Second County Assembly Second Session

(No. 065) (097)



**[](http://www.google.com/imgres?imgurl=http://www.kenyadiasporaconference.com.au/wp-content/uploads/2012/07/Coat-of-arms.jpg&imgrefurl=http://www.kenyadiasporaconference.com.au/concept-paper/&h=315&w=348&sz=58&tbnid=TcEI1c_Qg5oIXM:&tbnh=90&tbnw=99&prev=/search?q=coat+of+arms+for+kenya+government&tbm=isch&tbo=u&zoom=1&q=coat+of+arms+for+kenya+government&usg=__nx8qTHrFTnxC9pHuJbhTQORjX1k=&docid=11RIrwyQ_W1vBM&sa=X&ei=8falUfb9C4Kt0QWTlIGoBQ&ved=0CD0Q9QEwAw&dur=1827)**

**SECOND COUNTY ASSEMBLY – (SECOND SESSION)**

**THE COUNTY ASSEMBLY OF MARSABIT**

**ORDERS OF THE DAY**

**THURSDAY, 15THNOVEMBER, 2018, AT 02.30 PM**

**ORDER OF BUSINESS**

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of motion
7. Statements
8. Motions and Bills

**\*6\* NOTICES OF MOTION**

**NOTICE** is given that the Chairperson of the Sectoral Committee on Water, Environment and Natural Resources Services **Hon. Hassan WaqoJarso**intends to move the following amendments to the Marsabit County Water Services Bill, 2018 at the committee stage-

**CLAUSES WITHOUT AMENDMENTS**

**Clause 12**

**Clause 16**

**Clause 19**

**Clause 51**

**Clause 53**

**Clause 54**

**CLAUSES WITH AMENDMENTS**

**Clause 3**

That Clause 3 of the Bill be amended

1. By deleting the words “peaceful governance” and substituting therefore with the word “management”
2. By deleting the word “use” appearing immediately after the words “of water” and substituting therefore with the word “resources”
3. By deleting paragraph (a) and substituting therefore with the following new paragraph: ‘***Giving effect to the constitutional provisions on water services and sanitation as devolved functions under the Constitution;’***
4. By deleting paragraph (b) , (c) (d) and (e);
5. In paragraph (g) by inserting the words “and between the County and the National Government;” immediately after the word “County”;
6. In paragraph (j) by deleting the word “and” immediately after the word “County”;

In paragraph (k) by deleting the words “Ownership and” at the beginning of the paragraph;

By inserting new paragraph (l) to provide as follows: “Planning and management of water catchment areas;” and

By inserting new paragraph (l) to provide as follows: “Promote sustainable use of water resources in the County”;

**Clause 4**

That Clause 4 of the Bill be amended

1. In the marginal note by deleting the article “the” appearing immediately before “right”;
2. In sub-clause (1) by deleting the word “Constitutional” appearing immediately before the word “right”
3. In sub-clause (2) by deleting the words “endeavor to” appearing immediately after the word “shall” and deleting the words “as stated in subsection (1) above”; and
4. In sub- clause (3) by deleting the word “persons” and substituting therefore with the word “stakeholders”;

**Clause 5**

That Clause 5 of the Bill be amended by

1. deleting sub-clause (1) and substituting therefore with the following new clauses:

**“Water Use Rights**

**5.** (1)Any water use rights can only be conferred in accordance with this Acts.

1. Any existing rights at the commencement of this Act shall be deemed to have been granted in accordance with this Act provided that where they are provisions that are inconsistent with this Act, the parties shall review the relevant instrument to be in line with this Act.”

