

SPECIAL ISSUE

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KIAMBU COUNTY BILLS, 2018

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CONTENT

Bill for Introduction into the Kiambu County Assembly—

PAGE

The Kiambu County Water and Sanitation Services (Amendment) Bill, 2018 1

**THE KIAMBU COUNTY WATER AND
SANITATION SERVICES (AMENDMENT) BILL, 2018**

**AN ACT of the County Assembly of Kiambu to amend
the Kiambu County Water and Sanitation Services
Act, 2015 and for connected purposes**

ENACTED by the County Assembly of Kiambu as follows:

PART I – PRELIMINARIES

1. This Act may be cited as the Kiambu Water and Sanitation Services (Amendment) Act, 2018. Short Title

2. In this Act, Unless the context otherwise requires- Interpretation
“Act” means the Kiambu County Water and Sanitation Services (Amendment) Act, 2017;

“Principal Act” means the Kiambu County Water and Sanitation Services Act, 2015.

2. Section 2 of the principal Act is amended by Amendment of
section 2 of No. 2A
of 2015

(i) deleting the definition of the words “Water Service Provider” appearing after the definition of the words “Chief Officer; and

(ii) inserting the following new paragraph after the definition of the words “Chief Officer”

“County Government” means the County Government of Kiambu.

3. Section 4 of the principal Act is amended - Amendment of
section 4 of No. 2A
of 2015

(i) in sub-section (1) by deleting the paragraph and replacing therefor the following new paragraph-

“There shall be one County Government Water and Sanitation Service Provider whose headquarters shall be in Kiambu Sub-county.”

(ii) in sub-section (5) by deleting the paragraph and replacing therefor the following new paragraph-

“The Water Service Provider may, with the approval of the Executive Member, establish branch and other office outlets for ease of delivery of its services.”

(iii) in sub-section (6) by deleting the paragraph and replacing therefor the

following new paragraph-

“Notwithstanding the generality of the subsection (5), unless otherwise determined by the Water Services Provider, the offices of the water companies succeeded in accordance with sub-section (4) shall be branch offices of the Water Service Provider.

4. Section 5 of the principal Act is amended in-

*Amendment of
section 5 of No. 2A
of 2015*

- (i) paragraph (b) by deleting the phrase “in the assigned area” and replacing therefor the words “within the County”; and
- (ii) paragraph (c) by deleting the words “delegated” and “small”.

5. Section 6 of the principal Act is amended by-

*Amendment of
section 6 of No.
2A of 2015*

- (i) in sub-section (2) by deleting the paragraph and replacing therefor the following new paragraph-

“The Board shall consist of not less than seven and not more than nine members appointed as follows –

- (a) a non-executive chairperson appointed by the Governor with the approval of the County Assembly; and
- (b) the following persons appointed by the Executive Member-
 - (i) the Chief Officer responsible for water services;
 - (ii) the Chief Officer responsible for finance;
 - (iii) a nominee of the Engineering Registration Board of Kenya;
 - (iv) a nominee of the Council of Persons with Disabilities;
 - (v) a nominee of the Kenya Association of Manufacturers;
 - (vi) a representative of the Kiambu water resources users association;
 - (vii) a representative of institutions of

learning within the County; and

(viii) the Managing Director, as ex-officio member and secretary to the Board.

(c) In sub-section (4) by deleting the paragraph and replacing therefor the following new paragraph-

“A person, other than the Chairperson and the ex-officio members, shall not be appointed under this section unless that person-

(a) is a Kenyan Citizen;

(b) holds the relevant academic qualifications or skills required by the nominating organization;

(c) meets the requirements of chapter six of the Constitution; and

(d) is a resident of the County.

(ii) subsection deleting the words “shall regularly” and substituting therefor the words “may amend or”.

(d) by deleting sub-section (5);

(e) in subsection (6) by deleting the words “Chief officers” and replacing therefor the expression “ex-officio”

6. Section 7 of the principal Act is amended in paragraph (b) (i) by deleting the word “serious”.

Amendment of section 7 of No. 2A of 2015

Section 8 of the principal Act is amended

Amendment of section 8 of No. 2A of 2015

(i) in sub-section (1) by deleting the word “each” and replacing therefor the word “the”; and

(ii) in sub-section (3) by inserting the following new paragraph after paragraph (b)

“(c) meets the requirements of Chapter six of the Constitution”.

7. Section 22 of the principal Act is amended-

Amendment of section 22 of No. 2A of 2015

(i) in sub-section (1) by deleting the word

“department” and replacing therefor the words “Executive Member”.

(ii) By inserting the following new section immediately after sub-section (5)

“22A Administration of a community water project

- (1) There shall be an administration committee for each community water project comprising of the following persons nominated by the Community with the approval of Executive Member-
 - (a) A chairperson;
 - (b) Secretary;
 - (c) a person each from either gender;
 - (d) a youth representative; and
 - (e) a representative of the County Government.
- (2) The members of the Committee, other than an ex-officio member shall hold office for a period of three years, which term may be renewed for one more term.
- (3) The administration committee shall be responsible for the day to day management of the community water project.
- (4) The administration committee shall ensure that proper books of accounts are maintained and shall within three months from the closure of the financial year submit their audited books of account to the County Assembly.
- (5) Notwithstanding the generality of sub-section (4), a community water project which has received funds from the County Treasury or the Exchequer shall be manage and account for their funds in accordance with the provisions of the Public Finance Management Act.

8. Section 59 of the principal Act is amended-

Amendment of
section 59 of No.
2A of 2015

- (i) in subsection (2) by deleting the words “respective assigned”.
- (ii) In subsection (3) by deleting the words “respective assigned”.
- (iii) in subsection (5)(b) by deleting the words “respective assigned”.
- (iv) In sub-section (6) by deleting the word “respective”.
- (v) In subsection (7) by deleting the word “respective”.
- (vi) in sub-section (8) by deleting the word “respective in
- (vii) subsection (9) by deleting the word “respective” appearing twice in the subsection.
- (viii) By inserting the following new section after sub-section (10)

“59A – Transition for community water projects

- (1) A community water project existing prior to the commencement of this Act shall, within a period of six months ensure compliance with this Act.
- (2) The members of any committee of a water project existing prior to the commencement of this Act shall cease to hold office after the lapse of a period of six months from the date of commencement of this Act unless they meet the requirements of this Act and are re-appointed.

MEMORANDUM OF OBJECTS AND REASONS

In order to better manage water and sanitation services in Kiambu County, there is reason to ensure that the management of all water companies is efficient and effective in service delivery. Consequently, there is need to merge all the water companies into one, as opposed to the current proposed two water companies. The proposed amendments are to streamline the law to assist in effecting the merger of all water companies in Kiambu into one.

Dated the 21st February, 2018

GITAU GIDEON GACHARA,

*Chairperson,
Sectoral Committee on Water, Environment and Natural Resource*