



County Hall
 Along Mwatu wa Ngoma Rd
 P O Box 1168 – 90100
 MACHAKOS – KENYA
 Third Assembly
 (No. 092)

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



Email: assemblymks@gmail.com

Second Session
 (424)

**THE COUNTY ASSEMBLY
 ORDER OF THE DAY
 TUESDAY, 5TH DECEMBER, 2023 AT 10.00 A.M.**

ORDER OF BUSINESS

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 (As listed in the Appendix)
7. Statements (As listed in the Appendix)

8*SPECIAL MOTION – APPROVAL OF REPORT OF SELECT COMMITTEE INVESTIGATING THE PROPOSED REMOVAL FROM OFFICE OF MR. JOSEPH MUTISYA LABAN FROM THE POSITION OF CLERK OF COUNTY ASSEMBLY**

(Hon. Nicholas Nzioka: Chairperson of the Select Committee)

Honorable Speaker, that aware that the select committee investigating the proposed removal from office of Mr. Joseph Mutisya Laban from the position of the clerk of the County Assembly is established under Section 23(4) of the County Assembly Services Act of 2017;

Further aware that in line with the provisions of Section 22 of the County Assembly Services Act, No. 24 of 2017 as read together with Section 23 of the Act, the County Assembly Service Board suspended Mr. Joseph Mutisya Laban for 14 days, 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
- (d) Violation of the provisions of the County Assembly Services Act, No. 24 of 2017

Cognizant that, pursuant to Section 23(2) of the County Assembly Services Act, 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;

Aware that a notice of motion seeking that the County Assembly revokes the appointment of the Clerk dated 28th November, 2023 was tabled before the House by the Vice Chairperson, County Assembly Service Board and approved on the same date recommending to the House, the Constitution of a Select Committee of the Assembly consisting of eleven (11) members to investigate the proposed removal from office and reports back to the House within 10 days;

Honorable Speaker, I wish to move the motion that, this House discusses and approves the report of the select committee investigating the proposed removal from office of Mr. Joseph Mutisya Laban from the position of the clerk of the Machakos County Assembly.

9*MOTION – ALTERATION OF THE ASSEMBLY CALENDAR AND ADJOURNMENT OF THE HOUSE**

(Hon. Nicholas Nzioka – Leader of Majority/ MCA: Machakos Central Ward)

Honorable Speaker, that aware that the second Session of the Third Assembly commenced on 14th February, 2023; further aware that pursuant to Standing Order No. 25 (1), the Assembly approved an Assembly calendar on 14th March, 2023 and altered it on 15th March, 26th April and 13th June, 2023 through House resolutions;

Aware that Standing Order 24(1) provides that except for the session commencing immediately after a general election, the regular sessions of the Assembly shall commence on the Second Tuesday of February and terminate on the first Wednesday of December; Further aware that the House is scheduled to adjourn for its long recess on Wednesday 6th December, 2023 as per the approved Assembly Calendar;

Acknowledging that Standing Order 25(4) provides that despite the adjournment date as scheduled in the approved Assembly Calendar, the Assembly may by resolution, alter its Calendar or the adjournment date; Aware that members have been invited to participate in the National Kenya Music and Cultural Festival in Makueni County from 30th November to 10th December, 2023;

Honorable Speaker, I wish to move the Motion **THAT** notwithstanding the resolutions of the Assembly made on 14th March, 2023 (Approval of Assembly Calendar), 15th March, 2023, 26th April, 20th June and 9th August, 2023 (alteration of the Assembly Calendar) and pursuant to Standing Order No. 25(1), the Assembly resolves to alter its Calendar (Regular Sessions) for the Second Session of the Third Assembly to adjourn its sitting from today Tuesday, 5th December, 2023 and resume its regular sittings on Tuesday, 13th February, 2024 and that the Assembly Calendar (Regular Sessions) for the Second Session be altered accordingly.

The House adjourns to Tuesday, 13th February, 2024 at 10.00 a.m.

Denotes Order of the Day

APPENDIX (I)

TUESDAY, 5TH DECEMBER, 2023 AT 10.00 A.M.

1. PAPERS

- (a) Paper laid – Hon. Nicholas Nzioka, Chairperson, Select Committee Investigating the Proposed Removal from Office of Mr. Joseph Mutisya Laban from the Position of Clerk of County Assembly

Honorable Speaker, I wish to lay the following Papers on the Table of the Assembly today Tuesday, 5th December, 2023:

The Report of the Select Committee Investigating the Proposed Removal from Office of Mr. Joseph Mutisya Laban from the Position of Clerk of County Assembly.

2. NOTICES OF MOTION

- (a) Notice of Motion – Hon. Nicholas Nzioka, Chairperson, Select Committee Investigating the Proposed Removal from Office of Mr. Joseph Mutisya Laban from the Position of Clerk of County Assembly

Honorable Speaker, that aware that the select committee investigating the proposed removal from office of Mr. Joseph Mutisya Laban from the position of the clerk of the County Assembly is established under Section 23(4) of the County Assembly Services Act of 2017;

Further aware that in line with the provisions of Section 22 of the County Assembly Services Act, No. 24 of 2017 as read together with Section 23 of the Act, the County Assembly Service Board suspended Mr. Joseph Mutisya Laban for 14 days, 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
- (d) Violation of the provisions of the County Assembly Services Act, No. 24 of 2017

Cognizant that, pursuant to Section 23(2) of the County Assembly Services Act, 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;

Aware that a notice of motion seeking that the County Assembly revokes the appointment of the Clerk dated 28th November, 2023 was tabled before the House by the Vice Chairperson, County Assembly Service Board and approved on the same date recommending to the House, the Constitution of a Select Committee of the Assembly consisting of eleven (11) members to investigate the proposed removal from office and reports back to the House within 10 days;

Honorable Speaker, I wish to give notice of motion that, this House discusses and approves the report of the select committee investigating the proposed removal from office of Mr. Joseph Mutisya Laban from the position of the clerk of the Machakos County Assembly.

3. **STATEMENTS**

(a) **Statement on Business of the House – Hon. Nicholas Nzioka, Majority Leader / MCA, Machakos Central Ward**

Honorable Speaker, the House Business Committee met on Tuesday 5th December, 2023 to prioritize business for the House as forwarded by Committees and Honorable Members pursuant to the provisions of the Standing Order No. 151 (6) (d) . The Committee balloted business as follows:

Tuesday, Morning 5 th December, 2023 at 10.00 a.m.	(a) The Report of the Select Committee Investigating the Proposed Removal from Office of Mr. Joseph Mutisya Laban from the Position of Clerk of County Assembly. (Hon. Nicholas Nzioka, Chairperson, Select Committee Investigating Allegations on Revocation of the Appointment of the Clerk of the County Assembly) (b) Motion on Alteration of the Calendar of the Assembly and Adjournment of the House (Hon. Nicholas Nzioka-Leader of Majority Party/MCA Machakos Central Ward)
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