

**SPECIAL ISSUE**

*Wajir County Gazette Supplement No. 5 (Acts No. 3)*



REPUBLIC OF KENYA

**WAJIR COUNTY GAZETTE  
SUPPLEMENT**

**ACTS, 2016**

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**NAIROBI, 16th June, 2016**

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**THE WAJIR COUNTY CLIMATE CHANGE FUND ACT, 2016**

**No. 3 of 2016**

*Date of Assent: 24th May, 2016*

*Date of Commencement: 16th June, 2016*

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**THE WAJIR COUNTY CLIMATE CHANGE FUND  
ACT, 2016**

**AN ACT of the Wajir County Assembly for the establishment of a Climate Change Fund to facilitate and coordinate finance for community initiated Climate Change Adaption and Mitigation projects; and for connected purposes**

**ENACTED** by the Wajir County assembly as follows—

**PART I—PRELIMINARY**

**1.** This Act may be cited as the Wajir Climate Change Fund Act, 2016.

Short title and  
commencement

**2.** In this Act, unless the context otherwise requires

Interpretation

“administrator” means the County climate change fund administrator appointed in accordance with section 10 of this Act;

“climate change” means a change in the climatic conditions which is caused by significant changes in the concentration of greenhouse gases as a consequence of human activities and which adversely affects livelihoods

“climate change adaptation” means the 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 activities aimed at creating an awareness about Climate Change in the County;

“climate change mitigation” means measures undertaken to prevent or reduce the emission of greenhouse gases

“climate finance” means financing channeled by local and international entities, the National Government, County Government to facilitate climate change adaptation and mitigation;

“climate finance framework” means a context specific policy items established under this Act to guide in the application of the Fund;

“community projects” means projects that are initiated and implemented within a Ward by the Ward Planning Committees”

“county” means Wajir County;

“county assembly” means the County Assembly of Wajir County;

“County government” means the Wajir County Government;

“county planning committee” means the County climate change planning committee established under section 7 of this Act

“county planning framework” means the county planning framework established by the Wajir 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;

“County wide projects” are projects implemented for the benefit of more than one Ward and directly supervised by the County Planning Committee

“executive member” means a County Executive Committee member in Wajir County;

“financial year” means the accounting period for County Governments as defined in sections 125 and 131 of the Public Finance Management Act;

“fund” means the climate change fund established under this Act;

“fund participating institutions” means national or international institutions that have made contributions to the Fund;

“greenhouse gases” means any gaseous compound capable of increasing the earths atmospheric temperature;

“national government agencies” means any National Government institution that deals with climate change with an office in the County, including the National Environment Management Authority and the National Climate Change Secretariat;

“planning unit” has the meaning assigned to it under section 105 of the County Governments Act, 2012;

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

“steering committee” means the County climate change fund steering committee established under section 14 of this Act;

“village administrator” has the meaning assigned to it under section 53 of the County Governments Act, 2012;

“Ward” has the meaning assigned to it under Article 89 of the Constitution;

“ward planning committee” means the ward climate change fund committee established under section 18 of this Act;

**3.** The object of this Act is to create a fund in the County for the purpose of facilitating Climate Finance in the County through—

Objects and purposes  
of the Act

- (a) Initiating and coordinating finance for Climate Change Adaptation and Mitigation activities at the community level in the County;
- (b) Establishing Climate Finance mechanisms in the County;
- (c) facilitating community initiated Climate Change Adaptation and Mitigation activities in the County;
- (d) facilitating and planning of Climate Change Adaptation and mitigation in the County planning and budgetary framework
- (e) seeking and receiving grants from international sources the National Government, the County Government and other organizations; and
- (f) Co-ordinating support from National Government Climate Change policy and legislative framework.

## **PART II—ESTABLISHMENT AND ADMINISTRATION OF THE FUND**

**4.** (1) There shall be established a fund to be known as the Wajir Climate Change Fund which shall be used to fund Climate Change projects, programs and activities provided for in the Climate Finance Framework established under this Act.

