariff 2019-2023

Every person in Kenya has the right to clean and safe water in adequate quantities and to reasonable standards of sanitization as stipulated in Article 43 of the Constitution. To ensure the progressive realization of this right Article 70(1) of Water Act 2016 established the Water Services Regulatory Board (WASREB) whose principle object is to protect the interests and rights of consumers in the provision of water services.

One of the powers and functions of WASREB as stipulated in Article 72(1) of the Water Act, 2016 is to evaluate and recommend water and sewerage tariffs to the county water services providers and approve the imposition of such tariffs in line with consumer protection standards; set license conditions and accredit Water Services Providers and monitor and regulate licenses and enforce license conditions.

Nanyuki Water and Sewerage Company (NAWASCO) as one of the County Water Service Providers is mandated by the Water Act 2016 Article 78(1) to provide water services within the area specified in the license and develop county assets for water service provision. Among the conditions set for the license is that a Water Service Provider must be commercially viable (able to meet their operations and maintenance cost) and must have a valid tariff. It is against this back drop that NAWASCO made a regular tariff review application to WASREB.

Mr. Speaker, Sir, the committee held a meeting with the NAWASCO Board on the tariffs on 16th June, 2020 in the Company's compound.

What informed the increase in Tariffs?

According to the company's records, the following was used as the justification for the proposed tariff adjustment which largely required improved financial position. The new tariff will assist the company in:

1. Improve customer services.
    - Giving timely, quality and reliable services to the deserving customers.
    - Assist in reduction of Non- Revenue Water to below regular standards of 25%, by increasing hours of supply to the served and underserved areas and extend supply to other areas.

Improve the supply and sustainability of quality drinking water.

Improve drinking water quality through compliance with residual chlorine.

2. Grow financial and commercial viability.
    - Improve cost recovery to over 150%.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

- Improve credit worthiness ranking through automation of process.
- Increase in collection and billing efficiency through automation of the process.
- Increase in metering ratio through replacement of faulty meters.

3. Enable access to over 92% to clean and safe drinking water and sanitation services by:
   - Drilling additional boreholes (generating at least 300m^3/day).
   - Rehabilitation of water treatment works, raw water mains and intake works.
   - Construction of additional water storage tanks.
   - Rehabilitation and augmentation of water infrastructure 50kms.
   - Water extension of 100kms to serve additional 24,846 people.
   - Construction of water kiosks to deserving pro-poor areas.
   - Design and Implementation of the company strategic and business plans.
   - Introduction of smart meters.

The Company's intention was to implement in full the company's strategic and business plan taking into considerations prevailing changes that will continue during the proposed tariff period.

Criteria used to set the water tariff.

Mr. Speaker, each and every Member should follow up on that because that question had weight. We had to pin the Managing Director to give proper clarification of the criteria used to set the water tariff. The company followed WASREB guidelines as provided under section 72 (1) of the Water Act, 2016 through the following process;

- Pre-consultation process that involved NAWASCO and County Government of Laikipia in developing the draft tariff.
- WASREB received the application and gave guidance on the content of the application and areas requiring revision.
- Public consultation was placed in the local daily 27 days before stakeholder meeting as in Annex 4**.**
- The public notice was done on a local radio station within coverage area.
- The public notice was published in the Kenya Gazette on 7th June, 2019.

The agenda of the meeting included but was not limited to;

- NAWASCO profile shareholders, BOD, staff, area of coverage, targets set.
- NAWASCO performance in terms of water production, sales, revenues and expansions carried out.
- Necessity of tariff adjustment and expected outcomes especially financing of extensions.
- The percentage of tariff adjustment expected per consumption block and consumer category.

Output of post consultation process

- Report of the meeting (Annex 3) was submitted to WASREB as an integral portion of the tariff application and included list of attendance, their contact, and concerns that were raised.

