



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Third County Assembly – Third Session

Tuesday 4<sup>th</sup> June 2024

The House met at 2.30 p.m.

*[The Speaker (Hon. Kennedy Ng'ondi) in the Chair]*

#### PRAYER

**Hon. Speaker:** Hon. Members, you may now be seated.

#### QUORUM

**Hon. Speaker:** Hon. Members, the attention of the Chair has been raised for lack of quorum. I so direct the Serjeant-at-Arms, under Standing Order 37 (2), to ring the bell for a record of ten minutes, as you leave the door open.

*(Quorum Bell was rung)*

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members! Majority Leader, please take your seat.

*(The Clerk-at-the Table confirmed there was quorum)*

Hon. Members, we have quorum and are in a position to transact business of the day.

#### COMMUNICATION FROM THE CHAIR

##### RESUMPTION FROM LONG RECESS

**Hon. Speaker:** Good afternoon, Hon. Members. I have the following Communication to convey:

Distinguished colleagues, esteemed members of the press, and valued citizens, I welcome you all back to this Chamber after a period of well-deserved recess. While these past weeks may have provided an opportunity for personal renewal, the world outside these precincts has continued

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to operate. We reconvene today with a renewed sense of purpose, ready to tackle the challenges and opportunities that lie ahead in trust for the people and within the ambit of our mandate. The time for reflection has therefore passed and the public, who are our constituents, are eagerly awaiting our return to business. They entrust us with the responsibility of shaping the future, navigating complex issues and delivering on the promises we made.

Hon. Members, the specific nature of those challenges will, of course, vary depending on the body we represent. However, one thing remains constant: the need for us to approach our work with a spirit of collaboration, compromise and a genuine desire to serve the greater good. The headlines during our absence may have been dominated by rallying call for use to rise to the occasion with respect to issues of urban planning in the County, challenges facing the health sector, need for urgent interventions during the recent flooding, cost of doing business, deteriorating public transport sector and provision of reliable water and sewerage services. These issues, Hon. Members, fall properly within our Constitutional mandate. We have been endowed with adequate tools in both Plenary and Committees to ensure that the County Executive is put to task to provide quality, affordable and reliable services in relation to all the Sectors. It is therefore a wakeup call to all of us here and collaboratively with the County Executive to re-double our collective efforts through legislations, policies, and practical activities to service our constituents.

To achieve this, I urge you all to:

1. Prioritize civility: The power of respectful discourse cannot be overstated. Heated rhetoric and personal attacks serve only to further divide us. Let us engage in open and honest debate, acknowledging the validity of opposing viewpoints while striving to find common ground.
2. Focus on solutions, not slogans: We are all here because we care. Let us translate that passion into concrete solutions for the County. We must move beyond soundbites and engage in the difficult but necessary work of crafting effective policies.
3. Remember the people we serve: The decisions we make here have a real and tangible impact on the lives of those we represent. Let us never lose sight of that responsibility. Let every vote, every debate, and every bill be guided by the principle of serving the greater good.

#### PENDING BUSINESS

Hon. Members, you may recall that in my previous Communications, I have emphasized the need for the Committees and Plenary alike, to prioritize and conclude pending business in order to fit an effective legislature. However, I have observed, through a report presented at the Sittings of the Select Committees on Assembly Business and on Liaison that the performance of the Assembly was not satisfactory. For instance, committees are not observing timelines set out in statutes and the Standing Orders while processing of crucial business such as Bills, Petitions and Statements. This has occasioned pile up of business that require consideration and determination

by the Plenary. Hon. Members, as we pursue our collective mandate, it is important to note that we are continuously being assessed by our constituents.

Hon. Members, therefore, I am once again call upon chairpersons of all committees to rise to the occasion and ensure that respective committees process all pending business in the next 21 days and present the same for consideration by the Assembly. Chairpersons have reported a number of challenges, including but not limited to insufficient commitment by some CEC Members to legislative business. In this regard, I am aware that the Select Committee on Liaison is scheduled to convene a meeting with the County Attorney and the County Secretary to set in motion some measures to ensure flow of business. I am also aware that the Select Committee on Liaison has noted the challenge of pending business and issued specific directions on the same. Therefore, the collectivity of the foregoing measures should prompt enhanced traffic of business to be considered.

#### RECONSTITUTED COMMITTEES

Hon. Members, before the Assembly proceeded for the long recess, party leaderships examined the performance of two committees and found it fit to reconstitute the Sectoral Committee on Water and Sanitation and the Select Committee on Public Accounts to enhance output and performance. Before the two committees, are crucial business including pieces of legislation and numerous audit reports whose timelines are set out in the Constitution of Kenya, our Standing Orders and Statutes.

