

**ISIOLO COUNTY WATER AND SANITATION SERVICES  
BILL, 2019**

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### **A Bill for—**

**AN ACT** of the County Assembly of Isiolo to provide for development, regulation and management of County public works related to water and sanitation services, storm water management systems, water conservation, establishment of water services corporation and for connected purposes

**ENACTED** by the County Assembly of Isiolo, as follows —

### **PART I—PRELIMINARY**

Short title and commencement.

**1.** This Act may be cited as the Isiolo Water and Sanitation Services Act, 2019 and shall come into operation on the date of publication in the *Gazette*.

Interpretation.

**2.** In this Act, unless the context otherwise requires—

“Board of Corporation” means the Board of Water and Sanitation Services Corporation established under section 9;

“Catchment” under section 71 means an area of land that water can drain across, over, or under to a common point on a stream, river, lake or wetland.

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

“Corporation” means the Isiolo Rural Water and Sanitation Services Corporation established under section 20;

“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 “Directorate of Water and Sanitation Services established under section 4;

“Fund” means the Isiolo County Water and Sanitation Services Fund established under section 83;

“Isiolo Water and Sewerage Services Company” means the Isiolo Water and Sewerage Services Company referred to under section 6, established and incorporated under the Water Act and Company Act respectively;

“sector wide forum” means the water and sanitation services sector wide forum established under section 102;

“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.

Object and

**3.** The object and purpose of this Act is to provide for a

purpose of Act. legal framework for implementation of Article 43 (1) (b) and (d) and Paragraphs 10 (a) and 11 of Part 2 of the Fourth Schedule to the Constitution in order to—

- (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 sanitation public works;
- (f) ensure effective and efficient provision of water and sanitation services;
- (g) promote effective and efficient management of storm water in built up areas; enhance sustainable management of water resources;
- (h) promote public education and equality among water uses and users;
- (i) promote interagency collaboration and public participation in water resource development and management.

## **PART II –ADMINISTRATION**

Water  
Directorate.

**4.** (1) There is established the Isiolo County Water Directorate, which shall have the overall responsibility of regulating and overseeing the provision and management of water supply, sewerage and sanitation services in the County.

(2) 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; and
- (d) other officers as recommended by the County Executive Member to the County Public Service Board.

(3) 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.

Functions of the Directorate.

**5.** The functions of the Directorate shall be to—

- (a) in collaboration with the National or other County governments initiating, developing, coordinating and managing policies, strategies and plans for water resources management and sanitation services;
- (b) facilitating public awareness and participation on sustainable water resources, sanitation and storm water management;
- (c) promoting and facilitating adoption and use of water conservation systems and methods, including water harvesting;
- (d) developing and coordinating implementation of water and sanitation services management information system;
- (e) develop policy, regulations and standards to guide the provision, management and use of water, sewerage and sanitation services in the County;
- (f) undertake 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;
- (g) regulate water and sanitation services in line with the County and National Government standards, including the development of service provision agreements;
- (h) issue guidelines for water tariffs within the County;
- (i) offer guidance on water and sanitation services planning in the County Planning framework including—
  - I. the County Integrated Development Plan;
  - II. the County water and sanitation Sectoral Plan;
  - III. the County Annual Plan;
  - IV. the County Fiscal Strategy Paper; and
  - V. the County Agricultural Sector Plan;

- (j) enter into and coordinate public private partnerships for waterworks development in the County;
- (k) coordinate institutional stakeholders in the County;
- (l) coordinate relationships with National Government institutions and institutions of other County governments involved in matters relating to water supply sewerage and sanitation services provision;
- (m) regulate and coordinate water user associations in the County;
- (n) promote awareness on the legal and policy framework among all stakeholders in the water sector;
- (o) develop performance management plans for Water Service Providers in the County;
- (p) 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;
- (q) hold water and sanitation assets on behalf of the County Government; and
- (r) perform any other function as may be assigned by the County Executive Committee or by any other written law.

### **PART III— ISIOLIO WATER AND SEWERAGE COMPANY**

Existing water corporations.

**6.** (1) The Isiolo Water and Sewerage Company established under the Water Act, 2002 and incorporated under the Companies Act shall continue to exist as if the same was established under this Act.

(2) The Company shall be responsible for the provision of water and sanitation services within—

- (a) Wabera Ward;
- (b) Oddha Location in Burrat Ward; and
- (c) Bulapesa Ward.

(3) Unless otherwise provided for under this Act, all matters relating to the establishment, composition of the Board, services provision by the Company shall be as stipulated in the Company's Memorandum and Articles of Association.

Functions of the Company.

