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GARISSA COUNTY BILLS, 2024

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CONTENT

Bill for Introduction into the County Assembly of Garissa —	PAGE
The Garissa County Climate Change Bill, 2024.....	1

THE GARISSA COUNTY CLIMATE CHANGE BILL, 2024

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Objects and Purposes of the Act.
- 4—Guiding Values and Principles.

**PART II—INSTITUTIONAL FRAMEWORK FOR OVERSIGHT,
PLANNING, COORDINATION, AND IMPLEMENTATION**

- 5—Establishment of the Steering Committee.
- 6—Removal of a Member of the Steering Committee.
- 7—Functions of the Steering Committee.
- 8—Meetings of the Steering Committee.
- 9—Allowances for Members of the Steering Committee.
- 10—Establishment of County Climate Change Technical Planning Committee.
- 11—Functions of the County Climate Change Technical Planning Committee.
- 12—Conduct of affairs of the County Climate Change Technical Planning Committee.
- 13—Removal of a Member as a Committee.
- 14—Allowances for Members of the County Climate Change Technical Planning Committee.
- 15—Establishment of Ward Climate Change Planning Committee.
- 16—Functions of the Ward Climate Change Planning Committee.
- 17—Composition of Ward Climate Change Planning Committee.
- 18—Term of the Ward Climate Change Planning Committee.
- 19—Removal of a Member Ward Climate Change Planning Committee.
- 20—Conduct of the affairs of the Ward Planning Committee.
- 21—Reimbursements of the Members of Ward Planning Committee.
- 22—Directorate of County Climate Change.

23—Establishment of the Fund.

24—Sources of funds.

25—County Climate Change Fund Regulations.

PART III —MEASURES AND ACTIONS FOR RESPONDING TO CLIMATE CHANGE

26—County Climate Change Action Plan.

27—Contents of the Climate Change Action Plan.

28—Approval of the Climate Change Action Plan.

29—Biennial Review of the Climate Change Action Plan.

PART IV—DUTIES RELATING TO CLIMATE CHANGE

30—Climate Change Duties of Public Entities.

31—Climate Change Duties of Private Entities.

32—Monitoring and Reporting on Compliance.

33—Annual Climate Change Report.

PART V—PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

34—Values and Principles to Apply to Planning and Implementation.

35—County Strategy for Climate Change Education and Awareness.

36—Public Sensitization to Precede Formulation of Climate Change Plans.

37—Capacity Building for Effective Public Participation.

38—Access to Information.

PART VI — FINANCIAL PROVISIONS

39—Funding operations of Steering and Technical Committees.

40—Annual estimates for Steering and Technical Committees.

41—Financial year of Steering and Technical Committees.

42—Accounts and Audit of Steering and Technical Committees.

PART VII —MISCELLANEOUS PROVISIONS

43—Regulations.

44—Protection from Personal Liability.

45—Offences and penalties.

46—Repeal of Garissa County Climate Change Fund Act, 2018.

THE GARISSA COUNTY CLIMATE CHANGE BILL, 2024

A Bill for

AN ACT of the County Assembly of Garissa for an appropriate legal and institutional framework for integrating and mainstreaming climate change responses, measures and actions into county development planning and decision-making processes, climate change finance mechanisms

ENACTED by the County Assembly of Garissa, as follows —

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Garissa County Climate Change Act, 2024.

Interpretation

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

“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 measures undertaken to prevent or minimize actual or anticipated adverse effects of Climate Change;

“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;

“County” means Garissa County;

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

“County Government” means the Garissa County Government;

“County planning framework” includes the County Integrated Development Plan established under section 2 of the County Governments Act, 2012;

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

“Executive Member” means the County Executive for Climate Change in Garissa County;

“Financial year” means the financial in conformity with the timelines for the County budget outlines in section 125 of the Public Finance Management Act;

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

“Greenhouse gases” means any gaseous compound capable of increasing the earth’s 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;

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

“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 15 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 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 and monitoring of adaptation and mitigation measures and actions.

