

COUNTY GOVERNMENT OF BOMET



THE COUNTY ASSEMBLY

FIRST ASSEMBLY: FOURTH SESSION

REPORT OF THE COMMITTEE ON WATER,
ENERGY, ENVIRONMENT, FORESTRY AND
NATURAL RESOURCES ON THE PETITION

BY KICHEKA COMMUNITY WATER

PROJECT



APRIL, 2016



per *[Signature]*
28/4/2016

*laid on the table on
28/4/2016.*

*read on 4/5/2016
20 PM.*

List of Acronyms/Abbreviations

ADP-Annual Development Plan

CEC-County Executive Committee Member

KICHEKA-Kimaya, Chemaitany and Kamundugi

LATF-Local Authority Transfer Funds

CBO-Community Based Organization

PVC- Polyvinyl Chloride

NEMA-National Environmental Management Authority

LVMP-Lake Victoria Management Program

MP-Member of Parliament

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Annex II: Letters of response from the CEC for Social Services

Annex III: Report/Submissions from the executive committee member for Water &Irrigation pertaining a meeting held on 16th July 2015 at KIMAYA on the status of pipes loaned to Kapkesosio Borehole Water Project

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Annex V: A copy of the Petition to the County Assembly as submitted by KICHEKA Community water project.

Preface

The committee on Water, Energy, Environment, Forestry and Natural Resources is one of the Sectoral committees established under the Standing Orders 193(1) and the Second Schedule to the Standing Orders.

1.3 Petition by the KICHEKA Community water project

Pursuant to the Standing Order No. 195(3) and as set out in the Second schedule, all matters relating to Water, Environment, Energy, implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisances and outdoor advertising, shall fall within the mandate of the Committee on Water, Energy, Environment, Forestry and Natural Resources.

At inception, it has to be pointed out that the members of the public have a right to petition the County Assembly. **Section 15 (1)** of the County Governments Act, provides that a person has a right to petition a county Assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation.

Committee Membership

The Committee on Water, Energy, Environment, Forestry and Natural Resources as currently constituted comprises of the following Honourable Members:-

1. Hon. Evaline Chepkemoi - Chairperson
2. Hon. Samwel Bor-Vice Chairperson
3. Hon. Hellen Chepkirui- Member
4. Hon. Philip Siele - Member
5. Hon. Sammy Chelule- Member
6. Hon. Robert Bett - Member
7. Hon. Andrew Maritim – Member

Mandate of the Committee

The Sectoral Committee on Water, Energy, Environment, Forestry and Natural Resources derives its mandate from provisions of Standing order 193(5) which defines functions of the Committee as being:

- a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- b) To study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;
- c) To study and review all legislation referred to it;
- d) To study, assess and analyze the relative success of the ministries and departments measured by the results obtained as compared with their stated objectives;
- e) To investigate and inquire into all matters relating to the assigned ministries and departments as may be deemed necessary, and as may be referred to it by the House or a minister;
- f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 187 (Committee on appointments); and
- g) To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

Acknowledgement

Mr. Speaker Sir,

The Committee is grateful to the House through the Hon. Speaker for the support granted in executing its mandate of analysing and recommending on the pertinent issues pointed out by the petitioner.

The Committee is also grateful to the office of the Clerk for facilitating and providing technical support to the Committee in the execution of its mandate. The Committee extends its appreciation to all the parties involved in the matter; namely the County Executive Committee member for Water and Irrigation.

Further the Committee acknowledges the exemplary services rendered by staff of the County Assembly namely; the committee services, the Research Department and the Legal and Legislative Department. Indeed their commitment and devotion to duty have made work of the committee and production of this report successful. I wish to express my appreciation to the Honourable Members of the Committee who sacrificed time away from their families and residents to participate in the activities of the Committee including the extended committee sittings and report writing exercises.

