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GARISSA COUNTY ACTS, 2018

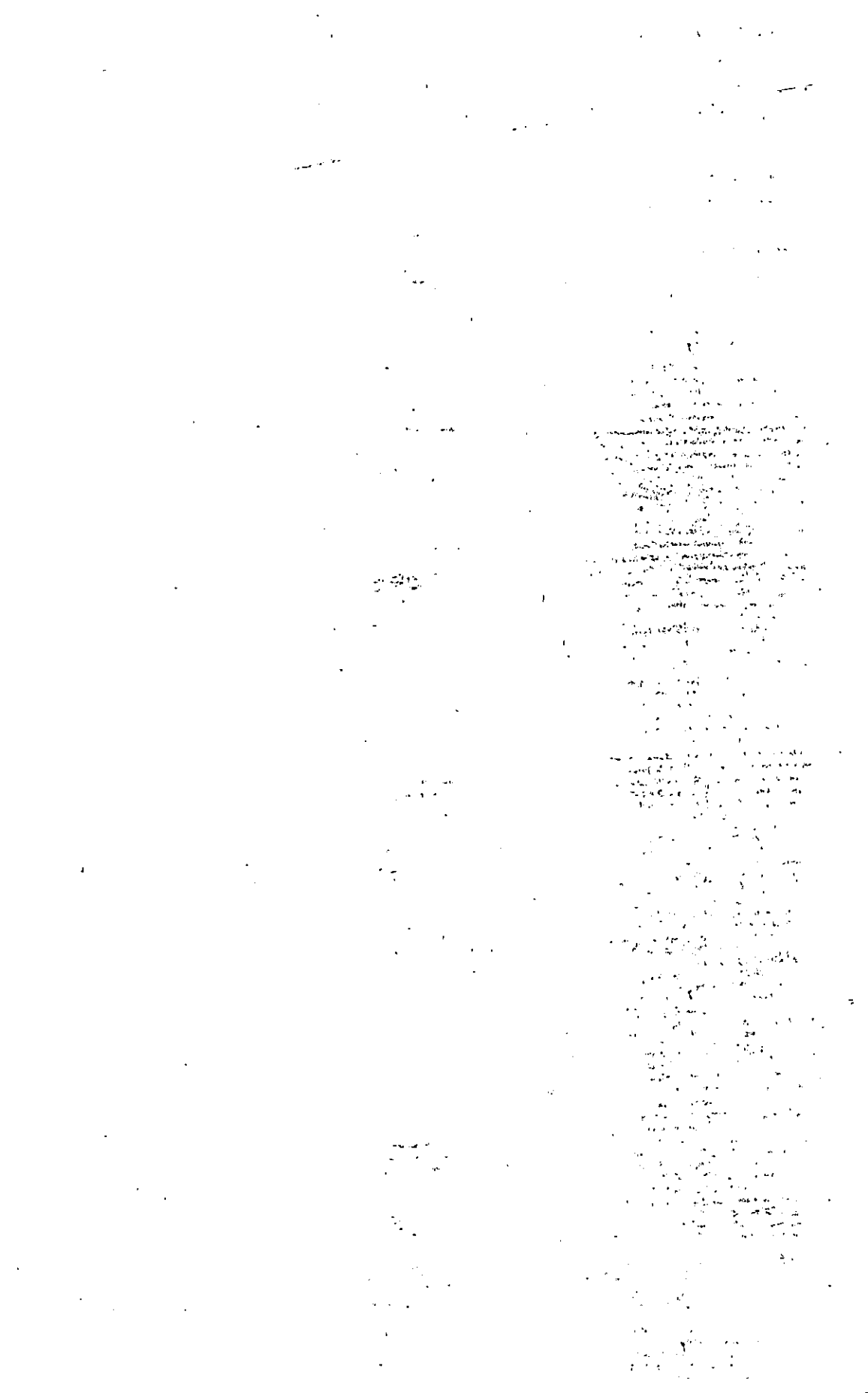
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**THE GARISSA COUNTY WATER
MANAGEMENT ACT, 2018**

No. 10 of 2018

Date of Assent: 22nd November, 2018

Date of Commencement: See Section 1

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2018

Garissa County Water Management

No. 10

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**THE GARISSA COUNTY WATER MANAGEMENT
ACT, 2018**

AN ACT of the County Assembly of Garissa to provide for the management, conservation, use of county water resources and for the acquisition and regulation of rights to use county water; to provide for the regulation and management of water supply and sewerage services; and for connected purposes

ENACTED by the County Assembly of Garissa as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Garissa Water Management Act, 2018 and shall come into operation on the date of publication in the *Gazette*. Short title.

2. In this Act unless the context otherwise requires— Interpretation.

“Authorized officer” means an authorized officer appointed under section 61;

“Board of Corporation” means the Board of Garissa Water and Sewerage Corporation Limited;

“catchment area” means an area of land that water can drain across, over, or under to a common point on a stream, river, lake or wetland;

“charges” in relation to the use of water from a water resource includes fees, levies and premiums of any kind;

“Chief Officer” means the chief officer for the time being responsible for water services;

“Company” means the Garissa Water and Sewerage Company formed under the Water Act of 2002;

“Corporation” means the Garissa Water and Sewerage Services Corporation established under Section 24 of this Act;

“County Executive Member” means the county executive member for the time being responsible for water services;

“public works” in this context means storage, intakes, transmission, distribution, pipelines, canals, dykes, water treatment works, sewer treatment works, pumping stations and pumps, drilling and distribution lines;

“Directorate” means the Garissa County Directorate of Water supply and Sewerage Services;

“institutional stakeholder” means an entity engaged in the provision of water services or related activities and registered under Section 24;

“use” in relation to water contained in or forming part of a water resource, means—

- (a) abstraction, obstruction or diversion of water;
- (b) discharge of materials or substances into the water;
or
- (c) any activity of any kind prescribed by rules under this Act, in relation to water;

“sector wide forum” means the water and sewerage services sector wide forum established under this Act;

“water works” means any construction, excavation, piping, drainage of any land, supply or transportation of water, water abstraction works, management of storm water and floods or storage, impounding of water for supply to the public or for private purposes, drainage of any swamp or other land;

“water management” includes the following—

- (a) water pricing and economic regulation;
- (b) water planning and management;
- (c) water markets;
- (d) water supply and services;
- (e) water quality management;

“water resources” means any lake, pond, swamp, river, dam, water pan, borehole, marsh, stream, watercourse, estuary, aquifer, artesian basin, or other body of flowing or standing water, whether above or below ground;

“water service” means any service of or incidental to the supply of water or provisions of sewerage;

“water user associations” means private water service providers or community based organizations registered as Societies for the purposes of providing water and sanitation service in particular localities.

