

**COUNTY ASSEMBLY OF SAMBURU**



**THE HANSARD**

**Tuesday September 15<sup>th</sup>, 2015**

**The County Assembly met at the County Assembly chambers at 2.30 p.m.**

*(The Deputy Speaker, Samburu County Assembly (hon. Adamson Lanyasunya) in the chair*

**PRAYER:**

## PAPERS

### PUBLIC PARTICIPATION REPORT ON ALCOHOLIC DRINKS CONTROL BILL 2015

**MCA Lodokejek ward**, (hon. Jerius Leshoomo): Thank you hon. Speaker, I beg to table the public participation report on the Samburu County Alcoholic Drinks Control bill, 2015.

**(Hon. Leshoomo tables the report at the clerks' desk)**

## NOTICES OF MOTION

**MCA Lodokejek ward**, (hon. Jerius Leshoomo): Hon. Speaker, pursuant to Standing Order number 44, I wish to give a notice of motion that this house debates and approves the report of the committee on Gender, Culture and Social Services on the public participation report on Samburu County Alcoholic drinks Control bill, 2015 tabled on 15<sup>th</sup>, September 2015.

## STATEMENTS

**MCA Ang'ata Nanyukie ward**, (hon. John Lemulugo): Thank you hon. Speaker, pursuant to Standing Order number 41, 2 (c), I hereby request for a statement from the Chair of sectoral Committee on Tourism, Trade and Co-operative Development concerning the eviction letter served by the department to the Maralal Safari Lodge's investor. This hon. House adopted a report for the current investor to re-apply for the lease which was to be re-advertised. The report did not say that the investor had to be evicted. The department recently issued the investor...

**(Interrupted by a call for a point of order)**

**The Deputy Speaker, (hon. Adamson Lanyasunya)**: What is the point of order mheshimiwa (hon.) Lekupe.

**Mwakilishi Maalum**, (Mhe. Ltipilisa Lekupe): Bwana Spika, hatuna taarifa hiyo kwenye orodha ya leo.

**The Deputy Speaker, (hon. Adamson Lanyasunya)**: Continue hon. Lemulugo.

**MCA Ang'ata Nanyukie ward**, (hon. John Lemulugo): Thank you hon. Speaker, I think the clerks can supply the copies because we have enough of them. The department issued the investor a five days' notice to vacate the lodge. The person has already invested heavily on the said premises. He has employed more than 30 staff from the local community. It is unfair, inhuman and unconstitutional to serve a lease-holder with such a short notice. Considering the importance of investors in this county, treating them in such a manner will make other investors shy away from Samburu in future. I ask the concerned committee to urgently write to the department to stop it from vacating the investor from the lodge. The Chair of the committee should also enquire into and report on whether the department has any power to contravene the decision of this hon. House by going against the report which was tabled, debated and approved by this house. The said premises had been occupied by the investor for almost two years and the people employed there are from the local community. I don't see any reason why the department is harassing the investor by serving him with a very short notice even if they want to chase him away. This is not the way to chase away an investor. I believe he did not do anything wrong but to the contrary, the lodge has greatly improved. The lodge has even saved the lives of many animals which the department cannot be able to do. Recently, two Elands were chased away by the community and one of them killed while the other was severely injured but the department could not even protect them. It is the only lodge in the county headquarters therefore we cannot afford to interfere with it. Even if there is a disagreement between the investor and the department, the eviction has to have a human face. Five days is a very short time to tell a person to pack and leave while forgetting that the people employed there need to be paid. The place was fully booked by international visitors and it is a real shame that the bookings have to be cancelled. What message are we sending? I am sure the members have read the report which was tabled here by the Committee on Tourism. It was clear that the investor has all the right to contest and if he wins, he should remain put. The department is handling the lodge like a personal property. This is a public property and a national sanctuary. The investor, during the past Camel Derby, advertised our programs and even invited different nationalities to our county.

