

# **BUNGOMA COUNTY CLIMATE CHANGE BILL, 2020**

*(No....2020)*

*Date of Assent.....*

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An ACT of the County Assembly of Bungoma to provide for a legal framework for enhanced county climate change mitigation and adaptation programmes and for connected purposes.

ENACTED by the County Assembly of Bungoma as follows:-

### PART I - PRELIMINARY

Short Title	<p>1. This Act may be cited as the Bungoma County Climate Change Act, 2020 and shall come into force on the date assent by the governor</p>
Interpretation	<p>2. In this Act unless the context otherwise requires:</p> <p><b>"adaptation"</b> means adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects to moderate harm or exploit beneficial opportunities</p> <p><b>"adaptive capacity"</b> 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</p> <p><b>"Authority"</b> means the National Environment Management Authority established by the Environmental Management and Coordination Act, 1999 as amended by the Environmental Management and Coordination (Amendment) Act, 2015;</p> <p><b>"climate change"</b> 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</p> <p><b>"constitution"</b> means the Constitution of Kenya, 2010</p> <p><b>"county"</b> means Bungoma County</p> <p><b>"county assembly"</b> means the County Assembly of Bungoma</p> <p><b>"county government"</b> means the County Government of Bungoma</p> <p><b>"directorate"</b> means the Climate Change Directorate established under section 9(1) of the Climate Change Act, 2016,</p>

	<p><b>“environment”</b> has the meaning assigned to it in section 2 of the Environmental Management and Coordination Act 1999</p> <p><b>“executive committee member”</b> means the County Executive Committee Member for the time being responsible for matters of climate change</p> <p><b>“fund”</b> means the County Climate Change Fund established under section 39 of this Act</p> <p><b>“fund administrator”</b> means the Administrator of the County Climate Change Fund established under section 39 of this Act</p> <p><b>“governor”</b> means the Governor of Bungoma County</p> <p><b>"mitigation"</b> means preventing, reducing or slowing down the increase of atmospheric greenhouse gas concentrations by limiting current or future emissions and enhancing potential sinks for greenhouse gases</p> <p><b>‘planning committee’</b> means the County Climate Change Planning Committee established under section 12 of this Act</p> <p><b>"private entity"</b> means a body or person with functions of a private nature, and includes bodies registered under the Public Benefits Organisations Act,2013</p> <p><b>"public entity"</b> means a body or person with functions of a public nature;</p> <p><b>"resilience"</b> 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-organisation and the capacity to adapt to stress and change</p> <p><b>“steering committee”</b> means the County Climate Change Steering Committee established under section 5 of this Act</p> <p><b>"vulnerability"</b> means the conditions determined by physical, social, economic and environmental factors or processes, which increase the susceptibility of a system to the impact of hazards</p> <p><b>“ward planning committee”</b> means the Ward Climate Change Planning Committee established under section 18 of this Act</p>
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<p>Objects and Purpose</p>	<p>3. The purpose of this Act is to ensure Bungoma County takes effective and timely action to contribute towards meeting the National Obligations on Climate Change through facilitating the establishment of structures and systems for climate change adaptation, mitigation and financing of programs and projects in the County by –</p> <ul style="list-style-type: none"> <li>a) mainstreaming of climate change in different sectors;</li> <li>b) initiating and coordinating financing of climate change adaptation and mitigation projects at the community level;</li> <li>c) facilitating community-initiated climate change adaptation and mitigation projects;</li> <li>d) coordinating collection and dissemination of climate change information to the public to create awareness and preparedness;</li> <li>e) seeking and receiving grants from the National government and relevant implementing partners;</li> <li>f) developing and reviewing County climate change policy and legislative framework.</li> <li>g) implementing any relevant obligations of the State under international agreements related to climate change;</li> <li>h) regulate and manage all activities related to climate change,</li> <li>i) requiring lead agencies including government, departments, private sector and individual citizens to undertake their own respective roles in climate change response measures;</li> <li>j) Providing for procedural and administrative matters.</li> </ul>
<p>Guiding Values and Principles</p>	<p>4. (1) In fulfilling its mandate, the County Government, shall act in accordance with the values and principles set out in the Constitution and any other written law.</p> <p>(2) The guiding values and principles of low carbon climate change, resilience and development in this section shall bind the County Government and all persons when—</p> <ul style="list-style-type: none"> <li>(a) enacting, applying or interpreting any provisions of this Act; and</li> <li>(b) making or implementing public policy decisions on climate change</li> </ul>

