

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Tuesday, 23rd June, 2020

The Assembly met at the County Assembly chambers at 2:30 p.m.

The Speaker, County Assembly of Samburu, (Mr. Lempere Solomon) in the Chair

PRAYER

PAPERS

MCA Waso Ward, (Hon. Paul Wonyang): Mr Speaker Sir, I am Pleased to present and table the report on the public hearing of the petition from Wamba residents on SAWASCO presented to the County Assembly of Samburu by Hon. Lucas Lekwaale on 27th February 2020. According to Standing Order 210 (1), the petition was committed to the Committee on Environment, Water, Energy and Natural Resources to look into the matter and respond to the petitioner/petitioners by way of this report.

The Speaker, (Mr. Lempere Solomon): Proceed Hon. Wonyang’.

MCA Waso Ward, (Hon. Paul Wonyong): Mr Speaker Sir, the mandate of the Committee on Environment, Water, Energy and Natural Resources is to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned department among others study the programme.

Mr Speaker Sir, the committee also study, assess and analyse the relative success of the departments as measured by the results obtained as compared with their stated objectives by investigating and inquiring into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly. Mr Speaker on this occasion the committee received the petition from Wamba residents to enquire from the public as required by the supreme law of the country so as to capture any gaps between the SAWASCO and petitioners and make reports and recommendations to the Assembly in relation to the petition.

Mr Speaker Sir, in its inquiry into the issues concerning the petitioners, the Committee held a total of two public hearings in which it closely received oral submissions and examined evidence from witnesses. The Committee heard and received both oral and written evidence from the public in Wamba, as well as from the County Executive for Water and Managing Director for SAWASCO.

The Committee wishes to record its appreciation to the Office of the Speaker and the Clerk of the County Assembly of Samburu for facilitation in fulfilment of its mandate. We also wish appreciate the Members of the Committee and the staff for their dedication in coming up with this report . The Committee is also grateful to all the witnesses, government officials and agencies that adduced evidence before it. Further, the Committee is grateful to the staff of the County Assembly for the services they rendered to the Committee. It is their commitment and dedication to duty that made the work of the Committee and production of this report possible.

It is therefore my pleasant duty and pleasure on behalf of the Committee to table this report once again to the Assembly for adoption.

Hon. Speaker, without further ado I would like to go through the key highlights of the report.

The Speaker, (Mr. Lempere Solomon): Proceed *Mheshimiwa*.

MCA Waso Ward, (Hon. Paul Wonyong): Hon Speaker, the County Assembly and its Committees draw their constitutional mandate to oversight the Executive and other County Executive organs from Article 185(3) of the Constitution of Kenya, 2010. And I wish to states, A county Assembly, while respecting the principle of separation of powers, may exercise oversight over the County Executive Committee and any other county executive organs. Further, Article 195(1) gives a County Assembly or any of its committee's power to summon any person to appear before it for the purpose of giving evidence or providing information.

Again, under Section 14(1)(b) of the County Governments Act, 2012, a County Assembly, may establish committees in such manner and for such general or special purposes as it considers fit. Thirdly again, under the County Assembly of Samburu Standing Orders, Order No. 190, the Committees has powers and privileges bestowed on them by the County Assembly by the Constitution and Statute, and this includes, the power to summon witnesses, receive evidence and to request for and receive papers and documents from the government and the public.

Hon Speaker, for provision of water services, the Water Act, 2016 provides for establishment of water service providers in counties. It further states in section 17 that a county government shall

establish water services providers in compliance with the standards of commercial viability set out by the Regulatory Board.

It is to this end that the Samburu Water and Sanitation Company is established by the county government of Samburu as a registered public limited company pursuant to the companies Act 2012. And it is an authorized water service provider licensed by the Northern Water Services Board and approved by the Water Services Regulatory Board as from 29th of June 2016.

According to its service provision agreement with the board, SAWASCO is providing water services to various town centres in within Samburu County, that is; Maralal, Kisima, Suguta, Baragoi, Wamba and Archers Post.

According to the Water Act 2016, a water services provider shall be responsible for the provision of water services within the area specified in the license; and the development of county assets for water service provision and section 91 further provides that a water services provider shall, as the licensee, be responsible for the efficient and economical provision of water services so as to fulfill the rights to water and any other conditions specified in the license.

