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THE NYAMIRA COUNTY CLIMATE CHANGE ACT, 2021

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THE NYAMIRA COUNTY CLIMATE CHANGE ACT, 2021

AN ACT of the County Assembly of Nyamira to provide a framework and mechanisms for mobilization and facilitation of the County government, communities and other stakeholders to respond effectively to climate change through appropriate adaptation and mitigation measures and actions and for connected purposes

ENACTED by the County Assembly of Nyamira as follows—

PART I— PRELIMINARY

Short title and commencement

1. This Act may be cited as the Nyamira County Climate Change Act, 2021 and shall come into force on the fourteenth day after its publication in the county Gazette and Kenya Gazette, whichever comes first.

Interpretation

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

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

“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;

“Adverse effects of climate change” means changes in the physical environment or biota resulting from climate change which have significant injurious effects on the composition, resilience or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare;

“Authorized officer” means an officer of the Department or any other person Acting under the authority of or delegated to Act in a particular way by the Department;

“Baseline year” means a year specified by the CECM in consultation with the Steering Committee on Climate Change to be the baseline year for purposes of this Act;

“Chief Officer” means officer in charge of Administration in the department;

“Climate change” means a change in the climate system which is caused by significant changes in atmospheric concentration of greenhouse

gases as a consequence of human activities and natural climatic change that has been observed during a considerable period of time;

"Climate finance" means monies of financing available for or mobilized by the County Government to finance climate change adaptation, mitigation and interventions;

"Climate variability" means variations in the average state and in other statistics of the climate beyond that of individual weather events;

"Cogeneration" means production by industries of heat or steam and electricity from renewable biomass;

"Committee" means the County Climate Change Committees established under section 7 of this Act ;

"Convention" means the United Nations Framework Convention on Climate Change;

"County" means the County Government of Nyamira;

"County Assembly" means the County Assembly of Nyamira;

"County Executive Committee Member" means the County Executive Committee Member at the time being responsible for matters related to Climate Change;

"County Government" means the County Government of Nyamira;—

"Department" means the department responsible for Climate Change;

"Directorate" means climate change unit

"Emissions" in relation to a greenhouse gas, means the release of greenhouse gases or their precursors into the atmosphere over a specified area and period of time where the emissions are attributable to human activities;

"Fund" means the climate change fund established under this Act ;

"Fund administrator" means the County climate change fund manager appointed in accordance with this Act.

"Financial year" means a period of twelve months ending on 30th June each year;

"Greenhouse gas" means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emits infrared radiation;

"Head of department" means a Technical Person responsible and accountable for the matter's incidental to Climate Change and for connected purpose;

“Incentive” means benefits which may be granted from time to time to stimulate investment in climate change initiatives;

“Lead Agency” means any department, agency, authority in which the functions of control or management of any segment of the environment are vested;

“Mitigation” means efforts that seek to prevent or reduce the increase of atmospheric greenhouse gas concentrations by limiting current or future emissions and enhancing potential sinks for green-house gases;

“Officer responsible” means a person appointed in writing as an executive head of a lead agency or relevant county department;

“Protocol” means the original draft of a diplomatic document, especially of the terms of a treaty agreed to in conference and signed by the parties.

“REDD++” means reducing emissions from deforestation and forest degradation incentives

“Resilience” means the ability of a system and its component parts to absorb, accommodate, or recover from adverse effects of climate change in a timely and efficient manner through ensuring the preservation, restoration, or improvement of the essential basic structures and functions of that system;

“Sink” means any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere;

“Technical working group” means a group of experts from various institutions who work together on climate change initiatives in the county;

“Unit” refers to climate change unit

“Verifier” Person who vouches for correctness of statement of climate change

“Village” means decentralized unit in accordance to section 48 of the County Government Act 2012.

“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” means an electoral unit within a constituency delimited in accordance with Article 89 of the Constitution.

Objects and Purpose

3. The objects and purpose of this Act is to ensure the mobilization and facilitation of the County Government of Nyamira, communities and other stakeholders to respond effectively to climate change through appropriate adaptation and mitigation measures and actions and for connected purposes—

- (a) Mainstreaming of climate change in different sectors;
- (b) Strengthening the Climate Change Unit and provide it with adequate mandate and authority to enable it to coordinate, supervise, regulate and manage all activities related to climate change,
- (c) Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development,
- (d) Provide facilitative framework for financing of climate change adaptation and mitigation projects at the community level;
- (e) Facilitating community-initiated climate change adaptation and mitigation projects;
- (f) Seeking and receiving grants from the National government and relevant implementing partners;
- (g) Providing support to the national climate change policy and legislative framework.
- (h) Contribute to implementation of any relevant obligations of the State under international agreements related to climate change;
- (i) Requiring lead agencies including government, departments, and agencies, private sector, and individual citizens to undertake their own respective roles in climate change response measures;
- (j) Coordinating collection and dissemination of climate change information to the public to create awareness and preparedness;
- (k) Providing for procedural and administrative matters

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) National values and principles of governance spelt out in Article 10 of the Constitution.

- (b) Adherence to general rules of international law and provisions of any treaty or convention on or relating to climate change ratified by Kenya”.
- (c) Values and principles of public service spelt out in Article 232 of the Constitution.
- (d) Promotion and protection of the right to a clean and healthy environment in accordance with Article 42 of the Constitution;
- (e) Commitment to fulfillment of the state obligations in respect of the environment as stipulated under Article 69 of the Constitution.
- (f) Community driven informed participation and bottom-up planning and implementation of climate change response interventions.
- (g) Recognition, respect and integration of indigenous knowledge of communities in climate change response.
- (h) Planning and implementation of climate change response to be anchored in and supportive of devolution.
- (i) Flexible learning approach to addressing challenges of climate change.
- (j) Investment in public goods to foster adaptation to climate change.
- (k) Inclusion of all major actors in planning and implementation of climate change response.
- (l) Protection of the climate system for sustainability.
- (m) Ensuring a just transition for all towards an environmentally sustainable economy and society in the light of county circumstances and developmental goals.
- (n) Ensuring equity and social inclusion in climate change matters.
- (o) Avoiding vulnerability to climate variability and change, directly or indirectly, and/or significantly undermines capacities or opportunities for present and future adaptation.

PART II—INSTITUTIONAL FRAMEWORK

County Climate Change Steering Committee

5.(1) Nyamira County Climate Change Steering Committee shall be established.

(2) The County Climate Change Steering Committee shall comprise the following members—

- (a) The Deputy Governor, who shall be the Chairperson and in his absence the Committee Executive member (CECM) in charge of matters climate change shall be the chairperson;
- (b) The Committee Executive member (CECM) of the relevant department where Directorate of Climate Change is domiciled who shall be the secretary.
- (c) Committee Executive member (CECM) of the department responsible for Finance and economic planning;
- (d) Committee Executive member (CECM) of the department responsible for agriculture, livestock and fisheries;
- (e) chairperson of the relevant committee from the County Assembly;
- (f) Director in charge of climate change.
- (g) County representative of the National Environment Management Authority
- (h) County Director in charge of Meteorological services
- (i) Fund Administrator, ~~as~~ an ex-officio member with no voting rights
- (j) A representative of women
- (k) A representative of youth
- (l) A representative of persons with disability
- (m) A representative of the civil society organization whose activities are related to climate change; and
- (n) A representative of the academic institutions

(3) In making these appointments to the County Climate Change Steering Committee, consideration has to be made to the two-thirds gender rule and the provisions of Article 27 of the Constitution shall apply.