Committee's Approval

Mr. Speaker Sir,

The following Honourable Members of the Committee, whose signatures have been appended to in this report do affirm our approval and confirm its accuracy, validity and authenticity:-

No.	Name	Position	Signature
1.	Hon. Evaline Chepkemoi	Chairperson	
2.	Hon. Samwel Bor	Vice Chairperson	
3.	Hon. Sammy Chelule	Member	
4.	Hon. Hellen Chepkirui	Member	
5.	Hon. Philip Siele	Member	
6.	Hon. Robert Bett	Member	
7.	Hon. Andrew Maritim	Member	

Chair's Approval

Mr. Speaker Sir,

It is therefore my pleasant duty and privilege, on behalf of this Committee to table this report on the petition of KICHEKA Community from Kongasis Ward, Chepalungu Sub-County.

Signed .....Date 25/04/2016.....

Hon. Evaline Chepkemai

**Chairperson of the Water, Energy, Environment, Forestry and
Natural Resources Committee**

1.0 Background

The petition was received from Mr. Joseph A. Koskei on behalf of the KICHEKA community water project from Kongasis Ward at the Office of the Clerk on 30th September 2015. It was read by the Hon, speaker on 21st October 2015 during the afternoon sitting and committed to the Environment, Water, Energy and Natural Resources Committee. The Committee on Water, Energy, Environment, Forestry and Natural Resources formally received the petition on 21st October 2015 the same day it was read for the first time in the House.

The following are the Names and Identification numbers of the petitioners who confirmed the details of the petition on behalf of the entire membership of KICHEKA community water project.

NAME	NATIONAL ID NUMBER
Joseph Koske	2428105
John Muge	2422425
Samwel Cheruiyot	0303248
Ann Langat	20097943

In dealing with the matter, the committee held ten sittings to deliberate on the matter. The committee was able to engage the Petitioners and other respondents as per the requirements of the Standing Order and the Constitution of Kenya, 2010. The petitioners also affirmed to the Committee that the raised issues in the petition were not before any

court of law, or constitutional or legal body. This guided the committee to pursue the petition with a lot of effort having learned that the KICHEKA community water project has had enormous challenges.

The issues the petitioners (members of the said project) wanted the County Assembly to investigate include;

- If the Ksh. 15 million donated to the project by Hon. Charity Ngilu, then the Minister of Water and irrigation was received by the Governor when he was the area MP.
- The registration of the other water project which shares the same name with the above stated KICHEKA since the same brings confusion and misleads the public.
- About 400 PVC water pipes taken by the County Government of Bomet to support the other newly created project within the same sub county despite the fact that the said pipes were purchased from the LATF allocation on the year 2007/2008

Mr. Speaker sir,

The members of the KICHEKA community in their petition mentioned that they have tried to address the above issues with the relevant institutions including the Ministry of Water and the County Government of Bomet but yielded no satisfactory response.

1.1 Aims and prayers of the petitioners

The petitioners made the following prayers as outlined by their petition.

The specific prayers include;

1. To make follow up on the issue of Ksh.15 Million donated by Hon. Charity Ngilu to the project.
2. Investigate the issue of the project name assigned to another project funded by the County Government of Bomet.
3. Compel the County Executive to return the PVC water pipes taken from the project or compensate the project for the loss suffered.
4. Urge the County Executive to revive the project since the project is projected to solve the problem of water shortage among a population of about 12 million people.

1.2 Legal Framework

The legal framework for petitioning public bodies exist in Kenya as follows; **Article 37** of the Constitution of Kenya, 2010 provides that;

“Every person has a right, peaceably and unarmed, to assemble, to demonstrate, to picket and to present petitions to public authorities”

The County Governments Act under **Section 88** makes provision for citizens’ right to petition and challenge. The said section provides that;

- a) Citizens have a right to petition the county government on any matter under the responsibility of the county government*
- b) Citizens petitions shall be made in writing to the county government*

c) County legislation shall give further effect to section 88 (1)

Section 14(1) (b) of the County Governments Act provides that a county assembly subject to standing orders made under paragraph (a), may establish committees in such manner and for such general or special purposes as it considers fit, and regulate the procedure of any committee so established.

Standing Order 198(1) provides a petition to the County Assembly shall be-

(a) submitted to the Clerk by the petitioner and reported to the County Assembly by the Speaker; or

(b) presented by a Member on behalf of a petitioner, with the consent of the Speaker.

