

SPECIAL ISSUE

Kenya Gazette Supplement No. 7 (Kirinyaga County Acts No. 2)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

KIRINYAGA COUNTY ACTS, 2023

NAIROBI, 2nd June, 2023

CONTENT

Act—	PAGE
The Kirinyaga County Climate Change Act, 2023	1

THE KIRINYAGA COUNTY CLIMATE CHANGE ACT, 2023

No. 2 of 2023

Date of Assent: 31st May, 2023

Date of Commencement: 2nd June, 2023

ARRANGEMENT OF SECTIONS

Section

PART I — PRELIMINARY

- 1— Short title.
- 2— Interpretation.
- 3— Objects and purposes.

PART II — POLICY AND OVERSIGHT

- 4— Powers and duties of the Executive Committee Member.

PART III — ADMINISTRATION

- 5— County Climate Change Directorate.
- 6— Functions of the Directorate.

PART IV — COUNTY CLIMATE CHANGE PLANNING COMMITTEE

- 7— County Climate Change Planning Committee.
- 8— Functions of the County Climate Change Planning Committee.
- 9— Composition of the County Climate Change Planning Committee.
- 10— Vacancy in the Membership of the County Climate Change Planning Committee.
- 11— Meetings of the County Climate Change Planning Committee.

PART V — WARD CLIMATE CHANGE PLANNING COMMITTEE

- 12— Ward Climate Change Planning Committees.
- 13— Functions of Ward Climate Change Planning Committees.
- 14— Composition of Ward Climate Change Planning Committees.
- 15— Appointment to Ward Climate Change Planning Committees.
- 16— Vacancy in the Membership of Ward Climate Change Planning Committees.

17— Meetings of Ward Climate Change Planning Committees.

PART VI — COUNTY CLIMATE CHANGE ACTION PLAN

18— The County Climate Change Action Plan.

19— Content of County Climate Change Action Plan.

20— Approval of County Climate Change Action Plan.

21— Biennial review of County Climate Change Action Plan.

PART V — DUTIES RELATING TO CLIMATE CHANGE

22— Climate change duties of public entities.

23— Climate change duties of private entities.

24— Monitoring and reporting on compliance.

25— Annual Climate Change Response Report.

PART VI — PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

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

27— Public sensitization to precede formulation of climate change response initiatives.

28— Capacity building for effective public participation.

29— Access to information.

PART VII — COUNTY CLIMATE CHANGE FUND

30— The County Climate Change Fund.

PART VIII — FINANCIAL PROVISIONS

31— Funding.

32— Annual estimates for Directorate and Planning Committees.

33— Accounts and audit of Directorate and Planning Committees.

PART IX — MISCELLANEOUS PROVISIONS

34— Protection from personal liability.

35— Regulations.

THE KIRINYAGA COUNTY CLIMATE CHANGE ACT, 2023

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

ENACTED by the County Assembly of Kirinyaga, as follows—

PART I — PRELIMINARY**Short title**

1. This Act may be cited as the Kirinyaga County Climate Change Act, 2023.

Interpretation

2. In this Act unless the context otherwise requires—

“Adaptation” means adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects in order to moderate harm or exploit beneficial opportunities;

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

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

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

“Constitution” means the Constitution of Kenya, 2010;

“County” means Kirinyaga County;

“County Assembly” means the County Assembly of Kirinyaga;

“County Government” means the Kirinyaga County Government;

“County Climate Change Planning Committee” means the County climate change planning committee established by Section 7 of this Act.

“Environment” has the meaning assigned to it by section 2 of the Environmental Management and Coordination Act;

“County Executive Committee Member” means the County Executive Committee Member for the time being responsible for climate change matters in Kirinyaga County;

“Directorate” means the Climate Change Directorate established under section 5(1) of this Act;

“Fund” means the County Climate Change Fund established under section 30 of this Act;

“Gazette” means the means the Kenya Gazette published by authority of the national government, or a supplement to the *Kenya Gazette*;

“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 Committees” means the committees established by Sections 7 and 12 respectively of this Act;

“private entity” means a body or person with functions of a private nature, and includes bodies registered under the Public Benefits Organizations Act, 2013, the Companies Act, and entities within the ambit of the Business Registration Service Act;

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

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

“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 Climate Change Planning Committee” means the Ward Climate Change Planning Committee established under section 12 of this Act;

“Ward” means an electoral unit within a constituency delimited in accordance with Article 89 of the Constitution and any other relevant law.

