

## VETTING

16<sup>TH</sup> JANUARY, 2015

**Hon Lelegwe (chair):** welcome hon members and what we are about to do is vetting of the nominee for *Physical planning, Lands and Housing*. The forwarding letter was sent to the clerk of the County Assembly of Samburu on **5<sup>th</sup> of January 2015**. Therefore, as you are aware, we have 14 days to conclude the process of vetting and approval or otherwise and today, the **16<sup>th</sup> day of January 2015**, we are going to do vetting and we come up with a report to table in the County Assembly.

Therefore, I welcome you hon members once again. Today, we have one nominee for the office of the Chief Officer the department of *Physical planning, Land and Housing*, Mr. Bernard Ltarasin Lesurmaat. We are going to invite him and we start our vetting. If any member has something to say, then I give you this chance before the nominee comes in, if no one has, the clerk can invite the nominee so that we can start vetting.

**Hon Lelegwe (chair):** Good morning Mr. Lesurmaat?

**Bernard Lesurmaat:** Good morning.

**Hon Lelegwe (chair):** Before you sit, kindly give us your certificates and your CV. Thank you Bernard Lesurmaat. We are going to start vetting you. Before you is the Appointment Committee of the County Assembly of Samburu. My name is Lelegwe Ltumbesi Steve and I am the chair of this committee.

**Hon Leakono:** My name is Romano Leakono – member.

**Hon Lesoipa:** My name is Shadrack Lesoipa – member.

**Hon Lemoosa Josephine:** Good morning Lesurmaat, my name is Josephine – member.

**Hon Linda Naserian:** Good morning Bernard, my name is Linda Naserian – member.

**Hon Lelegwe (chair):** The two gentlemen seated there are the clerks of this committee and we will proceed. Thank you. On **22<sup>nd</sup> of October 2014**, the Public Service Board of Samburu County did advertise for this position of Chief Officer in *The Daily Nation*, department of Physical planning, Lands and Housing. You showed interest and you applied on the **31<sup>st</sup> of October 2014**. You also did interview according to the report we received from The Board. On **5<sup>th</sup> of January**, His Excellency the Governor forwarded your name to the County Assembly – office of the clerk as required by law for you to be vetted and approved or otherwise. Today we are going to vet you and we will come up with a report to table in the County Assembly for approval or otherwise. Welcome Hon Letura.

**Hon Letura:** Thank you.

**Hon Lelegwe (chair):** We start by you telling us about your academic qualifications, experiences and any other information that you think is necessary to the committee.

**Bernard Lesurmaat:** My name is Lesurmaat Bernard Ltarasin from Angata Nanyekie Samburu north Sub County. I am a professional physical planner. I hold a bachelor degree in Arts Urban and Regional Planning. I did finish Maseno University in May the year **2012** and since then, I have been working as a volunteer in the Physical Planning department here in the County. I attended Good Shepherd Minor Seminary and finished in the year **2006** with a mean grade of **A-**. In the Physical planning department, I have taken part in development of plans, planning of Archers Post and Porro during my attachment. Also development plans of Loosuk and development parts of Maralal and planning of Wamba. Other than that, I have taken some other tasks offered in the Physical department here in the County. I have also taken part in approval of environmental plans forwarded from Physical planning department. Thank you.

**Hon Lelegwe (chair):** Thank you.

**Hon Leakono:** Lesurmaat, we know that Physical planning is a very challenging field in our County as we have had a lot of challenges there before. What makes you feel that you are the right candidate for this position?

**Bernard Lesurmaat:** I have the technical knowledge on land and I am also resident of the County and fully conversant with the land issues in the County. Through the experience that I gained in the Physical planning in the department, I saw many challenges of land and through my expertise and through the guidance of the County Assembly and the Committee on Land, I intend to establish a protocol of having a land registry, registering free land and improving the capability of the department in offering, allocating and provision of titles deeds.

**Hon Lelegwe (chair):** Mr. Lesurmaat, in your CV and also in your application letter, you have told us that during your short time of experience after your first degree, you informed us that you were working in the department of Physical planning in the County as a volunteer since 2012. We as the house of Samburu County Assembly, have had issues regarding land in our County and also regarding agreements that have been signed and you know the role of the County Assembly is to approve these physical plans and any other planning in the County. Are you aware of any of these or what are some of the challenges you faced in the department of Physical planning during that short time of your attachment with the department?

**Bernard Lesurmaat:** In the department, there are few technical staffs. There is only one physical planner controlling the whole of Samburu and some of the technical materials that are used there are not procured from within and this is one of the major challenges we are facing here. There is also lack of understanding from the public on matters relating to land and the protocol procedures in approving of land. Most of our people are living in unplanned land so

physical development planning is done when the people are already living in it, which is a major challenge. The process has been too slow may be because of the technical know-how and technical capacity. Given the chance, I intend to establish a department with the capacity to plan before people occupies a piece of land.