Article 43(1)(d) of the constitution of Kenya 2010 provides for access to clean and safe water in adequate quantities as a human right. And it is therefore apparent that water provision has a direct impact on the health and socioeconomic status of the county/Country. It is therefore in the best interest of the entire People of Samburu that all water service provision activities are closely monitored and are adequately regulated in order to enhance their quality of life and to enhance socio-economic development in the county.

Due to this, the county assembly through a petition by Hon. Lucas Lekwale from the Wamba residents called for its investigation through the Committee so as to find the truth of the matter.

So as I stated earlier Mr. Speaker, we held two meetings; one in Wamba and another in Maralal where we invited the MD and County Executive for Water. And as we did our work, we consulted relevant government documents and laws which was the Constitution of Kenya, 2010, the Water Act, 2016, the Companies Act, 2015, the WASREB Guidelines, the County Governments Act, 2012, and of course some documents from SAWASCO.

Mr. Speaker, in Wamba we realized that SAWASCO had a lot of challenges and our key findings are; the company lacks professional and skilled man-power and it is not operating professional enough and it is not sufficiently commercially oriented leading to low performance. For instance, we noted there was low revenue collection, delayed staff salaries and high water losses.

We also noted there was generally lack of maintenance tools, equipment and petty cash for minor repairs and field office operations. The company is employing economically-unviable tariffs thus hampering sustainability of the water system. We also noted that the operations of SAWASCO in Wamba doesn't cover its operation and maintenance costs, thus sustainability is far from being achieved.

Mr. Speaker, we also noted that there was low cost recovery and low performance of SAWASCO as result of high water losses, low water quality, erratic water supply, insufficient maintenance and deterioration of assets and thus further decline in the service level.

This low performance results in poor perspective of sustainability which has kept many potential donors, including this County Assembly of Samburu from funding SAWASCO adequately. This has resulted in an investment gap for rehabilitation and extension of systems and performance enhancement measures in Wamba. Under these conditions and with little consumer orientation on water use and obligations, it is difficult to extend services to the poor especially we noted the poor people of Matakwan and surrounding areas of Wamba.

Mr. Speaker, consumption metering is limited or doesn't exist at all in Wamba town promoting water wastages. The un-metered system creates distortions in consumer charges and loss of revenue. The revenue collection too is very extremely low. Tariffs are out of line with costs adding to the financial difficulties. Further, maintenance is inadequate because the funds generated through the water revenue are diverted to other use e.g payment of salaries of a bloated staff, which does not support the system.

Mr. Speaker, we also noted that the biggest outcry within Wamba came as a result of emergency situation we experienced around December. And SAWASCO failed to take reasonable steps to provide basic water supply and basic sanitation services to the residents of Wamba which lies

within its areas of jurisdiction and so SAWASCO has not established a mechanism for handling consumer complaints which meets the standards set by the regulatory board as required by Water Act 2016, section 92.

We also realized that SAWASCO has failed to maintain the staff expenses within 30% of its operation and maintenance costs as required in its SPA, clause 7(c)

Mr. Speaker after having all those findings and observations, from our literature review we realized that when a water company does not provide its services as required, the regulatory board may vary the areas of water services provision prescribed one or more licenses without the consent, or against the objections of any such other licensee. And if the regulatory board is satisfied that the other licensee is unable to meet the demands for water in its area of jurisdiction or is otherwise unable to provide a commercially viable service then the license can be revoked or revised.

Mr. Speaker, SAWASCO has also signed water Service Provision Agreement where the service levels are agreed with Water Board and if this is not met then the board takes disciplinary actions against SAWASCO, specifically by withdrawing the license it gave. I wish to state that the Water Act 2016, gives county executive powers to monitor and enforce the applicable regulations made under this Act, and any county executive who fails to do so shall be liable to an order by the regulatory board to take such action to enforce such regulations as shall be specified in the order.

And so Mr. Speaker, the Committee recommended;

- i. That SAWASCO ceases to be the water service provider for Wamba town.
- ii. That, the residents of Wamba town legally register a water user association.
- iii. That, the County Executive responsible for Water Services facilitates or supports the residents of Wamba in the registration of the water user association.

And Mr. Speaker, I beg to table this report.

