



**DRAFT BILL FOR ENACTMENT OF THE LAW
ESTABLISHING THE RURAL WATER SUPPLY AND
SANITATION AGENCY [RWASSA] FOR THE STATE AND
OTHER CONNECTED MATTERS**

[WATSAN AGENCY] – RWASSA 2009

**THE EXECUTIVE GOVERNOR OF KADUNA STATE OF KADUNA
OF NIGERIA**

Hereby submits the following “Bill” for enactment of an Act for Kaduna State Water and Sanitation [WATSAN Agency] – RWASSA.

1. This Act may be cited as the Kaduna State Rural Water Supply and Sanitation [WATSAN Agency] – RWASSA Act of 2009.
2. In this Act unless the context otherwise requires:-

“Agency means the Kaduna State Rural Water Supply and Sanitation [WATSAN Agency] – RWASSA established by section of the ACT;

“Governor” means the Executive Governor of Kaduna State;

“Commissioner” means the Commissioner of Water Resources of Kaduna State;

“Financial Year” means the twelve months ending on the 31st day of December of any year in reference;

“State” means Kaduna State of Nigeria;

“Government” means the Government of Kaduna State;

“Board” means the Rural Water Supply and Sanitation Agency Governing the Board established under section of this Act;

“Member” means a member of the Board and includes it’s Chairman.

PART I: ESTABLISHMENT AND INCORPORATION OF THE AGENCY

3. There is hereby established for the State a body to be known as Kaduna State Rural Water Supply and Sanitation Agency [RWASSA].
4. The Agency shall:
 - a). be a scheduled organization/ Parastatal of the State;
 - b) be a corporate body with perpetual succession and a common seal with power to sue and be sued in its corporate name;
 - c) have power to acquire, hold or dispose of movable or immovable property for the purpose of carrying out its functions under this Law.
5. All the rights, assets and liabilities which before the commencement of this Law were vested in the UNICEF-Assisted Water and Sanitation Project Kaduna State are hereby transferred to and without further assurance vest in the Agency.

PART II: FUNCTIONS OF THE AGENCY

6. The functions of the Agency shall be as follows:-
 - a) To facilitate establishment of Rural Water Supply Departments/Units at the LGA’s and Community levels, and encourage demand driven approach in the planning and implementation of programmes;
 - b) To facilitate the implementation of rural water supply and sanitation programmes of the State as per adopted National Policy on Water Supply and Sanitation strategy ;
 - c) To provide capacity building and ensure environmental sanitation and protection of water sources in order to prevent/mitigate contamination and pollution.

- d) To enlighten, sensitize and educate the rural communities on personal and domestic hygiene including good sanitary habits/practices;
- e) To co-ordinate and set standards for the construction of sanplat ventilated improved latrines and other sanitation facilities;
- f) To promote, device, innovate low cost, appropriate technology options for communities and assist in choosing the most appropriate option for the rural water supply and sanitation facilities;
- g) To enhance service levels and improve access to potable water and safe sanitation which will assist in the control/eradication of water borne/related diseases and guinea worm infested areas in the rural areas and safe sanitation in collaboration with relevant stakeholders;
- h) To carry out water quality surveillance at source level and the points of consumption;
- i) To mobilize and train communities in technical and financial management of water and sanitation facilities to ensure sustainability by introducing the Village Level Operations and Management [VLOM] Concept for hand pumps and applying similar concept for sanitation facilities;
- j) To coordinate, inter-sectoral rural water supply and sanitation linkages and set standards for all operators in the State;
- k) To prepare and continuously update the rural water and sanitation investment plan for the State and facilitate it's implementation;
- l) To be for the Sub-Sector, an Institution to attract support from National and International Donors and a platform to enhance private sector partnership for planning and implementing sector investments;
- m) To collaborate with the Ministry in charge of water resources and other relevant Ministries to adopt and domesticate National Policies and implement them in order to meet the desired goals of the Sector.
- n) The state Government may from time to time give to the Agency directives in the exercise of it's functions under this Act and the Agency will comply with these directives.

PART III: POWER OF THE AGENCY

7. In the exercise of its functions the Agency shall have the power:-
- a) To hire skilled and semi-skilled personnel to undertake the tasks assigned to them as employees;
 - b) To train and build capacity amongst its staff to achieve specified tasks as per its functions mentioned in this Law;
 - c) Allow free flow of staff/officers to and from the Civil and Public Service whose services are /are not required;
 - d) Source for and receive financial support from Donors; Financial Institutions for implementing sector programmes;
 - e) Create and maintain a data bank for all facilities in the State;
 - f) To enter into any agreement or other arrangements as are necessary, advantageous or expedient for the performance of its functions to enhance the attainment of National and international goals;
 - g) To monitor and coordinate sub-sector activities and ensure on compliance with state policy.

