



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Tuesday 16th June 2020

The House met at 9.30 a.m.

[Hon. Speaker (Ms. Beatrice Elachi) in the Chair]

PRAYERS

MESSAGE

NOMINEE FOR THE POSITION OF SECRETARY TO THE COUNTY PUBLIC SERVICE BOARD

Hon. Speaker: Hon Members I have a message to make. Standing Order 43(1) relating to messages from the Governor provides that the Speaker shall read to the county Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the County Assembly.

In this regard Hon Members, I wish to report that the Office of the Speaker is in receipt of a message from His Excellency the Governor of Nairobi City County on the nomination for the position of the Board Secretary to the Nairobi Public Service Board. I now wish to convey the following message.

‘As you are aware section 58(1)(c) and section 58(4)(a) of the County Government Act 2012, Article 179 (2)(b) of Constitution provides for nomination and appointment of Secretary to the County Public Service Board with the approval of the County Assembly from amongst persons who are not members of the Assembly’.

‘Pursuant to the provision of section 58(1)(c) and section 58(4)(a) of the County Government Act 2012, Article 179 (2)(b) of Constitution and section 35 of the County Government Act 2012, I hereby nominate Philip Paul George Kiangu to the position of the Secretary to the County Public Service Board’.

Hon. members, I direct that the Select Committee on Labour and Social Service Welfare proceed with the vetting of the said nominee.

PAPERS LAID

Hon. Speaker: The Chair, Budget!

Hon. Robert Mbatia: Thank you Madam Speaker. Pursuant to Standing Order 191, I beg to lay the following paper on the Table of this Assembly today 16th June 2020, this being the report of the Select Committee on County Finance Budget and Appropriation on consideration of Nairobi City County Fiscal Strategy Paper for the financial year 2020/2021. I beg to lay.

Hon. Fredrick Okeyo: Pursuant to Standing Order 191 I beg to lay the following paper on the Table of the Assembly today Tuesday 16th June 2020, the report of the Select Committee on Ward Development Fund on the workshop held on 26th March to 1st March 2020 at Travelers Beach Hotel, Mombasa, I beg to lay.

Hon. Mwangi Njihia: Thank you, Hon. Speaker, pursuant to Standing Order 191 I beg to lay the following paper on the Table of the Assembly today Tuesday 16th June 2020, the report of Sectoral Committee on Culture and Community Services on a workshop held from 20th to 25th January 2020 at Severin Hotel, Mombasa. I beg to lay.

Hon. Speaker, pursuant to Standing Order 191 I beg to lay the following paper on the Table of the Assembly today Tuesday 16th June 2020, the report of Sectoral Committee on Culture and Community Services on the workshop held from 20th to 24th February 2020 at Travelers Beach Hotel, Mombasa. I beg to lay.

Hon. Fredrick Okeyo: Thank you Madam Speaker, pursuant to Standing Order 191 I beg to lay the following paper on the Table of the Assembly today Tuesday 16th June 2020, the report of Sectoral Committee on Energy, Information, Communication and Technology on the workshop held from 12th to 15th March 2020 at Pride-Inn hotel, Mombasa. I beg to lay.

NOTICES OF MOTION

Hon. Robert Mbatia: Thank you Madam Speaker, I beg to give notice of the following motion: That this Assembly adopts the report of the Select Committee on County Finance Budget and Appropriation on consideration of Nairobi City County Fiscal Strategy Paper for the financial year 2020/2021 laid on the Table of this House today the 16th June 2020, thank you.

MOTION**ADOPTION OF REPORT OF AUDITOR GENERAL ON FINANCIAL STATEMENTS OF NAIROBI CITY WATER AND SEWERAGE COMPANY**

Hon. Stazo Angila: Hon Speaker I beg to move the following motion: That this Assembly adopts the report of the Select Committee on Public Investment on the report of the Auditor General on the financial statement of the Nairobi City Water and Sewerage Company limited for the year ended 30th June 2018 laid on the Table of the assembly on Wednesday 4th March 2020.

Hon Speaker, I wish to make a kind reminder that the report of the Auditor General was tabled on the floor of the Assembly in June 2019 and thereafter committed to the PIC pursuant to Article 229(8) of the Constitution of Kenya for the scrutiny and reporting to the County Assembly within 90 days.

The committee recommended that the company should ensure that all debts be recovered before the end of the year 2019/2020. The management must provide a progress report on the commitment of debt

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recovery. This will mean the establishment of debt recovery units within the firm to ensure an efficient and effective mechanism for debt recovery.

The management should put a clear policy framework in place to guide the management in criteria for debt recovery on procedures of how some debts are written off and terms of penalty for violation thereof.

The company should stop any further payment to Athi water services Board pending review of the tripartite agreement.

The company should repossess all the assets since it is a County Government corporation mandated to provide water and sewerage services to the County residents as per the constitution.

The company and the County Government should agree on how to manage the County assets therefore the management should initiate a process of coming up with a sound legal framework. This would provide a legal agreement for ratification by the formation parties that are managing directors should together with the formation parties, Chief Officer responsible for Land appoint a task force with a clear duty to carry out fact-finding mission and produce a report, which would then form a legal agreement for ratification by the formation parties.

The Chief Officer responsible for Lands should recall, review and if necessary revoke all title deeds obtained illegally before the end of the calendar year 2020. In addition, the management should license with the Chief Officer for Lands in respect for the issuance of title deeds and any other related task.

The County and company should put in place measures in order to safeguard any property that falls under the firm's jurisdiction from the encroachment, which will be reserved for expansion of storage and treatment works.

The management should prioritize investment on how to maximize the groundwater for instance in drilling several boreholes.

The management should adopt a policy on the use of modern water pipes. This would not only promote efficiency but also adaptability to ever-changing technology hence the management should replace old and obsolete water pipes.

The management should put up measures on how to identify, report, investigate and punish water cartels. Water cartels are among other defiant groups of people who constantly commit economic crimes and must thus pay punitive fines once caught.

The management should collaborate with other investigative agencies such as EACC and DCI to reduce water shortage as occasioned by notorious water cartels.

The Managing Director should within 60 days of adopting this report submit a status progress report to the Assembly on action taken to implement the above proposals by the directors to add this matter as stated before the committee.

The company should adhere to the laid out process in the company's policies when filling senior positions. This will protect professionalism from politics particularly unlawful termination of contracts, especially for senior management officers.

Senior management officers should not be appointed by political class rather than be based on the highest level of professionalism.

Madam Speaker, I now call upon Hon Malde to second the motion.

Hon. Jayendra Malde: Thank you, Madam Speaker. I rise to support the motion.

(Question proposed)

Moses Ogeto: Thank you, Hon. Speaker, I want to stand here and support this motion based on recommendations, which the Chair has illustrated. If you see the first recommendation that the Accounting Officer should report in writing within 60 days. I believe within 60 days the Hon. Chair will table a report to state what has happened. Hon. Speaker, I have seen another recommendation about public participation which must be part of this report. In the last days as much as there is COVID 19 you have to ensure even the members of the public can give their views.