The Speaker, (Mr. Lempere Solomon): Hon. Members, as you are all aware, this is a petition from the residence of Wamba and the tabling of reports differ as the reports from the petition do not follow the normal process of Notices of Motion and the Motion in the Assembly and I will

proceed to read for the committal of the petition under Standing Order 210 2 where by whenever a petition is committed to a Select Committee, the Committee in not less than 60 calendar days from the time of reading the prayer respond to the petitioner by way of a report addressed to the petitioner and laid on the table of the County Assembly just like what the Chair has done and no debate relating to the report shall be allowed. The Speaker in exceptional circumstances may allow comments or observations in relation to the petition for not more than 20 minutes.

(Applause)

We proceed to say that the Clerk shall within 15 days of the decision of the Assembly in writing notifies the petitioner of the decision of the County Assembly on the petition. As a result of the Standing Order 210 2, we proceed to allow Members to give comments as to the report and it will not be a debate as such but just the comments as far as the report is concerned. Hon. Lekwale

MCA Wamba East Ward, (Hon. Lukas Lekwale): Thank you Mr. Speaker. I rise to support the report and extend my appreciations to the committee led by the Hon. Paul Wonyang' for giving us a very good report that we have been yearning for. I would also wish to recognize the petitioners who have travelled all the way from Wamba to Maralal four times. Thank you for being consistent in following this petition. In two minutes, let me give a history of how SAWASCO has really failed Wamba residence. We got this problem two years ago because SAWASCO had mandate to provide accessible water for Wamba people. In the contrary, despite water being flown from the mountain down-stream by the way of gravity, SAWASCO have continually failed to provide water for the people of Wamba town.

Mr. speaker, SAWASCO has failed its obligation and as such that is why we are here and that is why the community of Wamba have tried to make sure we are out of SAWASCO. Even simple things like pipe breakages cannot be repaired despite us in this House passing the budget to a tune of 65 million given to SAWASCO.

Hon. Speaker, SAWASCO has also failed to pay staff who are supposed to maintain the pipes. We called for consensus with the Managing Director and the department of water and they failed

us. So I concur with the report and I urge the Hon. House to support the report and pass the way it is.

I like the first recommendation which says SAWASCO ceases to be the water provider for the people of Wamba and I wish you can put a clause there, unconditionally so that we do not deal with SAWASCO whosoever so that we will not have any attachment we will have with SAWASCO. I wish to commend the water committee for giving us a good report. Thank you Mr. Speaker.

MCA Maralal Ward, (Hon. Fred Kiragu): Thank you Hon. Speaker. From the onset I wish to thank the committee for coming out honestly with the situation that Wamba people are facing. I would not wish to dwell much on what the report says. The report is fair, honest and that is the way it should be and so I support the report the way it is. I wish to thank the people of Wamba for taking this initiative for they have opened our minds. Maralal ward will follow soon. Thank you Hon. Speaker.

MCA Elbarata Ward, (Hon. Peter Lempei): Thank you Hon. Speaker. We are supposed to make comments on the report today but I fail to distinguish between making comments and debating so I will proceed to make a discussion then you will guide me as I proceed.

Hon. Speaker, the report is before us and being a member of this committee I have a privilege to read the report and meet Wamba people when they were making their submissions. I am one of the members who have been affected by the same malfunctions of the same organization we are discussing today. This organization is a public organization. It is a public company. Therefore, the county government of Samburu and the people of Samburu have a lot of stake on the same. I wish to lay the law bare so that rules of engagement are clear. Under article 43 of the constitution, water is a provision that the government must ensure under: Accessible to adequate and clean water in adequate quantities. So it is a constitutional question.

The water Act also gives the parameters to which water provision should be done consequent to that the public company which we have sanctioned at some stage in this House and which we passed a verdict of its disbursement and it questioned the authority of this House by taking it to court and I do not want to dwell with that because I do not want to go sub judicial, but even after

that, this company did not up its game in the provision of the services that it had been mandated to provide. Despite of this House pronouncing itself, it has never improved an inch and that is why the Hon. Member is saying Maralal ward will be following soon. And so I wish to they cannot run away t Hon. Lekwale for bringing a petition to this House which the prayers had been granted because that is the same petition I will bring on behalf of the residence of Baragoi people

So if the court has protected it as within the law, we can still use the same law to challenge it.

