

**A LAW TO PROVIDE FOR THE ESTABLISHMENT OF  
THE EKITI STATE RURAL WATER SUPPLY AND  
SANITATION AGENCY AND OTHER MATTERS  
INCIDENTAL TO OR CONNECTED THEREWITH**

**NO 11 OF 2010**

**EKITI STATE OF NIGERIA**

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*Enacted by the House of Assembly of Ekiti State of Nigeria as follows:*

**Establishment and Incorporation.**

1. (a) There is hereby established a body to be known as the Ekiti State Rural Water Supply and Sanitation Agency, (hereinafter referred to as "the Agency")
- (b) The Agency shall be a corporate body with perpetual succession and a common seal and with power to sue and to be sued in its corporate name.
- (c) The Agency shall have power to own, hold and dispose off movable and immovable properties anywhere in Nigeria.

**Composition of the Board**

2. (1) There shall be constituted for the Agency, a Board (in this Law referred to as "the Board), which shall give guidelines for the management of the affairs of the Agency.
- (2) The Board shall consist of a part-time Chairman to be appointed by the Governor and eleven other members comprising:
  - (a) Seven Ex-Officio Members comprising:
    - (i) The Permanent Secretary, Ministry of Public Utilities.
    - (ii) The Permanent Secretary, Ministry of Finance and Economic Development.
    - (iii) The Permanent Secretary, Ministry of Health.
    - (iv) The Permanent Secretary, Ministry of Women Affairs and Social Welfare.
    - (v) The Permanent Secretary, Ministry of Local Government and Chieftaincy Affairs.

- (vi) The Permanent Secretary, Ministry of Environment.
  - (vii) Executive Secretary, State Planning Commission.
  - (b) the Chairman of ALGON
  - (c) three other part-time members representing various interest.
  - (d) The General Manager of the Agency.
- (3) Two out of the persons appointed by virtue of subsection (a) of section 2 shall be women.
- (4) Members of the Board other than ex-officio members shall be paid such remunerations as may be spelt out in the instrument appointing them.

#### **Tenure of Membership of the Board**

3. (a) A member of the Board other than ex-officio members shall hold office as may be determined by the instrument appointing him/her.
- (b) Subject to the provisions of sub-section (a) of this section, a person appointed as a member of the Board (not being an ex-officio member) shall hold office for a period of four years in the first instance and be eligible for re-appointment for a further period of four years and no more.
- (c) Notwithstanding the provision of subsections (1) and (2) of this section a member may resign his or her appointment by a letter under his or her hand addressed to the Governor.
- (d) Members of the Board shall be removed by the Governor, after proper consultation, if he satisfied that it is not in the interest of the Agency that such person should continue in office, provided that the Governor shall have powers to suspend a member, when deemed appropriate.

#### **Qualification and Disqualification of the member of the Board**

4. (1) The Chairman shall be a veteran Water Resource Professional particularly one who has excelled in the specialized field of water sanitation.
- (2) No person shall be qualified to be a member of the Board if he or she
- (a) has been adjudged or otherwise declared bankrupt under any law in force in Nigeria and has not been discharged.

- (b) is of unsound mind; or
- (c) has been detained as a criminal or lunatic under any law for the time being in force in Nigeria; or has been convicted.
  - (i) of an offence involving the security of the State, fraud, dishonesty or moral turpitude; or
  - (ii) any other offence and has not been granted state pardon; or
- (d) has been found by the report of a Commission of enquiring to:-
  - (i) be incompetent to hold public office; or
  - (ii) have while in such office, abused same, or
- (e) has willfully acted in manner prejudicial to the interest of the State, and such findings have not been set aside on appeal or by judicial review; or
- (f) is under sentence imposed upon him or her by any court of competent jurisdiction.

#### **Emoluments of the Members of the Board**

5. There shall be paid to each member of the Board and of its committees and any co-opted persons and such allowance shall be in respect of traveling and other approved expenses, at such rate as may from time to time be determined by the existing Civil Service traveling allowance circular.

