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CONTENT

Act—

PAGE

The Lamu County Climate Change Act, 2022.....1

THE LAMU COUNTY CLIMATE CHANGE ACT, 2022

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ARRANGEMENT OF SECTIONS

Section

PART I — PRELIMINARY

- 1—Short title and commencement.
- 2—Interpretation.
- 3—Objects and purposes.
- 4— Guiding values and principles.

PART II — CO-ORDINATION AND OVERSIGHT

- 5—Lamu Steering Committee.
- 6—Functions of Steering Committee.
- 7—Composition of Steering Committee.
- 8—Term of the Steering Committee.
- 9—Secretary of the Steering Committee.
- 10—Meetings of the Steering Committee.
- 11—Allowances for members of the Steering Committee.
- 12—Delegation of powers by the Steering Committee.

PART III — INSTITUTIONAL FRAMEWORK FOR PLANNING AND IMPLEMENTATION

A. PLANNING COMMITTEE

- 13—Establishment of Planning Committee.
- 14—Composition of Planning Committee.
- 15—Appointment and term of Planning Committee.
- 16—Functions of Planning Committee.
- 17—Meetings of Planning Committee.
- 18—Allowances for members of Planning Committee.

B. WARD CLIMATE CHANGE PLANNING COMMITTEE

19—Establishment and Functions of Ward Climate Change Planning Committees.

20—Composition of Ward Planning Committees.

21— Officers of the Ward Planning Committee.

22— Term and removal from office of Ward Planning Committees.

PART IV — MEASURES AND ACTIONS FOR RESPONDING TO CLIMATE CHANGE

23— County Climate Change Action Plan.

24— Contents of the County Climate Change Action Plan.

25— Approval of the County Climate Change Action Plan.

26— Biennial review of the County Climate Change Action Plan.

27— Mitigation measures by multiple sectors.

PART V — DUTIES RELATING TO CLIMATE CHANGE

28—Climate change duties of private entities.

29— Climate change duties of private entities.

30— Monitoring and reporting on compliance.

31— Duty of private entities to report on performance.

32— Annual County Climate Change Response Report.

PART VI — PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

33— Values and principles to apply to planning and implementation.

34— County strategy for climate change education and public awareness.

35—Public sensitization to precede formulation of climate change response plans.

36— Capacity building for effective public participation.

PART VII — COUNTY CLIMATE CHANGE FUND

37— Access to information.

38— Establishment of County Climate Change Fund.

39— Sources of the Fund.

40— County Climate Change Finance Regulations.

PART VIII — FINANCIAL PROVISIONS

- 41— Funding operations of Steering and Planning Committees.
- 42— Annual estimates for Steering and Planning Committees.
- 43— Financial year of Steering and Planning Committees.
- 44— Accounts and audit of Steering and Planning Committees.

PART IX — MISCELLANEOUS PROVISIONS

- 45— Protection from personal liability.
- 46— Offences and penalties.

THE LAMU COUNTY CLIMATE CHANGE ACT, 2022

AN ACT of the County Assembly of Lamu to put in place the framework and mechanisms for mobilization and facilitation of communities and other stakeholders in the county to respond effectively to climate change and for connected purposes

ENACTED by the County Assembly of Lamu, as follows—

PART I — PRELIMINARY

Short title and commencement

1. This Act may be cited as the Lamu County Climate Change Act, 2022 and shall come into force on the fourteenth day after its publication in the *Kenya 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 in order to moderate harm or exploit beneficial opportunities;

“Adaptive capacity” means the ability of a system to adapt to the impacts, cope with the consequences, minimize potential damages, or take advantage of opportunities offered by climate change or climate variability;

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

“Constitution” means the Constitution of Kenya, 2010;

“County” means Lamu County;

“County assembly” means the County Assembly of Lamu;

“County Government” means the County Government of Lamu;

“Directorate” means the Climate Change Directorate established under section 9(1) of the Climate Change Act, 2016;

“Elder” means a person aged (60) sixty years and above;

“Environment” has the meaning assigned to it in section 2 of the Environmental Management and Coordination Act, 1999 as revised under the Environmental Management and Coordination Act, 2015;

“Executive Committee Member” means the County Executive Committee Member for the time being responsible for matters relating to climate change in the County Government of Lamu;

“Fund” means the County Climate Change Fund established under section 38 of this Act;

“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 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 Organizations Act, 2013 and the Companies Act, 2015;

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

“Resilience” means the ability of a social, economic or ecological system to absorb disturbances while retaining the same basic structure and ways of functioning, the capacity for self-organization and the capacity to adapt to stress and change;

“Steering committee” means the Steering Committee established under section 5 of this Act;

“Vulnerability” means the conditions determined by physical, social, economic and environmental factors or processes, which increase the susceptibility of a system to the impact of hazards;

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

“Youth” means a person aged between eighteen years and thirty five years.

