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THE KERICHO COUNTY CLIMATE CHANGE ACT, 2021

No 1 of 2021

Date of Assent 19th January 2021

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THE KERICHO COUNTYCLIMATE CHANGE ACT, 2021

AN ACT of the County Assembly of Kericho County to establish a framework for facilitating and co-ordinating climate change governance, mitigation, adaptation, financing and for connected purposes

ENACTED by the County Assembly of Kericho, as follows—

PART I—PRELIMINARY**Short Title and commencement**

1 This Act may be cited as the Kericho County Climate Change Act, 2021 and shall come into operation on publication in the *Gazette*

Interpretation

2 In this Act, unless the context otherwise requires —

“climate change” means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods,

“climate change adaptation” means adjustment in natural or human systems in response to actual or anticipated adverse effects of climate change or stimuli or their effects to moderate or exploit beneficial opportunities,

“climate change awareness” means publicity and capacity building activities aimed at creating an awareness about climate change in the county,

“climate change mitigation” means measures undertaken to prevent or reduce the impact of human activity that cause climate change,

“Climate Change Resilience” means capability to maintain competent functions and return to some normal range of function even when faced with adverse impact of climate change,

“Climate Change Finance” means monies or financing available for or mobilized by the national government, County Government, international agencies, or non-government entities to finance climate change adaptation, mitigation and interventions,

“climate change finance framework” means a context specific policy items established under this Act and any other law to guide in the application of the Fund created under this Act,

“County” means Kericho County,

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“County Assembly” means the County Assembly of Kericho County,

“County Government” means the County Government of Kericho,

‘ County Climate Change Action Plan” means a documented set of co-ordinated actions to address climate change mitigation and adaptation to enhance resilience in the County,

“County Climate Change Secretariat” means secretariat established under this Act to co-ordinate climate change governance, mitigation adaptation, finance and resilience,

“County Planning Framework” means a County planning framework established by the County Government and includes the County Integrated Development Plan and other development plans as defined in the County Governments Act, 2012 and the Public Finance Management Act, 2012,

“County Treasury” has the meaning assigned to it under section 103 of the Public Finance Management Act, 2012,

“Executive Committee member” means the County Executive Committee Member responsible for matters of Climate Change in the County,

“Financial Year” means a period of twelve months ending on 30th June each year which is in conformity with the timelines for the County budget outlines in section 125 and 131 of the Public Finance Management Act, 2012,

“Fund” means Kericho Climate change Fund account established under section 21,

“Mainstreaming” means the integration of climate change actions into decision making and implementation of functions by the County departments

“Public Benefit Organization” has the meaning assigned to it under the Public Benefit Organizations Act, 2014

“Ward” has the meaning assigned to it under article 89 of the constitution

Object and purpose of the Act

3 The object and purpose of this Act is to establish a County Climate Change framework and structures to—

- (a) mainstream climate change programs into development planning, decision making and advisory on climate change in the County,

- (b) co-ordinate, collate and disseminate information on climate change to the public to create awareness and preparedness, and
- (c) establish a climate change fund, financial mechanism and governance framework for climate change response and risk mitigation

PART II—ADMINISTRATION

Establishment of the County Climate Change Steering Committee

4 (1) There is established a committee known as the County Climate Change Steering Committee comprised of—

- (a) the County Executive Committee Member responsible for climate Change matters who shall be the chairperson,
- (b) the County Executive Committee Member responsible for finance,
- (c) the County Executive Committee Member responsible for Agriculture,
- (d) the County Executive Committee Member responsible for Public Administration,
- (e) the County Executive Committee Member responsible for Health services,
- (f) the County Executive Committee Member responsible for Public Works,
- (g) the County Attorney,
- (h) a person from the National Government responsible for meteorological services in the County, and
- (i) the Chief Officer responsible for Climate Change matters who shall be the Secretary

(2) The Fund Administrator shall be a co-opted member of the County Climate Change Steering Committee

(3) The County Climate Change Steering Committee may co-opt one or more persons with relevant expertise when needed to advice on specific matters

Functions of the County Climate Change Steering Committee

5 The County Climate Change Steering Committee shall—

- (a) approve, mainstream and oversee the implementation of the County Climate Change Action Plan,

