

NATIONAL COUNCIL FOR
LAW REFORMING
LIBRARY

COUNTY ASSEMBLIES FORUM (CAF)
P.O. Box 73552 - 00200,
NAIROBI, KENYA

SPECIAL ISSUE

Kenya Gazette Supplement No 16 (Kakamega County Bills No 9)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

KAKAMEGA COUNTY BILLS, 2019

NAIROBI, 27th November, 2019

CONTENT

Bill for Introduction into the County Assembly of Kakamega—

PAGE

The Kakamega County Rural Water and Sanitation Corporation Bill 2019

1

**THE KAKAMEGA COUNTY RURAL WATER AND SANITATION
CORPORATION BILL, 2019**

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

1—Short title and commencement

2—Interpretation

3—Objects and purpose of the Act

**PART II— ESTABLISHMENTS, FUNCTIONS AND POWERS OF
THE CORPORATION**

4—Establishment of the Corporation

5—Functions of the Corporation

6—Board of Management

7—Qualifications of Chairperson and members of the Board

8—Secretary of the Board

9— Sub committees of the Board

10—Vacancy in office of the chairperson or members of the Board

11—Power to issue directions and remove Board

12—Allowances of Board Members

13—Chief executive officer

14—Qualifications of the Chief executive officer

15—Removal from office of the chief executive officer

16—Other staff of the corporation

17—Seal of the corporation

18—Personal liability

19—Liability to pay damages

20—Partnerships

PART III— FINANCIAL PROVISIONS

21—Funds of the corporation

2 *The Kakamega County Rural Water and Sanitation Corporation Bill 2019*

22— Financial year

23— Annual estimates

24— Accounts and Audit

25— Reports

PART IV—GENERAL PROVISIONS

26— Water inspectors

27—Power of entry

28—Water tariffs

29—Obstruction or pollution of watercourse or water resource

30—Disruption of water infrastructure during Construction

31—Prohibited activities

32—Permit for water works

33—Special provisions with respect to unviable rural areas

34—Offences

35—Power to make regulations

SCHEDULES

FIRST SCHEDULE—RURAL WATER SCHEMES

**SECOND SCHEDULE— PROVISIONS AS TO THE CONDUCT OF
BUSINESS AND AFFAIRS OF THE
BOARD OF THE CORPORATION**

**THE KAKAMEGA COUNTY RURAL WATER AND SANITATION
CORPORATION BILL, 2019**

A Bill for

AN ACT of the County Assembly of Kakamega County to provide for the establishment of the Kakamega County Rural Water and Sanitation Corporation, to make provision for the roles of the Corporation and related matters in furtherance of the Fourth schedule of the Constitution and for connected purposes

ENACTED by the County Assembly of Kakamega County, as follows—

PART I—PRELIMINARY

Short title

1 This Act may be cited as the Kakamega County Rural Water and Sanitation Corporation Act, 2019 and shall come into operation on publication

Interpretation

2 In this Act, unless the context otherwise requires—

“Authorized Officer” means a person appointed by the Corporation to perform a function specified in the Act on behalf of the Corporation,

“Board” means the Board of management of the Kakamega County Rural Water and Sanitation Corporation established under section 6 of the Act,

“Chief Officer” means chief officer responsible for water services,

“Competent Legal Authority” means a court of competent jurisdiction, ethics and anticorruption commission, directorate of criminal investigation or director of public prosecutions,

“County” means Kakamega County,

“Corporation” means the Kakamega County Rural Water and Sanitation Corporation established under section 4 of the Act,

“Department” means the county department responsible for water and sanitation services,

“Executive Committee Member” means the executive committee member responsible for water services,

“Rural” means an area outside a zone designated as a municipality or a town under the Urban Areas and Cities Act No 13 Of 2011,

“Sanitation” means conditions relating to public health, especially the provision of clean drinking water and adequate sewage disposal,

4 *The Kakamega County Rural Water and Sanitation Corporation Bill 2019*

“Scheme” means a water works from which portable water is supplied to consumers

“Storm Water” means water resulting from natural precipitation and accumulation and includes ground water and spring water ordinarily conveyed by the storm water system, as well as sea water within estuaries, but excludes water in a drinking water or waste water reticulation system, and

