

SPECIAL ISSUE

Kenya Gazette Supplement No. 8 (Nairobi City County Acts No. 4)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NAIROBI CITY COUNTY ACTS, 2024

NAIROBI, 27th November, 2024

CONTENT

Act—	PAGE
The Nairobi City County Climate Change Act, 2024	1

THE NAIROBI CITY COUNTY CLIMATE CHANGE ACT, 2024

No. 4 of 2024

Date of Assent: 25th October, 2024

Date of Commencement: 27th November, 2024

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

- 1—Short title and commencement.
- 2—Interpretation.
- 3—Objects and purpose of the Act.
- 4—Guiding Values and Principles.

PART II—CO-ORDINATION AND OVERSIGHT

- 5—Establishment of the County Climate Change Steering Committee.
- 6—Composition of County Steering Committee.
- 7—Secretariat of the County Steering Committee.
- 8—Functions of the Secretariat of the County Steering Committee.
- 9—Tenure of the County Steering Committee.
- 10—Functions of County Steering Committee.
- 11—Conduct of business and affairs of the Committee.
- 12—Remuneration.
- 13—Establishment of the County Climate Change Planning Committee.
- 14—Composition of the Planning Committee.
- 15—Functions of the Planning Committee.
- 16—Secretariat of the Planning Committee.
- 17—Conduct of business and affairs of Planning Committee.
- 18—Establishment of the Sub-County Climate Change Planning Sub-Committees.
- 19—Composition of the Planning Sub-Committees.
- 20—Tenure of the Planning Sub-Committees.
- 21—Functions of the Planning Sub-Committees.

22—Qualifications of the Members of Sub-Committees.

23—Remuneration of the Planning Sub-Committees.

24—Conduct of business and affairs of Planning Sub-Committees.

PART III—MEASURES AND ACTIONS FOR RESPONDING TO CLIMATE CHANGE

25—County Climate Change Action Plan.

26—Contents of County Climate Change Action Plan.

27—Approval of County Climate Change Action Plan.

28—Review of County Climate Change Action Plan.

PART IV—DUTIES AND RESPONSIBILITIES RELATING TO CLIMATE CHANGE

29—Climate change duties of public entities.

30—Climate change duties of private entities.

31—Monitoring and reporting on compliance.

32—Potential Role of a Private Entity in Reporting on Performance.

33—Annual Climate Change Response Report.

PART V—PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

34—Values and principles to apply to planning and implementation.

35—County Strategy for Climate Change education and Public awareness.

36—Public Sensitization to precede the formulation of climate change response plans.

37—Capacity building for effective public participation.

38—Access to information.

PART VI—COUNTY CLIMATE CHANGE FUND

39—Establishment of County Climate Change Fund.

40—Sources of the Funds.

41—County Climate Change Fund Regulations.

PART VII—FINANCIAL PROVISIONS

42—Funding Operations of Steering and Planning Committees.

43—Annual estimates for Steering and Planning Committees.

44—Financial year of Steering and Planning Committees.

45—Accounts and Audit of the Steering and Planning Committees.

PART VIII—MISCELLANEOUS

46—Protection from personal liability.

47—Offences and Penalties.

48—Transitional Provisions.

49—Regulations.

THE NAIROBI CITY COUNTY CLIMATE CHANGE ACT, 2024

AN ACT of the Nairobi City County Assembly to provide for a legal framework for enhanced county climate change mitigation strategies and adaptation programmes; and for connected purposes

ENACTED by the Nairobi City County Assembly, as follows—

PART I—PRELIMINARY**Short title**

1. This Act may be cited as the Nairobi City County Climate Change Act, 2024.

Interpretation

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

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

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

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

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

“Constitution” means the Constitution of Kenya, 2010;

“County” means Nairobi City County;

“County Assembly” means the County Assembly of Nairobi City;

“County Government” means the County Government of Nairobi City;

“Directorate” means the Climate Change Directorate established under section 9 (1) of the Climate Change Act, 2016;

“Executive Committee member” means the Nairobi City County Executive Member responsible for Climate Change;

