

VIHIGA COUNTY CLIMATE CHANGE BILL, 2024

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A Bill of the Vihiga County Assembly to provide for the establishment of framework for mobilization and coordination of the County Government, communities and all stakeholders to respond effectively to climate change and for connected purposes.

ENACTED by the Vihiga County Assembly as follows:

PART I – PRELIMINARY

Short title	1. This Act may be cited as the Vihiga County Climate Change Act, 2024
Interpretation	<p>2. In this Act unless the context otherwise requires:</p> <p>"Adaptation" means the adjustment in natural or human systems in response to actual or expected climate stimuli or their effects which moderates harm or exploits beneficial opportunities;</p> <p>"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;</p> <p>"Agent" means any qualified individual or entity delegated assignment under the provisions of this Act;</p> <p>"Carbon credits" means a credit created when the equivalent of one metric tonne of carbon dioxide is prevented from entering the atmosphere and is equal to one tonne of carbon dioxide or the equivalent amount of a different greenhouse gas reduced, sequestered, or avoided;</p> <p>"Carbon market" means a mechanism that enables and allows public and private entities to transfer and transact emission reduction units, mitigation outcomes or offsets generated through carbon initiatives, products, programmes and projects subject to compliance of national and international laws;</p> <p>"Climate Action" Climate action means effort taken to combat climate change and its impacts which involves reducing greenhouse gas emissions (climate mitigation) and/or taking action to prepare for and/or adjust to both the current effects of climate change and the predicted impacts in the future (climate adaptation);</p> <p>"Climate Change" means a change in the climate system that 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, typically decades or longer;</p> <p>"Constitution" means the Constitution of Kenya, 2010</p>

	<p>“County Directorate of Climate Change” means the Vihiga County Climate Change Directorate established under this Act to support the coordination of climate change matters in the County;</p> <p>“County” means Vihiga County;</p> <p>“County Assembly” means the Vihiga County Assembly;</p> <p>“County Executive Committee” means the County Executive Committee of Vihiga;</p> <p>“County Executive Committee Member” means the County Executive Committee Member for the time being in charge of climate change matters in Vihiga County;</p> <p>“County Government” means the County Government of Vihiga;</p> <p>“Emissions”, in relation to a greenhouse gas, means emissions of that gas into the atmosphere where the emissions are attributable to human and natural activity;</p> <p>“Environment” means the physical factors of the surroundings of human beings; including land, water, atmosphere, climate, sound, odour, taste, the biological factors of animals and plants and the social factor of aesthetics and includes both the natural and the built environment;</p> <p>“Fund” means the Vihiga County Climate Change Fund established under this Act;</p> <p>“Fund administrator” means the Administrator of the Vihiga County Climate Change Fund established under this Act;</p> <p>“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;</p> <p>“Planning Committee” means the Vihiga County Climate Change Planning Committee established under this Act;</p> <p>“Private Entity” means a body or person with functions of a private nature, and includes organizations registered under the Public Benefits Organizations Act, 2013;</p> <p>“Public Entity” means a body or person with functions of a public nature;</p> <p>“Resilience” means the ability of a social, ecological or socio-ecological system and its components to anticipate, reduce, accommodate or recover from the effects of a hazardous event;</p> <p>“Share of proceeds” means levies from activities under the Paris Agreement that are used to cover administrative expenses as well as</p>
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	<p>assisting developing country Parties that are vulnerable to the adverse effects of climate change to meet the costs of adaptation;</p> <p>“Steering Committee” means the Vihiga County Climate Change Steering Committee established under this Act;</p> <p>"Vulnerability" means the degree to which a system is susceptible to or unable to cope with the adverse effects of climate change including climate variability and extremes;</p> <p>“Ward Planning Committee” means the Ward Climate Change Planning Committee established under of this Act;</p> <p>“Whitelist” means a non-binding, non-exhaustive periodic list of activities or technologies that can deliver mitigation outcomes as provided for in the Nationally Determined Contributions and that are preferred by the Government of Kenya for Article 6.2 bilateral cooperation.</p>
Object and purpose	<p>3. The object and purpose of this Act is to-</p> <ul style="list-style-type: none"> (a) facilitate a low-carbon climate resilient development in Vihiga County; (b) mainstream climate change responses into development planning, decision making, implementation and reporting in all sectors; (c) implement coordinated and integrated response to climate change and its impacts by all actors and stakeholders; (d) mobilize resources from existing and emerging financing opportunities at the county, national and international levels for climate change; (e) facilitate effective management of climate change impacts by enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change; (f) promote, support and facilitate community-based and community initiated resilience, adaptation and mitigation activities (g) enforce duties and provide incentives for the private entities to contribute to achievement of low carbon climate resilient development; (h) facilitate public participation in climate change response through capacity development, awareness creation, consultation, representation and access to information; (i) establish frameworks and mechanisms for transparent