Hon. Speaker, look at issues in this petition, they are very clear. That indeed Wamba people are crying that all the taps are dry. What are Wamba people trying to say, that we are being provided buses Without being provided water. That in deed, they have invited the company to come and discuss these issues before they reach the House.

I have seen the evidence of Wamba people when we were interrogating the petition that communication in writing, messages from the community begging the government to come and listen to their plight. At the level of the minister, the director and senior people in that ministry. They cannot run away from that because when we decide to whip someone, then in deed we whip properly.

What has it done. It has said three things:

1. SAWASCO to leave Wamba.
2. County government to support the process of registering another association to provide water.
3. That they be allowed to register their own association so that they can help themselves.

In that, it is a legal provision that they have to be supported by the county government by providing a structure they can manage by themselves. Ina nutshell, I wish to thank our committee for siding with the community and for always being there.

Look at the bench marking from a neighbouring county. We had a privilege to visit Nanyuki and see how the company that provides them with water is performing. First, we were provided with bottled water that NAWASCO is providing. They were, too, in a verge to give the county

government a loan. From the certificate of registration, it was registered far much after our registration of SAWASCO.

Our SAWASCO is the opposite of NAWASCO as it begs for money from the county government. Even after being given 36 million every financial year, which is still in question on how they are doing, they cannot pay salary, they cannot provide the essential service, they can do literally nothing. So, why is it even a public company?

With those few remarks, I wish to support the report and I wish also to say we should go a little further by interrogating SAWASCO further. For Wamba community, we have closed that chapter and we are done. Then, I thank the community once more for coming to see how their representation is done on a crucial issue like this. Thank you Hon. Speaker.

Specially Elected MCA, (Hon. Josephine Lesilampa): Ahsante Mhe. Spika. Mjinga akierefuka, mwerefu huwa mashakani. Nikiwa naibu ya mwenyekitu wa maji, tumeonelea ni vyema watu wa Wamba wachukue maji yao ili wapate kutengenezea community. Tulipoenda Wamba kusikiliza malalamishi ya watu wa Wamba, tulijua wameweza kuvumilia kwa muda yale wanaopitia. SAWASCO hawajaweka dam ambayo wanaweza kuweka maji dawa. Maji inatoka straight kwa mlima hadi mifereji.

SAWASCO ni project inaweza kujidumu kwa kupatia wananchi huduma. lakini tukiangalia ni kama wanafanya bishara kwa wananchi. Wanachukua pesa ya wananchi bila kuwapa hao maji safi. Ninaomba Nyumba hii iondoe ile pesa SAWCO huwa wanapewa kwa sababu hakuna kazi wanafanya. Nawashukuru watu wa Wamba kwa kutambua haki yao. Leo hii najifunia kuwa msamburu anayejua haki yake. Ahsante.

MCA Wamba West Ward, (Hon. Benjamin Leitore): Thank you Hon. Speaker. I stand to support the report. As a member of this committee, we took our time to deliberate on this issue to an extent of consulting with the department and the county secretary and we agreed there should not be a short cut in acceptance of the prayer from Wamba people. It is based on a number of parameters because Wamba is exceptional in terms of water. In terms of viability, Wamba has enough water and the committee has shown a sense of organization that they can manage their own resources even without SAWASCO.

Based on that and knowing that this House passed a motion to disband MAWASCO board of directors and the managing director that has not been effected up to date. The face of MAWASCO management for the moment, has given a bad picture and made the people of Samburu to lose hope on the service delivery on the water company. Hon. Speaker, 99% of Samburu residence have lost trust on SAWASCO with the management of Samburu Water and Sanitation Company (SAWASCO).

There is no point of holding Wamba people back to an institution that is not giving service to the people but rather give them a chance to manage their own resources.

Mr. Speaker, my prayer is that the Department will follow suit and take the 90 days we gave them to facilitate Wamba people to form the water user company so that they support themselves. It was not easy because we had to consider a number of issues like the fate of the Samburu Water and Sanitation staff working in Wamba and the registration of water company in Wamba.

We know that with the organization of Wamba people this will be achieved as soon as possible within the 90 days so that the committee can give service to the people of Wamba and make sure that availability of water in Wamba is achieved, Mr. Speaker I support the report.