Public notification of approved tariff

- There being no objection on the final content of the tariff, a signed notice of approved tariff was submitted to government printer.
- One month notice period was given since it was a regular tariff adjustment.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Criteria used to identify participants for the public participation. Mr. Speaker, this one should be taken seriously because while we were in this House, one Member raised a concern that a few people were called in a hotel, ate some mandazi and approved. The people who participated were articulated in the report.

In May, 2019 WASREB gave us the go ahead of advertising for a public participation exercise. Participants were drawn using the criteria below;

The following stakeholders were invited to the stakeholder meeting.

- Consumers generally.
- Residents – through the relevant residents associations including the informal settlements.
- Main consumers of water in commerce, industry and agricultural sectors.
- The government administrative agencies, DC, DO, chiefs.
- The local authorities- town clerks, county clerks (County Assembly attended Annex 5) etc.
- Active civil society groups in the area.
- Women organisations in the area.
- Churches/ mosques in the area. The key management staff of the WSB and WSP must attend the consultation meeting.

Mr. Speaker, after having followed the due process as per the WASREB guidelines, the company had their tariff gazetted on 8th November 2019.

Whether the Company can consider readjusting the tariffs during the COVID-19 period Mr. Speaker, Sir, the Company board informed the committee that the very vulnerable residents are not being charged for water consumption. Those that have income are well known by the company and have been and will be charged to cater for maintenance and continuous distribution cost of water. To enable mitigate the following challenges, the company confirmed that water has to be charged:-

- Lack of adequate water.
- High cost of water.
- Dirty water during the rainy season.

From records held by the committee, the company indicates that all the water vendors indicated that it's necessary to pay for water for the following reasons.

- To enable NAWASCO maintain the water line system.
- To ensure continuous supply of clean water.
- To meet the company's costs.

Mr. Speaker, Sir, the Committee of Agriculture, Environment and Natural Resources will work towards ensuring that any donations and public funds allocated to the company will be spent prudently. The statement is well articulated and we have the Kenya gazette that was placed, the stakeholder's meeting attached to the same and a group photo that was taken. On the same photo we have the participation of the people who attended. If you follow me on page 2 you can see the Chairman of the board giving his remarks and Mr. Evans Kamau during the meeting giving his contribution.

Mr. Speaker, on page 3 we have the Hon. Member of Nanyuki Town who also attended the meeting giving her contribution. On page 4 we have the Managing Director of NAWASCO giving his contribution. We have James Kirumba who is the person in charge as GIS Officer NAWASCO giving his contribution, Phoenix consultant during the presentation, WASREB Mr. Angela Kimani also made his contribution and all they contributed is well articulated. We have the stakeholders asking questions during the…

Speaker: The WASREB representative Angela Kimani, is it she or he because you said Mr. Angela Kimani?

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Simon Kanyutu: Angela is a lady Mr. Speaker. It is only that I am doing it fast.

Speaker: The Hon. Member of Nanyuki is also a she?

Hon. Simon Kanyutu: Thank you. So even the questions which were raised by the members are well articulated. All the concerns were raised and were well responded to. The notice that was placed in the Daily paper is also well attached to the report. The Kenya gazette is also attached.

Mr. Speaker, I am happy to give a report which even the list of attendance is also within this report. We even had some Members of the County Assembly who represented us for those of us who did not attend. I had sent my Vice Chair on the same day but unfortunately did not attend but we have Hon. Members who represented us very well and were able to give their recommendations.

Mr. Speaker, if in case there is any Member who would feel that whatever they indicated was not captured in the report, that is what we can give as a consideration but a number of Hon. Members who attended gave recommendations on what should be done. So on tariffs, the company made as per the recommendations of Members. In case there is any query, I am ready to respond.

Speaker: That statement was raised by Hon. Joseph Kiguru. So I wish to give him this time to make your remarks.