Objects and purposes

3. (1) The object of this Act is to enhance climate resilience through sustainable development, management, implementation, regulation and monitoring of adaptation and mitigation measures and actions.

(2) Without prejudice to the generality of the provisions 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 sustainable development planning, decision making and implementation;
- (b) implement coordinated and integrated response to climate change and its impacts by all actors and stakeholders;
- (c) facilitate effective management of climate change impacts by enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change;
- (d) promote, support and facilitate community-based and community initiated adaptation and mitigation activities;
- (e) enforce duties and provide incentives for the private sector to contribute to achievement of low carbon climate resilient development;
- (f) facilitate public participation in climate change response through capacity development, awareness creation, consultation, representation and access to information;
- (g) establish frameworks and mechanisms for mobilization 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) integrate climate change into the exercise of power and functions of all levels of the County government, including in decentralized units and enhance cooperative climate change governance between the County, neighbouring Counties and the National Government; and
- (j) contribute to national efforts to address the adverse impacts of climate change and biodiversity loss.

PART II — POLICY AND OVERSIGHT**Powers and duties of the Executive Committee Member**

4. (1) Subject to the provisions of this Act and any other written law, the Executive Committee Member shall exercise control and provide policy guidance over climate change governance and implementation of this Act.

(2) The County Executive Committee Member shall —

- (a) present for approval to the County Executive Committee and the County Assembly, policies, Frameworks, plans, strategies and estimates relating to climate change in the County;
- (b) oversee the implementation of County climate change action plan, County climate finance framework and any other climate change policies, plans and strategy;
- (c) approve project proposals presented by both the Directorate and planning committees for implementation;
- (d) present to the County Assembly the biennial report on implementation of the County climate change action plan and any other reports on climate response and attainment of low carbon climate resilient sustainable development.
- (e) advise the County government on legislative, policy and other measures necessary for climate change response and attainment of low carbon climate resilient sustainable development;
- (f) formulate a County gender and intergenerational responsive public education and awareness strategy on climate change and the implementation programme; and
- (g) offer positive linkages, interactions and synergy within the County, among neighboring counties and the national government in climate change response programming and action.

(3) The County executive member shall in discharging the duties and functions under this Act be assisted by the climate change Directorate established under this Act.

PART III — ADMINISTRATION**County Climate change Directorate**

5. (1) There is established, within the County, a Directorate for matters relating to climate change in the County department for the time being responsible for climate change.

(2) The Directorate shall be the lead agency of the County Government on County climate change plans and actions to deliver operational coordination and shall report to the County Executive Committee Member.

(3) The Directorate shall be headed by a Director who shall be recruited competitively and appointed by the County Public Service Board.

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

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

Functions of the Directorate

6. (1) Without prejudice to the generality of the Section 5, the Directorate shall perform the following duties and functions —

- (a) provide analytical support on climate change to the various agencies and County government;
- (b) establish and manage a County registry for appropriate mitigation measures for the public and the private sector;
- (c) serve as the County knowledge and information management center for collating, verifying, refining and dissemination of knowledge;
- (d) assist the planning committees in formulating guidelines and standard documentation for purposes of implementation of this Act;
- (e) optimize the County's opportunities to mobilize climate change Finance;
- (f) conduct civic education to promote the awareness and understanding of the climate change activities amongst the stakeholders;
- (g) conduct research and gap analysis to ensure continuous performance and improvement of the directorate;
- (h) maintain records of all the Directorate's activities; and
- (i) carry out such other function as shall be conferred by the County Executive Committee Member.

(2) The County Executive Committee Member shall, in consultation with the County Public Service Board determine the staff establishment

required for the Directorate to effectively perform its functions under this Act, including mechanisms to transition staff from other relevant departments to the Directorate.

PART IV — COUNTY CLIMATE CHANGE PLANNING COMMITTEE

County Climate Change Planning Committee

7. There is established a County Climate Change Planning Committee, which shall comprise of 14 members appointed to the Committee by the County Executive Committee Member responsible for climate change matters.

Functions of County Climate Change Planning Committee

8. The functions of the County Climate Change Planning Committee shall be—

- (a) to co-ordinate planning, and implementation of projects and activities for climate change response in the County;
- (b) to co-ordinate implementation of the County Climate Change Action Plan and the County Climate Finance Framework;
- (c) establish guidelines to be used by Ward Planning Committees in formulating climate response projects for funding by the County Climate Change Fund;
- (d) support Ward Planning Committees in the development and implementation of climate response projects;
- (e) co-ordinate implementation of the County Climate Change Fund Regulations;
- (f) advise the County Executive Committee member on strategies, priority programmes, projects and activities for climate change response in the County;
- (g) formulate and implement strategic actions to foster climate change education, awareness creation and capacity development in the County;
- (h) co-ordinate research and knowledge management on climate change, its impacts and strategies for responding thereto;
- (i) prepare and disseminate an annual report on climate change response activities in the County;
- (j) formulate and implement a County monitoring, evaluation and reporting framework for climate change response; and

- (k) perform any other functions assigned to it by the County Executive Committee Member.