(4) In appointing a member under 8(2) (i), (j) (k), (l) and (m) respectively the person shall be—

- (1) Is a resident of Nyamira County
- (2) The appointing authority must have regard to the desirability of securing that the Committee (taken as a whole) has experience in or knowledge of the following—

- (a) Business competitiveness;
 - (b) Climate change policy at national and international level, and in particular the social impacts of such policy;
 - (c) Climate science, and other branches of environmental science;
 - (d) Economic analysis and forecasting;
 - (e) Emissions trading;
 - (f) Energy production and supply;
 - (g) Financial investment;
 - (h) Technology development and diffusion.
 - (i) Engineering;
 - (j) Meteorology;
 - (k) Agriculture
 - (l) Law
 - (m) Forestry
 - (n) Economics;
- (3) Meets the requirements of Chapter Six of the Constitution.

Term of office

6. (1) A member of County Climate Change Steering Committee under Section 8 (2) (k), (l) and (m) shall hold office for three years and is eligible for reappointment for a further term of three years only.

(2) A member of the County Climate Change Steering Committee may, at any time, resign from office by letter addressed to the Secretary, giving notice of at least one month.

(3) The County Executive Committee Member may, at any time, with approval by the Governor remove a member of the County Climate Change Steering Committee on the following grounds—

- (a) serious violation of this Constitution or any other law, including a contravention of Chapter Six;
- (b) gross misconduct, whether in the performance of the member's or office holder's functions or otherwise;
- (c) physical or mental incapacity to perform the functions of office;
- (d) incompetence; or
- (e) bankruptcy

Vacancy

7. (1) The chairperson of the County Climate Change Steering Committee shall notify the Secretary of a vacancy that occurs in the membership of the Committee within one month of the office falling vacant.

(2) Where the County Executive Committee Member has been notified of a vacancy under this Section, the County Executive Committee Member shall within three months present to the Executive Committee of the notification, and appoint another person to fill that vacancy, with approval from the Governor.

Sub-committees

8. The Committee may establish sub-committees.

Committee procedure

9. (1) The Committee may regulate—

(a) its own procedure (including quorum)

(b) The procedure of any sub-committee (including quorum).

Validity

10. (1) The validity of anything done by the Committee or any sub-committee is not affected by—

(a) Any vacancy in the membership of the Committee or sub-committee, or

(b) Any defect in the appointment of any member of the Committee or sub-committee.

Minutes

11. The Committee must publish the minutes of its meetings in such manner as it considers appropriate.

Discharge of functions

12. The Committee may authorize a sub-committee, member or employee to exercise any of the Committee's functions.

Remuneration

13. Members of the County Climate Change Steering Committee shall be paid such allowances as Remuneration the Salaries and Remuneration Commission may determine.

Functions

14. (1) The County Climate Change Steering Committee shall—

- (a) Advise the Department on policy and other strategic matters relating to climate change;
- (b) Ensure coordination among institutions implementing climate change programmes so as to minimize duplication of effort;
- (c) Liaise with the respective department on issues affecting climate change;
- (d) Identify obstacles to the implementation of climate change policies and programmes and make proposals for resolving the obstacles;
- (e) Mainstream climate change projects, programs and activities in county planning and budgeting and ensure their approval and inclusion in the county integrated development plan;
- (f) Monitor disbursement;
- (g) Oversee budget execution;
- (h) Advice on partners' collaboration and domestication and implementation of the five-year National Climate Change Action Plan through County Climate Change Steering Committee of Governors;
- (i) Ensure smooth flow of information across the lead agencies
- (j) Identify county wide climate change needs and vulnerabilities
- (k) Internal and external resource mobilization.
- (l) Review, prioritize and sequence projects submitted by Ward Climate Change Planning Committees based on the set criteria;
- (m) Organize inter-ward meetings to review, refine and collate proposals from wards into a list of prospective proposals for funding
- (n) Approve proposals
- (o) Capacity build and train ward planning committees.

Ward Climate Change planning Committee

15. (1) There shall be established a Ward Climate Change planning Committee in each ward.

(2) Composition of Ward Climate Change planning Committee shall be as follows—

- (a) Chairperson elected by members of the committee

- (b) Ward administrator will be the secretary to the committee
- (c) Village County Climate Change Steering Committee Administrators will be Alternate Secretary
- (d) Sub-County Agriculture Officer
- (e) Sub-County Environment/ Water/ Climate Change Officer
- (f) Representative of Member of County Assembly
- (g) A Youth representative
- (h) Woman representative
- (i) A representative of the Community based Organizations actively operating in the ward on climate change actions
- (j) A representative of people living with disability (PWDs)
- (k) National Government representative (Chief or assistant Chiefs-Ex-officio)
- (3) For appointment to the Committee a member under 1. f, g, h, I, j, k shall—
 - (a) Fulfill requirement of Chapter Six of the Kenya Constitution 2010.
 - (b) Have basic knowledge on climate change.
 - (c) Have at least a post-secondary education preferably a diploma or its equivalent.
 - (d) be committed persons willing to serve the community

Meetings

- (4) The Ward climate change Planning Committee shall meet at least once in every quarter.
- (5) (a) 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
- (b) The quorum for meetings of the Ward Planning Committee shall be two thirds of the members
- (c) 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.

- (d) In the absence of the chairperson, the members in attendance shall elect one of them to chair the meeting
- (e) 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

Remuneration

16. The Ward Climate Change Planning Committee shall draw an allowance for every sitting done based on the recommended rates from the Salaries Remuneration Commission (SRC) for committees of such mandates.

Functions

17. (1) the Ward climate change planning Committee shall—
- (a) Hold consultative meetings with communities to identify priority climate change projects.
 - (b) Prepare project proposals, aggregate and coordinate ward resilience needs.
 - (c) Prioritize proposals and submit them to the County Climate change steering committee.
 - (d) Participate in mitigation and adaptation projects for climate change.
- (2) The Ward Climate Change planning Committee shall provide guidelines on climate change projects indicating—
- (a) The type and size of the project;
 - (b) The location of the project;
 - (c) Number of beneficiaries;
 - (d) The anticipated contribution to sustainable development goals; and
 - (e) The anticipated total amount of greenhouse gas reduction if the project is on mitigation.

Project brief

- (3) The project brief shall be in the form prescribed in Schedule 1.
- (4) The Ward Climate Change planning Committee shall, within thirty days after receipt of the project brief submitted under section 40, assess the viability of the intended project brief and where the Committee is satisfied that the intended project is viable it shall recommend that the

Village or the Community submit to the Ward Climate Change planning Committee detailed project design document.

(5) Where the Ward Climate Change Committee determines that the intended project is not viable, the Department shall reject the brief and provide a feedback.

(6) (i) The village, ward or entity shall prepare and submit to the Ward Climate Change planning Committee a project design document as prescribed by schedule 2.

(ii) The project design document shall contain—

- (a) a description of the project;
- (b) the location of the project;
- (c) identification of the persons responsible for the project and any other persons working on the project activities;
- (d) profiles of all institutions or individuals connected with the project;
- (e) a presentation of the baseline for economic contribution;
- (f) a presentation of the baseline for technology transfer;
- (g) an environmental impact assessment and social impact assessment conducted in accordance with the National Environment Management Authority guidelines where applicable;
- (h) evidence of public participation;
- (i) financial resources available or expected to be available and the budget for the project;
- (j) consultation with and approval of lead agencies where applicable;
- (k) a performance monitoring plan;
- (l) Project proposal submitted by end of first quarter of every financial year; and
- (m) Any other information as the Ward Climate Change Committee may require.

(iii) The Ward Climate Change planning Committee shall consider the project design document and shall, if satisfied that the proposed climate change project to which the project design document relates

complies with the County requirements for establishing a climate change project in Nyamira County forward to the County Climate Change Steering Committee.

(iv) The County Climate Change Steering Committee may, on consideration of the project design document, if satisfied that it does not comply with the County requirements for establishing a climate change project in Nyamira, issue a letter of advice.

