

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday, 6th September, 2023

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

The Speaker, (Mr. Lenamarle Stephen), in the Chair

PRAYER

PAPERS

Chairperson Committee on Education and Vocational Training, (Hon. Lorunyei Lawrence): Thank you Hon. Speaker, I beg to table a report of Committee on Education and Vocational Training on Investigation of Unclear Recruitment and Replacement of ECD (Early Childhood Development) Teachers in Samburu County, thank you.

(Hon. Lorunyei tables the report)

STATEMENTS

The Speaker, (Mr. Lenamarle Stephen): It is notified that pursuant to Standing Order No. 45 (1) (c) the Speaker has approved the following tentative request for statement for Wednesday 6th September, 2023:

1. Statement No. 013/2023 requested by Specially Elected Member; Hon. Lenamatiyio Silapia to the Chairperson of Labour, Justice and Legal Affairs Committee in regards to matter employment in the office of the County Attorney

Specially Elected MCA, (Hon. Lenamatiyio Silapia): Thank you Hon. Speaker, pursuant to Standing Order No. 45 (1) (c) I hereby request for a statement from the Chairperson Committee on Labour, Justices and Legal Affairs in regard to the legal representation at the County level.

Hon. Speaker, it is a significant stride towards enhancing governance and legal representation at the County level. Samburu County proudly announced the establishment of County Attorney Office, this is a milestone that marks a crucial development in the County's Office to ensure that effective legal oversight, uphold the rules of law and protect the interests of its residents.

Hon. Speaker, the establishment of the County Attorney's Office in Samburu County was prompted by the recognition of need for special legal counsel to address the diverse legal challenges facing the County. This office is tasked with providing legal advices and representation to the County Government, ensuring that its action is aligning with the Constitution and statutory requirements.

Key responsibilities of the County Attorney's Office in Samburu County include:

1. Legal advisory services.
2. The County Attorney's Office offers expert legal guidance to County Government's Departments; helping them navigate complex legal issues, contract policy while ensuring compliance with the law. Litigation of management; the County Attorney represents Samburu County in legal proceedings; both as plaintiff and defendant, safeguarding the County's interests and resources.
3. Drafting and reviewing legal documents; the office is responsible of drafting, reviewing and vetting legal documents such as; Contracts, Agreements and Ordinance, ensuring they align with the County's objectives and legal standards.
4. Conflict resolution; the County Attorney's Office plays a role in dispute resolution, seeking amicable solutions to conflicts before they escalate to a costly legal battle.
5. Protection of public interest; it ensures that the actions and decisions of the County Government prioritize the public interest and adhere to the principles of transparency, accountability and fairness.

Hon. Speaker, it has come to our attention that the office currently operates with only one County Attorney struggling under overwhelmed workload as representative of our Wards, it is our duty to ensure the efficient functioning of the all-County Departments and I believe it is a crucial to address this issue promptly the current situation where the entire Office relies on effort of a single County Attorney has raised significant concern about the quality and timelines of legal services provided to the County Agencies and officials. This situation not only pleasant in men's pressure on the County Attorney but also hinders our ability to create and implement the numerous policies necessary for the County progress.

Initially, two questions were raised from the issue that I read before you

1. Why the County administration did not take immediate actions to address this issue?
2. Why is the office of the County Attorney not employing adequate legal staffs in order to alleviate the current workload? Thank you Hon. Speaker.

I came up with this statement just because we have so many legal documents that are in the office of Attorney that have not been implemented or taken care of on the issues that this County need to be addressed. Just because we have only the county Attorney in the office, she has no any staff within that Department or that office and that is what is bringing some challenges on the issue of legal framework in the County.

So with your help, we need to push to this office to make sure that they recruit more staffs for them to be able to do their job in time and also in transparency way and also for the accountability of this County. I do remember that last month, we are in Nakuru, we have the peace policy, bill policy and it is still lying on that office just because of shortage of staffs in that Office, so it is a serious matter and also I urge my Hon. Members to put more effort on this matter and make sure that this Office will be put more staffs to enable our County to progress on the issue of legal framework. Thank you Hon. Speaker.

The Speaker, (Mr. Lenamarle Stephen): Hon. Lorunyei Laurence.