Leader of Majority, (Hon. Christopher Lentukunye): Thank you Hon. Speaker. I rise to support the report brought by the Committee on Environment, Water and Natural Resources and the petitioners. Samburu people say, “if you do not for me, I will do for myself” and that was the decision made by the people of Wamba.

The Samburu Water and Sanitation Company has been like a tunnel used for syphoning public funds. This House made a decision to dissolve the board of management but the Executive went contrary to the decision and went to court of law to challenge it. Now that people of Wamba want to disengage from Samburu Water and Sanitation Company, this House recommends that the County Government must facilitate registration of a new water provider without conditions; I understand that this is the feeling of every member who contributed before me.

The County Government has been supporting the Samburu Water and Sanitation Company to give water services to the people but it goes ahead to charge them while their taps run dry. Mr. Speaker, having observed the contributions of Honourable Members and the recommendation by the Committee we have agreed that people of Wamba will disengage from SAWASCO and form their own water service provider and we recommend that the County Government to facilitate it, thank you Mr. Speaker.

The Speaker, (Mr. Solomon Lempere): Hon. Members, Pursuant to Standing Orders number 210, I now direct that the Clerk to write within 15 days the decision of the Assembly formally notifying the petitioners the decision of Assembly on the petition.

I also direct that the Clerk shall keep and maintain a register and record all the petitions and the supporting documents of the decision of the Assembly, the register of petitions under sub-section 1 and shall be accessible to the public under working hours.

The House formally accepts the report and stands with the decision of the Committee.

(Applause)

QUESTIONS AND STATEMENTS

The Speaker, (Mr. Solomon Lempere): The Chairperson, Hon. Benjamin Leitore to read.

Chairperson Committee on Co-operatives, Trade, Tourism and Enterprise Development, (Hon. Benjamin Leitore): Thank you Mr. Speaker. Mr. Speaker allow me to respond to a statement sort by Hon. Elizabeth Kalapata.

Reference is made to the request by the County Assembly of Samburu to the Ministry of Co-operatives, Trade Investment, Tourism and Enterprise Development to provide a response with regard to a statement sort by Hon. Kalapata Elizabeth MCA Samburu County Assembly concerning the payment of Baragoi conservation area, capital plans for January to June 2020 and management of Nachola's vehicle KBQ 199D. I wish to respond as follows Mr. Speaker;

The Member asked why the funds for Baragoi Conservation area are diverted and managed by another conservation area. The response to this is that Baragoi conservation area is among the

three conservancies in Samburu North Sub-County which was initiated and is being supported by the County Government both financially and capacity building through capacity building, training, monitoring and oversighting of the operations.

As detailed in the attached report, the Department of Tourism and Marketing and received complaint from Baragoi area conservation scouts regarding disbursement and payments of their quarterly field operation allowances. Other concerns were on payments of their food rations that were not delivered or being offered in other camps like Marti and camps maintenance funds not utilized properly in Moriyo, Suyan and Nachola camps.

This prompted the Department to carry an in-depth analysis mostly regarding the field operation allowances to ascertain the authenticity of the raised issue. A team lead by the Chief Officer of the Department of Tourism and Marketing visited each camp in Baragoi area. The team managed to meet the conservation scouts, the unit committee members, the board members and some local leaders.

From the visits and the subsequent meetings done within the respective unit committees, members of the conservation board members and the community scouts; it was clear that the Baragoi conservation area is operating within the mirage of management challenges.

The Department's findings were that most of the community's scouts in Baragoi conservation area not paid their full share of the field operation allowances as indicated in the Executive Board expenditure returns submitted to our office.

Sub-counties did not receive their food rations for the last 11 months and that most of the rangers did not benefit for a while from the camps repair and maintenance fund. It is important to note that all the said funds are part of the community conservancy capital grants that the Department has graciously paid to Baragoi conservancy area in subsequent quarterly allocations. The detailed breakdowns of the accounted activities are in the report attached.

Also, from the level of misappropriation of the Baragoi conservation area operations allowance, other allocations and misappropriation of facts in the expenditure returns tabled by the Executive Board, it was evident that the Board that is the chairperson, treasurer and secretary who are the

signatories of the Baragoi conservation area fund account in Equity bank have failed to offer leadership in the administration of the offered funds. Based on our findings, the three officials were not performing their roles as expected in that regard therefore the Department took the necessary actions to address the concerns.