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- (b) facilitate the co-ordination of climate change finance projects and programs in the County,
- (c) advise the County Government on legislative, policy and other measures necessary for climate change adaptation and mitigation,
- (d) provide strategic direction, leadership and oversight to the climate change secretariat,
- (e) provide policy direction on research and training on climate change including on the collation and dissemination of information relating to climate change to the County Government, the public and other stakeholders,
- (f) provide guidance on review, amendment and harmonization of sectoral laws and policies in order to achieve the objectives of this Act,
- (g) develop necessary linkages for the climate change fund established under this Act with the national government and other relevant stakeholders,
- (h) formulate programs and plans to enhance resilience and adaptive capacity of human and ecological systems to the impacts of climate change in the County,
- (i) mainstream disaster risk reduction strategies and actions of public and private entities in the County,
- (j) provide incentives and obligations for private sector contribution in achieving low carbon climate resilient development in the County,
- (k) promote monitoring, evaluation, reporting and verification of climate change mitigation and adaptation initiatives,
- (l) promote uptake and efficient use of low carbon emission technologies and practices at the community level,
- (m) mobilize resources to support climate change programs, and
- (n) perform any other function that may be assigned from time to time

Department responsible for Climate Change

6 (1) Subject to the provisions of this Act, the Department responsible for climate change shall be responsible for the implementation of this Act

(2) The Department shall—

- (a) formulate and periodically review the Climate Change Policy, strategy, regulations and submit to the County Climate Change Steering Committee for approval,
- (b) co-ordinate integration and mainstreaming of climate change actions, interventions and duties set out in this Act, into various sectors,
- (c) co-ordinate mainstreaming the advisory of the National Climate Change Action Plan in County integrated development plan and the County sectoral plans, and
- (d) submit reports on climate change actions to the County Assembly for review and debate and a copy of the report to the National Directorate of Climate Change for information purposes at the end of every financial year,
- (e) the County Assembly shall, within six months of receiving the climate change report, provide recommendations and proposed actions to the County steering committee, the Executive Committee Member, the climate change secretariat and any other County department or entity

(3) The Department shall liaise with the County Climate Change Steering Committee in the discharge of its duties and functions under this Act

Establishment of County Climate Change Planning Committee

7 (1) There is established a County Climate Change Planning Committee

(2) The Committee shall comprise of—

- (a) Chief Officer responsible for environment as the Chairperson
- (b) Chief Officer responsible for finance and planning, as Vice-Chairperson,
- (c) Chief Officer responsible for water or a designated representative appointed in writing,
- (d) Chief Officer responsible for Agriculture or a designated representative appointed in writing,
- (e) Chief Officer responsible for Health Services or a designated representative appointed in writing,
- (f) Chief Officer responsible for public works or a designated representative appointed in writing,

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- (g) two Representatives of Ward Planning Committees,
- (h) one person to represent youths in the County,
- (i) one person to represent women in the County,
- (j) one person nominated by the National Council for persons with disabilities in the County,
- (k) a representative of key economic sectors in the County
- (l) a representative from a County wide Community Based Organizations or Public benefit organization
- (m) County Director of meteorological department, and
- (n) other persons co-opted to provide technical advice, whether on full time basis or on need basis

The functions of County Climate Change Planning Committee

- 8 (1) The Planning Committee will draw sitting allowances and be entitled to reimbursements for travel expenses while on official business
- (2) The County Climate Change Planning Committee shall—
 - (a) review prioritized and sequence projects submitted by Ward Climate Change Planning Committees based on the criteria,
 - (b) provide additional technical support where this is needed to improve the Ward Climate Change Planning Committees' proposals,
 - (c) organize inter-ward meetings to review, refine and collate proposals from wards into a County Adaptation Plan,
 - (d) based on the approved criteria, approve the proposals,
 - (e) forward the approved project proposals to County Climate Change Steering Committee through the Fund Administrator for validation and funding, and
 - (f) identify county wide climate change needs and vulnerabilities, prepare project proposals and submit them to the County Climate Change Steering Committee for funding

Climate Change secretariat

- 9 (1) There is established a Climate Change Secretariat in the County Department responsible for climate change which shall be the secretariat for the Climate Change Steering Committee

(2) The secretariat shall be responsible for development of climate change plans and their implementation

(3) The secretariat shall be headed by the Director responsible for climate change