Establishment of the  
Fund

(2) The moneys in the Fund shall be disbursed as follows—

- (a) ten percent of the moneys available in the Fund shall be allocated for administrative costs as

follows—

- (i) thirty percent of the administrative costs shall be assigned to the County Planning Committee; and
- (ii) seventy percent of the administrative costs shall be assigned the administrative costs of the Ward Planning Committees;
- (b) twenty percent of the money's available in the fund shall be allocated to County wide projects as follows:
  - i) ten percent shall be assigned to Climate Change Awareness Activities;
  - ii) twenty percent shall be assigned to County specific research and development; and
  - iii) seventy percent shall be assigned to County wide development projects.
- (c) seventy percent of the moneys available in the fund shall be allocated to projects from the Wards approved by the Ward Planning Committee; and
- (d) moneys not spent at the end of any financial year shall be retained in the Fund for uses that are allowable under this Act.

**5. (1) The fund shall be financed through—**

Sources of funds

- (a) moneys appropriated by the County Assembly, constituting a minimum of two percent of;
- (b) moneys from the National Government;
- (c) climate finance from international sources;
- (d) moneys received from Public Benefit Organizations;
- (e) fees and charges from climate finance activities; and
- (f) grants and donations.

**6. (1) The Executive Member in charge of finance shall publish a Climate Finance Framework for the County every two years.**

Climate Finance Framework

(2) The Climate Finance Frameworks shall be developed through a consultative process spearheaded by the Steering Committee.

(3) The Climate Finance Framework shall address the following issues—

- (a) the status of climate change awareness in the county;
- (b) context specific items in the national climate change policy that are applicable to the county;
- (c) the impact of climate change in the county;
- (d) human activities in the county that may facilitate climate change;
- (e) climate change adaptation and mitigation activities and projects;
- (f) project that are relevant in county with regard to climate change adaptation and mitigation and the anticipated impact; and
- (g) any other relevant issues.

(4) The Climate Finance Framework shall be aligned to the County Planning Framework.

7. (1) There is established the Wajir County Climate Change Fund Planning Committee and which shall comprise the following persons—

Establishment of the  
County Planning  
Committee

- (a) one person, not being a public officer, appointed by the Governor, who shall be the chairperson ;
- (b) the Chief Officer in charge of Finance and Development Planning;
- (c) the Chief Officer in charge of Environment;
- (d) the Chief Officer in charge of Agriculture, livestock and fisheries;
- (e) the Chief Officer in charge of Public Health;
- (f) the County Director of the National Drought Management Authority in the County;
- (g) the County Director of the National Environment Management Authority in the County;
- (h) the County Director of Meteorological Department in the County;
- (i) one person representing Fund Participating Institution;

(2) A person shall be qualified for appointment as chairperson or a member appointed under subsection (1) if the person—



- (a) is a resident of Wajir County;
  - (b) holds at least a Master degree qualification from a reputable academic institution;
  - (c) has relevant experience in any aspect of environment management or Climate Finance;
  - (d) meets the requirements of Chapter Six of the Constitution; and;
  - (e) has had a distinguished career in their respective fields.
- (3) (a) The Executive Member in charge of Environment shall appoint the person in subsection (7)(1(i)).
- (b) The chairperson subsection (7) (1) (a)) be brought to Wajir county assembly for approval.