Hon Speaker as we congratulate the chair Stazo Omunga'la who has brought a brilliant report, this is a stage of the Committee of Implementation where the vice-chair Pius Mbono should ensure that the recommendations which have been tabled in this report should even be concurrent with Standing Order 23 where the Governor of Nairobi City County should address the achievement that has happened since he joined the County. This will make the agenda of Nairobi Water and Sewerage company move forward.

Hon Speaker in the same report it is very categorical that we are privy to implementation of what is happening. The chair should be aware that NMS, as communicated by the Speaker, has done 51 boreholes in Nairobi county. The Chair should bring a report on how best water delivery has been done.

As I support the report I invoke Standing Order 23 that at every sitting of this Assembly, the Governor may address the County Assembly on achievements, developments and whatever he has done in this County. We are requesting our god friend Hon. Mike Mbuvi Sonko that two years have ended without him addressing this Assembly...

Hon. Speaker: Good friend or the Governor?

Hon. Moses Ogeto: Our good friend Hon H.E Mike Mbuvi Sonko. Hon Speaker, we are requesting -unless he wants to create a constitutional crisis for he has never addressed us for two years. We are requesting him to come and address this Assembly so that we can...

Hon. Speaker: Order, order! You will not blame the Governor and you know very well the courts said he can't come within the precincts. You need to withdraw all that. He has not refused. He has respected what the courts said. You can't blame him.

Hon Moses Ogeto: Hon. Speaker the scene of the crime is not the Assembly side...

Hon Speaker: Order. The courts did not describe the precincts. It said, City Hall. The order did not specify where in the City Hall. Don't put the Governor into another trouble. Just withdraw

Hon. Moses Ogeto: I withdraw which one, Hon Speaker? I was supporting the motion saying under Standing Order 23 and I am very categorical that this side is the Nairobi City County Assembly. This is not City Hall. It must be very clear that this is an Assembly wing and is gazetted. It is an independent institution.

Hon. Speaker: Order. If I remember and I respect the courts and my very strict judge. To him, he knows Nairobi County as one government and never said there are two entities in the Nairobi County Government. He said "I hereby give orders that you cannot enter your office", meaning within the precincts. Until you go back to court and request how you would want him to come so that you don't put him in trouble.

Hon. Moses Ogeto: Madam Speaker, much obliged and I believe in few days I will move to the corridors of justice so that we can expunge [the orders] and H.E. the Governor to come and address the

Assembly so that we are in tandem with our Standing Orders. It is a constitutional right that even the President of the Republic of Kenya addresses parliament once in a year and we love our Governor. We want to see him sitting next to you on the right side and you seated in the middle and the Senator seated on the left and we progress as Nairobi (*applause*). That is why we want to tame the confusion that is in this City..... and we want to tell our Governor we love him and want him to address this Assembly in the spirit of the handshake. I beg to support.

Hon. Immapet Kemundo: Thank you on Speaker and I appreciate your guidance. I want to support the recommendations of the Public Investment Committee led by Hon Omunga'ala Stazo whereby of late you have seen the government has taken charge of Kariobangi and Ruai. The land that was taken by some people there is coming back to Nairobi Water. That will be a very good step going forward with more boreholes going to be dug, there will be much supply of water to every Ward. Of late through the effort of the committee, we now have a Managing Director, Mr. Muguna and we appreciate for his position and also the existence of the Board because before there was no report and there was hullabaloo here and there.

I appreciate the committee and the Minority Party led by the Whip Imwatok and also appreciate Omung'ala. We support the report. Thank you.

Hon. Speaker: Hon. Kabiro

(Members spoke off-record)

Hon. Speaker: As much as I appreciate the seniority and leadership, Hon Kabiro proceed!

Hon. Mbugua Kabiro: Asante sana Spika. Leo ningependa kuchangia mswada huu kwa lugha ya Kiswahili.

Hon. Speaker: *Shukrani ili wakenya pia waelewe. Unajua hii ni maswala ya maji kwa hivyo wataelewa zaidi. Nashukuru.*

Hon. Mbugua Kabiro: Mheshimiwa Spika, ningependa kwanza kumpongeza Mwenyekiti wa Kamati hii ya Uwekezaji wa Mali ya Umma, na kwa kuchangia, ningetaka kusema yafuatayo; mwanzo, nimefurahishwa sana kwasababu ya wale watu wameajiriwa kazi na hii ripoti. Kampuni ya Maji ya Nairobi imekuwa na shida kubwa na kumekuwa na *schedule* mrefu hapo ya kuonyesha wafanyi kazi wengi waliokuwa wanafanya kazi na ile tunaita '*acting capacity*'.

Mheshimiwa Spika Kamati hii imewajiri na tungependa kamati zingine zote zilizoko kwenye Bunge hili kufuata mtindo huu wa kuwaaajiri watu kazi, wale waliofanya kazi kwa zaidi ya miezi sita kulingana na vile sheria ya Kenya inasema.

Hon. Speaker: What is the Point of Information?

(Hon. June Ndegwa spoke off the record)

Hon. Speaker: Order my Whip!

Hon. June Ndegwa: Hon. Kabiro is speaking in Kiswahili Madam Speaker. Kindly ask him to speak in English so that we can be able to digest. *Tafadhali*, Madam Speaker.

Hon. Speaker: Wale Wakenya wenzetu hasa wale waliowachagua wengi wao huelewa zaidi mnapochangia kwa Kiswahili. Najua ya kwamba Mheshimiwa Kabiro ameanza na Kiswahili, mtamuaia radhi

kwa kuwa Nairobi mwaongea *Sheng* na mmeshindwa kabisa kuongea lugha sanifu. Kwasababu inakubalika katika--- lakini usitumie maneno mengi ya Kiingereza manake unapoanza na Kiswahili, itakubidi umalizie na Kiswahili. Namuomba aendelee.

Hon. Mbugua Kabiro: Mheshimiwa Spika, nashukuru hata kwa *kuniprotecti---*

(Laughter)

Nashukuru Spika kwa kunizuilia na Kiranja wa Walio Wengi anayaitwa June Ndegwa maanake hata Kiswahili chenyewe hawezi. Ningependa kusema ya kwamba ule ubomoaji uliotendeka kwenye kitongoji cha Kariobangi, Ruai and sehemu zingine, ni kwa ajili ya wakaazi wa Nairobi wapate maji na yasafishwe ndio yaweze kuelekezwa kule inafaa ielekezwe.

Ripoti hii imenakiliwa na imesema kuwa Bunge hii inakubaliana na ubomoaji ule. Wale ambao hawataki na wako hapa kwa Bunge hili wanafaa wajue ya kwamba Kamati imepitisha. Tungetaka miaka kumi ijayo Nairobi iwe *'model city'*. Ningetaka kuchangia pia kwa kusema yafuatayo; nitaleta miswada mitatu katika bunge hili. Ya kwanza, ningetaka kumwalika Gavana wa Nairobi aje na aketi hapa na aweze kutuhutubia sisi na Wanairobi. La pili, ningetaka pia Seneta wa Nairobi pia aje atuhutubie na Wanairobi. La tatu, ningetaka Generali Badi aje atuhutubie.