“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, and drainage of any swamp or other land

Object and purpose

3 The object and purpose of this Act is to—

- (a) establish the Kakamega County Rural Water and Sanitation Corporation, and
- (b) provide a legal framework for provision of water and sanitation services in rural areas within the county

PART II—ESTABLISHMENT, FUNCTIONS AND POWERS OF THE CORPORATION

Establishment of the Corporation

4 (1) There is established a Corporation known as the Kakamega County Rural Water and Sanitation 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) taking, purchasing, or otherwise acquiring, holding, charging and disposing of movable and immovable property,
- (c) borrowing money or making investments,
- (d) entering into contracts and
- (e) doing or performing such other things or Acts as may be necessary for the proper discharge of its functions under this Act, which may be lawfully done or performed by a body corporate

Functions of the Corporation

5 (1) The Corporation shall —

- (a) provide and manage water and sanitation services in rural areas within the county,
- (b) implement the mandate of county government in ensuring access to adequate, safe and affordable drinking water and sanitation for all in rural areas within the county,
- (c) support the county government in developing and rehabilitating rural water and sanitation infrastructure,
- (d) promote water use efficiency through waste water treatment, reuse and recycling,
- (e) enhance effective water governance including catchment area based integrated water resources management and appropriate trans boundary co-operation,
- (f) develop county assets for provision of water and sanitation services in rural areas,
- (g) promote innovations in water and sanitation technologies including water harvesting, information communication systems and use of green energy in rural areas
- (h) develop rural water and sewerage services infrastructure, including water works and public works,
- (i) develop awareness campaign strategies on sustainable use and management of water resources and sanitation services,
- (j) develop and maintain a water harvesting system to ensure provision of sufficient water within the rural areas,
- (k) develop and maintain a storm water system in the rural area, and
- (l) carry out such other functions as may be assigned to it by this Act or any other written law

(2) The Rural Water and Sanitation Corporation shall take over the management of rural water schemes as prescribed in the First Schedule and any other scheme that may be developed

(3) The Executive committee member may exempt on request and on being satisfied that a scheme is viable any rural water scheme from the operation of this Act

Board of management

6 (1) The management of the corporation shall vest in a Board which shall consist of—

- (a) a non-executive chairperson appointed by the Governor,

6 *The Kakamega County Rural Water and Sanitation Corporation Bill 2019*

- (b) chief officer responsible for water,
- (c) chief officer responsible for finance,
- (d) county attorney,
- (e) chief executive officer who shall also be an ex officio member, and
- (f) four members with relevant qualifications appointed by the Executive committee member

(2) In making the appointments under sub section (1), the Governor in the case of chairperson or the Executive committee member in the case of members appointed under sub section 1(f) shall take into consideration gender and regional balance

(3) The chairperson and the members of the Board shall be appointed by the Governor and the Executive committee member respectively from a list consisting of —

- (a) in the case of the chairperson, three names, and
- (b) in the case of members under sub section(1)(f), eight names, submitted by a selection panel appointed by the Executive committee member in accordance with subsection (4)

(4) The selection panel referred to in subsection (3) shall comprise a chairperson and four other persons appointed by the Executive committee member as follows —

- (a) one person to represent the County Public Service Board,
- (b) one person to represent water users in the County,
- (c) one person to represent educational institutions in the county, and
- (d) one person to represent the County government department responsible for water

(5) The selection panel shall have power to regulate its own procedure

(6) The selection panel shall advertise the vacancies and publicize the names of applicants and shortlisted candidates on the county government website

(7) In determining the nomination criteria for the chairperson and members of the Board, the selection panel shall have regard to the objectives of the development of the water sector within the County

(8) In nominating the chairperson and members of the Board, the selection panel shall ensure that those nominated shall not have conflict of interest in serving as chairperson and members of the Board

(9) If the Governor rejects the names submitted under subsection (3)(a) or the Executive committee member rejects the names submitted under subsection (3)(b) the Governor or the Executive committee member, as the case maybe, shall inform the selection panel within seven days and request the panel for a replacement within twenty one days