	<p>and accountable management of financial and other resources for climate change response;</p> <ul style="list-style-type: none"> (j) establish frameworks for coordination for climate action in Vihiga; (k) promote and facilitate climate change research, innovations, technology development, training and capacity building; (l) enhance cooperation in climate governance between neighboring counties and the national government agencies. (m) provide a framework for partnerships and collaboration for climate action in the County (n) contribute to national efforts to address the adverse impacts of climate change; (o) provide guidance and oversight in the development and implementation of carbon markets approaches in compliance with national and international obligations.
<p>Guiding values and principles</p>	<p>4. The guiding values and principles in the implementation of this Act are:</p> <ul style="list-style-type: none"> (a) community driven, locally-led planning and response to climate change; (b) commitment to informed participation of communities in planning and implementation of climate change response interventions; (c) recognition, respect and integration of knowledge, perspectives and experiences of communities in climate change response; (d) planning and implementation approach to climate change response anchored in and supportive of devolution; (e) flexible approach in implementation of climate action; (f) just transition and equitable benefit for all; (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) national values and principles of governance spelt out in Article 10 and the values and principles of public service spelt out in Article 232 of the Constitution; (j) promotion and protection of the right to a clean and healthy

	<p>environment in accordance with Article 42 of the Constitution and of the Environment Management and Coordination Act 1999;</p> <p>(k) commitment to fulfillment of the state obligations in respect of the environment as stipulated under Article 69 of the Constitution.</p>
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PART II –ADMINISTRATION OF THE ACT

<p>Establishment of Vihiga County Climate Change Steering Committee</p>	<p>5. (1) There is established the Vihiga County Climate Change Steering Committee appointed by the governor comprising of:</p> <ul style="list-style-type: none"> (a) the Governor who shall be the chairperson ; (b) the Deputy Governor shall be the vice-chair person; (c) the County Executive Committee Member for the time being responsible for Environment, water, energy, natural resources and Climate Change; (d) the County Executive Committee Member for the time being responsible for finance and economic planning; (e) the County Executive Committee Member for the time being responsible for agriculture, livestock and fisheries; (f) the County Executive Committee Member for the time being responsible for health services; (g) the County Executive Committee Member for the time being responsible for disaster management; (h) the Chief Officer responsible for Climate Change who shall be an ex-officio member; (i) one senior representative of a duly registered public benefit organizations working in the county nominated by the umbrella organization representing the largest number of public benefit organizations in the county; (j) one senior representative of the private sector in the county nominated by the umbrella organization representing the private sector in the county; (k) one representative of the academia ; (l) one representative of the vulnerable groups or marginalized groups including but not limited to the youth, women, persons
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	<p style="text-align: center;">with disability.</p> <p>(2) The County Executive Committee Member responsible for climate change shall be the secretary of the County Climate Change Steering Committee.</p> <p>(3) A person shall only qualify to be nominated for appointment under section 5 (1) i,j,k,l if the person has demonstrable experience, expertise and interest in matters of climate change, natural resource management and/or environmental conservation and has actively and publicly engaged in such matters.</p> <p>(4) Without prejudice to the provisions of section 5 (1) i,j,k,l a person shall not qualify to be nominated for appointment under section 5 (1 i,j,k,l unless such person is:</p> <ul style="list-style-type: none"> (a) a citizen of Kenya; (b) fulfills the requirements of Chapter 6 of the Constitution; (c) has at least five years' experience in the relevant field. <p>(5) The Governor shall ensure compliance with the two thirds gender principle in the appointment of members of the County Steering Committee.</p>
<p>Functions of Vihiga County Climate Change Steering Committee</p>	<p>6. (1)The Steering Committee shall be the apex administrative authority on climate change matters in the county</p> <p>(2) The Steering Committee shall provide policy direction on climate change response in the county, and in this connection shall:</p> <ul style="list-style-type: none"> (a) oversee mainstreaming of climate change into county planning, budgeting and development processes; (b) provide guidance on, and approve the County Climate Change Action Plan, County Climate Finance Framework, county climate change policy, and climate change strategies; (c) mobilize funds into the County Climate Change Fund established under this Act; (d) oversee the prudent use of the county climate change funds; (e) review and make recommendations on the annual report on implementation of the County Climate Change Action Plan and any other reports on climate change response interventions in the county; (f) oversee the implementation of a comprehensive programme of climate change education, awareness creation and capacity building in the county;

	<ul style="list-style-type: none"> (g) oversight the county climate change planning committee; (h) Initiate linkages, interactions and synergy within the county, other counties and the national government and regional and international in climate change response; (i) approve, where appropriate priority actions to explore carbon trading; (j) approve measurement, reporting and verification of greenhouse gas emissions; (k) perform any other functions that may further the foregoing objectives of this Act.
Term of the Steering Committee	<p>7. Members of the Steering Committee appointed under section 5 (1) i,j,k,l shall serve a term of three years renewable once.</p>
Removal of Member of the Steering Committee	<p>8. (1) A member of the Steering Committee appointed under section 5 (1) i,j,k,l may resign from the Committee by issuing one month’s notice in writing to the Governor.</p> <p>(2) A member of the Steering Committee may be removed from the Committee on any one or a combination of the following grounds:</p> <ul style="list-style-type: none"> (a) failure to attend two consecutive meetings of the Steering Committee without reasonable cause duly communicated to the chairperson; (b) serious violation of the Constitution or any other written law; (c) gross misconduct; (d) physical or mental incapacity; (e) bankruptcy. <p>(3) A person who is a member of the Steering Committee by virtue of his or her office under section 5(1) a, b, c, d, e, g and h shall cease to be a member of the Committee upon ceasing to hold that respective office.</p> <p>(4) A person who is a member of the Steering Committee under section 5 (1) i,j,k,l shall cease to be a member of the Committee upon ceasing to be a member of the interest group or upon being recalled by the interest group through a written communication from an authorized official of the interest group to the chairperson of the Committee.</p> <p>(5) Whenever a member of the Steering Committee is removed or otherwise ceases to be a member of the Committee, the Executive Committee Member for the time being responsible for climate</p>