(v) Not more than sixty (60) days after receipt of a recommendation, the County Climate Change Steering Committee shall assess, give technical recommendation and issue of a letter of approval, and on being satisfied that the applicant meets the prescribed requirements.

PART III—CLIMATE CHANGE DIRECTORATE UNIT

Establishment

18. (1) There shall be established a Climate Change unit within the Department responsible for environment.

(2) The climate change unit shall be headed by a Director of Climate Change who shall be competitively recruited and appointed by the County Public Service board.

Qualifications

(3) 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 bachelor's degree, knowledge and experience in any of the following fields—
 - (i) Climate change policy at national and international level, and in particular the social impacts of such policy;
 - (ii) Climate science, and other branches of environmental science;
 - (iii) Economic analysis and forecasting;
 - (iv) Emissions trading;
 - (v) Energy production and supply;
 - (vi) Financial investment;
 - (vii) Technology development and diffusion.
 - (viii) Engineering;
 - (ix) Meteorology;

- (x) Agriculture
- (xi) Law
- (xii) Forestry
- (xiii) Economics;
- (c) Has at least five years' experience at senior management level in the relevant field; and
- (d) Compliance to Chapter Six of the Constitution.

(4) The Director appointed under subsection (3) shall be responsible for the performance of specific duties and functions of the Directorate as set out in this Act.

(5) The Director shall advise the County Executive Committee Member on matters relating to legislation, policy, coordination, regulation and monitoring of climate change governance.

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

Duties and responsibilities

19. (1) The Unit shall be responsible for—

- (a) Advising the CECM on policy and strategic planning and all matters related to Climate Change in the County.
- (b) Coordinating and monitoring the implementation of the climate change policy in collaboration with lead agencies;
- (c) Planning the development of future regulatory arrangements to mitigate emissions of carbon dioxide and targeted greenhouse gases into the atmosphere and to promote the establishment, maintenance and use of greenhouse gas sinks;
- (d) Providing secretarial services to the County Climate Change Steering Committee;
- (e) Implementing policies adopted by the Committee;
- (f) Coordinating, mainstreaming and integrating climate change programmes into the sectoral strategic plans,
- (g) Establishing and maintaining a relationship with County, regional and international organisations, institutions and agencies as may be appropriate for the implementation of the climate change policy and recommendations of the committee;
- (h) In collaboration with other agencies—

- (i) Identifying low carbon development strategies and coordinating related measurement, reporting and verification;
- (ii) Developing strategies and coordinating actions for building resilience to climate change and enhancing adaptive capacity;
- (iii) Optimising the opportunities of Nyamira to mobilize climate change finance;
- (i) Taking measures to anticipate, prevent or minimize the causes of climate change and its adverse effects;
- (j) Formulating, implementing, publishing and regularly updating County policies and programmes to mitigate climate change by addressing anthropogenic emissions of greenhouse gases by sources and removals by sinks of all greenhouse gases;
- (k) Promoting and cooperating in the development, application and diffusion, including transfer of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases in all relevant sectors including energy, transport, industry, agriculture, forestry and waste management;
- (l) Serving as the County knowledge and information management centre for collating, verifying, refining, and disseminating knowledge and information on climate change;
- (m) Supporting the preparation for adaptation to the adverse effects of climate change by developing elaborate, appropriate and integrated plans for water resources and agriculture and for rehabilitation of areas affected by drought, desertification and floods;
- (n) Providing analytical support on climate change to the various lead agencies;
- (o) Developing and implementing educational and public awareness, communication and outreach programs on climate change and its effects;
- (p) Creating an environment that promotes broader multi-Stakeholder participation and public participation in addressing climate change and its adverse effects and developing adequate responses;
- (q) Assessing the performance of Climate change projects towards contribution to sustainable development;

- (r) Initiating programs for effective implementation of Climate change actions;
- (s) Considering and approving Project Design Documents and recommending to the County Executive Committee Member to present the same before the Executive for purposes of approval;
- (t) Establishing and managing a county registry for appropriate mitigation measures by public private entities and record keeping;
- (u) Contributing in consultation with lead agencies, preparation of the County Greenhouse Gas Inventory;
- (v) Carrying out climate risk assessments and studying human systems so as to identify options for mitigation and adaptation to climate change;
- (w) Formulating a framework strategy on climate change to serve as the basis for a program for climate change planning, research and development, extension and monitoring of activities on climate change;
- (x) Submitting reports and recommendations based on research and development, extension and monitoring of activities on climate change, to lead agencies for action and implementation;
- (y) Providing technical and financial assistance for climate change adaptation for vulnerable communities and areas;
- (z) Providing local communities with technical assistance, enforcement and information management in support of Climate Change Action Plans and other activity necessary to facilitate the discharge of its function.

Powers

(2) In the performance of its functions, the Directorate shall have powers to—

- (a) In consultation with the CECM establish *ad hoc* committee and working groups for specific technical support;
- (b) Direct any person or agency to implement climate change adaptation activities, and to require that person or agency to report on the action taken;
- (c) Enter upon and inspect any land, premises, building, installation or any physical structure of whatever nature to monitor and assess risk to adverse effects of climate change; and

(d) best practices in handling climate change matters.

(4) The Framework Strategy shall be reviewed every three years, or as may be deemed necessary.

(5) The Framework Strategy shall contain information on the following—

- (a) county priorities;
- (b) impact, vulnerability and adaptation assessments;
- (c) compliance with national and international obligations;
- (d) research and development;
- (e) database development and management;
- (f) academic programs, capacity building and mainstreaming;
- (g) advocacy and information dissemination monitoring and evaluation; and
- (h) gender mainstreaming

County Climate Change Action Plan

22. (1) The Executive Committee Member shall in consultation with the County Climate Change Steering Committee, Planning Committee and relevant sectors and through a participatory process formulate a County Climate Change Action Plan.

(2) Every 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.

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

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

(5) The components of the County Climate Change Action Plan include;

- (a) be aligned to the current National Climate Change Action Plan and respond to the specific needs and circumstances of the County;
- (b) assessment of the county impact of climate change;

- (c) identification of the most vulnerable communities or areas, including ecosystems to the impacts of climate change, variability and extremes;
- (d) identification of differential impacts of climate change on men, women and children;
- (e) assessment and management of risk and vulnerability;
- (f) identification of Greenhouse gases mitigation potentials;
- (g) statement of measures to conserve and enhance sinks and reservoirs of greenhouse gases, including forests;
- (h) statement of the strategies, policies and actions for adapting to climate change; and
- (i) Identification of options, prioritization of appropriate adaptation measures for joint projects of County and Local Communities.
- (j) 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;
 - (vi) monitoring, evaluation and periodic review to integrate learning and best practice in the implementation of the County Climate Change Action Plan

Approval of County Climate Change Action Plan

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

Biennial review of County Climate Change Action Plan

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

Local Communities Climate Change Action Plan

25. (1) All devolved action plans including local communities climate change action plan shall be consistent with the Framework Strategy and the County Climate Change Action Plan referred to in section 22.

(2) The Local Communities Climate Change Action Plan shall in addition to the requirement of subsections (1) include –

- (a) An assessment of the current and predicted impact of climate change on the areas under the jurisdiction of the local communities;
- (b) A vulnerability impact assessment of climate change on the areas under the jurisdiction of the local communities; and
- (c) A statement of the strategies, policies and actions for adapting to climate change.

(3) The local communities shall furnish the department with a copy of their action plans and all subsequent amendments, modifications and revisions, within one month from their adoption.

(4) Local communities shall regularly update their respective action plans to reflect changing social, economic and environmental conditions.

(5) The Directorate shall be responsible for developing, planning and implementation of climate change Action plans which shall apply to the whole county or ward(s) within the county.

PART V—MITIGATION AND ADAPTATION MEASURES BY MULTIPLE SECTORS

Multi-sectoral forum on climate change

26. (1) All officers responsible for sectoral directorates shall constitute 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;
- (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 County Climate Change Steering Committee.

