

BUNGOMA COUNTY CLIMATE CHANGE BILL, 2021

(No....2021)

Date of Assent.....

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A BILL of the County Assembly of Bungoma to provide for a legal framework for enhanced county climate change mitigation and adaptation programmes and for connected purposes.

ENACTED by the County Assembly of Bungoma as follows:-

PART I – PRELIMINARY

Short Title

1. This Bill may be cited as the Bungoma County Climate Change Bill, 2021 and shall come into force on the date of assent by the governor

Interpretation

2. In this Bill unless the context otherwise requires:

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

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

"Authority" means the National Environment Management Authority established by the Environmental Management and

Coordination Bill,1999 as amended by the Environmental Management and Coordination (Amendment)Bill,2015;

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

"constitution" means the Constitution of Kenya,2010

"county" means Bungoma County

"county assembly" means the County Assembly of Bungoma

"county government" means the County Government of Bungoma

"directorate" means the Climate Change Directorate established under section9 (1) of the Climate Change Act,2016,

"environment" has the meaning assigned to it in section2 of the Environmental Management and Coordination Bill 1999

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

"fund" means the County Climate Change Fund established under Clause 39 of this Bill

"fund administrator" means the Administrator of the County Climate Change Fund established under Clause 39 of this Bill

"governor" means the Governor of Bungoma County

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

“planning committee” means the County Climate Change Planning Committee established under Clause12 of this Bill

"private entity" means a body or person with functions of a private nature, and includes bodies registered under the Public Benefits Organizations Bill,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 Clause 5 of this Bill

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

“ward planning committee” means the Ward Climate Change Planning Committee established under Clause 18 of this Bill

Objects and Purpose

3. The purpose of this Bill is to ensure Bungoma 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 in different sectors;
- b) initiating and coordinating financing of climate change adaptation and mitigation projects at the community level;
- c) facilitating community-initiated climate change adaptation and mitigation projects;
- d) coordinating collection and dissemination of climate change information to the public to create awareness and preparedness;
- e) seeking and receiving grants from 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.

Guiding Values and Principles

1. (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 development in this Clause shall bind the County Government and all persons when—
(a)enacting, applying or interpreting any provisions of this Bill; and
(b) making or implementing public policy decisions on climate change

PART II – COORDINATION AND OVERSIGHT

Establishment of the County Climate Change Steering Committee

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

Composition of the Steering Committee

5. The County Steering Committee shall comprise of:
 - a) the Governor, who shall be the Chairperson and in his absence the deputy governor shall be the chairperson;
 - b) The Executive Committee member (CECM) for the time being responsible for matters of Environment and Climate Change who shall be the secretary.
 - c) the Executive Committee Member for the time being responsible for matters of the County Treasury;
 - d) the Executive Committee Member for the time being responsible for matters of agriculture, livestock and fisheries;
 - e) the Executive Committee Member for the time being responsible for matters of Public Administration
 - f) the Executive Committee Member for the time being responsible for matters of Gender
 - g) the County Commissioner or his representative
 - h) a representative of the private sector nominated by registered professional associations;
 - i) a representative of the civil society organization whose activities are related to climate change; and
 - j) a representative of the academia, private institutions with knowledge in matters of environment and climate change.
 - k) 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.
 - l) A person shall be qualified for appointment under Section 6 (h), (i) and (j) respectively if the person—
 - i. is a resident of Bungoma County
 - ii. 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

Tenure of the County Steering Committee

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

Functions of the Steering Committee

7. The County Climate Change Steering Committee shall –
 - a) mainstream climate change projects, programs and activities in county planning and budgeting and ensure their approval and inclusion in the county integrated development plan;
 - b) approve the County climate change funding proposals as recommended by the county planning climate change planning committee.
 - c) approve all payments of climate change funded projects and programs;
 - d) receive and approve project proposals for funding;
 - e) receive and consider progress reports from the County Planning Committee;
 - f) approve capacity building activities for the Steering Committee, County Planning Committee and the Ward Climate Change Planning Committees;
 - g) ensure coordination among institutions implementing climate change programs so as to minimize duplication of effort;
 - h) receive and consider reports on challenges and disputes identify obstacles on the implementation of climate change programs and make proposals for resolving the obstacles;
 - i) monitor disbursement; oversee budget execution;
 - j) advice on partners' collaboration and domestication and implementation of the five year National Climate Change Action Plan through Council of Governors;
 - k) ensure smooth flow of information across the lead agencies;
 - l) mobilize resources for climate change actions in the county; and
 - m) Perform any other function that may be necessary to ensure attainment of the object and purpose of this Bill.
 - n) The Steering Committee shall in the performance of its functions be responsible for Policy on climate change

Meetings of the County Climate Change Steering Committee

8. 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 quartering each financial year.