(c) Notwithstanding paragraph (1) (b), a Member shall not be eligible to present a petition on his own behalf.

(d) The Clerk shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of these Standing orders and of the law.

(e) Where the Clerk considers that a petition does not comply with paragraph (3), the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with that paragraph.

(f) The Clerk shall, if satisfied that the petition meets the requirements under paragraph (3), forward the petition to the Speaker for tabling in the County Assembly.

Standing order 201 gives the form of Petition and it provides that a petition shall be in the form set out in the Third Schedule and shall-

(a) be handwritten, printed or typed;

(b) be in English or Kiswahili and be written in respectful, decorous and temperate language;

(c) be free of alterations and interlineations in its text; (d) be addressed to the County Assembly;

(e) have its subject-matter indicated on every sheet if it consists of more than one sheet;

(f) indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory;

(g) indicate whether the issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body.;

(h) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;

(i) subject to paragraph (m), contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;

(j) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it;

(k) not have any letters, affidavits or other documents annexed to it;

(l) in the case of a petition presented by a Member on behalf of a petitioner, be countersigned by the Member presenting it; and

(m) be signed by the petitioner or if the petitioner is unable to sign, by a witness in whose presence the petitioner shall make his or her mark on the petition.

Standing Order 205 further provides that every Petition presented or reported pursuant to this Part,

(1) shall stand committed to the relevant Sectoral Committee.

(2) whenever a Petition is committed to a Sectoral Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the County Assembly and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petitions for not more than twenty Minutes. (3) The Clerk shall, within fifteen days of the decision

of the County Assembly, in writing, notify the petitioner of the decision of the County Assembly on the petition.

Standing order 206 requires the clerk to forward copies of responses received under Standing Order 205 (Committal of Petitions) to the petitioner or petitioners.

The Petition met all the above requirements as confirmed by the Office of the Clerk through a memo dated 30/09/2015 **Ref: BCA/TO/24/09/15** whose subject was Petition 5 of 2015 (BCA/P/05/2015).

1.3 Committee meetings

The key areas which formed the backbone of Committee discussions during their meetings included; Formulation of the program schedule that would guide the committee in deliberating on the petition, invitation/ meetings with the petitioners, conducting site visit to the project areas and meeting other key witnesses. The Committee held a total of ten (10) meetings which culminated towards the production of this report.

1.4 Taking of evidence

The Committee used a multidimensional strategy while collecting all the relevant information. This entailed conducting a site visit to the affected project, meeting the petitioners and the KICHEKA members, meeting the former councillor of Kongasis Ward, meeting the CEC for water and taking evidence from the CEC for Social Services.

1.4.1 Evidence taken from the petitioners

On Thursday 12th November, 2015 between 11:00am to 2:00pm, the Committee embarked on fact finding mission by conducting a site visit to KICHEKA Community Water project in Kongasis Ward. The aim of the visit was to meet the petitioners, the Community who were affected and agitated as per their prayers in this petition.

Objective of the visit

- i. To verify the circumstances and the whereabouts of the Ksh.15 million donated by the then minister for water, Hon. Charity Ngilu to KICHEKA community .
- ii. To investigate a scenario on how the 412 pipes purchased from LATF was taken over by the County Government department of Water and Irrigation.
- iii. To verify the number of PVC pipes purchased from the LATF allocations.
- iv. To verify the registration status of KICHEKA community group
- v. To find out who were the officials of KICHEKA community group when the Ksh.15 million was donated and during the time the PVC pipes was taken.
- vi. To verify with supporting documents whether the amount donated was given in instalments or the full Ksh.15million.
- vii. To find out the MOU in relation to the donations of Ksh.15 Million between the KICHEKA community and the Ministry of Water and Irrigation.