**MCA Elbarta ward**, (hon. Romano Leakono): point of information.

**Deputy speaker**, (hon. Adamson Lanyasunya): What is the point of information hon. Leakono?

**MCA Elbarta ward,** (hon. Leakono): Thank you Mr. Speaker, I just want to inform the hon. member for Angata Nanyokie ward that we can have the statement as it is because patience makes sense and it cannot go as it is because it says, *'I now ask the committee on cooperative development, trade and tourism to urgently write a letter to stop the department from harassing the investor to vacate Maralal safari lodge'*. These are the same people who are harassing the investor and therefore for them to write a letter, it will be like self-defeating. Therefore, I was suggesting that in that statement, it should read that, *'I request through County Assembly that the department should or is decreed to abide by the Hansard report of this hon. House as we discussed'* and therefore in that sense Maralal safari lodge Africality should ignore that letter as it makes it to be null and void, thank you Mr. Speaker.

**MCA Ang'ata Nanyokie,** (hon. John Lemulugo): Thank you hon. member for Elbarta, **(inaudible)** it is what this hon. house is requesting, not the hon. Lemulugo as the member for Angata Nanyokie as an individual. I just want to finish the debate if this statement by saying that the 30 people being employed by this lodge is now crying. Just because may be the CEC in charge of tourism is not in good terms with the investor, does not mean that he can easily command the investor to vacate the lodge in five days. So just to give other members to contribute on this, it is highly regrettable cry on this lodge and we cannot ignore and forget that this lodge was in a pathetic state sometimes back and now it is very good and also it is quite risky that the county government of Samburu is going to pay this investor so much money. Where do we get that money and we do not have any budget in the department concern allocated for such cases? So I urge this House to ask the committee to take a quick action, thank you Mr. Speaker.

**MCA Nachola ward,** (hon. Lawrence Lorunyei): Thank you Mr. Speaker, as the hon. member said, this is a very serious thing, we need to market our county and we need to invite investors to come to our county. As said, this investor has done a lot of work in Maralal Safari lodge; he has also invited many visitors to come to our county, thus opening our county to investors. He did add a lot of value to Maralal Safari lodge. Before, it was like a deserted place, but now it is a very attractive place which can attract investors and give us some riches. If I am not wrong, that investor was given a lease letter. I do not know why he has changed again. According to the report there are minor procedural mistakes done and we said that this is going to be corrected. But giving somebody five days' notice to vacate the lodge is really inhuman. This is a very old sanctuary and in the few days the investor was there, he did change the face of the sanctuary. So I urge this hon. House, since the five days are gone, to instruct the CEC to withdraw the letter while other procedures are being followed so that we make everything correct. As we saw during the camel derby, he had called many friends to come. How can we harass a very important person like this? Therefore I support and as it has been said it is very urgent as five days are gone and therefore it is good for the committee to force the CEC to withdraw the letter and then time

is given so that we can correct any procedural steps that were not followed, thank you Mr. Speaker.

**MCA Lodokejek ward,** (hon. Jerius Leshoomo): Thank you hon. Speaker, I also stand to support my hon. members on the said statement if it is true that the investor was given five days to vacate Maralal Safari Lodge. I think doing a business investment in our county is a very good for our people but there would not be any prudence to give an investor go-ahead, and later on give a notice of five days to vacate. It will show that there are illegalities in that particular investment and giving five days' notice to any investor; he/she can go to any court of law to prove that it is not right for a person to be given a five days' notice with such heavy investment in our county. We do also know that the investor employed several people from this county and they also have dependants and so it is not good to put that business to an end indefinitely and chase the people away. We know that this House had approved the formalization of the agreement between the Africality, Maralal Safari Lodge and the County. So if this house did approve, the evaluations must be followed to ensure that there is no any anomalies within the county government and the Maralal Safari Lodge. To me therefore, I do not think five days' notice is really necessary to give an investor who really invested so much in the Maralal Safari Lodge and so I urge this House to review the five days' notice so that the investor can have time to rearrange and do the value of investment in Maralal Safari lodge.