(Applause)

Tukiyafuatilia yale yaliofanyika katika Ikulu ya Nairobi, tunawaonea huruma watu wanne walio na ugonjwa wa Korona.

(Laughter)

Hiyo imecontainiwa vizuri.

Hon. Speaker: Mheshimiwa Kabiro utaniuia radhi maana watu wanne walipatwa ---

Hon. Mbugua Kabiro: Watu wanne wameambukizwa na virusi vya Korona. Haya yakitendeka kwa Ikulu, Mheshimiwa Raisi alimuamuru Generali kuwa baada ya siku mia moja amletee ripoti. Siku zinayoyoma na huenda zikaisha hivi karibuni. Kwa hivyo ningetaka kusema ya kwamba nitaleta miswada mitatu; ya kumwalika Mheshimiwa Gavana wa Nairobi, Sonko, Mheshimiwa Seneta wa Nairobi, Sakaja na pia Mheshimiwa Generali Badi. Ndipo watuambie, Nairobi twaenda wapi? Nakualika uweze kuileta ya Passaris ndio mimi nikuwa na tatu na wewe angalau moja. Ndio tuwe na mwelekeo wa Nairobi na tuwe kitu kimoja.

Bunge hili liko na powers kama ile ya High Court na ile court order imepeanwa tunaweza itoa kidogo na tuseme tumepitisha Mswada na vile tumesema. Kama ni kumuingiza mnipee nafasi nifanye hivyo, aingie kama mimi na hatutakuwa na shida. Mheshimiwa Spika ningetaka kuachia hapo nikisema, asante.

Hon. Speaker: Sawa.

Hon. Peter Imwatok: Thank you, Hon. Kabiro for doing your best. I propose that soon we will use our other national language. As a capital city we must embrace both languages. I know there are those of us from the group of schools who have a problem, the likes of Ogeto, June Ndegwa, Stazo, they don't know ABCD, they know a ba da cu du. Madam Speaker, you understand that but I and Hon. Kabiro we can try to speak because we come from this other end but Hon. Kabiro twisted himself by growing from another land.

Madam Speaker, I support this report because one, it is led by my able Chair from this isle, Hon. Stazo Omung'ala, a man who once told me that the best thing this Assembly could do was to provide water because he owns a yacht where he can dock - he means it when he says so. You can confirm that he walks out as if he owns this world in his way. I am a member of the Water Committee for the last seven years and my able Chair Hon. Leah is there. When I say my able Chair, mark my words carefully, we have done a lot to make sure that Nairobi Water as a company delivers to the people.

First and foremost, as Hon. Immapet has said, we congratulate Eng. Muguna for being appointed as the MD. This company has stayed for more than four years without a substantive MD. Even the heads of departments are in an acting capacity for the last four years. This report has captured what we have seen speaking about in the last Water Committee that Nairobi as the capital city, as you are all aware that during the day we are about 6 million and at night we are about 4.5 million people.

Madam Speaker, I normally tell people in my Ward, imagine a sewer system in the 1980s which could accommodate 800 people and assume they go for a long call and then assume now that around 8,000 people going for a short call at the same time. The sewer system will not have the capacity to carry what comes from 8,000 people viz-a-viz 800 people. This company has to operate. I am happy that it now has direct supervision of the NMS as one of the axillaries that has to deliver to the people of Nairobi.

When my deputy says that we should invite them over, it is true as it is our constitutional right to be addressed and not even the courts can deny us that opportunity. Because we want to understand what the Governor has in between his ears so that we don't operate on a reactional mode in the County. We must have a plan. We are also privy as Hon. Kabiro has said the House on the hill gave the Director General a 100 days to deliver. One of the deliverables which I am very happy about as I walk in Makongeni Ward is the availability of water through tankers.

If Hon. Kabiro wouldn't have moved by tomorrow, I would have moved that motion. Under the Constitution Article 137 (b), it says all functions transferred still remains under the supervision of the mother county. Madam Speaker, you lead us wisely when we went to Windsor as a committee and we pushed for amendments on the Article of transfer that has given express authority to this Assembly to do checks and balances even to NMS. My Chair of Planning, I am a member, came to my office a day before yesterday saying there is a member from the NMS who has said that he will not appear before the Committee of Planning. We are sending him a message that our role as County Assembly, under your leadership, was never transferred to any institution.

(Applause)

Under Schedule 4 of the Constitution, the functions to be exercised by the County Government remains under direct supervision of the County Assembly. I am happy that the Director General is aware of this. If there is an officer in the NMS who would want to stifle the authority and the sovereignty of the Assembly, we will not hesitate to name him. Because in this County we have 85 elected members and our parties elected 39 more so that we can be the representatives of the 4.5 million Nairobians.

Madam Speaker, in the history of this Assembly, I am remembered as the only member who moved one of the best minority reports that the entire Budget Committee has ever tabled and PAC report. Hon. Maina Njoka is one of the PIC members who is one of the members of this Assembly that we respect and we

respect the people of Kariobangi. But we witnessed about a month ago after the committee had recommended to the National Government and the Nairobi Water Company and the County Government by extension to repossess land meant for the expansion of the sewer system.

Madam Speaker, I have gone through this report and Hon. Maina Njoka is a member of this committee. If indeed as a member you feel that what the committee has recommended is not in tandem with what you believe in, the Standing Orders give you a loophole where you can do a minority report. But in this report, I have not heard the Chair reading a minority report written by Hon. Maina Njoka. Therefore, members if you are in a committee and represent your Ward, make a decision that covers your people. If they are illegal, we cannot sanctify it. Even Article 159 of the Constitution cannot change that. If something is wrong, it is wrong.

Madam Speaker for the Member for Kariobangi to arm-twist the County Government, the NMS, and the National Government that his people are rightfully there, it is wrong. As we support this report, we encourage the PIC Committee and the entire government that, this County cannot go forward if we continue pushing each other left, right and centre. I am happy that as a House we are at peace, apart from WhatsApp and SMS, we engage daily until midnight. I have received threat messages, others for reconciliation. We are ready for reconciliation in the entire Assembly including the Governor because he is also a politician. As a politician what comes first are the interests of our people.

I want to plead with the Chair of Water Hon. Leah. Makongeni estate was built in 1892 and for the last 15 years it has not achieved half water, Chair as you do the infrastructure consider where you were born, you are our export to Donholm. I beg to sit and I support this report fully and tell the majority side that we fully support any agenda that you bring but it should not be dirty. We will support the entire Jubilee leadership on any agenda that you bring provided, you do not abuse our side especially the enigma of politics in Africa. If you do so we will deal with you. Thank you Madam Speaker.

Hon. June Ndegwa: Thank you, Hon. Speaker. I was trying to put a connection between water and the enigma and didn't find it, but I think I will ask Jateso later. Sometimes he brings things that do not connect and I am asking for divine intervention for Hon. Jateso. I stand to support this report.

Some few months ago if not a year ago, I was a victim of what is called '*kifaranga ya komputa*' and I happened to sit at the PAC and PIC at the same time because there was a bit of uncertainty in the formation of committees. I realized that there was a disconnect between the Athi Water Services Board and Nairobi Water. Nairobi Water, in a nutshell, collects money and Athi Water Services Board is supposed to use the funds to expand the sewer and the water system in Nairobi.