**Remuneration of the
County Climate
Change Steering and
Planning Committees
Delegation of Powers
by the County Steering
Committee**

- b) The quorum for meetings of the County Climate Change Steering Committee shall be at least half of the membership.
- c) In the absence of the chairperson, the vice-chairperson shall chair meetings of the County Climate Change Steering Committee, and in the absence of both the vice-chairperson members in attendance shall elect one of them to chair the meeting.

- 9. The County Climate Change Steering and Planning Committees, shall draw sitting allowance or any such remuneration at a rate recommended by the Salaries and Remuneration Commission (SRC) for committees of such mandates.
- 10. Subject to the provisions of this Bill, the County Climate Change Steering Committee may, either generally or in a particular case, delegate the exercise of any of its functions under this Bill to any Subcommittee or to any member of the County Steering Committee or officer or agent thereof

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

COUNTY CLIMATE CHANGE PLANNING COMMITTEE

**Composition of the
County Climate
Change Planning
Committee**

- 11. 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
- 12. 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 the time being responsible for matters of the County Treasury 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
- j) Fund Administrator (ex-officio member)
- k) Representatives of National Agencies dealing with climate change issues at the County level including National Environment Management Authority, Kenya Meteorological Department, Water Resources Authority, Kenya Forest Service, Kenya Wildlife Service;
- l) A representative from Public Benefit Organizations that has a wider coverage across the County on climate change matters
- m) A representative of persons living with disability
- n) Representative of academia and research institutions with knowledge in matters of environment and climate change

13. Members of the County Climate Change Planning Committee appointed under Clause 13 (m), (n) and (o) shall be appointed to serve for a three year term renewable once.

Tenure of the County Climate Change Planning Committee

Functions of the Planning Committee

14. The County Climate Change Planning Committee shall:-
- a) Identify county wide climate change needs and vulnerabilities;
 - b) Undertake internal and external resource mobilization;
 - c) Review, prioritize and sequence projects submitted by Ward Climate Change Planning Committees based on the set criteria;
 - d) Provide additional technical support to improve the Ward Climate Change Planning Committees proposals;
 - e) Organize inter-ward meetings to review, refine and collate proposals from wards into a list of prospective proposals for funding;
 - f) Receive, consider and recommend funding proposals and projects and forward to the County Climate Change Steering Committee for approval;
 - g) prepare and submit an annual report on climate change response activities in the County;
 - h) formulate and implement a county monitoring, evaluation and reporting framework for climate change response;
 - i) Undertake Capacity building and training ward planning committees and;
 - j) Perform any other functions assigned to it by the County Steering Committee.

The County Planning Committee shall be the technical and advisory arm of the County Steering Committee

15. There is hereby established a secretariat for the county steering and planning committees which shall be the Directorate of County Climate Change

**Secretariat of the
County Steering and
Planning Committee**

**Meetings of the
County Climate
Change Planning
Committee**

16. 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 at least half of the membership.
 - d) In the absence of the chairperson, the members in attendance shall elect one of them to chair the meeting.

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

**B.WARD CLIMATE CHANGE PLANNING
COMMITTEE**

17. There is established a committee that shall be known as the Ward Climate Change Planning Committee appointed by the county executive member for the time being responsible for matters of Environment and Climate Change.

**Establishment of
Ward Climate Change
Planning Committee**

**Composition of the
Ward Climate Change
Planning Committee**

18. (1) Composition of Ward Climate Change Planning Committee shall be as follows:

- a) Sub County Administrator who shall be the Chairperson.
- b) Ward administrator (Secretary)
- c) Village/Community Administrators (Alternate Secretary)
- d) Representative of the office of Member County Assembly
- e) Youth representative
- f) Woman representative
- g) A representative of the Community based Organizations actively operating in the ward on climate change actions
- h) A representative of people living with disability (PWDs)
- i) A representative of religious groups at the ward level
- j) A representative of the Ministry of interior

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

19. A Ward Climate Change Planning Committee member under Clause 19 (j),(k),(l),(m),(n),(o) will serve for a period of three years renewable once subject to satisfactory performance and provided he has attended at least half of the meetings

**Tenure of Ward
Climate Change
Planning Committees**

20. The Ward Climate Change Planning Committees shall;

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

**Functions of the Ward
Climate Change
Planning Committee**

- 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;
- g) coordinate and facilitate provision of technical support to communities in the ward in developing proposals on climate change response projects for funding by the County Climate Change Fund;
- h) Oversee implementation of climate change response projects at ward level funded by the County Climate Change Fund and report there on to the Planning Committee; and, perform any other functions that may be assigned to it by the County Climate Change Planning Committee.