Functions of the Secretariat

10 (1) The secretariat shall perform the following duties and functions—

- (a) implement climate change legislation and policy,
- (b) implement climate change plans and actions and report to the County climate change steering committee,
- (c) advise the County climate change steering committee on matters relating to legislation, policy, coordination, and monitoring climate change governance,
- (d) be responsible for coordination and monitoring of climate change governance,
- (e) provide technical support on climate change matters to County Departments and agencies,
- (f) establish and manage a County climate change database and registry for dissemination of information and knowledge on climate change,
- (g) develop and implement low carbon emission strategies,
- (h) prepare and submit operational and statutory reports to the relevant authorities,
- (i) develop, co-ordinate and implement climate change related research and innovations,
- (j) develop guidelines for climate change projects eligibility criteria,
- (k) ensure need based allocation of the monies available in the climate change fund with regard to the projects received from the ward administrators,
- (l) formulate monitoring and evaluation tools for projects financed by the climate change fund,
- (m) facilitate public participation at ward level in formulation of climate change programs and plans,
- (n) receive project proposals from the ward and develop technical components of the proposals, budgets and work plans, and

- (o) perform any other function related to climate change as may be assigned by the County Climate Change Steering Committee

Staff of the Secretariat

11 The Executive committee member shall ensure appropriate staffing levels for the Climate Change Secretariat to effectively perform its functions under this Act

Delegation of powers of County Climate Change Steering Committee

12 Subject to the provisions of this Act, the County Climate Change Steering Committee may delegate in writing the exercise of any of its functions under this Act

Conduct of affairs of County Climate Change Steering Committee

13 (1) The County Climate Change Steering Committee shall meet once every three months

(2) The County Climate Change Steering Committee shall conduct its affairs in accordance with guidelines under the First Schedule

(3) Members of the County Climate Change Steering Committee shall be paid such allowances in line with the guidelines of Salaries and Remuneration Commission

Establishment of Climate Change Ward Planning Committee

14 (1) There is an established Ward Climate Change Planning Committee in each Ward

(2) Each Ward committee shall comprise of the following persons, appointed by the County Executive Committee Member—

- (a) Community representatives appointed as follows—
 - (i) two persons elected by the community in the ward,
 - (ii) one person nominated to represent the youths in the ward,
 - (iii) one person nominated to represent the women in the ward ,
 - (iv) one person nominated by the National Council for persons with disabilities in the ward,
- (b) one person nominated to represent Community Based Organizations or Public benefit organization actively operating in the ward,
- (c) one person nominated to represent organized religious groups in the ward,
- (d) Ward Administrator, and

(e) Environment Officer

(3) The members of the ward committees under subsection (2)(a) and (b) shall —

(a) be residents of the respective Wards,

(b) have completed their O' level or its equivalent,

(c) Member of the committee must fulfil the requirement of Chapter Six of the Constitution on Leadership and Integrity, and

(d) have proven track record of community service in the Ward

(4) The first Ward committees meetings shall be convened by the sub county administrator for purposes of electing the chairperson and secretary

(5) The ward climate change planning committee will hold office for a period of three years which may be renewed for a single further term of three years

Functions of Ward Climate Change Planning Committees

15 (1) The Ward Climate Change Planning Committees shall—

(a) hold consultative meetings with communities together with relevant government planners, agencies and local organizations,

(b) conduct participatory livelihood and local economy resilience assessments These assessments shall enable different groups, within the wider community, to identify what improves or undermines their ability to manage challenges arising from increasing climate variability and long-term change,

(c) use the findings to prioritize and design investments that will promote climate change resilience, growth and adaptive livelihoods based on agreed criteria,

(d) prepare programme and project proposals, aggregate and co-ordinate sub-ward resilience needs and priorities identified and prioritized through community participation, and

(e) prioritize proposals and submit them to the County Climate Change Planning Committee for consideration and approval and forwarded to the County Climate Change Steering Committee for funding

(2) The Ward Climate Change Planning Committees shall conduct its affairs in accordance with guidelines under the Second Schedule

PART III—COUNTY CLIMATE CHANGE EFFECTS ADAPTATION AND MITIGATION MEASURES

Climate Change County Action Plan

16 (1) The County Climate Change secretariat shall formulate a County Climate Change Action Plan that shall be presented to the County Climate Change Steering Committee

(2) In formulating the County Climate Change Action plan, the secretariat shall be informed by—

