

**UNITED REPUBLIC OF TANZANIA**



**MINISTRY OF WATER**

**WATER SECTOR DEVELOPMENT PROGRAMME (WSDP)**

PROGRAMME IMPLEMENTATION MANUAL

Annex 10

**MANAGEMENT MODELS  
FOR WATER USER ENTITIES**

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**MANAGEMENT MODEL NO. I:**

**POINT WATER SOURCE**  
**(WATER USER GROUP MODEL)**

# MENEJIMENTI MODELI NA. I

## MANAGEMENT MODEL NO. I (POINT WATER SOURCE)

MFANO WA SHERIA NDOGO YA HALMASHAURI YA WILAYA KUHUSU  
KUANZISHWA KWA VIKUNDI VYA WATUMIAJI MAJI KWENYE  
KITUO

*SAMPLE OF A DISTRICT COUNCIL BY LAW TO ESTABLISH WATER USER  
GROUPS FOR SINGLE WATER POINTS*

DIBAJI

PREAMBLE

KUANZISHA NA KUDUMISHA CHANZO CHA MAJI  
NA USAFI WA MAZINGIRA

*(ESTABLISHMENT AND MAINTENANCE OF WATER SOURCES  
AND ENVIRONMENT SANITATION)  
SHERIA NDOGO NDOGO  
BY –LAWS*

- |   |   |
|---|---|
| Jina                                    | 1. Masharti haya yataitwa “Masharti ya kuanzisha na kudumisha kikundi cha watumiaji maji na Usafi wa Mazingira cha .....                      |
| Anwani<br>Address<br>Citation and Title | <i>These By-Laws may be cited as The ..... Community (Establishment and Maintenance of Water Sources and Environment Sanitation) By-Laws.</i> |
| Kuanza kutumika                         | 2. Masharti haya yataanza kutumika tarehe ambayo yatakuwa yameidhinishwa na Waziri mwenye dhamana ya shughuli za maji                         |
| Commencement                            | <i>These By-Laws shall be deemed to have come into effect after the approval of the Minister responsible for water affairs.</i>               |
| Tafsiri                                 | 3. “Halmashauri” maana yake ni Halmashauri ya Wilaya ya .....   |

*Interpretation*

*“Council” means The.....  
Council.*

*“Mtaa” maana yake ni sehemu ya kata ya mjini iliyo na mipaka maalum inayotambulika chini ya Halmashauri ya Mji*

*“Mtaa means a part of a division of a ward and includes a part or division of a township situated within an area under the individuals of an urban authority.*

*“Chanzo cha Maji” maana yake ni kisima kilichoboreshwa*

*“Source of Water” means an improved well.*

*“Regista Maalum” maana yake ni daftari maalum lenye kuonyesha kumbukumbu za watumiaji maji wa jumuiya inayolindwa na masharti haya*

*“Special Register” means a book containing records of registered water user group which are protected under these By-Laws.*

*“Kijiji” maana yake ni Kijiji ambamo “chanzo cha maji” kimo.*

*“Village” means in relation to Village, the Village Council of that Village where water facilities are located.*

*“Halmashauri ya kijiji” maana yake ni halmashauri ya kijiji ambacho chanzo cha maji kimo.*

*“Village Council” means the Village Council of the Village where water facilities are located.*

*“Huduma ya Maji” maana yake ni kisima cha maji kilichoboreshwa na kufungwa Pampu*

*“Water Facility” means an improved well fitted with a water pump.*

*“Kikundi cha Watumiaji Maji” maana yake ni muungano wa watu unaomiliki “huduma ya maji” na unaoundwa na watu binafsi au kaya zinazochota maji kwenye chanzo cha maji na ambao wamejiunga kwa hiari kuanzisha na kuendeleza huduma ya maji na usafi wa mazingira katika Kijiji au Kitongoji na ambacho kimesajiliwa kisheria na Halmashauri*

ya Wilaya/Mji. Taasisi na Jumuiya zinazotambulika kisheria zinaweza pia kuunda kikundi cha watumiaji maji ili kutambulika chini ya masharti haya.

*“Water User Group (WUG)” means a group of individuals or households at the Village or Mtaa level whose membership is open and are voluntarily united to establish and develop the source and maintain environmental sanitation and it shall be mandatory under these By-Laws for every source of water established within the jurisdiction of the Council to be registered in the register of the Council. Recognized Public Institution or Social Economic Development Groups with legal registration can as well establish and develop sources of water and shall be registered by the Council as water user groups in order to attain legal protection under these By-Laws.*

Haki ya kumiliki na kutunza mazingira safi ya huduma ya maji

4. Kila kikundi cha Watumiaji maji kitapewa cheti cha Umiliki, ambacho mfano wake umeambatanishwa katika masharti haya, wa eneo la chanzo cha maji lenye mzingo wa mita 6 hadi 10 na kitatunza mazingira ya chanzo cha maji katika hali ya usafi na kuchukua hatua zinazofaa kuhakikisha ulinzi na usalama wa mazingira hayo.

Isipokuwa kwamba kila kikundi kitakuwa na mkataba wa makubaliano juu ya umiliki, uendeshaji na matengenezo usalama na kulinda afya na usafi wa mazingira ya chanzo chao cha maji na kujali makundi ya watu masikini katika Jamii.

*Right to own and keep the water facility clean*

*Every water user group with a Certificate of Ownership, the sample of which is appended to this By-Laws, over that shallow well and which is registered in a special Register of the Council shall be the legal owner of the water facility with a radius of between 6 to 10 metres and shall protect and keep their water facility clean and free from refuse and shall take all reasonable steps to guard it and prevent occupancy of any nuisance.*

*Provided that every user group shall make memorandum or resolutions to own, operate, maintain, protect, keep clean their sources of water and shall consider in their memorandum how to favour poorer strata of people in their vicinity.*

Wajibu na

5. Wanachama wa kikundi cha Watumiaji Maji watakuwa na

Majukumu ya  
Wanachama

wajibu na majukumu yafuatayo

- i) Kulinda mali na huduma yao ya maji kutokana na wizi au uharibifu
- ii) Endapo pampu au vifaa vya pampu vitaibiwa au kuharibiwa wanachama watakuwa na jukumu la kurudisha pampu au vifaa vilivyoibiwa au kuharibika ndani ya miezi sita tangu tarehe ya wizi au uharibifu huo
- iii) Iwapo wanachama wa kikundi cha watumiaji maji watashindwa kurudisha pampu au vifaa vya pampu vilivyoibiwa au kuharibika ndani ya muda uliokubaliwa, itakuwa halali Mkurugenzi Mtendaji wa Halmashauri ya ..... baada ya azimio la Baraza la Madiwani, kutoa agizo la kukamatwa kwa mali binafsi ya wanachama wa kikundi hicho ili kufidia thamani ya pampu /vifaa vya pampu vilivyoibiwa au kuharibiwa.
- iv) Agizo la kukamata na kuuzwa mali binafsi za mwanachama au wanachama halitolewa mpaka miezi sita ipite tangu wizi au uharibifu kutokea na bila hatua ye yote kuchukuliwa.

*Responsibility  
and Obligation of  
the members*

*Members of the user groups shall have responsibility and obligations:*

- i) To protect their assets and water facility from theft or damage.*
- ii) The pump or pump equipment are stolen or damaged, the members of the water user group concerned shall have full responsibility and obligation to replace the stolen or damaged pump within six months after theft or damage.*
- iii) Where members of the water user group whose pump or pump equipment are stolen or damaged, fail to replace within the prescribed period, it shall be law-ful for the ..... Director upon a resolution of the Council on behalf to issue to distraint upon the personal goods and chattels of such member of the water user group to the value of such sum in order to replace a stolen or damaged pump or pump equipment.*
- iv) Provided that such warrant shall not be issued, unless the period of six months referred to in subsection (ii) has expired.*

Majukumu na 6. Halmashauri ya Kijiji au kamati ya Mtaa itatoa ushauri, Wajibu wa wa kuhamasisha, kuunga mkono, kulinda na kusimamia vikundi Halmashauri ya ya watumiaji maji vilivyo katika eneo lake. Halmashauri ya Kijiji / mtaa itapokea na kuidhinisha mkataba wa makubaliano ya watumiaji maji na kuona kuwa yanatekelezwa ipasavyo

Isipokuwa kwamba inapotokea kutokuelewana baina ya Watumiaji na Halmashauri ya Kijiji, halmashauri ya kijiji itapeleka kwa maandishi sababu za migongano kwa Mkurugenzi Mtendaji wa Halmashauri ya ..... kwa uamuzi wa mwisho.

*Duties and obligation of the Village Council*

*The Village Council or Street committee shall advise, mobilize, support, protect and supervise the water user groups established in the village. It shall also be the duty of the Village Council or Street to ascertain whether the memorandum of water user groups are smoothly implemented.*

*Provided that in case of disapproval, the Village Council or Mtaa committee shall put in writing reasons for objections and forward them to the..... Council for final decision.*

Haki ya kumiliki 7. i) Hakuna mtu yeyote mwenye haki ya kuondoa mali za chanzo cha maji kikundi kwa namna yeyote ile. na kuondoa mali ii) Hakuna mtu yeyote atakayedai kuwa mmiliki binafsi za kikundi wa chanzo cha maji isipokuwa wanachama wa kikundi cha watumiaji maji.

*Right to dispose of the assets and to claim title over a source of water* i) *No person has the right to dispose the assets of the group* ii) *No person shall claim title over any source of water except the members of the water source.*

Kufanya Fujo na 8. Mtu yeyote atakayesababisha vurugu au usumbufu kwa Ghasia kuwasumbua watumiaji maji kwenye chanzo cha maji au mtu mwenye haki ya kuchota maji atakuwa amefanya kosa kwa mujibu wa masharti haya.

*Creation of nuisance and chaos* *Any person who shall create nuisance or chaos at the source of water by disturbing members of water user group or any person who is entitled to collect water commits an offence.*

Ujenzi wa Vyoo 9. i) Mtu yeyote atakayejenga choo cha shimo au



au Mashimo ya taka karibu na eneo la chanzo cha maji

kuchimba shimo la taka ndani ya mita thelathini toka kwenye chanzo cha maji atakuwa amefanya kosa na akitiwa hatiani atatakiwa kulipa faini ya shilingi elfu kumi na kulazimishwa kuvunja au kufukia choo au shimo alilochimba.

ii) Kikundi cha watumiaji maji au taasisi ya umma au kikundi cha uchumi chochote kitakachojenga kisima ndani ya mita thelathini kutoka kwenye choo cha shimo au shimo la taka za aina yeyote kitakuwa kimefanya kosa chini ya masharti haya na kitalazimika kuharibu na kufukia kisima hicho.

*Construction of a pit latrine or refuse facility or sources of water*

i) *Any person who shall construct a pit latrine or hole for the reception of night foul, urine, dirty water or rubbish of any description within thirty metres from the sources of water shall be guilty of an offence and shall be liable on conviction to a fine of ten thousand shillings and shall be compelled to destroy or bury the hole or pit latrine constructed.*

ii) *Any Water User Group or Public Institution or Social Economic Groups or individual person who shall construct a source of water within thirty metres from a constructed pit latrine or a hole used for reception of night foul, urine, dirty water or rubbish of any description, commits an offence under these By – Laws and shall be compelled forthwith to destroy and/or bury the well so constructed.*

Kufua, kuosha na kutupa takataka zenye madhara

10. Ni kosa kwa mtu ye yote kufulia nguo, kuoga, kuosha vyombo, kujisaidia haja ndogo au kubwa, kutupa vitu vyenye madhara au kunywesha mifugo katika chanzo cha maji kwa ajili ya matumizi ya nyumbani.

*Depositing of noxious matter, wash of clothes, body etc.*

*Any person who shall wash clothes or any kind of grain or urinate or allow animals to drink in a domestic water supply Source commits an offence.*

Kutupa au kutiririsha taka

11. Ni kosa kwa mtu ye yote kutupa vitu vichafu, au kumwaga maji machafu, au taka nyingine au kuruhusu maji machafu kutapakaa au kutiririka juu au kwenye chanzo cha maji.

*Depositing of foul matter or dirty water*

*Any person who shall throw foul matter or thing or deposit or cause to be deposited any noxious matter or throw dirty water or allow any foul or thing or dirty water to flow into or*

*upon any water supply sources or source of water commits an offence.*

Uwezo wa kukagua

12. Afisa Mtendaji wa Kijiji, Kata au Tarafa au Afisa yeyote aliyeidhinishwa na Halmashauri kwa maandishi, anaweza kwa wakati unaofaa, kuingia kwenye chanzo cha maji kwa lengo la kukagua na kuhakikisha kuwa kikundi cha watumiaji maji kinaendesha shughuli zake kwa kufuata taratibu za nchi. Afisa huyo atakuwa na uwezo wa kuchukua hatua za kisheria ikiwa ni pamoja na kushtaki mahakamani mtu/watu waliovunja masharti haya.

*Power to enter and inspect*

*Ward Executive Officer, Divisional Secretary or any officer authorized in writing by the Council may at any reasonable time enter upon any source of water established within that particular Ward for the purpose of inspection and ensuring compliance with the provision of these By-Laws and for ascertaining whether water user groups are operating in accordance with the law and order of the country and shall have powers under these by-Laws to take legal action including taking to court anybody or members of the water user group who shall contravene any provision of these By-laws.*

Wizi, uharibifu na Adhabu

13. Mtu yeyote atakayevunja, kuiba au kuharibu pampu au kifaa chochote kwenye chanzo cha maji atakuwa ametenda kosa chini ya masharti haya na akipatikana na hatia atatozwa faini isiyozidi shilingi .....

*Theft, destruction and penalty*

*Any person who shall destroy or steal or temper with a pump or any part or instrument from the source of water is guilty of an offence and upon conviction shall be liable to a fine not exceeding TShs. 10,000/= or an imprisonment for a term of not exceeding five months or to both such fine and imprisonment and the court shall order him or her to pay back forthwith the destroyed or stolen or vandalized pump or part or instrument at the current price.*

Makosa na Adhabu

14. Mtu yeyote atakayevunja au kushindwa kutekeleza kifungu chochote, isipokuwa kifungu cha 13 cha masharti haya, atakuwa ametenda kosa na akipatikana na hatia atatozwa faini isiyozidi shilingi..... au kifungu cha muda usiozidi miezi 6 au vyote kwa pamoja faini na kifungu.

*Offence and  
Penalty*

*Any person who contravenes, fails, neglects to comply with any provision other than section 13 of these By-laws shall be guilty of an offence and shall be liable to the fine not exceeding TShs. 10,000/= or imprisonment for a term not exceeding six (6 months or to both such fine and imprisonment.*

Masharti haya yamekubaliwa katika mkutano wa wanachama wa kikundi cha watumiaji maji cha ..... uliofanyika tarehe.....

Masharti haya yameidhinishwa na Baraza la Madiwani wa Halmashauri ya ..... Katika mkutano wake wa tarehe ..... Mbele ya

.....  
Mkurugenzi Mtendaji wa Halmashauri

.....  
Mwenyekiti wa Halmashauri

*These by-laws were passed by the members of ..... water user group in a general meeting held on .....*

*The Common Seal of the ..... Council was affixed to these By-Laws in pursuance of the meeting of the Council duly convened and held ..... and was affixed in the presence of:*

.....  
*Director*

.....  
*Chairperson*

*I APPROVE*

.....  
*Minister of State President's Office Regional Administration and Local Government*

**KIAMBATANISHO**

**HALMASHAURI YA WILAYA / MJI WA .....**

**HATI YA KIBALI CHA KUKAMATA NA KUUZA MALI**

**SCHEDULE "B"**

**..... COUNCIL**

**FORM OF SUMMARY WARRANTY OF ATTACHMENT AND SALE**

*Made under section 5 (iii)*

Kwa Dalali wa Mahakama

.....  
.....

To ..... the ..... Court  
Broker.....

.....

Hii ni kukuamuru kukamata mali binafsi ya Bwana/Bibi/Bi/..... wa Kijiji cha ..... kama ilivyoonyeshwa kwenye jedwali lililoambatanishwa isipokuwa kama mtajwa..... atalipa kiasi cha shilingi ..... ikiwa ni mchango wa fidia ya pampu au vifaa vya pampu mali ya kikundi cha Watumiaji Maji cha ..... na kuwasilisha katika Mahakama hii.