Madam Speaker, there has been a tripartite agreement that has been long overdue because it had not been amended or reviewed because of the loopholes in the agreement. We know of members of the Athi Water Services Board who have been summoned by the EACC because they could not explain where they got their money from and EACC was looking into their lifestyles. I do not want to accuse anyone from the Athi Water Services Board for enriching themselves with the Board money but what I am certain about, this time that the service has been taken over by the NMS, I am a 100% sure that General Badi will make sure that these funds go to the rightful use.

Madam Speaker, I have said in this Assembly time and again that it is shameful for Kenyans to go and campaign in the name of water. From time immemorial people campaigned by telling people, they will bring them water. We have seen water bowzers and politicians taking water to Nairobians because they know it is a necessity and using it to hoodwink Kenyans. Water is free, natural, and God-given and should be channeled to the right homes. We need to stop using water as a campaign tool in this country. This report has stated that the infrastructure would improve, I want to thank Hon. Stazo and his committee and recommend that they take it to the Implementation Committee where Hon. Mberia is the Chair, to make sure that it is done. If anything Madam Speaker, let us be able to give Nairobians water and let the water bowzers be removed from the streets because we have seen some that deliver water during the day, and at night they are sewer systems. We have seen bowzers that are giving people water by the day and by night they are exhausters that pick and remove trash. It is a sad affair, Madam Speaker.

Madam Speaker, if we sort out the water problem in Nairobi, half of the diseases in this City will be controlled because they are spread through water. I am proud of this committee and would like to say that all the assets need to go back to Nairobi Water because I do not understand how Athi Water has our assets and yet are not able to account for money from 2007 to 2016. All the tariffs that they give Nairobi Water do not make sense because they are in charge of imposing these tariffs of water payment. I will not sit before I say that all government institutions need to pay for water. We have heard of debts that are so high and this is because the government institutions are not paying, all this in the name of sorting out water in this county. Thank you.

Hon. Leah Supuko: Thank you Madam Speaker. I would like to point out at some of the recommendations that the committee has given which we have dealt with as the Committee of Water. Recommendations No. 2 about the debts. We have dealt with Nairobi Water Company at so many times and the Minority Whip knows that in the retreats in Mombasa and also in our committee rooms. I can only say that anything to do with Nairobi Water Company, some things turned to be very difficult to deal with because I do not know what is the connection between water and cartels, I have never understood that.

Another recommendation is number 5, which I used my connection with former CS of water Chelugui and I led a delegation of the Nairobi Water Committee. [Hon] Imwatok and some of the Members here were there with us. And this is about Athi water.

Hon. Speaker, I can tell the House that if you mention anything about Athi water to the Managing Director, you are his enemy. I have never understood why they are so defensive and yet they are doing all the projects on brief of Nairobi Water. We have tried all that and the talks were ongoing to a point that we agreed to have a retreat between the Nairobi water committee and even extended to have a meeting with all Chairs. That did not happen. It is true that they get a lot of money on behalf of Nairobi Water even through the World Bank. It is very hard to tell them to account for what they do. I don't know which agreement was made there before between Nairobi Water and the National Government. I happened to work with WASREB which also have a connection with all water companies in Kenya. I got to know about Nairobi Water when I was in WASREB and that is why I was interested to sit in the Water Committee to which I am the Vice Chair.

I want to comment on the assets of Nairobi Water. Nairobi water is a very rich company. It has a lot of assets all over Nairobi. We went to retreat several times in Mombasa. And the CEC of water was also

there as well as the Chief Officer. We couldn't get through the discussion of the assets because if you mention that, you are told it is with somebody in the Executive. When you ask who the somebody is, you can't penetrate to know. Whoever protects the assets, it is for this committee to ... I support the recommendation. They should come up with a committee to follow up on all the recommendations because they are all very important and I can report to the House that we as the Committee of Water discussed all these recommendations.

Before I sit, [Hon] Imwatok was talking about reconciliation. I want to say this without fear of contradiction. You can't talk about peace in this hand and talk about war on the other hand. I don't want to brag, but you have known me as Leah. What I say is what I say. I don't mince my words. If I like you, I like you. If I don't like you, I don't like you. But the hatred which has crept into this House, I fail to understand. I even fail to understand what we are fighting for. I can't see any money in this Assembly which will change my life. Apart from the salary and allowances that I get, I don't see anything that will change my life. I want us to say what Imwatok was saying. He is my friend. Politics has never come between me and him. I hardly quarrel with anybody. But I just want to say if you want peace, don't hide a knife on the other hand. The laws should be obeyed. Imwatok, I want to tell you, from where I sit as Leah, I have never supported war here and I will never. But in politics, you will always have sides. That is why you are NASA and that is why we are Jubilee. In politics, you must have a side that you support. I support aside, but I don't support war. I don't support hatred. So, as we preach peace, let it be peace. Thank you, Hon. Speaker.

Hon. Peter Imwatok: Hon. Speaker, what Madam Leah said is true. Our political differences have never come in between our friendship. And I also agree as an Assembly, leave the Executive because our Constitution envisaged the separation of power. which separation is County Executive versus County Assembly. I agree that we need peace in our Assembly and what Madam Leah is saying is that we should bring peace without the Ghanaian knife.

The Ghanaians changed the greetings style. In ancient times, the Ghanaians used to greet people with one hand and the other hand behind. They later realized that the other guy has a knife in the other hand. He pulls you and stabs you in the back. That is why the Ghanaians changed their greeting style with two hands so that we are safe.

So, we want peace in this Assembly, there is no doubt about it. I am an SDA and I believe in God. You know, we have gods and God. I am a believer in God. Peace has to come. This peace must be preached with honesty. In this House, Kamangu is never and he will be exceptional for MCAs. That is what I said yesterday and I call my former leader Otieno. Otieno, you are an embodiment of leadership. That the same Standing Orders for the removal of the then Speaker Ole Magelo was changed 18 times and the same Standing Orders were used to impeach one Beatrice Elachi. I said in HBC that we impeached Beatrice Elachi politically but not legally.

Yesterday, I was privileged to sit in court virtually. For the first time, I realized that my name Jateso has to be there legally. That I cannot be alias Jateso without following the due process of the law. I was also privileged when lawyers were arguing and saying a court order must be obeyed within the precincts of the law. That I can only obey a court order when it is mentioning me legally. If it does not mention Peter Imwatok alias Jateso with a deed poll, I am not eligible to obey that order. So, that is why our Governor, His Excellency

Mike Mbuvi Sonko...I like him because he always has evidence...when we elected him as the MP for Makadara... some of you just see me as the enemy of Sonko. Sonko has been my MP. He has been my Senator. It is only me who had traveled with Sonko in one plane with the President to Hague.

So, what I am saying is very simple. Let us not create wars that are not there. Let us make laws ably. If you make a law, be prepared to deal with it. In this Assembly, we suffered a lot on this side. Our leader, Otieno, has never been in the Assembly. He is now coming back in October. He has never come and said, "I will kill you, I must remove you, I must put Bishop to be an acting speaker". He has never done so.

