

SPECIAL ISSUE

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KISII COUNTY ACTS, 2021

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THE KISII COUNTY CLIMATE CHANGE ACT, 2021

No. 4 of 2021

Date of Assent: 21st April, 2021

Date of Commencement: See Section 1

AN ACT of the Kisii County Assembly to put in place the framework and mechanisms for mobilization and facilitation of the County Government of Kisii, communities and other stakeholders to respond effectively to climate change through appropriate adaptation and mitigation measures and actions and for connected purpose.

ENACTED by the County Assembly of Kisii as follows—

PART I—PRELIMINARY

1. This Act be cited as the Kisii County Climate Change Act, 2021 and shall come into force on the fourteenth day after its publication in the County Gazette or Kenya Gazette, whichever comes earlier.

Short title and
commencement

2. In this Act unless the context otherwise requires

Interpretation

‘Adaptation’ means adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects in order to moderate harm or exploit beneficial opportunities.

‘adaptive capacity’ means the ability of a system to adapt to the impacts, cope with the consequences, minimize potential damages, or take advantage of opportunities offered by climate change or climate variability.

‘Authority’ means the National Environment Management Authority established by the Environment Management and Coordination Act, 1999 as amended by the Environmental management and coordination (Amendment) Act, 2015;

‘Climate change’ means a change in the climate system which is caused by significant changes in the concentration of greenhouse gases as a consequence of human activities and which is in addition to natural climate change that has been observed during a considerable period of time.

‘Constitution’ means the constitution of Kenya, 2010.

‘County Government’ means Kisii County Government.

‘County Assembly’ means the County Assembly of Kisii.

‘Directorate’ means the climate change Directorate established under section 10(1) of this Act.

‘Environment’ has the meaning assigned to it in section 2 of the Environment Management and coordination Act.

‘Executive Committee Member’ means the County Executive committee Member for the time in charge of climate change matters in Kisii County.

‘Fund’ means Climate Change Fund established under Section 43 of this Act.

‘Mainstreaming’ means the integration of climate change actions into decision making and implementation of the function

‘Mitigation’ means preventing, reducing or slowing down the increase of atmospheric greenhouse gas concentrations by limiting current or future emissions and enhancing potential sinks for green house.

‘Planning committee’ means the County Climate Change Planning Committee established under section 14 of this Act.

‘Private entity’ means a body or person with functions of private nature and includes bodies registered under the Public Benefits Organization Act, 2013.

‘Resilience’ means the ability of a social, economic or ecological system to absorb disturbances while retaining the same basic structure and ways of functioning, the capacity for self-organization and the capacity to adapt to stress and change.

‘Steering committee’ means the county climate change steering committee established under section 5 of this Act.

‘Vulnerability’ means the conditions determined by physical, social, economic and environmental factors or processes, which increase the susceptibility of a system to impact of hazards.

‘Ward planning committee’ means the ward climate change planning committee established under section 21 of this Act.

3. (1) The object of this Act is to enhance climate resilience through development, management,

Objectives and purpose

implementation, regulation and monitoring of adaptation and mitigation measures and actions.

(2) Without prejudice to subsection (1) this Act shall be applied by the County Government in all sectors of the economy to—

- (a) mainstream climate change responses into development, planning, decision making and implementation;
- (b) Implement coordinated and integrated response to climate change and its impacts by all actors and stakeholders.
- (c) facilitate effective management of climate change impacts by enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change;
- (d) promote support and facilitate community- based and community-initiated adaptation and mitigation activities;
- (e) enforce duties and provide incentives for the private sector to contribute to achievement of low carbon climate resilient development;
- (f) facilitate public participation in climate change response through capacity development, awareness creation, consultation, representation and access to information;
- (g) establish frameworks and mechanisms for mobilization and transparent and accountable management of financial and other resources for climate change response;
- (h) establish and implement mechanisms to promote and facilitate climate change research and development, training and capacity building;
- (i) integrate climate change into the exercise of power and functions of all levels of county government, including decentralized units and enhance cooperative climate change governance between the county, neighboring counties and the national government.
- (j) contribute to national efforts to address the adverse impacts of climate change.

