

## THE EMBU COUNTY CLIMATE CHANGE BILL, 2024

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*Clause*

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## A Bill for

**AN ACT** of the Embu County Assembly to put in place the framework and mechanisms for mobilization and facilitation of the County government, communities and other stakeholders to respond effectively to climate change through appropriate adaptation and mitigation measures and actions and for connected purposes

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

### PART I—PRELIMINARY

Short title and commencement

1. This Act may be cited as the Embu County Climate Change Act, 2024 and shall come into operation on the date of publication in the *Gazette*.

Interpretation

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

“Authority” means the National Environment Management Authority established by the Environmental Management and Coordination Act, 1999 as amended by the Environmental Management and Coordination (Amendment) Act, 2015;

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

“Climate Change Unit” means the County Climate Change Unit established to support coordination of climate change matters in the County as envisaged by section 19(3) of the Climate Change Act, 2016;

“County” means Embu County;

“Committee”, means Embu County Climate Change Steering Committee established under section 5 of this Act;

“Constitution” means the Constitution of Kenya, 2010; “County Government” means the County Government Embu ;

“County Assembly” means the County Assembly of Embu County;

“County Government” means the Embu County Government;

“Environment” has the meaning assigned to it in section 2 of the Environmental Management and Coordination Act;

“Executive Committee Member” means the County Executive Committee Member for the time being in charge of environmental and climate change matters in Embu County;

“Fund” means the Embu County Climate Change Fund established under section 23 of this Act;

“Fund Administrator” means the Administrator of the County Climate Change Fund established under section 23 of this Act;

“Greenhouse Gas” includes but is not limited to carbon dioxide;

- (a) methane;
- (b) nitrous oxide;
- (c) hydrofluorocarbons;
- (d) perfluorocarbons;
- (e) sulphur hexafluoride; and
- (f) indirect greenhouse gases;

“Mainstreaming” means the integration of climate change actions into decision making and implementation of functions by the sector ministries, state corporations and county governments;

“Mitigation” means preventing, reducing or slowing down the increase of atmospheric greenhouse gas concentrations by limiting current or future emissions and enhancing potential sinks for greenhouse gases.

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

“Private Entity” means a body or person with functions of a private nature, and includes bodies registered under the Public Benefits Organisations Act, 2013;

“Public Entity” means a body or person with functions of a public nature; and

“Ward Planning Committee” means the Ward Climate Change Planning Committee established under section 16 of this Act.

Objects and purposes of the Act

3. The object of this Act is to create a fund in the County for the purpose of facilitating establishment of a mechanism to finance climate change activities, programs and projects in the County through—
  - (a) initiating and coordinating financing of Climate Change Adaptation and Mitigation activities at the community level in the County;
  - (b) enhancing Climate Finance mechanisms in the County;
  - (c) facilitating community initiated Climate Change Adaptation and Mitigation activities in the County;
  - (d) facilitating planning for Climate Change Adaptation and Mitigation in the County planning and budgetary framework;
  - (e) seeking and receiving grants from national and international entities, the National Government, the County Government and other relevant organizations;
  - (f) providing support from the national Climate Change Policy and legislative framework; and
  - (g) coordinating collection and dissemination of climate change information to the public to create awareness and preparedness.

Guiding values and principles

4. The application and interpretation of this Act 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 devolution
- (e) Flexible learning approach to addressing challenges of climate change
- (f) Investments focused on achieving equitable benefits
- (g) Inclusion of all major actors in planning and implementation of climate change response
- (h) Protection of the climate system for the benefit of present and future generations
- (i) Ensuring a just transition for all to Sub-counties an environmentally sustainable economy and society in the light of county circumstances and developmental goals
- (j) National values and principles of governance spelt out in Article 10 of the Constitution
- (k) Values and principles of public service spelt out 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; and
- (m) Commitment to fulfillment of the state obligations in respect of the environment as stipulated under Article 69 of the Constitution

## **PART II—COORDINATION & OVERSIGHT**

Establishment of a Steering Committee

- 5.** There shall be established a committee known as the Embu County Climate Change Steering Committee.

composition of the steering committee

- 6.** the Committee shall comprise of:
- a) The Governor or Deputy Governor
  - b) County Executive Member- Climate Change
  - c) County Executive Member Finance
  - d) County Executive Member Energy
  - e) County Executive Member Agriculture
  - f) County Executive Member Health
  - g) Chief Officer-Climate Change (ex-officio Secretariat)
  - h) Public Benefits Organization (2 representatives)
  - i) Private sector representative
  - j) County Director National Drought Management Authority
  - k) County Director National Environment Management Authority.

