

SAMBURU COUNTY ASSEMBLY



THE HANSARD

Thursday, 30th April 2015

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

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

PRAYERS

PAPERS

County government and County Assembly Budget statement for 2013

MCA Nyiro ward, (Hon. Lemoosa): Thank you Speaker sir, pursuant to Standing Orders number 207 clauses (2) and (3), I beg to table the budget estimate for the county government the County Assembly submitted to the County Assembly on 30th April 2015, I beg to table.

NOTICES OF MOTION

Leader of majority party, (hon Lolosoli): Thank you Mr. Speaker, pursuant to Standing Order number 20 section (6), I beg to give notice of the following that; the thanks of the County Assembly should be recorded for the exposition of the public policy contained in the address of H. E the governor which was delivered on Wednesday 29th of April 2015, thank you

STATEMENTS

MCA Wamba East, (Hon. Jackson Lelengeju): Thank you Mr. Speaker sir, I rise to respond to the statement sought by hon, Jeiras Leshoomo on 17th march 2015 from the chair person sectoral committee on Cooperatives Development, Tourism and Trade regarding Maralal Safari Lodge lease agreement. Hon. Speaker, the committee conveyed a request for the statement to the County Executive Committee member in charge of cooperatives. On behalf of the committee, I wish to respond on the communication received from the County Executive member concerned. Reference is made to the request by the County Assembly of Samburu for the County ministry of cooperatives, tourism, trade investment and enterprise development to provide a statement regarding the statement by Jeiras Leshoomo, MCA Lodokejek ward concerning Maralal Safari Lodge. The ministry wishes to respond as follows:

- ❖ *Question 1. Whether the lease was signed and whether the investor had expressed permission for further development of the property. The ministry wishes to state that there was no lease agreement signed with the Africality to operate the Maralal Safari Lodge, hence the investor who is currently using the lodge has no express permission for further development of the property. The engagement with Africality was an understanding on head of terms which was only giving overview of the key elements of*

proposed new lease agreement between Samburu county government and Africality. The document was outlining the main issues which the parties were to discuss and reach consensus. Once the parties were in agreement the document was to form the basis of the contract. Item (3) point zero of the head of terms on ownership of the Africality, assets states that the parties agreed that the lease must determine the proper commercial operation of the property.

- ❖ **Question 2.** *Whether the process followed to identify the investor and who authorized the investor to cut down the tress that grew naturally. We wish to revisit the background of Maralal Safari Lodge which was handed over to the County Government through a court order. The County Government advertised for an investor but unfortunately they identified bidder African Dream Collection Project withdrew at an advanced stage of negotiations. In view of the fact that the lodge was not operational for more than one year, the ministry thought it prudent to pursue other options given that the facility was given through the court order and would raise questions on non-utilization of the asset. The ministry therefore tabled to the cabinet meeting on **5th October 2014** a paper on business case options for operating the lodge in exempt of cabinet minutes **5 /10/ 2014** hereby attached. The paper presented to the option of leasing or running of the facility as advised in division of the county under contract management. The cabinet was also brought to the attention of an alternative investor. Jackmann of Africality organization from the United Kingdom who wanted to run the lodge as a charitable enterprise. In view of the experience with Africality Dream Collection Project, an opportunity in revenue loss in the long time taken to operate the lodge, the cabinet committee was afraid that another process of bidding for an investor would not address the urgency of engaging an investor. The option of the county running the lodge was discussed and found not visible given the options presented. Based on this, the cabinet resolved that the Africality be considered to operate the lodge subject to following the process of engaging a lease agreement. The ministry upon reporting of the falling of tress and the commotion that was there after visited the lodge and sought the source of the authority to cut down the tress. Mr. Jack Mann indicated that he got the approval from the director of forest but it was not ascertained since there was no any document to prove. However, the rangers reported the case to the police and the evidences of the cut logs and the power saw*

presented below are few pictures at the site. You can see in the attached document there is an evident regarding the same.

- ❖ **Question 3. Bearing in mind the investor is non-citizen whether he has a work permit.**
The investor indicated that he was in the process of getting the work permit and will have acquired in the time of signing of the lease agreement. The ministry is not privy to the current status of the work permit.
- ❖ **Question 4. Why the person in question was using pepper spray as an illegal substance.**
The ranger, Mr. Mike Lesiil, who was the victim of the pepper spray, reported the matter to the police and investigations are underway.
- ❖ **Question 5. Whether the process leading to the signing of the lease agreement followed the right procedure of approval by the County Assembly.**
The ministry wishes to recognize the key role of the County Assembly in approving engagement of the investor. However, it is important to note that there was no lease agreement signed between the county government and the investor with respect to investment operating Maralal Safari Lodge. The signed head of terms was only giving the basis of negotiation for engaging contract through lease agreement. It is also worth noting that signing of the heads of terms does not give explicit guarantee that the contract would be signed by parties in the event. It was unfortunate that the investor moved to the site before the proper engagement was concluded, in this case signing of the lease agreement. Attached are the relevant documents to the subject matter. We are always available to provide any further clarification as required.