## PART II – COORDINATION AND OVERSIGHT

<p>Establishment of the County Climate Change Steering Committee</p>	<p>5. There is established a Steering Committee appointed by the Governor to be known as the Bungoma County Climate Change Steering Committee</p>
	<p>6. The County Steering Committee shall comprise of:</p>

<p>Composition of the Steering Committee</p>	<ul style="list-style-type: none"> <li>a) the Governor, who shall be the Chairperson and in his absence the deputy governor shall be the chairperson;</li> <li>b) the Executive Committee member (CECM) for the time being responsible for matters of Environment and Climate Change who shall be the secretary.</li> <li>c) the Executive Committee Member for the time being responsible for matters of the County Treasury;</li> <li>d) the Executive Committee Member for the time being responsible for matters of agriculture, livestock and fisheries;</li> <li>e) the Executive Committee Member for the time being responsible for matters of Public Administration</li> <li>f) the Executive Committee Member for the time being responsible for matters of Gender</li> <li>g) the County Commissioner or his representative</li> <li>h) a representative of the private sector nominated by registered professional associations;</li> <li>i) a representative of the civil society organization whose activities are related to climate change; and</li> <li>j) a representative of the academia, private institutions with knowledge in matters of environment and climate change.</li> <li>k) In making these appointments to the County Steering Committee, consideration has to be made to the two-thirds gender rule and the provisions of Article 27 of the Constitution shall apply.</li> <li>l) A person shall be qualified for appointment under S.6 (h), (i) and (j) respectively if the person— <ul style="list-style-type: none"> <li>i. is a resident of Bungoma County</li> <li>ii. has knowledge and experience in any of the following fields:- climate change, natural resource management and/or environmental conservation and has actively and publicly engaged with these issues in the County.</li> </ul> </li> </ul>
<p>Tenure of the County Steering Committee</p>	<p>7. A member of the County Climate Change Steering Committee under S. 6 (h), (i) and (j) shall hold office for three years and shall be eligible for reappointment for a further term of three years only.</p>
<p>Functions of the Steering Committee</p>	<p>8. The County Climate Change Steering Committee shall –</p> <ul style="list-style-type: none"> <li>a) mainstream climate change projects, programs and activities in county planning and budgeting and ensure their approval and inclusion in the county integrated development plan;</li> </ul>

	<ul style="list-style-type: none"> <li>b) approve the County climate change funding proposals as recommended by the county planning climate change planning committee.</li> <li>c) approve all payments of climate change funded projects and programs;</li> <li>d) receive and approve project proposals for funding;</li> <li>e) receive and consider progress reports from the County Planning Committee;</li> <li>f) approve capacity building activities for the Steering Committee, County Planning Committee and the Ward Climate Change Planning Committees;</li> <li>g) ensure coordination among institutions implementing climate change programs so as to minimize duplication of effort;</li> <li>h) receive and consider reports on challenges and disputes identify obstacles on the implementation of climate change programs and make proposals for resolving the obstacles;</li> <li>i) monitor disbursement; oversee budget execution;</li> <li>j) advice on partners' collaboration and domestication and implementation of the five year National Climate Change Action Plan through Council of Governors;</li> <li>k) ensure smooth flow of information across the lead agencies;</li> <li>l) mobilize resources for climate change actions in the county; and</li> <li>m) perform any other function that may be necessary to ensure attainment of the object and purpose of this act.</li> </ul> <p>The Steering Committee shall in the performance of its functions be responsible for Policy on climate change</p>
<p>Meetings of the County Climate Change Steering Committee</p>	<p>9. The meetings of the County Climate Change Steering Committee shall be conducted as follows:-</p> <ul style="list-style-type: none"> <li>a) The County Climate Change Steering Committee shall meet at least once in a quarter in each financial year.</li> <li>b) The quorum for meetings of the County Climate Change Steering Committee shall be at least half of the membership.</li> <li>c) In the absence of the chairperson, the vice-chairperson shall chair meetings of the County Climate Change 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.</li> <li>d) The County Climate Change Steering Committee may invite to its meetings any technical staff of the national</li> </ul>

	or County government which it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the minutes of the County Climate Change Steering Committee
Remuneration of the County Climate Change Steering Committee	10. The County Climate Change Steering Committee, shall draw sitting allowance or any such remuneration at a rate recommended by the Salaries and Remuneration Commission (SRC) for committees of such mandates.
Delegation of Powers by the County Steering Committee	11. Subject to the provisions of this Act, the County Climate Change 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 County Steering Committee or officer or agent thereof