**7.** The Isiolo Water and Sewage Company shall, in relation to Wards referred to under section 6(2), —

- (a) provide and manage water and sanitation services;
- (b) develop adequate water supply system for domestic, industrial and livestock purposes;
- (c) develop and manage water recycling systems;

- (d) promote efficient water use and management for sustainable development;
- (e) promote and manage water pollution prevention measures;
- (f) identify, initiate and promote water conservation systems, strategies and programs for sustainable watercourse management;
- (g) in collaboration with other agencies, develop and manage public infrastructure for storm water management.

Board of the Company.

**8.** (1) The management of the Isiolo Water and Sewerage Company shall vest in the Board.

- (2) The Board of the Company shall consist of—
  - (a) a non-executive chairperson appointed by the County Executive Member;
  - (b) the Chief Officer;
  - (c) two persons representing business and manufacturing community in the County, nominated by registered business community;
  - (d) a person representing local professionals;
  - (e) a person representing resident organizations including faith based organizations;
  - (f) a person representing water consumers;
  - (g) a person representing Women organisations;
  - (h) a person representing registered local Non-governmental organisations;
  - (i) a person representing youth who shall also be a person living with disability
  - (j) the chief executive officer who shall be an ex-officio member

of the Board and secretary to the Board.

(3) Chairperson and members of the Board referred to under subsection (2) shall be appointed by the County Executive Member through an open and consultative manner.

(4) In the appointment of chairperson and members of the Board, the County Executive Member shall ensure that not more than two thirds of the members shall be of the same gender.

(5) The County Executive Committee Member shall issue guidelines setting out the criteria for nomination by various stakeholders of members of the Board referred to under subsection (1) (c), (d), (e), (f), (g) and (h)

Qualification for appointment as Chairperson or member of the Company.

**9.** A person shall not be qualified for appointment as Chairperson or member of the Board of the Isiolo Water and Sewerage Company unless that person—

- (a) In the case of Chairperson, holds degree from a university recognized in Kenya and in the case of a Member holds a post-secondary diploma from an institution recognized in Kenya ;
- (b) has demonstrated experience and acumen in business or any profession for at least 7 years;
- (c) has demonstrated participation in local development initiatives;
- (d) has experience as a change management agent;
- (e) is a resident of the area served by the Company; and
- (f) meets the requirements of Chapter Six of the Constitution of Kenya 2010.

Removal from office of chairman or member..

**10.** (1) The chairperson or a member of the Isiolo Water and Sewerage Company Board may be removed from office for—

- (a) breach of terms and conditions of appointment contract including failure to meet targets set by the County Executive Committee Member;
- (b) violation of the Constitution or any other law;
- (c) gross misconduct, whether in the performance of their functions or otherwise;
- (d) physical or mental incapacity to perform the functions of office;
- (e) incompetence; or

(f) bankruptcy.

(2) A person desiring the removal of the chairperson or a member on any ground specified in subsection (1) may present a petition to the County Executive Member setting out the alleged facts constituting that ground.

(3) The County Executive Member shall consider the petition and, if it discloses a ground for removal under subsection (1), the County Executive Member shall have the member or chairperson removed from office .

Vacancy.

**11.** The office of the chairperson or a member of the Isiolo Water and Sewerage Company Board shall become vacant if the holder—

- (a) dies;
- (b) resigns from office, by a notice in writing addressed to the County Executive Member;
- (c) is convicted of a felony and sentenced to imprisonment; or
- (d) is absent from three consecutive meetings of the Board without good cause.

Term of office.

**12.** (1) The chairperson and members of the Isiolo Water and Sewerage Company Board shall be appointed for a single term of three years and may be eligible for re-appointment one final term.

(2) The chairperson and members of the Board shall serve on a part-time basis.

Remuneration.

**13.** The remuneration of the members of the Isiolo Water and Sewerage Company Board shall be as determined by the County Executive Member for the time being responsible for County public service in consultation with the Salaries and Remuneration Commission.

Conduct of business of the Board.

**14.** (1) The conduct and regulation of the business and affairs of the Isiolo Water and Sewerage Company Board shall be as set out in the Schedule.

(2) Except as provided in the Schedule, the Board may regulate its

own procedure

Chief executive officer of the Company.

**15.** (1) There shall be a chief executive officer of the Isiolo Water and Sewerage Company.

(2) The chief executive officer shall be recruited through a competitive process and appointed by the County Executive Member on recommendation of the Board.

(3) A person shall be qualified for appointment as the chief executive officer of the Isiolo Water and Sewerage Company if the person—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has had at least ten years' experience at management level;
- (d) has proven relevant experience in any of the following fields—
  - (i) law;
  - (ii) management;
  - (iii) finance;
  - (iv) security; or
  - (v) public administration; and
- (e) meets the requirements of Chapter Six of the Constitution.

(4) The chief executive officer shall—

(a) be responsible to the Board for the day-to-day management of the affairs of the Company;

(a) 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 Company; and

(b) carry out any other function as may from time to time be assigned by the Board.

(5) The chief executive officer shall hold office for a period of three 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 three years.

(6) 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.