Records

27. Every member of the Multi-Sectoral Forum on Climate Change shall collect data and keep records of—

- (a) The emission of greenhouse gases into the atmosphere;
 - (b) The removal of greenhouse gases to a sink in the county; and
 - (c) Such other matters as may be prescribed by regulation.
- (2) A person referred to in subsection (1) shall submit –
- (a) records for verification by a registered verifier; and
 - (b) the verified records annually to the Directorate

Mitigation by Departments

28. (1) Mitigation of greenhouse gas emissions shall be undertaken—

- (a) in sector specific approach for matters that are specific to Departments; or
- (b) In a multi sector approach for matters on climate change that cut cross all departments.

(2) A person or entity shall comply with the minimum climate mitigation and compatibility standards, measures and performance levels established by the Directorates responsible for the Departments for-

- (a) agriculture, livestock and fisheries;
- (b) land use;

- (c) forestry;
- (d) wetland;
- (e) waste management;
- (f) works and transport;
- (g) energy; and
- (h) Trade and industry.

(3) The activities to which subsection (2) applies shall include –

- (a) crop farming, livestock keeping, fisheries and irrigation;
- (b) land use planning and zoning;
- (c) wetlands conservation, afforestation and solid waste management;
- (d) infrastructure development; and
- (e) promotion of green energy technologies and clean industrial processes.

(4) The Directorate shall prepare and implement a carbon dioxide emission and targeted Greenhouse Gas Emission Mitigation Action Plan in accordance with this subsection.

(5) The mitigation plan referred to in subsection (4) shall provide for mechanisms to –

- (a) Reduce the production of carbon dioxide and other targeted greenhouse gases; and
- (b) Increase the capture of carbon dioxide or other targeted greenhouse gases in a sink, and identify ways for participating in climate change related activities.

Mitigation in land use and Physical planning

29. (1) The Department responsible for land use and Physical planning shall –

- (a) Promote, encourage and enforce proper planning of urban and rural centres in order to have areas that are resilient to climate change;
- (b) Promote incorporation of adaptive measures to climate change in building codes and standards;
- (c) Develop housing policies, including subsidies to low income communities

- (d) Establish insurance schemes to provide reparations in regions affected by climatic disasters;
- (e) Control and monitor land development and other land-use changes in a sustainable manner so as to better manage greenhouse gas sources and sinks;
- (f) Demarcate areas reserved for industrial use and other land development;
- (g) Promote human resource development in land management and regulate activities on land; and
- (h) Establish and update climate change strategies on mitigation.

Mitigation and Adaptation in forestry

30. (1) The Department responsible for forestry shall –

- (a) Establish forest plantations through afforestation and reforestation programmes in non-forested areas and intensify afforestation and reforestation efforts in other areas;
 - (b) Develop strategies for protecting and promoting carbon sinks;
 - (c) Promote strategies for effective forest management;
 - (d) Conserve the existing forests and implement redd+ programmes;
 - (e) Set-up mechanisms to regulate the implementation of redd+ projects and the set-up of equitable benefit sharing schemes;
 - (f) Develop and implement policies that address challenges associated with increased unit productivity in plantation forestry; and
 - (g) Introduce improved seeds and drought-resistant, ecologically appropriate, fast-growing tree species as part of the process of technology transfer in forestry.
- (2) For purposes of subsection (1) the Department responsible shall –
- (a) Ensure that the forest sector continues providing ecosystem services in mitigation of climate change while supporting sustainable development needs of the county;
 - (b) Provide technology transfer and capacity building to the public and in particular to forest product-dependent communities;
 - (c) Provide incentives for farmers to establish commercial woodlot plantations, including peri-urban plantations; and

- (d) Implement a data collection system for supporting research and monitoring the status of the forests in terms of acreage extent, distribution and species biodiversity.
- (3) The Department responsible shall –
 - (a) Implement the relevant national forestry policy to reduce deforestation and forest degradation;
 - (b) Promote afforestation and reforestation programmes implemented by county government, institutions, households, community, the private sector and civil society;
 - (c) Promote and encourage efficient biomass energy production and utilization technologies to reduce biomass consumption;
 - (d) Encourage agro-forestry, which will enable poor rural households to meet their subsistence and energy needs; and
 - (e) Undertake forestry research and promote conservation and restoration of forest ecosystems critically threatened by climate change

Mitigation and Adaptation in Wetlands

31.(1) The Department responsible for promoting a balance between conservation and sustainable use of wetlands to reduce Greenhouse gas emissions.

- (2) For purposes of subsection (1), the Department shall-
 - (a) Promote and intensify wetland protection and restoration in order to enhance sinks of greenhouse gases; and
 - (b) Promote sustainable use of wetlands.
- (3) (1) The Department shall –
 - (a) Promote wetland conservation and restoration of degraded wetlands;
 - (b) Implement the relevant international, national and county wetland policies to prevent wetland degradation and encroachment;
 - (c) Promote collaborative and participatory management of wetland resources with communities; and
 - (d) Collaborate in undertaking research on wetlands and promote conservation and restoration of ecosystems.

- (e) Collaborate with other sectors in prohibiting plantation of Eucalyptus tree species along riverbanks, wetlands and watersheds

Mitigation in agriculture

32.(1) The Department responsible for Agriculture shall mainstream climate change mitigation matters in order to –

- (a) Promote climate smart agriculture practices and technologies;
 - (b) Ensure resilient, productive and sustainable agricultural systems with reduced greenhouse gas emissions.
- (2) For purposes of subsection (1) the officer responsible shall promote and encourage—
- (a) Promote and encourage highly adaptive and productive livestock breeds
 - (b) Develop innovative insurance schemes to insure farmers against crop failure due to droughts, pests, floods and other weather related events and to facilitate access to credit by farmers, respectively
 - (c) Support community-based adaptation strategies through extension services and improved systems for conveying timely climate information to rural populations;
 - (d) Conservation agriculture, ecologically compatible cropping systems and agricultural practices to increase greenhouse gas sinks;
 - (e) The sustainable management of grazing fields to reduce greenhouse gas emissions from soil and land degradation; and
 - (f) The sustainable utilization of agricultural products.
 - (g) Promote value addition and improve food storage and management systems in order to ensure food security as a factor of resilience.

Mitigation in energy generation

33. (1) The Department responsible shall promote the use of renewable energy and the development of new clean energy technologies in order to reduce Greenhouse gas emissions.

(2) For purposes of subsection (1), the Department responsible shall—

- (a) promote investment in clean energy generation under public-private partnerships;
- (b) ensure resilient, productive and sustainable agricultural systems with reduced greenhouse gas emissions;
- (c) promote and encourage cogeneration;
- (d) provide incentives and other benefits to private sector companies who invest in cleaner energy generation;
- (e) promote the use of alternative renewable energy sources such as solar, biomass, wind, biofuels and their associated technologies;
- (f) promote hydroelectric and geothermal power generation systems;
- (g) promote the use of combined-cycle gas turbines in cases where there is a shortfall in renewable energy power generation systems; and
- (h) Coordinate with other relevant departments and other agencies to regulate oil and gas and the use of fossil fuels to reduce greenhouse gas emissions as mandated by the County Government

(3) (i) The Department responsible shall promote sustainable energy access and utilization as a means of sustainable development.

(ii) The Department responsible shall in the performance of the responsibilities in subsection (i)–

- (a) Promote diversification of energy sources by encouraging use of alternative renewable energy sources such as solar, biomass, mini-hydro, geothermal and wind;
- (b) Promote energy-efficient firewood cook stoves, solar and liquefied petroleum gas cookers;
- (c) Conduct research to determine the potential impacts of climate change on the power supply chain.