“environment” has the meaning assigned to it in section 2 of the Environmental Management and Co-ordination Act, 1999;

“Fund” means the County Climate Change Fund established under Section 25 of this Act;

“Fund Administrator” means the Administrator of the County Climate Change Fund established under section 25 of this Act;

“Governor” means the Governor of Nairobi City County;

“lead agency” means any government ministry, department, parastatal, state corporation or local authority in which any laws vests functions of control;

“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;

“private entity” means a body or person with functions of a private nature, and includes bodies registered under the Public Benefits Organizations Act, 2013;

“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;

“steering committee” means the County Climate Change Steering Committee established under section 5 of this Act;

“sustainable development” means development that meets the needs of the present without comprising the ability of future generations to meet their own needs; and

“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.

Objects and purpose of the Act

3. The purpose of this Act is to ensure Nairobi City County takes effective and timely action to contribute towards meeting the National

Obligations on Climate Change through facilitating the establishment of structures and systems for climate change adaptation, mitigation and financing of programs and projects in the County by—

- (a) mainstreaming of climate change;
- (b) initiating and co-ordinating financing of climate change adaptation and mitigation projects at the community level;
- (c) facilitating community-initiated climate change adaptation and mitigation projects;
- (d) co-ordinating collection and dissemination of climate change information to the public to create awareness and preparedness;
- (e) seeking and receiving grants from the National Government and relevant implementing partners;
- (f) developing and reviewing County Climate Change Policy and legislative framework;
- (g) implementing any relevant obligations of the State under international agreements related to climate change;
- (h) regulate and manage all activities related to climate change,
- (i) requiring lead agencies including government, departments, private sector and individual citizens to undertake their own respective roles in climate change response measures;
- (j) Providing for procedural and administrative matters;
- (k) promote sustainable biodiversity conservation and address important drivers of biodiversity loss;
- (l) develop and support adoption of nature-based solutions in the county; and
- (m) adopt intergenerational, special needs and gender mainstreaming approaches across all aspects of the county climate change response.

Guiding Values and Principles

4. (1) In fulfilling its mandate, the County Government, shall act in accordance with the values and principles set out in the Constitution and any other written law.

(2) The guiding values and principles of low carbon climate change, resilience and sustainable development in this Section shall bind the County Government and all persons when—

- (a) enacting, applying or interpreting any provisions of this Act; and
- (b) making or implementing public policy decisions on climate change.

PART II—CO-ORDINATION AND OVERSIGHT

Establishment of the Steering Committee

5. There is established a Steering Committee appointed by the Governor to be known as the Nairobi City County Climate Change Steering Committee.

Composition of the Steering Committee

- 6.** (1) The County Steering Committee shall comprise of—
- (a) the Governor or in his absence the Deputy Governor, who shall be the Chairperson;
 - (b) a youth nominated by the National Youth Council;
 - (c) the Executive Committee member (CECM) for the time being responsible for matters of Environment and Climate Change who shall be the Secretary;
 - (d) the Executive Committee Member for the time being responsible for matters of the County Treasury;
 - (e) a representative of persons with disabilities nominated by a recognized body of persons with disabilities;
 - (f) the County Commissioner or their representative;
 - (g) a representative of the private sector nominated by the body representing the largest number of institutions in the private sector;
 - (h) a representative of the civil society organizations most active on matters related to climate change operating within the Nairobi City County; and
 - (i) a representative of the academia, nominated by the Commission for University Education.

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

(3) In making the appointments under sub-section (1) (g), (h) and (i) the Governor shall forward the names of the nominated members for approval by the county assembly.

(4) A person shall be qualified for appointment under sub-section 1(b), (g), (h) and (i) respectively if the person—

- (a) is a resident of Nairobi City County; and
- (b) has knowledge and experience in any of the following fields: - climate change, natural resource management and/or environmental conservation and has actively and publicly engaged with these issues in the County.
- (c) meets the requirement of chapter 6 of the Constitution of Kenya

(5) the committee may co-opt to its meetings any technical staff of the national and county government or international agencies or other relevant agencies who it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the minutes of committee.