As your Speaker, I not only concern myself with the overall performance of the Assembly but also appreciate the crucial input and challenges of individual entities. Thus, it is my expectation that the new Memberships and leaderships of the two Committees will quickly settle to business and deal with all pending work as quickly as possible. I understand that from PAC, the Assembly is expecting more than 10 audit reports. As such, I call up upon the Chairman, Hon. Chege Mwaura and the new Committee membership to step up your efforts to clear your tray because the Assembly is expecting much from you this time round.

#### LEGISLATIVE MANDATE

Hon. Members, legislation is at the core of our mandate and it is one of the key items we are assessed against both by the public represent and oversight bodies such as Auditor General, Commission of Revenue Allocation and the Senate. Comparatively, this Assembly is yet to give an indication that we will achieve the target of Bills and legislations set out in our Strategic Plan. I am aware that there are a number of Bills that are at various stages. I am also aware that my office is in receipt of a number of legislative proposals including proposals to legislate on water and sewerage services. However, this should not make us complacent, rather we should continuously originate new and innovative ideas to address challenges facing service delivery in the County. I encourage you to make use of the secretariat provided by the Office of the Clerk to package these

ideas into acceptable proposals. Nonetheless, I call upon the Office of the Clerk to expedite the processing of the said legislative proposals.

Hon. Members, I am aware that the Select Committee on Liaison under the leadership of the Deputy Speaker has already held its 4th Quarter forum where they took stock of Committee activities and resolved that unlike the previous 3 Quarters, there will be two collective capacity building and sensitization works in the 4th Quarter. That is the Committee of the Whole to retreat in Mombasa and Naivasha respectively. It is my expectation that there will be candid discussions and deliberations on Assembly mandate and welfare of Members in view of improving performance. Accordingly, may I seize this moment to applaud the Select Committee on Liaison under the leadership of the Deputy Speaker for continuously engaging yourself with the business of effective Committee system by allocating resources and reviewing policies to ensure Committees operate seamlessly.

Hon. Members, may I reiterate that my Office is fully committed to ensuring that you are fully facilitated and supported to deliver on your individual and collective mandate, thus I call upon you to pursue our objective with unity of purpose and objective discourse that is devoid of divisive rhetoric. I have confidence that, with this resolve, we shall deliver on our Constitutional duty with efficiency and effectiveness.

I thank you, Hon. Members. Proceed and be seated.

*(Several Members entered the Chamber)*

#### PROGRESS ON MATTERS AFFECTING MEMBERS' WELFARE

Hon. Members, I have a further Communication to convey regarding the progress made on various matters affecting Members' welfare, as follows: -

##### **1. Motor Vehicle Reimbursement Benefit.**

Hon. Members, as you are aware, at the commencement of this Third Assembly, the County Assembly Service Board, pursuant to the enabling Salaries and Remuneration Commission (SRC) Circular, facilitated the disbursement of the motor vehicle reimbursement benefit to all Members. All Members were required to submit copies of log books in their names, valuation reports from recognized valuation firms and sale agreements for them to access the benefit. However, with the indulgence of the Service Board, Members who did not have readily available documentation were allowed to access the benefit but were given a timeline to comply with these requirements. This timeline has already expired.

Hon. Members, as you are further aware, the said documents were to be used to process the requisition of the funds in order to replenish the car and mortgage fund whose funds were used to settle this benefit with the concurrence with the Loans Management Committee. However, I have examined the latest compliance report and I have established that 37 Members are yet to comply, making it difficult to requisition these funds. In this regard, I urge the 37 Members who

are yet to comply and who have duly been informed on the same to do so within the next 14 days, failure to which, the Board will not have no other option but to deduct the funds from their monthly salary, as already resolved by the Loans Committee.

## **2. Motor Vehicle Reimbursement Tax Refund.**

Hon. Members, regarding the tax refund on the motor vehicle re-imburement benefit, you will recall that on 1<sup>st</sup> November 2023, I informed the Assembly that the Service Board was in the process of engaging the KRA on how to refund the tax following a decision of the High Court. In this regard, I wish to inform you that we have agreed with the KRA that the Service Board refunds the tax due to each Member by recovering from the Pay As You Earn (P.A.Y.E) tax obligation due to the KRA, commencing with the month of April 2024. Accordingly, all Members shall be refunded the deducted amount in full.

*(Applause)*

## **3. Construction of the Assembly Administration Block**

Hon. Members, you may have noted through your interaction with budget documents in previous budget cycles, that the County Assembly Service Board has been making endeavors to construct a new office block in order to address the challenge of office space shortage within the current City Hall precincts. I am glad to report that as communicated by H.E. the Governor during his address to this Assembly, the County Executive has already identified and allocated a piece of land for the Assembly to construct the said block. Consequently, we are in the process of officially acquiring the said piece of land ahead of the commencement of construction preferably from the next Financial Year, which is one month away. May I therefore, on behalf of the County Assembly render my utmost appreciation to H.E the Governor and his County Executive Committee for accepting and facilitating our request for a space to put up the administration block.