Mitigation in energy utilization

34.(1) The Department responsible shall promote conservation and efficient utilization of energy to reduce Greenhouse gas emissions and encourage the use of alternative fuels.

(2)The Department responsible shall in the performance of the responsibilities in subsection (1)–

- (a) Promote the development of energy conservation and efficiency projects in all sectors;
- (b) Liaise with relevant agencies to enforce building codes with the aim of reducing energy wastages and encouraging designs that maximize the use of natural light;
- (c) Promote the use of energy-efficient technologies such as compact florescent lamps and other commercially available high-efficiency lamps;
- (d) Advise on alternative clean energy sources and efficient appliances for energy use, management and conservation in order to reduce deforestation.

Mitigation and Adaptation in works and transport

35. (1) The Department responsible shall in consultation with relevant departments, authorities and agencies—

- (a) Develop and implement a county transport policy and plan that addresses greenhouse gas mitigation matters;
- (b) Effect a gradual shift from the use of gasoline and diesel fuels;
- (c) Promote use of less carbon-intensive fuels such as compressed natural gas and ethanol in vehicles;
- (d) Promote modes of transport that take greenhouse gas emission reduction into account; and
- (e) Prescribe minimum climate proofed building standards and performance levels.

(2) The officer responsible shall in the performance of the responsibilities in subsection (1)—

- (a) Improve road infrastructure, and traffic management in urban centres to reduce traffic congestion and greenhouse gas emissions;
- (b) Promote private sector investment in the biofuel industry; and
- (c) establish and implement standards for emissions by vehicles.

(3) For purposes of subsection (1) (e), minimum climate proved building standards shall address the design and performance requirements for —

- (a) Insulation to be used in roof and external walls;
- (b) Glazing systems;
- (c) Cooling, heating and ventilation systems;

- (d) Internal lighting and external security lighting;
- (e) Energy efficient technologies;
- (f) Roof water harvesting; and
- (g) Certification relevant lead agencies of building designs and submission of technical reports where necessary to give effect to mitigation of emission of carbon dioxide and other targeted greenhouse gases from buildings.

(4) The Climate proofed Building Standards shall be complementary with the existing laws relating to building standards.

(5) (i) The Department shall, in collaboration with implementing agencies, on the basis of insights from climate predictions, develop an integrated planning and management system for transport and other physical infrastructure.

(ii) The Department responsible shall in the performance of the responsibilities in subsection (i) —

- (a) Establish and enforce climate change resilient standards for transport and infrastructure and a monitoring and Reporting system on the implementation of the standards;
- (b) Encourage the integration of climate change into transport and infrastructure development strategies;
- (c) Promote and encourage water catchment protection in transport infrastructure development and maintenance; and
- (d) In liaison with relevant agency, conduct geo-technical site investigations to determine the appropriateness for climate proof infrastructural development.

Mitigation in waste management

36. (1) The Department responsible shall promote sustainable use of solid and liquid wastes for energy generation and other uses.

(2) The Department responsible shall in the performance of the responsibilities in subsection (1)—

- (a) Promote and encourage waste-to-energy programs to reduce greenhouse gas emissions and increase energy generation and access;
- (b) Promote proper disposal and sustainable use of wastes, including sorting and composting wastes;

- (c) Promote the gasification and incineration of large quantities of waste to generate thermal energy or electricity; and
- (d) Promote the use of biodegradable wastes for production of biogas.

Mitigation in Industries

37. (1) The Department responsible shall promote cleaner production processes in industries to reduce the increase in Greenhouse gas emissions.

(2) The Department responsible shall in the performance of the Responsibilities in subsection (1) –

- (a) Promote new technologies in industries;
- (b) Promote use of alternative fuels for lime kilns; and
- (c) Consult with other relevant stakeholders to regulate and enforce emission reduction in industries

Adaptation to climate change

38. (1) 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 multi sector approach for matters that cut across all lead agencies.

(2) A person or entity shall comply with the adaptation and compatibility standards, measures and performance levels established by the Department responsible of the lead agency responsible for –

- (a) Agriculture, livestock, fisheries and irrigation
- (b) Water;
- (c) Works and transport;
- (d) Forestry;
- (e) Wetlands;
- (f) Biodiversity and ecosystems services;
- (g) Health;
- (h) Energy;
- (i) Wildlife and tourism;
- (j) Human settlements and social infrastructure; and

(k) disaster risk management.

(3) The activities to which subsection (2) applies shall include –

- (a) Building and civil works;
- (b) Mining;
- (c) Agriculture and livestock;
- (d) Manufacturing;
- (e) Forestry;
- (f) Fisheries;
- (g) Energy;
- (h) Transport; and
- (i) Any related activity

(4) Any person or entity intending to undertake any activity referred to in subsection (3) shall submit to the Department a plan on reasonable endeavors to—

(a) Adapt to climate induced natural events including –

- (i) Flooding and drought;
- (ii) Landslides;
- (iii) Vector borne diseases;
- (iv) Changes in agricultural yields;
- (v) Changes in livestock production;
- (vi) Food security;
- (vii) Climate induced migration;
- (viii) Climate impacts on towns and urban centres;
- (ix) Water and sanitation;
- (x) Pests and diseases;
- (xi) Any other related events.

(b) Identify ways to participate in

- (i) Community-based tree planting;
- (ii) Agricultural intervention;
- (iii) Human settlement and migration;

- (iv) Protection of water bodies and wetlands and any other related programs.

(5) The County Government departments responsible for a sector referred to in subsection (2) shall prepare an adaptation Action plan in accordance with this section.

(6) The adaptation Action plan referred to in subsections (5) shall provide for mechanisms to –

- (a) Manage climate change compatible and adaptive measures or activities;
- (b) Assess the cost of implementing adaptation programs; and
- (c) Any other related events;
- (d) Identify ways to participate in –
 - (i) Community-based tree planting;
 - (ii) Agricultural intervention;
 - (iii) Human settlement and migration;
 - (iv) Protection of water bodies and wetlands; and
 - (v) any other related programs.

(7) The Departments responsible for a sector referred to in subsection (2) shall prepare an adaptation Action plan in accordance with subsection (6).

Functions of Departments

39. (1) The Department responsible shall –

- (a) Promote climate change adaptation strategies that enhance resilient, productive and sustainable agricultural systems; and
- (b) Promote value addition and improve food storage and management systems in order to ensure food security as a factor of resilience.

(2) The Department responsible shall in the performance of the responsibilities in subsection (1) –

- (a) Promote and encourage climate smart agriculture practices
- (b) Promote and encourage highly adaptive and productive livestock breeds;
- (c) Promote and encourage conservation agriculture and ecologically adaptable cropping systems to increase resilience to the impacts of climate change;

- (d) Promote sustainable management of rangelands and pastures through integrated rangeland management to avoid land degradation and deforestation;
- (e) Promote sustainable use of water through efficient irrigation practices;
- (f) Improve food security and household incomes through diversification of agriculture, improved post-harvest handling (storage and value addition) in order to mitigate rising climate related losses;
- (g) Support community-based adaptation strategies through extension services and improved systems for conveying timely climate information to rural populations; and
- (h) Develop innovative insurance schemes to insure farmers against crop failure due to droughts, pests, floods and other weather related events and to facilitate access to credit by farmers, respectively.

Adaptation in water management

40. (1) The Department responsible shall develop and implement measures for sustainable and long-term conservation, access and effective utilization and management of water resources.

—(2) The Department responsible shall in the performance of the responsibilities in subsection (1)—

- (a) Promote and encourage water harvesting and efficient water utilization in households and institutions;
- (b) Ensure availability of water for production in water dependent sectors in order to increase their resilience to climate change impacts;
- (c) Promote and strengthen the conservation and protection against degradation of watersheds, water catchment areas, river banks and water bodies;
- (d) Promote Integrated Water Resources Management including underground water resources and contingency planning for extreme events such as floods and drought;
- (e) Strengthen trans-county boundary cooperation regarding water resources management;
- (f) Support institutional and human capacity building in water resource use, development and management; and

- (g) Establish water resource monitoring networks and flood early warning systems.