Secretariat to the County Steering Committee

7. (1) There is hereby established within the County Directorate responsible for matters relating to climate change, a Climate Change Unit which shall serve as the secretariat of the Climate Change Steering Committee.

(2) The Unit shall be headed by the Director responsible for Climate Change matters in the County.

(3) The Unit shall consist of Climate Change Officers with expertise in climate change matters.

(4) The Unit shall engage technical staff from other supporting departments and agencies related to climate change.

Functions of the County Steering Committee

8. The functions of the Secretariat shall be—
- (a) provide analytical support on climate change to the various agencies and County Government;
 - (b) establish and manage a county registry for appropriate mitigation actions by the public and private sectors;

No. 4 *Nairobi City County Climate Change* **2024**

- (c) serve as the County knowledge and information management centre for collating, verifying, refining and disseminating knowledge;
- (d) assist the Committee in formulating guidelines and standard documentation for the purposes of Implementation of this Act;
- (e) optimize the County's opportunities to mobilize climate Finance;
- (f) conduct civic education to promote the awareness and understanding of climate change activities amongst stakeholders;
- (g) conduct research and gap analysis to ensure continuous performance and improvement of the Unit; and
- (h) maintain record of all Unit documentations; and
- (i) carry out such other function as shall be conferred by the Committee.

Tenure of the County Steering Committee

9. A member of the County Climate Change Steering Committee under section 6 (b), (g), (h) and (i) shall hold office for three years and shall be eligible for reappointment for a further term of three years only.

Functions of County Steering Committee

- 10.** (1) The County Climate Change Steering Committee shall—
- (a) mainstream climate change projects, programs and activities in county planning and budgeting and ensure their approval and inclusion in the county integrated development plan;
 - (b) approve the County Climate Change funding proposals as recommended by the County Climate Change Planning Committee.
 - (c) approve all payments of climate change funded projects and programs;
 - (d) receive and approve project proposals for funding;
 - (e) receive and consider progress reports from the established sub-committees;
 - (f) approve capacity building activities for the Steering Committee;

- (g) ensure coordination among institutions implementing climate change programs so as to minimize duplication of effort;
- (h) receive and consider reports on challenges and disputes identify obstacles on the implementation of climate change programs and make proposals for resolving the obstacles;
- (i) monitor disbursement; oversee budget execution;
- (j) advice on partners' collaboration and domestication and implementation of the five-year National Climate Change Action Plan through the Council of Governors;
- (k) ensure smooth flow of information across the lead agencies;
- (l) mobilize resources for climate change actions in the County;
- (m) perform any other function that may be necessary to ensure attainment of the object and purpose of this Act;
- (n) form the planning committee and sub-committees for better performance of the functions at the ward level; and
- (o) develop a framework and strategy on climate change.

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

Conduct of business and affairs of the Committee

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

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

Remuneration

12. The County Climate Change Steering Committee shall draw sitting allowance or any such remuneration at a rate recommended by the Salaries and Remuneration Commission (SRC) for committees of such mandates.

Establishment of the County Climate Change Planning Committee

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

Composition of the Planning Committee

14. The Committee shall comprise of—

- (a) Chief Officer for the time being responsible for matters of Environment and Climate Change who shall be the Chairperson;
- (b) Chief Officer for Finance who shall be the Vice-Chairperson;
- (c) County Director Water;
- (d) County Director Agriculture;
- (e) County Director Energy;
- (f) County Director Health;
- (g) County Director Environment;
- (h) County Director Natural Resources and Forestry;
- (i) County Director Climate Change who shall be the Secretary; and
- (j) County Director Planning.

