

**COUNTY GOVERNMENT OF MAKUENI**



**MAKUENI COUNTY ASSEMBLY**

**SECOND ASSEMBLY – SECOND SESSION**

**ORDERS OF THE DAY**

**THURSDAY, JUNE 7<sup>TH</sup>, 2018 AT 2:30 P.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.
7. Statements (as listed in the Appendix).

**8\*. COMMITTEE OF THE WHOLE ASSEMBLY**

The Makueni County Investment Authority Bill, 2018 (Makueni County Assembly Bill No. 1 of 2018)

*The Chairperson, Trade Industry Tourism and Cooperatives.*

**9\*. THE MAKUENI COUNTY INVESTMENT AUTHORITY BILL, 2018  
(MAKUENI COUNTY ASSEMBLY BILL NO. 1 OF 2018)**

*Third Reading.*

*The Chairperson, Trade Industry Tourism and Cooperatives*

**10\*. MOTION: THE REPORT OF THE COMMITTEE ON FINANCE AND SOCIOECONOMIC PLANNING ON THE MAKUENI COUNTY GOVERNMENT INCOME AND EXPENDITURE REPORT**

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

**THAT**, this Assembly **Notes** the Report of the Committee on Finance and Socioeconomic Planning on the Makueni County Government Income and Expenditure Report for the First Half of the Financial Year 2017/2018, laid on the table of the Assembly on 6th June, 2018.

**11\*. MOTION: THE REPORT OF THE COMMITTEE ON CULTURE, GENDER, DISABILITY, YOUTH AND COMMUNITY DEVELOPMENT ON THE TETHEKA FUND DISBURSEMENT SUMMARY**

**THAT**, this Assembly adopts the Report of the Committee on Culture, Gender, Disability, Youth and Community Development on the Tetheka Fund Disbursement Summary as at 30th November, 2017, laid on the table of the Assembly on 6th June, 2018.

*The Chairperson, Committee on Culture, Gender, Disability, Youth and Community Development.*

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\* Denotes Orders of the Day.

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## **APPENDIX**

### **PETITIONS:**

A Public Petition presented by the member for Kilungu Ward on behalf of residents of Nduu Sub-location regarding survey of the sub-location.

*The Member for Kilungu Ward.*

### **PAPERS:**

- i. The Financial Year 2017/18 Makueni County Exchequer Issues Summary as at May 31<sup>st</sup>, 2018.

*The Leader of the Majority Party.*

- ii. The business for the coming week.

*The Leader of the Majority Party.*

### **STATEMENTS:**

- i) Request for a Statement (No. 41/2018) from the Chairperson, Committee on Finance and Socioeconomic Planning, regarding the Kenya Devolution Support Programme Grant.

*The Member for Tulimani Ward*

- ii) Response to a statement (No. 002/2018) as requested by the Member for Kalawa Ward, regarding the rehabilitation of Mumbuni Earth Dam in Kalawa Ward.

*The Chairperson, Committee on Water, Irrigation and Environment*

- iii) Response to the Statement (No. 018/2018) as requested by the Member for Kilungu Ward, regarding delay in implementation of Muthunzuni Water Project in Kilungu Ward.

*The Chairperson, Committee on Water and Sanitation.*

- iv) Response to a Statement (No. 17/2018) as requested by the Member for Kilungu Ward regarding levelling of playgrounds in Kilungu Ward.

*The Chairperson, Committee on Culture, Gender, Youth and Community Development.*

- i) The business for the coming week.

*The Leader of the Majority Party.*

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**THE MAKUENI COUNTY INVESTMENT AUTHORITY BILL, 2018,**

**(MAKUENI COUNTY ASSEMBLY BILL NO. 1 OF 2018)**

**NOTICE** is hereby given that the Chairperson, Committee on Trade, Industry, Tourism and Cooperatives intends to move the following amendments to the Makueni County Investment Authority Bill, 2018, (Makueni County Assembly Bill No. 1 Of 2018)\_during Committee of the Whole Assembly:-

**Clause 1**

THAT Clause 1 be amended by inserting the word “*Kenya*” before the word “*Gazette*”.

**Clause 2**

That Clause 2 of the bill be amended in the definition of “County Executive Committee” , to read: “means the County Executive Committee of the Government of Makueni County;”

**Clause 5**

THAT Clause 5 be amended by inserting a new sub clause (na) to read: “Develop and publish guidelines on investment priority areas in the County”.