## **PART III – INSTITUTIONAL FRAMEWORK FOR PLANNING AND IMPLEMENTATION**

### **A. COUNTY CLIMATE CHANGE PLANNING COMMITTEE**

Establishment of the County Climate Change Planning Committee	12. There is established a planning committee to be known as the County Climate Change Planning Committee that shall be appointed by the County Executive Committee Member for the time being responsible for matters of Environment and Climate Change
Composition of the County Climate Change Planning Committee	13. The committee shall comprise of— <ul style="list-style-type: none"> <li>a) Chief Officer for the time being responsible for matters of Environment and Climate Change who shall be the Chairperson;</li> <li>b) Chief Officer for the time being responsible for matters of the County Treasury who shall be the vice chairperson;</li> <li>c) County Director Water;</li> <li>d) County Director Agriculture</li> <li>e) County Director Energy</li> <li>f) County Director Health</li> <li>g) County Director Environment</li> <li>h) County Director Natural Resources and Forestry</li> <li>i) County Director Climate Change who shall be the Secretary</li> <li>j) Two representatives of Ward Planning Committees who shall be elected at a meeting of all the ward</li> </ul>



	<p>planning committees organized by the Sub County and Ward Administrators</p> <ul style="list-style-type: none"> <li>k) Fund Administrator (ex-officio member)</li> <li>l) Representatives of National Agencies dealing with climate change issues at the County level including National Environment Management Authority, Kenya Meteorological Department, Water Resources Authority, Kenya Forest Service, Kenya Wildlife Service;</li> <li>m) A representative from Public Benefit Organizations that has a wider coverage across the County on climate change matters</li> <li>n) A representative of persons living with disability</li> <li>o) Representative of academia and research institutions with knowledge in matters of environment and climate change</li> </ul>
Tenure of the County Climate Change Planning Committee	<p>14. Members of the County Climate Change Planning Committee appointed under section 13 (m), (n) and (o) shall be appointed through a competitive process and serve for a one non-renewable term of five years.</p>
Functions of the Planning Committee	<p>15. The County Climate Change Planning Committee shall:-</p> <ul style="list-style-type: none"> <li>a) Identify county wide climate change needs and vulnerabilities;</li> <li>b) Undertake internal and external resource mobilization;</li> <li>c) Review, prioritize and sequence projects submitted by Ward Climate Change Planning Committees based on the set criteria;</li> <li>d) Provide additional technical support to improve the Ward Climate Change Planning Committees proposals;</li> <li>e) Organize inter-ward meetings to review, refine and collate proposals from wards into a list of prospective proposals for funding;</li> <li>f) Receive, consider and recommend funding proposals and projects and forward to the County Climate Change Steering Committee for approval;</li> <li>g) prepare and submit an annual report on climate change response activities in the County;</li> <li>h) formulate and implement a county monitoring, evaluation and reporting framework for climate change response;</li> <li>i) Undertake Capacity building and training ward planning committees and;</li> <li>j) perform any other functions assigned to it by the County Steering Committee.</li> </ul>

	The County Planning Committee shall be the technical and advisory arm of the County Steering Committee
Secretariat of the County Planning Committee	16. There is hereby established a secretariat for the county planning committee which shall be domicile in the department of environment, water, tourism and natural resources.
Meetings of the County Climate Change Planning Committee	17. The meetings of the County Climate Change Planning Committee shall be conducted as follows:- <ul style="list-style-type: none"> <li>a) The County Climate Change Planning Committee shall meet at least twice in a quarter in each financial year.</li> <li>b) The County Climate Change Planning Committee may choose to rotate the location of its regular meetings to different wards in the County for purposes of engaging directly with communities and familiarising itself with their climate change-related challenges.</li> <li>c) The quorum for meetings of the County Climate Change Planning Committee shall be at least half of the membership.</li> <li>d) In the absence of the chairperson, the members in attendance shall elect one of them to chair the meeting.</li> <li>e) The County Climate Change Planning Committee may invite to its meetings any technical staff of the national or County government which it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the minutes of the County Climate Change Planning Committee</li> </ul>

