

MURANG'A COUNTY ASSEMBLY THE HANSARD

Thursday, 30th April, 2015

The House met at 2:33 p.m.

(The Speaker Hon. Nduati Kariuki in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

The Speaker: Hon. Members, today the Leader of Majority will be moving a Motion of Adjournment as per our published calendar so that we have a recess of about three weeks. The most important agenda we would have liked to have completed before adjourning for this recess is to have received and processed the budget as per the timelines set by the law.

Most regrettably, however, we have not as of now received the budget from the County Executive Member for Finance and Planning. This is despite our various warnings that things are not going to be as usual and that we want more efficiency, both within the Executive and in this Assembly in order that our operations are dealt with as per the deadlines given by the law. So, that is the position that we have not yet received the budget.

It is our hope that, somehow, we can deal with the budget as soon as possible provided that when it comes to this Assembly, it will have been properly checked by the Executive to make sure that it abides with all the relevant laws because there is no use of having a budget that is illegal and which does not abide with the relevant laws, including the PFM Act Sections 125 and 129 and the resolutions adopted by the County Assembly on the County Fiscal Strategy Paper the County Integrated Development Plan (CIDP) including all other national or even local laws that have been passed by this Assembly.

(Applause)

The Clerk is, therefore, advised to contact the County Executive Member for Finance to make him aware that we shall not be receiving any budget which does not abide with the law.

(Applause)

Thank you very much. Next.

Hon. Anderson Muchemi: Mr. Speaker, I am sorry for interrupting the Assembly. However, much as you have said, I wish that this Assembly takes stern measures against the person who is required to have tabled the budget by today. He should take responsibility because he is now delaying and waiting for time to elapse. I wish that the Assembly takes action against that person.

The Speaker: Understood, but, according to our Order Paper, that is not the subject for discussion today, unless it is brought under other relevant provisions. So, we move on to the next order.

STATEMENTS

GIATHANINI ECDE CENTRE

Hon. Esther Nyakio: Thank you Mr. Speaker sir, I represent Ithanga ward. I beg to read the following statement:

Pursuant to the provisions of Standing Order 45 (2)(c), I hereby request for a statement from the Chairperson Education and Child welfare, Research, Information Technology and E-Government on the following;

- a. Is the Chairperson aware that Giathanini ECDE centre is among the prioritized nursery centres to be renovated and equipped with reading materials and chairs?
- b. Is the Chairperson also aware that the ECDE centre is in a pathetic condition and that it is included in the County Integrated Development Plan?
- c. When will it be renovated?
- d. When will the reading materials and other requirements be delivered?

Thank you Mr. Speaker sir.

Hon. Danson Mburu: Thank you, Mr. Speaker; I am the MCA representing Makuyu. I am also the Vice-Chairman for Education. I request that we be given two weeks to reply to the statement. Thank you.

The Speaker: Granted.

MOTIONS

FORMULATION OF A POLICY ON WATER USAGE

Hon. Jesse Mburu: Thank you Hon. Speaker, I am the MCA representing Nginda Ward. First of all, I would like to apologise to you personally and to this House because this motion was supposed to be brought two weeks ago but due to unavoidable circumstances, I was unable because I had attended a burial of a very close friend, by the time I came here, I was about 11 minutes late and I found that the House had already concluded its business. I also thank you Hon. Speaker for giving me a second chance to table this motion which I would like to be adopted by the members because we are talking about the people we represent. I now beg to move the following motion:-

Aware, that Article 43 (d) of the Constitution of Kenya 2010 states that every person has a right to clean and safe water in adequate quantities which includes the right to have water in adequate amounts for basic needs, further aware that Part 2 (11) of the Forth Schedule of the Constitution of Kenya 2010, recognizes the role of the County in Water and Sanitation Services, cognizant of the fact that many water users within the County in the upper regions have unfair advantage of excessive and uncontrolled usage of the scarce water resources thereby denying many households in Murang'a County who live downstream to access water; this Assembly urges the CEC in-charge of Environment and Natural Resource to formulate a policy on protection and control of the water usage upstream by encouraging the county water providers to install water meters in all the homes in the County to ensure adequate water supply for basic needs of the residents downstream.