- viii. To find out the year in which the Ksh.15 Million was donated, when the PVC pipes was purchased and when the PVC pipes were taken over by Bomet County Government
- ix. To find out who received the 15million donated by the then Minister for water &Irrigation. Hon. Charity Ngilu

1.4.2 Evidence taken from the CEC for Water and Irrigations

The information sought by the Committee included;

- i. Shedding light pertaining the 412 PVC pipes that was purchased using LATF and belonged to KICHEKA Community Water Project but was taken over by Bomet County water department to fund County water projects.
- ii. The date/time the County department of water intends to return the 412 PVC pipes that belonged to KICHEKA Community water project and was loaned later to Kapkesosio Community water project.
- iii. The plans that the County department in charge of water to revive KICHEKA Community water project since the project is expected to solve the problem of water shortage among a population of about 12 million people.

1.4.3 Evidence taken from the CEC for Social Services

The information sought by the Committee included;

- i. The registration number of the KICHEKA and whether it is a Self Help Group or a Community Based Organization.

- ii. The date/year in which KICHEKA Community Water Project was registered with the department of Social Services and;
- iii. The names of the officials (Chairman, Treasurer and Secretary) of KICHEKA Community water project.

1.4.4 Evidence taken from the former Councillor (Kongasis Ward)

(i) Evidence taken from Mr Joseph Kosgei, the former Councillor of Kongasis Ward.

On 15th December 2015 the Committee invited Mr. Kosgei who was the Councillor for Kongasis Ward to provide information which entailed the following matters;

Whether he was able to allocate some money to KICHEKA Community water project during his tenure as a councillor for Kongasis Ward and if so how much was allocated. He informed the Committee that indeed KICHEKA was a beneficiary of some money from LATF but he could not remember the exact amount allocated.

Whether the ksh.15 million that was alleged to have been donated by the then Minister for Water & Irrigation to KICHEKA Community water project was effected or it was just a promise which never materialised. He informed the Committee that he was aware only on the promise of the donation but he could not recall if the money was released.

Whether KICHEKA Community bought PVC pipes after receiving funds from LATF. He informed the Committee that he was not aware of any group called by that name.

2.0 Committee's Observation and Findings

Upon interrogating the submissions and documents availed to it, the committee found that the issues that needed to be addressed included the following;

2.1 Donation of ksh.15 Million to KICHEKA Community water project

Whether ksh.15 million that was promised by the then Minister for Water and Irrigation, Hon. Charity Ngilu was donated and make follow up on whereabouts of the money.

2.2 The 412 PVC pipes taken by Bomet County water Department

Whether the Bomet County department of Water &Irrigation will compensate KICHEKA Community over the 412 PVC pipes

2.3 Registration of KICHEKA Community water project

Whether there is another registered water project which shares the same name as KICHEKA.

2.4 Reviving of KICHEKA Community water project

Whether Bomet County department of water has plans to revive Kicheka Community water project.

3.0 Committee observations

The committee made various observations as follows;

3.1 Brief Background of KICHEKA

The Committee found out that, during the visit the Committee met with members of KICHEKA Community water project and noted the following.

- KICHEKA is a community water project registered in 2006 with the ministry of social service and its membership was 350.
- The project was initiated to serve residents of Kimaya, Siongiroi, Kamundugi, Kamaget, Chemagel and Kabolesero. Initial plans shows that had it been operationalized, it could have supplied water to over 60,000 goats and 12,000 cows.
- The group was given approval and issued with a certificate after it met the requirements of NEMA and LVMP.

3.2 Donation of ksh.15 Million to KICHEKA Community water project

The committee found out that the then Minister for water and Irrigation Hon. Charity Ngilu visited KICHEKA Community including an adjacent waterfall in Kongasis ward where she promised to donate the said above amount. The Committee was further informed that the then MP for Chepalungu Hon. Isaac Ruto, Mr. Kosgei the then Kongasis ward Councilor, the District Officer and Mr. Paul Serbai of Siongiroi Ward were present when the promise of the donation was made. There was no memorandum of Understanding (MOU) made between the Ministry of

Water and Kicheka Community over the donation of ksh.15million.The following were also present when the Ksh.15 million was promised;

