

**COUNTY GOVERNMENT OF MAKUENI**



**MAKUENI COUNTY ASSEMBLY**

**SECOND ASSEMBLY – THIRD SESSION**

**ORDERS OF THE DAY**

**WEDNESDAY, JULY 31<sup>ST</sup>, 2019 AT 9:30 A.M.**

**PRAYERS**

1. Administration of Oath.
2. Communication from the Chair.
3. Messages.
4. Petitions.
5. Papers (as listed in the Appendix).
6. Notices of Motion (as listed in the Appendix).
7. Statements.

**8\*. MOTION: WAIVING NOTICE PERIOD**

**THAT**, notwithstanding the provisions of Standing Order 60 (5) (b), this Assembly resolves to waive the Notice Period on the Motion for adoption of resolution of the County Assemblies Forum Governing Council regarding Members' house allowances, appearing on the Order Paper under Order No. 9.

*The Leader of the Majority Party.*

**9\*. MOTION: RESOLUTION OF THE COUNTY ASSEMBLIES FORUM GOVERNING COUNCIL REGARDING MEMBERS' HOUSE ALLOWANCES**

**THAT, AWARE** that the Devolved Governments are a key component of governance in the republic of Kenya established under article 11 of the Constitution of Kenya;

**FURTHER** aware that the office of Member of the County Assembly has been strongly anchored as a fundamental component in the county government administrative system;

**COGNIZANT** of the remunerative needs of each public and state officer to ensure adequate facilitation for successful execution of their duties and mandates

**FURTHER COGNIZANT** of the existence of disparities within the state offices within the republic on remuneration of the office holders, particularly the payment of house allowances to which the members of the County Assembly have to their detriment been deprived of;

**NOTING** that the High Court in the republic has in Constitutional Petition No. 328 of 2016; Council Of Governors versus Salaries and Remuneration Commission pronounced that denying some state officers similar benefits enjoyed by other state officers is discriminatory, unjustifiably selective and contrary to Article 27 of the Constitution;

**ACQUIESCING** that such conduct is a violation of the fundamental rights of the state officers which such conduct is desirous of denunciation by the Members of the County Assemblies ab initio;

And

**WHEREAS** the Governing Council of the County Assembles Forum has resolved that the non-payment of housing allowance for the Members of the County Assembly is a fundamental breach of the rights of the members;

**WHEREAS** the Governing Council has further resolved and directed that there be effected payment of Housing allowance for the Members of the County Assemblies in tandem with the High Court finding;

**AND WHEREAS** the resolution of the Governing Council finds precedence and relative applicability from the Parliament of Kenya's payment of housing allowance to its members despite lack of the Salaries and Remuneration Commission directive in affirmative of the same;

**IT IS NOW THEREFORE** resolved that this house does approve and adopt the resolution of the County Assemblies Forum Governing Council that;

- i. The Members of the County Assembly be paid a housing allowance in tandem with the ideal and adequate endowment ;

- ii. That the payment of the House allowance be effected and implemented as of the date of issue of the ruling of the High Court in Constitutional Petition No 328 Of 2016 being the 5<sup>th</sup> day of October, 2018; and
- iii. That the implementation of the payment of the house allowance to the members of the County Assembly be commenced with immediate effect.

*The Leader of the Majority Party.*

**10\*. MOTION: THE HALF YEARLY PROGRESS REPORT OF THE COMMITTEE ON BROADCASTING AND COMMUNICATIONS FOR THE PERIOD JANUARY TO JUNE, 2019**

**THAT**, this Assembly adopts the Half Yearly Progress Report of the Committee on Broadcasting and Communications for the Period January to June, 2019, laid on the Table of the Assembly on 24<sup>th</sup> July 2019.

*The Chairperson, Committee on Broadcasting and Communications.*

**11\*. MOTION: THE HALF YEARLY PROGRESS REPORT OF THE COMMITTEE ON IMPLEMENTATION FOR THE PERIOD JANUARY TO JUNE, 2019**

**THAT**, this Assembly adopts the Half Yearly Progress Report of the Committee on Implementation for the Period January to June, 2019, laid on the Table of the Assembly on 24<sup>th</sup> July 2019.