4. The application and interpretation of this Act and the making or implementation by the County Government of any policy on climate change shall be guided by the following values and principles—

Guiding values
and principles

- (a) Community driven and bottom -up planning of responses to climate change;
- (b) Commitment to informed participation of communities in planning and implementation of climate change response interventions;
- (c) Recognition, respect and integration of knowledge, perspectives and experiences of communities in climate change response;
- (d) Planning and implementation of climate change response to be anchored in and supportive of devolution;
- (e) Flexible learning approach to addressing challenges of climate change;
- (f) Investments focused on achieving equitable benefits;
- (g) Inclusion of all major actors in planning and implementation of climate change response;
- (h) Protection of the climate system for the benefit of present and future generations;
- (i) Ensuring a just transition for all towards an environmentally sustainable economically and society in the light of county circumstances and developmental goals;
- (j) National values and principles of governance set out in Article 10 of the Constitution;
- (k) Values and principles of public services spelt out in Article 232 of the Constitution;
- (l) Promotion and protection of right to a clean and healthy environment in accordance with Article 42 of the Constitution of Kenya 2010;
- (m) Commitment to fulfilment of the state obligations in respect of the environment as stipulated Under Article 69 of the Constitution of Kenya, 2010.

PART II — CO-ORDINATION AND OVERSIGHT

5. There is established the County Climate Change Steering Committee.

County Climate
Change Steering
Committee

6. (1) The Steering Committee shall comprise of not more than 11 members who shall be appointed by the Governor.

Composition of
Steering
Committee

(2) The members of the Steering Committee shall be—

- (a) Governor as Chairperson
- (b) Director in charge of matters Climate Change as Secretary who shall be ex-officio
- (c) County Executive Committee member in charge of Finance and Planning
- (d) County Executive Committee member in charge of Agriculture, Livestock and Fisheries
- (e) County Executive Committee member in charge of Health
- (f) County Executive Committee member in charge of Water and Irrigation
- (g) County Director of Meteorology
- (h) County Director of Environment
- (i) One representative of Public Benefit Organizations working in the county nominated by the organization representing the largest number of public benefit organizations in the county
- (j) One representative of the private sector in the county nominated by the county business community network
- (k) One representative of women in the county nominated by the county women's network
- (l) One representative of youth in the county nominated by the county youth network
- (m) One representative of persons with disability in the county nominated by the county persons with disabilities network

(3) A person shall not qualify to be nominated for appointment under subsections (2)(i), (j), (k), (l) and (m) unless the person has demonstrable experience, expertise and interest in issues of climate change, natural resource management and/or environmental conservation and has actively and publicly engaged with these issues in the county.

(4) Without prejudice to the provisions of subsection (3), a person shall qualify to be nominated for appointment under subsections (2) (i), (j), (k), (l) and (m) if such person:

- (a) is a citizen of Kenya;
- (b) is a resident in the county for at least five years;
- (c) fulfils the requirements of Chapter 6 of the Constitution; and
- (d) has at least five (5) years' experience in the relevant field.

(5) The Governor shall ensure compliance with the two-thirds gender principle in the appointment of members of the Steering Committee.

7. The Steering Committee shall coordinate and oversee climate change response in the county, and in this connection shall—

Functions of
Steering
Committee

- (a) ensure mainstreaming of climate change into county planning and development process;
- (b) coordinate, formulate and monitor implementation of the County Climate Change Action Plan, County Climate Finance Framework and any other county climate change policies, plans and strategies;
- (c) administer the County Climate Change Fund established under this Act;
- (d) review, approve and monitor implementation of Regulations for administration and management of the Fund;
- (e) review and make recommendations on the biennial report on implementation of the County Climate Change Action Plan and any other reports on climate change response interventions in the county;
- (f) advise the county government on legislative, policy and other measures necessary for climate change response and attainment of low carbon climate resilient development;
- (g) approve and oversee the implementation in the county of a comprehensive programme of climate change education, awareness creation and capacity building;

- (h) provide policy direction on research, training and dissemination of information relating to climate change to the public and other stakeholders of the county;
- (i) ensure positive linkages, interaction and synergy between the county, neighbouring counties and the national government in climate change response programming and action;
- (j) ensure a coordinated approach to climate change response programming and action within the county government, between the county government and national government, and among the different stakeholders in the county; and
- (k) perform any other functions that may further the foregoing objectives and/or may be assigned by the county government.