So, Madam Leah, you guide me a lot and that is why I say you are my Chair in the Water Committee. We must be ready to accept the reality of our Assembly. We set precedence and we cannot violate our own precedence. I was here when Ariviza was sent out. Masiga, I cry for him. I am informed that he is a charcoal burner these days. A former MCA in this House. He left this House when we changed a draconian law that the party has to nominate the leader of this Assembly and we opposed it. On the last day when we were closing *sine die* for election on May 22nd and we were thrown out after our people were taken to 3D and they were bought fish and ugali and 10,000 each member to come and pass a draconian law in this Assembly. Today, when we say we should follow Standing Order no. 20 (b) to the fullest, you are not prepared. I am busy with my beautiful wife in the house and you are sending me messages.

My friend, I am a family man. I agree and we respect Jubilee so much. We respect our President and you will never hear any day this side of the aisle will entertain anyone who opens his mouth to abuse the President or the Governor because we respect authority. That does not mean we are cowards. That does not reduce us to cowards. This country has been on a revolution path and the leaders of the revolution path is this side and now we are joined by you. We are ready to finish this revolution with the entire country. Come BBI, we are ready.

We are ready to have Raila as the President and Uhuru to be the Prime Minister. We are ready to have Joho as the Deputy Prime Minister. We are ready for anything because we have to prepare as a nation. Even Kamangu can be an opposition leader. I like my elder sister, Leah. Let us preach peace, but this peace must be genuine. It should come without threat and intimidation.

Some of the things we don't want to say here, I will say it as it is. I am happy for my leader. He always tells us that we are ODM. ODM believes in humanity, women leaders, and that we are all equal. We can't live in a society where one individual out of 122 MCAs thinks he is bigger than the other MCAs. No! When I look at the topography of my Ward, before devolution, I had three Wards. Stazo was vying with me in 2007 and then we exported him to Donholm. I had Kaloleni, Mbotela and Makongeni. When we merged these Wards, the least votes I got were 19400. And then you get 3600 votes and you want to rule us with an iron fist. That cannot work. Everyone has to be respected. We all worked hard to be here. We urge this House to preach peace with honesty. Allow Wakarindi to lead this House. Allow Mberia to lead this House. It is only for one year. Allow peace for only one year. What will it cost you?

Hon. Speaker, I said some time back this County Government of Nairobi is a handshake county. We cannot bring paranoia now that there is Jubilee and there is ODM. There is only what we call handshake county assembly. That is why Madam Elachi despite being a woman is in charge of this House. A handshake assembly.

(Point of Order)

Hon. Speaker: Yes.

Hon. Member: With humility, I ask my leader not to say “despite”. Say, “on top of being a woman”.

Hon. Peter Imwatok: Thank you. Let me withdraw that and replace it with the word “on top”. She is our boss and everyone must respect her.

(Applause)

Lastly---

Hon. Speaker: Let me hear the point of Hon. Leah. You know she is the one who brought up this discussion. We have now moved from the Motion to another agenda which I want to stop.

Hon. Leah Supuko: I just brought up some points and you made it to be a whole discussion for the whole morning. Imwatok, I respect that you are a good debater, but you always take all the time and make other Members not to ---. Madam Speaker, my point of order was that yes we appreciate the handshake but we should also respect that there is NASA and Jubilee.

Hon. Speaker: Order Hon. Wahinya! Order! Order Members! Order! This is why I always say when you bring in a very sensitive issue, the repercussions become a bit different. Hon. Wahinya wanted to stand on Standing Order no. 50 to deal with this matter. And I want to leave it for the afternoon. Hon. Wahinya, you will do this in the afternoon.

Hon. Members, there is one thing I have realized and I want to say it today. Hon. Leah, you said you want to talk with honesty. I have always said here that when you create your own war...when I came back here, I said we shall use the law to the latter. When you go out there to please and to lie to the Governor for you to make money, then you come here and tell me that there is war, a war that everyone doesn't understand. I have never stood on a podium to abuse the Governor or say anything. When his work comes here, I use the privilege that you have given me by the law to ensure I execute the best that I can.

Hon. members, you are grownups and you have children. I pray to God that if indeed there is war because of personal issues, then we can come and talk about peace. But if it is a creation you created to be around the Governor so that you be getting money, continue doing that because it is helping you. But don't come and lie to the House that we have war. We have no war here. We have no war. Everything we have used goes with the law. And you create that law. You used it on others. It comes to bite you. Therefore, I want to be candid. When I deal with the law, it is a sword. That is why the Constitution says that you should respect the law. Respect your own laws. If you feel it is a wrong law, you have an opportunity. You are the ones who make the law. You can remove it. We are the ones who make and remove. It is your law. Until you remove what you feel is painful here, we shall use it to the latter.

I want to finalize as I say this. When you also use the law in a wrong way.... Hon. Members, as much as we have come out of what we were discussing, I think it is important so that I close it completely. The issue of the Member of Spring Valley/Matopeni is very clear. It is an issue that instead of taking our brother to an election, we decided to do the precedence we have set in the same House.

Now you cannot purport that when a woman like Mary Ariviza was been thrown out of this House and women are seated here and I am sorry to say that today, nobody felt that law was wrong and Mary was not thrown out because of missing sittings. I would like to inform you that in public service if you are not in

the office for ten days and you have not given notice of where you are, you are removed from the payroll; this is what happens in public service.

Therefore, if she was thrown out because of punishment because of not saying that, the Acting Speaker was substantive and she went home for six months. Today in this Assembly, the Speaker used the same ruling based on that. I am pleading with the Member so that we can see how we can come out of court but the one who initiated that process and who has a grave violation of the Constitution feels that you cannot go through the same. Then you say that there is no peace may the lord help us and help Kenya and help our leaders.

Proceed with the motion so that we can finalize the motion on the report of water.

Hon. Kennedy Obuya: Thank you, Hon. Speaker, I want to congratulate you for your wisdom and as a Member of PIC, I want to thank my Chair and my fellow Committee Members on this report. In the interest of time, I want to make a prayer. Hon. Speaker, you are the president of this Assembly and the CEO; it is your responsibility to see that the independence and autonomy of the Assembly has been adhered to and respected.

Hon. Speaker, this report has captured the sentiment of the citizens of Nairobi, however truly we all support NMS and I do not think if there is any Member in this House who refuses that. Equally, we understand that there is confusion in terms of engagement between this Assembly and NMS.

Hon. Speaker, we must also be private with the fact that Nairobi Water Sewerage and Company is a limited liability company, which is owned by the County Government of Nairobi. Hon. Speaker, we wanted your assistance because in the terms of transfer I only think and believe that it is only the supervision of Nairobi Water Sewerage Company that was taken from Nairobi County Executive to Nairobi Metropolitan Service.

Oversight is still our role in this Assembly under Standing order 198 5, at times we are having problems within our Committee when we invite Members of Nairobi Water and Sewerage and it is so sad when a few of them tells us openly that they are answerable to NMS. Hon. Speaker oversight is the responsibility of this Assembly; supervision is also the responsibility and questionable responsibility of NMS. NMS has never taken away our responsibility for oversight.

