

COUNTY GOVERNMENT OF KITUI



THE COUNTY ASSEMBLY OF KITUI SECOND ASSEMBLY – SECOND SESSION

THE COMMITTEE ON HEALTH AND SANITATION:

REPORT ON VETTING OF DR. RICHARD MUKULA MUTHOKA THE
NOMINEE FOR APPOINTMENT TO THE POSITION OF COUNTY CHIEF
OFFICER MINISTRY OF HEALTH AND SANITATION.

CLERK OF ASSEMBLY CHAMBER'S

P. O BOX 694

KITUI

MARCH, 2018

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1.0 PREAMBLE

Mr. Speaker Sir,

On behalf of the Members of the Sectoral Committee on Health and Sanitation and pursuant to the provisions of Standing Order No. 190 (5) (f), which mandates the committee to inter alia:

‘To vet and report on all appointments where the constitution or any law requires the county assembly to approve.’

It’s my pleasure and duty to present to the House the Committee’s report on the vetting of the Nominee for the position of County Chief Officer for the Ministry of Health and Sanitation Dr. Richard Mukula Muthoka.

1.1 Committee Formation and Membership

Mr. Speaker Sir,

The Committee on Health and Sanitation was established pursuant to provision of the Standing Order No. 190. As currently constituted it comprises of the following membership:

- | | | |
|-----|-----------------------------------|------------------|
| 1) | Hon. Anthony Ndoo Mwanzia | Chairperson |
| 2) | Hon. Stephen Ileve Katana | Vice chairperson |
| 3) | Hon. Geoffrey Muli Mwalimu | Member |
| 4) | Hon. Elizabeth Ndunge Peter | Member |
| 5) | Hon. Regina Mueni Ishmail Musyoki | Member |
| 6) | Hon. Grace Mwikali Sammy | Member |
| 7) | Hon. Dr. Grace Mutua | Member |
| 8) | Hon. Eliud Muteti Nding’uri | Member |
| 9) | Hon. Josphine Kavivi Mutie | Member |
| 10) | Hon. Charles Muthui Maema | Member |
| 11) | Hon. Mary Kanini Philip | Member |

1.2 Committee Mandate

Mr. Speaker Sir,

The Committee on Health and Sanitation is one of the Sectoral Committees established under Standing Order No. 190 (5);

Which provides that the functions of the Sectoral Committee shall be among others to:

(i) Vet and report on all appointments where the Constitution or any other law requires the County Assembly to approve, except for those under Standing Orders No. 185 (Appointments Committee)

(ii) Make reports and recommendations to the County Assembly as often as possible including recommendations of proposed legislation.

1.3 Committee Preparations

In readiness for the vetting exercise the Committee on Health and Sanitation retreated for a one day capacity building training/workshop on the vetting exercise on 21st March, 2018 at Machakos Gardens Hotel organized by the County Assembly. This helped the Members to familiarize themselves with regulations and the statutory requirements including the Constitution, County Government Act ,2012 and Public Appointments (County Assemblies Approval) Act No. 5 of 2017 for the vetting exercise.

1.4 Nomination of Chief Officer

Pursuant to section 45 (i) (a) of the County Government Act, the Speaker of County Assembly on Wednesday 14th March 2018, conveyed a message to the Assembly from Her Excellency the Governor regarding the thirteen Nominees

to the positions of County Chief Officers among them Dr. Richard Mukula Muthoka, the nominee for the department of Health and Sanitation.

Pursuant to the Standing Order No, 39(1) and 39 (3) (c) the Honorable Speaker in communication to the house directed that the names and the curriculum Vitae of the said nominees be committed to the relevant Sectoral committees. The Speaker advised the committees to conduct the vetting exercise as provided for in section 9(1) of Public Appointments (County Assemblies Approval) No.5 of 2017 and report to the house within 21days.

1.5 Committee Meetings

The Committee on Health and Sanitation held an approval hearing on the 22nd March, 2018 where Dr Richard Mukula Muthoka, the nominee for Health and Sanitation appeared before the committee for vetting.

1.6 Acknowledgement

Mr. Speaker Sir,

The development and publication of this report was made possible by the selfless commitment of numerous individuals who contributed their expertise and diverse human resources to see the assignment come to fruition. Without their invaluable input, this publication would not have been actualized.

Mr. Speaker sir,

We as the Committee on Health and Sanitation appreciate your office and that of the Clerk of Assembly for the logistical support offered during the vetting exercise and report writing retreat.

The Committee is also thankful to the Members of public, media, Hansard and Communication department of the County Assembly for coverage.

Mr. Speaker Sir,

May I take this opportunity to thank all members of the Committee and secretariat for their input and valuable contributions during the vetting exercise and compilation of this report.