*These are to command you to attach and hold the personal goods or chattel of:*

*Mr./Mrs./Miss/Ms..... of..... Village as set forth in the schedule hereto, unless the said..... shall pay the sum of TShs..... being the contribution to replace a stolen or damaged pump or pump equipment which belongs to..... water user group, and affix the same to this court house and after making due proclamation, to sell by auction the same or so much thereof as shall be the cost of attachment.*

Unaamuriwa baada ya kukamata mali hiyo na kutoa matangazo yanayotakiwa kisheria, kuuza mali hiyo kwa mnada ili kufidia thamani iliyotajwa.

Unaamriwa pia kurejesha Hati hii kabla ya au tarehe .....  
ukiambatanisha uthibitisho wa utekelezaji wa hati hii au sababu za kutotekeleza  
hati hii.

*You are further commanded to return this warrant or before the ..... day  
of ..... with an endorsement certifying the manner it has been  
executed or the reason why it has not been executed.*

Imetolewa kwa mkono wangu na Mhuri wa Mahakama leo  
tarehe.....

*Given under my hand the Seal of the Court this.....day of .....*

.....

HAKIMU

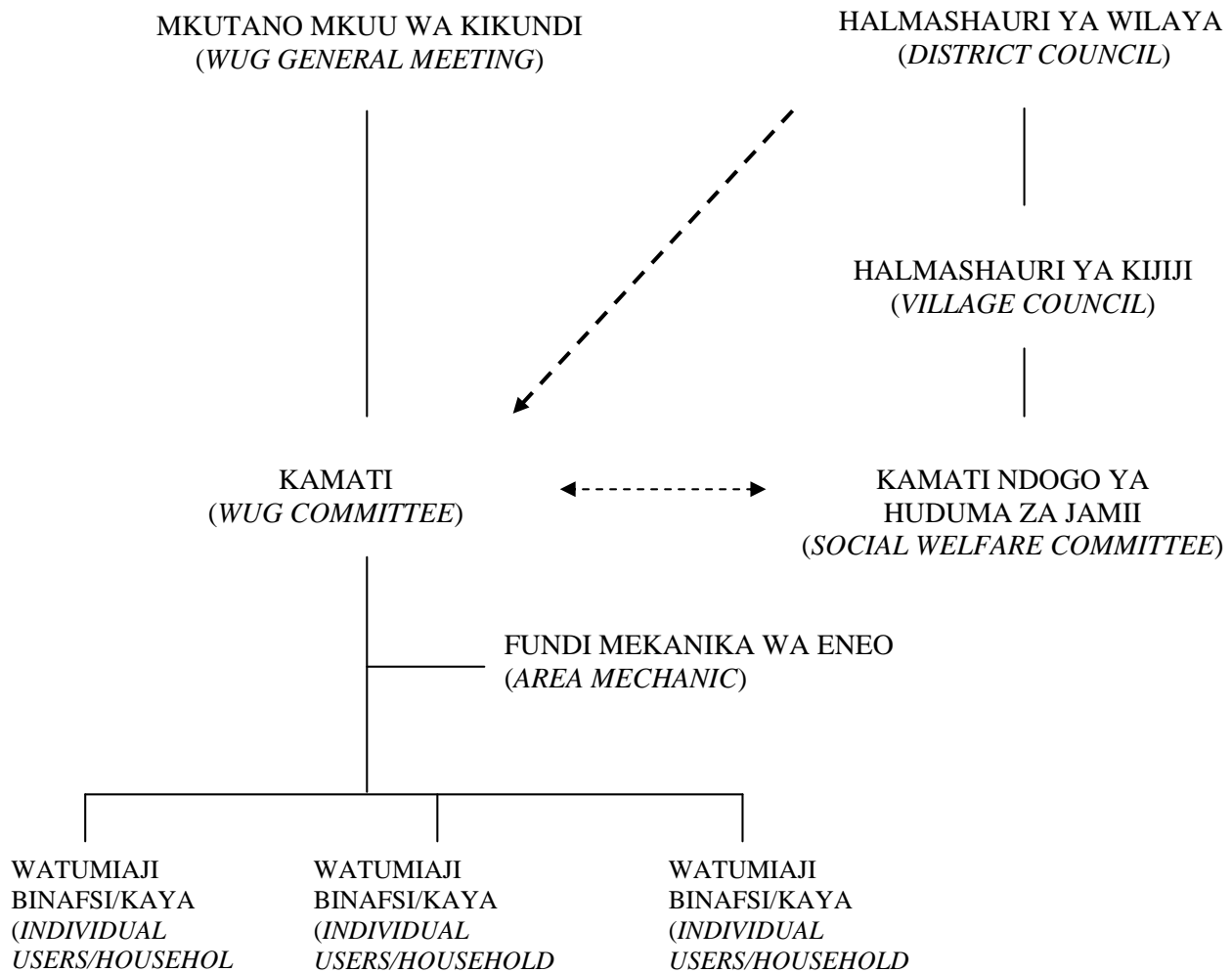
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MAGISTRATE

# MUUNDO WA KIKUNDI CHA WATUMIAJI MAJI (WUG ORGANISATION)

## MUUNDO WA KIKUNDI CHA WATUMIAJI MAJI WENYE KITUO KIMOJA CHA MAJI

### (POINT SOURCE WATER USERS GROUP STRUCTURE)



————— Mahusiano ya kimadaraka (Authoritative relations)

← - - - - - → Mahusiano ya kiushauri (Consultative relations)

**MANAGEMENT MODEL NO. II:**  
**VILLAGE WATER SCHEME**

# KATIBA YA WATUMIAJI MAJI KWENYE NGAZI YA KIJJI

## (CONSTITUTION MODEL NO. II)

### KATIBA YA JUMUIYA YA WATUMIAJI MAJI KATIKA KIJJI KIMOJA CHENYE MRADI WENYE VITUO VINGI VYA MAJI

#### CONSTITUTION OF A VILLAGE WATER USERS COMMUNITY HAVING ONE SCHEME WITH MANY WATER POINTS

#### SEHEMU YA KWANZA: JINA NA ANUANI

##### PART ONE: NAME AND ADDRESS

1.1 Jina la Jumuiya litakuwa.....

*The Community Organisation shall be known as .....*

1.2 Ofisi ya Jumuiya iliyosajiliwa itakuwa .....

*The registered office shall be at .....*

1.3 Anuani ya Jumuiya itakuwa .....

*The Postal address shall be .....*

#### SEHEMU YA PILI: UFAFANUZI NA TAFSIRI

##### PART TWO: DEFINITION AND INTERPRETATION

2.1 Katika Katiba hii isipokuwa kama itaelezwa vinginevyo.

*In this Constitution, unless the context requires otherwise*

“Mtumiaji wa maji” maana yake ni mtu ye yote anayechota maji kila siku kutoka kwenye mradi na ambaye ana umri wa miaka 18 au zaidi na mwenye akili timamu.

*“User” means each and every person who is drawing water daily from the scheme and who has attained the age of 18 years and is of sound mind*

“Kituo cha maji” maana yake ni sehemu ambayo wananchi wanapata huduma ya maji ikiwa ni pamoja na gati lililojengwa na birika la mifugo



*“Water point” means a public water fetching point and includes constructed kiosks and cattle troughs*

*“Katiba” maana yake ni Katiba ya Jumuiya ya .....*

*“Constitution” means the Constitution of .....*

*“Kanuni na Taratibu” maana yake ni sheria ndogo ndogo zilizotungwa kuongoza shughuli za Jumuiya ya .....*

*“Rules and Regulations” means the by laws made and governing the operations and management of .....*

*“Ngazi ya mradi” maana yake ni ngazi ya juu katika muundo wa Jumuiya inayowakutanisha viongozi wote wa vituo vya maji na wawakilishi wengine wa kijiji na Halmashauri ya Wilaya*

*“Scheme level” means the supreme level of the organization structure of ..... which comprise leaders of all distribution points and other village and district council representatives*

*“Halmashauri” maana yake ni Halmashauri ya Wilaya, Mji au Manispaa ambamo kijiji kimo*

*“Council” means the District, Town or Municipal Council in which the village exists*

## **SEHEMU YA TATU: MALENGO NA MADHUMUNI**

### **PART THREE: GOALS AND OBJECTIVES**

- 3.1 Dhumuni kuu la Jumuiya ya ..... ni kuanzisha chombo huru cha Jamii cha kuongoza, kusimamia uendeshaji na matengenezo ya huduma ya maji na usafi wa mazingira ili mradi iwe endelevu

*The overall objective of ..... is to establish a legal independent community organization responsible for the management, operation and maintenance of water supply and sanitation facilities for sustainable project*

- 3.2 Malengo mahsusi ya Jumuiya ya ..... yatakuwa:-

*Specifically the objectives of ..... shall be:-*

1. Kuanzisha na kuendesha mradi wa huduma ya maji kwa manufaa ya wakazi wote wa kijiji.

*To operate and maintain a water supply scheme for the benefit of the village residents*

2. Kuhakikisha kuwa mradi wa huduma ya maji unapata usajili halali kwa mujibu wa sheria za nchi hii.

*To ensure that the scheme acquires the water right in accordance with the laws of this country*

3. Kuhakikisha kuwa wananchi wanapata huduma ya uhakika ya maji safi na salama na ya kutosha nyakati zote kwa ajili ya matumizi ya nyumbani na mifugo yao kutoka vituo vya maji.

*Ensuring that community members get reliable, and sufficient safe and clean water throughout the year for domestic and livestock use from established water points*

4. Kuhakikisha kuwa mradi wa huduma ya maji unakuwa endelevu kwa watumiaji kulipia gharama zote za uendeshaji na matengenezo

*To ensure the long-term reliability of the water supply scheme on the basis of full recovery of operation and maintenance costs*

5. Kukusanya fedha za michango na mauzo ya maji toka kwa watumiaji maji kwa viwango vilivyokubaliwa na watumiaji wenyewe

*To charge and collect fees for water supplies as agreed upon by water users of the scheme*

6. Kuelimisha na kuishauri jamii juu ya matumizi bora ya maji na kutoa elimu ya afya na usafi wa mazingira

*To advice community members on proper use of water and provide education and training on health and environmental sanitation*

7. Kutoa huduma ya maji kwa watu wote kwa usawa na kwa kufuata katiba hii na sheria za nchi

*To provide water services to all people fairly in accordance with this constitution and existing laws in the country.*

8. Kushirikiana na Serikali, Taasisi za Umma na Jumuiya za Kiserikali na zisizo za Serikali zenye malengo na madhumuni yanayofanana na haya.

*To cooperate with the Government, Public institutions, government and non-government organizations whose aims and objective are similar to those of the organization.*

9. Kufanya mambo mengine yanayofaa kulingana na madhumuni haya au kuendeleza maslahi ya wananchi.

*To do all such other things as are incidental or conducive to these objective or to the interest of the community.*

## **SEHEMU YA NNE: UANACHAMA**

### **PART FOUR: MEMBERSHIP**

#### **4.1 Kutakuwa na aina tatu za uanachama katika Jumuiya kama ifuatavyo:**

***There shall be three type of membership in the Organisation as follows:***

- i) “Wanachama wa Kawaida” – Uanachama huu ni wazi kwa watumiaji maji wote wa kijiji

*“ Ordinary members” – This group shall include all ordinary water users in the village*

- ii) “Wanachama Washiriki” – Kundi hili linahusu wawakilishi wa Taasisi /Jumuiya zilizopo kijijini pamoja na maafisa wateule wa Halmashauri kama vile Mhandisi wa maji Wilaya, Afisa wa Tarafa na Kata.

*“Associate members” – This group shall include representatives from institutions / organizations available in the village including nominated officers of the “Council” including District Water Engineer, Divisional Secretary and Water Executive Officer*

- iii) “Wanachama wa Heshima” – Kundi hili litahusu watu maarufu watakaopendekezwa na Mkutano Mkuu ngazi ya mradi kuwa wanachama kutokana na michango yao ya mawazo kwenye mradi na si lazima wawe wakazi wa kijiji husika.

*“Honorary members” – This group shall include all people recommended by the “Scheme” general meeting to be members on account of their distinguished contribution of ideas or properties to the welfare of the Association and who are not necessarily residents of the village.*

#### **4.2 Kusimamishwa Uanachama**

##### ***Cessation of Membership***

4.2.1 Uanachama wa mwanachama wa kawaida hautakoma isipokuwa kwa kifo tu. Lakini, mwanachama wa kawaida anaweza kusimamishwa HAKI yake ya kupata huduma ya maji kutokana na sababu zifuatazo:

- a) Mwanachama kuwa na deni la ankara za maji la muda wa miezi miwili au zaidi.
- b) Mwanachama ataharibu kwa makusudi miundo mbinu au kifaa cha mradi wa huduma ya maji na usafi wa mazingira.

*Ordinary members cannot cease their membership as long as they are not dead. However, his/her RIGHTS to water services can be suspended in the following grounds*

- a) *The member is more than two months in arrears with payment of any tariff or fees.*
- b) *The member willingly distructs any infrastructure or instrument of the water supply and sanitation system.*

4.2.2 Mwanachama Mshiriki au wa Heshima ataacha wanachama wake ikiwa

- a) Atajiuzuru kwa hiari yake mwenyewe
- b) Mwanachama mshiriki atahama eneo la mradi
- c) Ataachishwa kwa sababu mbalimbali na chombo kilichomteua
- d) Kifo

*An associate or honorary member shall cease to be a member by:*

- a) *Voluntary resignation*
- b) *Being transferred*
- c) *Being terminated by the Body that appointed him/her*
- d) *Death*

4.2.3 Mwanachama aliyeondolewa HAKI ya kupata huduma ya maji atarejeshewa haki hiyo endapo atatekeleza maelekezo ya uongozi na kulipa madeni anayodaiwa.

*Members whose RIGHT to water services has been terminated or suspended can be reinstated if he/she fulfills the directives of the management and pays the outstanding fees or bills.*

### **4.3 Haki na Wajibu wa Mwanachama**

#### ***Rights and Responsibilities of Members***

4.3.1 Kila mwanachama wa kawaida wa Jumuiya atakuwa na haki na wajibu ufuatao:

- i) Kuhudhuria na kushiriki kikamilifu katika mikutano au shughuli

- inayomhusu
- ii) Kupiga kura katika kufikia maamuzi
- iii) Kuchagua au kuchaguliwa kuwa kiongozi
- iv) Kupata haki sawa ya huduma ya maji bila ubaguzi
- v) Kulipia huduma ya maji kulingana na kiwango cha maji aliyotumia
- vi) Kushirikiana na watumiaji wengine na uongozi katika ulinzi wa chanzo cha maji na usafi wa mazingira

*The following are the rights and responsibilities of ordinary members*

- i) *Attend and participate in all meetings and activities requiring his participation*
- ii) *To vote in making decisions*
- iii) *To contest for leadership and elect leaders*
- iv) *To get equal services of water without discrimination*
- v) *To pay for water bills as per water utilized by him/her*
- vi) *Collaborate with other users and management in the protection and safeguarding the water source and environmental sanitation*

- 4.3.2 Mwanachama Mshiriki na mwanachama wa Heshima watakuwa na haki ya kuhudhuria mikutano ya Kamati na mikutano Mkuu ya Jumuiya na kutoa ushauri lakini hataweza kupiga kura au kuchaguliwa kuwa kiongozi wa Jumuiya.