**Mbuge Maalum,** (Mheshimiwa Ltipilisa Lekupe): Asante sana bw. Speaker, mimi naunga mkono statement (mswada) ambayo imeletwa na mhe. Lemulugo na ningependa tufuate process ya hapo awali kwa sababu ripoti inasema, ingawa investor haistahili awe hapo, tutampa yeye nafasi na atafuata sheria kama watu wengine. Kwa hivyo, mimi naunga mkono ingawa notice ya siku tano ni kidogo sana na pia kuna watu wetu ambao wemeajiriwa hapo na mahitaji yao ni pale. Kwa hivyo, sioni haja ya kufukuza mtu hivyo kwa vile tukifukuza huyo investor, tumefuta watu wengi kazi. Na hata, tunatangaza sura ya lodge yetu kwa njia mbaya. Kwa hivyo tutafuata ripoti ile ya zamani, watangaze vile ripoti inavyosema, watume ombi, na itaonekana wameomba wakitumia njia halali na ikionekana yeye anafaa, basi ataendelea na biashara yake. Mwingine pia akishinda, hatutakuwa na ulalamishi yeyote na hakuna yule atakayeenda kortini kusema alionewa. Wanaomfukuza ni wale wale waliopatiana lodge kinyume na sheria na tena wanamfukuza na siku chache. Mimi basi naunga mkono ripoti na tufuate ripoti ya kitambo.

**MCA Lodokejek Ward (Hon. Jarius Leshoomo):** Thank you Mr. Speaker, I hope that all of us know about the Samburu Lodge, there are leases and investors in such big hotels like Samburu Lodge, and we all know that Samburu Lodge was leased to an investor for a period of 5, 10, and 30 years, when the lease ends, it is upon the County Government to advertise the lease to any investor and I hope that this also applies to the Africality. On the lease that was given the head of terms by the Samburu County Government, and I hope that if they have the head of terms

agreement leases, it should advertised or the good procedures should be followed to ensure that the investor is leaving or continuing within the period that a lease was given by this County Government. I think that even the head of terms lease probably has terms in the lease of the head of terms and I do not know how a five day notice came about. If the head of Africality has a lease with this County Government, I think that the department that wrote the letter clearly mistook the thing that the investor should be given time as with the head of terms agreement with the County Government, it is not a departmental issue, this is a County issue like any other investment that this County Government issued, thank you Mr. Speaker.

**MCA Baawa Ward (Hon. Pius Lobuk):** Mr. Speaker, to my understanding, as we speak, there is no lease in place as far as Maralal Safari Lodge is concerned, this man parachuted in Maralal Safari Lodge without any permission, so the direction that we took in that report was that the investor should apply for the lease which was applied and should be considered with others, I think that was the content of the previous report as per my understanding

**The Deputy Speaker (Hon. Adamson Lanyasunya):** Okay Hon. Leakono, before you go to your next statement, there was a statement which was sought concerning the Lodge, and the committee on Tourism went to do the investigations and brought a report. This here is the Hansard report of July 14<sup>th</sup> 2015, which was also accompanied by a motion for the house to adopt the report, as the house contains the findings of the committee and the house that the lodge was not given procedurally and also the department of Tourism has confirmed in the Hansard report that the County Government did not give out the lodge. There is a letter written by the Clerk of the County Assembly of Samburu on 30<sup>th</sup> July 2015, which quoted the recommendation of the committee at the Maralal Safari Lodge to be re advertised and proper process be followed to identify the suitable client and the sanctuary to be managed by the County Government of Samburu through the department. The department will implement the report of the committee recommendations, so this is the letter that was given after the report in this house and I have a letter here written by Macharia and Wetangula that was addressed to the Hampadick Jackman to Africality on 11<sup>TH</sup> September 2015, and which states that the document tabled as the head of terms exempted you and other clerks, County Government committee member in charge of the lodge is not only irregular but also lacks the essential agents of a lawful contract that would join, bind and approve our client as the public procurement and disposal act and the regulation there under clearly specifying the officers of the County Government whether they operate to execute agreements and contracts on behalf of the County Government. That in any event the head of terms are nothing more than the memorandum of understanding that spells out the main issues that were to be discussed and the decision reached to enable the list to be drawn up and enable the head of terms did not and will not confine right or the obligations to either yourselves or the County Government and by the virtue of the said legal obligation of which you have denied the revenue from the Samburu County Government, and the letter continues, so there are three letters