#### **Meeting of the Board**

6. (1) The Board shall meet for the dispatch of business at such times in the Board room of the Agency from time to time, but shall meet at least not less than twice a year and not more than six times every year.
- (2) The Chairman shall upon the request in writing signed by not less than four members of the Board summon a special meeting of the Board within fourteen days on receipt of such request.
- (3) At every meeting of the Board the Chairman shall preside and in his absence, the members present shall elect a person from among their number to preside at the meeting.
- (4) Every question coming before the Board at any meeting shall be decided by a simple majority of the vote of the members present and voting and

in the case of an equality of vote the Chairman or the other person presiding shall have a second or casting vote.

- (5) The quorum for any meeting of the Board shall be four including the Chairman or the other person presiding.
- (6) The Board may at any time co-opt any person or persons to act as an adviser or advisers at any of its meetings, but no person so co-opted shall be entitled to vote at any such meeting on any matter for decision by the Board.
- (7) The Board by notice shall have the power to advertise the contract for the work of the Agency or any of its transactions. And in the case of any urgency to the need and execution of such a transaction or contract, it may be carried out through selective contract method following the existing the process of the State.
8. For the purpose of Sub-section (7) of this section, a general notice given at meeting of the Board by member of the Board to the effect that he is a member of specified company or interested in any transaction or project of the Board concerning the company or firm in which he is a member shall be regarded as a sufficient disclosure of his interest in relation to that contract or transaction or project.
9. A member of the Board need not attend in person at a meeting of the Board in order to make any disclosure, which he is required to make under sub-section (7) of this section if he takes reasonable steps to ensure that the disclosure is made by notice, which is brought up and read at the meeting.
10. Any member who infringes sub-sections (7) and (8) of this section shall be liable to be removed from the Board.
11. The validity of the proceedings of the Board shall not be affected by any:
  - a. vacancy among its members or by any defect in the appointment of any of them or
  - b. inadvertent omission to send any notice, inadvertent error in addressing it or failure in the delivery thereof.
  - c. Except as otherwise expressly provided under this section, and subject to this edict, the Board may make standing orders for the purpose of regulating its own procedure.

#### **Committee of the Board**

7. (1) Subject to sub-section (2) of this section, the Board may appoint one or more Committees of the Board to advise it on or take any other action:

- (a) as the initiation, execution, administration or progress of any project, scheme or activity which the Board may undertake or in which it may undertake or in which it may participate; or
- (b) for any other purpose whether general or specific relating to the

*functions of the Association which is the subject of the Board's*  
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- (ii) Assisting Local Governments to take inventory of existing Rural Water Supply and Sanitation facilities and the rehabilitation and improvement of existing sources.
- (iii) Supporting the Local governments to take inventory of existing Rural Water supply and Sanitation coverage, use and maintenance status.
- (iv) The establishment of an award scheme to recognize Local government achievement in hygiene education, water and sanitation coverage.
- (v) The setting-up of maintenance of minimum standards for all Rural Water Supply and Sanitation works in the State.
- (vi) The establishment and maintenance of a core capacity for Drilling works in all Local Government Areas and the provision of a bench-mark cost and minimum quality standard for boreholes, hand pumps to be followed by private contactors.
- (vii) Collaborate with other Agencies to facilitate the activities of the environmental sanitation in the areas of safe water, sanitation, hygiene education and community mobilization.
- (viii) Monitoring the state of repairs of all rural Supply and School/community based Sanitation facilities and the report of Local government performance to the State Government.
- (ix) The organization of training for hand pumps maintenance within the State and recommending to the Local government's expert contractors to be used for such works.
- (x) Collaborate with other Agencies in ensuring that Guinea worm and other water, sanitation and hygiene – related diseases are eradicated/controlled through Hygiene education and campaigns.
- (xi) Ensuring greater participation of women in the Agency's projects.
- (xii) Liaising with the Federal Ministry of Water Resources for national guidelines and reporting up-to-date-data on Water Supply, Sanitation and Hygiene coverage to the Ministry's Monitoring Units through the State parent's Ministry at quarterly intervals.
- (xiii) The compilation and maintenance of a State wide inventory of Rural water Supply and Sanitation sources including condition, type of pumps land source.
- (xiv) The training on a continuous basis of Local government Artisans on Hand dug-well and Manual Rig teams, Sanitation artisans/promoters.

Community based Hygiene Education Facilitators and Village level operation and Maintenance (VLOM) Artisans.