**8.** The functions of the County Planning Committee shall be to—

Functions of the  
County Planning  
Committee

- (a) Develop a projects eligibility criteria under this Act;
- (b) Compile the list of approved projects and prepare the County Climate Finance Budget;
- (c) Ensure appropriate need based allocation of the moneys available in the Fund with regard to the projects received from the Ward Planning Committee;
- (d) manage the administrative costs of the fund including the costs of the meetings and sitting of the Steering Committee and the Ward Planning Committees;
- (e) oversee the execution of the County Climate Finance Budget;
- (f) provide monitoring and evaluation tools for projects financed by the Fund;
- (g) Provide the essential linkages between the County Executive Committee and the County Assembly with regard to the Fund.
- (h) Co-ordinate capacity building for Climate Change Awareness and Climate Finance in the County;
- (i) Co-ordinate research and development for Climate Finance in the County;

- (j) mobilize funds for Climate Finance in the County;
- (k) design a Climate Change Awareness strategy for the County;
- (l) develop a Climate Finance research priority needs list for the county;
- (m) pre-qualify research consultants for Climate Finance research in the County;
- (n) assign and coordinate technical assistance from County departments to projects funded under this Act; and
- (o) assist the Steering Committee in developing the Climate Finance Framework;
- (p) any other matter relevant to the execution of the County Planning Committee's mandate.

**9.** The conduct of the affairs of the County Planning Committee shall be as set out in the schedules.

Conduct of the affairs of the County Planning Committee

**10.** (1) There shall be Fund Administrator for the Fund who shall be the secretary to the County Planning Committee.

Fund Administrator

(2) The Fund Administrator shall be recruited by the Wajir County Public Service Board and report to the county planning committee.

(3) To qualify for appointment as a Fund Administrator, a person must—

- (a) possess at least a Degree from a recognized university preferably finance, economic background;
- (b) Have management experience for a period of not less than five years.

(4) The Fund Administrator shall hold office on a performance based contract for a period of three years, on such terms and conditions as the County Planning Committee may impose, and shall be eligible for a second and final term of three years.

**11.** The Fund Administrator shall—

Functions of the Fund Administrator

- (a) prepare a framework receiving and evaluating project proposals;
- (b) prepare and publish a yearly projects and

program evaluation and implementation schedule stating—

- (i) the key activities in a financial year;
- (ii) the persons responsible for each task; and
- (iii) the time frame for each process;
- (c) organize access to the services of the County Planning Committee at the ward level;
- (d) implement the decisions of the County Planning Committee;
- (e) publish the eligibility criteria for projects under this Act;
- (f) organize and coordinate the disbursement of moneys allocated to approved projects;
- (g) co-ordinate capacity building for the Ward Planning Committees;
- (h) keep custody of the accounts of the Fund;
- (i) establish, coordinate and implement a monitoring and evaluation framework for projects under this Act;
- (j) develop a complaints mechanism;
- (k) facilitate the functions of the institutions created under this Act where appropriate;
- (l) prepare a budget for the administrative costs per quarter for each institution under this Act; and
- (m) perform any other duty assigned by the County Planning Committee.

**12. The Fund Administrator may—**

Removal of the Fund  
Administrator

- (a) at any time resign from office by issuing notice in writing to the chairperson of the County Planning Committee;
- (b) be removed from office by the Executive Member on recommendation of the County Planning Committee on either of the following grounds—
  - (i) serious violation of the Constitution or any other written law;
  - (ii) gross misconduct, whether in the performance of the functions of the office or otherwise;

- (iii) physical or mental incapacity to perform the functions of office;
- (iv) incompetence; or
- (v) bankruptcy.

13. The county planning committee may recruit staff on a need basis subject to the limitation on the administrative costs of the fund.

Secretariat of the  
County Planning  
Committee

### PART III—OVERSIGHT

14. (1) There is established a Wajir County Climate Change Fund Steering Committee which shall be composed of—

Steering Committee

- (a) the Governor of Wajir County, or in his absence, the deputy Governor of Wajir County;
- (b) the County Executive Committee Member in charge of finance as the Secretary;
- (c) the County Executive Committee Member in charge of environmental matters;
- (d) the County Executive Committee Member in charge of public health;
- (e) the County Executive Committee Member in charge of agriculture, livestock and Fisheries;
- (f) two persons from Fund Participating Institutions ;
- (g) one person from a public benefit Organizations involved in Climate Change activities nominated by at least one participating institution.
- (h) one persons from any National Government Agencies nominated by the county steering committee.
- (i) one person who is a resident of the County appointed by the Steering committee to represent professionals in the county; and
- (j) one person who is a resident of the County appointed by the Executive Member in charge of Environment to represent the business community.