*The Chairperson, Committee on Implementation.*

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\* *Denotes Orders of the Day.*

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## APPENDIX

### PAPERS:

- i. The Half Yearly Progress Report of the County Public Investments and Accounts Committee for the Period January to June, 2019.

*The Chairperson, County Public Investments and Accounts Committee.*

- ii. The Half Yearly Progress Report of the County Assembly Business Committee for the Period January to June, 2019.

*The Chairperson, Assembly Business Committee.*

### NOTICES OF MOTION

- i. **THAT**, this Assembly adopts the Half Yearly Progress Report of the County Public Investments and Accounts Committee for the Period January to June, 2019, laid on the Table of the Assembly on 31<sup>st</sup> July 2019.

*The Chairperson, County Public Investments and Accounts Committee.*

- ii. **THAT**, this Assembly adopts the Half Yearly Progress Report of the County Assembly Business Committee for the Period January to June, 2019, laid on the Table of the Assembly on 31<sup>st</sup> July 2019..

*The Chairperson, Assembly Business Committee.*

- iii. **THAT, AWARE** that the Devolved Governments are a key component of governance in the republic of Kenya established under article 11 of the Constitution of Kenya;

**FURTHER** aware that the office of Member of the County Assembly has been strongly anchored as a fundamental component in the county government administrative system;

**COGNIZANT** of the remunerative needs of each public and state officer to ensure adequate facilitation for successful execution of their duties and mandates

**FURTHER COGNIZANT** of the existence of disparities within the state offices within the republic on remuneration of the office holders, particularly the payment of house allowances to which the members of the County Assembly have to their detriment been deprived of;

**NOTING** that the High Court in the republic has in Constitutional Petition No. 328 of 2016; Council Of Governors versus Salaries and Remuneration Commission pronounced that denying some state officers similar benefits enjoyed by other state officers is discriminatory, unjustifiably selective and contrary to Article 27 of the Constitution;

**ACQUIESCING** that such conduct is a violation of the fundamental rights of the state officers which such conduct is desirous of denunciation by the Members of the County Assemblies ab initio;

And

**WHEREAS** the Governing Council of the County Assemblies Forum has resolved that the non-payment of housing allowance for the Members of the County Assembly is a fundamental breach of the rights of the members;

**WHEREAS** the Governing Council has further resolved and directed that there be effected payment of Housing allowance for the Members of the County Assemblies in tandem with the High Court finding;

**AND WHEREAS** the resolution of the Governing Council finds precedence and relative applicability from the Parliament of Kenya's payment of housing allowance to its members despite lack of the Salaries and Remuneration Commission directive in affirmative of the same;

**IT IS NOW THEREFORE** resolved that this house does approve and adopt the resolution of the County Assemblies Forum Governing Council that;

- iv. The Members of the County Assembly be paid a housing allowance in tandem with the ideal and adequate endowment ;
- v. That the payment of the House allowance be effected and implemented as of the date of issue of the ruling of the High Court in Constitutional Petition No 328 Of 2016 being the 5<sup>th</sup> day of October, 2018; and

- vi. That the implementation of the payment of the house allowance to the members of the County Assembly be commenced with immediate effect.

*The Leader of the Majority Party.*

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## **NOTICE PAPER**

**Tentative business for  
Wednesday (Afternoon), July 31<sup>st</sup>, 2019  
Published pursuant to the provisions of Standing Order 41(1),**

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**IT IS NOTIFIED** that the Assembly Business Committee, at their last meeting, approved the following tentative business to appear in the Order Paper for Wednesday, July 31<sup>st</sup>, 2019 at 2:30 p.m.: -

**MOTIONS:**

- i. **THAT**, this Assembly adopts the Half-Yearly Progress Report of the Committee on Finance and Socioeconomic Planning for the Period January to June, 2019, laid on the Table of the Assembly on 18<sup>th</sup> July 2019.

*The Chairperson, Committee on Finance and Socioeconomic Planning.*

- ii. **THAT**, this Assembly adopts the Half Yearly Progress Report of the Budget and Appropriations Committee for the Period January to June, 2019, laid on the table of the Assembly on 24th July 2019.

*The Chairperson, Budget and Appropriations Committee.*

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