- (a) scientific knowledge about climate change,
- (b) technology and technological innovations about climate change,
- (c) legal and policy framework relating to climate change, biodiversity and ecosystem,
- (d) indigenous knowledge related to climate change adaptation and mitigation,
- (e) social, economic and political circumstances that are likely to impact the action plan, and
- (f) outcomes of public participation

Mechanisms for the County Climate Change Action Plan

17 (1) The County Climate Change Action Plan shall prescribe measures and mechanisms to—

- (a) guide the County towards achieving low carbon emission and climate resilient sustainable development,
- (b) develop actions for mainstreaming climate change responses into sector functions for adaptation and mitigation against climate change,
- (c) develop a structure for public awareness and engagement in climate change response and disaster risk reduction,
- (d) enhance energy conservation, efficiency and use of renewable energy in industrial, commercial transport domestic and other uses,
- (e) identify outputs, overall budget estimates and timeframes to realize expected results, and
- (f) strengthen climate change research and development training and technology transfer

(2) The County Climate Change action plan shall address all sectors in the County and provide mechanisms for mainstreaming of the County climate change action plan into those sectors

(3) Approval of the County Climate Change action plan by the County climate change secretariat shall be by notice in the *Gazette*

(4) The Department responsible for matters of Climate Change shall—

(a) review and update the County climate change action plan after every five years, and

(b) ensure that public and private bodies or a person engaged in climate change governance and administration is when exercising any power or discharging any function under this Act be bound by the County Climate Change Action Plan

Duty of public sector in climate change

18 (1) The Executive Committee Member may impose obligations relating to climate change on any public body falling within the mandate of the County Government

(2) The Executive Committee Member may with the concurrence of the National Government impose obligations relating to climate change on any public body falling within the mandate of National Government

(3) The obligations that the Executive Committee Member may impose include a requirement that the public entity—

(a) integrates the County Climate Change Action Plan into sectoral strategies and other implementation projections for the assigned legislative or policy functions,

(b) reports on climate change mitigation and climate change adaptation interventions for County inventory,

(c) implements mechanisms for the sustainability in performance of sectoral mandates on Climate Change,

(d) reports annually to the executive committee member on the status of progress of performance and implementation of all assigned Climate Change duties and functions,

(e) regularly monitors and reviews the performance of the integrated climate change functions through sectoral mandates, and

(f) co-ordinates the mainstreaming of the climate change action plan and other climate change statutory functions and mandates into sectoral strategies for implementation

- (g) designate a senior officer to coordinate the mainstreaming of the climate change action plan and other climate change statutory functions and mandates into departmental strategies for implementation,

Collaboration with private sector on climate change compliance

19 (1) The County Government may collaborate with other agencies both public and private on matters relating to climate change

(2) Nothing contained in this Act prevents two or more wards with similar climate change projects from collaborating

Public awareness

20 (1) The County Climate Change Steering Committee shall publish and publicize all important information within their mandate

(2) Any person may request for information from the County Climate Change Steering Committee, and such request for information—

- (a) shall be addressed to the Secretary of the County Climate Change Steering Committee or the Climate Change Fund Administrator or such other designated person,
- (b) may be subject to the payment of the prescribed fee in instances where the County Climate Change Steering Committee incurs an expense in providing information, and
- (c) may be subject to confidentiality requirements of the County Climate Change Steering Committee

(3) Subject to Article 35 of the Constitution, the County Climate Change Steering Committee may decline to give information to an applicant where—

- (a) the request is considered unreasonable in the circumstances,
- (b) the information requested is at a deliberative stage within the Council or Directorate,
- (c) the prescribed fee is not paid, or
- (d) the applicant fails to satisfy any confidentiality requirements of the County Climate Change Steering Committee

(4) Every person is under an obligation to provide climate change information as may be required by law

(5) A person commits an offence if the person—

- (a) fails or refuses to give information that the person may lawfully be required to give to the County Climate Change Steering Committee, or
- (b) gives false or misleading information to the County Climate Change Steering Committee

(6) A person who commits an offence under subsection (5) is liable, on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a period not exceeding six month, or both

PART IV—FINANCIAL PROVISIONS

Establishment of the Climate change fund

21 (1) There is established a Fund known as Kericho County Climate Change Fund to generate funds for implementation of climate change programme