	change shall notify the Governor for replacement within 60 days of the vacancy
Secretariat of the Steering Committee	9. The County Climate Change Directorate shall serve as the Secretariat to the Steering Committee
Meetings of the Steering Committee	10. (1) The Steering Committee shall meet at least twice every year. (2) The quorum for meetings of the Steering Committee shall be two thirds of the membership. (3) A resolution of the Steering Committee shall be by a simple majority or consensus. (4) The Steering Committee may invite to its meetings any person of interest whom it considers shall contribute to its deliberations.
Delegation of powers by the Steering Committee	11. Subject to the provisions of this Act, the County Climate Change Steering Committee may delegate any of its functions under this Act to a Subcommittee or to any member of the Steering Committee, officer or agent.
Responsibility to Report to the County Assembly	12. The County Climate Change steering committee through the County Executive Member in charge of Climate Change shall once every year report on the progress of the implementation of county climate change action plan to the County Assembly and copy to the National Climate Change Directorate.
Functions of the County Executive Committee Member in charge of Climate Change	13. Subject to the provisions of this Act, County Executive Committee Member shall exercise control and provide guidance over climate change governance and implementation of this Act. (1) The County Executive Committee Member shall— (a) formulate, periodically review and submit to the steering committee for approval; i. the county climate change policy ii. the county climate change finance strategy iii. the county climate change risk assessment report iv. the county climate change action plan v. Any other climate policy and planning document (b) coordinate negotiations, partnerships and engagements on climate change related matters; (c) formulate a gender and intergenerational responsive public education and awareness strategy on climate change and implementation programme; (d) provide through the County Directorate of Climate Change,

	<p>technical assistance on climate change actions and responses to the county government;</p> <p>(e) report annually to the climate change steering committee and county assembly on the status of implementation of the County Climate Change Action Plan.</p> <p>(2) The County Executive Committee Member in discharge of the duties and functions under this Act shall be assisted by the office of the Chief Officer and the County Directorate of Climate Change.</p>
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PART III – INSTITUTIONAL FRAMEWORK FOR ACTION PLANNING AND IMPLEMENTATION OF CLIMATE ACTION

A. VIHIGA COUNTY DIRECTORATE OF CLIMATE CHANGE

<p>Establishment of the County Climate Change Directorate</p>	<p>14. (1) There is hereby established the Vihiga County Directorate within the Department for the time being responsible for climate change matters as the lead technical authority on Climate Change in the county</p> <p>(2) The directorate shall be headed by a director who shall be recruited competitively and appointed by the County Public Service Board;</p> <p>(3) The Director appointed under sub-section (3) shall be responsible for the performance of specific duties and functions of the Directorate as set out in this Act;</p>
<p>Functions of the County Directorate of Climate Change</p>	<p>16. The County Directorate of Climate Change shall perform the following functions</p> <p>(a) in consultation with the Chief Officer, advise the County Executive Committee Member on policy and strategic planning and all matters related to Climate Change in the County;</p> <p>(b) in collaboration with the National Climate change</p>

	<p>Directorate of Climate Change, identify past, current and projected sector-based greenhouse gases emission profile;</p> <ul style="list-style-type: none"> (c) specifically identify, where appropriate, priority actions to explore carbon trading; (d) serve as the secretariat to the County Climate Change Steering and Planning Committees; (e) coordinate the implementation of climate change policies, strategies action plans, programs, projects, and activities; (f) coordinate resource mobilization for climate action in the county; (g) mainstream and coordinate integration of climate change into the sectorial strategies and plans; (h) promote best practices development, application and diffusion, including transfer of technologies; (i) support the formulation of policies related to climate change issues; (j) spearhead technology, innovation and management processes geared towards climate change mitigation and adaptation; (k) undertake education, training and awareness creation on climate change; (l) create linkages and partnerships with various stakeholders and key-players in the sector; (m) coordinate the formulation and dissemination of annual reports on climate change response activities in the county; (n) coordinate the implementation of the decisions of the County Planning Committee and the County Steering Committee; (o) prepare a framework for receiving and evaluating climate resilience project proposals; (p) prepare and publish periodic projects and program implementation schedules; (q) establish, coordinate and implement a monitoring and evaluation framework for projects under this Act; (r) coordinate technical support for the ward climate change planning committees; (s) coordinate capacity building and training sessions for the
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	<p>committees established under this Act;</p> <ul style="list-style-type: none"> (t) develop, operationalize and maintain complaints redress mechanism for activities implemented under this Act; (u) co-ordinate the functions of the institutions created under this Act where appropriate.
<p>Establishment of County Climate Change Planning Committee</p>	<p>17. (1) There is established the County Climate Change Planning Committee, comprising of the following members appointed by the County Executive Committee Member-</p> <ul style="list-style-type: none"> (a) Chief Officer responsible for climate change matters who shall be the chairperson (b) Director responsible for climate change, who shall be the Secretary (c) County Director responsible for Disaster Management (d) County Director responsible for agriculture (e) County Director responsible for budgeting (f) County Director responsible for public health (g) County Director responsible for water (h) County Director responsible for finance (i) County Director responsible for meteorology (j) County Director of the National Environment Management Authority (k) One representative of duly registered public benefit organizations working in the county on matters climate change nominated by the Vihiga County Civil Society umbrella organization; (l) One representative of the persons living with disability nominated by the umbrella organization of persons with disability operating in the ward. <p>(2) Members of the Planning Committee shall at the first meeting elect a vice-chairperson from amongst the members of the Committee not being officers serving in the County Public Service.</p> <p>(3) Members of the Planning Committee appointed under section 17 (1) (k), (l) shall serve for one term of 3 years renewable once;</p> <p>(4) The County Planning Committee may co-opt any other person to its meeting as it deems necessary to support its</p>

