

COUNTY OFFICE - Murang'a

SPECIAL ISSUE

Kenya Gazette Supplement No. 9 (Murang'a County Acts No. 3)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

MURANG'A COUNTY ACTS, 2021

NAIROBI, 25th October, 2021

CONTENT

Act—	PAGE
The Murang'a County Climate Change Fund Act, 2021	1

**THE MURANG'A COUNTY CLIMATE CHANGE FUND ACT,
2021**

No. 3 of 2021

Date of Assent: 8th October, 2021

Date of Commencement: 25th October, 2021

ARRANGEMENT OF SECTIONS

PART I—PRELIMINARY

- 1—Short title
- 2—Interpretation
- 3—Objects and purposes of the Act

**PART II—ESTABLISHMENT AND ADMINISTRATION OF THE
FUND**

- 4—Establishment of the Fund
- 5—Objects and Purpose of the Fund
- 6—Sources of the Fund
- 7—Expenses of the Fund
- 8—Climate Finance Framework
- 9—Establishment of the Climate Change Fund Advisory Board
- 10—Administration of the Board
- 11—Functions of the Board
- 12—Conduct of the Affairs of the Board
- 13.— Staff of the Board
- 14—Establishment fo the County Climate Change Fund Planning Committee
- 15— Secretariat of the Committee
- 16—Report
- 17-- Functionms of County Climate Change Fund Planning Commitetee
- 18— Conduct of the Affairs of the County Climate Committee
- 19—Fund Administrator
- 20— Functions of the Fund Administrator

PART III – DISBURSEMENT OF FUNDS

- 21—Allocation of the Funds to the wards
- 22—Eligibility criteria
- 23—Community Consultation Forums
- 24—Development of Project Proposals
- 25—Validation of Project Proposals
- 26—Disbursement of Funds for Projects
- 27—Procurement
- 28—Grievance Redress Mechanism

PART IV – FINANCIAL PROVISIONS

- 29—Bank Account of the Fund
- 30—Administrative Expenditure
- 31—Accounts of the Planning Committee

PART V – MISCELLANEOUS

- 32—Regulations

SCHEDULES

- | | |
|-----------------|---|
| First Schedule | Conduct of the Affairs of the Board |
| Second Schedule | Conduct of the Affairs of the Committee |
| Third schedule | Sharing of Funds |
| Fourth Schedule | Forms |

MURANG'A COUNTY CLIMATE CHANGE FUND ACT, 2021

AN ACT of the Murang'a County Assembly for the establishment of a Climate Change Fund to facilitate and coordinate financing of Climate Change Adaptation and Mitigation activities; and for connected purposes.

ENACTED by the Murang'a County assembly as follows—

PART I —PRELIMINARY

Short title

1. This Act may be cited as the Murang'a County Climate Change Fund Act, 2021.

Interpretation

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

“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;

“climate change adaptation” means adjustment in natural or human systems in response to actual or anticipated adverse effects of climate change or stimuli or their effects to moderate or exploit beneficial opportunities;

“climate change awareness” means publicity and capacity activities aimed at creating an awareness about Climate Change in the County;

“climate change mitigation” means measures undertaken to prevent or reduce the emission of greenhouse gases;

“climate finance” means monies or financing available for or mobilized by the National Government, County Government, international agencies, or non-government entities to finance climate change adaptation, mitigation and interventions;

“climate finance framework” means a context specific policy items established under this Act and any other law to guide in the application of the Fund;

“county planning committee” means the county climate change committee established under section 9 of this Act;

“county planning framework” means a county planning framework established by the County Government and includes the County Integrated Development Plan as defined in the County Governments Act 2012 and the Public Finance Management Act, 2012;

“executive member” means the County Executive Committee member in charge of Environment and Climate Change in Murang’a County;

“fund” means the climate change fund established under this Act;

“fund administrator” means the County climate change fund administrator appointed in accordance with section 5 of this Act;

“greenhouse gases” means the gaseous substances defined under section 2 of The Climate Change Act, 2016;

“national government agencies” means any National Government institution that deals with climate change related activities which have operations in the County, including the National Climate Change Council and the Directorate established under section 5 of the Climate Change Act, National Environment Management Authority and the National Climate Change Secretariat;

“participating institutions” means national, regional and international institutions that have made contributions to the Fund or have climate change related activities in the county;

“planning unit” means a unit established in conformity with section 105 of the County Governments Act 2012;

Objects and purposes of the Act

3. The object of this Act is to create a fund in the County to provide for —

- (a) financing of climate change programs;
- (b) initiating and coordinating of climate change adaptation and mitigation activities at the community level;
- (c) facilitating incorporation of Climate Finance in the county planning and budgetary framework
- (d) enhancing Climate Finance mechanisms and;
- (e) coordinating support from National government climate change policy and legislative framework coordinating collection and dissemination of climate change information to the public to create awareness and preparedness.