8. Names of persons nominated for appointment under section 6 (2) (i), (j), (k), (l) and (m) shall be presented to the county assembly for approval.

Approval of appointments by the County Assembly

9. Members of the Steering Committee appointed under section 6 (2) (i), (j), (k), (l) and (m) shall serve for a term of five years, renewable once.

Term of the Steering Committee

10. (1) There is established a County Climate Change Directorate as a directorate in the County department responsible for matters environment that shall serve as the Secretariat of the Steering Committee and the Planning Committee.

Secretariat of the Steering Committees

(2) The Directorate shall be headed by the director of Climate Change who shall be recruited competitively and appointed by the County Public Service Board.

(3) A person shall be qualified for appointment as a director for climate change if the person:

- (a) is a citizen of Kenya;
- (b) has a postgraduate degree, knowledge and experience in any of the following fields:
 - (i) Environmental studies
 - (ii) Meteorology
 - (iii) Climatology
 - (iv) Engineering

- (v) Law
- (vi) Economics
- (vii) Environmental Sociology
- (c) Has at least ten years' experience at senior management level in the relevant field;
- (d) Has undergone a training on Basic enforcement course

(4) A director appointed under subsection (2) shall be responsible for performance of specific duties and functions of the directorate as set out in this Act.

(5) without prejudice to the generality of the foregoing subsection, the Directorate shall perform the following duties and functions—

- (a) Provide analytical support on climate change to the various sector departments and agencies;
- (b) Establish and manage a county registry for appropriate mitigation actions by private and public entities;
- (c) To serve as the county knowledge and information management section for collating, verifying, refining, and disseminating knowledge and information on climate change;
- (d) That in collaboration with other agencies of the national and county governments—
 - (i) Identify low carbon development strategies and coordinate related measurements, reporting and verification;
 - (ii) Develop strategies and coordinate actions for building resilience to climate change and enhance adaptive capacity;
 - (iii) Optimize the county's opportunities to mobilize climate finance.
- (e) Coordinate adherence to the county, national and international obligations including associated reporting requirements on matters climate change;
- (f) Coordinate implementation of gender and intergenerational climate change education, consultation and learning at the sub county and ward levels;

- (g) Provide, on instruction from the Executive Committee member for the time being responsible for matters climate change, technical assistance based on needs identified by the county government.

(6) The County Public Service Board shall determine the staff establishment required for the Directorate to effectively perform its functions under this Act.

11. (1) Members of the Steering Committee shall at their first meeting elect a vice-chairperson from amongst the members appointed under section 6(2)(i), (j), (k) and (l).

Meeting of the
Steering
Committee

(2) The Steering Committee shall meet at least once every six months in every financial year.

(3) The quorum for meetings of the Steering Committee shall be two-thirds of the membership.

(4) A resolution of the Steering Committee shall require an affirmative vote of at least one half of the members present at a meeting, excluding the chairperson's vote which shall be a casting vote.

(5) In the absence of the Chairperson, the Vice-chairperson shall chair meetings of the Steering Committee, and in the absence of both the Chairperson and the Vice-chairperson members in attendance shall elect one of them to chair the meeting.

(6) The Steering Committee may invite to its meetings any person that it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the Minutes of the Steering Committee.

12. Members of the Steering Committee shall be paid such allowances as the County Treasury in consultation with salaries and remuneration commission may determine in accordance with the Public Finance Management Act and its Regulations.

Allowances for
members of the
Steering
Committee

13. Subject to the provisions of this Act, the Steering Committee may, either generally or in a particular case, delegate the exercise of any of its functions under this Act to any Subcommittee or to any member of the Steering Committee or officer or agent thereof.

