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No. 6 of 2022

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THE SAMBURU COUNTY CLIMATE CHANGE ACT, 2022

AN ACT of the County Assembly of Samburu for the establishment of a Climate Change Fund, to finance, facilitate and coordinate Climate Change Adaption and Mitigation Measures in the County; and for connected purposes

ENACTED by the County Assembly of Samburu, as follows—

PART I—PRELIMINARY

Short title and commencement

1. This Act may be cited as the Samburu County Climate Change Act 2022, and shall come into operation upon publication in the *Gazette*.

Interpretation

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

“Adaptation” means adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects which moderates harm or exploits beneficial opportunities;

“Administrator” means the County Climate Change Fund Administrator appointed in accordance with section 41 of this Act;

“Authority” means the National Environmental Management Authority established by the Environmental Management and Coordination Act, 1999;

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

“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 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 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 intervention;

“Climate finance framework” means a context specific policy item established under this Act and any other law to guide in the application of the Fund;

“County assembly” means the County Assembly of Samburu;

“County government” means the County Government of Samburu;

“County Planning Committee” means the County Climate Change Planning Committee established under section 13 of this Act;

“County Steering Committee” means the County Climate Change Steering Committee established under Section 5 of this Act;

“County planning framework” means a county planning framework established by the County Government of Samburu and includes the County Integrated Development Plan 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 in charge of Climate Change matters 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 sections 125 and 131 of the Public Finance Management Act;

“Fund” means the climate change fund established under Section 39 of this Act;

“Greenhouse gases” means the gaseous substances defined under section 2 of The Climate Change Act, 2016 that includes but not limited to—

- (a) Carbon dioxide;
- (b) Methane;
- (c) Nitrus oxide;
- (d) Hydro fluorocarbons;
- (e) Per fluorocarbons;
- (f) Sulphur hexafluoride; and
- (g) Indirect greenhouse gases;

“National government agencies” means any National Government institutions that deals with climate change related activities which has operations in Samburu County,

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

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

“Ward Planning Committee” means the Ward Climate Change Planning Committee established under section 19 of this Act.

Objects and purposes of the Act

3. (1) The object of this Act is to enhance climate resilience through development, management, implementation, regulation, monitoring of adaptation and mitigation measures and actions.

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

- (a) mainstream climate change responses into development, planning, decision making and implementation;
- (b) initiate and coordinate the financing of climate change adaptation and mitigation projects/ programmes at the community level to build their resilience and adaptive capacity;
- (c) provide incentives and obligations for private sector contribution in achieving low carbon climate change resilient development, promote low carbon technologies, improve efficiency and reduce emissions intensity;
- (d) coordinating collection and dissemination of climate change information to the public to create awareness and preparedness; and
- (e) contribute to the Implementation of any relevant obligations of the State under international agreements related to climate change.

Guiding values and principles

4. (1) The application and interpretation of this Act and the making or implementation by the county government of any policy on climate change shall be guided by the following values and principles—

- (a) community driven and bottom-up planning of response to climate change,
- (b) commitment to informed participation of communities in planning and implementation of climate change response interventions,

- (c) recognition, respect and integration of knowledge, perspectives and experiences of communities in climate change response;
- (d) planning and implementation of climate change response to be anchored in and supportive of development,
- (e) flexible learning approach to addressing challenges of climate change;
- (f) investments focused on achieving equitable benefits;
- (g) Inclusion of all major actors in planning and implementation of climate change response;
- (h) protection of the climate system for the benefit of present and future generations;
- (i) ensuring a just transition for all towards an environmentally sustainable economy and society in the light of county circumstances and developmental goals;
- (j) National values and principles of governance stipulated in Article 10 out of the Constitution;
- (k) values and principles of public service stipulated in Article 232 of the Constitution;
- (l) promotion and protection of the right to a clean and healthy environment in accordance with Article 42 of the Constitution;
- (m) commitment to fulfilment of the state obligations in respect of the environment as stipulated under Article 69 of the Constitution;
- (n) co-ordinate the formulation of a climate change reporting framework, and the preparation and dissemination of an annual report on climate change response activities in the county; and
- (o) perform any other functions that may further the foregoing objectives and/or may be assigned by the Governor.