PART II — ESTABLISHMENT AND ADMINISTRATION OF THE FUND

Establishment of the Fund

4. (1) There shall be established fund to be known as Murang'a County Climate Change Fund.

(2) The Fund shall be used in climate change projects, programs and activities, including those required under the climate Finance Framework established under this Act.

(3) The moneys in the Fund shall be disbursed according to the criteria set out in the Second Schedule to this Act.

Objects and purposes of the Fund

5. The object and purpose of the Fund is to provide funding for climate change activities identified in the Murang'a County Integrated Development Plan and for connected purposes through—

- (a) initiating and coordinating financing of Climate Change Adaptation and Mitigation activities at the community level in the County
- (b) mainstreaming and enhancing Climate Change Finance mechanisms in the County;
- (c) facilitating community-initiated Climate Change Adaptation and Mitigation activities in the County;
- (d) facilitating planning for climate change Adaptation and Mitigation in the County planning and budgetary framework;
- (e) seeking and receiving grants from national and international entities, the National Government, the County Government and other relevant organizations;
- (f) providing support from the national Climate Change Policy and legislative framework;
- (g) coordinating collection and dissemination of climate change information to the public to create awareness and preparedness;
- (h) implementing any relevant obligations of the State under International agreements related to climate change;
- (i) strengthening the Climate Change Department and provide it with adequate mandate and authority to enable it coordinate, supervise, regulate and manage all activities related to climate change;

- (j) requiring lead agencies including government, departments and agencies, private sector and individual citizens to undertake their own respective roles in climate change response measures; and
- (k) providing for procedural and administrative matters.

Sources of Funds

6. The Fund shall be Financed through—
- (a) moneys appropriated by the County Assembly which shall be 2% of the development expenditure in a financial year,
 - (b) moneys from the national government;
 - (c) grants and loans from the National Climate Fund;
 - (d) climate finance from international entities;
 - (e) moneys received from Public Benefit Organizations;
 - (f) fees and charges from climate finance activities; and
 - (g) other grants and donations.

Expenses out of the Fund

7. There shall be paid out of the Fund expenses incurred in pursuance of the objects and purposes of the Fund.

Climate Finance Framework

8. (1) The executive member shall publish a Climate Finance Framework for the County every three years.

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

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

- (a) the status of Climate Change Awareness in the County;
- (b) context specific items in the National Climate Change Act and Policy that are applicable to the County;
- (c) the impact of climate change in the county;
- (d) human activities in the County that may facilitate Climate Change;
- (e) climate Change Adaptation and Mitigation activities and projects;

- (f) projects that are relevant in the County with regard to climate Change Adaptation and Mitigation and the anticipated impact; and
 - (g) any other relevant business.
- (4) The Climate Finance Framework shall be aligned to the County Planning Framework.

Establishment of the Climate Change Fund Advisory Board

9. There is established a Board which shall be known as the Murang'a County Climate Change Fund Advisory Board.

10. Administration of the Board

The Board shall be composed of—

- (a) one-person shall be appointed by the Governor from each constituency within the county;
 - (b) there shall be a Chair-person of the Board appointed by the Governor;
 - (c) the Chief Officer in charge of Finance shall second a senior officer to the Fund who shall be the Fund administrator;
 - (d) the Chief Officer in charge of matters relating to climate change shall be the secretary;
 - (e) the head of climate change directorate;
 - (f) one person representing Public Benefit Organizations operating in the County dealing with climate change issues;
 - (g) one representative of the special groups', woman or Youth; and
 - (h) a representative from National Environmental Management Authority;
- (2) Members may be co-opted to the Board by the Executive Committee member on need basis but shall have no voting powers.