Mr. Speaker, I thought of this motion and brought it to this House so that we can have adequate water in all the parts of the County. We are in the process of providing water to the whole County. We will see to it that every homestead has adequate water rather than have scarce water due to bad usage of the water upstream. We know that all the wards have been affected. The people who have piped water in their areas use that water not for the domestic use intended, but rather, for irrigation. Sometimes, they even interfere with the pipes so that water can be directed to their farms for irrigation. In the process, the people downstream go without water.

This outcry is everywhere and this is the reason why I thought it wise to urge the Hon. Members of this House to adopt this motion and support it so that the people downstream will have water. The only way we can do this is to introduce measures by urging the water providers to install meters so that people in every homestead or the users will be paying for what they consume. The procedure today is that people pay about Kshs. 500 and that one is even. Sorry about that, Hon. Speaker. The consumers do not pay for the amount of water that they use.

So, the only way to control this and to encourage people to use or to pay for the amount of water they use is by installing meters like it is done in cities such as Murang'a. If we do that, we shall see that people will fear to misuse water because the amount of money they will be supposed to pay is going to be higher. Therefore, if the CEC is able to convince the water providers to install meters in every home, we shall find that water is going to be even and the people downstream will have adequate water.

My intention of introducing this is not really for the sake of the water we get from the water suppliers but, rather, to protect the person who is living downstream and ensuring that he or she gets adequate water. So, this is a motion that is intended to, equally, provide services to everybody while seeing to it that water is not misused. I have gone around my ward and I have even seen some people destroying the water pipes deliberately so that water is directed to their farms where they grow agricultural crops.

Therefore, I am urging the Hon. Members of this House to consider what we are going to get by installing the meters. I am not really looking at the kind of money that we are going to get. I am looking at the welfare of the people who are living where these pipes have been installed and those who are living downstream to see to it that they get water evenly. Everybody will pay for the water that he/she uses rather than pay Kshs. 500 for water that he or she uses extravagantly to the disadvantage of the person who is living downstream. So, Hon. Members, support this motion because it is not only meant for Nginda but the whole County. I call Hon. Wa Dishon to second this motion. Thank you Mr. Speaker.

Hon. Samuel Wandia: I represent Muthithi. Mr. Speaker. I stand to second this motion. It is a good one, but I am wondering how the County Government will afford to buy meters to each and every home.

(Laughter)

I would still have stood to argue on the same. I find the intention of this motion to be good because the people downstream really suffer. They suffer because they don't really get enough quantities of water as some of the people upstream destroyed the pipes. However, as I have said, much as I support it, the mover should have gone ahead to let this House know the costs involved and how the costs will be defrayed. So, Mr. Speaker, I second the motion but I would pray that the mover

(Laughter)

The Speaker: Order! Order! The essential part of the motion says that the formulation by the Executive to encourage the County water providers to install water meters in all the homes in the County. So, you cannot say that you are supporting and, yet, say that you do not want the meters. So, can you be specific. Are you supporting the motion?

Hon. Samuel Wandia: Mr. Speaker I second and support, thank you.

(Question proposed)

Hon. Peter Kihungi: I thank you Mr. Speaker sir, I stand to support the motion. I think the mover of the motion has a very good idea where legislation should be put for the benefit of the people who are downstream. The issue of meters like in the case of Kenya Power it is the consumer who will be charged on the meter installed on his or her home. Therefore this one will not be part of our budget; it is the person who wants to install water who will be responsible for buying the meter.

The other issue is water installation. You find someone who is upstream the supply pipe is three or four inches then somebody installs a connection with two inches pipe, that person carries almost all the water. The legislation will be able to control if the main supply pipe maybe is three inches which pipe size should be used to supply to people up stream. If this is not done the people on lower side will always be at mercy of the people on the upper sides.

When the water is not installed with meters somebody will put the water in storage maybe a tank and when the tank is filled because he is not paying per volume used, he just lets the water continue running and this denies the people on lower side the water.

I think it is a very good legislation first of all to limit the careless misuse of water and to control the connections because the other problem is connections. We must be able to say that if you want to connect from the main line you must get leave from the government and you must be advised on the size of pipe to use to get water from main supply pipe. On that one we will be able to control water and ensure that it reaches the people on the lower side. Therefore Mr. Speaker I support the notion.

Hon. Kago Njoroge: I am yet to be convinced on how to support this motion because it is the work and mandate of water service providers to install meters for the consumers. If you follow what the last speaker has just said about the installation and connection of the pipes of the different sizes, it is the mandate of service providers to know the kind of the pipe which should connect to each and every home Mr. Speaker.