Application of the fund

22 (1) The Fund shall be applied to—

- (a) finance implementation of approved climate change projects and programmes,
- (b) finance climate change resilience and its assessment,
- (c) finance through grants and loans the implementation of climate change adaptation and mitigation actions,
- (d) provide funds for climate change research and innovation in the following fields—
 - (i) industrial research,
 - (ii) technological research,
 - (iii) policy formulation,
 - (iv) scientific research, and academic research,
- (e) provide grants and loans to business industry civil society, academia and other stakeholders for development of innovative actions that benefit climate change responses in Kericho County,
- (f) finance monitoring and evaluation exercise including documentation, photography and video recording of climate change projects and programmes,
- (g) capacity building activities at County level,
- (h) defray administrative costs which shall not exceed three percent 3% of the fund per financial year

(2) The expenditure incurred from the Fund shall be on the basis of, and limited to, annual work plan and cost estimates which shall be prepared by the Administrator of the Fund and approved by the County Climate Change Steering Committee at the beginning of the financial year to which they relate

(3) Any revision of the approved annual work plan and of any cost estimate shall be referred to the County Climate Change Steering Committee for approval

Sources of monies for the Fund

23 (1) The sources of monies for the Fund shall include—

- (a) monies appropriated by the County Assembly for the purpose of the Fund, of an amount not less than 1 % (one percent) of all the county annual budget in every financial year,
- (b) monies from the National government,
- (c) grants, donations and endowments,
- (d) climate finance received from International entities and donors,
- (e) income from fees, charges or penalties imposed for services,
- (f) grants and loans from the National climate Fund,
- (g) funds raised by stakeholders and supporters, and
- (h) Interest accruing from bank deposits in respect of the Fund

(2) Any unused monies at the end of the financial year shall be retained in the Fund and carried forward to the next financial year as provided for in section 116(3) of the Public Finance Management Act, 2012

(3) Despite subsection (2) any unused monies but already committed at the end of the financial year shall be retained in the Fund but shall not form part of the annual allocation for the Fund for the next financial year

(4) The County Government shall at the commencement of this Act provide seed money to operationalize this Fund

Administration of the fund

24 (1) There is established the Office of the Fund Administrator of the County Climate Change Fund who shall be the accounting officer of the Fund

(2) The Executive Committee Member for finance shall designate the County Director responsible for Climate Change to be the Administrator of the Fund

(3) The Fund Administrator shall be responsible for the day to day activities of the Fund

Functions of the Fund administrator

25 (1) Reporting to the County Climate Change steering committee, the Fund Administrator shall—

- (a) within three months after the end of the financial year prepare accounts for the Fund for that financial year,
- (b) not later than three months after the end of each financial year submit statement relating to the account to the Auditor-General
- (c) prepare quarterly financial statements for the Fund and non-financial performance of the Fund,
- (d) present financial statements of the Fund to the County Assembly every financial year,
- (e) not later than 15 days after the end of each quarter submit the quarterly report to the County treasury and a copy to the controller of budget,
- (f) supervise and manage operations of the bank account of the Fund,
- (g) ensure adequate budgetary provision for the Fund,
- (h) ensure that the Fund balances are administered in accordance with the provisions of the Public Finance Management Act and that the Fund balances are re-budgeted at the end of financial year,
- (i) prepare a framework for receiving and evaluating project proposals,
- (j) prepare and publish a yearly work plan,
- (k) develop a framework for linkage between the County Climate Change Steering Committee and the ward structures and between the County and other stakeholders,
- (l) implement the decisions of the County Climate Change Steering Committee,
- (m) publish the eligibility criteria for selection of projects developed by the County climate change steering committee,

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- (n) co-ordinate the disbursement of monies allocated to projects approved by the County Climate Change steering committee,
- (o) co-ordinate capacity building programs for the ward level structures, and
- (p) any other duty assigned by the County Climate Change Steering Committee

(2) The fund administrator shall cause an account to be opened in any commercial bank, approved by the county Treasury and the account shall be known as the "Kericho County Climate Change Fund Account "

(3) The signatories stated in the subsection (2) above shall be the fund administrator and three other members

- (4) The three other signatories of the account shall be—
 - (a) the Chief Officer to matters relating to climate change ,
 - (b) the Chief Officer to matters relating to finance'
 - (c) Project Co-ordinator