(2) Without prejudice to sub-section (1), this Act shall be applied by the County Government in all sectors of the economy to—

- (a) establishing Climate Finance mechanisms in the County;

- (b) implement co-ordinated and integrated response to climate change and its impacts by all actors and stakeholders in the county planning and budgetary framework;
- (c) establish frameworks and mechanisms for mobilization and transparent and accountable management of financial and other resources for Climate Change response;
- (d) facilitate effective management of climate change impacts by enhancing adaptive capacity, strengthening resilience and reducing vulnerability to Climate Change;
- (e) promote, support and facilitate community-based and community-initiated climate change adaptation and mitigation activities in the County;
- (f) integrate climate change into the exercise of power and functions of all levels of the County Government, including in decentralized units and enhance co-operative climate change governance between the County, neighboring counties and the national government;
- (g) enforce duties and provide incentives for the private sector to contribute to achievement of low carbon climate resilient development;
- (h) facilitate public participation in climate change response through capacity development, awareness creation, consultation, representation and access to information;
- (i) establish and implement mechanisms to promote and facilitate Climate Change research and development, innovations, technology development, training and capacity building; and
- (j) contribute to national efforts to address the adverse impacts of climate change.

Guiding Values and Principles

4. 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 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.

PART II— INSTITUTIONAL FRAMEWORK FOR OVERSIGHT, PLANNING CO-ORDINATION, AND IMPLEMENTATION

Establishment of the Steering Committee

5. (1) There is established the County Climate Change Steering Committee.

(2) The Committee shall comprise of the following 17 members who shall be appointed by the County Executive Committee Member—

- (a) the County Executive Committee Member for Climate Change who shall be the chairperson;
- (b) the Chief Officer In-Charge Environment and Climate Change who shall be the secretary;
- (c) the Chief Officer In-Charge of Energy and Natural Resources;
- (d) the Chief Officer In-Charge of Development Planning;
- (e) the Chief Officer In-Charge of Finance;
- (f) the Chief Officer In-Charge of Agriculture;
- (g) the Chief Officer In-Charge of Livestock;
- (h) the Chief Officer In-Charge of Public Health;
- (i) the Chief Officer In-Charge of Partnerships, Intergovernmental and Institutional Relations;
- (j) the Chief Officer In-Charge of Water and Irrigation;
- (k) the County Drought Co-ordinator of the National Drought Management Authority in the County;
- (l) the County Director, National Environment Management Authority;
- (m) the County Director of Kenya Metrological Department;
- (n) representative of academic and research institutions;

- (o) one person representing Public Benefit Organizations operating in the County nominated by the umbrella organization representing the largest number of public benefit organizations in the County;
- (p) one person from religious institutions in the County;
- (q) one person representing women in the county nominated by the umbrella organization representing the largest number of women's organizations in the County;
- (r) one person representing the youth in the County nominated by the umbrella organization representing the largest number of youth organizations in the County; and
- (s) the Director Climate Change, as an *ex-officio* member with no voting rights.

(3) Members of the Steering Committee appointed under section 2 (n), (o), (p), (q) and (r) shall serve for one non-renewable term of five years.

Removal of a Member of the Steering Committee

6. (1) A member of the Steering Committee may—

- (a) at any time resign from office by issuing three months' notice in writing to the Executive Committee Member;
- (b) be removed from office by the County Executive Committee Member 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 the office;
 - (iv) incompetence; or
 - (v) bankruptcy.

(2) A person who is a member of the Steering Committee by virtue of his or her office under section 5(2) (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) (k) (l) or (m) shall cease to be a member of the Committee upon being transferred from the county or ceasing to hold that office.

(3) A person who is a member of the Steering Committee under section 5(2) (n), (o), (p), (q) or (r) shall cease to be a member of the

Committee upon ceasing to be a member of the interest group, 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, or upon expiry of the 5 year appointment period.

Functions of the Steering Committee

7. The Steering Committee shall coordinate and oversee climate change response in the County, and in this response shall—

- (a) ensure mainstreaming of Climate Change into County Planning and Development processes;
- (b) approve and oversee the implementation of the Climate Finance framework in the County, the County Climate Change Action Plan and any other Climate Change policies, plans and strategies;
- (c) approve climate change projects and the County Climate Finance Budget;
- (d) provide policy direction and of research training and dissemination of information and development for relating to Climate Change to the public and other stakeholders in the County;
- (e) approve the list of the pre-qualified research consultants for Climate Change Research in the County;
- (f) assign and co-ordinate technical assistance from County departments to projects funded under this Act;
- (g) ensure appropriate need based allocation of the monies available in the Fund with regard to the projects received from the County Planning Committee;
- (h) oversee the co-ordination and implementation of a comprehensive programme for capacity building on Climate Change awareness in the County;
- (i) ensure compliance of the Fund administration to the Public Finance Management principles under Article 201 of the Constitution of Kenya;
- (j) review, approve and monitor implementation of Regulations for administration and management of the Fund;
- (k) mobilize funding for projects, programs and activities listed in the Climate Finance Framework; and administer the County Climate Change Fund established under this Act;

- (l) facilitate the co-ordination of Climate Finance projects and programs with other programs in the County;
- (m) ensure positive linkages, interactions, synergy within the county and with neighboring counties, and the national government in Climate Change Response Programming and Action; and
- (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.