Delegation of
powers by the
Steering
Committee

PART III – INSTITUTIONAL FRAMEWORK FOR PLANNING AND IMPLEMENTATION

A. COUNTY CLIMATE CHANGE PLANNING COMMITTEE

14. There is established the County Climate Change Planning Committee.

Establishment of
Planning
Committee

15. (1) The Planning Committee shall comprise of the following persons—

Composition of
Planning
Committee

- (i) Chief Officer in charge of Climate Change who shall be the chairperson
- (ii) Director in charge of Climate Change/Environment of County Government, who shall be the Secretary
- (iii) Director in charge of Finance and Planning
- (iv) Director –Technical, in charge of Agriculture, Livestock and Fisheries
- (v) Director in charge of Public Health and Sanitation
- (vi) Director in charge of Water and Irrigation
- (vii) County Director of Environment or designated representative
- (viii) County Director of Meteorology or a designative representative
- (ix) One representative of Public Benefit Organizations working in the county nominated by the umbrella organization representing the largest number of public benefit organization in the county.
- (x) One representative of the private sector in the county nominated by the county women's network
- (xi) One representative of youth in the county nominated by the county youth network
- (xii) The Administrator of the Fund, who shall be an *ex-officio* member without any voting rights

(2) Members of the Planning Committee shall at their first meeting elect a vice-chairperson from among the members nominated for appointment under subsection (1)(ix), (x), (xi) and (xii).

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16. (1) Members of the Planning Committee shall be appointed by the Executive Committee Member.

Appointment and
Term of Planning
Committee

(2) Members of the Planning Committee appointed under section 15(1) (ix), (x), (xi) and (xii) shall serve for one non-renewable term of five years.

17. The functions of the Planning Committee shall be:

Functions of
Planning
Committee

- (a) to coordinate planning, and implementation of projects and activities for climate change response in the county;
- (b) to coordinate implementation of the County Climate Change Action Plan and the County Climate Finance Framework;
- (c) establish guidelines to be used by Ward Planning Committees in formulating climate response projects for funding by the County Climate Change Fund;
- (d) support Ward Planning Committee in development and implementation of climate response projects;
- (e) coordinate development and implementation of the County Climate Change Fund Regulation;
- (f) advise the Steering Committee on strategies, priority programmes, projects and activities for climate change response in the county;
- (g) formulate and implement strategic actions to foster climate change education, awareness creation and capacity development in the county;
- (h) to coordinate research and knowledge management on climate change, its impacts and strategies for responding thereto;
- (i) formulate and implement a county monitoring, evaluation and reporting framework for climate change response.

18. The County Climate Change Directorate shall serve as the Secretariat of the Planning Committee.

Secretariat of
Planning
Committee

19. (1) The Planning Committee shall meet at least once every quarter in each financial year.

Meetings of
Planning
Committee

(2) Save for the inaugural and emergency meetings which shall be held at the county headquarters, meetings of

the Planning Committee shall be convened and held in the different wards on a rotational basis.

(3) The quorum for meetings of the Planning Committee shall be two thirds of the members.

(4) A resolution of the Planning Committee shall require an affirmative vote of more than one half of the membership present at a meeting, excluding the chairperson's vote which shall be a casting vote.

(5) In the absence of the chairperson, the vice-chairperson shall preside over a meeting, and in the absence of both the chairperson and the vice-chairperson, the members in attendance shall elect one of them to chair the meeting; provided that no two consecutive meetings shall be held without either the chairperson or the vice-chairperson being present.

(6) The Planning Committee may invite to its meetings any person that it considers will contribute to its deliberations, and the attendance and participation of such persons shall be recorded in the Minutes of the Planning Committee.

20. Members of the Planning Committee shall be paid such allowances as provided for under the Public Finance Management Act and its Regulations.