That Clause 5 of the Bill be amended in sub-clause (2) and (3) by moving it to read as new clause 5A;

**5A Priority in water use rights**

1. The priority in water use rights under this Act shall be in the following order of preference:-
   1. Water for domestic use;
   2. Water for domestic animals;
   3. The County Executive may issue regulations on the priority of water use in the County.
2. The County Executive Committee Member may grant a person permission to derogate from the water use priority provided for in subsection (1) due to County health, economic or security reasons

**New Clause 5B**

That a new clause be inserted immediately before Part II of the Bill to provide as follows:

**5B** (1) The Department shall take special measures to ensure the provision of water and sewerage services to vulnerable groups, including—

1. ensuring the presence of gender sensitive sewerage for children in schools;
2. provision of services to internally displaced persons, persons with disabilities, refugees or victims of drought, nomads and pastoralists; and
3. the promotion of appropriate hygiene and sewerage programmes among communities.

**Clause 6**

That Clause 6 of the Bill be amended in sub-clause (1) by deleting it and substituting therefor with the following clause;

**Functions of the County Department**

“The County Department responsible for Water and Sewerage Services shall:

1. Regulate the development of infrastructures and systems for water and sewerage services in the County;
2. Issue authorization to any person intending to carry out any water and sewerage works in the County;
3. Issue permits, licenses and regulate the provision of water or sewerage services in the County;
4. Ensure compliance with established standards relating to water and Sewerage services and works;
5. Maintaining collaboration and cooperation with the National Government and other County Government agencies in the performance of its functions under this Act;
6. Collaborating with other county government departments in initiating, developing, coordinating and managing policies, strategies and plans for water resource management in the County;
7. Formulating and publishing the county water and sewerage ten year sectorial plan;
8. The County Executive shall put measures for public participation in the planning process as prescribed in relevant National Legislation and County Laws; and
9. Perform any other function prescribed by any written laws.

That Clause 6 of the Bill be amended by deleting sub-clause (3); and

That Clause 6 of the Bill be amended by deleting sub-clause (4).

**Clause 7**

That Clause 7 of the Bill be amended by deleting sub-clause (1);

That Clause 7 of the Bill be amended by deleting sub-clause (2); and

That Clause 7 of the Bill be amended by deleting sub-clause (3) by moving it to read as new Clause **7A** to read as follows:

**Water Resource Mapping**

**7A** The County Executive Committee Member shall undertake periodic water resource mapping for the county as prescribed by the County Executive through regulations.

**Clause 8**

That Clause 8 of the Bill be amended in sub-clause (2) by inserting the word “Committee Member” immediately after the word “Executive” and by deleting the words “or chief officer” at the end thereof.

**Clause 9**

That Clause 9 of the Bill be amended

1. in sub-clause (1) by inserting the word “Committee Member” immediately after the word “Executive” and by deleting the words “ by other persons except the County Government” immediately after the words “ works in the County”
2. in sub-clause (2) by deleting it and substituting therefore with the following provision:

“Any organization that intends to plan and execute any water and sewerage projects shall apply for an approval from the County Executive Committee Member.”

That Clause 9 of the Bill be amended in sub-clause (3) by moving it to read as new **clause 9A**

**Reporting arrangement**

**9A.** Where a water project is being initiated and undertaken by any organization, the County Executive Committee Member shall in consultation with the relevant stakeholders in the County issue regulations to provide for:-

* 1. Periodic reporting of the activities the Organizations involved to the Department;
  2. Prioritization of water use projects by the organizations in accordance with the County needs;
  3. Stakeholder forums for meetings between Public Benefit Organizations in the County and the Department;
  4. Standard forms for reporting and seeking necessary approvals by a Public Benefit Organization under this Act.

That Clause 9 of the Bill be amended in sub-clause (4) by inserting the words “Committee Member” immediately after the word “Executive” and by deleting the word “direct” appearing immediately after the word “shall” and substituting therefore with the words “coordinate with”;

That Clause 9 of the Bill be amended in sub-clause (5) by deleting the number “(4)” and substituting therefore with the number (3) and by deleting the words “of Kenya” appearing immediately after the word “Constitution”; and

That Clause 9 of the Bill be amended by inserting new sub-clause (6) to read as follows:

“Before granting approval for any water project being initiated in any area, the relevant stakeholders must be consulted.”