Yours faithfully,

Peter Leshakwet, (CEC in charge of Tourism).

And to that effect, I beg to table the report.

MCA Maralal (Hon. Elly Loldepe): thank you Mr. speaker, wish to commend the committee and the Hon. chair for sectoral committee on Cooperatives Development, Trade and Tourism for elaborate and very clear responses to the issues raised and best on the report, I think facts are

SCA / 196/ 3/ 2015 (4)/ SAMBURU COUNTY ASSEMBLY DEBATE 1

bare and plain about conflict of interest within the said Maralal Safari Lodge and my request to this house is, to take action on the concern individuals. And I want to point clear issues:

Just on the first page, whether the lease has been sign or whether the investor has the express permission for further development on the firm. The response from the ministry is very clear and it says that the ministry had no any agreement signed with Africality. It goes ahead and says that the investor has no express permission for further development of the property. I was among the team that went to visit the investor, if this investor had no express permission, where on earth and why on earth would he invest more than fourteen million as he claims because that is what he has told us. Where and why on earth is he putting his money with no express permission for further development? Why should he risk his money into a thing that is not certain? In this case Africality and Jackmann are only there to cover up and most probably the honour and the person in this case lease agreement on the management of Maralal Samburu Lodge might be somebody different and Jackman is only there to cover up and may be the powerful people within the government are the ones taking the money and they are running the facility because without an express permission, there is no way a foreigner who knows nobody can put trust and his money on something he has no trust and that there is no permission to do it .

Secondly, If I was just to go further and look at what they say the head of terms the signing of the head of terms also raises suspicion and I wish just to refer members, in the signing of the head of terms which was put it was signed by one Peter Leshakwet who is the CEC and we are reliably informed that he was forced to come and sign when he was actually leaving the country ,Stephen Letinina , Jackmann himself and the most unfortunate thing again is it was also signed by the member of county assembly who does not even represent this ward. It was signed by Shadrack Lesoipa MCA for Suguta ward this also raises other eyebrows because.

This head of terms, I do not know what this means but as we go further down I think I will elaborate on other issues that are coming into my mind, the second page also says the head of terms were to form the basis for the agreement but in this case it seems the head of terms continued to be completely the lease agreement I don't know may be there is another lease agreement fully signed and we want to cover people's eyes as we have done in the case of Sarima ,where things are moving very fast the people are saying there is no lease agreement

while everything is happening and is completed. I think the public needs to know more and everything to be stopped. Going to question number two,

Whether the process followed to identify the developer and the investor to cut down trees that have grown naturally, I do not wish to put my statements before I just wish to pick from the ministries on explanation and one of the things the ministry said that they wish to revisit the background of Maralal Safari Lodge which was handed over by the county government through the court order I just understand there was a court order, and they said the county government advertised for an investor unfortunately only one bidder, African Dream Collection Project applied and withdrew at an advanced stage of negotiation. One question that comes in is, this person withdrew in advanced stages question is not even clear why or what really happened because it is not explained but unfortunately through a minute somebody introduced from nowhere from heaven, because the ministry goes ahead and says the ministry therefore tabled the cabinet to the cabinet meeting of **5th October 2014** unfortunately the minutes are not attached because maybe the minutes could have giving us some more of the light. The minutes are not attached, maybe these minutes are also taken to hide the facts and it says the ministry therefore tabled to the cabinet meeting of the **5th October 2014** a paper on business case option for operating the lodge in expert of the cabinet meeting here attached which is not attached here I don't know maybe other members have but I don't maybe if they have they may just inform the house .the paper presented option for leasing or running the facility as the decision of county contract management. Certainly somebody appears Africality appears from nowhere. We want to know how on earth somebody appears without an advert, he just appears pup and he is the one awarded. I think this is a pure conflict of interest those who signed must be fully accountable for signing and taking people for a ride just taking the committee and public property as the personal property that they can run I think the person can only run his home like that . In view of the experience with the African dream collection... you just rush into something that you are not even certain. You fear the past that since somebody can withdraw when you don't even tell us how we came in, and the last statement within the same page is about the assaults of one Lesiil. The assaults, I think were expected, why? Because you brought somebody from heaven down to earth somebody with a god father let me say so to harass even the people because they do not have somebody to protect them. I say so because one Jackman