Functions of the Steering Committee

- 7.** The Steering Committee shall coordinate 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) mobilize funds into and administer the County Climate Change Fund established under this Act;
  - (d) review, approve and monitor implementation of Regulations for administration and management of the Fund;
  - (e) review and make recommendations on the biennial report on implementation of the County Climate Change Action Plan and any other reports on climate change response interventions in the county;
  - (f) advise the county Government on legislative, policy and other measures necessary for climate change response and attainment of low carbon climate resilient development;
  - (g) approve and oversee the implementation in the county of a comprehensive program of climate change education, awareness creation and capacity building;
  - (h) provide policy direction on research, training and dissemination of information relating to climate change to the public and other stakeholders 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 within the county government, between the county government 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) Without prejudice to the provisions of section 6 a person shall be nominated for appointment under Section 6(h),(i), (j), and (k) if such person is—
- (a) a citizen of Kenya;
  - (b) fulfills the requirements of Chapter 6 of the Constitution; and
  - (c) has at least two years' experience in the relevant field.
- (3) The Governor shall ensure compliance with the two thirds gender principle in the appointment of members of the Steering Committee. Approval of appointments by the County Governor.
- (4) Names of persons nominated for appointment under section 6 (1),(h),(I), (j),and (k) shall be presented to County Governor for approval appointment.

Term of the Steering Committee

- 8.** Members of the Steering Committee appointed under section (6)(1)(h), (i), (j) and (k) shall serve for one renewable term of 3 years

Removal of Member of the Steering Committee

- 9.** (1) A member of the Steering Committee may resign from the Committee by issuing one month's 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; or
- (e) bankruptcy;

- (3) A person who is a member of the Steering Committee by virtue of his or her office under section 6 (a), (b), (c), (d), (e), (f).and (g) shall cease to be a member of the Committee upon being transferred from the county or ceasing to hold that office.
- (4) A person who is a member of the Steering Committee under section 6 6(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 for good cause and through a written communication from an authorized official of the interest group to the chairperson of the Committee.
- (5) Whenever a member of the Steering Committee is removed or otherwise ceases to be a member of the Committee, the Executive Committee Member for the time being in charge of Climate Change shall advise, propose a replacement to the Governor 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 an affirmative vote of at least one half of the members present at a meeting, excluding the chairperson’s vote which shall be a casting vote.
- (4) In the absence of the chairperson, the vice-chairperson shall chair meetings of the Steering Committee, and in the absence of both the chairperson and the vice-chairperson members in attendance shall elect one of them to chair the meeting.
- (5) The Steering 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 Steering Committee.

Allowances for members of the Steering Committee 14  
Delegation of powers by the Steering Committee

- 11.** Members of the Steering Committee shall be paid such allowances as are stipulated by Guidelines from the Salaries and Remuneration Commission.
- 12.** Subject to the provisions of this Act, the Steering Committee may, either generally or in a particular case, delegate the exercise of any of its functions under this Act to any Subcommittee or to any member of the Steering Committee or officer or agent thereof.

Embu County Climate Change Planning Committee;

- 13.** (1) There is established Embu County Climate Change Planning Committee which shall be appointed by the County Executive committee member—
- (2) The committee shall comprise of;
  - a) Chief Officer -Climate Change (Chairperson)

- b) Director Climate Change (Secretary)
- c) Director Environment
- d) Director Water & irrigation
- e) Director Agriculture
- f) Director Health
- g) County Director Meteorological services
- h) Director Energy
- i) Director disaster management
- j) County Director National environment Management Authority
- k) County conservator Kenya Forestry Services.
- l) County Director National Drought management authority.
- m) Director Gender & social services
- n) Fund administrator

Functions of the Embu County Climate Change Planning Committee;

**14.** The functions of the Planning Committee shall be—

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

Allowances for members of Planning Committee Ward Planning Committee

**15.** Members of the Planning Committee shall be paid such allowances as are stipulated by Guidelines from the Salaries and Remuneration Commission.