When we say someone can fill the tank and let the water flow to the garden it means there is laziness in water service provider or mismanagement, because each water service provider should count each and every amount of water flowing from his storage because he has used some money to put water to the tank meaning he needs to account for what has flown out of the tank. This means somebody somewhere is not interested in what he is earning from the water.

That is why when you go to Kahuti Water Company and the people down do not get water because there is a lot of wastage due to the water service provider laziness, mismanagement and not counting properly what they get from the water.

I feel this is for the companies that do not want to make any profits from the water they are selling. I fail to understand how can the county come in and start putting the meters in all homes. If I am the one interested with water I am supposed to pay for that meter it is not the company neither the county. Who is failing is it the county government or the water service provider? Does the service water provider require money to supply the water to the person who is downstream? That is the question that we need to ask

ourselves. So that even if it is going to be formulated, though I do not understand how it is going to be formulated, if the service water providers are not laying the pipes.

If you go to my area KAHUTI Water Services which is supposed to provide our area with water was supposed to come down up to Muchungucha. MUWASCO is the one that has gone up to Muchungucha because KAHUTI has failed. MUWASCO has been able to put good measures such that there is no wastage of water and they have managed to go beyond their boundaries because they want an extra shilling, because they need to do a bit of savings, get money to maintain their services and pay workers.

But if we say the county government is the one to do this, the providers will not be accounting for the services. I am opposing and maintain that it is the work of the service providers to make sure there is no wastage and to make sure they account for each and every drop of water. I thank you Mr. Speaker I oppose it strongly.

Hon. Danson Mburu: I stand to support the motion and support the mover because he is comparing the upper and lower side of the county and he knows the suffering there is in the downstream. It is true that downstream suffers from lack of water and this is there almost permanently because those people do not get water. And I beg that everything possible should be done so that those people downstream can get water.

(The Speaker Hon. Nduti Kariuki left the Chair)

(First Chair Hon. Bernard Kariuki in the Chair)

Water service providers should now think of lower side where I have said the suffering has been there. At times you go to the lower side this is Kakuzi, Makuyu, Kambiti and the lower side of Kambirwa, during dry spells there is no water and those people suffer a lot as they travel long distances to go and fetch water.

Therefore, if it was possible this is the time when we are in the county and when the plans are done that everybody involved and the service providers should think of the lower side. About the meters something should be done so that the water is not blocked. Let me put it to the light of the members who are here of a dam in Makuyu called Muri. This is the biggest dam in Murang'a County. It has been there for so many years and the water is lying there idle not helping everybody and this water should be put into use.

If something is done about the dam it can provide water to Makuyu and up to Ithanga because the water is so much. I went to Governor's office and got the water engineer took him there, he saw the dam and he was so surprised because of the amount of water lying idle and people are suffering so much. I have been lobbying from the executive and I do not seem to be going anywhere. I urge this House and especially the water committee to think about that dam, visit it and make resolutions to support the people down there. I support the motion.

Hon. Jesse Mburu: I stand to thank the members who have supported because as I have said before this is something that touches on every ward, but then we have some of us who oppose the motions here just for the sake of it. It is true if we let's say

(Hon. Kago Njoroge rose on a point of order)

Hon. Kago Njoroge: Is it in order Mr. Speaker for a member to say some of us do it for the sake whereas we are giving opinions and we are here to give opinions.

First Chair: Respond hon. mover; withdraw the words' for the sake of it'

Hon. Jesse Mburu: I withdraw and apologise Mr. Speaker, but I am sure in every ward there are people downstream who are suffering and it is good that we see that this problem persists in every ward.

Reading the mood of the House Mr. Speaker sir, I am sure the members are going to support this motion and considering the fact that the motion does not mention anywhere that it is the county money that is going to be used. What I said and what is in my mind is that the service providers be encouraged to install meters so that the people downstream will not suffer because of extravagance of people upstream misusing the water. Meaning that everybody will be paying for the water that one has used and not misusing water simply because there is a flat rate of payment let us say Kshs. 500 which is being paid by the people in upstream and downstream.

I am requesting that the county talks to the service providers so that they can install meters. If it is being done in Nairobi and it has a bigger population than Murang'a then why can it not be done here because we want to control and give water to everybody, I thank you Mr. Speaker.