Meetings of the Steering Committee

8. (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 Chairperson shall delegate to one of the Steering Committee members who shall chair meetings of the Steering Committee.

(5) The Steering Committee may invite to its meetings any technical staff of the National, County Government, Non state actors and private sector 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.

(6) 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 Sub-committee or to any member of the Steering Committee or officer or agent thereof.

Allowances for Members of the Steering Committee

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

Establishment of County Climate Change Technical Planning Committee

10. (1) There is established a Garissa County Climate Change Technical Planning Committee which shall comprise of 21 members appointed by the County Executive Committee Member.

(2) Members of the Technical Committee shall be —

- (a) Chief Officer In-Charge of Climate Change matters who shall be the chairperson;
 - (b) County Director In-Charge of the Climate Change, who shall be the Secretary;
 - (c) County Director of Environment and Natural Resources;
 - (d) County Director In-Charge of Disaster Risk Management;
 - (e) County Director In-Charge of Finance;
 - (f) County Director In-Charge of Economic Planning;
 - (g) County Director In-Charge of Agriculture;
 - (h) County Director In-Charge of Livestock;
 - (i) County Director In-Charge of Public Health;
 - (j) County Director In-Charge of Water and Irrigation;
 - (k) County Director In-Charge of Gender and Social Services;
 - (l) County representative of the National Environment Management Authority;
 - (m) County Drought Co-ordinator or designated representative;
 - (n) County Director of Meteorology or designated representative;
 - (o) representative of academic and research institutions;
 - (p) one representative of persons living with disabilities in the County nominated by the umbrella body representing persons living with disabilities in the County;
 - (q) one representatives of civil society nominated by the umbrella body of public benefit organizations working on Climate Change in the County;
 - (r) one representative of women nominated by the umbrella body of women working on Climate Change in the County;
 - (s) one representative of youth nominated by the umbrella body of youth working on Climate Change in the County;
 - (t) one representative of religious institutions in the County;
 - (u) the Fund Administrator who shall be an *ex-officio* member with no voting rights.
- (3) Members of the Technical Committee appointed under section 11

(0), (p), (q), (r), (s) and (t) shall serve for one non-renewable term of five years.

Functions of the County Climate Change Technical Planning Committee

11. The functions of the County Climate Change Technical Planning Committee shall be to—

- (a) develop a Climate Finance Framework and County Climate Action Plan for the County;
- (b) facilitate and monitor the implementation of the Climate Finance Framework and County Climate Action Plan for the County;
- (c) establish guidelines to be used by Ward Climate Change Planning Committee in formulating climate response projects for funding by the County Climate Change Fund
- (d) support Ward Climate Change Planning Committees in development and implementation of climate response projects
- (e) advise the Steering Committee on strategies, priority programmes, projects and activities for climate change response and develop a Climate Finance research priority needs list for the county;
- (f) co-ordinate research and knowledge management (scientific & indigenous) on climate change, its impacts and strategies in the County;
- (g) pre-qualify consultants for Climate research in the County;
- (h) assign and coordinate technical assistance from County departments to projects funded under this Act;
- (i) ensure appropriate need-based allocation of the moneys available in the Fund with regard to the projects received from the Ward Planning Committee;
- (j) co-ordinate and implement curriculum for capacity building for Climate Change Awareness and Climate Finance in the County;
- (k) ensure compliance of the Fund administration to the Public Finance Management principles under article 201 of the Constitution of Kenya;
- (l) ensure that projects approved for funding conform to the Climate Finance Framework;

- (m) mobilize funding for projects, programs and activities listed in the Climate Finance Framework;
- (n) facilitate the coordination of Climate Finance projects and programs with other programs in the County;
- (o) prepare and disseminate an annual report on climate change response activities in the County; and
- (p) formulate and implement a County monitoring, evaluation and reporting framework for Climate Change response.