Composition of Ward Planning Committee

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

**17.** (1) A Ward Planning Committee shall be composed of 9 members representing the diverse interests in the community, namely—



- (a) two persons of either gender;
- (b) two youths of either gender;
- (c) Two persons of either gender with special needs;
- (d) the sub county climate change officer;
- (e) one male person living with disability;
- (f) one female person living with disability;

Functions of the  
Ward Planning  
Committee

**18.** The roles of the Ward Planning Committee shall be to—

- (a) consult with the community on the relevant climate activities;
- (b) facilitate public participation at the ward level;
- (c) receive project proposals from the community at the ward level;
- (d) develop technical components of project proposals;
- (e) procure goods and services for projects, including development of procurement plans for each project at ward level;
- (f) monitor implementation of projects at the ward level;
- (g) prepare the budget at the ward level;
- (h) preparing the ward level project reports; and
- (i) any other duty assigned by the County Planning Committee.

Conduct of the  
affairs of the Ward  
climate change  
planning  
committee

**19.** The Ward Planning Committee shall meet at least once every quarter in every financial year and—

- (a) shall prioritize development of eligibility criteria for the Ward before the financial year starts; and
- (b) 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 thirds of the membership.

(3) A resolution of the Ward Planning Committee shall require a majority vote of the members present at a meeting.

Qualifications for  
appointment to  
Ward Planning  
Committees

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

(2) Without prejudice to the provisions of subsection (1), persons nominated under section 17 (a)(b), (c),(e),and (f) shall have a minimum of Secondary level education.

Term of Ward  
Planning  
Committees

**21.** (1) Save for the Ward Administrator, members of the Ward Planning Committee shall serve for a term of three years renewable for one more term.

(2) Whenever a member of the Ward Planning 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.

Allowances for members of Ward Planning Committee

22. Members of the Ward Planning Committee shall be paid such allowances as are stipulated by Guidelines from the Salaries and Remuneration Commission

**PART III: CLIMATE CHANGE FUND**

Establishment of Fund

23. (1) There is established a Fund known as Embu County Climate Change Fund

- (2) The Fund shall be financed through—
  - (a) moneys appropriated by the County Assembly not less than two percent, or such other limit as the Assembly may determine, of the County Development Expenditure in a financial year;
  - (b) moneys from the National Government;
  - (c) Moneys earned or realized from any investment of the Fund
  - (d) Revenue generated from research, innovation & technology investments that enhance low Carbon Climate Resilient Development;
  - (e) grants and loans from the National Climate Fund;
  - (f) climate finance from international entities;
  - (g) PPP, privately initiated investments programs & technical assistance;
  - (h) Green Bond;
  - (i) Interest accrued from the Fund
  - (j) moneys received from Public Benefit Organizations;
  - (k) fees, fines, levies and charges from climate finance activities; and
  - (l) other grants and donations.

County Climate Change Fund Regulations

24. (1) The Executive Committee Member responsible for matters relating to Finance shall, in consultation with the Executive Committee Member develop Regulations for the administration and management of the Fund

- (2) The Regulations made under subsection (1) shall include provisions on the—
  - (a) formulation of the County Climate Finance Framework
  - (b) appointment and removal of the Fund Administrator,
  - (c) eligibility criteria for accessing the Fund
  - (d) development of project proposals, application for and disbursement of money from the Fund
  - (e) Procurement of services and goods,
  - (f) Complaints mechanism, and
  - (g) Monitoring, evaluation, reporting and learning

**PART IV: DUTIES RELATED TO CLIMATE CHANGE**

Climate change duties of public entities

25. (1) The Steering committee may require any public entity operating within the County to undertake such measures within its capability in relation to climate change

- (2) In taking the measures under subsection (1) a public entity shall act in a manner best suited for the successful implementation of this Act and the County Climate Change Action Plan
- (3) Without prejudice to subsection (1), every public entity operating in the County shall have the duty to—

- a. mainstream climate change into sectoral strategies, plans and other frameworks for implementing its statutory functions.
  - b. Perform its statutory functions in a manner that contributes to the implementation of the County Climate Change Action Plan,
  - c. support the Board and the County Government in its planning, programming, implementation and monitoring of climate change response in the County, and
  - d. report annually to the Board on the status and progress of the performance and implementation of the assigned climate change duties and functions
- (4) Any person who fails to perform the duties required to be performed under subsection (1) commits an offence.