**Hon Leakono:** Mr. Lesurmaat, before I give other members of the vetting committee you said that you have been with the county as a volunteer and if we are going to recommend you as the person assigned to that office, there have been some cases in the Lands department. Now, according to my common sense, some of them were the judgments that came through in the way they have been acted up on were not actually pleasing. I am afraid if you have been there, and those were the results we are getting as a County, for example there are people whose plots they say have been given sometimes back in the 1970s and when you people came in you started dragging them and giving those plots to other people. How can you convince us that such cases will not rise again? You feel that you can give the right direction now if we confirm you?

**Bernard Lesurmaat:** I would like to tell the committee that I was a volunteer and that I never had an authority to make decisions but given the opportunity, I intend to establish a protocol to maintain that department and those working in the department stay objective and remain impartial. The issue of conflict and disputes have been a major issue because of lack of land records and given an opportunity, I intend to establish a fully land information management system through geographical information system and establish the record to make them public in a transparent manner so that in the future, we will not have conflict of interest.

**Hon. Letura:** Thank you Bernard, maybe I did not introduce myself, I am Letura Raisy, member of Appointment Committee, chair of Lands. It is like there was a question that I didn't get you answer it properly asked by the Chair, regarding the agreements and probably there is a rumor that there was some agreement which was signed in the Ministry and that was not approved by the County Assembly, and any land agreements, lease agreements, actually should be approved by the County Assembly, just for your information, so maybe during your time as a volunteer in the department, did you come across such agreement? Second question is I have seen through your CV you have written down that you have been volunteering the department for a while and I did not see any supporting document from the department, do you have any or probably I didn't see them when I was perusing the papers? Those are my first two questions so that I will go to the next.

**Bernard Lesurmaat:** I know none of these deals that I can authenticate that I have seen from the department that there was some land leased, however I also understand that Trust lands and any agreement entered by the County Government or Land officials has to be approved by the County Assembly especially Trust lands, and community lands deal with the National Lands Commission, but I know none of the agreements undertaken by the County Land department. I may have forgotten to carry the documents to show that I have been working in the Ministry of lands but I do have them.

**Hon Letura:** Since school, you have not worked in a very busy institution or undertaken a responsibility as you clearly said that you were only working as a volunteer and there is a lot of mark issues concerning the land for example, it is in our knowledge that the department of Lands Samburu County do lack most of the documents, especially from the previous surveyor who was working in the County Council of Samburu, are you aware of that?

**Bernard Lesurmaat:** Yes that is true.

**Hon Letura:** To me, it is difficult to start a fresh. What is your undertaking on the same? Do you think that you can get back the records straight and the planning of different towns without actually disturbing the already developed land? Especially now that you don't have the records since the start of Samburu County (somebody has hijacked and taken them) do you feel your volunteering experience has really served you right to serve in this department as Chief Officer or do you feel like you need to have some few years so that you can get more energy to undertake the exercise? Thank you.

**Bernard Lesurmaat:** It is true that in the land issues, one of the great challenges is lack of records because of the previous land regime. You have confirmed that there is no record; they took away all the records and given the chance, I intend to have a protocol of having that land recorded back. The good thing about Samburu is that only Maralal area (the area previously designated as a town) is the only place that has fully been exhausted. The other towns have not. So it is easy to establish a land record. However, with the guidance of the County Assembly and the Lands Committee, conflict of interest can be solved on the same to establish that record. Resurvey is also important because previously even with allotment letters it was the basic demarcation survey. we also intend to have a cadastral survey that is a bit expensive so that people will have title deeds with the demarcation survey, it is not possible unless you have a cadastral survey because everything has been temporal, even the records that we have right now in Maralal are still temporal. One of the challenges is some of the plans that have been approved in Maralal previously in 1973 are very small parts so not unless we undertake the whole issue by having that cadastral survey, that is the only time that we can achieve that. And with the knowledge and the support of the County Assembly and the guidance and the policy that they make, I am sure in as much as I am young I can still offer and deliver.

**Hon Letura:** You have just said that you want to survey and resurvey especially Maralal town which, despite us having the records, had a lot of conflicts. How are you going to approach the case in the best way possible in order to get back straight records? Do you intend to have some conversations or talks with the person who was responsible for the previous records of the town, because if you want to have some talks with him he is very much around? Or do you want to go back and resurvey the whole town or towns once again, and how costly will that be and how long do you can think it can take you to resurvey the whole Maralal town and see that we have everything in record back straight?