Hon. Speaker, can you please help us to protect the interest of the citizen of Nairobians. Equally, I want to echo the sentiments of my colleagues and my senior Hon. Imwatok. We must amend to allow the Director-General of NMS to become an Ex-Official Member of this Assembly, but I stand guided though. So that he can be officially within the law and be welcomed to at least give statements and status of NMS because of the responsibility we are given by the citizen of Nairobi to represent the Members of County of Nairobi in this Assembly. The Director-General of NMS can only report to the institution that is charged to represent the Nairobi citizens which is under this County Assembly.

Hon. Speaker, please allow me to engage the office of the Clerk and our Legal Department and our Chair of PIC to see how we can cooperate with the NMS Director-General as an Official Director of this Assembly. Thank you very much I beg to second this report.

Hon. Millicent Mugadi: I rise to support this report of water coming from an informal settlement whereby I go through water issues and sometimes my voters get into my neck. I support the PIC Committee

knowing that they have done a good report that will guide us. I am challenging all the other Committees in this confusion of NMS and County let us focus on doing our work, as we stabilize on who takes over and we also need to be active so that we do not dilute our roles as Members of County Assembly and to let it be taken by other people.

Therefore, let us be up and guide both sides in running Nairobi County and I pray that the elected members to get active in your Committee because this is how you are going to survive. Hon. Speaker, I would like to address you and the House, as you know we are still having this Covid19 issue at the same point we had requested that because of our financial issues maybe the County Assembly should take all of us for Covid19 test because some of us have been financially strained and we do not have money for this test for our safety. As you have heard from the big house there are four cases, we do not want to be part of those cases, and we do not want to be part of the statistics.

Hon. Speaker, as you see how you are going to take us for those test. I would also like to request you to see if you can get a mental doctor to measure our mental stabilities because *(Laughter)* there are so many doctors here who tend to know who is mentally stable and mentally unstable, when they speak the truth. For our sanity Madam Speaker, because I do understand you and me fitting in the same group of mentally stable people and it is a bit scary for our voters so that next time they do not vote for mentally unstable people thank you Madam Speaker.

(Hon. Member spoke off the mic)

Hon. Speaker: She has just said what people are saying, but I do not know if it is Hon. Members who are saying. Therefore, when you tell me that I do not want to answer you, she is the only one who can answer who said. I do not want to go to that conversation; I have heard I need to look for a doctor to prove whether you Members are of sound mind and Covid19.

Hon. Patrick Musili: Madam Speaker, I think *Mheshimiwa* is not trying to say that there are lunatics in the House because we do not need to go for mental test. I think she should withdraw that statement, as we do not want to go for a mental test.

Hon. Speaker: Hon. Members, I want us to stick to the motion.

Hon. Clarence Munga: Thank you, Madam Speaker, for giving me this opportunity, to be a senior member of this Assembly. It is unfair for you to keep us waiting as I think I was the second one to press the mic after Hon. Ogeto.

Hon. Speaker: Order! I know there is a say that we should respect senior Members. Let me inform you today, it is respect in terms of your respect because when I see I do not assume, here we do not have seniority in terms of speaking but I have to respect that which I have.

Hon. Clarence Munga: Thank you, I rise to support the motion by Public Investment Committee on several issues Madam Speaker. Having been a Member of PIC and having participated in preparing this report I want to support the report on the recommendation on Audit query No. 4 on property plant and equipment. You will find that a lot of the property has been grabbed. This property was supposed to do an expansion of its treatment of water or sewer.

I remember, as a committee, we visited Kariobangi where recently people were evacuated from that place. Hon. Speaker, you will find that people had encroached in the Nairobi Water land to and extent that

you were even afraid of their health. I want to echo the statements made by other Members also in terms of recommendation that the committee has come with. The recommendation No. 5 whereby the Chief Officer responsible for lands should recall, review and if necessary revoke all the title deeds obtained illegally before the end of the calendar year of 2020. On that, issue our Chief Officer Lands after interrogating officer of Nairobi water and having invited Chief Officer Lands, we noticed a majority of this land belonged to the County and it was difficult for Nairobi Water to put up a perimeter or secure that land because it seems that land belonged to the county.

Therefore, Madam Speaker, we gave a directive that the Chief Officer Lands should ensure that those titles are transferred to Nairobi Water so that they are responsible in case of any encroachment, they are responsible and reliable in case something happens to that land.

Madam Speaker, there is this issue of the stalled project, you find that the Nairobi water as initiated some project and they are half done and you find the contractor leaving that project making the County not realize value for money. You find that Nairobi Water incurring more losses in terms of having to re-advertise or doing more variation to ensure that project is completed. Having said that I also want to recommend to the Committee and the Chair for giving us a good report and working very hard to ensure that Nairobi Water is accountable. Thank you very much and I support.

Hon Jeremiah Themendu: Thank you, Hon. Speaker, for catching my eyes. I would like to contribute issues concerning water because it is a basic need that Nairobians cannot leave without. I would like to say that the management should adopt a proper and actionable plan to achieve their objectives as set out in the Company's strategic plan. There is this issue of water rationing in Nairobi and it is in our Wards, which is causing challenges that make us have sleepless nights in our Wards. This is because our voters in the Wards know very well that the dams are full but they are not getting water as the water company plans their rationing.

Therefore, what I would like to say on issue No. 24 in the report the Management should put up measures on how to identify the report, investigate and punish the water cartels. Therefore, I would like to say that those officers or employees of water company are also the cartels, as in my area we have so many boreholes owned by individuals and what they do they collude with those water company employees to make sure that boreholes owners sell their water.

Therefore, they usually broke pipes that bring fresh water into the taps so that they can be given kickbacks to let the owners of boreholes sell their water. Therefore, Hon. Speaker, as I support that report I would like to urge the committee to look at it again and see those loopholes have been blocked. As I conclude I would like to inform you that the water is about to destroy the residences of those who stay near those dams because they are full and they can burst any time, yet we are not getting any water. Hon. Speaker, you can note that before we were getting water always but now when the dams are full we are not getting any water. Therefore, I wish to conclude and support the adoption of the report. Thank you, Hon. Speaker.

Hon. Geoffrey Majiwa: Asante Sana Mheshimiwa Spika, nigependa kuzungumza kwa uchache kabisa kwa sababu mengi yamesemwa. Ninafikiri hivi vyombo vya kuzungumzia ni lazima utaviangalia kwa sababu wakati mwingine tunadhulumiwa sana hapa. Ni vizuri uangalie kama vyote vinafanya kazi sawasawa.

Bi. Spika, hii ripoti ambayo imetengenezwa, nataka kuunga mkono. Kwanza, nina tatizo kidogo kwa sababu kuna Kamati Tekelezi ambayo tunayo kwa Bunge hii. Ijawapo Mwenyekiti wake ni kiongozi wa walio wachache na ni kiongozi wangu katika chama. Haitanifanya nisizungumze ambayo nataka kuzungumza kwa sababu kamati hii ndio imezembea kabisa na ndio sababu tuko na shida.