**Clause 10**

That Clause 10 of the Bill be amended by deleting it and substituting thereof with the following new provisions

**Establishment of Marsabit Water and Sewerage Services Company**

**10A** (1) There is established the Marsabit Water and Sewerage ServicesCompany.

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

* 1. taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
  2. borrowing money or making investments;
  3. entering into contracts; and
  4. Doing or performing all other acts or things for the proper performance of its functions under this Act

**Scope of the Company**

**10B** The Company shall be responsible for provision of water and Sewerage services within Marsabit Township and other urban areas as may be determined by the County Executive Committee Member.

**Water and Sewerage Companies**

**10C** (1) The County Executive Member may, upon approval of the County Assembly, establish and incorporate such Water and Sewerage Companies as shall be necessary for the effective implementation of this Act and to give full effect to county functions with regard to water and sewerage services including the provision of water services to rural areas.

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

**Functions of the Water and Sewerage Companies**

**10D** (1) The Water and Sewerage Companies established under this Act shall be responsible for water supply management in the County including:-

* + 1. Water service provision and sewerage management in the urban areas provided in this Act;
    2. Collection of water use revenues in their areas of operation;
    3. Collection of water use data in their areas of operation
       1. Management of water works developed by the Department;
       2. Management of any water use resource owned by the County;
       3. formulate and implement pro-poor policies as regards access to water;
       4. maintain database related to water and sewerage services; and
       5. Perform any other function prescribed by any written laws

**Clause 11**

That Clause 11 of the Bill be amended by deleting it and substituting it with the following provisions;

11. (1) The management of the Companies shall vest in the Board.

(2)The Board of any of the Companies shall consist of-

* + - * 1. A chairperson appointed by the Governor subject to the approval of the County Assembly;
        2. Not more than four persons, each representing a sub- county in which the Company is offering services;
        3. The Chief Officer responsible for matters relating to water in the County
        4. The Chief Officer responsible for matters relating to finance in the County; and
        5. two persons representing special interests as the County Executive Committee Member may determine

1. The Chief Executive Officer shall be the secretary to the Board;
2. A person shall be qualified for appointment as chairperson if the person-
   * + - 1. Is a resident of Marsabit County;
         2. holds at least a degree qualification from a recognized University;
         3. has knowledge and experience of at least five years in matters relating to water resources management, water and sewerage services management or any other related field;
         4. meets the requirements of Chapter Six of the Constitution; and
         5. has had a distinguished career in their respective fields.
3. A person shall be qualified for appointment as a member of the Board if the person-
   * + - 1. Is a resident of Marsabit County;
         2. holds at least a diploma qualification from a reputable academic institution;
         3. has knowledge and experience of at least five years in matters relating to water resources management, water and sewerage services management or any other related field;
         4. meets the requirements of Chapter Six of the Constitution; and
         5. has had a distinguished career in their respective fields.

**Clause 13**

That Clause 13 of the Bill be amended by deleting it.

**Clause 14**

That Clause 14 of the Bill be amended by deleting the word “as” appearing immediately before the word “determined”; by inserting the words “ Committee Member” immediately after the word “executive” and Inserting the words “and upon the advice of the Salaries and Remuneration Commission”

**Clause 15**

That Clause 15 of the Bill be amended in sub-clause (5) by inserting a new paragraph (a) to provide as follows;

“(a) the Secretary to the Board”

**Clause 17**

That Clause 17 of the Bill be amended by deleting it.

**Clause 18**

That Clause 18 of the Bill be amended by inserting the article “the” immediately after the words “necessary for”.

**Clause 20**

That Clause 20 of the Bill be amended

1. in sub-clauses (1) (2) and (3) by inserting the words “Committee Member” immediately after the words “The County Executive”;
2. in sub-clause (3) paragraph (b) by deleting it and substituting with the following

“A Village Water Unit shall be established within a reasonable distance from the nearest Village Water Unit taking into account all factors including distance between Village Units and other factors as the County Executive Committee Member Committee may determine.