(10) In rejecting the names submitted under subsection (3), the Governor or the Executive committee member, as the case maybe, shall attach a memorandum giving reasons for the rejection of the candidates

(11) The selection panel shall stand dissolved after the appointment of the chairperson and members of the Board

Qualifications of chairperson and members of the Board

7 (1) A person shall be qualified for appointment as chairperson of the Board if the person —

- (a) holds a relevant degree from a university recognized in Kenya,
- (b) has at least seven years experience in management,
- (c) meets the requirements of chapter six of the Constitution,

(2) A member of the Board appointed under section 6(1)(f) shall hold at least a degree from a university recognized in Kenya and experience in leadership or management

(3) The term of office for chairperson and members of the Board shall be three years and may be renewed for one further term upon satisfactory performance

(4) Notwithstanding the provisions of subsection (3) the Executive committee member shall before appointment of the members of the Board in section 6(1)(f) determine by lot which one of their number shall vacate office after a period of two years to ensure continuity in the activities of the Board

(5) All appointments under this section shall be by notice in the Gazette

Secretary of the Board

Cap 534

8 The Board shall appoint a suitably qualified person or firm under the Certified Public Secretaries of Kenya Act to provide secretarial services to the Board

Sub committees of the Board

9 The Board may establish not more than four sub committees to discharge the following functions affecting the corporation—

- (a) Governance,
- (b) Audit and risk,
- (c) Compliance,
- (d) Finance,
- (e) Technical matters,
- (f) Strategy
- (g) Human resource

Vacancy in office of chairperson or members of Board

10 (1) Subject to the provisions of this Act, the office of chairperson or member of the Board shall become vacant if the chairperson or member—

- (a) resigns by notice in writing addressed to the appointing authority,
- (b) is unable to perform the functions of office by reason of prolonged physical or mental incapacity,
- (c) is adjudged bankrupt by a court of competent jurisdiction or enters into a composition or scheme of arrangement for the benefit of creditors,
- (d) is guilty of gross misconduct,
- (e) if chairperson is absent without the permission of the Executive committee member or if member is absent without the permission of the chairperson for three consecutive meetings,
- (f) fails to meet the requirements of chapter six of the Constitution,
- (g) is convicted of an offence and sentenced to imprisonment for a period exceeding six months, or
- (h) dies

(2) Where the office of chairperson or member of the Board becomes vacant, the Governor in the case of Chairperson or the Executive committee member in the case of member may, subject to the provisions of this Act, appoint another person to fill the vacancy for the remainder of the term of such member

(3) Notwithstanding the provisions of subsection (2) a vacancy in the office of the Chairperson or member shall not render decisions of the Board invalid

(4) Notwithstanding the generality of the foregoing, the chairperson or any member of the Board suspected of having contravened Chapters Six or Thirteen of the Constitution shall vacate office to pave way for investigations

(5) Where a person who has vacated office under subsection (4) is not found culpable of any unlawful act by a competent legal authority, the person shall be reinstated to the position of chairperson or member as the case may be

(6) The Second Schedule shall apply with respect to the conduct of the business and affairs of the Board

Power to issue directions and remove the Board

11 (1) The Governor may give directions of a general or specific nature to the Board with regard to the better exercise and performance of the functions of the Board and the Board shall give effect to those directions

(2) Notwithstanding subsection (1), directions under this section may require that any rules or regulations made be amended to conform with any requirement of this Act where the same are inconsistent therewith

(3) Notwithstanding the provisions of this Act or any other written law, the Governor may on the recommendation of the executive committee, if it is determined that the Board has failed to carry out its functions in the interest of the county, revoke the appointments of the chairperson and members and dissolve the Board and may himself constitute an interim Board for a period not exceeding six months as he or she shall, in consultation with the executive committee determine

Allowances of Board members

12 The chairperson and members of the Board shall be paid such allowances as the County Public Service Board shall determine in line with the Salaries and Remuneration Commission guidelines

Chief executive officer

13 (1) There shall be a chief executive officer of the Corporation who shall be appointed by the Governor from among three nominees recommended by the Board who shall serve for a period of four years which term may be renewable once upon satisfactory performance