Functions of the Board

11. The functions of the Board shall be—

- (a) to compile the projects approved by the County Planning Committee and prepare the County Climate Finance Budget;
- (b) based on criteria, ensure equitable allocation of the moneys available in the Fund with regard to the projects received by the County and Ward Planning Committees;

No. 3

- (c) manage the administrative costs of the fund including the costs of the meetings and sitting of, County Planning Committee and the Ward Planning Committee;
- (d) oversee the execution of the County Climate Finance Budget;
- (e) provide the essential linkages between the County Executive Committee and the County Assembly with regard to management of the Fund;
- (f) coordinate capacity building for Climate Change Awareness and Climate Finance;
- (g) coordinate research and development for Climate Change Finance;
- (h) mobilize funds for Climate Change Finance;
- (i) to approve the ward and county disbursement proposals by the Fund Administrator; and
- (j) any other matter relevant to the execution of the Board's mandate.

Conduct of the affairs of the Board

12. The conduct of the affairs of the Board shall be as set out in the schedules.

Staff of the Board

13. The board may recruit staff on a need basis subject to the limitation on the administrative costs of fund.

Establishment of the County Climate Fund Planning Committee

14. (1) There is established the Murang'a County Climate Change Fund Planning Committee and which shall comprise of the following persons—

- (a) the chief officer for Water, Environment, Climate Change and Natural resources who shall be the Chairperson;
- (b) the Chief Officer Finance & Planning who shall be the vice-chairperson;
- (c) the Director in Charge of environment who shall be the secretary;
- (d) one representative of each of the major economic activities (Trade and Agriculture) nominated by the departments in charge;

- (e) a representative of the office of the County Commissioner;
- (f) the County Director of Meteorology Services; and
- (g) a representative from the National Environmental Management Authority;

(2) A person shall be qualified for appointment as a member under subsection (d) if the person—

- (a) is a resident of Murang'a County;
- (b) holds at least a Diploma from a reputable academic institution; and
- (c) meets the requirements of Chapter Six of the Constitution.

Secretariat of the Committee

15. (1) There shall be a secretariat of the Committee, which shall serve as Climate Change Directorate and shall be headed by the Director in Charge of Environment.

(2) The secretariat shall comprise of—

- (a) such professionals, technical and administrative officers and support staff as may be appointed by the County Public Service Board; and;
- (b) such public officers as may be seconded to the Committee upon its request.

(3) The Secretariat shall, on behalf of the Council, perform functions as may be specifically set out in this Act and in Regulations.

- (a) advising the Executive Committee Member on policy and strategic planning and all matters related to Climate Change in the County;
- (b) providing secretarial services to the County Climate Change;
- (c) Council Committee;
- (d) implementing policies adopted by the Committee;
- (e) coordinating, mainstreaming and integrating climate change programs into the sectorial strategic plans; and
- (f) establishing and maintaining a relationship with County, regional and international organizations, institutions and agencies as may be appropriate for the implementation of the climate change policy and recommendations of the committee.

Reports

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

(2) The annual report shall contain information on the implementation of this Act, and of the County Climate Change Policy, including the state of mitigation of and adaptation to the adverse effects of climate change within Murang'a and any other matters prescribed by the County Executive Committee Member.

Functions of the County Climate Fund Planning Committee

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

- (a) to develop projects' eligibility criteria under this Act;
- (b) to receive, compile, evaluate and approve the projects in the county based on the agreed criteria and prepare the County Climate Finance Budget;
- (c) based on criteria, ensure equitable allocation of the moneys available in the Fund with regard to the projects received from the County;
- (d) providing monitoring and evaluation for the projects financed by the Fund;
- (e) provide the essential linkages between the Committee and the County Assembly with regard to management of the Fund;
- (f) coordinate research and development for Climate Change Awareness and Climate Finance in the County;
- (g) coordinate research development for Climate Change Finance in the County;
- (h) mobilize funds for Climate Change Finance in the county;
- (i) design a climate change awareness strategy for the county;
- (j) develop a climate finance research priority needs list for the county;
- (k) assign and coordinate technical assistance from County departments to projects funded under this Act;
- (l) develop the Climate Finance Framework and

- (m) any other matter relevant to the execution of the County Planning Committee's mandate.

Conduct of the affairs of the County Climate Change Committee

18. The Conduct of the affairs of the County Climate Change Planning Committee shall be as set out in the second schedules.