Removal from  
office chief  
executive officer.

**16.** The chief executive officer may—

- (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 Isiolo Water and Sewerage Company Board, for—
  - (i) breach of terms and conditions of employment contract including failure to meet targets set by the Board;
  - (ii) violation of the Constitution or any other written law;
  - (iii) gross misconduct, whether in the performance of the functions of the office or otherwise;
  - (iv) physical or mental incapacity to perform the functions of office;
  - (v) incompetence;
  - (vi) bankruptcy.

Staff of the  
Company

**17.** The Isiolo Water and Sewerage Company 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.

Savings

**18.** Notwithstanding the provisions of this Act—

- (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 Isiolo Water and Sewerage Company shall be deemed to have been made or issued under this Act;
- (c) any function transaction carried out by or on behalf of the Isiolo 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.

Staff of the Company.

**19.** A person who immediately before the commencement of this Act was serving as a member of the Board or staff of the Isiolo water and Sewerage Company shall, at the commencement of this Act, be deemed to be a Board member or an employee of the Company for the unexpired period, if any, of the term.

## **PART VI—ESTABLISHMENT OF THE ISIOLO RURAL WATER AND SANITATION SERVICES CORPORATION**

Establishment of the corporation.

**20.** (1) There is established the Isiolo Rural Water and Sanitation Services Corporation.

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

- (a) suing and being sued;
- (b) acquiring, holding, charging and disposing of movable and immovable property; and
- (c) doing or performing all such other things or acts for the proper discharge of its functions under the Constitution, this Act or any written law, as may be lawfully done or performed by a body corporate.

Scope of the Corporation.

**21.** The Corporation shall be responsible for the provision of water and sanitation services in the following Wards—

- (a) Kinna Ward;
- (b) Garba Tulla Ward;
- (c) Sericho Ward;
- (d) Chari Ward;
- (e) Cherab Ward;
- (f) Oldo Ngiro Ward; and
- (g) Ngaramara Ward

(h) West and Burrat Locations of Burrat Ward .

Functions of the Corporation.

**22.** The Corporation shall, in relation to Wards and Locations referred to under section 21, —

- (h) provide and manage water and sanitation services;
- (i) develop adequate water supply system for domestic, industrial, livestock, wildlife and agricultural purposes;
- (j) develop and manage works for water conservation;
- (k) develop and manage water recycling systems;
- (l) promote efficient water use and management for sustainable development;
- (m) promote and manage water pollution prevention measures;
- (n) identify, initiate and promote water conservation systems, strategies and programs for sustainable watercourse management;
- (o) in collaboration with other agencies, develop and manage public infrastructure for storm water management.

Board of the Corporation.

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

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

- (a) a non-executive chairperson appointed by the County Executive Member;
- (b) the Chief Officer;
- (c) the Chief Officer responsible for Finance;
- (d) seven members competitively recruited and appointed by the County Executive Member representing Wards referred to under section 21;
- (e) the Chief Executive Officer who shall be an ex-officio member of the Board and secretary to the Board.

(3) In the appointment of chairperson and members of the Board, the County Executive Member shall ensure that not more than two thirds of the members shall be of the same gender.

Function of the Board.

**24.** The functions of the Board shall be to—

- (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 Corporation;

- (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.

Qualification for appointment as chairperson of the Board.

**25.** A person shall be qualified for appointment as chairperson of the Board if that person—

- (a) holds a degree from a university a recognized in Kenya;
- (b) has knowledge and experience of at least five years in matters relating to water resources management, water and sanitation services management or any other related field;
- (c) meets the requirements of Chapter Six of the Constitution; and
- (d) has had a distinguished career in their respective fields.

Qualification for appointment as member of the Board.

**26.** A person shall be qualified for appointment as member of the Board if that person—

- (a) holds a post-secondary diploma from an institution recognized in Kenya;
- (b) has knowledge and experience of at least two years in matters relating to water resources management, water and sanitation services management or any other related field;
- (c) meets the requirements of Chapter Six of the Constitution; and
- (d) is a resident of the respective Ward.

Removal from office.

**27.** (1) The chairperson or a member of the Board may be removed from office for—

- (g) breach of terms and conditions of appointment contract including failure to meet targets set by the County Executive Committee Member;
- (h) violation of the Constitution or any other law;
- (i) gross misconduct, whether in the performance of their functions or otherwise;
- (j) physical or mental incapacity to perform the functions of office;
- (k) incompetence; or
- (l) bankruptcy.

(2) A person desiring the removal of the chairperson or a member on any ground specified in subsection (1) may present a petition to the County Executive Member setting out the alleged facts constituting that ground.

(3) The County Executive Member shall consider the petition and, if it discloses a ground for removal under subsection (1), the County Executive Member shall have the member or chairperson removed from office .

Vacancy.