(5) The signing instructions shall be such that signature of the fund administrator shall be mandatory on all payments cheques and instruments for actual release of moneys from the fund plus two other person of the three signatories left

(6) The County Executive Member responsible for Finance shall issue on the banking arrangements for the Fund pursuant to the provisions of the Public Finance Management Act, 2012

Management of assets and liabilities

26 (1)The Fund Administrator is—

- (a) responsible for the management of the Fund's assets and liabilities, and
- (b) shall manage those assets in such a way as to ensure the fund achieves value for money in acquiring ,using and disposing of those assets

(2) The fund administrator shall dispose of the assets only in terms of the Public Procurement and Disposal Act, 2015 and pursuant to article 227 of the constitution and shall ensure that the proceeds from all assets disposal are credited into the Bank Account

Procurement

27 The fund administrator shall establish appropriate procurement processes for each ward committee

Expenditure of the Fund

28 (1) There shall be paid out of the Fund payments in respect of any expenses incurred pursuant to the object for which the Fund is established including—

- (a) providing grants for climate change policy formulation, research and innovation,
- (b) providing grants to businesses, industry, civil society, academia and other stakeholders for development of innovative actions that benefit climate change responses in the county,
- (c) financing, through grants, the implementation of climate change adaptation and mitigation actions, and
- (d) providing technical assistance to other stakeholders, where appropriate

Annual estimates

29 (1) At least three months before the commencement of each financial year the County Climate Change Steering Committee shall cause to be prepared estimates of the revenue and expenditure of the Fund for that year in accordance with the provisions of the Public Finance Management Act, 2012

(2) The annual estimates shall make provision for all the estimated expenditure of the Fund for the financial year concerned and in particular shall provide for—

- (a) payments of climate change related projects,
- (b) the operations of the Fund,
- (c) payment of allowances,
- (d) maintenance of assets of the Fund,
- (e) compensation for claims, and
- (f) such other matters as the County climate change secretariat shall, in consultation with the County climate change steering committee determine

(3) The annual estimates shall be prepared by the secretariat and submitted to the County Climate Change Steering Committee for approval and after the County climate change steering committee has given

approval secretariat shall not change any sum provided in the estimates without the consent of the County Climate Change Steering Committee

(4) No expenditure shall be incurred from the Fund except for the monies voted or appropriated by the County Assembly

Accounts and audits

30 (1) The Fund Administrator shall cause to be kept all proper books and records of accounts of the income, expenditure, cash flows, assets and liabilities of the Fund

(2) Within a period of three months after the end of each financial year, the Fund Administrator shall submit to the Auditor-General the accounts of the Fund in respect of that year together with—

- (a) a statement of the income and expenditure of the Fund during that year, and
- (b) a statement of the assets and liabilities of the Fund on the last day of that financial year

(3) The annual accounts of the Fund shall be prepared, audited and reported upon in accordance with the provisions of the Public Audit Act, 2015

Financial year

31 The financial year of the Fund shall be the period of twelve months ending the thirtieth June of each year

Monies to be allocated to wards

32 (1) The County Climate Change Steering Committee shall ensure that adequate resources are allocated to climate change activities at ward level

(2) The County Climate Change Steering Committee shall prepare and publicize through the County website and public participation for information on the allocation of funds available for each Ward

(3) County Climate Change Steering Committee shall be guided by the following factors in determining the allocation of funds to the wards—

- (a) equitable distribution of the resources from the Fund in accordance with the eligibility criteria in section 33,
- (b) propensity of a Ward to climate disasters, and
- (c) the level of vulnerability to climatic disasters of the populations in each ward

(4) The County climate change steering committee shall develop and publish eligibility criteria for climate change programs financing

Project eligibility criteria

33 The eligibility criteria for equitable distribution of resources from the Fund to Climate Change projects shall be based on the following parameters—

- (a) possibility and magnitude of the risk occurrence,
- (b) promotion of Climate resilience in the locality through climate mitigation or adaptation,
- (c) support for economic growth through Climate adaptation,
- (d) communal benefit including vulnerable groups with clear consideration for gender representation,
- (e) conducted situation analysis including social safety nets,
- (f) defined monitoring and evaluation plan,
- (g) a sustainability plan,
- (h) provision of a platform for stakeholder engagement,
- (i) must have a properly conducted environmental impact assessment where relevant,
- (j) must have a clearly defined monitoring and evaluation plan with measurable indicators,
- (k) must have sustainability plan,
- (l) must enhance use of inbuilt skills and technology transfer, and
- (m) any other consideration that may be deemed relevant by the County climate change steering committee