Thank you

Signed-----

Hon. Anthony N. Mwanzia

Chairperson Committee on Health and sanitation

Date -----

2.0 BACKGROUND

2.1 The Establishment of Office of the Chief Officer

Section 45 of the County Governments Act, 2012 inter alia provides that:

The governor shall:

- 1) Nominate qualified and experienced county chief officers from among persons competitively sourced and recommended by the county public service board, and*
- 2) With the approval of the county assembly, appoint chief officers.*

2.2 Functions of the Chief Officer

- 1) A county chief officer shall be responsible to respective county executive Member for the county department as provided under section 46 of the county government act, 2012.*
- 2) The county chief officer shall be authorized officer in respect of exercise of delegated authority.*

2.3 Establishment of the Committee on Health and Sanitation

The Committee on Health and Sanitation is one of the Sectoral Committees established under Standing Order No. 190 with the Mandate to vet and report to the House on all appointments within twenty one days as provided by in section 9 (1) of the Public Appointments(County Assemblies Approval) Act No. 5 of 2017 among others functions.

2.4 Submission of the Nominee for the Position of Chief Officer, Ministry of Health and Sanitation

(i) Pursuant to section 45 (l) (a) of the County Government Act 2012, Her Excellency the governor forwarded to the Speaker of the County Assembly a list of thirteen names of nominees among them Dr. Richard Mukula Muthoka vide a letter dated 8th March 2018 for vetting by the Committee on Health

and Sanitation and consideration for approval by the County Assembly for appointment as Chief Officer for Health and Sanitation.

(ii) Pursuant to section 7 of the Public Appointments (County Assemblies Approval) Act No.5 of 2017, On the 14th March, 2018 the Honorable Speaker in a communication to the Assembly, informed the Assembly that He had received the names of the said nominees and directed that the names and curriculum vitae of the nominees be committed to the relevant sectoral committees for vetting process.

2.5 Notification to the Candidate

Mr. Speaker Sir,

Section 7(4) of Public Appointments (County Assemblies Approval) Act No.5 of 2017, provides that the Clerk of the Assembly shall notify the nominee on the time and place for holding the approval hearing through the print media. This was adhered to on Thursday, the 15th March, 2018.

2.6 Notification to the Public and Submission of Memoranda

Mr. Speaker Sir,

Section 7(5) of the Public Appointments (County Assemblies Approval) Act No.5 of 2017, provides that the Committee shall notify the public of the time and place of the approval hearing.

Further, Section 7(10) of the Public Appointments (County Assemblies Approval) Act No.5 of 2017 requires the public to submit written statement on oath concerning the suitability of the nominee. The aforementioned legal requirements were fully met on 15th March, 2018 where the Clerk of Assembly on behalf of the Committees placed an advertisement in the print media. By the set deadline i.e. close of business on 20th March, 2018, no memoranda were received.

3.0 THE VETTING PROCESS

On Thursday 22nd March, 2018, the Committee on Health and Sanitation held a vetting session with the nominee for department of Health and Sanitation in Committee room II of the County Assembly at 11:00 A.M -12:00 Noon. The Committee firstly agreed on the vetting norms, secondly on the vetting questions and lastly agreed on the expected pass mark for the nominee which was set at 70%.

The Committee examined Dr. Richard Mukula Muthoka following the guidelines provided for in the Section 8 of Public Appointments (County Assemblies Approval) Act No.5 of 2017. The Committee examined the nominee against following criteria;

- 1) Academic qualifications
- 2) Knowledge on the subject matter
- 3) Employment and work related experiences
- 4) Professional association
- 5) Public office , political activities and affiliations
- 6) Potential conflict of interests
- 7) Suitability to the position
- 8) Tax compliance
- 9) integrity

4.0 COMMITTEE OBSERVATIONS

4.1 Personal Background

In his Submissions Dr. Richard Mukula Muthoka informed Members that he is a Kenyan, born on 1st January, 1974 in Kitui East Sub-County, in Kitui County. He is married with two children.

4.2 Educational Background.

- Dr. Richard Mukula Muthoka is currently pursuing a master's degree in Business Administration from the University of Nicosia- Cypress.
- He holds a masters in clinical pharmacy from the university of Strathclyde-UK.
- He holds post graduate diploma in marketing and procurement (PGDMM) - Anammalai University India.
- He holds a Bachelor's degree in pharmacy, from DR.MGR Medical University –INDIA.
- He has a diploma in management and control of HIV/AIDS and infectious diseases (GIMI)- Israel
- He holds a certificate in effective procurement strategies for senior executives (crown Agents) –UK

4.3 Work Experience

- Currently Dr. Richard Mukula Muthoka is working with the Ministry of Health Kenya as a Deputy Chief Pharmacist, Department of Disease Prevention and Control.
- March 2006- September 2006 served as the pharmacist in charge in the National tuberculosis, leprosy and lung disease Programme.
- August 2003- March 2006 served as chief pharmacist in Kapkatet District hospital

- June 2002- May 2003 worked with the Kenyatta National Hospital.
- April 2002- May 2002 worked with laboratory and allied as manager –capsulation and tableting department.