**28.** The office of the chairperson or a member of the Board shall become vacant if the holder—

- (f) dies;
- (g) resigns from office, by a notice in writing addressed to the County Executive Member;
- (h) is convicted of a felony and sentenced to imprisonment; or
- (i) is absent from three consecutive meetings of the Board without good cause.

Term of office.

**29.** (1) The chairperson and members of the Board shall be appointed for a single term of three years and may be eligible for re-appointment one final term.

(2) The chairperson and members of the Board shall serve on a part-time basis.

Remuneration.

**30.** The remuneration of the members of the Board shall be as determined by the County Executive Member for the time being responsible for County public service in consultation with the Salaries and Remuneration Commission.

Conduct of business of the Board.

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

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

Chief executive officer.

**32.** (1) There shall be a chief executive officer of the Corporation.

(2) The chief executive officer shall be recruited through a competitive process and appointed by the County Executive Member on recommendation of the Board.

(3) A person shall be qualified for appointment as the chief executive officer of the Corporation if the person—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has had at least ten years' experience at management level;
- (d) has proven relevant experience in any of the following fields—
  - (i) government;
  - (ii) law;
  - (iii) management;
  - (iv) finance;
  - (v) security; or
  - (vi) public administration; and
- (j) meets the requirements of Chapter Six of the Constitution.

(4) The chief executive officer shall—

- (a) be responsible to the Board for the 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; and
- (d) carry out any other function as may from time to time be assigned by the Board.

(5) The chief executive officer shall hold office for a period of three 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 three years.

(6) 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.

Removal from  
office.

**33.** The chief executive officer may—

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

Rural Ward Managers.

**34.** (1) The Board shall, through a competitive, open and transparent manner recruit and appoint Ward managers.

(2) The managers appointed under subsection (1) shall serve on such terms and conditions as the Board shall in consultation with the County Executive Member determine.

(3) The Ward manager shall be responsible for the provision and management of water and sanitation services at the Ward level.

(4) The Ward managers shall be answerable to the Board through the chief executive officer.

Other staff of the Corporation.

**35.** 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.

The common seal of the Corporation.

**36.** (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.

(2) 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 authorisation by the Board under this section shall be presumed to have been duly given.

(3) The common seal of the Corporation shall be authenticated by the signature of the chairperson of the Board and the chief executive officer.

(4) 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.

## **PART V—GENERAL PROVISIONS APPLICABLE TO WATER AND SANITATION SERVICES COMPANIES**

Protection from personal liability.

**37.** (1) No matter or thing done by a member of the Board or by any officer, member of staff, or agent of the Corporation or Isiolo Water and Sewerage Company shall, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the Corporation and Isiolo Water and Sewerage Company 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.

(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 or Isiolo Water and Sewerage Company, unless such expenses are recovered by him or her in such suit or prosecution.

Liability for damages.

**38.** The provisions of section 37 shall not relieve the Corporation or Isiolo Water and Sewerage Company 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.

Public awareness

**39.** The Corporation and Isiolo Water and Sewerage Company shall in carrying out its functions provide public education and awareness on efficient and sustainable water use.

Investment in Water Source Protection and Conservation

**40.** The Corporation and Isiolo Water and Sewerage Company 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.

Public private partnership

**41.** The Corporation and Isiolo Water and Sewerage Company may enter into partnerships with public and private partnerships in order to effectively carry out its functions in accordance with the Public Private Partnership Act

Reporting.

**42.** (1) The Isiolo Water and Sewerage Company, the Corporation and Directorate shall prepare respective annual reports within two months after the end of the financial year in such a form as may be prescribed.

(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 subsection (2) shall contain among others—

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

participation.

## **PART IV— WATER SERVICES**

Supply of water.

**43.** The Directorate, in consultation with the Isiolo Water and Sewerage Service Company and the Corporation, shall prepare a Five year Water services master plan which shall make provision for the progressive realization of the following:-

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

Development of water works.

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

(2) Notwithstanding provisions of subsection (1), the Corporation and Isiolo Water and Sewerage Service Company 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 the prescribed compensation.

(3) The Corporation and Isiolo Water and Sewerage Service Company 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 Corporation and Isiolo Water and Sewerage Service Company shall seek easements from owner or occupier of any land for construction of water works or public works to be undertaken on such land.

Service agreements.

**45.** The Corporation and Isiolo Water and Sewerage

Service Company may enter into service performance agreements with any entity in carrying out their functions.

County scheme.

**46.** (1) The Corporation and Isiolo Water and Sewerage Service Company may with the approval of the County Executive Member initiate a scheme for the provisions of water and other services under this Act for public benefit.

(2) Where the Corporation and Isiolo Water and Sewerage Service Company deem it necessary to establish such a scheme and the same requires the erection of any public works on private property or land, the County government may purchase the property or in accordance with the laws governing compulsory acquisition seek such compulsory acquisition.

(3) A County scheme shall take precedence over any private or community scheme.