here on the report passed by the Assembly that says that the occupant has not been given any lease and you have also written to the department of Tourism to implement the recommendation of the committee and normally in any landlord agreement does normally a statement that shows the timeframe of notice and I think that the bone of contention here is that if there was an agreement and says that in case of any disagreement maybe the tenant can vacate or maybe give a notice of either one or three months. There are those where there is a disagreement, so I think that is where the dilemma is, and again the cause of contradiction by the house. At the same time you adopted the report and that is legal and at the same time the house also debates that the report should be revoked, so I would also want to say that it is not an implementing issue, it is the County Government, so the law is also not clear despite the fact that if a person has been given any premise lawfully then it becomes awkward to give someone a notice of five days. It is not practical, because there were a complication and the law says that there is no any notice given and the house confirmed that through its findings such that when you say that it is not fair to chase somebody within five days then that statement becomes valid if there was any lease agreement whether the agreement stated a time frame for any notice or not as long as there was a lease then that was applied. But then, the complication here is that the committee brought the report that the client is here illegally but at the same time the house is saying that the notice is too short and because the statement has been addressed to the chair of tourism, there is also a committee called the implementation committee, so I would refer this statement to the implementation committee to go and find out what has transpired and also the tourism committee, Hon. Leakono.

**MCA Elbarta Ward (Hon. Leakono):** Thank you Hon. Speaker, mine is actually a statement, pursuant to standing order No. 41(2), (interrupted by the Speaker)

**The Deputy Speaker (Hon. Lanyasunya):** Hon. Leakono because this matter is urgent, I would advise the chair of committee of implementation...okay, that is good, when do you think you can respond to the statement.

**MCA Baawa Ward (Hon. Pius Lobuk):** I think Mr. Speaker before we respond we need to first consult with the tourism committee, maybe...

**The Deputy Speaker (Hon. Lanyasunya):** Okay Chair for Tourism, so can we give you up to Thursday afternoon the day after tomorrow?

**MCA Baawa Ward (Hon. Lobuk):** Most obliged

**The Deputy Speaker (Hon. Lanyasunya):** Okay good, then we expect an answer about the tourism, but I think it should lay on the way of the implementation committee, Hon. Leakono.

## SCA/236/3/2015 (9) SAMBURU COUNTY ASSEMBLY DEBATE 1

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**MCA Elbarta Ward (Hon. Leakono):** Thank you Mr. Speaker, pursuant to standing order No. 41(2) c, I hereby request for a statement from the leader of majority concerning the current drought situation in Samburu County, the current drought situation is heavily burdening the people in Samburu County. This has worsened in parts of Samburu North and Samburu East and people are really suffering experiencing hunger, dust, children, women are the main victims in which it leads to a low turnout of ECD levels. Hon. Speaker sir, in view of this, the chair person should inquire and report on whether the County has any plans to supply food through food rationing in the affected areas, this is actually to those at home and those who have livestock far away from home. These are the most affected citizens of this County and we request that something is done to them for they are really suffering and they need food, with those few I request for the same, thank you Sir

**The Deputy Speaker (Hon. Adamson Lanyasunya):** Leader of Majority, we will slot that statement for Thursday this week at 2:30 pm, thank you Hon. Members, the time being 25 minutes to four o'clock and there being no any other business, the Assembly stands adjourned until Wednesday Morning 16<sup>th</sup> September 2015 at 9:30am, Thank you.