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THE TURKANA COUNTY CLIMATE CHANGE ACT, 2021

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THE TURKANA COUNTY CLIMATE CHANGE ACT, 2021

AN ACT of the County Assembly of Turkana to provide for a legal and institutional framework for the adaptive and mitigative climate change interventions, to provide for mechanisms and measures to achieve low carbon development pathway; to establish the county climate change fund and connected purposes

ENACTED by the County Assembly of Turkana as follows—

PART I—PRELIMINARY

Short Title and Commencement

1. This Act may be cited as the Turkana County Climate Change Act, 2021 and shall come into force upon publication in the *Kenya Gazette*.

Interpretation

2. In this Act unless the context otherwise requires—

“Adaptation” means an 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 systems, institutions, humans and other organisms to adapt to the impacts, cope with the consequences, minimise potential damages, or take advantage of opportunities offered by climate change or climate variability;

“Authorised Officer” means an officer of the Department or any other person acting under the Authority of or delegated to act in a particular way by the Department;

“Baseline Year” means the reference point in time against which emission reductions in the future shall be measured as specified by the County Executive Committee Member in consultation with the Steering Committee for purposes of this Act;

"Climate Change" refers to a shift in the weather patterns around the world

caused by increased use of fossil fuels and emissions of greenhouse gases as a consequence of human activities;

“Climate Information Services” refer to the packaging and dissemination of climate information to the specific users;

“Climate- sensitive Sectors” means the sectors that are affected by climate change which include Livestock, Water, Agriculture, Food security, Environment, Forestry, Wildlife, Peace and Security, Tourism, Fisheries, Energy, Trade and Disaster management;

“Climate Systems” means hydrosphere, biosphere, cryosphere, lithosphere and atmosphere;

“Constitution” means the Constitution of Kenya, 2010; “County” means Turkana County;

“County Assembly” means the County Assembly of Turkana County; “County Executive Committee Member” means the County Executive Committee Member for the time being in charge of climate change matters;

“County Government” means the Turkana County Government;

“County Planning Committee” means the County Climate Change Planning Committee established under Section 16(1) of this Act;

“Department” means the department for the time being responsible for climate change matters;

“Directorate” means the County Climate Change Directorate established in Section 12 of this Act, to support coordination of climate change matters in the County as envisaged by Section 19(3) of the Climate Change Act, 2016;

“Environment” has the meaning assigned to it in Section 2 of the Environmental Management and Coordination Act, No. 8 of 1999;

“Fund” means the County Climate Change Fund established under Section 49(1) of this Act;

“Fund Administrator” means the Administrator of the County Climate Change Fund established under Section 49(2) of this Act;

“Governor” means the Governor of Turkana County;

“Greenhouse Gases” means gases that have the property of absorbing infrared radiation (net heat energy) emitted from Earth’s surface and reradiating it back to Earth’s surface;

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

“Mitigation” means human interventions that seek to prevent climate change or reduce the severity of the impacts of climate change;

“Private Entity” means any entity that is not a unit of Government including but not limited a corporation, partnership, non-profit organization, natural person or other legal entity;

“Public Entity” means any organization or body that provides services to the public on behalf of the Government or another public entity;

“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;

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

“Steering Committee” means the County Climate Change Steering Committee established under Section 5(1) of this Act;

“Vulnerability” means the propensity or predisposition to be adversely affected. Vulnerability encompasses a variety of concepts and elements, including sensitivity or susceptibility to harm and lack of capacity to cope and adapt;

“Ward” has the meaning assigned to it under Article 89 of the Constitution; and

“Ward Planning Committees” means the Ward Climate Change Planning Committees established under Section 23 of this Act.

Objects and purpose

3. (1) The object of this Act is to provide a framework for the development, management, implementation, regulation and monitoring of adaptive and mitigative climate change interventions.

(2) Without limiting the generality of subsection (1), this Act shall be applied by the County Government in all sectors of the economy to—

- (a) mainstream climate change responses into development planning, decision making and implementation by integrating climate change into the exercise of power and functions of all levels of the County Government, including in decentralized units;
- (b) implement coordinated and mainstreamed response to climate change and its impacts by all actors and stakeholders;
- (c) inclusive and effective management of climate change impacts by enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change;
- (d) promote, support and facilitate community-based and community- initiated adaptation and mitigation activities;
- (e) enforce duties and provide incentives for the private sector to contribute towards the achievement of low carbon climate-resilient development;

- (f) facilitate, effective and meaningful public participation in climate change response through capacity development, awareness creation, consultation, representation and access to information;
- (g) establish frameworks and mechanisms for mobilisation and transparent and accountable management of financial and other resources for climate change response;
- (h) establish and implement mechanisms to promote and facilitate climate change research and development, innovations, technology development, training and capacity building;
- (i) enhance cooperative climate change governance between the County, neighboring counties and the National Government; and
- (j) contribute to national efforts to address the adverse impacts of climate change.