Conduct of affairs of the County Climate Change Technical Planning Committee

12. (1) The Steering Committee shall meet at least once every quarter; and any other intermittent meeting when necessary.

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

(3) The Technical 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.

(4) A resolution of the Technical 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 meeting; provided that no two consecutive meetings shall be held without either the Chairperson or the Vice-chairperson being present.

(6) The Technical Committee may invite to its meetings any technical staff of the National, County Government and relevant partners 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.

Removal of a Member as a Committee

13. (1) A member of the Technical Committee may at any time resign from the Committee by giving one month's notice to the Executive Member for the time being In-Charge of Climate Change.

(2) A member of the Technical Committee may be removed from the Committee by the County Executive Committee Member on any one or a combination of the following grounds—

- (a) failure to attend three consecutive meetings of the Technical 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;
- (f) death or incapacitation.

(3) A person who is a member of the Technical Committee by virtue of his or her office under section 11 (a), (b), (c), (d), (e), (f), (g), (h) (i), (j), (k) (l), (m) or (n) 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 Technical Committee under section 11 (o), (p), (q), (r), (s) or (t) 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 Executive Committee Member for the time being in charge of the Climate Change.

(5) Whenever a member of the Technical Committee is removed or otherwise ceases to be a member of the Committee, the Executive Committee Member for the time being in charge of the Climate Change shall ensure that a replacement is appointed within 30 days of the vacancy.

Allowances for Members of the County Climate Change Technical Planning Committee

14. Members of the County Climate Change Technical Planning Committee shall be paid such allowances as are stipulated by guidelines from the Salaries and Remuneration Commission.

Establishment of Ward Climate Change Planning Committee

15. (1) There is established a Ward Climate Change Planning Committee in each ward of Garissa County.

(2) The Directorate of Climate Change in consultation with the Ward Administrator and local community leaders shall constitute the Ward Climate Change Planning Committee with the following qualifications—

- (i) must be a resident of the respective ward;
- (ii) must be a reliable and respectable community member who is development conscious;

- (iii) have experience of doing a similar project in a transparent manner according to the expectation of the community;
- (iv) indicates willingness to serve the community voluntarily.

Functions of the Ward Climate Change Planning Committee

16. The roles of the Ward Climate Change Planning Committee shall be —

- (a) consult, co-ordinate and mobilize communities and other stakeholders to design and implement climate change response activities;
- (b) to facilitate research and knowledge management (scientific & indigenous) at the Ward level on climate change, its impacts and strategies for responding thereto;
- (c) receiving project proposals from the community at the ward level and submit to Technical Planning Committee;
- (d) co-ordinate and facilitate provision of the technical support to communities in the Ward in developing project proposals on Climate Change Response for funding by County Climate Change Fund;
- (e) oversee and monitor the implementation of projects at the ward level;
- (f) preparing the budget at the ward level;
- (g) facilitate public education, awareness creation and capacity building at ward level on Climate Change, its impacts and strategies for responding thereto;
- (h) 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
- (i) Preparing the ward level project reports; and
- (j) any other duty assigned by the County Climate Change Technical Planning Committee.

Composition of Ward Climate Change Planning Committee

17. (1) A Ward Climate Change Planning Committee shall be composed of 11 members, representing diverse interests in the community, namely—

- (a) three persons representing elders in the Ward;
- (b) two persons representing women in the Ward;

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- (c) two persons, one male and one female, representing the youth in the Ward;
 - (d) two persons, one male and one female, representing persons with disabilities in the Ward.
 - (e) one person from a Ward based Public Benefit Organization, nominated by a umbrella organization representing the largest number of such organizations in the Ward;
 - (f) one person representing faith-based institutions in the Ward;
 - (g) *ex-officio* members with no voting rights comprising of—
 - (i) Ward Administrator of the respective ward;
 - (ii) two Village Administrators nominated by the Ward Administrator from among the Village Administrators to serve for a period of five years.

(2) The first activity of the Ward Planning Committee at its first sitting shall be the election of a chairperson and a vice-chairperson from among the members and the secretary.

(3) The Chairperson and the Vice-chairperson shall not be members of the same gender.

(4) The secretary shall have attained at least secondary school education as the minimum education qualification.

(5) Nomination of members falling under sub-sections 18 (1) (e) and (f) shall be conducted by representatives of the respective groups at a meeting convened by the Ward Administrator at the Ward Headquarters for that purpose and presided over by the Sub-county Environment Officer or a representative of the Directorate thereof.