(2) The power of the Board to recruit and recommend three nominees for the position of chief executive officer under sub section (1) shall be subject to powers of the County Public Service Board under section 6(3) of the Kakamega County Public Service Board Act, 2017

(3) The chief executive officer of the Corporation shall be responsible for the day to day management of the affairs of the Corporation on such terms and conditions of service as County Public Service Board shall determine in line with the Salaries and Remuneration Commission guidelines

Qualification of the Chief executive officer

14 A person shall qualify for appointment as a chief executive officer of the corporation, if the person—

- (a) possesses a bachelor's degree in a relevant field from a university recognized in Kenya,
- (b) has at least seven years' experience in management, and
- (c) meets the requirements of chapter six of the Constitution

Removal from office of the Chief executive officer

15 The chief executive officer may be removed from office by the Board if he or she -

- (a) is incapacitated by long physical or mental illness,
- (b) is guilty of gross misconduct,
- (c) is incompetent or has neglected his or her duties,
- (d) has been adjudged bankrupt or enters into a composition or scheme of arrangement for the benefit of creditors,
- (e) fails to comply with the provisions of chapter six of the Constitution,
- (f) is found culpable on any other ground that would justify removal from office under the terms and conditions of service provided such removal process shall be in compliance with Article 47 of the Constitution

Other Staff of the Corporation

16 (1) Subject to powers of the County Public Service Board under section 6(3) of the Kakamega County Public Service Board Act, 2017, the Corporation may employ such other officers and staff as it may deem necessary for the performance of its functions under this Act

(2) The County Public Service Board shall determine the remuneration of the other employees of the Corporation in line with the Salaries and Remuneration Commission guidelines

(3) All appointments under this section shall take into account gender, equity and regional balance

Seal of the Corporation

17 (1) The common seal of the Corporation shall be kept in the custody of the Corporation secretary 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 such order or authorization 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 officers, 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

Personal Liability

18 (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 other person acting on their directions personally liable to any action, claim or demand whatsoever provided that the action was done in accordance with this Act

(2) Any expenses incurred by any person in any suit or prosecution brought against him or her in any court or tribunal 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 or tribunal holds that such act was done bona fide, be paid out of the funds of the Corporation

(3) Any negligent or reckless acts or omissions that subject the Corporation to loss may in addition to sanctions by the Corporation attract prosecution under the relevant law

Liability to pay damages

19 The provisions of section 17 shall not relieve the Corporation of the liability to pay compensation or damages to any person for injury to

12 *The Kakamega County Rural Water and Sanitation Corporation Bill 2019*

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 other written law or by the failure, wholly or partially, of any works that may be lawfully awarded

Partnerships

20 (1) The Corporation may enter into partnerships with other entities in order to effectively carry out its functions

(2) Any partnerships formed under this section shall be approved by the Executive committee member

PART III—FINANCIAL PROVISIONS OF THE CORPORATION

Funds of the corporation

21 The Funds of the Corporation shall consist of—

- (a) monies appropriated by the County Assembly for the purposes of the Corporation,
- (b) fees and charges for services rendered by the Corporation,
- (c) such monies as may be lawfully earned from income generating activities, and
- (d) grants and donations to the Corporation

Financial Year

22 The financial year of the Corporation shall be the period of twelve months ending on the thirtieth June of each year

Annual estimates

23 (1) Before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Corporation for that year

(2) The annual estimates shall make provision for all the estimated expenditure of the Corporation for the financial year concerned and in particular, shall provide for—

- (a) the operations of the Corporation,
- (b) the payment of the salaries, allowances and other charges in respect of the staff of the Corporation,
- (c) the payment of pensions, gratuities and other charges, and in respect of benefits which are payable out of the funds of the Corporation,
- (d) the maintenance of the assets of the Corporation,

- (e) the funding of operations, training, research and development activities of the Corporation and
- (f) the creation of such reserves to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or installations, equipment and in respect of such other matters as the Board may deem fit

(3) The annual estimates shall be approved by the Executive committee member, before the commencement of the financial year to which they relate after the Executive committee member has given approval, the Board shall not change any sum provided in the estimates without the consent of the Executive Committee

Accounts and audit

24 (1) The Board shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Corporation