Fund Administrator

19. (1) There shall be a Fund administrator for the Fund.
- (2) The Fund administrator shall be a gazetted accounting officer for Climate Change affairs department

Functions of the Fund Administrator

20. The functions of the Fund Administrator shall be to—
- (a) Prepare a framework for receiving and evaluating project proposals; and
 - (b) Prepare and publish a yearly report, projects and program evaluation and implementation schedule as they may be required from time to time stating—
 - (i) the key activities in a financial year;
 - (ii) the persons responsible for each task; and
 - (iii) the time frame for each process.
 - (c) organize access to the services of the County Planning Committee;
 - (d) implement the decisions of the County Planning Committee;
 - (e) publish the eligibility criteria for selection of projects developed by the County Planning Committee
 - (f) organize and coordinate the disbursement of moneys allocated to projects approved by the County Planning Committee
 - (g) keep custody of the accounts of the Fund
 - (h) coordinate the implementation of the monitoring and evaluation framework established by the County Planning committee
 - (i) develop a complaints handling mechanism
 - (j) facilitate the functions of the institutions created under this Act where appropriate
 - (k) prepare a budget for the administrative costs per quarter for each institution under this Act; and
 - (l) any other duty assigned by the County Planning Committee.

PART III –DISBURSEMENT OF FUNDS**Allocation of fund to the Wards**

21. (1) The Fund Administrator shall develop, publish and circulate information on the disbursements of funds available to each Ward which shall be approved by the County Planning Committee. Disbursement of funds shall be based on cash flow projections submitted by implementers of the activities financed by the Fund and approved by the county Planning committee.

(2) The Fund administrator shall be guided by the Climate Fund Sharing Criteria detailed in the Second Schedule to this Act.

Eligibility Criteria

22. (1) The County Planning Committee shall develop and publish an eligibility criterion for Climate Finance projects that will be eligible for funding under this Act.

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

- (a) activities or initiatives that promotes climate resilience in the locality through Climate Mitigation or Adaptation;
- (b) activities or initiatives that supports economic growth through low carbon climate resilient development;
- (c) benefit a large number of people including vulnerable groups and have clear considerations for gender representation;
- (d) containing detailed situation analysis with clear problem statement to facilitate clarity on level and urgency of vulnerability, and risks arising from delayed intervention;
- (e) a clearly defined monitoring and evaluation plan with measurable indicators;
- (f) a sustainability plan;
- (g) provide a platform for stakeholder engagement;
- (h) in-built skills and technology development and transfer, and
- (i) any other consideration that may be deemed relevant.

Community Consultation Forums

23. (1) The committee shall convene community consultation Forums before the Financial Year Starts.

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

- (a) Climate Change Awareness;
- (b) the nature of projects that are eligible for financing from the Fund;
- (c) Identify and prioritise projects from the community members.

Development of Project Proposals

24. (1) The committee shall develop projects proposals from the project priorities identified and include any necessary technical details including the procurement plan for each project.

(2) Upon receiving the project proposals from the, the Committee of shall within six weeks after receiving the project proposals —

- (a) approve the project proposals and communicate their decision to the County Executive Committee and the relevant Committee of the County Assembly; or
- (b) reject project proposals with reasons given in writing; or
- (c) make necessary arrangements to a project proposal and approve the amended project proposal within a further three weeks from the date of resubmission.

(3) Financing of the project proposals shall be subject to the amount of money allocated.

(4) Upon receiving the project proposals from the Ward Planning Committee, the Committee shall within six weeks after receiving the project proposals—

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

(5) Financing of the project proposals developed by the Ward Planning Committee shall be subject to the amount of money allocated to the Ward.

Validation of Project Proposals

25. (1) The County Planning Committee shall undertake a project validation process within four weeks after receiving the project proposals and either —

No. 3

- (a) approve the project proposals and communicate their decision to the County Executive Committee and the County Assembly; or
 - (b) reject project proposals with reasons given in writing; or;
 - (c) instruct the respective proposers of any proposal to make necessary amendments to a project proposal and approve the amended project proposal within a further three weeks from the date of resubmission.
- (2) The County Planning Committee may, in order to facilitate the approval of projects, constitute a Project evaluation Team in every Ward comprising of —
- (a) count staff seconded by relevant County Departments;
 - (b) consultants and technical personnel from participating institutions; and
 - (c) consultants hired by the County Planning Committee.

Disbursement of Funds for projects

26. (1) The Fund Administrator shall publish a list of approved and ranked climate change project, including proposed procurement plans for each project.

(2) Projects submitted and approved by the Count Planning Committee shall be published.