Allowances for
members of
Planning
Committee

B. WARD CLIMATE CHANGE PLANNING COMMITTEE

21. There shall be established a Ward Climate Change Planning Committee in each ward.

Establishment of
Ward Planning
Committees

22. (1) A Ward Planning Committee shall be comprised of 7 members representing the diverse interests in the community, namely:

Composition of
Ward Planning
Committee

- (i) one male elder
- (ii) one female elder
- (iii) one male youth
- (iv) one female youth
- (v) one male person living with disability
- (vi) one female person living with disability
- (vii) one person representing Community-based Organizations in the Ward and actively engaged in climate change response activities who shall be

nominated by an officially recognized Ward level network of Community-based Organizations

(viii) the Ward Administrator who shall be the Secretary and an *ex-officio* member with no voting rights

(2) Nomination/Co-opting of members falling under subsections (1)(i), (ii), (iii), (iv), (v) and (vi) shall be conducted by representatives of the respective groups at a meeting convened by the Ward Administrator at the Ward headquarters for that purpose and presided over by the Sub-county Administrator or a representative thereof.

(3) The Ward Administrator shall ensure that all interest groups are equitably represented by location at the nominations meeting, and the list of persons attending the meeting disaggregated by interest group and location shall constitute part of the record of the meeting.

(4) The notice convening the meeting under subsection (2) shall be issued not less than 14 days prior date thereof, and shall be widely publicised through public barazas, and/or community radio stations and/or any other form of media available in the ward.

(5) Nomination of the representative of Community-based Organizations shall be done through a meeting convened by the relevant network for that specific purpose, and communicated to the Ward Administrator in writing with a certified copy of the resolution.

(6) Where there is no officially recognized ward level network of Community-based Organizations, the Ward Administrator will consult with the Chiefs in the ward to agree on the appropriate representative under subsection (1)(vii).

(7) Within 30 days of the conclusion of the nominations, the Ward Administrator shall present the list of nominees to the Sub county Environment Officer who shall formally appoint the members, publicise the list as widely as possible within the Ward, and share it with the County Planning Committee for information.

23. (1) The first activity of the Ward Planning Committee at its first sitting shall be the election of a chairperson and a vice-chairperson from among the members.

Officers of the
Ward Planning
Committee

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(2) The chairperson and vice-chairperson shall not be members of the same gender.

24. (1) A person shall not qualify for appointment to serve on the Ward Planning Committee, unless he or she:

Qualifications for
appointment to
Ward Planning
Committee

- (a) is a resident of the Ward;
- (b) fulfils the requirements of Chapter Six of the Constitution on leadership and integrity;
- (c) demonstrates basic knowledge of climate change and environmental issues and has engaged in activities aimed at addressing the said challenges in the county;
- (d) indicates willingness to serve the community.

(2) Without prejudice to the provisions of subsection (1), persons nominated under section 22(1) (iii), (iv), and (vii) shall have a minimum of form four level of education.

25. (1) The functions of the Ward Planning Committee shall be:

Functions of
Ward Planning
Committees

- (a) to coordinate and mobilize communities and other stakeholders in the ward to design and implement climate change response activities;
- (b) to facilitate research and knowledge management at the ward level on climate change, its impacts and strategies for responding thereto;
- (c) facilitate public education, awareness creation, and capacity building at the ward level on climate change, its impacts and strategies for responding thereto;
- (d) to coordinate, facilitate and manage community consultations on priority climate change response activities;
- (e) participate in county planning and budgeting processes with a view to ensuring the mainstreaming of climate change and prioritization of climate change response in county development plans;
- (f) facilitate public participation in climate change governance, implementation of agreed climate change response activities, and monitoring of those activities;

- (g) coordinate and facilitate provision of technical support to communities in the ward in developing proposals on climate change response projects for funding by the County Climate Change Fund;
- (h) to oversee implementation of climate change response projects funded by the County Climate Change Fund and report thereon to the Planning Committee;
- (i) to perform any other functions that may be assigned to it by the Planning Committee.

26. Save for the Ward Administrator, members of the Ward Planning Committee shall serve for one non-renewable term of five years.

Term of Ward
Planning
Committees

27. (1) The Ward Planning Committee shall meet at least once in every quarter.

Meetings of Ward
Planning
Committee

(2) Save for the inaugural and emergency meetings, which shall be held at the ward headquarters, regular meetings of the Ward Planning Committee shall be convened and held in the different locations of the ward on a rotational basis.

(3) The quorum for the meetings of the Ward Planning Committees shall be two thirds of the members.