*Associate and honorary members shall have the right to attend and provide advice to Board/committee and general meetings but shall not be entitled to vote or be elected as leaders of the Association*

#### **4.4 Ada, Michango na Malipo ya Maji**

##### ***Fees and Contributions***

Jumuiya itakuwa na haki ya kutafuta fedha kwa ajili ya uendeshaji mzuri wa huduma ya maji na usafi wa mazingira ikiwa ni pamoja na:-

- a) Michango ya hiari kutoka kwa wanachama na wasio wanachama
- b) Kuuza maji kulingana na kiwango cha matumizi ya kila mtumiaji kwa bei iliyokubaliwa na mkutano mkuu ngazi ya mradi
- c) Kuomba na kupata misaada, zawadi au ruzuku
- d) Kutoa faini/adhabu kwa wanaokiuka kanuni na taratibu zilizowekwa

*It shall be lawful for the Association to look for and solicit funds from various sources for the proper operation and maintenance of the water supply system including but not limited to:-*

- a) *Voluntary contributions from members and non-members*

- b) *Sale of water to water uses of the tariff set by the scheme level general meeting*
- c) *Donations, gifts and or grants*
- d) *Penalties / fines from people who contravene laid down rules and regulations.*

## **SURA YA TANO: MUUNDO NA MIKUTANO**

### **PART FIVE: ORGANIZATION STRUCTURE AND MEETINGS**

#### **5.1 Jumuiya ya Watumiaji maji ya ..... itakuwa na ngazi mbili za uendeshaji kama ifuatavyo**

- i) Ngazi ya kituo cha kuchota maji
- ii) Ngazi ya mradi

*The ..... Association/Organisation shall consist of the following levels of management*

- i) *Water Point level*
- ii) *Scheme level*

##### **5.1.1 Ngazi ya kituo cha maji**

###### ***Water Point level***

Ngazi hii itaundwa na watumiaji maji wanaochota maji katika kituo hicho. Taasisi ya umma kubwa kama vile shule au kituo cha afya itakuwa kituo kinachojitegemea. Kutakuwa na mikutano ya aina mbili katika ngazi hii:-

- i) Mkutano Mkuu wa kituo
- ii) Kamati ya uendeshaji kituo

*The water point level shall comprise all water users utilizing water from the "Water Point". A large public institution such as school or health centre shall have an independent unit. At " Water Point" level there shall be two types of meetings*

- i) *Water Point general meeting*
- ii) *Water Point management committee*

##### **5.1.2 Mkutano Mkuu wa kituo**

###### ***Water Point General Meeting***

Mkutano Mkuu wa kituo utafanyika mara moja kila baada ya miezi mitatu isipokuwa kwamba mkutano mkuu wa dharura utaweza kuitishwa wakati

wowote inapobidi kufanya hivyo. Mkutano Mkuu utakuwa na majukumu yafuatayo

- i) Kuchagua, kusimamia au kuondoa wajumbe wa kamati ya uendeshaji wa kituo
- ii) Kupokea, kujadili taarifa mbalimbali juu ya uendeshaji wa kituo
- iii) Kupendekeza viwango na marekebisho ya ankara za maji na kuwasilisha kwenye mkutano mkuu ngazi ya mradi
- iv) Kupanga na kuamua juu ya namna bora ya kuendesha kituo chao cha maji na kusimamia usafi wa mazingira

*The Water Point general meeting shall meet after every three months provided that an ad-hoc meeting shall be convened any time there is a need to do so. Matter to be discussed of the Water Point general meeting shall be*

- i) To elect, suspend or dismiss Water Point management committee members*
- ii) To receive and deliberate on various reports from the Water Point management committee*
- iii) To suggest new rates and or amendments of water fees to the scheme level general meeting*
- iv) To plan and decide on better ways of utilizing their Water Point and protection of its environmental sanitation.*

5.1.3 Akidi ya mikutano mikuu ya kawaida ya kituo itakuwa nusu ya watumiaji wote wenye haki ya kuhudhuria au watu ..... ikichukuliwa namba iliyo ndogo.

*The quorum for Water Point general meetings shall be fifty percent of all eligible users or ..... people whichever is the lesser.*

#### 5.1.4 **Kamati ya uendeshaji ya kituo**

##### ***Water Point Management Committee***

Kamati ya uendeshaji ya kituo itakuwa na wajumbe ..... watakoachaguliwa na wajumbe wa mkutano mkuu ngazi ya kituo toka miongoni mwao kwa misingi ya usawa wa jinsia

*The Water Point management committee shall comprise of ..... members elected by the Water Point general meeting from amongst the members on the basis of gender balance.*

Wajumbe wa kamati ya uendeshaji ya kituo watakuwa madarakani kwa kipindi cha miaka mitatu isipokuwa kwamba mjumbe anaweza kuchaguliwa tena kwa kipindi kingine cha miaka mitatu. Itakuwa na wajumbe wafuatao

- i) Mwenyekiti
- ii) Katibu
- iii) Fundi wa kituo
- iv) Mhasibu
- v) Wajumbe

*Members of the Water Point management committee shall be in office for a period of three years provided that any members may be reelected for another term of three years. The committee shall comprise of the following members*

- i) Chairperson
- ii) Secretary
- iii) Water Point caretaker
- iv) Treasurer
- v) Members

5.1.5 Kamati ya uendeshaji ya kituo itakutana kwa kawaida mara moja kila mwezi au wakati mwingine wote inapobidi na itakuwa na majukumu yafuatayo:

- i) Kutunza kumbukumbu sahihi ya idadi ya watumiaji maji kwenye kituo cha maji
- ii) Kuandaa takwimu mbalimbali zinazohusu masuala ya uendeshaji na matengenezo ya kituo cha maji na mabomba.
- iii) Kusimamia makusanyo ya fedha kutoka kwa watumiaji na kuwasilisha kwa mtunza Hazina wa mradi.
- iv) Kusimamia utekelezaji wa kanuni na taratibu za kuendeshea kituo
- v) Kusimamia ulinzi na usalama wa mali na vifaa vya kituo cha maji.
- vi) Kuhudhuria mkutano mkuu ngazi ya mradi kwa niaba ya watumiaji maji wa kituo
- vii) Kutoa taarifa mbalimbali katika mkutano mkuu ngazi ya kituo

*The Water Point Management Committee shall meet ordinary once every month and at any time when need arises and shall have the following functions*

- i) *To maintain proper register of the water point members*
- ii) *To prepare data on water leakage and repair requirements of the water point*
- iii) *To supervise the collection of water fees from users and submit the money to the scheme level treasurer*
- iv) *To ensure that all rules and regulations set to manage the water point are adhered to*
- v) *To ensure that all assets and properties of the water point are secure and in good condition*
- vi) *To attend the scheme level general meeting on behalf of water point*



- users*
- vii) *To report to the water point general meeting on the daily management of the water point*

## **5.2 Ngazi ya Mradi**

### ***Scheme Level***

Ngazi hii itakuwa na vyombo vitatu vya uendeshaji kama ifuatavyo :-

- i) Mkutano Mkuu
- ii) Kamati ya uendeshaji
- iii) Timu ya mafundi

*The scheme level shall have three management organs as follows:-*

- i) General meeting*
- ii) Executive Committtee*
- iii) Team of artisans*

### **5.2.1 Mkutano Mkuu**

#### ***General Meeting***

Mkutano mkuu ngazi ya mradi ndio chombo chenye mamlaka ya juu kuhusu masuala ya jumuiya ya watumiaji maji ya ..... na utakuwa na wajumbe wafuatao

- i) Wajumbe wa Kamati ya utendaji ya mradi
- ii) Wajumbe wote wa kamati za uendeshaji ngazi ya kituo cha maji.
- iii) Mwenyekiti na Afisa Mtendaji wa kijiji
- iv) Mwenyekiti na Katibu wa ustawi wa Jamii katika halmashauri ya kijiji
- v) Wanachama washiriki na wanachama wa Heshima
- vi) Wageni wengine walioalikwa kuhudhuria mkutano huo
- vii) Wakuu wa idara walioko kijijini k.v. mwalimu mkuu, mganga n.k.
- viii) Wajumbe wawili kutoka kamati za afya na ukimwi

*The scheme level general meeting shall be the highest organ for all matters concerning ..... Association and shall consist of the following members*

- i) All members of the Executive Committee*
- ii) All members of the Water Point Committees*
- iii) Village Chairperson and Village Executive officer*
- iv) Chairperson and Secretary of Social –Welfare Sub-committee of the village council*

- v) *Honourable and Associate members*
- vi) *Other invited guests*
- vii) *Heads of institutions in the village e.g. head teacher, dispensary etc.*
- viii) *Two members from the Health and HIV/AIDS committees*

5.2.2 Mkutano mkuu ngazi ya mradi utafanya vikao vyake vya kawaida mara mbili kila mwaka Januari na Julai na utakuwa na majukumu yafuatayo.

- i) Kuchagua, kusimamia au kuondoa wajumbe wa Bodi au kamati ya utendaji ya mradi
- ii) Kupitisha sera, Katiba na taratibu nyingine za Jumuiya
- iii) Kupanga na kuidhinisha viwango au marekebisho ya viwango vya bei ya maji na faini kwa wanokiuka taratibu.
- iv) Kupokea na kujadili Taarifa ya Fedha za Jumuiya na Taarifa ya Kamati ya utendaji kuhusu maendeleo ya Jumuiya.
- v) Kuidhinisha mipango ya maendeleo na bajeti ya Jumuiya kwa mwaka unaofuata
- vi) Kufikiria na kupitisha mikakati mbalimbali itakayosaidia Jumuiya kufikia malengo na madhumuni yake kwa ufanisi

*The scheme level general meeting shall meet twice every year January and July and shall have the following duties and powers.*

- i) To elect, suspend or remove members of the Executive committee*
- ii) To set policies and approve constitution, rules and regulations for the efficient management of the Association*
- iii) To consider and approve tariff or amendments to water tariffs and rates of penalties for defaulters.*
- iv) To receive and deliberate on financial statements, and Executive Committee management reports*
- v) To consider and approve annual development plans and budget*
- vi) To consider and decide on any important strategy which aims at making the Association sustainable*

5.2.3 Akidi katika mikutano mikuu itakuwa nusu (50%) ya wajumbe halali wa mkutano huo. Wanachama washiriki, wa Heshima na wageni waalikwa hawataruhusiwa kupiga kura katika mkutano mkuu, pia hawataruhusiwa kuomba uongozi.

*The quorum for general meetings shall be half (50%) of the eligible members. Associate, honorary and other invited guests shall not have voting rights and shall not be eligible for election as leaders.*

5.2.4 Mkutano mkuu maalum ngazi ya mradi unaweza kufanyika endapo

- i) Theluthi mbili ( $\frac{2}{3}$ ) ya wajumbe watajiorodhesha na kuomba kwa

- ii) maandishi mkutano huo wakieleza dondoo za kikao.  
ii) Utaitishwa kwa agizo la Mkuu wa Wilaya mwenye mamlaka juu ya kijiji hicho

Mkutano mkuu maalum utajadili dondoo za mkutano huu tu.

*An extra ordinary general meeting will be called for at any time if*

- i) *At least two thirds ( $\frac{2}{3}$ ) of the eligible members request in writing to the chairperson indicating the agenda for the meeting.*  
ii) *Instructions are received from the District Commissioner's office on the same.*

*Extra ordinary meetings shall discuss only matters indicated in the notice of meeting*

- 5.2.5 Tangazo la Mkutano Mkuu ngazi ya Mradi litatolewa kwa muda wa siku 7 kwa mikutano ya kawaida na siku 3 kwa mikutano maalum, kama akidi haikutimia mkutano mkuu wa kawaida utaahirishwa kwa siku nyingine saba na watakaohudhuria mkutano huo wa pili itakuwa akidi. Kama mahudhurio hayatoshi kwa mkutano mkuu maalum ulioitwa na wanachama utafutwa. Mkutano mkuu ulioitishwa na mkuu wa Wilaya hautakuwa na Akidi.

*A seven (7) days and three (3) days notice of meeting shall be required for ordinary and extra –ordinary meetings respectively, if the quorum is not reached an ordinary general meeting shall be postponed for 7 days and any number of members attending this second meeting shall form the quorum. If the quorum is not reached for an extra ordinary meeting requested by members the meeting shall be cancelled. No quorum is required for an extra – ordinary meeting called for by District Commissioner's office.*

## 5.2.6 Kamati Tendaji

### ***Executive Committee***

Kamati Tendaji ya mradi itakuwa na wajumbe ..... waliochaguliwa toka miongoni mwa wajumbe wa mkutano mkuu ngazi ya mradi kwa misingi ya uwiano sawa wa jinsia na itakuwa na muundo ufuatao.

- i) Mwenyekiti atakayekuwa pia mwenyekiti wa Jumuiya  
ii) Katibu atakayekuwa pia katibu wa Jumuiya  
iii) Mtunza Hazina wa Jumuiya  
iv) Wajumbe wengine .....

*The Executive Committee shall consist of ..... members elected from amongst ordinary members of the general meeting based on a gender balance and shall compose the following*

- i) *Chairperson who shall also be the Association Chairperson*
- ii) *Secretary who shall be also the Secretary of the Association*
- iii) *Treasurer and*
- iv) *..... Committee members*

5.2.7 Mjumbe wa Kamati ya utendaji atakuwa kwenye madaraka ya uongozi kwa kipindi cha miaka mitatu (3) lakini anaweza kuchaguliwa tena.

*A Committee member shall hold position for a term of three (3) years but can be re-elected.*

5.2.8 Mjumbe wa Kamati ya utendaji atakuwa na majukumu yafuatayo

- i) Kusimamia shughuli za uendeshaji wa kila siku wa Jumuiya
- ii) Kupokea na kuhakiki fedha inayokusanywa kutoka kwa waweka hazina wa vituo
- iii) Kuteua na kusimamia utendaji wa kazi za Timu ya mafundi wa mradi na watumiaji wengine wa mradi kama ilivyoidhinishwa na mkutano mkuu
- iv) Kupendekeza kwenye mkutano mkuu viwango vya malipo ya maji na faini kwa wanaokiuka taratibu zilizowekwa
- v) Kupendekeza kwenye mkutano mkuu mfumo bora wa uendeshaji wa huduma ya maji na usafi wa mazingira
- vi) Kuandaa kanuni na taratibu za kuongoza huduma ya maji na usafi wa mazingira na kuziwakilisha kwenye mkutano mkuu ili zipitishwe.
- vii) Kuhakikisha Jumuiya inatunza vitabu na kumbukumbu sahihi za mahesabu na kuyawakilisha kwa Mkaguzi kwa wakati.
- viii) Kuandaa mipango ya maendeleo na bajeti ya jumuiya na kuiwasilisha kwenye mkutano mkuu kwa majadiliano na kupitishwa
- ix) Kuandaa dondoo za mkutano mkuu
- x) Kutoa taarifa za utekelezaji wa shughuli na maazimio ya mkutano mkuu kwenye mkutano mkuu
- xi) Kutoa ushauri na miongozo kwa kamati za vituo vya maji kuhusu uendeshaji wa mradi
- xii) Kufanya mambo mengine yote yatakayosaidia Jumuiya kuwa endelevu

*The Executive Committee shall have the following functions*

- i) *To supervise and administer all activities of the Association*
- ii) *To receive and account for money collected from water point caretakers*
- iii) *To appoint and supervise activities of the team of artisans and other scheme operators as approved by the general meeting*
- iv) *To propose to the general meeting water tariffs and rates of fines/penalties for defaulters*
- v) *To propose to the scheme general meeting types of management systems that could run the Association.*

- vi) *To draft rules and regulations and submit them to the general meeting for endorsement*
- vii) *To ensure proper books of account and financial records are kept and audited in time.*
- viii) *To prepare annual plans and budget of the association for approval by the general meeting*
- ix) *To prepare agenda for the scheme general meeting*
- x) *To present progress reports and reports on the implementation of general meetings resolutions*
- xi) *To give advice and directives to the water point committee for the better functioning of the scheme*
- xii) *To do any other things that ensure the sustainable development of the Association*

### **5.2.9 Timu ya mafundi na watendaji wengine**

Kamati ya utendaji ya mradi itateua au kuajiri timu ya mafundi na watendaji wengine wa mradi kama vile walenzi wa chanzo cha maji, tanki na vituo vya maji kadri itakavyoona inafaa baada ya kuidhinishwa na mkutano mkuu.

#### ***Team of artisans and other operators***

*Executive Committee shall recruit or appoint such number of artisans and other scheme operators like watchmen at the water sources, tank and water points as it deems fit upon approval by the scheme general meeting.*

Timu ya mafundi na watendaji itawajibika kwa Kamati na itakuwa na majukumu yafuatayo:-

- i) Kusimamia uendeshaji bora na matengenezo ya mradi ili kuufanya uwe wenye mwelekeo wa kutoa huduma nzuri na endelevu kwa wanachama wake.
- ii) Kushughulikia matatizo yote ya kiufundi katika mfumo mzima wa usambazaji maji toka chanzo cha maji hadi kwenye vituo vya maji.
- iii) Kusimamia mauzo ya maji na usambazaji wake kwa niaba ya Kamati.
- iv) Kuhakikisha matumizi bora ya mali vipuri na vifaa vyote vya Jumuiya chini ya usimamizi wa Kamati ya utendaji ya mradi.
- v) Kusimamia na kulinda uendeshaji wa chanzo cha maji matanki ya maji na au Paneli za nguvu ya jua.
- vi) Kutenda kazi nyingine ye yote kadri itakavyoagizwa na uongozi wa Jumuiya.