	<p>decision making in relation to a matter under deliberation.</p>
<p>Removal of member of County Climate Change Planning Committee</p>	<p>18. (1) A member of the Planning Committee other than those whose membership is by virtue of public office may resign at any time from the Committee by giving one month’s notice to the County Executive Committee Member.</p> <p>(2) A member of the Planning Committee may be removed from the Committee by the County Executive Committee Member on any one or a combination of the following grounds:</p> <ul style="list-style-type: none"> (a) failure to attend three consecutive meetings of the Planning Committee without reasonable cause duly communicated to the chairperson of the Committee; (b) serious violation of the Constitution or any other written law (c) gross misconduct (d) physical or mental incapacity (e) bankruptcy <p>(3) A person who is a member of the Planning Committee by virtue of his or her office under section 1671) (a) – (j) shall cease to be a member of the Committee upon being transferred from the county or ceasing to hold the respective office.</p> <p>(4) A person who is a member of the Planning Committee under section 17(1) (k), (l), (m) shall cease to be a member of the Committee upon ceasing to be a member of the interest group or upon being recalled by the interest group through a written communication from an authorized official of the interest group to the County Executive Committee Member for the time being in charge of the climate change.</p> <p>(5) Whenever a member of the Planning Committee is removed or otherwise ceases to be a member of the Committee, the County Executive Committee Member for the time being in charge of the climate change shall make a replacement within 60 days of the vacancy.(notify)</p>
<p>Functions of County Climate Change Planning Committee</p>	<p>19. The functions of the Planning Committee are to:</p> <ul style="list-style-type: none"> (a) support planning of projects and activities for climate change response in the county; (b) support the formulation of the County Climate Change

	<p>Action Plan and the County Climate Finance Framework;</p> <ul style="list-style-type: none"> (c) approve guidelines to be used by Ward Planning Committees in formulating climate response projects for funding by the County Climate Change Fund; (d) review and approve project proposals from the ward climate change planning committee; (e) advise the County Climate Change Steering Committee on strategies, priority programmes, projects and activities for climate change response in the county; (f) formulate strategic actions to foster climate change education, awareness creation and capacity development in the county; (g) Support the formulation of a county monitoring, evaluation and reporting framework for climate change response; (h) perform any other functions assigned to it by the County Executive Committee Member responsible for climate change affairs and the Steering committee.
<p>Meetings of Planning Committee</p>	<p>20. (1) The Planning Committee shall meet at least once every quarter in each financial year;</p> <p>(2) The Planning Committee may choose to rotate the location of its regular meetings to different wards in the county for purposes of engaging directly with communities and familiarizing itself with their climate change related challenges;</p> <p>(3) The quorum for meetings of the Planning Committee shall be two thirds of the members;</p> <p>(4) A resolution of the Planning Committee shall either be by consensus or simple majority vote;</p> <p>(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 nominate one of them to chair the meeting; provided that no two consecutive meetings shall be held without either the chairperson or the vice-chairperson being present;</p> <p>(6) The Planning Committee may invite to its meetings any expert, officer or party of interest whom it considers will contribute to its deliberations.</p>

<p>Functions of the Chief Officer in charge of Climate Change</p>	<p>21. (1) The Chief Officer in Charge of Climate Change shall undertake the responsibilities of a Chief Officer set out in the County Governments Act,2012 in relation to climate change programs;</p> <p>(2) without prejudice to section 20(1) the Chief officer in charge of climate change shall: -</p> <ul style="list-style-type: none"> (a) convene the meetings of the County Climate Change Planning Committee; (b) facilitate, oversee and support the operations of the County Directorate of Climate Change; (c) ensure the County Directorate of Climate Change is adequately staffed and equipped to perform its functions as outlined in this act; (d) initiate and oversee the procurement of projects approved for implementation under this act; (e) ensure prudent management and utilization of directorate’s resources and equipment.
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B. WARD CLIMATE CHANGE PLANNING COMMITTEE

