

COUNTY GOVERNMENT OF VIHIGA

VIHIGA COUNTY ASSEMBLY

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OFFICE OF THE CLERK OF THE COUNTY ASSEMBLY

MOTION

WHEREAS the Constitution of Kenya 2010 provides for a devolved system of governance hence establishes county governments pursuant to article 176 of the Constitution of Kenya , which are to exercise functions provided for in the fourth schedule part two of the Constitution.

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

Noting that for the fulfillment of the objectives of devolution as set out in Article(s) 174 and 235 of the Constitution of Kenya, as read with section 56 of the County Government Act 2012 creates the County Public Service.

Further Noting that the office of the chief officer is an office created within the County Public Service, the holder who was approved by the County Assembly for appointment to perform various duties critical to the execution of functions in the department that include, being responsible for the overall administration of the department to which he is assigned to, be performance oriented and focused on the objects of devolved county governments as set out in the constitution of Kenya, provide an equitable ,fair, open and non-discriminatory working environment,

facilitate a culture of public service and accountability in the county public service and be responsible to for the needs of the local community, allow participatory decision making as far as possible, further possesses powers as an authorized officer and has power to deploy officers within his department as contemplated in section 45 and 72 of the county Government Act 2012 respectively.

AWARE that a Chief Officer of Public Service is an Accounting Officer and is mandated in accordance with Article 226(2) of the Constitution and 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 funds, by ensuring that Quarterly and Yearly Financial Reports are prepared and tabled for approval by the Assembly. Sub section (2) of the said section 149 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

FURTHER AWARE THAT section 153 of the PFM act provides that an accounting officer shall be responsible for the management of the county government assets and liabilities; and shall manage all assets of the county Government to ensure that it receives value of money when acquiring, using or disposing of the assets.

Concerned that in the executions of the aforesaid functions, the Vihiga County Chief Officer for the department of public service has failed to perform his duties as duly appointed, refused to conduct himself in accordance with Article 10 of the Constitution in regard to principles of national values and good governance, Article 73 on responsibilities of leadership and Article 232 of the Constitution of Kenya on values and principles of public service, provisions of Public Finance

Management Act 2012 and other provisions of the law. The said officer has further exhibited various acts of incompetence, inability to steer and administer his department.

Recognizing that the actions, inactions, acts of omission and or omission of the chief officer of department of public service, Mr Philip Gavuna has severely dented and demeaned the operations of the key department and consequently impacted on the operations of the entire county public service.

Now therefore I wish to move a motion that this House resolves:-

- a. To constitute an Adhoc committee to interrogate the conduct of the chief officer of public service, Mr Philip Gavuna more so his actions as an accounting officer, in deployment, redeployment, welfare, dismissal and promotion of public officers within his department.
- b. To investigate his conduct in the management and operationalization of the payroll, that has been cited of irregularities and illegalities that have led to loss of public funds.
- c. To investigate his actions and or acts of omission as an accounting officer in management of finances of the county government of Vihiga.
- d. To investigate his actions as an accounting officer in the management of assets and liabilities of the county government of Vihiga as provided for in the Public Finance Management Act 2012.
- e. Violation of the Constitution and any other laws of the Republic of Kenya, while in exercising his mandate as a chief officer .

- f. That the adhoc committee to report back to the house within the next 21 days

Signed by Hon. Richard Shugh Muhiga.....on this 12th Day OF May 2026
MCA SHAMAKHOKHO