*The team of artisans and other operators shall be answerable to the Executive committee and shall perform the following functions*

- i) *To ensure proper operation and maintenance of the water supply*

- system for the sustainable delivery of water services to members*
- ii) To act on all technical problems from the water source to water points*
  - iii) To assist the Executive committee in supervising the selling and distribution of water*
  - iv) To ensure proper use of assets, spare parts and other technical instruments throughout*
  - v) To supervise and safeguard the water intake, water tanks or solar energy panels*
  - vi) To do any other activities as may be directed by the Executive committee*

## **SEHEMU YA SITA: FEDHA NA UTUNZAJI MAHESABU**

### **PART SIX: FINANCE AND ACCOUNTS**

- 6.1 Vyanzo vya mapato ya Jumuiya vitakuwa kama vilivyoielezwa katika kifungu na 4.4 juu

*Source of revenue for the Association shall be as described in Section 4.4 above*

- 6.2 Fedha zote za Jumuiya zitawekwa katika Benki itakayochaguliwa na mkutano mkuu ngazi ya mradi isipokuwa kwamba kiasi kidogo cha fedha kilichokubaliwa kitatuzwa na mtunza hazina wa Jumuiya kwa matumizi madogo madogo ya dharura.

*All funds of the Association shall be deposited with such Bank approved by the Association provided that an agreed sum of money shall be kept by the treasurer for meeting petty cash expenses*

- 6.3 Hakuna mkopo au ruzuku itakayotolewa na Jumuiya kwa mwanachama, mwajiriwa, Jumuiya shirikishi au mtu yeyote.

*No loans or grants are to be given from the financial resources of the Association to any member, employee, affiliated institution or any other person.*

- 6.4 Hakuna Fedha itakayochukuliwa toka Benki bila ya azimio la Kamati ya utendaji ya mradi kwa maandishi likionyesha malipo yatakayofanyika na nakala ya maamuzi hayo ipelekwe kwa Mhandisi wa maji wa Halmashauri ya Wilaya.

*No payments shall be made out of the Bank account without a written resolution of the Executive committee and its copy shall be sent to the District Water Engineer*

Malipo ya Fedha toka Benki yatasainiwa na Mtunza Hazina, Mwenyekiti na angalau mjumbe mmoja zaidi aliyeteuliwa na Kamati ya utendaji.

*Withdrawal forms or cheques shall be signed by the Chair person, Treasurer, and at least one member appointed by the Executive committee*

- 6.5 Fedha za Jumuiya zinaweza kutumika kwenye mambo yafuatayo:-
- i) Gharama za uendeshaji na matengenezo (Nishati, vipuri, vilainishi vya mitambo na malipo kwa fundi)
  - ii) Posho au mishahara kwa watendaji wa mradi
  - iii) Gharama za uendeshaji wa ofisi – shajara, nauli, posta n.k.
  - iv) Elimu na mafunzo kwa viongozi na watendaji wa Jumuiya
  - v) Upanuzi/ ubadilishaji wa mfumo wa usambazaji wa huduma ya maji
  - vi) Kinga ya uchakavu wa miundo mbinu na mali za kudumu za Jumuiya
  - vii) Gharama za kitaalam na kifedha

*The funds of the Association may only be used for the following purposes*

- i) *Operation and maintenance costs (power, spare parts lubricants and payments to mechanics)*
- ii) *Allowances or salaries and wages to operational staff*
- iii) *Office administration expenses – stationery, transport and traveling, postate etc.*
- iv) *Training costs for employees and committee members*
- v) *Infrastructure extensions or improvements*
- vi) *Provision for wear and tear of infrastructure and fixed assets.*
- vii) *Technical and Financial expenses*

- 6.6 Mtunza hazina ataandika na kutunza kumbukumbu sahihi za mahesabu ya Jumuiya kama ilivyo katika mwongozo wa usimamizi wa fedha wa miradi ya maji na usafi wa mazingira.

*The treasurer shall write and maintain proper accounting records as explained in the Financial Management Guide for Rural Water Supply and Sanitation project.*

- 6.7 Mwaka wa Fedha wa Jumuiya utakuwa toka tarehe 1 Januari hadi 31 Disemba, isipokuwa kwamba, mwaka ambao Jumuiya itaandikisha waweza kuwa mfupi au mrefu zaidi ya miezi kumi na mbili.

*The Financial year of the Association shall be from 1<sup>st</sup> January to 31<sup>st</sup> December provided that the first financial year after establishment of the Association may be of a shorter or longer period than twelve months*

## **SEHEMU YA SABA: VIWANGO VYA MALIPO YA MAJI**

### **PART SEVEN: WATER TARIFF/RATES**

- 7.1 Mkutano mkuu ngazi ya mradi utaweka viwango vya malipo ya maji kwa kuzingatia mapendekezo ya kitaalam toka kwenye Bodi/Kamati ya utendaji

na uwezo wa kiuchumi wa wanachama

*The price of water shall be determined by the scheme level general meeting, based on an economic viability proposal from the Board/Executive Committee*

- 7.2 Malipo ya gharama za maji yatafanyika kwa mhudumu wa kituo cha maji ambaye atawakilisha kwa mtunza hazina wa mradi na kupatiwa stakabadhi halali ya fedha

*Payment of water fees will be in cash to the water point caretaker who in turn will submit to the Treasurer obtaining genuine receipt voucher.*

## **SEHEMU YA NANE: FAINI NA ADHABU**

### **PART EIGHT: FINES AND PENALTIES**

- 8.1 Mwanachama au mtumiaji yeyote wa maji atakayekiuka katiba atachukuliwa hatua za kisheria na kutakiwa kulipa faini au adhabu kulingana na sheria, kanuni na taratibu zilizopo

*Violation of this constitution by members or any water user are subject to legal action including payment of fines or penalty in accordance with the prevailing laws rules and regulations*

- 8.2 Ukiukaji wa sheria za maji, Katiba, Kanuni na Taratibu utahusisha mambo yafuatayo:

- i) Kutolipia maji
- ii) Kuchota maji muda ambao hauruhusiwi
- iii) Uharibifu wa kituo cha maji, pampu, tanki, chanzo cha maji, vifaa vya mionzi ya jua au miundo mbinu ya mradi.
- iv) Uchafuzi au uharibifu wa mazingira ya chanzo/kituo cha maji
- v) Kutohudhuria vikao/mikutano inayomhusu bila sababu za msingi

*Violation of the water right laws, this constitution, rules and regulations includes the following:*

- i) *Non- payment of water fees*
- ii) *Water tapping in off hours*
- iii) *Destruction of water point, pump, tanks, water source, solar energy instrument and infrastructure of the scheme.*
- iv) *Pollution or destruction of the water source or water point environment.*



## **SEHEMU YA TISA: UKAGUZI WA MAHESABU**

### **PART NINE: AUDIT**

- 9.1 Vitabu vya mahesabu na nyaraka nyingine za fedha za Jumuiya vitakaguliwa na mkaguzi wa Halmashauri ya Wilaya angalau mara moja kwa mwaka.

*The books of accounts and all financial documents shall be audited by the auditor Council at least once each year.*

## **SEHEMU YA KUMI: WALEZI WA JUMUIYA**

### **PART TEN: PATRON OF THE ASSOCIATION**

- 10.1 Viongozi wafuatao watakuwa Walezi na Washauri wakuu wa Jumuiya ya watumiaji maji
- i) Mkuu wa Wilaya ya .....
  - ii) Mkurugenzi Mtendaji wa Halmashauri ya .....
  - iii) Mheshimiwa Mbunge wa Jimbo la .....

*The following leaders shall be the patron having supportive and advisory roles to the Association*

- i) *The District Commissioner of..... District*
- ii) *The Executive Director of ..... District Council*
- iii) *Honourable member of Parliament for ..... Constituency where the scheme is located.*

## **SEHEMU YA KUMI NA MOJA:**

### **MENGINEYO**

### **PART ELEVEN: MISCELLANEOUS**

- 11.1 Mkutano Mkuu ngazi ya mradi utakuwa na uwezo wa kutunga kanuni na taratibu mbalimbali za kuongoza na kusimamia matumizi mazuri ya huduma ya maji na kulinda usafi wa mazingira. Kanuni na Taratibu hizo itabidi ziidhinishwe na Halmashauri ya Kijiji kabla ya kuanza kutumika

*The scheme level general meeting shall have powers of making rules and regulations for the management and proper operation of the water scheme including protection and safeguarding environmental sanitation*

- 11.2 Marekebisho au mabadiliko au kufutwa kwa kipengele chochote cha katiba hii yatafanyika kwenye mkutano mkuu ngazi ya mradi ulioitishwa maalum

kwa ajili hiyo na kutolewa uamuzi kwa kura ya robo tatu ya wajumbe wote waliohudhuria na wenye haki ya kupiga kura.

*Amendment or changes or resolution of any section / clause in this constitution shall be done by a resolution given at an extra ordinary meeting at the scheme level specifically called for that purpose and voted by at least three-fourth of the members present and eligible to vote.*

- 11.3 Bila kuathiri vifungu vya Katiba hii, endapo utatokea utata kuhusu kifungu cho chote cha katiba hii, Tafsiri itakayotumika ni ile iliyoandikwa kwa Kiswahili

*Without prejudice to the foregoing save where in stated and interpreted in the constitutions, wherever there is any matter of conflict within the constitution, the Swahili written definition shall prevail*

## **SEHEMU YA KUMI NA MBILI: KUVUNJA JUMUIYA**

### **PART TWELVE: DISSOLUTION OF THE ORGANISATION**

- 12.1 Jumuiya ya ..... haitavunjwa isipokuwa kwa azimio litakalopitishwa na mkutano mkuu maalum ngazi ya mradi ulioitishwa maalum kwa ajili hiyo baada ya mapendekezo toka vituo vyote vya maji na robo tatu ya wajumbe waliohudhuria na wenye haki ya kupiga kura.

*The ..... Water users Association shall not be dissolved except after being proposed by an extra general meeting at scheme level called specifically for that purpose after recommendations from all water points and voted by at least three fourth of members present and eligible to vote.*

- 12.2 Iwapo uamuzi wa kuvunja Jumuiya utapitishwa Mkutano Mkuu ngazi ya mradi utateua mfilisi (wafilisi) atakayeonyesha mali za Jumuiya zitakavyoshughulikiwa. Mali hizo zaweza kupelekwa kwenye vyombo vya umma pekee.

Mali za mradi wa maji hazitauzwa kwa mtu yeyote yule.

*If the resolution to dissolve the Association is voted for the general meeting shall appointed a liquidator (liquidators) who shall make provision for the disposal of the Association assets. The assets can be disposed of to public entities only.*

*Assets of the Association shall not be sold to any person.*

## SEHEMU YA KUMI NA TATU: KUPITISHA KATIBA

### ***PART THIRTEEN: ADOPTION OF THE CONSTITUTION***

- 13.1 Katiba hii itaanza kutumika rasmi baada ya kupitishwa na wanachama wake na baada ya kusajiliwa rasmi na msajili wa Jumuiya

*This constitution shall become effective and operational upon being adopted by members of the Association and after registration of the Association with the Registrar of societies.*

- 13.2 Katiba hii imeandaliwa na kupitishwa kwenye Mkutano Mkuu ngazi ya mradi uliofanyika tarehe ..... na kutiwa sahihi na viongozi wa kwanza waliochaguliwa kuongoza Jumuiya tarehe .....

*This constitution has been prepared and adopted upon by a constitutional meeting held on ..... and signed by the first elected leaders of the Association on .....*

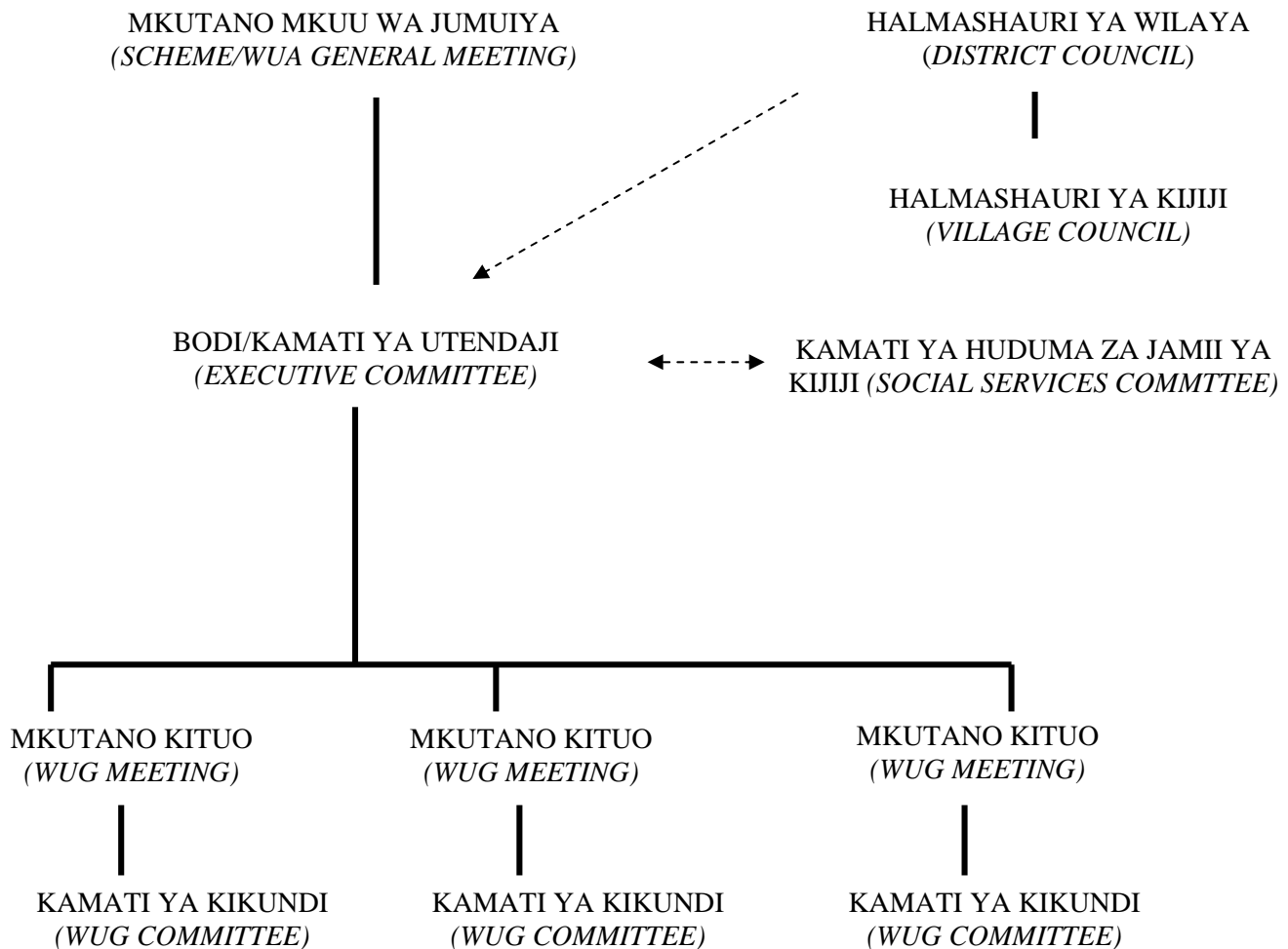
- |                                       |                                 |
|---------------------------------------|---------------------------------|
| Jina .....                            | Jina .....                      |
| Saini .....                           | Saini .....                     |
| 1. Mwenyekiti (Chairperson)<br>.....  | 2. Katibu (Secretary)<br>.....  |
| 3. Mtunza Hazina (Treasurer)<br>..... | 4. Mwanachama (Member)<br>..... |
| 5. Mwanachama (Member)<br>.....       | 6. Mwanachama (Member)<br>..... |
| 7. Mwanachama (Member)<br>.....       | 8. Mwanachama (Member)<br>..... |
| 9. Mwanachama (Member)                | 10. Mwanachama (Member)         |

## MUUNDO WA UTAWALA KWA KATIBA YA MODELI NA. II

### (ORGANISATION STRUCTURE FOR MODEL II)

MUUNDO WA JUMUIYA YA WATUMIAJI MAJI KATIKA KIJJI CHENYE  
MRADI MMOJA WENYE VITUO VINGI VYA HUDUMA YA MAJI

#### ORGANISATION STRUCTURE OF A SINGLE VILLAGE WATER USERS ASSOCIATION



— Mahusiano ya Kiushauri (Consultations)

- - - Mahusiano ya kimadaraka (Authoritative relations)

**MANAGEMENT MODEL NO. III:**  
**GROUP WATER SCHEME**

**MENEJIMENTI MBADALA MODELI NA.III  
(MODEL III)**

**CONSTITUTION OF A GROUP WATER SCHEME**

**KATIBA YA JUMUIYA YA WATUMIAJI MAJI YA.....**

**THE CONSTITUTION OF ..... WATER USERS ASSOCIATION**

**DIBAJI**

**PREAMBLE**

Wanachama wa Jumuiya ya watumiaji maji ya .....**KWA KUTAMBUA** kuwa wanahitaji kuwa na chombo cha kisheria cha kusaidia kusambaza maji katika kijiji cha ....., ..... na.....ili kuongeza ustawi wa jamii kwa ujumla.