SCA / 196/ 3/ 2015 (4)/ SAMBURU COUNTY ASSEMBLY DEBATE 1

and Africality was not vetted in any other way. it has not undergone any competition .so this person knows since I was brought here with a god father, by a godfather and still with the godfather who are may be the powerful people within the county he can do anything. Just going down to question number three bearing in mind the investor is a noncitizen whether he has a work permit. It is very clear from the ministry that there is no work permit ,I don't know under what law in Kenya is a noncitizen with a work permit, given permission to do the work without the work permit in the country .so, that also raises an eyebrows that we give this man the hotel, we give the investor to work without a work permit in Kenya ,without a license because even there is no license and I think that is one thing they did not tell us here. Now everything is being held even the agreement most probably the list agreement because there is no work permit so as to give the demy gods of the county permission to go and solicit for supporting documents through the process that is already flatted. So, I think that is terrible and I don't think we still continue allowing that to happen. I do not wish to say question number four because this is the matter still under police investigations and if something is said to be illegal in the country I don't know why it is there. The closing statement by the CEC is under question number five, is, it was unfortunate that the investor moved aside before the proper engagement was concluded in this case the signing of the lease agreement. If it is unfortunate, then he should be also unfortunate that he continues to be in ministry while he supported in process that is not fair, not transparent, not even following any procurement procedure despite the fact there are procurement rules in this country, and I think this is an issue of bulldozing. Before I allow other members to contribute the funny thing the entire process brought the concept of the animal farm where some animals are more equal than others because one of the issues given and I know the chair did not return back because it was not signed, also gives the list of those staffs who had been employed and if you are to look at the names it also becomes a family issue because communities surrounding Maralal Safari Lodge are so many, there are so many people who need jobs so many of them. Yet, people only bringing their brothers to work. I think this becomes a man eats man society and if that becomes the case, then people who ended in a Napoleonic wars and still ended in that case of monopoly and bulldozing they still have powers to do so. But before people are being given to do so, This County Assembly has demanded and express permission of the people to do that registration. I don't know allow me to read the names as I settle down for other members to contribute. The names as I read.

SCA / 196/ 3/ 2015 (4)/ SAMBURU COUNTY ASSEMBLY DEBATE 1

MCA Elbarta (hon. Leakono): point of order....

Deputy speaker, (hon Lanyasunya): what is the point of order hon Leakono?

MCA Elbarta (Hon Leakono): Hon. Speaker sir I don't think if the hon. member is in order to divert to other issues yet he is the first contributor on the issue raised on the statement and I can see he is transgressing and going further to other issues which are not included in this statement . I request that he sticks on what is there and other members to contribute, Thank you, Mr. Speaker.

MCA Maralal (Hon. Loldepe): Mr. Speaker am not disgracing this was the list given (interruption) the only problem with the list was it was not given by the chair (interruptions) and this list has names people want to protect...

Deputy speaker, (hon. Lanyasunya): Continue hon. Lelengeju

MCA Wamba east (Hon. Lelenkeju): Mr. speaker sir I stand on the pint of order to request my friend to decline from reading the names that are not official as I had informed the committee and even the house that is not the part of the attachment of what I tabled so may he exercise some patience as we bring the list that has been formerly brought through the ministry ,Thank you.

Deputy speaker, (hon. Lanyasunya): Allowed hon Lelenkeju.

MCA Maralal (Hon. Loldepe): As the hon. chair seeks the list then let it be only signed and stamped and brought back to this house for verification so that we stop protecting those who do wrong, thank you.

MCA Elbarta (Hon. Leakono): Thank you, Hon. Speaker sir for giving me this time to contribute on this issue which is actually one of the few cases this house is witnessing. I just want to contribute by saying there are a number of things which actually are not going right and I request this house to be more vigilant and may be so that by the end of this debate we have a way forward to establish an ad hoc committee .Why am I saying this? Because firstly, there was a court order which brought this issue the court order is not actually attached I don't know who went to court and to do what? To have that court order is something we need to know as this