Nakumbuka kuna ripoti zimeletwa hapa tangu tuingie Bunge hii ambazo ni lazima zitumwe katika Kamati Tekelezi. Cha ajabu ni kuwa kamati hii mara nyingi huenda mikutano Kisumu na sijui ni kitu gani kina endelea huko. Kamati hii inafaa kutuwakilisha ili mambo yanayopitishwa hapa yatekelezwe.

Nafikiri ripoti hii tunayo hapa sasa ni ya tatu kuletwa kwa Bunge hii tangu kamati ya PIC ianze kazi. Mambo ambayo tunazungumzia ya ubomoaji si mara ya kwanza ikifanyika hapa Nairobi. Mheshimiwa Spika, watu kunyakua mashamba ya *Nairobi Water* haijaanza jana. Tukizungumzia kama hii imefanyika juzi Kariobangi ambapo ilihsu mmoja wetu katika kamati ya PIC, nafikiri ni kitu tumezungumzia sio mara moja hapa ndani. Lakini cha ajabu ni kwamba, ripoti zikipelekwa katika Kamati Tekelezi zinakwama pale. Inapotekelezwa, inatekelezwa wakati kuna shida nchini na inaonekana kama kuna watu wamevamiwa. Ilihali, kulikuwa na wakati mzuri ambapo watu wangevamiwa lakina kwa sababu ile kamati pale haiwezi kamsuta Bwana Gavana upande ule ili atende ambayo inatakikana. Tuanoneka kama tunadhulumu watu wakati ambapo haifai.

Mheshimiwa Spika, nigeomba Kamati Tekelezi iweze kufanya kazi yake kwa sababu si ripoti ya PIC pakee, kuna ripoti ata ya PAC. Nimeona wakati mwingine imeleta ripoti mzuri kabisa hapa ikisema ya kwamba deni ya KCB ni mbaya na haifai kulipwa, lakini hadi wa leo hatujui kuliendaje? Tuna ripoti ya kwamba kuna watu wanaofanya mikutano mikahawani jinsi ambayo hiyo pesa italipwa kinyume na uamuzi wa Bunge.

Mheshimiwa Spika, ni vizuri tukosoe kamati zetu kwanza kabla hatujakosoa yale mambo yanatendeka nje, kwa sababu tunafanya kazi yetu ya udadizi kulingana na kamati ambazo tulizopewa. Kwa hivyo, kamati zisipofanya kazi vizuri itaonekana hatufanyi kazi. Ninaomba kamati hizi sanasana Kamati Tekelezi ambayo inakaliwa na kiongozi walio wachache iamke na ifanye kazi, hili tuweze kuwa na matunda ya kazi yetu. Asante sana Mheshimiwa Spika.

Hon. Speaker: Asante sana Mheshimiwa Meya. Mheshimiwa Mberia, nafikiri ni nafasi yako na unaweza kuendelea na pia uweze kujibu yale ameweza kutamka.

Hon. David Mberia: Bi Spika, sidhani kama nitaweza Kiswahili hicho cha aliyekuwa Meya wa Nairobi. Nimesikia tu Kamati Tekelezi.

Hon. Speaker: Mshtahiki Meya?

(Laughter)

Hon. David Mberia: Nikafahamu Kamati Tekelezi ni kama Implementation Committee, of which I am currently the Chair. But I want to assure the former Mayor that I was not the Chair when the said reports were being tabled in this House. I took the Chairmanship some few months ago. I want to assure the former Mayor and Member for Baba Dogo Ward that I have the teeth and my committee has teeth and will bite very soon. I am aware that all the reports which are tabled in this House are supposed to be brought to the Committee on Implementation to ensure they are fully implemented by the County Executive. This report, the way I was taught will be tabled in the Committee on Implementation within sixty days if I am not wrong. I hope

the Member for Baba Dogo Ward has got my assurance as the Chair that this matter and all the matters including the PAC report and all the reports from other sectoral committees will be well taken care of.

Having said that, I want to take this opportunity to support this report of Public Investments Committee (PIC) and commend the Chair and the Committee for having a well-thought report. PIC oversees only one institution that is Nairobi Water and Sewerage Company unlike Public Accounts Committee (PAC) which oversees several sectors. I want to call upon the Chair and the Committee that the oversight role that you have is of one investment. Madam Speaker, protect me from Chairman of PAC and the Whips so that I can put my points across.

(Hon. Imwatok spoke off the record)

Hon. Speaker: Order!

Hon. David Mberia: PIC has done recommendations that the Committee on Water and the Nairobi City Water and Sewerage Company must disengage itself from Athi Water and Services Board. The Board must account for all the monies from 2007 to 2016 paid to Athi Water and Services Board by Nairobi City Water and Sewerage Company. I want to assure the House that now the report is within the Committee on Implementation, it will be implemented fully.

Madam Speaker, on the issue of assets, Nairobi City Water and Sewerage Company has assets across the City. I want to remind my friend Hon. Munga that any land which is allocated to Nairobi City Water and Sewerage Company belongs to the Nairobi City County because the company is 100% owned by the County.

(Point of Information)

Kindly inform me.

Hon. Speaker: Proceed, he has accepted to be informed.

Hon. Clarence Munga: When you are doing your returns, you need to declare what you have. I think those in accounts can ascertain this, you cannot declare something that is not yours when it comes to property. Thank you, Madam Speaker.

(Hon. Majiwa spoke off the record)

(Laughter)

Hon. Speaker: Get the mic.

Hon. Geophrey Majiwa: The properties that the Nairobi City Water and Sewerage Company has as much as it is 100% owned by the County through a parliamentary Act, had been given all to Athi Water Services. So, these are the challenges we are dealing with currently. As much as it is ours, but there is an Act of parliament that had given them to Athi Water Services who are also taking money from the Nairobi City Water and Sewerage Company in the name of expansion of infrastructure. They have only clung to what we had before and have not given us anything new. What we are facing as a challenge is that they took the property and not showing anything for the property and the money they have. Thank you, Madam Speaker.

Hon. David Mberia: Thank you, Madam Speaker, I think I am now fully informed. But the disengagement by the company from Athi Water Service Board, I don't know the consequences. I know Hon. Ogada has been a member of this Water Company for several years, probably he will have something to tell the House.

Madam Speaker, I don't know how far the Nairobi City Water and Sewerage Company Bill, 2019 has gone. These are some of the Bills, which are supposed to help the Committee. The Chairperson of Water can tell the House how far this Bill has gone.

Madam Speaker, I would also like to commend the Nairobi Metropolitan Services (NMS). The other day I saw in their page that they have purchased more than 20 water bowsers, which are being done by CMC so that they will be used by the company in due course.

I want to assure this House once more that the Committee on Implementation, which has been bashed heavily by the former mayor, will deal with every other report, which has been laid in this House, accordingly. I am just a few months old in this Committee but I know how to do it because I have able members like Hon. Ogada, Hon. Munga, Hon. Akama and Chair of Powers and Privileges Committee. We are going to ensure these reports are implemented fully. I beg to support the report. Thank you.

Hon. Speaker: Hon. Mary Ariviza.