- (xv) Supporting the Local governments that wish to have their own wells and manual rig terms to procure and maintain such equipment.
- (xvi) Assisting Local Governments to plan and implement their Rural Water Supply Sanitation and Hygiene Education programmes, by devising schemes which will allow community participation in terms of capacity building and maintenance.
- (xvii) Assisting Local Governments with diagnostic surveys to establish local conditions and attitudes related to water use, Sanitation and hygiene practices.
- (xviii) The Construction of low cost technology latrines such as the Sanitation Platform (SANPLAT), ventilated improved pit latrine (VIP) latrines and demonstrated toilet units in strategic places in the Local Government Areas.
- (xix) The development of alternative Rural Water Supply sources and improvement on the existing native water supply sources for communities, e.g. Rain-water Harvestation, spring development, slow sand filtration galleries etc.
- (xx) The co-ordination of activities of all rural water supply, sanitation and hygiene departments in the state, including collaboration with non governmental and civil society organizations.
- (xxi) Provide enabling environment for the implementation of Sanitation and Hygiene activities in the State as part of the scaling up of Sanitation in Nigeria.
- (xxii) Work closely with the State Task Group on Sanitation (STG) and all stakeholders to implement sanitation and Hygiene activities in the State.
- (xxiii) Embrace and actively participate/facilitate the conduct of any emerging WASH-related issue(s) in current trends e.g. marking of IYS, Global Hand – washing campaigns etc.

**Establishment of Local government Rural Water Supply, Sanitation & Hygiene Department.**

- 10 (1) (a) The existing Environmental Services Department established under section 39 of the Local Government Administration Law No. 2 of 1999 shall otherwise be called Rural Water Supply,



Sanitation and Hygiene Department (herein after called the WASH Department).

(b) The Rural Water Supply, Sanitation and Hygiene Department shall have the following Operational Sections at the Local Government Level:

- (i) Environmental Sanitation and Disease Control Section
- (ii) Rural Water Supply Section
- (iii) Hygiene Education Section
- (iv) WASH Planning Monitoring and Evaluation Section.

(c) *The Department shall take charge of water supply and sanitation projects at the local government level.*

(d) The Department shall be headed by a Director at the Local Government Level.

(2) **Local Government WASH Committee**

- (a) There shall be Local Government WASH Committee consisting of three part-time members, at least one of whom shall be a woman to be appointed by the Local Government Chairman and
- (b) an Administrative Officer in the Local Government shall serve as Secretary.

**Functions of WASH Department**

11. The Department shall be responsible for:

- (a) the establishment of Water and Sanitation Committee (WASHCOM) in all the communities in the Local Government;
- (b) the development of annual work plan and budget for Rural Water Supply, Sanitation & Hygiene in the Local Government;
- (c) encouraging and supporting communities to identify, select and establish water, sanitation and hygiene committee (WASHCOMS) and ensuring the active involvement of women;
- (d) the compilation of an inventory and maintenance of Water and Sanitation facilities in all communities and monitoring therein their operations;
- (e) the identification and training of hand pump mechanics, caretakers, latrine artisan and hygiene facilitators;
- (f) the maintenance of records for plan and requests concerning water, sanitation, hygiene education and other sanitary activities in all communities in Local Government;

(e) identifying, sensitizing and supporting community linkages with other  
Agencies like Agricultural agencies etc.

- (m) the promotion of environmental friendly activities and awareness by assisting Communities to organize, establish and manage self help gardens using waste or run-of water from facilities and maintaining village waste disposal pits;
- (n) the promotion of good hygiene practices in the utilization and maintenance of water and sanitation facilities.
- (o) the provision of participatory tools and training and the co-ordination of the activities of village based hygiene facilitators.
- (p) The effective utilization of state training facilities for the provision of water supply and maintenance of the facilities.
- (q) The development of Rural Water Supply sources including Rain Harvesters in public schools and improvement on the existing native water supply sources for the community.