<p>Establishment of Ward Climate Change Planning Committees</p>	<p>22. (1) There is hereby established a Ward Climate Change Planning Committee in every ward in the county composed of nine members representing the diverse interests in the community, namely:</p> <ul style="list-style-type: none"> (a) one elder; (b) one male youth; (c) one female youth; (d) one representative of persons living with disability; (e) one representative of faith based organizations in the ward; (f) one person representing Community-Based Organizations in the Ward and actively engaged in climate change response activities; (g) an environment or climate change field relevant technical officer from the county department responsible for Climate Change who shall be the secretary; (h) the Ward Administrator who shall be an ex-officio member. <p>(2) Nomination of members falling under subsections 21 (1) (a) – (e) shall be conducted by representatives of the</p>
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	<p>respective groups at a meeting convened by the County Directorate of Climate Change at a convenient venue in the respective ward.</p> <p>(3) The first activity of the Ward Planning Committee at its first sitting shall be the election of a chairperson, and vice chairperson from among the members.</p> <p>(4) The chairperson and the secretary shall not be members of the same gender.</p> <p>(5) The County Directorate of Climate Change 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 groups and location shall constitute part of the record of the meeting.</p> <p>(6) The County Executive Committee members shall develop guidelines for the establishment of the Ward Climate Change Planning Committees.</p> <p>(7) Within 60 days of the conclusion of the nominations, the county climate change directorate shall facilitate the gazettelement of the members, publicize the list as widely as possible within the ward, and share it with the County Climate Change Planning Committee and the Climate Change Steering Committee for information.</p> <p>(8) Upon gazettelement of the Ward Planning Committee the County Climate Change Directorate shall organize training and capacity building sessions to enable them effectively discharge their functions.</p>
<p>Functions of Ward Climate Change Planning Committee</p>	<p>23. The functions of the Ward Planning Committee shall be:</p> <ul style="list-style-type: none"> (a) to mobilize and coordinate communities and other stakeholders in the ward to, identify, prioritize, design and implement climate change response activities in consultation with the relevant technical experts; (b) monitor climate change response projects and report thereon to the County Directorate of climate change; (c) to support community resilience planning including participatory climate risk Assessment, Action planning, and monitoring of climate change interventions at ward level; (d) promote public education, awareness creation, and capacity building at the ward level on climate change, its impacts and strategies for responding thereto;

	<ul style="list-style-type: none"> (e) to coordinate, facilitate and manage community consultations on priority climate change response activities; (f) participate in county planning and budgeting processes at the ward level with a view to ensure the mainstreaming and prioritization of climate change response in county development plans; re Rephrase (g) support public participation in climate change governance and monitoring of climate change activities; (h) lead communities in developing proposals on climate change response projects for funding by the County Climate Change Fund or any other funding source (i) perform any other functions that may be assigned to it by County Climate Change Directorate
<p>Qualifications for appointment to Ward Planning Committees</p>	<p>24. (1) A person qualifies to be appointed as member of the Ward Planning Committee, if that person-</p> <ul style="list-style-type: none"> (a) is a resident of the ward (b) is a holder of Kenya Certificate of Secondary Education or its equivalent; (c) fulfills the requirements of Chapter Six of the Constitution on leadership and integrity; (d) demonstrates good understanding of the ward and demonstrates interest in climate change and has engaged in activities aimed at addressing the challenges in the ward; (e) indicates willingness to serve the community.
<p>Term of Ward Planning Committees</p>	<p>25. (1) Save for the members under section 21(1) h and i, and subject to subsection (2) hereof, members of the Ward Planning Committee shall serve for a term of three years renewable once.</p>
<p>Removal of Member of Ward Planning Committee</p>	<p>26. (1) A member of the Ward Planning Committee may at any time resign from the Committee by giving one month's notice to the County Executive Committee Member.</p> <p>(2) A member of the Ward Planning Committee may be removed from the Committee by the County Executive Committee Member on any one or a combination of the</p>

	<p>following grounds:</p> <ul style="list-style-type: none"> (a) failure to attend three consecutive meetings of the Ward Committee without reasonable cause duly communicated to the chairperson of the Committee; (b) serious violation of the Constitution or any other written law; (c) gross misconduct; (d) physical or mental incapacity; (e) bankruptcy; <p>(3) A person who is a member of the Ward Planning Committee by virtue of his or her office under section 21 (1) (g) and (h) shall cease to be a member of the Committee upon being transferred from the ward or ceasing to hold that office.</p> <p>(4) A person who is a member of the Ward Planning Committee under section 21 (f) shall cease to be a member of the Committee upon ceasing to be a member of the Community-Based Organization or upon being recalled by the umbrella organization through a written communication from an authorized official of the umbrella organization to the County Executive Committee Member.</p> <p>(5) Whenever a member of the Ward Planning Committee is removed or otherwise ceases to be a member of the Committee, County Executive Committee Member shall ensure that a replacement is appointed within 60 days of the vacancy. (add notification)</p>
<p>Meetings of Ward Planning Committee</p>	<p>27. (1) The Ward Planning Committee shall meet at least once in every quarter.</p> <p>(2) The quorum for meetings of the Ward Planning Committee shall be two thirds of the members.</p> <p>(3) A resolution of the Ward Planning Committee shall require an affirmative vote of a simple majority or consensus.</p> <p>(4) 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</p> <p>(5) A Ward Planning Committee may invite to its meetings any person whose expertise and skills may be needed for purposes of a matter before the Committee</p>