(3) On approval by the County Planning Committee, the Fund Administrators shall release moneys for the approved projects upon receiving the procurement plans together with cash flow projections.

(4) The County Executive Committee Member Shall develop guidelines for better administration of this part.

Procurement

27. (1) Based on the National and County Procurement Regulations the Fund Administrator shall facilitate the establishment of appropriate procurement processes for each project.

(2) The Fund Administrator shall ensure the committee adheres to the relevant procurement procedures under the public procurement laws and regulations.

Grievance Redress Mechanism

28. (1) There shall be establishment of a Grievance Redress Mechanism specifically for the climate change under fund administrator.

(2) Community Members who are aggrieved by the decisions of the Committee shall submit the complaints to the Fund Administrator.

(3) The Fund Administrator shall forward the complaints to the County Executive Committee who shall make a final determination within a period of six weeks from the day of launching the complaint and submit a report to the county Climate Change Steering Committee with copy to the Fund Administrator.

PART IV – FINANCIAL PROVISIONS

Bank Account of the Fund

29. (1) The Executive Member of finance shall issue guidelines on the banking arrangements for the Fund under the provisions of the Public Finance Management Act and any other government guidelines on banking arrangements.

(2) The bank account for the Fund shall be managed by the Fund Administrator under regulations developed by the Executive member finance in consultation with the committee.

(3) The bank account shall be subject to the national legislation for accounting, reporting and auditing.

Administrative Expenditure

30. (1) The Fund Administrator shall prepare the annual budget for administrative costs which be disaggregated for each quarter.

(2) The budget developed in subsection (1) above shall be reviewed by the County Climate Change planning committee who submit for approval by the County Executive Committee.

(3) The Executive Member in charge of climate change affairs in consultation with Executive member for finance shall develop regulations for the sitting allowances of the County Planning Committee and any other recognized Remuneration Commission recommendations.

Accounts for the Planning Committee

31. (1) The Fund Administrator shall keep proper books of account of the fund and prepare quarterly financial reports.

(2) Within three months after the closure of the Financial Year, the Fund Administrator shall prepare accounts and annual report for the approval of the Planning Committee and submission to the County Assembly.

(3) The accounts of the fund shall be audited annually by the office of the Auditor General and the report submitted to the County Assembly.

PART V—MISCELLANEOUS**Regulations**

32. The Executive Member in charge of climate change affairs in consultation with Executive Member for finance and fund administrator shall make regulations for all matters necessary for the proper administration of this fund including issues on—

- (a) sitting allowances for the County Planning Committee and any other recognized committee under this Act;
- (b) the banking arrangements for the Fund; and
- (c) the disbursement of funds to approved projects.

SCHEDULES**FIRST SCHEDULE****PROVISIONS AS TO THE CONDUCT OF BUSINESS AND
AFFAIRS OF THE BOARD****Vacation Office**

1. A member of the Board may—
 - (a) At any time resign from office by notice in writing to the Executive Committee Member.
 - (b) Be removed from office by the Executive Committee Member if
 - (i) has been absent from three consecutive meetings of the Committee without the permission of the chairperson;
 - (ii) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;
 - (iii) is convicted of an offence involving dishonestly or fraud;
 - (iv) is adjudged bankrupt or enters into a composition scheme of arrangement with his creditors;
 - (v) is incapacitated by prolonged physical or mental illness or is deemed otherwise unfit to discharge his duties as a member of the Committee; or
 - (vi) fails to comply with the provision of these Regulations relating to disclosure.

Meetings

2. (1) The Board shall meet not more than twelve times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding the provisions of subparagraph (1), the chairperson may, and upon requisition in writing by at least seven members convene a special meeting of the Board at any time for the transaction of the business of the Board.

(3) Unless three quarters of the total members of the Board otherwise agree, at least fourteen days written notice of every meeting of the committee shall be given to every member of the Board.

(4) The quorum for the conduct of the business of the Board shall be half.

(5) The chairperson shall preside at every meeting of the Board at which he is present but, in his absence, the members shall elect one of their numbers to preside, who shall, with respect to that meeting and business transacted thereat, have all the powers of the chairperson.

(6) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the chairperson or the person presiding shall be invalid by reason only of a vacancy among the members thereof.

Conflict of Interest

3. (1) If a member is directly or indirectly interested in an outcome of any decision of the Board or other matter before the Board and is present at a meeting of the Board at which the matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

Provided that, if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Board may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question.

