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BUNGOMA COUNTY ACTS, 2022

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THE BUNGOMA COUNTY CLIMATE CHANGE FUND ACT, 2022

No. 6 of 2022

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**THE BUNGOMA COUNTY CLIMATE CHANGE FUND ACT,
2022**

AN ACT of the County Assembly of Bungoma to provide for a legal framework for establishment of a Climate Change Fund to finance, facilitate and coordinate county climate change mitigation and adaptation programmes; and for connected purposes

ENACTED by the County Assembly of Bungoma, as follows□

PART I□ PRELIMINARY

Short title

1. This Act may be cited as the Bungoma County Climate Change Fund Act, 2022.

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 to moderate harm or exploit beneficial opportunities;

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

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

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

□constitution□ means the Constitution of Kenya, 2010;

□county□ means Bungoma County;

□county assembly□ means the County Assembly of Bungoma;

□county government□ means the County Government of Bungoma;

□environment□ has the meaning assigned to it in section 2 of the Environmental Management and Coordination Act 1999;

□executive committee member□ means the County Executive Committee Member for the time being responsible for matters of climate change;

□fund□ means the County Climate Change Fund established under part II of this Act;

□fund administrator□ means the Administrator of the County Climate Change Fund established under part II of this Act;

□governor□ means the Governor of Bungoma County;

□mitigation□ means preventing, reducing or slowing down the increase of atmospheric greenhouse gas concentrations by limiting current or future emissions and enhancing potential sinks for greenhouse gases;

□planning committee□ means the County Climate Change Planning Committee established under section 3 of this Act;

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

□steering committee□ means the County Climate Change Steering Committee established under section 4 of this Act;

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

□ward planning committee□ means the Ward Climate Change Planning Committee established under section 3 of this Act.

Objects and Purpose

3. The object of this Act is to create a Fund in the County for the purpose of facilitating Climate Finance for□

- (a) initiating and coordinating financing of climate change adaptation and mitigation projects at the community level;
- (b) establishing Climate Finance Mechanisms;
- (c) facilitating community-initiated climate change adaptation and mitigation projects;
- (d) coordinating collection and dissemination of climate change information to the public to create awareness and preparedness;
- (e) seeking and receiving grants from International Entities, the National and County government, and development partners;

- (f) coordinating support from National Government Climate Change Policy and legislative framework;
- (g) facilitating and planning for climate change adaptation and mitigation in the County planning and budgetary framework;
- (h) implementing any relevant obligations of the State under international agreements related to climate change; and
- (i) requiring lead agencies including government, departments, private sector and individual citizens to undertake their own respective roles in climate change response measures.

PART II □ ESTABLISHMENT AND ADMINISTRATION OF THE FUND

Establishment of the Fund

4. (1) There is hereby established a fund to be known as the Bungoma County Climate Change Fund which shall provide funding for priority climate change actions and interventions provided for in the Climate Finance Framework established under this Act.

(2) The Fund shall be domiciled in the Department responsible for Climate Change Affairs administered by the steering committee and managed by the fund administrator designated by the Executive Committee member for the time being responsible for matters of County Treasury.

- (3) The moneys in the Fund shall be disbursed as follows □
- (a) not less than three percent (3%) of the money available in the Fund shall be allocated for administrative costs as follows □
 - (i) thirty percent (30%) of the administrative costs shall be assigned to the administrative costs of the County Planning Committee; and
 - (ii) seventy percent (70%) of the administrative costs shall be assigned to the administrative costs of the Ward Planning Committees
 - (b) twenty percent (20%) of the moneys available in the fund shall be allocated to Countywide projects as follows:-
 - (i) ten percent (10%) shall be assigned to Climate Change Awareness Activities;
 - (ii) twenty percent (20%) shall be assigned to County specific research and development; and

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- (iii) seventy percent (70%) shall be assigned to county wide development projects;
- (c) seventy percent (70%) of the moneys available in the fund shall be allocated to projects from the wards approved by the County Planning committee; and
- (d) moneys not spent at the end of any financial year shall be retained in the fund for uses allowable under this Act.

