

COUNTY GOVERNMENT OF MAKUENI



COUNTY ASSEMBLY OF MAKUENI
SECOND ASSEMBLY – THIRD SESSION
VOTES AND PROCEEDINGS

WEDNESDAY, 31ST JULY 2019 AT 9:30 A.M.

1. The Assembly assembled at half past nine O'clock.
2. The Proceedings were opened with Prayer.
3. **PRESIDING:** - The Hon. Speaker.
4. **PAPERS:-**

The following paper was tabled:-

- 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.

5. NOTICES OF MOTION:

The following Notices of motion were given:-

- 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 31st 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 31st 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 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 5th 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.

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

Motion made and question proposed:

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 24th July 2019.

The Chairperson, Committee on Broadcasting and Communications.

Debate arising.

Mover replied.

Question put and agreed to.

7 **MOTION: THE HALF-YEARLY PROGRESS REPORT OF THE COMMITTEE ON IMPLEMENTATION FOR THE PERIOD JANUARY TO JUNE, 2019**

Motion made and question proposed:-

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 24th July 2019.

The Chairperson, Committee on Implementation.

Debate arising;

Mover replied;

Question put and agreed to.

- 8. ASSEMBLY ROSE:** – at seventeen minutes to eleven o'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, 31st July 2019 at 2.30 p.m.

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