*The members of the ..... Water Users Association **BEING MINDFUL** of the need of a legal entity to foster water supply development in ....., ..... and ..... villages for the purpose of enhancing general social welfare.*

**KWA KUELEWA NA KUTAMBUA** juhudi za dhati zinazofanywa na Serikali, Wafadhili na mamlaka mbalimbali, katika eneo la kijiji cha ....., ..... na ..... kuhusiana na maendeleo ya usambazaji wa maji;

**REALISING, AND RECOGNISING** the positive effort made so far by various authorities and agencies in the specified area of ....., ..... and ..... regarding development of the improved water supply.

**TUMEAMUA** kuanzisha Jumuiya ya **Watumiaji Maji** ya ..... itakayo simamia uendeshaji wa mradi wa usambazaji maji na kuendeleza juhudi na nia njema zilizokwishachukuliwa na Serikali, Wafadhili na mamlaka mbalimbali katika mradi huu kwa kuhamasisha uchangiaji wa fedha, vifaa na nguvu kazi ya jamii katika mradi huo; kwa hiyo Jumuiya itaongozwa kwa mujibu wa vipengele vifuatavyo vya katiba;

**WE HAVE RESOLVED** to establish and constitute the ..... Water Users Scheme and also supplement the efforts and endeavors undertaken by the various authorities and bodies in the same field by mobilizing financial, materials and human resources in that direction, hence, the Association shall be governed by the following provision.

## SEHEMU YA KWANZA

### PART ONE

#### 1.0 JINA, ANUANI YA JUMUIYA NA ENEO LA OFISI

##### **NAME, ADDRESS AND REGISTERED OFFICE**

#### 1.1 Jumuiya itakayojulikana kama ..... **JUMUIYA YA WATUMIAJI MAJI**

*The association shall be known as “..... **WATER USERS ASSOCIATION”***

#### 1.2 Ofisi ya Jumuiya itakuwa katika kijiji cha ....., Wilaya ya ....., Mkoa wa ....., Tanzania.

*The registered office shall be at the ..... ward, District and ..... Region, Tanzania.*

#### 1.3 Anwani ya Jumuiya itakuwa ni ..... **JUMUIYA YA WATUMIAJI MAJI S.L. P.** ....., ....., .....

*The postal address shall be ..... **WATER USERS ASSOCIATION, P.O. Box** ....., ....., .....*

## SEHEMU YA PILI

### PART TWO

#### 2.0 TAFSIRI

##### **INTERPRETATION**

#### 2.1 Katika katiba hii isipokuwa kama itaelezwa vinginevyo,

*In this constitution, unless the context requires otherwise,*

**“Mtumiaji wa kawaida”** maana yake ni mtu yeyote anayechota maji kila siku kutoka kwenye Jumuiya mwenye akili timamu.

**“Users”** means each and every person who is drawing water daily from the scheme and who has attained the age of 18 years and is of sound mind.

**“Kanuni na Taratibu”** maana yake sheria itatungwa na kuongoza uongozi wa ..... Jumuiya ya watumiaji

**“Rules and Regulation”** means the by laws made and governing the Management of ..... Users Association.

**“Katiba”** maana yake ni katiba ya Jumuiya ya watumiaji maji ya .....

**“The constitution”** means the constitution of the ..... Water users Association.

**“Ngazi ya watumiaji wa eneo”** maana yake ni juu ya muundo ambayo inaundwa na watumiaji na wanachama wote katika kijiji. “Ngazi ya Kiosk” maana yake ni kituo cha kuchotea maji kwa kikundi cha watumiaji wa karibu na kituo.

**“Users Area level”** means a village with one or more water points or a village with a water tank supplied with water from the transmission line of the Association “Kiosk level” means a group of water users who receive water service from one or two water points which are closer to each other.

“Ngazi ya mradi” maana yake ni ngazi ya juu ya muundo ambayo inaundwa na ..... watumiaji na wanachama wote katika kijiji.

**“Scheme level”** means a supreme level of organization structure of ..... which comprise representatives from each village within the scheme

## **SEHEMU YA TATU**

### **PART THREE**

#### **3.0 MALENGO NA MADHUMUNI**

##### **AIMS AND OBJECTIVES**

#### **3.1 Malengo ya Jumuiya ya ..... yatakuwa kama ifuatavyo:-**

*The aims of ..... ASSOCIATION shall be as follows:-*

Kuanzisha Jumuiya itakayohusika na usambazaji maji safi na salama kwa bei nafuu kwa wanachama wake.

1)

*To establish an association which shall be responsible for the supply of clean and safe water at the cheapest price to its members.*



- 2) Kusimamia usambazaji wa maji safi na salama, kutunza na kusimamia usafi wa mazingira.

*To operate and maintain a water supply scheme ensure protection and conservation of hygiene and environmental sanitation.*

- 3). Kuhakikisha kuwa Jamii inapata miliki ya vyanzo vya maji kwa mujibu wa sheria zilizopo nchini.

*To ensure that the scheme acquires the water right as per the laws of this country.*

- 4). Kuchukua hatua kwa kushirikiana na asasi nyingine za kitaifa au katika ngazi ya wilaya zitakazohakikisha kuwa maslahi ya Jumuiya yanalindwa na kuendelezwa ipasavyo.

*To take all necessary and proper steps in collaboration with other relevant companies, authorities national wide or at district level on all matters which the Association has interest there in and or to carry on negotiations or operation for the purpose of directly or indirectly carrying out the objective of the association or furthering the interest of the users and to oppose any steps taken or likely to be taken by any body or company or an institution or authorities or persons which may be considered likely or directly or indirectly to prejudice the interest of the Association.*

- 5) Kuhakikisha uendelevu wa upatikanaji wa huduma ya maji kwa kulipia gharama zote za uendeshaji na matunzo

*To ensure the long term reliability of the water supply scheme on the basis of full cost recovery operation.*

- 6) Kuwekeza fedha za ziada za Jumuiya katika miradi itakayosaidia kukuza mapato ya Jumuiya ili mradi uwekezaji huo usiathiri malengo na madhumuni ya Jumuiya.

*To invest and deal with the money of the association not immediately required for the purposes of its business in or upon such investments or on security matters, provided that such investment or dealing in moneys shall not prejudice the interest, aims and objectives of the Association.*

- 7) Kukusanya malipo ya maji kutoka kwa watumiaji maji wa Jumuiya.

*To collect fees for water supplies to water users by the Association.*

- 8) Kushirikiana na Jumuiya zingine au vyombo vingine vilivyo ndani ya eneo la wilaya vyenye malengo na madhumuni yanayofanana na malengo ya Jumuiya hii.

*To cooperate with other Association or bodies in the area of the district whose aims and objectives are similar to those of the association.*

- 9) Kutoa huduma ya maji kwa watu wote na kwa kufuata katiba.

*To provide water service to all peoples with this constitution.*

- 10) Kufanya mambo mengine ambayo yanafaa kulingana na madhumuni haya au kwa maslahi ya Jumuiya hii.

*To do all such other thing as are incidental or conducive to these objectives or to the interest of the Association.*

## **SEHEMU YA NNE**

### **PART FOUR**

#### **4.0 UANACHAMA**

##### **MEMBERSHIP**

- 4.1 Kutakuwa na aina zifuatazo za uanachama wa .....jumuiya ambazo ni;

*There shall be the following categories of member of the .....Association.*

- 1) **“Wanachama wa kawaida”** Kundi hili litahusisha watumiaji maji wote wa kawaida katika mradi wa maji wa .....

*“Ordinary members” This group shall include all ordinary water users at ..... Scheme.*

- 2) **“Wanachama washiriki”** Kundi hili litawahusu wawakilishi wa taasisi/asasi za umma pamoja na mhandisi wa maji wa wilaya ya ....., Afisa Tarafa, Mtendaji wa kata, Diwani wa kata na mtu yeyote atakayeteuliwa na jumuiya kutoka nje ya kijiji.

**“Associate Members”** This group shall include representatives who can be appointed from companies, institutions, government departments, society, parastatal organization, etc who describe to the objectives of the Association.

- 3) **“Wanachama wa heshima”** Kundi hili litahusu watu watakaopendekezwa na mkutano mkuu ngazi ya mradi kuwa wanachama kutokana na michango yao ya mawazo au mali au nafasi ya uongozi ya Jumuiya .....

**“Honorary Members”** This group shall include all members who shall be recommended by the scheme level general meeting to be members on account of his/her contribution of ideas or properties to the welfare of the ..... Association.

## 4.2 KUSIMAMISHWA UANACHAMA

### **CESSATION OF MEMBERSHIP**

- 4.2.1 Uanachama wa mwanachama wa kawaida hautakoma, isipokuwa haki ya kuchota maji inaweza kusimamishwa kutokana na mambo yafuatayo:-

*Ordinary members cannot cease their membership as long as they are drawing water from the scheme, but right to draw water can be suspended in the following grounds:-*

- i) Mwanachama kuwa na deni la ankara za maji la muda wa miezi miwili au zaidi.

*The member is more than two month in areas with payment of any tariffs and fees.*

- ii) Mwanachama atakayeharibu kwa makusudi kitu au kifaa cha Jumuiya ya maji.....

*The member can distrust any property or instrument the ..... Scheme.*

- 4.2.2 Mwanachama mshiriki au wa heshima ataacha uanachama endapo;

*An association and honorary member shall cease to be a member if;*

- i) Atajiuzuru kwa hiari

*He/She voluntarily resigns*

- ii) Ataachishwa kwa sababu mbalimbali  
*Can be terminated for different reasons*
- iii) Kifo  
*Death*
- iv) Akihama toka eneo la mradi  
*Can be transferred/ shift from the project area*

4.2.3 Mwanachama aliyesimamishwa uanachama anaweza kurejeshewa uanachama endapo atatekeleza maelekezo ya uongozi wa ....., au kulipa ankra anazodaiwa.

*Members whose membership has been terminated, suspended or dismissed can be reinstated if he/she can fulfill the directives of the Management of the ..... or when he/she pays the outstanding tariffs and or fees.*

4.2.4 Haki na wajibu wa mwanachama. Zifuatazo ni haki na wajibu wa kila mwanachama wa kawaida wa Jumuiya.

*Rights and responsibilities of a member. The following are rights and responsibilities of an ordinary member of the Association.*

- i) Kupiga kura  
*To vote*
- ii) Kugombea uongozi  
*To contest for leadership*
- iii) Kupata huduma ya maji sawa bila ubaguzi  
*To get equal services of water without discrimination*
- iv) Atawajibika kuhudhuria mikutano yote inayomhusu  
*To attend the meeting in which he/she is entitled*
- v) Atawajibika pia kulipia maji kulingana na kiwango cha maji aliyotumia  
*To pay for water bills as per water utilized*

#### 4.2.5 Ada na michango

##### *Fees and donation*

- i) Jumuiya itaweza kuomba michango au ada au kupokea zawadi kutoka kwa wanachama na wasio wanachama kwa lengo la kuimarisha na kukuza uwezo wakifedha wa Jumuiya.

*The Association may from time to time request donations, receive gifts/ grants and ex-gratia contributions from members and non-members in order to enhance and strengthen over the Associations financial basis.*

#### **5.0 MUUNDO WA JUMUIYA YA WATUMIAJI MAJI YA .....**

##### **ORGANIZATION STRUCTURE OF ..... WATER USERS ASSOCIATION**

Jumuiya ya watumiaji maji ya ..... itakuwa na mpangilio wa uendeshaji ufuatao

*The water user association of ..... Shall comprise the following bodies of management.*

- i) Ngazi ya Kituo  
*Kiosk level*
- ii) Ngazi ya watumiaji wa eneo  
*User area level*
- iii) Timu ya mafundi  
*Team of Technicians*
- iv) Ngazi ya mradi  
*Scheme level*

#### **5.1 NGAZI YA KITUO**

##### **KIOSK LEVEL**

Hii ni ngazi ya chini ya uendeshaji inayoundwa na kituo kimoja au zaidi vinavyokaribiana

*This group shall comprise all water users utilizing water from one or more kiosks, which are closely located.*

5.1.1 Ngazi ya Kiosk itakuwa na ngazi mbili za uendeshaji ambazo ni:-

*At Kiosk level there shall be two levels of managements namely:-*

i) Mkutano Mkuu wa Kituo

*Kiosk General Meeting*

ii) Kamati ya uendeshaji ya Kituo

*Kiosk management committee*

5.1.2 Mkutano Mkuu wa Kituo

*Kiosk General Meeting*

Utahudhuriwa na watu wote wenye umri wa miaka 18 au zaidi wanaotumia maji kwenye kituo kimoja au zaidi vinavyokaribiana.

*Kiosk general meeting shall constitute all users utilizing water from one or more kiosks closely allocated and shall be attended by all adult family members of 18 years of age and above.*

5.1.3 Mkutano mkuu wa kituo utachagua mwenyekiti na katibu kutoka miongoni mwa watumiaji maji wa ngazi ya kituo watakaongoza kwa kipindi cha miaka mitatu na wanaweza kuchaguliwa tena.

*The Kiosk general meeting shall be presided over by a chairperson who shall be elected from amongst the water users at kiosk level and shall hold position for a term of three years and can be re-elected.*

5.1.4 Mkutano mkuu wa kiosk utafanyika kila baada ya miezi mitatu kujadili yafuatayo:-

*The Kiosk general meeting shall meet after every three months and shall discuss:*

i) Kupitia taarifa za mapato na matumizi ya maji katika kiosk

*To receive and affirm water consumption reports and collection of revenue from the kiosk management committee*

- ii) Kuchagua wajumbe wa kamati ya uendeshaji ya kituo

*To elect the Kiosk management committee*

- iii) Kupokea na kujadili taarifa mbalimbali kutoka kwa mwenyekiti wa kituo zinazohusu uendeshaji na shughuli za maji

*To receive reports from the chairman of Kiosk management committee on water supply.*

- iv) Kupendekeza viwango vipya na marekebisho ya Ankara za maji

*To suggest new rates and amendment of water rates*

- 5.1.5 Kila mwanachama atawajibika kuhudhuria mkutano mkuu wa kituo na atakuwa na haki ya kupiga kura au kugombea uongozi.

*Every member shall be responsible to attend the Kiosk general meeting and shall be entitled to vote and contest for leadership*

## **5.2 KAMATI YA UENDESHAJI YA KITUO**

### **KIOSK MANAGEMENT COMMITTEE**

Kamati hii itachaguliwa na mkutano mkuu wa kituo

*This committee shall be elected by the Kiosk general meeting*

Wajumbe wa kamati ya uendeshaji wa kituo watakuwa:

*Members of the Kiosk management committee shall be:*

- i) Mwenyekiti ambaye atakuwa pia Mwenyekiti wa mkutano mkuu wa kituo

*The Chairperson who shall also be the Chairperson of the Kiosk general meeting*

- ii) Katibu ambaye atakuwa pia Katibu wa mkutano mkuu wa kituo kwa muda wa miaka mitatu anaweza kuchaguliwa tena.

*The Secretary who shall also be the Secretary of the Kiosk general meeting and shall hold position for three years and can be re-elected*

- iii) Mweka hazina ambaye atakuwa madarakani kwa muda wa miaka mitatu anaweza kuchaguliwa tena.

*The treasurer who shall hold the position for a term of three years and can be re-elected*

- iv) Mhudumu wa kituo mmoja ambaye atakuwa fundi na mkusanya malipo ya maji kwenye kiosk kwa niaba ya mweka hazina wa mradi.

*One Kiosk attendant who shall also be the technician and collector of water bills at the Kiosk on behalf of the treasurer of the scheme.*

- v) Wajumbe wawili mmoja kati yao lazima awe mwanamke na watakuwa wajumbe kwa kipindi cha miaka mitatu wanaweza kuchaguliwa tena.

*Two members one among them must be a woman who shall hold the position for a term of three years and they can be re-elected*

- 5.2.1 Kamati ya uendeshaji ya kioski itakutana mara moja kila mwezi lakini yaweza kukutana kwa dharura wakati wowote.