**Bernard Lesurmaat:** The Ministry started collecting the data before and there was a time that they pinned down public notice that people should bring back the documents they have so that they can feed them in the system. They have already undertaken that so far for Maralal, Wamba and Archers Post. That is why they did that planning for Archers and Wamba, before then, they were collecting the data and the allotment letters from the public, there was also an exercise that I took part also in Archers and Wamba, so it is something that they have already started collecting the same data but it is also important that if the said person who had the records is around, it is also important to engage him to bring back the records because some of them were digitized and I was made to understand that some of them have been digitized but he has never brought them back, but it is also important to engage with him.

**Hon Lesoipa:** Bernard I probably have two to three questions. I will ask the first one. Bernard it is good you have mentioned that you have been working in this department on voluntary basis. Given this chance, what exactly are the priorities that you have emerged as an individual, even the ones you know yourself even without those which have been asked here, what are you exactly going to do in point form, to help this County on this land issue, as an individual?

**Bernard Lesurmaat:** The first is having physical development plans of major towns, having establish a record and land management system because it is what is bringing a lot of conflicts and disputes, so we intend to establish land information and management system, through Geographical Information System that is digital, that will help in timely and efficient access of information and services related to land. we also intend to establish a land policy with the engagement of the County Assembly on building codes so that people will not have to build on temporal basis using timbers so that a place like central business district of every town will have to have permanent buildings and have that building code so that it cannot appear chantey. We also intend to establish public spaces and set areas for public utilities like a park that is basically...

**Hon Lesoipa:** Okay Bernard, it is good that you had a chance to work with the department and you might have come across certain issues in the office. if in case you are aware that his County Assembly approved the planning of remote towns in this County of which are not done yet, for the little time you have been there, are you aware of such cases and probably what made the department not to undertake those tasks as budgeted for?

**Bernard Lesurmaat:** I think the major challenge has been the capacity, right now it is so much stressed that we have only one physical planner controlling the County, and this financial year, he has been engaged with issues in Wamba, and Archers Post in the last financial year, it was planned to have Lesirikan in this financial year, but I don't understand what was the issue why it never materialized up to no. But given the chance I would fast track that in each financial year, a minimum of five remote towns, develop physical development plans.

**Hon Lesoipa:** Okay my last question. You know land is a natural resource and it is a very vital resource to all occupants. Given this chance and as the CEO of this County of Samburu, How will you integrate the benefit of this land towards the achievement of vision 2030?

**Bernard Lesurmaat:** It is important that we establish a means of people to accept having titles because it is the easiest way of having security and through development planning and having titles that will give a sense of security. One can develop one's own place that will also have an impact on personal development levels of every individual, and the community ranches also should have titles through special planning, good land use measures in place.

**Hon Leakono:** Thank you Bernard. I have two more questions. One is that after being a volunteer for all that time with the lands office, you are aware that we have challenges with our County boundaries. We also have challenges with the group ranches boundaries. What is your take on that given the chance to work now as the CEO of that office?

**Bernard Lesurmaat:** It is important that we do full demarcations of all group ranches. I also think the setting up of Geographical Information System will help so much in solving the issue of County boundaries because it will be in digital form. We will engage different stakeholders to establish the same and it will also help in settling disputes on group ranches once we have the manual demarcation plus the digital form that is in geographical information system. We will definitely have established a record that will serve the people now and in the future.

**Hon Leakono:** This is my last question. Now that you have been there for almost a year if I am not wrong, we are aware that some of the records that you are using there are selective and mark back my words Bernard politely that they are selective. What I mean is they have more records that are not used either deliberately or purposely. What is your take on that?

**Bernard Lesurmaat:** I think one of the major challenges of the ministry before was starting from a point of not having records and trying to establish. That has been the major challenge because with the previous local government, they did not hand over the documents and the records that they had. So the ministry was starting from fresh establishing records and it did start from Maralal and Archers Post and that must have been the biggest challenge because you cannot authenticate who owns what and who said what. That has been the major challenge and with people copying other people's documents such that you find one piece of land with three different allotment letters is also one of the major challenges. But with establishment of Land Information System in place, it will help so much in solving the dispute in future.

**Hon Lelegwe (chair):** thank you Bernard. This is my second last question. On **12<sup>th</sup> of September 2014**, your name was among the names that were forward by the Office of the Governor and on that date you were nominated to serve in the County Land Management Board and on **18<sup>th</sup> of September** again, his Excellency the Governor did send your name to be one of the officers in that board in the capacity of Physical planner/ Surveyor in the County Land Management Board and today we are vetting you for the office of Chief Officer, department of

Lands and Physical planning. Now, tell us. If approved by County Assembly and you also get approved as one of the members of the Lands Board, what will you do as a person because as we know, you cannot serve in the two offices?