Functions of the Planning Committee

15. (1) The County Climate Change Planning Committee shall—

- (a) identify county wide climate change needs and vulnerabilities;
- (b) undertake internal and external resource identification and mobilization;
- (c) review, prioritize and sequence projects relevant to Climate Change mitigation based on the set criteria;
- (d) receive, consider and recommend funding proposals and projects and forward to the County Climate Change Steering Committee for approval;
- (e) prepare and submit an annual report on climate change response activities in the County;

- (f) formulate and implement County monitoring, evaluation and reporting framework for climate change response;
- (g) sensitization and trainings at ward level; and
- (h) perform any other functions assigned to it by the County Steering Committee.

(2) the County Planning Committee shall be the technical and advisory arm of the County Steering Committee.

Secretariat of the Planning Committee

16. The Secretariat for the County Climate Change Planning Committee shall be drawn from the staff of the Department responsible for County Climate Change.

Conduct of business and affairs of Planning Committee

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

- (a) the County Climate Change Planning Committee shall meet at least twice in a quarter in each financial year;
- (b) the County Climate Change Planning Committee may choose to rotate the location of its regular meetings to different wards in the County for purposes of engaging directly with communities and familiarizing itself with their climate change-related challenges;
- (c) the quorum for meetings of the County Climate Change Planning Committee shall be half of the membership;
- (d) a resolution of the 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; and
- (e) in the absence of the Chairperson, the vice chairperson shall preside over a meeting, and in the absence of both the chairperson and the vice-chairperson, the members in attendance shall elect one of them to chair the meeting; provided that no two consecutive meetings shall be held without either the Chairperson or the Vice-chairperson being present.

(2) The County Climate Change Planning Committee may invite to its meetings any technical staff of the national or County Government which it considers will contribute to its deliberations, and the attendance

and participation of such person shall be recorded in the minutes of the County Climate Change Planning Committee.

Establishment of the Sub-County Climate Change Planning Sub-Committees

18. There is established a Sub-committee that shall be known as the Sub-County Climate Change Planning Sub-Committees appointed by the County Executive Member for the time being responsible for matters of Environment and Climate Change.

Composition of the Planning Sub-Committees

19. (1) Composition of Sub-County Climate Change Planning Sub-Committee shall be as follows—

- (a) Sub-county Administrator who shall be the Chairperson;
- (b) one youth representative nominated from registered youth groups in the Sub-county;
- (c) one-woman representative nominated from registered women groups in the Sub-county;
- (d) a representative nominated from the Community-Based Organizations actively operating on climate change actions in the Sub-county;
- (e) a representative of people with disability (PWDs) nominated from registered persons with disabilities groups in the Sub-county;
- (f) a representative of the National Government Ministry responsible for Climate Change matters;
- (g) a representative of the Sector of Environment in the Sub-County who will be the Secretary of the Sub-Committee; and
- (h) Ward Administrators who shall be *ex-officio*.

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

Tenure of the Planning Sub-Committees

20. A Sub-county Climate Change Planning Sub-committee Member under section 19 (b), (c), (d), (e), (f), (g) will serve for a period of

three years renewable once subject to satisfactory performance and provided he or she has attended at least half of the meetings.

Functions of the Planning Sub-Committees

21. The Sub-County Climate Change Planning Sub-Committees shall—

- (a) co-ordinate and mobilize communities and other stakeholders in the Sub-county to design and implement climate change response activities;
- (b) facilitate research and knowledge management at the Sub-county level on climate change, its impacts and strategies for responding thereto;
- (c) facilitate public education, awareness creation, and capacity building at the Sub-county level on climate change, its impacts and strategies for responding there to;
- (d) co-ordinate, facilitate and manage community consultations on priority climate change response activities at the Sub-county level;
- (e) 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) facilitate public participation in climate change governance, implementation of agreed climate change response activities and monitoring of those activities at the Sub-county level;
- (g) co-ordinate and facilitate provision of technical support to communities in the Sub-county in developing proposals on climate change response projects for funding by the County Climate Change Fund;
- (h) oversee implementation of climate change response projects at the Sub-county level funded by the County Climate Change Fund and report to the County Climate Change Planning Committee; and
- (i) perform any other functions that may be assigned to it by the County Climate Change Planning Committee.