Sources of the Funds

- 5. The Fund shall be financed through
 - (a) moneys appropriated annually by the County Assembly constituting a minimum of two percent of the annual development budget of the County;
 - (b) moneys received from the National Climate Change Fund;
 - (c) International Climate Change Finance received by the County directly or through the National Designated Authority, National Implementing Entity or other agency;
 - (d) donations, endowments, bequests, grants and gifts from individuals, public and private entities local or foreign;
 - (e) charges, fees, levies or fines received by the county government in connection with activities that adversely impact on climate in the County; and
 - (f) interest and any other money that may lawfully accrue to the Fund in any form.

County Climate Change Finance Framework

6. (1) The Executive Committee Member in consultation with the Executive Committee Member for the time being responsible for matters of the County Treasury shall publish a Climate Finance Framework for the County annually.

(2) The Climate Finance Frameworks shall be developed through a consultative process spearheaded by the Steering Committee.

(3) The Climate Finance Framework shall address the following issues

- (a) the status of Climate Change Awareness in the County;
- (b) context specific items in the National Climate Change Policy that are applicable to the County;

- (c) the impact of climate change in the County;
- (d) human activities in the County that may contribute to Climate Change;
- (e) enforcement of climate change related county laws and community bylaws
- (f) projects that are relevant in the County with regard to Climate Change Adaptation and Mitigation and the anticipated impact; and Any other emerging climate change issues.

(4) The Climate Finance Framework shall be aligned to the County Planning Framework and shall be forwarded to the County Assembly for approval.

County Climate Change Fund Regulations

7. (1) The Executive Committee Member for the time being responsible for matters of the County Treasury shall, in consultation with the Executive Committee, and with the approval of the County Assembly develop Regulations for administration and management of the Fund

(2) The Regulations made under subsection (1) shall provide for the following, ~~among other~~ matters

- (a) appointment and removal of the Fund Administrator;
- (b) operation of the Fund;
- (c) eligibility criteria for accessing money from the Fund;
- (d) development of project proposals, application for and disbursement of moneys from the Fund;
- (e) complaints mechanism; and,
- (f) monitoring, evaluation, reporting and learning

PART III INSTITUTIONAL FRAMEWORK FOR PLANNING AND IMPLEMENTATION

A. COUNTY CLIMATE CHANGE PLANNING COMMITTEE

Establishment of the County Climate Change Planning Committee

8. There is established a planning committee to be known as the County Climate Change Planning Committee that shall be appointed by the County Executive Committee Member for the time being responsible for matters of Environment and Climate Change

Composition of the County Climate Change Planning Committee

9. (1) The committee shall comprise of

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- (a) Chief Officer for the time being responsible for matters of Environment and Climate Change who shall be the Chairperson;
- (b) Chief Officer for the time being responsible for matters of the County Treasury who shall be the vice chairperson;
- (c) Chief Officer in charge of Water and Natural Resources;
- (d) Chief Officer in charge of Agriculture;
- (e) Chief Officer in Charge of Livestock;
- (f) Chief Officer in Charge of Health;
- (g) County Director Climate Change who shall be the Secretary;
- (h) Fund Administrator (ex-officio member)
- (i) The County Director National Environment Management Authority,
- (j) The County Director Kenya Meteorological Department,
- (k) The County Ecosystem Conservator Kenya Forest Service,
- (l) Representative of academic and research institutions with knowledge in matters of environment and climate change.

(2) The planning committee can co-opt any member into its membership to contribute to and advice on critical issues relating to the committees functions and mandate.

Tenure of the County Climate Change Planning Committee

10. A Member of the County Climate Change Planning Committee appointed under section 9 (I) shall be appointed through a competitive process and serve for a term of three years renewable once upon recommendation by the Planning Committee.