3. The object and purpose of this Act is to provide for a legal framework for implementation of sections 10 (a) and 11 of part 2 of the Fourth Schedule to the Constitution and Article 43 (1) (b) and (d) in order to—

Objects and
purpose

- (a) ensure equitable and continuous access to clean water;
- (b) promote soil and water conservation;
- (c) promote water catchment conservation and protection;
- (d) provide for the development, and management of county water services public works;
- (e) provide for regulation of county water and sewerage public works;
- (f) ensure effective and efficient provision of water and sewerage services;
- (g) promote effective and efficient management of storm water in built up areas;
- (h) enhance sustainable management of water resources;
- (i) promote public education and equality among water uses and users;
- (j) promote interagency collaboration and public participation in water resource development and management.

PART II —ADMINISTRATION

4. (1) There is established the Garissa County Water and Sewerage Services Directorate, which shall, subject to any applicable law, have the overall responsibility of overseeing the provision and management of water supply and sewerage services in the County.

Water Directorate..

(2) The Directorate of Water and Sewerage Services shall be an office in the County Public Service.

(3) The Directorate shall comprise of –

- (a) The County Executive Member, who shall have overall responsibility of the Directorate;
- (b) the Chief Officer;

- (c) Directors recruited and assigned to the Directorate by the County Public Service Board;
 - (d) Sub-County water officers appointed by the County Public Service Board; and
 - (e) other officers as recommended by the County Executive Member to the County Public Service Board.
- (4) A power conferred on or function assigned to the Directorate under this Act shall be deemed to be power or function of the County Executive Member.
- (5) The Directorate shall decentralise its services to the lowest unit of the county's administration to ensure the provision of safe and adequate water throughout the County.

5. (1) The functions of the Directorate shall be to—

Functions of the Directorate.

- (a) develop policy, regulations and standards to and regulate the development of waterworks in the County including—
 - (i) storm water harvesting systems;
 - (ii) drainage systems;
 - (iii) water supply systems;
 - (iv) sewerage systems;
 - (v) approval of water project designs in the County;
 - (vi) construction and rehabilitation of livestock watering structures;
- (b) regulate water and sewerage services in line with the County and National Government standards, including the development of service provision agreements;
- (c) issue guidelines for water tariffs;
- (d) offer guidance on water and sewerage services planning in the County Planning framework including—
 - (i) the County Integrated Development Plan;

- (ii) the County water and sewerage Sectoral Plan;
- (iii) the County Annual Plan;
- (iv) the County Fiscal Strategy Paper; and
- (v) the County Agricultural Sector Plan;
- (e) enter into and coordinate public private partnerships for waterworks development in the County;
- (f) coordinate institutional stakeholders in the County;
- (g) coordinate relationships and liase with National Government institutions and institutions of other county governments involved in matters relating to water supply and sewerage services provision;
- (h) regulate and coordinate water user associations in the County;
- (i) promote awareness on the legal and policy framework among all stakeholders in the water sector;
- (j) develop performance management plans for Water Service Providers in the County;
- (k) in consultation with the county government's monitoring and evaluation unit, develop a public charter for accountability in delivery of services in the water sector;
- (l) hold water and sewerage assets on behalf of the County Government; and
- (m) perform any other function as may be assigned by the County Executive Committee or by any other written law.

6. The County Public Service Board shall appoint such number of officers to serve in the Directorate for effective carrying out of its functions under this Act. Staff of Directorate

PART III—STAKEHOLDERS PARTICIPATION IN WATER AND SEWERAGE SERVICES

7. (1) There is established a County Water Stakeholders Forum that shall be a forum for coordinating County water stakeholders' forum.

the stakeholders in the water sector operating within the County.

(2) The Stakeholders Forum shall comprise of the following persons—

- (a) the County Executive Member who shall be the chairperson;
- (b) representative from the Department of health and Sanitation in the County;
- (c) representative from the Department responsible for Agriculture in the County;
- (d) representative from the Department responsible for Livestock in the County;
- (e) representative from the Department responsible for Environment in the County;
- (f) the Sub-County Administrators in the County;
- (g) the Sub-County Water Officers in the County;
- (h) one Sub-County Water User Association representative from each Sub-County appointed in the prescribed manner;
- (i) one representative of Institutional Stakeholders from each Sub-County, appointed in the prescribed manner;
- (j) not more than two persons being one of whom must be a woman, who are not employed by the County Government appointed by the County Executive Member to represent special interests.

(3) The members of the Forum shall appoint a secretary from their membership.

(4) The County Executive Member may co-opt persons with relevant technical expertise to participate in the Forum.

(5) The membership of the Forum shall be non-remunerative:

Provided that the members referred to in sub-section (2) (h), (i) and (j) shall be entitled to an allowance in accordance with the guidelines issued by the County Executive Member responsible for Finance in the County.

8. The functions of the Forum shall be to—

Functions of the
County
stakeholders forum.

- (a) oversee the activities of Institutional Stakeholders in the County;
- (b) develop guidelines on the activities to be undertaken by institutional Stakeholders in the County;
- (c) provide a forum for reporting the activities of institutional stakeholders;
- (d) deliberate on issues related to water supply and sewerage services presented by Sub-County and Ward forums;
- (e) coordinate the Sub-County and Ward forums;
- (f) assign duties to institutional stakeholders based on the project priority list;
- (g) advise the County Government on relationships with Institutional Stakeholders;
- (h) accredit persons and institutions seeking to act as Institutional Stakeholders in the County;
- (i) advise on policy matters relating to water, health and sewerage in the County;
- (j) provide linkages between the County Executive Committee and the Institutional Stakeholders in the County; and
- (k) any other duty assigned to the Forum by the County Executive Committee.

9. (1) The Forum shall convene at least one meeting each quarter of the year.

Conduct of the
affairs of the
forum.

(2) The Forum shall develop its own guidelines for the conduct of meeting which shall be approved by the County Executive Member.

10. (1) There is established in every Sub-County an Institutional Stakeholders Sub-County Forum.

Institutional
stakeholders Sub-
County forums.

(2) The Sub-County Forum shall comprise of —

- (a) the Sub County Water Officer who shall be the Chairperson of the forum;

- (b) the Sub-County administrator;
- (c) one representative of each of the institutional stakeholder ward forums in the sub-county appointed in accordance with this Act;
- (d) one representative of the Water User Association from each Wards appointed in the prescribed manner; and
- (e) not more than two persons one of whom must be a woman, who are not employed by the County Government appointed by the County Executive Member to represent special interests.

(3) The members of the Sub-County Forum shall elect a Secretary who shall not be a County Government employee.

(4) The Sub-County Forum shall hold at least one meeting every quarter of the year.

(5) The conduct of the affairs of the Sub-County Forum shall be determined by guidelines developed by the County Executive Member.

(6) The membership of the Sub-County Forum shall be non-remunerative Provided that the members referred to in sub-section (2) (c), (d) and (e) shall be entitled to an allowance in accordance with the guidelines issued by the County Executive Member responsible for finance in the county.

11. The functions of the Institutional stakeholders Sub-County forums. shall be to—

- (a) coordinate the activities of Institutional Stakeholders in the Sub-County;
- (b) provide a forum for reporting the activities of institutional stakeholders;
- (c) deliberate on issues related to water supply and sewerage services presented by Sub-County and Ward forums;
- (d) coordinate the Ward forums;
- (e) provide linkages between the County Executive Committee and the Institutional Stakeholders in the Sub-County; and

Functions of
Institutional
stakeholders Sub-
County forums.