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

(7) The notice convening the meeting under sub-section (5) shall be issued not less than 14 days prior the date thereof, and shall be widely publicized through public barazas, community radio stations, and other all forms of media available in the Ward.

(8) Nomination of the representative of Community-Based Organizations and faith based institutions shall be done through a meeting convened by the relevant network for that specific purpose, and communicated to the Ward Administrator in writing with a certified copy of the resolution.

(9) Where there is no officially recognized ward level network of Community-Based Organizations, the Ward Administrator will consult with the chiefs in the ward to agree on the appropriate representative under section sub-section 1 (f).

(10) Within 30 days of the conclusion of the nominations, the directorate shall present the list of nominees from the wards to the respective Sub-county Administrator who shall formally appoint the members, publicize the list as widely as possible within the Ward.

Term of the Ward Climate Change Planning Committee

18. (1) Save for the Ward Administrator members of the Ward Planning Committee shall serve for one non-renewable term of five years.

(2) Without prejudice to the provisions of subsection (1), and in order to ensure continuity, the members of the Ward Planning Committee shall at their first meeting decide by lot which five of them will retire at the end of five years.

Removal of a Member Ward Climate Change Planning Committee

19. (1) A member of the Ward Planning Committee may at any time resign from the Committee by giving one month's notice to the Directorate through the Ward Administrator.

(2) A member of the Ward Planning Committee may be removed from the Committee by the directorate on the recommendation of the Ward committee through the Ward Administrator on any one or a combination of the following grounds—

- (a) failure to attend three 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;
- (f) death.

(3) A person who is a member of the Ward Climate Change Planning Committee under section 18(1)(f) shall cease to be a member of the Committee upon ceasing to be a member of the Community-Based Organization or upon being recalled by the umbrella organization for good cause and through a written communication from an authorized official of the umbrella organization the Ward Administrator.

(4) Whenever a member of the Ward Planning Committee is removed or otherwise ceases to be a member of the Committee, the directorate in consultation with the Ward Administrator and local community leaders shall ensure that a replacement is appointed within 30 days of the vacancy.

Conduct of the Affairs of the Ward Planning Committee

20. (1) The Ward Planning Committee shall meet at least once quarter in every financial year and any other intermittent meeting when necessary.

(2) The Ward Planning Committee can meet any other time on a need basis provided the limit on administrative costs per quarter is not exceeded.

(3) Save for the inaugural and emergency meetings, which shall 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.

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

(5) 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.

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

(7) 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.

(8) A Ward Planning Committee may invite to its meetings any technical staff whose expertise and skills may be needed for purposes of a matter before the Committee, and the Ward Administrator shall ensure that technical staff in the Ward are available to advise the Committee as and when necessary.

Reimbursements for the Members of Ward Planning Committee

21. Members of the Ward Planning Committee shall serve on a voluntary basis, but may be reimbursed reasonable transport costs at a rate to be determined by the County Treasury and the Fund Administration.

Directorate of County Climate Change

22. (1) There is established the County Climate Change Directorate, as a Directorate in the County Department for the time being responsible for Climate Change.

(2) The Directorate shall be the lead agency of the County government on county climate change plans and actions to deliver operational coordination and shall report to the County Executive Committee Member for the time being responsible for Climate Change matters.

(3) The Directorate shall be headed by a Director of Climate Change who shall be recruited competitively and appointed by the County Public Service Board.

(4) A person shall be qualified for appointment as a Director of Climate Change if the person—

- (a) is a citizen of Kenya;
- (b) has a BSC and MSC degree in any of the following fields—
 - (i) Environmental Science;
 - (ii) Environmental Studies;
 - (iii) Engineering;
 - (iv) Meteorology;
 - (v) Climatology;
 - (vi) Environmental Law; or such other relevant field as may be determined by the County Executive Committee Member in consultation with the Public Service Commission;
- (c) has at least ten years' experience at senior management level in the relevant field; and
- (d) meets the requirements of Chapter Six of the Constitution.

(5) The Director appointed under sub-section (4) shall be responsible for the performance of specific duties and functions of the Directorate as set out in this Act.

(6) The Director shall advise the County Executive Committee Member on matters relating to legislation, policy, co-ordination, regulation, and monitoring of Climate Change governance.

(7) The Directorate shall, on behalf of the County, perform functions as may be specifically set out in this Act and in Regulations.