Functions of the Planning Committee

11. The County Climate Change Planning Committee shall
- (a) undertake internal and external resource mobilization;
 - (b) review, prioritize and sequence projects submitted by Ward Climate Change Planning Committees based on the set criteria;
 - (c) provide additional technical support to improve the Ward Climate Change Planning Committees proposals;
 - (d) organize inter ward meetings to review, refine and collate proposals from wards into a list of prospective proposals for funding;

- (e) receive, consider and recommend funding proposals and projects and forward to the County Climate Change Steering Committee for approval;
- (f) prepare and submit an annual report on climate change response activities in the County;
- (g) formulate and implement a county monitoring, evaluation and reporting framework for climate change response;
- (h) undertake Capacity building and training of ward planning committees; and
- (i) perform any other functions assigned to it by the County Steering Committee.

Conduct of the affairs of the County Planning Committee

12. The conduct of the affairs of the County Planning Committee shall be as set out in the second schedule.

Removal of a Member of the Planning Committee

13. (1) A member of the planning committee under clause 9 (I) may cease to hold office any time by resigning from the committee by issuing a one month's notice in writing to the executive committee member in charge of climate change matters.

(2) A person who is a member of the planning committee by virtue of his or her office under clause 9(a k) shall cease to be a member of the committee upon ceasing to hold that office or upon being transferred.

(3) A person who is a member of the planning committee under section 9(1) shall cease to be a member of the committee upon ceasing to be a member of the interest group or upon being recalled by the interest group for a good cause and through a written communication from an authorized official of the interest group to the chairperson of the committee

(4) A member of the planning committee may be removed from the committee by the executive member for the time responsible for matters of Environment and Climate change on any one or a combination of the following grounds

- (a) a failure to attend three consecutive meeting of the steering committee without reasonable cause duly communicated to the chairperson of the committee;
- (b) serious violation of the constitution or any other written law;
- (c) gross misconduct.

- (d) physical or mental incapacity; and/or
- (e) bankruptcy.

(3) Whenever a member of the planning committee is removed or otherwise ceases to be a member of the committee the executive committee member of the time being in charge of matters climate change shall ensure a replacement is made within 60 days of the vacancy.

B. WARD CLIMATE CHANGE PLANNING COMMITTEE

Establishment of Ward Climate Change Planning Committee

14. There is established a committee that shall be known as the Ward Climate Change Planning Committee in each ward

Composition of the Ward Climate Change Planning Committee

15. (1) The Ward Climate Change Planning Committee shall comprise the following persons

- (a) Community representatives appointed by the County Planning Committee in consultation with the Area Member of the County Assembly comprising of
 - (i) One person nominated by elders in the ward;
 - (ii) Two persons one male, one female nominated by youth, in the ward;
 - (iii) One person nominated by women in the ward;
 - (iv) One person nominated by persons with disability in the ward.
- (b) one person representing ward based public benefits organizations;
- (c) one person representing faith based organizations in the ward;
- (d) *ex-officio* with no voting right comprising of
 - (i) the sub county environment officer of the respective sub county;
 - (ii) the Ward Administrator of the respective ward;
- (e) a secretary elected by the ward planning committee members for the respective ward;
- (f) one person elected by the ward planning committee members who shall be chair person.

(2) The ward climate planning committee can co-opt any member into its membership to contribute to and advice on critical issues relating to the committees functions and mandate.

(3) The members of the ward committees under sub section (1) (a) (b) (c) shall

- (a) must fulfil requirement of Chapter Six of the Kenya Constitution 2010;
- (b) Shall have basic knowledge of climate change;
- (c) Be residents of the respective wards;
- (d) Have proven track record of community service in the Ward.

(4) In making these appointments to the Ward Climate Change Planning Committees, consideration has to be made to the two-thirds gender rule and the provisions of Article 27 of the Constitution, 2010.