PART II — CO-ORDINATION AND OVERSIGHT

Establishment of County Climate Change Steering Committee

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

Functions of the Steering Committee

6. (1) The Steering Committee shall co-ordinate and oversee climate change response in the county, and in this connection shall—

- (a) ensure mainstreaming of climate change into county planning and development processes;
 - (b) coordinate formulation and monitor implementation of the County Climate Change Action Plan, County Climate Finance Framework and any other county climate change policies, plans and strategies;
 - (c) oversee funds mobilization and administration into the County Climate Change Fund established under this Act;
 - (d) review, approve and monitor implementation of Regulations for administration and management of the said Fund;
 - (e) Review and make recommendations on the biennial report on County Climate Change Action Plan and any other reports on climate change response interventions in the county;
 - (f) advise the county government on legislative, policy and other measures necessary for climate change response and attainment of low carbon climate resilient development;
 - (g) approve and oversee the implementation of climate change education, awareness creation and capacity building programmes;
 - (h) provide policy direction on research, training and dissemination of information relating to climate change to the public and other stakeholders within the county;
 - (i) ensure positive linkages, interactions and synergy between the county, neighboring counties and the national government in climate change response programming and action;
 - (j) ensure a coordinated approach to climate change response programming and action between the county and national government, and among the different stakeholders in the county;
 - (k) coordinate the formulation of a climate change reporting framework, and the preparation and dissemination of an annual report on climate change response activities in the county; and
 - (l) perform any other functions that may further the foregoing objectives and/or may be assigned by the Governor.
- (2) The steering committee may from time to time establish subcommittees for the better carrying of its functions.

Composition of the Steering Committee

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

- (2) The members of the steering committee shall be—
- (a) the Governor, or in his or her absence, the Deputy Governor as the Chairperson;
 - (b) County Executive Committee Member in charge of Climate Change matters as the Secretary;
 - (c) County Executive Committee Member in charge of Finance;
 - (d) County Executive Committee Member in charge of Health;
 - (e) County Executive Committee Member in charge of Agriculture, Livestock and Fisheries;
 - (f) County Executive Committee Member in charge of Energy
 - (g) County Director or his representative of the National Environment Management Authority;
 - (h) County Drought Co-coordinator or the national government official for the time being responsible for coordination of drought response in the county;
 - (i) one representative of Public Benefit Organizations nominated by largest umbrella body of Public Benefit Organizations involved in climate change activities in the County;
 - (j) one person, resident in the County, nominated by association of private sector in the County;
 - (k) one representative of women in the County nominated by the umbrella organization representing the largest number of women's organization in the County; and
 - (l) one representative of youth in the County nominated by the umbrella organization representing the largest number of youth organization in the County.
- (3) The members of the Steering Committee shall elect one person, not being a public officer, as the deputy chairperson.
- (4) A person shall only qualify to be nominated for appointment under subsections (1) (i), (j), (k) and (l) if the person has demonstrable experience, expertise and interest in issues of climate change, natural resource management and/or environmental conservation and has actively and publicly engaged with these issues in the county.
- (5) persons appointed under sub-section 1(i), (j), (k) and (l) shall be nominated in writing to the Executive member by the respective organizations.

(6) Without prejudice to the provisions of subsection (2) a person shall not qualify to be nominated for appointment under subsections I (i), (j), (k), and (l) unless such person is—

- (a) a Citizen of Kenya;
- (b) fulfils the requirements of Chapter Six (6) of the Constitution; and
- (c) has at least five years' experience in the relevant field.

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

(8) The steering committee may from time to time establish sub-committees for the better carrying of its functions.

Term of office of the Steering Committee

8. Members of the Steering Committee appointed under section (7)(2) (i), (j), (k), and (l) shall serve for a term of three years renewable once.