## **4. Members' Lounge**

Hon. Members, in my earlier Communications, I reiterated my commitment to your welfare including facilitation and provision of the most conducive environment and conditions which are important to the execution of your mandate. In this regard, the Board undertook to provide a caucusing space, popularly referred to as Members' Lounge. To address this, a contractor was identified and engaged through the procurement process to design and construct an appealing Lounge where Members will engage, rest and consult. In this regard, Hon. Members, I am delighted to report that the contractor has taken up the site and will be concluded before the close of the current Financial Year.

## **5. Pending Third Quarter retreat per diems**

Hon. Members, I am aware that Third Quarter retreat per diems for all Members and staff who travelled are yet to be paid. This has been occasioned by the delay in the uploading of the Supplementary Budget which this House passed. However, we are making arrangements both internally and externally to ensure that the per diems are fully paid and that in future no Member shall travel without facilitation.

Hon. Members, let me therefore give you my assurance as the Chairman of the Board, that even with limitations and challenges of budget, the Assembly is on course to transform into a befitting legislature defined in our vision statement of being the most efficient and effective legislature in promoting good governance in Africa and beyond.

I thank you Honorable Members.

*(Applause)*

## PAPERS

### PROGRESS REPORTS OF COMMITTEES FOR PERIOD ENDED DECEMBER 2023

**Hon. Malyun Abdi:** Pursuant to Standing No. Order 197, I beg to lay the following Paper on the Table of the Assembly, today, Tuesday 4<sup>th</sup> June 2024:

The Consolidated Annual Report for the Select Committee on Liaison on progress reports of the Assembly Committees for the period ended December 2023.

*(The Paper was laid on the Table)*

## STATEMENTS

**Hon. Speaker:** Hon. Majority Leader, please.

**Hon. Peter Imwatok:** Hon. Speaker, allow me on Statement Hour to give few comments, and more importantly to welcome all of us back from recess of about 30 days to this particular new Sitting. I thank the Almighty God for keeping all of us alive and also coming back in one piece. I know some of us have been out there doing a lot of work, especially my counterparts from the UDA side who were in election period. Those who won, I would like to congratulate them. Those who came with injuries like my counterpart, take heart, it happens. *(Laughter)* Let us forge ahead. We will hold you on this other side, the same way you will hold us when our time comes of reckoning. But we wish you the best in your next step in revamping your party and making sure that we serve this Assembly in a very dignified way. Some of us have been out there popularizing our party in and without, and we are happy.

Hon. Speaker, I would like to touch on few comments that you said. Thank you for giving us guidance. In particular, I am delighted that the County Assembly Service Board under your Chairmanship is really considering the '660' issue to be a thing of the past. Hon. Speaker, as you are aware, this is not a begging spree, it is what you have lead us to it. We need the Kshs. 660,000 to come to our Members. I am happy to report, as you have reported, that already the process of



retaining our money that goes to the KRA is on for two months, which is about Kshs.26 million. That is why when the Speaker says conform with the rules that the Loans and Mortgage Committee gave to you, kindly furnish your report so that at least next week when you hear Hon. Lugonzo has money and you have not received your money, it doesn't become another issue. Therefore, Hon. Members just conform by bringing the logbook required. From there, the Speaker and his Board will clean by and by, and in the next three months, I don't think there will somebody complaining that the Kshs. 660,000 is not yet there.

On that same note, Hon. Speaker, I want to congratulate your Office and the office of the Clerk, this morning you agreed that the more than Kshs. 40 million of imprests that are supposed to be paid to the Members, half of it will be cleared by the close of business tomorrow. That is a plus to your Office. The Clerk also shared with us as leadership this morning that whatever is there, they will put priority to Members to clear half of their imprests as we wait the budget to be uploaded.

*(Applause)*

On that note, Hon. Members, I think it is time we carry each other, as Hon. Speaker said. Let us not be Members who want to pull Bishop, Imwatok or somebody else down. It is our House and we must all carry each other. I want to assure you on behalf of the leadership, we are not giving anyone a chance to remain behind, we are going all of us until end of our term. Hon. Kiogora, congratulations, you are a very good politician, you can drag my leader down but still sit with him. That is the spirit. Take the spirit of Hon. Kiogora and my leader that politics outside is not the same politics inside here. Let us live as brothers and sisters. For those who are ready to emulate that example, is a plus to us.