Tenure of Ward Climate Change Planning Committees

16. A Ward Climate Change Planning Committee member under section 15 (1) (a),(b), and (c), will serve for a period of three years renewable once subject to the recommendations of the Ward Planning Committee

Functions of the Ward Climate Change Planning Committee

17. The Ward Climate Change Planning Committees shall

- (a) coordinate and mobilize communities and other stakeholders in the ward to design and implement climate change response activities;
- (b) facilitate research and knowledge management at the ward level on climate change, its impacts and strategies for responding thereto;
- (c) facilitate public education, awareness creation, and capacity building at the ward level on climate change, its impacts and strategies for responding thereto;
- (d) coordinate, facilitate and manage community consultations on priority climate change response activities;
- (e) participate in county planning and budgeting processes with a view to ensuring the mainstreaming of climate change and prioritisation of climate change response in county development plans;

- (f) facilitate public participation in climate change governance, implementation of agreed climate change response activities, and monitoring of those activities;
- (g) coordinate and facilitate provision of technical support to communities in the ward in developing proposals on climate change response projects for funding by the County Climate Change Fund;
- (h) monitoring implementation of climate change response projects at ward level funded by the County Climate Change Fund and report thereon to the Planning Committee; and,
- (i) perform any other functions that may be assigned to it by the County Climate Change Planning Committee.

Conduct of the affairs of the Ward Climate Change Planning Committee

18. The conduct of meetings of the affairs of the Ward Climate Change Planning Committee shall be as set out in the third schedule.

Removal of a Member of the Ward Planning Committee

19. (1) A member of the ward planning committee under clause 15 (1) (a),(b),(c),(e),(f) may at any time resign from the committee by issuing a one month's notice in writing to the ward Administrator who will within 14 days forward the same to the executive member for the time being responsible for matters of Climate change.

(2) A member of the ward climate change planning committee may be removed from the committee by the executive member for the time being responsible for matters of Climate change on any one or a combination of the following grounds.

- (a) failure to attend three consecutive meeting 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; and/or
- (e) bankruptcy.

(3) A person who is a member of the ward climate change planning committee by virtue of his or her office being under clause 15 (1) (d) shall cease to be a member of the committee upon being transferred or ceasing to hold that office.

(4) A person who is a member of the ward climate change planning committee under section 15 (1) (a-c) shall cease to be a member of the committee upon ceasing to be a member of the interest group or upon being recalled by the interest group for a good cause and through a written communication from an authorized official of the interest group to the chairperson.

(5) Whenever a member of the ward climate change planning committee is removed or otherwise ceases to be a member of the committee the executive member for the time being responsible for matters of Environment and Climate change shall ensure a replacement is made within 30 days of the vacancy.

Secretariat of the Fund

20. There shall be established a Climate Change Unit which will work as the Secretariat to the Fund Administrator and subjected to the administrative cost of the Fund.

PART IV COORDINATION AND OVERSIGHT

Establishment of the County Climate Change Steering Committee

21. There is established a Steering Committee appointed by the Governor to be known as the Bungoma County Climate Change Steering Committee.

Composition of the Steering Committee

22. (1) The County Steering Committee shall comprise of

- (a) the Governor, who shall be the Chairperson and in his absence the deputy governor shall be the chairperson;
- (b) the Executive Committee member (CECM) for the time being responsible for matters of Environment and Climate Change who shall be the secretary.
- (c) the Executive Committee Member for the time being responsible for matters of the County Treasury;
- (d) the Executive Committee Member for the time being responsible for matters of agriculture, livestock and fisheries;
- (e) the Executive Committee Member for the time being responsible for matters of Public Administration;
- (f) the Executive Committee Member for the time being responsible for matters of Health;
- (g) the Executive Committee Member for the time being responsible for matters of Lands, Urban Physical Planning and Housing;

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- (h) the County Commissioner or his representative;
- (i) a representative of the private sector nominated by registered professional associations;
- (j) a representative of the civil society organization whose activities are related to climate change;
- (k) a representative of the academia, private institutions with knowledge in matters of environment and climate change; and
- (l) The Steering committee can co opt any member into its membership to contribute to and advice on critical issues relating to the committees functions and mandate.