Adaptation in fisheries and aquaculture

41. (1) The Department responsible shall promote integrated fisheries and aquaculture resource management in order to ensure sustainable fisheries production

(2) The Department responsible shall in the performance of the responsibilities in subsection (1)—

- (a) Promote and encourage climate change resilient fishing practices;
- (b) Promote sustainable fish farming as a means of economic diversification and enhancing the resilience of the fishing industry to the impacts of climate change;
- (c) Promote and encourage collaborative and participatory management of aquatic ecosystems;
- (d) Promote awareness on the impacts of climate change on fisheries amongst the various stakeholders, such as local communities, resource managers and policy makers;
- (e) Promote biological engineering and restoration of stress-tolerant organisms; and
- (f) Improve and strengthen trans-county cooperation regarding fisheries ecosystems.

Adaptation in Biodiversity and Ecosystem Services

42. (1) The Department responsible shall address the challenges posed by climate change impacts on biodiversity and ecosystems to ensure ecosystem health and provision of ecosystem services crucial to sustainable and resilient development.

(2) The Department responsible shall in the performance of the responsibilities in subsection (1)—

- (a) Identify biodiversity hotspots where only restricted development should be allowed;
- (b) Establish programmes and systems for sustainable land management in fragile ecosystems, such as grazing fields and hilly ecosystems;
- (c) Promote collaborative management and sustainable use of biodiversity and ecosystems with communities;

- (d) Promote valuation and payment for ecosystem services and streamline other ecosystem benefit-sharing schemes;
- (e) Restrict activities within protected areas and the vicinity in order to protect the integrity of the ecosystem; and
- (f) Build capacity for monitoring the impacts of climate change on biodiversity, ecosystems and ecosystem services.

Adaptation in health

43. (1) The Department responsible shall establish adaptive mechanisms and early warning systems for diseases related to climate change.

(2) The Department responsible shall in the performance of the responsibilities in (1)—

- (a) Conduct vulnerability assessments of the health sector to climate change impacts;
- (b) Develop contingency plans for health systems that are resilient to climate change;
- (c) Assess the impacts of climate change on human health;
- (d) Develop a system for the collection, management, storage and dissemination of health information;
- (e) Conduct surveillance of disease outbreaks and provide rapid responses to control epidemics; and
- (f) Conduct awareness campaigns for health workers on the relationship between climate change and human health.

Adaptation in wildlife and tourism

44.(1) The Department responsible shall in consultation with relevant lead agencies develop a County wildlife adaptation strategy.

(2)The Department responsible shall in consultation with the relevant agencies in the performance of the responsibilities in subsection (1)—

- (a) Conserve wildlife resources and plan for improved resilience of tourism resources and infrastructure to climate change;
- (b) Promote measures that preserve the integrity of ecosystems that provide critical wildlife habitats and host endangered species;
- (c) Develop parks with best management practices for wildlife to adapt to the changing climate;

- (d) Develop and diversify tourism products that are adaptable to climate change as a substitute for natural attractions that are affected by climate change; and
- (e) Develop infrastructure that is resilient to weather and support tourism by ensuring minimal damage to wildlife habitats.

Disaster Management

45. (1) The department responsible shall ensure preparedness for risks hazards and disasters induced by climate change.

(2) The Department responsible shall in the performance of the responsibilities in subsection (1)—

- (a) Develop and implement a climate change-induced disaster risk management strategy;
- (b) Undertake vulnerability risk mapping of the whole county;
- (c) Encourage formation of associations that can respond to disaster emergencies; and
- (d) Promote development of innovative insurance schemes for households, institutions and businesses.

PART VI – PUBLICATION, PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

Participation in climate change projects

46. A village, ward or entity shall benefit and participate in the climate change projects in Nyamira County.

County strategy for climate change education and public awareness

47. (1) Within three months of this Act enactment, 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 Climate Change Ward Committees in every ward

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

Public sensitization to precede formulation of climate change response

48. (1) The directorate, County climate change steering 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 directorate, County climate change steering Committee and Ward climate change planning Committees shall report to the County Assembly 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 County Climate Change Steering Committee.

Capacity building for effective public participation

(4) The County Climate Change Steering Committee shall ensure that the Directorate 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.

(5) The Directorate, County Climate Change Steering 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

(6) (a) The County Climate Change Steering Committee, and the Ward climate change Committee shall publish, publicize and ensure access to all important climate change information in their possession

(b) The Directorate shall ensure that the information under subsection (a) is available at the County Climate Change Resource and Knowledge Management Center.

PART VII – MEASURING, REPORTING AND VERIFICATION

Measurement of emissions and removals of greenhouse gases

49. (1) The targeted greenhouse gas emissions, reductions of such emissions and removals of targeted greenhouse gases from the atmosphere shall be measured or calculated in tonnes of carbon dioxide equivalent.

(2) The amount of emissions and removals of a greenhouse gas for a period shall be determined every two years in accordance with international reporting practice under the Convention.

(3) The net emissions for a period, in relation to a targeted greenhouse gas, means the amount of emissions of that gas for the period reduced by the amount for the period of removals of that gas.

(4) The measurements of the County reference level, the targets, emissions, removals and net emissions shall include sub-measurements to differentiate the measurements of each lead agency in the County measurements.

(5) A lead agency shall have a baseline emission of carbon dioxide and targeted greenhouse gases.

(6) The standard format for requirements and methodologies for measurement of emissions and removals of greenhouse gases shall be in prescribed form (Schedule 5) provided for in the regulations.

County reference level

50. (1) The County reference level is the aggregate amount of –

- (a) Net emissions of carbon dioxide for the baseline year; and
- (b) Net emissions of each of the other targeted greenhouse gases for the baseline year and increased every calendar year following the baseline year by the percent of growth in gross domestic product.

(2) The County Executive Committee Member shall determine the County reference level and targets for County net carbon dioxide emission and County net emissions of targeted greenhouse gases for each year, including targets for each of the lead agencies.

(3) The County reference level in subsection (2) shall be determined in consultation with the Department, the County Environment Committee, County Climate Change Steering Committee and the lead agencies and be carried out in accordance with international practice or under the Convention.

(4) The County Executive Committee Member, shall revise the targets for County emissions of carbon dioxide and targeted greenhouse gases every three years.

(5) The County reference level shall be published in the Gazette

County reporting

51. (1) The Director of Climate Change shall cause to be prepared and delivered to the County Climate Change Steering Committee for its review annually, the County reports.

(2) The County Climate Change Steering Committee shall review the report within three months of receiving the report and if satisfied with the content, authorize the County Executive Committee Member to sign the County reports and forward them to the Climate Change Directorate in the discharge of the County obligations under the Convention.

(3) The County Executive Committee Member shall submit to the County Assembly reports approved by the County Climate Change Steering Committee under subsection (2).

(4) The County communication report and bi-annual update report and such other reports required to be submitted to the Climate Change Directorate shall be prepared in accordance with national and international standards.

County and international verifiers to be registered

52. (1) A person who intends to perform verification shall be registered with the Department as a registered verifier.

(2) A person registered under subsection (1), shall be a natural person.

(3) A verifier under this section shall comply with the rules prescribed under the Climate Change Act, 2016 and the processes or procedures prescribed under this Act and regulations made under this Act.

Unregistered verification prohibited

53. (1) A person shall not verify or publish any oral or written statement that appears to comprise a verification or rejection of a County record of—

- (a) emissions of carbon dioxide and other greenhouse gases into the atmosphere; or
- (b) removals of carbon dioxide and other greenhouse gases from the atmosphere to a sink in Nyamira County, unless that person is registered as a verifier under this Act.

