

REGENCY OF GRESIK ADMINISTRATION

REGIONAL REGULATION OF REGENCY OF GRESIK

NUMBER 9 OF 2009

ON

CAPITAL PARTICIPATION IN THE REGIONAL WATER COMPANY (PDAM)

OF REGENCY OF GRESIK

BY THE BLESSINGS OF ALMIGHTY GOD

REGENT OF GRESIK,

Considering: a. that in order to implement Article 173 of Law Number 32 of 2004 on Regional Government, investment and capital participation must be regulated in a Regional Regulation;

b. that in order to increase the growth and development of the Gresik Regency economy and to improve the provision of drinking water services to the community, it is necessary to (add capital) through capital participation in the PDAM, which is stipulated by Regional Regulation.

Considering: 1. Law Number 12 of 1950 on the Establishment of Regency Areas within the Province of East Java (State Gazette of the Republic of Indonesia of 1950 Number 19, Supplement to the State Gazette of the Republic of Indonesia Number 9);

2. Law Number 5 of 1962 on Regional Enterprises (State Gazette of the Republic of Indonesia of 1962 Number 9, Supplement to the State Gazette of the Republic of Indonesia Number 2387) as amended by Law Number 6 of 1969 (State Gazette of the Republic of Indonesia of 1969 Number 37, Supplement to the State Gazette of the Republic of Indonesia Number 2901); 3. Law Number 17 of 2003 on State Finances (State Gazette of the Republic of Indonesia of 2003 Number 47, Supplement to the State Gazette of the Republic of Indonesia Number 4286);

4. Law Number 1 of 2004 on State Treasury (State Gazette of the Republic of Indonesia of 2004 Number 5, Supplement to the State Gazette of the Republic of Indonesia Number 4355);

5. Law Number 10 of 2004 on the Formation of Legislation (State Gazette of the Republic of Indonesia of 2004 Number 53, Supplement to the State Gazette Number 4389);

6. Law Number 32 of 2004 on Regional Government (State Gazette of 2004 Number 125, Supplement to the State Gazette Number 4437) as amended for the second time by Law Number 12 of 2008 (State Gazette of the Republic of Indonesia of 2008 Number 59, Supplement to the State Gazette of the Republic of Indonesia Number 4844);
7. Law Number 33 of 2004 on Financial Balance between the Central Government and Regional Governments (State Gazette of 2004 Number 126, Supplement to the State Gazette Number 4438);
8. Government Regulation Number 16 of 2005 on the Development of the Drinking Water Provision System (State Gazette of the Republic of Indonesia of 2005 Number 138, Supplement to the State Gazette Number 4577);
9. Government Regulation Number 58 of 2005 on Regional Financial Management (State Gazette of the Republic of Indonesia of 2005 Number 140, Supplement to the State Gazette Number 4578);
10. Government Regulation Number 38 of 2007 on Government Authority and Provincial Authority as Autonomous Regions (State Gazette of the Republic of Indonesia of 2007 Number 82, Supplement to the State Gazette Number 4737);
11. Government Regulation Number 1 of 2008 on Government Investment (State Gazette of the Republic of Indonesia of 2008 Number 14, Supplement to the State Gazette of the Republic of Indonesia Number 4812).
12. Regulation of the Minister of Home Affairs Number 13 of 2006 on Guidelines for Regional Financial Management as amended by Regulation of the Minister of Home Affairs Number 59 of 2007;
13. Regulation of the Minister of Home Affairs Number 2 of 2007 on the Organization and Personnel of Regional Drinking Water Companies;
14. Regional Regulation of Gresik Regency Number 4 of 1986 on the Regional Drinking Water Company of Gresik Regency (Gresik Regency Regional Gazette of 1986 Number 5 Series C);
15. Regional Regulation of Gresik Regency Number 10 of 2006 on the Main Points of Regional Financial Management (Gresik Regency Regional Gazette of 2006 Number 5 Series C);

With Mutual Agreement

THE REGIONAL HOUSE OF REPRESENTATIVES OF REGENCY OF GRESIK

And

REGENT OF GRESIK

DECIDE:

To Enact: THE REGIONAL REGULATION OF REGENCY OF GRESIK ON CAPITAL PARTICIPATION IN THE REGIONAL WATER COMPANY (PDAM) OF REGENCY OF GRESIK