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

(3) A person shall be qualified for appointment under sub section (1) (i), (j) and (k) respectively if the person

- (a) is a resident of Bungoma County;
- (b) has knowledge and experience in any of the following fields
 - (i) climate change,
 - (ii) natural resource management; and/or
 - (iii) environmental conservation and has actively and publicly engaged with these issues in the County.

Tenure of the County Steering Committee

23. A member of the County Climate Change Steering Committee under sub section (1) (i), (j) and (k) shall hold office for three years and shall be eligible for reappointment for a further term of three years only subject to the recommendations of the steering committee.

Functions of the Steering Committee

- 24.** (1) The County Climate Change Steering Committee shall
- (a) mainstream climate change projects, programs and activities in county planning and budgeting and ensure their approval and inclusion in the county integrated development plan;
 - (b) approve the County climate change funding proposals as recommended by the county planning climate change planning committee.

- (c) approve all payments of climate change funded projects and programs;
- (d) receive and approve project proposals for funding;
- (e) receive and consider progress reports from the County Planning Committee;
- (f) approve capacity building activities for the Steering Committee, County Planning Committee and the Ward Climate Change Planning Committees;
- (g) ensure coordination among institutions implementing climate change programs so as to minimize duplication of effort;
- (h) receive and consider reports on challenges and disputes identify obstacles on the implementation of climate change programs and make proposals for resolving the obstacles;
- (i) monitor disbursement; oversee budget execution;
- (j) ~~advice~~ on partners' collaboration and domestication and implementation of the five year National Climate Change Action Plan through Council of Governors;
- (k) ensure smooth flow of information across the lead agencies;
- (l) mobilize resources for climate change actions in the county; and
- (m) perform any other function that may be necessary to ensure attainment of the object and purpose of this Act.

(2) The Steering Committee shall in the performance of its functions be responsible for Policy on climate change.

Conduct of the affairs of the County Climate Change Steering Committee

25. The conduct of the affairs of the County Climate Change Steering Committee shall be as set out in first Schedule.

Removal of a Member of the Steering Committee

26. (1) A member of the steering committee may resign from the committee by issuing a one month's notice in writing to the Governor.

(2) A member of the steering committee may be removed from the committee by the Governor on any one or a combination of the following grounds

- (a) failure to attend three consecutive meeting of the steering committee without reasonable cause duly communicated to the chairperson of the committee

- (b) serious violation of the constitution or any other written law
- (c) gross misconduct
- (d) physical or mental incapacity, and/or
- (e) bankruptcy

(3) A person who is a member of the steering committee by virtue of his or her office under clause 21 (a h) Shall cease to be a member of the committee upon being transferred or ceasing to hold that office.

(4) A person who is a member of the steering committee under clause 21(i-k) shall cease to be a member of the committee upon ceasing to be a member of the interest group or upon being recalled by the interest group for a good cause and through a written communication from an authorized official of the interest group to the chairperson of the committee.

(5) Whenever a member of the steering committee is removed or otherwise ceases to be a member of the committee the executive committee member of the time being in charge of matters climate change shall advise and/or propose a replacement to the Governor within 60 days of the vacancy.

PART V DISBURSEMENT OF THE FUND

Allocation of fund to the Wards

27. (1) The Fund Administrator shall prepare and publish information on the disbursements of funds available to each Ward.

(2) The Fund Administrator shall be guided by the following factors in determining the allocation of funds to the Wards

- (a) equitable distribution of the Fund in accordance with the eligibility criteria;
- (b) Wards identified during the Climate Risk Assessment as most vulnerable to climate disasters;
- (c) Population of each ward.