(2) The members of the Steering Committee shall elect one person, not being a public officer, to be the deputy chairperson.

**15.** The functions of the steering committee shall be to—

Functions of the  
Steering Committee

- (a) provide overall guidance for the development of a Climate Finance Framework for the County;
- (b) facilitate and monitor the implementation of the Climate Finance Framework at the ward level;
- (c) develop necessary linkages for the Fund with the National Government and other relevant stakeholders outside the County;
- (d) ensure compliance of the Fund administration to the public finance management principles under article 201 of the Constitution of Kenya ;
- (e) ensure that projects approved for funding conform to the Climate Finance Framework;
- (f) mobilize funding for projects, programs and activities listed in the Climate Finance Framework;
- (g) facilitate the coordination of Climate Finance projects and programs with other programs in the County;
- (h) prepare a Climate Change Awareness strategy for the County;
- (i) approve the ward disbursement proposal by the Fund Administrator;
- (j) regularly review of the Climate Finance Framework; and
- (k) any other matter relevant to Climate Finance in the County.

**16.** (1) The Steering Committee shall meet at least once every quarter in every financial year.

Conduct of affairs of  
the Steering  
Committee

(2) The quorum for the meetings of the Steering Committee shall be two third of the membership.

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

(4) The Vice-chair shall chair the meeting in the absence of the Governor and Deputy Governor.

**17.** The Executive Member in charge of Finance shall have the duty of managing the affairs of the Steering Committee including planning for meetings in liaison with the Executive Member in-charge of Environment.

Secretariat of the  
Steering Committee

**18.** (1) There is established a Ward Climate Change Fund Planning Committee in each Ward in Wajir County.

Ward Planning  
Committee

(2) The Ward Planning Committee shall comprise the following persons:

- (a) Community representatives appointed by the County Planning Committee comprising of—
  - (i) one persons nominated by elders in the Ward;
  - (ii) one persons nominated by women in the Ward;
  - (iii) one persons nominated by the youth in the Ward;
  - (iv) one persons nominated by persons with disabilities in the Ward
- (b) one person from a Ward based Public Benefit Organization;
- (c) one person representing faith based institutions in the Ward;
- (d) *ex officio* members with no voting rights comprising of—
  - i) the Sub —County Environment officer of the respective sub-county;
  - ii) Ward Administrator of the respective ward;
- (e) a Secretary elected by the Ward Planning Committee from its members.

(3) The Ward Planning Committee members shall elect a chairperson competitively among themselves

**19.** (1) The roles of the Ward Planning Committee shall be—

Functions of the  
Ward Planning  
Committee

- (a) consulting with the community on the relevant Climate Finance activities;
- (b) facilitating public participation at the Ward level;
- (c) receiving project proposals from the community at the ward level;

- (d) developing the technical components of project proposals;
- (e) procuring goods and services for projects, including the development of procurement plans for each project;
- (f) monitoring the implementation of projects at the ward level;
- (g) preparing the budget at the ward level;
- (h) preparing the Ward level project reports; and
- (i) any other duty assigned by the County Planning Committee.

(2) The Ward Planning Committee shall have access to other County departments for technical assistance as may be required.

**20.** (1) The Ward Planning Committee shall meet at least once every quarter in every financial year and—

Conduct of the affairs of the Ward Planning Committee

- (a) the Ward Planning Committee shall prioritize the development of an eligibility criteria in the first quarter of the financial year; and
- (b) the Ward Planning Committee can meet any other time on a need basis provided the limit on administrative costs per quarter is not exceeded.

(2) The quorum for the meetings of the Ward Planning Committee shall be two third of the membership present.