CHAPTER I

GENERAL PROVISIONS

Section 1

In this Regional Regulation:

1. Region means the Regency of Gresik;
2. Regional Government means the Regent and Regional Apparatus as elements of the Regional Government;
3. Regent means the Regent of Gresik;
4. The Regional House of Representatives, hereinafter referred to as DPRD, means the Regional Peoples Representative Institution as an element of the Gresik Regency Regional Government;
5. Regional Drinking Water Company, hereinafter referred to as PDAM, means the Regional Drinking Water Company of Gresik Regency;
6. Regional Revenue and Expenditure Budget, hereinafter abbreviated as APBD, means the annual financial plan of the regional government that is discussed and mutually agreed upon by the regional government and the DPRD, and is stipulated by regional regulation;
7. Capital Participation means the placement and/or addition of a certain amount of funds and/or goods by the Regional Government to obtain economic, social, and/or other benefits.

CHAPTER II

PURPOSE

Section 2

- (1) Capital participation in the PDAM of Gresik Regency aims to improve services to the community while still paying attention to social service functions, the growth and development of the regional economy, and increasing regional income;
- (2) To achieve the purpose as referred to in section (1), capital participation is implemented based on profitable economic principles.

CHAPTER III

CAPITAL PARTICIPATION

Section 3

- (1) Capital participation in the PDAM is determined in the form of money budgeted in the APBD;
- (2) Capital participation as referred to in section (1) is separated regional assets;

Section 4

- (1) The addition of capital participation in the PDAM is set at Rp. 15,000,000,000.00 (fifteen billion Rupiah).
- (2) Capital participation as referred to in section (1) of Rp. 3,000,000,000.00 (three billion Rupiah) is budgeted from the Amendment to the Regional Revenue and Expenditure Budget for Fiscal Year 2009;
- (3) Further capital additions will be made until the capital participation in the PDAM as referred to in section (1) is fulfilled.
- (4) The Capital Participation as referred to in section (1) is an inseparable part of the capital that has been deposited based on Regional Regulation of Gresik Regency Number 4 of 1986 concerning the Regional Drinking Water Company of the Regency.

Section 5

The addition of capital participation as referred to in Section 4, section (1), is carried out by considering the regional financial capacity and is determined by the Regents Decision and budgeted in the APBD.

CHAPTER IV

FINAL PROVISIONS

Section 6

This Regional Regulation comes into force on the date of its enactment. In order for everyone to know this, the enactment of this Regional Regulation is ordered by placing it in the Gresik Regency Regional Gazette.

Enacted in Gresik

On August 24, 2009

REGENT OF GRESIK

Dr. KH. ROBBACH MA?SUM, Drs. MM.

Promulgated in: Gresik

On August 24, 2009

SECRETARY OF REGENCY OF GRESIK

Dr. HUSNUL KHULUQ, Drs. MM

Senior Supervisor

NIP. 19590814 199003 1 003

GRESIK REGENCY REGIONAL GAZETTE OF 2009 NUMBER 9

EXPLANATION

OF

THE REGIONAL REGULATION OF REGENCY OF GRESIK

NUMBER 9 OF 2009

ON

CAPITAL PARTICIPATION IN THE REGIONAL WATER COMPANY (PDAM) OF REGENCY OF GRESIK

I. GENERAL EXPLANATION

In the context of implementing extensive, real, and accountable regional autonomy and increasing the growth and development of the Gresik Regency economy and to improve the provision of drinking water services to the community, it is necessary (to add capital) through capital participation in the Regional Water Company (PDAM) of Gresik Regency.

The purpose of these capital participation efforts is to improve services to the community while still paying attention to social service functions, the growth and development of the regional economy, and increasing regional income.

Provisions on regional capital participation need to be stipulated in a Regional Regulation of Gresik Regency on Capital Participation in the Regional Water Company (PDAM) of Gresik Regency.

II. EXPLANATION BY SECTION

Section 1: Sufficiently clear

Section 2: Sufficiently clear

Section 3: Sufficiently clear

Section 4: Sufficiently clear

Section 5: Sufficiently clear

Section 6: Sufficiently clear