

**COUNTY ASSEMBLY OF SAMBURU**



**THE HANSARD**

**Thursday, 17<sup>th</sup> November, 2022**

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

*Temporary Speaker, (Hon. Stacy Nareyio), in the Chair*

**PRAYER**

## **STATEMENT**

**MCA Wamba West Ward**, (Hon. Francis Lemartile): Thank you Madam Speaker. Madam Speaker, pursuant to Standing Order 45 (c), I hereby request for a statement from the Chairperson of the Committee on Labour in regards to the status of the Village Councils in the County.

Hon. Madam Speaker, pursuant to the County Government Act, 2012 Section 53, there is established a Village Council for each village unit comprising of Village Administrator who shall be the Chairperson of the Village Council, and not less than three and not more than five village elders competitively appointed by the Village Administrator with the approval of the County Assembly taking into account gender balance.

Madam Speaker, the County Assembly of Samburu enacted the Samburu County Village Units Delineation Act, 2015 which created 108 new village units with a view to operationalize this section of the County Government Act, 2012.

Madam Speaker, in view of this, the Chairperson should inquire into and report on;

1. a) How many village council members are there in Samburu County?  
b) What is the term limit of members of the Village Council?
2. a) Are the village council members paid allowances? And if so how much allowances are they entitled to?  
b) Has the term limit for these village councils elapsed?

Thank you Madam Speaker, those are my requests to the Chairperson Committee on Labour, to communicate to this House terms and service of those Village Councils. Thank you.

**Temporary Speaker**, (Hon. Stacy Nareyo): The Chairperson Labour, when do you want to respond to this statement and bring it to this House? Members can react to the statement before giving the Chair to respond.

**Specially Elected MCA,** (Hon. Osman Dube): Asante sana Bibi Spika. Mheshimiwa Spika, jambo la kwanza kabisa unaendana na Spika vizuri sana. Mheshimiwa Spika, ninaunga mkono Mheshimiwa Lemartile. Mambo ya Halmashauri ya Vijiji imekua shinda mingi. Mara ya kwanza wa kuandika, ni kama wanaandika marafiki. Mheshimiwa Spika, ni vizuri kuangalia kuwa walemavu wako kwa sababu kwa sheria lazima waangalie watu wote. Wakati mwingine unakuta ni wanaume pekee, hakuna wanawake, walemavu na washashe hawako. Kwa hivyo kama vile Mheshimiwa ameuliza, ni vizuri hili kamati waangalie ajira ya hawa watu.

Ya pili Mheshimiwa Spika, watu hawa kupata pesa ni ngumu kwa sababu wanasanya pesa na wakati mwingine inapotea. Taarifa tu ikiuliza ndiyo watendaji wanasema tutawalipa, mambo ya kushtaki sisi tuache. Tuko na shida Mheshimiwa Spika, na hili kamati liko na kazi nyingi kwa sababu wakiangalia hii Kauniti, kuna watu wengi wamefutwa kazi bila sababu. Ninaomba kamati ya Kazi wakuwe makini, hii kaunti iko na shida mingi. Ninaunga mkono vile Mheshimiwa amesema; tujue ukomo wa muda wa, na wanalipwa pesa ngapi?

Na vile tulipitisha ni kama wanalipwa elfu kumi mwisho wa mwezi. Sisi kama wanakula hiyo pesa wanapata juu tunajua kitu kama hiyo. Kwa hivyo hatujui vile wanaendelea. Kamati watulete ripoti; iko usawa wa jinsia, walemavu, vijana kitu kama hiyo Mheshimiwa Spika. Asante.

**The Deputy Leader of Minority,** (Hon. Charity Lenyakopiro): Thank you Madam Speaker, I have something to add to what Hon. Dube has said to the Chair of the Committee on Labour. At first, the Village Councils were paid ten thousand. They sit twice per month, five thousand per sitting. But it was reduced to three thousand five hundred, which is seven thousand per month and they are paid quarterly. Maybe the Chair Labour, to inquire more how these allowances would be paid. And the Village Administrators being the Chairs, their allowances also should be paid; when Village Councils are paid, they should also be paid. Thank you.