(2) A person who contravenes subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding Kenya Shillings five hundred thousand or a term of imprisonment not exceeding four years or both.

Requirements for registration

54. (1) A person may apply to the Department for registration as a verifier if that person—

- (a) is a resident in Kenya;

- (b) meets the verifier accreditation criteria and requirements under the Convention;
- (c) possesses qualifications appropriate to conduct verification; and
- (d) pay prescribed fee to the county.

(2) A person who is registered as a verifier under this section shall be issued a verifier certificate which shall expire on 31st December of each calendar year.

(3) The County Climate Change Steering Committee may revoke or suspend a verifier certificate issued under subsection (2) as it deems necessary.

PART VIII-APPROVAL OF PROJECTS

Approval for small scale projects

55. (1) The beneficiary shall, in submitting an application for a small scale climate change project—

- (a) state the location of the land on which the proposed project is to be situated, the approximate area of the land and evidence of ownership;
- (b) attach a summary of the proposed management plan for the project;
- (c) attach a report on environmental impact assessment (EIA) and social impact assessment where applicable;
- (d) provide evidence of consultation with the local leaders and the community; and
- (e) any other supporting document.

(2) The application for a small scale climate change project shall be in a prescribed form.

(3) Ward Climate Change planning Committees shall assess and recommend the proposed small scale projects.

(4) The County Executive Committee Member, in consultation with the County Climate Change Steering Committee shall, if not satisfied that the applicant meets the prescribed requirements, reject a recommendation to grant a letter of approval.

(5) The criteria for selection of a climate change project shall be in prescribed form.

Obligations of the project applicant

56. (1) A project applicant under this Act shall carry out his or her activities in accordance with the terms and conditions set out in the letter of approval and this Act.

(2) A project proponent shall keep records and prepare reports relating to the project.

(3) The records and reports referred to in subsection (2) shall be submitted to the Department quarterly and annually.

(4) A project proponent shall, at the request of the Department, provide all information relating to the project

PART IX—MONITORING AND EVALUATION OF COMPLIANCE**Power of Entry**

57. (1) The County Climate Change Directorate unit shall monitor, investigate and report on whether approved projects are in compliance with the conditions of approval or any requirement of this Act.

(2) In the performance of this function, the Directorate shall have powers necessary for purposes of monitoring and investigation including—

- (a) the power to enter premises of any entity and make an enquiry;
- (b) at a reasonable hour, enter any private land or premises to make an inspection;
- (c) take photographs, films or videos;
- (d) carry out tests on machinery, facilities and equipment;
- (e) take and remove samples;
- (f) identify and remove anything that may be evidence of non-compliance with this Act

(3) Where the Department is satisfied that an approved project contravenes a requirement of this Act, it may—

- (a) recommend to the County Executive Committee Member to revoke the approval of the project;
- (b) recommend to the County Executive Committee Member to suspend the operations of the project; or
- (c) direct the beneficiaries to comply with the condition or requirement of this Act.

(4) A climate change project whose approval has been revoked may be struck off the register by the executive board on recommendation of the County Executive Committee Member.

(5) A recommendation for cancellation from the register shall state the reasons for the recommendation and shall be accompanied by a copy of the revocation of approval.

(6) A climate change project which has been cancelled from the register shall not benefit from the County Climate Change fund until it meets the compliance standards.

(7) The authorized officer shall before be entering premises for purposes of subsection (2) present to the management of the premises an identity card—

- (a) stating the name of the authorized officer;
- (b) containing a photograph of the authorized officer
- (c) stating that the person whose name and photograph appears on the card is an authorized officer for the purposes of this Act.

(8) A person who—

- (a) Refuses to give access to the authorized officer of the Department who has requested access to any land;
- (b) Hinders the execution by the Department of the duties under this Act;
- (c) Fails or refuses to give information lawfully required by the Department; or
- (d) Gives false or misleading information to the Department, commits an offence and is liable, on conviction, to a fine not exceeding five hundred and fifty thousand or to imprisonment for a period not exceeding five years, or both.

Register of approvals

58. (1) The Department shall cause to be compiled and maintained a register of approvals showing, in respect of each approval, such particulars as may be in prescribed form.

(2) The register shall be kept in the office of Director Climate Change and shall be availed at all reasonable times upon request.

PART X—FINANCIAL PROVISIONS

Establishment of the Fund

59. (1) There is hereby 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 Steering Committee and managed by the Fund Administrator who shall be the director in charge of climate change in the county.

Sources of the Fund

60. The Fund shall be financed through—

- (a) Initial capital appropriated by the County Assembly, being not less than two percent of the county development budget
- (b) Money appropriate annually by the County Assembly, which shall be not less than two 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 agency
- (e) Donations, endowments, bequests, grants and gifts from individuals, public and private entities local or foreign
- (f) Charges, fees, levies or fines received by the county government in connection with activities that adversely impact on climate in the county
- (g) Interest and any other money that may lawfully accrue to the Fund in any form

Regulations of the Fund

61. The Executive Committee Member shall, in consultation with the Executive Committee Member in charge of Finance develop Regulations for administration and management of the Fund

PART XI – MISCELLANEOUS

Indemnity from personal liability

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

(2) Subsection (1) shall not relieve the Government of the liability to pay compensation or damages to any person for any injury, loss of property or interests caused by the exercise of any power conferred by this Act or by the failure, wholly or partially of any works.

Offences and penalties

63. (1) A person who—

- (a) without lawful excuse ignores or fails to obey any instruction issued by any member of the County Climate Change Steering Committee or officer or agent of the County Climate Change Steering Committee in exercise of the powers or the performance of the functions of the County Climate Change Steering Committee under this Act; or
- (b) willfully obstructs any member of the County Climate Change Steering Committee or officer or agent of the County Climate Change Steering Committee in the discharge of their lawful duties; or
- (c) misrepresents, knowingly submits false or misleading information to any member of the County Climate Change Steering Committee or officer or agent of the County Climate Change Steering Committee in exercise of the powers or the performance of the functions of the County Climate Change Steering Committee under this Act, commits an offence and is liable, on conviction, to a fine not exceeding ten million shillings or to imprisonment for a period not exceeding five years, or to both.

(2) Where an offence under subsection (1) is committed by a body corporate, every director or officer of the body corporate who had knowledge of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act, shall be guilty of an offence under subsection (1).

(3) Where an offence under subsection (1) is committed by a partnership, every partner or officer of the partnership who had knowledge of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act, shall be guilty of an offence under subsection (1).

Dispute resolution

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

PART XII—DELEGATED LEGISLATION**Regulations**

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

(2) Without prejudice to the general effect of subsection (1), the County Executive Committee Member may make regulations for—

- (a) procedure and criteria for selection of participation in Climate Change projects;
- (b) particulars of register of approvals;
- (c) procedures and modalities for measurement of emissions and removals of greenhouse gases;
- (d) procedures for registration of verifiers;
- (e) fees payable;
- (f) forms; and
- (g) participation in benefit sharing or incentive allocation mechanism

(3) The County Executive Committee Member may by regulations prescribe the fees payable for registration as a verifier

SCHEDULE 1**NYAMIRA COUNTY GOVERNMENT**

Project Description and implementation status form

Financial Year _____

Ward Name _____ Sub-County _____

No of Beneficiaries _____

Estimated Amount of GHGs abated/reduced (If on mitigation)

	Type of project	Project location (Sub county/ward)	Estimated total cost	Amount allocated	Expenditure to date	Variance				
						Q 1	Q 2	Q 3	Q 4	Total
1										
2										
3										
4										

Reasons for Variance

SCHEDULE 2**NYAMIRA COUNTY GOVERNMENT****Ward Climate Change Project****Project Design template**

Brief project description:

Location:

Person in charge/project manager:

Project Cost/Budget

Baseline information

a) Population of beneficiary:

b) Economic contribution:

c) Contribution in technology transfer:

.....
 Profile of management committee members

.....
 EIA Licence No/Evidence

Community participation: (Attach list of attendance)

.....