### WASHCOM

12. (1) There shall be for each community in the Local Government Area a rural water supply, Sanitation & Hygiene committee (hereinafter called the WASHCOM)
- (2) The Committee shall comprise:
  - (a) a Chairman elected among the committee members
  - (b) a secretary

- (c) a treasurer
  - (d) three other members at least two of whom shall be women
- (3) A member of the committee shall:
- (i) be native of such community;
  - (ii) be between 35-50 years or 25 – 40 years in respect of Hygiene promoters;
  - (iii) be literate;
  - (iv) be a married person; and
  - (v) have a means of livelihood

**Duties of WASOM** <sup>WASHCOM</sup> [WASHCOM]

13. The committee shall:
- (a) co-operate with the Local Government Department on rural water sanitation & hygiene programmes for the community;
  - (b) ensure that all necessary and relevant community sanitation & hygiene education activities are conducted by the Committee & Hygiene promoters;
  - (c) encourage development of skills to promote community participation with the active involvement of women;
  - (e) support the adaptation of training materials to the social and cultural situation of the community;
  - (f) lead in the community planning, design and management of safe rural water and sanitary facilities;
  - (g) support the building of latrines at public places by Government and household levels by the individual household;
  - (h) support the immunization of children in community through design of campaigns ;
  - (i) encourage the eradication of water borne disease in the community;
  - (j) support the community to take active part in the maintenance of rural water, sanitation & hygiene facilities;

- (k) mobilize the community to contribute at least five percent of the capital cost in cash or kind to new rural water supply project;
- (l) mobilize the community to take ownership and fully maintain existing rural water scheme.

**Funds of the Agency**

14. The funds of the Agency shall include contribution from:
- (a) The Federal Government of Nigeria;
  - (b) The State Government
  - (c) The Local Government
  - (d) Communities
  - (e) Donor Agencies; and
  - (f) Internally Generated Revenue (Consultancy, charges & fees)

**Percentage of fund contributions**

15. The contributions to the fund of the agency in line with the National policy for New Rural Water Supply projects shall be as follows:
- (a) Federal Government through the Donor Agencies shall contribute 50% to the development of rural water supply in the state financially or materially from time to time towards the implementation of activities in the Agency's Annual work plan.
  - (b) State Government 25%
  - (c) Local Government 20%
  - (d) Community 5%

16. The Agency shall maintain accounts with any Government – Bank Account recognized Bank into which all its revenue shall be paid.

**Statement of Financial Transaction**

17. (1) The Agency shall within 1<sup>st</sup> Quarter of each year prepare full statement of accounts of financial transactions for the year ending.

- (2) A withdrawal shall not be made from the Agency's Account unless such is authorized by the General Manager and signed by the Director of Finance and Administration and the Accountant of the agency.
- (3) The Board may approve an alternative signatory in case of continued absence or infirmity of one of the above signatories.

#### **Power to Borrow**

18. (1) The Agency may, with the prior consent of the Executive Governor Borrow such monies as may be required to carry out its functions under this Law.
- (2) The Agency may demand and accept such securities for loans granted to Local Governments or communities and charge such rates of interest as it may deem reasonable.

#### **Budgetary provision**

19. Agency shall cause to be prepared the income and expenditure estimates in line with the Budgetary call circular of the State.

#### **Execution of Projects**

20. (1) All projects initiated by the Agency shall when completed, be handed over to the community.
- (2) Benefiting communities are to provide labour and security on project sites during construction and after the handover by the Agency.

#### **Appointment of General Manager**

21. (1) There shall be a General Manager of the Agency who shall be appointed by the Governor.
- (2) The General Manager shall be a qualified and a registered professional who must not be below GL. 16 and with cognate/related experience in rural water supply, sanitation and hygiene implementation.
- (3) The terms and conditions of service of the General Manager shall be as may be spelt out in the instrument of appointment.
- (4) The General Manager shall be the Chief Executive of the Agency.

### **Management of Affairs of the Agency**

22. Members of the Board shall be charged with the responsibility of laying down general policies in respect of the execution of all functions of the corporation under this Law.

### **Management of the Agency**

23. The General Manager shall, subject to the general control of the Board on matters of policy and subject in particular to such regulations as the Board may make in that behalf be charged with overall responsibilities for carrying out the policies and decisions of the Board as well as the written administration and the control of all the employees of the Agency.

### **Department of the Agency**

24. (1) There shall be appointed six Heads of Department by the Board to be in charge of the following Departments:
- (a) Finance and Administration Department
  - (b) Planning, Monitoring and Evaluation Department
  - (c) Community Mobilization and Hygiene Department
  - (d) Sanitation Department
  - (e) Rural Water Supply Department
  - (f) Mechanical and Maintenance Department.
- (2) The General Manager shall consult with the supervising Ministry regularly, and brief the State Executive Council once every three months.