## **B. WARD CLIMATE CHANGE PLANNING COMMITTEE**

Establishment of Ward Climate Change Planning Committee	18. There is established a committee that shall be known as the Ward Climate Change Planning Committee appointed by the county executive member for the time being responsible for matters of Environment and Climate Change.
Composition of the Ward Climate Change Planning Committee	19. (1) Composition of Ward Climate Change Planning Committee shall be as follows: <ul style="list-style-type: none"> <li>a) Sub County Administrator who shall be the Chairperson.</li> <li>b) Ward administrator (Secretary)</li> <li>c) Village/Community Administrators (Alternate Secretary)</li> </ul>

	<ul style="list-style-type: none"> <li>d) Sub-County Agriculture Officer</li> <li>e) Sub-County Environment Officer</li> <li>f) Sub-County Water Officer</li> <li>g) Sub-County Forest Officer</li> <li>h) Sub-County Climate Change Officer</li> <li>i) Sub County Health Officer</li> <li>j) Representative of the office of Member County Assembly</li> <li>k) Youth representative</li> <li>l) Woman representative</li> <li>m) A representative of the Community based Organizations actively operating in the ward on climate change actions</li> <li>n) A representative of people living with disability (PWDs)</li> <li>o) A representative of religious groups at the ward level</li> <li>p) (Assistant County Commissioner for the respective sub-county or his representative</li> </ul> <p>(2) In making these appointments to the Ward Climate Change Planning Committees, consideration has to be made to the two-thirds gender rule and the provisions of Article 27 of the Constitution 2010</p>
<p>Tenure of Ward Climate Change Planning Committees</p>	<p>20. A Ward Climate Change Planning Committee member under section 19 (j),(k),(l),(m),(n) will serve for a period of three years renewable once subject to satisfactory performance and provided he has attended at least half of the meetings</p>
<p>Functions of the Ward Climate Change Planning Committee</p>	<p>21. The Ward Climate Change Planning Committees shall;</p> <ul style="list-style-type: none"> <li>a) coordinate and mobilise communities and other stakeholders in the ward to design and implement climate change response activities;</li> <li>b) facilitate research and knowledge management at the ward level on climate change, its impacts and strategies for responding thereto;</li> <li>c) facilitate public education, awareness creation, and capacity building at the ward level on climate change, its impacts and strategies for responding thereto;</li> <li>d) coordinate, facilitate and manage community consultations on priority climate change response activities;</li> <li>e) participate in county planning and budgeting processes with a view to ensuring the mainstreaming of climate change and prioritisation of climate change response in county development plans;</li> </ul>

	<ul style="list-style-type: none"> <li>f) facilitate public participation in climate change governance, implementation of agreed climate change response activities, and monitoring of those activities;</li> <li>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;</li> <li>h) oversee implementation of climate change response projects at ward level funded by the County Climate Change Fund and report thereon to the Planning Committee; and,</li> <li>i) perform any other functions that may be assigned to it by the County Climate Change Planning Committee.</li> </ul>
<p>Qualifications for Appointment to the Ward Climate Change Planning Committee</p>	<p>22. (1) For appointment to the Committee a member: -</p> <ul style="list-style-type: none"> <li>a) Must fulfil requirement of Chapter Six of the Kenya Constitution 2010.</li> <li>b) Shall have basic knowledge of climate change.</li> <li>c) Shall have a minimum basic education; preferably form four or its equivalent.</li> <li>d) Shall be committed persons willing to serve the community</li> <li>e) A resident of the given Ward</li> </ul> <p>(2) Members nominated from the Community under this section 19(j), (k), (l), (m), (n) shall be through a competitive process.</p>
<p>Remuneration of County and Ward Planning Committees</p>	<p>23. Members of the county and Ward Climate Change Planning Committees shall be paid a sitting allowance or such remuneration at such rate as per the Salaries and Remuneration Commission (SRC) recommendations.</p>
<p>Meetings of the Ward Climate Change Planning Committee</p>	<p>24. Meetings of the Ward Climate Change Committee shall be conducted as follows;</p> <ul style="list-style-type: none"> <li>a) The ward climate change planning committee shall meet at least twice in each quarter</li> <li>b) Save for the inaugural and emergency meetings, which shall be held at the ward headquarters, regular meetings of the Ward Climate Change Planning Committee shall be convened and held in the different locations of the ward on a rotational basis</li> <li>c) The quorum for meetings of the Ward Climate Change Planning Committee shall be half of the members</li> </ul>