**MCA Loosuk Ward,** (Hon. Kaunda Lenamparasio): Thank you Madam Speaker. I rise to support Hon. Lemartile for the statement he has just asked. But I think if you go through this statement, what Hon. Lemartile wanted the Chairperson to maybe note and inquire into and report, again Mr. Dube and Hon. Charity have raised other questions that are not in these three

questions that Hon. Lemartile has asked. So I am standing to be advised on how the Chairperson of that Committee would respond to these two crucial questions that Hon. Dube and Hon. Charity have just asked while they are not included in this statement from Lemartile. I stand guided, kindly.

**MCA Lodokejek Ward, (Hon. Lekuchula David):** Thank you Madam Speaker. I also have a question to the Chairperson Committee on Labour, Justice and Legal Affairs concerning the term limit of the Village Councils.

Some village council elders have been there since 2014 up to now and they might be serving for the next five years again, then lobby for five more years, shift to a political party likely to win then they continue to serve at the same capacity for maybe for other forty years, there is no change of village elders in some villages.

For example, one of the villages in my Ward I have nobody to change because the whole village council supported me. Maybe we can come up with some term limits, thank you.

**Vice Chairperson Committee on Labour, Social Welfare, Justice and Legal Affairs, (Hon. Lealmusia Ali):** Thank you Madam Speaker. The Chairperson is absent I However ask the House to give us some time to get enough information, one week will sufficient.

We have the Village Council and the Village Administrator; the Village Administrators are on permanent and pensionable terms of employment but the Village Councils' term expires when the Governor is out of Office. We will get into this and give you the right report. I encourage the Members to help us with ideas that bring a clear roadmap concerning the Village Council, thank you Madam Speaker.

**Specially Elected MCA, (Hon. Mohamed Asha):** Thank you Hon. Speaker, Hon. Lealmusia has not given us the dates.

**Vice Chairperson Committee on Labour, Social Welfare, Justice and Legal Affairs, (Hon. Lealmusia Ali):** One week.

**Specially Elected MCA, (Hon. Mohammed Asha):** Which date.

**Vice Chairperson Committee on Labour, Social Welfare, Justice and Legal Affairs,** (Hon. Lealmusia Ali): Thursday next week, 24<sup>th</sup> November, 2022.

**Temporary Speaker,** (Hon. Stacy Nareyio): Hon. Ali, Members are still raising issues, I did not ask you to give the date. But I will give you the time once the Members are done raising their issues. Hon. Caunda.

**MCA Loosuk Ward,** (Hon. Lenamparasio Caunda): Thank you Madam Speaker. Thank you Hon. Ali. I stood a while ago asking how you will answer the two questions raised by Hon. Dube and Hon. Asha and they are not in the original Statement sort by Hon. Lemartile.

**Temporary Speaker,** (Hon. Stacy Nareyio): Hon. Ali answer that question and give us the date you will table the statement response.

**Vice Chairperson Committee on Labour, Social Welfare, Justice and Legal Affairs,** (Hon. Lealmusia Ali): Thank you Madam Speaker. We will stick to the statement sort and we are not going to answer anything out of the statement

*(Laughter and Applause)*

We will respond on Thursday 24<sup>th</sup> November, 2022 at 2:30 Pm.

*(Applause)*

**Temporary Speaker,** (Hon. Stacy Nareyio): Hon. Caunda, are you okay with that time? Hon. Leshimpiro.

**MCA Ang'atta Nanyekie Ward,** (Hon. Leshimpiro Paul): Thank you Madam Speaker. Madam Speaker, when a statement is sort, the Committee can stick to the questions asked but can still answer other question if so directed by the Speaker.

I do not think it is irrelevant for the questions asked by other Members to be included in the statement response now that the Speaker has allowed us to debate on, and if Madam Speaker did not allow us to debate on the questions then questions to be answered would be the ones in the statement sort only.

**Temporary Speaker,** (Hon. Stacy Nareyio): Yes, Members are open to raise any issues they have and Chairperson, kindly take note on that and give response to those issues during our next session, thank you. Hon. Dube.

**Specially Elected MCA,** (Hon. Osman Dube): Asante Bi Spika. Tunapouliza Statements or Motions hapa ni kama maswala hayo yanapotea. Raia wanasema waheshimiwa ni kama Coca Cola, wanachemka kisha wanapotea. Bi Spika unilinde.

**Specially Elected MCA,** (Hon. Asha Mohammed): Madam Speaker, is it right for Hon. Dube to call Hon. Members Coca Cola?