### **Staff of the Agency**

25. (1) The Agency may, from time to time, engage such employees as may be necessary for the proper and efficient conduct of the business of the Agency.
- (2) The Agency may also engage the services of consultants and advisers as the Board may determine.
- (3) The General Manager or his delegate shall be responsible for the appointment, promotion and discipline of officers and employees of the Agency.
- (4) Where the Board requires it, public officers may be transferred or seconded to the Agency from the State Public Service for the proper executive of the functions of the Agency.

### **Termination of Employee**

26. The management of the Agency may terminate the employment of any of its employees as a result of non performance of duties, continued lateness or absenteeism, insubordination, alcohol or drugs on duty, misconduct or actions detrimental to the operations of the Agency. The termination of Senior officers' appointment on management cadre must be approved by the Board.

### **Standing Orders**

27. The Board may make standing orders for the proper conduct of its business and the regulation of its proceedings or those of any of its committee.

### **Committees of the Board**

28. The Board may appoint or constitute standing or *ad-hoc* committees, as the case may be, to perform any of its functions on its behalf, but no decision of such committee shall have effect unless it has been ratified by the Board.

### **Authentication of Documents**

29.
  - (1) The common seal of the Agency shall not be used or affixed to a documents unless of a resolution duly ratified by the Board.
  - (2) The signature of the Chairman and the General Manager shall authenticate the seal of the Agency.
  - (3) Any document or instruction which would not be required to be under seal if executed by a person may be entered into or executed or specifically authorized in that behalf by the Board.
  - (4) Any document purported to be a document duly executed under the seal of the Agency shall be received in evidence as such and shall, unless the contrary is proved, be deemed to be so executed.

### **Legal Proceedings**

30. In any legal action or proceeding by or against the Agency, it shall be represented by a Legal Officer or private legal practitioner approved by the Attorney General of the State.

### **Service of Notice**

31. All notices to the Agency shall be addressed to the General Manager and delivered to its Head Office.

### **Pension and Retirement Benefits.**

32. Subject to any law on pension scheme, the Agency may make provisions for the establishment of a pension scheme for career officers similar to the which obtains from time to time in the public service of the State.

### **Powers of the Governor**

33. Subject to the provisions of this Law, the Governor through the Commissioner may give the Agency general or special directives as to the policy to be followed in the exercise and performance of its functions and the Agency shall comply with and give effect to all such directives.

### **Interpretation**

34. In this Law,

“Agency” means the Ekiti State Rural Water and Sanitation Agency (EKRUWASA) establish pursuant to Section 1 of this Law.

“Board” means Management Board of the Agency

“Commissioner” means Commissioner in charge of Public Utilities

“State” means the Governor of the State or any person acting on his behalf

### **Citation**

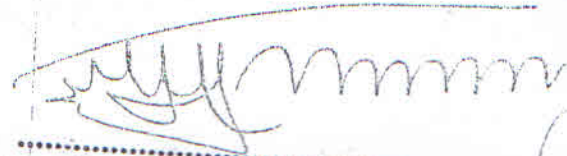
35. This Law may be cited as the Ekiti State Rural Water Supply and Sanitation Agency (EKRUWASA).



This printed impression has been carefully compared by me  
the Bill, which has been passed by the Ekiti State Ho  
Assembly and found by me to be a true copy of the said Bill



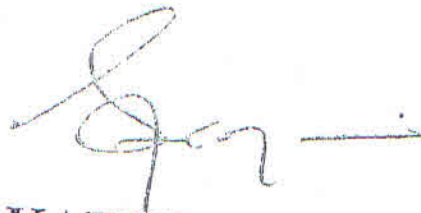
.....  
**MR. BEN. AKINTUNDE FAMOYEGUN**  
*Clerk of the House of Assembly*



.....  
**RT. HON. OLATUNJI ODEYEMI**  
*Speaker of the House*

**Governor's Assent**

**I hereby signify my assent to this Bill**



**DR. KAYODE FAYEMI**  
**Executive Governor of Ekiti State**

**MADE AT ADO EKITI THIS 20<sup>th</sup> DAY OF JANUARY 2011**