Removal of a Member of the Steering Committee

9. (1) A member of the Steering Committee may resign from the Committee by issuing a notice in writing to the Governor.

(2) A member of the Steering Committee may be removed from the Committee by the Governor on any one or a combination of the following grounds—

- (a) failure to attend two consecutive meetings of the Steering Committee without reasonable cause duly communicated to the Chairperson of the Committee;
- (b) serious violation of the Constitution or any other written law;
- (c) gross misconduct;
- (d) physical or mental incapacity;
- (e) bankruptcy.

(3) A person who is a member of the steering committee under section 7 (l) (h), (i), (j), and (k) shall cease to be a member of the committee upon ceasing to be a member of the interest group, or upon being recalled by the interest group through a written communication to the Executive Member.

(4) Whenever a member of the Steering Committee is removed or otherwise ceases to be a member of the Committee, the Executive Member shall ensure that a replacement is appointed within 30 days of the vacancy.

Meetings of the Steering Committee

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

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

(3) A resolution of the Steering Committee shall require 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) In the absence of the Chairperson, the Vice-chair shall chair the meetings of the Steering Committee, and in the absence of both the chairperson and the vice-chairperson, the chairperson shall delegate in writing the chairperson for that meeting.

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

Delegation of Powers

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

PART III — FRAMEWORK FOR PLANNING AND IMPLEMENTATION

I: COUNTY CLIMATE CHANGE PLANNING COMMITTEE

Establishment of County Climate Change Planning Committee

12. There is established the County Climate Change Planning Committee, which shall comprise of not more than seventeen (17) members appointed by the Executive Committee Member for the time being in charge of Climate Change matters.

Functions of the Planning Committee

13. (1) The functions of the Planning Committee shall be—

- (a) coordinate implementation of the County Climate Change Action Plan;
- (b) provide guidance for the development of a climate finance framework for the County;

- (c) coordinate planning, and implementation of projects and activities for climate change response in the county;
- (d) undertake capacity building of Ward Planning Committees;
- (e) establish guidelines to be used by ward planning committees in formulating climate response projects for funding by the County Climate Change Fund;
- (f) Support ward planning committees in development and implementation of climate response projects;
- (g) develop a projects eligibility criterion under this Act;
- (h) receiving, vetting and consider project proposals from Ward Planning committees for funding purposes;
- (i) coordinate development and implementation of the county climate change fund regulations;
- (j) advise the Steering Committee on strategies, priority programmes, projects and activities for climate change response in the county;
- (k) formulate and implement strategic actions to foster climate change education, awareness creation and capacity development in the county;
- (l) coordinate research and knowledge management on climate change, its impacts and strategies for responding thereto;
- (m) prepare and disseminate an annual report on climate change response activities in the county;
- (n) manage the administrative costs of the climate change fund including the costs of the meetings and sittings of the Steering Committee and Ward Planning Committees;
- (o) formulate and implement a county monitoring, evaluation and reporting framework for climate change response; and
- (p) perform any other functions assigned to it by the Steering Committee in furthering the execution of their mandate.

Composition of the Planning Committee

14. (1) Members of the Planning Committee shall comprise of not more than seventeen (17) members who shall be appointed by the Executive Committee Member in charge of Climate Change matters.

(2) The members of the planning committee shall be—

- (a) Chief Officer in charge of climate change matters who shall be the chairperson.
- (b) County Director in charge of climate change matters, who shall be the secretary;
- (c) County Director for the time being in charge of finance, economic planning and budget;
- (d) County Director in charge of agriculture, livestock and fisheries;
- (e) County Director in charge of public health;
- (f) County Director in charge of water and irrigation;
- (g) County Director in charge of energy;
- (h) County Director in charge of Disaster Risk matters;
- (i) County Director of the National Environment and Management Authority or a designated representative;
- (j) County Director of Meteorology or a designated representative;
- (k) County Drought Coordinator or a designated representative;
- (l) one representative of public benefit organization working in the county nominated by the umbrella organization representing the largest number of public benefit organizations.
- (m) one representative of the private sector in the county nominated by the umbrella organization representing the largest number of private sector organizations in the county.
- (n) one representative of women in the county nominated by the umbrella organization representing the largest number of women's organizations in the county.
- (o) one representative of youth in the county nominated by the umbrella organization representing the largest number of youth organization in the county.
- (p) the Fund Administrator, who shall be an *ex-officio* member with no voting rights.