Guiding Values and Principles

4. The following values and principles shall guide the application and interpretation of this Act and the making or implementation by the County Government of any policy on climate change—

- (a) Inclusivity;
- (b) Public participation;
- (c) Flexibility;
- (d) Equitable benefits;
- (e) Sustainability; and
- (f) Promotion and protection of the right to a clean and health environment.

PART II—OVERSIGHT AND COORDINATION

Establishment and Composition of the County Climate Change Steering Committee

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

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

(3) The members of the Steering Committee shall be—

- (a) the Governor who shall be the chairperson of the Steering Committee;
- (b) the Deputy Governor who shall be the vice- chairperson, and

who in the absence of the Governor, shall be the chairperson of the Steering Committee;

- (c) the County Executive Committee Member of Department for the time being responsible for climate change matters
- (d) the County Executive Committee Member in charge of the County Treasury;
- (e) two County Executive Committee Members from the Climate-sensitive sectors to be appointed by the Governor;
- (f) the County Attorney;
- (g) one representative of national agencies dealing with climate change;
- (h) one representative of operating development partners or private sector appointed by the Governor;
- (i) a representative nominated by the civil society organizations whose activities are related to climate change;
- (j) a representative of the academic and private institutions appointed by the Governor; and
- (k) Fund Administrator who shall be *ex-officio* member.

(4) The Steering Committee may co-opt individuals with relevant expertise to sit in the Steering Committee when needed to advise the Steering Committee on special matters in relation to climate change.

(5) A person qualifies to be nominated for appointment under subsections (3) (g), (h), and (i), and if the person has demonstrable experience, expertise and interest in issues of climate change, natural resource management and/or environmental conservation and has actively and publicly engaged with these issues in the County.

(6) Without prejudice to the provisions of subsection (5) a person shall not qualify to be nominated for appointment unless such person is—

- (a) a citizen of Kenya;
- (b) fulfils the requirements of Chapter 6 of the Constitution; and
- (c) has at least five years' experience in the following fields; meteorology; climatology; Environment; Economics, Finance, Security, Development and such other relevant field as may be determined by the County Executive Committee Member responsible for climate change. obstacles; advice on partners' collaboration and domestication and implementation of the five-year National Climate Change Action Plan through Council of Governors;

Functions of the Steering Committee

6. (1) The Steering Committee Shall coordinate and oversee climate change response in the County, and in this connection shall—

- (a) ensure mainstreaming of climate change into county planning and development;
- (b) advise the Department on policy and other strategic matters relating to climate change;
- (c) identify obstacles to the implementation of climate change policies and programmes and make proposals for resolving the obstacles; advice on partners' collaboration and domestication and implementation of the five-year National Climate Change Action Plan;
- (d) coordinate formulation and monitor implementation of the County Climate Change Action Plan, County Climate Finance Framework and any other county climate change policies, plans and strategies;
- (e) mobilise funds into and administer the County Climate Change Fund established under this Act;
- (f) review, approve and monitor implementation of Regulations for administration and management of the Fund;
- (g) review and make recommendations on the biannual report on the implementation of the County Climate Change Action Plan and any other reports on climate change response interventions in the County;
- (h) advise the County Government on legislative, policy and other measures necessary for climate change response and attainment of low carbon climate-resilient development;
- (i) approve and oversee the implementation in the County of a comprehensive programme of climate change education, awareness creation and capacity building;
- (j) provide policy frameworks for research and innovation, education and awareness and dissemination of information relating to climate change to the public and other stakeholders in the County;
- (k) ensure positive linkages, interactions and synergy between the County, neighboring counties and the national government in climate change response programming and action;
- (l) ensure a coordinated approach to climate change response programming and action within the County Government,

between the County Government and National Government, and among the different stakeholders in the County;

- (m) approve County Climate Change budget;
- (n) monitor disbursement of climate change funds;
- (o) oversee budget execution; and
- (p) perform any other functions that may further the foregoing objectives as may be assigned by the Governor.

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

Term of Office

7. Members of the Steering Committee appointed under section 5(3) (h), (i), (j), shall serve for one non-renewable term of three years.

Removal of a member of the Steering Committee

8. (1) A member of the Steering Committee may resign from the Committee by issuing 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 two consecutive meetings 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
- (e) bankruptcy.

(3) A person who is a member of the Steering Committee by virtue of his or her office under Section 5 (3) (a), (b), (c), (d), (e), (f) and (g) shall cease to be a member of the Committee upon ceasing to hold that office.

(4) A person who is a member of the Steering Committee under Section 5 (3) (i) shall cease to be a member of the Steering 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 Steering Committee.

(5) Whenever a member of the Steering Committee appointed or nominated under Section 5 (3) (b), (c), (d), (e), (f) and (g), is removed or otherwise ceases to be a member of the Committee, the County Executive Committee Member shall advise and/ or propose a replacement to the Governor within 30 days of the vacancy.

