

Water Services Regulatory Board

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WASREB/NCWSC/504/Vol.III/(61)

28th March, 2014

Eng. Malaquen Milgo Chief Executive Officer Athi Water Services Board P.O. Box 45283-00100 NAIROBI

Managing Director Nairobi City Water and Sewerage Co. P.O. Box 30656-00100 NAIROBI

RE: ANNUAL GENERAL MEETING NAIROBI CITY WATER AND SEWERAGE COMPANY
LEGAL NOTICE 137 OF 2012 WATER ACT 2002 AND CORPORATE GOVERNANCE GUIDELINES

Please refer to our letter ref. No. WASREB/NCWSC/504 Vol.III/(59) dated 24th March, 2014 inquiring about your AGM which you did not reply. Also refer to newspaper reports attached and an alleged Annual General Meeting that took place and directors appointed.

We advice you that the governance standards in the water services sector demand that:-

- 1. All-directorships for Water Service Providers (WSP) are advertised
- 2. All directorships must represent known and approved stakeholders
- All directorships must meet technical criteria commensurate with the level of operation
 of the company.
- In the transition period the law is still the Water Act 2002 and it must be followed.
- 5. Nothing in the Water Act 2002 provisions as relates to Governance is contrary to:-
 - 1. Constitutional principles and values under Article 10
 - 2. Devolution

The people of Nairobi County have the right under the Constitution to a WSP that is led and managed according to the rule of law.

- 6. We direct and order under section 68 of the Water Act 2002 that you:-
- (a) confirm in writing that the Annual General Meeting and purported appointments have not taken place
- (b) Ensure that no directors names are changed at the Registrar of Companies and confirm in writing that there has been no change
- (c) provide us with copies of the advertisements for directors positions
- (d) Provide us with minutes of the selection committee that appointed the Directors
- (e) Within the next seven days start the process of directors appointment according to the governance standards prevailing in the sector

Failure to have this information by 5.00pm today will lead to legal action being taken against you as provided by the law.

Eng. Robert Gakubia CHIEF EXECUTIVE OFFICER

CC.

Principal Secretary
State Department of Water
Ministry of Environment, Water and Natural Resources
Maji House
P.O. Box 49720-00100
NAIROBI

Governor Nairobi County P.O. Bax 30075-00100 NAIROBI

The Registrar of Companies Sheria House NAIROBI.