(3) Members of the planning committee shall at their first meeting elect a vice- chairperson from amongst members nominated for appointment under subsection (2) (1), (m), (n), and (o).

Appointment and Term of the Planning Committee

15. (1) Members of the planning committee shall be appointed by the Executive Committee Member for the time being in charge of climate change matters

(2) Members of the planning committee appointed under section 14 (2) (l), (m), (n), and (o) shall serve for a term of three (3) years renewable once

Removal of member of County Climate Change Planning Committee

16. (1) A member of the planning committee may at any time resign from the committee by giving a written notice to the Executive Committee member

(2) A member of the planning committee may be removed from the committee by the executive committee member for the time being in charge of climate change on any one or a combination of the following grounds—

- (a) failure to attend two consecutive meetings of the planning committee without reasonable cause duly communicated to the chairperson;
- (b) serious violation of the constitution or any other written law;
- (c) gross misconduct;
- (d) physical or mental incapacity; and
- (e) upon declared insolvent.

(3) A person who is a member of the planning committee by virtue of section 15 (2) (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) shall cease to be a member of the committee upon ceasing to hold that office.

(4) A person who is a member of the planning committee under section 15 (2) (l), (m), (n), and (o) shall cease to be a member of the committee upon ceasing to be a member of the interest group or upon being recalled by the interest group through a written communication to the Executive Committee Member

(5) Whenever a member of the Planning Committee is removed or otherwise ceases to be a member of the Committee, the Executive Committee Member shall ensure that a replacement is appointed within thirty (30) days of the vacancy

Meetings of the Planning Committee

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

(2) The 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 familiarizing itself with their climate change related challenges.

(3) The quorum for meetings of the planning committee shall be two thirds of the members.

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

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

(6) The Planning Committee may invite to its meetings any technical staff of the national or county government who it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the Minutes of the planning committee.

Secretariat of Planning Committee

18. The Department in charge of Climate Change matters together with the County Climate Change Unit shall serve as the Secretariat of the Planning Committee.

PART III—WARD CLIMATE CHANGE PLANNING COMMITTEE**Establishment of Ward Planning Committees**

19. There is established a Ward Climate Change Planning Committee in each ward in Samburu County.

Functions of Ward Planning Committees

20. (1) The functions of the Ward Planning Committee shall be—

- (a) coordinate and mobilize communities and other stakeholders in the ward to design and implement climate change response activities;
- (b) support and conduct public education, awareness creation and capacity building at the ward level on climate change, its impacts and strategies for responding thereto;
- (c) receiving project proposals from the communities at the Ward level;

- (d) coordinate, facilitate and manage community consultations on priority climate change response activities,
- (e) liaise and participate in county planning and budgeting processes with a view to ensuring the mainstreaming of climate change and prioritization of climate change response in county development plans,
- (f) support research and knowledge management at the ward level on climate change, its impacts and strategies for responding thereto;
- (g) facilitate public participation in climate change governance, implementation of agreed climate change response activities, and monitoring of those activities,
- (h) coordinate and support provision of technical support to communities in the ward in developing proposals on climate change response projects for funding,
- (i) oversee implementation of climate change response projects funded through the climate change fund and report thereon to the Planning Committee,
- (j) monitoring and implementation of projects at ward level; and
- (k) perform any other functions that may assigned to it by the Planning Committee

Composition of Ward Planning Committee

21. (1) A ward Planning Committee shall be composed of members representing the diverse interests in the community, who shall be appointed by the County Planning Committee comprising of –