Composition of County Climate Change Planning Committee

9. (1) The County Climate Change Planning Committee shall be composed of the following members —

- (a) Chief Officer responsible for climate change matters in the County who shall be the chairperson;
 - (b) County director in charge of climate change, who shall be the Secretary;
 - (c) County Director in charge of finance and planning;
 - (d) County Director in charge of agriculture, livestock and fisheries;
 - (e) County Director of water;
 - (f) County Director in charge of public health;
 - (g) County Director in charge of physical planning;
 - (h) County director of gender;
 - (i) County director of youth;
 - (j) County director for PWDs;
 - (k) County representative of the National Environment Management Authority or a designated representative;
 - (l) County Director of Meteorology;
 - (m) one representative of duly registered public benefit organization, community based organization or civil society working in the County and actively engaged in climate change response in the County; and
 - (n) one representative of the private sector in the County nominated by the umbrella organization representing the largest number of private sector organizations in the County;
- (2) Members of the Planning Committee shall at their first meeting elect a vice-chairperson from among the members nominated for appointment under subsection (1) (m) and (n).
- (3) Members of the County Climate Change Planning Committee appointed under subsection 1(m) and (n) shall serve for a term of three years renewable once upon satisfactory performance.

Vacancy in the Membership of the County Climate Change Planning Committee

10. (1) Vacancy in the membership of the County Climate Change Planning Committee may occur as a result of the following —

- (a) Resignation;
- (b) Removal of Member;
- (c) Death;
- (d) Expiry of term.

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

(3) A member of the County Climate Change 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 three consecutive meetings of the County Climate Change Planning Committee without reasonable cause duly communicated to the chairperson of the Committee;
- (b) serious violation of the Constitution or any other written law
- (c) gross misconduct
- (d) physical or mental incapacity
- (e) bankruptcy

(4) A person who is a member of the County Climate Change Planning Committee by virtue of his or her office shall cease to be a member of the Committee upon being transferred from the County or ceasing to hold that office and the new office bearer shall assume membership.

(5) A person who is a member of the County Climate Change Planning Committee under section 9 (1) (m) and (n) shall cease to be a member of the Committee upon ceasing to be a member of the nominating interest group or upon being recalled by the interest group for good cause and through a written communication from an authorized official of the interest group to the Executive Committee Member.

Meetings of County Climate Change Planning Committee

11. (1) The County Climate Change Planning Committee shall meet at least once every quarter in each financial year.

(2) 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 familiarizing itself with their climate change related issues.

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

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

(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 the presence of either the chairperson or the vice-chairperson.

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

(7) Members of the County Climate Change Planning Committee shall be paid such allowances as are stipulated by Guidelines from the Salaries and Remuneration Commission.

PART V — WARD PLANNING COMMITTEES

Ward Planning Committees

12. There shall be established a Ward Climate Change Planning Committee in each Ward in the County.

Functions of Ward Planning Committee

13. The functions of the Ward Planning Committee shall be —

- (a) to coordinate and mobilize communities and other stakeholders in the Ward to design and implement climate change response activities;
- (b) to facilitate research and knowledge management at the ward level on climate change, its impacts and strategies for responding thereto;
- (c) to facilitate public education, awareness creation, and capacity building at the ward level on climate change, its impacts and strategies for responding thereto;

- (d) to coordinate, facilitate and manage community consultations on priority climate change response activities;
- (e) to participate in County planning and budgeting processes with a view to ensuring the mainstreaming of climate change and prioritization of climate change response in County development plans;
- (f) to facilitate public participation in climate change governance, implementation of agreed climate change response activities, and monitoring of those activities;
- (g) to 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) to oversee implementation of climate change response projects funded by the County Climate Change Fund in the Wards and report thereon to the director for the time being in charge of climate change matters; and
- (i) perform any other functions that may be assigned to it by the director for the time being in charge of climate change matters

Composition of Ward Planning Committee

14. (1) A Ward Planning Committee shall be composed of the following members representing the diverse interests in the community where applicable —