Qualifications of the Members of Sub-Committees

- 22.** (1) For appointment to the Sub-committees a member—
- (a) shall have basic knowledge of climate change;
 - (b) shall have a minimum basic education; preferably KCSE Certificate;
 - (c) shall be committed persons willing to serve the community; and
 - (d) a resident of the given Sub-county.
- (2) members nominated from the Community under section 19(b), (c), (d), (e) shall be through a competitive process.

Remuneration of the Planning Sub-Committees

23. Members of the Sub-county Climate Change Planning Sub-committees shall be paid a sitting allowance or such remuneration at such rate as per the Salaries and Remuneration Commission (SRC) recommendations.

Conduct of business and affairs of Planning Sub-Committees

- 24.** Meetings of the Sub-County Climate Change Sub-committee shall be conducted as follows—
- (a) the Sub-county Climate Change Planning Sub-committee shall meet at least twice in each quarter;
 - (b) the inaugural meeting of the Sub-county Climate Change Planning Sub-committee, the committee shall elect a Vice-chairperson from Sub-county Climate Change Planning Sub-committee under section 19 (b), (c), (d), (e), who shall chair meetings in the absence of the Chairperson;
 - (c) save for the inaugural and emergency meetings, which shall be held at the Sub-county headquarters, regular meetings of the Sub-county Climate Change Planning Sub-committee shall be convened and held in the different locations of the Sub-county on a rotational basis;
 - (d) the quorum for meetings of the Sub-county Climate Change Planning Sub-committee shall be half of the members;
 - (e) a resolution of the Sub-county Climate Change Planning Sub-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;

- (f) 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; and
- (g) regular meetings of the Sub-county Climate Change Planning Sub-committee shall be scheduled in such a manner as to ensure that resolutions thereof are available in time for the next regular meeting of the County Climate Change Planning Committee.

PART III—MEASURES AND ACTIONS FOR RESPONDING TO CLIMATE CHANGE

County Climate Change Action Plan

25. (1) The process of development of a Climate Change Action Plan shall entail the following—

- (a) the Executive Committee Member shall in consultation with the County Climate Change Steering Committee and relevant sectors and through a participatory process involving relevant stakeholders, formulate a County Climate Change Action Plan;
- (b) the County Climate Change Action Plan shall be for a period of five years; and
- (c) without prejudice to the provisions of paragraph (a), 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.

(2) 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

26. (1) 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 a climate change needs and response assessment for the County;

No. 4 *Nairobi City County Climate Change* **2024**

- (c) articulate acclimate 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; and
 - (v) enhancing public awareness for effective participation in climate change response.
- (d) include a comprehensive inventory of climate change adaptation and mitigation safeguards applicable within Nairobi City and developed in a participatory process to guide effective management, sustainable developments, investments and decision making.

(2) 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

27. The County Climate Change Action Plan shall be published by the County Climate Change Steering Committee and forwarded to the County Assembly for approval.

Review of County Climate Change Action Plan

28. The County Climate Steering Committee shall undertake a biennial review of the implementation of the County Climate Change Action Plan and report to the Nairobi City County Assembly.

PART IV—DUTIES RELATING TO CLIMATE CHANGE

Climate change duties of public entities

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

(2) The imposition of climate change duties under sub-section (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 sub-section (1), every public entity operating in 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

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

(2) The Steering Committee 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.

Monitoring and reporting on compliance

31. (1) The Director in charge of Climate Change shall with the assistance of the 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 he or she 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.

Potential Role of a Private Entity in Reporting on Performance

32. The County Climate Change Steering Committee may —

- (a) require a private entity that is subject to climate change obligations to prepare reports on the status fits 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.

Annual Climate Change Response Report

33. (1) The County Climate Change Steering Committee shall, within three months after the end of every financial year, publish 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) The County Assembly shall, within three (3) months of receiving the report, provide recommendations and propose actions to the Steering Committee.

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

PART V—PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

Values and principles to apply to planning and implementation

34. The planning and implementation of climate change response in the County shall be informed by the values and principles specified in section 4 of this Act.