Water fees and charges.

**47.** (1) The Corporation and Isiolo Water and Sewerage Service Company may levy appropriate user fees or charges for the purposes of supplying efficient water services. In performing this function, the County needs to ensure that domestic water is affordable.

(2) The fees or user charges levied under this section shall be established 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 Isiolo Water and Sewerage Service Company 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.

## **PART VII—WATER WORKS AND PRIVATE WATER AND SANITATION SERVICES PROVIDERS**

Private water service providers.

**48.** (1) The County may allow the establishment of water service providers by private persons.

(2) A water service provider –

(a) shall be responsible for the provision of water supply and sanitation 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 sanitation services.

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

(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.

(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.

Water service provider permits.

**49.** (1) The Directorate may issue permits for private water service providers.

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

Cancellation or variation of permits.

**50.** (1) The Directorate may cancel or vary the terms of the permit if the permit holder—

- (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.

Water quality Control.

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

(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 sanitation 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.

Registrar and other staff of the Directorate.

**52.** (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 sanitation services registrars.

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

Permit.

**53.** (1) A person intending to carry out or maintain any water works shall apply for a permit to do so to the Directorate.

(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 or to imprisonment for a term not exceeding one year or to both.

Application for permits.

**54.** (1) An application for a permit under section 53 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—

(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 Secretary of 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) An objector or an applicant for a permit may appear personally or by an advocate at the hearing of an application.

(8) The Directorate 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.

(9) 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.

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

(11) 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.

Waterworks regulation and development.

**55.** (1) The Directorate shall develop water works in the County.

(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;
- (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 Directorate shall monitor the standards for waterworks developed in the County by any person.

Water project design approval.

**56.** (1) The Directorate shall approve all water project designs that are to be implemented in the County.

(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.

Compulsory acquisition of land.

**57.** (1) The County may compulsorily acquire land within its jurisdiction to develop waterworks for public purposes.

(2) In undertaking compulsory acquisition of land referred to

No. 6 of 2012

Easement for  
waterworks.

under subsection (1), the County shall comply with the provisions of the Land Act, 2012.

No. 6 of 2012

National  
Government  
licences and  
permits.

**58.** (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.

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

Water  
conservation  
areas.

**60.** (1) The Directorate shall in consultation with National Land Commission, other relevant State agencies and the public declare by notice in the *Gazette* any area to be a water conservation area for the purpose of conserving water.

(2) The County Executive Committee Member may impose through a notice such conditions and requirements regulating or prohibiting certain activities in relation to the water conservation area.

Conservation of  
water  
catchments.

**61.** The Directorate shall—

(a) through intergovernmental relations Act, County Governments Act and any other written laws collaborate with 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 and on water storage at household and farm level and ensure their implementation; and
- (e) in collaboration with water users associations will participate in development and monitor implementation of sub catchment management plan.

Conservation guidelines

**62.** The County Executive Member shall in collaboration with National And County agencies prescribe guidelines and standards to be adopted for water conservation.

Water user association projects.

**63.** (1) Community water user associations may prepare budgets for water conservation projects within their jurisdiction each financial year.

(2) The Directorate shall provide funding for the conservation activities of the water user associations, from funds allocated to it by the Water Fund.

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

Borehole Site identification and drilling.

**64.** (1) The County Executive Member shall in consultation with any relevant National Government agency undertake borehole site identification in the County.

(2) The County Executive member shall monitor all borehole drilling activities in the County to ensure compliance to relevant permits and applicable laws.

(3) A person shall not undertake any borehole drilling activity without a permit issued in accordance with the National legislation governing the use of water resources.

(4) The County Executive member may publish regular borehole site identification and drilling reports and undertake necessary steps to make such reports available to the public.

(5) The borehole site identification report developed under subsection (4) shall guide borehole drilling activities in the County.

Water pollution Control.

**65.** (1) No person shall throw or convey, or cause or permit 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 be likely to cause, pollution of the water resource.

(2) A person who contravenes subsection (1) commits an offence and shall be held liable under this Act and any other relevant National legislation.

(3) The County Executive Member, through the compliance offices appointed under this Act, may prosecute persons who commit an offence under this Part or assist and facilitate such prosecution by National government agencies.

Riparian buffers.

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

(2) The Directorate shall, in collaboration with other County and National government agencies mobilize residents to develop or restore riparian buffers along rivers, waterways or any water body within the County.

(3) A person shall not interfere with a restored riparian buffer in a way that exposes it to run off water.

(4) A person who contravenes sub-section (3) commits an offence.

Prohibited activities on riparian land

**67.** A person shall not carry any of the following activities on riparian land—

(a) tillage or cultivation;

(b) clearing of indigenous trees or vegetables;

(c) building of structures;

(d) disposal of any form of waste within the riparian land;

(e) excavation of soil or development of quarries;

(f) planting of exotic species that may have adverse effect to the water resource; or

(g) any other activity that in the opinion of the Directorate may degrade the water resource.