*(Applause)*

Hon. Speaker, as I pen down, I would like to encourage all of us that this is a House of debate. Hon. Oyugi can attest there were days that you could not oppose anything in this House, you could first look at the body language of the leader. Nowadays there is no such a thing. Let us make this House a house of debate. And as we debate, let us be constructive. Let us look at all the documents coming before us and we protect our County honestly.

I told somebody a day before yesterday that I am not vying to be the Governor of Nairobi, neither any MCA here is vying to be the Governor of Nairobi. If you have an issue with Governor Sakaja, kindly sort it out there. Do not drag every Member of the County Assembly to it. Whether you are from my party or not, we are not in electioneering period. If you know you are Babu Owino and you want to stand for governor, don't drag my name into it. In fact, there are some people perambulating wanting to be governors. They have not even called any meeting to declare that they want to be governors. Are you declaring your position on Facebook or Twitter? Kindly, all those who want to be governors, I want to give them a challenge, call people in a hall and declare you want to vie for governorship. If you cannot do that, honestly give us a break. And this goes straight to Hon. Babu Owino.

Some of us died long time ago, even DJ Evolve resisted death all this while. I can resist more than a thousand times. Whoever talks to him, tell him I am not scared nor worried, and I am not competing for governorship. The Person on the seat is Johnson Arthur Sakaja, compete with him. My work in this House is to protect Azimio Members from any MP, governor or senator. If you dare Hon. Matach, Hon. Emmy Isalambo, or Hon Kiogora, you are daring me. This is the last time I am going to announce this inside the Chamber, next time I will call a press conference and address real issues. Thank you for wasting a lot of time.

Hon. Speaker, protect our House and Members. So far, you have done well. But there are motions and statements that we have brought here to discuss the so called governor aspirants. If you are an aspirant, go to wananchi. Why are you scared of MCAs? If you have the people, go to the people, MCAs will not give you votes. I want to challenge Hon. Babu Owino to call a meeting at the Charter Hall tomorrow to announce his candidature. I will go to Embakasi East to announce MP candidature. *(Applause)* You cannot be *karruok*, as Luos say, meaning “standing on both sides.” Decide whether you want to be the Governor of Nairobi and I come to Embakasi East to declare who is the MP.

Hon. Speaker, I welcome everyone back. Our Clerk Legislative, Adah and the rest, *karibuni sana*. I wish you the best this time, we will be here to watch. But to those who want to be governors, declare your candidature in a hall.

*(Applause)*

**Hon. Speaker:** Hon. Minority Leader.

**Hon. Anthony Karanja:** Thank you very much, Hon. Speaker. First of all, I welcome everybody back and to thank God that we are all back in one piece. We should not take that as easy, but we should be happy that we are all back and we hope to continue that way with God’s protection and guidance.

I would like to commend our Majority Leader for being observant and maybe to give him more information on how we are sitting with Hon. Kiogora. He is a delegate in Dagoretti South and he did not vote for me. He actually sat the whole night planning on how I will not make it, but he is a good example that politics is not that serious. We are still friends, and we will continue talking and doing many things together because it is a competition. Especially our UDA side, it is not that serious. We have had a very rough recess. We had an emotional competition for Nairobi delegates, which has caused a lot of risks and name calling. I think you need to emulate me and Hon. Kiogora because he is here laughing at me because he is a delegate and I am not, but life continues.

Hon. Speaker, as you have said, it is important that our people get ‘660’ as they have been waiting for long. I want to believe that the Board is doing everything possible that we all get money at the same time. If it is not possible, the communication is very important so that we contain the tension and rumors going round about it.



I know the Majority Leader would have voted for me if he was in UDA. I welcome him to that party so that he can help me plan better next time so that we are able to move. Thank you very much and welcome everybody.

*(Applause)*

## MOTION

### REGULATION OF BOREHOLE WATER VENDORS

**Hon. Speaker:** Hon. Hellen, you may proceed

**Hon. Hellen Okello:** Thank you, Hon. Speaker

THAT, aware that Article 43 (1) of the Constitution of Kenya, 2010 provides for the right of every person to access clean and safe water in adequate quantities;

FURTHER AWARE THAT paragraph 11 (b) of Part Two of the Fourth Schedule to the Constitution provides for County public works and services including water and sanitation services as a function of the County Government;

COGNIZANT THAT Nairobi City County Government regulates the operations of the Nairobi City Water & Sewerage Company Limited in provision of clean and accessible water to its residents;

CONCERNED THAT the water supplied by the Nairobi City Water and Sewerage Company Limited is not sufficient to serve the ever growing demand by the Nairobi residents;

*(Loud consultations)*

Hon. Speaker, please protect me from the noise.