(3) 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.

#### **PART IV—DISBURSEMENT OF FUNDS**

**21.** (1) The Fund Administrator shall prepare and publicize through the media and public baraza information on the allocation of funds available for each Ward.

Allocation of fund to the Wards

(2) The Fund Administrator shall be guided by the following factors in determining the allocation of funds to the Wards—

- (a) equitable distribution of the Fund in accordance with the eligibility criteria;
- (b) wards that are more prone to climate disasters; and
- (c) Population of each ward.

**22.** (1) The County Planning Committee shall develop and publish an eligibility criterion for Climate Finance projects that will be eligible for funding under this Act.

Project Eligibility  
Criteria

(2) The eligibility criteria in subsection (1) above may be based the following parameters—

- (a) magnitude and possibility of 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 and have clear considerations for gender representation;
- (e) properly conducted situation analysis with clear problem statement to facilitate clarity on level and urgency of vulnerability, and risks arising from delayed intervention
- (f) evidence of a properly conducted environmental impact assessment;
- (g) clearly defined monitoring and evaluation plan;
- (h) a sustainability plan;
- (i) provision a platform for stakeholder engagement; and
- (j) any other consideration that may be deemed relevant.

**23.** (1) Each Ward Planning Committee shall convene community consultation forums in at least three different locations in the Ward in the first quarter of every Financial Year.

Community  
Consultation Forums

(2) The agenda for the community consultation forums shall be—

- (a) climate Change Awareness;
- (b) project eligibility criteria; and
- (c) identification of priority projects from the community members.

(3) The Ward Planning Committee shall prepare a report on the community consultation forums under this part, and submit it to the County Planning Committee



**24.** (1) The Ward Planning Committee shall develop project proposals from the project priorities identified in section 23 (2) above, and include any necessary technical details, including the procurement plan for each project.

Development of  
Project Proposals

(2) The Ward Planning Committee shall submit project proposals to the County Planning Committee for approval.

(3) Upon receiving the project proposals from the Ward Planning Committee, the County Planning Committee shall within four weeks after receiving the project proposals—

- (a) approve the project proposals and communicate their decision to the respective Ward Planning Committee; or
- (b) reject project proposals with reasons given in writing and communicate this decision to the respective Ward Planning Committee; or
- (c) instruct the respective Ward Planning Committee to make necessary amendments to a project proposal and approve the amended project proposal within a further three weeks from the date of resubmission.

(4) The project proposals developed by the Ward Planning Committee shall be subject to the funds allocated to the Ward by the Fund Administrator.

(5) The County Planning Committee may constitute a Technical Group comprising of Sub-County Staff within each Sub-County to provide technical advice to the Ward Planning Committee.

**25.** (1) The County Planning Committee shall undertake a project validation process within four weeks after receiving the project proposals from the Ward Planning Committee and either —

Validation of Project  
Proposals

- (a) approve the project proposals and communicate their decision to the respective Ward Planning Committee; or
- (b) reject project proposals with reasons given in writing and communicate this decision to the respective Ward Planning Committee; or
- (c) instruct the respective Ward Planning Committee to make necessary amendments to a project

proposal and approve the amended project proposal within a further three weeks from the date of resubmission.

(2) The County Planning Committee may, in order to facilitate the approval of projects, constitute a Project Evaluation Team in every Ward comprising of—

- (a) county staff seconded by relevant County Departments;
- (b) consultants and technical personnel from participating institutions; and
- (c) consultants hired by the County Planning Committee.

**26.** (1) The Fund Administrator shall publish a list of the approved and ranked projects, including proposed procurement plans for the projects, for each Ward.

Disbursement of funds for projects

(2) Upon approval of the County Planning Committee, the Fund Administrator shall release moneys.

(3) The executive Member in charge of Finance shall develop regulations for the better administration of this part.