Hon. Joseph Kiguru: Asante, Mheshimiwa Spika. Kuna mambo mengi sana ambayo yako katika hizi nakala na kwa hivyo siwezi nikasema nimeridhika. Asante sana Mwenyekiti kwa sababu umeiweka wazi lakini ninahitaji nafasi niweze kupitia hizi nakala halafu nafikiria ninajielekeza na nijue kwa hakika kwa sababu mengi ambayo mwenyekiti amesoma ni kama PR ya kampuni. Mambo tu ya kusema kwamba kulikuwa na *public participation*, sheria iko wazi kwamba ikifanya itasemekana tu kwamba imefanywa.

Kwa hivyo sitaki kujielekeza katika hiyo njia lakini ningetaka nafasi niipitie kwa sababu vile nilikuwa nimesema ni kwamba bei ya maji katika Kaunti ya Laikipia ni zaidi ya maziwa. Nitapata nafasi ili niipitie kisha nitasema kuhusu kuridhika kwangu. Asante.

Hon. Simon Kanyutu: Mr. Speaker, I wanted to inform the Hon. Member for Igwamiti that he is among those who attended the meeting so if he needs to read the report and know what transpired on the tariffs, he is part and parcel of those people who attended. I never attended but he is among those who attended.

Hon. Veronica Ikunyua: Thank you, Mr. Speaker. I think the Hon. Kanyutu is trying to intimidate us with this report, trying to tell people that because you attended you are not supposed to ask any question. He needs to give him time and if he needs it to go through the report he should be given but not telling him that he attended the meeting. Thank you.

Hon. Joseph Kiguru: Mheshimiwa Spika, sitaki kupitia hiyo njia lakini nitasema hivi, ya kwamba hata akifungua kurasa zote na anipige picha na kuniweka hapa kusema ukweli maji ya Laikipia bei na gharama ni kubwa. Wanaweza kuokota majina na pengine hata kuonesha sahihi yangu na ya Mheshimiwa Mary Samken. Mheshimiwa Mary kwanza sio wa kamati na pengine ni wakati mwingine tulikuwa tumeenda mahali pengine. Mwenyekiti wa Kilimo

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

aelewe ya kwamba haya maneno ya uhusiano wa umma tunayajua. Anyamaze kama Mwenyekiti mpaka niipitie kisha kwa sababu sheria ni wazi nitaridhika wakati nitapitia hizi nakala.

Speaker: Mheshimiwa uliomba mpaka dakika za mwisho uweze kupeana maoni. Je, wamaanisha dakika za mwisho baada ya mswada?

Hon. Joseph Kiguru: Asante Mheshimiwa Spika. Ninahitaji muda unajua kazi ya wawakilishi wadi ni nyingi. Nikitoka hapa kuna mahali ninasubiriwa kwa hivyo nitahitaji hadi wiki ijayo. Ninafikiria kama vipindi viwili ama vitatu…

Speaker: Okay, I will give you time next week. I just wanted to confirm whether it is today. Not Thursday, but I will give you time next week.

Hon. Simon Kanyutu: Mr. Speaker, I am very happy because the Members have started making contributions on the statement. I will beg for clarification if maybe the report is not correct and photos were taken from other avenues so that we get the truth. When we went to seek for clarification we got a report on all those who attended, how they deliberated, and where the meeting was held. In case the report we were given is not correct, I would wish we be very firm and have stern measures that we should take to ensure the tariffs being charged on our people were made as per the requirement. I would beg that clarification even when we are giving time, if the photos in this report were not taken during that meeting.

Hon. Catherine Nyawira: Mr. Speaker, Sir, I want to direct myself to the response to this statement. I want to direct myself to page 4 which is very clear about what the MCAs urged the residents of Nanyuki Ward. There is nowhere we encouraged the tariffs to be added and in fact we just encouraged the residents and the consumers to engage the company actively. Let us not forget that NAWASCO has elected a committee which includes a youth, an elder, and a business person. There are several people in that board that are chosen by the residents of the area to represent them on such matters. This means that these people were coming with the voice from the ground.