- (a) two (2) members of the community from both genders representing predominant economic activities in the ward,
- (b) two members of the community representing youth of both genders involved in predominant livelihood in the ward,
- (c) one person representing persons with disability,
- (d) one person from a Ward based Public Benefits Organization, and who is actively involved in matters environment and or climate change,
- (e) one person representing faith based organizations in the ward,
- (f) *ex-officio* members with no voting rights comprising of –
 - (i) Ward Administrator of the respective ward,

- (ii) a representative of the Sub-County Environment Officer who shall be the secretary to the Ward Planning Committee;
- (iii) Ward level technical persons from line departments – extension officers from water, agriculture, and livestock

(2) Nomination of members under sub-sections (1) (a), (b), (c), (d), and (e) shall be conducted by representatives of the respective groups at a meeting convened by the ward administrator at the ward for that purpose and presided over by the Sub- County Environment officer or a representative thereof

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

(4) The notice convening the meeting under subsection (2) shall be issued not less than 14 days' prior to the date thereof, and shall be widely publicized in the ward.

(5) Within 30 days of the conclusion of the nominations, the Ward Administrator shall present the list of nominees to the Sub- County Administrator who shall formally appoint the members.

(6) The ward administrator shall ensure that a third gender rule is observed while appointing members of the Ward Climate Change Planning Committee.

First meeting of Ward Planning Committee

22. (1) The first activity of the ward planning committee at its first sitting shall be the election of the chairperson and a vice- chairperson from amongst members under section 21 (1) (a), (b), (c), (d), and (e)

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

Qualifications for appointment to ward planning committees

23. (1) A person shall not qualify for appointment to serve on the ward planning committee, unless he or she –

- (a) is a resident of the ward,
- (b) shall have a minimum of Kenya Certificate of Secondary Education (KCSE),
- (c) fulfills the requirements of Chapter Six of the Constitution on leadership and integrity,

- (d) demonstrates basic knowledge of climate change and environmental issues and has engaged in activities aimed at addressing the said challenges in the county; and
- (e) indicates willingness to serve the community.

Term of office for ward planning committee

24. Save for the *ex-officio* members as per section 21 (2) (f), members of the ward planning committee shall serve for a term of three (3) years renewable once.

Removal of a Member of Ward Planning Committee

25. (1) A member of the ward planning committee may at any time resign from the committee by giving a written notice to the ward Administrator.

(2) A member of the ward planning committee may be removed from the committee by the sub-county Administrator on the recommendation of the ward Administrator on any one or a combination of the following grounds.

- (a) failure to attend two consecutive meetings of the Ward Planning Committee without reasonable cause duly communicated to the chairperson of the committee;
- (b) serious violation of the constitution or any other written law
- (c) gross misconduct;
- (d) physical or mental incapacity;
- (e) bankruptcy.

(3) A person who is a member of the ward planning Committee under section 21(1)(c), and (d) shall cease to be a member of the committee upon ceasing to be a member of the relevant organization or upon being recalled by the umbrella organization through a written communication to the Sub-County Administrator.

(4) Whenever a member of the Ward Planning Committee is removed or otherwise ceases to be a member of the committee, the Sub-County Administrator shall ensure that a replacement is appointed within 30 days of the vacancy.

Meetings of the Ward Planning Committee

26. (1) The ward Planning Committee shall meet at least once in every quarter.

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

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

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

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

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

PART IV— MEASURES AND ACTIONS FOR RESPONDING TO CLIMATE CHANGE

County Climate Change Action Plan

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

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

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

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

Contents of County Climate Change Action Plan

28. The County Climate Change Action Plan shall —

- (a) be aligned to the current National Climate Change Action Plan and respond to the specific needs and circumstances of the county;

- (b) contain a climate change needs and response assessment for the county;
- (c) articulate a climate change response implementation plan informed by the climate change needs and response assessment, and specifying measures and mechanism for—
- (i) Guiding the county towards the achievement of low carbon climate resilient Sustainable development;
 - (ii) Mainstreaming climate change into county development plans, programmes, strategies and projects;
 - (iii) Adaption to and mitigation of climate change impacts;
 - (iv) Enhancing research, capacity building and knowledge management on climate change and climate change response;
 - (v) Enhancing public awareness for effective participation in climate change response;
 - (vi) Monitoring, evaluation and periodic review to integrate learning and best practice in the implementation of the County Climate Change Action Plan.