Qualifications for Appointment to the Ward Climate Change Planning Committee

21. (1) For appointment to the Committee a member: -
- a) Must fulfil requirement of Chapter Six of the Kenya Constitution 2010.
 - b) Shall have basic knowledge of climate change.
 - c) Shall have a minimum basic education; preferably form four or its equivalent.
 - d) Shall be committed persons willing to serve the community
 - e) A resident of the given Ward
- (2) Members nominated from the Community under this Clause 19(j), (k), (l), (m), (n) shall be through a competitive process.

Remuneration of County and Ward Planning Committees

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

Meetings of the Ward Climate Change Planning Committee

23. Meetings of the Ward Climate Change Committee shall be conducted as follows;
- a) The ward climate change planning committee shall meet at least twice in each quarter
 - b) The inaugural meeting of the WCCPC, the committee shall elect a Vice Chair from WCCPC under Clause 19 (j), (k), (l),

- (m),(n), (o)who shall chair meetings in the absence of the Chairperson.
- c) Save for the inaugural and emergency meetings, which shall be held at the ward headquarters, regular meetings of the Ward Climate Change Planning Committee shall be convened and held in the different locations of the ward on a rotational basis
- d) The quorum for meetings of the Ward Climate Change Planning Committee shall be half of the members
- e) A resolution of the Ward Climate Change Planning Committee shall require an affirmative vote of more than one half of the membership present at a meeting, excluding the chairperson’s vote which shall be a casting vote.
- 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
- g) Regular meetings of the Ward Climate Change Planning Committee shall be scheduled in such a manner as to ensure that resolutions thereof are available in time for the next regular meeting of the Planning Committee

PART IV – MEASURES AND ACTIONS FOR RESPONDING TO CLIMATE CHANGE

- | | | |
|---------------------------|----------------|---|
| County | Climate | 24.The process of development of a Climate Change Action Plan shall entail the following:- |
| Change Action Plan | | <ul style="list-style-type: none"> 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 c) Without prejudice to the provisions of sub Clause (a), the Executive Committee Member shall within one year of the coming into force of this Bill coordinate development of an interim County Climate Change Action Plan for the remainder of the period of the current National Climate Change Action Plan. |

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 the
County Climate
Change Action Plan**

25. 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;
- 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;
 - v. enhancing public awareness for effective participation in climate change response;

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**

26. The County Climate Change Action Plan shall be approved by the County Climate Change Steering Committee and laid before the County Assembly for adoption.

**Biennial review of
County
Climate Change
Action Plan**

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

**PART V – DUTIES RELATING TO CLIMATE
CHANGE**

**Climate change duties
of
Public entities**

28. a) 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.

b) The imposition of climate change duties under sub Clause (a) shall be effected through regulations and preceded by public sensitization and consultations.

(c) 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 Bill and the County Climate Change Action Plan.

(d) Without prejudice to the provisions of sub Clause (a), every public entity operating in the County shall have the duty to:

- i. Mainstream climate change into sectoral strategies, plans and other frameworks for implementing its statutory functions;
- ii. Perform its statutory functions in a manner that contributes to the implementation of the County Climate Change Action Plan;
- iii. Support the Steering Committee and the County Government in its planning, programming, implementation and monitoring of climate change response in the County; and

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**

29. (1) The Steering Committee may, on their 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

30. (1) The County climate Change Director shall with the assistance of the representative of the National Environment Management Authority and on behalf of the Steering Committee, monitor,

**Monitoring
reporting on
Compliance**

and

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 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.

(2)The County Director of Climate Change shall report to the Steering Committee on the performance of functions under sub-Clause (1) on an annual basis, and such report shall form part of the report by the Steering Committee to the County Assembly

**Potential Role of
Private Entity in
Reporting on
Performance**

31. Notwithstanding the provisions of Clause 27, 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 and performance thereof and prescribe the period for reporting; and

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 County
Climate Change
Report Response**

32. (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 and adoption.

- (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 sub-Clause (1) shall be forwarded to the Directorate for information purposes

PART VI – PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

33. The planning and implementation of climate change response in the County shall be informed by the values and principles specified in Clause 4 of this Bill

Values and principles to Apply to planning and implementation

County strategy for climate Change education and public awareness

34. (1) Within one year of this Bill coming into force, the Planning 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 Ward Planning Committees in every ward.

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

35. (1) Notwithstanding the provisions of Clause 35 the Planning Committee and Ward 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.

