

COUNTY GOVERNMENT OF VIHIGA
VIHIGA COUNTY ASSEMBLY



(SITTING NO. 39)

(NO.63)

FIFTH SESSION
Afternoon Sitting
(SITTING NO. 39)

THIRD ASSEMBLY – (FIFTH SESSION)
ORDERS OF THE DAY
WEDNESDAY, 13TH MAY, 2026 AT 2.30APM
ORDER OF BUSINESS

PRAYERS

Determination of Quorum

1. Administration of Oaths
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notice of Motion
7. Questions and Statements
8. Motion- ***25* - 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 (**HON. RICHARD SHUGH MUHIGA**)

9. Motion- ***26*** - **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,

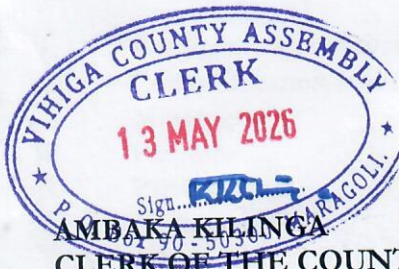
CONCERNED that there has been an outcry from members of the County Assembly, Staff within the Vihiga County Public Service establishment and the Public as regards the general management of the department and accountability of public funds expensed from the exchequer for facilitation of departmental activities

NOW THEREFORE, I wish to **MOVE A 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. (HON. DUNCAN NKRUMAH ABUDIKU)



CLERK OF THE COUNTY ASSEMBLY