Soil conservation.

**68.** The Directorate shall—

- (a) develop and implement policies and strategies controlling cultivation of land situated on slopes; and
- (b) develop and implement policies and strategies for sustainable management of wetlands.

Silt traps.

**69.** The Directorate shall ensure that all flood flow storages shall have provisions for silt traps.

## **PART IX— STORM WATER MANAGEMENT**

Storm water management.

**70.** (1) The Directorate shall in collaboration with relevant County or National Government Directorates promote sound water and land use practices.

(2) The Directorate shall in collaboration with urban area administrators develop and implement a storm water management plan for each town or urban area, which shall among other things –

- (a) identify, survey and inventory existing conditions that affect storm water runoff; and
- (b) address issues of peak flows, flooding, ground water recharge and stream erosion.

(3) The County Government shall not approve any construction of a building, physical infrastructure or a road unless the construction has a storm water management plan to be implemented.

(4) A person who contravenes sub-section (3) commits an offence

Storm water management plan

**71.** (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.

(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—

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

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

(a) be liable to a fine of five hundred thousand shillings if a corporate body; or

(b) be liable to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding three months or to both if an individual.

Reduction of runoff water

**72.** (1) The owner of a house, property or building shall—

(a) install rain barrels with sufficient capacity to store water from the building;

(b) where applicable not permit storm water to become

runoff;

(c) reuse or recycle storm water collected for other purposes in the premises.

## **PART X– PUBLIC PRIVATE PARTNERSHIPS**

Public private partnerships for water services.

**73.** (1) Subject to provisions of the Public Private Partnerships Act, 2013 a County water company may enter into a public private partnership agreement for the exercise and performance of any of its functions.

(2) The County water company shall serve as the contracting authority when instituting a public private partnership under this section.

(3) In establishing a public private partnership under this section, the managing director shall be part of the contract node.

Public Private Partnerships for Waterworks.

**74.** (1) Subject to provisions of the public private partnerships Act, 2013, the Directorate may enter into a public private partnership agreement with any person for the development and maintenance of waterworks in the County.

(2) The Directorate shall serve as the contracting authority when instituting a public private partnership.

(3) In establishing a public private partnership under this section, the Chief Officer shall be part of the contract node.

Public private partnerships policy.

**75.** (1) The County Executive Member shall develop a public private partnership policy for the County water sector.

(2) The public private partnership policy may provide for the following—

- (a) projects identified for public private partnerships;
- (b) citizen participation and community involvement in public- private partnerships;
- (c) engagement of the youth and women;
- (d) reporting on public private partnerships in the County; and
- (e) any other issue that is relevant to such public private participation.

## **PART XI— SANITATION SERVICES AND POLLUTION**

## **CONTROL**

Master plan.

**76.** The Directorate shall in consultation with relevant County and National government agencies and local residents prepare a five year sanitation services' master plan

Provision of sanitation services.

**77.** (1) The Directorate, Corporation and Isiolo Water and Sewerage Company shall either directly or through public private partnership—

(a) provide necessary sanitation facilities and services; and

(b) construct, operate and maintain extensive system of sewers and treatment facilities to meet applicable discharge requirements.

(2) The County Executive Member may make regulations generally for better carrying into effect this Part.

Waste water management

**78.** The directorate shall—

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

Compliance with effluent standards

**79.** (1) A person shall, when disposing final effluent comply with the relevant Acts of Parliament, guidelines rules and regulations prescribed under any written law.

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

(a) if a corporate body be liable to a fine not exceeding shillings five hundred thousand shillings; and

(b) if an individual be liable to a fine of fifty thousand or to imprisonment for a term not exceeding two months.

Discharge of contaminated

**80.** (1) A person shall not discharge or dispose any

water effluent or contaminated water or effluent unless in accordance with the prescribed guidelines and standards.

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

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

Interference with sewerage system

**81.** (1) A person shall not interfere with any sewerage facility or system without a written consent issued by the 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 shall be liable to a fine not exceeding shillings five hundred thousand or to imprisonment for a term not exceeding three years.

Sewerage tariffs, fees and charges

**82.** (1) Subject to the County Governments Act and any written law, the County Executive Member may from time to time impose tariffs or levy sewerage services fees and charge on sanitation services for the purposes of disposal of sewage waste.

(2) The tariffs, fees and charges imposed or levied under this section shall be subject to approval by the County Assembly.

## **PART XII –FINANCIAL PROVISIONS**

Water Services Fund.

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

(2) The funds of 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;

- (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 sanitation services companies established under this Act;
- (b) financing the activities of the County community water user associations;
- (c) development of water infrastructure; and
- (d) payment of compensation and liability arising from duties performed under this Act.