- (f) any other duty assigned to the Forum by the County Executive Committee.

12. (1) There is established in every Ward an institutional stakeholder ward forum.

Institutional
stakeholder Ward
forums

(2) The Ward forum shall comprise of —

(a) not more than five persons being the senior most administrative officials of Institutional Stakeholders in the Ward, and not officials of a Water User Association;

(b) the Ward Administrator of the respective ward;

(c) Three persons representing special interests in the Ward chosen in accordance with existing mechanisms in the County Social Services Department for selecting such persons including—

(i) women;

(ii) persons with disabilities;

(iii) youth; and

(d) two persons being village elders appointed by a forum of village elders in the respective Ward;

(e) two women being resident in the Ward and being officials of women organisations operating in the Ward appointed by the County Executive Member

(3) The members of the Ward Forum shall elect a chairperson and a secretary who shall not be a County Government employee.

(4) The Ward Forum shall hold at least one meeting every quarter of the year.

(5) The conduct of the affairs of the Ward Forum shall be determined by guidelines developed by the County Executive Member.

(6) The membership of the Ward Forum shall be non-remunerative Provided that the members referred to in sub-section (2) (c), (d) and (e) shall be entitled to an allowance in accordance with the guidelines issued by the County Executive Member responsible for finance in the county.

13. The functions of the Institutional stakeholder Ward forums shall be —

Functions of
Institutional
stakeholder Ward
forums.

- (a) provide a forum for reporting the activities of institutional stakeholders in the Ward;
- (b) deliberate on issues related to water supply and sewerage services in the Ward;
- (c) advise on assignment of duties to institutional stakeholders based on the project priority list; and
- (d) any other duty assigned to the Forum by the County Executive Committee.

14. The County Executive Member shall develop regulations for the appointment of representatives of Institutional Stakeholders and Water User Associations for the County, Sub County and Ward Institutional Stakeholder Forums.

Appointment of institutional stakeholder forum members.

15. (1) The County Executive Member shall designate staff within the Water Directorate to form an Institutional Stakeholders Secretariat.

Institutional stakeholders Secretariat.

(2) The functions of the Stakeholders Secretariat shall be to—

- (a) coordinate the registration of institutional stakeholders;
- (b) compile a report of the activities of Institutional Stakeholders in each ward and sub-county every financial year and submit the same to the County Assembly;
- (c) organize and provide secretarial services for the meetings of the County Institutional Stakeholders Forum, Sub-County Forums and Ward Forums;
- (d) develop a budget to be approved by the County Executive Member for the activities of the—
 - (i) County and Sub County Institutional Stakeholders Forum;
 - (ii) Ward Forums; and
 - (iii) Water User Associations;
- (e) provide an information desk for receiving and compiling data from Institutional Stakeholders on the Water Services Sector in the County; and

- (f) perform any other responsibility relevant to the coordination of the activities and functions Institutional Stakeholders in the County.

(3) Institutional Stakeholders may hire staff at their own cost to provide technical support as part of the Stakeholders Secretariat.

(4) Not later than three months after the end of each financial year, The County Executive Member shall prepare and submit the report referred to in subsection (2)(b) to the County Assembly.

16. (1) Institutional Stakeholders in the County shall register with the Stakeholder Secretariat and provide relevant details including —

Registration and reporting of institutional stakeholders.

- (a) information on the organization's identity;
- (b) the main sources of funds of the organization;
- (c) the key staff of the organization;
- (d) the current contact details of the organizations; and
- (e) the nature of projects undertaken by the organization.

(2) Institutional stakeholders shall furnish the County institutional stakeholders forum with reports on their activities every financial year.

(3) The County Executive Member shall publish regulations for the better administration of this section.

17. (1) The Directorate shall develop modalities for registering water user associations to participate in water service provision and the collaborative management of water resources and related facilities in the County;

Registration of water user associations..

(2) Water user associations shall either be duly registered as water resource user associations or community based organizations under national legislation.

(3) An application for registration as a water user association shall be in writing and based on regulations governing registration of water user associations.

(4) A potential water user association shall only be registered upon meeting the criteria set out in regulations developed under section 16.

18. (1) The functions of water user associations shall include —

Functions of water user associations.

- (a) providing consumer feedback on the performance of water service providers in their respective areas of jurisdiction;
- (b) facilitate public participation for water services related issues;
- (c) advise the Directorate on water project priorities within their respective jurisdictions;
- (d) assist in the implementation of County and National government policies on water conservation;
- (e) participate in water and sewerage health education within their respective jurisdictions; and
- (f) resolve conflicts involving use of water resources within their respective jurisdictions;
- (g) any other function assigned by any other law.

(2) The County Executive Member shall develop regulations on the conduct of the affairs of Water User Associations including —

- (a) the eligibility for registration;
- (b) the procedure for registration;
- (c) the identity of Water User Association;
- (d) the Constitution for Water User Associations;
- (e) the qualifications, elections, transition and removal of leaders;
- (f) the membership of Water User Association;
- (g) the jurisdiction of Water User Association;
- (h) the funding of Water Users Associations;
- (i) the meetings of Water Users Association;
- (j) reporting of the activities of Water User Associations; and
- (k) any other issues relevant to the performance of the functions of the Water User Associations.

19. (1) Water User Associations shall, every financial year, make application to the County Executive Member for a compliance certificate.

Compliance
certificates

(2) The application referred to under subsection (1) shall be made in accordance with the forms set out in the Second schedule.

(3) The Directorate shall conduct an inspection within a period of twenty-one days upon receipt of an application in subsection (1), and may—

(a) issue a compliance certificate to the Water User Association; or

(b) decline to issue a compliance certificate to the Water User Association stating the reasons for declining and any possible remedial measures.

(4) The compliance certificate shall entitle the Water Users Association to participate in the water service provision governance structure under the County Government.

(5) No Water User Association shall receive any support from the County Government or structures under this Act without a compliance certificate.

20. (1) The Sub-County Water Officer shall convene a forum in the respective Sub-County for Water User Associations in the Sub-County, whose purpose shall be to elect a Sub-County Water User Associations representative.

Sub-County
representation of
water user
associations.

(2) The forum in subsection (1) shall be attended by the chairpersons of the Water User Associations in the respective Ward.

(3) The County Executive Member shall issue regulations for the better administration of this Part.

21. (1) Water user associations with compliance certificates shall be eligible for financial support from the County Government subject to compliance with relevant regulations under this Act.

Financial support
for water user
association.

(2) Each water user association shall submit to the County Executive Member an annual report on its finances and its activities and as guided by regulations.

**PART IV—WATER AND SEWERAGE SERVICES
CORPORATIONS**

22. (1) The County Executive Member may, upon approval of the County Assembly, establish and incorporate other water and sewerage companies necessary for effective implementation of this Act and to give full effect to county functions with regard to water and sewerage.