FURTHER CONCERNED THAT there are private borehole water vendors that supply water to the City residents without any clear legal framework for their operations;

DISTURBED THAT majority of borehole water vendors sell untreated water from illegal boreholes in some estates which is a health hazard thus exposing residents to several diseases such as typhoid and cholera;

THIS ASSEMBLY resolves that:

1. The County Executive Committee Member in charge of Water and Sanitation through the relevant authority, commence the process of registration of all borehole water vendors in Nairobi City County and forward a detailed database for each Ward to this Assembly within 60 days from the date of adoption of this Motion; and
2. The County Executive Committee Member in charge of Water and Sanitation develops a policy to guide the operationalization of borehole water vendors within Nairobi City County.

Hon. Speaker, I call upon Hon. Matara to second my Motion.

**Hon. Silas Matara:** Thank you, Hon. Speaker. I rise to welcome Members to this last quarter of this financial year. I wish to extend gratitude to the Almighty God for keeping us safe.

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I also congratulate all our colleagues from the other political divide. For those who won and for those who lost, life has to go on. It is now time to work and get to learn from the experience.

Hon. Speaker, I second this Motion for several reasons: One being that, Nairobi has shortage of water. It is for that reason that we have seen developers sink boreholes left, right and center around Nairobi. Having that in mind, there are serious concerns being experienced by Nairobians. One being that, some developers have sunk boreholes outside the boundaries of their land, which is a serious concern that needs to be looked into by even the Water Committee.

On the East of Uhuru Highway, the water is not fit for human consumption but can be used for other uses. There are concerns that the vendors who supply this water do not inform Nairobians that the water is not fit for consumption but can be used for other domestic uses.

When you go to a place like Eastleigh, you find most of the buildings nowadays have a borehole. With the little information I have, there is a requirement by law on the depth of each and every borehole when you sink, either it is a hundred meters or whatever. This requirement is not being observed.

Hon. Speaker, in the regulations being proposed by Mheshimiwa Helen – I forgot to congratulate her for the good work in bringing this Motion in place – As the Executive, especially the Budget and the Finance Committee, they should make a provision of giving incentives to the people who do reverse osmosis. The industry experiences challenges as it is quite expensive because the water from the borehole for it to be fit for human consumption, you waste like half during the process of reverse osmosis. This means the developers of the existing boreholes are going to acquire the reverse osmosis equipment and machinery to enable them supply water fit for consumption.

Hon. Speaker, another issue that need to be looked at by the Executive is ensuring that all the developers are licensed before drilling of the boreholes. You will realize that for you to be allowed by the County to be able to sink a borehole in Nairobi, you need various permits and licenses from different Government institution like WARMA, Nairobi Water and NEMA. So, the Executive needs to get serious to ensure that all the developers have the requisite permits to be allowed to sink boreholes and maintain them.

Of serious concern, Hon. Speaker, over half of Nairobi is not connected to the sewer reticulation systems. These are areas like Mihango which are outside the older Nairobi, where they have septic tanks. When these boreholes are sunk in these areas, the aquifer gets contaminated, which cause a lot of attendant effects to Nairobians.

With those few remarks, I would like to appreciate the Member for the good work of bringing this Motion, and I urge other Members to be resourceful and bring such motions to this House. I beg to second. Thank you, Hon. Speaker.

*(Question proposed)*

**Hon. Speaker:** Hon. Members! Yes, Majority Leader.

**Hon. Peter Imwatok:** Hon. Speaker, I arise to support the Motion of my good Member. I think Hon. Hellen is an example of a good legislature; one year and half down the line, she is moving motions in this Assembly. That is the spirit of Parliament. We want to encourage you to do more. Even the other ladies, you are doing a good job, you have grasped the parliamentary practices so fast. I support this Motion and ask Members to support the lady; ladies power is very important. I beg to support, Hon. Speaker.

**Hon. Speaker:** Hon. Rex.

**Hon. Rex Omolleh:** Thank you, Hon. Speaker, I stand to support this Motion. Water is an essential commodity to our people. We should all support this Motion so that our people can get enough supply apart from what they are getting from the Nairobi Water Company. I support.

**Hon. Speaker:** Thank you. Hon. Obiero.

**Hon. Benter Obiero:** Thank you, Hon. Speaker. I stand to support the Motion.

**Hon. Speaker:** Hon. Minority Whip.

**Hon. Mark Mugambi:** Thank you, Hon. Speaker. I am still gathering courage and coming into terms with the betrayal that befit me during our UDA grassroots elections. *(Laughter)* The scenario was being kind to a crocodile in the hope...

**Hon. Speaker:** You won?

**Hon. Mark Mugambi:** Hon. Speaker, it was a situation where I was being kind to a crocodile in the hope that it shall be kind to me when I am crossing the river. Whatever I saw was an eye opener...