house. There is no evidence yet, but we still need to go and find out. Secondly, the sourcing of the investors to my understanding as report indicates there was no sourcing. There was any advertisement done in the local dailies as the law says; or as it is required and we have never heard a show or trade sire to advertise this property. So, the idea of sourcing investors actually never happened .the selection of Africality or this, the team that is there now to me was a handpick and therefore it is a business that we don't understand. It was not done in the normal set up again when you see there is no lease agreement as such. Now if no leas how comes that this facility are operational ,they are invested both in furniture and fixtures .It is operating its own business and everything seems to be going on well and I stand to be corrected my believe may be appoint the range I don't know how much although it is not shown here .In this county because I know it is the source of revenue ,there is a lot we do not know about this .Again people are employed we have seen workers there and we have seen the investor himself who doesn't have a work permit and he is a noncitizen I believe this can only happen in Samburu only because anywhere else in Kenya I don't think that kind of a business can continue for a week without being stopped because it is illegal and it is actually done in front of all of us. Thirdly, the authority of those who signed the agreement now when you look at that the CEC Leshakwet I don't know if you are signing for his department or for the county government I don't know? I don't understand, now the CS Hon .Letinina the man I respect most how he came to sign that is also in question. To make the matter worse hon. Lesoipa signed this .we don't understand how he came to sign; he is like a kind of friend to this kind of investor, the jack man he was a witness to a jack man or Africality. Now thing if look at it closely it is stands as an agreement or a list because a deep here when you look at closely it is of a more of a less than what they call a deep ,therefore with those few concerns sincerely I request this house to form a hard work committee to go and investigate further because what we are seeing here, this seven points I have mentioned here there are so many things missing none of it is clear to these members yet it is a wrong done in front of us by our own government which we are supposed to oversight ,thank you, hon. speaker.

MCA Ang'ata Nanyukie (Hon. Lemulugo): Thank you, very much Hon. Speaker, it is actually chocking and first of all I thank the chairperson of tourism Hon. Lelenkeju my big friend with his report but is chocking and there is nowhere in this world ,No any country in this world that

you can go and work without government that is point number one . Am really afraid that there is something somewhere that went wrong in this lodge that it might be even a private property and not any more the public property, because when you see those people call Jackmann, is actually a non-citizen, having no work permit and continuing to put a lot of money and resources in this lodge. Suddenly I saw even some wild animals like the cheaters were brought in. I don't know who gave him that room because the first thing is that these animals to be in a zoo is a big question mark. Even the KWS by allowing the person to have these animals being a non-citizen with no work permit is something shocking. That is how the ivory business is going on. I don't know what is called the head of terms. I think this guy has no authority to develop this lodge and his putting a lot of money is a question. Who is this guy? Even the organization itself, we did not see any advertisement or tender that this guy was competing. I beg this hon. House to stop going around. If there is any illegality going on and we need to stop the process, we do it immediately following the right channels. The person should be arrested because being here without a work permit and going further and harassing the residents is crazy. So this should be something that this house should take a stand and say no, otherwise there would be no anything that we are going to stop and this house would just be there as a rubber stamp. I can see that the County Secretary has signed for the head of term and the CEC I don't know in what way they are signing it and also the hon. Chair for Education as a witness I don't know for what which is also shocking. So for me, I beg this house to take very strong measures and the lodge even be closed and have a proper investor who is clearly put there because who is there now is for the sake of very few individuals and what the hon. Member has just said very few individuals and maybe have shares. Following what hon. Leakono has just said, maybe forming an ad hoc committee and investigate further and the place should be ordered closed until the committee gives out the report, thank you.

MCA Lodokejek (hon. Jeiras Leshoomo): Thank you hon. Speaker, the statement which was in response to the statement that we asked some 3 weeks ago, to my opinion, we have missed a point. In the Standing Order 191 part 5 section E of this house, on the function of the sectoral committees, it states that one of the functions is to investigate, inquire into any matters relating to the assigned departments as they may deem necessary or as maybe referred to them by the county assembly. I remember when we asked this question through the Chair of Tourism. We

said we need a comprehensive statement that touches on the report of Maralal Safari Lodge. If you see the report, it is just a statement from the CEC. I do not see any where the recommendations and opinions of the Sectoral Committee. This house needs a comprehensive report that we can see and amend the recommendations there in. I think we are discussing on half-baked report...

(Voice: point of information)

MCA Elbarta ward (hon. Romano Leakono): hon. Speaker Sir, I sincerely believe that the hon. Member is trying to mislead this house by taking us around in circles. It is very clear that whenever a statement is sought through the Chair of a sectoral committee, he goes to the CEC and what the CEC says is what is brought to this house. The only way to get more than what is already here is to form an ad hoc committee. The hon. Leshoomo just agreed with the members that this is not enough and therefore we get an ad hoc committee which is the evidence. Instead of trying to tell us that the chair did not do his part, he did, thank you.

MCA Lodokejek (hon. Jeiras Leshoomo): Thank you hon. Speaker, I just want to correct the hon. Member because I said the functions of the sectoral committee is to investigate and enquire. Where are the recommendations of the Sectoral Committee on Tourism? We need to follow as members of this house the recommendations of the committee. I do not object the issue of ad hoc committee, but if we have those committees and somebody do not do their part, we are now doing some un procedural work to this house. We need to give the committees enough time so that they can make recommendations to this house. If you see this report...**(voice: point of information)**

Deputy Speaker (hon. Adamson Lanyasunya): What is the point of information hon. Lelengeju?