Climate change  
duties of private  
entities

- 26.** (1) The Steering Committee may on the recommendation of the Executive Committee Member and in consultation with relevant Executive Committee Member, require a private entity operating within the County to certain measures within its ability in relation to climate change
- (2) The Steering Committee shall recommend to the Executive Committee Member, regulations to govern the nature and procedure for reporting on performance of climate change duties by private entities, including monitoring and evaluation of compliance
- (3) Any person who fails to perform the duties required to be performed under subsection (1) commits an offence
- Monitoring and reporting on compliance.

Climate Change  
Response Report

- 27.** (1) The County Director of Environment shall with the assistance of the representative of the National Environment Management Authority and on behalf of the steering committee, monitor investigate and report on whether public and private entities are in compliance with the assigned climate change duties and in performing this function, the County Director of Environment shall—
- (a) have the powers necessary to monitor and investigate the matter including the power to enter premises of any private entity and make an enquiry therein, and
  - (b) at a reasonable hour for the purposes of monitoring and investigating a matter relating to climate change enter any private land or premises to inspect or undertake other task related to this function

(2) The County Director of Environment shall report to the Steering committee on the performance of the functions under subsection (1) on an annual basis, and such report shall form part of the report by the Steering Committee to the County Assembly. The Steering Committee may require private entity to report on performance

(3) Notwithstanding the provisions of section 26, 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, and

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

(5) The Steering Committee shall within three months after the end of every financial year, publish and submit a report on the implementation of the County Climate Change Action Plan and other climate change response actions and their impact to the County

(6) The County Assembly shall, within three months of receiving the report, make recommendations and propose climate change actions to the Steering committee.

## PART V-PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

Values and principles to apply to planning and implementation

**28.** The planning and implementation of climate response in the County shall be informed by the values and principles specified in section 4 of this Act, County strategy for climate change education ,and public awareness

County strategy for public education

**29.** (1) Within one year of this Act coming into force the Planning Committee shall develop a comprehensive County strategy for public education and awareness creation on climate change

(2) The strategy in subsection (1) shall be developed through a participatory process involving all stakeholders in the County, and validated at public meetings organized by Ward Planning Committees in every Ward

(3) The strategy in subsection (1) shall be approved by the Steering Committee and Its implementation mainstreamed into the County Climate Change Action Plan.

Public sensitization to precede formulation of climate change response plans

**30.** (1) Notwithstanding section 38(3) the Planning Committee and Ward Planning Committees shall ensure that the development of any climate change response program, plan, project or activity in the County IS preceded by comprehensive campaign of public sensitization and awareness creation to facilitate informed public participation

(2) The Planning Committee and the Ward Planning Committees shall report to the Board on public sensitization campaigns undertaken on every climate change response program, plan, project or activity in the County and demonstrate how the sensitization has impacted on the threshold of decision making.

(3) The report on public sensitization and awareness creation on climate change program, plans, projects and activities shall be included in the reports of the Board under sections 31 and 36 of this Act.

Capacity building for effective public participation

**31.** (1) The Steering committee shall ensure that the Planning Committee and Ward Planning Committees implement comprehensive programs 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.

**32.** The Steering Committee, the Planning Committee, and the Ward Planning Committee shall publish and ensure access to all important climate change information in their possession.