**Hon. Speaker:** Hon. Mark, help us understand, is the crocodile in this case Hon. Theuri?

**Hon. Mark Mugambi:** Hon. Speaker, no Member should agree to something called consensus where your input is required first so that you can benefit afterwards. I picked someone from the polling centre and made him a delegate up to the ward level with the lineup that we had agreed, but when it reached the constituency level, no sooner than the agreement we had – that is why I was laughing when the Majority Leader was giving the example of...

**Hon. Speaker:** I hope Hon. Mofire won.

*(Laughter)*

**Hon. Mark Mugambi:** Hon. Speaker, I was laughing when the Majority Leader was giving the example of Hon. Kiogora and Hon. Bishop on how after elections you should put your UDA grassroots elections aside and focus on the House. I am still trying to come into terms on how fellow MCAs that we had a discussion with and even shared slots but when it reached their time to meet their part of bargain, I saw dust.

**Hon. Speaker:** Hon. Mark, in supporting the Motion it seems you didn't mention water or something.

**Hon. Mark Mugambi:** Hon. Speaker, I am building up the case. I have already reached the dust level and I am coming to the water. Hon. Speaker, I saw dust. I tried making calls only to be met with whispers, *"Nitakupigia."*

(Laughter)

**Hon. Speaker:** Hon. Member, you are contradicting yourself; is it dust or crocodile? You were crossing the river, and in this case the river does not have dust.

**Hon. Mark Mugambi:** At the banks of the river we have dust. So that's why I am telling you I saw dust before going into the water. I made distress calls to my colleagues only to be met with whispers, yet we did a conference call and they assured me all was well. So, I had no worries to throw myself into the river, only for the crocodile to feast on me a second time. But a mistake is only a mistake after it is repeated. In this case, I have learnt my lesson never to give second chance to someone that has pointed a gun at you and missed. Never will I ever again fall victim.

Hon. Speaker, that said and done, I support the Motion from our own whistle blower of this House, the Hon. Hellen. Water being an essential commodity, as a County and as a County Assembly we need also to be privy to the fact that as we support the increment of water capacity within the estates, we should know that the last time we had infrastructure upgrade in this County was long time ago. That is why we are not able to meet at the deficit because currently the water demand is at around 850 million cubic meters and what we are able to supply is around 550 million cubic meters. Therefore, we have a deficit of around 300 million cubic meters.

I will task the Chair of Budget that in the next financial year let us see how much we can allocate the Nairobi Water and Sewerage Company so that we can help them build capacity and improve the infrastructure so that we won't be fighting the boreholes that are being sunk. We saw the NMS doing that as the short term prospects of trying to bridge the water scarcity in Nairobi. But what did we find after the drilling? The water was not suitable for human consumption because it had lots of calcium and treating it would have become an expensive process.

Therefore, Hon. Speaker, let us empower Nairobi Water with adequate resources so that we end the water rationing issue within our wards. If elections were to be held today, the first thing that will make elected leaders lose is the dry taps in the homes of the people we represent. We had done a few roads in some areas and after completion you hear them say that roads without tap water in their homes means nothing.

I thank Hon. Hellen for coming up with this good Motion because it will be a buildup into making the 85 elected and special elect Members allocate adequate resources to the Nairobi Water and Sewerage Company. With this, Hon. Speaker, I beg to support.

Hon. Speaker, as I finish, Hon. Jeremiah Themendu, Member for Kayole Central Ward knows that it was not easy...

**Hon. Speaker:** Hon. Member, thank you for your contribution. Hon. Jeremiah Themendu, I can see that your light is on. Kindly proceed.

**Hon. Jeremiah Themendu:** Thank you, Hon. Speaker. Minority Whip is trying to say...

**Hon. Speaker:** Hon Member, are you in support of the Motion?

**Hon. Jeremiah Themendu** I support the Motion, but I wanted to defend myself a bit because he has mentioned me concerning the previous...

**Hon. Speaker:** I just wanted to confirm if indeed you are in the House.

**Hon. Jeremiah Themendu:** I did very well because I was hunted by many senior Members of our party, and they used a gadget which I think the Majority Leader witnessed how it works.

*(Laughter)*

Somebody goes with the gadget and sleeps with it at their residence. Then they come early in the morning...

**Hon. Speaker:** Hon. Member, how do you sleep with a gadget?

**Hon. Jeremiah Themendu:** You know whatever I said, but let me say here...

**Hon. Speaker:** Please, kindly correct that.

**Hon. Jeremiah Themendu:** What I am trying to say is that...

**Hon. Speaker:** Someone carried the gadget home.

**Hon. Jeremiah Themendu:** My competitor...

**Hon. Speaker:** Carried the gadget home.

**Hon. Jeremiah Themendu:** He was allowed by the party to carry the gadget to his residence.

**Hon. Speaker:** Yes.

**Hon. Jeremiah Themendu:** Then what happened is that, he fed the gadget with some votes. So, when the voting started, the other side had already scored fifty votes while I started from zero. Do you see that, Hon. Speaker? As I conclude, I want to say that, that was not an election but a scam. But it was an eye opener. In future, time will tell.