(Question Put and Agreed To)

MOTION OF ADJOURNMENT

Hon. Peter Kihungi: Thank you Mr. Speaker sir, I beg to move the following motion;-

That, pursuant to standing order 53(b), the Assembly adjourns for this short recess as from Tuesday 5th May 2015 to Thursday 21st May 2015 as per the approved Assembly Calendar. Thank you Mr. Speaker sir.

I call upon the deputy leader of Majority to second

(Hon Rosemary Wakuthii rose on a point of order)

First Chair: What is it member for Gaturi? Resume your seat member for Mbiri.

Hon. Rosemary Wakuthii: Mr. Speaker sir, is it in order for Hon. Njoroge to stand while he knows that I am the deputy Majority leader who enjoys the benefits of that position

First Chair: Order! Member for Gaturi, the point of order is on the leader of majority, if indeed the Hon. Member for Gaturi is the deputy leader of Majority. But not to pursue that line, I will urge the mover of the motion to refer the seconder by the ward they represent

Hon. Peter Kihungi: I call upon Hon. Njoroge of Mbiri ward to second the motion

(Applause)

Hon. Joseph Njoroge: Mr. Speaker, I stand here to support what the majority leader has requested for the adjournment of the House. It is good to make it clear to the House that TNA sat down and they discussed the deputy leader of Majority seat.

First Chair: Order! Member or Mbiri, the substantive debate that you are bringing is away from the motion, that is a political matter that your party should be able to solve and this is a House that should not be brought into party matters,

(Applause)

So go ahead and second the motion

Hon. Joseph Njoroge: I stand to second

(Question proposed)

First Chair: Hon. member for Kangari

Hon. Anderson Muchemi: I stand to oppose the adjournment, since the executive member has not presented the Budget Estimates to this Assembly as per the law. I wish to remind the members the provisions of PFM Act 129 (1)(a) that the County Executive Committee member for finance shall submit to the County Executive Committee for its approval the budget estimates and other documents supporting the budget of the county government, excluding the County Assembly. (2) Following approval by the County Executive Committee, the County Executive Committee member for finance shall submit to the County Assembly the budget estimates, supporting documents, and any other Bills required to implement the budget, except the Finance Bill, by the 30th April in that year.

Mr. Speaker my opinion is if we adjourn today, it is like we will be running away from our duties, Mr. Speaker, and this has been happening since we came here, they have never submitted this budget estimates by the deadline. I oppose because, I was requesting the Assembly members that we extend until Tuesday 5th and give the executive deadline that by Tuesday 5th at 2:30 p.m. If they will not have submitted the estimates, Anderson Waweru Muchemi MCA Kangari will introduce a censure motion to impeach the County Executive Committee Member for Finance and I hope immediately I introduce the members will support me since this executive member must go because he is the one letting us down, so I oppose in the strongest terms possible, let us not adjourn until Tuesday 2:30 p.m.

First Chair: Member for Kariara

Hon. David Muhoro: I rise to oppose the adjournment, this is a House of order, we cannot adjourn and go for recess when we have left this county in a mess. Mr. Speaker it is in the Standing Orders and the PFM Act that by 30th of April, the executive member for Finance will present the budget estimates, but because he knows quite well that for long he has violated this law, that is why he is buying time so that this Assembly and the whole County will be subjected to the misuse that they have had.

Mr. Speaker, I stand to oppose the adjournment and support the member for Kangari who has said that he will introduce a censure motion; I pray that he will give me a chance to second that motion so that we bring order to this County.

Mr. Speaker we are in the second year, we are almost getting into campaigns and nothing has been done in our wards, unless in a few wards who are not even being appreciated. I oppose the adjournment and pray that we push until Tuesday 5th so that we can impeach the executive member for Finance before we go for recess.

Hon. Charles Kirigwi: I stand to support the adjournment; it has been my motivation and conviction that if a particular person fails to plan he should not inconvenience me,

(Applause)

The calendar of this House has been in the public domain, from January everybody knew that from today, the House will stand adjourned and the reason for such historically

is that we are supposed to adjourn so that we discuss the budget. Now that they have not, we are not going to die because we are in recess?