(8) Without prejudice to the generality of the foregoing subsection, the Directorate shall perform the following duties and function —

- (a) co-ordinate and monitor the mainstreaming of Climate Change actions in County and other agencies plans as well as the implementation of climate change interventions;

- (b) establish and manage a county registry for appropriate adaptation and mitigation actions by public and private entities;
- (c) serve as the County knowledge and information management center for collating, verifying, refining, and disseminating knowledge and information on Climate Change;
- (d) in collaboration with other county departments and agencies within the County—
 - (i) identify low carbon development strategies and co-ordinate related measurement, reporting and verification;
 - (ii) develop strategies and co-ordinate actions for building resilience to climate change and enhancing adaptive capacity;
 - (iii) optimize the county's opportunities to mobilize climate finance;
- (e) co-ordinate adherence to the country's international obligations including associated reporting requirements;
- (f) co-ordinate the implementation of Gender and Intergenerational Climate Change Education, Consultation and Learning at the County and National levels;
- (g) provide technical assistance to other County departments, agencies and other stakeholders on matters of climate as the needs arise.

(9) The County Executive Committee Member shall, in consultation with the County Public Service Board determine the staff establishment required for the Directorate to effectively perform its functions under this Act, including mechanisms to transition staff from other relevant County staff to the Directorate, based on performance evaluation.

Establishment of the Fund

23. (1) There is established a fund to be known as the Garissa County Climate Change Fund which shall be used to fund Climate Change programs, projects and activities provided for in the County Climate Change Action Plan established under this Act.

(2) The Fund shall be vested in the County Treasury, administered by the Chief Officers responsible for Finance and Climate Change; and managed by the Director Climate Change and a Fund Administrator appointed by the Executive Committee Member for the time being in-charge of the Treasury in consultation with the Executive Committee Member.

Sources of funds

24. The Fund shall be financed through—

- (a) moneys appropriated annually by the County Assembly, constituting a minimum of two percent of annual development budget;
- (b) moneys from the National Government from the National Climate Change Fund;
- (c) climate finance from international sources received by the County directly or through the National Designated Authority, National Implementing Entity or other agency
- (d) donations, endowments, bequests, grants and gifts from individuals, public and private entities local or foreign;
- (e) monies received from Public Benefit Organizations;
- (f) fees and charges from activities adversely affecting Climate Change in the County; and
- (g) and any other money that may lawfully accrue to the Fund in any form.

County Climate Change Fund Regulations

25. (1) The Executive Committee Member In-Charge of Finance shall, in consultation with the Executive Committee Member, develop Regulations for administration and management of the Fund

(2) The Regulations made under sub-section (1) 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) operation of the Fund;
- (d) eligibility criteria for accessing money from the Fund;
- (e) development of project proposals, application for and disbursement of money from the Fund;
- (f) procurement of services and goods;
- (g) complaints mechanism;
- (h) monitoring, evaluation, reporting and learning.

PART IV — MEASURES AND ACTIONS FOR RESPONDING TO CLIMATE CHANGE

County Climate Change Action Plan

26. (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 sub-section (1), the Executive Committee Member shall within one year of the coming into force of this Act co-ordinate 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 the County Climate Change Action Plan

27. The County Climate Change Action Plan shall—

- (a) be aligned to the 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, response assessment, and specifying measures and mechanisms for—
 - (i) guiding the County toward the achievement of low carbon climate resilient sustainable development;
 - (ii) mainstreaming Climate Change into County development plans, programmes, strategies and projects;
 - (iii) adaptation to and mitigation of Climate Change;
 - (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;
- (vii) formulate /review appropriate Climate Change Policies and Regulations for the County.

Approval of the County Climate Change Action Plan

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

Biennial Review of the County Climate Change Action Plan

29. The Directorate with the help of County Climate Change Technical Planning Committee shall undertake a biennial review of the implementation of the County Climate Change Action Plan and report to the Steering Committee.

PART V — DUTIES RELATING TO CLIMATE CHANGE

Climate Change Duties of Public Entities

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

(2) The imposition of Climate Change duties under sub-section (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 sub-section (1), every public entity operating in the County shall have the duty to —

- (a) mainstream Climate Change inter-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 Steering Committee and the County Government in its planning, programming, implementation and monitoring of Climate Change response in the County; and

- (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

31. (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

32. (1) The Directorate of Climate Change shall with the assistance of the representative of the National Environment Management Authority and on behalf of the Steering Committee, monitor, investigate and report on whether public and private entities are in compliance with the assigned climate change duties, and in performance of this 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 inspect or other task related to this function.