	<ul style="list-style-type: none"> <li>d) A resolution of the Ward Climate Change 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.</li> <li>e) 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</li> <li>f) Regular meetings of the Ward Climate Change 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</li> </ul>
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**PART IV – MEASURES AND ACTIONS FOR RESPONDING TO CLIMATE CHANGE**

County Climate Change Action Plan	<p>25. The process of development of a Climate Change Action Plan shall entail the following:-</p> <ul style="list-style-type: none"> <li>a) The Executive Committee Member shall in consultation with the County Climate Change Steering Committee and relevant sectors and through a participatory process involving relevant stakeholders, formulate a County Climate Change Action Plan.</li> <li>b) The County Climate Change Action Plan shall be for a period of five years</li> <li>c) Without prejudice to the provisions of subsection (a), 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.</li> <li>d) 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.</li> </ul>
Contents of the County Climate Change Action Plan	<p>26. The County Climate Change Action Plan shall:</p> <ul style="list-style-type: none"> <li>a) be aligned to the National Climate Change Action Plan and respond to the specific needs and circumstances of the County;</li> <li>b) contain a climate change needs and response assessment for the County;</li> </ul>

	<p>c) articulate a climate change response implementation plan informed by the climate change needs and response assessment, and specifying measures and mechanisms for:</p> <ul style="list-style-type: none"> <li>i. guiding the County toward the achievement of low carbon climate-resilient sustainable development;</li> <li>ii. mainstreaming climate change into county development plans, programmes, strategies and projects;</li> <li>iii. adaptation to and mitigation of climate change;</li> <li>iv. enhancing research, capacity building and knowledge management on climate change and climate change response;</li> <li>v. enhancing public awareness for effective participation in climate change response;</li> <li>vi. Monitoring, evaluation and periodic review to integrate learning and best practice in the implementation of the County Climate Change Action Plan.</li> </ul>
Approval of County Climate Change Action Plan	27. The County Climate Change Action Plan shall be approved by the County Climate Change Steering Committee and laid before the County Assembly for adoption.
Biennial review of County Climate Change Action Plan	28. The County Climate Change Planning Committee shall undertake a biennial review of the implementation of the County Climate Change Action Plan and report to the Steering Committee.

**PART V – DUTIES RELATING TO CLIMATE CHANGE**

Climate change duties of Public entities	<p>29. a) The Steering Committee may, on the 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.</p> <p>b) The imposition of climate change duties under subsection (a) shall be effected through regulations and preceded by public sensitisation and consultations.</p> <p>(c) 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.</p> <p>(d) Without prejudice to the provisions of subsection (a), every public entity operating in the County shall have the duty to:</p>
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	<ul style="list-style-type: none"> <li>i. Mainstream climate change into sectoral strategies ,plans and other frameworks for implementing its statutory functions;</li> <li>ii. Perform its statutory functions in a manner that contributes to the implementation of the County Climate Change Action Plan;</li> <li>iii. Support the Steering Committee and the County Government in its planning, programming, implementation and monitoring of climate change response in the County; and</li> <li>iv. Report annually to the Steering Committee on the status and progress of performance and implementation of all assigned climate change duties and functions.</li> </ul>
Climate change duties of Private entities	<p>30. (1)The Steering Committee may, on the 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.</p> <p>(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</p>
Monitoring and reporting on Compliance	<p>31. (1) The County Climate Change Director shall with the assistance of the representative of the National Environment Management Authority and 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 functions he or she shall:</p> <ul style="list-style-type: none"> <li>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</li> <li>b) at a reasonable hour, for the purposes of monitoring and investigation, enter any private land or premises to make an inspection or other task related to this function.</li> </ul> <p>(2)The County Director of Climate Change shall report to the Steering Committee on the performance of functions under subsection(1) on an annual basis, and such report shall form part of the report by the Steering Committee to the County Assembly</p>