In view of this, the Department plans to call for a full board meeting of the Baragoi conservation area umbrella board and representatives of the unit committees to deliberate on the fore mentioned issues. The meet did not take place in time before disbursement of funds to the conservancies given the current directives from the ministry of health on COVID 19 pandemic.

The viable options given in this scenario to get a proficient approach on facilitating Baragoi conservation area operations and service delivery without compromising the regulations on funds disbursed on non-governmental entities and the same time ensure fairness and equity of Baragoi conservation area fraternity and especially to the community scouts.

The option adapted was to pay Baragoi conservation area allocation for January to June 2020 through other conservancy, in this case Ndoto conservancy where the Department and the representative of the unit committee can manage and ensure proper administration of the funds as we plan for the proposed meeting to address the challenges.

It was important to know that this was not the first time that the Department took drastic measures to address issues of misappropriation of funds in the conservancy management; other instances includes Loisesia group ranch where the officials were not able to agree on the issue surrounding individual land parcels and conflicts of land issues. Two, when Nyiro conservation area account was disabled by Kenya Commercial Bank for being dormant for a while, they were paid through Ndoto conservancy account hence that was not a question of denying Baragoi conservation area their rightful allocation but a measure to ensure proper management and utilization of public funds subsequently enhance service delivery to the community conservancies.

In conclusion, Baragoi conservation area allocation funds for January to June 2020 were administered and paid in respect to the conservancy's standing operations payments procedures

and in line with the respective vote heads in their operations budget. The Department had already made steps in addressing the challenge.

Two, Mr. Speaker, why the Nachola vehicle was denied fuel for financial years and repairs not paid. Mr. Speaker, one of the roles and responsibilities of the Department of Tourism and marketing is to procure, maintain and facilitate operations of its Departmental vehicles including the 11 community conservancy vehicles attached to the newly established community conservancies to provide logistical support and transport among other services.

It is also the mandate of the sub-sector to ensure that the entire fleet of the 13 vehicles owned and managed by the Department are fueled, maintained and repaired to be in good condition at all time in order to deliver services to the intended beneficiaries. All vehicles including the vehicle in question that is; KBQ 199D are fueled, repaired and maintained by the Department on need basis with the guidance of the Public Works and Transport Department inspection/evaluation reports and recommendations. The only time that the Department has had a challenge to effectively procure goods and services including the provision and supply of fuel to all vehicles was at the beginning of financial year 2019/2020 when the electronic procurement (E-procurement) that led to procurement challenges was initiated Country wide hence it took time for the County including the suppliers for goods and services to adapt the new system due to technicalities involved.

The previous and only supplier of fuel in Baragoi was eliminated by E-procurement system hence fuel for all the conservancies in North was procured in Maralal and transported in bulk, at least 1,000 liters of diesel after every two weeks and avail storage facilities at the Sub-County offices in Baragoi to enhance efficiency in provision and supply of fuel to all vehicles in North. The bulk supply of fuel has been happening and so far a total of 25,500 liters of fuel has been procured for Samburu North sub-county conservancies vehicles and a total of 10, 500 liters has been facilitated and delivered to Baragoi to ensure smooth operation of all the vehicles in the sub-county. In that regard the vehicle in question is equally entitled to fuel enhance the question of being denied fuel was a surprise to the Department unless clarified otherwise.

In regards to the repair of the said vehicle not being paid; the Department wishes to state that repair and maintenance of all the vehicles is a continuous exercise which is undertaken per vehicle on need basis by following guidelines of Public Works and Transport Department guidelines/evaluation reports. This therefore means that at any one moment in time within one financial year the Department would have vehicles that are due for repairs and at the same time payment processed and done for the services already ordered by our suppliers and debts of those services that are still on-going.

This is therefore to say that we cannot be 100% clear on vehicle maintenance, repair and debts including the nature of services offered, however, as at 1st June, 2020 the Department has paid almost 95% of the vehicles' repairs and maintenance expenses initial owed to the suppliers. The 5% of the unpaid bills are for services that were still on-going which will be settled in the due course. Today, we do not have unpaid bills in the Department for KBQ 199D, all expenses attached to the normal or general maintenance for the said vehicle have been cleared, it is therefore not true unless clarified to state that the Department has refused to settle debt owed by KBQ 199D since the debt that exists not previous or current debt owed to any supplier in respect to KBQ 199D.