Coming to the Motion here from Hon. Helen, it is very nice because water is an essential commodity which we cannot live without. Residents in my area are not getting water from the taps because borehole owners collude with officers from the Nairobi Water Company so that they can sell water to the residents. It is nice for the County to develop a policy...

*(Hon. Mark Mugambi raised a Point of Information)*

**Hon. Speaker:** Do you want to be informed by the Minority Whip?

**Hon. Jeremiah Themendu:** No, I don't want any information because I am contributing on a...

**Hon. Speaker:** He wants to inform the House.

**Hon. Jeremiah Themendu:** Okay.

**Hon. Mark Mugambi:** Thank you, Hon. Speaker. It would be wrong for us here to accuse a company that we oversight of colluding with cartels without substantiating and without providing evidence for the same. We should be aware that whatever we say here is what the public will take as the main issue. Let us not shoot ourselves on our feet trying to build up a case that cannot be substantiated. I am in the Water Committee Let the Hon. Member for Kayole Central Ward request for a statement or bring a petition from the residents, naming the officials from the Nairobi Water that he believes are colluding with the borehole owners in his ward.

Hon. Speaker, let him also provide a list of those boreholes in his ward and their location so that as Water Committee, we can go for site visit. With those remarks that he is making, he is belittling our oversight role as the Water and Sanitation Committee of this House. Therefore, on behalf of the Committee, I would like the Hon. Member to withdraw and apologize to us.

**Hon. Speaker:** Hon. Themendu, please?

**Hon. Jeremiah Themendu:** Hon. Speaker, I have heard what the Minority Whip has said concerning my sentiment. I have also heard that he is a Member of that Committee. I had raised a statement here concerning the same problem, it is now about six months but nothing has happened. Even those officers from the Water company promised me to come and check whatever is happening there, but they have never come.

Hon. Minority Whip, you have said I come with a list of the boreholes in my ward, but Hon. Helen in her Motion has urged the County Executive Committee Member to come up with a list of all the boreholes in every ward. I know whatever I have said here, I have repeated many times. I have said here before that the Nairobi Water Company has a programme of rationing water in every ward. I have observed that they release the water for about 20 minutes then they close. Even if it is you, Hon. Speaker, how can you believe that they are not colluding with the owners of those boreholes?

Anyway let me not dwell in that, but let me support that the County Executive develops a policy that can guide the operationalization of the water vendors so that we can know where the problem is. With those few remarks, I beg to support.

**Hon. Speaker:** Hon. Malyun Abdi.

**Hon. Malyun Abdi:** Thank you, Hon. Speaker, I rise to support the Motion and also congratulate the mover, Hon. Helen Okello. It is a great job that you are doing.

**Hon. Speaker:** Please be audible a bit.

**Hon. Malyun Abdi:** Thank you, Hon. Speaker. I was congratulating the Member who has brought us a beautiful and an amazing Motion. I am a Member of the Public Investments Committee; a lot has to be done when it comes to policy making in Nairobi on the boreholes. In the ward where I come from, there are boreholes with insufficient water and some have water not fit for human consumption. So, we need policy and guidance on matters such as this.

Hon. Speaker if the Implementation Committee could take up this Motion into this other level, we will really be grateful and at least get a policy out of this Motion. Thank you so much.

**Hon. Speaker:** Hon Ochieng Jera.

**Hon. Samson Ooko:** Hon. Speaker, I also rise to support this Motion by this wonderful queen, Hon. Helen Okello.

**Hon. Speaker:** What have you just said?

**Hon. Samson Ooko:** I have said, I rise to support this Motion by Hon. Helen Okello, the queen of the Assembly.

*(Laughter)*

**Hon. Speaker:** Okay, proceed.



**Hon. Samson Ooko:** Mr. Speaker, Sir, there are many boreholes dug everywhere in Nairobi. Organizations dig boreholes and then sell water, making profits. The County makes nothing out of the boreholes they dig. I think there should be a regulation that after you have dug a borehole, you register it with the County Government so that we get taxes from them. Otherwise, we will allow these people to dig boreholes, make money as the County goes without money.

We don't know if they produce water fit for human consumption. When a county is digging water, there are regulations that must be followed. But giving organisations an opportunity to dig boreholes, some of them will do shoddy work and end up giving people water that is not supposed to be consumed. So, there should be a regulation. This is the reason why I am supporting this Motion.