<p>Potential Role of Private Entity in Reporting on Performance</p>	<p>32. Notwithstanding the provisions of section 27, the County Climate Change Steering Committee may:</p> <p>(a) require a private entity that is subject to climate change obligations to prepare reports on the status of its performance thereof and prescribe the period for reporting; and</p> <p>(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</p>
<p>Annual County Climate Change Response Report</p>	<p>33. (1) The County Climate Change Steering Committee shall, within three months after the end of every financial year, publish and submit a report on implementation of the County Climate Change Action Plan and other climate change response actions and impacts to the County Assembly for consideration and adoption.</p> <p>(2) The County Assembly shall, within three months of receiving the report, provide recommendations and proposed actions to the Steering Committee.</p> <p>(3) A copy of the report issued under subsection (1) shall be forwarded to the Directorate for information purposes</p>

**PART VI – PUBLIC PARTICIPATION AND ACCESS TO INFORMATION**

<p>Values and principles to Apply to planning and implementation</p>	<p>34. The planning and implementation of climate change response in the County shall be informed by the values and principles specified in section 4 of this Act</p>
<p>County strategy for climate Change education and public awareness</p>	<p>35. (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.</p> <p>(2) The strategy shall be developed through a participatory process involving all stakeholders in the County and validated at public meetings organised by Ward Planning Committees in every ward.</p> <p>(3) The strategy shall be approved by the Steering Committee and its implementation mainstreamed into the County Climate Change Action Plan.</p>
<p>Public sensitisation to Precede formulation of</p>	<p>36. (1) Notwithstanding the provisions of section 35 the Planning Committee and Ward Planning Committees</p>



<p>Climate change response plans</p>	<p>shall ensure that the development of any climate change response programme, plan, project or activity in the County is preceded by comprehensive campaign of public sensitisation and awareness creation to facilitate informed public participation.</p> <p>(2)The Planning Committee and the Ward Planning Committees shall report to the Steering Committee on public sensitisation campaigns undertaken with reference to every climate change response programme, plan, project or activity in the County and demonstrate how the sensitisation has made an impact on the threshold of decision making.</p> <p>(3)The report on public sensitisation and awareness creation on climate change programmes, plans, projects and activities shall be included in the reports of the Steering Committee under sections 31 and 33 of this Act.</p>
<p>Capacity building for effective public participation</p>	<p>37. (1)The County Climate Change Steering Committee shall ensure that the Planning Committee and Ward Planning Committees implement comprehensive programmes of capacity building to equip individual citizens and communities in the County for effective participation in climate change governance and response.</p> <p>(2)The County Climate Change Planning Committee and Ward Climate Change Planning Committees shall support and facilitate communities to establish Community Based Organisations and other frameworks for mobilisation and engagement with climate governance and response issues in the County.</p>
<p>Access to information</p>	<p>38. (1) The County Climate Change Steering Committee, the County Climate Change Planning Committee, the Ward Climate Change Planning Committee shall publish, publicise and ensure access to all important climate change information in their possession in an appropriate format to make it useable by different actors</p> <p>(2)The County Climate Change Steering Committee, the County Climate Change Planning Committee, the Ward Climate Change Planning Committees shall partner with Kenya Department of Meteorology to develop Climate Information Services to package and disseminate climate information through appropriate channels</p>