Objects and purposes

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 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) implement coordinated and integrated response to climate change and its impacts by all actors and stakeholders;
- (c) facilitate effective management of climate change impacts by enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change;
- (d) promote, support and facilitate community-based and community initiated adaptation and mitigation activities;
- (e) enforce duties and provide incentives for the private sector to contribute to achievement of low carbon climate resilient development;
- (f) facilitate public participation in climate change response through capacity development, awareness creation, consultation, representation and access to information;
- (g) establish frameworks and mechanisms for mobilization, transparent and accountable management of financial and other resources for climate change response.

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 indigenous knowledge 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) investment in public goods to foster adaptation to climate change;

- (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 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;
- (m) commitment to fulfillment of the state obligations in respect of the environment as stipulated under Article 69 of the Constitution;
- (h) establish and implement mechanisms to promote and facilitate climate change research and development, training and capacity building;
- (i) integrate climate change into the exercise of power and functions of all levels of the county government, including in decentralized units and enhance cooperative climate change governance between the county, neighbouring counties and the national government; and
- (j) contribute to national efforts to address the adverse impacts of climate change.

PART II — CO-ORDINATION AND OVERSIGHT

County Climate Change Steering Committee

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

Functions of Steering Committee

6. 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;

No. 4 *Lamu County Climate Change* **2022**

- (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) Manage 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 change resilient development;
- (g) approve and oversee the implementation in the county of a comprehensive programme 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 in the county;
- (i) ensure positive linkages, interactions and synergy between the county, neighbouring counties and the national government in climate change response programming and action; and
- (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.

Composition of Steering Committee

7. (1) The Steering Committee shall comprise of 13 members who shall be appointed by the Governor.

(2) The members of the Steering Committee shall comprise of the following—

- (a) Deputy-Governor as chairperson;
- (b) Executive Committee Member as Secretary;
- (c) Executive Committee Member in charge of finance and economic planning;

- (d) Executive Committee Member in-charge of Agriculture, Livestock and Fisheries;
- (e) Executive Committee Member in-charge of Health;
- (f) Executive Committee Member in-charge of water and irrigation;
- (g) County Drought Co-ordinator for the national government official for the time being responsible for co-ordination of drought response in the County;
- (h) County representative of the National Environment Management Authority;
- (i) one representative of a duly registered public benefit organizations working in the county nominated by the umbrella organization representing the largest number of public benefits organizations in the County;
- (j) one representative of the private sector in the county nominated by the umbrella organization representing the private sector in the County;
- (k) one representative of women and youth in the county nominated by the umbrella organization representing the largest number of women's organizations in the county;
- (l) one representative of persons living with disabilities in the county nominated by the umbrella organization representing the largest number of youth organizations in the county;
- (m) Fund Administrator, as an *ex-officio* member with no voting rights.

(3) A person shall not qualify to be nominated for appointment under subsections (2)(i), (j), (k) and (l) unless 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 the issues in the County.

(4) Without prejudice to the provisions of subsection (3) above, a person shall qualify to be nominated for appointment under subsection (2)(i), (j), (k) and (l) if he or she is:

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

(5) The Governor shall ensure compliance with the two-thirds gender principle in the appointment of members under subsections (2)(i), (j), (k) and (l).

Term 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 only.

Secretariat of the Steering Committee

9. The Climate Change Unit shall serve as the Secretariat of the Steering Committee.

Meetings of the Steering Committee

10. (1) Members of the Steering Committee shall at their first meeting elect a vice-chairperson from amongst the members appointed under section 7(2)(i), (j), (k) and (l).

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

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

(4) 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.

(5) 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.

(6) The Steering Committee may invite to its meetings any person that 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

11. Members of the Steering Committee shall be paid such allowances as the Salaries and Remuneration Commission may determine.

Delegation of powers by the Steering Committee

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.