It is worth noting that an allocation of Kshs. 10,000 is given to every conservancy vehicle for minor repairs and maintenance put in the conservancy account. Mr. Speaker, that is the response to the questions raised by Hon. Kalapata. Hon. Kalapata is not here so maybe hon. Lempei you can say something about this issue for Baragoi.

MCA Elbarta Ward, (hon. Peter Lempei): Mr. Speaker this issue touches largely on my ward and I have listened and I have listened to the Chairman of that sector read the report. There were specific things that were asked in regard to the question that the hon. Member raised because we had agreed to raise this question, what the Chairman has read and as much as he is an uncle which I hope that this curse will not follow me later sounds like a long surrender letter; the specificity of the issues that were raised have not been addressed, a conservancy is a community arrangement, what the County Government does is to supplement and support and there is a

communication stated earlier that conservation is a community driven being particularly when it is a conservancy, there were those guidelines.

These vehicles mostly provide security for the animals conserved, the environment, provide security and logistical support when there is a security challenge in the community. It also serves majorly as an ambulance where it may carry a mother and yet it is a land cruiser to a referral or a sub County hospital that is almost 70 kilometers away.

When the department says that they are not aware of that problem or unless proved otherwise, I do not know whether it is the Government talking or it is the Government operating like an opposition. There cannot be a reason that the Government are not aware of that problem unless otherwise proven, we have the village council there, the ward administrators and the whole structure of the Government which is able to verify but what they do is to carry forward the problem. They first admit that money has been stolen and then move forward to say that they had re allocated money to another conservancy to help it manage the stolen one. When a Government stands to admit that resources had been mismanaged yet these are there staff then that is not something that we can admit as a House that it is something that is substantive.

We need clarifications and I am a very interested person to know since it affects my ward. It is not sufficient and that is why I said that it sounds like a long surrender letter from a department that has lost hope and is explaining something that we know the substance. Take a look at the Nachola vehicle that assists this community largely when they are facing security challenges. When we are told that it had been on the rock for a very long time yet we had appropriated money as an Assembly where there is operations and maintenance then a vehicle that is supposed to help the community has been on the rocks for very long and we even know the actual issues that the driver of the vehicle is the Chairman of the Conservancy and he is also on patrol so he is paid thrice.

We are aware where these money is going even when these explanations are brought. On behalf of the people of Baragoi, I request that this matter be interrogated further for us to find a problem, thank you Mr. Speaker.

Specially Elected MCA, (hon. Zamzam Ismail): Thank you Mr. Speaker. On March 5th 2020, we requested for a Statement from the Chair of the Committee... *(Interrupted)*

The Speaker, (Mr. Solomon Lempere): I thought it is one and the same Statement. If it is the issue of the other Statements, then I will be coming back to you.

MCA Wamba West, (hon. Benjamin Leitore): Mr. Speaker, allow me to respond and basically inform hon. Lempei because last month when you permitted hon. Lempei to attend a very important function on behalf of this House in Nairobi a meeting took place in Baragoi and hon. Kalapata attended and she is privy to this information, allow me to say that I will organize a departmental meeting and take into consideration hon. Lempei as a Member for Elbarta and particularly other Members who would wish to attend so that the Members can be briefed on this important issue since the department has taken steps to ensure that such issues in Baragoi are attended to an extent of organizing a new board of management. The previous board has misappropriated funds under the payment of Baragoi Conservation Area Funds through Ndoto the public is much happier now based on how they were paid. The scout's allowances were given to the right people, thank you Mr. Speaker.

MCA An'gata Nanyekie, (hon. Paul Leshimpiro): Thank you Mr. Speaker. I am also the Member of the Committee on Tourism, the Member for Elbarta has to understand that we have just had a Bill and an Act that created the Conservancy fund and it will soon be operational and will be out soon. Once it is out the Conservation areas will start afresh with the guidelines put by the Committee and also this House. Baragoi conservation area had an issue of insecurity the scouts which were in these conservancies have been turned to become the security personnel in these areas. They have really contributed a lot to ensure that peace is ensured in these areas. In my ward there is the Morijo unit and Barsaloi which we share with the hon. Member which is Suyan.

