



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY – (THIRD SESSION)

ORDERS OF THE DAY

THURSDAY, AUGUST 8, 2019 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statement
8. ***MOTION – THE LEADER OF MAJORITY PARTY, MCA**

Subject: House Allowance for Members of the County Assembly

THAT, aware that devolved Governments are a key component of governance in the Republic of Kenya established under Article 11 of the Constitution 2010; **further aware** that the office of Member of the County Assembly has been strongly anchored as a fundamental component in the County 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 Member 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, 2010; **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*; **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 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 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; this assembly resolves to approve and adopt the resolution of the County Assemblies Forum Governing Council that:-

- a) the Salaries and Remuneration Commission (S.R.C) do set housing allowance for Members of the County Assembly in tandem with the ideal and adequate endowment;
- b) the set 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
- c) the implementation of the payment of the house allowance to the Members of the County Assembly be commenced with immediate effect upon action by S.R.C.

9. *ADJOURNMENT OF THE ASSEMBLY IN ACCORDANCE WITH THE CALENDAR OF THE COUNTY ASSEMBLY

Subject: Adjournment of the Assembly (Regular Sessions)

The Speaker will today call upon the Leader of the Majority Party to move a motion for adjournment of the assembly to a day other than the next normal Sitting Day, in accordance with the Calendar of the Assembly (Regular Sessions)

(Thereafter, the Assembly to adjourn without question put)

MOTION – (Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Order 29 (3), this Assembly adjourns until **Tuesday, 10th September, 2019**, in accordance with the Calendar of the County Assembly (Regular Sessions).

NOTICES

I. The Assembly resolved on Wednesday, 13th February, 2019 as follows: -

- a) **THAT**, notwithstanding the provisions of Standing Order 103(4), this Assembly orders that, each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:-A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.

* **Denotes Orders of the Day** *

NOTICE PAPER I

Tentative business for Tuesday, 10th September, 2019

(Published pursuant to Standing Order 39(1))

IT IS NOTIFIED that the Select Committee on Assembly Business, at its last meeting, approved the following ***tentative*** business to appear in the Order Paper for Tuesday, 10th September, 2019: -

A. BILL – THE NAIROBI CITY COUNTY REVENUE ADMINISTRATION (BILL NO. 11 OF 2019)

Subjects: Second Reading

The NAIROBI CITY COUNTY REVENUE ADMINISTRATION BILL 2019 (BILL NO.11 OF 2019)

(Hon. Robert Mbatia, MCA)

(Second Reading)

B. BILL – THE NAIROBI CITY COUNTY COMMUNITY HEALTH SERVICES BILL (BILL NO. 5 OF 2019)

Subjects: Second Reading

The NAIROBI CITY COUNTY COMMUNITY HEALTH SERVICES 2019 (BILL NO.5 of 2019)

(Hon. Pius Mbono, MCA)

(Second Reading)