PART III — INSTITUTIONAL FRAMEWORK FOR PLANNING AND IMPLEMENTATION

A. PLANNING COMMITTEE

Establishment of Planning Committee

13. There is established the County Climate Change Planning Committee which shall comprise of 15 members appointed to the Committee by the Executive Committee Member.

Composition of Planning Committee

14. (1) The County Climate Change Planning Committee shall comprise of the following—

- (a) Chief Officer-in-charge of climate change matters who shall be the Chairperson;
- (b) The County Director- in- charge of the Climate Change, who shall be the Secretary;
- (c) County Director- in -charge of Finance and Planning;
- (d) County Director -in-charge of Agriculture;
- (e) County Director- in-Charge of Livestock and Fisheries;
- (f) County Director -in-charge of Health;
- (g) County Director- in-charge of Water and Irrigation;
- (h) County representative of the National Environment Management Authority or a designated representative;
- (i) County Drought Co-ordinator or a designated representative;
- (j) County Director of Meteorology;
- (k) one representative of duly registered public benefit organizations working in the county nominated by the umbrella organization representing the largest number of public benefit organizations;
- (l) 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;
- (m) one representative of women and youth preferably from an indigenous community in the county nominated by the Executive Committee Member;

- (n) one representative of persons living with disabilities in the county nominated by the umbrella organization representing the largest number of youth organizations in the County;
- (o) the Administrator of the Fund, who shall be an *ex-officio* member with no voting rights.

(2) Members of the Planning Committee shall at their first meeting elect a vice-chairperson from among the members nominated for appointment under subsection (1) (j), (k), (l) and (m).

Appointment and Term of Planning Committee

15. (1) Members of the Planning Committee shall be appointed by the Executive Committee Member.

(2) Members of the Planning Committee appointed under Section 14 (1) (j), (k), (l) and (m) shall serve for a term of 3 years' renewable once only.

Functions of the Planning Committee

16. (1) The functions of the Planning Committee shall be to—
- (a) Co-ordinate planning, and implementation of projects and activities for climate change response in the county;
 - (b) co-ordinate 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) co-ordinate development and implementation of the County Climate Change Finance Regulations;
 - (f) advise the Steering Committee on strategies, priority programmes, 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) support and implement research, training and dissemination of climate change knowledge and information in the county; and

- (i) formulate and implement a county monitoring, evaluation and reporting framework for climate change response.

Meetings of the Planning Committee

17. (1) The Planning Committee shall meet at least once every two months.

(2) Save for the inaugural and emergency meetings which shall be held at the county headquarters, meetings of the Planning Committee shall be convened and held in the different wards on a rotational basis.

(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 them to chair the meeting.

(6) The Planning Committee may invite to its meetings any person that it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the Minutes.

Allowances for members of Planning Committee

18. Members of the Planning Committee shall be paid such allowances as the Salaries and Remuneration Commission may determine.

B. WARD CLIMATE CHANGE PLANNING COMMITTEE

Establishment and Functions of Ward Climate Change Planning Committees

19. There shall be established the Lamu County Ward Climate Change Planning Committee in each ward. The functions of the Ward Planning Committee shall be to—

- (a) Co-ordinate and mobilize communities and other stakeholders in the ward to design and implement climate change response activities;
- (b) facilitate research and knowledge management at the ward level on climate change, its impacts and strategies for responding thereto;

No. 4*Lamu County Climate Change***2022**

- (c) facilitate public education, awareness creation, and capacity building at the ward level on climate change, its impacts and strategies for responding thereto
- (d) coordinate, facilitate and manage community consultations on priority climate change response activities;
- (e) 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 facilitate public participation in climate change governance, implementation of agreed climate change response activities, and monitoring of those activities, coordinate and facilitate provision of technical support to communities in the ward in developing proposals on climate change response projects for funding by the County Climate Change Fund;
- (f) oversee implementation of climate change response projects funded by the County Climate Change Fund and report thereon to the Planning Committee;
- (g) perform any other functions that may be assigned to it by the Planning Committee.