**Bernard Lesurmaat:** I wish so much to work with the Ministry as a Chief Officer if approved and maybe I have to write a letter to the relevant body, County Assembly to relinquish the other post.

**Hon Lelegwe (chair):** ok. Thank you. Bernard, you also know that this is the third time we are vetting you. Is that right?

**Bernard:** yes, that is right.

**Hon Lelegwe (chair):** And in vetting, any question can be asked and any issue can be sort to be clarified by the nominee and of course the issue touching your personal life, your personality and any other thing the committee may need to be clarified. We have given out public notice to the residents of the county to give us information about you but we have not received any information to support your candidature or against. But as I have told you, we are residents of this County and we know most of the things that happen around even that that touches a person's life. We know the CEC for lands; Grace Lempeei. So you can confirm to us if you have any relationship with her. If so what will you do with the conflict of interest that will come? I know in the County, there are several officers who are working together and related and of course we have also been asking them the same question them. So this is just an issue for clarification. Thank you.

**Bernard Lesurmaat:** yes it is true; in Samburu everyone is related to almost one another because of the expanded kinship ties. So I have a relationship with Grace, she is a distance aunt. However, the office is a different entity so I intend to establish that protocol of being objective and impartial and that it is not an office in totality operating by itself so I have to seek guidance from the same County Assembly in policies as there is an oversight committee on the same and I think it will help us be objective and in achieving the goals of the Ministry.

**Hon Leakono:** Thank you Bernard. That was one of my worries although I thought may be first I go silent on it. Now that it has been asked, are you confident enough that you can control your work because I am seeing a situation where by the CEC can overrule things despite your objection by using that relationship? Do you think that this can bring conflict of interest and maybe render your knowledge in that field not to be felt?

**Bernard Lesurmaat:** I am positive that I can achieve the and goals of the department and with the protocol and the oversight authority I am sure we will stay objective and remain impartial and also with administrative management techniques and that protocol is an entity that we have to deal with in itself as an independent office and nothing personal with it.

**Hon Letura:** Bernard I wish once again to bring to your attention that last year you were also brought to the County Assembly for the same position. The County Assembly has felt it that we put your name aside not because you are incompetent but because you don't have enough experience for the same job. What has changed that you can tell this committee that today you are more energetic and experienced than the last one year when your name was removed from the list that was actually forwarded to the governor for approval?

**Bernard Lesurmaat:** Basically the time that I have stayed has also helped to provide for more knowledge, be more competent and focused. And I am positive that I can deliver.

**Hon Letura:** Just to focus on something else, I think most of your work as the chief officer will not actually be technical but more of an administrative job than the technical part of it, what value do you think you will add as a person seated in the office to the work done and probably most of the time you are not going to be in the office supervising them because I think many a times you will be dealing with finances and administrative work of the ministry. What value will your technical knowledge add to the same job? And you will be more or less focused on day to day running of the ministry and other policy formulations and other issues and in that relation, don't you think your technical knowledge will somehow be wasted for you to sit in the office without delivering your right work that you are supposed to do in physical planning and surveying the field. It is a doctor who goes to study for six years training and he/she comes to the hospital and becomes an DMOH, where he will be more or else be seated there signing vouchers other day to day work and within no time the knowledge of surgery and other clinical descriptions will be nowhere. Don't you think that as young as you are you will be wasting you knowledge sitting in an office and not actually carrying your field work?

**Bernard Lesurmaat:** I think with my technical knowledge, it will help link with prioritizes of finances and with the actual work done in the field. With that I am sure It will bring the element of efficiency that whatever little resource we will acquire, we use it for the right purpose and prioritizing for the right things.

**Hon Letura:** sorry Bernard, you know you are very young and you are an up-coming young man and I must congratulate you because you are among the few with this technical knowledge in physical planning. But we are just worried about you work in the office and your technical knowledge. Don't you think that you should rather be in the field rather than in an office doing administrative work?

**Bernard Lesurmaat:** I think doing the administrative work and formulating the right policies with the technical knowledge will help bring the efficiency element by using the little resources we have by achieving the set prioritized project. It will also help in prioritizing what is right for our local people for the right projects and the right intervention measures.

**Hon Lelegwe:** Thank you Bernard and thank you hon members for the issues that sort to be clarified by the nominee. We have come to the end of vetting of the Chief Officer nominee for

Lands and Physical planning. The committee is going to come up with the report and table to the County Assembly for approval or otherwise. We thank you for your time and we wish you all the best. Thank you.

**Bernard Lesurmaat:** Thank you.