Eligibility Criteria

28. (1) The County Planning Committee shall develop and publish some eligibility criteria for Climate Finance projects that will be eligible for funding under this bill

(2) The eligibility criteria in subsection (1) shall be based on the following parameters

- (a) promotion of climate resilience in the locality through Climate Mitigation or Adaptation;
- (b) support for economic growth through Climate Adaptation;
- (c) communal benefit including vulnerable groups and have clear considerations for gender representation;
- (d) properly conducted situation analysis with clear problem statement to facilitate clarity on level and urgency of vulnerability, and risks arising from delayed intervention;
- (e) evidence of a properly conducted environmental impact assessment;
- (f) clearly defined monitoring and evaluation plan;
- (g) Ownership and sustainability plan;
- (h) Must enhance use of in-built skills and technology transfer;
- (i) provision of a platform for stakeholder engagement; and
- (j) any other consideration that may be deemed relevant.

Community Consultation Forums

29. (1) Each Ward Planning Committee shall convene community consultation forums in at least three different locations in the Ward in the first quarter of every Financial Year.

(2) The agenda for the community consultation forums shall be

- (a) Climate Change Awareness;
- (b) Project eligibility criteria; and
- (c) Identification of priority projects from the community members.

(3) The Ward Planning Committee Secretary shall prepare a report on the community consultation forums under this part, and submit it to the County Planning Committee.

Development of Project Proposals

30. (1) The Ward Planning Committee shall develop project proposals from the project priorities identified in section 23 (2), and include any necessary technical details, including the procurement plan for each project.

(2) The Ward Planning Committee shall submit the list of project proposals indicating the priority ranking to the County Planning Committee for approval.

(3) Upon receiving the project proposals from the Ward Planning Committee, the County Planning Committee shall within six weeks after receiving the project proposals□

- (a) review and recommend the project proposals and communicate their decision to the respective Ward Planning Committee; or
- (b) reject project proposals with reasons given in writing and communicate this decision to the respective Ward Planning Committee; or
- (c) instruct the respective Ward Planning Committee to make necessary amendments to a project proposal and approve the amended project proposal within a further three weeks from the date of resubmission.

(4) The project proposals developed by the Ward Planning Committee shall be subject to the funds allocated to the Ward by the fund Administrator in accordance with article 24 (1)

Procurement

31. (1) Based on the National and County Procurement Regulations the Fund Administrator shall facilitate the establishment of appropriate procurement processes committee for each Ward Planning Committee.

(2) The Ward Planning Committee shall adhere to the relevant procurement procedures under the Public Procurement and Asset Disposal Act, 2015.

(3) The Fund Administrator shall facilitate development of capacity on procurement for the Ward Planning Committee.

Complaints Mechanism

32. (1) There shall be establishment of a Grievance Complaint Mechanism specifically for the Climate Change under the Fund Administrator.

(2) Community members who are aggrieved by the decisions of the Ward Planning Committees shall submit the complaints to the Fund Administrator.

(3) The Fund Administrator shall forward the complaints to the County Planning Committee who shall make a final determination within a period of six weeks and submit a report to the County Steering Committee with a copy to the Fund Administrator.

PART VI □ FINANCIAL PROVISIONS**Funding operations of the County Climate Change Steering, Planning and Ward Committees**

33. (1) Functions of the County Climate Change Steering Committee, the Planning Committee and Ward Planning Committees and the secretariats there of shall be financed through a vote in the estimates of revenue and expenditure of the relevant Department of the Executive Committee Member.

(2) Participation of representatives of State and County Executive Departments in the Steering Committee, the Planning Committee and Ward Planning Committees shall be financed by the Fund in accordance with Guidelines from the Salaries and Remuneration Commission.

(3) Finances and accounts of the Steering Committee, the Planning Committee and Ward Planning Committees shall be administered and managed in accordance with the provisions of the Public Finance Management Act and the Public Finance Management (County Governments) Regulations.

