



County Hall
 Along Mwatu wa Ngoma Rd
 P O Box 1168 – 90100
 MACHAKOS – KENYA
 Third Assembly
 (No. 089)

**REPUBLIC OF KENYA
 COUNTY GOVERNMENT OF MACHAKOS
 COUNTY ASSEMBLY OF MACHAKOS**



Email: assemblymks@gmail.com

Second Session
 (417)

**THE COUNTY ASSEMBLY
 ORDER OF THE DAY
 SUPPLEMENTARY ORDER PAPER
TUESDAY, 28TH NOVEMBER, 2023 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 (As listed in the Appendix)
7. Statements

8* SPECIAL MOTION – REVOCATION OF APPOINTMENT OF THE CLERK, MR. JOSEPH LABAN MUTISYA**

(Hon. Felix Ngui – MCA Katangi Ward / Vice Chairperson CASB)

Hon. Speaker, that aware that the County Assembly Service Board of Machakos is established pursuant to Section 12 of the County Governments Act, No. 17 of 2012 and Part III of the County Assembly Services Act, No. 24 of 2017.

Further aware that one of the functions of the Board is to direct and supervise the Assembly Service to ensure exemplary delivery of service to the public in strict observance of the values and principles of public service set out under Article 232 (1) of the Constitution and the values and principles of governance set out under Article 10 of the Constitution.

Informed that pursuant to a resolution of the Board in its meeting dated 14th November, 2023 and in line with the provisions of Section 22 of the County Assembly Services Act, No. 24 of 2017 read with Sections 20, and 23 of the Act and the other applicable laws, the Board suspended Mr. Joseph Laban Mutisya, from the office of the Clerk of the County Assembly of Machakos, as part of a disciplinary process on grounds of:

- a. Gross misconduct or misbehavior;
- b. Incompetence;
- c. Violation of the provisions of the Constitution, including Chapter Six of the Constitution; and

d. Violation of the provisions of the County Assembly Services Act, No. 24 of 2017.

The following are the facts constituting the grounds laid out above:-

- a. Acting without the authority of the Board and in breach of the Law
- b. Breach of procurement law and processes
- c. Amendment of the Budget without Approval of the County Assembly

- d. Abuse of office
- e. Breach of the Constitution and statutory duty
- f. Mismanagement of development projects
- g. Failure to implement the County Assembly Service Board resolutions

The Board gave Mr. Joseph Laban Mutisya 14 days to reply to the charges on or before 28th November, 2023 at 10:00am. However, the said person did not reply as advised.

Section 23(2) of the County Assembly Services Act states that, if the Clerk does not furnish the Board with a reply to the charges within the period specified or if in the opinion of the Board the Clerk fails to exculpate himself or herself, the Board shall submit a notice of a motion to the Speaker seeking that the County Assembly revokes the appointment of the Clerk.

Hon. Speaker, I wish to move the Motion that this House approves the revocation of the appointment of the Clerk, Mr. Joseph Laban Mutisya.

9*MOTION – APPROVAL OF REPORT OF THE LANDS AND ENERGY COMMITTEE ON KONZA TECHNOPOLIS BUFFER ZONE INTER- COUNTY PHYSICAL AND DEVELOPMENT PLAN 2023-2033**

(Hon. Daniel Ndwiki, Chairperson, Committee on Lands and Energy)

Honorable Speaker, that aware that Article 185(4) of the Constitution provides that *a County assembly may receive and approve plans and policies for the management and exploitation of the county's resources; and the development and management of its infrastructure and institutions;* aware that the Assembly received the Konza Technopolis Buffer Zone Inter-County Physical and Land Development Plan 2023-2033;

Informed that the Development Plan is a 10-year plan that seeks to provide a framework for spatial development of 58,782 hectares (ha) of land covering a 10 km radius within the three Counties of Makueni, Machakos and Kajiado, herein cited as the buffer zone;

Cognizant that the plan proposes to reserve land for ranching and wildlife conservation, irrigation and small scale agriculture, enhancement of transport and connectivity by linking the Technopolis to buffer, sewer treatment plant, solid waste collection centre and promotion of carbon credits initiatives among other proposals; Aware that after receipt of the development plan, the Committee in various sittings considered the plan and subsequently compiled a report;

Honorable Speaker, I wish to move the Motion **THAT** taking into consideration the findings of the of Lands and Energy Committee on Konza Technopolis Buffer Zone Inter-County Physical and Land Use Development Plan 2023-2033 laid on the Table of the House today, Tuesday, 28th, November, 2023 and pursuant to Article 185(4) of the Constitution and Standing Order 190(5) of the County Assembly Standing Orders approves the Konza Technopolis Buffer Zone Inter-County Physical and Land Use Development Plan 2023-2033.

The House adjourns to Wednesday 29th November, 2023 at 10.00 a.m.

*****Denotes Order of the Day*****

APPENDIX (I)

TUESDAY, 28TH NOVEMBER, 2023 AT 2.30 p.M.

1. **NOTICE OF MOTION**

(a) **Notice of Motion – Hon. Felix Ngui, Vice Chairperson, CASB**

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Further aware that one of the functions of the Board is to direct and supervise the Assembly Service to ensure exemplary delivery of service to the public in strict observance of the values and principles of public service set out under Article 232 (1) of the Constitution and the values and principles of governance set out under Article 10 of the Constitution.

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Hon. Speaker, I wish to give notice of the Motion that this House approves the revocation of the appointment of the Clerk, Mr. Joseph Laban Mutisya.