## PART VI-FINANCIAL PROVISIONS

Funding operations of steering committee and Planning Committees

**33.** (1) The Administrator of the Fund shall set aside three per centum of the annual allocation to cater for the administrative expenses for administering the Fund

(2) The functions of the fund, the Planning Committee and Ward Planning Committees and their secretariats shall be financed through a vote in the estimates of revenue and expenditure of the relevant Department

(3) The participation of representatives of State and County Departments in the Board the Planning Committee and Ward Planning Committees shall be financed by the Fund in accordance with Guidelines from the Salaries and Remuneration Commission

(4) the finances and accounts of the Steering , the Planning and Ward Planning Committees shall be administered and managed in accordance with the Public Finance

Annual estimates for Steering and Planning Committees

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

Financial year of Steering and Planning Committees

**35.** The financial year of the Board, the Planning Committee and the Ward Planning Committees shall be the period of twelve months ending on the thirtieth June in each year

Accounts and audit of the Steering and Planning Committees

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

**PART VII—MISCELLANEOUS PROVISIONS.**

Protection from liability

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

General Penalty

**38.** .Any person who contravenes the provisions of this Act for which no other penalty is provided commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or to both

Regulations

**39.** .The Executive Member shall make regulations for all matters necessary for the proper administration of this Act.

## **SCHEDULES**

### **FIRST SCHEDULE**

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

##### **Meetings**

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.

(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 two members.

(3) In the absence of the chairperson from any County Planning Committee meeting, the members present shall elect one of the members 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 thirds of the membership.

##### **Committees**

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.

(2) The County Planning Committee shall appoint the chairperson for each committee established under sub section (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.

##### **Declaration of Interest**

3. (1) A member who has an interest in any business before the County Planning Committee or other matter present at a meeting shall at the meeting and as soon as it is reasonably practicable, declare his/her interest and shall not take part in the consideration or discussion of, or vote on the subject matter, disclose the fact thereof and not shall question

with respect to the contract or other matter, 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 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.

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

### **Common Seal**

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.

(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.

### **Contracts and Instruments**

5. Any contractor 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.



## **MEMORANDUM OF OBJECTS**

The Development of National Climate Change Response Strategy (2010), National Climate Change Action Plan (2013) and the Climate Change Act (2016) institutionalized climate change efforts at national level and laid out clear guidelines on how climate change adaptation and mitigation efforts can be devolved to counties. The county governments needed to initiate process of customization of the national policies at county level.

In view of the above, this Bill seeks to put in place the framework and mechanisms for mobilization and facilitation of the County government, communities and other stakeholders to respond effectively to climate change through appropriate adaptation and mitigation measures and actions:- Facilitate community initiated Climate Change Adaptation and Mitigation activities, in the County planning and budgetary framework.

The Bill also establishes three essential institutions; Climate change Steering Committee , Climate Change Planning Committee and Ward Planning Committee at Ward level which will consult with the community on the relevant climate finance activities

. The County Planning Committee receives compiles, evaluates and approves the projects submitted by the Ward Planning Committee based on the agreed criteria, and prepares the County Climate Finance Budget; ensure equitable allocation of the moneys available in the Fund with regard to the projects received from the Ward Planning Committees.

The Steering Committee will oversee implementation of county climate change activities financed by the Fund and support the Executive Member climate change to mobilize resources for Climate Change financing consistent with the approved county Framework.

### **The Structure of the Bill is as follows;**

**PART I**—of the Bill provides for preliminaries, which include the short title, interpretation, Purpose of the Act and guiding principles;

**Part II**—of the Bill provides for coordination and oversight provisions. It establishes institutions to oversee the implementation of the Act. It provides for establishment of Climate Change Steering Committee, the County Planning Committee, Functions and Conduct of the affairs of these Committees, and Ward Planning Committee, Functions and Conduct of the affairs of the Ward Planning Committee

**Part III**—of the Bill provides for establishment of a Climate Change Fund ,sources of the Fund and the Regulations for the administration of the same.

**Part IV**—provides for duties of both the public and private entities in implementation of regulations as defined by the Executives Committee Member.

**Part V**—provides for a framework and mechanisms of creating awareness of climate change and programmes. Public participation being the key.

**Part VI**—provides for financial provisions for the operations of the Committees and reporting procedures.

**PART VII**- The part provides for miscellaneous provisions for offences , general penalty and regulations for implementation of the Act.