.....

SCHEDULE 3

NYAMIRA COUNTY GOVERNMENT

Ward Climate Change Project

Project Application Form

Application form for small scale climate change projects

Project Name

Project location:

Applicant/Group

Type of project:

Any project done before:

Project cost:

Partners (name two):

List the expected adaptation/mitigation benefits from the project:

1.

2.

3.

Community Contribution:

.....

SCHEDULE 4

NYAMIRA COUNTY GOVERNMENT

Project profiling template

Financial Year: _____ (Cost in Shs (rounded off to nearest shs.))

Ward Name: _____

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

SCHEDULE 5

MEASUREMENT OF EMISSIONS AND REMOVALS OF GREENHOUSE GASES REPORTING TEMPLATE

(Shall be reported as per the reporting tool developed by National
Climate Change Directorate- CCD)

SCHEDULE 6
FINANCIAL REPORTING TEMPLATE



NYAMIRA COUNTY CLIMATE FUND
(SAMPLE)
ANNUAL REPORT AND FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED
JUNE.....

Prepared in accordance with the Accrual Basis of Accounting Method
under the International Public Sector Accounting Standards (IPSAS)

1. FINANCIAL STATEMENTS

**1.1 STATEMENT OF FINANCIAL PERFORMANCE FOR THE
YEAR ENDED 30th JUNE**

	Note	FY2017/2018	FY2016/2017
		KShs	KShs
Revenue from non-exchange transactions			
Public contributions and donations	1	xxx	xxx
Transfers from the County	2	xxx	xxx

Government			
Fines, penalties and other levies	3	xxx	xxx
		xxx	xxx
Revenue from exchange transactions			
Interest income	4	xxx	xxx
Other income	5	xxx	xxx
		xxx	xxx
Total revenue		xxx	xxx
Expenses			
Fund administration expenses	6	xxx	xxx
General expenses	7	xxx	xxx
Finance costs	8	xxx	xxx
Total expenses		xxx	xxx
Other gains/losses			
Gain/loss on disposal of assets —	9		
Surplus/(deficit) for the period		xxx	xxx

The notes set out on pages xxx to xxx form an integral part of these Financial Statements

1.2. STATEMENT OF FINANCIAL POSITION AS AT 30**JUNE.....**

	Note	FY2017/2018	FY2016/2017
		KShs	KShs
Assets			
Current assets			
Cash and cash equivalents	10	xxx	xxx
Current portion of long term receivables from exchange transactions	11	xxx	xxx
Prepayments	12	xxx	xxx
Inventories	13	xxx	xxx
		xxx	xxx
Non-current assets			
Property, plant and equipment	14	xxx	xxx
Intangible assets	15	xxx	xxx
Long term receivables from exchange transactions	11	xxx	xxx
		xxx	xxx
Total assets		xxx	xxx
Liabilities			
Current liabilities			
Trade and other payables from exchange transactions	16	xxx	xxx
Provisions	17	xxx	xxx
Current portion of borrowings	18	xxx	xxx
Employee benefit obligations	19	xxx	xxx
		xxx	xxx
Non-current liabilities			

Non-current employee benefit obligation	19	xxx	xxx
Long term portion of borrowings	18	xxx	xxx
Total liabilities		xxx	xxx
Net assets		xxx	xxx
Revolving Fund		xxx	xxx
Reserves		xxx	xxx
Accumulated surplus		xxx	xxx
Total net assets and liabilities		xxx	xxx

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved on _____ 2018 and signed by:

Administrator of the Fund

Name:

Fund Accountant

Name:

ICPAK Member Number:

(IPSAS 2 allows an entity to present the cash flow statement using the direct or indirect method but encourages the direct method. PSASB also recommends the use of direct method of cash flow preparation. The above illustration assumes direct method)

1.3. STATEMENT OF CHANGES IN NET ASSETS AS AT 30 JUNE

	Revolvi ng Fund	Revaluati o n Reserve	Accumulate d surplus	Tot a l
		KShs	KShs	KShs
Balance as at 1 July 2016	xxx	xxx	xxx	xxx
Surplus/(deficit) for the period	-	-	xxx	xxx
Funds received during the year	xxx	-	-	xxx
Revaluation gain	-	xxx	-	xxx
Balance as at 30 June 2017	xxx	xxx	xxx	xxx
Balance as at 1 July 2017	xxx	xxx	xxx	xxx
Surplus/(deficit) for the period		-	xxx	xxx
Funds received during the year	xxx	-	-	xxx
Revaluation gain	-	xxx	-	xxx
Balance as at 30 June 2018	xxx	xxx	xxx	xxx

(Provide details on the nature and purpose of reserves)

1.4. STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE

	Not e	FY2017/20 18	FY2016/20 17
		KShs	KShs
CashflowsfromoperatingBillivities			
Receipts			
Publiccontributionsanddonations		xxx	xxx
Transfers from the County Government		xxx	xxx
Interest received		xxx	xxx
Receipts from other operating Billivities		xxx	xxx
Total Receipts		xxx	xxx
Payments			
Fund administration expenses		xxx	xxx
General expenses		xxx	xxx
Finance cost		xxx	xxx
Total Payments		xxx	xxx
NetcashflowsfromoperatingBillivities	25	xxx	xxx
Cash flows from investing Billivities			
Purchase of property, plant, equipment and intangible assets		(xxx)	(xxx)
Proceeds from sale of property, plant and equipment		xxx	xxx
Proceeds from loan principal repayments		xxx	xxx
Loan disbursements paid out		(xxx)	(xxx)
NetcashflowsusedininvestingBillivities		(xxx)	(xxx)
CashflowsfromfinancingBillivities			
Proceeds from revolving fund receipts		xxx	xxx
Additional borrowings		xxx	xxx
Repayment of borrowings		(xxx)	(xxx)
NetcashflowsusedinfinancingBillivities		(xxx)	(xxx)
Netincrease/(decrease)incashandcash equivalents		xxx	(xxx)
Cashandcashequivalentsat1JULY	15	xxx	xxx
Cashandcashequivalentsat30 JUNE	15	xxx	xxx

1.5. STATEMENT OF COMPARISON OF BUDGET AND BILLUAL AMOUNTS FOR THE PERIOD ENDED 30th JUNE

	Original budget	Adjust- ment s	Final bu- dget	Bilualo n compar- able basis	Perform- anc e differen- ce	% utilisat- ion
	2018	2018	2018	2018	2018	2018
Revenue	KShs	KShs	KShs	KShs	KShs	
Public contributions and donations	xxx	(xxx)	xxx	xxx	(xxx)	
Transfers from County Govt.						
Interest income	xxx	-	xxx	xxx	(xxx)	
Other income	xxx	-	xxx	xxx	xxx	
Total income	xxx	(xxx)	xxx	xxx	(xxx)	
Expenses						
Fund administration expenses	xxx	-	xxx	xxx	(xxx)	
General expenses	xxx	(xxx)	xxx	xxx	(xxx)	
Finance cost	xxx	(xxx)	xxx	xxx	(xxx)	
Total expenditure	xxx	(xxx)	xxx	xxx	(xxx)	
Surplus for the period	xxx	xxx	xxx	xxx	xxx	

Budget notes

1. Provide explanation of differences between actual and budgeted amounts (10% over/ under) IPSAS 24.14
2. Provide an explanation of changes between original and final budget indicating whether the difference is due to reallocations or other causes. (IPSAS 24.29)
3. Where the total of actual on comparable basis does not tie to the statement of financial performance totals due to differences in accounting