Water and
sewerage
corporations.

(2) Prior to the establishment and incorporation of a company under subsection(1), the County Executive Member shall ensure that all necessary measures have been put in place to assess the suitability and necessity of an additional water and sewerage company.

23. (1) The County Executive Member may, subject to section 22, establish rural water and sewerage services company.

Rural water
services.

(2) The rural water and sewerage services company established under subsection (1) shall be managed by a Board comprising of such members as the County Executive Member may determine:

Provided that there shall be, in the membership of the Board, a representative from each Sub-County.

(3) Board members referred to under subsection (2) shall be appointed by the County Executive Member.

(4) In the appointment of members of the Board under subsection (3), the County Executive Member shall ensure that the appointees possess professional competence in areas of relevance to water and sewerage services.

24. (1) There is established the Garissa Water and Sewerage Services Corporation.

Establishment of
Corporation.

(2) The Corporation referred to in this Act shall be the successor of the Company formed and established under the Water Act, 2002.

(3) The Corporation shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;

- (b) borrowing money or making investments;
- (c) entering into contracts; and
- (d) doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by body corporate.

25. The Corporation shall be responsible for provision of water and sewerage services within Garissa Township and other urban areas as may, from time to time, determined by the County Executive Member.

Scope of the Corporation.

26. The functions of the Corporation shall be to—

Functions of Corporation.

- (a) provide and manage water and sewerage services;
- (b) develop and manage county water and sewerage services;
- (c) develop adequate water supply system for domestic and industrial purposes;
- (d) developing and managing works for water conservation;
- (e) promote or develop and manage water recycling systems;
- (f) promote efficient water use and management for sustainable development;
- (g) promote and manage water pollution prevention measures;
- (h) identify, initiate and promote water conservation systems, strategies and programs for sustainable watercourse management;
- (i) in collaboration with other agencies, develop and manage public infrastructure for storm water management;
- (j) in cooperation with other government agencies regulate development of infrastructure and systems for water and sewerage services in the county;
- (k) issue authorization to any person intending to carry out any water and sewerage works similar to the public works defined under this Act;

- (l) regulate use or access to land for the purposes of water conservation;
- (m) issue permits and regulate the provision of sewerage services;
- (n) ensure compliance with the established standards related to water and sewerage services and works;
- (o) receive and address complaints from water consumers and any person affected by a decision of the Corporation or the Directorate;
- (p) maintain data and information related to water and sewerage services and disseminate it to the public; and
- (q) maintain collaboration and cooperation with other government agencies other county governments in carrying out its functions

27. (1). The management of the Corporation shall vest in the Board. Board of Corporation

(2) The Board of the Corporation shall consist of—

- (a) a non-executive Chairperson, appointed by the Governor; and
- (b) the Chief Officer for the time being responsible for Finance, or a designated representative;
- (c) the Chief Officer for the time being responsible for Water and Sewerage Services, or a designated representative;
- (d) Sub-County Administrator for the time being responsible for the sub-county within which the corporation is operating; and
- (e) five members, each appointed on account of experience in governance administration or on water and sewerage services.

(3) Upon their appointment and assumption of office, the members of the Board shall elect a vice- chairperson from among the members.

(4) The Chairperson and the Vice-Chairperson shall not be of the same gender.

(5) A person shall be qualified for appointment as

chairperson or member of the of the Board only if such person—

- (a) is a citizen of Kenya; and
- (b) fulfils the requirements of Chapter 6 of the Constitution;

(6) The members of the Board shall hold office for a term of three years, and may be eligible for reappointment for a further and final term of three years.

(7) The Board may be removed from office by the County Executive Committee Member, following due process, in the following circumstances—

- (a) failure to attend three consecutive meetings without sufficient cause;
- (b) conviction of a criminal offence punishable by imprisonment for a period exceeding six months;
- (c) breach of the provisions of the Public Officers Ethics Act, and the Leadership and Integrity Act, or any other written law; or
- (d) if adjudged bankrupt.

(8) Section 27 (7) shall be applied by the Governor in the removal of the Chairperson from office.

(9) In accordance with the First Schedule, the Board may from time to time establish Committees for the better carrying out of its functions.

(10) The Board shall guide and direct the exercise of the powers, and performance of the functions of the Corporation, and shall give effect to the policies of the County Government on water and sanitation services.

28. The functions of the Board shall be to—

Functions of the Board

- (a) ensure proper and efficient exercise of the powers and performance of the functions of the Corporation;
- (b) advise the management of the Corporation generally on the exercise of the powers and the performance of the functions of the Authority;
- (c) approve the estimates of the revenue and expenditure of the Corporation; and

- (d) perform such other functions as are provided for under this Act or any other written law.

29. (1) The conduct and regulation of the business and affairs of the Corporation Board shall be as set out in the First Schedule.

Conduct of
business of
the Board.

(2) Except as provided in the First Schedule, the Board may regulate its own procedure.

30. The remuneration of the members of the Board shall be as determined by the County Executive Committee on advice of the Salaries and Remuneration Commission.

Remuneration of
Board members

31. (1) There shall be a Chief Executive Officer of the Corporation.

Chief Executive
Officer of the
Board.

(2) The Board shall, through a competitive process recommend three persons for appointment as Chief Executive Officer to the County Executive Member who shall at his discretion appoint one person from those recommended.

(3) To qualify for appointment as a chief executive officer, a person must—

- (a) possess a degree in a relevant field from a recognized university;
- (b) have had experience in management for a period of not less than five years.

(4) The Chief Executive Officer shall hold office for a period of five years, on such terms and conditions of employment as the Board may determine, and shall be eligible for re-appointment for a further and final term of five years.

(5) The Chief Executive Officer shall be an *ex-officio* member of the Board but shall have no right to vote at any meeting of the Board.

(6) The Chief Executive Officer shall—

- (a) be the Secretary to the Board and keep custody of all minutes and records of the Corporation;
- (b) subject to the direction of the Board, be responsible for day to day management of the affairs of the Corporation;

- (c) in consultation with the Board, be responsible for the direction of the affairs and transactions of the Corporation, the exercise, discharge and performance of its objectives, functions and duties and the general administration of the Corporation;
- (d) carry out any other function as may from time to time be assigned by the Board.

32. The Chief Executive Officer may—

Removal from
Office.

- (a) at any time resign from office by issuing notice in writing to the chairperson of the Board;
- (b) be removed from office by the executive member on recommendation of the Board, for—
 - (i) serious violation of the Constitution or any other written law;
 - (ii) gross misconduct, whether in the performance of the functions of the office or otherwise;
 - (iii) physical or mental incapacity to perform the functions of office;
 - (iv) incompetence including failure to meet targets set by the Board
 - (v) bankruptcy.

33. The Board may appoint such officers and other staff as are necessary for proper discharge of its functions under this Act, upon such terms and conditions of service as it may determine.

Staff of
Corporation.