**Temporary Speaker,** (Hon. Stacy Nareyo): Continue Hon. Dube.

**Specially Elected MCA,** (Hon. Osman Dube): Ni mfano tu vile raia wanaongea. Tunapoanza jambo kama waheshimiwa tupo wakali lakini tunatulua inapofika muda wa kufuatilia jambo. Naomba kamati ya Labour iharakishe na kama ni alhamisi basi iwe alhamisi na maswala yasipotee, asante Bi Spika.

**Temporary Speaker,** (Hon. Stacy Nareyo): Point noted Hon. Dube and I hope the Chairpersons are noting these issues. Next time do not call Hon. Members Coca Cola. The Chairpersons of the Committees should respond to those issues on the 24<sup>th</sup> of this month on Thursday at 2:30 pm, thank you.

**MCA Loosuk Ward,** (Hon. Kaunda Lenamparasio): Thank you Madam Speaker. I raise to seek a Statement from the Chairperson of the Sectoral Committee on Lands, Housing, Physical Planning and Urban Development concerning the status of registration of Community lands in Samburu County as required by the Community Land Act 2016. With enactment of the Community Land Act 2016 on 21<sup>st</sup> September 2016 and its regulation from 2017, community land tenure has a key achievement of National Policy 2009 and the Constitution of Kenya 2010 was introduced. The community land tenure rest on two pillars, registration for community and registration of community land. It is through the act of registration that the community attains the legal personality to be registered as land owners.

Communities that benefit most from these reforms are mainly pastoralists and agro pastoralists who live in arid and semi-arid areas in Kenya and Samburu being one of them they will need support by way of education, awareness creation and capacity development on Community Land Act and its regulations. Samburu County has a total of 54 formally group ranches and a number of trust lands mainly in Samburu North and Samburu Central. A number of group ranches have sub divided the land leaving a number of them to transit as required by the Community Land Act 2016 and registration of trust land which includes adjudication processes.

Madam Speaker some of the group ranches have transited with the help of local NGOs while a good number of them are struggling with the process due to the little awareness creation on Community Land Act, 2016 and no single trust land has ever been registered in the County as required by law. In view of this, the Chairperson of the Sectoral Committee on Lands, Housing, Physical Planning and Urban Development should inquire into and report on the following;

- 1) What is the departments plan on the creation of awareness of the group ranches members that are yet to transit as per the provision of Community Land Act, 2016?
- 2) What is the departments plan on awareness creation to the trust land members who are yet to register as per the provisions of Community Land Act, 2016?
- 3) What is the departments plan on training of Community Land Management Committees (CLMCs) of the already transited group ranches on governance and leadership?
- 4) What is the departments plan on support financially of the group ranches that are in the process of transiting?

Thank you Madam Speaker.

**Temporary Speaker,** (Hon. Stacy Nareyio): Hon. Leerte when do you want to respond to this Statement and bring it to this House?

**MCA Poro Ward,** (Hon. Patrick Leerte): Madam Speaker namshukuru Mheshimiwa Kaunda kwa kuuliza jambo hilo. Najua kuwa mambo ya ardhi ina shida nyingi. Wiki ijayo tutakua nje na kamati yote na kwa hayo naomba tujibu tarehe moja mwezi wa kumi na mbili saa nane unusu mheshimiwa Spika.

**Temporary Speaker,** (Hon. Stacy Nareyo): Hon. Kaunda are you okay with that time?

**MCA Loosuk Ward,** (Hon. Kaunda Lenamparasio): Yes. I am very much okay but the Chairperson of the Committee should kindly understand that the Act gave some regulations and there is timeline for the registration. One of the biggest natural resource that we have in this County is land and most of these lands are trust lands. If no good care is taken on these lands, then we will suffer seriously especially now that the LAPSET project will start very soon and mostly it has to pass through Samburu North and you know when these projects start when the communities are not yet registered they will not be compensated because they are not the legal owners of the lands. I beg to agree with the Chairperson that they will be away the whole of next week but kindly as you come back make sure that you bring the findings to the House so that we work on it, thank you.

**Temporary Speaker,** (Hon. Stacy Nareyo): Thank you. Hon. Leerte make sure that you respond to that issue on the 1<sup>st</sup> of December with immediate effect.

Hon. Members the time being 17 minutes past three o'clock and there being no other business this Assembly now adjourns until Tuesday, 22<sup>nd</sup> November, 2022 at 2:30 pm.