MCA Wamba East (hon. Jackson Lelengeju): Thank you Mr. Speaker, I stand to inform my best friend, hon. Jeiras Leshoomo, that the response we are giving is correct and in accordance with his questions and we have numbered them 1 to 5 and it is also wrong for the hon. Member to say that the committee did not do its part because the members of that committee are in this house and they bear me witness that even in the day of the event, we went and ascertained the

tree that was felled, nobody wanted to tell us, I and hon. Lentukunye from other committees we collected members from other committees and they can bear me witness we did the best we can and upon visiting the premises, it is even us who realized there was no work permit in place and we called the CEC concerned. That is why, as a committee, there was no need to give a different report because what is here, I know you will give me a chance later to give my views as the chair, maybe my colleague should wait until I comment to know how far we have gone as a committee, thank you.

MCA Lodokejek ward (hon. Jerius Leshoomo): Thank you Mr. Speaker, I am also a chair of a sectoral committee in this house. If the findings and status are given, the sectoral committee should sign as members of the committee and make recommendations to this house (**voice: point of order**) in this report, I don't see any recommendations and the names of the members. So, we can probably say that this is a statement of the chair only. (**Voice: point of order**)

Deputy Speaker (hon. Adamson Lanyasunya): What is the point of order hon. Leakono?

MCA Elbarta (hon. Romano Leakono): Is it in order for the hon. Member to start querying about the comments of the committee yet he is the one who raised this statement? I think it is order for the member to say if this statement is below his expectation then we have a course to continue, but not about the modalities because they do not concern the hon. Member. What concerns him is the questions. Are they answered or not? I think that is where his rights end but not again on the technicalities of how the committees collected data and all that. Unless he doubts this report that is actually cooked by the chair he can tell us then we can know what to say.

MCA Lodokejek (hon. Jerius Leshoomo): Thank you hon. Speaker, we said we needed a comprehensive statement to this issue if you follow the wrong path...

Deputy Speaker (hon. Adamson Lanyasunya): Order hon. Leshoomo, as far as terms of reference that was given by this house to the committee, what are the limitations in terms of the findings in your view?

MCA Lodokejek (hon. Jerius Leshoomo): Thank you hon. Speaker, in my opinion, I find the findings and the recommendations to this committee on the issue. But if you see the statement, I don't see any recommendations. **(Voice: order Mr. Speaker)**

Deputy Speaker (hon. Adamson Lanyasunya): No, I asked in terms of the terms of reference, you can see one, whether the list was signed and whether the investor has express permission. And then you go to number two, the process followed to identify the developer. You follow those terms of reference as given earlier. Is there any limitation in terms of the response given?

MCA Lodokejek (hon. Jerius Leshoomo): No Mr. Speaker, the statement is true or with all due respect, what we asked is here. My question is, what were the recommendations of the committee so that we can follow...

Deputy Speaker (hon. Adamson Lanyasunya): Okay, the chair will respond, let members continue ventilating on answers given by the committee, hon. Lolosoli.

Majority Leader (hon. Fabian Lolosoli): Thank you hon. Speaker, first of all I would like to thank the chair and the committee for the comprehensive report although I also have a few observations. One, item number 3, reads that the lease must determine the process the proper commercial operation of the property. As much as that is a requirement but the leasee or the investor, should at least have to be given a period to determine the commercial operation. Because, it is like he has just been given an open cheque **(interruption by the Deputy Speaker)** but it cannot determine the operations for 10 years. At least he could probably have been given two or three years and then they sign the agreement. Secondly, there is also the last sentence that the cabinet resolved that the Africality be considered to operate the lodge subject to following the process of engaging a lease agreement. In my opinion, this may lead to single sourcing and at the end of the day it will deny other investors the opportunity to compete and it is also contrary to the procurement regulations. The issue of the approval from the Director of Forest to cut trees, this was not ascertained and I believe by now if that approval was there, it should have been brought to this house as an annex. It should not have taken that long r the investor to acquire that permit. A very contentious issue as have already been mentioned by the hon. Members, who spoke before me, is the work permit. It is a bit funny that an investor who is not a citizen of this country, can just come and be awarded an investment without a work permit, the ministry says