Leader of majority and the Speaker will come together and if they need us, we are there to work for this county. I am convinced that we should not stay here longer because somebody has not done his work. I urge the members that we proceed, if the executive will feel that the Assembly is an important Arm of this government, in terms of budget making, they have our contacts, and they will call us.

Hon. Rosemary Wakuthii: Thank you Mr. Speaker sir, I am the deputy leader of majority. I want to support the motion of adjournment from the Majority Leader. As my colleague for Kinyona has said, we have scheduled for other issues within our wards, once we go for recess, and we will come for committee sittings and deliberate on urgent issues. I also have schedules for my ward because this is the time that I'm supposed to go and see my people. I support the adjournment.

First Chair: Member for Muthithi

Hon Samuel Wandia: We should go by the calendar, if we are supposed to adjourn by 30th, let us adjourn. Mr. Speaker, we have been recalled before and the process of recalling us still remains. We are members of this Assembly, we are important people for this county so Mr. Speaker even if we are recalled on Tuesday, the member for Kangari will come, I will also come. So Mr. Speaker let us adjourn, let us not look at what they have done. The leader of Majority is within the law. They can recall us any time for me even if it is tomorrow morning I will be here because I love the County.

Hon. Jesse Mburu: Thank you Mr. Speaker, I stand to support the motion. This House is dignified and we shall not surrender our dignity to the failures of an individual. The Speaker knows his work and when it comes to a point where we are supposed to come back and discuss the budget, we shall be recalled and come back here, but we should also take note of the failures of the executive who have failed not once or twice, but many times. This House should not be held at ransom because someone has failed. I support

First Chair: Deputy whip

Hon. Martin Mwangi: This is a sad day in this House. As I support this motion of adjournment; it is also a day that we are breaking the provisions of the Public Finance Management Act 2012, because it clearly states by 30th. Mr. Speaker, in this House we have been stating to the budget committee since they started the budget process that you must operate within the law. Mr. Speaker we feel bad when we are moving along the streets of Murang'a and the people of Murang'a are saying this Assembly is incompetent. They are blaming us in everything and they are saying that we are only here to rubberstamp and formalize failures.

So Mr. Speaker the story was that we were supposed to receive the estimates by 30th. Whether we are going for recess or not, when we will come here we will discuss the incompetence whether from the committee of budget or from the CEC member. Wherever it is coming from, someone must be held responsible. The law states it is 30th, even if we come on Tuesday, Tuesday is not 30th, 30th is today by midnight and we have severally stated here that the budget process must stick to the law because even spending outside the budget is a serious economic crime according to the laws of the Republic. That is why I am saying, it is very sad and discouraging, it seems we have been coming here to break laws and this is the House to make sure that the laws are followed. The concerned

committee should also come with a report when we resume to tell us who has failed us so that this House can take the necessary steps and ensure the dignity of this House inside and outside is preserved.

First Chair: Mover to respond

Hon. Peter Kihungi: Mr. Speaker, I take the sentiments of the Hon Members. The April recess under the parliamentary systems is a recess for the members to go to the public, get the views on budget and have time to review the budget. But as it has been said, it is sad that we do not have a budget and today is 30th of April, but Mr. Speaker, this is a Hon. House that is senior to that CEC in charge of Finance. The CEC Finance is charged to read the law and understand that he is supposed to bring the budget by 30th April but our calendar states that we are supposed to go on recess today. Mr. Speaker, because we can call the House anytime we want. If the extension of our timetable was to be able to act on the CEC that could be reasonable, but if it is to wait for the CEC then he is becoming senior than this house.

Mr. Speaker sir, I am saying we go on recess and after they bring the budget, we will call the House and we can call the House to discuss the anomalies done by the CEC in charge as Muhoro has put it. We can call the House even on Tuesday because this is a crime done and somebody must take responsibility but the procedures of the House must remain. We will stick to the procedures but if anybody finds anything important to bring us back to the House we will do so.

One thing that is happening is that the CEC Finance has committed a crime not done anywhere else. I do not think in all the 47 counties there is any County that will not be able to meet these timelines, therefore we are not even aware whether they will have a budget by Tuesday, maybe they won't. So let us go by our timelines but if we get it on Monday or Tuesday we shall call a special sitting. I call upon the member to support the motion on adjournment.

(Question Put and agreed to)
(Applause)

ADJOURNMENT

Hon. Members, the House stands adjourned, thank you.

The House rose at 3:25p.m.