**27.** (1) The County Procurement Director shall issue guidelines on the procurement entities for each Ward Planning Committee in consultation with the Executive Member in charge of Finance.

Procurement

(2) The Ward Planning Committee shall adhere to the relevant procurement procedures under the Public Procurement and Disposal Act Cap 412C and the matrix in the Schedules of this Act.

(3) The County Procurement Director shall organize for capacity building for the procurement entities of the Ward Planning Committee.

**28.** (1) Community members who are aggrieved by any decision of the Ward Planning Committee shall submit the complaint to the Fund Administrator, one week before the County Planning Committee begins validation of projects

Complaints mechanism

(2) The Fund Administrator shall forward all complaints to the Steering Committee which shall constitute a Conflict Resolution Panel comprising of persons.

(3) The Conflict Resolution Panel formed in subsection (2) above shall make a final determination within a period of seven working days and submit a report to the Steering Committee and the Fund Administrator.

#### **PART V—FINANCIAL PROVISIONS**

**29.** (1) The Executive Member in charge of Finance shall issue guidelines on the banking arrangements of the Fund under the provisions of the Public Finance Management Act.

Bank Account of the Fund

(2) The bank account for the Fund shall be managed by the Fund Administrator under regulations developed by Executive Member in charge of finance in consultation with the Steering Committee.

(3) The bank account for the Fund shall be subject to the national legislation for auditing public entities.

**30.** (1) The Fund Administrator shall prepare an administrative cost budget for each quarter of a Financial Year.

Administrative expenditure

(2) The budget developed in subsection (1) above shall be submitted to the Executive Member in charge of Finance for approval and forwarding to the County Assembly.

**31.** (1) The Fund Administrator shall keep proper books of account of the funds of the County Planning Committee.

Accounts of the County Planning Committee

(2) Three months before the closure of the Financial Year, the Fund Administrator shall prepare an audit report for the County Planning Committee.

(3) The County Planning Committee shall prepare accounts and a report for the County Assembly annually.

#### **PART VI—MISCELLANEOUS**

**32.** The Executive Member in charge of Finance shall make regulations for all matters necessary for the proper administration of this Act including—

Regulations

- (a) sitting allowances for the County Planning Committee and the Ward Planning Committees;
- (b) the banking arrangements for the Fund; and
- (c) the disbursement for funds for approved projects.

**33.** Nothing done by a person exercising authority or a power under this Act shall, if the matter or thing was

Protection from liability

done or omitted in good faith for the purpose of executing this Act or any rule, regulation or order made under this Act, subject such a person in his personal capacity to any action, suit, claim or demand whatsoever.

**34.** The Ward Planning Committee shall undertake reporting and project evaluation in accordance with the forms contained in the third schedule.

Reporting and  
project evaluation  
forms

FIRST SCHEDULE (Section 9)  
CONDUCT OF THE AFFAIRS OF THE COUNTY  
PLANNING COMMITTEE

1. (1) The meetings of the County Planning Committee shall be convened at least once every quarter by the chairperson, but not more than twelve times in a financial year.

Meetings

(2) The chairperson may at any time convene a special meeting of the County Planning Committee and shall do so within one month of the receipt by him of a written request signed by at least one quarter of members.

(3) In the absence of the chairperson from any County Planning Committee meeting, the members present shall elect one of their member to preside, and such member shall, as concerns that meeting, have all the powers and attributes of the chairperson under this Act.

(4) At every meeting of the County Planning Committee the member presiding shall have a casting as well as a deliberative vote.

(5) The quorum for the meetings of the County Planning Committee shall be two third of the membership

2. (1) The County Planning Committee may establish such committees as it may deem appropriate to perform such functions and responsibilities as it may determine.

Committees

(2) The County Planning Committee shall appoint the chairperson of a committee established under subparagraph (1) from amongst its members.

(3) The County Planning Committee may where it deems appropriate, invite any person to attend the deliberations of any of its committees.

(4) All decisions by the committees appointed under subsection (1) shall be ratified by the County Planning Committee.