Approval of County Climate Change Action Plan

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

Biennial review of County Climate Change Action Plan

30. (1) The Planning Committee shall undertake a biennial review of the implementation of the County Climate Change Action Plan and report to the steering Committee.

Annual County Climate Change Response report

31. (1) The steering Committee shall, within three months after the end of every financial year, publish publicity 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 review.

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

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

PART V—DUTIES RELATING TO CLIMATE CHANGE

Climate change duties of public entities

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

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

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

(4) Without prejudice to the provisions of subsection (1) every public entity operating in the County shall have the duty to—

- (a) mainstream climate change into sectorial strategies, plans and other frameworks for implementing its statutory functions;
- (b) perform its statutory functions in a manner that contributes the implementation of the County Climate Change Action Plan;
- (c) support the steering Committee and the County Government in its planning, programming, implementation and monitoring of climate change response in the county;
- (d) report annually to the steering Committee on the status and progress of performance and implementation of all assigned climate change duties and functions.

Climate change duties of private entities

33. (1) The Steering Committee may, on recommendation of the Executive Committee Member for the time being in charge of climate change matters and in consultation with relevant Executive Committee Members, impose duties relating to climate change on any private entity operating within the County.

(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.

Monitoring and reporting on compliance

34. (1) The Executive Committee Members shall with the assistance of the County Director in charge of Environment and a 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 assigned climate change duties, and in performance of this function she or he shall—

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

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

Reporting on performance by private entities

35. Notwithstanding the provisions of section 34, the Steering Committee may—

- (a) by notice in the *Gazette*, 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;
- (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.

PART VI—PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

County strategy for climate change education and public awareness

36. (1) upon coming in to force of this Act, the Planning Committee shall develop a comprehensive county strategy for public education and awareness creation on climate change.

(2) The strategy shall be developed through a participatory process.

(3) The strategy shall be approved by the Steering Committee and its implementation mainstreamed into the County Climate Change Action Plan.

Capacity building for effective public participation

37. (1) The 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.

(2) The planning Committee and ward Planning Committees shall support and facilitate communities to establish community-based Organizations and other frameworks for mobilization and engagement with climate governance and response issues in the county.

Access to information

38. The steering Committee, the Planning Committee, the Ward Planning Committee shall publish, publicize and ensure access to all important climate change information in their possession.

PART VII — ESTABLISHMENT OF COUNTY CLIMATE CHANGE FUND

Establishment of County Climate Change Fund

39. (1) There is hereby established a fund to be known as the Samburu 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.

Sources of the Fund

40. (1) The fund shall be financed through —

- (a) initial capital appropriated by the County Assembly, being not less than two point five (2.5) percent equivalent of the annual county development budget;
- (b) money appropriated annually by the County Assembly, which shall be not less than two point five (2.5) percent equivalent of the annual county development budget;
- (c) money received from the National Climate Change Fund;
- (d) International Climate Finance received by the county directly or through the National Designated Authority, National Implementing Entity or other entity;
- (e) sums received, including donations, endowments, bequests, grants and gifts from individuals, organizations, public and private entities local or foreign;
- (f) charges, fees, levies or fines received by the county government as may be payable under this Act; and
- (g) interest and any other money that may lawfully accrue to the Fund in any form.

(2) The fund shall be used to meet capital and recurrent expenditure relating to—

- (a) carrying out the functions of the steering committee stipulated under section 6 and the strategies, plans and programmes developed by the committees established by this Act.
- (b) assisting in the operations of the committees established by this Act; and
- (c) Any other matter related to the implementation of this Act.