Hon. Mary Mwami: Ningependa kuunga mswada huu ambao umeletwa mbele yetu. Ni mswada mzuri ambao umetengenezwa kwa maarifa. Heko Mwenyekiti kwa kufanya kazi mzuri na pia wale wote mnafanya kazi pamoja. Pia, ningependa kuunga meya wa zamani, Mheshimiwa Majiwa. Kwa Kamati ya Tekelezi, tafadhali muangalie ili mtekeleze vitu kwa sababu kuna *Act* ya 2015 ya watu ambao wana ulemavu lakini bado haijatekelezwa katika bunge hii. Walemavu katika Kaunti hii wana shida sana. Kwa hivyo, Mwenyekiti Bwana Mberia, ningependa muangalie hiyo 2015 *Act* ambayo imewekwa kwenye kabati na imejaa vumbi.

Ningependa kuchangia Mswada huu kwa kusema kuwa Kampuni la Maji la Nairobi limetufanyia vizuri lakini vilevile halijatekeleza wajibu wake vizuri. Tunaambiwa kuwa ni makateli lakini inatakikana ifahamike kwamba hawa makateli ni watu ambao wanajulikana katika Kaunti hii ya Nairobi. Kwa mfano, kuna mama ambaye tulikutana katika benki ya Cooperative hapa kwetu. Akaniambia kuwa hawajakuwa na maji Kilimani, Kirichwa Road kwa muda wa karibu miaka tano ilhali kuna watu wanakujia bili ya maji kila mwezi. Ni vizuri Kampuni la Maji Nairobi lifanye kazi lake. Penye ninaishi, kuna watu ambao huleta maji kila mara kutumia mikokoteni na haijulikani ni wapi wanachota maji hayo. Tukitaka kumaliza magonjwa kama vile kipindupindu na kuhara, lazima tunywe maji safi. Nilipokuwa mchanga hapa Nairobi, kuna wakati ambapo ungefungua maji yanatoka kama maziwa kwa sababu yalikuwa yanawekwa dawa. Siku hizi hawafanyi hivo. Kwa hivyo, Kampuni ya Maji ya Nairobi yafaa iweke dawa kwenye maji.

Kile nimeelezwa na nimeelewa ni kwamba Kuna Kampuni ya Athi. Tusijitoe kiholela kwa sababu Kampuni ya Athi wana rasilimali penye maji hutoka. Kuna wakati ambapo Kaunti ya Murang'a ilitaka ilipwe kwa sababu maji yetu hutoka huko. Maji ni rasilimali ambayo Mungu alitupa na haifai tulipishwe. Ni vizuri tuangalie jinsi ya kujitua ili mashamba hayo yawe yetu. Tusilipe pesa ambayo itavujwa. Ahsante sana, ninaunga mkono.

Hon. Speaker: Ahsante Mary, kwa kuunga mkono mswada huu. Hon. Akama.

Hon. Jared Akama: Thank you very much, Hon. Speaker. Much has been said and I want to be brief. First, I congratulate this Committee for the good work. I want to associate with this report because I was part and parcel of the making of this report before I graduated fully into the Water Committee.

I want to emphasize on the aspect of the acting senior employees of the Nairobi City Water and Sewerage Company. I remember that time we gave an ultimatum that within six months, we wanted the Managing Director of Nairobi City Water and Sewerage Company to be confirmed. Indeed, that has happened. I am also appealing that to strengthen the company, that the recommendation in the aspect of acting directors that they be confirmed for proper working of the Nairobi Water Company. I am happy that the reclamation of the land is ongoing so that at least we can ensure there is expansion. The plants need to be protected in this case.

Madam Speaker, there is something which has not been said and I want to believe it is very important. There is a tendency of main water pipes being infiltrated by cartels. For example, where I come from, water supply pipes to my area passing through Kibera slums, there is a tendency of the pipes being infiltrated, broken into, and water tapped which has led us to receive little water or none. The water pipes have not been protected. If we can protect the oil pipelines, why should we not protect these pipes? Water is key and its safety must be protected.

There is also the aspect of the contractors who have done little work but they have been paid a large percentage of the contracted sum. This is something which is an audit query and I believe that follow-up has to be made to ensure there is value for money. I associate myself with this brilliant report and I entirely support it. Thank you, Madam Speaker.

Hon. Speaker: Mover?

Hon. Stazo Omung'ala: Madam Speaker, before I move, allow me to deviate a bit. I think in this Assembly Hon Members should know that peace begets peace. When a person threatens a Member like Hon. Imwatok, he should know that when he said *alikufa kitambo*, it is only me in this Assembly who knows what he means. Let us always be ready to have differences in policies, but when it becomes threats, let whoever is threatening to know that when people like us are silent in WhatsApp, Hon. Imwatok speaks for many people. In the event the threats are brought to life, they now become actions and war will beget war.

(Applause)

That is why he always mentions me when he speaks. He knows where we have come from, I am a product of Makongeni Ward.

Madam Speaker, I would like to thank Hon. Leah for what she said about the report. She is now the Chair of Water. In the same spirit, we have been trying to have a collaboration with the Water Committee but the Chair always had a problem. It was like PIC had a fight with the Water Committee. Chairs of committees should understand that as committees, we are holding the committees in the behest of the Speaker. There are many things in these recommendations that could have been done with if at all we could have been having sittings with the Water Committee and the management. The management would always run to the Water Committee and if the Water Committee pushes them, they will run to the PIC. At some point, we had asked to have a joint sitting with the Water Committee out of this precincts but the Managing Director was categorical the Chairman of Water had an issue. I think he had an ulterior motive.

I would also like to request the Water Committee and the Implementation Committee that it is high time that we remove accounting officers in the Water Department and in the Lands Department so that they know that this Assembly has powers to do their work. When it comes to the implementation of these things,

MCA will be accountable to his people if there is no water. You will not be told that the Chair of Water should come to every ward to articulate issues of water. That is why you will see my leader on the other side, Hon. June Ndegwa is wondering how we are giving our people water because I understand she went to group of schools. We have been educated in polling stations.

(Laughter)

Madam Speaker, I beg to move.

Hon. Speaker: Thank you Chair, I just wanted a clarification. The Chair you are talking about, is he the Chair of the Board of the Water Company?

Hon. Stazo Omung'ala: The Chair of the Water Committee. There are several times our Clerk in the PIC has liaised with the Clerk of the Water Committee. It is a coincidence the former Clerk of Water is now our Clerk. But there has been hindrance from the Chair of the Water Committee that the PIC and the Water Committee cannot sit with the Board.

Hon. Speaker: Now I understand. Before I read the report, this is the function that has been transferred. Very soon you will have a new board. I believe at that time you will work well together. The gentleman who has been brought will do a fantastic job. Going forward, it will be easier if the two committees will meet so that they will also meet the NMS team and get to know how you will work. In terms of oversight, the Director General of NMS is okay. We have a modality of how we shall be doing oversight. It is only those within the disciplinary forces that we shall not be able to invite but he will be sending his directors whenever they are called upon to answer questions. That should not be our worry anymore.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon Members, there being no other business, the House stands adjourned to today 16th June 2020 at 2:30 p.m.

(The House rose at 12:05 p.m.)