that they are not privy to the current status which is already making this head of terms illegal. This, I may say, is like putting the cart before the horse. The report also says that the investor unfortunately moved to the facility before the proper engagement was concluded. This is also an illegality because we have now seen that the investor has invested quite some money in the property without getting the proper authorization. This again will lead to single sourcing. However, I also need to make some clarification that yes we need investors. That property has been there for quite some time, it was run down and we would like it to come back to life. The deed that is attached to this report is not an agreement; it is used to register the trust itself and the trustees. Then we have the head of terms which also is not agreement. It is the basis where the agreement will eventually be drawn on. So I would like to inform the house that that is not an agreement but just a basis as said. As for signatures, yes, we have seen the signatures of the CEC, the County Secretary and of one MCA hon. Lesoipa. But most of these signatures were simply to witness the signatures of the CEC, the Chief Secretary witnessed the signature of the CEC and the hon. Lesoipa witnessed the signature of the investor. I would like to draw the attention of the house that those signatures do not commit this county. The assembly there for the agreement between the investor and the county government so that when they start now engaging each other, and I would believe that maybe the head of terms were only given to the period of determining the commercial investment of the facility. So they do not commit the county government because if it were then those signatures should have been witnessed by either an advocate/lawyer. So, I don't believe there is any commitment there at all. The issue of ad hoc committee, in my opinion it is not the right time to form it because the sectoral committee is in place and by giving us that report I think they are still capable of giving us more information if it required, thank you.

MCA Wamba East, (hon. Jackson Lelengeju): Thank you Hon. Speaker Sir, having listened a lot to contributions from my colleagues, I will also give my contributions and before I do that, I would still need to inform the hon. Member for Lodokejek ward that we extremely did as required by the statement as sought by him on the 17th of March and I also believe that he is aware that a committee of this hon. House can only compel the executives who are the implementers of the property to give what they believe they know. We have also gone ahead as a committee to properly enquire into every matter that pertains the same property and I will give

with your permission. Some few elements of what we found as a committee and to me as a chair, to begin with I have my basic technical knowledge on Tourism and especially on hotel industry, the person sorry to say that I found occupying the place is far below any standard required as an operator(*applause*), I doubt whether he has ever operated a kiosk elsewhere again in the world of Tourism, I also want to bring to the attention of this house that we have double facilities in that place, we have the sanctuary which has wildlife, and which wildlife live in a natural state and there are no fences and we have a hotel that is in the facility and the bone of contention here between the County Government and the Africality is nothing to do with the sanctuary, it is purely to do with the premises of that business and not the sanctuary, and by extension, the interest of this man is instead of him constructing the hotel and improving the structures that are in the premises intended to be leased out to him from the county Government, his main effort is based on the sanctuary, something that is not on...we are not capable to giving to any one, because that is a natural sanctuary and only operated by the County Of Samburu, which has a mandate, we have no powers as a County or as department of Tourism to lease out that sanctuary, so there is already a mix-up of that event, somebody has created an orphanage in a sanctuary that is believed and gazzetted and it is in Kenyan gazette as a sanctuary that is in a national state, so creating an orphanage there it means the sanctuary would lose the meaning, so that is another danger that we have observed as a committee and that is there, we have also seen the way he operates and if someone has no identity card even if I was a Kenyan, you cannot transact even in a bank even if the account is yours and it is so clear in the Country, protect me Mr. Speaker.

MCA Lodokejek (Hon. Jerius Leshoomo): Point of order Mr. Speaker.

The Deputy Speaker (Hon. Adamson Lanyasunya): Let the Hon. Chair finish, Hon. Leshoomo.

MCA Wamba East (Hon. Jackson Lelenkeju): Thank you for protecting me Mr. Speaker, I also believe entirely that upon us asking whether he has paid anything to the County, he confirmed himself that he did not pay anything, the only thing he said he paid is KSH40, 000 to the license, he made no other payment, as a committee we went to ask a question that how much he invested in refurbishing the place he said he has already spent 14 million, and we asked him a

SCA / 196/ 3/ 2015 (4)/ SAMBURU COUNTY ASSEMBLY DEBATE 1

second question that how much does the refurbishment require to be through, he said that he requires 8 million more to complete the refurbishment, if you have not been given the express permission and you are only there for two years and you have also further said that you will pay a Ksh.100,000 per month to the County which is Ksh.1.2 million in a year that totals to Kshs.12 million after the end of twelve years, why do you invest 20 million while your agreement is only 12 million, that is something that is a loophole that is something that is shoddy, my recommendation on behalf of committee is we do not need an ad hock committee because what we need on the ground is enough to show us or to tell this Hon. House that that this man does not qualify to be there in the first place(*Applause*), that property is critical because it has wildlife in it, we require it, it is within town, it is quite necessary for our children, so we have better locals who can do a better job than what this man is doing, what I recommend this Hon. house is to move ahead and compel the executive to immediately advertise in the daily papers this lodge afresh, all matters put aside because this man has not been given permission to do that, let viable people including locals apply for it and then the process be followed to come to this house, we vet the right people and give the right persons with the right conditions to run that property, to spare and protect the interests of the small employees who are not party to engagement maybe we can also do that, we can also save them those who qualify and those who came the right way, if we get the right person to run that place and then maybe as a government or as a committee or as a department, then we can recommend them to maintain the employees those who are qualified to work there (*Applause*) to save them from suffering but as a chair I stand right and say what I saw from my point of Tourism that is not a capable person to run that facility, so may this Hon. house take the necessary steps and compel the concerned ministry to quickly advertise this property so that we can manage it properly, Thank you Mr. Speaker Sir.