Public sensitisation to Precede formulation of Climate change response plans

(2) The 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 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 Clauses 31 and 33 of this Bill.

Capacity building for effective public participation

36. (1) The County Climate Change Steering Committee shall ensure that the 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.

Access to information

(2)The County Climate Change Planning Committee and Ward Climate Change 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

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

(2)The County Climate Change Steering Committee, the County Climate Change Planning Committee, the Ward Climate Change 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 – COUNTY CLIMATE CHANGE FUND

Establishment of County Climate Change Fund

38. (1)There is here by 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 Funds

39. The Fund shall be financed through:-

- a) Money appropriated annually by the County Assembly, which shall not be less than two percent of the annual development budget of the County;
- 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; and,
- f) Interest and any other money that may lawfully accrue to the Fund in any form

**County
Change
Regulations** **Climate
Fund**

40.(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 Clause(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) Complaints mechanism; and, monitoring, evaluation, reporting and learning

PART VIII – FINANCIAL PROVISIONS

**Funding operations of
the County Climate
Change Steering and
Planning
Committees**

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

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

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

Annual estimates for the County Climate Change Steering and Planning

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

Financial year of the County Climate Change Steering and Planning Committees

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

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

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

PART IX – MISCELLANEOUS PROVISIONS

Protection from personal Liability

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

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

**Offences
penalties**

and 46. Any person who:-
Without any lawful cause ignores or fails to be any instructions issued by any member or officer or agent of the County Climate Change Steering Committee, the Planning Committee or Ward Planning Committee in exercise of the power so performance of the functions of the Committees under this Bill; or Willfully obstructs any member or officer or agent of the County Climate Change Steering Committee, the Planning Committee or Ward Planning Committee in the discharge of their lawful duties; or (misrepresents, knowingly submits false or misleading information to any member or officer or agent of the County Climate Change Steering Committee, the Planning Committee or Ward Planning Committee in exercise of powers or the performance of the functions of the said Committees under this Bill 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**

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

Regulations

48.TheExecutive Committee Member shall make Regulations for the proper administration of this Bill

MEMORANDUM OF OBJECTS AND REASON

The Principal purpose of this bill is to ensure that Bungoma 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 adaption, mitigation and financing of programs and projects in the County

Part 1 contains preliminary matters-**Clause 1-4** is on the short title, interpretation, object and purpose and guiding values and principles. **Part 11** –Contains co-ordination and oversight, It covers clause 5 to 11 which among others; establishes the County Climate change steering committee its composition, it's tenure and functions.

Part 111 is on the institutional framework for planning and implementation-entails clause 12 to 24 which establishes the planning committee, It's composition, tenure, functions and the secretariat. There is also establishment of ward planning Committee and it's functions, qualification for appointments and it's tenure. Also numerations and meetings of the committees are captured. **Part-IV is on Measures and actions for responding to climate change-** has **Clause 25 to 28**. Clause 25 is on County Climate Change Action Plan, Clause 26 Content of County Climate Change Action Plan, Clause 27 Approval of County Climate Change Action Plan and Clause 28 Biennial Review of the County Climate Change Action Plan

Part- v- is on the duties relating to climate change-entails clause 29-33 It is on the Climate Change duties of public entities, private entities, monitoring and reporting compliance amongst others. **Part vi is on the public participation and access to information-**Clause 34 to 38 is on the Values and principles to apply to planning and implementation, Clause 35 is on the strategy for Climate change education and public awareness Clause 36 is on the public sensitization to proceed the formulation of climate change response plans, Clause 37 is capacity building for effective public participation and Clause 38 is on access to information

Part vii-County Climate Change Fund. Clause 39 is on establishment of county climate change fund, Clause 40 is on sources of the Funds and Clause 41 County Climate Change Fund regulations. **Part vii-Financial Provisions.**-Clause 42 is on the funding operations of steering and planning Committees Clause 43 is on Annual estimates for steering and planning, Clause 44 is on the financial year of the steering and planning Committees and Clause 45 provides for accounts and audit of the steering and planning Committees

PART IX is on miscellaneous provisions-Clause 46 is on the protection from personal liability, Clause 47 is on the offences and penalties, Clause 48 is on the Transitional provisions, Clause 49 is on the regulations

The bill is in line with the Constitution of Kenya on the right to clean and healthy environment, The National Climate Change Act.2016 too which empowers the County Government of matters climate change

The bill is also not a money bill as provided for under Art.114.

HON.FRANKLINE SIMOTWO,

**CHAIRPERSON, COMMITTEE OF TOURISM, WATER,
ENVIRONMENT AND NATURAL RESOURCES.**