Community consultative forums

34 (1) Each Ward Administrator shall convene community consultation fora of all the community area councils established under section 4 of the Kericho County Decentralized Units Act, 2015

(3) The agenda for the community consultation fora shall be to—

- (a) create Climate Change awareness,
- (b) sensitize the community on Climate Change Fund project eligibility criteria, and
- (c) identify priority projects

(4) The Ward committee shall prepare a report on community consultation fora, and submit it to the County steering committee for approval

(5) Each Ward Administrator shall ensure efficacy of public participation and consultations at the ward forum as prescribed under the Kericho County Public Participation Act in enforcing provisions of this Act

(6) Notwithstanding subsection (2) any person who wishes to participate at a Ward climate change forum shall have the liberty to do so

Development of project proposals

35 (1) The ward committee shall in consultation with County Climate Change Secretariat prioritize project proposals from the project priorities identified in section 34 (3) and include any necessary technical details for each project

(2) The County Climate Change Secretariat shall publish the list of all project proposals received on the County website and submit the selected project proposals to the County Climate Change Steering Committee for consideration within two weeks of completion of the process in subsection (1)

Validation of project proposals

36 (1) The County Climate Change Steering Committee shall undertake a project validation process within four weeks after receiving the project proposals from the County Climate Change Secretariat and—

(a) approve the project proposals and communicate their decision to the County Climate Change Secretariat and the respective ward committees,

(b) reject the project proposals with reasons given in writing and communicate its decision in writing to the County Climate Change Secretariat and the respective ward committees, or

(c) return the project proposals to County Climate Change Secretariat and the respective Ward committees with recommendations for amendments

(2) The County Climate Change Steering Committee may, in order to facilitate the approval of the project proposals, constitute a Sub-county Project Evaluation Team in every sub county comprising of—

(a) County staff from relevant departments,

- (b) consultants and technical personnel from participating institutions, and
- (c) consultants procured by the county climate change steering committee

(3) Each sub-county project evaluation Team shall validate project proposals or programmes for the various wards within the sub county

Publication of approved project proposals

37 The Fund Administrator shall publish on County website and at respective sub-County and ward offices a list of the approved project proposals for each ward

Complaints

38 (1) A person from the respective ward who is aggrieved by the decision of the Ward Administrator, sub County Administrator, County Climate Change Secretariat or County Climate Change Steering Committee shall submit the complaint to the Chairperson of the County Climate Change Steering Committee within one week of the completion of the validation process

(2) Where the chairperson of the County Climate Change Steering Committee receives a complaint under sub section (1), he or she shall provide feedback to the complainant within two weeks of receipt of the complaint

Disbursement of funds for projects

39 (1) The Fund Administrator shall disburse funds for approved project proposals in accordance with prescribed procedures

(2) The Fund Administrator shall in consultation with County Climate Change Steering Committee reallocate funds allocated to a project where he or she becomes aware that the funds may not be utilized within a financial year within which it is budgeted

(3) The reallocations of any funds in subsection (2) shall only be done within the respective ward,

(4) The County Executive Member for Finance shall develop regulations for the better administration of this section

Removal of the Fund Administrator

40 The Fund Administrator may—

(a) at any time resign by issuing notice in writing to the Chairperson of the County Steering Committee,

FIRST SCHEDULE

(s 13 (2))

PROVISIONS AS TO THE CONDUCT OF THE BUSINESS AND AFFAIRS OF THE COUNTY CLIMATE CHANGE STEERING COMMITTEE

1 The County Climate Change Steering Committee shall meet once every quarter of each financial year

2 The chairperson may at any time when there is urgent business to transact convene a special meeting of the County Climate Change Steering Committee

3 In the absence of the Chairperson, the members present shall elect one of the members present to preside

4 Unless a unanimous decision is reached, a decision on any matter before the County Climate Change Steering Committee shall be by a majority of the members present, and in the case of an equality of votes the chairperson or person presiding shall have a casting vote

5 The quorum for the meetings of the County Climate Change Steering Committee shall be five members including the Chief Officer responsible for climate change

