

COUNTY GOVERNMENT OF VIHIGA

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MOTION

WHEREAS chapter six of the constitution, 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 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 .

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, 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 of 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 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, Staffs 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 and the functioning of the department in the dispensation of its functions, key among them the construction and maintenance

of roads in the county in order to enable accessibility of good and services and movement of people

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 Eng. Rodgers Etale Tunya the Chief Officer in the department of Transport and Infrastructure 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. Through his actions the Chief officer Transport and Infrastructure has occasioned loss of public funds, actions that have led to the non- achievement of the objectives of devolution as provided for in Article 174 of the Constitution of Kenya 2010. 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 and the management of the assets and liabilities of the county government. 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. **Mismanagement of the County Government machine leasing programme for road maintenance across the County.** The chief Officer in his capacity as the accounting officer in the department of Transport and Infrastructure has failed to account for an allocation of Ksh 50M allocated towards leasing of machines for roads maintenance in the financial year 2025/26. These monies include Ksh 42 M for hire of machines and Ksh 8 M for purchase of fuel. He has further failed to report to the county assembly

on the implementation progress of the roads maintenance programme while at the same time failed to submit to the county assembly a policy framework to guide the implementation of the programme. Further, the lack of guidelines for the programme has opened it to abuse. For Instance, on the 10th May 2026, one of the lorries hired under the same programme was involved in accident while on private duty away from the purpose for which it was hired.

2. **Failure to account for budgeted funds for purchase of equipment and operationalization of the County Mechanical Unit.** The county Mechanical unit established and managed by the department of transport and infrastructure has over the last four financial years consistently been allocated funds in the respective budgets. However, to date, the mechanical unit remains incomplete and not able to service county government vehicles, machines and plant leading to immense losses as a result of procuring for the same services. This is further exacerbated by having qualified staff at the mechanical unit who draw salaries while not offering any services to the county.
3. **Failure to account for and provide safe custody of county assets under his control and thereby neglecting his duty.** The chief officer has failed to provide safe custody of county government assets under his control leading to massive loses and vandalism of equipment, machines and plant. This is evident by a county owned dozer which has been lying along Kidinye-Gisambai road for the past three years without repairs exposing it to vandalism. Further, several county government vehicles, motorcycles and

machines have remained scattered in various private garages in Kisumu attracting huge storage fees.

4. **Failure to uphold national values and principles of governance as required by Article 10 of the constitution.** The Chief Officer; Mr Tunya has failed to observe professionalism and provide a professional working environment for all staff under him by openly exhibiting favouritism towards some staff members while punishing others perceived to hold a contrary view from him.
5. **Obstruction in processing of payments due to contractors despite having completed their works.** The chief officer has unwarrantly and persistently delayed payment to contractors causing them untold distress without any valid reasons.
6. **Loss of revenue .** The chief officer has presided over huge losses of revenue through pilferage due to the county government from machine hire by deliberately grounding all machinery to pave way for private contractors to be used in executing works that would otherwise be done using county machines.

Hon; Vincent Atsiaya

MCA WODANGA