(4) A resolution of the Ward Planning Committee shall require an affirmative vote of more than one half of the membership present at a meeting, excluding the chairperson's vote which shall be a casting vote.

(5) In the absence of the chairperson, the vice-chairperson shall preside over a meeting, and in the absence of both the chairperson and the vice-chairperson, the members in attendance shall elect one of them to chair the meeting.

(6) Regular meetings of the Ward Planning Committee shall be scheduled in such a manner as to ensure that resolutions thereof are available in time for the next regular meeting of the Planning Committee.

(7) A Ward Planning Committee may invite to its meetings any technical staff whose expertise and skills may be needed for purpose of a matter before the Committee, and the Ward Administrator shall ensure that technical staff in the ward are available to advise the Committee as and when necessary.

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28. Members of the Ward Planning Committees shall be paid such allowances as prescribed under the Public Finance Management Act and its Regulations.

Allowances for
members of Ward
Planning
Committees

**PART IV – MEASURES AND ACTIONS FOR
RESPONDING TO CLIMATE CHANGE**

29. (1) The Executive Committee Member shall in consultation with the Steering Committee and relevant sectors and through a participatory process involving relevant stakeholders, formulate a County Climate Change Action Plan.

County Climate
Change Action
Plan

(2) The County Climate Change Action Plan shall be for a period of five years and shall run concurrently with the current National Climate Change Action Plan and County Integrated Development Plan.

(3) Without prejudice to the provisions of subsection (1), the Executive Committee member shall within one year of the coming into force of this Act coordinate development of an interim County Climate Change Action Plan for the remainder of the period of the current National Climate Change Action Plan.

(4) The County Climate Change Action Plan shall be reviewed and updated every five years through the same participatory process as the one followed in its formulation.

30. The County Climate Change Action Plan shall:

Contents of
County Climate
Change Action
Plan

- (a) be aligned to the current National Climate Change Action Plan and respond to the specific needs and circumstances of the county;
- (b) contain a climate change needs and response assessment for the county;
- (c) articulate a climate change response implementation plan informed by the climate change needs and response assessment, and specifying measures and mechanisms for:
 - (i) guiding the county toward the achievement of low carbon climate resilient sustainable development;
 - (ii) mainstreaming climate change into county development plans, programmes, strategies and projects;
 - (iii) adaptation to and mitigation of climate change;

- (iv) enhancing research, capacity building and knowledge management on climate change and climate change response;
- (v) enhancing public awareness for effective participation in climate change response;
- (vi) monitoring, evaluation and periodic review to integrate learning and best practice in the implementation of the County Climate Change Action Plan.

31. The County Climate Change Action Plan shall be approved by the Executive Committee and laid before the County Assembly for adoption.

Approval of
County Climate
Change Action
Plan

32. The Planning Committee shall undertake a biennial review of the implementation of the County Climate Change Action Plan and report to the Steering Committee.

Biennial review of
County Climate
Change Action
Plan

PART V – DUTIES RELATING TO CLIMATE CHANGE

33. (1) The Steering Committee may, on recommendation of the Executive Committee member and in consultation with relevant Executive Committee members, impose duties relating to climate change on any public entity operating within the county.

Climate change
duties of public
entities

(2) The imposition of climate change duties under subsection (1) shall be effected through regulations and preceded by public sensitization and consultations.

(3) Any public entity on which a climate change duty has been imposed shall in performing the said duty act in a manner best suited to the successful implementation of this Act and the County Climate Change Action Plan.

(4) Without prejudice to the provisions of subsection (1), every public entity operating in the county shall have the duty to:

- (a) mainstream climate change into sectorial strategies, plans and other frameworks for implementing its statutory functions;
- (b) perform its statutory functions in a manner that contributes to the implementation of the County Climate Change Action Plan;

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- (c) support the Steering Committee and the County Government in its planning, programming, implementation and monitoring of climate change response in the county; and
- (d) report annually to the Steering Committee on the status and progress of performance and implementation of all assigned climate change duties and functions.