Taking a photo during a meeting does not necessarily mean anything and nobody is denying that we were there. Yes, we were there because personally I am a dependable, staunch and constant consumer of their water. I love it and if it means getting my services and ensuring that they continue profitably then I do not see where the big deal is. I do not see why the Chair here is trying to make it a big deal for us to attend this meeting. We attended and we are not denying but our contribution is very clear on page four. Let him not deviate from the matter. Thank you.

Hon. Chris Mark: Thank you, Mr. Speaker. Just something that caught my attention is that this statement is very timely because most of us are consumers of this water and so are the people we represent. In fact, the Chair has said milk is cheaper than water, then this is surely the land of milk. I saw the Chairman talking of an advertisement in the newspaper. Whenever we want to do things like spatial planning in this county which are very crucial and affect lives we are taken to hotels as ward representatives and taken through by facilitators.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

An advertisement in the newspapers is very unfortunate. Even when we are doing waivers in the county I see a car going round, and banners everywhere. Even the way it is put in the newspaper, how many Laikipians can access a gazette? I am telling you not even all Hon. Members can access that same gazette and newspaper.

I do not want to talk a lot because a Member has asked for time but this is a very serious thing and the Chair for Agriculture should just allow us to go through. He should not get angry at us because the issue of water is very vital. In fact, water is life they say, so that at least we see how to sort this problem. Hon. Matunge here, and I am sorry to say…

Hon. Simon Kanyutu: Mr. Speaker, it is not that I am denying the chance for the extension of time for people to go through the report. What I am saying is that during the meeting even the Assembly was well represented. I being the Chair never made it to that meeting but the Assembly was well represented. My Vice Chair went to the meeting a bit late. Those who represented us will have a response in case there is anything pertaining to this tariff because they represented this Assembly. I have not denied the chance for extension for people to go through the report and whatever transpired in that meeting they are the people who will give us…

Speaker: Are you trying to mean that they are the best people to confirm whether the report is true or not?

Hon. Simon Kanyutu: Yes, they are the best because they attended while I never attended. I was away and I sent my Vice Chair who went to the meeting late. I am sure we will share this because as an oversight committee we will them even tell us whatever transpired.

Speaker: Hon. Chris was on the floor when you rose and I thought you were rising on either a point of information or order. Hon. Chris, you can wind up.

Hon. Chris Mark: Okay, just as you said without the need to pre-empt you see such a serious issue we always get invites through the Speaker's or Clerk's page. This is something that should not have been called. I do not even know and I feel like such an issue every elected and nominated Member of the Assembly should have been there because every elected Member represents some people in the ward who cannot see a newspaper advertisement or a gazettement. It is very unfortunate how we all did not know and I did not know that there was such a meeting that took place. It is good that we time as you said so that we can deliberate more.

Speaker: Hon. Chair, how did the Members who attended find themselves in the meeting? Was it through an invite or a letter through the office of the Clerk? Was it inviting some specific Members?

Hon. Simon Kanyutu: Mr. Speaker, what I learnt from the managing director is that the peoples' representative within the locality were all invited by him. I was also invited but I never made it because I was…

Speaker: What about Hon. Mary Samken?

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Simon Kanyutu: Hon. Mary Samken is a very good consumer of the same water so that is why…

Hon. Joseph Kiguru: Mheshimiwa Spika, itakuwa makosa kwa Mwenyekiti kulipotosha Bunge hili. Nilikuwa nimesema ya kwamba wale wanachama waliokuwa katika hicho kikao walikuwa kwa njia wakienda shughuli zingine za Bunge. Kitu kingine nitasema ni kuwa katika kamati ya maji hakuna mtu aliyeenda kwa sababu wao pamoja na kampuni walikuwa na mpango. Yeye kama Mwenyekiti inaonekana ya kwamba kuna ukora pahali fulani.