(2) Within a period of three months after the end of each financial year, the Board shall submit to the Auditor-General the accounts of the Corporation in respect of that year together with—

- (a) a statement of the income and expenditure of the Corporation during that year, and
- (b) a statement of the assets and liabilities of the Corporation on the last day of that financial year

(3) The annual accounts of the Corporation shall be prepared, audited and reported upon in accordance with the provisions of the Public Audit Act, 2015

Reports

25 (1) The Board shall prepare quarterly reports on the operations and administration of the Corporation and provide to the Executive committee member quarterly statements

(2) Notwithstanding sub-section (1) the Board shall prepare monthly reports and financial statements on the operations and administration of the Corporation and submit the same to the Executive committee member

(3) Within ninety days after the end of the financial year, the Board shall furnish the Executive committee member, with an annual financial report of the Corporation for that year

(4) Upon receipt of the annual report under subsection (3), the Executive committee member shall, in line with the budget cycle, transmit the same to the County Assembly for tabling and debate

PART IV— GENERAL PROVISIONS

Water inspectors

26 (1) The Corporation may appoint water inspectors for purposes of enforcing and ensuring compliance with the provisions of this Act

(2) Notwithstanding sub section (1) the Corporation may designate any officer or firm to perform the functions of an inspector

(3) Any person appointed or designated as an inspector under this section shall wear either a uniform or identification badge duly issued by the corporation

Power of entry

27 (1) An inspector or other authorised person appointed by the Corporation may enter without a warrant on any land and inspect any water resource located within or accessible from the land concerned in order to take any measures authorised under this Act for the purpose of —

- (a) conserving or regulating the water resource or preventing it from pollution or protecting the bed over which it lies or flows,
- (b) removing any obstruction from or clearing and deepening a river bed, or
- (c) preventing the illegal diversion, pollution of the water resource or interference with any water source

(2) An inspector or authorised person shall not enter into the land or premises without first giving reasonable notice whether written or verbal to the land owner or an employee or agent in-charge of the land and such entry shall be at reasonable hours

Provided that an inspector or authorised person may enter without giving notice if—

- (a) there is reason to believe that a provision of this Act or other law has been or is about to be contravened,
- (b) the inspector or authorised person is unable to give a notice within a reasonable time having regard to all the circumstances, or
- (c) there are other reasonable grounds for not giving notice

(3) It shall be the duty of any person exercising any powers under this section to do so with reasonable care and diligence

Water tariffs

28 (1) The Corporation may levy tariffs and any appropriate user charges for the purposes of supplying efficient water services

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

(3) The tariffs and user charges collected under this section shall not form part of the county revenue fund and maybe be utilised for defraying expenses of the Corporation and providing efficient and quality services under this Act

(4) The tariffs and user charges imposed or levied under this section shall be subject to approval by the County Executive committee member

Obstruction or pollution of watercourse or water resource

29 (1) No person shall, without authority under this Act—

(a) wilfully obstruct, interfere with, divert or obstruct water from any watercourse or any water resource, or negligently allow any such obstruction, interference, diversion or abstraction, or

(b) 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 this section commits an offence

Disruption or destruction of water infrastructure during construction

30 (1) A person who disrupts or destroys water infrastructure during construction of public or private infrastructure or works shall repair such water infrastructure

(2) A person who knows or who has reason to believe that by constructing public works he or she shall disrupt or destroy water infrastructure shall first seek and have approval from the Corporation

(3) A person who contravenes this section commits an offence and is liable to a fine not exceeding five hundred thousand or three years imprisonment

Prohibited activities

31 (1) A person shall not—

- (a) interfere with any meter or equipment installed under the authority of the Corporation,
- (b) install illegal or unauthorised water connections,
- (c) install a pipe or connection which does not comply with the approved standards, or
- (d) employ a person who is not licenced by the corporation to carry out works falling within its jurisdiction

(2) A person who contravenes this section commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment to a term not exceeding one year

Permit for waterworks

32 (1) A person intending to carry out or maintain any water works falling under the jurisdiction of the Corporation shall apply for a permit from the Corporation

(2) A person who prior to the commencement of this Act was carrying out, managing or maintaining any water works which now fall under the jurisdiction of the Corporation shall within sixty days of the coming into force of this Act apply for a permit