Composition of Ward Climate Change Planning Committee

20. (1) A Ward Climate Change Planning Committee shall be composed of nine (9) members representing the diverse interests in the community, namely —

- (a) one male elder;
- (b) one female elder;
- (c) one male youth;
- (d) one female youth;
- (e) one male person living with disability;
- (f) one female person living with disability;
- (g) one representative of relevant sectors appointed by the Executive Committee Member;
- (h) one person representing Community-Based Organizations in the Ward and actively engaged in climate change response activities who shall be nominated by a Community-Based Organization; and

- (i) the Ward Administrator who shall be the Secretary, and an *ex-officio* member with no voting rights.

(2) Nomination of members falling under subsections (1) (a), (b), (c), (d), (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 thereof.

(3) 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.

(4) The notice convening the meeting under subsection (2) shall be issued not less than 14 days' prior the date thereof, and shall be widely publicized through public Barazas, community radio stations, and all other forms of media available in the Ward.

(5) Nomination of members falling under subsections (1) (a), (b), (c), (d), (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 thereof.

(6) Within 30 days of the conclusion of the nominations, the Sub-County Environment Officer shall present the list of nominees to the Chair of the Planning Committee who shall forward the names to the Executive Committee Member to formally appoint the members and publicize the list as widely as possible within the ward, and share it with the Lamu County Planning Committee for information.

Officers of the Ward Planning Committee

21. (1) The first activity of the Ward Planning Committee at its first sitting shall be the election of a Chairperson who shall meet the following minimum qualifications—

- (a) must be a resident of the respective ward;
- (b) must at least be able to read and write in English or Kiswahili;
- (c) good leadership and trusted by the ward community;
- (d) proven track record of community services engagement in ward development initiatives.

(2) The Ward Planning Committee members shall also elect a Treasurer provided that the chairperson and the vice-chairperson shall not be members of the same gender.

Term and removal from office of Ward Planning Committees

22. (1) Save for the Ward Administrator, and subject to subsection (2) hereof, members of the Ward Planning Committee shall serve for one non-renewable term of three 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 three years.

(3) A member of the Ward Committee may at any time resign from the said committee by giving a month's notice in writing to the Executive Committee Member.

PART IV — MEASURES AND ACTIONS FOR RESPONDING TO CLIMATE CHANGE

County Climate Change Action Plan

23. (1) The Executive Committee Member shall in consultation with the Steering Committee and relevant sectors and through a participatory process involving relevant stakeholders, formulate the 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 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 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

24. 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 and 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 against 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; and
 - (vi) monitoring, evaluation and periodic review to integrate learning and best practice in the implementation of the County Climate Change Action Plan.

Approval of the County Climate Change Action Plan

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

Biennial review of the County Climate Change Action Plan

26. The Planning Committee shall undertake a biennial review of the implementation of the County Climate Change Action Plan and report to the Steering Committee.

Mitigation measures by multiple sectors

27. (1) There shall be established a Forum referred to as the Multi-Sectoral Forum on Climate Change.

(2) The Forum shall be responsible for addressing climate change mitigation and adaptation matters that cut across all the sectors, and in particular shall—

- (a) manage and coordinate issues related to the transfer, deployment and diffusion of technology;
- (b) undertake capacity development for technology transfer;
- (c) provide support for research and development and accurate data for timely weather monitoring and dissemination of information;
- (d) enforce monitoring of the carbon footprint;

No. 4 *Lamu County Climate Change* **2022**

- (e) establish social protection mechanisms to ensure that vulnerable groups and communities are empowered to effectively and adequately adapt to the impacts of climate change;
 - (f) support and promote vulnerable groups to engage in sustainable adaptation mechanisms to cope with climate change impacts; and
 - (g) integrate issues related to climate change into economic policies and action plans that address the needs of vulnerable groups.
- (3) The Forum shall in the performance of its functions be responsible to the Steering Committee.
- (4) Adaptation to climate change shall be undertaken—
- (a) in a sector specific approach for matters that are specific to the lead agency; or
 - (b) in a multisector approach for matters that cut across all lead agencies
- (5) A person or entity shall comply with the adaptation and compatibility standards, measures and Adaptation to Climate Change performance levels established by the officer responsible of the lead agency responsible for—
- (a) agriculture, livestock and fisheries;
 - (b) water, sanitation and irrigation;
 - (c) public works and transport;
 - (d) forestry, wetlands, biodiversity and ecosystems services;
 - (e) health;
 - (f) energy;
 - (g) wildlife and tourism;
 - (h) human settlements and social infrastructure; and
 - (i) disaster risk management.
- (6) The activities to which subsection (5) applies shall include—
- (a) building and civil works;
 - (b) mining;
 - (c) agriculture and livestock;
 - (d) manufacturing.