Hon. Simon Kanyutu: Mr. Speaker, I am sure even if he can call upon the MD, we were with the committee investigating this matter. The MD was articulating very well. They know those Members who reside within this region and those who have their residences within the town. They were able to make a call to these people. The first priority was given to Members who are elected.

It is unfortunate because even the Representative for Thingithu never attended. I was told he was also called. They made sure they called every person except those who were unable to attend. If the Hon. Member was just passing by he was lucky because he attended. Whatever was passed, he is aware.

Speaker: Hon. Members, I know there is quite a good number of us who want to discuss this report. We said that we do not pre-empt the discussion. The Hon. Member for Igwamiti requested that he be given a time next week for him to go through the report and interrogate it. To confirm whether that which is said of the Members to have said in the meeting, whether is the true position or not.

Let me give it to Hon. Matunge but not discussing the issues of the report or the statement. It is just the issue that we have between the Hon. Chair and also Hon. Kiguru. Hon. Matunge, Hon. Chris and Hon. Mutahi then Hon. Robert Maina. All of us are making comments and maybe, Hon. Ikunyua.

Hon. Peter Matunge: Thank you, Mr. Speaker. I first wish to say I am a Member of the Agriculture Committee. Secondly, the Hon. Member from Igwamiti has requested for time. I do not see any problem. We need to give him time if he wants until next week. What the committee have done, they have already brought a report and brought annexures showing how public participation was done.

Mr. Speaker, if we have questions on the kind of public participation that was done, then this is the time we are going to question about the issues of public participation. This word public participation is a word that does not go well with the people of Kenya. It does not define what public participation is. Nowadays even in this time of Covid-19 we are doing public participation through electronic media.

I also wish to urge the Hon. Member who asked for the statement, to go and look at what the WASREB guideline says. Also go and look at what the Water Act 2016 says on the issues of tariffs adjustment. If you can see there is any violation or where the company has contradicted what the Act and the WASREB guideline says, then you can be able to question. I have seen there are all the notices given, 27 days before.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

There is also the gazette of proposed tariffs. There is a gazette of already approved tariffs. I would just urge the Hon. Member, this is not the fight between the Chair or the Committee Member and the Member who asked the question. We all have concerns on issues of water being expensive. If the company managed to understand the law better than us and went and did the right thing, it is another thing of the day…

Speaker: I am urging that we do not pre-empt the discussion because already I will be giving sometime next week for the Honourable. It is a discussion the way you started, that we give him time. That is okay, then the issue on statements we can debate on them next week. Hon. Matunge you can wind up.

Hon. Peter Matunge: Thank you, Mr. Speaker. I was just trying to help the Hon. Member by giving him guidelines on what he is going to look into before responding on the report next time. Thank you, Mr. Speaker.

Hon. Joseph Kiguru: Mheshimiwa Spika, itakuwa makosa kwa Mheshimiwa Matunge kunielekeza na utaratibu nitakaotumia sijui kuja kufanya nini. Nimechaguliwa na wananchi wa Igwamiti na pia ninajua kazi yangu katika Bunge. Maneno ya kunielekeza njia nitakayotumia kufuatilia, najua ninachofanya na najua ninachotaka. Sihitaji kuelekezwa.

Speaker: So, Hon. Matunge, be mindful of your generosity otherwise it may lead you to problems.

Hon. Simon Kanyutu: Mr. Speaker, the Hon. Chairperson for Finance is the one seeking extension; there is no problem with that. I am sure given that time he will be able to go through the report. He is just seeking to go through the report and I am happy with that. It is wrong if we deliberate on a report he is not satisfied with, being one of the beneficiaries of water. By the time we can be able to table both reports for NAWASCO and NYAHUWASCO.

We have both. It is only that the report was not well compiled by now. We will be able to discuss both of them. Those of us who attended, I attended the Nyahururu one. I never made it to NAWASCO. It is good because there is nothing that we are hiding. We got the report, what we deliberated in Nyahururu I am part and parcel but what was deliberated in NAWASCO I was not part of. We will table everything. We would wish and I am sure, everything that Members require we are ready as a committee to bring to the floor of this House.