34. (1) The Common Seal of the Corporation shall be kept in the custody of the chief executive officer or of such other person as the Board may direct, and shall not be used except upon the order of the Board.

Common Seal of
Corporation.

(3) The common seal of the Corporation, when affixed to a document and duly authenticated, shall be judicially and officially noticed, and unless the contrary is proved, any necessary order or authorization by the Board under this section shall be presumed to have been duly given.

(4) The Common Seal of the Corporation shall be authenticated by the signature of the chairperson of the Board and the chief executive officer.

(5) The Board shall, in the absence of either the chairperson or the chief executive officer, in any particular matter, nominate one member of the Board to authenticate the seal of the Corporation on behalf of either the chairperson or the chief executive officer.

35. (1) No matter or thing done by a member of the Board or by any officer, member of staff, or agent of the Corporation shall, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the Corporation under this Act, render the member, officer, employee or agent or any person acting on their directions personally liable to any action, claim or demand whatsoever. Protection from personal liability

(2) Any expenses incurred by any person in any suit or prosecution brought against him or her in any court, in respect of any, act which is done or purported to be done by him or her under the direction of the Board, shall, if the court holds that such act was done *bona fide* be paid out of the funds of the corporation, unless such expenses are recovered by him or her in such suit or prosecution.

36. The provisions of section 35 shall not relieve the Corporation of the liability to pay compensation or damages to any person for any injury to him or her, his or her property or any of his or her interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, wholly or partially, of any works. Liability for damages

37. (1) Notwithstanding the provisions of this Act— Savings

- (a) any services rendered or fees charged by the Company shall be deemed to have been rendered and charged under this Act;
- (b) any orders or notices made or issued by the Garissa Water and Sewerage Company shall be deemed to have been made or issued under this Act;
- (c) any function or transaction carried out by or on behalf of the Garissa Water and Sewerage Company, civil proceedings or any other legal or other process in respect of any matter carried out under any written law, before the commencement of this Act, shall be deemed to have been carried out under this Act;

- (d) all rights, assets and liabilities of the Company shall be automatically and fully transferred to the Corporation, and any reference to the Company in any contract or document shall, for all intent and purposes, be deemed to be in reference to the Corporation established under this Act.

38. (1) A person who immediately before the commencement of this Act was serving as a staff of the Garissa Water and Sewerage Company, shall, continue to serve as an employee of the Corporation subject to the power of the Board to evaluate the performance and suitability of such an employee, based on the criteria to be determined by the Board.

Staff of the
Company.

(2) The criteria stated under subsection (1) shall be the basis on which an offer for employment or reassignment may be made to the employees on such terms and conditions as the Board may determine.

(3) A person who was serving as chairperson or member of the Board of the Company before the enactment of this Act shall continue to serve the Corporation until new members of the Board are appointed under this Act.

PART V—WATER SERVICES

39. The Corporation shall invest in water source protection and conservation including pollution prevention, recycling, re-using and recharging water as examples of measures for water source protection and conservation

Investment in water
source protection.

40. The Corporation may enter into public and private partnership in order to effectively carry out its functions in accordance with the Public Private Partnership Act.

Public private
partnerships.

41. (1) The Corporation and the Directorate shall prepare respective annual reports within two months after the end of the financial year in such a form as may be prescribed.

Reports.

(2) The Directorate shall compile the reports into the county water sector report for submission to the County Executive Member for onward transmission to the county executive committee.

(3) The County Executive Committee shall within thirty days after adoption of the report transmit it to the county assembly for consideration.

(4) The report provided under this Section shall contain among others—

- (a) performance of each institution and Directorate against the established performance targets;
- (b) progress on implementation of specific respective functions assigned under this Act;
- (c) level of public participation and outcome of such participation.

42. The Directorate and corporations established under this Act shall progressively ensure that — Water supply.

- (a) every person has access to safe and clean water for domestic use within reasonable distance;
- (b) national water quality standards are adhered to;
- (c) there is accessible water for agricultural, livestock, wildlife and industrial use; and
- (d) equitable distribution of water between consumers in urban and rural areas.

43. The Directorate and Corporation may enter into service performance agreements with any entity in carrying out its functions. Service agreements.

44. (1) The Directorate and Corporation may for the purposes of carrying out its functions erect or develop waterworks and public works on a public or private property. Water works development.

(2) Notwithstanding provisions of subsection (1), the Corporation shall seek consent of the owner of private land, community land or the relevant government agency occupying or in whose custody the public land falls where it seeks to erect any water works or public works and shall provide compensation in accordance with the laid down procedure under the National Land Commission Act, Water Act and any other relevant law.

(3) The Directorate and Corporation shall in collaboration with the department of roads identify and establish specific areas on any road where public works under this Act may be carried out.

(4) The Directorate and Corporation shall seek easements from owner or occupier of any land for

construction of water works or public works to be undertaken on such land.

45. (1) A community may initiate a project for water services with the approval of the County Executive Member. Community projects.

(2) The County Executive Member may make regulations to give full effect to this section.

46. (1) The Corporation may, subject to applicable law, levy appropriate user fees or charges for the purposes of supplying efficient water services. Water fees and charges.

(2) The fees or user charges levied under this section shall be established and levied in accordance with the principles set out under the County Governments Act, 2012 and any other written law.

(3) The fees or user charges collected under this section shall not form part of the County Revenue Fund but shall be utilized for defraying expenditures of the Corporation and providing efficient and quality services under this Act.

(4) The fees and user charges imposed or levied under this section shall be subject to approval by the County Executive Committee.

47. (1) A person shall not—

Prohibited activities

- (a) interfere with any meter or equipment installed by the Corporation;
- (b) install any water connections without written authorisation by the Directorate;
- (c) install a pipe or connection which does not comply with the approved standards;
- (d) impersonate an employee of the corporation for purposes of misrepresenting themselves as being able to perform functions on behalf of the Corporation;
- (e) vandalise, damage or destroy any water and sewerage service infrastructure belonging to the Corporation;
- (f) knowingly obstruct or make a false or misleading statement to an authorised officer who is carrying duties under this Act.

(2) A person who contravenes this section commits an offence and shall be liable upon conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

48. (1) A person intending to carry out or maintain any water works shall apply for a permit to the Directorate. Permit.

(2) A person who prior to the commencement of this Act was carrying out water works, managing or maintaining any water works shall within sixty days apply for a permit.

(3) A person who contravenes this section commits an offence and shall be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

49. (1) An application for a permit shall, where applicable be accompanied by an environmental impact assessment report in accordance with the Environmental Management and Coordination Act, 1999 and shall specify among others— Application for permit.

- (a) the purpose and nature of the works to be undertaken;
- (b) the nature of works to be carried out;
- (c) the duration within which the works are expected to be completed.

(2) The Directorate shall, where the construction of works will be undertaken on public property or where the works will affect a cross section of the residents, issue a public notice within fourteen days after such an application and invite any person to make comments or object to such an application.

(3) A person may lodge an objection to application for a permit.

(4) Every objection to an application shall be made in writing to the Directorate setting out the grounds for such an objection.