(4) The Administrator of the Fund shall be appointed by the County Executive Member for Finance

**84.** (1) The balance of revenues collected by the water and sanitation companies after defraying the operational costs shall be applied as—

- (a) twenty percent of revenues collected shall be paid into the County Revenue Fund;
- (b) thirty percent shall be paid into a reserve account maintained by the Fund Administrator for purposes of replacing water supply assets; and
- (c) fifty percent shall be paid into the Water Fund.

(2) The pricing of water supply and sanitation services by the Water companies shall be such as to facilitate the sustainable provision of water supply.

Accounts and audit.

**85.** The Fund Administrator shall—

- (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 fulfillment of the provisions of Section 116 of the Public Finance Management Act, 2012

### **PART XIII OFFENCES**

Obstruction of officers.

**86.** (1) A person shall not hinder or interrupt, or cause be

hindered or interrupted, any permit holder, or his or her employee, contractor or agent, in the lawful exercise or performance of any powers and functions under this Act.

(2) A person who contravenes subsection (1) commits an offence under this Act.

Proceedings for offences.

**87.** Without prejudice to the rights of any person to bring proceedings in respect of an offence, the County Executive Member or the Water Companies may institute and maintain criminal proceedings in any court against any person accused of an offence under this Act or under any rules or regulations made under this Act.

Noninterference and restoration after construction works

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

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

Remedy of defaults.

**89.** (1) Where, by an act or omission, a person contravenes any requirement or prohibition made or imposed by or under this Act, then, without affecting any other liability of the person under this Act or otherwise in respect of the contravention, the County may, by order served on the person concerned, require the person, within a reasonable time specified in the order—

- (a) to remedy the contravention;
- (b) to clean up any pollution or make good any other detriment identified in the order which was caused to any water resource by reason of the contravention; and
- (c) to remove or destroy any works, plant or machinery employed for the purposes of the contravention.

(2) In default of the person's compliance with such an order, the County or its agents may take such steps as are necessary to execute the order, and the expenses incurred in doing so shall be recoverable at the suit of the County, person or body in any court of competent jurisdiction as a debt from the person to whom the order

was given.

General  
penalty.

**90.** (1) A person who is guilty of an offence under this Act, or under any rules or regulations made under this Act, shall upon conviction, if no other penalty is prescribed in respect of the offence, be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

### **PART XIII—ENFORCEMENT**

Authorized  
officers.

**91.** (1) The County Executive Member may on recommendation of the County Public Service Board or the Directorate appoint such number of authorized officers for the purposes of enforcing or implementing functions of the Directorate.

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

Power of entry

**92.** 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  
officers.

**93.** (1) An authorized 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.

(2) Any person who obstructs an authorized officer while enforcing or implementing this Act commits an offence and is liable to a fine not exceeding one hundred thousand shillings.

### **PART XIV –MISCELLANEOUS**

Regulations

**94.** The County Executive Member shall develop and publish regulations for matters relevant to the performance of functions under this Act including—

- (a) issuance and cancellation of permits under this Act;
- (b) regulation of Water Service Providers, including guidelines for rural water service providers;

- (c) regulation of Water User Associations;
- (d) regulation of Institutional stakeholders;
- (e) establishment of Water Supplies and Sewerage Systems; and
- (f) waterworks development.
- (g) issuance of periodic guidelines for consumer water tariffs guidelines for rural water service providers;

Transition plan.

**95.** (1) The County Executive Member shall publish a transition plan for water supply in the County in the County Gazette within six months after the coming into force of this Act.

(2) The plan shall contain the following information—

- (a) savings and transitional measure for the Isiolo Water and Sewerage Company;
- (b) the criteria for identifying water supply assets whose ownership belongs to the County and not to individual communities or persons;
- (c) water supply assets owned by the County, whether utilised by the County or not;
- (d) information on urban and rural areas already being served by a Water Service Provider other than a Water Company;
- (e) procedures for taking over Water Supply assets owned by the County Government but managed by water service providers other than a water company;
- (f) the dates for effecting management over water supply systems owned by the County Government but not currently utilised by the County Government.

(3) The County Executive Member shall ensure that public participation is properly conducted under this part.

Protection from liability.

**96.** Nothing done by a person exercising authority or a power under this Act shall, if the matter or thing was done or omitted in good faith for the purpose of executing this Act or any rule, regulation or order made under this Act, subject such a person in his or her personal capacity to any action, suit, claim or demand whatsoever.

Public Participation.

**97.** (1) Procedures undertaken under this Act that directly affect community interests shall be subject to public participation.

(2) The Directorate shall put in place proper modalities to ensure adherence to Public Participation Principles as prescribed under section 87 of the County Government Act 2012 and County legislation governing public participation.

(3) The County Executive Member shall develop regulations to govern public participation under this Act.

Inclusion of special interest groups.

**98.** (1) The appointment of persons to serve in any body established under this Act shall take cognizance of regional, ethnic and gender balance including affording equal opportunities to persons with disabilities, youth, marginalized groups and ethnic and other minorities in the County.