34. (1) The Steering Committee may, on recommendation of the Executive Committee member and in consultation with relevant Executive Committee members, impose duties relating to climate change on any private entity operating within the county.

Climate change
duties of private
entities

(2) The Steering Committee shall make regulations governing the nature and procedure for reporting on performance of climate change duties by private entities, including monitoring and evaluation of compliance.

35. (1) The County Director of Environment shall on behalf of the Steering Committee, monitor, investigate and report on whether public and private entities are in compliance with the assigned climate change duties, and in performance of this function she or he shall:

Monitoring and
reporting on
compliance

- (a) have all powers necessary for purposes of monitoring and investigation including the power to enter premises of any private entity and make an enquiry; and
- (b) at a reasonable hour or otherwise accompanied by enforcement officers, for the purposes of monitoring and investigating, enter any private land or premises to inspect or other task related to this function.

(2) The County Director of Environment shall report to the steering committee on the performance of the functions under subsection (1) on annual basis, and such report shall form part of the reports by steering committee to the County Assembly.

36. Notwithstanding the provisions of section 34, the steering committee may;

Steering
committee may
require private
entity to report on
performance

- (a) by Notice in the gazette, require a private entity that is subject to climate change obligation to prepare a report on the status of its performance

thereof and prescribe the period for reporting; and

- (b) require any private entity that fails to perform its climate change duties to prepare a report within a specified time, on the actions it has taken, is taking or intends to take to ensure future performance of those duties.

37. (1) The steering Committee shall, within three months after the end of every financial years, publish publicly and submit a report on implementation of the County Climate Change Action Plan and other climate change responses, actions and impacts to the County Assembly for review, discussion and debate.

Annual County
Climate Change
Response Report

(2) The County Assembly shall within three months upon receiving the report, provide recommendations and proposed actions to the steering committee.

(3) A copy of the report issued under subsection (1) shall be forwarded to the National Directorate for information purposes.

PART VI – PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

38. The planning and implementation of climate responses in the County shall be informed by the values and principles specified in section 4 of this Act.

Values and
principles to apply
to planning and
implementation

39. (1) Within one year of this Act coming into force, the planning committee shall develop a comprehensive County Strategy for public education and awareness creation on climate change.

County Strategy
for climate change
education and
public awareness

(2) The strategy shall be developed through a participatory process involving all stakeholders in the County and validated at public meetings organized by ward planning committees in every ward.

(3) The strategy shall be approved by steering committee and its implementation mainstreamed into the county climate change action plan.

40.(1) Notwithstanding the provisions of section 39(3) the planning committee and ward planning committees shall ensure that the development of any climate change response program, plan, project or activity in the county is preceded by comprehensive campaign of public sensitization and awareness creation to facilitate informed public participation.

Public
sensitization to
precede
formulation of
climate change
response plans.

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(2) The planning Committee and the Ward planning committee shall report to the steering committee on public sensitization campaigns undertaken with reference to every climate change response programme, plan, project or activity in the county and demonstrate how the sensitization has made impact on the threshold of decision making.

(3) The report on public sensitization and awareness creation on climate change programs, plans, projects and activities shall be included in the reports of the steering committee under Sections 31 and 37 of this Act.

41. (1) The steering committee shall ensure that the planning committee and ward planning committee shall implement comprehensive capacity building to equip individual citizens and communities in the county for effective participation in climate change governance and response.

Capacity building
for effective
public
participation

(2) The planning committee and ward planning committee shall support and facilitate communities to establish community-based organizations and other frameworks for mobilization and engagement with climate governance and response issues in the County.

42. The steering committee, the planning committee, the ward planning committee shall publish, publicize and ensure access to all important climate change information in their possession.

Access to
information

PART VII—COUNTY CLIMATE CHANGE FUND

43.(1) There is hereby established the County Climate Change Fund to provide funding for priority climate change actions and interventions identified by communities and other stakeholders and approved by the steering committee.

Establishment of
the county
Climate Change
Fund

(2) The fund shall be vested in the County Treasury, administered by the steering committee and managed by the Fund Administrator appointed by the Executive committee member in charge of finance.