(5) The Directorate shall, upon receiving the application send a notice of the objection received to the applicant for a permit.

(6) The Directorate may, where appropriate conduct public hearings on the objection.

(7) The Director shall consider the application within thirty days of receipt of such an application and may where it is satisfied that the applicant has fulfilled all the requirements of this Act or any other written law grant a permit in the prescribed form subject to any such conditions as may be prescribed and upon the applicant paying the prescribed fees.

(8) Where the Directorate is not satisfied with the application, it may—

(a) reject the application giving reasons and notify the applicant accordingly within thirty days of the decision to reject; or

(b) make comments and recommendations thereon and return it to the applicant within thirty days.

(9) An applicant to whom the application is returned under subsection (8) (b) may re-submit the application within sixty days.

(10) On receipt of any revised application under subsection (10), the Directorate shall, within thirty days determine the application in accordance with this Act and upon such determination, if satisfied, issue a permit.

50. Notwithstanding any other provisions of this Act, the Director may prescribe the appropriate conditions related to equipment and technology, design, construction, operation and maintenance of waterworks.

Water works
conditions.

51. A person who carries out any construction works under this Act on any public property shall ensure that—

Non interference
and restoration
after construction
works.

(a) there is no interference with the normal usage of any part of property or land;

(b) necessary measures are taken to prevent members of the public from being exposed to any danger or harm as a result of such works; and

(c) any parcel of land or property where the works were taking place are restored to its original state.

52. (1) The Directorate shall maintain a register of permits issued under this Act, which shall include all details related to the permit.

Register
of Permits.

(2) The register of permits shall be accessible to members of the public upon payment of the prescribed fees.

53. (1) The Directorate shall audit and assess the number of persons providing water services in the county whether the persons are authorized or not.

Water services
audit.

(2) The Director shall submit the data and information collected under this section to the County Executive Member who shall issue policy directive on management of water services to such persons in accordance with this Act.

PART VI—WATER WORKS AND PRIVATE WATER AND SEWERAGE SERVICES PROVIDERS

54. (1) The County Executive Member may, subject to applicable law, allow the establishment of water service providers by private persons.

Private water
service providers.

(2) A private water service provider—

(a) shall be responsible for the provision of water supply and sewerage services within limits specified in the permit; and

(b) may be contracted to develop or install waterworks for purposes of the provision of water supply and sewerage services.

(3) No person shall, unless issued with a permit by the County Executive Member —

(a) provide water services to more than twenty households; or

(b) supply—

(i) more than twenty-five thousand litres of water a day for domestic purposes; or

(ii) more than one hundred thousand litres of water a day for any purpose, in the County except under the authority of a permit under this Act.

(4) A person who provides water services in contravention of this section commits an offence and is liable upon conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

(5) Nothing in this section prohibits—

(a) the provision of water services by a person to his or her employees; or

- (b) the provision of water services on the premises of any hospital, factory, school, hotel, brewery, research station or institution to the occupants thereof, in cases where the source of supply of the water is lawfully under its control, or where the water is supplied to it in bulk by a permit holder.

55. (1) The County Executive Member may issue permits to private water service providers.

Water service
provider permits.

(2) An application for permit referred to under subsection (1) shall be made in accordance with regulations issued under this Act.

(3) The County Executive Member may issue regulations prescribing the terms and conditions by which private water service providers shall be bound including but not limited to—

- (a) the right of access for private water supply for public utility in nearby schools of health facilities;
- (b) the acceptable quality of water as may be determined by the Directorate and in line with National legislation, policies and standards;
- (c) water service provision tariff ceilings; and
- (d) public consultation and, where applicable, environmental impact assessment in accordance with the relevant National legislation on environment management.

(4) A private water services provider shall be responsible for the efficient provision of water services while fulfilling any other conditions specified in the permit.

56. (1) The County Executive Committee Member may cancel or vary the terms of the permit if the permit holder—

Cancellation
or variation
of permits.

- (a) contravenes any condition of the permit; or
- (b) fails to make beneficial use of the permit as determined by the Directorate.

(2) A permit shall not be cancelled or varied under this section unless notice of the proposed cancellation or variation has been served on the permit holder and the

permit holder has been afforded a reasonable opportunity to show cause to the Directorate as to why the permit should not be cancelled or varied.

57. (1) The County Executive Member shall in consultation with the concerned National Government agencies undertake borehole site identification in the County.

Borehole
site identification.

(2) The County Executive Member may publish borehole site identification reports on a quarterly basis and undertake necessary steps to make such reports available to the public.

(3) The borehole site identification report developed under subsection (2) shall guide borehole drilling activities in the County.

58. (1) The County Executive Member shall monitor all borehole drilling activities in the County to ensure compliance with the relevant licenses and applicable laws.

Drilling
of boreholes.

(2) A person who wishes to drill a borehole in the County shall make an application to the County Executive Member in the matter set out in the Regulations.

(3) A person shall not undertake any borehole drilling activity without a certificate of authorization issued by the County Executive Member in accordance with this Act.

59. (1) The County Executive Committee Member shall establish mechanisms for water quality control in the County.

Water quality
Control.

(2) The quality control mechanism referred to under subsection (1) include—

- (a) setting standards for water quality in line with National legislation;
- (b) establishment of a water quality control laboratory;
- (c) liaison with National government agencies with relevant expertise on water and sewerage quality control; and
- (d) publicizing information on water quality in the County and taking necessary steps to ensure that such information is readily available.

(3) Water service providers shall conform to water quality standards established by the Directorate.

60. (1) The County Public Service Board shall, upon request by the County Executive Member, appoint suitably qualified persons to serve the Directorate as water and sewerage services registrars.

Registrar and other staff of the Directorate.

(2) Persons recruited and appointed under this section shall be public servant subject to terms and condition of service applicable to County public officers.

61. (1) The Directorate shall subject to any applicable law develop water works in the County.

Waterworks regulation and development.

(2) The water works referred to under subsection (1) include—

- (a) water supply systems;
- (b) storm water management systems;
- (c) surface runoff control systems;
- (d) water harvesting and storage facilities;
- (e) water pans and small dams
- (f) sewerage and waste-water drainage systems; and
- (g) any other waterworks in the County.

(3) Subject to the National legislation governing the regulation, management and development of water resources, water and sewerage services the Directorate may issue permits to persons other than the County government, seeking to develop waterworks in the County.

(4) The Directorate shall develop a waterworks priority schedule for the County in every financial year detailing the waterworks that are of strategic importance to the County.

(5) The waterworks priority schedule under subsection (4) may be updated and published in the County Gazette every financial year.

(6) The waterworks priority schedule developed under subsection (4) shall guide the activities of Public Benefit Organizations and National Government agencies undertaking waterworks development in the County.

(7) The Directorate shall monitor the standards for waterworks developed in the County by any person.

62. (1) The Directorate shall approve all water project designs that are to be implemented in the County. Water project design approval.

(2) The Directorate may re-design a project submitted for approval by any person.