1. in sub-clause (3) paragraph (d) by inserting the words “Committee Member” after the words “The County Executive”;

**Clause 21**

That Clause 21 of the Bill be amended by deleting it and substituting it thereof to read as follows;

1. (1) Persons residing in the locality of a Village Water Unit may, with the approval of the County Executive Committee Member, establish a Community Natural Resource Committee registered with the relevant County department as an association.
2. The Community Natural Resource Committees in the County shall:-
   * + 1. Manage water services assets in trust and for the benefit of the community
       2. Prepare water use schedules for use in the Village Water Units;
       3. Regulate inter-community water use access;
       4. Give Community feedback in the village water units;
       5. Promote alternative forms conflict resolution in the Village Water Units; and
       6. Any other duty assigned to the Community Natural Resource Committees by the County Executive Committee Member.
3. The County Executive Committee Member shall issue regulations to prescribe the composition and proper management of Community Natural Resource Committees.
4. The County Executive Committee Member shall ensure that not more than two thirds of the member of the Community Natural Resource Committees shall be of the same gender.
5. Water services related assets including equipment purchased for or by specific communities shall not be designated to other communities without consultation with the affected community

**Clause 22**

That Clause 22 of the Bill be amended by

1. inserting the words “inserting the words “Committee Member” immediately after the word “executive”
2. inserting a new sub-clause (2) immediately after sub-clause (1) to provide as follows:

“The tariffs under this Section shall be established in accordance with the principles set out under Section 120 of the County Governments Act No. 17 of 2012.”;

1. in sub-clause (2) by inserting the words “Committee Member” immediately after the words “ the County Executive”

**Clause 23**

That Clause 23 of the Bill be amended by deleting it and substituting it thereof with the following; The County Executive Committee Member shall publish and publicize water use reports at least once in each year detailing water supply demand and use in the County and furnish the County Assembly with such reports.

**Clause 24**

That Clause 24 of the Bill be amended by inserting the words “Committee Member” immediately after the words “the County Executive”

**Clause 25**

That Clause 25 of the Bill be amended by deleting it

**Clause 26**

That Clause 26 of the Bill be amended

1. in the marginal note by inserting the word Permit at the end thereof
2. in sub-clause (1) by deleting it and substituting therefore with the following;

“No person shall undertake water and sewerage services provision in the County without a valid permit from the County Executive Committee Member.”

1. in sub-clause (2) by deleting it;
2. by inserting a new sub-clause immediately after sub-clause (4) to provide as follows;

“The County Executive Committee Member may issue regulations prescribing the terms and conditions by which private water service providers shall be bound including but not limited to:-

* + 1. The right of access for private water supply for public utility in nearby schools or health facilities;
    2. The acceptable quality of water as the determined by the department;
    3. Water service provision tariff ceilings; and
    4. Public consultation and, where applicable, environmental impact assessment in accordance with the relevant national legislation on environment management.

**Clause 27**

That Clause 27 of the Bill be amended by deleting it.

**Clause 28**

That Clause 28 of the Bill be amended

1. In sub-clause (1) by inserting the words “Committee Member” immediately after the words “ The County Executive”
2. in sub-clause (2) by inserting the words “through regulation” immediately after the word “Department”

**Clause 29**

That Clause 29 of the Bill be amended

1. in sub-clause (1) by inserting the words “Committee Member” immediately after the words “ The County Executive” and by deleting the words “ regulations or” appearing immediately after the word “through”;
2. in sub-clause (3) by deleting the word “above” appearing immediately after the words “sub-section (2)’” and the word “National” appearing immediately before the words “Government agency” and by inserting the words “whether national” immediately after the words “Government agency” and by deleting the word “another” appearing immediately before the word “County”;
3. in sub-clause (4) by inserting the words “Committee Member” immediately after the words “ The County Executive”