(2) The Directorate shall take special measures to ensure that vulnerable groups are represented in public participation forums referred to in section 97.

Conciliation Panel

**99.** (1) Any conflict arising from the Transition Plan established pursuant to section 95, or the performance of any function under this Act, shall in be resolved by mediation in the first instance.

(2) The Governor shall in the case of any conflict appoint a conciliation panel of at least three persons, who are not employed by the County Government to hear and resolve the conflict.

(3) The mediation panel appointed in subsection (2) shall comprise of—

- (a) an advocate of the High Court of Kenya who shall chairperson of the panel;
- (b) a person with experience in conflict resolution;
- (c) a religious leader from the community with a minimum qualification of a bachelor's degree from a university recognized in Kenya.

(4) The County Public Service Board shall recruit a secretary for the conciliation panel on a temporary basis.

(5) The conciliation panel may seek the advice of consultants and invite representations from interested parties.

Procedure for resolving conflicts.

**100.** (1) When a conflict arises, the representatives of the persons affected shall fill the form prescribed in the regulations and submit it to the County Secretary, accompanied by a list of at least

three hundred signatures or thumb prints of persons affected.

(2) The County Secretary shall forward the form in subsection (1) to the Governor who shall constitute a panel within 3 weeks.

(3) The County Secretary shall organize a sitting venue for the panel in place that is convenient for the persons making the complaint to appear but with due regard to the security and facilities required by the Panel.

(4) The panel shall convene its sitting and listen to the submission of the person making the complaint, any expert opinions and interested parties in a period of three weeks.

(5) The conciliation panel shall then prepare a report of its findings and recommendations and present it to the Governor for adoption.

(6) The decision of the panel shall be guided by the Constitution of Kenya and the provisions of this Act.

Finances of the Panel

**101.** The finances of the conciliation panel, including its allowances, shall be managed by the County Executive Committee Member in consultation with the County Treasury.

Sector wide forum.

**102.** (1) The Directorate shall constitute and convene the Water and Sanitation Services Sector Wide Forum.

(2) The sector wide forum shall consist of all stakeholders in the water and sanitation sector as shall be prescribed in regulations under this Act.

(3) The roles of the sector wide forum shall be to —

- (a) review and deliberate on water resources management and sanitation services;
- (b) propose policy or legislative interventions for effective implementation of this Act;
- (c) participate in the development of measures, plans and strategies for implementing this Act.

(4) The sector wide forum shall meet at least once every three months

**SCHEDULE**

**S. 6**

**CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD  
OF CORPORATION AND ISILO WATER AND SEWERAGE  
COMPANY**

Meetings.

- 1.** (1) The meetings of the Board shall be convened 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 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

Committees.

- 2.** (1) The Board may establish such committees as it 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.

Declaration  
of Interest.

- 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 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).

Contracts  
and instruments.

**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.

### **MEMORANDUM OF OBJECTS AND REASONS**

The provision of water services and sanitation was devolved as a function of the County governments under the Fourth schedule to the Constitution, following the promulgation of the Constitution of Kenya 2010. Provisions on Water Conservation, County Public Works and Water and Sanitation were confirmed as a function of the Isiolo County Government through Kenya Gazette Supplement No. 145 of 9<sup>th</sup> August, 2013. This Bill operationalizes water service provision and supply management in Isiolo County; to make provision for regulating water service providers; water works; ensure compliance to set down water quality standards; control of pollution in water bodies and related matters.

**PART I** of the Bill provides for preliminaries, which include the short title and interpretation of terms as used in the Bill; the right to water and water use rights including the priority of water use in the County.

**Part II** of the Bill provides the administrative setup of the County which comprises the County Water Directorate

**Part III** provides for transitional and saving provisions of the existing Isiolo Water and Sewerage Company

**Part IV** provides for the establishment of Rural Water and Sanitation Services Corporation

**Part V** of the Bill provides for general matters that apply to corporations' established under the Act

**Part VI** of the Bill provides for water service provision and supply management in the County

**Part VII** provides for development of waterworks by the County Executive Member and control of waterworks projects in the County by other persons including National Government agencies and Public Benefit Organizations.

**Part VIII** provides for water conservation including borehole site identification and drilling and water conservation activities

**Part IX** provide for storm water management

**Part X** provides for the establishment of public private partnerships by the County Executive Member and County Water Service providers.

**Part XI** provide for sanitation services and prevention of pollution

**Part XII** details the financial provisions including the management of water revenues.

**Part XIII** Provides for offences and penalties under this Act.

**Part XIV** provides the miscellaneous provisions such as the power to make regulations by the County Executive Member; transition plan for the water sector; public participation and conflict resolution.

**ISACK ABDUBA FAYO,  
Chairperson, Environment, Natural Resources and Water  
Committee**