PART V — DUTIES RELATING TO CLIMATE CHANGE**Climate Change duties of public entities**

28. (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 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 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

29. (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 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

30. (1) The Director for Climate Change may 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 make an inspection or other task related to this function.

(2) The Director for Climate Change 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 the Steering Committee to the County Assembly.

Duty of private entities to report on performance

31. (1) Notwithstanding the provisions of Section 32, 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

32. (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 subsection (1) shall be forwarded to the Directorate for information purposes.

PART VI — PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

Values and principles to apply to planning and implementation

33. 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

34. (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 shall be developed through a participatory process involving all stakeholders in the county, and validated at public meetings organized by Ward Climate Change 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

35. (1) The Planning Committee and Ward Climate Change 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 Planning Committee and the Ward Climate Change 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.

Capacity building for effective public participation

36. (1) The Steering Committee shall ensure that the Planning Committee and Ward Climate Change 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 Climate Change 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

37. The Steering Committee, the Planning Committee and the Ward Climate Change Planning Committee shall publish, publicize and ensure access to all important climate change information in their possession.

PART VII — COUNTY CLIMATE CHANGE FUND

Establishment of County Climate Change Fund

38. (1) There is established the 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.

(2) The Fund shall be vested in the County Treasury, administered by the Fund Administrator, being the Chief Officer in charge of Climate Change, who shall be the accounting officer.

Sources of the Fund

39. (1) The Fund shall be financed through—
- (a) Initial capital appropriated by the County Executive being not less than one and a half percent of the annual county development budget approved by the County Assembly;
 - (b) Money appropriated annually by the County Assembly, which shall be not less than one and a half percent of the annual development budget of the county;
 - (c) Money received from the Climate Change Fund of the national government;
 - (d) International Climate Finance received by the county directly or through the National Designated Authority, National Implementing Entity or other agencies;
 - (e) Donations, endowments, bequests, grants and gifts from individuals, public and private entities local or foreign;
 - (f) Interest and any other money that may lawfully accrue to the Fund.

County Climate Change Finance Regulations

40. (1) The Executive Committee Member in-charge of Finance shall in consultation with the Executive Committee Member and the Steering Committee develop Regulations for administration and management of the Fund.

(2) The Regulations made under subsection (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; and
- (h) monitoring, evaluation and reporting.

PART VIII — FINANCIAL PROVISIONS**Funding operations of Steering and Planning Committees**

41. (1) Functions of the Steering Committee, the Planning Committee and Ward Climate Change Planning Committees and the secretariats thereof shall be financed through a vote in the estimates of revenue and expenditure of the Department of Climate Change.

(2) Finances and accounts of the Steering Committee, the Planning Committee and Ward Climate Change 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 Planning Committees

42. 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 Steering Committee, the Planning Committee and the Ward Climate Change Planning Committees for the year.

Financial year of Steering and Planning Committees

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

Accounts and audit of Steering and Planning Committees

44. The Steering Committee, the Planning Committee and Ward Climate Change 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 IX — MISCELLANEOUS PROVISIONS**Protection from personal liability**

45. (1) No action taken or thing done by a member, officer or agent of the Steering Committee, the Planning Committee or the Ward Climate Change Planning Committee in good faith and in performance of functions or execution of powers vested in the said committees by this Act, shall render the member, officer or agent or any person acting on their directions personally liable for any action, claim or demand whatsoever.

(2) The provisions of subsection (1) shall not relieve the Steering Committee, the Planning Committee or Ward Climate Change 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 by any member.

Offences and penalties

46. (1) It shall be an offence for any person to—

- (a) in the discharge of their lawful duties; or
- (b) misrepresents, knowingly submits false or misleading information to any 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 Climate Change Planning Committee in exercise of the powers or performance of the functions of the Committees under this Act;
- (c) willfully obstructs any member or officer or agent of the Steering Committee, the Planning Committee or Ward Climate Change Planning Committee member or officer or agent of the Steering Committee, the Planning Committee or Ward Climate

Change Planning Committee in exercise of their powers or the performance of their functions under this Act.

(2) Any person convicted of the offences in subsection (1) shall be liable to the punishment provided for under section 33(1) of the Climate Change Act, 2016.