Speaker: Hon. Robert Maina, you had raised your hand and also Hon. Chris.

Hon. Robert Maina: Asante, Mheshimiwa Spika. Nafikiria vile umeelekeza Mwenyekiti wangu, hilo ndilo jambo muhimu. Mheshimiwa wa Igwamiti apewe muda kwani yeye ndiye aliyeitisha hii taarifa. Ni vyema tujue ya kwamba sisi wote tulio hapa kwenye Bunge hili, wengi wetu tunatumia haya maji. Lazima hili jambo liangaliwe kwa undani. Tujue hata kama tutapitisha sheria yoyote iliyoletwa na NAWASCO ama NYAHUWASCO.

Haya mambo wakati tutatoka kwa hili Bunge itatufuata. Wale wanaotumia haya maji wakiwekewa ada ya kusema kuwa kila mwezi ni mia saba utumie ama usitumie. Ukikatiwa maji kurudisha ni shilingi elfu mbili; hilo ni jambo linafaa kuangaliwa kwa undani na kila Mjumbe aridhike. Yote tutakayopitisha hapa itakuwa sheria na itatuumiza. Mheshimiwa Kiguru apewe nafasi aipitie ili aweze kutoa maoni yake na mwelekeo ambao yeye mwenyewe angetaka iendelee. Asante, Mheshimiwa Spika.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Speaker: So, we are all in agreement that we give the Member until next week for him to go through the report. Unless there is someone who wants to make a remark different from that. Hon. Ndiritu.

Hon. Stephen Ndiritu: Asante, Mheshimiwa Spika. Asante kwa kutupea nafasi kwa sababu Mheshimiwa ameuliza tuweze kusoma hii stakabadhi. Nashukuru kwa hiyo lakini kuna jambo ningetaka kusema. Wakati hii ripoti yote ilikuwa ikifanywa, Wawakilishi Wadi walikuwa huko. Najua mkutano uliofanyika Nanyuki, na ndio maana wakati hilo jambo lililetwa hapa na malalamiko yakaletwa. Nikasema vizuri ya kwamba tuwache kulalamika kitu ambacho tunajua. Hiyo hakuna mtu hajui akiwemo Mheshimiwa pale.

Nikiangalia hapa naona jina lake na alikuwa kati ya walioenda mkutanoni. Labda alikuwa anapita pita akapata watu wanaingia langoni akaandika. Lakini hilo tutakuja kuongea baadaye tukipata nafasi. Nashukuru kwa hiyo lakini huo wakati mwingine tutasema mambo mengi zaidi ya hayo. Asante.

Hon. Chris Mark: Thank you, Mr. Speaker. I have seen the area MCA for Thingithu has come. I think like Hon. Kanyutu said, there are people who overly consume. I think this morning he has overly consumed this water. One thing I would say, it is good we get to know. I am starting to think by the end of this time we can stop giving people water and give them milk. It is cheap and we bought milk every morning and we will save the Assembly a lot of money.

The other issue is we should not castigate the person who asked for the statement. That place where the meeting happened there are usually many meetings. He might have been going for another one and by mistake or luck he entered this one. We wait for next week then we will hear what he will say. Thank you.

Hon. Daniel Nyausi: Thank you, Hon. Speaker. Thank you Members, and I have heard what the Members are saying. I would like to emphasise on one thing. That this House is guided by its laws and law says that, particular departments are/will be headed by committees. The issue of all Members attending a meeting and we will probably require a report on that meeting. That will be extremely hard and might be out of our hands if we go that way.

Mine is that we stick to the committees. If there is a need for an area member to join that meeting it is fine. They will be recognized more or less of a stakeholder. This House should be guided by the committees. The committee comprises of the elected members to particular committees by Members of this House. This report should be directed all the time to committee Member of Water and Natural Resources. If we tend to go on all Members or such things, we might not be able to have a person that we should be able to question.