(2) A member of the Board shall be considered to have a conflict of interest for the purposes of these Regulations if he acquires any pecuniary or other interest that could conflict with the proper performance of his duties as a member of employee of the committee.

(3) Where the Board becomes aware that a member has a conflict of interest in relation to any matter before the board, the board shall direct the member to refrain from taking part, or taking any further part, in the consideration or determination of the matter.

(4) If the chairperson has a conflict of interest he shall, in addition to complying with the other provisions of this section, disclose the conflict that exists to the Executive Member in writing.

(5) Upon the Board becoming aware of any conflict of interest, it shall make a determination as to whether in future the conflict is likely to interfere significantly with the proper and effective performance of the functions and duties of the member or the board and the member with the conflict of interest shall not vote on this determination.

(6) Where the Board determines that the conflict is likely to interfere significantly with the member's proper and effective performance as provided for an subparagraph (1), the member shall resign unless the member has eliminated the conflict to the satisfaction of the Board within thirty days.

(7) The committee shall report to the executive member any determination by the Board that a conflict is likely to interfere significantly with performance as above and whether or not the conflict has been eliminated to the satisfaction of the Board.

(8) The annual report of the Board shall disclose details of all conflicts of interest and determinations arising during the period covered by the report.

(9) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting of which it is made.

Code of Conduct

4. The Board shall comply with the code of conduct governing public officers.

Minutes

5. The Board shall keep proper record of all minutes for all resolutions and proceedings of its meetings.

SECOND SCHEDULE**Conduct of The Affairs of the County Planning Committee****Meetings**

1. (1) The meetings of the County Planning Committee shall be convened at least once every quarter by the chairperson, but not more than twelve times in a financial year.

(2) The chairperson may at anytime convene a special meeting of the County Planning Committee and shall do so within one month of the receipt by him of a written request signed by at least two members.

(3) In the absence of the chairperson, from any County Planning Committee meeting, the members present shall elect one of the members to preside, and such member shall, as concerns that meeting, have all the powers and attributes of the chairperson under this Act.

(4) At every meeting of the County Planning Committee the member presiding shall have a casting as well as a deliberative vote.

(5) The quorum for the meetings of the County Planning Committee shall be half plus one.

Committees

2. (1) The County Planning Committee may establish such committees as it may deem appropriate to perform such functions and responsibilities as it may determine.

(2) The County Planning Committee shall appoint the chairperson for each committee established under subsection (1) from amongst its members.

(3) The County Planning Committee may, where it deems appropriate, invite any person to attend the deliberations of any of its committees.

(4) All decisions by the committees appointed under subsection (1) shall be ratified by the County Planning Committee.

Declaration of Interest

3. (1) A member who has an interest in any business before the County Planning Committee or other matter present at a meeting shall at the meeting and as soon as reasonably practicable, declare his/her interest and shall not take part in the consideration or discussion of, or vote on the subject matter, disclose the fact thereof and not shall question with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under sub-paragraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the County Planning Committee who contravenes sub-paragraph (1) shall cease to be a member of the County Planning Committee upon direction of the Executive Member.

(4) The Executive Member shall make arrangements for the appropriate departmental representation with regard to sub-section (3) above.

THIRD SCHEDULE

FUNDS SHARING AND ALLOCATION CRITERIA

Fund sharing criteria

1. The funds available in the Fund may be shared according to the following criteria—

- (a) ten per cent of the moneys available in the Fund shall be allocated for administrative costs. — *own*
- (b) twenty per cent of the money's available in the fund shall be allocated to County wide projects as follows
 - (i) ten per cent shall be assigned to Climate Change Awareness Activities;
 - (ii) twenty per cent shall be assigned to County specific research and development; and
 - (iii) Seventy per cent of the available fund shall be assigned to County wide development projects;
- (c) seventy per cent of the available fund shall be allocated to projects received by the Ward Planning Committee and approved; and
- (d) moneys not spent at the end of any financial year shall be retained in the Fund for uses that are allowable under this Act.