*The Kiosk management meeting shall meet once a month but it can meet at any time when the circumstance requires.*

Majukumu ya kamati

*Functions of the committee*

- i) Kuandaa takwimu mbalimbali zinazohusu masuala ya uendeshaji na matengenezo ya kituo na mabomba.

*To prepare different data on the management and repair of the Kiosk and water pipes.*

- ii) Kuandaa takwimu zinazohusu kuvuja kwa maji, matumizi mabovu ya maji, mauzo ya kila siku, mahitaji kuhusu matengenezo katika kituo.

*To prepare data on water leakages, water losses, daily collections, and repair requirements of Kiosk.*

- iii) Kuhakikisha taratibu zilizowekwa kuendesha kituo zinafuatwa na watumiaji.

*To ensure that all regulations set to manage the Kiosk are adhered to by the users.*

- iv) Kutoa taarifa kwenye mkutano mkuu wa kituo juu ya usimamizi wa kila siku.



*To report to the Kiosk general meeting on the daily management of the Kiosk/Kiosks*

- v) Kuhakikisha kituo na vifaa vingine vyote viko kwenye hali nzuri na vinalindwa.

*To ensure all assets of the Kiosk are secured and are in good condition.*

- vi) Kuandaa orodha ya wanachama wote wa kituo/vituo husika.

*To maintain proper register of the Kiosk or Kiosks members*

### **5.3 NGAZI YA WATUMIAJI WA ENEO**

#### ***USER AREA LEVEL***

Hii ni ngazi ya kati ya muundo ambayo kitongoji au kijiji kimoja chenye viosk vya maji zaidi ya kimoja au tanki la maji kitaunda ngazi ya watumiaji wa eneo.

*This is a middle level structure, where by one village with more than one water Kiosk or with a water tank connected from the scheme shall form a user area level.*

- 5.3.1 Ngazi hii itakuwa na hatua moja ya uendeshaji ambayo ni mkutano mkuu.

*The user area level shall have one level of management that is a general meeting.*

- 5.3.2 Mkutano mkuu utafanyika kila mwaka mara mbili yaani mwezi Januari na Juni ili kujadili masuala yote yanayohusu usambazaji wa maji katika eneo la kijiji na kutoa mapendekezo yake kwenye mkutano mkuu ngazi ya mradi.

*The user area general meeting is to be conducted twice a year in the months of January and June to discuss all relevant matters pertaining to water supply and the discharge of its responsibilities within the area of the village and shall report its suggestion and opinion to the scheme level general meeting.*

- 5.3.3 Mkutano mkuu wa watumiaji wa eneo utahudhuriwa na wanachama wa kawaida wote katika kitongoji wenye umri wa miaka 18 au zaidi na utaongozwa na mwenyekiti na katibu watakoachaguliwa kutoka miongoni mwa watumiaji hao ambao watahika madaraka kwa kipindi cha miaka mitatu na wanaweza kuchaguliwa tena.

*The annual general meeting shall be constituted by all water users within the village who are 18 years of age and above and the meeting shall be*

*presided by the chairperson and secretary who shall be elected from amongst the users and shall hold position for the term of three years, they can be re-elected.*

#### **5.3.4 Agenda za mkutano zitakuwa kama ifuatavyo: -**

*The agenda for the meeting shall be as follows: -*

- i) Kuchagua mwenyekiti endapo mwenyekiti hatakuwepo.

*Election of chairperson in case of his absence*

- ii) Kupokea taarifa mbalimbali toka kwenye kamati za vikundi vya watumiaji maji kuhusu uendeshaji na matatizo kwenye vituo vya maji

*To receive different reports from the Kiosk committee on the management and various problems at the water points*

- iii) Kubuni na kupendekeza sera na mambo muhimu katika ngazi ya mradi yanayoweza kusaidia kufanikisha uendeshaji mzuri wa jumuiya.

*To suggest policy and important issues at the scheme level that could help the facilitation of the management of the scheme.*

- iv) Kuwachagua wajumbe wa ngazi ya mradi.

*To elect members of the scheme level*

- v) Kupendekeza mipango inayowasilishwa kwa maandishi na mjumbe yeyote katika mkutano.

*To discuss matters or suggestions submitted in writing by any member prior to the meeting.*

- 5.3.5 Akidi ya kikao kwenye mkutano inatakiwa kuwa zaidi ya asilimia hamsini na upigaji kura utakuwa ni wa kunyoosha mikono au kwa siri.

*The quorum of the meeting shall be more than 50% (fifty percent) of all members. Votes shall be taken by show of hands or by secret ballot.*

- 5.3.6 Mkutano mkuu maalum ngazi ya watumiaji wa eneo unaweza kuitishwa endapo theluthi mbili ya wajumbe wake watamwomba mwenyekiti kwa maandishi.

*An extra-ordinary general meeting can be called if at least  $\frac{2}{3}$  of the members shall request the chairperson in writing.*

- 5.3.7 Mkutano mkuu maalum utaitishwa si chini ya siku 14 baada ya mwenyekiti kupokea maombi hayo kwa maandishi yakionyesha agenda, tarehe na mahali pa mkutano.

*An extra-ordinary general meeting shall be called not later than 14 days after the chairperson has received the written request as well as the agenda, date, and the venue of the meeting.*

### **5.3.8 TIMU YA MAFUNDI**

#### ***THE TEAM OF TECHNICIANS***

Timu ya mafundi itaundwa na Fundi Mkuu pamoja na mafundi kwenye vituo.

*The team shall be composed of the chief technician and the Kiosk technicians.*  
Timu ya mafundi itakuwa na majukumu yafuatayo:

*Functions of the team shall be:*

- i) Kuwajibika kwa kamati ya uendeshaji ngazi ya mradi.

*To assist the scheme level management committee on the good management and repair of the scheme in order to make the scheme provide good service to its members.*

- ii) Kushughulikia matengenezo na matatizo ya kiufundi ngazi zote za mradi ili kuhakikisha utoaji wa huduma bora kwa wanchama wake.

*To act on technical problems reported by Kiosk committees.*

- iii) Kusimamia mauzo ya maji na usambazaji wake.

*To assist the scheme management committee in supervising the selling and distribution of water*

- iv) Kusimamia mali na vifaa vyote vya jumuiya.

*To take care of the assets and other instruments of the Association in collaboration with the scheme management committee*

- v) Kuandaa taarifa zinazohusu uendeshaji, ufundi na matengenezo na uharibifu.

*To provide to the scheme management committee the technical and repairs implementation report.*

- vi) Kusimamia uendeshaji wa chanzo cha maji, matanki ya maji, vifaa vinavyotumia nguvu ya mionzi ya jua.

*To supervise the operation of water intake, water tanks, and solar power facilities of the scheme.*

- vii) Kushughulikia miundo mbinu ya usambazaji wa maji na kufanya tafiti za kiufundi kwa manufaa ya Jumuiya.

*To establish infrastructures on distribution of water and to research on technical matters for the benefit of the ..... Association.*

- viii) Kuhakikisha kuna vifaa vya kutosha vya kiufundi.

*To make sure spare parts and other technical instruments are available throughout*

- ix) Kuwajibika na shughuli za kila siku za mradi.

*To be responsible for the day to day activities of the scheme.*

- x) Kuwajibika kwa kamati ya uendeshaji ngazi ya mradi

*It shall be responsible to the scheme management committee*

### **5.3.9 NGAZI YA MRADI**

#### **SCHEME LEVEL**

Hii ni ngazi ya juu ya mradi katika jumuiya ya ..... ndiyo chombo chenye madaraka ya mwisho kuhusu uendeshaji wa Jumuiya.

*This is a management structure, which has supreme power on the running of the ..... Association.*

### **5.3.10 Mkutano Mkuu ngazi ya mradi utakuwa na wajumbe wafuatao:-**

*The Scheme Level general meeting constitute of the following members:*

- i) Wajumbe wote wa kamati ya uendeshaji ngazi ya mradi wa.....

*All members of the ..... Scheme management committee*

- ii) Mhandisi wa maji wa Wilaya ya .....  
*Associate members from the district council of ..... particularly the District water engineer*
- iii) Wenyevidi na Makatibu wote wa kamati za uendeshaji ngazi ya kiosk

*All Chairpersons and Secretaries of Kiosks management committees*

- a. Afisa Tarafa wa .....  
*Division secretary of .....*
- b. Afisa Mtendaji wa kata ..... na .....  
*Ward executive officers for ..... and ..... Wards.*
- c. Diwani wa kata ya .....na .....  
*Councilors for ..... and ..... wards*
- d. Afisa mtendaji na Mwenyekiti wa kijiji cha ....., .....na .....  
*Village Executives and Village Chairman for ....., ..... and ..... Villages.*
- e. Wanachama wa heshima  
*Honorary members.*
- f. Wenyevidi wote wa ngazi ya watumiaji wa eneo  
*All chairperson of the user level general meeting.*

### **Majukumu ya mkutano mkuu ngazi ya mradi**

#### ***Function of the scheme general meeting***

- i) Kupitisha sera zinazohusu uendeshaji wa Jumuiya.....

*To set policies, values and regulations pertaining to the general running of the ..... Association.*

- ii) Kujadili mipango na bajeti ya mwaka ya Jumuiya.

*To consider and approve the annual plan and budget of the Association*

- iii) Kupitisha sheria ndogo ndogo za Jumuiya.

*To approve by laws and regulations of the Association*

- iv) Kuidhinisha viwango vipya vya ada ya maji

*To approve new water tariff*

- v) Kujadili taarifa ya fedha na mkaguzi wa akaunti ya Jumuiya.

*To receive and approve a financial report relating to the audited accounts of the association*

- vi) Kuajiri watumishi na kuteua mafundi wa mradi.

*To employ workers and appoint technicians of the scheme*

- vii) Kupokea na kujadili taarifa mbalimbali za kamati ya uendeshaji ngazi ya mradi.

*To receive and discuss different reports from the scheme management committee*

- viii) Kupitisha mikakati ya kuifanya Jumuiya ya ..... kuwa endelevu.

*To consider and decide on any important strategy which aims at making the ..... Water Association a sustainable one.*

- ix) Kuchagua kamati ya Uendeshaji ngazi ya mradi yenye watu sita (6) akiwemo Mwenyekiti, Katibu na Mweka Hazina ngazi ya mradi

*To elect the Chairperson, the Secretary and the Treasurers of the scheme general meeting from among those six members who shall also be the members of the scheme Management committee.*

- 5.4.1 Mkutano mkuu ngazi ya mradi utafanyika kila mwaka mwezi Januari na mwezi Julai lakini unaweza kufanyika kwa dharura wakati wowote inapohitajika.

*The scheme level General Meeting is to be conducted twice a year in the month of January and July but an extra-general meeting can be conducted any time.*

- 5.4.2 Akidi ya mahudhurio katika Mkutano mkuu ngazi ya mradi itakuwa nusu (50%) ya wajumbe ukiondoa Afisa wa Tarafa, Madiwani, Watendaji wa kata, Wanachama washiriki na Wanachama wa heshima.

*The quorum at the meeting shall be 50% of the members excluding the division secretary. The councilors, ward executive officers, Associate member and honorary members.*

- 5.4.3 Mkutano mkuu maalumu ngazi ya mradi unaweza kufanyika wakati wowote endapo  $\frac{2}{3}$  ya wanachama wataomba kwa Mwenyekiti. Mwenyekiti ataitisha mkutano huo si chini ya siku 14 baada ya kupokea maombi hayo ya maandishi yakiwa na agenda, tarehe na mahali utakapofanyika mkutano huo. Endapo mwenyekiti bila ya sababu zozote za msingi atashindwa kuitisha mkutano huo ndani ya siku 14 jambo hili litafikishwa kwa Afisa wa Tarafa ambaye ataitisha mkutano huo na mwenyekiti wa muda wa kikao hicho atateuliwa.

*An extra ordinary general meeting at scheme level will be called for at any time if at least  $\frac{2}{3}$  of the members who form the quorum will request to the chairman in writing. The meeting shall be called for not less than 14 days after the chairman has received such written request indicating the agenda, date and the venue of that meeting. If the chairman without any good cause fails to call for that meeting, within 14 days, this matter shall be taken to the division secretary who shall immediately call for the meeting and the chairman of that meeting will be elected.*

## **5.5 KAMATI YA UENDESHAJI NGAZI YA MRADI**

### ***THE SCHEME LEVEL MANAGEMENT COMMITTEE***

Kamati hii itakuwa na wajumbe sita waliochaguliwa kutoka miongoni mwa wanachama wa kawaida kwa uwakilishi wa vijiji vinavyounda Jumuiya ambapo watatu kati ya wajumbe hao lazima wawe wanawake.

*This committee shall consist of six members elected from amongst, the ordinary members, with equal representation from each village whereas three members shall be female.*

5.5.1 Wajumbe hawa watakaa madarakani kwa kipindi cha miaka mitatu na wanaweza kuchaguliwa tena.

*The committee member shall hold position for a term of three years and can be re-elected.*

5.5.2 Wajumbe wa kamati hii watakuwa:

*Member of this committee shall be:*

i) Mwenyekiti ambaye atakuwa pia mwenyekiti wa mkutano mkuu wa ngazi ya mradi.

*The chairman who shall also be the chairman of the scheme level general meeting*

ii) Katibu

*The secretary.*

iii) Mweka hazina

*The treasure*

iv) Wajumbe watatu (lakini Mwenyekiti, Katibu na Mweka Hazina hawatakiwi watoke kijiji au kitongoji kimoja).

*Three members (But the Chairman, Secretary and Treasurer shall not come from the same user area level)*

5.5.3 Wajumbe wa kamati ya uendeshaji ya mradi watapendekezwa na mkutano mkuu wa eneo na uteuzi wao utafanywa rasmi na mkutano mkuu ngazi ya mradi.

*Members of the scheme management committee shall be appointed by the general meeting after being suggested by area level general meeting.*

## **Majukumu ya kamati**

### ***Function of the committee***

i) Kusimamia na kuendesha mradi wote wa .....

*To supervise and administer the whole scheme of .....*

ii) Kutunza vitabu vya mahesabu na kuviwasilisha kwa mkaguzi kwa ajili ya ukaguzi.



*To keep and preserve properly all books of accounts and to submit them to the auditor for audit.*

- iii) Kupendekeza kwenye mkutano mkuu mfumo gani utumike kuendesha Jumuiya.

*To suggest to the scheme general meeting which type / kind of management system that could run the Association.*

- iv) Kupokea, kuunganisha na kutunza taarifa zote toka kwenye vituo na kwenye ngazi ya watumiaji wa eneo.

*To receive and compile all reports from Kiosks level and users area levels.*

- v) Kuratibu shughuli za watendaji mbalimbali wa mradi

*To coordinate activities of scheme employees and operators*

- vi) Kuwajibika kwenye mkutano mkuu ngazi ya mradi

*To be responsible to the scheme level general meeting*

- vii) Kulinda chanzo cha maji cha mradi wa ....., matanki ya maji, mabomba, vifaa vinavyotumia nguvu za mionzi ya jua za mradi na vifaa vingine vya mradi dhidi ya wizi, moto, mmomonyoko wa udongo au uharibifu wowote wa maksudi.

*Responsible for the protection of water sources, of the ..... Scheme, water tanks, water pipes, solar power panels of the scheme against fire, soil erosion or activities, which may cause distraction of properties and the water source of the Association*

- viii) Kutenda kazi zozote kwa mujibu wa maelekezo na katiba ya Jumuiya.

*To perform any duties in accordance with the directions within the constitution of the Association*

- ix) Kuandaa mipango na bajeti ya Jumuiya na kuiwasilisha kwenye mkutano mkuu ngazi ya mradi.

*To prepare annual plans and overall budget of the association and submit for approval to the scheme level general meeting*

- x) Kupendekeza kwenye mkutano mkuu ada na viwango vya gharama za maji.

*To propose to the scheme level general meeting water tariff and rates.*

- xi) Kubuni sheria ndogo ndogo au kanuni mbalimbali.

*To cause the preparation of different by- laws or rules*

- xii) Kuandaa dondoo za mkutano mkuu ngazi ya mradi.

*To prepare agenda for the scheme level general meeting*

- xiii) Kuwa kiungo kati ya jumuiya na serikali kuu, halmashauri na vyombo vingine kwa lengo la kuwa na utendaji mzuri na wa wazi.

*To liaise with central government, local government and other bodies for better function and openness*

- xiv) Kutoa ushauri na maelekezo kwa kamati ya kiosk ili kuwa na uendeshaji mzuri wa mradi.