**Clause 30**

That Clause 30 be amended in sub-clause (1) and (2) by inserting the words “Committee Member” immediately after the words “The County Executive”

**Clause 31**

That Clause 31 be amended

1. in sub-clause (1) by inserting the words “Committee Member” immediately after the words “The County Executive”
2. in sub-clause (2) (a) by inserting the words “upon conviction” immediately after the words “is liable”
3. in sub-clause (3) by inserting the words “Committee Member” immediately after the words “The County Executive”
4. by inserting new sub-clause (4) and (5) to provide as follows

(4)The County Executive Committee Member may engage National Agencies, Public Benefit Organizations and other persons to facilitate the construction and management of storm water harvesting systems.

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

**Clause 32**

That Clause 32 of the Bill be amended

1. in sub-clause (1) by inserting the words “Committee Member” immediately after the words “The County Executive”
2. in sub-clause (3) by deleting the words “Public Benefit” appearing immediately after the word “activities”

**Clause 33**

That Clause 33 of the bill be amended in sub-clause (2) by deleting the word “above” appearing immediately after the word “sub-section (1).

**Clause 34**

That Clause 34 of the bill be amended in sub-clause (2) by inserting the words “Committee Member” immediately after the words “The County Executive”

**Clause 35**

That Clause 35 of the bill be amended

1. in sub-clause (1) and (2) by inserting the words “Committee Member” immediately after the words “The County Executive”
2. In sub-clause (3) by deleting the word “above” appearing immediately after the word “sub-section (2).

**Clause 36**

That Clause 36 of the bill be amended in sub-clause (1) and (2) by inserting the words “Committee Member” immediately after the words “The County Executive”

**Clause 37**

That Clause 37 of the bill be amended in sub-clause (3) by inserting the words “Committee Member” immediately after the words “The County Executive”

**Clause 38**

That Clause 38 of the bill be amended by inserting the words “Committee Member” immediately after the words “The County Executive”

**Clause 39**

That Clause 39 of the bill be amended in sub-clause (2) by inserting the words “Committee Member” immediately after the words “The County Executive”

**Clause 40**

That Clause 40 of the Bill be amended

1. in sub-clause (1) by deleting the word “establish” and substituting therefore with the word “develop”
2. in sub-clause (2) by inserting the word “permanent” immediately before the word “buildings”
3. in sub-clause (3) by deleting the words “prescribed by the County Executive under this Act” appearing immediately after the word “penalty” and substituting thereof with the words “of not more than ten thousand shillings or imprisonment of not more than one month or both.
4. In sub-clause (4) by inserting the words “Committee Member” immediately after the words “The County Executive”

**Clause 41**

That Clause 41 of the bill be amended in sub-clause (1) and (2) by inserting the words “Committee Member” immediately after the words “The County Executive”

**Clause 42**

That Clause 42 of the bill be amended by deleting it.

**Clause 43**

That Clause 43 of the bill be amended in sub-clause (3) by inserting the words “Committee Member” immediately after the words “The County Executive”

**Clause 44**

That Clause 44 of the bill be amended in sub-clause (1) by inserting the words “Committee Member” immediately after the words “The County Executive”

**Clause 45**

That Clause 45 of the bill be amended in sub-clause (1) by inserting the words “Committee Member” immediately after the words “The County Executive”

**INSERTION OF A NEW PART**

Thatthe Bill be amended by inserting the following new part —

**PART VIIA- SEWERAGE SERVICES AND WATER POLLUTION CONTROL**

**NEW CLAUSE 45A**

Master Plan

45A The County government may in collaboration with other county and national government departments and local residents prepare a five-year sewerage services’ master plan.

**NEW CLAUSE 45B**

Provision of sewerage services.

45B (1) The Company shall either directly or through public private partnership—

1. provide necessary sewerage facilities and services; and
2. construct, operate and maintain extensive system of sewers and treatment facilities to meet applicable discharge requirements.

**NEW CLAUSE 45C**

Waste water management.