(6) When a member of the Steering Committee under Section 5 (3) (i) is removed or otherwise ceases to be a member of the Committee, the relevant interest group shall nominate a replacement within 30 days of the vacancy.

Meetings of the Steering Committee

9. (1) The Steering Committee shall meet at least once every quarter in each financial year or when need be.

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

(3) A resolution of the Steering Committee shall require an affirmative vote of at least one-half of the members present at a meeting, excluding the director, and chairperson whose vote shall be a casting vote.

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

Allowances for Members of the Steering Committee

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

Delegation of powers by the Steering Committee

11. Subject to the provisions of this Act, the Steering Committee may, either generally or in a particular case, delegate the exercise of any of its functions under this Act to any Subcommittee or to any member of the Steering Committee or officer or agent thereof.

Establishment and Composition of the County Climate Change Directorate

12. (1) There is established the County Climate Change Directorate within the Department for the time being responsible for climate change matters.

(2) The members of the Directorate shall be recommended by the Climate- sensitive Sectors for appointment by the County Executive Committee Member. For purposes of this section, the appointment shall take place within fourteen (14) days from the date of their recommendation otherwise the recommended persons shall be deemed to have been appointed at the lapse of the fourteen (14) days from the date of their recommendation.

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

Functions of the County Climate Change Directorate

13. (1) The Directorate shall, on behalf of the Steering Committee, perform functions as may be specifically set out in this Act and/or in the regulations as follows—

- (a) advising the County Executive Committee on policy and strategic planning and all matters related to climate change in the County;
- (b) providing secretarial services to the Steering Committee;
- (c) implementing policies adopted by the Steering Committee;
- (d) coordinating, mainstreaming and integrating climate change programs into the sectoral strategic plans;
- (e) establishing and maintaining a relationship with County, regional and international organizations, institutions and agencies as may be appropriate for the implementation of the climate change policy and recommendations of the Steering Committee;
- (f) promoting and cooperating in the development, application and
- (g) diffusion including transfer of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases in all relevant sectors including energy, transport, industry, agriculture, forestry and waste management;
- (h) serving as the County Knowledge and Information Management Centre for collating, verifying, refining, and disseminating knowledge and information on climate change;
- (i) supporting the preparation for adaptation to the adverse effects of climate change by developing elaborate, appropriate and integrated plans for water resources and agriculture and for rehabilitation of areas affected by drought, desertification and floods;
- (j) providing analytical support on climate change to the Steering Committee;
- (k) developing and implementing educational and public awareness, communication and outreach programmes on climate change and its effects;

- (l) creating an environment that promotes broader multi-stakeholder participation and public participation in addressing climate change and its adverse effects and developing adequate responses;
- (m) assessing the performance of climate change projects towards contribution to sustainable development;
- (n) initiating programmes for effective implementation of climate change actions;
- (o) receiving and forwarding climate change projects to the County Executive Committee Member to present the same before the Steering Committee for purposes of approval;
- (p) establishing and managing a county registry for appropriate mitigation actions by public and private entities;
- (q) contributing to the preparation of the County Greenhouse Gases Inventory in consultation with the Steering Committee;
- (r) carrying out climate risk assessments and studying human systems so as to identify options for mitigation and adaptation to climate change;
- (s) formulating a framework strategy on climate change to serve as the basis for a program for climate change planning, research and development, extension and monitoring of activities on climate change;
- (t) providing technical and financial assistance for climate change adaptation for vulnerable communities and areas;
- (u) ensuring gender mainstreaming and social inclusion have been factored in the plans;
- (v) providing local communities with technical assistance, enforcement and information management in support of Climate Change Action Plans;
- (w) keeping records of any climate change adaptation and mitigation activities in the County;
- (x) contributing in the preparation of County reports relating to climate change; and
- (y) performing any other activity necessary to facilitate the discharge of its functions.

(2) The functions of the Directorate shall be financed by at least two percent of the Department's annual budget appropriation.

Powers of the Directorate

14. (1) In the performance of its functions, the Directorate shall have power to—

- (a) establish *ad hoc* committees and working groups for specific technical support;
- (b) direct any person or agency to implement climate change adaptation activities, and to require that person or agency to report on the action taken;
- (c) enter upon and inspect any land, premises, building, installation or any physical structure of whatever nature to monitor and assess risk to adverse effects of climate change; and
- (d) recommend to the County Executive Committee Member to seek approval of the Steering Committee to withdraw letters of approval of climate change projects to a non-compliant entity.

Reporting

15. (1) The Directorate shall prepare an annual report on climate change and shall submit the report to County Executive Committee Member for consideration and presentation before the Steering Committee for approval and for onward submission to the County Assembly by the 31st of March every year immediately following the year that is the subject of the report.

(2) The annual report shall contain information on the implementation of this Act, and of the County Climate Change Policy, including—

- (a) the state of mitigation and adaptation to the adverse effects of climate change within the County;
- (b) an assessment of the risks for the County and the predicted impact of climate change; and
- (c) an account of failure by any person and/ or committee to comply with directives issued under subsection (3).