*To give advice and directives to the Kiosk management committees for the better function of the scheme*

- xv) Kushirikiana kwa karibu na timu ya mafundi katika kutatua matatizo yote yaliyotolewa taarifa na kamati za vituo.

*To act on problems reported by Kiosk committees.*

## **SEHEMU YA SITA**

### **PART SIX**

#### **6.0 VYANZO VYA MAPATO**

##### **SOURCES OF FUNDS**

6.1 Vifuatavyo ni vyanzo vya mapato ya Jumuiya ya .....

*The following shall be sources of funds of ..... Association*

- i. Uzaji wa maji

*Water Sales*

- ii. Mapato kutokana na faini.

*Revenue from penalties for those who contravene rules and regulations of the Association*

- iii. Kiingilio na michango kutoka kwa wanachama wa Jumuiya.

*Entrance and Subscription fee from members of the Association*

- iv. Ruzuku, misaada na michango ya hiari kutoka Jumuiya nyingine au watu na mashirika

*Grants, donations, or voluntary contributions from other associations of similar nature, individuals and corporate bodies*

- 6.1.1 Fedha zote za Jumuiya zitawekwa katika benki itakayoamuliwa na Jumuiya.

*All funds of the Association shall be deposited with such Bank approved by the Association.*

- 6.1.2 Hakuna mkopo au ruzuku itakayotolewa na Jumuiya ya..... kwa mwanachama, mwajiriwa, Jumuiya shirikishi au mtu yeyote.

*No loans or grants are to be given from the financial resources of the.....organization to any member, employee or affiliated association.*

- 6.1.3 Fedha za Jumuiya zitatolewa benki kwa azimio la kamati ya uendeshaji ya mradi na hundi zote za akaunti ya jumuiya lazima zitiwe saini na mwenyekiti, mweka hazina wa kamati ya uendeshaji ngazi ya mradi na mjumbe mmoja atakayeteuliwa na mkutano mkuu ngazi ya mradi na kupitia kwa Mhandisi wa maji wa Wilaya ya .....

*No payments shall be made out of the bank account of the Association without a resolution of the scheme management committee authorizing such payments and all cheques on such bank account shall be signed by the chairman, treasurer and one member who shall be appointed by the scheme level general meeting and endorsed by the ..... District Water Engineer.*

- 6.1.4 Mweka hazina ataweza kukaa na TShs. 100,000 kwa ajili ya malipo madogo madogo ambayo itabidi yafuate taratibu zote za fedha.

*A sum not exceeding TShs. 100,000/= may be kept by the treasurer for petty disbursements of which proper account shall be adhered to.*

6.1.5 Mkutano mkuu, ngazi ya mradi utakuwa na madaraka ya kufukuza mtumishi au mjumbe yeyote ngazi ya watumiaji wa eneo au ngazi ya mradi endapo itaaminika kwamba mtumishi au mjumbe huyo hawajibiki ipasavyo au anatumia vibaya fedha au mali za Jumuiya ya ..... na mkutano huo utakuwa na mamlaka ya kumteua au kuagiza ateuliwe au kuajiriwa mtu mwingine kwenye nafasi hiyo.

*The scheme level general meeting shall have powers to suspend any employee or member who it has reasonable cause to believe is not properly accounting for his/her duties or the funds or property of the ..... Water User Association and shall have power to appoint another person or to order another person to be appointed in his place.*

6.1.6 Fedha za Jumuiya ya watumiaji maji ya ..... zaweza kutumika kwenye mambo yafuatayo.

*The funds of the..... Water User Association may only be used for the following purposes.*

i) Gharama za Uendeshaji na matengenezo ya mradi

*Operations and maintenance costs of the project*

ii) Gharama za utawala na uendeshaji wa ofisi ya Jumuiya

*Administration and office running expenses*

iii) Gharama za mafunzo kwa watumishi na wajumbe wa kamati ya uendeshaji ya .....

*Training cost of ..... employees and committee members*

iv) Kuitangaza Jumuiya ya watumiaji maji.

*Promotion of the Water Association*

v) Uchakavu wa miundo mbinu na mali za Jumuiya

*Depreciation on infrastrucute and fixed assets of the Association*

vi) Fedha ya akiba

*Reserve funds.*

vii) Kuendeleza miundo mbinu.

*Investment in / infrastructure improvements*

- viii) Masuala ya kitalaam na ufundi

*Professional and financial costs*

- ix) Posho kwa wajumbe wa kamati ya utendaji wakati wa vikao pale inaporuhusiwa

*Where the situation allows, payment of allowance to executive committee members*

6.1.7 Mwaka wa fedha wa Jumuiya ya Watumiaji Maji ya .....utaanza tarehe 1 Januari hadi 31 Desemba kila mwaka.(Isipokuwa mwaka wa kwanza wa kuundwa Jumuiya ambao unaweza kuwa mfupi au mrefu zaidi ya miezi 12).

*The financial years of the ..... Water User Association shall be from 1<sup>st</sup> January to 31<sup>st</sup> December each year (except that the first financial year after establishment of the association may be of a shorter or longer period than twelve month).*

## **SEHEMU YA SABA**

### **PART SEVEN**

#### **7.0 GHARAMA ZA MAJI**

##### **WATER FEES**

7.1 Jumuiya ya Watumiaji Maji ya..... itatoza gharama za maji ili kufidia usambazaji wa maji na gharama nyingine zilizotajwa katika kifungu cha 6.1.6 juu.

*The ..... Water User Association will charge water fees to cover costs of the water supply scheme and other expenses as listed in section 6.1.6 above.*

7.2 Kiwango cha gharama zote kitapangwa na mkutano mkuu ngazi ya mradi, baada ya kupata mapendekezo ya watumiaji wa eneo na kamati ya uendeshaji ngazi ya mradi na itazingatia uwezo wa kiuchumi wa wanachama.

*The price of water will be determined by the scheme level general meeting, based on an economic viable proposal from the scheme management team and recommendations from users area level meetings.*

7.3 Malipo ya maji yatafanyika kwa mhadumu wa kiosk, ambaye atawasilisha kwa mtunza hazina wa kiosk.

*Payment of water fees will be in cash to the Kiosk attendant who shall remit the money to the kiosk treasurer.*

## **SEHEMU YA NANE**

### **PART EIGHT**

#### **8.0 FAINI NA ADHABU**

##### ***FINES AND SANCTIONS***

Ukiukaji wa katiba hii utakaofanywa na mwanachama au mtumiaji yeyote wa maji utasababisha achukuliwe hatua za kisheria kulingana na sheria, kanuni na taratibu zilizopo.

*Violations of this constitution by members and any water user are subject to legal action to be initiated by the ..... Water User management committee and will follow the rules, laws and regulations in force.*

Ukiukaji wa sheria za maji na katiba ya ..... utahusisha mambo yafuatayo:

*Violation of the water act and the..... constitution includes the following;*

i) Kutolipia maji.

*Non-payment of water fees.*

ii) Kuchota maji muda ambao hauruhusiwi

*Water tapping in off-hours.*

iii) Kuharibu kituo cha maji (kiosk) au vifaa vinavyotumia nguvu za mionzi ya jua.

*Destruction of water point (Kiosk) or the solar Energy instrument.*

iv) Kuharibu mashine ya maji, tanki la maji, chanzo cha maji au miundo mbinu ya mradi.

*Destruction of pumps, tanks, water source and infrastructure of the scheme.*

- v) Mwanachama kutohudhuria vikao vinavyomhusu.

*Members not to attend the meetings which they are obliged to attend.*

- vi) Kuchafua mazingira ya chanzo cha maji/ kituo cha kuchotea maji

*Tampering with the environmental cleanliness of the water source (kiosk)*

## **SEHEMU YA TISA**

### ***PART NINE***

#### **9.0 AKIDI NA UTOAJI WA MAAMUZI**

##### ***QUORUM AND DECISION MAKING***

- 9.1 Idadi ya wajumbe wa kuhudhuria kwenye mkutano wowote wa Jumuiya kuanzia ngazi ya kituo, ngazi ya watumiaji wa eneo, au ngazi ya mradi itakuwa zaidi ya asilimia 50 ya wajumbe wote. Upigaji kura utakuwa wa siri au kwa kunyoosha mikono.

*The quorum of any meeting of the Association being at Kiosk level or at water user Area level or at scheme level shall be more than 50% of the members. Votes shall be taken by secret ballot or by show of hands as the member may see fit to direct in each case.*

- 9.2 Maamuzi yote katika mikutano ya Jumuiya isipokuwa mkutano wa kuifanyia marekebisho katiba yataamuliwa kwa wingi wa kura za wajumbe waliohudhuria na wanaostahili kupiga kura.

*Decision at the Association meeting except for amendment of the constitution shall be a simple majority of the members present.*

## **SEHEMU YA KUMI**

### ***PART TEN***

#### **10.0 MAREKEBISHO YA KATIBA**

##### ***AMENDMENT OF THE CONSTITUTION***

Marekebisho au mabadiliko au kufutwa au kuondolewa kwa kipengele chochote cha katiba hii yatafanyika kwenye mkutano mkuu maalumu ngazi ya mradi ulioitishwa na Jumuiya ya .....kwa ajili hiyo

baada ya mapendekezo kupitia ngazi zote na kupigiwa kura na robo tatu ya wajumbe wote wenye haki ya kupiga kura.

*Amendment or changes or alteration or rescind of any section/clause of the constitution shall be done after having been proposed at all levels of the ..... Association and approved by resolution given at an extra- ordinary general meeting of the scheme level specifically called for that purpose and voted by at least three-fourth of the members present and eligible to vote.*

## **SEHEMU YA KUMI NA MOJA**

### ***PART ELEVEN***

#### **11.0 WALEZI WA JUMUIYA**

##### ***PATRON OF THE ASSOCIATION***

11.1 Wafuatao watakuwa walezi wa Jumuiya.

*The following shall be the patron of the Association*

i) Mkuu wa Wilaya ya .....

*The District Commissioner for .....District*

ii) Mkurugenzi Mtendaji wa Halmashauri ya .....

*The District Executive Director for ..... District council*

iii) Mbunge

*The Member of Parliament*

11.2 Walezi watakuwa waangalizi na washauri wakuu wa Jumuiya hii ya .....

*The patron/matron shall have a supportive and advisory role of the ..... Water User Association.*



## SEHEMU YA KUMI NA MBILI

### *PART TWELVE*

#### 12.0 UKAGUZI WA MAHESABU

##### *AUDIT OF ACCOUNTS*

Vitabu vya mahesabu na nyaraka zingine zinazohusu fedha za Jumuiya vitakaguliwa kila mwaka na mkaguzi aliyeidhinishwa toka Halmashauri ya Wilaya ya.....angalau mara moja kila mwaka.

*An approved auditor from the District Council of ..... shall audit the Association's books of accounts and all documents related thereto at least once every year*

## SEHEMU YA KUMI NA TATU

### *PART THIRTEEN*

#### 13.0 MENGINEYO

##### *MISCELLANEOUS*

13.1 Mkutano mkuu utakuwa na uwezo wa kupitisha sheria ndogo, kanuni na taratibu mbalimbali za Jumuiya zitakazotumika sambamba na katiba hii hususani kuhusu:

*The scheme level general meeting shall have powers of making rules, and regulations of the Association, which shall relate but not affect the following:*

- i) Taratibu za kuongoza mikutano ya vyombo vya Jumuiya  
*Matters of procedure guiding the conduct of meetings of the organs of the association*
- ii) Taratibu za utendaji kazi kwa kila chombo cha Jumuiya  
*Matters of procedure of performance of the functions of each organ of the association*
- iii) Taratibu za kufuatwa katika kufukuza na kurudisha wanachama katika Jumuiya  
*Procedures governing the expulsion and re-admission of members to the association*
- iv) Taratibu za udhibiti wa ndani wa fedha na mali za Jumuiya

*Matters of procedure governing the management of funds of the Association*

- v) Maadili ya uongozi na taratibu za kuchagua viongozi

*The electoral procedures at the annual general meeting and code of conduct*

## **SEHEMU YA KUMI NA NNE**

### ***PART FORTEEN***

#### **14.0 KUVUNJWA KWA JUMUIYA**

##### ***DISSOLUTION OF THE ASSOCIATION***

Jumuiya ya watumiaji maji ya ..... haitavunjwa isipokuwa kwa azimio litakalopitishwa na mkutano mkuu maalumu wa ajili hiyo katika ngazi ya mradi. Uamuzi huo utapitishwa endapo zaidi ya robo tatu ya wanachama waliohudhuria na wenye haki ya kupiga kura wataafiki. Iwapo akidi haitatimia kwenye mkutano huo, suala hilo litafikishwa tena kwenye mkutano mkuu maalumu utakaofanyika mwezi mmoja baadaye. Taarifa ya mkutano huo itatolewa kwa wajumbe wote husika siku kumi na nne kabla ya tarehe ya mkutano huo. Akidi ya mkutano huo wa pili itakuwa ni wanachama waliohudhuria siku hiyo.

*The ..... Water User Association shall not be dissolved except after being proposed by an extra ordinary general meeting at all levels of water users and a resolution to be passed at an extra ordinary general meeting of the scheme level specifically called for that purposes and voted by at least 3/4 of members present and eligible to vote. If no quorum is obtained, the proposal to dissolve the Association shall be submitted to a further extra ordinary scheme level general meeting that shall be held one month later. A fourteen days' notice of this meeting shall be given to all members of the Association. The quorum in this second extra ordinary meeting shall be the number of members present.*

- 14.1 Iwapo uamuzi wa kuvunja Jumuiya utapitishwa, mkutano mkuu ngazi ya mradi utateua mufilisi (wafilisi) atakayeonyesha mali za Jumuiya zitakakopelekwa. Mali hizo zitaelekezwa kwenye vyombo vya umma pekee. Mali za Jumuiya hazitauzwa kwa watu binafsi au taasisi yoyote

isipokuwa kama kutakuwepo na kibali cha maandishi kutoka Halmashauri ya Wilaya ya .....

*If the resolution to dissolve the Association is voted for, the scheme general meeting shall appoint a liquidator(s) who shall make provision for the disposal of the Association's assets. The assets can be disposed of to public entities only. The assets of the Association shall never be sold to individual persons or any organization unless there is written approval from the District Council of.....*

- 14.2 Bila kuathiri vifungu vya katiba hii, endapo utata utatokea kuhusu kifungu chochote cha katiba hii, tafsiri itakayotumika ni ile iliyoandikwa kwa Kiswahili.

*Without prejudice to the foregoing, save wherein stated and interpreted in this constitution, wherever there is any matter of conflict within the provisions of this constitution the Swahili version definition shall prevail*

- 14.3 Katiba hii itaanza kutumika baada ya kupitishwa na mkutano mkuu wa ngazi ya mradi na baada ya kusajiliwa na msajili wa Jumuiya.

*This constitution shall become effective and operational upon being adopted by the members of the Association during the scheme general meeting and upon registration of the Association with the Registrar of Societies.*

## **SEHEMU YA KUMI NA TANO**

### **PART FIFTEEN**

#### **15.0 KUPITISHA KATIBA**

##### ***ADOPTION OF THE CONSTITUTION***

Katiba hii imeandaliwa na kupitishwa kwenye mkutano mkuu wa ngazi ya mradi uliofanyika.....(mahali) tarehe ..... na kutiwa saini na viongozi wa kwanza wa Jumuiya ya Watumiaji wa Maji ya..... tarehe .....