MCA Nachola Ward, (Hon. Lorunyei Lawrence): I beg to support the Hon. Member on the said issue but this House have no mandate for initiation of any recruitment, it is the Office concern which will have the intent of it is staffs, it is workload and then on the consideration also on the finance. If it replaces to recruit the staffs it needs, that is why I see that it is the work of that division to know the burden it has and then give their intent to the other division which is the Service Board because the work of the Service Board is to recruit according to the intent of the Office which needed the Staffs.

So as I agree with the Hon. Member, the Office of the Attorney is giving the inadequate services to this County. As said that it is for our advisory, we receive many messes in the Executive on the side of appointments, on the side of any legal procedures like now for employment, it is the Attorney Office to advice Executive on all the requirement, all the processes of recruitment. And again on representing the Executive or the Government on any legal issues. But so far we see that really the Office of the Attorney is doing inadequate work but as the Member said that may be because of the manpower which the Office have not, so it is the intent of the County Attorney to request for the manpower it requires.

So I support the Hon. Member and for the procedure to take place, this Office cannot recruit or give the intent but it is the Office of the Attorney now to request having in mind that it has got the position, the Offices and the finance for the salaries of the people they want. So we do not have any objection but my intention now standing here is that really it is very fatal but it is doing very under standard work. Thank you Mr. Speaker.

The Speaker, (Mr. Lenamarle Stephen): Hon. Mohammed Asha.

Specially Elected Member, (Hon. Mohammed Asha): Thank you Hon. Speaker, there is a lot of policies which requires legal advice and have not been consolidated by the Office of the County Attorney up to now and I do not know why they delay?

Another issue is that there is agreement in various County entities, for example the Samburu National Reserve leasing of the land to investors. We are aware that there is a confusion between the procurement and legal Office on matters of leasing County land for revenues. We would like to know if this is the role of the procurement Office or Office of the Attorney?

Another thing is that we have our youth who have already even finished the school of law and do not have even internship. So that Office we need to look at it.

The Speaker, (Mr. Lenamarle Stephen): Order Hon. Asha.

Specially Elected Member, (Hon. Mohammed Asha): Yes

The Speaker, (Mr. Lenamarle Stephen): Just take your seat, we are diverting from the initial statement, so what Honorable Silapia was requesting was the office of the Attorney, they must have more than one person. So now we are bringing in an issue of interns which it looks like it is a different statement.

Specially Elected MCA, (Hon. Mohammed Asha): It's okay Honorable Speaker.

Specially Elected MCA, (Hon. Lenamatiyo Silapia): Thank you Honorable Speaker, I think the statement is very clear it is addressing the chairperson of the Committee on Labour, Justice and Legal affairs and that is why we urge the Honorable Members on the Committee of Labour

Justice and Legal affairs to put on toes the Public Service Board to make sure that the Attorney's office is at least put in a good place

MCA Nachola Ward, (Hon. Lorunyei Lawrence): Point of order!

The Speaker, (Mr. Lenamarle Stephen): Point of order from Lorunyei.

MCA Nachola Ward, (Hon. Lorunyei Lawrence): Yes, you know once somebody says "a point of order" it means that you are off the lane so that you shall come in the lane. So, the fact that you are off the lane, the Committee will not ask for recruitments, it is the department to request for the recruitment. So, us here is to urge to get the information from the legal office what is their problem? If it is the staff to do the right procedure, going to the right office which is the Service Board to request.

My point of order is that the Honorable Member is misleading saying that the Chairperson of the Committee of the Labour, Justice and Legal to push. He cannot push because the intent must come from the office of the attorney. Thank you, Mr. Speaker.

Specially Elected MCA, (Hon. Lenamatiyo Silapia): Thank you Honorable Speaker. Let me just read from our Standing Order, it is a page that indicates all the sectorial Committees that we have in this County. Let me read number 10; The Labour, Social Welfare Justice and Legal Affairs: All matters related to the County Public Service Board, County Civic Education, coordinating participation in governance and the local level and assisting communities to develop, administrative capacity procured for the effective governance.

So Honorable Speaker, I think I am not wrong to say that we put on toes the Committee on Labor to make sure that that office is in a good standard to discharge their duties to the residents of Samburu County. Thankyou Honorable Speaker.

