COUNTY GOVERNMENT OF KISUMU

COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – FOURTH SESSION

Thursday 08th May, 2025

House met in the Main Chamber at 02:30 p.m.

(The Deputy Speaker (Hon. Okombo) in the Chair)

PRAYERS

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B"): Honourable Members, in line with the provisions of Standing Orders No. 32(2), I direct that the quorum bell be rung for the first five minutes.

(Quorum bell being rang)

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B"): Honourable Regina, can you please confirm whether the House has attained the right quorum to transact? And by the right quorum, I mean a third of the total Membership of the Assembly.

Hon. Kizito (Nominated Member): Thank you, Madam Speaker, there's no quorum.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B"): Honourable Members, I want to direct that the quorum bell...

(Hon. Oraro rises on a Point of Order)

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B"): Order!! Yes, Honourable Oraro.

Hon. Oraro Kelvin (MCA, Kolwa Central): Madam Speaker, when you use the word a third, we always calculate a third according to the Members who are present, not including those on official duty. So, if a third of those who are supposed to be here of around 44, that is 11. And with 11, the Members in the House, Madam Speaker, that form the quorum of the Assembly.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B"): Honourable Oraro, I want to refer you to a ruling that was made by the Speaker, the substantive of the Speaker. The substantive Speaker of the Assembly, on Thursday, 02nd March, 2023, regarding the issue of the quorum. And allow me to read it.

A Member a rose on a Point of Order on Thursday, 02nd March, 2023, on whether provisions for quorum of the House is not mandatory, by discretion and should take consideration of other official County Assembly sittings happening outside the presence of the Assembly, and whether the quorum should be calculated based on the number of Members not out on official duty.

And this was the decision of the Speaker, that the quorum rule is mandatory, and this House is bound to strict observance of the quorum rule, and there is no freedom founded at law that authorizes adjusting the rule depending on the number of Members present within the presence or out on official duty.

Further, the Select Committee on Liaison was therefore on that day directed to ensure that the number of official House Committee functions happening outside the presence does not interfere with the deliberative business of the House. On this particular day, Honourable Members, you will recall that during the afternoon sitting of the House on Thursday, 02nd March, 2023, Honourable Peter Obaso rose on a Point of Order before the House was ceased at the motion for considering, was considering on the Report of the Status of Operations of the Village Units in the County.

The member was seeking, the direction of the Speaker on whether it was appropriate for the House to proceed with the consideration of the motion without a quorum. In his view, the House lacked quorum to transact business in accordance with the provisions of Standing Order No. 32, and that pursuant to that Standing Order, the House was required to adjourn.

Honourable Members, you will also recall that in the same sitting, Honourable Maurice Ngeta, upon a request of the Speaker, confirmed that the House had a quorum and requested the House to consider that majority of Members were out on official duty. It was the view of Honourable Ngeta that the one-third of the Members required for a quorum to be counted based on the Members present in the presence of the Assembly. To buttress his point, the Member informed

the Speaker that the Departmental Committee on Water, Environment, and Natural Resources was out in Homa Bay while other Members were attending sub-county meetings in Vihiga and Siala Resorts.

The point of order raised by Honourable Peter Obaso elicited heated consultations with the then Honourable Speaker, who ruled to adjourn the House pursuant to the provisions of Standing Order No. 33, and requested to give a clear determination on the nature of the County Assembly quorum in the next sitting. The point arising from the Point of Order and the ensuing consultation was as follows.

1. Whether the requirement of quorum is mandatory or is it simply general in nature and therefore directory. Honourable Members, the term quorum refers to the minimum number of Members who must be present for the house to conduct business lawfully.

At the outset, I wish to interrogate the provisions of Standing Order No. 32 and Order No. 33, which was alluded to during the point of order.

Honourable Members, the provisions of this Standing Order states that, that is No. 32(1), a quorum of the County Assembly of or of a Committee of the Whole County Assembly shall be a third of its Members. Additionally, Orders No. 33(1) states that, if at a time that the chair is taken or when the County Assembly is in committee, a member objects that there is no quorum present, the Speaker or the Chairperson shall count the County Assembly or the committee Members as the case may be. Standing Order No. 32(1) is premature with the provisions of Section 19 of the County Government Act.

First one, to the provisions of Section 19 of the County Government Act, this House is bound to strict requirements of the quorum, and such provisions, since they are established by national legislation, are not provisions that can be suspended by a resolution of this Honourable House or by amendment of the Standing Orders. In this regard, I thank the Honourable Peter Obaso and other Members for raising these issues in the House for my guidance. My considered determination on this matter, therefore, is as follows.

THAT, the quorum rule is mandatory and this House is bound to strict observance of the quorum rule and there is no freedom founded in law that authorizes adjusting the rule depending on the number of Members present within the prisons or out on official duties. The Committee on Liaison is therefore directed to ensure that the number of official committee functions happening outside the prisons of the Assembly does not interfere with the deliberative business of the House. The House is accordingly guided.

I thank you, Honourable Members. This was a ruling given by the Substantive Speaker at the sitting of Thursday, 02nd March, 2023. So, Honourable Members, I believe the House is properly guided.

In that regard, I want to direct that the quorum bell be further rung for another five minutes.

(Quorum bell is rang for a further five minutes)

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B"): Honourable Members, allow me to refer you to the provisions of Order No. 33(2) of the Kisumu county Assembly Standing Orders. I read;

"That if on the account under Paragraph 1, where Paragraph 1 reads that if at any time after the Chair is taken or when the County Assembly is in its committee, a member objects that there is no quorum, the Speaker or the Chairperson shall call the County Assembly or Committee, as the case may be. If a quorum does not appear to be present, the Speaker shall cause the division bell to be rung and if no quorum is present at the expiry of the minutes stated, the Speaker shall adjourn the County Assembly until the next sitting without question being put.

ADJOURNMENT

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B"): Honourable members, in this regard, the House shall adjourn until Tuesday 13th, May 2025 at 02.30 p.m. Thank you.

(House rose at 2.56 p.m.)

Addendum

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