(3) The receipts, earnings or accruals of the fund and its balances at the close of each financial year shall be retained in the fund for the purposes of the Fund.

Administration of the Fund

41. (1) The fund shall be administered by the Fund Administrator appointed and/or nominated by the County Executive Committee Member responsible for finance;

(2) The executive committee member for finance shall issue guidelines on the banking arrangements for the Fund under the provisions of Public Finance Management Act.

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

(4) The fund administrator may, with the approval of the executive member for the time being responsible for finance, invest or place on a deposit account any of the moneys of the fund and any interest earned on moneys so invested or deposited shall be placed to the credit of the fund.

(5) The fund administrator shall in consultation with the Steering Committee—

- (a) supervise and control the administration of the Fund;
- (b) Impose conditions on the use of any expenditure personally authorized and may impose any restriction or other requirement concerning use of expenditure;
- (c) prepare quarterly reports of the operations of the fund and submit to the Executive Committee member;
- (d) cause to be kept proper books of account and other books and records in relation to the Fund as well as to all the various activities and undertakings of the Fund;

(e) prepare, sign and transmit to the Auditor- General in respect of each financial year and within three (3) months after the end thereof, a statement of accounts relating to the fund in accordance with the Public Audit Act, 2003 and in such details as the County treasury may from time to time direct;

(f) designate such staff as may be necessary to assist to the management of the Fund provided that such staff shall work in the Board accounts.

(7) The fund administrator shall cause to be kept proper books and records of accounts and assets of the Fund.

Financial reports and audit

42. (1) 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 administrator together with—

- (a) a statement of financial position as at the thirtieth day of June;
- (b) a statement of comprehensive revenue and receipts of the steering Committee;
- (c) a statement of cash flow for the year ended;
- (d) a summary of significant accounting policies and other explanatory information;
- (e) other financial statements applicable to similar institutions.

(2) The accounts of the fund shall be audited and reported upon in accordance with the provisions of the Public Audit Act.

PART VIII- FINANCIAL PROVISIONS

Funding operations of Steering and Planning Committees

43. (1) Functions of the Steering Committee, Planning Committee, and the secretariats thereof shall be financed through a vote in the estimates of revenue and expenditure of the relevant Department of the Executive Committee Member.

(2) Participation of representatives of state and county executive Departments in the steering committee, the planning committee and ward planning committee shall be financed by the Fund in accordance with guidelines from the Salaries and Remuneration Commission.

(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.

Remuneration

44. Members of the Steering Committee, Planning Committee, and Ward Planning Committees, shall be paid such stipend, allowances and any other benefits as shall be stipulated by the Salaries and Remuneration Commission.

Annual estimates for steering and planning committee

44. At least three months prior to the commencement of each financial year, the Executive Member shall cause to be prepared the estimates of revenue and expenditure of the programmes and projects developed and approved by the steering committee, the planning committee and the ward planning committees for the year.

Financial year

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

PART IX- MISCELLANEOUS PROVISIONS

Indemnity from personal liability

46. The County Executive Committee Member, a member of staff or an authorized officer of the Department, shall not be personally liable in respect of any act done in the execution of powers or duties under this Act.

Dispute resolution

47. Any dispute that will emerge during the implementation of the legislation, will be resolved through relevant existing regulations domesticated in the county policies and laws.

Regulations

48. (1) The County Executive Committee Member responsible for finance may make Regulations for the better carrying into effect the provisions of this Act

(2) The regulations made under this sub-section shall provide for the following, among other matters—

- (a) formulation of the County Climate Finance Framework;
- (b) appointment and removal of the Fund Administrator;
- (c) allocation of funds to the wards,

- (d) operation of the Fund,
- (e) eligibility criteria,
- (f) development of project proposals, application for and disbursement of money from the Fund,
- (g) Procurement of services and goods,
- (h) development of project proposal,
- (i) disbursement of funds for projects,
- (j) complaint's mechanism; and
- (k) monitoring, evaluation, reporting and learning.