The Speaker, (Mr. Lenamarle Stephen): Chairman Labour and Justice and Legal Affairs? Vice chair? any Member of the Committee? Honorable Lorunyei.

MCA Nachola Ward, (Hon. Lorunyei Lawrence): Mr. Speaker, I am the Whip of the House, maybe I can take and then relate to the concern Committee. Thank you, Mr. Speaker.

The Speaker, (Mr. Lenamarle Stephen): For the message we to just want to give you...Honorable Silapia.

Specially Elected MCA, (Hon. Lenamatiyo Silapia): Thank you Honorable Speaker, I think t is really wrong when the Honorable Members for that Committee are here and they cannot raise their names. I have Honorable Sarah as one of the Members of the Labour Committee.

The Speaker, (Mr. Lenamarle Stephen): Honorable Sarah are you one of the Members of the Committee?

Specially Elected MCA, (Hon. Lekirenyei Sarah): Mimi ni mmoja wao. Ahsanti.

The Speaker, (Mr. Lenamarle Stephen): So, we need the report concerning the same next week on Thursday at 2:30pm.

It is notified that pursuant to Standing Order 45 (1) C, the Speaker has approved the following tentative request for statements for Wednesday, 6th September 2023.

Statement 014/2023 requested by Special Elected Member Hon. Asha Mohammed to Chairperson of Lands, Physical and Urban Planning Committee in regards to Nasur village development. Honorable Asha.

Specially Elected MCA, (Hon. Mohammed Asha): Thank you Honorable Speaker, Pursuant to Standing Order 45 C, I hereby request for a statement from the chairperson of Committee on Lands and Physical Planning regarding on the infrastructure development activities in Nasur village by Baringo County Government.

Honorable Speaker, pursuant to the Samburu County village units, de-alienation act 2015 part two, there are 108 established village units in Samburu County. Honorable Speaker, Section 4 and 6 of this Act provides the establishment of the office to the village administrator office and village council for each village unit who is mandate is to ensure and coordinate the participation of the said village units in governance issues.

Further schedule for this act provides for the 108 villages within Samburu County and Nasur village is part of the 108 villages and it's within Suguta Marmar Ward, Hon. Speaker it has come

to our attention that there are infrastructural developments being carried out by Baringo County government in Nasur area which is traditionally and administratively believed to fall within Samburu County. Hon. Speaker in view of this the chairperson should inquire into the report on

No. 1 the chairperson provide clarity on the exact geographical location of Nasur village and its administrative affiliation Samburu county or Baringo County by providing them maps and beacons certificates of Nasur village

No. 2 the chairperson to confirm to this House if the department of L ands and Physical Planning as well as the office of the governor is aware of the infrastructural developments going on in Nasur village by Baringo county government.

No. 3 the chair to provide any information by any information available concerning the authorization and approval for Baringo County to engage in development activities in Nasur village and No. 4 can the Chairperson provide any established agreements on official documents or communications between Samburu County and Baringo County pertaining the development projects in Nasur village. Thank you Hon. Speaker.

The Speaker, (Mr. Lenamarle Stephen): Hon. Silapia

Specially Elected MCA, (Hon. Lenamatiyo Silapia): Thank you Hon. Speaker I also raise to raise my concern on the same Hon. Speaker our county at large has so many issues on the issues of boundaries from other counties so Hon. Speaker that is a very serious matter as you heard from the Honorable member Asha Mohamed the Nominated MCA that the Nasur village is one of our administrative villages within Samburu county or the one 108 villages within Samburu county.

Therefore, Honorable Speaker I think it is a very serious matter that the committee on Lands and should be followed from the department and make sure that they have visited the area and see those development infrastructural structures that are there that are developed by other counties. Hon. Speaker I think even in east we have so many challenges on issues of boundaries like now Moto, Moto belongs to Samburu county but we also have quarreling between the Borana and

Samburu county. So Hon. Speaker I think it's a very serious matter that the department should take...

Chairperson, Education and Vocational Training, (Hon. Lorunyei Lawrence): Point of order Mr. Speaker.