3. 1) A member who has an interest in any contract, or other matter present 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 vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the

Declaration of Interest

matter.

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

(3) A member of the County Planning Committee who contravenes subparagraph (1) shall cease to be a member of the County Planning Committee upon direction of the Executive Member in charge of Environment.

(4) The Executive Member in charge of Environment shall make arrangements for the appropriate departmental representation with regard to subsection (3) above.

4. (1) The common seal of the County Planning Committee shall be kept in such custody as the County Planning Committee may direct and shall not be used except on the order of the County Planning Committee.

Common Seal

(2) The affixing of the common seal of the County Planning Committee shall be authenticated by the signature of the Chairperson, the Fund Administrator and one member nominated by the County Planning Committee and any document not required by law to be made under seal and all decisions of the County Planning Committee may be authenticated by the signatures of the Chairperson, the Fund Administrator and that member nominated by the County Planning Committee.

(3) The common seal of the County Planning Committee when affixed to a document and duly authenticated shall be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorization by the County Planning Committee under this section shall be presumed to have been duly given.

5. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of the County Planning Committee by any person generally or specially authorized by the County Planning Committee for that purpose.

Contracts  
Instruments and

## **SECOND SCHEDULE**

### **CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNTY PLANNING COMMITTEE**

#### **Tenure of Office**

1. The Chairperson or a member of the County Planning Committee appointed under Section 7 (1) & (2) Shall subject to the provisions of this Schedule hold office for a period of three years, on such terms and conditions as may be specified in the instrument of appointment, but Shall be eligible for appointment for not more than two terms.

#### **Vacation of office**

2. The chairperson or a member appointed under section 7(1) & (2) May—

- (a) at any time resign from office by notice in writing to the Executive Member;
- (b) be removed from office by the Executive Member on recommendation of the County Planning Committee if the member—
  - (i) has been absent from three consecutive meetings of the County Planning Committee without permission
  - (ii) is convicted of a criminal offence that amounts to a felony under the Laws of Kenya;
  - (iii) is incapacitated by prolonged physical or mental illness for a period exceeding six months; or
  - (iv) is otherwise unable or unfit to discharge his functions
- (c) the chairperson shall not be removed from office unless such removal is in accordance with sub —paragraph (1)

#### **Meetings**

3. (1) The County Planning Committee Shall meet not less than six and not more than eighteen times in every financial year and not more than two months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding sub- paragraph (1), the chairman may, and upon requisition in writing by at least five members shall, convene a special meeting of the County Planning Committee at any time for the transaction of business of the County Planning Committee.

(3) Unless three quarters of the total members of the County Planning Committee otherwise agree, at least fourteen days written notice of every meeting of the County Planning Committee shall be given to every member of the board.

#### FORM C: DETAILS OF PROPOSED PROJECTS

##### SUMMARY OF PROPOSED PROJECT

No	Project Name	Ward	Ranking	Estimated Costs
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Grand total, all Proposals

#### FORM D: PROJECT EVALUATION FORM

Financial Year ..... (Cost in Ksh unless otherwise advised).

Ward Name.....

- Project title and location
- 1 Project Priority Rank
- 2 Short Description and target beneficiaries
  - 2.1 Justification
  - 2.2 Description of proposed measures
- 3 Project Costs
  - 3.1 Pre-construction costs
  - 3.2 Construction Cost
  - 3.3 Additional Infrastructure
  - 3.4 Design and supervision
  - 3.5 Contingencies
  - 3.6 Total project cost
  - 3.7 Estimated annual operating costs
  - 3.8 Annual Maintenance Costs
  - Total Estimated costs (for the year)
- 4 Sources of Finance
  - 5.1 Development Costs
  - 5.2 Operations and maintenance costs
- 6 Staffing and Maintenance Arrangements
- 7 Relationship with other Projects
- 8 Project timeframe: (period of implementation)