County Strategy for Climate Change education and Public awareness

35. (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 organized by Sub-county Planning Sub-committees in every Sub-County.

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

Public Sensitization to precede the formulation of climate change response plans

36. (1) The Climate Change Steering Committee 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 Steering Committee shall report on public sensitization campaigns undertaken with reference to every climate change response programme, plan, project or activity in the County to the County Assembly and shall demonstrate how the sensitization has made an 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 Steering Committee under sections 31 and 32 of this Act.

Capacity building for effective public participation

37. (1) The County Climate Change Steering Committee shall 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 Steering Committee 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

38. (1) The County Climate Change Steering Committee shall publish, publicize and ensure access to all important climate change information in their possession in appropriate format to make it useable by different actors.

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

PART VI—COUNTY CLIMATE CHANGE FUND**Establishment of County Climate Change Fund**

39. (1) There is hereby established a fund to be known as County Climate Change Fund to provide funding for priority climate change actions and interventions identified by communities and other stakeholders and approved by the Steering Committee.

(2) The Fund shall be domicile in the Department responsible for Climate Change Affairs, administered by the Steering Committee and managed by the Fund Administrator designated by the Executive Committee Member for the time being responsible for matters of the County Treasury.

Sources of the Fund

- 40.** The Fund shall be financed through—
- (a) money appropriated annually by the County Assembly in every financial year;
 - (b) money received from the National Climate Change Fund;
 - (c) international Climate Change Finance received by the County directly or through the National Designated Authority, National Implementing Entity or other agency;
 - (d) donations, endowments, bequests, grants and gifts from individuals, public and private entities local or foreign;
 - (e) charges, fees, levies or fines received by the County Government in connection with activities that adversely impact on climate in the County;
 - (f) interest and any other money that may lawfully accrue to the Fund in any form; and
 - (g) funding from carbon offsets and carbon credits.

County Climate Change Fund Regulations

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

(2) The Regulations made under sub-section (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; and
- (f) complaints mechanism; and, monitoring, evaluation, reporting and learning.

PART VII—FINANCIAL PROVISIONS

Funding Operations of Steering and Planning Committees

42. (1) Functions of the County Climate Change Steering Committee shall be financed through a vote in the estimates of revenue and expenditure of the relevant Department of the Executive Committee Member.

(2) Participation of representatives of State and County Executive Departments in the Steering Committee, the Planning Committee and Sub-County Planning Sub-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 Sub-County Planning Sub-Committees shall be administered and managed in accordance with the provisions of the Public Finance Management Act, 2012 and the Public Finance Management (County Governments) Regulations.

Annual estimates for Steering and Planning Committees

43. At least three months prior to the commencement of each financial year, the Executive Committee Member shall cause to be

prepared the estimates of revenue and expenditure of the County Climate Change Steering Committee for the year.

Financial year of Steering and Planning Committees

44. The financial year of the County Climate Change Steering Committee shall be the period of twelve-months ending the thirtieth of June in each year.

Accounts and Audit of the Steering and Planning Committees

45. The County Climate Change Steering Committee, 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 VIII—MISCELLANEOUS PROVISIONS

Protection from personal liability

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

(2) The provisions of sub-section (1) shall not relieve the County Climate Change Steering Committee 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

47. Any person who—

- (a) without any lawful cause ignores or fails to do any instructions issued by any member or officer or agent of the County Climate Change Steering Committee in exercise of the power so performance of the functions of the Committees under this Act; or
- (b) wilfully obstructs any member or officer or agent of the County Climate Change Steering Committee in the discharge of their lawful duties; or (misrepresents, knowingly submits false or misleading information to any member or officer or agent of the County Climate Change Steering Committee, in exercise of powers or the performance of the functions of the said

Committee under this Act commits an offence and shall upon conviction be liable to the punishment provided for under section 33(1) of the Climate Change Act, 2016.

Transitional Provisions

48. The County Climate Change Steering Committee shall be constituted within two months of coming into force of this Act.

Regulations

49. The Executive Committee Member shall make Regulations for the proper administration of this Act.