MCA Lodokejek (Hon. Jerius Leshomo): Thank you Mr. Speaker Sir, I said in my first statement that I really thank the chair for giving us the way forward, if you heard what the chair said, he said that he went and visited the sanctuary and made some recommendations, all the recommendations that he made are not in this report, why do people make reports in this house, it is a lie that you said that we made the recommendations that are not in the report, I think the committee did not seat to make such recommendations, those are the views of the chair.

The Deputy Speaker (Hon. Adamson Lanyasunya): Thank you Hon. Leshoomo, you have made your point.

MCA Angata Nanyukie (Hon. John Lemulugo): Point of information Mr. Speaker.

The Deputy Speaker (Hon. Adamson Lanyasunya): What is the point of information Hon. Elly Loldepe?

MCA Maralal (Hon. Elly Loldepe): Thank you Mr. Speaker, I am just worried because the information here is by the department, this are bare facts, bare minimum facts and we have always been responding to statements in this way, so I wonder why we do not want this one in this way, and one that is very clear is purely about the corruption, so Mr. Speaker I wonder what is the other format that the committee would have used to bring a response to a statement, because this is purely a response to a statement, so I think we need a guidance from you Mr. Speaker.

MCA Ang'ata Nanyekie (Hon. John Lemulugo): Thank you Mr. Speaker, I do not know which recommendation the Hon. Member wants, because I think when he asks his statement, the statement should go straight to the ministry because it is not the committee which gave out the sanctuary or who signed the said head of terms, and according to me this is not from the committee this is the ministry and the question was going directly to the ministry, so I am not seeing the reason why the Hon. member is arguing that he wants to see the recommendations of the committee and by the way I was part of the team who went and joined the Hon. Chair who went to visit the lodge, so it is not just the report from the chair, so I want to inform the member that can you warn the committee if you are writing the report then we are required to have the recommendation of the committee that this is our recommendations that this is our findings and that this is the recommendations, Thank you.

The Deputy Speaker (Hon. Adamson Lanyasunya): Hon. Whip.

MCA Wamba West (Hon. Benjamin Leitore): I would also like to put a voice in this Mr. Speaker and Mr. Speaker first I want to thank the chair for giving this elaborative answer Mr. Speaker, that this has been a problem all through Mr. Speaker, and it has been a question that has been sought long time ago and repeatedly Mr. Speaker and so as a member of the committee and

SCA / 196/ 3/ 2015 (4)/ SAMBURU COUNTY ASSEMBLY DEBATE 1

I would like to thank the chair, for this elaborate answer Mr. Speaker, but Mr. Speaker we clearly understand that as per the standing orders, this house can only act on recommendations and findings Mr. Speaker, we cannot compel the executive to work without a due follow or consequent follow up of recommendations Mr. Speaker, we made a trip and had the chance to accompany the chair with some members, Hon. member for Maralal was with us, so we went to the lodge we found all those findings that the chair had reported but Mr. Speaker we thought that such findings or the recommendations that we made could have accompanied this statement to as a part of the answer for us to act, that is purely what we found Mr. Speaker, so I request that we did not want to act just as people who do not understand the law, we should actually follow the standing orders of this house for immediate action to be taken Mr. Speaker, for us to compel or be within the procedures to compel the executive to act Mr. Speaker, without even debating on the procedures used to allocate or to allow this investor or this person called Africality to run this lodge, the whole process is not right for Mr. Speaker, the whole process was flawed Mr. Speaker, so we need to go back as a committee and I want to echo the statement of the Hon. leader of majority that there is no need of forming an Ad hock committee , it is just the committee of Cooperative, trade and tourism to go back with all this information forwarded to the department, have the recommendation attached to this findings so that this house could adapt, the recommendations of the committee, that is the normal process to compel the executive to act Mr. Speaker, Thank you.

MCA Nyiro (Hon. Jonathan Lemoosa): Thank you Speaker Sir, from the debate of the members and actually their reactions, I do not think that there is one member of this house who can refuse or actually object to the report by the chair, the report is actually very clear and the CEC has also given facts on what is on the ground, Speaker I think what Jerias Leshoomo was saying under the standing order 181 was only...

MCA Elbarta (Hon. Romano Leakono): Point of order, Speaker I am on a point of order.

MCA Nyiro (Hon. Jonathan Lemoosa): I do not think the Speaker has authorized that.