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

Special provisions with respect to unviable rural areas

33 (1) The Corporation shall put in place measures for the provision of water and sanitation services to rural areas which are unviable for the provision of water and sanitation services on a commercial basis

(2) The measures taken by the Corporation under sub-section (1) shall include developing point sources, small scale piped systems and stand pipes which meet the set standards and which may be managed by the communities, agencies or private persons based on written contract with the Corporation

(3) The Corporation shall formulate an up-to date five year development plan incorporating an investment and financial plan for provision of water and sanitation services in unviable rural areas within the count

Offences

34 (1) A person who –

- (a) obstructs, interferes with or diverts water from any water course or water resource or allows any such obstruction, interference or diversion,
- (b) pollutes or causes to be polluted any water resource, or
- (c) defaces, alters, removes or interferes with any water works falling under the jurisdiction of the Corporation,

commits an offence and shall on conviction be liable to a fine not exceeding fifty thousand shillings or to imprisonment to a term not exceeding one year

(2) A person who commits an offence under this Act, for which no other penalty is provided shall on conviction be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months

Power to make regulations

35 (1) The Executive committee member may make regulations on any matter which is necessary or expedient to be prescribed for carrying out or giving effect to this Act

(2) Without prejudice to the generality of sub section (1) the Executive committee member may make regulations to—

- (a) prescribe guidelines for sanitation systems and standards in rural areas,
- (b) prescribe the amount of fees payable under this Act generally on in particular cases,
- (c) Exempt projects from being taken over by the Corporation, and
- (d) prescribe forms to be used under this Act

FIRST SCHEDULE

(s 5 (2))

RURAL WATER SCHEMES

SUB-COUNTY	WARD	PROPOSED FOR RURAL CORPORATION
LIKUYANI	Kongoni	Kongoni Water Supply
		Nangili Water Project
	Sango	Sango Water Supply
	Likuyani	Soy Water Supply
		Likuyani Primary Water Supply
		Likuyani Hospital Water Supply
		Likuyani Water Project
		Lumino Dam Water Project
	Sinoko	
		Sir Henry Saisi Water Project
		Matunda Water Project
	Nzoia	Mumunyonzo Water Project
		Matunda Hospital Borehole
		Matunda Water Project
		Matunda Primary School Water Supply
		St Anne Secondary School Water Supply
LUGARI	Chevaywa	Luvoka-Mukhalanya Water Supply
		Chepsai Borehole
		Makhukhuni Water Supply Project
		Matete Water Project
		SitavitaSprings Water Project
		Lumani Borehole
		Vyuuka-Marakusi Water Project
		Muhomo Borehole

SUB-COUNTY	WARD	PROPOSED FOR RURAL CORPORATION
	Lumakanda	Mwamba Water Project
	Lwandeti	Maturu- Lwandeti Water Project
		Silungai- Chimoï Water Project
		Nzoia Water Project
		Chetambe Borehole
		Lukhokho Borehole
		Mumalo Borehole
	Mautuma	St Cecilia Borehole
		Mulmani Water Project
	Chekalini	Chekalini Water Project
	Lugari	Lugari Springs Water Supply
		Lugari Borehole
MALAVA	East Kabras	Mukhuyu Water Project
		Kuvasali Water Project
	Shirugu-Mugai	Samitsi Water Project
		Samitsi Girls Water Project
		Malava Boys Water Project
		Malava Girls Water Project
	South Kabras	Ingavira Water Project
	Butali-Chegulo	Butali-Muyundi Water Project
		Butali Market Water Project
	Chemuche	Kakoyi Water Project
	Manda Shrivanga	Hamutua water supply
		Manda Widows and Orphans water supply
		Lwandeti secondary school water supply
		Shiandiche Secondary school water