Annual estimates for the County Climate Change Steering Planning and Ward Committees

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

Financial year of the County Climate Change Steering, Planning and Ward Committees

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

Accounts and audit of the County Climate Change Steering, Planning and Ward Committees

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

PART VI — MISCELLANEOUS PROVISIONS**Protection from personal Liability**

37. (1) No civil or criminal proceedings shall be brought against a member, officer or agent of the County Climate Change Steering Committee, the Planning Committee or the Ward Planning Committee pursuant to actions or inactions arising in the performance of good faith.

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

Offenses and penalties

38. Any person who—

- (a) without any lawful cause ignores or fails to obey any instructions issued by any member or officer or agent of the County Climate Change Steering Committee, the Planning Committee or Ward Planning Committee in exercise of the powers or performance of the functions of the Committees under this Act; or
- (b) wilfully obstructs any member or officer or agent of the County Climate Change Steering Committee, the Planning Committee or Ward Planning Committee in the discharge of their lawful duties; or (misrepresents, knowingly submits false or misleading information to any member or officer or agent of the County Climate Change Steering Committee, the Planning Committee or Ward Planning Committee in exercise of powers or the performance of the functions of the said Committees under this Act commits an offence and shall upon conviction be liable to the punishment provided for under section 33(1) of the Climate Change Act, 2016

Transitional Provisions

39. The County Climate Change Steering Committee and the County Planning Committee shall be constituted within two months of coming into force of this Act.

**SCHEDULES
FIRST SCHEDULE**

(s. 25)

**CONDUCT AND AFFAIRS OF THE COUNTY CLIMATE
CHANGE STEERING COMMITTEE**

1. The meetings of the County Climate Change Steering Committee shall be conducted as follows

- (a) the County Climate Change Steering Committee shall meet at least once in a quarter in each financial year.
- (b) the quorum for meetings of the County Climate Change Steering Committee shall be at least half of the membership.
- (c) in the absence of the chairperson, the vice chairperson shall chair meetings of the County Climate Change Steering Committee, and in the absence of both the chairperson and the vice-chairperson members in attendance shall elect one of them to chair the meeting.

2. The County Climate Change Steering Committee may invite to its meetings any technical staff of the national or County government which it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the minutes of the County Climate Change Steering Committee

SECOND SCHEDULE (S. 12)**CONDUCT OF THE AFFAIRS OF THE COUNTY PLANNING
COMMITTEE**

1. The meetings of the County Climate Change Planning Committee shall be conducted as follows

- (a) the County Climate Change Planning Committee shall meet at least twice in a quarter in each financial year.
- (b) the County Climate Change 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 familiarising itself with their climate change-related challenges.
- (c) the quorum for meetings of the County Climate Change Planning Committee shall be at least half of the membership.
- (d) in the absence of the chairperson, the members in attendance shall elect one of them to chair the meeting.

2. The County Climate Change Planning Committee may invite to its meetings any technical staff of the national or County government which it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the minutes of the County Climate Change Planning Committee.

THIRD SCHEDULE (S. 18)

CONDUCT OF THE AFFAIRS OF THE WARD CLIMATE CHANGE PLANNING COMMITTEE

1. Meetings of the Ward Climate Change Committee shall be conducted as follows

- (a) The ward climate change planning committee shall meet at least twice in each quarter
- (b) Save for the inaugural and emergency meetings, which shall be held at the ward headquarters, regular meetings of the Ward Climate Change Planning Committee shall be convened and held in the different locations of the ward on a rotational basis
- (c) The quorum for meetings of the Ward Climate Change Planning Committee shall be half of the members
- (d) A resolution of the Ward Climate Change 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.
- (e) In the absence of the chairperson, the vice chairperson shall preside over a meeting, and in the absence of both the chairperson and the vice-chairperson, the members in attendance shall elect one of them to chair the meeting.

2. Regular meetings of the Ward Climate Change 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.