- (a) a County officer designated by the department of environment;
- (b) a County officer designated by the department of agriculture;
- (c) a representative of the farmers in the ward;
- (d) a representative of the water resource users in the ward;
- (e) a representative of community forest user groups;
- (f) a representative of the business community in the ward;
- (g) a representative of the youth in the ward;
- (h) a representative of the elderly in the ward;
- (i) a representative of persons living with disability in the ward;
- (j) a representative of a public benefit organization, Community-Based Organization or civil society in the Ward and actively engaged in climate change response activities; and

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

(2) The County Executive Committee Member will ensure adherence to the two thirds gender rule in appointment of the members of the ward planning committee.

(3) Members of the ward planning committee shall at their first meeting elect a chairperson and a vice chairperson from among the members nominated for appointment under subsection (1) (c), (d), (e), (f), (g), (h), (i) and (j).

(4) Persons nominated under subsection (1) (c), (d), (e), (f), (g), (h), (i) and (j) as members of the Ward Planning Committee shall serve for one non-renewable term of three years.

Qualifications for appointment to Ward Climate Change Planning Committees

15. (1) A person shall not qualify for appointment to serve on the Ward Climate Change Planning Committee, unless he or she—

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

(2) Without prejudice to the provisions of subsection (1), persons nominated under Section 14 (1) (c), (d), (e), (f), (g), (h), (i) and (j) shall have a minimum of form four level of education, provided that where this requirement may impose inordinate constraints, the County Executive Committee Member shall determine the appropriate educational qualification.

Vacancy in the Membership of Ward Climate Change Planning Committee

16. (1) Vacancy in the membership of the Ward Climate Change Planning Committee may occur as a result of the following —

- (a) Resignation;
- (b) Removal of Member;
- (c) Death;

(d) Expiry of term.

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

(3) A member of the Ward Planning Committee may be removed from the Committee by County Executive committee member on the recommendation of the Ward Administrator on any one or a combination of the following grounds—

(a) failure to attend three consecutive meetings of the Ward Planning Committee without reasonable cause duly communicated to the chairperson of the Committee;

(b) serious violation of the Constitution or any other written law

(c) gross misconduct

(d) physical or mental incapacity

(e) bankruptcy

(4) A person who is a member of the Ward Planning Committee by virtue of his or her office under section 14 (1) (a), (b) and (k) shall cease to be a member of the Committee upon being transferred from the County or ceasing to hold that office.

(5) A person who is a member of the Ward Planning Committee under section 14 (1) (c), (d), (e), (f), (g), (h), (i) and (j) shall cease to be a member of the Committee upon ceasing to be a member of the Community interest group upon being recalled by the interest group or organization for good cause.

Meetings of Ward Planning Committee

17. (1) The Ward Planning Committee shall meet at least once in every quarter.

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

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

(4) A resolution of the Ward Planning Committee shall require an affirmative vote of more than one half of the membership present at a meeting, excluding the chairperson's vote which shall be a casting vote.

(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) A Ward Planning Committee may invite to its meetings any expert or 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 Committee as and when necessary

PART VI — COUNTY CLIMATE CHANGE ACTION PLAN

County Climate Change Action Plan

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

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

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

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

Contents of County Climate Change Action Plan

19. The County Climate Change Action Plan shall —

- (a) be aligned to the current National Climate Change Action Plan and respond to the specific needs and circumstances of the County;
- (b) contain a climate change needs and response assessment for the County;
- (c) articulate a climate change response implementation plan informed by the climate change needs and response assessment, and specifying measures and mechanisms for—
 - (i) guiding the County toward the achievement of low carbon climate resilient sustainable development;

- (ii) mainstreaming climate change into County development plans, programmes, strategies and projects;
- (iii) adaptation to and mitigation of climate change;
- (iv) enhancing research, capacity building and knowledge management on climate change and climate change response
- (v) enhancing public awareness for effective participation in climate change response; and
- (vi) monitoring, evaluation and periodic review to integrate learning and best practice in the implementation of the County Climate Change Action Plan.

Approval of County Climate Change Action Plan

20. The County Climate Change Action Plan shall be prepared by the County Executive committee member, adopted by the County Executive Committee and presented to the County Assembly for approval.

Biennial review of County Climate Change Action Plan

21. (1) The Directorate shall undertake a biennial review of the implementation of the County Climate Change Action Plan and report to the Executive Committee Member.

(2) The report of the Biennial review of the County climate change action plan shall also be presented to the County Assembly.