MCA Elbarta Ward, (hon. Peter Lempei): Mr. Speaker I am worried that the hon. Member is addressing me.

MCA An'gata Nanyekie, (hon. Paul Leshimpiro): Address the Chair hon. Leshimpiro.

Thank you Mr. Speaker but I do not have bad intentions with the Member. When these conservations were created during devolution not everything was put in place to avoid these situations, but now with this Act that will come out soon will put everything in place. Baragoi has tribal conflicts and everything is dealt with along tribal lines. Even the lack of fuel of one vehicle has to be considered that probably is because of tribal reasons. It is a challenge that we all need to address as a House and as the leadership of a County not only to solve the problems of conservations but also to bring peace in Baragoi and the entire North, thank you.

MCA Waso Ward, (hon. Paul Wonyang): Mr. Speaker when you look at the response by the Chairman, it touches on the misappropriation of the funds; about six months ago or more we had passed a legislation here of having in place a community conservancy support mechanism, I raise the Statement here and it has taken long and I believe that the regulatory operationalization of that Act is what is bringing all these problems. I request you to instruct the Chair for Tourism to wake up on his job and to ensure that we have that regulation as soon as possible to avoid these issues, thank you Mr. Speaker.

The Speaker, (Mr. Solomon Lempere): Let us settle it at that hon. Members. I direct that the Statements and issues touching on the Act that we passed on the operationalization of the Samburu County Community Operationalization Fund Act I direct it to the Committee so that the Committee settles the matter and report to the House on the solution in that regard.

Specially Elected MCA, (hon. Zamzam Ismail): Thank you Mr. Speaker Sir. On March 5th 2020 we requested for a Statement from the Chair for Committee on Lands, Housing and Urban Development on the Land Registry of Samburu County in Nyahururu, in Laikipia County. We are aware that Lands department is a fully devolved function of the County Government and the land's registry is a very important ant document for the Samburu County. We are losing a lot of money to Nyahururu County in searches since you have to go to Nyahururu and pay a certain fee yet this document belongs to Samburu County. We ask the Chair that he expedites this since our land's registry is vulnerable for foreigners to access it, thank you Mr. Speaker Sir.

MCA Wamba East, (hon. Lucas Lekwale): Thank you Mr. Speaker. I agree that Land issues are emotive. I actually received the report yesterday but the report was not comprehensive so I

returned the report to the department for a comprehensive report. I request to be given a week that will be on Tuesday, thank you Mr. Speaker.

The Speaker, (Mr. Solomon Lempere): The Statement requested to be tabled on 30th June 2020 on Tuesday 2:30 pm. I am aware that we have other Statements that are still pending and the clerks to ensure that they have compiled and that are tabled on Tuesday next week.

PROCEDURAL MOTION

MCA Elbarta Ward, (hon. Peter Lempei): Thank you Mr. Speaker. Aware that the County Assembly had altered its calendar to be meeting on Tuesday afternoon only due to Covid 19 pandemic, concerned that the Budget and the Appropriation Committee is yet to table the Budget Estimates report for the Financial Year 2020/2021 which informs the appropriation Bill, further aware that the appropriation Bill is supposed to be passed by the Assembly by 30th June in accordance with the PFM Act, therefore Pursuant to Standing Order 23(3)(c) which House resolves to sit on Thursday the 25th June 2020 at 2:00 pm to consider the Budget Estimates report for Financial Year 2020/2021, thank you Mr. Speaker and I request hon. Lanyasunya to second.

(Hon. Lanyasunya seconds the Motion)

The Speaker, (Mr. Solomon Lempere): Hon. Members I propose the question that the County Assembly of Samburu alters its Calendar to sit on Thursday 25th June 2020 at 2:30 pm to consider the Budget Estimates report for Financial Year 2020/2021. I wish to put the question that Pursuant to Standing Order 23(3)(c), this House resumes to sit on Thursday 25th June 2020 at 2:30 pm to consider the Budget Estimates report for Financial Year 2020/2021.

(Question put and motion passed)

Hon. Members, the time being 25 minutes to five o'clock and there being no other business, this Assembly now adjourns until Thursday June 25th 2020 at 2:30 pm.