*This constitutions has been prepared and adopted upon on the constituting meeting held in ..... (Village) on .....date) and was signed by the first elected leaders of the Association on.....(date)*

1. Jina.....  
(Name)  
Saini.....  
(Signature)

Mwenyekiti

Chairperson

2. Jina .....  
(Name)  
Saini.....  
(Signature)

Katibu

Secretary

Wanachama wa kawaida

Ordinary Members

3. Jina .....  
(Name) .....  
Saini .....  
Signature).....

4. Jina .....  
(Name)  
Saini.....  
(Signature)

5. Jina .....  
(Name)  
Saini .....  
(Signature)

6. Jina .....  
(Name)  
Saini .....  
(Signature)

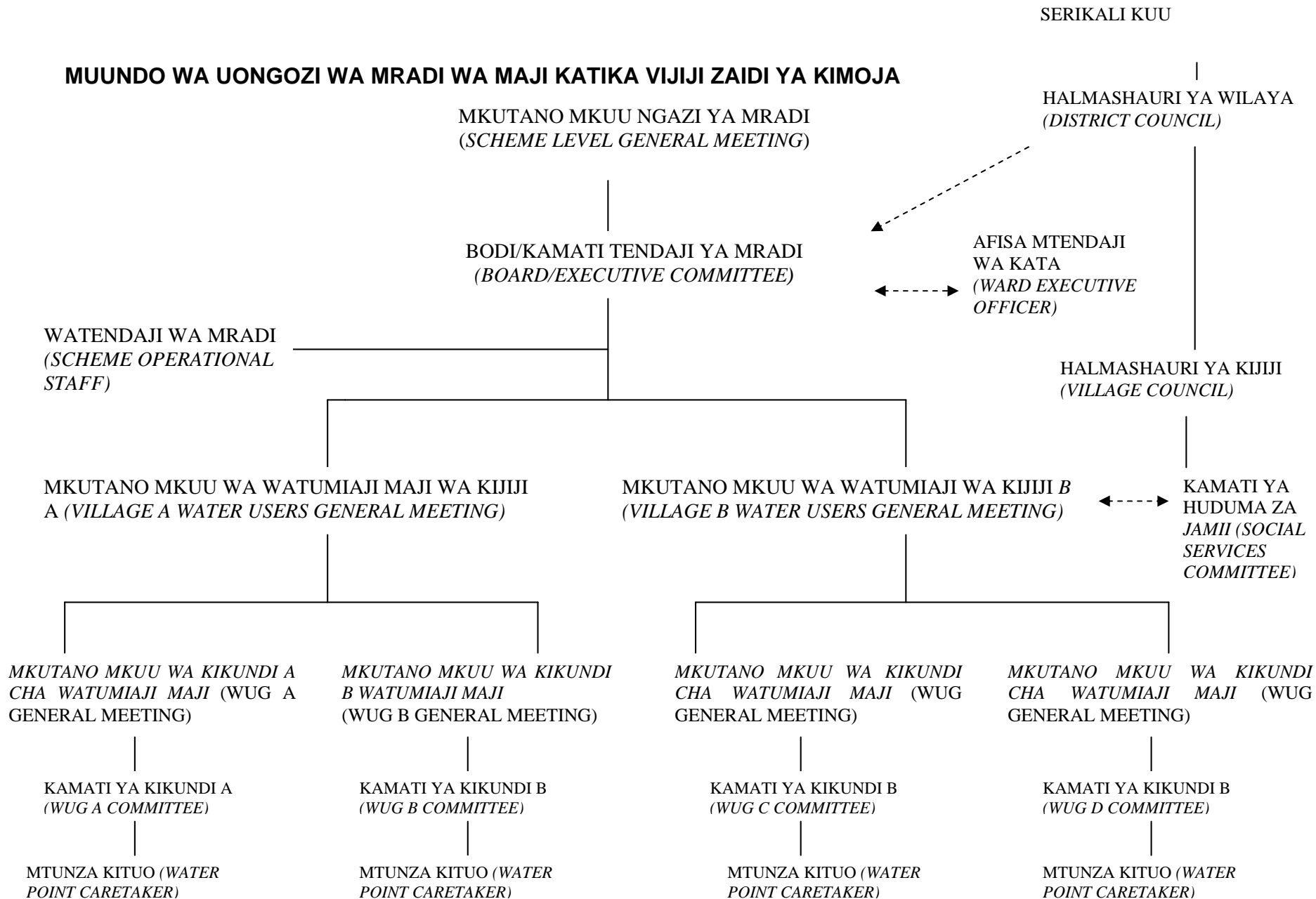
7. Jina .....  
(Name)  
Saini.....  
(Signature)

8. Jina .....  
(Name)  
Saini .....  
(Signature)

9. Jina .....  
(Name)  
Saini.....  
(Signature)

10. Jina .....  
(Name)  
Saini .....  
(Signature)

**MUUNDO WA UONGOZI WA MRADI WA MAJI KATIKA VIJIJI ZAIDI YA KIMOJA**





**MANAGEMENT MODEL NO. IV:**  
**PRIVATE OPERATOR MODEL**

**MANAGEMENT MODEL NO. IV: PRIVATE OPERATOR**

**SAMPLE OF A CONTRACT FOR PRIVATE MANAGEMENT OF COMMUNITY WATER SUPPLY FACILITIES**

**WHEREAS** the Water User Community members of ..... Village/villages/subvillage have participated in planning and constructing /rehabilitating a water supply system using..... technology

**WHEREAS** the Water User Community members of the said ..... Village(s)/subvillage have established an autonomous water users’ entity in the name of .....

**WHEREAS** the ..... Water User Entity has agreed to privatize the management of the constructed water supply facilities.

**NOW THEREFORE** this agreement is hereby made

**BETWEEN**

.....(Hereinafter known as the “proprietor”)

**AND**

.....(Hereinafter known as the “contractor”)

**UNDER THE FOLLOWING CONDITIONS:**

1. The “proprietor” shall have the legal ownership, water right and title deed over the water supply facilities.
2. The “Contractor” shall manage the day-to-day operations of the water supply system on behalf of the “proprietor” by doing the following:-
  - To sell water to water users at tariff rates agreed upon by the “ proprietor” and the “contractor”
  - To open and close water points in accordance with the timetable set out by the “proprietor”
  - To collect water fees from water users: individuals, households or institutions at public water points and/or from private connections at rates agreed upon by the “proprietor”
  - To make regular repairs and maintenance of the water supply facilities
  - To remit Tanzanian Shillings..... to the “proprietor” monthly as water fees



- To meet all operation and maintenance expenses including fuel/electricity, lubricating oil, spares, staff salaries and wages, and other staff social benefits as per laws of the United Republic of Tanzania etc.
  - To employ/recruit and pay such number of operators and supporting staff as deemed necessary for executing his/her duties efficiently.
  - To pay all taxes related to the management of the scheme as may be required by the laws of the United Republic of Tanzania.
  - To prepare and submit monthly and annual performance reports to the “proprietor”
3. The “proprietor” shall create a conducive working environment to the “contractor” and give him support to enable efficient operations by enforcing laid down rules and regulations
  4. The “proprietor” shall meet costs for extension of the water supply system and major repairs that are not caused by the negligence of the “contractor” such repairs include:
    - Replacement of worn out pipes
    - Repairs and maintenance of the water tank
    - Buying a new hand pump or pumping machine
  5. The “contractor” shall be answerable to the Board/Executive committee, which may summon him and question him on the operations of the system and uses of water funds.
  6. This contract shall be for a period of ..... year(s) starting from.....and ending .....and may be renewable.
  7. In case either party decides to terminate the contract, the other party must be given a one-month notice in writing indicating the reasons for termination. The other party shall have a right to be indemnified for losses incurred as a result of the termination.
  8. In case of any dispute arising out this contract, which cannot be resolved amicably between the contracting parties, It shall be referred to arbitration according to the laws of the United Republic of Tanzania.

This Contract has been signed this .....day of .....200.....

FOR THE PROPRIETOR

Name .....

Name .....

Signature .....

Signature .....

Title.....

Title.....

(Official Stamp)

FOR THE CONTRACTOR

Name .....

Signature .....

Title .....

(Official Stamp)

**IN WITNESSETH OF:**

Name:.....

Name:.....

Signature.....

Signature.....

Title:.....

Title:.....

**BEFORE ME**

Signature .....

Name .....

Magistrate/ Advocate (Official Seal)

## MENEJIMENTI MODELI NA. IV

### MKATABA KATI YA KIJIKI/JUMUIYA NA MKANDARASI BINAFSI WA KUENDESHA MRADI WA MAJI

#### UTANGULIZI

**KWA KUWA** wananchi wa kitongoji/Vijiji cha ..... wamejenga/wamekarabati huduma iliyoboreshwa ya maji inayotumia teknolojia ya .....

**KWA KUWA** watumiaji maji wa kijiji hicho/Vijijikitongoji hicho ..... wameunda chombo huru kitakachosimamia uendeshaji wa kila siku wa huduma hiyo kijulikanacho kama ..... na

**KWA KUWA** chombo hicho ..... kimeamua kwa hiari kuwa shughuli za uendeshaji na usimamizi wa mradi wake zibinafsishwe kwa mtu/taasisi binafsi

**NA KWA HIVYO BASI** mkataba huu unafanyika

**BAINA YA**.....(watakayojulikana kama “Wenye Mali”)

**NA**..... (Atakayejulikana kama “Mkandarasi”) kusimamia uendeshaji wa huduma iliyoboreshwa ya maji na usafi wa mazingira kwa masharti yafuatayo

#### MASHARTI YA MKATABA

1. “Wenye mali” watakuwa na haki ya kumiliki miundo mbinu ya mfumo wa huduma ya maji kulingana na sheria zilizopo.
2. “Mkandarasi” atasimamia uendeshaji wa huduma ya maji kwa niaba ya “Wenye mali” kwa kufanya yafuatayo:-
  - Kuuza maji kwa watumiaji maji kwa viwango ambavyo vitakubaliwa baina ya “Mkandarasi” na “Wenye mali”
  - Kufungua na kufunga vituo vya maji kwa kuzingatia ratiba iliyokubaliwa na “Wenye mali”
  - Kukusanya fedha toka kwa watu/asasi wenye /zenye mabomba binafsi kwa viwango vilivyokubaliwa baina ya “Wenye mali” na “Mkandarasi”
  - Kufanya matengenezo na matunzo ya kawaida ya miundo mbinu ya mfumo wa usambazaji maji

- Kulipia gharama zote za uendeshaji wa mfumo wa usambazaji maji na usafi wa mazingira kama dizeli/umeme, vipuri, vilainishi mitambo, mishahara na posho za wafanyakazi aliowaajiri kama mafundi, wakusanyaji wa malipo ya maji na kadhalika
  - Kuajiri na kuwalipa wafanyakazi/vibarua atakaoona ni vema kumsaidia katika shughuli zake kusimamia taratibu na sheria ndogo ndogo zilizopo za utunzaji na uendehsaji wa mradi wa maji.
  - Kulipa kodi na ushuru vinavyoendana na uendeshaji wa mradi kama inavyotakiwa kisheria.
  - Kutoa taarifa za kiutendaji kuhusu mradi kwa “Wenye Mali” kila mwezi na kila mwisho wa mwaka
3. “Wenye mali” watamjengea “Mkandarasi” mazingira mazuri kama kumpa ushirikiano mzuri ili aweze kufanya kazi zake kwa ufanisi.
  4. “Wenye mali” watawajibika kulipia upanuzi wa mfumo wa usambazaji maji na matengenezo makubwa yasiyosababishwa na uzembe wa “Mkandarasi”. Matengenezo hayo ni pamoja na:
    - Kubadilisha mabomba yaliyopasuka kutokana na uchakavu.
    - Kufanya marekebisho/matengenezo ya tanki la maji
    - Kununua pampu/mashine mpya.
  5. “Mkandarasi” atawajibika kwa Kamati ya utendaji ambayo itakuwa na haki ya kumwita na kumhoji juu ya utendaji wake, makusanyo na matumizi ya fedha.
  6. Mkataba huu utakuwa kwa kipindi cha mwaka/miaka ..... kuanzia .....hadi.....na unaweza kurudiwa tena baada ya kipindi hicho kumalizika kwa masharti yatakayokubalika kwa pande zote mbili.
  7. Endapo upande wowote utaamua kuvunja mkataba huu wakati wowote kabla ya muda wa mkataba kuisha utalazimika kutoa notisi ya maandishi ya mwezi mmoja kwa upande wa pili ukielezea sababu za kuvunja mkataba huo. Upande wa pili utakuwa na haki ya kufidiwa gharama kwa madhara yatakayotokana na kuvunjika mkataba huo.
  8. Endapo pande zote mbili zitashindwa kuridhiana katika kutatua mgogoro kati yao kuhusu mambo fulani usuluhishi utapashwa kutolewa kulingana na sheria husika za Jamhuri ya Muungano wa Tanzania.

Mkataba huu umetiwa saini leo tarehe.....mwezi .....mwaka... .

Saini ..... Saini .....

Jina ..... Jina .....

Cheo ..... Cheo .....

(Muhuri)

**KWA NIABA YA “WENYE MALI”**

**NA**

Saini .....

Jina .....

Cheo .....

**KWA NIABA YA “MKANDARASI”**

**MBELE YA MASHAHIDI**

Saini ..... Saini .....

Jina ..... Jina .....

Cheo ..... Cheo .....

**NA KUIDHINISHWA MBELE YANGU**

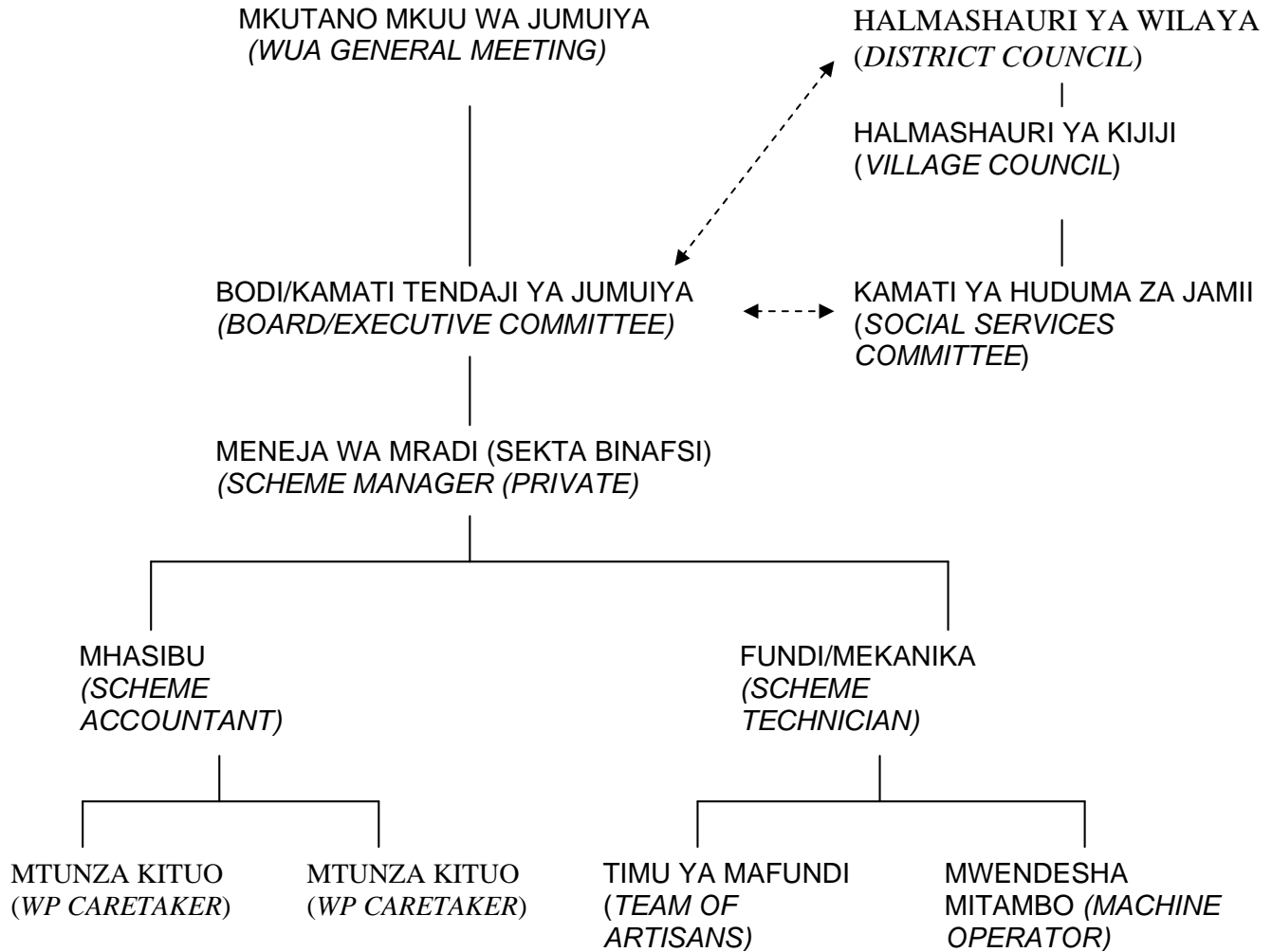
Saini .....

Jina .....

(Muhuri)

Hakimu/Wakili

**JUMUIYA YA WATUMIAJI MAJI ILIYOBINAFSISHA UENDESHAJI**  
**(WATER USER'S ENTITY USING A PRIVATE OPERATOR)**



————— Mahusiano ya kimadaraka (Authoritative relations)  
 ←-----→ Mahusiano ya kiushauri (Consultative relations)

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