SUB-COUNTY	WARD	PROPOSED FOR RURAL CORPORATION
		supply
		Namagara Secondary school water supply
LURAMBI	Butsotso South	BukuraEkapwonje Water Project
		Mwiyenga Water Project
	Butsotso East	Emusala Water Project
		Shikoti Water Project
	Butsotso Central	Ebuchinga Water Project
		Eshisiru Water Project
	Shirere	Kakamega Referral Hospital Water Project
SHINYALU	Isukha North	Lubao Community/School Water Project
		KWS Buyangu Water Project
		Kambiri Community Water Project
	Isukha East	Ileho Community Water Project
		Mukhuyu Community Water Project
		Ikuywa Community Water Project
		St Phillip s Girls Water Project
		St Phillip's Primary Water Project
		Ileho Market Borehole
	Isukha Central	Musembe Health Centre water supply
		Shamakhubu Health Centre Water Project
		Chepkombe Health Centre Water Project
		Ivochio Health Centre Water Project
		Airstrip water supply
		Shing odo Community Water Project

SUB-COUNTY	WARD	PROPOSED FOR RURAL CORPORATION
		St Agnes Shibuye Girls Water Project
	Isukha South	Mukumu Girls High Water Project
		Mukumu Boys Water Project
		St Augustine Boys Primary Water Project
		St Charles Lwanga Water Project
		St Peter s Mukumu Water Project
		St Mary's Girls Primary Mukumu water supply
		Khayega Chief's Camp Water Project
		Shitoli Water Treatment Plant
	Muhanda	Lirhanda Girls High School Water Project
IKOLOMANI	Idakho Central	Mukongolo Borehole
		Shibuname Borehole
		Shirumba Borehole
		Malinya water project
	Idakho South	Imalaba Borehole
		Ikhuliri Water Project
	Idakho North	Shianambunga/Mutaho Springs
		Shimanyiro Borehole
		Shiseso Dispensary water supply
NAVAKHOLO	Bunyala Central	Navakholo Water Project
	Ingotse/Matia	Obulamu Community Water Supply
		Ingotse Water Supply
	Bunyala West	Sisokhe Water Project
		Mungakha Water Project
	Bunyala East	Namirama Water Project

22 *The Kakamega County Rural Water and Sanitation Corporation Bill 2019*

SUB-COUNTY	WARD	PROPOSED FOR RURAL CORPORATION
	Shinoi/Shikomari/Esu meya Ward	Makunga Water Project
		Shinoi Borehole water supply
MUMIAS EAST	East Wanga	Shianda Water Project
	Malaha/Isongo/Makunga	Makunga Health Centre Water Project
	Lusheya/Lubinu	Lubinu Girls Secondary Water Project
		Lubinu Boys Secondary School Water Project
		Shitoto Girls Secondary School Water Project
MUMIAS WEST	Musanda	Musanda Community Water Supply Project
		Musanda Polytechnic Borehole
		Bungasi Community Water Project
		Bungasi Polytechnic water supply
	Mumias Central	St Mary s Hospital water supply
		DC s Office Mumias
KHWISERO	Kisa North	Mwikalikhwa Water Supply
		Mwihila Water Supply
		Mwihila Community Water Supply Project
		Khwisero Community Water Supply Project
	Kisa Central	Emung'weso water and Sanitation water project
		Mulwanda Water and Sanitation
		MEM Water Supply
		Mutangale Water Supply Project
		Ekambuli Water Supply

The Kakamega County Rural Water and Sanitation Corporation Bill 2019

23

SUB-COUNTY	WARD	PROPOSED FOR RURAL CORPORATION
		Ebukwala/Ebuchero
		Ebukhonga Primary school water project
	Kisa West	Ikomero Water Supply
		Sidindi/Malanga Water Supply
		Eshisendo Water Supply
		Lwanda AC Primary school water supply project
	Kisa East	Emalindi Water Supply
		Misango Hills Water Supply Project
		Mundaha Primary School Water Supply
		Elwangale Primary School Water Supply
		Eshibinga primary School Water Supply
		Mwisena Primary School Water Supply
BUTERE	Marama North	Bukura Water Supply Project
		Lukohe Health Centre Water Supply Project
		Lukohe Primary Water Project
		Eshimukoko Health Centre Water Project
		Shiraha Secondary Water Supply
	Marama West	Ituti Water Supply
		Lunza Water Supply
		Sabatia Market Water Supply
		Mushikalwe Water Supply
		Buchenyawater supply