(3) Any persons who implements a project that has not been approved by the Directorate commits an offence.

(4) The County Executive Member may issue regulations for the better administration of this Part, including the qualification of persons.

63. (1) The County may compulsorily acquire land within its jurisdiction to develop waterworks for public purposes. Compulsory acquisition of land.

(2) In undertaking compulsory acquisition of land referred to under subsection (1), the County government shall comply with the provisions of the Land Act, 2012.

64. (1) The Directorate or a holder of a permit under this Part which authorizes the construction of waterworks that would, when constructed, be wholly or partly situated upon lands not held by the permit holder shall acquire an easement on, over or through the land on which the works would be situated and, unless the works have previously been lawfully constructed, shall not construct or use the works unless and until such an easement has been acquired. Easement for waterworks.

(2) The County Executive Member shall ensure that easements held under subsection (1) adhere to the requirements of the Land Act, 2012.

65. (1) Subject to National legislation governing water services, the County Executive Member shall facilitate quick access and provision of National Government permits and licences necessary for the provision of water and sewerage services and development of waterworks in the County. National Government licences and permits.

(2) The County Executive Member shall initiate discussions with relevant National Government institutions under this Part to ensure expedient issuing of National Government permits and licences.

66. The County government shall—

Protection
of water sources
etc.

- (a) through Intergovernmental Relations Act, County Governments Act, Water Act, 2016 and any other written laws collaborate with national and other county governments in conservation and protection of water sources and catchments of strategic importance which are located outside the county;
- (b) support financing of water conservation and catchment protection;
- (c) support and enforce reserve flow maintenance at all times;
- (d) in collaboration with other agencies develop policy and strategy on water storage at household and farm level and ensure their implementation; and
- (e) in collaboration with Water Resource Users Associations will participate in development and monitor implementation of sub catchment management plan.

67. The County government shall—

Soil conservation

- (a) support the development and implementation of policies and strategies controlling erosion; and
- (b) develop and implement policies and strategies for sustainable management of wetlands.

PART VII— WATER HARVESTING

68. (1) The County Executive Member shall establish a roof catchment policy for the County.

Roof
water catchment.

(2) Institutions and permanent structures constructed in urban areas in the County shall have roof catchment and water storage systems.

(3) The County Executive Member shall make Regulations on the requirements for roof catchment systems in urban areas.

69. (1) The Directorate may construct water pans and dams for enhancing food security through agriculture and livestock in the County.

Construction of
water pans and
dams.

(2) The County Executive Member shall make regulations prescribing technical procedures for the construction of water pans and dams in the County.

70. (1) The County Executive Member may liaise with or facilitate National Government Agencies, Public Benefit Organizations and other persons or stakeholders to facilitate the construction and management of storm water harvesting system.

Storm water harvesting system.

(2) Development and Construction of storm water management systems in the County shall be supervised by the Directorate.

PART VIII—STORM WATER MANAGEMENT

71. The County Government shall in collaboration with relevant county or national government departments and local residents promote sound water and land use practices.

Storm water management and land use practices.

72. (1) For the purposes of this section, a water catchment means an area of land that water can drain across, over, or under to a common point on a stream, river, lake or wetland.

Storm water management Plan.

(2) There shall be for each town or urban area, a watershed storm water management plan in accordance with the prescribed standards.

(3) The Town Administrator or an Officer responsible for managing an urban area shall ensure that the storm water management plan is developed and implemented through a consultative process.

(4) The storm water management plan shall among others—

identify, survey and inventory existing conditions that affect storm water runoff; and

address issues of peak flows, flooding, ground water recharge, stream erosion and water quality.

(5) A person or entity engaged in land development activity, construction of a building or any physical infrastructure that is exposed to water precipitation or an owner of such constructed infrastructure shall develop and implement a storm water management plan on a sub-

catchment basis in accordance with the prescribed standards.

(6) Any person constructing a road shall ensure that there is a built in storm water management plan and system for that road.

(7) Any construction of a building, physical infrastructure or a road shall not be approved unless the construction has a storm water management plan to be implemented.

(8) A person who contravenes this section commits an offence and shall—

- (a) be liable upon conviction to a fine of five hundred thousand shillings if a corporate body; or
- (b) be liable upon conviction to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding three months or to both if an individual.

73. (1) For the purposes of this section, a riparian buffer is an area around or situated next to bodies of water that act as buffers or cushions to that water body. Riparian buffers.

(2) The Directorate in collaboration with other government agencies and local residents shall work together to mobilize resident, develop or restore riparian buffers along rivers, waterways or any water body.

(3) No person will interfere with a restored riparian buffer in a way that exposes it to run off water.

(4) A person who contravenes subsection (3) commits an offence and shall—

- (a) be liable upon conviction to a fine not exceeding five hundred thousand shillings if a corporate body;
- (b) be liable upon conviction to a fine of fifty thousand shillings or to imprisonment for a term not exceeding two months if an individual.

PART IX— SEWERAGE SERVICES AND WATER POLLUTION CONTROL

~ 74. The County government may in collaboration with Master plan.
other county and national government departments and

local residents prepare a five-year sewerage services' master plan.

75. The Corporation shall either directly or through public private partnership—

Provision of sewerage services.

- (a) provide necessary sewerage facilities and services; and
- (b) construct, operate and maintain extensive system of sewers and treatment facilities to meet applicable discharge requirements.

76. The County Executive Member shall—

Waste water management.

- (a) develop strategies and policies to encourage treated waste water and dried sludge re-use;
- (b) periodically carry out effluent quality analysis to confirm efficacy of the facilities.

77. (1) A person shall not discharge or dispose any contaminated water or effluent unless in accordance with the prescribed guidelines and standards.

Discharge of contaminated water or effluent.

(2) A person who contravenes subsection (1) commits an offence and shall—

- (a) be liable upon conviction to a fine not exceeding five hundred thousand shillings if a corporate body; and
- (b) be liable upon conviction to a fine of fifty thousand shillings or to imprisonment for a term not exceeding two months if an individual.

78. (1) A person shall not throw or convey, or cause to be thrown or conveyed, any rubbish, dirt, refuse, effluent, trade waste or other offensive or unwholesome matter or thing into or near to any water resource in such manner as to cause, or likely to cause, pollution of the water resource.

Water pollution control

(2) A person who contravenes subsection (1) commits an offence and shall be liable upon conviction to a fine not exceeding five hundred thousand shilling or to an imprisonment for a term not exceeding three years or to both.

79. (1) A person shall not interfere with any sewerage facility or system without a written consent issued by the

Interference with sewerage system.

Corporation for the purposes of carrying out works within the area of the facility or system.

(2) A person who contravenes this section commits an offence and is liable to a fine not exceeding shillings five hundred thousand or to imprisonment for a term not exceeding three years or to both.

80. (1) Subject to the County Governments Act and any written law, the Corporation may impose tariffs or levy sewerage services levy on water or sewerage services for the purposes of disposal of water or sewage. Sewerage tariffs.