1. Mr. Joseph Koskei----Chairman of KICHEKA
2. Ann Langat-----Treasurer
3. Mr. Paul Sigei-----Secretary
4. Mr. Samwel Tonui.-----Committee member
5. Mr. Stephen Cheruiyot-----Committee member
6. Mr. Joel Langat..... Committee member.
7. Mr. Stanley Rugut..... Committee member
8. Mr. John Chepkwony..... Committee member
9. Mr. Livingston Koech alias Siongiroi.....Committee member

The committee found out that no cheque was delivered nor deposited on behalf of KICHEKA community water project and therefore; the allegations that ksh.15 million was donated could not be confirmed since no documents was provided . The Committee was further informed that some officials of the project had made frequent visit to the Ministry of water and irrigation in Nairobi where they were told the money has been released to the community but KICHEKA community has not received that money. Further follow up by the community did not bear any fruit. The group who had travelled to Nairobi, Ministry of water was not present at the meeting on Thursday 12th November and therefore it could not be verified.

3.3 PVC Pipes

The committee was informed that KICHEKA community received Ksh.352, 000 from LATF and was used in buying PVC pipes. The first batch of PVC pipes bought were 412 while the second batch was 287, and these are in the custody of KICHEKA.

The Committee was informed that one Eng. Benson Kones who is in charge of water and Irrigation in Bomet County, made a phone call to the Community and later a lorry was sent to collect the 412 pipes without the consent of KICHEKA community. The chairman of KICHEKA community was not present when the pipes were taken, neither was he notified. A letter from the CEC for water and Irrigation was later sent to the chairman requesting for the pipes but this was just to formalize the previous error of taking the pipes against the will of KICHEKA.

The committee was also informed that later in June 2015; Dr. Sigi Langat the CEC for Water and Irrigation in Bomet County together with the Eng. Benson Kones visited the KICHEKA Community. In the meeting, KICHEKA rejected the proposal of loaning the pipes to Kapkesosio water project since the money was from LATF. The minutes of the meeting showed that the pipes were loaned to the County to fund Kapkesosio water project, on the promise that the pipes will be return to KICHEKA Community. The Committee was informed that KICHEKA Community did not agree to loan the pipes to Bomet County and that the contents of the minutes was tampered with. The Committee was

further informed that it is the second KICHEKA where pipes were taken to.

3.3.1 Submission by the CEC for water and Irrigation pertaining the 412 pipes

In a letter dated 16th February 2016, the CEC for Water responded to the matter raised by the Committee pertaining the 412 PVC pipes that belonged to KICHEKA Community but was taken over by the county to fund county projects. The Committee read keenly through the letter in which some minutes were attached. The observations were:

The report has minutes of a meeting held on 16th July 2015 at KIMAYA, Chairman's House whose agenda was;

1. Status of pipes loaned to Kapkesosio Borehole Water Project.
2. Brief on the way forward for KICHEKA water project

Those who were present included

NAME	DESIGNATION
Dr. Sigi	CEC water and Irrigation
Benson Kones	Water and Irrigation
Wesley Korir	Sub-County water officer-Chepalungu
Victor Koech	Dep. Sub-County Water officer- Chepalungu
Joseph Koske	Chairperson
Annah Langat	Treasurer
Paul Sigei	Secretary

Simeon Tonui	Project Coordinator
Barnabas Langat	Committee member
Joseph Rotich	Committee member
John Muge	Committee member
Davi Munaa	Committee member

Under the chairman's remarks the following were noted in the minutes;

That the project was started in 2006 and was intended to supply water to three main areas, namely Kimaya, Chamaitany and Kapolosero hence the name KICHEKA.

That the membership is above 1000 persons.

- i. That the initial funding through the then LATIF was used to purchase 3" PVC pipes, 287 of which are currently stored while 412 were loaned to Kapkesosio water project. That agreement was that the same no. of pipes would be delivered to the projects once consignment for kapkesosio were supplied
- ii. That the project has acquired a 0.2 acre piece of land at Chebanyiny for construction of a storage/distribution tank

Remarks by the then DW&IO Eng. Kones

- i. He confirmed that the request for the pipes was done through a letter to the chairman under the conditions above.
- ii. He also confirmed that the then minister (Hon. Charity Ngilu promised to support the project with funding to a tune of ksh.15 million was not implemented by the then National Government.

