

**COUNTY GOVERNMENT OF MAKUENI**



**MAKUENI COUNTY ASSEMBLY**

**SECOND ASSEMBLY – THIRD SESSION**

**SUPPLEMENTARY ORDER PAPER**

**THURSDAY, AUGUST 1<sup>ST</sup>, 2019 AT 2:30 P.M.**

**PRAYERS**

1. Administration of Oath.
2. Communication from the Chair.
3. Messages.
4. Petitions.
5. Papers.
6. Notices of Motion.
7. Statements.

**10\*. 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 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;

- 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.*