

# COUNTY GOVERNMENT OF VIHIGA

## VIHIGA COUNTY ASSEMBLY

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### OFFICE OF THE CLERK OF THE COUNTY ASSEMBLY

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## MOTION

**WHEREAS** chapter six of the constitution of Kenya 2010, the leadership and integrity Act, 2012 and the Conflict of Interest Act 2025, primarily provide for the conduct of state and public officers, and the accountable exercise of power and responsibility assigned to all state and public officers. And whereas Article 10 as read together with Article 73 of the Constitution and section 3 of the leadership and Integrity Act 2012, provides for the respect for the rule of law, good governance, accountability and transparency of state officers for decisions and actions they take as key guiding principles of leadership.

**COGNIZANT** that County Assembly as established under Article 176(1) and in line with Article 185(3) as read together with section 8 of the County Governments Act 2012, and the County Assembly Services Act 2017, the County Assembly is mandated to oversight the County Executive.

**AWARE** that a Chief Officer is an Accounting Officer and is mandated in accordance with; Article 226(2) of the Constitution, Section 149(1) of the PFM Act and Regulation 29 of the PFM Act Regulations to be accountable to the county assembly on the operations and the management of the county assembly funds, by ensuring that Quarterly and Yearly Financial Reports are prepared and tabled for approval by the Assembly. Further Aware that the PFM Act stipulates that an

Accounting officer should not authorize any irregular expenditure and that all expenditures of any public entity must be lawful, authorised, effective, efficient, economical and done in a transparent and accountable manner.

**CONSCIOUS** that Section 45(3) of The County Government Act 2012 requires that a County Chief Officer to be responsible to the respective county executive committee member for the administration of a county department, further aware that section 8,9,10,11, 12 , 13 and 14 of the Conflict of Interest Act 2025, provides public officers declare any conflict of interest that may arise in the discharge of his duties, obligates and bars public officers to avoid conflict of interest and not grant any preferential treatment to any person while undertaking official duties, bars public officers not to misuse official information accorded to him while in exercise of official duties and further obligates public officers not to use of his position to exert undue influence in the decision of another person or another public officer and not use his position to unduly enrich his/her associates and further aware that Article 10 of the constitution sets out the national values and principles of governance,

**CONCERNED** that there has been an outcry from members of the County Assembly, Staff within the Vihiga County Public Service establishment and the Public as regards the general management of the department and accountability of public funds expensed from the exchequer for facilitation of departmental activities

**NOW THEREFORE**, I wish to give **A NOTICE OF MOTION** that this Assembly **RESOLVES to ESTABLISH** an ad hoc committee with the purpose of conducting a thorough investigation into the conduct of Mr. SILVESTERS KAANE the Chief Officer in the department of Gender, Culture, Youth, Sports and Social Services. The findings of this investigation should be presented in a

comprehensive report to the assembly for further deliberation and action within 21 Days after the approval of this Motion. The purpose of these investigations is to establish whether there has been transparency, accountability, and good governance in the management of the finances of the department. The committee should be constituted in a manner that reflects the diverse expertise and interests within the assembly, ensuring a balanced and impartial representation. The investigation should focus on examining the following areas:

- 1. Review the management of the process of compensation of land owners around kidundu stadium:** The committee should establish on the effective and efficient utilization of the 45 Million Kenya shillings allocated to kidundu stadium over the last three financial years.
- 2. Verification of Expenditures:** The committee to scrutinize all the transactions relating to the Vihiga County Sports Fund, the annual KICOSCA games for the last three years, expenditures relating to the county anthem and the Youth Board including disbursements and reimbursements, and verify the accuracy and legitimacy of the expenditures made including those done through payroll. This should include cross-referencing with supporting documentation such as receipts, invoices, and vouchers.
- 3. Compliance with Financial Regulations:** The committee to assess whether the financial operations in the department adhere to relevant financial regulations, circulars, laws, and policies governing public finances in Kenya and best practices. This will involve evaluating the compliance of the management of the Sports Fund with the established financial Legal frameworks. The committee should focus on all transactions done and supporting documents for these transactions. The committee should also

expose any officer who might be culpable of not adhering to these Financial Legal Frameworks and recommend appropriate action.

4. **Violation of The Constitution and other laws of Kenya;** The committee should establish the extent to which the Chief Officer while exercising his mandate complied with the conflict of interest Act 2025.

Signed by Hon. Duncan Nkrumah Abudiku.....on this 12<sup>th</sup> Day OF May 2026.

MCA LYADYWA/IZAVA WARD