PART IV – MEASURES AND ACTIONS FOR RESPONDING TO CLIMATE CHANGE

<p>Climate Risks and Vulnerability Assessments</p>	<p>28. Climate Change Risk and Vulnerability Assessment</p> <ul style="list-style-type: none"> (a) The County Directorate of Climate Change, in Consultation with relevant stakeholders, shall undertake Climate Change Risk and Vulnerability Assessment in all wards in the county; (b) The Climate Risk Index Report shall be reviewed and updated periodically, but in any event not later than five years, through a participatory process; (c) The County Executive Committee member shall with the support of the County Directorate of Climate Change develop guidelines for Participatory Climate Risk Assessment.
<p>County Climate Change Action Plan</p>	<p>29. County Climate Change Action Plan</p> <ul style="list-style-type: none"> (1) The County Executive Committee Member, in consultation with relevant stakeholders, shall formulate a County Climate Change Action Plan in accordance with the provisions of this Act. (2) The County Climate Change Action Plan shall be for a period of five years and shall run concurrently with the current National Climate Change Action Plan and County Integrated Development Plan. (3) The County Climate Change Action Plan shall be reviewed and updated not later than every fifth year through a participatory process. (4) As provided for in the clauses (28)1,2,3 the preparation of the County Climate Change Action Plan shall have clear strategic actions geared towards mitigation, adaption and the enablers including climate finance, technology and capacity building as articulated for in this Act.

<p>Contents of County Climate Change Action Plan</p>	<p>30. The County Climate Change Action Plan shall prescribe specific measures and mechanisms for:</p> <ul style="list-style-type: none"> (a) achieving low carbon climate-resilient development within the county; (b) mainstreaming climate change responses into county sector functions; (c) adaptation to climate change in the county; (d) mitigation against climate change impacts specific to the county; (e) identifying and implementing actions required as enablers to climate change response; (f) mainstreaming climate change disaster risk reduction actions into local development programs; (g) establishing a structure for capacity building, public awareness and engagement in climate change response and disaster reduction at the county level; (h) establish mechanisms for climate change knowledge management and access to information at the county level; (i) strengthening approaches to climate change research, development, training, and technology transfer at the local level; (j) mobilization of resources for climate response action in the County; (k) monitoring, evaluation and periodic review to integrate learning and best practice in the implementation of the County Climate Change Action Plan; (l) enhancing research, capacity building and knowledge management on climate change and climate change response.
<p>Approval of County Climate Change Action Plan</p>	<p>31. The County Climate Change Action Plan shall be approved by the Steering Committee, the County Executive Committee and laid before the County Assembly for adoption.</p>
<p>Biennial Review of County Climate Change Action Plan</p>	<p>32. The Planning Committee shall undertake a biennial review of the implementation of the County Climate Change Action Plan and report to the Steering Committee.</p>
<p>Climate Information Services and Early Warnings</p>	<p>33. (1)The County Directorate of Climate Change, in Consultation with the Kenya Meteorological Department and other relevant stakeholders, shall develop, maintain and implement a</p>

	<p>framework for collection, analysis and dissemination of climate information in the county.</p> <p>(2) The County Directorate of Climate Change shall collaborate with other stakeholders to establish and implement mechanisms for dissemination of early warnings to climate risks and hazards in the county.</p> <p>(3) The County Directorate of Climate Change in collaboration with Kenya metrological department and other relevant stakeholders shall develop a county climate information service plan.</p>
Partnerships and role of non-state actors in Climate Action	<p>34. the County Government may establish partnerships with an individual, organization or group of organizations for-</p> <p>(a) Climate Change Research including capital investments for climate action in the County;</p> <p>(b) capacity building and awareness;</p> <p>(c) financing of climate action;</p> <p>(d) climate change technology;</p> <p>(e) any other climate response activity.</p>
Mobilization of Resources for Climate Action	<p>35. (1) the County Executive Committee Member shall formulate and periodically review a strategy for mobilization of resources for climate action in the County;</p> <p>(2) the County Executive committee Member shall develop guidelines and regulations to facilitate the County's access to green financing and emerging climate financing opportunities including carbon credits and green bonds;</p> <p>(3) the County Directorate shall undertake continuous capacity building to enable the county's access to innovative forms of climate finance including carbon markets;</p> <p>(4) the County Directorate of Climate Change shall cause to be kept and submit to the Planning and Steering committees annually a report of all climate change resources mobilization efforts, resources mobilized and their implementation status.</p>
Green House Gas Inventories	<p>36. The County Directorate of Climate Change in consultation with National Climate Change Directorate shall lay framework for estimation of Greenhouse Gas Emission for compilation and reporting of activity data within the county as guided by relevant national policies.</p>