SUB-COUNTY	WARD	PROPOSED FOR RURAL CORPORATION
		Shibanga Secondary School Water Project
		Emukangu Community Water Project
	Marama Central	Inyenyesi Community Water Project
		Mutoma-Mulambo Community Water Project
		Butere Water Supply
	Shianda-Marenzo	Mabole Community Water Project
		Shikunga Community Water Project
		Buboko Community Water Project
	Marama South	Emasiba Community Water Project
		Manyala Health Centre water supply
		Mwanzo WATSAN water supply
		Manyala WATSAN water supply
MATUNGU	Khalaba	Khalaba Community Water Supply Project
	Kholera	Bulimbo Community Water Supply Project
	Mayoni	Matungu Community Water Supply
		Emakale Water Supply
	Koyonzo	Koyonzo Community Water Supply
		Indangalasia Community Water Supply
		Ejinja Water Project
	Namamali	Munamali Water Project
		Munamali A C K Borehole water supply

SECOND SCHEDULE (s 10 (6))

**PROVISIONS AS TO THE CONDUCT OF THE BUSINESS AND
AFFAIRS OF THE BOARD**

1 The chair shall call for general meetings of the Board once every three months

2 Subcommittees of the Board established under this Act shall meet as directed by the Board

3 The chairperson may with the approval of the Executive committee member call for a special meeting of the Board provided special Board meetings shall not exceed six in any one financial year

4 A meeting of the Board shall only be valid if attended by the chief executive officer or a person designated as such by the Board

5 The chairperson shall preside at every meeting of the Board at which he or she is present, but in the absence of the chairperson the members present may elect one from among their number to preside

6 The quorum for a meeting of the Board shall be five members including the chief executive officer except where the chief executive officer is the subject matter of discussion

7 Where the chief executive officer is the subject matter of discussion the Board shall designate a person to act as the chief executive officer during the meeting

8 The chief executive officer shall sit in all the sub committees of the Board except a subcommittee responsible for Audit and Risk matters

9 Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the members present, and in the case of an equality of votes the chairperson or person presiding shall have a casting vote

10 A member who has a direct or indirect interest in a matter being considered or to be considered by the Board shall, as soon as the relevant facts regarding the matter come to the knowledge of the member, disclose the nature of such interest in writing, and shall not be present during any deliberations on the matter

11 The Board shall cause the minutes of all proceedings of its meetings to be recorded and kept, and shall be signed by the chairperson or the person presiding at the meeting

12 The Board may constitute specialised sub committees provided that the decisions of the sub committees shall be subject to the approval of the Board

13 The Board or a subcommittee thereof may co-opt up to a maximum of two persons with specialised skills or knowledge of the subject matter at their respective sittings to assist the Board or the subcommittee as the case may be in discharging their mandate

14 The chief executive officer, a person appointed by the Board of Directors to act in the absence of the Chief executive officer or an officer instructed by him or her in that behalf, present at a meeting of the Board or a subcommittee thereof, shall have the right to require his or her opinion to be recorded in the minutes if the Board or the subcommittee, as the case may be, passes a resolution, which in the chief executive officer's, a person appointed by the Board of Directors to act in the absence of the Chief executive officer or officer's opinion, is contrary to his or her advice or contrary to law

15 Save as provided in this schedule the Board may regulate its own procedure

MEMORANDUM OF OBJECTS AND REASONS

The Bill seeks to provide for the establishment of the Kakamega County Rural Water and Sanitation Corporation, to make provision for the roles of the corporation and related matters in furtherance of the Fourth schedule of the Constitution and for connected purposes

This Bill is divided into three parts as follows—

Part I provides for preliminaries issues including short title, interpretation, as well as object and purpose of the Bill

Part II establishes the Kakamega County Rural Water and Sanitation Corporation, providing functions and powers of the Corporation. The main function of the Corporation being the provision of water and sanitation services in rural areas within Kakamega County

Part III provides for financial provisions relating to the Funds of the Corporation and the corresponding reporting and accountability for the Funds

The Bill implementation of the Bill when enacted into law shall occasion additional expenses which shall be provided for in the government's budget estimates

SWAKA LIMERA,
Chairperson, Environment, Water and Natural Resources Committee