**PART VII – COUNTY CLIMATE CHANGE FUND**

<p>Establishment of County Climate Change Fund</p>	<p>39. (1) There is hereby established a fund to be known as 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.</p> <p>(2) The Fund shall be domicile in the Department responsible for Climate Change Affairs, administered by the Steering Committee and managed by the Fund Administrator designated by the Executive Committee Member for the time being responsible for matters of the County Treasury</p>
<p>Sources of the Funds</p>	<p>40. The Fund shall be financed through:-</p> <ul style="list-style-type: none"> <li>a) Money appropriated annually by the County Assembly, which shall not be less than two percent of the annual development budget of the County;</li> <li>b) Money received from the National Climate Change Fund;</li> <li>c) International Climate Change Finance received by the County directly or through the National Designated Authority, National Implementing Entity or other agency;</li> <li>d) Donations, endowments, bequests, grants and gifts from individuals, public and private entities local or foreign;</li> <li>e) Charges, fees, levies or fines received by the county government in connection with activities that adversely impact on climate in the County; and,</li> <li>f) Interest and any other money that may lawfully accrue to the Fund in any form</li> </ul>
<p>County Climate Change Fund Regulations</p>	<p>41. (1) The Executive Committee Member for the time being responsible for matters of the County Treasury shall, in consultation with the Executive Committee, and with the approval of the County Assembly develop Regulations for administration and management of the Fund</p> <p>(2) The Regulations made under subsection (1) shall provide for the following, among other matters:-</p> <ul style="list-style-type: none"> <li>a) Formulation of the County Climate Finance Framework;</li> <li>b) Appointment and removal of the Fund Administrator;</li> <li>c) Operation of the Fund;</li> </ul>

	<ul style="list-style-type: none"> <li>d) Eligibility criteria for accessing money from the Fund;</li> <li>e) Development of project proposals, application for and disbursement of money from the Fund;</li> <li>f) Complaints mechanism; and,</li> <li>g) monitoring, evaluation, reporting and learning</li> </ul>
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## PART VIII – FINANCIAL PROVISIONS

<p>Funding operations of the County Climate Change Steering and Planning Committees</p>	<p>42. (1) Functions of the County Climate Change Steering Committee, the Planning Committee and Ward Planning Committees and the secretariats there of shall be financed through a vote in the estimates of revenue and expenditure of the relevant Department of the Executive Committee Member.</p> <p>(2) Participation of representatives of State and County Executive Departments in the Steering Committee, the Planning Committee and Ward Planning Committees shall be financed by the Fund in accordance with Guidelines from the Salaries and Remuneration Commission.</p> <p>(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 Public Finance Management (County Governments) Regulations</p>
<p>Annual estimates for the County Climate Change Steering and Planning Committees</p>	<p>43. At least three months prior to the commencement of each financial year, the Executive Committee Member shall cause to be prepared the estimates of revenue and expenditure of the County Climate Change Steering Committee, the Planning Committee and the Ward Planning Committees for the year.</p>
<p>Financial year of the County Climate Change Steering and Planning Committees</p>	<p>44. The financial year of the County Climate Change Steering Committee, the Planning Committee and the Ward Planning Committees shall be the period of twelve months ending the thirtieth of June in each year.</p>
<p>Accounts and audit of the County Climate Change Steering and Planning Committees</p>	<p>45. The County Climate Change 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.</p>

## PART IX – MISCELLANEOUS PROVISIONS

Protection from personal Liability	<p>46. (1) No civil or criminal proceedings shall be brought against a member, officer or agent of the County Climate Change Steering Committee, the Planning Committee or the Ward Planning Committee pursuant to actions or inactions arising in the performance of good faith.</p> <p>(2) The provisions of subsection (1) shall not relieve the County Climate Change Steering Committee, the Planning Committee or Ward Planning Committees of liability to pay compensation or damages to any person for any injury to him, his property or any of his interests caused by negligence in the exercise of any power conferred by this Act or any other written law or by failure wholly or partially of any works.</p>
Offences and penalties	<p>47. Any person who:-</p> <ul style="list-style-type: none"> <li>a) Without any lawful cause ignores or fails to obey any instructions issued by any member or officer or agent of the County Climate Change Steering Committee, the Planning Committee or Ward Planning Committee in exercise of the powers or performance of the functions of the Committees under this Act; or</li> <li>b) Wilfully obstructs any member or officer or agent of the County Climate Change Steering Committee, the Planning Committee or Ward Planning Committee in the discharge of their lawful duties; or (misrepresents, knowingly submits false or misleading information to any member or officer or agent of the County Climate Change Steering Committee, the Planning Committee or Ward Planning Committee in exercise of powers or the performance of the functions of the said Committees under this Act commits an offence and shall upon conviction be liable to the punishment provided for under section 33(1) of the Climate Change Act, 2016</li> </ul>
Transitional Provisions	<p>48. The County Climate Change Steering Committee and the County Planning Committee shall be constituted within two months of coming into force of this Act.</p>
Regulations	<p>49. The Executive Committee Member may make Regulations for the proper administration of this Act</p>