The Speaker, (Mr. Lenamarle Stephen): Point of order from Hon. Lorunyei

Chairperson, Committee on Education and Vocational Training, (Hon. Lorunyei Lawrence): The Hon. member says that there is Borana County, the member says that there is conflict between Samburu county and Borana County where by I don't know where Borana county is?

(Laughter)

Specially Elected MCA, (Hon. Lenamatiyo Silapia): Hon. Speaker I guess it is just a mistake, pronunciation I was to say the Isiolo County but the people who live there they are Borana so am sorry I withdraw. Hon. Speaker let me then continue, I think this committee should follow up on the issue of boundaries across the whole county because when you talk again on the north I think there is such issues on boundary issues between the Turkana and Samburu and also in Marsabit.

Even us as Wamba north ward when you look between the ward that is bounding us in the Wamba north ward is from Marsabit and the other side they say it's their land but when you talk of the history of Samburu county it belongs to Samburu county so I think we have a big challenge, that this issue even need governor to address and also the Members of Parliament to address the issue of boundaries in Samburu county, thank you Hon. Speaker.

Specially Elected MCA, (Hon. Lenolkulal Esther): Asante sana Mheshimiwa Spika, maneno ya mchanga ni mimi ni mwanakamati wa kamati ya Ardhi na kabla Nije bunge hili Mheshimiwa Spika nikiwa huko nje maneno ya mchanga imekuwa shida sana hapa Kaunti ya Samburu pia kamati linajaribu lakini tuko na mambo mengi sana ya mchanga ambayo inaendelea kwa upande ya mipaka inakuwa shida sisi kwa upande tuko na group pande ile kama group mbili ambayo hata kupata boundaries ni shida kwa sababu saa hii upande ya Nasur tunajua insecurity ni ngumu saa hii pande hii yote kupata boundaries upande ya Nasur nafikiri itachukua muda kwa sababu insecurity tunapigana nayo.

Pia kutoka kwenda huko sioni kama mtu kama mimi Mheshimiwa Spika naweza hata enda Nasur kuangalia ni nini inafanyika kwa sababu tunaona Baringo county kabisa wanachukua mchanga na mtatupea muda twende tuongee na department by thursday tuje tujibu lakini kwa kweli kwa saa hii ile shida tunapitia, kwa sababu ya mchanga ni ngumu sana tunaona tumeingiliwa upande sote ya Samburu county kila mahali tuko na shida hata saa hii tuko na shamba karibu tunanyanganywa ile mashamba kabisa tuko na ma titles kwa hivyo hii issue ya mchanga ni issue ngumu ambayo si committee watafeli nafikiri kila mtu atafeli kwa sababu ni ngumu sana lakini tujaribu, tujaribu kwa sababu ni mambo ngumu huwa tunaenda kila siku maneno ya group ranches ambayo saa zingine inasemekana ya group ranches ambayo tunaendanga kila wakati saa zingine imekuwa ngumu sana hata saa hii wale wanataka kugawa group ranches zao kama upande ule wa kwetu imekuwa ngumu kwa sababu ya insecurity saa ngapi tutashuka kwenda huko na hata kuingia Malaso ni shida.

Mimi mwenyewe ni member ya group ranch inaitwa Lporokwai saa hizi tumeshindwa tunakimbia kila siku hapa tunasema tunataka kugawa lakini kwa sababu ya insecurity maneno ya mchanga ni ngumu kabisa saa hizi kwa hivyo, ningomba Honorable House mtupee muda tujadiliane tuone ni gani itawezekana kwa sababu saa hizi si Nasur pekee wamejenga Baringo county ukiingia ndani ya Malaso wametengeneza barabara mpaka wameweka hospitali kwa hivyo si issue tu ya Nasur tuna pia Lporokwai imechukuliwa imejengwa Hospitali, imejengwa town, imetengenezwa barabara kwa hivyo, maneno ya mchanga kwa kweli saa hizi tunapitia mambo ngumu. Asante sana Mheshimiwa Spika.

The Speaker, (Mr. Lenamarle Stephen): So the Chairperson on Lands Physical Planning and Urban Development to table the statements next week Thursday at 2:30 p.m.

ADJOURNMENT

Honorable members the time being 23 minutes to 4 O'clock and there be no any other business this assembly now adjourns until Thursday 11th sept 2023 at 2:30p.m.