Funds Allocation Criteria

2. Allocation of funds to various projects may be done by the County Planning Committee using agreed criteria such as-

- (a) **Relevance:** The intervention
 - (i) will benefit many people including the most vulnerable groups with clear evidence of gender considerations;
 - (ii) supports the economy, livelihoods or important services on which many people depend, and has been identified, prioritized and included in ward, sub-county, county and cross-county plan or strategy for public good projects and promotes low carbon climate resilient growth and adaptive livelihoods;
 - (iii) proof that it is relevant to building resilience to climate change and has been identified and prioritized through community participation, based on identifiable

vulnerabilities, as captured in risk assessment, vulnerability mapping reports available for the county.

(b) **Programme/Project description and risk analysis:** The target programme/project is accompanied by detailed situation analysis with clear problem statement to facilitate clarity on level and urgency of vulnerability, and risks arising from delayed intervention e.g. impact on community livelihoods, environment, economy, etc.

(c) **Gender and community cohesion considerations:** The Programme or project,

- (i) Demonstrates evidence of expected improvement on the socio-economic status and resilience to the most vulnerable groups and incorporates gender considerations.
- (ii) Encourages harmony; build relations and understanding among the beneficiaries.

(d) **Intervention Benefits:**

- (i) Contributes to adaptation or mitigation and improving community resilience and other community benefits including poverty reduction
- (ii) Supports livelihoods through income generation, and improved livelihoods.

(e) **Non duplication of funding:** Avoids duplication, where similar projects have been undertaken or provide complementarily and value addition to other projects and has linkages with the existing projects with evidence of coordination.

(f) **Learning and knowledge management:**

- (i) provide platforms for effective stakeholder engagement and demonstrates sensitivity to diverse cultures and religions;
- (ii) Provides opportunity for capacity building through training, awareness creation and sensitization, and capture, document and disseminate information and lessons learnt on climate change and its impacts.

(g) **Sustainability:** Proof that the project is sustainable, beyond implementation with adequate arrangements to protect assets created after project completion and contributes to long-term beneficial impacts to the community.

(h) **Innovative strategies:** Proof that the project has innovativeness, demonstrates use of indigenous knowledge (IK), innovations and technology.

(i) Efficiency and effectiveness/fiduciary management:

- (i) Programme or project is cost-effective and gives value for money.
- (ii) Administrative costs of the project to be incurred at the County and Ward level (usually estimated but not to exceed 5% of total project cost)
- (iii) Contingency costs (estimated administrative costs not to exceed 5%- 10% of the total project cost) or as may be provide in Public Finance Management Act Regulations 2012.
- (iv) have clear accountability and reporting procedures;

(j) **Implementation arrangements:** have a clear budgeted monitoring evaluation and Reporting (M & E) plan with indicators and show organizational structure. The Board to finance only climate change projects and activities that are included in or aligned to the CIDP;

(k) Any balances of unspent money will be carried forward to finance the approved programme/project in subsequent financial period and no money may be used for unapproved projects or activities.

FOURTH SCHEDULE

FORMS A: SUMMARY SHEET FOR PROJECT IMMLEMENTATION (ON-GOING PROJECTS)

Financial year.....

Ward Name.....

Type of Project	Location	Estimated total cost	Amount allocated	Expenditure to date	Variance				
					Q1	Q2	Q3	Q4	Total

10

Reasons for Variance

FORM B: PROJECT FUND RE-ALLOCATION REPORT

Ward Name Financial Year.....

Project No.	Project Location	Amount Allocated	Amount Disbursed	Balance (Kshs)	Unspent to be Re-loaded

Reasons for re-location.....

Signature..... Date.....

Name..... Position.....

FORM C: DETAILS OF PROPOSED PROJECTS**SUMMARY OF PROPOSED PROJECT**

No	Project Name	Ward	Ranking	Estimated Costs
Grand total, all Proposals				

FORM D: PROJECT EVALUATION FORM

Financial Year (Cost in Ksh unless otherwise advised).

Ward Name.....

	Project title and location	
1	Project Priority Rank	
2	Short Description and target beneficiaries	
2.1	Justification	
2.2	Description of proposed measures	
3	Project Costs	
3.1	Pre-construction costs	
3.2	Construction Cost	
3.3	Additional Infrastructure	
3.4	Design and supervision	
3.5	Contingencies	
3.6	Total project cost	
3.7	Estimated annual operating costs	
3.8	Annual Maintenance Costs	
	Total Estimated costs (for the year)	
4	Sources of Finance	
5.1	Development Costs	
5.2	Operations and maintenance costs	
6	Staffing and Maintenance Arrangements	
7	Relationship with other Projects	
8	Project timeframe: (period of implementation)	