4.4 Achievements

Dr Richard Mukula Muthoka outlined the following notable achievements in his career.

- Rose through the ranks to become a Deputy Chief Pharmacist in Kenya.
- Lead officer in pharmaceuticals module in development of national tuberculosis, leprosy and lung disease treatment guidelines.
- Helped in coordination of successful applications funds mobilization support in National leprosy, tuberculosis and lung disease programmes from the following development partners: USAID, Global fund, World Health Organization and Global Drug Facility (WHO/UN)

4.5 Professional Certification/Registration

Dr. Richard Mukula Muthoka is a Registered Member of the pharmaceutical society of Kenya (MPSK).

4.0 COMMITTEE FINDINGS

After conducting the vetting exercise the committee made the following observations and findings:-

1. The nominee managed to score an average of 73% vis-a-vis the set target of 70%.
2. Dr. Richard Mukula Muthoka has the requisite academic qualifications from various international institutions and experience coupled with management skills on health and sanitation matters which qualifies him for Appointment to the position of County Chief Officer for the Department of Health and Sanitation.
3. He meets the requirements of chapter six of the Constitution of Kenya, as evidenced in the self-declaration form from Ethics and Anti-Corruption Commission and the certificate of good conduct.
4. Dr. Richard Mukula Muthoka has not been implicated in any known form of abuse of office during his official capacity.
5. The candidate's assignment at National Government and other notable levels have prepared him for the task ahead of him at the County Ministry of Health and Sanitation.
6. He demonstrated a clear understanding of the subject matter and how the overall challenges facing the health sector in our County can be tackled to better the standards of health services.
7. He understands the functions, responsibilities and the statutory powers vested in the office of the Chief Officer.
8. Notwithstanding that the nominee has a rich academic background in the Health Sector, his knowledge is skewed towards pharmacy hence leaving out other necessary fields such as Clinical Medicine and

Laboratory Science. However, having been promoted to the level of Deputy Chief Pharmacist in the Ministry of Health equipped him with proper knowledge and skills on the overall operations in the Ministry thus enabling him to fit in the position nominated to.

9. The nominee has fully complied with tax obligation as evidenced from certificate of tax compliance availed during the approval hearings.
10. The nominee has not been charged in any Court of law and also stated that he was willing to resign from National Government to serve the people of Kitui County if his Appointment is approved.

5.0 COMMITTEE RECOMMENDATIONS

Having followed the due process for vetting and examined all the material evidence before the Committee, the Committee made the following recommendations:

That: pursuant to Article 179 (b) of the constitution, and the nominee having scored an average of 73%, having considered the suitability, capacity and integrity of the nominee and further pursuant to the provisions of section 45 (1) (a) of the County Government Act of, 2012 and section 9 (2) of the public Appointments(County Assemblies Approval) Act No. 5 of 2017, the Committee recommends that the County Assembly approves the nomination and subsequent appointment of Dr, Richard Mukula Muthoka to the post of County Chief Officer for the Ministry of Health and Sanitation.

ANNEXES

- I. REPORT ADOPTION BY MEMBERS**
- II. BIO DATA FOR NOMINEES**
- III. REPORT ADOPTION MINUTES**

Report Compiled By: -

Mr. Onesmus Mutua Mbwang'a

Clerk serving the Committee on Health and Sanitation

ANNEX 1

COMMITTEE REPORT ADOPTION/ AUTHENTICATION

We the members of the Health and Sanitation Committee do append our signatures to authenticate and adopt the report on the vetting of the nominee for the position of Chief Officer for the ministry of Health and Sanitation.

<u>NAME</u>	<u>SIGNATURE</u>
1) Hon. Anthony N. Mwanzia	Chairperson-----
2) Hon. Stephen I. Katana	Vice chairperson -----
3) Hon. Geoffrey M. Mwalimu	Member -----
4) Hon. Elizabeth N.Peter	Member -----
5) Hon. Regina M. Ishmail Musyoki	Member -----
6) Hon. Grace M. Sammy	Member -----
7) Hon. DR. Grace Mutua	Member -----
8) Hon. Eliud M. Nding'uri	Member -----
9) Hon. Josphine K. Mutie	Member -----
10) Hon. Charles M. Maema	Member -----
11) Hon. Mary K. Philip	Member -----