(2) The tariffs imposed or levied under this section shall be subject to approval by the county executive committee.

PART X— ENFORCEMENT

81. (1) The County Public Service Board may on recommendation of the Directorate appoint such number of authorized officers for the purposes of enforcing or implementing the respective functions of each institution or department under this Act. Authorised officer.s

(2) The County Executive Member shall issue a certificate of appointment to every officer appointed under this section.

82. For the purposes of ensuring compliance or implementation of the Act, an authorised officer may, at any reasonable time, enter any place in which any function related to this Act is carried out. Power of entry.

83. (1) An authorised officer may examine or inspect any facility, equipment, information or data related to this Act, or gain access to any area for the purposes of implementing this Act in order to inspect and monitor – Power of officers.

- (a) the distribution system;
- (b) the meter(s);
- (c) water storage systems;
- (d) the sewerage system; or
- (e) such other elements of the water and sewerage services as the County Executive Member, may, through regulation, authorise.

(2) The inspection contemplated in subsection 1 shall only be undertaken between the hours of 8 a.m. and 6 p.m.

(3) The Corporation shall, in a public manner, communicate to its customers the acceptable method and procedures of verifying the identification of authorised officers seeking entry into premises under this Section.

(4) Where the Corporation has knowledge of, or suspects the illegal or unauthorized access to, and use of its water and sewerage services in any premises, the Corporation shall apply to a Magistrates Court for a warrant to enter and search the premises.

(5) Nothing under subsection 4 shall prevent the Corporation from disconnecting and terminating the water services from points outside the premises in question.

(6) A person who obstructs an authorized officer while enforcing or implementing this Act commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to an imprisonment not exceeding six months or to both.

PART XI—OFFENCES RELATING TO CONDUCT OF EMPLOYEES OF THE CORPORATION

84. (1) Employees of the Corporation shall have immunity from liability and prosecution for any losses to the Corporation, arising from actions taken in good faith, in execution of lawful duties.

Conduct
of employees
of the Corporation

(2) An employee of the Corporation who—

- (a) wilfully fails to read meters, or fails to provide accurate billing data from the meters to the corporation within stipulated time while assigned to them;
- (b) wilfully fails to disconnect water services for customers in default, in accordance with rules established by the Board;
- (c) colludes with other persons for the purposes of enabling such persons to illegally access and utilize water services of the Corporation;
- (d) has knowledge of an illegal access and utilization of the water services of the Corporation and

wilfully fails to notify the Corporation of such illegal actions; or

- (e) unlawfully engages in unauthorised closure of gate valves,

Commits an offense and is liable upon conviction to a fine not exceeding five hundred thousand shillings or an imprisonment not exceeding one year or to both.

(3) For purposes of this section, an employee of the Corporation includes persons engaged on casual terms of service.

PART XII—FINANCIAL PROVISIONS

85. (1) There is established a Fund to be known as the Garissa Water Service Fund established and administered in accordance with section 116 of the Public Finance Management Act, 2012. Water Services Fund.

(2) The funds of the Water Services Fund shall consist of—

- (a) such moneys as may be appropriated by the County Assembly, which shall not be less than ten percent of the annual development budget allocated to the department of water;
- (b) revenues from permits issued under this Act;
- (c) water supply management revenues;
- (d) revenues from penalties and compensation given under this Act; and
- (e) grants and donations from lawful sources.

(3) The Fund shall be applied to the following purposes—

- (a) financing the activities of the water and sewerage services companies established under this Act;
- (b) development of water infrastructure; and
- (c) payment of compensation and liability arising from duties performed under this Act.
- (d) subsidies water connection fee for affirmative action groups in line with the constitution and the public finance management Act.

86. The County Executive Committee Member for Finance shall designate an officer responsible for administering the Fund

The Fund Administrator

87. The Fund Administrator shall—

Accounts and audit.

- (a) prepare accounts for the fund for each financial year;
- (b) not later than three months after the end of each financial year, submit financial statements relating to those accounts to the Auditor-General; and
- (c) present the financial statements to the County assembly upon approval by the County Executive Member;
- (d) perform any other duty in fulfilment of the provisions of Section 116 of the Public Finance Management Act, 2012.

PART XI—MISCELLANEOUS

88. The penalties imposed under this Act shall be in addition to and not in derogation of any liabilities in respect of payment of compensation or in the case of a licensee, the revocation of the licence.

Penalties not to affect other liabilities

89. A person who contravenes any provision of this Act for which no fine or penalty is provided, shall, on conviction, be liable to a fine not exceeding one million shilling or to an imprisonment of a term not exceeding two years or both.

General penalty

90. (1) The county executive member may make Regulations generally for the better carrying out of the objects of this Act.

Regulations.

(2) Without prejudice to the generality of subsection (1), the Regulations may—

- (a) prescribe guidelines for developing watershed storm management plans;
- (b) prescribe guidelines for sewerage system and standards;
- (c) prescribe for the areas declared as water protected areas;
- (d) prescribe guidelines for administering the Fund;

and

(e) prescribe the list of water sector stakeholders.

2

SCHEDULES

(S. 27, 28, 29)

FIRST SCHEDULE**CONDUCT OF BUSINESS AND AFFAIRS OF THE
BOARD OF CORPORATION**

1. (1) The meetings of the Board shall be convened ^{Meetings.} at least four times every financial year by the chairperson, but not more than eight times in a financial year.

(2) The chairperson may at any time convene a special meeting of the Board and shall do so within one month of receipt by him or her of a written request signed by at least two members.

(3) In the absence of the chairperson from any Board meeting, the vice chairperson shall chair the meeting but in the absence of both the chairperson and vice chairperson the members present shall elect one of their members to preside, and such member shall, as concerns that meeting, have all the powers and attributes of the chairperson under this Act.

(4) At every meeting of the Board, the member presiding shall have a casting as well as a deliberative vote.

(5) The quorum for the meetings of the board shall be two thirds of the membership

2. (1) The Board may establish such committees as it ^{Committees.} may deem appropriate to perform such functions and responsibilities as it may determine.

(2) The Board shall appoint the chairperson of a committee established under subparagraph (1) from amongst its members.

(3) The Board may where it deems appropriate, invite any person to attend the deliberations of any of its committees.

(4) All decisions by the committees appointed under subsection (1) shall be ratified by the Board.

3. (1) A member who has an interest in any contract, or other matter present at a meeting shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof and shall not take part in the consideration or discussion of, or vote on, any questions

<sup>Declaration
of Interest.</sup>

with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Board who contravenes subparagraph (1) shall cease to be a member of the Board upon direction of the County Executive Member.

(4) The County Executive Member shall make arrangements for the appropriate departmental representation with regard to subsection (2).

5. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of the Board by any person generally or specially authorized by the Board for that purpose.

Contracts
and instruments.

SECOND SCHEDULE

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FORM 1

WATER USER ASSOCIATION COMPLIANCE APPLICATION FORM

Name of Water User Association.....

Number of Members.....

Name(s) of members..... ID Number.....

Region covered.....

Signed:

Stamp