(3) The Steering Committee may, after consideration of the annual report, direct the County Executive Committee Member to require any person and/ or committee that has failed to comply with the directives of the Directorate to comply with the directive.

**PART III—INSTITUTIONAL FRAMEWORK FOR PLANNING
AND IMPLEMENTATION**

A. COUNTY CLIMATE CHANGE PLANNING COMMITTEE

Establishment and Composition of the County Planning Committee

16. (1) There is established the County Climate Change Planning Committee.

(2) The County Planning Committee shall comprise of—

- (a) the Chief Officer in charge of climate change matters who shall be the chairperson;
- (b) the Director in charge of finance as the vice chairperson;
- (c) the Director of the Directorate who shall be the Secretary;
- (d) one representative of National Government agencies implementing climate change matters other than the County Drought Co-ordinator;
- (e) one representative of duly registered public benefit organizations;
- (f) one representative of the private sector;
- (g) one representative of women Association;
- (h) one representative of youth Association;
- (i) one representative of people differently abled;

(3) In the absence of members appointed under Section 16 (2) (a), (b), (c) and (d) the respective assigned members can attend.

Appointment and Term of the County Planning Committee

17. (1) Members of the County Planning Committee who are members other than by virtue of their office shall be appointed by the County Executive Committee Member for the Department for the time being responsible for climate change matters upon nomination by their umbrella organizations.

(2) Members of the County Planning Committee appointed under Section 17(1) shall serve for a non-renewable term of three years.

Functions of County Planning Committee

18. The functions of the County Planning Committee shall be to—

- (a) establish guidelines to be used by Ward Planning Committees in formulating climate change response projects for funding by the County Climate Change Fund;

- (b) support Ward Planning Committees in development and implementation of climate change response projects;
- (c) coordinate the development and implementation of the County Climate Change Fund Regulations;
- (d) review, prioritize and sequence projects submitted by Ward Planning Committees based on the set criteria;
- (e) organize inter-ward meetings to review, refine and collate proposals from wards into a list of prospective proposals for funding;
- (f) approve project proposals from the Ward Planning Committees and forward the approved project proposals to the Steering Committee for further consideration;
- (g) advise the Steering Committee on strategies, priority programmes, projects and activities for climate change response in the County;
- (h) formulate and implement strategic actions to foster climate change education, awareness creation and capacity development in the County;
- (i) coordinate research and knowledge management on climate change, its impacts and strategies for responding thereto;
- (j) prepare and disseminate an annual report on climate change response activities in the County;
- (k) formulate and implement a county monitoring, evaluation and reporting framework for climate change response;
- (l) forward the approved project proposals to the Steering Committee through the Fund Administrator for funding; and
- (m) perform any other functions assigned to it by the Steering Committee.

Removal of a member of the County Planning Committee

19. (1) A member of the County Planning Committee may at any time resign from the Committee by giving one month's notice to the County Executive Committee Member.

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

- (a) failure to attend two consecutive meetings of the County 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) mental incapacity; and
- (e) bankruptcy.

(4) A person who is a member of the County Planning Committee by virtue of his or her office under section 16(2) (a), (b), (c) and (d) shall cease to be a member of the Committee upon ceasing to hold that office.

(5) A person who is a member of the County Planning Committee appointed under Section 17(1) shall cease to be a member of the County Planning 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 County Executive Committee Member.

(6) Whenever a member of the County Planning Committee is removed or otherwise ceases to be a member of the Committee, the County Executive Committee Member shall appoint a replacement within 30 days of the vacancy.

(7) When a member of the County Planning Committee under Section 17(1) is removed or otherwise ceases to be a member of the Committee, the relevant interest group shall nominate a replacement who shall be appointed within 30 days of the vacancy.

Secretariat of the County Planning Committee

20. The County Executive Committee Member may designate such number of public officers as may be necessary to assist the County Planning Committee in the discharge of its functions.

Meetings of the County Planning Committee

21. (1) The County Planning Committee shall meet at least once every month.

(2) The County 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.

(3) The quorum for meetings of the County Planning Committee shall be two-thirds of the members.

(4) A resolution of the County Planning Committee shall require an affirmative vote of more than one half of the membership present at a

meeting, excluding the *ex-officio* member's vote, and the chairperson's vote which shall be a casting vote.

(5) In the absence of the chairperson, the vice-chairperson shall preside over a meeting, and in the absence of both the chairperson and the vice-chairperson, the members in attendance shall elect one of them to chair the meeting; provided that no two consecutive meetings shall be held without either the chairperson or the vice-chairperson being present.

(6) The County Planning Committee may invite to its meetings any technical staff of the National or County Government who it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the minutes of the County Planning Committee.