Remarks by the CEC –Water and Irrigation

As per the letter, he

- i. Advised on the importance of a structured committee in project management
- ii. Assured the committee members that the 412 PVC pipes were used in kapkesosio and would be returned once the funds were available to purchase the pipes which would have then be used at kapkesosio, however the agreement to that effect be formalized
- iii. Informed that the ministry of water is involved in the development of a main infrastructure and the ministry of agriculture takes over the distribution at farm level
- iv. Informed that the total County budget water is shared amongst the projects in the various sub-counties.
- v. The existing design for KICHEKA to be jointly reviewed by the ministry of water and that of Agriculture which could be used to seek donor funding.

The Committee raised the following concerns

- i. Why has it taken so long for the pipes to be replaced/repatriated back to the community who had donated them?
- ii. A letter that was sent to the chairman requesting for the 412 pipes should be provided and it should be confirmed whether the chairman had agreed to loan the pipes. The chairman (KICHEKA Community water project) had clarified that the pipes was taken without his consent.

- iii. Was the agreement on loaning the 412 pvc pipes formalized as had been remarked by the CEC for water and Irrigation?
- iv. The Committee also confirmed that indeed the pipes which was purchased using LATF was taken to fund County Water projects.

3.3.2 Submission by the CEC for water and Irrigation pertaining the date of returning the 412 pipes.

In a meeting held on 12th April 2016, between the CEC for Water & Irrigation and the Committee, the Committee sought more information pertaining *the date/time that the County department of water intend to return the 412 PVC pipes that belonged to KICHEKA Community water project but was loaned later to Kapkesosio Community water project.*

In his written submission, the CEC informed the Committee that the procurement of the pipes for replacement is being finalized and LPO is being processed.

The CEC informed the Committee that once this is done KICHEKA will receive the 412 pipes of the same specification before the end of the f/y 2015/16.

3.4 Registration of KICHEKA Community water project

The issue of the project name (KICHEKA) assigned to another project funded by the County Government of Bomet has been a source of confusion as alleged in the petition.

The Committee was also informed that there is another KICHEKA which stands for *Kimenderit, Chepwonik and Kamorit* which was later registered by another group and this has been a source of confusion to the community.

Submission by the CEC for Social Services pertaining the registration of KICHEKA Community water project

In order to verify the claims that another community based organization was later registered bearing similar abbreviations as KICHEKA, the committee confirmed from the County department of Social Services on the following.

- i. The registration number of the KICHEKA and whether it is a Self Help Group or a Community Based Organization.
- ii. The date/year in which KICHEKA Community Water Project was registered with the department of Social Services and;
- iii. The names of the officials (Chairman, Treasurer and Secretary) of KICHEKA Community water project.

In a letter dated 17th March 2016 that was responded to by the CEC for Social Services pertaining the above information inquired by the Committee, the following observations were made;

- The registration no. for KICHEKA is BMT/1203/2006.
- The date of registering KICHEKA was indicated as 6th November 2006.

- The officials of KICHEKA were found to be Joseph Koskei-chairperson. Paul Sigei -Secretary and the Treasurer as -Annah Langat.
- That the Group was registered as a Self- Help Group.
- A copy of group registration certificate was also attached to the response letter.

Committee's resolution

When the two certificates are compared, the details containing the above information matched and therefore without any doubt, it was clear that there is only one KICHEKA. Furthermore; the information as per the response letter from CEC indeed clarified all that was requested.

3.5 Reviving of KICHEKA Community Water Project

One of the prayers was also to urge the County water Department to revive KICHEKA Community water project since it was anticipated to solve the problem of water shortage among a population of about 12 million people.

Submission from the CEC for water and Irrigation over plans to revive the project.

In his written submission through a letter dated 11th April 2016, Ref No. CGB/WI/9.1/VOL.II/077, the CEC informed the Committee that:

- (i) The residents of villages under KICHEKA, i.e. Kimaiya, Chemaitany and Kamundugi are served by Chepalungu water

supply scheme under scheduled rationing program. Augmentation of chepalungu water supply scheme is being undertaken to improve access to water. Raw water gravity line of 2 km to treatment works has been laid with the aim of reducing electric costs.