6 A member who has a direct or indirect interest in a matter being considered or to be considered by the County Climate Change Steering Committee shall, as soon as the relevant facts regarding the matter come to the knowledge of the member, disclose the nature of such interest in writing, and shall not be present during any deliberations on the matter

7 The Chief Officer responsible for climate change matters and Climate Change Fund Administrator shall sit in all the sub-committees of the County Climate Change Steering Committee

8 The County Climate Change Steering Committee shall cause the minutes of all the proceedings of its meetings to be recorded and kept by the secretary to the County Climate Change Steering Committee, and shall be signed by the chairperson or the person presiding at the meeting

9 The County Climate Change Steering Committee may constitute specialized sub-committees provided that the decisions of the sub-committees shall be subject to approval of the County climate change steering committee

10 The County Climate Change Steering Committee or the sub-committee thereof may co-opt up to a maximum of two persons with specialized skills or knowledge of the subject matter at their respective

sittings to assist the County climate change steering committee or the sub-committees, as the case may be, in discharging their mandate

11 Save as provided in this Schedule the County Climate Change Steering Committee may regulate its own procedure

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CONDUCT OF BUSINESS AND AFFAIRS OF WARD CLIMATE CHANGE PLANNING COMMITTEE

1 (1) Each Committee shall meet quarterly in every financial year and not more than four months shall elapse between the date of one meeting and the date of next meeting

(2) Notwithstanding sub-paragraph (1) the chairperson may, and upon requisition in writing by at least five (5) members convene a special meeting of committee at any time for urgent, unforeseen and contingent transaction of the business of a committee

(3) Before a special meeting is convened by a chairperson of any ward committee pursuant to sub-paragraph (2) she/he shall make a request to be addressed to the chairperson of the steering committee approval of the meeting before the notice is sent out to ward committee members for such attendance

(4) unless three quarters of the total members of committee otherwise agree at least fourteen (14) days written notice of every meeting of a committee shall be given to each committee members

(5) the quorum for the conduct of the business of a committee shall be a simple majority

(6) The Chairperson shall when present preside at every meeting of a committee

(7) The Deputy-Chairperson shall when the chairperson is absent, preside at every meeting of a committee In case the substantive provisions of this Act do not provide for the appointment of a chairperson, then the members shall elect a deputy chairperson for each committee, at the inaugural meeting of each committee

(8) The members present shall elect one (1) member from amongst themselves to preside whenever the chairperson and the deputy chairperson are absent and the person so elected shall have all the powers of the chair person with respect to that meeting and the businesses transacted there at

(9) Unless a unanimous decision is reached a decision on any matter before a committee shall be by a majority of the votes of the members present and voting and in case of an equality of votes, the chairperson or the person presiding shall have a casting vote

(10) Subject to subparagraph (4), no proceeding of a committee shall be invalid by reason only on the vacancy among the members thereof

(11) Subject to the provision of this schedule, a committee may determine its own procedure and the procedure for any sub-committee of a committee and for the attendance of other person at its meeting and may make orders in respect thereof

(12) Each ward committee meeting shall be conducted within the jurisdiction of the specific ward in which the ward committee is situated

2 (1) A member who has an interest in any matter presented at a meeting shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof and shall not take part in the consideration or discussion of, or be counted in the quorum of the meeting during consideration of the matter

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which is it made

(3) A member of the committee who contravenes subparagraph (1) shall cease to be a member of a committee subject to the direction of the county Executive committee member

(4) The county Executive committee members shall-

(a) Prescribe an oath of service for the committees and

(b) Devise a document or form to aid in the declaration of conflict which shall be administered upon the members of the committees

(5) A member who contravenes the provision of this rule commits an offence

3 (1) The secretary of the committee shall be responsible for arranging the business of the committees meetings, keeping records of the proceedings of the committee and shall perform such other duties as the committee may direct

(2) In the performance of the secretary duties, the secretary shall be responsible to the respective committee

(3) The Chairperson may in the absence of the secretary appoint any member of the committee to temporarily perform the function of the secretary subject to such condition or restriction as a committee may determine

4 The provision of this schedule shall apply to the conduct of the business of a committee but only where no specific provisions have been made in this Act, and only in so far as they do not constitute a contradiction or negation of the provisions of the Act