Allowances for members of the County Planning Committee

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

B. WARD CLIMATE CHANGE PLANNING COMMITTEE

Establishment of the Ward Planning Committees

23. There is established a Ward Climate Change Planning Committee in each Ward.

Composition of the Ward Planning Committees

24. (1) The Ward Planning Committees shall be composed of members appointed by the Chief Officers responsible for climate change matters.

- (2) The Ward Planning Committees shall comprise of —
 - (a) the Ward Administrator who shall be the Chair of the Ward Planning Committee;
 - (b) designated Ward climate change officer shall be the Secretary of the Ward Planning Committee;
 - (c) a representative of respective Village Administrator for each Ward;
 - (d) two representatives of the elderly people one female and one male;
 - (e) Ward Youth Leader;
 - (f) National Government representative (Chief or Assistant Chief-*ex-official*); and
 - (g) a representative of persons abled differently;

(3) Nomination of members falling under subsections 24(2)(e), and (g), shall be conducted by representatives of the respective groups at a meeting convened by the Ward Administrator and other key stakeholders at the Ward headquarters for that purpose or a representative thereof.

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

(5) The notice convening the meeting under subsection (3) shall be issued not less than 14 days prior to the date thereof and shall be widely publicised through public barazas, community radio stations, and other forms of media available in the Ward.

(6) Two-third gender rule shall apply in the nomination of members.

(7) Within 30 days of the conclusion of the nominations, the Ward Administrator shall present the list of nominees to the Sub-County Administrator who shall formally forward to the County Chief Officer in charge of climate change for appointment and publication of the list as widely as possible within the respective Ward and Sub-county.

(8) The Committee may co-opt not more than two persons based on a specific required expertise on climate change matters as and when needed.

Qualifications for appointment to Ward Planning Committees

25. (1) A person shall not qualify for appointment to serve on the Ward Planning Committees, unless he or she—

- (a) is a resident of the Ward or works in the Ward;
- (b) demonstrates basic knowledge of climate change and environmental issues and has engaged in activities aimed at addressing the said challenges in the County;
- (c) indicates a willingness to serve the community; and
- (d) fulfils requirement of Chapter Six of the Constitution.

(2) The requirements in Section 1 (b) shall not apply to a person who is a member of the Ward Planning Committee by virtue of their office.

Term of Ward Planning Committees

26. Save for the Government officials, the members of the Ward Planning Committees shall serve for one non-renewable term of three years.

Functions of Ward Planning Committees

27. The functions of the Ward Planning Committees shall be to—
- (a) coordinate and mobilize communities and other stakeholders in the Ward to design and implement climate change response activities;
 - (b) hold consultative meetings with communities together with relevant government sectors, planners, agencies and local organizations;
 - (c) participate in livelihood and resilience assessments to enable different community groups identify challenges arising from increasing climate variability;
 - (d) facilitate research and knowledge management at the ward level on climate change, its impacts and strategies for responding thereto;
 - (e) facilitate public education, awareness creation, and capacity building at the ward level on climate change, its impacts and strategies for responding thereto;
 - (f) prepare project proposals, aggregate and coordinate Ward resilience needs;
 - (g) 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;
 - (h) facilitate public participation in climate change governance, implementation of agreed climate change response activities, and monitoring of those activities;
 - (i) coordinate and facilitate the provision of technical support to communities in the Ward in developing proposals on climate change response projects for funding from the County Climate Change Fund;
 - (j) prioritize proposals and submit them to the County Planning Committee for consideration and approval;
 - (k) oversee the implementation of climate change response projects at ward level funded from the County Climate Change Fund and report thereon to the County Planning Committee; and
 - (l) perform any other functions that may be assigned to it by the County Planning Committee.

Removal of Member of Ward Planning Committees

28. (1) A member of the Ward Planning Committees may at any time resign from the Committee by giving one month's notice to the chief officer responsible for climate change matters.

(2) A member of the Ward Planning Committees may be removed from the Committee by the chief officer responsible for climate change matters on the recommendation of the Ward Administrator on any one or a combination of the following grounds—

- (a) failure to attend two consecutive meetings of the Ward Planning Committees without reasonable cause duly communicated to the chairperson of the Committee provided fourteen days notice is given to every meeting;
- (b) serious violation of the Constitution or any other written law;
- (c) gross misconduct;
- (d) mental incapacity; and/or,
- (e) bankruptcy.

(3) A person who is a member of the Ward Planning Committees under section 24(2) (e), (h) and (j) shall cease to be a member of the Committee upon ceasing to be a member of the Community-Based Organisation or upon being recalled by the umbrella organisation for good cause and through a written communication from an authorised official of the umbrella organisation to the chief officer responsible for climate change matters.

(4) Whenever a member of the Ward Planning Committees is removed or otherwise ceases to be a member of the Committee, the Chief Officer responsible for climate change matters shall appoint a replacement within 30 days of the vacancy.

(5) A person who is a member of the Ward Planning Committees by virtue of his or her office under section 24(2) (a), (b), (c), and (f) shall cease to be a member of the Committee upon being transferred from the County or ceasing to hold that office.