Power of the A

PART IV: ESTABLISHMENT OF THE BOARD

8. The Agency shall have a Governing Board and shall consist of:-
- a) A part time Chairman;
 - b) Three persons who shall represent the interests of rural communities in the State; one from each Senatorial District;
 - c) A representative of the State Ministry of Water Resources;
 - d) A representative of the State Ministry of Health;
 - e) A representative of the State Ministry of Economic Planning;
 - f) A representative of the State Ministry for Local Government;
 - g) Ministry of Environment/KEPA
 - h) A representative of the State Ministry of Education/SUBEB
 - i) A representative of the Office of the Secretary to the State Government;
 - j) Representative of relevant NGOs;
9. Members of the Board other than ex-officio Members shall be:-
- a) Appointed by the Governor; and
 - b) Be paid such remuneration whether by way of allowances as the Governor may determine or may direct from time to time.

Board of the A

10. A Member (not an ex-officio member) shall hold office for four years and may be re-appointed for another term of four years or as deem fit.

11. The office of a member shall become vacant if:-

- a) His tenure of office has elapsed;
- b) He, by his notice in writing addressed to the Governor resigns his office;
- c) He is removed from office by the Governor; or
- d) He dies while holding office.

Tenure of Off

12. Notwithstanding the provisions of sections 11 and 12 of this Law, a member may at any time be removed from office by the Governor on the occurrence of any of the following:-

- a) He becomes bankrupt, suspends payment or compounds with his creditors;
- b) He is convicted for felony or any offence involving dishonesty or fraud;
- c) Is incapacitated by reasons of physical or mental illness from discharging the functions of his office;
- d) He is guilty of serious misconduct in relation to his duty.

13. Where a Member of the Board ceases to hold office for any reason whatsoever, before the expiration of the term for which he was appointed, another person representing the same interest as that Member shall be appointed to the Board for the remaining tenure.

14. There shall be appointed a Secretary to the Board who shall be Assistant Programme Manager Administration/Secretary with not less than 10 years experience.

- a) The Secretary shall cover the proceedings of the Board in accordance with this law, keep records of these proceedings and perform such other functions assigned by the Board from time to time,
- b) The Secretary shall however not be a Member of the Board.

15. The supplementary provisions of the schedule of this Law shall have effect with respect to the proceedings of the Board and other matters therein mentioned.

16. The Functions of the Board of the Agency shall be:-

- i) To facilitate formulation of policy guidelines on Rural Water Supply and Sanitation of the State;
- ii) To coordinate Sector plans, budgets and implementation for enhanced development;
- iii) To oversee the activities of the Agency;
- iv) Do such things as are necessary and expedient or as may be assigned to the Agency by the Governor.

PART V: ORGANIZATION OF THE AGENCY

17. There shall be for the Agency a Programme Manager who shall be the Chief Executive Officer and shall be appointed by the Governor.

- a) The Programme Manager shall have relevant qualification relating to the functions of the Agency [Engineering, Hydrogeology, Sciences] and a minimum of 15 years experience in the Sector and shall be responsible for the day to day management of the agency.
- b) The Programme Manager shall be Chairman of the Management Committee and Establishment Committee.
- c) There shall be six Departments headed by Assistant Programme Managers who will form the Management Committee to be Chaired by the Programme Manager namely:- Water Supply; Planning, Monitoring, & Evaluation; Sanitation; Community Mobilization & Hygiene Promotion; Administration; and Finance & Supplies.
- d) The Assistant Programmer [Administration] shall be Secretary to the Management Committee.

18. Without prejudice to any Section of this Law, the Agency shall have a Staff Establishment provision under the State Government Annual Recurrent Budget to enable it perform its functions.

19. The Agency may make regulations with regard to appointments, promotions, dismissals and disciplinary control of its staff or servants as obtainable in the Public Service of the State.

20. Service in the Agency shall be pensionable service and accordingly, officers and persons employed or transferred to the Agency shall be entitled to pensions, gratuities and other retirement benefits as are obtainable in the Public Service of the State.

Appointment
Manager

PART VI: FINANCIAL PROVISIONS

21. The funds and resources of the Agency shall consist of:-
- a) Such sums and properties granted to the Agency by the Federal, State or local Governments, or any person, institution or organization;
 - b) Such sums as may be paid to the Agency by way of grants, subsidies, donations, gifts, fees, subscriptions, rent, grants-in-aids, endowments and royalties;
 - c) All properties and investments acquired by or vested in the Agency and all monies earned or arising there from;
 - d) All fares and other sums derived by the Agency from the provision of its services under this Law; and
 - e) Any other sums or property accruing to the Agency from any other source.