(2) The County Director of Climate Change shall report to the Steering Committee on the performance of functions under sub-section (1) on annual basis, and such report shall form part of the report by the Steering Committee to the County Assembly.

(3) 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 Change Response Report

33. (1) The Steering Committee shall, within three months after the end of every financial year, publish publicly 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, discussion, and debate.

(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 sub-section (1) shall be forwarded to the Climate Change Directorate for information purposes

PART VI — PUBLIC PARTICIPATION AND ACCESS TO INFORMATION**Values and Principles to Apply to Planning and Implementation**

34. 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 Awareness

35. (1) Within one year of this Act coming into force, the County Climate Change Technical 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 involving all stakeholders in the County, and validated at public meetings organized by Ward Planning Committees in every ward.

(3) The strategy 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

36. (1) The Technical Planning Committee and Ward Planning Committees shall ensure that the development of any climate change response programme, plan, project or activity in the County is preceded by comprehensive campaign of public sensitization and awareness creation to facilitate informed public participation.

(2) The Technical Planning Committee and the Ward Planning Committees shall report to the Steering Committee on public sensitization campaigns undertaken with reference to every climate change response

programme, plan, project or activity in the county and demonstrate how the sensitization has made impact on the threshold of decision making.

(3) The report on public sensitization and awareness creation on climate change programmes, plans, projects and activities shall be included in the reports of the Steering Committee under sections 34 of this Act.

Capacity Building for Effective Public Participation

37. (1) The Steering Committee shall ensure that the Technical 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 Technical 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 Technical Planning Committee, the Ward Planning Committee shall publish, publicize and ensure access to all important climate change information in their possession.

PART VII— FINANCIAL PROVISIONS

Funding operations of Steering and Technical Committees

39. (1) Functions of the Steering Committee, the Technical Committee and Ward Planning Committees and the Directorate thereof shall be financed through a vote in the estimates of revenue and expenditure of the relevant Department of the Executive Committee.

(2) Participation of representatives of State and County Executive Departments in the Steering Committee, the Technical Committee and Ward Planning Committees 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 Technical 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.

Annual estimates for Steering and Technical Committees

40. 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 Steering Committee, the Technical Committee, and the Ward Planning Committees for the year.

Financial year of Steering and Technical Committees

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

Accounts and audit of Steering and Technical Committees

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

PART VII— MISCELLANEOUS PROVISIONS

Regulations

43. The Executive Committee Member for the time being in charge of Environment Climate Change shall with the approval of the County Assembly make Regulations for proper administration the better carrying out of the provisions of this Act.

Protection from Personal Liability

44. (1) 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 or her personal capacity to any action, suit, claim or demand whatsoever.

(2) The provisions of sub-section (1) shall not relieve the Steering Committee, the Planning Committee or Ward Planning Committees of liability to pay compensation or damages to any person for any injury to him, his property or any of his interests caused by negligence in the exercise of any power conferred by this Act or any other written law or by failure wholly or partially of any works.

Offences and penalties

45. Any person who —

- (a) without lawful excuse ignores or fails to obey any instructions issued by any member or officer or agent of the Steering Committee, the Planning Committee or Ward Planning Committee in exercise of the powers or performance of the functions of the Committees under this Act; or

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- (b) willfully obstructs any member or officer or agent of the Steering Committee, the Planning Committee or Ward Planning Committee in the discharge of their lawful duties; or
 - (c) misrepresents, knowingly submits false or misleading information to any member or officer or agent of the Steering Committee, the Planning Committee or Ward Planning Committee in exercise of powers or the performance of the functions of the said Committees under this Act commits an offence and shall be liable upon conviction to the punishment provided for under section 33(1) of the Climate Change Act, 2016.

Repeal of Garissa County Climate Change Fund Act, 2018

46. The Garissa County Climate Change Fund Act, 2018 is hereby repealed.

MEMORANDUM OF OBJECTS AND REASONS

The principal purpose of this regulation is to define the procedures for management, operations and winding up of the Fund, and for planning of climate change response interventions to be funded by the Fund.

The implementation of these Regulations and the management of the Fund shall be guided by the values and principles set out in section 23 (1) of the proposed bill.

MOHAMED SHEIKH ABDISALAT,
*Chairperson, Environment, Energy, Wildlife,
Climate Change and Natural Resource Committee.*