Meetings of Ward Planning Committees

29. (1) The Ward Planning Committees shall meet at least twice every month.

(2) Save for the inaugural and emergency meetings, which shall be held at the ward headquarters, regular meetings of the Ward Planning Committees shall be convened and held in the different locations of the Ward on a rotational basis.

(3) The quorum for meetings of the Ward Planning Committees shall be two– thirds of the members.

(4) A resolution of the Ward Planning Committees shall require an affirmative vote of more than one half of the membership present at a meeting, excluding the ex-officio member’s vote, and the chairperson’s vote which shall be a casting vote.

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

(6) Regular meetings of the Ward Planning Committees shall be scheduled in such a manner as to ensure that resolutions thereof are available in time for the next regular meeting of the County Planning Committee.

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

Allowance for Members of Ward Planning Committee

30. Members of the Ward Planning Committees shall be paid such allowances as stipulated by guidelines from by the Salaries and Remuneration Commission.

PART IV—FRAMEWORK FOR CLIMATE CHANGE INTERVENTIONS

County Climate Change Action Plan

31. (1) The County Executive Committee Member shall in consultation with the Steering Committee and relevant sectors and through a participatory process involving relevant stakeholders, formulate a County Climate Change Action Plan within one year of this Act coming into force.

(2) The County Climate Change Action Plan shall be for a period of five years and shall run concurrently with the National Climate Change Action Plan and County Integrated Development Plan.

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

Contents of County Climate Change Action Plan

32. The County Climate Change Action Plan shall—

- (a) be aligned to the National Climate Change Action Plan and respond to the specific needs and circumstances of the County;
- (b) contain climate change needs and response assessment for the County;
- (c) articulate a climate change response implementation plan informed by the climate change needs and response assessment, and specifying measures and mechanisms for guiding the County toward the achievement of low carbon climate-resilient sustainable development;
- (d) mainstreaming climate change into county development plans, programmes, strategies and projects;
- (e) adaptation to and mitigation of climate change;
- (f) enhancing research, capacity building and knowledge management on climate change and climate change response;
- (g) enhancing public awareness for effective participation in climate change response; and
- (h) monitoring, evaluation and periodic review to integrate learning and best practice in the implementation of the County Climate Change Action Plan.

Approval of County Climate Change Action Plan

33. The County Climate Change Action Plan shall be adopted by the Steering Committee and forwarded to the County Assembly for consideration and approval.

Biennial review of County Climate Change Action Plan

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

Mainstreaming of climate change action into sectors

35. (1) The County Secretary in consultation with the County Executive Committee shall designate and appoint officers to be responsible for the mainstreaming of climate change action into departments.

(2) The responsible officers of the sectors shall constitute a Forum referred to as the Multi-Sectoral Forum on Climate Change.

(3) The Forum shall be responsible for addressing climate change mitigation and adaptation matters that cut across all the sectors.

(4) The Forum shall in the performance of its functions be responsible to the Chief Officer in charge of climate change matters.

County Integrated Development Plan

36. (1) The County Executive Committee shall in consultation with the relevant sectors and through a participatory process involving relevant stakeholders, formulate a County Integrated Development Plan within one year of this Act coming into force.

(2) The County Integrated Development Plan shall address climate change interventions, mitigation and adaptation in all development sectors in the County.

(3) The County Integrated Development Plan shall be for a period of five years and shall run concurrently with the National Climate Change Action Plan and County Climate Change Action Plan.

PART V—DUTIES RELATING TO CLIMATE CHANGE

Climate Change Duties of Public Entities

37. (1) The Steering Committee may, on the 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.

(2) 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.

(3) Without limiting the generality of subsection (1), every public entity operating within the County shall have the duty to—

- (a) mainstream climate change into sectoral strategies, plans and other frameworks for implementing its statutory functions;
- (b) perform its statutory functions in a manner that contributes to the implementation of the County Climate Change Action Plan;
- (c) support the Steering Committee and the County Government in its planning, programming, implementation and monitoring of climate change response in the County; and
- (d) report annually to the Steering Committee on the status and progress of performance and implementation of all assigned climate change duties and functions.

Climate Change Duties of Private Entities

38. The Steering Committee may, on the 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.

Regulations on Imposition of Climate Change Duties

39. (1) The County Executive Committee Member in consultation with the Steering Committee shall make regulations on imposition of climate change duties on both public and private entities.

(2) The Regulations developed under subsection (1) shall provide for the nature and procedure for reporting on performance, including monitoring and evaluation of compliance.

Monitoring and Reporting on Compliance

40. (1) The Director shall with the assistance of a representative of the National Environment Management Authority and on behalf of the Steering Committee, monitor, investigate and report on whether public and private entities are in compliance with the assigned climate change duties, and in performance of this function shall—

- (a) have all powers necessary for purposes of monitoring and investigation including the power to enter premises of any private entity and make an enquiry; and
- (b) for the purposes of monitoring and investigation, enter any private land or premises to make an inspection or other task related to this function.