The Deputy Speaker (Hon. Adamson Lanyasunya): Hon. Leakono the member has not even made his point clear so can you allow the member to continue, continue Hon. Lemoosa.

SCA / 196/ 3/ 2015 (4)/ SAMBURU COUNTY ASSEMBLY DEBATE 1

MCA Nyiro (Hon. Jonathan Lemoosa): Thank you for your protection, what I wanted to say before the interruption is that as a house we act...

The Deputy Speaker (Hon. Adamson Lanyasunya): On what point of order are you raising Hon. Lemulugo?

MCA Anga'ta Nanyekie (Hon. John Lemulugo): Mr. Speaker I am standing on a point of order number 151, was it in order for the Hon. Member to refer Hon. Leshoomo as Jerius Leshoomo.

The Deputy Speaker (Hon. Adamson Lanyasunya): Order Hon. Lemulugo,

MCA Nyiro (Hon. Jonathan Lemoosa): Speaker sir, it is bad to take a house for granted when we do not even have the order on what you want to direct the house to do is also an offence, what I want to say is this house is a Hon. house, a house of rules and regulations and my point is we totally agree with the statements fully, there is actually a flow, it is even very pathetic to find somebody who has no permit actually in Samburu County, actually it is very wrong let alone Kenya and as such therefore all I wanted to say is the chair has given us very good recommendations that do not need and do not hock committee findings, and those are what we say that can just the committee actually have the statements put the recommendations bring to the house for adoption or actually otherwise, and that way we would have actually have finished the business, other than taking too long but we agreed that the whole issue is flawed, is corruption and out of law, thank you.

MCA Maralal (Hon. Elly Loldepe): Thank you Mr. Speaker, I have just seen something shocking and I wish to draw to the attention of the members Mr. Speaker, Africality is a registered charitable organization in the UK, and in Kenya Africality trust was registered on the 4th day of November, according to what we have here, on the fourth day of November 2014, shocking Mr. Speaker is that the head of terms was signed in first of November 2014 before the organization was registered Mr. Speaker, actually it was an oversight but I was just going through the document and that is what it reveals that Africality trust registered on the fourth day of November yet the head of terms were signed on the third of November, three days before the organization was registered so I think that this is just terrible and I think that people should just

account for this Mr. Speaker, so maybe we will just wait for your direction so that we can get a way forward.

MCA Wamba East (Hon. Jackson Lelenkeju): Thank you Mr. Speaker Sir, I think it is clear from especially the members and the whip and the Hon. for Nyiro that the committee has all but they need to be put in writing and it is not difficult because it is just putting what we have discussed here in writing so that my Hon. colleague Leshoomo will maybe have a copy and then he will get satisfied, otherwise it does not compel the committee that did not do a good job and even if we form an Ad hock committee, unless you send us to London to investigate Africality which is a better opportunity for my committee every investigation that is required in this small lodge is done, we do not need any other committee or any other special but if you deem that you need to follow up Africality from the roots which is also critical is necessary, send us to London and then we bring you more investigations but Mr. Speaker Sir, given the voice of the house I would request your authority that next week maybe Thursday we should be able to have the report written, I will compel my committee and request also other Hon. members from other committees who accompanied us to the Lodge so that you can put what you found down and you give copies to this Hon. house, which will then take action, and then we rest this matter for once and for all, Thank you Mr. Speaker Sir.

The Deputy Speaker (Hon. Adamson Lanyasunya): Okay thank you Hon. Members, I will make a ruling on the response to the statement as responded by Hon. Lelenkeju, first I must commend that the committee has done a very good work because all the evidence that they have brought is supported by authentic signed documents so that is very good work, secondly the Assembly only makes rulings based on recommendations brought by sectorial committees or in any other committee mandated by the house to carry out any investigations, so even though the report shows very clear recommendations from the CEC, the house treats any other citizen apart from the members of the house as foreigners, so the house can only act on the recommendations of the committees, thirdly, the committee seems to be on top of the assignment which they were given, it is only that they made very good recommendations verbally so I would request that the committees, I refer this to the committees to make a report which indicates the various sittings that you conducted while you are investigating or seeking response to the statement and also the dates and the reports that you visited the lodge, you show the list of members in your report

SCA / 196/ 3/ 2015 (4)/ SAMBURU COUNTY ASSEMBLY DEBATE 1

signed, and you also give us the methodology, the way you did the investigations and we also need the recommendations, so that the house can make the recommendations based on the report of the committee, Thank you, Next order.

The Deputy Speaker (Hon. Adamson Lanyasunya): Hon. Members the time being 25 minutes to five o'clock, and there being no other business, this Assembly stands adjourned until Tuesday afternoon 5th May 2015 at 2:30pm, Thank you.