**Clause 6**

THAT, Clause 6 be amended:-

- i. In clause 6(1)(a), by inserting the word “competitively” immediately before the word “appointed” to read: “(a) a non-executive chairperson who shall be competitively appointed by the Governor;”
- ii. In clause 6(1)(d) by inserting the words “and with the approval of the County Assembly” at the end of the sub clause, to read “(d) four professionals appointed by the Executive Committee Member through a competitive process in consultation with the Governor and with the approval of the County Assembly;”
- iii. In clause 6(2)(c) by deleting the first line of the sub clause.

- iv. In clause 6(3) by deleting the number “(1)(6)(d)” appearing after the word subsection in the second line, and inserting “6(1)(d)” therefor.

### **Clause 9**

That Clause 9 be amended by inserting the words “in consultation with the Salaries and Remuneration Commission” immediately after the word “Treasury”.

### **Clause 10**

THAT Clause 10 be deleted and replaced therefor with the following:

- 10 (1) *There shall be a Managing Director of the Authority who shall be the chief executive officer of the Authority.*
- (2) *The Managing Director shall be appointed by the Makeni County Public Service Board.*
- (3) *To qualify for appointment as a Managing Director, a person must—*
- a) possess a master’s degree in business, accounting, finance or any other related field from a recognized university;*
  - b) have had experience in management for a period of not less than seven years.*
- (4) *The Managing Director shall hold office for a period of five years, on such terms and conditions of employment as the County Public Service Board may determine, and shall be eligible for re-appointment for a further and final term of five years.*
- (5) *The Managing Director shall in consultation with the Board —*
- (a) be responsible for the day to day management and direction of the affairs and transactions of the Authority,*
  - (b) the exercise, discharge and performance of its objectives, functions and duties;*
  - (c) the general administration of the Authority; and*
  - (d) carry out any other functions as may from time to time be assigned by the Board.*
- (6) *The Managing Director may—*
- (a) at any time resign from office by issuing notice in writing to the chairperson of the Board;*

*(b) be removed from office by the Executive Committee Member on recommendation of the Board, for—*

- (i) serious violation of the Constitution or any other written law;*
- (ii) gross misconduct, whether in the performance of the functions of the office or otherwise;*
- (iii) physical or mental incapacity to perform the functions of office;*
- (iv) incompetence;*
- (v) Bankruptcy.*

### **Clause 13**

THAT Clause 13 be deleted and replaced therefor with the following:-

*No act or omission by a member of the Board or by any officer, member of staff, or agent of the Authority shall, if the act or omission is bona fide for executing the functions, powers or duties of the Authority under this Act, render the member, officer, employee or agent or any person acting on their directions personally liable to any action, claim or demand whatsoever.*

### **Clause 16**

THAT Clause 16 be amended by inserting the words “at the time in charge of finance” immediately after the words “Executive Committee Member” appearing in line three of sub-clause 16(1).

### **Clause 22**

THAT Clause 22 be amended by deleting the words “ten years” appearing in the first line of 22(1) and inserting the words “five years” therefor.

### **Clause 24**

THAT Clause 24 be amended by deleting the word “issue” appearing in the second line of 24(4) and inserting the word “issuance” therefor.

### **Clause 25**

THAT Clause 25 be amended by deleting all the words appearing after the word “area” in 25(1) so that the sub-clause reads as follows:-

*25. (1) The County in collaboration with the National Land Commission and upon execution of a lease agreement with an investor shall provide land for investment in any of the priority areas.*

### **Clause 29**

THAT Clause 29 be amended by inserting a new sub-clause 29(4) to read as follows: “*Any borrowing should be compliant with the most recent approved debt management strategy paper.*”

### **Clause 30**

THAT Clause 30 be amended:-

- i. By deleting the words “ten years” appearing in clause 30(1) and inserting the words “five years” therefor.
- ii. By deleting the word “transmit” appearing in clause 30(2) and inserting the word “submit” therefor.

### **Clause 32**

THAT Clause 32 be amended in 32(5) be to read as follows:-

*Where an investment venture ceases to be sustainable, profitable, or competitive, the Board with the approval of the Executive Committee shall prepare and submit to the Assembly for consideration and approval, a plan to –*

- (a) restructure the investment;*
- (b) merge the investment with other investments; or*
- (c) terminate the investment by way of sale, disposal, transfer or liquidation where the investment was carried out by a subsidiary as the sole business.*

### **Clause 38**

THAT Clause 38 be amended by inserting a new sub clause 38(2)(d) to read –

*The Executive Committee Member shall submit to the Assembly any Regulations envisaged in this Act within 90 days after publication of the Act in the Kenya Gazette.*

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