(2) The entry referred to in subsection (1) (a) and (b) shall be within the hours of 6am to 6pm.

(3) The County Planning Committee shall report to the Steering Committee on the performance of functions under subsection (1) on an annual basis, and such report shall form part of the report by the Steering Committee to the County Assembly.

Annual County Climate Change Response Report

41. (1) The Steering Committee shall, within three months after the end of every financial year, publish and submit a report on the implementation of the County Climate Change Action Plan and other climate change response actions and impacts to the County Assembly.

(2) The County Assembly shall, within three months of receiving the report, provide recommendations and proposed actions to the Steering Committee.

(3) A copy of the report issued under subsection (1) shall be forwarded to the Directorate for information purposes.

PART VI—PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

Education and Public Awareness

42. (1) Within one year of this Act coming into force, the Steering Committee shall develop a comprehensive County Strategy for public education and awareness creation on climate change.

(2) The strategy shall be developed through a participatory process involving all stakeholders in the County and validated at public meetings organised by Ward Planning Committees in every Ward.

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

(4) The County Planning Committee and Ward Planning Committees shall ensure that the development of any climate change response programmes, plans, projects or activities in the County are preceded by a comprehensive campaign of public sensitization and awareness to facilitate informed public participation.

(5) The County Planning Committee and the Ward Planning Committees shall report to the Steering Committee on public sensitization campaigns undertaken with reference to every climate change response programme, plan, project or activity in the County and demonstrate how the sensitisation has made an impact on the threshold of decision making.

(6) The Steering Committee shall ensure that the County Planning Committee and Ward Planning Committees implement comprehensive programmes of capacity building to equip individual citizens and communities in the County for effective participation in climate change governance and response.

(7) The County Planning Committee and Ward Planning Committees shall support and facilitate communities to establish Community-Based Organisations and other frameworks for mobilisation and engagement with climate governance and response issues in the County.

Access to Information

43. (1) The Steering Committee, the County Planning Committee and the Ward Planning Committees shall publish, publicise and ensure access to all important climate change information in their possession in an appropriate format to make it usable by different actors.

(2) The Steering Committee, the County Planning Committee and the Ward Planning Committees shall partner with Kenya Department of Meteorology to develop Climate Information Services to package and disseminate climate information through appropriate channels.

PART VII—MEASURING, REPORTING AND VERIFICATION

Measurement of Emissions and Removals of Greenhouse Gases

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

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

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

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

(5) The Steering Committee shall set a baseline emission of carbon dioxide and targeted greenhouse gases.

(6) The standard format for requirements and methodologies for measurement of emissions and removals of greenhouse gases shall be in a prescribed format approved by the Steering Committee.

(7) The County Executive Committee Member in consultation with the Steering Committee shall make regulations on measurements of emissions and removals of greenhouse gases.

County Reference Level

45. (1) The County reference level is the aggregate amount of —

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

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

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

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

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

County Reporting

46. (1) The Director shall cause to be prepared and delivered to the Steering Committee, for its review annually, the County Communication Report and the bi-annual Update Report and such other reports required to be submitted to the Steering Committee in accordance to this Act.

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

(3) If the Steering Committee is not satisfied with a report, it may direct the Director to review the report and resubmit the revised version for further deliberation by the Steering Committee.

(4) The County Executive Committee Member shall table before the County Assembly reports approved by the Steering Committee under subsection (2).

County and International Verifiers to be registered.

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

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

(3) A verifier under this section shall comply with the processes and procedures prescribed under this Act and regulations made under this Act.

(4) The County Executive Committee Member in consultation with the Steering Committee shall make regulations on verification and registration of verifiers.

Unregistered Verification Prohibited

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

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

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

PART VIII—COUNTY CLIMATE CHANGE FUND

Establishment of County Climate Change Fund

49. (1) There is established the Turkana County Climate Change Fund which shall be a financing mechanism for climate change actions and interventions in the County.

(2) The Fund shall be vested in the County Treasury managed by the Board and administered by the Fund Administrator appointed by the County Executive Committee Member for the time being in charge of the Treasury.

(3) The County Assembly shall, in appropriating monies ensure that monies contained in the Fund is not less than two percent of the County's annual appropriated development budget.

Sources of the Fund

50. The Fund shall be financed through—

- (a) Money appropriated by the County Assembly, which shall be not less than two per cent of the County annual appropriated development budget of the County;
- (b) Money received from the National Climate Change Fund;
- (c) International Climate 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) Funds raised by stakeholders and supporters;
- (f) Charges, fees, levies or fines received by the County Government in connection with activities that adversely impact on climate change in the County; and

- (g) Interest and any other money that may lawfully accrue to the Fund in any form.

Objects and Purpose of the Fund

51. (1) The object and purpose of the Fund is to provide for funding for climate change activities identified in the County Climate Change Action Plan and County Climate Change Finance Framework and for connected purposes.