Having boreholes all over Nairobi will also help reduce the prices of water. You see there is scarcity of water all over the County, and by having these boreholes that are well regulated, I am certain that the prices of water will reduce. Therefore, as a County, we need to have boreholes as many as possible, but again make the County get money out of it because we cannot give organisations opportunity to put up waters and get 100 percent profit from these boreholes. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Mponjiwa.

**Hon. Perpetua Mponjiwa:** Thank you, Hon. Speaker. I stand to support this Motion on the following bases: First, it is important for the members of the public of Nairobi and Kenyans at large to realize that Nairobi Water and Sewerage Company is a company that belongs to Nairobi County Government; it is our parastatal. So, majority of the members of the public do not know that; they think that the Nairobi Water and Sewerage Company is a parastatal of the National Government.

That said and done, the supply and distribution of water to the Nairobians is the work that is bestowed to the Nairobi Water and Sewerage Company, and its therefore important that they regularize other vendors because the water supply in Nairobi is never sufficient in some areas. They ration the water and in some areas they don't even get water. The Nairobi vendors who have boreholes, we really appreciate them because they have taken the initiative to supplement what Nairobi Water and Sewerage Company cannot do. But as much as they do that, it is also important that they are put to books and to account that the water that they give to Nairobians is in good order, hygiene, and good for consumption.

With that, I really see this Motion as one of the best motion for the month. Thank you, Hon. Speaker. I support.

**Hon. Speaker:** Hon. Chair, Water. Your mic is off.

**Hon. Kennedy Oyugi:** Thank you, Mr. Speaker. Let me begin by saying that I support the Motion. Initially, I had some reservations about the Motion, but after consultation, I aligned myself. I realized that this policy has never been brought to the Assembly for adoption.

Mr. Speaker, I think Nairobians are suffering out of negligence from the law enforcers. I wonder if everybody knows the price of a twenty-liter jerrycan of water. It goes for 2 Kshs. But

the cartels of this County are exorbitantly selling the water up to Kshs. 50. So, I want to believe that it is the laxity on the side of the enforcement.

Mr. Speaker, as a Committee, we are doing all what it takes to regulate and enforce the existing laws. Otherwise, I do support the motion. Thank you.

**Hon. Speaker:** The last one, Hon. Emmy Isalambo.

**Hon. Emmy Isalambo:** Thank you, Hon. Speaker. First off all, I want to congratulate my friend Hon. Hellen for such a superb motion. People should know that water is the largest mineral in the whole world, so, neglecting it should be regarded as a crime. We should have a regulation on borehole vendors to treat water and make it safe for human consumption.

Hon. Hellen, this is the best motion you have come up with. Imagine when you don't bathe, you will have a body odor that will put other people at bay. Also, if your water is not clean, it means there will be a lot of diseases leading to death.

I also just want to touch on where the Kenya Kwanza was talking about crocodiles. Even in the Bible, it says, if you tame a crocodile, you will be killed by it. We in Azimio know how to tread especially when it comes to elections. I am sure it was your first experience, and you will go a lot through this. There is more to come. Even be prepared, in 2027 we are taking all the seats. We will act as crocodiles and you will see us in our true colors. I beg to support. Thank you.

**Hon. Speaker:** I hope you are not threatening Members.

*(Hon. Emmy Isalambo spoke off the record)*

**Hon. Speaker:** You are preparing them?

Allow me now to put the Question... Ooh sorry, the mover did not reply. Kindly proceed.

**Hon. Hellen Okello:** Thank you so much, Hon. Speaker. First of all, allow me to thank my Secunder, Hon. Matara. I also want to thank the Leader of Majority, Hon. Malyun, Hon Perpetua, Hon. Benta, Hon Emmy Khatemeshi...

**Hon. Speaker:** Hon Member, can you just generalize because not every Member gets an opportunity to contribute towards the Motion. So, if you are specific, then now it becomes a bit...

**Hon. Hellen Okello:** Thank you so much, I stand guided, Hon Speaker. I want to thank all the Members for supporting my Motion. We all agree that water is life, and we cannot do without it. Access to clean and safe water is vital for the residence of this great City. I therefore urge relevant Committee of this Assembly to ensure the idea is fully implemented.

Hon Speaker, I beg to reply.

**Hon. Speaker:** Thank you.

*(Question put and agreed to)*

## ADJOURNMENT

**Hon. Speaker:** Hon. Members, I direct that the House Business Committee to have a sitting at the rise of the Assembly.

The House stands adjourned to tomorrow, Wednesday 5<sup>th</sup> June 2024 at 2:30 p.m.

*The House rose at 4:12 p.m.*