22. The Agency shall prepare and submit a technical and financial report of its activities of the previous year not later than the end of each financial year [1st January to 31st December] to the Commissioner from its book of accounts and record of its transactions and activities.

23. The Agency shall within two months after the end of each financial year cause the account of the Agency relating to the previous year to be audited by the Auditor-General of the State or by any other person authorized in that behalf by him.

24. The audited accounts resulting from 24 above shall be submitted to the Commissioner within the 2nd quarter of the year.

PART VII: ESTABLISHMENT OF LOCAL GOVERNMENT WATER AND SANITATION DEPARTMENTS/UNITS

25. There shall be established for each Local Government Area of the State a Local Government Water and Sanitation Department or Unit.

26. There shall also be a Local Government Steering Committee on Water and Sanitation drawn from relevant Sector Agencies without prejudice to Section 9 of this Law.

a) Membership of this Committee shall take consideration of gender and ensure that women make up to 50% membership.

27. The functions and responsibilities of the Local Government Water and Sanitation Departments/Units shall be:-

a) To engage itself and participate fully in the implementation of water and sanitation policies as adopted or enacted by the State and contribute its own share of financial obligation or otherwise which shall not be less than 40% of the capital budget for the facilities planned to be jointly sponsored with the State Government.

b) To supervise, monitor and sustain the water and sanitation facilities at the Community levels;

c) To coordinate support for the development of the areas on a day-to-day basis and ensure the universal access of safe water and sanitation to all communities within their jurisdiction;

d) To be a link between the State and the Community and/or other donors/agencies.

e) To ensure functionality and optimal use of the facilities put in place within their area of jurisdiction through community based Operation and Management systems such as the VLOM Concept.

PART VIII: ESTABLISHMENT OF COMMUNITY WATER AND SANITATION COMMITTEES [WASHCOMS]

28. There shall be established in each Community in the Local Government Areas of the State, a Water and Sanitation Committee [WASHCOMS].

29. Each Community shall be allowed to elect/appoint its Committee with the supervision of the Local Government Area.

Local Government
Committee

Establishment
Water and Sanitation
Committees [

Establishment
Government
Sanitation D

30. Membership shall be gender sensitive without prejudice to any part of this Law and be made up of artisans, opinion leaders, women groups, youth organizations etc. and shall not be more seven.
31. The functions of the Community Water and Sanitation Committees [WASHCOMS] shall be:-
- a) To spearhead and undertake the improvement of environmental Sanitation including household and community latrines;
 - b) To participate in the demand driven planning and implementation of village water supply and sanitation facilities;
 - c) To enhance operation and management of facilities in their communities in a sustainable manner;
 - d) To participate in local training for health education, environmental sanitation and in the protection of water supply sources from contamination;
 - e) To perform any other related function (s) that may be assigned to it by higher authority.

PART IX: SUPPLEMENTARY PROVISIONS RELATING TO PROCEEDINGS OF THE BOARD

32. Subject to the provisions of this law, the Board may with the approval of the Governor make standing orders regulating the proceedings of a meeting of the Board or any of the Committees thereof.
33. The Board shall meet at least once in a quarter of a year and at such times as may be expedient for the transaction of the business of the Board and such meetings shall be held at such times and places as the Board may determine.
34. The Chairman shall preside over all meeting of the Board and in his absence Members present at that meeting and forming a quorum not less than three quarters of the membership, select one of them to preside for that meeting only in agreement with the Chairman.

35. The Chairman may at any time summon a special meeting of the Board and shall do so on being requested in writing by at least three members of the Board.
36. The Board may establish such committees or sub committees as it deem necessary for the purpose of performing any of its functions.
- a) The decisions/recommendations of any Committee or sub committee established under this section shall be presented to the Board for approval/ratification.
 - b) The validity of any proceeding of the Board shall not be affected by any vacancy in the membership of the Board or by any defect in the appointment of a member or any other person to serve them.
 - c) Where the Board decides to obtain the advice of a person upon any matter, the Board may co-opt that person to be a member at its meeting and a person so co-opted shall have all rights and privileges of a member of the Board at such meeting(s) except that he shall not be entitled to vote on any question or count towards a quorum.

MADE AT KADUNA this ----- JULY, 2009

**ARC MOHAMMED NAMADI SAMBO, FNIA
EXECUTIVE GOVERNOR
KADUNA STATE OF NIGERIA**