- (2) Specifically, the Fund shall be used to finance—
 - (a) climate resilience assessments;
 - (b) administration of committees established by the Fund;
 - (c) implementation of climate change response projects proposed by Ward Planning Committees and communities and approved by the County Planning Committee;
 - (d) priority county-level climate change response projects approved by the County Planning Committee;
 - (e) climate change research and knowledge management in the County;
 - (f) public education, sensitization and awareness on climate change and its impacts;
 - (g) capacity building for staff of the County and other stakeholders to effectively respond to climate change;
 - (h) monitoring, evaluation, reporting and learning on climate change response in the County; and
 - (i) any other projects, activities and interventions recommended by the County Planning Committee and approved by the Steering Committee.

Expenditure of the Fund

52. (1) There shall be paid out of the Fund payments in respect of expenses incurred pursuant to the objects and purposes of the Fund.

(2) Expenditure in respect of administrative costs shall not exceed three per cent of the total budget of the Fund in any financial year.

(3) All monies received savings and accruals to the Fund and any balances not spent at the end of the financial year shall be retained in the Fund to be used in subsequent years for the purposes for which the Fund is established.

Administration of the Fund

53. (1) The County Executive Committee Member for the time being responsible for finance shall issue regulations on the banking arrangements for the Fund under the provisions of the Public Finance Management Act.

(2) The bank account for the Fund shall be administered by the Fund Administrator under regulations developed by the County Executive Committee Member for the time being responsible for finance in consultation with the Steering Committee.

(3) The Fund Administrator may, with the approval of the County Executive Committee Member for the time being responsible for finance, invest or place on a deposit account any of the moneys of the Fund and any interest earned on moneys so invested or deposited shall be placed to the credit of the Fund.

Accounts

54. The Fund Administrator shall cause to be kept proper books and records of accounts, income, expenditure and assets of the Fund.

County Climate Change Fund Regulations

55. (1) The County Executive Committee Member in charge of Finance shall, in consultation with the County Executive Committee Member, develop Regulations for administration and management of the Fund.

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

- (a) formulation of the County Climate Finance Framework;
- (b) appointment and removal of the Fund Administrator;
- (c) operation of the Fund;
- (d) eligibility criteria for accessing money from the Fund;
- (e) development of project proposals, application for and disbursement of money from the Fund;
- (f) procurement of services and goods;
- (g) complaints mechanisms; and
- (h) monitoring, evaluation, reporting and learning.

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

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

(2) Participation of representatives of the National Government 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 this Act, the Public Finance Management Act and the Public Finance Management (County Governments) Regulations.

Annual estimates for the Steering and Planning Committees

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

Financial year of the Steering and Planning Committees

58. The financial year of the 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 Steering and Planning Committees

59. The Steering Committee, the County Planning Committee and Ward Planning Committees shall cause to be kept all proper books and records of accounts 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.

Incentives for promotion of climate change initiatives

60. (1) The County Executive Committee Member shall, in accordance with the appropriate law, and in consultation with the County Executive Committee Member for the time being responsible for finance, award to persons who—

- (a) encourage and put in place measures for the reduction of effects of Climate Change including greenhouse gas emission and use of renewable energy technologies; and
- (b) are involved in conducting accredited training in programmes aimed at reducing effects of climate change.

(2) The County Executive Committee Member shall, for the purpose of subsection (1), develop regulations setting out the nature of the incentives, the conditions for the grant or withdrawal of such incentives and such other matter as may be necessary for the exercise of the power conferred under subsection (1).

(3) In granting incentives under subsection (1), the County Executive Committee Member shall take into account international standards and best practice.

(4) The County Executive Committee Member responsible for Climate Change shall make the regulations specified under subsection (2) within a period of twelve months from the commencement of this Act.

PART X—MISCELLANEOUS PROVISIONS

Protection from personal liability

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

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

Offences and Penalties

62. Any person who —

- (a) without lawful excuse ignores or fails to obey any instructions issued by any member or officer or agent of the Steering Committee, the County Planning Committee or Ward Planning Committees 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 County Planning Committee or Ward Planning Committees in the discharge of their lawful duties; or
- (c) misrepresents, knowingly submits false or misleading information to any member or officer or agent of the Steering Committee, the Planning Committee or Ward Planning Committee in the exercise of powers or the performance of the functions of the said Committees under this Act,

commits an offence and shall be liable upon conviction, to a fine not exceeding Kenya Shillings Ten Million or imprisonment for a period not exceeding five years or both.

Posting of climate change officers

63. The County Executive Committee Member in consultation with the County Secretary and County Public Service Board shall facilitate the deployment of climate change officers to each department coordinate climate change matters.

Regulations

64. (1) The County Executive Committee Member may make regulations for the implementation of the provisions of this Act.

(2) Without limiting the generality of subsection (1), the County Executive Committee Member may make regulations for —

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