PART VII — DUTIES RELATING TO CLIMATE CHANGE

Climate change duties of public entities

22. (1) The County Executive Committee Member and in consultation with other relevant County Executive Committee Members, may impose duties relating to climate change on any public entity operating within the County.

(2) The imposition of climate change duties under subsection (1) shall be effected through regulations and preceded by public sensitization and consultations.

(3) Any public entity on which a climate change duty has been imposed shall in performing the said duty act in a manner best suited to the successful implementation of this Act and the County Climate Change Action Plan.

(4) Without prejudice to the provisions of subsection (1), every public entity operating in the County shall have the duty to—

- (a) mainstream climate change into sectorial 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 County Government in its planning, programming, implementation and monitoring of climate change response in the County; and
- (d) report annually to the County Executive Committee member on the status and progress of performance and implementation of all assigned climate change duties and functions.

Climate change duties of private entities

23. (1) The County Executive Committee Member may in consultation with relevant County Executive Committee Members, impose duties relating to climate change on any private entity operating within the County.

(2) The Executive Committee member shall make regulations governing the nature and procedure for reporting on performance of climate change duties by private entities, including monitoring and evaluation of compliance.

- (3) The County Executive Committee Member may—
 - (a) by notice in the Gazette, require a private entity that is subject to climate change obligations to prepare reports on the status of its performance thereof and prescribe the period for reporting; and
 - (b) require any private entity that fails to perform its climate change duties to prepare a report within a specified time, on the actions it has taken, is taking or intends to take to ensure future performance of those duties.

Monitoring and reporting on compliance

24. (1) The County Director of Environment shall with the assistance of the representative of the National Environment Management Authority and on behalf of the Executive Committee member, monitor, investigate and report on whether public and private entities are in compliance with the assigned climate change duties, and in performance of this function she or he shall—

- (a) have all powers necessary for purposes of monitoring and investigation including the power to enter premises of any private entity and make an enquiry; and

(b) at a reasonable hour, for the purposes of monitoring and investigation, enter any private land or premises to make an inspection or other task related to this function.

(2) The County Director of climate change shall report to the Executive Committee member on the performance of functions under subsection (1) on annual basis, and such report shall form part of the report by the Executive Committee member to the County Assembly

Annual County Climate Change Response Report

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

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

PART VII — PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

County strategy for climate change education and public awareness

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

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

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

Public sensitization to precede formulation of climate change response Initiatives

27. (1) The Directorate and Planning Committees shall ensure that the development of any climate change response programme, plan, project or activity in the County is preceded by comprehensive campaign of public sensitization and awareness creation to facilitate informed public participation.

(2) The Directorate and the Planning Committees shall report to the County Executive Committee Member on public sensitization campaigns undertaken with reference to every climate change response programme,

plan, project or activity in the County and demonstrate how the sensitization has made impact on the threshold of decision making.

(3) The report on public sensitization and awareness creation on climate change programmes, plans, projects and activities shall be included in the reports of the County Executive Committee Member under this Act.

Capacity building for effective public participation

28. (1) The Executive Committee member shall ensure that the directorate 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.

(2) The Directorate and Planning Committees shall support and facilitate communities to establish Community-Based Organizations and other frameworks for mobilization and engagement with climate governance and response issues in the county.

Access to information

29. The Directorate, shall publish, publicize and ensure access to all important climate change information in its possession.

PART IX — COUNTY CLIMATE CHANGE FUND

County Climate Change Fund

30. (1) There is established a County Climate Change Fund which shall be instituted pursuant to Section 116 of the Public Finance Management Act, 2012.

(2) The County Executive Committee Member for Finance shall publish Regulations pursuant to this Section to operationalize the Fund.

PART X — FINANCIAL PROVISIONS

Funding

31. (1) Activities towards the realization of the objects of this Act as performed by the Directorate, County and Ward Climate Change Planning Committees shall be financed by the County Climate Change Fund and through appropriated provisions from the relevant County Department.

(2) Finances and accounts of the Directorate, County and Ward Climate Change Planning Committees shall be administered and managed in accordance with the provisions of the Public Finance Management Act and the Public Finance Management (County Governments) Regulations.

Annual estimates for Directorate and Planning Committees

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

Accounts and audit of Directorate and Planning Committees.

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

PART XI — MISCELLANEOUS PROVISIONS**Protection from personal liability**

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

Regulations

35. In addition to the specified Regulations and publications set out in this Act, the County Executive Committee Member shall make Regulations for the proper administration and implementation of the provisions of this Act.