Hon. Simon Kanyutu: Mr. Speaker, I stand on a point of information to the Deputy Speaker. As a Chair I was invited but I delegated to my Vice Chair. As a committee we were not invited. They invited the Chairman of the Committee. I delegated to my Vice Chair. For the NYAHUWASCO I attended personally.

Speaker: You have the invitation?

Hon. Simon Kanyutu: I have the invitation. I was invited but for NAWASCO, when I was invited I delegated it to my Vice Chair, a very capable Vice Chair; Hon. Patricia.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Speaker: Hon. Deputy Speaker, you can wind-up.

Hon. Daniel Nyausi: Thank you, Hon. Speaker. So that I do not take much time, that is how it should be because the Chairperson or his/her vice Chair, or any other Member. That is what I mean by the Committee of this House. Other Members if they attend, if they have time and interest should be more of stakeholders. Otherwise, we cannot be able to follow or to have someone who have passed such. All of us have interest in water, roads, hospitals but we must be guided by the committees representing such departments or sectors. Thank you, Mr. Speaker.

CONSIDERED RULING

Speaker: I believe that that one brings us to the end of it so that we can schedule time for it next week. Interestingly though I had some interest but the Chair has clarified. I was wondering whether there was a Member of the same committee who attended the meeting while they invited everyone else including the County Clerk and the County Assembly Clerk. Why did they not find it important to invite the committee for Water and Natural Resources because quite a number of Members did not attend?

For the Members who attended and made remarks on the same, I think that when the Hon. Member for Igwamiti will have gone through the report and the other Members as well then we will have that discussion. You remember that it is in this same report that it was said in this House that some few Members were bought mandazi and tea.

Therefore, we must be very keen to ensure that we get the very truth. Why did the members of the committee not attend? The Chair says that he was the only one who was invited but let us interrogate the report next week on Thursday at a time like this and then we will be in a position for the Hon. Member for Igwamiti to register his satisfaction or dissatisfaction with the report. So table clerks kindly note that. We are done with the other statement for NYAHUWASCO that was requesting for extension of time but it is good for the sake of HANSARD report to read through the statement seeking for extension.

Hon. Simon Kanyutu: Thank you, Mr. Speaker. I seek for an extension until next week to table a report on NYAHUWASCO.

Speaker: For the sake of HANSARD records, you can read the statement. Do you have it?

Hon. Simon Kanyutu: Thank you, Mr. Speaker. The above statement was read on the floor of the House on 11th June, 2020 by Hon. Joseph Kiguru and committed to Agriculture, Environment and Natural Resources Committee. The response for NAWASCO was received but the NYAHUWASCO is not ready. The response for the NYAHUWASCO Managing Director was received and requires more time for scrutiny. For this reason I wish to request that the committee be given one week to respond to the statement on or before 9th July, 2020.

Speaker: Thank you.

MOTION

AGRICULTURE AND NATURAL RESOURCES COMMITTEE REPORT ON NAWASCO

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Simon Kanyutu: Mr. Speaker, I need your guidance on this matter since we have shelved the report.

Speaker: These are two different reports coming at the same time because one is a statement and another one is a report. So the response we gave until next week but this one is a motion. The motion that you are moving is a report that answers the question number two on the submission to the report on operations, maintenance cost, administrative expenses, vis-a-vis the revenue, donations and funds appropriated by the County Assembly for the 2018/19 FY.

So I think it is the same and we better defer the report because this report is answering what the statement sought. I believe that we can handle as a statement rather than a report adopted in this House. This motion answers to number two of the statement that was raised. Therefore, in the interest of the Chair is that as the Hon. Member for Igwamiti sought for time, we can handle the two in one on Thursday next week.

ADJOURNMENT

Speaker: This House now stands adjourned until Tuesday, 7th July, 2020 at 2.30 p.m.

The House rose at 3.30 p.m.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*