<p>Access to Carbon Markets</p>	<p>37. (1) The Policy direction on carbon markets pursuant to Climate Change (amendment) Act, 2023 shall apply to all carbon trading activities in the county and prescribe-</p> <ul style="list-style-type: none"> (a) measures that aim to reduce emissions from current sources through projects; (b) measures that aim to take carbon dioxide out of the atmosphere and either use it or store it via afforestation, reforestation, nature-based solutions or technology-based removal; (c) technologies and projects on the white list in the county; (d) emission credits not taken into account, which shall include- <ul style="list-style-type: none"> i. previously used emission credits; ii. emission reductions that have been achieved in violation of human rights and without free prior informed consent; iii. emission reductions that have had significant social or environmental impacts; iv. other conditions as guided by the national guidelines. <p>(2) A project undertaken pursuant to this Act shall specify the anticipated environmental, economic or social benefits in line with the Climate Change(Amendment) Act,2023</p>
<p>Participation in carbon markets and Share of Proceeds</p>	<p>38. (1) in line with national guidelines and regulations on carbon trading at national level, the participation in the carbon markets shall be –</p> <ul style="list-style-type: none"> (a) As a result of a bilateral or multi-lateral trading agreement; (b) As a result of a trading with a private entity (c) In a voluntary carbon market. <p>(2) Carbon markets contracts shall be developed by the steering committee and approved by the county executive committee before registration by the National Government</p> <p>(3) The County Government shall, in compliance with international and national obligation, undertake best practices regarding the share of proceeds from carbon trading projects;</p>

PART V – DUTIES RELATING TO CLIMATE CHANGE

<p>Climate change duties of public entities</p>	<p>39. (1) The Steering Committee may, on recommendation of the County Executive Committee Member and in consultation with relevant County Executive Committee Members, impose duties relating to climate change on any public entity operating within the county.</p> <p>(2) The imposition of climate change duties under subsection (1)</p>
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	<p>shall be effected through regulations or executive orders and preceded by sensitization and consultations.</p> <p>(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.</p> <p>(4) Every public entity operating in the county shall:</p> <ul style="list-style-type: none"> (a) appoint a climate change focal person to coordinate climate change activities of the entity and report to the county directorate; (b) mainstream climate change into sectorial strategies, plans and other frameworks for implementing its statutory functions; (c) perform its statutory functions in a manner that contributes to the implementation of the County Climate Change Action Plan; (d) support the county’s climate change governance in its planning, programming, implementation and monitoring of climate change response in the county; (e) report annually to the Steering Committee on the status and progress of performance and implementation of all sector climate actions. <p>(5) Conformity to the above duties shall be guided by provisions provided in this act and The Climate Change Act, 2016.</p>
Climate change duties of private entities	<p>40. (1) The Steering Committee may, on recommendation of the County Executive Committee Member, and in consultation with relevant County Executive Committee Members, impose duties relating to climate change on any private entity operating within the county.</p> <p>(2) The County Executive Committee member 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.</p> <p>(3) The recommendations herein shall be guided by other laws that governs operations of the private entities within the county.</p>
Monitoring and reporting on compliance	<p>41. (1) The County Directorate of Climate Change shall with the assistance of the County Director 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 shall:</p>

	<p>(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</p> <p>(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.</p> <p>(2) The County Director of 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.</p>
<p>Private entities duty to report on performance</p>	<p>42. Notwithstanding the provisions of section 39, the Steering Committee may:</p> <p>(a) by a notice, 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</p> <p>(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.</p>
<p>County Annual Climate Change Report</p>	<p>43. (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.</p> <p>(3) A copy of the report issued under subsection (1) shall be forwarded to the National Climate Change Directorate in line with the requirements of the Climate Change Act, 2016.</p> <p>(4) Private entities within the county may be obligated to provide information or data as may be required in support of all county climate change initiatives or functions provided for in this Act and supporting regulation(s) created under this act</p>

PART VI – PUBLIC PARTICIPATION, ACCESS TO INFORMATION AND CAPACITY BUILDING

<p>Values and principles to apply to planning and implementation</p>	<p>44. (1) 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.</p> <p>(2) Public participation for climate action in the county shall be aligned to the provisions of Vihiga County Public Participation and Civic Engagement Act, 2020.</p>
<p>County strategy for climate change education and public awareness</p>	<p>45. (1)The strategy shall be developed public awareness and climate change education through a participatory process involving all stakeholders in the county, and validated at public meetings organized by Ward Planning Committees</p> <p>(2) The strategy shall be approved by the Steering Committee and its implementation mainstreamed into the County Climate Change Action Plan</p>
<p>Public sensitization and Community Consultation Forums for climate action projects</p>	<p>46. (1) Each Ward Planning Committee in collaboration with the County Climate Change Directorate shall convene community consultation forums in the Ward in the first quarter of every Financial Year.</p> <p>(2) The agenda for the community consultation forums shall be—</p> <ul style="list-style-type: none"> (a) climate change awareness; (b) eligibility criteria for selection of climate resilience investment projects; and (c) identification and prioritization of climate resilience projects from the community members. <p>(3) The county directorate of climate change shall prepare a report on the community consultation forums under this part, and submit it to the County Planning Committee.</p> <p>(4) The County Directorate of Climate Change shall prepare a report for the Steering Committee on public sensitization campaigns undertaken and with reference to every climate change response program, plan, project or activity in the county.</p> <p>(2) The report on community consultation forums, public sensitization and awareness creation on climate change programed, plans, projects and activities shall be included in the reports of the Steering Committee.</p>