**45C** The County Executive Committee Member shall—

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

**NEW CLAUSE 45D**

**Discharge of contaminated water or effluent.**

**45D** (1) A person shall not discharge or dispose any 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—

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

**NEW CLAUSE 45E**

**Water Pollution Control**

**45E** (1) A person shall not throw or convey, or cause to be thrown or conveyed, any rubbish, dirt, refuse, effluent, trade waste or other offensive or unwholesome matter or thing into or near to any water resource in such manner as to cause, or likely to cause, pollution of the water resource.

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

**NEW CLAUSE 45F**

**Interference with sewerage system.**

**45F (**1) A person shall not interfere with any sewerage facility or systemwithout a written consent issued by the Company for the purposes of carrying out works within the area of the facility or system.

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

**NEW CLAUSE 45G**

**Sewerage Tariffs**

**45G** (1) Subject to the County Governments Act and any written law, theCompany may impose tariffs or levy sewerage services levy on water or sewerage services for the purposes of disposal of water or sewage.

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

**Amendment to Part VIII**

That Part VIII of the Bill is amended by deleting the part heading and substituting therefore with “Water Crisis Response”

**Clause 46**

That Clause 46 of the Bill be amended by deleting it and substituting it thereof with the following:

Water Crisis Response Strategy

1. (1) The County Executive Committee Member shall in consultation with national government agencies dealing with disaster management develop a water crisis response strategy which shall contain the following information:-
2. Early drought warning responses strategy;
3. Flood control response strategy;
4. Short term interventions;
5. Long term interventions;
6. Cross county issues on water crisis response management;
7. Stakeholder participation; and
8. Any other issue relevant to water related disaster management.
   1. The County Executive Committee may involve Organizations in the development of the Water Crisis Management Strategy in subsection (1).

**Clause 47**

That Clause 47 of the bill be amended by deleting the word “drought” appearing immediately after the words “responding to” and substituting it thereof with the words “water crisis”

**Clause 48**

That Clause 48 of the bill be amended in sub-clause (1) by inserting the words “Committee Member” immediately after the words “The County Executive”

**Clause 49**

That Clause 49 of the bill be amended in sub-clause (4) by inserting the words “Committee Member” immediately after the words “The County Executive”

**Clause 50**

That Clause 50 of the bill be amended in sub-clause (3) by inserting the words “Committee Member” immediately after the words “The County Executive”

**Clause 52**

That Clause 52 of the bill be amended in sub-clause (3) by inserting the words “Committee Member” immediately after the words “The County Executive”

**Clause 55**

That Clause 55 of the bill be amended by inserting the words “Committee Member” immediately after the words “The County Executive”

**Clause 56**

That Clause 56 of the bill be amended in sub-clause (1) and (3) by inserting the words “Committee Member” immediately after the words “The County Executive”

**Clause 57**

That Clause 57 of the bill on protection from liability be renumbered appropriately

**Clause 58**

That Clause 58 of the bill on public participation and county public participation legislation be renumbered appropriately and the words “Committee Member” be inserted immediately after the words “The County Executive”

**Clause 59**

That Clause 59 of the Bill be renumbered and cross-referenced correctly to the clause on transition plan

**Clause 60**

That Clause 60 of the bill on procedure for resolving conflict be renumbered appropriately

**Clause 61**

That Clause 61 of the Bill be deleted and substituted thereof with the following clause:

**61.** The allowances of the conciliation panel, shall be determined by the County Executive Committee Member in consultation with the County Public Service Board.

**INSERTION OF A NEW PART XIA**

Thatthe Bill be amended by inserting the following new part —

**PART XIA- SAVINGS AND TRANSITION**

**Savings and Transitions**

**61A.** (1) Except to the extent that this Act expressly provides to the contrary all legal rights and obligations of the Government however arising and subsisting immediately before the commencement of this Act shall continue as rights and obligations of the County governments.