Sources Of The
Fund

44. The fund shall be financed through—

- (a) Initial capital appropriated by the County Assembly, being not less than two percent of the county annual development budget;
- (b) Money received from National Climate Change Fund;

- (c) International Climate Finance received by the County directly or through the National Designated Authority, National Implementing, Entity or other agency;
- (d) Donations, endowments, bequests, grants and gifts from individuals, public and private entities local or foreign;
- (e) Charges, fees, levies or fines received by the county government in connection with activities that adversely impact on climate in the county;
- (f) Interest and any other money that may lawfully accrue to the Fund in any form.

45. (1) The executive committee member in charge of finance shall, in consultations with the executive committee member, develop regulations for administration and management of the fund.

County Climate
change Fund
Regulations.

(2) The regulations made under subsection (1) shall provide for the following, among other matters—

- (a) formulation of the County Climate Finance Framework;
- (b) appointment and removal of the fund Administrator;
- (c) Operation of the fund;
- (d) eligibility criteria for accessing money from the fund;
- (e) development of project proposals, application for and disbursement of money from the fund;
- (f) procurement of services and goods;
- (g) complaints mechanism;
- (h) monitoring, evaluation, reporting and learning.

PART VIII—FINANCIAL PROVISIONS

46. (1) Functions of the Steering Committee, the Planning Committee and Ward Planning Committees and Secretariat shall be financed through a vote in the estimates of revenue and expenditure of the relevant department of Executive Committee.

Funding
operations of
steering and
planning
committees

(2) Participation of representatives from state and County Executive departments in the Steering Committee,

No. 4

the Planning Committee and Ward Planning Committees shall be financed through votes in the estimates of revenue and expenditure of the respective state and executive committee departments.

(3) Finances and accounts of the Steering Committee, the Planning Committee and Ward Planning Committees shall be administered and managed in accordance with the provisions of the Public Finance Management Act and the Regulations.

47. At least three months prior to the commencement of each financial year, the Executive Member shall cause to be prepared the estimates of revenue and expenditure of the Steering Committee, the Planning Committee and the Ward Planning Committees for the year.

Annual estimates
for Steering and
Planning
Committee

48. The financial year of the Steering Committee, the Planning Committee and the Ward Planning Committees shall be the period of twelve months ending the thirtieth June in each year.

Financial year of
Steering and
Planning
Committees

49. The Steering Committee, the Planning Committee and Ward Planning Committees shall cause to be kept all proper books and records of account and income, expenditure and assets, and shall cause the accounts to be audited within a period of three months after the end of each financial year.

Accounts and
audit of Steering
and Planning
Committees

PART IX—MISCELLANEOUS PROVISIONS

50. (1) No action taken or thing done by a member, officer or agent of the Steering Committee, the Planning Committee or the Ward Planning Committee in good faith and in performance of its functions or execution of powers vested in the said committees by this Act, shall render the member, officer or agent or any person acting on their decisions personally liable for any action, claim or demand whatsoever.

Protection from
personal liability

(2) The provisions of subsection (1) shall not relieve the Steering Committee, the Planning Committee or Ward Planning Committees of liability to pay compensation or damages to any person for any injury to him or her, his or her property or any of his or her interests caused by negligence in the exercise of any power conferred by this the Act or any other written law or by the failure, wholly or partially, of any works.

51. A person who—Offences and
penalties

- (a) without lawful excuse ignores or fails to obey any instructions issued by any member or officer or agent of the Steering Committee, the Planning Committee or Ward Planning Committee in exercise of the powers or performance of all the functions of the Committees under this Act; or
- (b) wilfully obstructs any member or officer or agent of the Steering Committee, the Planning Committee or Ward Planning Committee in the discharge of their lawful duties; or
- (c) misrepresents, knowingly submits false or misleading information to any member or officer or agent of the Steering Committee, the Planning Committee or Ward Planning Committee in the exercise of powers or the performance of the functions of the said Committees under this Act commits an offence and shall be liable upon conviction to the punishment provided for under section 33 of the Climate Change Act, No. 11 of 2016

52. The Executive Committee member shall make Regulations for the proper administration of this Act.

Regulations