Capacity building for climate action	<p>47. (1) The County Climate Change Directorate in collaboration with County Climate Change Planning Committee and the Ward Climate Change Planning Committees shall organize comprehensive programs of capacity building to enable communities in the county to effectively respond to climate risks.</p> <p>(2) The Ward Climate Change Planning Committees shall support community mobilization and coordination for effective climate response.</p>
Access to information	<p>48. The County Climate Change Steering Committee, the County Climate Change Planning Committee, the Directorate of Climate Change and the Ward Climate Change Planning Committees shall publish, publicize and ensure access to all important climate change information in their possession.</p>

PART VII – COUNTY CLIMATE CHANGE FUND

Establishment of County Climate Change Fund	<p>49. (1) The County government shall establish a fund to be known as the Vihiga County Climate Change Fund in accordance with the Public Finance Management Act, 2012 to provide for financing community prioritized climate change actions in the county;</p> <p>(2) The fund shall be managed and accounted for by the department responsible for climate change affairs and administered by a Fund Administrator appointed according to the PFM Act, 2012 in consultation with the CECM responsible for Climate Change.</p>
Sources of the Fund	<p>50. (1) The Fund shall be financed through:</p> <ul style="list-style-type: none"> (a) money appropriated annually by the County Assembly as part of the County Budget, which shall in any case be not less than two percent of the annual development budget of the county; (b) money received from the National Climate Change Fund and other sources from the national government; (c) International Climate Finance received by the county directly or through the National Designated Authority, National Implementing Entity or any other agency; (d) donations, endowments, bequests, grants and gifts from individuals, public and private entities local or foreign;

	<ul style="list-style-type: none">(e) charges, fees, levies or fines received by the county government in connection with activities that adversely impact on climate in the county;(f) monies received as proceeds from carbon trading;(g) interest and any other money that may lawfully accrue to the Fund in any form; <p>(2) The fund shall be administered in accordance to the Regulations made by the County Executive Committee Member responsible for Finance.</p>
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PART VIII – MISCELLANEOUS PROVISIONS

<p>Protection from personal liability</p>	<p>51. (1) No action taken by a member, officer or agent of the Steering Committee, the Planning Committee, the County Directorate of Climate Change or the Ward Planning Committee in good faith and in performance of functions or execution of powers vested in the said institutions under 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.</p> <p>(2) The provisions of subsection (1) shall not relieve the Steering Committee, the Planning Committee, the County Directorate of Climate Change or Ward Planning Committees of liability to pay compensation or damages to any person for any injury to him/her, his/her property or any of his/her interests caused by negligence in the exercise of any power conferred by this Act or any other written law or by failure wholly or partially of any works.</p>
<p>Offences and penalties</p>	<p>52. (1) Any person who:</p> <ul style="list-style-type: none"> (a) without lawful excuse ignores or fails to obey any instructions issued by any member or officer or agent of the Steering Committee, the Planning Committee, the County Directorate of Climate Change or Ward Planning Committee in exercise of the powers or performance of the functions of the Committees under this Act; or (b) willfully obstructs any member or officer or agent of the Steering Committee, the Planning Committee, the County Directorate of Climate Change or Ward Planning Committee in the discharge of their lawful duties; or (c) misrepresents, knowingly submits false or misleading information to any member or officer or agent of the Steering Committee, the Planning Committee, the County Directorate of Climate Change or Ward Planning Committee in exercise of powers or the performance of the functions of the said institutions under this Act commits and is liable, on conviction, to a fine not exceeding Two million shillings or to imprisonment for a period not exceeding five years, or to both. <p>(2) Where an offence under subsection (1) is committed by a body corporate, every director or officer of the body</p>

	<p>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). 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 and efficiency to ensure compliance with this Act, shall be guilty of an offence under subsection (1).</p>
<p>Regulations</p>	<p>53. The County Executive Committee Member shall make Regulations for the proper administration of this Act in respect to;</p> <ul style="list-style-type: none"> a) carbon trading; b) county climate change fund; c) operations of committees established under this Act.
<p>Transitional Clause</p>	<p>54. (1) Upon the coming into effect of this Act The members of the institutions established under the Vihiga County Climate Change Fund Act, 2019 shall:</p> <ul style="list-style-type: none"> a) serve their full term in office; b) perform their functions as established under this Act and any subsidiary legislations thereof- ; c) retain any rights accrued or accruing to them as such members of the institutions; <p>(2) The county executive committee member shall:</p> <ul style="list-style-type: none"> (a) put in place mechanisms to transition the institutions established under the Vihiga County Climate Change Fund Act; (b) Review and align the current action plan to the provisions of this Act. <p>(3) The Enactment of this Act Repeals the Vihiga County Climate Change Fund Act, 2019(Amended 2021) and its subsidiary legislations.</p>