(2) All law in force immediately before the commencement of this Act shall continue in force and shall be construed with the necessary modifications bringing it in conformity with this Act

(3) Any public officer appointed by the Public Service Commission before the commencement of this Act who is serving in the county shall be deemed to have been seconded in the service of the county government on terms and conditions of service at that date.

(4) Notwithstanding the provisions of this Act, any water companies, boards or committees existing at the commencement of this Act shall be deemed to have been constituted under this Act and shall continue to serve until a new water company, board or committee is appointed.

(5) Notwithstanding the provisions of this Act—

1. any services rendered or fees charged by any water companies, boards or committees existing at the commencement of this Act shall be deemed to have been rendered and charged under this Act;
2. any orders or notices made or issued by any water companies, boards or committees existing at the commencement of this Act shall be deemed to have been made or issued under this Act;
3. any function or transaction carried out by or on behalf of any water companies, boards or committees existing at the commencement of this Act, 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;
4. all rights, assets and liabilities of any water companies, boards or committees existing at the commencement of this Act shall be automatically and fully transferred to the Corporation, and any reference to any water companies, boards or committees existing at the commencement of this Act in any contract or document shall, for all intent and purposes, be deemed to be in reference to any water companies, boards or committees existing at the commencement of this Act established under this Act.

**Staff of any water companies, boards or committees existing at the commencement of this Act**

**61B.** (1) A person who immediately before the commencement of this Act was serving as a staff of any water companies, boards or committees existing at the commencement of this Act, shall, continue to serve as an employee of any water companies, boards or committees existing at the commencement of this Act on their existing terms of service, subject to the power of the Board to evaluate the performance and suitability of such an employee, based on the criteria to be determined by the Board.

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

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

**Clause 2**

That clause 2 of the Bill be amended-

1. **‘Chief Officer’** by capitalizing the word “governments” to read as “Governments” and inserting the words “No. 17 of 2012” immediately after the word “Act”;

**‘County Executive’** by inserting the words “Committee Member” immediately after the word “Executive” , deleting the words “in charge of” appearing immediately after the word “Member” and substituting therefore with the words “responsible for matters relating to” and by deleting the words “in the County” appearing immediately after the word “water”;

**‘County Public Service Board’** by deleting the words “has the meaning assigned to it under” appearing immediately after the word “Board” and substituting therefore with the words “means Marsabit County Public Service Board established in accordance with”;

**‘County Secretary’** by deleting the words “has the meaning assigned to it under” appearing immediately after the word “Secretary” and substituting therefore with the words “means a county secretary appointed in accordance with” and by inserting the year “2012” immediately after the word “Act”;

**‘department’** by inserting the words “ Marsabit County” immediately after the words “means the”, by deleting the word “of” appearing immediately after the word “Department” and substituting therefore with the words “responsible for”; and by inserting the word “services” immediately after the word “ Water” ;

**‘Fund’** by capitalizing the word “fund” and inserting the words “Marsabit County” immediately after the words “means the”;

**‘public benefit organization’** by deleting the word “means” and substituting therefore with the word “includes”;

‘**water use rights’** by deleting the words “of this Act” appearing immediately after the words “section 5”;

1. By inserting the following new definitions-

**‘Organization’** includes public benefit organizations, community based organizations, faith based organizations, companies, individuals;

**‘villagewater unit’**  means a Unit recognized as such by the County Executive Committee Member

**Clause 1**

That Clause 1 of the Bill be amended by

1. inserting the words “and Sewerage” immediately before the word “Services”
2. Deleting the words “and shall come into operation fourteen days after its publication in the Kenya Gazette.

**Long title**

That the Long Title of the Bill be amended by inserting the words “and Sewerage” immediately before the word “services”

**\*8\* MOTION**

THAT, This County Assembly approves the Marsabit County Assembly Strategic plan 2019-2023

**(HON. BUKE DIBA- MINORITY LEADER)**

**CLERK,**

**SECRETARY (COUNTY ASSEMBLY BUSINESS COMMITTEE)**