- (ii) The department have plans to support KICHEKA water project through Chebaraa Water irrigation scheme since KICHEKA and Chebaraa irrigation Scheme shares the same water intake. Design works will be reviewed and resource mobilization will be undertaken for the irrigation. Furthermore; the County department of Water & Irrigation will also offer technical advice to the Community on the best way to enhance the water project is sustainable.
- (iii) A formal request for the 412 PVC pipes that belonged to KICHEKA was done and the Community agreed (**Refer to the minutes of the meeting dated 16th July 2015 at Kimaya**) to loan the pipes to Kapkesosio water project on the promise that once the consignment for Kapkesosio are supplied, the same number and specification of the pipes will be refunded. The CEC further informed the Committee that this request was done through the Chepalungu Sub-County Water Officer, Mr. Victor Koech.
- (iv) He later on 16th July 2015 visited KICHEKA Community and held a meeting confirming to the Community that their pipes

will not get lost and that they will duly and rightfully be compensated.

The CEC was of the opinion that the 412 PVC pipes were lying idle and prone to deterioration and that it was wise to approach them in case they agrees to loan the pipes to be utilize elsewhere where there was a shortage.

4.0 Committee Recommendations

Based on the observations made under each prayer, the Committee arrived at the following recommendations

4.1 Donation of ksh.15 Million to KICHEKA Community water project

There was no evidence to prove that the Ksh.15 million that was promised by the then Minister for water (Hon. Charity Ngilu) was effected. The Committee recommends that further investigation should be undertaken to unearth and ascertain whether the ksh.15million as promised was really donated.

4.2 The 412 PVC pipes taken by Bomet County water Department

The County water department must compensate the community for the loss of 412 pipes by returning similar number and specifications of Polyvinylchloride pipes.

Nevertheless; The team comprising of the current CEC for Water & Irrigation, Dr. Sigi Langat, Eng. Benson Kones, Mr. Wesly Korir who was the Sub-County water officer for Chepalungu and Mr. Victor Koech who was the deputy Sub-County water officer for Chepalungu must take a lead responsibility and cooperate together to ensure KICHEKA duly and rightfully receives their 412 PVC pipes before the end of 30th June 2016.

4.3 Registration of KICHEKA Community water project

The evidence so far collected did indicate that there is only one known registered KICHEKA and therefore the Committee strongly urges all the members of this group (KICHEKA) to put aside their differences, unite and strive for a common goal so that this vibrant group is sustained to ensure the water projects initiated, positively benefits both the present and future residents of the greater KICHEKA Community and beyond.

4.4 Reviving of KICHEKA Community water project

- i. KICHEKA Community water project should be supported to completion by Bomet County Government department of Water by allocating sufficient funds. The project should also be captured in the Annual Development Plan (ADP) for the year 2017 since it is anticipated to benefit a number of residents of Bomet County particularly Chepalungu Sub-County.
- ii. The irrigation design works and resources mobilization should be fast-tracked to ensure the system is operational both for Chebaraa water Irrigation Scheme and KICHEKA since both shares the same water intake. However; this assignment should be a lead responsibility of The Bomet County department of Water and Irrigation.

Conclusion

Mr. Speaker Sir

This Committee while fulfilling the freedom of expression as provided for in Article 33 (1) (a) that every person has the right to freedom of expression, which includes-freedom to seek, receive or impart information or ideas, could not hesitate to annex the documents for reference and further verification by interested persons.

Furthermore; the Committee take cognizance and appreciates the bold decision taken by the members of KICHEKA Community water project under the leadership of their Chairman to petition the County Assembly over matters of water projects in Bomet County. It is through this petition that democracy and citizen participation has been exercised in utility and not in futility while agitating for their social, economic and political rights and therefore; this Committee encourages more petitions to the County Assembly.

In conclusion, the petitioner's prayers were able to guide the Committee to analyze, make observation and recommend way forward on the four areas under contest. The Committee hereby presents the report and hopes the petitioner's four (4) prayers have been answered.